

MANDAN PLANNING AND ZONING COMMISSION

MANDAN CITY HALL BUILDING

February 24, 2014

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on February 24, 2014 at 5:15 p.m. CDT.

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

Commissioners Absent: Hilfer

*Commissioner Knoll motions to approve the January 23, 2013 minutes. Commissioner Klein seconds. Upon vote, the motion receives unanimous approval of the Board.*

**New Business**

**1. A request from Mitzel Builders for preliminary Plat approval and annexation of Plainview Heights 15<sup>th</sup> Addition. Said addition is a portion of the Southwest ¼ of Section 2, Township 138N, Range 81W in Section 2, Township 138N, Range 81W. The property is located on Belgian Bend SE.**

Bob Decker, Principal Planner, identifies and describes the area. This is a continuation of the Plainview Heights subdivisions. There is also a request for annexation. There are drainage designs that have to be done. A detention pond on the west side will capture some of that runoff. No other issues with this subdivision. There will be a temporary cul-de-sac at the south end.

Commissioner Leingang asks if there are any storm water problems in that area now. Bob says there are none he is aware of.

Bob says the lot sizes are substantial due to topography and the developer's choice of concept. Commissioner Leingang asks if there is a limit to the size of the lot. Bob says there is no upper limit. The county's minimum lot size is huge compared to an urban area.

Commissioner Laber asks about the formal Developer's Agreement that is mentioned in the recommended motion. It states, *a formal agreement with the developer for all the contiguous land that he owns*. She asks if the plan is to sit down with Mitzel to review the whole picture. Bob says he gave the commissioners a draft of a Developer's Agreement. This is being drafted to designate property. The development would be the phase currently being worked on. The concept is to update the agreements as they continue to do phases on the development. Two that are currently being worked on is Christianson's First and Sunrise View Estates. The agreements would lock in some of the questions so everybody is on the same page.

*Commissioner Leingang motions to approve the preliminary plat with annexation. Commissioner Liepitz seconds. Upon vote, the motion receives unanimous approval of the Board.*

**2. A request from Montana Dakota Utilities for preliminary plat approval and annexation of Collins Substation. Said plat is in Section 22, Township 139N, Range 81W. Said addition is located approximately 300' east of the intersection of Old Red Trail and Collins Avenue.**

Bob Decker, Principal Planner, identifies and describes the area. This is the southwest corner of the Tesoro property. The current substation is across the street on the south side of Old Red Trail and is a small site. This is an expansion of their facilities. This is the corner without a fence around it. Part of the property is annexed and they will have to annex the reminder.

*Commissioner Zachmeier arrives at 6:23 p.m.*

Commissioner Leingang asks if they are going to vacate the current site. Bob thinks it will stay in place for some time, but will have to ask MDU.

Commissioner Laber asks the MDU representative if they are going to tie the larger substation to the smaller substation and have lines running across the street.

Jess Hall, MDU, the plan is to decommission the smaller substation. The larger one will be the main substation.

*Commissioner Laber motions to approve the preliminary plat with the annexation. Commissioner Kelly seconds. Upon vote, the motion receives unanimous approval of the Board.*

**Other Business**

**1. Discuss proposed revisions in the classes of zoning districts as listed in Title 21 of the Mandan Municipal Code.**

At the January Planning & Zoning Meeting, Bob gave the commissioners a handout of a revised draft of Title 21 that he has been working on. He asks if there are any specific issues the commissioners would like him to work on first. He will bring back specific topics to discuss rather than the whole title at once.

The first topic is commission membership. Bob says there is nothing in the code right now that specifies certain groups should be represented on the Planning Commission. Some communities spell out certain groups that should be represented. Examples are real estate agent or contractors.

Bob is also looking at the different types of uses in each zone. The CB zoning class seems to be a catch-all with a little bit of everything. He is considering utilizing conditional uses that would be site specific.

He wants to know what areas are of concern to the board members and what they would like to see updated or changed.

Commissioner Leingang says he has never heard anybody complain about the representation on the board. Many business people who have served don't seem to stay on the board for long because they find some of their decisions can hurt their business.

Commissioner Knoll asks if they thought they needed an attorney on the board, would that be the city appointed attorney. Bob says in some cities the attorney is part of staff and sometimes paid to attend Planning Commission meetings. The Century Code lists the city attorney as an ex-officio member for Mandan. Commissioner Leingang thought the city engineer and city attorney sat on the board years ago. Bob says the way the Century Code reads right now lists Justin, Arlyn and Malcolm as ex-officio members. Commissioner Leingang remembers Tom Little used to vote and that ended because it caused a lot of complaints.

Commissioner Laber was thinking along the lines of designating members from other organizations like the MPO or special assessment commission. She doesn't think adding more public officials would be the way to go. She doesn't know how much larger in size the board should go. Bob says he is not looking to expand the group. This board is twice the size of some he has seen. He wants to look at possible groups to recruit from to fill vacant spaces.

President Robinson thinks Mandan is well represented on the board and the last few years it has been easy to find members. MPO could be a group that would make sense to recruit from.

Commissioner Fleischer says the School Board appointed him to Planning & Zoning Commission and he would think Wanda was appointed by the Park Board. There must have been an agreement at some point in time to have these groups represented. Commissioner Leingang believes there is an agreement for the County, Park and School Boards. Bob says the county is listed in the Century Code as part of the extraterritorial zone. The other two are probably an informal acknowledgement. Commissioner Laber points out that several people on the board are MPO members.

Commissioner Leingang recommends the board membership is kept like it is.

Commissioner Laber is on page 3 of the proposed changes, looking at item #10, which is *Conditional Uses*. She is happy to see this added. Bob says this is a reflection of the CB zone that allowed a lot of residential. CB restricted was added that did not allow residential. He is looking at leaving residential in there, but using the conditional uses where appropriate. It is a little different from the restricted zoning.

Commissioner Laber looks at item #11d. She likes the fact R2 (Small Lot Residential) allows for higher density housing. She is not a fan of reducing right-of-way widths. With a small lot, she thinks easements would be a better idea than reducing the right-of-way width. Bob says this came about because of the need for affordable housing and questions if a wide right-of-way would really be needed if these lots were not on a through street. The size of the street could have a big impact on the cost of the lot.

Commissioner Laber asks about the Developer Agreement draft item #5, *City constructed or installed assessment district facilities*. The developer can request to create an assessment district. She asks if it has been considered just having the developer pay for the costs up front and then adding that expense to the lot instead of adding it as a tax and have the city finance it and take that risk. Bob says the assessment district has been in place in this state for quite some time and would take some discussion. The developer has a choice to either have the city create an assessment district or the developer can do as much of the work themselves where they would have more control over the project time wise. The developer has less certainty and control with an assessment district. There has been a lot of discussion amongst

city staff about assessments. To make a major change right away like doing away with the assessment districts would be a major contrast with what is done across the river and could impact development in Mandan. The Developer's Agreement is a first step in addressing the process.

Commissioner Laber thinks about Bob Leingang and the cold storage next to his house. The commission mandated a buffer zone in between. Title 21 states they are mandated to put in a buffer zone. She wants to make sure the screening and buffering are being implemented as required. Bob says the Developer's Agreement includes a clause about bonding certain improvements. A bonding requirement could be included for anesthetic improvements. The occupancy permits issued from the Building Inspection Department could also be used to make sure some of these things get done. Commissioner Leingang thinks part of the problem is MARC doesn't follow up to make sure the requirements are being met. There are storm water problems onto Old Red Trail because the cold storage has not followed through with concrete work that was supposed to take care of the storm water. Bob says himself and Justin has been working on upgrading the storm water management process.

Commissioner Liepitz asks about 21-01 in reference to the commission can accept gifts to perform its job. He thinks it is odd. Bob is looking at what is in the Century Code vs. the Municipal Code and trying to clean up any discrepancies.

Bob asks that the commissioners continue to review the draft.

President Robinson asks what the intent is on the signature page. Bob explains the Developer's Agreement and technical studies would be completed before recording the final plat. Right now the plat is done and then designs are done afterwards and it is backwards. The signature page would be between the preliminary and final plats saying the design criteria have been agreed upon. Commissioner Leingang asks if that would drive up the cost of lots. Bob says it would save money because in the past he has saved developers money by making sure there was a construction plan that worked up front and prevented corrections or modifications that had to be made in the field.

Commissioner Fleischer asks if there is a process in place now that addresses severe drainage problems. Bob says some regional or neighborhood drainage needs to be looked at and it is critical in some parts of town. Commissioner Fleischer says there is a problem down by Mark Stark School. The water drains south, then east, north, east again and south. He doesn't know how a building permit was issued to storage facilities down there because it has added to the problem.

*Commissioner Laber motions to adjourn. Commissioner Leingang seconds. Upon vote, the motion passes unanimously.*

The meeting adjourns at 6:04 p.m.

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