CITY OF
MANDAN

AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:15 P.M.
JANUARY 25, 2016

Roll Call, Reading and Approval of the November 30, 2015 minutes.

OTHER BUSINESS

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

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

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL BUILDING
November 30, 2015

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on November 30, 2015, at 5:15 p.m. CDT.

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

Commissioners Absent: Mehlhoff

Commissioner Liepitz motions to approve the October 26, 2015 minutes. Commissioner Knoll seconds. Upon vote, the motion receives unanimous approval of the Board.

NEW BUSINESS

1. **A request from Mandan Parks & Recreation District for final plat approval of Old Red Trail Commercial Subdivision (Sports Complex). Said addition is a portion of the south ½ of Section 22, together with Lot 2 of the southwest ¼, Section 22, Township 139N, Range 81W.**

Bob Decker, City Planner, describes the area. There is a high pressure gas line on the west side of the property. The intent is to have the complex done by summer of 2017. Some utility easements will be abandoned and some added. The traffic needs to be studied at the Collins intersection and 16th Street will be extended north and connected to Old Red Trail.

Commissioner Laber asks Commissioner Knoll if the Park Board is good with the layout. Commission Knoll says they have looked at this numerous ways and yes, they are good with the layout. There are some details to figure out yet. The closing date has been pushed back.

The front entrance may face the interstate.

Commissioner Laber talked to Parks Director, Cole Higlin, who says there are other conditions to be met to complete the sale of the property. This plat isn't the only condition.

Commissioner Leingang motions to approve the final plat. Commissioner Laber Seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

1. **Letter of intent for a possible zone change on Lots 4-13, Block 2, Lakewood 8th Addition.**

Bob Decker, City Planner, describes the request. The owner and developer are looking for input from the commissioners before a formal application is submitted. The request is to change the zoning to RM (Multi-Family Residential) for an assisted living center. Some of the currently platted twin home lots may be absorbed for the living center. Bob suggests a PUD option. The candidates for residency would not have vehicles so the parking requirement may not be needed.

Dave Patience, Swenson & Hagen, "The fire station sits right here on 40th. If you come south, there's a new office building right at this location. Turn in....if you were to go all the way across there you'd end up eventually at the golf course over here. Midwest Care is looking at buying ten lots right between these two streets here and that location would be these ten. In your agenda package there was a layout of some smaller buildings in there. I have to tell you that these are assisted living. There's sixteen units in one building and it's all on one floor. The building is substantially bigger than that sketch that you had as Bob was telling you. In a nursing home or assisted living center you only need one parking spot for every two units. So, consequently, it's about half ...no about a fourth of what you would actually require if this was an apartment complex. These sixteen units buildings they actually need only eight parking spots for each building. That's understandable when you have people who are in assisted living. There's a reason it's called assisted living. The biggest one is they're not driving. So, these are proposed as a one story building, low profile, easily fit into a neighborhood. This is a pending agreement between Midwest Care and Mitzel Development, so we would be coming in December for a consideration and hopefully to have you call for a public hearing in January. At this time, the only thing that the developers are looking for is if you have any concerns as the planning commission about putting this, basically RM District adjoining an existing RM District that I think you zoned sometime this summer for the Lakewood 8th Addition. I'm here to answer any of your questions."

Commissioner Leingang asks if the R7 lots to the west are still open. Bob says this is undeveloped. The water and sewer are going in now and they have not started the streets yet. Lakewood 9th to the north is under development now. That is where the Good Samaritan Nursing Facility is going in. There is the opportunity these two facilities could share.

Commissioner Leingang asks if there will be enough parking when families come to visit on the holidays, for example. Bob says there will have to be a provision for guest and staff parking. There could be a sheltered, circular drop off/pick up at the entrance.

Commissioner Laber says she brought up the PUD suggestion. With a PUD it could be adjusted for spacing, setbacks, and footprint. There is a housing study with Bismarck where the two cities are focusing on filling shortages in the types of housing needed. This use is one of the shortages in the community. She would like to see this move forward. The assisted living is not a nursing home. The residents walk and participate in the neighborhood. The R7 is not an issue. She is not excited about RM because if the project falls through then what could go in there?

Dave Patience, Swenson Hagen, says most communities try to limit the use of PUD. It becomes cumbersome for the building officials to check later on conformity. They have to keep going back to the minutes and restrictions on the use. He suggests a restriction on the RM zoning. Commissioner Laber says with a RM restriction you would still have to go back and check on the restrictions. Either way there would be follow up in the restrictions. There has to be a better way to electronically track these things. The city is implementing a GIS system where all these things could be easily tracked. Bob says so far there has been three PUDs done and they go into an ordinance structure so they are easily tracked.

Commissioner Liepitz is uncomfortable with the aggressive change from RM to R7 next door. A transition from R7 to R3.2 would be ideal.

Commissioner Laber feels the assisted living residents would want to be in a residential neighborhood versus a commercial or multi-family neighborhood. That seems to be how a lot of communities do it.

Commissioner Knoll asks if 24th would be the in and out access. Bob says this street loops around to 21st in Lakewood 9th Addition. There would be two accesses in and out.

President Robinson tells Dave Patience the application cannot come in as a clean RM. Dave thinks he can work with Bob on a PUD.

2. **Potential variance request by Ben Schaaf. He wants commissioner's opinions before he comes in with a formal application request.**

Ben Schaaf, 1017 17th St. NE, asked to come before the commissioners tonight to see how likely it is that they would grant him a front yard setback variance. His property is zoned MC (Light Non-Nuisance Industrial/Heavy Commercial) which has a 35' front yard setback. He wants to add on to the office area in front of the building. He is limited with the 35' setback.

Ben Schaaf, "I own the building on 17th St. NE. I got some people that rent it from me and they approached me about putting an addition on. Their outgrowing their office space. I talked to Bob and he said no, that don't work on a 35' setback and here I am. I want to put up a 25' x 50' building addition on the north end of the building. To me it's just wasted, taxable space that I could put to use. Better than weeds and trash blowing. They either got to find another place or do something."

President Robinson asks Ben if he wants to take it all the way to the boulevard. Ben says no. He has 35' from the end of his building to the property line and there is another 20' to the curb. He is asking for 25' of his 35'.

The building would be one story and match the existing.

Bob says this is an industrial area. There is not a lot of traffic. The majority of the buildings are set back 35' or even farther. This zoning district has one of the deeper front yard setbacks then you would see in other commercial or industrial districts.

Commissioner Laber asks if there are any utility easements within the space he wants to use. Bob thinks it would probably be a standard 10' easement in the front. That would be confirmed with utility companies.

Commissioner Laber wants to make sure the street would not have to be widened at some point in the future. Bob says the street is wide enough now to where parking is allowed on both sides.

The commissioners advise Ben to think about stipulations of asking for a variance if he does decide to apply for one. He would have to explain a hardship and why other options would not work.

3. **Review and discussion on revised Municode Sections 105-1-6 through 105-1-13.**

Bob gives an overview of some of the items he revised.

Off-street parking and loading – Bob tailored it to be able to adjust the parking requirements based on the project and nature of the use. For commercial, he changed *the number of employees* to *number of employees per shift*. Commissioner Fleischer counted parking spaces on school properties. The schools are short on parking all around. There are 12 spaces at Lewis and Clark where there should be about 90. For school staff it is 1 space for every 2 staff members. It should probably be 1 space for every 1 staff member.

Sidewalks – the developer should be responsible to put them in. Right now they are put in one lot at a time. Often they are not put in until a buyer purchases the home. Bob would like that to be included in a development agreement so there is a plan to have the whole subdivision has sidewalks in a reasonable time period.

Board of Adjustment – this names the City Commission as Board of Adjustment and the Planning & Zoning Commission will act in an advisory capacity. The Century Code says the Board of Adjustment must have 5 members.

Unlisted uses – Planning & Zoning will allocate uses not currently listed. Recommendation will come from the City Planner.

This Municode review of these sections will come back as a formal public hearing at the next meeting where Planning & Zoning will make a recommendation to the City Commission.

There is more discussion about parking. President Robinson asks if any changes were made to the verbiage on parking after speaking with the school district. Commissioner Fleischer says the major change was going from 1 parking space per 2 staff changed to 1 parking space per 1 staff member. He has heard through the years from the school district that they are short parking all over. Bob would like to see developer agreements asking for more parking right away rather than less, so the developer can come back with adequate parking. Parking could be added in stages. Commissioner Laber doesn't think stages are necessary.

Commissioner Laber comments on #1, Dwellings, Part B. Multi-family structures with common underground or ground floor parking garages. Bob added *and separate storage areas for each dwelling unit*. She finds the wording confusing. Bob explains for multi-family with common parking areas, this says separate storage areas need to be provided for each unit. She wants Bob to take another look at how that is presented. It seems to be thrown in there.

Commissioner Laber comments on #4, Hospitals. She thinks 1 space per 1 employee per shift, not 2 employees per 1 space.

Commissioner Laber comments on Off-Street Loading subsection, #2. Multi-family having ten or more units shall provide 1 off-street loading berth. What is a berth? She asks Bob to put in *refer to F and G*, because then she found the answers to her questions.

Commissioner Laber has a question with 105-1-11, Board of Adjustment. Is the process circular where it is brought to City Commission who refers to Planning & Zoning then back to City Commission? Bob says usually it will go to Planning & Zoning first, but some items may go directly to City Commission.

Commissioner Laber comments on 105-1-08, Building Permit and Approval of Plans. The middle sentence is Moby Dickish. She thinks a bullet list would be nice because there is so much in there.

Commissioner Laber motions to cancel the December meeting. Next meeting will be January 25. Commissioner Van Beek seconds. Upon vote, the motion passes unanimously.

Commissioner Leingang motions to adjourn. Commissioner Liepitz seconds. Motion passes unanimously. Meeting adjourns at 6:22 p.m.

Agenda Item No. 1

CITY OF MANDAN
"WHERE THE WEST BEGINS"

Planning and Zoning Commission

Agenda Documentation

MEETING DATE:	January 25, 2016
PREPARATION DATE:	January 20, 2016
SUBMITTING DEPARTMENT:	Engineering & Planning
DEPARTMENT DIRECTOR:	Justin Froseth
PRESENTER:	Robert Decker, P.E., Principal Planner
SUBJECT:	Public hearing to consider recommendation for approval of revisions to Chapter 105, Article 1 of the Mandan Code of Ordinances related to off-street parking and loading, sidewalks, building permits and approval of plans, certificate of occupancy, fees, board of adjustment and amendments

STATEMENT/PURPOSE:

With the recent adoption of a revised code of ordinances, staff has been reviewing language contained in the code with a view to updating wording and revising standards to meet current development characteristics.

BACKGROUND/ALTERNATIVES:

These proposed revisions:

1. Remove extraneous or outdated wording
2. Modify the parking requirements for dwelling units to better differentiate between standard single family houses and apartments and recognize the difference between multi-family developments that provide individual garages in accessory buildings and those that provide a common parking area within the primary building
3. Provide a procedure for reducing parking requirements for residential facilities catering to a limited clientele that do not have or use personal vehicles for transportation
4. Update the parking requirements for non-residential uses
5. Update the wording for off-street loading requirements
6. Change who determines parking and loading requirements for a use not listed from the board of adjustment to the city planner
7. Specify that any change in parking must be approved by the building official and that the city planner and/or planning and zoning commission may be consulted
8. Add a requirement that any parking provided off-site must have a recorded shared use agreement
9. The size of an off-street loading area was increased to recognize the increase in the typical length of trucks.
10. Approval for use of shared parking was transferred from the board of adjustment to the city planner
11. Approval of a reduction in parking requirements due to a change of use of the

building was transferred from the board of adjustment to the planning and zoning commission

12. Delivery of goods was moved to another chapter
13. The wording was modified to clearly indicate that the board of city commissioners functions as the board of adjustment
14. Allocation of unlisted uses was removed from the list of board of adjustment functions since a previous amendment placed this requirement under the jurisdiction of the city planner and planning and zoning commission
15. The renewal of a revoked building permit was removed from the board of adjustment tasks as unnecessary
16. The authorization for the board of adjustment to hear requests for a decrease in parking was removed
17. A reference to the board of adjustment having responsibility for airport zoning was removed
18. A reference to the board of adjustment acting on a special use permit for large scale development was removed

ATTACHMENTS:

1. Draft ordinance wording

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: All data has been forwarded to the City Attorney for his review.

RECOMMENDATION:
Recommend approval.

SUGGESTED ACTION:
Move to approve recommendation to adopt changes for Chapter 105, Article 1 of the Mandan Code of Ordinances