

MANDAN PLANNING AND ZONING COMMISSION

MANDAN CITY HALL BUILDING

January 27, 2014

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

Commissioners Present: Zachmeier, Fleischer, Hilfer, Kelly, Knoll, Leingang, Mehlhoff, Liepitz, Robinson

Commissioners Absent: Klein, Van Beek, Laber

*Commissioner Leingang motions to approve the December 23, 2013 minutes. Commissioner Fleischer seconds. Upon vote, the motion receives unanimous approval of the Board.*

**New Business**

**1. A request from Sunrise View Estates First Addition for final plat approval of part of Auditor's Lots L & M of the SE ¼ of Section 19, Township 140N, Range 81W. The property is located on the NW corner of Highway 1806 and Beretta Street N.**

Bob Decker, Principal Planner, identifies and describes the area. This plat came before this board in 2012, where it was passed and recommended to city commission. The city commission voted to deny the plat until it was annexed. The annexation is now complete. There are some utility decisions that have to be made. He recommends approval of the final plat to the city commission with a hold on the final plat signatures and recording of the plat, which is authorized by the municipal code, until some of the utility construction details are completed.

Commissioner Leingang asks if the developer has any problems meeting these requirements.

Harvey Schneider, Toman Engineering, says they are currently working on the layouts of the water, sewer and streets. They are waiting to see what the city is going to require for the infrastructure. The main concern is utilities leading out of the development. There will be some trunk line expansion required.

Bob says the city is working on pinning down how the infrastructure will be expanded for this development and the whole area. He says 1806 will eventually be widened. That will have an impact on facilities. Things to watch for are the safety of a pedestrian path along the east side of 1806 and the speed limit on 1806. To approve the plat now will allow the developer to get started on this first phase of the development. It would have been a major assessment issue to bring in the entire area for development at once.

Commissioner Robinson asks if the utility infrastructure plans are part of the Developer's Agreement. Bob says yes the Developer's Agreement will have the details in writing so everybody knows who is going to do what and when.

Commissioner Zachmeier asks if Tesoro has to be consulted with regarding drainage or if the Morton County Water Board is going to have to sign off on it. Bob says this development will impact the other side of the road. A careful plan has to be done for the stormwater detention and sewer pumping facilities on that low spot.

Allison Palmer, 404 Beretta Street, I am a resident on Beretta Street. 404 there and I am just wondering how this is all going to affect my side as we are now rural and we have our own septic. So if the main lines come in about is it going to disturb us at all? I mean we are just kind of left in the dark here and have no answers what so ever. So, I am just wondering if the main lines I know are behind us for city water. The back part of my property, if you are using existing line, are you going to have to come through my property?

Bob says because of the topography of the area, the sewer for the development will go north within the streets that are here. It is not going to go through her property. That street will be widened because there is only the half right-of-way now. There will be a sewer line in that street to serve the fronting set of properties. The gravity flow will be to the north and that is where he asked about the storm drainage because the low spot where it goes across the road is north of this first phase. The utilities will have to be designed for the entire development before the first phase begins.

Steve Palmer, Beretta Street, I am on the corner and I guess what we want to know as residents is when are we going to be included on some of this as far as decisions? Because is the city going to require us to tie into the sewer or are we going to be grandfathered in with our septic systems or are you guys going to hold our properties if we just chose to keep our septic systems are we going to have to be forced at some point to tie into the city sewer and city water or are we just going to be grandfathered in? We need to know that information so that we can plan for this because we really didn't want that annexation in the first place and were forced into it and now we have costs that we are going to incur because of this and a lot of decisions are being made but we are there first. We would like to be included in some of that thought process and the information is not out there and this is the first we have really seen of it.

Commissioner Leingang thinks as long as their septic system is working he doesn't see why the city would make him tie in. He thinks there is probably a fee to tie in.

Steve Palmer, We were told part of the annexation is we would be pulled into the city and that would be a lien would be put against our property until we got tied in to the city that it wouldn't be grandfathered in. So, there is a lot of miscommunications going on depending on who you talk to about whether we have to tie in or not. That is an expense I have to occur so that they can develop their land. It is not a choice I made it is something I have to deal with, but I would like to know the information about that prior to here is your special assessments and here is your bill to tie into the city. I would like to have those answers prior to all this being final approved.

Bob says the septic systems are regulated by the state. His understanding is that if their septic system is functioning, they do not have to convert over unless they want to.

Harvey says the city ordinance states that the developer has to pay for his water and sewer 100%. The city is analyzing possible assessments for the main trunk lines and lift stations for the area right now. The developer's plans include providing the stub-ins of the main water line and bring them to the property lines of each of the four properties on the south side of Beretta Street, at his cost.

Commissioner Leingang says he was in the same situation and when he tied in the city charged him a fee. At the time, it was water and the fee was \$500.00.

Harvey says in the past he remembers Custer Health District got involved with a septic system. At that time, they decided if the septic failed then they would have to hook into the city if it was within something like 300 or 400 feet. He says they could get Custer Health involved and get a statement from them.

Bob says there was concern from Beretta Street about traffic on 1806. There are ideas being looked at to improve the intersection, possibly a turn-out bulb as a temporary improvement until the funds are there to widen 1806.

Allison Palmer, "One more question, as we're annexed into the city and the biggest impact is going to be the three homes right on Beretta Street. So, as assessments for paving the road, street lights, gutter, storm drainage that we don't really need. Are we going to be assessed for the price of that? Of widening that road, paving of that road. My understanding is that is Beretta going to be a through street over to is it 8th? Who gets assessed for all of that?"

Bob says the assessments are calculated based on benefit. If drainage is not beneficial to a property, it will not be assessed for that. If a street is widened or paved, that improvement would be assessed. It would be split amongst the lots that would benefit from the improvement. The projection is to bring the street over to 8<sup>th</sup> and maybe eventually farther west.

Commissioner Hilfer asks if sometimes the assessment is done on a large area whether they use the streets or not. Bob says it can be somewhat difficult to determine the assessment district. The city looks at how the developer can start with their first phases of development without having to add a lot of additional costs to existing residents. It depends on what improvements are necessary and who benefits. The first phase of this development is 38 lots. It is not very big and should be able to be handled with limited facilities.

Commissioner Fleischer asks if the utilities will be decided before going to City Commission for approval. Bob says the recommendation is to go forward with the plat to approve the layout. The construction details and utilities will be worked out before the plat is signed and recorded.

Commissioner Liepitz asks if the plat will come back to the board after those details are finalized. Bob says the plat can come back for review so the commission is aware of the details.

Bob explains the Developer Agreement will be updated as other phases of the masterplan are brought in.

*Commissioner Leingang motions to approve the final plat on condition the Developers Agreement is finalized before the plat is signed and recorded. Commissioner Fleischer seconds. Upon vote, the motion receives unanimous approval of the Board.*

**2. A request from PKT Properties LLC for a zone change. The request is for a change of zoning of Lot 1, Block 1, Schaff's Industrial Park 1<sup>st</sup> Addition in Section 26, Township 139N, Range 81W from MC (Light Non-Nuisance Industrial/Heavy Commercial) to CB (Heavy Commercial). The property is located at 2020 3<sup>rd</sup> Street SE (at Riverwood Avenue SE).**

Bob Decker, Principal Planner, identifies and describes the area. The zone change would allow the buildings to have office type uses. The current zoning does not allow for the office group. The zoning is going from a light industrial to a medium commercial. This is a down zoning and it lowers the intensity of the use. There is CB zoning on adjacent property.

*Commissioner Mehlhoff motions to approve the zone change. Commissioner Knoll 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.**

The commissioners are given a handout of a revised draft of Title 21 that Bob has been working on. The last time it was updated was in the mid-nineties. The commission is asked to review it and bring their thoughts to the next meeting. He would like to work with the commission over the next few months on a final revision.

#### **2. Commissioner Leingang would like to see a four way stop on the corner of 46<sup>th</sup> Street SE and Bayside Drive SE.** Justin Froseth, Engineering and Planning Director, will take a look at the counts at that intersection.

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

The meeting adjourns at 5:49 p.m.

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