



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

---

**Roll Call, Reading and Approval of the June 27, 2016 minutes.**

**OLD BUSINESS**

- 1. A request from Dakota Pioneer Land Company for final plat approval of Ash Grove Estates. Said addition is Lot 2, Block 1, School District 6<sup>th</sup> Addition in Section 8, Township 139N, Range 81W. Property is located on the west side of 37<sup>th</sup> Avenue NW north of Old Red Trail.**

**OTHER BUSINESS**

- 1. HDR's Final Report of the Mandan-Bismarck Improvement Corridor Study and Mandan Truck Route.**
- 2. Public hearing to consider amendments to the Municipal Code for changes to the existing R3.2 and R7 residential zoning districts and the addition of two new districts, R4 and R15.**

MANDAN PLANNING AND ZONING COMMISSION  
MANDAN CITY HALL BUILDING  
June 27, 2016

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on June 27, 2016, at 5:15 p.m. CDT.

Commissioners Present: Zachmeier, Fleischer, Kelly, Klein, Knoll, Leingang, Laber, Licpitz, Beach, Frank, Robinson

Commissioners Absent: Van Beek

*Commissioner Leingang motions to approve the May 23, 2016 minutes. Commissioner Knoll seconds. Upon vote, the motion receives unanimous approval of the Board.*

**OLD BUSINESS**

**1. A request from Dakota Pioneer Land Company for final plat approval of Ash Grove Estates. Said addition is Lot 2, Block 1, School District 6<sup>th</sup> Addition in Section 8, Township 139N, Range 81W. Property is located on the west side of 37<sup>th</sup> Avenue NW north of Old Red Trail.**

Bob Decker, City Planner, says the developer wants to work out some details and postpone until July.

*Commissioner Laber motions to table the final plat until the July 25 meeting. Commissioner Klein seconds. Upon vote, the motion passes unanimously.*

*Commissioner Kelly arrives at 5:19 p.m.*

**NEW BUSINESS**

**1. A request from Randy Rhone, Prairie View Properties for a change of zoning. The request is to change the zoning of Lot 3, Block 1, Sylvester's Industrial Park 3<sup>rd</sup> Addition in Section 31, Township 139N, Range 80W from CC (Heavy Commercial) with restrictions changed to CC (Heavy Commercial) without restrictions. Property is located at 4518 Memorial Highway.**

Bob Decker, City Planner, describes the request. The original zoning intent was to bring commercial into this area and steer away from industrial. This lot is adjacent to some nearby lots that had the restrictions removed in 2013. The proposed project is for a national chain tire repair and sales shop. There is a strip mall on the east side that faces the other way and there is a gas station on the west side. The long range transportation plan suggests this area be commercial.

Chair Robinson asks if there are other lots that will continue to keep the restrictions. Bob says the area that was restricted was extensive. They will probably come in as needed to request the restrictions be removed, if necessary.

*Commissioner Leingang motions to approve the zone change. Commissioner Fleischer seconds. Upon vote, motion passes unanimously.*

**2. A request from Albert & Luella Kroh for annexation of Lot 2, Block 3, Bahm's 1<sup>st</sup> Addition in Section 2, Township 138, Range 81. Property is located at 2300 14<sup>th</sup> Avenue SE.**

Bob Deckcr, City Planner, says the request is by the property owners to annex into the city. The lot is developed. There are several lots adjacent already annexed. Further north there are some lots that are not. City water and sewer lines have come into this street. This property will receive assessments when it is annexed. They are aware of it and have signed an agreement. Their septic was inspected by Custer Health and is ok for now. Eventually this will be connected to city. The water will be connected right away.

Commissioner Frank asks if both water and sewer will be connected and charges applied simultaneously even if they don't utilize them both right away. Bob says they will be charged for both right away. The attachment to the sewer will occur in the next couple of years.

Commissioner Laber asks Bob if this is just for information because it was already approved for first consideration at city commission. Bob says this board can comment or make a recommendation.

*Commissioner Liepitz motions to approve the annexation of Lot 2, Block 3, Bahm's 1<sup>st</sup> addition. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.*

**OTHER BUSINESS**

***Chair Robinson welcomes Commissioner Frank to the board.***

**1. Public hearing of proposed Ordinance No. 1241 related to signs.**

Bob introduces the item. The commission can recommend approval, approval with changes, or defer it to next month's meeting. This will also go before the Mandan Architectural Review Commission. Bob wants to see this sign policy incorporated into the zoning ordinance that could be enforced.

Doug Lalim, Building and Assessing, says a policy is difficult to enforce. If it is an ordinance, it can be legally enforced. It was in need of updating. He sent drafts to sign companies and companies that had their own portable signs that are generating complaints. Other city's sign policies were reviewed.

Wayne Munson, Indigo Signworks, "Eight years ago or so when you decided to create the original group, I was privileged to be asked to be on that group. Today I stand here and would love to be part of the next group to make this into a code instead of a policy. Doug is right. We pretty much police ourselves, as a sign organization. You have a policy we love coming to the mark board to even ask permission before we start. Will this work? Will that work? How does it work within the city? But there is no actual code for Doug to enforce so, even as the sign companies would like that to happen. We're here trying to do the best for the City of Mandan and for the businesses and town. If it's a document Doug can enforce, then it's something that we will have to abide by. So as far as the documents that you have in front

of you, from a sign company perspective and I do have a couple portable boards. It's not my primary business. So, I don't want to speak negatively about those. There are some regulations in here that concern me. If Sta-mart wants to have 2 pole signs, I have to make sure they're 155' apart and 25' from each side lot. In this code you're saying they can be 100' apart. Is that right? Is it something that should be consistent? Both sides of the code? Doug and I spent some time today talking about how the portable signs are designed. In your code, you have written they must withstand a 30 pound wind blow. That's 80 miles an hour. In order for this sign to be legal you need a foundation 4' deep filled with concrete or you could hang a yard of concrete on the bottom of this sign to make it. So that it sits on the ground and then be able to withstand this load. I know there's a need for having the language in the code, but that's a little tough. Have concrete running around every time you want to put a portable sign up makes it impossible to do. On the flip side, how do you keep them from tipping over in the wind damaging a car, damaging public property? That's something you need to be concerned with. That's something you guys and your committee will all work together. The only other concern I had from what I read, when you get into the temporary signs, thank you for addressing banners. We have a lot of banners in town. We have some buildings you can't see the building because they are so full of banners. That's something that probably needs to be regulated. I think 10% is a little strict. You're not giving that business the opportunity to advertise a special use of a banner, but that's something that can be addressed in the committee. Back to the portables. You're allowing them for 240 days. That's 3/4 of a year for a sign that isn't engineered to withstand the wind blows. My personal opinion I think that's too long. It should be up for special events. In and out. One of the things that Doug and I talked about today is off-premise. Legally, according to the federal government, you cannot advertise for a business that is not on that property. With these portables, you're allowing it for a special purpose, or a sale. So, if Northwest Tire in Bismarck was going to have a sale, and they want to put a black board on my property for thirty days advertising that sale in Bismarck, that's against the federal law. I think we should be careful how we do that. I would love to be on the committee, if you ask, I would appreciate it."

Bob says the goal is to progress from a policy to a code.

Commissioner Laber says she would like to sit on the committee.

Bob and Doug met with Commissioner Frank about some changes she would like to see.

Commissioner Frank would also like to sit on the committee. She says Bismarck has met with sign companies to talk about sign regulations and it is on hold right now. She would be happy to share what was discussed in Bismarck.

Chair Robinson says he read the draft and seen several things that need to be addressed.

Commissioner Frank requests that a representative from a portable sign business also sit on the committee. Wayne Munson says he has a lot of experience with the portable signs. Banners are a product that is given to clients to hang themselves.

**The commissioners are given a draft of the proposed Ordinance 1242 related to residential zoning districts to look over for the next meeting.**

**Commissioner Leingang asks Bob about the status of street paving up by the Comfort Inn. Bob says that should be done this summer. There is another roadway by an apartment complex where the developers could not get together. It is not a public street.**

*Commissioner Liepitz motions to adjourn. Commissioner Frank seconds. Motion passes unanimously. Meeting adjourns at 5:59 p.m.*

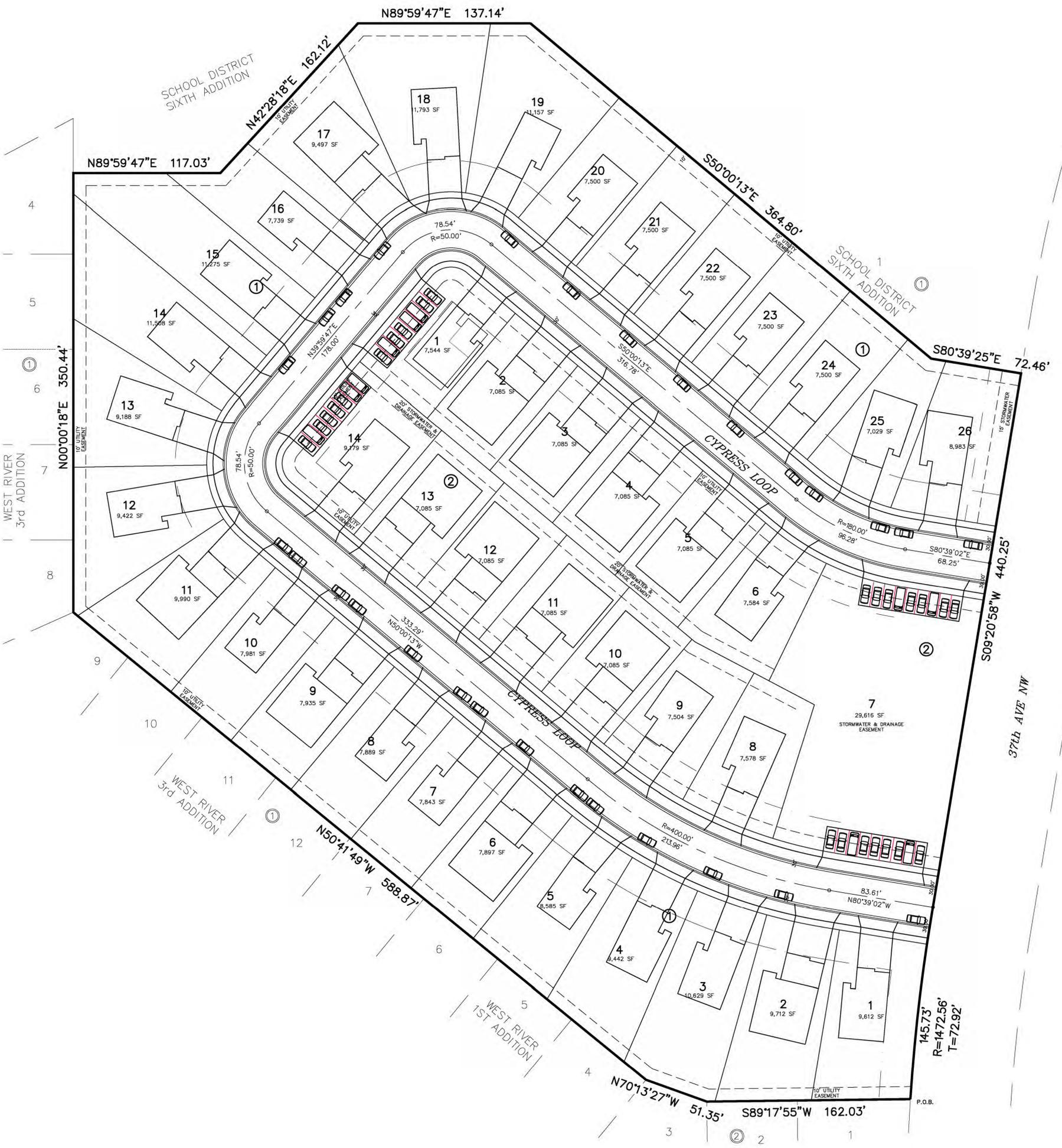
**OLD BUSINESS ITEM # 1**

**OLD BUSINESS ITEM # 1**

Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on July 25, 2016  
 Mandan Engineering and Planning Office Report  
**School District Sixth Addition**  
 Requested Action  
**Replat as Ash Grove Estates**

Application Details				
Applicant Dakota Pioneer Land Company	Owner Mandan Public School district No. 1	Subdivision School District Sixth Addition	Legal Description portion of Lot 1, Block 1 and Lot 2, Block 1 School District Sixth Addition	
Location 37 <sup>th</sup> Ave. NW north of Old Red Trail		Proposed Land Use residential	Parcel Size 10.22 ac	Number of Lots 40
Existing Land Use vacant	Adjacent Land Uses Residential and school	Current Zoning R7	Proposed Zoning R7	Adjacent Zoning R7 & RM
Fees \$650	Date Paid 3/23/2016	Adjacent Property Notification Sent 5/9/2016	Legal Notices Published 5/13/2016 & 5/20/2016	

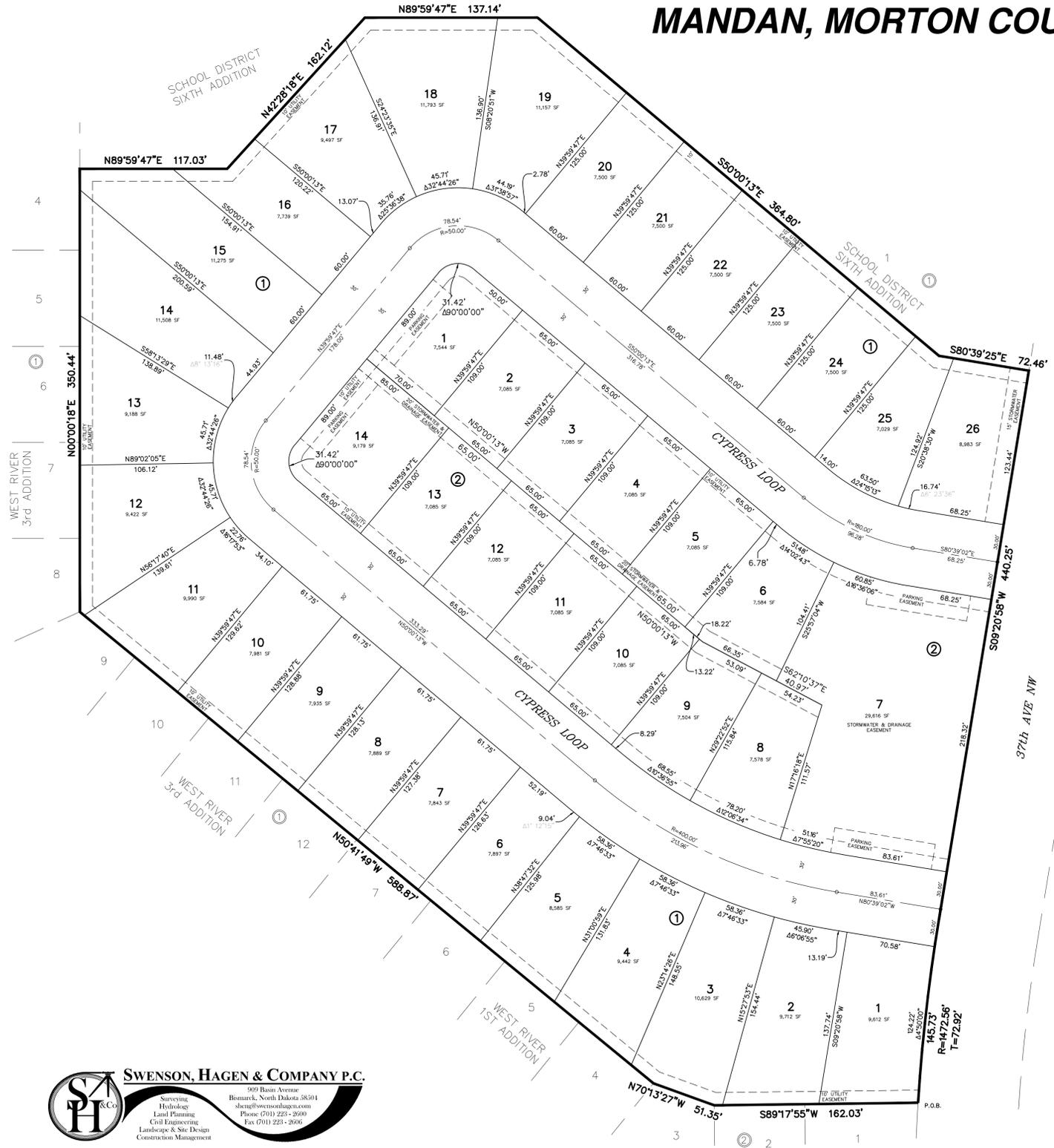
Project Description
<p>At the last meeting the applicant asked for a postponement to allow time to work on revisions.</p> <p>The revised plat meets all the requirements for R7. In order to allow for a variety of building shapes, the developer has requested a variance to the side yard setback requirement. The code states a minimum setback of 6 feet for any side yard with the combination of both side yards being 20% of the lot width. The developer has requested that the requirement be that all side yards are a minimum of 6 feet. This would modify the minimum combined side yard width by 1 to 2 feet on some lots. Using a fixed measurement is easier for building officials to verify that the building erected on the lot meets the requirements, especially when lots are not rectangles. The housing product built on the lot is unlikely to exactly match the minimum side yard setback on both sides so this requested change is minimal for the subdivision as a whole.</p>
Agency & Other Department Comments
<p>The Land Use and Transportation Plan recommends that this area be developed with low density residential.</p> <p>The requested adjustment allows for some variation in building shape. The percentage of lot coverage is not affected. Due to the shape of this parcel, creation of standard rectangular lots throughout is not possible. Some of the lots must be pie shaped and some lots must be deep and narrow.</p>
Engineering & Planning Recommendation
Proposed Motion
<p>Move to recommend plat of Ash Grove Estates with the side yard setback specified as a minimum of 6 feet.</p>



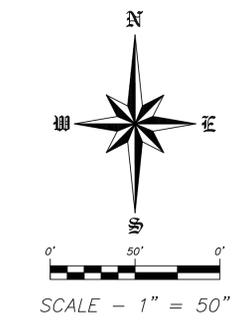
# ASH GROVE ESTATES ADDITION

A REPLAT LOT 2 AND PART OF LOT 1 BLOCK 1  
SCHOOL DISTRICT SIXTH ADDITION  
PART OF THE SW 1/4 OF SECTION 8, TOWNSHIP 139 NORTH,  
RANGE 81 WEST TO THE CITY OF

## MANDAN, MORTON COUNTY, NORTH DAKOTA



**NOTES**  
BASIS OF BEARINGS:  
NORTH DAKOTA STATE PLANE, SOUTH ZONE  
BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS.



APRIL 28, 2016  
○ MONUMENT TO BE SET  
● MONUMENT IN PLACE

**DESCRIPTION**

ASH GROVE ESTATES ADDITION, BEING A REPLAT OF LOT 2 AND PART OF LOT 1 BLOCK 1 SCHOOL DISTRICT SIXTH ADDITION, PART OF THE SW 1/4 OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 81 WEST, TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF LOT 1 BLOCK 2 WEST RIVER 1ST ADDITION; THENCE SOUTH 89 DEGREES 17 MINUTES 55 SECONDS WEST, ALONG THE BOUNDARY OF WEST RIVER 1ST ADDITION, A DISTANCE OF 162.02 FEET; THENCE NORTH 70 DEGREES 13 MINUTES 27 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 51.35 FEET; THENCE NORTH 50 DEGREES 41 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY AND THE BOUNDARY OF WEST RIVER 3RD ADDITION, A DISTANCE OF 588.87 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 18 SECONDS EAST, CONTINUING ALONG THE BOUNDARY OF WEST RIVER 3RD ADDITION, A DISTANCE OF 350.44 FEET TO THE BOUNDARY OF LOT 1 BLOCK 1 SCHOOL DISTRICT SIXTH ADDITION; THENCE NORTH 89 DEGREES 59 MINUTES 47 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 117.03 FEET; THENCE NORTH 42 DEGREES 28 MINUTES 18 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 162.12 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 47 SECONDS EAST, A DISTANCE OF 137.14 FEET; THENCE SOUTH 50 DEGREES 00 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 416.25 FEET; THENCE SOUTH 80 DEGREES 39 MINUTES 25 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 72.46 FEET TO THE WEST LINE OF 37TH AVENUE NW RIGHT OF WAY; THENCE SOUTH 09 DEGREES 20 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 440.25 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID WEST LINE, ON A 1472.56 FOOT RADIUS CURVE, AN ARC LENGTH OF 145.73 FEET TO THE POINT OF BEGINNING.  
THE ABOVE TRACT CONTAINS 10.22 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATE**

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON \_\_\_\_\_ THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA )  
COUNTY OF BURLEIGH ) SS

SWENSON, HAGEN & CO. P.C.  
909 BASIN AVENUE  
BISMARCK, NORTH DAKOTA 58504

TERRY BALTZER  
REGISTERED LAND SURVEYOR  
N.D. REGISTRATION NO. 3595

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2016

**APPROVAL OF CITY PLANNING COMMISSION**

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF MANDAN AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN.

BILL ROBINSON - CHAIRMAN      NANCY MOSER - SECRETARY

**APPROVAL OF BOARD OF CITY COMMISSIONERS**

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.  
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016.

ARLYN VAN BEEK -MAYOR      ATTEST: JIM NEUBAUER  
CITY ADMINISTRATOR

**APPROVAL OF**

I, \_\_\_\_\_ HEREBY APPROVE "ASH GROVE ESTATES ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

**OWNER'S CERTIFICATE & DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT DAKOTA PIONEER LAND COMPANY, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ASH GROVE ESTATES ADDITION", MANDAN, NORTH DAKOTA.  
THEY ALSO DEDICATE EASEMENTS TO THE CITY OF MANDAN TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

STATE OF NORTH DAKOTA )  
COUNTY OF \_\_\_\_\_ ) SS

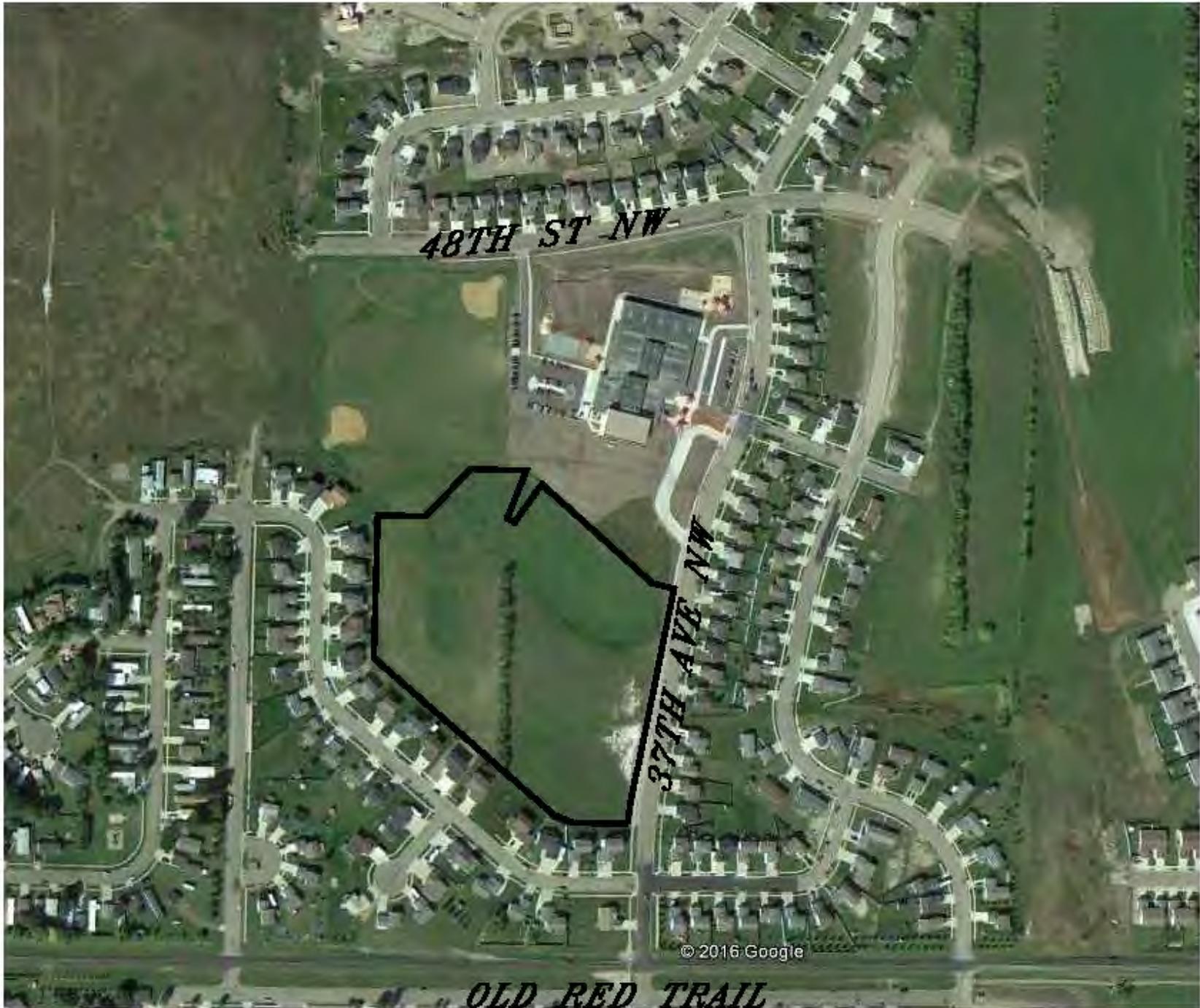
ARTHUR GOLDAMMER  
DAKOTA PIONEER LAND COMPANY, LLC  
3100 N. 14TH ST  
BISMARCK, ND 58503

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016, BEFORE ME PERSONALLY APPEARED ARTHUR GOLDAMMER OF DAKOTA PIONEER LAND COMPANY, LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES \_\_\_\_\_

**SWENSON, HAGEN & COMPANY P.C.**  
909 Basin Avenue  
Bismarck, North Dakota 58504  
shang@swensonhagen.com  
Phone (701) 223-2600  
Fax (701) 223-2606

Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management



48TH ST NW

37TH AVE NW

OLD RED TRAIL

© 2016 Google