

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, Liepitz, 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 6th Addition in Section 8, Township 139N, Range 81W. Property is located on the west side of 37th 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 3rd 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 1st Addition in Section 2, Township 138, Range 81. Property is located at 2300 14th Avenue SE.

Bob Decker, 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 1st 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 Official, 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.