

MANDAN PLANNING AND ZONING COMMISSION

MANDAN CITY HALL BUILDING

March 24, 2014

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

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

Commissioners Absent: Kelly

Commissioner Fleischer motions to approve the February 24, 2014 minutes. Commissioner Liepitz seconds. Upon vote, the motion receives unanimous approval of the Board.

New Business

1. A request from Tesoro Refining & Marketing Company, LLC and Montana Dakota Utilities for final 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, City Planner, describes and identifies the area. MDU wants to put a new substation on this property. The current substation sits on the south side of Old Red Trail and will be transitioned out. This will eliminate some of the wires across Old Red Trail.

Commissioner Leingang motions to approve the final plat with annexation. Commissioner Laber seconds. Commissioner Liepitz abstains from voting. Upon vote, the motion receives unanimous approval of the Board.

2. A request from Sunset Development LLC, Mandan Hotel Group LLC, HM4 Properties LLC, JDS Holdings LLP and Don McGuire for final plat approval of the Replat of Missouri Valley Addition. Said addition is in Section 16, Township 139N, Range 81W. The property is located on the northwest corner of Sunset Drive NW and 27th Street NW.

Bob Decker, City Planner, describes and identifies the area. This is located across the street from the new school. Big Sky development is to the west. Big Sky has a detention area that feeds into this one. The Big Sky property owners are planning to complete their development. A full stormwater plan has been submitted for this development, using the parking lots for detention. This plat will allow for separate ownership of separate parcels. There is an access easement across the western end of the parcels to allow access to 31st Street NW and Sunset. This would be the primary access to lots 5 and 6 until the rest of Viewpoint Lane NW is paved. Right now 31st Street is half right-of-way. The other half will be added as development grows to the north.

Commissioner Fleischer asks if there will be a 29th and 30th Street access off of Sunset. Bob says no because Sunset is planned as a regional arterial and that would be too many access points off Sunset. Commissioner Fleischer asks where the apartments and hotel will be.

Jon Schultz, Sunset Development, says apartments will be on the north and middle lots. The southern lots are commercial, but there are no concrete plans at this time. A hotel possibly on the middle southern lot.

Bob says the other access road is Viewpoint Lane NW that runs through Big Sky, but it is currently gravel. It will provide another access once it is paved. The access easement through lots 6 & 7 would be a private access and not a public roadway. It would be privately maintained.

Chair Robinson asks if the detention plan will expand into Big Sky. Bob says they already started that and he wants to make sure it is completed as planned. The parking lots are the detention for this development. Jon Schultz adds that there will be underground storage for water as well.

Commissioner Zachmeier asks who approved the stormwater plan. Bob says it is approved by the city engineer. Commissioner Zachmeier says the county has concerns about the water coming through there and asks who has jurisdiction on that. Bob says the city. Commissioner Zachmeier asks what the route is for the water to make its way to the Missouri River. Bob says it goes east past the school district and works its way to the Tesoro wetlands. Bob says the projects closer to Tesoro will be submitted to the water district so they would have sign-off on them. Zachmeier asks if the water board only has jurisdiction once the water crosses 1806. Bob says the city will be working with them because of the impact on the west side of 1806. There is a lot of overland flow, so the restrictions on these developments are that the discharge is no greater than the previous discharge. He says they are not going to increase any of the peak discharges headed for Tesoro and will share the calculations with the water district on upcoming larger developments. The reason for water management in this project's parking lot is because the post-development is no greater than the pre-development peak runoff. Zachmeier says the water board's main concern is a lot of water being pushed through that area and he knows they would want to be consulted about this project. Bob says he will provide them with the drainage report.

Commissioner Laber asks if 31st Street NW can be extended. Bob says it is a topography issue and the street will eventually curve north before continuing west.

Fire and police were involved in the review of this plat and the access easement.

Commissioner Laber motions to approve the final plat. Commissioner Mehlhoff seconds. Upon vote, the motion receives unanimous approval of the Board.

Other Business

1. Discuss proposed revisions to Title 21 of the Mandan Municipal Code.

The first two sections of Title 21 deal with administrative duties. Bob checked the Century Code for its requirements on planning & zoning commissions. He tinkered with the wording in the draft of Title 21 to reflect the Century Code. The city engineer should not be a voting member. He added city attorney. The Chair has the option to change the meeting format and order of items. There is also the option to change the days of scheduled meetings. He removed the "adult uses" from this section, as it is already in another section.

Commissioner Fleischer asks about the membership section in 21-1-2. Bob left a generic sentence in there giving the mayor authority to appoint members. He asks the commissioners if they want to list specific groups that would appoint a representative to the board. Commissioner Fleischer thinks the Park Board and the School Board should be listed and that they would appoint their representatives. Morton County is already a requirement per the Century Code. Bob asks if they would like to see any other groups represented because up to 10 members can be appointed. There are no other groups mentioned.

Commissioner Laber asks about 21-1-6, #5. Should the agenda packet be specified as being delivered electronically or by mail? Is there any use in spelling out that electronically is considered delivered? Bob suggests wording that says electronically unless otherwise requested. Commissioner Laber agrees.

Commissioner Laber asks about 21-1-8, Powers and Duties, item #10 for gifts. Bob suggests it could be removed. Commissioner Laber suggests restricting it to a nominal monetary value.

Commissioner Laber reads #11, Examinations and Surveys. She has done this. She has gone to people's homes to see first-hand what their concerns are. Is there something official the commissioners should be doing to be allowed onto private property? Bob explains the water department is installing new water meters and forms will be used to present to residents explaining who they are, what they are doing and who to contact. Bob suggests something similar, but maybe not as elaborate. Maybe a letter of introduction or documentation on city letterhead that the commissioners could carry with them. Bob will check with Malcolm on how that could be done. Commissioner Laber thinks it should specifically spell out what the commissioners can and cannot do on the resident's property and should have limits.

Commissioner Laber has heartburn with #5, 21-2-1, Legislative Intent, Adequate Light & Air. She understands light may be an issue for metropolitan areas with high-rises, but points out that planning & zoning does not mandate structure height and does not understand how the function is part of land use due to light. Bob says the code does have certain requirements that have looked to that issue. One is floor-area ratio. In some of the zones, you're only allowed to put the structure on 30% of the land. Others you have a height limit say two and a half stories or five stories. There are various limits looking at light and air. You may not see the same thing here as in New York City, but the same concept is there to keep a certain openness and density or size of the structure. Laber says as far as the air part, a business isn't going to come in and tell the commission what their emission ratios are going to be. Bob says the requirements are in the zones, there are certain limits. Bob says the commission would be involved in the zoning review when doing an industrial or commercial subdivision. The various zones have different criteria for air emissions for odor, sound, steam and smoke. There are various limits regulated by the state. Commissioner Laber asks if a commercial plat or rezoning comes before the commission, would the commission have to regulate these things. Bob says yes. In the case she is talking about it would be regulated by the state.

Commissioner Laber, 21-2-3, Construction and Definitions, Alley means a public or private right-of-way designed to serve as a secondary access to the side or rear of a property. She thinks maybe it should just read secondary access to a property.

Commissioner Laber reads the section on page 15. "Owner means a person or other legal entity having legal title to or sufficient proprietary interest in the lands thought to be subdivided. She doesn't understand sufficient proprietary interest because if you are a

business owner and leasing that land doesn't mean you have sufficient proprietary interest to subdivide it. She wants to know how Bob sees proprietary interest. Bob says when they come in to apply; they have to provide a purchase agreement or something that would give them standing to request a planning item. Commissioner Laber doesn't see the need to have sufficient proprietary interest in the wording. Bob says he will check with Malcolm.

Commissioner Fleischer points out page 5, #5 regarding surveys and studies. We specifically listed to consider studies and plans prepared by the MPO. This is real specific. Should we list other studies by other entities? The School District or Park District may do a study. Bob says that can be expanded.

Commissioner Van Beek leaves at 6:00 p.m.

Commissioner Fleischer wants everybody to look at page 3, Duties, President and Vice President. He does not remember where a secretary has ever been appointed or elected. It is assumed staff is going to do it. We may want to make an official appointment at the reappointment meeting. Bob left the option in there where it could be designated from a commission member, staff or a new hire.

Bob is going to edit a draft and will do an ordinance for these first two sections. He explains to the commissioners a contract the city signed with Municode, a commercial codification service that is used throughout the states, who update ordinances and adds them to the code as they are adopted. They have an attorney and paralegals on staff. He has been working with the Municipal Judge on updating fines and fees. Municode will help with these kinds of things. It will take about six months for them to review what we have and will come back with their findings. Any adopted ordinances would be automatically posted and inserted into the code by Municode.

Commissioner Laber asks about the Developer Agreement that had no items. Bob says that was for the commissioner's review and feedback.

At this time, there is one item for next month's meeting. It is a variance for storage units.

Bob will take the next section of Title 21, Groups and Conditions of Uses, for discussion at the next meeting.

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

The meeting adjourns at 6:10 p.m.

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