

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL BUILDING
March 28, 2016

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on March 28, 2016, at 5:15 p.m. CDT.

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

Commissioners Absent: Zachmeier, Van Beek, Mehlhoff

Commissioner Laber motions to approve the February 22, 2016 minutes. Commissioner Fleischer seconds. Upon vote, the motion receives unanimous approval of the Board.

OLD BUSINESS

1. Request by Ben Schaaf for a front setback variance on Lot 14, Block 3, Denison's Industrial Park Replat of Block 2.

Bob Decker, City Planner, asked for Attorney Brown's opinion on this request as motioned by Planning & Zoning Commissioners at the February 22, 2016, meeting. Commissioner Zachmeier thought the wording in last meeting's staff report was incorrect. Attorney Brown concludes the citation that was used the report is appropriate. It is also appropriate to take Planning & Zoning's recommendations to City Commission, who acts as Board of Adjustment, for consideration. Planning & Zoning could recommend changes to setback requirements to accommodate this request, but Attorney Brown recommends denying this request based on the current zoning. In his opinion, all criteria in the code for granting a variance must be met.

Bob recommends denying the request. He is working on a draft of adjustments to the zoning standards. The commission can review and make changes to zoning categories at that time.

Commissioner Leingang motions to recommend to the Board of Adjustment that the variance be denied. Commissioner Laber seconds. Upon vote, motion passes unanimously.

2. Update on concept plan located on Old Red Trail, by Force Contracting.

Bob Decker, City Planner, says Force Contracting is still working on this concept plan and they will see this in the near future. He just wanted to update the commissioners on that.

NEW BUSINESS

1. Final replat and zone change of Lots 20-39, Block 2, Lakewood 8th Addition.

Bob Decker, City Planner, describes the request. The water and sewer lines have been installed in this area. The replat would modify the lots, taking them from 20 to 26 total. The original concept was for twin homes. This replat and zone change would adjust lot sizes and include some single-family as well as the twin homes. Some of these single-family lots will

be reduced, making the building footprint larger on a smaller lot. The school site is south of this property and Lakewood 9th Addition is on the north side. Lakewood 9th has single and two-family residential. The question comes down to approving the smaller lot size with a larger structure. Bob included a draft PUD ordinance to list what the criteria would be. The setbacks would all be the same. The R3.2 allows for a 7,000 square foot lot to be split in half and each half owning 3,500 square feet.

Commissioner Laber understands PUD was to provide an option for mixed use development. She questions the reason for this request. The builder is asking for PUD so the lot size can be reduced more than what would be a minimum lot size in another zoning category. Bob says one of the options of a PUD is to adjust some of the standards and agrees the basic concept of a PUD is for a mixed use development. In this case, it's a mixed use of twins and singles. He would like to see a small lot option included in the zoning districts when the commission reviews and modifies the zones. These smaller lot options have been built and sold in the area. There is a market for them. Commissioner Laber agrees there is a market for the small lot, but is struggling with using a PUD option for this purpose. Bob says this is a small area and thinks it is a good use of the PUD option. This is a niche market and not every builder is going to do this.

Commissioner Liepitz agrees it is hard to distinguish between using the PUD to get around details of a zoning you don't like or accommodating a unique design. Are they setting a precedent? You could use a PUD on everything that doesn't fit. Bob says that is why he would like a small lot zoning defined.

Commissioner Leingang asks what is the main reason for reducing the lot size. Bob says it comes down to affordability. The reduced lot reduces cost. The smaller house and the smaller lot would match the affordability.

Commissioner Fleischer asks if this would create a traffic jam, because they would have to come in from the east or go around the school property and access the south. Is there an access to the north as well? Bob says there is a connection through Lakewood 9th, which is a little farther west of this project.

Commissioner Fleischer asks the developer if there is a big enough demand for this. Item #2 is asking for the same thing. What kind of clientele does he see interested in this?

Art Goldhammer, ðIðve sat through quite a few numerous presentations from consultants that the City of Mandan and the City of Bismarck have hired as of late that came up with the same result. We are in severe lack of affordable housing. The first time home buyer cannot afford the 10,000 square foot lot, the 3,000 square foot house with a four stall garage. Study after study has shown us that, like Mr. Decker alluded, he is working on an ordinance for some smaller lots. The PUD is used across the nation and the state of North Dakota as a vehicle to encourage alternative development, encourage mixed use development to find ways to bring a benefit to the city by offering different product type than the current zoning districts will allow without having to go through the pain of creating new zoning districts. Most of your major metro areas development over the last twenty to thirty years is done in the form of massive planned unit developments all the way to small planned unit developments. To answer your question, directly Commissioner Fleischer, there is a demand for that first time buyer to buy their first house under \$200,000. These particular lots are, like Mr. Decker said, if we had all twin homes, we'd just be in front of you for a í .would it be a minor final plat? We could get that same number of count with the current zoning, providing

that they were all twin homes. We have built this product. Quite a few in Lakewood, Bridgeview Bay, north Mandan, south Mandan. Of the twin home product, both the two story and the one level product, it has been well received. The detached product has been well received in Lincoln and Bismarck as well as Fargo and West Fargo. Again, it's a price point. It's to get that first time buyer into a home for a price they could rent for. Nothing more, nothing less. Does that answer your question?

Chair Robinson asks Art what his price point is. Art says the goal is for \$190,000 on the two story twin home all the way to mid \$250,000's. That has been a huge point by all the studies done. There are trying to listen to where the demand is.

Art says there is a letter about the sewer connection to the east on Shoal. There's a discrepancy between the city and various subcontractors who have performed water and sewer work. It is not his intention to put their connections into that as far as the liability of that. As long as they attest their installations and don't assume responsibility for things they didn't touch. To get ahead of the paving project in the works they don't want to hold the city up. They have proposed to put that in privately and assess it immediately upon commission approval should this commission deem it a favorable project.

Bob has given the commissioner's a copy of the letter. There is an issue with a sewer line to the east this project would connect to. That issue has to be resolved. It is actually flowing the wrong way. Art is not obligated in any way on that, but it has to be resolved before he can make his connections and get his project under way.

Commissioner Liepitz asks what the timeline is on the ordinance Bob is working on the accommodate the smaller lot. Bob says within the next few months he wants to get something to the commissioners to look at. The next goal is to go through the zoning districts. The discussion on that will come soon.

Commissioner Fleischer motions to recommend approval of the plat and the final plat be submitted to City Commission for consideration and the zoning to PUD with the base zoning of R3.2 is modified by staff recommendations. Commissioner Labor seconds. Upon vote, the motion passes unanimously.

2. Preliminary plat and zone change of Ash Grove Estates.

Bob Decker, City Planner, describes the item. This is the same developer and the same concept with a slightly larger area. This is the property south of Red Trail Elementary that the school district sold. It was deemed not needed by the school district. Again, a mix of twin homes and single-family. Some of these single-family homes are larger. Only the twin homes are on smaller lots. The concept shows twin homes on the north side of the development. They would back up to the school property. There are small lots that run along the west and south side. The existing homes these lots back up to have very small lots themselves and they may be interested in purchasing these small extra lots. Those residents tend to encroach into that area now. This would be an opportunity to adjust that existing subdivision.

There is a notch on the location map. Bob confirmed this notch was sold as well and it is included in the plat.

The streets are wide enough, with parking on one side of the street and a delivery truck stopped on the other, there would still be room to get around.

A preliminary stormwater has been done. A lot was taken out of the plat to increase the detention pond. The school's stormwater drains into the same pipe. It is discharged across the road and funneled to the east. Storm drainage will be along the curb. Inlets will drain the water into the pond.

Commissioner Laber asks Art what kind of housing mix is he putting in, for people to choose from.

Art Goldhammer, "We're planning on the upper \$180,000's to under \$300,000. Those small lots were something we discovered from the adjacent property owners when we had a neighborhood meeting. Some people had sprinkler heads that were across property lines and some wanted more back yard. We found it's wise planning to transition things evenly as you can. Doing the larger lots backed up to the existing subdivision was to give the existing residents a feel of something similar yet a little bit smaller behind their houses and then transitioning to a single family across the street to a higher density twin home against the school. Again, price points and provide a smooth transition through the neighborhood. As you can see, we don't have a bunch of people not wanting this. I'm pretty happy about that. That hasn't happened to me in a while. It seemed the adjacent property owners were pleased and it seemed like a good fit."

Commissioner Leingang asks if they are going to be 2 stall garages. He doesn't like some of the newer construction he has seen with only 1 stall. Art says they are all going to be 2 stall.

Commissioner Knoll asks about available parking. Bob explains there is parking on one side of the street for guest parking and overflow parking. Each lot will have a 2 car driveway/apron in front of the garage.

Larry Geise, West River Addition, "If you look at the map, in block 6 on the south side of Lewis Road, and I am certainly in support of this. I want you to know that. I think this is going to be a good thing for the neighborhood. That's why I wanted to come and say yes. I have a comment about that storage water. I've been there for 13 years. I was the last house on Lewis Road there for about 3 years after I moved in there. In about 2005-2006, development just took off and we have up there what we have. When 37th went in, where you have your storage water thing there, was a water pond. With heavy snows and so forth, that would fill up to about halfway to where you have that wind break. That would take to about the end of July to dry out. We had all kinds of garter snakes and all those things we had everything come in there. You put the street in, you have the storage water containment piece in there and you have water from our backyards and the school's backyard everything comes together. I'm not sure the street is going to be enough. If we have the 50 year, 10 inch rain especially the middle properties. The outside ones around the outside horseshoe. I don't think they're going to have any problems. But, I think we're compromising the integrity of those plots for at least the first two or three to the way east side next to that storage pond area. I would not want to buy those. I wouldn't. I'm sorry, but that's my only comment. I think maybe the developers and the engineers have looked at this and perhaps it's ok. I don't know, but I've seen a large pond of water in there and now you have an alkali hole. To me, if there's a soil sample, that alkali says you're not going to grow much grass in that anyway."

Bob says there were some issues with that road because of the ground water. The road actually failed and had to be rebuilt. When they go to put their sewer tap in, they're going to have to cut that street. So, they're going to have to have some special criteria for replacing

that trench. They're going to have to look at that water issue. The drainage design has to take into consideration that calculation of what the runoff's going to be.

Landon Niemiller, Swenson Hagen, says as part of the platting process the stormwater management plan has to be approved by the City of Mandan. There will be more storage after the street is put in and the land is graded. They will have calculations when the final plat comes back next month.

Commissioner Leingang motions to approve the preliminary plat with the final plat to be submitted to City Commission for consideration and the zoning changed to PUD with a base zoning of R3.2 modified by staff recommendations. Commissioner Kelly seconds. Upon vote, the motion passes unanimously.

3. Preliminary plat of Shoreline Addition.

Bob Decker, City Planner, describes the item. This is along the river. South of McKenzie Dr. and north of the bridge. The property is zoned RM (Multi-Family Residential). They are not asking to change the zoning. The plat splits one lot into a number of smaller lots, with the option of placing multi-unit buildings on the lots. The intended number of units is less than the maximum allowed for this zoning. It is in a floodplain. They will have to comply with all Fema regulations. They will have to either show the flood zone boundary line on the plat or do what they call a LOMR 1 adjustment based on their grading plan that takes it out of the floodplain. An easement for fire turnaround will be between lots 8 & 9. There is also an access easement along the south boundary line. The river bank has to be accessible for maintenance.

Pat Koski, Developer, PM Koski Properties, "We did get our engineering back. We are above the flood plain. We are required to do a LOMA, not a LOMR, which means we need to have our foundations. We are going to have slab on grades. It will be 2 feet above the flood level, but we don't have to bring any fill dirt. Checking with the Corps of Engineers, we are above that. That was one of my biggest things when I bought the land. I didn't want people to have flood insurance. Cause I think it deters sales. Here's the newest layout of the land. This is that turn around. That also gives us the easement to get into the shoreline, if we ever needed to do anything back there. Talking to the Corps, they don't actually want us to touch the shoreline. That has been one of the best locations, they said, on the river. The existing rip rap they do not want me to touch and if I did, I would have to go through a 9 month application period of why this and everything else. I just did not want to do that, so I was thrilled to hear that the shoreline is fine and it's a stable bank and that's what it's deemed by the Corps. The price point on these - we're going to be around that \$400,000, on the water. Here's the front look of it. They're a four-plex unit. So there will be three buildings of four units. So far I've talked to a few neighbors and their really receptive of the plan. I actually have one neighbor in particular who wants to trade me his house and land for one of these units. Something I'm going to be considering as well. That's the thing with any of our developments I've done in the past is to make sure it's conducive to the neighborhood and we're not coming in and upsetting anybody. As Bob mentioned, the current zoning right now is zoned up to 46 units as an apartment building. It's not something we wanted to do. Here's the backside of that as well. That's your river view with the dividers. The ultimate goal would be to have each building have a shared dock system along the river. That's something I will have to deal with the Corps of Engineers on as far as getting a permit on that. I think for cleanliness and the

look to have each building have a dock. The floor plan will be main floor master. Total of three bedrooms, 2200 square feet with either 2 or 3 stall garages.ö

He will come back with the final plat when it is ready.

Commissioner Liepitz motions to approve the preliminary plat. Commissioner Labor seconds. Upon vote, the motion passes unanimously.

Commissioner Laber motions to adjourn. Commissioner Leingang seconds. Motion passes unanimously. Meeting adjourns at 6:14 p.m.