



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:15 P.M.
MAY 26, 2015

Roll Call, Reading and Approval of the April 27, 2015 minutes.

NEW BUSINESS

1. A request from Patrick Koski, Charles & Jocelyn Varland and Tyler Leier for a change of zoning. The request is to change the zoning of Lots 1-7, Block 1, Heart Ridge 2nd Addition in Section 34, Township 139N, Range 81W from R7 (Single-Family Residential) to R3.2 (Two-Family Residential). The property is located on 18th Street SE.

MANDAN PLANNING AND ZONING COMMISSION

MANDAN CITY HALL BUILDING

April 27, 2015

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on April 27, 2015, at 5:15 p.m. CDT.

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

Commissioners Absent: Zachmeier, Klein, Van Beek, Mehlhoff

Commissioner Leingang motions to approve the March 23, 2015 minutes. Commissioner Laber seconds. Upon vote, the motion receives unanimous approval of the Board.

NEW BUSINESS

1. A request from Dereck Salazar, De Lo Sal Construction Inc., for a change of zoning. The request is to change the zoning of Lot 21, Block 2, Ventures 1st Addition in Section 7, Township 139N, Range 81W from LSMHS (Large Scale Mobile Home Subdivision) to R3.2 (Two-Family Residential). The property is located at 4201 LaSalle Drive NW.

Bob Decker, City Planner, identifies and describes the area. The request is to rezone one lot to R3.2. This would be spot zoning. This subdivision was an agricultural overlay zone. The LSMHS zoning calls for over 40 acres. This subdivision is only about 22 acres. There is also a restriction that says no structures can be added on to the mobile home, but that has not been complied with over the years. This property is a mobile home with a basement. He wants to rent out the basement. The basement has a separate entrance. Would he have to modify the two separate units with separate heating, cooling, etc? The building inspection department may have concerns about that. Most of the surrounding area is R3.2. There is a small park in this development. Bob suggests the neighborhood could think about a zone change to the whole development, but he does not recommend changing one lot.

Keith Abel, resident, "I've lived out in that area for 25 years. I was one of the first people that moved up there. We had covenants and stuff like that. The way we wanted it to be. It was supposed to be single family homes up there with no renters. The only way you could have a renter was if you had a lot somebody wanted to buy on contract for deed and they could move a mobile home on there and after 5 years they'd either had it paid off the lot or move out you know. This is all set up for single families and that's what we expected. The other question I did have is if you change this place to a two family home, where is everybody going to park? If you got two families, each family is going to have a minimum of two cars. If they got any kids that are driving then you have more parking problems. There is parking out there but they would have to park out in front of somebody else's house and then that creates problems in the neighborhood when winter snow removal comes around and that car don't move. As far as talking to the neighbors and stuff, most of us would like to see things left the way it is. Because anytime you start bringing in other people like that you're asking for problems. We've had some like I said where there was a trailer house and lot there and they were to buy it contract for deed. So, they were renting for 5 years and some of them turned out to be good people and some of them turned out to be bad people. You don't want to ask for more trouble than what you got."

Bob says the city doesn't regulate private covenants. The zoning code on this subdivision and another one that is also zoned LSMHS should be looked at in the future. Neither subdivision is 40 acres or more as listed under this zoning.

Commissioner Leingang motions to deny the zone change. Commissioner Knoll Seconds. Upon vote, the motion passes unanimously.

2. A request from Mitzel Builders for a preliminary plat and a change in zoning. The request is to plat said property as Lakewood 8th Addition. There is also a request to change the zoning of said property as Lakewood 8th Addition. There is also a request to change the zoning of said property described as a portion of Section 1, Township 138N, Range 81W from Ag (Agricultural) to R7 (Single-Family Residential), R3.2 (Two-Family Residential), RM (Multi-Family Residential) and CA (Light Commercial and Services). The property is located southeast of Frontier Mobile Home Development and north of 3rd Street SE.

Bob Decker, City Planner, identifies and describes the area. The plan was cut back in size from the original plat. This morning a deal came up to where they may want to include the larger area, but right now we will deal with this first portion. This is the next piece of a master plan. This is south of Kist. The golf course is to the west. The cul de sac may be removed because separate water and sewer would have to be put in and run to 40th Ave SE. The utilities and street would be put in as an assessment district. An adjacent school parcel would be included in the assessment district. The property is currently zoned Agricultural. R7 zoning would be to the west by the golf course and R3.2 would go to the east. Shoal Loop and 19th Street SE would be extended to the west.

Commissioner Laber says it makes her nervous putting another housing development between Kist Livestock with ranch like smells and the city sewer lagoons. She doesn't want to see Kist driven out of town because of complaints about the smells. She knows odors irritate people and that should be taken into consideration.

Bob says there are ways of fixing both of them. They are not cheap or easy but can be done. There are also noise issues with the racetrack.

Commissioner Laber wonders how people can be warned.

Justin Froseth, Engineering and Planning Director, comments about the wastewater treatment plant. Solar bees were put in last fall and it is too early to tell how they are going to do. Steve Himmelsbach, wastewater superintendent, mentioned that they are performing really well and has noticed the odor issue is the best he has seen in a long time.

Commissioner Laber motions to approve the preliminary plat of Lakewood 8th addition and zone change from Ag (Agricultural) to R7 (Single-Family Residential), R3.2 (Two-Family Residential), RM (Multi-Family Residential) and CA (Light Commercial and Services). The motion also recommends City Commission approval of final plat and adoption of the zone change ordinance. Commissioner Fleischer seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

A public hearing to consider resolution adopting a comprehensive plan for the development of the City of Mandan.

Bob Decker, City Planner, explains Phil from Stantec has been here to give updates on the project. The agenda packet has a resolution and implementation steps for officially approving the comp plan. This is the Planning & Zoning Commission's opportunity to officially approve the comp plan. The plans include being able to regulate development around the city as well as inside the city. He wants to bring this plan in front of the board at least once a year for review. This plan was delayed because the MPO was also working on road plans and they wanted the results from the MPO plans to incorporate into this comp plan.

Commissioner Liepitz suggests a note on planning item reports that describes how the item relates to the comp plan.

Commissioner Leingang motions to approve recommending adoption of the comprehensive plan to City Commission. Commissioner Laber seconds. Upon vote, the motion passes unanimously.

Commissioner Liepitz motions to adjourn. Commissioner Knoll seconds. Motion passes unanimously. Meeting adjourns at 6:03 p.m.

NEW BUSINESS ITEM # 1

NEW BUSINESS ITEM # 1

Mandan Planning and Zoning Commission Agenda Item
 For Meeting on May 26, 2015
 Mandan Engineering and Planning Office Report
Rezone Lots in Heart Ridge 2nd Addition
 Requested Action
Change zoning from R7 to R3.2

Application Details					
Applicant Patrick Koski	Owner Patrick Koski, Charles & Joscelyn Varland, Tyler Leier	Subdivision Heart Ridge 2nd	Legal Description Lots 1-7, Block 1		
Location 19 th St. SE & Plains Bend SE		Proposed Land Use Twin homes	Parcel Size 14,956 sf to 16,646 sf	Number of Lots 7	
Existing Land Use residential	Adjacent Land Uses Residential		Current Zoning R7	Proposed Zoning R3.2	Adjacent Zoning R7 & R3.2
Fees \$400	Date Paid 12/2014	Adjacent Property Notification Sent 5/13/2015	Legal Notices Published 5/15/2015 and 5/22/2015		

Project Description

An application was presented and discussed several months ago that included lots on both sides of 18th St. SE. There were concerns voiced by commission members and the application was tabled. This is a revised application that limits the request to the lots along the south side of 18th St. SE.

This request is to expand the number of lots for twin homes. Several lots in Heart Ridge 1st to the east are zoned R3.2. Some of those lots have been split and developed with twin homes.

This request is governed in part by Subsection 11 of Section 21-04-02 of the Mandan City Code that sets requirements for splitting lots in an R3.2 zone in order to convert duplex lots to twin home lots.

The City of Mandan Land Use and Transportation Plan recommends that this area be developed with low density residential. Single family and twin homes are considered to be low density residential. The platted density is only 2 lots per acre. The proposed density is 4 lots per acre. The allowable density for R7 is 5 families per acre and the allowable density for R3.2 is 12 families per acre.

Agency & Other Department Comments

- Engineering & Planning Staff Comments**
- According to county records, Mr. Koski owns Lots 2 & 3. Charles & Joscelyn Varland are the listed owners of Lot 1. Tyler Leier is the listed owner of Lots 4 – 7.
 - Lots are substantially larger than minimum requirements.
 - Developer/builder will need to install a solid wall or fence on the rear of Lot 7 to screen and limit access to the existing sanitary sewer lift station.
 - A replat will be required to accompany this rezoning in order to provide a separate lot for each half of each structure.
 - Except for Lot 7, these lots are 80 feet in width. The combination of the two side yards must be at least 20% of the lot width or 16 feet. This means that the structures can be 64 feet wide. The minimum side yard requirement in R3.2 for lots wider than 60 feet is 6 feet. Lot 7 is 111.55 feet wide. 20% equals 22.31 feet. Lot 7 is a corner lot that requires a 25 foot front yard setback on one side. The other side can have a minimum setback of 6 feet. The structure on this lot can be up to 80.55 feet wide. The floor plan provided shows a 52 foot wide structure.

- Lot 7 is much shallower than the other lots due to the lift station site. If the house is set the minimum of 25 feet from the front lot line, the back yard will be a little over 30 feet deep which is greater than the minimum of 20 feet.
- The R3.2 district has a ground area requirement for principal and accessory buildings of 35%. This translates to a building footprint of between 5,234.6 sq. ft. and 5,826.1 sq. ft.. The proposed floor plan that accompanied the application has a footprint of 2,446 sq. ft..
- Additional water and sewer taps will be needed. Each half of a twin home must have a separate water and sewer service. Only single taps were provided when this subdivision was developed. Because this is a newly paved street, street cuts are to be avoided if at all possible. The technology is available to allow directional boring of utility lines that makes it possible to avoid cutting a paved street.
 - The existing public water line is located on the north side of the street. A new water service must be installed using boring under the street for each half of a structure that does not currently have a water service located in front of it. The plan for installing each new service line must be reviewed and approved by Public Works prior to start of construction. A right-of-way permit is required for each service line installation.
 - The existing sewer services can be shared. A Y needs to be installed and the individual service lines constructed parallel to the front property line in the utility easement before being routed to the structure that is being served. Each service line needs to have a two-way cleanout. A shared use and maintenance agreement must be recorded for the shared sewer line.
- Sidewalks and landscaping must be installed within 1 year of issuance of an occupancy permit.
- Mailboxes meeting USPS requirements need to be provided. City must be provided with evidence of USPS approval of mailbox locations. Mailboxes must be installed prior to issuance of an occupancy permit.

Engineering & Planning Recommendation

Recommend approval of rezoning with the following conditions:

1. Prepare minor plat to split lots and record plat prior to recording rezoning ordinance.
2. Construct a solid wall or fence along north and east boundary of existing sanitary sewer pumping station.
3. Obtain right-of-way permits to bore in new water services in manner and location approved by Public Works so that each half of each structure has its own water service line.
4. Y sewer service lines and install individual service lines serving each half of each structure in existing utility easement located along front of lot.
5. Record shared use and maintenance agreement for sewer service line. Provide documentation of recording to city.
6. Arrange to have neighborhood mailboxes installed to USPS requirements prior to occupancy.
7. Obtain permit and construct sidewalk within one year of occupancy.
8. Landscape yard within one year of occupancy.
9. If replat and rezoning are not completed and recorded within 6 months, this recommendation lapses and a new application must be filed.

Proposed Motion

Move to recommend rezoning to R3.2 of Lots 1-7, Blk 1 of Heart Ridge 2nd Addition with conditions listed in staff report.

zone change

R7

R7

Zone Change

R3.2

19TH STREET SW

19TH STREET SW

RM

R3.2

R3.2

LENA COURT SE

MIA COURT SE

WILL COURT SE

PHILIP COURT SE

MARIO COURT SE

MAPLE AVENUE SE

PLAINS

BEND SE

14TH STREET SE

RIDGE DRIVE SE

