

AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:15 P.M.
MAY 23, 2016

Roll Call, Reading and Approval of the April 25, 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 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.**
- 2. A request from PM Koski Properties, Inc. for final plat approval of Shoreline Addition. Said addition is Lot 3, Block 1, Old Heart 3rd Addition in Section 6, Township 139N, Range 80W. Property is located on east side of Marina Road SE south of McKenzie Drive SE.**

NEW BUSINESS

- 1. A request from National Information Solutions Coop. for final plat approval of NISC Addition. Said addition is Lots 5-9 & 15-18, Block 1, Sunview Heights and Lot 2, Block 1, Mandan Industrial Park 3rd Addition. Property is located on the west side of Old Red Trail north of 31st Street NW.**
- 2. A request from LB Family Properties, LLC for a zone change from CA (Commercial) to PUD (Planned Unit Development) of Lot 2, Block 1, Highland 2nd Addition. The property is located at 1300 Collins Avenue.**

OTHER BUSINESS

- 1. Land Use and Transportation Plan annual report.**
- 2. Draft of proposed revision to residential zoning districts.**
- 3. Interview applicants for open seat.**

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL BUILDING
April 25, 2016

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on April 25, 2016, at 5:15 p.m. CDT.

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

Commissioners Absent:

Commissioner Knoll motions to approve the March 28, 2016 minutes. Commissioner Labor seconds. Upon vote, the motion receives unanimous approval of the Board.

OLD BUSINESS

1. Final plat and zone change of Ash Grove Estates.

Bob Decker, City Planner, describes the item. This was referred back to Planning & Zoning by City Commission. The City Commission reviewed the zone change request to PUD (Planned Unit Development) on April 19 and requested another review by Planning & Zoning. This would be a preliminary design and zoning. Bob gives a brief review of the request: This property was offered for sale by the school district. The land was part of the Red Trail Elementary parcel. The School District Superintendent, Dr. Mike Bitz, is present. The proposal is for a development consisting of 31 single-family residential lots and 7 twin homes. The PUD would allow for adjustments to the single and two family residential standards. Some of the lots are smaller than the standard.

Commissioner Robinson asks if the School District has any issues. Bob says the question about school capacity and occupancy came up at City Commission.

Commissioner Labor is glad to have Commissioner Fleischer and Dr. Bitz here to give the school's side. There were questions at City Commission about the school's needs and whether they should retain the property or sell.

Commission Zachmeier arrives at 6:20 p.m.

Commissioner Fleischer asks Dr. Bitz if the school is full and if they are moving students on a temporary basis to another school. Are there students in southeast Mandan being bussed to Red Trail? How does this fit together with this development?

Dr. Mike Bitz, School District Superintendent, "We are moving an early childhood special education classroom from Red Trail to Roosevelt next year. This isn't all that unusual. Last year we moved an early childhood special education classroom from Ft. Lincoln to Mary Stark. Early childhood special education is students who are aged 3 to 5 who have a disability. They qualify for special education services that we have to provide those services. Mandan has a unique model. We provide those services at neighborhood schools. That is unique, if you go to Fargo, Bismarck, Minot, other larger communities they do it in...Bismarck does it in Richholt. I think they call it Bicep. They do it all in one location. We've been doing it in neighborhood schools and we've been doing that for a number of

years. We are moving a classroom from Red Trail to Roosevelt, but the teachers are going to be the same for those students. Paraprofessionals are going to be the same for those students. We also have the same o.t. services, pt. services, speech language pathologists. We try to make it as nice for the students as we can so the change is minimal. We also already have a special education bus that picks these children up. I understand if you're one of the children moving, it may not be pleasant, but it's probably the least contusive classroom we can move. Last year we moved an early childhood classroom from Ft. Lincoln to Mary Stark and have not had a complaint since school started. We had a couple of parents who were upset during the process, but once we moved it, things have gone well. If anybody has any further questions on that."

Commissioner Fleischer asks how many students that involves. Dr. Bitz says there are two sections. Early childhood goes for a 2.5 hour time period. They do not partake in other activities like music, P.E., lunch. There are in a self-contained room the whole time. At Red Trail there are approximately 9 in the morning session and 9 in the afternoon session.

Dr. Bitz, "Three years ago when we built Red Trail and we had to rezone attendance areas...like if you live here you go to Red Trail, if you live here you go to Mary Stark. There was a committee of about 25 of us. I was on that committee. Lec Fleischer was on that committee. As part of that process, we went and held meetings in each of the elementary schools. We met with parents and interested parties in each of the neighborhoods. What we heard resoundingly from everybody is we like our school, we don't want to move and we want to go to school with people in our own neighborhood. We had people telling us that in their neighborhood there were kids that had changed 4 or 5 elementary schools. They were right. That's kind of the way we did things. When we zoned our goal was to keep neighborhoods together. We divided southeast Mandan into three chunks. Right now, from southeast Mandan, we are bussing about 250 students every day to Red Trail, Lewis & Clark, and Ft. Lincoln. We try to keep neighborhoods together so kids can play with their friends. Rezoning is a painful process for parents and for kids. You're not moving nuts and bolts, you're moving kids who have friends and know teachers, so we don't like to do this, don't want to do it. We're going to have to do it again next year. I think Mr. Fleischer is saying if we didn't have to move those, if we had a school in Lakewood that would eliminate a lot of crowding in other schools. Right now Red Trail and Lewis & Clark are schools that are the most crowded. The other schools are all at manageable levels."

Commissioner Leingang asks if there is enough land to expand Red Trail because it is at capacity now. Dr. Bitz says after the sale of this land to the developer, the school will still have over 16 acres left for school purposes. When Red Trail was built, the utilities were all stubbed in to support future expansion. When the Lakewood school is built, it will open space in Red Trail and other schools.

Frank Leingang, lives a couple blocks from Red Trail Elementary, "I was at the commission meeting last week. We brought up the issue of the school and water problems and various other issues that is why it is brought back here. The reason I am concerned is because the school capacity. At the commission meeting, not once did I say what is this subdivision going to do to the school, as far as overcrowding. I went back to the zoning commission meeting you guys had last week and not once did I see it mentioned. Not once. That caused me a lot of concern. I've done some research on it. I contacted Dr. Bitz. I got the information on what the capacity is for each school and how many students are there. I have a couple handouts I can give you. They have Custer is over by 10. Ft. Lincoln is over by 9 students. Lewis & Clark over by 19. Mary Stark is under by 129. Red Trail is over by 44 students.

Roosevelt is under by 28. Mandan Middle School is over by 42. Mandan High School is under by 154. Red Trail is already over the limit. If we take and add another, what Mr. Decker said is not what I heard at the City Commission meeting. He said 31 homes and 7 twin homes. I heard differently. I heard a total of 54. Seven twin homes and the rest. There's a lot more houses than what he's stating. That's what was put out in the letter that got sent out only on Thursday for this meeting for people to attend. That information is not what I heard. The reason we're here is cause the school board has decided to sell this land at an obnoxiously low price. Mr. Fleischer was the only one that disagreed. They sold that 10.62 acres for \$277,000. The way Verity Homes currently has it they probably stand to make about a million dollars off of this. If you sell the lots at \$15,000 for the small ones and \$25,000 for the big ones. I know lots up there are going for \$25,000 and \$40,000. It's really really low. It should have never been sold at that price. I'm glad that Dr. Bitz said there's room to expand. I don't know where that room is at. They're going to have to tear into the playground, into the baseball diamonds or something I would imagine. I don't know if you are aware of it, but to the west is West Hills Estates 1, 2, 3 and 4. One, two and three have been there for over 5 years. Number 4 isn't even built yet. Between those 4, there's 77 lots available. Right now there is 37 empty. Go to Meadows 1-7 divisions. There's 25-30 empty lots there too. So you're looking between 60-70 empty lots and now we want to put another subdivision in. You're going to add another 100 to possibly 200 kids to that school. I don't know how they can sustain it. The houses that are being proposed, they went from R7 to PUD and around the outside are single-family homes. Toward the back of the school is going to be 7 twin homes. A horseshoe configuration and the homes in the center are going to be very very small. Single-family... I call them bachelor homes because I don't know who would buy them. There's no basements. I know they range from \$190,000 to I believe to \$300,000. I don't know if that includes the lot. I don't know if that's an affordable house. They say it's for first time home buyers. These people here are first time home buyers. They're not going to buy a house like that. Those houses will end up not being sold and probably up being rented out. So you have people renting. Nothing against renters, but they don't have skin in the game when it comes to maintaining a house. These homes don't have basements. Do they have crawl spaces I wonder? Where are they going to go if a tornado comes? There's also water issues up there. This here is a retention pond that's up there right now. It catches a little bit from around the school and gymnasium roof. Then it seeps away into the storm sewer. It runs down below the hill and drains into this little single drain. That's where they plan on putting their other retention pond? Everything drains there. When you get an inch of rain in a short period of time, believe me it's a flood. The first three or four lots will be flooded, unless that sewer system is totally redone. That's the single drain that controls it. You have water socks that they've put in there to slow the drainage because the sewer system can't handle it. It's my understanding you put a water sock in there so you don't get too much pressure into the system and blow off manhole covers. If you look in the grate, there's even water socks in there to help flow the flow of the water. It crosses 37th Ave NW and goes into this weeds and cattails. Continues down to 34th Ave NW, goes under that. Goes behind 34th Ave NW goes around the back of all the manufactured homes there and it drains into this. I took that picture Sunday after we had a quarter inch of rain... two hours later. That's how much water was flowing. That's all that's left of that drainage right now because they back filled that and brought a bunch of dirt in there and they're going to put commercial in there. So, that is it over a quarter inch of rain, two hours later. Imagine if you get an inch of rain in 15 minutes. It'll be flooded all over. It's going to have to be redone and who is going to pay for that? Usually, when they do that everybody gets hit with specials."

Mathias Geiser, Trident Court, "We have gathered 76 plus signature in opposition to the rezoning. We are not against Verity Homes building there. We are simply against the fact of

the rezoning to the PUD. Two of you commissioners ask the hard question at your last month's meeting. It seems like you're using the PUD to get around the current zoning. That's absolutely what's happening here. We will hold you accountable to that. The city has no legal obligation to rezone to PUD. The only legal obligation here before you is to let him get building permits and approve the plat and build as the current R7 zoning. That's what we're asking. Now the school issue's been addressed. You're going to say it's not your issue. I'm going to tell you again don't pass the buck. One of the major issues with this proposed neighborhood is that it is inconsistent with the adjacent neighborhoods. These lots down to 30' wide, 4,000 square foot lots. There's houses bigger than that up there. That's not even that big of a house. The adjacent zoning to the southwest is residential multi RM. That should not be used as a scapegoat to pry and allow this in because that land is actually developed as single-family. With the exception of two duplexes. Property values have been brought up a number of times. It may not be the value affected so much, but the sale ability and the desirability. When it comes time to sell your home when you're directly adjacent to this development, buyers are going to think a couple different times about this. Do they really want to be across from these smaller homes? Maybe the neighborhood isn't that great. You guys are also hearing Mr. Kroh's construction project, which has now been approved, coming up to the west. As of today at noon there was 35 homes in Mandan priced from \$150,000-\$250,000. I would say that's affordable. In Bismarck they had 60 homes priced in that range. We're not even half the size of Bismarck, so proportionately; we have far more homes for sale for first time home buyers. Retention pond has been a major issue for those on 37th Avenue. I've collected thirteen signatures alone on the east side of 37th Avenue. Many of which are here tonight for you. These people have sump pumps that run continuously all summer long. They already started out with the early spring. There are water issues there. There always have been and will be. The bedrock is only 30 meters deep there according to the U.S. Geological Survey. Just a block to the north or south, bedrock is 50 to 100 feet. The U.S. Geological Survey also designates that area as a temperate flooded and swamp forest. Not sure exactly what that means, but I think it's pretty wet. How is Ash Lane or Loop going to fair with these water issues? When 37th Avenue went in ten, twelve, fifteen years ago I was in high school and I remember when that street huckled. It was almost comical. Now the street was rebuilt and drain tile was put in is my understanding. Will drain tile be installed underneath this Ash Loop? Who is going to be responsible for that one after it buckles? There are major contenders here that need to be specifically addressed by a hydrology engineer. We all know water has a way of finding the path of least resistance. The statement that it will flow down the pipe. That's a little too easy to say. It ought to be abolished completely. I noticed on the agenda the draft of new small lot zoning is up. It's a very convenient time, probably necessary. But I will say it's convenient. City staff is promoting this development instead of regulating it. If we need development that's great and we need to foster it, but we do not need to be in cahoots with developers. This developer says that sidewalks are going to be the responsibility of the homeowner. That's against municipal code. You can look that up yourself. That's a complete embarrassment that we would allow such a thing. That problem exists throughout the town and it needs to be taken care of. Parking is going to be an issue. With only double stall garages there, you're going to fit two vehicles there. A lot of people don't even use their garage these days. They need storage or just for a work shop. Some things that haven't been answered is mailbox locations. The mailbox locations need to be figured out before this plat can be approved. I personally was involved with the city, Commissioner Laber, Justin Froseth, about a particular developer who took it upon himself not to put in the new postal service compliant group mail boxes. We were getting our mail downtown for 6 months. That doubled my round trip. It was a pain. Fire hydrants need to be in there as well then figure out your parking issue. At most I see 31 spots on the inside loop. This does not conform to the master plan. When you look at this

map all you see is low density housing and the school. If you approve this, you're approving spot zoning and you're creating a patchwork quilt zoning up there."

Mathias Geiser asks those in the audience to stand if they are against this development. The majority of the audience stands.

Bob Decker says the developer has to submit a stormwater plan that is reviewed and must be approved before a building permit is issued. The current pond will be expanded. There is an issue right now with standing water because discharge pipes are plugged. That has to be taken care of.

Landon Niemiller, Swenson Hagen, says the pond will be expanded by at least 1/3, maybe more. The stormwater runoff would be decreased by decreasing the street size as well. This was designed by Jason Petryson, PE. Landon says Jason is a hydrologist as well.

Ron Webb, 4706 37th Avenue NW, "When it rained last year, it rained so hard it filled up that pond almost to 3/4 level because it got plugged or water was coming in so fast. Right after the rain, what did I see out the front window? I'm right across the street. There's kids out there with bicycles playing in that pond. That's the part that really upsets me. If one of those kids would have slid in there and drown, God help us all. That's the decisions you gotta make. It's nothing to play around with. Contractor have good intentions, but they don't always come out that way. We're the ones that live there with this water and see it every day. You don't."

Ken Geiser, 37th Avenue NW, "The reason most of us are here is we don't trust this planning & zoning process. The rezoning request has some minor variances. That request is full of changes to the zoning process. Spacing distances, street changes, buildings are five feet from the property line up to two and a half stories. That's like a 25, 30 foot building 10 feet apart. It's like tunnels. Does that fit in that neighborhood? Have any of you been up in there? The street width. A comment just made that the 30' street downtown is plenty wide. I've been down there in the winter. Car parked on one side. Snow banks on either side and try to drive through that. It's not plenty wide. There's been water on that surface and subsurface for a long time. I don't think you have to be an engineer, developer or anybody else to know that if you get in the way of water it's going to find a way to get where it wants to go. If you look to the area east of Ash Grove there were several that gave assurances that there would be no problems. What do we have now? Thirty-seventh has been rebuilt at least once. Thirty-fourth is a series of patches. Residents in that area have water in their basements. Sump pumps are running. All because of water and plans that was approved by this planning process. If you look at Ash Grove, you have the same assurances by the developer. Engineers are saying no problems. Do you really believe that? The developer has invested \$300,000 in this project, in my guess, he needs to maximize his units. He needs to minimize his investment. Minimize his cost for affordable housing. Affordable for whom? Sounds to me like it's the developer. The developer is also a salesman. He's telling you what he thinks you want to hear."

Art Goldammer, Verity Homes, "I put together a little synopsis based on feedback that we've heard, you've heard. The PUD is in the City Ordinance. It's intended to be a good thing for municipalities to encourage flexibility, innovation, better land use. It's easier to write a PUD standard and have a developer adhere to it than to rewrite a zone ordinance. Mandan has a lot of uses within the R7 zone. I listed a few of them. You could a college, schools, student dormitories, power plant for school, museum, community centers, transformer station, a sewage station, animal hospital, oil & gas wells, fire stations or a trailer park. This is the Mandan zoning map for 2014. You got commercial, industrial, trailer parks, multi-family and

single-family. To claim this is outside of the use of the area is off based. Some of the concerns raised by commissioner were garage stalls. One stall was not preferred. These all have two or three stalls. Parking's been an issue. Two in the garage, two in the driveway plus street parking. Ordinance only requires two spots per home. I do trust our engineers know what they're doing and can arrive at the proper calculations; if you can't trust those then the whole system is defunct. What is affordable housing? U.S. Department of Housing and Urban Development defines affordable housing as a monthly mortgage payment and related housing expenses to be less than 30% of a household income. Mandan has a \$56,813 median household income. According to affordable housing standards would put that at \$1420 a month for housing. A \$220,000 sale price with 3% down on a 30 year at 3.75%, which is a little higher than today's rate, with property tax and specials payment based on reduced specials for small lots, with PMI insurance is \$1215 a month. That's an average. I don't want this to be confused with low income or assisted housing. This is affordable housing. This is a first time buyer. Dr. Bitz addressed the school. I live in Lakewood and would love to see a school down there. The school board has done a great job of purchasing land ahead of time. The narrower streets, with parking on one side the driving lane is wider than a typical residential street. The boulevards are wider. The boulevards are wider by 3.5 feet per side. That is an additional 7 feet for snow storage than a typical street. Public Works has looked at this and approved. It would be a less burden on the city maintaining the narrower street. Anytime businesses or homes are added to an area there is going to be more traffic. That's unavoidable with a growing city. We are trying to mitigate the high cost of specials by offering an alternative use of land. Our plan reduces urban sprawl by better land use. There is land to the north and west that will someday be developed. Do we put a moratorium as a city on progress and growth and say no more houses and no more streets? As a commission, sometimes you're forced with these decisions that are unpopular no matter which way you go. I just ask you look for betterment of the city's needs vs. the requests of a certain area. It has city staff support and has been approved once by this commission."

Art shows pictures of the same kind of development already in Bismarck.

Commissioner Knoll asks Commission Fleischer if he has an idea when the Lakewood school will be built. Commissioner Fleischer says it depends on the need. The school district's priority right now is to deal with the middle school population and to get something in Lakewood. When a school is built it will create a lot of room at Red Trail.

There is discussion about the pond. Bob says a fence should be considered. The pond would be maintained (mowed) by homeowners association.

Mary Derringer, Lewis Road, "Art Goldammer built our home. He does a wonderful job. I feel a little better seeing his homes. I have to wonder if he got the land for a song, why is he trying to cram so many. He does do good work. We've never had any trouble with our home. Other than, when the school was built our sump pump ran and ran. My daughter had to switch schools in 6th grade. Sometimes change is wonderful. You'd be surprised. Kids are resilient. I'm tired of my taxes going up. Some of you know my husband. We have a business here. To add a school onto taxes, I don't know what that all involves. I feel better. Now that I've seen what the homes look like that makes me a little more comfortable."

Commissioner Laber motions to reconsider the preliminary plat. Commissioner Zachmeier seconds. The motion passes with the following vote: Zachmeier-aye, Fleischer-aye, Kelly-aye, Klein-nay, Knoll-nay, Van Beek-aye, Leingang-nay, Laber-aye, Liepitz-aye, Beach-aye, Robinson-nay

Commissioner Laber asks what would happen if in the future if there is an issue with the water not draining. What is the remedy? Justin Froseth, City Engineer, says the city has stepped up review of stormwater management plans. It depends on what the problem would be. It would have to be fixed. The city could possibly look at the utility fund to construct a project.

Commissioner Van Beek motions to approve the preliminary with PUD on the conditions that the stormwater is reviewed, a fence constructed around the pond and a plan created for a cohesive property line where the 20' strip of land will be deeded to neighbors. Commissioner Laber seconds. Motion is denied with the following vote: Zachmeier-nay, Fleischer-aye, Kelly-aye, Klein-nay, Knoll-nay, Van Beek-aye, Leingang-aye, Laber-aye, Liepitz-nay, Beach-nay, Robinson-nay

Commissioner Zachmeier expresses his concerns. The recording of the meeting does not pick this up because his microphone is not on.

Bob Decker says instead of having little drainage ponds on each subdivision, drainage basins and regional facilities that the city could manage are being studied. The long range plan shows the area as low density residential. Two-family and single-family are considered low density.

Commissioner Zachmeier motions to proceed with R7 zoning. Commissioner Klein seconds. Commissioner Klein withdraws motion.

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

Bob Decker, City Planner, briefs the commissioners. The zone change has been approved by City Commission with the first reading of the ordinance. The second reading of the zone change ordinance will go to the next City Commission meeting along with this final plat, if approved.

Commissioner Laber motions to approve the final plat. Commissioner Knoll seconds. Upon vote, motion passes unanimously.

OTHER BUSINESS

1. Draft of proposed zoning districts.

Bob Decker, City Planner, gives the commissioners an update and draft on work he has done to the zoning districts. He asks the commissioners to review it and come back with their feedback. City staff has not reviewed this yet.

2. Resignation by Commissioner Miles Mehlhoff.

Commissioner Mehlhoff has resigned. A press release will go out seeking appointee. Letters of interest will be due May 18. Interviewing applicants can be done at the next meeting.

Commissioner Leingang motions to adjourn. Commissioner Labor seconds. Motion passes unanimously. Meeting adjourns at 7:32 p.m.

OLD BUSINESS ITEM # 1

OLD BUSINESS ITEM # 1



Mandan Planning and Zoning Commission Agenda Item
 For Meeting on May 23, 2016
 Mandan Engineering and Planning Office Report
School District Sixth Addition
 Requested Action
Replat as Ash Grove Estates with variance of some R7 requirements

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Dakota Pioneer Land Company	Mandan Public School district No. 1	School District Sixth Addition	portion of Lot 1, Block 1 and Lot 2, Block 1 School District Sixth Addition	
Location 37 th 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 proposed project design was rejected. This is a revised submittal that reduces the dwelling unit count from 55 to 40 to comply with R7 minimum lot size requirements.</p> <p>The developer has made two variance requests. Code Sec. 109-1-7 allows for a variance to the required standards with appropriate justification.</p> <ul style="list-style-type: none"> Reduce the minimum required width at the front building setback to 55 feet from 60 feet for 14 lots. The code has a provision that allows older platted lots to be 50 feet at the front building setback. Set the minimum side yard for all lots at 5 feet. The code requirement is for the total of both side yards to be 20% of the lot width with a minimum of 5 feet for lots 60 feet or less in width and 6 feet for lots greater than 60 feet wide. This allowance would reduce the required combined width of the 2 side yards between 3 and 5 feet for 16 lots.
Agency & Other Department Comments
Engineering & Planning Staff Comments
<p>The Land Use and Transportation Plan recommends that this area be developed with low density residential.</p> <p>The 2 requested adjustments only allow 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

Variance Request

Ash Grove Estates Addition

Dakota Pioneer Land Company, LLC, requests a variance from the minimum width requirement in the R7 zoning district, Section 21-04-01-5, which states "Each lot shall have a width of not less than sixty feet, measured along the front building line ..." The developer requests that the minimum lot width at the front building line be reduced to 55', as well as a side yard variance to allow the minimum side yard to be set at 5', rather than a 20% average of the lot width.

As the City of Mandan does not yet have a regional storm water plan, all proposed subdivisions must be responsible for the mitigation of storm water runoff within their boundaries. However, the properties surrounding the proposed Ash Grove Estates Addition have not been required to fully account of their storm water runoff. Approximately 12-15% of the storm water runoff from the neighboring properties will be directed to the proposed storm water pond of Ash Grove Estates. Without this additional runoff, the pond itself would be smaller and would allow for additional lots to be added to the subdivision.

Additionally, the parcel of land is of a shape and character that limits the number of lots that can be developed, while still maintaining all of the other required standards for R7 zoning, including minimum lot areas and overall density, and designing for traffic flow and emergency access roads.

With the limiting area for development, a 5' side yard allowance will allow 45 wide homes on the smallest lots within the subdivision, and 55' wide homes on the larger, giving the area more options for homes and will keep Ash Grove Estates consistent with the surrounding neighborhoods.

The granting of the variances would not reduce traffic capacity of any major or secondary street, and would not be injurious to other properties located adjacent to the proposed modification.

The granting of the variances would allow for the addition of 2-3 lots and would still keep the subdivision within all other R7 requirements.

OLD BUSINESS ITEM # 2

OLD BUSINESS ITEM # 2

Shoreline Addition

Legend



Google earth

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1000 ft



Mandan Planning and Zoning Commission Agenda Item
 For Meeting on May 23, 2016
 Mandan Engineering and Planning Office Report
Lot 3, Block 1 Old Heart 3rd Addition
 Requested Action
Replat to 12 Lots as Shoreline Addition

Application Details					
Applicant	Owner	Engineer/Surveyor	Subdivision	Legal Description	
Pat Koski	PM Koski Properties, Inc.	Axien Engineering / Sambatek	Old Heart 3rd	Lot 3, Block 1	
Location Marina Rd. SE south of McKenzie Drive		Proposed Land Use residential	Parcel Size 1.85 ac	Number of Lots 12	
Existing Land Use vacant	Adjacent Land Uses Residential		Current Zoning RM	Proposed Zoning RM	Adjacent Zoning R7 & RM
Fees \$200	Date Paid 4/28/2016	Adjacent Property Notification Sent 5/9/2016	Legal Notices Published 5/13/2016 & 5/20/2016		

Project Description

The proposal is to replat the lot to construct 3 four-plex buildings with each unit individually owned.

A riverbank maintenance access easement will be created as part of this plat.

Portions of the lot are a designated flood zone and the proper FEMA required paperwork must be completed before an occupancy permit can be issued.

Sanitary sewer service is available in the street. There is a sewer tap that can be used for the north building. The sewer line must be extended to serve the south units.

Potable water service is available along the western and southern boundary of the property. There is a water tap that can serve the north building.

There is no sidewalk north of this property. Sidewalk only exists on the west side of the street. A sidewalk is proposed in front of each unit that connects to the existing sidewalk.

There is a street light along the existing street that will need to be relocated to miss driveway aprons.

Agency & Other Department Comments

Engineering & Planning Staff Comments

All FEMA requirements must be met before any structures can be occupied.

Relocate street light.

Since the sidewalk along the private driveway will be part of the access easement, it needs to be strong enough for vehicles.

Since the preliminary plat was discussed, an access easement has been added between buildings to provide access to the river shoreline maintenance easement. This area also functions as an emergency vehicle

turnaround. Should have documentation from Lower Heart that this is an acceptable arrangement.

Neighboring property owners are aware of this proposal and to date have expressed no objections.

RM has a chart for how many units are allowed on each lot based on square footage of the lot. The total is 43 dwelling units for this project. At 12 units, this project represents only 28% of the maximum number of units that could be built.

Section 105-3-3 specifies a lot coverage allowance of 40% and mandates that required vehicle parking spaces be included in the calculation at 200 square feet per vehicle. Code Section 105-1-6 requires provision of 2 parking spaces per dwelling unit with 50% of the minimum parking spaces being exterior. For some of the lots, after adding the 200 square feet, the building footprint exceeds the requirement. However, when calculating the footprint of each building (4 lots) the footprint meets the requirement. Each unit will have a two car garage and space in front of the garage to park one or two vehicles. Some units will also have a common driveway wide enough to park additional vehicles.

Engineering & Planning Recommendation

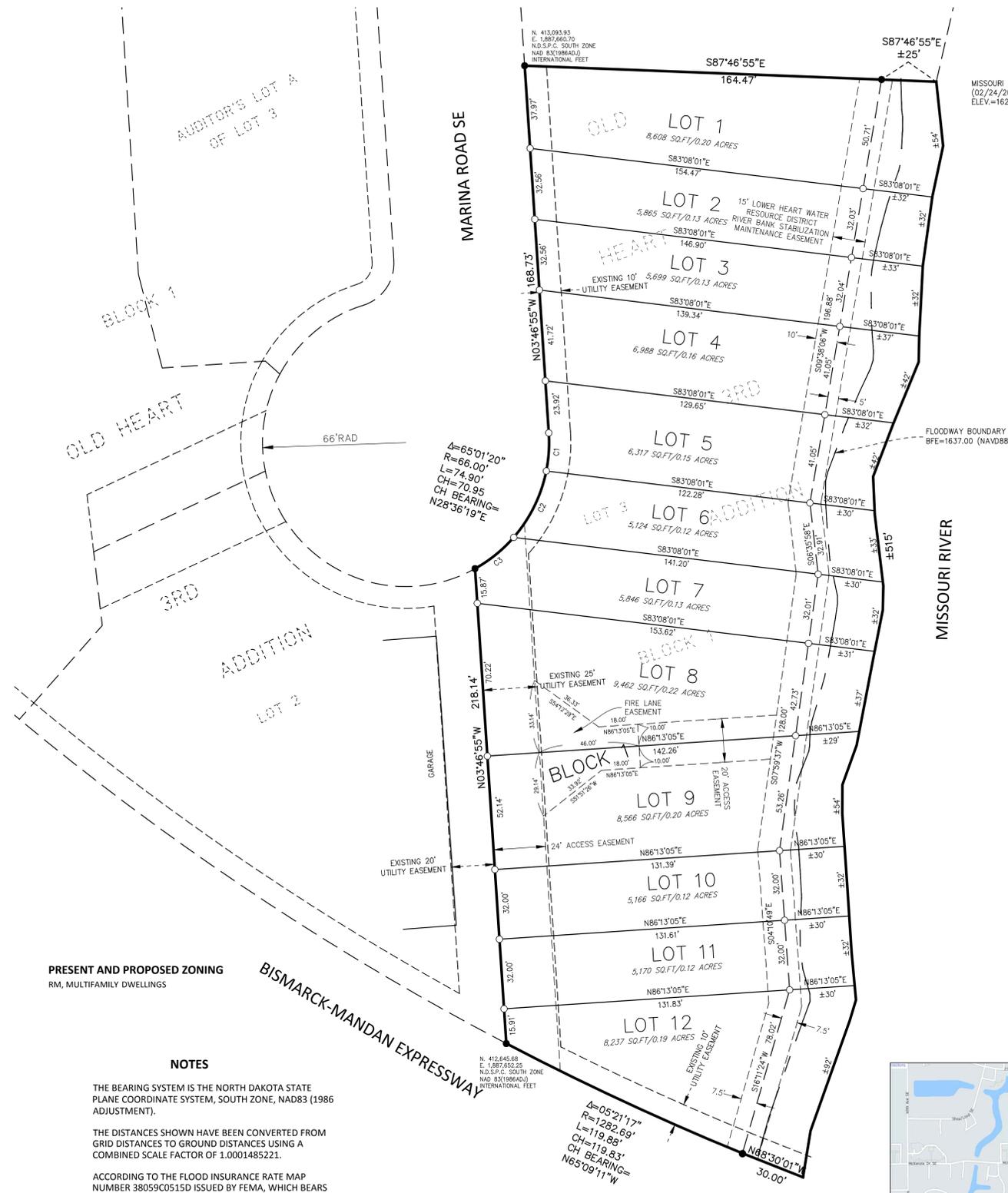
- If there are any water valve access covers within the property, raise them to grade and install concrete collar or as otherwise directed by Public Works Department. If a raised curb is planned along the western property boundary, provide at least a 15 foot wide no curb section opposite water valves located west of the property line.
- Install landscaping no later than during the growing season after occupancy. Landscaping shall include trees and shrubs wherever possible.
- Waive the addition of a 200 square foot parking space to the building footprint requirement for individual lots and include the parking spaces with the calculation of the footprint of the structure as a whole.
- Recommend that the City Engineer approve locating the sidewalk against the property line in the cul-de-sac and not offset the normal 1 foot (Sec. 115-6-10). Taper as needed to match existing at west property line.

Proposed Motion

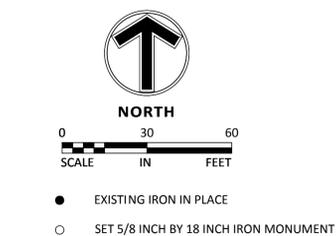
Move to recommend approval of final plat for Shoreline Addition.

SHORELINE ADDITION

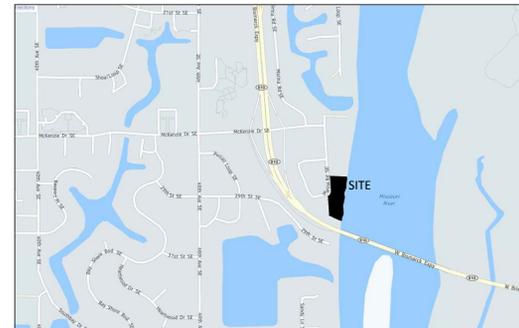
A REPLAT OF LOT 3, BLOCK 1 OF OLD HEART 3RD ADDITION TO THE CITY OF MANDAN, SECTION 6, T139N, R80W, MORTON COUNTY, NORTH DAKOTA



CURVE DATA					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	15°15'14"	66.00'	17.57'	17.52'	S03°43'16"W
C2	29°46'52"	66.00'	34.31'	33.92'	S26°14'19"W
C3	19°59'14"	66.00'	23.02'	22.91'	S51°07'22"W



VICINITY MAP



APPROVAL OF BOARD OF CITY COMMISSIONERS
 THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON. FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, NORTH DAKOTA. THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION THIS _____ DAY OF _____, 2016.

 JIM NEUBAUER, CITY ADMINISTRATOR

 ARLYN VAN BEEK, PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

APPROVAL OF CITY ENGINEER
 I, ROBERT DECKER, ENGINEER FOR THE CITY OF MANDAN, HEREBY APPROVE "SHORELINE ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

 ROBERT DECKER
 ENGINEER FOR THE CITY OF MANDAN

SURVEYOR'S CERTIFICATE
 I, JAMES ALBER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY PLAT SHOWN HEREON WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS THE CORRECT REPRESENTATION OF THE SURVEY SHOWN HEREON, AND THAT THE MONUMENTS ARE PLACED AS SHOWN, AND THAT I AM A DULY REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

 JAMES ALBER, P.L.S. NO. LS-4730

STATE OF NORTH DAKOTA) JSS
 COUNTY OF MORTON)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED, _____, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE CERTIFICATE. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN

 NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA
 RESIDING AT _____
 MY COMMISSION EXPIRES _____

PRESENT AND PROPOSED ZONING
 RM, MULTIFAMILY DWELLINGS

NOTES
 THE BEARING SYSTEM IS THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (1986 ADJUSTMENT).
 THE DISTANCES SHOWN HAVE BEEN CONVERTED FROM GRID DISTANCES TO GROUND DISTANCES USING A COMBINED SCALE FACTOR OF 1.0001485221.
 ACCORDING TO THE FLOOD INSURANCE RATE MAP NUMBER 38059C0515D ISSUED BY FEMA, WHICH BEARS AN EFFECTIVE DATE OF APRIL 19, 2005, THE SUBJECT PROPERTY LIES IN ZONE AE, HAVING A BASE FLOOD ELEVATION OF 1637.0 (NAVD88).

OWNER
 PATRICK KOSKI
 PM KOSKI PROPERTIES, INC.
 3612 HIGH CREEK ROAD
 BISMARCK, ND 58503
 701-471-1331

SURVEYOR
 JAMES ALBER
 SAMBATEK, INC.
 2401 46TH AVE, SE, SUITE 202
 MANDAN, ND 58554
 701-663-0718

DESCRIPTION
 ALL OF LOT 3, BLOCK 1, OLD HEART 3RD ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.
 CONTAINING 81,048 SQUARE FEET (1.86 ACRES), MORE OR LESS.

OWNER'S CERTIFICATE
 I, THE UNDERSIGNED, BEING SOLE OWNER OF THE LAND PLATTED HEREON, DO HEREBY CONSENT TO THE EXECUTION OF THIS PLAT, AND DO SO DEDICATE ALL STREETS, ALLEYS, PARKS AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATER LINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS, OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. I ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OF SERVICES UNDER, ON, OR OVER THESE CERTAIN STRIPS OF LAND AS DESIGNATED.

 PATRICK M. KOSKI
 PM KOSKI PROPERTIES, INC.

STATE OF NORTH DAKOTA) JSS
 COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED, _____, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE CERTIFICATE. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

 NOTARY PUBLIC FOR THE STATE OF _____
 RESIDING AT _____
 MY COMMISSION EXPIRES _____

PLANNING AND ZONING COMMISSION APPROVAL
 THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF SAID CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS THEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

 BILL ROBINSON, CHAIRMAN

 NANCY MOSER, SECRETARY

AUDITOR'S CERTIFICATE OF TAXES
 TAXES, DELINQUENT TAXES, DELINQUENT SPECIAL ASSESSMENT OR INSTALLMENTS OF SPECIAL ASSESSMENTS OR TAX ESTIMATES FOR THE PROPERTY DESCRIBED ON THE ATTACHED INSTRUMENT ARE UNPAID IN THE AMOUNT OF \$ _____ PLUS PENALTY AND INTEREST. CERTIFIED THIS _____ DAY OF _____, 20____.

 DAWN RHONE, MORTON COUNTY AUDITOR



NEW BUSINESS ITEM # 1

NEW BUSINESS ITEM # 1

NISC

Legend



Google earth

© 2016 Google

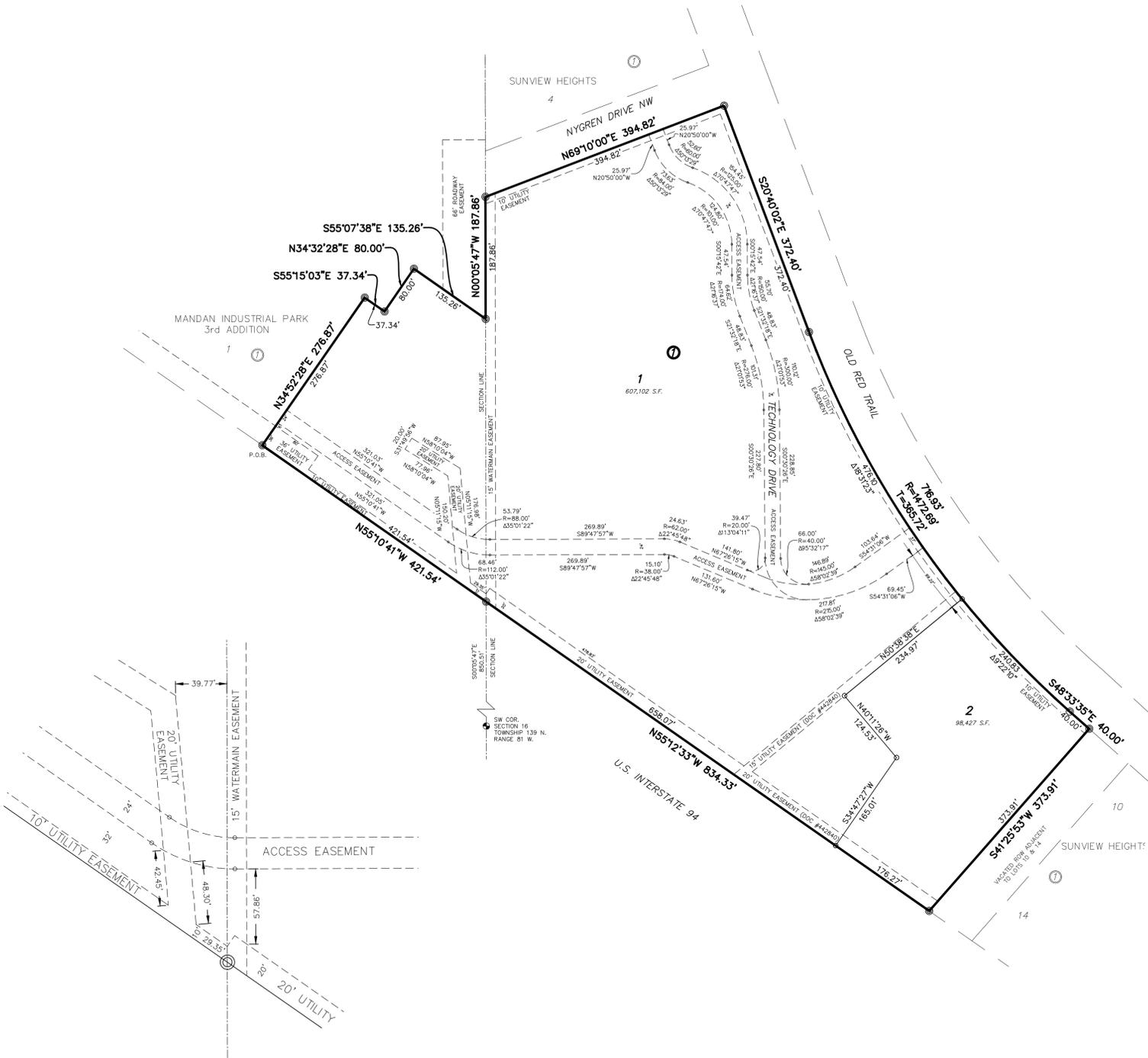
Mandan Planning and Zoning Commission Agenda Item
 For Meeting on May 23, 2016
 Mandan Engineering and Planning Office Report
NISC owned land along Old Red Trail
 Requested Action
Replat to 2 lots

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Swenson Hagen & Co.	National Information Solutions Coop.	Sunview Heights and Mandan Industrial Park 3 rd Addition	Lots 5-9 & 15-18, Block 1 Sunview Heights and Lot 2, Block 1 Mandan Industrial Park 3 rd Addition	
Location Southwest of Old Red Trail and Nygren Drive NW		Proposed Land Use commercial	Parcel Size 16.20 ac	Number of Lots 2
Existing Land Use Office buildings	Adjacent Land Uses I-94, commercial & residential	Current Zoning CC	Proposed Zoning CC	Adjacent Zoning R7 & MA
Fees \$350	Date Paid 4/20/2016	Adjacent Property Notification Sent 5/10/2016	Legal Notices Published 5/6/2016 & 5/13/2016	

Project Description
NISC is consolidating their property ownership. A new administration building is currently under construction and the access drive is being re-constructed to accommodate the new building.
Agency & Other Department Comments
Engineering & Planning Staff Comments There has been discussion about giving their access driveway a private street name. Technology Drive has been selected.
Engineering & Planning Recommendation
Proposed Motion

NISC ADDITION

A REPLAT OF LOTS 6 AND 7 AND PARTS OF LOTS 5, 8 AND 9 AND PARTS OF LOTS 15-18 BLOCK 1 SUNVIEW HEIGHTS AND LOT 2 BLOCK 1 MANDAN INDUSTRIAL PARK 3RD ADDITION AND PART OF THE VACATED NYGREN DRIVE NW RIGHT OF WAY AND OTHER VACATED RIGHTS OF WAY PART OF THE SW 1/4 OF SECTION 16 AND PART OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 81 WEST TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



EASEMENT DETAIL (NOT TO SCALE)

DESCRIPTION

A REPLAT OF LOTS 6 AND 7 AND PARTS OF LOTS 5, 8 AND 9 AND PARTS OF LOTS 15-18 BLOCK 1 SUNVIEW HEIGHTS AND LOT 2 BLOCK 1 MANDAN INDUSTRIAL PARK 3RD ADDITION AND PART OF THE VACATED NYGREN DRIVE NW RIGHT OF WAY AND OTHER VACATED RIGHTS OF WAY, PART OF THE SW 1/4 OF SECTION 16 AND PART OF THE SE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 81 WEST TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERNMOST CORNER OF LOT 1 BLOCK 1 MANDAN INDUSTRIAL PARK 3RD ADDITION; THENCE NORTH 34 DEGREES 52 MINUTES 28 SECONDS EAST, ALONG THE BOUNDARY OF SAID MANDAN INDUSTRIAL PARK 3RD ADDITION, A DISTANCE OF 276.87 FEET; THENCE SOUTH 55 DEGREES 03 MINUTES EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 37.34 FEET; THENCE NORTH 34 DEGREES 32 MINUTES 28 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 80.00 FEET; THENCE SOUTH 55 DEGREES 07 MINUTES 38 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 135.26 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 47 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY AND THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 187.86 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF NYGREN DRIVE NW; THENCE NORTH 69 DEGREES 10 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 394.82 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF OLD RED TRAIL; THENCE SOUTH 20 DEGREES 40 MINUTES 02 SECONDS EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET TO THE VACATED RIGHT OF WAY ADJACENT TO LOTS 10 AND 14 SUNVIEW HEIGHTS; THENCE SOUTH 41 DEGREES 25 MINUTES 53 SECONDS WEST, ALONG SAID VACATED RIGHT OF WAY, A DISTANCE OF 373.91 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. INTERSTATE 94; THENCE NORTH 55 DEGREES 12 MINUTES 33 SECONDS WEST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 834.33 FEET; THENCE NORTH 55 DEGREES 10 MINUTES 41 SECONDS WEST, CONTINUING ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 421.54 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 16.20 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

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

VERN DOSCH, PRESIDENT & CEO
NATIONAL INFORMATION SOLUTIONS COOPERATIVE
3201 NYGREN DRIVE
MANDAN, ND 58554

ON THIS _____ DAY OF _____ 2016, BEFORE ME PERSONALLY APPEARED VERN DOSCH OF NATIONAL INFORMATION SOLUTIONS COOPERATIVE, 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.

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, 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 _____ SECRETARY

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.



SCALE - 1" = 100'

VERTICAL DATUM: NGVD 29

APRIL 19, 2016

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

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 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 "NISC ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT NATIONAL INFORMATION SOLUTIONS COOPERATIVE, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "NISC 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 EASEMENTS.

THEY FURTHERMORE GRANT AN ACCESS EASEMENT TO THE OWNER OF LOT 1 BLOCK 1 MANDAN INDUSTRIAL PARK 3RD ADDITION, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTY, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTY.

THEY ALSO GRANT AN ACCESS EASEMENT KNOWN HEREAFTER AS "TECHNOLOGY DRIVE" FOR THE PURPOSES OF ADDRESSING, NISC EMPLOYEE ACCESS, AND INGRESS AND EGRESS TO PROVIDE FIRE AND POLICE PROTECTION, AMBULANCES AND RESCUE SERVICES AND OTHER LAWFUL GOVERNMENTAL OR PRIVATE EMERGENCY SERVICES TO THE PREMISES, OWNERS, OCCUPANTS, AND INVITEES THEREOF. THE FOREGOING EASEMENT SHALL IN NO WAY BE CONSTRUED AS A DEDICATION OF ANY ROADWAYS TO THE PUBLIC.

NEW BUSINESS ITEM # 2

NEW BUSINESS ITEM # 2



Legend

Washbarn

500 ft

Mandan Planning and Zoning Commission Agenda Item
 For Meeting on May 23, 2016
 Mandan Engineering and Planning Office Report
Rezone Lot on Collins
 Requested Action
Change zoning from CA to PUD

Application Details					
Applicant Swenson, Hagen & Co.	Owner LB Family Properties	Subdivision Highland 2 nd Replat	Legal Description Lot 2, Block 1, less south 125'		
Location Collins Ave. NW between 12 th St. NW & 13 th St. NW		Proposed Land Use commercial	Parcel Size 1.27 acres	Number of Lots 1	
Existing Land Use vacant	Adjacent Land Uses Eagles Lodge & health facility office, residential across street and behind property		Current Zoning CA	Proposed Zoning CC/PUD	Adjacent Zoning CA & R7
Fees \$500	Date Paid 4/20/2016	Adjacent Property Notification Sent 5/12/2016	Legal Notices Published 5/13/2016 & 5/20/2016		

Project Description

Request is to change zoning from CA to CC modified by a PUD to allow a car wash and storage units.

Agency & Other Department Comments

Engineering & Planning Staff Comments

This parcel is located in the middle of a small CA district (5 parcels) surrounded by residential. The function of a CA district is to provide services to a limited geographic area (neighborhood). The uses are generally low intensity. Residential uses are allowed.

(1) General description. *The CA Commercial District is established as a district in which the principal use of land is for commercial and service uses to serve the surrounding residential district and in which traffic and parking congestion can be reduced to a minimum in order to preserve residential values and to promote the general welfare of the surrounding residential districts. For the CA Commercial District, in promoting the general purposes of this chapter, the specific intent of this section is:*

- a. *To encourage the construction of, and continued use of, the land for neighborhood, commercial and service purposes.*
- b. *To prohibit heavy commercial and industrial use of the land and to prohibit any other use that would substantially interfere with the development or continuation of the commercial structures in the district.*
- c. *To discourage any use which, because of its character or size, would interfere with the use of the land in the district as a shopping and service center for the surrounding residential districts.*

Current uses within the zone include a convenience store with 4 gas pumps, the Eagles lodge with a kitchen and bar, a home nursing service office and a church.

Residential uses are across the street and behind this property.

The FAR for CA is 0.25. This proposal meets the FAR. The FAR for CC is 1.0.

The previous request was to rezone to CC in order to allow storage units. Rezoning to CC would have allowed any use permitted in a CB district. A carwash is listed as a permitted use in Service Group B. Service Group B is permitted in a CB district. This proposal is to use the PUD option to limit the uses to what is proposed.

The submitted plan calls for 36 storage units. This would serve a larger area than the adjacent, primarily single-family, surrounding neighborhoods. This is not a developing area. It is an older neighborhood. There should be limited demand for storage in the immediate area. It is likely that most clients would come from outside the immediate area. There is a storage unit facility within less than a mile of this site and two more within less than 1.5 miles of this site. We have seen several storage unit projects built in the last few years. Is there a need for more units within the city?

A 6 bay car wash is designed to draw people from the community or region. It is not a neighborhood use.

Even though Collins is a main street out of downtown, it is not very wide and does not have direct access to the interstate. The area to the south of this property along Collins is residential.

The intersection of Collins and 14th St. north of this property is stop sign controlled. Adding a commercial use that generates a fair amount of vehicle traffic will add to the occasional congestion at this intersection.

Eagles Park and a multi-use path are immediately north of 14th Street. The sidewalks leading to the park can be heavily used. The intersection of Collins and 14th has a fair amount of pedestrian traffic.

The intersection of Old Red Trail and Collins to the north is only controlled with stop signs and can become congested when people are going to work or school, school lets out, Tesoro has a shift change or people are coming home from work. The new sports complex will exacerbate the situation. Although there have been discussions about upgrading this intersection, nothing has been designed and funding for improvements is years away.

This site is not within the limits of the Gateway Overlay Zone (200 feet from I-94) as it is about 650 feet from I-94. The basic requirements for landscaping would apply to this site.

Water and sewer service is available but details of how to connect will have to be worked out. Making a direct service tap to a 16" water transmission line is not recommended if there is an alternative. Installing a building sewer within the public right-of-way running in front of neighboring properties is not recommended. A proposal to develop a portion of the church lot to the south will require a sanitary sewer extension that will impact this lot. There must be coordination between these two proposed developments.

There is a water transmission line running through an undeveloped alley bordering the rear of the lot. There are other utilities in the alley. There is also an overhead power line in a 30' wide easement at the rear of the lot. Access to these facilities must be maintained.

Engineering & Planning Recommendation

The Land Use and Transportation Plan shows this area as commercial with no recommended expansion of the boundaries.

Prior to finalization of rezoning, execute a developer agreement with the following provisions:

1. Provide opaque commercial grade fence and landscape buffering along rear property line.
2. All lighting to be directed away from rear property line.
3. Due to relatively steep slope of lot, stormwater system to be designed to prevent uncontrolled water from running out onto Collins.
4. Perimeter of detention areas to be landscaped with trees or shrubs.
5. Area between driveways to be landscaped with low shrubs or small trees that will not restrict visibility for exiting vehicles and will comply with sight triangle standards.

6. Provide access easement over property for utility companies and city to allow access to rear of lot.
7. Provide vehicle gate in rear fence for city and utility access to undeveloped alley bordering rear of property.
8. Other than standard city provided taps, extension of existing water and sewer in order to provide service to the property to be at property owner's expense.
9. Design of retaining wall on south property line to be reviewed and approved as part of stormwater plan.
10. Comply with requirements of industrial wastewater control ordinance and obtain an industrial wastewater discharge permit.

Proposed Motion



OTHER BUSINESS ITEM # 1

OTHER BUSINESS ITEM # 1



**CITY OF MANDAN
PLANNING AND ZONING COMMISSION
STAFF MEMORANDUM**

To: Planning & Zoning Commissioners
From: Robert Decker, Principal Planner
Meeting Date: May 23, 2016
Subject: Annual Report

On April 27, 2015, the Planning and Zoning Commission conducted a public hearing and officially adopted the Land Use and Transportation Plan.

Following is a summary of staff activities during the past year.

Applications were processed for 21 minor plats, 3 major plats, 6 standard rezoning requests and 3 PUD rezoning requests.

Planning and zoning fees were increased to reflect actual costs of processing applications.

Forms and procedures are being reviewed and will be updated as needed.

A new city code was adopted that reorganized the zoning and subdivision chapters.

Subsequent to the adoption of the new city code, language was updated regarding the Planning and Zoning Commission and sections related to existing uses, supplementary provisions, incidental uses, use groups and special uses.

Work is progressing on updates to other sections of the code related to automobile parking, sidewalks, delivery of goods in public places, building permits and approval of plans, certificate of occupancy, fees, board of adjustment, amendments and landscaping.

A major effort is underway to update zoning district requirements. This will include revisions to the requirements for existing districts and adding new zoning districts. Once district requirements are established, areas of the city where each district would be appropriate will be identified and mapped.

Morton County recently began a comprehensive plan process in cooperation with the Metropolitan Planning Organization (MPO). Changes to city zoning in the extraterritorial areas will be coordinated with what the county develops.

City staff have been active participants in the transportation planning activities of the MPO.

The city GIS maps are being updated. This includes scanning of old files, field data collection and installation of new software.

Working with Code Enforcement Officer Joe Camisa, code sections have been updated related to graffiti and animal waste. Rules were added related to placement of snow and use of streets. Rules were updated related to parking on streets. Penalties were updated related to violations of stormwater management requirements. Rules were updated related to the weed board and management of noxious weeds and tall grass. A new chapter has been created specifically addressing code enforcement. It is currently being reviewed prior to being presented for adoption.

Working with the Police Chief Dennis Bullinger, Deputy Chief Paul Leingang, Municipal Judge DeNae Kautzmann and city attorneys Malcolm Brown and Dan Nagle, sections have been updated related to discharge of firearms, theft, trespass, harassment, disorderly conduct, assault, trash on highway, accidents, traffic behavior, speed limits, vehicle equipment, driver requirements, use of cell phones, operation of off-highway vehicles, parking and pedestrians.

Working with Finance Director Greg Welch, updates were made to language related to water, sanitary sewer and storm sewer financing and water meter installation procedures.

Working with Fire Chief Steve Nardello, fireworks and sky lantern restrictions were updated.

Working with City Arborist Kaiden Straabe, requirements were added to deal with the Emerald Ash Borer and requirements were updated dealing with Dutch Elm Disease.

Working with Building Official Doug Lalim, the designated flood plain administrator reference was updated and sign requirements are in the process of being changed from a policy to an ordinance for better enforcement.

OTHER BUSINESS ITEM # 2

OTHER BUSINESS ITEM # 2

ARTICLE 3. - ZONING DISTRICT REGULATIONS

Sec. 105-3-1. – Applicability of standards. Lots that were platted and recorded prior to July 1, 2016 that are smaller than the standards contained in this article are buildable lots and these standards shall be adjusted as necessary at the discretion of the city engineer to allow development on those lots.

Sec. 105-3-4. – R15 Residential District.

In any R15 residential district, the following regulations shall apply:

- (1) General description. The purpose of this district is to provide an opportunity to construct single family housing on large lots that are protected from being further divided.
- (2) Primary uses. The following uses are permitted:
 - a. Single family residence with a minimum habitable space of 4,000 square feet.
- (3) Secondary uses. There are no permitted secondary uses in this district.
- (4) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission. Conditional uses are limited to 5% of the total land area within the district.
 - a. Up to 4 unit bed and breakfast.
 - b. Public recreation group.
 - c. Utility service group.
 - d. Religion group.
 - e. Adjustments to dimensional standards.
- (5) Setbacks.
 - a. The minimum front yard setback for an arterial roadway or a roadway posted with a speed limit between 45 miles per hour (MPH) and 50 MPH is 50 feet. The minimum front yard setback for a collector street or a roadway posted at between 35 MPH and 40 MPH is 45 feet. The minimum front yard setback for a local street or a roadway posted at between 25 MPH and 30 MPH is 40 feet.
 - b. For a side yard that fronts on a public right-of-way, the minimum setback is the same as the front yard. For all other situations the minimum side yard setback is 12 feet.
 - c. The minimum rear yard setback is 50 feet.

- d. Any portion of a structure containing a garage door facing a public street must be set back at least 25 feet. Any portion of a structure containing a garage door facing an alley or an access easement must be set back at least 10 feet.
- (6) Lot coverage. The lot coverage for all structures shall not exceed 40% with the primary structure not exceeding 30%.
- (7) Lot area. The minimum lot area shall be 15,000 square feet.
- (8) Lot width at front wall of primary structure. Each lot shall have a width of not less than 70 feet, measured along the front building line.
- (9) Building height limits. Height of a primary structure is measured along the front wall of the structure from finished grade. Height of accessory structures is measured along the perimeter of the structure from finished grade. Primary structure building height shall be limited to 40 feet or 3 stories above finished grade. Accessory structures shall be limited to 25 feet or 2 stories above finished grade.
- (10) Frontage on public right-of-way or private access easement. The lot shall front on a public right-of-way or private access easement for a minimum of 50 feet.

Sec. 105-3-15. - R7 Residential District.

In any R7 Residential District, the following regulations shall apply:

- (1) General description. The purpose of the R7 Residential District is to provide an opportunity to construct established as a district in which the principal use of land is for single-family dwellings in an area where few other uses are permitted. For the R7 Residential District, in promoting the general purposes of this chapter, the specific intent of this section is:
- a. To encourage the construction of, and the continued use of, the land for single-family dwellings.
- b. To prohibit commercial and industrial use of the land and to prohibit any other use that would substantially interfere with development or continuation of single-family dwellings in the district.
- c. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
- d. To discourage any use that would generate traffic on minor streets, other than normal traffic to serve residences on those streets.
- e. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as police and fire protection,

~~water supply and sewage, substantially in excess of such requirements and costs if the district was developed solely for single-family dwellings.~~

- (2) Primary uses permitted. The following uses are permitted:
- a. Single-family dwelling.
 - ~~b. Educational group.~~
 - ~~c. Church.~~
 - ~~d. Utility service group.~~
 - ~~e. Public recreation group.~~
 - ~~f. Manufactured home.~~
- (3) Secondary uses. There are no secondary uses permitted in this district. ~~Density. The maximum allowable density is 5.0 families per net acre.~~
- (4) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission. Conditional uses are limited to 10% of the total land area within the district.
- a. Public recreation group.
 - b. Utility service group.
 - c. Religion group.
 - d. Adjustments to dimensional standards.
 - e. Accessory dwelling unit.
- (5) Setbacks.
- a. The minimum front yard setback for an arterial roadway or a roadway posted with a speed limit between 45 miles per hour (MPH) and 50 MPH is 50 feet. The minimum front yard setback for a collector street or a roadway posted at between 35 MPH and 40 MPH is 35 feet. The minimum front yard setback for a local street or a roadway posted at between 25 MPH and 30 MPH is 20 feet.
 - b. For a side yard that fronts on a public right-of-way, the minimum setback is the same as the front yard. For all other situations the minimum side yard setback is 6 feet.
 - c. The minimum rear yard setback is 25 feet.
 - d. Any portion of a structure containing a garage door facing a public street must be set back at least 25 feet. Any portion of a structure containing a garage door facing an alley or an access easement must be set back at least 10 feet.

- (6) Lot coverage. The lot coverage for all structures shall not exceed 40% with the primary structure not exceeding 30%.
- (47) Lot area. Each single family dwelling hereafter erected, together with its accessory buildings, shall be located on a lot having an area of not less than The minimum lot area shall be 7,000 square feet.
- ~~Any other permitted building or structure, together with its accessory buildings, shall be located on a lot having an area of not less than 7,000 square feet; provided, however, that on a record lot having an area of less than 7,000 square feet, but not less than 5,000 square feet corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from which this section is derived, a single family dwelling and accessory buildings may be erected.~~
- (58) Lot width at front wall of primary structure. Each lot shall have a width of not less than ~~60~~ 50 feet, measured along the front building line; ~~provided, however, that on a record lot having a width of less than 60 feet at the front building line, and corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from which this section is derived, the minimum lot width measured along the front building line may be reduced to not less than 50 feet.~~
- (6) — Floor area ratio. The floor area ratio of the principal building and all accessory buildings shall not exceed 0.30 for single-story buildings, nor shall it exceed 0.40 for buildings of more than one story. The ground area occupied by the principal and accessory buildings shall not exceed 30 percent of the total area of the lot. In computing floor area ratio and ground coverage, 200 square feet shall be added to the actual area of the buildings for each car space required by this chapter if such space is not furnished within a building.
- (7) — Front yard. Each lot shall have a front yard not less than 25 feet in depth.
- (8) — Side yards. Each lot shall have two side yards, one on each side of the principal building. The sum of the widths of the two side yards shall be not less than 20 percent of the average width of the lot. On any lot having an average width of 60 feet or less, each side yard shall be not less than ten percent of the width of the lot, and in no case shall a side yard be less than five feet in width. On any lot having an average width greater than 60 feet, neither side yard shall be less than six feet in width. In no event shall any side yard be less than the requirements set forth in this subsection, provided that in computing the side yard width on any lot 60 feet or more in width, the first two feet of any overhang for eaves shall not be counted, and in computing the side yard width on any lot less than 60 feet in width, the first one foot of any overhang for eaves shall not be counted.
- (9) Rear yard. Each lot shall have a rear yard not less than 20 feet in depth.
- (10) — Building hHeight limits. Height of a primary structure is measured along the front wall of the structure from finished grade. Height of accessory structures is measured along the perimeter of the structure from finished grade. Primary structure building height

shall be limited to 35 feet or 2.5 stories above finished grade. Accessory structures shall be limited to 25 feet or 2 stories above finished grade. No single-family dwelling shall exceed 2.5 stories, nor shall it exceed 35 feet in height. No principal building for any other permitted use shall exceed four stories, nor shall it exceed 50 feet in height. For each foot or fraction thereof that a building exceeds 35 feet in height, there shall be added four feet to the minimum width of each side yard, two feet to the minimum depth of the front yard and two feet to the minimum depth of the rear yard required by this section. No accessory building shall exceed two stories, nor shall it exceed 25 feet in height.

- (10) *Frontage on public right-of-way or private access easement.* The lot shall front on a public right-of-way or private access easement for a minimum of 35 feet.

Sec. 105-3-6. – R4 Residential District.

In any R4 Residential District, the following regulations shall apply:

- (1) *General description.* The purpose of this district is to provide an opportunity to construct single family dwelling units on reduced size lots and allow a second limited size rental unit.
- (2) *Primary uses.* The following uses are permitted:
- a. *Single family residence.*
- (3) *Secondary uses.*
- a. *Accessory dwelling unit.*
- (4) *Conditional uses.* These uses are permitted on a specific site only after review and approval by the planning and zoning commission. Conditional uses are limited to 10% of the total land area within the district.
- a. *Public recreation group.*
 - b. *Utility service group.*
 - c. *Religion group.*
 - d. *Adjustments to dimensional standards.*
- (5) *Setbacks.*
- a. *The minimum front yard setback for an arterial roadway or a roadway posted with a speed limit between 45 miles per hour (MPH) and 50 MPH is 50 feet. The*

- minimum front yard setback for a collector street or a roadway posted at between 35 MPH and 40 MPH is 30 feet. The minimum front yard setback for a local street or a roadway posted at between 25 MPH and 30 MPH is 10 feet.
- b. For a side yard that fronts on a public right-of-way, the minimum setback is the same as the front yard. For all other situations the minimum side yard setback is 3 feet.
 - c. The minimum rear yard setback is 15 feet.
 - d. Any portion of a structure containing a garage door facing a public street must be set back at least 25 feet. Any portion of a structure containing a garage door facing an alley or an access easement must be set back at least 10 feet
- (6) Lot coverage. The lot coverage for all structures shall not exceed 50% with the primary structure not exceeding 40%.
- (7) Lot area. The minimum lot area shall be 4,000 square feet.
- (8) Lot width at front wall of primary structure. Each lot shall have a width of not less than 35 feet, measured along the front building line.
- (9) Building height limits. Height of a primary structure is measured along the front wall of the structure from finished grade. Height of accessory structures is measured along the perimeter of the structure from finished grade. Primary structure building height shall be limited to 35 feet or 2.5 stories above finished grade. Accessory structures shall be limited to 25 feet or 2 stories above finished grade.
- (10) Frontage on public right-of-way or private access easement. The lot shall front on a public right-of-way or private access easement for a minimum of 25 feet.

Sec. 105-3-27. - R3.2 Residential District.

In any R3.2 Residential District, the following regulations shall apply:

- (1) General description-. The purpose of this district is to provide an opportunity to construct single family dwelling units on reduced size lots in a zero lot line configuration resulting in structures containing two dwelling units commonly called twin homes. The R3.2 Residential District is established as a district in which the principal use of land is for single family and two family dwellings. For the R3.2 Residential District, in promoting the general purposes of this chapter, the specific intent of this section is:
 - a. To encourage the construction of, and the continued use of, the land for single-family and two-family dwellings.

- b. ~~_____ To prohibit commercial and industrial use of the land and to prohibit any other use that would substantially interfere with development or continuation of single-family or two-family dwellings in the district.~~
- c. ~~_____ To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.~~
- d. ~~_____ To discourage any use that would generate traffic on minor streets, other than normal traffic to serve residences on those streets.~~
- e. ~~_____ To discourage any use which, because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewage, substantially in excess of such requirements and costs if the district was developed solely for single-family and two-family dwellings.~~

(2) Primary ~~u~~ses permitted. The following uses are permitted:

- a. Zero lot line ~~Single~~ single-family dwelling.
- b. ~~_____ Two-family dwelling.~~
- c. ~~_____ Educational group.~~
- d. ~~_____ Church.~~
- e. ~~_____ Utility service group.~~
- f. ~~_____ Public recreation group.~~
- g. ~~_____ Health medical group.~~
- h. ~~_____ Bed and breakfast facility located in a single-family dwelling, provided that the owner of the dwelling is the holder of a current bed and breakfast facility license for not to exceed four lodging units issued pursuant to the provisions of N.D.C.C. ch. 23-09.1 and that the owner provides one off-street vehicle parking space for each such unit and one off-street parking space for the owner/operator of such facility, and provided, further, that only one sign, not exceeding four square feet in size, advertising such facility, may be placed on the premises.~~
- i. ~~_____ Manufactured home.~~

(3) Secondary uses.

- a. Single-family structures located on no more than 10% of the lots in the district.

(4) Conditional uses. These uses are permitted on a specific site only after review and approval by the planning and zoning commission. Conditional uses are limited to 10% of the total land area within the district.

- a. Public recreation group.
- b. Utility service group.
- c. Religion group.

d. Adjustments to dimensional standards.

(5) Setbacks.

a. The minimum front yard setback for an arterial roadway or a roadway posted with a speed limit between 45 miles per hour (MPH) and 50 MPH is 50 feet. The minimum front yard setback for a collector street or a roadway posted at between 35 MPH and 40 MPH is 25 feet. The minimum front yard setback for a local street or a roadway posted at between 25 MPH and 30 MPH is 8 feet.

b. For a side yard that fronts on a public right-of-way, the minimum setback is the same as the front yard. For all other situations the minimum side yard setback is 3 feet.

c. The minimum rear yard setback is 12 feet.

d. Any portion of a structure containing a garage door facing a public street must be set back at least 25 feet. Any portion of a structure containing a garage door facing an alley or an access easement must be set back at least 10 feet

(6) Lot coverage. The lot coverage for all structures shall not exceed 50% with the primary structure not exceeding 40%.

(7) Lot area. The minimum lot area shall be 3,200 square feet.

~~(3) Density. The maximum allowable density is 12.0 families per net acre.~~

~~(4) Lot area. Each single-family dwelling and each two-family dwelling hereafter erected, together with accessory buildings, shall be located on a lot having an area of not less than 7,000 square feet. Any other permitted building or structure, together with its accessory buildings, shall be located on a lot having an area of not less than 7,000 square feet; provided, however, that on a record lot having an area of less than 7,000 square feet, but not less than 3,250 square feet, corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from which this section is derived, a single-family dwelling and accessory building may be erected; provided, further, however, that if a building designed for efficiency apartment units, having not more than one-bedroom units, intended to house not more than two persons per dwelling unit, not exceeding the floor area ratio provided in subsection (6) of this section and meeting all other provisions of this section and the provisions of the city code relating to the minimum standards governing the condition and maintenance of dwelling units, a building containing not more than four such efficiency dwelling units may be erected on a lot having not less than 7,000 square feet in area.~~

(58) Lot width at front wall of primary structure.-. Each lot shall have a width of not less than 60-32 feet measured along the front building line; provided, however, that on a record lot having a width of less than 60 feet at the front building line and corresponding to a record lot shown on a plat or deed recorded prior to the adoption of the ordinance from

which this section is derived, the minimum lot width measured along the front building line may be reduced to no less than 25 feet.

- (6) ~~Floor area ratio. The floor area ratio of the principal building and all accessory buildings shall not exceed 0.35 for single-story buildings, nor shall it exceed 0.45 for buildings of more than one story. The ground area occupied by the principal and accessory buildings shall not exceed 35 percent of the total area of the lot. In computing floor area ratio and ground coverage, 200 square feet shall be added to the actual area of the building for each car space required by this chapter, if such space is not furnished within a building.~~
- (7) ~~Front yard. Each lot shall have a front yard not less than 25 feet in depth.~~
- (8) ~~Side yards. Each lot shall have two side yards, one on each side of the principal building. The sum of the widths of the two side yards shall be not less than 20 percent of the average width of the lot. On any lot having an average width of 60 feet or less, each side yard shall be not less than ten percent of the width of the lot, and in no case shall a side yard be less than five feet in width. On any lot having an average width greater than 60 feet, neither side yard shall be less than six feet in width. In no event shall any side yard be less than the requirements set forth in this subsection, provided that in computing the side yard width on any lot 60 or more feet in width, the first two feet of any overhang for eaves shall not be counted, and in computing the side yard width on any lot less than 60 feet in width, the first one foot of any overhang for eaves shall not be counted.~~
- (9) ~~Rear yard. Each lot shall have a rear yard not less than 20 feet in depth.~~
- (10) ~~Building height limits. Height of a primary structure is measured along the front wall of the structure from finished grade. Height of accessory structures is measured along the perimeter of the structure from finished grade. Primary structure building height shall be limited to 35 feet or 2.5 stories above finished grade. Accessory structures shall be limited to 25 feet or 2 stories above finished grade. Single-family dwellings and two-family dwellings shall not exceed 2.5 stories, nor shall they exceed 35 feet in height. No principal building for any other permitted use shall exceed four stories, nor shall it exceed 50 feet in height. For each one foot or fraction thereof that a building exceeds 35 feet in height, there shall be added four feet to the minimum width of each side yard, two feet to the minimum depth of front yard and two feet to the minimum depth of rear yard required by this section. No accessory building shall exceed two stories, nor shall it exceed 25 feet in height.~~
- (11) ~~Frontage on public right-of-way or private access easement. The lot shall front on a public right-of-way or private access easement for a minimum of 22 feet. Exception. Notwithstanding the limitations imposed by any other provision of this chapter, upon due application by the owner and the recommendation thereof by the planning and zoning commission, the board may permit the subdivision of an existing lot and approve the replat thereof to show the lot line along the centerline of the common wall of a duplex and the renumbering of the lot upon which such two-family dwelling unit is~~

being or has been constructed so as to permit separate ownership of the subdivided lot,
subject to the following conditions:

OTHER BUSINESS ITEM # 3

OTHER BUSINESS ITEM # 3



April 28, 2016

Nancy Moser
Engineering & Planning Dept.
205 2nd Ave NW
Mandan, ND 58554

To Whom It May Concern:

I would like to be considered for appointment to the Planning and Zoning Commission. Experiences including, but not limited to, my current employment with the Bismarck-Mandan Home Builders Association, familiarity with residential and commercial property, previous City Commission and County Planning and Zoning membership, and a broad professional network qualify me for a seat on the Commission.

I'm interested filling the role of the inquisitive and creative critic on the Commission. As the community grows, it is important that the Commission reflects the diversified interests of the City. It also is important that the Commission is connected to the business, building and development industries so their decisions complement boots-on-the-ground concerns.

My tenure on the Morton County Planning and Zoning Commission prepared me well for the requests that come before the City. It also has allowed me to develop rapport with the County, which is integral to the continued growth of Mandan.

Thank you for your consideration.

With regards,

Dot Frank