

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL BUILDING
May 23, 2016

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on May 23, 2016, at 5:15 p.m. CDT.

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

Commissioners Absent: Zachmeier, Kelly

Commissioner Beach motions to approve the April 25, 2016 minutes. Commissioner Labor seconds. Upon vote, the motion receives unanimous approval of the Board.

Commissioner Leingang arrives at 5:17 p.m.

OLD BUSINESS

1. A request from Dakota Pioneer Land Company for final plat approval of Ash Grove Estates. Said addition is Lot 2, Block 1, School District 6th Addition in Section 8, Township 139N, Range 81W. Property is located on the west side of 37th Avenue NW north of Old Red Trail.

Bob Decker, City Planner, describes the request. This is a resubmittal. The request to PUD came before the commission last month and was denied. This request is to keep the zoning R7 (Single-Family Residential) with two variance requests:

1. Reduce the minimum required width at the front building setback to 55ø from 60ø for 14 lots. The code has a provision that allows older platted lots to be 50ø at the front building setback.
2. Set the minimum side yard for all lots at 5ø. The code requirement is for the total of both side yards to be 20% of the lot width with a minimum of 5ø for lots 60ø or less in width and 6ø for lots greater than 60ø wide. This allowance would reduce the required combined width of the 2 side yards between 3' and 5ø for 16 lots.

Commissioner Liepitz asks how the variance request meets the criteria for variance approval. Bob says the site does not allow for standard rectangular lots. Bob defers to the developer and engineer to elaborate.

Landon Neimiller, Swenson & Hagen Engineering, "Just to add to what Bob has said. As of now the City of Mandan does not have a regional storm water pond system. So, these developments themselves must manage water. Whoever developed the subdivisions surrounding this came in before that rule was put in place. This subdivision is the only one with its own stormwater problem, but it's also taking on water from surrounding subdivisions. So, we have a pond that exists on this lot. We have to expand the size of that pond to deal with runoff from surrounding properties. By using a larger pond we are losing a couple lots in there. As far as traffic, it's really not a major concern. This is a loop. It's basically going to be closed to traffic."

Commissioner Laber says she was confused when reviewing the request as to which specific lots the variance was being requested for. Bob says he counted the lots that would be affected by the variance. The lots are scattered around the development. It would not be the whole development. All lots are 7,000 square feet or better.

Commissioner Leingang asks if the street is back to 80ø wide. Bob says it would be 60ø. The standard would be 66ø. It would have parking on one side. Commissioner Leingang has a problem with parking on one side. On 46th Street it becomes one lane driving at times. He doesn't understand how the street, fire and police department can be ok with this narrow street with one sided parking. In the winter, snow is pushed to the side. He will not go along with it until a 66ø street is there. Bob says there are newer private streets in town that are much narrower.

Justin Froseth, City Engineer, says Lakewood 8th is going to implement a 32ø face of curb to face of curb streets, which is 8ø more narrow than the typical standard of 40ø. This will be one sided parking. This is in response to City Commission seeing a rise in special assessment costs to the development. This should be looked at a case by case basis. He thinks this is a good case for the narrower street because it is a self-contained closed loop. It is not going to be a collector or through street. This development will have more boulevard than typical, because of the narrower street. There will be more room for snow.

Commissioner Leingang does not like the narrow street and smaller lots, which will reduce parking. He is not against the variance. Commissioner Beach says the variance has nothing to do with the street. He understands the concern about the street, but the street is within ordinance.

Commissioner Fleischer doesn't like a variance request in a new development and doesn't think it meets the hardship requirements. It seems the PUD request was changed to a variance request. He asks what will now be done with the 20ø strip of land behind the outer lots. Bob says that was dropped. There will be no 20ø offered to neighbors.

Art Goldhammer, Verity Homes, "What I heard from our last meeting was that the residents and the commission felt that they wanted to see single-family homes and 7,000 square foot lots. This is what we brought before you. We do have another concept plan that gives us an additional 2 lots with a private street. That would meet the R7 guidelines; I would be allowed that by right, according to the ND Century Code. That would give us 42 lots. We feel that a private street that meets the international code is a little more difficult to deal with for snow removal and parking, so we felt the best use would be to go to the smaller street with larger boulevards for snow storage. To meet the request from what we heard at the last meeting. I believe that we fulfilled those."

Commissioner Leingang says he brought up the street request at the last meeting. He suggested then to take the additional 20ø in back of the outer lots and use it to widen the street, so there is parking on both sides. He has no problem with twin homes.

Art asks if the commission would be in favor of a split R3.2 and R7 zoning. He heard a lot of comments from neighbors to keep it single-family. Commissioner Leingang thinks twin homes are just as nice as single-family and the city is in desperate need for duplexes.

Chair Robinson asks what an extra 6ø curb to curb would do to the lots. Landon says the middle lots right now are 109ø so it would impact these lots. Lots to the north are just above

7,000 square feet, so there is some cushion there. The additional 6ø will raise the costs as well as the extra provisions that have to be done to the ground water issues.

Commissioner Liepitz asks Landon to elaborate on the storm water issues. Landon says about 12% of surrounding water comes from outside this development and needs to be addressed. They are losing at least 2 lot spaces because of the need for a bigger pond.

Mayor Van Beek asks where you can see this type of street and isn't this a prime location for a narrower street? Justin Froseth, says this street will be a local road. You find a lot of this type of narrow street in Grand Forks, Fargo and Minot. The cost would lower assessment and debt the city has to take on.

Commissioner Laber shares Commissioner Liepitz concern about the request being in the spirit of a hardship. In the past variances have been granted because of water issues. In those cases, the lots were restricted because of water shed issues. She doesn't quite understand the hardship for the side yard setback variance.

Art says with the 5ø setback they can get a larger shallower home. They can't build as deep with the house, but can go wider. He has built these in Fargo, Minot, Bismarck and Lincoln.

Commissioner Fleischer questions if this is a hardship. He moved to Mandan in 1967. Street parking has gone from 2 sides to 1 side and back again. The 1 sided parking limits traffic to 1 lane at times. He will deny the variance request if parking is 1 sided.

Mathias Geiser, Trident Court NW, ð represent a group of residents in that area. We do want to thank the commission for denying the PUD and we want to thank the developer for coming back with a close to plan. We do have concerns still. These are more personal than any ordinance. The variance, I don't understand them and I don't understand why we have to vary the ordinances that we have in place. I don't see this being extra ordinary hardship on Mr. Goldhammer. An inconvenience maybe. Is the hardship that he can't get two more houses out of this? I think you should really consider that. Residents asked if this retention pond is detailed out and there isn't any. There's probably less detail in this plat. What it's going to look like rip rap, fences, safety. Who's going to maintain this when it gets plugged and it backs up? Some other things, mailbox, fire hydrants. I don't know what the standard is, but those should be on here. Don't want to prohibit parking. His lack of planning doesn't constitute a variance in my mind.ö

Frank Leingang, ð I don't know why we are back again, but we are. All this squeezing of lots and everything is just a couple more lots, a couple more houses. A 40ø street is what is needed. If you go to a 32ø it's a little bit in specials, not much. The city has to put up with it for the next 150 years. The builder builds his houses and he's gone, he's done. Mailboxes. That's another thing the developer's need to look into. I fought with the mail department for almost a year til we got group mailboxes in. City ordinance says a mailbox will be in before you even start digging a basement. City needs to enforce that. For six months we had to go down and get our mail at the post office. That's another thing the commission needs to enforce. Must pay for and install it before he even digs a basement. I will monitor that when it happens. I think he's not selling the back 20ø he should add to the street like Commissioner Leingang said. We shouldn't be going down this road because they are going to want it every single time. Bottom line they want to squeeze to get a couple more houses in.ö

Commissioner Fleischer motions to deny the final plat. Commissioner Leingang seconds with the comment he would have no problem with the variance if the street is widened. The motion passes with the following vote: Fleischer-aye, Klein-aye, Knoll-aye, Van Beek-aye, Leingang-aye, Laber-nay (not certain the motion made addresses concerns of the variance, wants to clarify it's not the stipulations of the variance), Liepitz-nay, Beach-aye, Robinson-aye

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.

Bob Decker, City Planner, describes the request. The preliminary came before the commission last month. This is the final. The water & sewer connection details are being worked out now. They have talked to Lower Heart about the easements for maintenance along the river. A turnaround has been identified for the fire department. The plan is for 3 four-unit buildings.

Commissioner Liepitz asks Bob to explain the lot configuration. It looks like they are taking 4 lots to make 1. Bob says because of the shape of the lots, a couple buildings will be closer to the street. There will be plenty of parking. The units will be individual owned. The post office requested a common delivery on the existing road.

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

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.

Bob describes the request. They are consolidating lots into 2 parcels. One lot will be their primary business parcel and the other has the single-family home on it. A right-of-way will become their main driveway. It will be named Technology Drive. This is mainly a housecleaning.

Commissioner Leingang motions to approve the final plat. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

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.

Bob Decker identifies the request. This was before the commission about 1 ½ years ago when they wanted to go from CA to unrestricted CC. They came back saying they want to just limit it to these two uses. That is why they want to use the PUD option. The proposal is

for a six unit car wash and 36 storage units. The church is looking at a project (HIT). Water & sewer has to be extended on both properties.

Chair Robinson says Paul Heinle, 203 15th St. NE and part owner at 117 15th St. NE, sent commissioners an email opposed to the zone change.

Don McClure, "I think the CA, the current zoning is appropriate. I don't like the thought of having the car wash or storage units in my back yard. My other concern is there is a little alleyway that runs right across the back of my yard and goes up to this property. Right now it gets some traffic from the Eagles Club, but it's pretty limited. But if a car wash or storage unit gets in there it would get a lot more use, which is right outside my fence. With my children and pets, there would be a concern. My request to the commission would be to oppose this and leave it at the current CA."

Allen Shreve, 1305 1st Ave NE, "My wife Karen and I have lived at this address for over 30 years. We have a very good neighborhood. It's quiet. We have concerns with new traffic. The new universal playground has been built. We noticed new traffic from that. It's like ants on an ant hill when it's nice. I've always had concern, being an educator, for the safety of our children. We have noticed quite a bit of garbage going into our yard from the west. I doubt if there's going to be less if this business is built. We also have concerns with the noise and the lighting that would be used to illuminate this business. It sure isn't going to be an 8 a.m. to 8 p.m. business. Our neighborhood foresees noise and things that are not warranted. Other issues, drainage. I noticed that on the way to school this morning from the downpour overnight. There are things in the street. When I had recess duty today. There are things on the playground from that storm. If they have a concrete surface, what's going to happen? Our neighborhood thinks it should be somewhere else. Would LB Family Properties like a business like this in their backyard?"

Dan Long, lives adjacent to this property, "We just don't want a car wash in our backyard. We want to be able to go out back and have a cook out. Not have the noise. The smell. The traffic. It would be like living next to a car wash. It's nothing we would really appreciate at all. We've been in our home for over 30 years. It's a beautiful neighborhood. It's all houses."

Landon Niemiller, Swenson & Hagen, says the PUD would restrict the property to the uses proposed. There is a gas station 2 doors down. Normally a gas station and car wash go together. There is a bar next door. The proposed storage units are 10' x 25'. The storage units would serve people living in the area. Collins Avenue is a busy street. The traffic is going to increase with the sports complex regardless of a car wash going here. If you look at the Washbarn in Bismarck, you can see how it is a clean, well-kept property. The storage units would be in the back of the lot.

Commissioner Leingang has a problem with this because he has storage units next to his residence. He has problems with garbage, traffic and noise. Once they are built nobody controls it. He even suspects somebody is living in them.

Landon says the owner will be on site because they will own the Washbarn and the storage units. Commissioner Leingang says the hotel owner by him owns the storage units also.

Commissioner Fleischer thought PUD was going to be used for development and it seems to be requested for specific issues.

Commissioner Beach echoes those concerns. He thinks it is currently zoned appropriately.

Commissioner Laber thinks this is not a good use of this property. Part of Planning & Zoning's role is to look at the visual and noise impact.

Commissioner Leingang says a car wash was denied. It would have been attached to the gas station.

Bernice Hilfer, 104 12th Street NW, says this would be her scenic view out her front window.

Commissioner Leingang motions to deny the zone change. Commissioner Fleischer seconds. Upon vote, the motion passes unanimously. Commissioner Klein abstains from voting.

OTHER BUSINESS

1. Land Use and Transportation Plan annual report.

The commissioners all received a report for their review.

Commissioner Laber would like special attention to the language on parking spaces and sidewalks. She doesn't want to see congestion like there is downtown.

Commissioner Leingang thinks downtown streets are too narrow.

Commissioner Liepitz would like to see yes/no check boxes added to planning staff reports so the commissioners have an idea if the request conforms to the Land Use Plan.

2. Draft of proposed revision to residential zoning districts.

Commissioners have received a draft revision of proposed residential zoning districts. Bob asks them to review it.

3. Interview applicants for open seat.

There was one applicant for the open Planning & Zoning seat. Dot Frank calls in to introduce herself and answer any questions.

Commissioner Leingang motions to recommend to the City Commission they appoint Dot Frank to the Planning & Zoning Commission. Commissioner Beach seconds. Upon vote, the motion passes unanimously.

Commissioner Van Beek motions to adjourn. Commissioner Liepitz seconds. Motion passes unanimously. Meeting adjourns at 6:50 p.m.