

MANDAN PLANNING AND ZONING COMMISSION

MANDAN CITY HALL BUILDING

April 27, 2015

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

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

Commissioners Absent: Zachmeier, Klein, Van Beek, Mehlhoff

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

NEW BUSINESS

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

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

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

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

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

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

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

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

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

Commissioner Laber wonders how people can be warned.

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

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

OTHER BUSINESS

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

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

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

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

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