



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, APRIL 27, 2020

Due to ongoing public health concerns related to COVID-19, the City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com.

Please provide your comments before noon on the day of the meeting. Comments will be forwarded to the Planning & Zoning Commissioners prior to the meeting.

The public may access the LIVE meeting by **WEB**: Please click the link below to join the webinar: <https://us02web.zoom.us/j/85154937093>. If you would like to appear via video or audio link for comments on a public hearing item, please provide your e-mail address and contact information to info@cityofmandan.com by noon the day of the meeting.

The Veterans Conference Room will be open to the public with live simulcasting (video + audio). The number of participants attending in person will be physically limited to a maximum of ten (10) occupants.

Most of the Planning & Zoning Commissioners will be attending this meeting remotely.

Roll Call, Reading and Approval of the March 23, 2020 minutes.

PUBLIC HEARINGS

1. A request from the Central Dakota Humane Society and Elmer & Alvina Madler for approval of a final plat to be named Longhorn 2nd Addition. Said property is all of Auditor's Lot "A" of the NE ¼ of Section 9 and Longhorn 1st Addition Replat (including Entzel Drive) of the NW ¼ of Section 10, Township 139N; Range 81W, Morton County, North Dakota lying within the 1-mile extraterritorial jurisdiction of the City of Mandan.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: To recommend approval of the final plat as presented in Exhibit 1 subject to necessary revisions to the signature block to include all property owners.

2. A request from JB Land, LLC, for consideration of approval of a preliminary plat to be named Schaff Estates. Said property is all of the West ½ of Government Lot 1, in Section 7, Township 139N, Range 81W of Morton County, North Dakota.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: To recommend denial of the preliminary plat as shown in Exhibit 1 for the reasons provided in Exhibit 3.

OTHER BUSINESS

Resident request to explore beekeeping as an allowed or permitted use – Discussion.

ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
March 23, 2020

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on March 23, 2020, at 5:30 p.m. CDT.

ROLL CALL

Commissioners Present: Boehm, Klemisch, Knoll, Helbling, Liepitz, Renner, Frank, Camisa, Vayda, Robinson

Commissioners Absent: Klein, Leingang

Commissioner Camisa motions to approve the February 24, 2020 minutes with the correction. Commissioner Liepitz seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from Dr. Eric Belanger for reconsideration of approval of an amendment to the City of Mandan's Land Use and Transportation Plan that serves as the City's Comprehensive Plan. Said property is in part of Sections 8, 9, 16 & 17, in Township 139N; Range 81W.

A. Staff report

John Van Dyke, City Planner, presents.

The application was originally denied by lack of necessary support of eight members of Planning and Zoning Commission at the January 27 meeting. This application is being reheard by request of the Planning and Zoning Commission at the February 24 meeting.

As discussed at the February 24 meeting, the primary concern was an area on the west of the Parks property (See Exhibit 1). Public comment and P&Z shared concern that the area would create conflicting land uses between the low density development along the ridge and the medium density originally proposed. The applicant has amended the plan to show low density residential of the area of concern.

Staff is recommending approval of the land use and transportation plan amendment per the originally proposed plan that was evaluated by agencies and City staff at the January 27 P&Z meeting with the only change being the adjustment of the area west of Parks from medium density to low density residential. This area is denoted as the red hatched area in Exhibit 3.

The applicant made additional changes in their proposed amendment that were not brought to staff's attention, leading staff to identify them mid-last week (See Exhibit 3). Therefore, staff does not support these other adjustments. The applicant may always reapply for these changes, if desired, or P&Z may table the application until April to give staff a chance to evaluate these additional proposed changes.

Staff Report Provided at January 27, 2020 meeting (below).

Eric Belanger and Wendy McNichols have submitted an application for an amendment to the comprehensive plan for approximately 550 acres in north Mandan.

City staff from multiple departments met with the applicant or the applicant's representatives Steve Iverson and Jerod Klabunde on a number of occasions to address concerns or issues that needed to be addressed in order to provide a recommendation of approval to this Commission.

Exhibits 1 and 2 highlight the land use and transportation changes overlaid on one another for ease of review of the proposed changes. Exhibits 3 and 4 include the broader plan document providing analysis and evaluation related to the provision of utilities, such as water, waste water, and storm sewer.

One of the primary changes is a proposed school site at the intersection of 38th and Sunset Dr. This site will be used as the anchor for other surrounding residential and commercial development in the vicinity. Other changes, include adjustments to the alignment of an extension of Jude Ln. (collector) and to the alignment of Sunset Dr. (arterial). Another change is the removal of some high and low density designations and replaced with medium density.

If approved, this amendment to the comprehensive plan would replace the future land uses and preliminary road layout presently planned for the area.

Staff is recommending approval of the amendment to the land use and transportation plan.

Parks comments can be found in Exhibit 7.

Metropolitan Planning Organization (MPO) - The MPO has concerns regarding the spacing of intersections on 38th, which is to be a bypass in the future. Also a concern was having the school site located along the intersection of two major roadways.

Staff asks the Planning and Zoning Commission to focus on the uses which may be inherent in each of these proposed designations and their spatial relationship to one-another and determine if this plan is superior than the one presently adopted by this Commission for this area.

Engineering and Planning is recommending approval of the land use and transportation plan amendment per the originally proposed amendment that was evaluated by agencies and City staff and presented at the January 27 P&Z meeting (Exhibits 1 & 2) with the only change being the adjustment of the area west of Parks from medium density to low density residential. This area is denoted as the red hatched area in Exhibit 3.

Commissioner Knoll asks if it meets the concerns for the medium to low density.

Commissioner Liepitz says it does address that. He questions if the staff has had a chance or not to review other changes.

John Van Dyke, City Planner, says it can be tabled or apply for another amendment, however, he thinks this can move forward.

Commissioner Renner asks if any of the changes are significant. John says the one he noticed was the additional roadway. It creates almost a three way intersection. That adjustment needs more input from MPO and city staff.

B. Open public hearing

Dr. Eric Belanger says they made additional changes that came from requests by the MPO and those already approved by Planning & Zoning.

C. Close public hearing

D. Commission action.

Commissioner Camisa motions to approve the amendment to the comprehensive plan as presented in Exhibits 1 and 2 with an adjustment of the area west of the Parks District property from medium density residential to low density residential. Commissioner Renner seconds. Upon vote, the motion passes unanimously.

2. Consider recommending an ordinance to amend and re-enact portions of Subpart B – Land Development and Public Services of the Mandan Municipal Code related to Telecommunications Facilities (Small Cells).

A. Staff report

John Van Dyke, City Planner, presents.

Ordinance 1300 includes changes to accommodate wireless facilities located within the public right-of-way, specifying which districts require a special/conditional use permit and which ones require only administrative approval. Further, the proposed ordinance change establishes the requirement for a special use permit for telecommunications towers that are one-hundred-twenty (120) feet tall or greater in any district. Finally, the ordinance attempts to consolidate the numerous definitions and uses of terminology related to communications towers.

The City of Mandan was approached in 2018 with regard to placement of infrastructure necessary to provide customers with 5G wireless service. The infrastructure is known as “small cell” technology, which is much smaller than a traditional cellular tower. They are small enough to be attached to other infrastructure that is typically located within the public right-of-way, such as street or traffic light poles, larger street signs, etc. They service a much smaller geography and therefore require a higher concentration than a standard tower.

This ordinance outlines the requirements that must be met in order for a small cell to be placed within the public right-of-way, as well as within each zoning district. The ordinance

provides standards for small cells attached to existing poles within the right-of-way, city-owned buildings, and privately owned buildings. Fees and process are established by reference to the Wireless Facilities Guidelines.

Staff, including Principal Planner John Van Dyke, Engineering and Planning Director Justin Froseth, Public Works Director Mitch Bitz, City Administrator Jim Neubauer, and City Attorney Brown met to discuss the creation of the ordinance and associated guidelines. Several cities including Grand Forks, Minot, Fargo, and Bismarck have adopted a close variant of the proposed ordinance. This has established consistency between cities.

The ordinance was sent to Verizon, T-Mobile/Sprint, and AT&T for comment. Most comments were taken into consideration by Verizon and T-Mobile/Sprint. AT&T has indicated several issues with the proposed ordinance. Attorney Brown's recommendation is to move forward with the proposed ordinance as presented with no known issues occurring in other cities in ND that have adopted a similar ordinance.

While working through the ordinance changes related to telecommunications, limitations to the height of telecommunication transmissions towers has also been added. Presently, telecommunications transmission towers are exempt from height limitations and in some districts do not require a conditional use permit. This opens the door to the erection of these structures adjacent to residential development with limitless height. The proposed changes would require towers exceeding one-hundred-twenty (120) feet to obtain a conditional use permit. The height of one-hundred-twenty feet was determined based on those in Mandan today.

As noted above, Public Works, Administrator Neubauer, and Attorney Brown are in favor with the proposed changes.

As noted above, Engineering and Planning are in favor with the proposed changes.

Engineering and Planning recommend approval of the zoning amendment as presented in Exhibit 1.

B. Open public hearing

There are no public comments.

C. Close public hearing

D. Commission action.

Commissioner Knoll motions to recommend approval of Ordinance No. 1300 as presented in Exhibit 1. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

3. Consider recommending approval of an ordinance amending Section 101-1-3 and 105-1-5 (k), of the Mandan Municipal Code related to Multi-Use Shops.

A. Staff report

John Van Dyke, City Planner, presents.

Exhibit 1 contains a DRAFT zoning ordinance amendment related to multi-use shops, commonly referred to as shop condos. The structures have become a popular type of construction. Since they have become more popular several issues have arisen.

The ordinance seeks to address these deficiencies moving forward for all NEW multi-use shop construction. Existing shops could voluntarily apply if the owners collectively decided to apply.

The purpose surrounding the proposed ordinance is as follows:

- Multiple complaints have been received from occupants of multi-use shops regarding commercial rates being charged for utilities and insurance when the occupant is utilizing their respective unit for residential storage purposes, requesting the City provide a solution to this issue; and
- Multi-use shops are being divided and used for purposes that they were not constructed to accommodate, creating health and safety hazards for all occupants within the structure.
- When the number of units and corresponding square footage of each unit is amended the administration of special assessments for each resulting unit is unnecessarily burdensome; and
- Public Works Department has indicated multiple times that shut-offs for individual units are inaccessible, leading the City to continue providing services without receiving payment for such services.

This ordinance was constructed in consultation with Assessors, Water Billing (Finance), Fire, and Building Departments.

Engineering and Planning recommend approval of the ordinance as proposed. We understand the an additional planning application that will be required for a structures of this type, but also believe there is value to the property owner and general public that will be obtained through the process. The ordinance will address matters of health/safety, create efficiencies for processing future divisions and water billing, and potentially save property owners money with regard to private utilities.

Engineering and Planning recommend approval of the ordinance as proposed in Exhibit 1.

Commissioner Camisa wants confirmation #5 applies to the whole building and not individual condos. John says that is correct.

B. Open public hearing

There are no public comments.

C. Close public hearing

D. Commission action.

Commissioner Liepitz motions to recommend approval of the ordinance as presented in Exhibit 1. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

Chair Robinson thinks the meeting went well via teleconference due to people being asked to stay home because of covid-19.

Mayor Helbling thanks everybody for their participation.

Chair Robinson adjourns the meeting at 6:03 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on April 27, 2020
 Mandan Engineering and Planning Office Report
Longhorn 2nd Addition
 Requested Action
Final Plat

Application Details				
Applicant	Owner	Subdivision		Legal Description
Elmer & Alvina Madler & Jerald C. Kemmet (on behalf of Central Dakota Humane Soc.)	Elmer & Alvina Madler & Central Dakota Humane Soc.	Longhorn 2 nd Addition		All of Auditor's Lot A of the NE ¼ of Section 9 and Longhorn 1st Addition Replat (including Entzel Drive) of the NW ¼ of Section 10, Township 139N, Range 81W of Morton County, North Dakota.
Location Southeast corner of 37 th St. and 1806 N.		Proposed Land Use Commercial/Agriculture		Parcel Size 21.1 ac
				Number of Lots 2
Existing Land Use	Adjacent Land Uses		Current Zoning	Proposed Zoning
Commercial (Kennel)/Bare Land	Bare Land/Storage Units/Light Industrial/Rural Residential		Commercial/Agriculture	No Change
				Adjacent Zoning
				Agriculture/R-7 Residential (across 1806 N)
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	
\$400	February 26, 2020	April 9, 2020	April 17 and April 24, 2020	

Project Description
<p>The applicants are seeking an approval for the final plat as shown in Exhibit 1. This same property was brought before P&Z in February with a land use amendment, zone change, and preliminary plat, each of which was approved. The final plat includes non-access lines along the entirety of 1806 N. 37th St. also has a non-access line except for two approaches to serve the proposed lots.</p> <p>The final plat also dedicates the necessary right-of-way for a planned arterial as included in the land use and transportation plan.</p> <p>Staff is recommending approval subject to some minor editions of the signature block to include both property owners whereas now only one is listed.</p>
Agency & Other Department Comments
None received.
Engineering & Planning Staff Comments
The final plat meets the requirements of Engineering and Planning.
Engineering & Planning Recommendation

Engineering and Planning recommends approval of the final plat as shown in Exhibit 1 subject to minor revisions of the signature block.

Proposed Motion

I move to recommend approval of the final plat as presented in Exhibit 1 subject to necessary revisions to the signature block to include all property owners.

List of Exhibits:

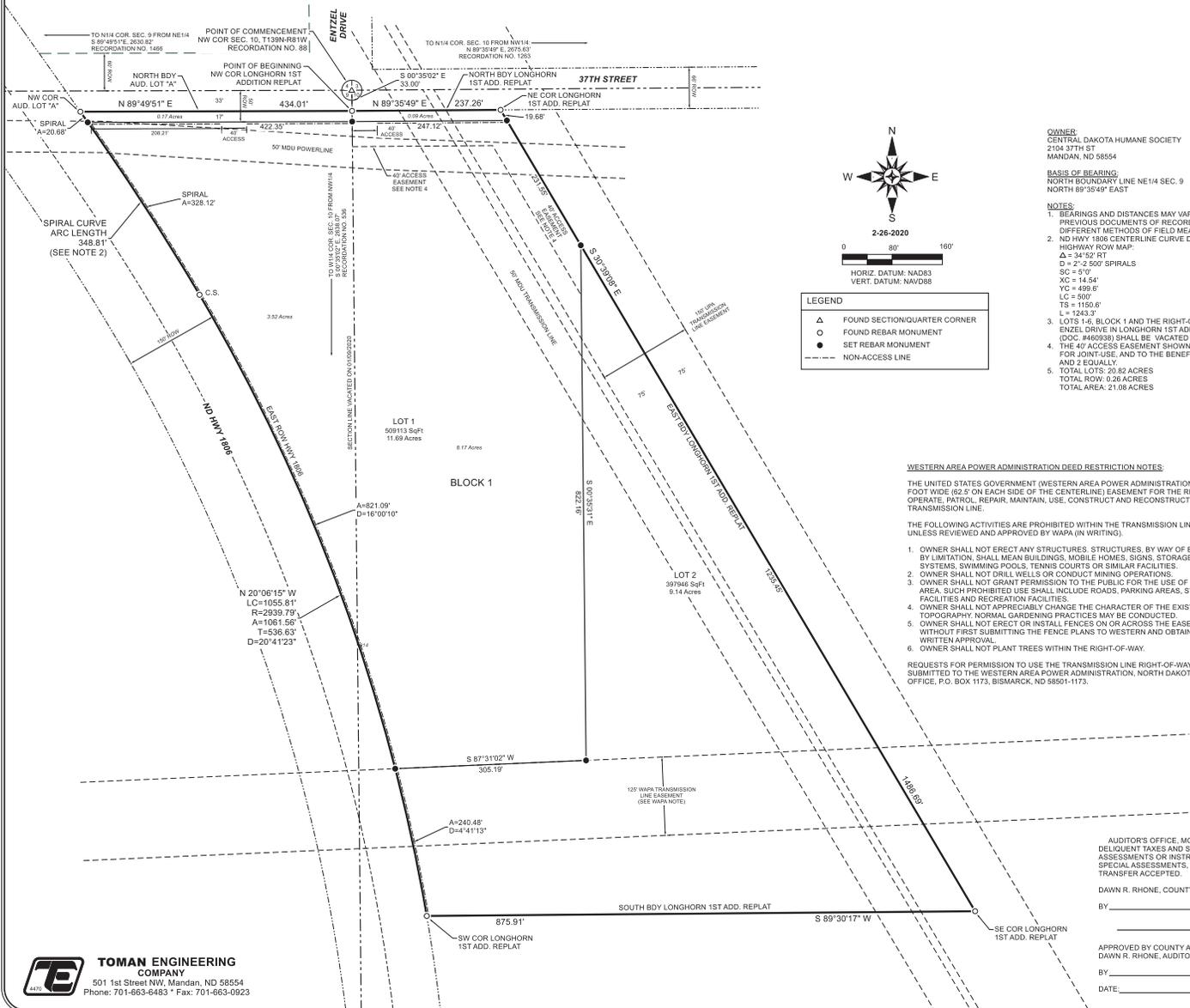
Exhibit 1 – Final Plat

EXHIBIT 1

LONGHORN 2ND ADDITION

OF MORTON COUNTY, NORTH DAKOTA

ALL OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 9 AND LONGHORN 1ST ADDITION REPLAT (INCLUDING ENTZEL DRIVE) OF THE NW1/4 OF SECTION 10, T139N-R81W OF MORTON COUNTY, NORTH DAKOTA LYING WITHIN THE 1-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN



DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 9, AND PART OF LONGHORN 1ST ADDITION REPLAT (INCLUDING ENTZEL DRIVE) NW1/4 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, T139N-R81W, THENCE SOUTH 09°35'07" EAST ALONG THE WEST BOUNDARY LINE OF SAID SECTION 9 FOR 33.00 FEET TO THE NORTHWEST CORNER OF LONGHORN 1ST ADDITION REPLAT OF MORTON COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE NORTH 89°35'49" EAST ALONG THE NORTH BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR 237.26 FEET TO THE NORTHEAST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT, THENCE SOUTH 89°30'17" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LONGHORN 1ST ADDITION REPLAT FOR 875.91 FEET TO THE SOUTHWEST CORNER OF SAID LONGHORN 1ST ADDITION REPLAT, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF ND HIGHWAY 1806, SAID POINT ALSO BEGINNING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2939.79 FEET, THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE CHORD OF WHICH BEARS NORTH 20°06'15" WEST, 1055.81 FEET AN ARC LENGTH OF 1491.66 FEET TO THE C.S. (CURVE TO SPIRAL) OF A CURVE TO THE LEFT HAVING A RADIUS OF 2939.79 FEET, THENCE ALONG SAID SPIRAL CURVE, AND CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE CHORD OF WHICH BEARS NORTH 37°02'10" WEST, 348.70 FEET) A SPIRAL CURVE LENGTH OF 349.07 FEET TO THE NORTHWEST CORNER OF AUDITOR'S LOT "A" OF THE NE1/4 OF SECTION 10, T139N-R81W, THENCE NORTH 89°49'51" EAST ALONG THE NORTH BOUNDARY LINE OF SAID AUDITOR'S LOT "A" FOR 434.61 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 21.08 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRIL MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT, FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN DECIMALS AND DEGREES, MINUTES, AND SECONDS THEREOF, FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRIL MARQUARDT, RLS 4623

STATE OF NORTH DAKOTA

COUNTY OF MORTON)
 ON THIS ____ DAY OF _____, 2020, THERE APPEARED BEFORE ME ANDRIL MARQUARDT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND DID ACKNOWLEDGE TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

HARVEY SCHNEIDER
 NOTARY PUBLIC, NORTH DAKOTA

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING THE SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT, AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, 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. WE 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 DESIGNATED AS "UTILITY EASEMENTS".

OWNER
 CENTRAL DAKOTA HUMANE SOCIETY

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2020.
 _____ NOTARY PUBLIC
 COUNTY OF _____
 MY COMMISSION EXPIRES: _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS ____ DAY OF _____, 2020, 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 WHEREOF 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

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, 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, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS ____ DAY OF _____, 2020.

JIM NEUBAUER - CITY ADMINISTRATOR TIM HELBLING - PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

I, JUSTIN FROSETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES "LONGHORN 2ND ADDITION," OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH, PE

OWNER:
 CENTRAL DAKOTA HUMANE SOCIETY
 2104 37TH ST
 MANDAN, ND 58554

BASIS OF BEARING:
 NORTH BOUNDARY LINE NE1/4 SEC. 9
 NORTH 89°35'49" EAST

NOTES

- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
- ND HWY 1806 CENTERLINE CURVE DATA PER HIGHWAY ROW MAP:
 AS = 34.52' RT
 D = 2°-2'50" SPIRALS
 SC = 8'0"
 XC = 14.54'
 YC = 499.6'
 LG = 500'
 TS = 1150.6'
 L = 1243.9'
- LOTS 1-6, BLOCK 1 AND THE RIGHT-OF-WAY OF ENTZEL DRIVE IN LONGHORN 1ST ADDITION REPLAT (DOC. #469038) SHALL BE VACATED BY THIS PLAT.
- THE 47' ACCESS EASEMENT SHOWN HEREON IS FOR JOINT USE, AND TO THE BENEFIT OF LOTS 1 AND 2 EQUALLY.
- TOTAL LOTS: 20.82 ACRES
 TOTAL ROW: 0.28 ACRES
 TOTAL AREA: 21.08 ACRES

WESTERN AREA POWER ADMINISTRATION DEED RESTRICTION NOTES:

THE UNITED STATES GOVERNMENT (WESTERN AREA POWER ADMINISTRATION) HOLDS A 125 FOOT WIDE 62.5' ON EACH SIDE OF THE CENTERLINE EASEMENT FOR THE RIGHT TO OPERATE, PATROL, REPAIR, MAINTAIN, USE, CONSTRUCT AND RECONSTRUCT AN ELECTRICAL TRANSMISSION LINE.

THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE TRANSMISSION LINE EASEMENTS, UNLESS REVIEWED AND APPROVED BY WAPA (IN WRITING):

- OWNER SHALL NOT ERECT ANY STRUCTURES, STRUCTURES, BY WAY OF EXAMPLE, NOT BY LIMITATION, SHALL MEAN BUILDINGS, MOBILE HOMES, SIGNS, STORAGE TANKS, SEPTIC SYSTEMS, SWIMMING POOLS, TENNIS COURTS OR SIMILAR FACILITIES.
- OWNER SHALL NOT DRILL WELLS OR CONDUCT MINING OPERATIONS.
- OWNER SHALL NOT GRANT PERMISSION TO THE PUBLIC FOR THE USE OF THE EASEMENT AREA, SUCH PROHIBITED USE SHALL INCLUDE ROADS, PARKING AREAS, STORAGE FACILITIES AND RECREATION FACILITIES.
- OWNER SHALL NOT APPRECIABLY CHANGE THE CHARACTER OF THE EXISTING TOPOGRAPHY, NORMAL GARDENING PRACTICES MAY BE CONDUCTED.
- OWNER SHALL NOT ERECT OR INSTALL FENCES ON OR ACROSS THE EASEMENT AREAS WITHOUT FIRST SUBMITTING THE FENCE PLANS TO WESTERN AND OBTAINING WESTERN'S WRITTEN APPROVAL.
- OWNER SHALL NOT PLANT TREES WITHIN THE RIGHT-OF-WAY.

REQUESTS FOR PERMISSION TO USE THE TRANSMISSION LINE RIGHT-OF-WAY SHOULD BE SUBMITTED TO THE WESTERN AREA POWER ADMINISTRATION, NORTH DAKOTA MAINTENANCE OFFICE, P.O. BOX 1173, BISMARCK, ND 58501-1173.

AUDITOR'S OFFICE, MORTON CO., ND
 DELINQUENT TAXES AND SPECIAL
 ASSESSMENTS OR INSTRUMENTS OF
 SPECIAL ASSESSMENTS, PAID AND
 TRANSFER ACCEPTED.

DAWN R. RHONE, COUNTY AUDITOR
 BY _____ DEPUTY

APPROVED BY COUNTY AUDITOR'S OFFICE
 DAWN R. RHONE, AUDITOR

BY _____ DEPUTY
 DATE: _____

TOMAN ENGINEERING COMPANY
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 | Fax: 701-663-0923

PUBLIC HEARING #2

PUBLIC HEARING #2

Mandan Planning and Zoning Commission Agenda Item PH2
 For Meeting on April 27, 2020
 Mandan Engineering and Planning Office Report
Schaff Estates
 Requested Action
Preliminary Plat

Application Details				
Applicant Jerry Schaff	Owner JB Land, LLC	Subdivision Schaff Estates (proposed)	Legal Description All of the W1/2 of Gov. Lot 1, Section 7, T139N-R81W of Morton County, North Dakota	
Location Approximately 1,800 ft. from Roughriders Estates		Proposed Land Use Residential	Parcel Size 19.46 ac	Number of Lots 2
Existing Land Use Bare Land	Adjacent Land Uses Bare Land/Rural Residential	Current Zoning Agriculture	Proposed Zoning No Change	Adjacent Zoning Agriculture
Fees \$400	Date Paid March 20, 2020	Adjacent Property Notification Sent April 9, 2020	Legal Notices Published April 17 and April 24, 2020	

Project Description

The subject property is located about 1,800 ft. north of roughriders within the Mandan ETA. The applicant seeks to plat this auditor's lot of approximately 20 acres into two equal sized lots. No zoning change is requested and the use would be for rural residential.

The planned future land use is for commercial and medium density residential. 56th Ave NW (paved) which runs along the east of Roughriders Estates before changing into 24th Ave (gravel road) is a planned collector roadway. 37th St. to the north is the planned future bypass and future principal arterial. The two newly created lots would require a variance to the requirement that a paved road would be required in order to obtain a building permit for a residence.

Planning does not support the application for the following reasons:

- The proposed land use does not align with the future land use planned for the area.
- A variance to the paved road requirement would be necessary to permit a residence on each lot.
- Two ten-acre lots in such close proximity to city limits is sprawl. At a minimum, sprawl is an inefficient use of land, increasing the cost to develop surrounding private property and maintain public infrastructure.
- The application does not align with Goal 1, Policies, 1 & 3 of the Mandan Land Use and Transportation Plan related to a well-planned community.

With that, Wild Subdivision in the near vicinity was platted in 2017 as a 20-acre lot for the purposes of residential building construction. Staff provides recommended conditions and adjustments to the plat if the Planning and Zoning Commission deem it appropriate to recommend approval. Staff stands by the recommendation for denial.

Alternative #1

Recommend approval of one twenty-acre lot subject to a development agreement that limits the buildable area to no more than necessary to obtain a septic permit from Custer Health. Also subject to a ghost plat showing this area and how the land can be developed at a later date to meet the planned future land use for this area. A ghost plat has been provided by the applicant and may need to be amended depending on the desired site of the buildable area (See Exhibit #2). No development would be allowed outside of this area. Access should be limited to the existing driveway approach along 37th St. or via one of the approaches shown in the ghost plat along 24th Ave.

Alternative #2

Recommend approval of two ten-acre lots subject to a development agreement that limits the buildable area to no more than necessary to obtain a septic permit from Custer Health. Also subject to a ghost plat showing these two lots and how the land can be developed at a later date to meet the planned future land use for this area. As mentioned previously, a ghost plat has been provided by the applicant and may need to be amended depending on the desired site of the buildable areas (See Exhibit #2). No development would be allowed outside of these two areas. Access should be limited to the existing driveway approach along 37th St. or via one of the approaches shown in the ghost plat along 24th Ave.

Agency & Other Department Comments

Ellen Huber, Business Development and Communications Director does not support the use planned commercial areas utilized for residential purposes.

Natalie Pierce, Morton County Planning and Zoning Director does not support the application for the same reasons staff has indicated within this report.

Engineering & Planning Staff Comments

Staff comments provided within the report.

Engineering & Planning Recommendation

Engineering and Planning recommends denial of the application for the preliminary plat as presented in Exhibit 1.

Proposed Motion

I move to recommend denial of the preliminary plat as shown in Exhibit 1 for the reasons provided in Exhibit 3.

Alternative #1 – I move to recommend approval of the preliminary plat subject to changes as outlined in staff's alternative #1 provided in the staff report.

Alternative #2 – I move to recommend approval of the preliminary plat subject to changes as outlined in staff's alternative #1 provided in the staff report.

List of Exhibits:

Exhibit 1 – Preliminary Plat

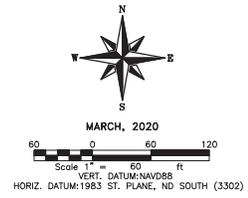
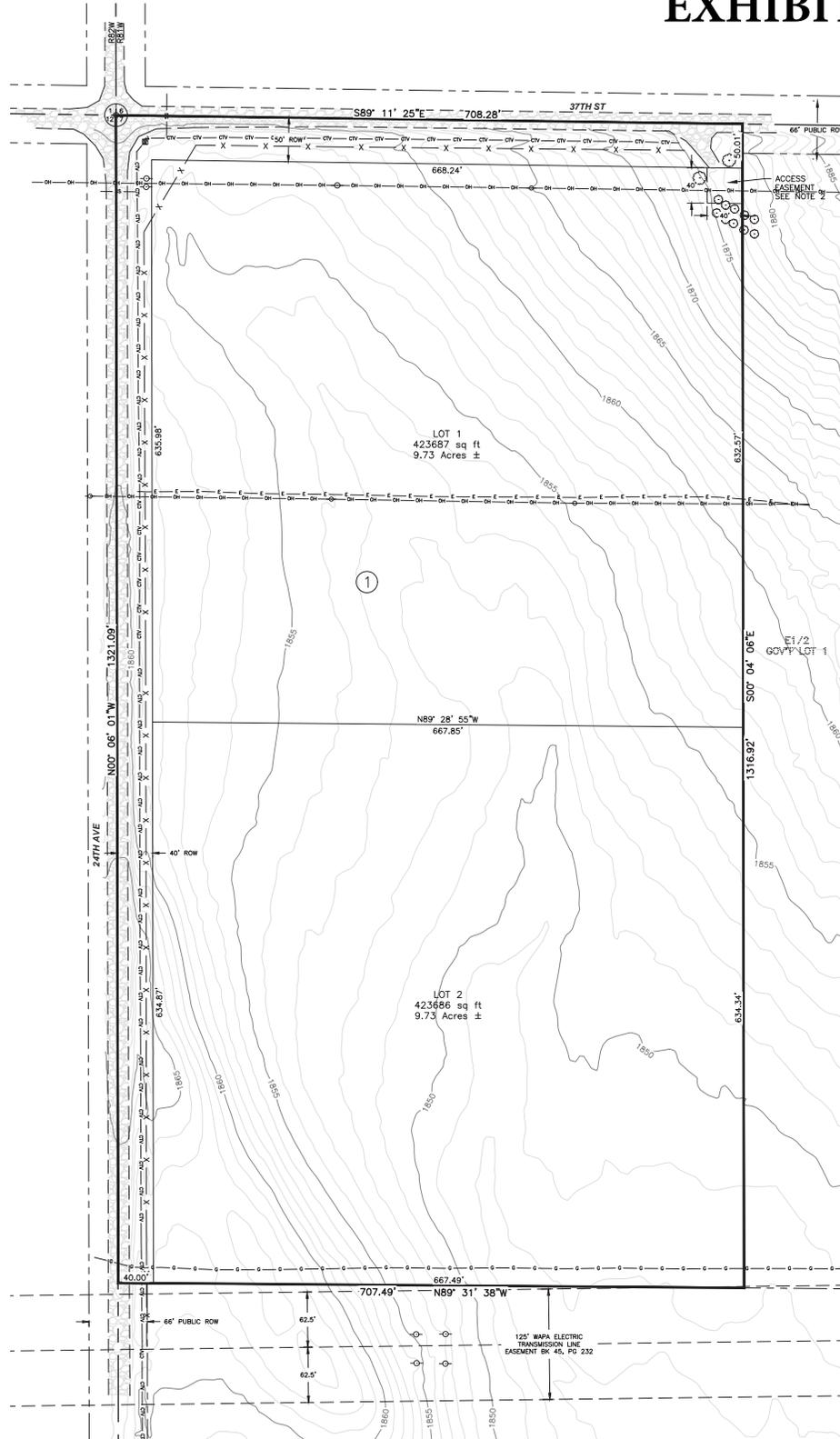
Exhibit 2 – Ghost Plat

Exhibit 3 – Reasons for Denial

PRELIMINARY PLAT
SCHAFF ESTATES

ALL OF THE W1/2 OF GOVERNMENT LOT 1, SECTION 7, T139N-R81W
 OF MORTON COUNTY, NORTH DAKOTA
 LYING WITHIN THE 1-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN

EXHIBIT 1



- LEGEND**
- FOUND PROPERTY CORNER
 - ⊙ TREE
 - ⊕ POWER POLE
 - FENCELINE
 - OVERHEAD POWER
 - GAS LINE
 - UNDERGROUND ELECTRIC
 - CULVERT
 - CABLE TV
 - ▭ GRAVEL
 - GHOST PLAT LINE

OWNERS:
 JB LAND, LLC
 1806 SCHAFF DR
 MANDAN, ND 58554

BASIS OF BEARING:
 NORTH BOUNDARY LINE NW1/4 SEC. 7
 SOUTH 89°21'18" EAST

- NOTES:**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. THE ACCESS EASEMENT SHOWN HEREON IS FOR JOINT-USE, AND TO THE BENEFIT OF LOT 1, SCHAFF ESTATES AND THE E1/2 OF GOVERNMENT LOT 1 EQUALLY.
 3. LOT AREA: 19.46 ACRES
 ROAD AREA: 1.97 ACRES
 TOTAL AREA: 21.43 ACRES

VICINITY MAP



EXHIBIT 3

Findings for Denial

- The proposed land use does not align with the future land use planned for the area.
- A variance to the paved road requirement would be necessary to permit a residence on each lot.
- Two ten-acre lots in such close proximity to city limits is sprawl. At a minimum, sprawl is an inefficient use of land, increasing the cost to develop surrounding private property and maintain public infrastructure.
- The application does not align with Goal 1, Policy 1 of the Mandan Land Use and Transportation Plan related to a well-planned community which states:

“Create a land use plan that defines the types and locations of residential, commercial, industrial, and public uses required to meet the community’s projected needs, and zone property consistent with the land use plan.”

- The application does not align with Goal 1, Policy 3 of the Mandan Land Use and Transportation Plan related to a well-planned community which states:

“Require efficient use of the land with compact urban development standards in both new development and redevelopment.”