

MANDAN PLANNING AND ZONING COMMISSION

MANDAN CITY HALL

April 27, 2020

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on April 27, 2020, at 5:30 p.m. CDT. Due to the coronavirus situation, this meeting was held virtually on Zoom.

ROLL CALL

Commissioners Present: Boehm, Klein, Knoll, Helbling, Leingang, Renner, Frank, Camisa, Robinson

Commissioners Absent: Klemisch, Liepitz (logged into meeting, he could hear the meeting but nobody could hear him), Vayda

Commissioner Camisa motions to approve the March 23, 2020 minutes with the correction. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

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

John Van Dyke, City Planner, presents.

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.

The final plat also dedicates the necessary right-of-way for a planned arterial as included in the land use and transportation plan.

Staff is recommending approval subject to some minor editions of the signature block to include both property owners whereas now only one is listed.

The final plat meets the requirements of Engineering and Planning.

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

B. Open public hearing

There are no public comments.

C. Close public hearing

D. Commission action.

Commissioner Leingang motions to recommend approval the final plat as presented in Exhibit 1 subject to necessary revisions to the signature block to include all property owners. Commissioner Frank seconds. Upon vote, the motion passes unanimously.

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

John Van Dyke, City Planner, presents.

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.

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.

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

Commissioner Renner says this is part of the future roadways for the new bridge. He asks John if he has a map showing where that roadway would go in relationship to this property. John shows a map. This property sits to the east of the collector.

Commission Knoll asks if they want to build 1 house. John says no. It is a twenty acre lot. The plan is to have 2 ten acre lots with a home on each lot.

Commissioner Frank says the NW area has grown. She asks if there were restrictions placed on the development to the east, in 2016, in anticipation of 37th being a major road as well as 24th. John says there were not. There was right of way that was dedicated though. Will roads be extended in the next decade? John says he does see that, but to what extent he does not know.

Commissioner Renner asks how the roads are built in the future. John says through surrounding development.

B. Open public hearing

Jerry Schaff, Applicant, Harvey Schneider and Andra Marquart, Toman Engineering are present via zoom:

Harvey - They had a pre plat meeting with city staff on March 9. They have done everything that was talked about or asked. The property is not an auditor's plat, but it is currently a government lot. A zone change is not needed because current zoning of Ag allow single-family residential. The applicant is aware of the variance for the paved road requirement that John mentioned. That would happen during the final plat process. The northeast corner of Lot 1 is the location for one house. The southwest corner would be the location of the other house. Per the regional land use plan, residential is allowed in this area and could exist with the commercial. They feel they have met a lot of the goals that was discussed by the ghost platting they have done. The north portion divided for commercial and the south portion divided for residential. They request approval.

Commissioner Frank asks for clarification on the ghost plat showing lots to the north sized for commercial and to the south higher density residential.

Jerry says if you look at the ghost plat, the lots in the southwest and northeast corners are each 1.5 acres that are required to have septic systems. Both lots are in conjunction with the roadways, so there would be no extra dedications other than that. If the north road went in as a bypass, everything would be compliant. Two years ago there was a plat approved two blocks away and there was none of the restrictions.

Mayor Helbling asks Jerry how long he has owned the property. Jerry says 2 years. His original intent was to build himself, but he ended up building elsewhere that is why he wants to sell. He bought it from Tom Weigel.

Chair Robinson asks Jerry if he is requesting approval on staff alternative #2. Jerry says yes. They have done everything that was asked of them.

Commissioner Renner asks for clarification on access to the lot in the NE corner is going to have to come off of 37th Street. If 37th becomes a major arterial, isn't access for whoever is living there become a nightmare? He also asks for clarification about the access on the SW lot. John says the applicant is proposing to utilize the existing approach. The approach already serves a dwelling to the east.

Jerry says the lots will be sold as 2 lots and the new owners will be aware of the restrictions.

Commissioner Camisa asks if it is easier to adopt the ghost plat and do the dividing now with limits. John says it may be an option, however, you would be creating a bunch of non-conforming lots that may be in individual ownership. That could cause problems for true redevelopment in the future. The future development would be serviced by a developer's agreement.

Commissioner Renner doesn't like to kick the can down the road. What if a future owner on the NE lot builds their home there and a gas station moves in next door? Are the two residential lots limited commercial potential?

Commissioner Frank thinks whoever the buyer is for one of the 10 acre lots would more than likely view it as short term residential and long term commercial opportunity.

Harvey, Toman Engineering, says when Jerry sells each ten acre lot, the buyer will be made aware that the only buildable lot is the residential space in each lot. The buyer would have total control on what goes in there.

Jerry says there are areas that are zoned commercial and residential.

Chair Robinson says at this time, there are only the two existing approaches. That limits how and when the remaining area is developed.

Commissioner Renner asks if there is access to Lot 2 off of 24th Street. Jerry says no, they would have to apply for it.

C. Close public hearing

D. Commission action.

Commissioner Frank motions to recommend approval of the preliminary plat subject to changes as outlined in staff alternative #2 provided in the staff report. Commissioner Leingang seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

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

A resident requested beekeeping to be looked into. John does like urban farming as a concept. Boise, ID, did allow it. It should be looked into further. John is looking for guidance.

Commissioner Camisa thinks it is worse than chickens. Stage Ag Dept. would have to have say. Could see it maybe in the ETA, but not downtown.

Commissioner Renner thinks it would depend on location and magnitude.

Mayor Helbling agree with Commissioner Camisa. Not a good path to go down.

Commissioner Frank asks if the resident did any research.

The board encourages the resident do more research and leg work on it and the board may look at it then. It is not necessary for city staff to spend the time doing this.

Chair Robinson adjourns the meeting at 6:22 p.m.