

**MANDAN PLANNING AND ZONING COMMISSION**

**MANDAN CITY HALL**

**Wednesday, December 28, 2022**

The Planning and Zoning Commission of Mandan duly met in session in the Commission Meeting Room of the Mandan City Hall on Wednesday, December 28, 2022, at 5:30 p.m. CST. City Hall will be open for this meeting. If you would prefer to appear via video or audio link, please provide your contact information to [andrew.stromme@cityofmandan.com](mailto:andrew.stromme@cityofmandan.com). Planning & Zoning Commission members may be attending this meeting remotely.

**ROLL CALL**

Chair Robinson called the meeting to order. Commissioners Present: Mehlhoff, Helbling, Liepitz, McLean, Camisa, Vayda, Gardner, Robinson. Commissioners Absent: Leingang, Horn, Frank.

**MINUTES**

Commissioner Camisa motioned to approve the November 28, 2022 minutes as presented. Commissioner Gardner seconded the motion. Upon vote, the motion passed unanimously.

**PUBLIC HEARINGS**

***1. A request from Pathfinder Investments, LLC for consideration of a variance to Section 105-1-6 of the City Code of Ordinances related to off street parking requirements for a project titled Mandan Retail and Coffee Shop. Said property is Mandan Proper Replat Lots 16-18, Block 1 in Section 27, Township 139, Range 81 in City of Mandan, Morton County, North Dakota. The property is located at 601 1<sup>st</sup> Street NE.***

**A. Staff Report**

City Principal Planner Stromme presented.

Pathfinder Investments, LLC (Toby Severson) requests consideration of a Variance from **Section 105-1-6 (a) (5) & (9) – Automobile Parking, Off Street Parking for Retail and Restaurant uses** to permit building construction and operation of retail and café uses on the property without providing off-street parking in direct conjunction as required in the Zoning Ordinance. The property is located in central Mandan on the southeast corner of 1<sup>st</sup> Street NE and 5<sup>th</sup> Avenue NE and the address is 601 1<sup>st</sup> Street NE.

**Property History**

The property was platted into Mandan Proper addition in 1879 and later into Mandan Proper, a Replat of Lots 16, 17 & 18, Block 1 in 2022. A Special Use Permit (Exhibit 3) to allow a drive-through was approved at the January 24, 2022 Planning and Zoning Commission meeting and the February 1, 2022 City Commission Meeting. Previous uses of this property include residential and commercial (ice cream shop and hair salon).

## **Property Information**

There is one vacant structure on the site and an associated parking lot currently that would be redeveloped pending approval of site and building plans. Vehicular access is currently provided by four driveways to the lot, one on 1<sup>st</sup> Street NE, two on 5<sup>th</sup> Avenues NE, and one in the alley.

## **Variance Request**

The applicant seeks to redevelop the property with two structures, one intended for a café and the other for retail space. Instead of providing off-street parking in conjunction with the development, the project would add eight (8) public parking spaces in the boulevard with associated streetscape enhancements to angle parking. Based on Zoning Ordinance requirements, off-street parking requirements are calculated as follows: (1) Retail uses – 1 space per 400 sf floor area; (2) Restaurants/cafes – 1 space per four seats for patron use. The applicant seeks to provide eight (8) on-street parking spaces in conjunction with the proposed developments. It is not known at this time how many indoor seats will be at the café.

Answers to the following questions are provided in Exhibit 2.

1. The circumstances or conditions applying to the land or buildings for which the variance is sought;
2. How the applicant is deprived of a reasonable use of said land or building;
3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
4. The minimum variance that will accomplish the relief sought.

## **Site Plan Comments**

The proposed site plan includes two building arranged in an urban style, the conversion of current rock boulevards on 5<sup>th</sup> Avenue NE to public parking areas, a drive through with vehicle stacking for six (6) customers and associated landscaping. A patio is shown between the proposed café building and retail space.

## **Data from Downtown Parking Study**

A parking study conducted in conjunction with the downtown Mandan Subarea Study found that on street parking spaces\* along 1<sup>st</sup> Street NE were occupied 10%-50% of the time during data collection. (*\*76 on-street public spaces observed on N. and S. side on 1<sup>st</sup> Street NE between 1<sup>st</sup> and 4<sup>th</sup> Avenues NE.*). The compiled aggregated data from that effort indicates that over 80% of public parking resources are available within one block west of this block (See Exhibit 6). Staff anticipates that if it were studied, the block of 1<sup>st</sup> Street NE between 4<sup>th</sup> and 5<sup>th</sup> Avenues NE would have similar to slightly higher on-street parking utilization particularly in the morning, but does not expect that data would show extremely high on-street parking utilization in that area. In areas with high utilization of on-street parking, the downtown Mandan study recommends that off-street parking be provided with new development. The request includes for on street parking and not providing any off-street parking.

## **Special Use Permit**

A special use permit was issued at the February 1, 2022 City Commission meeting to allow a drive through coffee shop to operate on this property. The permit was necessary to

review potential impacts associated with drive through stacking, traffic movements and neighborhood character. The applicant requested the drive through. The approved permit is included in the packet as Exhibit 6.

### **Adjacent Properties and Land Use**

The property, and all adjoining lots, are zoned DF – Downtown Fringe with a future land use designation of Commercial. Adjacent land uses include retail and service uses, low-density residential and an elementary school.

### **Findings of Fact**

#### **Variance**

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the DF – Downtown fringe district.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

### **Agency & Other Department Comments**

As of agenda packet publication, no comments have been received from the public related to this item. A total of 17 letters were sent to properties within 150’ of the subject site.

The City Engineering staff requested modifications to the site plan to included and many of these have already been implemented.

- ~ Drive through egress channeling to one lane.
- ~ Van-loading space re-configuration.
- ~ “Maintenance-Friendly” parking/curb design.
- ~ Improvements within the public right-of-way are subject to permit requirements and further review.

The City Public Works staff requested an agreement be made for snow removal in proposed parking areas to be initially/primarily conducted by the property owner. The department can include the parking area in post-storm cleanup and hauling efforts.

- ~ Parking added within the right-of-way would not be time enforced nor would it be permitted to be claimed by a business or property owner for their sole use.
- ~ Applicable codes related to on-street parking are included in Exhibit 3.
- ~ This property is 460 feet from the downtown Mandan Parking District, an area where developers or business owners are not required to provide off-street parking. An exhibit depicting this properties distance to that district is included as Exhibit 7.
- ~ Bismarck’s Downtown Fringe and health medical districts are exempted from off-street parking requirement effective 2020.

The applicant has requested an extension to the Special Use Permit issued February 1, 2022. Pursuant to City Code, this extension does not go in front of the Planning and Zoning

Commission. Pending the outcome of this request, the property will need to be re-platted due to the location of property lines and proposed structures.

### **Engineering & Planning Recommendation**

The Planning Department staff recommended review of the request and Findings of Fact, consideration of the Statement of Hardship, and accepting/modifying the Findings of Fact as necessary to support the motion of the board.

Chair Robinson inquired if there were any comments or questions for Planner Stromme.

### **B. Open Public Hearing**

Chair Robinson opened the public hearing and invited anyone in the room or on the phone to come forward to speak for or against the request from Pathfinder Investments, LLC for consideration of a variance to Section 105-1-6 of the City Code of Ordinances related to off street parking requirements for a project titled Mandan Retail and Coffee Shop.

Chair Robinson inquired if there were any comments or questions.

A second and third announcement was made to come forward to speak for or against the request from Pathfinder Investments, LLC for consideration of a variance to Section 105-1-6 of the City Code of Ordinances related to off street parking requirements for a project titled Mandan Retail and Coffee Shop.

### **C. Close Public Hearing**

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

### **D. Commission Action**

Commissioner Camisa stated he has a concern with the amount of parking that will be needed in that area since Bearscat donuts is located west of that property, with residential having limited parking in that area. It will be tight with only a couple parking spots on that site. It was beneficial when the special use permit was issued. Chair Robinson requested Planner Stromme to provide further explanation if there will be a second building located on this site. Planner Stromme explained that the property in this subdivision is located in Mandan proper and other properties in the subdivision include almost all of the downtown core. It is a natural evolution of the urban development and it is worth considering that the city does have a zoning code that would entitle someone to develop the entire property but also off-street parking. The city does allow for development up to the property line and the challenge is figuring out if parking will be needed and if parking in the boulevard would assist with that. Regarding the size of the right of way would be similar to that in downtown Mandan. The data from the Parking Study indicates parking demand in that area.

Chair Robinson recommended that if a motion is made that it may have to include the reason supporting the variance.

Commissioner McLean inquired if the second building will be retail or office space? Planner Stromme replied that the parking space calculation would be the same for retail or office space and that is one parking space per 400 sq. ft. At a street level, ideally it would be retail

Commissioner Liepitz inquired if the special use permit requires six (6) off-street parking spaces. Is this an addition of that new building or is there a deviation from that special use permit? Planner Stromme explained that the special use permit was intended to be specific for the coffee shop and drive through at the time the request for the coffee shop the city did not have an off-street parking requirement needed for the coffee shop drive through at the time because at the time it was intended as a walk up only establishment with a drive through only. Pursuant to city code, a walk up and a drive through coffee shop only, would not require off street parking in Mandan because there would not be any seating for patron use. For an extension of a special use permit to accommodate the variance request, it would be updating the language. He does not believe the Board will need to authorize the development more holistically to go forward without off street parking that would require a special use permit to come back for additional review rather it would be a matter of extending it and possibly removing the off-street parking language. However, it is worth knowing at the time from a zoning perspective the off-street parking would not have existed due to the plan not having the need for it. (See Exhibit 6.) The most important thing included in Exhibit 6 with the six (6) off street stacking spaces as shown in the updated site plan (Exhibit 4) per the parking spaces wherein the customer waits in line when at the drive through. Commissioner Liepitz stated that with the second building it appears to drive the need. From the development it makes sense but he has concerns about supporting the variance. Planner Stromme noted that the direction the city may consider going with parking in the downtown fringe district would be to consider removing the requirements for parking in the Downtown Fringe in the future. Bismarck has waived their off-street parking requirement in the downtown fringe identifying that it is a hinderance to the development because the city blocks are not getting any larger. It is something to consider in the future that it may not be a requirement of future city code since it does present a challenge. This will be reviewed with the 2023 budget planning process.

Commissioner Mehlhoff commented that when looking at this plan, there is off street parking to the south, with a similar situation at Capital Credit Union and Hardees. The addition of these would flow with the neighboring properties being 460 feet away from a district that would not require this will satisfy a hardship.

Chair Robinson inquired if there were any comments or questions.

*Commissioner Mehlhoff motioned to recommend approval of the variance to Section 105-1-6 (a) (5) & (9) – Automobile Parking, off street Parking for Retail and Restaurant uses to eliminate the off-street parking requirement for Mandan Retail and Coffee Shop due to the hardship that it is adjacent to the fringe district and its proximity to similar parking on the same street. Commissioner Liepitz seconded the motion. Upon vote, the motion passed unanimously.*

**2. A request from Amy Haugen/Little Flower Nido & Toddler Montessori Program for consideration of a Special Use Permit for a childcare facility to be named Little Flower Nido & Toddler Montessori Program. Said property is Lot 2, Block 1, Evergreen Heights**

*3<sup>rd</sup> Addition in Section 35, Township 139N, Range 81W in City of Mandan, Morton County, North Dakota. The property is addressed 1601 Highway 1806 South.*

## **A. Staff Report**

City Principal Planner Stromme presented.

Amy Haugen requested consideration of a Special Use Permit for Childcare for Little Flower Nido & Toddler Montessori Program. The property is described as Lot 2, Block 1, Evergreen Height 3<sup>rd</sup> Addition to the City of Mandan, Morton County, North Dakota. The property address is 1601 Hwy 1806 South.

### **Property History**

The home on the property was constructed in 1962 and prior activities are believed to be agricultural in nature. Previous uses include a commercial greenhouse/garden center that operated seasonally in nature in conjunction with the residence. In 2019, the property was platted, annexed, and zoned CA – Commercial.

### **Property Information**

The property is 31,767 (.71 acres) sf and contains two structures, a single-family residence and a shop. The property shares direct access to Hwy 1806 with Lot 3. Per the Assessing Department Property Card, the home is 2,400 sf and it has two bathrooms. The applicant has provided a breakout of how the structure is intended to be used in a childcare setup (See Exhibit 4). An established screening of mature evergreens surrounds the subject property. Rather than a residential facility it will be used as commercial property.

### **Findings of Fact**

#### **Proposed Special Use**

Child care centers in Mandan require a Special Use Permit with one exception for in-home daycare as a home occupation, which permits up to twelve (12) children anywhere residential uses are permitted provided licensing requirements are met. In commercial districts, day care centers are permitted under the provisions of Section 105-1-5. The proposed use, as requested and described in additional submittals (Exhibit 2) meets all applicable requirements in the special uses section of the zoning code. Amy Haugen seeks to relocate the Little Flower Nido & Toddler Montessori Program from the current location in west Mandan to this property that will allow up to thirty (30) children.

The Special Use Permit (Exhibit 7) lists requirements for the day care center that must be met prior to issuance of a certificate of occupancy.

1. Facility must receive state approval.
2. 35 sf of interior play area must be provided per child.
3. 75 sf of fenced outdoor play area must be provided per child.
4. Onsite parking shall consist of one space for the manager, each employee, and one per twelve clients.
5. Drop-off and pick-up spaces shall be off-street and separate

Additional requirements that are more general in nature are listed on the permit.

### **Adjacent Properties and Land Use**

The property and all adjoining lands are zoned CA – Commercial and Future Land Use Designations are for commercial development. Adjacent land uses include multi-use shops, vacant, commercially-zoned land, and low-density residential.

### **Agency & Other Department Comments**

- ~ No comments have been received from the public related to this request. A total of 38 letters were sent to neighbors.
- ~ Fire Suppression that meet the Fire Code requirements for the intended use and that passes City Fire Inspection must be installed prior to the facility opening. Additional requirements may be realized during permit review.
- ~ The Building Inspections department will require an egress window to be added to the building to meet code requirements for the occupancy. Additional requirements may be realized during permit review.
- ~ Exterior building improvements will be subject to consideration by Mandan Architecture Review Commission.

### **Engineering & Planning Staff Comments**

Attached to this staff report are citations from adopted plans and studies as well as publications related to childcare in Morton County. A copy of an updated license for this location from the State shall be provided to the city prior to the facility opening.

### **Engineering & Planning Recommendation**

The City Planning staff recommends approval of the Special Use Permit for Childcare for Little Flower Nido and Toddler Montessori program at 1601 Hwy 1806 South (Lot 2, Block 1, Evergreen Heights 3<sup>rd</sup> Addition) contingent that building, fire, and state licensing codes are met prior to issuance of a certificate of occupancy.

Commissioner Liepitz inquired about plans for ingress and egress driveway and parking for this site. Planner Stromme stated that this was previously reviewed in 2020 when the shop condos were built in that area. There is a shared access to Hwy 1806 due to allowing entrance to highways. The proposed access would be the same as the properties currently serviced for shops and salons. There are no changes proposed for that entrance.

Commissioner Gardner inquired if the daycare will have its own access and if the shop condos will have their own access – the two do not share an access point? Planner Stromme clarified they do have a shared driveway and there is also a separate driveway to the shop condos.

Chair Robinson inquired if there were any comments or questions.

### **B. Open Public Hearing**

Chair Robinson opened the public hearing and invited anyone in the room or on the phone to come forward to speak for or against the request from Amy Haugen/Little Flower Nido & Toddler Montessori Program for consideration of a Special Use Permit for a childcare facility to be named Little Flower Nido & Toddler Montessori Program.

Chair Robinson inquired if there were any comments or questions. A second and third announcement was made to come forward to speak for or against the request from Amy Haugen/Little Flower Nido & Toddler Montessori Program for consideration of a Special Use Permit for a childcare facility to be named Little Flower Nido & Toddler Montessori Program.

### **C. Close Public Hearing**

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

### **D. Commission Action**

*Commissioner Liepitz motioned to recommend approval of the special use permit. for a childcare facility to be named Little Flower Nido & Toddler Montessori Program at 1601 Highway 1806 South contingent that building state and fire licensing codes are met prior to issuance of a Certificate of Occupancy. Commissioner Camisa seconded the motion. Upon vote, the motion passed unanimously.*

### **3. A request from City of Mandan for consideration of a Land Use and Transportation Plan Amendment in Northwest Mandan.**

#### **A. Staff Report**

City Principal Planner Stromme presented.

The City of Mandan has initiated an amendment to the Future Land Use and Transportation Plan (PLAN) in northwest Mandan in Sections 7, 8, and 12 in Township 139N, Range 81W. The area of focus of this amendment is in the general area of Roughrider Subdivision.

#### **Overview of Proposed Amendment**

Land development activity in northwest Mandan has accelerated in recent years, particularly after 2020, with contiguous urban development planned to Roughrider Subdivision along Old Red Trail NW. With increased focus on growth planning in this area, staff believes it is necessary to introduce an amendment to the adopted plan to incorporate new policies in infrastructure planning, in particular as it relates to interstate access. The proposed amendment introduces new corridor alignments for Old Red Trail NW, a realignment of a planned east/west collector highway located at the half-section line, and updates the future land use designations for properties along planned collector or arterial roadways. The current version of the plan (Exhibit 1) identifies 56<sup>th</sup> Avenue NW as the future location of an Interstate 94 interchange. Old Red Trail is shown to wrap around the interchange footprint and if planned and constructed in recommended locations would likely result in a similar footprint to the interchange of Sunset Drive, Old Red Trail and Interstate 94 which is known to be deficient and actively being studied for retrofit.

In 2021, the North Dakota Department of Transportation published an updated Traffic Operations manual (Exhibit 3) which serves as a guide to entities that work with their



agency. An excerpt from that manual that relates to traffic access management and interchange spacing is included in this report as Exhibit 2. New guidance provided from the DOT requires a minimum of one quarter-mile of distance between planned interstate interchanges and local stoplights. Intersections less than one-quarter mile from an interchange ramp would not be permitted to be signalized or have full directional and turning movements. The one-quarter mile mark is located in Roughrider Subdivision. However, due to the location of Roughrider Subdivision, the recommendation would be to move Old Red Trail around the interchange area by connecting it to a future half-section east/west collector roadway. Finding an alternate location is not the first time a city in North Dakota has had to address the situation. For example, 52<sup>nd</sup> Avenue South in Fargo, they had a similar problem so they rebuilt the road and took it a half-mile way from the interstate. A decision does not have to be made tonight on Mandan's situation; however, it is something that the community would like an answer to how it will be addressed for Mandan and it is an item that Planner Stromme would like to be able to provide to the development community. The policy conflicts with the plan and it is his intention to ensure a way to fulfill the plan in the future. Year 2039 is the soonest that access could be accomplished there. In 2020 it was estimated that it would cost \$50 million. There is no way to determine what the cost might be in 2039. NDDOT publishes the Traffic Operations Manual and it is up to the city of figure out a process to get there. The Land Use Plan does not fit the DOT's management policy as it relates to planning future interchanges. The current version of the plan produces conflict with industrial butting up against low density residential. There are arterial roadways that have local access subdivisions. Low residential typically has a driveway for everything.

Planner Stromme stated that notification has been provided to the public and action could be taken on this matter, or the Commission could consider delaying this matter into the future. He said that all comments received from public involvement have been forwarded to all Commissioners along with any specific comments to be answered. Further, he stated that he will need more direction and/or input from the Commissioners on the area northeast of the interchange. He stated that provided within the agenda packet, is to approve, for consideration are the public comments be addressed tonight or consider tabling the matter to a future meeting when additional modifications could be made. He stated that no changes can be made to what is being proposed tonight, because that would require a re-notice, the Commission can only consider what's in front of them at this time.

### **Agency & Other Department Comments**

~ The Bismarck-Mandan Metropolitan Planning Organization has indicated support for this amendment.

~ Morton County Planning and Zoning Director Pierce supports the amendment.

~ As of the publication of this packet, two comments were received from the public related to this request. Approximately 220 letters were sent to adjoining property owners. The comments received were forwarded to the Commissioners for consideration.

### **Planning Staff Comments**

An interchange at 56<sup>th</sup> Avenue NW is identified in Arrive 2045, the 2020 version of the Metropolitan Transportation Plan as a long-range project (2039-2045). It is also identified in this location in the Future Land Use Plan (adopted 2015) and Beltway Studies. An example of a similar situation from eastern North Dakota was included as Exhibit 4.

### **Planning Staff Recommendation**

The City Planning staff recommends approval of the Land Use and Transportation Plan as presented.

Chair Robinson inquired if there were any comments or questions.

Commissioner Liepitz commented that east of Roughrider there is low density residential with the proposal to jump to commercial zoning. He requested information regarding how that would be proposed because typically there would be a planned phase transition.

Planner Stromme explained that the plan includes low density residential with non-access points on Old Red Trail rather there would be access to the local road. It would be expected with that kind of transect going from commercial to residential that the development community would respond to that with a similar treatment to access management. It is not a major concern from a planning perspective having commercial next to residential as long as when they are close to each other they are not creating conflict when commercial property is being impacted by a group of residential driveways where snow can be stored, etc.

### **B. Open Public Hearing**

Chair Robinson opened the public hearing and invited anyone in the room or on the phone to come forward to speak for or against the request from the City of Mandan for consideration of a Land Use and Transportation Plan Amendment in Northwest Mandan.

Chair Robinson inquired if there were any comments or questions.

Mark Landis, a resident of Roughrider Subdivision since 1990 came forward and stated that he has concerns about the development proposed in Roughrider Subdivision. He said he is relieved to hear that an interchange would not go in until 2039. He inquired if any one of the Commission members would like to have that kind of development next to his/her neighborhood? He stated he does not understand how this would help this area rather it may be helping general development for the city. He stated that he understands the evolution of development, however, it has to be “smart” development. He purchased his home in 1990 in this area because of the peaceful surroundings and if this development occurs, it will not be peaceful or serene anymore and it will decrease property values of the homes located there. He stated that he believes the concerns of the residents living in this area should be taken into consideration.

Liz Landis a resident of Roughrider Subdivision since 1990 came forward and stated that some of the issues is that the land west of Roughrider is county. It’s not city. The land where the shops are located on the east side of 56<sup>th</sup> Avenue – has that been annexed into the city or is that considered Morton County? Part of the road in the plan being considered on 24<sup>th</sup> Avenue is another possibility that is county property also. Old Red Trail at 56<sup>th</sup> Avenue continuing to the west is also a county road. The land south and west of her property is owned by a private individual Keith Landis. It is her understanding that land is in an irrevocable trust, which is another issue that will have to be dealt with when planning putting an interchange here. There is also an implement dealer on Old Red Trail. Old Red Trail is

only a 2-lane road which is an inconvenience already for the implement dealer and adding an interchange in this area would create more problems.

Planner Stromme referred to the agency and other department comments provided in his staff report. He stated that he cannot make sole decisions for the metro area as it is the Metropolitan Planning Organization (MPO) that coordinates that activity and would be in support of any efforts taken to assist where the transportation system is optimal. They would support the plan and there is documentation that Morton County, the Planning and Zoning Director and the Engineer are in support of the proposed amendment. They will face a similar issue at Highway 25 where Old Red Trail out to Sweet Briar, is too close to the interstate in that area. The county and the Metropolitan Planning Organization (MPO) and Morton County staff have worked on creating the plan amendment and they are in support of what is being presented. The shop condos would be included in the recording of the city plat, the annexation ordinance that the Board has approved was written to go into effect based off of the legal description of the shops being recorded in the city plans.

Alicia Doll came forward and stated that she and her husband have lived in Roughrider Subdivision since 1999. She commented that it is a calm and quiet neighborhood. Of concern is that the industrial will be kept separate from the residential, however, the zoning plan shows there is industrial zoning right in the middle of the residential area. She said that indicates to her that someone wants to place a shop there and the residents will have to pay for the road so they can have the off ramp there. If that space were larger, she said she probably would not be as concerned. Another concern she has relates to her residence being located on the north side and to the west is a field wherein a substation was built in that field and that is now her backyard. She inquired who will purchase a house with a substation located in their backyard without any rural country setting to look at? She does not believe that part of the plan will work out. She inquired if that farmer has approved of the plan or will they sell their land? On the other side, there are farmers there. She has concerns about the residential property going down the hill wherein duplexes and houses have been built. Previously, that was a swamp and those structures are now getting water in their basements. She inquired if the city is looking out for its Mandan residents? Does the city plan to bring in a Fleet Farm or a business that will produce solid tax money to the city? She voiced concern that not enough information has been provided to the residents in this area of what is planned for this area, and it seems to her that the residents will be taxed with specials at some time in the future based on speculation of what is being planned for this area.

Russ Doll came forward and commented that it appears the original design of this area is toward the north – he inquired if any consideration has been given going south of the interstate? He questioned the reasoning behind putting an off ramp in this area? He believes an underpass would be sufficient rather than putting in an off ramp.

Planner Stromme explained that it does not matter from a planning perspective how land is owned. Planning can designate in its plan to put something in a specific location and things such as irrevocable trusts can be undone. If the city looks for the easiest route, it may not get the best route. The reason the route was chosen is because it would be symmetrical to what would be done on the east side. In summary, from a planning perspective, they do not look at how land is owned to know where roads are going because development will come at some point when the landowner is ready for it to happen and at that point whatever ownership that

property has will likely dissolve. Related to the deed for the infrastructure, the Sunset Drive intersection is failing on almost every leg and is dangerous. It is a high priority that gets remedied to some extent. Currently there are two parallel studies in process to fix that and when the city does not have enough of a footprint of space to utilize, the city will pay more money to have more complicated interchange. The reason the city wants to see more infrastructure in northwest Mandan is to address some pinch-points failing areas. When looking at the Land Use Plan that has been adopted, Old Red Trail would be built in the same location as it relates to Sunset Drive, relative to the same spacing as currently is at Walmart. That's what the city would achieve if the plan were followed. He does not think the city would abandon an interstate access point in this area without robust engagement. The ETA Plan goes out to four miles. If the Future Land Use plan is developed, there is urban, residential, commercial and industrial in northwest Mandan. The city needs something to get on to the regional transportation network. Some questions that have come up: Can you move it up a mile west or a mile east? The answer is "no", because the federal highway administration does not like them to be that close together wherein, they prefer a distance of 2-miles in between and Highway 25 is 2-miles west of 56<sup>th</sup> Avenue Northwest, thus has planning efforts have gone to the 56<sup>th</sup> Avenue location. Regarding land ownership, there is no consideration given when determining where future roads go as it would create more of a hardship to get everything set up. There are no land developers planning anything for this area due to this infrastructure plans currently being worked on. Planner Stromme explained that the Rock Prairie Estates, (Exhibit 6), one-third of that development has gone through the Planning and Zoning process and Roughrider Subdivision residents are not entitled to know about those plans because Roughrider residents live more than 500 feet away from that area.

Alicia Doll came forward again and stated that regarding Sunset Drive interchange being a cluster in that area is due to the city making that area a problem. If there is such a need now, then why the wait until 2039 to do it? The response was that it is not warranted at this time, rather this is part of future planning development. She requested this plan be reviewed more thoroughly since it is a big-ticket item as it affects so much of the city and its residents.

Mark Landis came forward again and stated that he disagrees that if a resident lives more than 500 feet from a commercial development one does not need to be notified. Residents need to deal with situations whether they live 500 or 600 feet away, they have to drive by it, deal with traffic due to additional development. When looking at the additional traffic, is there a plan that will improve Old Red Trail due to heavier traffic and bigger vehicles coming and going that will add to the congestion?

Planner Stromme explained that the 500 ft. distance is outlined in the City Code and planning does take into consideration reviewing plans that go from parcel to parcel. Sending more letters and correspondence comes with additional administrative costs to the city and the minimum guidelines are followed. There are planned improvements for Roughrider and Old Red Trail to that corridor in 2025.

Liz Landis came forward again and commented that the interchange goes between Gietzen's storage units and his backyard and it will also go through what used to be a lagoon for Roughrider Development that the city drained. She stated she hopes Planning and Zoning will be more cognizant of the residential zoning areas when individuals want to put in commercial zoning such as an implement dealership and shops.

Tom Gietzen came forward and stated that he has lived in Roughrider Subdivision for 43 years. His hope is that the shops that are moving in will be put in by wealthy individuals that will enhance the area. He commented that the Old Red Trail alignment be removed from the plan but then on the current plan the looped road is still included there. He inquired if those will be off ramps for the interstate? Planner Stromme pointed out that it will be south of that area (on the current plan) and determining something of that nature 20 years in advance is not yet appropriate.

Joyce Johnson came forward and stated she has lived in the Roughrider Circle area since 1990. She inquired what will go in beyond the shop condos and what's going in way up past Roughrider? Planner Stromme pointed out that there are no plans for anything there. The Land Use Plan is being updated without a development proposal with an understanding that a commercial or a higher density development is more likely to have few driveways along a busy street.

Linda Gietzen came forward and stated she and her husband have lived at Roughrider Subdivision for 43 years. She inquired how many Commissioners have gone out on Old Red Trail and traveled down the steep hill out to 56<sup>th</sup> Avenue and looked at the Roughrider area? (No response was provided.)

Joyce Johnson came forward again and stated that this winter, at least 3 times (not coming down the big hill) rather going up the big hill at the corner where a new house was built, that road has been shut off at least 3 times this year because someone has hit the concrete that has been raised so high that they were pushed into the ditch. The road was shut off so they could pull that person out of the ditch.

Alicia Doll came forward again and asked the Commission to consider if they lived in this area, what would they want?

Chair Robinson commented there were many questions that came up that were answered by Planner Stromme and there are many general concerns of the residents in that area. He stated that unless there is something else different to add, he will close the public comment period at this time.

### **C. Close Public Hearing**

The public hearing was closed at this time.

### **D. Commission Action**

*Commissioner Liepitz motioned to table the request from the City of Mandan for consideration of a Land Use and Transportation Plan Amendment in Northwest Mandan to allow the Planning Department based on feedback received and to address comments made and to bring back documents of explanations of what is and what isn't considered as part of the plan. Commissioner Gardner seconded the motion. Upon vote, the motion passed unanimously.*

Planner Stromme stated he will take this matter back to the MPO and the county Planning and Zoning Board to assure all parties are on the same page noting that the county may want answers to concerns that came up. The MPO will be interested in knowing how this will impact future transportation structure. He said he anticipates revisions will be made in particular, west of Roughrider Subdivision.

Planner Stromme stated that the contact information for Planning and Zoning members is available at the cityofmandan.com, under Departments, Planning Department, where there is a link provided with contact information. His contact information is also located on the agenda document. Chair Robinson commented that Planner Stromme promptly forwards any emails he receives to Commissioners when he receives them prior to the meeting. The questions in those emails are helpful when Planner Stromme introduces the item at the meeting. Planner Stromme stated that he appreciates receiving emails prior to the meetings.

## **OTHER BUSINESS**

### ***1. Consider appointments of 2023 Chair, Vice-Chair and Secretary positions for the Planning and Zoning Commission.***

*(i) Commissioner McLean motioned to appoint Nancy Moser as Secretary for 2023. Commissioner Camisa seconded the motion. Upon vote, the motion passed unanimously.*

*(ii) Commissioner Liepitz motioned to appoint Commissioner Robinson as Chair for 2023. Commissioner McLean seconded the motion. Upon vote, the motion passed unanimously.*

*(iii) Commissioner Liepitz motioned to appoint Commissioner Vayda as Vice Chair for 2023. Commissioner McLean seconded the motion. Upon vote, the motion passed unanimously.*

### ***2. 2023 Planning and Zoning Committee Meeting scheduled dates.***

Planner Stromme recommended the following schedule for the Planning and Zoning Committee meetings in 2023 (4<sup>th</sup> Monday of the month, except December is 4<sup>th</sup> Wednesday):

Monday, January 23  
Monday, February 27  
Monday, March 27  
Monday, April 24  
Monday, May 22  
Monday, June 26  
Monday, July 24  
Monday, August 28  
Monday, September 25  
Monday, October 23  
Monday, November 27  
Wednesday, December 27

*Commissioner McLean motioned to approve the recommended meeting dates for 2023 as presented. Commissioner Vayda seconded the motion. Upon vote, the motion passed unanimously.*

### **3. Consider Title VI Survey**

Planner Stromme stated that the Title VI Survey is an item that the city needs to have individuals to completed. This is part of the necessary efforts to demonstrate how the city is or is not a diverse community in things the federal government is interested in receiving as part of awards for federal projects. In order to fulfill that requirement, he requested members to complete the survey and return it to him and he will submit it to the Human Resource Director who will forward the results to the DOT. One survey will need to be completed for each position that you hold effective 2023. Commissioner Camisa commented that completing Title VI is vital to ensure that the city is eligible to obtain federal funds going forward thus they need to be returned to the HR Director in a timely manner so all the data is reported to the state DOT and the federal government in order to stay compliant. Planner Stromme requested the survey be completed and returned to him no later than December 29, 2022 (tomorrow).

### **ADJOURNMENT**

*Commissioner Camisa motioned to adjourn the meeting. Commissioner Vayda seconded the motion. Upon vote, the motion passed unanimously.*

The meeting adjourned at 7:02 p.m.