

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
January 27, 2020

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on January 27, 2020, at 5:30 p.m. CDT.

ROLL CALL

Commissioners Present: Boehm, Klein, Knoll, Liepitz, Renner, Camisa, Vayda, Robinson

Commissioners Absent: Klemisch, Helbling, Leingang, Frank

Commissioner Camisa motions to approve the December 18, 2019 minutes. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from Dr. Eric Belanger for consideration 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.

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.

Commissioner Renner asks the Sunset Avenue extension is set in stone. John says no, it is just a plan right now. John says next will be a preliminary plat and a master tied to it. All rezones have to come back. There is no reason to delay this comp plan.

Commissioner Camisa asks if there will be a development agreement. John says yes there will be. There is no template for an agreement, but more discussion about that will take place.

Wendy McNichols, Dr. Belanger's fiancé, introduces herself and the Dr. and provides some personal background. Dr. Belanger is a neurosurgeon, has developed other projects and started a property management company. Wendy says to think Mandan. The property is over 500 acres. It could take 5-20 to fill in. It has easy access to the interstate, Walmart, Sports Complex and a mix of other commercial.

Steve Iverson, Moore Engineering, is the planner on the project. He introduces Jared Klabunde who is also from Moore Engineering and is also working on the project. He says 50 acres have been dedicated for Mandan Schools. Parks own property in the development as well. They will hopefully come back soon, possibly next month with the first plat. It will possibly be a 20 plus acre twin home development.

Commissioner Liepitz questions the land west of the park slated for medium density when it was low density. Steve says the topography is rough. There is a cliff and a ravine. It makes more sense to put something other than single-family there.

B. Open public hearing

Andy Zachmeier, Morton County Commissioner and member of the Morton County Water Board. He says county staff has looked over this plan and has no objections. They understand this is a comprehensive plan and may go through changes. He and the water board have concerns about water being pushed into the county. They would like to be included in discussions with the developers. The developers indicate this can happen.

Bob Vayda, adjacent property owner. A lot of walking paths will be put in. He asks where these people utilizing the walking paths will park their vehicles. There is a 26 acre triangle where he thinks would be a good location for a parking lot. It could also serve as a buffer from the single-family homes.

Jon Schuh, lives in the area. He has a natural view and buffer and would hate to lose that. He would like to see single residential and green space around him as a buffer.

C. Close public hearing

D. Commission action.

Commissioner Liepitz asks if the triangle is open to deviation. Dr. Belanger says it will take a long long time to get to that. He says there is flexibility. He suggests going with the recommendation of city staff knowing changes are made as the plan progresses.

Commissioner Renner is concerned with traffic congestion from 1806 and Old Red Trail. Dr. Belanger says the DOT looks at those problems after the fact. The traffic has to be there before they make any adjustments.

Commissioner Camisa motions to recommend approval of the amendment to the land use and transportation plan. Commissioner Klein seconds. Upon vote, the motion is denied with the following vote: Boehm-aye, Klein-aye, Knoll-aye, Liepitz-nay, Renner-aye, Camisa-aye, Vayda-nay, Robinson-aye

2. Consider recommending approval of a Zoning Ordinance to amend and re-enact Section 101-1-13 related to Amendments, amend and re-enact Section 105-1-12 related to Board of Adjustment, and remove Section 105-3-1 related to Applicability of Standards of the Mandan Code of Ordinances.

C. Staff report

John Van Dyke, City Planner, presents.

The proposed zoning text amendment surrounds application procedures for zoning applications in the City of Mandan. Presently, application procedures are located throughout the Mandan Code of Ordinances and not easily identifiable. The application procedures have been created in conjunction with the Zoning Ordinance Workgroup, which is comprised of several departments, two planning and zoning commissioners, the Morton County Planning Director, and City legal staff. The amendments are being proposed for the following reasons:

1. Clarity of procedure is important to the applicant, city staff overseeing and facilitating the process, and general public to ensure the integrity of due process.
2. Consolidating procedures of land use applications related to zoning creates efficiency for staff by reducing the amount of labor resources required to explain said procedure to prospective applicants.
3. Future staff may more easily understand the various land use application procedures related to zoning if it is clearly outlined in a step-by-step procedure.
4. Various nuances of each land use application procedure are more easily compared when consolidated in one Section and share the same organizational structure.

Legal staff provided comments since preliminary ordinance was presented to P&Z in December 2019. Changes have been incorporated into the ordinance as presented in Exhibit 1.

Engineering and Planning believe this to be an important first step in restructuring and streamlining the zoning ordinance as it is written today.

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

D. Open public hearing

E. Close public hearing

F. Commission action.

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

OTHER BUSINESS

1. Introduction of Multi-Use Shop Ordinance.

John Van Dyke, City Planner, presents.

The attached in Exhibit 1 contains a preliminary DRAFT for code changes related to multi-use shops, commonly referred to as shop condos. The structures have become a popular type of construction. Since they have come around several issues have been 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.

Commissioner Camisa motions to adjourn. Commissioner Knoll seconds. Motion passes unanimously.

Meeting adjourns at 6:58 p.m.