

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
June 24, 2019

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on June 24, 2019, at 5:30 p.m. CDT.

ROLL CALL

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

Commissioners Absent: Klemisch, Knoll

Commissioner Leingang motions to approve the May 29, 2019 minutes. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

The commission has an at large seat open. Letters of interest will be accepted until July 31, 2019. Appointee will fill the remainder of the term, ending in December 2022. Commissioner Laber turned in a resignation letter.

PUBLIC HEARINGS

1. A request from Joe Hillerson, Boulder Homes, for a front setback variance. Said property is the south half of Lot 17 and all of Lots 18 and 19, Block 3, Heart View Addition in Section 28, Township 139N, Range 81W, in the City of Mandan, Morton County, North Dakota. The property is located on 14th Street NW.

A. Staff report.

Justin Froseth, City Engineering, is presenting for John Van Dyke, City Planner, who is out of town.

Joe Hillerson, Boulder Homes, recently acquired the property from the city with the intention of constructing a single-family residence. He is requesting a front setback variance from 15' to 6.5' Justin says the report is going to say 25' or 20' to 6.5', but he is sure the multi-family setback is 15' and not 25' or 20', so anywhere in the report it says that, it can be changed to 15'.

Several of the properties along 14th Ave NW abut the Lower Heart River. The subject property was brought into possession by the City when in the late 80s and early 90s several homes along 14th Ave. NW suffered damage due to soil erosion. The property was subsequently posted with warning signs.

Much of the property is affected by sloping topography and unstable soils.

Variance may be granted under the following circumstances (See Sec. 105-1-12):

- 1. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do*

not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;

The sloping topography in the rear of the property is unique to this area. Soil erosion due to adjacency to the Lower Heart River has created unsafe conditions, if the full 20' setback is enforced.

In addition, neighboring residential structures are already located closer (approx. 9') to the front property line than 15' and the granting of a variance would ensure consistency with the character of the area.

Finally, the right-of-way width for 14th Ave. NW is 80'. This is larger than the 66' typically required for a local road. The street is no larger than a standard local street. This results in a larger boulevard than normal. Problems with off-street parking encroaching into the street or sidewalk are mitigated by the larger boulevard.

2. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant;

The strict standards applied to this particular property would deprive the applicant of the reasonable use of the property. Properties along the west side of 14th Ave. NW experience unique issues stemming from soil erosion that others in the neighborhood are not subject to.

3. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The granting of the variance is in harmony with the general purposes and intent of this chapter.

There still is 24' between the front of the structure and the street. There is a 5' sidewalk in the boulevard.

Engineering and Planning recommend approval of the front setback variance from 15' to 6.5' based on the findings specified in Exhibit 3.

Commissioner Leingang asks if they are worried about the slope. Justin thinks they are comfortable building if they are granting the variance. They do have to submit an engineer foundation plan.

Mark Isaaks, Toman Engineering, has been in contact with Shawn Ouradnik, Building Official, and they will be doing a soil boring and engineering to ensure the house is built on flat ground and away from the ridgeline.

Chair Robinson also serves on the Lower Heart Board and in the past, they have received calls from others in the neighborhood of concern about spring runoff. At the time, the engineer on the board suggested sheet piled protection. He asks if his office is concerned with sluffing. Mark says their hopes are that would be reflected in the soil boring. The soil boring should tell them if there is sluffing or not. He says the outside turn of the river is more to the north of this lot. This lot is on a straight part of the river.

Commissioner Boehm asks what assurances do landowners have that there will be stability in 10 years. Mark says they would rely on the engineering foundation based on the soil borings. He is not sure the neighbors had the same extent of engineering when they were built.

Commissioner Renner asks if the city has any responsibility/liability since we sold the lot. If not, the builder and their engineer should be able to figure that out. Justin says they are required to do their due diligence with the soil borings. Without the setback variance, it may not be worth it to them. Justin said his opinion would be the city is not liable as long as the correct steps for permitting and due diligence on the builder is done.

B. Open public discussion.

Joe Hillerson, "I own Boulder Homes. I bought the lot from the city with the intent of building a single family home. Specifically, it will be for my stepson, Hunter, who's here with us as well. The city listed about 20 lots for sale a couple months back. This lot is the only one that I saw had the potential to build a home on it, to be honest. There's a lot of vegetation growing on the back side of this lot. I thought it looked stable enough to build a home on it, but I don't want to build it way in the back because I think there is more danger. This is why we're applying for the variance. We don't want to have any problems either."

C. Close public discussion.

D. Commission's action.

Commissioner Camisa motions to approve the front setback variance from 15' to 6.5' based on findings in Exhibit 3. Commissioner Leingang seconds. The motion passes with the following vote: Boehm-nay, Klein-aye, Helbling-aye, Leingang-aye, Liepitz-aye, Frank-aye, Renner-aye, Camisa-aye, Robinson-nay

2. A request from the Mandan Union Cemetery for a columbarium special use permit. The cemetery lies in Section 23, Township 139N, Range 81W, in the City of Mandan, Morton County, North Dakota. The property is located at 1600 Mandan Avenue.

A. Staff report.

Justin Froseth, City Engineer, presents.

The City of Mandan, which owns and operates the Mandan Union Cemetery, is seeking a special use permit to establish a columbarium park in the green space area.

Currently, there is green space that is located within the Mandan Union Cemetery. The Mandan Union Cemetery Committee recommended the reuse of the park for the purposes of a columbarium. A columbarium is a location to store urns from loved ones who have been cremated. Currently, the Mandan Union Cemetery only has space available for burial of urns and a columbarium is an alternative placement for those who choose cremation.

The proposed columbarium has 40 “niches”, or areas to place urns. Subsequent columbariums will be installed in a similar manner to the site plan submitted upon reaching the 40-niche capacity.

Engineering and Planning recommend approval of the Special Use Permit to add a Columbarium area to the Mandan Union Cemetery.

B. Open public discussion.

Justin shows a map of the cemetery and a rendering of the garden area.

Mitch Bitz, Public Works Director, says it will sit on a concrete base. There will be 1 urn per niche. As they expand other columbariums, they may differ in how many will fit in each niche.

Commissioner Liepitz asks why they need a special use permit, if it is zoned Agricultural. Justin says he does not know the full history. Ag usually isn't built upon without a zone change. Commissioner Liepitz thinks it should be verified if a permit is needed.

Commissioner Leingang asks if there should be a zone change. Justin would not recommend changing the zoning.

C. Close public discussion.

D. Commission's action.

*Commissioner Liepitz motions to approve the columbarium special use permit.
Commissioner Camisa seconds. Upon vote, the motion passes unanimously.*

OTHER BUSINESS

1. A presentation of McCreary Masterplan Subdivision by Scott Harmstead, SRF Consulting Group.

Patrick McGarry, Development Manager, representing John McCreary. John McCreary purchased the property 5 or 6 years ago. It is 935 acres with about 565 of it developable. They are willing to provide easements for Boundary Street. They have also been working the school district on a piece of property within this development, to see if it is an option for them. They are on the school board agenda for July 15th.

Scott Harmstead, Planner with SRF Consulting Group gives a presentation. He focuses on six master plan elements.

A. Land Use.

They look at consistency of their plan with the city's plan. Their plan is consistent with the Mandan Land Use and Transportation Plan (2015), Fringe Area Road Master Plan (2014), I-94 Corridor Study, MPO Long Range Transportation Plan (Envision 2040), Mandan Zoning Classifications, and the ND Main Street Initiative. A majority of the development is residential adding 4400 residences to the city. Light industrial is planned close to the interstate with commercial behind it.

B. Development Phasing.

The first phase would begin on the east side of the property and they would continue west with each phase. This is the area closest to the city. Boundary Street extension would be key to making it work. Lohstreter would be another connection, on the south side. Current MPO and city plans show a crossing across I94 to Old Red Trail. It would be an underpass or overpass.

C. Transportation Assessment.

They looked at how much traffic this will generate and where would that traffic go. The first phase would see 90% of the traffic come from Boundary Street and about 10% from Lohstreter Road. There is a proposed arterial street going north and south that runs down the middle of the development.

D. Utility Needs Assessment.

They visited with Justin Froseth about the city's water supply plan. A pressure reducer valve would have to be installed on Boundary Street. A proposed water tower would be located in the area of the possible school property.

The sanitary sewer would connect from the current high school area. As more phases going west are built, it would connect south and to the Main Street area.

E. Storm water Approach.

They looked at the existing conditions, proposed conditions, regulatory environment, water quantity and volume control, water quality, and pond design.

F. Stakeholder Coordination.

Chair Robinson asks Justin how the city sees it playing out with this development leapfrogging the Christianson property that sits between it and the city. Justin says the most ideal would be for Christianson to be developed first, but more than likely would not be a must.

City staff has not yet fully vetted the project. There is park property as well to the east of Christianson's.

Commissioner Liepitz asks Justin how he sees the extension of Boundary Street. Justin says it would probably have to go north/northwest because of the topography. He has not seen extension plans at this time.

Commissioner Renner has concerns about traffic in and out of the development. Wasn't there discussion about putting in an interchange on I94? Even with either an overpass or underpass across I94, all that traffic would still come down Old Red Trail.

Justin says the MPO is leaning towards an interchange on I94 more to the west, by Roughrider Subdivision. It would be located at 56th Ave West. That would connect to what is identified as a northern bridge crossing over the Missouri River. That is the big, long term idea to have a bypass to a northern bridge crossing. That is not part of this project and is an idea at this time.

Justin says there is a public input meeting for the Metropolitan Transportation Plan on July 9th in Lincoln and July 10th here at city hall. A lot of these project ideas will be discussed.

Mayor Helbling says if they can figure out the connection streets and access from the west side of town, the city could grow that way. There is limited access north of town for the city to grow. If you can keep the traffic south of the interstate, it is more likely to keep that traffic going to Bismarck via the interstate.

Commissioner Camisa asks Justin if the city has plans for a development agreement with the developer. Justin agrees a development agreement would be prudent.

The masterplan consideration will come before Planning & Zoning in July. After that, it would be up to the developer to submit applications if they want to request subdivision plats or zone changes.

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

Meeting adjourns at 6:40 p.m.