

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
March 25, 2019

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on March 25, 2019, at 5:30 p.m. CDT.

ROLL CALL

Commissioners Present: Boehm, Klemisch, Knoll, Helbling, Leingang, Liepitz, Renner, Camisa

Commissioners Absent: Klein, Laber, Frank, Robinson

Commissioner Leingang motions to approve the February 25, 2019 minutes. Commissioner Renner seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. Consider a request from Hopfauf Custom Builders and Runnings for a Special Use Permit. The request is for remodeling of its new store located on part of Blocks 11 & 12, Mandan Proper, in Section 27, Township 139N, Range 81W. The main store will be located at 504 West Main Street with a warehouse located at 511 -1st Street NW.

A. Staff report.

John Van Dyke, City Planner, describes the request.

Hopfauf Custom Builders on behalf of Runnings Supply, Inc. is requesting a special use permit for farm supply retail (See application docs in Exhibit 1). A special use permit is required for vehicle and farm supply sales in the DF – Downtown Fringe District.

The two buildings are the former Central Market and Thrifty White. The City acquired the two buildings and associated parking lots in 2017 for a purchase price of \$1.5M. A redevelopment proposal was presented to City Commission in Summer 2018, where staff was guided to explore alternative private investment opportunities.

Runnings Supply, Inc. closed on the property in January for a purchase price of \$1,025,000. Runnings has received approval for Renaissance Zone funds and intends to apply for Storefront Improvement Funds at the time of writing.

The site plan (Exhibit 2) was presented to Mandan Architectural Review Commission on March 12, 2019 and received approval contingent on an acceptable landscaping plan and improved quality of the fence for the outdoor storage area. They have subsequently submitted a landscaping plan that will be reviewed at the March 26, 2019 Mandan Architectural Review Commission meeting (See Exhibit 3).

The primary reason that this use requires a special use permit is largely due to the outdoor display of inventory for sale and amount of unimproved land used for this purpose and customer parking. These types of uses commonly have large ground-level parking lots which is a poor use of the limited land in a downtown setting. Changes regarding certain aspects of

this application are not possible due to the existing structure placement and driveway approaches. However, there are design improvements that can be required to ensure the development is harmonious with the downtown redevelopment aspirations of the City of Mandan driven by the Downtown Mandan Subarea Study and Mandan Land Use and Transportation Plan.

In evaluating special uses, Sec. 105-1-5 (3) denotes the following requirements to recommend approval:

(3) In order to give a favorable recommendation, the planning and zoning commission must consider the following:

- a. The proposed use is in harmony with the purpose and intent of this chapter;*
- b. The proposed use is not in conflict with the adopted comprehensive plan of the city;*
- c. The proposed use will not adversely affect the health and safety of the public and the workers and residents in the area;*
- d. The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood; and*
- e. The proposed use meets all appropriate regulations for the district in which it will be located.*

Staff finds that the application for the special use permit aligns with the evaluation criteria with the exception of the proposed landscaping plan. The limited five (5) foot landscaping buffer is insufficient given the size of the parking lot coupled with the proximity to Dykshoorn Park to the south and southeast.

This finding is supported by the Mandan Land Use and Transportation Plan Goal 7, Policy 4, which states:

Use incentives to encourage business owners to use and increase landscaping and other design aesthetics to beautify their buildings, entrances and parking lots.

It is additionally supported by the Mandan Downtown Subarea Study. The use of landscaping to visually separate the roadway and sidewalk from adjacent parking lots is the second highest ranking parking policy coming from this study. By breaking up the visual monotony, W. Main St. beyond 4th Ave. NW lends itself to be inviting to pedestrians in downtown.

Building and Business Development recommend approval of the special use permit for farm supply sales at this location.

Engineering and Planning recommend approval of the special use permit with the following conditions and reasons documented (See Exhibit 4):

The following requirements are supported by the application received by the Engineering and Planning Department in Exhibit 1:

- 1) 511 1st St. shall be used for inventory storage and is considered accessory to the primary use of farm supply sales conducted at 504 W. Main St.

- 2) The property owner shall substantially conform to the site plan as illustrated on page 3 of Exhibit 2.

Landscaping utilized to break up the gray between the road and adjacent parking lots is supported by the Mandan Downtown Subarea Study (p. 14 – Parking Policies, p. 80 - Design challenges facing Main Street..., p. 87 – Community Agenda, Beautify Downtown). The city-issued incentives provided for this development align with the Mandan Land Use and Transportation Plan Goal 7, Policy 4. The size of the parking lot and adjacency to the park to the southeast provide an opportunity for streetscape beautification and place-making in order to entice pedestrian activity west through 4th Ave. NW along W. Main St. Based on these findings, the following is required:

- 3) The property owner shall substantially conform to a landscaping plan to be submitted prior to ratification by City Commission which shall include at a minimum:
 - a. A minimum five (5) foot landscaping buffer between the sidewalk and parking lot along W Main St. and 4th Ave. NW.
 - b. A minimum twenty-five (25) foot by twenty-five (25) foot landscaped area located on the southeast corner abutting the sidewalk of W Main St. and 4th Ave. NW.
 - c. A minimum of ten (10) trees and seventy-eight (78) shrubs shall be included in the area noted in 2) a. and 2) b. above.
 - d. The trees and shrubs shall be approved by the City Arborist.

Based on the March 12, 2019 Mandan Architectural Review Commission the fence improvement is required:

- 4) The proposed fence located between 511 1st St and 504 W. Main St. shall be no less than six (6) feet tall and either wrought iron, if non-site-obscuring, or wood/vinyl, if site obscured.

In order to facilitate the relocation of the greenhouse based on conversation with the applicant and not require a reevaluation of the special use permit site plan, the following exception to requirement 2) above is allowed:

- 5) The greenhouse may be relocated directly in front of the east loading dock, but in no way shall interfere with the alleyway to the east.

The following requirement is supported by the letter of intent (Exhibit 1) provided by the applicant with additional provision for setup and takedown prior to opening and upon closing of the store.

- 6) The outdoor display of goods shall be limited to the hours between 6:00am and 10:00pm, seven (7) days a week. They shall be enclosed within the proposed fence at all other times.

Commissioner Liepitz points out the staff report and Exhibit 4 discussing 10 trees and 78 shrubs references paragraph 2a and 2b should be changed to 3a and 3b. He asks if the letter

from the city arborist changes the staff recommendation or is it just for their information? John says the landscaping plan as submitted is insufficient to make a firm recommendation. He says there is merit in tabling this until April, which would give more time for evaluation. This was submitted mid last week. A need for a landscaping plan was only discussed at the Mandan Architectural Review Meeting (MARC) on March 12th. The city arborist makes great note that 5' is insufficient for certain types of trees. The kind of trees and number of them should be spelled out in this plan. It would be best to follow the arborist's recommendations for the species.

Commissioner Knoll asks why the tree & shrub recommendation? John says it is common to have a green landscaping buffer on commercial lots downtown for the beautification and appeal of downtown.

Commissioner Renner asks if a delay would hurt their target open date? John says they would still be able to pull their permit. Their target date is July 15. If this was tabled until April, it could be evaluated and heard at the mid May City Commission with the requirements spelled out in a special use permit and still have a 2 month buffer before opening.

John says he is recommending approval on what is outlined in his report.

Commissioner Leingang asks if anybody comes back and cleans up the shrubs and weeds. John says Runnings has been given a lot of subsidies from the city and the plan should blend into our downtown.

Commissioner Camisa thinks they will have to install a different tree based on the arborist's letter. The size of a certain species can affect the number of trees and shrubs that will fit in there. John says he defined what he thought was adequate for downtown. It is difficult not knowing what kind of tree. What he has outlined is a skeleton to work with and get feedback from other departments and Runnings.

B. Open public discussion.

Dave, Hopfauf Custom Builders, says Runnings is happy to provide greenery. They agree to the 5', but do not want the corner 25' x 25' section and they think it is too many shrubs. Runnings does not want to have to do maintenance of it. They are doing demolition right now and are on a deadline.

Shawn Ouradnik, Building Official, says if it is tabled, they will be able to pull their permit and continue working. The special use permit will not be issued until the landscaping plan is approved and done. There are a lot of events in that area, being across the street from Dykshoorn Park, there are always a lot of photos of this area across all kinds of media. We can make it more aesthetically pleasing. He thinks a 5' buffer is too shallow. His opinion is 6'-8'. He thinks the city can ask for something more aesthetically pleasing because they are receiving subsidies and because of the area it is in.

Mayor Helbling would like to see fewer, larger clusters of greenery, even if they are wider than 5'. He thinks that corner is a must do as well. It does not need to be 25x25. The site plan needs to be approved by the Architectural Review Commission.

C. Close public discussion.

D. Commission's action.

Commissioner Leingang motions to recommend approval of the special use permit on condition the landscaping plan is taken back to the Mandan Architectural Review Commission and an agreement is made on the 5' strip and the 25'x25' corner. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

2. Consider a change to city ordinance Section 105-1-15 related to signs. Said change would allow the building inspections department to process any standard sign application that clearly falls within the established ordinances without having to go before the Mandan Architectural Review Commission.

A. Staff report.

Shawn Ouradnik, Building Official, presents.

A change to City ordinance Section 105-1-15. – Signs (Exhibit 1) to allow the building inspections department to process any standard sign application. The building inspections department has received complaints from customers about the sign permitting process particularly the time it takes to go before the Mandan Architectural review Commission (MARC). With the MARC meeting every second and fourth Tuesday of every month it has become an issues for some sign contractors and installers schedule installations in a timely fashion. The question of consistency and attendance has come into question as well. This action would allow the MARC to focus its efforts on other areas of the architectural review process and provide better guidance on more substantial issues as it was intended. By allowing the building inspections office to process any sign that clearly falls within the established ordinances the process can be expedited and we can provide a better service to the customers. The applicant would be able to ask for the sign to be evaluated by MARC if they do not fall within the established ordinances. MARC would be able to issue a site specific waiver to the ordinance if they feel the intent of the ordinance was not being violated and the sign was not causing an encumbrance or hazard to surrounding properties or patrons. This change also outlines the corrective actions for unsafe or unlawful signs by establishing the Code Enforcement Officer as the first point of contact for these signs. This is the current procedure the city follows now.

The final change in this document would establish a size limitation on total sign area of 30% of the street facing sides of the structure and maximum of 1 square foot of sign area for each 2.5 square feet of lot frontage for pylon and pole signs. Previously the building inspections department has received questions that we have not been able to answer because we do not have an established maximum area for pole and pylon signs or a maximum area for all signage that we regulate on a building. Many people have been using the chart for the electronic message centers which would limit the sign area to 100 square feet at maximum. After looking into other communities in North Dakota the language being proposed is a close correlation to the language used in Fargo but is also similar to what is used in Bismarck.

Commissioner Liepitz says the statement in Subsection F says if MARC “feels”. He would like “feels” changed to “determine”.

Mayor Helbling thinks this is a good ordinance.

Commissioner Klemisch thinks anytime you can cut out the red tape is a good thing.

The code enforcement officer take the initial complaints or first point of contact and tracks the complaints. She filters the complaints to work with the appropriate department.

B. Open public discussion.

C. Close public discussion.

D. Commission's action.

Commissioner Klemisch motions to recommend approval of revisions to 105-1-15. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

Planning & Zoning recognition.

Commissioner Bob Leingang is presented with a City of Mandan Certificate of Appreciation for 40 years as a Planning & Zoning Commissioner.

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

Meeting adjourns at 6:08 p.m.