

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
Monday, March 27, 2023

The Planning and Zoning Commission of Mandan duly met in session in the Commission Meeting Room of the Mandan City Hall on Monday, March 27, 2023, 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. Planning & Zoning Commission members may be attending this meeting remotely.

ROLL CALL

Chair Robinson called the meeting to order.

Commissioners Present: Huber, Helbling, Horn, Liepitz, McLean, Smith, Vayda, Robinson, and Buchmiller. Commissioners Absent: Leingang, Mehlhoff and Gardner.

Chair Robinson announced that Commissioner Ellen Huber has joined the Planning and Zoning Committee as an extraterritorial representative. Ms. Huber previously served as the City of Mandan's Communications and Development Director.

MINUTES

Commissioner Buchmiller motioned to approve the February 27, 2023 minutes as presented. Commissioner Vayda seconded the motion. Upon vote, the motion passed unanimously.

PUBLIC HEARINGS

1. A request from Three Sons Investments, LLC, for consideration of a final plat to be named Arlene's Subdivision. Said property is part of Lot 1A including all of Lot 1 and Lot 3 of Lot 1A of Out lot "A" & Auditor's Lot "J" of Section 1 & Auditor's Lot Z of Section 2, Township 138N, Range 81W.

A. Staff Report

City Principal Planner Stromme presented.

Three Sons Investments (Fred & Arlene Berger) requested consideration of a final plat for a subdivision to be titled Arlene's Subdivision. The property is located south of the City of Mandan in the extraterritorial area, west of ND Highway 1806 south at Cottontail Way. The property is presently un-platted and largely unimproved. The area around this property began development prior to 1938 aerial imagery.

Final Plat

The proposed plat is 5.02 acres in size and contains one lot in one block and is intended for future low-density residential development. Portions of the property are located within Zone AE, the 100-year floodplain. A twenty-foot (20') electrical easement bisects the property. The property is accessed by Cottontail Way.

Adjacent Properties and Land Uses

Adjacent land uses include rural residential, seasonal commercial (fireworks sales), recreational uses (Trolley) and cropland. Adjacent properties are zoned R7 – Residential, CC – Commercial, and A – Agriculture. It is not annexed in the city limits and is located about one-half mile from city corporate boundaries.

Findings of Fact

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms with the Future Land Use Plan and other plans and studies;
4. A portion of the proposed subdivision is in the Special Flood Hazard Area but is proposed to be constructed in accordance with the Floodplain Development Ordinance and therefore will not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice;
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Agency & Other Department Comments

- ~ 11 letters were sent to adjoining property owners notifying of the hearing. No comments have been received.
- ~ Morton County Planning and Engineering Departments have reviewed the request; no changes are required.
- ~ Missouri West Water System and Custer Health have advised the applicant on steps necessary for water service and septic permitting.

Engineering & Planning Staff Comments

- ~ The intention of the ghost plat document is to illustrate how future lot subdivision may occur based on minimum lot sizes necessary for the install of a septic system in the future.
- ~ An ownership transfer will be necessary in advance of final plat recordation to ensure the properties combined are owned by the same entity. The current condition is two different LLCs which are represented by the same individual.
- ~ The legacy right-of-way deficiency for Cottontail Way has not been resolved. The applicant has provided a statement speaking to the access of the property. The gravel road existed prior to much of the development in this area. City or county staff believes that the development of up to three more residences as proposed by Arlene's Addition should be prevented due to this condition. Staff will require right-of-way acquisition when the property lacking dedication is platted.
- ~ The right-of-way for the section line between Sections 1&2 will be vacated with this plat.

Planner Stromme stated that the Planning Department staff recommended approval of the final plat for Arlene's Subdivision.

Chair Robinson inquired if there were any comments or questions.

B. Open Public Hearing

Chair Robinson opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request of a final plat to be named Arlene's Subdivision.

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 Smith motioned to recommend approval of the final plat to be named Arlene's Subdivision. Commissioner McLean seconded the motion. Upon vote, the motion passed unanimously.

2. A request from Red Trail Holdings for consideration of a final plat to named Rock Prairie Estates Addition. Said property is Auditor's Lot H and part of the SW ¼ in Section 7, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located at 2916 37th Street NW.

A. Staff Report

City Principal Planner Stromme presented.

Red Trail Holdings, LLC, Derek Zander, requested approval of a final plat for a subdivision to be titled Rock Prairie Estates Addition. The property is located in northwest Mandan, north of Old Red Trail NW and west of 47th Avenue NW.

Project Overview

The applicant seeks to develop the property for a mix of uses including commercial adjacent to Old Red Trail and a transition of twin-family residential leading to single-family residential. This is a new submission for the proposed development, in response to the City's request to amend the Land Use Plan. The previous version of the development plan was approved in 2022.

Final Plat

The final plat comprises 18.3 acres and contains 34 lots in five blocks. Right-of-Way is shown to dedicate roughly 2,100 feet of new streets for the subdivision, a mix of new and the extension of existing Corvette Street NW. Lot 6, Block 4 would remain as a pond feature for stormwater management purposes with easements depicted for stormwater conveyance elsewhere as annotated. The proposed density of the residential development is three (3) units per acre.

Approved Zone Change and Annexation

In 2022, the City Commission approved the final plat annexation and zoning ordinances, bringing the property's zoning in line with the Future Land Use Plan (residential and commercial) and fully annexing it into the city's corporate boundary. Due to slight changes in the plat geometry and lot numbering these ordinances will be re-drafted prior to recording..

Adjacent Properties Use, Zoning and Future Land Use

Adjacent properties include RM – Residential zoned twin-family residential, A – Agriculture zoned undeveloped property and CB – Commercial retail and service group B (farm implement). The Land Use and Transportation Plan identifies this area as future commercial and low-density residential.

Findings of Fact

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms with the Future Land Use Plan and other plans and studies;
4. The proposed subdivision is not located in the Special Flood Hazard Area or an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice;
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Agency & Other Department Comments

- ~ Fire Code restricts single and twin-family units to thirty (30) total until a secondary access point is provided. Turnaround easements depicted on the plat will be vacated when future phases come in.
- ~ Morton County Emergency Management has reviewed proposed street names. As of the writing of this staff report it is not known if the street names depicted are final.
- ~ Public works does not support cul-de-sacs in new development. The developer has submitted a proposed restricted access or median island to mitigate concerns. Staff is amenable to these and requires additional review.

Engineering & Planning Staff Comments

- ~ 34 letters were sent to adjoining property owners notifying of the public hearing for this request. No comments have been received.
- ~ City Engineering Staff expects to receive a petition from developing landowners in northwest Mandan related to the installation of trunk sewer to serve this and other developing subdivisions.
- ~ Development of this subdivision will be subject to a Development Agreement with the City of Mandan.

- ~ An easement showing the location of a future multi-use trail is shown on Lot 6, Block 4. The trail would then need to be in the right-of-way for Old Red Trail.
- ~ Portions of the development plan are in areas designated as wetlands on the National Wetlands Inventory.
- ~ The City has federal funds secured through MPO/DOT programs for improvements to Old Red Trail in 2025. The general scope of improvements would improve sight lines and widen the roadway to three lanes.
- ~ City policy requires storm water ponds to be held in undivided interest by a lot or lot(s) within the subdivision. The development team intends to have all commercial properties in the subdivision be responsible for future storm water pond maintenance and ownership.

Engineering & Planning Recommendation

Planner Stromme stated that the Planning Department staff recommends approval of the final plat for Rock Prairie Estates Addition contingent upon City Engineering and Public Works review of Corvette Street Northwest cul-de-sac, review of a stormwater management plan, approval of a petition for trunk sewer and a Development Agreement with the City of Mandan.

Commissioner Smith commented that the Public Works Department is not in favor of cul de sacs – with the two new proposed options – would they still be opposed to cul de sacs? Planner Stromme replied that these are deemed litigation tactics wherein they are necessary in certain situations. The survey team recommended these as solutions of which seemed favorable by the Public Works Department. Commissioner Smith commented that if he were to support this, he would have to see a contingency or covenant as part of the plan. Planner Stromme replied that if it's amenable, the city could go with the curb restriction. The developer and surveyor have provided a plat that can be used that would have all of the restrictions labeled as non-access lines as a standard way of labeling that information universally for contractors.

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 audience or calling in to come forward at this time to speak for or against the request of a final plat to be named Rock Prairie Estates Addition.

Landon Niemiller from Swenson-Hagen Engineers came forward and stated that he is representing Red Trail Holdings and stated that it is their preference also to have the cul de sac situation limited access points for driveway widths and their locations. It would have shared access points for two homes together leaving a right of way for snow storage. The purpose of the cul de sac is because of Old Red Trail now being re-routed through this area due to grading. There are limitations how much grade can come from a local street meeting up with an arterial street wherein the cul de sac will help circumvent that.

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 McLean motioned to recommend approval of a final plat to be named Rock Prairie Estates Addition contingent upon City Engineering and Public Works review of Corvette Street NW Cul-de-Sac, review of a Stormwater Management Plan, approval of a Petition for Trunk Sewer and a Development Agreement with the City of Mandan. Commissioner Vayda seconded the motion. Upon vote, the motion passed unanimously.

OTHER BUSINESS

1. RFQ for Zoning Code Rewrite.

Planner Stromme presented this item for discussion to consider the issuance of a Request for Qualifications (RFQ) for a two-year study to overhaul the City of Mandan Ordinances related to land development and zoning. In 2022, the Planning Department secured budget approval to commence a study, in collaboration with an experienced community development consultant, to assess the existing zoning and land development codes and to perform an overhaul. This has been a long-standing goal of the Planning Department in order to update the code in line with the community's development plans and studies. The intent of the RFQ is to solicit qualified consultants to perform the work scoped which would consist of an analysis of Mandan land use and growth data, the existing code, robust public engagement and the drafting of a new code, and other study subcomponents as needed. The intent of this study is also to achieve a new zoning code that is more user-friendly, contains modern development standards, eliminates conflict between sections and encourages high quality growth and redevelopment. The RFQ will be published through May 15, 2023, with anticipation of receiving qualified consultants willing to assist in this process. There is \$130,000 budgeted for this project.

Planner Stromme stated that the Planning Department staff recommended issuance of the RFQ. In general, input from the P & Z Committee members would be in the form of participating in a working group yet to be created. The time line set out is that the RFQ will be through May 15th. If there are workable statements received, the selection will be conducted over the summer months with the process moving forward over a period of about 16-18 months. The RFQ is budgeted for in 2023 and 2024 with options to carry forward if necessary. Planner Stromme stated this is an informational item since the Planning and Zoning Committee oversees these types of actions.

ADJOURNMENT

Commissioner McLean motioned to adjourn the meeting. Commissioner Smith seconded the motion. Upon vote, the motion passed unanimously.

The meeting adjourned at 6:05 p.m.