

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
Monday, May 22, 2023

The Planning and Zoning Commission of Mandan duly met in session in the Commission Meeting Room of the Mandan City Hall on Monday, May 22, 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: Leingang, Huber, Mehlhoff, Liepitz, McLean, Gardner, Smith, Hammond, Robinson and Buchmiller. Commissioners Absent: Horn, Helbling.

MINUTES

Commissioner Gardner motioned to approve the April 24, 2023 minutes as presented. Commissioner Buchmiller seconded the motion. Upon vote, the motion passed unanimously.

PUBLIC HEARINGS

1. A request from Shorestone Development for consideration of a final plat to be named Big Sky Estates 7th Addition. Said property is a Replat of Lots 3-8, Block 2, Big Sky Estates 3rd Addition, Lots 1-4, Block 1, Big Sky Estates Fourth Addition and part of Viewpoint Lane located in the SW ¼ of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota.

A. Staff Report

City Principal Planner Stromme presented.

Project Description

Jerry Benson of Shorestone Development, LLC requested approval of a Final Plat titled "Big Sky Estates 7th Addition". The property is located in northwest Mandan, north of Old Red Trail NW, east of 31st St. NW and west of Jude Lane NW. The subdivision was approved in February 2022 and has since expired due to it not being recorded within one year of final plat approval.

Plat Details

Big Sky Estates 7th Addition is 4.56 acres in size and would create 21 (twenty-one) R3.2 – Residential zoned lots in two blocks. Access to these lots will be provided through Viewpoint Lane NW, planned to be a public street which would connect to Jude Lane NW on the east side of the proposed subdivision. Of note, between the 3rd and 4th Addition there was a slight change in the development plan to change Viewpoint Lane from a three-street at Jude Lane connecting to 31st Street into a cul-de-sac due to the challenges of connecting a three-

street in this area. The proposed subdivision would modify the cul-de-sac depicted in Big Sky Estates 4th Addition. This modification will result in an approximately 35 feet extension of the cul-de-sac from its current length as platted. Associated with this item's initial 2021/2022 approval, a variance was approved from Sec. 109-3-2 (14) (f) – Platting; Design standards for roads within the City's Code of Ordinances, which specifies the maximum allowable length for a permanent dead-end street (cul-de-sac) to be five hundred feet (500').

Infrastructure and Utilities

Some required utilities are already in place to serve the lots within this subdivision. Adjustments will be necessary to sanitary sewer and water to align them with the new cul-de-sac location and property layouts. Street, lighting and storm water improvements and associated utility modifications are presently planned to be installed under a Three-Way Agreement which was conditionally approved at the May 16, 2023 meeting of the Board of City Commissioners.

Future Land Use Plan and Adjacent Uses

According to the Future Land Use Plan, the designated land use for this area is low-density residential. Adjacent land uses include low-density residential, medium-density residential, high-density residential, and commercial properties zoned R3.2 – Residential, R7 – Residential, CC – Commercial and CB – Commercial.

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; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Agency & Other Department Comments

A total of thirty-six (36) letters were sent to adjacent property owners notifying of this request. Planning staff has received comments in opposition to the proposed subdivision from adjacent property owners. Those received prior to this meeting were forwarded to the Planning and Zoning Commissioners for review and awareness.

Engineering & Planning Staff Comments

- Lot serving utility easements in some places from Big Sky Estates 3rd would be vacated and new easements dedicated to align with proposed plans.

- The 80-foot right of way for Viewpoint Lane will be maintained allowing for 18-foot boulevards for snow storage.
- Staff is evaluating driveway width restrictions relative to snow storage concerns which may be a mix of non-access controls and maximum driveway widths of 24-feet plus flares.

Engineering & Planning Recommendation

Planner Stromme stated that the Planning staff recommended approval of the final plat for Big Sky Estates 7th Addition.

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

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 from Shorestone Development for consideration of a final plat to be named Big Sky Estates 7th Addition. A second announcement was made to come forward to speak for or against the request.

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 commented that there have previously been discussions on cul-de-sacs and the proposed cul-de-sac in this location is not desirable even though it has been approved. He recommended avoiding cul-de-sacs in future development plans.

Commissioner Mehlhoff stated he resides in a cul-de-sac and when those lots were developed there was no space reserved for snow. In this project, he stated he appreciates that the developer has reserved space for placing snow. Chair Robinson commented that another element in this development is driveway location, to assist with additional space.

Commissioner Gardner inquired of Commissioner Smith if his concern with the cul-de-sac is due to fire limitations requirements? Commissioner Smith replied the concern is primarily with snow.

Chair Robinson inquired if there were any comments or questions.

Commissioner McLean motioned to recommend approval of the final plat to be named Big Sky Estates 7th Addition. Commissioner Leingang seconded the motion. Upon vote, the motion passed unanimously.

2. A request from Morton County, Missouri West Water System, Helfrich Worldwide, LLC, and Anklam Properties, LLP for consideration of a final plat to be named Mandan Industrial Park 13th Addition. Said property is Lots 1-3, Block 3 in “Replat of Lot 3, Block 3, Mandan Industrial Park”; Lot 1A in “Replat of Lot 1, Block 3 Mandan Industrial

Park”; Lot 2, Block 3, “Mandan Industrial Park”; Auditor’s Lot “Block 2 in Scott’s Acres” and vacated right-of-way of Section 17, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota.

A. Staff Report

City Principal Planner Stromme presented.

Project Description

Property owners in Mandan Industrial Park - Morton County Operating Property, Anklam LLP, Helfrich Worldwide LLC, and Missouri West Water System - seek approval of a final plat for Mandan Industrial Park 13th Addition. The properties are located in northwest Mandan in the Mandan Industrial Park, south of Old Red Trail on the north side of 37th Street NW and east of 30th Avenue NW.

Overview of request

This request presented is to realign the property boundaries to be more consistent with existing features and the current usage of the properties. Additionally, the applicants had submitted a request to vacate a 40-foot alley right-of-way shown on previous plats. The surface of this right-of-way was never improved, but there is an existing public force main sewer underground. That request was heard and approved at the April 4, 2023 meeting of the Board of City Commissioners. The vacated area will be returned to the adjoining lots in the subdivision, and the area vacated be dedicated as a forty-foot utility easement for city access and maintenance.

Final Plat

The preliminary plat is 23.27 acres in size and consists of four (4) lots in one block. Utility easements and previously-vacated rights-of-way are depicted in addition to the proposed property lines. A breakout of lots is listed below:

- Lot 1, Block 1: 1.86ac (*Helfrich*)
- Lot 2, Block 1: 17.16ac (*County*)
- Lot 3, Block 1: 2.24ac (*Missouri West*)
- Lot 4, Block 1: 2.01ac (*Anklam*)

A 40-foot utility easement is shown along the city force main sewer which jogs to be 45-feet on the far west side of Lot 1. A 20-foot easement is shown along 37th Ave NW on Lots 2, 3, and 4.

Property Conditions

The properties included in this plat are developed with structures. The sites are generally flat with a slight slope from the northeast to southwest. The Morton County Shop yard is surrounded by a mature landscape screening. A telecommunications tower is sited on Lot 1, Block 1.

Adjacent Properties, Zoning, and Future Land Use

Adjacent properties include MA – Industrial parcels in Mandan Industrial Park, an A – Agriculture parcel (Railroad Museum) and R7 – Residential (homes in Scott’s Acres

Addition along Old Red Trail NW). The future land use designation for this property is industrial.

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; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Engineering & Planning Staff Comments

This subdivision may be subject to a development agreement with the City of Mandan.

Engineering & Planning Recommendation

Planner Stromme stated that the Planning Staff recommended approval of the final plat for Mandan Industrial Park 13th Addition.

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

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 from Morton County, Missouri West Water System, Helfrich Worldwide, LLC, and Anklam Properties, LLP for consideration of a final plat to be named Mandan Industrial Park 13th Addition. A second announcement was made to come forward to speak for or against the request.

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 Huber motioned to recommend approval of the final plat to be named Mandan Industrial Park 13th Addition. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.

3. A request from David & Alexandria Weinreis for a preliminary plat to be named Schaff Estates 2nd Addition. Said property is Lot 1, Block 1, Schaff Estates, Part of the E1/2 of Government Lot 1 all in Section 7, Township 139N, Range 81W, Morton County, North Dakota. The property is located at 2392 37th Street.

A. Staff Report

City Principal Planner Stromme presented.

Project Description

David and Alexandria Weinreis requested approval of a preliminary plat for a subdivision to be titled Schaff Estates 2nd Addition. The property is located in the Extraterritorial Area northwest of Mandan, on the southeast corner of 56th Avenue NW and 37th Street.

Overview of Request

The request is to expand the applicant's lot by incorporating a .67-acre parcel of land situated directly east of the existing property line. This additional land is currently unused by the neighboring property owner to the east, as it lies west of a row of established trees. In order to make these changes to the lot, a preliminary plat is required (due to the amount of acreage) and an updated version of the future subdivision boundaries, known as a ghost plat, needs to be reviewed and approved.

Preliminary Plat

The preliminary plat covers an area of 9.17 acres and consists of a single lot within a block. The preliminary plat indicates several notable features, including an existing shop, a parking area, a row of trees, utility and access easements, right-of-way, and an overhead electrical line. It is worth noting that the current location of the existing shop does not adhere to the setback requirements for front yards in the A – Agriculture district, and should have been built 25 feet south of the lot line to comply with these regulations. Additionally, any structures such as the propane tank located within the right-of-way would be considered violations. At this point in the review process, it is not clear what action the city may require pursuant to these findings.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are all zoned A – Agriculture and used for agricultural and rural residential purposes. The future land use plan designates this property to be commercial in nature with adjacent properties commercial and residential of varying density. The regional beltway study and norther bridge corridor are identified for this property and right-of-way has been dedicated in the event that plan materializes.

Findings of Fact

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;

4. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the proposed subdivision at the time of development;
5. The proposed subdivision is not located in the Special Flood Hazard Area, and therefore the proposed development should not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development,
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, other plans and studies, policies and accepted planning practice;
8. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Agency & Other Department Comments

Thirteen (13) letters were sent to adjacent property owners notifying of the request. There have not been any comments or objections received.

Engineering & Planning Staff Comments

A Development Agreement may need to be drafted for this subdivision.

Engineering & Planning Recommendation

Planner Stromme stated that the Planning staff recommended approval of the preliminary plat for Schaff Estates 2nd Addition.

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

Commissioner Huber inquired if the current zoning for a commercial truck shop is a permitted use under Agricultural zoning? Planner Stromme replied that he is not familiar with the current use of the property, however, he offered to check into the zoning as the agricultural zoning is not something he is familiar with either. Commissioner Huber suggested that be included in the request if that is the intended use of the property. Planner Stromme recommended that the motion, if approved, could include a contingency that placing be more consistent with its land use.

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 from David & Alexandria Weinreis for a preliminary plat to be named Schaff Estates 2nd Addition.

Chair Robinson inquired if there were any comments or questions for Planner Stromme. A second announcement was made for anyone to come forward to speak for or against the request.

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 Gardner inquired if the ghost plat needs to be approved? It was zoned commercial with residential zoning to the south of it. Is that what's being approved, both commercial and residential? Planner Stromme stated that the applicant is solely the owner of the commercial designated property, thus any motions made are exclusive to the property being discussed which is limited to the commercial in nature. He said he looked at the code and found there is a use that is allowed in agricultural truck farming and he will continue looking into that. He recommended that any approval be contingent on further examination of the use zoning violations, if it is a violation to have approval contingent on zoning being brought into conformity,

Chair Robinson inquired if there were any comments or questions.

Commissioner Huber motioned to recommend approval of the preliminary plat named Schaff Estates 2nd Addition contingent on further examination of the existing use being compliant with existing zoning. Commissioner Buchmiller seconded the motion. Upon vote, the motion passed unanimously.

4. A request from Nagel Properties, LLC/Steve Nagel for consideration of a building setback variance and minor plat to be named Eastside Commercial Park 2nd Addition Replat. Said property is all of Eastside Commercial Park 2nd Addition of Section 26, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located at 2002 & 2008 Twin City Drive.

A. Staff Report

City Principal Planner Stromme presented.

Project Description

Nagel Properties, LLC (Steve Nagel) requested approval of a minor plat for a subdivision to be titled Eastside Commercial Park 2nd Addition and variance from Section 105-4-6 (e) of the City Code of Ordinances related to Special Purpose Districts, Gateway Overlay District, Lot requirements and setbacks in order to permit a reduced setback amount. The property is in east central Mandan, south of East Main Street and east of Twin City Drive SE.

Overview of Project

This request would combine two (2) lots in Eastside Commercial Park Addition into one to enable the expansion of their clinic business. The expansion involves building a two-story, mixed-use addition consisting of 4,020 sf in area (Exhibits 4 & 5). The proposed addition would encroach into the required setback for commercial lots adjacent to Interstate 94 to accommodate this addition.

The existing building is exempt from the forty-five-foot (45) setback requirement because it was built prior to 2006. However, the proposed expansion exceeds the limit for expanding a legally nonconforming structure, so it requires a variance from the city's code of ordinances.

Property History

Prior uses are unclear however it does not appear any structures existed on this lot before the existing building was constructed.

Proposed Plat

The proposed plat for Eastside Commercial Park 2nd is .94 acres in size and would contain one lot in one block. A number of easements for City and Private utilities exist on the property which impact where permanent structures may be placed on the lot. These include overhead power transmission and underground force-main sewer.

Variance Request

The requested variance would permit the setback amount for the property to reduce from the existing amount of thirty-three feet to thirteen feet. The applicant provided a statement of hardship (Exhibit 3).

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 CB – Commercial 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.

Minor Plat

1. All requirements for approval of a minor subdivision plat have been met;
2. The proposed subdivision is generally consistent with the intent and purpose of the zoning ordinance;
3. The proposed subdivision is consistent with the Future Land Use Plan, other adopted plans and policies, as well as accepted planning practice; and
4. The proposed subdivision would not adversely affect public health, safety and general welfare.

Agency & Other Department Comments

- Four (4) letters were sent to adjoining property owners notifying of this request. As of the time of writing this report no comments had been received related to this project.
- Public Works and Engineering share concerns related to apron locations relative to the intersection of Twin City Drive and East Main Street, which will be evaluated further during site plan review and are not a Planning and Zoning item.
- Public Works and Engineering Staff will work with the applicant to determine an accurate location of the force main sewer. This may affect plans for a three-season room on the east side of the building which is not a Planning & Zoning item.

- Commercial building improvements are subject to Mandan Architecture Review Commission review and approval.

Engineering & Planning Staff Comments

- Engineering staff indicated that a third driveway on this property would require a separate variance from the City Code of Ordinances related to Engineering, Public Right-of-Way.
- This subdivision may be subject to a Development Agreement with the City of Mandan.

Engineering & Planning Recommendation

Planner Stromme stated that staff recommended approval of the minor plat. He stated that with regard to the variance request, the recommendation would be to review the request and findings of fact, consideration of the statement of hardship and identification of a hardship, and modifying staff's findings of fact as necessary to support the motion of the Board.

Commissioner Huber inquired what the required setback would be for the Gateway District, in particular, if this were CB zoning without the Gateway overlay? Planner Stromme stated the rear yard setback is 10 feet. With the Gateway in mind that would be further and that could be addressed with the code rewrite because that's how it would be if it were not in this location. Commissioner Huber stated that in her capacity as the Mandan Business Development Director at that time, she recalls the mission being of beautification of interstate entrances and exits into the community. It was really pulled from a Moorhead, Minnesota Gateway overlay district and not giving much attention to setback. She encouraged there be a future review of that setback requirement as a component of that gateway overlay district. She inquired if there are any other rear setback requirements being adjacent to interstate or in this case, an extended ramp of the interstate? Planner Stromme stated there are some aesthetic things that would need to be achieved with building, however, there are no other requirements.

Commissioner McLean inquired what is the current set back of the current building? Planner Stromme replied that the current building set back is 33 feet from the property line (Exhibit 4). Pursuant to the code it has been grandfathered in as a use wherein he is administratively not allowed to extend non-conformities in this way in accordance with the variance request. Commissioner Gardner inquired that from the fence line to where the building is currently located is 33 feet? Planner Stromme stated that is correct noting that is considered a legal non-conformity, grandfathered-in.

Commissioner Huber inquired if Planner Stromme is aware of any other situations in which there has been an issue with a rear setback in the gateway overlay district? Planner Stromme stated that since he has been employed with the city, he has not worked with the gateway very much. He is aware of situations where the gateway is a challenge to measure particularly around the Expressway and Memorial Highway. He is not aware of any situation wherein the gateway is restrictive to the point where nothing can be done.

Commissioner Mehlhoff inquired about greenspace and plantings in the space. Planner Stromme stated that is something that will be evaluated with the site plan. There is an

exemption in the gateway code that does allow a portion of the public right of way to be used as a landscaping area and there is a reservation for the Mandan Architectural Review Board (MARC) to use at their discretion to waive the landscaping plan. In general, there are requirements to be met and subject to MARC review.

Chair Robinson inquired if there were any further comments or questions for Planner Stromme. Hearing none, at this time he opened the public hearing for comments.

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 from Nagel Properties, LLC/Steve Nagel for consideration of a building setback variance and minor plat to be named Eastside Commercial Park 2nd Addition Replat.

Steve Nagel came forward and stated he is available to answer any questions about the project. He commented on the setback noting there are several variances to consider and it has been challenging to create a plan to make this work. He said the plan includes a drive thru coffee shop and they plan to expand part of the clinic business. The intent behind the gateway ordinance is to protect the beautification of the area.

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

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 the minor plat of Eastside Commercial Park 2nd Addition Replat. Commissioner Mehlhoff seconded the motion. Upon vote, the motion passed unanimously.

Commissioner Huber motioned to recommend approval of the variance from Section 105-4-6 (e) of the City Code of Ordinances related to Special Purpose Districts, Gateway Overlay District, Lot requirements and setbacks to permit the variance request due to the following hardship of the myriad easements associated with the property. Commissioner McLean seconded. Upon vote, the motion passed unanimously.

5. A request from John & Korina Voegele for a Special Use Permit to allow multi-use shops, a zone change from R7 (Single-Family Residential) to CB (Commercial) and a minor plat to be named Hoovestols 4th Addition. Said property is Lots 6-8, Block 2, Hoovestol Subdivision of Section 26, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located at 901, 913 & 1001 Adobe Trail SE.

A. Staff Report

City Principal Planner Stromme presented.

Project Description

John and Korina Voegele requested approval of a minor plat for a subdivision to be titled Hoovestols 4th Addition, a Zone Change from RM – Residential to CB – Commercial, and a Special Use Permit for Multi-use Shops. The property is in central Mandan, north of 3rd Street SE, east of 6th Avenue SE on the east side of Adobe Trail SE.

Project Overview

This request would permit the construction of multi-use shops and self-storage units on the property. A zone change and special use permit are required as the uses permitted in multi-use shop require commercial or industrial zoning. Up to ten (10) units total of multi-use shops and self-storage units would be constructed on the site according to plan (Exhibit 4).

Zone Change

The proposed zone change would rezone the lot from RM – Residential to CB – Commercial.

Minor Plat

The requested minor plat is .74 acres in size and contains one lot in one block. A ten-foot utility easement exists on the back of the lot.

Special Use Permit

Multi-use shops are permitted in this zoning district with a Special Use Permit. Minimum standards apply to as codified in section 105-1-5 (k) of the City Code of Ordinances (Exhibit 4) related to multi-use shops. Evaluative standards for Special Use Permits are listed in section 105-1-13 (d) of the City Code of Ordinances and are shown in Exhibit 6.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are zoned RM – Residential and MA – Industrial. Uses include developed and undeveloped residential and light industrial. The Future Land Use Plan recommends medium-density residential in this area.

Agency & Other Department Comments

- Thirty (30) letters were sent to adjoining property owners notifying of this request. As of the time of the publication of this staff report no comments have been received by City Staff.
- Engineering and Public Work Staff will review a utility servicing plan when one is available.
- Commercial buildings are subject to Mandan Architecture Review Commission review and approval.

Engineering & Planning Staff Comments

Staff has initiated conversations with a neighboring property owner regarding the potential rezoning of a RM – Residential lot between the proposed CB – Commercial lot and MA – Industrial lots.

Staff is supportive of creating a buffer of commercial use between existing light-industrial and undeveloped residential lots.

Engineering & Planning Recommendation

Planner Stromme stated that the Planning Staff recommended approval of the minor plat, the zone change from RM to CB & Special Use Permit for Hoovestols 4th Addition.

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 audience or calling in to come forward at this time to speak for or against the request from John & Korina Voegele for a Special Use Permit to allow multi-use shops, a zone change from R7 (Single-Family Residential) to CB (Commercial) and a minor plat to be named Hoovestols 4th Addition.

Commissioner Huber stated that Planner Stromme commented that the property south of this does not have proper storage and there are multi-family units across the street that face that property. She addressed some of the concerns or questions regarding this including the property owner to the north of those apartments is contemplating additional multi-family development for that site. In the draft special use permit, there is some discussion about landscaping but not specifically buffering fencing screening of outdoor storage. At the last request for a special use permit for multi-use shops there were at least a concept plan or a drawing that was showing the building footprint and the parking locations so there would be adequate off-street parking for the site.

Planner Stromme explained that parking for shop condos is not clear how parking should be evaluated for shop condos in the Code of Ordinances. There are specific uses that are listed, for example for hotels, restaurants, single family, such as two parking spots per unit. If this were to be reviewed solely as an office development, the requirement is twenty (20) parking spots for this development which would probably exceed what's available on the site. If looking at it from the standpoint of being a mercantile, the requirement is one space per two employees. How it would work on a site such as this is that the first individuals to the party would be to determine the parking they need. That is something that will be considered when working on the zoning code re-write to clarify these types situations. If it is the desire of the Board to consider the landscape buffer, it was suggested that be made a contingency within any motion made for review by the MARC for a buffer of whatever this Board desires as shown on the site plan.

Chair Robinson inquired if there were any questions for Planner Stromme. Hearing none, he opened the meeting at this time for public comment.

Beth Teiken came forward and stated she lives across the street from the proposed site. She inquired what type of business is being planned for that site.

John Voegele, the property owner of the site being discussed came forward and stated the plans include developing personal shops such as plumbing businesses and personal use to do

hobbies, that will have low traffic. Each unit will be 34 x 60 and there will be a total of five (5) in that unit.

Charlotte Kitzan came forward and stated she owns a home on Adobe Trail. She stated her concern is that if this is allowed to be changed from single family residential to commercial, that will open up the other lot across from the site that will be taken over by businesses in this residential area. She is not in favor of turning this residential area into a commercial area.

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 Buchmiller inquired about Mr. Voegele referring to the shop condos, if these will be similar to those shop condos located on Riverwood Drive? Planner Stromme replied yes, they will be the standard shop condo, overhead door type of set up. Commissioner Buchmiller stated that in his experience with those businesses, the individuals arrive early in the morning and are out of there for the majority of the day.

Commissioner Huber inquired of Mr. Voegele if his intent is to retain ownership of these shops and rent them, or will he be selling them to the individuals occupying them? Mr. Voegele stated the intent is to retain ownership of the shops and rent them out with a possibility in the future of selling them. Commissioner Huber explained she asked this question in order to determine what control there would be now and in the future of the uses permitted in regards to the concerns brought forward from the neighborhood.

Commissioner Gardner inquired that the future use plan states that if this property will be zoned as medium density residential, thus that will be where the variance comes in? Planner Stromme explained that the zone change is specific to the current zoning to a new zoning district, changing from multi-family to CB with a special use permit that relates to the shops and there are no variances associated with this.

Commissioner Huber inquired that given the land use plan shows medium density residential, if this were approved would the land use plan need to be amended too? Planner Stromme stated that the code does not specify intensity of development that would require a land use plan amendment. At a staff level of something this small, probably not, however with the proposed use creating a buffer between existing and future it was decided that it was something that could be supported in planning in an area where land use amendment would not create a lot of value to the process.

Chair Robinson inquired if there were any comments or questions.

Commissioner Mehlhoff motioned to recommend approval of the minor plat, zone change and Special Use permit for Hoovestols 4th Addition noting that the Special Use Permit with the condition there is adequate usage control, noise and guidelines are included for the

development of this lot, limitations to include certain operation hours and limited to such office clerical nature. Commissioner Gardner seconded the motion. Upon vote, the motion passed with the following vote: Leingang-aye, Huber-nay, Mehlhoff-aye, Liepitz-aye, McLean-aye, Buchmiller-aye, Smith-aye, Hammond-nay, Gardner-aye, Robinson-aye.

OTHER BUSINESS

1. Update on active plans and studies.

Planner Stromme reported on studies of interest to this Commission related to long-range planning:

(a) Sunset Drive Corridor Study. The study was accepted at the May 15, 2023 City Commission meeting.

(b) Sunset Drive Interchange Study. The comment period for this study has closed.

(c) Mandan High School Placemaking Plan. There is a community involved workshop scheduled for May 23, 2023 at the Mandan Public Library.

(d) Zoning Ordinance RFQ. Offers have been received from qualified consultants to assist with the city zoning re-write with plans to do interviews in early June.

2. Update on Planning Department Projects

(a) Launch of Neighborhood Revitalization Initiative. Additional information can be found on the City of Mandan website, under the Planning Department @ Neighborhood Revitalization Initiative. This program is a guaranteed low interest equity loan for individuals who are interested in making improvements to older homes in Mandan. It is a partnership with Gate City Bank and the city's part is to evaluate applications and forward to Gate City Bank for credit worthiness to handle the loan component of the program. The boundary and eligibility criteria were reviewed.

(b) Art on a Box "wrapping" up. This program is near completion. This was a program that supported wrapping the utility boxes with fun and interesting art work.

The links to all the projects have been and will continue to be available on the city's website and other social media platforms.

ADJOURNMENT

There being no further business to discuss or come before the Board, Commissioner McLean motioned to adjourn the meeting. Commissioner Gardner seconded the motion. Upon vote, the motion passed unanimously.

The meeting adjourned at 7:00 p.m.