

**MANDAN PLANNING AND ZONING COMMISSION**  
**MANDAN CITY HALL**  
**Monday, November 27, 2023**

The Planning and Zoning Commission of Mandan met in session in the Commission Meeting Room of the Mandan City Hall on Monday, November 27, 2023, at 5:30 p.m. CST. Planning & Zoning Commission members may be attending this meeting remotely.

**ROLL CALL**

Chair Robinson called the meeting to order.

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

**MINUTES**

*Commissioner McLean motioned to approve the October 23, 2023 minutes as presented. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.*

**PUBLIC HEARINGS**

***1. A request from Brian Sharp et al for consideration of an amendment to the City of Mandan's Land Use and Transportation Plan that serves as the City's Comprehensive Plan, and a zone change from MC – Industrial to CB – Commercial with restrictions. Said property is Auditor's Lot F Less Auditor's Lot 1 in the NW ¼ in Section 22, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located on 27<sup>th</sup> Street NW.***

**A. Staff Report**

City Principal Planner Stromme presented.

Brian Sharp requested consideration of a land use and transportation plan amendment and zone change from MC – Industrial to CB – Commercial for Auditor's Lot F in NW ¼ less Auditors Lot 1 of F in the NW ¼. The subject property is in north central Mandan, west of ND Highway 1806, south of 27<sup>th</sup> Street N on the southeast corner of 27<sup>th</sup> Street N and 1806.

**Request Overview**

This is a two-part request to amend the City's land use and transportation plan from high-density residential to commercial and rezone the property from MC – Industrial to CB – Commercial contingent on the land use plan amendment being approved at the City Commission meetings. The owners wish to market the property for commercial use.

**Property History**

The property has never been developed, and previous and existing uses are Agricultural in nature. The property was annexed into City limits in 2013 as part of the broader north Mandan annexation initiated by the city. Recent developments south and north of this parcel

have resulted in certain necessary infrastructure components, such as proximity to City water and sewer.

### **Proposed Land Use Plan Amendment**

The Land Use Plan, approved in 2015, recommended that the property should be developed as high-density residential purposes. The current land use designation recommends a density of fifteen (15) dwelling units per acre (135 dwelling units) for this property. The proposed amendment aims to facilitate the development of the site for commercial use. According to the City's land use plan, the baseline recommendation for commercial buildings in this growth area, for comparable properties, is 8,000 square feet per acre, a standard that aligns with developments along Sunset Drive NW, north of Interstate 94. The land use plan was previously amended in this area to support commercial uses on the property to the south of this subject lot. As part of the broader Mandan High School development approximately 27 acres of land previously identified for commercial development is being developed as the new Mandan High School. Between the previous land use plan amendment for the parcel south of this, and that which is being proposed, approximately twelve (12) acres of new commercial development would be created. Residential developments in the near North growth area, when considering the proposed amendment, would potentially yield close to 3,000 dwelling units at full-build out according to the land use plan.

### **Zoning and Restrictions**

Based on the City's Land Use Plan and recent market data, City staff recommends the rezone to CB – Commercial be approved with contingencies to not allow certain uses. The restrictions would allow all CB – Commercial uses except:

- Single/Two Family Dwellings
- Multifamily Dwellings with no Commercial component (mixed use)
- Group Dwellings
- Retail Group B
- Service Group B – except carwash
- Wholesale group
- Bed and breakfast

These suggested restrictions stem from analyses of market gaps in Mandan and align with the City's Land Use Plan. The goal is to create prospects for commercial growth along Interstate 94 and create neighborhood-serving commercial options. Broadly speaking, the most significant opportunities to address gaps in Mandan's commercial development are concentrated in Retail and Service Groups A, representing a City-wide gap, while creating opportunities for the provision of convenient services within neighborhoods.

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is consistent with the Future Land Use Plan, if amended to CB – Commercial, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change is compatible with adjacent zoning;

5. The proposed zoning change would not adversely affect public health, safety and general welfare.

### **Agency & Other Department Comments**

Fifteen (15) letters were sent to adjoining property owners to notify them of this development request. Staff received only one question from a neighbor.

### **Engineering & Planning Staff Comments**

- This property will require future platting to create developable lots.
- Access to this property is not able to be provided from ND Hwy 1806. Staff is working with property owners to the south to determine if access is able to be granted through Heck Addition to 24<sup>th</sup> Street / Mandan High School.
- Staff recommends buffering be required for this site and restrictions for lighting and signage to avoid adverse impacts for the properties to the north which are developed and recommended to remain low-density residential.
- The City's Business Development Department supports the proposed amendment and zoning with restrictions as drafted.

### **Engineering & Planning Recommendation**

Planner Stromme stated that the Planning Department recommended approval of this request.

Chair Robinson inquired if there were any questions for Planner Stromme. Chair Robinson inquired if the Commission should address the question received from the neighbor? Planner Stromme explained that the question had to do with the property location. There was no opposition or objection to the initial request.

### **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 Brian Sharp et al for consideration of an amendment to the City of Mandan's Land Use and Transportation Plan that serves as the City's Comprehensive Plan, and a zone change from MC – Industrial to CB – Commercial with restrictions. A second invitation was given to come forward at this time to speak for or against this 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**

Chair Robinson inquired if there were any further comments or questions from members of the Planning and Zoning Commission.

*Commissioner Huber motioned to recommend approval of Brian Sharp et al for consideration of an amendment to the City of Mandan's Land Use and Transportation Plan that serves as the City's Comprehensive Plan, and a zone change from MC – Industrial to CB – Commercial with restrictions. Commissioner Gardner seconded the motion. Upon vote, the motion passed unanimously.*

*Commissioner Huber motioned to recommend approval of the zone change from MC – Industrial to CB – Commercial to include the restrictions as recommended. Commissioner Buchmiller seconded the motion. Upon vote, the motion passed unanimously.*

## **OTHER BUSINESS**

### **1. Appointments to the Mandan Planning and Zoning Commission.**

Chair Robinson announced that Commissioner Liepitz, who has served two 5-year terms on this Board will not be renewing his position, thus creating an open position.

Chair Robinson stated that there were seven (7) individuals who submitted applications. He extended an invitation to those individuals to come forward and present a statement of why they are interested in serving. A discussion will follow. Chair Robinson called on the following:

1. Allen Wilson (not present).
2. Tanner IntVeld came forward and stated he has been a resident in Mandan for over 10 years. He has managed Energy Cooperative for 3 years having been in that corporate group prior to that for 15 years. Prior to moving to Mandan, he resided in Fargo having been in the real estate business. He is interested in serving the public sector.
3. Reice Haase came forward and stated he has resided in Mandan for 3 years. He is interested in giving back to the community. His background includes both public and private sector experiences. In the private sector, he has been a consultant for about 5 years for a number of energy related companies across North Dakota in environmental consulting and planning. In the public sector, he was hired by Governor Burgum as a senior policy advisor to work on agricultural related issues. Currently he is working for the ND Industrial Commission
4. Timothy Schafer came forward and stated that he is a long time Mandan resident. He has a business degree and managed Ohms Café with his sister for 22 years. He indicated that his interest would be to improve Mandan.
5. Nick Renner came forward. He stated he was a previous Board member and resigned his position when his term was up. He indicated he would again be interested in sitting as a Board member and stated he believes he has the qualifications necessary to fill the position.
6. Bobby Sanchez (not present).
7. John Gartner, Sr. came forward and stated he is a lifelong resident of Bismarck-Mandan, having resided in Mandan for the last 28 years. He holds a master's degree in educational leadership. His previous work history includes that of being a teacher and a principal in the school system; the Parks Director in Mandan; He is interested in

serving on the Commission in order to serve the community. He stated he is a qualified candidate for this position because of his diverse employment and educational background. He is currently retired and has time to dedicate to this committee should he be selected to fill this position.

Chair Robinson suggested that a ballot format be used since there are five (5) candidates. Commissioner Huber provided clarification that the procedure for open record requirements should be followed (verbal voting), thus the citizens who are interested in the process will be informed of the number of votes cast and by whom.

Chair Robinson asked for any nominations. Commissioner Huber nominated Tanner IntVeld. Commissioner Buchmiller nominated Reice Haase. Mayor Helbling nominated John Gartner.

Chair Robinson asked if there were any more nominations in addition to the three (3) individuals nominated.

*Commissioner Smith motioned to cease nominations. Commissioner Gardner seconded the motion. Upon vote, the motion passed unanimously.*

Chair Robinson announced the three (3) candidates nominated for one open Board position are: (1) Tanner IntVeld; (2) Reice Haase; (3) John Gartner.

*Upon roll call vote, the Commissioners voted for their nominee. Huber – IntVeld, Helbling – abstained, Liepitz – Gartner, McLean – Haase, Buchmiller – Haase, Smith – Haase, Hammond – Haase, Gardner – IntVeld, Robinson – IntVeld.*

The tally of votes showed four (4) votes Reice Haase; three (3) votes Tanner IntVeld; and one (1) vote John Gartner.

Mayor Helbling intervened and commented that the City Commission may question appointing Reice Haase to this Board since he was recently nominated to serve on another city Board. He explained that the standard the City Commission has taken is to appoint interested individuals to different boards so that the same people aren't on a number of boards at the same time.

Reice Haase approached the podium and stated that he would be satisfied serving on the Mandan Growth Fund Committee, the committee that he was recently nominated to.

Commissioner Smith indicated that the votes cast were not consistent with a majority vote thus, he recommended that another vote be taken by the Commissioners to vote for their nominee from the Top 2 nominees to fill the one vacant position.

Chair Robinson called for a roll call vote.

*Upon roll call vote, the Commissioners voted for their nominee from the Top 2 nominees to fill the one vacant position. Huber – IntVeld, Helbling – IntVeld, Liepitz – IntVeld, McLean –*

*IntVeld, Buchmiller – IntVeld, Smith – IntVeld, Hammond – IntVeld, Gardner – IntVeld, Robinson – IntVeld.*

*Commissioner McLean motioned to recommend acceptance of Tanner IntVeld to fill the at-large position with a 5-year term beginning January 1, 2024 ending December 31, 2028 to the Planning and Zoning Commission. Commissioner Buchmiller seconded the motion. Upon vote, the motion passed unanimously.*

## **2. Zoning Audit Report Review**

Planner Stromme reported that this audit has been under review for about seven (7) months. An audit was completed of the city’s zoning ordinances. Will Hutchings, a representative from Stantec will provide an update of the plans for the Zoning Ordinance Rewrite going forward of areas that will be focused on over the next year.

Will Hutchings, Stantec, came forward and explained the presentation topics include:

(1) Project Overview; (2) Role of the PC; (3) Preliminary Code Audit; and (4) Next Steps:

- Goals for the Project: Revise code and update zoning within the city and its future growth areas.
- Process: Background, Engage, Draft, Impacts, Re-Engage, Accept
- Public Participation Plan and Stakeholder Engagement
- Planning and Zoning Role; Meeting Schedule

## **3. Reminder of Wednesday, December 27, 2023 meeting.**

Chair Robinson stated that the December meeting will be held on Wednesday, December 27, 2023 at 5:30 p.m. rather than Monday, December 25<sup>th</sup>.

## **ADJOURNMENT**

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

The meeting adjourned at 6:30 p.m.