

**MANDAN PLANNING AND ZONING COMMISSION**  
**MANDAN CITY HALL**  
**Monday, November 28, 2022**

The Planning and Zoning Commission of Mandan duly met in session in the Commission Meeting Room of the Mandan City Hall on Monday, November 28, 2022, 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](mailto:andrew.stromme@cityofmandan.com). Planning & Zoning Commission members may be attending this meeting remotely.

**ROLL CALL**

Vice-Chair Vayda called the meeting to order in the absence of Chair Robinson.  
Commissioners Present: Leingang, Mehlhoff, Liepitz, McLean, Frank, Vayda, Gardner.  
Commissioners Absent: Horn, Helbling, Camisa, Robinson.

**MINUTES**

Commissioner McLean motioned to approve the October 24, 2022 minutes as presented. Commissioner Gardner seconded the motion. Upon vote, the motion passed unanimously.

**PUBLIC HEARINGS**

*1. A request from Brandon Zachmeier for a final plat to be named Uncle Louie's Addition. Said property is Lots 2 & 3 of Lot A of the N1/2 of Section 10, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located at 5718 Rock Haven Harbor Road.*

**A. Staff Report**

City Principal Planner Stromme presented.

Brandon Zachmeier requests consideration of a final plat for a subdivision to be titled Uncle Louie's Addition. The property is located in the extraterritorial area in north Mandan, east of Hwy 1806 N, south of 37<sup>th</sup> Street North on east side of Rock Haven Harbor Road North.

The preliminary plat for this subdivision was approved at the September 26, 2022 Planning and Zoning Commission Meeting and at the October 18, 2022, City Commission Meeting.

**Final Plat**

The Final Plat contains one lot in one block, and is 6.15 acres in size. A portion of the property along the Missouri River is in a Zone AE – Floodplain per FEMA Maps. The WAPA – Western Area Power Administration transmission line easement has been visualized on this plat. The main change between the preliminary plat approved previously and the final plat is the addition of the easement for the WAPA transmission line which bisects the property. Aside from that easement which is 125 ft. in width and the flood plane which is on the river side or east side of the property. There are no changes made to this plat between the preliminary and now. As a reminder, it is a combination of residential and there

is the Legacy business on the property which is a family-owned marine repair and sales facility.

#### Property Information

The present use is a marine repair and accessory sales facility. A residence and boat launch supporting the business exist on the property. An established screening of mature evergreen trees surrounds the property on the north, west and south property lines.

#### Adjacent Properties and Land Use

The property and all adjoining lands are zoned A – Agriculture. The Future Land Use Designation is for rural residential. (Exhibit 4). Adjacent land uses are residential and agricultural in nature. The City Extraterritorial Area extends to 37<sup>th</sup> Street N, roughly 500' north of this property.

#### 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. Portions of the proposed subdivision are located in the Special Flood Hazard area; however, no improvements are planned in these areas. The subdivision is not located in 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.

Planner Stromme stated that no comments were received related to this request. Seven (7) letters were sent to adjoining property owners notifying of the hearing. The surveyor representing Brandon Zachmeier is present to answer questions.

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

- Certain uses/activities may be restricted within the WAPA easement. Through this plat, the City approves the lot combination solely, not any improvements to the property which may be subject to WAPA approval.
- No access points to Rock Haven Harbor Road are proposed.

Planner Stromme stated that the Planning Department recommended approval of the final plat for Uncle Louie's Addition.

## **B. Open Public Hearing**

Vice-Chair Vayda opened the public hearing and invited anyone in the room or on the phone to come forward to speak for or against the request of a final plat to be titled Uncle Louie's Addition.

Vice-Chair Vayda inquired if there were any comments or questions.

## **C. Close Public Hearing**

Vice-Chair Vayda inquired if there were any comments or questions. A second and third announcement was made to come forward to speak for or against the request for a final plat to be titled Uncle Louie's Addition.

Hearing none, this portion of the public hearing was closed.

## **D. Commission Action**

*Commissioner McLean motioned to recommend approval of the final plat to be titled Uncle Louie's Addition. Commissioner Leingang seconded the motion. Upon vote, the motion passed unanimously.*

## **OTHER BUSINESS**

City Principal Planner Stromme presented the following:

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

There are three (3) at-large positions with terms for the years 1/1/2023 to 12/31/2027.

The at-large seats are currently filled by Victoria Vayda, Dot Frank, and Joe Camisa that all expire December 31, 2022. Victoria Vayda has notified the Planning & Zoning Commission she is interested in serving another term. Planning & Zoning has received five (5) applications: Victoria Vayda, Craig Smith, Ben Buchmiller, David Kroll, and Ryan Thomas.

The Planning Department staff recommended the re-appointment of Victoria Vayda and new appointees Ben Buchmiller and Craig Smith to the Planning and Zoning Commission.

Commissioner McLean motioned to recommend the appointments of Victoria Vayda, Ben Buchmiller and Craig Smith to the Planning & Zoning Commission to serve terms from 1/1/2023 to 12/31/2027. Commissioner Leingang seconded the motion. Upon vote, the motion passed unanimously.

### ***2. Appointment of 2023 Chair, Vice-Chair and Secretary positions for the Planning and Zoning Commission.***

*Commissioner McLean motioned to table appointments of Chair, Vice Chair, and Secretary to the December 28, 2022 meeting. Commissioner Liepitz seconded the motion. Upon vote, the motion passed unanimously.*

**3. Update on NW Mandan Area Land Use and Transportation Plan Amendment.**

Planner Stromme reported that this matter was briefly discussed at the last meeting. Since that time there have been a couple minor changes. It has not been sent out to residents. The proposed modification is to take the arterial road network and move it further away from the interchange and shift it north to a curved alignment. A map depicting the proposed plan was presented in a power point presentation. With the land structure there are uses that are more complimentary for access spacing and management and there are spaces that are less complimentary. The proposed changes will compliment the access management that Mandan needs to have around the interstate system. This proposal was presented to the Metropolitan Planning Organization who leads the long-range transportation and land use planning in this region and they approved of the alignment as presented. This plan also meets the minimum requirements of the NDDOT when evaluating plans for future infrastructure with regard to interchanges. The two plans provided to Board members indicate how Old Red Trail will be built and the proposed departure. The Planning Department office will send notice out to affected property owners this week so they will have 2-3 weeks notification as to how their properties could change when developed in the future. The developer has provided a layout of the plans as to platting the land in alignment with the Land Use Plan, noting that Mandan's Land Use Plan has produced some challenges. Also provided in the packet was a master plan for the east-west collector road up north that is recommended for approval. This item is for informational purposes for those properties involved so they have an idea of what will be coming in the future. The final plan will be presented at the next Planning and Zoning meeting and following that, notification will be sent out to property owners in this area.

Vice-Chair Vayda inquired if there were any questions for Planner Stromme.

**4. Introduction of new Assistant City Engineer.**

Planner Stromme introduced Jarek Wigness, Assistant City Engineer, will be assisting the Planning Office and the Engineering Office with current and new projects. He served as the Assistant City Engineer in Williston prior to relocating to Mandan.

**5. December 2022 P & Z Meeting:** Planner Stromme provided a reminder that the December meeting will be held on Wednesday, December 28, 2022 due to City Hall offices being closed on Monday, December 26<sup>th</sup> for the Christmas holiday.

**ADJOURNMENT**

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

The meeting adjourned at 6:02 p.m.