

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
Monday, September 25, 2023

The Planning and Zoning Commission of Mandan met in session in the Commission Meeting Room of the Mandan City Hall on Monday, September 25, 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, Mehlhoff, Horn, McLean, Smith, Hammond, Gardner, Robinson. Commissioners Absent: Leingang, Helbling, Liepitz, Buchmiller.

MINUTES

Commissioner McLean motioned to approve the August 28, 2023 minutes as presented. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.

PUBLIC HEARINGS

1. A request from Casey and Brooke Breuer for a final plat to be named Cat Creek Addition. Said property is Auditor's Lot A and part of the NE ¼ of Section 13, Township 139N, Range 82W, Morton County, North Dakota. The property is located at 2420 County Road 139A.

A. Staff Report

City Principal Planner Stromme presented.

Casey & Brooke Breuer requested consideration of a final plat for a subdivision to be titled Cat Creek Addition. The property is located west of Mandan in the extraterritorial area south of Roughrider Subdivision near Old Red Trail and 56th Avenue Northwest.

Overview of Request

The proposed final plat contains two (2) lots for residential purposes. One of the lots to be platted is an existing auditor's lot (Lot A of the SW ¼ of the NE ¼) containing a residential structure and the other lot would be a home site for a new residence. The preliminary plat was approved at Planning & Zoning on August 28, 2023 and by the City Commission on September 19, 2023.

Proposed Final Plat

The proposed plat covers a total of twelve (12) acres and contains two (2) lots in one block. Each of the lots are six (6) acres in size. The plat includes a forty-foot (40') access easement to provide access to the proposed subdivision through neighboring parcel described as the North ½ of the NE ¼ of Section 13, Township 139N, Range 81West to Old Red Trail through a culvert under Interstate 94.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are zoned A – Agriculture. Uses include Agricultural and Rural Residential. The Future Land Use Plan identifies this property as low density residential and high density residential. Agricultural zoning permits low-density, rural residential uses.

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 demonstrates an ability for the property to align with the Future Land Use Plan designation of low/high density residential and other plans and studies. 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;
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

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

Agency & Other Department Comments

- There has been no opposition and no comments have been received from adjacent property owners. Seven (7) letters were sent to adjacent property owners.
- The North Dakota Department of Transportation has reviewed this request and commented that no permits or further review are required for the lot(s) to be accessed through the Interstate 94 right-of-way.

Engineering & Planning Staff Comments

- The home to be constructed is planned to be served with septic and rural water. At a point in the future where development and infrastructure are closer to the subject property, it will be required to switch to municipal water and sewer according to the city policy at the time of connection.
- The 2018 Land Use and Transportation Plan recommends low and high density residential (3-15 dwelling units per acre) for this property. There are challenges, in terms of necessary infrastructure for this density exist. The proposed minimal footprint development allows for potential future subdivision and growth in this area. Portions of the property characterized by steep slopes and coulees/ravines are shown to be greenways in the land use plan.
- Staff's preference is for the home on Lot 1 to be sited as much as possible in the area reserved for low-density residential in the land use plan (south third of the lot).

- The 2018 Land Use and Transportation Plan and Fringe Area Road Masterplan identify an interchange and east-west minor arterial facility to be located in the vicinity of this project. The estimated construction of the interchange is at least sixteen years out according to planning documents.
- The applicant must work with Western Plains Public Health and Missouri West Water Systems for water and septic permitting.

Planner Stromme stated that the Engineering and Planning Department recommended approval of the final plat for Cat Creek 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 for approval of the final plat for Cat Creek Addition. A second invitation was given to come forward at this time to speak for or against this project.

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 Smith motioned to recommend approval of the final plat for Cat Creek Addition. Commissioner McLean seconded the motion. Upon vote, the motion passed unanimously.

2. A request from Cheydan Gordon for consideration of a variance to Section 105-1-3 (4) of the City Code of Ordinances related to accessory buildings in the R7 – Residential zoning district. Said property is Lot 2, Block 1, Replat of North Prairie Subdivision in Section 8, Township 139, Range 81 in City of Mandan, Morton County, North Dakota. The property is located at 5721 Highland Road.

A. Staff Report

City Principal Planner Stromme presented.

Cheydan Gordon requested consideration of a variance to Section 105-1-3 (4) of the City Code of Ordinances related to accessory buildings in the R7 – Residential zoning district. The property is located in the extraterritorial area north of Mandan, south of 37th Street NW, west of Highland Rd.

Background/Overview:

The applicant seeks to establish a rural residence on this property and construct an accessory building exceeding the size allowed in the City's Accessory Structures ordinance, which regulates the size of accessory buildings on a lot based on the size of the principal structure, the home, it is an accessory to. The property is a rural, platted lot zoned R7 – Residential consisting of 10.03 acres accessed from a private road which connects to Highland Road. The rezone to R7 – Residential occurred when the property was platted, as historical practice by the city allowed zoning map amendments to be facilitated by plat.

Variance Request

A statement of hardship has been submitted to support this request as Exhibit 2 in the report. The applicant seeks to construct an 8,000 sq. ft. accessory building on the lot. According to the ordinance, the maximum allowed size for accessory buildings on the property is 4,800 sq. ft. based on the proposed home size of 6,400 sq. ft. The proposed accessory building exceeds ordinance requirements by 66.67%. The applicant also suggested the possibility of a smaller, 6,000 sq. ft. accessory building, which would still represent a 25% increase over the allowed size of 4,800 sq. ft. on this property.

Relevant Plans and Studies

The area this property is located in has been studied as part of plans such as the Mandan Land Use and Transportation Plan, Mandan Morton Fringe Area Road Masterplan, Regional Beltway Study and other studies. These studies recommend prioritizing urban single-family residential development in the area, with a preferred minimum density of three (3) dwelling units per acre (30 homes). Also identified is a future collector roadway, connecting Old Red Trail to the planned Beltway / Northern Bridge Corridor. See: Policy 3 of Land Use Plan.

Adjacent Properties Zoning, Land Use and Future Land Use

The properties surrounding this property are zoned R7 – Residential and MA – Industrial. The future land use plan identifies this area for low-density residential and for commercial uses along the beltway corridor. Existing land uses are rural residential, vacant, a laydown yard and a shop. The property is roughly one-third mile south of Red Trail Elementary School.

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 R7 – Residential 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.

Agency & Other Department Comments

- There has been no opposition or comments received. Six (6) letters were sent to adjacent property owners.
- Morton County Emergency Management has indicated that this parcel may need to be re-addressed due to structures on a private roadway.

Engineering & Planning Staff Comments

- The construction of a single-family home with a rural style on this property could disrupt the organized growth of the community by potentially raising infrastructure expenses or contributing to an irregular development layout. This directly relates to Goal 1, Policy 3 of the City's Land Use Plan.
 - Goal 1: Promote a well-planned community balancing land uses and expansion of services. Key planning themes: Managing growth and development, community character and identity, maintaining infrastructure
 - Rationale: A carefully created comprehensive plan will ensure the community's ability to grow in a rational and responsible manner that promotes efficient investment in present and future infrastructure.
 - Policy 3: Require efficient use of the land with compact urban development standards in both new development and redevelopment.
- Staff acknowledges the site plan which preserves the corridor for the planned collector roadway. In the absence of a strategy for dividing the land further, a rural-style 10-acre lot would result in a net density of 0.1 units per acre, which is 96% below the city's target of three (3) units per acre. The city is open to ghost platting or development agreements that would protect the ability for future subdivision to take place around a home site. There are some concerns about the final development yield if working around a rural-residential lot of this scale.
- The City's land use plan identifies properties where rural-style development is supported, which are generally further out from the City's immediate development area.

Engineering & Planning Recommendation

Planner Stromme stated the Planning and Engineering Department recommended review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board.

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

Commissioner Huber inquired if there would be another zoning other than R7 that would allow the proposed use of a single-family accessory building? Planner Stromme stated that if the property were in an agricultural district there would be a different length applied to the structures on the property, however, a land use plan would not support putting this into an agricultural district at this time with the land use recommendation of residential zoning.

Different districts and different topics for industrial or commercial may not, but because of the residential nature of this it needs to be in a residential district. Commissioner Huber commented that she asked that question because she was aware that Mor Gran Sou utility yard immediately to the north of this parcel and also the discussion at a previous meeting down the road on 37th Street where there is an accessory building without a single-family home. Thus, wanting to compare in contrast the two situations that are relatively close together extraterritorial jurisdiction.

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

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 for approval of the variance to Section 105-1-3 (4) of the City Code of Ordinances related to accessory buildings in the R7 – Residential zoning district.

Blaine Engelstad, 5305 Highland Road, came forward to speak. He stated he shares a short distance property line with this property in discussion. He said it is his understanding that the road in front of this property, the long-term plan calls for that to be connected up to Old Red Trail. He inquired if there is a timeframe when that will occur? Planner Stromme stated that there is no timeline scheduled for that project. The road will primarily be constructed in a developer-driven scenario and that will be the trigger. Mr. Engelstad inquired if the long-term plan of that is to be an arterial road instead of Highland Road? Planner Stromme explained that in the Land Use Plan there was an alignment of a collector roadway identified as a parallel road that is to be built, and not Highland Road.

Cheydon Gordon, came forward and stated that he owns the subject property. The main concern for this request is to store his property. He explained he is a fabricator, by trade and he owns several pieces of machinery and he has hobbies that include restoring classic cars, etc. He currently leases buildings to store those items. He plans to build a double-decker car storage unit and the reason he plans on the 16 ft. height, is because he lives on a private road and there are no city services available. He stated he has no plans to move off this property. There will not be any industrial shops located on the property. He conducts his business at the shops he owns in Mandan. He said he is willing to work with the city if the project is approved wherein, he would plan to start the building project in the spring of 2024.

Chair Robinson commented that Planner Stromme has presented the long-term plans as it pertains to the city with the private road eventually being developed, however, the timeframe for that has not been determined for that area. Mr. Gordon stated that he has discussed this with Planner Stromme, reserving the 100 ft. corridor for future development and that he agreed to that plan.

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

Chair Robinson provided a final invitation to come forward to speak for or against the variance request to Section 105-1-3 (4) of the City Code of Ordinances related to accessory buildings in the R7 – Residential zoning district.

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.

Chair Robinson inquired if the Commission had any comments regarding the applicant's original request which is the 8,000 sq. ft. accessory building?

Commissioner Gardner commented he has been trying to get a sense of how far off the road that accessory building would be located? Planner Stromme explained that it appears to be from the gravel road about 200 ft. to the west (Exhibit 7). Commissioner Huber commented about the concern noted as density of the residential, however, the matter being discussed is for an accessory building. If the applicant were willing to structure this in a way that it could at some point have some ghost platting for three (3) different lots with the shop on one lot and the home on another lot or will the shop and home all be on one lot? Planner Stromme stated that the Planning Department's recommendation would be that the accessory building and house be on one parcel, thus the preference and recommendation would be on one parcel. Planner Stromme stated that he believes that either a ghost plat or an agreement would be a way to make the request more palatable reserving space for future subdivision simply by restricting permanent improvements until a point when future development is warranted in the area. If the P & Z Commission were to grant and to accept city staff's recommendation to have an agreement, that agreement would detail what the city would want reserved in terms of the city and the property owner would agree to in case there needs to be an adjustment to the agreement. At a high level, the parties would want to make sure the Bis-Man Corridor MPO is supportive of the agreement and city staff is aware of future developments. He recommended that the parties try to define what spaces should be set and not have permanent fixtures on it so nothing is in the way in the future.

Chair Robinson inquired if a ghost plat will help with that process? Planner Stromme replied that the city has had success with ghost plats in previous planning projects. It would be preferred to start with an agreement because the primary concern would be corridor preservation and an agreement would easily suffice. Another alternative would be for a survey exhibit to be drawn up that is referenced in an agreement that would show what the future lot would look like that the house and accessory building would be located on. Once the survey is triggered, the costs will go to the applicant, however, a ghost plat exhibit or agreement would work.

Commissioner McLean said he understands the ghost plat process and that there are three (3) dwellings per acre, really is not the norm in that location. Right next-door bordering, there are four (4) acres and one that's nine (9) acres. Would this be potentially platted to it? When looking at the drawing of how the building is going to be built on there, it appears to be about 2 to 2.5 acres – if the building were to be tied to the shop into one lot. Planner Stromme

agreed that the plans could be challenging to the point where the lines will go because consideration will need to be given to everything that needs to fit on this parcel with these structures. The Land Use Plan that the city adopted in 2018 recommended that for this portion of Mandan areas with a low-density use plan should be three (3) dwellings per acre. It is not recommended to develop similar to the property from Highland Road. This is more of a nuance because it is platted in an R7 zone parcel. The code gives a sense of entitlement to the ability to construct a home and accessory building on a parcel of three (3) units per acre and it would be challenging to limit to the three (3) units per acre but that could be mitigated by defining areas that remain untouched. Defining what is not to be structured would be an easier task.

Commissioner Gardner commented that he is not as concerned about the size but he would like to see a definition of dividing it in the future because that's how growth works.

Commissioner Mehlhoff stated he agrees with Commissioner Gardner's comments. There is a 15 ft. setback to what appears to be a tall building. He inquired if there would be any consideration that the setback could be placed further back to the north? And, if so, should the Commission consider that?

Commissioner Huber inquired about the status of the property to the north, are there recommended plans from Mor Gran Sou for that area to not be a utility service? Planner Stromme replied that anecdotally with the facility they have in the industrial park now, they don't need that parcel and often when someone doesn't need a parcel it could be made available for different developments. It's worth noting that plans on that property would be subject to the City's Land Use Plan and that would be primarily commercial on the Mor Gran Sou parcel. Commissioner Huber commented that it seems odd that there could be commercial sandwiched between another rural single-family residence immediately to the north of that property and the uses to the south that would seem to be a spot use at that point. Planner Stromme commented that that commercial parcel might be a situation where the city needs to ask for consideration before the commercial market exists on the property. That land use designation was drafted with the understanding that with the northern bridge corridor, there would be additional traffic that would support the commercial use. There may have to be an agreement that would be accepting to that until something develops in the future.

Chair Robinson inquired if there were any further comments or questions. He commented that the property owner involved will be building something, however, it is up to the Planning & Zoning Commission as to what to accept and if a variance is to be allowed and how to go about putting together that agreement.

Commissioner Gardner stated that with regard to the northern area of the property, that being Mor Gran Sou and the property to the south, there is already a very large shop even further south. It would be challenging to develop a road in there on 10 acres for additional residences wherein an entrance would have to come into the property. Chair Robinson commented that Mr. Gordon stated that he was allowing footage there for a future road. Planner Stromme explained that the Fringe Area Road Master Plan has been in coordination with the Bis-Man MPO and land use transportation planning in the region. There is an alignment shown on this property but it is difficult to understand what's underneath and it is

not clear how much of that would need to be on the property that is typical for an arterial or a collector designation. The terms in the agreement would be to avoid permanent improvements in the area in question.

Mr. Gordon stated that he would agree to a non-permanent access easement on the south side of that house wherein there should be ample room for a 100 ft. easement from the property line to the dwelling located there. He said he has no intentions to build on the south property line and there should be room for an access road if the need arises in the future. The challenge would be the development part on the west side.

Commissioner McLean moved to recommend approval of the variance to Section 105-1-3 (4) of the City Code of Ordinances related to accessory buildings in the R7 – Residential zoning district to permit the variance (for the 8,000 sq. ft). request due to the following hardships: No.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 R7 – Residential district that includes neighboring lots that have similar structures. In addition, this variance should be contingent upon an agreement or instrument that can be recorded against the property to reserve future development area and right-of-way for the collector roadway identified in planning documents to the satisfaction of City Staff and the Bis-Man Metropolitan Progress Organization (MPO). Of note and for clarification, that western part of that plat is not going to be a desirable development. Commissioner Huber seconded the motion. Upon vote, the motion passed unanimously.

3. A request from Vertical Bridge for consideration of a variance from Section 105-1-2 (1) and 105-3-17 (2) of the City Code of Ordinances related to structures excluded from height limits and MD – Industrial dimensional standards. Said property is Lot 2, Sylvester’s Industrial Park 11th Addition in Section 31, Township 139, Range 81. The property is located at 1819 43rd Avenue SE.

A. Staff Report

City Principal Planner Stromme presented.

Vertical Bridge requested consideration of a variance from Section 105-1-2 (1) and 105-3-17 (2) of the City Code of Ordinances related to structures excluded from height limits and MD – Industrial dimensional standards. The property is located in southeast Mandan, south of Memorial Highway SE, north of 19th Street SE on the west side of 43rd Avenue SE.

Background/Overview

The applicant seeks to construct a telecommunications tower on a property that fails to meet the City’s ordinances related to height limits and building setback. The property is an urban industrial lot zoned MD – Industrial consisting of .83 acres. City records indicate the property was developed as an implement dealer in 1983. The existing use is an automotive repair shop established with hard surfacing and one structure. The portion of the site contemplated for a telecommunications tower is presently gravel.

Variance Request

A statement of hardship has been submitted to support this request (Exhibit 2). The applicant seeks to construct a 190 ft. tall monopole telecommunications tower in the rear of the lot. Preliminary site plans submitted to the city indicate the tower will be sited on a 45 ft. x 50 ft. leased area in the rear. The proposed site is within the 25 ft. rear yard setback. The specific location of the proposed tower is 20 ft. from the west property line and 32 ft. from the north, 84% under the city's 209-foot requirement, which is based on the code requirement that towers be sited 110% of the height of the structure from a lot line. The applicant provided an Engineer's Opinion on the fall zone of the tower, indicating that based on design the expected failure would cause the radius to be equal or less than 20 ft. which would be within the property line of the proposed tower.

Planner Stromme stated that staff does not have the ability to make an exception or exemption with this opinion, therefore this item is presented to the Planning and Zoning Commission for review and consideration. Similar scenarios have been accepted by the Planning & Zoning Commission previously wherein the city requested a breakpoint design and this is similar to that wherein it would not break at its full height.

Adjacent Properties Zoning, Land Use and Future Land Use

Adjacent properties are zoned MD – Industrial, MA – Industrial and CC – Commercial used for light-industrial, storage and commercial purposes. The future land use plan recommends industrial for this parcel.

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 MD - Industrial 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.

The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Agency & Other Department Comments

- Eight (8) letters were sent to adjacent property owners. There has been no opposition or comments received.
- Construction plans are subject to review by the City's Building Inspections department.

Engineering & Planning Staff Comments

- Staff inquired of the applicant if co-location was an option with the recently-constructed tower on Action Drive Southeast and the existing site on 21st Street. The city has not yet been made aware if this is an option.
- The applicant cited difficulty identifying a parcel in this portion of Mandan where the 209 ft. setback amount could be achieved.
- If granted, the city will require hard-surfacing to be installed in the area called out as an access road on preliminary plans.
- There have been three (3) previous instances that have occurred in the past few years wherein the city has accommodated setback variance requests for communications towers. One was for a new tower and two were with existing towers in Mandan.

Section 105-1-2 (1) – Structures excluded from height limits was adopted in 2015 as Ordinance 1223.

Engineering & Planning Recommendation

Planner Stromme stated that the Planning and Engineering Department recommended review of the request and findings of fact, consideration of the statement of hardship and identification of a hardship, and modifying or accepting staff's findings of fact as necessary to support the motion of the board.

Chair Robinson inquired if there were any questions. Chair Robinson inquired as to when the Ordinance was originally approved, if the cell phone tower technology changed to any degree in particular the design in engineering for the fall zone? Planner Stromme stated he does not have expertise in the innovation of telecommunications industry. The industry has shifted wherein they are going back to the tower design, as in 5G driven. He deferred to Mr. Walter if there is any additional information to add. The tower requested is for 190 feet tall.

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

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 for approval of a variance from Section 105-1-2 (1) and 105-3-17 (2) of the City Code of Ordinances related to structures excluded from height limits and MD – Industrial dimensional standards.

Kurt Walter, on behalf of Vertical Bridge came forward and stated that Vertical Bridge is building hundreds of cell towers for T-Mobile across the country. He explained the structure of the monopole has not changed over the years, however, where companies are installing these towers has changed. The 5G has promoted going to macro cell towers such as this tower. The 5G is a different technology so locations need to be specific for T-Mobile system. This will be built by Vertical Bridge, a privately owned corporation. It can be used by other tower companies. This will power businesses and residences.

Commissioner Smith inquired about how often do these towers fail. Mr. Walter stated that very old towers that have been hit by adverse weather have fallen. Aside than that, he is not aware of any incidents prior to year 2000 or even further back. T-Mobile and Sprint have merged and they select the areas to install the towers. There is no interference with other towers, such as Verizon towers, as they are all ruled by the FCC. The towers are made of steel materials.

Commissioner Huber commented she is aware of one comment received and inquired if any additional comments were presented? The lot to the north and one to the northwest are not yet developed. Her concern would be if the tower would limit the potential commercial and/or industrial development of those lots.

Chair Robinson provided a final invitation to come forward at this time to speak for or against a variance from Section 105-1-2 (1) and 105-3-17 (2) of the City Code of Ordinances related to structures excluded from height limits and MD – Industrial dimensional standards.

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 inquired of the Mr. Walter, if there was indication of a co-location was an opportunity of that tower site on 21st Street and if that was investigated and considered at any time? Mr. Walter stated the first thing they do is look at any existing structures, towers, water tanks or grain elevator buildings, etc. The one south of Verizon was not tall enough to meet the desired coverage that T-Mobile is looking for and they wanted to be in this location. The property to the north and the property caddy-corner northwest and the property above that one, are all owned by the same people by a trucking company and storage.

Commissioner Gardner motioned to recommend approval of the variance. a variance from Section 105-1-2 (1) and 105-3-17 (2) of the City Code of Ordinances related to structures excluded from height limits and MD – Industrial dimensional standards to permit the variance request due to the following hardship: The applicants need the 190-foot tower to accommodate the proper services to the area that are indicated on Page 2 of the applicant's letter to the City of Mandan. Commissioner Smith seconded the motion. Upon vote, the motion passed with the following vote: Huber-nay, Mehlhoff-aye, Horn-aye, McLean-aye, Smith-aye, Hammond-aye, Gardner-aye, Robinson-aye.

OTHER BUSINESS

Planner Stromme reported on the following:

1. Update on active plans and studies for the new Mandan High School

Planner Stromme reported that community members accepted the final recommendations from the consultant at a public meeting held on Thursday, September 21, 2023. There will be additional public meetings held in the future with information available to residents on the development plans as they move forward. Further information can be found on the project website. Next steps will be to present final plans to the School District and the Park District stakeholders. The final plans will be presented to the Planning and Zoning Commission in October and to the City Commission in November, 2023.

2. Update on Re-Write Study of Zoning Ordinances

Another project currently in progress is the Re-Write Study to address oddities within the zoning ordinances. Stan-Tec has reviewed the city's ordinances and there will be public engagements starting in November, 2023. Presentations will be presented to this Commission for review and comments.

2. Youth Advisor Discussion

City staff is looking into a Youth Liaison Board. Discussions have ensued if it would be useful to have a youthful perspective on city board(s). This is being presented here to see if there is interest to have a youth sit on the Planning and Zoning Commission. At a minimum, the student would be a part of the city's planning process, however, tasks and goals have not yet been determined for this position. Planner Stromme said he will research further and bring ideas to the October meeting.

ADJOURNMENT

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

The meeting adjourned at 6:55 p.m.