



AGENDA
PLANNING & ZONING COMMISSION
JULY 22, 2024
COMMISSION ROOM
MANDAN CITY HALL
5:30 PM
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The City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com. Please provide your comments before 3:30 p.m. on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.

A. ROLL CALL

B. CONSIDER APPROVAL OF MINUTES

1. Consider approval of June 26, 2024 minutes

C. PUBLIC HEARINGS

D. OTHER BUSINESS

1. Update and Discussion on Mandan Zoning Study

E. ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
Monday, June 24, 2024

The Planning and Zoning Commission of Mandan met in session in the Commission Meeting Room of the Mandan City Hall on Monday, June 24, 2024, 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, Intveld, Buchmiller, Smith, Hammond, Gardner, Robinson. Commissioners Absent: Leingang, Helbling, Intveld, McLean.

MINUTES

Commissioner Smith motioned to approve the May 29, 2024 minutes with the corrections as noted. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.

Please review and correct this from the May 29, 2024 minutes:

On page 8, an autocorrect, 2nd paragraph, 2nd line, where it says where is that boundary line located at riff-raff should be riprap. And then 6 lines down, there is another sentence....about 20 feet to the riff-raff, that should be riprap.

PUBLIC HEARINGS

1. Consider Final Plat for Longhorn 3rd Addition.

A. Staff Report. City Principal Planner Stromme presented.

STATEMENT/PURPOSE:

The Central Dakota Humane Society requested approval of a final plat to be named Longhorn 3rd Addition. The property is in the extra-territorial jurisdiction and would be a replat of Lot 1, Block 1, Longhorn 2nd Addition. The project is north of Mandan on Hwy 1806. The only change that is being made from Longhorn 2nd to Longhorn 3rd is a slight adjustment of the access location.

BACKGROUND/ALTERNATIVES:

Overview Of Request

The requested final plat aims to adjust access to the property. The applicant, Central Dakota Humane Society (CDHS), plans to expand their operations that requires better access. The previous plat limited access to the current location of aprons and placed non-access lines and easements, directing all Longhorn 2nd traffic to use the existing aprons. Access to the CDHS lot was restricted to an offset location opposite of Entzel Drive. The proposed modification would realign the approach to be in line with Entzel Drive, enhancing safety at the intersection by improving site lines.

Final Plat

The property to be re-platted covers 11.69 acres and will be reconfigured into a one-lot, one-block subdivision. It dedicates no new rights-of-way. The section labels indicate the percentage of the property that was previously in Sections 9 and 10, but this does not mean the property is divided into two separate lots. The site is significantly encumbered by overhead electrical transmission infrastructure. Additionally, the access easement is intended for Lot 1, Block 1, Longhorn 3rd, and Lot 2, Block 1, Longhorn 2nd. Right-of-way for 37th Street to be a future arterial road was acquired with the 2020 plat.

Property History

Longhorn was originally approved as a residential development. The Humane Society's operations on this property began in 1994. In 2020, the property was rezoned from R7 - Residential to CB - Commercial (Ord. 1336) with restrictions in tandem with a section line vacation, land use and transportation plan amendment, and the approval of the Longhorn 2nd Addition plat.

Adjacent Properties Zoning, Land Use and Future Land Use

The property lies within Morton County zoning jurisdiction to the north. Properties lying to the west, east and south are A - Agriculture. The Future Land Use Map identifies this property as Commercial, Low Density Residential to the west, open space to the north and west and rural residential to the north and south.

Additional Information and Public Outreach

- The application and fee of \$450 was received on May 23, 2024.
- The preliminary plat was before this Board on May 29, 2024.
- The preliminary plat was approved at the City Commission meeting on June 18, 2024.

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 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 generally 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.

Staff Comments

- Staff began working on this project in 2022. The city has approved the adjustment to the

site access and it has been vetted by Engineering Department. The plat is what will adjust the access. The access easement serving Lot 2, Block 1, Longhorn 2nd, is adjusted slightly to extend further west than previously depicted to ensure that it overlaps with the proposed new approach to 37th Street;

- The CDHS Expansion was approved by Mandan Architecture Review Commission.
- Staff requested document numbers for recorded easements be added to the final plat, if/when available.

Planner Stromme stated that the Planning Department recommended approval of the final plat of Longhorn 3rd Addition.

Chair Robinson inquired if there were any comments or questions. Hearing none, the public hearing was opened.

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 the final plat for Longhorn 3rd Addition. A second invitation was given 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

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

Commissioner Huber moved to recommend approval for the Final Plat for Longhorn 3rd Addition. Commissioner Intveld seconded. Upon vote, the motion passed unanimously.

OTHER BUSINESS

1. Update on Zoning Study – Chapter 9 + Landscaping

Planner Strommer reported the following updates:

Provided within the Agenda documentation is a highlighted summary of the details of the proposed revisions. A separate resource has been created to provide definitions, in particular, some definitions contained within the original document were deficient, for example, “right-of-way” wherein a definition will be included in the revised edition of the Ordinance.

Definitions will also be expanded for:

- “Arterial streets” for the different type of streets that are to be constructed that will have a downstream effect when discussions occur regarding subdivision standards and development standards that are specific to arterial streets;

- “Subdivision” will be expanded to be inclusive to certain types of subdivisions and exclude certain types of subdivisions. There have not been many issues with subdivisions, however, it will allow for better use and best practices that the city currently has in place;
- “Comprehensive Plan”
- “Easements” and the “Minor Subdivision”
- A summary of other terms that relate to any new and expanded land uses

Consideration and discussion have occurred regarding the minor plat wherein it has been recommended to switch the management to an administrative process; however, due to complex issues that come up regarding minor plats, that could create entitlements that permit developments of a greater intensity that the Planning and Zoning Commission should be aware of. The goal is to have an easier way to resolve property issues as there are times that the current process may create a barrier when the results are to hire a surveyor, thus creating more meetings than necessary for relatively simple land adjustment actions.

The Ordinance will be updated as a paper document in written text to reflect the recent change to more digital submission. The Ordinance still requires paper submittals that have not been enforced since the digital revolution. Within the platting Ordinances, in particular, a staffing practice, consideration is being given at a high level to promote transparency in regards to the cost of developing land with a letter to serve.

When reviewing the Century Code regarding public hearings, it has been recommended that one public hearing be eliminated from the preliminary plat process. Currently, there is a public hearing held at the Planning and Zoning Commission meeting and at the City Commission meeting. There is another public hearing opportunity at the Planning and Zoning Commission meeting for the final plat; the thought is that only one public hearing is needed for the preliminary plat.

Regarding design plans for new plats are in place for spacing at intersections on primary arterial roads as they pertain to the Long Range Transportation Plan in reference to the Metropolitan Transportation however having a local line of defense within the Mandan City Code of Ordinances would be in the city’s best interest; it is considered a best practice because it will allow the city to have a local line of defense regarding major arterial roads wherein a lot of tax dollars are used for maintenance of the roads.

A portion of Chapter 109 pertains to land subdivisions and this is what is reviewed when looking at plats; access management would be applied to intersections based on plans as to which are meant to be arterial roads and which are local and then regulate the plat based on that. Screening standards are currently found in Chapter 109 in particular, natural and screening different land uses from each other. The recommendation would be change it to the site plan level so when site plans are being reviewed the screening would be handled at that point. Cross referencing may be considered so that the new subdivisions are laid out with screening in mind and lot sizes are determined to be sufficient for landscaping needs.

Regarding rural lot sizes is intended for rural residential lot sizes having to do with R7 lots that are city residential that are not considerate of on-site utilities, septic larger accessory

buildings that are common in a rural setting. The recommendation has been to defer the lot size and on-site utility standards with Western Public Health. The recommendation would be to switch to the same minimum lot size standard that Morton County has that works well.

Regarding lot access. The city has not experienced a lot of issues with this but would like to enact a local line of defense. The city relies on the Metropolitan Transportation that does not include local staff, and there is some discomfort when writing rules on behalf of the city. A review of new regulations for private access to major arterial roads.

Regarding street and right of way width, the current standard is 66 ft. or 88 ft. which in some cases is way too much and, in some cases, not nearly enough. Consideration will be given to switching to a more context-based approach that can be applied to when purchasing land to have a more relevant understanding of what will be dedicated to a subdivision if the purchased land has a major arterial designation that know they need more right of way versus less right of way. Discussion has been to adjust from 66 ft. down to 52 ft. in some settings and going up to 150 ft. plus or more in some settings for the right of way within the area being developed that is a major arterial road where more right of way is required.

Regarding easements when there is not enough space, when maintained by public entities, the necessity of having a common standard for an easement is recommended. Additional requests include sidewalk widths.

The Mandan Parks and Open Space Ordinance current practice is that when an individual wishes to take out a building permit to construct a new home, or a commercial or industrial structure in Mandan, a fee is required. That money is made available to Mandan Park District to acquire land and subdivisions. The thought is that is reactive and when in review it has been identified as shifting the responsibility to park dedication away from the individual developing in the community and puts it on the builder buying a house in Mandan in a subdivision that will already have a park located within it. The recommendation is to switch to a dedication of land that the developer would have to make to the Park District that would be context-based in subdivisions of ten (10) acres or more, that 7% of their land would be dedicated to the Park District. If less than ten (10) units per acre, a single-family development would be three (3) units an acre, that would be 5% of the gross area of land. Within commercial and industrial areas, 5% of the gross land area is recommended for open space dedication. The ordinance would not permit the dedication of land that is un-developed or otherwise considered unsuitable for park and open space uses that would need to be worked on in some fashion by the developer. The Park District would be the deciding factor if they do not feel a park is necessary in the specific area and would work with the developer. This will be a big shift away from the city's current practice; however, it will be in the best interest of the city.

The major changes will include the Landscape Ordinance that will have revisions made. There are aspects within the ordinance that are written in obscure language that have contributed to inconsistent application of landscaping within the community. The new standards will better match the requirements that of landscaping that is most appealing in community benefiting locations. The current requirements are difficult to ascertain when there are trees and shrubs when typically, a city would require one to have an "x" number of units of trees and shrubs when its less and does not appear to be sufficient. The goal will be

to uniformly apply standards across the board. The new recommendations will be to tailor landscaping to be installed in locations that have been studied to be the most impactful to communities. Building foundation would include landscaping that will be installed around building footprints. Parking lots would have landscaping islands per number of spots to be determined in addition to lighting requirements, storm water ponds, etc. Perimeter parking lot landscaping is something that will be more across the board and ordinance to be applied. Photos will be included within ordinances to define the requirements and to be user friendly.

Residential Lot Requirement. The recommended new requirement would be that every new residential lot as part of its landscape review would need to have a tree and the boulevard and the tree would need to be a 30 to 65 ft.

These are standards that will be applied to new developments in Mandan and retroactively applied to existing properties.

- There will be a Zoning Work Group meeting held on Thursday, June 27th that will entail a review of the recommended standards.
- A work session is scheduled for Monday, August 19th from 3 pm to 5 pm. This meeting will include a report from the consultants involved with the project.

Planner Stromme stated that he will be available to meet with anyone interested in a 1:1 discussion regarding the recommendations that have been presented.

Planner Stromme reported that there are two annexations pending. Typically, these matters are brought to the Planning and Zoning Commission since they are related to a zone change or a plat. The first one is Heart River requesting an annexation and that would be a facility that is being redeveloped wherein the former Youth Correction Center would be annexed into city limits. That will be discussed at an upcoming City Commission meeting and following that will be the platting and permitting process. The second one is the corrective annexation that is being done in northwest Mandan for the Rock Prairie Estate Subdivision.

ADJOURNMENT

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

The meeting adjourned at 6:20 p.m.



Planning & Zoning Commission

Agenda Documentation

MEETING DATE: July 22, 2024
PREPARATION DATE: July 18, 2024
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Andrew Stromme
PRESENTER: Andrew Stromme, City Planner
SUBJECT: Update and Discussion on Mandan Zoning Study

STATEMENT/PURPOSE:

Update and Discussion on Mandan Zoning Study

BACKGROUND/ALTERNATIVES:

Planner Andrew Stromme will deliver project updates regarding the Zoning and Land Development Codes study.

The city of Mandan is undergoing a significant review and update of its planning codes across several key areas. Updates proposed are based in best practices in community development, adopted goals from previous community development and planning studies in Mandan, such as the City's Comprehensive Plan and Future Land Use Plan, and others.

An overview of some of the changes that are proposed and which have been recently further tailored to Mandan are below. More to follow.

- In response to concerns about insufficient parkland development amidst city growth, a revised approach would require subdivisions to dedicate 5% to 7% of gross land area for parks based on density, with a fee-in-lieu option under specific conditions.
- Proposed changes also aim to enhance landscaping standards, including requirements for street trees, perimeter buffers, and parking area screening to improve aesthetic and environmental quality.
- Moreover, zoning districts are slated for consolidation and simplification to better align with land use plans and operational needs, alongside updated access management standards to regulate driveways and intersections along roadways more effectively.

- The recommendations also encompass adjustments to right-of-way widths and street paving standards tailored to different road classifications, reflecting a balance between residential and non-residential contexts.

These updates seek to modernize Mandan's planning ordinances, promoting environmentally and holistically sustainable development practices, and address current and anticipated community needs more effectively.

The meeting will include discussions on the advantages and impacts of the proposed ordinances to ensure that project staff are well-informed about the Commission's stance on the proposed changes.

Attachments to follow.

ATTACHMENTS:

1. 07.22.24 Ordinance Progress Memo

FISCAL IMPACT:

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:



Memo

To:	Planning Commission	From:	Erin Perdu
	City of Mandan		Minneapolis
Project/File:	Mandan Zoning Ordinance	Date:	July 18, 2024

Reference: Update and Direction Items

This memo serves as an update on our work on the revised zoning and subdivision ordinances. In addition to the information in this memo, we are providing a space for written comments and reactions in a separate attachment.

Significant issues that we have focused on include the following:

Park Dedication

Starting with the Code Audit, we have understood that the City is interested in a process whereby land is required to be dedicated for parkland during the subdivision process, rather than relying solely on park fees. This was based on the concern that there are not enough neighborhood parks being developed as the city grows, and the burden placed on the Park Board to seek out and acquire parkland.

Our Best Practices research revealed that while many communities have a fee-in-lieu option, the default for the vast majority of cities is to require the dedication of parkland during the subdivision process, leaving the fee-in-lieu for special exceptions only. There are many formulas used for determining the appropriate level of dedication.

Draft language requiring park dedication similar to the comparable cities used in our Best Practice analysis was drafted and discussed with parks staff and the Working Group. The initial draft was modified based on feedback from both parties related to the percentage of land dedication required, whether land should be dedicated for non-residential development, and the amount of the in-lieu fees. The most current draft now includes the following general principles:

- Parkland dedication in the amount of 5% of the gross land area of the development is required for subdivisions of less than or equal to 10 units per acre.
- Parkland dedication in the amount of 7% of the gross land area of the development is required for subdivisions of greater than 10 units per acre.
- Undevelopable lands are not acceptable for park dedication.
- The Park Board shall review all proposed lands for dedication to ensure they are of the appropriate size, configuration, and location, and that they are consistent with the Parks Master Plan.
- *If there is not an appropriate location in a new subdivision for park dedication, or the subdivision is too small, the City can allow a fee-in-lieu from the applicant. The fee is based on a flat fee per*

Reference: Update and Direction Items

dwelling unit established by the City Commission. (This is similar to how the current park fee is levied.)

- The fee in lieu must be paid by the applicant / developer.

Landscaping

Our code audit revealed that generally, Mandan's landscaping ordinance requirements are much lower than many similar sized jurisdictions in the region. The principal requirement is that yards and properties be landscaped but, other than a short list of what does and does not constitute landscaping, the ordinance lacks a set of equitable standards to indicate what is expected. We recommended that the City consider substantial improvements to the landscape ordinance to include required plant material type, applicability threshold as well as size, quantity, placement and spacing requirements to provide more predictability for applicants.

Best practices in landscape ordinances were difficult to pinpoint, as every city takes a different approach based on local priorities and physical conditions. There are, however, several types of landscaping that are typically required. Our draft language is being drafted which includes the following types:

- **Street trees:** Street trees are required for new projects meeting applicability thresholds. For low-density residential subdivisions, one tree is required for each 40 linear feet of street frontage.
- **Perimeter buffers:**
 - Established three types of perimeter buffers that vary in opacity (0%-80%) and width (5-20 ft.) depending on how incompatible the adjacent uses are.
 - Specific numbers of large and small deciduous and coniferous trees, as well as shrubs required.
- **Vehicle parking area screening:** Parking area screening is required for new multi-unit residential (more than 4 units), commercial, industrial, and institutional uses. That includes redevelopments and partial redevelopments/conversions on a proportional basis (i.e. a partial redevelopment of a site would require proportional conformance with landscaping standards). Screening requirements include vegetation in the front yard (visible from the public ROW) that includes one of the following: shrubs, fences or walls, or grade separation.
- **Interior parking areas:** New interior landscaping for parking areas includes landscape islands and peninsulas. One island/peninsula for every 10 spaces, equal to the area of one parking space, is required. A landscape strip is required for parking lots with more than 100 parking spaces
- **Foundation plantings:** Plantings around the foundation would be required for all new multi-unit residential (more than 4 units), commercial, industrial, and institutional structures. Required landscaping is a mixture of large, medium, small, and ornamental trees and shrubs.
- **Yards and groundcover:** groundcover consisting of grasses, existing preserved vegetation, mulch, wildflowers, and other natural forms of groundcover are required on any area of a parcel not reserved for structures, driveways, walkways, outdoor display/storage, or parking. Up to 20% of that area may be loose stone, rock or gravel upon City Planner approval.

Reference: Update and Direction Items

We are testing some sites in the community to see if the draft requirements are feasible. We are also considering reductions in parking requirements that would partially offset areas needed for required parking lot landscaping. Staff will provide some examples of sites meeting these requirements at the meeting.

Zoning Districts

As pointed out in the Code Audit, Mandan has several zoning districts with only slight differences with other districts. Several opportunities for possible consolidation were recommended. The lack of a district specifically written for rural residential uses was also pointed out in the audit. The following are major changes we are recommending to the existing zoning districts:

- Rewrite and retitle the R12 district to serve as a Rural Residential District. The intent is to provide opportunities for development within Mandan's ETA for rural residential development in areas where land use plan has identified rural residential with lot sizes that support on-site well and septic systems. This may also be used to support interim rural residential uses in areas anticipated for future city growth as an acceptable interim use.
- The R4 district is not shown on the current zoning map. However, we do not recommend removing it because the R4 district is referenced in many PUD documents.
- For several residential districts, there is a complex table of minimum lot sizes and numbers of dwelling units allowed. We would recommend removing those tables and simply establishing one maximum density for each residential district. Similarly, one lot width, side setback, and height standard should exist for each zoning district.
- For zoning districts that reference floor-area ratio, we recommend removing FAR and instead using setback and height regulations to define the building envelope.
- Consolidate industrial districts, namely consolidating the MA and MC, and the MB and MD. The MC district is identical to MA but allows animal hospitals. Similarly, the MD is identical to MB but allows temporary livestock handling and medical marijuana. To handle those uses, we will create specific use standards and allow them in the corresponding district with a CUP.
- We are drafting a zoning map that significantly reduces the area of the Downtown Fringe district. This was identified as an issue by the City at the beginning of this process. Reducing the area will allow the City to focus commercial uses closer to the core. We will also be reviewing allowable uses in the DF districts to ensure that non-residential uses allowed are of a scale and intensity that are compatible with residential uses.
- Overall, we will be reviewing allowable uses in all districts for opportunities to be more flexible in allowing mixed use in more areas of the City (other than just downtown).

Access Management

As identified in the code audit, we are recommending specific standards for the number and spacing of access points (multi-unit residential and non-residential driveways) along arterial and collector roadways. The standards vary based on the road type, and whether the site is in the core, urban, or rural area. For most of the city, the minimum spacing for commercial or industrial driveways is ¼ mile on principal arterials

Reference: Update and Direction Items

and 1/8 mile on minor arterials and collectors (slightly smaller spacing in the downtown area). In cases where businesses are located closer together than these standards, shared driveways or access drives would be required. Intersections must be spaced at least 1/2 mile apart along principal arterials, 1/4 mile apart along minor arterials, and 1/8 mile apart along collectors in most of the city (slightly smaller spacing in the downtown area).

ROW and Street Widths

The following changes are being recommended for right-of way width minimums:

Arterials: increase from 100 ft. to 120 ft. (Minor Arterial) or 150 ft. (Principal Arterial)

Collectors: 80 ft. minimum rather than 80-100 ft. minimum

Local roads: residential decrease from 66-80 ft. to 54-66 ft., non-residential to stay at 80 ft.

We have also established width standards for paved width (curb to curb) based on the road classification and whether it is in a predominantly residential or non-residential area. Proposed widths are as follows:

Table 109-3-2 4 c Street and Right-of-Way width standards		
Classification	Right-of-Way Width (feet)	Paved Width Curb to Curb (feet) ¹
Arterials	150 feet Principal	63 feet Principal*
	120 feet Minor	51 feet Minor* *Minimums width listed - Actual width should be determined by traffic study
Collectors	80 feet	36 feet no parking 44 feet parking one side 48 parking both sides
Local road	<u>Residential</u> 54 or 66 feet	<u>Residential</u> 26 feet parking on one side 38 feet parking on both sides
	<u>Non-Residential:</u> 80 feet	<u>Non-Residential</u> 40 to-48 feet
Cul-de-sac *	City – Paved: 120 feet diameter	60 to 80 - foot diameter depending on] context and paving material.
	Rural – Gravel Surface: <u>160 feet diameter</u>	N/A
Alley	20 feet	No required paving, or curb and gutters. Width typically 20 feet.
¹ Measured from back of curb to back of curb.		

Commented [a1]: Is this a back of curb measurement or does it include the gutter?

Commented [WH2R1]: Add cross sections and show as back of curb

Commented [3]: Are we wide enough for arterials and skinny enough for locals? Consider going down to 52 and or 60 for locals. 52 with one side parking?

Commented [PE4R3]: Created these based on best practice research. @Hutchings, Will please review and see what you think.

Commented [EP5R3]: Vet with engineering - street design standards

Commented [HW6R3]: I added my recommendations - part of these is also in the spirit of supporting adequate space for sidewalks and street trees. @Perdu, Erin if you are okay with my recommendations I can vet with the City Engineer.

Commented [PE7R3]: @Will, yes please do!

July 18, 2024
Planning Commission
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Reference: Update and Direction Items

Respectfully,

STANTEC CONSULTING SERVICES INC.

A handwritten signature in black ink, reading "Erin Perdu", written over a thin red horizontal line.

Erin Perdu AICP
Principal, Senior Urban Planner
Phone: (612) 712-2006
erin.perdu@stantec.com
Attachment: Questions and notes