

A. ROLL CALL Commissioners Present: Huber, Mehlhoff, Horn, Intveld, Buchmiller, Smith, Hammond, Gardner, Robinson. Commissioners Absent: Leingang, Helbling, Intveld, McLean.

B. CONSIDER APPROVAL OF MINUTES

1. *May 29, 2024 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.

C. PUBLIC HEARINGS

1. *Consider Final Plat for Longhorn 3rd Addition.*

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-ofway 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, “rightof-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.

D. OTHER BUSINESS

1. *Update on Zoning Study - Chapter 109 + Landscaping.*

E. ADJOURN