

A. ROLL CALL Chair Robinson called the meeting to order.

Commissioners Present: Mudder, Horn, Mayor Froelich, Intveld, McLean Smith, Hammond and Robinson. Absent: Leingang, Huber, Gardner.

B. CONSIDER APPROVAL OF MINUTES

1. *May 28, 2025 Minutes. Commissioner McLean motioned to approve the May 28, 2025 minutes. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

1. *Consider Schaff Estates 3rd Addition Preliminary Plat, Special Use Permit, and Zone Change.*

Rachel Laqua, Interim Planner presented. The Planning & Zoning Commission tabled this item at the May 28, 2025 meeting.

The applicants requested a plat to the subject property into two lots, one containing the shop and existing home, the other will remain vacant. They are also seeking to rezone the existing home and shop from CB – Commercial to R7 – Residential, as well as requesting a non-enumerated special use permit for the shop, for the parking and storage of a personal use commercial vehicle over 2.5 tons on a residential property (Code Section 105-1-3-(1) a.1 & 2). The property is located at 2392 37th Street in Mandan. The property is currently zoned CB-Commercial and is in the ETA. The surrounding properties are undeveloped, except for the farmstead to the east that is zoned Agricultural. This area is identified in the future land use plan as a commercial intersection. The future beltway corridor connecting the interstate to north Bismarck would run by this property. The applicant has stated that the existing shop is utilized for personal use and not for business purposes.

The applicant is requesting a non-enumerated special use permit for the parking and storage of a personal use commercial vehicle over 2.5 tons on a residential property (105-1-3-(1)a.1 & 2), based on the fact that the use will be vehicles to be stored indoors in an existing shop that's allowed in the current and adjacent zoning district of commercial as well as the future land use of commercial; there will be no excess noise; and there will be no additional commercial vehicles beyond the one existing, and that the special use permit will sunset at such time as the property or existing personal use commercial vehicle is sold. The special use permit is also requested conditioned that if the personal use commercial vehicle is determined to be utilized in service to a business, that the special use permit would be revoked. Items of discussion included the following:

(1) Will the proposed land use be designed, constructed, operated, and maintained to be compatible in appearance with the existing or intended character of the neighborhood?

Yes. The indoor storage of the vehicle and required sunset if the property is sold, will keep the use in compatibility with the future commercial use of the surrounding properties, and the existing use will be compatible with the generally agricultural nature of the existing use of surrounding properties.

(2) Will the proposed use involves activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors? *No because this is based on the restriction of 1 (one) existing truck for personal use, to*

be stored indoors.

(3) Will the hours of operation of the proposed use be different than the adjacent uses? *No, because the use is for personal use only.*

(4) Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses? *No, because the use is for personal use only.*

(5) Will the site of the proposed use have sufficient area to provide the parking required for the use? *Yes, the existing truck must be kept inside the existing shop.*

(6) Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district? *No.*

Adjacent Zoning, Land Use, and Future Land Use

North/South/East/West – Mix of Ag (Agriculture) and CB (Commercial)

Public Outreach and Application Details

- Applications Received: May 9, 2025 and June 19, 2025.
- Application Fee: \$1,000.00.
- Notifications: Letters sent to six (6) adjacent property owners.
- There have been no comments or opposition to this request received by the city.

Findings of Fact Preliminary Plat

1. All technical requirements for approval of a preliminary plat have been met;
2. The proposed subdivision generally demonstrates an ability for the property to align with the Future Land Use Plan and other plans and studies;
3. 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 generally consistent with the master plan, other adopted plans, policies and accepted planning practice;
6. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Zone Change

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by this zone change;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change would not adversely affect public health, safety, and general welfare.

City staff recommended approval of the Schaff Estates 3rd Addition Preliminary Plat and the zone change request from CB - Commercial to R7 – Residential for Lot 2, and approval of the non-enumerated special use permit as conditioned in the staff report.

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

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 Schaff Estates 3rd Addition Preliminary Plat, Special Use Permit and Zone Change. Chair Robinson provided a second and third invitation to come forward.

Chair Robinson inquired if there were any comments or questions.

Close Public Hearing

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

Commission Action

Commissioner McLean moved to recommend approval of the Preliminary Plat for Schaff Estates 3rd Addition and the zone change from CB - Commercial to R7 – Residential for Lot 2, and approval of the non-enumerated special use permit as conditioned in the staff report. Commissioner Mudder seconded the motion. Chair Robinson called for a roll call vote: Mudder: Yes; Horn: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Robinson: Yes. The motion passed.

2. *Consider a zone change from RM (Multi Family) to a PUD (Planned Unit Development) for Clover Grove..*

Rachel Laqua, Interim Planner presented. The Planning & Zoning Commission tabled this item at the May 28, 2025 meeting.

Evolution Planning & Design has applied for a zone change from RM (Multi-Family) to a PUD (Planned Unit Development) for Macedonia Hills Gov't Lot 2, less outlot A in the NW 1/4 of NE 1/4 of Section 3, Township 138N, Range 81W. The PUD request, if granted, would be followed by platting and approval of a phased subdivision plan. Staff and Applicant met after the May 28, 2025 meeting to discuss changes to the PUD application. Most items have been resolved.

Property History

The property is 14.82 acres and is located at 151 19th Street SE, Mandan.

Zone Change

The intent of the PUD (Planned Unit Development) is for fifty-seven (57) entry-level single-family detached and duplex-type home lots. The R3.2 Zoning District serves as the basis for this PUD Narrative.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties to the west and north are zoned R7 - Residential Single Family. Property to the east is zoned R3.2 - Residential Single & Two Family. The property to the south is zoned Ag - Agriculture. The future land use plan recommends low-density residential land use on this property.

Additional Information and Public Outreach

- The application and fee of \$700.00 was received on April 25, 2025.
- This item was published in the Mandan News as required. Letter were sent to forty-six (46) adjacent property owners.
- There have been no comments or opposition to this request received by the city.

Staff Comments Access:

Access to the property will be from a newly created north-south local street on the west side of the property that is currently a 100' township right of way. The applicant proposed changing this to an 80' wide city right of way with a 40' back of curb local street with sidewalks and boulevards on the east side of the street. This is a change from the prior submittal.

Interior access to the property will be via a 50' or 51' access easement (provided plans are unclear and have both measurements in different locations) with a 31' street, 5' boulevard and 5' sidewalk. The previous discussion addressed plans that showed that the street was the only part of the easement and there was a second easement for the sidewalk and the boulevard. This is now all one easement with only a slight difference in measurements.

The applicant and staff have been in discussion for several months regarding access management to the property. International Fire Code Appendix D 107.1 allows for only one (1) access per thirty (30) houses, and requires additional access points for additional units. The applicant has only one existing access. The (new) north-south public right of way on the west side of the development, and any additional access to the east or west requires cooperation from additional landowners. Access management guidance from the transportation plan indicates that there should not be an additional permanent access allowed onto 19th from this development. They did submit a new plan that shows that emergency access going from the cul de sac out to 19th. It would be a Class 5 gravel emergency /temporary access on the eastern edge of the property. This would be used for temporary access to properties to the south while the new north-south road is being constructed. The applicant is recommending it remain as an emergency access point. The applicant is recommending it be gated and will need to work with emergency management on that issue due to concerns of building and fire staff. That issue will be finalized at a later point.

Staff recommended that the applicant only plat Phase II when east-west access to existing subdivisions becomes available. They have provided a viable plan to connect westward but they do not have any agreements with that landowner.

Utilities: All interior utilities shall be metered individually per unit and will be privately owned and maintained by the HOA. Finalized HOA documents should be provided at time of final plat.

Park Land

The PUD has adequate park space connecting the development to 19th and the applicant has noted that the Park District will accept this park space. This should be platted as a separate lot and the Park District should confirm acceptance at the final plat stage.

Phasing

This PUD would allow the ability to plat Phase I and Phase II, with Phase II being restricted until such time as east-west additional access has been planned for and secured. Phase I can be fully self-contained. Any site grading that occurs on Phase II prior to platting should be both approved by the city and should be grassed and maintained until Phase II is platted and construction begins.

Findings of Fact Zone Change

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities,

- and programs to serve the development allowed by this zone change;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
 3. The proposed zoning change is consistent with the Future Land Use Plan/Map, other adopted plans and policies, and accepted planning practice;
 4. The proposed zoning change would not adversely affect public health, safety and general welfare.

City staff recommended approval of the request for a zone change from RM (Multi Family) to a PUD (Planned Unit Development) for Clover Grove with the following conditions:
Platting of Phase I; Masterplan of Phase II.

Chair Robinson inquired if there were any comments or questions.

Commissioner Mudder commented that in regard to the 31 feet between DCP and Prairie West, that it is 34 feet across. He commented how narrow it gets at times, such as when a rodeo event is held. He inquired if the fire and police departments have approved of this footage and secondly, he requested further clarification on the emergency road, if it will be a gravel road and further, who will maintain that road? Ms. Laqua agreed that it is a small narrow road. The parking will be managed to allow for minimal parking on the street. The Fire Department stated they will discuss this matter with the applicants. She stated that her staff did measure the streets and compared them to other locations in the city and at least one of them is 30-foot wide and the consensus is that it works fine. She noted that the difference is that those streets are private rather than public. She stated that staff was comfortable with this after reviewing and measuring while considering the overall easement size.

Commissioner Intveld inquired if there were any concerns from neighboring landowners? Ms. Laqua stated there were no comments or opposition received on this matter. Commissioner Mudder inquired if snow removal has been addressed. Ms. Laqua replied that it is a private road with private utilities that will be handled through the HOA.

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

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 a zone change from RM (Multi Family) to a PUD (Planned Unit Development) for Clover Grove.

Lucas Meier, the applicant came forward and explained what will be done with the temporary access road. He explained that when moving into Phase II a solution for secondary access from east to west, this would be a potential opportunity to make that secondary access a permanent solution due to growth in that area. It will be a road that allows the weight of a fire truck and this will also serve the residents to the south so the fire department has access during the construction period. This will be discussed and resolved later. He stated that regarding snow removal, there is a large area next to the road that will be utilized to stockpile snow with an additional area for snow behind the row of houses that is HOA property. Snow removal will be handled by the HOA by assessing a fee to the residents. Chair Robinson inquired about where the temporary road sits relative to the culverts there? Meier explained that culverts

will need to be installed to run the water to the culverts that are in place a distance away. Chair Robinson inquired if the snow placement behind the row of houses will be a permanent placement? Meier stated that when this is platted, they will address where the line for dedication will be located near the drainage easement that will be cleaned up as part of the construction process.

Chair Robinson provided a second and third invitation to come forward. Chair Robinson inquired if there were any comments or questions.

Close Public Hearing

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

Commission Action

Chair Robinson inquired if there were any comments or questions for Ms. Laqua or the applicant.

Commissioner Smith moved to recommend approval for a zone change from RM (Multi Family) to a PUD (Planned Unit Development) for Clover Grove with the following conditions: Platting of Phase I and Masterplan of Phase II. Commissioner Intveld seconded the motion.

Chair Robinson called for a roll call vote: Mudder: Yes; Horn: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Robinson: Yes. The motion passed.

3. *Consider a zone change request from CB - Commercial to RMH - Residential for Lots 3-6, Block 2, Meadowlands Subdivision*

. Rachel Laqua, Interim Planner presented.

Meadowlands Park, LLC, requested a zone change from CB - Commercial to RMH - Residential for Lots 3-6, Block 2, Meadowlands Subdivision. This parcel is in the southeast corner of Memorial Highway. This request is to change the zoning from CB – Commercial to RMH – Residential for Lots 3-6, Block 2, Meadowlands Subdivision. The existing Meadowlands Development to the west is zoned RH and is a single lot manufactured home park. The proposed RMH is intended for manufactured home units with fee-simple lot ownership. There is no proposed layout as the applicant would like to ensure that the zoning would be able to be approved prior to creating a layout. The applicant is planning on having 40-50 lots. All access would be from 18th Ave SE and would require at least two (2) accesses based on the proposed number of lots.

Property History

- Originally Platted in 2015 as Meadowlands Addition, and included a right-of-way for 18th Avenue SE, extending from Memorial Highway to Third Street SE.
- The initial plan envisioned commercial development along Memorial Highway and Third Street SE with right-in, right-out access due to high traffic volumes. Lots along Memorial Highway are still zoned

CB.

- The connection to Memorial Highway has not yet been developed.

Adjacent Properties

- To the north and south: Zoned CB - Commercial.
- To the west: Zoned RH - Residential Mobile Home Park
- To the east: Zoned MA - Heavy Commercial/Light Industrial and MB - Heavy Commercial/Heavy Industrial.

Future Land Use

- The Future Land Use Plan designates this area for industrial use. No amendments have been made to alter planned land uses, and an amendment is not required at this time given the adjacent uses would not support industrial development on these properties.

The proposed land uses are unlikely to significantly impact the area and are like the uses to the west.

Applicable Plans and Studies

- The city recognizes the need for affordable housing and a variety of housing types.

Agency Comments

- Any modifications to access along Memorial Highway SE will require review by the North Dakota Department of Transportation, especially considering the potential relocation of the intersection near the current flood structure.

Staff Comments

- It was noted that there are some outstanding items from Phase 1 that will need resolution before further development, such as installing street lights on private roads (Section 105-3-10 (10) (f)).
- Construction of 18th Avenue would be required as part of the development of Lots 3-6, with no building permits being issued until the road construction is substantially complete.
- Layout and platting of the site will be required. All streets and utilities internal to the property will be privately owned and maintained via an HOA.
- Buffering on east side of the property between Lots 3-6, Meadowlands Subdivision and industrially zoned Riverwood Commercial Park shall be maintained or replaced as part of development.
- Connection of 18th Avenue into Memorial Highway will need to be completed as part of the 18th Avenue construction.

Additional Information and Public Outreach

- An application and fee of \$600 was received on May 23, 2025.
- Eight (8) letters were sent to adjacent property owners.

Findings of Fact

Zone Change

1. The City of Mandan and/or other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by this zone change, *contingent on an approved preliminary and final plat, Development Agreement, and all roads being constructed to City standards.*

2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance, *provided that the above mentioned are achieved.*
3. The proposed zoning change, *without other items being addressed, is generally consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;*
4. The proposed zoning change is compatible with adjacent zoning;
5. The proposed zoning change, *without approved preliminary and final plat, construction of 18th Avenue and intersection with Memorial Highway, secondary access, streetlights, and other potentially applicable items, would adversely affect public health, safety, and general welfare.*

City staff recommended approval of the request for a zone change for Lots 3-6 of the Meadowlands Subdivision from CB- Commercial to RMH – Residential contingent on an approved preliminary and final plat, approved Development Agreement, and all road standards and access management requirements being met.

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

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 a zone change from CB Commercial to RMH Residential for Lots 3-6, Block 2, Meadowlands Subdivision.

Abe Ulmer, ISLE, the engineer on the project came forward and stated that in working with the developer summarized that the request is to have the zone changed approved before moving forward, thus, explaining the reason for it being contingent on an approved preliminary and final plat. Upon approval, the plan will be to move forward with layouts of the plans for the project that will be presented to this Board for approval at a later time.

Chair Robinson commented that this does explain what would be considered as a levee. Long-term, it's considered applying for redundancy. Communication has occurred about doing the preliminary work through the Corp.

Chair Robinson provided a second and third invitation to come forward. Chair Robinson inquired if there were any comments or questions.

Chair Robinson, on behalf of the Lower Heart Board, commented that this zone change would be easier to work with in the levee capacity. It is surface development. If it were Commercial there could be larger structures and other development issues. Commissioner Mudder inquired how much more land would be used? Chair Robinson replied that it would not be taking anything here. The issue is when there is development next to a levee, there is a 500 ft. area that Corp requests additional studies on which is within this area. As far as long-term planning there is nothing in this area.

Close Public Hearing

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the

public hearing was closed.

Commission Action

Commissioner McLean moved to recommend approval of the zone change for Lots 3-6 of the Meadowlands Subdivision from CB- Commercial to RMH – Residential contingent on approved preliminary and final plat, approved development agreement, and all road standards and access management requirements being met. Commissioner Hammond seconded the motion. Chair Robinson called for a roll call vote: Mudder: Yes; Horn: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Robinson: Yes. The motion passed.

4. *Consider a building setback variance for Lots 4-15, Block 2, Mandan Proper.*

Rachel Laqua, Interim Planner presented.

BS Real Estate LLC & Image Dentistry requested a building 59-foot setback variance for Lots 4-15, Block 2, Mandan Proper between 4th and 5th Avenues to allow for side and Main Street parking.

BS Real Estate LLC & Image Dentistry requested consideration of a building setback variance to Section 105-4-2.2 (c) (4) of the City Code of Ordinances related to front yard building setbacks in the DF - Downtown Fringe District. The property is located at 500 East Main Street on Lots 4-15, Block 2, Mandan Proper.

Adjacent Properties Zoning, Land Use and Future Land Use

The properties surrounding this property are zoned DC - Downtown Core to the west and DF - Downtown Fringe to the north, east and south. The future land use plan identifies this area commercial.

Additional Information and Public Outreach

- Application and fee of \$400 was received on May 23, 2025.
- Letters were sent to five (5) adjacent property owners. There have been no comments or opposition received by the city.

Staff Comments

The applicant purchased the property in order to reuse the existing building but is not able to do so. They will be fully reconstructing the property, meaning that the property will not fall under non-conforming ordinances.

There is a maximum setback of 25' allowed in the Downtown Fringe District and the applicant is requesting a variance to allow for a 59' setback. This would allow for parking in the front of the building.

The Ordinance is clearly written to distinctly show the parking plan along the front of the buildings in order to provide a walkable, interesting environment, shown further by the requirement that building entrances face the street. The buildings to either side of this property have varied setbacks and do not provide clear guidance. Buildings to the west are built with a zero or close to zero setback; buildings to the south have a greater setback; one building to the east has a zero setback and one has a larger setback.

Other buildings on the same block have also been built with what appears to be a 0-foot or minimal setback.

Findings of Fact

Zoning Variance

1. The hardship is not caused by the provisions of the Zoning Ordinance.
2. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property. The requested variance is the minimum variance that would accomplish the relief sought by the applicant.
4. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

City staff recommended approval 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 for a building setback variance for Lots 4-15, Block 2, Mandan Proper.

Commissioner Smith inquired if all the other buildings that are more than 25 feet, were any of these buildings built after the ordinance took effect? Ms. Laqua stated that she is aware that Capital Bank, the building located immediately to the east, requested and was granted a variance on May 17, 2011.

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

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 a building setback variance for Lots 4-15, Block 2, Mandan Proper.

Leah Brady a dentist and the owner of Image Dentistry came forward and stated she has had her business in Mandan for over 15 years having resided on Main Street as a healthcare provider and a small business owner. She provided information of how her business is an asset to the city of Mandan. She supports the modification plans for the exterior of the building that will affect both the city street and her business, however, the compliance with the 25-foot setback would force a building directly across from her. When BS acquired the property, they intended to remodel the existing structure to suit the needs of Image Dentistry while preserving the design principles to the downtown fringe zoning district, namely, a building with its entrance facing Main Street and a front parking lot for accessibility. Unfortunately, the condition of the existing building requires more modification than initially anticipated. As a result, the structure will face Main Street that is counter-intuitive and counter productive to the goals of being located on Main Street. There would be a hardship of access to the property. Her proposed layout is in harmony with other businesses in the downtown community. She requested consideration of the setback request that supports longstanding businesses that have been in the Mandan community. A Main Street presence and parking lot are just not a convenience rather they are core elements that continue to assist in the success of not only her business but others surrounding her. She stated that the plan is for 49 parking spots. Ms. Brady stated that she has already purchased and closed the sale of the property.

Abe Ulmer, ISLE, an engineer on the project came forward and stated that the project is a two-phase building project that is considering taking the east half of the building, 153 feet and there is a second building planned for future commercial. Currently, the plan is to build the entire parking lot all the way around the building. The main access hardship is not having any Main Street access; however, the main access will be the access from the alley way. The other part of the hardship is looking through the storm water plan. If pushed toward Main Street it will create drainage water sheds wherein some kind of drainage pond will have to be put in to compensate for the bigger flows going to that area.

Chair Robinson provided a second and third invitation to come forward. Chair Robinson inquired if there were any comments or questions.

Close Public Hearing

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

Commission Action

Commissioner Intveld commented that when looking at the documentation provided, there are two hardships, those being the access and drainage. He stated that he is in favor of the front of the building facing towards Main Street.

Commissioner Smith moved to approve the requested variance of the front yard setback in the DF-Downtown Fringe District for Lots 4-15, Mandan Proper from a maximum of 25' to a maximum of 59' due to the following hardship: strict application of the provisions of the Zoning Ordinance would deprive the property owner of reasonable use of the property due to access limitations and drainage issues and to modify the staff findings of facts. Commissioner Mudder seconded the motion. Chair Robinson called for a roll call vote: Mudder: Yes; Horn: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Robinson: Yes. The motion passed.

5. Consider a building setback variance for Lot 6, Landeis Subdivision Replat Lots 4-6

. Rachel Laqua, Interim Planner presented.

Corey and Renee Schaff requested consideration of a variance to Section 105-3-5 (e) 1.a. of the City Code of Ordinances related to building setbacks in the R7 – Residential zoning district. The property is located at 2145 37th Street. There is a 50' required setback from an arterial street, which is what 37th Street is designated as on the long-range planning documents. Currently 37th Street is a collector street and has a 35' required setback.

Requested Variance

The applicant is requesting a variance to allow for a garage building that currently exists at 39' from the property line to be torn down, rebuilt, and expanded into a second existing residential building on the property. Both the existing garage and the planned building project garage expansion will meet the required 35' setback for 37th Street as currently designated.

Adjacent Properties Zoning, Land Use and Future Land Use

The properties surrounding this property are zoned R7 – Residential and Ag - Agriculture. The future land use plan identifies this area for low-density residential.

Additional Information and Public Outreach

- Application and fee of \$400 was received on May 23, 2025.
- Letters were sent to five (5) adjacent property owners. There have been no comments or opposition received by the city.

Findings of Fact

Zoning Variance

1. The need for a variance is 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.
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 the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is in harmony with the general purposes and intent of the Zoning Ordinance.

City staff recommended approving the requested variance from Section 105-3 5(e)1.a. which requires a 50' front yard setback from an arterial roadway, based on the existing designation of the road as a collector street with a required 35' setback, which the existing and proposed building meet, and because 37th Street is not likely to be improved in the near to mid-term future based planning documents.

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

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 a building setback variance for Lot 6, Landeis Subdivision Replat Lots 4-6.

Chair Robinson provided a second and third invitation to come forward. Chair Robinson inquired if there were any comments or questions.

Close Public Hearing

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

Commission Action

Commissioner Intveld moved to recommend approval of the requested variance from Section 105 3-5(e) I.a. which requires a 50' front yard setback from an arterial roadway, based on the existing designation of the road as a collector street with a required 35' setback, which the existing and proposed building meet, and is not likely to be improved in the near to mid-term future based planning documents.

Commissioner Smith seconded the motion. Chair Robinson called for a roll call vote: Mudder: Yes; Horn: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Robinson: Yes. The motion passed.

D. OTHER BUSINESS

1. *Appointment to the board.* City Administrator Neubauer stated that Ben Buchmiller resigned from the Planning and Zoning Commission on April 28, 2025 wherein that at-large seat is currently vacant. The term of that seat expires on December 31, 2027.

The Planning and Zoning Commission Administrative Assistant, Nancy Moser, contacted the last three individuals who submitted letters of interest to serve on the Board. Two of them did not respond back. One individual, Nick Renner expressed interest to fill the vacant seat. Renner served on the Planning and Zoning Board from 2017-2021. Administrator Neubauer stated that city staff recommended approval of the appointment of Nick Renner to serve on the Planning and Zoning Commission for the at-large seat that is currently vacant with a term that expires on December 31, 2027. Mr. Renner was available to answer questions.

Commissioner McLean moved to appoint Nick Renner to the Planning and Zoning Board to fill the vacant seat with a term ending December 31, 2027. Commissioner Intveld seconded the motion. Chair Robinson called for a roll call vote: Mudder: Yes; Horn: Yes; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Robinson: Yes. The motion passed.

E. **ADJOURN** *There being no further business to discuss or come before the Board, a motion was made by Commissioner Smith and seconded by Commissioner Hammond to adjourn the meeting. Upon vote, the motion passed unanimously.*

The meeting adjourned at 6:35 p.m.