



**AGENDA**  
**MANDAN PLANNING & ZONING COMMISSION**  
**COMMISSION ROOM 5:15 P.M.**  
**JULY 27, 2015**

---

**Roll Call, Reading and Approval of the June 22, 2015 minutes.**

**NEW BUSINESS**

- 1. A request from Enclave Equities LLC, with authorization from Mitzel Builders, Inc. for preliminary plat approval of Lakewood 9<sup>th</sup> Addition. Said addition is a portion of the NE ¼ of Section 1, Township 138N, Range 81W. The property is located west of 40<sup>th</sup> Avenue SE and south of 19<sup>th</sup> Street SE.**
  
- 2. A request from Mariner Construction, Inc. and Dixon Properties, LLC for a change of zoning. The request is to change the zoning of Lot A of 19, Block 1, Twin City Industrial Sites from MC (Light Non-Nuisance Industrial/Heavy Commercial) to MB (Heavy Industrial/Heavy Commercial). The property is located at 301 and 305 Bisman Avenue SE.**
  
- 3. A request from Mandan 94 Investors, LLP, for a change of zoning. The request is to change the zoning of a portion of the south half of Section 22 together with Lot 2 of Lot A of the southwest quarter in Section 22, Township 139N, Range 81W from MA (Light Non-Nuisance Industrial/Heavy Commercial) to CC (Heavy Commercial). The property is located on Old Red Trail and is the site of the Mandan Sports Complex.**

**OTHER BUSINESS**

- 1. Planning & Zoning Commission televised brief.**

MANDAN PLANNING AND ZONING COMMISSION  
MANDAN CITY HALL BUILDING  
June 22, 2015

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on June 22, 2015, at 5:15 p.m. CDT.

Commissioners Present: Fleischer, Kelly, Klein, Knoll, Van Beek, Leingang, Laber, Liepitz, Beach, Robinson

Commissioners Absent: Zachmeier, Mehlhoff

Commissioner Beach corrects a comment he made in the May 26, 2015 minutes. It should read “*a house built to the east*” not “*a house built to the west*”.

*Commissioner Knoll motions to approve the May 26, 2015 minutes. Commissioner Laber seconds. Upon vote, the motion receives unanimous approval of the Board.*

**NEW BUSINESS**

**1. A request from Nathan Lamoureux for final plat approval of West Hills Estates 4<sup>th</sup> Addition in Section 7, Township 139, Range 81. The property extends Nova Avenue NW and Crown Point Road NW.**

Bob Decker, City Planner, identifies and describes the item. They want to start putting in the utilities this season. The detention area pond shown would be temporary for this phase and moved in the future.

Commissioner Laber says the water looks like it would flow to the west and not to the detention pond. Bob says some of this will flow to an established stormwater pond to the southwest.

Mayor Van Beek arrives at 5:22 p.m.

Commissioner Laber asks if there are safe guards in place to ensure roads are put in. Bob says Doug in Building Inspection will not issue a building permit until roads are put in.

*Commissioner Laber motions to approve the final plat. Commissioner Fleischer Seconds. Upon vote, the motion passes unanimously.*

*Commissioner Leingang motions to adjourn. Commissioner Kelly seconds. Motion passes unanimously. Meeting adjourns at 5:25 p.m.*

**NEW BUSINESS ITEM # 1**

**NEW BUSINESS ITEM # 1**

Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on July 27, 2015  
 Mandan Engineering and Planning Office Report  
**Lakewood 9<sup>th</sup> Addition**  
 Requested Action  
**Preliminary Plat**

Application Details					
Applicant KLJ	Owner Lee Mitzel	Subdivision Lakewood	Legal Description Portion of S1, T138N, R81W		
Location West of 40 <sup>th</sup> Ave. SE & South of 19 <sup>th</sup> St. SE		Proposed Land Use Single family, senior assisted living & light commercial	Parcel Size 52.761 acres	Number of Lots 70	
Existing Land Use vacant	Adjacent Land Uses Residential & commercial		Current Zoning A	Proposed Zoning R7, R3.2, RM & CB	Adjacent Zoning A, R7, R3.2, CB & MD
Fees \$300	Date Paid 7/2/2015	Adjacent Property Notification Sent None	Legal Notices Published None		

Project Description
<p>This is a continuation of an existing subdivision development. Area is east of Prairie West Golf Course and south of Kist Livestock Auction.</p> <p>This is a modification of the original concept for this area by adding a senior assisted living component. There is a need for this facility in the community and it compliments existing facilities.</p>
Agency & Other Department Comments
Engineering & Planning Staff Comments
<p style="text-align: center;">Engineering &amp; Planning Recommendation</p> <p>Staff recommends that the Planning and Zoning Commission approve the preliminary plat. Applicant need not submit a final plat for review by Planning and Zoning unless there are significant changes. Final plat and rezoning ordinance to be considered by city commission with the stipulation that the following items are completed before any construction can commence:</p> <ul style="list-style-type: none"> <li>• Subdivision development agreement negotiated and signed by developer</li> <li>• Construction plans for water and sanitary sewer reviewed and approved by staff</li> <li>• Stormwater management plan reviewed and approved by staff.</li> </ul>
<p style="text-align: center;">Proposed Motion</p> <p>Move to recommend approval of preliminary plat and appropriate rezoning for Lakewood 9<sup>th</sup> Addition with the recommended conditions for approval of a final plat and adoption of a rezoning ordinance by city commission.</p>

# LAKESWOOD 9TH SUBDIVISION PRELIMINARY PLAT

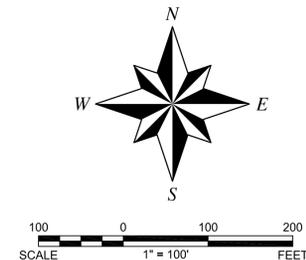
A PORTION OF THE NE 1/4 OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN,  
CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

OWNERS:  
VERITY HOMES  
3100 N 14TH STREET, SUITE 1  
BISMARCK, NORTH DAKOTA 58503

ENGINEER:  
KLJ  
4585 COLEMAN ST.  
BISMARCK, NORTH DAKOTA 58503



VICINITY MAP  
NTS



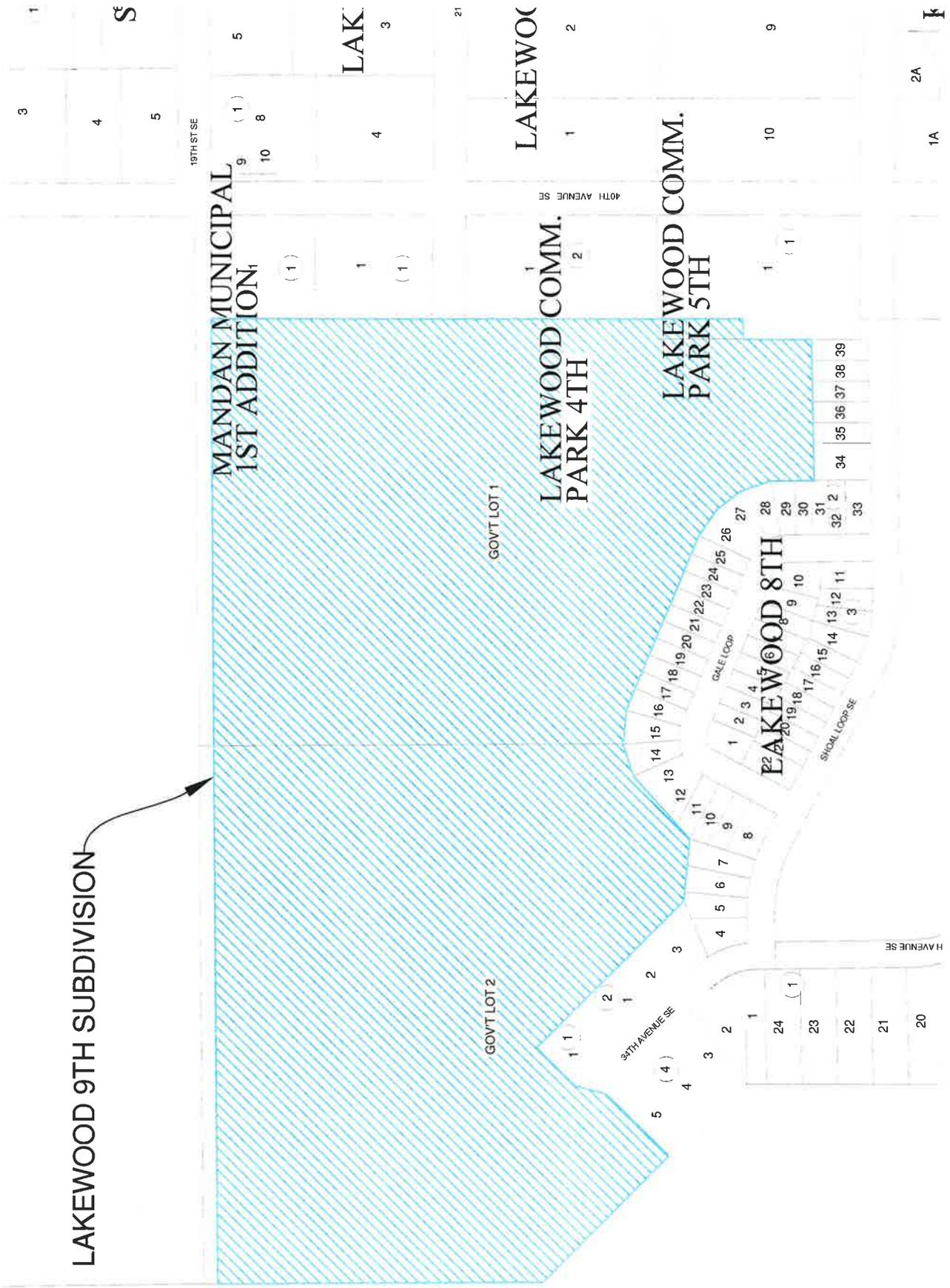
JULY 6, 2015  
BASIS OF BEARING - LOCAL SITE  
TOPOGRAPHIC DATUM - LOCAL SITE  
BENCHMARK GPS POINT - WEST 1/4 CORNER,  
SECTION 16 - ELEV. 1636.951

**PLAT INFORMATION**  
NUMBER OF LOTS: 70  
LOT ACREAGE - 5.600 ACRES R.O.W.  
ACREAGE - 58.361 ACRES TOTAL  
ACREAGE - 52.761 ACRES

**NOTES**  
- UTILITY EASEMENTS TO BE 7 FEET IN WIDTH ADJOINING REAR LOT LINES AND 10 FEET IN WIDTH ADJOINING FRONT LOT LINES AS SHOWN HEREON UNLESS OTHERWISE NOTED.  
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

LOT CURVE DATA					
SEGMENT	LENGTH	RADIUS	DELTA	CHORD DISTANCE	CHORD BEARING
C2	26.83'	217.00'	7°05'04"	26.81'	S 41°35'46" E
C3	13.08'	217.00'	3°27'09"	13.07'	S 01°52'24" E
C4	6.29'	283.00'	1°16'24"	1636.96'	S 00°47'55" E
C5	16.26'	101.00'	9°13'22"	16.24'	N 85°37'50" W
C6	31.55'	101.00'	17°53'51"	31.42'	S 80°48'34" W
C7	7.65'	101.00'	4°20'23"	7.65'	S 01°55'40" W
C8	24.60'	101.00'	13°57'13"	24.54'	N 07°13'08" W
C9	22.08'	25.00'	50°36'51"	21.37'	N 25°27'18" W
C10	33.35'	66.00'	28°56'54"	32.99'	S 36°17'14" E
C11	44.34'	66.00'	38°29'43"	43.51'	S 02°33'55" E
C12	35.42'	66.00'	30°45'07"	35.00'	S 32°03'29" W
C13	48.95'	66.00'	42°29'24"	47.83'	S 68°40'45" W
C14	30.82'	66.00'	26°45'25"	30.54'	N 76°41'50" W
C15	39.50'	66.00'	34°17'38"	38.92'	N 46°10'19" W
C16	53.29'	66.00'	46°15'57"	51.86'	N 05°53'31" W
C17	37.79'	66.00'	32°48'23"	37.28'	N 33°38'38" E
C18	21.90'	25.00'	50°11'39"	21.21'	S 24°57'00" W

# LAKEWOOD 9TH SUBDIVISION





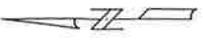
**NEW BUSINESS ITEM # 2**

**NEW BUSINESS ITEM # 2**

Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on July 27, 2015  
 Mandan Engineering and Planning Office Report  
**Twin City Industrial Sites Lot 19**  
 Requested Action  
**Rezone from MC to MB**

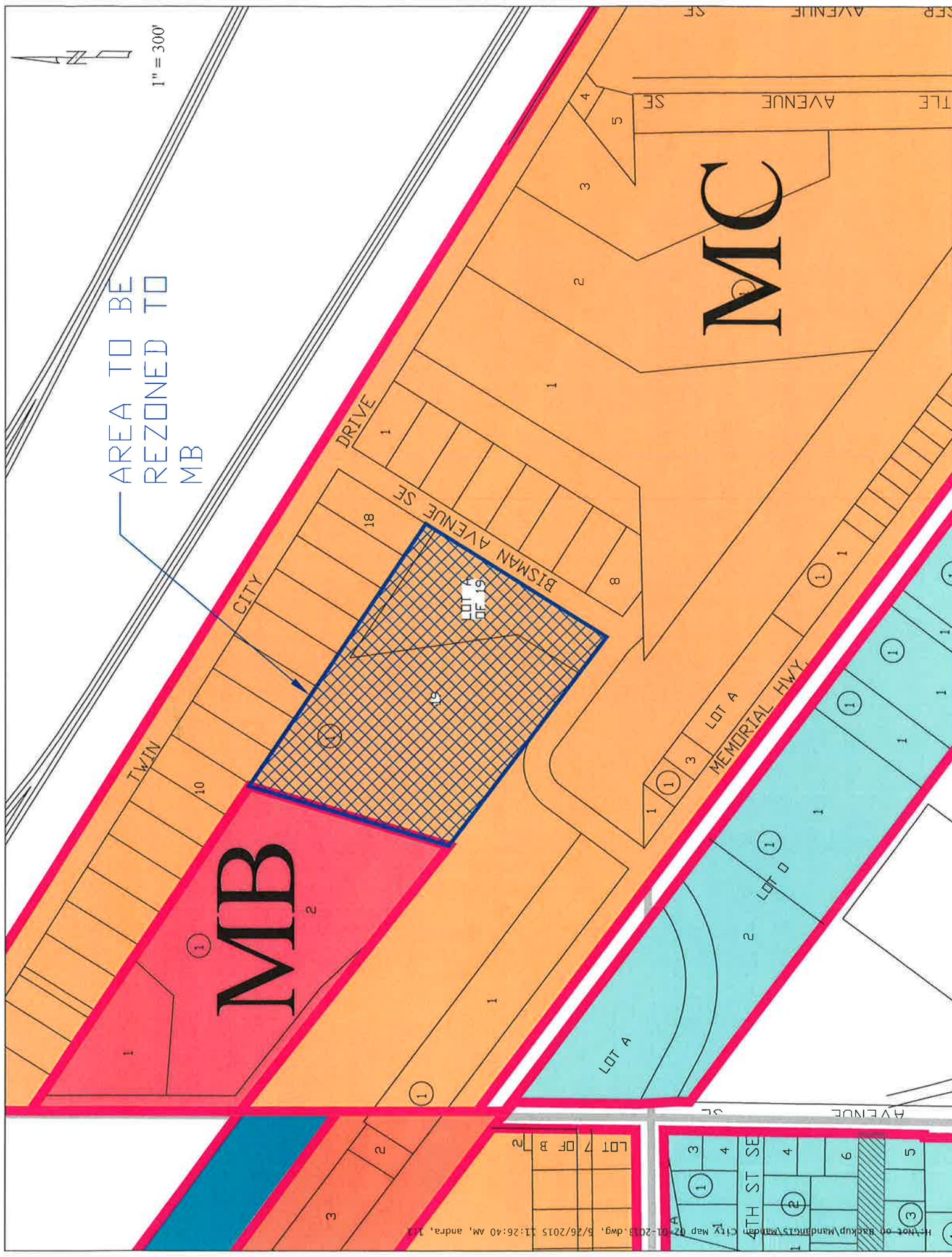
Application Details					
Applicant  Toman	Owner Mariner Construction, Inc. & Dixon Properties LLC	Subdivision  Twin City Industrial Sites	Legal Description  2 parcels encompassing all of Lot 19		
Location Bisman Avenue west of Twin City Drive		Proposed Land Use  industrial	Parcel Size  7.11 acres & 2.37 acres	Number of Lots  2	
Existing Land Use industrial	Adjacent Land Uses industrial		Current Zoning MC	Proposed Zoning MB	Adjacent Zoning MB & MC
Fees \$400	Date Paid 6/18/2015	Adjacent Property Notification Sent 7/17/2015		Legal Notices Published 7/10/2015 & 7/17/2015	

Project Description
<p>The request is to allow construction of an asphalt plant on this site. The former use was a cheese plant.</p> <p>The raw material for the asphalt plant is located in tanks on the adjoining property so truck traffic through town will be reduced since the plan is to relocate an existing asphalt plant to this site.</p> <p>Aggregate will be stored on site.</p> <p>Neighboring properties have expressed approval for this use.</p> <p>The existing building will be used for office and storage.</p> <p>This request moves the boundary line between two existing zones.</p> <p>Demand on the city's water and sewer systems will be less than the previous use.</p> <p>The 2015 Land Use and Transportation Plan shows this area as industrial.</p> <p>Access to and from this site is by way of Twin City Drive and Memorial Hwy.</p>
Agency & Other Department Comments
Engineering & Planning Staff Comments
Engineering & Planning Recommendation
Staff recommends approval of this rezoning.
Proposed Motion
Move to recommend approval of rezoning for Twin City Industrial Sites Lot 19.



1" = 300'

AREA TO BE  
REZONED TO  
MB



# MB

# MC

**NEW BUSINESS ITEM # 3**

**NEW BUSINESS ITEM # 3**

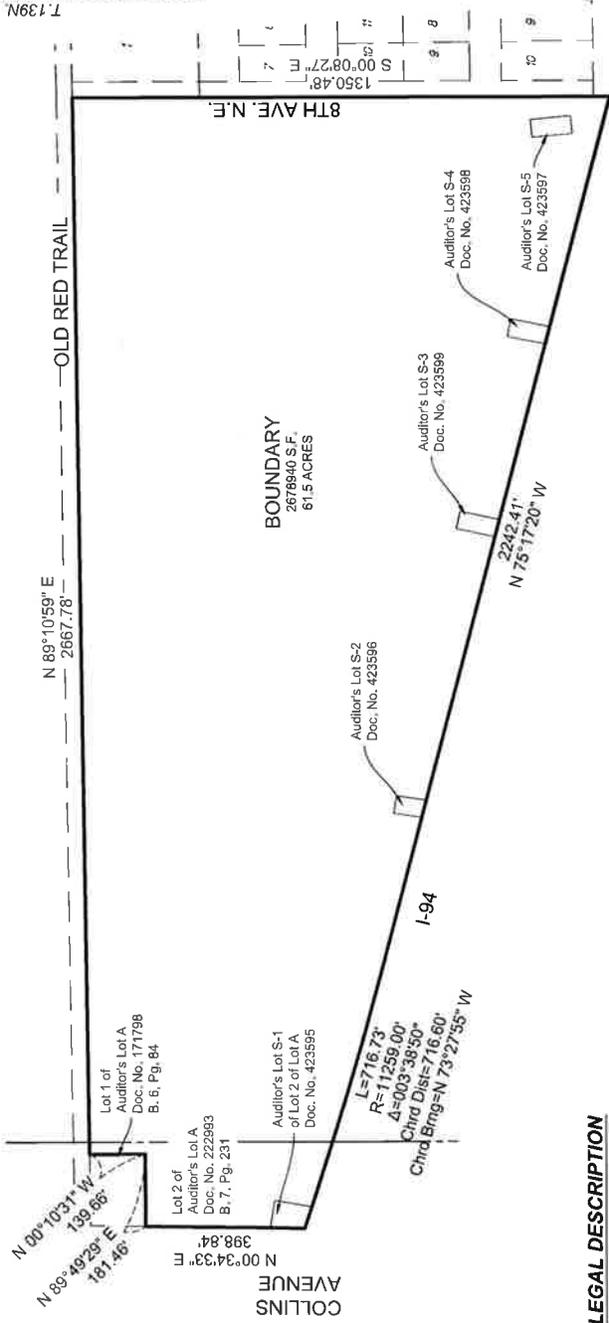
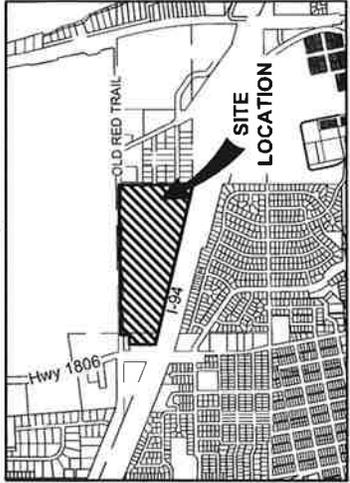
Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on July 27, 2015  
 Mandan Engineering and Planning Office Report  
**Old Red Trail**  
 Requested Action  
**Rezone from MA to CC**

Application Details					
Applicant KLJ	Owner Mandan 94 Investors. LLP	Subdivision	Legal Description Portion of Section 22, T139N, R81W		
Location Between Collins and Mandan on south side of Old Red Trail		Proposed Land Use commercial	Parcel Size 61.5 acres	Number of Lots	
Existing Land Use vacant	Adjacent Land Uses industrial		Current Zoning MA	Proposed Zoning CC	Adjacent Zoning MA & MC
Fees \$400	Date Paid 7/13/2015	Adjacent Property Notification Sent 7/20/2015	Legal Notices Published 7/17/2015 & 7/24/2015		

Project Description
<p>This request is to down zone the area from light industrial to heavy commercial in order to allow development of a portion of the property as a sports complex.</p> <p>The uses allowed in CC include all non-residential uses allowed in CB. The Commercial Recreation Group and the Public Recreation Group are allowed uses in CB.</p>
<p style="text-align: center;">Agency &amp; Other Department Comments</p>
<p style="text-align: center;">Engineering &amp; Planning Staff Comments</p> <p>The 2015 Mandan Land Use and Transportation Plan recommends that this area be developed as commercial.</p>
<p style="text-align: center;">Engineering &amp; Planning Recommendation</p> <p>Staff recommends approval of this rezoning.</p>
<p style="text-align: center;">Proposed Motion</p> <p>Move to recommend approval of rezoning for Old Red Trail site from MA to CC.</p>



R. 81W.



**BOUNDARY EXHIBIT**  
MANDAN 94 INVESTORS, LLP

1

SW 1/4 AND SE 1/4  
SECTION 22, T. 139 N.,  
R. 81 W., 5TH PM,  
MORTON COUNTY, ND

**KLJ**

**LEGAL DESCRIPTION**

A PORTION OF THE SOUTH HALF OF SECTION 22 TOGETHER WITH LOT 2 OF LOT A OF THE SOUTHWEST QUARTER, SECTION 22, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, LYING WITHIN THE 2 MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22, WHICH IS THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING ALONG THE EAST LINE OF SAID SECTION 22, S 00°08'27" E A DISTANCE OF 1350.48 FEET TO THE NORTH RIGHT OF WAY LINE OF INTERSTATE 94; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE 94, N 75°17'20" W A DISTANCE OF 2242.41 FEET; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE 94 ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11259.00 FEET, AN ARC LENGTH OF 716.73 FEET, AN INTERIOR ANGLE OF 003°38'50" AND THE CHORD OF SAID CURVE BEARS N 73°27'55" W A CHORD DISTANCE OF 716.60 FEET TO THE EAST RIGHT OF WAY LINE OF COLLINS AVENUE; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF COLLINS AVENUE, N 00°34'33" E A DISTANCE OF 398.84 FEET TO THE SOUTH LINE OF LOT 1 OF AUDITOR'S LOT A AS DESCRIBED IN DOCUMENT NO. 171798, RECORDED IN THE MORTON COUNTY RECORDERS OFFICE; THENCE ALONG SAID SOUTH LINE OF SAID LOT 1 OF AUDITOR'S LOT A, N 89°49'29" E A DISTANCE OF 181.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 OF AUDITOR'S LOT A; THENCE ALONG THE EAST LINE OF SAID LOT 1 OF AUDITOR'S LOT A, N 00°10'31" W A DISTANCE OF 139.66 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 22; THENCE ALONG SAID NORTH LINE OF THE SOUTH HALF OF SECTION 22, N 89°10'59" E A DISTANCE OF 2667.78 FEET TO THE SAID POINT OF BEGINNING, LESS AUDITOR'S LOT S-1 OF LOT 2 OF LOT A, AUDITOR'S LOT S-2, AUDITOR'S LOT S-3, AUDITOR'S LOT S-4 AND AUDITOR'S LOT S-5.

SAID TRACT CONTAINS 2678940 SQUARE FEET OR 61.5 ACRES MORE OR LESS .