



**AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:15 P.M.
MARCH 23, 2015**

Roll Call, Reading and Approval of the February 23, 2015 minutes.

OLD BUSINESS

1. A request from Leslie Volochenko for a final plat and a change of zoning. The request is to change the zoning of Lot AE less Lot 1 & less R/W 8.79 acres of the SE ¼ in Section 26, Township 139N, Range 81W from A (Agricultural) to PUD (Planned Unit Development) over CB (Heavy Commercial). The property is located east of Mandan Avenue NE on Division Street NE.

2. A request from Meadowlands Development LLC for a final plat and a change in zoning. The request is to change the zoning of Lots 17-20 and parts of the South ½ of Section 26, Township 139N, Range 81W from RM (Multi-Family Residential) and MB (Heavy Industrial/Heavy Commercial) and CC (Heavy Commercial) to RMH (Residential Mobile Home), CB (Heavy Commercial) and CC (Heavy Commercial). The property is located southeast of Frontier Mobile Home Development and north of 3rd Street SE.

NEW BUSINESS

1. A request from Terry and Terry Lea Mastel for a setback variance. The request is to reduce the front yard setback on Lot 5, Block 1, Mantahni Subdivision in Section 9, Township 139N, Range 81W.

2. A request from Boyd and Deborah Addy for final plat approval of all of Lot 1, Block 2, Eastside Commercial Park & Parcel 6B-21 of the SE ¼ of Section 26, Township 139N, Range 81W. The property is located at 2008 Twin City Drive.

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL BUILDING
February 23, 2015

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on February 23, 2015, at 5:15 p.m. CDT.

Commissioners Present: Zachmeier, Fleischer, Klein, Knoll, Van Beek, Leingang, Laber, Mchlhoff, Liepitz, Beach, Robinson.

Commissioners Absent: Kelly

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

NEW BUSINESS

1. A request from Leslie Volochenko for a preliminary plat and a change of zoning. The request is to change the zoning of Lot AE less Lot 1 & less R/W 8.79 acres of the SE ¼ in Section 26, Township 139N, Range 81W from A (Agricultural) to CC (Heavy Commercial). The property is located east of Mandan Avenue NE on Division Street NE.

Bob Decker, City Planner, identifies and describes the area. PUD zoning may be an option for the property. Staff recommends a formal developer agreement, a stormwater management plan and creation of a PUD district. A rail line runs along the west side of the property. The property could be a spur for truck access to load boxcars. There is a storm drain system that runs through the property that will have to be addressed. It is in the gateway overlay zones and specific buffering requirements must be met.

Dave Patience, Swenson & Hagen, says the city has put a street around the property (Division) and there are services to the property. He understands there have been problems in the past with the site. There would have to be buffers on the south side between them and the adjoining owners. The only thing that should affect the adjoining property owners is they may have to move some of their stuff off the property. The owner's intention is to sell the property and each of the 5 lots could be used for whatever use the buyer wants as allowed under the CC or PUD zone. They are considering the PUD because they could eliminate Industrial Use Group B and any type of farming use. It could be tailored to fit in the neighborhood better.

Commissioner Knoll asks if the owner has considered using the property for housing. Dave asks who would want to live next to the interstate. Some in the audience say they live next to the interstate. Dave says this property adjoins the interstate and buildings that could go on this lot would act as a buffer and lessen the noise for the neighbors.

Commissioner Fleischer asks if the notch in the upper northwest corner is owned by somebody else. Dave says that is right-of-way and there is a detention pond in there right now with a storm drain.

Rod Bosch, lives in that area, and asks why doesn't Leslie Volochenko want to zone it residential like everything else is? What insurance do the neighbors have that a bar or something will not go in there?

Dave says Mr. Volochenko has had the property for a long time and purchased it knowing it was along the interstate, had access to an interchange and next to a railroad. It has high visibility. That doesn't sound like residential property. There is existing residential and he completely agrees that needs to have a buffer. They have to put up fences, berms and landscaping. No planning guides out there would tell you that is residential. When you go to sell it, how are you going to tell somebody they are going to look out at the interstate? Dave says a lot of the homes there were there before the interstate. The correct way to handle it is to buffer the home there and take advantage of the interstate. He doesn't think they will do anything with the railroad. Having the interchange right there is a plus for commercial use. Hopefully, they can limit it to light commercial where there wouldn't be a lot of noise or odors from industrial uses. With Bob's help, they could tailor it to do the job.

Chair Robinson points out they are asking for Heavy Commercial and Dave is indicating they don't want that. Dave says they would take it as long as they could put restrictions on there. They are open to CC with restrictions or the PUD zoning.

Chair Robinson says the challenge is they do not have specific on what is requested for the PUD zoning. The neighborhood is probably at least 80% residential. Dave says he can't do a site plan for vacant lots that you're going to sell. He thinks the best they can do for now would be CC with no industrial group B or farming groups allowed. Buffers would also be included.

Commissioner Leingang asks if 4th Street NE can be extended into this development. Dave says there are houses on both sides of the street. Commissioner Leingang asks why duplexes couldn't be placed there and he is not going to be sold on moving from residential to heavy commercial. Dave says that is why they are requiring the buffer in there. Commissioner Leingang says he knows how the buffers work and he's been dealing with one for 30 years. He says they never materialize.

Commissioner Leingang says this is the third time this has come back to the board and it keeps coming back with the same request. There is no way he is going to go along with heavy commercial.

Dave Patience says the ordinance states if they have a buffer then commercial can adjoin residential. He is going by what is in the ordinance. The ordinance says he has to have a fence, a berm with plantings and so many trees.

Commissioner Leingang asks how many feet between the residential and commercial. Dave says there was a buffer in there for 25' and another 20' for a sanitary sewer easement and a 50' no build zone. They are willing to setback farther like 100' from the south residences. Commissioner Leingang asks what the matter with putting duplexes in there is. Dave says the ordinance says you have to have a 100' deep lot for duplex and it has to have a city street in front which is another 66'. So, now he puts a street in this little 8 acre piece with twin home on one side and commercial on the other...he can't do that either according to the ordinance. Dave says the client asked for commercial and according to our ordinance that's what happens by the interstate is commercial, with the exception that the interstate was there first and the homes were put in afterwards. Dave says the interstate was constructed in 1966 and

he thinks the houses are older than that. Some in the audience say no and somebody says not one of them.

Commissioner Knoll asks if Mr. Volochenko has tried selling the lots. Dave says the property is not platted or zoned so you don't know what you can actually use it for if you bought it. There is no use on it right now it is agricultural. He says you can buy it right now and put a livestock facility in there. He doesn't think anybody will purchase the land for residential because who would want to look out at the interstate and refinery.

Commissioner Laber says she has a hard time giving blanket commercial next to residential. She likes the idea of a Planned Unit Development proving what goes in there like a daycare or office building or a lot of things that would not be intrusive. Because the client does not have a comprehensive plan as to what kind of businesses he wants to solicit to, she feels like he is asking for the most he can have so he can get the most money out of it. She thinks it is not appropriate for this piece of land until there is some kind of plan. He needs a PUD or some kind of plan for each of the lots so he can sell and build something the neighborhood can wrap their minds around and everybody is ok. She understands where they are trying to go because the property has all the infrastructure needed. They can all support projects that would be appropriate in this area. It is hard for her to approve something that is not well planned. If he had investors who came forward and said here are our plans and footprint and we came together to create a PUD there would probably be no problem. She can't see just doing Heavy Commercial and say have fun and too bad you people that live there. She tells Dave a PUD requires a site plan.

Dave says they are good with doing a PUD if they have a handle on what kind of uses can go in there. They would be happy to come back with a PUD for each site plan. Commissioner Laber says usually the PUD encompasses the entire acreage. A site plan for all 5 lots and how it is going to interact with each other. A PUD is mixed uses and mixed types.

James McEachran, 1710 4th Street NE, "I've lived there since 1998. I think you should know that there have been abandoned vehicles on that property ever since I've lived there. Currently there is a semi-tractor and trailer...there's actually two trailers there. The one tractor and trailer have been there all 17 years that I've lived there. There has always been other abandoned vehicles on that property. It's very interesting to hear about planting trees because after one of these commission meetings when he was declined recently, he pushed over most of the trees of that property and if you drove by there, you would have seen that. He just pushed them over. The lot behind my house...I have a lot more weeds because the trees are gone. If he gets this change to heavy commercial, and does not sell the property, I can tell you what it's going to look like. It's going to have a lot of abandoned vehicles and trucks and more tractor trailers. There's basically junk back there. If you zone this heavy commercial, and he does not sell it, there will be more junk back there. Some of this junk has been there for 17 years. I have a parts car for my project car on my property behind my fence the police made me move it. I had a week to move it. He's had junk back there for 17 years. Vehicles that he has not had moved. It would be really nice if he could sell it to someone else. But if he doesn't sell it and you guys zone it heavy commercial, you're just going to get more of what you have now."

Shelly Bosch, 1714 3rd Street NE, "I agree with the last person. It has been nothing but a junk hole back there. We have had stuff like you couldn't imagine. It got cleaned up a little bit, but all the trees were knocked down. They were just laying there. It was just a mess. As far as if something does get built back there, the buffering, the fencing and stuff...when's it going

to happen? I can about imagine what kind it's going to be. It's not going to happen. I'm totally against that. If nothing happens, like he said before, there's probably going to be more stuff back there. It never gets enforced back there. It looks like a junk yard and it's horrible. Who knows what we got growing back there. I just hope somebody pays attention because I don't foresee a buffering or anything that's going to go up that's going to help any of that back there."

Corey Wanner, 1714 4th Street NE, "I would just like to know ...you've got heavy commercial. What other zonings could go there other than heavy commercial? If this gets continued now, and not tabled, will the neighbors be aware of that? Them are my questions."

Chair Robinson says if it is continued, it will not have to be advertised, so they would have to look to the next meeting, which is on March 23rd. Bob says staff will notify the neighbors as this continues.

Commissioner Leingang asks if this property is in city limits and why didn't it change to R7 when it was annexed? Bob says some of these older parcels never did change when they were brought into the city.

Commissioner Klein asks why the city hasn't made him clean it up. Bob says the city did have the police monitoring it, but it seems it reverts back. It needs to be monitored more heavily.

Commissioner Fleischer motions to continue and request a Planned Unit Development are brought back before the commission. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

2. A request from LB Family Properties for a change in zoning. The request is to change the zoning of Lot 2, Block 1, less the south 125' of Highland 2nd Addition Replat of the SW ¼ in Section 1, Township 139N, Range 81W from CA (Light Commercial and Services) to CC (Heavy Commercial). The property is located on Collins Avenue at 12th Street NW.

Bob Decker, City Planner, identifies and describes the area. This is a small CA zone surrounded by residential. CA is a neighborhood commercial concept it is for local services not city services or general services going to CC opens it up to much more intense uses. The two that have been shown to us are a self-service car wash and some storage units. The self-service car wash would be a city wide or regional draw. It wouldn't necessarily serve the area. They propose 36 storage units in the back part of the property. A storage sales rep told a developer not to buy any storage units because there is an overabundance of them that has been built in this area recently. There is a lot of residential on Collins and it is not a real wide street. The stop sign at Old Red Trail and Collins backs up heavily. A traffic light is several years away. There is water and electrical transmission lines running through this property and access to them would have to be continued. The lot is steep and stormwater management would have to be carefully done.

Commissioner Leingang mentions a service station (used to be a butcher shop) where a car wash was rejected. This property is probably a worse place for a car wash. Bob thinks the service station is in a neighborhood oriented business.

Bob says the Eagles are on the north side of this property and on the south side what used to be a daycare is a nursing facility/offices.

Commissioner Mehlhoff lives up north and if he wants to use a car wash he has to travel to downtown using Collins Avenue. He is not sure it would increase traffic.

Commissioner Knoll is not so much against the car wash, but does not like the storage units there.

Commissioner Liepitz asks what kind of residential is backed up to this property. Bob says single family or maybe a few twin homes. The area to the east is zoned R3.2.

Allen Shreve, 1305 1st Avenue NE, "We've lived there thirty plus years. Great neighborhood. A lot of families raised their kids there. We have concerns. I'm an educator of forty plus years in Mandan. I have a concern about kids, of course. Our concern is with traffic. If it's a heavy use facility, what time of day is the heavy use going to be? We have kids walking to and from school. That's always been a concern. Even when the Eagles was built. That was a concern of the neighborhood. Do they have to have a buffer zone? That's the question I want to know...have an answer to. Eagles never finished their buffer zone. We have concerns with noise at night. There are nights when the Eagles have a wedding dance that our windows are rattling from the bass of the cars...from the kids playing and we have to call the authorities. So we have concerns about our neighborhood being a peaceful, safe neighborhood. With the addition of the storage units, which we didn't know of, we just have concerns."

Don Lafleur, 101 11th St NE, "Same concerns as Mr. Shreve. I'm a father of small children. This is basically in our backyard. There's that alleyway running through there which does not get a whole lot of traffic right now. Mostly it's to the Eagles Club, which is right outside our fence. I'm concerned if they do develop that into a car wash, you'll see a lot more traffic up that alleyway and my kids occasionally will go out there. We have a fence but sometimes they go out there there's a lot they go play in. I'm also concerned about the noise. Car washes generate a lot of noise and to have that right in our back yard's like Allen said at night it keeps us awake."

Bernice Hiller, 104 12th Street, "We live on the other side of Collins Avenue. Those are all starter family type homes. We've lived up there for forty years and we raised our family up there and when I look out my picture window I see the nursing education facility that's there now. That used to be the daycare. So am I going to look out and see this storage shed and this car wash? Thirty-six storage sheds? They can't put a buffer there, so that I wouldn't see it."

Dave Patience says the reason the developer chose this site is because Mandan Ave has 4000 cars a day traveling on it. This site 5000 a day. Sunset Drive 7000. He thought with that much traffic it would be a perfect place, so nobody had to drive all the way to downtown to get to the car wash.

Commissioner Laber doesn't really like the CC. She thinks CA is more appropriate. Dave says the client builds car washes. A site plan has been turned into the city. CA allows filling stations but excludes car wash. Commissioner Fleischer thinks CC is out of place there.

Commissioner Leingang motions to deny the zone change. Commissioner Fleischer seconds. Upon vote, the motion passes unanimously.

3. A request from Meadowlands Development LLC for a preliminary plat and a change in zoning. The request is to change the zoning of Lots 17-20 and parts of the South ½ of Section 26, Township 139N, Range 81W from RM (Multi-Family Residential) and MB (Heavy Commercial) and CC (Heavy Commercial) to RMH (Residential Mobile Home), CB (Heavy Commercial) and CC (Heavy Commercial). The property is located southeast of Frontier Mobile Home Development and north of 3rd Street SE.

Bob Decker, City Planner, describes and identifies the area. The property is low, but out of the floodplain. There is a dike on the south and east sides. The proposal shows different types of development. The west side shows a newer style manufactured home court. Different types of residential uses will be along the east and south boundaries. A street will have to go around a master lift sewer station on the west side. The primary road would be a north/south alignment connecting to Memorial Highway. That portion of Memorial has a median, so it would be a right in/right out only. There would be no left turns there. The DOT would have to be involved in the traffic flow and access there. Memorial Highway and 3rd Street by McDonald's is going to be impacted. That intersection is close to needing signal lights. There are details to work out, but staff supports the concept. The city needs adequate access along the dike.

Commissioner Leingang asks why they don't show what the areas are going to be zoned. Bob says the plan is a moving target. They are looking at commercial, mobile homes and multi-family. A detention area is going to be needed along the dike.

The property boundaries for the existing mobile home court don't match this survey. There is some discrepancy. The owner of that court and this developer are brothers and they are working together on some of these issues.

The new court has a combination of single and double wide homes. A final will come back to the commission. Bob expects a master concept plan, a developers agreement, traffic study and sign offs from other groups. He is recommending the commission approve the preliminary.

Commissioner Zachmeier asks if the Lower Heart Water District is involved. Harvey with Toman Engineering is checking on those water issues, including Fema. There is a stormwater pumping station to the west of this property.

Commissioner Laber is concerned with the traffic flow and wants to make sure the traffic study looks at the flow within the development.

Steve Thilmony owns the dike to the east. He says it is no longer needed for flood control. He would ok an easement to Riverwood Ave SE. Boh says there is a flood gate near there for Memorial Highway.

Commissioner Leingang motions to approve the preliminary plat with recommended conditions (masterplan, developers agreement, stormwater, traffic study and sign offs on various other groups). Commissioner Mehlhoff seconds. Upon vote, the motion passes unanimously.

Commissioner Liepitz motions to adjourn. Commissioner Mehlhoff seconds. Motion passes unanimously. Meeting adjourns at 6:25 p.m.

OLD BUSINESS ITEM # 1

OLD BUSINESS ITEM # 1

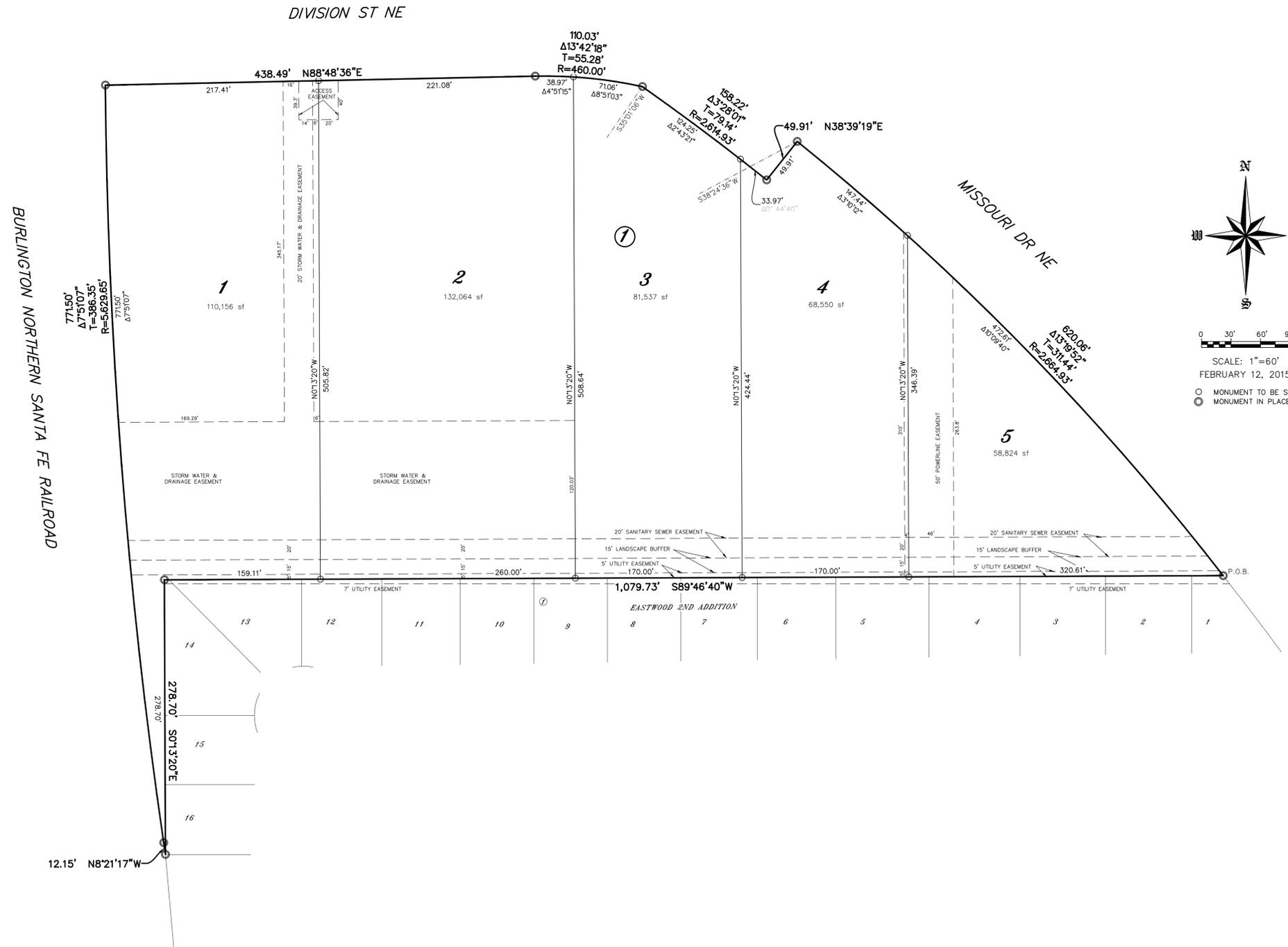
Mandan Planning and Zoning Commission Agenda Item
 For Meeting on March 23, 2015
 Mandan Engineering and Planning Office Report
Rezone Volochenko
 Requested Action
Plat and change zoning from A to PUD

Application Details					
Applicant Swenson, Hagen & Co.	Owner Leslie Volochenko	Subdivision Volochenko (proposed)	Legal Description Mandan Lands, not subdivided		
Location Along Division St. NE / Missouri Dr. NE east of Mandan Ave. NE		Proposed Land Use commercial	Parcel Size 8.79 acres	Number of Lots 5	
Existing Land Use vacant	Adjacent Land Uses Residential & commercial		Current Zoning A	Proposed Zoning PUD over CB	Adjacent Zoning R7, R3.2 & CC
Fees \$600	Date Paid 1/21/2015	Adjacent Property Notification Sent 2/27/2015	Legal Notices Published Feb. 13 & 20, 2015		

Project Description
Request is to rezone to allow development of area with options for residential or commercial.
Agency & Other Department Comments
Engineering & Planning Staff Comments
<ul style="list-style-type: none"> • Has adjacent rail access • Storm drain system runs through property and must be addressed • Within Gateway overlay zone so landscape buffering is required • P & Z continued for more information • Based on comments received, considering modified CB rather than CC so housing can be an option
Engineering & Planning Recommendation
<p>Recommend approval of PUD rezoning and accompanying plat subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Execution of a subdivision developer agreement 2. Completion of a stormwater management plan 3. Creation of a PUD district based on CB with appropriate use restrictions. PUD to have a one year time limit at which time it must be considered for renewal and only renewed if all conditions have been met. 4. Requirement to install fencing and buffering meeting Gateway Overlay District requirements along south property line within one year of approval of rezoning by city commission.
Proposed Motion
Move to recommend approval of PUD with restrictions on uses and stipulation that PUD cannot be recoded until property is clean and free of weeds and tall grass.

VOLOCHENKO ADDITION

PART OF AUDITOR'S LOT AE OF THE NE 1/4 OF SECTION 26
TOWNSHIP 139 N., R. 81 W. TO THE CITY OF
Mandan, Morton County, North Dakota



DESCRIPTION

PART OF AUDITOR'S LOT AE OF THE NE 1/4 OF SECTION 26, T. 139 N., R. 81 W., TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEAST CORNER OF LOT 1 BLOCK 1 EASTWOOD 2ND ADDITION; THENCE SOUTH 89 DEGREES 46 MINUTES 40 SECONDS WEST, ALONG THE NORTH BOUNDARY OF SAID EASTWOOD 2ND ADDITION, A DISTANCE OF 1,079.73 FEET TO THE NORTHWEST CORNER OF SAID EASTWOOD 2ND ADDITION; THENCE SOUTH 00 DEGREES 13 MINUTES 20 SECONDS EAST, ALONG THE WEST BOUNDARY OF SAID EASTWOOD 2ND ADDITION, A DISTANCE OF 278.70 FEET; THENCE NORTH 08 DEGREES 21 MINUTES 17 SECONDS WEST, A DISTANCE OF 12.15 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 5629.65 FOOT RADIUS CURVE, AN ARC LENGTH OF 771.50 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 36 SECONDS EAST, A DISTANCE OF 438.49 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, ON A 460.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 110.03 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, ON A 2614.93 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 35 DEGREES 01 MINUTES 06 SECONDS WEST, AN ARC LENGTH OF 158.22 FEET; THENCE NORTH 38 DEGREES 39 MINUTES 19 SECONDS EAST, A DISTANCE OF 49.91 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT ON A 2664.93 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 38 DEGREES 24 MINUTES 36 SECONDS WEST, AN ARC LENGTH OF 620.06 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 10.36 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TIM LANGERUD, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 2015, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA 58504

TIM LANGERUD
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 5770

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED TIM LANGERUD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, ON THE _____ DAY OF _____, 2015, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF MANDAN AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN.

BILL ROBINSON - CHAIRMAN
KIM FETTING - SECRETARY

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT LESLIE VOLOCHENKO, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "VOLOCHENKO ADDITION", MANDAN, NORTH DAKOTA, AND DO SO DEDICATE THOSE ITEMS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF MANDAN TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF _____) SS

LESLIE VOLOCHENKO
506 COLLINS AVENUE
MANDAN, ND 58554

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED LESLIE VOLOCHENKO KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

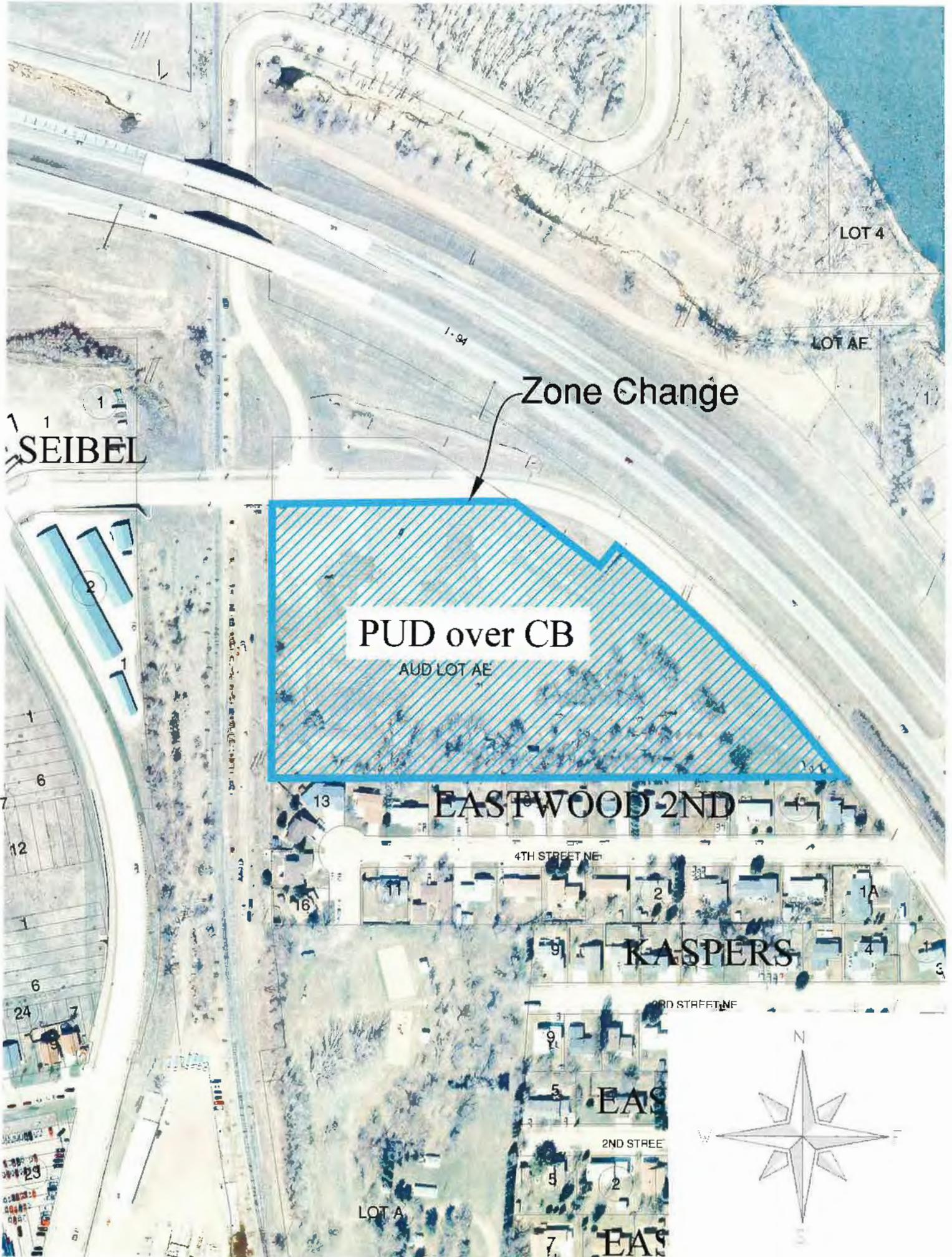
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2015.

ARLYN VANBEEK -MAYOR
ATTEST: JIM NEUBAUER
CITY ADMINISTRATOR

APPROVAL OF ENGINEER

I, _____ HEREBY APPROVE "VOLOCHENKO ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.





LOT 4

LOT AE

Zone Change

SEIBEL

PUD over CB

AUD LOT AE

EASTWOOD 2ND

4TH STREET NE

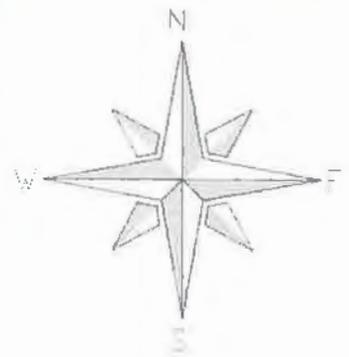
KASPERS

3RD STREET NE

EAS

2ND STREET

EAS



LOT A

OLD BUSINESS ITEM # 2

OLD BUSINESS ITEM # 2

Mandan Planning and Zoning Commission Agenda Item
 For Meeting on March 23, 2015
 Mandan Engineering and Planning Office Report
Rezone Meadowlands
 Requested Action
Final plat and Change zoning from RM & MB to RH, CB & CC

Application Details					
Applicant Swenson, Hagen & Co.	Owner Barry Jennings	Subdivision Meadowlands (proposed)	Legal Description Multiple parcels, no existing subdivision		
Location Between 3 rd St SE and Memorial Highway		Proposed Land Use Manufactured homes and commercial	Parcel Size 42.9 acres	Number of Lots 12	
Existing Land Use vacant	Adjacent Land Uses Residential & commercial		Current Zoning RM & MB	Proposed Zoning RH, CB & CC	Adjacent Zoning RM, MA & MB
Fees \$700	Date Paid 1/21/2015	Adjacent Property Notification Sent 3/11/2015	Legal Notices Published Feb. 13 & 20, 2015		

Project Description

Request is to rezone to allow development of area with manufactured homes and multi-family or commercial.

Agency & Other Department Comments

- Need to establish mail delivery plan

Engineering & Planning Staff Comments

- There are issues with access to Memorial
 - Traffic study will be needed since this project impacts intersection of 3rd St NE and Memorial where installation of traffic signal is being considered
 - Access onto Memorial near BNSF bridge is limited by median (no left turn)
 - NDDOT has provided traffic study criteria
- Property boundaries between this owner and BNSF may be challenged due to BNSF driveway being shown on this property. Intent is to provide BNSF access to Memorial along a modified route.
- Some land swap with neighboring mobile home court will likely occur (brother owns mobile home court).
- Flood control questions need to be answered by Lower Heart.
- Construction near existing dike.
- Removal of part of old railroad embankment is proposed.
- Impacts on existing stormwater system.
- Need for land to relocate master sanitary sewer lift station or install gravity interceptor.
- Possible trade of land so property can be accessed on west side of existing master sanitary sewer lift station.
- Water and sewer are available but developer may need to extend off-site to reach existing.
- Initial layout for manufactured home park needs work because of utility conflicts and need for access across city property. Zoning requires a minimum of 10 acres for this use.
- Proposed Comprehensive Plan shows this area as industrial.
- P&Z approved preliminary plat 2/23/15 with conditions.

Engineering & Planning Recommendation

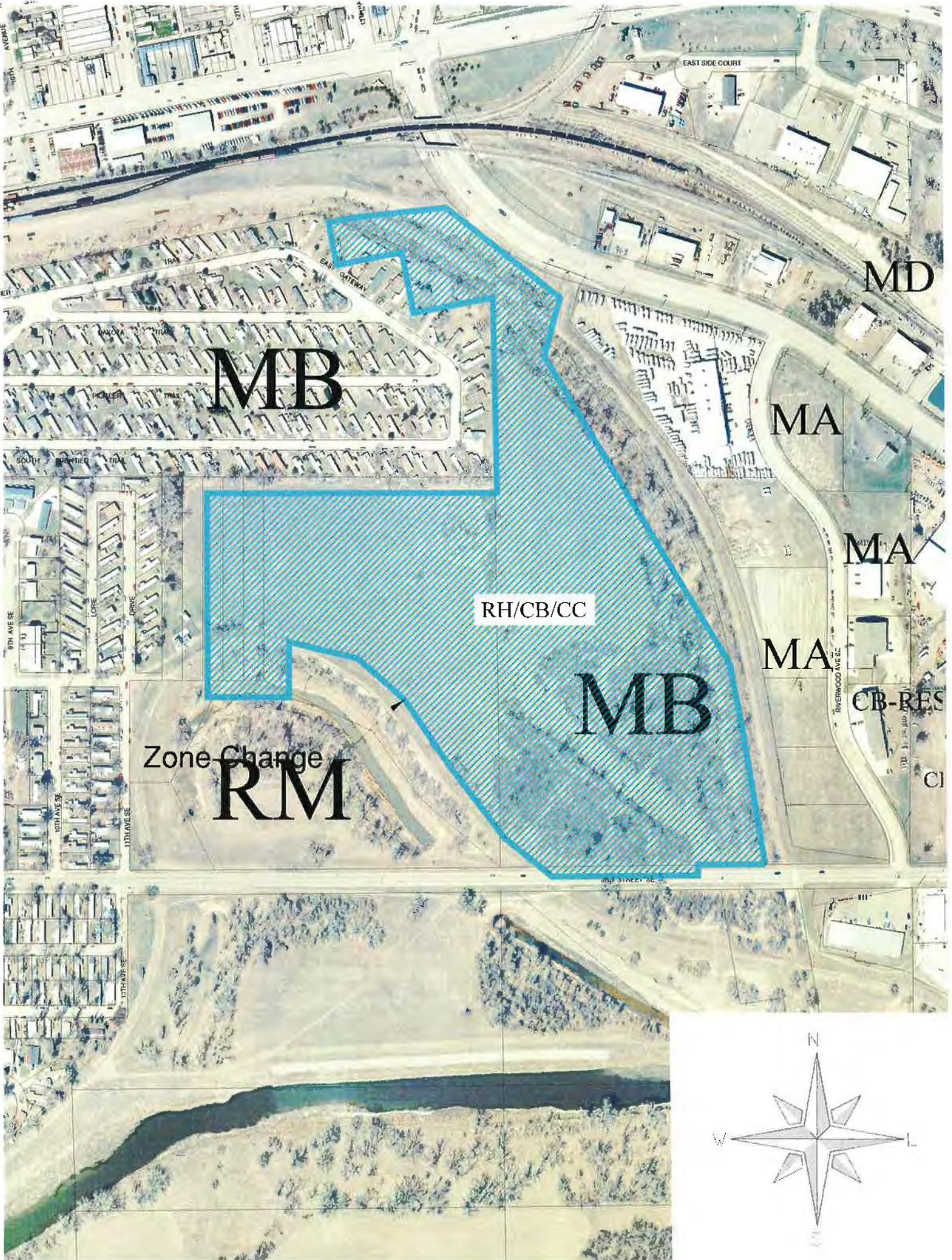
Preliminary plat approved subject to the following conditions:

- Preparation of a subdivision master plan meeting the requirements of Section 21-09-07
- Execution of a subdivision developer agreement
- Completion of a stormwater management plan

- d. Prepare traffic study of project impact on 3rd and Memorial
- e. Approval from USPS, NDDOT, Lower Heart (& FEMA if needed), Park District and School District

Proposed Motion

Recommend approval of rezoning and replat with plat recording delayed until all conditions of the Preliminary Plat approval have been met.



MD

MB

MA

RH/CB/CC

MA

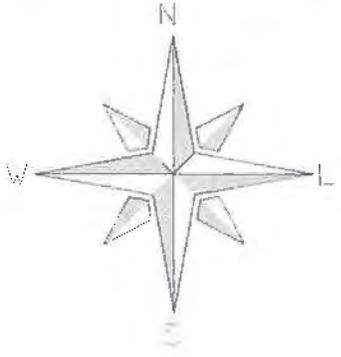
MA

MB

CB-RES

Zone Change

RM



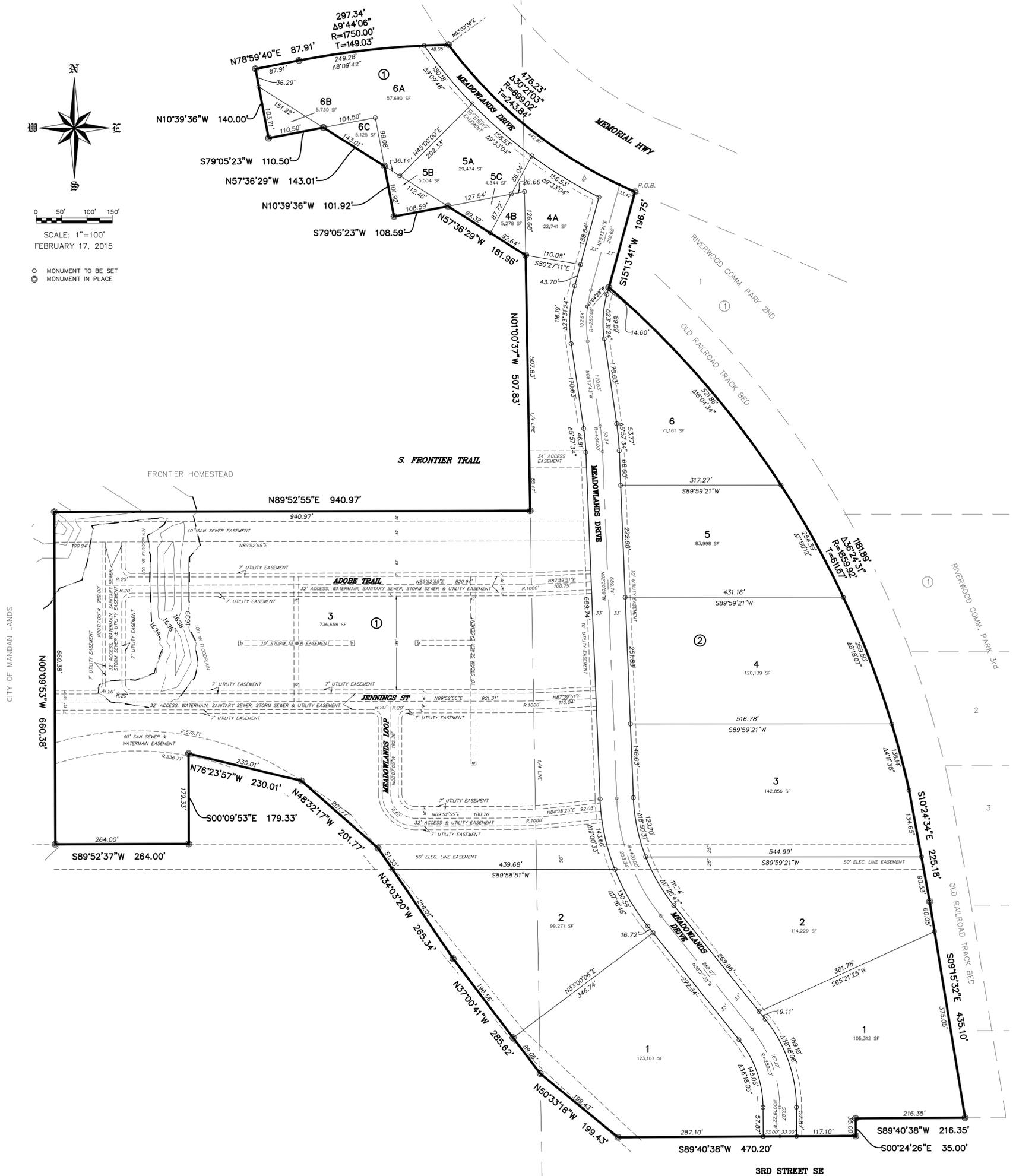
MEADOWLANDS ADDITION

PART OF LOT 1 BLOCK 1 FRONTIER HOMESTEAD AND PART OF THE S 1/2 OF SECTION 26, T. 139 N., R. 81. W. TO THE CITY OF
MANDAN, MORTON COUNTY, NORTH DAKOTA



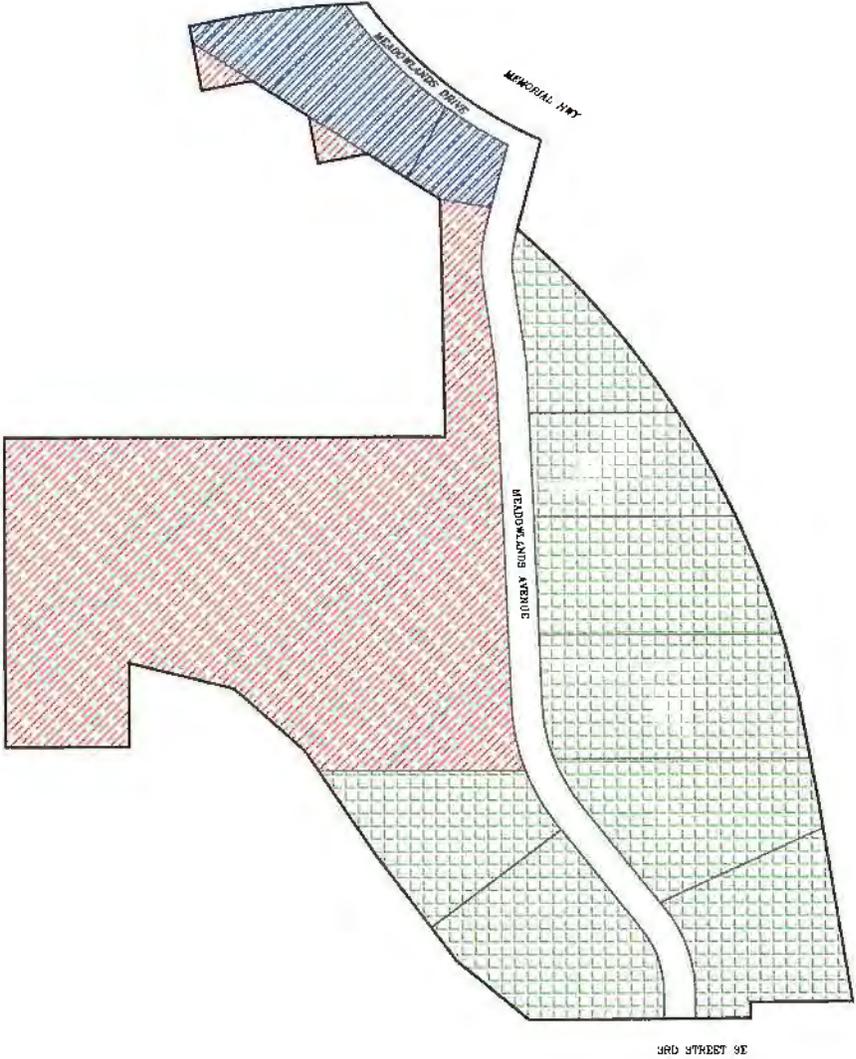
SCALE: 1"=100'
 FEBRUARY 17, 2015

- MONUMENT TO BE SET
- MONUMENT IN PLACE



MEADOWLANDS ADDITION

ZONING MAP



MOBILE HOME RESIDENTIAL

RH



COMMERCIAL AND SERVICE

CB



HEAVY COMMERCIAL

CC



NEW BUSINESS ITEM # 1

NEW BUSINESS ITEM # 1

Mandan Planning and Zoning Commission Agenda Item
 For Meeting on March 23, 2015
 Mandan Engineering and Planning Office Report
Mastel
 Requested Action
Front Setback Variance

Application Details					
Applicant Toman	Owner Terry Mastel	Subdivision Mantahni	Legal Description Lot 5, Block 1		
Location West of 1806 North of 38 th St.		Proposed Land Use residential	Parcel Size 2.27 acres	Number of Lots 1	
Existing Land Use residential	Adjacent Land Uses Residential		Current Zoning County	Proposed Zoning County	Adjacent Zoning County
Fees \$200	Date Paid 2/24/2015	Adjacent Property Notification Sent None required		Legal Notices Published None required	

Project Description
Request to reduce front yard setback to allow construction of a free standing garage
Agency & Other Department Comments
Engineering & Planning Staff Comments
<ul style="list-style-type: none"> • Topography and existing trees limit options for locating the garage. • At least one neighbor has signed a statement saying they have no objection. • This is a low traffic dead-end gravel road in the extraterritorial area that functions more like a common driveway. There are only 2 existing neighbors and one empty lot. The County ROW is 80' wide.
Engineering & Planning Recommendation
Staff does not have a problem with this request.
Proposed Motion
Move to recommend that setback variance be granted.

February 20, 2015

Request for Variance by Terry and Terry Lea Mastel

Mandan City Planning Commission:

We are requesting a variance in order to build a new 40 x 60 building on our 3-acre property. We have looked into many options and have had contractors out to the site with many discussions where to put the building. We, together with these professionals, found the proposed site to be the most beneficial and cost effective, but it does not meet the correct set back from the road. Because the present right of way is substantially larger than it needs to be, the variance would not have the effect of reducing the traffic capacity of this secondary road.

At the proposed site, we are 55 feet from the center of the road. Traffic on the gravel road is very minimal and involves only 2 households in which the gravel road is not a through street, and comes to a dead end. Traffic visibility will never be an issue. This site would give us easier access to the road, as we would be using the main driveway approach and it is the most level spot with the county road.

Another concern is the concrete apron to the building needs to shed water away and not into the building. Slope for water drainage and the main overhead door becomes a very important issue. This proposed site is the only place to get proper drainage and elevation, which is a top priority.

We have a beautiful tree row with pines and evergreens over 6' tall near the site of the building. This site would allow us to remove the minimum amount of trees compared to any other site. If the building was to be built back further the elevation comes quickly to a 7 foot drop, making it nearly impossible to put a building there. The cost would be tremendously more, and many trees would have to be removed. Due to the topography, this is the most cost effective place as far as tree removal and elevation is concerned.

We have considered other plans for the building site, such as next to the garage or attaching to the garage, but that is not realistic either because of the driveway situation. We would not be able to get our vehicles in and out because it is too crowded, and we would not have a good turn around place. Because of the size of the building it has to be a little ways away from the house, but cannot be too far from the house because that is where we need our snow removal equipment. We have had survey people and builders out to look the whole situation over, and all agree the best place for the building is the proposed site.

The reason we are asking for a variance of 10-15 feet is there is no other location that could be used without problems of elevation, drainage, and tree removal. In addition we need to be within a reasonable distance from the house to access the building for vehicles, and lawn and snow removal equipment. Thank you for your time and consideration.

Sincerely,
Terry and Terry Lea Mastel
3730 Arikara Ave. N.
Mandan, ND 58554

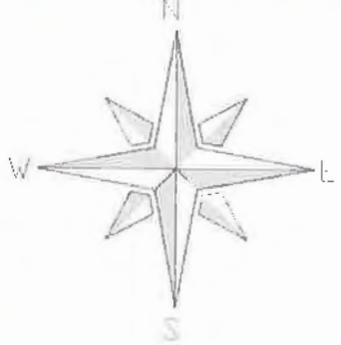


MANTAHNI

INDATSA PLACE

SIOUX STREET

ARIKARA AVENUE





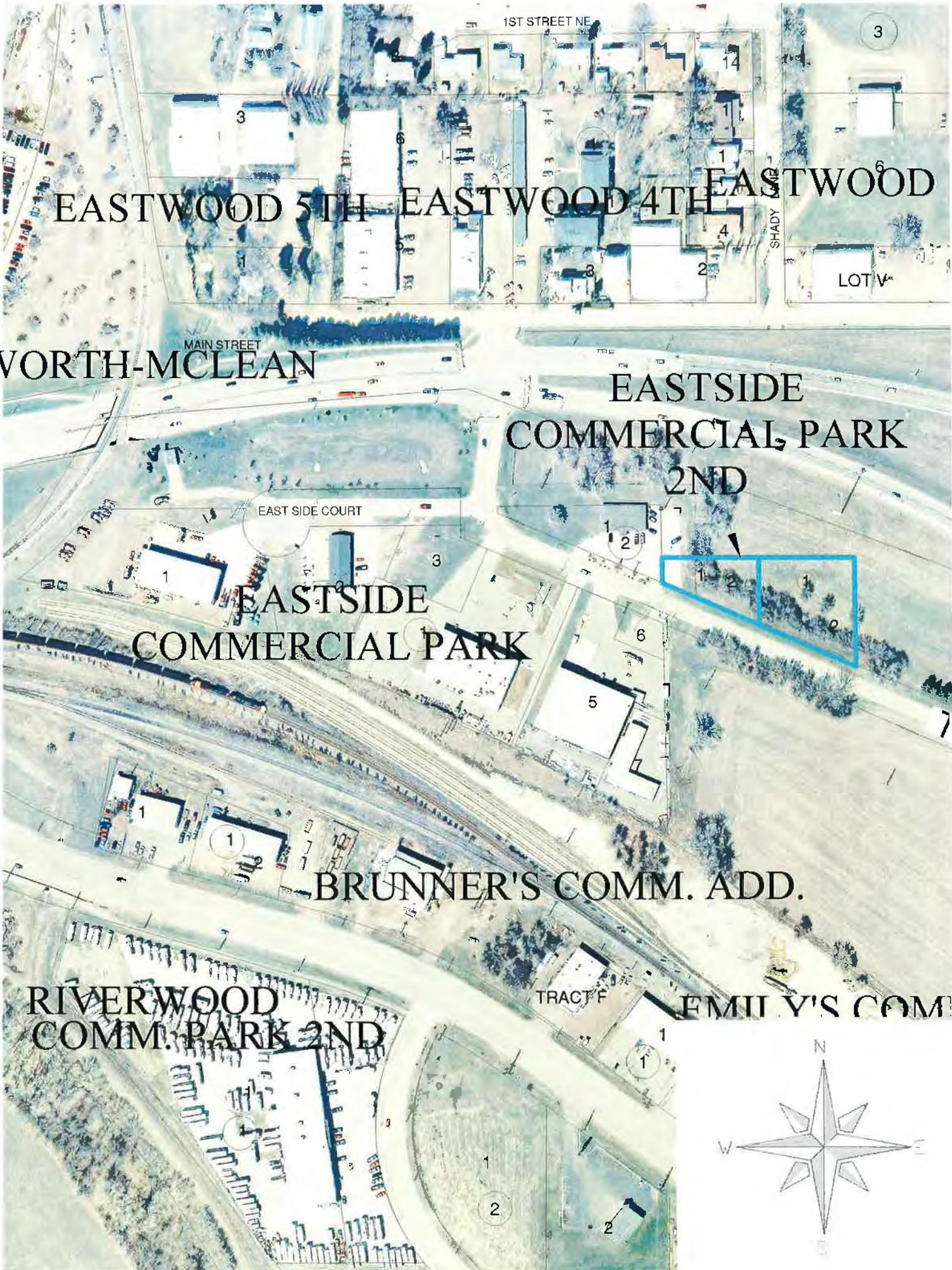
NEW BUSINESS ITEM # 2

NEW BUSINESS ITEM # 2

Mandan Planning and Zoning Commission Agenda Item
 For Meeting on March 23, 2015
 Mandan Engineering and Planning Office Report
Eastside Commercial Park Second Addition
 Requested Action
Replat

Application Details					
Applicant Toman	Owner Boyd & Deborah Addy	Subdivision Eastside Commercial Park	Legal Description Lots 1 & 2, Block 1		
Location Twin City Drive South of Main		Proposed Land Use commercial	Parcel Size 0.94 acres	Number of Lots 2	
Existing Land Use commercial	Adjacent Land Uses commercial		Current Zoning CB	Proposed Zoning CB	Adjacent Zoning CB
Fees \$200	Date Paid 2/20/2015	Adjacent Property Notification Sent 2/27/2015	Legal Notices Published March 13 & 20, 2015		

Project Description
Request to split lot into 2 parcels
Agency & Other Department Comments
Engineering & Planning Staff Comments
<ul style="list-style-type: none"> Proposed plat does not match original plat. Corrected after staff meeting. Why is NDDOT ROW included? ROW purchased and will be combined with this replat. Very limited buildable area due to large utility easements. Owner does not anticipate immediate development of western half of property. There have been 2 prior re-plats. Is this the appropriate name for this? Need to show location of existing building in relation to proposed lot line. Drawing provided. Need to provide proposed locations and methods of connection for water and sewer. Being discussed with Public Works staff. Existing 2" water service can be used for both lots with appropriate easement. New sewer tap can be installed across Twin City Drive when building permit is requested. How will increased stormwater runoff be handled? Can be handled at time a building permit is requested. Will a new driveway entrance be proposed or will both lots use the existing driveway? If common use, will there be a recorded access and maintenance agreement or will a statement be added to the plat? Common access but may request an additional driveway to the west. Where is the sewer forcemain located in relation to the easement limits? Drawing provided.
Engineering & Planning Recommendation
Proposed Motion
Move to recommend approval of replat of Eastside Commercial Park.



EASTWOOD 5TH EASTWOOD 4TH EASTWOOD

VORTH-MCLEAN

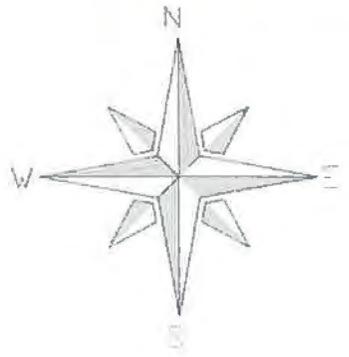
EASTSIDE COMMERCIAL PARK 2ND

EASTSIDE COMMERCIAL PARK

BRUNNER'S COMM. ADD.

RIVERWOOD COMM. PARK 2ND

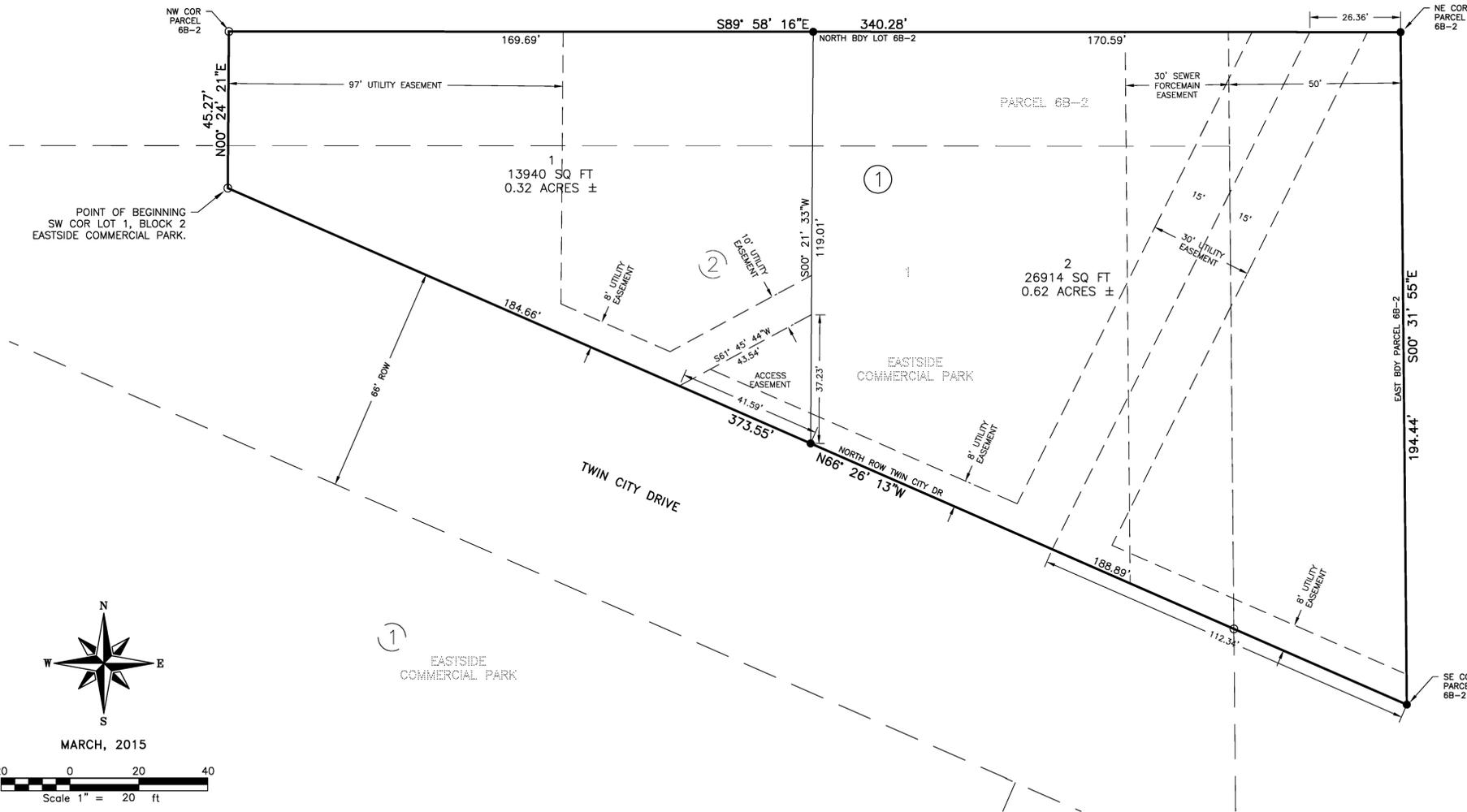
EMILY'S COM



EASTSIDE COMMERCIAL PARK SECOND ADDITION

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
 ALL OF LOT 1, BLOCK 2, EASTSIDE COMMERCIAL PARK AND PARCEL 6B-2 OF OF THE
 SE1/4, SECTION 26, T139N-R81W OF CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

INTERSTATE 94



DESCRIPTION OF PROPERTY

ALL OF LOT 1, BLOCK 2, EASTSIDE COMMERCIAL PARK AND PARCEL 6B-2 OF OF THE SE1/4, SECTION 26, T139N-R81W OF CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 2, EASTSIDE COMMERCIAL PARK OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA; THENCE NORTH 00° 24' 21" EAST ALONG THE WEST BOUNDARY LINE OF SAID LOT 1 FOR 45.27 FEET TO THE NORTHWEST CORNER OF PARCEL 6B-2 OF THE SE1/4 OF SECTION 26, T139N-R81W; THENCE SOUTH 89° 58' 16" EAST ALONG THE NORTH BOUNDARY LINE OF SAID PARCEL 6B-2 FOR 340.28 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 6B-2; THENCE SOUTH 00° 31' 55" EAST ALONG THE EAST BOUNDARY LINE OF SAID PARCEL 6B-2 FOR 194.44 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 6B-2, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF TWIN CITY DRIVE; THENCE NORTH 66° 26' 13" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 373.55 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 0.94 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDRA L. MARQUARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCES INDICATED HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDRA L. MARQUARDT, RLS 4623

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF MORTON)

ON THIS _____ DAY OF _____, 2015, THERE APPEARED BEFORE ME ANDRA L. MARQUARDT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND DID ACKNOWLEDGE TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

HARVEY SCHNEIDER,
 NOTARY PUBLIC, NORTH DAKOTA

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING THE SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT, AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OF SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATED AS "UTILITY EASEMENTS".

LOT 1

BOYD F. ADDY

DEBORAH HANSEN-ADDY

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF _____, 2015.

_____, NOTARY PUBLIC
 _____ COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES: _____

LOT 2 (PER CONTRACT FOR DEED, DOCUMENT NO. 460421)

STEVEN A. NAGEL, PRESIDENT
 NAGEL PROPERTIES, LLC

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF _____, 2015.

_____, NOTARY PUBLIC
 _____ COUNTY, NORTH DAKOTA
 MY COMMISSION EXPIRES: _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION OF LAND SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA ON THIS _____ DAY OF _____, 2015, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF SAID CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN

NANCY MOSER - SECRETARY

OWNERS:
 BOYD & DEBORAH ADDY
 RTE #1 3603 HILLSIDE DRIVE
 MANDAN, ND 58554

NAGEL PROPERTIES, LLC
 120 LAKE AVENUE #1
 BISMARCK, ND 58504

BASIS OF BEARING:
 BASIS OF BEARING: NORTH BOUNDARY LINE
 SOUTH 89° 58' 16" EAST

NOTE:
 1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.

AUDITOR'S OFFICE, MORTON CO., N.D.
 DELINQUENT TAXES AND SPECIAL ASSESSMENTS
 OR INSTRUMENTS OF SPECIAL ASSESSMENTS,
 PAID AND TRANSFER ACCEPTED.

DAWN R. RHONE, COUNTY AUDITOR
 BY _____, DEPUTY

APPROVED BY COUNTY AUDITOR'S OFFICE
 DAWN R. RHONE, AUDITOR

BY _____, DEPUTY
 DATE: _____

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS _____ DAY OF _____, 2015.

JIM NEUBAUER - CITY ADMINISTRATOR

ARLYN VAN BEEK - PRESIDENT OF
 THE BOARD OF CITY COMMISSIONERS

I, ROBERT DECKER CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES "EASTSIDE COMMERCIAL PARK SECOND ADDITION," MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

ROBERT DECKER, PE

