



**AGENDA  
MANDAN PLANNING & ZONING COMMISSION  
COMMISSION ROOM 5:15 P.M.  
MARCH 28, 2016**

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**Roll Call, Reading and Approval of the February 22, 2016 minutes.**

**OLD BUSINESS**

- 1. Request by Ben Schaaf for a front setback variance on Lot 14, Block 3, Denison's Industrial Park Replat of Block 2.**
- 2. Update on concept plan located on Old Red Trail, by Force Contracting.**

**NEW BUSINESS**

- 1. Final replat and zone change of Lots 20-39, Block 2, Lakewood 8<sup>th</sup> Addition.**
- 2. Preliminary plat and zone change of Ash Grove Estates.**
- 3. Preliminary plat of Shoreline Addition.**

MANDAN PLANNING AND ZONING COMMISSION  
MANDAN CITY HALL BUILDING  
February 22, 2016

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall Building on February 22, 2016, at 5:15 p.m. CDT.

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

Commissioners Absent: Leingang, Mehlhoff

*Commissioner Laber motions to approve the November 30, 2016 minutes. Commissioner Knoll seconds. Upon vote, the motion receives unanimous approval of the Board.*

**NEW BUSINESS**

**1. Preliminary concept plan of Force Contracting (Old Red Trail east of Roughrider Circle).**

Bob Decker, City Planner, describes the property. This is outside of city limits in the two mile extraterritorial jurisdiction. This is a basic concept plan. This is the first step in drafting a preliminary plat. The property will have to be annexed and rezoned. The concept is to place residential on the east side, commercial along Old Red Trail, and denser residential and commercial along 56<sup>th</sup>. He is looking for comments, concerns or thoughts on this concept. This is for review and no motions have to be made on this at this time.

There is water and sewer available. A pump station is on the southeast corner that serves Roughrider. A possible access from Old Red Trail and other street modifications are being reviewed. Access on Old Red Trail would be limited. The northeast quadrant would be the first phase.

Chair Robinson asks what their thoughts are on the commercial zoning. Bob says it would be a low intensity commercial.

The comprehensive plan called for industrial further to the west. The MPO Long Range Transportation Plan designated a crossing of I94 in this area. That will not happen anytime soon. There is opportunity to offset the I94 crossing and route it appropriately.

There is a drainage way where a park could be located. The developer is going to discuss this with Parks and Recreation.

An existing single family home will stay.

Chair Robinson says there would have to be some outlet for the multi-residential.

Commissioner Laber is concerned the mixed use was put together like a puzzle. The slow would not be fair to just give to Parks and Rec to maintain. The commercial seems to back right up to the twin homes. There is no space between. Otherwise, the commercial is in an appropriate place. It does not seem to be a cohesive plan. The residents moved out there for a reason. The roads are not going to be improved for a long time yet. The work on Old Red

Trail is not coming out this far. The entrances need to be wide enough and able to handle the traffic impact. She would like to see a really good plan for traffic management.

Commissioner Beach leaves at 5:30 p.m.

Bob says some of these same concerns were brought up in the staff review meeting. These are good comments to bring to the developer. The DOT will only allow so many entrances off of Old Red Trail. He does not want to see many entrances into the commercial shops.

Chair Robinson says the area is somewhat isolated and can't see retail or industrial here. The commercial needs to be defined.

Bob will visit with Force Contracting.

## **2. Request by Ben Schaaf for a front setback variance on Lot 14, Block 3, Denison's Industrial Park Replat of Block 2.**

Bob Decker describes the area. This property is directly east of the sports complex site. This is in a small industrial subdivision that was platted in 1977. Located at the Mandan Avenue and Old Red Trail intersection where it curves by Tesoro. The plat shows a 35' building setback. The building setback is no longer allowed on plats according to state law. Most of the buildings in this subdivision are set back 35'. Most of these businesses have taken two lots, so the area is open and spread out. The applicant is requesting permission to expand his front office area into the front setback. The streets are wide enough for parking on both sides and have curb and gutter. A fire hydrant is across the street. There are street lights, but no sidewalks. Utility easement is behind the property. Area has mostly gravel yards.

Commissioner Zachmeier does not agree with how the staff report is worded. It should be amended to read Section 109-1-7 and not Section 105-1-12 that authorizes the Board of Adjustment grants variances if the request meets certain conditions. Planning & Zoning are not the Board of Adjustment. Bob says Planning & Zoning reviews and makes a recommendation to the City Commission who acts as the Board of Adjustment. Bob will ask for Malcolm Brown's, City Attorney, opinion.

The MC (Light Non-nuisance Industrial/Heavy Commercial) zone requires a 35' setback. This property has enough available land to put another building, but expanding the office space toward the front makes the most sense.

Ben Schaaf, "That 35' area is really a mud hole and a weed grower. I could put it to good use. If I put a 25' x 50' area on the east side of my building, that would screw up my whole operation. With trucks coming in and cranes, forklifts and what not. That is why I'd like to go to the north. The south end is all warehousing. I got three overhead doors on the south end of it. The office I have right now is 20' x 50' on the north end. If I add another 20', that would give me 45' x 50' office area. The whole other end is shop and warehousing. It is already set up as an office."

*Commissioner Fleischer motions to have City Attorney, Malcolm Brown, interpret if all criteria listed in the code for granting a variance has to be met or if only one has to be met. The board would also like Attorney Brown's opinion on the wording of Section 105-1-12 in the staff report. Commissioner Laber seconds. Upon vote, motion passes unanimously.*

## **OTHER BUSINESS**

### **1. Discussion on revised Municode Sections 105-1-6 through 105-1-13.**

Bob Decker wants to remind the commissioners to review the suggested changes to this section of the code and email their suggestions or comments to him. This has been circulated to other city staff.

Commissioner Liepitz asks about the construction of sidewalks, Section 105-1-7. He reads that as the developer would have the responsibility to get sidewalks in. Bob says there needs to be some kind of developer's agreement to get sidewalks in so it doesn't impede the neighborhood for a long time. Right now, there are empty lots within a developed subdivision with that piece of sidewalk missing. It impacts pedestrians and kids walking to school.

### **2. Appointment to open commissioner seat.**

*Commissioner Knoll motions to appoint Bob Leingang to another term. Mayor Van Beek seconds. Upon vote, motion passes unanimously.*

*Mayor Van Beek motions to adjourn. Commissioner Klein seconds. Motion passes unanimously. Meeting adjourns at 6:14 p.m.*

**OLD BUSINESS ITEM # 1**

**OLD BUSINESS ITEM # 1**

## Nancy R. Moser

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**From:** Robert Decker  
**Sent:** Tuesday, March 22, 2016 1:33 PM  
**To:** Nancy R. Moser  
**Subject:** FW: P&Z case questions

Attorney Brown confirmed that the appropriate citation was used and that 109-1-7 did not apply.

Attorney Brown stated that it was appropriate to refer this to the P&Z prior to submitting it to the city commission acting as the Board of Adjustment.

Attorney Brown indicated that P&Z could recommend changes to the setback requirements that would accommodate this request.

Based on Attorney Brown's response, it would be appropriate to vote to recommend denial of the variance request based on current code language.

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**From:** Malcolm H. Brown [mailto:[mbrown@crowleyfleck.com](mailto:mbrown@crowleyfleck.com)]  
**Sent:** Wednesday, February 24, 2016 11:15 AM  
**To:** Robert Decker  
**Subject:** RE: P&Z case questions

I think to have different setbacks in the same zone based to the type of street would be confusing. But, that is not my decision. If P&Z and Engineering/Planning think is a good idea, they could draft an ordinance.

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**From:** Robert Decker [mailto:[rdecker@cityofmandan.com](mailto:rdecker@cityofmandan.com)]  
**Sent:** Wednesday, February 24, 2016 10:59 AM  
**To:** Malcolm H. Brown  
**Subject:** RE: P&Z case questions

I know you like to use as few words as possible, but can you elaborate on 4?

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**From:** Malcolm H. Brown [<mailto:mbrown@crowleyfleck.com>]  
**Sent:** Wednesday, February 24, 2016 10:57 AM  
**To:** Robert Decker  
**Subject:** RE: P&Z case questions

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**From:** Robert Decker [<mailto:rdecker@cityofmandan.com>]  
**Sent:** Tuesday, February 23, 2016 4:04 PM  
**To:** Malcolm Brown  
**Subject:** P&Z case questions

The owner of 1017 17<sup>th</sup> St. NE has requested a variance to the front yard setback. This property is zoned MC that requires a 35' setback. The subdivision is Denison's that was platted in 1977 and has carried that 35' setback requirement since it was platted. 17<sup>th</sup> is a one block street that runs from Mandan Avenue to 8<sup>th</sup> Ave. NE and has 8 businesses.

1. A P&Z member questioned why the P&Z was being asked to comment on this request. The P&Z member thought the P&Z should convene as the board of adjustment to hear the case. NDCC 40-47-07 specifies that the board of adjustment is to consist of 5 members. A variance request is heard by the city commission acting as the board of adjustment. This request was submitted to the P&Z for their recommendation prior to submitting it to the city commission. Was it appropriate to ask P&Z to comment on this request before submitting it to city commission? **Short answer, Yes. The Board of Adjustment is the Commission, not the P&Z commission.**
2. A question arose as to the interpretation of 105-1-12 of the city code regarding the tests for granting a variance. There are 4 items, subsection a. and subsections b. 1., b. 2. and b. 3. The P&Z has asked for your guidance. The request does not meet a., b. 1. or b. 2. but it can be considered to meet b. 3. as there are no negative impacts on the area. Can they recommend granting the variance based on b. 3. or must they recommend denying the variance because it does not meet all the tests? **As I read that section, to grant a variance, all of the sections apply.**
3. A member of the P&Z contended that we should be using 109-1-7. My interpretation is that 109 applies to a new subdivision and is not applicable to this case. What is your opinion? **I don't think 109-1-7 applies as that deals with variances in the subdivision platting process.**

The MC district is a modification of the MA district. The MA district has a 0 front yard setback with a caveat that if other properties have a setback then the average setback of the other properties would apply. The MB district has a 50' setback. The CC district that was recently applied to the sports complex property to the west has a 35' setback. You could change to the CB district that has a 0 front yard setback but the CB district allows residential and residential would not be appropriate in this area. Changing the zoning district doesn't look like a viable option.

4. A P&Z member asked if we could change the 35' setback requirement within the MC district? Concern was expressed as to how a change in this setback requirement might affect other parts of town that have this zoning district. Memorial Highway and Twin City Drive have this zoning district. I suggest changing the setback to 10' for local streets within the district and leave the 35' for collector and

arterial streets. That change would apply to 17<sup>th</sup> and a few other streets but not Memorial Highway or Twin City Drive. Changing the setback requirement would require an ordinance and justification to make the change. P&Z and others would have to review the proposed ordinance before it could be submitted to city commission. The process would take several months at a minimum. Do you see a problem specifying different setbacks within a district based on the type of street? **Yes.**

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**NEW BUSINESS ITEM # 1**

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Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on March 28, 2016  
 Mandan Engineering and Planning Office Report  
**Lots 20-39, Block 2 Lakewood 8<sup>th</sup> Addition**  
 Requested Action  
**Replat and Rezone**

Application Details				
Applicant Verity Homes of Bismarck, LLC	Owner Arthur Goldammer	Subdivision Lakewood 8th	Legal Description Lots 20-39, Block 2	
Location 24 <sup>th</sup> St. SE west of 40 <sup>th</sup> Ave. SE		Proposed Land Use residential	Parcel Size 1.57 ac	Number of Lots 20, proposed 26
Existing Land Use vacant	Adjacent Land Uses Residential and future school site		Current Zoning R3.2	Proposed Zoning PUD
		Adjacent Zoning R3.2 & RM		
Fees \$925	Date Paid 2/24/2016	Adjacent Property Notification Sent 3/1/2016	Legal Notices Published 3/18/2016 & 3/25/2016	

**Project Description**

The proposal is to replat the area to increase the number of lots from 20 to 26 and change the zoning from R3.2 to PUD.

If all the lots were developed with twin homes, 36 dwelling units could be built in an area this size if it were configured differently. That is 10 more than are being requested.

The lots will be narrow and deep. The lot widths are less than what is stated in R3.2 but that is before the lots can be split for sale of each side of a twin home.

The front and rear yard setbacks proposed meet those in R3.2.

The chart below lists some of the current criteria for zoning districts R7, R3.2 and RM for reference.

Criteria	R7	R3.2	RM
Units per acre	5	12	30
1 unit			4,000
2 units			5,000
Lot Area New	7,000	7,000/3,500	5000/2,400
Lot Area Old	5,000	3,250	
Lot width new, building line	60	60	50
Lot width old, building line	50	25	40
FAR single + 200	.30	.35	.40
FAR multiple	.40	.45	1.20
Front yard	25	25	15
Side yard >60, eaves	6	6	5
Side yard 60 or less, 10%, eaves	5	5	4
Rear yard	20	20	10

The proposed lot size for a single dwelling unit structure varies from 6,281 square feet to 4,735 square feet. R3.2 has a minimum lot size of 7,000 square feet for new lots that can be split in half to 3,500 square feet for

each dwelling unit. It also allows old lots to be as small as 3,250 square feet.

The proposed twin home lots meet the minimum lot size requirements for R3.2. The minimum lot size for the twin home lots is 4,050 square feet.

105-1-2 allows accessory buildings to be placed within 3 feet of the lot line. The proposal meets this requirement.

The proposed density is 8.52 units per net acre. The allowable density for R3.2 is 12 units per net acre.

The narrowest single family lot is about 34 feet at the building line. The minimum for R3.2 new lots undivided is 60 feet or 30 feet divided. The minimum allowance for old lots is 25.

**Agency & Other Department Comments**

**Engineering & Planning Staff Comments**

The water and sewer taps have already been installed so adjustments will have to be made to accommodate the reconfiguration of lots. Some easements will be required where a service line for one unit crosses the yard of another unit. Sanitary sewer service lines can be shared since they are large enough to serve multiple units. Potable water service lines should not be shared since they are not large and can limit water pressure or volume of flow if shared. A two-way cleanout should be installed at the end of the shared portion of a sewer line and that should be the demarcation point between public and private responsibility. The curb stop should be the demarcation point between public and private responsibility for a water line. An additional service charge should be added for city maintenance of a portion of the service lines. Water and sewer demarcation points should be located in the boulevard between the back of the curb and the sidewalk.

The only thing this proposal does not meet is the FAR. The proposal is to have an FAR of 0.5 while the requirement for R3.2 is 0.35. A calculation indicates that the actual FAR based on the proposed building footprints is significantly less than 0.5. The average for the subdivision is approximately 0.33. The FAR for lots 1-8 is 0.47. These lots will need an FAR of 0.5 to allow for an accessory building.

**Engineering & Planning Recommendation**

Specify that this area be rezoned to PUD 2016-01 with a base zoning of R3.2.

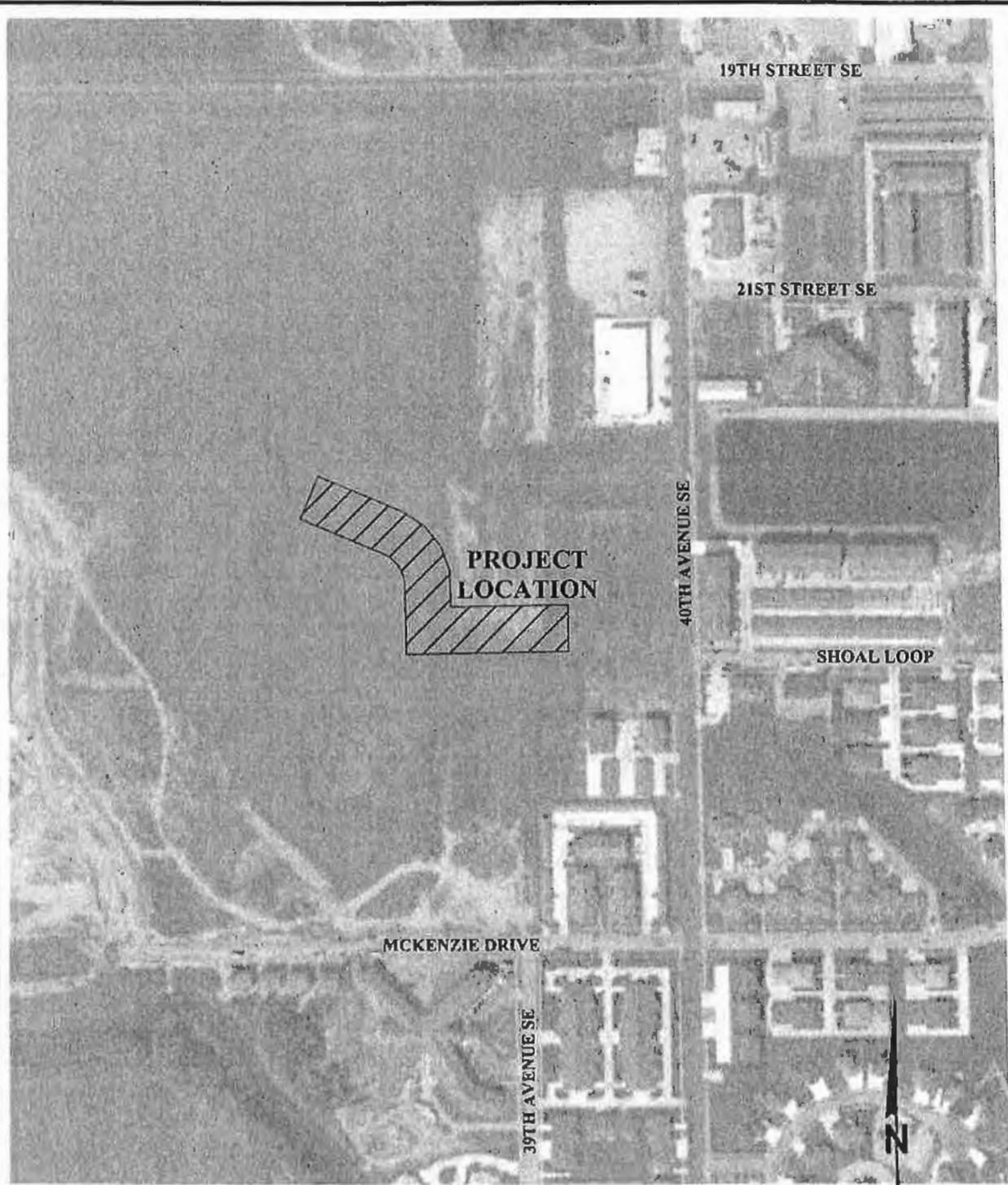
- FAR for lots 1-6 to be 0.5.
- FAR for lots 7-8 to be 0.45.
- FAR for lots 9-16 to be 0.35.
- FAR for lots 17-26 to be 0.4.
- Minimum lot size shall be 4,000 square feet.
- Maximum floor area ratio (FAR) shall be 0.8.

**Proposed Motion**

Move to recommend approval of preliminary plat.

Move to recommend that final plat be submitted to City Commission for consideration.

Move to recommend rezoning to PUD 2016-01 with a base zoning of R3.2 as modified by staff recommendations.



MAJOR WATERSHED: PAINTED WOODS-SQUARE BUTTE WATERSHED  
 SOIL TYPE: HAVRELOM FINE SANDY LOAM, 0-2 PERCENT SLOPES  
 HAVRELOM LOAM, 0-2 PERCENT SLOPES  
 LOHLER COMPLEX, 0-2 PERCENT SLOPES

NOT TO SCALE



**SWENSON, HAGEN & COMPANY P.C.**

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 Construction Management

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 Bismarck, North Dakota 58504  
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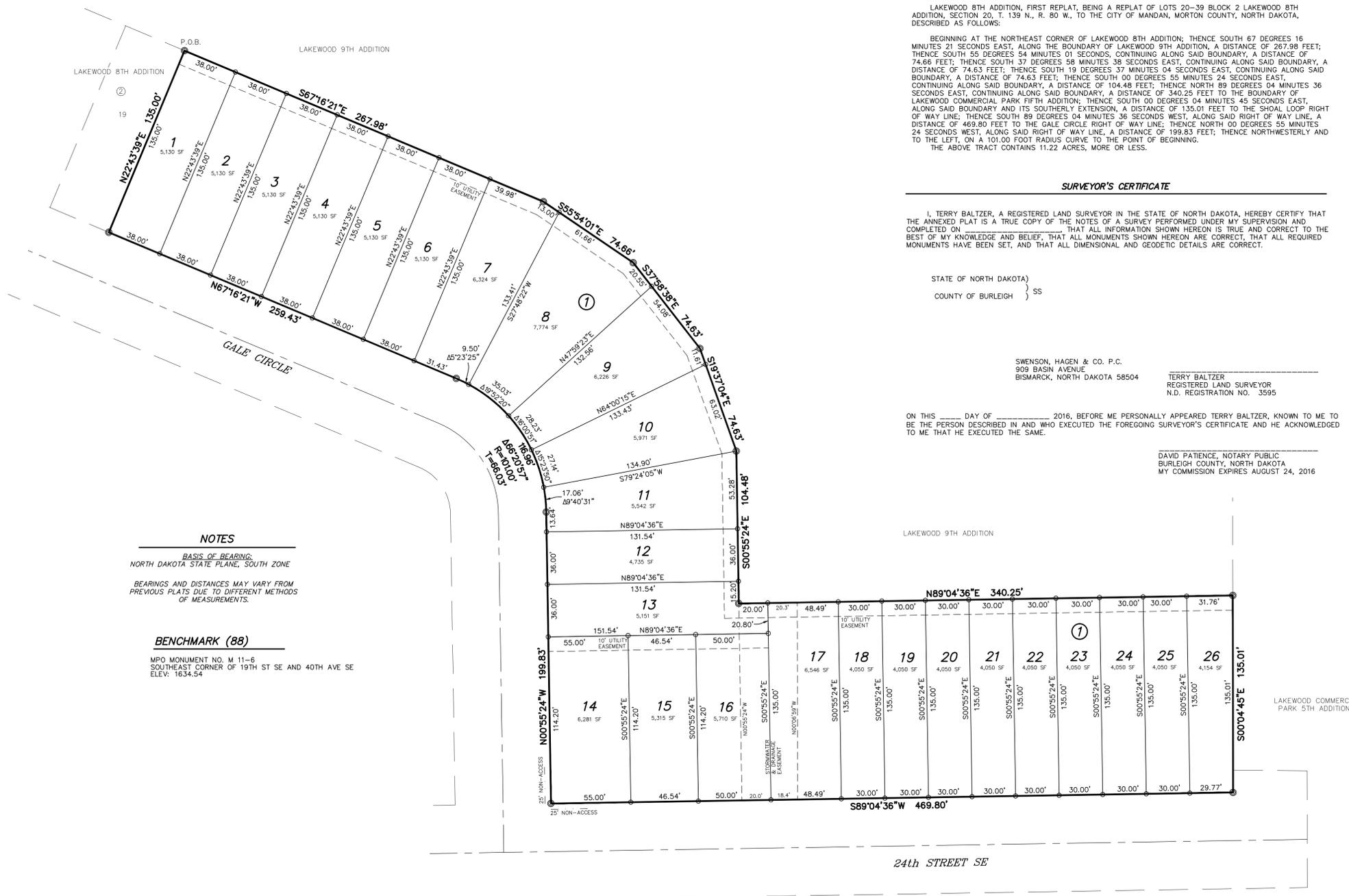
**FIGURE ONE**

LOCATION MAP  
 LAKEWOOD 8TH ADDITION FIRST REPLAT  
 STORM WATER PERMIT APPLICATION

# LAKWOOD 8TH ADDITION FIRST REPLAT

BEING A REPLAT OF LOT 20-39 BLOCK 2 LAKWOOD 8TH ADDITION  
PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 20, TOWNSHIP  
139 NORTH, RANGE 80 WEST

## CITY OF MANDAN, NORTH DAKOTA



### NOTES

**BASIS OF BEARING:**  
NORTH DAKOTA STATE PLANE, SOUTH ZONE

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

### BENCHMARK (88)

MPO MONUMENT NO. M 11-6  
SOUTHEAST CORNER OF 19TH ST SE AND 40TH AVE SE  
ELEV: 1634.54

### DESCRIPTION

LAKWOOD 8TH ADDITION, FIRST REPLAT, BEING A REPLAT OF LOTS 20-39 BLOCK 2 LAKWOOD 8TH ADDITION, SECTION 20, T. 139 N., R. 80 W., TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LAKWOOD 8TH ADDITION; THENCE SOUTH 67 DEGREES 16 MINUTES 21 SECONDS EAST, ALONG THE BOUNDARY OF LAKWOOD 9TH ADDITION, A DISTANCE OF 267.98 FEET; THENCE SOUTH 55 DEGREES 54 MINUTES 01 SECONDS, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 74.66 FEET; THENCE SOUTH 37 DEGREES 58 MINUTES 38 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 74.63 FEET; THENCE SOUTH 19 DEGREES 37 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 74.63 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 104.48 FEET; THENCE NORTH 89 DEGREES 04 MINUTES 36 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 340.25 FEET TO THE BOUNDARY OF LAKWOOD COMMERCIAL PARK FIFTH ADDITION; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST, ALONG SAID BOUNDARY AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 135.01 FEET TO THE SHOAL LOOP RIGHT OF WAY LINE; THENCE SOUTH 89 DEGREES 04 MINUTES 36 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 469.80 FEET TO THE GALE CIRCLE RIGHT OF WAY LINE; THENCE NORTH 00 DEGREES 55 MINUTES 24 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 199.83 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, ON A 101.00 FOOT RADIUS CURVE TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 11.22 ACRES, MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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 \_\_\_\_\_ 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

TERRY BALTZER  
REGISTERED LAND SURVEYOR  
N.D. REGISTRATION NO. 3595

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, 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 \_\_\_\_\_ 2016, 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

NANCY MOSER - SECRETARY

### OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VERITY HOMES OF BISMARCK, LLC, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "LAKWOOD 8TH ADDITION FIRST REPLAT", MANDAN, NORTH DAKOTA.

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

ARTHUR GOLDAMMER  
VERITY HOMES OF BISMARCK, LLC  
3100 N. 14TH ST  
BISMARCK, ND 58503

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016, BEFORE ME PERSONALLY APPEARED ARTHUR GOLDAMMER OF VERITY HOMES OF BISMARCK, LLC, 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 \_\_\_\_\_ 2016.

ARLYN VAN BEEK -MAYOR

ATTEST: JIM NEUBAUER  
CITY ADMINISTRATOR

### APPROVAL OF \_\_\_\_\_

I, \_\_\_\_\_ HEREBY APPROVE "LAKWOOD 8TH ADDITION FIRST REPLAT", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.



FEBRUARY 17, 2016

- MONUMENT TO BE SET
- MONUMENT IN PLACE



**SWENSON, HAGEN & COMPANY P.C.**

909 Basin Avenue  
Bismarck, North Dakota 58504  
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Phone (701) 223-2600  
Fax (701) 223-2606

Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management

# LAKWOOD 8TH ADDITION FIRST REPLAT

## PUD SITE PLAN

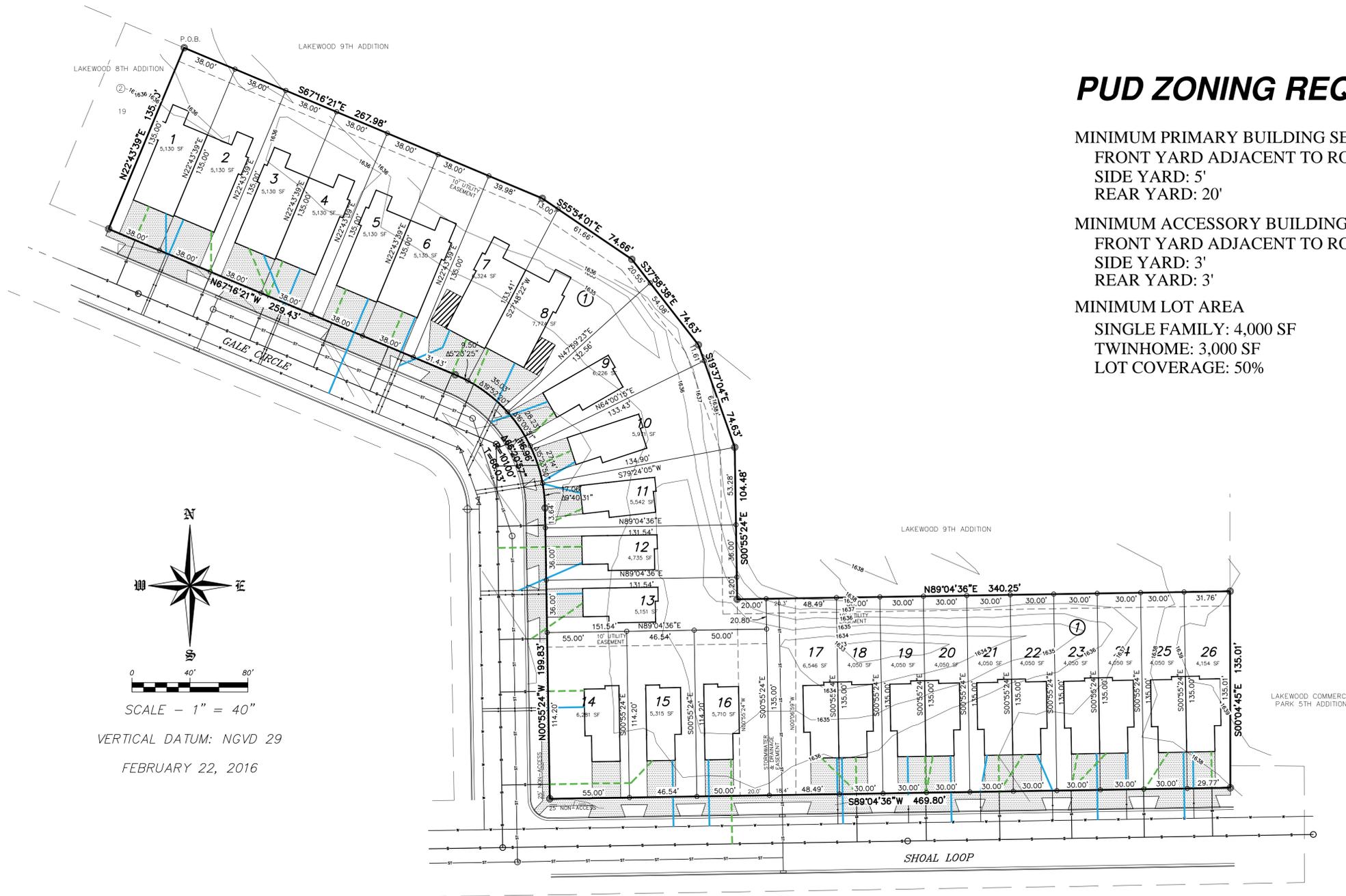
### MANDAN, NORTH DAKOTA

#### PUD ZONING REQUIREMENTS:

MINIMUM PRIMARY BUILDING SETBACKS  
 FRONT YARD ADJACENT TO ROW 25'  
 SIDE YARD: 5'  
 REAR YARD: 20'

MINIMUM ACCESSORY BUILDING SETBACKS  
 FRONT YARD ADJACENT TO ROW: 25'  
 SIDE YARD: 3'  
 REAR YARD: 3'

MINIMUM LOT AREA  
 SINGLE FAMILY: 4,000 SF  
 TWINHOME: 3,000 SF  
 LOT COVERAGE: 50%



SCALE - 1" = 40"

VERTICAL DATUM: NGVD 29

FEBRUARY 22, 2016

**ORDINANCE NO. 12xx****AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP**

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

**SECTION 1. AMENDMENT.** Section 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

Lakewood 8<sup>th</sup> Addition First Replat located within the City of Mandan, Morton County, North Dakota shall be excluded from the R3.2 Residential District and shall be included in PUD District 2016-01 with the following conditions and restrictions.

- a. All lots shall conform to the requirements of an R3.2 district unless modified herein.
- b. Lots 1 through 8 and 17 through 26 shall be developed with one half of a twin home and lots 9 through 16 shall be developed with single family dwellings.
- c. The minimum lot size shall be 4,000 square feet.
- d. The minimum lot width at the front building line shall be 30 feet.
- e. The minimum side yard setback for a primary structure shall be 20% of the average lot width for the combination of the two side yards for single family lots and 10% of the average lot width for the one side yard for twin home lots.
- f. The minimum side yard setback for a primary structure shall be 5 feet.
- g. The minimum front yard setback for a garage door facing the street shall be 25 feet. Other portions of the structure may be developed within 20 feet of the front property line, including any 2<sup>nd</sup> floor overhang.
- h. The minimum rear yard setback for a primary structure shall be 20 feet.
- i. The maximum building footprint for all structures on lots 1-6 shall be 50% of the lot area.
- j. The maximum building footprint for all structures on lots 7-8 shall be 45% of the lot area.
- k. The maximum building footprint for all structures on lots 9-16 shall be 35% of the lot area.
- l. The maximum building footprint for all structures on lots 17-26 shall be 40% of the lot area.
- m. The floor area ratio (FAR) for all structures on a lot shall be 0.8.
- n. The property owner shall be responsible to install a sidewalk in the boulevard along the property prior to occupying the dwelling or within the next construction season after occupancy if this delay is approved by the city.

**SECTION 2. RE-ENACTMENT.** Section 21-03-02 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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President, Board of City Commissioners

Attest:

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City Administrator

Public Hearing:

First Consideration:

Second Consideration and Final Reading:

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**NEW BUSINESS ITEM # 2**

**NEW BUSINESS ITEM # 2**

Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on March 28, 2016  
 Mandan Engineering and Planning Office Report  
**School District Sixth Addition**  
 Requested Action  
**Replat as Ash Grove Estates and Rezone**

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Dakota Pioneer Land Company	Mandan Public School district No. 1	School District Sixth Addition	portion of Lot 1, Block 1 and Lot 2, Block 1 School District Sixth Addition	
Location 37 <sup>th</sup> Ave. NW north of Old Red Trail		Proposed Land Use residential	Parcel Size 10.22 ac	Number of Lots 56 + 1
Existing Land Use vacant	Adjacent Land Uses Residential and school		Current Zoning R7	Proposed Zoning PUD
		Adjacent Zoning R7 & RM		
Fees \$700	Date Paid 2/24/2016	Adjacent Property Notification Sent 3/1/2016	Legal Notices Published 3/18/2016 & 3/25/2016	

**Project Description**

The school district determined that this parcel was no longer needed and offered it for sale. The buyer is making this request.

The proposal is to plat the area for a mix of 42 single family dwellings and 7 twin homes (14 units). A detention pond would also be constructed.

Discussion with the neighbors to the south may result in a portion of the area being deeded to the adjoining lots. That is why some lots have numeric-alpha numbering. The calculations below assume that this will happen.

The single family lots vary in size from 4,248 square feet to 11,610 square feet to accommodate several different dwelling unit configurations. The twin home lots vary from 3,100 square feet to 4,342 square feet.

Potable water and sanitary sewer are available in 37<sup>th</sup> Ave. NW. Water is on the west side of the street and sewer is in the center.

The chart below lists some of the current criteria// for zoning districts R7, R3.2 and RM for reference./

Criteria	R7	R3.2	RM
Units per acre	5	12	30
1 unit			4,000
2 units			5,000
Lot Area New	7,000	7,000/3,500	5000/2,400
Lot Area Old	5,000	3,250	
Lot width new, building line	60	60	50
Lot width old, building line	50	25	40
FAR single + 200	.30	.35	.40
FAR multiple	.40	.45	1.20
Front yard	25	25	15
Side yard >60, eaves	6	6	5
Side yard 60 or less, 10%, eaves	5	5	4

Rear yard	20	20	10
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Agency & Other Department Comments

- Specify no parking along one side of street and reduce street pavement width to widen boulevard.
- Put sidewalk at property line instead of 1' off.
- Put waterline under pavement so trees can be planted in boulevard.
- Put curb stops and cleanouts in sidewalk so they can be located easily.
- Specify different maximum building FAR for groups of lots so overall subdivision FAR is close to the current standard of 0.35 allowed in R3.2.
- Put fire hydrant in boulevard instead of behind sidewalk.
- Restrict width of driveway apron to width of garage (maximum of 36'). If extra parking pad is installed along the side of the garage, driveway must be tapered from sidewalk to parking pad.

Engineering & Planning Staff Comments

Sanitary sewer service lines can be shared since they are large enough to serve multiple units. The typical potable water service line should not be shared since it is not large and can limit water pressure or volume of flow if shared. However, a larger water service line could be installed that would serve 2 units, thus reducing the number of service lines needed. A two-way cleanout should be installed at the end of the shared portion of a sewer line and that should be the demarcation point between public and private responsibility. The curb stop should be the demarcation point between public and private responsibility for a water line. An additional service charge should be added for city maintenance of a portion of the service lines. Water and sewer demarcation points should be located in the sidewalk so they can be easily found. *(This is commentary, not city policy. Details of how connections are made should be documented in PUD ordinance or development agreement.)*

Remove fire hydrants along 37<sup>th</sup> Ave. and use fire hydrant feed lines to create a loop to serve development. Relocate fire hydrants to intersection corners of new street.

When connecting to sanitary sewer in 37<sup>th</sup> Ave., special construction requirements must be followed due to groundwater conditions that caused previous street failure. Patch street full way across a minimum of 20 feet wide. *(recommendation)*

This proposal is a mix of uses that meets most of the standards for R3.2 zoning.

- 105-1-2 allows accessory buildings to be placed within 3 feet of the lot line which is what is proposed.
- The allowable density in R3.2 is 12 units per net acre. The proposed density is 7.66 units per net acre.
- The proposed minimum lot size of 3,100 square feet is smaller than the minimum in R3.2 which is half of 7,000 (3,500). The average for all lots is 5,687 square feet with the largest lot having 11,610 square feet.
- Two twin home lots have a combined width of 62 feet or 31 feet per unit. The minimum for R3.2 is 60 feet which is for 2 units or 30 feet per unit.
- The narrowest pie shaped single family lot is approximately 50 feet at the building line which is the allowable minimum for older lots in R7.
- The request is to allow a ground coverage ratio of 0.5. The standard for R3.2 is 0.35. The following numbers are based on the initial submittal of probable housing designs.
  - The principal structure on the single family lots will range from 19% to 28%.
  - The principal structure on the twin home lots will range from 31% to 44%.
  - The average for principal structures in the subdivision will be about 27%.

- Allowing for some accessory structures would push the subdivision average to about 30%.
- The requested front yard setback is 25 feet which is what is allowed in both R7 and R3.2.
- R3.2 requires a side yard of 20% of the width for a single family structure and 10% for the one side yard for a twin home structure. The minimum width is 6 feet for new lots and 5 feet for old lots. The request is to allow a 5 foot minimum side yard.
- Lots 1A and 34 of Block 1 that have a side yard facing 37<sup>th</sup> Ave. meet the minimum side yard standard but not the 25 foot front yard standard that is normally applied. The request is to allow a side yard of 15 feet for these lots.
- R7 and R3.2 allow a 20 foot minimum rear yard. The request is to reduce this to 15 feet.
- The proposed structures meet the height limit of 2.5 stories.

The design of the development does not impact surrounding development. None of the units will face units in another subdivision.

The proposed street is narrower than the design standard. Code Section 109-3-2 lists the local road right-of-way width as between 66 and 80 feet. The request is for a 60 foot right-of-way with 31 feet of paving. One 9 foot parking lane and two 11 foot driving lanes equals 31 feet. Since this is not a through street, there will be only local traffic and the speed limit will be low. If a delivery truck happens to stop on the no parking side, there will still be adequate space to pass. Since most units will have 4 parking spaces on-site (2 garage, 2 outside) and some units will have 6, parking along one side of the street will be adequate for guest parking.

**Engineering & Planning Recommendation**

- Adjust street design to shrink the width of the pavement and limit parking to one side of the street as recommended at the study session.
- Specify 0.5 maximum lot coverage for twin home lots and 0.35 maximum lot coverage for single family lots.
- Allow a minimum side yard of 5 feet.
- Allow a minimum rear yard of 15 feet for the twin home lots.
- Allow 15 foot side yards along 37<sup>th</sup> Avenue NW for Lots 1A & 34, Block 1.
- Recommend that side yard fences be installed along 37<sup>th</sup> Avenue NW for Lots 1A & 34, Block 1.
- Recommend that fences be constructed along the boundary of the subdivision.
- Place sidewalks against property line to allow for wider green area in boulevard.
- Place waterline under pavement.
- Require special pavement repair design for sewer connection on 37<sup>th</sup> Avenue taking into consideration previous groundwater problems.
- Place fire hydrants between 2 feet and 7 feet behind back of curb on no parking side of street.
- Recommend that detention area be fenced.

**Proposed Motion**

Move to recommend approval of preliminary plat.

Move to recommend that final plat be submitted to City Commission for consideration.

Move to recommend rezoning to PUD 2016-02 with a base zoning of R3.2 as modified by staff recommendations.



48TH ST NW

37TH AVE NW

OLD RED TRAIL

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# ASH GROVE ESTATES ADDITION

A REPLAT LOT 2 BLOCK 1 SCHOOL DISTRICT SIXTH ADDITION  
PART OF THE SW 1/4 OF SECTION 8, TOWNSHIP 139 NORTH,  
RANGE 81 WEST

MANDAN, NORTH DAKOTA



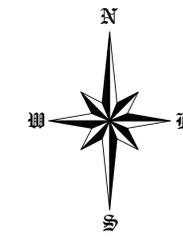
LOCATION MAP



**OWNER:** VERITY HOMES  
**ADDRESS:** 3100 N. 14TH ST  
BISMARCK, ND 58504

**ZONED:** R7  
**ACRES:** 10.12

**PROPOSED ZONING:** PUD



SCALE - 1" = 60"

VERTICAL DATUM: NGVD 29

FEBRUARY 12, 2016



**SWENSON, HAGEN & COMPANY P.C.**

909 Basin Avenue  
Bismarck, North Dakota 58504  
sheng@swensonhagen.com  
Phone (701) 223 - 2600  
Fax (701) 223 - 2606

Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management

# ASH GROVE ESTATES ADDITION

## PUD SITE PLAN

### MANDAN, NORTH DAKOTA

#### PUD ZONING REQUIREMENTS:

DENSITY: 6.0 UNITS/ACRE MAXIMUM  
56 BUILDABLE LOTS

MINIMUM PRIMARY BUILDING SETBACKS  
FRONT YARD ADJACENT TO ASH LOOP: 25'  
FRONT YARD ADJACENT TO 37TH : 15'  
SIDE YARD: 5'  
REAR YARD: 15'

MINIMUM LOT DIMENSIONS  
SINGLE FAMILY: 35' LOT WIDTH  
TWIN HOME: 30' LOT WIDTH

MINIMUM ACCESSORY BUILDING SETBACKS  
FRONT YARD ADJACENT TO ASH LOOP: 25'  
FRONT YARD ADJACENT TO 37TH : 15'

MINIMUM LOT AREA  
SINGLE FAMILY: 4,000 SF  
TWINHOME: 3,000 SF  
LOT COVERAGE: 50%

NON-CONFORMING LOTS (EG:10B, 15C) TO BE  
COMBINED WITH ADJOINING PROPERTIES OF  
WEST RIVER 1ST, WEST RIVER 3RD, OR  
ASH GROVE ESTATES



SCALE - 1" = 60"

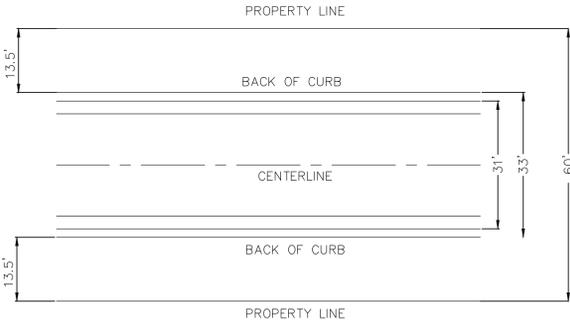
VERTICAL DATUM: NGVD 29

MARCH 1, 2016



**SWENSON, HAGEN & COMPANY P.C.**  
909 Basin Avenue  
Bismarck, North Dakota 58301  
sheng@swensonhagen.com  
Phone (701) 223-2600  
Fax (701) 223-2606

Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management



ROW: 60' ROW W/31' PAVING - MOUNTABLE CURB

**ORDINANCE NO. 12xx****AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP**

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

**SECTION 1. AMENDMENT.** Section 21-03-02 of the Mandan Code of Ordinances is amended to read as follows:

Ash Grove Estates Addition located within the City of Mandan, Morton County, North Dakota shall be excluded from the R7 Residential District and shall be included in PUD District 2016-02 with the following conditions and restrictions.

- a. All lots shall conform to the requirements of an R3.2 district unless modified herein.
- b. Lots 1A through 15A and 16 through 20, Block 1 and Lots 1 through 9 and 11 through 22, Block 2 shall be developed with single family dwellings and lots 21 through 34, Block 1 shall be developed with one half of a twin home.
- c. The minimum lot size for the twin home lots shall be 3,100 square feet.
- d. The minimum lot size for the single-family lots shall be 4,200 square feet.
- c. The minimum lot width at the front building line shall be 30 feet.
- f. The minimum side yard setback for a primary structure shall be 20% of the average lot width for the combination of the two side yards for single family lots and 10% of the average lot width for the one side yard for twin home lots.
- g. The minimum side yard setback for a primary structure shall be 5 feet.
- h. The minimum front yard setback for a garage door facing the street shall be 25 feet. Other portions of the structure may be developed within 20 feet of the front property line, including any 2<sup>nd</sup> floor overhang.
- i. The minimum rear yard setback for a primary structure on Lots 20 through 34, Block 1 shall be 15 feet and for all other lots 20 feet.
- j. The maximum building footprint for all structures on lots 1A through 15A and 16 through 20, Block 1 shall be 30% of the lot area.
- k. The maximum building footprint for all structures on lots 21 through 34, Block 1 shall be 50% of the lot area.
- l. The maximum building footprint for all structures on lots 1 through 9 and 11 through 22, Block 2 shall be 35% of the lot area.
- m. The floor area ratio (FAR) for all structures on a lot shall be 0.8.
- n. The property owner shall be responsible to install a sidewalk in the boulevard along the property line prior to occupying the dwelling or within the next construction season after occupancy if this delay is approved by the city.
- o. The property owner shall be responsible to install landscaping within the next growing season after occupancy.
- p. Lot 10, Block 2 shall be developed as a detention pond that is owned and maintained by the HOA.

- q. Lots 1B, 2B, 2C, 2D, 3B, 3C, 4B, 4C, 5B, 5C, 6B, 6C, 7B, 8B, 8C, 9B, 9C, 10B, 11B, 12B, 12C, 12D, 13B, 13C, 14B, 14C, 15B and 15C are not buildable lots and may be sold separately.
- r. The width of the driveway apron shall be limited to the width of the garage or 36 feet whichever is less.

**SECTION 2. RE-ENACTMENT.** Section 21-03-02 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

\_\_\_\_\_  
President, Board of City Commissioners

Attest:

\_\_\_\_\_  
City Administrator

Public Hearing: \_\_\_\_\_

First Consideration: \_\_\_\_\_

Second Consideration and Final Reading: \_\_\_\_\_

**NEW BUSINESS ITEM # 3**

**NEW BUSINESS ITEM # 3**

Mandan Planning and Zoning Commission Agenda Item  
 For Meeting on March 28, 2016  
 Mandan Engineering and Planning Office Report  
**Lot 3, Block 1 Old Heart 3<sup>rd</sup> Addition**  
 Requested Action  
**Replat to 12 Lots as Shoreline Addition**

Application Details					
Applicant	Owner	Engineer/Surveyor	Subdivision	Legal Description	
Pat Koski	PM Koski Properties, Inc.	Axien Engineering / Sambatek	Old Heart 3rd	Lot 3, Block 1	
Location Marina Rd. SE south of McKenzie Drive		Proposed Land Use residential	Parcel Size 1.85 ac	Number of Lots 12	
Existing Land Use vacant	Adjacent Land Uses Residential		Current Zoning RM	Proposed Zoning RM	Adjacent Zoning R7 & RM
Fees \$200	Date Paid 3/8/2016	Adjacent Property Notification Sent None for preliminary		Legal Notices Published None for preliminary	

**Project Description**

The proposal is to replat the lot to construct 12 multi-unit buildings.

There is a river access easement and portions of the lot are a designated flood zone.

Sanitary sewer service is available in the street.

Potable water service is available along the western and southern boundary of the property.

Sidewalk only exists on west side of street.

- Agency & Other Department Comments**
- Need information on river easement
  - A turnaround will be required at the south end or explore developing an agreement with neighbor for a connection to existing driveway on adjacent property
  - Garages will need to be set back from private driveway
  - Joint use agreement required for maintenance of common driveway

**Engineering & Planning Staff Comments**

A private common sanitary sewer will need to be designed and constructed to serve lots 7 – 12. A joint use and maintenance agreement will need to be recorded for this common sewer.

All FEMA requirements must be met before any structures can be occupied.

Ownership of the river access easement should be documented on the plat.

RM allows development of up to 30 families per net acre. 1.85 acres would allow a maximum of 55 families.

RM has a chart for how many units are allowed on each lot based on square footage of the lots. The total is 43 dwelling units.

Code Section 105-1-6 requires provision of 2 parking spaces per dwelling unit with 50% of the minimum parking spaces being exterior. Reducing the allowable FAR by 200 square feet per unit reduces the building footprint. The building lot coverage is reduced from 40% to as low as 29%.

Buildings with 1 or 2 dwelling units can't exceed 2.5 stories or 35 feet. Since this area is in a floodplain, it is assumed that these structures will only be 2 stories and not 3 with the lower story partially below grade.

Buildings with 3 or more units can be up to 6 stories or 60 feet in height. The allowable square footage can be accommodated in less than 6 stories. However, any building over 35' requires a wider setback and this could limit the buildable square footage.

The maximum square footage per unit is quite high so structures don't have to be anywhere near as large as is allowable. Providing a 2<sup>nd</sup> story overhang will increase the maximum allowable square footage slightly.

Lot	Sq. Ft.	Units Allowed	FAR	Parking Spaces	Building footprint	Maximum SF	Occupied Space	SF per DU
1	8,608	6	3,443	1,200	2,243	10,330	9,130	1,522
2	5,865	2	2,346	400	1,946	3,892	3,492	1,746
3	5,699	2	2,280	400	1,880	3,759	3,359	1,680
4	6,988	3	2,795	600	2,195	8,386	7,786	2,595
5	6,317	3	2,527	600	1,927	7,580	6,980	2,327
6	5,124	2	2,050	400	1,650	3,299	2,899	1,450
7	5,846	2	2,338	400	1,938	3,877	3,477	1,738
8	9,462	7	3,785	1,400	2,385	11,354	9,954	1,422
9	8,566	6	3,426	1,200	2,226	10,279	9,079	1,513
10	5,166	2	2,066	400	1,666	3,333	2,933	1,466
11	5,170	2	2,068	400	1,668	3,336	2,936	1,468
12	8,268	6	3,307	1,200	2,107	9,922	8,722	1,454
	81,079				23,832	79,348		
					29%			

**Engineering & Planning Recommendation**

- Turnaround configuration on lots 8 & 9 is acceptable to the fire chief.
- Common access driveway shall be constructed to public alley standards.
- Install sidewalk in front of all lots.
- Provide drivable surface along south property boundary for access to city owned potable water system and river.
- Require landscaping to be installed during growing season after occupancy. Require landscaping to include trees and shrubs wherever possible.
- Garages must be set back at least 25 feet from any sidewalk and at least 10 feet perpendicular to any common access driveway.
- Proposed site plan shall accompany final plat.

**Proposed Motion**

Move to approve preliminary plat for Shoreline Addition.

# Shoreline Addition

Legend



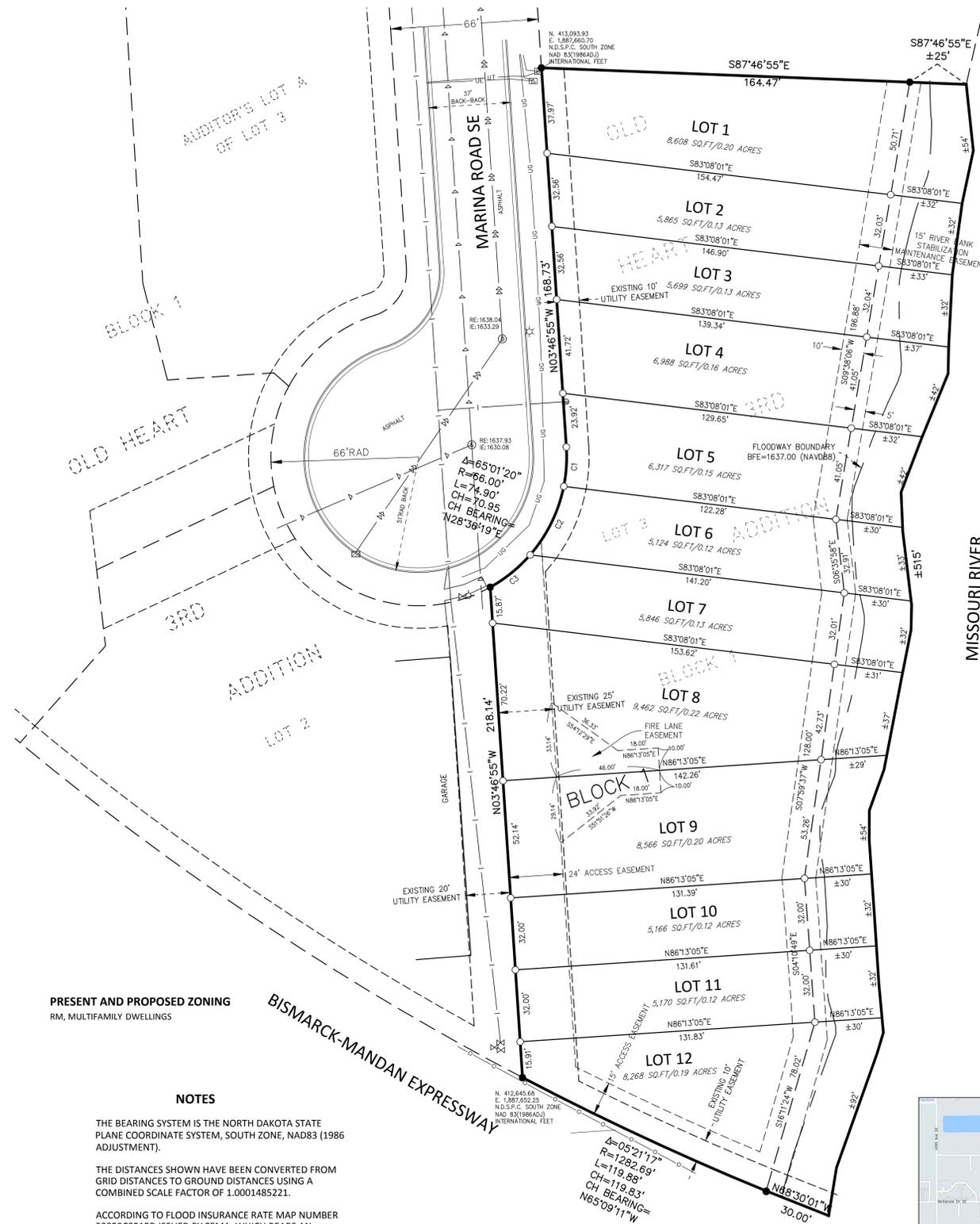
Google earth

© 2016 Google

1000 ft

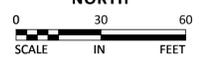
# SHORELINE ADDITION

A REPLAT OF LOT 3, BLOCK 1 OF OLD HEART 3RD ADDITION TO THE CITY OF MANDAN, SECTION 6, T139N, R80W, MORTON COUNTY, NORTH DAKOTA



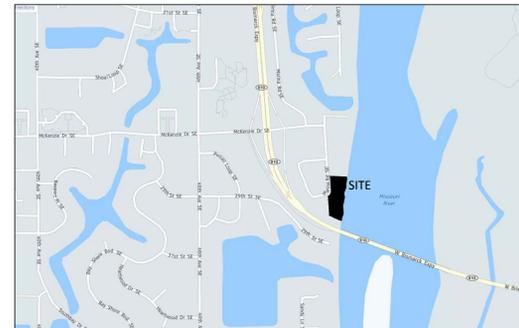
MISSOURI RIVER  
(02/24/2016)  
ELEV.=1624.3

CURVE DATA					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	15°15'14"	66.00'	17.57'	17.52'	S03°43'16"W
C2	29°46'52"	66.00'	34.31'	33.92'	S26°14'19"W
C3	19°59'14"	66.00'	23.02'	22.91'	S51°07'22"W



- EXISTING IRON IN PLACE
- SET 5/8 INCH BY 18 INCH IRON MONUMENT

VICINITY MAP



### 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, NORTH DAKOTA, 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, NORTH DAKOTA. THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

JIM NEUBAUER, CITY ADMINISTRATOR

ARLYN VAN BEEK, PRESIDENT OF  
THE BOARD OF CITY COMMISSIONERS

### APPROVAL OF CITY ENGINEER

I, ROBERT DECKER, CITY ENGINEER OF THE CITY OF MANDAN, HEREBY APPROVE "OLD HEART TOWNHOMES ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

ROBERT DECKER  
CITY ENGINEER

### SURVEYOR'S CERTIFICATE

I, JAMES ALBER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY PLAT SHOWN HEREON WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS THE CORRECT REPRESENTATION OF THE SURVEY SHOWN HEREON, AND THAT THE MONUMENTS ARE PLACED AS SHOWN, AND THAT I AM A DULY REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

JAMES ALBER, P.L.S. NO. LS-4730

STATE OF NORTH DAKOTA) JSS  
COUNTY OF MORTON )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED, \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE CERTIFICATE. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA  
RESIDING AT \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

PRESENT AND PROPOSED ZONING  
RM, MULTIFAMILY DWELLINGS

### NOTES

THE BEARING SYSTEM IS THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (1986 ADJUSTMENT).

THE DISTANCES SHOWN HAVE BEEN CONVERTED FROM GRID DISTANCES TO GROUND DISTANCES USING A COMBINED SCALE FACTOR OF 1.0001485221.

ACCORDING TO FLOOD INSURANCE RATE MAP NUMBER 38059C0515D ISSUED BY FEMA, WHICH BEARS AN EFFECTIVE DATE OF APRIL 19, 2005, THE SUBJECT PROPERTY LIES IN ZONE AE, HAVING A BASE FLOOD ELEVATION OF 1637.0 (NAVD88).

### OWNER

PATRICK KOSKI  
PM KOSKI PROPERTIES, INC.  
3612 HIGH CREEK ROAD  
MANDAN, ND 58503  
701-471-1331

### SURVEYOR

JAMES ALBER  
SAMBATEK, INC.  
2401 46TH AVE, SE, SUITE 202  
MANDAN, ND 58554  
701-663-0718

### DESCRIPTION

ALL OF LOT 3, BLOCK 1, OLD HEART 3RD ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

CONTAINING 80,402 SQUARE FEET (1.85 ACRES), MORE OR LESS.

### OWNER'S CERTIFICATE

I, THE UNDERSIGNED, BEING SOLE OWNER OF THE LAND PLATTED HEREON, DO HEREBY CONSENT TO THE EXECUTION OF THIS PLAT, AND DO SO DEDICATE ALL STREETS, ALLEYS, PARKS AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATER LINES, 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. I 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 AS DESIGNATED.

PATRICK M. KOSKI  
PM KOSKI PROPERTIES, INC.

STATE OF NORTH DAKOTA) JSS  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED, \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE CERTIFICATE. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THE CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF \_\_\_\_\_  
RESIDING AT \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

### PLANNING AND ZONING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, 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 THEREOF 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

### AUDITOR'S CERTIFICATE OF TAXES

TAXES, DELINQUENT TAXES, DELINQUENT SPECIAL ASSESSMENT OR INSTALLMENTS OF SPECIAL ASSESSMENTS OR TAX ESTIMATES FOR THE PROPERTY DESCRIBED ON THE ATTACHED INSTRUMENT ARE UNPAID IN THE AMOUNT OF \$ \_\_\_\_\_ PLUS PENALTY AND INTEREST. CERTIFIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

DAWN RHONE, MORTON COUNTY AUDITOR

