AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, AUGUST 24, 2020

Due to ongoing public health concerns related to COVID-19, the City of Mandan is encouraging citizens to provide their comments for agenda items via email to info@cityofmandan.com. Please provide your comments before noon on the day of the meeting. Comments will be forwarded to the Planning & Zoning Commissioners prior to the meeting.

City Hall will be open for this meeting. If you would prefer to appear via video or audio link, please provide your contact information to info@cityofmandan.com. Many Planning & Zoning Commissioners may be attending this meeting remotely.

The public may access the LIVE meeting at:

***Watch & Listen** - Government Access (Midcontinent) cable channels 2 & 602 HD*
Streaming LIVE at: tinyURL.com/FreeTV-602 and on Roku or Apple TV

***Listen –** Radio Access 102.5 FM RadioAccess.org*

***Web** - Please go to the following link to join the webinar: https://us02web.zoom.us/j/81747372739 or by **TELEPHONE:** Dial **1 669 900 6833**. Webinar ID: 817 4737 2739*

Introduction of Darren Haugen, School Board Representative, to the Planning & Zoning Commission.

Roll Call, Reading and Approval of the July 27, 2020 minutes.

PUBLIC HEARINGS

1. A request from Terrance Wetch for a zone change from R7 (Single-Family Residential) to CB (Commercial). Said property is Lot A of Lots 3 & 4 of Auditor's Lot E of the SW ¼ of Section 29, Township 139N, Range 81W, Morton County, North Dakota, located on Sunny Road SW.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: To recommend approval of the rezone from R7 Residential to CB Commercial as presented for the reasons specified in Exhibit 4.

2. A request from Bismarck ND SU RE, LLC, for consideration of a preliminary plat, final plat, and zone change. Proposed name of plat is Foundation Addition. Said property is Lots 24 – 27, Block 2, Pioneer Industrial Park 1st Addition in the NW ¼ of Section 22, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: To recommend approval of the preliminary and final plats along with the rezone from RM Residential and MC Industrial to CB Commercial based on the findings in Exhibit 4.

3. A request from Eric Belanger for consideration of a final plat to be named Rockwood First Addition (previously called Sunset AveNew First Addition). Said property is part of the N1/2 of the SE1/4 of Section 16, Township 139N, Range 81W.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: To recommend approval of the final plat subject to requirements in Exhibit 2 and entering into a development agreement similar to the one provided in Exhibit 3.

4. A request from Val Renner for consideration of a special use permit for multi-use shops. Said property is Lot 3, Block 1, Evergreen Heights 3rd Addition in Section 35, Township 139N, Range 81W. Property is located north of 19th St. SW and west of Highway 1806 S.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: To recommend approval of the special use permit for a multi-use shop as provided in Exhibit 6 based on the findings in Exhibit 5.

5. A request from Kennedy Grensteiner, A Child's Garden, for consideration of a special use permit to operate a daycare at 1710 E Main Street. Said property is the East 105' of Lot 1 (less N. 146') and all of Lot 2, Block 1, Eastwood Acres 4th Addition of Section 26, Township 139N, Range 81W.

A. Staff report B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: To recommend approval of the special use permit for a daycare with conditions as provided in Exhibit 8 based on the findings in Exhibit 9.

OTHER BUSINESS

1. **Brief update on the zoning ordinance rewrite.**

ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
July 27, 2020

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on July 27, 2020, at 5:30 p.m. CDT. Due to the coronavirus situation, this meeting was held virtually on Zoom.

ROLL CALL

Commissioners Present: Boehm, Klein, Helbling, Liepitz, Renner, Camisa, Vayda, Mehlhoff

Commissioners Absent: Leingang, Frank, Robinson

Commissioner Mehlhoff motions to approve the June 22, 2020 minutes. Commissioner Klein seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from VE Land Company, LLC, for approval of a final plat to be named Lakewood 9th Addition Replat of Lot 1, Block 4. Said property is Lot 1, Block 4, Lakewood 9th Addition in Section 1, Township 138N, Range 81W; in the City of Mandan, Morton County, North Dakota.

A. Staff report

John Van Dyke, City Planner, presents.

Art Goldhammer, on behalf of the VE Land Company, seeks approval for a final plat for the replat of Lot 1, Block 4, Lakewood 9th Add (See Exhibit 1).

The property is currently a storm water retention pond that was overbuilt as the surrounding developments utilized the dirt from this lot to fill and elevate out of the floodplain. Due to the storm water pond being developed over capacity, there is potential for the lot to be partially filled and elevated thereby creating four new lots. Three of the lots will have street frontage along 21st St. SE. The lot in the rear will continue to function to facilitate storm water flows and be held in common ownership by the three street-fronting lots proposed.

The preliminary plat was approved in a 3-2 decision subject to conditions that are provided for reference in Exhibit 2 at the March 17, 2020 public hearing before the Board of City Commissioners. Some of these requirements have been met; others are in-process of being reviewed or have yet to be completed. Staff believes the applicant is capable of addressing these concerns prior to presentation to the Board of City Commissioners at the August 4 meeting.

Staff did not receive comments from the public regarding this application at the time of writing this staff report.

Staff is recommending approval of the final plat subject to conditions included in Exhibit 3. These conditions provide opportunity for the applicant to make the necessary changes to the plat prior to presentation to the Board and to determine whether or not to pursue a LOMR-F prior to recordation of the plat or amend the final plat to include the necessary information per Section 109-2-6 (c) o.

Approval of the storm water plan will be required prior to obtaining signature from the City Engineer on the final plat.

Engineering and Planning recommends approval of the final plat in Exhibit 1 subject to the conditions provided in Exhibit 3.

Commissioner Renner asks if the lots are listed on the plat incorrectly. John says they are and they will need to be renumbered.

Commissioner Renner wants to know how there will be access to the storm water retention pond. John says a 30' access easement has been added to the plat.

Commissioner Camisa asks how the access easement is being created. He doesn't see any dedication language on the plat. Or will it be in a separate agreement? John shows the dedication language in Exhibit 3. John says if he would like to see additional language, he would like to work with the commissioner on that.

Commissioner Mehlhoff asks if the CORPS would have any permitting needs on this. John says it will require either a LOMRF reference number on the plat or show floodplain on the plat. The developer will work with Shawn Ouradnik, Building Official, who acts as flood plain manager. Commissioner says he doesn't know if it is a federal wetland, but there are geese and cattails in there.

B. Open public hearing

Art Goldhammer, developer, is attending via zoom. He is in agreement with everything so far.

C. Close public hearing

D. Commission action.

Commissioner Camisa motions to recommend approval of the final plat in Exhibit 1 subject to the conditions provided in Exhibit 3. Commissioner Mehlhoff seconds. Upon vote, the motion passes unanimously.

2. A request from Eric Seefeldt for approval of a setback variance at 1614 Heart River Dr. S. The request is for a variance to the rear setback of 5' instead of 20' required in R3.2 (Two-Family Residential) zoning. Said property is the South ½ of Lot 5 of Lot 1 of Lot 9 of Auditor's Lot C in Section 28, Township 139N, Range 81W; in the City of Mandan, Morton County, North Dakota.

A. Staff report

John Van Dyke, City Planner, presents.

Eric Seefeldt is seeking a variance to the rear setback from twenty (20) feet to five (5) feet for the construction of a dwelling.

The property up until recently maintained a home onsite. It was in disrepair and needed to be demolished. The previous dwelling was located such that it was five (5) feet from the rear setback.

Variance may be granted upon finding per Sec. 105-1-13 (e) (6) that:

a. There are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this chapter, whether in violation of the provisions of the chapter, or not;

The lot was established under previously adopted code and cannot be enlarged to create the desired space necessary to accommodate the home that the property owner's desire without encroaching closer to the access road/easement which serves the dwellings. Even so, the a home that meets the setbacks of eight (8) feet in front and twenty (20) feet in the rear would be restricted to a home twenty-two (22) feet in depth due to the limited lot depth of fifty (50) feet.

The previous home did not produce any issues with neighboring property owners to the knowledge of staff at the time of application. Per the applicant in Exhibit 1, the neighboring property owner to the west would have no concerns. Staff did not hear directly from the neighboring property owners and notifications were sent to all property owners within one-hundred-fifty (150) feet per as required.

Moving the home further than the eight (8) feet from the front setback would add an element of safety. The roadway is a rural gravel road in a residential enclave that preceded today's platting requirements and therefore does not have the benefit of paved roads with curb.

Finally, accessing the home from the south does not appear to be possible for a few reasons. First, the road running to the south appears to be contained within the BNSF right-of-way and whether the property owner is able to access his property is indeterminate at this time. Second, it is unclear where the septic system is located. Given the size of the lot, it is very likely in the south part of the property. If so, a southern access would not be possible, as the property owner would be crossing the septic field to park near the home location.

b. For reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of said land or building, and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant; and

Findings are provided in Exhibit 2 summarizing the points indicated on page 1 of this report.

c. The grant of the variance will be in harmony with the general purposes and intent of this chapter, and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The grant of the variance will be in harmony with the general purposes and intent of this chapter and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The property will require platting in order to obtain a building permit for a residential dwelling. The grant of a variance does not guarantee that a plat will be approved, but that if approved, a dwelling may be located five (5) feet from the rear setback, if approved by the Board of City Commissioners.

Engineering and Planning recommends approval of the variance of the rear setback from twenty (20) feet to five (5) feet based on the findings provided in Exhibit 2.

Commissioner Mehlhoff talked to the landowners to the west and they have no problems with the request. There are materials and trailers that have been stored there and this may help clean that up.

Commissioner Renner asks if there is usable septic there now and how far from the property lines will the structure be. The applicant is not asking for any variance on the front, so they must be within the setbacks allowed in the front. The septic issue is completely separate from this request. Septic will require approval before they can take out a building permit.

B. Open public hearing

Eric Seefeldt, applicant, asks commissioners if they have any questions for him. There are none at this time.

C. Close public hearing

D. Commission action.

Commissioner Mehlhoff motions to recommend approval of the variance of the rear setback from twenty (20) feet to five (5) feet based on the findings provided in Exhibit 2. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

3. A request from Dr. Eric Belanger for approval of a Planned Unit Development (PUD) applied to a plat considered to be named Sunset AveNew 1st Addition. Said property is part of the North ½ of the SE ¼ in Section 16, Township 139N, Range 81W; in the City of Mandan, Morton County, North Dakota.

A. Staff Report

John Van Dyke, City Planner, presents.

Dr. Belanger requests a zone change from A-Agricultural to PUD-Planned unit development (See application in Exhibit 1).

The PUD will apply to the first phase of the Sunset Ave. 1st which was presented to P&Z on June 22, 2020. The first phase of Sunset Ave. 1st contains eight (8) lots located in the northwest of the subdivision.

The purpose for the PUD designation is to allow for the flexibility of the developer to construct single-family residential on reduced sized lots that have less restrictive setbacks than RM Residential. The developer also desires to have the flexibility to construct single, twin-home, and/or ROW homes as needed and desired by the market. However, the lot width and setbacks are less accommodating for this mix of residential development primarily due to lot frontage requirements (see below).

Setback	RM Residential	R-4 Residential
Front	15’	10’ (local)
Side	5’ (minimum)	5’
Rear	10’	20’

R-4 Lot Frontage = 20’
RM Lot Frontage = 40’

R-4 Minimum Lot Size – 4,000 sq. ft.
RM Minimum Lot Size – 4,000 sq. ft.

Staff is supportive of the amendment of the PUD and will place a requirement within the DRAFT development agreement that each subsequent phase will include a zoning amendment to PUD to declare the specific underlying zone on each lot, whether single-family, twin-home, or row home construction.

I’ve included a copy of the revised DRAFT development agreement in Exhibit 2.

Engineering and Planning recommend approval of rezone from A-Agriculture (RM Residential rezone in-progress) to PUD to accommodate reduced lot width’s afforded by the R-4 Residential zoning district.

Commissioner Renner asks about Exhibit 2 that says an additional 3 lots to be developed in the future. He asks John to point out these 3 lots. John says the Developer’s Agreement will have to be updated because this has been slightly amended. He points out lots 1-8 and a large lot 9. Those lots are phase 1. The remaining 2 lots will be developed at a later date and will have to have their own PUD ordinance approved.

E. Open public hearing

Commissioner Renner asks how the 3 way agreement will work. John says the 3 involved in the 3 way agreement is the city, the property owner, and the contractor who is hired to do the work for the developer.

F. Close public hearing

G. Commission action.

Commissioner Renner motions to recommend approval of the rezone from A-Agriculture (RM Residential rezone in-progress) to PUD to accommodate reduced lot width's afforded by the R-4 Residential zoning district. Commissioner Camisa seconds. Upon vote, the motion passes unanimously.

Other Business

John asks the commissioners if they would be open to a special meeting on August 10, 2020, to accommodate an application for somebody who is in a time crunch.

Nancy does a roll call vote of who would be able to make it. All commissioners present say they would be available.

Commissioner Camisa motions to adjourn. Commissioner Klein seconds. Vote passes unanimously.

The meeting adjourns at 6:22 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
For Meeting on August 24, 2020
Mandan Engineering and Planning Office Report

Lot A of Lots 3 & 4 of Auditor's Lot E

Requested Action

Zone Change – R7 Residential to CB Commercial

Application Details					
Applicant	**Owner**	**Subdivision**	**Legal Description**		
Terrance Wetch	Terrance Wetch	N/a	Lot A Of Lots 3 & 4 Of Auditor's Lot E Of The Sw1/4 Of Section 29, Township 139 North, Range 81 West Of The Fifth Principal Meridian, Morton County, North Dakota		
Location		**Proposed Land Use**	**Parcel Size**	**Number of Lots**	
West of Main past Lower Heart River crossing		Commercial	Approx. 10.48 acres	1 parcel	
Existing Land Use	**Adjacent Land Uses**	**Current Zoning**	**Proposed Zoning**	**Adjacent Zoning**	
Bare Land	Commercial to the west and northeast; rural residential to the east	R7-Residential	CB Commercial	CB Commercial/MA Industrial/R7 Residential	
Fees	**Date Paid**	**Adjacent Property Notification Sent**	**Legal Notices Published**		
$600	July 23, 2020	July 31, 2020	August 14 & 21		

Project Description

Mr. Wetch desires to rezone his property from R7 Residential to CB Commercial. The property is located west on Main past the Lower Heart River crossing (See Exhibit 2). The properties future land use designation is Commercial as seen in Exhibit 2.

Mr. Wetch is in discussions with the neighboring property owner Victor Fleck who owns the property to the west which is zoned CB Commercial to purchase the subject property. Mr. Fleck's property was rezoned to CB Commercial in 2011. Victor would like the same zoning designation as his current land for expansion of his business operations at some point in the future.

The property to the northeast and owned by Rodney Aman is zoned MA Industrial. The property has historically been used as a commercial auto repair shop. This property was rezoned in 1987.

Other property to the east is zoned R7 and rural residential in nature.

Given the adjacent commercial zoning and uses coupled with the alignment with the future land use designation and direct road access, staff is recommending approval. These findings are included in Exhibit 4.

At the time of writing this staff report, no public comments were received.

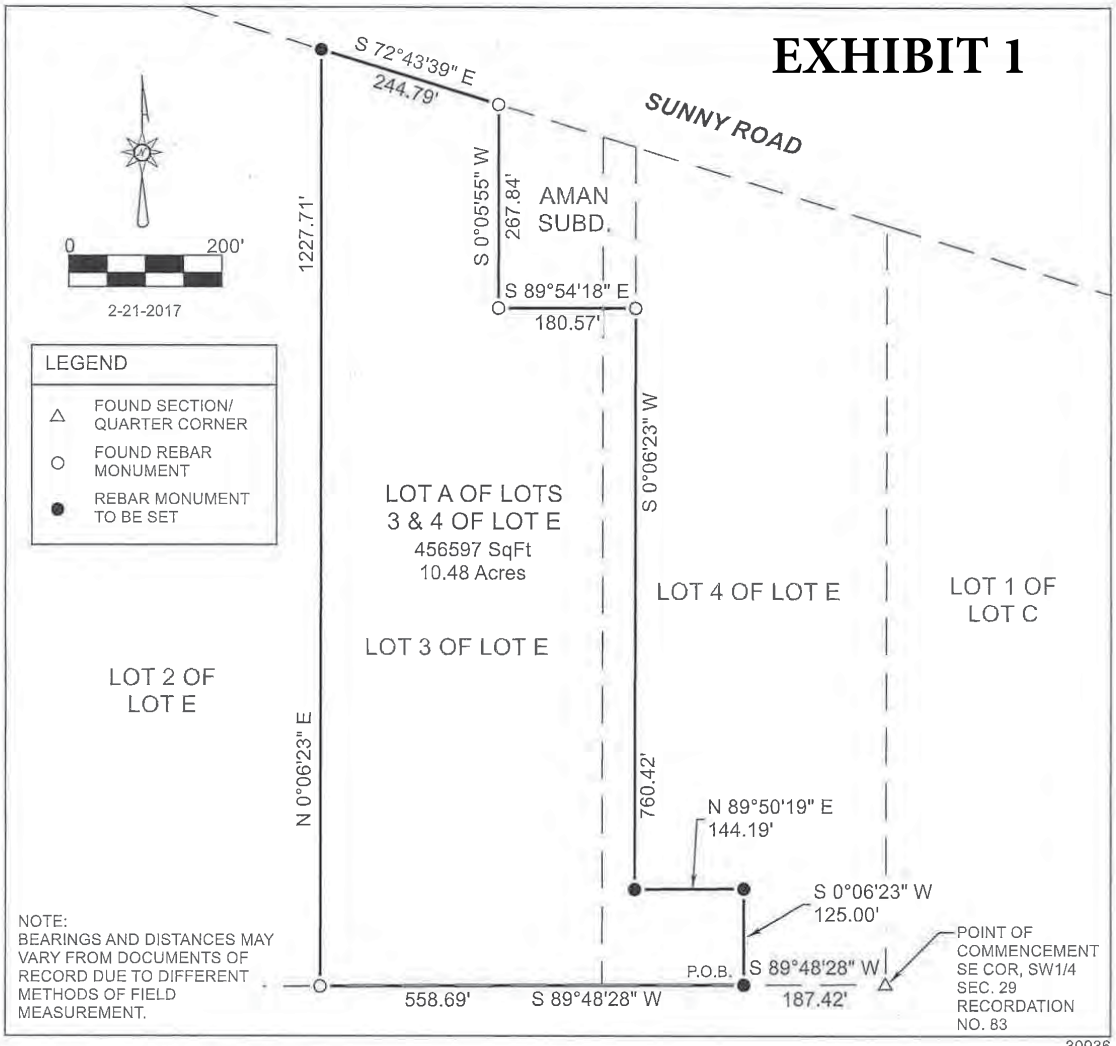
Agency & Other Department Comments
N/a
Engineering & Planning Staff Comments
Engineering/Planning support this request for a zone change.
Engineering & Planning Recommendation
Engineering and Planning recommend approval of the rezone from R7 Residential to CB Commercial for the reasons specified in the findings in Exhibit 4.
Proposed Motion
I move to recommend approval of the rezone from R7 Residential to CB Commercial as presented for the reasons specified in Exhibit 4.

List of Exhibits:
Exhibit 1 – Auditor's Plat Showing Area of Zone Change
Exhibit 2 – Zoning and Future Land Use Map of Property
Exhibit 3 – DRAFT Ordinance XXXX (not numbered until first consideration before Board of City Commissioners)
Exhibit 4 - Findings

PLAT OF IRREGULAR DESCRIPTION

Lot A of Lots 3 & 4 of Auditor's Lot E SW1/4 Section 29 Township 139 North Range 81 West

Present Owner Terrance Wetch



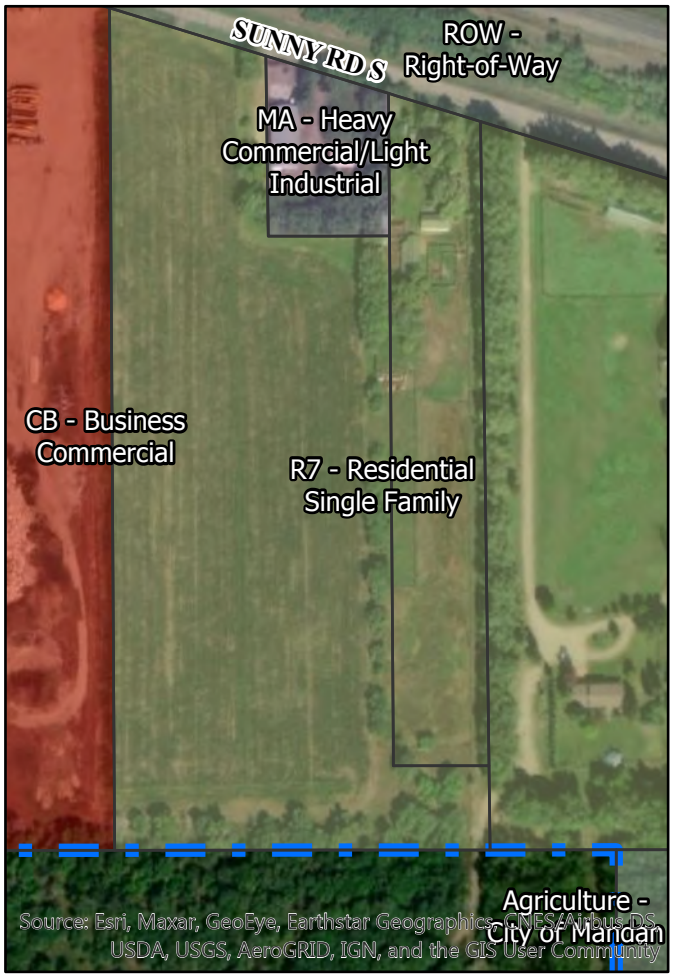
DESCRIPTION

Lot Number Lot A of Lots 3 & 4 of Auditor's Lot E ( ) of SW1/4 Section 29 Township 139 North

Range 81 West, described as follows: Commencing at the southeast corner of the SW1/4 of Section 29, T139N-R81W, said point also being the southeast corner of Lot 4 of Auditor's Lot "E" of said SW1/4; thence South 89° 48' 28" West along the south boundary line of said Lot 4 for 187.42 feet to the Point of Beginning; thence continuing South 89° 48' 28" West along said south boundary line, and along the south boundary line of Lot 3 of said Auditor's Lot "E" for 558.69 feet to the southeast corner of said Lot 3; thence North 00° 06' 23" East along the west boundary line of said Lot 3 for 1227.71 feet to the northwest corner of said Lot 3; thence South 72° 43' 39" East along the north boundary line of said Lot 3 for 244.79 feet to the northwest corner of Aman Subdivision of Morton County, North Dakota; thence South 00° 05' 55" West along the west boundary line of said Aman Subdivision for 267.84 feet to the southwest corner of said Aman Subdivision; thence South 89° 54' 18" East along the south boundary line of said Aman Subdivision for 180.57 feet to the southeast corner of said Aman Subdivision; thence South 00° 06' 23" West for 760.42 feet; thence North 89° 50' 19" East for 144.19 feet; thence South 00° 06' 23" West for 125.00 feet to the Point of Beginning. Said tract of land containing 10.48 Acres, more or less.

Lot A of Lots 3 & 4 of Auditor Lot E
Present Zoning and Future Land Use

EXHIBIT 2



Present Zoning = R7 Residential

Future Land Use = Commercial

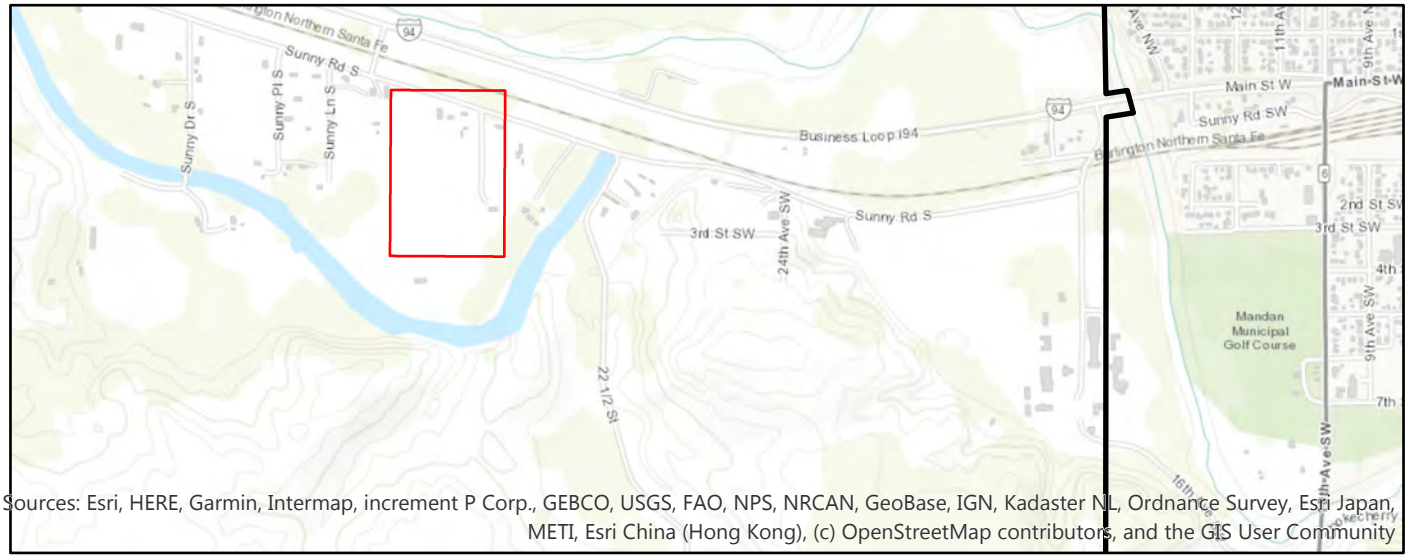


EXHIBIT 3

ORDINANCE NO. 13XX

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Commercial; and

WHEREAS, Adjacent property to the west is zoned CB-Commercial through Ordinance 1089 and similar zoning would be appropriate; and

WHEREAS, Adjacent property to the northeast is zoned MA Industrial through Ordinance 727 for the purpose of commercial auto body repair; and

WHEREAS, Given the alignment with the Mandan Land use and Transportation designation and surrounding zoning either as commercial or for commercial purposes the Planning and Zoning Commission recommended approval and the Board of City Commissioners affirms.

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

SECTION 1. <u>ZONING AMENDMENT</u>. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

LOT A OF LOTS 3 & 4 OF AUDITOR'S LOT E OF THE SW1/4 OF SECTION 29, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW1/4 OF SECTION 29, T139-R81W, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 4 OF AUDITOR'S LOT "E" OF SAID SW1/4; TEHNCE SOUTH 89 DEGREES 48 MINUTES 28 SECONDS WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 4 FOR 187.42 FEET TO THE POINT OF BEGINNING; TEHNCE CONTINUING SOUTH 89 DEGREES 48 MINUTES 28 SECONDS WEST ALONG SAID SOUTH BOUNDARY LINE, AND ALONG THE SOUTH BOUNDARY LINE OF LOT 3 OF SAID AUDITOR'S LOT "E" FOR 558.69 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 00 DEGREES 06 MINUTES 23 SECONDS EAST ALONG THE NORTH BOUNDARY LINE OF SAID LOT 3 FOR 1227.71 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 72 DEGREES 43 MINUTES 39 SECONDS EAST ALONG THE NORTH BOUNDARY LINE OF SAID LOT 3 FOR 244.79 FEET TO THE NORTHWEST CORNER OF AMAN SUBDIVISION OF MORTON COUNTY, NORTH DAKOTA; TEHNCE SOUTH 00 DEGREES 05 MINUTES 55 SECONDS WEST ALONG THE WEST BOUNDARY LINE OF SAID AMAN SUBDIVISION FOR 267.84 FEET TO THE SOUTHWEST CORNER OF SAID AMAN SUBDIVISION; THENCE SOUTH 89 DEGREES 54

DRAFT

MINUTES 18 SECONDS EAST ALONG THE SOUTH BOUNDARY LINE OF SAID AMAN SUBDIVISION FOR 180.57 FEET TO THE SOUTHEAST CORNER OF SAID AMAN SUBDIVISION; THENCE SOUTH 00 DEGREES 06 MINUTES 23 SECONDS WEST FOR 760.42 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 19 SECONDS EAST FOR 144.19 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 23 SECONDS WEST FOR 125.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 10.48 ACRES, MORE OR LESS.

Said tract shall be removed from the R7 Residential District and be included in the CB – Commercial District.

SECTION 2. RE-ENACTMENT. Section 105-2-2 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.

_____
Tim Helbling, President
Board of City Commissioners

Attest:

_____
Jim Neubauer
City Administrator

Planning and Zoning Commission:	August 24, 2020
First Consideration:	September 15, 2020
Second Consideration and Final Passage:	October 6, 2020
Recording Date:	_____

EXHIBIT 4

FINDINGS

- The Mandan Land Use and Transportation Plan designates the subject property as Commercial
- Adjacent property to the west is zoned CB-Commercial through Ordinance 1089 and similar zoning would be appropriate
- Adjacent property to the northeast is zoned MA Industrial through Ordinance 727 for the purpose of commercial auto body repair
- The subject property maintains direct public road access

PUBLIC HEARING #2

PUBLIC HEARING #2

Mandan Planning and Zoning Commission Agenda Item PH2
For Meeting on August 24, 2020
Mandan Engineering and Planning Office Report

Lots 24 through 27, Block 2, Pioneer Industrial Park 1st

Requested Action

Zone Change, Preliminary Plat, and Final Plat

Application Details				
Applicant	**Owner**	**Subdivision**	**Legal Description**	
Bismarck ND SU RE, LLC (Foundation Auto)	Bismarck ND SU RE, LLC Doug Keith	Pioneer Industrial Park 1st Addition	Lots 24 through 27, Block 2, Pioneer Industrial Park 1st Addition in the NW ¼ of Section 22, Township 139 North, Range 81 West Of The Fifth Principal Meridian, Morton County, North Dakota	
Location		**Proposed Land Use**	**Parcel Size**	**Number of Lots**
North of I-94 just east of Wal-Mart		Commercial	Approx. 4.67 acres	4 current; 1 proposed (lot consolidation)
Existing Land Use	**Adjacent Land Uses**	**Current Zoning**	**Proposed Zoning**	**Adjacent Zoning**
Bare Land	Commercial to the west; bare land to the north and east; residential to the northwest	RM Residential/MC Industrial	CB Commercial	CB Commercial/MC Industrial
Fees	**Date Paid**	**Adjacent Property Notification Sent**	**Legal Notices Published**	
$1,400	July 17, 2020	July 31, 2020	August 14 & 21	

Project Description

The applicant seeks to combine four (4) lots into one (1) and rezone the property for the purposes of commercial automotive sales (See Exhibits 1 and 2 showing the preliminary and final plats).

The property is located on the east side of 8th Ave. NW and north of I-94. The development abuts 8th Ave. NW, a collector road, and Old Red Trail NW, an arterial road. The future land use for the property is commercial and the CB Commercial zoning sought conforms to the land use plan for the area.

Adjacent property zoning is MC Industrial and CC Commercial.

Staff is supportive of the preliminary and final plats, along with the rezone from RM Residential and MC Industrial to CB Commercial based on the findings in Exhibit 4.

Agency & Other Department Comments

N/a

Engineering & Planning Staff Comments

N/a

Engineering & Planning Recommendation

Engineering and Planning recommend approval of the preliminary and final plats, along with the rezone from RM Residential and MC industrial to CB Commercial based on the findings in Exhibit 4.

Proposed Motion

I recommend approval of the preliminary and final plat of Foundation Addition along with zone change from RM Residential and MC Industrial to CB Commercial based on the findings in Exhibit 4.

List of Exhibits:
Exhibit 1 – Foundation Addition Preliminary Plat
Exhibit 2 – Final Plat
Exhibit 3 – DRAFT Ordinance XXXX (not numbered until first consideration before Board of City Commissioners)
Exhibit 4 – Findings
Exhibit 5 – Present Zoning and Future Land Use of Subject Property

EXHIBIT 1

PRELIMINARY PLAT

FOUNDATION ADDITION

TO THE CITY OF MANDAN

A REPLAT OF PIONEER INDUSTRIAL PARK 1ST ADDITION BLOCK 2 LOTS 24 THROUGH 27 IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

TO BE HEREAFTER KNOWN AS:

LOTS 1, BLOCK 1, FOUNDATION ADDITION TO THE CITY OF MANDAN, LYING IN SECTION 22, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA

LEGEND

- FOUND MONUMENT
- SET MONUMENT
- 890 EXISTING GROUND MAJOR CONTOUR
- 880 EXISTING GROUND MINOR CONTOUR
- EXISTING UNDERGROUND GAS LINE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING UNDERGROUND FIBER OPTIC LINE
- PLAT BOUNDARY
- PLAT BOUNDARY
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EXISTING TRAFFIC SIGN
- EXISTING ELECTRIC TRANSFORMER
- EXISTING JUNCTION BOX
- EXISTING LIGHT POLE
- EXISTING FLARED END SECTION
- EXISTING STORM INLET
- EXISTING SANITARY CLEANOUT
- EXISTING SANITARY VENT PIPE
- EXISTING CURB STOP
- EXISTING IRRIGATION CONTROL VALVE
- EXISTING GATE VALVE
- EXISTING HYDRANT
- PROPOSED FLARED END SECTION
- PROPOSED STORM INLET
- PROPOSED SANITARY CLEANOUT
- PROPOSED GATE VALVE
- PROPOSED HYDRANT

N

0 60 120

GRAPHIC SCALE IN FEET
HORIZ. DATUM: NAD83
VERT. DATUM: NAVD88

BASIS OF BEARINGS: BEARINGS SHOWN ARE GRID BEARINGS BASED ON NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83, INTERNATIONAL FEET

DATE OF FIELD SURVEY: 20 MARCH 2020
DATE OF PLAT PREPARATION: 10 JULY 2020

OWNER:
BISMARCK ND 5U RE LLC
211 HIGHLAND CROSS DRIVE SUITE 280
HOUSTON, TX 77073

SURVEYOR:
KEVIN G. NELSON, PE, PLS
MOUNTAIN PLAINS, LLC
1300 TACOMA AVE SUITE A
BISMARCK, ND 58504

PLAT INFORMATION
EXISTING ZONING:
LOTS 24 - 26, 27 MC - HEAVY COMMERCIAL/LIGHT INDUSTRIAL RESTRICTED
LOT 25 RM - RESIDENTIAL MULTI-FAMILY DWELLINGS
PROPOSED ZONING: CB - COMMERCIAL

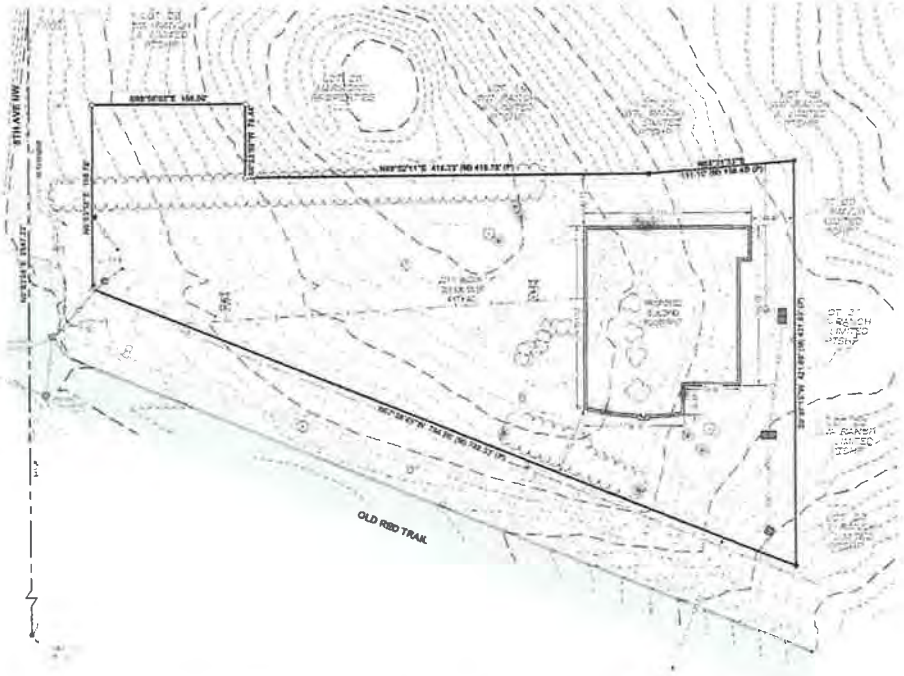
TOTAL ACREAGE: 4.67±

AREA OF MINIMUM FLOOD HAZARD, ZONE X PER FEMA MAP NUMBER 38059C0465E EFFECTIVE ON 10/16/2015

BASIS OF BEARING: ND STATE PLANE SOUTH ZONE NAD83 (3302), ADJUSTMENT 1986, UNIT OF MEASUREMENT IS INTERNATIONAL FEET

CONTOUR VERTICAL DATUM: NAVD 88

1 MILE RADIUS LOCATION MAP
1" = 1500'



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PIONEER INDUSTRIAL PARK 1ST ADDITION BLOCK 2 LOTS 24 THROUGH 27 IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST PROPERTY CORNER OF SAID LOT 27; THENCE N00°12'16"E ALONG THE WEST LINE OF SAID LOT 27 A DISTANCE OF 195.73 FEET TO THE NORTHWEST PROPERTY CORNER OF SAID LOT 27; THENCE S89°58'51"E ALONG THE NORTH LINE OF SAID LOT 27 A DISTANCE OF 159.00 FEET TO THE NORTHEAST PROPERTY CORNER OF SAID LOT 27; THENCE S00°12'16"W ALONG THE EAST LINE OF SAID LOT 27 A DISTANCE OF 75.44 FEET TO THE NORTHWEST PROPERTY CORNER OF LOT 26; THENCE N87°32'11"E ALONG THE NORTH LINE OF LOTS 25 AND 26 A DISTANCE OF 418.73 FEET TO THE NORTHEAST PROPERTY CORNER OF SAID LOT 25; THENCE N87°37'12"E ALONG THE NORTH LINE OF LOT 24 A DISTANCE OF 151.18 FEET TO THE NORTHWEST PROPERTY CORNER OF SAID LOT 24; THENCE S00°37'07"W ALONG THE EAST LINE OF SAID LOT 24 A DISTANCE OF 421.08 FEET TO THE SOUTHEAST PROPERTY CORNER OF SAID LOT 24; THENCE N47°35'41"W ALONG THE SOUTH LINE OF SAID LOTS 24 - 27 A DISTANCE OF 784.88 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 4.67 ACRES MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHTS OF WAY SHOWN ON THIS PLAT FOR PUBLIC USE, AD CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS", "UTILITY", AND/OR "STORMWATER" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, OR ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND

BISMARCK ND 5U RE LLC
KEVIN KUTSCHINSKI - AGENT

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF _____, 2020.

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

SURVEYOR'S CERTIFICATE

I, KEVIN G. NELSON, A REGISTERED LAND SURVEYOR, NORTH DAKOTA PLS NO. LS-3630, DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE BY ME OR UNDER MY DIRECTION, AND THE INFORMATION SHOWN ON THIS MAP IS TRUE AND CORRECT, TO THE BEST OF M Y ABILITY

KEVIN G. NELSON
LS-3630

PRELIMINARY NOT FOR RECORDING PURPOSES

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF _____, 2020

_____ NOTARY PUBLIC
_____ COUNTY, _____
MY COMMISSION EXPIRES _____

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA THIS _____ DAY OF _____, 2020 IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, AND THE ORDINANCES OF THE CITY OF MANDAN

BILL ROBINSON - CHAIRMAN

NANCY MYSER - SECRETARY

APPROVAL OF THE BOARD OF CITY COUNCIL

THE CITY COUNCIL OF THE CITY OF MANDAN, NORTH DAKOTA HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT

THE FOREGOING ACTION OF THE CITY COUNCIL OF THE CITY OF MANDAN, NORTH DAKOTA, WAS APPROVED THE _____ DAY OF _____, 2020

TIM HELBLING - MAYOR

JIM NEUBAUER - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, JUSTIN FROSETH, PE CITY ENGINEER OF THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVE THIS PLAT THIS _____ DAY OF _____, 2020

JUSTIN FROSETH, PE - CITY ENGINEER

SHEET 1 OF 1

MOUNTAIN PLAINS, LLC

FINAL PLAT
FOUNDATION ADDITION
TO THE CITY OF MANDAN

EXHIBIT 2

A REPLAT OF PIONEER INDUSTRIAL PARK 1ST ADDITION BLOCK 2 LOTS 24 THROUGH 27 IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

TO BE HEREAFTER KNOWN AS:

LOTS 1, BLOCK 1, FOUNDATION ADDITION TO THE CITY OF MANDAN, LYING IN SECTION 22, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA

N

0 60 120

GRAPHIC SCALE IN FEET
HORIZ. DATUM: NAD83
VERT. DATUM: NAVD88

BASIS OF BEARINGS: BEARINGS SHOWN ARE GRID BEARINGS BASED ON NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83, INTERNATIONAL FEET

DATE OF FIELD SURVEY: 20 MARCH 2020
DATE OF PLAT PREPARATION: 23 JULY 2020

LEGEND

- FOUND MONUMENT
- SET MONUMENT
- PLAT BOUNDARY
- EXISTING LOT LINE

OWNER:
BISMARCK ND SU RE LLC
211 HIGHLAND CROSS DRIVE SUITE 260
HOUSTON, TX 77073

SURVEYOR:
KEVIN G. NELSON, PE, PLS
MOUNTAIN PLAINS, LLC
1300 TACOMA AVE, SUITE A
BISMARCK, ND, 58504

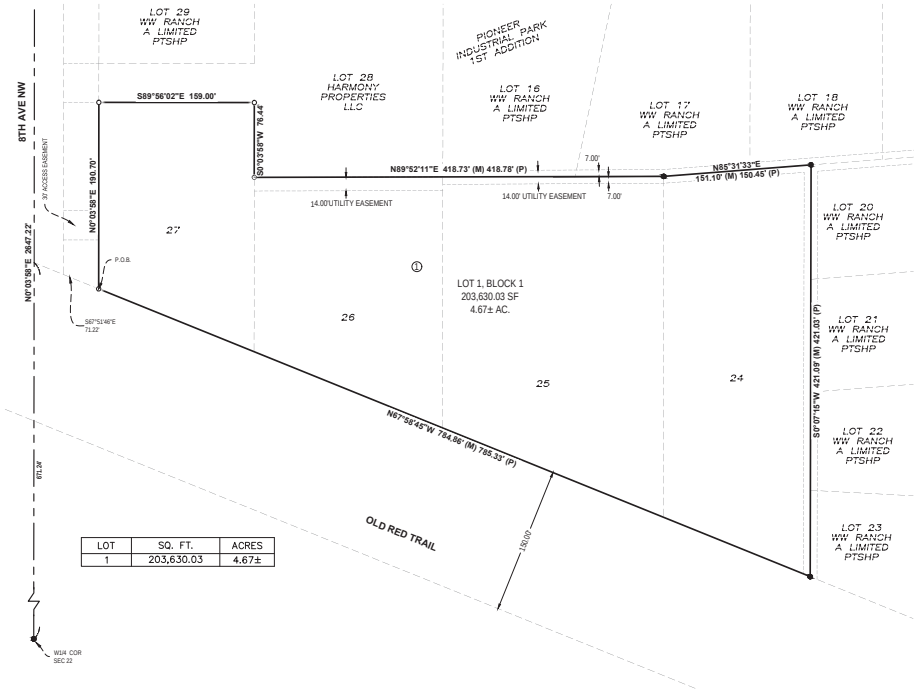
PLAT INFORMATION
EXISTING ZONING:
LOTS 24, 26, 27: MC - HEAVY COMMERCIAL/LIGHT INDUSTRIAL RESTRICTED
LOT 25: RM - RESIDENTIAL MULTI-FAMILY DWELLINGS
PROPOSED ZONING: CB - COMMERCIAL

TOTAL ACREAGE: 4.67±

AREA OF MINIMUM FLOOD HAZARD: ZONE X PER FEMA MAP NUMBER 38059C0485E EFFECTIVE ON 10/16/2015

BASIS OF BEARING: ND STATE PLANE SOUTH ZONE NAD83 (3302), ADJUSTMENT 1986. UNIT OF MEASUREMENT IS INTERNATIONAL FEET.

1 MILE RADIUS LOCATION MAP
1" = 1500'



LOT	SQ. FT.	ACRES
1	203,630.03	4.67±

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PIONEER INDUSTRIAL PARK 1ST ADDITION BLOCK 2 LOTS 24 THROUGH 27 IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST PROPERTY CORNER OF SAID LOT 27; THENCE N00°03'58"E ALONG THE WEST LINE OF SAID LOT 27 A DISTANCE OF 190.70 FEET TO THE NORTHWEST PROPERTY CORNER OF SAID LOT 27; THENCE S89°56'02"E ALONG THE NORTH LINE OF SAID LOT 27 A DISTANCE OF 159.00 FEET TO THE NORTHEAST PROPERTY CORNER OF SAID LOT 27; THENCE S00°03'58"W ALONG THE EAST LINE OF SAID LOT 27 A DISTANCE OF 76.44 FEET TO THE NORTHWEST PROPERTY CORNER OF LOT 26; THENCE N89°52'11"E ALONG THE NORTH LINE OF LOTS 25 AND 26 A DISTANCE OF 418.73 FEET TO THE NORTHEAST PROPERTY CORNER OF SAID LOT 25; THENCE N85°31'33"E ALONG THE NORTH LINE OF LOT 24 A DISTANCE OF 151.10 FEET TO THE NORTHWEST PROPERTY CORNER OF SAID LOT 24; THENCE S00°07'15"W ALONG THE EAST LINE OF SAID LOT 24 A DISTANCE OF 421.09 FEET TO THE SOUTHEAST PROPERTY CORNER OF SAID LOT 24; THENCE N67°58'45"W ALONG THE SOUTH LINE OF SAID LOTS 24 - 27 A DISTANCE OF 784.86 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 4.67 ACRES MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE RIGHTS OF WAY SHOWN ON THIS PLAT FOR PUBLIC USE, AD CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS", "UTILITY", AND/OR "STORMWATER" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, OR ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND.

BISMARCK ND SU RE LLC
KEVIN KUTSCHINSKI - AGENT

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____DAY OF _____, 2020.

_____ NOTARY PUBLIC
_____COUNTY,_____
MY COMMISSION EXPIRES:_____

SURVEYOR'S CERTIFICATE

I, KEVIN G. NELSON, A REGISTERED LAND SURVEYOR, NORTH DAKOTA PLS NO. LS-3638, DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON, WAS MADE BY ME OR UNDER MY DIRECTION, AND THE INFORMATION SHOWN ON THIS MAP IS TRUE AND CORRECT, TO THE BEST OF M Y ABILITY.

KEVIN G. NELSON
LS-3638

KEVIN G. NELSON PE-3638 NORTH DAKOTA PROFESSIONAL ENGINEER
PRELIMINARY

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____DAY OF _____, 2020.

_____ NOTARY PUBLIC
_____COUNTY,_____
MY COMMISSION EXPIRES:_____

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA THIS _____ DAY OF _____, 2020 IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, AND THE ORDINANCES OF THE CITY OF MANDAN.

BILL ROBINSON - CHAIRMAN

NANCY MOSER - SECRETARY

APPROVAL OF THE BOARD OF CITY COUNCIL

THE CITY COUNCIL OF THE CITY OF MANDAN, NORTH DAKOTA HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE CITY COUNCIL OF THE CITY OF MANDAN, NORTH DAKOTA, WAS APPROVED THE _____ DAY OF _____, 2020

TIM HELBLING - MAYOR

JIM NEUBAUER - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, JUSTIN FROSETH, PE, CITY ENGINEER OF THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVE THIS PLAT THIS _____ DAY OF _____, 2020

JUSTIN FROSETH, PE - CITY ENGINEER

SHEET 1 OF 1

MOUNTAIN PLAINS LLC
Engineering, Land Surveying & Mapping Consulting
1300 TACOMA AVENUE, SUITE A | BISMARCK, ND 58504
(701) 557-5348 | WWW.MTNPLAINS.COM

Plot Date & Time: 23 July 2020 11:53 AM

C:\Users\Auditmiguel\Mtn\Engineering\Projects\Foundation Automotive Corp\053883 - Sabre Facility\SURVEY\DEV\053883 - Final Plat.dwg

EXHIBIT 3

ORDINANCE NO. 13XX

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Commercial; and

WHEREAS, Adjacent property to the west is zoned CC-Commercial and similar zoning would be appropriate; and

WHEREAS, Adjacent property to the north and east is zoned MC Industrial and commercial zoning would be appropriate; and

WHEREAS, The subject property abuts both arterial and collector roadways and is therefore conducive for commercial development; and

WHEREAS, Given the alignment with the Mandan Land use and Transportation designation, surrounding zoning either as commercial or for similar commercial purposes, and abutting roadways being arterial or collector roads and most suitable for commercial activity, the Planning and Zoning Commission recommended approval and the Board of City Commissioners affirms.

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

SECTION 1. <u>ZONING AMENDMENT</u>. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

LOTS 24 THROUGH 27, BLOCK 2, PIONEER INDUSTRIAL PARK 1ST ADDITION IN THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 4.67 ACRES, MORE OR LESS.

Said tract shall be removed from the RM Residential District and MC Industrial District and be included in the CB – Commercial District.

SECTION 2. <u>RE-ENACTMENT.</u> Section 105-2-2 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.

DRAFT

Tim Helbling, President
Board of City Commissioners

Attest:

_____
Jim Neubauer
City Administrator

Planning and Zoning Commission:	August 24, 2020
First Consideration:	September 1, 2020
Second Consideration and Final Passage:	September 15, 2020
Recording Date:	_____

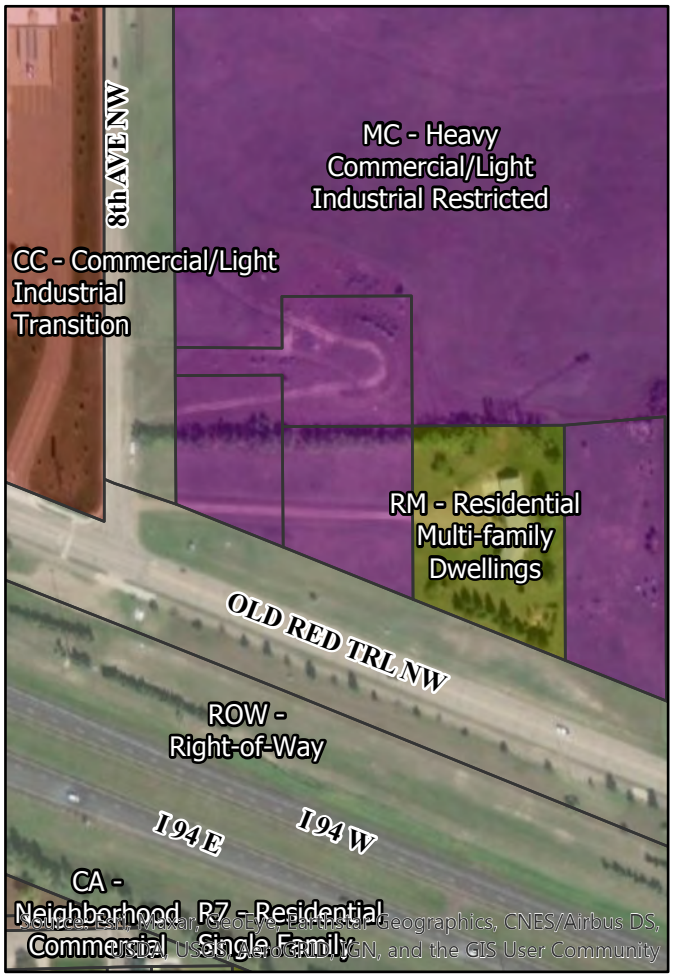
EXHIBIT 4

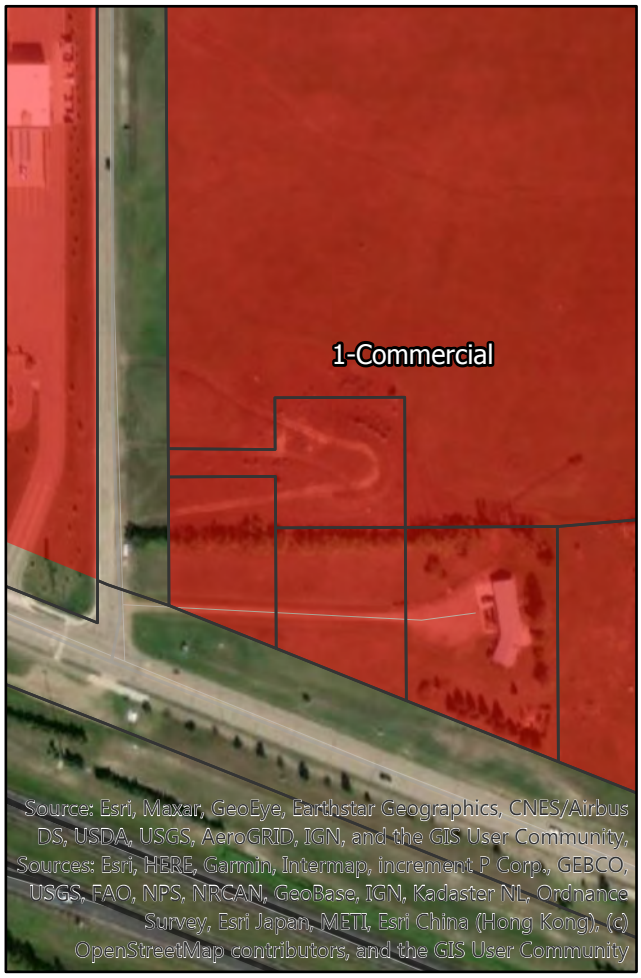
FINDINGS

- The Mandan Land Use and Transportation Plan designates the subject property as Commercial
- Adjacent property to the west is zoned CC-Commercial and similar zoning would be appropriate
- Adjacent property to the north and east is zoned MC Industrial and commercial zoning would be appropriate
- The subject property abuts both arterial and collector roadways and is therefore conducive for commercial development

Lots 24 through 27 Pioneer Ind. Park 1st
Present Zoning and Future Land Use

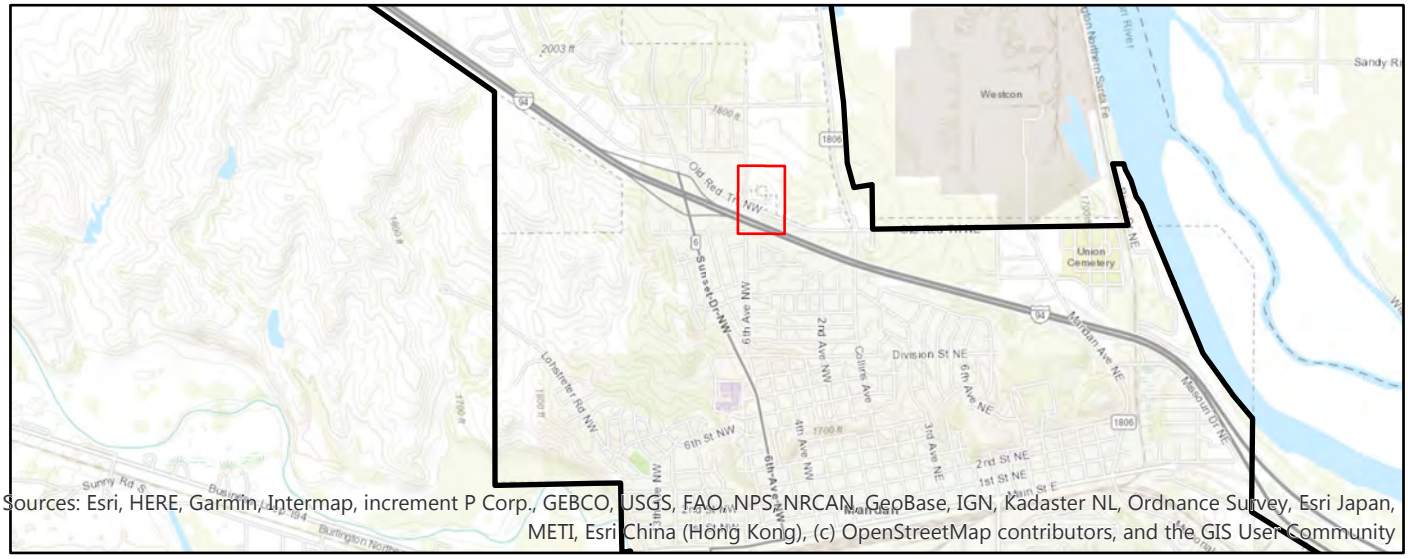
EXHIBIT 5





Present Zoning = RM Residential and MC Industrial

Future Land Use = Commercial



PUBLIC HEARING #3

PUBLIC HEARING #3

Mandan Planning and Zoning Commission Agenda Item PH3
For Meeting on August 24, 2020
Mandan Engineering and Planning Office Report

Rockwood First Addition

Requested Action

Final Plat

Application Details				
Applicant	**Owner**	**Subdivision**	**Legal Description**	
Eric Belanger/Wendy McNichols	EBCMGL 16 LLLP (Eric Belanger)	Rockwood First Addition (proposed)	Part of the N1/2 of the SE1/4 of Section 16, Township 139N, Range 81W, Morton County, North Dakota	
Location		**Proposed Land Use**	**Parcel Size**	**Number of Lots**
Northeast of Mandan Middle School		Residential	Approx. 19 ac.	12
Existing Land Use	**Adjacent Land Uses**	**Current Zoning**	**Proposed Zoning**	**Adjacent Zoning**
Bare Land	Residential/Public Use (Middle School)/Bare Land	RM Residential	PUD/RM-Residential	A-Agricultural; RM-Residential

Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published
$400	July 10, 2020	July 31, 2020	August 14 & 21

Project Description

Dr. Eric Belanger and Wendy McNichols have submitted the final plat application that contains 8 residential building lots (Lots 1 through 8, Block 1), three lots to be further subdivided (Lot 9, Block 1 and Lots 1 & 2, Block 2), and one lot to be held in undivided interest for the purposes of storm water retention (Lot 10, Block 1) (See Exhibit 1).

The preliminary plat was presented to Planning and Zoning Commission (P&Z) on June 22 and approved by the Board of City Commissioners on July 21 of this year. At that meeting, several changes were required for approval and have been included in Exhibit 2. Red text indicates those that are still need to be addressed prior to presentation to the Board of City Commissioners on September 15. All can be easily accommodated prior to September 15 and staff will work with the applicant to make these changes.

A development agreement is also required and discussions have been ongoing with the applicant to make any necessary adjustments amenable to the applicant and the City (See Exhibit 3). This will be finalized in the coming weeks and presented to City Commission on September 15 for approval.

Staff is recommending approval of the final plat subject to the changes outlined in Exhibit 2 and development agreement similar to the one provided in Exhibit 3.

Agency & Other Department Comments

WBI indicated that they would like the applicant to be aware of an existing pipeline just east of the 8th Ave. NW right-of-way. Moore Engineering should reach out to them directly and work with Justin Froseth, Engineering and Planning Director to place utilities appropriately.

Engineering & Planning Staff Comments

No additional comments.

Engineering & Planning Recommendation Engineering/Planning recommend approval of the final plat subject to requirements in Exhibit 2 and entering into a development agreement similar to the one provided in Exhibit 3.
Proposed Motion I move to recommend approval of the final plat subject to requirements in Exhibit 2 and entering into a development agreement similar to the one provided in Exhibit 3.

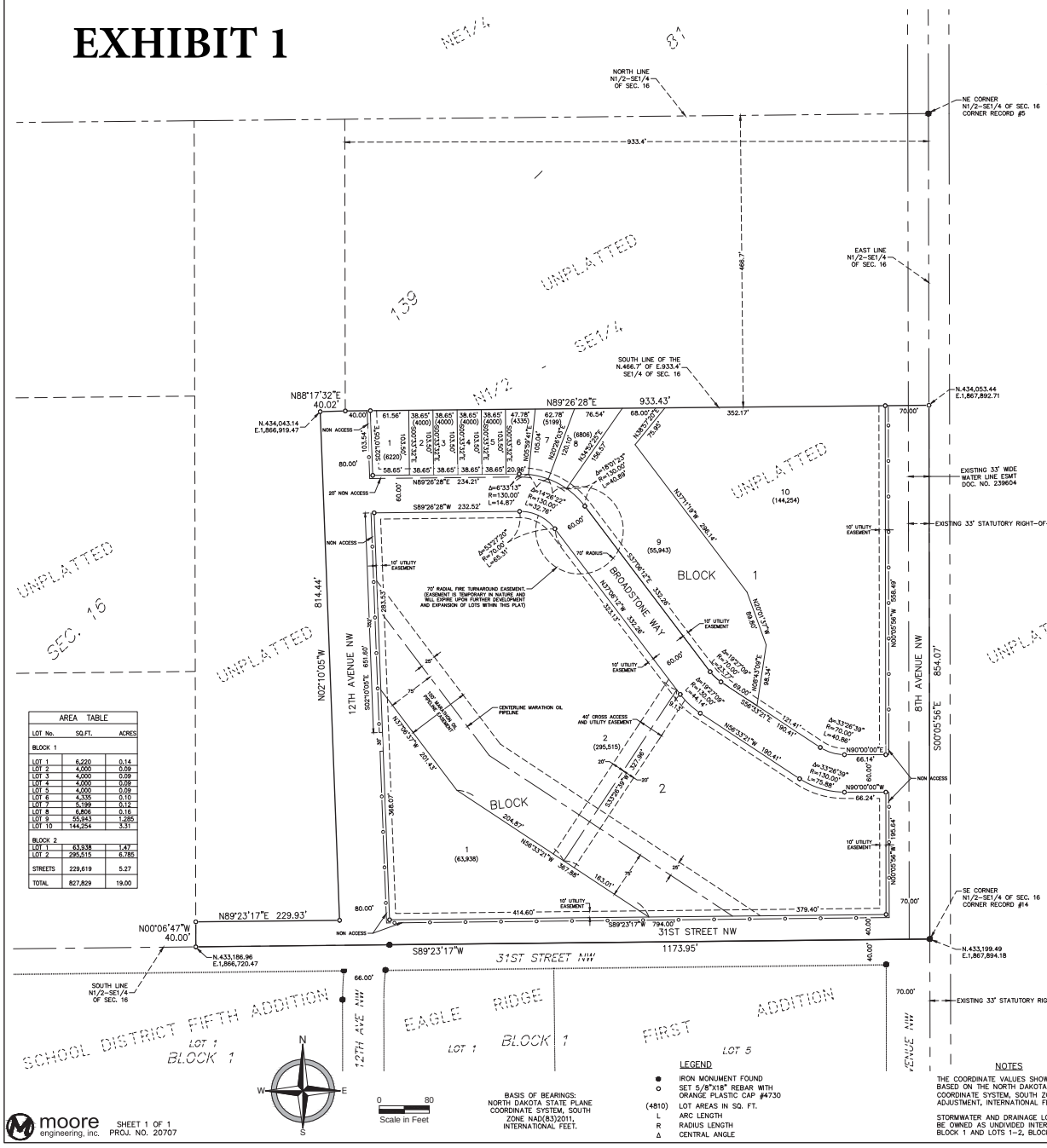
List of Exhibits:
Exhibit 1 – Rockwood First Addition Final Plat
Exhibit 2 – Additional Requirements
Exhibit 3 – Development Agreement – 8.12.20 – JF-JV Amended

EXHIBIT 1

PLAT OF

ROCKWOOD FIRST ADDITION

TO THE CITY OF MANDAN, A PLAT OF PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 81 WEST MORTON COUNTY, NORTH DAKOTA



AREA TABLE		
LOT No.	SQ.FT.	ACRES
BLOCK 1		
LOT 1	6,220	0.14
LOT 2	4,000	0.09
LOT 3	4,000	0.09
LOT 4	4,000	0.09
LOT 5	4,000	0.09
LOT 6	4,335	0.10
LOT 7	5,199	0.12
LOT 8	6,806	0.16
LOT 9	55,943	1.285
LOT 10	144,254	3.31
BLOCK 2		
LOT 1	63,938	1.47
LOT 2	295,515	6.785
STREETS	229,619	5.27
TOTAL	827,829	19.00

BASIS OF BEARINGS: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE NAD(83)2011, INTERNATIONAL FEET.

LEGEND

- ● IRON MONUMENT FOUND
- ○ SET 5/8"X18" REBAR WITH ORANGE PLASTIC CAP #4730
- (4810) LOT AREAS IN SQ. FT.
- L ARC LENGTH
- R RADIUS LENGTH
- Δ CENTRAL ANGLE

NOTES

THE COORDINATE VALUES SHOWN HEREON ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE NAD(83)2011 ADJUSTMENT, INTERNATIONAL FEET.

STORMWATER AND DRAINAGE LOT 10, BLOCK 1 WILL BE OWNED AS UNDIVIDED INTEREST BY LOTS 1–9, BLOCK 1 AND LOTS 1–2, BLOCK 2.

CERTIFICATE

JAMES ALBER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "ROCKWOOD FIRST ADDITION" TO THE CITY OF MANDAN, A PLAT OF A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN MORTON COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF SAID NORTH HALF OF THE SOUTHEAST QUARTER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTH HALF OF THE SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 23 MINUTES 17 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER FOR A DISTANCE OF 1173.95 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 40.00 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 229.93 FEET; THENCE NORTH 02 DEGREES 10 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 814.44 FEET; THENCE NORTH 88 DEGREES 17 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 40.02 FEET TO THE SOUTHWEST CORNER OF THE NORTHERLY 466.7 FEET OF THE EASTERLY 933.4 FEET OF SAID NORTH HALF OF THE SOUTHEAST QUARTER, AS MEASURED AT A RIGHT ANGLE TO, AND PARALLEL WITH, THE NORTH AND EAST LINES OF SAID NORTH HALF OF THE SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 26 MINUTES 28 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHERLY 466.7 FEET FOR A DISTANCE OF 933.43 FEET TO THE SOUTHEAST CORNER OF SAID NORTHERLY 466.7 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID NORTH HALF OF THE SOUTHEAST QUARTER FOR A DISTANCE OF 854.07 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 19.00 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

JAMES ALBER
REGISTERED LAND SURVEYOR
REG. NO. LS–4730

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAMES ALBER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, BURLEIGH COUNTY, 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 THE 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".

DOCTOR ERIC BELANGER

STATE OF NORTH DAKOTA)
COUNTY OF MORTON)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DOCTOR ERIC BELANGER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, MORTON COUNTY, NORTH DAKOTA

MANDAN PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF MANDAN IS HEREBY RECOMMENDED FOR APPROVAL APPROVED THIS _____ DAY OF _____, 20____.

_____, CHAIRPERSON

MANDAN BOARD OF CITY COMMISSIONERS APPROVAL

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREIN AND 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 APPROVED THIS _____ DAY OF _____, 20_____.

JIM NEUBAUER – CITY ADMINISTRATOR

TIMOTHY A HEIBLING – PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

CITY ENGINEER'S APPROVAL

I, JUSTIN FROSETH, ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVE THE ANNEXED PLAT.

JUSTIN FROSETH, CITY ENGINEER

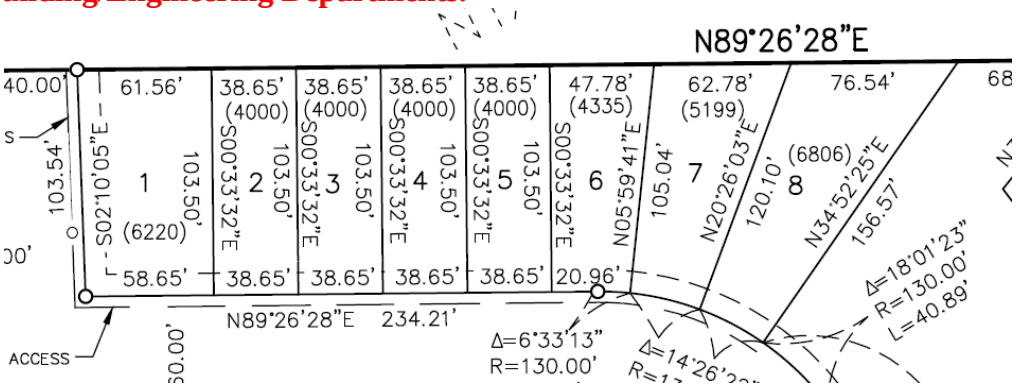
moore engineering, inc.

SHEET 1 OF 1
PROJ. NO. 20707

EXHIBIT 2

Adjustments of the Plat of Rockwood First Addition Prior to Presentation of the Final Plat to Board of City Commissioners

- Lots to include shared access easements that result in sufficient boulevard space for snow removal purposes. This may include non-access lines to ensure an apron does not extend beyond the shared access easement. **– NEAR COMPLETE (easy to accommodate prior to presentation to City Commission on September 15) – Need to provide inset with more detail so it's clear where the boulevard non-access lines and the individual aprons begin/end or a table with apron widths by lot for easy reference of Building/Engineering Departments.**



- Lot 9, Block 1 to be divided into two lots. One lot shall include the area to be dedicated for the storm water detention pond (future lot 10) and the remaining area to be further redeveloped in the future (newly redrawn lot 9). **- COMPLETED**

- Future Lot 10, Block 1 will be held in undivided interest with all lots within the development to ensure the City does not become owner and responsible for maintenance in the future. **- COMPLETED**

- A non-access line along the east side of 12th Ave. NW and north side of 31st St. NW except for a 36' width along the farthest northwest and farthest southeast boundary of Lot 1, Block 2. **- COMPLETED**

- Temporary turnaround as required by the Fire Department meeting standards established by both Fire and Engineering Departments. **– COMPLETED**

Additional requirements stemming from Comments received that were not included in this Exhibit when presented to Planning and Zoning Commission on June 22, but included in the comment section of the staff report.

- Amend the subdivision name to remove potential for misspelling. **– COMPLETED** (formerly Sunset AveNew…)

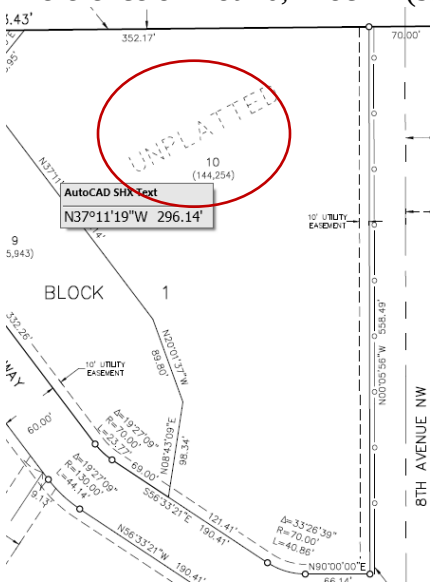
- Plat should indicate that the street(s) where appropriate are subject to the Marathon contract (and include the instrument number of the contract for simple reference). - **INCOMPLETE (easy to accommodate prior to presentation to City Commission on September 15)**

- Address the easement needs of MDU to provide services as follows:
    - A 10' wide easement area be platted along the south and east property boundaries of Lot 9, Block 1. - **COMPLETED**

    - A 7' to 10' wide easement be platted along the north property boundaries of Lots 1-9, Block 1 – **INCOMPLETE (easy to accommodate prior to presentation to City Commission on September 15)**

NEW ITEMS TO ADDRESS

- Remove "UNPLATTED" reference on Lot 10, Block 1 (see below):



- Add the language "Stormwater and Drainage Lot" beneath the lot number and sq. footage label (same location as above image).

- Add "(public)" to the road names for those being dedicated to the public. The names should read:
    - 8th Avenue NW (public)
    - Broadstone Way (public)
    - 12th Avenue NW (public)
    - 31st Street NW (public)

- Add plat note referencing instrument number of recorded Development Agreement

EXHIBIT 3

Development Agreement

Rockwood First Addition

This Agreement is made and entered into on the [Day] of [Month], 2020, (hereinafter the "effective date") by and between the City of Mandan (hereinafter referred to as the "City") and EBCMGL 16, LLLP **(**hereinafter referred to as the "Developer"). The address for the City of Mandan is 205 2nd Avenue NW, Mandan, North Dakota 58554. The address of Developer is [Developer Address]. This agreement is a covenant running with the Property and binding upon any and all future owners of the Property.

WHEREAS, the Developer is the owner of property whose legal description is the Part of the N1/2 of the SE1/4 of Section 16, Township 139N, Range 81W, Morton County, North Dakota, North Dakota and further described as an attachment to this agreement via a meets and bounds description (hereinafter referred to as the "Property"); and

WHEREAS, the Developer wishes to develop the approximate thirteen and three-quarter (13.75) acre Property excluding right-of-way dedication into a development named Rockwood First Addition and included for reference (hereinafter referred to as the "Development"); and

WHEREAS, said Development is currently planned to include eight (8) residential lots and three (3) additional lots to be further redeveloped in the future; and

WHEREAS, the wastewater plan for the Development is dependent on the Terra Vallee Lift Station, which is planned for removal at an indeterminate future date per the wastewater masterplan of the City; and

WHEREAS, the Terra Vallee Lift Station requires immediate improvements due to ongoing and frequent maintenance and additional demand created by the Development will exacerbate necessary maintenance and interfere with the City's ability to provide service to existing users; and

WHEREAS, the costs to strictly follow the wastewater plan of the City for this Development alone are cost-prohibitive for the Developer; and

WHEREAS, the Developer and the City have identified an amenable alternative to facilitate the implementation of the masterplan and provide wastewater services to the Development; and

WHEREAS, the Development, without this agreement, could create disorder in future development, raising costs of public infrastructure and private development for the surrounding lands; and[JJF1]

DRAFT

WHEREAS, the agreement provides the Developer a means to achieve the desired outcome of the Development of eight (8) residential lots and preserve the remaining land for future phases of development of a residential nature; and

WHEREAS, said agreement utilizes for reference a document (hereinafter referred to as "Phasing Plan") showing future private road access and additional subdivided lots as a proof of concept for future development to align with the Mandan Future Land Use and Transportation Plan (originally adopted June 2015 and hereinafter referred to as the "Plan"); and

WHEREAS, nothing in this agreement prohibits the Developer from revising the layout of the lots of the Phasing Plan subject to the necessary jurisdictional approvals including Mandan Planning and Zoning Commission and the Mandan Board of City Commissioners; and

WHEREAS, nothing in this agreement prohibits the City from adopting alternative land uses through a new land use plan or amendment to the Plan affecting the Property as prescribed by State law and the Mandan Code of Ordinances and requiring any future development to align with said plan.

NOW THEREFORE, it is agreed between the parties as follows:

1. Density upon build-out of the Development to be a minimum of five (5) units per acre and maximum of eight (8) units per acre. If at any subsequent phase of development these thresholds do not appear to be capable of being met as determined by the City the applicant agrees to amend the application to the satisfaction of the City prior to presentation for consideration of approval.

2. Each phase of the development shall submit an application for a zoning amendment to planned unit development (PUD) and establish the underlying zoning district to be applied for each lot within the respective phase. This requirement will not apply to Lot 1, Block 2 if the Developer does not further subdivide the lot and constructs multi-family residential in conformance with the requirements of the RM Residential District and other requirements as outlined in this agreement.

3. Lot 9, Block 1 and Lots 1 & 2, Block 2 are required to be further subdivided as necessary to meet the density requirement above.

4. The developer shall install cluster mailboxes to serve the development by the United State Postal Services (USPS) and other private carriers. The location of the cluster mailbox(s) shall meet the requirements of the City and USPS and be approved at each phase of development.

5. The Development is restricted to single-family, twin-home, or row-home construction for Lots 1 through 9, Block 1 and Lot 2, Block 2. The Development is restricted to single-family, twin-home, row-home, or multi-family residential construction for Lot 1, Block 2.

6. 8th Ave. NW is considered the secondary access for meeting the secondary access requirements for the Development. No more than thirty (30) dwelling units shall be permitted prior to the construction of 8th Ave. NW to connect said road to 12th Ave. NW via the proposed local public road meandering southeast to northwest.

7. The City recognizes that 8th Ave. NW may be initially constructed as a rural local road if approved by the City Engineer, although its function for the purposes of special assessments will be classified as a collector unless an alternative allocation is determined to be more equitable by the Board of City Commissioners. The portion of special assessments that would otherwise have been assessed to Lot 10, Block 1 will be equally distributed to all other lots in the Development unless an alternative allocation is determined to be more equitable by the Board of City Commissioners.

8. Boulevard landscaping along 12th Ave. NW shall include a tree of at least one and a quarter (1 ¼) inch caliper within the boulevard for each fifty (50) linear feet of right-of-way beginning at the intersection of 31st St. NW and terminating at the northern boundary of the Development. Boulevard landscaping will be installed by the Developer at the same time as 12th Ave. NW.

9. A sidewalk shall be constructed by the Developer along the east side of 12th Ave. NW for the entirety of the development to provide for pedestrian connectivity to the existing network to the south. A crosswalk across 31st St. NW is required and shall meet standards set forth by the City Engineer. Both shall be installed at the same time as 12th Ave. NW.

10. Lot 10, Block 1 shall be the undivided interest of all lot owners of the Development and used for the purposes of storm water detention. Maintenance, if required by the City, shall be allocated per the special assessment policy in effect at the time unless an alternative allocation is determined to be more equitable by the Board of City Commissioners.

11. All private roads and utilities shall be the maintenance responsibility of all of the lot owners utilizing the respective private road or utility of the Development. Maintenance, if required by the City, shall be allocated per the special assessment policy in effect at the time unless an alternative allocation is determined to be more equitable by the Board of City Commissioners.

12. Future development on the Property will align with the adopted land use and transportation plan of the City of Mandan at the time of application.

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13. Additional costs for wastewater infrastructure, stemming from necessary improvements to the Terra Vallee Lift Station and deviation from the existing waste water masterplan, will be determined by the Board of City Commissioners with a recommendation from the City Engineer.

14. All public roads and utilities shall be the maintenance responsibility of the city after final acceptance of the project(s). The water distribution and sanitary sewer components of the public infrastructure need to be installed under a three-way agreement and require following all city standards per the Engineering Department. The above ground public infrastructure including streets, storm sewer, and other above ground improvements such as signs and street lights can be installed under a street improvement district or a three-way agreement by choice of the Developer and require following all city standards per the Engineering Department.

_____	_____
Mayor Tim Helbling City of Mandan	Eric Belanger, Title EBCMGL 16, LLLP
Attest:	Attest:
_____	_____
Jim Neubauer City Administrator	

DRAFT

PUBLIC HEARING #4

PUBLIC HEARING #4

Mandan Planning and Zoning Commission Agenda Item PH4
For Meeting on August 24, 2020
Mandan Engineering and Planning Office Report

Lot 3, Block 1, Evergreen Heights Third Addition

Requested Action

Special Use Permit – Multi-use Shops

Application Details				
Applicant	**Owner**	**Subdivision**	**Legal Description**	
Val Renner	Val Renner	Evergreen Heights Third Addition	Lot 3, Block 1, Evergreen Heights Third Addition	
Location		**Proposed Land Use**	**Parcel Size**	**Number of Lots**
North of 19th St. SW and West of Hwy 1806 S		Commercial	1.59 Acres	1
Existing Land Use	**Adjacent Land Uses**	**Current Zoning**	**Proposed Zoning**	**Adjacent Zoning**
Bare Land	Residential to the west and across Hwy 1806 to the east; religious institution to the south	CA Commercial	CA Commercial	R7 Residential/A Agricultural

Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published
$450	July 10, 2020	July 31, 2020	August 14

Project Description

Val Renner seeks to construct multi-use shops for commercial purposes related to residential contractor businesses and others as allowed by Ordinance 1313 Section 3 Subsection 2. (See Exhibit 2). The multi-use shop structure will include six (6) units as shown in the application documents included in Exhibit 1.

Ordinance 1337, adopted by the Board of City Commissioners on April 21, 2020 requires a special use permit for multi-use shops. The use standards are provided in Exhibit 3.

The applicant has been approved by the Mandan Architectural Review Commission for the landscaping, layout, and façade elements of the project.

Per 105-1-13 (d) (6), in order to provide a favorable recommendation, the Planning and Zoning Commission or a final decision by the Board of City Commissioners should consider eight (8) items provided for in Exhibit 4 for reference. In evaluating these criteria, staff finds the following:

- The proposed use is in harmony with the purpose and intent of this chapter subject to the restrictions included in Ordinance 1313.
- The proposed use is in conflict with the future land use map of the City; however, this deviation was evaluated by Planning and Zoning Commission and the Board of City Commissioners in late 2019 as part of Ordinance 1313.
- The proposed use will adversely affect the health, safety, and general welfare of the public and the workers and residents in the area without additional conditions as provided below:
    - External, structural illumination shall be downward and inward facing so as to avoid glare into the adjacent residential properties. Onsite property lighting shall be downward facing for the same reason.
    - Noise-producing business-related activities, other than those of an office or clerical nature, are limited to between 6:00am and 10:00pm so as to avoid creating a nuisance for adjacent

residential properties. Nothing in this condition permits exceeding the requirements of the MCO pertaining to noise nuisances.

- The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood if the additional restrictions are included as noted in the previous bullet point.
- The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community.
- The proposed use includes adequate screening or buffering to compensate for any departure that the proposed use has from existing adjacent uses.
- The proposed use includes adequate provisions for those individuals who are mobility impaired.

Staff Recommendation

Given the previous evaluation of the use at this property through the zoning and platting of the property finalized in November 2019, staff has few concerns regarding the appropriateness of the use at this location. Noise and lighting should be mitigated to the fullest extent possible due to the abutting residential neighborhood and restrictions to this effect are included in the special use permit provided in Exhibit 6. The noise restriction aligns with information provided by the applicant in Exhibit 1.

Staff recommends approval of the special use permit for a multi-use shop as provided in Exhibit 6 based on the findings in Exhibit 5.

Agency & Other Department Comments

N/a

Engineering & Planning Staff Comments

N/a

Engineering & Planning Recommendation

Engineering/Planning recommend approval of the special use permit for a multi-use shop as provided in Exhibit 6 based on the findings in Exhibit 5.

Proposed Motion

I move to approve the special use permit for a multi-use shop as provided in Exhibit 6 based on the findings in Exhibit 5.

List of Exhibits:
Exhibit 1 – Application
Exhibit 2 – Ordinance 1313 for reference
Exhibit 3 – Use Standards for Multi-use Shops per Section 105-1-5 (k) of the Mandan Code of Ordinances
Exhibit 4 – SUP Evaluative Criteria
Exhibit 5 – Findings
Exhibit 6 – Special Use Permit w/conditions of approval

EXHIBIT 1

CITY OF MANDAN

Development Review Application

	Minor Plat ($300)		Zone Change ($600)
	Preliminary Plat up to 20 acres ($350)		Planned Unit Development ($700)
	Preliminary Plat more than 20 acres ($400)		Zone Change with Minor Plat ($400)
	Final Plat up to 20 lots ($350)		Vacation ($500)
	Final Plat 21 to 40 lots ($475)		Variance ($400)
	Final Plat more than 40 lots ($700)	X	Special Use Permit ($450)
	Annexation ($450)	X	Stormwater submittal ($300)
	Annexation with Minor Plat ($200)		Stormwater 2nd & subsequent resubmittal ($50)

Summary of Request

Applicant requests to construct shop condos on Lot 3, Block 1 Evergreen Heights 3rd Addition.

Engineer/Surveyor			Property Owner or Applicant		
Name: Feser Engineering, PC | SES Geomatics			Name: Val Renner		
Address: 1217 N 1st Street | 2321 Harding Avenue			Address: 4655 Hwy 6		
City: Bismarck	State: ND	Zip: 58501	City: Mandan	State: ND	Zip: 58554
email: greg@fesereng.com | ljs2363@midco.net			email: ajrenner@Live.com		
Phone: 400-2801 | 220-9843	Fax:		Phone: 426-0522	Fax:	

If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.

Location	Type	Existing Zone	Proposed Zone	Project Name
City / ETA X	New / ~~Addition~~	CA		Renner's Shop Condos

Property Address	Legal Description
1601 Hwy 1806 S	Lot 3, Block 1 Evergreen Heights 3rd Addition
Current Use	
Ag	
Proposed Use	
A site plan will be prepared for construction of shop condos on Lot 3, Block 1	Section 35 / Township 139 / Range 81

Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking
69,067 SF	8,900 SF	2	8,900 SF	20	21

Print Name	Signature	Date
Valan Renner	Valan Renner	7-8-2020

Office Use Only

Date Received:	Initials: nm	Fees Paid: $750	Date 7/10/2020
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Updated 1/1/2019

N:\PLANNING & ZONING\Development Application - January 2019.docx

Additional Submittals

Conditional-Special Use Permit

A special or conditional use permit application shall include the following additional submittals:

1. An answer with explanation for each of the following questions (please answer the below questions as completely as possible. Incomplete applications will not be accepted and may cause a delay in the application process):

    a. Will the proposed use be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?

Yes. Neutral colors are being used for the building siding and roofing. The goal is to have tenants that will use the building generally within normal working hours.

    b. Will the proposed use involve activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors?

No. The goal is to have tenants that will use the building generally within normal working hours. Tenants will be businesses and it is anticipated the tenants would typically stop in the morning and go to job sites from there, minimizing the traffic and noise throughout the day. No manufacturing will be allowed per rental agreements, but also according to zoning.

    c. Will the hours of operation of the proposed use be different than the adjacent uses?

No. It is anticipated that uses will be typically be 8 AM to 5 PM (give or take a little) businesses.

d. Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses?

No. The intended exterior lighting for the building will be essentially low-level security lighting. The types of tenants and their typical hours would not require any additional exterior lighting.

e. Will the site of the proposed use have sufficient area to provide the parking required for the use?

Yes. Parking meetings zoning requirements and there would be additional space in the shops should tenants have additional vehicles.

f. Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district?

No. We currently have additional space on the lot that will remain as green space and we meet all of the district requirements.

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on aerials. The zoning map may be found on the City's website at CityofMandan.com and selecting Departments → Engineering and Planning → Maps → Zoning Map or by clicking here if viewing this document digitally.

CALL BEFORE YOU DIG

NORTH DAKOTA ONE CALL
800-795-0555 OR 811

NOTICE TO CONTRACTOR

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

WARRANTY / DISCLAIMER

THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING. HOWEVER, FESER ENGINEERING DOES NOT WARRANTY THESE PLANS AS CONSTRUCTED.

SAFETY NOTICE TO CONTRACTOR

IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL BUSINESS HOURS.

SANITARY SEWER CONSTRUCTION NOTES (SHEET 4 OF 5)

1. CONSTRUCT PRIVATELY OWNED LIFT STATION WHERE SHOWN ON THE DRAWINGS. THE LIFT STATION WITH GRINDER PUMP SHALL BE A 24__LSG-SERIES OMNIVORE 2 HP SIMPLEX GRINDER PACKAGE AS MANUFACTURED BY LIBERTY PUMPS OR ENGINEER APPROVED EQUAL. THE PACKAGE SHALL INCLUDE THE FOLLOWING AT A MINIMUM AND IS NOT CONSIDERED AN ALL-INCLUSIVE LIST:
   - 1.A. STEEL COVER WITH 2 INCH RIGID EXTERIOR GRADE INSULATION MECHANICALLY ATTACHED INSIDE OF THE COVER WITH STAINLESS STEEL BOLTS.
   - 1.B. 2 LAYERS OF 2 INCH RIGID EXTERIOR GRADE INSULATION SHALL BE CUT AND FIT AROUND THE EXTERIOR OF THE LIFT STATION BARREL TO A DEPTH OF 4 FEET BELOW THE COVER. STAGGER ALL JOINTS TO IMPROVE INSULATION EFFECTIVENESS.
   - 1.C. 6 INCH FIBERGLASS INLET HUB AND FERNCO SEAL.
   - 1.D. SCHEDULE 40 STAINLESS STEEL GUIDE RAILS WITH GR20 GUIDE RAIL BASE.
   - 1.E. DISCHARGE LINE SHALL HAVE A CHECK VALVE CONSTRUCTED INSIDE THE LIFT STATION.
   - 1.F. THE CONTROL PANEL SHALL BE A SX-SERIES NEMA 4X CONTROL PANEL FOR OUTDOOR APPLICATIONS WITH ALARM MOUNTED ON A TREATED 4 X 4 POST 8 FEET LONG, BURIED 3.5 FEET.
   - 1.G. ALL WORK SHALL BE PER MANUFACTURE'S RECOMMENDATIONS. SHOP DRAWINGS SHALL BE PROVIDED FOR REVIEW.
2. CONNECT TO THE LIFT STATION WITH THE PROPOSED 6" GRAVITY SEWER AS SHOWN. CONSTRUCT A 45° BEND, 6" SANITARY SEWER, 6" CLEANOUTS AND 6" X 4" WYES (6 EA.) TO EACH BUILDING UNIT AS SHOWN. VERIFY WYE LOCATIONS WITH THE OWNER.
3. CONNECT TO THE LIFT STATION WITH THE PROPOSED 2" FORCEMAIN WHERE SHOWN. THE FORCEMAIN SHALL BE C900 PVC RESTRAINED JOINT PIPE.
4. LOCATE THE EXISTING SEWER SERVICE LINE FOR LOT 1 BLOCK 2 REPLAT OF EVERGREEN HEIGHTS 2ND ADDITION. CONSTRUCT A 4 X 2 INCH WYE BRANCH ON THE EXISTING SERVICE LINE. CONNECT THE FORCEMAIN TO THE 2 INCH WYE. CONSTRUCT 1.0 LF OF 4 INCH SEWER SERVICE AT THE END OF THE 4 INCH PORTION OF THE WYE AND CAP.
5. INSTALL A 2 X 4 FROM RIGHT ABOVE THE CAP TO 4 FEET ABOVE FINISHED GRADE AND PAINT GREEN.
6. MAINTAIN A MINIMUM OF 7.5 FEET OF COVER OVER THE FORCEMAIN
7. ALL BACKFILL SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR AT RECOMMENDED MOISTURE CONTENT. ALL TESTING SHALL BE PERFORMED AT THE CONTRACTOR'S EXPENSE.

WATERMAIN CONSTRUCTION NOTES (SHEET 4 OF 5)

1. LOCATE AND CONNECT TO THE EXISTING 8" WATERMAIN ON THE SOUTH SIDE OF EVERGREEN LOOP SE WITH A CUT IN 8 X 8 TEE. CONSTRUCT 2.0 LF OF 8 INCH WATERMAIN, AN 8 INCH GATE VALVE AND BOX, 153.85 LF 8 INCH WATERMAIN, 90 DEGREE BEND, 25.31 LF 8 INCH WATERMAIN AND 8 INCH HYDRANT.
2. CONNECT TO THE 8 INCH WATERMAIN WITH A 1 INCH CORPORATION, INSTALL 5 LF OF 1" WATER SERVICE LINE, 1" CURB STOP AND 203' OF 1" WATER SERVICE LINE AS SHOWN. INSTALL WATERTIGHT PLUG AT THE END OF THE LINE AT 5' FROM THE BUILDING.
3. MAINTAIN A MINIMUM OF 7.5 FEET OF COVER OVER THE SERVICE LINE.
4. REMOVE AND DISPOSE OF THE EXISTING ASPHALT PAVEMENT AS REQUIRED TO CONSTRUCT THE WATERMAIN. SAW CUT THE ASPHALT TO PROVIDE A CLEAN VERTICAL EDGE.
5. REMOVE THE EXISTING CURB AND GUTTER AS REQUIRED TO CONSTRUCT THE WATERMAIN. SAW CUT THE CURB AND GUTTER TO PROVIDE A CLEAN VERTICAL EDGE.
6. THE OWNER WILL REMOVE TREES THAT ARE IN THE WAY OF THE WATERMAIN CONSTRUCTION. ALL OTHER TREES ARE TO BE PROTECTED. THE CONTRACTOR SHALL COORDINATE THIS WORK WITH THE OWNER AND SHALL ONLY REQUEST WHAT IS REASONABLE TO CONSTRUCT THE IMPROVEMENTS. PROVIDE THE OWNER 14 DAYS NOTIFICATION IN ORDER TO REMOVE THEM IN TIME FOR THE SEWER AND WATER MAIN WORK.
7. THE CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM THE PROPOSED HYDRANT UPON BACKFILLING.
8. CONTRACTOR SHALL SALVAGE THE EXISTING ROAD CLOSED SIGN AT THE END OF EVERGREEN LOOP SE AND RESET IT AT THE END OF THE ASPHALT AT COMPLETION OF THE WORK INCIDENTAL OTHER BID ITEMS.
9. ALL BACKFILL SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR AT RECOMMENDED MOISTURE CONTENT. ALL TESTING SHALL BE PERFORMED AT THE CONTRACTOR'S EXPENSE.

STORM SEWER CONSTRUCTION NOTES (SHEET 4 OF 5)

1. CONSTRUCT A 30" INLET AT THE BOTTOM OF THE DETENTION POND AS SHOWN. CONSTRUCT 12" STORM SEWER FROM THE INLET TO THE NORTHWEST AS SHOWN WITH AN OUTFALL ELEVATION OF 1668.35. CONSTRUCT AN 8" THICK 3' WIDE X 5' LONG ROCK DISSIPATION CHANNEL AT THE OUTFALL. ROCK SHALL BE WELL GRADED FROM 1 1/2" TO 6" ROCK.
2. ALL BACKFILL SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR AT RECOMMENDED MOISTURE CONTENT. ALL TESTING SHALL BE PERFORMED AT THE CONTRACTOR'S EXPENSE.

SHEET INDEX

1. COVER SHEET
2. SITE SURVEY & REMOVALS PLAN
3. SITE & GRADING PLAN
4. UTILITY PLAN
5. LANDSCAPE PLAN

DESCRIPTION

LOT 3 BLOCK 1 EVERGREEN HEIGHTS 3RD ADDITION
MANDAN, ND 58554

OWNER

VAL RENNER
4655 HIGHWAY 6
MANDAN, ND 58554

ENGINEER

FESER ENGINEERING, PC
1217 N 1ST STREET
BISMARCK, ND 58501
PH.: 701-400-2801
EMAIL: greg@feserenig.com

SITE INFORMATION

PROPOSED BUILDING:
- CONSTRUCTION TYPE: V-B
- FIRE SUPPRESSION SYSTEM – 2-HR FIRE BARRIERS BETWEEN UNITS
- NUMBER OF STORIES – 2 STORIES ABOVE GRADE
- BUILDING FOOTPRINT: 8,900 SF

PARKING:
- EXISTING: 0 SPACES
- PROPOSED: 5 SPACES FOR OFFICE, 3 SPACES/UNIT

ZONING:
- CA – NEIGHBORHOOD COMMERCIAL
  - HEIGHT: 25 FEET MAX.
  - FRONT YARD SETBACK: 25 FEET
  - SIDE YARD SETBACK: 10 FEET
  - REAR YARD SETBACK: 10 FEET

GENERAL NOTES

1. ALL CONSTRUCTION SHALL CONFORM TO APPLICABLE CITY, STATE AND FEDERAL CODES.
2. ALL SITE CONSTRUCTION NOT COVERED BY THESE PLANS AND SPECIFICATIONS SHALL CONFORM TO THE MOST RECENT EDITION OF THE CITY OF MANDAN CONSTRUCTION SPECIFICATIONS FOR MUNICIPAL PUBLIC WORKS IMPROVEMENTS.
3. THE CONTRACTOR SHALL BE BONDED, LICENSED, AND INSURED.
4. CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL NECESSARY SAFEGUARDS SUCH AS WARNING SIGNS, BARRICADES & NIGHT LIGHTS AT HIS OWN EXPENSE.
5. PROTECT THE IMPROVEMENTS ON SITE AND ON THE ADJOINING PROPERTIES. PROVIDE BARRICADES, COVERINGS OR OTHER TYPE OF PROTECTION AS NECESSARY TO PREVENT DAMAGE AND TO SAFEGUARD AGAINST INJURY TO EXISTING UTILITIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE TO NOT TRACK ANY DIRT OR DEBRIS ONTO WALKING OR PARKING SURFACES AND SHALL BE CLEANED BY THE CONTRACTOR.
7. TESTING SHALL BE BY A CONTRACTOR ENGAGED TESTING COMPANY AT THE CONTRACTOR'S EXPENSE.
8. SURVEYING SHALL BE THE RESPONSIBILITY OF THE RESPECTIVE CONTRACTOR. REPLACEMENT OF ANY DESTROYED PROPERTY CORNERS AT THE END OF THE PROJECT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
9. ALL MATERIALS SHALL BE CONSTRUCTED AND INSTALLED PER MANUFACTURE'S RECOMMENDATIONS.
10. THE CONTRACTOR WILL BE REQUIRED TO OBTAIN ALL NECESSARY PERMITS.
11. VERIFICATION OF CONDITIONS: THE CONTRACTOR SHALL VERIFY GRADES, LINES, LEVELS, LOCATIONS, AND DIMENSIONS AS SHOWN AND INSPECT SURFACES THAT ARE TO RECEIVE WORK BEFORE PROCEEDING. NOTIFY OWNER IN WRITING IN CASE OF UNSUITABLE CONDITIONS, DEFECTIVE SUBSTRATES, OR DISCREPANCIES IN CONTRACT DOCUMENTS. STARTING OF WORK SHALL IMPLY ACCEPTANCE OF CONDITIONS. THE CONTRACTOR SHALL FOLLOW CITY OF BISMARCK ORDINANCE ON INSPECTION OF SUBGRADE, GRAVEL, CONCRETE AND ASPHALT SURFACES.
12. REMOVE ALL CONCRETE AND CURB AND GUTTER TO THE NEAREST JOINT. ALL REMOVED MATERIAL IS TO BE DISPOSED OF OFF SITE AT THE CONTRACTOR'S EXPENSE.
13. REMOVE AND STOCKPILE TOPSOIL AS NECESSARY TO COMPLETE THE IMPROVEMENTS. UPON COMPLETION OF THE IMPROVEMENTS PLACE ACCEPTABLE TOPSOIL ON ALL DISTURBED AREAS AND PREPARE THE TOPSOIL FOR SOD.
14. ALL EXISTING IMPROVEMENTS THAT ARE TO BE REMOVED SHALL BE DISPOSED OF OFFSITE AT THE CONTRACTOR'S EXPENSE.
15. THE CONTRACTOR SHALL OBTAIN A NDPDES PERMIT AND DEVELOP A SWPPP AS REQUIRED. THE CONTRACTOR SHALL FOLLOW ALL OF THE REQUIREMENTS OF THE NDPDES PERMIT AND SWPPP. INSTALLATION, MAINTENANCE AND REMOVAL OF THE EROSION CONTROL MEASURES SHALL BE CONSIDERED INCIDENTAL TO THE ASSOCIATED WORK.

N

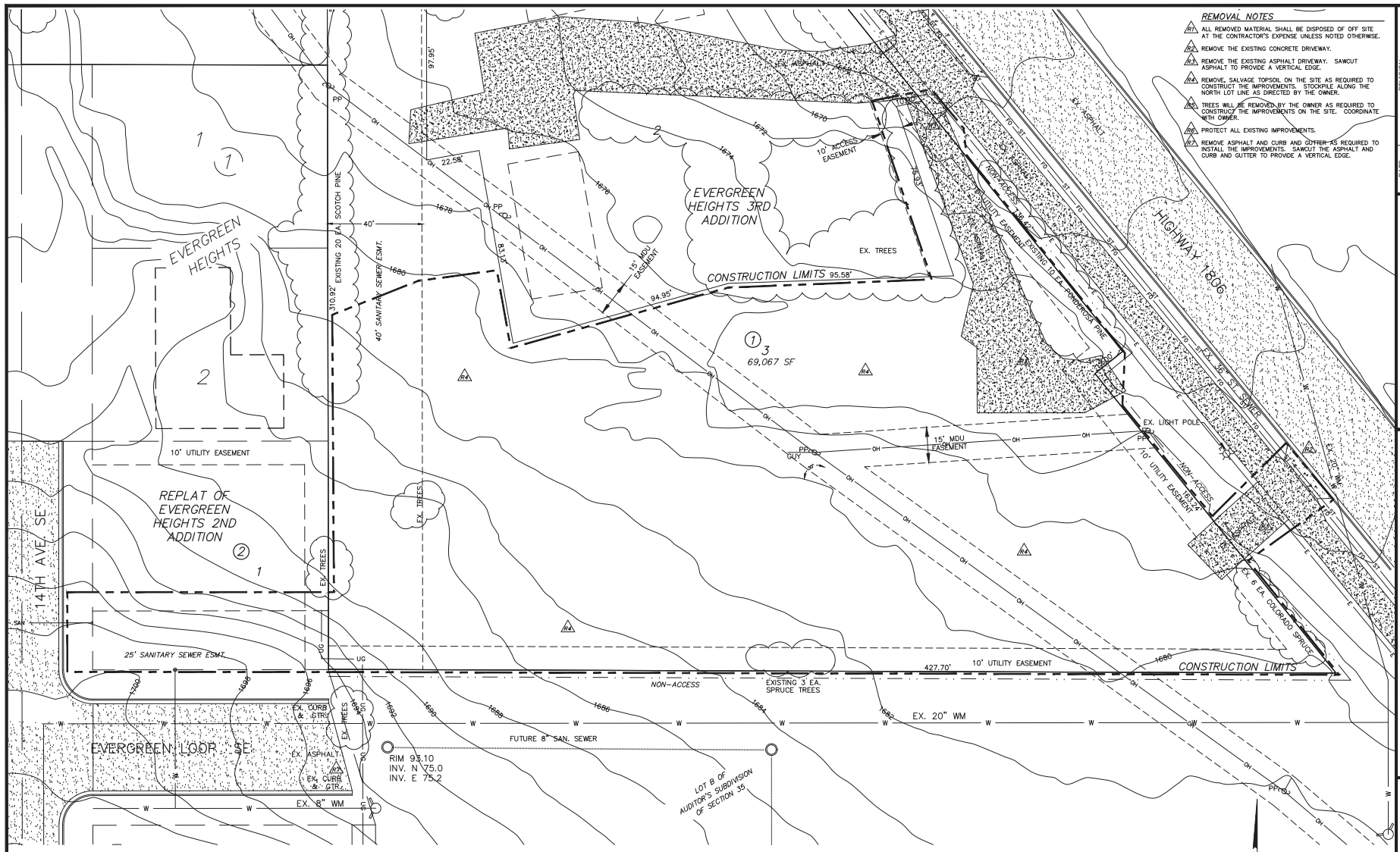
NOT TO SCALE
VERTICAL DATUM: NGVD 88
HORIZONTAL DATUM: NAD 83

REVISION	DATE

FESER ENGINEERING, PC
1217 N 1ST STREET, BISMARCK ND 58501
PHONE: 701-400-2801 EMAIL: greg@feserenig.com

COVER SHEET
RENNER'S SHOP CONDOS
EVERGREEN HEIGHTS 3RD ADDITION
MANDAN, NORTH DAKOTA

DESIGNED BY:	GJF
REVIEWED BY:	GJF
PROJ. NO.:	
DATE:	6-10-20



REMOVAL NOTES

R1. ALL REMOVED MATERIAL SHALL BE DISPOSED OF OFF SITE AT THE CONTRACTOR'S EXPENSE UNLESS NOTED OTHERWISE.

R2. REMOVE THE EXISTING CONCRETE DRIVEWAY.

R3. REMOVE THE EXISTING ASPHALT DRIVEWAY. SAWCUT ASPHALT TO PROVIDE A VERTICAL EDGE.

R4. REMOVE, SALVAGE TOPSOIL ON THE SITE AS REQUIRED TO CONSTRUCT THE IMPROVEMENTS. STOCKPILE ALONG THE NORTH LOT LINE AS DIRECTED BY THE OWNER.

R5. TREES WILL BE REMOVED BY THE OWNER AS REQUIRED TO CONSTRUCT THE IMPROVEMENTS ON THE SITE. COORDINATE WITH OWNER.

P6. PROTECT ALL EXISTING IMPROVEMENTS.

R7. REMOVE ASPHALT AND CURB AND GUTTER AS REQUIRED TO INSTALL THE IMPROVEMENTS. SAWCUT THE ASPHALT AND CURB AND GUTTER TO PROVIDE A VERTICAL EDGE.

WARRANTY / DISCLAIMER

THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING. HOWEVER, FESER ENGINEERING DOES NOT WARRANTY THESE PLANS AS CONSTRUCTED.

SAFETY NOTICE TO CONTRACTOR

IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL BUSINESS HOURS.

NOTICE TO CONTRACTOR

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CALL BEFORE YOU DIG

NORTH DAKOTA ONE CALL
800-795-0555 OR 811

SCALE 1" = 20'
0 10 20 40

REVISION	DATE

FESER ENGINEERING, PC
1217 N 1ST STREET, BISMARCK ND 58501
PHONE: 701-400-2801 EMAIL: greg@feserengineering.com

SITE SURVEY AND REMOVALS

RENNER'S SHOP CONDOS
EVERGREEN HEIGHTS 3RD ADDITION

MANDAN, NORTH DAKOTA

DESIGNED BY:	GJF
REVIEWED BY:	GJF
PROJ. NO.:	
DATE:	6-10-20

SHEET
2 of 5

GRADING

1. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR AN EROSION MANAGEMENT PLAN AND FOR THE IMPLEMENTATION AND MAINTENANCE OF THE PLAN. THE GENERAL CONTRACTOR SHALL CONTROL ON SITE EROSION SO AS NOT TO DISCHARGE ERODED MATERIAL ONTO ADJACENT PROPERTIES OR DOWN STREAM WITHOUT APPROVAL FROM THE OWNER AND THE CIVIL ENGINEER. IF ANY EXCAVATION OR EMBANKMENT MATERIAL DOES FLOW ONTO EXISTING IMPROVEMENTS, THE CONTRACTOR SHALL IMMEDIATELY RECTIFY THE PROBLEM AND REPAIR DAMAGES.
2. THE OWNER WILL SUBMIT A STORM WATER MANAGEMENT PLAN TO THE CITY OF BISMARCK TO RECEIVE PLAN APPROVAL. A COPY OF THE PLAN IS AVAILABLE AT THE CIVIL ENGINEERS OFFICE. THE PLAN MAY IDENTIFY THE MINIMAL EFFORT THAT THE CONTRACTOR MUST IMPLEMENT.
3. THE OWNER AND THE GENERAL CONTRACTOR SHALL JOINTLY SUBMIT A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) TO THE NORTH DAKOTA HEALTH DEPARTMENT. THE CONTRACTOR SHALL PREPARE THE SWPPP'S. THE OWNER WILL ULTIMATELY BE RESPONSIBLE FOR SUBMITTING A NOTICE OF TERMINATION.
4. PROTECT ADJACENT UTILITIES THAT ARE TO REMAIN.
5. CLEAR AND GRUB THE SITE AS NEEDED. DISPOSE OF ALL UNSUITABLE MATERIAL OFFSITE. PROVIDE ALL NECESSARY EROSION CONTROL MEASURES.
6. THE CONTRACTOR SHALL GRADE THE SUBGRADE TO 6 INCHES BELOW THE PROPOSED GRADE. PLACE AND COMPACT 6 INCHES OF TOPSOIL TO BRING THE SITE UP TO THE PROPOSED GRADES.
7. PLACE TOPSOIL WHERE THE SOUTH CONCRETE/ASPHALT DRIVEWAY WAS REMOVED.

CONCRETE

C1 EXTERIOR CONCRETE MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO THE CITY OF MANDAN SPECIFICATIONS EXCEPT AS MODIFIED HEREIN. AIR CONTENT SHALL BE 5 PERCENT TO 7 PERCENT. COMPRESSIVE STRENGTH SHALL 4,000 PSI AT 28 DAYS. SLUMP SHALL BE A MAXIMUM OF 4".

C2 CONTRACTION JOINT SPACING SHALL NOT EXCEED TWICE THE DEPTH OF THE CONCRETE IN FEET (I.E. 4" CONCRETE = 8' MAX. JOINT SPACING).

C3 CONTRACTION JOINT DEPTH SHALL BE NO LESS THAN 1/4 THE CONCRETE DEPTH.

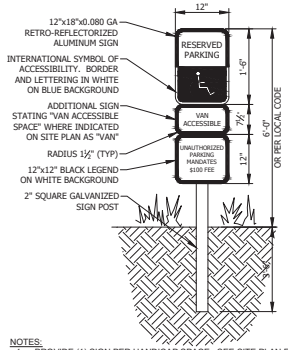
C4 JOINTS MAY BE SAWED. MINIMUM DEPTH OF SAWED JOINTS TO BE 3/4", WIDTH SHALL BE 1/8".

C5 CONSTRUCTION JOINTS WILL BE SPACED TO COINCIDE WITH CONTRACTION JOINT SPACING. CONSTRUCTION JOINTS SHALL HAVE A MINIMUM 1-1/2" DIA. HALF ROUND KEYWAY FOR LOAD TRANSFER.

C6 4" UNREINFORCED CONCRETE SIDEWALK.

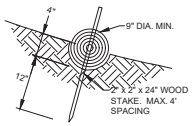
C7 7" UNREINFORCED CONCRETE.

C8 CONSTRUCT STANDARD CURB & GUTTER WHERE THE DRIVEWAY WAS REMOVED.



NOTES:
1. PROVIDE (1) SIGN PER HANDICAP SPACE. SEE SITE PLAN FOR EXACT LOCATION.
2. SIGN PANELS MAY BE MOUNTED TO THE BUILDING UPON OWNER'S PERMISSION.

ACCESSIBLE PARKING SIGN — NOT TO SCALE



NOTES:
1. FIBER ROLLS SHALL BE INSTALLED IN A TRENCH ON THE PARALLEL WITH THE GROUND CONTOUR.

FIBER ROLL — NOT TO SCALE

WARRANTY / DISCLAIMER

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CALL BEFORE YOU DIG

NORTH DAKOTA ONE CALL
800-795-0555 OR 811

N

SCALE 1" = 20'
0 10 20 40

REVISION	DATE

FESER ENGINEERING, PC
1217 N 1ST STREET, BISMARCK ND 58501
PHONE: 701-400-2801 EMAIL: greg@feserengineering.com

SITE AND GRADING PLAN
RENNER'S SHOP CONDOS
EVERGREEN HEIGHTS 3RD ADDITION
MANDAN, NORTH DAKOTA

DESIGNED BY: GJF
REVIEWED BY: GJF
PROJ. NO.:
DATE: 6-10-20

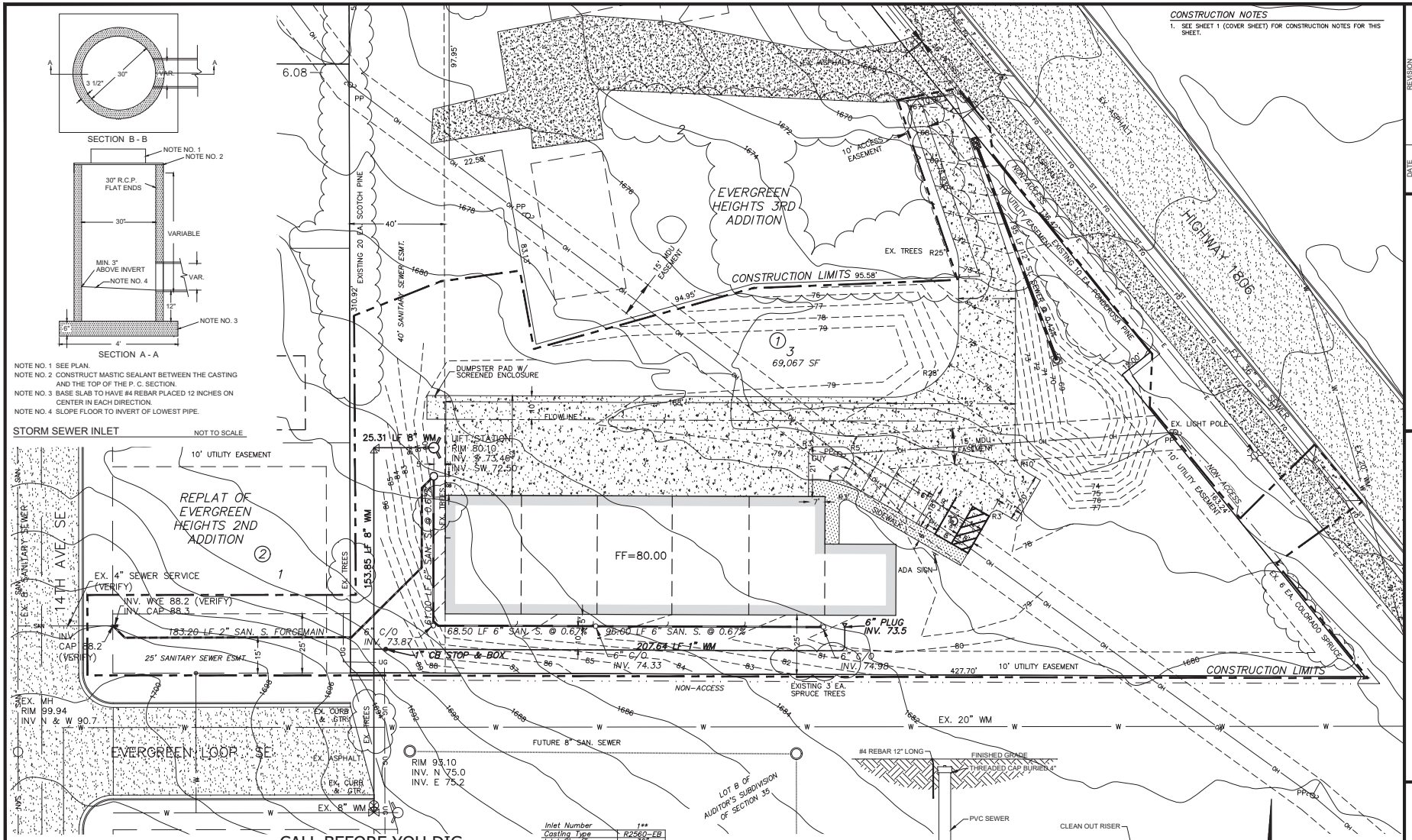
SHEET 3 of 5

SECTION B - B

SECTION A - A

NOTE NO. 1 SEE PLAN.
NOTE NO. 2 CONSTRUCT MASTIC SEALANT BETWEEN THE CASTING AND THE TOP OF THE P. C. SECTION.
NOTE NO. 3 BASE SLAB TO HAVE #4 REBAR PLACED 12 INCHES ON CENTER IN EACH DIRECTION.
NOTE NO. 4 SLOPE FLOOR TO INVERT OF LOWEST PIPE.

STORM SEWER INLET NOT TO SCALE



CONSTRUCTION NOTES

1. SEE SHEET 1 (COVER SHEET) FOR CONSTRUCTION NOTES FOR THIS SHEET.

WARRANTY / DISCLAIMER

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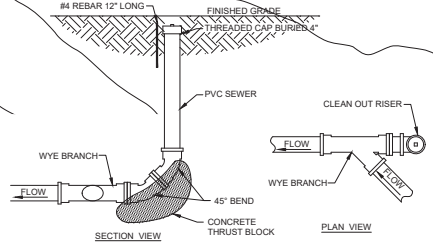
Inlet Number	1**
Casting Type	R2560-EB
Inlet Size/Type	30"
Casting Elev.	71.50
Top P.C. Section	71.17
Invert Elev. (a)	68.75
Invert Elev. (b)	69.00
Invert Elev. (c)	70.50

12"
6"* 6"*

*NOTE: THESE ARE ORIFICE SIZES TO BE CORED INTO THE INLET.

**NOTE: PROVIDE AN ADDITIONAL 1.0 FOOT OF LENGTH TO THE BOTTOM OF THE P.C. SECTION FOR ADDITIONAL STRENGTH.



CLEAN OUT NOT TO SCALE

SCALE 1" = 20'
0 10 20 40

REVISION
DATE

FESER ENGINEERING, PC
1217 N 1ST STREET, BISMARCK ND 58501
PHONE: 701-400-2801 EMAIL: greg@feserengineering.com

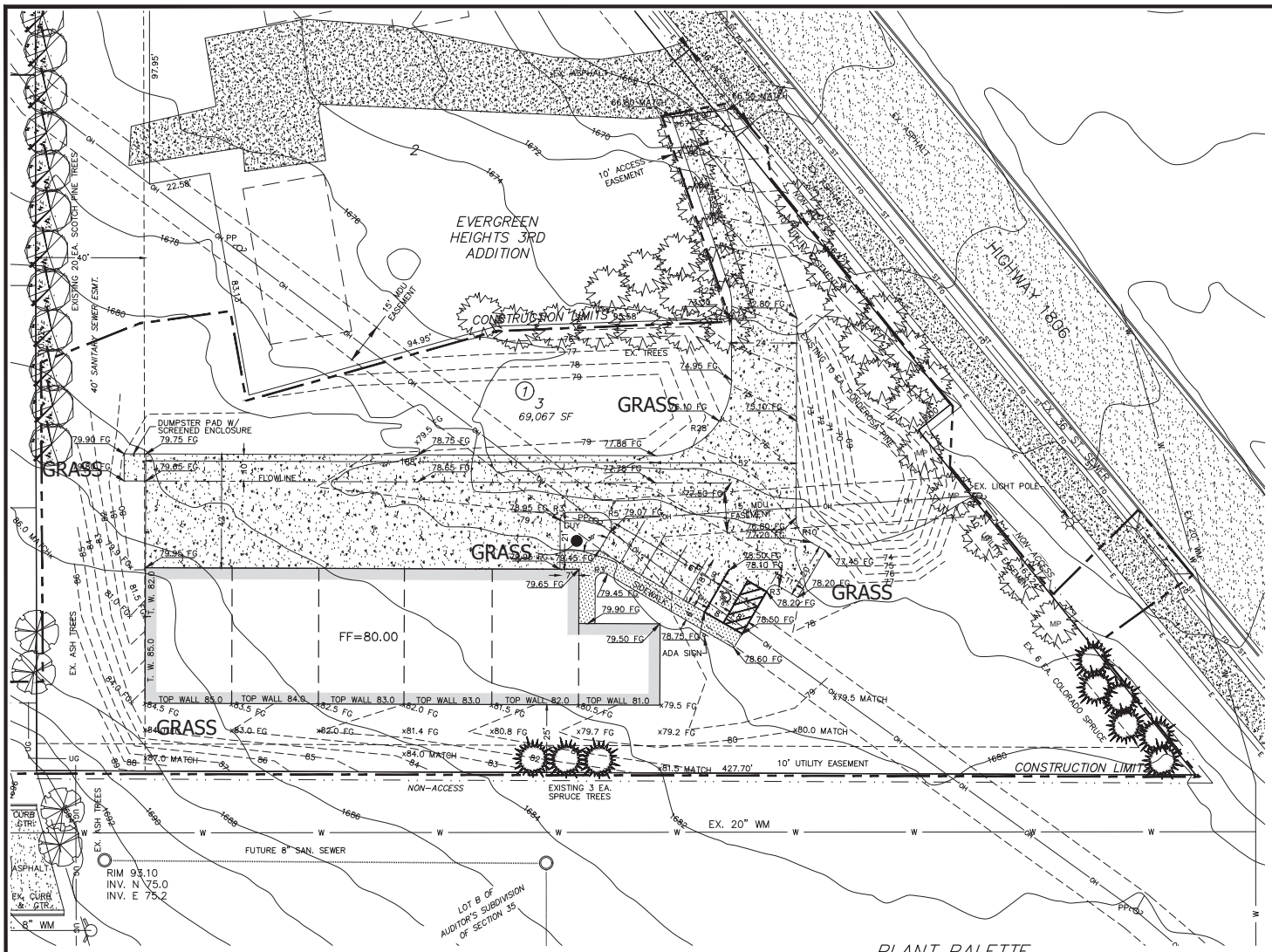
UTILITY PLAN

RENNER'S SHOP CONDOS
EVERGREEN HEIGHTS 3RD ADDITION

MANDAN, NORTH DAKOTA

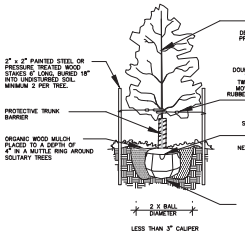
DESIGNED BY: GJF
REVIEWED BY: GJF
PROJ. NO.:
DATE: 6-10-20

SHEET 4 of 5



CONSTRUCTION NOTES

1. THE CONTRACTOR IS RESPONSIBLE AND SHALL MAINTAIN THE LANDSCAPING FOR 90 DAYS PAST THE FINAL INSPECTION.
2. THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL INSPECTION.
3. ALL PLANT MATERIAL SHALL MEET THE CITY OF MANDAN REQUIREMENTS.
4. ALL PLANT MATERIAL SHALL HAVE A NURSERY TAG LISTING THE COMMON AND BOTANICAL NAMES. NO PLANT MATERIAL OR PLANTING LOCATION SHALL BE CHANGED WITHOUT THE APPROVAL OF THE OWNER AND THE CITY FORESTER.
5. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO PLANTING.
6. SEEDING SHALL BE CLASS II (TURFGRASS FOR SUNNY AREAS) MIX.



TREE PLANTING DETAIL NTS

TYPICAL FOR ALL DECIDUOUS, EVERGREEN, SINGLE-TRUNK TREES

PLANT PALETTE

	SYM.	COMMON NAME	SCIENTIFIC NAME	SIZE	QNTY.
MEDIUM	MP	HOT WINGS TARTARIAN MAPLE	Acer Tartaricum 'GarAnn'	6'	5

NOTE: IF PLAN QUANTITIES DIFFER FROM PLANT PALETTE QUANTITIES, PLAN QUANTITIES SHALL BE USED.

N

SCALE 1" = 20'

0 10 20 40

WARRANTY / DISCLAIMER

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CALL BEFORE YOU DIG

NORTH DAKOTA ONE CALL
800-795-0555 OR 811

REVISION	DATE

FESER ENGINEERING, PC
1217 N 1ST STREET, BISMARCK ND 58501
PHONE: 701-400-2801 EMAIL: greg@feserengineering.com

LANDSCAPE PLAN

RENNER'S SHOP CONDOS
EVERGREEN HEIGHTS 3RD ADDITION

MANDAN, NORTH DAKOTA

DESIGNED BY: GJF
REVIEWED BY: GJF
PROJ. NO.:
DATE: 7-15-20

SHEET
5 of 5

Return to:
CITY OF MANDAN
205 2ND AVE NW

MANDAN ND 58554

County Recorder **491979**
Morton County
Mandan ND 58554

EXHIBIT 2

ORDINANCE NO. 1313

AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP AND ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

SECTION 1. PROPERTY ANNEXED. The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

ALL THAT PART OF LOT B OF AUDITOR'S SUBDIVISION AND ALL OF LOT A AND LOT B OF LOT B AUDITOR'S SUBDIVISION OF THE SOUTHWEST 1/4 SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 2 REPLAT OF EVERGREEN HEIGHTS 2ND ADDITION; THENCE NORTH 00 DEGREES 06 MINUTES 31 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 256.67 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 1 EVERGREEN HEIGHTS ADDITION; THENCE NORTH 89 DEGREES 53 MINUTES 40 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 129.87 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF LOT A OF E1/2SW1/4 SECTION 35, T.139N., R.81W.; THENCE NORTH 00 DEGREES 01 MINUTE 22 SECONDS WEST, ALONG EAST LINE OF SAID LOT 1 OF LOT A OF E1/2SW1/4, A DISTANCE OF 258.17 FEET TO THE SOUTH RIGHT-OF-WAY OF 15TH STREET SE; THENCE NORTHEASTERLY AND TO THE RIGHT, ALONG SAID RIGHT-OF-WAY, ON A 204.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 58 DEGREES 38 MINUTES 59 SECONDS EAST, AN ARC LENGTH OF 33.78 FEET; THENCE NORTH 40 DEGREES 50 MINUTES 14 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 90.42 FEET TO THE WEST RIGHT-OF-WAY OF HIGHWAY 1806; THENCE SOUTH 38 DEGREES 47 MINUTES 51 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 329.06 FEET; THENCE NORTH 51 DEGREES 25 MINUTES 12 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 5.16 FEET; THENCE SOUTH 38 DEGREES 42 MINUTES 43 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 285.14 FEET; THENCE SOUTH 51 DEGREES 17 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 15.00 FEET; THENCE SOUTH 38 DEGREES 48 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 163.24 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 25 SECONDS WEST, A DISTANCE OF 427.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 3.70 ACRES, MORE OR LESS.

AND

BEGINNING AT THE NORTHERN MOST POINT OF THE PROPOSED EVERGREEN 3RD ADDITION BEING CENTERLINE STATION 60+20.94, 50 FEET RIGHT OF NORTH DAKOTA STATE HIGHWAY 1806, THENCE NORTH 51 DEGREES 12 MINUTES 9 SECONDS EAST, NORTHEASTERLY TO THE RIGHT OF WAY OF SAID HIGHWAY 1806, THENCE SOUTHEASTERLY 150 LEFT ALONG THE NORTHEASTERLY RIGHT OF WAY 79.06 FEET TO STATION 61+00.00, WHERE THE RIGHT OF WAY CHANGES TO 100.00 FEET LEFT OF CENTERLINE, THENCE ALONG SAID RIGHT OF WAY LINE TO THE EAST WEST 1/4 1/4 LINE SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST, THENCE ALONG SAID 1/4 1/4 LINE AND SAID RIGHT OF WAY LINE TO WHERE THE RIGHT OF WAY CHANGES TO 50 FEET LEFT OF CENTERLINE, THENCE ALONG SAID RIGHT OF WAY AND THE SOUTHWESTERLY LINE OF BECKY STREET 163.24 FEET TO CENTERLINE STATION 67+98.24, THENCE PERPENDICULAR AND SOUTHWESTERLY TO THE PREVIOUS LINE A DISTANCE OF 110 FEET TO THE MOST SOUTHEASTERLY CORNER OF THE PROPOSED EVERGREEN HEIGHTS THIRD ADDITION, THENCE NORTHWESTERLY ALONG THE SOUTH WESTERLY RIGHT OF WAY LINE OF HIGHWAY 1806 AS DESCRIBED IN THE PROPOSED EVERGREEN HEIGHTS THIRD ADDITION BOUNDARY DESCRIPTION AND EXHIBIT TO THE POINT OF BEGINNING.

THE INTENT OF THE ABOVE DESCRIPTION IS INCLUDE THE 1806 RIGHT OF WAY ADJOINING THE EVERGREEN HEIGHTS THIRD ADDITION, IN THE ANNEXATION TO THE CITY OF MANDAN.

SECTION 2. CORPORATE BOUNDARY EXTENDED. Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

SECTION 3. ZONING AMENDMENT. Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

The following properties, being All That Part Of Lot B Of Auditor's Subdivision And All Of Lot A And Lot B Of Lot B Auditor's Subdivision Of The Southwest 1/4 Section 35, Township 139 North, Range 81 West, Morton County, North Dakota (part of that previously described in Section 1) and comprising the proposed plat of Evergreen Heights Third Addition, shall be excluded from the A Agricultural District and included in the district as outlined below:

1. Lots 1 & 2, Block 1 shall be included in the CA – Commercial District **WITH RESTRICTIONS.** The allowable uses are limited to the following:

   Residential uses:

- Single-family dwelling;
- Two-family dwelling;
- Multifamily dwelling;

Office-bank group uses:

- Insurance or real estate;
- Professional Services; and
- Private company - Shop condos for contractor-related activities to include:
  - Landscaping, electrician, plumbing, HVAC, drywall taping; and
  - Carpenters, where no milling, cutting, or other wood machining is conducted

2. Lot 3, Block 1 shall be included in the CA – Commercial District **WITH RESTRICTIONS.** The allowable uses are limited to the following:

Office-bank group uses:

- Insurance or real estate;
- Professional Services; and
- Private company - Shop condos for contractor-related activities to include:
  - Landscaping, electrician, plumbing, HVAC, drywall taping; and
  - Carpenters, where no milling, cutting, or other wood machining is conducted

SECTION 4. RE-ENACTMENT. Section 105-2-2 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.

Tim Helbling, President
Board of City Commissioners

Attest:

Jim Neubauer
City Administrator

Planning and Zoning Commission:	September 23, 2019
First Consideration:	October 15, 2019
Second Consideration and Final Passage:	November 5, 2019
Recording Date:	November 20, 2019

COUNTY RECORDER, MORTON COUNTY, ND

I certify that this instrument was filed and recorded.

Nancy Seefeldt, County Recorder

By

491979

Fee $20.00

November 20, 2019 3:57:18 PI

County Recorder

Morton County

Mandan ND 58554

491979

COUNTY RECORDER COUNTY OF MORTON 1881 NORTH DAKOTA

EXHIBIT 3

Multi-use Shop Use Standards

(k) Multi-use shops. Each multi-use shop development may be permitted as a special use subject to the following minimum standards:

(1) Each individual unit within the structure shall have an open space/yard or public way on no more than three sides.

(2) Each individual unit within the structure shall have its own separate means of egress.

(3) Such units shall only contain group business, factory, mercantile, or storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.

(4) Uses, whether commercial or accessory to residential, shall be declared at the time of the conditional use permit issuance. No change in use may be conducted unless reevaluated through the special use permitting process and the structure meets all building code requirements for the desired change of use.

(5) Traditional mixed-use (residential and commercial combined) multi-use shops shall not be permitted. The declaration of either commercial or accessory to residential shall apply to all units within the structure and the structure will be constructed according to the minimum standards of the building code for the declared use.

(6) Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of the special use permit.

(7) Each structure shall be limited to one curb stop accessible by city staff.

(8) The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.

(9) Covenants, conditions, and restrictions (CC&Rs) or another form of recorded agreement approved by the city attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.

(10) For the city's utility billing purposes, a recorded development association or another form of recorded agreement approved by the city attorney is required if any of the individual units within the development are not owned by the same owner of the development. The recorded development association or recorded agreement shall set out, at a minimum, the allocation of costs and statement of understanding of the collective responsibility of owners for payment of city utilities. If a recorded development association or another form of recorded agreement approved by the city attorney is in place, the city will issue one utility bill per month to one owner or representative of the structure for the entire structure's base charges and consumption or usage. The monthly utility bill will not be sent to each individual owner within the structure. If ownership is divided after a special use permit has been obtained, the property owner shall furnish a copy of said recorded agreement to the city showing it meets this provision.

EXHIBIT 4

Special Use Permit Evaluative Criteria

a. The proposed use is in harmony with the purpose and intent of this chapter;

b. The proposed use is not in conflict with the adopted comprehensive plan of the city;

c. The proposed use will not adversely affect the health, safety, and general welfare of the public and the workers and residents in the area;

d. The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood;

e. The proposed use meets all appropriate regulations for the district in which it will be located;

f. The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community;

g. The proposed use includes adequate screening or buffering to compensate for any departure that the proposed use has from existing adjacent uses; and

h. The proposed use includes adequate provisions for those individuals who are mobility impaired.

EXHIBIT 5

Findings

- The proposed use is in harmony with the purpose and intent of this chapter subject to the restrictions included in Ordinance 1313.

- The proposed use is in conflict with the future land use map of the City; however, this deviation was evaluated by Planning and Zoning Commission and the Board of City Commissioners in late 2019 as part of Ordinance 1313.

- The proposed use will adversely affect the health, safety, and general welfare of the public and the workers and residents in the area without additional conditions to mitigate noise and illumination.

- External, structural illumination shall be downward and inward facing so as to avoid glare into the adjacent residential properties. Onsite property lighting shall be downward facing for the same reason.

- Noise-producing business-related activities, other than those of an office or clerical nature, are limited to between 6:00am and 10:00pm so as to avoid creating a nuisance for adjacent residential properties. Nothing in this condition permits exceeding the requirements of the MCO pertaining to noise nuisances.

- The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood if the additional restrictions are included as noted in the previous bullet points.

- The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community.

- The proposed use includes adequate screening or buffering to compensate for any departure that the proposed use has from existing adjacent uses.

- The proposed use includes adequate provisions for those individuals who are mobility impaired.

EXHIBIT 6

SPECIAL USE PERMIT

For

Multi-use Shop

The property owner(s) of Lot 3, Block 1, Evergreen Heights Third Addition are granted a special use permit for a multi-use shop structure containing six (6) units as defined in Section 101-1-3 of the Mandan Code of Ordinances (MCO) subject to the following conditions:

1. Each individual unit within the structure shall have an open space/yard or public way on no more than three sides.
2. Each individual unit within the structure shall have its own separate means of egress.
3. Such units shall only contain group business, factory, mercantile, or storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.
4. The structure is limited to commercial uses and restricted to those commercial uses allowed by Ordinance 1313.
5. The structure will be constructed according to the minimum standards of the building code for the declared use(s).
6. Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of this special use permit.
7. The structure shall be limited to one curb stop accessible by city staff.
8. The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
9. Covenants, conditions, and restrictions (CC&Rs) or another form of recorded agreement approved by the city attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.
10. If the property owner should choose to condo plat the structure for the purpose of selling individual units they are required to abide by the following requirement:

    a. For the city's utility billing purposes, a recorded development association or another form of recorded agreement approved by the city attorney is required if any of the individual units within the development are not owned by the same owner of the development. The recorded development association or recorded agreement shall set out, at a minimum, the allocation of costs and statement of understanding of the collective responsibility of owners for payment of city utilities. If a recorded development association or another form of recorded agreement approved by the city attorney is in place, the city will issue one utility bill per month to one owner or representative of the structure for the entire structure's base charges and consumption or usage. The monthly utility bill will not be sent to each individual owner within the structure. If ownership is divided after a special use permit has been obtained, the property owner shall furnish a copy of said recorded agreement to the city showing it meets this provision.

11. External, structural illumination shall be downward and inward facing. Onsite property lighting shall be downward facing.

12. Noise-producing business-related activities, other than those of an office or clerical nature, are limited to between 6:00am and 10:00pm. Nothing in this condition permits exceeding the requirements of the MCO pertaining to noise nuisances.

Dated this 24th day of August 2020

_____

President, Planning and Zoning Commission

ATTEST:

_____

Planning and Zoning Secretary

Ratified by the Board of City Commissioners on _____.

PUBLIC HEARING #5

PUBLIC HEARING #5

Mandan Planning and Zoning Commission Agenda Item PH5
For Meeting on August 24, 2020
Mandan Engineering and Planning Office Report

Part of Lot 1 and All of Lot 2, Block 1, Eastwood Acres 4th Subdivision

Requested Action

Special Use Permit – Daycare Center

Application Details				
Applicant	**Owner**	**Subdivision**	**Legal Description**	
Kennedy Grensteiner	PK Holdings LLC	Eastwood Acres Subdivision	East 105' of Lot 1 Less the North 146' and All of Lot 2, Block 1, Eastwood Acres 4th Subdivision	
Location		**Proposed Land Use**	**Parcel Size**	**Number of Lots**
East of Culver's in Mandan		Daycare Center	0.83 Acres	1
Existing Land Use	**Adjacent Land Uses**	**Current Zoning**	**Proposed Zoning**	**Adjacent Zoning**
Commercial	Multifamily Residential/Single Family Residential/Commercial	CA Commercial	CA Commercial	R7 Residential/CA Commercial
Fees	**Date Paid**	**Adjacent Property Notification Sent**	**Legal Notices Published**	
$450	June 29, 2020	July 31, 2020	August 14	

Project Description

Kennedy Grensteiner (operator) seeks a special use permit for a daycare center located at 1710 E Main St., which is located east of Culver's in Mandan. The request for a special use permit is occurring after-the-fact, as the operator opened at this new location in Spring 2020.

Background

The property owners received funding toward a remodel of the structure in 2019 via the Storefront Improvement Program. All commercial development in the City is subject to architectural review by the Mandan Architectural Review Commission (MARC). At the February 12, 2019 MARC meeting, the applicant's had noted a number of possible uses such as daycare center and general office space. John Van Dyke, Principal Planner indicated to the property owner to call the Planning Department to make sure that a daycare at this location would be allowed. The Planning Department was not contacted subsequently to determine whether or not this was an allowed use at this location.

The property owners applied for and ultimately obtained a building permit on December 31, 2019 for the remodel of a portion of the building to accommodate a daycare center. A certificate of occupancy was issued on April 4, 2020.

The daycare center operator was issued a state license for a daycare center for up to 118 children on April 6, 2020 following the necessary fire and health department inspections (See Exhibit 1). The daycare center opened shortly thereafter.

In mid-June, the City received a complaint of noise coming from the daycare. This is when the Planning Department was notified of the use and spoke with the daycare operator and complainant. An application was received in late June, missing the deadline for the July Planning and Zoning Commission (See Exhibit 2). As part of the state licensing process, Department of Human Services advise each applicant to inquire with the City to determine if any permits are required (See e-mail thread involving applicant, staff, and

Department of Human Services in Exhibit 3). The Planning Department was not contacted or involved in any discussions with the applicant or applicant representative.

Public and Department Comments

At the time of writing this report, staff received four public comments and one department comment. Public comments and a corresponding map are included in Exhibit 4 and a comment and evidence of community need for daycare services is provided by Ellen Huber, Business and Communications Director (See Exhibit 5).

Two property owners noted the primary concern as noise coming from the property. One public comment (address not provided in commenter's e-mail) noted concerns regarding potential safety issues as the kids are escorted from the daycare to Teamsters Park with no benefit of a sidewalk.

One property owner indicated support, noting the noise is preferential to other commercial noise in the vicinity.

Ellen Huber, Business and Communications Director indicates the need for daycare services in Morton County and providing evidence via the 2019 Child Care Profile produced by the Child Care Aware® of North Dakota program, which shows a potential demand of nearly 4,500 additional child care spaces. Director Huber also indicates support for Mandan businesses and its workforce by providing sufficient childcare services.

Regarding the lack of sidewalk on Shady Ln., Engineering and Planning Director, Justin Froseth indicated that the City is continuously identifying gaps in the pedestrian system and works to fill these gaps as they are identified and determined to be necessary to be filled. Director Froseth does not believe the special use permit should be contingent on the installation of a sidewalk.

Evaluative Criteria

Per 105-1-13 (d) (6), in order to provide a favorable recommendation, the Planning and Zoning Commission or a final decision by the Board of City Commissioners should consider eight (8) items provided for in Exhibit 6 for reference. In evaluating these criteria, staff finds the following:

- The proposed use is not in conflict with the adopted plan of the city. A daycare with up to 118 children is a commercial use and aligns with the commercial designation per the future land use plan for this property.

- The proposed use is in harmony with this chapter contingent on meeting the minimum use standards as provided in Exhibit 7.

- Additional operational restrictions are required in order to not adversely affect the health, safety, and general welfare of the public and workers and residents in the area related to mitigating noise produced by the outdoor play area. Staff recommends the following additional operational restrictions:
    - No more than fifteen (15) children to be outside utilizing the onsite play area at any one time to mitigate noise.
    - The play area is required to be utilized no earlier than 9:30am and no later than 7:00pm to mitigate noise.

- A ten (10) foot buffer is required along the east and west property boundary of the play area that adjoins the residentially used properties to mitigate noise.

- Without the additional operational restrictions, the use will be detrimental to the use or development of adjacent properties or of the surrounding neighborhood.

- The proposed use meets all appropriate regulations for the district in which it will be located.

- The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community.

- The proposed use should include a ten (10) foot buffer to the east and west sides of the play area to compensate for the departure that the proposed use has from existing residential adjacent uses.

- The proposed use includes adequate provisions for those individuals who are mobility impaired.

Staff Recommendation

Staff provides the use standards in Exhibit 7. These are required to be met at a minimum to obtain a special use permit and are included in the Special Use Permit for Daycare Center provided in Exhibit 8. Staff also recommends:

- No more than fifteen (15) children to be outside utilizing the onsite play area at any one time to mitigate noise.
- The play area is required to be utilized no earlier than 9:30am and no later than 7:00pm to mitigate noise.
- A ten (10) foot buffer is required along the east and west property boundary of the play area that adjoins the residentially used properties to mitigate noise.

Staff recommends approval of the special use permit and corresponding conditions of approval as provided in Exhibit 8 based on the findings in Exhibit 9.

Agency & Other Department Comments

Comments are included as exhibits and referenced within the staff report.

Engineering & Planning Staff Comments

Comments are included as exhibits and referenced within the staff report.

Engineering & Planning Recommendation

Engineering/Planning recommend approval of the special use permit for a daycare center with conditions as provided in Exhibit 8 based on the findings in Exhibit 9.

Proposed Motion

I move to approve the special use permit for a daycare center with conditions as provided in Exhibit 8 based on the findings in Exhibit 9.

List of Exhibits:
Exhibit 1 – DHS State License
Exhibit 2 – Application Documents
Exhibit 3 – Correspondence w/Applicant RE Use Approval
Exhibit 4 – Public Comments
Exhibit 5 – Business Development Department Letter of Support
Exhibit 6 – Evaluative Criteria
Exhibit 7 – Daycare Center Use Standards
Exhibit 8 – Special Use Permit for Daycare Center
Exhibit 9 – Findings
Exhibit 10 – Site plan and Floorplan

EXHIBIT 1

Child Care

License Issued by the

NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

THIS CERTIFIES THAT:

A Child's Garden
(Kennedy Mitchell)

1710 E Main Street -Mandan ND 58554

is hereby licensed to operate a **Child Care Center**

at the above stated address for a maximum of 118 children at any one time between the ages of 0 and 12 yrs.

This license is issued subject to the provisions of North Dakota State Law, and shall be effective on April 7th 2020.

This license expires on April 6, 2022.

License Number **30-87-5420-C**

Kelsey Dobitz, LBSW
Early Childhood Services Supervisor

DN# 954

EXHIBIT 2

CITY OF MANDAN

Development Review Application

	Minor Plat ($300)		Zone Change ($600)
	Preliminary Plat up to 20 acres ($400)		Planned Unit Development ($700)
	Preliminary Plat more than 20 acres ($450)		Land Use and Transportation Plan Amendment ($1,000)
	Final Plat up to 20 lots ($400)		Vacation ($500)
	Final Plat 21 to 40 lots ($550)		Variance ($400)
	Final Plat more than 40 lots ($700)	X	Special Use Permit ($450)
	Annexation ($450)		Stormwater submittal ($300)
	Masterplanned Subdivision (not accepted without preliminary plat) ($250)		Stormwater 2nd & subsequent resubmittal ($50)
	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) ($250)		

Summary of Request (Add separate sheet(s) as necessary)

Daycare center

Engineer/Surveyor			Property Owner or Applicant		
Name			Name: KENNEDY GRENSTEINER		
Address			Address: 707 E Wachter Ave.		
City	State	Zip	City: Bismarck	State: ND	Zip: 58503
email			email: kennegrensteiner@aol.com		
Phone	Fax		Phone: (701) 220 8596	Fax:	

If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request. SEE ATTACHED

Location	Type	Existing Zone	Proposed Zone	Project Name
X City ☐ ETA	☐ New ☐ Addition	CA		

Property Address	Legal Description
1710 E. MAIN AVE.	EAST 105' OF LOT 1 (LESS N. 146') + ALL OF LOT 2 (820) BLOCK 1, EASTWOOD ACRES 4th SUBDIVISION
Current Use: PREVIOUSLY UNITED PRINTING	
Proposed Use: DAY CARE CENTER	Section: Township: 139 Range: 81

Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking
35,558 SF	14,861 SF	1	~~[illegible]~~ 7,624	20	36

Print Name	Signature	Date
KENNEDY GRENSTEINER		

Office Use Only			
Date Received:	Initials: nm	Fees Paid: $ 450	Date 6-29-2020
Notice in paper	Mailed to neighbors	P&Z meeting	
☐ Approved	Approved with conditions:		
☐ Denied			

July 31, 2020

Dear Property Owner:

The City of Mandan received an application from Kennedy Grensteiner, A Child's Garden, for a special use permit to operate a daycare at 1710 E Main Street. Said property is the East 105'of Lot 1 (less N. 146') and all of Lot 2, Block 1, Eastwood Acres 4th Addition, City of Mandan, Morton County, North Dakota.

The Mandan Planning and Zoning Commission will hold a public hearing Monday, August 24, 2020, at 5:30 p.m., in the Ed Bosh Froehlich Meeting Room at City Hall to consider the special use permit.

If Planning & Zoning approves the request, it will go before the City Commission on September 1, 2020, at 5:30 p.m., at City Hall for final approval.

Please contact the Engineering & Planning Department, at 667-3248 for questions or comments.

Planning & Zoning Department

Additional Submittals

Conditional-Special Use Permit

A special or conditional use permit application shall include the following additional submittals:

1. An answer with explanation for each of the following questions (please answer the below questions as completely as possible. Incomplete applications will not be accepted and may cause a delay in the application process):

   a. Will the proposed use be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?

   The building went through a major remodel & storefront renovation.

   b. Will the proposed use involve activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors?

   (backyard noise from children's playground from 8-5)

   We can work with neighbor to take the kids out at 9:30 instead.

   c. Will the hours of operation of the proposed use be different than the adjacent uses?

   A Child's Garden is open Monday through Friday from 6am-6pm.

d. Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses? Normal commercial exterior lighting (see attached) (12) 8 SOUTH 20 watt accent lighting 4-EAST LED UP/DOWN get from Farrell Fetyen (3) down on east side Sign lighting = (4) goose neck on South side

e. Will the site of the proposed use have sufficient area to provide the parking required for the use? YES

f. Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district? NO

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on aerials. The zoning map may be found on the City's website at CityofMandan.com and selecting Departments → Engineering and Planning → Maps → Zoning Map or by clicking here if viewing this document digitally.

June 23rd, 2020

To the City of Mandan

This letter shall serve as authorization for Kennedy Grensteiner, owner of A Child's Garden daycare center to request the Special Use Permit for her daycare center to be located at 1710 E Main Ave., Mandan, ND, Parcel ID #65-0912000 to the City of Mandan for approval.

Signed:_____

Jason Hageness

Owner/Managing Partner of PK Holdings, LLC

1021 S 23rd St., Bismarck, ND 58504

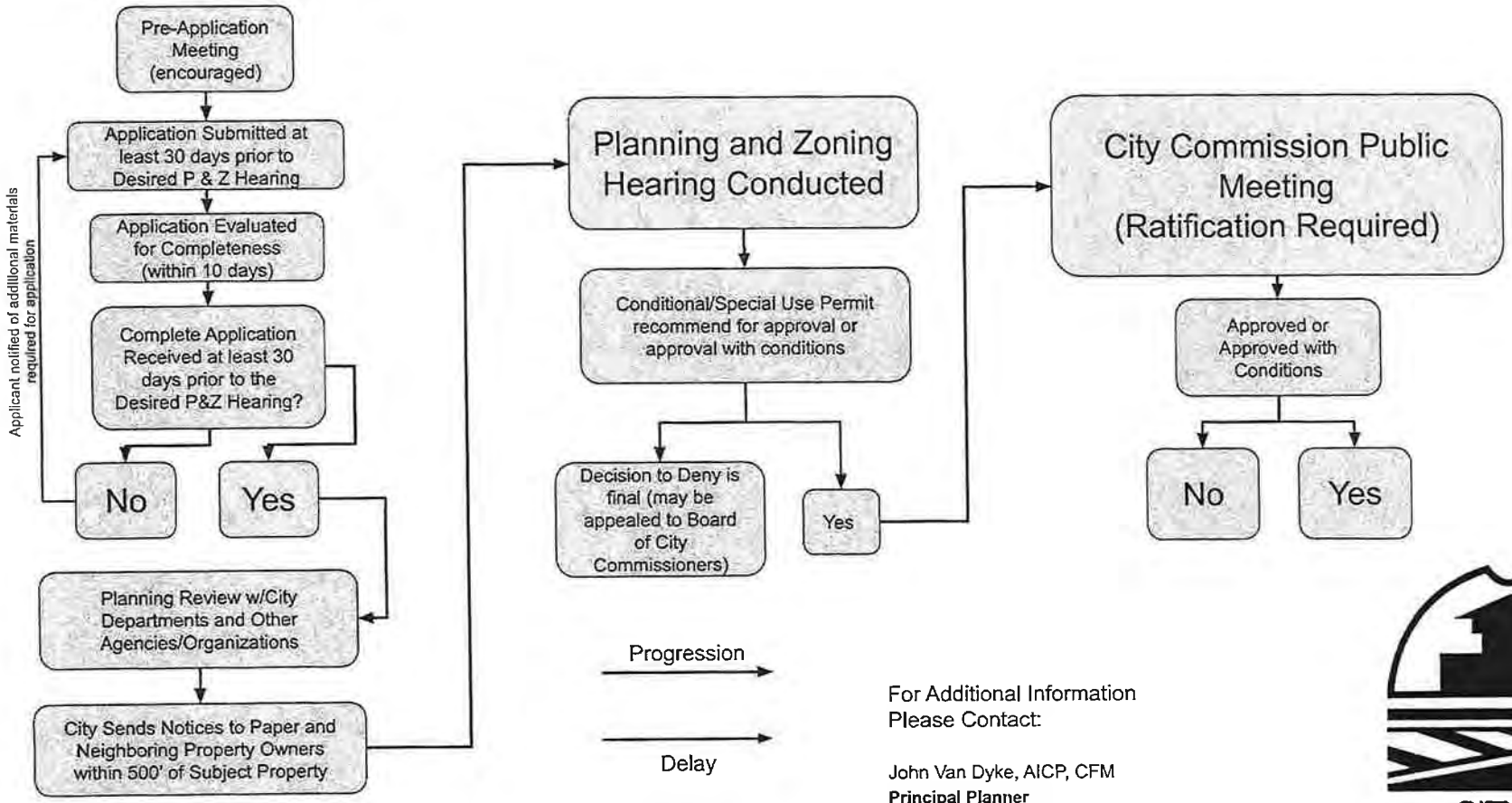
GEORGE YINEMAN
Notary Public
State of North Dakota
My Commission Expires May 12, 2024

George Yineman

City of Mandan
Land Use Application Process

Conditional/Special Use Permit

Average Time: 6-8 Weeks



For Additional Information
Please Contact:

John Van Dyke, AICP, CFM
Principal Planner
Office: 701-667-3248
E-mail: John.VanDyke@CityofMandan.com

CITY OF MANDAN
WHERE THE WEST BEGINS

Planning and Zoning Commission - 4th Monday of Each Month
City Commission - 1st and 3rd Tuesday of Each Month

EXHIBIT 3 - Applicant and DHS Correspondence
RE Need to Verfiy Use is Allowed

John W. Van Dyke

From: Kennedy Grensteiner <kenngrensteiner@aol.com>
Sent: Wednesday, July 08, 2020 9:23 AM
To: John W. Van Dyke
Subject: Re: RE: RE: FW: A Child's Garden Inquiry

I just talked to the realtor and the owner. They said they had no idea that needed to happen.

-----Original Message-----
From: John W. Van Dyke <john.vandyke@cityofmandan.com>
To: Kennedy Grensteiner <kenngrensteiner@aol.com>
Sent: Wed, Jul 8, 2020 09:01 AM
Subject: RE: RE: FW: A Child's Garden Inquiry

I'm just trying to determine if you discussed the daycare use at the property prior to obtaining the license from DHS. Did someone at the City provide explicit approval that this location was okay?

From: Kennedy Grensteiner <kenngrensteiner@aol.com>
Sent: Wednesday, July 08, 2020 8:56 AM
To: John W. Van Dyke <john.vandyke@cityofmandan.com>
Subject: Re: RE: FW: A Child's Garden Inquiry

I'm confused as to what's being asked

-----Original Message-----
From: John W. Van Dyke <john.vandyke@cityofmandan.com>
To: Kennedy Grensteiner <kenngrensteiner@aol.com>
Sent: Wed, Jul 8, 2020 08:04 AM
Subject: RE: FW: A Child's Garden Inquiry

Thanks Kennedy, but nothing regarding the specific daycare use at the property?

From: Kennedy Grensteiner <kenngrensteiner@aol.com>
Sent: Tuesday, July 07, 2020 6:52 PM
To: John W. Van Dyke <john.vandyke@cityofmandan.com>
Subject: Re: FW: A Child's Garden Inquiry

I have had both a fire inspection and health inspection done.

-----Original Message-----
From: John W. Van Dyke <john.vandyke@cityofmandan.com>
To: kenngrensteiner@aol.com <kenngrensteiner@aol.com>
Cc: lloyd.deringer@goharlows.com <lloyd.deringer@goharlows.com>
Sent: Tue, Jul 7, 2020 04:51 PM
Subject: FW: A Child's Garden Inquiry

Hi Kennedy,

Just one last thing, as I'm sure it will come up at P&Z. Did you speak with someone at the City regarding the daycare use per DHS instructions? I've highlighted the pertinent DHS portion in the thread below which relates to the applicant for the daycare contacting the City. Did that occur? If so, who did you speak with?

I probably won't have too many more questions after this. I appreciate your time.

Thank you,

John Van Dyke

From: Traeholt, Carmen J. <ctraeholt@nd.gov>
Sent: Tuesday, July 07, 2020 3:21 PM
To: John W. Van Dyke <john.vandyke@cityofmandan.com>
Subject: RE: A Child's Garden Inquiry

Hi John,

If you could define verification for me as it relates to licensing a child care program? I can explain what our DHS staff does to assist with licensing a program.

When a person contacts our office inquiring about opening a child care program we connect them with a licensing specialist that specialist helps them through the state licensing process. **As part of the initial process and prior to licensing our licensing specialists will tell the person they need to contact the city to see if there are any permits needed to run a program in the perspective building our home.** At that point our

licensing specialist focuses on health and fire inspections, back ground checks for staff, water temperatures within the building, making sure there is appropriate outdoor play space and many, many other licensing specifics as they relate to the health and safety of the program participants.

Carmen Traeholt

Early Childhood Services Statewide Manager

701.328.4010 • 711 (TTY) • ctraeholt@nd.gov • DHS Home Page

From: John W. Van Dyke <john.vandyke@cityofmandan.com>
Sent: Tuesday, July 7, 2020 12:24 PM
To: Traeholt, Carmen J. <ctraeholt@nd.gov>
Subject: RE: A Child's Garden Inquiry

Thank you Carmen. How would verification with the City typically occur?

From: Traeholt, Carmen J. <ctraeholt@nd.gov>
Sent: Tuesday, July 07, 2020 10:34 AM
To: John W. Van Dyke <john.vandyke@cityofmandan.com>
Subject: A Child's Garden Inquiry

Hello John

I have attached a copy of the license for A Child's Garden, located at 1710 E Main Street in Mandan.

If the city has special ordinances regarding childcare, DHS needs to make sure the childcare is following the ordinances and we require a health inspection and fire inspection prior to licensing a facility.

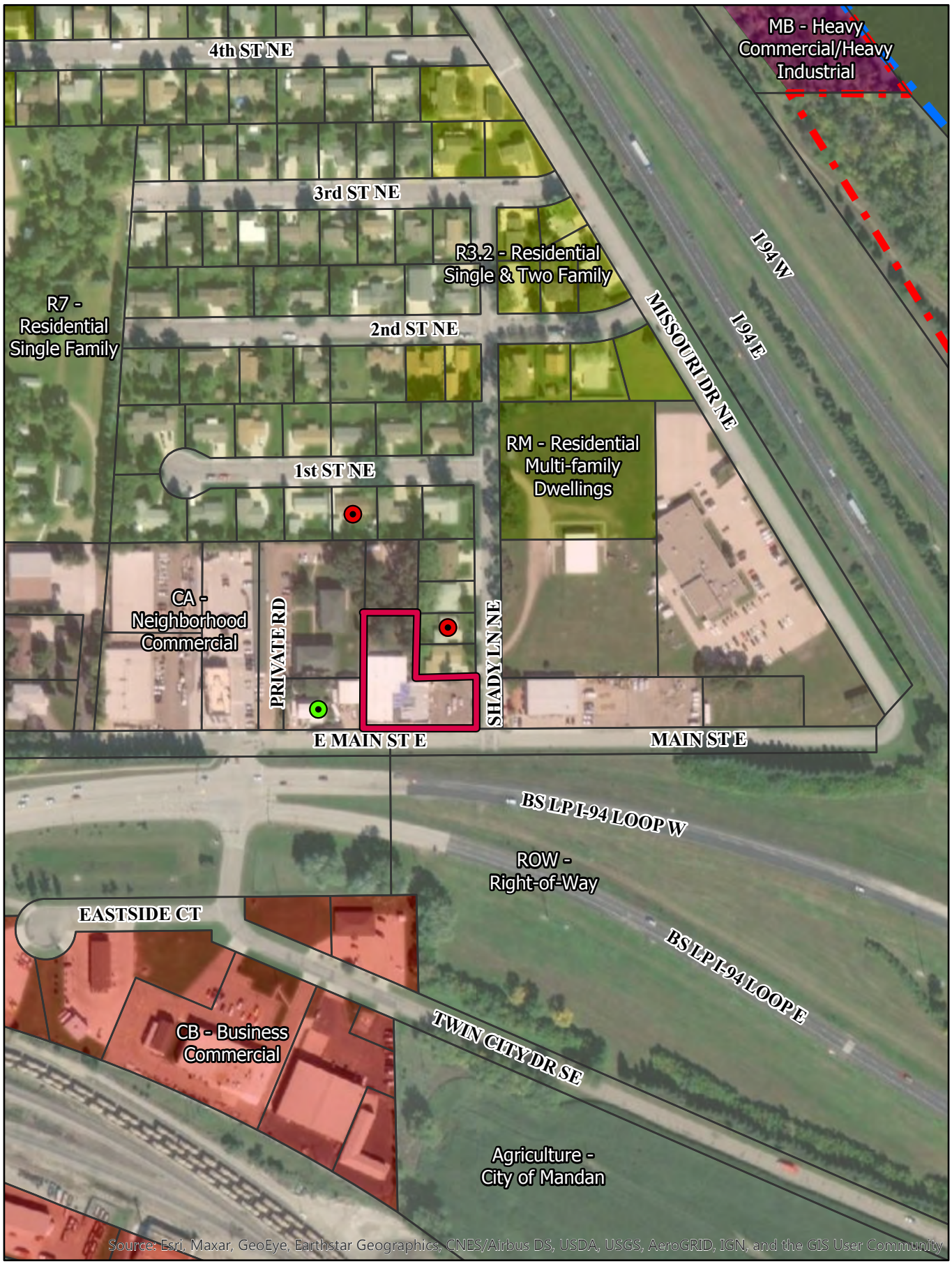
Thanks

Carmen Traeholt

Early Childhood Services Statewide Manager

701.328.4010 • 711 (TTY) • ctraeholt@nd.gov • DHS Home Page

EXHIBIT 4 - PUBLIC COMMENTS



Opposed

In favor

July 28, 2020

To: Whom it may concern

Re: Child's Garden Daycare

This is Kim + Terry Krueger at 105 Shady Lane. Kim retired 5 years ago and Terry retired 1 year ago. We have resided at this address close to 20 years.

When the daycare opened in April of this year, we had no idea the noise this would cause and interfere with us being outside and enjoying our porch that we had built 2 years ago. (picture included)

We do not mind kids playing; we have grandchildren and great grandchildren. The kids screaming at this daycare is out of bounds.

Not only is it difficult to enjoy our backyard, it is disruptive in our home when we open our windows.

In order to try to cut the noise, we built a new fence the end of May. The fence is taller and the gaps are smaller than our old fence, but to no avail. (picture included)

We would appreciate their co-operation in this matter, to lessen the noise and work with the neighborhood.

Thank-you

Kim + Terry Krueger

phone 663-8149 cell 220-6299

Duane J/Regina M Kraft

Phone Call Received August 5 – Regina indicated that she is in favor of the daycare center, as the City needs business and needs daycares. The noise from the kids playing is preferential to the noise coming from Culver's. They reside at 1708 Main St. E which is immediately to the west of the daycare center.

Michael Smith/???(indiscernable)

Phone Call Received August 11 – Caller indicated that noise has been so loud that they have to sleep in the basement to avoid it (both residents work nights) and therefore oppose the special use permit. The caller also indicated that the traffic has exacerbated an already difficult area stemming from Culver's and other businesses. Since the daycare has opened traffic has increased exponentially on that street and it's hard to get in and out. They reside at 1709 1st St. NE which is approximately 150 ft. from the northern boundary of the daycare center.

John W. Van Dyke

From: Paige Pederson <pedersonpn@hotmail.com>
Sent: Thursday, August 06, 2020 4:14 PM
To: John W. Van Dyke
Subject: Re: Child's Garden Daycare Center

Categories: Red category

Hi John,,
Regarding the daycare in our neighborhood. I have no real problem with a daycare where it is but I do think that there are safety issues that should be addressed. Some of the young caregivers have been walking very young children or pushing them in strollers on Shady Lane. That street is very narrow and while not heavily traveled there is traffic. Also the young women were walking with their back to traffic. The corner of Main and Shady Lane is blind when there are vehicles parked. I also have some concern with adding traffic at the intersection in front of Culver's. The intersection is an accident waiting to happen under the best circumstances and with additional traffic?
Guess it comes to traffic and kids and safety and how the owners plan to handle outside walks.

From: John W. Van Dyke <john.vandyke@cityofmandan.com>
Sent: Monday, August 3, 2020 4:54 PM
To: pedersonpn@hotmail.com <pedersonpn@hotmail.com>
Subject: Child's Garden Daycare Center

Here's my contact information.

John Van Dyke, AICP, CFM

Principal Planner
Engineering and Planning Department
City of Mandan
205 Second Avenue NW, Mandan, ND 58554
www.cityofmandan.com
Office 701-667-3248

EXHIBIT 5

CITY OF
MANDAN
WHERE THE WEST BEGINS

Business Development & Communications

August 12, 2020

Dear Mandan Planning & Zoning Commission:

The purpose of this letter is to convey support for a special use permit for A Child's Garden as a licensed childcare facility at 1710 E Main St.

A Child's Garden expanded earlier this year from its location in the Teen Challenge building, 1406 Second St NW.

Accommodating this business is about retaining and creating jobs and also providing an essential service for the area's workforce. Mandan needs childcare facilities. Child Care Aware of North Dakota's 2019 assessment for Morton County indicated a potential demand of 4,495 children ages 0-12 as compared to the capacity of licensed childcare programs of 987. The full summary is attached.

The 1710 E Main St. location is an area zoned CA for Neighborhood Commercial. It has reasonably good access from I-94 exits 55 and 53, off-street parking, a backyard for outdoor activities, and a park within a few minutes of walking along quiet neighborhood residential streets. The location is adjacent to single family residential. I'm optimistic that an agreement can be worked out to minimize noise concerns. For example, perhaps the center could divide children into smaller age-based groups for outdoor play.

Please give favorable consideration to steps needed to keep A Child's Garden operational within our community.

Sincerely,

Ellen Huber

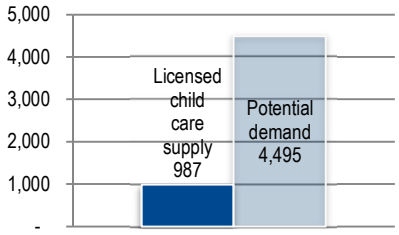
Ellen Huber
Business Development & Communications Director

Phone: 701-667-3485 • Fax: 701-667-3223 • 205 Second Ave. NW • Mandan, ND 58554
www.cityofmandan.com/businessdevelopment

Child Care Profile
2019
Morton County

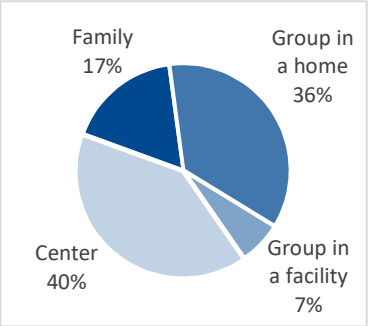
Children Potentially Needing Child Care

	0-2 yrs	3 yrs	4-5 yrs	6-12 yrs	Total
Children in County by Age[1]	1,420	421	846	2,693	5,380
% of Children Ages 0 to 5 with All Parents in the Labor Force[1]					80.2%
% of Children Ages 6 to 13 with All Parents in the Labor Force[1]					86.8%
Children Ages 0 to 5 potentially needing child care due to parents in workforce					2,156
Children Ages 6 to 12 potentially needing child care due to parents in workforce					2,339
Capacity of state-licensed child care programs (family, group, center, school-age[3])					987
Current Child Care Assistance Program Recipients Age 0-13[1]					157
Percent to which supply meets potential demand					22%



State-Licensed Early Childhood Program Type and Capacity[2] (2019)

	Family	Group in a home	Group in a facility	Center	Total
Number of Programs	19	29	3	5	56
Licensed Capacity	171	354	65	397	987
Reported Vacancies[4]	13	14	0	4	31
Providers/Capacity Added	6/54	6/78	2/45	0/0	14/177
Providers/Capacity Lost	3/27	11/138	0/0	3/170	17/335
Programs open before 7:00 a.m.	0	4	1	3	8
Programs open after 6:00 p.m.	1	0	0	0	1
Programs open on Weekends	0	0	0	0	0
Reported Size of Workforce	22	44	9	52	127
State-licensed school-age programs[3]		0	with a licensed capacity of		0



Annual Cost of State-Licensed Child Care[2]

	Home-based Programs		Centers and Group Facilities	
Age of Child	Average	Highest Rate	Average	Highest Rate
Ages 0 to 17 months	$7,754	$9,620	$8,334	$10,400
18 to 35 months	$7,531	$9,620	$8,115	$10,140
Ages 3 to 5	$7,474	$9,620	$8,162	$9,880
Ages 6 to 12 (Annual costs for school-age children vary greatly based on hours needed.)				

www.ndchildcare.org

[1] 2019 ND Kids Count Fact Book
[2] Child Care Aware® of North Dakota NACCRRAware Database (surveyed between January and June 2019)
[3] School-age care numbers reflect programs licensed exclusively as before and after school programs under Early Childhood Services rules. Not all school-age programs are required to be licensed. In addition, many school-age children are enrolled in family/group programs and child care centers.
[4] Vacancies change daily and may not match the location or program characteristics desired by families needing care. A 10% vacancy rate allows families some choice among programs.

EXHIBIT 6

Special Use Permit Evaluative Criteria

a. The proposed use is in harmony with the purpose and intent of this chapter;

b. The proposed use is not in conflict with the adopted comprehensive plan of the city;

c. The proposed use will not adversely affect the health, safety, and general welfare of the public and the workers and residents in the area;

d. The proposed use will not be detrimental to the use or development of adjacent properties or of the surrounding neighborhood;

e. The proposed use meets all appropriate regulations for the district in which it will be located;

f. The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community;

g. The proposed use includes adequate screening or buffering to compensate for any departure that the proposed use has from existing adjacent uses; and

h. The proposed use includes adequate provisions for those individuals who are mobility impaired.

EXHIBIT 7

Daycare Center Use Standards

(f) Day care center. A day care center is a facility providing services to more than 12 children or any number of adults. A day care center requires a special use approval and must comply with the following criteria:

(1) The facility must receive state approval before an occupancy permit can be issued;

(2) For a facility catering to children, each building shall provide not less than 35 square feet of interior play area per child;

(3) For a facility catering to children, a fenced outdoor play area of not less than 75 square feet per child shall be provided that is located no closer than ten feet to an adjoining residential lot;

(4) For a facility catering to adults, there shall be an outdoor lawn area and covered porch offering either active recreation or passive activities for groups or individuals;

(5) As a minimum, onsite parking shall be provided at the ratio of one space per manager and employee per shift plus one space for each 12 clients; and

(6) Drop off and pickup of clients shall be in an area off the public street that is separate from parking spaces.

EXHIBIT 8

SPECIAL USE PERMIT

For

Daycare Center

The property owner(s) of the East 105' of Lot 1 less the North 146 feet and All of Lot 2, Block 1, Eastwood Acres 4th Addition are granted a special use permit for a daycare center as defined in Section 101-1-3 of the Mandan Code of Ordinances (MCO) subject to the following conditions:

1. The facility must receive state approval before an occupancy permit can be issued and limited to the number of children permitted by said license; and

2. The building shall provide not less than 35 square feet of interior play area per child; and

3. The fenced outdoor play area shall include not less than 75 square feet per child and shall be located no closer than ten feet to an adjoining residential lots on the east and west boundaries; and

4. The facility is not permitted to cater to adults; and

5. As a minimum, onsite parking shall be provided at the ratio of one space per manager and employee per shift plus one space for each 12 clients; and

6. Drop off and pickup of clients shall be in an area off the public street that is separate from parking spaces; and

7. No more than fifteen (15) children to be outside utilizing the play area at any one time; and

8. The play area is required to be utilized no earlier than 9:30am and no later than 7:00pm.

Dated this 24th day of August 2020

_____

President, Planning and Zoning Commission

ATTEST:

_____

Planning and Zoning Secretary

Ratified by the Board of City Commissioners on _____.

EXHIBIT 9

Findings

- The proposed use is not in conflict with the adopted plan of the city. A daycare with up to 118 children is a commercial use and aligns with the commercial designation per the future land use plan for this property.

- The proposed use is in harmony with this chapter contingent on meeting the minimum use standards as provided in Exhibit 3.

- Additional operational restrictions are required in order to not adversely affect the health, safety, and general welfare of the public and workers and residents in the area related to mitigating noise produced by the outdoor play area. The following additional operational restrictions are:
    - No more than fifteen (15) children to be outside utilizing the onsite play area at any one time.
    - The play area is required to be utilized no earlier than 9:30am and no later than 7:00pm.
    - A ten (10) foot buffer is required along the east and west property boundary of the play area that adjoins the residentially used properties.

- Without the additional operational restrictions, the use will be detrimental to the use or development of adjacent properties or of the surrounding neighborhood.

- The proposed use meets all appropriate regulations for the district in which it will be located.

- The proposed use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of importance to the community.

- The proposed use should include a ten (10) foot buffer to the east and west sides of the play area to compensate for the departure that the proposed use has from existing residential adjacent uses.

- The proposed use includes adequate provisions for those individuals who are mobility impaired.

EXHIBIT 10 - PARKING AND FLOOR PLAN

NEW COMMERCIAL APPLICATION AND SITE PLAN REVIEW

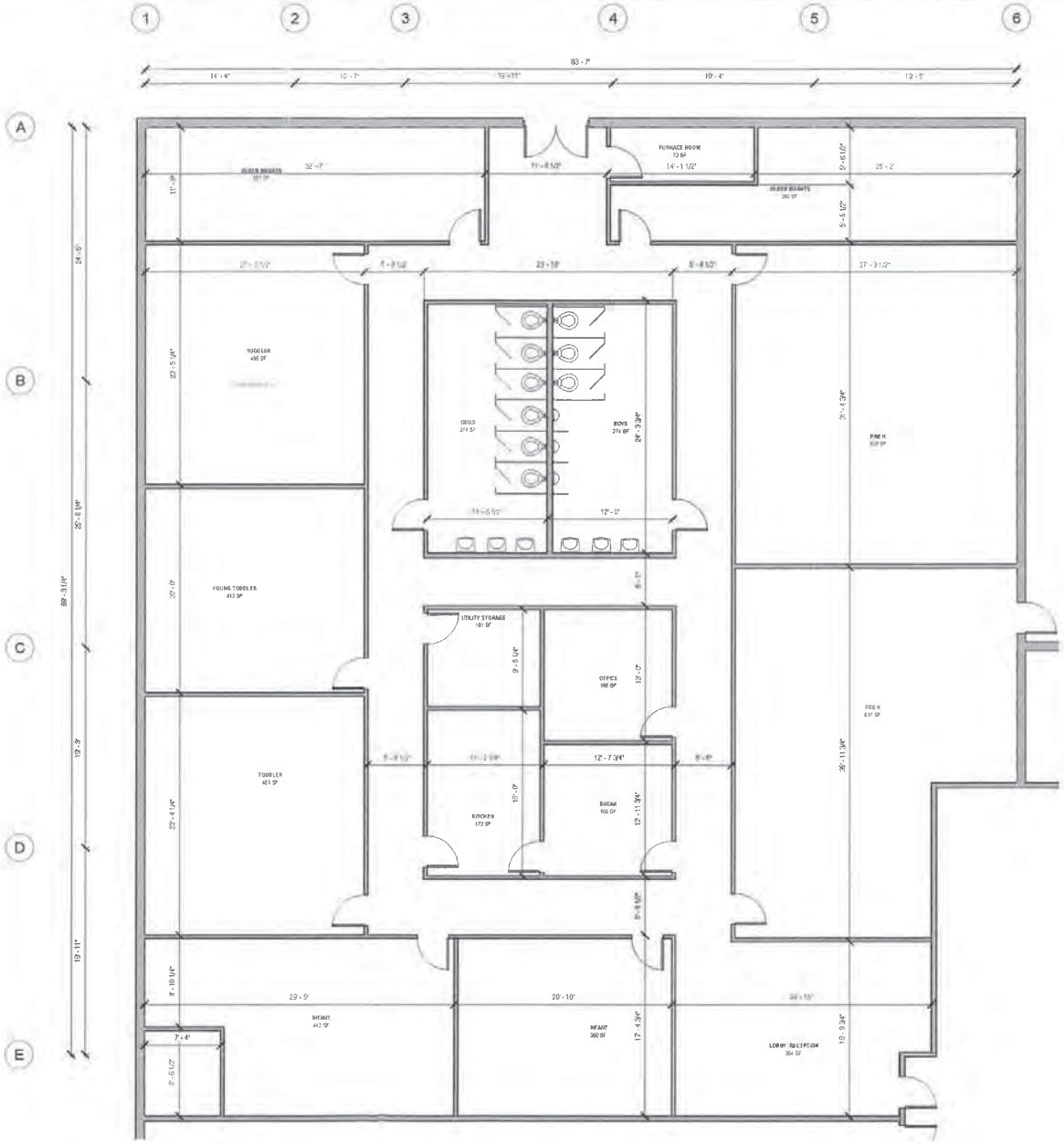
Building Department, 205 2nd Ave. NW, Mandan ND 58501 Phone: (701) 667-3230 Fax: (701) 667-3481

Project Name: Daycare Tenant	Estimated Cost: 200,000
Property Location (Legal Description - Lot, Block, Addition): 1710 E Main St	
Property Address: 1710 E Main St	Existing Use of Land/Bldg: Previously United
New Construction, Addition, or Remodel: Remodel	Proposed Use of Land/Bldg: Strip Mall- Daycare
Parcel Size (sf):	Number of Stories: 1 / Units: / Overall Height:
Detailed Project Description: (please fill out separate permit for each building, if multiple buildings): Previously known as United Printing in Mandan, Has been remodeled into 5 separate tenants. The Largest of the tenant space being used for the daycare. Framing separate classrooms. Finish Work Etc.	Total Square Footage of Building: 14,000
	Number of Off-street parking spaces required:
	Number of Off-street parking spaces provided:
PROPERTY OWNER:	
Name: Jason Hageness	Daytime Telephone Number:
Mailing Address: 1021 s 21st st Bismarck,ND 58504	Email: Jason.Hageness@goharlows.com
CONTRACTOR	
Name: Thomas Robert Craftsman Remodel LLC - D	Name and Email of Contact Person : Tom Eastgate-thomasrobertcr@gmail.com
Mailing Address: 504 3rd St NW Mandan, ND 58554	Daytime Phone #: 701-989-0677 / ND License #: AEC1744
CONTACT PERSON (FOR PURPOSE OF PROCESSING THIS APPLICATION):	
Name of Contact Person: Tom Eastgate	Name of Firm, if applicable: Craftsman Contracting
Mailing Address: 504 3rd St NW Mandan,ND 58554	
Daytime Phone Number: 7019890677	Email Address: thomasrobertcr@gmail.com
	SUB CONTRACTORS
Zoning District:	Plumbing: Rivers Edge Plumbing & / ND License # AEC531
Occupancy Classification:	Heating: Schaff Heating & Air / ND License # AEC1819
Type of Construction: Remodel	Electrical: Fetzer Electric / ND License # AEC517

I hereby acknowledge that this application is not a Building Permit, nor does it authorize the start of construction.

Signature of applicant

12/10/19
Date



1 MAIN FLOOR PLAN - DAYCARE
ENLARGED
3/16" = 1'-0"

PLAIN VIEW
DESIGN Co

DAY CARE

SD

BISMARCK, ND

12/02/19
19001

PROPOSED
DAYCARE

3/16" = 1'-0"

A2.1

Author

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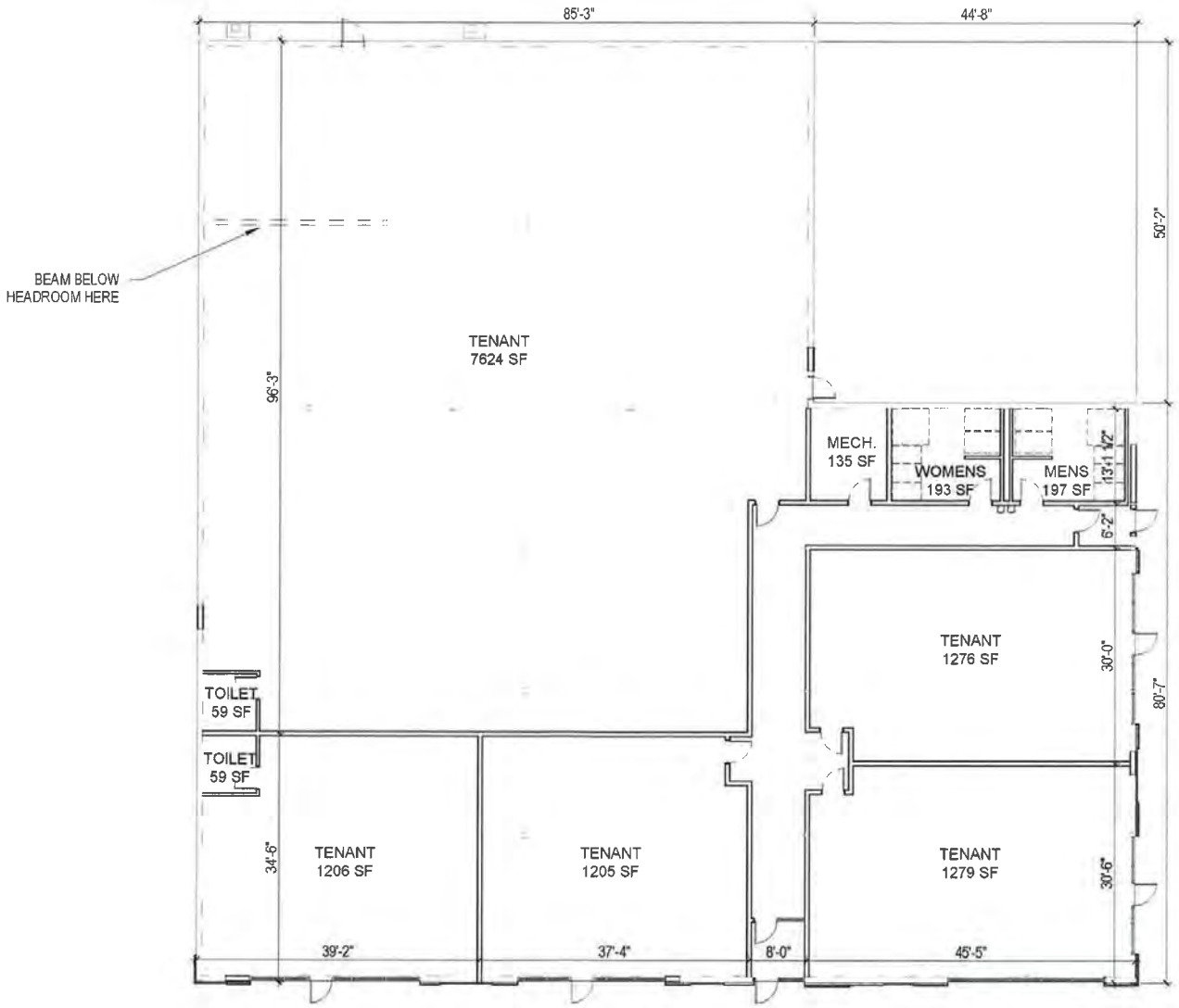

1 Presentation Main Floor Plan

Scale: 1/16" = 1'-0"

Preliminary - Not for Construction

J2 studio architecture + design, pc

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1 SE CORNER
Scale:

3 EAST SIDE
Scale:

2 SOUTH SIDE
Scale:

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architecture + design, pc

Preliminary - Not for Construction

SITE INFORMATION

ZONE: CA
LOT SIZE: 35,558 SF
BUILDING SIZE: 14,861 SF

OFFSTREET PARKING:
- RESTAURANT: 1 SPACE PER 4 SEATS
- MEDICAL CLINIC: 3 PER DOCTOR + 1 FOR EACH 2 EMPLOYEES
- RETAIL: 1 PER 400 SF
- OFFICE: 1 PER 400 SF
- BILLIARDS (PLACE OF PUBLIC ASSEMBLY - VERIFY): 1 PER 400 SF
- CHURCH (PLACE OF PUBLIC ASSEMBLY - VERIFY): 1 PER 400 SF

1 **Presentation Site Plan**
Scale: 1/32" = 1'-0"

J2 studio
architecture + design, pc
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Preliminary - Not for Construction