



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, JULY 27, 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/89273201641> or by **TELEPHONE**:
Dial 1 669 900 6833. Webinar ID: 892 7320 1641

Roll Call, Reading and Approval of the June 22, 2020 minutes.

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 B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: Engineering & Planning recommends approval of the final plat in Exhibit 1 subject to the conditions provided in Exhibit 3.

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 B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: Engineering & 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.

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 B. Open for public comment C. Close public comment D. Commission action

Staff Recommendation: Engineering & 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.

ADJOURN

MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
June 22, 2020

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on June 22, 2020, at 5:30 p.m. CDT. Due to the coronavirus situation, this meeting was held virtually on Zoom.

OTHER BUSINESS

1. Park Board and School Board appointees.

Other business is addressed first. Miles Mehlhoff joins the commission as the Park Board representative taking Commissioner Knoll's place. Commissioner Mehlhoff has served on Planning & Zoning in the past. The School Board has yet to appoint their representative and their rep should be in place by the next Planning & Zoning meeting.

ROLL CALL

Commissioners Present: Klein, Helbling, Liepitz, Renner, Frank, Camisa, Vayda, Mehlhoff, Robinson

Commissioners Absent: Boehm, Klemisch, Leingang

Commissioner Camisa motions to approve the May 27, 2020 minutes. Commissioner Renner seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from Andrew Lee & Kalli Swenson for approval of a minor plat named Andy's Addition. Said property is Lots 3 & 4, Block 1, Helmsworth & McLean's Addition in Section 26, Township 139N, Range 81W.

A. Staff report

John Van Dyke, City Planner, presents.

The attached minor plat, which typically does not require Planning and Zoning review, is being presented for approval due to its proposed primary alleyway access for one of the lots (See Exhibit 1). The subdivision ordinance requires non-street access to be presented to and approved by P&Z.

The property is located in the DF-Downtown Fringe District

There are obvious concerns with alleyway access such as:

- Addressing for emergency services
- Adequate onsite parking

- Access to the alley from the street-fronting property for waste disposal pick-up purposes
- Access to the street-fronting property for emergency service providers, as needed

The new dwelling would obtain water/sewer services through the existing residence. This is allowed in the code subject to a shared use agreement being established.

Staff, including Shawn Ouradnik, Building Official, Fire Chief Nardello, and Planning is supportive of this request subject to the following:

- Share use agreement for water/sewer and any other utilities, as necessary is established
- The proposed dwelling be a minimum of 22' setback from the alleyway property line to allow adequate spacing for parking (To be included in a recorded DA)
- Addressing should be visible, discernable, and illuminated (downward/inward facing) from both the street side and alleyway side
- Joint access easement to be created to allow seamless movement between properties for the purpose of waste disposal pick-up and emergency services, if needed

There are several other lots in the DF-Fringe that rely on alleyway access. Staff is supportive when the concerns can be mitigated as is the case with this application. This also provides opportunities for higher density in areas where existing services are available and the character of the neighborhood will remain unchanged.

Engineering and Planning recommend approval of the minor plat in Exhibit 1 subject to addressing the items contained in Exhibit 2.

Commissioner Frank says she has seen many of these around Mandan and the hiccups that occur with them. She is concerned about shared utility services. Why not build it as a granny flat? Would like to hear what Commissioner Camisa has to say about these kinds of dwellings and the sale transactions.

Commissioner Camisa says the transactions are messy, but doable. As long as the alley is there, there is legal access.

It is intended to be used as a dwelling.

B. Open public hearing

Harvey Schneider, Toman Engineering, and the applicant, Andy Lee, are present via zoom. Andy wants to split the lot with the intent of building a double garage on the main floor with living quarters on the upper level.

Andy says the existing house is a rental. The new building will be a double garage with living quarters above. He intends to live in that. He owns both lots now, but wants the ability to separate them down the road.

C. Close public hearing

Commissioner Renner asks John if this is a type of shop use that has been discussed in the past. John says a dwelling with garage is not commercial use. The shops that have been discussed were used for commercial uses.

Commissioner Renner asks if it has to be so far from the current garage. Shawn Ouradnik, Building Assessor, says there is not a setback from the current garage, but they would have to install a firewall. The building could be built up to the property line.

Commissioner Frank asks if adjacent property owners have been notified. John says no. Minor plats don't require a public hearing. John says this item is subject to Planning & Zoning for the alley access and not the minor plat. The structure still has to meet building code.

Commissioner Frank asks John when the last time a dwelling like this was built, facing an alley. John says there is no way of him knowing that on the fly.

Mayor Helbling says there is one behind NAPA and it was remodeled about 15 years ago. It is very close to the alley.

D. Commission action.

Commissioner Liepitz motions to approve the proposed alleyway access for the minor plat as shown in Exhibit 1 subject to meeting the requirements in Exhibit 2. Commissioner Renner seconds. Upon vote, the motion passes unanimously.

2. A request from Dr. Eric Belanger for approval of a zone change from A (Agricultural) to RM (Multi-Family Residential) and a preliminary plat named Sunset AveNew 1st Addition. Said property is part of the north half of the SE ¼ of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota.

C. Staff report

John Van Dyke, City Planner, presents.

Dr. Belanger requests a zone change from A-Agricultural to RM-Multi-family and a preliminary plat as presented in Exhibit 2.

The previous version of the preliminary plat showed the entirety of Sunset Ave. 1st upon build-out. Marathon Petroleum has a pipeline through this area and required a 100' easement. This has substantially changed the nature of the development and the applicant is attempting to accommodate the needs of Marathon Petroleum and still progress with their plans for development of this area. The applicant seeks to plat 8 residential for the initial phase of this area and dedicate the appropriate right-of-way along 8th Ave. NW, 31st St. NW, and 12th Ave. NW, as well as the local road to serve the connection between 8th Ave. NW and 12th Ave. NW. Lot 9, Block 1 and Lots 1 and 2, Block 2 would be reserved for future redevelopment.

Lot 2, Block 2 is presently a super block to be further developed through nine (9) phases and approximately fifty-four (54) lots.

Lot 1, Block 2 will be a stand-alone lot and yet to be determined if it will be further subdivided.

Exhibit 3 provides a phasing plan where each color represents a similarly sized enlargement of the development, with roughly 8 lots per phase. In total, there are 11 phases.

At this time per Exhibit 3, build-out of Lot 2, Block 2 and Lots 1-9, Block 1 will create 79 residential units across 12.26 acres, or 6.44 units per acre. This aligns with the recently adopted amendment to the Mandan Land Use and Transportation Plan designation of Medium Density Residential.

The local road is a slightly smaller width than is typically permitted. Generally, sixty-six (66) feet is required for local roads. The applicant is seeking a sixty (60) foot right-of-way. Limiting parking on one side of the street will accommodate this request and is supported by Engineering and Planning. Bismarck has recently committed to allowing reduced right-of-way widths in certain instances, as it is less expensive to maintain due to less pavement to repair and less snow to be plowed in the winter.

Staff does have concerns regarding the proximity of driveways to one-another for the first eight residential lots. This can be remedied by shared access driveway easements to provide the necessary amount of space between driveways for placement of snow in the winter. This may include non-access lines in conjunction with the shared access easements. Staff is recommending this as a condition of approval.

Staff also has concerns that Lot 9, Block 1 does not specify the area to be utilized for a storm water detention pond, as was previously done in the original application. Staff is recommending splitting Lot 9, Block 1 into two lots – one dedicated for future redevelopment and one dedicated for the storm water detention pond. In addition, the newly created lot dedicated to storm water detention would be required to be held in undivided interest with all lots within the development so as to ensure that the City does not become owner and responsible for maintenance in the future.

Staff also recommends the creation of 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. This will place the approach for the lot from the public street furthest away from the intersection of 31st St. NW and 12th Ave. NW.

Fire Chief Nardello requires a temporary turnaround to be established for the first phase on the easterly end of the proposed local road.

These recommended changes to the preliminary plat prior to presentation to the Board of City Commissioners is included in Exhibit 4.

Finally, given that the first phase of the development showing large lots and blocks does not presently conform to the Mandan Land Use and Transportation Plan AND the developer has indicated that upon build-out as shown in Exhibit 3 via future phases that it can and will conform with the plan, staff is recommending a development agreement tied to this development (See Exhibit 5). This provides the developer with the ability to initiate construction for the first phase and address the details of future phases at a subsequent time

and ensure the City develops in an orderly manner. The development agreement is only a DRAFT and may change.

The DA revolves around a density range for the entirety of the development, triggering event for the construction of 8th Ave. NW, how specials will be handled, and addresses minor landscaping and pedestrian connectivity requirements.

Morton County Recorder's Office indicated that the name may be commonly misspelled and create confusion when recording documents.

Cole Higlin, Director of Mandan Parks District indicated that this version did not include a shared use path and joint effort with the Parks and the City for a regional storm water retention pond that a previous version included.

Malcolm Brown, City Attorney commented that the plat should indicate that the street(s) where appropriate are subject to the MRO contract (and include the instrument number of the contract for simple reference).

Natalie Pierce, Morton County Planning and Zoning Director continues to have concerns regarding the use of private infrastructure.

MDU requests a 10' wide easement area be platted along the south and east property boundaries of Lot 9, Block 1. Also, MDU requests that a 7' to 10' wide easement be platted along the north property boundaries of Lots 1-9, Block 1.

Engineering/Planning comments are contained within this staff report. Principal Planner John Van Dyke shares Natalie Pierce's concerns with the use of private infrastructure but understands there is no policy on the use of private infrastructure at this time. This should be evaluated independently in the short-term apart from this application.

Engineering and Planning recommend approval of rezone from A-Agriculture to RM Multi-family and the preliminary plat subject to the changes noted in Exhibit 4 and entering into a Development Agreement similar to the one outlined in Exhibit 5.

Commissioner Camisa agrees with the County Recorder's Office suggestion of renaming the plat. He asks John how we go about enforcing the developing agreement. John says the applicant will have incentive to follow the agreement if he wants to proceed to the next phase. Camisa thinks lots could be transferred in the future without adherence to the developer's agreement. Some counties put a lien on the lot until the conditions are met and the lien can be released so the lot can be sold. It is something to think about. Camisa also thinks we should try to limit special assessments going forward in the future. John says the developer agreement will be tied to the property and not the applicant specifically. John says the agreement he has on the screen right now is a master agreement. There will also be other agreements such as private roads, utilities, and Terra Vallee lift station agreements.

Commissioner Renner asks for confirmation that the first phase is the white area on the map and that 12th Avenue on the map does not exist right now. John says the white area is the first phase and 12th Avenue does not exist right now. Renner asks who is going to incur

the costs of developing 12th Avenue to get to the first phase. He also points out #10 in the developer's agreement that says private roads and utilities to be maintained by lot owners. Who is responsible for moving snow off those streets? John says the private roads does mean they will be responsible for snow removal. Renner asks if the cost of developing 12th Avenue going to be the responsibility of the applicant or shared cost with the city? John says he understands that will be incurred by the applicant. The dead line for special assessments this year is past, so he would not be able to special assess the road. John says the applicant can probably speak more to that. Renner asks if the costs of upgrading the Terra Vallee lift station will also be the responsibility of the applicant. John says those details are still being discussed. Renner says if he was a nearby property owner he would have a hard time accepting assessments on roads being built to the north of him that he would not use.

Commissioner Camisa would like to see special assessments limited as much as possible.

D. Open public hearing

Dr. Belanger, applicant, "Thank you for consideration of this project. I just want to clarify a few points. First of all, 12th Street and the street that will be along my lot will all be fund directly by me. So there is no special assessment will go there. I own property on both sides and I'm paying for all of those roads. One other concern we do have is connecting to Terra Vallee. We did our own work. Moore Engineering has done research and this lift station is currently used at 45% only. Basically, research has been done by an engineering firm and there is plenty of capacity to connect to that lift station. We're working with Jim Neubauer and the city where we will be charged to connect to this lift station and as we move forward more than likely the cost will increase as soon as we bring in more phases. The area in the southwest corner of the property, the purple one there, is something that gives me a little bit of a headache because of the easement for the pipeline and the road access. The preliminary plat we did the plan to have the same amount of the same structure there...twin house, row house, something like that. But with the Marathon easement, I don't know if we are going to be able to make it work. At some point also the development need to make sense business wise and we're going to need to reassess that corner to see if it's gonna work. I agree with John that it would be nice to have an access in the upper corner, but Marathon does not want us to build any structure, no road that could encroach their easement as much as possible. So John may want it there, Marathon may not want it there. At some point, we're all going to have to sit down and decide what will work best with that area. This is why we have elected to leave the corner blank for now as it's going to require more discussion to make that part of the development workable for the city and for us and for the people there. All of those private roads, sewer, water are extremely expensive and if we end up where we can just use a little corner, it's just makes to have to sell those lots so high that it's not going to be economically feasible for other people to buy those lots. This is why this corner is less blank. We will work on some arrangement, some structure that will be able to fit there and when we get back to you for approval when this negotiation has been fruitful with the city and Marathon. Another area of concern of the team and that is 8th Street, of course. I agree what was said that the portion of 8th Street that is adjacent to the lot should definitely be special assessed, if it turned out to be special assessed to my own development. That part is absolutely not a problem. There is an area of 8th Street that will be a little bit more difficult and this is where John's pointing now. Basically, there is three hundred feet of road just adjacent to Cascade Apartment that do not belong to my property. All of that area and that's a cost of probably

around \$150,000 to build that area and this we will have to discuss with special assessment district to see who should pay for the road, the asphalt on property that I don't own. I'm not sure if the answer to that question should be the people that will buy the house from me. I think usually it is the adjacent owner on both side of the street who pay for their lot. For their asphalt. If we can reach a deal with the city for a fair assessment of that road, I think the development of that area will go faster. Is there any other questions? One other thing. That development agreement is the first time I saw that agreement just a few minutes ago. There is a portion there that say I waive my right to protest for a street in that development. I don't know what you guys think of having me waive my right when I don't even know what we made a deal. I don't know how the special assessment district will be. I don't know which share will be. I'm asked from the city to indefinitely waive my right and waive the right of anybody that could buy a lot from me. I think if the special assessment district will be clarified, from the get go in the developer agreement then we can look at it and says it's fair and waive the right for a protest, but otherwise I waive my right to protest something that nobody knows what it's going to be. I'm not sure how you guys feel about that part of your clause there."

John says if he were to initiate a special district, it would follow the special assessment policy, which would include the Cascade Apartment property owners as part of the benefitting property. It wouldn't be until the adjacency of it that it would apply to yours. The way that it's structured is if there's another developer that wants to take advantage of 8th, maybe that's called primary access, they would be a part of that special improvement district. It still wouldn't be applied to your property as the special assessment policy is currently laid out. Even though this is thought of as a future collector, we know it will probably be developed as a rural segment. So, it's going to apply to the adjacent properties. What we don't want to happen is for that rural segment to just fall on immediate adjacent property owners rather that the entirety of the development.

Commissioner Renner asks if another developer pass costs on extensions of these roads to Dr. Belanger if he waives all his rights on the assessments. He understands where the Dr. is coming from.

E. Close public hearing

F. Commission action.

Commissioner Liepitz motions to approve the rezone from A-Agriculture to RM Multi-family and the preliminary plat subject to the changes noted in Exhibit 4 and entering into a Development Agreement similar to the one outlined in Exhibit 5. Commissioner Camisa seconds. Upon vote, the motion passes unanimously with the exception of Commission Mehlhoff who sustains himself from the vote because he is an employee of Moore Engineering.

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

The meeting adjourns at 6:52 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on July 27, 2020
 Mandan Engineering and Planning Office Report
Lakewood Ninth Addition Replat of Lot 1 Block 4
 Requested Action
Final Plat

Application Details				
Applicant	Owner	Subdivision		Legal Description
Arthur Goldhammer	VE Land Company	Lakewood 9th Add. Replat of Lot 1, Block 4		Lot 1, Block 4, Lakewood 9th Addition, Part of the NE ¼ of Section 1, Township 138N, Range 81W, To the City of Mandan, Morton County, North Dakota
Location		Proposed Land Use		Parcel Size
Southeast corner of 37 th St. and 1806 N.		Commercial		21.1 ac
Existing Land Use		Adjacent Land Uses		Number of Lots
Open Space/Retention Pond	Commercial/Multi-family Residential/Single-family Residential		Current Zoning	Adjacent Zoning
		PUD	Proposed Zoning	4 (3 for development; 1 common)
			PUD (Unchanged)	PUD/CB-Commercial
Fees	Date Paid	Adjacent Property Notification Sent		Legal Notices Published
\$400	June 1, 2020	July 10, 2020		July 17, 2020 & July 24, 2020

Project Description
<p>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).</p> <p>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.</p> <p>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.</p> <p>Staff did not receive comments from the public regarding this application at the time of writing this staff report.</p> <p>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..</p>
Agency & Other Department Comments
N/a

Engineering & Planning Staff Comments

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

Engineering & Planning Recommendation

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

Proposed Motion

I move to recommend approval of the final plat in Exhibit 1 subject to the conditions provide in Exhibit 3.

List of Exhibits:

Exhibit 1 – Final Plat

Exhibit 2 – Conditions of Approval for Preliminary Plat for Reference

Exhibit 3 – Conditions of Approval for Final Plat

EXHIBIT 1

LAKWOOD NINTH ADDITION REPLAT OF LOT 1 BLOCK 4

PART OF THE NE 1/4 OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

DESCRIPTION

REPLAT OF LOT 1 BLOCK 4 LAKWOOD NINTH ADDITION, PART OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST, TO THE CITY OF MANDAN, MORTON COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00 DEGREES 02 MINUTES 12 SECONDS EAST, ALONG THE BOUNDARY OF SAID LOT 1, A DISTANCE OF 464.59 FEET; THENCE NORTH 89 DEGREES 28 MINUTES 26 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 50.75 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 366.19 FEET; THENCE SOUTH 89 DEGREES 04 MINUTES 27 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 340.25 FEET; THENCE NORTH 00 DEGREES 53 MINUTES 15 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 104.48 FEET; THENCE NORTH 19 DEGREES 37 MINUTES 09 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 74.53 FEET; THENCE NORTH 37 DEGREES 59 MINUTES 16 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 74.67 FEET; THENCE NORTH 55 DEGREES 52 MINUTES 21 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 74.63 FEET; THENCE NORTH 67 DEGREES 16 MINUTES 37 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 214.77 FEET; THENCE NORTH 00 DEGREES 29 MINUTES 58 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 269.30 FEET; THENCE NORTH 45 DEGREES 32 MINUTES 52 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 268.13 FEET; THENCE NORTH 00 DEGREES 51 MINUTES 34 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 25.02 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 529.39 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 471,639 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON 2020, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)

COUNTY OF BURLEIGH)
SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

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

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 2020.

JIM NEUBAUER--CITY ADMINISTRATOR

TIM HELBLING--MAYOR

APPROVAL OF CITY ENGINEER

I, JUSTIN FROSETH, CITY ENGINEER OF THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVE "LAKEWOOD NINTH ADDITION REPLAT OF LOT 1 BLOCK 4", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH
CITY ENGINEER



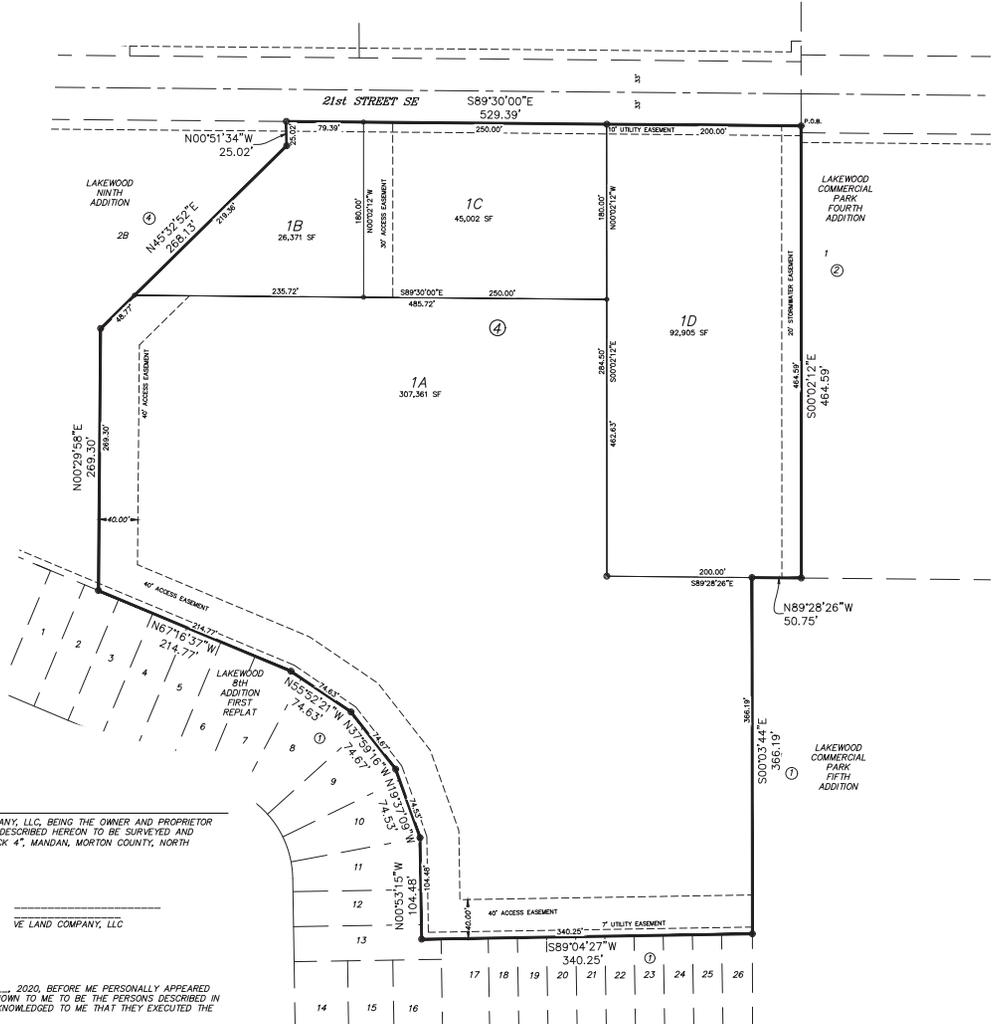
SCALE: 1"=60'

MARCH 20, 2020

MONUMENT IN PLACE

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.
PLAT IS SUBJECT TO EASEMENTS,
COVENANTS, AND RESTRICTIONS OF RECORD.



OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VE LAND COMPANY, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "LAKEWOOD NINTH ADDITION REPLAT OF LOT 1 BLOCK 4", MANDAN, MORTON COUNTY, NORTH DAKOTA.

STATE OF NORTH DAKOTA)
COUNTY OF _____)

VE LAND COMPANY, LLC

ON THIS ____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED _____ OF VE LAND COMPANY, LLC, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____



EXHIBIT 2

Conditions of Approval

- Lot 1A should be a common lot and included as joint ownership for the other three street-fronting lots. - **NOT COMPLETED; LANGUAGE WILL BE REQUIRED ON FINAL PLAT**
- Lots to be renumbered in numeric sequence (e.g. 1, 2, 3, etc.) - **NOT COMPLETED; EASY CHANGE AND WILL BE REQUIRED ON FINAL PLAT APPROVAL**
- Necessary submittals demonstrating adherence to the Mandan Code of Ordinance related to F-Floodplain Districts. - **NOT YET RECEIVED; WILL REQUIRE APPROVAL REFERENCE ON FINAL PLAT PRIOR TO RECORDATION**
- Stormwater plan approved by the City Engineer. - **SUBMITTED; NOT YET APPROVED**
- Access easement from 2nd St. SE to Lot 1A (stormwater pond) should be included on final plat. - **COMPLETED**

From Preliminary Plat
For Reference Only

EXHIBIT 3

Conditions of Approval

- Lot 1A should be a common lot and included as joint ownership for the other three street-fronting lots.
 - Language to include on the owner's certificate & dedication section should include: "STORMWATER AND DRAINAGE LOT 1D WILL BE OWNED AS UNDIVIDED INTEREST BY LOTS 1A, 1B, AND 1C, BLOCK 1"
 - Language should be updated to reflect numeric sequence as required below.
- Lots to be renumbered in numeric sequence (e.g. 1, 2, 3, etc.)
- LOMR-F reference case number required to be included on the final plat prior to recordation OR adherence to Section 109-2-6 (c) o., which states:

Any such plat which includes lands abutting upon any lake or stream shall show a contour line denoting the present shoreline, water elevation and the date of survey. If any portion of a plat lies within the intermediate regional floodplain (100-year floodplain) or a river or stream, as designated by the North Dakota Water Commission and Federal Emergency Management Agency, the mean sea level elevation of the intermediate regional flood (100-year flood) shall be denoted on the plat by numerical figures. Topographic contours at a one-foot contour interval referenced to mean sea level shall be shown for the portion of the plat lying within said floodplain. All elevations shall be referenced to a durable benchmark described on the plat, together with its location and elevation to the nearest hundredth of a foot, which shall be given in mean sea level datum if such benchmark with known sea level datum is available within one-half of a mile or such longer distance as may be practicable.

- Stormwater plan approved by the City Engineer
- Owner's certificate & dedication should read:
 - 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".

PUBLIC HEARING #2

PUBLIC HEARING #2

Mandan Planning and Zoning Commission Agenda Item PH2
 For Meeting on July 27, 2020
 Mandan Engineering and Planning Office Report
1614 Heart River Dr.
 Requested Action
Rear Setback Variance

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Eric Seefeldt	Robert and Becky Sundquist	N/a	South ½ of Lot 5 of Lot 1 of Lot 9 of Auditor's Lot C in Section 28, Township 138N, Range 81W, To the City of Mandan, Morton County, North Dakota	
Location Main St. W west of the Lower Heart River Crossing		Proposed Land Use Residential	Parcel Size 0.135 acres	Number of Lots 1
Existing Land Use Bare Land (recently residential)	Adjacent Land Uses Residential west, north, and east; BNSF ROW to the south	Current Zoning R3.2 Residential	Proposed Zoning R3.2 Residential (Unchanged)	Adjacent Zoning R3.2 Residential
Fees \$400	Date Paid June 26, 2020	Adjacent Property Notification Sent July 10, 2020	Legal Notices Published July 17, 2020	

Project Description

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.

Agency & Other Department Comments

No comments have been received.

Engineering & Planning Staff Comments

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 & Planning Recommendation

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.

Proposed Motion

I move 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.

List of Exhibits:

Exhibit 1 – Application

Exhibit 2 – Findings

CITY OF MANDAN			
Development Review Application			
<input type="checkbox"/>	Minor Plat (\$300)	<input type="checkbox"/>	Zone Change (\$600)
<input type="checkbox"/>	Preliminary Plat up to 20 acres (\$400)	<input type="checkbox"/>	Planned Unit Development (\$700)
<input type="checkbox"/>	Preliminary Plat more than 20 acres (\$450)	<input type="checkbox"/>	Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/>	Final Plat up to 20 lots (\$400)	<input type="checkbox"/>	Vacation (\$500)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$550)	<input checked="" type="checkbox"/>	Variance (\$400)
<input type="checkbox"/>	Final Plat more than 40 lots (\$700)	<input type="checkbox"/>	Special Use Permit (\$450)
<input type="checkbox"/>	Annexation (\$450)	<input type="checkbox"/>	Stormwater submittal (\$300)
<input type="checkbox"/>	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	<input type="checkbox"/>	Stormwater 2 nd & subsequent resubmittal (\$50)
<input type="checkbox"/>	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	<input type="checkbox"/>	
Summary of Request (Add separate sheet(s) as necessary)			
See attached documents			

Engineer/Surveyor			Property Owner or Applicant		
Name			Name Eric Seefeldt (Applicant)		
Address			Address 1614 Heart River Dr SW		
City	State	Zip	City	State	Zip
			Mandan	ND	58554
email			email		
			seefeldtnd@hotmail.com		
Phone		Fax		Phone	
				701-541-1052	
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	
<input type="checkbox"/>	City	<input type="checkbox"/>	ETA	<input checked="" type="checkbox"/>	New	<input type="checkbox"/>	Addition
				R 3.2	R 3.2	Sundquist Home	
Property Address				Legal Description			
1614 Heart River Dr SW				S 1/2 of Lot 5 of Lot 1 of Lot 9 of Auditor Lot C of the SW 1/4 of 28-139-81			
Current Use							
Residential Single Family							
Proposed Use							
Residential Single Family				Section	28	Township	139
				Range	81		
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking		
5,650 sq ft	28' x 60'	1	1680	3	3		

Print Name	Signature	Date
Eric Seefeldt	Eric Seefeldt	25 June 2020

Office Use Only			
Date Received:	Initials:	Fees Paid:	Date
	nm	\$ 400	6/26/2020
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/>	Approved	Approved with conditions:	
<input type="checkbox"/>	Denied		

24 June 2020

We, Robert and Becky Sundquist (owners of property at 1614 Heart River Dr S in Mandan, ND), grant Eric Seefeldt (son in-law) permission to represent us during the variance request and home construction processes related to our efforts to construct a new home on our property at 1614 Heart River Dr S in Mandan, ND).

Signature Rebecca Sundquist Date 6-25-2020

Signature Robert Sundquist Date 6-25-2020

STATE OF NORTH DAKOTA
County of Morton

On this 25th day of JUNE, in the year 2020 before me personally appeared Rebecca & Robert Sunquist known to me (or proved to me an oath of NMN) to be the person who is described in and who executed the within instrument, and acknowledged to me that that person (or they) executed the same.





Notary Signature

NOTARIZED DOCUMENT Permission represent

Variance Application Section G: Summary

The owners (Robert and Becky Sundquist) of property at 1614 Heart River Dr S Mandan, ND are working to re-establish value in the property, for which they have significant financial investment, by constructing a new home to replace the previously existing home that was demolished due to concerns about structural integrity and mold. They would then plan to relocate to that property from their current residence in Forman, ND. Due to the challenges of the lot size and what we feel is a more optimized placement of the new home we are seeking a variance for a rear setback of 5' instead of 20', which is what is now required in R3.2 zoning. A 5' setback matches the foundation location of the previously existing home and the home that is located on the property directly north so does not infringe on the neighboring properties any more than the previous structure would have. The property owners to the west, which would be the rear side of the home where we are asking for the variance, have verbally agreed that they would have no concerns with a 5' setback for the new structure. A 5' setback would allow the home to be placed in a location on the property that would allow for better utilization of the front yard and would also put the home a greater and safer distance from the roadway. Approval of this variance would also allow the placement of the home to comply with setback requirements on all remaining sides. We would greatly appreciate your consideration and approval of this request.

Variance Application Section A: The circumstances or conditions applying to the land or buildings for which the variance is sought.

- The property at 1614 Heart River Dr S Mandan, ND was purchased by Robert and Becky Sundquist with intent to relocate to that property from their current home in Forman, ND. The property contained a home and single stall detached garage. Unfortunately during a remodeling evaluation it was determined that the home had foundation and mold issues which made it unsalvageable so the home was recently demolished. At this time Robert and Becky have a significant financial investment in the property but it no longer has a home on it which would allow them to relocate. Their desire is to construct a new home on the property so that they can relocate to the property.

Variance Application Section B: How the applicant is deprived of a reasonable use of said land or building:

- The lot dimensions of the property at 1614 Heart River Dr S Mandan, ND are 50' D by 108' -118' wide. With the required setbacks of 20' rear and 8' front (local street) for R3.2 zoned property the maximum home depth would be 22'. In order to construct a home with adequate room sizes at the front and rear of the home a minimum home depth of 28' is desired. See supporting information in Variance Application Section E and Section F.

Variance Application Section C: How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

- Small residential area with only seven property owners and all lots occupied
- Other properties have similar or same layouts to what is being requested
- Verbal approval from adjacent property owner to the west, the side of property for which the variance is being requested.

Variance Application Section D: The minimum variance that will accomplish the relief sought.

- The minimum required variance to achieve the desired home width would be a 14' rear setback instead of a 20' setback. Note that this would be undesirable though as it would limit distance between the front of home and street. See Variance Application Section E for more supporting information.

Variance Application Section E: Current Zoning

Sec. 105-3-7. - R3.2 Residential District.

(a) *General description.* The purpose of this district is to provide an opportunity to construct single-family dwelling units on reduced size lots in the form of a single-family dwelling or twin home.

- No concerns

(b) *Primary uses.* The following uses are permitted:

- (1) Twin home.
- (2) Single-family dwelling.

- No concerns

(c) *Secondary uses.* A group dwelling for six or fewer individuals with developmental disabilities as defined in N.D.C.C. 25-16-14 is a permitted secondary use. This use requires one additional on-site mobility impaired parking space.

- No intent or concerns

(d) *Conditional uses*. These uses are permitted on a specific site only after review and approval by the planning and zoning commission and ratification by the city commission.

- (1) Public recreation group.
- (2) Education group.
- (3) Utility service group.
- (4) Religion group.

- No intent or concerns

(e) *Setbacks*.

(1) Lots fronting on an arterial or collector street as designated on road network maps produced by the metropolitan planning organization are discouraged. If lots must front on roads with these designations, the front yard setback is increased.

- a. The minimum front yard setback for an arterial roadway is 50 feet.
- b. The minimum front yard setback for a collector street is 25 feet.
- c. The minimum front yard setback for a local street is eight feet.

- **Concerns:** With lot depth of 50 feet current front setback of 8 feet and rear setback of 20 feet would only allow for a home 22 feet in depth. Property owners would like to construct a home of 28 feet in depth and would like to position home further back on lot to create more space between front of home and street. See requested variance to back yard setback.

d. The required front yard setback for each lot shall be determined during the platting process and shall be documented in a development agreement that is signed and recorded.

(2) For a side yard that fronts on a public right-of-way, the minimum setback is the same as the front yard. For all other situations the minimum side yard setback is five feet. The side yard setback shall apply to both sides for a single-family dwelling and one side for a twin home.

- No concerns, aligns with home that was previously on the property and would work for new home plan that is desired.

(3) The minimum rear yard setback is 20 feet.

- **Concerns: Variance Requested**

- Request is for a variance to allow for a 5 foot rear setback instead of the required 20 foot.

- Why?

- Due to a short lot depth of only 50 feet the current setbacks of 8 feet in the front and 20 feet in the back would only allow for a home with a depth of 22 feet. Property owners would like to construct a home of 28 feet in depth and would like to position home further back on lot to create more space between front of home and street.

- To accommodate adequate size rooms on the front and rear of the home a depth of 28 feet would be required.

- Front yard is much more useable space with access from the local street and is not land locked like the rear yard would be.

- Desire to position the home further back on the property to allow a greater and safer distance between the local street and front of home.

- What supports this request?

- Request aligns with the home that was previously constructed on the property (which had a 5 foot rear setback) and with the adjacent home that is built on the property to the north which also has a 5 foot rear setback.
- With a shorter property depth of 50 feet, the home would be unfavorably biased to the front of the lot with the current setbacks and home size desired.
- Adjacent neighbors to the west have verbally indicated that they would have no concerns with the new home being proposed having a 5 foot rear setback
- Aligns with side yard setback requirements

(4) Any portion of a structure containing a garage door facing a public street, alley or private access easement must be set back at least 25 feet.

- No concerns at this time, current construction plan does not include a new garage

(f) *Lot coverage.* The perimeter of the ground or first floor of each structure shall be used when computing lot coverage. Lot coverage for all structures shall not exceed 50 percent of the square foot area of the lot. For water lots the computation shall be made using the portion of the lot that is above the shore line.

- No concerns – current lot size is 5,650 sq/ft and proposed structures would not occupy more than 50% (2,825 sq/ft)

(g) *Lot area.* The minimum lot area shall be 3,200 square feet.

- No concerns – current lot is 5,650 sq/ft

(h) *Lot frontage.* Each lot shall have a minimum of 20 feet of frontage along a public street or private access easement configured in conformance with fire code emergency access standards.

(i) *Building height limits.* Principal building height shall be limited to three stories. Accessory buildings shall be limited to two stories.

- No concerns

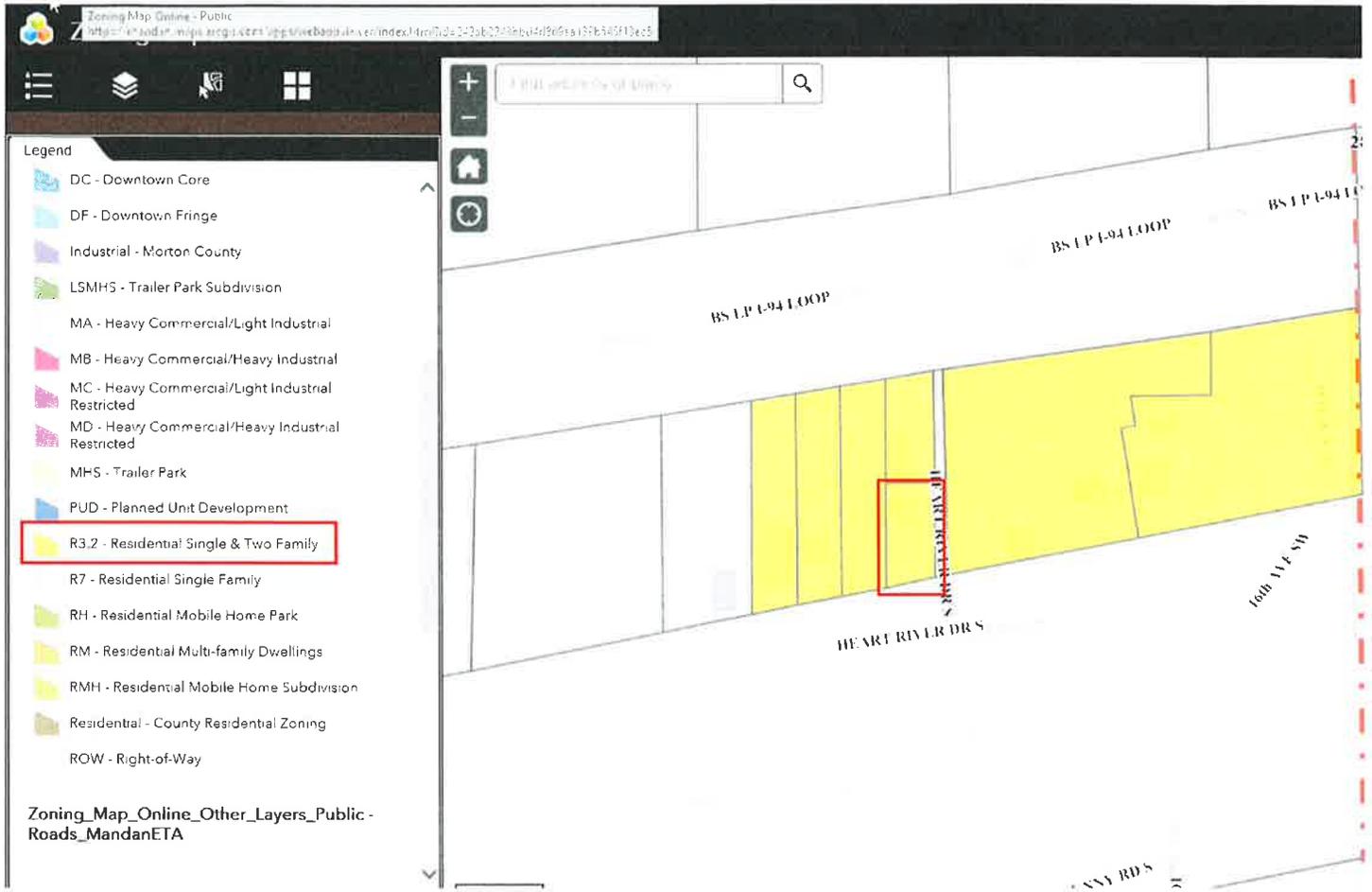
(j) *Parking.* At least two parking spaces shall be provided per lot. This includes garage spaces and exterior spaces measuring at least 25 feet long.

(Ord. No. 1242, § 5, 12-20-2016; Ord. No. 1301, § 2, 3-5-2019)

- No concerns – Enough remaining lot sq/ft to accommodate this

Variance Application Section F: Visual Aids

Zoning Map



Proximity to City



Current Google Maps View (prior to house demolition)



Proposed New Home Approximate Size and Position (illustrated by green box)



Example of Proposed Floorplan

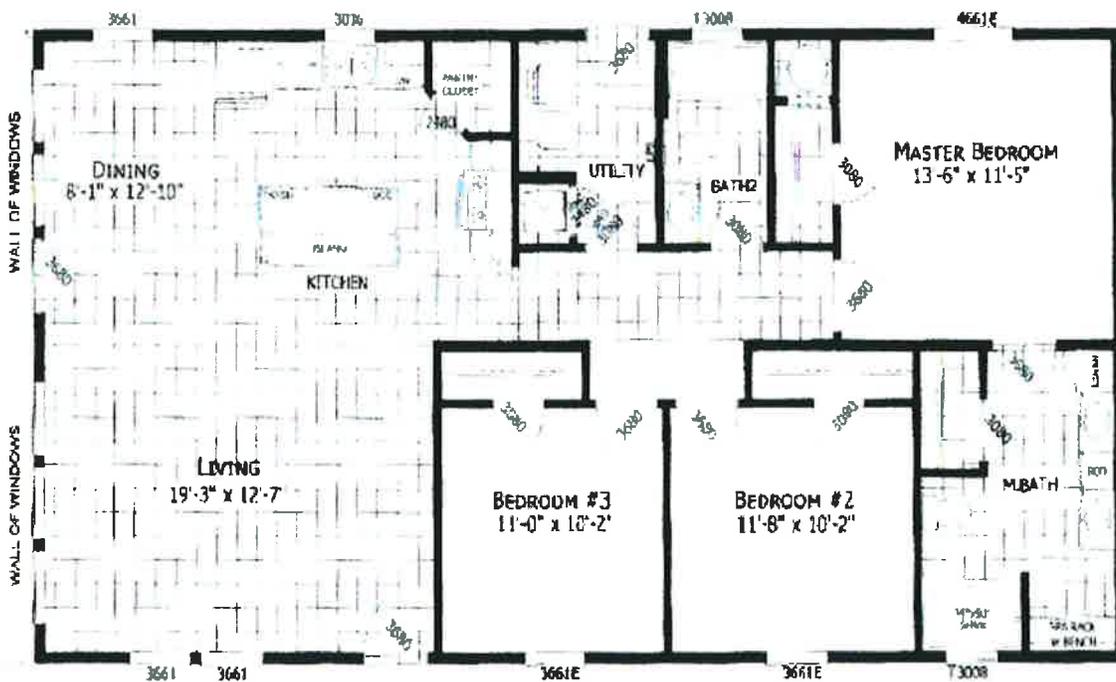


Exhibit 2 – Findings of Support to Grant Variance

- The property was established under previously adopted code and enlargement of the lot is not possible.
- The eight (8) foot front setback, twenty (20) foot rear setback, and fifty (50) foot lot depth, limiting the dimensions of a home that could be located on the property to a twenty-two (22) foot depth or width regardless of orientation.
- A home was previously located five (5) feet from the rear setback and staff is not aware of any previous issues stemming from the location of the dwelling.
- Moving the home further than eight (8) feet from the front property line will add an element of safety. The roadway serving the home is a gravel road serving the residential enclave that preceded platting requirements. The properties created today in the R3.2 Residential District within eight (8) feet of the front property line benefit from a paved road including the protection resulting from installation of a curb.
- Access from the south of the property may not be possible based on the unknown location of the septic system that serves the property and what appears to be BNSF right-of-way.

PUBLIC HEARING #3

PUBLIC HEARING #3

Mandan Planning and Zoning Commission Agenda Item PH3
 For Meeting on July 27, 2020
 Mandan Engineering and Planning Office Report
Sunset Ave. 1st Add.
 Requested Action
Zone Change - PUD

Application Details				
Applicant Eric Belanger/Wendy McNichols	Owner EBCMGL 16 LLLP (Eric Belanger)	Subdivision Sunset Ave. 1 st Add.	Legal Description Part of the N1/2 of the SE1/4 of Section 16, Township 139N, Range 81W, Morton County, North Dakota	
Location Northeast of Mandan Middle School		Proposed Land Use Residential	Parcel Size Approx. 19 ac.	Number of Lots 94
Existing Land Use Bare Land	Adjacent Land Uses Residential/Public Use (Middle School)/Bare Land	Current Zoning A-Agricultural (RM Residential in-process)	Proposed Zoning PUD	Adjacent Zoning A-Agricultural; RM-Residential
Fees \$700	Date Paid June 28, 2020	Adjacent Property Notification Sent July 10, 2020	Legal Notices Published July 17 & July 24, 2020	

Project Description		
<p>Dr. Belanger requests a zone change from A-Agricultural to PUD-Planned unit development (See application in Exhibit 1).</p> <p>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.</p> <p>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).</p>		
Setback	RM Residential	R-4 Residential
Front	15'	10' (local)
Side	5' (minimum)	5'
Rear	10'	20'
<p>R-4 Lot Frontage = 20' RM Lot Frontage = 40'</p> <p>R-4 Minimum Lot Size – 4,000 sq. ft. RM Minimum Lot Size – 4,000 sq. ft.</p>		

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.

Agency & Other Department Comments

N/a

Engineering & Planning Staff Comments

Engineering/Planning comments are contained within this staff report.

Engineering & Planning Recommendation

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.

Proposed Motion

I move to approve the rezone from A-Agriculture to PUD as presented.

List of Exhibits:

Exhibit 1 – Application

Exhibit 2 – DRAFT Development Agreement

EXHIBIT 1

CITY OF MANDAN	
Development Review Application	
<input type="checkbox"/> Minor Plat (\$300)	<input type="checkbox"/> Zone Change (\$600)
<input type="checkbox"/> Preliminary Plat up to 20 acres (\$400)	<input checked="" type="checkbox"/> Planned Unit Development (\$700)
<input type="checkbox"/> Preliminary Plat more than 20 acres (\$450)	<input type="checkbox"/> Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/> Final Plat up to 20 lots (\$400)	<input type="checkbox"/> Vacation (\$500)
<input type="checkbox"/> Final Plat 21 to 40 lots (\$550)	<input type="checkbox"/> Variance (\$400)
<input type="checkbox"/> Final Plat more than 40 lots (\$700)	<input type="checkbox"/> Special Use Permit (\$450)
<input type="checkbox"/> Annexation (\$450)	<input type="checkbox"/> Stormwater submittal (\$300)
<input type="checkbox"/> Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	<input type="checkbox"/> Stormwater 2 nd & subsequent resubmittal (\$50)
<input type="checkbox"/> Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)	

Engineer/Surveyor			Property Owner or Applicant		
Name MOORE ENGINEERING INC			Name TR ERIC BELANGER		
Address 2911 N 14TH ST #301			Address 1540 CLIPPER PLACE		
City BISMARCK	State ND	Zip 58203	City BISMARCK	State ND	Zip 58503
email STEVE. JERSON@MOOREENGINEERINGINC.COM			email		
Phone (701) 551-0004		Fax (701) 751-2954	Phone (701) 934-0730		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	
<input checked="" type="checkbox"/> City	<input type="checkbox"/> ETA	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Addition	RM	TRD-RA	SUNSET AVENUE 1ST	
Property Address TBD				Legal Description SUNSET AVENUE 1ST ADDN			
Current Use PASTURE/AG							
Proposed Use MEDIUM DENSITY RESIDENTIAL				Section 16	Township 139	Range 81	
Parcel Size 4000^{sq}ft	Building Footprint VARIES	Stories 1-2	Building SF	Required Parking 2/UNIT	Provided Parking 4 @		

Print Name STEVE JERSON for TR BELANGER	Signature 	Date 6/28/2020
---	---	--------------------------

Office Use Only			
Date Received:	Initials: nm	Fees Paid: \$ 700	Date 6/28/2020
Notice in paper		Mailed to neighbors	P&Z meeting
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			



925 10th Avenue East
Suite 1
West Fargo, ND 58078

P: 701.282.4692
F: 701.282.4530



Memorandum

To: Mandan City Engineering and Planning Department

From: Steve Iverson, MBA (Moore Engineering, Inc.)

Date: June 26, 2020

Subject: Sunset AveNew First Addition PUD w/R4 written statement

In accordance with Ss. 21-03-01 of Mandan Municipal Code, please examine the following:

The site plan required in 21-03-01.3 is attached as an exhibit to this memorandum.

- 1.) The existing topography of the proposed development is attached as an exhibit to this memorandum.
- 2.) The existing land use of the property is agricultural/pasture land. The proposed use for this phase and PUD is medium density, detached single family housing.
- 3.) All proposed structures and improvements are shown on the site plan exhibit.
- 4.) Construction phasing will work generally northwest to southeast. Public sewer will be brought into the southeast corner of the site and run northwesterly along the ridge of the large hill on the property to maximize the service area of this gravity line. Reference the Terra Vallee sanitary sewer report submitted by Moore Engineering earlier in this process for more details regarding this line.
- 5.) The maximum height of all structures will not exceed the maximum height of 35' permitted in R4 zoning.
- 6.) The density of the proposed R4 development is 6.2 acres gross including ROW and 9 units per acre, net.
- 7.) Internal traffic, parking, and access to public rights of way are all illustrated on the site plan.
- 8.) Buffer areas/setbacks are illustrated on the site plan.
- 9.) The area of the PUD is approximately 1.29 acres including adjacent ROW.
- 10.) The utility servicing plan is shown as an exhibit supplementing this memorandum.
- 11.) The landscape plan is a work in progress as specific requirements are not known at the time of this writing.
- 12.) Surrounding land uses to the east, west, and north are all vacant/agricultural. The property directly south of the subject property is developed as a multi-family residential development. Additional details can be found with the plat application accompanying this PUD, and also the Master Land Use Plan and Transportation Plan originally presented to the Planning Commission on January 27, 2020.

Written Statement

Property owners/developers Dr. Eric Belanger and Wendy McNichols represent EBCMGL 16 LLLP, the legal owner of the parcel being platted as Sunset AveNew First Addition, which contains the development this PUD intends to support and permit.

This project aims to provide affordable, single family housing stock via a detached, small lot, narrow footprint housing style. Surveys of the local housing market indicate a desire and need for this product in Mandan. To date, there to date has not been an R4 development proposed since R4 zoning was adopted. This project will provide it. The project a whole is contained on three sides by platted public rights of way so incompatibilities are inherently mitigated. The project is consistent with existing and recently adopted master land use plans for the area.

All common areas including the private roadway contained in future phases will be maintained by a recorded and managed home owners association.

Full architectural renderings are not available at the time of this writing, but are in process. The project anticipates the majority of the units being approximately 28'x50' footprints with an attached/tuck under double garage and a variety of floorplans depending on the adjacent topography. Most will be a two story, two to four level plan.



Steve Iverson, MBA
Senior Project Manager
On behalf of Dr. Belanger and Ms. McNichols

cc: Dr. Eric Belanger and Wendy McNichols
Jerod Klabunde, PE

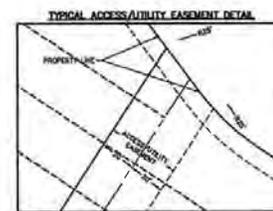
Enclosures as noted

PLAT OF
SUNSET AVENUE 1ST 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



BASS OF BEARINGS:
 NORTH DAKOTA STATE PLANE
 COORDINATE SYSTEM, SOUTH
 ZONE NAD83/0211,
 INTERNATIONAL FEET.

- LEGEND**
- IRON MONUMENT FOUND
 - SET 3/4"X1 1/2" IRIDIAN WITH YELLOW PLASTIC CAP #8071
 - (4810) LOT AREAS IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE



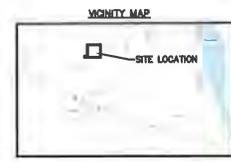
RA DIMENSIONAL STANDARDS

- 25' FRONT SETBACK
- 5' INTERIOR SIDE SETBACK
- 4,000 sq ft LOT SIZE MINIMUM

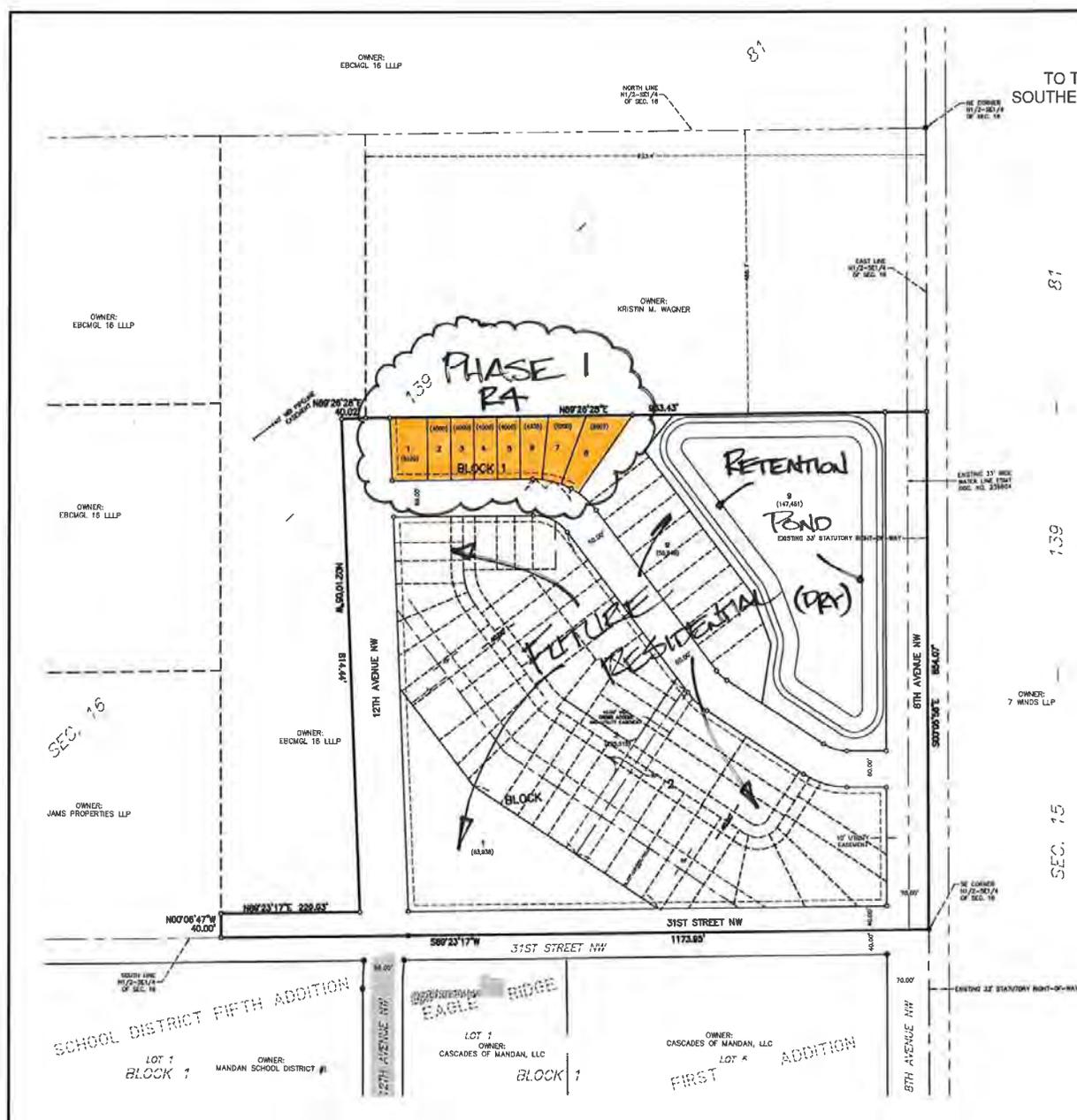
PROPOSED ZONING = RM(PLD)

DRAWN BY/DATE
 DR. ERIC ISLANDER
 832 SOUTHPORT LOOP
 BISMARCK, ND 58004
 701-834-0730

SURVEYOR
 JIM ALBER
 625 10TH AVENUE E
 WEST FARO, ND 58078
 701-262-4692



OVERALL SITE PLAN



PLAT OF
SUNSET AVENUE 1ST 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



BASIS OF BEARINGS:
 NORTH DAKOTA STATE PLANE
 COORDINATE SYSTEM, SOUTH
 ZONE, NAD83/2011,
 INTERNATIONAL, FEET.

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5"X30" REBAR WITH YELLOW PLASTIC CAP #9271
 - (4810) LOT AREA IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE

TYPICAL ACCESS/UTILITY EASEMENT DETAIL

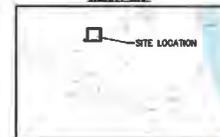


PROPOSED TOLLING = RM(PLD)

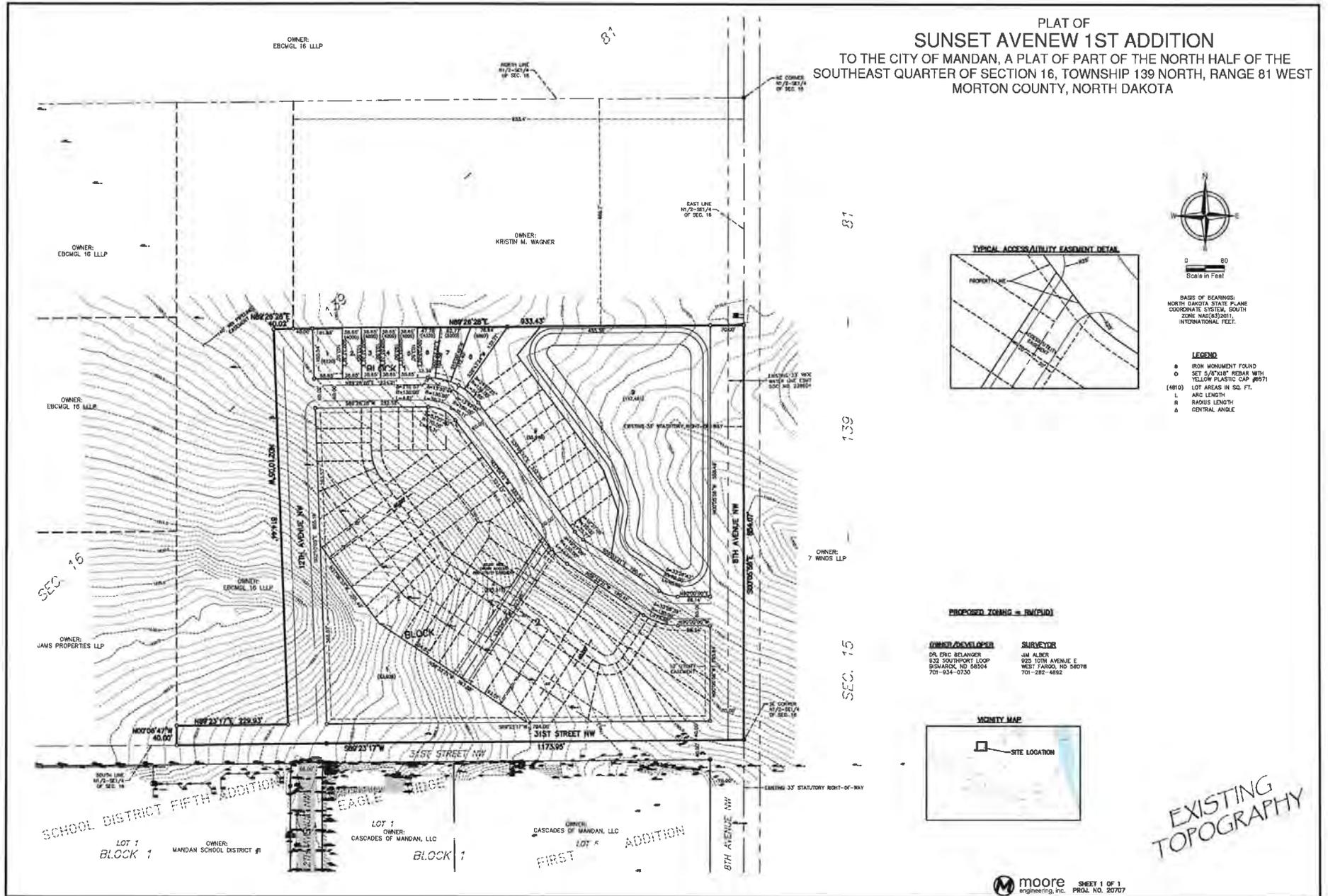
OWNER/DEVELOPER
 DR. ERIC BELANGER
 825 SOUTHPORT LOOP
 BISMARCK, ND 58204
 701-834-0700

SURVEYOR
 JIM ALBER
 925 10TH AVENUE E
 WEST FARGO, ND 58078
 701-282-4882

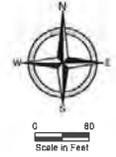
LOCALITY MAP



EXISTING
 TOPOGRAPHY



PLAT OF
SUNSET AVENUE 1ST 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



BARS OF BEARINGS:
 NORTH DAKOTA STATE PLANE
 COORDINATE SYSTEM, SOUTH
 ZONE NAD83(2011)
 INTERNATIONAL FEET.

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"X5" REBAR WITH YELLOW PLASTIC CAP #8071
 - (4810) LOT AREA IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - A CENTRAL ANGLE

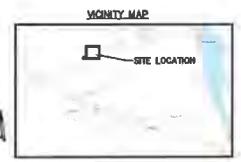


- ▶ DIRECTION OF GRAVITY SEWER FLOW
- 48" PRECAST MANHOLE
- SANITARY SEWER 8" OR 10"
- COLD WATER MAIN 8" OR 10"

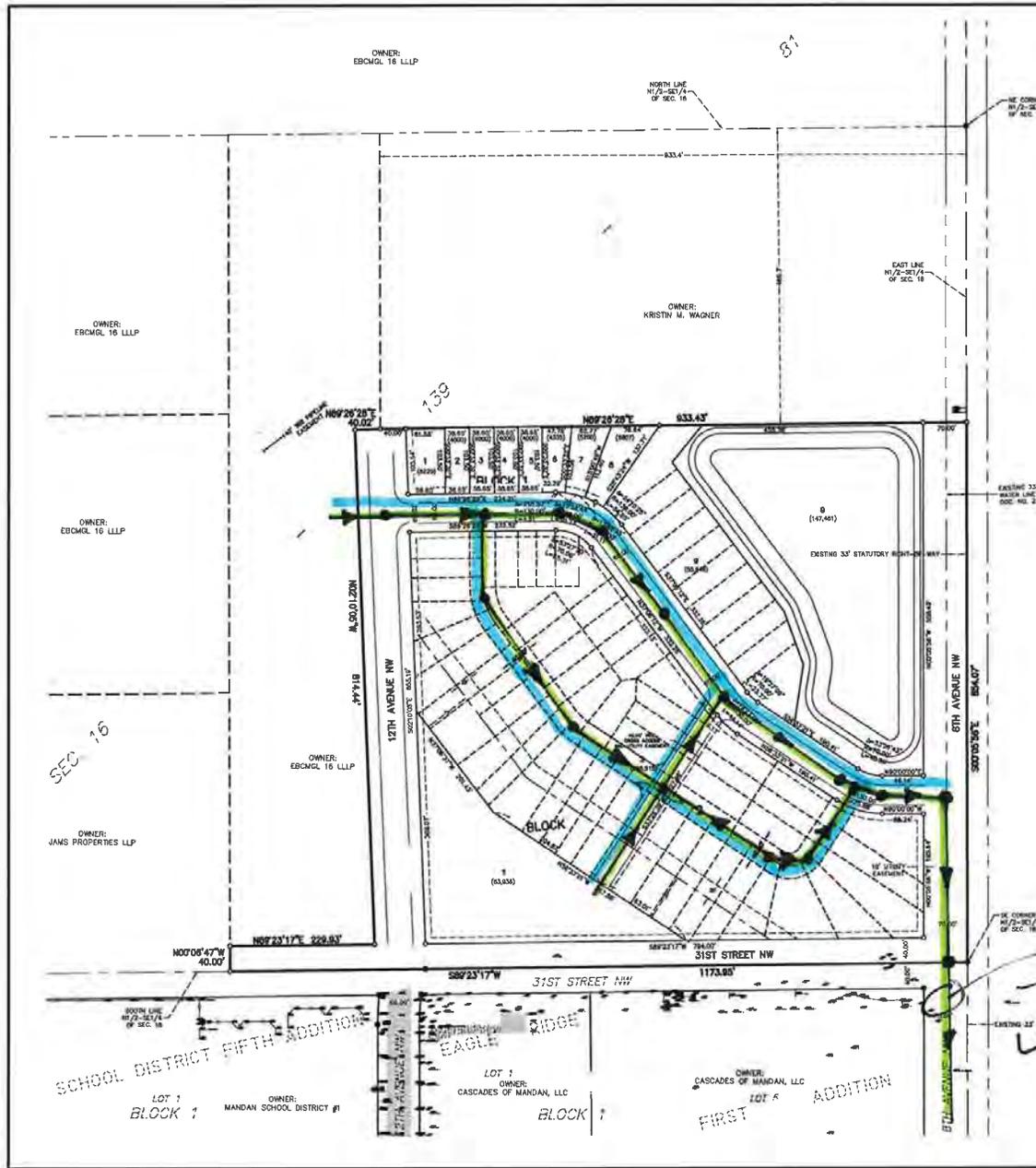
PROPOSED ZONING = RM(IND)

OWNER/DEVELOPER
 DICK BELANDER
 832 SOUTHPORT LOOP
 BISMARCK, ND 58504
 701-834-0730

SURVEYOR
 JIM ALBRI
 823 10TH AVENUE E
 WEST FARGO, ND 58078
 701-282-4892



UTILITY
 SERVICING



28"E
.02'

159

RA LOT SIZE
MINIMUM

N89°26'28"E

(6220)

(4000)

(4000)

(4000)

(4000)

(4335)

(5200)

(6807)

5' SIDE S.B.S (TYP)

25' STREET
SIDE S.B.
@ COLLECTOR

25' F.S.B (TYP)

60.00'

60.00'

North
1"=30'

EXHIBIT ILLUSTRATING
INTENT/PRODUCT PROVIDED
WITH THIS PHASE'S PUD
W/UNDERLYING RA ZONING



EXHIBIT 2

Development Agreement

Sunset Ave New 1st 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 (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 Sunset Ave. 1st Addition (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

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

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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

Attest:

Jim Neubauer
City Administrator

Eric Belanger, Title
EBCMGL 16, LLLP

Attest:
