



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, JUNE 22, 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.

The public may access the LIVE meeting by **WEB**: Please go to the following link to join the webinar: <https://us02web.zoom.us/j/81579540836> or by **TELEPHONE**: Dial 1 346 248 7799. Webinar ID: 815 7954 0836 .

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.

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

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

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

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.

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

Staff Recommendation: 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.

OTHER BUSINESS

1. Park Board and School Board appointees.

ADJOURN

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

The Planning and Zoning Commission of Mandan duly met in session in the meeting room of the Mandan City Hall on May 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, Klemisch, Klein, Knoll, Leingang, Liepitz, Renner, Camisa, Robinson

Commissioners Absent: Helbling, Frank, Vayda

Commissioner Leingang motions to approve the April 27, 2020 minutes. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from JB Land, LLC, for consideration of approval of a final plat to be named Schaff Estates. Said property is all of the West ½ of Government Lot 1, in Section 7, Township 139N, Range 81W of Morton County, North Dakota.

A. Staff report

John Van Dyke, City Planner, presents.

The subject property is located about 1,800 ft. north of roughriders within the Mandan ETA. The applicant seeks to plat this auditor's lot of approximately 20 acres into two equal sized lots. No zoning change is requested and the use would be for rural residential.

The planned future land use is for commercial and medium density residential. 56th Ave NW (paved) which runs along the east of Roughriders Estates before changing into 24th Ave (gravel road) is a planned collector roadway. 37th St. to the north is the planned future bypass and future principal arterial. The two newly created lots would require a variance to the requirement that a paved road would be required in order to obtain a building permit for a residence.

Planning does not support the application for the following reasons:

- The proposed land use does not align with the future land use planned for the area.
- A variance to the paved road requirement would be necessary to permit a residence on each lot.
- Two ten-acre lots in such close proximity to city limits is sprawl. At a minimum, sprawl is an inefficient use of land, increasing the cost to develop surrounding private property and maintain public infrastructure.

- The application does not align with Goal 1, Policies, 1 & 3 of the Mandan Land Use and Transportation Plan related to a well-planned community.

With that, Wild Subdivision in the near vicinity was platted in 2017 as a 20-acre lot for the purposes of residential building construction. Staff provides recommended conditions and adjustments to the plat if the Planning and Zoning Commission deem it appropriate to recommend approval. Staff stands by the recommendation for denial.

Alternative #1

Recommend approval of one twenty-acre lot subject to a development agreement that limits the buildable area to no more than necessary to obtain a septic permit from Custer Health. Also subject to a ghost plat showing this area and how the land can be developed at a later date to meet the planned future land use for this area. A ghost plat has been provided by the applicant and may need to be amended depending on the desired site of the buildable area (See Exhibit #2). No development would be allowed outside of this area. Access should be limited to the existing driveway approach along 37th St. or via one of the approaches shown in the ghost plat along 24th Ave.

Alternative #2

Recommend approval of two ten-acre lots subject to a development agreement that limits the buildable area to no more than necessary to obtain a septic permit from Custer Health. Also subject to a ghost plat showing these two lots and how the land can be developed at a later date to meet the planned future land use for this area. As mentioned previously, a ghost plat has been provided by the applicant and may need to be amended depending on the desired site of the buildable areas (See Exhibit #2). No development would be allowed outside of these two areas. Access should be limited to the existing driveway approach along 37th St. or via one of the approaches shown in the ghost plat along 24th Ave.

Ellen Huber, Business Development and Communications Director does not support the use planned commercial areas utilized for residential purposes.

Natalie Pierce, Morton County Planning and Zoning Director does not support the application for the same reasons staff has indicated within this report.

Engineering and Planning recommends denial of the application for the preliminary plat as presented in Exhibit 1.

The NDDOT requests 100' right-of-way on the plat for the beltway. It is not on Exhibit 1 because we did not have the updated plat. John shows the updated plat on the screen.

Commissioner Camisa asks if the ghost plat is going to accompany the plat recording. John says a development agreement, with the ghost plat included, will be recorded. The recording number of that development agreement will be referenced to the plat. Is access going to be created on the plat? John says there is the existing driveway. Camisa would like to recommend the access information in the dedication when the plat goes to City Commission.

Jerry Schaff, applicant, agrees with having that dedication on the plat.

B. Open public hearing

There are no public comments.

C. Close public hearing

D. Commission action.

Commissioner Camisa motions to recommend approval of the final plat in Exhibit 1 subject to the recording number of the developer's agreement included on the final plat and the necessary right-of-way dedication for the Northern Bridge/Beltway corridor along with the access dedication. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

Commissioner Leingang motions to adjourn. Commissioner Klemisch seconds. Vote passes unanimously.

The meeting adjourns at 5:46 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on June 22, 2020
 Mandan Engineering and Planning Office Report
Andy's Addition
 Requested Action
Minor Plat Review

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Andy Lee/Kalli Swenson	Andy Lee/Kalli Swenson	Andy's Addition	All of Lots 3 & 4, Block 1, Helmsworth and Mcleans's Addition	
Location Northeast of Mandan Middle School		Proposed Land Use Residential	Parcel Size 0.16	Number of Lots 2
Existing Land Use Single Family Residential	Adjacent Land Uses 1 Block South of Custer Elementary	Current Zoning A-Agricultural	Proposed Zoning RM-Multi-family	Adjacent Zoning DF – Downtown Fringe
Fees \$300	Date Paid June 10, 2020	Adjacent Property Notification Sent N/a	Legal Notices Published N/a	

Project Description

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.

Agency & Other Department Comments

Agency/Department comments are included in the staff report.

Engineering & Planning Staff Comments

Engineering/Planning comments are contained within this staff report.

Engineering & Planning Recommendation

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

Proposed Motion

I move to approve the proposed alleyway access for the minor plat as shown in Exhibit 1 subject to meeting the requirements in Exhibit 2.

List of Exhibits:

Exhibit 1 – Minor Plat and Minor Plat w/Aerial

Exhibit 2 – Items to be Addressed Prior to Recordation if Approved by the Board of City Commissioners

H:\Projects\3000\31265 Andy Lee\31265 survey.dwg, 6/10/2020 9:44:10 AM, Andra, 1:1

EXHIBIT 1 P. 2



TOMAN ENGINEERING
 501 1st Street NW, Mandan, ND 58554
 Phone: 701-663-6483 * Fax: 701-663-0923



ANDY'S ADDITION
 109 8TH AVE NE
 EXISTING FEATURES

PROJECT:

SHEET NUMBER

1

OF 1 SHEETS

EXHIBIT 2

Items to be Addressed Prior to Recordation if Approved by the Board of City Commissioners

- Shared use agreement for water/sewer (water/sewer both run through the street to the home; no services are in the alley from what I can see) This will require an attorney to draft and address issues such as costs for repairs and usage and how shutoffs will be handled in the event that is required, etc. This will be required to be recorded and the instrument number included on the plat.
- 22' setback from the alleyway to accommodate parked vehicle(s) to be included in a Development Agreement. This will be required to be recorded and the instrument number included on the plat.
- The address should be visible, discernable, and illuminated from both the street side and alley side (downward/inward facing illumination) and included in a Development Agreement. This will be required to be recorded and the instrument number included on the plat.
- Joint access easement between properties for purposes of emergency services (in the event they need to get to the alleyway residence and so that the street fronting residence can take their trash receptacles to the alleyway or the other way around if garbage pick-up is on the street-fronting side/it changes in the future).
- The instrument numbers for a recorded development agreement and shared use agreement will be included on the minor plat prior to signature by the City

PUBLIC HEARING #2

PUBLIC HEARING #2

Mandan Planning and Zoning Commission Agenda Item PH2
 For Meeting on June 22, 2020
 Mandan Engineering and Planning Office Report
Sunset Ave. 1st Add.
 Requested Action
Zone Change
Preliminary Plat

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 11
Existing Land Use Bare Land	Adjacent Land Uses Residential/Public Use (Middle School)/Bare Land	Current Zoning A-Agricultural	Proposed Zoning RM-Multi-family	Adjacent Zoning A-Agricultural; RM-Residential
Fees \$1,000	Date Paid 2/14/20 (prelim); 1/24/20 (zone change)	Adjacent Property Notification Sent June 8 (rezone) & June 9 (preliminary plat), 2020	Legal Notices Published June 12 and June 19, 2020	

Project Description

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.

Agency & Other Department Comments

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 Staff Comments

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 & Planning Recommendation

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.

Proposed Motion

I move 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.

List of Exhibits:

- Exhibit 1 – Application
- Exhibit 2 – Preliminary Plat
- Exhibit 3 – Masterplan
- Exhibit 4 – Adjustments to the Preliminary Plat
- Exhibit 5 – Development Agreement

EXHIBIT 1

CITY OF MANDAN			
Development Review Application			
<input type="checkbox"/>	Minor Plat (\$300)	<input checked="" type="checkbox"/>	Zone Change (\$600)
<input checked="" 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 checked="" 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)			
zoning change and plat of Sunset AveNew 1st Addition			

Engineer/Surveyor			Property Owner or Applicant		
Name Steve Iverson			Name Dr. Eric Belanger		
Address 925 10th Avenue E			Address 932 Southport Loop		
City West Fargo	State ND	Zip 58078	City Bismarck	State ND	Zip 58504
email steve.iverson@mooreengineeringinc.com			email		
Phone 701-282-4692		Fax	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	A	RM(PUD)	Sunset AveNew 1st	
Property Address				Legal Description			
not assigned				Part of the North 1/2 of the SE 1/4 of Section 16, T139N, R81W			
Current Use							
Agriculture							
Proposed Use							
Multiple family housing				Section 16	Township 139	Range 81	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
25.61 ac		2	3,585-10,500	84		168	

Print Name	Signature	Date
Eric Belanger		

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

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)	<input type="checkbox"/>	

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

TO SUPPORT ATTACHED HOUSING PRODUCT ACCESSED VIA PRIVATE ACCESS EASEMENTS. PROVIDE A DESIRED HOUSING TYPE for/IN MANDAN.

Engineer/Surveyor			Property Owner or Applicant		
Name MOORE ENGINEERING INC			Name DR. ERIC BELANGER		
Address 2911 14 th ST N #301			Address 932 SOUTHPORT LOOP		
City BISMARCK	State ND	Zip 58503	City BISMARCK	State ND	Zip 58503
email STEVE.IVERS@MOOREENGINEERINGINC.COM			email ERICBELCASTLE@GMAIL.COM		
Phone (701) 500-3711	Fax N/A		Phone (701) 934-0730	Fax N/A	

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	AG-ER	RM	SUNSET AVENUE PT ADDN
Property Address PID 655586500		Legal Description N 1/2 SE 1/4 (LESS 10 AC @ W)		
Current Use AG/PASTURE		148,175' OF N 1/2 SE 1/4 - 25 ACRES		
Proposed Use TOWNHOUSE STYLE S.F. RESIDENTIAL		Section 16	Township 139	Range 81
Parcel Size VARIES	Building Footprint 4,200-14,700sf	Stories 2	Building SF 1,600/UNIT	Required Parking Provided Parking

Print Name STEVE IVERS for/on behalf of Dr. Eric Belanger	Signature 	Date 1/29/20
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Office Use Only			
Date Received:	Initials:	Fees Paid: \$	Date
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: January 24, 2020
Subject: Sunset AveNew First Addition PUD 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 is medium density, attached single family housing.
- 3.) All proposed structures and improvements are shown on the site plan exhibit.
- 4.) Construction phasing will work generally southwest to northeast. 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 RM zoning.
- 6.) The density of the proposed development averages between 7.5 and 8.0 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 12.8 acres.
- 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 reviewed by 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 an attached housing style, commonly referred to as a "twin" or "townhome". Surveys have shown there is a desire and need for more of this product in Mandan, and this project will provide it. The project is contained on three sides by platted public rights of way so incompatibilities are inherently mitigated. The project is consistent with existing and yet to be adopted master land use plans for the area.

All common areas including the private roadway 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 a 30'x70' footprint 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.



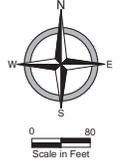
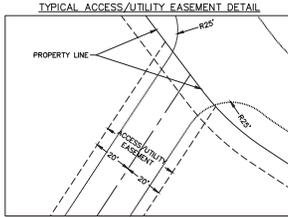
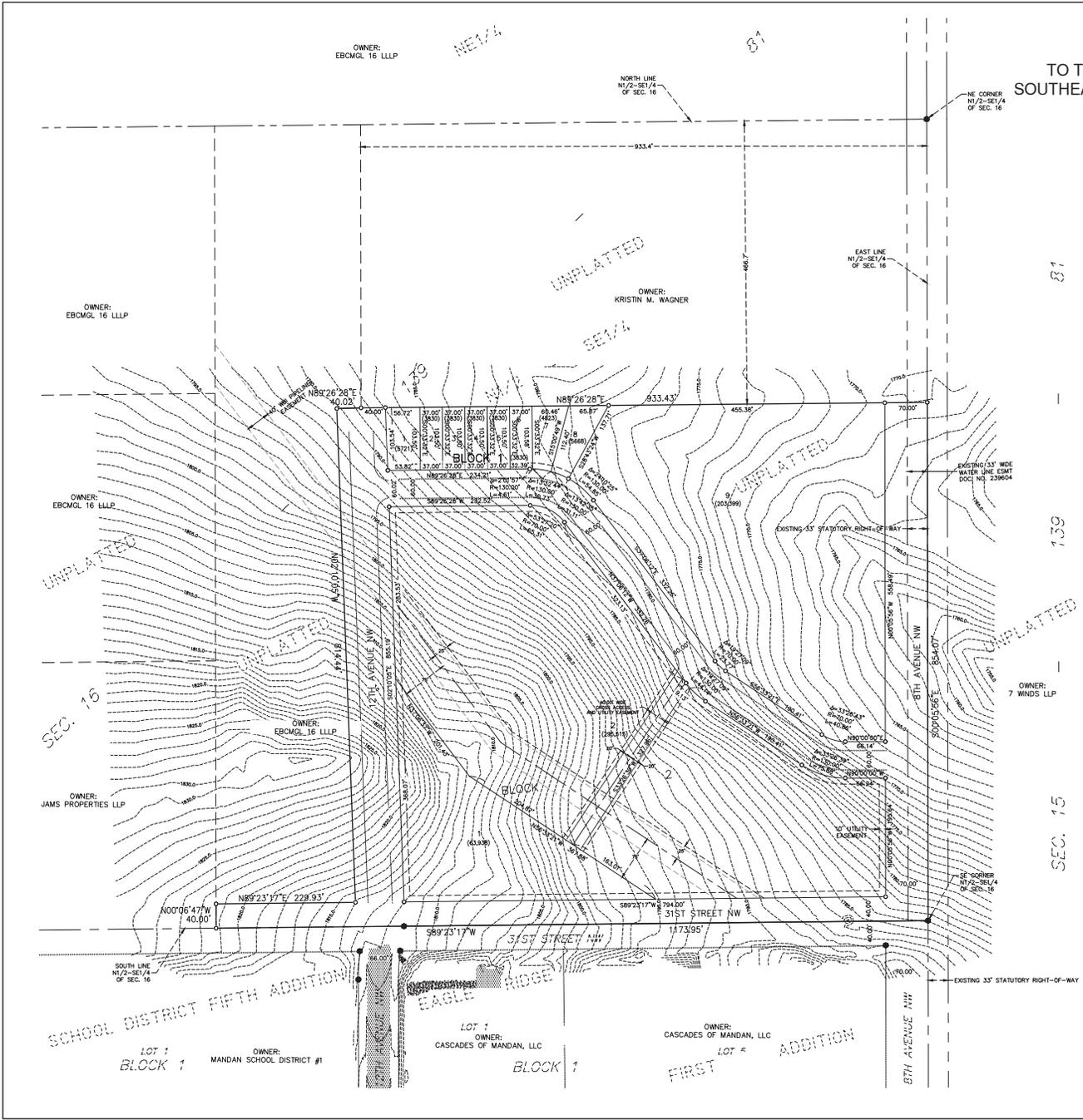
Steve Iverson, MBA
Senior Project Manager
On behalf of Dr. Belanger and Ms. McNichols

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

Enclosures as noted

EXHIBIT 2

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



BASE 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 YELLOW PLASTIC CAP #6571
 - (4810) LOT AREAS IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE

PROPOSED ZONING = RM(PUD)

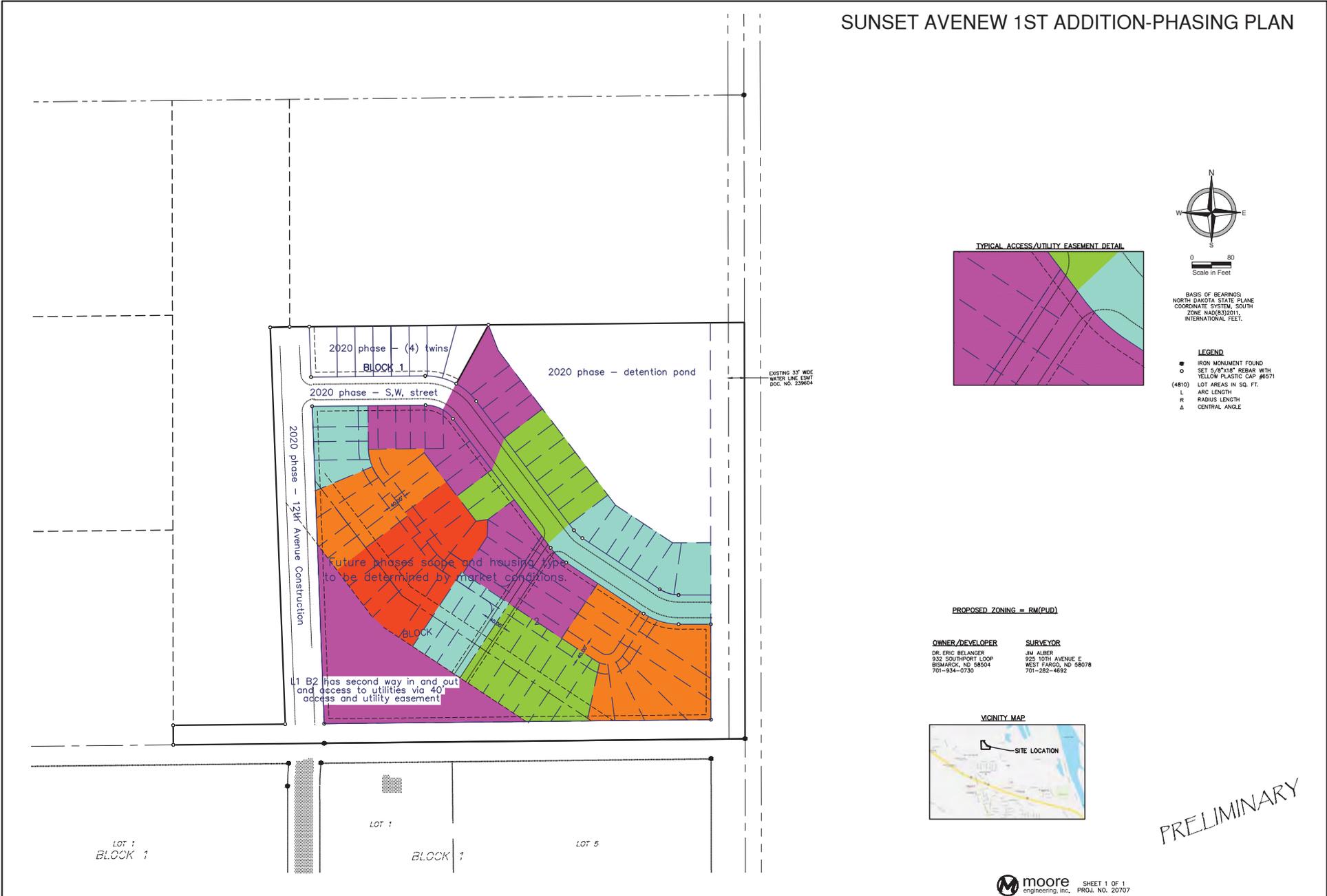
OWNER/DEVELOPER	SURVEYOR
DR. ERIC BELANGER 832 SOUTHWEST LOOP BISMARCK, ND 58504 701-834-0730	JIM ALBER 925 10TH AVENUE E WEST FARGO, ND 58078 701-282-4692



PRELIMINARY

EXHIBIT 3

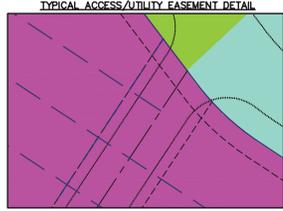
SUNSET AVENUE 1ST ADDITION-PHASING PLAN



0 80
Scale in Feet

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 YELLOW PLASTIC CAP #6571
 - (4810) LOT AREAS IN SQ. FT.
 - L ARC LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE



PROPOSED ZONING = RM(PUD)

OWNER/DEVELOPER	SURVEYOR
DR. ERIC BELANGER 332 SOUTHPORT LOOP BISMARCK, ND 58504 701-934-0730	JIM ALBER 925 10TH AVENUE E. WEST FARGO, ND 58078 701-282-4692



PRELIMINARY

EXHIBIT 4

Adjustments to Preliminary Plat of Sunset Ave New 1st Addition Prior to Presentation 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.
- 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).
- 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.
- 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.
- Temporary turnaround as required by the Fire Department meeting standards established by both Fire and Engineering Departments.

EXHIBIT 5

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 “**Ghost Plat**”) 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 **Ghost Plat** 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. Lot 9, Block 1 and Lots 1 & 2, Block 2 are required to be further subdivided as necessary to meet the density requirement above.
3. The Development is restricted to single-family, twin-home, or row-home construction.
4. 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.
5. If another property owner petitions for a special improvement district that includes the construction of any portion of 8th Ave. NW along the east side of the Development the Developer or subsequent owners of the Development agree not to oppose the special improvement district.

6. If a special improvement district is established for the construction of any portion of 8th Ave. NW along the east side of the Development, the special assessment amount determined by the City of Mandan special assessment policy in effect at the time for those properties residing along 8th Ave. NW, will be applied to the entirety of the Development. 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. 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. 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. 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 unless approved by the Board of City Commissioners.
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:

DRAFT