



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
WEDNESDAY, MAY 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.

*The public may access the LIVE meeting by **WEB**: Please go to the following link to join the webinar: <https://us02web.zoom.us/j/88650461514> or by **TELEPHONE**: Dial: 1 253 215 8782. Webinar ID: 886 5046 1514.*

If you would like to appear via video or audio link for comments on a public hearing item, please provide your e-mail address and contact information to info@cityofmandan.com by noon the day of the meeting.

City Hall will be open for this meeting. Most of the Planning & Zoning Commissioners will be attending this meeting remotely.

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

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

Staff Recommendation: 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.

ADJOURN

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

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

ROLL CALL

Commissioners Present: Boehm, Klein, Knoll, Helbling, Leingang, Renner, Frank, Camisa, Robinson

Commissioners Absent: Klemisch, Liepitz (logged into meeting, he could hear the meeting but nobody could hear him), Vayda

Commissioner Camisa motions to approve the March 23, 2020 minutes with the correction. Commissioner Knoll seconds. Upon vote, the motion passes unanimously.

PUBLIC HEARINGS

1. A request from the Central Dakota Humane Society and Elmer & Alvina Madler for approval of a final plat to be named Longhorn 2nd Addition. Said property is all of Auditor's Lot "A" of the NE ¼ of Section 9 and Longhorn 1st Addition Replat (including Entzel Drive) of the NW ¼ of Section 10, Township 139N; Range 81W, Morton County, North Dakota lying within the 1-mile extraterritorial jurisdiction of the City of Mandan.

A. Staff report

John Van Dyke, City Planner, presents.

The applicants are seeking an approval for the final plat as shown in Exhibit 1. This same property was brought before P&Z in February with a land use amendment, zone change, and preliminary plat, each of which was approved. The final plat includes non-access lines along the entirety of 1806 N. 37th St. also has a non-access line except for two approaches to serve the proposed lots.

The final plat also dedicates the necessary right-of-way for a planned arterial as included in the land use and transportation plan.

Staff is recommending approval subject to some minor editions of the signature block to include both property owners whereas now only one is listed.

The final plat meets the requirements of Engineering and Planning.

Engineering and Planning recommends approval of the final plat as shown in Exhibit 1 subject to minor revisions of the signature block.

B. Open public hearing

There are no public comments.

C. Close public hearing

D. Commission action.

Commissioner Leingang motions to recommend approval the final plat as presented in Exhibit 1 subject to necessary revisions to the signature block to include all property owners. Commissioner Frank seconds. Upon vote, the motion passes unanimously.

2. A request from JB Land, LLC, for consideration of approval of a preliminary 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.

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.

Commissioner Renner says this is part of the future roadways for the new bridge. He asks John if he has a map showing where that roadway would go in relationship to this property. John shows a map. This property sits to the east of the collector.

Commission Knoll asks if they want to build 1 house. John says no. It is a twenty acre lot. The plan is to have 2 ten acre lots with a home on each lot.

Commissioner Frank says the NW area has grown. She asks if there were restrictions placed on the development to the east, in 2016, in anticipation of 37th being a major road as well as 24th. John says there were not. There was right of way that was dedicated though. Will roads be extended in the next decade? John says he does see that, but to what extent he does not know.

Commissioner Renner asks how the roads are built in the future. John says through surrounding development.

B. Open public hearing

Jerry Schaff, Applicant, Harvey Schneider and Andra Marquart, Toman Engineering are present via zoom:

Harvey - They had a pre plat meeting with city staff on March 9. They have done everything that was talked about or asked. The property is not an auditor's plat, but it is currently a government lot. A zone change is not needed because current zoning of Ag allow single-family residential. The applicant is aware of the variance for the paved road requirement that John mentioned. That would happen during the final plat process. The northeast corner of Lot 1 is the location for one house. The southwest corner would be the location of the other house. Per the regional land use plan, residential is allowed in this area and could exist with the commercial. They feel they have met a lot of the goals that was discussed by the ghost platting they have done. The north portion divided for commercial and the south portion divided for residential. They request approval.

Commissioner Frank asks for clarification on the ghost plat showing lots to the north sized for commercial and to the south higher density residential.

Jerry says if you look at the ghost plat, the lots in the southwest and northeast corners are each 1.5 acres that are required to have septic systems. Both lots are in conjunction with the roadways, so there would be no extra dedications other than that. If the north road went in as a bypass, everything would be compliant. Two years ago there was a plat approved two blocks away and there was none of the restrictions.

Mayor Helbling asks Jerry how long he has owned the property. Jerry says 2 years. His original intent was to build himself, but he ended up building elsewhere that is why he wants to sell. He bought it from Tom Weigel.

Chair Robinson asks Jerry if he is requesting approval on staff alternative #2. Jerry says yes. They have done everything that was asked of them.

Commissioner Renner asks for clarification on access to the lot in the NE corner is going to have to come off of 37th Street. If 37th becomes a major arterial, isn't access for whoever is living there become a nightmare? He also asks for clarification about the access on the SW lot. John says the applicant is proposing to utilize the existing approach. The approach already serves a dwelling to the east.

Jerry says the lots will be sold as 2 lots and the new owners will be aware of the restrictions.

Commissioner Camisa asks if it is easier to adopt the ghost plat and do the dividing now with limits. John says it may be an option, however, you would be creating a bunch of non-conforming lots that may be in individual ownership. That could cause problems for true redevelopment in the future. The future development would be serviced by a developer's agreement.

Commissioner Renner doesn't like to kick the can down the road. What if a future owner on the NE lot builds their home there and a gas station moves in next door? Are the two residential lots limited commercial potential?

Commissioner Frank thinks whoever the buyer is for one of the 10 acre lots would more than likely view it as short term residential and long term commercial opportunity.

Harvey, Toman Engineering, says when Jerry sells each ten acre lot, the buyer will be made aware that the only buildable lot is the residential space in each lot. The buyer would have total control on what goes in there.

Jerry says there are areas that are zoned commercial and residential.

Chair Robinson says at this time, there are only the two existing approaches. That limits how and when the remaining area is developed.

Commissioner Renner asks if there is access to Lot 2 off of 24th Street. Jerry says no, they would have to apply for it.

C. Close public hearing

D. Commission action.

Commissioner Frank motions to recommend approval of the preliminary plat subject to changes as outlined in staff alternative #2 provided in the staff report. Commissioner Leingang seconds. Upon vote, the motion passes unanimously.

OTHER BUSINESS

Resident request to explore beekeeping as an allowed or permitted use – Discussion.

A resident requested beekeeping to be looked into. John does like urban farming as a concept. Boise, ID, did allow it. It should be looked into further. John is looking for guidance.

Commissioner Camisa thinks it is worse than chickens. Stage Ag Dept. would have to have say. Could see it maybe in the ETA, but not downtown.

Commissioner Renner thinks it would depend on location and magnitude.

Mayor Helbling agree with Commissioner Camisa. Not a good path to go down.

Commissioner Frank asks if the resident did any research.

The board encourages the resident do more research and leg work on it and the board may look at it then. It is not necessary for city staff to spend the time doing this.

Chair Robinson adjourns the meeting at 6:22 p.m.

PUBLIC HEARING # 1

PUBLIC HEARING # 1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on May 27, 2020
 Mandan Engineering and Planning Office Report
Schaff Estates
 Requested Action
Final Plat

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Jerry Schaff	JB Land, LLC	Schaff Estates (proposed)	All of the W1/2 of Gov. Lot 1, Section 7, T139N-R81W of Morton County, North Dakota	
Location Approximately 1,800 ft. from Roughriders Estates		Proposed Land Use Residential	Parcel Size 21.43 ac	Number of Lots 2
Existing Land Use Bare Land	Adjacent Land Uses Bare Land/Rural Residential	Current Zoning Agriculture	Proposed Zoning No Change	Adjacent Zoning Agriculture
Fees \$400	Date Paid April 28, 2020	Adjacent Property Notification Sent May 5, 2020	Legal Notices Published May 15 & 22, 2020	

Project Description

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 preliminary plat was approved by the Board of City Commissioners on May 19 subject to the Developer's Agreement shown in Exhibit #2 and subject to the necessary dedication of right-of-way for the Northern Bridge/Beltway Corridor.

Both the preliminary and final plats were sent for comment to City departments and external agencies as is customary. The Metropolitan Planning Organization did not provide comment regarding the preliminary plat, but did provide comment on the final plat where they noted the necessary right-of-way requirements for the Northern Bridge/Beltway corridor of 200'. The Northern Bridge/Beltway corridor runs along the northern and western boundaries of the proposed Schaff Estates.

At last month's Planning and Zoning meeting, staff indicated that Wild Subdivision was platted in 2017 and required 60' along its northern border for right-of-way. This appears to be an outlier, as Huber's 1st, platted in 2008, provided the necessary width of 100' of the 200' total right-of-way need.

Staff did ask the question if 200' was necessary at the May 18 Metropolitan Planning Organization's Technical Advisory Committee which is comprised of local jurisdictional engineering and planning staff, as well as the District Engineer of the North Dakota Department of Transportation. The consensus was that 200' was still necessary for this roadway, as it would be a major alternative to existing traffic patterns and work to alleviate demand on other major collector and arterial roads on each side of the river. Bismarck has been actively obtaining the 200' of right-of-way along the corridor.

Staff recommends approval of the final plat subject to the necessary changes in right-of-way dedication. The final plat should also include the recording number for the development agreement as a plat note.

Agency & Other Department Comments

Metropolitan Planning Organization Technical Advisory Committee recommends a 200 right-of-way to facilitate the Northern Bridge/Beltway corridor.

Engineering & Planning Staff Comments

Based on the Metropolitan Planning Organization Technical Advisory Committee recommendation, the necessary right-of-way dedication for Schaff Estates is 100' on the northern and western boundaries of the subject property.

Engineering & Planning Recommendation

Engineering and Planning recommends 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.

Proposed Motion

I move 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.

List of Exhibits:

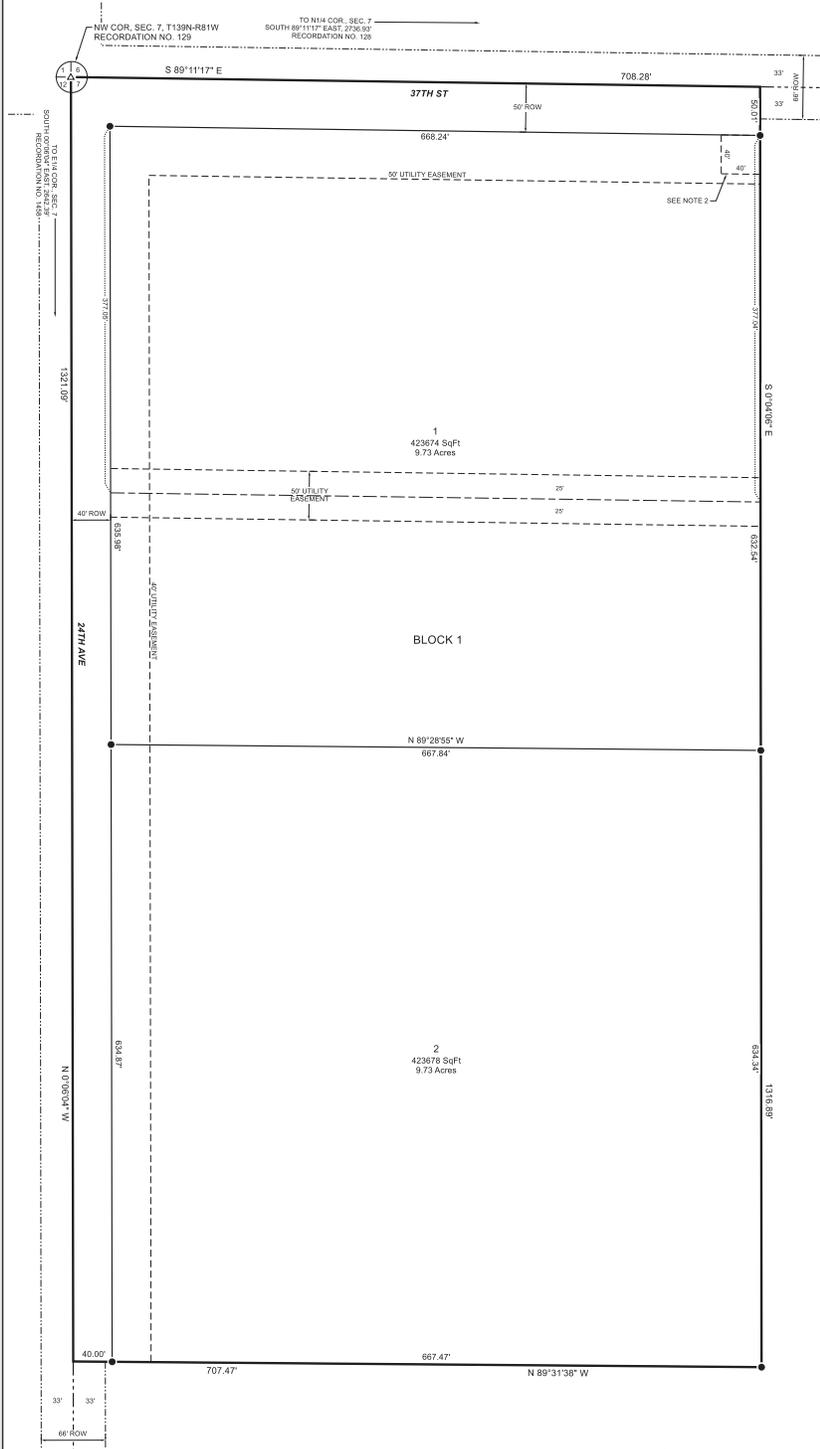
Exhibit 1 – Final Plat

Exhibit 2 – Developer's Agreement

SCHAFF ESTATES

TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA
 ALL OF THE W1/2 OF GOVERNMENT LOT 1, SECTION 7, T139N-R81W OF MORTON COUNTY, NORTH DAKOTA
 LYING WITHIN THE 1-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN

EXHIBIT 1



DESCRIPTION OF PROPERTY
 ALL OF THE W1/2 OF GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, SAID TRACT OF LAND CONTAINING 21.43 ACRES, MORE OR LESS.

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

ANDRAL L. MARQUARDT, RLS 4623
 STATE OF NORTH DAKOTA)
 COUNTY OF MORTON)
 ON THIS ____ DAY OF _____, 2020, THERE APPEARED BEFORE ME ANDRAL L. MARQUARDT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND DID ACKNOWLEDGE TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

HARVEY SCHNEIDER
 NOTARY PUBLIC, NORTH DAKOTA

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

JERRY L. SCHAFF, PRESIDENT
 JB LAND LLC
 SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2020.

 NOTARY PUBLIC
 COUNTY _____
 MY COMMISSION EXPIRES _____

PLANNING COMMISSION APPROVAL
 THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS ____ DAY OF _____, 2020, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA. ORDINANCES OF SAID CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN
 NANCY MOSER - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS
 THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THIS SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF MANDAN, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON. FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN. THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION THIS ____ DAY OF _____, 2020.

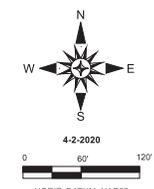
TIM NEUBAUER - CITY ADMINISTRATOR
 TIM HELBLING - PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

I, JUSTIN FROSTH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA HEREBY APPROVES "SCHAFF ESTATES," OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.
 JUSTIN FROSTH, PE

OWNER
 JB LAND LLC
 1806 SCHAFF DR
 MANDAN, ND 58554

BASIS OF BEARING
 NORTH BOUNDARY LINE NW1/4 SEC. 7
 NORTH 89° 21' 18" EAST

NOTES:
 1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. THE ACCESS EASEMENT SHOWN HEREON IS FOR JOINT USE, AND TO THE BENEFIT OF LOT 1, SCHAFF ESTATES AND THE E1/2 OF GOVERNMENT LOT 1 EQUALLY.
 3. LOT AREA: 19.46 ACRES
 ROW AREA: 1.97 ACRES
 TOTAL AREA: 21.43 ACRES



LEGEND	
▲	FOUND SECTION/QUARTER CORNER
○	FOUND REBAR MONUMENT
●	SET REBAR MONUMENT

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

DAWN R. RHONE, COUNTY AUDITOR
 BY _____ DEPUTY

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

BY _____ DEPUTY
 DATE: _____

EXHIBIT 2

Development Agreement

Schaff Estates

This Agreement is made and entered into on the 19th day of May, 2020, (hereinafter the “effective date”) by and between the City of Mandan (hereinafter referred to as the “City”) and JB Land, LLC (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 1806 Schaff Dr., Mandan, ND 58554. 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 W1/2 of Government Lot 1, Section 7, Township 139N, Range 81W of Morton County, North Dakota (hereinafter referred to as the “Property”); and

WHEREAS, the Developer wishes to develop the approximate twenty-one and one-half (21.5) acre Property into a development named Schaff Estates (hereinafter referred to as the “Development”); and

WHEREAS, said Development is currently planned to include two (2) single-family lots of approximately equal acreage; 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 two (2) single-family lots and preserve the remaining land for future development to its highest and best use; and

WHEREAS, said agreement utilizes for reference a document (hereinafter referred to as “Ghost Plat”) showing future right-of-way and additional lots as a proof of concept for future development to align with the present average lot size of the future land uses for the Property as presently denoted on 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. The Development is restricted to one buildable area on each lot as shown in the attached Ghost Plat illustrated by hashed lines on each respective lot in the Development.
2. Any improvements, whether permitted or otherwise, whether above or below ground such as a septic system and land designated for a secondary septic system, are to be contained within the buildable area boundaries.
3. At the request of the Mandan Building Official, a building permit application will denote the boundaries of the buildable area to ensure the location of any structure is contained within the buildable area.
4. Access to Lot 1 of the Development will be restricted to the existing approach located in the northeast corner.
5. Access to Lot 2 of the Development will be restricted to the depicted right-of-way immediately north of the buildable area.
6. Upon future development of the Property outside the buildable areas of the respective lot, the Developer will vacate the corresponding approach for the construction of a public road or access easement intended to provide access to future lots and utilize said public road or access easement in lieu of the existing private driveway or approach.
7. The Developer will not be required to improve the road 24th Ave. or 37th St. to a standard urban section including paving, curb, and gutter, for the purposes of obtaining a single-family residential building permit or related accessory structure(s) within the buildable area on each lot of the Property.
8. 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.

Mayor Tim Helbling
City of Mandan

Attest:

Jim Neubauer
City Manager

Jerry L. Schaff, President
JB Land, LLC

Attest:
