



AGENDA
MANDAN PLANNING & ZONING COMMISSION
COMMISSION ROOM 5:30 P.M.
MONDAY, NOVEMBER 28, 2022

The City of Mandan is encouraging citizens to provide their comments for agenda items via email to andrew.stromme@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 andrew.stromme@cityofmandan.com. Many Planning & Zoning Commissioners may be attending this meeting remotely.

The public may access the LIVE meeting at:

Web: Please go to the following link to join the webinar: <https://us02web.zoom.us/j/89085637075>

Or Telephone Dial: +1 719 359 4580 Webinar ID: 890 8563 7075

Roll Call, Reading and Approval of the October 24, 2022, minutes.

PUBLIC HEARINGS

1. A request from Brandon Zachmeier for a final plat to be named Uncle Louies Addition. Said property is Lots 2 & 3 of Lot A of the N1/2 of Section 10, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located at 5718 Rock Haven Harbor Road.

A. Staff report B. Open for public comment C. Close public comment D. Commission action
Staff Recommendation: Staff recommends approval of the final plat.

OTHER BUSINESS

1.Appointments to the board.

2. Update on NW Mandan Area Land Use and Transportation Plan Amendment

3. Reminder – December 28 Planning & Zoning meeting.

ADJOURN

**MANDAN PLANNING AND ZONING COMMISSION
MANDAN CITY HALL
Monday, October 24, 2022**

The Planning and Zoning Commission of Mandan duly met in session in the Commission Meeting Room of the Mandan City Hall on Monday, October 24, 2022, at 5:30 p.m. CST. 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 andrew.stromme@cityofmandan.com. Planning & Zoning Commissioner members may be attending this meeting remotely.

ROLL CALL

Commissioners Present: Leingang, Mehlhoff, McLean, Frank, Vayda, Gardner and Robinson. Commissioners Absent: Horn, Helbling, Liepitz, Camisa.

MINUTES

Commissioner McLean motioned to approve the September 26, 2022 minutes as presented. Commissioner Vayda seconded the motion. Upon vote, the motion passed unanimously.

PUBLIC HEARINGS

1. A request from Victor Fleck for consideration of a final plat to be titled Vic Fleck Subdivision. Said property is all of Lot 2 of Lot E Outlot E, Part of Lot 3 of Lot E and All of Lot A of Lots 3 & 4, in the SW ¼ of Section 29, Township 139N, Range 81W. The property is located on Sunny Road South.

A. Staff Report

City Principal Planner Stromme presented.

Victor Fleck requested consideration of a final plat for a subdivision to be titled Vic Fleck Addition. The property is located west of Mandan in the extraterritorial area on Sunny Road South.

Property History

The properties were developed in the 1970s. They were rezoned from R7 – Residential to CB – Commercial in 2011 and 2020 respectively. The primary use of the property is trucking of excavated materials. It is located in the floodplain. They are not served by municipal utility services (city water, sewer).

Final Plat

The proposed subdivision plat is 20.62 acres in size and contains one lot in one block. The property is in a designated AE – Floodplain and any development on the property must conform with the City Floodplain Development Ordinance. Access is proposed to come from Sunny Road South.

Adjacent Zoning and Land Use

Adjacent properties are zoned R7 – Residential and MA – Industrial. The future land use designation for this property is Commercial and High Density Residential. The current zoning would permit both in a future development scenario.

Findings of Fact

Final Plat

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms with the Future Land Use Plan and other plans and studies.
4. The proposed subdivision is located in the Special Flood Hazard Area but is proposed to be constructed in accordance with the Floodplain Development Ordinance and therefore will not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development.
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Agency & Other Department Comments

Building construction on this property must conform with City Ordinances related to floodplain development.

Planning Staff Comments

- The primary flood risk on this property is believed to come from the Heart River Oxbow located directly south of the subject parcel. Flooding events on the Heart River system are what cause specific concern.
- A total of eleven (11) letters were sent to adjoining property owners related to the request. There have not been any comments received or opposition to the request of a final plat.
- The signature lines need correcting to reflect City Board approval.

Planner Stromme stated that the Planning Department Office recommended approval of the final plat for Vic Fleck Subdivision. Surveyor Greg Johnson was available to answer any questions regarding this project.

B. Open Public Hearing

Chair Robinson opened the public hearing and invited anyone in the room or on the phone to come forward to speak for or against the request of a final plat to be titled Vic Fleck Subdivision.

Chair Robinson inquired if there were any comments or questions.

C. Close Public Hearing

Chair Robinson inquired if there were any comments or questions. A second and third announcement was made to come forward to speak for or against the request of a final plat to be titled Vic Fleck Subdivision. Hearing none, this portion of the public hearing was closed.

D. Commission Action

Commissioner McLean motioned to recommend approval of the final plat to be titled Vic Fleck Subdivision. Commissioner Vayda seconded the motion. Upon vote, the motion passed unanimously.

2. A request from Dustin & Jennifer Leingang for consideration of a building setback variance and minor plat to be named Leingang Addition. Said property is Auditor's Lot 9, Block 9, Mead's Addition of the SE ¼ Section 28, Township 139N, Range 81W. The property is located at 205 & 207 8th Avenue NW.

A. Staff Report

City Principal Planner Stromme presented.

Dustin & Jennifer Leingang request consideration of a variance from Sec. 105-3-9 (10) of the City Code of Ordinances related to RM - Residential; Rear yard setback. The property is located in west central Mandan, on the west side of 8th Avenue NW between 1st and 2nd Streets Northwest.

Property History

Mead's Addition was platted in 1881. There are two homes on the property. Pursuant to the City Assessing property cards, the two homes on the lot were constructed in 1937. The homes are over twenty feet (20') apart.

Requested Variance

Using the subject plat for Leingang Addition, the applicant seeks to split the property into two to allow the homes to be owned separately on individual lots. Applying the RM – Residential rear yard setback of ten feet (10') to this property, the location of a new property line to split the properties would be in a location unfavorable to the applicant based on existing lot features. The variance, if granted through the approval of Leingang Addition, would permit a reduction in the rear yard setback from ten feet (10') to three feet (3') for this property. Exhibit 4 indicates the location of property features of the proposed property line.

Minor Plat

The proposed plat is 8,414 sf (.19 acres) and has two (2) lots. Lot 1 is shown to be 4,333 sf and Lot 2 is 4,081 sf.

Adjacent Zoning and Land Use

Adjacent properties are zoned DF – Downtown Fringe and are residential in nature. The City Future Land Use Plan recommends medium-density residential development.

Findings of Fact

Variance

1. The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area or within the DF – Downtown fringe district.
2. The hardship is not caused by the provisions of the Zoning Ordinance.
3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Minor Plat

1. All requirements for approval of a minor subdivision plat have been met.
2. The proposed subdivision is generally consistent with the intent and purpose of the zoning ordinance.
3. The proposed subdivision is consistent with the Future Land Use Plan, other adopted plans and policies, as well as accepted planning practice.
4. The proposed subdivision would not adversely affect public health, safety and general welfare.

Agency & Other Department Comments

Staff has not received comments related to this item. Seventeen (17) letters were sent to adjacent property owners notifying them of the request. Pursuant to the Public Works Department, a separate water curb stop may be needed if a separate lot is created.

Engineering & Planning Recommendation

Planner Stromme stated that the Planning Department recommends review of the applicants request and Findings of Fact, identifying a hardship and modifying the Findings of Fact to support the motion of the Board. Page 24 of the agenda packet includes a guide to assist with review, criteria and motions related to variances.

Planner Stromme explained that included in Exhibit 2, is an applicant statement related to the property and the application of the code on the property and why they are requesting a variance. That would be considered their statement of hardship as to why they need a setback variance from the city's zoning code.

Chair Robison inquired what would happen if one of these structures were to burn down since the lots are broke up into about 4,200 sq. ft.? Planner Stromme explained that in 2021 the city code was amended related to legal non-conformity, existing uses – specifically residential uses – to ensure that legally non-conforming residential uses would be allowed to be rebuilt because of a concern that residents were not able to obtain mortgages on properties with non-conforming setbacks. He said that it is his understanding that as long as a new structure would be able to meet the code, however, he recommended checking with the City Attorney on this matter, however he believes they would be able to be rebuilt under the code

that was added because it is a city action that is permitting the split to occur. All the property lines that are being reviewed, would be able to be rebuilt in that location because of the code. The one that he is not positive about is the one that that will be added tonight. He reiterated the city code will basically allow these two to be rebuilt as is – the nuance would be the property line that is being added, wherein, he will obtain attorney consultation on that item.

B. Open Public Hearing

Chair Robinson opened the public hearing and invited anyone in the room or on the phone to come forward to speak for or against the request from Dustin & Jennifer Leingang for consideration of a building setback variance and minor plat to be named Leingang Addition.

Dustin Leingang came forward and stated he is the current landowner of the property. He presented photos to help illustrate why the property line and why the request for hardship and the request for acceptance for this is being made. Both properties are distinctly separate properties with a clear delineation from property A to property B. Toman Engineering was available to answer questions.

Commissioner McLean inquired of Mr. Leingang if he plans to sell one of the residences? Mr. Leingang replied that the current tenants on the alley side inquired about possibilities of purchasing the house they live in. There is no Purchase Agreement in place and there is nothing contingent on this happening, however, he realizes he is unable to do anything with either property unless the two properties are split because they are one lot. That is the reason for the origination of this process.

Commissioner Gardner inquired if there would be a subdivision of the two homes – would there be a garage or car port built? Mr. Leingang replied there is no planned construction, this request is simply to separate the properties legally according to code regulations.

Everything else is recognized as being separate as it is today, other than the plat.

Commissioner Gardner inquired if there are separate mailing addresses? Leingang replied yes they are separate addresses and there are separate utilities and garbage, etc. and they are recognized as if they are two separate properties except for the common lot they sit on.

Commissioner Gardner inquired of Planner Stromme – If the action is that a line is being drawn basically delineating the two properties, there is no concern about fire? Planner Stromme replied that the concerns are the additional structures that would be conformed in a setback location that would be required, so there is a concern with the recommendation of adoption of the code that 10 feet be the proper setback. The Building and Fire Departments in previous instances stated there have been concerns with setbacks and things like fire, however, in the event of a structure being placed, there are things that can be done to promote safety that could be accommodated.

Commissioner Frank commented that there are properties throughout the community like this that were constructed in the past. She inquired if anyone who is looking to create this type of setup in the future - if there would be an impact on construction if the city allowed these types of existing structures to be built and then later split? Planner Stromme explained that one of the potential routes to permit this property would have been the accessory dwelling unit and he does not believe the city will see many lot splits primarily because the underlying

zoning might permit the lot splits based on lot size. He does not anticipate many of these requests to come forward. If these types of actions continue, he believes it will be a continuation of working through the current property situations.

C. Close Public Hearing

Chair Robinson inquired if there were any comments or questions. A second and third announcement was made to come forward to speak for or against the request from Dustin & Jennifer Leingang for consideration of a building setback variance and minor plat to be named Leingang Addition. Hearing none, this portion of the public hearing was closed.

D. Commission Action

Commissioner McLean inquired if the city will be setting a precedence with a 3-foot setback of this is permitted? What if a structure were to burn down and they want to rebuild? Would they have to conform to a regular setback? Planner Stromme stated that there is a provision in the Mandan City Code that allows legal non-conforming residential uses to be rebuilt as they were. If there was a less than normal setback of a structure that could be rebuilt, the city attorney would be asked if the rear property line also is included in that property or not, as it is not necessarily a legal non-conforming aspect, it is something that's awarded when it would be approved. He said he is not clear on an answer however he will request the city attorney to research it and provide comments back to the Commissioners. Commissioner McLean inquired what would happen if there is a situation at the alley access for fire and rescue? Planner Stromme replied that he does not believe there would be any change in the functional operation of the properties whether it's day to day or in an emergency situation. The change requested is limited to the addition of a property line.

Chair Robinson commented that the plat being reviewed does not show the actual footage between the two structures. He inquired as to what that is. Planner Stromme stated there was an excess of 20 feet, minus the deck, which is 25 feet.

Chair Robinson commented that presently the work is around the car port and storage building which are primitive and utility services. If the city ignored those two structures, would it be about 10 feet? Planner Stromme stated that they would be able to draw a 10-foot setback for both properties however the structures would not be able to straddle and they would also need to be 10-feet from the line. That could be a challenge to place those structures on the property at a 10-foot setback.

Commissioner McLean inquired if the car port were to be replaced could it be replaced with a full-size garage? Planner Stromme stated that providing that the structure would be an allowed accessory use (shop, garage, shed) and meets the set back and not violate any city code, it could be rebuilt and not be required to be rebuilt exactly as it stands today.

Chair Robinson inquired if there were any comments or questions from the Commission. He stated that he is familiar with the property area and although the situation is not perfect, it's probably the most logical scenario, as presented, without moving anything. Commissioner Frank inquired that even though the structures are encroaching on the setback, do they still have access distance from the adjacent structure? Planner Stromme referred to Exhibit 4, and

stated that he understands all the measurements would result in adequate distance. Fire Chief Nardello and Building Official Singer have indicated that 5-feet is reasonable between the one-story structures and anything less than that, they prefer to have fire-proofing per fire and building codes. With that understanding, he believes the distance between the accessory structures and homes is satisfactory.

Commissioner Frank moved to recommend approval of the variance from Sec. 105-3-9 (10) of the City Code of Ordinances related to RM - Residential; Rear yard setback reduce the required rear yard setback on this property from ten feet (10') to three feet (3') feet due to the following hardship as specified in the request, more specifically, Findings of Fact, Variance (1) The need for a variance based on special circumstances or conditions unique to this specific parcel of land; (2) Request a variance is the minimum variance that would accomplish the relief sought by the applicants. Commissioner McLean seconded the motion. Upon vote, the motion passed unanimously.

OTHER BUSINESS

1. Introduction of Land Use Plan Amendment in NW Mandan.

Planner Stromme stated that he has prepared an introduction of a Land Use Plan Amendment that city staff has been working on in northwest Mandan. He presented an exhibit that was provided to all commissioner members prior to the meeting. He reviewed the following main points related to the amendment: (i) Access Management for the freeway near interchanges; and (ii) Allowable Access Spacing Near Interchanges.

Planner Stromme stated that if the city is interested in having an interstate access point, there are rules outlined for that process by the DOT. For context, he said this project is planned for year 2045, or later, however, he said he does not want to lose a chance in the future wherein these are uncertainties, however they are likelihoods. This presentation is not brought for a vote, rather as a brief introduction as a future project. It may be brought in the future as an action item followed by public involvement.

Commissioner Gardner said he would be interested in hearing from property owners that are affected, in particular, what their thoughts are in order to extend the road. Planner Stromme said that as with other processes conducted by the city there will be public involvement and at a minimum there would be letters sent to the property owners that have any change in future land use designation or change in transportation that they may need to accommodate in the development scenario. All the parcels within the project will be reviewed by the developers and farmers, etc. The action would be to amend the Future Land Use Plan map but specifically only to amend the transportation network component of it. The request would be to amend the location of the arterial road from one area to another and add a recommended connection point to preserve the right of way.

2. Chair Robinson extended a welcome to Will Gardner as the newest member appointed to the Planning and Zoning Commission.

ADJOURNMENT

Commissioner McLean motioned to adjourn the meeting. Commissioner Vayda seconded the motion. Upon vote, the motion passed unanimously.

The meeting adjourned at 6:20 p.m.

PUBLIC HEARING #1

PUBLIC HEARING #1

Mandan Planning and Zoning Commission Agenda Item PH1
 For Meeting on November 28, 2022
 Mandan Engineering and Planning Office Report
Uncle Louie's Addition
 Requested Action
Final Plat

Application Details				
Applicant	Owner	Subdivision	Legal Description	
Brandon Zachmeier	Brandon Zachmeier	To be titled Uncle Louie's Addition	Lots 2 & 3 of Lot A of the N ½ of Section 10, Township 139, Range 81, Morton County	
Location		Proposed Land Use	Parcel Size	Number of Lots
North of Mandan, east of Hwy 1806 N, south of 37 th Street N on east side of Rock Haven Harbor Road North		same	6.15 Acres	1
Existing Land Use	Adjacent Land Uses		Current Zoning	Proposed Zoning
Commercial (Marine Repair and Accessory Sales)	Residential, Agricultural		A - Agriculture	A - Agriculture
Fees	Date Paid	Adjacent Property Notification Sent	Legal Notices Published	
\$400.00	10/13/2022	11/8/2022	11/18/2022 and 11/25/2022	

Project Description

Brandon Zachmeier requests consideration of a final plat for a subdivision to be titled Uncle Louie's Addition. The property is located in the extraterritorial area in north Mandan, east of Hwy 1806 N, south of 37th Street N on east side of Rock Haven Harbor Road North.

The preliminary plat for this subdivision was approved at the September 26, 2022 Planning and Zoning Commission Meeting and October 18th City Commission Meeting.

Final Plat
 The Final Plat contains 1 lot in one block, and is 6.15 acres in size. A portion of the property along the Missouri River is in a Zone AE – Floodplain per FEMA Maps. The WAPA – Western Area Power Administration transmission line easement has been visualized on this plat.

Property Information
 The present use is a marine repair and accessory sales facility. A residence and boat launch supporting the business exist on the property. An established screening of mature evergreen trees surrounds the property on the north, west and south property lines.

Adjacent Properties and Land Use
 The property and all adjoining lands are zoned A – Agriculture. The Future Land Use Designation is for rural residential. (Exhibit 4). Adjacent land uses are residential and agricultural in nature. The City Extraterritorial Area extends to 37th Street N, roughly 500' north of this property.

Findings of Fact
Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms with the Future Land Use Plan and other plans and studies;

4. Portions of the proposed subdivision are located in the Special Flood Hazard Area, however no improvements are planned in these areas. The subdivision is not located in an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

Agency & Other Department Comments

No comments were received related to this request. 7 letters were sent to adjoining property owners notifying of the hearing.

Engineering & Planning Staff Comments

- Certain uses/activities may be restricted within the WAPA easement. Through this plat, the City approves the lot combination solely, not any improvements to the property which may be subject to WAPA approval.
- No access points to Rock Haven Harbor Road are proposed.

Engineering & Planning Recommendation

Planning staff recommends approval of the final plat for Uncle Louie's Addition.

Proposed Motion

I move to approve the final plat for Uncle Louie's Addition.

List of Exhibits:

1. Application
2. Final Plat
3. Location Map

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 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 checked="" 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)			
Combine 2 Parcels into 1 Lot			

Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs; ILSE, Inc.			Name Brandon Zachmeier		
Address 4915 Old Red Trail NW			Address 5718 Rock Haven Harbor Road		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsruveynd.com			email bzachmeier@gmail.com		
Phone 701-595-2079		Fax	Phone 701-214-0036		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 type="checkbox"/> City	<input checked="" type="checkbox"/> ETA	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Addition	Ag	Ag	Uncle Louies Addition	
Property Address				Legal Description			
5718 Rock Haven Harbor Road				Lots 2 & 3 of Lot A of the North Half			
Current Use				of Fractional Section 10			
Residential-Commercial							
Proposed Use							
Residential-Commercial				Section 10	Township 139 N	Range 81 W	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
6.15 Ac	60 x 100	1	6,000				

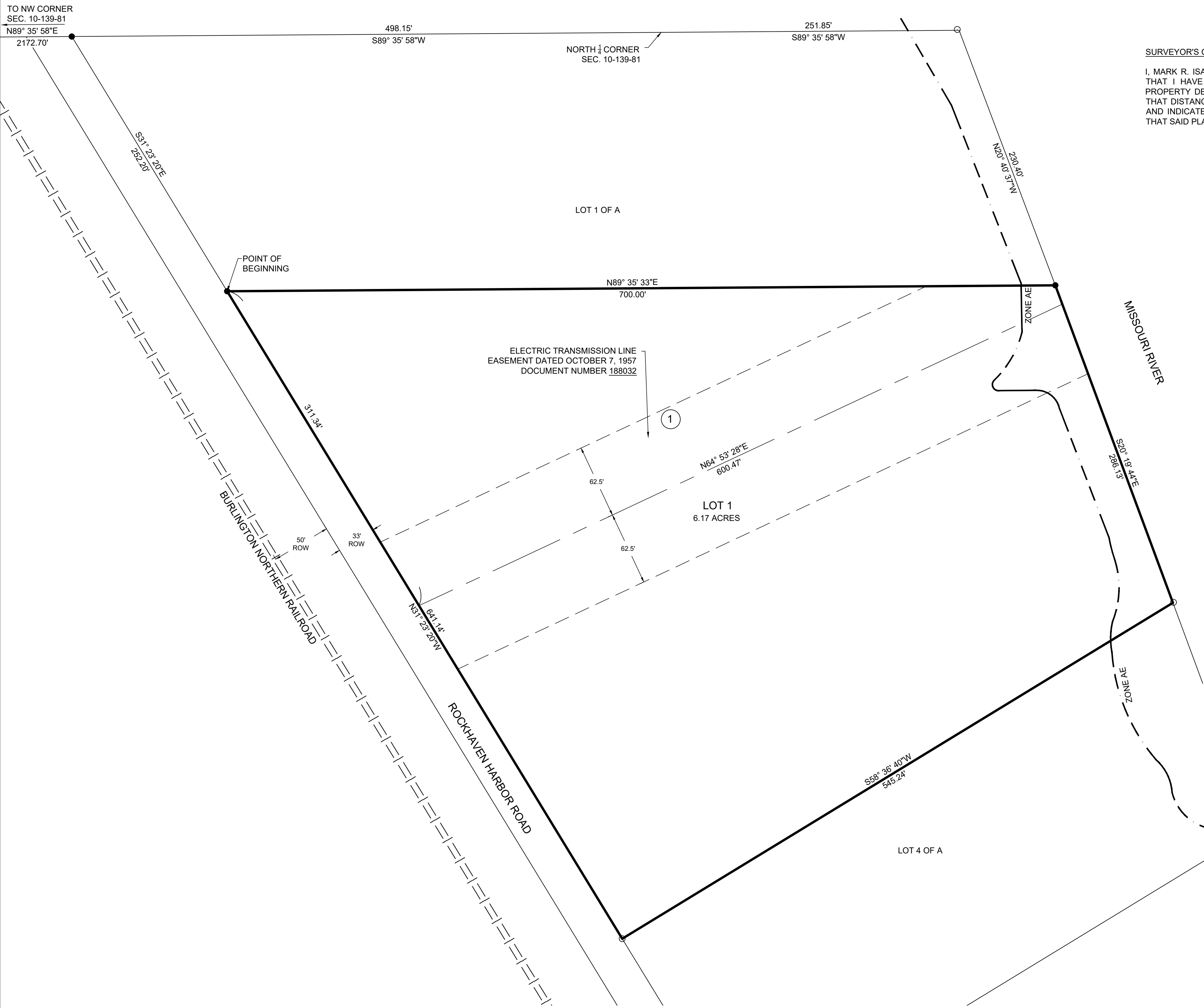
Print Name <i>Brandon Zachmeier</i>	Signature 	Date 10/13/22
--	---------------	------------------

Office Use Only			
Date Received:	Initials: <i>mm</i>	Fees Paid: \$ <i>400</i>	Date <i>10-13-2022</i>
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

UNCLE LOUIES ADDITION

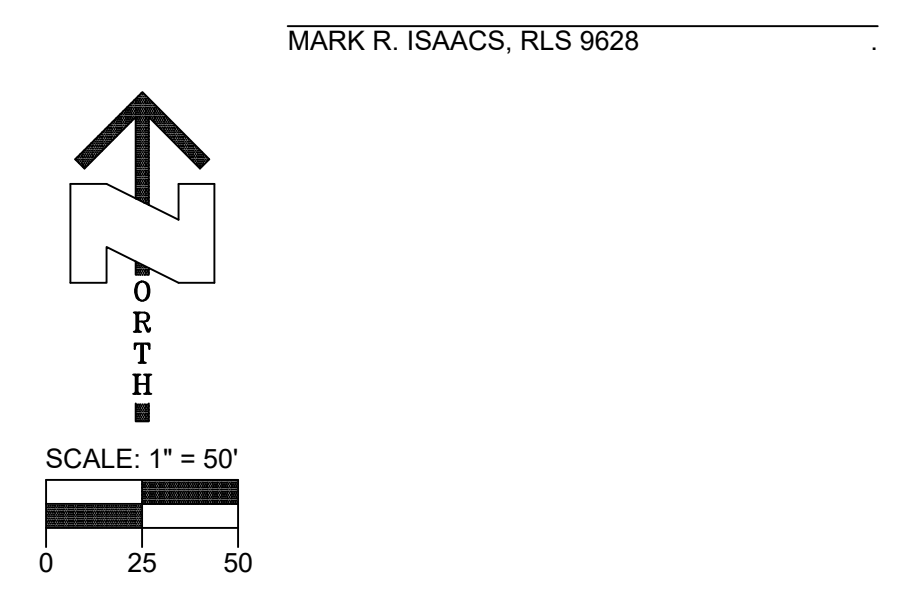
OF MORTON COUNTY, NORTH DAKOTA

AUDITORS LOTS 2 AND 3 OF LOT A, NORTH HALF OF FRACTIONAL SECTION 10, T139N, R81W



SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCE INDICATES HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS AND 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.



DATE: OCTOBER 12TH, 2022

VERTICAL DATUM - NAVD 1988.
 BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.
 MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

OWNER:
 SYLVIA ZACHMEIER
 5718 ROCK HAVEN HARBOR ROAD
 MANDAN, ND 58554

 BRANDON ZACHMEIER
 5718 ROCK HAVEN HARBOR ROAD
 MANDAN, ND 58554

- NOTES:**
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
 - SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
 - EXISTING ZONING IS AG
 - THIS PROPERTY IS LOCATED WITHIN ZONE AE 100-YEAR FLOOD PLAIN. FEMA PANEL 38059C0245E, EFFECTIVE DATE, OCTOBER 16, 2015, BASE FLOOD ELEVATION = 1641±

PROPERTY DESCRIPTION

LOTS 2 & 3 OF LOT A IN THE NORTH HALF OF FRACTIONAL SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF MANDAN, MORTON COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 10; THENCE NORTH 89° 35' 58" EAST ON THE NORTH LINE OF SAID SECTION 10 A DISTANCE OF 2172.70 FEET TO THE NORTHWEST CORNER OF LOT 1 OF LOT A OF SAID SECTION 10; THENCE SOUTH 31° 23' 20" EAST ON THE WEST LINE OF SAID LOT 1 OF LOT A A DISTANCE OF 252.20 FEET TO THE NORTHWEST CORNER OF LOT 2 OF LOT A OF SAID SECTION 10 AND THE POINT OF BEGINNING; THENCE NORTH 89° 35' 33" EAST ON THE NORTH LINE OF SAID LOT 2 OF LOT A A DISTANCE OF 700.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2 OF LOT A; THENCE SOUTH 20° 40' 13" EAST ON THE EAST LINE OF SAID LOTS 2 AND 3 OF LOT A A DISTANCE OF 358.13 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 OF LOT A; THENCE SOUTH 58° 36' 40" WEST ON THE SOUTH LINE OF SAID LOT 3 OF LOT A A DISTANCE OF 545.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3 OF LOT A; THENCE NORTH 31° 23' 20" WEST ON THE WEST LINE OF SAID LOTS 2 AND 3 OF LOT A TO THE POINT OF BEGINNING, CONTAINING 6.17 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OWNER'S CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE 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 OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATION AS "UTILITY EASEMENT".

SYLVIA ZACHMEIER
 BRANDON ZACHMEIER

STATE OF _____ }
 COUNTY OF _____ } SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF _____, 2022.

NOTARY PUBLIC _____

PLANNING COMMISSION APPROVAL

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS ____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE 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 THE BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL STREETS, ALLEYS, AND PUBLIC WAYS SHOWN HEREON, HAS ACCEPTED THE DEDICATION OF ALL PARKS AND PUBLIC GROUNDS SHOWN HEREON, FURTHERMORE, SAID BOARD OF CITY COMMISSIONERS HAS APPROVED THE STREETS, ALLEYS, AND OTHER PUBLIC WAYS AND GROUNDS SHOWN HEREON AS AN AMENDMENT TO THE MASTER STREET PLAN OF THE CITY OF MANDAN, THE FOREGOING ACTION BY THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 20____.

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

I, JUSTIN FROSETH, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVES "UNCLE LOUIES ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JUSTIN FROSETH, PE

LEGEND

○	FOUND REBAR MONUMENT
●	SET 1/2" CAPPED REBAR "LS-9628"

AREA TABLE

LOT 1	6.17 ACRES
TOTAL	6.17 ACRES

UNCLE LOUIES ADDITION LOTS 2 & 3 OF LOT A NORTH HALF FRACTIONAL SECTION 10, T-139-N, R-81-W MORTON CO., NORTH DAKOTA		I ndependent Land Surveying & Engineering
SHEET: 1 OF 1 JOB NUMBER: 22134 SCALE: 1" = 50' DWG REVISION DATES DRAWN BY: MRI - - DWG DATE: 10/14/22 - - DWG NAME: 22134 Final Plat.dwg		
4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-663-5184 Cell: 701-595-2079 mark@isurveynd.com		



Zoning and Future Land Use Reference Map

Uncle Louie's Addition

Zoning

Zoning

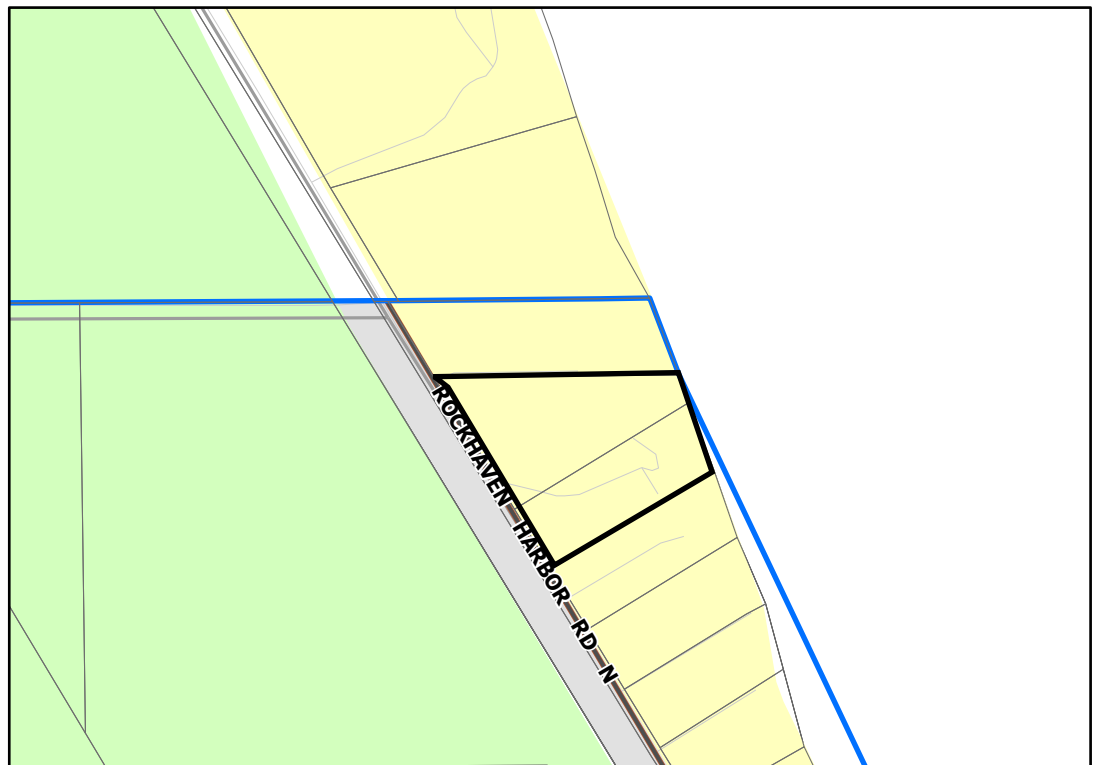
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - Planned Unit Development
- R3.2 - Residential Single & Two Family
- R7 - Residential Single Family
- RH - Residential Mobile Home Park
- RM - Residential Multi-family Dwellings
- RMH - Residential Mobile Home Subdivision
- Residential - County Residential Zoning
- ROW - Right-of-Way
- Roads
- City Limits



Future Land Use Plan

Future Land Use

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Future Roadway Alignment
- City Limits
- Roads
- Extraterritorial Area



OTHER BUSINESS #1

OTHER BUSINESS #1

Mandan Planning and Zoning Commission Agenda Item OB1
For Meeting on November 28, 2022
Mandan Engineering and Planning Office Report

Requested Action

Planning & Zoning Appointments

Description

There are three at-large positions with terms from 2023-2027.

The at-large seats are currently filled by Victoria Vayda, Dot Frank, and Joe Camisa and expires at the end of 2022. Victoria has notified Planning & Zoning she is interested in serving another term.

Planning & Zoning has received five applications: Victoria Vayda, Craig Smith, Ben Buchmiller, David Kroll, and Ryan Thomas.

Appointment of 2023 Chair, Vice-Chair and Secretary.

Planning Recommendation

Staff recommends the appointment of Victoria Vayda, Ben Buchmiller and Craig Smith to the Planning and Zoning Commission.

Proposed Motion

I move to approve the appointment of Victoria Vayda, Ben Buchmiller and Craig Smith to the Planning and Zoning Commission.

From: donotreply@form.govoffice.com
To: [Kari N. Schmidt](#)
Subject: Committee/Board Application (form) has been filled out on your site.
Date: Sunday, October 30, 2022 6:45:17 PM

Your Site has received new information through a form.

Form: Committee/Board Application

Site URL: www.cityofmandan.com

Please indicate which board/committee(s) you are interested in::

Code Enforcement Appeals Board

Planning & Zoning Commission

Name (First & Last):: Ryan Thomas

Address:: [REDACTED] Mandan ND 58554 USA

Phone Number:: [REDACTED]

Email Address:: [REDACTED]

Are you currently a resident of the City of Mandan?:

Yes

Business or Organization Name (if applicable): Midco

Functional Title or Role: Construction Coordinator

Please explain your reasons for wanting to serve on this board, commission, or committee:: I am looking to serve and help the community grow. I have lived and worked in Mandan and would like to be a voice for the future of the city.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee:: In my day to day work I work closely with business and residences of both Mandan and Bismarck. I have a unique perspective of how the people view the communities we live in. In this role I talk to a lot of people regarding different subjects wether it'd be building new telecommunications through their properties or to their business. I have experience with dealing with upset clients and deescalating situations. I also have been in residential construction making me knowledgeable on building codes.

Do Not Click Reply - This e-mail has been generated from a SmartForm.

From: donotreply@form.govoffice.com
To: [Kari N. Schmidt](#)
Subject: Committee/Board Application (form) has been filled out on your site.
Date: Wednesday, October 5, 2022 8:14:04 AM

Your Site has received new information through a form.

Form: Committee/Board Application

Site URL: www.cityofmandan.com

Please indicate which board/committee(s) you are interested in::

Planning & Zoning Commission

Name (First & Last):: Ben Buchmiller

Address:: [REDACTED] Mandan ND 58554 USA

Phone Number:: [REDACTED]

Email Address:: [REDACTED]

Are you currently a resident of the City of Mandan?:

Yes

Business or Organization Name (if applicable):

Functional Title or Role:

Please explain your reasons for wanting to serve on this board, commission, or committee:: I am a highly detail orientated individual that seeks opportunity to give back to the community. My experience and education falls on track with the position on the Planning & Zoning Commission which I will detail out below in the skills/qualification section. Within the last year I have left the residential construction field and I am now working in a different field but still want to contribute to my background within this community.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee:: I have a Bachelor's of Science degree in Construction Management with clusters in both Residential Design and Business Management from BYU-Idaho. I also hold a Associates of Science degree in Drafting/CAD from Santa Barbara City College. I completed two internships while attending BYU-Idaho for my CM degree. The first internship was with Southwest Gas out of Las Vegas, NV involved working with the operations team for horizontal natural gas pipelines. My second internship was with Texas Sterling Construction out of Houston, TX. I worked as a project engineer/coordinator overseeing multiple superintendents each on separate projects related to waterlines from Lake Conroe down to The Woodlands and a parkway development in East Houston area. These two internships expanded my knowledge of civil engineering aspect as my father is also a civil/seismic engineer for firm in California.

I worked at Verity Homes for a little over 6 years within their preconstruction department (purchasing assistant/estimator, purchasing manager, and VP of procurement operations). I worked with multiple jurisdictions within the state of North Dakota for exacting building codes into plan sets, surveying lot exhibits, utilities, and obtaining permits prior to work started. In the latter part of my time working for Verity I started working with the land development side and understand the layout of preliminary plats; how to read floor plats/land surveys/plat maps/etc.

Last year after resigning from Verity Homes; I worked with Mandan City to purchase lots and develop these lots to build my personal home. This included but was not limited to land surveying, geotechnical engineering, structural engineering, lot variance with setbacks, and a minor plat to combine lots into one. At the end of last year I obtained a ND contractors license to act as the general contractor of my personal home and hired a project manger to schedule and oversea the subcontractors work of my home. The home is now completed with final inspection passed and I am looking to fill my extra time and utilize my skills / qualifications to bring to the Planning & Zoning Commission.

Do Not Click Reply - This e-mail has been generated from a SmartForm.

Board, Commission & Committee Application

Please complete and submit the form below for consideration to be appointed to a City of Mandan volunteer board or committee.

Please indicate which board/committee(s) you are interested in: *

- Airport Authority
- Architectural Review Commission
- Civil Service Commission
- Code Enforcement Appeals Board
- Community Beautification Committee
- Growth Fund Committee
- Planning & Zoning Commission
- Renaissance Zone Committee
- Visitors Committee

Name (First & Last): *

DAVID Kroll

Address Line 1 *

[Redacted]

Address Line 2 *

City *

mandan

Select State



[Privacy - Terms](#)

Zip *

58554

Phone Number: *

[Redacted]

Email Address: *

~~is~~ accept texts only

Are you currently a resident of the City of Mandan? *

- Yes
- No
- No, but I own or work at a business in Mandan

Business or Organization Name (if applicable)

Functional Title or Role

Please explain your reasons for wanting to serve on this board, commission, or committee: *

I Have a concern about the Zoning.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee: *

40+ years accounting and income TAX exp.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee: *

See ~~previous~~ previous answer.

Submit

* - denotes required field

Boards & Committees

Click on the committee/board below to learn more:

[Airport Authority](#)

[Architectural Review Commission \(MARC\)](#)

[Civil Service Commission](#)

[Cemetery Advisory Committee](#)

[Code Enforcement Appeals Board](#)

[Community Beautification Committee](#)

[Growth Fund Committee](#)

[Library Board of Trustees](#)

[Parking Authority](#)

[Planning & Zoning Commission](#)

[Renaissance Zone Committee](#)

[Special Assessment Commission](#)

[Tree Board](#)

[Visitors Committee](#)

[Weed Board](#)

Privacy - Terms

From: donotreply@form.govoffice.com
To: [Kari N. Schmidt](#)
Subject: Committee/Board Application (form) has been filled out on your site.
Date: Monday, October 10, 2022 11:04:40 AM

Your Site has received new information through a form.

Form: Committee/Board Application

Site URL: www.cityofmandan.com

Please indicate which board/committee(s) you are interested in::

Architectural Review Commission

Planning & Zoning Commission

Name (First & Last):: Victoria Vayda

Address:: [REDACTED] Mandan ND 58554-1345 USA

Phone Number:: [REDACTED]

Email Address:: [REDACTED]

Are you currently a resident of the City of Mandan?:

Yes

Business or Organization Name (if applicable):

Functional Title or Role: Planning and Zoning Commissioner

Please explain your reasons for wanting to serve on this board, commission, or committee:: Greetings,

I would like to renew my interest for another term for the At-Large Position for the Planning and Zoning Commission. During my time on serving on this committee, I have learned a lot and would like to grow more on this Commission.

I have learned so many different techniques with planning and zoning, I can bring more knowledge and experience to this board.

With Warm Regards

Victoria L. Vayda

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee:: Greetings,

I would like to renew my interest for another term on the Mandan Architectural Review Commission Board.

I have served one term and already I have learned a lot on the MARC and would like to continue to expand my knowledge and learn more about the MARC.

Also, it helps me as a Planning and Zoning Commissioner with the MARC because everything is tied in together.

With Warm Regards,

Victoria L. Vayda

Do Not Click Reply - This e-mail has been generated from a SmartForm.

From: donotreply@form.govoffice.com
To: [Kari N. Schmidt](#)
Subject: Committee/Board Application (form) has been filled out on your site.
Date: Monday, October 3, 2022 2:46:56 PM

Your Site has received new information through a form.

Form: Committee/Board Application

Site URL: www.cityofmandan.com

Please indicate which board/committee(s) you are interested in::

Planning & Zoning Commission

Name (First & Last):: Craig C Smith

Address:: [REDACTED] Mandan ND 58554 USA

Phone Number:: [REDACTED]

Email Address:: [REDACTED]

Are you currently a resident of the City of Mandan?:

Yes

Business or Organization Name (if applicable):

Functional Title or Role:

Please explain your reasons for wanting to serve on this board, commission, or committee:: I have resided in Mandan (Lakewood area) since 2008. I have been active in the Lakewood Homeowner's Association and have acted as Chair of the Architectural Review committee for several years now. In that capacity, I have been involved in many issues for the benefit of Lakewood and the City as a whole, and have worked with City representatives and community members on a wide variety of matters. I've witnessed Mandan make great strides forward in recent years and enjoy being involved in that process and would like to expand that effort. As the City continues to grow and expand, Planning and Zoning is of great importance for efficient City growth and is one of the first steps in the review process in guiding or advising our City Commission on these important matters as they undertake their review.

Please give a brief explanation of the skills or qualification you could bring to this board, commission or committee:: I am an attorney with Crowley Fleck law firm in Bismarck for the past 34 years. My practice is primarily energy law related, but within that practice area (and my experience as Architectural Review Committee) I have significant experience dealing with land plats, replats, land use issues, zoning ordinances, variances, etc. My practice area also involves government affairs matters and I have experience working with multiple State and Federal agencies, including DOT, Department of Trust Lands, Parks & Rec, Water Commission, Corps of Engineers, Bureau of Land Management, to name a few, and I've also been very active in the ND Legislative sessions the past 25 years.

I believe my legal experience and areas of expertise would be a good fit with the Planning & Zoning Commission, and also willing to put the necessary time and effort in to learn more to best represent the citizens.

Finally, for full disclosure, as you know, Amy Oster is currently the Mandan City Attorney and my law partner at Crowley Fleck. We do not foresee any conflicts should I be appointed to P&Z, but should that be of any concern to anyone, I would withdraw my application. Thank you for your consideration.

Craig Smith

Do Not Click Reply - This e-mail has been generated from a SmartForm.