

A. ROLL CALL Chair Robinson called the meeting to order. Commissioners Present: Huber, Mudder, Mayor Froelich, Intveld, McLean, Smith, Hammond, Gardner, Renner and Chair Robinson. Absent: Leingang, Horn.

B. CONSIDER APPROVAL OF MINUTES

1. *July 28, 2025 Minutes. Commissioner McLean motioned to approve the July 28, 2025 minutes. Commissioner Intveld seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

1. *Consider a preliminary plat for Evergreen Heights Fifth Addition..* **Statement/Purpose Background/Alternatives**

Consider Preliminary Plat for Evergreen Heights Fifth Addition. This matter was tabled at the July 2025 meeting and subsequently it has been updated to reflect the current proposed plat with changes made by applicant. This proposed preliminary plat is located north of 19th Street SE and east of 14th Avenue SE.

This is a replat of the existing Lots 2-6 of Evergreen Heights Second Addition and of Lot 1, Block 1, Evergreen Heights Fourth Addition, in the SW ¼ of Section 35, T139N R81W, City of Mandan. The existing lot owners are re-platting and purchasing the lots directly behind existing homes, as well as vacating most of a right of way to the east of the subdivision. All lots are zoned R-7.

Preliminary Plat Details

Total Area: 4.43 acres, with new proposed lots ranging from 45,126 sq ft to 24,070 sq. feet.

The plat assimilates the majority of the ROW for Living Water Drive and 16th Street SE into the newly re-configured lots. Living Water Drive and 16th Street SE were intended to provide access to Lot 1, Block 1, of Evergreen Heights 4th Addition, which was intended to be developed as residential properties.

Access

Access to existing lots is not changing; they will maintain access from 14th Ave SE. Properties to the east will maintain access as existing, as neither takes access from Living Water Drive. Proposed Lot 6 will take access from 19th St SE. Access between existing Lot 1, Block 1, and Lot 1, Block 2, Evergreen Heights 4th Addition and Lot 1, Block 1, Living Water Addition is provided via 16th St SE and Living Water Drive. The proposed plat shows platting the ROW that is currently between Lot 1, Block 1 and Lot 1, Block 2, Evergreen Heights 4th Addition partially into the proposed re-plats of Lots 1-6.

Vacation Request

There was a question at the July Planning and Zoning Commission meeting about whether this was a valid, legal way to vacate these portions of Living Water Drive and 16th Street SE, as North Dakota Century Code doesn't contemplate another division other than splitting the vacated ROW down the center and adding it to the lots on either side. The way this is being platted does accomplish the same goal on 16th St SE and the north 380 feet of Living Water Drive as all of Lot 1, Block 1, and Lot 1, Block 2, Evergreen Heights 4th Addition, and Lot 3, Block 1, Evergreen Heights 3rd Addition are owned by Val Renner. However, this replat does not appropriately vacate Living Water Drive on the south 55.63' of the proposed Lot 3, and Lot 4, 5 and 6, as part of Living Water Drive remains. If it is to be vacated in the

standard process, then 16.5' would be added to the south 55.63' of the proposed Lot 3, and Lots 4, 5, and 6, and 16.5' to Lot 1, Block 1, Living Water Addition. The applicant has been offered several solutions to this, including adding Lot 1, Block 1, Living Water Addition to the plat, however, this has not been resolved.

Utilities and Easements

There is a water line along 16th Street SE from 14th Avenue SE to 1806. An easement should be clearly shown for this and for the associated fire hydrant just inside the ROW area proposed to be vacated on 16th Street.

Preliminary Plat

The preliminary plat creates six (6) large residential lots.

Zone Change Request

No zone change request is being made at this time. The zoning map online does not reflect a recorded zone change – all lots are zoned R-7.

Adjacent Zoning, Land Use, and Future Land Use

Surrounding zoning to the east is shown as R-7, to the north as Neighborhood Commercial, and to the south is shown as R-7. The future land use plan designates this area as commercial. Ms. LaQua stated the City raised concerns that this proposal is the highest and best use of these properties, given general need for housing in the community. The applicant and representatives have provided development costs to build out Living Water Drive and have provided information on possible sales in the past, including noting that the owners of the existing homes have expressed strong opposition to development behind their properties.

Public Outreach and Application Details

Application was received on May 9, 2025. Notifications were sent to five (5) adjacent property owners.

Staff Comments and Updates:

1. Show previous lot configuration and old lot/block numbers in relief on plat.
2. Items of concern:
 - (i) Leaving half of Living Water Drive as a public right of way is not good planning or engineering practice, and leaves some question of legality of vacating part of the right of way by platting while leaving a remainder.
 - (ii) Vacating existing city right of way between developable properties is not typically considered to be desirable.
 - (iii) Removing developable, platted property from development potential is not typically considered to be desirable.

Findings of Fact

Preliminary Plat

1. All technical requirements for approval of a preliminary plat have been met;
2. The proposed subdivision generally demonstrates an ability for the property to align with the Future Land Use Plan and other plans and studies;
3. The proposed subdivision is not located in the Special Flood Hazard Area or an area where the

proposed development would adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;

4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

City staff recommended that Planning and Zoning Commission review materials provided by the applicant and staff, future land use plans, zoning ordinances, and modifying or accepting Staff's findings of fact as necessary to support the motion of the Board.

Chair Robinson inquired if there were any comments or questions.

Commissioner McLean inquired if more time is needed to research this request? He would not be comfortable approving this if the city is not on board with the request. Ms. LaQua replied that the applicant has requested this matter move forward due to their timeline with purchase agreements. That information was provided in the agenda packet for the Board's review. The city has concerns on the Living Water Drive area. One option is to reach out to the city attorney at this point if it is approved, to assure that the Board is meeting all the legalities for both the preliminary and final plat regarding the vacation. Commissioner Gardner stated a concern may be if those lots would be landlocked? Ms. LaQua stated they will not be landlocked, because they all would have access from 14th since they are full lots and there are utility easements running down the center of them. Lot 6 access is from 19th.

Commissioner Gardner inquired about taxes and specials, in particular, the utilities are now in place but if there are more in the future that are assessed to those properties, they would be commensurate to the size of the bigger lots being assessed more taxes and specials? Ms. LaQua replied that the answer to that question would depend on how the specials would be decided at the time of a project. Commissioner Gardner explained that if a time comes to address someone's concern that by making bigger city lots that the rest of the city has to pull that extra burden because they have bigger lots wherein the city could have put more people in that space. Commissioner Smith inquired clarification on the south part of Living Water Drive, is the plat boundary extended halfway into that? Ms. LaQua replied that yes, what's remaining of Living Water Drive shown on the plat is 33 feet wide, which is what would be the vacated portion via the traditional process going to these lots. Commissioner Smith commented that this is a legal technicality, the 33 feet is going to go to Living Water Addition. Ms. LaQua concurred with Commissioner Smith's comment, and stated that one of the solutions discussed with the applicant is removing Living Water Drive at least south of this point from the plat because it could go through the traditional vacation process and will be split evenly. Commissioner Huber inquired what the ordinance says should the property owners want to add a patio home or additional structure on the lot with regard to the large lots. Ms. LaQua replied she will research that and provide an answer later. Commissioner Renner inquired if Living Water Drive isn't being considered part of this being as though it would be easier to vacate the whole thing? Has the Living Water community been contacted to determine if the whole thing can be vacated at one time? Ms. LaQua said that they have offered that as an option to the applicant and that would include Lot 1 Block 1 Living Water Addition in the plat. She is not sure if they are interested at this time. Commissioner Huber inquired of the applicant about the expiration of Purchase Agreements, if those could be extended?

Chair Robinson inquired if there were any further comments or questions. Hearing none, the public hearing was opened.

Open Public Hearing

Chair Robinson opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request for a preliminary plat for Evergreen Heights Fifth Addition.

Ben Kappel came forward and stated that he owns property in this area and he is also a real estate agent for all the purchasers for this purchase. On the contract side they used their mulligan last month (July 2025) because they did not get the plat in on time so today, it needs to be a “yes” or a “no”. If “yes” he/they are contract-ably obligated to extend. If it’s a “no”, fine, but the contracts will be void and a substantial amount of earnest money goes back. A “maybe” will put them in a breach of contract which is a contractual nightmare wherein both parties could sue for damages. He urged the Board vote “yes” on this matter. If it’s not a “yes” vote, a “no” vote is better than a delay at this point. Further, he said they discussed highest and best use of the land. He took drone shots. There were shop condos built behind him that occurred a month after he moved in and he believes they were built too close. He said it is his opinion that no purchaser would want to have shop condos in their front yard with a big hill in their backyard. He provided photos for viewing what he just explained. The numbers for developing eight (8) lots for this were provided (they are in the agenda packet). It is his recommendation that they be allowed to use the back lot and merge it into their properties. There is commercial behind them and this is a nice buffer zone between residential and commercial to allow for a wider angle. There is an access easement area built into the plat that depicts a large field, on the backside so anyone can drive back there. It was zoned R7 before this and it remains R7 after this so nothing is changing there. The rules still apply and will not change. It was discussed a couple weeks ago, that he has the biggest lot, so the 40% rule, wherein he could build a large shop back there if he wanted to. However, there are no plans that anyone will build any garages. All he and his neighbors want to do is plant trees in their backyards because no one wants to look at the shop condos behind their houses. In summary, nothing is changing from before and they do not want to restrict anyone’s right to their property. South of this area, on 14th Street there are similar large one and two acre lots so this type of request is not uncommon for the area. He commented that he is no expert on specials that cover sidewalks and gutters, etc., they are not making the front of their houses any wider so everyone will still be responsible for assessments on the front properties. If this does move forward there will be nothing else going behind their houses so there will not be any future projects. The biggest hurdle is to get rid of the Living Water Drive road. What has been presented is what he and his neighbors are wishing to move forward.

Chair Robinson inquired of Mr. Kappel that in his role as a realtor, if he has had any discussions with Living Water? Mr. Kappel replied that the Seller’s agent talked to them, so she can speak to that. Commissioner Mudder inquired what year the road was updated? Mr. Kappel replied that he did not know. Commissioner Gardner inquired of the size of the access road? Mr. Kappel replied that it’s a standard access easement of 20 feet wide. Everyone has the ability to get back behind their lots explaining that was made clear amongst the neighbors.

Tricia Dietz came forward and stated she is a real estate agent representing Val Renner in the sale of

these properties. This lot was brought to market in January 2024. The road was discussed at that time. They were still waiting on the final plat at the time of listing. Thus, the Living Water Drive lot was created. When discussing highest and best use for these properties she stated she has had many comments on just the feasibility of the affordability in creating individual single-family lots for this based off the cost of excavation and the costs of putting in a road that was split amongst eight properties with R7 zoning. The road at Living Water Drive was only to benefit the eight houses that were going into these lots. At that time, there was much opposition about anything going behind these homes and that was the settlement base. Val Renner's commercial lots to the east were never going to benefit from this road. She had spoken to the directors of the Living Water Church initially to see if there was any interest in purchasing what is now Lot 6 in order to put the deal together at that time and they were not interested. There was considerable discussion about the road and about the process while working with Val Renner to complete his process of building shop condos. He had no preference as to what would happen to Living Water Drive. Ms. Dietz stated that she is in favor of approval of the preliminary plat for Evergreen Heights Fifth Addition as presented.

Chair Robinson inquired if there were any comments or questions.

Commissioner McLean stated that this matter will still have to go before the City Commission. He inquired if that is still within the timeline to accomplish what needs to be done? Ms. Dietz replied this is the big hurdle to get over and as long as there is progress being made she felt it is within the timeline for everyone.

Commissioner Huber inquired if there is a buyer for Lot 6? Ms. Dietz replied that Val Renner is the owner of Lot 6 and it will be marketed separately. Commissioner Huber inquired if that would bring up the issue of vacating right of way behind Lot 6 because they probably don't want to provide access off 19th Street being as though it is a major arterial road. Ms. Dietz replied there was discussion with the city before these contracts were in place. In February, Val Renner, Greg Feser and she had discussed with city officials (City Engineer Jarek and City Planner Stromme) to figure out how to make this plan work since there were five willing buyers and a willing seller and what to do with the last two lots. The goal was to make sure there were no lots left in the middle so that none of the lots would be landlocked. When discussed, Lot 6 was considered one lot to gain access ability.

Commissioner Smith inquired about Living Water Drive, if the plat was revised to exclude the 33 feet, how will that impact the Purchase Agreement? If it was vacated, they would ultimately get 33 feet from the vacation? Ms. Dietz replied that 33 feet was always Living Water Drive's. Commissioner Smith inquired if they are attempting to vacate the other 33 feet? Ms. Dietz replied that Greg Feser, the engineer, will have to be consulted on that.

Greg Feser, the engineer for Val Renner, stated that with the plat, the idea would be to absorb the 33 feet which is part of the platting process. That was part of the church's property originally that could have stayed as a right of way and they can continue to use it as it is. The goal was to go through a vacation process. Commissioner Smith inquired if one can legally vacate a public right of way through the plat because that can be done if both sides agree but that is not what we have here, that is, attempting to vacate a part of a right of way. His concern is that if it gets approved and then it turns out to be an improper way to vacate that, then the whole plat is invalid. That will impact the purchase agreements. He

would like to see this approved so that when the matter is brought back for the final plat and possibly amend that right of way out and then go through the process to vacate the entire right of way. Mr. Feser said that if it can be approved in the form that it currently is contingent with a vacation process moving forward parallel with this so that it can be done simultaneously through the meetings so that we can vacate that and have the plat approved with it. The goal is to keep everything moving together at the same time. That appears to be the appropriate way to keep the contracts valid, to get the vacation taken care of and get the plat completed. Ms. Dietz stated that Val Renner still owns Lot 6, his portion of this, who will have a conversation with the responsible party at Living Water church to have those run parallel.

Commissioner Renner inquired of the vacating of the right of way; the Drive appears to be the main hang up if it will be legal or not. Is there any way that can come out of the plat to leave the right of way there, sell the lots that are there and then work on vacating it later?

Mr. Feser replied that from a technical standpoint, that would be fine and they would all participate in the vacation. Commissioner Renner inquired if the homeowners could potentially lose the ability to purchase this property, wouldn't it be worth trying to figure this out? There is ongoing work with Val Renner on this and Living Water is the only one that's not represented here tonight. Ben Kappel came forward and stated that one of the biggest fears in purchasing this is the road going in, is one of the main reasons to purchase it is to eliminate that option that there's going to be a road back there. He believes there will be some backlash if they continued with the purchase and kept that road there, it's kind of an unknown.

Commissioner Renner commented that Val Renner is in control of that road because he owns Lot 6. If he decides to not do anything with that before it's vacated, he can't put a road there anyway. Ben Kappel stated that the design presented today is the one that everyone, the purchasers, has signed off on. Any changes would have to go back to the buyers to see if they want to continue on. The contract is written very well and has not been revised. This is the initial first agreement of the contracts.

Greg Feser commented that in regard to the right of way issue and attempting to balance everyone's concerns and desires of the buyers and sellers, from the Commission standpoint, it is his hope that the Board is aware that an approval with the contingency that the vacation is completed with the plat moving forward and if that vacation stops then the plat stops, everything is done at that point. Every indication is that all parties are in favor of proceeding with the vacation, he feels this matter can be moved along to get through this process. With regard to the timelines, the portion that Val Renner owned was platted in 2023 and finalized in beginning of 2024. He has not looked up the Living Water Drive, it appears that was completed in 2012, with the church being built at a later date.

Commissioner Huber inquired if anyone could speak to the access to Lot 6 off 19th Street? Mr. Feser stated that they had reviewed splitting Lot 6 into two lots and pushing Living Water Drive north, there would be a cul de sac there. Public Works was not in favor of a partial street but that eliminating Living Water Drive with accessibility from 19th would be acceptable.

Mike Sullivan came forward and stated that he owns 1616 14th Avenue SE. He inquired about a fire hydrant to be removed. Ms. LaQua replied that it will not be removed. Mr. Sullivan commented if everything is to stay R7 as single-family, there is no concern. The land use will stay commercial. Chair Robinson replied that he is not sure what the land use will be. Ms. LaQua stated she believed the land use was developed in 2015. The zoning is AG, not R7, but they did find documentation it was switched to R7 Residential.

Commissioner McLean inquired about the contract. Ben Kappel replied that it is a standard Purchase Agreement with many provisions. Commissioner McLean asked what could be done so that the contract is obligated with a contingency. He inquired if there is anything that the Board needs to know as long as something is moving forward, you will still be contract-ably obligated? Ben Kappel replied “yes”. This matter basically comes down to the Board’s approval. If you do not have your approval by the end date, if there is a contingency by the Board, it can move forward. Commissioner McLean stated that the legal part of this matter is bothersome, in regard to vacating the road properly, thus, there will have to be a contingency for that and he is unclear how that would work. Chair Robinson commented that the buyer may be concerned about that too. Del Nardello, a resident in this area, stated that has already been addressed, however, she did not purchase a lot. Her concern is regarding the lots that are being purchased, will there have to be a gravel access road back there that she will be assessed for?

Chair Robinson provided a second and final invitation to come forward. Chair Robinson inquired if there were any comments or questions.

Close Public Hearing

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

Commission Action

Commissioner Smith voiced concern about there being a legal issue with the way they are vacating the plat, however, he believes that can be corrected.

Commissioner Smith moved to recommend approval of the preliminary plat for Evergreen Heights Fifth Addition contingent on final plat approvals and also establish the complete vacation of Living Water Drive. Commissioner Renner seconded the motion.

Interim City Planner Rachel LaQua stated that the motion allows for the ability to move forward with this current plat while requiring adequately resolving the Living Water Drive issue whether they remove the 33 feet in the final plat or go through the vacation process simultaneously and don’t come in with the final plat until they are at the final vacation process. Commissioner Smith inquired if the timeline for this will be met. Ms. LaQua stated that the City Commission will review this at their September 2, 2025 meeting. She indicated the final plat process requires four (4) weeks or thirty (30) days of advertisement. Her understanding is that it will take approximately six (6) weeks to two (2) months to get through the final plat.

Chair Robinson called for a roll call vote: Huber: Yes, Mudder: Yes, Mayor Froelich: Yes, Intveld: Yes, McLean: Yes, Smith: Yes, Hammond: Yes, Gardner: Yes, Renner: Yes, Chair Robinson: Yes. The motion passed.

2. Consider a preliminary plat for Keidels South Heart Terrace 5th Addition and a zone change from R7 (Residential) to R3.2 & R7 (Residential).. Rachel Laqua, Interim Planner presented.

She requested this matter be tabled until there is full cooperation on the part of the applicant. This plat is directly west of Clover Grove PUD and it was previously approved. City staff requested the two properties work in coordination with one another to provide secondary access to both properties as neither property would be able to develop the final phases without the secondary access across the boundary line. The parties are working on that. The request is to table this matter until next month. Clover Grove did turn in their preliminary plat on August 22, 2025. It is anticipated both plats will be ready in a month so both can be reviewed at the same time. This item was published for public hearing.

Chair Robinson inquired if there were any comments or questions for Ms. LaQua.

Statement/Purpose
Background/Alternatives

This is an application for a preliminary plat and zone change in the NW/14 Section 3, T138N R81W, City of Mandan, Morton County. The plat, to be named Keidels South Heart Terrace 5th Addition, is a continuation of an approved subdivision (Keidels South Heart Terrace 3rd Addition) to the north. The request includes a zone change from R7 (Residential) to R3.2 & R7 (Residential) for proposed Lots 1-10 and 14-19 of Block 1 and Lots 1-12 of Block 2. The property is located south of 19th Street SW and east of 8th Avenue SW.

Property History

This proposed plat closely follows an approved but vacated subdivision that went by the name of Keidels South Heart Terrace 4th Addition.

Project Overview

The proposed plat shows townhouse development on the west side of the plat, with some lots accessing off of 8th Ave SW, with the remainder of the lots being single family home lots. There are several cul-de-sac within the subdivision, due to topography. The plat also includes an easement for an overhead transmission line. There are intended to be five (5) independent phases of infrastructure development.

Preliminary Plat

The plat includes:

- 106 lots; 16 R3.2 zoned lots; 89 R-7 lots; 1 stormwater lot
- 47.82 acres

Connections to the property to the south are found at 7th and 4th Avenues. One additional access onto 8th Ave SW is shown. All lots meet minimum size requirements. All streets meet maximum grade requirements, and cul-de-sacs meet minimum turnaround and maximum length requirements.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent properties to the south west are zoned R-7 and are annexed into the city. Properties to the southeast are zoned Agricultural and are in the ETJ. Properties to the East are zoned PUD and are in the preliminary platting process. Properties to the north are zoned R-7 and are developed with single family

residential. Property to the west is zoned Agricultural and is in the ETJ. The future land use plan indicates this property as low density residential. The future corridor plans show a collector street in this area, though there is little development potential to the south given the owner's plans for the property to the south, and land to the west is owned by NDSU, therefore making a collector in this area unrealistic and most likely unnecessary.

Additional Information and Public Outreach

Application and fee were received on July 25, 2025. Letters were sent to eighty-three (83) adjacent property owners.

Staff Comments & Updates

- Staff has requested that the owner and applicant work with the neighboring property to the east, to be developed as Clover Grove PUD, in order to provide a valuable cross-connection point between to the two subdivisions. Neither subdivision will meet access management requirements at full build-out without the cross-connection between subdivisions. The two owners have agreed to work together to connect streets and sewer. The connection street will be added on the east side of this proposed subdivision where the proposed culdesac on the southeast side is shown. There will be lots added to the subdivision in order to accommodate this connection.
- The plat shows an overhead transmission line which will make Lots 21, Block 2, Lots 1 and 16, Block 2, Lots 1, 22 and 15 of Block 4 very narrow and potentially unbuildable, though they meet minimum width requirements.
- The plat will dedicate 40' of additional ROW on 8th Ave SW, matching the existing street section to build within 73' of ROW.
- 8th Ave SW will need to be extended to the intersection of Cobblestone Loop SW, and will need to include sidewalks on the east side.
- The Park District has requested a park between 4th Ave SW and 5th Ave SW and is working with the owner.
- The legal description of the plat should include 'part of Government Lots 3 &4 and the NW1/4 of Section 3, T138N R81W.
- Phasing plan should be shown and approved for preliminary plat approval.
- Stormwater lot in this plat and the prior plat should be held in undivided interested between benefiting landowners; will need to be clarified in a Development Agreement.

Findings of Fact - Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision for projects identified in City masterplans;
4. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the proposed subdivision at the time of development.
5. The proposed subdivision is not located in the Special Flood Hazard Area or an area where the proposed development would adversely impact water quality and/or

- environmentally sensitive lands, or areas that are topographically unsuited for development;
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
 7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, and other plans and studies, policies and accepted planning practice;
 8. The proposed subdivision would not adversely affect the public health, safety and general welfare.

City staff recommended tabling this request for a preliminary plat for Keidels South Heart Terrace 5th Addition and a zone change from R7 (Residential) to R3.2 & R7 (Residential) request until September, 2025, in order for both applicants to turn in complementary preliminary plats to address cross-connection concerns between the two properties.

Chair Robinson inquired if there were any comments or questions.

Chair Robinson inquired if there were any further comments or questions. Hearing none, the public hearing was opened.

Open Public Hearing

Chair Robinson opened the public hearing and invited anyone calling in or present, to come forward to speak for or against the request for a preliminary plat for Keidels South Heart Terrace 5th Addition and a zone change from R7 (Residential) to R3.2 & R7 (Residential).

Abe Ulmer, Independent Land Surveying and Engineering came forward. He stated there have been multiple meetings with city staff on this project. In order for Clover Grove to do their secondary or second phase of their project that does need a secondary access. For this first phase, the proposal is that a secondary access would not be needed but for a future phase another 80 acres to the southwest, his client does own a secondary access, another secondary access would be required. That was recently discussed at city staff meetings. They are working on finding the right location for the road. It is only a concept at this time and is not part of the preliminary plat since this matter is being requested to be tabled in order to resolve some issues. He said they completed Keidel's Addition in the past, approximately 2-3 years ago platting was looked at to the south.

Chair Robinson provided a second and third invitation to come forward. Chair Robinson inquired if there were any comments or questions.

Close Public Hearing

Chair Robinson inquired if there were any comments or questions. Hearing none, this portion of the public hearing was closed.

Commission Action

Commissioner McLean moved to table the preliminary plat for Keidels South Heart Terrace 5th Addition and a zone change from R7 (Residential) to R3.2 & R7 (Residential) until September, based on conversations with the applicant and neighboring property, in order for both applicants to turn in complementary preliminary plat to address cross-

connection concerns between the two properties. Commissioner Intveld seconded the motion. Chair Robinson called for a roll call vote: Huber: Yes, Mudder: Yes, Mayor Froelich: Yes, Intveld: Yes, McLean: Yes, Smith: Yes, Hammond: Yes, Gardner: Yes, Renner: Yes, Chair Robinson: Yes. The motion passed.

D. OTHER BUSINESS

E. ADJOURN *There being no further business to discuss or come before the Board, a motion was made by Commissioner Gardner and seconded by Commissioner Hammond to adjourn the meeting. Upon vote, the motion passed unanimously.*

The meeting adjourned at 6:30 p.m.