



**AGENDA  
PLANNING & ZONING COMMISSION  
SEPTEMBER 22, 2025  
COMMISSION ROOM  
MANDAN CITY HALL  
5:30 PM  
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The City of Mandan is encouraging citizens to provide their comments for agenda items via email to [info@cityofmandan.com](mailto:info@cityofmandan.com). Please provide your comments before 3:30 p.m. on the day of the meeting. Include the agenda item number your comment references. Comments will be forwarded to the Commissioners and appropriate departments.

**A. ROLL CALL**

**B. CONSIDER APPROVAL OF MINUTES**

1. August 25, 2025 Minutes

**C. PUBLIC HEARINGS**

1. Consider a preliminary plat for Keidels South Heart Terrace 5th Addition and a zone change from R7 (Residential) to R3.2 & R7 (Residential).
2. Consider Final Plat for Kahl Addition
3. Consider an amendment to a Special Use Permit for Lot 1, Block 1, Bridgeview Bay Addition

**D. OTHER BUSINESS**

**E. ADJOURN**



## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** September 22, 2025  
**PREPARATION DATE:** September 16, 2025  
**SUBMITTING DEPARTMENT:**  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:**  
**SUBJECT:**

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**STATEMENT/PURPOSE:**

**BACKGROUND/ALTERNATIVES:**

**ATTACHMENTS:**

1. August 25, 2025 Planning & Zoning Minutes

**FISCAL IMPACT:**

**STAFF IMPACT:**

**LEGAL REVIEW:**

**RECOMMENDATION:**

**SUGGESTED MOTION:**

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 14<sup>th</sup> since they are full lots and there are utility easements running down the center of them. Lot 6 access is from 19<sup>th</sup>.

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 14<sup>th</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> would be acceptable.

Mike Sullivan came forward and stated that he owns 1616 14<sup>th</sup> 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.



## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** September 22, 2025  
**PREPARATION DATE:** September 12, 2025  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Rachel Laqua  
**SUBJECT:** Consider a preliminary plat for Keidels South Heart Terrace 5<sup>th</sup> Addition and a zone change from R7 (Residential) to R3.2 & R7 (Residential).

#### **STATEMENT/PURPOSE:**

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 5<sup>th</sup> Addition, is a continuation of an approved subdivision (Keidels South Heart Terrace 3<sup>rd</sup> 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 19<sup>th</sup> Street SW and east of 8<sup>th</sup> Avenue SW.

#### **BACKGROUND/ALTERNATIVES:**

##### **Property History**

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

##### **Project Overview**

The proposed plat shows townhouse development on the west side of the plat, with some lots accessing off of 8<sup>th</sup> Ave SW, with the remainder of the lots being single family home lots. There are several culs-de-sac within the subdivision, due to topography. The plat also includes an easement for an overhead transmission line.

There are intended to be 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 7<sup>th</sup> and 4<sup>th</sup> Avenues. One additional access onto 8<sup>th</sup> 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 83 adjacent property owners.

- **Staff Comments & Updates needed:**

- 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 8<sup>th</sup> Ave SW, matching the existing street section to build within 73' of ROW.
- 8<sup>th</sup> 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 4<sup>th</sup> Ave SW and 5<sup>th</sup> 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 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.

**ATTACHMENTS:**

1. Application
2. Keidel's South Heart Terrace 5th Addition Preliminary Plat
3. Zoning Exhibit
4. Draft Zone Change Ordinance
5. Location Map

**ATTACHMENTS:**

1. Application
2. Keidels South Heart Terrace 5th Preliminary Plat
3. Keidels 5th Proposed Zoning Map
4. draft Ordinance Keidels SHT 5th zone change
5. Location Map

**FISCAL IMPACT:**

N/A

**STAFF IMPACT:**

A considerable amount of City Staff time has gone into reviewing the proposed development.

**LEGAL REVIEW:**

This item has been reviewed as part of the agenda packet.

**RECOMMENDATION:**

Planning Staff recommends to table this preliminary plat and zone change request until October, based on conversations with the applicant and neighboring property, in order for both applicants to turn in complementary preliminary plats to address cross-connection concerns between the two properties.

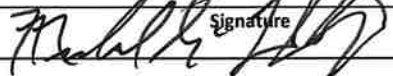
**SUGGESTED MOTION:**

I move to recommend to table this preliminary plat and zone change request until October, based on conversations with the applicant and neighboring property, in order for both applicants to turn in complementary preliminary plats to address cross-connection concerns between the two properties.

CITY OF MANDAN		
Development Review Application		
<input type="checkbox"/>	Minor Plat (\$300)	X Zone Change (\$600)
<input type="checkbox"/>	Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
X	Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/>	Final Plat up to 20 lots (\$450)	Vacation (\$500)
<input type="checkbox"/>	Final Plat 21 to 40 lots (\$600)	Variance (\$400)
<input type="checkbox"/>	Final Plat more than 40 lots (\$750)	Special Use Permit (\$450)
<input type="checkbox"/>	Annexation (\$450)	Stormwater submittal (\$300)
<input type="checkbox"/>	Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 <sup>nd</sup> & subsequent resubmittal (\$50)
<input type="checkbox"/>	Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)		

Engineer/Surveyor			Property Owner or Applicant		
Name Mark Isaacs - ILSE Inc			Name Michael Liffrig		
Address 4215 Old Red Trail NW			Address 2815 28th St		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email mark@ilsurveynd.com			email mike@resolvelegalconsulting.com		
Phone 701663-5184		Fax	Phone 701-400-7727		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.					

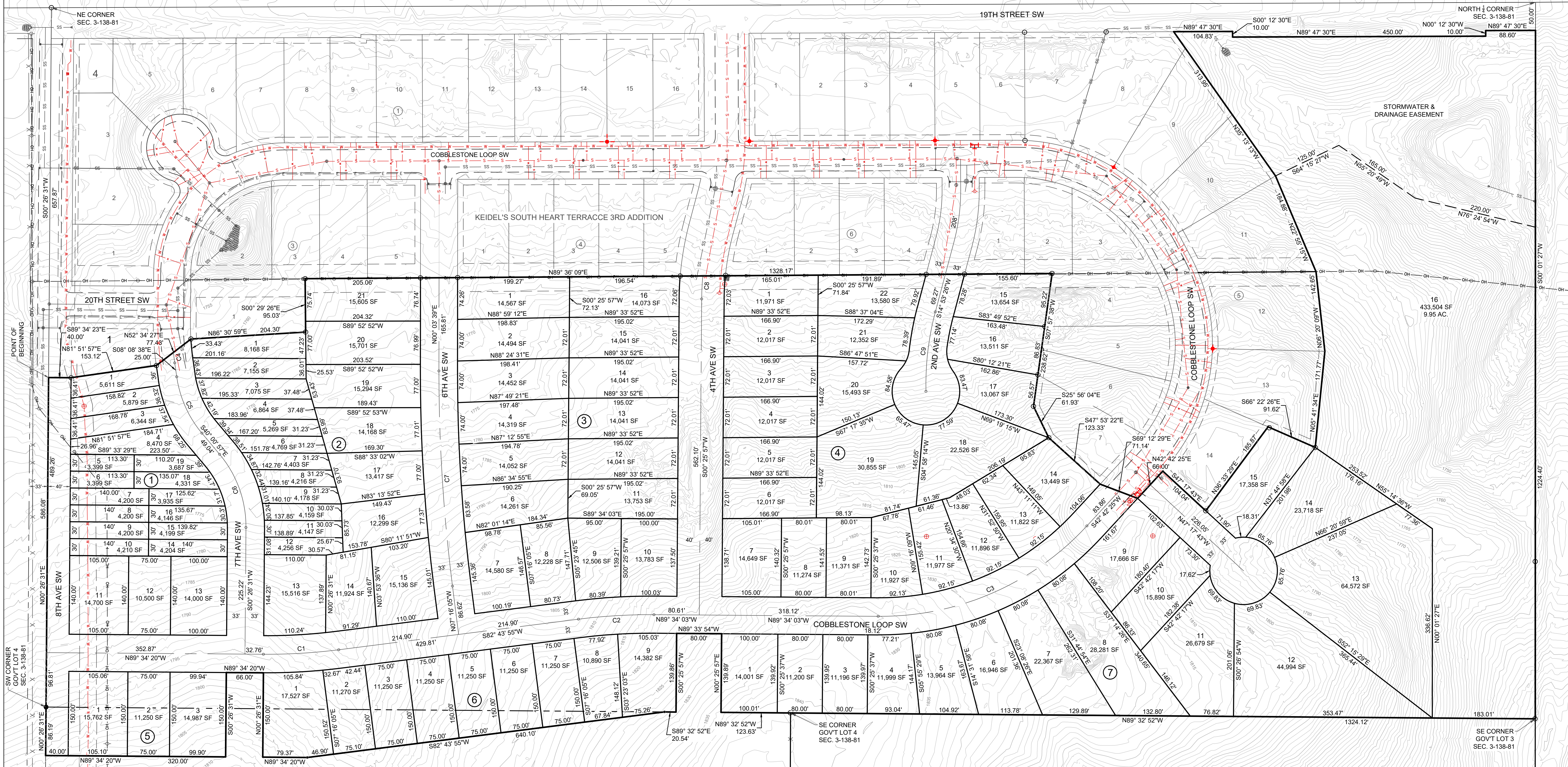
Location		Type		Existing Zone	Proposed Zone	Project Name	
X	City	ETA	New	Addition	R7	R3.2 & r7	Keidels South Heart Terrace 5th Addition
Property Address				Legal Description			
8th Ave SW				Part of NW Quarter S3-T138N-R81W			
Current Use							
Vacant							
Proposed Use							
Residential Subdivision				Section 3	Township 138	Range 81	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking	Provided Parking		
47.82 Acres	NA	NA	NA	NA	NA		

Michael Liffrig	Print Name		Signature	7/24/25	Date
-----------------	------------	--	-----------	---------	------

Office Use Only			
Date Received:	Initials: <i>ym</i>	Fees Paid: \$ 1100	Date 7-25-2025
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

# PRELIMINARY PLAT

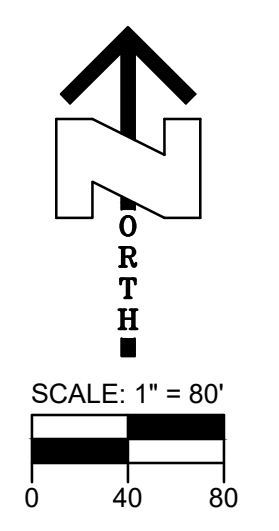
# KEIDEL'S SOUTH HEART TERRACE 5TH ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA PART OF THE NORTHWEST QUARTER ALL IN SECTION 3, T138N, R81W



**PROPERTY DESCRIPTION**

A TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3 MARKED BY A 1/2" REBAR; THENCE SOUTH 00° 26' 31" WEST A DISTANCE OF 657.87 FEET TO A 1/2" REBAR WITH LS-9628 CAP BEING THE POINT OF BEGINNING; THENCE SOUTH 89° 34' 23" EAST A DISTANCE OF 40.00 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 81° 51' 57" EAST A DISTANCE OF 153.12 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 86° 30' 59" EAST A DISTANCE OF 204.30 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 00° 29' 26" WEST A DISTANCE OF 95.03 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 89° 36' 09" EAST A DISTANCE OF 1328.17 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE SOUTH 07° 57' 38" WEST A DISTANCE OF 238.62 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE SOUTH 25° 56' 04" EAST A DISTANCE OF 61.93 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE SOUTH 47° 53' 22" EAST A DISTANCE OF 123.33 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE SOUTH 69° 12' 29" EAST A DISTANCE OF 71.14 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 42° 42' 25" WEST A DISTANCE OF 66.00 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE SOUTH 47° 17' 43" EAST A DISTANCE OF 104.04 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 36° 33' 29" EAST A DISTANCE OF 185.87 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE SOUTH 66° 22' 26" EAST A DISTANCE OF 91.62 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 05° 41' 34" EAST A DISTANCE OF 171.77 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 06° 20' 09" EAST A DISTANCE OF 142.65 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 22° 55' 15" WEST A DISTANCE OF 184.88 FEET TO A 1/2" REBAR WITH LS-4623 CAP; THENCE NORTH 35° 13' 13" WEST A DISTANCE OF 313.95 FEET TO A 1/2" REBAR WITH LS-4623 CAP AND THE SOUTH RIGHT OF WAY OF 19TH STREET; THENCE NORTH 89° 47' 30" EAST ON SAID SOUTH LINE A DISTANCE OF 104.83 FEET; THENCE SOUTH 00° 12' 30" EAST ON SAID SOUTH LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 89° 47' 30" WEST ON SAID SOUTH LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 00° 12' 30" WEST ON SAID SOUTH LINE A DISTANCE OF 10.00 FEET; THENCE NORTH 89° 47' 30" EAST ON SAID SOUTH LINE A DISTANCE OF 88.60 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 00° 01' 21" WEST ON SAID EAST LINE A DISTANCE OF 122.40 FEET TO A 1/2" REBAR WITH LS-3595 CAP MARKING THE SOUTHEAST CORNER OF GOVERNMENT LOT 3; THENCE NORTH 89° 32' 52" WEST ON THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 132.12 FEET TO A 1/2" REBAR WITH LS-951 CAP MARKING THE SOUTHEAST CORNER OF GOVERNMENT LOT 4; THENCE CONTINUING NORTH 89° 32' 52" WEST ON THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 123.63 FEET; THENCE NORTH 00° 25' 57" EAST A DISTANCE OF 139.89 FEET; THENCE NORTH 89° 33' 54" WEST A DISTANCE OF 80.00 FEET; THENCE SOUTH 00° 25' 57" WEST A DISTANCE OF 139.86 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE NORTH 89° 32' 52" WEST ON THE SOUTH LINE OF SAID LOT 4 A DISTANCE OF 20.54 FEET; THENCE SOUTH 82° 43' 55" WEST A DISTANCE OF 640.10 FEET; THENCE NORTH 89° 34' 20" WEST A DISTANCE OF 79.37 FEET; THENCE NORTH 00° 26' 31" EAST A DISTANCE OF 150.00 FEET; THENCE NORTH 89° 34' 20" WEST A DISTANCE OF 66.00 FEET; THENCE SOUTH 00° 26' 31" WEST A DISTANCE OF 150.00 FEET; THENCE NORTH 89° 34' 20" WEST A DISTANCE OF 320.00 FEET TO THE WEST LINE OF SAID SECTION 3; THENCE NORTH 00° 26' 31" EAST A DISTANCE OF 86.19 FEET TO A 1/2" REBAR WITH LS-9628 CAP MARKING THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 00° 26' 31" EAST A DISTANCE OF 586.08 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 47.82 ACRES, MORE OR LESS.



- 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 SURVEY IS R7 & A.
  - PROPOSED ZONING IS: 28 - R3.2 LOTS 78 - R7 LOTS

**ACREAGE TABLE**

LOT AREAS	41.49 ACRES
DEDICATED ROW	6.33 ACRES
TOTAL	47.82 ACRES

- LEGEND**
- FOUND SURVEY MONUMENT
  - SET CAPPED REBAR "LS-9628"
  - EXISTING POWER POLE
  - EXISTING GATE VALVE
  - EXISTING FIRE HYDRANT
  - EXISTING SANITARY SEWER
  - EXISTING STROM SEWER
  - EXISTING WATER MAIN
  - OH — EXISTING OVERHEAD ELECTRIC
  - OH — EXISTING UTILITY EASEMENT
  - x — EXISTING BARB WIRE FENCE
  - - - - EXISTING CURB BACK
  - E — EXISTING ELECTRIC LINE

**CENTERLINE CURVE DATA**

CURVE #	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	134.32'	1000.00'	N86° 34' 47"E	134.22'
C2	134.40'	1000.00'	S86° 34' 56"W	134.30'
C3	416.44'	500.00'	N66° 34' 01"E	404.50'
C4	18.71'	500.00'	S07° 04' 19"E	18.70'
C5	111.25'	200.00'	S24° 04' 47"E	109.83'
C6	141.22'	200.00'	N19° 47' 13"W	138.31'
C7	383.74'	3000.00'	S03° 36' 13"E	383.48'
C8	41.09'	500.00'	S02° 47' 12"W	41.08'
C9	142.83'	500.00'	S06° 42' 25"W	142.35'

OWNER/DEVELOPER:  
MICHAEL LIFFRIG  
2815 28TH STREET  
MANDAN, ND 58554

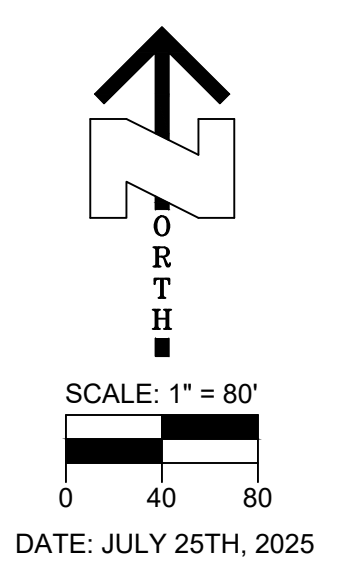
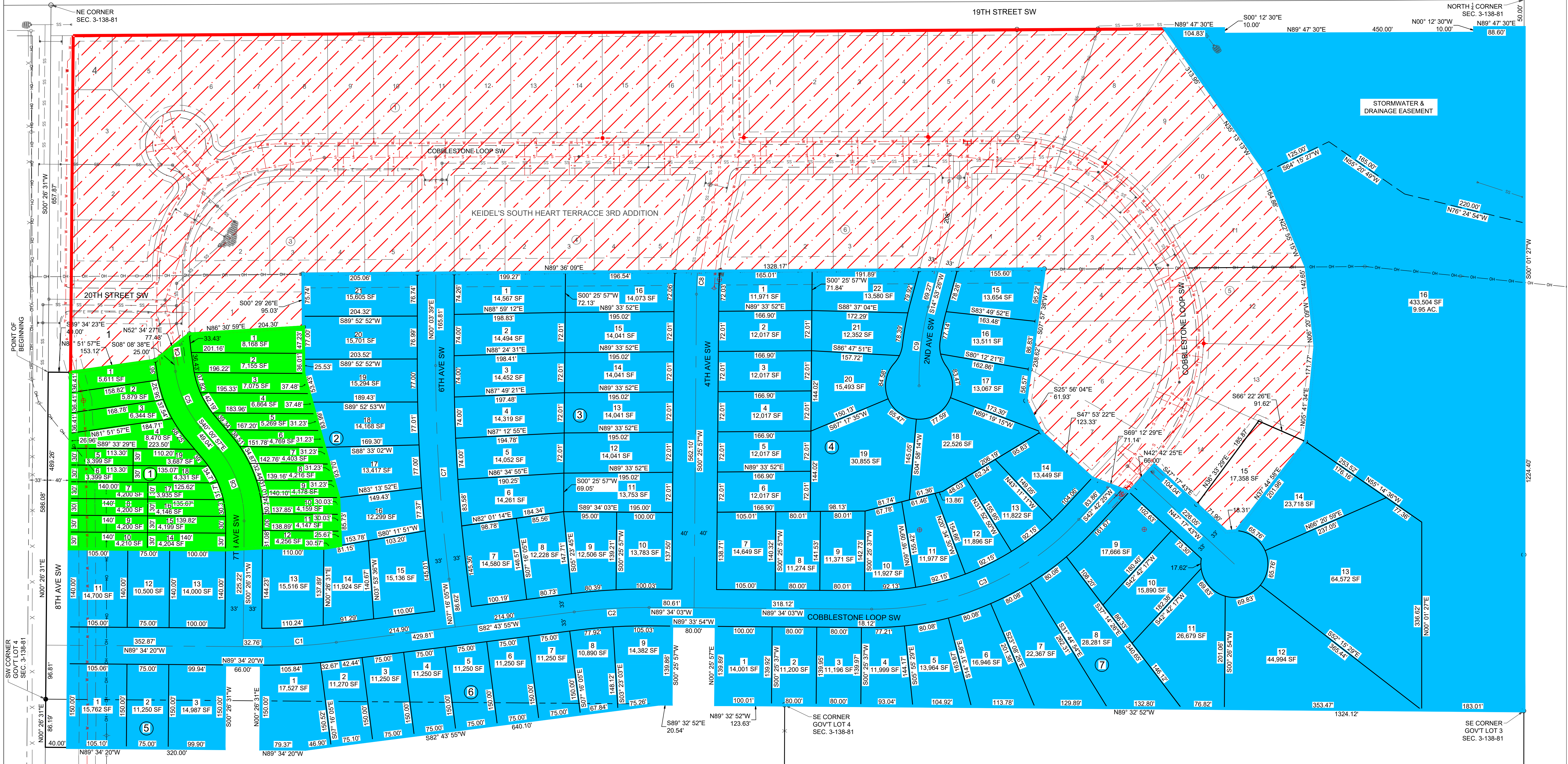
KEIDEL'S SOUTH HEART TERRACE  
5TH ADDITION  
PRELIMINARY PLAT  
NW QUARTER S3-T138N-R81W  
MANDAN, NORTH DAKOTA

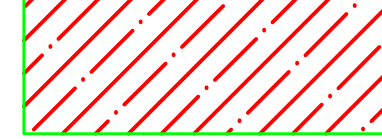


Independent  
Land  
Surveying &  
Engineering

4215 Old Red Trail NW  
Mandan, ND 58554  
Phone: 701-663-5184  
Cell: 701-595-2079  
mark@surveynd.com

SHEET: 1 OF 1 JOB NUMBER: 24026  
SCALE: 1" = 80' DWG REVISION DATES  
DRAWN BY: MSL  
DWG DATE: 7/23/25  
DWG NAME: 24026 Keidels 5th Preliminary Plat

# KEIDEL'S SOUTH HEART TERRACE 5TH ADDITION PROPOSED ZONING MAP



-  EXISTING R7 ZONING
-  PROPOSED R3.2 ZONING
-  PROPOSED R7 ZONING

OWNER/DEVELOPER:  
MICHAEL LIFFRIG  
2815 28TH STREET  
MANDAN, ND 58554

KEIDEL'S SOUTH HEART TERRACE  
5TH ADDITION  
GOVT LOTS 3 & 4  
NW QUARTER S3-T138N-R81W  
MANDAN, NORTH DAKOTA

**Independent  
Land  
Surveying &  
Engineering**

SHEET: 1 OF 1    JOB NUMBER: 24026  
SCALE: 1" = 80"    DWG REVISION DATES  
DRAWN BY: MRI    -    -  
DWG DATE: 7/23/25    -    -  
DWG NAME: 24026 Keidels Proposed Zoning Map

4215 Old Red Trail NW  
Mandan, ND 58554  
Phone: 701-663-5184  
Cell: 701-595-2079  
mark@ilsurveynd.com

**ORDINANCE NO. XXXX**

**AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.**

WHEREAS, The Mandan Land Use and Transportation Plan designates the subject property as Low Density Residential; and

WHEREAS, Adjacent properties to the north and south is zoned R7 – Residential Single Family, to the east zoned RM – Residential Multi Family; and to the west is public right-of-way. R7 and R3.2 – Residential would be appropriate; and

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

**SECTION 1. ZONING AMENDMENT.** Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

KEIDELS SOUTH HEART TERRACE 5<sup>TH</sup> ADDITION IN SECTION 3, TOWNSHIP 138N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA:

SAID TRACT OF LAND CONTAINING 47.82 ACRES, MORE OR LESS.

- shall be removed from the R7 – Residential and shall be included in the R7 and R3.2 – Residential Districts.

**SECTION 2. RE-ENACTMENT.** Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

---

James Froelich, President  
Board of City Commissioners

Attest:

---

Jim Neubauer  
City Administrator

Planning and Zoning Commission:  
First Consideration:  
Second Consideration and Final Passage:

August 25, 2025



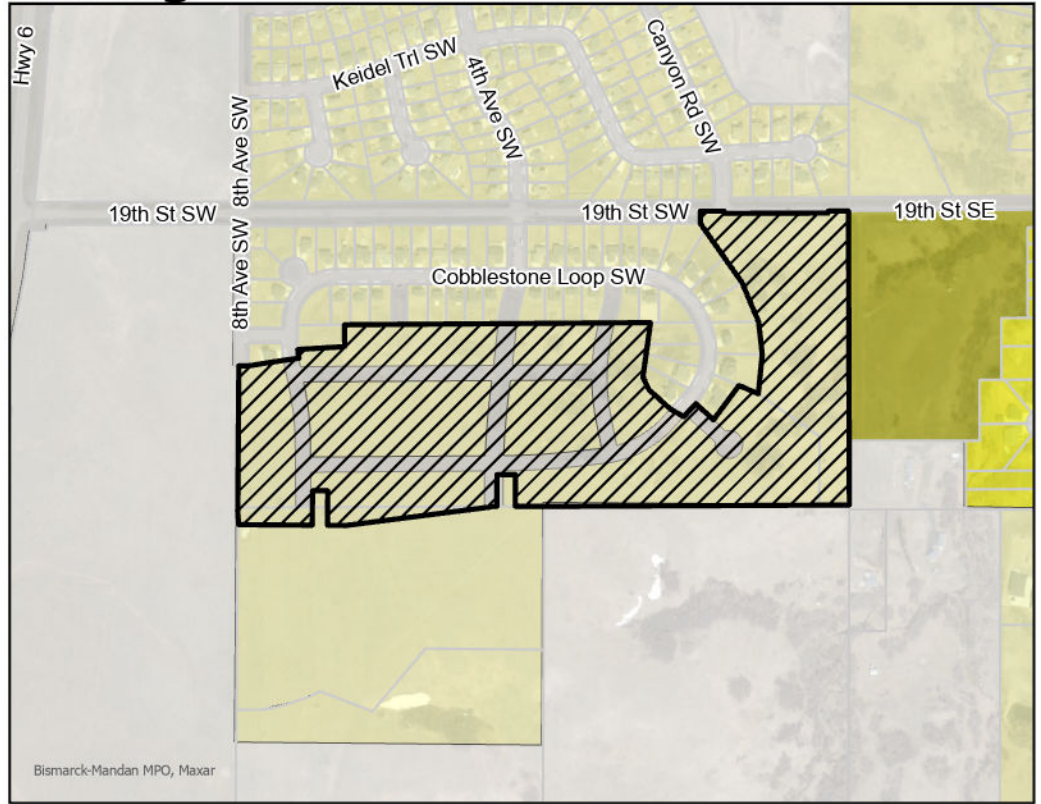
# Zoning and Future Land Use Reference Map

Keidels 5th

## Zoning Map Key

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

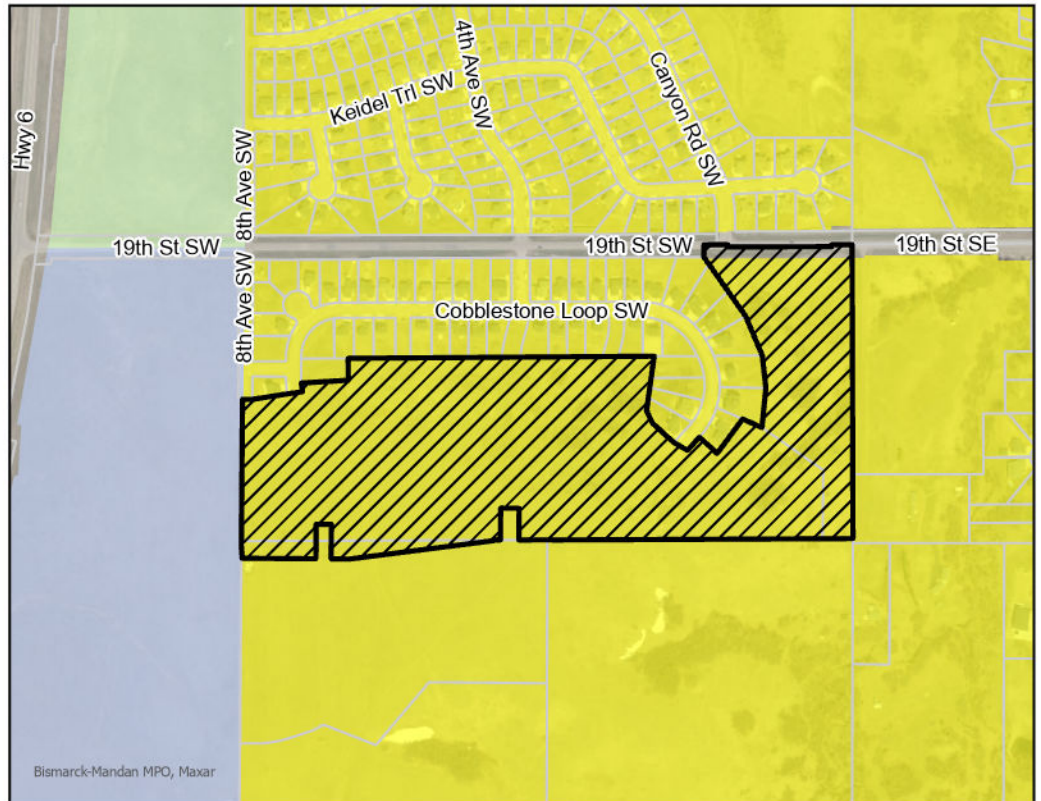
## Zoning



## Future Land Use Plan

### Future Land Use Plan Key

- |                            |
|----------------------------|
| Rural Residential          |
| Low Density Residential    |
| Medium Density Residential |
| High Density Residential   |
| Commercial                 |
| Industrial                 |
| Public/Semi-Public         |
| Public Land                |
| Park                       |
| Greenways                  |
| Open Space                 |
| Open Water                 |
| Proposed Site              |



N





## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** September 22, 2025  
**PREPARATION DATE:** September 12, 2025  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Rachel Laqua  
**SUBJECT:** Consider Final Plat for Kahl Subdivision

#### STATEMENT/PURPOSE:

Consider Final Plat for Kahl Subdivision

#### BACKGROUND/ALTERNATIVES:

The Planning & Zoning Commission recommended approval of the preliminary plat and master plan at the July 28, 2025 meeting. The preliminary plat and master plan were approved by City Commission at the August 19, 2025 meeting. The September 4, 2025 pre planning meeting recommended the subdivision to be renamed to avoid confusion with another similarly named subdivision. The updated plat name to Kahl Irey Additidion, along with spelling edits will be shown on the plat's final version.

This proposed final plat is located in the SE1/4 of Section 32, T139N R81W, 5<sup>th</sup> PM, Morton County, ND, within the ETJ. This portion of the SE ¼ of Section 32 has been previous partially platted as Lot "A", and has four existing lots, Lot 1 of Lot "A", Lot 2 of Lot "A", Lot 3 of Lot "A", and the remainder of Lot "A". The applicant proposes to add two additional Lots, Lots 1 and 2 of Block 1, both containing 1.5 acres.

Staff requested that a master plan be created for the remainder of Lot "A" in the NE1/4SE1/4, though not the full extent of Lot "A", in order to have a future understanding of access and development potential. This has been included in the application and shows future roadway access surrounding the property as well as an internal 66' road right of way, with a potential for 8 additional large residential lots.

#### Preliminary Plat Details

Total Area: 3 acres to be platted into Lots 1 and 2 of Block 1

#### Configuration

Two lots within one block

### Access

Access to both lots is via a 40' wide access easement running west across Lot "A" from existing 22 ½ Avenue through Lot 1, Block 1 to Lot 2, Block 1. A culvert may be required for this access during the driveway and building permit process.

### Zone Change Request

- No zone change request is being made at this time.

### Adjacent Zoning, Land Use, and Future Land Use

Adjacent Zoning: North/South/East/West – Agricultural

The future land use plan designates this area as public land, and is shown outside the 2030 growth boundary. The very low density residential nature of the development should be in line with this.

### Public Outreach and Application Details

Application Received: August 22, 2025

Application Fee: \$450.00

Notifications: Letters sent to 3 adjacent property owners

### Findings of Fact

#### Final Plat

1. All technical requirements for approval of a final 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.

Attachments:

1. Application
2. Location Map
3. Final Plat
4. Exhibit
5. Future Plan

**ATTACHMENTS:**

1. Application
2. Location Map
3. Kahl Ireys Addition Final Plat
4. Exhibit
5. Kahl Addition Future Plan

**FISCAL IMPACT:**

N/A

**STAFF IMPACT:**

A moderate amount of City Staff time has gone into reviewing the proposed development.

**LEGAL REVIEW:**

This item has been reviewed as part of the agenda packet.

**RECOMMENDATION:**

City Staff recommends approval of Kahl Ireys Addition Final Plat.

**SUGGESTED MOTION:**

I move to recommend approval of Kahl Ireys Addition Final Plat.

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
X Final Plat up to 20 lots (\$450)	Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	Variance (\$400)
Final Plat more than 40 lots (\$750)	Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 <sup>nd</sup> & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	
The applicant wants to provide 2 lots for their children's homes. The applicant would prefer to have these lots platted as Auditor's Lots instead of a subdivision.	

Engineer/Surveyor			Property Owner or Applicant		
Name Sauber Engineering			Name Kahl Family Trust		
Address 2401 46th Ave SE			Address 2226 Sunny Road South		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email jsauber@sauberengineering.com			email Paigeekahl@outlook.com		
Phone (701)751-5993		Fax	Phone 701-391-2484		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	
City	X	ETA	X	New	Agriculture	Agriculture	Kahl Subdivision
Property Address				Legal Description			
N/A				Portion of Lot A of the SE 1/4			
Current Use							
Agriculture							
Proposed Use							
Residential				Section 32	Township 139	Range 81	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
3 Ac.							

Paige	Print Name Paige Irey	Signature <i>Paige Irey</i>	Date 8/20/25
-------	--------------------------	--------------------------------	-----------------

Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ 450	Date: 8-22-2025
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

Updated 1/1/2024

N:\PLANNING & ZONING\0: Administration\Application Documents\Development Application - January 1, 2024.docx



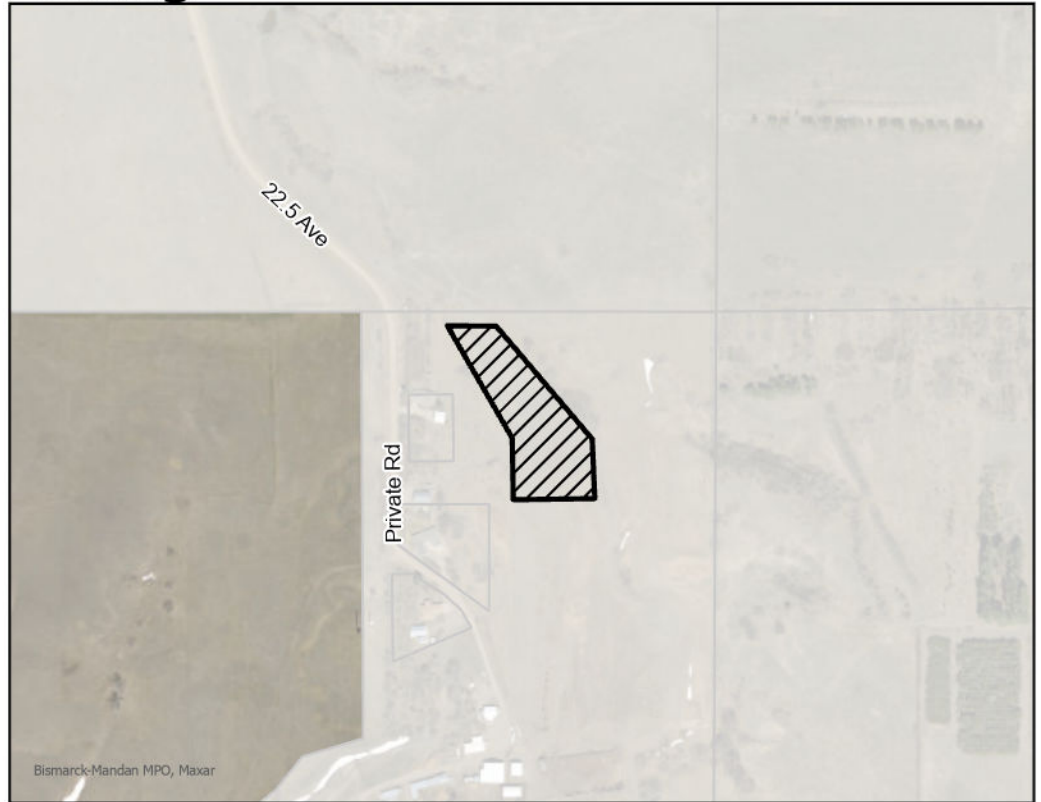
# Zoning and Future Land Use Reference Map

Kahl Subdivision

## Zoning

### Zoning Map Key

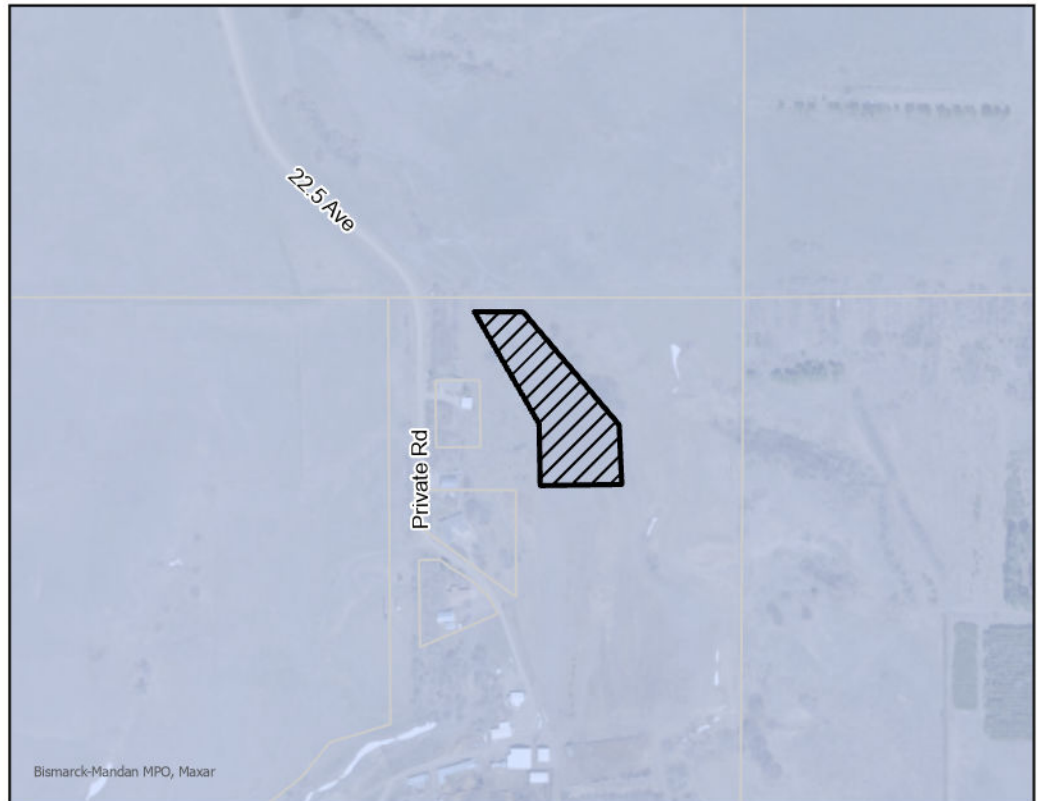
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light 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
- June '25 Planning Activities



## Future Land Use Plan

### Future Land Use Plan Key

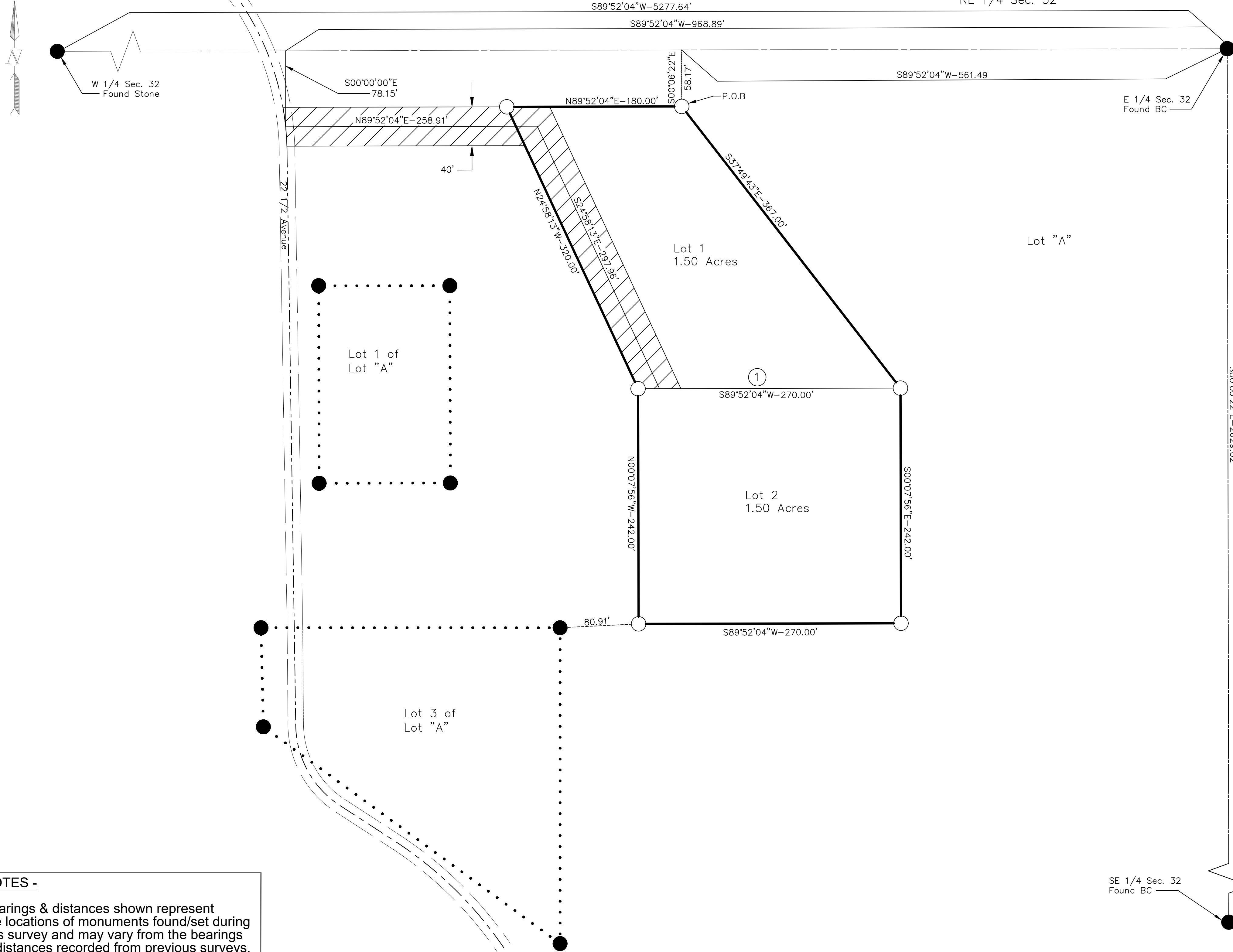
- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- June '25 Planning Activities



N



**KAHL IREY ADDITION**  
 A PORTION OF LOT "A" OF THE SE 1/4 OF SECTION 32  
 TOWNSHIP 139 NORTH, RANGE 81 WEST, 5th PRINCIPAL MERIDIAN  
 CITY OF MANDAN, EXTRATERRITORIAL JURISDICTION  
 MORTON COUNTY, NORTH DAKOTA



**DESCRIPTION OF PROPERTY:**

A Portion of lot "A" of the SE 1/4 of Section 32, Township 139 North, Range 81 West, 5th Principle Meridian, Morton County, North Dakota.

Commencing at the East Quarter Section Corner Brass Cap, thence S 89 Deg. 52 Min. 04 Sec. W along the latitudinal centerline of said section a distance of 561.49 feet to a point, thence S 00 Deg. 06 Min 22 Sec. E a distance of 58.17 feet to the Point of Beginning, thence S 37 Deg. 49 Min. 43 Sec. E a distance of 367.00 feet, thence S 00 Deg. 07 Min. 56 Sec. E a distance of 242.00 feet, thence S 89 Deg. 52 Min. 04 Sec. W a distance of 270.00 feet, thence N 00 Deg. 07 Min. 56 Sec. W a distance of 242.00 feet, thence N 24 Deg. 58 Min. 13 Sec. W a distance of 320.00 feet, thence N 89 Deg. 52 Min. 04 Sec. E a distance of 180.00 feet to the Point of Beginning

The described tract contains 3.0 acres, more or less, and are subject to any prior easements and reservations.

**DESCRIPTION OF ACCESS EASEMENT:**

A 40 foot wide strip of land lying 20 feet on each side of the following described centerline:

Commencing at the East Quarter Section Corner Brass Cap, thence S 89 Deg. 52 Min. 04 Sec. W along the latitudinal centerline of said section a distance of 968.89 feet to a point, thence S 00 Deg. 00 Min 00 Sec. E a distance of 78.15 feet to a point on the centerline of 22 1/2 Avenue and being the Point of Beginning, thence N 89 Deg. 52 Min. 04 Sec. E a distance of 258.91 feet, thence S 24 Deg. 58 Min. 13 Sec. E a distance of 297.96 feet to the North line of Lot 2 of Block 1.

The sidelines thereof are elongated or shortened to conform to the Grantors Property Lines.

The described tracts contains 0.51 acres, more or less, and are subject to any prior easements and reservations.

**SURVEYORS CERTIFICATION:**

I hereby certify that this plat was prepared by me or under my direct supervision, that the plat is a correct representation of the survey, the monuments are placed and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.

John Sauber Jr., PE/PLS

Date \_\_\_\_\_ Reg. No. LS-8427

STATE OF NORTH DAKOTA,

County of Morton.....} ss

Subscribed and sworn to before me this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Notary Public

My commission expires: \_\_\_\_\_

**OWNER'S CERTIFICATE OF DEDICATION:**

We, the undersigned being the duly authorized representatives of the Kahl Family Trust, whose address is 2226 Sunny Road South, Mandan, North Dakota 58554, owner of the land platted herein, do hereby voluntarily consent to the execution of said plat. We also dedicate an access easement for the benefit of Lot 1 and Lot 2, Block 1.

Allen Kahl \_\_\_\_\_ Larry Kahl \_\_\_\_\_ Randy Kahl \_\_\_\_\_

STATE OF NORTH DAKOTA,

County of Morton .....} ss

Subscribed and sworn to before me this \_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Notary Public

My commission expires: \_\_\_\_\_

**PLANNING COMMISSION APPROVAL:**

The subdivision of land shown herein has been approved by the Planning Commission of the City of Mandan, North Dakota, this \_\_\_\_\_ day of \_\_\_\_\_, 2025 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 Moses - 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 dedication of all parks and public grounds shown hereon, fruthermore, 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 \_\_\_\_\_, 2025

Jim Neubauer - City Administrator \_\_\_\_\_ James Froelich - President of the Board of City Commissioners \_\_\_\_\_

**CITY ENGINEER APPROVAL:**

I, Jarek Wigness, City Engineer for the City of Mandan, North Dakota, Hereby Approves "Kahl IreY Addition" of the City of Mandan, Morton County, North Dakota as Shown on the Annexed Plat.

Jarek Wigness - Mandan City Engineer

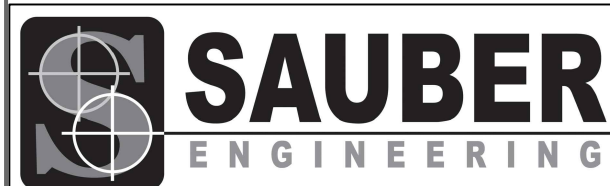
**NOTES -**

Bearings & distances shown represent the locations of monuments found/set during this survey and may vary from the bearings & distances recorded from previous surveys.

Basis of Bearing: North Dakota State Plane Coordinate System, South Zone - NAD83

The Distances Reported are in Reference to the International Foot Definition and are in Ground Per NDDOT Combination Factor for Morton County (1/CF = 1.0001515230)

Field Survey Conducted on  
 -05/08/2025  
 -05/21/2025  
 Plat Drafted on 08/01/2025

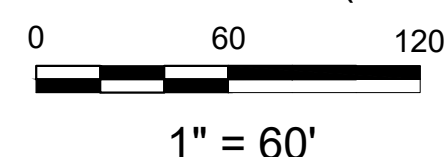


2401 46th Ave. SE, Suite 110  
 PO Box 399  
 Mandan, ND 58554

**LEGEND -**

- Monument Found ●
- Monument Set w/BPC (LS-8427) ○
- Qtr. Section Line - - - - -
- Section Line \_\_\_\_\_
- 40' Access Easement [hatched box]
- Adjacent Lots . . . . .

**GRAPHIC SCALE (in feet)**



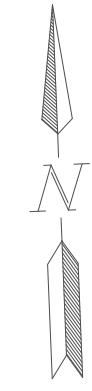
Parcel Data		
Lot 1	1.50 ACRES	65,340 SQ FT
Lot 2	1.50 ACRES	65,340 SQ FT
<b>TOTAL</b>	<b>3.00 ACRES</b>	<b>130,680 SQ FT</b>

I, Dawn Rhone, Auditor of Morton County, do hereby certify that all delinquent and current property taxes and installments of special assessments are paid and TRANSFER ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

MORTON COUNTY AUDITOR

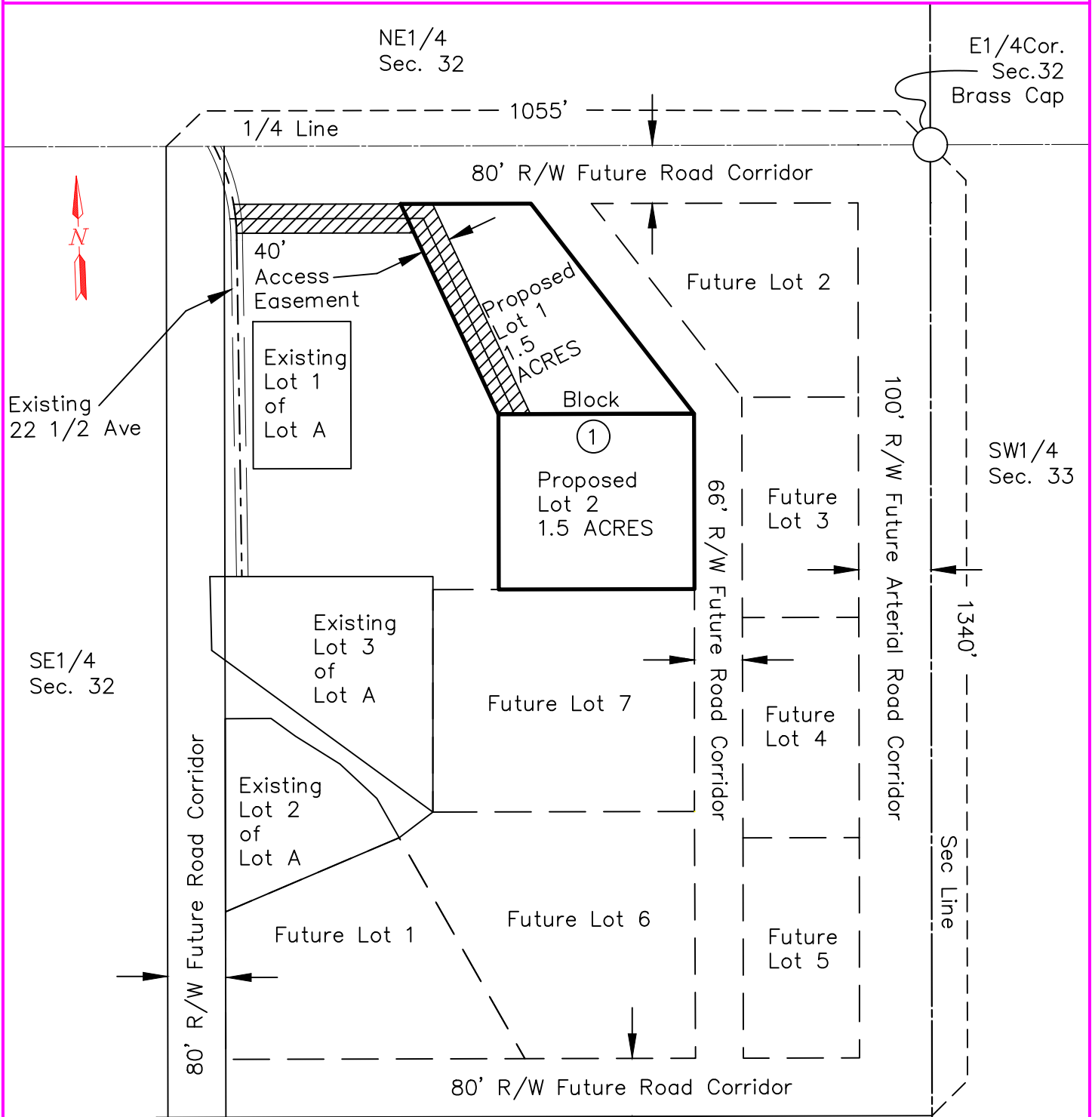
# KAHL SUBDIVISION

A PORTION OF LOT "A" OF THE SE 1/4 OF SECTION 32  
TOWNSHIP 139 NORTH, RANGE 81 WEST, 5th PRINCIPLE PAL MERIDIAN  
MORTON COUNTY, NORTH DAKOTA

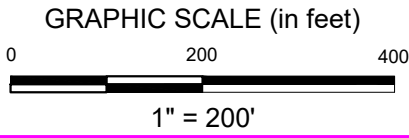


# KAHL ADDITION FUTURE PLAN

A PORTION OF LOT "A" OF THE SE 1/4 OF SECTION 32  
 TOWNSHIP 139 NORTH, RANGE 81 WEST, 5th PRINCIPAL MERIDIAN  
 MORTON COUNTY, NORTH DAKOTA



2401 46th Ave. SE, Suite 110  
 PO Box 399  
 Mandan, ND 58554





## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** September 22, 2025  
**PREPARATION DATE:** September 12, 2025  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Rachel LaQua, Interim Planner  
**SUBJECT:** Consider an amendment to the Special Use Permit for Lot 1, Block 1, Bridgeview Bay Addition

#### STATEMENT/PURPOSE:

Consider an application for amendment of a special use permit for shop condos on Lot 1, Block 1, Bridgeview Bay Addition. The amended special use permit seeks to update the approved site, building and landscape plan originally approved via Special Use Permit on September 17, 2024.

#### BACKGROUND/ALTERNATIVES:

##### Overview of Request

The property, Lot 1, Block 1, Bridgeview Bay Addition, is situated in Section 6, Township 138N, Range 80W, City of Mandan, Morton County, North Dakota, along the Missouri River at the eastern end of McKenzie Drive SE.

##### Property History

The property located at 2600 Marina Road SE is currently zoned CB – Business Commercial.

The existing special use permit was approved at the September 17, 2024 City Commission meeting. The initial application, submitted in December 2023 was recommended for approval, contingent upon resolving site plan issues at the May 2024 Planning and Zoning Commission meeting. The applicant then requested a variance at the August 26, 2024 meeting of the Planning and Zoning Commission. In August, the Commission delayed a decision on the zoning variance, which sought a reduced-width screening buffer between the property and a neighboring residential lot, as required by the City's Gateway/Buffer ordinance. By September, the changes to the site plan meant a variance was no longer needed.

The special use permit was approved by City Commission on September 17, 2024. That

permit allowed for the construction of multi-use shops, specifically for three (3) structures with 18 multiuse shop condos on the property:

- One structure with seven (7) units – north unit
- One structure with five (5) units – east unit
- One structure with six (6) units – south unit

At the time, they intended to have 56 parking spaces based on the declared uses of retail and office.

The application showed 30 feet of open space, 4 rows of conifers and a fence. The permit also required landscape buffering along the south property line that adheres to the City of Mandan Gateway Screening requirement. The approval of the special use permit was granted contingent upon a stormwater management plan and City review of the condo declaration

The current application shows:

- One structure (north) with 6 units
- One structure (east) with 6 units
- One structure (south) with 5 units

The landscape buffer to the south shows 2 rows of conifers in 20 feet of open space as well as a proposed fence.

While they are reducing the number of units, the building size, while not clearly shown, has appeared to increase on both the east structure and south structure.

Staff has not reviewed a complete landscape plan, but review of the provided plan only shows meeting 5 landscape points, not 6.

The change in development pattern requires this update to the Special Use permit.

### **Amended Special Use Permit Request**

The applicant provided answers to the required questions below with their special use permit application, which can be found in the packet.

1. Will the proposed use be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?
2. Will the proposed use involve activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors?
3. Will the hours of operation of the proposed use be different than the adjacent uses?
4. Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses?
5. Will the site of the proposed use have sufficient area to provide the parking required for the use?
6. Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district?

### **Staff Review**

Staff note concerns regarding applicant continuing to meet other requirements in the original special use permit and request a detailed landscape plan to determine proper buffer requirements are being met.

Staff recommendation is that if approved by the Planning and Zoning Commission, the applicant provides a detailed building and landscaping plan prior to City Commission review.

### **Adjacent Properties Zoning, Land Use and Future Land Use**

- Current and proposed zoning is CB - Commercial and the property is within the Gateway Overlay district.
- Adjacent properties to the north are zoned RM – Residential and CB – Commercial and consist of a marina and restaurant. To the west the property is a CB – Commercial zoned marine sales dealership and to the southwest an RM – Residential zoned multifamily residential development. To the south, there are single-family homes zoned R7 – Residential. The property is immediately on the west bank of the Missouri River.
- The City's Future Land Use Plan recommended commercial development on this property. The proposed land uses have been declared to be commercial and personal recreation/storage.

### **Additional Information and Public Outreach**

- Application and fee of \$450 was received on August 22, 2025.

- Letters were sent to 6 adjacent property owners.
- Staff has received phone calls with concerns regarding the request. It is believed that an email was or is to be sent to the Planning Commissioners regarding concerns with this request.

### **Findings of Fact** Special Use Permit

All Will the proposed use be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?

*Staff have concerns regarding whether the landscaping plan fulfills the buffer requirements in the Gateway overlay district.*

Will the proposed use involve activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors?

*Uses are limited to CB – Commercial district per the original special use permit, with noise-producing business-related activities limited to between 6:00am and 10:00pm.*

Will the hours of operation of the proposed use be different than the adjacent uses?  
Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses?

*No*

Will the site of the proposed use have sufficient area to provide the parking required for the use?

*Yes*

Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district?

*No*

**ATTACHMENTS:**

1. Application
2. Additional Submittal
3. Letter Oster to Vogel 08-05-25 re response
4. Proposed Site Plan
5. Location Map
6. DRAFT Special Use Permit - Missouri Landing Shop Condos
7. SUP September 17 2024

**FISCAL IMPACT:**

N/A

**STAFF IMPACT:**

Significant staff time has gone into the review of this project.

**LEGAL REVIEW:**

This item has been reviewed as part of the agenda packet

**RECOMMENDATION:**

City staff recommends review of the special use permit for Lot 1, Block 1, Bridgeview Bay Addition (2600 Marina Rd SE) and 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, with any potential approval being contingent on requirements that the applicant demonstrate the ability to abide by all requirements of the original special use permit and provide a detailed landscaping plan to the city prior to the final approval by City Commission.

**SUGGESTED MOTION:**

To Approve: I move to recommend approval of the special use permit for Lot 1, Block 1, Bridgeview Bay Addition (2600 Marina Rd SE), contingent on requirements that the applicant demonstrate the ability to abide by all requirements of the original special use permit and provide a detailed landscaping plan to the city prior to the final approval by City Commission.

To Approve with Additional Contingencies: I move to recommend approval of the

special use permit for Lot 1, Block 1, Bridgeview Bay Addition (2600 Marina Rd SE), contingent on requirements that the applicant demonstrate the ability to abide by all requirements of the original special use permit and provide a detailed landscaping plan to the city prior to the final approval by City Commission, and

\_\_\_\_\_.

To Deny: I move to deny approval of the special use permit for Lot 1, Block 1, Bridgeview Bay Addition (2600 Marina Rd SE), contingent on requirements that the applicant demonstrate the ability to abide by all requirements of the original special use permit and provide a detailed landscaping plan to the city prior to the final approval by City Commission.

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	Planned Unit Development (\$700)
Preliminary Plat more than 20 acres (\$500)	Land Use and Transportation Plan Amendment (\$1,000)
Final Plat up to 20 lots (\$450)	Vacation (\$500)
Final Plat 21 to 40 lots (\$600)	Variance (\$400)
Final Plat more than 40 lots (\$750)	<input checked="" type="checkbox"/> Special Use Permit (\$450)
Annexation (\$450)	Stormwater submittal (\$300)
Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	Stormwater 2 <sup>nd</sup> & subsequent resubmittal (\$50)
Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	Document Recording (\$30)
Summary of Request (Add separate sheet(s) as necessary)	

Engineer/Surveyor			Property Owner or Applicant		
Name Toman Engineering Co			Name Monte Gawryluk		
Address 501 1st St NW			Address 4016 Bayport PL SE		
City Mandan	State ND	Zip 58554	City Mandan	State ND	Zip 58554
email andram@tomanengineering.com			email		
Phone 701-663-6483		Fax	Phone 701-540-2079		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
City	ETA	New	Addition	CB	CB	Missouri Landing Addition
Property Address 2600 Marina Road SE				Legal Description Lot 1 + And Lot "A" of Lot 2		
Current Use				Block 1, Bridgerview Bay Addition		
Proposed Use Commercial Flex Space				Section 6	Township 138	Range 80
Parcel Size 2.17 ac	Building Footprint	Stories	Building SF	Required Parking	Provided Parking	

Print Name Monte Gawryluk	Signature Monte Gawryluk	Date 8/22/25
------------------------------	-----------------------------	-----------------

Office Use Only			
Date Received:	Initials: <b>Ym</b>	Fees Paid: \$ <b>450</b>	Date <b>8-22-2025</b>
Notice in paper	Mailed to neighbors	P&Z meeting	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

## Additional Submittals

### Conditional-Special Use Permit

A special or conditional use permit application shall include the following additional submittals:

1. An answer with explanation for each of the following questions (please answer the below questions as completely as possible. Incomplete applications will not be accepted and may cause a delay in the application process):

- a. Will the proposed use be designed, constructed, operated, and maintained so as to be compatible in appearance with the existing or intended character of the neighborhood?

Yes we have designed the buildings to enhance the area.

- b. Will the proposed use involve activities, processes, materials, equipment, or conditions of operation that will be incompatible with the neighborhood due to the production of traffic, noise, smoke, fumes, glare, or odors?

No

- c. Will the hours of operation of the proposed use be different than the adjacent uses?

No

- d. Will the proposed use require exterior lighting of a type and intensity greater than the adjacent uses?

No

- e. Will the site of the proposed use have sufficient area to provide the parking required for the use?

Yes parking is sufficient

- f. Will the proposed use require adjustments to the normal lot size, height, and setback requirements of the district?

No we plan to adhere to existing requirements

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on aerials. The zoning map may be found on the City's website at [CityofMandan.com](http://CityofMandan.com) and selecting Departments → Engineering and Planning → Maps → Zoning Map or by clicking [here](#) if viewing this document digitally.

Amy M. Oster  
100 West Broadway, Suite 250  
P.O. Box 2798  
Bismarck, ND 58502-2798  
Voice 701.223.6585  
Facsimile 701.222.4853  
aoster@crowleyfleck.com

*Via Electronic Mail*

August 5, 2025

Mr. Wade Vogel  
Premier Homes, Inc.  
Mandan, ND 58504  
wade@premierhomesnd.com

**RE: City of Mandan — Missouri Landing Project**

Dear Mr. Vogel:

Please be advised that I represent the City of Mandan as its City Attorney. I am in receipt of your recent correspondence regarding the interpretation of Section 105-4-6 of the Mandan Code of Ordinances. Although it is unclear from the written correspondence, it is my understanding you would like to add a sixth unit to the structure on the east side of the property. Enclosed please find a copy of the Special Use Permit which was approved for this property. The SUP expressly states that it “is for three (3) structures. One structure with seven (7) units. One structure with five (5) units. One structure with six (6) units.” It is my understanding the other two structures (one already built and one proposed) on the property contain six units and seven units. Therefore, the structure at issue is limited to five units under the Special Use Permit. If you would like to request an amended Special Use Permit, you will need to file an application with the Mandan Planning & Zoning Commission. City staff can assist you with this process.

Concerning the buffer points required, the City Commission (in its approval of the Special Use Permit) has determined that six buffer points are required. The Special Unit Permit states, “A landscaped buffer shall be planted along the south property line of the development that adheres to the City of Mandan Gateway Screening requirement of six buffer points between an ‘Other’ commercial use and single-family residential structure.” These buffer points “must be satisfied through a combination” of factors, including points for separation between buildings, rows of trees, solid fences or walls with landscaping, and other factors. There are additional screening and

buffering standards contained in Section 105-4-6(k) of the Mandan Code of Ordinances, including either a fence with plantings or a greenbelt planting strip. Either the planting plan and type of plantings or the screening fence and related plantings require the approval of the Mandan Architectural Review Commission.

With regard to your specific questions:

**1. Is Marina Road SE a part of the ordinance? If so, can you let us know where it is explained that it would be included.**

The property at issue is included within the Memorial Highway Overlay District. Please see Section 105-4-6(a)(2): “The Memorial Highway Overlay District includes properties partially or fully within 200 feet of the rights-of-way of . . . McKenzie Drive.” The property here is located within 200 feet of McKenzie Drive and is included within maps designating the Memorial Highway Overlay District.

**2. If it is determined that this parcel is included in the zone are we considered commercial needing 5 buffer points?**

As discussed above, the City Commission (in its approval of the Special Use Permit) has determined that six buffer points are required. The Special Unit Permit states, “A landscaped buffer shall be planted along the south property line of the development that adheres to the City of Mandan Gateway Screening requirement of six buffer points between an ‘Other’ commercial use and single-family residential structure.” While the ordinance does refer to “neighborhood commercial” as requiring five buffer points, the “neighborhood commercial” uses would be commercial uses that do not require a special use permit. The requirement for six buffer points for “other uses” applies here.

**3. Does the spacing between our buildings meet the criteria for buffer zone requirements?**

Yes and no. Spacing between buildings may count toward buffer points, but it remains subject to satisfying other criteria. While the spacing between the buildings will contribute to some of the buffer points, buffer points must be satisfied “through a combination” of factors, not through the separation between buildings alone. There are also additional screening and buffering standards contained in Section 105-4-6(k) of the Mandan Code of Ordinances, which require certain minimum requirements for screening between commercial and residential boundaries. Regardless of spacing between buildings, there must be either a fence and plantings or a greenbelt separating the commercial and residential parcels. While the ordinances do not expressly state so, I believe a reasonable interpretation would require a minimum of three points allocated to screening between a residential and a commercial parcel, whether it is a greenbelt of three rows of trees or a combination of a fence and two rows of trees or plantings. It is further my opinion that the Mandan Architectural Review Commission may exercise reasonable discretion in its review of point allocations on a case-by-case basis, but the Architectural Review Commission must consider all options stated in the ordinance that qualify for points.

If you have any additional questions, please do not hesitate to reach out to City staff.

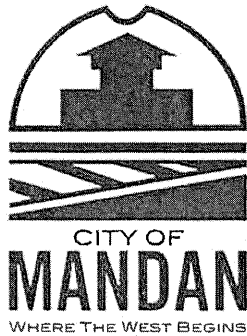
Thank you.

Sincerely,

*/s/ Amy M. Oster*

Amy M. Oster

Enc.



# SPECIAL USE PERMIT

## For Multi-use Shops

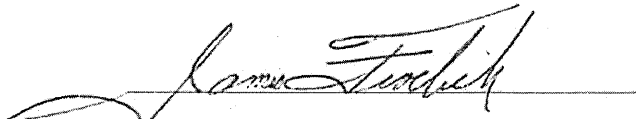
The property owner(s) of Lot 1, Block 1, Missouri Landing Addition are granted a special use permit for multi-use shops.

1. This special use permit (SUP) will allow multi-use shops to be built on Lots 1, Block 2, Missouri Landing Addition.
2. This SUP is for three (3) structures.
  - a. One structure with seven (7) units
  - b. One structure with five (5) units
  - c. One structure with six (6) units
3. The structures are limited to uses permitted within the CB – Commercial district. Upon transfer of units, the uses allowed within CB – Commercial at the time of transfer will apply.
4. Residential uses of any type are not allowed under this SUP.
5. Access to these structures will be from within the property. No direct access to individual units will be allowed from public street.
6. Each individual unit within the structures shall have its own separate means of egress.
7. Such units shall only contain group business, factory, mercantile, or storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.
8. The structures will be constructed according to the minimum standards of the building code for the declared use(s).
9. Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of this special use permit.
10. There will be one curb stop installed per structure. An access agreement between the city and developer must be created which allows access for city employees to access curb stops.
11. The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
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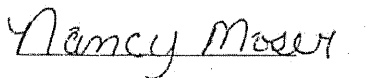
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14. External, structural illumination shall be downward and inward facing. Onsite property lighting shall be downward facing. No external illumination shall leave the property.
15. Noise-producing business-related activities, other than those of an office or clerical nature, are limited to between 6:00am and 10:00pm. Nothing in this condition permits exceeding the requirements of the MCO pertaining to noise nuisances.
16. A landscaped buffer shall be planted along the south property line of the development that adheres to the City of Mandan Gateway Screening requirement of six buffer points between an "Other" commercial use and single-family residential structure.
17. Boulevard landscaping consisting of one tree of at least 1 ¼" caliper and approved by the City Forestry Department shall be installed and maintained as shown in the approved site plan along Marina Road SE.
18. Landscaping and screening shall be installed per the approved site plan.
19. Any modification to this Special Use Permit must be reviewed in accordance with City Ordinances in effect at the time of proposed changes.
20. The Fire Lane as shown on the site plan shall remain clear at all times.

Dated this 17<sup>th</sup> day of September 2024

  
President, City Commission

ATTEST:

  
Planning and Zoning Secretary



**TOMAN ENGINEERING**  
501 16 Street NW, Mandan, ND 58554  
Phone: 701-683-6483 • Fax: 701-682-0923

**MISSOURI LANDING**  
2600 MARINA ROAD SE  
MANDAN, NORTH DAKOTA

LOT 1, BLOCK 1, BRIDGEVIEW BAY ADDITION  
CITY OF MANDAN, NORTH DAKOTA

SHEET 3 OF 9  
AUGUST, 2024

**PROPOSED CONDITIONS**



- LEGEND**
- PROPOSED SANITARY CLEANOUT
  - PROPOSED SANITARY SEWER SERVICE
  - PROPOSED WATER SERVICE
  - PROPOSED GATE VALVE
  - PROPOSED CURB STOP
  - SS PROPOSED STORM SEWER
  - PROPOSED STORM DRAIN BASIN
  - PARKING STALL COUNT
  - PROPOSED CONCRETE PAVEMENT
  - PROPOSED GRASS
  - PROPOSED LANDSCAPE TREESHUB (SEE SHEET 6 FOR LANDSCAPING)

1. INSTALL CONCRETE PAVEMENT - SEE DETAIL ON PLAN SHEET 8
2. CONCRETE PAVEMENT OPERATIONS ARE COMPLETE AS PER LAYOUT ON PLAN SHEETS
3. LANDSCAPING GREEN AREA - SEE PLAN SHEET 5
4. 8' DUMPSTER WITH DUMPSTER SCREENING - SHALL BE 6' TALL WITH WOOD STRUCTURE BEHIND TO MATCH THE BUILDING - SEE ARCHITECTURAL
5. INSTALL CURB & GUTTER
6. INSTALL CONCRETE APRON
7. HANDICAP SIGN ON BUILDING OR POST
8. INSTALL FENCE 6' NORTH OF PROPERTY LINE



# Zoning and Future Land Use Reference Map

## Zoning

### Zoning Map Key

- 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
- ☑ January '24 Planning Items



### Future Land Use Plan Key

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- ☑ January '24 Planning Items

## Future Land Use Plan





# **SPECIAL USE PERMIT**

## **For**

### **Multi-use**

### **Shops**

## **Lot 1, Block 1, Missouri Landing Addition**

The property owner(s) of Lot 1, Block 1, Missouri Landing Addition are granted a special use permit for multi-use shops. This special use permit (SUP) will allow multi-use shops to be built on Lots 1, Block 2, Missouri Landing Addition.

1. This SUP is for three (3) structures.
  - a. One structure (north) with 6 units
  - b. One structure (east) with 6 units
  - c. One structure (south) with 5 units
2. The structures are limited to uses permitted within the CB – Commercial district. Upon transfer of units, the uses allowed within CB – Commercial at the time of transfer will apply.
3. Residential uses of any type are not allowed under this SUP.
4. Access to these structures will be from within the property. No direct access to individual units will be allowed from public street.
5. Each individual unit within the structures shall have its own separate means of egress.
6. Such units shall only contain group business, factory, mercantile, or storage occupancy classifications as set forth by Section 3 of the North Dakota State Building Code.
7. The structures will be constructed according to the minimum standards of the building code for the declared use(s).
8. Minimum off-street parking requirements shall be planned and provided for based on the declared uses. Any inadequate provision of parking within the development for a combination of uses may result in the revocation of this special use permit.
9. There will be one curb stop installed per structure. An access agreement between the city and developer must be created which allows access for city employees to access curb stops.

10. The declaration of commercial or accessory to residential shall in no way affect the way valuation, special assessments, utility rates, and other city fees are determined. These shall remain determined by separate city policy.
11. Covenants, conditions, and restrictions (CC&Rs) or another form of recorded agreement approved by the city attorney shall set out, at a minimum, provisions for access and responsibility for costs of inspections related to the fire suppression system, if any.
12. If the property owner should choose to condo plat the structures for the purpose of selling individual units they are required to abide by the following requirement:
  - a. For the city's utility billing purposes, a recorded development association or another form of recorded agreement approved by the city attorney is required if any of the individual units within the development are not owned by the same owner of the development. The recorded development association or recorded agreement shall set out, at a minimum, the allocation of costs and statement of understanding of the collective responsibility of owners for payment of city utilities. If a recorded development association or another form of recorded agreement approved by the city attorney is in place, the city will issue one utility bill per month to one owner or representative of the structure for the entire structure's base charges and consumption or usage. The monthly utility bill will not be sent to each individual owner within the structure. If ownership is divided after a special use permit has been obtained, the property owner shall furnish a copy of said recorded agreement to the city showing it meets this provision.
13. External, structural illumination shall be downward and inward facing. Onsite property lighting shall be downward facing. No external illumination shall leave the property.
14. Noise-producing business-related activities, other than those of an office or clerical nature, are limited to between 6:00am and 10:00pm. Nothing in this condition permits exceeding the requirements of the MCO pertaining to noise nuisances.
15. A landscaped buffer shall be planted along the south property line of the development that adheres to the City of Mandan Gateway Screening requirement of six buffer points between an "Other" commercial use and single-family residential structure.
16. Boulevard landscaping consisting of one tree of at least 1 ¼" caliper and approved by the City Forestry Department shall be installed and maintained as shown in the approved site plan along Marina Road SE.
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19. The Fire Lane as shown on the site plan shall remain clear at all times.

Dated this day of \_\_\_\_\_, 2025

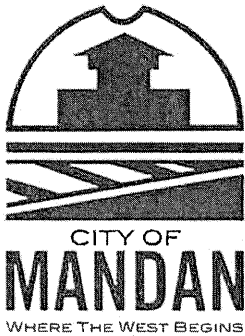
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President, City Commission

ATTEST:

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Planning and Zoning Secretary



# SPECIAL USE PERMIT

## For Multi-use Shops

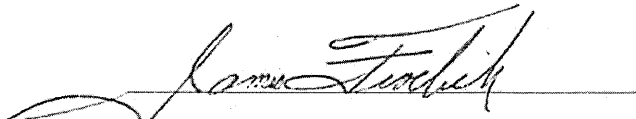
The property owner(s) of Lot 1, Block 1, Missouri Landing Addition are granted a special use permit for multi-use shops.

1. This special use permit (SUP) will allow multi-use shops to be built on Lots 1, Block 2, Missouri Landing Addition.
2. This SUP is for three (3) structures.
  - a. One structure with seven (7) units
  - b. One structure with five (5) units
  - c. One structure with six (6) units
3. The structures are limited to uses permitted within the CB – Commercial district. Upon transfer of units, the uses allowed within CB – Commercial at the time of transfer will apply.
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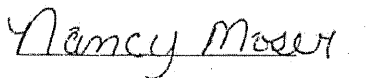
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Dated this 17<sup>th</sup> day of September 2024

  
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