

A. ROLL CALL Commissioners Present: Mayor Froelich, Intveld, Smith, Hammond, Gardner, Renner and Chair Robinson. Also present Jordan Singer, Building Official. Absent: Leingang, Huber, Mudder, Horn and McLean.

B. CONSIDER APPROVAL OF MINUTES

1. *September 22, 2025 Minutes.* Commissioner Renner motioned to approve the September 22, 2025 minutes. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.

C. PUBLIC HEARINGS

1. *Consider a building setback variance for Lot 1, Block 2, Meadows 2nd Addition.* Rachel Laqua, Interim Planner presented.

STATEMENT/PURPOSE

Consider a building setback variance for Lot 1, Block 1, Meadows 2nd Addition.

BACKGROUND/ALTERNATIVES

Requested Variance

Chris Bauer requested consideration of a variance to Section 105-3-8 (e) of the City Code of Ordinances related to building setbacks in the RMH Residential zoning district. The property is Lot 1, Block 2, Meadows 2nd Addition in Section 8, Township 139N, Range 81W in the City of Mandan, Morton County, North Dakota. The property is located at 4600 34th Avenue NW.

Adjacent Properties Zoning, Land Use and Future Land Use

The properties surrounding this property are zoned CB – Commercial to the east, RMH Residential Mobile Home Subdivision to the north and south, and R7 Residential Single Family to the west. The future land use plan identifies this area as low density residential.

Staff Comments

The applicant requested to construct a deck to serve an existing patio door on the home. The door is above grade and is unusable without stairs, a patio, deck, or other such entryway. Side yard setbacks in the RMH district are a minimum of five feet. The applicant states that the proposed deck/patio would leave about one foot between the deck/patio and the property line, necessitating the variance request. There is part of deck on there currently.

The purpose of the ordinance is to ensure adequate spacing between neighboring structures for privacy, aesthetics, and fire safety. The existing home was placed at the side yard setback line, making a deck/patio impossible to build while maintaining side yard setback requirements. The applicant intends to utilize an already existing patio door. Allowing the construction of a deck/patio would infringe on setback minimums that are intended to maintain general health, safety and welfare of neighboring properties. The hardship that the variance seeks relief from was not created by the Zoning Ordinance but by the placement layout of the home.

Findings of Fact

Zoning Variance

1. The hardship is not caused by the provisions of the Zoning Ordinance.
2. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
3. The requested variance is the minimum variance that would accomplish the relief sought by the applicant.
4. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

Public Outreach and Application Details

- The Application and \$400 fee were received on September 25, 2025.
- Notification letters were sent to twelve (12) adjacent property owners. There have been no comments or opposition received.

Staff recommends denial of the requested setback variance for Lot 1, Block 2, Meadows 2nd Addition.

Commissioner Gardner inquired if there would be any space left or would the deck be located right on the line? Jordan Singer, Building Official stated that the applicant said there would be about one (1) foot to the line.

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 building setback variance for Lot 1, Block 2, Meadows 2nd Addition.

Kesha Bauer, the applicant came forward and stated they are building an addition consisting of a bedroom and entryway to the home and that will move the front door to the side to the front of the house. The current patio door was never in-use and will utilize it to go out to the backyard rather than going out the front door to get to the backyard. With the easements being placed where they are, makes it difficult to have gates in place. The neighbor helped put the deck up and it was then they realized approval was required. The deck size is approximately 5.5' x 8'. This is a mobile home and the neighbor to the north is in a modular home with a full basement; there is a mobile home to the south; the houses across the street are all split-level homes. Commissioner Smith inquired if steps were an option? Building Official Singer replied that they would be applied, at a minimum of 3 ft. that would be within the setback of 5 ft. In his opinion, he would favor a second exit.

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

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 Gardner commented that a second exit with steps would be favorable. He voiced concern about being close to the property line that even though the current neighbor agrees with the plans, those circumstances could change in the future wherein future neighbor(s) may not approve of it being so close to the property line. Commissioner Renner inquired if the garage located in the front was granted a variance when it was built? Ms. LaQua stated that in reviewing this request, the garage was found to be right on the setback line. The trailer house is a foot or two difference and the stairs would be about 3 feet which would put them into the setback but it would be less into the setback and less of a precedent coming from a safety concern and is a bare minimum versus a deck. Commissioner Renner stated he would favor stairs rather than a deck. Building Official Singer said that a variance would not be required for stairs of 3 or 4 feet, if it comes close to the setback due to safety exit. Commissioner Smith commented that he agrees with what the commissioners have stated and recommended in terms of precedence in that a one foot set back is not favored; however, he agreed that a plan be allowed that would accommodate steps for access. Chair Robinson clarified that the steps would be the standard steps that are used when setting up these homes.

Commissioner Gardner moved to deny the requested variance of the side yard setback in the RMH Residential Mobile Home Subdivision District for Lot 1, Block 2, Meadows 2nd Addition from a minimum of 5 feet to a minimum of 1 foot. Commissioner Renner seconded the motion. Chair Robinson called for a roll call vote: Mayor Froelich: Yes; Intveld: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes, Renner: Yes, Chair Robinson: Yes. The motion passed.

Building Official Singer clarified that there does not need to be a special approval for adding steps since that does not require approval as a safety precaution.

2. *Consider a Preliminary Plat to be named Meadowlands 3rd Addition and a Zone Change to RMH (Residential) for Proposed Block 2, Meadowlands 3rd Addition.. Rachel Laqua, Interim Planner presented.*

STATEMENT/PURPOSE

Consider a Preliminary Plat to be named Meadowlands 3rd Addition and a Zone Change to RMH (Residential) for Proposed Block 2, Meadowlands 3rd Addition.

BACKGROUND/ALTERNATIVES

Meadowlands Development, LLC, requests consideration for a preliminary plat to be named Meadowlands 3rd Addition. The request includes a zone change from RMH & RH (Residential) to RMH (Residential) for Lot 6, Block 1, Meadowlands 2nd Addition, and the full preliminary plat encompasses Lot 6, Block 1, Meadowlands 2nd Addition and Lots 3-6, Block 2, Meadowlands Addition in Section 36, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located at 92 18th Avenue SE. The property is located on either side of 18th Avenue south of Memorial Highway and north of 3rd Street SE.

Property History

This proposed plat is a rearrangement of lots in Meadowlands First and Second Additions. The proposed

plat contains two blocks. Block 1 has approximately 9.60 acres on the east side of 18th Ave in the Meadowlands First Addition and block 2 has approximately 1.15 acres on the west side of 18th Ave in the Meadowlands Second Addition.

Project Overview

The proposed plat shows manufactured home lots varying in size between 5,888 square feet and the largest at 18,870 square feet. Lots on the west side of 18th Avenue will use 18th Avenue for access, while lots on the east side of 18th Avenue have varied points of access, including the construction of new private streets, shown as access and utility easements that are 34' wide. One private street on the plat dead-ends at a wye. City Code 109-3-2.13.b requires that any permanent dead end be a cul-de-sac and does not contemplate a wye. The plat also includes easements for an overhead transmission line, utilities, and a stormwater easement. The zoning change is requested for the proposed Block 2, on the west side of 18th Avenue which is currently zoned RMH (Residential Mobile Home Park). The east side of 18th Avenue was previously rezoned to RMH at the June 2025 Planning and Zoning Commission meeting and approved at the July 15, 2025 City Commission meeting. RMH is intended for manufactured home units with fee-simple lot ownership. At the time the applicant intended to have 40-50 lots on the east side of 18th Avenue. The preliminary plat shows 38 lots on the east side of 18th Avenue in Block 1 and 5 lots on the west side of 18th Avenue in Block 2.

Preliminary Plat

The plat includes 43 lots; 10.75 acres.

Connections to the property are along 18th Avenue SE. The eastern-most proposed private street is shown to terminate at the southern edge of the plat, where it connects to Lot 2, Block 2, Meadowlands Addition, which is currently undeveloped. The plat also shows a private street going west from 18th Avenue between Lots 4 and 5, Block 2, which would connect to South Frontier Trail to the west of the property within the existing mobile home community. There is currently a privacy fence blocking this connection. All lots meet minimum size requirements. The minimum lot area shall be 3,000 square feet. This minimum lot area appears to be met exclusive of the access and utility easement fronting each lot, but should be confirmed prior to final plat.

Internal Access Easements and Street Connectivity

All private streets appear to meet maximum grade requirements but should be confirmed prior to final plat. All access to interior lots is taken from the private street shown as an access and utility easement. This easement is 34' wide, which is significantly smaller than the required 66'-80' road width for a local road. The existing mobile home park zoned RMH to the west has what appears to be 38' private roads, with small sidewalks directly along the street. The 34' easement proposed here would not appear to accommodate sidewalks or stormwater infrastructure. The most recent private street easement approved by the City was in Clover Grove PUD, which allowed a 51' easement, with a 31' paved area, a 5' boulevard, and a 5' sidewalk on both sides of the street surface. To the west of 18th Avenue are Deerfield Rd and Fox Drive, which are both private street easements in the RMH district and are shown on the plat as 32' access easements with a 7' utility easement, which appears to be where the sidewalk/stormwater infrastructure is located. Two access points onto 18th Avenue from the east lots (Block 1) are provided, which was noted as a requirement in the original zoning approval in July 2025. Clarity on the street surface width and any pedestrian connectivity should be provided prior to final plat.

The zoning change approval in July 2025 required that the connection of 18th Avenue into Memorial Highway would need be completed as part of the 18th Avenue construction that would be required as part of the development of Lots 3-6 Meadowlands, which is being proposed as the preliminary plat of Meadowlands 3rd Addition. Currently, an informal but clearly used vehicle trail continues where 18th Avenue terminates, connecting to Memorial Highway across the former railroad bed. The informal road uses an access point along Memorial Highway that is signed as a private road for BNSF use only. The plat does not indicate if 18th Avenue would be extended to intersect with Memorial Highway. This connection point should be clearly understood prior to approval of the preliminary or final plat.

Zoning Change

The portion of the plat referred to as Block 2 on the west side of 18th Avenue is requested to be rezoned from RH to RMH. The proposed uses in the rezoned portion would likely be compatible with uses in neighboring properties to the south and west. This zoning change would create one uniform zoning district throughout the proposed plat.

Lot Layout

The applicant has provided a proposed lot layout for the development. Several lots appear to be unbuildable based on setback requirements. The developer may want to review and edit the final lot layout.

Items Required from Prior Approval

When the rezoning to RMH for Lots 3-6, now proposed to be known as Block 1 of the Meadowlands 3rd Addition, the Planning and Zoning Commission and City Commission approved based on several items, including:

- Construction of 18th Avenue would be required as part of the development of Lots 3-6, with no building permits being issued until the road construction is substantially complete.
- Layout and platting of site will be required. All streets and utilities internal to the property will be privately owned and maintained via an HOA.
- Buffering on east side of the property between Lots 3-6, Meadowlands Subdivision and industrially zoned Riverwood Commercial Park shall be maintained or replaced as part of development.
- Connection of 18th Avenue into Memorial Highway will need to be completed as part of the 18th Avenue construction.
- Approved Development Agreement.
- Streetlights
- All road standards and access management requirements be met.

Adjacent Properties - Zoning, Land Use, and Future Land Use

- Adjacent properties to the proposed Block 1 are zoned CB (Business Commercial) on all sides except for 18th Avenue. Adjacent properties to the proposed Block 2 are zoned CC (Commercial/Light Industrial Transition) to the north and RH (Residential Mobile Home Park) to the south and west. The proposed preliminary plat and all neighboring properties are within city limits.
- The future land use plan indicates this property as Industrial.
- The future corridor plans do not show collector or arterial streets in this area Staff Comments and Updates Needed

- Staff recommended that the applicant work with Gateway MHP to the west to secure a connection to South Frontier Trail via the access easement shown on the plat, with development of this street connection to be required as part of the Development Agreement.
- Staff recommended that the applicant revise the terminating street to an appropriate cul-de-sac with adequate turnaround width.
- The plat does not indicate whether 18th Avenue is planned to connect to Memorial Highway to the north. The NDDOT Memorial Highway reconstruction project does not indicate if existing access for BNSF property will be maintained, nor does it indicate whether 18th Avenue will be extended to create an intersection at Memorial Highway. Without a connection to the north at Memorial Highway or to the west via S Frontier Trail, all traffic in the proposed development would ingress/egress via 18th Avenue similar to the homes at Meadowlands Park. The traffic impact of this is unknown. Based on required items from previous zoning approval, the applicant should provide a plan for connection to Memorial Highway.

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 provides unclear 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 and zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision and zoning change is consistent with the Comprehensive Plan and accepted planning practice;
8. The proposed subdivision would not adversely affect the public health, safety and general welfare;
9. The proposed zoning change is consistent with surrounding land uses.

Public Outreach

- The Application and fee of \$1,050 were received on September 26, 2025.
- Letters were sent to eighteen (18) adjacent property owners.

RECOMMENDATION:

Ms. LaQua stated that staff initially recommended tabling this preliminary plat and zone change request until such time as the applicant can provide detailed cross-sections of the 34-foot-wide access and utility easements, confirm the buildability of all lots based on setbacks and buffers, provide a plan for connection of 18th Avenue to Memorial Highway, and confirm with all

relevant departments including emergency management that the wye intersection is acceptable in place of a cul-de-sac on a private street.

Ms. LaQua stated that additional relevant information has been received from the applicant and Abe Ulmer, the engineer involved in this matter,

All private streets interior appears to meet the maximum requirements which should be confirmed prior to final plat. The easement that is shown is 34 ft. wide which is significantly smaller than the 66 ft. to 80 ft. road width for a local road. The existing mobile home park that's zoned RMH to the west which is south of the mobile home park and is inside the fee simple lot. The Deerfield Road and Hock Trail have 38 ft. with small sidewalks along the street. The three 4 ft. easements in the memo, would not appear to accommodate the sidewalks or storm water infrastructure. Abe Ulmer does have the 34 ft. four (4) foot sidewalks on both sides. There is no boulevard; there is a 1 ft. mountable roll curb on each side of the road and there are two 12 ft. traveling, totaling a 24 ft. wide street with no boulevard and no parking. The most recent private street easement that was approved by the city was in the Clover Grove PUD which has not gone through preliminary plat yet. It allowed for a 51 ft. easement that had a 31 ft. paved area, a 5 ft. boulevard, and a 5 ft. sidewalk on both sides of the street service. The Deerfield Road and Fox Drive to the west of 18th which are private street easements in the armory district are shown on those plats as 32 ft. easements with additional 7 ft. utility easements which appears to where the sidewalk and stormwater infrastructure is located so there would be a total of 39 ft. which matches the 38 ft. that was discussed.

She stated that discussion has occurred with the city engineer and city building official the 34 ft. easement and agreed that it is workable even though it is smaller with no parking allowed on the street.

Moving forward into the final plat, discussion will be held with the fire department to discuss further how those houses and infrastructure are laid out. There may be a recommendation to make them larger, however, the consensus is they are adequate. She stated they have reached a level of comfort after reviewing the additional information provided that they did not have when the memo was written. There will be two access points on 18th from the east lots which was a requirement in the original zoning approval that occurred in July 2025. The zone change approval in July 2025, required that the connection of 18th Avenue would need to be completed as part of the 18th Avenue construction, required as part of the development of Lots 3 through 6 of Meadowlands which is being proposed as Meadowlands 3rd.

Currently, the 18th Street terminates at the gravel and the remainder of that road is platted but undeveloped. There is a vehicle trail that runs through there, informal but a clearly used trail, goes to the north and enters onto Memorial Highway across a former railroad bed that uses an access point that is signed as a private road for BNSF use only. The memo states that (the city) should clearly understand this connection point prior to approval of the preliminary and final plat (recommended). In discussion with Abe Ulmer, the intention would be that the applicant would connect 18th to Memorial by utilizing plans from 2014 connection plan, it's a right-in, right-out construction plans on that final alignment of that connection would be a final plat item; however, the understanding that is the intention and that the development would occur as part of this platting process to ensure that there are two connections to the north and to the south. The applicant had concerns about connecting on the north to the south, not wanting it to be a through street, however that has been a requirement consistently with this subdivision. This is an important factor and should be required as part of the approval. The connection point briefly discussed that goes between 18th and Frontier Trail within the mobile home park currently has a fence and is platted as an easement, it should be developed as a through street cross connection point since it is

a private area; that should be a final plat requirement. Zoning RMH for Block 2, would be requested from RH RMH, the proposal would be compatible with uses in the neighboring properties to the south and to the west that would create one uniform zoning district throughout the proposed plat. The applicant provided a proposed lot layout in the development. They appear to be built into the setback. The potential build out is capable within the proposed lot so that the final plat does not look significantly different from the preliminary plat. There may need to be additional discussions clarifying the layout expectations in the Development Agreement. On the outside of the plat there is a gray lined area to the east showing a buffer area of trees that was requested by the rezoning there be a buffer as part of any platting. There are some additional areas marked in the center of the plat, wherein RMH District requires that the front yards be at least 8 ft. and that can be set by the Development Agreement. That will be addressed with the preliminary and final plat to ensure all codes are being met. All lots are buildable and currently the concept appears to have a solid layout. Items required from prior approval of which one was the rezoning of Lots 3 through 6, and that was approved in July 2025.

The Planning and Zoning Commission and the City Commission approved the rezoning based on several items that included:

- Construction on 18th Avenue would be required as part of the development with no building permits being issued until the road construction is substantially completed, they were required to lay out and plot this site.

Buffering on the east side of the property between Lots 3 and 6 of Meadowlands Subdivision industrially zoned;

- Riverwood Commercial Park would be maintained or replaced as part of development connection of 18th onto Memorial Highway would need to be completed as part of the 18th Avenue construction project.
- There will need to be an approved development, street lights, and all the road standards and access management requirements will need to be met with adjacent property and future land use.
- The future land use plan indicates this property is industrial wherein it appears its been moving away from that and was already zoned differently. The future corridor plans to not show a collector or arterial streets in the area. Staff recommended that the applicant work with the Gateway and the owner on the west to secure connection to Frontier Trail via access easement with development to be required as part of the Development Agreement.
- There is a recommendation to review that wye termination within the plat because the code requires a cul-de-sac, wherein the fire department would be consulted to meet fire code needs. The applicant should provide a plan for connection to Memorial Highway (appears to be completed).
- Technical requirements of the preliminary plat have been met, in the Findings of Fact, and do not pose any major concerns.

Ms. LaQua stated that the recommended motion in the packet was to table the preliminary plat and zone change request until they can provide more information on the access utility easement and confirm

buildability of all lots; provide a plan for connection of 18th to Memorial Highway and then confirm with all relevant departments including emergency management that the wye intersection is acceptable in place of a cul de sac on a private street. The above is based on conversations with Abe Ulmer representing the applicant, and that city staff is comfortable with all those items.

Ms. LaQua stated that staff recommended approving the preliminary plat to the City Commission with the understanding that between the preliminary plat and the final plat stages that there is a clear understanding and an acceptance on all sides of the final street layouts and lot layouts and a plan for connection with Memorial Highway and 18th with that information clearly being available at the final plat stage and being able to be clearly put into the Development Agreement.

Chair Robinson inquired of Ms. LaQua, if the P & Z Commission should include a recommendation that there is a final plat presentation that will indicate clear street and lot layout? Ms. LaQua replied that it could be simplified to state that final plats application should clearly address all items within this preliminary plat staff report. She explained it is rather complex and there are many items that are understood but will need to be discussed further as to how they would operate between the preliminary plat and the final plat.

Commissioner Renner inquired what the intent of the wye was? Building Official Singer stated that the maximum distance that can be allowed for a fire truck turn around is 250 ft. Anything beyond that will require either this one is specifically referred to as a hammer-head so that the fire truck can turn in up and then back out to turn around. This one is 287 and is close. They did not want to put in a cul-de-sac for that reason. This would be allowed by fire code and the preferred method if there is no cul-de-sac. This will be verified by the Fire Department. This is an Appendix D of the Fire Code that is adopted every code cycle with the next review scheduled for January 2026. Commissioner Gardner inquired why the road has not yet been put in. Ms. LaQua stated that question will have to be answered by the applicant.

Chair Robinson stated there are two parts to this request. One is a zone change to RMH and there is no issue with that? Ms. LaQua replied that is correct, there are no issues with the zone change request.

Chair Robinson inquired if there were any further comments or questions.

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 to be named Meadowlands 3rd Addition and a Zone Change to RMH (Residential) for Proposed Block 2, Meadowlands 3rd Addition.

Abe Ulmer, ILSE came forward and reported that with regard to 18th Avenue – the requirement is to have one access up to a certain number of units. The current existing is over the number of units being allowed on the west side. The street is approximately \$800,000 to a million to build that street to the north to connect to Memorial Highway. The applicant originally was going through other options for a secondary access through the western property and provided an access easement to the western trailer park. That was not sufficient to the city, they wanted connectivity. With the option to go from RH to RMH and to have saleable lots that he can sell the unit and sell he lot and leave this in the homeowner's

association for them to maintain the infrastructure, etc., that is about the only option viable to make money off this project. For clarification, the 18th Avenue connection, the land to the north is zoned commercial, Meadowlands 2nd Addition, is a platted right of way all the way to Memorial Highway. That existing corridor city right of way is being considered and go with the original plan that was presented in 2014 to connect to Memorial Highway. It would be a right-in, right-out Memorial Highway because there is a median along Memorial Highway and the new plans are showing that median to stay between eastbound and westbound. He reported he has discussed with NDDOT about this and when it comes to that design stage, they want to review the plans before the project starts to build the street. With the platting process an important item the city has to remember is to put the connection with 18th Avenue as part of the Developer's Agreement, that no units can be built or brought in until 18th Avenue is substantially complete. The other option discussed was to put in a secondary access to the west Frontier Trailer Park. That is being considered as a gated emergency access only to avoid unnecessary thru-street traffic exiting through that property. Paving that access point is being considered for that emergency secondary access for the trailer park. The fire truck turnaround is 150 feet which is fire code requirements and that will be addressed during the final plat approval.

Chair Robinson inquired if there were any comments or questions. 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 moved to approve the Preliminary Plat to be named Meadowlands 3rd Addition and a Zone Change from RMH and RH to RMH Residential for Proposed Block 2, Meadowlands 3rd Addition with the understanding that in the preliminary plat phase and the final plat phase the city and applicant will work together to work out any final details related to construction.

Commissioner Hammond seconded the motion.

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

D. OLD BUSINESS

1. ***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 stated this is an Old Business item and she does not believe it has been advertised, thus, it is still a tabled item.

Chair Robinson stated that this matter was advertised and a public hearing will be held at this time.

Ms. LaQua stated that over the last month when this matter was originally tabled, they had intended to

come back fairly quickly. She stated that Abe Ulmer, the engineer on the project is present, and could give an update at this time.

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 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.

BACKGROUND/ALTERNATIVES

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 8th Avenue SW, with the remainder of the lots being single family home lots. There are several cul-de-sacs 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 7th and 4th Avenues. One additional access onto 8th Avenue 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

- The Application and fee were received on July 25, 2025.
- Letters were sent to eighty-three (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, 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 cul-de-sac on the

southeast side is shown. There will be lots added to the subdivision 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 Avenue SW, matching the existing street section to build within 73' of ROW.
- 8th Avenue 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 Avenue SW and 5th Avenue 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 the 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.

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, ILSE came forward and reported they are still in discussion with the neighbors, however, at this time he is not able to provide a lock-down time when it will be ready for this Commission to review. He will keep the parties informed when it is ready to come back to this Board.

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

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 Renner moved to table 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) until the applicants bring it back to a future meeting. Commissioner Hammond seconded the motion. Chair Robinson called for a roll call vote: Mayor Froelich: Yes; Intveld: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes, Renner: Yes, Chair Robinson: Yes. The motion passed.

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

The meeting adjourned at 6:43 p.m.