

A. ROLL CALL Chair Robinson called the meeting to order.

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

B. CONSIDER APPROVAL OF MINUTES

1. *October 27, 2025 Minutes..* On page 12 of the October 27 minutes, at Commissioner Action, a motion was made by Commissioner Smith. The third line should read: *with the understanding that between the preliminary plat phase and the final plat phase.*

*Commissioner Smith motioned to approve the October 27, 2025 minutes with the changes recommended. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.*

C. PUBLIC HEARINGS

1. *Consider a zone change from RM (Residential) and Agriculture to RM (Residential) and a minor plat for Big Sky Estates 8th Addition..* Rachel Laqua, Interim Planner presented.

STATEMENT/PURPOSE

Shorestone Solutions, LLC requested consideration of a zone change from RM (Residential) and Agriculture to RM (Residential) and a minor plat to be named Big Sky Estates 8th Addition.

BACKGROUND/ALTERNATIVES

This is an application for a preliminary plat and zone change in Lots 12 and 13, Block 4, Big Sky Estates Third Addition, SW1/4, Section 16, T139N R81W, City of Mandan, Morton County. The plat, submitted on behalf of Shorestone Solutions, LLC, to be named Big Sky Estates Eighth Addition, is a replat of portions of Big Sky Estates Third Addition and portions of ROW, currently zoned Ag. The requested zone changes for the old ROW, zoned Ag, is to RM (Residential Multifamily Dwellings). The property is located at the southeast corner of Viewpoint Lane and a length of ROW referred to as Hillside Road in previous certificates of survey, between Jude Lane NW and 31st St NW. Viewpoint Lane NW is labeled as Kingsley Road NW on the plat.

Property History

This proposed minor plat is a rearrangement of lots in Big Sky Estates Third Addition and the adjacent ROW. The area included in the plat was previously rezoned from R7 to RM in 2014. The portion of ROW to be included in the plat was granted to Shorestone Solutions, LLC via a court ordered judgment on October 1, 2025 in South Central District Court, recorded in Morton County as document #526577.

Minor Plat

The proposed plat contains one lot of 1.2 acres, and aggregates two existing lots and the portion of ROW between Big Sky Estates Third Addition and Seven Seas First Addition. An existing electric easement belonging to MGS Electric and running roughly northeast from Seven Seas First Addition, through the northwest corner of the plat, making a 90 degree turn to the northwest as it does so, is to be vacated via this plat. The length of ROW to be included is approximately 370 feet, as measured on the approximate

centerline. The entire width of the ROW is to be included in the plat. The zoning change is stated to be from AG (Agriculture) to RM (Residential Multi-family Dwellings), within the former right of way that is being aggregated into the two existing lots, 12 and 13 of Block 4, Big Sky Estates Third Addition. The plat also includes 10 ft. utility easements along the north and west sides of the plat.

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

Adjacent properties to the proposed plat are zoned RM (Residential Multi-family Dwellings) to the east and southeast, CB (Business Commercial) to the south, R7 (Residential Single Family) to the west, and R3.2 (Residential Single & Two Family) to the north across Viewpoint Lane. The proposed minor plat and all neighboring properties are within city limits. The future land use plan indicates this property as low density residential. A zoning change to RM was completed in 2014 and there is already multifamily development to the south and properties to the east are currently zoned RM, the future corridor plans do not show collector or arterial streets in this area.

#### Public Outreach and Application Details

Application was received October 23, 2025 and the Application fee of \$900 has been paid. There were nineteen (19) letters sent to adjacent property owners. There have been no comments or objections received.

#### Staff Comments & Updates

- The ROW to be vacated for the minor plat is unlikely to be necessary as adjacent properties do not use the ROW for access and the properties on the proposed minor plat are assumed to use Viewpoint Lane for access.
- While the future land use map indicates low density residential for this property, there is already multifamily development to the south and properties to the east are currently zoned RM, this property's use should not have a disproportionate negative impact on the neighborhood.

#### Findings of Fact

##### Minor Plat

1. All technical requirements for consideration of a minor plat have been met;
2. The proposed lot consolidation would likely not have substantial effects on the surrounding properties or generate significantly increased traffic;
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 consistent with the Comprehensive Plan, the Future Land Use Plan, and other plans and studies, policies and accepted planning practice;
6. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Planning Staff recommended approval of the minor plat and zone change request as presented.

Commissioner Mudder referred to page 18, noting the subdivision is not located in a flood zone area, and the question is if there are concerns about mudslides or anything of that nature? Building Official Singer replied that this project coincides with a future project and it is his understanding that will be addressed at that time if there are concerns with retaining walls, etc.

Chair Robinson inquired if there were any 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 zone change from RM (Residential) and a minor plat for Big Sky Estates 8th Addition.

Devon Helm, 2710 Old Red Trail came forward and stated that he was not aware and did not receive notification that the right of way was granted to Shorestone. He stated that about two years ago, he discussed this matter with prior City Planner Stromme and at that time he was told that he would have access from that right of way area to the corner of his property. He was told that he could put a 1,500 sq. ft. structure on that property. Stromme told him that in the future he would be able to access his property from that road and that was before the road was even built. We were here in May of 2023 and Shorestone was a no-show that day so nothing happened at that meeting and we showed up and they did not. Helm inquired if he will have access to his property down there anymore? Chair Robinson requested Building Official Singer or Interim Planner LaQua to address Mr. Helm's questions. Commissioner Gardner stated he is the realtor that has a few lots at the bottom of the hill, but not the one that Shorestone has, but they had to close on a couple properties there and after some of the closings, the Title Company found this right of way back there, but they did not find it on the first one. The second time they closed on the property, he inquired if that is what you (Helm) is talking about? And is that the correct word, alley or right of way? Helm replied that it was referred to as no man's land too because it was not really labeled as anything. Commissioner Gardner commented that if there had been a judgment and it has been settled it is probably out of the hands of the P&Z Commission at this time. Helm stated he was not sure if it is a zoning concern and if that would change his access because he never received a letter saying that was going to be given to them (Shorestone). He said he got a letter for this hearing and for the last hearing related to this matter, but that he does not understand why it was given to them without notice.

Commissioner Gardner commented that he understands the judgment process was through the newspaper – is that correct? Unlike the Commission that sends out letters when the city does it, but he understands the judgment process is different. Helm inquired if what Commissioner Gardner just stated is that he (Helm) lost access? Helm stated he talked to prior City Planner Stromme about it. Commissioner Gardner commented he believes it was the work of the judicial system, not the City Commission. Helm stated he just found out about it now.

Interim Planner LaQua stated that she and Building Official Singer are reviewing this and they wonder if there should be a clarification what the particular right of way is that was provided judgment. She pulled up the location map.

Mark Isaacs, Independent Land Surveying and Engineering (ILSE) came forward. He stated he has done survey work and research on this area for several years. There has been title search work done. It was found that this is not a right of way. It was never a right of way. It was shown on the GIS map for the city as Hillside Road but it was created on a plat of irregular which is just an auditor's lot. It was not officially platted as a right of way. Shorestone Solutions hired an attorney to investigate it. They researched and did an investigation and went back to the original grantor of the property. The original grantor of the property would come up to its Seven Seas Addition, which on your map would be the south

line of this plat. In looking for those heirs, they could not do that so they entered into a quiet title suit which involved notifications of the original grantors and their heirs, so through that whole process, came judgment to award that property to Shorestone Solutions. The misnomer has been for years that nobody, including the city knew what to do with that strip because it was never officially platted as part of subdivision or right of way. It has been a leftover piece of land. It was Shorestone's conclusion to include that into their property and to clean that up.

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**

Chair Robinson inquired if there were any comments or questions.

Commissioner Intveld inquired of Interim Planner LaQua if she concurs with what was explained by Mr. Isaacs?

Ms. LaQua stated that Mr. Isaacs testimony matches what is shown on the plat map and what is on the subdivision map for the city. She recommended discussing and clarifying with Helm what he considered as access and how it relates to the explanation given because it is not part of this platting process. That right of way has already been provided to that owner. The platting process is simply to combine all of it into one lot that is all held by Shorestone LLC right now. And then the zone change itself is to make the whole lot the same zoning. Commissioner Intveld commented that was his question because there has to be documentation with all the work that's been done. Interim Planner LaQua offered to work with Mr. Isaacs to review the title work if the Commission wishes.

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

*Given the discussion and the quiet title judgment that is in place that resolved points of discussion, Commissioner Smith moved to recommend approval of the zone change from RM (Residential) and Agriculture to RM (Residential) and a minor plat for Big Sky Estates 8th Addition. Commissioner Intveld seconded the motion. Chair Robinson called for a roll call vote: Huber: Yes; Mudder: Yes; Horn: 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 final plat for Evergreen Heights 5th Addition.. Rachel Laqua, Interim Planner presented. She stated that the memo that was distributed did not have an answer to the question that was asked, however, after meeting with staff, she stated she is prepared to explain the plan. This is a final plat for Evergreen Heights 5th Addition. The staff is comfortable with this as a final plat.

### **BACKGROUND/ALTERNATIVES**

The preliminary plat was approved at the August 25, 2025 meeting, with several requirements regarding the vacation of Living Water Drive. Interim Planner LaQua pulled up a map and stated the original plat was based off this area of Living Water Drive, going north on 19<sup>th</sup>. A piece of Living Water Drive through the vacation process would need to go to the property owned by Living Water Church which was not part of this plat. There is now a separate vacation process for the section of Living Water Drive south of this point which is where the Living Water Church property ends on the north side. Everything south of here is a separate vacation process that will be heard by the City Commission on Tuesday, November 25, 2025. The plat is a replat of the existing Lots 2 through 6 and Lot 1, Block 1, Evergreen Heights 2<sup>nd</sup> Addition and of Lot 1, Block 1, Evergreen Heights 4<sup>th</sup> Addition in the SW<sup>1</sup>/<sub>4</sub> Section 35 Township 139 North Range 81 west of the city of Mandan. The existing residential lot owners are purchasing land directly behind their property as well as vacating the Living Water Drive right of way and 16<sup>th</sup> Avenue Southeast or 16<sup>th</sup> Street Southeast. The total of this area of this plat is 4.43 acres with the proposed lots ranging from 4.43 acres with the new proposed lots ranging from 45,126 sq. ft. to 24,070 sq. ft. All the lots are zone R7. The access to the lots is not changing and will all maintain access from 14<sup>th</sup> Avenue Southeast. The properties to the east will maintain their access as existing. There is still no access line shown on the eastern edge of the eastern and northern edges of the vacated right of way. The proposed Lot 6 will have access from 19<sup>th</sup> Street Southeast. The question of note for this process has been how to vacate Living Water Drive and 16<sup>th</sup> Street Southeast. The first plat showed an odd sized lot. The second plat had concerns on the platting of this piece Living Water Drive. It was noted that we've solved the issue of access and, or the vacation from north line of the church property. The property owners on both sides had approached the city requesting a change from the preliminary plat which is laid out on the document located on Page 26 of the agenda packet. The preliminary plat showed all of the right of way being vacated and absorbed into new Lots 1, 2 and 3, the applicant has requested that instead, the east 33 feet of Living Water Drive and the north 33 feet of 16<sup>th</sup> Street Southeast instead go to properties to the north and to the east and then everything to the south and east would go to residential Lots 1, 2 and 3. A meeting was held today with the Recorder's Office and the engineer did update the platform. A request was presented for clarifying notes to note where the streets were being vacated to. This is what would occur if we were to go through a separate vacation process wherein 33 feet would go to one side and 33 feet would go to the other side. This is laying it out within plat boundaries that were assigned during the preliminary plat stage. City staff Engineering, Planning and the Recorder have reviewed this and indicated they are comfortable with the legalities of this plan. All property owners agree with this and this does allow them to keep to their original timeline which includes taking the final plat to the City Commission on Tuesday, November 25, 2025 when the vacation of the south portion of Living Water Drive is before the City Commission.

City staff recommended approval of the final plat for Evergreen Heights 5th Addition as presented.

Commissioner Gardner inquired if there would be anything negative to be considered? Interim Planner LaQua stated that there has been concern about access to the Renner properties to the north and east given they have more commercial uses on them. The no access line is maintained. All the easements required are maintained and all the lots have a 20 ft. easement along the right of way. The old right of way is shown on the plat and it is very clear that half went to one side and the other half to the other side of each lot as to what sections of what roads are being vacated. It should clear it up for the future to avoid

confusion. She did not believe staff had any other concerns other than this final plat will have to be contingent on that full vacation of the Living Water Drive. The concern has always been that there would be one small remaining piece of a right of way or it would be partially vacated. This should remove the entirety of Living Water Drive and it definitely a timing issue.

Commissioner Renner asked for clarification, if they will be vacating that 33 feet also at Living Water Drive? And, that will become part of their property? Interim Planner LaQua replied, yes, the reason that the vacation is for the entirety Living Water Drive, all 66 feet, that starts at 29.44 feet south of the north line of Lot 3 is being vacated through a separate process, because the century code does not recognize if half the road goes to one side and half goes to the other side; In essence, this request is vacating a full right of way in a separate process.

Commissioner Mudder inquired if there is any thought process on building one further to the east?

Interim Planner LaQua replied that the Living Water Church takes access off 19<sup>th</sup> Street now. That has been a discussion with Building Official Singer as to what the address will be for Living Water Church since their address is a street that does not exist.

#### Property History

This proposed preliminary plat is located north of 19th St SE and east of 14th Ave 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 residential lot owners are re-platting and purchasing the lots directly behind existing homes, as well as vacating a right of way to the east of the subdivision. All lots are zoned R-7.

#### Project Overview

##### Preliminary Plat Details

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

##### Access

The access to existing lots is not changing. They will maintain access from 14th Ave SE. Properties to the east will maintain access as existing. The proposed Lot 7 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 1-7. Since the preliminary plat approvals, the applicants have provided several updates, including applying for a vacation of Living Water Drive south of the lot line of Lot 1, Living Water Drive Subdivision, which is about 421 feet north of 19th Street. They have also provided several options for the re-platting of the remainder of Living Water Drive and 16th Ave, were discussed Monday, November 24, 2025, prior to the Planning and Zoning Commission meeting, as these options have changed since the final plat application.

##### Utilities and Easements

Numerous access easements and water, sewer and hydrant easements are shown on the plat. There is still maintained a non-access line on the east and north sides of the current 16th Ave and Living Water Drive.

Adjacent Properties Zoning, Land Use, and Future Land Use

Adjacent property to the east and south is R7 - Residential. Property to the north is Neighborhood Commercial.

Additional Information & Public Outreach Application:

Application was received on October 24, 2025 and fees were paid in the amount of \$450.

Notifications: Eighty-four (84) letters were sent to 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;
6. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

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 final plat for Evergreen Heights 5th Addition.

Chair Robinson inquired if there were any comments or questions.

Greg Feser with Feser Engineering came forward and stated he represents Val Renner, the owner of the property. He stated that he believes they are at a point they have an agreement with the buyers. He said they have addressed all the issues and concerns and they are ready to finalize this matter.

Ben Kappel came forward and stated he represents the buyers in this matter and he is one of the purchasers. He stated there were individuals who did not want to extend this deal because it's been going on long enough. He recommended this commission to approve this action so this matter can move forward to the City Commission.

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 McLean moved to approve the final plat for Evergreen Heights 5th Addition. Commissioner Gardner seconded the motion. Chair Robinson called for a roll call vote: Huber: Yes; Mudder: Yes; Horn: No response; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes, Renner: Yes, Chair Robinson: Yes. The motion passed.*

### **D. OTHER BUSINESS**

1. *Appointments to the board..* Building Official Jordan Singer presented.

### **STATEMENT/PURPOSE**

Appointments to two open At Large commission terms.

### **BACKGROUND/ALTERNATIVES**

There are two At Large terms expiring on December 31, 2025. One expiring term is held by Chair Bill Robinson and the other held by Commissioner Will Gardner. They have both expressed interest in serving on the P & Z Committee for another term.

Singer reported that city staff received two other letters of interest from Joe Camisa and Jordan Schneider. A letter of interest was also received from Scott McClintock, who withdrew his request because he is not yet a resident of Mandan.

The terms will begin January 1, 2026 and end on December 31, 2030.

Chair Robinson invited each of the four candidates to express why they are interested in serving:

1. Joe Camisa, stated he was a previous City Commissioner and previously served on the Planning and Zoning Commission. He currently works for Bismarck State College. His interest lies in city government and he has years of expertise.
2. Jordan Schneider, stated that he currently works for the State of ND in the Oil and Gas Division. He previously worked for the city of Nacogdoches, Texas. He stated he applied due to the city's encouragement that residents come forward to serve on a committee and that with his knowledge of oil and gas, he is qualified for the position.
3. Will Gardner, incumbent, stated that he currently is serving as a member of the Planning and Zoning Commission, and that he would be willing to serve another term indicating that he has a strong interest in city government.
4. Bill Robinson, incumbent, has been a member of the Planning and Zoning Commission for thirty plus years. He stated he has many years of experience on this Board and would be willing to serve another term.

*Commissioner Smith motioned to recommend Bill Robinson be appointed to serve an additional term on*

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*the Planning and Zoning Commission. Commissioner McLean seconded the motion. Chair Robinson called for a roll call vote: Huber: Yes; Mudder: Yes; Horn: No response; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Gardner: Yes, Renner: Yes, Chair Robinson: Abstained. The motion passed.*

*Commissioner McLean motioned to recommend Will Gardner be appointed to serve an additional term on the Planning and Zoning Commission. Commissioner Intveld seconded the motion. Chair Robinson called for a roll call vote: Huber: Yes; Mudder: Yes; Horn: No response; Mayor Froelich: Yes; Intveld: Yes; McLean: Yes; Smith: Yes; Hammond: Yes; Gardner: Abstained; Renner: Yes, Chair Robinson: Yes. The motion passed.*

*Commissioner Huber commented about the appointments for Bill Robinson and Will Gardner, noting the importance of these positions given their experience they have had over the last several years while serving on the Board. It will be critical to have their expertise when the Planning and Zoning Commission tackles the revisions to the City Code of Ordinances that has been in progress for a long time.*

*Commissioner Huber extended a sincere appreciation to Joe Camisa and Jordan Schneider for their consideration to come forward and apply for these positions. She encouraged them to consider future application to this Board and to apply for other City Boards and Committees that are or will be seeking individuals with their qualifications. Chair Robinson along with several Commissioners concurred with Commissioner Huber's comments.*

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

The meeting adjourned at 6:15 p.m.