



**AGENDA  
PLANNING & ZONING COMMISSION  
MAY 28, 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. April 28, 2025 Minutes

**C. PUBLIC HEARINGS**

1. Consider Schaff Estates 3rd Addition Preliminary Plat and Zone Change
2. Consider a Special Use Permit for Lot 1B, Block 1, Lakewood Commercial Park 3rd Addition 4th Replat.
3. Consider a zone change from RM (Multi Family) to a PUD (Planned Unit

**Development) for Clover Grove.**

**D. OTHER BUSINESS**

**E. ADJOURN**



## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** May 28, 2025  
**PREPARATION DATE:** May 21, 2025  
**SUBMITTING DEPARTMENT:**  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:**  
**SUBJECT:**

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**STATEMENT/PURPOSE:**

**BACKGROUND/ALTERNATIVES:**

**ATTACHMENTS:**

1. April 28, 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: Mayor Froelich, Horn, Gardner, Hammond, Huber, McLean, Mudder and Robinson. Absent: Leingang, Intveld, Smith, Buchmiller.

B. CONSIDER APPROVAL OF MINUTES

1. *March 24, 2025 Minutes.* Commissioner McLean motioned to approve the March 24, 2025 minutes. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.

C. PUBLIC HEARINGS

1. *Consider a variance for Lot 1, Block 35, Mandan Proper*

*Staff Recommendation: Planning Staff recommends review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff's findings of fact as necessary to support the motion of the board..* City Principal Planner Stromme presented.

The Church of St. Joseph requested consideration of a variance to Section 105-4-2.2 (c) of the City Code of Ordinances related to building setbacks in the Downtown Fringe zoning district. The property is located at 311 First Avenue NE and is adjacent to the current structures.

History and Request Overview

The applicant proposes to demolish the existing residence and construct a two-story office building to serve as the administrative offices for St. Joseph's Church, located directly across the street to the north. The current residence, built in 1930, sits on a 3,650 square-foot lot measuring 50 ft. wide along First Avenue NE and 73 ft. deep along 3rd Street NE. The new building would be oriented to face 3rd Street NE to the north, featuring a garage door along First Avenue NE and a second-story balcony overlooking the southeast corner of the property. The applicant states that, in their assessment, the existing structure is not in suitable condition and redevelopment is necessary. The applicant's statement of hardship is included in the attachments. A separate, narrative-based letter is included from the applicant.

Requested Variance

The City Ordinance governing development and redevelopment in the DF – Downtown Fringe district requires a minimum front yard setback of 15 feet for non-residential properties adjacent to residential lots, as well as off-street parking. It also encourages redeveloped properties to maintain setbacks that align with neighboring properties. Due to the potential conflict between these requirements and in the interest of transparency and avoiding disputes staff determined that a front yard setback variance is the most appropriate path forward. Under the city ordinance's general provisions, lots with two street frontages are considered to have two front yards and have two side yards. The proposed project meets the required 15-foot setback along First Avenue NE, but the applicant is requesting a reduced setback of 7 ft. along 3rd Street NE and is 8 ft. less than required. Staff believes this reduced setback is generally consistent with neighboring properties along 3rd Street to the east and west. The primary issue is that the ordinance requires both a 15 ft. setback and harmony with adjacent development, without prioritizing one

over the other or providing an administrative path for reconciliation. The applicant is also requesting to fulfill off-street parking requirements using separate, St. Joseph-owned parking facilities. The proposed building includes 3,648 square feet of office space on the main and second floors, and an additional 1,824 square feet in the basement (not intended for office use), totaling 5,472 square feet. Per City Ordinance Section 105-1-6, shared or off-site parking agreements require approval, and office uses require one parking space per 400 square feet resulting in a need for 9 to 14 spaces. Given the complementary nature of weekday office use and weekend church services, staff believes a shared off-site parking arrangement is appropriate and unlikely to create conflicts. It is the city's desire that, should the Board be open to the shared parking and that a document be recorded memorializing that the two properties are linked to fulfill this request.

#### Staff Comments

- Staff notes that the proposed redevelopment generally aligns with the City's broader goals to strengthen and revitalize the urban core while supporting opportunities for growth and expansion.
- The site's proximity to the existing St. Joseph facilities is seen as a positive, and the use of compatible materials and landscaping is expected to enhance visual and functional cohesion between the existing buildings and the new development.
- This project would require separate review and approval by Mandan Architecture Review Committee.
- The use of shared parking is viewed by staff to be favorable to an alternative proposal which would have been to pave the boulevards for parking which as it preserves the landscaped boulevard and allows for trees to be either preserved or replaced which better fits the neighborhood character by not over-paving the area when an acceptable alternative exists

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

The properties surrounding this property are in the DF - Downtown Fringe and DC - Downtown Core zoning districts. The future land use plan identifies this area for medium-density residential. Existing land use is residential.

#### Additional Information and Public Outreach

- Application and fee of \$400 was received on March 26, 2025.
- Letters were sent to fourteen (14) adjacent property owners.
- The city has not received any comments or questions regarding the project.

#### Findings of Fact

##### Zoning Variance

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

Planner Stromme recommended approval of the request for a variance for Lot 1, Block 35, Mandan

Proper. The applicant was present to answer any questions.

Chair Robinson inquired if there were any comments or questions for Planner Stromme or the project team.

Commissioner Mudder inquired if there will be any handicap parking included in the area and how will that be addressed? Will it be one parking space every 400 ft? Planner Stromme explained there will be one handicap parking space required per 400 sq. ft. of finished office space. The applicant has not shared plans to alter or provide handicap parking for this facility.

Commissioner Huber inquired if any comments have been received from the public on this request?

Planner Stromme replied there have not been any comments or opposition received.

Commissioner Huber inquired if this area is within an area that is considered the Downtown Fringe of the new zoning code recommendations to be implemented or would it still be in that Downtown Fringe that would affect the front yard and side yard setbacks if it were in a more typical residential zoning area?

Planner Stromme replied that he will have to look into that inquiry.

Chair Robinson inquired if there were any further comments or questions for Planner Stromme. 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 to a variance for Lot 1, Block 35, Mandan Proper.

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

Chair Robinson inquired if there were any further comments or questions from members of the Planning and Zoning Commission or the applicant.

Commissioner Mudder inquired about again about the parking plan due to his concern for the parishioners of which many are elderly. A Darren Buffington, a representative on behalf of Fr. Josh Walz came forward and stated that the parking has been addressed due to the size of the lot and the reason for the variance is because of St. Joseph's parking lot that is directly to the west. It is approximately one house length and there will be at least one parking spot. They knew parking would be an issue and that explains why it has been proposed to use the St. Joseph's parking lot for parking (for the office). There are very few individuals that come to the parish office and there are basically four employees plus Fr. Walz. And the plan is that Fr. Walz will be living across the street and parks at the rectory. The employees will be parking at the St. Joseph's Church parking lot.

Chair Robinson inquired if there were any further comments or questions for Planner Stromme or the applicant.

Planner Stromme stated that the Board will need to find a hardship to support the motion.

*Commissioner McLean moved to recommend approval of the request a variance for Lot 1, Block 35, Mandan Proper from Sections 105-4-2.2 c and 105-1-6 of the City Code of Ordinances related to the building setbacks in the DF Downtown Fringe Zoning District in offset off-street parking requirements shared parking agreements to the permit and variance requested due to the following hardship @ No. 4, the request for variance is the minimum variance would accomplish the relief sought by the applicant.*

(Planner Stromme stated the Board will need to cite the hardship and there was no hardship identified in this motion pursuant to the statement of hardship submitted by the applicant, one of those needs to be significant enough to warrant relief.)

*Commissioner McLean re-stated the motion to include hardship No. 2 (and to remove No. 4): A hardship is caused by a provision in the Zoning Code.*

(Planner Stromme clarified that is one of his recommended Findings. He directed the Board to review the attachment submitted by the applicant entitled “Statement of Hardship” is where the Board will need to determine the applicant’s finding to warrant a variance.) {Commissioner Huber added that a small a narrow setback coverage or the pre-existing structures were constructed before current zoning laws creating non-conforming conditions that require a variance for a modification to build a new office building. In summary, 1(a) for the first one, is fitting for this scenario.}

*Commissioner McLean stated the motion will be to include Hardship No 1(a) will apply to the variance; and to include a modification of the staff Findings of Fact and recommend condition and agreement to be recorded memorializing the shared parking.*

Chair Robinson recited the motion as presented. The motion is to recommend approval of the variance from Sections 105-4-2.2 Subsection C and 105-1-6 of the City Code of Ordinances related to building setbacks in the DF Downtown Fringe Zoning District and off-street parking requirements. Shared parking agreements to permit the variance request due to the following hardship identified as small and narrow lots under the current city ordinance makes it difficult to comply with setback requirements. And to modify the following staff findings of fact: Recommended condition and agreement to be recorded memorializing the shared parking.

Commissioner Huber commented that the Finding of Fact was No. 4, the requested variances would be the minimum variance that would accomplish the relief sought by the applicant.

Planner Stromme stated that the Board will need to find a hardship to support the motion.

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Chair Robinson recited the motion as presented. The motion is to recommend approval of the variance from Sections 105-4-2.2 Subsection C and 105-1-6 of the City Code of Ordinances related to building setbacks in the DF Downtown Fringe Zoning District and off-street parking requirements. Shared parking agreements to permit the variance request due to the following hardship identified as small and narrow lots under the current city ordinance makes it difficult to comply with setback requirements. And to modify the following staff findings of fact: Recommended condition and agreement to be recorded memorializing the shared parking.

Commissioner Huber commented that the Finding of Fact was No. 4, the requested variances would be the minimum variance that would accomplish the relief sought by the applicant.

*Commissioner Gardner seconded the motion. Chair Robinson called for a roll call vote: Yes; Huber: Yes; Mayor Froelich: Yes; Horn: Yes; Hammond: Yes; Gardner: Yes; McLean: Yes; Mudder: Yes; Robinson: Yes. The motion passed. The motion passed.*

2. *Consider a variance for Lot 2, Block 1, Midway 10th Addition*

*Staff Recommendation: Planning Staff recommends review of the request and findings of fact, consideration of the statement of hardship and potential identification of a hardship, and modifying or accepting Staff’s findings of fact as necessary to support the motion of the board.. City Principal Planner Stromme presented.*

ABRA Auto Body requested a setback variance to Section 105-3-13 (6) of the City Code of Ordinances

related to side yard building setbacks in the CC - Commercial District. The property is located at 3729 Memorial Highway on Lot 2, Block 1, Midway 10th Addition.

#### History and Request Overview

According to City assessing records, the building on the property was originally constructed in 1965, with an addition completed in 1978. At the time of the original construction, the property was likely located in a different zoning district—possibly the Central Business (CB) district—which did not require side yard setbacks. Although documentation is limited, there is no clear record of when the property was rezoned to the Commercial Corridor (CC) district.

Staff believes that no side yard setback was required at the time of original development, and the existing side setback was likely established voluntarily. In 2005, with the approval of the Midway 11th Addition, the parcel became a corner lot, subjecting it to the 35-foot front yard setback requirement of the CC district. The existing structure is now classified as a legal nonconformity. The business has operated as an auto body repair shop since at least 2007 on this property.

#### Proposed Project

The applicant proposes a rear addition that would align with the closest existing portion of the building adjacent to the platted 36th Avenue SE. The project details include:

- Extension of 60 feet to the rear
- Maximum width of 125 feet
- Addition of approximately 6,930 square feet of auto body repair space.

#### Setback and Encroachment

The entire west side of the current building encroaches into the required setback in a legally nonconforming manner, with encroachment ranging from approximately 6 feet to just over 22 feet. The proposed addition would maintain a 13.3-foot setback from the 36th Avenue SE property line.

#### Storefront Improvements

The project also includes storefront improvements, specifically:

- Reorienting the building entrance to face the Memorial Highway corridor
- Squaring off the building facade to improve visual appeal and access

**Requested Variance** The applicant is requesting a variance to reduce the required setback from 35 ft. to 13 ft. along the platted but unimproved 36th Avenue SE right-of-way. This request would allow the proposed addition to align with the existing, legally nonconforming structure. The applicant's statement of hardship was included in the attached materials for review.

#### Staff Comments

- This item was introduced to the Mandan Architecture Review Commission at the December 10, 2024 meeting and no action was taken.
- Landscaping is required for buildings that are substantially altered such as to the extent planned by the applicants. This generally consists of a strip of landscaping along the Memorial Highway in front of the parking lot/between the parking lot and the road itself and other requirements as necessary.
- Staff does not have any concerns regarding the reduced building setback at the proposed location, as the addition is not near a planned intersection, where maintaining clear zones or sight triangles would

typically be necessary for safety and visibility.

- Previous planning efforts for the Memorial Highway Corridor have emphasized supporting the expansion and intensification of commercial and industrial uses. The proposed storefront improvements are consistent with this planning direction and align with the City’s broader vision for the corridor.
- It was noted that this property will experience reduced access once improvements to Memorial Highway are completed. The westernmost driveway apron is scheduled for removal, and it is uncertain whether a new access point onto 36th Avenue SE will be allowed, due to its proximity to higher-speed traffic on the main highway corridor.

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

The properties surrounding this property are zoned CC – Commercial/Light Industrial Transition to the west, east and south. Properties to the north are zoned MC - Heavy Commercial. The future land use plan identifies this area for commercial uses along the memorial highway corridor. Existing land uses are a body shop.

#### Additional Information and Public Outreach

- Application and fee of \$400 was received on March 28, 2025.
- Letters were sent to five (5) adjacent property owners.
- One set of general questions about the project. There have been no comments or opposition to this request.

#### Findings of Fact

##### Zoning Variance

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

Planner Stromme recommended approval of the request for a variance for Lot 2, Block 1, Midway 10th Addition.

Chair Robinson inquired if there were any comments or questions for Planner Stromme.

Commissioner Mudder inquired if this expansion will not affect the road when it becomes effective?

Planner Stromme replied that is correct. This expansion would be built in line with the current building which is 7 ft. or so from the current building which is approximately 7 feet from the property line.

Chair Robinson inquired if there were any comments or questions for Planner Stromme or the project team. 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 variance for Lot 2, Block 1, Midway 10th Addition.

Abe Ulmer with Independent Land Surveying and Engineering stated he is the engineer on the project. He concurred with the information provided by Planner Stromme. This property is Midway 10<sup>th</sup> Addition and Midway 11<sup>th</sup> Addition was added later. The applicant, ABRA is present to answer questions. The plan is to extend it out to match the existing plan.

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**

Chair Robinson inquired if there were any further comments or questions from members of the Planning and Zoning Commission.

*Commissioner Huber moved to recommend approval of a variance for Lot 2, Block 1, Midway 10th Addition from Section 105-3-13 Subsection 6 of the City Code of Ordinances related to the side yard building setbacks to the CC Commercial District to permit the variance request due to the following hardship future road and existing right of way to the west causing this lot to have a double front setback of 35 feet and to modify the following staff findings of fact No. 5 that the granting of the variance is in harmony with the general purposes and intent of the zoning ordinance; and that the recommended approval be contingent upon the Mandan Architectural Review Committee (MARC) review and approval.*

*Commissioner Mudder seconded the motion. Chair Robinson called for a roll call vote: Yes; Huber: Yes; Mayor Froelich: Yes; Horn: Yes; Hammond: Yes; Gardner: Yes; McLean: Yes; Mudder: Yes; Robinson: Yes. The motion passed. The motion passed.*

### 3. Consider Schaff Estates 3rd Addition Preliminary Plat and Zone Change

*Staff Recommendation: Planning staff recommends postponement of this request.. City Principal Planner Stromme presented.*

The applicants are seeking to rezone the existing home and shop from CB – Commercial to Agricultural.

However, because the public hearing notice advertised a rezoning to R7 – Residential, and the associated plat would also require updating.

Planner Stromme stated that both staff and the applicant recommend postponing the item to a later date.

Preliminary plat details total area: 9.17 acres.

Configuration: Two lots within one block:

- Lot 1: 7.38 acres (reserved for future use)
- Lot 2: 1.79 acres (site of the existing residential home)

#### Zone Change Request

- Current Zoning: CB – Commercial
- Requested Zoning: Agricultural District (noted) Note: The request will be re-advertised as needed for consistency with intended zoning.

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

Adjacent Zoning: North/South/East/West – Mix of Ag (Agriculture) and CB (Commercial)

#### Public Outreach and Application Details

- Application Received: March 28, 2025
- Application Fee: \$1,000.00
- Notifications: Letters sent to five (5) adjacent property owners

#### 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;
6. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

#### Zone Change

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by this zone change;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is not consistent with the Future Land Use Plan, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change would not adversely affect public health, safety and general welfare.

Planner Stromme recommended that this matter be postponed in order to allow the applicant additional time to present a better plan of what review they are seeking. This item was noticed as a public hearing

given a completed application was in hand, however, due to their request shifting and there not being enough time to accommodate the changing request, a public hearing needs to be conducted. Therefore no action can be taken on this request at this time and that it be brought back at a future time when the applicant will be available to present the request to the Board.

Commissioner Huber inquired why this zone change is being requested. Planner Stromme stated that the zone change is being requested due to the applicant's being advised that they should have their property financeable in the future. Commissioner Huber stated that her inquiry has to do with there being a business currently located on the property and so it seemed like a zoning change would be appropriate to accommodate a zoning change. Would Agricultural zoning accommodate that business? Planner Stromme stated that the request was received late last week and staff has not had enough time to be able to answer questions about how the site and its evolution will be able to fit within the perimeters of zoning.

Chair Robinson inquired if there were any comments or questions for Planner Stromme or the applicant. He stated this matter is now open for public questions or comments.

Alex Weinreis came forward and stated that the reason they are asking for the zone change is that in 2023 when it was changed to CB because they do own a trucking business, however she stated that they do not run their business out of their shop. They had brought up a plan of wanting to build a home on that property, however they were told with CB they were allowed to have a residential home on that property. They had just finished building a house and then found out they cannot get a mortgage on that house because it is located on a commercial lot. They are now considering requesting the house and shop they built to be zoned possibly either residential or back to AG zoning and they would agree to leaving the rest of the property as CB zoning. They have been told they cannot get a mortgage or a commercial loan. They want to add the shop to their home on the same land because the value will be worth more than just the house itself. They do own a trucking business but they do not run a business out of the shop, rather, it's just an oversized garage building used for storage.

Commissioner Huber inquired if it would only be the one lot that would be zoned Agricultural? The applicant explained via the draft map provided, there is a row of trees and they are going to request just that lot itself zoned so that they can have it zoned as residential would work best for them to secure a loan for the house. Or, in the alternative, to have the zoning switched back to AG, they were told they can still get it to work with AG. The rest of the property would be zoned CB.

Commissioner Mudder inquired if the applicants changed the zoning to CB or was that done prior to their purchase of the property? Alex Weinreis stated that they built the shop after getting the building permit and they came back in 2023 because they were purchasing approximately .6 acres west side of the property and this Board noticed that it was actually supposed to be a commercial lot but it was still zoned AG so when she brought up wanting to build a house this Board recommended the CB because it allows a residential home on the lot however, she (the applicants) could not get a residential mortgage and they cannot get a commercial loan because it's a residential house. They discovered this information after the house was built.

Planner Stromme pulled up a map showing the location of where the home is located. Chair Robinson inquired if that roadway is a shared entrance? Alex Weinreis stated it is a shared entrance with the

neighbor.

Planner Stromme explained that this item has been prepared and studied as a zone change however, the applicant requested the action per staff is not the specific review that they are seeking, thus, approving this plat or approving a zone change is not in the interest of the applicant at this time. Planner Stromme recommended that this Board postpone this matter until the applicant has provided a plat and an application that has been noticed consistent with what their ultimate request is being sought. In summary, there is nothing to approve currently.

Planner Stromme provided some of the background information on this matter. When this item came back as Schaff Estates 2<sup>nd</sup> Addition, the applicant was adding about .67 acres of land to their property and at that time, this commission did request that it come back with a zone change to CB and cited the difficulties that this Commission has had with Commercial zoning being the last thing added to the map. It was added in 2023 or 2024 at this Commission's request so that a situation where the whole entire area has been developed and then people don't want to see commercial on the corner anymore and they wanted to avoid that situation. That is why it was put into CB. Miss Weinreis is correct that since the Schaff Estates project came along, it was known there was going to be a house on this property. That's what the ghost platting was done to permit a short-term use of this property and not get in the way of the long-term commercial opportunity that it could have. He is not sure if zoning AG or R7 because residential lots must be treated the same and we would not as a city be able to say that home occupancies would include semi-trailers because the city has many R7's within the city that would not be a good thing; R7 may be a bit of a concern given the home occupation. The AG district may have some potential but it's not meant to be for 2-acre lots rather it's meant to be quarter sections and sections of land that are used with a farmstead or something like that rather than an urban zoning district.

Alex Weisreis stated that she met with an appraiser and was told that the value of having the house zoned residential right next to a commercial lot lowers the value of her residential home. From what the appraiser advised, that if the property could get switched back to AG that will help in the long run as far as when they go in to appraise it and try to find similar areas for valuation purposes.

Mark Isaacs with Independent Land Surveyors and Engineering came forward to speak. Moving forward with this request to bring it back in the future and since this is a preliminary plat, would it speed up the process if they were to act on the preliminary plat request now? Because if the zoning is not done until next month we'd essentially lose a month if we just postpone it and don't act on the preliminary plat. You're not making a zoning decision, you're making a decision on the plat itself, we would at least procedurally have that part done. If the applicants are requesting an R7 zoning for this lot, and preliminary plats can be tweaked as such to include the shop and still request the R7 it would still stay with what the application was to present tonight. Commissioner Mudder inquired if it were going to be changed to R7, it would basically be the western border to make it a more desirable lot? Mr. Isaacs replied that is correct and the plan would be to bring it over to the west tree row that will not be quite three acres. The ghost plat would line up with a street that is planned that would come in to the corner of this lot and then head slightly south and that would allow for that corner to be commercial. Then that would be R7. There is a farmstead to the east of this property that is Agricultural and if that develops around it, it would be residential since there is a house on that property. The discussion is how you view the existing shop for storage or is it being used for a business. The property is zoned commercial with the

exception of the one house already zoned residential and the farmstead to the east zoned Ag.

Chair Robinson inquired of the long-term plan for this area. Planner Stromme stated this is identified as a commercial intersection. It would be the beltway corridor connecting the interstate to north Bismarck would go right by this property. The whole ten (10) acres will be zoned commercial. The property to the east is high density residential.

Planner Stromme commented that additional time is needed to determine if the semi-trucks are going to be of concern when putting them on a residential lot. He would not recommend taking action on this item at this time given the uncertainties involved. The applicant has not indicated a need of urgency to resolve this tonight. Planner Stromme recommended a motion to postpone (rather than tabling) this matter until a later time.

*Commissioner McLean moved to postpone the Schaff Estates 3<sup>rd</sup> Addition Preliminary Plat and Zone Change until a later time. Commissioner Gardner seconded the motion. Chair Robinson called for a roll call vote: Yes; Huber: Yes; Mayor Froelich: Yes; Horn: Yes; Hammond: Yes; Gardner: Yes; McLean: Yes; Mudder: Yes; Robinson: Yes. The motion passed. The motion passed.*

#### D. OTHER BUSINESS

1. *Review of New Zoning Code.* Planner Stromme introduced Beth Elliott of Stantec Consulting Services, via online, who will present an update and summary of the Mandan Zoning Study project. Erin Purdue had a prior conflict and was unable to present this material.

The City's Zoning Study has been underway for well over a year. Final drafts are available for public and commissioner review. Future Planning Staff are going to be tasked with bringing it forward for adoption.

#### PROCESS

- Background
  1. Understand the community and the issues
  2. Ideas and preliminary recommendations
    - Conduct Best Practice Analysis
- Engagement
  1. Staff
  2. The Public
  3. Elected and appointed officials
  4. Stakeholders
- Draft
  1. Create the Code
- Impacts
  1. What do the changes mean for various stakeholders
- Re-Engage
  1. The Public
  2. Elected and appointed officials

3. Stakeholders
  4. Did we get it right?
- Adoption
    1. Create the Final Code
    2. Lead staff, appointed and elected officials through adoption process
    3. Support Staff in learning how to use the Ordinance
  
  - Approval Process
    1. Will be handled by the new Mandan City Planner
    2. Dates TBD
    3. Will include:
      - Public hearing at the Planning and Zoning Commission
      - Approval by Mandan Board of City Council

Ms. Elliott concluded the presentation by asking if anyone had any questions.

Commissioner Gardner inquired if this Board will approve prior to the City Commission. Planner Stromme stated that this Board will be requested to make a recommendation to the City Commission to approve the final version. He explained that this process has followed the common and standard way of making changes to City Zoning Ordinances while following the standard required approval process.

There are references that are related to each other throughout the entire Code that are to be adopted. This project has been thoroughly vetted and the recommendations are adequate for the City of Mandan and this revised version of the City Ordinance Zoning Code shall be adopted as a whole.

Chair Robinson stated that the on-line participation and interest in this project has repeatedly been very high which is commendable. The Mandan citizens have been involved in this project.

## **2. Resignation of Commissioner Buchmiller.**

Planner Stromme reported that the city received notice that Commissioner Buchmiller has resigned his position as a member of this Commission effective immediately. His position will be filled as soon as possible.

## **3. On behalf of the Planning and Zoning Commission, Commissioner Mudder extended a thank you to Planner Stromme for his years of service and dedication to Mandan and wished him well in his future endeavors.**

- 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 6:44 p.m.





## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** May 28, 2025  
**PREPARATION DATE:** May 21, 2025  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Consider Preliminary Plat and Zone Change for Schaff Estates 3rd Addition

#### STATEMENT/PURPOSE:

Consider Preliminary Plat and Zone Change for Schaff Estates 3rd Addition.

#### BACKGROUND/ALTERNATIVES:

Both staff and the applicant recommended the item to be postponed at the April 28, 2025 meeting. The request has been re-advertised as needed for clarity with intended zoning.

The applicants are seeking to rezone the existing home and shop from CB – Commercial to R7 - Residential. The property location is 2392 37th Street.

The property is currently zoned commercial with the exception of the farmstead to the east zoned Ag and the one house already zoned residential. This area is identified as a commercial intersection. The future beltway corridor connecting the interstate to north Bismarck would go right by this property.

#### Preliminary Plat Details

Total Area: 9.17 acres

**Configuration:** Two lots within one block

- Lot 1: 7.38 acres (reserved for future use)
- Lot 2: 1.79 acres (site of the existing residential home)

#### Zone Change Request

- Current Zoning: CB – Commercial
- Requested Zoning: Residential

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

Adjacent Zoning: North/South/East/West – Mix of Ag (Agriculture) and CB (Commercial)

### **Public Outreach and Application Details**

- Application Received: May 9, 2025
- Application Fee: \$1,000.00
- Notifications: Letters sent to 5 adjacent property owners

### **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.

### **Zone Change**

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed zoning change would not adversely affect public health, safety and general welfare.

**ATTACHMENTS:**

1. Weinreis Application
2. Redford Application
3. Schaff Estates 3rd preliminary plat
4. Mark Up Preliminary Plat
5. Location Map Schaff Estates 3rd

**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:**

City Staff recommends approval of the Schaff Estates 3rd Addition Preliminary Plat and the zone change request from CB - Commercial to R7 - Residential.

**SUGGESTED MOTION:**

I move to recommend approval of the Preliminary Plat for Schaff Estates 3rd Addition and the zone change from CB - Commercial to R7 - Residential.

CITY OF MANDAN	
Development Review Application	
<input type="checkbox"/> Minor Plat (\$300)	<input checked="" type="checkbox"/> Zone Change (\$600)
<input checked="" type="checkbox"/> Preliminary Plat up to 20 acres (\$400)	<input type="checkbox"/> Planned Unit Development (\$700)
<input type="checkbox"/> Preliminary Plat more than 20 acres (\$450)	<input type="checkbox"/> Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/> Final Plat up to 20 lots (\$400)	<input type="checkbox"/> Vacation (\$500)
<input type="checkbox"/> Final Plat 21 to 40 lots (\$550)	<input type="checkbox"/> Variance (\$400)
<input type="checkbox"/> Final Plat more than 40 lots (\$700)	<input type="checkbox"/> Special Use Permit (\$450)
<input type="checkbox"/> Annexation (\$450)	<input type="checkbox"/> Stormwater submittal (\$300)
<input type="checkbox"/> Masterplanned Subdivision (not accepted without preliminary plat) (\$250)	<input type="checkbox"/> Stormwater 2 <sup>nd</sup> & subsequent resubmittal (\$50)
<input type="checkbox"/> Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)	
<b>Create 1 residential lot</b>	

Engineer/Surveyor			Property Owner or Applicant		
Name <b>Mark R. Isaacs; ILSE, Inc.</b>			Name <b>David &amp; Alexandria Weinreis</b>		
Address <b>4915 Old Red Trail NW</b>			Address <b>5010 39th Avenue NW</b>		
City	State	Zip	City	State	Zip
<b>Mandan</b>	<b>ND</b>	<b>58554</b>	<b>Mandan</b>	<b>ND</b>	<b>58554</b>
email			email		
mark@ilsruveynd.com			alexweinreis@gmail.com		
Phone		Fax	Phone		Fax
<b>701-595-2079</b>			<b>701-690-3229</b>		
If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request.					

Location		Type		Existing Zone	Proposed Zone	Project Name	
<input type="checkbox"/> City	<input checked="" type="checkbox"/> ETA	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Addition	CB	R7	Schaff Estates 3rd Addition	
Property Address				Legal Description			
2392 37th Street, Mandan				Lot 1, Block 1 in Schaff Estates			
Current Use				2nd Addition			
Residential				2nd Addition			
Proposed Use				Section 7    Township 139 N    Range 81 W			
Residential				Section 7    Township 139 N    Range 81 W			
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
<b>9.17 Ac</b>							

Print Name	Signature <i>Alexandria Weinreis</i>	Date <i>3-28-25</i>
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Office Use Only			
Date Received:	Initials: <i>YM</i>	Fees Paid: <i>\$1000</i>	Date <i>3-28-2025</i>
Notice in paper		Mailed to neighbors	P&Z meeting
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

CITY OF MANDAN	
Development Review Application	
<input type="checkbox"/> Minor Plat (\$300)	<input checked="" type="checkbox"/> Zone Change (\$600)
<input checked="" type="checkbox"/> Preliminary Plat up to 20 acres (\$400)	<input type="checkbox"/> Planned Unit Development (\$700)
<input type="checkbox"/> Preliminary Plat more than 20 acres (\$450)	<input type="checkbox"/> Land Use and Transportation Plan Amendment (\$1,000)
<input type="checkbox"/> Final Plat up to 20 lots (\$400)	<input type="checkbox"/> Vacation (\$500)
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<input type="checkbox"/> Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)	
Summary of Request (Add separate sheet(s) as necessary)	
Create 1 residential lot	

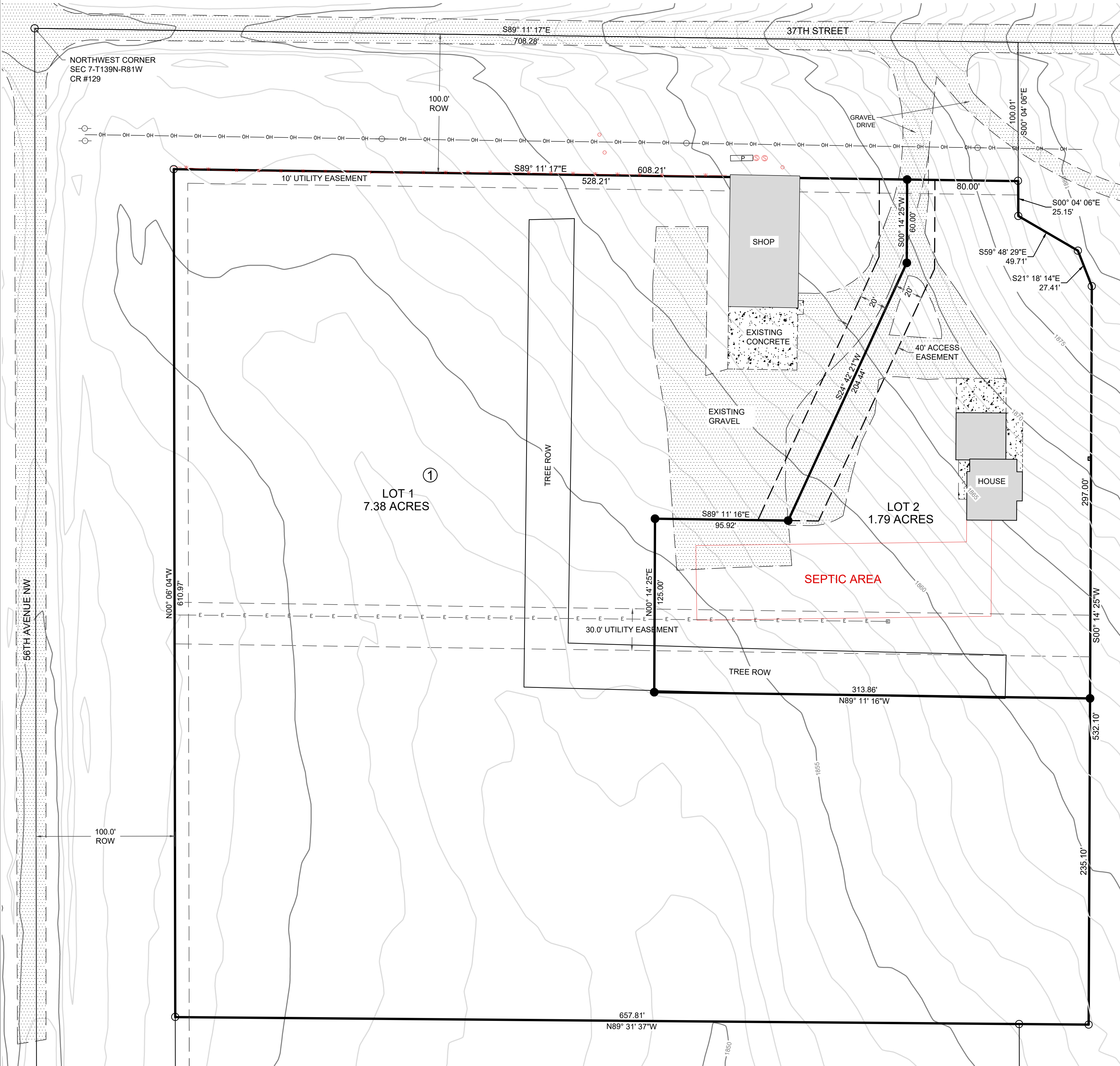
Engineer/Surveyor			Property Owner or Applicant		
Name Mark R. Isaacs; ILSE, Inc.			Name Redford Signature Homes, Inc.		
Address 4915 Old Red Trail NW			Address 724 Cody Drive		
City	State	Zip	City	State	Zip
Mandan	ND	58554	Bismarck	ND	58503
email			email		
mark@ilsruveynd.com			redford@bis.midco.net		
Phone		Fax	Phone		Fax
701-595-2079			701-220-7884		701-258-2131
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	<input checked="" type="checkbox"/> ETA	New	<input checked="" type="checkbox"/> Addition	CB	R7	Schaff Estates 3rd Addition	
Property Address				Legal Description			
2392 37th Street, Mandan				Lot 1, Block 1 in Schaff Estates			
Current Use				Proposed Use			
Residential				2nd Addition			
Residential				Section 7	Township 139 N	Range 81 W	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
9.17 Ac							

Print Name Deborah S Luptak	Signature 	Date 4/1/2025
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Office Use Only			
Date Received:	Initials: <i>ym</i>	Fees Paid: \$ 1000	Date: 3-28-2025
Notice in paper	Mailed to neighbors	P&Z meeting Receipt # 100495	
<input type="checkbox"/> Approved	Approved with conditions:		
<input type="checkbox"/> Denied			

**PRELIMINARY PLAT**  
**SCHAFF ESTATES 3RD ADDITION**  
 OF MORTON COUNTY, NORTH DAKOTA  
 LOT 1, BLOCK 1 SCHAFF ESTATES 2ND ADDITION  
 LYING WITHIN THE 1-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MANDAN  
 ALL IN SECTION 7, T139N, R81W



**SURVEYOR'S CERTIFICATE**

I, MARK R. ISAACS, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 9628, HEREBY CERTIFY THAT I HAVE CAUSED TO BE A SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY DESCRIBED HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT; FURTHER, THAT DISTANCE INDICATES HEREON ARE IN FEET AND HUNDREDTHS THEREOF, AND BEARINGS AND INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THEREOF; FURTHER, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

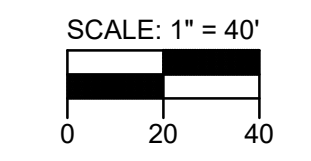
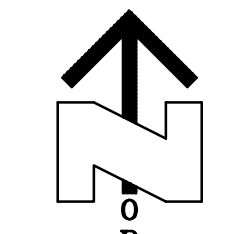
**OWNERS:**  
 DAVID & ALEXANDRA WEINREIS  
 5010 39TH AVE NW  
 MANDAN, ND 58554

- NOTES:**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
  2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
  3. EXISTING ZONING IS CB.
  4. THE 40' ACCESS EASEMENT SHOWN HEREON IS FOR THE BENEFIT OF LOTS 1 & 2, BLOCK 1.

**AREA TABLE**

LOT 1	7.38 ACRES
LOT 2	1.79 ACRES
<b>TOTAL</b>	<b>9.17 ACRES</b>

MARK R. ISAACS, RLS 9628



DATE: MARCH 24TH, 2025

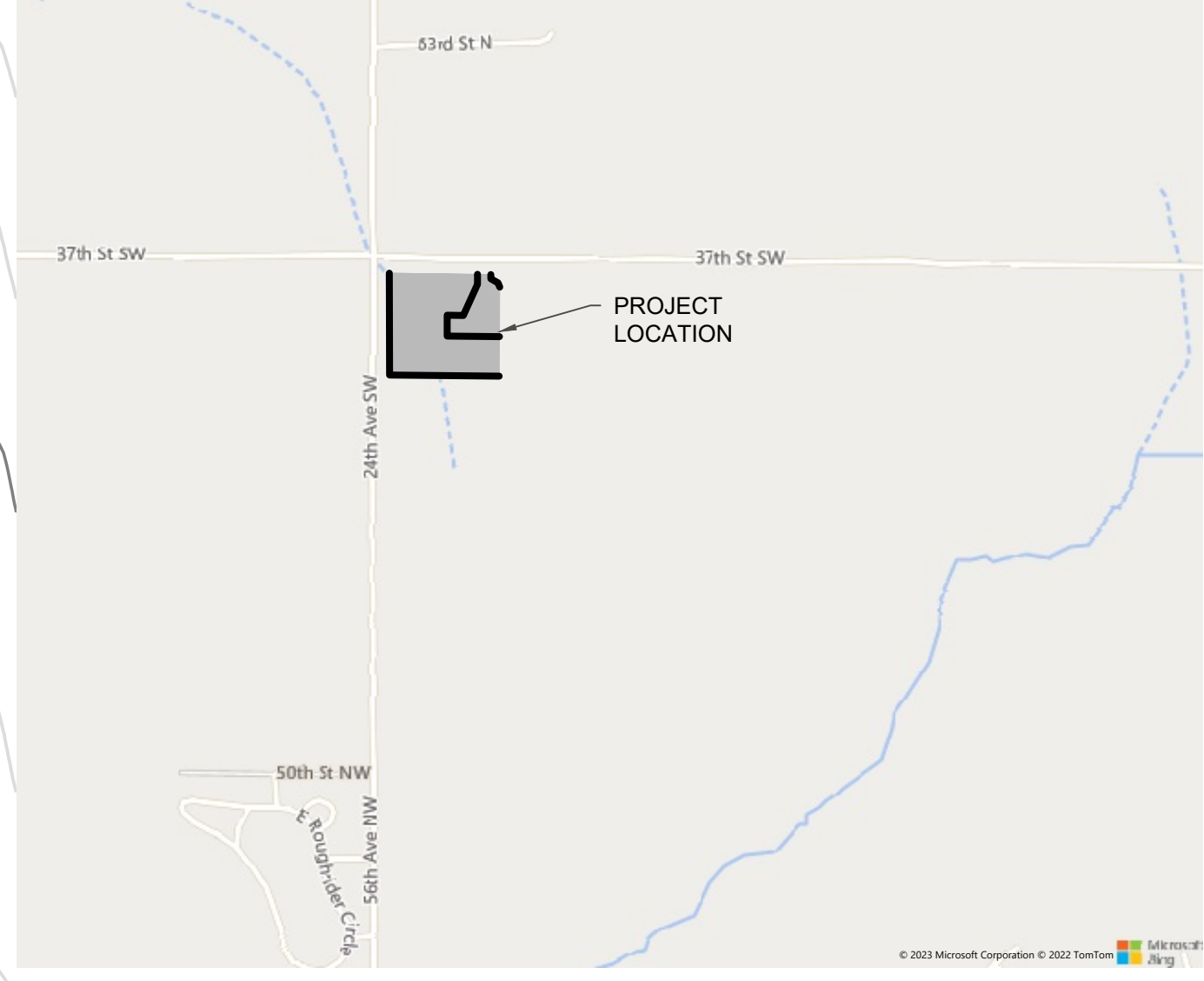
VERTICAL DATUM - NAVD 1988.

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

**LEGEND**

- FOUND REBAR MONUMENT
- SET 1/2" CAPPED REBAR "LS-9628"
- SEWER LINE CLEANOUT
- ELECTRIC BOX
- UNDERGROUND ELECTRIC
- EXISTING WATER
- OVERHEAD ELECTRIC
- POWER POLE
- EXISTING PROPANE TANK
- EXISTING SANITARY MANHOLE

**VICINITY MAP**



**PROPERTY DESCRIPTION**

LOT 1 BLOCK 1 SCHAFF ESTATES 2ND ADDITION IN SECTION 7, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF MANDAN, MORTON COUNTY, CONTAINING 9.17 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

**OWNER'S CERTIFICATE OF DEDICATION**

WE, THE UNDERSIGNED, BEING SOLE OWNERS OF THE LAND PLATTED HEREON, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT AND DO DEDICATE ALL THE STREETS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATERLINES, SIDEWALKS, AND OTHER IMPROVEMENTS ON OR UNDER SUCH STREETS, ALLEYS OR OTHER PUBLIC GROUNDS, WHETHER SUCH IMPROVEMENTS ARE SHOWN HEREON OR NOT, TO PUBLIC USE FOREVER. WE ALSO DEDICATE EASEMENTS TO RUN WITH THE LANDS FOR WATER, SEWER, GAS, ELECTRICITY, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THESE CERTAIN STRIPS OF LAND DESIGNATED AS "UTILITY EASEMENT".

WE DO HEREBY DEDICATE AN ACCESS EASEMENT FOR THE BENEFIT OF LOTS 1 AND 2, BLOCK 1, AND SHOWN ON THE PLAT WITH THE DESIGNATION OF "40' ACCESS EASEMENT", WHICH WILL RUN WITH THE LANDS.

DAVID WEINREIS \_\_\_\_\_ ALEXANDRA WEINREIS \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC \_\_\_\_\_

**PLANNING COMMISSION APPROVAL**

THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MANDAN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF MANDAN, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION OF SAID CITY, IN WITNESS WHEREOF ARE SET THE HANDS OF THE CHAIRMAN AND THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF MANDAN, NORTH DAKOTA.

BILL ROBINSON - CHAIRMAN \_\_\_\_\_ NANCY MOSER - SECRETARY \_\_\_\_\_

**APPROVAL OF THE BOARD OF CITY COMMISSIONERS**

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

JIM NEUBAUER - CITY ADMINISTRATOR \_\_\_\_\_ JAMES FROELICH - PRESIDENT OF THE BOARD OF CITY COMMISSIONERS \_\_\_\_\_

I, JAREK WIGNESS, CITY ENGINEER FOR THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVES "SCHAFF ESTATES 3RD ADDITION" OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

JAREK WIGNESS, PE \_\_\_\_\_

<b>SCHAFF ESTATES 3RD</b> <b>SCHAFF ESTATES,</b> <b>EAST 1/2 OF COV'NT LOT 1</b> <b>SECTION 7, T-139-N, R-81-W</b> <b>MORTON CO., NORTH DAKOTA</b>		
SHEET: 1 OF 1 SCALE: 1" = 40' DRAWN BY: MRI DWG DATE: 3/15/25 DWG NAME: 22153 Preliminary Plat_3rd.dwg	JOB NUMBER: 22153 DWG REVISION DATES:	
4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-663-5184 Cell: 701-595-2079 mark@isurveynd.com		

**PRELIMINARY PLAT**  
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 OF MORTON COUNTY, NORTH DAKOTA  
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STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ ) SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

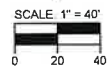
NOTARY PUBLIC \_\_\_\_\_

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DATE MARCH 24TH, 2025

VERTICAL DATUM - NAVD 1988

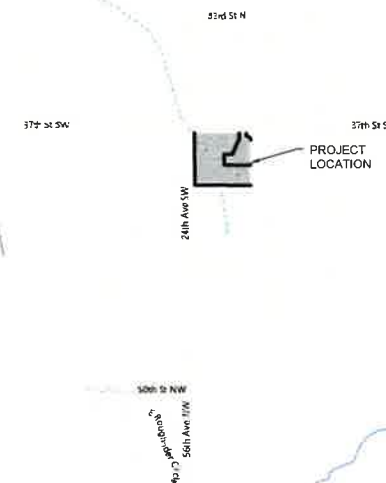
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**VICINITY MAP**



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JIM NEUBAUER - CITY ADMINISTRATOR

JAMES FROELICH - PRESIDENT OF THE BOARD OF CITY COMMISSIONERS

JAREK WIGNESS, PE

JAREK WIGNESS, PE

<b>SCHAFF ESTATES 3RD</b> <b>SCHAFF ESTATES.</b> <b>EAST 1/2 OF GOV'T LOT 1</b> <b>SECTION 7, T-139-N, R-81-W</b> <b>MORTON CO., NORTH DAKOTA</b>		<b>I</b> <b>Independent</b> <b>Land</b> <b>Surveying &amp;</b> <b>Engineering</b>
SHEET 1 OF 1 SCALE 1" = 40' DRAWN BY: MRE DWG DATE: 3/15/25 DWG NAME: 22153 Preliminary Plat 3rd.dwg	JOB NUMBER: 22153 DWG REVISION DATES: 4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-663-5194 Cell: 701-595-2378 mark@surveymd.com	



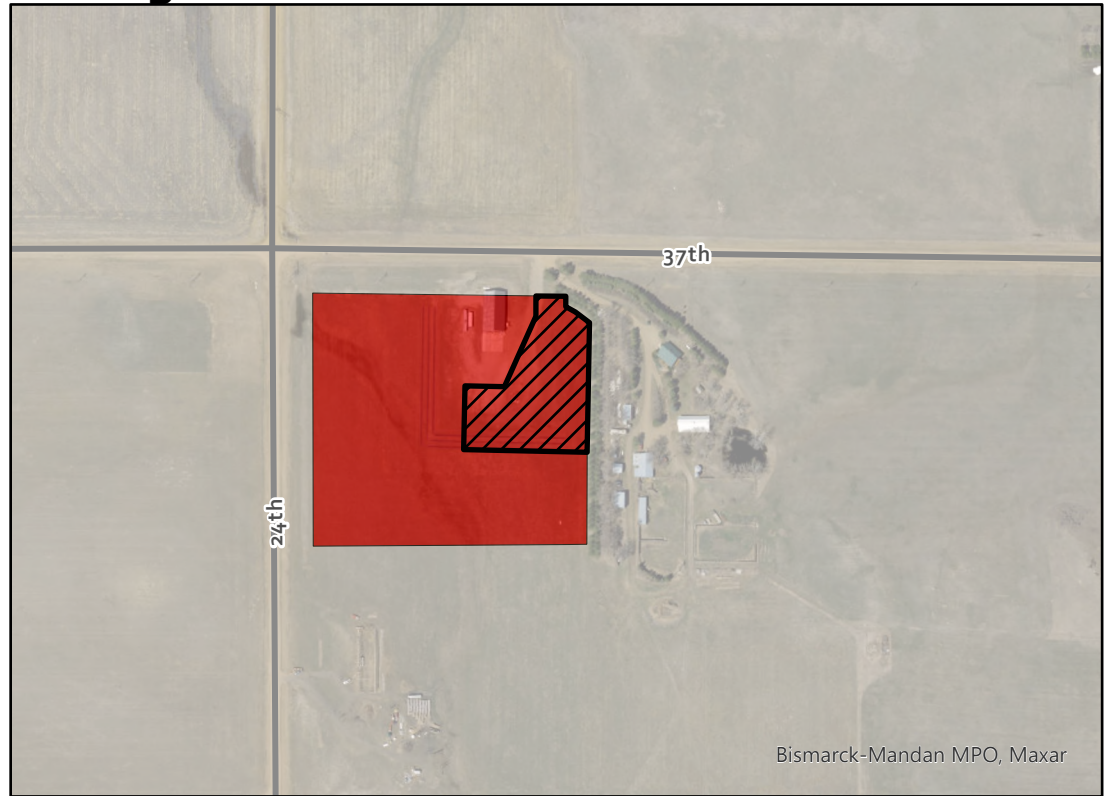
# Zoning and Future Land Use Reference Map

Schaff Estates 3rd

## Zoning

### Zoning Map Key

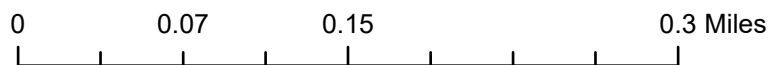
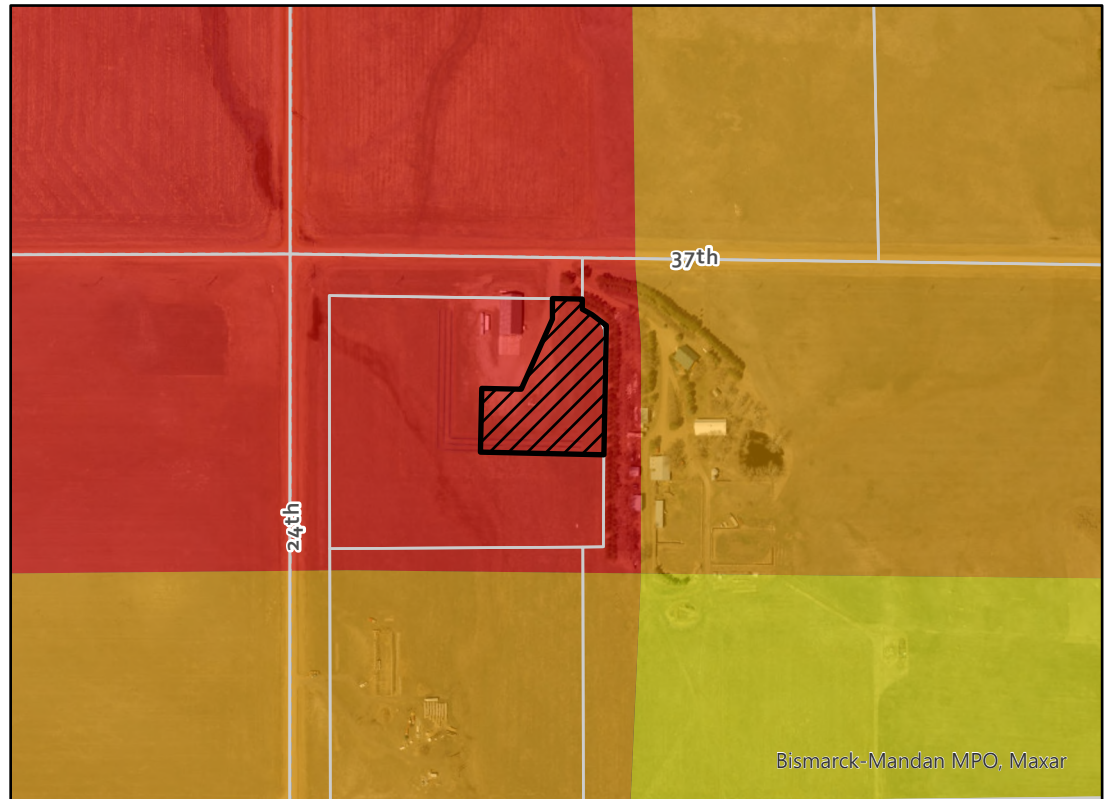
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light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



### 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
- April '25 Planning Activities

## Future Land Use Plan



N





## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** May 28, 2025  
**PREPARATION DATE:** May 21, 2025  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Jarek Wigness  
**PRESENTER:** Jarek Wigness, City Engineer  
**SUBJECT:** Consider a Special Use Permit for Lot 1B, Block 1, Lakewood Commercial Park 3rd Addition 4th Replat

#### STATEMENT/PURPOSE:

Steven and Erica Mittleider have submitted an application for a Special Use Permit for shop condos. The proposed project combines a tax-forfeited lot and a commercial lot.

#### BACKGROUND/ALTERNATIVES:

##### Property History

The property is located at 2510 40th Ave SE and is currently a vacant lot zoned CB - Business Commercial. The adjacent city-owned lot would be included in this plan and is also vacant and is currently a low-lying area.

##### Adjacent Properties

The surrounding properties are zoned CB - Business Commercial. The Future Land Use Plan designates this property as high-density residential.

##### Additional Info & Public Outreach

An application and fee of \$450 were submitted on April 25, 2025. Ninety-five letters were sent to adjacent property owners on May 8, 2025.

##### Staff Comments

Several neighbors (that plan on being in attendance) have voiced concerns over where the water will be directed to and the density of the area.

The applicant presented an offer to purchase the lot from the City. The City Commission denied the purchase based upon the intended use of the property.

#### ATTACHMENTS:

1. Application

2. Additional Submittals
3. Location Map
4. Site Plans
5. Aerial Map
6. Day and Night Parking

**FISCAL IMPACT:**

N/A

**STAFF IMPACT:**

N/A

**LEGAL REVIEW:**

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

**RECOMMENDATION:**

City staff recommends denial of the Special Use Permit.

**SUGGESTED MOTION:**

I move to recommend denial of the Special Use Permit.

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)
<b>Summary of Request (Add separate sheet(s) as necessary)</b>	
We are seeking a special use permit to develop our land per attached documents.	

Engineer/Surveyor			Property Owner or Applicant		
Name Swenson Hagen and Company			Name Steven and Erica Mittleider		
Address 909 Basin Ave			Address 4300 Southbay Drive SE		
City	State	Zip	City	State	Zip
Bismarck	ND	58504	Mandan	ND	58554
email			email		
Lniemiller@swensonhagen.com			mitty36@hotmail.com		
Phone		Fax	Phone		Fax
701-223-2600			701-870-0995		
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	x	New	Addition	CB	CB	Mittleider		
Property Address						Legal Description				
2510 40th Ave SE						Lakewood Comm Park 3rd ADDN 4th RPLT				
Current Use						Lot: 1B Block: 1				
Vacant Lot										
Proposed Use										
Business Shop						Section 0	Township 0	Range 0		
Parcel Size	Building Footprint		Stories	Building SF		Required Parking		Provided Parking		
0.92	60x180 ft		1	10,800 sq ft		27		28		

Print Name <i>Steven Mittleider</i>	Signature <i>Steven Mittleider</i>	Date 4-25-25
--	---------------------------------------	-----------------

Office Use Only			
Date Received:	Initials: <i>nm</i>	Fees Paid: \$ <i>450.00</i>	Date <i>4-25-2025</i>
Notice in paper		Mailed to neighbors	P&Z meeting
Approved	Approved with conditions:		
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, please see included picture of map with similar properties in the near vicinity: The Cove at Lakewood Shop Condos are 0.2 miles to the North on 21street. Monte Gawryluk Shop Condos are 0.4 miles to the East By Moritz Sport and Marine. Lakewood Marina Boat, RV, and Auto storage is 0.5 miles to the South. By The Drink.

Having lived in the Lakewood area since 2007 and been part of multiple new builds, we are aware of the high aesthetic standards of the area. The proposed development will be visually attractive and maintain and or enhance the appearance of 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, we have obtained legal counsel to help adopt covenants specifying these items as to not disrupt the neighborhood.

Traffic and parking at our property will be less than that of high density residential. When driving down 21st street, 24th street, and 40th Ave, with high density residential, there are cars lining the streets on both sides. Please see included pictures. Covenants will be in place to prevent unwanted parking over and above Mandan's city ordinance.

- 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, Swenson, Hagen, & Co. has calculated 1 parking spot per 400sq feet. Please see attached drawing from Swenson, Hagen, & Co. showing proper parking.

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

No, Swenson, Hagen, & Co. is keeping the project within the proper setbacks. Please see attached drawing from Swenson, Hagen, & Co. showing proper set backs.

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.



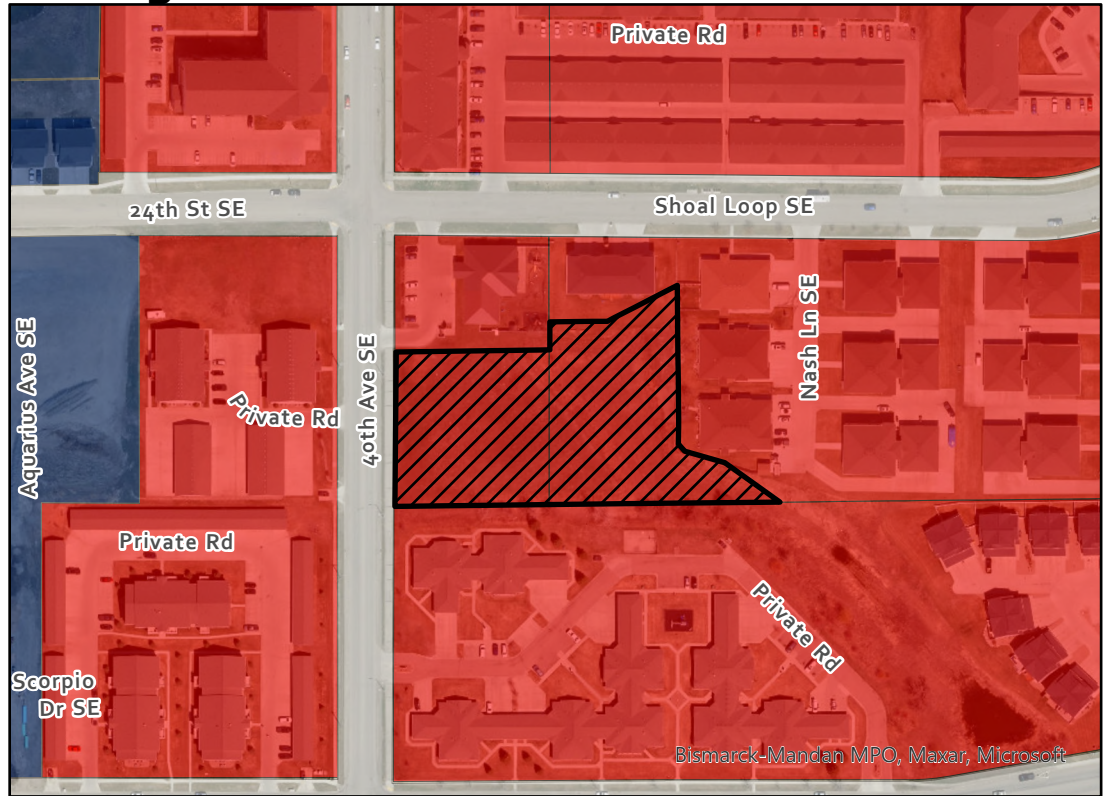
# Zoning and Future Land Use Reference Map

Lakewood Commercial Park 3rd

## Zoning

### Zoning Map Key

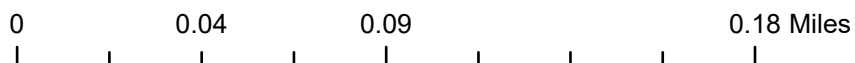
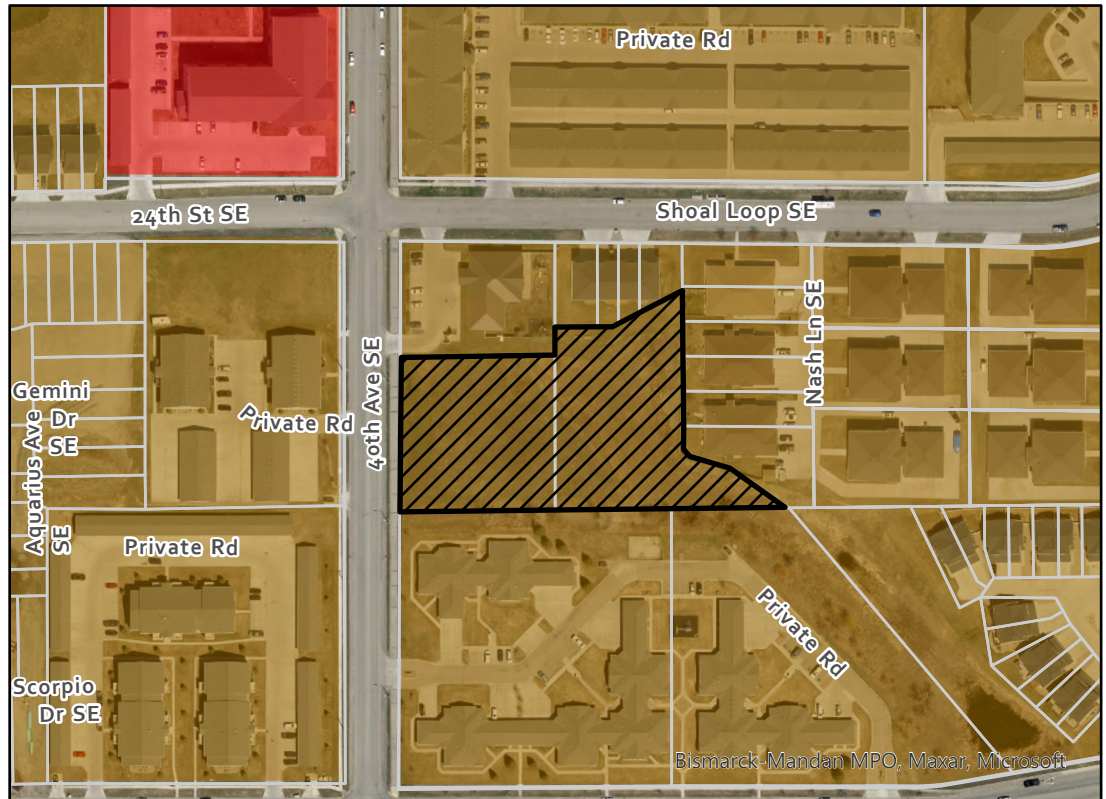
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light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



### Future Land Use Plan Key

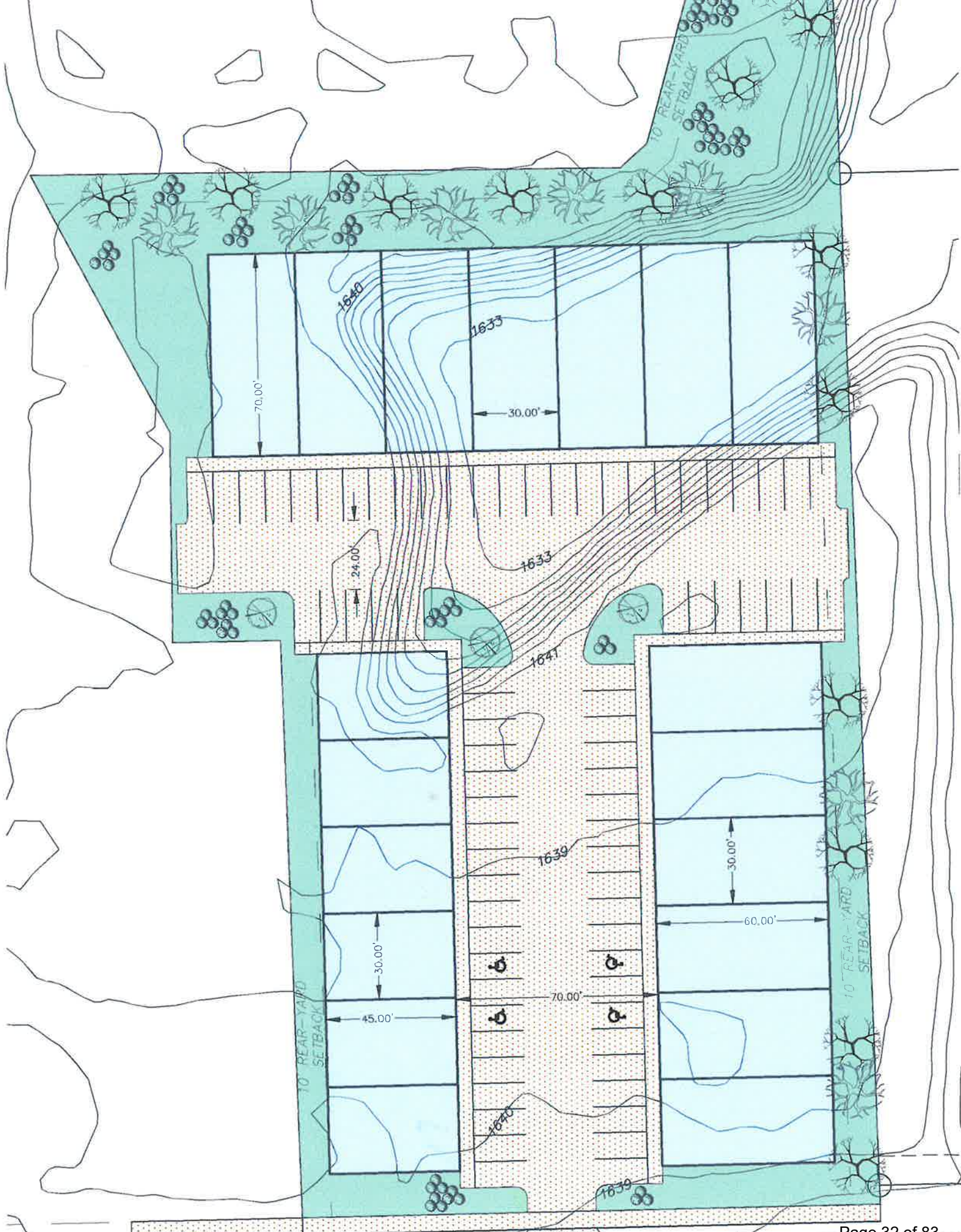
- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Industrial
- Public/Semi-Public
- Public Land
- Park
- Greenways
- Open Space
- Open Water
- Parcels
- City Limits
- ETA Line
- May '25 Planning Activities

## Future Land Use Plan



N















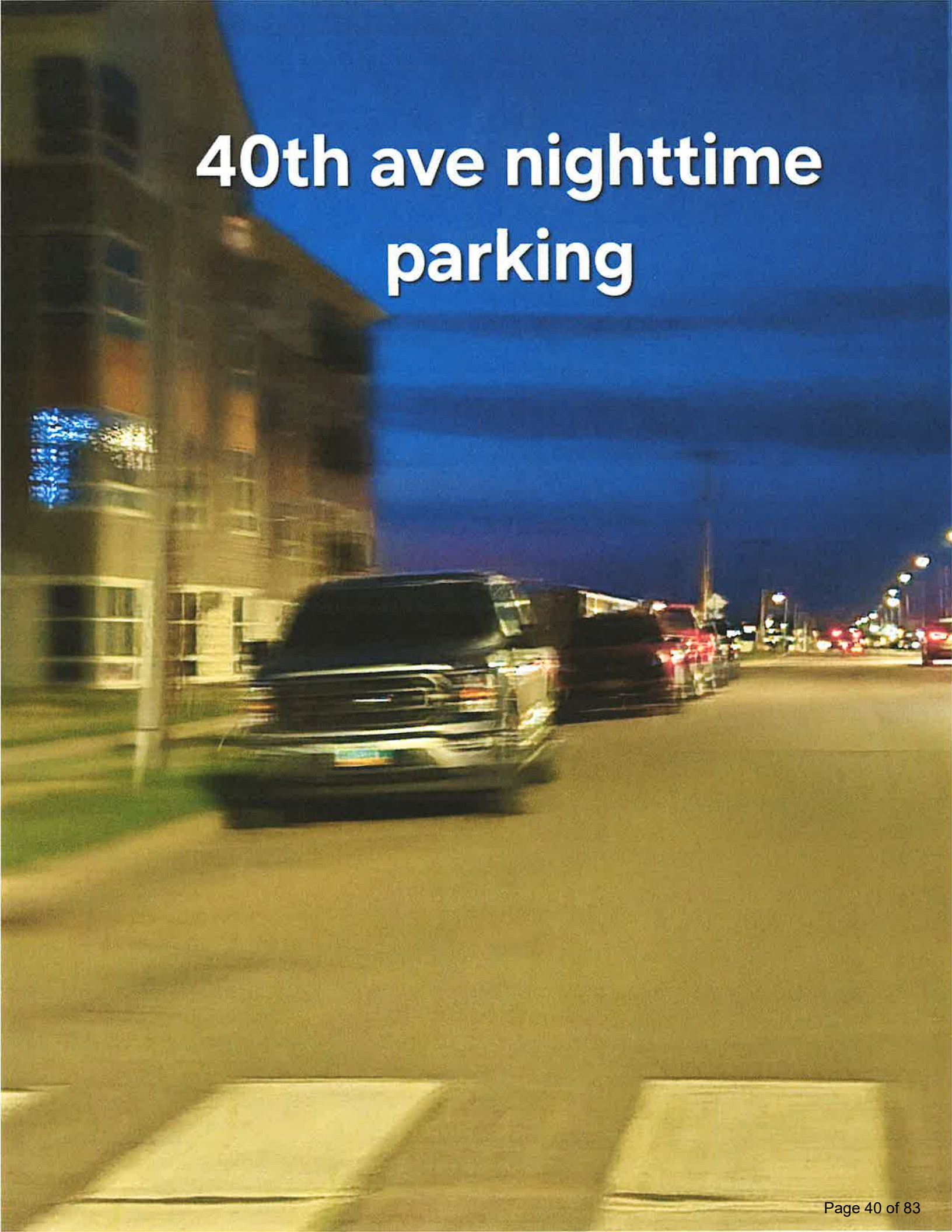
# 21st st daytime



# 21st st night parking



# 40th ave nighttime parking



# 24th st night parking





## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** May 28, 2025  
**PREPARATION DATE:** May 21, 2025  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Jordan Singer  
**PRESENTER:** Jordan Singer, Building Official  
**SUBJECT:** Consider a Zone Change from RM (Multi-Family) to a PUD (Planned Unit Development) for Clover Grove.

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

Consider a Zone Change from RM (Multi-Family) to a PUD (Planned Unit Development) for Clover Grove.

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

Evolution Planning & Design has submitted an application for a zone change from RM (Multi-Family) to a PUD (Planned Unit Development) for Macedonia Hills Gov't Lot 2, less outlot A in the NW 1/4 of NE 1/4 of Section 3, Township 138N, Range 81W.

#### **Property History**

The property is 14.82 acres located at 151 19th Street SE.

#### **Zone Change**

The intent of the PUD (Planned Unit Development) is for 57 entry-level single-family detached and duplex-type home lots. The R3.2 Zoning District serves as the basis for this PUD Narrative.

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

Adjacent properties to the west and north are zoned R7 - Residential Single Family. Property to the east is zoned R3.2 - Residential Single & Two Family. The property to the south is zoned Ag - Agriculture. The future land use plan recommends low-density residential land use on this property.

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

- The application and fee of \$700.00 was received on April 25, 2025.
- This item was published in the Mandan News as required. Forty-six letters were

sent to adjacent property owners on May 9, 2025.

- As of the drafting of this agenda document, no comments have been received by the City.

### **Staff Comments**

There are concerns about density and access management/emergency access. (Future connectivity and number of proposed lots exceed International Fire Code Appendix D 107.1 related to number of units allowed with only one access point constructed or planned.)

### **Findings of Fact**

#### **Zone Change**

1. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by this zone change;
2. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
3. The proposed zoning change is consistent with the Future Land Use Plan/Map, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change would not adversely affect public health, safety and general welfare.

### **ATTACHMENTS:**

1. Application
2. Clover Grove Community Updated Planning Response
3. Gilberto Garcia Notarized Form
4. Mariel Lopez-Valentin Notarized Form
5. Clover Grove PUD Zoning Narrative\_250424
6. Clover Grove PUD Site Plan\_250424\_24X36
7. Location Map - Clover Grove

### **FISCAL IMPACT:**

N/A

### **STAFF IMPACT:**

Minimal.

### **LEGAL REVIEW:**

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

**RECOMMENDATION:**

City Staff recommends denial of the zone change from RM (Multi Family) to a PUD (Planned Unit Development).

**SUGGESTED MOTION:**

I move to recommend denial of the zone change from RM (Multi Family) to a PUD (Planned Unit Development).

CITY OF MANDAN	
Development Review Application	
Minor Plat (\$300)	Zone Change (\$600)
Preliminary Plat up to 20 acres (\$450)	X 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)	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.- Andra Marquardt			Name Evolution Planning & Design - Ron Harris		
Address 501 1st St. NW			Address 2954 S Hillridge		
City Mandan	State ND	Zip 58554	City Mesa	State AZ	Zip 85212
email andram@tomanengineering.com			email evteamplanning@gmail.com		
Phone 701-663-6483		Fax	Phone 480-450-7471		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	X	New	RM	PUD	Clover Grove	
Property Address				Legal Description			
151 19th Street SE				Attached			
Current Use				Macedonia Hills Gov't Lot 2, less			
Vacant				outlot A in the NW 1/4 of NE 1/4			
Proposed Use							
Single & Two-Family Residential Subdivision				Section 3	Township 138N	Range 81W	
Parcel Size	Building Footprint	Stories	Building SF	Required Parking		Provided Parking	
14.82 ac	varies	2	varies	2 per lot min.		2 per lot min.	

Print Name Ronald Harris	Signature <i>Ronald Harris</i>	Date 4/23/25
-----------------------------	-----------------------------------	-----------------

Office Use Only			
Date Received:	Initials: <i>ym</i>	Fees Paid: \$ 700	Date: 4-25-2025
Notice in paper	Mailed to neighbors	P&Z meeting	
Approved	Approved with conditions:		
Denied			

## Clover Grove: Addressing Access, Connectivity, and Community Planning

Submitted by Lukas Meier

Applicant / Developer

### Overview

At Clover Grove, our mission extends beyond building homes—we are committed to creating a **safe, well-connected, and purpose-driven community**. In response to feedback from the City of Mandan, we offer the following detailed response and proactive strategy to address key areas of concern.

Our approach prioritizes:

- **Public safety** through compliant fire and emergency access,
- **Connectivity** through short- and long-term planning,
- **Affordability** for young professionals and families seeking attainable homeownership in Mandan,
- And **strategic density** that supports responsible growth and economic sustainability.

## 1. Fire Access Compliance & Interim Solutions

### Regulatory Context

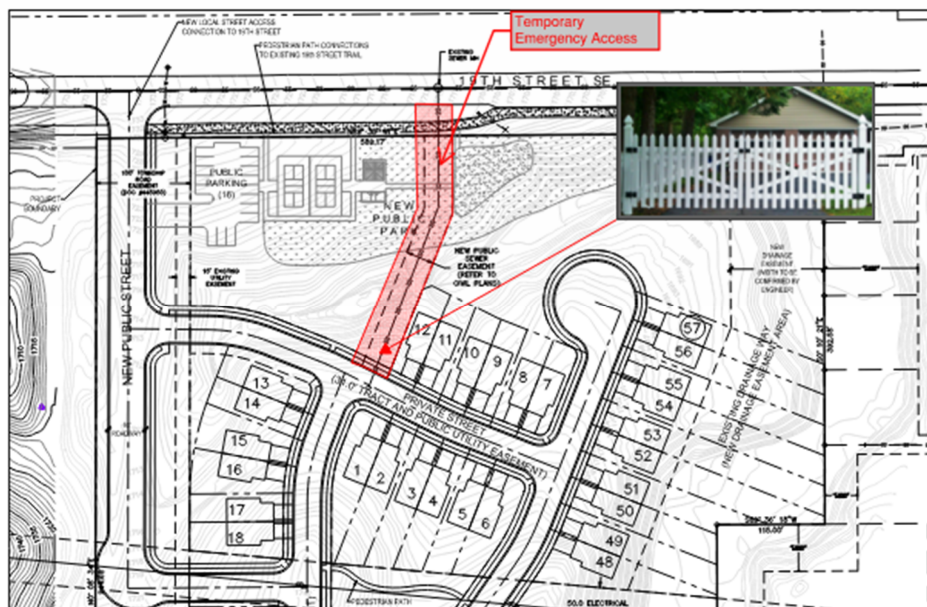
Per **IFC Section D107.1**, developments exceeding 30 homes must provide two separate and approved fire apparatus access roads. Clover Grove currently proposes 57 units with one public access to 19th Street SE.

### Interim Access Proposal

While permanent secondary access is not immediately feasible due to surrounding undeveloped parcels, we propose the following **interim solution** to ensure code compliance and public safety:

- **Construct a temporary, gated emergency access road** via a utility or park easement.
  - Surfaced with decomposed granite or asphalt millings, per **D102.1**.
  - Engineered to meet fire apparatus weight requirements.
- Install a secured emergency gate meeting **D103.5** specifications.
- **Maintain and manage** the access through the developer or HOA.
- **Dual-purpose access** will also temporarily serve as an ingress/egress point for adjacent neighbors during infrastructure development.

This solution has been developed in **active consultation with Mandan's Fire and Planning Departments** and reflects our commitment to both regulatory compliance and public welfare.



*Interim Emergency/Temporary Access Exhibit*

## 2. Long-Term Connectivity Planning

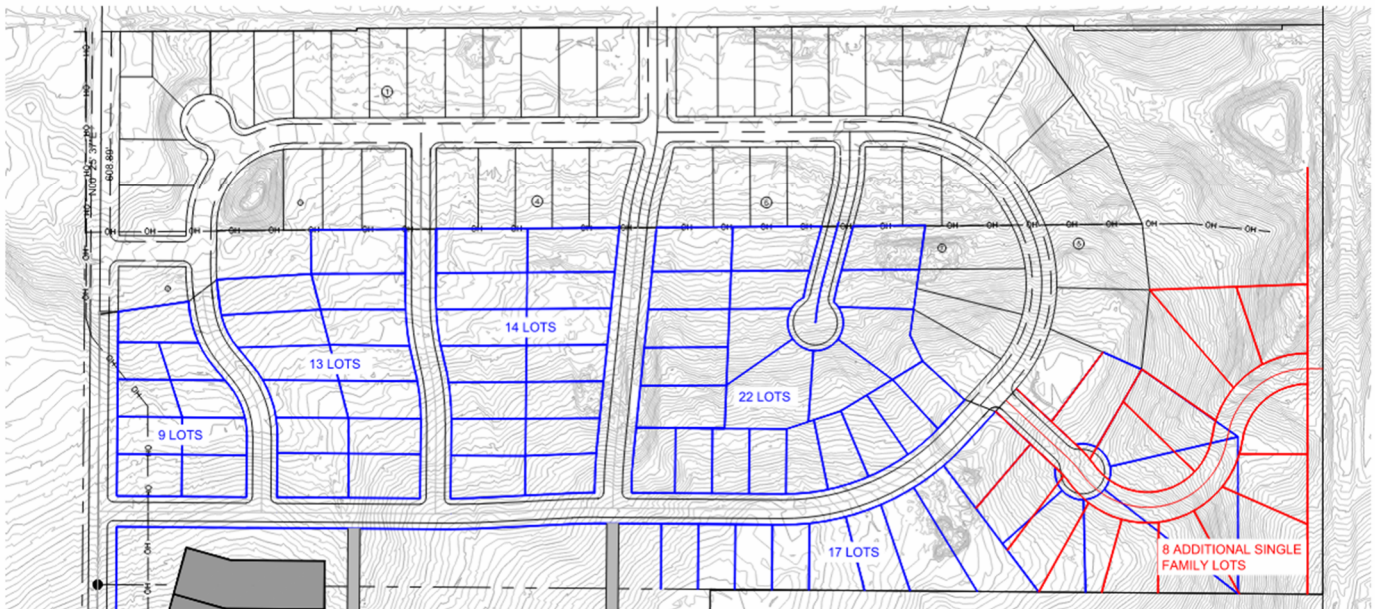
We fully align with the city's view that **interconnectivity is essential** for safety, emergency response, and future neighborhood integration.

### Future Access Strategy

While current ownership and platting constraints limit secondary access today, we are:

- **Engaged with neighboring landowners** to the west and southwest, actively coordinating alignment for future roadway extensions.
- Pursuing **preliminary design concepts and letters of intent** to ensure that the southern road stub from Clover Grove is purposefully aligned for future connectivity.
- Exploring a **"ghost plat" mechanism** similar to what has been successfully applied in Sloane's Addition, maintaining planning flexibility and alignment with the city's long-term vision.

We are committed to ensuring that Clover Grove becomes a connected part of the broader Mandan Street network over time.



*Preliminary Access Route of Neighboring Property*



#### 4. Density & Land Use Alignment

We recognize the City's concern regarding density, as the proposed 3.8 units per acre (approximately 4.5 with ROW) exceeds the FLUP's target of ~3 units per acre for this area. However, we believe this moderate increase is both **intentional and necessary** to address pressing housing needs in Mandan.

##### Purpose-Driven Density

Our vision for Clover Grove is to provide **attainable, high-quality housing** for **young professionals, first-time homebuyers, and working families**—segments of the population who are increasingly priced out of new construction. The reality of today's market is that low-density development models often translate to **higher costs per unit**, reducing affordability and limiting who can realistically live here.

By slightly increasing density:

- We can **reduce per-unit land and infrastructure costs**, passing those savings on to buyers.
- We support Mandan's goal of attracting and retaining **a skilled, diverse workforce**.
- We create a vibrant, mixed-income neighborhood that promotes **homeownership and community stability**.

##### Efficient, Responsible Growth

This plan also reflects a commitment to **efficient land use** and **cost-effective infrastructure investment**. Rather than promoting sprawl, Clover Grove concentrates development in a manner that:

- Maximizes existing utility and roadway networks,
- Preserves surrounding green space,
- And supports long-term fiscal sustainability for the city.

We respectfully maintain that the proposed density is:

- **Contextually appropriate**, given the area's transition potential,
- **Code-compliant**, when viewed through the lens of practical planning and precedent,
- And **critical to achieving our housing mission**.

## Conclusion

Clover Grove represents a unique opportunity to deliver **safe, attainable housing** within a **planned, responsive framework**. We are fully committed to:

- Collaborating with City Planning, Engineering, and Fire Departments,
- Executing a flexible, phased development approach,
- Prioritizing both interim and long-term access solutions,
- And ensuring affordability and quality of life for Mandan's next generation of homeowners.

We look forward to continued dialogue and partnership with the City of Mandan as we work together to make Clover Grove a model for responsible, community-centered growth.

April 25, 2025

City of Mandan  
Planning Department Staff

**Re: 151 19 Street SE – PUD Zoning Request**

Dear City Planning Staff,

As owner of the subject property, I authorize representatives of Evolution Planning and Design, LLC to act as the applicant for the enclosed PUD rezoning request.

Gilberto Casas Garcia

Owner Signature

Gilberto Casas Garcia

Printed Name

04.26.25

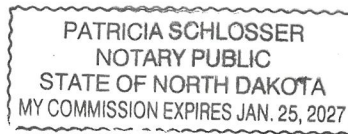
Date

I certify under penalty of perjury under the laws of <sup>North Dakota</sup> ~~[INSERT STATE]~~ that the foregoing paragraph is true and correct to the best of my knowledge.

**WITNESS** my hand and seal

Patricia Schlosser

Notary Public Signature



(SEAL)

Patricia Schlosser

Notary Public Name

\_\_\_\_\_  
Title (if applicable)

Registration/Serial Number, Notary ID, or Bar Number (if applicable)

My Commission Expires on the: January 25, 2027

April 25, 2025

City of Mandan  
Planning Department Staff

**Re: 151 19 Street SE – PUD Zoning Request**

Dear City Planning Staff,

As owner of the subject property, I authorize representatives of Evolution Planning and Design, LLC to act as the applicant for the enclosed PUD rezoning request.

Marisel Lopez  
Owner Signature

Marisel López -Valentín  
Printed Name

4/25/2025  
Date

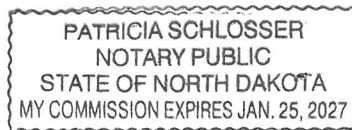
I certify under penalty of perjury under the laws of North Dakota [~~INSERT STATE~~] that the foregoing paragraph is true and correct to the best of my knowledge.

**WITNESS** my hand and seal

Patricia Schlosser  
Notary Public Signature

Patricia Schlosser  
Notary Public Name

(SEAL)



\_\_\_\_\_  
Title (if applicable)

\_\_\_\_\_  
Registration/Serial Number, Notary ID, or Bar Number (if applicable)

My Commission Expires on the: Jan 25, 2027

# CLOVER GROVE

## PLANNED UNIT DEVELOPMENT

Zoning Request for 14.82 Acres

Located at

**151 19<sup>th</sup> Street SE (PIN 65-5513550)**



Prepared for:

**MEIER COMPANIES**

6115 S. Kyrene Road, Ste 101  
Tempe, AZ 85283

Prepared by:

**EVOLUTION**

Planning + Design, LLC  
480-450-7471

**CLOVER GROVE PLANNED UNIT DEVELOPMENT**

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**A. PURPOSE AND INTENT**

The purpose of this Planned Unit Development (PUD) request is to place a regulatory zoning district and associated development regulations on the subject 14.82-acre property located at 151 19<sup>th</sup> Street SE. This request will support a future Clover Grove Addition residential subdivision development plan in the Mandan South Growth Area. The property's existing RM 'multi-family' zoning district entitlement is not an appropriate district which conforms with the Mandan Land Use and Transportation Comprehensive Plan future anticipated land use for the property. This request is provided to support a mixed residential development plan which will conform with the City of Mandan Future Land Use Plan and enhance the surrounding land use character with a well-designed logical development plan.

The intent of the PUD and subsequent development planning is to develop an entry-level family home community, associated land improvements and a public park space. The proposed community plan includes single-family detached and duplex type subdivided home lots with a proposed internal private local street network. Additionally, a new public park space is proposed along 19th Street which will be well located to serve the surrounding neighborhoods with new recreation opportunities as well as the future residents of Clover Grove.

1) Regulatory Provisions

Pursuant to Section 105-4-3 of the Mandan Zoning Ordinance, the PUD will establish a regulatory framework for the Clover Grove residential development by creating development standards and establishing project specific design guidelines. The City of Mandan R3.2 regulatory criteria serves as the basis for the PUD standards contained in this document.

The PUD is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the Mandan Zoning Ordinance. A PUD may include background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the city. The PUD only modifies the Mandan Zoning Ordinance regulations and does not modify other City Codes or requirements.

**B. EXISTING CONDITIONS**

1) Property Ownership

The subject property is currently owned by "GILBERTO CASAS-GARCIA & MARIEL LOPEZ-VALENTIN". An Owner's Title Policy has been included with the application verifying ownership with area legal description.

2) Site Location

151 19<sup>th</sup> Street SE, between Plains Bend SE and 8<sup>th</sup> Ave SW.

3) Topography and Physical Features

The property is currently vacant and has not been previously developed, except for existing overhead powerlines and poles which bisect the site, existing north-south roadway and other utilities.. A significant existing regional drainageway runs along the eastern boundary of the property, as well as local off-site drainage which crosses the property as it flows to the northeast. Topography across the site is uneven and rolling as also observed on neighboring properties in this foothill area.

**C. DEVELOPMENT SITE PLAN**

The Clover Grove development plan consists of a subdivided single-family home neighborhood and public park space. (Refer to Figure 3: Development Site Plan) The plan also incorporates the identified regional and local drainageway flows through the property which will be preserved and protected to ensure unimpeded through drainage conditions. As result of these conditions and site topography, the ‘core’ area of the property will primarily be utilized for the residential subdivision improvement area, with large drainage buffer areas to the north (along 19<sup>th</sup> Street) and the east project boundary. These buffer areas also serve as increased perimeter development setbacks, preserving the natural character of the surrounding low-density residential area, minimizing impacts to neighboring property owners.

Two residential home types will be offered in Clover Grove. Single-family detached and single-family duplex. The plan proposes 57 total subdivided home lots, 11 detached and 46 duplex lots with varied lot widths and depths. Proposed project density is 3.84 dwelling units per acre. The 11 detached single-family home lots are situated along the west and south boundaries of the property. This transition of home density provides larger home lots adjacent to existing rural home properties to the south, and residential development which may occur to the west of this property in the future.

Project access is taken from 19<sup>th</sup> Street via a new public street segment proposed within the existing roadway easement, and the new public street is identified as a future roadway in the Mandan Land Use and Transportation Plan. The internal project streets will be a Private Local Street type with public access and utility easement as required by the city.

1) Phasing

Clover Grove will be developed in two phases. Phase 1 will include overall site grading, infrastructure installation and construction of home lots located north of

**CLOVER GROVE**  
Planned Unit Development

the existing powerline corridor easement which bisects the site. Phase 2 will conclude with construction of all home lots located south of the powerline easement.

2) Platting

Clover Grove will be platted to ensure conformity with the PUD and to give the City and surrounding community that any changes in the future must follow the PUD amendment process.

**D. ZONING AND LAND USE COMPATIBILITY**

The Clover Grove property existing zoning is RM Residential District, a district which permits multi-family and higher density residential development. Properties adjacent to this property maintain varied residential zoning district designations, lot sizes and housing types. The following table provides details about existing zoning and land uses which are adjacent to Clover Grove.

Existing Surrounding Zoning and Land Use

<b>Direction</b>	<b>Mandan Future Land Use Plan Designation</b>	<b>Zoning</b>	<b>Land Use</b>
North	Low Density Residential	R7 – Residential Single Family	Vacant
East	Low Density Residential	R3.2 – Residential Single & Two Family	Single family and Duplex Residential.
South	Low Density Residential	Unincorporated – Morton County A- (Agricultural)	Rural Lot Residences
West	Low Density Residential	R7 – Residential Single Family	Vacant / Single Family Residential

**E. PUD DEVELOPMENT STANDARDS**

The following standards are herein established for Permitted Uses, Setback, Height and Area requirements for residential development within this PUD. Setback and area requirements differ between single-family detached lots and duplex lots and are defined in the Development Standards Table contained in this section.

1) Permitted Uses

The following uses are permitted in this PUD,

- a. Residential, Single Family Detached

- b. Residential, Duplex / Two-Family
- c. Residential, Model Home Complex and Sales Office
- d. Public Park, Recreation Amenities and Public Parking

2) Setback, Height and Area Requirements

The following PUD Development Standards table shall be applicable to residential development within the PUD.

<b>PUD Development Standards – Single Family Detached</b>	
Setbacks	
Front Yard	30 feet Min. to Living Space
Garage Door	25 feet Min. from Public Street
Side Yard	Interior 5 feet Min.; Street Side 10 feet Min.
Rear Yard	20 feet Min.
Lot Coverage	50% Max. (Primary Structure)
Lot Area	4,000 Square feet Min.
Building Height	Two – Stories Max.
Parking	Two Spaces per Lot (in-garage)

<b>PUD Development Standards – Two-Family Duplex</b>	
Setbacks	
Front Yard	30 feet Min. to Living Space
Garage Door	25 feet Min. from Public Street
Side Yard	Interior 5 feet Min.; 0’ shared property line; Street Side 10 feet Min.
Rear Yard	20 feet Min.
Lot Coverage	50% Max. (Primary Structure)
Lot Area	3,000 Square feet Min.
Building Height	Two – Stories Max.
Parking	Two Spaces per Lot (in-garage)

3) Signs

Any Signage proposed within the PUD area will conform with the Mandan Code of Ordinances, Section 105-1-15.

F. CITY OF MANDAN LAND USE & TRANSPORTATION PLAN CONFORMANCE

The City of Mandan Comprehensive Plan Future Land Use Map identifies a mix of “Low-Density Residential” and “Greenways” land uses for the Clover Grove property. The Greenways partial designation on the property is responding to the regional drainageway which traverses its eastern boundary. Management and incorporation of this drainageway, as well as other local drainage elements which bisect the property, have been considered in the proposed development planning.

The Goals and Policies contained within the Comprehensive Plan reflects the City desire to implement policy directions with an organized long-term guide to implement appropriate future land uses and growth. The following Goals and Policies have been selected from the Comprehensive Plan to illustrate the proposed PUD zoning request and associated residential development plan conformance with the Plan.

*Goal 1: Promote a well-planned community balancing land uses and expansion of services.*

*Policy 4. Identify, prioritize and protect sensitive natural features, such as the rivers, streams, wetlands, natural open space and local parks, as development proceeds.*

Applicant Response: Future property development will identify, prioritize and protect the natural drainageways which impact the site, and incorporate these elements into the new neighborhood.

*Goal 2: Provide a variety of housing types, densities and choices to meet the life cycle housing needs of residents.*

Applicant Response: As stated in the Plan, A variety of residential densities supports a range in housing styles for home ownership in attached and detached formats and increases opportunity for meeting life cycle and varied income housing needs. The intent of the Clover Grove PUD and subsequent development regulations is to permit a new, high quality entry-level housing neighborhood with attached and detached homes which are scaled for family living.

*Goal 4: Coordinate transportation with land use planning.*

*Goal 5: Provide safe and functional roadways that serve automobiles, trucks, transit, bicycles and pedestrians.*

Applicant Response: The proposed land use of this property and its required access to public roadway is a challenge which has been identified by City staff. Located along a Minor Collector roadway (19<sup>th</sup> Street), a unique transportation solution is proposed to provide a new segment of public local roadway connecting to 19<sup>th</sup> Street.

This will serve as the access point for the Clover Grove development and future Public Park, as well as provide a connecting link to existing and future development located to the south. This new roadway segment will be constructed to City of Mandan standards and be a benefit to pedestrian and bicycle traffic in the surrounding vicinity.

*Goal 8: Continue to work with Mandan Parks & Recreation to provide for the park, recreation, trail, and open space needs of the Mandan community.*

Applicant Response: As identified in the Comprehensive Plan, there is a continuing need for Parks and public green spaces as the city continues to grow. Through ongoing discussions with the Mandan Park District, this proposed PUD development plan includes a public park space located directly along 19<sup>th</sup> Street and its existing multi-use trail.

## G. DESIGN GUIDELINES

### 1) Architectural Design

Homes in Clover Grove are designed with contemporary forms in mind with application of traditional materials. Homes will be provided with multiple elevations and structural options to allow flexibility in functionality and affordability. An Architectural design package has been submitted to the Architectural Review Committee for evaluation of home designs, massing and architectural features.

### 2) Landscaping

Each lot or parcel of land shall be landscaped within one year of issuance of a certificate of occupancy or within two years of issuance of a building permit if a certificate of occupancy has not been issued according to Section 105-1-14. Trees, shrubs, perennials, and related landscape amenities may be added at the discretion of the developer to contribute to the overall curb appeal of the development.

### 3) Lighting (Internal Downward Nocturnal Illumination)

Internal downward nocturnal illumination shall be provided and installed to provide safety and security on the new segment of public local street which connects to 19<sup>th</sup> Street SE. There is no existing streetlighting system along 19<sup>th</sup> Street. Funding to install and procure the lights may be provided by a Special Assessment District per City of Mandan Ordinance.

### 4) Fences / Walls

Fencing or walls for privacy purposes are optional and may be included at the discretion of the Developer.

5) Open Space / Parks

As described in the preceding Sections, a Public Park space has been incorporated into the development plan. Discussion with the Mandan Park District has indicated that this is an ideal location along 19<sup>th</sup> Street in a growing part of the city which is presently underserved by improved park space. Recreational sport courts, gathering space, play areas and open turf elements are all planned to be incorporated in the final park design in accordance with the recommendations of Park District representative. Open space common areas within the residential subdivision will be landscaped and maintained by the future Homeowners association.

H. INFRASTRUCTURE STATEMENT

The infrastructure for the proposed Clover Grove Addition will be connected to the existing water and sewer system along the 19th Street corridor. Each unit within the Addition will have a separate utility connection for the water and sewer services.

The main roadway connection into the Addition will be a public dedicated roadway with all interior streets being private and maintained by the Homeowner's Association.

A Storm Water Development Plan will be developed for the proposed subdivision in accordance with the City of Mandan requirements.

Utility companies will provide all utilities including power, gas, cable, and telephone for each proposed unit. The existing utilities are currently in the area. The existing overhead powerline and easement which bisect the site will remain. Coordination with the power company to relocate and adjust the existing power poles will occur with this site development project.

I. HOMEOWNERS ASSOCIATION

A Homeowners Association (HOA) will be formed for the purpose of maintaining common areas, landscaping, snow removal, and future infrastructure maintenance and repair. The HOA Board of Directors shall be solely responsible for hiring professional companies to perform all required maintenance and other HOA responsible items. A capital improvement fund shall be created and funded by Homeowners to provide future reserves for all capital improvements needed by the HOA for repairs and maintenance, and for other community enhancements, maintenance, and/or repairs that should arise.

APPENDICES

Appendix A: Owner Title Policy

**ALTA 6-17-06- OWNER'S POLICY - MODIFIED**  
**(No Arbitration)**

ISSUED BY

**WESTCOR LAND TITLE INSURANCE COMPANY**

**Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.**

**COVERED RISKS**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, WESTCOR LAND TITLE INSURANCE COMPANY, a South Carolina corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
  - (a) A defect in the Title caused by
    - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
    - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
    - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
    - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
    - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
    - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
    - (vii) a defective judicial or administrative proceeding.
  - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
  - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to

**COVERED RISKS Continued on next page**

IN WITNESS WHEREOF, WESTCOR LAND TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of the Date of Policy shown in Schedule A,

Issued By: ND1000 \* 2021-Bis-22756  
Quality Title, Inc.

2211 E Main Ave. Suite 1  
Bismarck, ND 58501



WESTCOR LAND TITLE INSURANCE COMPANY



By: Mary O'Dann M  
President

Attest: [Signature]  
Secretary

**WESTCOR LAND TITLE INSURANCE COMPANY  
ALTA 6-17-06 OWNER'S POLICY**

**SCHEDULE A**

Name and Address of Title Insurance Company:

Westcor Land Title Insurance Company  
875 Concourse Parkway South, Suite 200  
Maitland, FL 32751

State: North Dakota

County: Morton

Address Reference: Land, Mandan, ND 58554

FILE NO.:	POLICY NO.:	DATE OF POLICY & EFFECTIVE TIME:	AMOUNT OF INSURANCE:	PREMIUM AMOUNT:
2021-Bis-22756	OP-19-ND1000-12779832	October 1, 2021 at 10:07 AM	\$174,000.00	\$331.50

Simultaneous No: LP-31-ND1000-12779833

Reinsurance No:

1. Name of Insured:  
Gilberto Casas-Garcia and Mariel Lopez-Valentin
2. The estate or interest in the Land that is insured by this policy is:  
fee simple
3. Title is vested in:  
Gilberto Casas-Garcia and Mariel Lopez-Valentin
4. The Land referred to in this policy is described as follows:  
Land, in the City of Mandan, County of Morton, and State of North Dakota  
and is described as set forth in Exhibit A attached hereto and made part hereof.

Issued By:



Authorized Signatory  
Shalique Boehm, License #: 17620397  
Quality Title Inc

Note: This policy is of no force and effect unless Schedule A and Schedule B are attached together with any added pages incorporated by reference.

**WESTCOR LAND TITLE INSURANCE COMPANY  
ALTA 6-17-06 OWNER'S POLICY**

**SCHEDULE B**

**File No.: 2021-Bis-22756**

**Policy No.: OP-19-ND1000-12779832**

**Agent No.: ND1000**

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I — Requirements are met.
2. Rights or claims of parties in possession not shown by the Public Records.
3. Easements, or claims of easements, not shown by the Public Records.
4. Discrepancies, conflicts in boundary lines, encroachments, overlaps, variations or shortage in area or content, party walls and any other matters that would be disclosed by a correct survey and/or physical inspection of the land.
5. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown in the Public Records.
6. Any water or well rights, or rights or title to water or claims thereof, in, on or under the land.
7. Unpatented mining claims; reservations or exceptions in patents or in the Acts authorizing the issuance of said patents.
8. All taxes, assessments, levies and charges which constitute liens or are due or payable including unredeemed tax sales.
9. Taxes for the year 2021, not yet due, payable or delinquent; and Subsequent years.

Special Assessments levied against the property by the city and/or county.

Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

Unpatented mining claims, reservations or exceptions in patents or acts authorizing the issuance thereof, water rights, claims or title to water, and all rights and claims to any of the oil, gas, coal or any and all minerals of any nature.

Note: Final policy will not purport to show present owners of coal, oil, gas and other minerals, and the leases thereof, and no insurance is provided as to ownership of the mineral rights of any kind or nature.

Road Easement to City of Mandan as contained in instrument dated July 26, 1983, filed October 12, 1983 at 10:08 AM, recorded as Doc. No. 283326, for a public road, more fully described in said instrument.

Terms and Conditions as contained in Access Easement by and between Charles R. Bahm and Paula L. Bahm by Warranty Deed dated October 31, 1992, filed November 17, 1992 at 11:00 AM, recorded as Doc. No. 322112; And as contained in instrument filed July 26, 2002 at 10:40 AM, recorded as Doc. No. 374109.

Note: This policy is of no force and effect unless Schedule A and Schedule B are attached together with any added pages incorporated by reference.

## ALTA 6-17-06 OWNER'S POLICY

Easement to US West Communications, Inc. as contained in instrument dated November 19, 1993, filed December 17, 1993 at 10:32 AM, recorded as Doc. No. 328356, for a telecommunications facilities (Blanket Easement and exact location cannot be determined).

Easement to Mor-Gran-Sou Electric Cooperative, a cooperative corporation, Flasher, ND, as contained in instrument dated August 26, 1993 filed May 16, 1995 at 3:40 PM recorded as Doc. No. 335077 for an electric transmission and/or distribution line or system (Blanket Easement and exact location cannot be determined).

Right of Way Easement to Morton County Water Resource District, a public corporation doing business as the Missouri West Water System as contained in instrument dated February 10, 1997, filed February 28, 1997 at 1:16 PM, recorded as Doc. No. 343546, for a rural water system.

10. A Mortgage from Mariel Lopez-Valentin and Gilberto Casas-Garcia, wife and husband to Capital Credit Union dated September 29, 2021 in the original principal amount of \$147,900.00 and recorded on October 1, 2021 at 10:07 AM in Document No. 506151 in the official records of the Morton County Recording Office.

**WESTCOR LAND TITLE INSURANCE COMPANY  
ALTA 6-17-06 OWNER'S POLICY**

**EXHIBIT A**

**File No.: 2021-Bis-22756**

**Policy No.: OP-19-ND1000-12779832**

**Agent No.: ND1000**

Government Lot Two (2) otherwise known as the Northwest Quarter of the Northeast Quarter (NW/4NE/4) of Section Three (3), Township One Hundred Thirty-eight (138) North, Range Eighty-one (81) West of the Fifth Principal Meridian, Morton County, North Dakota LESS Lot A of Government Lot 2 of Section 3, Township 138 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota, being more particularly described on Plat of Irregular Description recorded as Doc. No. 445949. AND LESS the lands platted as Macedonia Hills First Addition to the City of Mandan, per the Plat recorded as Doc. No. 450921.

- (a) the occupancy, use, or enjoyment of the Land;
- (b) the character, dimensions, or location of any improvement erected on the Land;
- (c) the subdivision of land; or
- (d) environmental protection

if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

- 6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
- 7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
- 8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
- 9. Title being vested other than as stated in Schedule A or being defective
  - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
  - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
    - (i) to be timely, or
    - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
- 10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

- 1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- 2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- 3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- 4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
- 5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

## CONDITIONS AND STIPULATIONS

### 1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
  - (i) The term "Insured" also includes
    - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
    - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
    - (C) successors to an Insured by its conversion to another kind of Entity;
    - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
      - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
      - (2) if the grantee wholly owns the named Insured,
      - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
      - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
  - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and

without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

### 2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

### 3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

### 4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

### 5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to

## CONDITIONS AND STIPULATIONS - CONTINUED

establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

### 6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

### 7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this

policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

- (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
- (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

### 8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
- (i) the Amount of Insurance; or
- (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
- (i) the Amount of Insurance shall be increased by 10%, and
- (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

### 9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable

Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

#### **10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY**

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

#### **11. LIABILITY NONCUMULATIVE**

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

#### **12. PAYMENT OF LOSS**

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

#### **13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT**

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance,

or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

#### **14. INTENTIONALLY OMITTED**

#### **15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT**

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

#### **16. SEVERABILITY**

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

#### **17. CHOICE OF LAW; FORUM**

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

#### **18. NOTICES, WHERE SENT**

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at: Westcor Land Title Insurance Company, Attn.: Claims, 875 Concourse Parkway South, Suite 200, Maitland, FL 32751.

**ALTA OWNER'S POLICY  
(6-17-06)  
MODIFIED  
(No Arbitration)**

**WESTCOR  
LAND TITLE  
INSURANCE COMPANY**

**OWNER'S POLICY  
OF  
TITLE INSURANCE**

**HOME OFFICE**  
875 Concourse Parkway South, Suite 200  
Maitland, FL 32751  
Telephone: (407) 629-5842

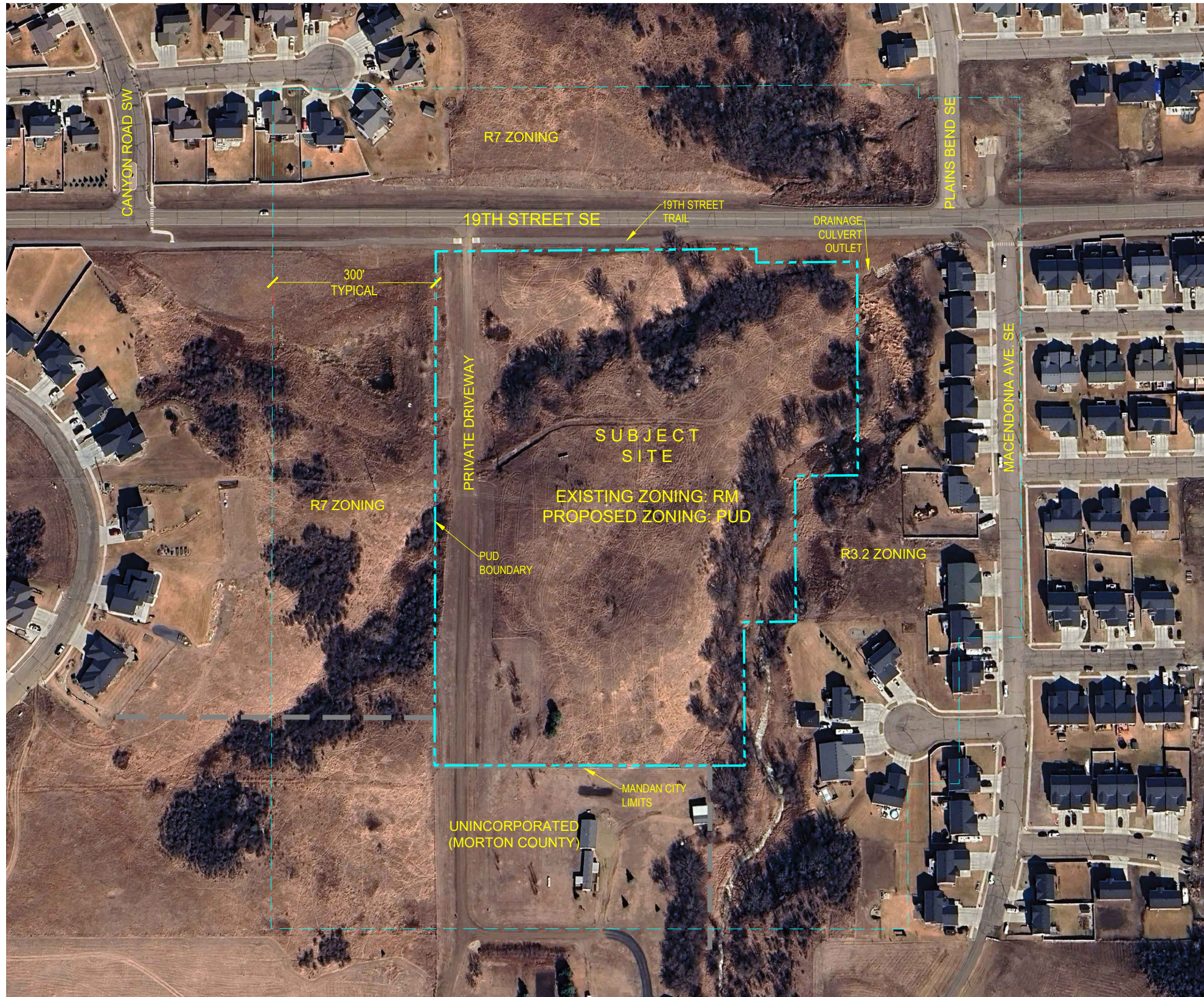
Appendix B:

PROPERTY LEGAL DESCRIPTION – CLOVER GROVE ADDITION PUD

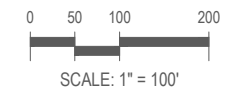
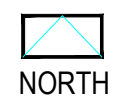
A TRACT OF LAND BEING A PART OF GOVERNMENT LOT 2 OF SECTION 3, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2 OF SECTION 3, T138N-R81W; THENCE SOUTH 00°08'57" WEST ALONG THE WEST BOUNDARY LINE OF SAID GOVERNMENT LOT 2 FOR 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 19TH STREET SE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; THENCE NORTH 89°33'41" EAST FOR 589.17 FEET; THENCE SOUTH 00°26'21" EAST FOR 25.00 FEET; THENCE NORTH 89°33'39" EAST FOR 185.27 FEET TO THE NORTHWEST CORNER OF MACEDONIA HILLS 1ST ADDITION OF THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA; THENCE ALONG THE WEST BOUNDARY LINE OF SAID MACEDONIA HILLS 1ST ADDITION THE FOLLOWING FIVE (5) COURSES; THENCE SOUTH 00°10'21" EAST FOR 392.58 FEET; THENCE SOUTH 89°36'59" WEST FOR 114.88 FEET; THENCE SOUTH 00°10'41" EAST FOR 267.89 FEET; THENCE SOUTH 89°33'09" WEST FOR 95.14 FEET; THENCE SOUTH 00°12'37" EAST FOR 264.07 FEET TO THE NORTHEAST CORNER OF OUTLOT "A" OF SAID GOVERNMENT LOT 2; THENCE NORTH 89°57'15" WEST ALONG THE NORTH BOUNDARY LINE OF SAID OUTLOT "A" FOR 570.05 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT "A", SAID POINT BEING ON THE WEST BOUNDARY LINE OF SAID GOVERNMENT LOT 2; THENCE NORTH 00°08'57" EAST ALONG SAID WEST BOUNDARY LINE FOR 944.67 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 14.82 ACRES, MORE OR LESS.

Appendix C: (Reserved) PUD Conditions of Approval



AREA CONTEXT PLAN



PREPARED BY  
**EVOLUTION**  
 PLANNING  
 & DESIGN  
 480.450.7471  
 evteamplanning@gmail.com

PREPARED FOR  
**MEIER**  
 COMPANIES  
 6115 S. KYRENE  
 SUITE 101  
 TEMPE, ARIZONA

LOCATION  
**CLOVER GROVE - 151 19TH STREET SE**  
 MANDAN, NORTH DAKOTA

PIN 65-5513550

SCALE  
 1" = 100'

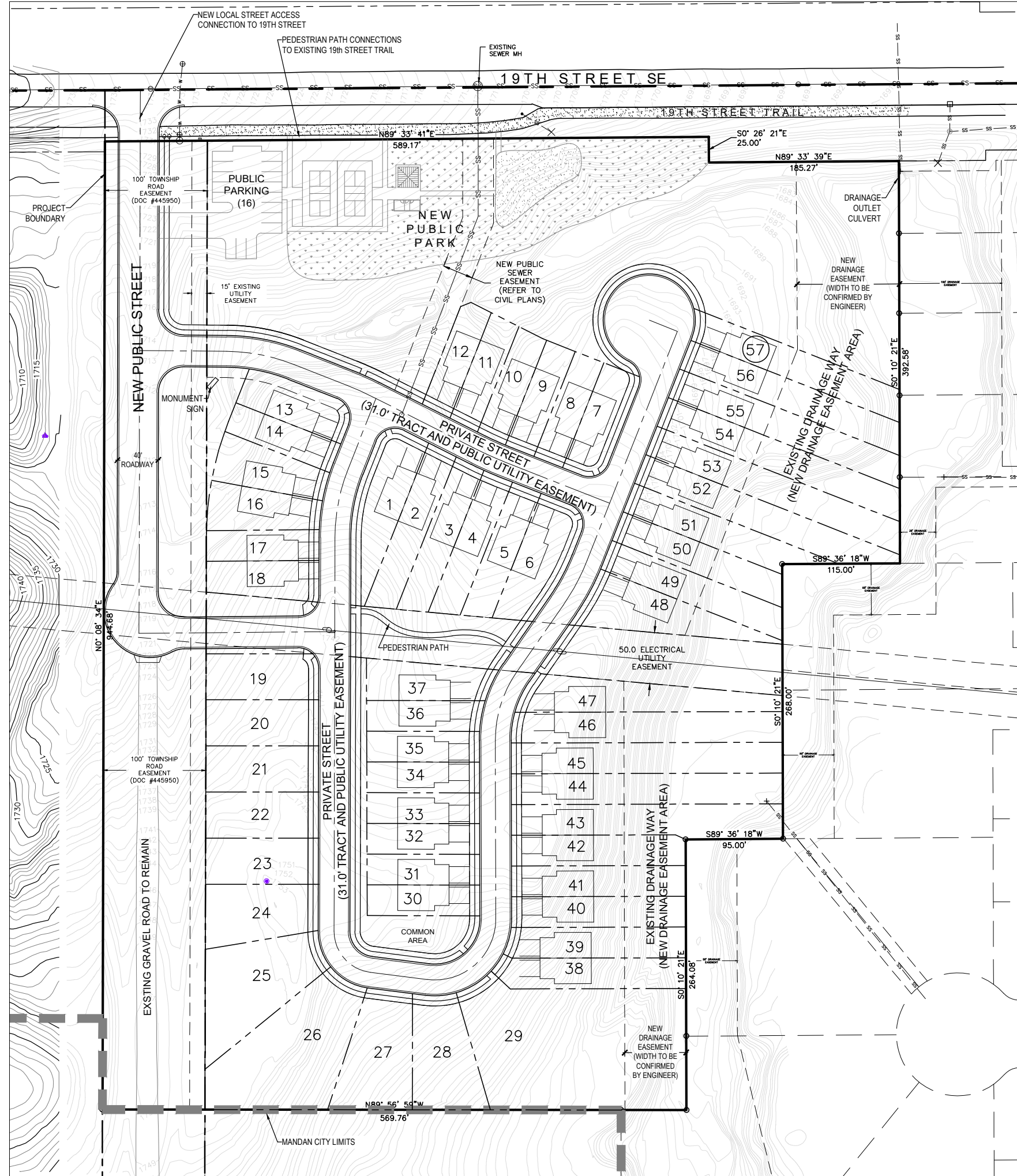
DATE  
 04/25/25

REVISION

TITLE  
 AREA CONTEXT  
 MAP

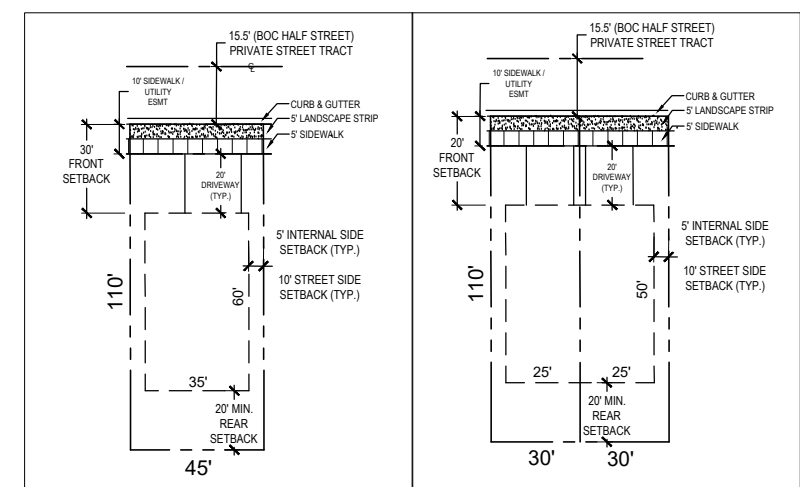
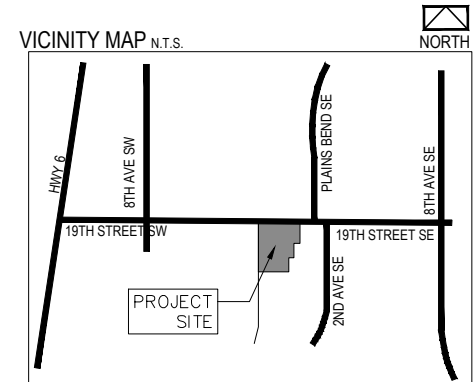
SHEET

SP.02



# PLANNED UNIT DEVELOPMENT SITE PLAN

LEGAL DESCRIPTION  
 MACEDONIA HILLS GOVERNMENT LOT 2, LESS OUTLOT A IN THE NW 1/4 OF THE NE 1/4 OF SECTION 3, TOWNSHIP 138N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



PLAN DATA

TOTAL AREA:	14.82 AC
EXISTING ZONING:	RM
PROPOSED ZONING:	PUD
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	DETACHED HOME AND DUPLEX RESIDENTIAL SUBDIVISION
TOTAL LOTS PROPOSED:	57
DENSITY:	3.84 DU/AC
DETACHED LOT SIZE:	45' X 110' MIN.
DUPLEX LOT SIZE:	30' X 110' MIN.
BUILDING HEIGHT:	TWO-STORY MAX.

## DEVELOPMENT SITE PLAN



PREPARED BY  
**EVOLUTION**  
 PLANNING  
 & DESIGN  
 480.450.7471  
 evteamp@planning@gmail.com

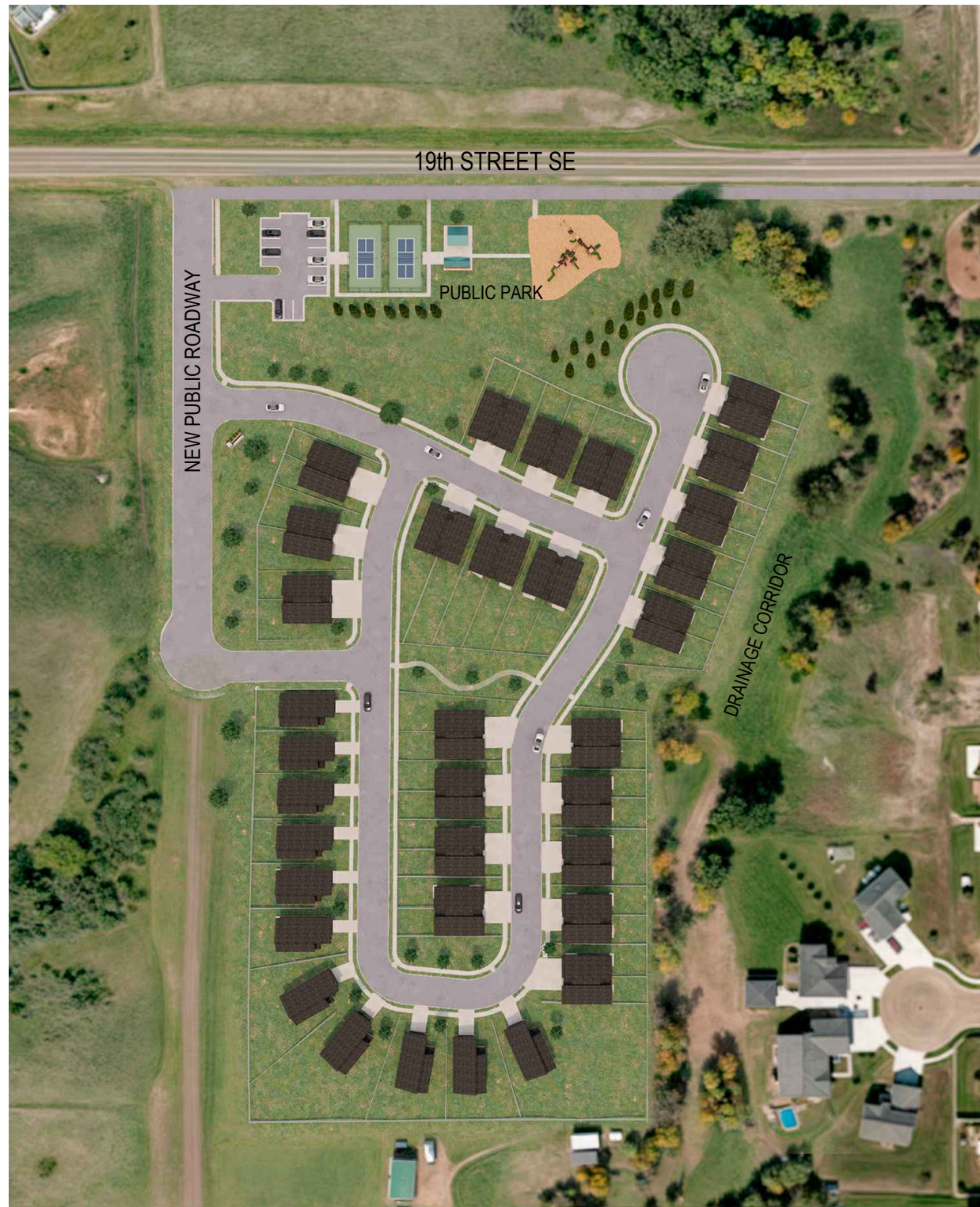
PREPARED FOR  
**MEIER**  
 COMPANIES  
 6115 S. KYRENE  
 SUITE 101  
 TEMPE, ARIZONA

LOCATION  
**CLOVER GROVE - 151 19TH STREET SE**  
 MANDAN, NORTH DAKOTA

PIN 65-5513550

SCALE	AS NOTED
DATE	04/25/25
REVISION	
TITLE	DEVELOPMENT SITE PLAN
SHEET	

SP.01



SITE PLAN RENDERING   
NORTH



CHARACTER RENDERINGS

# *CLOVER GROVE*

PLANNED UNIT DEVELOPMENT

DATE 04/25/25



DUPLEX TWO-FAMILY



DETACHED SINGLE-FAMILY

ARCHITECTURAL RENDERINGS

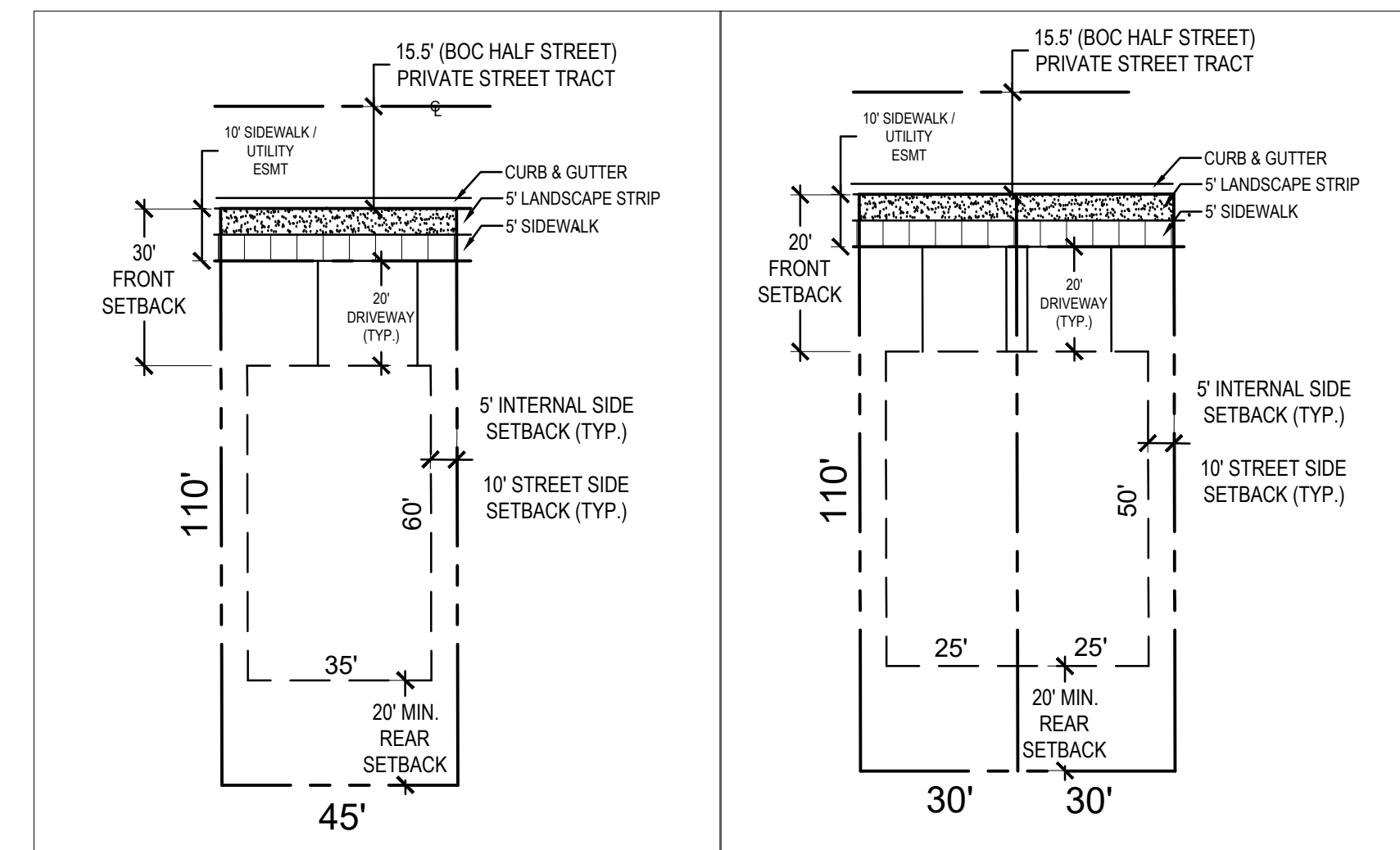
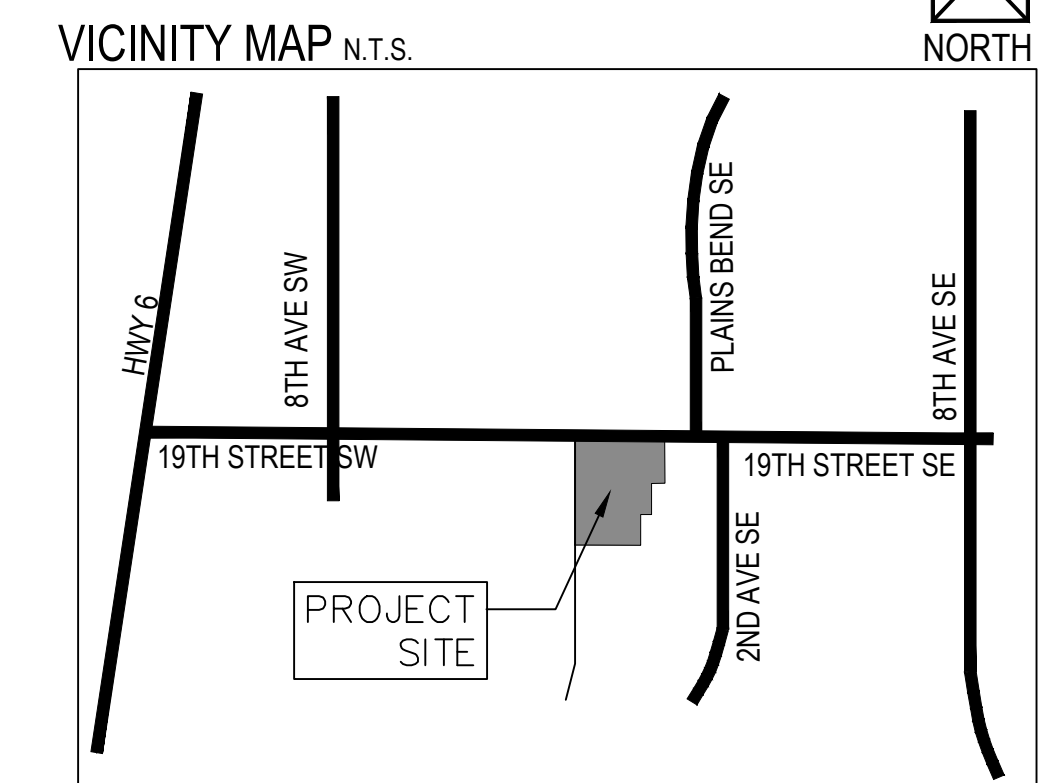
***CLOVER GROVE***

PLANNED UNIT DEVELOPMENT

DATE 04/25/25

# PLANNED UNIT DEVELOPMENT SITE PLAN

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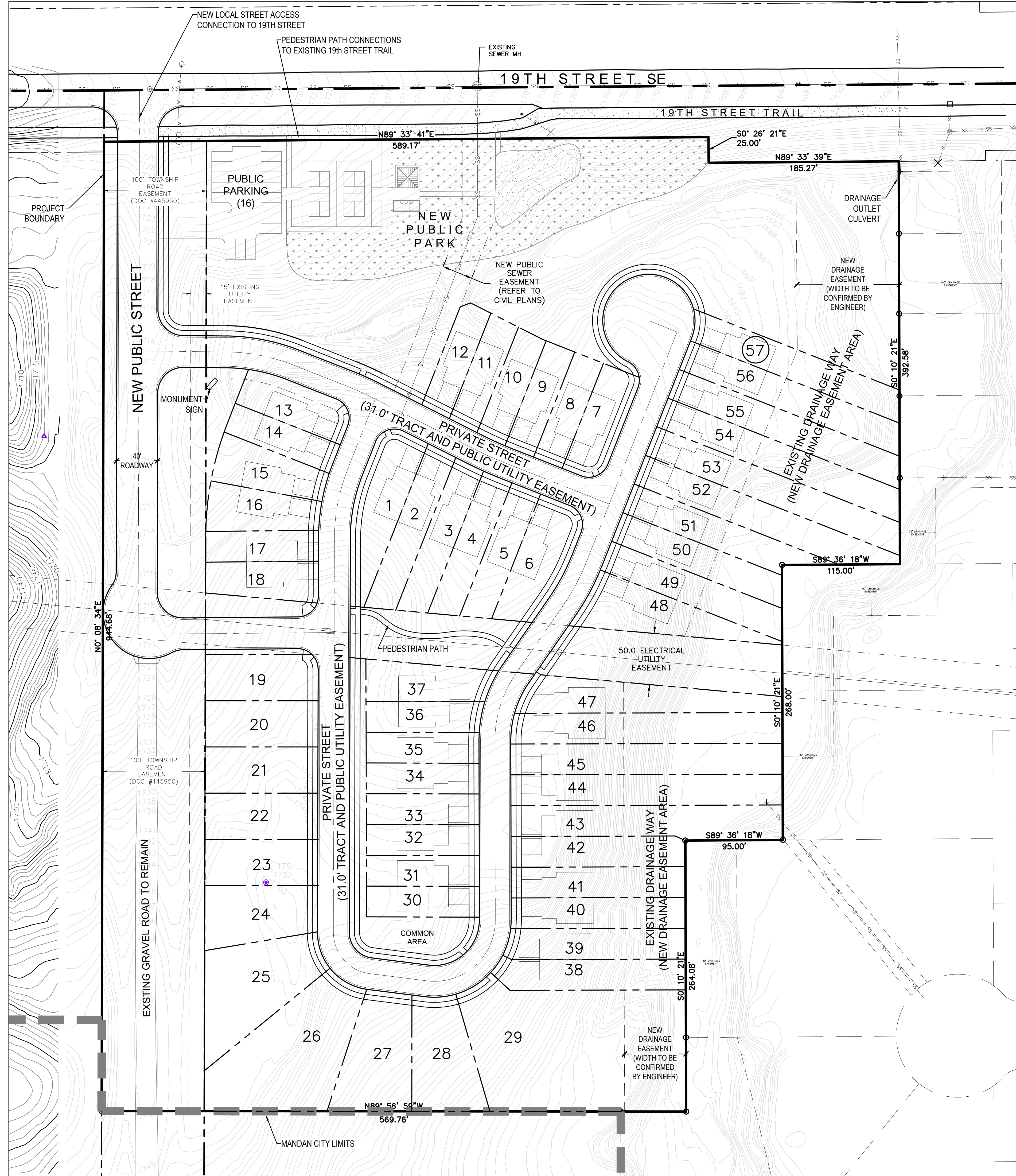
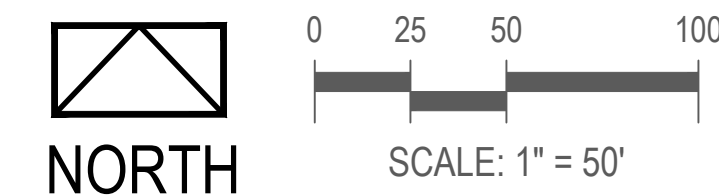
45' X 110' DETACHED  
TYPICAL MIN. LOT DETAIL  
SCALE: 1" = 30'

30' X 110' DUPLEX  
TYPICAL MIN. LOT DETAIL  
SCALE: 1" = 30'

### PLAN DATA

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SCALE	AS NOTED
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TITLE	DEVELOPMENT SITE PLAN
SHEET	

SP.01



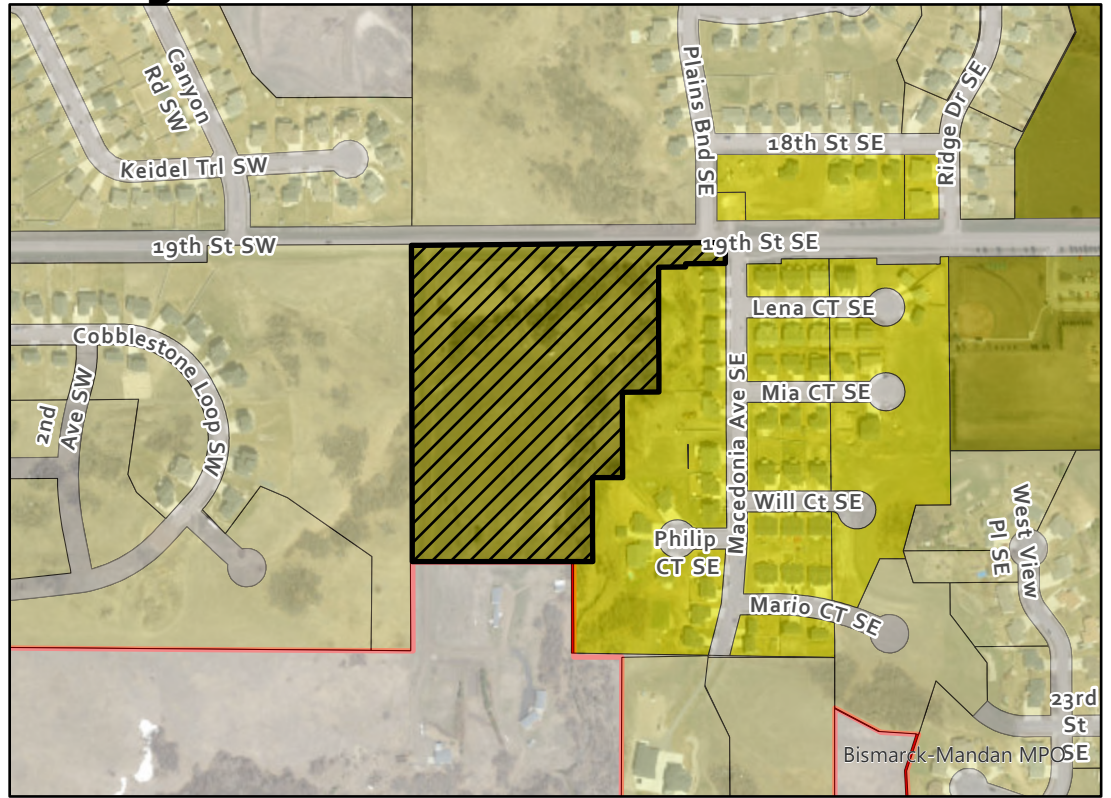
# Zoning and Future Land Use Reference Map

Clover Grove

## Zoning

### Zoning Map Key

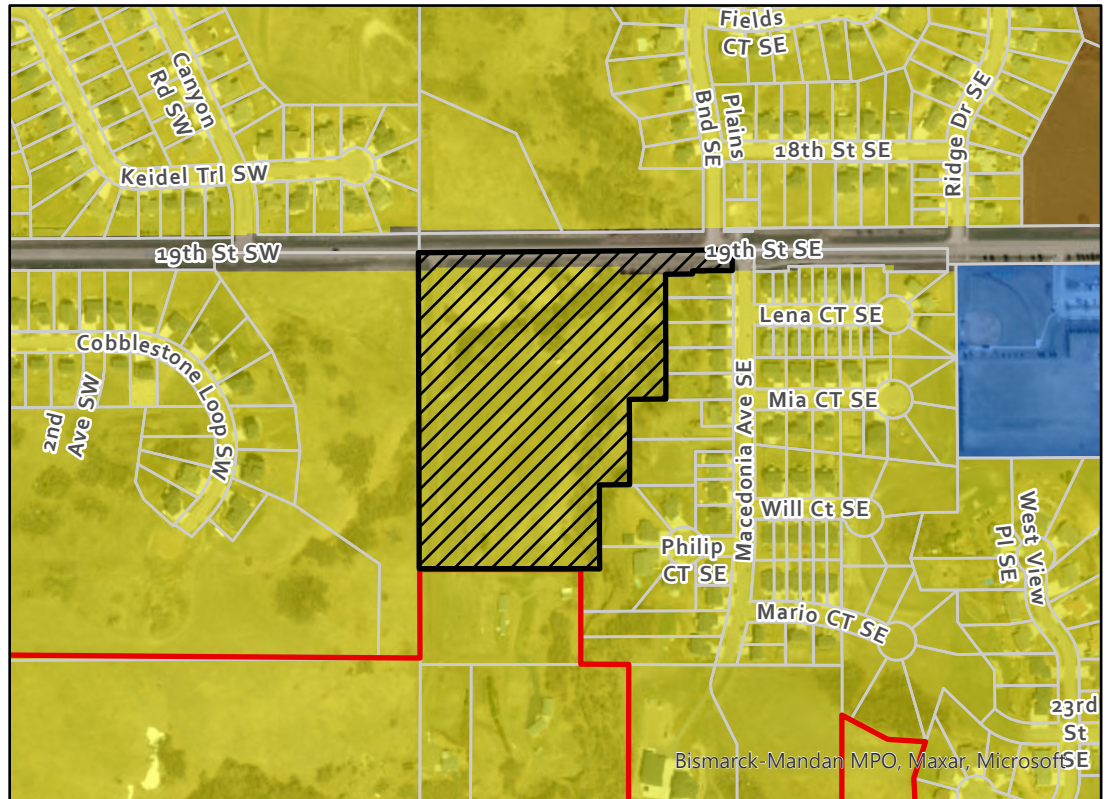
- Agriculture - City of Mandan
- Agriculture - Morton County
- CA - Neighborhood Commercial
- CB - Business Commercial
- CC - Commercial/Light Industrial Transition
- DC - Downtown Core
- DF - Downtown Fringe
- Industrial - Morton County
- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light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



### 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
- May '25 Planning Activities

## Future Land Use Plan



N

