



**AGENDA**  
**PLANNING & ZONING COMMISSION**  
**FEBRUARY 26, 2024**  
**COMMISSION ROOM**  
**MANDAN CITY HALL**  
**5:30 PM**  
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Webinar ID: 889 4121 9427

The City of Mandan is encouraging citizens to provide their comments for agenda items via email to [andrew.stromme@cityofmandan.com](mailto:andrew.stromme@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. Consider approval of January 22, 2024 minutes.

**C. PUBLIC HEARINGS**

1. **Consider Setback Variance Request for Kia of Mandan (Lot 1 Block 1 Midway 13th Addition)**

*Staff Recommendation: Staff recommends approval of the request.*

2. **Consider Final Plat for Cat Creek Addition.**

*Staff Recommendation: Staff recommends approval of the final plat for Cat Creek Addition.*

3. **Consider Preliminary Plat and Zone Change Request for Shores At Lakewood 2nd Addition.**

*Staff Recommendation: Staff recommends postponing this item until a future meeting of the planning commission subject to noticing requirements.*

**D. OTHER BUSINESS**

**E. ADJOURN**

## MANDAN PLANNING AND ZONING COMMISSION

### MANDAN CITY HALL

Monday, January 22, 2024

The Planning and Zoning Commission of Mandan met in session in the Commission Meeting Room of the Mandan City Hall on Monday, January 22, 2024, at 5:30 p.m. CST. Planning & Zoning Commission members may be attending this meeting remotely.

### **ROLL CALL**

Chair Robinson called the meeting to order.

Commissioners Present: Huber, Helbling, Horn, Liepitz, McLean, Smith, Hammond, Gardner, Robinson. Commissioners Absent: Leingang, Mehlhoff, Buchmiller. Chair Robinson welcomed Tanner Intveld as a new at-large member.

### **MINUTES**

*Commissioner Smith motioned to approve the December 27, 2023 minutes as presented. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.*

### **PUBLIC HEARINGS**

***1. A request from EB10 INC for a preliminary plat to be named Rockwood Second Addition. The request includes a zone change from AG (Agricultural) to R3.2 (Residential). Said property is Lot 3, Block 2, Rockwood First Addition in Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota. The property is located on Beretta Street N.***

#### **A. Staff Report**

City Principal Planner Stromme presented.

EB10 Inc (Eric Belanger) requested consideration of a preliminary plat and zone change for a subdivision to be titled Rockwood Second Addition. The subject property is Lot 3, Block 2, Rockwood First Addition in Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota, located northeast of Mandan Middle School, east of 12th Avenue NW on the south side of Beretta Street NW having received initial approval in 2022 during its initial phase.

#### **Overview of Request**

This requested zone change and preliminary plat would permit the construction of six (6) single-family homes and one (1) twin-family home for eight (8) total units on a private drive connecting to Beretta Street NW in the Rockwood development.

#### **Preliminary Plat**

The preliminary plat is 5.56 acres in size and consists of nine (9) lots in one (1) block. Eight (8) lots are shown for immediate residential development with Lot 9, Block 1 being reserved

for future development and likely being subject to future subdividing. Notable plat details include the common access easement, utility easements, and the Marathon Oil easement which is carried over from the original Rockwood Addition plat.

### **Requested Zone Change**

The proposed zone change from A – Agriculture to R3.2 – Residential aligns with the City’s Future Land Use Plan projections for 5 to 8 dwelling units per acre in the “near north” development area. The proposed plat would yield 5.6 dwelling units per acre in the portion to be developed.

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

Adjacent properties to the north are zoned R3.2 – Residential and are being developed as single and twin-family homes. To the east, properties are R3.2 – Residential and developing as single-family homes. To the south there is RM – Residential multifamily and to the west a mix of RM – Residential multifamily and R3.2 – Residential undeveloped lots. The future land use plan designates this area to be medium-density residential.

### **Findings of Fact**

#### **Preliminary Plat**

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;
4. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the proposed subdivision at the time of development;
5. The proposed subdivision is not located in the Special Flood Hazard Area, and therefore the proposed development should not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development;
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, other plans and studies, policies and accepted planning practice;
8. 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 consistent with the Future Land Use Plan, other adopted plans and policies and accepted planning practice;
4. The proposed zoning change is compatible with adjacent zoning;
5. The proposed zoning change would not adversely affect public health, safety and general welfare.

### **Agency & Other Department Comments**

- Morton County Emergency Management has been provided potential names for the proposed private street (Cherry Lane). The Final Plat will be required to show a street name, and the developer will be required to install one that meets city specifications.
- The proposed development will be served by a privately maintained driveway and private utilities.

### **Engineering & Planning Staff Comments**

- The proposed development will be subject to a Development Agreement detailing the ongoing maintenance responsibilities of the development such as common infrastructure and fire lanes. Per fire code the entire common driveway would need to be clear to maintain fire code development and signage as well as the private utilities that are in the development.
- The plat will be required to show access easements for City Public Works to access curb stops.
- The proposed development has been accounted for within development plans and infrastructure built for Rockwood.

Planner Stromme stated that staff recommended approval of the preliminary plat and the zone change from A – Agriculture to R3.2 – Residential for Rockwood Second Addition.

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

### **B. 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 from EB10 INC for a preliminary plat to be named Rockwood Second Addition. The request includes a zone change from A - Agricultural) to R3.2 - Residential for Rockwood Second Addition. A second invitation was given to come forward at this time to speak for or against this request.

### **C. Close Public Hearing**

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

### **D. Commission Action**

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

*Commissioner Huber motioned to approve the preliminary plat to be named Rockwood Second Addition and zone change from A - Agricultural to R3.2 Residential for Rockwood Second Addition. Commissioner Smith seconded. Upon vote, the motion passed unanimously.*

**2. A request from Monte & Lynette Gawryluk for consideration of a Special Use Permit for multi-use shops. Said property is Bridgeview Bay Addition, Lot 1, Block 1 in Section 6,**

***Township 138N, Range 80W in City of Mandan, Morton County, North Dakota. The property is addressed 2600 Marina Road SE.***

## **A. Staff Report**

City Principal Planner Stromme presented.

Monte & Lynette Gawryluk requested consideration of a special use permit for Missouri Point Shop Condos, a proposed multi-use shop development in southeast Mandan's Bridgeview Bay area. The property is Lot 1, Block 1, Bridgeview Bay Addition Section 6, Township 138N, Range 80W, City of Mandan, Morton County, North Dakota, and is located along the Missouri River at the eastern terminus of McKenzie Drive SE.

### **Overview of Request**

This request would permit the construction of 25 multi-use shop or "shop condos" on the property for a mix of owner-occupied commercial and personal use.

### **Property History**

The property has not been developed in the past and the surrounding properties were developed in the late 1970s to the 1980s. The most recent re-platting occurred in 2004, and it has been in the CB – Commercial district zoning since 2000 (Ord. 909).

### **Special Use Permit**

Mandan has required special use permits for multi-use shop development since 2019. The purpose of these permits is to evaluate potential impacts arising from proposed developments, taking into account factors such as traffic, usage patterns, architectural form, adherence to plans and studies, and other relevant considerations. The applicant has submitted an overview of the intended development along with responses to standard questions related to special use permits in Exhibit 2. A detailed breakdown of the review process for this development is provided in Exhibit 6. The development would include a central drive lane flanked by two east-to-west-oriented buildings and one situated at the terminus, on the east end of the lot oriented along the Missouri River bank. The condominium units, measuring approximately 50 ft. x 25 ft. would reach a height of approximately 25 ft.

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

Adjacent properties to the north are zoned RM – Residential and CB – Commercial and consist of a marina and restaurant. To the west the property is a CB – Commercial zoned marine sales dealership and to the southwest an RM – Residential zoned multifamily residential development. To the south, there are single-family homes zoned R7 – Residential. The property is immediately on the west bank of the Missouri River. The City's Future Land Use Plan recommends commercial development on this property.

### **Agency & Other Department Comments**

- City Building Inspections and Fire Departments are in contact with the applicants regarding fire code requirements.
- Development on this property is subject to Mandan Architecture Review Commission review and approval.

## **Engineering & Planning Staff Comments**

- The form and intended use of this project conflict with the goals identified City's Future Land Use Plan. It is not likely that a project of this character is supported by the plan on this property, however consideration will be given to alternative proposals in the future.
- The property is located within Mandan's Gateway Overlay District, which is designated for high-visibility or high-traffic areas in the community. This classification triggers specific site design criteria, including landscaping, buffering/screening, and restrictions on building materials. A plan demonstrating compliance with Gateway Ordinance Requirements has not been submitted for review.
- The parking plan for the proposed development is to designate the area in front of the shop units for the unit's parking and to possibly consider spaces within the units themselves, too. Staff does not support this plan and suggests that additional off-street parking, arranged in a more conventional parking lot configuration, as a more effective solution.
- The proposed development may be impacted by Corps of Engineers easements along the Missouri River. This potential influence could affect how closely buildings can be positioned to the rear/river side of the property, and confirmation of this aspect should be provided.
- Staff met with the applicant's representatives and decided to postpone the approval process. The recommendations by staff reflect this meeting.

## **Engineering & Planning Recommendation**

Planner Stromme stated that based on the comments provided above and as outlined in Exhibit 5, staff recommended postponing consideration of this request to a future meeting of the Planning and Zoning Commission, subject to applicable noticing requirements.

If the Board does not feel that there is a form that multi-use shops can take on this property, this request should be denied.

Planner Stromme explained that if this project were to move forward, the Building and Inspections and Fire Departments have requested reviewing the project further regarding fire code and issues of that nature relative to the permitted uses. Any development would require the MARC's review and recommendation for approval. It is staff's opinion that this property is not designed for multi-use shops in alliance with the city's land use plan. There are certain criteria for land uses to meet the community's needs, adequate services and access. See Exhibit 6. Further, if the Board determines a potential for the items needing to be addressed for this project the Planning Department would recommend this item be postponed for future consideration. If the Board does not see alignment with the city's land use plan and does not see potential for this project to move forward, the request should be denied.

## **B. 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 from Monte & Lynette Gawryluk for consideration of a Special Use Permit for multi-use shops. A second invitation was given to come forward at this time to speak for or against this request.

### **C. Close Public Hearing**

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

### **D. Commission Action**

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

Planner Stromme reported there were issues with the recording of his presentation, and he stated he was not sure how much of the presentation was heard by the applicant. He stated that the applicant and his representative are currently present via on-line, however, he believes they did not hear any of the presentation due to technical difficulties.

Chair Robinson stated that based on the recommendation by Planner Stromme and that the applicant did not hear the presentation given due to technical problems, he recommended postponing this matter.

Commissioner Huber extended a thank you to the Gawryluk's for their interest in setting up their business in Mandan and said it was unfortunate they were not able to hear the presentation via Zoom. She concurred that additional information about putting multi-use condo shops on this property is necessary before making any decision at this time. She stated that the chosen location is not optimal for a business of this nature and she would support denying the request.

Commissioner Smith stated that he would agree that having this business located off of Expressway Road is not the best location. He said he was surprised that this matter has been sitting inactive for a long time. He inquired if there were any problems with the land explaining why it has not been developed? Planner Stromme stated that he is not aware of any conditions or problems with the property that would warrant it being treated any differently than other properties within the community. The applicant acquired the property in December 2023. Commissioner Helbling stated that without the applicant participating in the meeting, he did not think it would be a fair process noting that it is not the applicant's problem that the audio portion on their end (Zoom) did not work properly. He recommended postponing this matter until the applicant is present or can hear the presentation if he chooses to participate via on-line.

Chair Robinson concurred with the comments. The fact that the applicants are attempting to participate via Zoom, and due to technical difficulties prohibiting them from doing so, he recommended this item be postponed until a later time.

*Commissioner Smith motioned to postpone the request from Monte & Lynette Gawryluk for consideration of a Special Use Permit for multi-use shops subject to applicable noticing requirements. Commissioner Buchmiller seconded. Upon vote, the motion passed unanimously.*

### **OTHER BUSINESS**



## **ADJOURNMENT**

*There being no further business to discuss or come before the Board, Commissioner Gardner motioned to adjourn the meeting. Commissioner Hammond seconded the motion. Upon vote, the motion passed unanimously.*

*The meeting adjourned at 6:00 p.m.*



## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** February 26, 2024  
**PREPARATION DATE:** February 15, 2024  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Andrew Stromme  
**PRESENTER:** Andrew Stromme, City Planner  
**SUBJECT:** Consider Setback Variance Request for Kia of Mandan  
(Lot 1 Block 1 Midway 13th Addition)

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

Eide Kia is seeking approval to expand their building on the Memorial Highway, having a portion of the building project four feet into the required front yard setback.

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

PKMC LLP requests approval of a variance from Sec. 105-3-16 (5) of the City Code of Ordinances related to MC - Industrial District - Front yard. The property is located in southeast Mandan along the Memorial Highway SE at 3334 Memorial Highway SE.

#### **Project Overview**

The applicants are planning a refresh of the dealership facility, including building additions to the east, south, west and north of the building. The proposed addition to the south, while in-line with the current footprint of the building, lies four feet into the front yard setback (35 feet) required in the MC - Industrial District. Because there is no record of a variance being granted for the current building, and the proposed addition involving additional building mass within the setback, the variance request is being presented.

#### **Property History**

The property has been used as motor vehicle sales and service facility since the building was constructed in 2006. Prior uses are believed to be industrial in nature.

#### **Property Information**

The property is 1.54 acres in size, and is accessed from Memorial Highway in two locations. There is an overhead electrical easement along the north property line.

#### **Requested Variance**

The variance request would allow the construction of the building in the front yard setback. This would reduce the front yard on the property by four feet, from thirty-five down to thirty-one feet. The proposed building additions to the north, east and west would adhere to setback requirements as a minor plat is planned to follow this request to combine the Kia and former Schmidt Auto properties into one.

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

Adjacent properties to the north include BNSF Railroad Right-of-Way, and an MC - Industrial zoned manufactured housing park. To the east, the properties are zoned MC - Industrial and used for Retail B sales. Properties to the west are zoned MC - Industrial and used for Service Group B. The property to the south is zoned CC - Commercial and used for Retail Group B. The future land use priority for the referenced properties north of Memorial Highway SE is Industrial. South of Memorial Highway properties referenced are designated for Commercial.

### **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 MC - Industrial District.
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.

### **Staff Comments:**

- Staff recommends approval of this item contingent upon a minor plat.
- Staff is working with project design team on a landscaping plan that adheres to gateway requirements.
- The minor plat would result in two buildings being on one parcel. In this case, City Ordinances require that a consistent design theme / character be established for the property. Changes are being proposed that would make the look of the secondary structure more consistent with the look proposed for the main dealership building.
- Mandan Architecture Review Commission has conditionally approved the

proposed plans.

**ATTACHMENTS:**

1. Application
2. Additional Submittal - Variance Request
3. KIA Site Plan
4. Rendering of Proposed Addition
5. Images
6. Location Map - KIA L1 Blk 1 Midway 13th

**FISCAL IMPACT:**

N/a

**STAFF IMPACT:**

N/a

**LEGAL REVIEW:**

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

**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. If a motion is made to approve, it should be contingent upon a minor plat following and being recorded prior to the issuance of building permit.

**SUGGESTED MOTION:**

Move to recommend **approval** of the setback variance from Sec. 105-3-16 (4) of the City Code of Ordinances related to the MC - Industrial District Front yard setback, and to permit the variance request due to the following hardship: **[PZ Commissioner to identify/fill in the blank] and to modify the following Staff finding(s) of fact - contingent on the minor plat following.**

Move to recommend **denial** of the setback variance from Sec. 105-3-16 (4) of the City Code of Ordinances related to the MC - Industrial District Front yard setback and to accept the findings of fact due to no hardship being identified.

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

| Engineer/Surveyor                                                                                                                                     |             |              | Property Owner or Applicant         |             |                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|-------------------------------------|-------------|---------------------|
| Name<br>Independent Land Surveying & Engineering Inc.                                                                                                 |             |              | Name<br>PMKC Mandan LLP             |             |                     |
| Address<br>4215 Old Red Trail NW                                                                                                                      |             |              | Address<br>1112 Missouri Ave,       |             |                     |
| City<br>Mandan                                                                                                                                        | State<br>ND | Zip<br>58554 | City<br>Bismarck                    | State<br>ND | Zip<br>58504        |
| email<br>ABE@ILSURVEYND.COM                                                                                                                           |             |              | email<br>jpeterson@eidachrysler.com |             |                     |
| Phone<br>701-663-5184                                                                                                                                 |             | Fax          | Phone<br>701-426-4467               |             | Fax<br>701-751-6084 |
| 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 checked="" type="checkbox"/> City | <input type="checkbox"/> ETA              | <input type="checkbox"/> New | <input checked="" type="checkbox"/> Addition | MC                                                             | SAME          | EIDE KIA               |
| Property Address                         |                                           |                              |                                              | Legal Description                                              |               |                        |
| 3334 MEMORIAL HIGHWAY SE                 |                                           |                              |                                              | LOT 1, BLK 1, MIDWAY 13TH ADDITION &                           |               |                        |
| Current Use                              |                                           |                              |                                              |                                                                |               |                        |
| AUTO DEALERSHIP                          |                                           |                              |                                              | AUD LOT N OF NE 1/4 .196AC & LOT N-A OF NE 1/4 .27AC .466 ACRE |               |                        |
| Proposed Use                             |                                           |                              |                                              |                                                                |               |                        |
|                                          |                                           |                              |                                              | Section 36                                                     | Township 139  | Range 81               |
| Parcel Size<br>67,152 sf                 | Building Footprint<br>8,240 sf & 1,552 sf | Stories<br>1                 | Building SF<br>18,711                        | Required Parking<br>25                                         |               | Provided Parking<br>46 |

|                                            |                                  |                  |
|--------------------------------------------|----------------------------------|------------------|
| Print Name<br><i>Sheldon Kark, Partner</i> | Signature<br><i>Sheldon Kark</i> | Date<br>1/5/2024 |
|--------------------------------------------|----------------------------------|------------------|

| Office Use Only                                                                                                               |                     |                          |                      |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------|----------------------|
| Date Received: <i>1-22-24</i>                                                                                                 | Initials: <i>AS</i> | Fees Paid: \$ <i>700</i> | Date: <i>1-22-24</i> |
| Notice in paper                                                                                                               |                     | Mailed to neighbors      |                      |
| P&Z meeting                                                                                                                   |                     |                          |                      |
| <input type="checkbox"/> Approved <input type="checkbox"/> Approved with conditions: _____<br><input type="checkbox"/> Denied |                     |                          |                      |

## **Additional Submittals**

### **Variance**

A zoning variance application shall include a detailed statement with the following information:

1. The circumstances or conditions applying to the land or buildings for which the variance is sought

The property is narrow north to south and bordered by a power line easement, railroad to the north and Memorial Highway with a 35' setback to the south. Both the existing and adjacent buildings currently are within the 35' front yard setback.

2. How the applicant is deprived of a reasonable use of said land or building;

The property dimensions, setbacks and easements are limiting the build-able area to a narrow strip. The existing building has a bump out which is currently in the 35' front yard setback by 4'. We are requesting for the front yard setback to be reduced by 4' so we can match the current buildings depth into the setback. The existing building (Schmidt Auto) is currently 22' into the setback and no addition is planned to this building.

3. How the grant of a variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

Since the front yard addition will not project any further into the front yard setback than the current building and adjacent building no impact to any adjacent property should be realized.

4. The minimum variance that will accomplish the relief sought.

We are asking for the minimum 4' reduction in the 35' front yard setback for the main building to a 31' front yard setback. This would allow the proposed project to come close to meeting KIA dealerships design requirements. Car dealerships are required to meet minimum facility requirements to maintain their dealership. The front addition design (as submitted) is an adjusted version of the typical showroom required by KIA.

The zoning map may be used to view the subject property and surrounding property's zoning and view property lines overlaid on an aerial. 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.



LEGEND

- PROPOSED BUILDING
- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE PAVEMENT
- PROPOSED SANITARY CLEANOUT
- S S

PROPOSED SANITARY SEWER SERVICE
- W W

PROPOSED WATER SERVICE
- PROPOSED GATE VALVE
- 1810

PROPOSED CONTOUR
- CONSTRUCTION LIMITS

GENERAL NOTES:

SPECIFICATIONS: All work shall conform to the Project Manual and Specifications as supplemented by or modified by the following plan notes. All work in the City of Mandan Right of Way shall conform to the City of Mandan Construction Specifications and Details.

PROPOSED CONTOURS: The final contours shown on the plans represent the finished surface to the topsoil, pavement, surfacing, storm sewers, etc. The Contractor is to make allowances as required to account for topsoil and pavement surfacing when completing the site grading.

SUBGRADE PREPARATION & TRENCHING DENSITY REQUIREMENTS: Areas to receive Fill, Gravel Base, Pavement, and the bottom of cut areas shall be scarified to a minimum depth of 6 inches specified and compacted. Contractor shall be required to manipulate substandard areas by working the soil until the specified density and uniform moisture content are achieved. Fill material shall be placed in lifts not exceeding eight inches loose thickness. All Trenches, Fill, and Gravel base shall be compacted to 90% Modified density with a moisture content between +3% to -3% optimum moisture as per ASTM D1557.

PAVEMENT MARKING/STRIPING: Contractor to stripe entire parking lot after pavement operations are complete as per layout on plan sheets.

-All paint shall meet the NDDOT specifications.

-Stripes shall be 4" wide white paint.

-All paint shall be applied at 110 SF/GAL.

AGGREGATE BASE: Aggregate base shall be Class 5 Gravel per NDDOT specifications or approved equal. Gravel shall be installed to the thickness as shown on plan details (see sheet C800), and compacted per specifications.

GENERAL NOTES CONTINUED:

CONCRETE PAVEMENT: Concrete Pavement shall be continually reinforced pavement where called out in the plans.

-Continuous Reinforcement bars shall be #4 grade 60 deformed bars placed at 24" center-to-center, to be tied together and placed at the vertical center of the concrete slab.

-All Concrete shall have 28 day strength of 4,000 psi, with a maximum allowable slump of 4 inches, and air entrainment content between 3% to 7%. The Contractor shall provide a mix design to be approved by the Engineer.

-All Concrete placed next to the building and/or structures shall have ½" expansion material installed and sealed.

-Concrete joints shall be a maximum of 6'x6', and a concrete jointing plan shall be required by the Contractor and approved prior to implementation.

-All Construction joints shall be formed with a keyway or tied together with 18" tie bars drilled ½ length into existing concrete every 24".

-Joints shall be saw cut 1/3 the concrete depth and 1/4" wide.

-Curing Compounds shall conform to ASTM C309- Type 2 white pigmented. Curing Compound coverage shall be per manufactures recommendations.

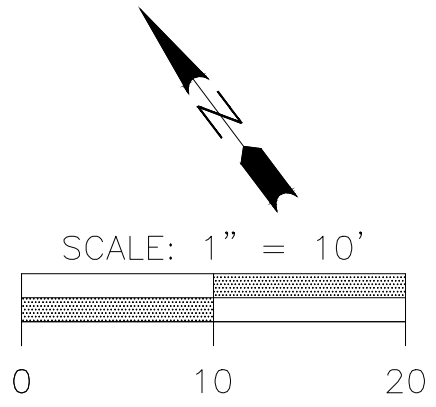
-Joint Sealant shall be a cold applied joint sealant specifically manufactured for exterior pavements. Sealant shall be a one part silicone, or electromeric sealant complying with ASTM C920. Sealant shall be white or gray to match concrete color, with a low modulus and be capable of withstanding repeated joint movement without losing adhesion to the concrete without cohesion failure. Joints shall be clean and free of debris per manufactures instructions. Backer rod shall meet the requirements of ASTM D 5249 type 1.

-Concrete tests shall be done per the following:

-One test per 500 Lineal Feet of Curb and gutter installed, or at least one test per day.

-One test per 75 Cubic Yards of concrete poured for parking lot pavement or sidewalks, or at least one test per day.

- # CALL OUTS:
1. PROPOSED BUILDING ADDITION
  2. PROPOSED THICKENED EDGE SIDEWALK
  3. PROPOSED 6" THICK REINFORCED CONCRETE PAVEMENT
  4. PROPOSED PARKING STRIPING
  5. PROPOSED SANITARY SEWER MODIFICATIONS - SEE PLAN SHEET C300
  6. PROPOSED VALLEY GUTTER - SEE DETAIL



SURVEY INFO: VERT. DATUM: NAVD88  
HORIZONTAL COORDINATE: NAD83 ND SOUTH , INTERNATIONAL FEET  
MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS  
STATION AND ARE REPORTED IN GRID.

LEGAL: \_\_\_\_\_ ZONING: \_\_\_\_\_

3334 MEMORIAL HWY SE  
LOT 1, BLOCK 1,  
MIDWAY 13TH ADDITION  
Lot Area: 44,976 SF (+/-)

3420 MEMORIAL HWY SE  
AUD LOT N OR NE ¼ &  
AUD LOT N-A OF NE ¼  
Lot Area: 21,417 SF (+/-)

OWNER: \_\_\_\_\_

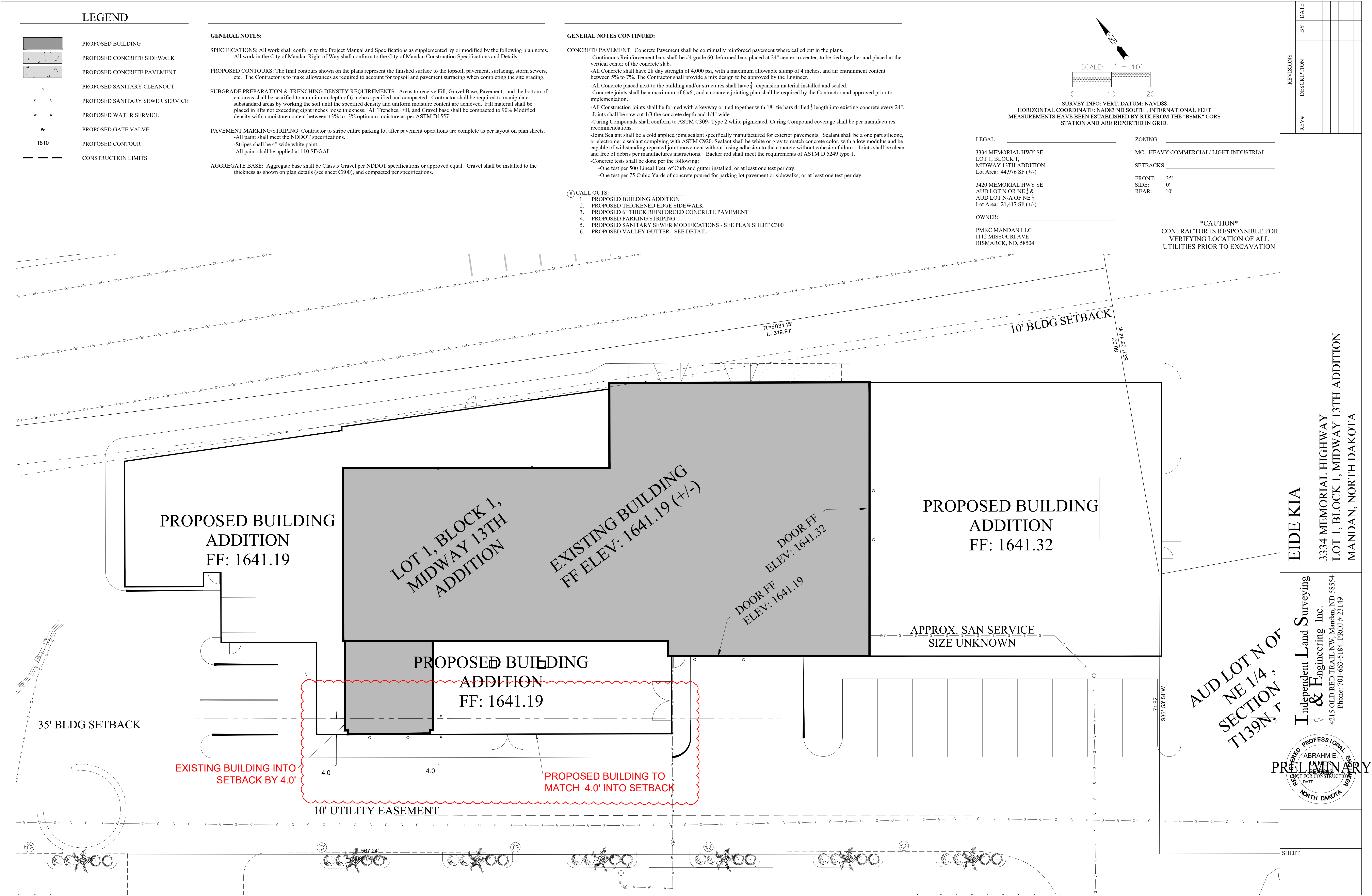
PMKC MANDAN LLC  
1112 MISSOURI AVE  
BISMARCK, ND, 58504

MC - HEAVY COMMERCIAL/ LIGHT INDUSTRIAL

SETBACKS:

FRONT: 35'  
SIDE: 0'  
REAR: 10'

**\*CAUTION\***  
CONTRACTOR IS RESPONSIBLE FOR  
VERIFYING LOCATION OF ALL  
UTILITIES PRIOR TO EXCAVATION



| REVISIONS |             |
|-----------|-------------|
| REV#      | DESCRIPTION |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |
|           |             |

EIDE KIA

3334 MEMORIAL HIGHWAY  
LOT 1, BLOCK 1, MIDWAY 13TH ADDITION  
MANDAN, NORTH DAKOTA

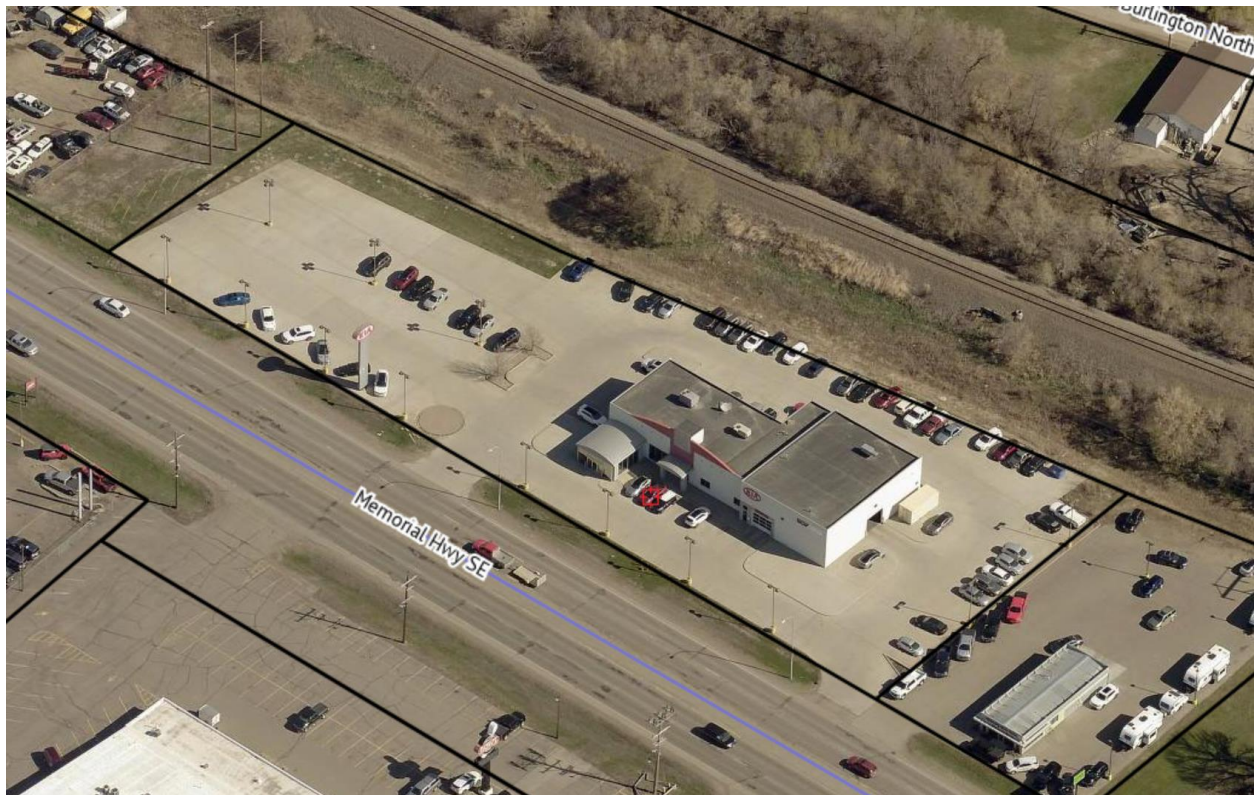
Independent Land Surveying  
& Engineering Inc.  
4215 OLD RED TRAIL NW, Mandan, ND 58554  
Phone: 701-663-5184 PROJ # 23149

REGISTERED PROFESSIONAL ENGINEER  
ABRAHM E. EIDE  
NORTH DAKOTA  
DATE: \_\_\_\_\_

SHEET







Aerial view of site from south



View of property from Memorial Highway SE





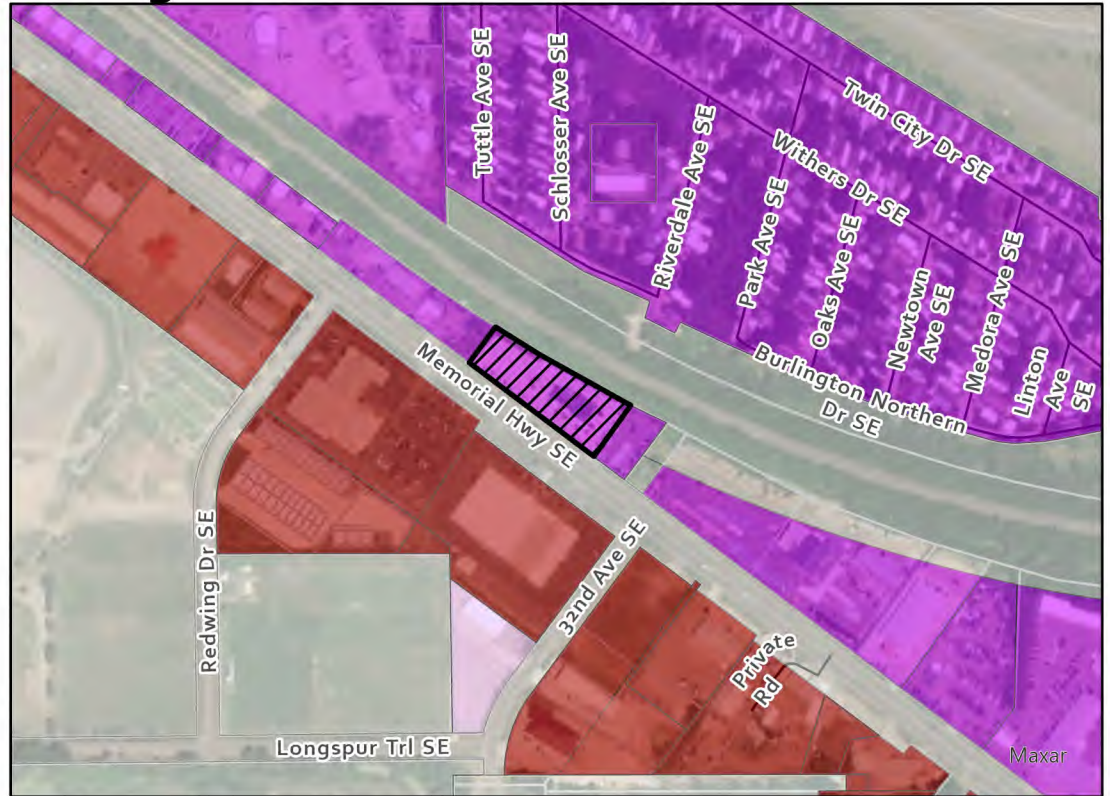
# Zoning and Future Land Use Reference Map

Lot 1, Block 1, Midway 13th Addition

## 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
- Parcels
- February '24 Planning Items

## Zoning



## 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
- February '24 Planning Items

## Future Land Use Plan





## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** February 26, 2024  
**PREPARATION DATE:** February 16, 2024  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Andrew Stromme  
**PRESENTER:** Andrew Stromme, City Planner  
**SUBJECT:** Consider Final Plat for Cat Creek Addition

---

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

A request from Casey & Brooke Breuer for final plat approval of Cat Creek Addition. Said property is Auditor's Lot A and Part of the NE 1/4 of Section 13, Township 139, Range 82 of Morton County, North Dakota. The property is located at 2420 County Road 139A.

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

Casey and Brooke Breuer request consideration of a final plat for Cat Creek Addition, a 17.3 acre, two lot subdivision located west of Mandan in the extraterritorial area.

#### **Property History**

A preliminary plat was approved for Cat Creek Addition in 2023. Following preliminary approval, the applicant reworked this request slightly to ensure that the properties to be platted were laid out as desired. While the area to be platted has increased in size slightly, the outcome of this project has not.

#### **Property Overview**

The existing land use is agriculture and residential zoned A - Agriculture. A zone change to a residential district has not been requested and is not advised at this time due to not having a zoning district that works well for rural residential uses, and because the A - Agriculture district allows a single family home on the lot to be platted.

#### **Final Plat**

The final plat is a two lot, one block subdivision comprising 17.3 acres. Lot 1 (8.96acres) is the location of the planned home. Lot 2 (8.34acres) has an existing residence on it. A forty-foot access easement is shown to benefit these properties and provide access through Interstate 94 to public roads.

A final plat application and fee was received on January 24, 2024. Legal notices were published on February 16 & 23, 2024 and seven letters were sent to adjacent property owners.

### **Outlots**

The applicants intend to use an outlot process to mutually transfer property. This is not a process that creates buildable lots, rather it allows the applicants to "swap" land and end up owning what they are interested in owning.

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

Adjacent properties are generally agricultural in nature and are zoned A - Agriculture. The property north/northwest of the subject property is a farm/ranch with a residence. The properties future land use is for low-density residential and commercial. An east-west arterial road is planned in this area in the future. Considering the properties characteristics, the plat and construction of one additional home on this property is generally complimentary with the land use plan.

### **Findings of Fact Final Plat**

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was approved by the Planning and Zoning Commission;
3. The proposed subdivision generally demonstrates an ability for the property to align with the Future Land Use Plan and other plans and studies;
4. 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;
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
6. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice; and
7. The proposed subdivision would not adversely affect the public health, safety, and general welfare.

### **ATTACHMENTS:**

1. Final Plat Application
2. Owner Statements - Cat Creek
3. Final Plat

4. Location Map - Cat Creek Addition
5. Outlot Survey sheet 1 - Cat Creek
6. Outlot Survey sheet 2 - Cat Creek
7. Outlot Survey sheet 3 - Cat Creek

**FISCAL IMPACT:**

N/a

**STAFF IMPACT:**

N/a

**LEGAL REVIEW:**

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

**RECOMMENDATION:**

Staff recommends approval of the final plat for Cat Creek Addition contingent upon a development agreement.

**SUGGESTED MOTION:**

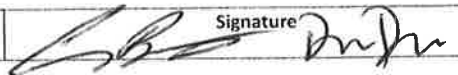
I move to recommend approval of the final plat for Cat Creek Addition contingent upon a development agreement.



| CITY OF MANDAN                                                                                                          |                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Development Review Application                                                                                          |                                                                                     |
| <input type="checkbox"/> Minor Plat (\$300)                                                                             | <input type="checkbox"/> Zone Change (\$600)                                        |
| <input 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 checked="" 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)                                                                 |                                                                                     |
| Create one 8.96 acre lot and plat existing auditors lot into a 8.34 acre platted lot.                                   |                                                                                     |

| Engineer/Surveyor                                                                                                                                     |             |              | Property Owner or Applicant             |             |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|-----------------------------------------|-------------|--------------|
| Name<br>Mark R. Isaacs, RLS - ILSE, Inc.                                                                                                              |             |              | Name<br>Casey & Brooke Breuer           |             |              |
| Address<br>4215 Old Red Trail NW                                                                                                                      |             |              | Address<br>4900 34th Avenue NW          |             |              |
| City<br>Mandan                                                                                                                                        | State<br>ND | Zip<br>58554 | City<br>Mandan                          | State<br>ND | Zip<br>58554 |
| email<br>mark@ilsurveynd.com                                                                                                                          |             |              | email<br>casey.lilliselectric@gmail.com |             |              |
| Phone<br>701-595-2079                                                                                                                                 |             | Fax          | Phone<br>701-333-8011                   |             | 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       |          |
|-----------------------------------|-----------------------------------------|------------------------------|----------------------------------------------|------------------|-------------------------------|--------------------|----------|
| <input type="checkbox"/> City     | <input checked="" type="checkbox"/> ETA | <input type="checkbox"/> New | <input checked="" type="checkbox"/> Addition | AG               | AG                            | Cat Creek Addition |          |
| Property Address                  |                                         |                              |                                              |                  | Legal Description             |                    |          |
| 2420 County Road 139A, Mandan, ND |                                         |                              |                                              |                  | Auditors Lot A and            |                    |          |
| Current Use                       |                                         |                              |                                              |                  | Proposed Use                  |                    |          |
| Agricultural and Residential      |                                         |                              |                                              |                  | Part of the Northeast Quarter |                    |          |
| Residential                       |                                         |                              |                                              |                  | Section 13                    | Township 139       | Range 82 |
| Parcel Size<br>17.30 Acres        | Building Footprint                      | Stories                      | Building SF                                  | Required Parking |                               | Provided Parking   |          |

|                                     |                                                                                                   |                 |
|-------------------------------------|---------------------------------------------------------------------------------------------------|-----------------|
| Print Name<br>Casey & Brooke Breuer | Signature<br> | Date<br>1/23/24 |
|-------------------------------------|---------------------------------------------------------------------------------------------------|-----------------|

| Office Use Only                   |                           |                         |                       |
|-----------------------------------|---------------------------|-------------------------|-----------------------|
| Date Received:                    | Initials: <b>nm</b>       | Fees Paid: <b>\$400</b> | Date <b>1-24-2024</b> |
| Notice in paper                   | Mailed to neighbors       | P&Z meeting             |                       |
| <input type="checkbox"/> Approved | Approved with conditions: |                         |                       |
| <input type="checkbox"/> Denied   |                           |                         |                       |

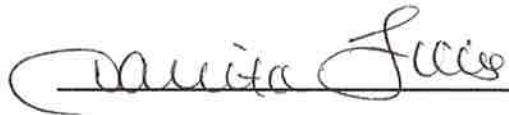
**Owner Statement**

We, Robert E. Lillis and Danita K. Lillis, owners of Auditors Lot A and the Southwest Quarter of the Northeast Quarter of Section 13, Township 139 North, Range 81 West. Authorize Casey and Brooke Breuer, who are the applicants for the "Cat Creek Addition", to present their request to the City of Mandan Plan Commission and Mandan City Commission.

Dated this 26<sup>th</sup> day of July, 2023



Robert E. Lillis



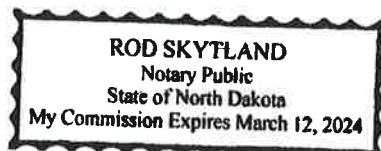
Danita K. Lillis

State of ND )

) ss

County of Morton )

Subscribed and sworn before me this 26<sup>th</sup> day of July, 2023.



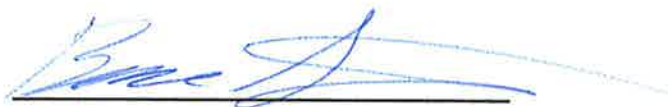


Notary Public -

**Owner Statement**

We, Bruce and Lauren J. Strinden, owners of the North Half of the Northeast Quarter of Section 13, Township 139 North, Range 81 West. Authorize Casey and Brooke Breuer, who are the applicants for the "Cat Creek Addition", to present their request to the City of Mandan Plan Commission and Mandan City Commission.

Dated this 26<sup>th</sup> day of July, 2023



Bruce Strinden



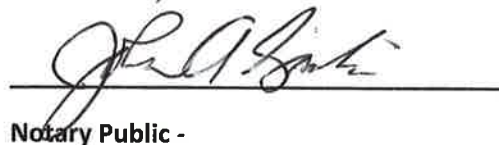
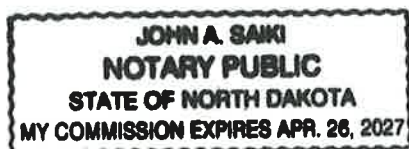
Lauren J. Strinden

State of North Dakota)

) ss

County of Morton )

Subscribed and sworn before me this 26 day of July, 2023.

  
Notary Public -



CAT CREEK ADDITION  
OF MORTON COUNTY, NORTH DAKOTA  
AUDITORS LOT A AND PART OF THE NE 1/4  
LYING WITHIN THE 1-MILE EXTRATERRITORIAL  
JURISDICTION OF THE CITY OF MANDAN  
ALL IN SECTION 13, T139N, R82W

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.

MARK R. ISAACS, RLS 9628

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 DESIGNATION AS "UTILITY EASEMENT".

WE, DO HEREBY DEDICATE A 40 FOOT ACCESS EASEMENT FOR THE BENEFIT OF LOT 1 AND LOT 2 BLOCK 1 AND THE REMAINING LANDS IN SECTION 13, T139N, R82W IMMEDIATELY ADJACENT TO THE EASEMENT, WHICH WILL RUN WITH THE LANDS.

ROBERT K. LILLIS  
LOT 2, BLOCK 1

DANITA K. LILLIS  
LOT 2, BLOCK 1

CASEY BREUER  
LOT 1, BLOCK 1

BROOKE BREUER  
LOT 1, BLOCK 1

BRUCE STRINDEN

LAUREN J. STRINDEN

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

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

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

AREA TABLE

|       |             |
|-------|-------------|
| LOT 1 | 8.96 ACRES  |
| LOT 2 | 8.34 ACRES  |
| TOTAL | 17.30 ACRES |

LEGEND

- FOUND REBAR MONUMENT
- SET 1/2" CAPPED REBAR "LS-9628"
- ..... VACATE AUDITOR LOT LINE

NOTES:

- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
- SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
- EXISTING ZONING IS AG
- ACCESS EASEMENT TO SERVE LOTS 1, 2, AND THE REMAINING LAND IN SECTION 13, T139N, R82W THAT IS IMMEDIATELY ADJACENT TO THE ACCESS EASEMENT.

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

JAREK WIGNESS, PE

PROPERTY DESCRIPTION

AUDITORS LOT A AND PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER ALL IN SECTION 13, TOWNSHIP 139 NORTH, RANGE 82 WEST OF THE 5TH PRINCIPAL MERIDIAN IN MORTON COUNTY, NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 00° 28' 23" WEST ON THE WEST LINE OF SAID QUARTER A DISTANCE OF 1827.46 FEET; THENCE SOUTH 89° 31' 37" EAST A DISTANCE OF 167.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 80° 53' 08" EAST A DISTANCE OF 298.29 FEET; THENCE NORTH 13° 05' 38" WEST A DISTANCE OF 208.07 FEET; THENCE NORTH 06° 39' 04" EAST A DISTANCE OF 307.64 FEET TO THE PC OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ON SAID CURVE FOR AN ARC DISTANCE OF 117.99 FEET, SAID CURVE HAS A RADIUS OF 150.00 FEET AND A CHORD BEARING NORTH 29° 11' 08" EAST A DISTANCE OF 114.97 FEET TO THE PT THEREOF; THENCE NORTH 51° 43' 19" EAST A DISTANCE OF 194.55 FEET; THENCE NORTH 88° 57' 23" EAST A DISTANCE OF 528.72 FEET; THENCE SOUTH 00° 08' 59" WEST A DISTANCE OF 567.87 FEET; THENCE NORTH 87° 38' 31" WEST A DISTANCE OF 267.18 FEET; THENCE SOUTH 02° 21' 29" WEST A DISTANCE OF 272.39 FEET; THENCE SOUTH 52° 14' 34" EAST A DISTANCE OF 129.25 FEET; THENCE SOUTH 09° 06' 52" WEST A DISTANCE OF 229.59 FEET; THENCE NORTH 80° 53' 08" WEST A DISTANCE OF 819.54 FEET; THENCE NORTH 00° 28' 23" EAST A DISTANCE OF 313.56 FEET TO THE POINT OF BEGINNING, CONTAINING 17.30 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

ACCESS EASEMENT DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 139 NORTH, RANGE 82 WEST OF THE 5TH PRINCIPAL MERIDIAN IN MORTON COUNTY, NORTH DAKOTA. THE FOLLOWING DESCRIPTION IS 40 FEET IN WIDTH, LYING 20 FEET ON EACH SIDE OF THE FOLLOWING CENTERLINE DESCRIPTION. THE EXTERIOR LINES OF THE EASEMENT SHALL BE TRIMMED AND EXTENDED WHEN OFFSET FROM THE CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 00° 28' 23" WEST ON THE WEST LINE OF QUARTER A DISTANCE OF 1827.46 FEET; THENCE SOUTH 89° 31' 37" EAST A DISTANCE OF 167.90 FEET; THENCE SOUTH 80° 53' 08" EAST A DISTANCE OF 298.29 FEET TO THE POINT OF BEGINNING; THENCE NORTH 13° 05' 38" WEST A DISTANCE OF 208.07 FEET; THENCE NORTH 06° 39' 04" EAST A DISTANCE OF 307.64 FEET TO THE PC OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ON SAID CURVE FOR AN ARC DISTANCE OF 117.99 FEET, SAID CURVE HAS A RADIUS OF 150.00 FEET AND A CHORD BEARING NORTH 29° 11' 08" EAST A DISTANCE OF 114.97 FEET TO THE PT THEREOF; THENCE NORTH 51° 43' 19" EAST A DISTANCE OF 461.03 FEET; THENCE NORTH 45° 51' 58" EAST A DISTANCE OF 295.78 FEET TO THE PC OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ON SAID CURVE FOR AN ARC DISTANCE OF 188.60 FEET, SAID CURVE HAS A CHORD BEARING NORTH 67° 31' 40" EAST A DISTANCE OF 184.16 FEET; THENCE NORTH 89° 05' 27" EAST A DISTANCE OF 120.03 FEET TO THE PC OF A CURVE TO THE LEFT; THENCE NORTHEASTERLY ON SAID CURVE FOR AN ARC DISTANCE OF 107.07 FEET, SAID CURVE HAS A CHORD BEARING NORTH 48° 11' 30" EAST A DISTANCE OF 98.21 FEET; THENCE NORTH 07° 17' 36" EAST A DISTANCE OF 227.44 FEET TO THE SOUTH RIGHT OF WAY LINE OF INTERSTATE 94 AND THE TERMINUS THEREOF.

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, ORINANCES 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, 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

TIM HELBLING - PRESIDENT OF THE BOARD  
OF CITY COMMISSIONERS

OWNERS:  
ROBERT E. & DANITA K. LILLIS  
2424 CO. RD. 139A  
MANDAN, ND 58554

OWNERS:  
BRUCE & LAUREN J. STRINDEN  
2424 CO. RD. 139A  
MANDAN, ND 58554

CAT CREEK ADDITION  
AUDITORS LOT A AND  
PART OF THE NE 1/4  
SECTION 13, T-139-N, R-82-W  
MORTON CO., NORTH DAKOTA

Independent  
Land  
Surveying &  
Engineering

|                                       |                    |
|---------------------------------------|--------------------|
| SHEET: 1 OF 1                         | JOB NUMBER: 23087  |
| SCALE: 1"= 110'                       | DWG REVISION DATES |
| DRAWN BY: MRI                         | 1/23/24 -          |
| DWG DATE: 8/23/23                     | - -                |
| DWG NAME:23087 Final Plat Revised.dwg |                    |

4215 Old Red Trail NW  
Mandan, ND 58554  
Phone: 701-661-5184  
Cell: 701-595-2079  
mark@ilsurveynd.com





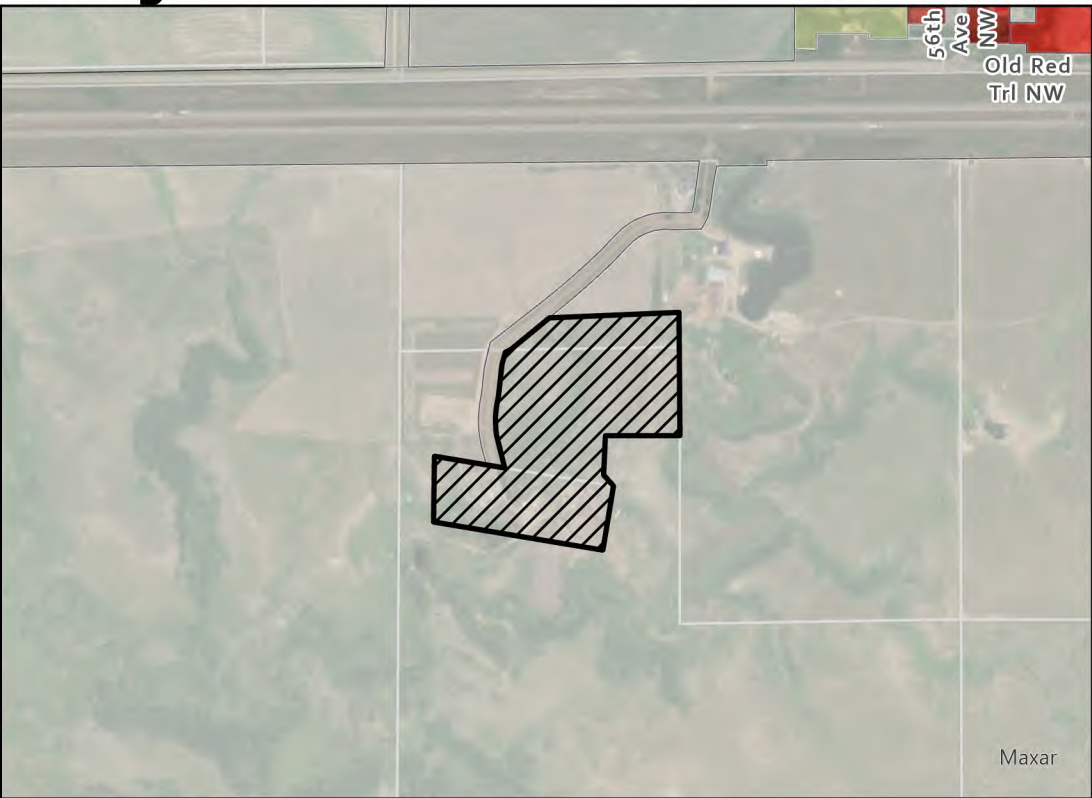
# Zoning and Future Land Use Reference Map

Cat Creek Final Plat

## Zoning

### Zoning Map Key

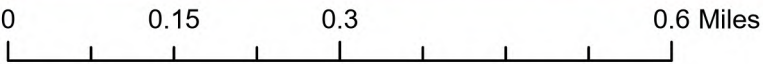
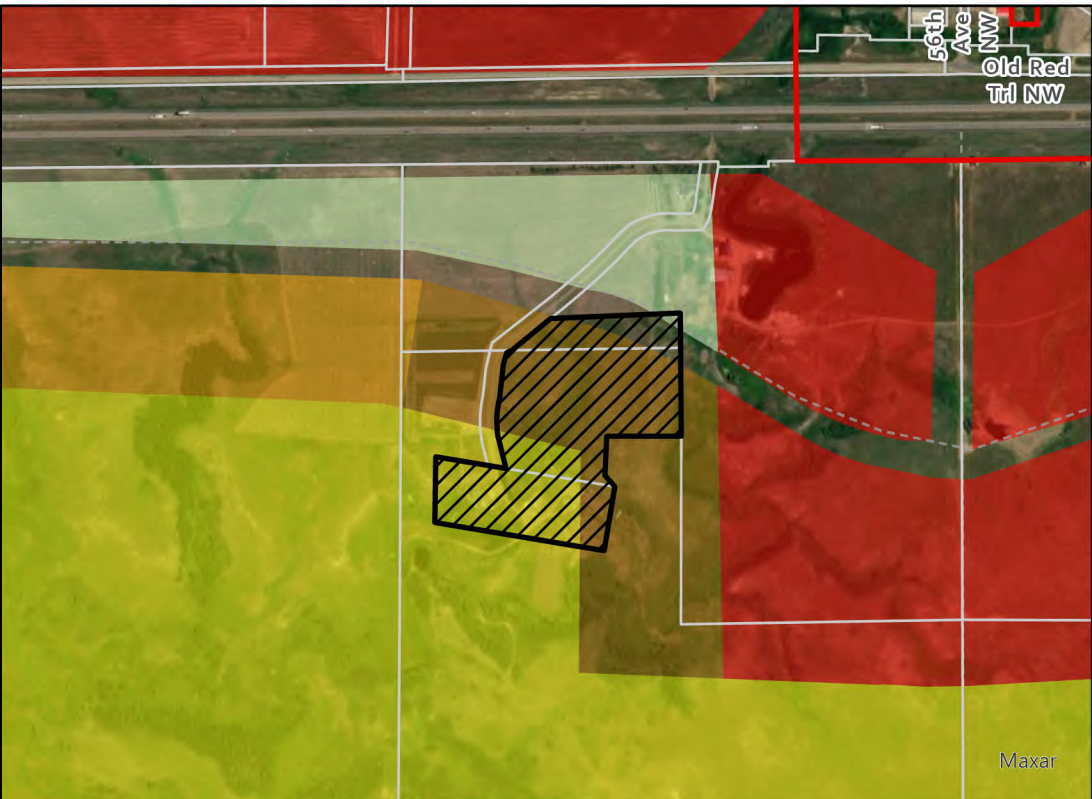
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- LSMHS - Trailer Park Subdivision
- MA - Heavy Commercial/Light Industrial
- MB - Heavy Commercial/Heavy Industrial
- MC - Heavy Commercial/Light Industrial Restricted
- MD - Heavy Commercial/Heavy Industrial Restricted
- MHS - Trailer Park
- PUD - 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
- Parcels
- February '24 Planning Items



### Future Land Use Plan Key

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

## Future Land Use Plan



N

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C)

OUTLOT A & B Section 13 Township 139 Range 82 .  
PRESENT OWNERS : ROBERT E. & DANITA K. LILLIS AND BRUCE & LAUREN J. STRINDEN.

OUTLOT A - DESCRIPTION

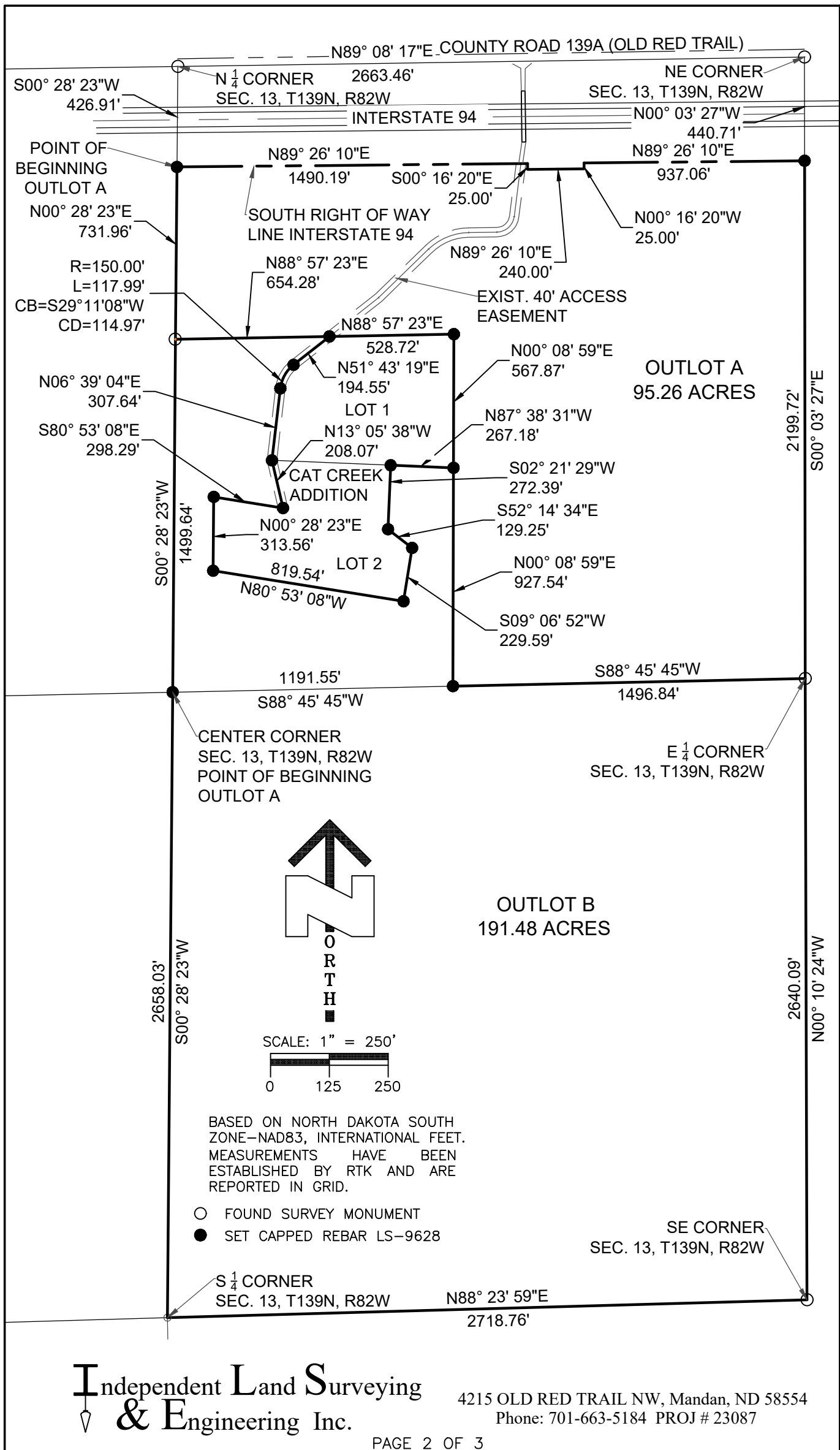
PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 139 NORTH, RANGE 82 WEST OF THE 5TH PRINCIPAL MERIDIAN IN MORTON COUNTY, NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTH 00° 28' 23" WEST ON THE WEST LINE OF SAID QUARTER A DISTANCE OF 426.91 FEET TO THE SOUTH RIGHT OF WAY LINE OF INTERSTATE 94 AND THE POINT OF BEGINNING; THENCE NORTH 89° 26' 10" EAST ON SAID SOUTH LINE A DISTANCE OF 1490.19 FEET; THENCE SOUTH 00° 16' 20" EAST ON SAID SOUTH LINE A DISTANCE OF 25.00 FEET; THENCE NORTH 89° 26' 10" EAST ON SAID SOUTH LINE A DISTANCE OF 240.00 FEET; THENCE NORTH 00° 16' 20" WEST ON SAID SOUTH LINE A DISTANCE OF 25.00 FEET; THENCE NORTH 89° 26' 10" EAST ON SAID SOUTH LINE A DISTANCE OF 937.06 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00° 03' 27" EAST ON SAID EAST LINE A DISTANCE OF 2199.72 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88° 45' 45" WEST ON THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1496.84 FEET; THENCE NORTH 00° 08' 59" EAST A DISTANCE OF 1495.41 FEET; THENCE NORTH 88° 57' 23" EAST A DISTANCE OF 1183.00 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00° 28' 23" EAST ON SAID WEST LINE A DISTANCE OF 731.96 FEET TO THE POINT OF BEGINNING, CONTAINING 95.26 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

OUTLOT B - DESCRIPTION

PART OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER ALL IN SECTION 13, TOWNSHIP 139 NORTH, RANGE 82 WEST OF THE 5TH PRINCIPAL MERIDIAN IN MORTON COUNTY, NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER CORNER OF SAID SECTION 13; THENCE SOUTH 00° 28' 23" WEST ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2658.03 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 88° 23' 59" EAST ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2718.76 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE NORTH 00° 10' 24" WEST ON THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2640.09 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88° 45' 45" WEST ON THE SOUTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1496.84 FEET; THENCE NORTH 00° 08' 59" EAST A DISTANCE OF 927.54 FEET; THENCE NORTH 87° 38' 31" WEST A DISTANCE OF 267.18 FEET; THENCE SOUTH 02° 21' 29" WEST A DISTANCE OF 272.39 FEET; THENCE SOUTH 52° 14' 34" EAST A DISTANCE OF 129.25 FEET; THENCE SOUTH 09° 06' 52" WEST A DISTANCE OF 229.59 FEET; THENCE NORTH 80° 53' 08" WEST A DISTANCE OF 819.54 FEET; THENCE NORTH 00° 28' 23" EAST A DISTANCE OF 313.56 FEET; THENCE SOUTH 80° 53' 08" EAST A DISTANCE OF 298.29 FEET; THENCE NORTH 13° 05' 38" WEST A DISTANCE OF 208.07 FEET; THENCE NORTH 06° 39' 04" EAST A DISTANCE OF 307.64 FEET TO THE PC OF A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ON SAID CURVE FOR AN ARC DISTANCE OF 117.99 FEET, SAID CURVE HAS A RADIUS OF 150.00 FEET AND A CHORD BEARING NORTH 29° 11' 08" EAST A DISTANCE OF 114.97 FEET TO THE PT THEREOF; THENCE NORTH 51° 43' 19" EAST A DISTANCE OF 194.55 FEET; THENCE SOUTH 88° 57' 23" WEST A DISTANCE OF 654.28 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 00° 28' 23" EAST ON SAID WEST LINE A DISTANCE OF 1499.64 FEET; TO THE POINT OF BEGINNING, CONTAINING 191.48 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.



**THE UNDERSIGNED**, Owners of the within described property in accordance with the provisions of Sec 57-02-39, Revised Code of 1943, and upon demand of the County Auditor of Morton County, North Dakota have Caused to be made the within and foregoing plat of said land with the lots as herein described, and have caused the same to be placed on record as provided by law.

\_\_\_\_\_  
ROBERT E. LILLIS

\_\_\_\_\_  
DANITA K. LILLIS

\_\_\_\_\_  
BRUCE STRINDEN

\_\_\_\_\_  
LAUREN J. STRINDEN

STATE OF \_\_\_\_\_ )  
 )ss  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_ a notary public within and for said County, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me Robert E. & Danita K. Lillis and Bruce & Lauren J. Strinden to me well known to be the same persons described in and who executed the within and foregoing instrument and acknowledged that they executed the same freely and voluntarily.

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

I, Mark R. Isaacs, North Dakota Registered Land Surveyor No. 9628, hereby certify that I have caused to be surveyed by 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.

\_\_\_\_\_  
MARK R. ISAACS, RLS 9628 .

**CERTIFICATE OF APPROVAL**

The within and foregoing Plat is hereby approved as to form. Dated \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_, City Engineer of  
Mandan, North Dakota

.



## Planning & Zoning Commission

### Agenda Documentation

**MEETING DATE:** February 26, 2024  
**PREPARATION DATE:** February 22, 2024  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:** Andrew Stromme  
**PRESENTER:** Andrew Stromme, City Planner  
**SUBJECT:** Preliminary Plat and Zone Change Request for Shores At Lakewood 2nd Addition.

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

TRX Developers request approval of the preliminary plat and a zone change from A - Agriculture to PUD - Planned Unit Development for the Shores at Lakewood Phase 2. This development is in southeast Mandan, southwest of the Lakewood Elementary School on the south side of McKenzie Drive SE and west of 39th Avenue SE.

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

The Shores at Lakewood Phase 2 is a proposed continuation of the Shores at Lakewood Masterplan which received approval from the City of Mandan in 2022.

#### **Proposed Preliminary Plat**

The proposed preliminary plat is 46.82 acres in size and would contain 126 lots in three blocks. It would include the dedication of public right of way for future public streets and utilities. The plat generally conforms to the masterplan.

The development would be constructed so that Grotto Loop SE and Oxbow Trail SE form a "loop" providing secondary access to the lots in phase 2. Lot 58, Block 2 is intended to be a storm water / amenity lot. Lot 65, Block 1 would be a City sewer lift station.

Lots 58-64, Block 1, while beyond the boundaries of the original masterplan, is proposed to be developed in a manner generally consistent with the zoning in place today. The property, which is zoned R7 - Residential, is proposed to be absorbed into the Shores at Lakewood PUD and developed according to the guidelines in place for R7 - Residential lots in that development PUD, which is generally a setback reduction of one foot.



The developer is proposing private streets to serve lots 36 - 64 in block 1.

A number of easements are shown on the plat including some to facilitate access, utilities, stormwater conveyance and maintenance of the LHRWRD levee.

### **Proposed Zone Change**

The requested zone change would place the lots into the Shores at Lakewood PUD which specifies setback requirements and design standards for the various R3.2, R4, and R7 - Residential lots in the development. A copy of the PUD Narrative is included as an exhibit.

### **Other Project Information**

A conceptual rendering of proposed park improvements is shown as an exhibit. The park facilities in this development are planned to be private.

### **Findings of Fact**

#### **Preliminary Plat**

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision would likely not have substantial effects on the safety and circulation of public roadways in the vicinity, and therefore no traffic impact study is required;
3. The proposed plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision;
4. The City of Mandan and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the proposed subdivision at the time of development, subject to future approval of civil utility plans;
5. Portions of the subdivision are located in the Special Flood Hazard Area, however the subdivision is proposed to be developed according to the existing ordinance requirements pertaining to Floodplain Development and therefore, the proposed development should not adversely impact water quality and/or environmentally sensitive lands, or areas that are topographically unsuited for development,
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed subdivision is consistent with the Comprehensive Plan, the Future Land Use Plan, and other plans and studies, policies and accepted planning practice;
8. The proposed subdivision would not adversely affect the public health, safety and general welfare.

### **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, other adopted plans and policies, and accepted planning practice;
4. The proposed zoning change would not adversely affect public health, safety and general welfare.

### **Staff Comments**

Staff generally supports the development being proposed, specifically the aspects that carry over from the original masterplan submittal. However, at this time, a recommendation to approve this plat would come with a number of contingencies greater than staff is comfortable placing on an item. Additional time reviewing concerns such as access to the private street from McKenzie Drive SE, the proposed City sewer lift station and upstream capacity, civil plans, a conceptual development-wide irrigation system, and modifications to the plat drawing, and other requested changes that have been requested will allow for a more clear approval process for Staff, City leaders, and the development team.

### **ATTACHMENTS:**

1. Application(s)
2. Preliminary Plat - Shores at Lakewood Phase 2
3. Draft Zone Change Ordinance
4. PUD - Shores at Lakewood
5. Shores at Lakewood - Park Concept
6. Location Map - Shores at Lakewood 2nd

### **FISCAL IMPACT:**

N/A

### **STAFF IMPACT:**

N/A

### **LEGAL REVIEW:**

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

### **RECOMMENDATION:**

Staff recommends postponing this item until a future meeting of the planning commission subject to noticing requirements.

### **SUGGESTED MOTION:**

I move to postpone this item until a future meeting of the planning commission subject to noticing requirements.

Planning & Zoning Commission

Agenda Documentation

February 26, 2024

Subject: Consider Preliminary Plat and Zone Change Request for Shores At Lakewood 2nd Addition.

Page 4 of 4

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

| Engineer/Surveyor                                                                                                                                     |             |              | Property Owner or Applicant     |             |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|---------------------------------|-------------|--------------|
| Name<br>Nick Nustad, PE - Mountain Plains, LC                                                                                                         |             |              | Name<br>TRX Developers          |             |              |
| Address<br>1300 Tacoma Ave, Suite A                                                                                                                   |             |              | Address<br>3100 N 14th St       |             |              |
| City<br>Bismarck                                                                                                                                      | State<br>ND | Zip<br>58504 | City<br>Bismarck                | State<br>ND | Zip<br>58503 |
| email<br>nnustad@mntnplains.com                                                                                                                       |             |              | email<br>arthur@verityhomes.com |             |              |
| Phone<br>701-955-3122                                                                                                                                 |             | Fax<br>na    | Phone<br>701-426-0197           |             | Fax<br>na    |
| 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 checked="" type="checkbox"/> City        | ETA                | <input type="checkbox"/> New | <input checked="" type="checkbox"/> Addition | Ag - Master                                                                                         | PUD              | Shores at Lakewood 2nd Addition |
| Property Address                                |                    |                              |                                              | Legal Description                                                                                   |                  |                                 |
| No current address - west end of McKenzie Drive |                    |                              |                                              | A replat of Lot 1, Block 2 of Lakewood 7th Addition and the unplatted portion of Lot 1 of Lot B and |                  |                                 |
| Current Use                                     |                    |                              |                                              |                                                                                                     |                  |                                 |
| Ag                                              |                    |                              |                                              | Outlot A of Section 1, Township 138 North, Range 81 West of the Fifth Principal Meridian,           |                  |                                 |
| Proposed Use                                    |                    |                              |                                              | Morton County, North Dakota                                                                         |                  |                                 |
| Residential                                     |                    |                              |                                              | Section 1                                                                                           | Township 138N    | Range 81W                       |
| Parcel Size                                     | Building Footprint | Stories                      | Building SF                                  | Required Parking                                                                                    | Provided Parking |                                 |
| 46.82 acres                                     | NA                 | NA                           | NA                                           | NA                                                                                                  | NA               |                                 |

|                                |                                                                                                   |                   |
|--------------------------------|---------------------------------------------------------------------------------------------------|-------------------|
| Print Name<br>Arthur Goldammer | Signature<br> | Date<br>1/19/2024 |
|--------------------------------|---------------------------------------------------------------------------------------------------|-------------------|

| Office Use Only                   |                           |                   |                |
|-----------------------------------|---------------------------|-------------------|----------------|
| Date Received:                    | Initials: nm              | Fees Paid: \$ 500 | Date 1-22-2024 |
| 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                                                                                                                                                                                    |   |                                                            |
| Minor Plat (\$300)                                                                                                                                                                                                | x | 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)                                                                                                                                                                                  |   | Variance (\$500)                                           |
| Final Plat 21 to 40 lots (\$600)                                                                                                                                                                                  |   | Special Use Permit (\$450)                                 |
| Final Plat more than 40 lots (\$750)                                                                                                                                                                              |   | Stormwater submittal (\$300)                               |
| Annexation (\$450)                                                                                                                                                                                                |   | Stormwater 2 <sup>nd</sup> & subsequent resubmittal (\$50) |
| Masterplanned Subdivision (not accepted without preliminary plat) (\$250)                                                                                                                                         |   | Document Recording (\$30)                                  |
| Appeals to Administrative Denials (Variance to Non-zoning/Non-subdivision regulations) (\$250)                                                                                                                    |   |                                                            |
| Summary of Request (Add separate sheet(s) as necessary)                                                                                                                                                           |   |                                                            |
| This application is for the re-zoning of the proposed Shores at Lakewood 2nd Addition from A - Agriculture to PUD - Planned Unit Development and be added to the existing Shores at Lakewood PUD by an amendment. |   |                                                            |

| Engineer/Surveyor                                                                                                                                     |             |              | Property Owner or Applicant               |             |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|-------------------------------------------|-------------|--------------|
| Name<br>Nick Nustad, Mountain Plains, LLC                                                                                                             |             |              | Name<br>Arthur Goldammer - TRX Developers |             |              |
| Address<br>1300 Tacoma Ave, Suite A                                                                                                                   |             |              | Address<br>3100 N 14th St                 |             |              |
| City<br>Bismarck                                                                                                                                      | State<br>ND | Zip<br>58504 | City<br>Bismarck                          | State<br>ND | Zip<br>58503 |
| email<br>nnustad@mtplains.com                                                                                                                         |             |              | email<br>arthur@verityhomes.com           |             |              |
| Phone<br>701-955-3122                                                                                                                                 | Fax<br>na   |              | Phone<br>701-663-4117 / 701-426-0977      | Fax<br>na   |              |
| If the applicant is not the current owner, the current owner must submit a notarized statement authorizing the applicant to proceed with the request. |             |              |                                           |             |              |

| Location                                        |                    | Type    |             | Existing Zone    | Proposed Zone                                                                                                         | Project Name                 |                                 |
|-------------------------------------------------|--------------------|---------|-------------|------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------|
| x                                               | City               | ETA     | New         | Addition         | A-Agriculture                                                                                                         | PUD-Planned Unit Development | Shores at Lakewood 2nd Addition |
| Property Address                                |                    |         |             |                  | Legal Description                                                                                                     |                              |                                 |
| No Current Address - West End of McKenzie Drive |                    |         |             |                  | A replat of Lot 1, Block 2 of Lakewood 7th Addition and the unplatted portion of Lot 1 of Lot B and                   |                              |                                 |
| Current Use                                     |                    |         |             |                  | Outlot A of Section 1, Township 138 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota |                              |                                 |
| Agriculture                                     |                    |         |             |                  |                                                                                                                       |                              |                                 |
| Proposed Use                                    |                    |         |             |                  |                                                                                                                       |                              |                                 |
| Residential                                     |                    |         |             |                  | Section 1                                                                                                             | Township 138N                | Range 81W                       |
| Parcel Size                                     | Building Footprint | Stories | Building SF | Required Parking | Provided Parking                                                                                                      |                              |                                 |
| 46.82 acres                                     | na                 | na      | na          | na               | na                                                                                                                    |                              |                                 |
| Print Name<br>Arthur Goldammer                  |                    |         |             | Signature        |                                                                                                                       | Date<br>2/8/24               |                                 |

| Office Use Only |                           |                   |               |
|-----------------|---------------------------|-------------------|---------------|
| Date Received:  | Initials: <i>nm</i>       | Fees Paid: \$ 600 | Date 2-9-2024 |
| Notice in paper | Mailed to neighbors       | P&Z meeting       |               |
| Approved        | Approved with conditions: |                   |               |
| Denied          |                           |                   |               |

Updated 1/1/2024

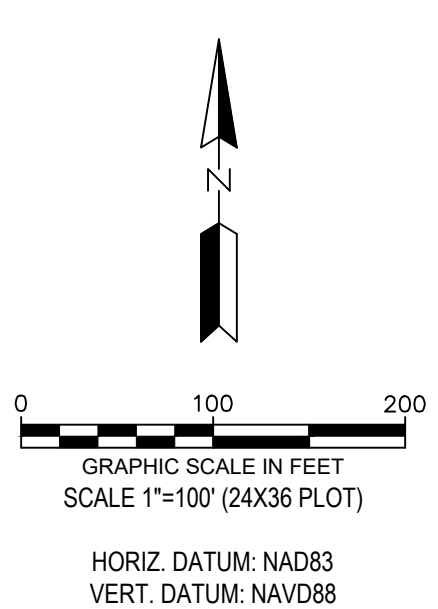
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Plot Date & Time: 25 January 2024 3:17 PM  
G:\Users\james\OneDrive\Projects\2024\Shores at Lakewood 2nd Addition - Prelim Plat.dwg

# PRELIMINARY PLAT SHORES AT LAKEWOOD 2ND ADDITION

TO THE CITY OF MANDAN  
A REPLAT OF LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION AND THE  
UNPLATTED PORTION OF LOT 1 OF LOT B AND OUTLOT A  
OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST  
OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA



| LEGEND |                     |
|--------|---------------------|
| ●      | FOUND MONUMENT      |
| ⊙      | SET MONUMENT        |
| ○      | CALCULATED POSITION |
| —      | PLAT BOUNDARY       |
| - - -  | PROPOSED LOT LINE   |
| - - -  | SECTION LINE        |
| - - -  | PROPOSED EASEMENT   |
| - - -  | EXISTING EASEMENT   |
| - - -  | 100-YEAR FLOODPLAIN |
| - - -  | EL. 1654.79' NAVD88 |

CLIENT:  
TRX DEVELOPERS LLC  
3100 N 14TH STREET  
BISMARCK, ND, 58503  
(701) 426-0197

SURVEYOR:  
MICHAEL J. TARNOWSKI, PLS  
MOUNTAIN PLAINS, LLC  
1300 TACOMA AVE, SUITE A  
BISMARCK, ND, 58504  
(701) 557-3348

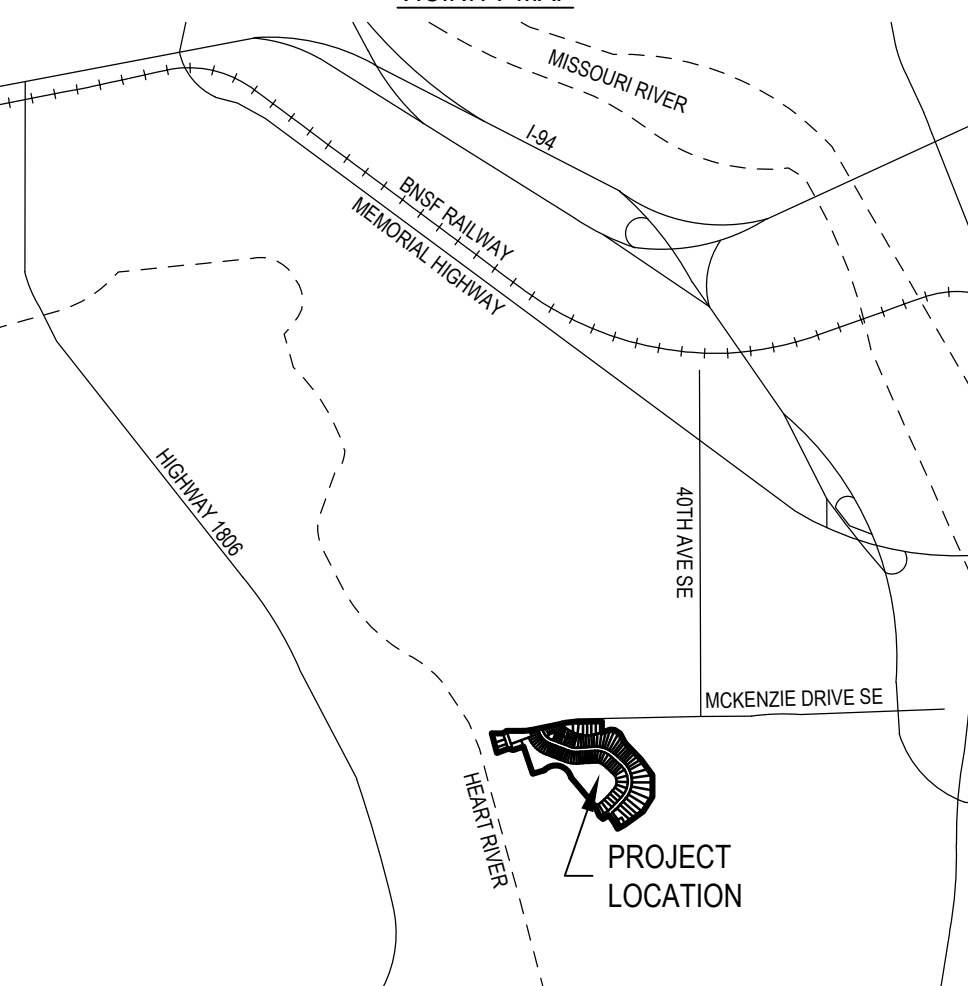
#### NOTES:

1. PRELIMINARY PLAT DATED 1/25/2024.
2. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
3. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
4. TOTAL LOTS: 126
5. TOTAL PLAT: 46.82 ACRES
6. PROPOSED ZONING: PUD - RESIDENTIAL
7. FRONT YARD SETBACK IS 25 FEET SIDE YARD SETBACK IS 5 FEET, AND BACK YARD SETBACK IS 20 FEET.
8. 100 YEAR FLOOD PLAN: FEMA ZONE X. DOCUMENT #38059C0515D. EFFECTIVE DATE: 4/9/2015

#### PLAT BOUNDARY DESCRIPTION

A REPLAT OF LOT 1, BLOCK 2 OF LAKEWOOD 7TH ADDITION AND THE UNPLATTED PORTION OF LOT 1 OF LOT B AND OUTLOT A OF SECTION 1, TOWNSHIP 138 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### VICINITY MAP



| SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 1 |           |
|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|
| LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) |
| 1                                        | 27435     | 11                                       | 24390     | 22                                       | 17143     | 33                                       | 7422      | 43                                       | 3472      | 53                                       | 6116      | 63                                       | 14421     |
| 2                                        | 20723     | 12                                       | 12884     | 23                                       | 18081     | 34                                       | 8559      | 44                                       | 3472      | 54                                       | 5134      | 64                                       | 17539     |
| 3                                        | 21739     | 13                                       | 13038     | 24                                       | 16887     | 35                                       | 10410     | 45                                       | 3472      | 55                                       | 4662      | 65                                       | 9402      |
| 4                                        | 24837     | 14                                       | 11657     | 25                                       | 12730     | 36                                       | 6673      | 46                                       | 3471      | 56                                       | 6608      |                                          |           |
| 5                                        | 31059     | 15                                       | 9954      | 26                                       | 13279     | 37                                       | 5518      | 47                                       | 8374      | 57                                       | 6608      |                                          |           |
| 6                                        | 31578     | 16                                       | 8657      | 27                                       | 11160     | 38                                       | 5449      | 48                                       | 7122      | 58                                       | 16229     |                                          |           |
| 7                                        | 36593     | 17                                       | 8756      | 28                                       | 7066      | 39                                       | 5379      | 49                                       | 5392      | 59                                       | 14706     |                                          |           |
| 8                                        | 31258     | 18                                       | 10251     | 29                                       | 8001      | 40                                       | 5310      | 50                                       | 4244      | 60                                       | 15339     |                                          |           |
| 9                                        | 29116     | 19                                       | 11484     | 30                                       | 8072      | 41                                       | 6612      | 51                                       | 4721      | 61                                       | 13740     |                                          |           |
| 10                                       | 25625     | 20                                       | 12942     | 31                                       | 7149      | 42                                       | 5712      | 52                                       | 4994      | 62                                       | 13833     |                                          |           |

| SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2 |           | SHORES AT LAKEWOOD 2ND ADDITION, BLOCK 2 |           |
|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|------------------------------------------|-----------|
| LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) | LOT                                      | AREA (SF) |
| 1                                        | 11832     | 12                                       | 8961      | 23                                       | 6820      | 34                                       | 7044      | 45                                       | 5760      | 56                                       | 53663     | 1                                        | 21345     |
| 2                                        | 11832     | 13                                       | 6916      | 24                                       | 5400      | 35                                       | 6585      | 46                                       | 7021      | 57                                       | 17392     | 2                                        | 14390     |
| 3                                        | 11832     | 14                                       | 7920      | 25                                       | 5400      | 36                                       | 6120      | 47                                       | 7011      | 58                                       | 491364    | 3                                        | 14880     |
| 4                                        | 11136     | 15                                       | 7920      | 26                                       | 5760      | 37                                       | 6120      | 48                                       | 7011      |                                          |           |                                          |           |
| 5                                        | 11050     | 16                                       | 6840      | 27                                       | 5760      | 38                                       | 5400      | 49                                       | 7011      |                                          |           |                                          |           |
| 6                                        | 11050     | 17                                       | 7779      | 28                                       | 5940      | 39                                       | 5400      | 50                                       | 7011      |                                          |           |                                          |           |
| 7                                        | 11741     | 18                                       | 9342      | 29                                       | 5940      | 40                                       | 5760      | 51                                       | 7011      |                                          |           |                                          |           |
| 8                                        | 12831     | 19                                       | 8800      | 30                                       | 5580      | 41                                       | 5760      | 52                                       | 7011      |                                          |           |                                          |           |
| 9                                        | 12831     | 20                                       | 7230      | 31                                       | 6202      | 42                                       | 5400      | 53                                       | 7011      |                                          |           |                                          |           |
| 10                                       | 13052     | 21                                       | 7672      | 32                                       | 6970      | 43                                       | 5400      | 54                                       | 4724      |                                          |           |                                          |           |
| 11                                       | 13426     | 22                                       | 5988      | 33                                       | 6978      | 44                                       | 5760      | 55                                       | 6253      |                                          |           |                                          |           |

| Line Table |        |             |
|------------|--------|-------------|
| Line #     | Length | Direction   |
| L1         | 26.13  | S11°41'11"E |

| Curve Table |        |        |           |                |
|-------------|--------|--------|-----------|----------------|
| Curve #     | Length | Radius | Delta     | Chord Distance |
| C1          | 18.16  | 100.00 | 10°24'21" | 18.14          |



## **ORDINANCE NO. 14XX**

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

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

WHEREAS, The Open Space designation for this area largely stems from being within the floodplain. The transition of Open Space to Low Density Residential and Commercial is supported due to the open area that will be preserved by the central pond, elevation out of the floodplain by LOMR-F, and flood-resilient basement proposed by the developer.

WHEREAS, Shores of Lakewood will be zoned and defined as a PUD as the overlay zoning with the R7 (Single-Family Residential), R4 (Single-Family Residential), R3.2 (Two-Family Residential), and CB (Commercial) as the underlying zoning. Housing types are limited to single-family attached (twin/town/row homes) and single-family detached homes.

WHEREAS, The Shores at Lakewood will be developed in 4 phases, as defined in the master plat and phasing map. Phase 1 of Shores at Lakewood will be zoned as a PUD (Planned Unit Development). Phases 2-4 will initially be identified as super blocks, requiring the developer to submit a final plat and PUD amendment, following the criteria defined in this master PUD plan, prior to development of each phase. Phases 2-4 will remain Ag (Agriculture) and be taxed as such, until development of each phase, independently, is complete and the lots are building permit ready.

WHEREAS, Lots may be combined to accommodate larger homes. For lots contained in blocks to be zoned R4 or R3.2, regulations governing R7 will apply.

WHEREAS, all residential lots shall be governed by the following setbacks:

- Front Yard – 25’ from public street
- Side Yard – 5’
- Street Side Yard – 15’
- Rear Yard – 20’

WHEREAS, Except for regulations provided within the PUD District, the underlying zoning regulations shall apply to residential lots as follows:

- Blocks 1, 3, 5 & 6 – R7
- Lots 1-38, Block 4 and Lots 1-36, Block 2 – R3.2
- Block 2 & Lots 39-94, Block 4 – R4
- Block 7 – CB limited
  - The following uses may be permitted:
    - **Utility Service Group**

- **Service Group A**
  - In shop repair of carry in items
  - Furniture repair or upholstering
  - Dressmaker, Milliner or Tailor
  - Barber or beauty shop
  - Pet hospital or clinic
  - Pet grooming and dog daycare
  - Shoe and other leather goods repair
- **Service Group B**
  - Self-Storage Units
  - Taxicab or Bus Company with Overnight Vehicle Parking
  - Kennel
  - Commercial garage or parking lot
  - Auto, truck or equipment repair
  - Animal hospital or clinic
  - Mobile cleaning, repair and restoration services

WHEREAS, Lot 21, Block 2, will be constructed as a community park and parking area for the use and enjoyment of the residents of Shores at Lakewood. This property will be owned and managed by the Home Owners Association.

WHEREAS, Block 7 shall be platted as a single block to be zoned CB – Limited as described in this ordinance. Occupied residential use shall not be allowed until such a time a tertiary access and right of way is granted from the south end of the property. Any development of this area shall be subject to a future EO 11988 USACE review, in addition to the City of Mandan review and site plan approval process. A PUD amendment process shall also be followed.

WHEREAS, Overall density upon buildout for residential units/area shall be between 2.5 to 4 units per gross acre.

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

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

ALL LOTS CONTAINED IN BLOCKS 1-7, SHORES AT LAKEWOOD ADDITION, SECTIONS 1 AND 12, TOWNSHIP 138N, RANGE 81W, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA SHALL BE REZONED FROM A – AGRICULTURE TO PUD - PLANNED UNIT DEVELOPMENT.

Said tract shall be included in the Planned Unit Development (PUD)

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

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Tim Helbling, President  
Board of City Commissioners

Attest:

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Jim Neubauer  
City Administrator

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

February 28, 2022

April 19, 2022

May 3, 2022

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## **Planned Unit Development Narrative**

### **Request for Shores at Lakewood Addition**

TRX Developers, LLC is proposing to plat and develop approximately 132 acres located southwest of 21<sup>st</sup> Street SE, intersected by McKenzie Dr SE, and West of 39<sup>th</sup> Ave SE/Oxbow Trail SE/34<sup>th</sup> Ave SE, Mandan, ND. The area is currently unplatted agriculture land in the City of Mandan ETZ zoning district.

TRX Developers, LLC is considering developing the property into a mixed-use site with a combination of single family detached (stand-alone single family) and single family attached (twin home) residential and limited non-residential commercial/storage, which will all address many of the housing and land use needs for the City of Mandan and its residents.

TRX Developers, LLC proposes rezoning the property to a PUD district and amending the FLUP in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses and will conform to the City of Mandan Municipal Code and Future Land Use Plan. The proposed plat has been adjusted significantly from the previous submission, using feedback and in consideration of some area resident concerns.

Development within the district will be characterized by three main types as mentioned above, single family detached housing, single family attached housing, and commercial/storage. Considering the majority of land zoned RM to the east, a smaller area of land zoned R7 also to the east, the Golf Course to the north, the City Wastewater Treatment Facility to the SE, and the agriculture to the south, the proposed zoning change would not adversely affect property in the vicinity.

The proposed PUD would reduce urban sprawl, put less demand on city services per capita compared to traditional developments, encourage walk/live/play, and provide interconnectivity to trails, while contributing much needed architecturally appealing and diverse homes to the landscape.

**Platting:** Shores at Lakewood will be platted as a master plat, using a Planned Use Development, to ensure future conformity with the PUD and to give the City assurance that any changes in the future must follow the PUD amendment process and be very clearly outlined and defined.

**Phasing:** Shores at Lakewood will be developed in 4 phases, as defined in the master plat and phasing map. Phase 4 will initially be identified as a super block, requiring the developer to submit a site plan and architectural standards/design to the City of Mandan, prior to commercial development in this phase, as per standard ordinance set forth by the City of Mandan.

**Issuance of Building Permits:** Building permits shall not be issued in each phase until said phase is deemed substantially complete by City standards.

**Zoning & Taxation:** After plat and PUD approval, Shores at Lakewood will be zoned as a PUD. Phases 2 through 4 will remain taxed as entitled but undeveloped lands, until development of each phase, independently, is significantly complete and the lots are building permit ready. Once complete, the properties included in the completed phase shall be taxed as determined by the Mandan City Auditor for the appropriate use and zoning.



**Location:** Combined parcel located in the City of Mandan, Morton County, North Dakota, City Parcel Number(s) 65-5511350, 65-5511360, 65-5511352, 65-5511525, 65-5513800, & 30-0114100. The project consists of approximately 132 acres.

**Details:** The subdivision master plan provides for 152 single family detached residential lots (68 R7 & 84 R4), 66 (33 twin buildings) R3.2 type lots, one splash pad, one park, one walk/bike/buffer zone/stormwater lot, one limited non-residential commercial super lot/block, & one pond/borrow lots. The pond/borrow lot will serve to provide fill for the site to bring it out of the 100 year flood plain, as well as, to fulfil the storm water retention needs. The project will be zoned and defined as a PUD as the overlay zoning with the R7, R4, R3.2, and CB as the underlying zoning. Housing types are limited to single family attached (twin/town/row homes) and single family detached homes.

**Infrastructure Installation:** The Developer of the Project will install all sanitary sewer, & water. Mountain Plains, LLC will provide the engineering and design for the Project. Infrastructure layout and design parameters are found on the submitted PUD Site Plan. The Developer will design and submit for approval the storm water plans. Installation of storm sewer, street lighting, curb/gutter/paving, and road base prep will be handled by the City of Mandan via a special assessment district.

**Infrastructure Funding:** The Developer of the Project will fund the cost of engineering design, sanitary sewer, grading, and water installation. The storm sewer, street lighting, curb/gutter/paving, and road base prep shall be handled via Bids awarded by the City of Mandan and assessed in a Special Assessment District per the City of Mandan Ordinance.

**Infrastructure Maintenance and Repair:** The City of Mandan shall be responsible for future repairs and maintenance of public right of way and roads.

**Lot Combination Alternative:** Lots may be combined to accommodate larger homes. If lots are combined, the regulations of R7 zoning district shall apply.

**Residential Lot Setbacks:** In order to simplify the residential lot setbacks, all residential lots shall be governed by the following setbacks:

- Front Yard – 25' from public street
- Side Yard – 5'
- Street Side Yard – 15'
- Rear Yard – 20'

**Underlying Zoning Regulations:** Except for regulations provided within the PUD District, the underlying zoning regulations shall apply to residential lots as follows:

- Blocks 1, 3, 5, & 6 – R7
- Blocks 4 (lots 1 – 38) & 5 (lots 1 – 36) – R3.2
- Blocks 2 & 4 (lots 39 – 94) – R4
- Block 7 – CB limited

**Community Park:** A community park will be constructed for the use and enjoyment of the residents of Shores at Lakewood on Lot 21 Block 2. This property will be owned and managed by the Home Owners Association. This park may be dedicated to the City of Mandan Parks District with further details and agreement to be reached with the Parks District.



**Improved Dead Heart & Walk/Bike Path:** Due to some area resident feedback, the Developer no longer is proposing to reshape, landscape, and clean up the current Dead Heart oxbow and to dedicate the area to the Mandan Park District for a walk/bike path to be installed for the use and benefit of the City of Mandan residents. As these previously proposed improvements rely on adjacent property owner support, with some owners not supporting this portion of improvements, the area will be left as is currently, outside of any water/sewer/storm water/street improvements that are necessary to the development. Should the adjacent property owners have a change of mind/opinion, with the support of adjacent land owners, we will revert to original plan to shape and landscape their rear yards in relation to the Dead Heart so they can also enjoy the benefits of a re-developed area and to provide them with Golf Course and Mandan Parks pedestrian/bike access. The path may be dedicated to the Mandan Parks District, per the Developer's Agreement and the Mandan Parks District direction.

**HOA:** An HOA will be formed for the purpose of maintaining the pond, splash pad (if installed), and park. It will also facilitate the exterior landscape, grounds maintenance, snow removal, and care of the properties in Shores at Lakewood. The HOA Board of Directors shall be solely responsible for the hiring and direction of professional companies to perform mowing, residential snow removal, pond maintenance, and other HOA responsible items.

**Golf Course Access:** Access easements and paths will be provided to ensure resident access to the Mandan City Golf Course.

**Parking and Traffic Rules and Regulation:** Parking and enforcement will be handled by the City of Mandan. Garage orientation to be pre-determined to ensure maximum parking available on street.

**Snow Removal:** Snow removal on public streets will be by the City of Mandan. Individual residence driveway and apron snow removal shall be provided by the HOA. Lead walks/patio/deck snow removal shall be provided by the property owner.

**Garbage Collection:** Garbage collection shall be performed by the City of Mandan to the single family and twin home residential parcels. The CB parcels shall arrange for their own garbage collection services.

**Fencing:** 6 ft wrought iron fencing along the north boundary, and monument markers on the westerly boundary, will be provided and installed by developer to ensure LHWRD/USACE levee system and golf course are not encroached upon.

**Internal Nocturnal Illumination:** Internal downward nocturnal illumination shall be provided and installed to provide safety and security. Funding to install and procure the lights shall be provided by a Special Assessment District per City of Mandan Ordinance.

**Special Assessments:** Existing and future special assessments will assessed per the City of Mandan Ordinance. Pond/Borrow/Parks lots are to remain clear and free of any special assessments. The storm sewer, street lighting, curb/gutter/paving, road base prep, and any Park Improvements (per the Mandan Parks District) shall be vetted, facilitated, and installed via Bids awarded by the City of Mandan and assessed in a Special Assessment District per the City of Mandan Ordinance.

**Easements:** Any and all easements shall be shown on the plat.

**Grantor/Grantee of Easements:** The Developer shall be the Grantor of the easements. The City of Mandan, & the State of North Dakota, and any others named on the plat shall be the Grantees of all easements.

**Street Design:** Street design shall follow the City of Mandan Municipal Code. The Developer proposes a local street design to the narrower street design with parking on one side, standard 6" curb, with larger/wider boulevards similar to Amity Circle SE, 46<sup>th</sup> Ave SE, etc, in order to mitigate special assessment costs and also to provide larger/wider boulevards for increased snow storage.

**USACE Review:** A pre-submittal development review request was provided to the USACE, following Executive Order 11988. On September 9<sup>th</sup>, 2021, the USACE provided a letter confirming final review with final comments that have been incorporated into the design and development plans, in addition to the requirements identified by the local sponsor that have been included in the ratified Developer's Agreement with the Lower Heart Water Resource District.

**Developer Agreement Lower Heart Water Recourse District:** Developer's agreement is in place outlining the criteria for development and future use/maintenance in regard to the overall community and also the Levee system. The agreement is to remain in of effect and all conditions and criteria to follow the chain of title/deeds. Covenants and HOA documents to reflect the criteria outlined in the Development Agreement.

**Overall Density:** Overall density upon buildout for residential units/area shall be no greater than 4 units per gross acre.

**Block 7:** Block 7 shall be platted as a single block limited to CB or lower. Occupied residential use shall not be allowed until such a time a tertiary access and right of way is granted from the south end of the property to Lakewood Drive SE. Any development of this area shall be subject the City of Mandan review and site plan approval process.

**Flood Resilient Basement Design:** Flood resilient engineered basement design standards per the City of Fargo, and as designed/modified by a structural engineer (and approved by the City of Mandan Building Inspections Dept), are required for all 8' basement foundations outside of the 500' critical impact levee zone. Superior Walls Precast Xi foundations, as designed/modified to local hydrostatic potential lateral pressures, and approved by the IRC, are allowed outside of the 500' critical impact levee zone. No basement foundations are allowed within the 500' critical impact levee zone.

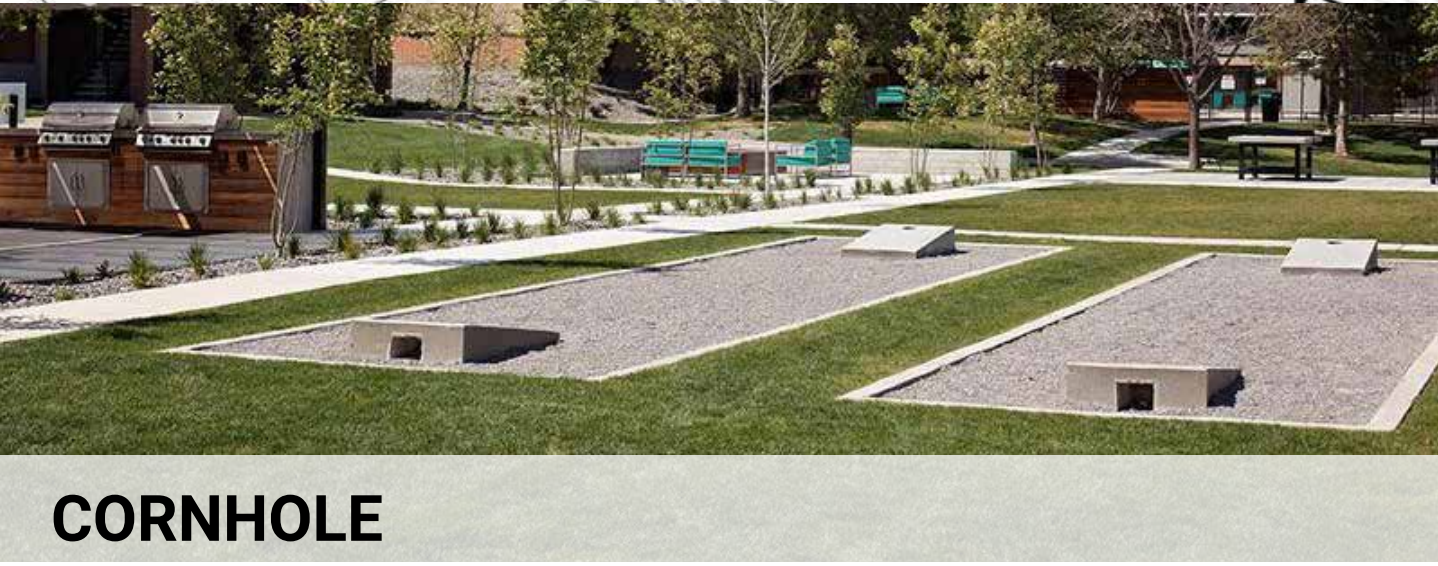
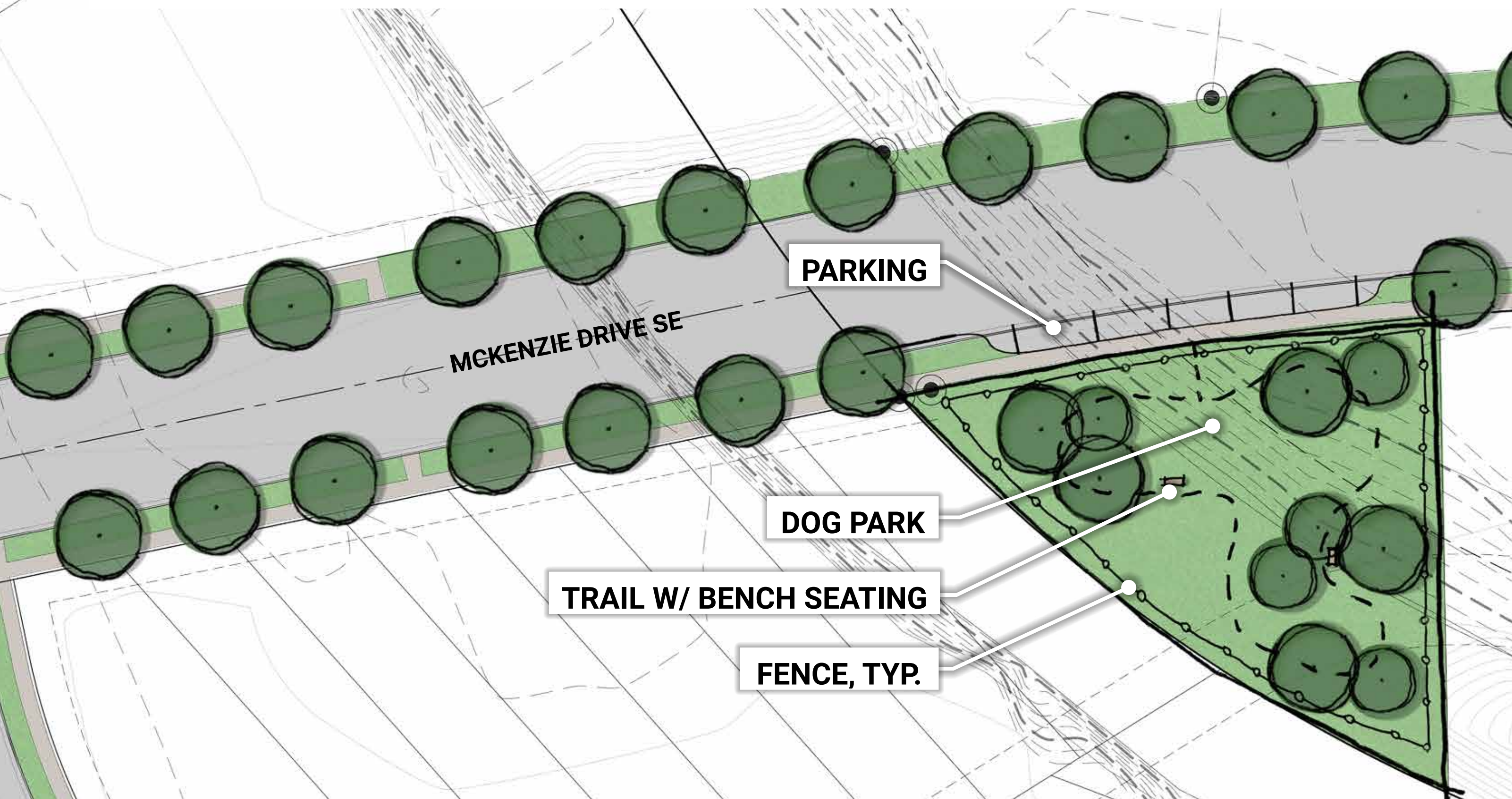
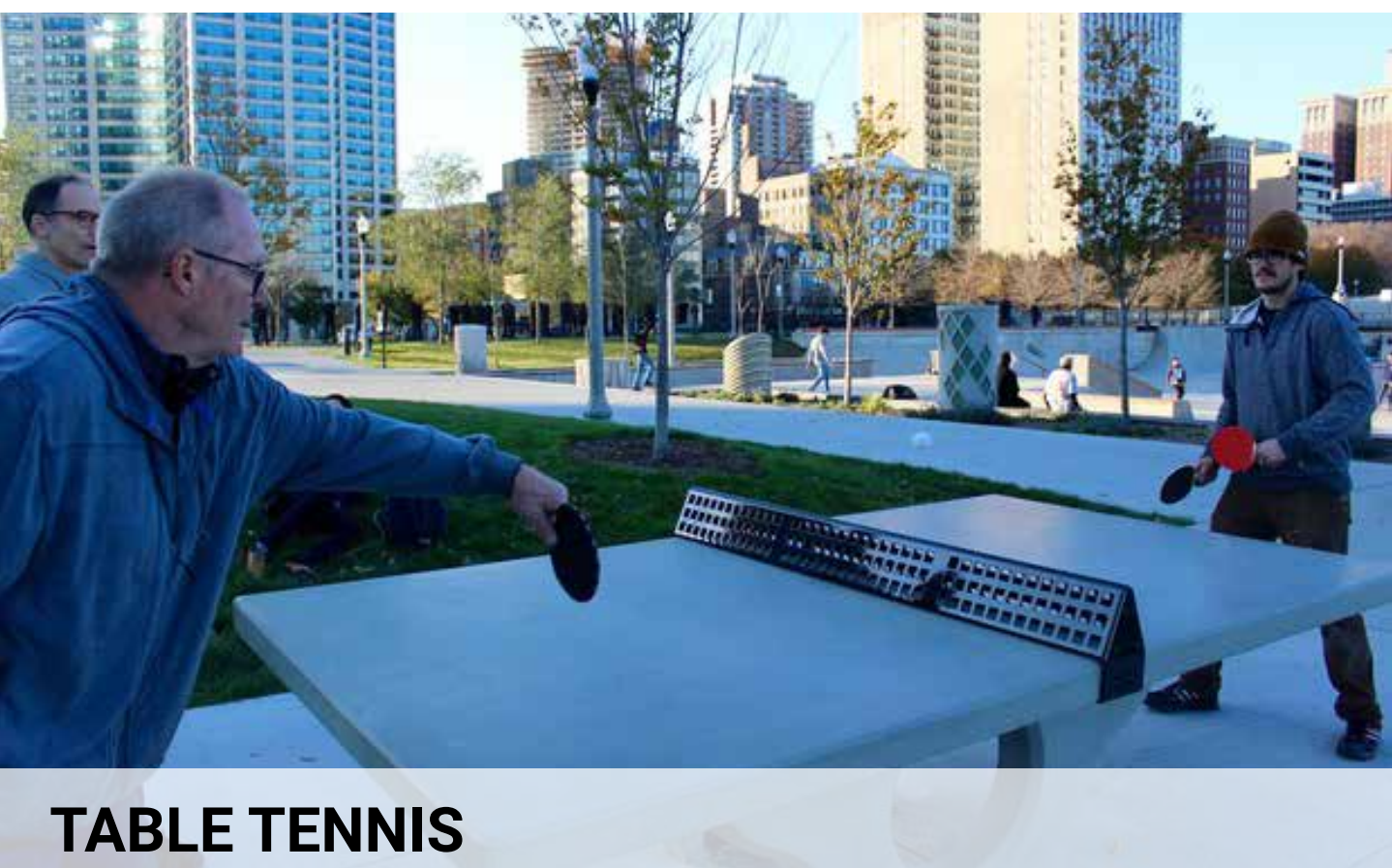
**Finished Floor Elevations:** Building foundation height shall be set at a minimum of 2' higher than the curb and shall conform to the City of Mandan Code.

**Capital Improvement & Maintenance Fund:** A capital improvement fund shall be created to provide future reserves for any and all capital improvements needed by the HOA for repairs and maintenance to the Splash Pad, Community Park, the Pond, and also for other community enhancements, maintenance, and/or repairs that should arise. The fund will be created by an initial transfer fee of \$250 per home sold/closed to 3<sup>rd</sup> parties (home buyers), with subsequent transfer fees of \$500 per home re-sold and closed.

**CBU for Postal Service:** Cluster boxes will be used to facilitate mail delivery. The developer shall install cluster mailboxes to serve the development by the United State Postal Services (USPS) and other private carriers. The location of the cluster mailbox(s) shall meet the requirements of the City and USPS and be approved at each phase of development.

**Pond Water Quality:** Two to three aeration fountains to be installed by developer and maintained by the HOA to ensure water quality throughout the summer season and to mitigate algae growth and mosquito breeding habitat.









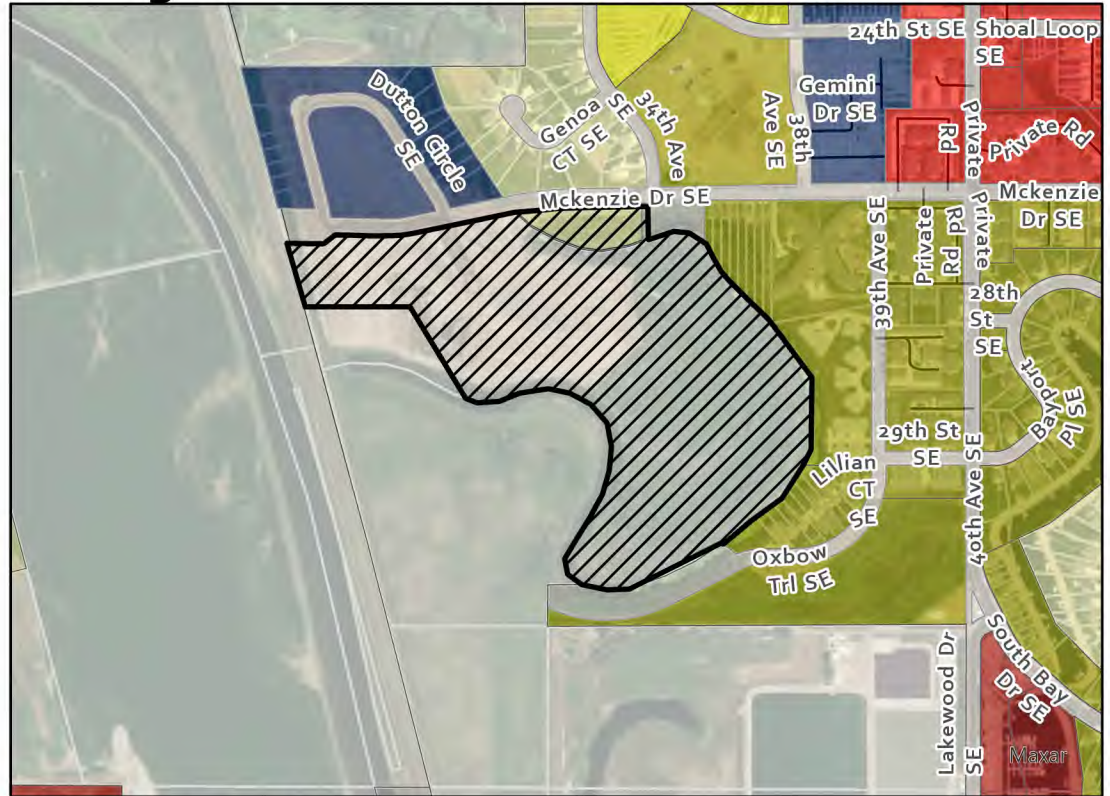
# Zoning and Future Land Use Reference Map

Shores at Lakewood 2nd Addition

## 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
- Parcels
- February '24 Planning Items



### Future Land Use Plan Key

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

## Future Land Use Plan

