



**Planning Commission
Staff Report**

Application Date: 12/12/2023
Date of Staff Report: 01/19/2024
Date of Planning Commission Meeting: 02/06/2024

Staff Contact: Doug Diedrichsen, Principal Planner
Staff Recommendation: Approval

Case Number: 2024-01-01
Project Name: Avery's Second Addition – Preliminary Plat
Current Legal Description: See the project description below.
Proposed Legal Description: Avery's 2nd Addition

Present Address: See the project description below.

Entitlements Requested: Major Subdivision Preliminary Plat

Owners: Wayne & Layreen Johnson, Marvin & Arlene Avery

Representative: Wayne Johnson, Owner

Present Zone(s): "AG" Agricultural District

Present Use(s): Crop Production, Single-Family Home

Uses Allowed in Present Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.

Present Future Land Use Map Designation: Rural Residential & Light Industrial

Proposed Zone(s): No Change

Proposed Use(s): No Change

Uses Allowed in Proposed Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.

Proposed Future Land Use Map Designation: No Change

PROJECT DESCRIPTION:

Public hearing request by Wayne Johnson, property owner for a preliminary plat to consolidate several properties into Two (2) lots. The proposed subdivision is to be named Avery's Second Addition, being a replat of Outlot 27 of the SE ¼ SW ¼ SW ¼ SE ¼ and SE ¼ SW ¼ less a portion SW ¼ SE ¼ less road portion sold and Outlot 2, 8, 9, 12, 25, 26 and 28 and Lot 1 Avery's Addition, located in the southwest and southeast quarters of Section 32, Township 155N, Range 82W of the Fifth Principal Meridian, to the City of Minot, County of Ward, State of North Dakota.

The properties include 3200 County Road 19 S. and an unaddressed property south of 3200 County Road 19 South and east of 2900 34th Ave SE. west of 3220 & 3300 County Road 19 S. An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The property owner seeks to consolidate three existing lots into two lots. The proposed subdivision will create two lots from an outlot and unplatted land. Lot 1 will be 13.38 acres and Lot 2 is 40.85 acres.

The preliminary plat can be found in **Exhibit 2**.

The zoning and future land use map designation of the subject property and surrounding area is provided in **Exhibits 3**.

Site photos are provided in **Exhibit 4**.

STAFF ANALYSIS:

Subdivision Design Standards:

Section 10.2-7 C. of the Land Development Ordinance of the City of Minot (LDO) covers the process of application and submittal for a major subdivision preliminary plat. The applicant has submitted the necessary application documents required per Section 10.2-7 C. 2. and noticing has been conducted as required per 9.2-1 (B) and (C).

Section 10.2-7. D. requires that staff's report consider the nature of the proposed development as prescribed within Section 10.2-5 relating to whether or not it meets the technical requirements of Article 10, and if not, whether any such requirements should be waived. To that end, staff provides the following guidance based on the various requirements of Chapter 10.3 – Design Standards:

Section 10.3-1, requiring the proposed subdivision to be designed in accordance with the standards of Chapter 10.3, the Land Development Ordinance as a whole, and a list of various other plans and codes, is satisfied.

Section 10.3-2 prohibits the approval of the subdivision of land that is unsuitable for development due to a variety of reasons. Staff finds the proposed preliminary layout, which proposes two lots, each with adequate terrain and access to be suitable for development. Staff finds Section 10.3-2 is satisfied.

Section 10.3-3. requires that a subdivision name not already be utilized elsewhere and spelled correctly. The name Avery's 2nd Addition has not yet been taken and is spelled correctly. Section 10.3-3. is satisfied.

Section 10.3-4. A-F. relating to Street Names and Numbering is not applicable, as there are no additional streets proposed via this subdivision.

The requirements of Section 10.3-11. relating to the design of the individual lots has been satisfied as those properties to be zoned meet the minimum lots size of ten (10) acres in the "AG" Agricultural District.

Section 10.3-12 relating to block design is not applicable.

The requirements of Section 10.3-13.A. relating to the dedication of right-of-way, easements, and street widths is not satisfied due to the lack of a dedication of thirty three foot (33') along the Section line lying along the southern boundary and dedication of ten foot (10') utilities easement along the front of the property lines of the subject properties. Staff recommends these dedications be included as a condition of approval for the final subdivision plat.

Sections 10.3-14 relates to sidewalks, which are exempted within the "AG" Agricultural District subdivision unless required by the City Engineering or their designee. Sidewalks are not being required and therefore Section 10.3-14 is satisfied.

Section 10.3-15 related to public utilities is satisfied. The land is outside of the service area of the municipal water and sewer system. Each site is suitable, at a minimum, for agricultural uses related to farming and ranching.

Section 10.3-21 related to financial security for necessary infrastructure improvements is not applicable.

Section 10.3-22 is satisfied, as the applicant is required to follow all City permitting processes for construction.

Comments:

Comment provided by City Engineering Department

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and the following comments were received.
 - a. Regulatory floodplain must be shown on the plat
 - b. Access locations must be approved by the Ward County Engineer
 - c. Storm water management plan required for any development other than agricultural use

FINDINGS OF FACT:



The Minot Planning Commission should accept the following findings of facts:

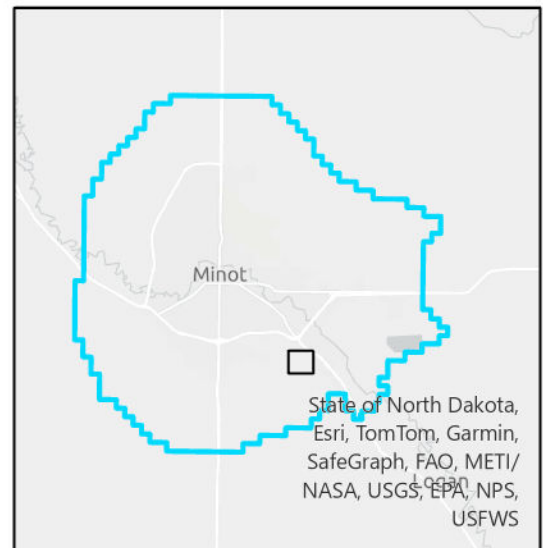
- 1) The applicants have submitted a complete application.
- 2) The property is zoned “AG” Agricultural District on the Official Zoning Map and has a “Rural Residential” and Light Industrial designation on the Future Land Use Map of the 2012 Comprehensive Plan.
- 3) The applicant’s request is consistent with the bulk requirements of Chapter 2.4 – “AG” Agricultural District of the Land Development Ordinance of the City of Minot (LDO).
- 4) The applicable sections of Chapter 10.3 related to subdivision design are satisfied with the conditions of right-of-way dedications and easements be included on the final plat.
- 5) The Minot Planning Commission has the authority to recommend approval, with or without conditions, or recommend denial of the Major Subdivision Preliminary Plat. The public notice requirements were met, the hearing was legally noticed and posted, and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend City Council approve the Major Subdivision Preliminary Plat for Avery’s 2nd Addition with the condition that the right- of-way along the section line and required utilities easements be dedicated on the final plat.

A horizontal number line representing distance in feet. The line starts at 0 on the left and ends at 1,520 on the right. Major tick marks are labeled at 0, 380, 760, and 1,520. There are also minor tick marks at 190, 570, 950, and 1,160.

- | | |
|-------------------------------------------------------------------------------------|---------------------------------|
|  | 2024-01-01 Subject Property |
|  | 2024-01-01 Notification Boundry |



######

EXHIBIT 4 – SITE PHOTOS

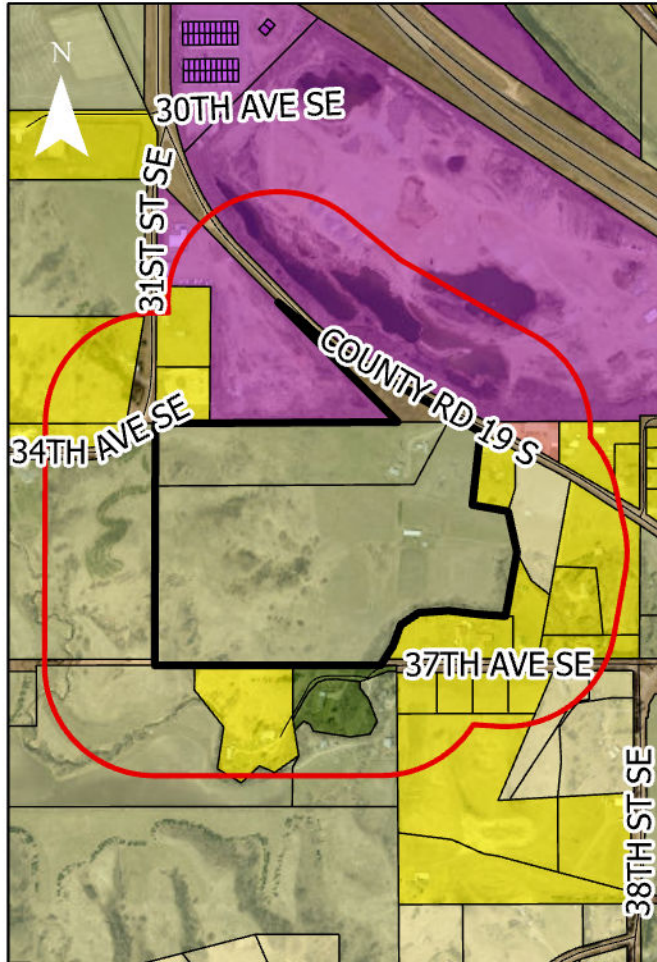


LOOKING NW

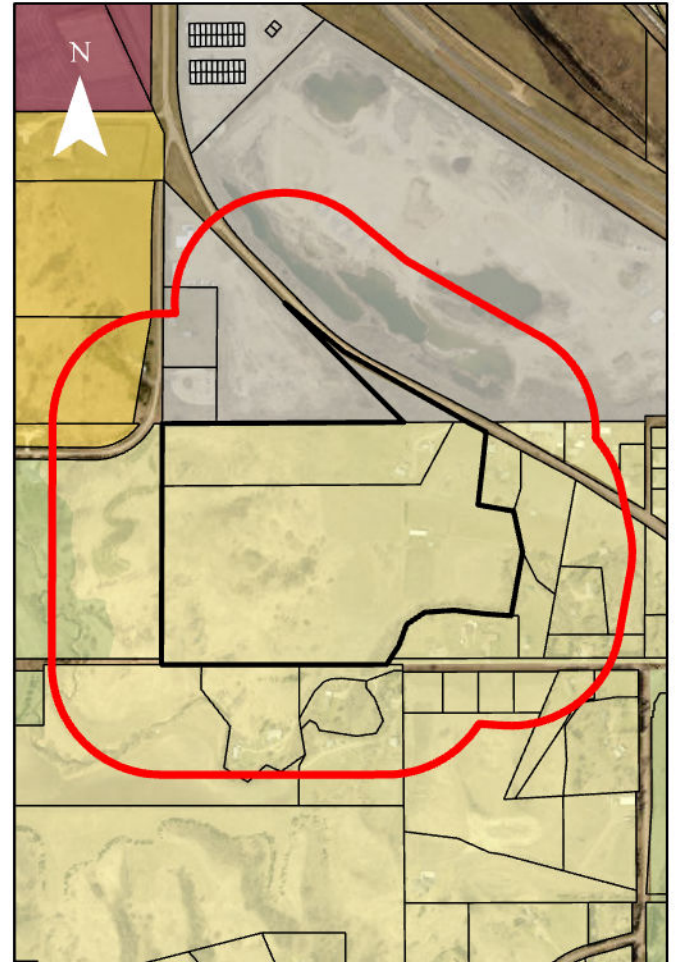


PROPERTY ACCESS (DRIVEWAY)

ZONING









FUTURE LAND USE





0 487.5975 1,950 Feet






Zoning

	AG
	C2
	M1
	MH
	R1
	RR

Both Maps

	600' Notification Buffer
	Subject Property

Land Use Type

	Agricultural and Open Space
	Rural Residential
	Suburban Residential
	General Commercial
	Light Industrial