



## Planning Commission Staff Report

**Application Date:** 12/12/2023

**Staff Contact:** Doug Diedrichsen, Principal Planner

**Date of Staff Report:** 01/19/2024

**Staff Recommendation:** Approval

**Date of Planning Commission Meeting:** 02/06/2024

**Case Number:** 2024-01-01

**Owners:** Wayne & Layreen Johnson, Marvin & Arlene Avery

**Project Name:** Avery's Second Addition – Preliminary Plat

**Representative:** Wayne Johnson, Owner

**Current Legal Description:** See the project description below.

**Proposed Legal Description:** Avery's 2<sup>nd</sup> Addition

**Present Address:** See the project description below.

**Entitlements Requested:** Major Subdivision Preliminary Plat

**Present Zone(s):** "AG" Agricultural District

**Proposed Zone(s):** No Change

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

**Proposed Use(s):** No Change

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

**Uses Allowed in Proposed 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 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 34<sup>th</sup> Ave SE. west of 3220 & 3300 County Road 19 S. An aerial photo of the subject property can be found in **Exhibit 1**.

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## **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**.

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## **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 2<sup>nd</sup> 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:**

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

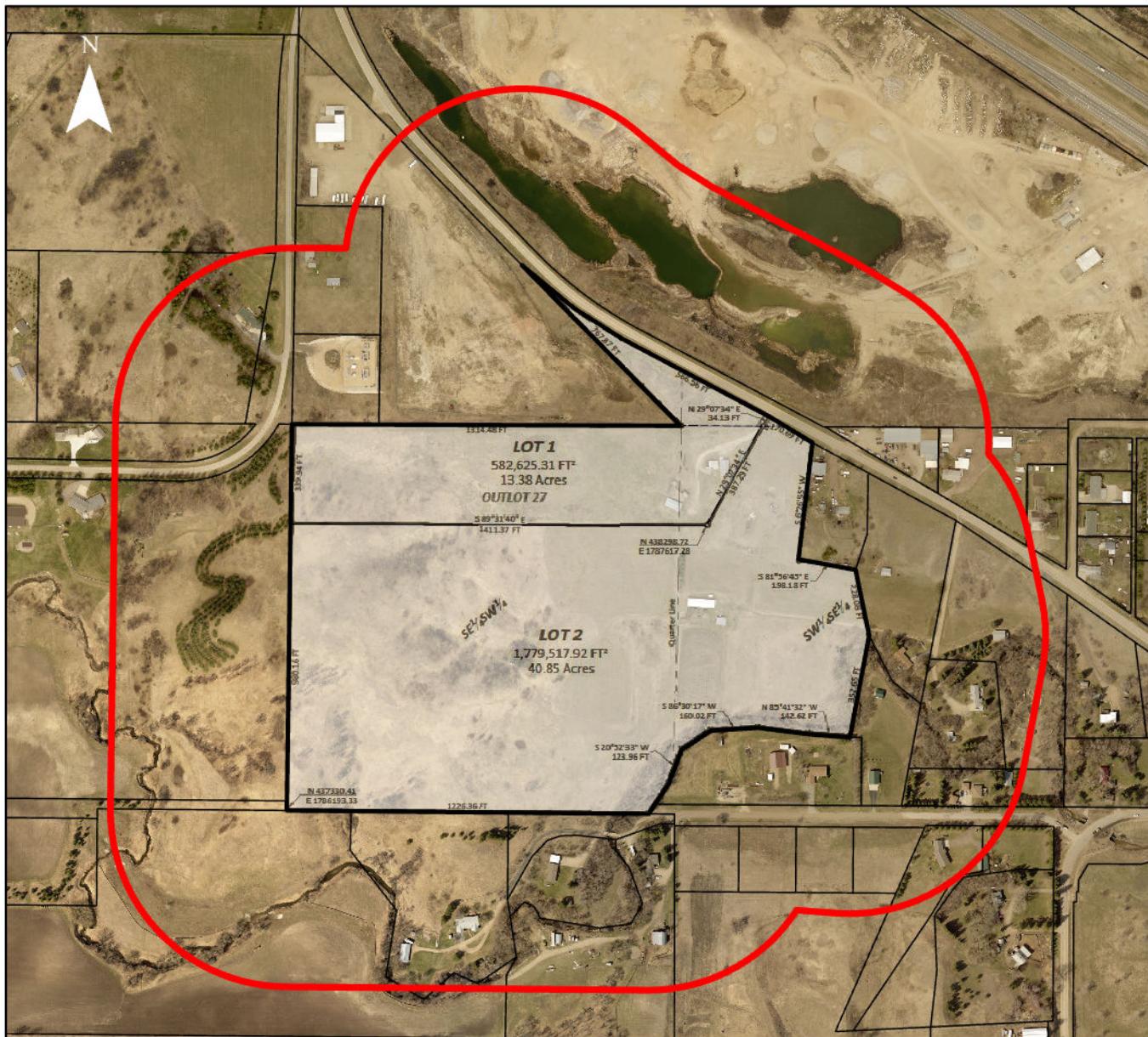
- 1) The applicants have submitted a complete application.
- 2) The property is zoned "AG" Agricultural District on the Official Zoning Map and has a "Rural Residential" and Light Industrial designation on the Future Land Use Map of the 2012 Comprehensive Plan.
- 3) The applicant's request is consistent 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:**

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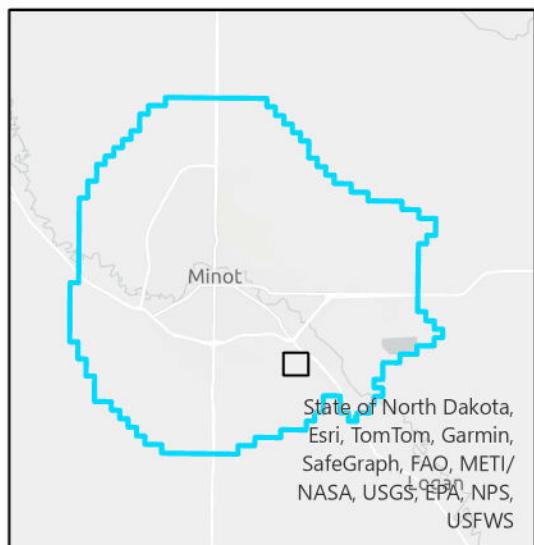
Staff recommends the Planning Commission adopt staff findings of fact and recommend City Council approve the Major Subdivision Preliminary Plat for Avery's 2<sup>nd</sup> Addition with the condition that the right- of-way along the section line and required utilities easements be dedicated on the final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

# City of Minot



0 380 760 1,520 Feet

2024-01-01 Subject  
Property  
2024-01-01 Notification  
Boundary



# AVERY'S 2ND ADDITION TO THE CITY OF MINOT, NORTH DAKOTA

BEING ALL OF OUTLOT 27 AND AN UNPLATTED PORTION OF THE  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  AND THE SE $\frac{1}{4}$ SW $\frac{1}{4}$  SECTION 32,  
TOWNSHIP 155 N, RANGE 82 W, WARD COUNTY, NORTH DAKOTA  
TO THE CITY OF MINOT, NORTH DAKOTA

## DESCRIPTION:

Know all men by these presents that Wayne & Layreen Johnson, being Owners and Proprietors, of Outlot 27, and Marvin I & Arlene D Avery, being Owners and Proprietors, of an Unplatted Portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  AND THE SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 32, Township 155 N, Range 82 W, Ward County, North Dakota, being more particularly described as follows:

Beginning at the Northwest Corner of Outlot 27, a Plat being on file at the Ward County Recorder's Office; Thence S 89°31'40" E, on the North Line of said Outlot 27, a distance of 1314.48 FT, to the Southeast Corner of Lot 3, of Laviotte Addition, a Plat being on file at the Ward County Recorder's Office; Thence N 44°15'46" W, on the East Line, of said Lot 3, a distance of 767.87 FT, to a Point being on the Westerly Right of Way Line of Ward Co. Rd. 19; Thence S 48°30'44" E, on said Westerly Right of Way Line, a distance of 58.10 FT; Thence along a Curve to the Left on said Westerly Right of Way Line, said Curve having a Length of 363.09 FT, a Radius of 1336.90 FT, and a Delta Angle of 15°33'41"; Thence S 61°35'46" E, on said Westerly Right of Way Line, a distance of 737.25 FT, to the Northwest Corner of Outlot 25, a Plat being on file at the Ward County Recorder's Office; Thence S 6°26'55" W, on the West Line, of said Outlot 25, a distance of 142.24 FT, to the Southwest Corner, of said Outlot 25; Thence S 81°56'45" E, on the South Line, of said Outlot 25, a distance of 198.18 FT, to the Southeast Corner, of said Outlot 25; Thence S 11°44'32" E, on a Westerly Line, of Lot 1, of Avery's Addition, a Plat being on file at the Ward County Recorder's Office, a distance of 228.08 FT, to the Northwest Corner, of Outlot 28, a Plat being on file at the Ward County Recorder's Office; Thence S 10°42'40" W, on a Westerly Line, of said Outlot 28, a distance of 352.65 FT, to a Point being on a Property Line of Outlot 26, a Plat being on file at the Ward County Recorder's Office; Thence N 85°41'32" W, on a Property Line, of said Outlot 26, a distance of 142.62 FT, to a Property Corner, of said Outlot 26; Thence N 82°41'33" W, on a Property Line, of said Outlot 26, a distance of 171.55 FT, to a Property Corner, of said Outlot 26; Thence S 86°30'17" W, on a Property Line, of said Outlot 26, a distance of 160.02 FT, to a Property Corner, of said Outlot 26; Thence S 56°56'07" W, on a Property Line, of said Outlot 26, a distance of 119.99 FT, to a Property Corner, of said Outlot 26; Thence S 20°52'33" W, on a Property Line, of said Outlot 26, a distance of 123.96 FT; Thence S 33°22'17" W, on a Property Line, of said Outlot 26, a distance of 122.18 FT, to a Point being on the South Line, of the Southwest Quarter, of said Section 32; Thence N 89°28'05" W, on the South Line, of the Southwest Quarter, of said Section 32, a distance of 1226.36 FT, to the Southwest Corner, of the Southeast Quarter of the Southwest Quarter, of said Section 32; Thence N 0°45'02" E, on the West line of the Southeast Quarter of the Southwest Quarter, of said Section 32, a distance of 980.16 FT, to the Southwest Corner, of said Outlot 27; Thence N 0°44'29" E, on the West Line, of said Outlot 27, a distance of 339.94 FT, to the Point of Beginning.

Said described tract, of land contains 54.23 Acres more or less. Have caused the same to be surveyed and platted as shown hereon, to be known as Avery's 2nd Addition, to the City of Minot, North Dakota, the owners hereunto affixed their signatures.

Wayne Johnson

Layreen Johnson

Marvin I Avery

Arlene D Avery

STATE OF NORTH DAKOTA, COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ Day of \_\_\_\_\_, 2024, before me, a Notary Public in and for said State, Appeared Wayne & Layreen Johnson, well known to be the persons described in the foregoing description and acknowledged to me that they executed the same on their own free act and deed.

My commission expires

Notary Public, State of North Dakota

STATE OF NORTH DAKOTA, COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ Day of \_\_\_\_\_, 2024, before me, a Notary Public in and for said State, Appeared Marvin I & Arlene D Avery, well known to be the persons described in the foregoing description and acknowledged to me that they executed the same on their own free act and deed.

My commission expires

Notary Public, State of North Dakota

## SURVEYOR'S CERTIFICATE

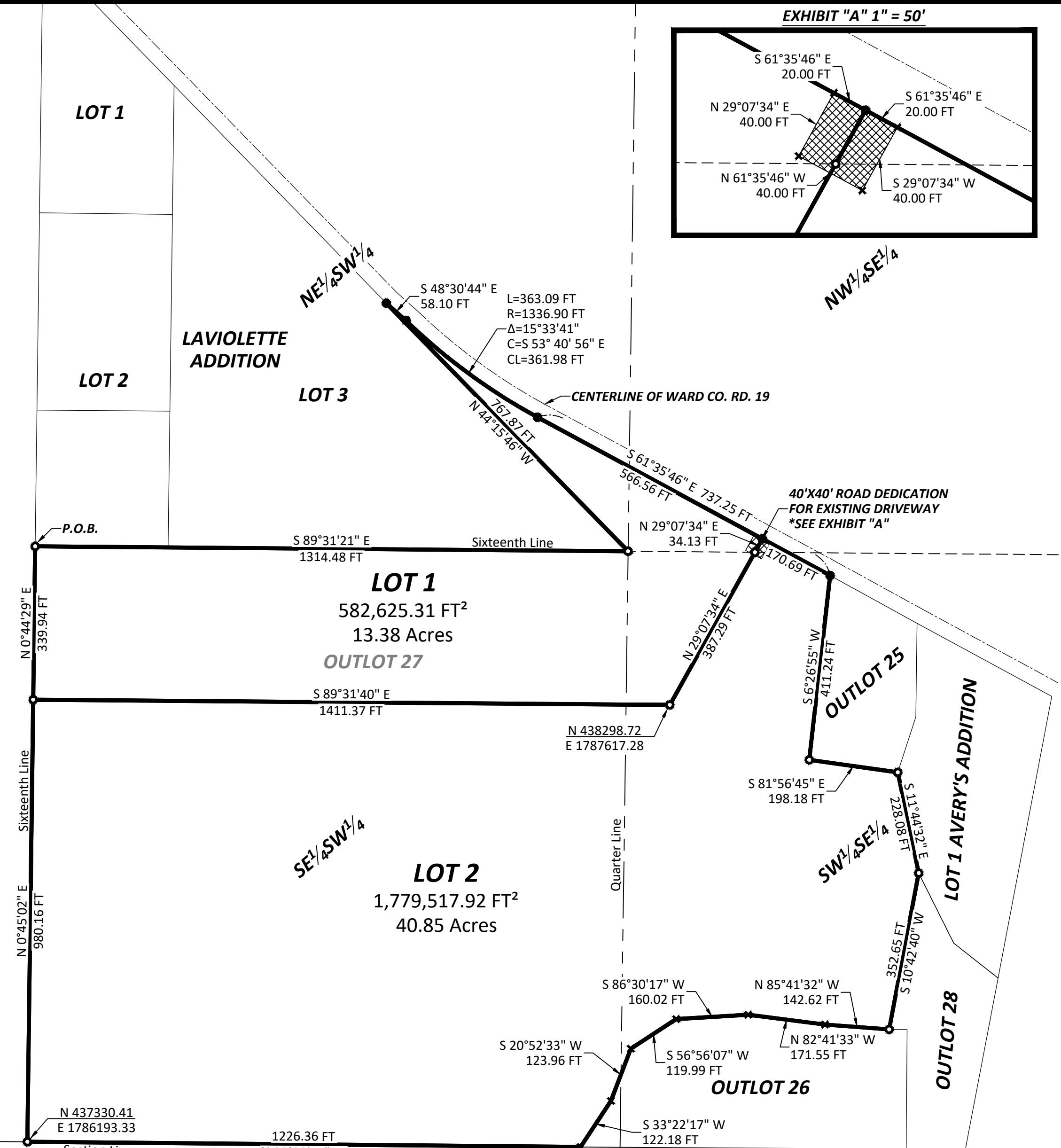
I, Thomas R. Leshovsky, a duly Registered Professional Land Surveyor, do hereby certify that I have Surveyed and Platted, the Foregoing described land. That Lots, Distances, Areas and Locations as shown on the foregoing Plat and in the Description Thereof, are true and correct to the best of my Knowledge and Belief.

Thomas R. Leshovsky P.L.S. #6134

STATE OF NORTH DAKOTA, COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ Day of \_\_\_\_\_, 2024, before me, a Notary Public in and for said State, Appeared Thomas R. Leshovsky, Registered Professional Land Surveyor, well known to be such, and acknowledged to me that he executed the foregoing Surveyor's Certificate as his own free act and deed.

My commission expires



- - Denotes Property Corner Set  
18" - #5 Rebar w/ RLS Cap #6134
- - Denotes Property Corner Found
- ✖ - Denotes Traverse Point

## EXHIBIT 4 – SITE PHOTOS

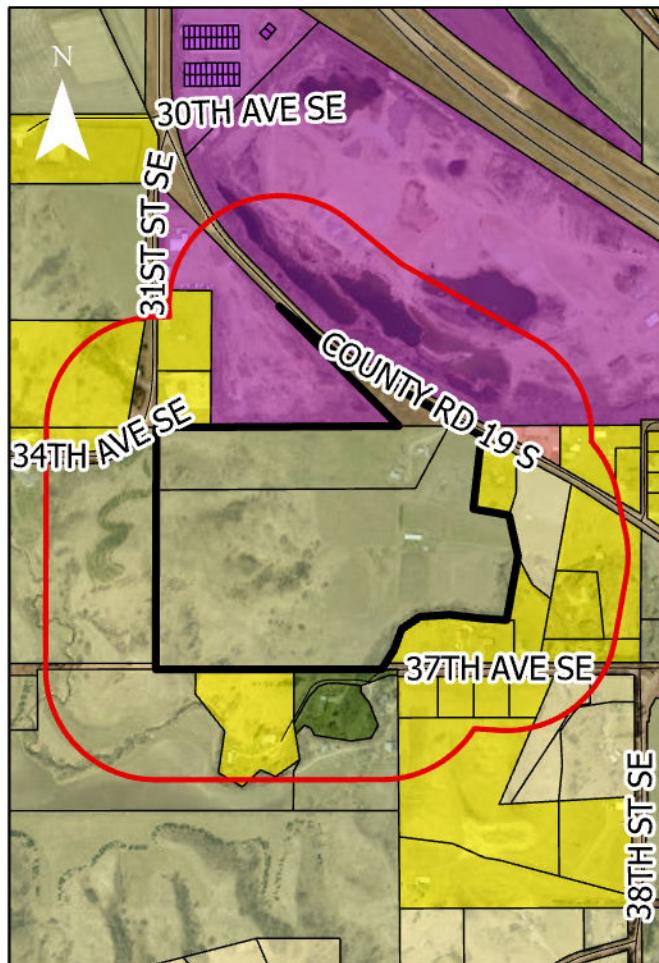


LOOKING NW

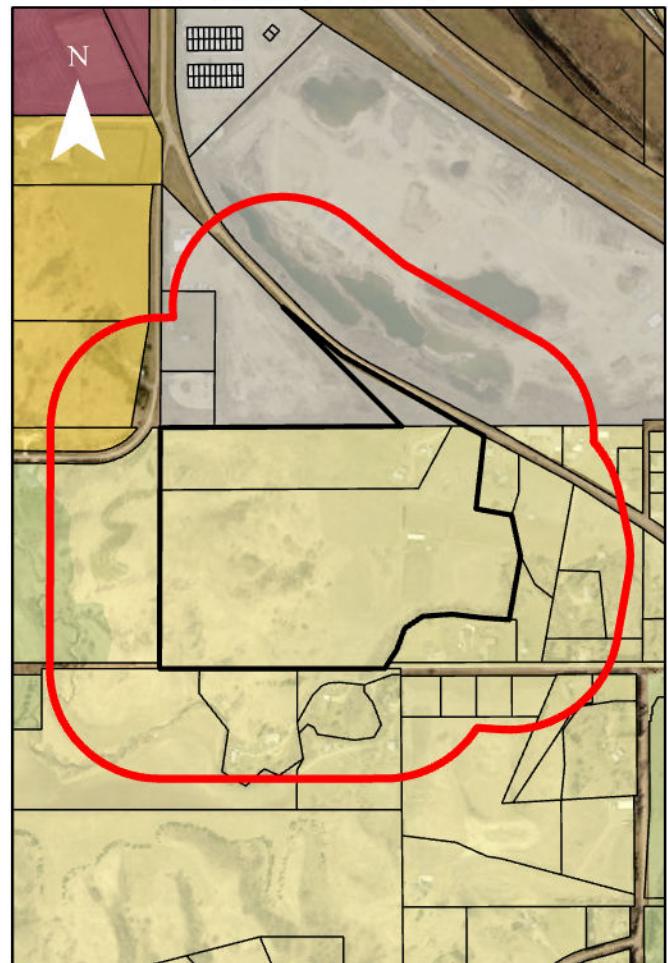


PROPERTY ACCESS (DRIVEWAY)

## ZONING



## FUTURE LAND USE



0 487.5 975 1,950 Feet

### Zoning

|    |
|----|
| AG |
| C2 |
| M1 |
| MH |
| R1 |
| RR |

### Both Maps

|                                 |
|---------------------------------|
| <b>600' Notification Buffer</b> |
| <b>Subject Property</b>         |

### Land Use Type

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