

# City of Minot

Planning Commission  
Staff Report

**Application Date:** 1/22/2021  
**Date of Staff Report:** 3/2/2021

**Staff Contact:** Peter Baumgartner, Assistant Planner  
**Staff Recommendation:** Approval

**Case Number:** 2021-03-02  
**Project Name:** Hacienda Hills 12<sup>th</sup> Addition  
**Current Legal Description:** Outlot 38, Section 19-155N-82W  
**Proposed Legal Description:** Hacienda Hills 12<sup>th</sup> Addition  
**Present Address:** 1710 Valley St  
**Entitlements Requested:** Split the existing lot into 2 lots.

**Owners:** Ron LaCount of DRL Holdings, LLP  
P.O. Box 3055, Minot, ND 58702  
**Representative:** Ackerman Surveying & Associates, Inc.  
1907 17<sup>th</sup> ST SE Minot, ND 58701  
[Rolly.ackerman@ackermansurveying.com](mailto:Rolly.ackerman@ackermansurveying.com)  
(701) 838-0786

**Present Zone(s):** "M1" Light Industrial  
**Present Use(s):** 8,100 s.f. Industrial Building  
**Uses Allowed in Present Zone(s):** See Chapter 14 for uses allowed by right or conditionally in the "M1" Light Industrial District  
**Present Future Land Use Map Designation:** Industrial

**Proposed Zone(s):** No Change  
**Proposed Use(s):** No Change  
**Uses Allowed in Proposed Zone(s):** No Change  
**Proposed Future Land Use Map Designation:** No Change

## **PROJECT DESCRIPTION:**

Public hearing request on an application from Ronald LaCount representing DRL Holdings, LLP, owner, to create a new subdivision from Outlot 38, Section 19, Township 155N, Range 82W, Ward County, North Dakota. The resulting lots will be known as Lots 1 and 2, Hacienda Hills 12th Addition to the City of Minot, North Dakota. The property is located at 1710 Valley St. An aerial view of the property is provided in **Exhibit 1**.

## **BACKGROUND INFORMATION:**

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An 8,100 square foot warehouse is currently located on the proposed Lot 2 of the subject property.

The preliminary plat for the proposed Hacienda Hills 12<sup>th</sup> Addition is provided in **Exhibit 2**. The newly created subdivision will consist of 2 lots with Lot 1 being approximately 2.51 acres and Lot 2 being approximately 2.81 acres. The proposed lots meet the bulk lot and area requirements for the property per Section 14-7.

Select site visit photos are provided in **Exhibit 3**.

## **STAFF ANALYSIS:**

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### Subdivision Design Standards:

Section 28-23 of the Zoning Supplement to the Minot Code of Ordinances (Zoning Ordinance) covers the process of application and submittal for a subdivision plat and outlines the requirements, including a scaled drawing of the subdivision and the general notification of the public through noticing within the Minot Daily News at least seven (7) days prior to the public hearing. The applicant has submitted the necessary application documents required per Section 28-23 c) and noticing has been conducted as required per 28-23 b).

Section 28-24 requires the Planning Commission to determine if a proposed subdivision design meets the technical requirements imposed by Sections 28-40 through 28-44, and if it does not meet any of those requirements, then they should determine if any of those requirements should be waived. To that end, staff provides the following guidance:

The proposed subdivision submittal does conform to all of the standards set forth in section 28-40, to the extent that they are applicable given the nature of the subdivision or the method by which the subdivision is to be accomplished. With the proposed subdivision being entirely contained within the existing Outlot 38 and both of the proposed lots maintaining road frontage (Lot 1 maintaining frontage along Valley St. and 13<sup>th</sup> St. SE and Lot 2 maintaining frontage along Valley St.), the proposed subdivision does meet the design standards listed in Section 28-41. As part of the preliminary plat for Hacienda Hills 12<sup>th</sup> Addition, a 507' long by approximately 10' wide sliver of land along the western side of proposed Lot 1 is being dedicated to the city as Right-of-Way (ROW) for 13<sup>th</sup> St SE. With both that dedication of land and the inclusion of a 10' utility easement on each street facing lot, the proposed subdivision also meets the requirements of Section 28-42. Street and Alley Width, Dead-End Streets. The arrangement of the proposed lot does meet the lot arrangement requirements listed in Section 28-43 a-d). Finally, no streams or drainage courses flow through the property and therefore the proposed subdivision satisfies Section 28-44.

The subject property currently has a designation of Industrial on the Future Land Use (FLU) map of the Comprehensive Plan that is in alignment with the current use of the property. As the individual lots in the proposed subdivision meet the bulk requirements to remain zoned "M1" Light Industrial, staff finds that it aligns

with the FLU designation of Industrial. The proposed subdivision further aligns with Land Use Goal #2, Policy #2 which is to “ensure development meet the standards specified within the land-use plan and official controls, including zoning and subdivision ordinances and official maps.” Hacienda Hills 12<sup>th</sup> Addition does meet the bulk requirements listed under Section 14-7 of the zoning ordinance for “M1” Light Industrial District zoning and as discussed above it does meet the requirements for the subdivision ordinance. Additionally, the proposed subdivision also aligns with the Commercial/Industrial Land Use Goal #1 of “expanding and diversifying the city’s tax base by encouraging new commercial/industrial development” by splitting the property and creating another lot for commercial/industrial development.

Comments:

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 provided to us:
  - a. City Engineering Department
    - i. Access to Lot 1 shall be off of 13<sup>th</sup> St SE. Exact location to be approved by the City Engineering Department
    - ii. Connection Fees are required for future development at a rate of \$3,787 per acre.

**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 applicant’s requested subdivision is consistent with the Future Land Use (FLU) Map designation of Industrial.
- 3) The proposed subdivision aligns with both Land Use Goal #2, Policy #2 and Commercial/Industrial Land Use Goal #1.
- 4) The applicant’s request is consistent with the bulk requirements of Minot’s Zoning Ordinance.
- 5) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. 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:**

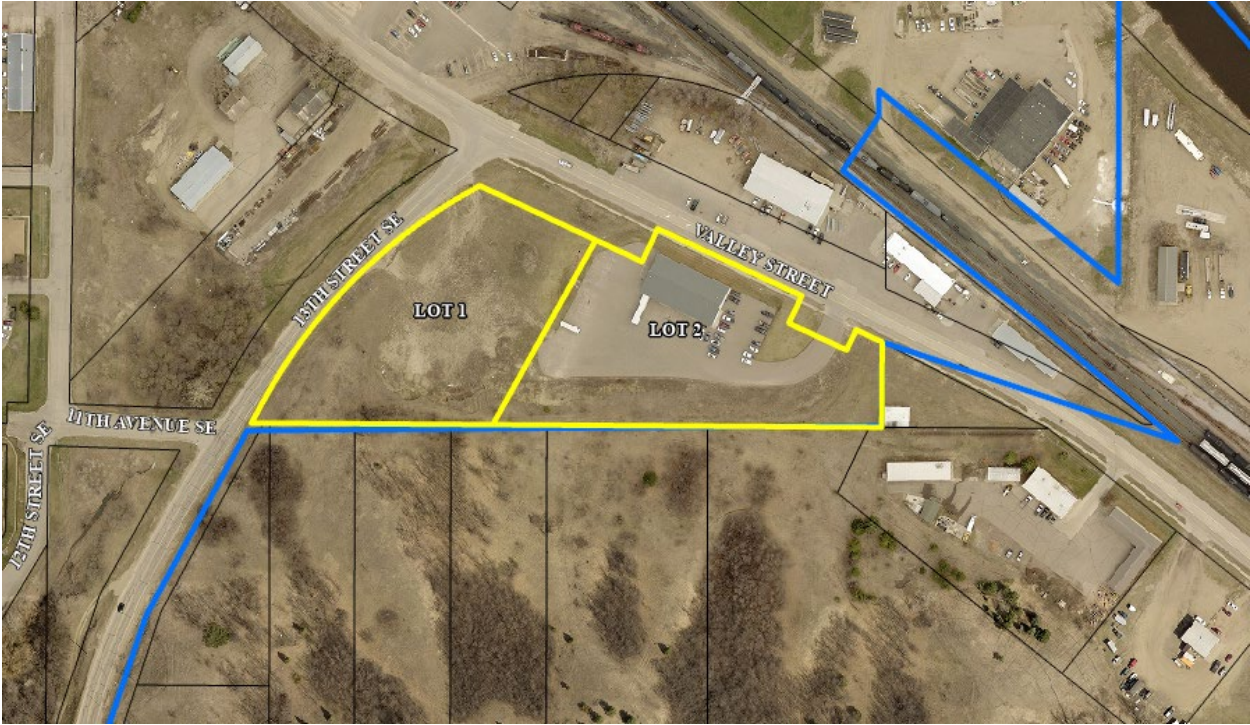
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Staff recommends the Planning Commission adopt staff findings of fact and recommend approval to City Council subject to the following conditions:

- 1) Access to Lot 1 shall be off of 13<sup>th</sup> St SE and the exact location shall be approved by the City Engineering Department.
- 2) Connection fees will be required for future development at a rate of \$3,787 per acre.
- 3) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.

# Exhibit 1

## Aerial of Subject Property



= City Limits



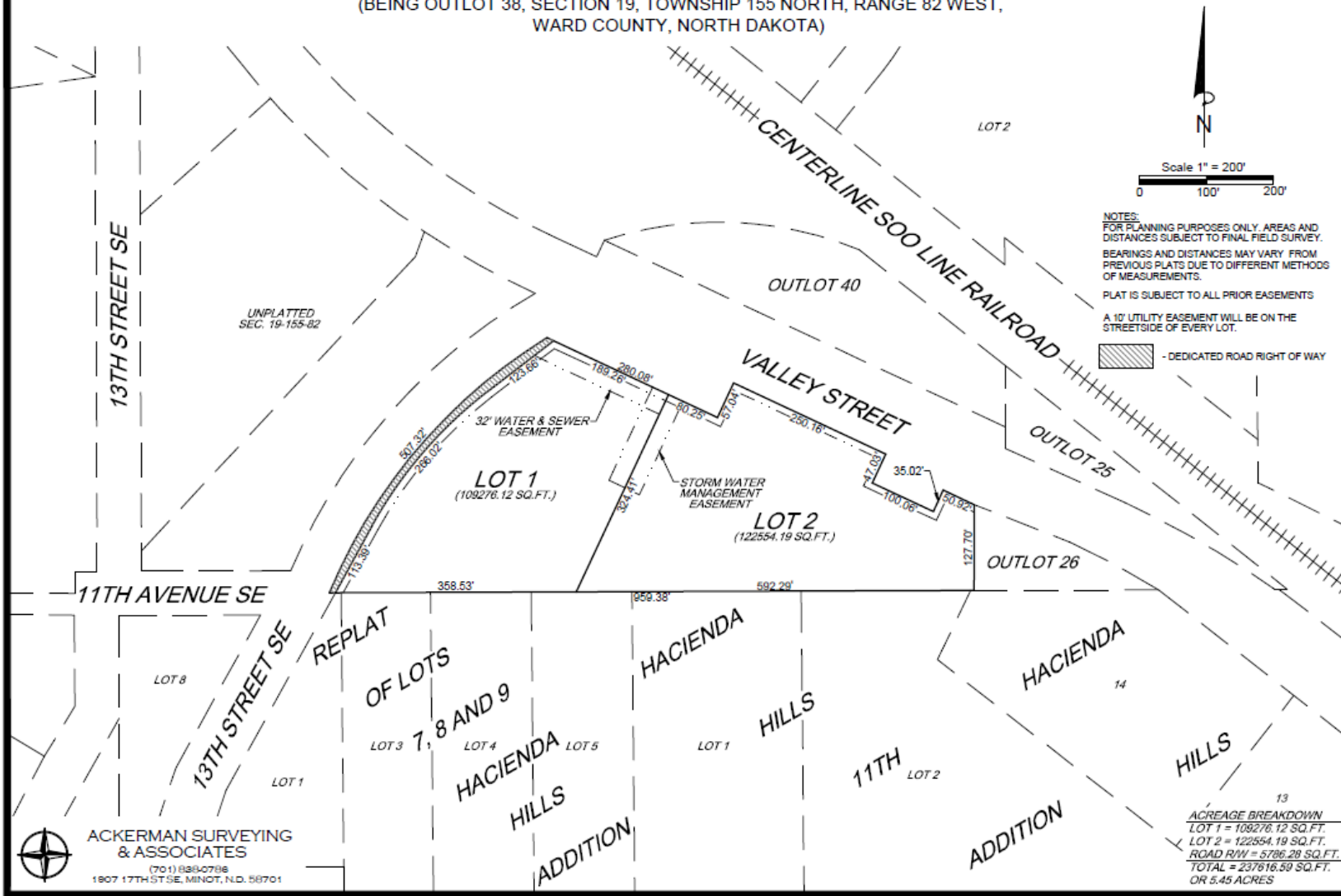
= Proposed Subdivision Lot Boundaries



*North*

PRELIMINARY PLAT OF  
**HACIENDA HILLS 12TH ADDITION**  
 TO THE CITY OF MINOT, NORTH DAKOTA  
 (BEING OUTLOT 38, SECTION 19, TOWNSHIP 155 NORTH, RANGE 82 WEST,  
 WARD COUNTY, NORTH DAKOTA)

**EXHIBIT 2**



 **ACKERMAN SURVEYING & ASSOCIATES**  
 (701) 838-0716  
 1907 17TH ST SE, MINOT, N.D. 58701

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ACREAGE BREAKDOWN	
LOT 1	= 109276.12 SQ. FT.
LOT 2	= 122554.19 SQ. FT.
ROAD R/W	= 5786.28 SQ. FT.
<b>TOTAL</b>	<b>= 237816.59 SQ. FT.</b>
	<b>OR 5.45 ACRES</b>

# Exhibit 3

## Select Site Visit Photos



Figure 1. Facing East



Figure 2. Facing South