

City of Minot

Planning Commission
Staff Report

Application Date: 4/27/2021
Date of Staff Report: 6/1/2021

Staff Contact: John Van Dyke, Principal Planner
Staff Recommendation: Approval

Case Number: 2021-06-01
Project Name: Outlot 5
Current Legal Description: Being all of Outlot 4, a Portion of the NW ¼ of the NW ¼, and a portion of the NE ¼ of the NW ¼, all within S9, T155N, R82W
Proposed Legal Description: Outlot 5 of S9, T155N, R82W
Present Address: 4540 30th Ave NE
Entitlements Requested: Create an Outlot for purposes of conveyance of a farm home.

Owners: James Walsh
2800 42nd St. NE
Minot, ND 58703

Jerome Walsh
2750 42nd St. NE
Minot, ND 58703

Applicant: James Walsh
(see above information)

Present Zone(s): "AG" Agricultural District

Present Use(s): Single-family dwelling and agricultural buildings

Uses Allowed in Present Zone(s): See Table 2.2 Table of Uses within the Minot Land Development Ordinance for uses allowed by right or conditionally in the "AG" Agricultural 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 James Walsh representing Jeana Walsh and Lloyd Patrick Walsh, owners for a subdivision plat to create Outlot 5, being all of Outlot 4, a Portion of the NW ¼ of the NW ¼, and a portion of the NE ¼ of the NW ¼, all within Section 9, Township 155N, Range 82W, Ward County, North Dakota. The property is located at 4540 30th Ave NE. An aerial view of the property is provided in **Exhibit 1**.

BACKGROUND INFORMATION:

The outlot plat is being requested by the applicant/owner to facilitate conveyance of an existing farm home and consolidate it with a farm building located on Outlot 4. The property will be 10.08 acres in size.

Both owners are family and actively farm the subject property and surrounding area. This activity is intended to continue, if approved.

Exhibit 2 is the outlot plat for proposed Outlot 5. The proposed outlot meets the minimum size requirements within the "AG" Agricultural District of ten (10) acres.

A zoning map and future land use map of the area is provided **Exhibits 3 & 4** respectively.

STAFF ANALYSIS:

Outlot Design Standards:

Section 10.2-2 of the Minot Land Development Ordinance (Zoning Ordinance) covers the process of application and submittal for an outlot 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 10.2-2 C. and noticing has been conducted as required per 10.2-2 B.

Section 10.2-6 states that "the City Engineer and Ward County Recorder shall by regulation establish and the form and information required on a recordable auditor's/outlot plat." The Engineering Department has reviewed the application and has no comments regarding any changes to the application.

The application aligns with the 2012 Comprehensive Plan Land Use Goal #2, Policy #2, which states, "*Ensure developments meet the standards specified within the land-use plan and official controls, including zoning and subdivision ordinances and official maps.*"

Comments:

1. There were no public comments at the time of writing this staff report.
2. The application was sent to city departments and external public agencies within the City for review and there were no comments were received.

FINDINGS OF FACT:

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

- 1) The applicants have submitted a complete application.
- 2) The applicants' request is be consistent with Minot's Comprehensive Plan Goal #2, Policy #2.
- 3) The applicant's request is consistent with the bulk requirements of the Minot's Land Development Ordinance
- 4) 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.

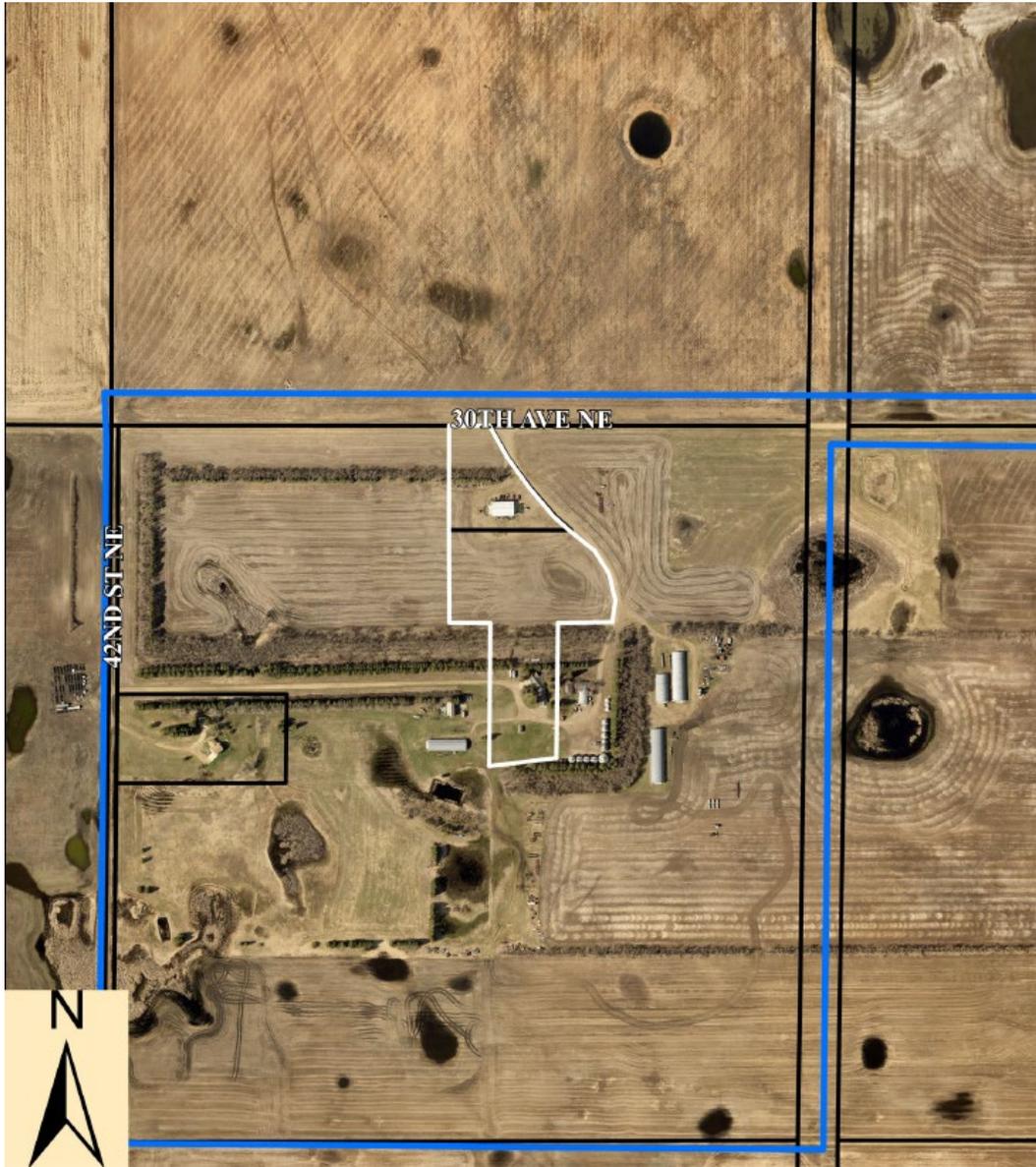
RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council of the Outlot Plat application subject to the following condition:

- 1) 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 10.2-5 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 Properties



= Proposed Subdivision Lot Boundaries



= City Limits



North

Exhibit 2

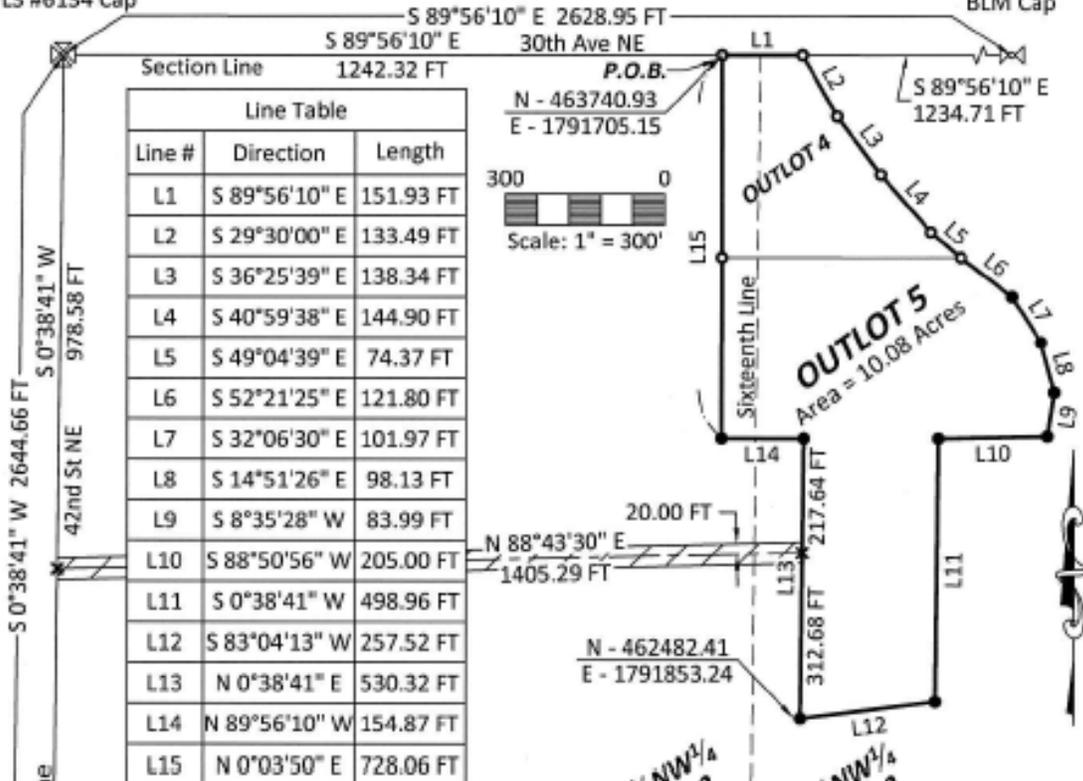
Preliminary Plat

being all of Outlot 4, **PLAT OF OUTLOT 5**
 a Portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$
 of and a Portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 155 N, Range 82 W

Owners Jerome L Walsh Life Estate, L. Patrick and Jeana Walsh

NW Sec. Cor.
 9-155-82
 PLS #6134 Cap

N 1/4 Cor.
 9-155-82
 BLM Cap



Line Table		
Line #	Direction	Length
L1	S 89°56'10" E	151.93 FT
L2	S 29°30'00" E	133.49 FT
L3	S 36°25'39" E	138.34 FT
L4	S 40°59'38" E	144.90 FT
L5	S 49°04'39" E	74.37 FT
L6	S 52°21'25" E	121.80 FT
L7	S 32°06'30" E	101.97 FT
L8	S 14°51'26" E	98.13 FT
L9	S 8°35'28" W	83.99 FT
L10	S 88°50'56" W	205.00 FT
L11	S 0°38'41" W	498.96 FT
L12	S 83°04'13" W	257.52 FT
L13	N 0°38'41" E	530.32 FT
L14	N 89°56'10" W	154.87 FT
L15	N 0°03'50" E	728.06 FT

NOTES:
 Basis of Bearing and Coordinates obtained from NGS OPUS Solution NAD 83 North Dakota North (3301) Int. Feet.

Bearings and Distances may vary from previous plats due to different methods of measurement.

W 1/4 Cor.
 9-155-82
 BLM Cap

Plat is subject to all prior Easements of record.

NW $\frac{1}{4}$ NW $\frac{1}{4}$
 9-155-82

NE $\frac{1}{4}$ NW $\frac{1}{4}$
 9-155-82

- - Denotes Property Corners Set 18" #5 Rebar with PLS Cap #6134
- - Denotes Property Corner Found
- × - Denotes Traverse Point
- ⊗ - Denotes Section Corners
- ⊠ - Denotes Quarter Corners
- ▨ - Denotes 40' Access Easement Area = 1.29 Acres

DESCRIPTION:

Outlot 5 of being all of Outlot 4, a Portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and a Portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 155 N, Range 82 W described as follows:

Exhibit 3

This map highlights the zoning of the property in question and the surrounding area.



Exhibit 4

This exhibit highlights the property in question and the Future Land Use map designation for each neighboring property.



 = Industrial

