



**Planning Commission  
Staff Report**

**Application Date:** 01/11/2024  
**Date of Staff Report:** 02/14/2024  
**Date of Planning Commission Meeting:** 03/05/2024

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

**Case Number:** 2024-01-05  
**Project Name:** Gold Nugget 7<sup>th</sup> Addition – Preliminary Plat  
**Current Legal Description:** See the project description below.  
**Proposed Legal Description:** Lots 1 and 2 Gold Nugget 7th Addition  
  
**Present Address:** See the project description below.  
  
**Entitlements Requested:** Major Subdivision

**Owners:** Magic City MHL, LLC  
  
**Representative:** Abraham Andersen

**Present Zone(s):** “C2” General Commercial  
  
**Present Use(s):** Mobile Home Community  
  
**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:** Mobile Home Community & Ag and Open Space

**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 Abraham Andersen, representing Magic City MHL, LLC property owner for a preliminary plat to consolidate several properties into two (2) lots. The proposed subdivision is to be named Gold Nugget 7<sup>th</sup> Addition, being a replat of Outlot 5, Outlot 16, Outlot 25, Outlot 26 and an unplatted portion of the S 1/2 NE 1/4 NW 1/4 Less the East 33’ for Street and 1/2 adjacent Vacated 13<sup>th</sup> Ave. SE, Section 29, Township 155 N, Range 82 W of the Fifth Principal Meridian, to the City of Minot, County of Ward, State of North Dakota.

The properties include 1305 31<sup>st</sup> Street SE, and two unaddressed proposed flood buy out properties south of 1305 31st Street SE and one unaddressed property (Outlot 5) northwest of 1305 31st Street SE. An aerial photo of the subject property can be found in **Exhibit 1**.

## **BACKGROUND INFORMATION:**

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The property owner seeks to consolidate several existing lots into two lots. The proposed subdivision will create two lots from outlots and unplatted land. Lot 1 will be 14.04 acres and Lot 2 is 3.59 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 **Exhibit 3**.

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

## **STAFF ANALYSIS:**

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### **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 Gold Nugget 7<sup>th</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 applicable and satisfied, as there are no additional streets proposed via this subdivision. Addressing will be assigned to each lot following completion of the final plat process, if approved.

The requirements of Section 10.3-11. relating to the design of the individual lots has been satisfied as the proposed properties to be created will meet the minimum lot sizes of the respective district for which they will be zoned, if approved. In short, the lots meet the dimensional standards per Section 10.3-11.

Section 10.3-12 relating to block design is satisfied.

The requirements of Section 10.3-13. A. relating to the dedication of right-of-way, easements, and street widths is satisfied with the dedication of twenty-foot (20') utilities easement along the north property line of the subject properties. Section 10.3-13. A. is satisfied.

Sections 10.3-14 relates to sidewalks, which are required in the "C2" General Commercial zone when designed with urban section right-of-way. 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.

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:

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 no comments were received:

**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 "C2" General Commercial District on the Official Zoning Map and has a "Manufactured

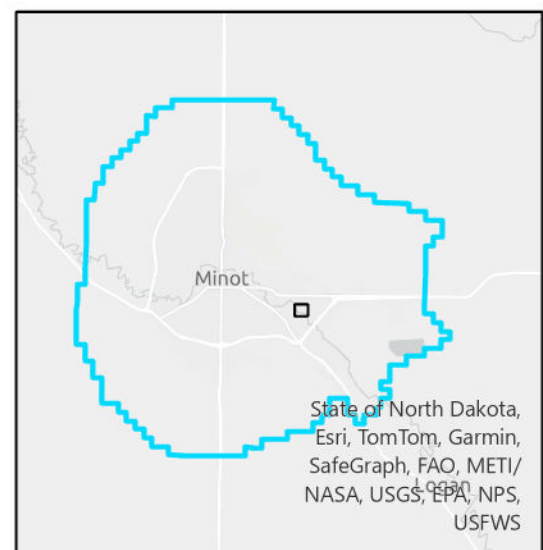
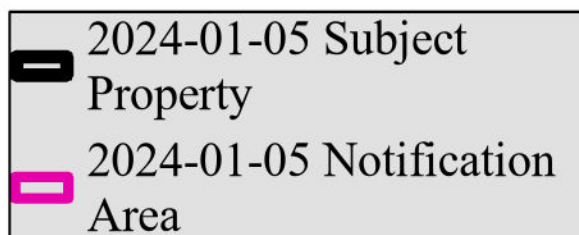
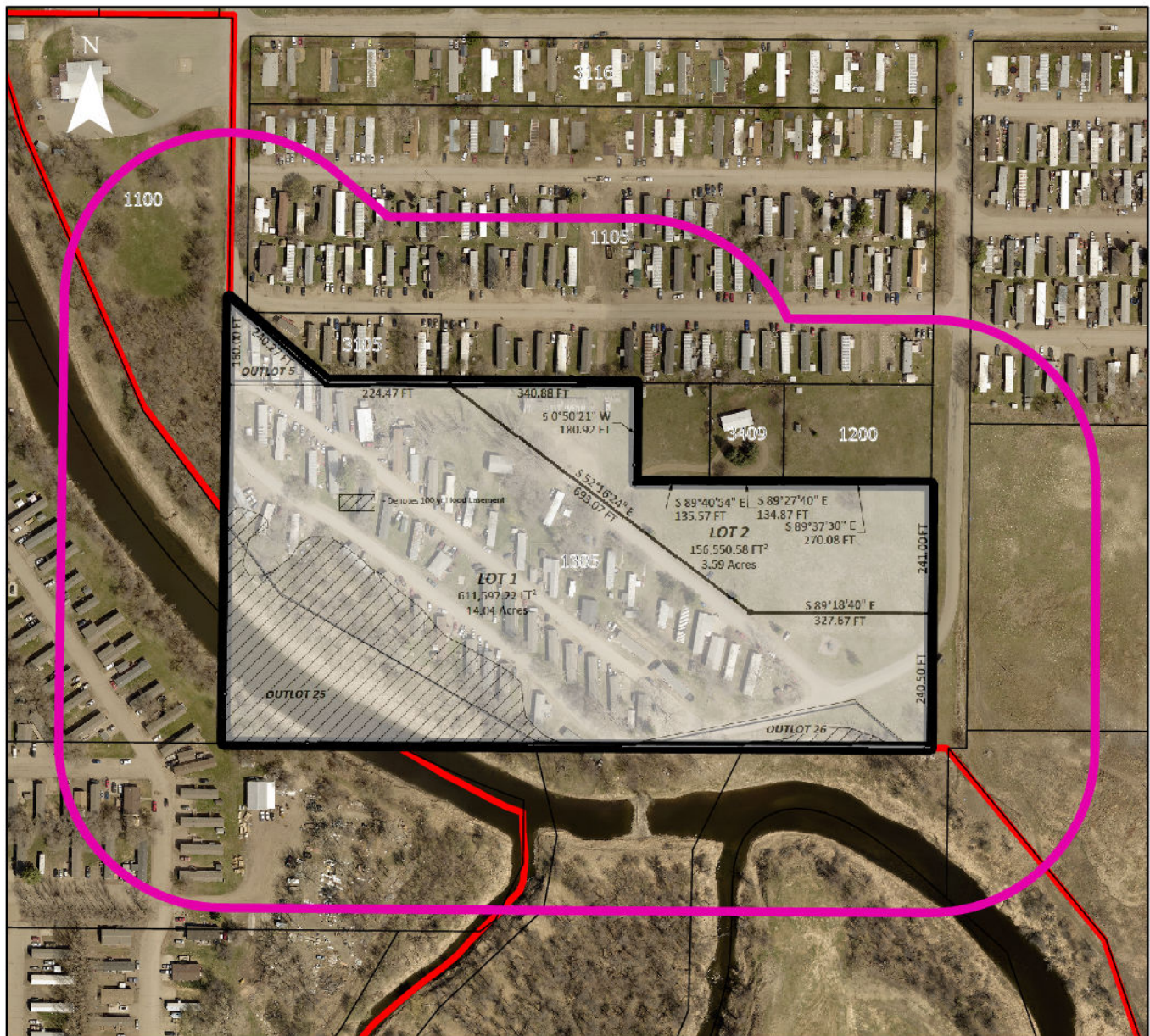
Home Park” and “Ag and Open Space” designation on the Future Land Use Map of the 2040 Comprehensive Plan.

- 3) The applicant’s request is consistent with the bulk requirements of Chapter 2.14 – “C2” General Commercial 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.
- 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 Gold Nugget 7th Addition.

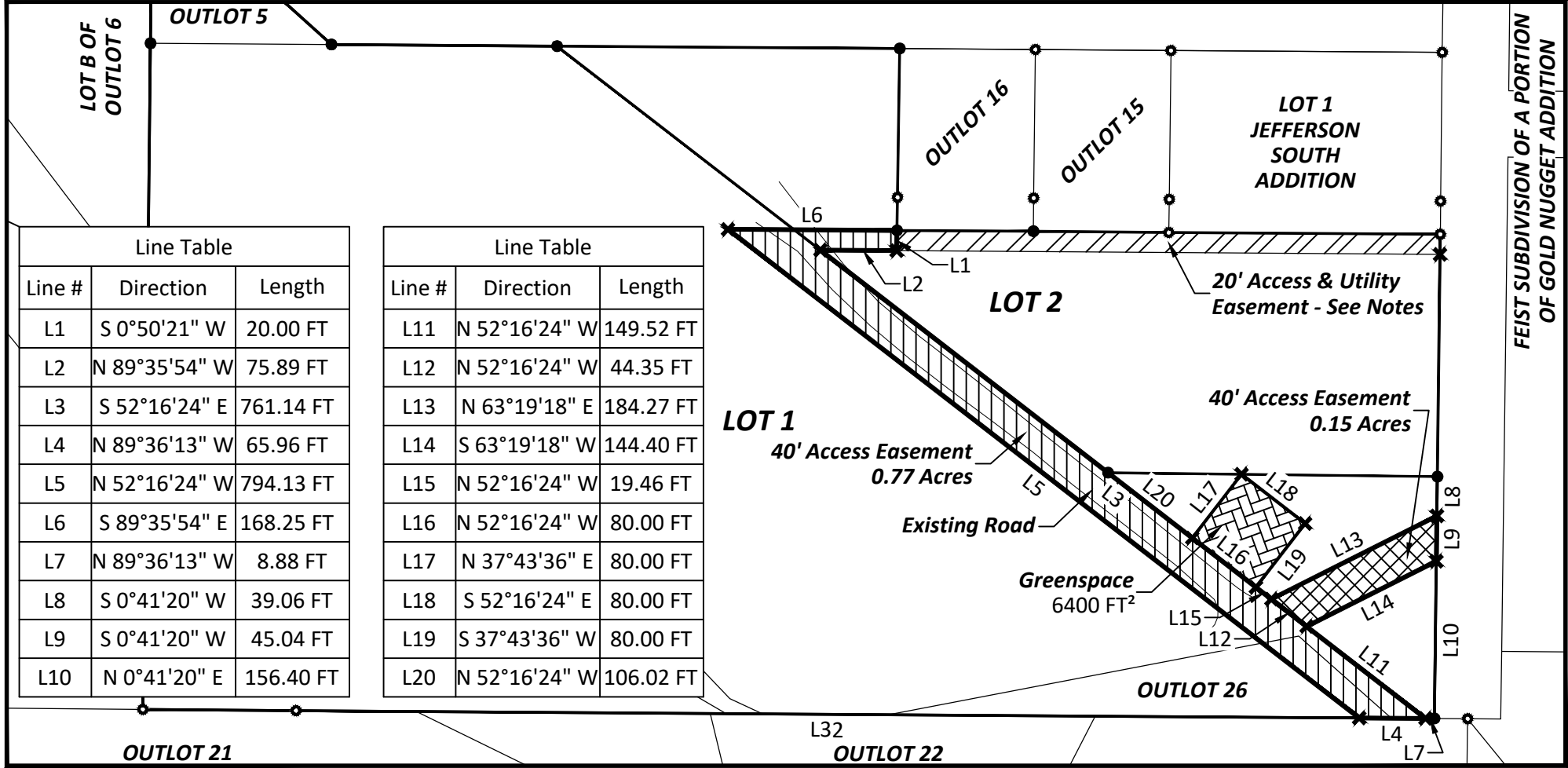
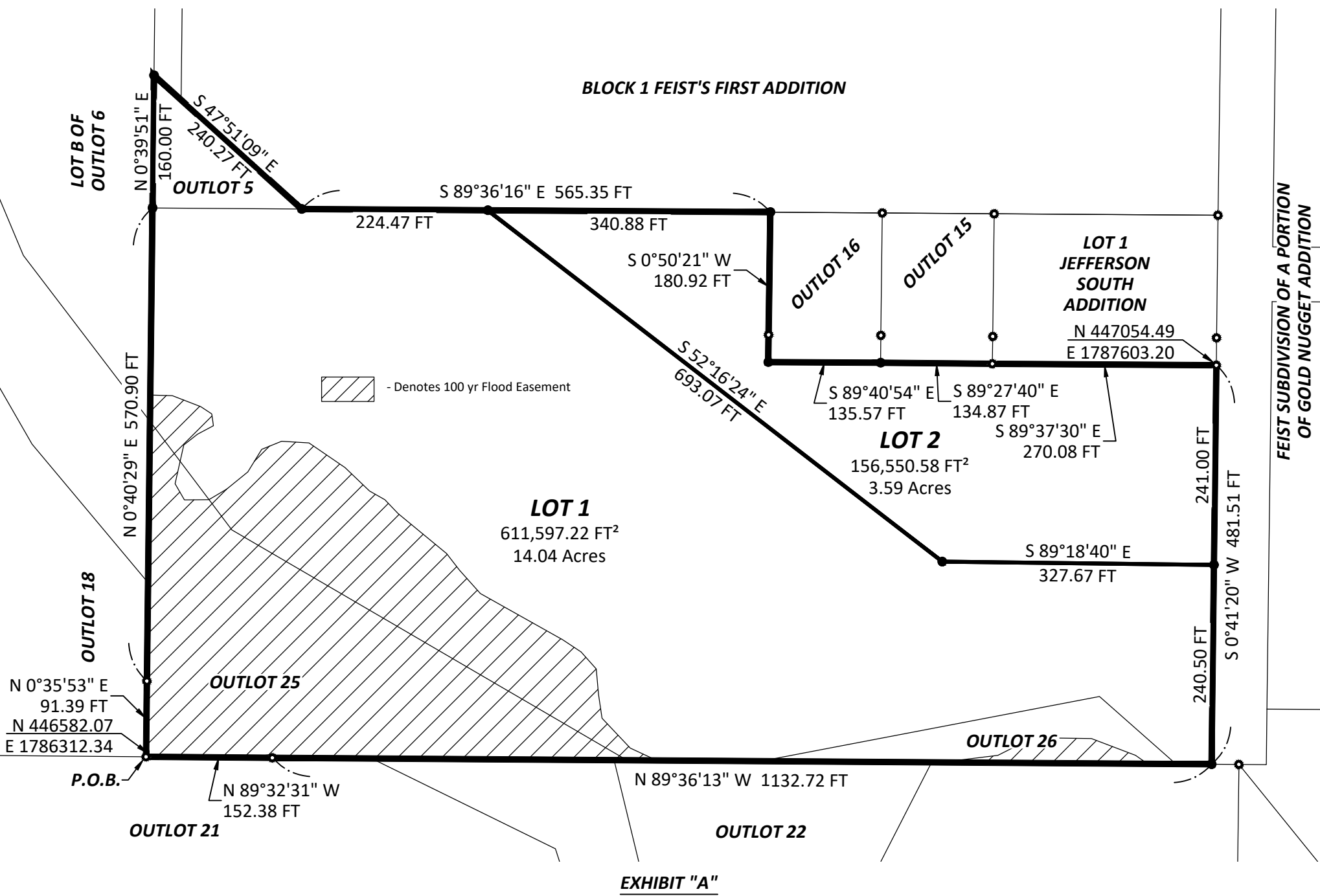




GOLD NUGGET 7TH ADDITION  
to the City of Minot, ND

BEING OUTLOT 5, OUTLOT 16, OUTLOT 25, OUTLOT 26 AND AN UNPLATTED PORTION OF THE S½NE¼NW¼,  
SECTION 29, TOWNSHIP 155 N, RANGE 82 W,  
TO THE CITY OF MINOT, NORTH DAKOTA

**DESCRIPTION:**  
Know all men by these presents that Magic City Community, LLC, being Owner and Proprietor, of Outlot 5, Outlot 16, Outlot 25, Outlot 26 and an Unplatted Portion of the S½NE¼NW¼, Section 29, Township 155 N, Range 82 W, Ward County, North Dakota, being more particularly described as follows:  
Beginning at the Southwest Property Corner, of Outlot 25, a Plat being on file at the Ward County Recorder's Office; Thence N 0°35'53" E, on the West Line, of said Outlot 25, a distance of 91.39 FT; Thence N 0°40'29" E, a distance of 570.90 FT, to the Southwest Property Corner, of Outlot 5, a Plat being on file at the Ward County Recorder's Office; Thence N 0°39'51" E, on the West Line, of said Outlot 5, a distance of 160.00 FT, to the Northwest Property Corner, of said Outlot 5; Thence S 47°51'09" E, on the East Line, of said Outlot 5, a distance of 240.27 FT, to the Southeast Property Corner, of said Outlot 5; Thence S 89°36'16" E, a distance of 565.35 FT, to the Northwest Property Corner, of Outlot 16, a Plat being on file at the Ward County Recorder's Office; Thence S 0°50'21" W, on the West Line, of said Outlot 16, a distance of 180.92 FT; Thence S 89°40'54" E, a distance of 135.57 FT; Thence S 89°27'40" E, a distance of 134.87 FT, to the Southwest Property Corner, of Lot 1 of Jefferson South Addition, a Plat being on file at the Ward County Recorder's Office; Thence S 89°37'30" E, on the South Line, of Lot 1 of Jefferson South Addition, a distance of 270.08 FT, to the Southeast Property Corner, of said Lot 1 of Jefferson South Addition; Thence S 0°41'20" W, a distance of 481.51 FT; Thence N 89°36'13" W, a distance of 1132.72 FT, to the Point of Beginning.  
Said described tract, of land contains 17.63 Acres more or less Have caused the same to be surveyed and platted as shown hereon, to be known as Gold Nugget 7th Addition, to the City of Minot, North Dakota and hereby dedicate and donate road rights, of ways and easements as shown to the public for public use forever, in witness whereof, the owners hereunto affixed their signatures.



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

- NOTES:**
- Plat is subject to all prior Easements of Record.
  - Bearings and Distances may vary from previous plats due to different methods of measurement.
  - A 10' Utility Easement is on the streetside of every Lot.
  - State Plane Coordinates shown are North Dakota (North Zone) NAD83 Int. Feet. NGS OPUS Solution was used to establish coordinates.
  - 20' Access & Utility Easement Obtained off of City of Minot Resolution No. 3745 Adopted January 3, 2021.

**APPROVAL**

I hereby certify that the Plat shown hereon has been approved by the Minot Planning Commission and the Minot City Council.

Approved: \_\_\_\_\_, 2023  
Minot City Engineer

\_\_\_\_\_  
Magic City Community, LLC

On this \_\_\_\_ Day of \_\_\_\_\_, 2023, before me, a Notary Public in and for said State, Appeared ????, 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

On this \_\_\_\_ Day of \_\_\_\_\_, 2023, before me, a Notary Public in and for said State, Appeared ????, well known to be the person described in the foregoing description and acknowledged to me that he executed the same on his 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.

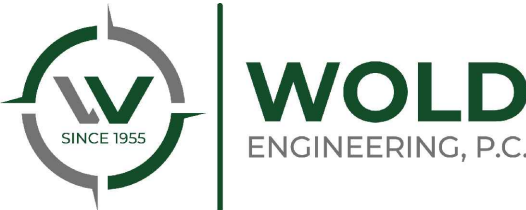
\_\_\_\_\_  
Thomas R. Leshovsky P.L.S. #6134

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

On this \_\_\_\_ Day of \_\_\_\_\_, 2023, 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.

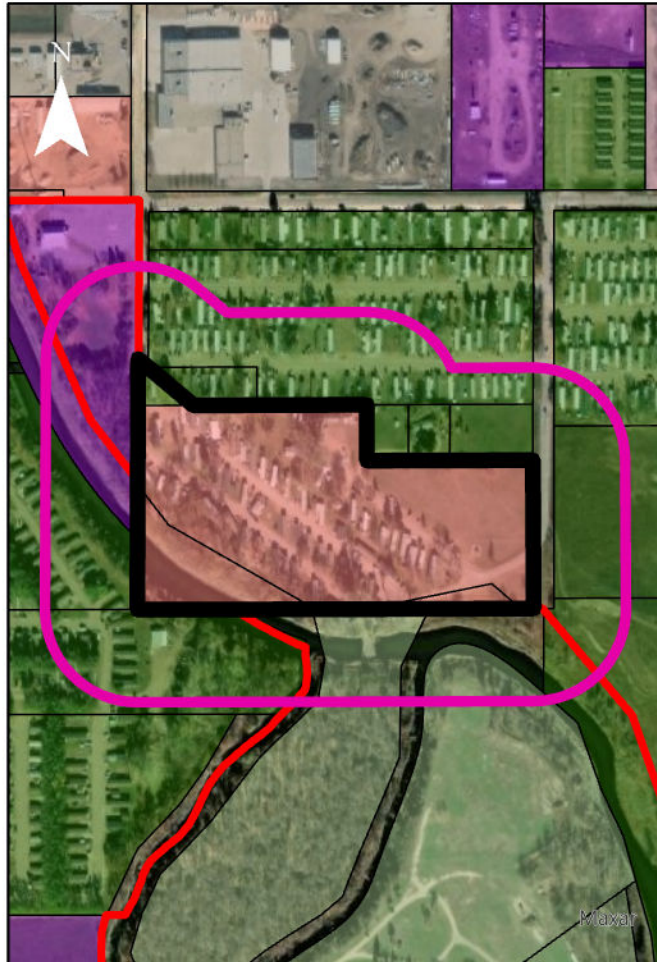
My commission expires

\_\_\_\_\_  
Notary Public, State of North Dakota

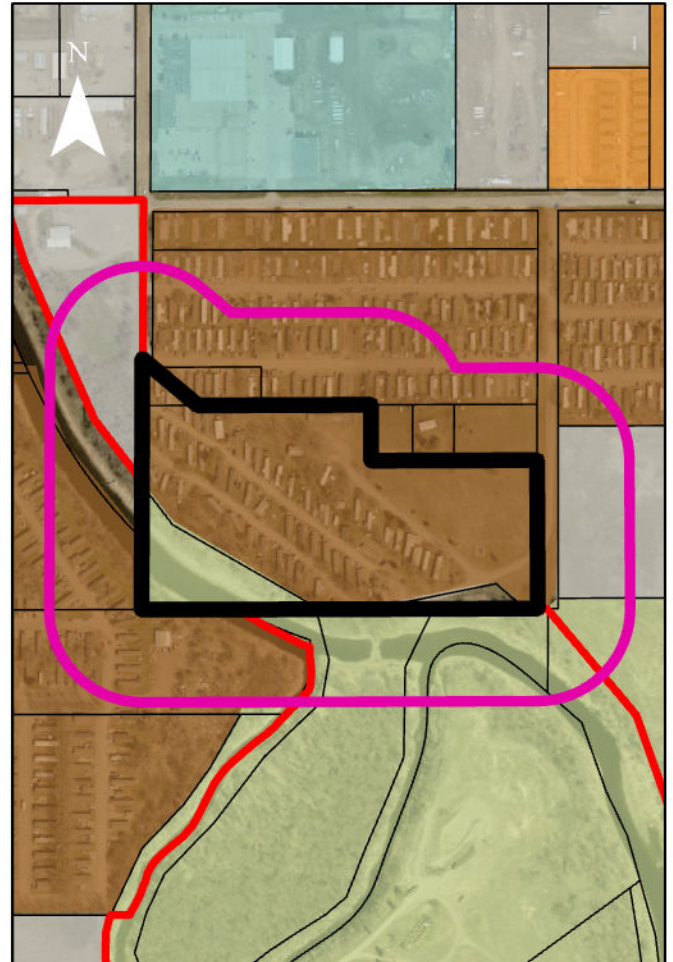


915 East 11th Street - PO Box 237 - Bottineau, ND 58318  
110 8th Avenue Southwest - Minot, ND 58701  
316 Eastdale Drive - PO Box 1277 - Bismarck, ND 58502

**ZONING**



**FUTURE LAND USE**



0 290 580 1,160 Feet

**Zoning**

Zoning	
AG	
C1	
C2	
M1	
MH	
P	

**Both Maps**

	2024-01-05
	Subject Property
	2024-01-05
	Notification Area

**Land Use Type**

	Public Institutional
	Urban Residential
	Ag And Open Space
	Light Industrial
	Manufactured Home Community
	Agricultural and Open Space
	Light Industrial



# Exhibit 4 – Site Photos



Facing Northwest



Facing South



Facing Southeast



Facing Southwest