

FARGO PLANNING COMMISSION AGENDA  
Tuesday, April 2, 2024 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of March 5, 2024

C: Public Hearing Items:

- 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial with a C-O, Conditional Overlay, MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed **Covey Ranch Third Addition**. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.) (me): CONTINUED TO DATE UNCERTAIN
- 1b. Continued hearing on an application requesting a Plat of **Covey Ranch Third Addition** (Major Subdivision) a plat of an unplatted portion of the North Half of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.) (me): CONTINUED TO DATE UNCERTAIN
2. Continued hearing on an application requesting a Plat of **Urban Plains by Brandt Eighth Addition** (Minor Subdivision) a replat of Lot 3, Block 1, Urban Plains by Brandt Seventh Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2975 Seter Parkway South) (Urban Plains Land Company, LLC/Gleason Companies/Lowry Engineering) (dk): CONTINUED TO JUNE 4, 2024
3. Hearing on an application requesting a Plat of **Laverne's Fifth Addition** (Minor Subdivision) a replat of Lots 4-6, Block 1, Laverne's Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3034, 3088, and 3120 43rd Street North) (Houston Engineering/Enclave Companies) (dk)
4. Hearing on an application requesting a Plat of **Bentley Place Fourth Addition** (Minor Subdivision) a replat of Lot 5, Block 1, Bentley Place First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5500 32nd Avenue South) (Brandt Crossing, LLC/Enclave Companies) (dk): WITHDRAWN
5. Hearing on an application requesting a Conditional Use Permit to allow residential living in the LC, Limited Commercial zoning district on part of Lot 2, and all of Lot 3, Block 1, **Airport Second Addition**. (Located at 1919 University Drive North) (JPR Investments, LLC #14/Goldmark Design & Development) (me)

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People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at [www.FargoND.gov/planningcommission](http://www.FargoND.gov/planningcommission).

6. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional on Lots 14-19, Block BB, **Erskine's Addition**. (Located at 1002 and 1008 10th Street South) (Salem Evangelical Free Church/Relevant Life Church) (lm)
7. Hearing on a Conditional Use Permit to allow outdoor recreation and entertainment in the in the DMU, Downtown Mixed-Use zoning district on Lot 1, Block 1, **The Edge Addition**. (Located at 1329 5th Avenue North) (DFI AU, LLC/701 Collective, LLC) (lm)
8. Hearing on an application requesting a Vacation Plat of the West 23.5 feet of 22nd Street North right of way between 7th and 8th Avenues North, adjacent to Lots 1 and 21 of **First Industrial Subdivision of Beardsley's Addition**, to the City of Fargo, Cass County, North Dakota. (Located at 2213 7th Avenue North) (John T. Jones Construction/Neset Surveying) (dk)
9. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan for reduced parking on portions of Lot 1, and all of Lots 2-3, Block 1, **Arneson's Addition**. (Located at 11 and 21 18th Street South) (MEC Partners, LLP/RHET Architecture) (ae)
10. Hearing on an application requesting a Plat of **Harvest Church Addition** (Minor Subdivision) a replat of portions of Lot 1 and all of Lots 2-3, Block 1, Arneson's Addition, to the City of Fargo, Cass County, North Dakota. (Located at 11 and 21 18th Street South) (MEC partners, LLP/Houston Engineering) (ae)

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**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday, March 5, 2024**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, March 5, 2024.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, John Gunkelman, Scott Stofferahn, Jennifer Holtz, Dawn Morgan, Thomas Schmidt, Brett Shewey

Absent: Maranda Tasa, Art Rosenberg

Chair Schneider called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

Chair Schneider noted Items 1a, 1b, and 2 have been continued to April 2, 2024, and Item 3b has been withdrawn.

Member Schmidt moved the Order of Agenda be approved as presented. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

**Item B: Minutes: Regular Meeting of February 6, 2024**

Member Gunkelman moved the minutes of the February 6, 2024 Planning Commission meeting be approved. Second by Member Shewey. All Members present voted aye and the motion was declared carried.

**Item C: Public Hearing Items:**

**Item 1: Covey Ranch Third Addition**

**1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial with a C-O, Conditional Overlay, MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Covey Ranch Third Addition. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.): CONTINUED TO APRIL 2, 2024**

**1b. Continued hearing on an application requesting a Plat of Covey Ranch Third Addition (Major Subdivision) a plat of an unplatted portion of the North Half of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian,**

**to the City of Fargo, Cass County, North Dakota. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.): CONTINUED TO APRIL 2, 2024**

A Hearing had been set for February 6, 2024. At the February 6, 2024 meeting, the Hearing was continued to this date and time; however the applicant has requested this application be continued to April 2, 2024.

**Item 2: Urban Plains by Brandt Eighth Addition**

**Hearing on an application requesting a Plat of Urban Plains by Brandt Eighth Addition (Minor Subdivision) a replat of Lot 3, Block 1, Urban Plains by Brandt Seventh Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2975 Seter Parkway South) (Urban Plains Land Company, LLC/Gleason Companies/Lowry Engineering): CONTINUED TO APRIL 2, 2024**

A Hearing had been set for this date and time; however the applicant has requested this application be continued to April 2, 2024.

Member Stofferahn present.

**Item 3: Brekke's Addition**

**3a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential and GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional on the proposed Brekke's Addition. (Located at 213 24th Street South and 2401 3rd Avenue South) (Lake Agassiz Habitat for Humanity/City of Fargo): WITHDRAWN**

A Hearing had been set for this date and time; however the application has been withdrawn.

**3b. Continued hearing on an application requesting a Plat of Brekke's Addition (Minor Subdivision) a replat of Lots 8 and 9, Block 11, and adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggart's Subdivision, to the City of Fargo, Cass County, North Dakota. (Located at 213 24th Street South and 2401 3rd Avenue South) (Lake Agassiz Habitat for Humanity/City of Fargo): APPROVED**

Assistant Planner Alayna Espeseth presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the withdrawal of the zoning application due to an error in the City zoning map.

Assistant Director of Planning and Development Mark Williams noted that it is extremely rare to find an error in the zoning map, and this was a one-off.



Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Brekke's Addition, as outlined within the staff report, as the proposal complies with the adopted Core Neighborhoods Plan, the Standards of Article 20-06, Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Morgan, Schmidt, Gunkelman, Stofferahn, Holtz, Shewey, and Schneider voted aye. Absent and not voting: Members Rosenberg and Tasa. The motion was declared carried.

**Item 4: Alex's First Addition**

**Hearing on an application requesting a Plat of Alex's First Addition (Major Subdivision) a plat of an unplatted portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 5080 38th Street South) (KLC Holdings, LLC/Christianson Companies): APPROVED**

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat, Alex's First Addition, as outlined within the staff report, as the proposal complies with the 2003 Growth Plan, the Standards of Article 20-06, Section 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Schmidt, Holtz, Stofferahn, Morgan, Shewey, Gunkelman, and Schneider voted aye. Absent and not voting: Members Tasa and Rosenberg. The motion was declared carried.

**Item 5: Golden Valley Fourth Addition**

**Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential to SR-5, Single Dwelling Residential on Lot 1, Block 6, Golden Valley Fourth Addition. (Located at 6507, 6511, 6515, 6519, 6523, 6527, 6531, 6535, 6539, 6543 and 6547 28th Street South) (Jordahl Custom Homes, Inc): APPROVED**

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an additional resident comment was provided to the Board.

Discussion was held on the size of the lots and density.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential for Lot 1,

Block 6, Golden Valley Fourth Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Gunkelman, Shewey, Morgan, Schmidt, Holtz, Stofferahn, and Schneider voted aye. Absent and not voting: Members Tasa and Rosenberg. The motion was declared carried.

Additional discussion was held on where homeowners or potential buyers should go to gather correct zoning information regarding their properties.

Mr. Williams noted information can be obtained through the City of Fargo GIS map on the City of Fargo website, or by contacting the Planning Department.

**Item 6: The Pines at the District Sixth Addition**  
**Hearing on an application requesting a Plat of The Pines at the District Sixth Addition (Minor Subdivision) a replat of Lot 1, Block 1, The Pines at the District Fourth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5461 38th Street South) (Gitty-Up, LLC/Houston Engineering): APPROVED**

Ms. Espeseth presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on how proposed plats get their names.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat The Pines at the District Sixth Addition, as outlined within the staff report, as the proposal complies with the adopted 2007 Tier 1 Southwest Land Use Plan, the Standards of Article 20-06, Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Holtz, Shewey, Morgan, Gunkelman, Stofferahn, Schmidt, and Schneider voted aye. Absent and not voting: Members Tasa and Rosenberg. The motion was declared carried.

**Item 7: NDSU Research and Technology Park Third Addition**  
**Hearing on an application requesting a Plat of NDSU Research and Technology Park Third Addition (Minor Subdivision) a replat of Lots 1-4, Block 1, NDSU Research and Technology Park Second Addition and a portion of the Northwest Quarter of Section 36, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota. (Located at 1712 and 1734 NDSU Technology Circle North; 1650 and 1672 18th Street North; 1321 Albrecht Boulevard) (NDSU/MBN Engineering): APPROVED**

Ms. Espeseth presented the staff report stating all approval criteria have been met and staff is recommending approval.

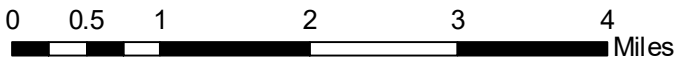
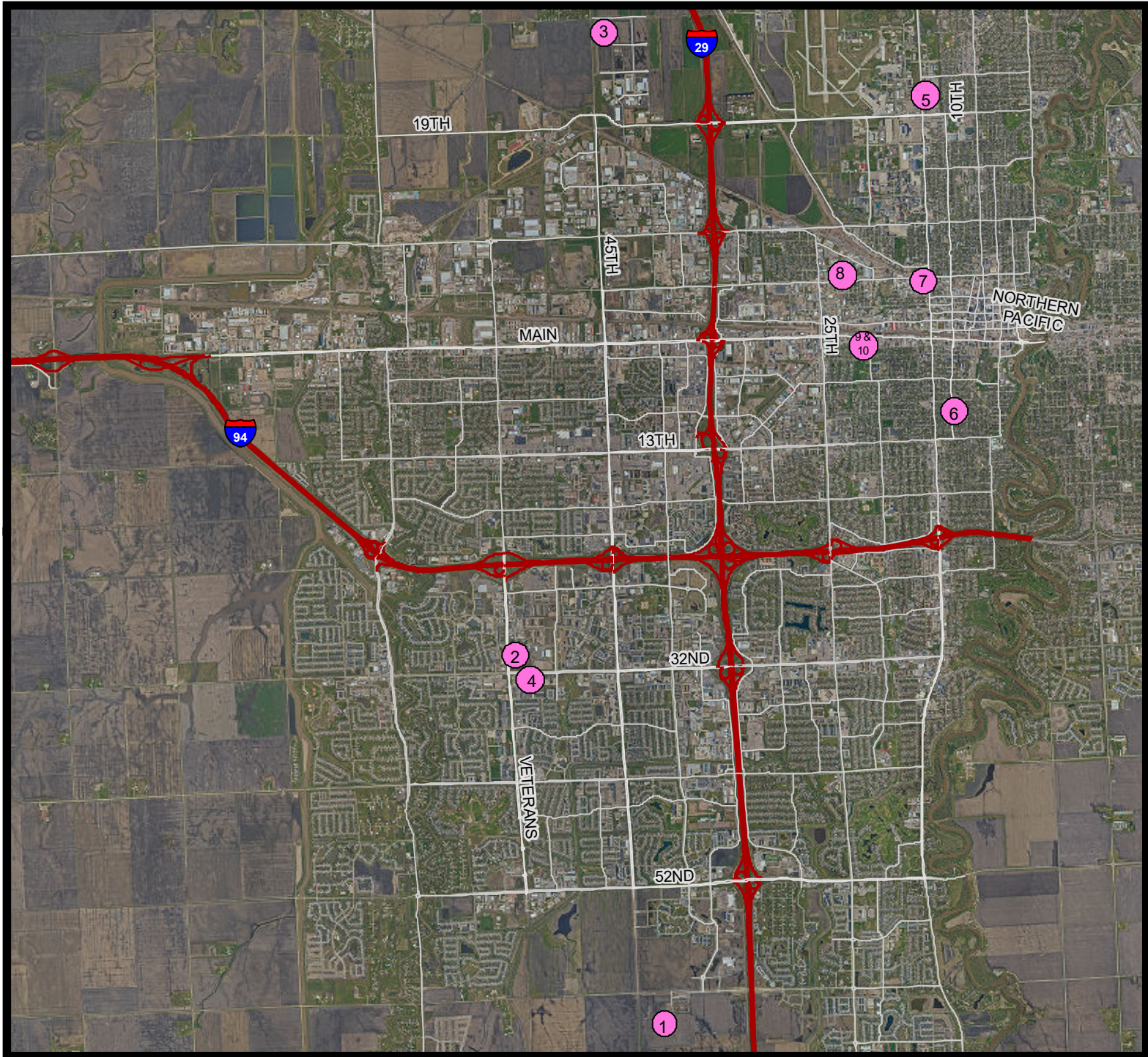
Discussion was held on the location of the property, ownership, and the NDSU Institutional Master Plan.

Mr. Williams confirmed that this application is not part of the NDSU Institutional Master Plan.

Member Shewey moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat NDSU Research and Technology Park Third Addition, as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schmidt. On call of the roll Members Gunkelman, Shewey, Morgan, Stofferahn, Schmidt, Holtz, and Schneider voted aye. Absent and not voting: Members Tasa and Rosenberg. The motion was declared carried.

The time at adjournment was 3:23 p.m.





  
**Agenda Items Map**  
 Fargo Planning Commission  
 April 02, 2024



- Agenda Item Number**
- Continued Items:
- 1a & b -- Covey Ranch Third Addition
  - 2 -- Urban Plains by Brandt Eighth Addition
- 
- 3 -- Laverne's Fifth Addition
  - 5 -- Airport Second Addition
  - 6 -- Erskine's Addition
  - 7 -- The Edge Addition
  - 8 -- First Industrial Subdivision of Beardsley's Addition
  - 9 -- Arneson's Addition
  - 10 -- Harvest Church Addition
- 
- Withdrawn:
- 4 -- Bentley Place Fourth Addition



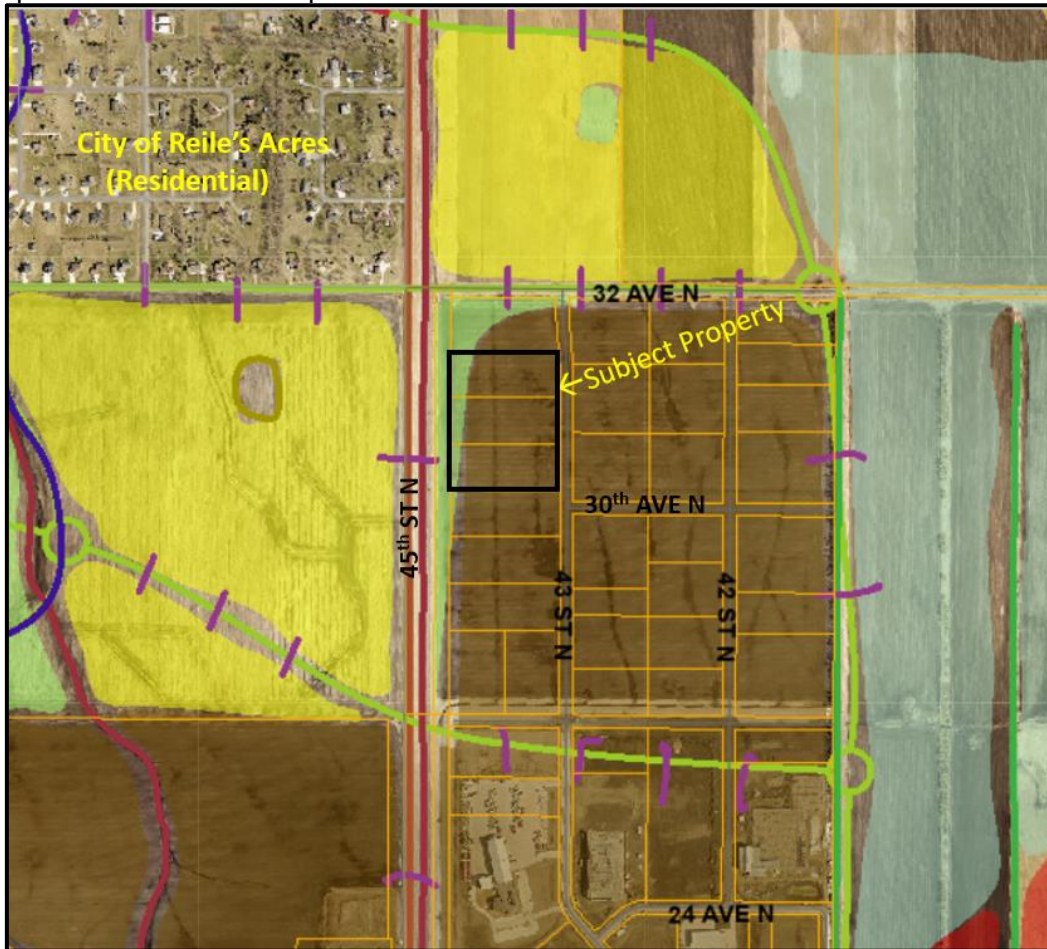
<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Laverne's Fifth Addition	<b>Date:</b>	03/27/2024
<b>Location:</b>	3034, 3088, and 3120 43 <sup>rd</sup> Street North	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Lots 4, 5, and 6, Block 1, Laverne's Second Addition		
<b>Owner(s)/Applicant:</b>	Austin J. Morris; Benjamin N. Meland; Leigh M. Barry; Shana M. Barry	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of Lots 4, 5, and 6, Block 1, Laverne's Second Addition to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: April 2 <sup>nd</sup> , 2024		







<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Industrial
<b>Zoning:</b> LI, Limited Industrial	<b>Zoning:</b> No change
<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.	<b>Uses Allowed:</b> No change
<b>Maximum Lot Coverage Allowed:</b> 85%	<b>Maximum Lot Coverage Allowed:</b> No change

<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A <b>minor subdivision</b>, to be known as Laverne's Fifth Addition, replat of Lots 4, 5, and 6, Block 1, Laverne's Second Addition to the City of Fargo, Cass County, North Dakota.</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: P/I, Public and Institutional with stormwater detention basin</li> <li>• East: LI, Limited Industrial; under development</li> <li>• South: LI, Limited Industrial undeveloped land;</li> <li>• West: P/I, levee and Cass County Drain No. 40</li> </ul> <p>(continued on next page)</p>

**Area Plans:**

The subject property is located within the 2007 South Fargo Tier 1 East Future Land Use Plan. This plan designates the subject property as "Industrial." This land use designation includes the current LI zoning. No growth plan amendment is required.



Proposed Land Uses	
	Residential Area - lower to medium density
	Residential Area - medium to high density
	Residential Area - rural
	Commercial Area
	Industrial Area
	Agricultural Research

**Context:**

**Schools:** The subject property is located within the West Fargo School District and is served by Harwood Elementary, Cheney Middle and West Fargo High schools.

**Neighborhood:** The subject property is not located within a designated neighborhood.

**Parks:** There are no public parks within one mile of the subject property.

**Pedestrian / Bicycle:** A multi-use path is intended for the right of way of 43rd Street, which will connect with the existing multi-use path in Laverne's Addition to the south. There is an off-road multi-use trail that is located approximately 0.75 miles south the project site along 19th Avenue North. Both paths are part of the metro area bikeways system.

**MATBUS Route:** The subject property is not along a MATBUS route.

(continued on next page)

**Staff Analysis:**

The plat will combine three existing lots into two lots in one block, intended for industrial development. The plat depicts a shared access easement along the property line between the two lots.

The Airport Proximity Agreement from Laverne’s Second Addition carries through to this minor subdivision. The current LI, Limited Industrial zoning will remain.

The City will work with the developer to create an amenities plan mainly addressing stormwater, to be signed by the developer.

**Minor Subdivision**

The LDC stipulates that the following criteria is met before a minor plat can be approved:

- 1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The requested minor subdivision combines three existing lots into a two lot, one block subdivision for industrial development. The current zoning is LI, Limited Industrial. No zone change is proposed. The subject property is located within the 2007 South Fargo Tier 1 East Future Land Use Plan which designates the land use as “Industrial”. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

- 2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Laverne’s Fifth Addition** as outlined within the staff report, as the proposal complies with the adopted 2007 Tier 1 Northwest Land Use Plan, the standards of Article 20-06, Section 20-0907.B. and C and all other applicable requirements of the Land Development Code.”

**Planning Commission Recommendation:** April 2<sup>nd</sup>, 2024

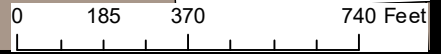
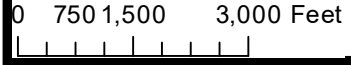
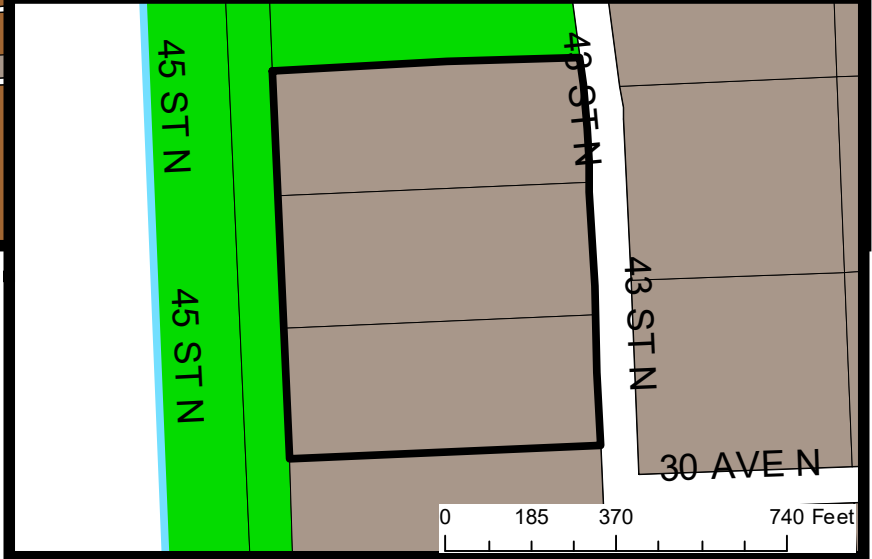
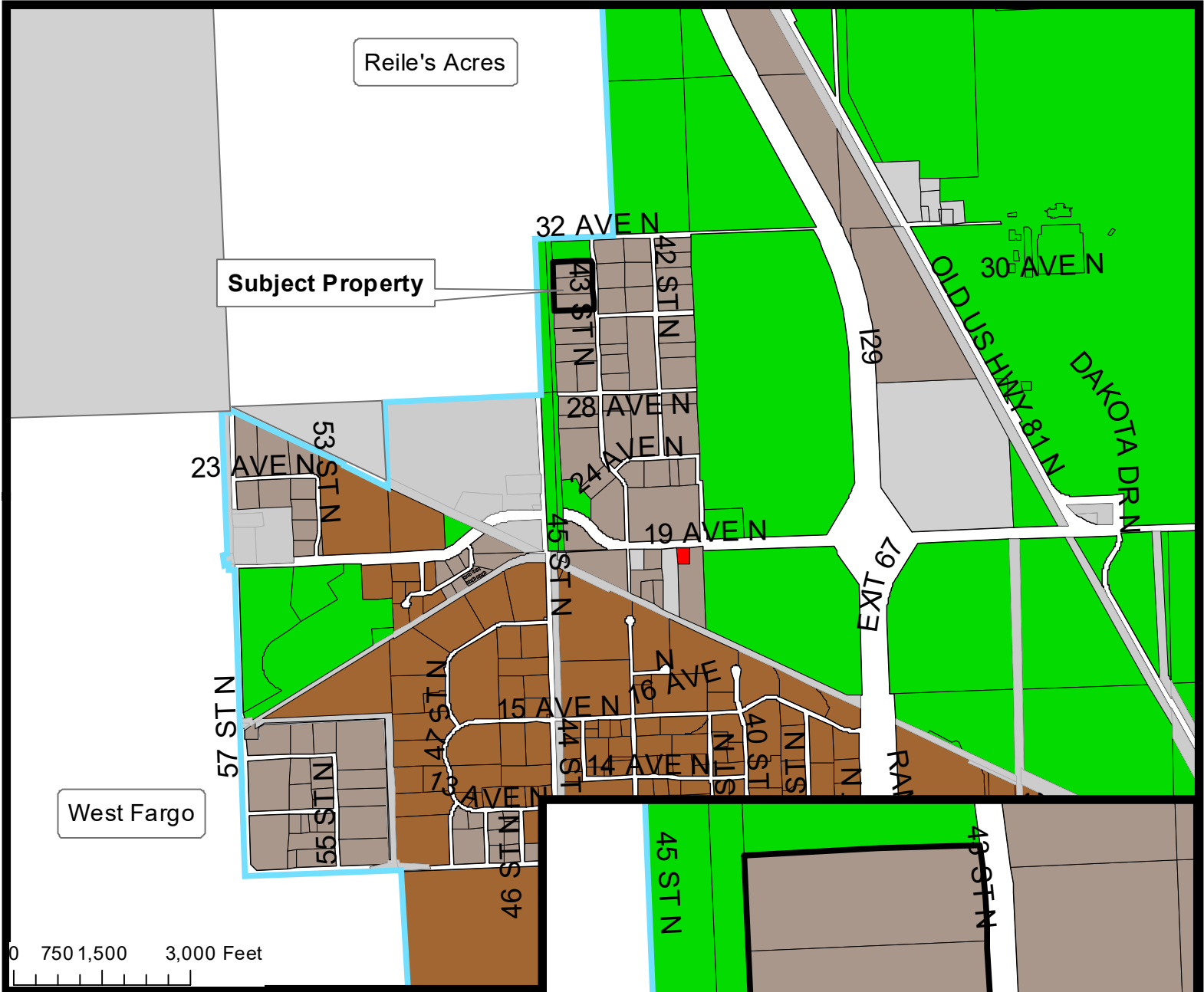
**Attachments:**

- 1. Zoning Map
- 2. Location Map
- 3. Preliminary Plat

# Minor Subdivision

## Laverne's Fifth Addition

3120, 3088 & 3034 43rd Street North



**Legend**

AG	DMU	GO	LC	MHP	2034-2
CC	CC	GO	ML	NCO	2034-3
MR-1	MR-2	MR-3	PT	UMU	2034-4
					2034-5
					City Limits



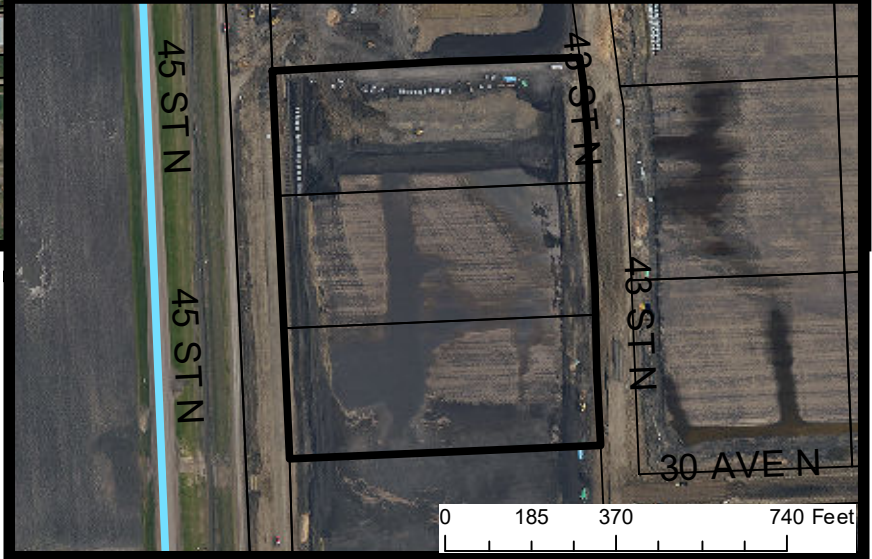
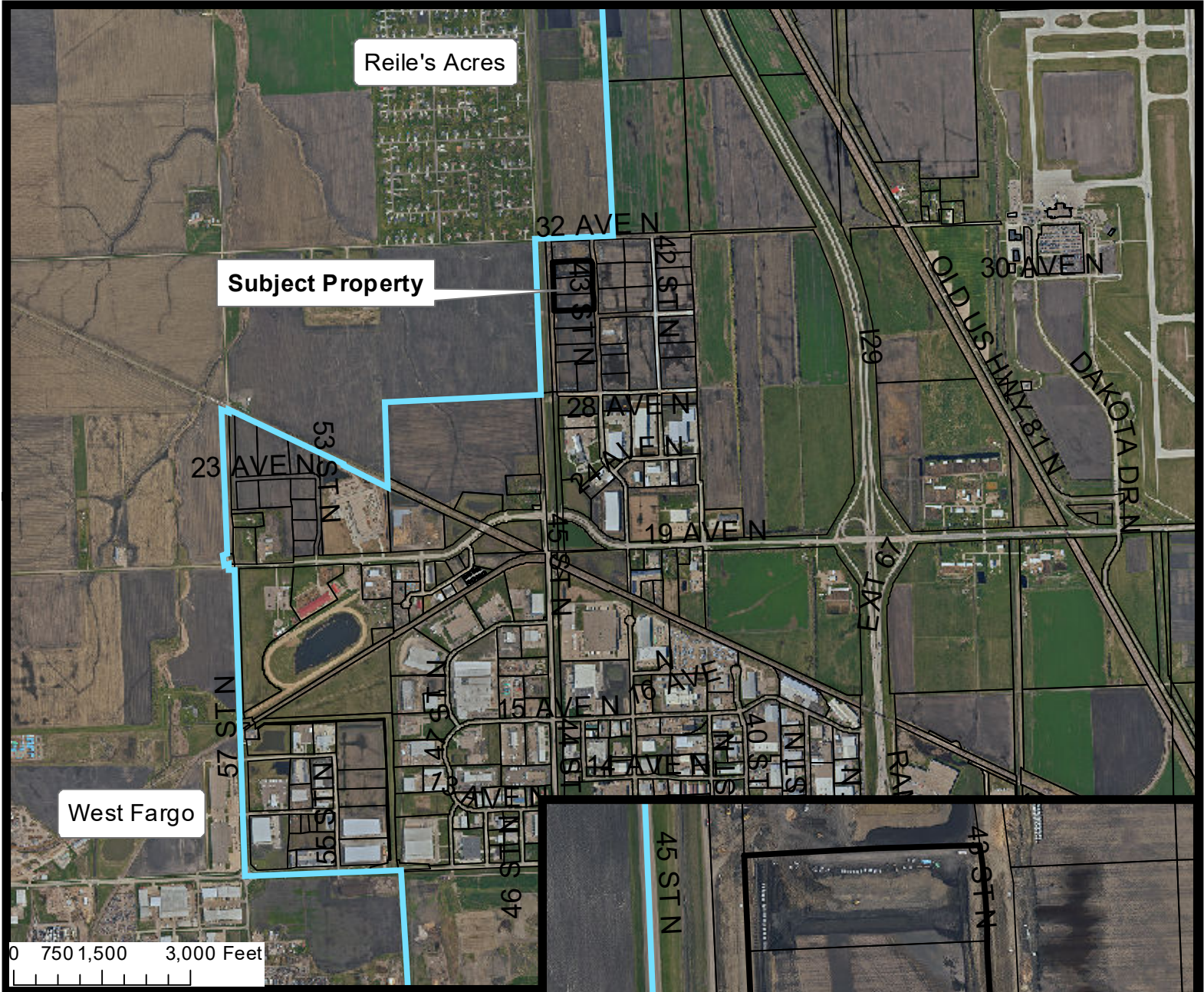
Fargo Planning Commission  
April 2, 2024



# Minor Subdivision

## Laverne's Fifth Addition

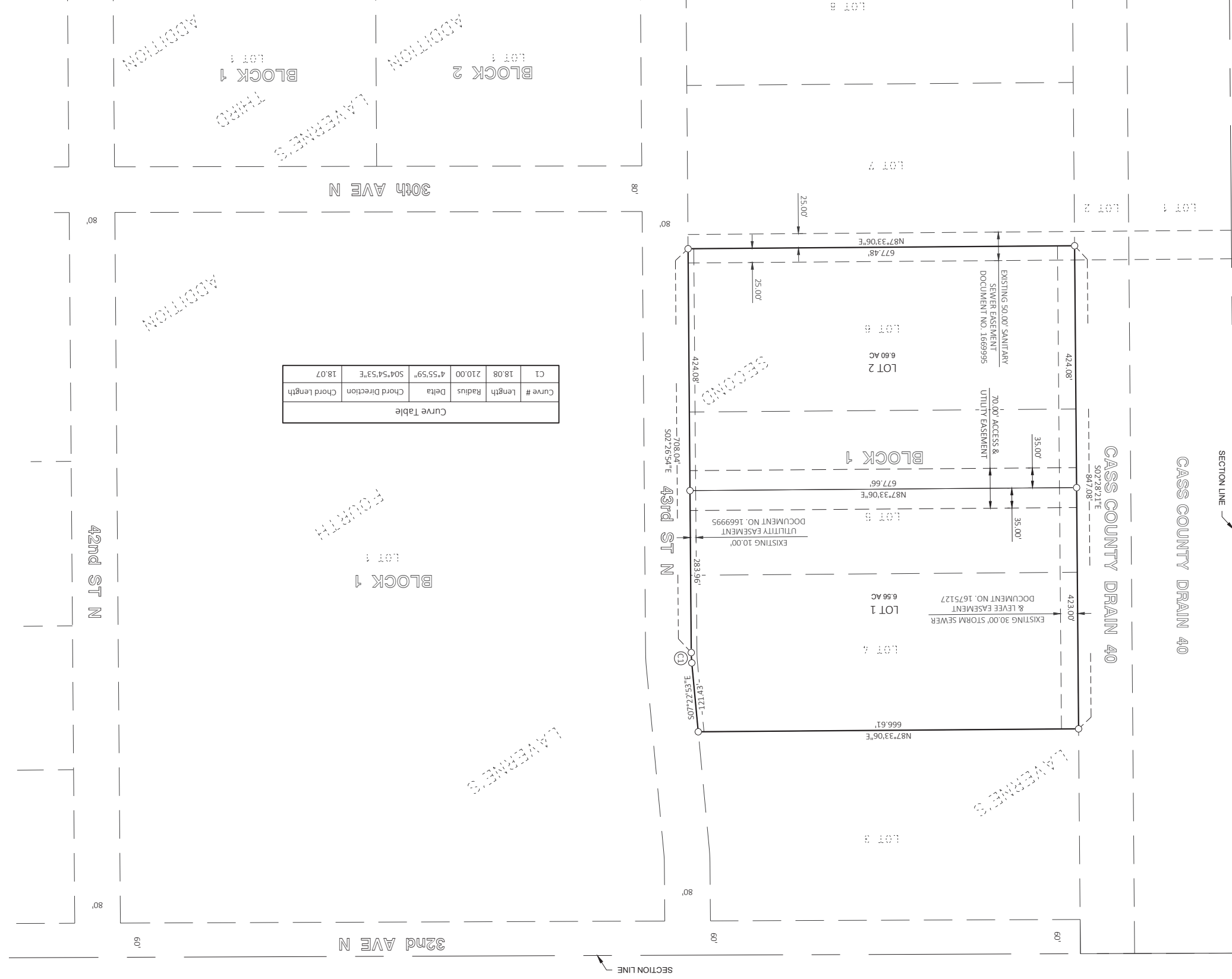
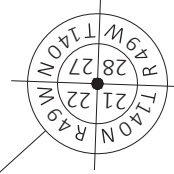
3120, 3088 & 3034 43rd Street North



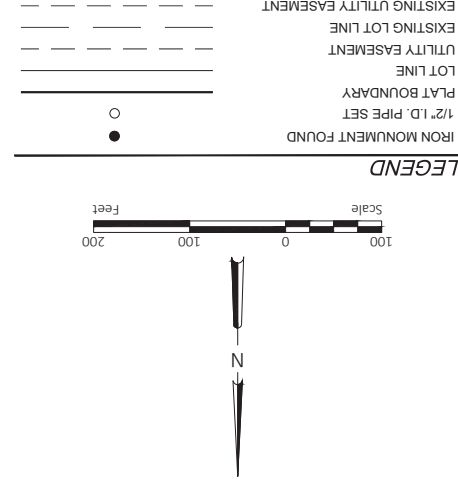
**Legend**  
City Limits

# LAVERNE'S FIFTH ADDITION

## A MINOR SUBDIVISION BEING A REPLAT OF LOTS 4, 5 & 6, BLOCK 1 LAVERNE'S SECOND ADDITION CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



Curve Table						
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	CI
C1	18.08	210.00	4°55'59"	S04°54'53"E	18.07	18.07



BEARINGS SHOWN ARE BASED ON  
CITY OF FARGO GROUND COORDINATE  
SYSTEM, DECEMBER 1992.



**LAVERNE'S FIFTH ADDITION  
A MINOR SUBDIVISION  
BEING A REPLAT OF LOTS 4, 5 & 6, BLOCK 1  
LAVERNE'S SECOND ADDITION  
CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA**

**OWNERS CERTIFICATE:**

NOW ALL PERSONS BY THESE PRESENTS: That Austin J. Morris, Benjamin N. Meland, Leigh M. Barry and Shana M. Barry, as Co-Trustees of the Revocable Living Trust of Leigh M. Barry, as Co-Trustees of the Revocable Living Trust of Leigh M. Barry, as Co-Trustees of the Revocable Living Trust of Leigh M. Barry and Shana M. Barry, as Co-Trustees of the Revocable Living Trust of Leigh M. Barry dated May 19, 2009, and Leigh M. Barry and Shana M. Barry, as Co-Trustees of the Revocable Living Trust of Leigh M. Barry dated May 19, 2009, as tenants in common, are the owners and proprietors of the following described tract of land:

Lots 4, 5 and 6, Block 1, Laverne's Second Addition, to the City of Fargo, Cass County, North Dakota. Said tract contains 13.16 acres, more or less.

And that said party has caused the same to be surveyed and platted as **LAVERNE'S FIFTH ADDITION** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the owners of Lots 1 and 2, for private use, the access and utility easement shown on the plat.

**OWNERS:**

Benjamin N. Meland

State of NORTH DAKOTA )  
) ss )  
County of CASS )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024, by Benjamin N. Meland.

Notary Public: \_\_\_\_\_

Austin J. Morris

State of NORTH DAKOTA )  
) ss )  
County of CASS )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, by Austin J. Morris.

Notary Public: \_\_\_\_\_

Leigh M. Barry, as Co-Trustee of the Revocable Living Trust of Leigh M. Barry dated May 19, 2009, and as Co-Trustee of the Revocable Living Trust of Shana M. Barry dated May 19, 2009

State of NORTH DAKOTA )  
) ss )  
County of CASS )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, by Leigh M. Barry, as Co-Trustee of the Revocable Living Trust of Leigh M. Barry dated May 19, 2009, and as Co-Trustee of the Revocable Living Trust of Shana M. Barry dated May 19, 2009.

Notary Public: \_\_\_\_\_

Shana M. Barry, as Co-Trustee of the Revocable Living Trust of Leigh M. Barry dated May 19, 2009, and as Co-Trustee of the Revocable Living Trust of Shana M. Barry dated May 19, 2009

State of NORTH DAKOTA )  
) ss )  
County of CASS )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, by Shana M. Barry, as Co-Trustee of the Revocable Living Trust of Leigh M. Barry dated May 19, 2009, and as Co-Trustee of the Revocable Living Trust of Shana M. Barry dated May 19, 2009.

Notary Public: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:**

I, James A. Schlieman, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota )  
) ss )  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_

**CITY ENGINEER'S APPROVAL:**

Approved by the Fargo City Engineer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Tom Knakmuhs, PE, City Engineer

State of North Dakota )  
) ss )  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Tom Knakmuhs, PE, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_

**FARGO PLANNING COMMISSION APPROVAL:**

Approved by the City of Fargo Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Rocky Schneider, Chair  
Fargo Planning Commission

State of North Dakota )  
) ss )  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Rocky Schneider, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: \_\_\_\_\_

**FARGO CITY COMMISSION APPROVAL:**

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

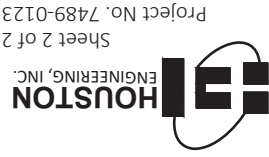
Timothy J. Mahoney, Mayor

Attest: \_\_\_\_\_  
Steven Sprague, City Auditor

State of North Dakota )  
) ss )  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: \_\_\_\_\_



<i>City of Fargo Staff Report</i>			
<b>Title:</b>	<b>Airport Second Addition</b>	<b>Date:</b>	3/27/2024
<b>Location:</b>	1919 University Drive North	<b>Staff Contact:</b>	Maegin Elshaug, planning coordinator
<b>Legal Description:</b>	part of Lot 2, and all of Lot 3, Block 1, <b>Airport Second Addition</b>		
<b>Owner(s)/Applicant:</b>	JPR Investments, LLC #14 / Goldmark Design & Development	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	Conditional Use Permit for residential living in the LC, Limited Commercial zoning district		
<b>Status:</b>	Planning Commission Public Hearing: April 2, 2024		

Existing	Proposed
<b>Land Use:</b> mixed use	<b>Land Use:</b> no change
<b>Zoning:</b> LC, Limited Commercial	<b>Zoning:</b> no change
<b>Uses Allowed:</b> LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.  <b>With CUP that allows residential living (recorded document 1697243)</b>	<b>Uses Allowed:</b> no change  <b>With amended CUP to allow residential</b>
<b>Maximum Density Allowed (Residential):</b> 94 total units per CUP	<b>Maximum Density Allowed (Residential):</b> 96 total units proposed
<b>Maximum Lot Coverage Allowed:</b> 55% maximum	<b>Maximum Lot Coverage Allowed:</b> no change

<b>Proposal:</b>
<p>The applicant is requesting one entitlement:</p> <ol style="list-style-type: none"> <li><b>Conditional Use Permit (CUP)</b> to allow residential living in the LC, Limited Commercial zoning district.</li> </ol> <p>In June 2006, the Planning Commission approved a conditional use permit on the property to allow residential living not exceeding 93 units with underground parking within a LC, Limited Commercial zoning district. The mixed use building was built in 2007 with 75 residential units and commercial on the ground floor, which was used as office space.</p> <p>In July 2023, the Planning Commission approved a conditional use permit (recorded document 1697243) for residential living on most of the ground floor, turning approximately 24,000 square feet into 19 additional residential units, for a total of 94 units. At that time, the applicant proposed to keep 1,200 square feet internal to the building and the drive thru as commercial space.</p>

The current request is to modify the 1,200 internal square feet and enclose the drive-thru area into 2 additional residential units, bringing the total to 96 units. Existing parking on site exceeds requirements for all units. The applicant states they would like to maintain the ability to convert the ground floor space back into commercial in the future. An image of the existing building is to the right. If this CUP is approved, it will replace the current CUP (recorded document 1697243).



This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

**Surrounding Land Uses and Zoning Districts:**

- North: Commercial and residential within the LC (with CUP, Conditional Use Permit) and LI, Limited Industrial zoning districts;
- East: Warehouse and commercial within the LC zoning district;
- South: Convenience store within the LC zoning district;
- West: Across University Drive South is North Dakota State College of Science, office and financial institution in the GC, General Commercial zoning district.

**Area Plans:**

There are no area plans identified for the subject property.

**Context:**

**Neighborhood:** Northport

**Schools:** The subject property is located within the Fargo School District, specifically the Washington elementary, Ben Franklin junior high, and North high schools.

**Parks:** No parks are located within a quarter-mile of the subject property.

**Pedestrian / Bicycle:** Shared use paths are located just west and south of the subject property along University Drive North and 19<sup>th</sup> Avenue North, which connect into the metro area system.

**Transit / MATBus:** Route 34 goes into this development with a stop at the building and a shelter just west across University Drive North.

**Staff Analysis:**

**Conditional Use Permit Approval Criteria (Section 20-0909.D)**

The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**

The purpose of the LDC is to implement Fargo’s Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. The proposal would allow two additional units than was previously approved. Conditions of the CUP will allow conversion of ground floor space to commercial, office, or others

approved in the Land Development Code for the LC zoning district. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

**2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff finds that this proposed conditional use permit will contribute to and promote the welfare of the public. **(Criteria Satisfied)**

**3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**

Staff has no data to suggest the proposed change would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. **(Criteria Satisfied)**

**4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

Staff finds that the proposed conditional use permit to continue to allow and increase the residential units by two should not dominate the immediate neighborhood or prevent any other sites from being used. Suggested conditions of the CUP will limit intensity of the use. Staff finds that the proposed conditional use permit meets this criteria. **(Criteria Satisfied)**

**5. Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**

The property has access to all necessary utilities and services. Staff is not aware of any deficiencies that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

**6. Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**

The subject property has access to University Drive South, which is a fully constructed arterial roadway. Access points have been previously approved when the existing building was originally permitted. **(Criteria Satisfied)**

Recommended Conditions:

- Up to 96 residential units within existing building.
- Space on the ground floor may be converted to uses approved in the LC, Limited Commercial zoning district without additional review by the Planning Commission, so long as all LDC requirements are met.
- Any other expansion of building or expansion and/or change of use may require additional review by the Planning Commission

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow residential living in the LC, Limited Commercial zoning district, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- Up to 96 residential units within existing building
- Space on the ground floor may be converted to uses approved in the LC, Limited Commercial zoning district without additional review by the Planning Commission, so long as all LDC requirements are met.
- Any other expansion of building or expansion and/or change of use may require additional review by the Planning Commission

**Planning Commission Recommendation:**

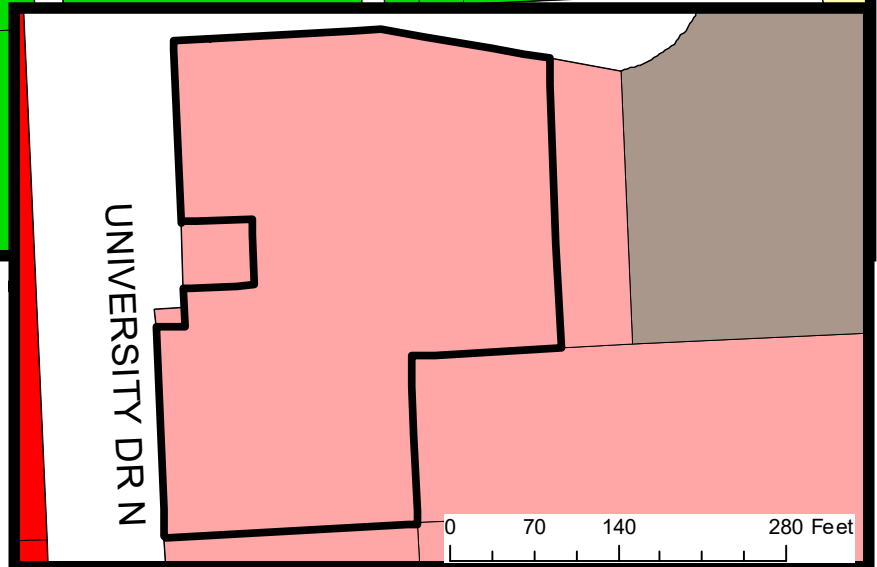
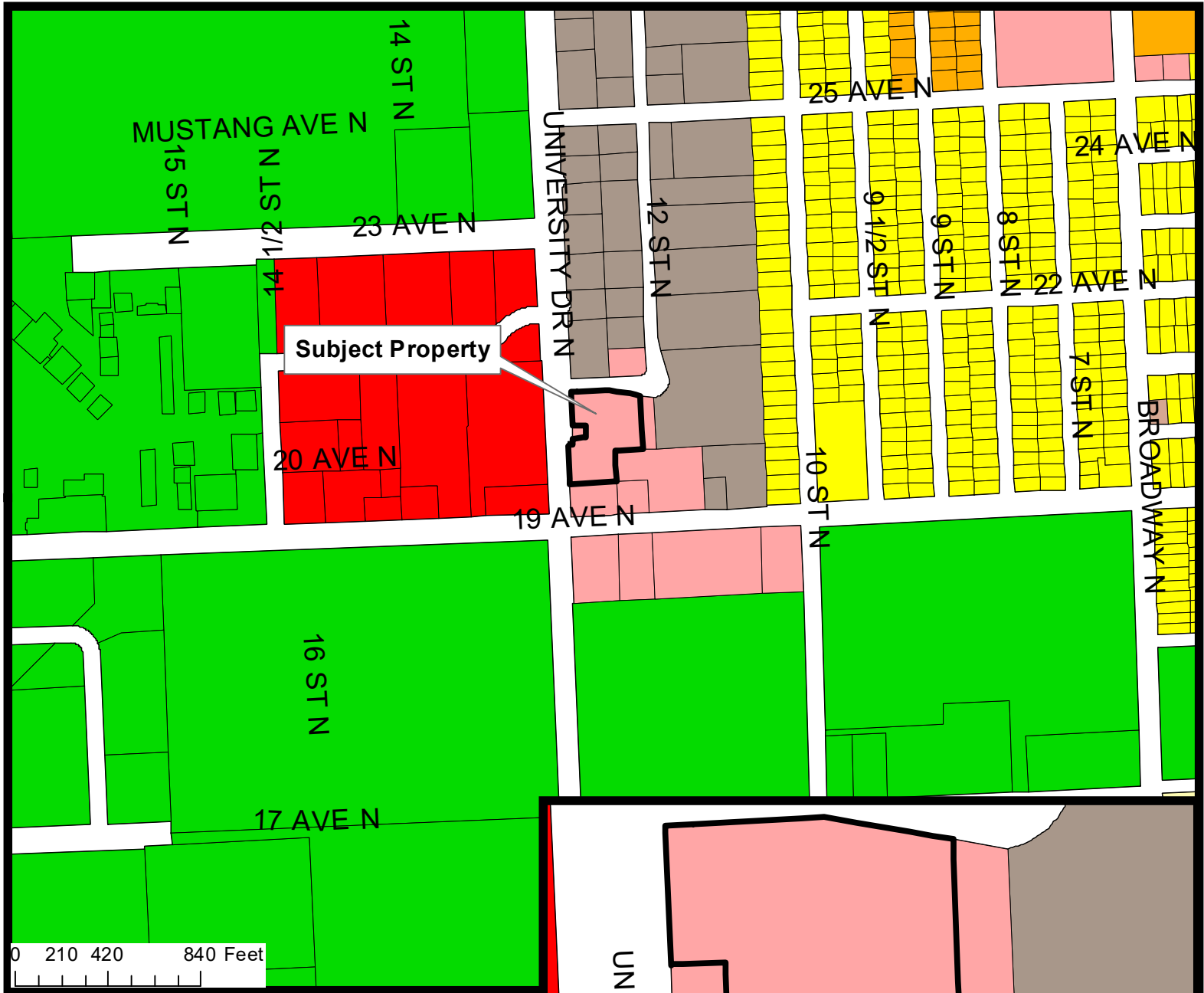
**Attachments:**

1. Zoning Map
2. Location Map

# Conditional Use Permit to allow residential living in the LC, Limited Commercial zoning district

## Airport Second Addition

1919 University Drive North



**Legend**




# Conditional Use Permit to allow residential living in the LC, Limited Commercial zoning district

## Airport Second Addition

1919 University Drive North



### Legend

 City Limits

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Erskine's Addition	<b>Date:</b>	03/28/2024
<b>Location:</b>	1002 & 1008 10 <sup>th</sup> Street South	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description:</b>	Lots 14-19, Block BB, Erskine's Addition		
<b>Owner(s)/Applicant:</b>	Salem Evangelical Free Church/Relevant Life Church	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (from MR-2, Multi-Dwelling Residential and SR-3, Single Dwelling Residential to P/I, Public and Institutional)		
<b>Status:</b>	Planning Commission Public Hearing: April 2 <sup>nd</sup> , 2024		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Residential	<b>Land Use:</b> No Change
<b>Zoning:</b> SR-2, Single Dwelling Residential	<b>Zoning:</b> SR-3, Single Dwelling Residential
<b>Uses Allowed:</b> SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed:</b> 5.4 units per acre	<b>Maximum Density Allowed:</b> 8.7 units per acre

<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li><b>Zoning Change</b> (from MR-2, Multi-Dwelling Residential and SR-3, Single Dwelling Residential to P/I, Public and Institutional)</li> </ol> <p>The applicant is pursuing a zone change in order to be able to put in a larger sign for their church than what is currently allowed by MR-2 and SR-3 zones (which is only 8 square feet). The applicant indicated that they would propose a static sign of approximately 50 square feet, orientated towards 10<sup>th</sup> Street South. The future signage will need its own permit if this zone change is approved and will need to meet all of the Sign Code requirements.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>North: SR-3, Single-Dwelling Residential with household living</li> <li>East: SR-3, Single-Dwelling Residential with parking, household living</li> <li>South: SR-2, Single-Dwelling Residential with vacant land</li> <li>West: SR-3, Single-Dwelling Residential with household living</li> </ul>
<b>Area Plans:</b>
<p>The subject property is located within the 2021 Core Neighborhoods Master Plan. The future land use map of the Hawthorne neighborhood brief designates the subject property as being suitable for Institutional and Single-Family Residential uses. The Single-Family Residential portion covers the 1002 10<sup>th</sup> Street South property which cuts through the existing church building. Therefore, staff has determined that the proposed zone of P/I, Public and Institutional is consistent with this land use designation.</p>





**Context:**

**Neighborhood:** The subject property is located in the Hawthorne neighborhood.

**Schools:** The subject properties are located within the Fargo School District and served by Clara Barton and Hawthorne Elementary schools, Ben Franklin Middle school and North High school.

**Parks:** Located within a half-mile of the subject property is Dill Hill Park (652 6<sup>th</sup> Avenue South), Burdick Park (1550 South River Road), and Island Park (302 7<sup>th</sup> Street South). Dill Hill Park provides amenities of baseball and softball fields. Burdick Park provides recreational trails. Island Park provides amenities of a basketball court, cross country ski trails, grill, handball court, outdoor pools, picnic table, playgrounds, recreational trails, restrooms, reservable shelter, and tennis courts.

**Pedestrian / Bicycle:** A shared use path exists within a half-mile located along Red River.

**Bus Route:** MATBUS routes 14 and 15 run along 10<sup>th</sup> Street South, 13<sup>th</sup> Avenue South, and University Drive South. Routes 18 runs along 9<sup>th</sup> Avenue South and University Drive South. Several stops along these roads are within one quarter of a mile from the subject property.

**Staff Analysis:**

**Zoning**

Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

- 1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

The proposed change in zoning is not the result of any error in the zoning map as it relates to the subject properties. The properties are currently zoned MR-2, Multi-Dwelling Residential and SR-3, Single Dwelling Residential. The proposed P/I, Public and Institutional, zoning is consistent with the "Institutional" land use designation of the 2021 Core Neighborhoods Master Plan. The change in zoning will allow the tenant to construct a larger sign for their church than what is currently allowed by the Sign Code.

**(Criteria Satisfied)**

2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

The subject property is already served by existing public services and infrastructure. City staff and other applicable review agencies have reviewed this proposal and finds no deficiencies in the current public utilities that serve the development.

**(Criteria Satisfied)**

3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. Staff received three inquiries about the project but did not have any objections. Discussion took place with a neighborhood representative about what can be developed or redeveloped in P/I. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity.

**(Criteria Satisfied)**

4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds this proposal is consistent with the purpose of the LDC, the Core Neighborhoods Master Plan, and other adopted policies of the City.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional on Lots 14-19, Block BB, Erskine's Addition, on the basis that it satisfactorily complies with the Core Neighborhoods Master Plan, Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** April 2, 2024

**Attachments:**

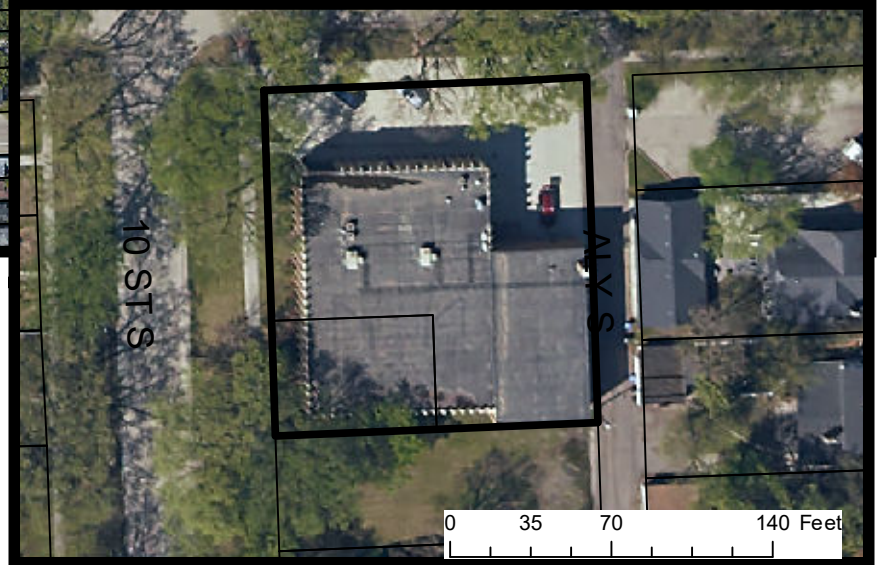
1. Zoning Map
2. Location Map



# Zone Change from MR-2, Multi-Dwelling Residential & SR-3, Single Dwelling Residential to P/I, Public & Institutional

## Erskine's Addition

1002 & 1008 10th Street South



### Legend

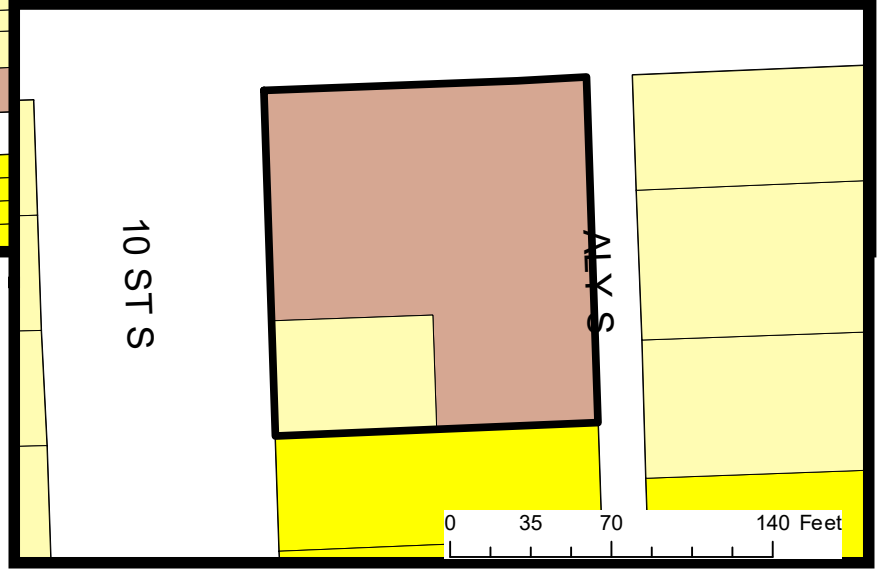
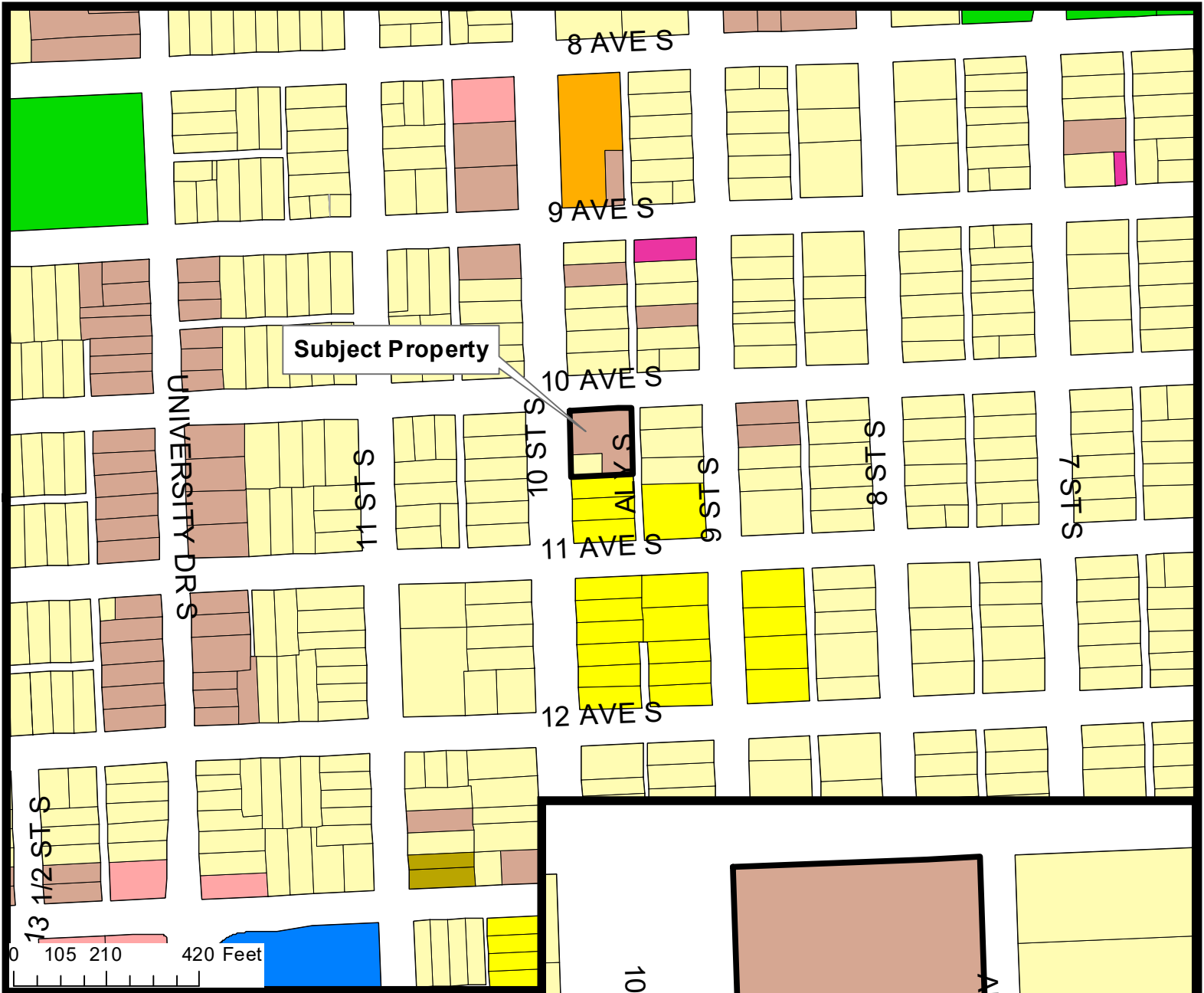
 City Limits



# Zone Change from MR-2, Multi-Dwelling Residential & SR-3, Single Dwelling Residential to P/I, Public & Institutional

## Erskine's Addition

1002 & 1008 10th Street South



**Legend**

AG	LC	MHP	SR-2
DMU	MR-1	NCO	SR-3
GGC	MR-2	P/I	SR-4
GO	MR-3	UMU	SR-5
		City Limits	



**Fargo Planning Commission**  
April 2, 2024

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	The Edge Addition	<b>Date:</b>	3/28/2024
<b>Location:</b>	1329 5 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description:</b>	Lot 1, Block 1, The Edge Addition		
<b>Owner(s)/Applicant:</b>	DFI AU LLC/Jade Nielsen (701 Collective, LLC)	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> to allow outdoor recreation and entertainment use in the DMU, Downtown Mixed-Use zoning district on Lot 1, Block 1, The Edge Addition		
<b>Status:</b>	Planning Commission Public Hearing: April 2, 2024		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant land	<b>Land Use:</b> Outdoor recreation and entertainment
<b>Zoning:</b> DMU, Downtown Mixed-Use	<b>Zoning:</b> No change
<b>Uses Allowed:</b> Allows household living, colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunication facilities.	<b>Uses Allowed:</b> Allows household living, colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, commercial parking, <b>outdoor recreation and entertainment</b> , retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunication facilities.
<b>Maximum Lot Coverage Allowed:</b> 100% building coverage	<b>Maximum Lot Coverage Allowed:</b> No change

<b>Proposal:</b>	
<p>The applicant is requesting a conditional use permit to allow outdoor recreation and entertainment use in the DMU, Downtown Mixed-Use zoning district on Lot 1, Block 1, The Edge Addition located at 1329 5<sup>th</sup> Avenue South. The applicant is not proposing any permanent buildings or paving, but will bring in fencing and temporary structures for the stage, bleachers, and other vendors.</p> <p>The Land Development Code (LDC) defines the characteristics of “recreation and entertainment, outdoor” in Section 20-1203.D.5, “Outdoor Recreation and Entertainment uses are large, generally commercial uses that provide continuous recreation and entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.” The applicant intends to use the subject property as an outdoor concert venue where temporary structures are brought in for the function of the event. Fencing is the only proposed permanent structure at this time with the purpose of safety and security for the patrons and management of the event. The fencing proposed along 5<sup>th</sup> Avenue North will need to match the quality of other fencing in the DMU, Downtown Mixed-Use zone per Section 20-0212.</p>	<p style="text-align: right;"><b>Edge Artist Flats</b></p> <p style="text-align: center;"><b>5<sup>th</sup> Avenue North</b></p> <p><b>LEGEND:</b>  <span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px; margin-right: 5px;"></span> PRIVACY PERIMETER FENCE</p>

The applicant contacted Engineers from Bolton-Menk, Inc to verify the parking demand for their proposed use. They stated the following:

*“Reviewing the Institute of Transportation Engineers’ Parking Generation manual (an industry standard for estimating parking needs for various land uses); The most applicable land use is for a Live Theater (ITE code 441). The data shows demand for 0.38 parking spaces per event attendee. Assuming an event with 2,000 attendees, it is estimated that there would be demand for 760 parking spaces (2,000 x 0.38 = 760).”*

The applicant has accounted for a total of 915 parking spaces. 420 of these spaces are off-street event parking from nearby parking lots. 495 spaces are shuttle and rideshare options. These spaces are shown in the Parking Plan and described in the Support Letters and Email Correspondence documents attached to this staff report.

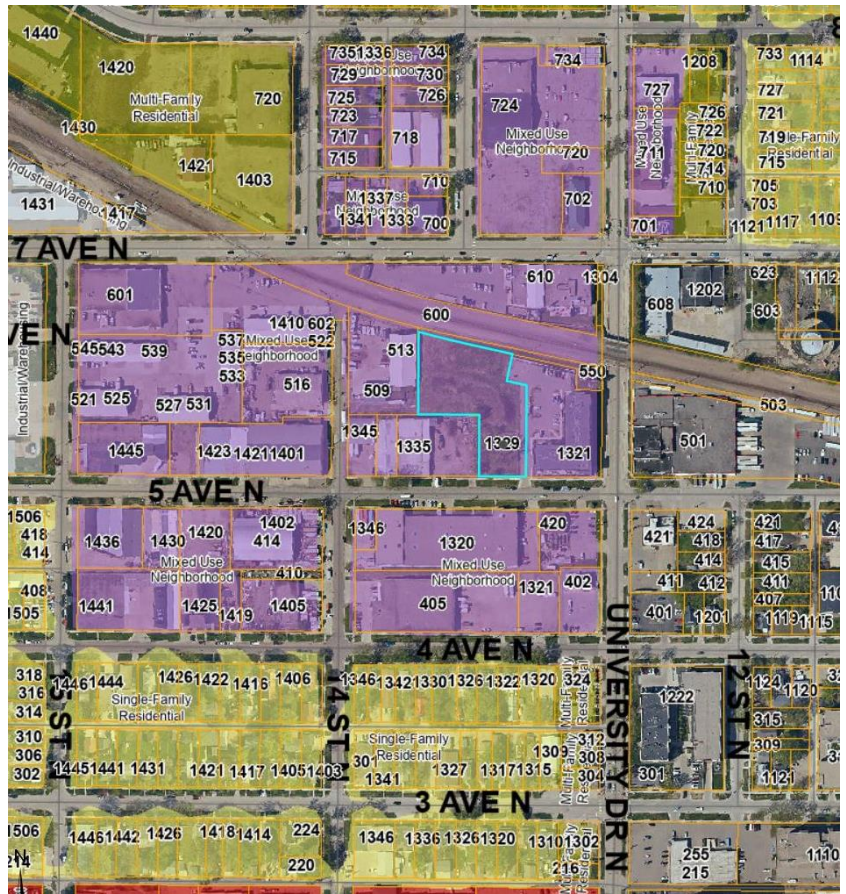
This project was reviewed by the City’s Planning and Development, Engineering, Public Works, Fire, and Police Departments (“staff”), whose comments are included in this report.

**Surrounding Land Uses and Zoning Districts:**

- North: GC, General Commercial with vacant land and BNSF Railroad uses;
- East: DMU, Downtown Mixed-Use with a multi-dwelling residential;
- West: GC, General Commercial with warehouse and office uses;
- South: Across 5<sup>th</sup> Avenue North, GC, General Commercial with warehouse and office uses.

**Area Plans:**

The subject property is located within the 2021 Core Neighborhoods Master Plan. The future land use map of the Madison/Unicorn Park neighborhood brief designates the subject property as being suitable for Mixed Use Neighborhood Commercial uses. Staff has determined that the proposed use is consistent with this land use designation.



**Context:**

**Neighborhood:** The subject property is located within the Madison/Unicorn Park Neighborhood



**Schools:** The subject property is located within the boundary of the Fargo School District, more specifically within Roosevelt Elementary, Ben Franklin Middle School, and North High School.

**Parks:** Located within a quarter-mile of the subject property is Unicorn Park (1603 3<sup>rd</sup> Avenue North) providing amenities of a basketball court, grill, picnic table, playground, recreational trails, and multipurpose field amenities.

**Pedestrian / Bicycle:** On road bike facilities are located along University Drive North. These facilities are a component of the metro area trail system.

**Bus Route:** MATBUS routes 36, 33, 17, and 13 run along University Drive North. Routes 36 and 13 runs along NP Avenue North. Route 33 additionally runs along 4<sup>th</sup> Avenue North. Route 17 additionally runs 2<sup>nd</sup> Avenue North and 3<sup>rd</sup> Avenue North. Several stops along these roads are within one quarter of a mile from the subject property.

**Staff Analysis:**

Through the review of this Conditional Use Permit (CUP), staff and a neighbor that inquired about the application, has had several overall concerns and the applicant has provided solutions intending to address these concerns:

Staff Concerns:	Applicant's Solutions:
<p>Pedestrian safety:</p> <ul style="list-style-type: none"> <li>• Pedestrians may try to cross the railroad and/or University Drive North depending on where they park, even if signage is placed to direct a safe flow of traffic to and from parking areas.</li> <li>• No crosswalks are on the surrounding streets until the traffic lights at University Drive North and 3<sup>rd</sup> Avenue North.</li> </ul>	<ul style="list-style-type: none"> <li>• Event signage and staff at prominent intersections and parking areas.</li> <li>• Event staff along temporary barriers by the railroad.</li> </ul>
<p>Parking congestion:</p> <ul style="list-style-type: none"> <li>• Staff believes a large portion of the patrons will drive to the event themselves rather than using bicycles, public transportation, rideshare, or shuttle options.</li> <li>• There is no guarantee that patrons will follow parking guidance that the applicant provides.</li> </ul>	<ul style="list-style-type: none"> <li>• Notification to ticket holders with maps and instructions for parking options.</li> <li>• Shuttle and rideshare options at Holiday Inn (Fargo location), Legends Bar (Moorhead, MN), and Murphy's Pub (Moorhead, MN).</li> </ul>

If this CUP is approved, compliance with the applicable sections of the Fire Code, International Building Code (Inspections), Land Development Code (Planning), Noise Ordinance (Police), and any other City department review is still required. Additionally, staff has created the following numbered recommended conditions with some notes (in *italics*) on how these will address the lingering concerns:

1. Changes with the parking agreements or strategies called out in the Parking Plan and Narrative provided in the April 2<sup>nd</sup>, 2024 Planning Commission packet may require review by the Planning Commission as determined by Planning Staff.
  - a. *In the instance of minor changes to a parking lot, Planning Staff will not require an amended CUP, however, in the instance of a parking lot being developed and several spaces are unaccounted for, then Planning will require an amendment.*
2. Compliance with Engineering, Fire, Inspections, and Police permitting processes shall be maintained.
  - a. *Each department can hold up an event if their requirements are not met. The permits may vary depending on the event, but overall it may include permits for temporary tents, pyrotechnics/open flames, temporary structure, street closure, and amplified sound.*
3. Fencing/barriers shall be required along the railroad as indicated in the Parking Plan provided in the April 2<sup>nd</sup>, 2024 Planning Commission packet. Any fencing along 5<sup>th</sup> Avenue North shall meet the applicable fencing requirements of the Land Development Code.
  - a. *DMU requires a higher-quality fence adjacent to public right-of-way that matches other approved fencing in the DMU zone.*

4. If the ownership changes from 701 Collective, LLC or Jade Nielsen Properties, the CUP, Conditional Use Permit shall be revoked.
  - a. *The outdoor recreation and entertainment use is tied to the owner so the management of each event and the understanding of the City's processes and requirements are continued.*

In conclusion, staff is in support of this project due to the applicant's proposal for pedestrian, vehicular, and event management along with the City's applicable codes and recommended conditions of this CUP.

### **Approval and Appeal**

The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant to LDC Section 20-0903(B), appeals of final decisions must be filed within 10 days of the date of the decision.

### **Conditional Use Permit Approval Criteria (Section 20-0909.D)**

The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow for Outdoor Recreation and Entertainment use and additional conditions are proposed that would address potential negative impacts of the proposed use to the surrounding properties. Staff finds this proposal is consistent with the purpose of the LDC and other adopted plans and policies of the City.

**(Criteria Satisfied)**
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff finds that this proposed conditional use permit to allow for outdoor recreation and entertainment use at this location will contribute and promote the welfare and convenience of the public. Staff is proposing conditions which aim to address parking concerns, pedestrian safety, and other potential future changes that could have negative impacts such as ownership. The applicant provided parking information and solutions that have been reviewed by the Engineering Department who supports the proposal as it references the ITE (Institute of Traffic Engineers) parking guidance for the proposed use and provides off-site parking and rideshare options for this use.

**(Criteria Satisfied)**
3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**

Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to one inquiry about the project which included a letter listing their concerns for this application. The letter is attached to this packet. The Madison/Unicorn Park Neighborhood representatives were also provided the same notice documents, but have not responded.

**(Criteria Satisfied)**
4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

Staff has concerns about how vehicular traffic and parking may dominate the immediate neighborhood during events. Staff suggests conditions to tie this CUP with the parking agreements and strategies, as well as the ownership. If there are changes to the parking or ownership, it may require a re-review to the Planning Commission to amend the CUP. Although staff has lingering concerns, there doesn't seem to be a clear solution that could answer all of them. Staff has determined that the owner's event management and the proposed conditions will be sufficient to protect the immediate neighborhood.

The proposed outdoor recreation and entertainment use for concerts and events will only have temporary structures such as a stage, bleachers, and small vendor structures. The applicant is proposing fencing around the entire property for safety and security, which will meet the standards of the DMU, Downtown Mixed-Use zone

**(Criteria Satisfied)**

**5. Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**

The property has access to all necessary utilities and services. Based on the limited scope of work for events, staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.

**(Criteria Satisfied)**

**6. Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**

The subject property has access to 5<sup>th</sup> Avenue North, which is a fully constructed local roadway. The existing driveway has been previously approved when the existing buildings were originally permitted and no additional access roads or entrance and exit drives are proposed. Staff has reviewed the proposal to address parking, traffic, and circulation for the proposed use and has determined this is an overall good solution even though some concerns still remain.

**(Criteria Satisfied)**

**Recommended Conditions:**

1. Changes with the parking agreements or strategies called out in the Parking Plan and Narrative provided in the April 2<sup>nd</sup>, 2024 Planning Commission packet may require review by the Planning Commission as determined by Planning Staff.
2. Compliance with Engineering, Fire, Inspections, and Police permitting processes shall be maintained.
3. Fencing/barriers shall be required along the railroad as indicated in the Parking Plan provided in the April 2<sup>nd</sup>, 2024 Planning Commission packet. Any fencing along 5th Avenue North shall meet the applicable fencing requirements of the Land Development Code.
4. If the ownership changes from 701 Collective, LLC or Jade Nielsen Properties, the CUP, Conditional Use Permit shall be revoked.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow outdoor recreation and entertainment in the in the DMU, Downtown Mixed-Use zoning district on Lot 1, Block 1, The Edge Addition, as the proposal complies with Section 20-0909.D (1-6), the Core Neighborhoods Master Plan, and all other requirements of the LDC, with the following conditions:

1. Changes with the parking agreements or strategies called out in the Parking Plan and Narrative provided in the April 2<sup>nd</sup>, 2024 Planning Commission packet may require review by the Planning Commission as determined by Planning Staff.
2. Compliance with Engineering, Fire, Inspections, and Police permitting processes shall be maintained.
3. Fencing/barriers shall be required along the railroad as indicated in the Parking Plan provided in the April 2<sup>nd</sup>, 2024 Planning Commission packet. Any fencing along 5th Avenue North shall meet the applicable fencing requirements of the Land Development Code.

4. If the ownership changes from 701 Collective, LLC or Jade Nielsen Properties, the CUP, Conditional Use Permit shall be revoked.

**Planning Commission Recommendation:** April 2, 2024

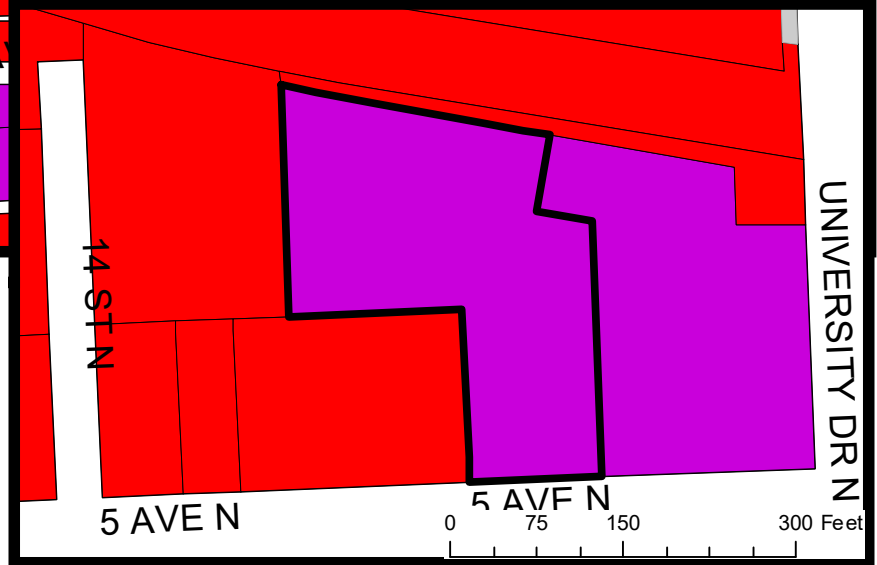
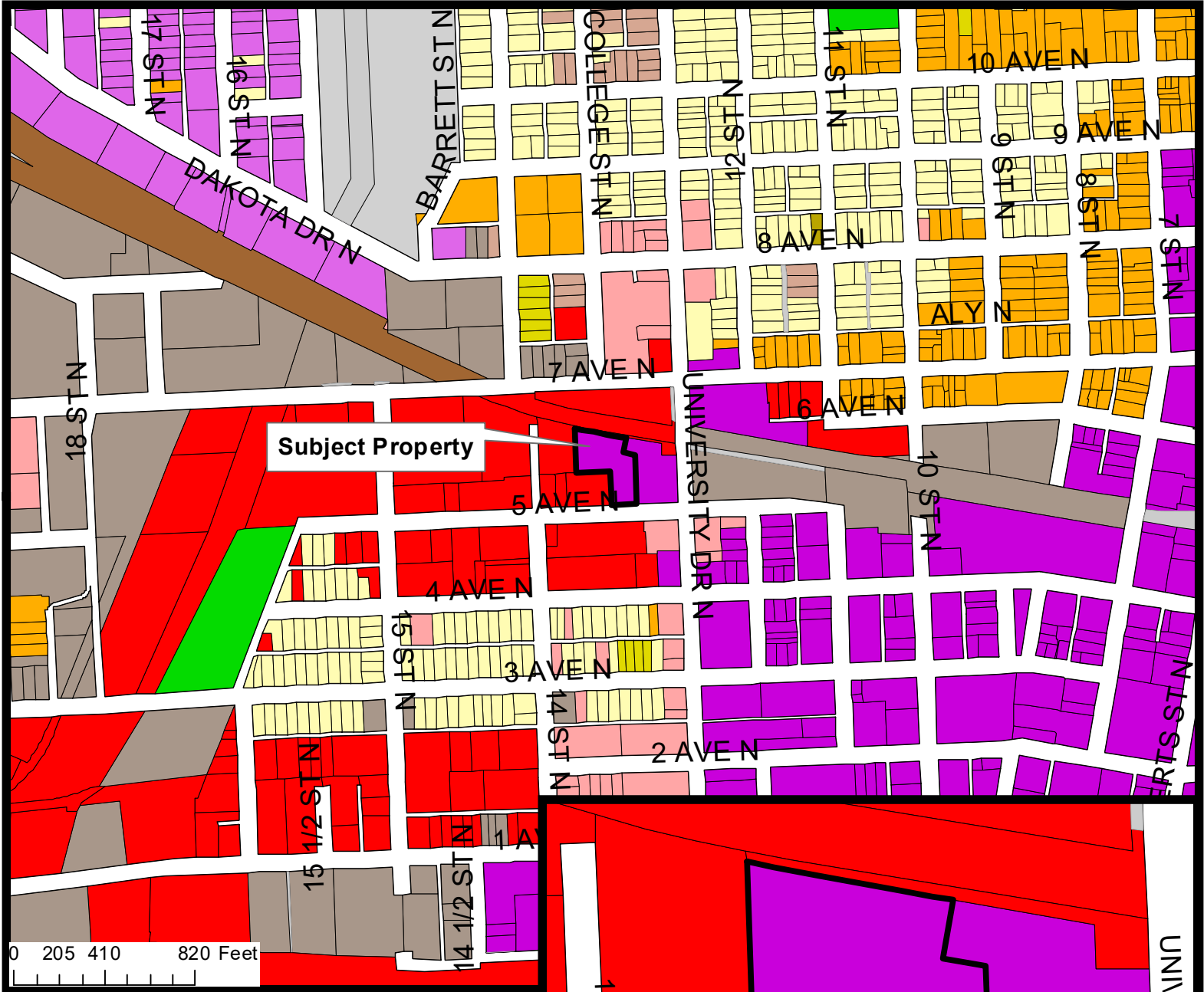
**Attachments:**

1. Zoning Map
2. Location Map
3. Narrative
4. Renderings
5. Site Plans
6. Support Letters
7. Email Correspondence
8. Neighbor Comment

# Conditional Use Permit to allow Recreation & Entertainment, Outdoor uses in DMU, Downtown Mixed Use zoning district

## The Edge Addition

1329 5th Avenue North



**Legend**

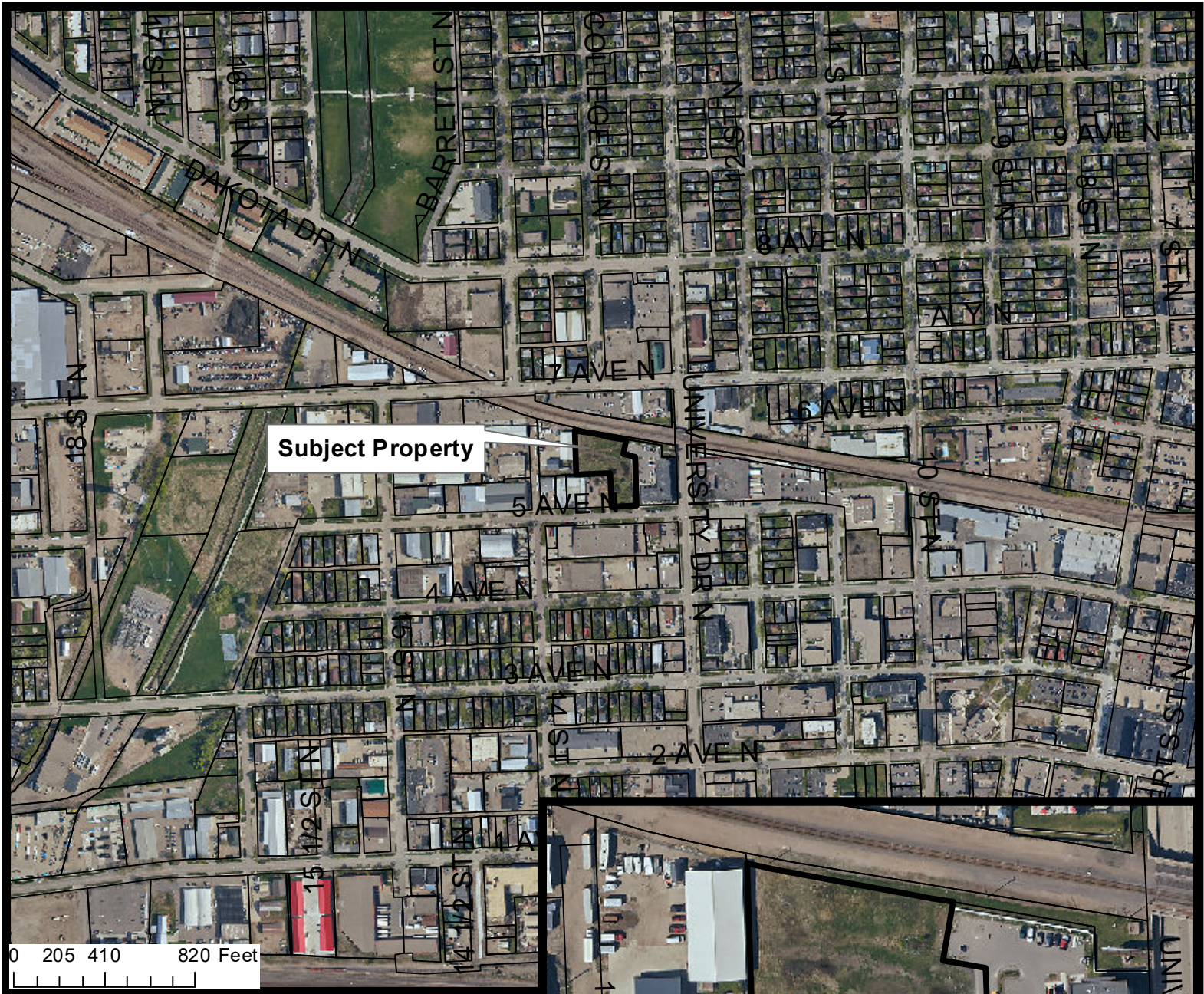
AG	LC	MHP	SS-1
DD	MR-1	NZO	SS-2
DMU	MR-2	P/I	SS-3
GG	MR-3	UMU	SS-4
GO			SS-5
			City Limits



# Conditional Use Permit to allow Recreation & Entertainment, Outdoor uses in DMU, Downtown Mixed Use zoning district

## The Edge Addition

1329 5th Avenue North



### Legend

 City Limits



## Conditional Use Permit Application: UP District Festival Field

### Introduction:

Located on the edge of the Downtown Neighborhood of Fargo, lies an open field with the potential to become a vibrant hub for music, art, and community. 701 Collective, LLC is 100% locally owned and operated whose mission is to improve neighborhoods through development that prioritizes arts and culture. We achieve this through engagement and support of artists, makers, and entrepreneurs who are looking to add energy to neighborhoods that make up our beloved cities. We at 701 Collective envision transforming this space into an outdoor event space, offering residents and visitors alike an unparalleled live music and festival event experience while fostering economic growth and cultural energy in our region.

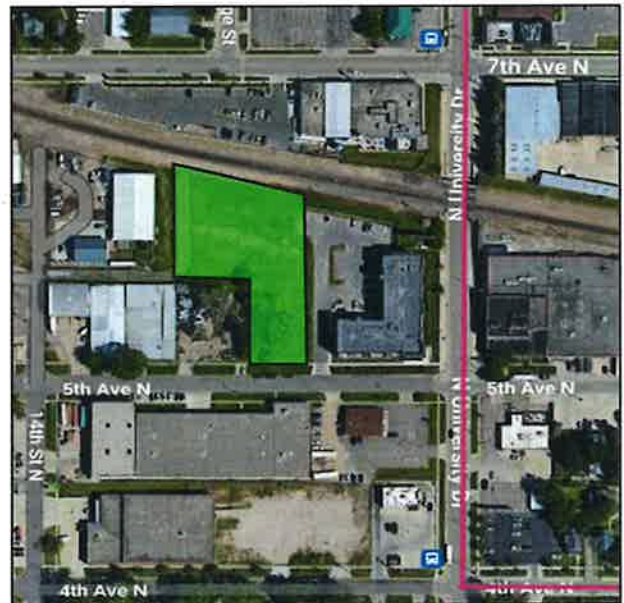
### Vision:

Our vision is to create a sustainable, responsible, and inclusive family friendly event space that celebrates the diverse musical tapestry of our community. We aim to host a curated selection of events featuring local, regional, and national artists across various genres, catering to a wide range of audiences.

### Site Description:

The proposed outdoor festival field highlighted in green encompasses 1.37 acres of unused land conveniently located at 1329 5<sup>th</sup> Avenue North near the heart of downtown Fargo. 701 Collective is in the process of purchasing this property with purchase agreements in place. We request the Conditional Use Permit be transferable and remain with the property upon completion of this purchase.

The site contains existing natural beauty with several trees near the entrance to the festival field which are planned to remain and bordered on the north by the railroad. We have identified several potential parking areas with support from local businesses within a half mile radius of the venue along with several shuttles from additional businesses located North, South, East and West of the site, ensuring opportunities to allow Fargo, West Fargo and Moorhead residents and visitors alike, access to transportation during events. The site is located between two metro bus stops on University Dr N. This is also a designated bike path and bike racks will be provided on site. Collectively, this will help keep traffic disruption minimal to surrounding neighborhoods.

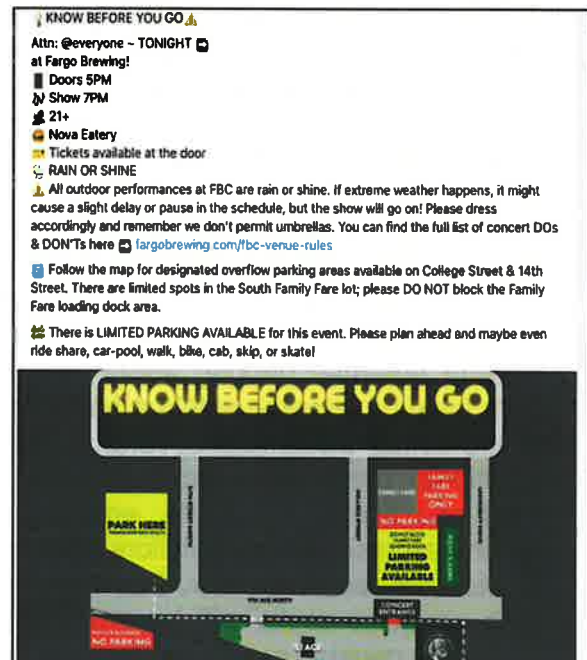


## Operations and Management:

We continue our partnership with Jade Presents, LLC who bring over 33 years of experience and are committed to continuing responsible event management with a team of experienced professionals with a proven track record in organizing safe and successful events throughout our communities. Our operations plan outlines meticulous measures to ensure the safety and well-being of event patrons, including:

- **Event Staff/Crowd Control:** We will continue to utilize Nocturnal Resources for all events. Nocturnal Resources currently work with the Fargodome, Scheels Arena and Bluestem Amphitheater and other large event venues. They have dedicated event personnel who will be present throughout the events, ensuring crowd control and emergency preparedness.
- **Medical Services:** Licensed medical professionals will be readily available to address any medical needs.
- **Noise Management:** We will implement industry-standard sound systems and adhere to local noise ordinances, minimizing disruptions to the surrounding community. The stage placement has accounted for the 500' buffer from surrounding residential zones.
- **Waste Management:** A comprehensive waste management plan will ensure proper disposal of all waste generated during events including a recycling program.
- **Traffic Management:** We will collaborate with local authorities to develop a traffic management plan, including signage, personnel directing traffic, nearby business parking areas, utilizing metro bus stops, bike racks provided on site, designated drop-off, and pick-up zones, rideshare services, shuttles from local business establishments. These shuttles will provide transportation to the event from all directions. By partnering with businesses with larger underutilized parking lots in North Fargo, South Fargo, West Fargo, and Moorhead, we can bring patrons safely to the event while bringing additional guests to area businesses. These shuttle partnerships have proven to be vital to the success of events in the area.

"Know Before You Go" notices shown here and attached will continue to be utilized for events, giving a visual map of designated parking areas, pedestrian traffic and where parking is not allowed prior to each event. These have proven to be successful for prior events in the area and should continue to provide a consistent message to event patrons.



The railroad along the North property line will be secured by installing a fence with privacy screens. An existing privacy fence on the other side of the railroad tracks



will remain as a visual deterrent for pedestrians to use this area as a crossing to gain access to either property. The proper walking path will be further enforced through the Know Before You Go notices.

- **Neighborhood Acceptance:** We prioritize the involvement of the community, specifically the immediate neighborhood. We are consistently working with the neighborhood representative so they have a voice and can be involved in the development of this area.
- **Event Operations:** All loading and delivery of equipment and supplies will occur off 14<sup>th</sup> Street N, a secondary street with minimal traffic away from event patron traffic. This allows both areas to function properly while keeping them separate. The event site will also be separated into two areas. One allows eventgoers an area to arrive prior to the event and not have large crowds loiter on boulevards, sidewalks, and other properties. Once the second area opens, it expands to utilize the entire site. This also works in reverse after the event allowing people to exit the main grounds allowing staff to begin clean-up and removal of equipment and supplies while keeping people safe on site. The main entrance is pushed inside the property line to allow visitors an area on the property to gather should they arrive prior to the main entrance opening.
- **Non-Event Operations:** In between events, the site will be closed to the public. A chain link fence with privacy screens will be installed along the property lines and all gates will remain locked. All equipment, stage, and supplies utilized during events are temporary and mobile. The site will be maintained regularly as required when unoccupied, allowing for safety checks, removal of debris and maintenance.

### **Community Benefits:**

This project can bring significant benefits for the community, including:

- **Local Economic Impact:** Increased job creation, local business sponsorships, food and beverage sales are all impacted.
- **Cultural Vibrancy:** Providing a platform for local and regional artists, enhancing the cultural landscape of the community.
- **Community Engagement:** Partnering with local organizations and businesses, contributing to community initiatives, and fostering a sense of place along with displaying a new area of the community.
- **Tourism Promotion:** Attracting visitors from beyond our region, boosting tourism spending and local economic activity.

### **Conclusion:**

We believe that our proposed outdoor festival field will be an asset to the community, enriching lives through music, stimulating economic growth, and fostering a vibrant, inclusive space for all. We are committed to responsible operations and community engagement, and we seek your support in granting this conditional use permit, allowing us to transform this vision into reality.

***Additional Attachments:*** Please see attached Know Before You Go notice example, and drawings (site plan, traffic management plan and proposed parking plan).

Example of KNOW BEFORE YOU GO Notices:

**Jade Presents**  
August 19, 2023 · @

**KNOW BEFORE YOU GO**

- Limited tickets remain, get yours in advance here → [bit.ly/3LkzOrC](https://bit.ly/3LkzOrC) or at the gates while they last!
- Will Call at 4 | Gates at 5 | Show at 7
- Parking is limited! Ride share or shuttle is suggested
- GENERAL PARKING: Free | First come first serve & behind Premium
- PREMIUM PARKING: \$15 | \*Weather Permitting\* on a first come first serve & closest to the venue

Shuttles available from (2) locations for \$10 roundtrip:

- Murphy's Pub, Moorhead
- Legends Sports Bar & Grill, Moorhead

Inquire directly at either bar for details. Shuttles begin when gates open and run consistently. Purchase onsite at either bar on the day of the show only. The shuttle is all-ages and includes a FREE DRINK (pre-show only). Some exclusions apply with the drink offer, valid for up to \$6.50

- Concessions open with food & drink options
- Show is rain or shine
- Scams are high. Be careful purchasing from 3rd party entities. The best way to purchase is always directly through [jadepresents.com](https://jadepresents.com) or [etix.com](https://etix.com). Be careful and take care of each other!
- No Lawn Chairs, weapons, tailgating or outside food & drink

Curious what else you can bring? Check out the details here: <https://bluestemamphitheater.org/rules/>

**KNOW BEFORE YOU GO**  
LINDSEY STIRLING WITH WALK OFF THE EARTH  
WILL CALL AT 4 | GATES AT 5 | SHOW AT 7

**PARKING**  
Parking is limited. Plan to carpool or use the shuttle.

**SHUTTLE SERVICE** - \$10 (Legends Bar, Moorhead | Murphy's Pub, Moorhead)

**PREMIUM PARKING** - \$15 (First come, first serve & closest to the venue)

**GENERAL PARKING** - Free (First come, first serve & behind Premium)

**AMENITIES**  
ATM | Handicap & water stations | WiFi courtesy of 702 Communications

**FOOD + DRINK**  
Local food vendors & beer/wine are available onsite. ID is required for alcohol.

**GENERAL RULES**  
Show is Rain or Shine | No re-entry | No tailgating | No smoking/vaping in the amphitheater bowl

**WHAT NOT TO BRING**  
Lawn Chairs | Umbrellas | Coolers | Outside food or beverages | Pets | Professional weapons or DFR cameras | Cell Phone Selfies | Backstage

A FULL LIST OF WHAT IS PERMITTED CAN BE FOUND AT [BLUESTEMAMPHITHEATER.ORG/WHAT-TO-BRING](https://BLUESTEMAMPHITHEATER.ORG/WHAT-TO-BRING)

bluestem JADE

**\$10 ROUND TRIP** INCLUDES A FREE DRINK BEFORE THE SHOW

**Bluestem SHUTTLE BUS**

INCLUDES SERVICE WITH OTHER LOCATIONS FOR \$10.00

LEGENDS BAR & GRILL MOORHEAD

MURPHY'S PUB MOORHEAD

Legends Bar, Moorhead and Murphy's Pub & Moorhead will not be able to offer shuttle for those locations. Shuttle is \$10 and includes one free drink. Shuttle is all-ages and includes a free drink. Shuttle is available for the duration of the show. Shuttle is available for the duration of the show. Shuttle is available for the duration of the show.

bluestem JADE

**BLUESTEM CONCESSIONS**

<b>BEER &amp; SELTZERS</b>	<b>COCKTAILS \$9</b>
COORS LIGHT \$7	DON JULIO
PBR \$7	BULLEIT
BLUE MOON \$8	CAPTAIN MORGAN
WHITE OLAW MANGO \$8	CROWN ROYAL
HEINEKEN \$8	KETEL ONE
TRULY WILD BERRY \$8	TANQUERAY
ANGRY ORCHARD \$8	
TWISTED TEA \$8	
BELL'S TWO HEARTED IPA \$9	
<b>N/A OPTIONS</b>	<b>WINE \$8</b>
BOTTLED DASANI WATER \$3	RED & WHITE
COKE, DIET COKE, SPRITE \$4	
LEMONADE \$4	<b>CANNABIS SELTZERS \$8</b>
COORS EDGE \$5	RASPBERRY LEMONADE
	PINEAPPLE ORANGE

**BLUESTEM GROUNDS MAP**

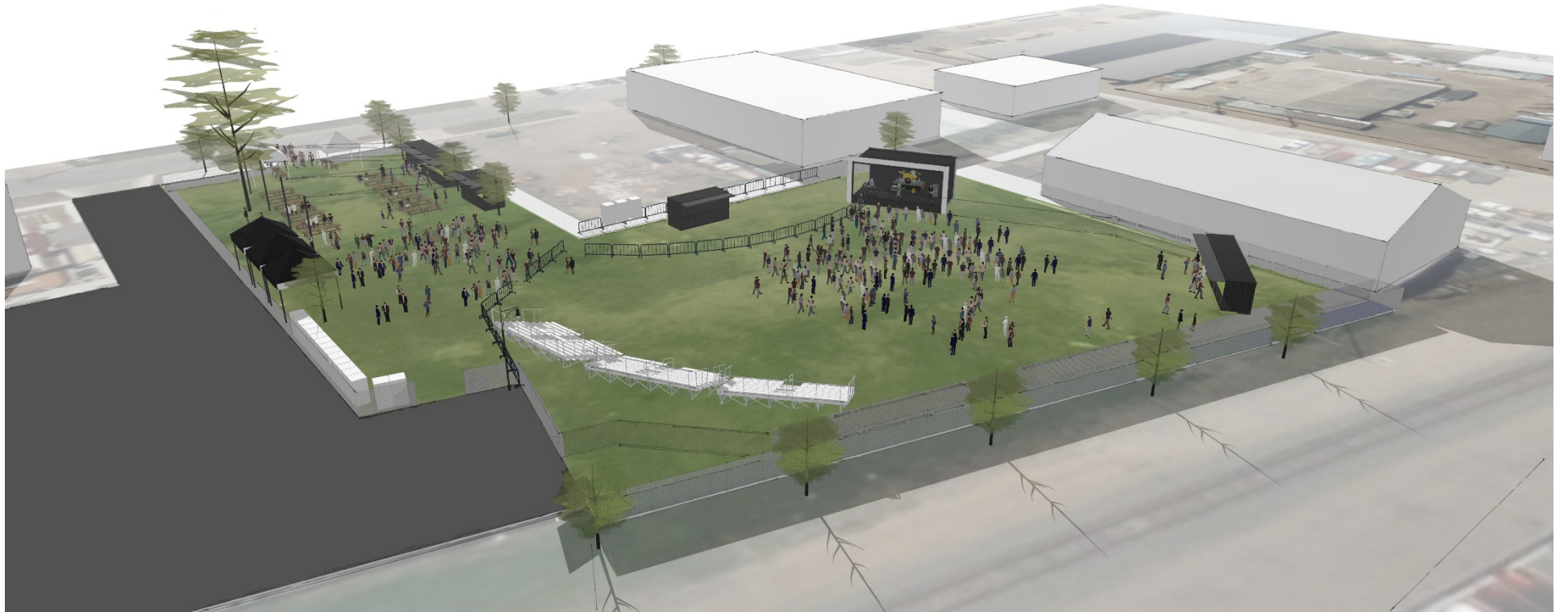
RESERVED SEATING (BY TICKET NUMBER)  
GEN ADM BENCH (BY TICKET NUMBER)  
VEHICLE TICKET HOUSE  
GEN ADM LOWN  
WALKWAYS  
BUILDINGS  
PARKING  
RESTROOMS

Map showing seating areas, walkways, buildings, parking, and restrooms. Includes a compass rose and a north arrow.

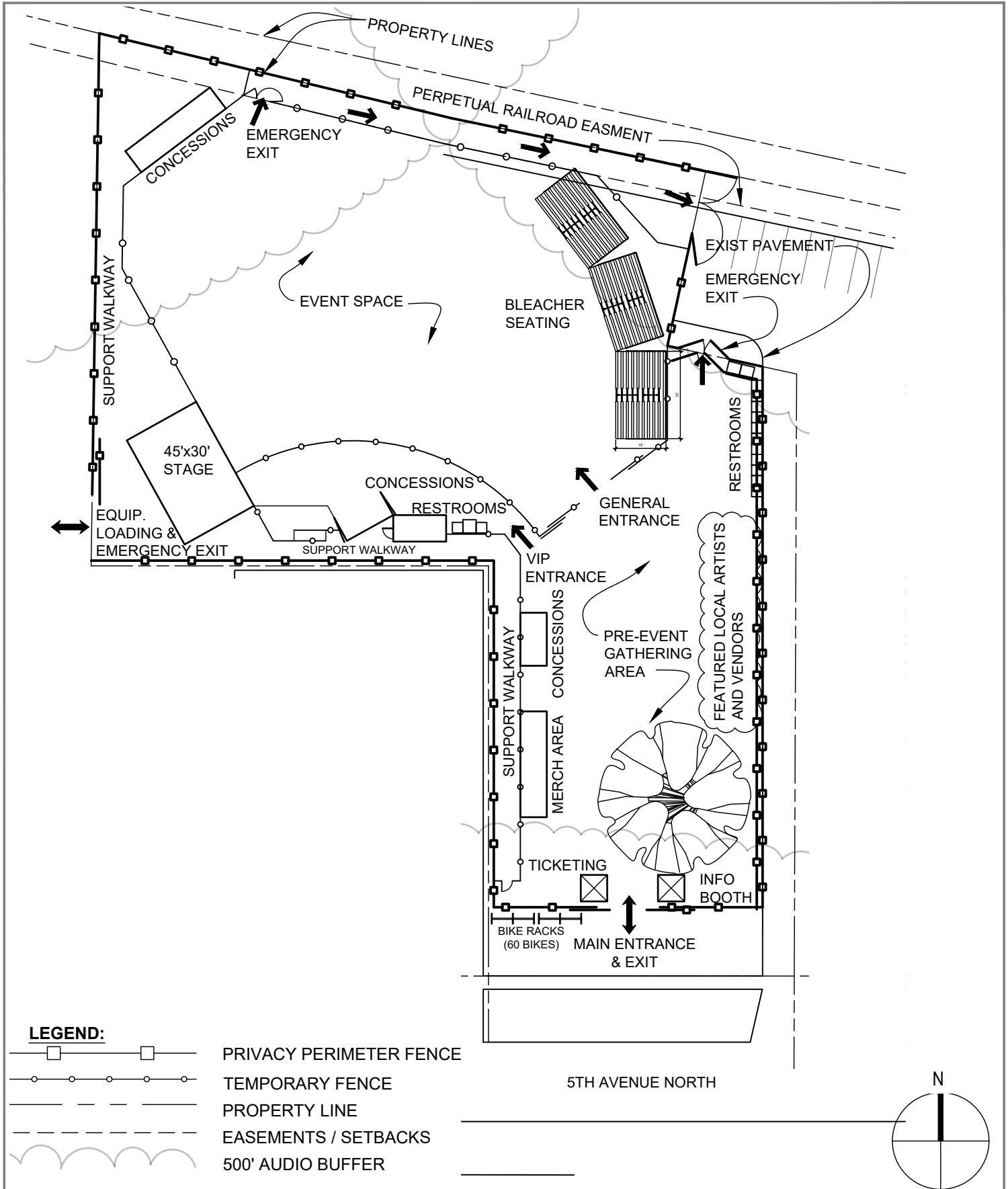










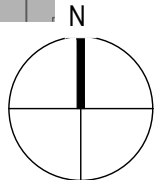
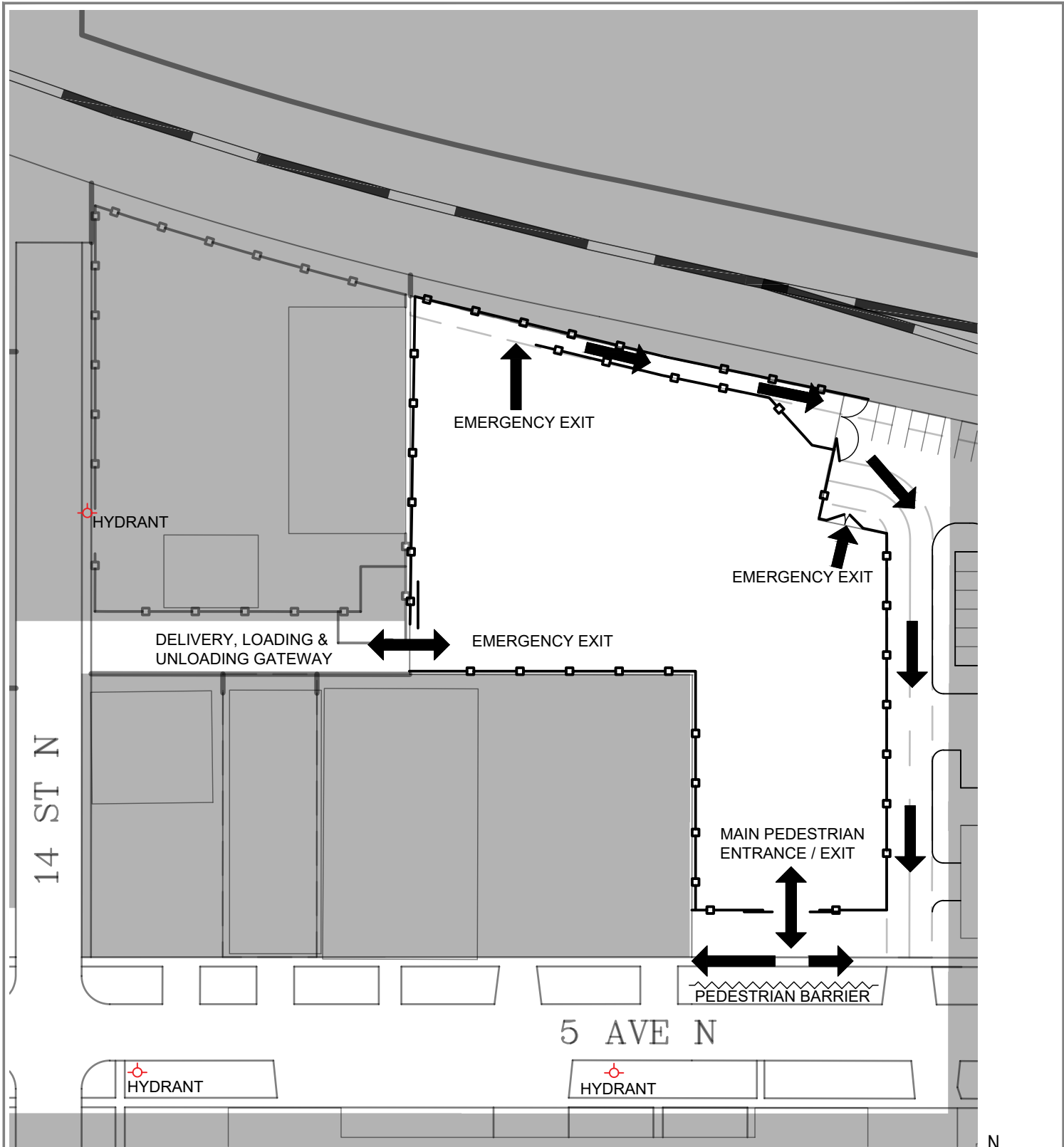


REVISIONS		
MARK	DATE	DESCRIPTION
-	-	-

PROJECT TITLE	<b>UP DISTRICT FESTIVAL FIELD</b>
DRAWING TITLE	<b>SITE PLAN</b>

DATE	MARCH 26, 2024
SCALE	NTS
DRAWN	SEJ

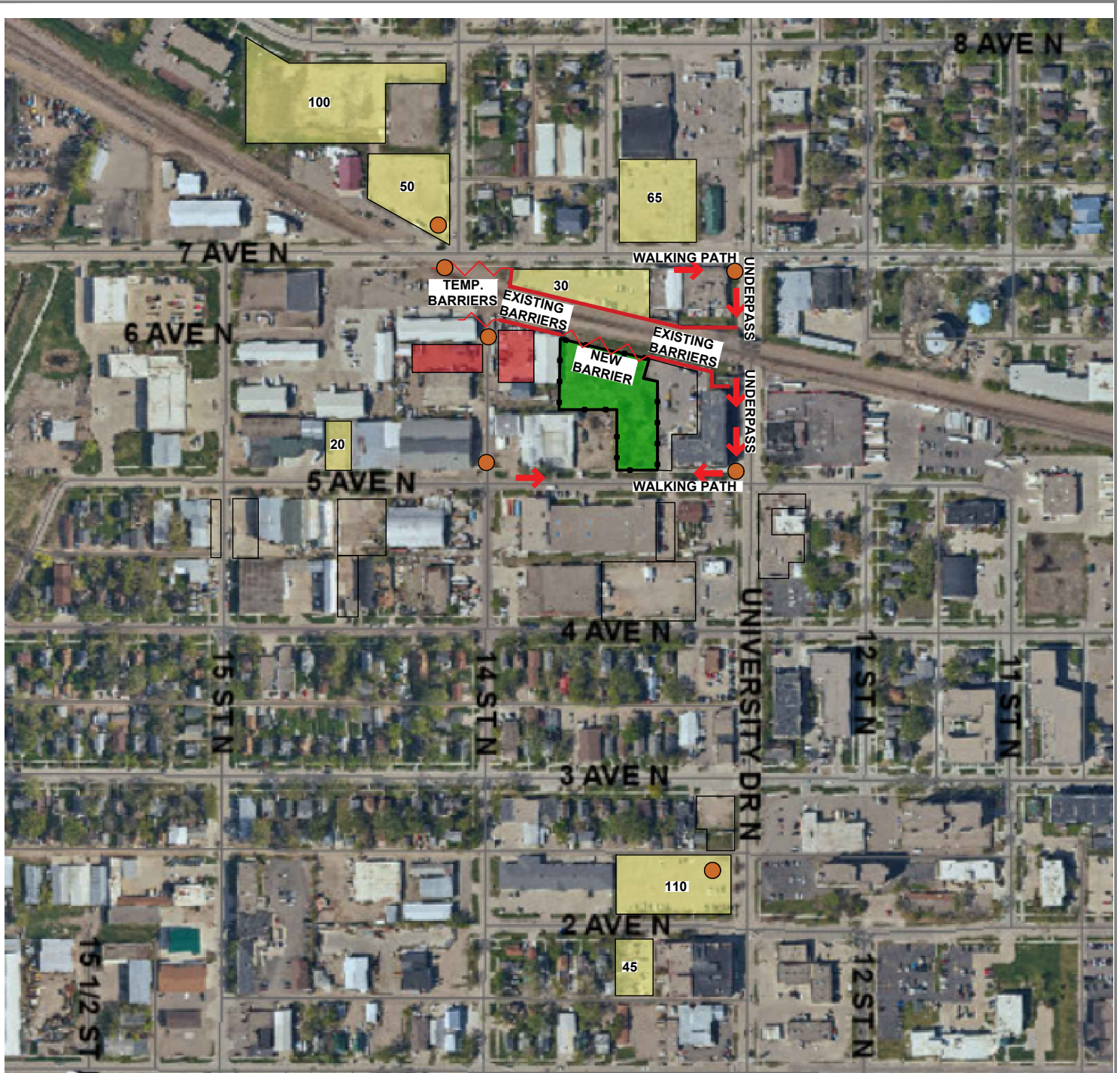
**JADE**  
PRESENTS



REVISIONS		
MARK	DATE	DESCRIPTION
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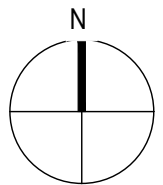
PROJECT TITLE	<b>UP DISTRICT FESTIVAL FIELD</b>
DRAWING TITLE	<b>TRAFFIC MANAGEMENT PLAN</b>

DATE	MARCH 26, 2024
SCALE	NTS
DRAWN	SEJ
<b>JADE</b> PRESENTS	



**LEGEND:**

- PROPOSED EVENT SITE (up to 2,000 patrons \*0.38 = 760 parking spaces)
- OFF STREET EVENT PARKING, SHUTTLE/RIDESHARE & BICYCLE PARKING (420 + 495 = **915** Total parking spaces)
- STAFF PARKING
- DEDICATED EVENT PERSONNEL



REVISIONS		
MARK	DATE	DESCRIPTION
-	-	-

PROJECT TITLE	<b>UP DISTRICT FESTIVAL FIELD</b>
DRAWING TITLE	<b>PARKING PLAN</b>

DATE	MARCH 26, 2024
SCALE	NTS
DRAWN	SEJ
<b>JADE</b> PRESENTS	

701 Collective, LLC  
302 North University Dr.  
Fargo, ND 58102

City of Fargo  
Department of Planning and Development  
225 4<sup>th</sup> St. North  
Fargo, ND 58102

Dear City of Fargo Department of Planning and Development,

In pursuit of Alternate Access Plans per Section 07-0701.E of the Land Development Code, we are pleased to present a list of neighboring property owners that have either agreed to share the use of their properties for parking during events being held at the Festival Field located at 1329 5<sup>th</sup> Avenue North and/or simply wanted to show their support for events at this location.

**Neighborhood Property Owners:**

- **Manchester Office Building & Archer Commercial Property Management**  
**Property Location:** 112 North University Drive, Fargo, ND 58102  
**Contact:** Jay Nelson, CCIM – President, Archer Commercial Property Management
- **Donovan & Hidle Larson – Current Residential Neighborhood Representative**  
**Property Location:** 224 14<sup>th</sup> Street North, Fargo, ND 58102  
**Contact:** Donovan Larson
- **Chubs Pub**  
**Property Location:** 421 North University Drive, Fargo, ND 58102  
**Contact:** Wade Lindgren
- **Kilbourne Group**  
**Property Location:** 1329 5<sup>th</sup> Avenue North, Fargo, ND 58102  
**Contact:** Mike Allmendinger, President  
**Main Office:** 210 Broadway, Suite 300, Fargo, ND 58102
- **Class B Development, LLC c/o Fargo Brewing Company**  
**Property Location:** 610 North University Drive, Fargo, ND 58102  
**Contact:** James Burgum



- **RRI Properties, LLP c/o Gary Hanson (Family Fare)**  
**Property Location:** 724 North University Drive, Fargo, ND 58102  
**Contact:** Gary Hanson
- **JS2L Partners, LLP**  
**Property Locations:** 1403 7<sup>th</sup> Ave N & 1420 8<sup>th</sup> Ave N Fargo, ND 58102  
**Contact:** Stephen Lyngstad

**Shuttle Service Businesses:**

- **Holiday Inn: Fargo Location**  
**Property Location:** 3803 13<sup>th</sup> Ave S, Fargo, ND 58103  
**Contact:** Jae Dewald, Area Director of Sales  
**Shuttle Service:** Valley Bus
- **Legends Bar & Murphy's Pub**  
**Property Locations:** 803 Belsly Blvd, Ste 100, Moorhead, MN 56560  
808 30<sup>th</sup> Ave S, Moorhead, MN 56560  
**Contact:** Marissa West, Owner  
**Shuttle Service:** Fun Bus

We believe these letters show support and commitment from neighboring property owners along with local area businesses. Thank you for your consideration of these letters.

Sincerely,

Jade Nielsen  
President  
701 Collective, LLC



ARCHER  
COMMERCIAL  
PROPERTY MANAGEMENT

DATE: March 2, 2024  
TO: Whom It May Concern  
FROM: Archer Commercial Property Management  
RE: Concert & Event Venue Planned on 1329 5<sup>th</sup> Ave. No., Fargo

Archer Commercial Property Management (hereafter “ACPM”) manages the Manchester office building located in Fargo at 112 North University Drive, and the adjacent parking lot across the street to the north with an address of 206 North University Drive.

Recently we were contacted by Jade Presents LLC (hereafter “Jade”) and updated on their plans to acquire a property located in the neighborhood of the Manchester, at 1329 5<sup>th</sup> Avenue North, with intentions to develop that property into an outdoor concert and event venue. Jade contacted us seeking cooperation to provide parking for events at the venue, and as we learned details of Jade’s plans, we immediately agreed to do so.

ACPM supports and advocates for the development of the land parcel for concerts and events for these reasons:

#### **ECONOMIC DEVELOPMENT**

Concert and event attendees will spend in our neighborhood at restaurants, gas stations, hotels, shops, bars, and more. Some of that spending will be locals who may have spent elsewhere in the city anyway, but a lot of the spending, and collected sales tax, will come from attendees from out of town. Spending in this neighborhood strengthens local businesses and may generate additional business openings.

#### **DRAWING ATTENTION TO WESTERN DOWNTOWN**

Downtown Fargo is more than Broadway, and drawing people to this neighborhood will make them aware of the businesses on the western edge of downtown Fargo. I think of the venue as equidistant between far western downtown Fargo, such as Drekker and Brewhalla, and Broadway on the east. This venue location fills that middle area and increases density.

### **SAFETY**

Bringing more people into the neighborhood will create a safer neighborhood. Criminals don't like to be seen or caught in the act, and drawing several thousand people per week to this neighborhood will have the ripple effect of making the neighborhood safer overall.

### **SUPPORT OF THE ARTS**

ACPM is a strong supporter of the arts and believes that art serves as a unifying force, bringing diverse communities together and fostering social cohesion. Art-centric events, festivals, and exhibitions provide platforms for individuals from various backgrounds to converge, celebrating shared interests and fostering a sense of belonging. Perhaps you have a different opinion, if such, lets meet at the venue for the first scheduled event and discuss over a cold beer.

We are a proud supporter and advocate of Jade's plans and look forward to your approval as quickly as possible.

A handwritten signature in black ink, appearing to read "Jay Nelson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jay Nelson, CCIM

President

Archer Commercial Property Management

March 11, 2024

City of Fargo Planning Department and Commission  
Attn: Nicole Crutchfield  
225 4<sup>th</sup> St. N.  
Fargo, ND 58102

**RE: Support letter for Conditional Use Permit Application - UP District Festival Field**

Dear Mrs. Crutchfield, Mr. Williams, Planning Staff and Commissioners:

We write to the City of Fargo Planning Department today in support of the outlined proposed conditional use permit application in Reeves Addition, Fargo, ND.

We have been provided with the application documents for our review. We have met with 701 collective representatives and consider the application intent to be fair, addressing real property and perceived community impacts. We request that it get support from the City of Fargo planning staff for approval by the Planning Commission.

Our family has resided at 224 14<sup>th</sup> Street North for nearly 24 years, starting in July 2000. We have been active in our Unicorn Park Neighborhood including;

- Our family has engaged periodically in community conversations for proposals affecting our neighborhood.
- We were actively involved in planning discussions multiple times regarding neighborhood issues over the years.
- We were working members and held leadership positions in forming the Unicorn Neighborhood Association in cooperation with City of Fargo Staff in 2010-2011. Unicorn Park Neighborhood Plan was adopted unanimously by the Fargo City Commission 7/25/2011.
- We were active committee members on the Core Neighborhoods Master Plan efforts in 2020-2021.

We clearly understand the Unicorn Park neighborhood history, mixed property zoning and uses, as well as the nature and future impact of western downtown development.

We feel the proposed conditional use, combined with the commitments promised by the applicant, are with good intentions and well supported information. 701 Collective, LLC and Jade Presents, LLC operate within the neighborhood and are good stewards of their multiple properties within the neighborhood and at the neighborhood perimeter.

The current event space(s) operated north of the NP railroad tracks on 7<sup>th</sup> Ave. North, reflect positively on the City of Fargo, providing quality experiences for the city and have been good neighbors. We expect nothing less of the properties south of the NP railroad tracks as they develop.

Please feel free to reach out to us for further discussion as you deem necessary.  
Thank you in advance for your consideration.



The Larson's  
Donovan & Hidle  
224 14<sup>th</sup> St. N.  
Fargo, ND 58102





To whom it may concern-

As neighboring businesses of the proposed UP District Festival Field, we would like to express our support of this project. We believe that this venue would bring new life, new revitalization, and new economic multipliers to our neighborhood, and beyond.

The proposed addition of Festival Field would enhance the community's awareness of all the great businesses and improvements taking place in Unicorn Park.

Through events such as concerts, curated all-ages live events, PRIDE Block Party, and more, we hope to see Festival Field come to fruition for our up-and-coming neighborhood, and the community as a whole.

With support,

Wade Lindgren  
Chub's Pub

A handwritten signature in black ink, appearing to read "Wade Lindgren". The signature is fluid and cursive, with a long, sweeping underline.



**Kilbourne Group**  
210 Broadway, Suite 300  
Fargo, ND 58102  
p: (701) 237-2279  
e: [info@kilbournegroup.com](mailto:info@kilbournegroup.com)  
[www.kilbournegroup.com](http://www.kilbournegroup.com)

City of Fargo  
Department of Planning and Development  
225 4<sup>th</sup> St. North  
Fargo, ND 58102

Dear City of Fargo Department of Planning and Development,

I am writing to express my enthusiastic support for the proposal to allow 701 Collective to host outdoor concerts along 5th Avenue and 13th Street in downtown Fargo. As the owner of the property in the application and with a contract in place with 701 Collective for its purchase before the inaugural event, I am confident that this initiative will not only contribute to the cultural vibrancy of our downtown area but also align with the overarching goals of community building.

The prospect of outdoor concerts in this location presents an exciting opportunity to enhance the cultural landscape of Fargo. By bringing together artists, musicians, and audiences in a shared space, we have the chance to foster a sense of belonging and connectedness within our community. Events like these not only celebrate musical talent but also serve as catalysts for social interaction and collective experiences that enrich the lives of residents and visitors alike.

Furthermore, hosting outdoor concerts along 5th Avenue and 13th Street aligns perfectly with the vision of downtown Fargo as a thriving hub of creativity, innovation, and inclusivity. By embracing initiatives that promote arts and culture, we can distinguish our city as a dynamic and welcoming destination for residents, businesses, and tourists alike. This, in turn, will contribute to the economic vitality of our downtown area and strengthen its identity as a cultural epicenter.

In conclusion, I wholeheartedly endorse the proposal to allow 701 Collective to organize outdoor concerts along 5th Avenue and 13th Street. I firmly believe that this initiative will not only enrich the cultural fabric of our community but also reinforce downtown Fargo's reputation as a vibrant and forward-thinking urban center. I am committed to supporting this endeavor in any way possible and look forward to seeing it come to fruition.



**Kilbourne Group**  
210 Broadway, Suite 300  
Fargo, ND 58102  
p: (701) 237-2279  
e: [info@kilbournegroup.com](mailto:info@kilbournegroup.com)  
[www.kilbournegroup.com](http://www.kilbournegroup.com)

Thank you for considering this letter of support. Please do not hesitate to reach out if you require any further information or assistance regarding this matter. .

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Allmendinger', written in a cursive style.

Mike Allmendinger  
President  
Kilbourne Group

March 23, 2024

City of Fargo Planning Department and Commission  
Attn: Nicole Crutchfield  
225 4th St. N.  
Fargo, ND 58102

Dear Mrs. Crutchfield, Mr. Williams, Planning Staff, and Commissioners:

We are writing the City of Fargo Planning Department to support the proposed conditional use permit application for Reeves Addition, Fargo, ND, on behalf of The Fargo Brewing Company, LLC and Class B Development, LLC.

The Fargo Brewing Company has partnered with Jade Presents for several years to support live and local events and has seen great success in drawing the community together through a wide variety of concerts. As a community-focused brewery, we are proud of our impact on craft brewery evolution in North Dakota since our founding in 2010. More importantly, our efforts to support local environments that foster creators, innovators, and local crafts and artisans we believe greatly enrich the culture of Fargo-Moorhead and make this a special place to live, work, and play.

We support 701 Collective to host outdoor concerts along 5th Avenue and 13th Street in downtown Fargo. The proposed space for 701 Collective and Jade Presents to host events at this location will add to the opportunities to enhance the cultural vibrancy of the neighborhood and add to the success we have seen with current event spaces operated north of the NP railroad tracks on 7th Ave at our existing location. Over the last several years, we have demonstrated that safe and successful events can add vibrancy and cultural richness to the broader Fargo community and directly to communities and neighborhoods west of University Drive.

As the owner and developer of 610 University Drive North, we have actively renovated this formerly blighted location to support Fargo Brewing Company's and Jade Presents' goals. We believe in craft artisans, our downtown Fargo community, and live and local events. Your support of this project will have a long-term positive impact on the vibrancy of these neighborhoods.

We endorse the proposal to allow 701 Collective to organize outdoor concerts along 5th Avenue and 13th Street and believe this will continue to enhance Fargo's cultural and artistic strengths. Please let us know if you have any questions or if we can offer any other support.

Class B Development, LLC

The Fargo Brewing Company, LLC





## FESTIVAL FIELD SHUTTLE SERVICES

### Holiday Inn : Fargo Location

- \*Contracted with Valley Bus for Festival Field show dates
- \*Patrons can park on site, enjoy concert-goer-exclusive food and beverage specials, and round-trip shuttles from Holiday Inn to Festival Field
- \*Overnight parking is available
- \*220 parking spaces
- \*Discounted room rates available to concert-goers

Contact: Jae Dewald, Area Director of Sales

Signature and Date: \_\_\_\_\_

03/13/24

### Legends Bar & Murphy's Pub : Moorhead Locations

- \*Contracted with Fun Bus for Festival Field show dates
- \*Patrons can park on site, enjoy concert-goer-exclusive food and beverage specials, and round-trip shuttles from both locations to Festival Field
- \*Overnight parking is not only available, but encouraged and rewarded with restaurant coupons
- \*200 parking spaces @ Murphy's
- \*75 parking spaces @ Legends

Contact: Marissa West, Owner

Signature and Date: \_\_\_\_\_

03/13/24

Contact: Emily Finley, Jade Presents Director of Partnerships

Signature and Date: \_\_\_\_\_

03/13/2024

## Luke Morman

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**From:** Sloan Johnson  
**Sent:** Tuesday, March 26, 2024 3:53 PM  
**To:** Luke Morman; Jade Nielsen  
**Cc:** Nicole Crutchfield; Zach Click  
**Subject:** Re: CUP - The Edge Addition (1329 5 Ave N)  
**Attachments:** Neighborhood Letters.pdf; UP District Festival Field Plans-UPDATE 03-26-24.pdf; Lighting.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Site Plan Review

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Good day Luke,

Please see our responses to the additional questions/concerns below in [RED](#). Hopefully that's easiest to follow along. Also, I have attached our package of letters from neighbors and property owners willing to share their parking lots and showing support for our project. The last 2 property owners listed have not sent us letters as of today. In our past experience, during events at Fargo Brewing Company, these 2 property owners have always allowed use of these properties for parking without any formally written agreements and have indicated they would continue this support.

In addition to answering these questions and sending our letters of support, Jade Presents is committed to continuing to support those in need within our communities by giving back to the community that supports us. We have already started to work with homeless organizations, women and children shelters, and other non-profit organizations related to this project specifically. We are planning to implement this in a variety of ways.

1. All remaining catering & food service items remaining after an event will be donated to a homeless shelter or organization
2. Partnering with a local medical facility or non-profit organization to bring awareness and outreach to our community. An example of this is [DKMS](#), a non-profit organization that attended a festival and gained several new bone marrow donor registrations.
3. Joining forces with a non-profit like the YWCA by giving donations from ticket sales of events held on site. We plan to donate \$1 from every ticket sold to local charities. We have implemented this for a number of years at Bluestem and intend to continue to do so at this venue.

Looking forward to our conversation tomorrow!

Thank you,

**Sloan Johnson**  
OPERATIONS COORDINATOR

## JADE PRESENTS – LIVE & LOCAL

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**From:** Luke Morman <LMorman@FargoND.gov>

**Sent:** Monday, March 25, 2024 10:33 AM

**Subject:** RE: CUP - The Edge Addition (1329 5 Ave N)

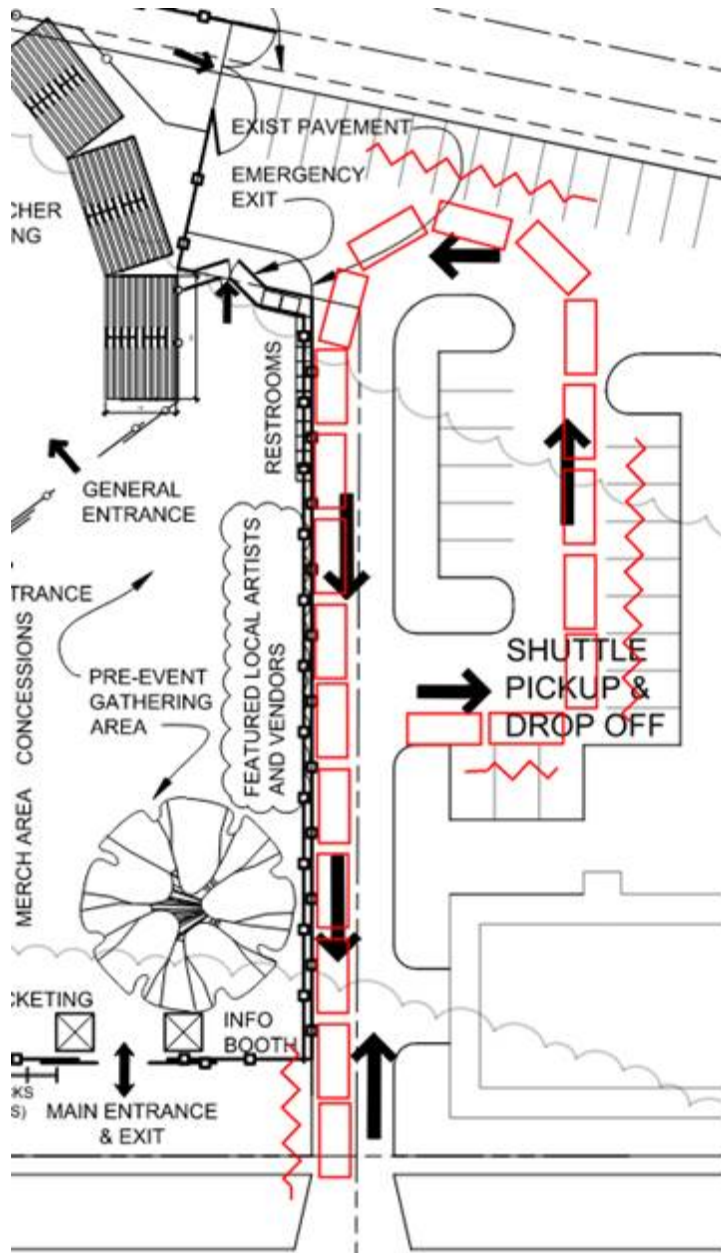
This sender is trusted.

Hey Jade,

We have availability on Wednesday between 11:45am and 2:30pm. Let me know what times work for you and we can schedule a meeting.

Additionally, here's a comprehensive list of comments and lingering concerns for your project. Some of these items may be difficult to clearly address, but we would appreciate any thoughts or clarification you could give.

1. What's the current status of ownership for the subject property? **We are currently scheduled to close on April 15th.**
2. Do you have the comprehensive document of your commitment letters for the parking agreements and shuttle service with property owner signatures? **Please see the attached package of information regarding these letters from property owners and neighborhood support. Additionally, we plan to continue to acquire additional properties for parking as we develop our long-term project.**
  - a. Sloan stated in his previous email, "We also have been gathering several letters of support from nearby businesses and neighborhood representatives regarding this project. I will compile these along with commitment letters from businesses sharing parking spaces and shuttle service into 1 document and send to you as soon as possible"
3. How will the Edge Artist Flats parking lot work with part of it being for event parking and another part for shuttle and rideshare drop-off.
  - a. If a shuttle or rideshare vehicle is waiting to pick up their patron(s), will they just be waiting in the drive lane of the parking lot (rectangles)? If so, the vehicles already parked in the 30 spaces will be unable to get out (zig-zag lines).



- b.
- c. See Parking Plan.

**In response to these concerns we are removing the use of this parking lot. Please see the updated plans attached.**

- 4. Have you used the shuttles and/or rideshare for your events in previous years?
  - a. If so, would you be able to provide some statistics about how many patrons used these for recent events?

**We have utilized shuttles and rideshare services at many different venues for several years. We have used them specifically at Bluestem with the limited parking available since 2009. Bluestem can house 3,400 patrons but only has approximately 800 spaces available. This has proven to be a successful method of transportation and would not be possible without the use of shuttles. We also believe the demographics for this site will utilize alternate transportation like bicycles, rideshares, and shuttles more than typical patrons of Bluestem.**

- 5. We are still generally concerned with people crossing University from Chubs or elsewhere – this is potentially a flow of people across a very busy street with a slightly blind-approach from the underpass, and we need to really look at options for preventing an accident.
  - a. Having people doing traffic control does not seem to be a total cure.



**Based on these concerns we have removed Chubs from our parking discussions to help prevent people crossing University. We will however, still keep a dedicated event staff at this intersection.**

3. Police has recommended not allowing parking on one side of the 14th Street and 5th Avenue to prevent congestion.

**It appears these streets already only allow parking on one side and we have no issues with this.**

4. Any fencing along the north side should go as far as possible to the west and east.
  - a. People will take the shortest route, even if it means going over the tracks and we need to make that extremely difficult if not impossible.

**We agree and will extend as far as possible east and west from existing fencing to prevent crossings at 7<sup>th</sup> Ave. As for the property itself, we plan to install privacy fencing extending east and west to existing fence locations to secure the north end of the property.**

5. Do you have a plan for lighting the parking lot and surrounding property?

**In addition to the existing lighting in the area, we plan to utilize portable battery powered lighting. These will be strategically placed to make it safer for patrons. I have attached some images for example.**

6. An additional item for you to consider is that when people are leaving the event through the main entrance, there will probably be pedestrian traffic trying to cross east through the vehicle traffic exiting the venue.
  - a. Maybe an additional post-event exit to the parking lot or use of emergency exits would help?

7. **We are open to the idea of utilizing the emergency exits, however past experience has taught us that controlling the exit path allows for a slower, safer, more controlled and secure exit.**

8. Lastly, attached is a letter we received from a neighboring property owner with questions and concerns for your project.

- a. Some of the items are for me to address, but please comment on anything applicable for you. This letter will be included in our staff report.

**We have reached out to these owners and have a meeting with them Wednesday (27th) to discuss the project and address their concerns.**

Thank you,

**Luke Morman**

Planner | Department of Planning & Development  
City of Fargo | 225 4<sup>th</sup> St N | Fargo, ND 58102  
[LMorman@FargoND.gov](mailto:LMorman@FargoND.gov) | (701) 476-6751

---

**From:** Jade Nielsen  
**Sent:** Friday, March 22, 2024 10:46 AM  
**To:** Luke Morman <LMorman@FargoND.gov>

**Subject:** Re: CUP - The Edge Addition (1329 5 Ave N)

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Thank you Luke

Sloan is traveling and we have some addl conflicts on Monday.

Do you have any availability Tues or Wed afternoon?

Jade Nielsen  
PRESIDENT | FOUNDER

## Luke Morman

---

**From:** Sloan Johnson  
**Sent:** Wednesday, March 13, 2024 3:33 PM  
**To:** Luke Morman; Jade Nielsen  
**Cc:** Nicole Crutchfield; Zach Click  
**Subject:** Re: CUP - The Edge Addition (1329 5 Ave N)  
**Attachments:** UP District Festival Field Plans-UPDATE 03-13-24.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Site Plan Review

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Good day Luke,

Please see the itemized list in response to the initial planning review. I wanted to get this to you early this morning but also wanted to make sure I had the most up to date information and site plans, so I apologize for being later than I anticipated. Please review the list below and hopefully it addresses your concerns as stated in your previous email.

1. We have been working with Mike Bittner, PE, PMP, PTOE, Principal Transportation Engineer & Kevin Mackey, PE, PTOE, Travel Demand Modeler at Bolten-Menk, Inc to verify the parking demand. They have sent us the following information:
  - a. *'Reviewing the Institute of Transportation Engineers' Parking Generation manual (an industry standard for estimating parking needs for various land uses):*
    - i. *The most applicable land use is for a Live Theater (ITE code 441)*
    - ii. *The data shows demand for 0.38 parking spaces per event attendee*
      - *Assuming an event with 2,000 attendees, it is estimated that there would be demand for **760** parking spaces (2,000 x 0.38 = 760)'*
  - a. We continue to work on Alternative Access Plans per Section 07-0701.E of the LDC. We have agreements with several neighboring businesses to share parking spaces in under-utilized parking lots. Additional spaces secured since our initial submission are as follows:
    - i. The Edge Artist Flats located at 1321 5<sup>th</sup> Ave S, directly to the east of the property. The owners have indicated we will have use of their full parking lot. (approximately 30 spaces) We also plan to utilize this existing paved parking lot as an off street drop off / pick up space for shuttles and ride shares allowing a safe spot for patrons to wait as well as a safe spot for the shuttles to turn around off street thus not impeding other traffic on 5<sup>th</sup> Ave N.
    - ii. Family Fare lot north of 7<sup>th</sup> Ave N & open lots at 1403 7<sup>th</sup> Ave N. These lots have been successfully utilized during events at Fargo Brewing Company. (approximately 150 & 65 spots)

- b. We also plan to incorporate shuttles and bicycle transportation for events per Section 20-0707.E.5a of the LDC. This has an added benefit of reducing the vehicle traffic impact during events and increasing the safety for pedestrians.
    - i. Currently we have agreements with Holiday Inn on 13<sup>th</sup> St S. They have contracted with Valley Bus for all events at this location. Patrons can park on site, enjoy exclusive food and beverage specials, and round-trip shuttles from Holiday Inn to Festival Field. Overnight parking is available and discounted room rates available. (approximately 220 spots)
    - ii. Legends Bar & Murphys Pub - Moorhead, MN has contracted Fun Bus for all events at this location. Patrons can park on site, enjoy exclusive food and beverage specials, and round-trip shuttles from both locations to Festival Field. Overnight parking is available and encouraged by placing thank you letters on vehicles offering additional food/beverage discounts. (approximately 200 & 75 spots)
    - iii. Chubs Pub - Downtown Fargo has contracted with Broadway Rickshaw for all events. Patrons can park on site, enjoy free round-trip service to the event with multiple vehicles available.
    - iv. Per Section 20-0701.E.2a of the LDC, we are also welcoming alternative transportation methods such as bicycle traffic and public bus transportation and have bike racks available for 60+ bicycles.
  - c. We have removed the 20 parking spaces by Angels Arena after our discussion with Kevin Gorder. We will continue to work with him on development of this area and ROW requirements.
  - d. In summary, of the 760-parking space demand identified by Bolton-Menk, Inc, we have identified 480 parking spaces near the festival field along with 495 additional parking spaces provided through shuttle services, equaling 975 total parking spaces. This does not consider any statistics on rideshare usage that citizens of the Fargo/Moorhead/West Fargo community continue to utilize for similar events in the area.
2. After further discussion we have decided to move the location of the shuttle and rideshare drop-off / pick-up location. Please see the updated plans attached. The lot located at 1321 5<sup>th</sup> Ave S, The Edge Artist Flats, has an existing paved parking lot that is under-utilized according to the current property managers. As stated previously, this location will allow a safe spot for patrons to wait as well as a safe spot for the shuttles to turn around off street thus not impeding other traffic on 5<sup>th</sup> Ave N. Please see the attached revised traffic plan. This plan helps to address concerns with traffic congestion in public streets according to the LDC Section 20-0909.D.6. We have received initial approval from the property managers and owners for use of this property and lot and continue to finalize a contract. At this time, we do not plan to use the property at 1335 5<sup>th</sup> Ave N.
  3. The barrier blocking access to 14<sup>th</sup> St. N. is not meant to be a permanent or even significant barrier. That was only a symbol of how we were planning to direct visitor traffic away from this area, so it is not used for general parking or event access. The plan would be to have signage (No Parking - No Access) along with dedicated personnel controlling authorized traffic as well as directing other traffic and patrons away from the area. Emergency vehicles and property owners would continue to have access to this area in compliance with IFC Chapter 5. We currently own many of these properties North of this intersection and have already discussed this activity with the other property owners.
  4. We have had discussions with the Fargo Fire Department and Inspections Department regarding use of non-permanent structures. It appears, based off 2021 IBC 3103.1.2, a permit is not required for

temporary structure intended for less than 10 occupants. Also, regarding shipping containers, the use of shipping containers as temporary structures, in the manner indicated, is not regulated by the International Fire Code (IFC). In accordance with section 3101.1 of the IFC, the use of shipping containers in this manner would be considered "Other temporary structures" that shall comply with the *International Building Code*.

5. We have reached out to both Downtown Neighborhood Association and Downtown Community Partnership. We had a meeting with the Fargo DCP to review the project in person and gather feedback to assure their goals are addressed. We have also reached out several times to Fargo DNA but have not received a response. If you know a direct phone number to contact this group, we would appreciate getting it so we can contact and get their thoughts and support. We also have been gathering several letters of support from nearby businesses and neighborhood representatives regarding this project. I will compile these along with commitment letters from businesses sharing parking spaces and shuttle service into 1 document and send to you as soon as possible. We hope these letters are helpful to show we have notified the neighborhood and gained their support.
6. General Concerns:
  - a. We believe the traffic study from Bolten-Menk, Inc. along with our description of Alternative Access Plans will address the parking concerns and well as describe the day of event operational plans.
  - b. Along with addressing the pedestrian traffic as described above, additional safety personnel will be strategically placed in several parking lots and at street intersections. Please reference the updated parking plan. To specifically address the safety concerns regarding the railroad and street traffic, we plan to install temporary signage and fencing on both sides of the railroad near 14<sup>th</sup> St N during events along with dedicated event staff directing pedestrians away from the railroad to utilize the crosswalks and sidewalks on 7<sup>th</sup> Ave N and south on University Dr S. Several neighboring properties have existing fencing installed and we will complete this barrier by installing additional fencing connecting the barriers along the north side of the festival grounds completing the barrier from University Dr. to 7<sup>th</sup> Ave N. This system has proven successful during events at Fargo Brewing Company for several years. We will also implement a similar strategy for anyone crossing University Dr. Placing dedicated event personnel and signage at the intersection of 7<sup>th</sup> Ave N and University Dr S directing pedestrians and informing vehicle traffic of possible event traffic. Additional dedicated event staff will also be located at the intersection of 5<sup>th</sup> Ave N and University Dr S.
  - c. Closure of 14<sup>th</sup> St N was addressed in item #3. To reiterate, this barrier was meant to only symbolize an area that is intended to be off limits for general parking and event patrons. A dedicated person will be placed at this location to allow authorized traffic through along with emergency vehicles should they be needed. The locations of these dedicated event staff are also depicted on the attached updated traffic plan.

We trust this helps address all issues discussed during the initial review. Hopefully, the traffic information provided by Bolton-Menk along with our explanation of the operational plan during events will be sufficient for the CUP application purposes. Is there anything we can do to help address concerns prior to April 2nd? We would be happy to have a meeting to discuss these items with you and others. Please let us know the next steps needed.

Thank you,  
Sloan



Holland's

*local plants. fresh décor. natural living*

420 University Drive N. Fargo, ND 58102

Facebook-hollandsgarden.mn Instagram-hollandsgarden

Hello Luke Morman

City of Fargo Planning & Development

3-21-24

Thank you for the phone conversation on Monday about the proposed outdoor recreation and entertainment venue, at 1329 5<sup>th</sup> Ave N in Fargo.

I will go over my previous questions/ concerns, and have thought of a few more.

1. You mentioned that there would be conditions to the permit, including starting and stopping times to the concerts/event. Parking agreements, staff security plans etc. How often would this permit be reviewed by the city? For instance, if one of the parking areas became unavailable would that change the permitting?
2. You mentioned that the previous plan of a traffic turn-around at 1335 5<sup>th</sup> Ave N had changed and was not part of the plan. So now all traffic exiting and entering would share the driveway with the apartment building Artist Lofts at 1321 5<sup>th</sup> Ave N. Our concern would be if there was an emergency at either the apartment or the venue that it could be a potential danger as it's the only in and out for police, firetrucks etc.
3. What is the occupancy that this venue will be allowed to have?
4. Would they have to have their own liquor license for events or are they able to have an outside vendor come in?
5. What would the requirements from the city be for fencing & security?

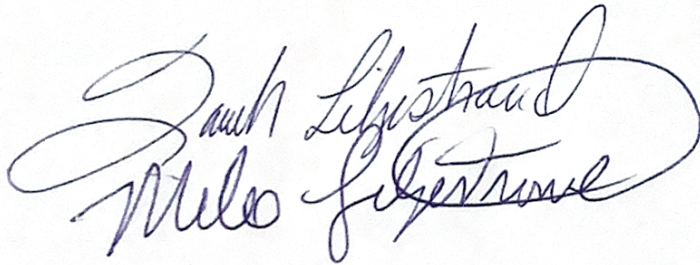


6. If parking started to infringe neighboring businesses or property owners what would our recourse be?
7. What would the plan be if the apartment building changed ownership or decided having a shared driveway was not what they wanted?
8. Have the residents of the Artist Lofts at 1321 5<sup>th</sup> Ave N been informed of this proposed venue or did the notice only go to the property owner?

Thank you for your time in answering these questions.

Sincerely,

Sarah & Mike Liljestrand  
Owners of Holland's

Handwritten signatures of Sarah Liljestrand and Mike Liljestrand. The signatures are written in blue ink and are highly stylized, overlapping each other. Sarah's signature is on top and Mike's is on the bottom.

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	First Industrial Subdivision of Beardsley's Addition	<b>Date:</b>	3/27/2024
<b>Location:</b>	2213 7 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description</b>	The West 23.5 feet of 22nd Street North right of way between 7th and 8th Avenues North, adjacent to Lots 1 and 21 of <b>First Industrial Subdivision of Beardsley's Addition</b>		
<b>Owner(s)/Applicant:</b>	John T. Jones Construction— Tim Vanderzanden / Cole Neset	<b>Engineer:</b>	Neset Land Surveying
<b>Reason for Request:</b>	Right of Way Vacation (a vacation plat of the West 23.5 feet of 22nd Street North right of way between 7th and 8th Avenues North, adjacent to Lots 1 and 21 of <b>First Industrial Subdivision of Beardsley's Addition</b> )		
<b>Status:</b>	Planning Commission Public Hearing: April 2 <sup>nd</sup> , 2024		

<b>Proposal:</b>
<p>The applicant is seeking approval of a vacation plat of the West 23.5 feet of 22nd Street North right of way between 7th and 8th Avenues North, adjacent to Lots 1 and 21 of <b>First Industrial Subdivision of Beardsley's Addition</b>. This portion of 22<sup>nd</sup> Street North is not used as a public street.</p> <p>The proposed street vacation encompasses approximately 0.032 acres of public right of way. The area to be vacated is adjacent to Lots 1 and 21, First Industrial Subdivision of Beardsley's Addition. Upon vacation, the vacated area will become part of Lots 1 and 21, which are both owned by John T. Jones Construction Company.</p> <p>This 23.5 foot right of way was dedicated by the First Industrial Subdivision of Beardsley's Addition plat in 1951, This dedication widened the original 70-foot wide dedication for 22<sup>nd</sup> Street North, which was done on the plat of Beardsley's Addition (1882).</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>City staff has worked with the adjacent landowner and his surveyor extensively and supports the proposed vacation.</p> <p>Notices of the proposed vacation have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call about the application.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: LI, industrial uses; abandoned railroad spur</li> <li>• East: LI, across 22<sup>nd</sup> Street right of way</li> <li>• South: LI, across 7<sup>th</sup> Avenue North</li> <li>• West: LI, industrial uses</li> </ul>



## Area Plans

The area of the vacation is included in the Madison/Unicorn Park Neighborhood, and is designated as “industrial” on the Core Neighborhoods Plan, as shown in the graphic below. This plan does not specifically address vacations of public right of way.



### FUTURE LAND USE MAP

 Single-Family Residential	 Industrial/Warehousing
 Multi-Family Residential	 Park, Open Space and Trails
 Institutional	 Commercial
 Schools with recreational amenities	 Mixed Use Neighborhood Commercial

## Context:

**Schools:** The subject property is located within the Fargo School District including Madison Elementary, Ben Franklin Middle and North High School.

**Neighborhood:** The subject property is included in the Madison/Unicorn Park Neighborhood.

**Parks:** Johnson Park is located approximately 0.60 miles northeast of the subject property, but would require a trip of approximately 0.90 miles to reach due to the railroad tracks. Madison Park and Bicycle Playground is approximately 0.60 miles northwest of the subject property, and includes amenities of splash pad, baseball/softball fields, basketball court, outdoor skating and hockey rink, grill and picnic tables, playground, shelter, soccer field, small beginner skate park and a warming house, and the Madison Bicycle Playground.

**Recreation Trails:** There are no recreational trails adjacent to the area to be vacated.



**Transit:** MATBus Route 17 runs along 7<sup>th</sup> Avenue North and has a stop across 7<sup>th</sup> Avenue North, on the corner of 7<sup>th</sup> Avenue and 23<sup>rd</sup> Street.

**Staff Analysis:**

**ROW Vacation Approval Criteria:** The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

***N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.***

It is the applicant's responsibility to contact all potential utility providers and submit documentation that there are no utilities in these easements. City staff reviews the applicant's documentation prior to City Commission approval of the plat. An easement would have to be retained for any existing utility line that must remain. **(Criteria Satisfied)**

***N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.***

In accordance with the requirement of this section, a petition signed by the adjacent owner has been submitted for review and consideration, along with a plat of such public street. **(Criteria Satisfied)**

***N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.***

The vacation plat will be advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

***N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.***

This action will be taken by the City Commission. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of staff and recommend approval to the City Commission of the **First Industrial Subdivision of Beardsley’s Addition** right-of-way vacation plat as presented; as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places.”

**Planning Commission Recommendation:** April 2<sup>nd</sup>, 2024

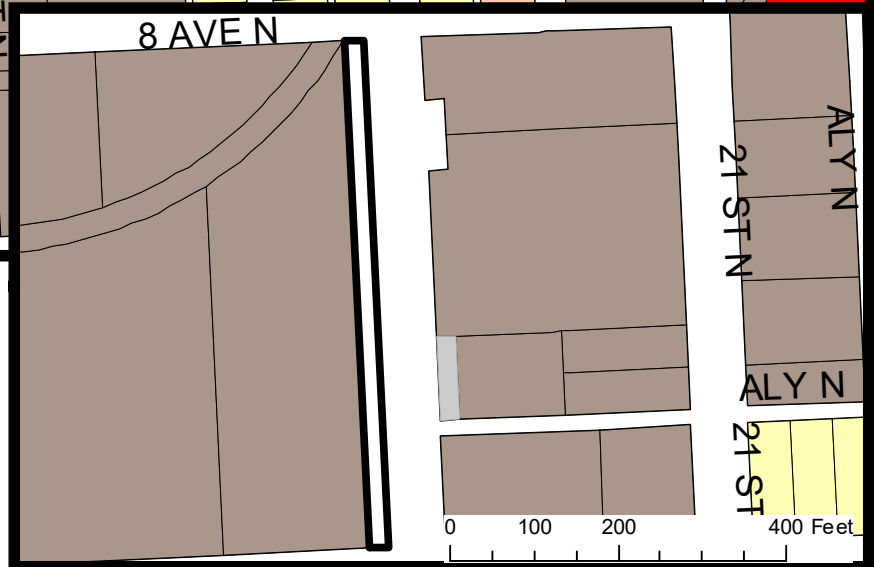
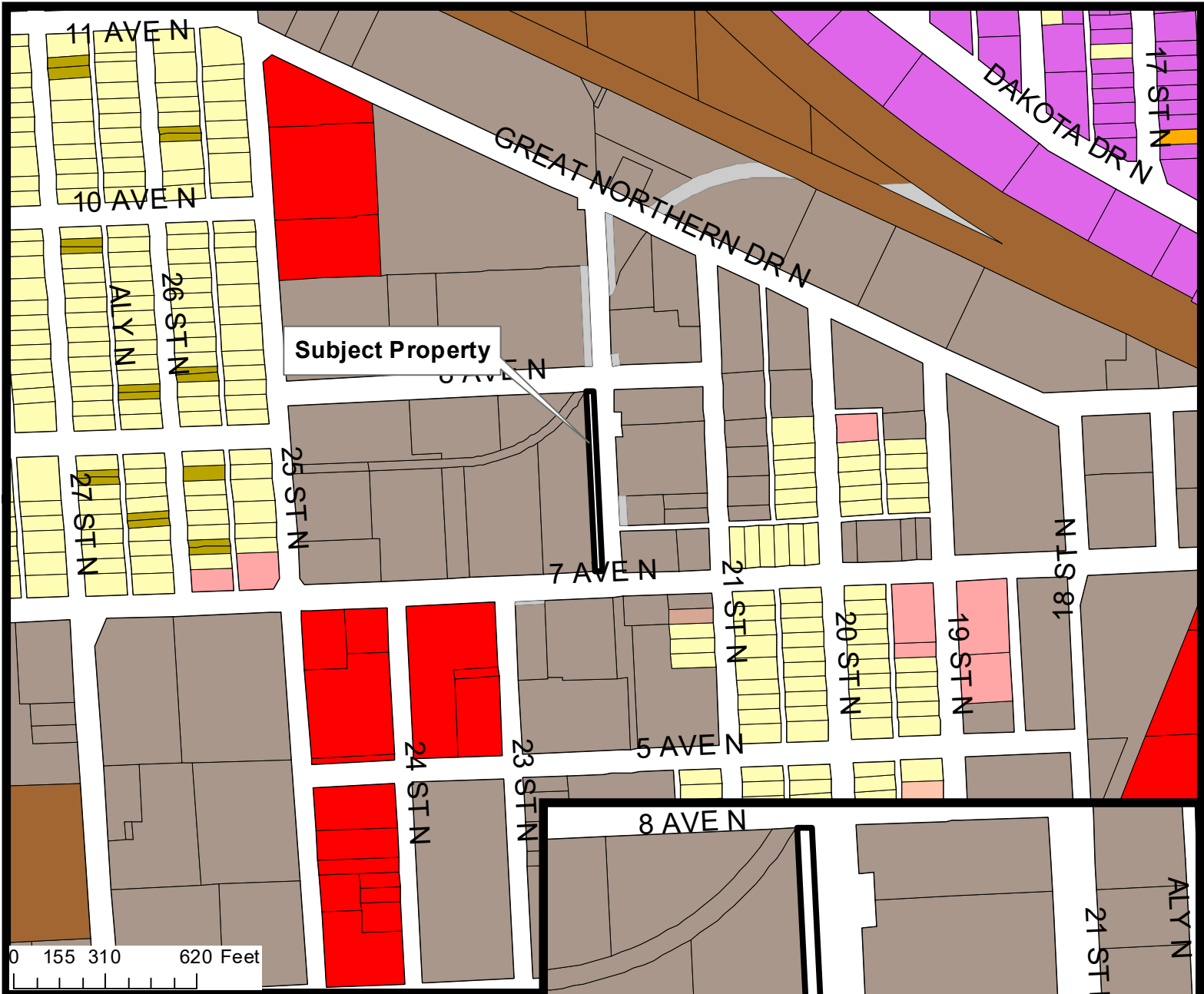
**Attachments:**

1. Zoning Map
2. Location Map
3. Vacation Plat

# Vacation of Right of Way

## First Industrial Subdivision of Beardsley's Addition

2213 7th Avenue North



### Legend

- |      |      |      |     |      |             |
|------|------|------|-----|------|-------------|
| AG   | DMU  | LC   | MHP | SP   | SR-2        |
| CC   | GO   | LT   | NC  | SR-3 | SR-4        |
| MR-1 | MR-2 | MR-3 | UMU | SR-5 | City Limits |



# Vacation of Right of Way

## First Industrial Subdivision of Beardsley's Addition

2213 7th Avenue North



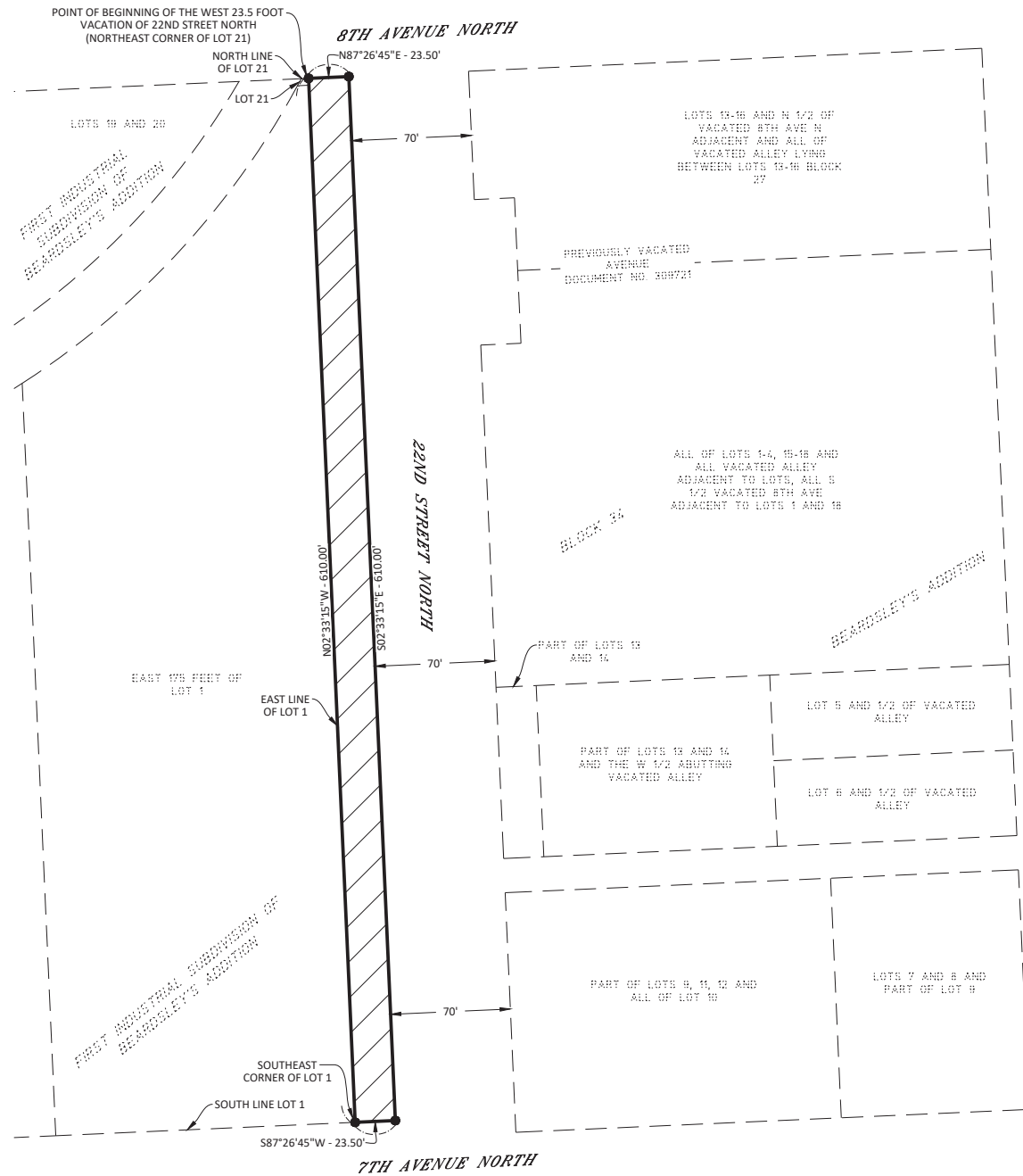
### Legend

 City Limits



# VACATION PLAT

THE WEST 23.5 FEET OF 22ND STREET NORTH ADJOINING LOTS 1 AND 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA



## DESCRIPTION OF AREA TO BE VACATED

THE WEST 23.5 FEET OF 22ND STREET NORTH ADJOINING LOTS 1 AND 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION, TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION; THENCE N87°26'45"E ALONG THE EXTENDED NORTH LINE OF SAID LOT 21 A DISTANCE OF 23.50 FEET; THENCE S02°33'15"E ALONG A LINE PARALLEL WITH THE EAST LINE OF LOT 1 A DISTANCE OF 610.00 FEET; THENCE S87°26'45"W ALONG THE EXTENDED SOUTH LINE OF LOT 1 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N02°33'15"W ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 610.00 FEET TO THE NORTHEAST CORNER OF LOT 21, THE POINT OF BEGINNING.

## CITY ENGINEER'S APPROVAL

APPROVED BY THE FARGO CITY ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
TOM KNAKMUHS, P.E., CITY ENGINEER

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS          )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

## FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
ROCKY SCHNEIDER, CHAIR

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS          )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

## FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
TIMOTHY J. MAHONEY, MAYOR

ATTEST:

\_\_\_\_\_  
STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS          )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

## SURVEYOR'S CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS VACATION PLAT; THAT THIS VACATION PLAT IS A CORRECT REPRESENTATION OF THE SURVEY OF SAID RIGHT OF WAY VACATION; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDRETHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
COLE A. NESET,  
REGISTERED LAND SURVEYOR  
LS-7513

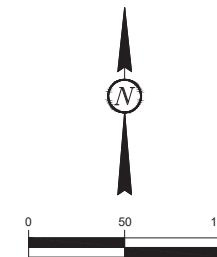
STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS          )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

## SURVEY INFORMATION

DATE OF SURVEY: 02/23/2023  
BASIS OF BEARING: CITY OF FARGO COORDINATE SYSTEM,  
DECEMBER 1992



## LEGEND

- MONUMENT SET
- MONUMENT FOUND
- VACATION BOUNDARY LINE
- - - EX. PROPERTY LINE
- ▨ AREA TO BE VACATED

# VACATION PLAT

THE WEST 23.5 FEET OF 22ND STREET NORTH ADJOINING LOTS 1 AND 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA

## JOHN T. JONES DEDICATION STATEMENT

I, TIM VANDERZANDEN, PRESIDENT OF JOHN. T. JONES CONSTRUCTION COMPANY, HEREBY ACCEPT ALL THE REAL PROPERTY RIGHTS TO THE VACATED RIGHT-OF-WAY AREA SHOWN HEREON.

**OWNER**  
JOHN T. JONES CONSTRUCTION COMPANY  
OWNER OF THE EAST 175 FEET OF LOT 1, FIRST INDUSTRIAL SUBDIVISION TO BEARDSLEY'S ADDITION

TIM VANDERZANDEN, VICE PRESIDENT

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIM VANDERZANDEN, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

## ADJOINING OWNERS DEDICATION STATEMENTS

### NORTHERN STATES POWER COMPANY STATEMENT

I, \_\_\_\_\_, OF NORTHERN STATES POWER COMPANY, HEREBY AGREE TO THE RIGHT-OF-WAY VACATION AREA SHOWN HEREON. I HEREBY RELEASE ALL REAL PROPERTY RIGHTS TO THE SUBJECT AREA.

**OWNER**  
LOTS 13-16, BLOCK 34 AND 1/2 OF VACATED 8TH AVENUE NORTH ADJACENT AND ALL OF VACATED NORTH-SOUTH ALLEY LYING BETWEEN LOTS 13-16, BLOCK 34 OF BEARDSLEY'S ADDITION

NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION

BY \_\_\_\_\_ ITS \_\_\_\_\_

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

### R & R INVESTMENTS STATEMENT

I, \_\_\_\_\_, OF R & R INVESTMENTS, HEREBY AGREE TO THE RIGHT-OF-WAY VACATION AREA SHOWN HEREON. I HEREBY RELEASE ALL REAL PROPERTY RIGHTS TO THE SUBJECT AREA.

**OWNER**  
LOT 1, INCLUDING THE SOUTH HALF OF VACATED 8TH AVENUE NORTH ADJACENT TO SAID LOT 1, LOTS 2, 3, 4, 15, 16, 17, 18, INCLUDING THE SOUTH HALF OF VACATED 8TH AVENUE NORTH ADJACENT TO SAID LOT 17, ALL IN BLOCK 34 OF BEARDSLEY'S ADDITION

R & R INVESTMENTS

BY \_\_\_\_\_ ITS \_\_\_\_\_

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

## CITY OF FARGO STATEMENT

I, TIMOTHY J. MAHONEY, MAYOR OF THE CITY OF FARGO, HEREBY AGREE TO THE RIGHT-OF-WAY VACATION AREA SHOWN HEREON. I HEREBY RELEASE ALL REAL PROPERTY RIGHTS TO THE SUBJECT AREA.

**OWNER**  
CITY OF FARGO  
OWNER OF LOT 21, FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION

TIMOTHY J. MAHONEY, MAYOR

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

## JEREMY DISRUD STATEMENT

I, JEREMY DISRUD, HEREBY AGREE TO THE RIGHT-OF-WAY VACATION AREA SHOWN HEREON. I HEREBY RELEASE ALL REAL PROPERTY RIGHTS TO THE SUBJECT AREA.

**OWNER**  
THE WEST 40 FEET OF LOT 9, AND ALL OF LOT 10, IN BLOCK 34, OF BEARDSLEY'S ADDITION AND THE NORTH 130 FEET OF LOT 11 AND THE NORTH 130 FEET OF THE EAST 26.5 FEET OF LOT 12, IN BLOCK 34, OF BEARDSLEY'S ADDITION

JEREMY DISRUD

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JEREMY DISRUD, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

## MADELYNE RUNCK STATEMENT

I, MADELYNE RUNCK, HEREBY AGREE TO THE RIGHT-OF-WAY VACATION AREA SHOWN HEREON. I HEREBY RELEASE ALL REAL PROPERTY RIGHTS TO THE SUBJECT AREA.

**OWNER**  
THE EAST 116.50 FEET OF LOTS 13 AND 14 AND THE WEST HALF OF THE ABUTTING VACATED ALLEY, ALL IN BLOCK 34, BEARDSLEY'S ADDITION TO THE CITY OF FARGO

MADELYNE RUNCK

STATE OF NORTH DAKOTA )  
  )SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MADELYNE RUNCK, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

FOR RECORDING PURPOSES ONLY

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Arneson's Addition	<b>Date:</b>	03/27/2024
<b>Location:</b>	11 & 21 18 <sup>th</sup> Street South	<b>Staff Contact:</b>	Alayna Espeseth, Assistant Planner
<b>Legal Description:</b>	Part of Lot 1 and all of Lots 2 and 3, Block 1, Arneson's Addition		
<b>Owner(s)/Applicant:</b>	MEC Partners, LLP / RHET Architecture	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	Conditional Use Permit for an Alternative Access Plan for reduced parking on portions of Lot 1, and all of Lots 2 and 3, Block 1, Arneson's Addition		
<b>Status:</b>	Planning Commission Public Hearing: April 02, 2024		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Religious Institution	<b>Land Use:</b> Religious Institution
<b>Zoning:</b> LI, Limited Industrial	<b>Zoning:</b> No change.
<b>Uses Allowed:</b> <b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.	<b>Uses Allowed:</b> No change.
<b>Maximum Lot Coverage Allowed:</b> 85%	<b>Maximum Lot Coverage Allowed:</b> No change.

**Proposal:**

The applicant is requesting a Conditional Use Permit (CUP) for an alternative access plan to allow a parking reduction on portions of Lot 1, and all of Lots 2 and 3, Block 1, Arneson's Addition, located at 11 & 21 18<sup>th</sup> Street South.

Two religious institutions are seeking to locate within the existing structure at this location. The Planning Department became aware of the two uses through a change of use permit. Upon that review, it was found that parking requirements do not meet the Land Development Code (LDC). Uses are unable to occur until parking is addressed. The applicant states that the religious institutions intend to offset service times, and as such, is requesting an Alternative Access Plan for reduced parking in order to accommodate the uses on site.

The site accommodates 72 spaces on site, however, the LDC requires 106. The CUP for an Alternative Access Plan for reduced parking is requesting a parking stall reduction of 32% or 34 parking stalls. The largest single church size on any given day would be 175 members which requires 70 parking stalls based on the 0.4 parking stalls per seat ratio per the LDC.

Attached is the proposed site plan. The parking lot to the west is encroaching onto the neighboring property that is being addressed with the minor subdivision replat for the same subject property.

The City of Fargo Traffic Engineer has reviewed the proposed parking and concurs with the findings.

If the CUP is approved by Planning Commission will carry through with any replats of the property.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

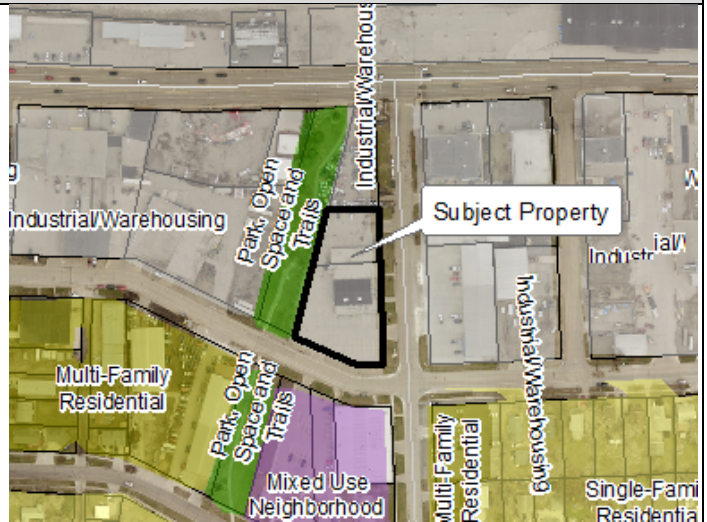
**Surrounding Land Uses and Zoning Districts:**

- North: LI, Limited Industrial with Retail Sales and Service use;
- East: LI, Limited Commercial with Warehouse and Office uses;
- South: GC, General Commercial with Multi-Dwelling Residential and Warehouse and Office uses;
- West: LI, Limited Industrial with Cass County Drain #3

**Area Plans:**

The subject property is designated as 'Industrial/Warehousing' in the Core neighborhoods Master Plan. The current LI, Limited Industrial zoning district is consistent with the land use designation.

- Industrial/Warehousing
- Park, Open Space and Trails
- Multi-Family Residential
- Mixed Use Neighborhood



**Context:**

**Neighborhood:** The subject property is located within the Jefferson / Carl Ben Neighborhood.

**Schools:** The subject property is located within the Fargo Schools District, specifically within Jefferson Elementary, Ben Franklin Middle and North High schools

**Parks:** The subject property is located directly to the east of Teamster park (1901 1<sup>st</sup> Avenue South). Amenities include multipurpose field and recreational trails. The subject property is also located within 0.25 miles of Jefferson West Park. Amenities include a basketball court, grill, picnic tables, playgrounds for ages 5-12, recreational trails, shelter (non-reservable), skate park and a soccer field.

**Pedestrian / Bicycle:** There is a bike lane that runs along 1<sup>st</sup> Avenue South, directly south of the subject property. There is a shared use path that runs along the west side of the subject property following drain #3 and continues south through Jefferson West Park.

**MATBUS Route:** MATBUS Route 18 has a stop on the south side of the intersection of 5<sup>th</sup> Avenue South and 18<sup>th</sup> Street South, approximately 0.30 miles from the subject property. MATBUS Route 20 has a stop on the east side of the intersection of 1<sup>st</sup> Avenue South and 24<sup>th</sup> Street South, approximately 0.30 miles from the subject property.

**Staff Analysis:**

**Conditional Use Permit Approval Criteria (Section 20-0909.D)**

The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**



The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Promoting infill development and exploring reductions in minimum parking standards are both key initiatives meant to promote the Plan's guiding principles. Staff finds this proposal is consistent with the purpose of the LDC, the Core Neighborhoods Master Plan, and other adopted policies of the City.

**(Criteria Satisfied)**

**2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff finds that this proposed conditional use permit to allow for a parking reduction at this location will not affect the welfare of the public. The CUP for parking reduction has been reviewed by the Engineering Department who supports the proposal.

**(Criteria Satisfied)**

**3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**

Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the project and no letters of opposition for this application.

**(Criteria Satisfied)**

**4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

The proposed conditional use permit for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. Staff finds that the proposed conditional use permit meets this criteria.

**(Criteria Satisfied)**

**5. Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**

The property has access to all necessary utilities and services. Staff is not aware of any deficiencies that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.

**(Criteria Satisfied)**

**6. Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**

The subject property has one access from 1<sup>st</sup> Avenue South and two accesses from 18<sup>th</sup> Street South. No additional access roads or entrance and exit drives are proposed.

**(Criteria Satisfied)**

**Recommended Conditions:**

1. Any expansion of building or expansion and/or change of use from Religious Institution shall terminate the Conditional Use Permit.
2. Religious institutions on site must keep different service times and days.
3. A minimum of 70 spaces are required on site.

(Continued to next page.)

**Approval and Appeal**

The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow an Alternative Access Plan for reduced parking on portions of Lot 1, and all of Lots 2 and 3, Block 1, Arneson's Addition as presented, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. Any expansion of building or expansion and/or change of use from Religious Institution shall terminate the Conditional Use Permit.
2. Religious institutions on site must keep different service times and days.
3. A minimum of 70 spaces are required on site.

**Planning Commission Recommendation:** April, 02, 2024

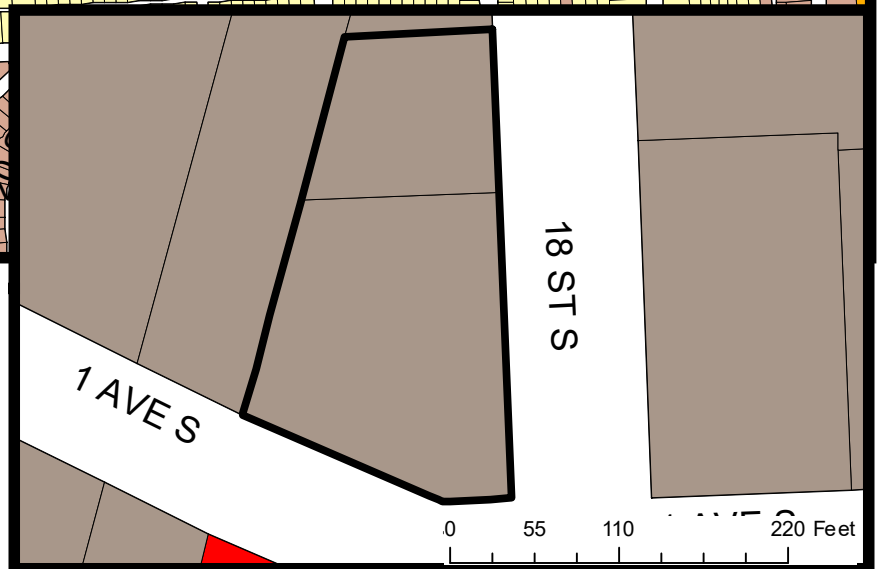
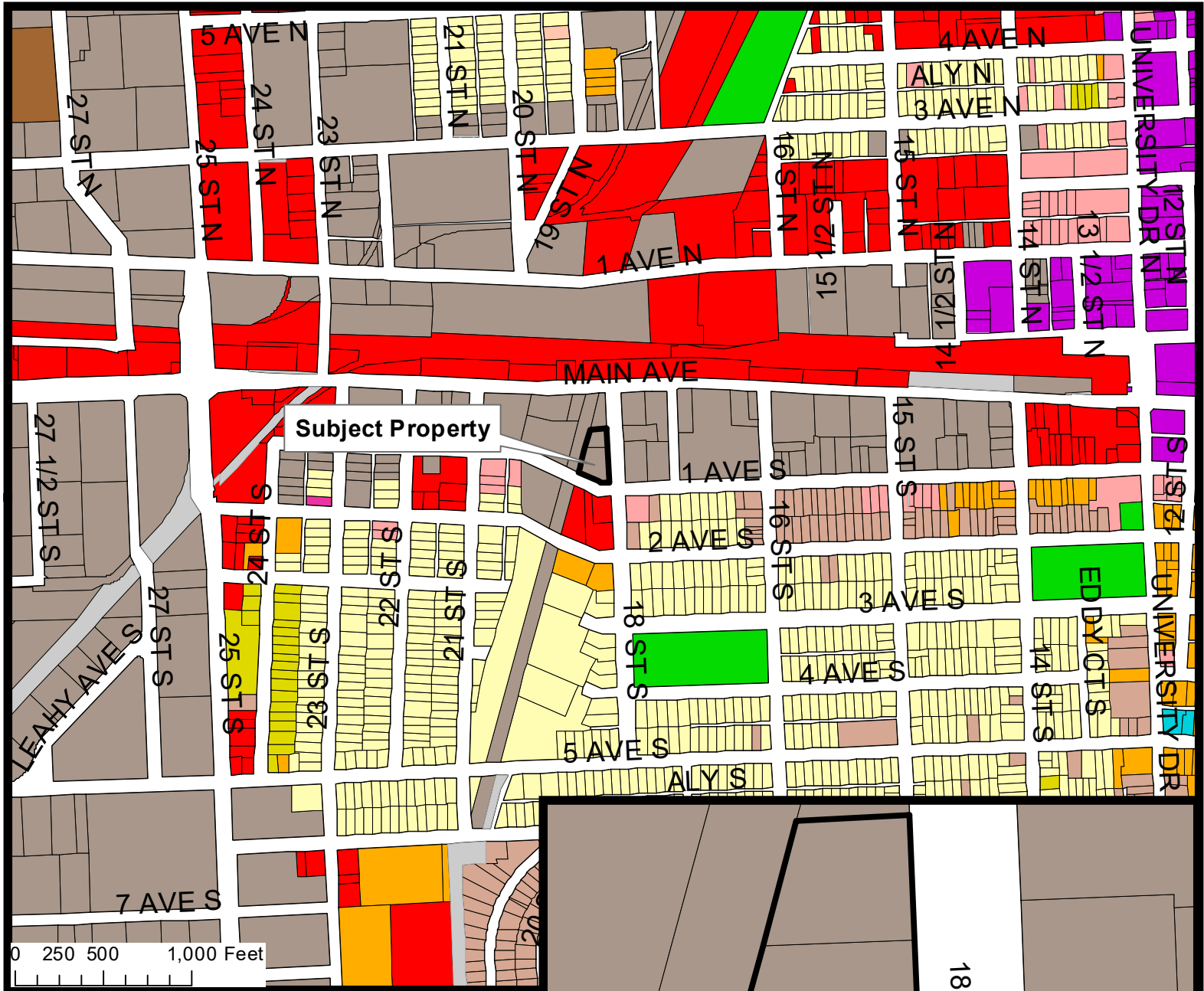
**Attachments:**

1. Zoning map
2. Location map
3. Narrative
4. Proposed site plan

# Conditional Use Permit for Parking Reduction

## Arneson's Addition

11 & 21 18th Street South



### Legend

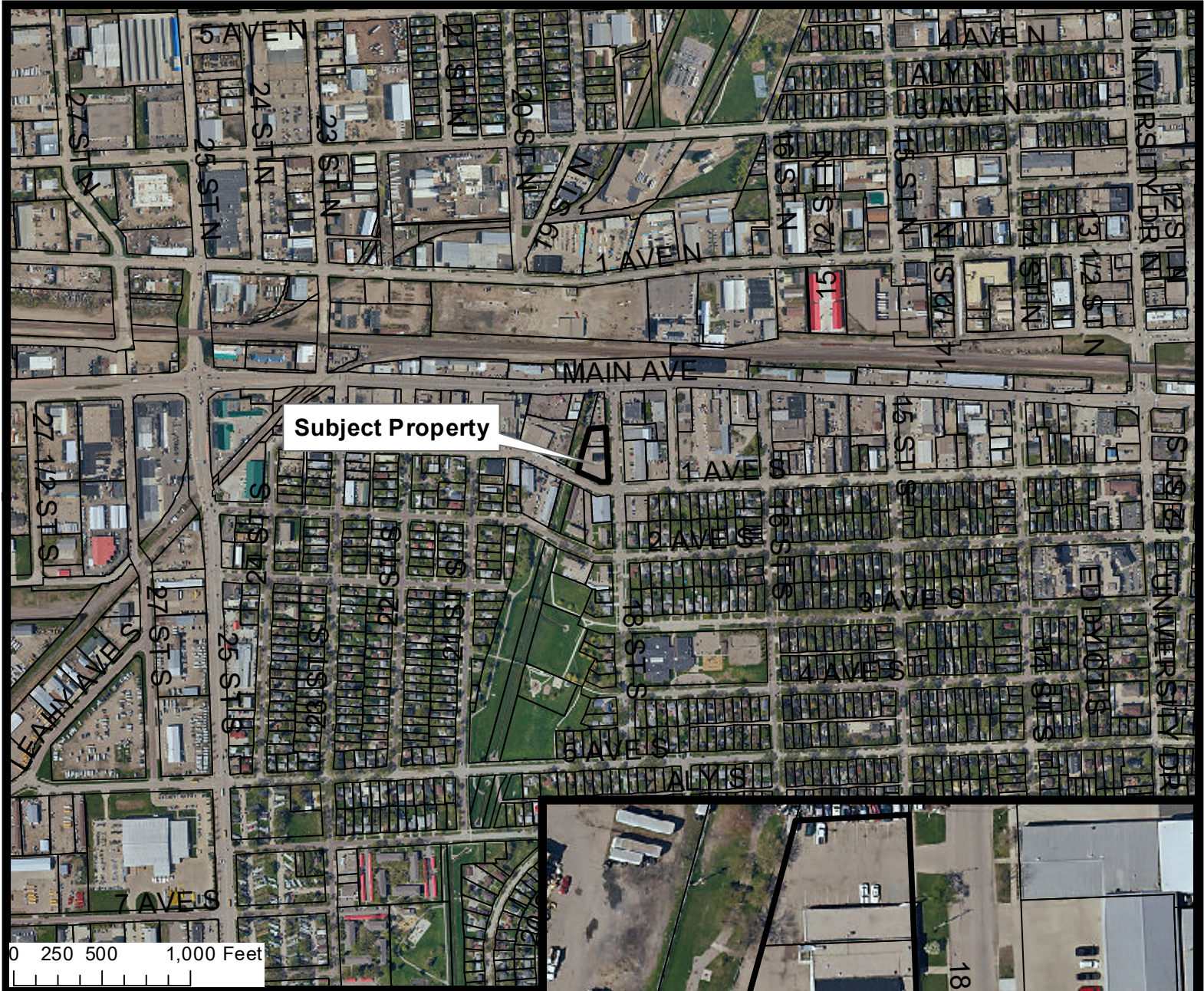
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|----|------|------|-----|-------------|
| AG | DMU  | LC   | MHP | RR-2        |
| GC | GO   | MR-1 | NZC | RR-3        |
| GO | MR-2 | MR-3 | UMU | RR-4        |
|    |      |      |     | RR-5        |
|    |      |      |     | City Limits |



# Conditional Use Permit for Parking Reduction

## Arneson's Addition

11 & 21 18th Street South



### Legend

 City Limits



Date: 03/26/2024

Re: Narrative to Accompany CUP, Harvest Church  
21 18<sup>th</sup> St S  
Fargo, ND 58103

To: City of Fargo Inspections Office  
Attn: Alayna Espeseth  
[AEspeseth@fargond.gov](mailto:AEspeseth@fargond.gov)  
Ph: (701) 476-4151

MEC Partners, LLP  
Attn: Austin J. Morris, Partner  
[joe@enclavecompanies.com](mailto:joe@enclavecompanies.com)  
Ph: (701) 997-2562 (direct)  
Ph: (701) 478-4300 (office)

To whom it may pertain,

This narrative is intended to accompany the CUP submittal to give more specific justification and context for a parking reduction for the 21 18<sup>th</sup> St S lot.

### EXISTING CONDITIONS/CONTEXT

Because of code violations identified within the building, we (RHET Architecture) were engaged to review the code criteria for the building and site.

The building currently occupies 2 lots. The previous lots respectively are listed as 11 18<sup>th</sup> St S & 21 18<sup>th</sup> St S. These are in the process of being combined to one, single lot relisted as 21 18<sup>th</sup> St. S.

Lastly, the previous 21 18<sup>th</sup> St lot sidewalks were also redone in 2023 which eliminated access to 6 parking spaces on the south end of the site that had existed since at least 1999 based on GIS images.

### PROPOSAL

Because of the lots being combined as well as mandated updates from the building code we are asking for a parking reduction from what is typically required in the Land Development Code to continue to serve the existing 2 tenants (both churches). The total load (Tenant 1: 175 seats + Tenant 2: 90 seats) of 265 seats for the entire building would require 106 parking spaces. Due to the constraints of an existing lot and the reduced parking from the new sidewalk, the parking striping can only be optimized to 72 parking spaces. We are asking for a reduction of 34 parking spaces from what is typically required.

### JUSTIFICATION

The two tenants (both churches) currently offset their service times as to not conflict with parking. This would continue assuming that the changes are approved by all pertinent members of the City administration for permitting. Tenant 1 meets on Sunday & Wednesday, the Tenant 2 meets on Saturday & Tuesday. Continuing in this fashion, we (RHET Architecture) do not foresee this being a problem as the largest single church service size on any given day will be less than 175 which requires 70 parking spaces based on the .4 parking spaces/seat ratio. Since the site would be restriped to fit 72 vehicles, we see no conflict in the function of this site. Thus, are seeking this reduction to be approved.

Based on our (RHET Architecture's) professional recommendation please approve this parking reduction.

Sincerely,



Rhet Fiskness, AIA

RHET ARCHITECTURE, LLC  
ATTN: RHET FISKNESS, AIA  
27 11th ST. N. FARGO, ND 58102  
OFFICE PHONE: 701.715.8232  
CELL PHONE: 701.388.2867  
EMAIL: RHET@RHET-ARCH.COM  
WEB: WWW.RHET-ARCH.COM

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Signature: *Rhet Fiskness*  
Date: 11/07/2023 REG. NO.: 1811

PROJECT:  
**HARVEST CHURCH**  
11 18TH ST S &  
21 18TH ST S  
FARGO, ND 58103

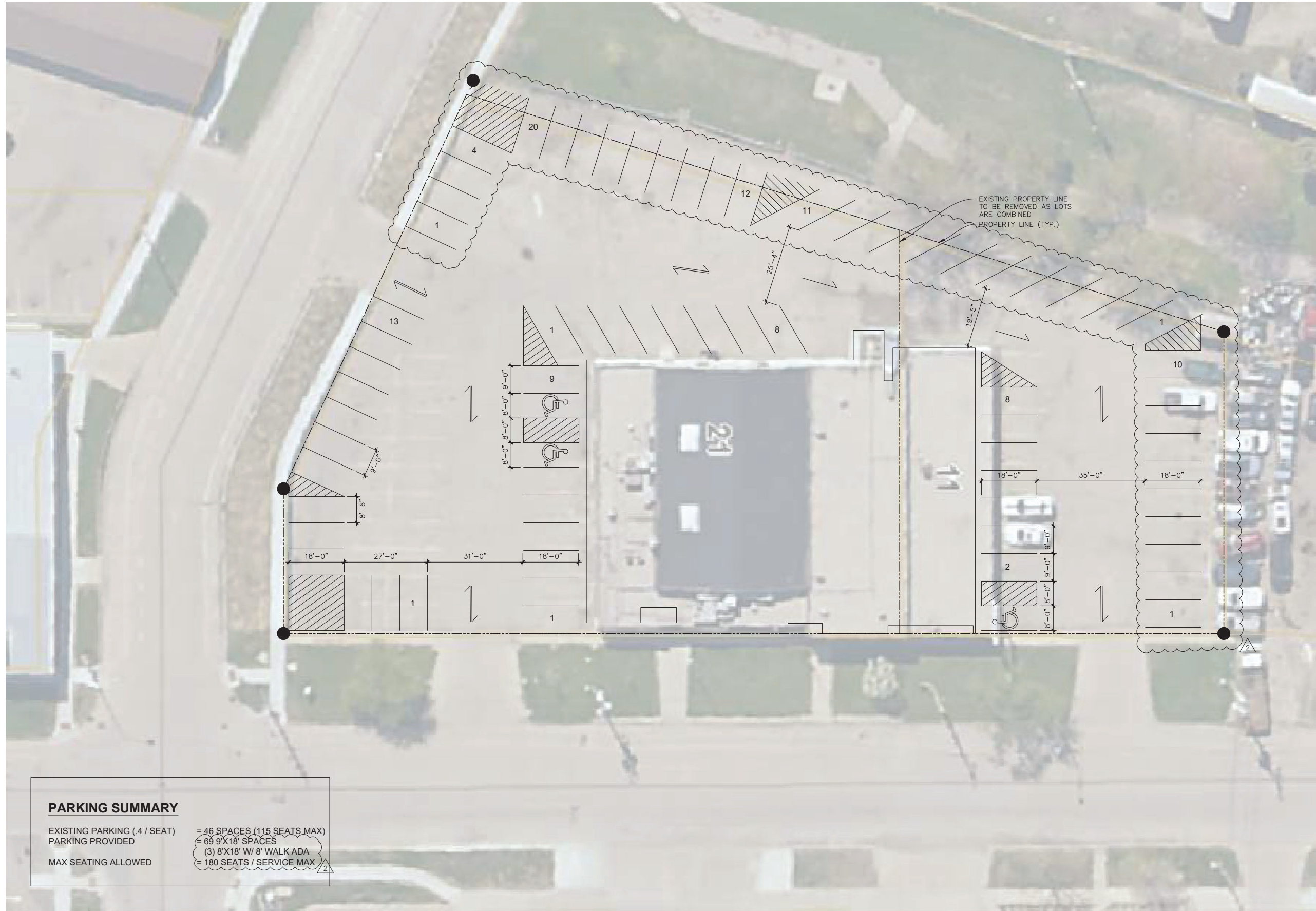
BUILDING OWNER:  
**ENCLAVE**  
ATTN: CHANNING HUWE  
PHONE: 701.515.7161  
EMAIL:  
channing@enclavecompanies.com

2	REVISION: A002	03/12/2024
1	REVISION: A001, A002	12/18/2023
CD	CONSTRUCTION DOCUMENTS	11/07/2023
MARK	DESCRIPTION	DATE

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PROJECT NO: 23-100204  
DRAWN BY: DN  
CHECKED BY: RF  
DRAWING TITLE:  
SITE PLAN,  
SITE DATA

**A002**



**PARKING SUMMARY**

EXISTING PARKING (4 / SEAT)	= 46 SPACES (115 SEATS MAX)
PARKING PROVIDED	= 69 9'X18' SPACES
	(3) 8'X18' W/ 8' WALK ADA
MAX SEATING ALLOWED	= 180 SEATS / SERVICE MAX

1 SITE PLAN  
A002 SCALE: 1/16"=1'-0"

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Harvest Church Addition	<b>Date:</b>	03/27/2024
<b>Location:</b>	11 & 21 18 <sup>th</sup> Street South	<b>Staff Contact:</b>	Alayna Espeseth, Assistant Planner
<b>Legal Description:</b>	Part of Lot 1 and all of Lots 2 and 3, Block 1, Arneson's Addition		
<b>Owner(s)/Applicant:</b>	MEC Partners, LLP / Houston Engineering, Inc.	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	Minor Subdivision (Replat of portions of Lot 1 and all of Lot 2 and 3, Block 1, Arneson's Addition, to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: April 02, 2024		

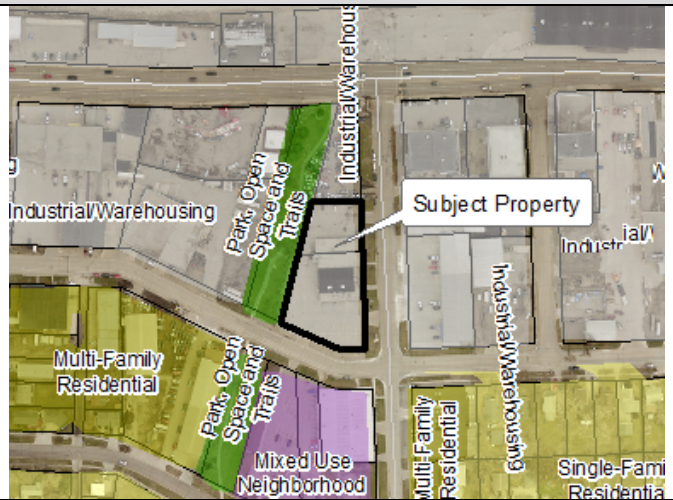
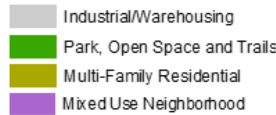
<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Religious Institution	<b>Land Use:</b> Religious Institution
<b>Zoning:</b> LI, Limited Industrial	<b>Zoning:</b> No change.
<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.	<b>Uses Allowed:</b> No change.
<b>Maximum Lot Coverage Allowed:</b> 85%	<b>Maximum Lot Coverage Allowed:</b> No change.

<b>Proposal:</b>
<p>The applicant is requesting one entitlement:</p> <ol style="list-style-type: none"> <li>1. <b>Minor Subdivision</b> (Replat of portions of Lot 1 and all of Lot 2 and 3, Block 1, Arneson's Addition, to the City of Fargo, Cass County, North Dakota)</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: LI, Limited Industrial with Retail Sales and Service use;</li> <li>• East: LI, Limited Commercial with Warehouse and Office uses;</li> <li>• South: GC, General Commercial with Multi-Dwelling Residential and Warehouse and Office uses;</li> <li>• West: LI, Limited Industrial with Cass County Drain #3</li> </ul> <p style="text-align: right;">(Continued to next page.)</p>



**Area Plans:**

The subject property is designated as 'Industrial/Warehousing' in the Core neighborhoods Master Plan. The current LI, Limited Industrial zoning district is consistent with the land use designation.



**Context:**

**Neighborhood:** The subject property is located within the Jefferson/ Carl Ben Neighborhood.

**Schools:** The subject property is located within the Fargo Schools District, specifically within Jefferson Elementary, Ben Franklin Middle and North High schools

**Parks:** The subject property is located directly to the east of Teamster park (1901 1<sup>st</sup> Avenue South). Amenities include multipurpose field and recreational trails. The subject property is also located within .25 miles of Jefferson West Park. Amenities in a basketball court, grill, picnic tables, playgrounds for ages 5-12, recreational trails, shelter (non-reservable), skate park and a soccer field.

**Pedestrian / Bicycle:** There is a bike lane that runs along 1<sup>st</sup> Avenue South, directly south of the subject property. There is a shared use path that runs along the west side of the subject property following drain #3 and continues south through Jefferson West Park.

**MATBUS Route:** MATBUS Route 18 has a stop on the south side of the intersection of 5<sup>th</sup> Avenue South and 18<sup>th</sup> Street South, approximately 0.30 miles from the subject property. MATBUS Route 20 has a stop on the east side of the intersection of 1<sup>st</sup> Avenue South and 24<sup>th</sup> Street South, approximately 0.30 miles from the subject property.

**Staff Analysis:**

The applicant is seeking approval for a minor subdivision located at 11 & 21 18<sup>th</sup> Street South. The request is to combine two properties (11 and 21 18<sup>th</sup> Street South) into one property entitled, **Harvest Church Addition**. Subject property is zoned LI, Limited Industrial and no zone change is proposed. The intent of the replat is to combine the two properties into a single lot to remove the lot line currently running through the existing structure.

**SUBDIVISION WAIVER FOR DRAIN SETBACK:** Cass County Drain No. 3 is an underground drain that abuts the west side of the subject property. As this is a legal drain, a 175 foot setback from the east side of the centerline of the drain would be required pursuant to Section 20-0610 of the Land Development Code (LDC). The subdivision waiver is for modification of this drain setback requirement; specifically, that the requirement for the 175 foot setback from the centerline of the drain be reduced to a setback of 37 feet on the east side of the drain centerline.

**BACKGROUND ON THE DRAIN SETBACK REQUIREMENT:** Based on the applicant's request, the City Engineering department reviewed the need to be able to access the legal drain. The drain is physically two 72-inch wide pipes approximately 15 feet deep. While the drain is part of the legal storm water requirements and governed by the Southeast Cass Water Resource District (SE Cass), the pipes are within the city limits. Thus, the City of Fargo is required to maintain access and also be prepared to maintain and replace the pipe if needed. As such, the City Engineer reviewed the proposed development and contends that a reduction of the 175-foot setback is reasonable. As this drain is underground, the full 175-foot setback is generally not required. Sufficient space must be provide alongside the underground pipes to safely excavate to access them for repair and maintenance. Based



on review of the actual drain location within the SE Cass right of way, no easement or dedication is required on the plat, as there is sufficient room within the SE Cass right of way to safely excavate to access the drainage pipes for repair and maintenance.

ENCROACHMENT AGREEMENT: A portion of the parking lot on the west side of the subject property is within the SE Cass Drain parcel and required setback. An encroachment agreement will be made between the applicant and SE Cass.

### Minor Subdivision

The LDC stipulates that the following criteria is met before a minor plat can be approved:

- 1. Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

This subdivision is intended to replat two properties into one. The current zoning is LI, Limited Industrial. No zone change is proposed. The subject property is located within the Core Neighborhoods Master Plan which designates the land use as 'Industrial/Warehousing'. The current zoning is consistent with this land use designation. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one inquiry about the application with no noted concern. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.  
**(Criteria Satisfied)**

- 2. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.  
**(Criteria Satisfied)**

### Subdivision Waiver

The LDC stipulates that the following criteria are met before a subdivision waiver can be approved:

- 1. Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**

The City Engineer and SE Cass Engineer have evaluated the survey provided by the Project Engineer and have determined that the 37 foot setback on the east side of the drain centerline is sufficient to provide access for maintenance to this underground drain. This is entirely in the SE Cass right of way and no setback is needed to be depicted on the plat.  
**(Criteria Satisfied)**

- 2. Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

As this is an underground drain, the City Engineer has determined that the 37 foot wide setback on the east

side of the drain centerline, to provide access for maintenance, is sufficient; the full 175 foot setback on the east side of the drain centerline is not necessary in this case. This is entirely in the SE Cass right of way and no setback is needed to be depicted on the plat.

**(Criteria Satisfied)**

- 3. Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**

This subdivision waiver applies only to the drain setback requirements of Section 20-0610 of the LDC for this particular property.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Harvest Church Addition, including the subdivision waiver for drain setback** as outlined within the staff report, as the proposal complies with the adopted Core Neighborhood Master Plan, the standards of Article 20-06, Section 20-0907.B., C. and D.3. of the LDC and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation:** April 02, 2024

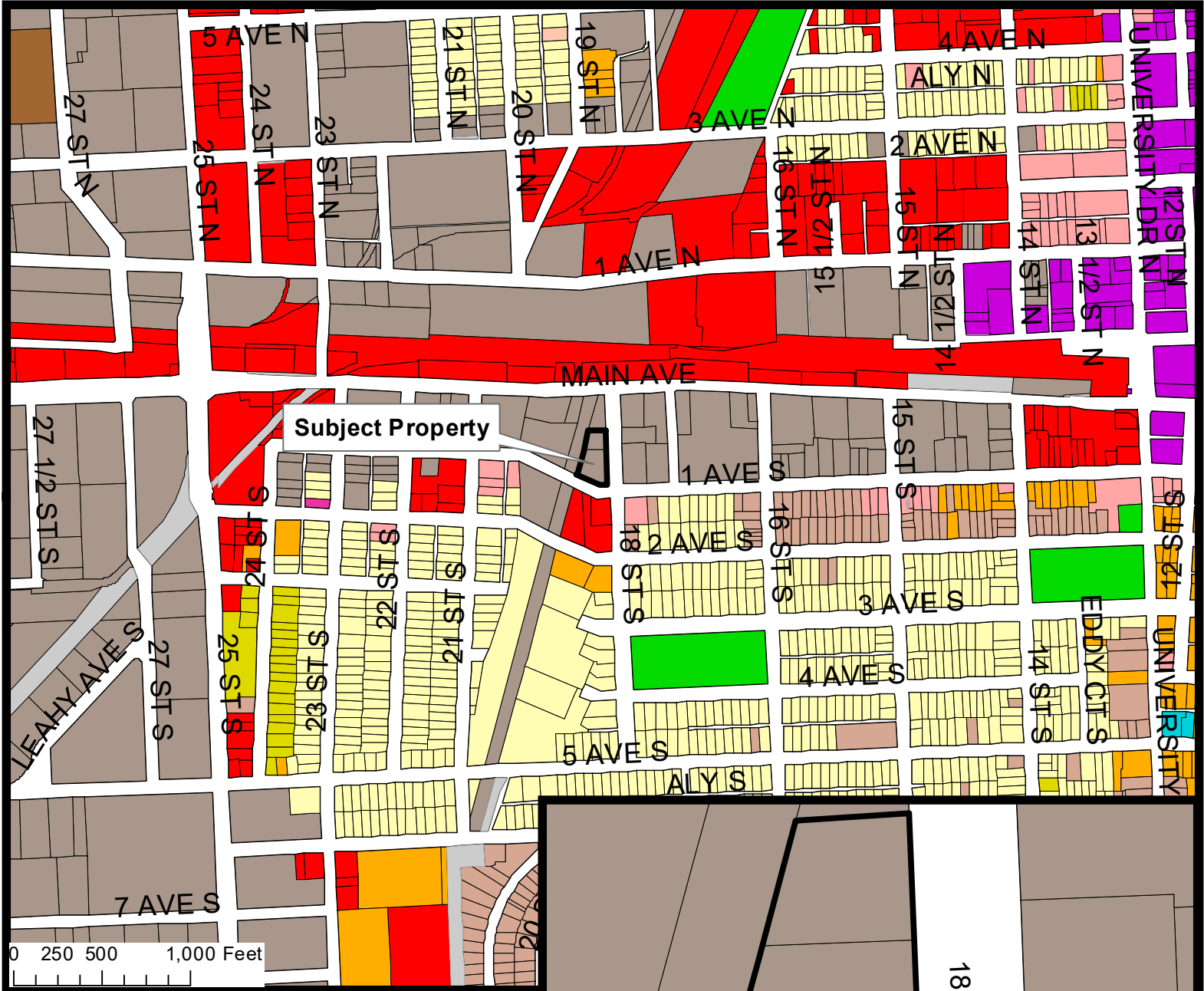
**Attachments:**

1. Zoning map
2. Location map
3. Preliminary plat

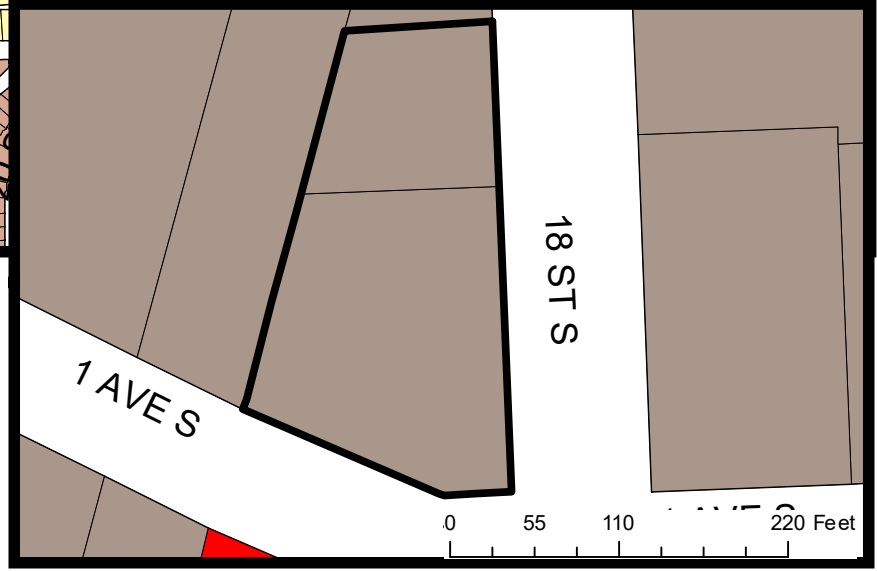
# Minor Subdivision

## Harvest Church Addition

11 & 21 18th Street South



0 250 500 1,000 Feet



0 55 110 220 Feet



**Legend**

AG	LC	MHP	SR-1
CC	LM	NO	SR-2
GO	MR-1	P1	SR-3
GO	MR-2	UMU	SR-4
GO	MR-3	City Limits	SR-5



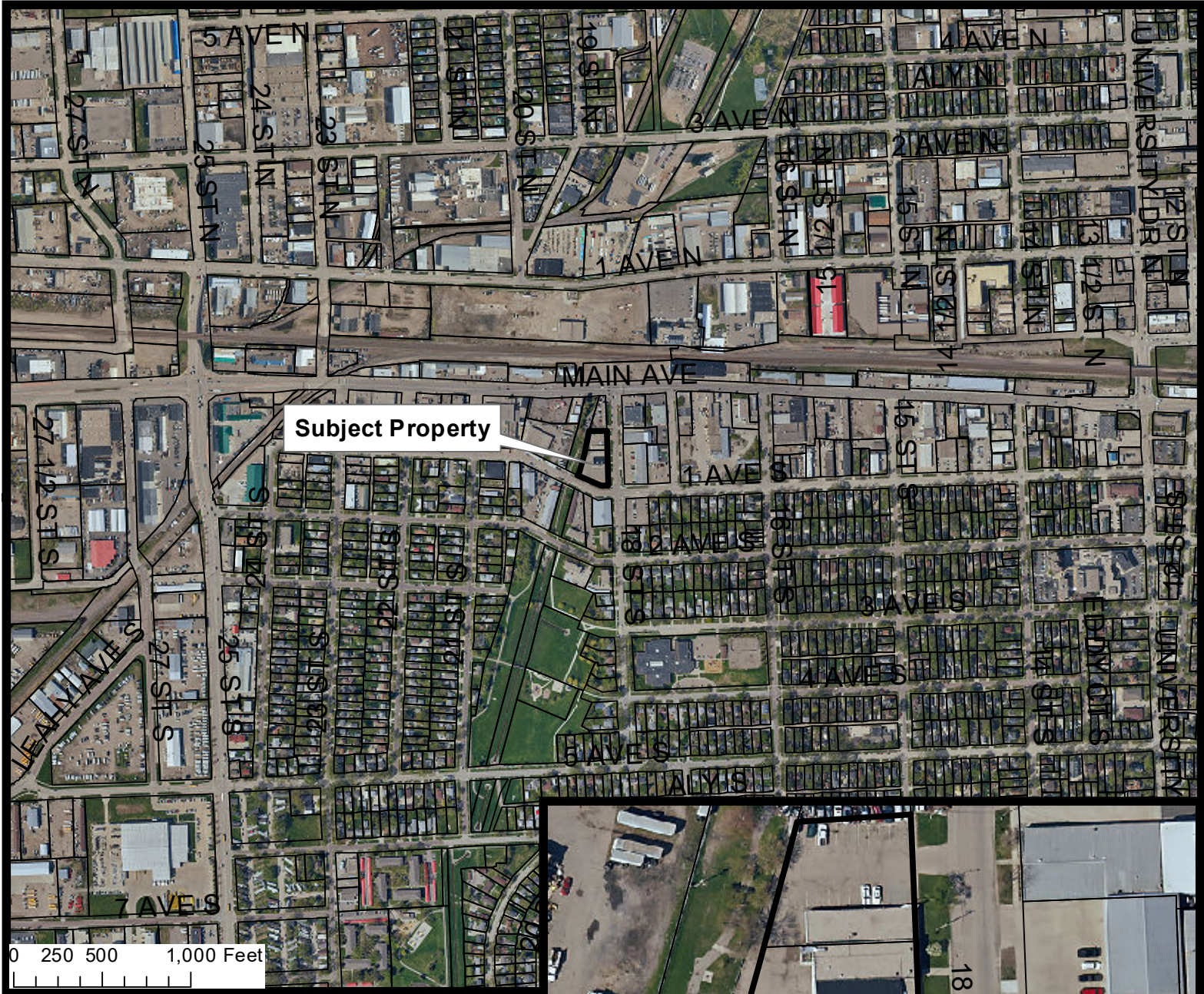
Fargo Planning Commission  
April 2, 2024



# Minor Subdivision

## Harvest Church Addition

11 & 21 18th Street South



### Legend

 City Limits



Fargo Planning Commission  
April 2, 2024

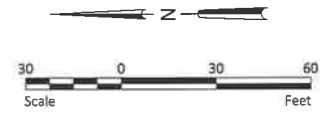


# HARVEST CHURCH ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF ALL OF LOTS 2 & 3 AND PART OF LOT 1,  
BLOCK 1, ARNESON'S ADDITION

CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA



### LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
PLAT BOUNDARY	—
LOT LINE	---
UTILITY EASEMENT	- - - -
EXISTING LOT LINE	- · - · -
EXISTING UTILITY EASEMENT	- · - · - · -

BEARINGS SHOWN ARE BASED ON  
CITY OF FARGO GROUND COORDINATE  
SYSTEM, DECEMBER 1992.

H:\BMV\7000\7489\7489\_0122\CAD\Plat\7489-0122 Preliminary Harvest Church Replat.dwg

PRELIMINARY PLAT



# HARVEST CHURCH ADDITION

## A MINOR SUBDIVISION

### BEING A REPLAT OF ALL OF LOTS 2 & 3 AND PART OF LOT 1, BLOCK 1, ARNESON'S ADDITION

### CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

**OWNER'S CERTIFICATE AND DEDICATION:**

NOW ALL PERSONS BY THESE PRESENTS: That MEC Partners, LLP, a North Dakota limited liability partnership, is the owner and proprietor of the following described tract of land:

Lots 1, 2 and 3, Block 1, Arneson's Addition, to the City of Fargo, Cass County, North Dakota, excepting therefrom the North 200.00 feet of said Lot 1.

Said tract contains 13.16 acres, more or less.

And that said party has caused the same to be surveyed and replatted as **HARVEST CHURCH ADDITION** to the City of Fargo, Cass County, North Dakota.

**OWNER:**

MEC Partners, LLP

By: \_\_\_\_\_  
Austin J. Morris, Partner

STATE OF NORTH DAKOTA )  
  ) ss  
COUNTY OF CASS            )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024, by Austin J. Morris, a Partner of MEC Partners, LLP, a North Dakota limited liability partnership, on behalf of the limited liability partnership.

Notary Public: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:**

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota )  
  ) ss  
County of Cass            )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Curtis A. Skarphol, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_

**CITY ENGINEER'S APPROVAL:**

Approved by the Fargo City Engineer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Tom Knakmuhs, PE, City Engineer

State of North Dakota )  
  ) ss  
County of Cass            )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Tom Knakmuhs, PE, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: \_\_\_\_\_

**FARGO PLANNING COMMISSION APPROVAL:**

Approved by the City of Fargo Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Rocky Schneider, Chair  
Fargo Planning Commission

State of North Dakota )  
  ) ss  
County of Cass            )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Rocky Schneider, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: \_\_\_\_\_

**FARGO CITY COMMISSION APPROVAL:**

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

Attest: \_\_\_\_\_  
Steven Sprague, City Auditor

State of North Dakota )  
  ) ss  
County of Cass            )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: \_\_\_\_\_

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