

FARGO PLANNING COMMISSION AGENDA
Tuesday, April 1, 2025 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of March 4, 2025

C: Public Hearing Items:

- 1a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed **Broadway Commons Addition**. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies) (dk): WITHDRAWN
- 1b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan on the proposed **Broadway Commons Addition**. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies) (dk): WITHDRAWN
- 1c. Continued hearing on an application requesting a Plat of **Broadway Commons Addition** (Minor Subdivision) a replat of all of Lot 1, all of Auditor's Lots A, B, E, F, and G and a portion of Lot 6 of Marelus' Subdivision of Block 18 of Chapin's Addition and part of Auditor's Lot C of Block 17 of Chapin's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies) (dk): WITHDRAWN
- 2a. Continued hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on the proposed **Brekke's 64th Avenue Addition**. (Located at 1606 and 1648 64th Avenue South) (Brekke Custom Homes/Houston Engineering, Inc.) (dk)
- 2b. Continued hearing on an application requesting a Plat of **Brekke's 64th Avenue Addition** (Major Subdivision) a plat of the Northwest Quarter of the Northeast Quarter of Section 12, Township 138 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 1606 and 1648 64th Avenue South) (Brekke Custom Homes/Houston Engineering, Inc.) (dk)
3. Hearing on an application requesting a Plat of **Simonson Companies Fourth Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Simonson Companies Third Addition and Lot 1, Block 1, Simonson Companies Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 3971 53rd Avenue South and 5237 38th Street South) (Simonson Companies, LLC/Lowry Engineering) (cl)

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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.

4. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling residential to SR-5, Single-Dwelling Residential on Lot 11, Block 1, **Golden Valley Sixth Addition**. (Located at 6788 27th Street South) (Jordahl Custom Homes/Houston Engineering) (cl)
5. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan to allow shared parking and reduced parking in the GC, General Commercial zoning district on Lots 15-17, **Goodman's Subdivision**. (Located at 3501 and 3511 Main Avenue) (3222, LLC/Century Builders) (lm)
6. Hearing on an application requesting a Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the P/I, Public and Institutional zoning district on Lot 2, Block 1, **Mickelson Fields Addition**. (Located at 875, 901, and 925 Oak Street North) (Fargo Park District/Terra Consulting for AT&T) (dk)
7. Hearing on an application requesting a Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the P/I, Public and Institutional zoning district on the East Half of the Northwest Quarter of **Section 22, Township 140 North, Range 49 West**. (Located at 4160 and 4350 40th Avenue North) (North Dakota State University/Terra Consulting for AT&T) (dk)
8. Hearing on an application requesting a Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the LI, Limited Industrial zoning district on Lot 3, Block 1, **Rose Creek Golf Course Annex Addition**. (Located at 4515 University Drive South) (Fargo Park District/Terra Consulting for AT&T) (dk)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, March 4, 2025

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 4, 2025.

The Planning Commissioners present or absent were as follows:

Present: Maranda Tasa, Scott Stofferahn, Art Rosenberg, Thomas Schmidt, Joseph Cecil, Amy Hass, Tyler Mohs, Paul Gleye, Michael Betlock, Tracy Jordre

Absent: Brett Shewey

Chair Tasa called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of February 4, 2025

Member Stofferahn moved the minutes of the February 4, 2025 Planning Commission meeting be approved. Second by Member Mohs. All Members present voted aye and the motion was declared carried.

Chair Tasa shared that the Edgewood Second Addition Conditional Use Permit application for group living that was denied by the Planning Commission on February 4, 2025, was appealed by the applicant to the City Commission and is scheduled for to be heard at the March 17, 2025 City Commission meeting.

Item C: Public Hearing Items:

Item 1: Brekke's 64th Avenue Addition

1a. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on the proposed Brekke's 64th Avenue Addition. (Located at 1606 and 1648 64th Avenue South) (Brekke Custom Homes/Houston Engineering, Inc.): CONTINUED TO APRIL 1, 2025

1b. Hearing on an application requesting a Plat of Brekke's 64th Avenue Addition (Major Subdivision) a plat of the Northwest Quarter of the Northeast

**Quarter of Section 12, Township 138 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 1606 and 1648 64th Avenue South) (Brekke Custom Homes/Houston Engineering, Inc.):
CONTINUED TO APRIL 1, 2025**

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

Discussion was held on similar areas that have similar private development, location of nearby shared use paths, snow removal, project density, access points, traffic, and sidewalks.

Applicant representative Brian Pattengale, Houston Engineering, spoke on behalf of the application.

Further discussion was held on sidewalks, setbacks, and existing trees.

Resident Tim Nasheim, 6622 Crofton Lane South, spoke in opposition to the application, stating the following concerns: safety issue of no separation between the proposed street and the park south of the development, no connections to the shared use path, lack of sidewalks in the proposed development, setting a precedence for future neighborhoods without sidewalks.

Applicant Mike Brekke, spoke on behalf of the application.

Resident Clarence Whisman, 1514 64th Avenue South, spoke in opposition to the application stating the following concerns: changing the floodplain, increasing the grade and affecting water flow, density of the development, and traffic.

Mr. Pattengale spoke on the drainage concerns.

Additional discussion was held on size and curb and gutter on the street, connection to the shared use path, and the existing sidewalk on 64th Avenue.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) zoning change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential, and 2) Subdivision Plat of Brekke's 64th Avenue Addition as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code and the 2024 Growth Plan. Second by Member Mohs.

Discussion continued on the lack of sidewalks and connectivity, alternative options for the plat layout, adding a landscape buffer, street parking not being allowed, and street width.

Mr. Pattengale spoke on street widths.

Further discussion was held regarding street width and fire access.

Assistant Director of Planning and Development Mark Williams spoke on zoning, private developments, and motion procedure.

Additional discussion was held on zoning.

Planning and Development Director Nicole Crutchfield spoke on next steps and motion procedure.

Member Schmidt and Member Mohs withdrew the motion on the table.

Member Schmidt moved to continue the application to the April 1, 2025 Planning Commission meeting. Second by Member Stofferahn. On call of the roll Members Gleye, Betlock, Rosenberg, Cecil, Schmidt, Jordre, Stofferahn, Hass, Mohs, and Tasa voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

Item 2: Urban Plains Medical Park Second Addition
Hearing on an application requesting a Plat of Urban Plains Medical Park Second Addition (Minor Subdivision) a replat of Lot 6, Block 1, Urban Plains Medical Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4651 30th Avenue South) (Urban Plains Land Company, LLC/Urban Plains Wonders, LLC/Goldmark Design and Development): APPROVED

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

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Urban Plains Medical Park Second Addition, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the Standards of Article 20-06, Section 20-0907.B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Rosenberg, Betlock, Hass, Cecil, Mohs, Gleye, Schmidt, Jordre, Stofferahn, and Tasa voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

Item 3: Valley View 11th Addition
Hearing on an application requesting a Plat of Valley View 11th Addition (Minor Subdivision) a replat of Lot 2, Block 1, Valley View Ninth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3889 51st Street South) (Brookstone Properties/Lowry Engineering): APPROVED

Planner Chelsea Levorsen 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 Valley View 11th Addition, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the Standards of Article 20-06, Section 20-0907.B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Gleye, Schmidt, Hass, Stofferahn, Mohs, Jordre, Rosenberg, Betlock, Cecil, and Tasa voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

Item D: Other Items:

Item 1: Review of proposed Renewal Plan 2025-01 (Lennon Lofts) for consistency with the GO2030 Comprehensive Plan.

Director of Strategic Planning and Development Jim Gilmour provided a brief presentation of the renewal plan.

Discussion was held on what the TIF funds would be used for, if the apartments would be market rate, destruction of historic neighborhoods, incentivizing developers, and regulations of DMU, Downtown Mixed-use zoning.

Member Rosenberg moved to recommend to the City Commission that the proposed Renewal Plan is consistent with the GO2030 Comprehensive Plan of the City of Fargo. Second by Member Jordre. On call of the roll Members Schmidt, Betlock, Jordre, Cecil, Stofferahn, Mohs, Rosenberg, Hass, and Tasa voted aye. Member Gleye voted nay. Absent and not voting: Member Shewey. The motion was declared carried.

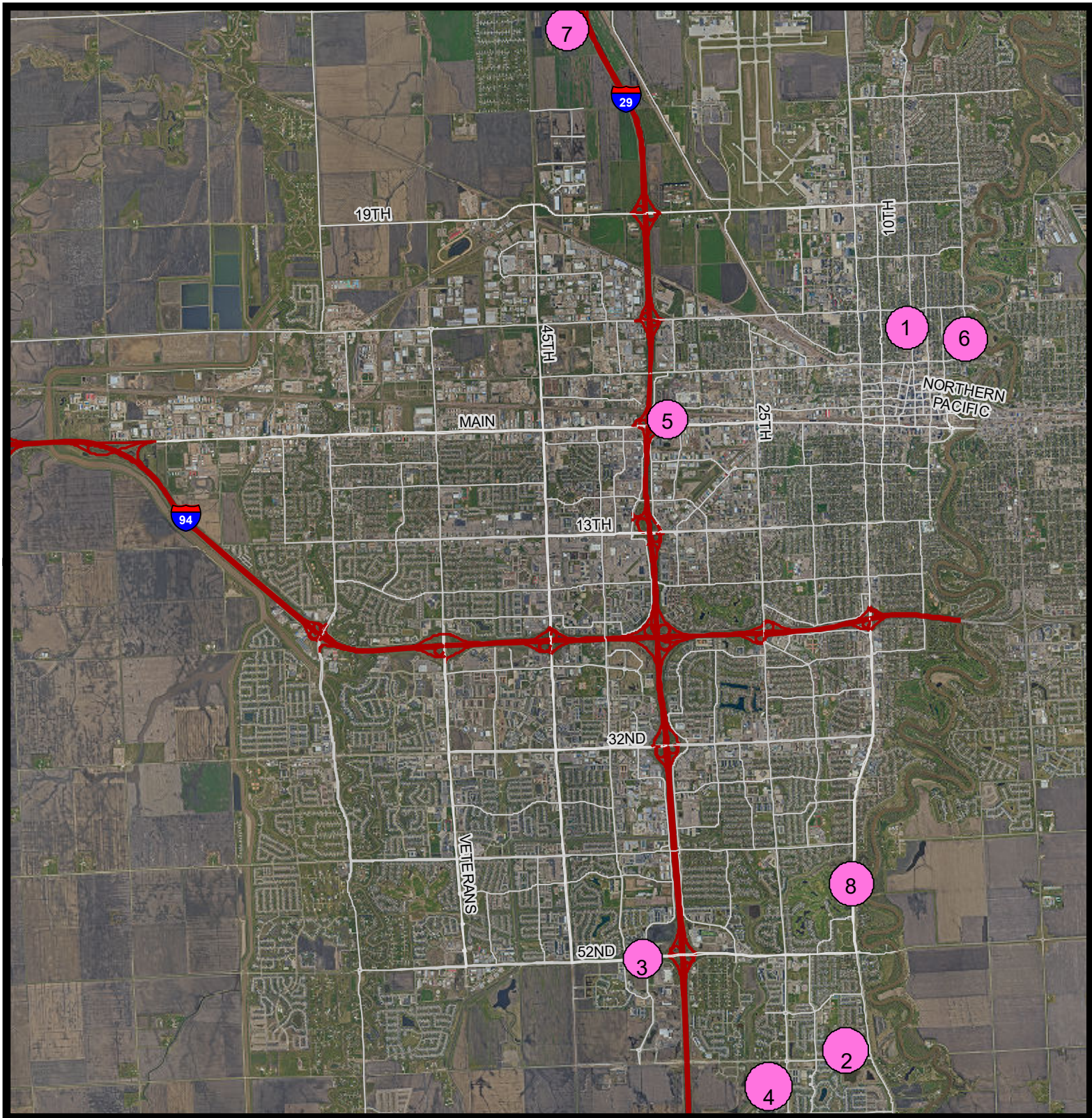
Item 2: Review of proposed Renewal Plan 2025-03 (Skyline) for consistency with the GO2030 Comprehensive Plan.

Mr. Gilmour provided a brief presentation of the renewal plan, noting this is an update to a renewal plan that was approved in 2018.

Member Schmidt moved to recommend to the City Commission that the proposed Renewal Plan is consistent with the GO2030 Comprehensive Plan of the City of Fargo. Second by Member Hass. On call of the roll Members Jordre, Hass, Mohs, Gleye, Cecil, Schmidt, Betlock, Stofferahn, Rosenberg, and Tasa voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

Mr. Williams provided a brief update on the czb consultants visit regarding the Land Development Code rewrite and noted they will return in May.

The time at adjournment was 4:15 p.m.

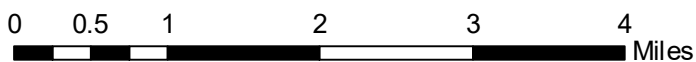


Agenda Item Number

- 2a&b -- Brekke's 64th Avenue Addition
- 3 -- Simonson Companies Fourth Addition
- 4 -- Golden Valley Sixth Addition
- 5 -- Goodman's Subdivision
- 6 -- Mickelson Fields Addition
- 7 -- Sec. 22, T140N, R49W
- 8 -- Rose Creek Golf Course Annex Addition

Withdrawn:

1a,b&c -- Broadway Commons Addition



City of Fargo Staff Report			
Title:	Brekke 64 th Avenue Addition	Date:	2/26/2025
		Update:	3/26/2025
Location:	1606 and 1648 64 th Avenue South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the NW ¼ of the NE 1/4, Sec. 12, T138N, R49W City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Brekke Custom Homes / Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Major Subdivision (Plat of Brekke 64th Avenue Addition , a plat of an unplatted portion of the NW ¼ of the NE 1/4, Sec. 12, T138N, R49W City of Fargo, Cass County, North Dakota), and a Zoning Change (from SR-2, Single-Dwelling Residential to SR-4, Single Dwelling Residential)		
Status:	Planning Commission Public Hearing: April 1 st , 2025 (continued from 3/4/2025)		
Existing		Proposed	
Land Use: Residential—residence on east lot recently demolished; residence on west lot to be moved		Land Use: Single-Dwelling Residential	
Zoning: SR-2, Single-Dwelling Residential		Zoning: SR-4, Single-Dwelling Residential	
Uses Allowed: SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, certain telecommunications facilities, and basic utilities		Uses Allowed: SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	
Maximum Density Allowed: 5.4 dwelling units per acre		Maximum Density Allowed: 12.1 dwelling units per acre	
Proposal:			
<p><i>PROJECT HISTORY NOTE: This project was heard by the Planning Commission at their March 4th, 2025 Planning Commission meeting. The Commission moved to continue the hearing to the April 1st, 2025 Planning Commission agenda, and gave direction to the applicant. A summary of the March 4th Planning Commission hearing and the Commission's direction is below.</i></p> <p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled of Brekke 64th Avenue Addition, a plat of an unplatted portion of the NW ¼ of the NE 1/4, Sec. 12, T138N, R49W City of Fargo, Cass County, North Dakota; and 2. A zoning change from SR-2, Single-Dwelling Residential to SR-4, Single Dwelling Residential <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>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: (across 64th Avenue South) SR-3 and SR-4, Single-Dwelling Residential; detached and attached residences • East: SR-2, Single Dwelling Residential; detached residences • South: AG; City of Fargo stormwater facility • West: SR-3 and SR-4, Single-Dwelling Residential; Cass Rural Water water tower; Fargo Park District property 			
Area Plans:			
<p>Fargo Growth Plan 2024 designates the place type of the subject property as "Suburban Neighborhood." The primary use in this place type is small to medium lot detached housing. The proposed development is consistent with this place type designation.</p>			

Context:

Schools: The subject property is located within the Fargo School District and is served by Bennett Elementary, Discovery Middle and Davies High schools.

Neighborhood: The subject property is located within the Davies Neighborhood.

Parks: Legacy Park, 6297 22nd Street South, is approximately 0.25 mile west of the subject property along 64th Avenue South. This park offers amenities of basketball court, grill, picnic table, playground, ages 2-5, playground, ages 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: An off-road multi-use path runs along the west and south sides of the subject property. That path is part of the metro area trail system.

MATBUS Route: The subject property is not on a MATBUS route at this time.

Staff Analysis:

MAJOR SUBDIVISION AND ZONE CHANGE

The subdivision plat creates 30 lots in one block, to be zoned SR-4, Single-Dwelling Residential, for residential development. The plat depicts a dedication of right of way for 64th Avenue South (45 feet).

The 30 proposed lots are mostly in the 5,300—5,400 square foot range in area; the lots along 64th Avenue South are over 5,900 square feet and two lots on the south are over 12,000 square feet. All lots are at least 45 feet wide. All meet the minimum area and width requirements of the SR-4 zone. Density is approximately 6.5 dwelling units per acre. SR-4 allows a maximum of 12.1 dwelling units per acre. *(NOTE: In the March 4th Planning Commission staff report, the density was incorrectly noted as 7.2 dwelling units per acre. $30 \text{ dwelling units} / 4.62 \text{ acres} = 6.49 \text{ dwelling units per acre}$)*

ACCESS and UTILITIES

The subdivision will take access from 64th Avenue South by way of a private access and utility easement, which will have two access points on 64th Avenue South. This roadway and the utilities within this easement will be owned and maintained by the property owners, not the City of Fargo. Staff has worked with the applicant to develop covenants for the homeowners' association to manage the maintenance of this easement as well as some other property maintenance activities. The City is not a party to the covenants.

DEVELOPER AGREEMENT and AMENITIES PLAN

Staff will prepare a developer agreement and an amenities plan specifying developer considerations related to public improvements, stormwater, and water.

STAFF COMMENTS

During the review of this project, City staff commented on the following aspects of the subdivision design:

1. **Parking:** Parking is only allowed in the driveways and garages of the individual lots. There will be no parking along the private drive; no guest parking is provided; no parking is available along 64th Avenue South, an arterial street.
2. **Pedestrian Access and Connectivity:** There are no sidewalks within the subdivision. There is no provision for a connection to nearby multi-use paths to the west and south. *(NOTE: Following the March 4th Planning Commission, the applicant has revised the project design to include a sidewalk and connection to the multi-use path to the south, as described below).*
3. **Snow Storage:** The subdivision is adjacent to City property on the south—a regional stormwater detention facility. There is no barrier between the subdivision and this City property. The developer agreement will prohibit the subdivision's owners from using this City property for snow storage.
4. **Ownership and maintenance of access and utilities easement:** It is the developer's responsibility to make clear to the buyers of the lots in this subdivision that ownership and maintenance of the private drive and utilities within the 30-foot wide access and utilities easement is entirely the responsibility of the property owners. The City will not own these utilities and will not maintain them, nor will the City plow snow from the private drive.

(continued on next page)

In support of this project, City staff finds that:

1. This is an infill project. The existing two unplatted lots were developed with one single-dwelling residence each before this area was annexed into the City, and development happened around these lots. This makes the lots difficult to redevelop for residential uses with an efficient use of land.
2. Access to a 30-lot subdivision would usually be provided by a dedicated public right of way rather than a 30-foot wide access easement. The minimum width of a dedicated right of way for this zoning is 50 feet; more commonly a 62-foot wide right of way is used. For the subject property, surrounded as it is by existing development and City-owned property, there is no place for a dedicated right of way through the property to connect to. A dedicated right of way within the subject property would have to be a cul-de-sac or a U-shaped configuration. Such a right of way width would consume a large area of the subject property and limit the number of residential lots that could be developed.
3. This subdivision provides an opportunity to test a more compact subdivision configuration in an effort to increase the variety of housing options available in Fargo.
4. The applicant could develop this property as a 30-unit condominium property with individual residences as the condominium units; the City does not regulate the creation of condominiums. The applicant has chosen to subdivide the property into lots to allow for ownership of individual lots.

SUMMARY OF ACTION AT THE MARCH 4th, 2025 PLANNING COMMISSION

At the March 4th, 2025 Planning Commission hearing, that Commission heard a presentation from staff that provided background on the subject property and why it is considered an infill project; summarized the project; and noted concerns expressed by neighboring property owners. Those concerns were:

- loss of trees and wildlife habitat;
- the subject property will be overbuilt;
- the density of the project will be excessive both in number of units and number of people living on the property;
- school capacity may be affected; and
- what the boundary between the project site and adjacent properties will be like.

Staff pointed out that all the infrastructure within the subdivision, including the private drive and utilities within the access and utility easement, will be private. The City will not own and will not maintain these. Ownership and maintenance are the responsibility of the homeowners and their association.

COMMISSIONER QUESTIONS TO STAFF

In response to Commissioner questions, staff clarified that:

- There is a similarly laid out subdivision, Sundance Square First and Second Addition, located at 55th Avenue and 14th Street South.
- There are no sidewalks within Sundance Square
- There had been discussion with the developer regarding sidewalks in the proposed project, but the developer did not propose them with the development.
- The applicant proposed SR-4 zoning; there was no discussion of using SR-3 zoning to get a lower density or larger setbacks.
- There is no specific access to the adjacent shared use paths on City-owned property. However, on the south side of the subdivision, there is no barrier to access the adjacent City-owned property.
- The developer agreement will state the applicant's responsibility for snow removal.
- The subject property has two access points to 64th Avenue South at this time. There will be no additional access points. Traffic from those points will increase.

APPLICANT'S TESTIMONY

The Commission heard a presentation from developer Mike Brekke and project engineer Brian Pattengale. They gave the history of the developer's ownership of the property and described the project. They made the following points:

- The project is geared toward residents 55 years old and older ("55+"), but there will no actual age restriction.
- Homeowners will pay into a maintenance and repair fund as part of their purchase of a lot in the subdivision

- Access to the shared use path to the west through the easement between Lots 7 and 8 is not possible; that easement is for the water line.
- There are many areas in Fargo without sidewalks, such as Maple Valley.
- The project design includes storm water inlets along the east and west sides of the project site, which will actually improve the drainage on the site. The site is currently flat and doesn't drain well.

COMMISSIONER QUESTIONS TO THE APPLICANT

In response to Commissioner questions, the applicant clarified that:

- The fact that there are no sidewalks proposed in the subdivision is mitigated by the private drive being a low-intensity street; multi-use paths on the north, west, and south sides of the subdivision; there will be no parking allowed on the private drive.
- Having sidewalks on both sides of the private drive would make the roadway cramped.
- Setbacks are intended to allow residents to park in their driveways without having their vehicles overhang the sidewalk.
- All existing trees on the site will need to be removed as in order to develop in compliance with the City's flood ordinance. The entire site will need to be raised approximately three feet.
- Many trees are ash trees.

NEIGHBORS' TESTIMONY

Two neighbors testified in opposition to the project, making the following points:

- There is no separation between the private drive on the south side of the project site and the adjacent park [property is owned by the City but maintained by the Park District]. Having the private drive this close could become a safety hazard to park users.
- Re-orienting the lots so that backyards were along the southerly boundary of the subdivision would resolve the safety issue and possibly save some trees.
- People generally want sidewalks for walkability and connectivity
- The Planning Commission should be concerned for the safety of elderly persons walking within the subdivision and require sidewalks
- The proposed density in terms of both number of units and number of people who will live there is too great.
- This density will create traffic problems.
- The grade change between the project site and adjacent residential property to the east could result in flooding of that adjacent property's yard.
- If the Planning Commission approves this project with private streets and no sidewalks, it will set a precedent and future developers will want to develop residential subdivisions the same way.

One of the testifiers did note that it was good to be making use of the subject property.

COMMISSION DISCUSSION FOLLOWING PUBLIC HEARING

After the chair closed the public hearing, the Commission's discussion focused on sidewalks. They pointed out how encountering areas with no sidewalks is frustrating, and made several suggestions to be able to accommodate a sidewalk within the project, including narrowing the street or having a one-way street. They questioned whether approving this subdivision without sidewalks would set a precedent for future development. One Commissioner pointed out that if there were no sidewalks within the project, there would be no reason to have a pedestrian connection to the adjacent shared use path.

The project engineer responded to Commissioner comments by saying that minimum street width was regulated by fire code, and also the street width should be "comfortable" for people making turning movements as they back out of their driveways.

Regarding the boundary between the project site and park to the south, one Commissioner suggested re-orienting the lots on the south side and have those lots back up to the park to the south and the private drive on the north frontage of those lots, so the private drive wasn't up against the park. A landscape buffer was also suggested.

COMMISSION MOTION

After making a motion and a second to accept the findings and recommendations of staff and recommend approval of the project, the Commission, after discussion with staff, revised their motion to continue the hearing to the April 1st, 2025 Planning Commission agenda and directed the applicant to revise the project

design in relation to the Commission's comments on street width; sidewalks; landscape buffer on the south side; and connection to trails.

PUBLIC COMMENTS

Staff has received three comment e-mails from neighboring property owners. All three opposed the project. Major concerns expressed were that the new subdivision would create:

- loss of wildlife habitat;
- more "cookie-cutter" houses;
- significant increase in traffic on 64th Avenue South, along with a decrease in pedestrian safety;
- increased noise associated with increased traffic;
- parking for visitors to the subdivision overflowing into adjacent residential areas; and
- reduction in the property values of surrounding homes.

Copies of the comment e-mails are attached. Staff also received several phone calls inquiring about the project and generally opposing it.

ADDITIONAL STAFF COMMENTS

Staff from the Fargo Park District and F-M MetroCOG also reviewed this subdivision and supported having a connection between the subdivision and the adjacent multi-use path.

APPLICANT'S RESPONSE TO COMMISSION DIRECTION—REVISED DESIGN

The applicant has revised the project design to provide

- a narrower private drive;
- a 4 ½ foot wide sidewalk along the outer perimeter of the access and utility easement;
- a full 20 feet between the property owner's side of the sidewalk and the closed garage door of the future houses; and
- a sidewalk connection to the multi-use path to the south of the project site.

The changes to the roadway width and sidewalk are all within the proposed 30-foot wide access and utility easement. The applicant has determined that some minor adjustments to the lot dimensions will be required to accommodate these modifications, but the layout of the plat will remain the same. The applicant will provide a revised plat for the April 1st Planning Commission.

The sidewalk within the subdivision will now be along much of the southerly boundary of the project side.

The connection to the multi-use path is outside of the plat. The City owns the property adjacent to the south; the developer will work with the City on the required easement to access the multi-use path. This path is maintained by the Fargo Park District. The Park District will review the design of the applicant's connection to the shared use path.

The applicant did not reconfigure the lots or provide any landscape buffer on the south side.

Graphics depicting these changes are attached---a plan view showing the sidewalk and multi-use path connection, and a section view of the private drive and adjacent lots.

FINDINGS

Zoning

Section 20-0906. 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?**
Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-2, Single-Dwelling Residential. The applicant requests a zoning change to SR-4, Single-Dwelling Residential to allow residential development at a higher density that is allowed in SR-2. **(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?**

City staff and other applicable review agencies have reviewed this proposal. The project will be served by Cass Rural Water. The subject property fronts on an existing public right-of-way. **(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. To date, Planning staff has received the comments noted above. 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 LDC states "This Land Development Code is intended 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." Fargo Growth Plan 2024 designates the place type of the subject property as "Suburban Neighborhood." The primary use in this place type is small to medium lot detached housing. The proposed development is consistent with this place type designation. **(Criteria satisfied)**

Major Subdivision

The LDC stipulates that the following criteria is met before a major subdivision plat can be approved

1. Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The requested zoning for the residential development on this property is SR-4, Single-Dwelling Residential, which is consistent with the place type designation of Fargo Growth Plan 2024. 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, Planning staff has received the comments noted above. **(Criteria Satisfied)**

2. Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The property is proposed to be zoned SR-4, Single-Dwelling Residential. As noted in the zone change findings above, this zone is consistent with the place type designation of the Fargo Growth Plan 2024. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

3. Section 20-0907.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.

Staff is working with the applicant to develop an amenities plan that specifies the terms for securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. 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 move to recommend approval to the City Commission of the proposed 1) Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential and 2) a plat of the **Brekke 64th Avenue Addition**, as

presented, as the proposal complies with the Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the LDC and all other applicable requirements of the LDC, and the 2024 Growth Plan.”

Planning Commission Recommendation: March 4th, 2025

At the March 4th, 2025 Planning Commission hearing, that Commission, by a vote of 10-0 with one Commissioner absent, moved to continue the project to the April 1st, 2025 Planning Commission agenda, and directed the applicant to revise the project design in relation to the Commission’s comments on street width; sidewalks; landscape buffer on south side; and connection to trails.

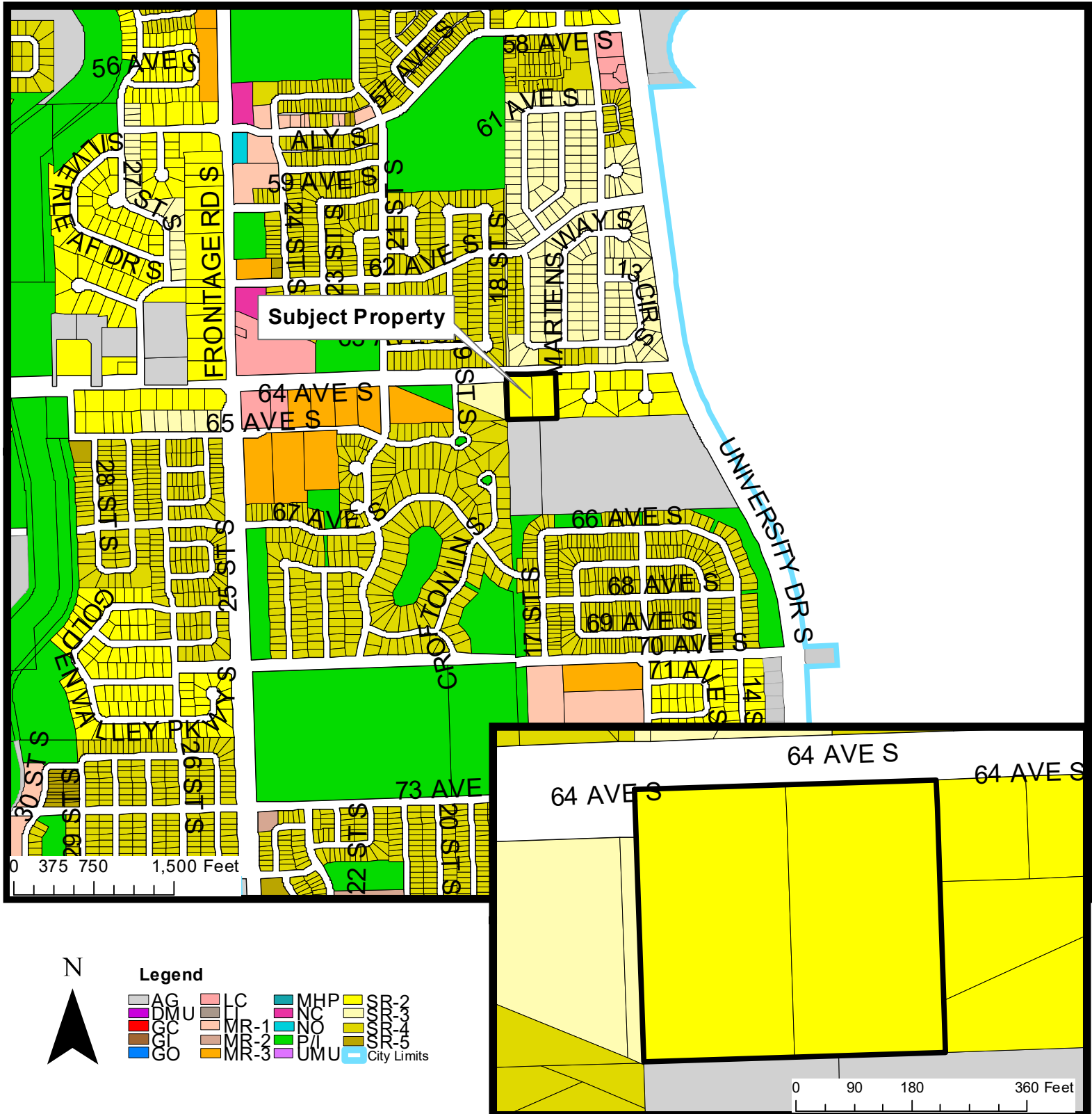
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat
4. Concept site plan showing sidewalk
5. Cross section of private drive and sidewalk
6. Public comments

Major subdivision and zone change from AG, Agricultural to SR-4, Single Dwelling Residential

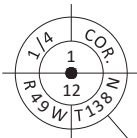
Brekke's 64th Avenue Addition

1606 and 1648 64th Avenue South

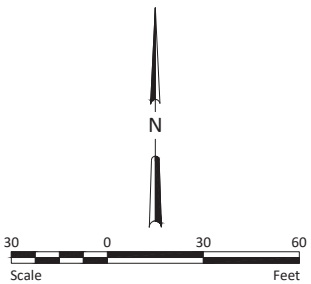


BREKKE 64TH AVENUE ADDITION

A MAJOR SUBDIVISION
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 12, T138N, R49W OF THE 5TH P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



PROJECT BENCHMARK
TOP NUT OF HYDRANT
911.85 (NAVD 1988)



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—
LOT LINE	—
UTILITY EASEMENT	- - -
EXISTING PARCEL LINE	- - -
EXISTING UTILITY EASEMENT	- - -
ELEVATION CONTOUR (NAVD 1988)	907
ZONE AE - AREA WITHIN FEMA 100-YEAR FLOODPLAIN	[Hatched Pattern]
CITY OF FARGO STREET & UTILITY EASEMENT TO BE VACATED BY THIS PLAT	[Dashed Pattern]

NOTES:

- A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0791G DATED JAN. 16, 2015.
- BASE FLOOD ELEVATION = 907.5' (NAVD 1988)

H:\JBN\5600\5675\5675_0017\CAD\Plat\5675-0017 Brekke 64th Ave Addition.dwg-Layout1-2/25/2025 12:23 PM-(dbuchholtz)



Sheet 1 of 2
Project No. 5675-0017

BREKKE 64TH AVENUE ADDITION

A MAJOR SUBDIVISION
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 12, T138N, R49W OF THE 5TH P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Brekke Custom Homes, Inc., a North Dakota corporation, is the owner and proprietor of the following described tract of land:

That part of the Northwest Quarter of the Northeast Quarter of Section 12, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Northeast Quarter; thence South 02°00'57" East, along the westerly line of said Northeast Quarter, for a distance of 426.00 feet; thence North 88°07'34" East, parallel with the northerly line of said Northeast Quarter, for a distance of 471.97 feet to the southwest corner of Glen Van Enk Subdivision, on file at the Cass County Recorder's Office; thence North 01°50'36" West, along the westerly line of said Glen Van Enk Subdivision and its northerly extension, for a distance of 426.00 feet to a point of intersection with the northerly line of said Northeast Quarter; thence South 88°07'34" West, along the northerly line of said Northeast Quarter, for a distance of 473.25 feet to the true point of beginning.

Said tract contains 4.622 acres, more or less.

And that said party has caused the same to be surveyed and platted as **BREKKE 64th AVENUE ADDITION** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the street and easements for access, utility, watermain, storm sewer, sanitary sewer and drainage purposes as shown on the plat and do hereby vacate the existing City of Fargo Street and Utility Easement Along 64th Avenue South as shown for vacation on this plat.

OWNER:

Brekke Custom Homes, Inc., a North Dakota corporation

Michael Brekke, President

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Michael Brekke, President of Brekke Custom Homes, Inc., a North Dakota corporation, 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 said nonprofit corporation.

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 City Engineer.

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

Maranda R. Tasa, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Maranda R. Tasa, 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 she 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: _____

H:\JBM\5600\5675\5675_0017\CAD\Eng\Brekke Street Exhibit 03/20/2025.dwg-2x34 Landscape Bottom-3/20/2025 3:37 PM-(bpattengale)





Scale 30 0 30 60 Feet



CONCRETE SIDEWALK

PRELIMINARY
NOT FOR CONSTRUCTION

No.	Revision	Date	By



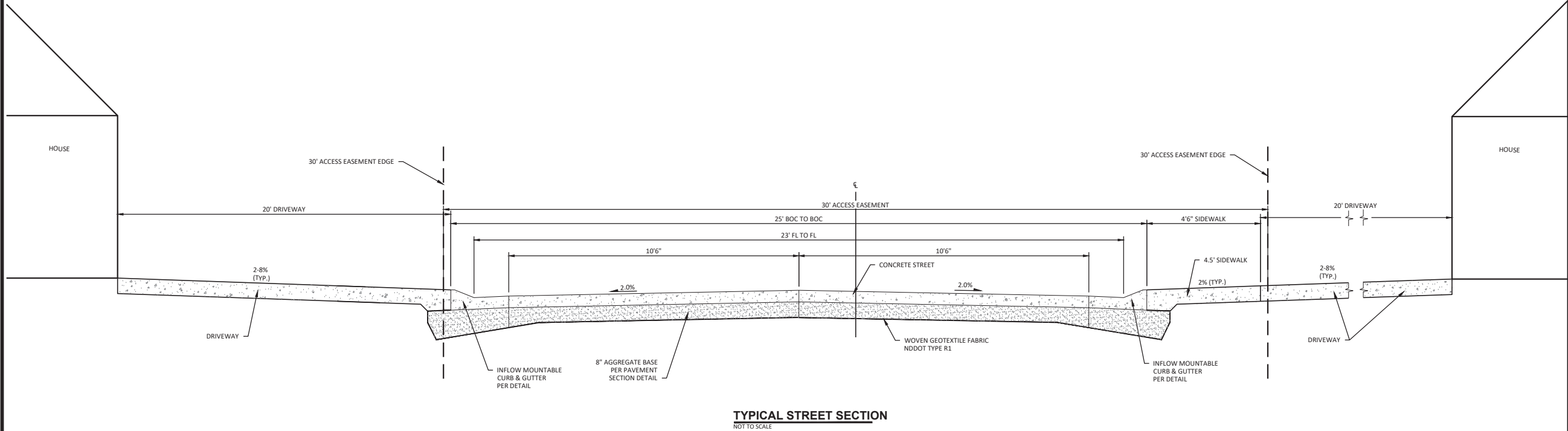
Drawn by BWA	Date 03-20-25
Checked by BTP	Scale AS SHOWN

BREKKE 64TH AVE PLAT
FARGO, NORTH DAKOTA

SITE LAYOUT EXHIBIT
PROJECT NO. 5675-0017

SHEET
1

H:\JBN\5600\5675\5675_0017\CAD\Eng\Brekke Street Exhibit 03202025.dwg-22x34 Landscape Bottom (2)-3/20/2025 3:36 PM-(battengale)



PRELIMINARY
NOT FOR CONSTRUCTION

No.	Revision	Date	By



Drawn by BWA	Date 03-20-25
Checked by BTP	Scale AS SHOWN

BREKKE 64TH AVE PLAT
FARGO, NORTH DAKOTA

TYPICAL STREET SECTION
PROJECT NO. 5675-0017

SHEET
2

From: Vitaliy Starosta
Sent: Thursday, February 27, 2025 1:41 PM
To: Planning E-mails <planning@FargoND.gov>
Subject: Protest letter

This letter is official letter of protest for a zoning change from SR-2 to single dwelling residential on 64th Avenue S , Brekkes 64 Ave addition, in Fargo, ND.

As a neighbouring property owner I am appalled by the plans of city of Fargo to place more cookie-cutter homes in already overbuild area.

I propose to create a recreation area, like a Japanese garden with large number of trees, bushes and flowers in above mentioned area for the joy of all people residing here. Initially it was considered a wildlife refuge area. All wild life is currently gone due to more than 300 recently build homes. The majority of trees on the plot in question has been already cut in preparation for building new properties, and it seems decision about city plans has been made already. I request review of the case by Fargo environmental committee to ensure replanting same amount of trees.

Vitaliy Starosta
6411 15 St S, Fargo, ND 58104

March 2, 2025

Dear Fargo City Commission,

This letter is in protest to the projected rezoning of Brekke's 64th Avenue Addition, a plat of the Northwest Quarter of the Northeast Quarter of Section 12, Township 138 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.

The area described has been occupied by single family dwellings with large lots and mature trees for many years. The trees in the area allow shelter for wildlife that transits the area which also utilizes the ponds with tall grass just to the south of the area for water and cover.

The development to the south of this area, called Bison Meadows, was re-zoned in the last handful of years from a less dense development to a higher density development which has brought significant traffic and safety concerns to the area.

The increased density to this area has yielded numerous calls for service to the Fargo PD for traffic issues through the Crofton Cove and Bison Meadows areas that include instances of road rage and individuals failing to yield for school busses with stop lights on while children are actively crossing the street.

The recent increase in population after school boundary changes a few years ago has also caused concern for the capacity of schools in this area with more population growth forecast for this part of the city.

I understand the desire for the city and developers to increase the population density as it brings in more revenue for the developers and potentially more tax revenue for the city.

The fact is, there is an abundance of land in this area already zoned for higher density housing that has not yet been developed. Specifically, there is significant acreage East of 25th St S, between 67th Ave S. and 64th Avenue S. that is zoned MR-3 Multiple Dwelling that has ample space and appropriate zoning for the additional higher density housing in this area.

Changing the zoning of the proposed property is not good for the city or for the residents of this area. I strongly encourage the Commission to follow the zoning that is already in place. There is no need for additional high-density housing in this area, especially with land within a few blocks already zoned for higher density housing that has not yet been developed.

I look forward to voicing my opposition to this change in zoning at the March 4th Public Hearing.

Respectfully,

Dustin Jostad – 6602 Crofton Lane S. Fargo, ND

From: Linda Brown
Sent: Tuesday, March 18, 2025 10:35 AM
To: Donald Kress <dkress@FargoND.gov>
Cc: Linda Brown 'bstreitz ; 'kelliekringlie; bradkeller
Subject: Proposed Brekke 64th Ave Addition

Mr. Kress,

Thank you for providing an update regarding the proposed Brekke 64th Ave Addition and providing a link to the materials provided to the Planning Commission.

We will be directly impacted by the development of this property, especially in the manner proposed, as we live directly across 64th Ave from the property. We disagree with staff's comment that "the proposed change will not adversely affect the condition or value of the property in the vicinity". We believe that we, and other property owners, will be negatively impacted by the proposed development.

Our concerns are primarily regarding the number and size of the proposed lots, the likely size of the residences due to the small lot sizes, a private drive rather than a dedicated public right of way, the lack of parking within the development, and the expectation that owners within the development will be responsible for maintaining and monitoring the access.

The development, as proposed, would significantly increase traffic on 64th Avenue – an avenue that has experienced a significant increase in traffic since it was paved and much traffic that does follow the speed limit for this avenue. The further increase in traffic and accompanying noise would impact enjoyment of our backyard as would also be the case for all property owners whose homes are on the north side of 64th Avenue.

The size of the lots and the consequent sizes of the dwellings is inconsistent with other properties in the vicinity north, east and south of the proposed Brekke 64th Ave Addition.

Parking within the proposed development is to be limited to garages and driveways with parking not allowed on the private drive. Where will guests park? There is no parking allowed along 64th Avenue which means that excess parking could be pushed into neighborhoods to the east or north of the proposed development. Additional traffic within these neighborhoods would negatively impact enjoyment of our properties.

The developer also expects the property owners to monitor and enforce parking restrictions within the development. Such expectations are challenging at best if it means pitting neighbor against neighbor.

We understand that the property will be developed. We request consideration of a revised proposal that reduces density, is more in keeping with property in the vicinity, accommodates a dedicated public right of way rather than an easement, and provides appropriate parking opportunities within the development.

Thank you,
Linda and Jim Brown

Agenda Item #	3
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City of Fargo Staff Report			
Title:	Simonson Companies Fourth Addition	Date:	03-25-2025
Location:	3971 53 Avenue South & 5237 38 Street South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lot 2, Block 1 Simonson Companies Third Addition & Lot 1, Block 1 Simonson Companies Second Addition		
Owner(s)/Applicant:	Simonson Companies, LLC	Engineer:	Lowry Engineering, Inc.
Entitlements Requested:	Minor Subdivision (replat of Lot 2, Block 1 Simonson Companies Third Addition & Lot 1, Block 1 Simonson Companies Second Addition		
Status:	Planning Commission Public Hearing: April 1, 2025		

Existing	Proposed
Land Use: Undeveloped	Land Use: No Change / Future Commercial
Zoning: LC, Limited Commercial with a CO, Conditional Overlay	Zoning: No Change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, off premise advertising , commercial parking, retail sales and service, self-storage, vehicle repair , limited vehicle service, and certain telecommunication facilities. Conditional Overlay No. 5370 prohibits certain uses as indicated above, and provides design and pedestrian connectivity standards.	Uses Allowed: No Change
Maximum Lot Coverage Allowed: Maximum 55% building coverage	Maximum Lot Coverage Allowed: No Change

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A minor subdivision, to be known as Simonson Companies Fourth Addition, a replat of Lot 2, Block 1, Simonson Companies Third Addition and Lot 1, Block 1, Simonson Companies Second Addition to the City of Fargo, Cass County, North Dakota <p>The subject property is located at 3971 53rd avenue South and 5237 38 Street South, and</p>

encompasses approximately 2.81 acres. 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: 52 Avenue South / Town & Country Credit Union, with zoning of GC, General Commercial with C-O
- East: 38 Street South / Starbucks with zoning of LC, Limited Commercial with C-O
- South: Undeveloped, with zoning of LC, Limited Commercial with C-O
- West: Valvoline Instant Oil Change, with zoning of LC, Limited Commercial with C-O

Area Plans:

Fargo's Growth Plan 2024 was adopted on August 19th, 2024. The property is located within the Mixed Commercial, Office, and Residential place type. Primary uses include commercial, retail, distribution, cultural, government, civic, light manufacturing, and multi-family residential housing. This project is consistent with the future land use designation for this property.

Context:

Neighborhood: The District

Schools: The subject property is located within the Fargo School District, specifically within the Kennedy Elementary, Discovery Middle, and Davies High Schools.

Parks: The Pines Park, located at 5371 42 Avenue South, is within a quarter mile to the southwest of the property. Park Amenities include a basketball court, grills, picnic tables, two playgrounds, recreational trails, and a shelter.

Pedestrian / Bicycle: Shared-use paths border the subject property on 52nd Avenue South, 38th Street South, and 53rd Avenue South. These shared-use paths connect directly to The Pines Park and the metro area path system.

Transit: MATBUS Route 18 runs along 38th Street South on the east side of the subject property, and has a stop at Walmart, approximately 0.20 miles east of the subject property. Walmart connects to the downtown GTC, Ground Transportation Center by way of 40th avenue South, 42nd Street South, 25th Street South, and University Drive.

Staff Analysis:

Minor Subdivision:

The subdivision plat divides two existing lots into a one block, two-lot subdivision for commercial development.

Zoning and C-O, Conditional Overlay:

The property is zoned LC, Limited Commercial with a C-O, Conditional Overlay Ordinance No. 5370, which prohibits certain uses and provides design and pedestrian connectivity standards.

This Conditional Overlay was created with Simonson Companies Second Addition and it will carry through with this subdivision. No zone change or modification to the C-O is proposed.

Access & Amenities:

Access to the lots is provided by access easements with connect to 38th Street South and 53rd Avenue South. These easements were created with the Simonson Companies Second Addition Plat in 2020. There is no direct access to 52nd Avenue South.

Staff will prepare a developer agreement and an amenity plan specifying developer considerations related to public improvements, stormwater, water, and septic.

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 current zoning for the property is LC, Limited Commercial with C-O, Conditional Overlay. No zone change or C-O modification is proposed. This zoning is consistent with the 2024 Fargo Growth Plan and the property is within the Mixed Commercial, Office, and Residential place type. The current LC zoning is consistent with these land use designations. 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 not received any inquiries about the application. The project has been reviewed by the City's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

- 2. Section 20-0907.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.**

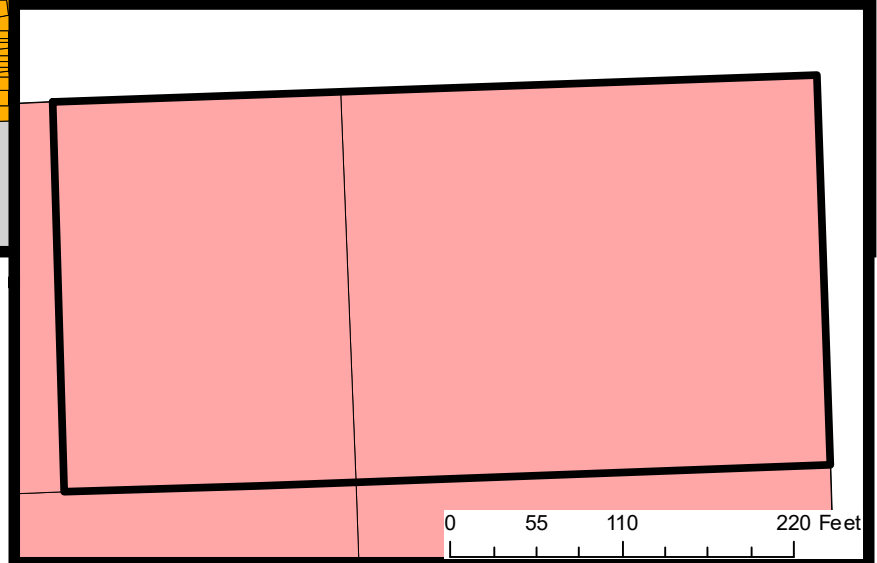
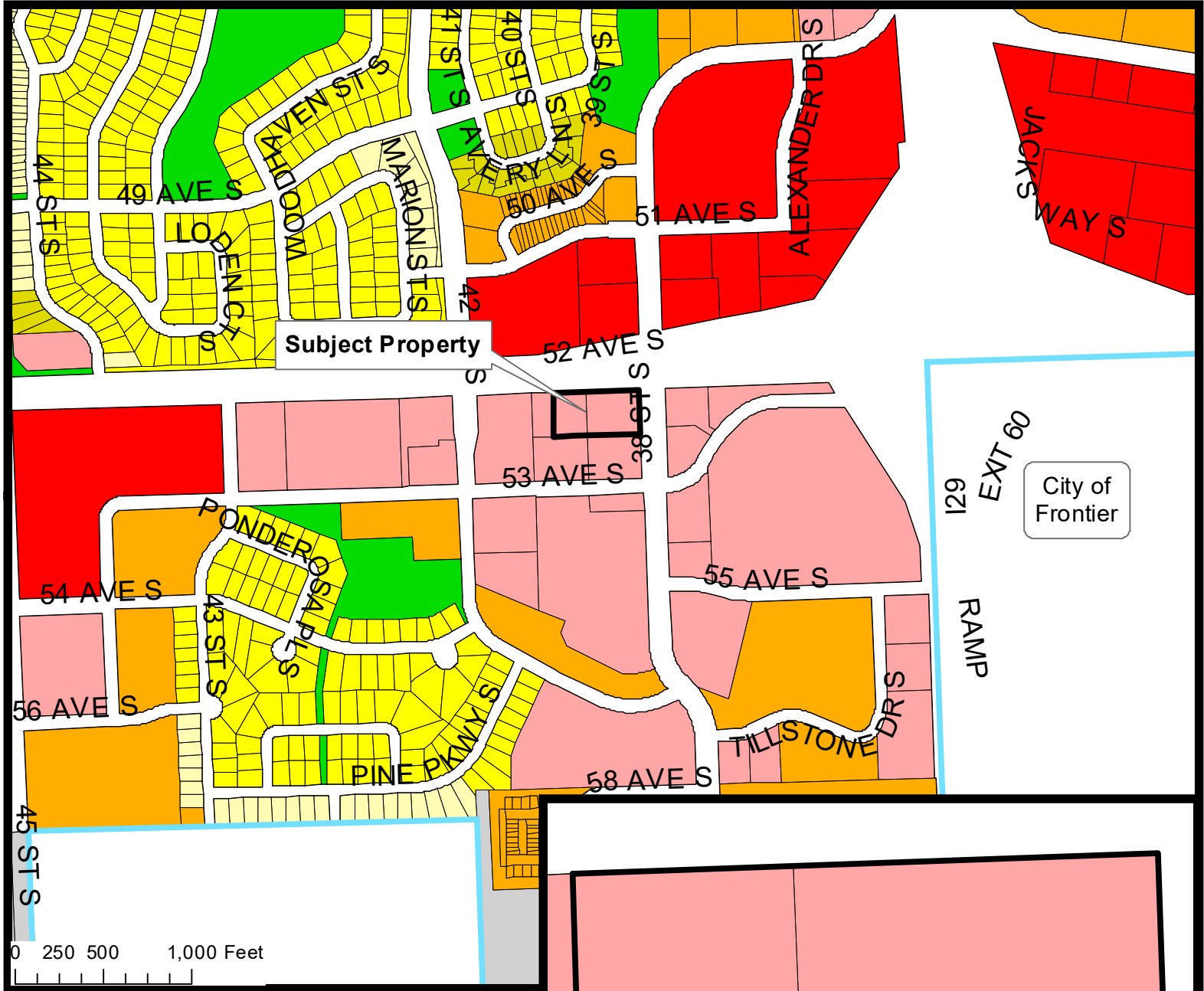
While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure 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 principals. **(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, Simonson Companies Fourth Addition as outlined within the staff report, as the proposal complies with the adopted 2024 Fargo Growth 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:
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Preliminary Plat

Minor Subdivision

Simonson Companies Fourth Addition

3971 53rd Avenue South and
5237 38th Street South



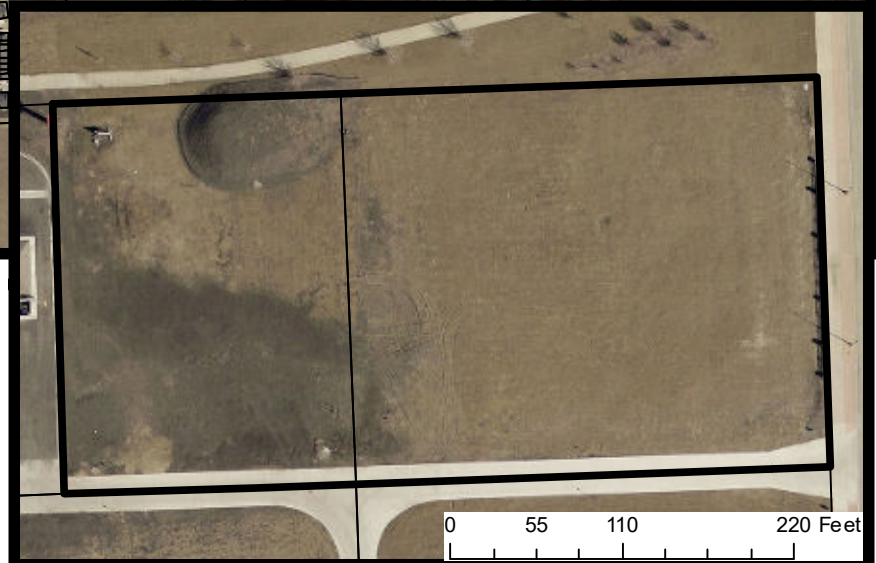
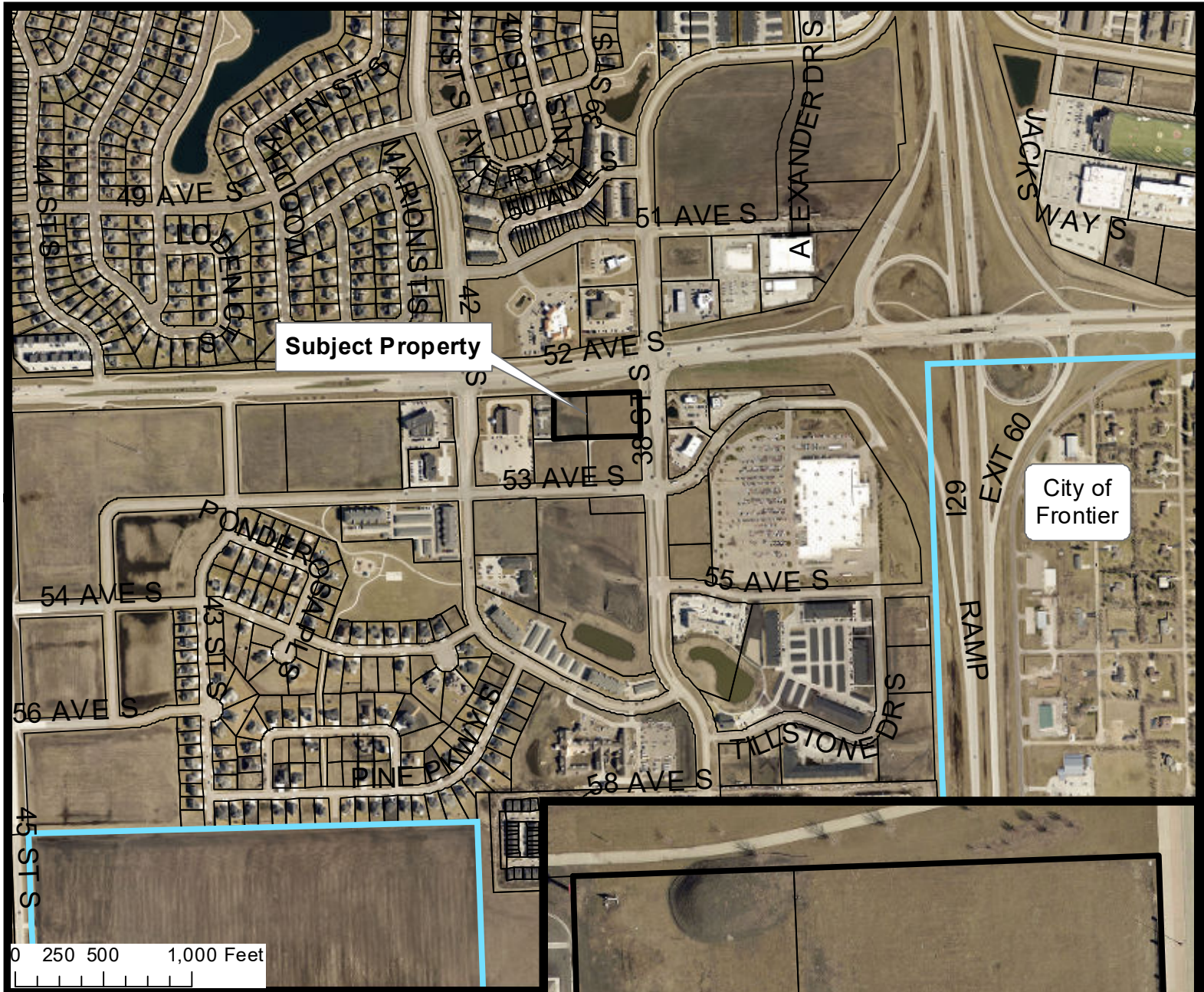
Legend

AG	DMU	LC	MHP	SR-2
GC	GO	MR-1	NC	SR-3
GO	MR-2	MR-3	PI	SR-4
			UMU	SR-5
				City Limits

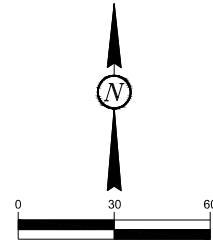
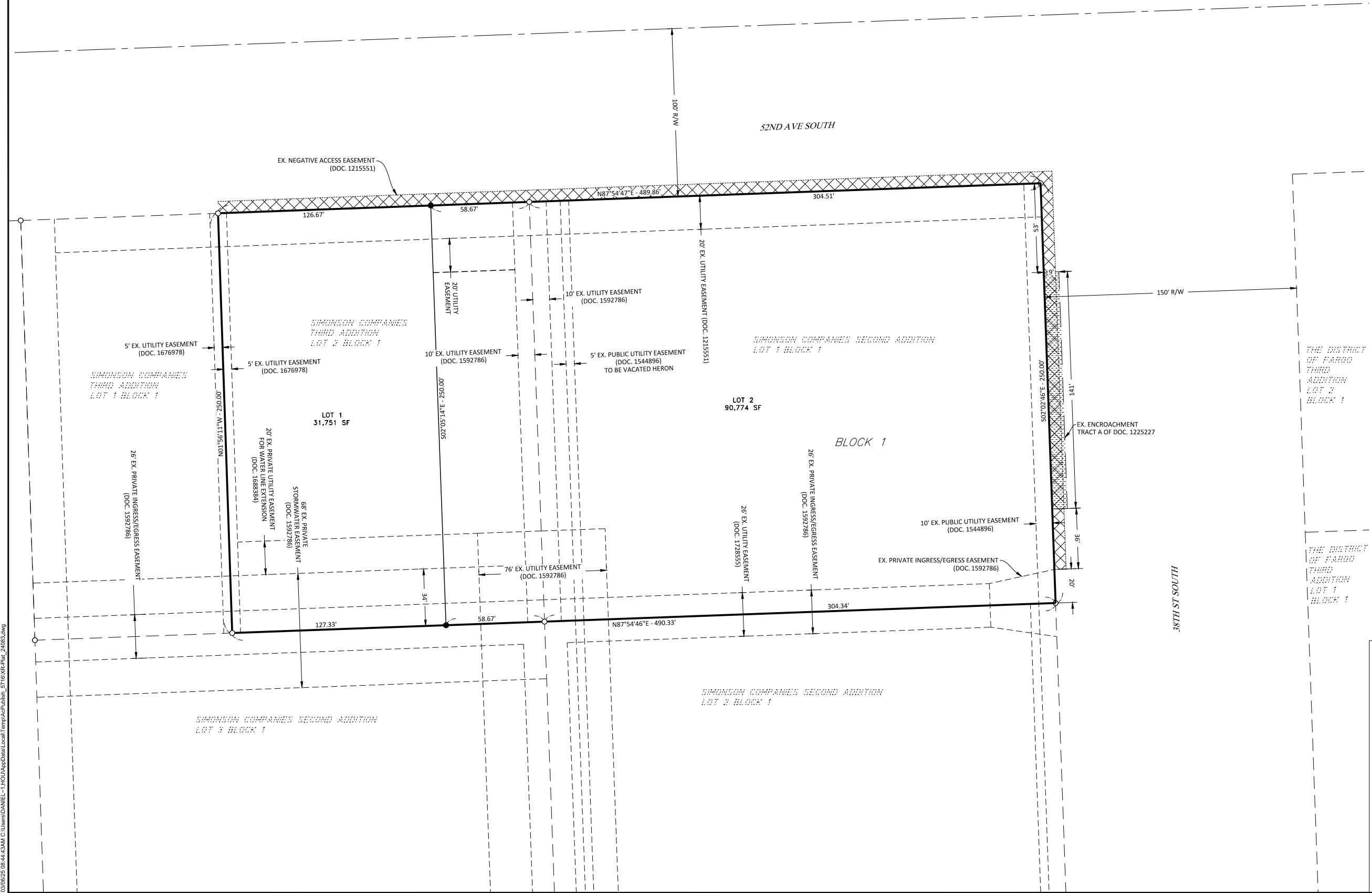
Minor Subdivision

Simonson Companies Fourth Addition

3971 53rd Avenue South and
5237 38th Street South



A MINOR SUBDIVISION PLAT OF
SIMONSON COMPANIES FOURTH ADDITION
A REPLAT OF LOT 2, BLOCK 1, SIMONSON COMPANIES THIRD ADDITION, AND LOT 1, BLOCK 1, SIMONSON COMPANIES SECOND ADDITION,
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



- LEGEND**
- MONUMENT SET
 - MONUMENT FOUND
 - - - EX. EASEMENT
 - - - EX. PROPERTY LINE
 - - - EX. SECTION LINE
 - PROPERTY BOUNDARY LINE
 - NEW ROW/PROPERTY LINE
 - - - NEW EASEMENT LINE
 - XXXXXX EX. NEGATIVE ACCESS EASEMENT
 - XXXXXX EX. ENCROACHMENT
- SURVEY INFORMATION**
- DATE OF SURVEY: 05-13-2022
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992
BENCHMARK USED: TOP NUT OF HYDRANT ON SOUTH SIDE OF LOT 2 BLOCK 1 OF SIMONSON SECOND ADDITION, ELEVATION = 910.51

- NOTES**
1. A NEGATIVE ACCESS EASEMENT IS AN EASEMENT WHICH DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

LOWRY
ENGINEERING
5306 51ST AVE S - SUITE A
FARGO, NORTH DAKOTA 58103

A MINOR SUBDIVISION PLAT OF
SIMONSON COMPANIES FOURTH ADDITION
A REPLAT OF LOT 2, BLOCK 1, SIMONSON COMPANIES THIRD ADDITION, AND LOT 1, BLOCK 1, SIMONSON COMPANIES SECOND ADDITION,
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT ARCH SIMONSON OF SIMONSON COMPANIES, LLC, IS THE OWNER OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A REPLAT OF LOT 2, BLOCK 1, SIMONSON COMPANIES THIRD ADDITION, AND LOT 1, BLOCK 1, SIMONSON COMPANIES SECOND ADDITION, TO THE CITY OF FARGO.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS SIMONSON COMPANIES FOURTH ADDITION TO THE CITY OF FARGO, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 2 LOTS AND 1 BLOCK, AND CONTAINS 2.81 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

SIMONSON COMPANIES, LLC
BY: ARCH SIMONSON
ITS: PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS DAY OF , 20 , BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ARCH R. SIMONSON, PRESIDENT OF SIMONSON COMPANIES, LLC, 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
MY COMMISSION EXPIRES:

SURVEYORS 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 PLAT AS SIMONSON COMPANIES FOURTH ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS 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 , 20 .

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND LS-7513

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS DAY OF , 20 , BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. 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

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF , 20 .

TOM KNAKMUHS, P.E.
CITY ENGINEER

STATE OF)
COUNTY OF)SS

ON THIS DAY OF , 20 , BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, P.E. FARGO CITY ENGINEER, 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: STATE:
MY COMMISSION EXPIRES:

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF , 20 .

TIMOTHY J MAHONEY
MAYOR

STEVEN SPRAGUE
CITY AUDITOR

STATE OF)
COUNTY OF)SS

ON THIS DAY OF , 20 , BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J MAHONEY, MAYOR, 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: STATE:
MY COMMISSION EXPIRES:

STATE OF)
COUNTY OF)SS

ON THIS DAY OF , 20 , BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN SPRAGUE, CITY AUDITOR, 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: STATE:
MY COMMISSION EXPIRES:

CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS DAY OF , 20 .

MARANDA R TASA
CHAIRMAN

STATE OF)
COUNTY OF)SS

ON THIS DAY OF , 20 , BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARANDA R TASA, CHAIRMAN, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: STATE:
MY COMMISSION EXPIRES:

Agenda Item #	4
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City of Fargo Staff Report			
Title:	Golden Valley 6 th Addition	Date:	March 25, 2025
Location:	6788 27 Street South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	Lot 11, Block 1 Golden Valley Sixth Addition		
Owner(s)/Applicant:	Jordahl Custom Homes	Engineer:	Houston Engineering
Entitlements Requested:	Zoning Change (from SR-4, Single Dwelling Residential to SR-5, Single Dwelling Residential)		
Status:	Planning Commission Public Hearing: April 1, 2025		

Existing	Proposed
Land Use: Residential	Land Use: Residential
Zoning: SR-4, Single Dwelling Residential	Zoning: SR-5, Single Dwelling Residential
Uses Allowed: Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
Maximum Density: 12.1 units per acre	Maximum Density: 14.5 units per acre

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. Zone Change from SR-4, Single Dwelling Residential to SR-5, Single Dwelling Residential. <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>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: Single Family Residence, Zoned SR-4 • East: Single Family Residence, Zoned SR-4 • South: Single Family Residence, Zoned SR-2 • West: Single Family Residence, Zoned SR-4
Area Plans:
<p>The subject property is designated as SR-4, Single Dwelling Residential and located within the Davies Neighborhood. The 2024 Fargo Growth Plan designates this area as a Suburban Neighborhood place type with primary uses listed as small to medium lot, single-family detached housing, townhomes (with limited massing up to four units per building), duplex, triplex, quadplex, ADU's, places of worship, schools, daycare centers, and home office. The proposed SR-5 zoning is consistent with these land use and place types.</p>

Context:

Neighborhood: The subject property is located within the Davies Neighborhood.

Schools: The subject property is located within the Fargo school district, specifically in the Centennial Elementary, Discovery Middle, and Davies High Schools.

Parks: The subject property is located approximately 0.21 miles from Golden Valley Park (6977 Golden Valley Parkway South) and 0.5 miles from the Davies Recreational Pool (7150 25 Street South). Amenities at Golden Valley Park include basketball court, grill, picnic table, two playgrounds, and a shelter. Amenities at Davies Recreational Pool include outdoor pools and waterslide, restrooms, and concessions.

Pedestrian / Bicycle: A shared-use path, located along 67th Avenue South (approximately 0.07 miles north of the subject property) connects to a shared-use path along 25th Street South, providing connected access to Davies High School and Davies Recreational Pool and the metro path system.

Transit: There are no MATBUS Routes near the subject property. The closest MATBUS Route, is Route 18, which stops at the 52nd Ave. Walmart (approximately 2.5 miles from the subject property)

Staff Analysis:

The Lands Development Code allows for a maximum density of 12.1 units per acre in SR-4 zoned districts and a maximum density of 14.5 units per acre in SR-5 zoned districts.

The property is currently zoned SR-4, Single Dwelling Residential. The density allowed on this 0.90 acre lot by the current SR-4 zoning is 10.89 dwelling units, which means a maximum of 10 units, as fractional numbers of units are always rounded down to the closest whole number. The applicant proposed rezoning to SR-5, which would allow 13 units to be built on the property. The preliminary site plan provided by the applicant proposes 11 units.

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?**

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-4, Single-Dwelling Residential. The proposed SR-5, Single-Dwelling Residential, zoning is consistent with the "Suburban Neighborhood" land use designation of the 2024 Growth Plan. The change in zoning will allow the developer to construct an additional three residential units on this property. **(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?**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site.

(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. To date, Planning staff has received and responded to one inquiry about the project. 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 2024 Growth Plan, and other adopted policies of the City. **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed zoning map amendment from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential, for Lot 11, Block 1, **Golden Valley Sixth Addition**, as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 1, 2025

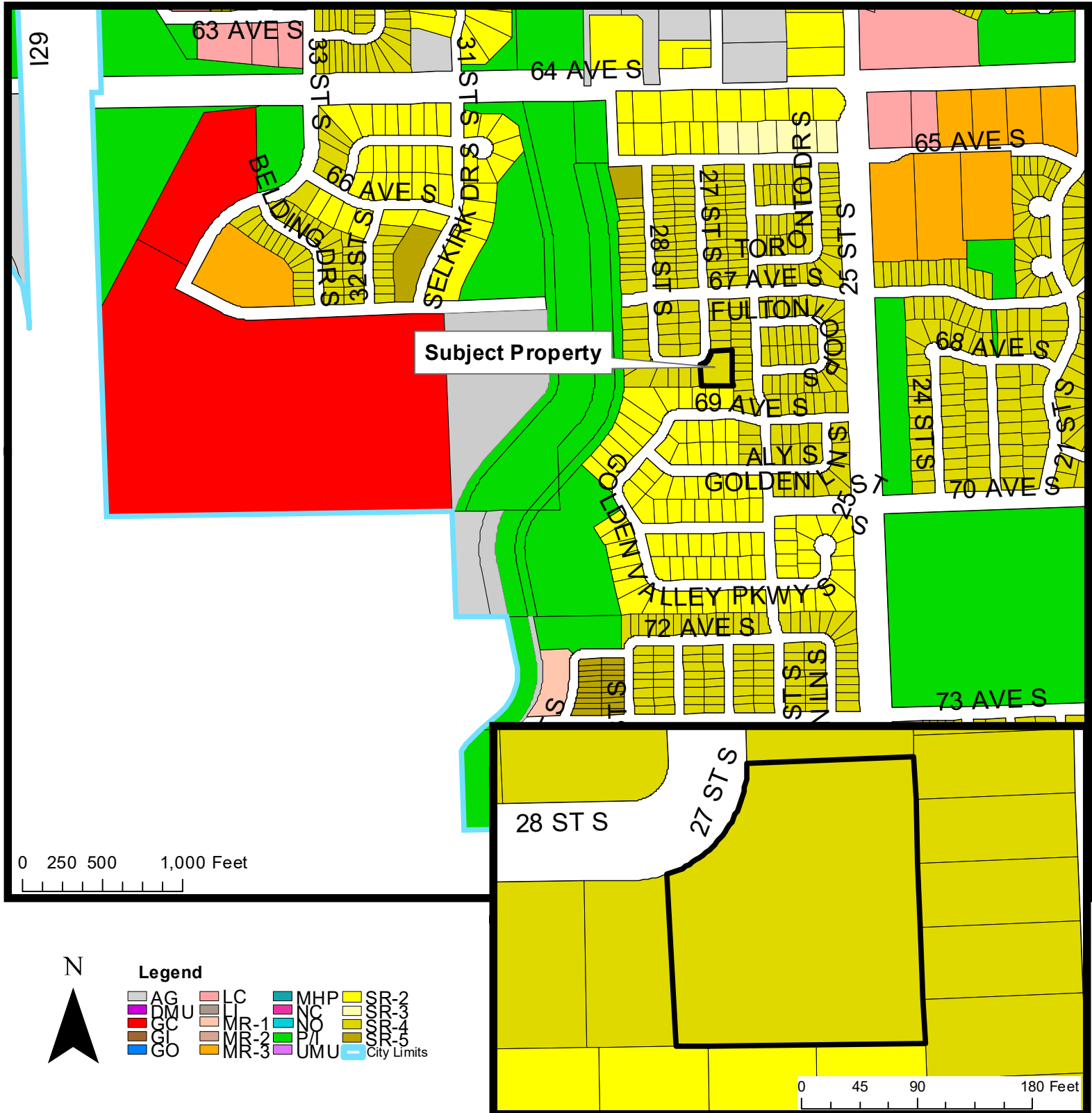
Attachments:

1. Zoning Map
2. Location Map
3. Public Comments

Zone change from SR-4, Single-Dwelling Residential to SR-5, Single Dwelling Residential

Golden Valley 6th Addition

6788 27th Street South



Chelsea Levorsen

From: Paul Kochmann
Sent: Friday, March 21, 2025 7:29 PM
To: Chelsea Levorsen
Subject: Golden Valley 6th Addition

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

Hi Chelsea,

Thank you for taking the time to show me the plot drawing and rendering of future project on Lot 11 Block 1 Golden Valley Sixth Addition. My wife and I will be moving into our new home at 2721 69th Ave South on May 15th which a small portion of the northeast corner of our lot will be adjacent to lot 11. After reviewing the drawings I approve of the application request of Zoning Change from SR-4, Single Dwelling residential to SR-5, Single-Dwelling Residential on Lot 11, Block 1, Golden Valley Sixth Addition.

Sincerely

Paul Kochmann
Sent from my iPad

City of Fargo Staff Report			
Title:	Goodman's Subdivision	Date:	03/26/2025
Location:	3501 and 3511 Main Avenue	Staff Contact:	Luke Morman, Planner
Legal Description	Lots 15-17, Goodman's Subdivision		
Owner(s)/Applicant:	3222, LLC/Century Builders	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit (for an Alternative Access Plan to allow shared parking and reduced parking in the GC, General Commercial zone)		
Status:	Planning Commission Public Hearing: April 1, 2025		

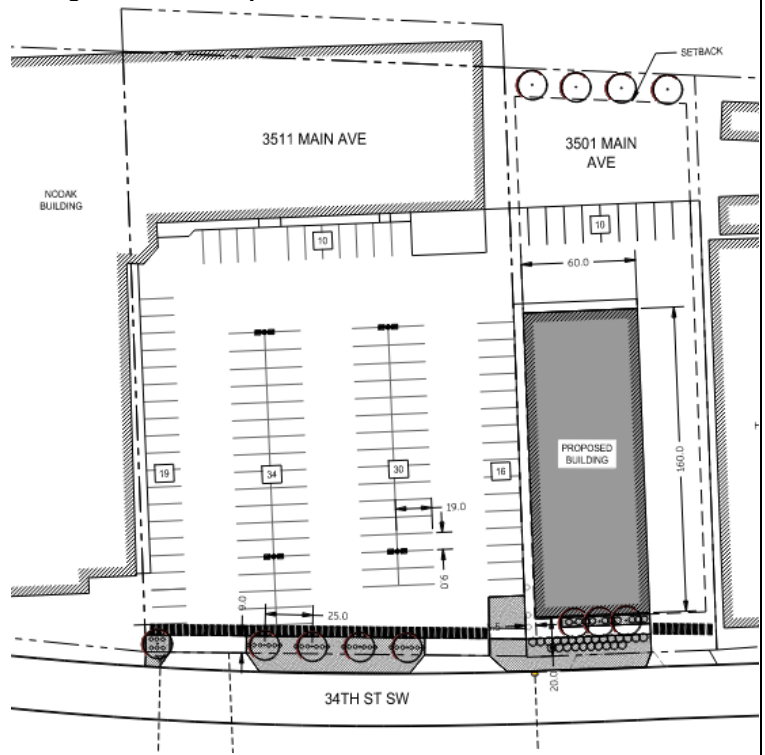
Existing	Proposed
Land Use: Retail sales and service, religious institution, and vacant	Land Use: Commercial
Zoning: GC, General Commercial	Zoning: Unchanged.
Uses Allowed: GC allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunication facilities.	Uses Allowed: Unchanged
Maximum Lot Coverage: Maximum 85% building coverage	Maximum Lot Coverage: No change

Proposal:

The applicant requests a **Conditional Use Permit (CUP)** for an Alternative Access Plan to allow shared parking and reduced parking in the GC, General Commercial zoning district.

The applicant proposes one new building on 3501 Main Ave (east) to share the existing and new parking with the 3511 Main Ave (west) property, which is already developed. In addition to the shared parking, a parking analysis was provided to justify a parking reduction from the LDC standard requirements based on the offset business hours. The existing building includes a religious institution and retail sales and service uses. The applicant is proposing the new building to be a shell for retail sales and service uses. Although the 3511 Main Ave building is attached to the 3515 Main Ave building to the west (NODAK building), they are not accessible through the interior. This CUP is only for 3511 Main Ave and 3501 Main Ave to have shared and reduced parking. New construction and future changes of use will need to go through the permit process where it will be reviewed for compliance with the Land Development Code.

Figure 1: Preliminary Site Plan



Currently, the existing parking lot on 3511 Main Ave has 117 parking spaces, however, the applicant will be removing some pavement that is currently encroaching into the public right-of-way and accounting for parking lot buffers within the scope of work for this project. The pavement removal reduces the amount of parking on this lot but the net change with the proposal on 3501 Main Ave will give the properties an overall increase to 119 total parking spaces. The LDC parking requirements are based on seats for the religious institution and square footage for the retail sales and service uses. The religious institution has 144 seats requiring 58 parking spaces. The retail portion is 12,900 square feet requiring 52 parking spaces. 3501 Main Ave's proposed building will be retail with 9,600 square feet requiring 38 parking spaces. In total, the LDC requires 148 parking spaces and the proposed layout provides 119 parking spaces (109 existing spaces and 10 new spaces). This is a reduction of 29 spaces or 19.6% from the LDC.

The applicant provided the table below (Exhibit A) to display the offset hours of operation for each use based on the day of the week and time of day. The table lists the amount of LDC required parking spaces when each business is open.

Exhibit A: Required Parking per LDC by Business Hours

Use (Business)	Business Hours																				
	Sun			Mon			Tue			Wed			Thu			Fri			Sat		
	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E
M= Morning, A= Afternoon, E= Evening	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E
Religious Institution (The Door) Sun 11:00 am - 8:00 pm Wed 7:00 pm - 8:00 pm	58	58	58	0	0	0	0	0	0	0	0	58	0	0	0	0	0	0	0	0	0
Retail Sales (Summit Fire Protection) Mon-Fri 7:00 am - 4:00 pm	0	0	0	52	52	0	52	52	0	52	52	0	52	52	0	52	52	0	0	0	0
Retail Sales (New) Mon-Sat 8:00 am - 5:00 pm (Projected)	0	0	0	38	38	0	38	38	0	38	38	0	38	38	0	38	38	0	38	38	0
Total Spaces Required	58	58	58	90	90	0	90	90	0	90	90	58	90	90	0	90	90	0	38	38	0
Total Spaces Available	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119
Excess Spaces	61	61	61	29	29	119	29	29	119	29	29	61	29	29	119	29	29	119	81	81	119

Maximum required spaces: 90

As stated in the applicant's Parking Narrative, "the religious institution operates primarily on Sundays, with minimal demand during weekdays. The retail sales uses, both existing and proposed, operate during weekdays, with lower demand during weekends." Exhibit A shows the highest parking usage is Monday through Friday between approximately 7am and 5pm due to the existing and proposed retail businesses. With this analysis, the City of Fargo's Traffic Engineer determined the reduction was sufficient based on the differing hours of operation between the religious institution and retail sales and service uses.

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: GC, General Commercial, with BNSF railroad.
- East: GC, General Commercial, with retail sales and service, vehicle repair, and self-service storage.
- South: across Main Ave, LI, Limited Industrial, with warehouse and retail sales and service.
- West: GC, General Commercial, with retail sales and service.

Area Plans:

Fargo's Growth Plan 2024 was adopted on August 19th, 2024. This project is consistent with the place type designation of Transitional Industrial/Commercial for this property.

Context:

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

Neighborhood: The subject property is not located within an identified Neighborhood.

Parks: Metro Rec Center (1603 3rd Avenue North) is approximately one quarter of a mile to the east of the subject property. This facility provides an indoor turf field for activities such as archery or a soccer field.

Pedestrian / Bicycle: There are no paths adjacent to the subject property. A sidewalk is intended to be put in on the south side of the subject properties in the future.

Bus Route: MATBUS Route 20 runs along 34th Street South and 4th Avenue South (bus stop at the southeast intersection of these streets).

Staff Analysis:

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. 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 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 believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. Staff is proposing conditions which would address potential negative impacts of the proposed shared parking and reduction but the conditions also allow the public to utilize the convenience of future businesses.

(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 that 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 CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received no comments in response to this project.

(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 does not believe that the location, size, nature or intensity of the shared parking and reduction will prevent development and use of neighboring properties in accordance with applicable zoning districts. The parking study provided by the applicant lays out the business hours for both existing and proposed uses and calculates the parking requirements based on the LDC for each use during business hours. These findings showed that the peak demand at any time would require a maximum of 90 parking spaces, which is less than the 119 proposed on site.

(Criteria Satisfied)

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

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. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that 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 been developed prior to the implementation of the LDC in 1998. With the proposed development, the applicant is going to address some of the existing right-of-way pavement encroachments and restore more greenspace to both properties. The existing driveways will remain on 3511 Main Ave and there will be a new driveway provided on 3501 Main Ave, meeting the LDC driveway spacing requirements of Section 20-0702. The Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets

(Criteria Satisfied)

Recommended Conditions:

1. A minimum of 119 parking spaces shall be provided on the subject properties.
2. Future permits are generally consistent with the site plan provided in the April 1st, 2025 Planning Commission packet. Changes may require review by the Planning Commission as determined by Planning staff.
3. If the uses or their hours of operation change from what is outlined in the provided parking narrative, then the updated information will be required to be reviewed and approved by the City of Fargo Traffic Engineer and Planning Commission as determined by Planning staff.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval of the conditional use permit for an Alternative Access Plan to allow shared parking and reduced parking in the GC, General Commercial zoning district on Lots 15-17, **Goodman's Subdivision** as presented, as the proposal complies with the 2024 Growth Plan, Standards of Section 20-0909.D, and all other applicable requirements of the LDC, with the following conditions:

1. A minimum of 119 parking spaces shall be provided on the subject properties.
2. Future permits are generally consistent with the site plan provided in the April 1st, 2025 Planning Commission packet. Changes may require review by the Planning Commission as determined by Planning staff.
3. If the uses or their hours of operation change from what is outlined in the provided parking narrative, then the updated information will be required to be reviewed and approved by the City of Fargo Traffic Engineer and Planning Commission as determined by Planning staff.

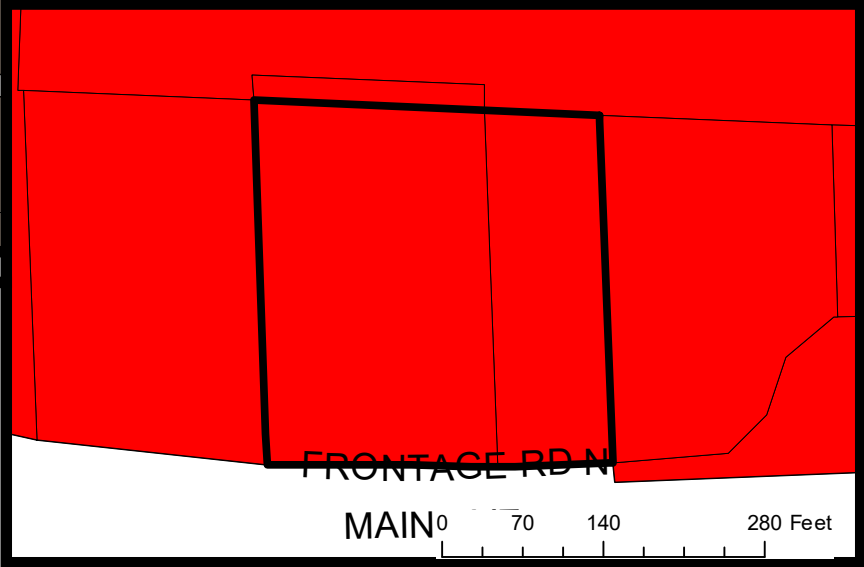
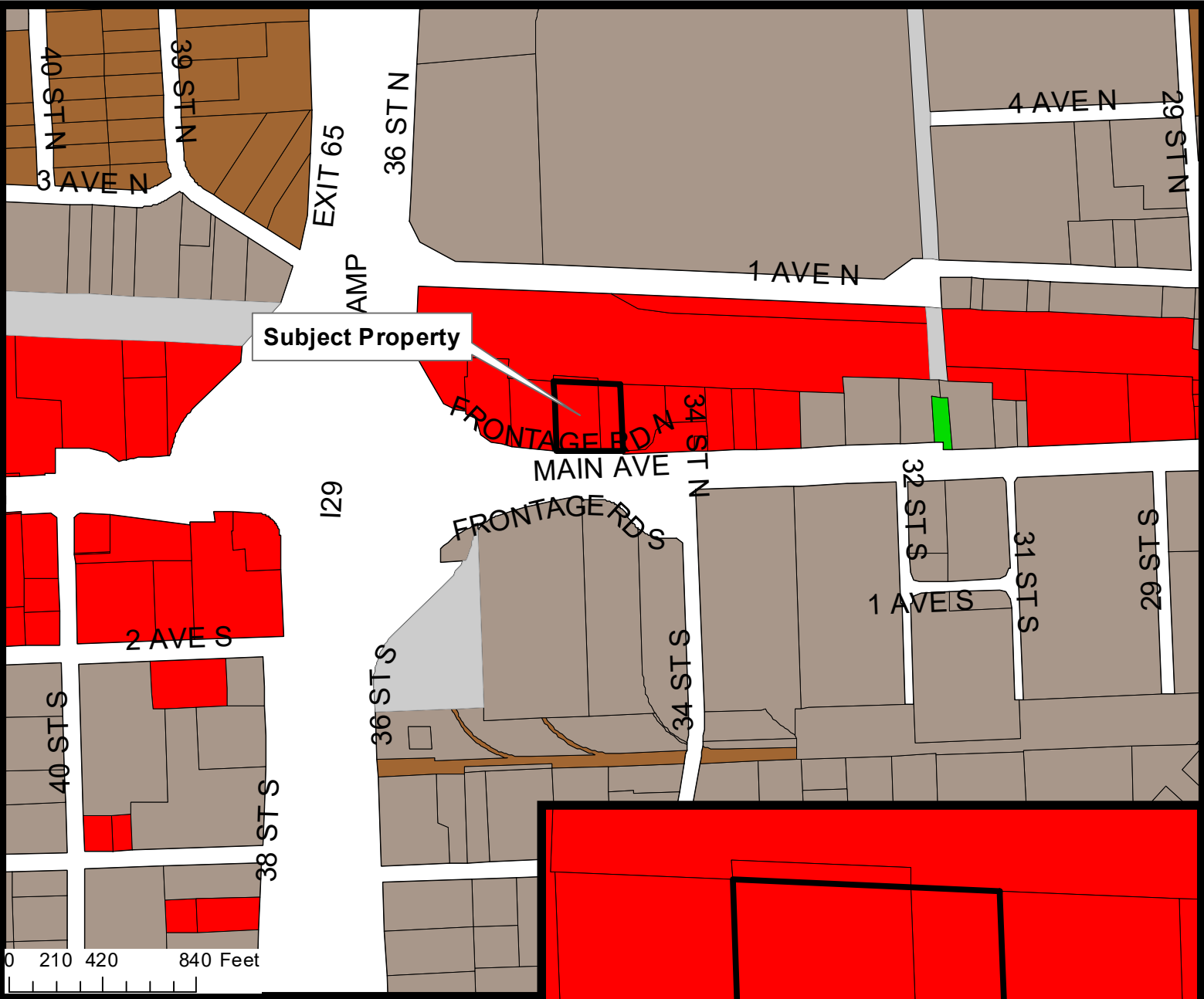
Attachments:

1. Zoning Map
2. Location Map
3. Parking Narrative

CUP, Conditional Use Permit for an alternative access plan to allow shared parking and reduced parking

Goodman's Subdivision

3501 and 3511 Main Avenue



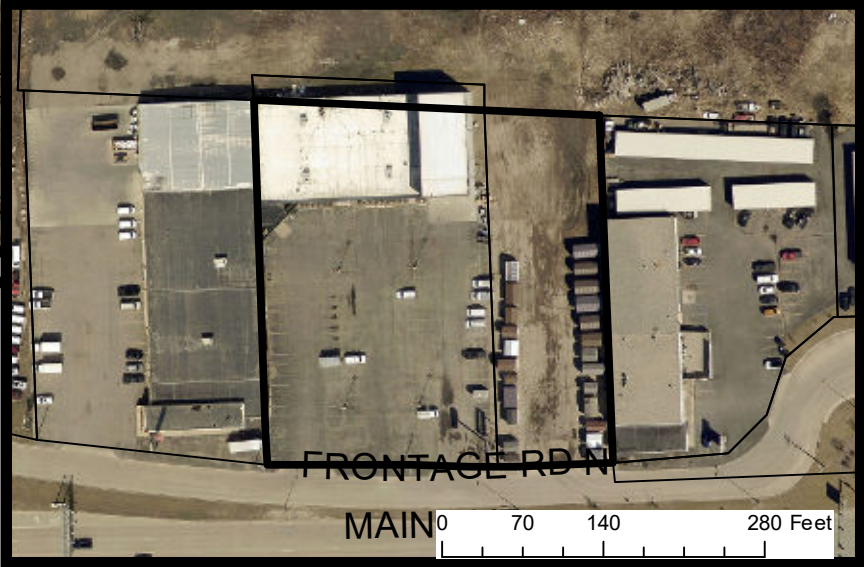
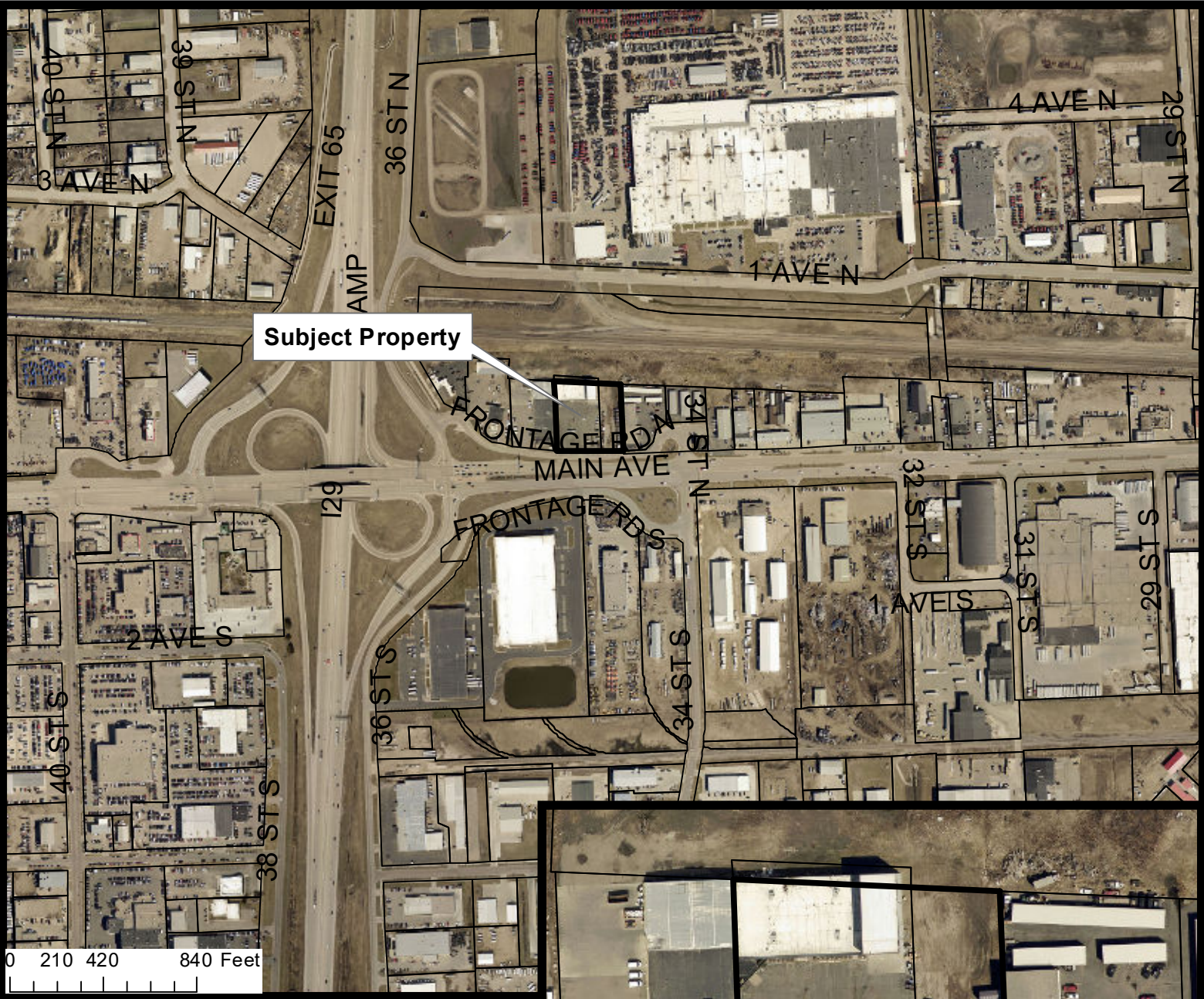
Legend

AG	DMU	LC	MHP	SSR-1
GG	CC	MR-1	DMU	SSR-2
GO	MR-2	MR-3	UMU	SSR-3
				SSR-4
				SSR-5
				City Limits

CUP, Conditional Use Permit for an alternative access plan to allow shared parking and reduced parking

Goodman's Subdivision

3501 and 3511 Main Avenue





Application Narrative

Project Name: Brand Place on Main

Address: 3501 and 3511 Main Ave

Owner/Applicant: 3222 LLC

Requested CUP: Alternative Access Plan for Shared and Reduced Parking

Revised: 3/5/2025

Introduction:

This narrative is provided to support the application for a Conditional Use Permit (CUP) for Alternative Access Plan for shared use parking and reduced parking requirements between the existing Religious Institution, Retail Sales uses, and a proposed new retail building on the adjacent property (3501 Main Ave). The purpose of this request is to allow for a more efficient use of the already available parking spaces on-site by permitting the shared use of parking between 3501 Main Ave and 3511 Main Ave and reducing the total number of spaces required for the development.

Existing Uses and Parking Requirements:**1. Religious Institution:**

The existing use of the property as a Religious Institution has a seating capacity of 144 seats. According to the applicable zoning ordinance, the required parking ratio for Religious Institutions is 0.4 parking spaces per seat. Therefore, the total parking required for the Religious Institution is calculated as follows:

- **144 seats x 0.4 = 58 total parking spaces required.**

2. Retail Sales:

The second existing use on the property is Retail Sales, with a total building area of 12,900 square feet (SF). The parking ratio for Retail Sales is typically 0.004 parking spaces per square foot of building area. Therefore, the total parking required for Retail Sales is calculated as follows:

- **12,900 SF x 0.004 = 52 total parking spaces required.**

Proposed New Retail Sales Building:

A proposed new retail building on the adjacent property is classified as Retail Sales, with a total area of 9,600 square feet (SF). Using the same parking ratio of 0.004 spaces per square foot, the parking required for this new retail building is calculated as follows:

- **9,600 SF x 0.004 = 38 total parking spaces**

required. Total Parking Demand:

- The combined total parking demand for all uses is as follows:
 - 58 spaces (Religious Institution)
 - 52 spaces (Existing Retail Sales)
 - 38 spaces (Proposed Retail Sales Building)
 - Total required parking spaces = 148 parking spaces.

However, only 109 parking spaces are currently provided on-site, after reducing the existing paving encroachments and installation of parking lot buffers. Additionally, the project proposed 10 additional spaces being added with the new construction.

Shared Use and Reduced Parking Proposal: The applicant proposes to utilize shared use parking between the Religious Institution, Existing Retail Sales, and the Proposed New Retail Sales Building, as well as a reduction in the overall parking requirements. The Religious Institution operates primarily on Sundays, with limited parking demand during the week. In contrast, the Retail Sales uses generate peak parking demand Monday through Friday, with significantly lower demand on weekends.

By permitting shared use parking, the simultaneous demand for all parking spaces would not occur, as the peak parking hours for each use do not overlap. This approach reduces the total parking required for the site, as the existing spaces can accommodate the varying needs of the Religious Institution and the Retail Sales uses. See Exhibit A: "Required Parking per LDC by Business Hours". The total parking requirement is thus reduced from 148 spaces to 119 spaces, which is sufficient to meet the needs of all uses through shared use and staggered peak demand. Since 119 parking spaces will exist on the property, the request for reduced parking would be limited to 29 spaces, or a 19.6% reduction, classifying the request as a Small Facilities Plan. Please reference the attached preliminary site plan for reference.

Anticipated Tenant Space Utilization:

It is anticipated that the actual building use for Retail Sales will not entirely encompass each tenant space. For example office use, leading to a further decrease in parking demands for both existing and future uses. This approach aligns with industry practices where tenant-specific parking requirements are adjusted based on the nature and scale of each tenant's operations.

Justification for Shared Use and Reduced Parking Requirements:

- **Time of Operation:** The Religious Institution operates primarily on Sundays, with minimal demand during weekdays. The Retail Sales uses, both existing and proposed, operate during weekdays, with lower demand during weekends.
- **Efficient Land Use:** Allowing shared use parking and reducing the overall parking requirement results in more efficient land use, reducing the need for additional parking infrastructure and maximizing the available space for development.
- **Parking Management:** A shared parking agreement will be implemented to ensure that parking spaces are properly managed and designated, with clear guidelines to ensure adequate parking availability during peak times.

The shared use parking proposal and reduced parking requirements provide a functional and efficient solution to meet the parking needs of the Religious Institution, Existing Retail Sales, and the Proposed New Retail Sales Building. By recognizing the different peak operating hours of the uses, the project will be able to optimize parking space usage while minimizing the total number of spaces required on-site.

For further information or inquiries, please contact:

A handwritten signature in black ink, appearing to read 'Brad Garcia', is positioned above the printed contact information.

Brad Garcia, PLA
Director of Planning & Design
701-970-9346 cell
3449 39th St S
Fargo, ND 58104
www.centurybuildersnd.com

Exhibit A: Required Parking per LDC by Business Hours

Use (Business)	Business Hours																				
	Sun			Mon			Tue			Wed			Thu			Fri			Sat		
	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E	M	A	E
M= Morning, A= Afternoon, E= Evening																					
Religious Institution (The Door)																					
Sun 11:00 am - 8:00 pm	58	58	58	0	0	0	0	0	0	0	0	58	0	0	0	0	0	0	0	0	0
Wed 7:00 pm - 8:00 pm																					
Retail Sales (Summit Fire Protection)																					
Mon-Fri 7:00 am - 4:00 pm	0	0	0	52	52	0	52	52	0	52	52	0	52	52	0	52	52	0	0	0	0
Retail Sales (New)																					
Mon-Sat 8:00 am - 5:00 pm (Projected)	0	0	0	38	38	0	38	38	0	38	38	0	38	38	0	38	38	0	38	38	0
Total Spaces Required	58	58	58	90	90	0	90	90	0	90	90	58	90	90	0	90	90	0	38	38	0
Total Spaces Available	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119
Excess Spaces	61	61	61	29	29	119	29	29	119	29	29	61	29	29	119	29	29	119	81	81	119

Maximum required spaces: 90

City of Fargo Staff Report			
Title:	Mickelson Fields Addition	Date: Update:	3/26/2025
Location:	875, 901, and 925 Oak Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 2, Block 1, Mickelson Fields Addition		
Owner(s)/Applicant:	Fargo Park District / Terra Consulting for AT&T Wireless	Engineer:	None
Entitlements Requested:	Conditional Use Permit (CUP) (to allow the TSS to exceed the maximum height requirements in the P/I, Public/Institutional zoning district on Lot 2, Block 1, Mickelson Fields Addition)		
Status:	Planning Commission Public Hearing: April 1st, 2025		
Existing		Proposed	
Land Use: Fargo Park District recreational facility		Land Use: No change	
Zoning: P/I, Public/Institutional		Zoning: No change	
Uses Allowed: P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, major entertainment events, basic utilities, and certain telecommunications facilities.		Uses Allowed: No change proposed	
Maximum Lot Coverage: depends on adjacent zoning districts		Maximum Lot Coverage: no change	
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Conditional Use Permit (CUP) (to allow the TSS to exceed the maximum height requirements in the P/I, Public/Institutional zoning district Lot 2, Block 1, Mickelson Fields Addition) <p>Note that the CUP is only for the land use. The applicant will have to go through the building permit process when they are ready to install the tower. Approval of the CUP is not approval of a building permit.</p> <p>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.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> North: P/I; baseball field East: P/I: flood control levee; multi-use path (east side of levee); and Red River South: SR-3, Single-Dwelling Residential with condominium units and detached dwellings. West: SR-3 Single Dwelling Residential ; SR-4 Single Dwelling Residential; MR-2 Dwelling Residential with multi-dwelling and detached residences 			
Context:			
Schools: The subject property is located within the Fargo School District, specifically within the Horace Mann/Roosevelt Elementary, Ben Franklin Middle and Fargo North High schools.			

Neighborhood: The subject property is located within the Horace Mann neighborhood.

Parks: The subject property is Mickelson Park and Softball fields, and includes the amenities of baseball/softball fields; concessions; grill; picnic table; playground, ages 5-12; recreational trails; restrooms; shelter - non-reservable; sledding hills; and warming houses.

Pedestrian / Bicycle: There is a multi-use path on the east side of the flood control levee that is part of the metro area trail system.

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

Staff Analysis:

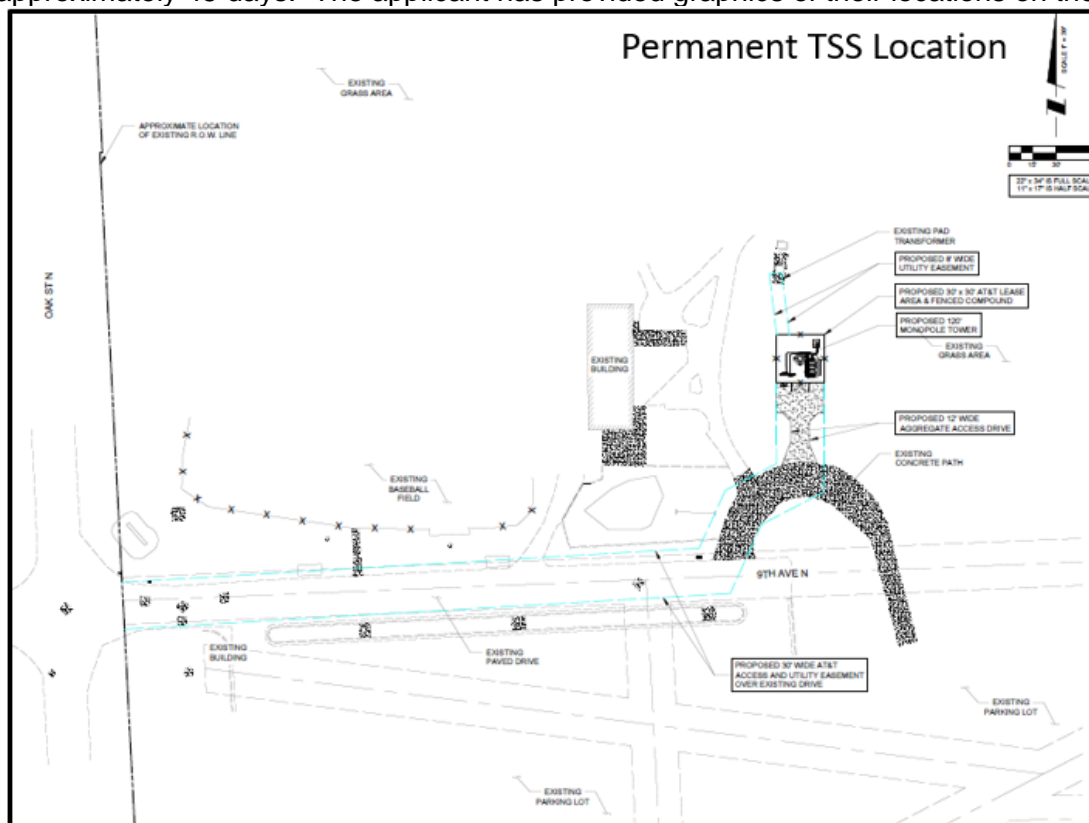
The applicant proposes a monopole telecommunications support structure (TSS) on the property 875, 901, and 925 Oak Street North. This property is zoned P/I, Public/Institutional. The proposed height of the TSS exceeds the 50 foot height allowed by right in the P/I zone but is not more than 125 feet in height. Section 20-0402.N.3.e of the LDC specifies that TSS's that exceed the maximum height for the P/I district but are not more than 125 feet in height are conditional uses. Specific findings are below.

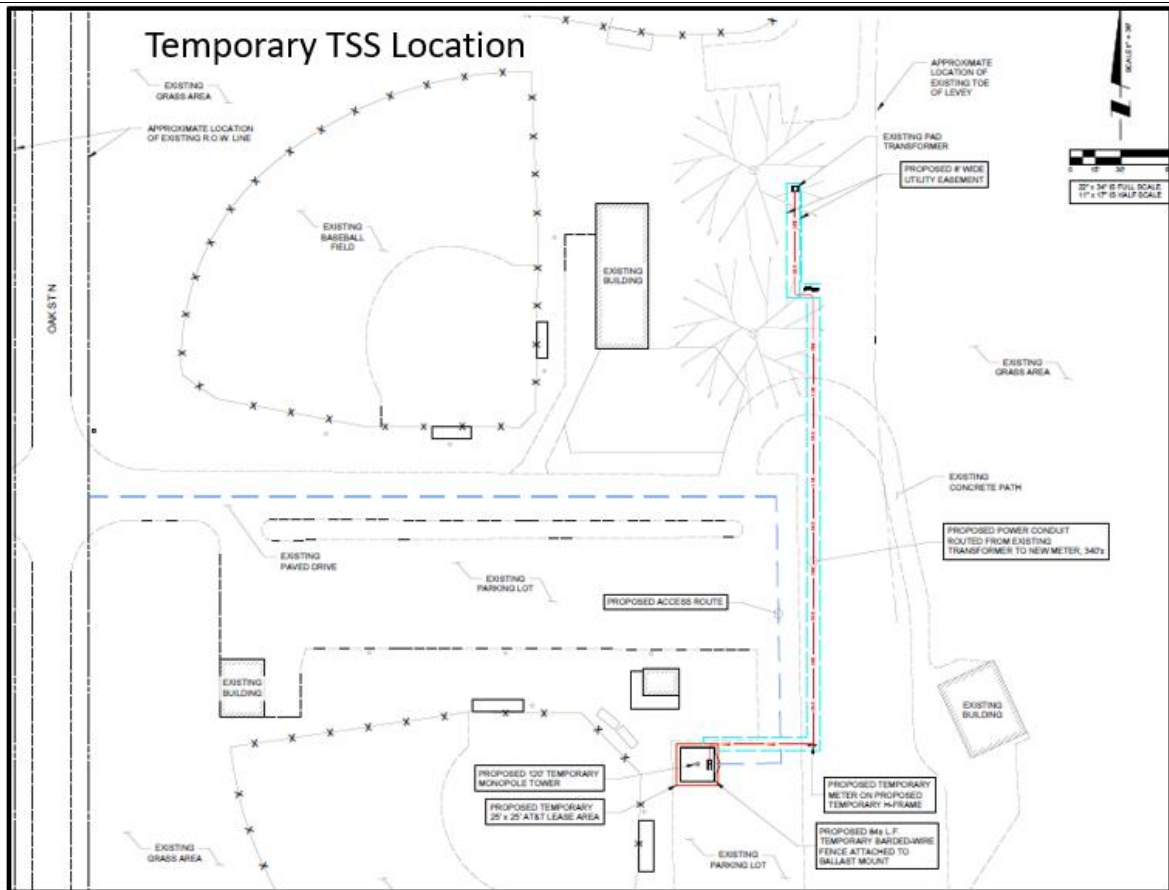
SUBJECT PROPERTY

The subject property is Mickelson Field, a Fargo Park District property. The Park District has an agreement with AT&T for this TSS, pending City approval of the CUP.

TEMPORARY AND PERMANENT TOWERS

The CUP will actually cover installation of two TSS's---a temporary one and a permanent one. The sites are on two different locations on the subject property. The applicant estimates that the two towers will overlap for approximately 45 days. The applicant has provided graphics of their locations on the site.





CORE NEIGHBORHOODS PLAN

The subject property is located in the Horace Mann Neighborhood, one of Fargo's core neighborhoods. The Core Neighborhoods Plan--Horace Mann Neighborhood Implementation Brief does not address location of telecommunications support structures.

Planning staff has directly contacted the Horace Mann Neighborhood Association about this project.

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?**

Telecommunications support structures (TSS's) that exceed the maximum height of 50 feet allowed in the P/I, Public/Institutional zone but do not exceed 125 feet in height are conditional uses in the P/I zone. The proposed TSS meets the applicable provisions of the LDC for such TSS's. The intent 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. Providing sufficient cellular telecommunications capacity is within the scope of protecting the general health, safety, and welfare of the citizens of Fargo.

(Criteria Satisfied)

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

The proposed TSS will improve cell phone coverage and service. The TSS will provide general cell service as well as be a part of FirstNet Emergency Response Initiative, a nationwide network that prioritizes communication for first responders during emergencies. This initiative ensures faster response times, better coordination, and filling coverage gaps.

(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, Planning staff has received and responded to several inquiries about the project. **(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 TSS installation consists of the tower itself and related ground equipment, all within a clearly defined, fenced lease area. The subject property is a Fargo Park District recreational facility. The permanent TSS will be located along the eastern side of the property, close to the flood control levee. The temporary TSS will be located in the parking lot of the recycling center. The proposed TSS meets the separation distance requirements of the LDC related to proximity to residentially-zoned property, parks, and public rights of way. The TSS creates no activity or traffic other than for occasional maintenance. It will not prevent the development or use of neighboring property. **(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 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 is a Fargo Parks facility with a private driveway access to Oak Street North. **(Criteria Satisfied)**

Findings Specific to TSS's that exceed the maximum height for TSS's by right in the zone, but that do not exceed 125 feet in height (Section 20-0402.N.3.e 1-5)

1. No TSS may be located closer than ½ mile from any existing and/or approved TSS's of over 125 feet in height, and ¼ mile from any existing and/or approved TSS's of 125 or less, as measured from the base of one TSS to the base of another.

The proposed TSS meets this requirement. The nearest TSS is an 89' foot tall TSS over 0.25 mile to the northwest.

(Criteria Satisfied)

2. The TSS shall have a co-location capability of at least one other telecommunications provider, unless stealth design considerations make co-location unfeasible as determined by the City Planner.

The applicant has stated that the proposed TSS can provide this co-location capability.

(Criteria Satisfied)

3. TSS's shall comply with such other conditions as determined by the Planning Commission.

Staff has no recommended conditions at this time. **(Criteria Satisfied)**

4. No TSS located in any non-residential zoning district may be located closer than 200 feet or two times the height of the TSS, whichever is greater, from any residentially zoned

property, as measured from the base of the TSS to the nearest such residentially zoned property line.

The proposed TSS meets this requirement.

(Criteria Satisfied)

- 5. (Not applicable to this project—relates to TSS's located in MR-multi-dwelling zoning districts)**

Recommended Motion

Suggested Motion: To accept the findings and recommendations of staff and approve the proposed conditional use permit to allow the TSS to exceed the maximum height requirements in the P/I, Public/Institutional zoning district on Lot 2, Block 1, Mickelson Fields Addition as presented, as the proposal complies with the Standards of Section 20-0909.D; 20-0402.N.3.e.1-5; and all other applicable requirements of the LDC.

Planning Commission Recommendation: April 1st, 2025

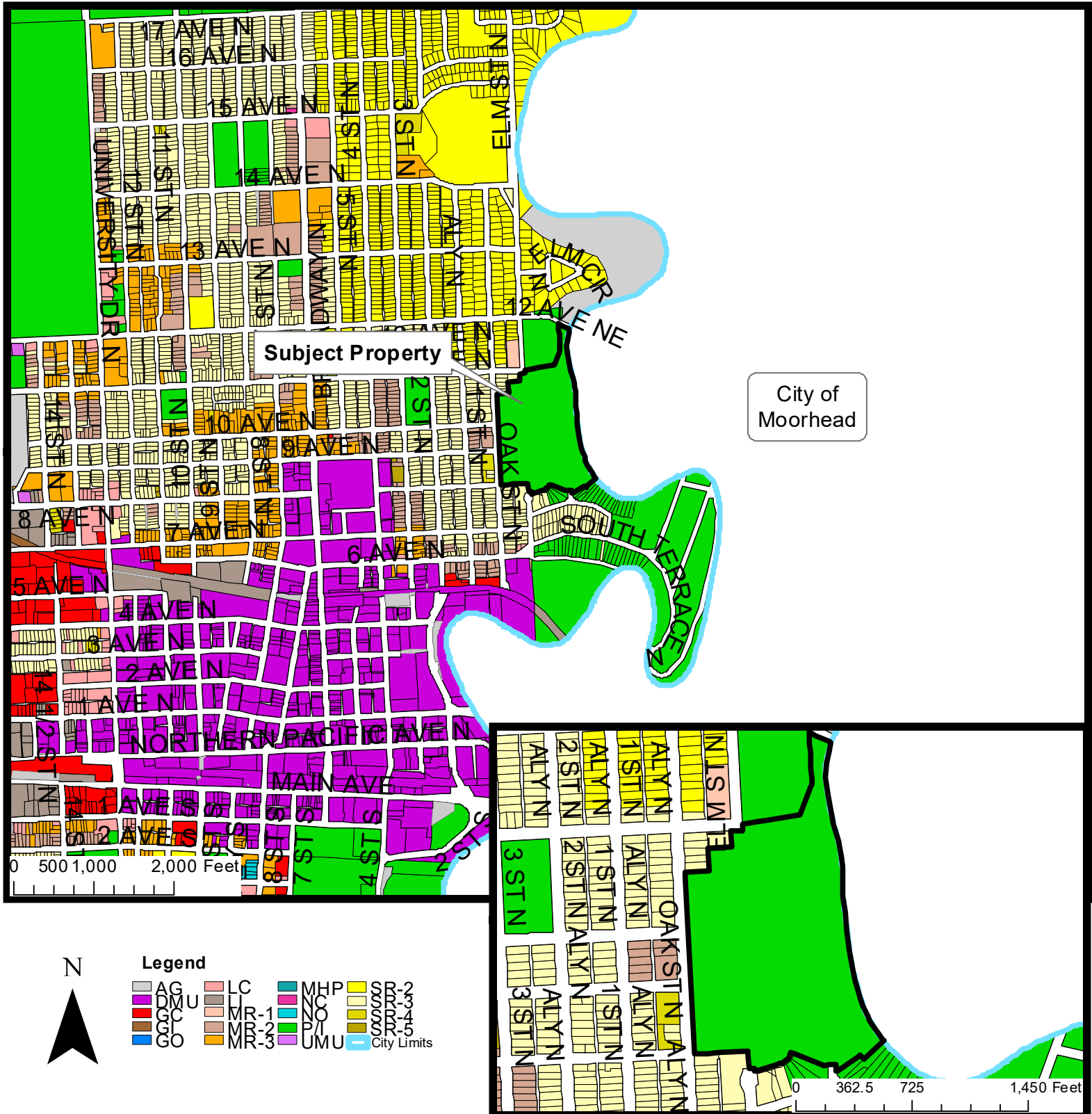
Attachments:

1. Zoning map
2. Location map
3. Site plan
4. TSS detail
5. Photo simulations of new proposed location

CUP, Conditional Use Permit to allow TSS to exceed the maximum height requirements in the P/I, Public & Institutional zoning district

Mickelson Fields Addition

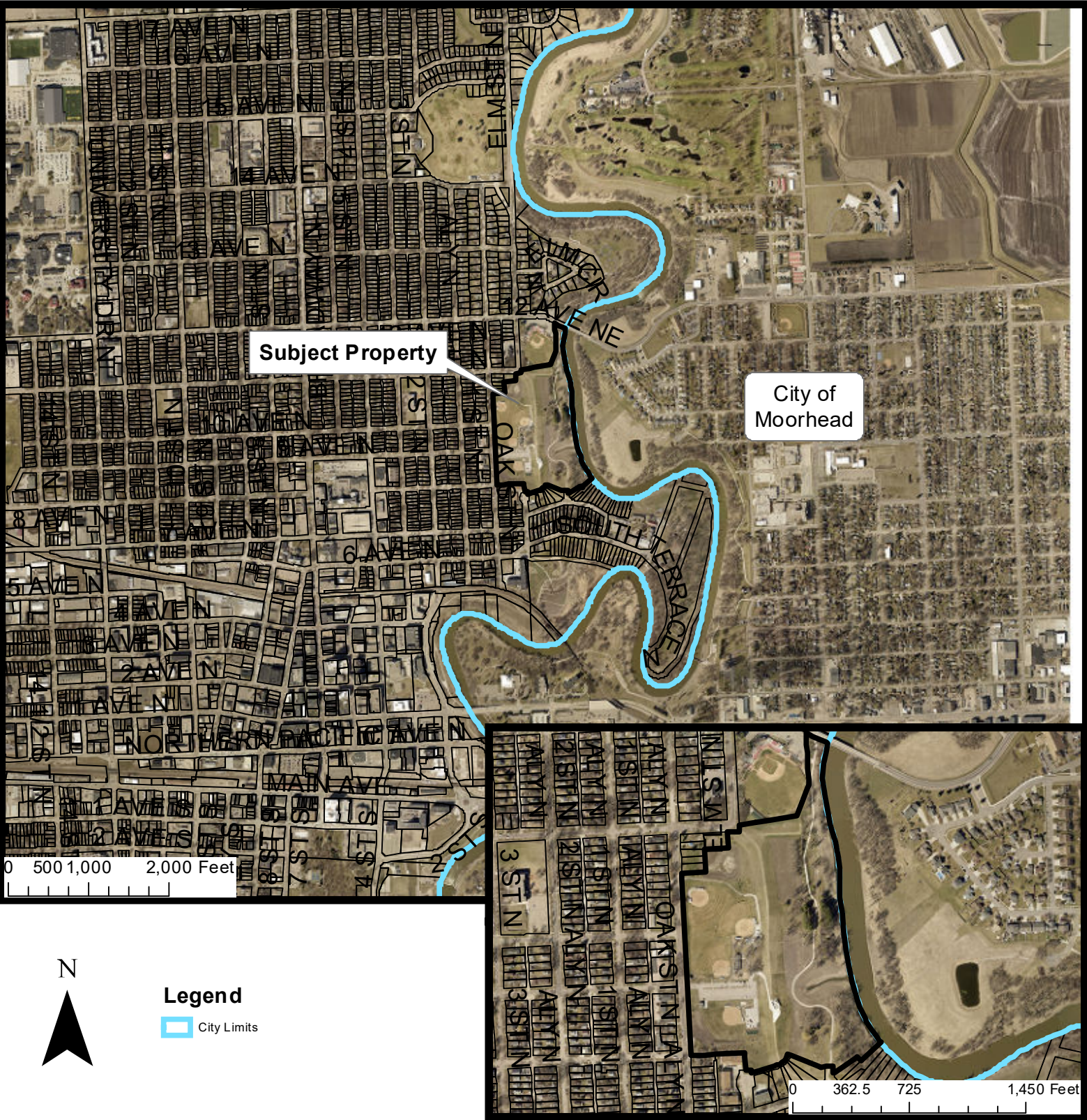
875, 901, and 925 Oak Street North



CUP, Conditional Use Permit to allow TSS to exceed the maximum height requirements in the P/I, Public & Institutional zoning district

Mickelson Fields Addition

875, 901, and 925 Oak Street North



SITE PLAN FOR TEMPORARY TSS

LEGEND

PROPERTY LINE

FENCE LINE

UNDERGROUND ELECTRIC

UNDERGROUND FIBER

UNDERGROUND TELCO

UNDERGROUND GAS LINE

OVERHEAD ELECTRIC

OVERHEAD FIBER

OVERHEAD TELCO

OVERHEAD UTILITY LINE

STORM SEWER LINE

SANITARY SEWER LINE

WATERMAIN LINE

BURIED GAS LINE

EDGE OF BUSH/TREES

BITUMINOUS

GRAVEL

X

X

UGE

UGF

UGT

GAS

OHE

OHF

OHT

OHE-OHF

W

g

g

g

THIS SITE PLAN WAS CREATED OFF OF FIELD MEASUREMENTS BY THE DESIGNER. AS BOUNDARY SURVEY WAS NOT SUPPLIED FOR PURPOSES OF SITE LAYOUT & UTILITY ROUTING.

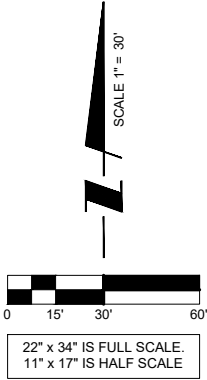
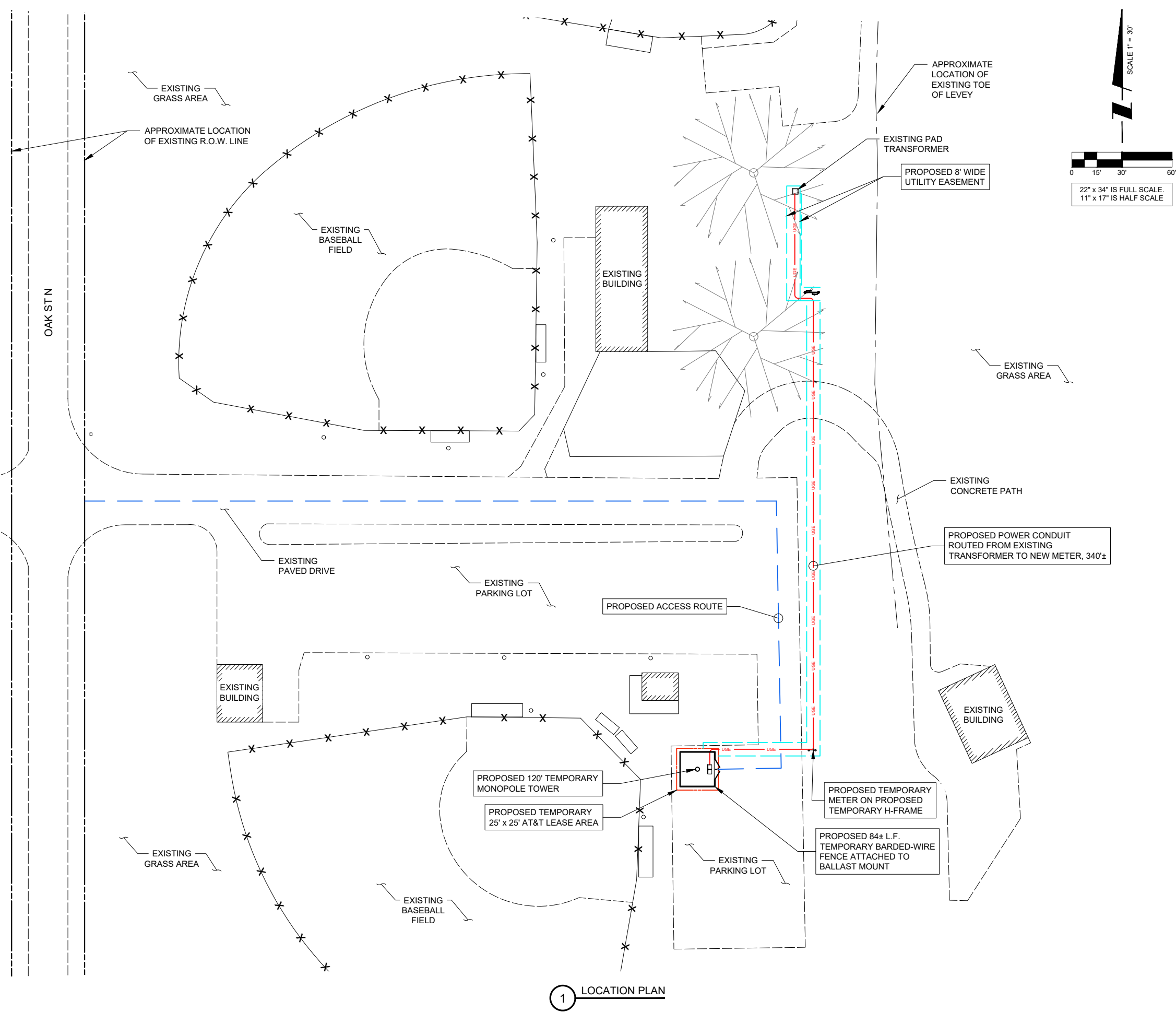


North Dakota One Call
811 or 800-795-0555

GENERAL SITE NOTES

1. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING PAVEMENT. CONTRACTOR SHALL PHOTOGRAPH AND VIDEOTAPE EXISTING PAVEMENT PRIOR TO CONSTRUCTION. ANY DAMAGE CAUSED DURING CONSTRUCTION SHALL BE REPLACED TO EXISTING OR BETTER CONDITION AT NO ADDITIONAL COST.
2. THE CONTRACTOR WILL, UPON BECOMING AWARE OF SUBSURFACE OR LATENT PHYSICAL CONDITIONS DIFFERING FROM THOSE DISCLOSED BY THE ORIGINAL SOIL INVESTIGATION WORK, PROMPTLY NOTIFY THE OWNER VERBALLY AND IN WRITING, AS TO THE NATURE OF THE DIFFERING CONDITIONS. NO CLAIM BY THE CONTRACTOR FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE PLANS AND SPECIFICATIONS AND DISCLOSED BY THE SOIL STUDIES WILL BE ALLOWED UNLESS THE CONTRACTOR HAS SO NOTIFIED THE OWNER, VERBALLY AND IN WRITING, AS REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.
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AT&T SURVEY AND SITE PLANS ARE PENDING RECORD LEASE AREA AND EASEMENT LOCATIONS. PROPOSED UTILITIES NEED TO BE ROUTED WITHIN RECORD ROUTES/EASEMENTS. UTILITY ROUTES SHOWN ARE PENDING THAT INFORMATION.



MasTec

Communications Group

MasTec Network Solutions, LLC Headquarters
806 Douglas Road, 11th Floor
Coral Gables, FL 33134 USA

TERRA

CONSULTING GROUP, LTD.
600 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401

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mobility corp.

7900 XERXES AVE S. SOUTH
3RD FLOOR
BLOOMINGTON MN. 55431

NO.	DESCRIPTION	DATE	BY
A	ISSUED FOR REVIEW	10/7/24	JAY
B	ISSUED FOR REVIEW	01/09/25	DM

NDFA HoraceMann

(CITY HALL)

NDL94930 (4G)

NDXN094930 (5G)

FA#: 16550613

901 OAK ST N

FARGO, ND 58102

DRAWN BY: JAY

CHECKED BY: DM

DATE: 10/3/24

PROJECT #: 219-061

SHEET TITLE

LOCATION PLAN

SHEET NUMBER

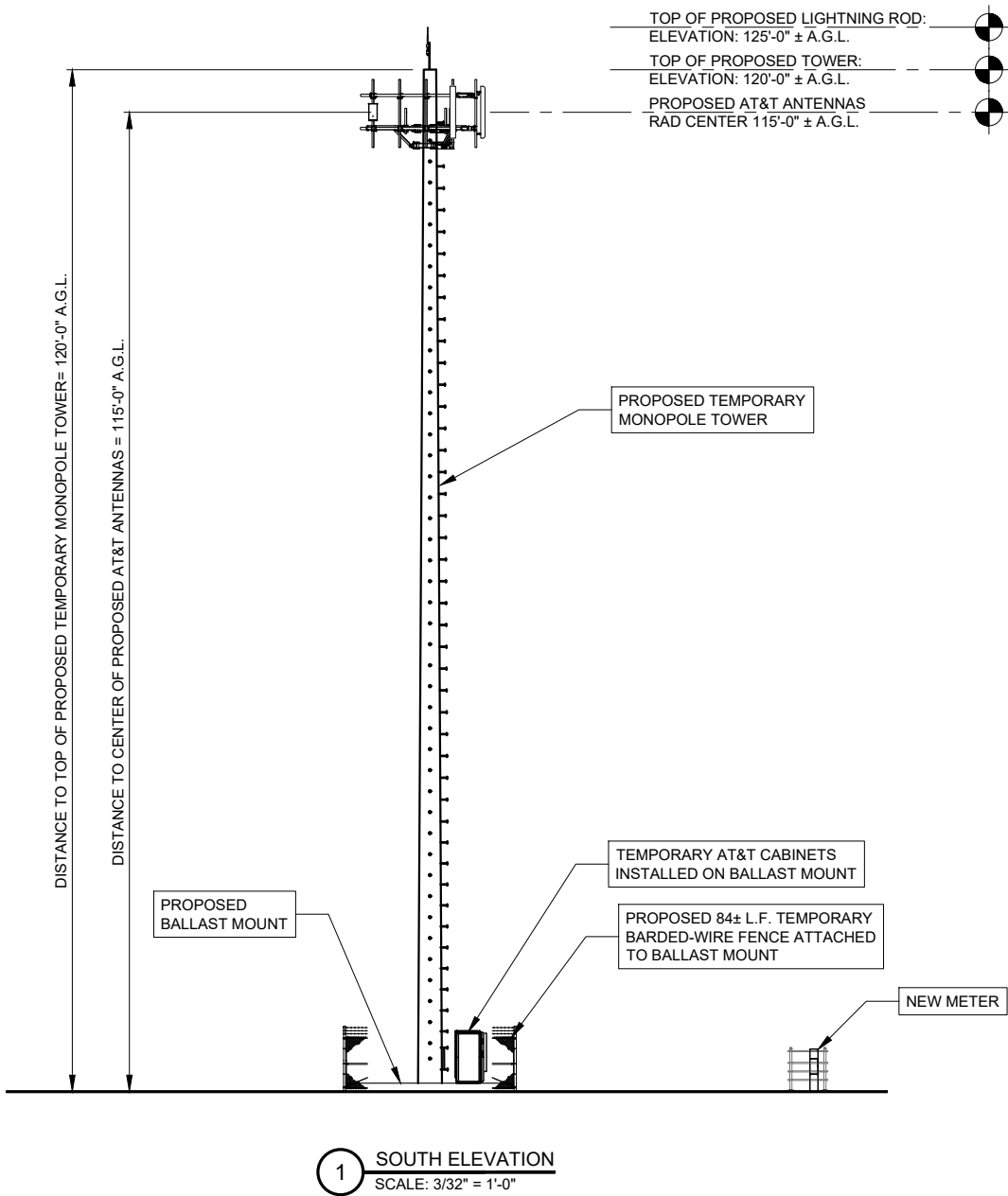
LP

ELEVATION DRAWING FOR TEMPORARY TSS

- NOTES:
1.

THIS DRAWING IS FOR EXHIBIT AND LAYOUT PURPOSES ONLY
2.

NO ANTENNA OR LINE WORK TO BEGIN PRIOR TO CONFIRMATION OF ADEQUATE TOWER AND MOUNT CAPACITY. REFER TO STRUCTURAL ANALYSIS BY OTHERS.





MasTec
Communications Group

MasTec Network Solutions, LLC Headquarters
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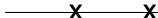
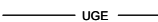

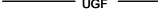
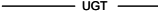
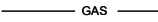
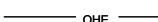

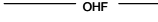



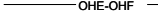
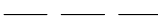


PROJECT #: 219-061

SHEET TITLE
SITE ELEVATION

SHEET NUMBER
ANT-1

SITE PLAN FOR PERMANENT TSS

LEGEND

PROPERTY LINE	
FENCE LINE	
UNDERGROUND ELECTRIC	
UNDERGROUND FIBER	
UNDERGROUND TELCO	
UNDERGROUND GAS LINE	
OVERHEAD ELECTRIC	
OVERHEAD FIBER	
OVERHEAD TELCO	
OVERHEAD UTILITY LINE	
STORM SEWER LINE	
SANITARY SEWER LINE	
WATERMAIN LINE	
BURIED GAS LINE	
EDGE OF BUSH/TREES	
BITUMINOUS	
GRAVEL	

THIS SITE PLAN WAS CREATED OFF OF FIELD MEASUREMENTS BY THE DESIGNER. AS BOUNDARY SURVEY WAS NOT SUPPLIED FOR PURPOSES OF SITE LAYOUT & UTILITY ROUTING.

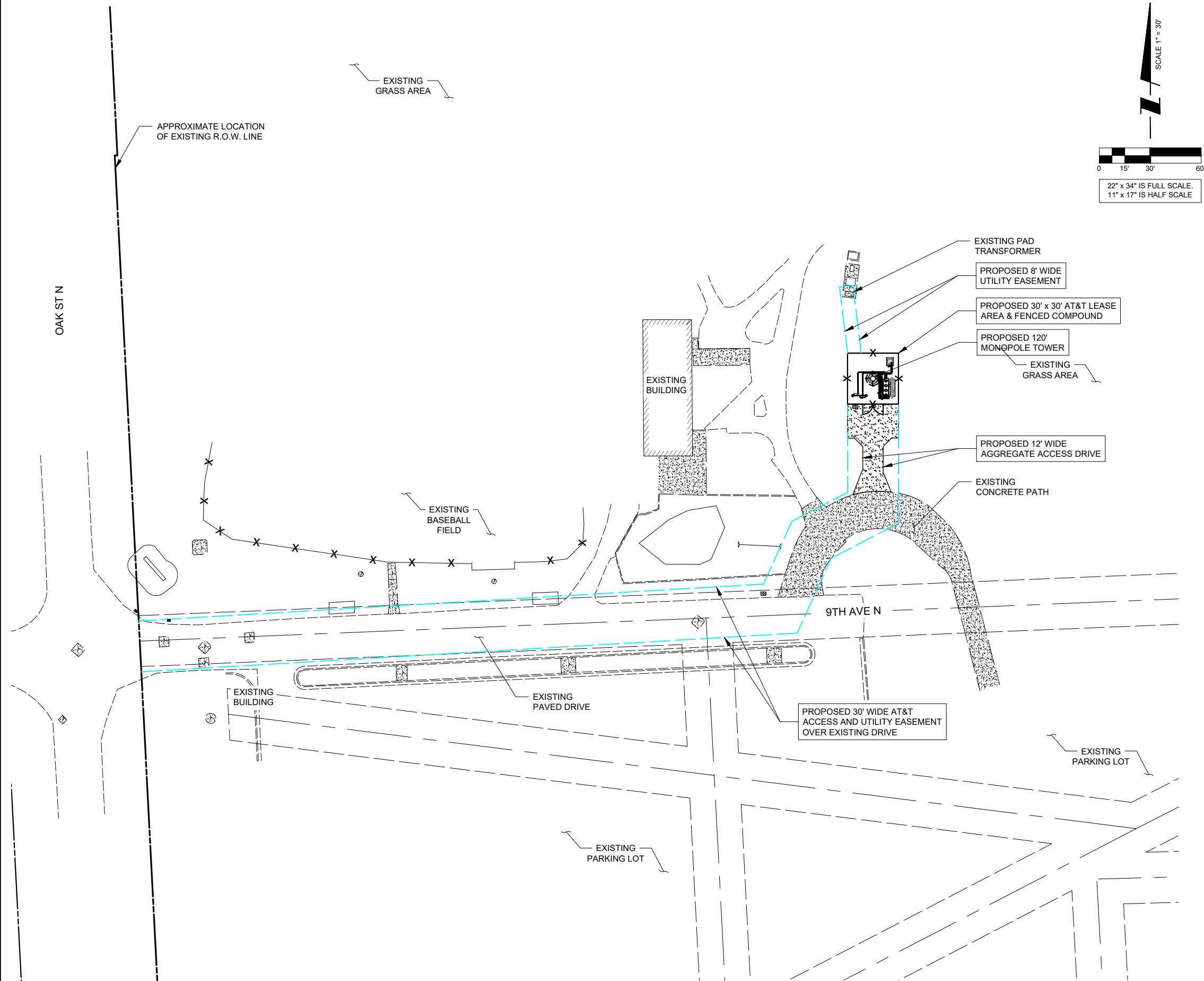


North Dakota One Call
811 or 800-795-0555

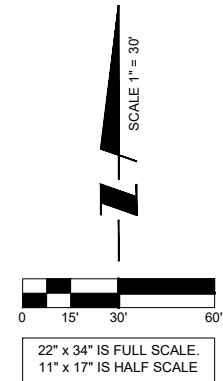
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RECORD ROUTES/EASEMENTS. UTILITY ROUTES
SHOWN ARE PENDING THAT INFORMATION.



1 LOCATION PLAN



REVISIONS			
NO.	DESCRIPTION	DATE	BY
A	ISSUED FOR REVIEW	12/09/24	AMW

NDFA HoraceMann
(CITY HALL)

NDL94930

FA#: 16550613

901 OAK ST N
FARGO, ND 58102

DRAWN BY:	AMW
CHECKED BY:	DM
DATE:	12/03/24
PROJECT #:	259-022

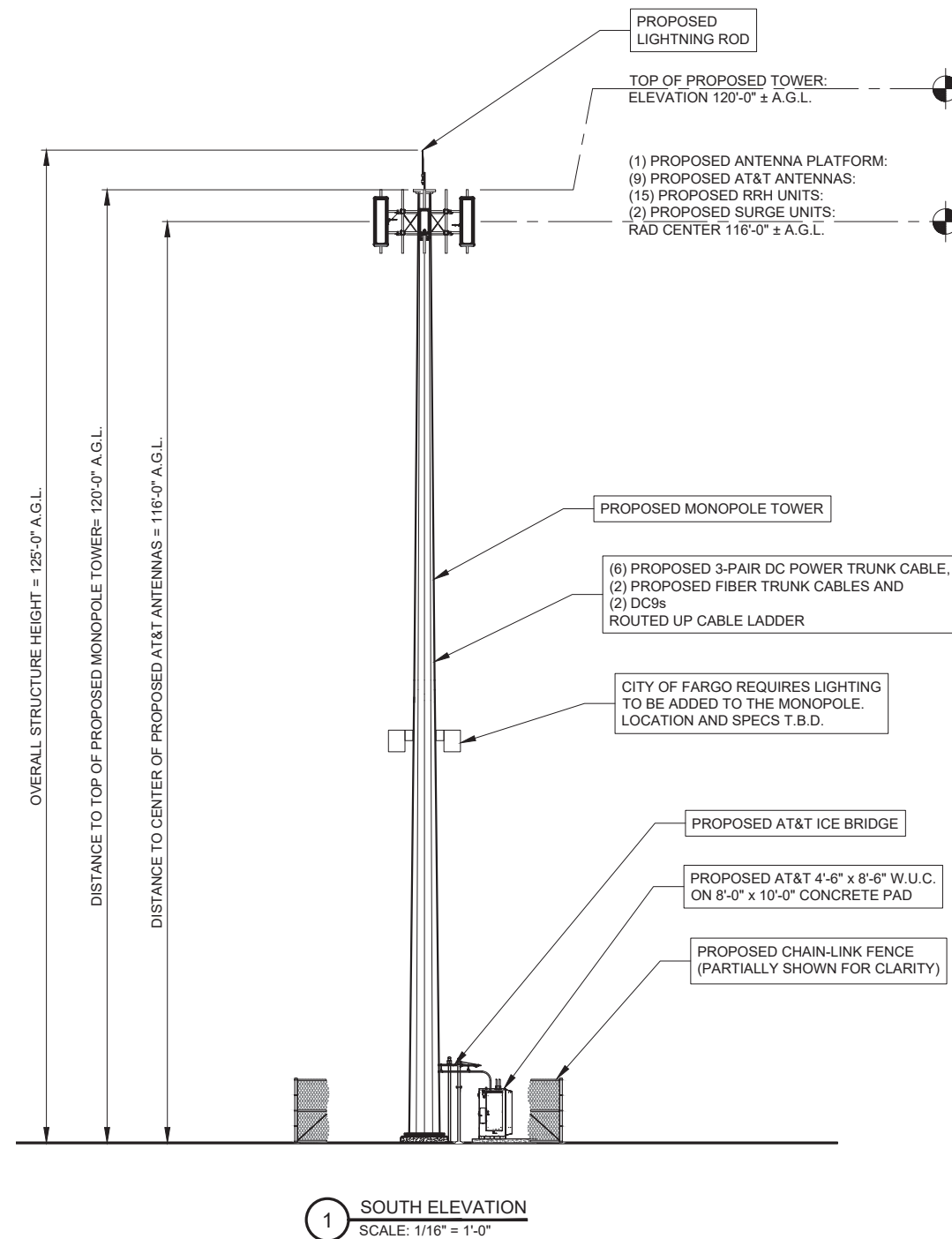
SHEET TITLE

LOCATION PLAN

SHEET NUMBER

LP

ELEVATION DRAWING OF PERMANENT TSS



PROJECT DESCRIPTION

THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE.

THE PROJECT GENERALLY CONSIST OF THE FOLLOWING:

PROPOSED-TOWER:

INSTALL (1) ANTENNA PLATFORM (SITE PRO -VALMONT,RMQLP-4120-H10,....14FT
HEAVY 10 PLATFORM WITH 12 ANTENNA PIPES, REINFORCED SUPPORT RAIL
AND CABLE REINFORCEMENT FOR 13INTO 36IN DIAMETER MONOPOLES)
INSTALL (6) COMMSCOPE NNH4-65C-V4 ANTENNAS
INSTALL (3) AIR6472 B77G B77M INTEGRATED ANTENNA RADIOS
INSTALL (15) LTE RRH UNITS
INSTALL (2) RAYCAP DC9-48-60-24-8C-EV SURGE UNITS
INSTALL (6) DC POWER TRUNKS
INSTALL (2) FIBER TRUNKS

PROPOSED-PAD EQUIPMENT:

INSTALL (1) DELTA ELECTRONICS CABINET ES0F030-HCU01) ON CONC. PAD
INSTALL (1) GENERAC 20KW GENERATOR ON CONCRETE PAD
INSTALL (1) GPS KIT

PROPOSED-SITE:

INSTALL (2) ROSENBERGER FB-10ABOX FIBER ENCLOSURES INSTALL
APPROXIMATELY 15'-0" OF ICE BRIDGE

AT&T TO VERIFY
REQUIRED CONCRETE
PAD EQUIPMENT.

NOTES

1. FENCE NOT SHOWN FOR CLARITY.
2. WHEN STACKING CABLES 3 OR MORE DEEP, USE STACKABLE SNAP-INS, TALLEY PART NUMBER SSH-158-3 (OR ENGINEER APPROVED EQUAL).

MOUNT ANALYSIS NOTE

THE PASSING ANTIENNA MOUNT ANALYSIS EVALUATION LETTER FOR THE PROPOSED MOUNTS WAS COMPLETED BY T.B.D. DATED T.B.D.. THE MOUNT HAS SUFFICIENT CAPACITY FOR THE EXISTING AND PROPOSED LOADINGS OBSERVED ON THESE CONSTRUCTION DRAWINGS.

[illegible]

NDFA HoraceMann
(CITY HALL)

NDL94930

FA#: 16550613

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FARGO, ND 58102

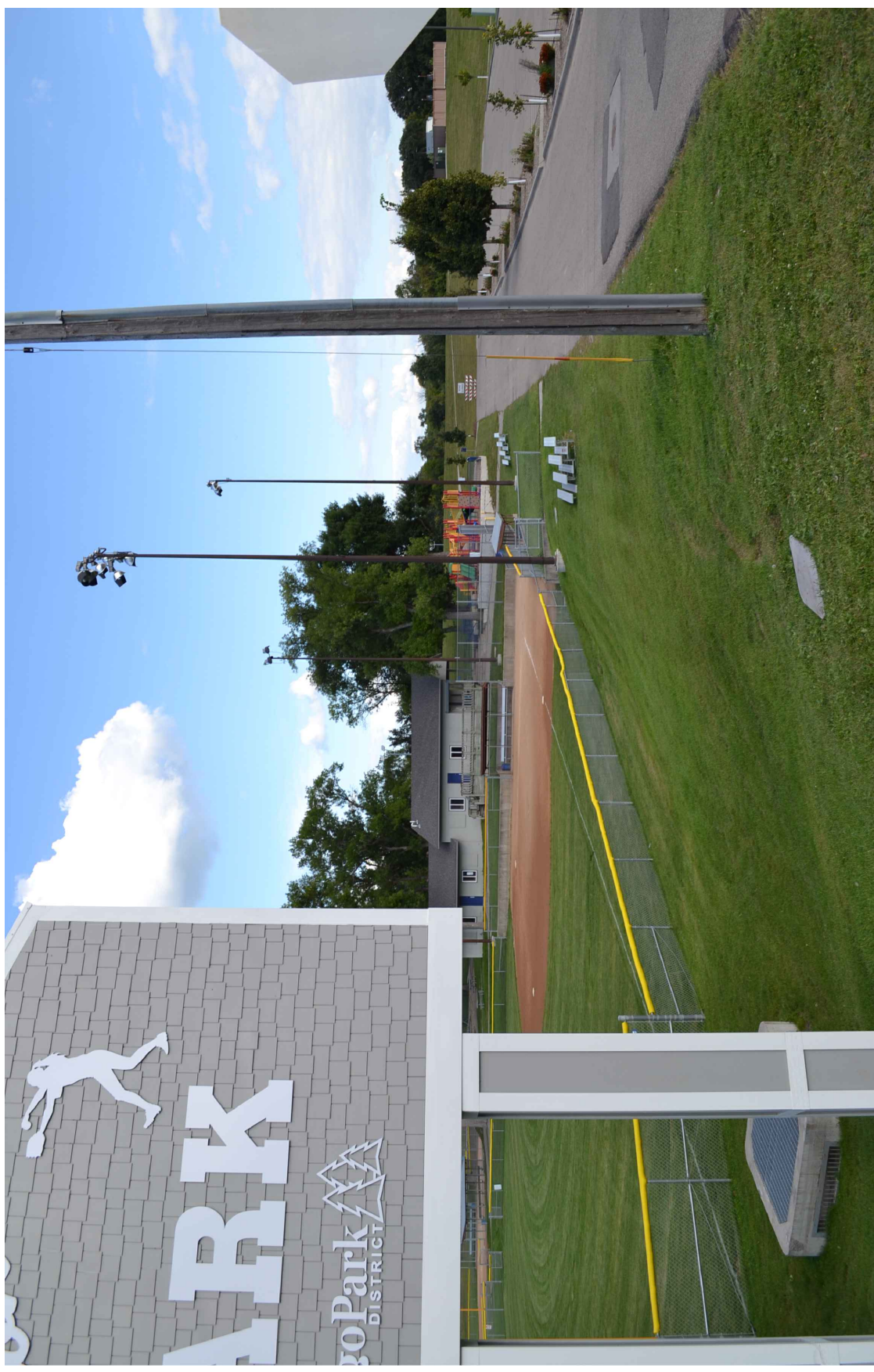
DRAWN BY:	AMW
CHECKED BY:	DM
DATE:	12/03/24
PROJECT #:	259-022

SHEET TITLE

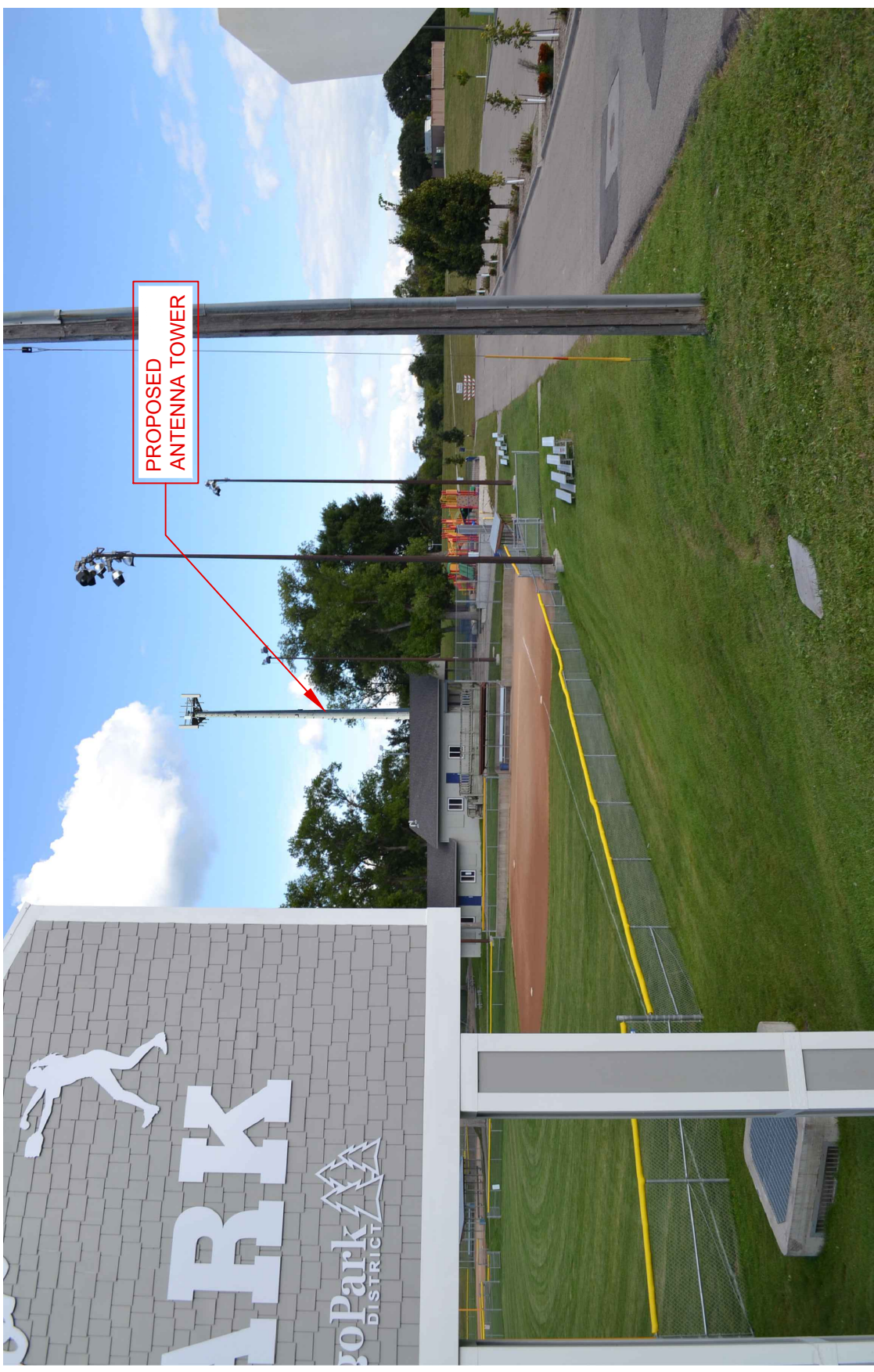
SITE ELEVATION

SHEET NUMBER

ANT-1



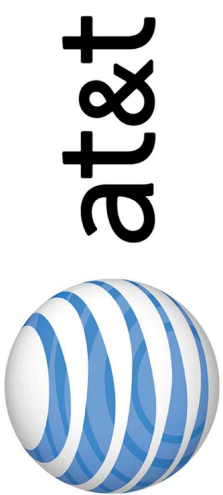
BEFORE



AFTER

NDFA_HORACEMANN

View from West looking East



NOTE: THIS PHOTO SIMULATION IS
A VISUAL INTERPRETATION OF
THE PROPOSED DESIGN. FINAL
CONSTRUCTION MAY DIFFER
FROM WHAT IS PRESENTED HERE.



BEFORE



AFTER



NDFA_ HORACEMANN

View from South looking North

NOTE: THIS PHOTO SIMULATION IS
A VISUAL INTERPRETATION OF
THE PROPOSED DESIGN. FINAL
CONSTRUCTION MAY DIFFER
FROM WHAT IS PRESENTED HERE.



City of Fargo Staff Report			
Title:	Section 22, Township 140 North, Range 49 West.	Date: Update:	3/26/2025
Location:	4160 and 4350 40th Avenue North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	East Half of the Northwest Quarter of Section 22, Township 140 North, Range 49 West.		
Owner(s)/Applicant:	North Dakota State University / Terra Consulting for AT&T Wireless	Engineer:	None
Entitlements Requested:	Conditional Use Permit (CUP) (to allow the TSS to exceed the maximum height requirements in the P/I, Public/Institutional zoning district in the East Half of the Northwest Quarter of Section 22, Township 140 North, Range 49 West.)		
Status:	Planning Commission Public Hearing: April 1st, 2025		
Existing		Proposed	
Land Use: NDSU Agricultural Research Facility		Land Use: No change	
Zoning: P/I, Public/Institutional		Zoning: No change	
Uses Allowed: P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, major entertainment events, basic utilities, and certain telecommunications facilities.		Uses Allowed: No change proposed	
Maximum Lot Coverage: depends on adjacent zoning		Maximum Lot Coverage: depends on adjacent zoning	
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Conditional Use Permit (CUP) (to allow the TSS to exceed the maximum height requirements in the P/I, Public/Institutional zoning district in the East Half of the Northwest Quarter of Section 22, Township 140 North, Range 49 West.) <p>Note that the CUP is only for the land use. The applicant will have to go through the building permit process when they are ready to install the tower. Approval of the CUP is not approval of a building permit.</p> <p>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.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, Agricultural; commercial use (in Fargo's four-mile extra-territorial jurisdiction) • East: P/I; North Dakota State University agricultural uses and Interstate 29 right of way • South: P/I; North Dakota State University agricultural uses • West: Reile's Acres extra-territorial jurisdiction; undeveloped 			

Context:

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

Neighborhood: The subject property is not located in a named neighborhood.

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

Pedestrian / Bicycle: There are no multi-use paths adjacent to the subject property.

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

Staff Analysis:

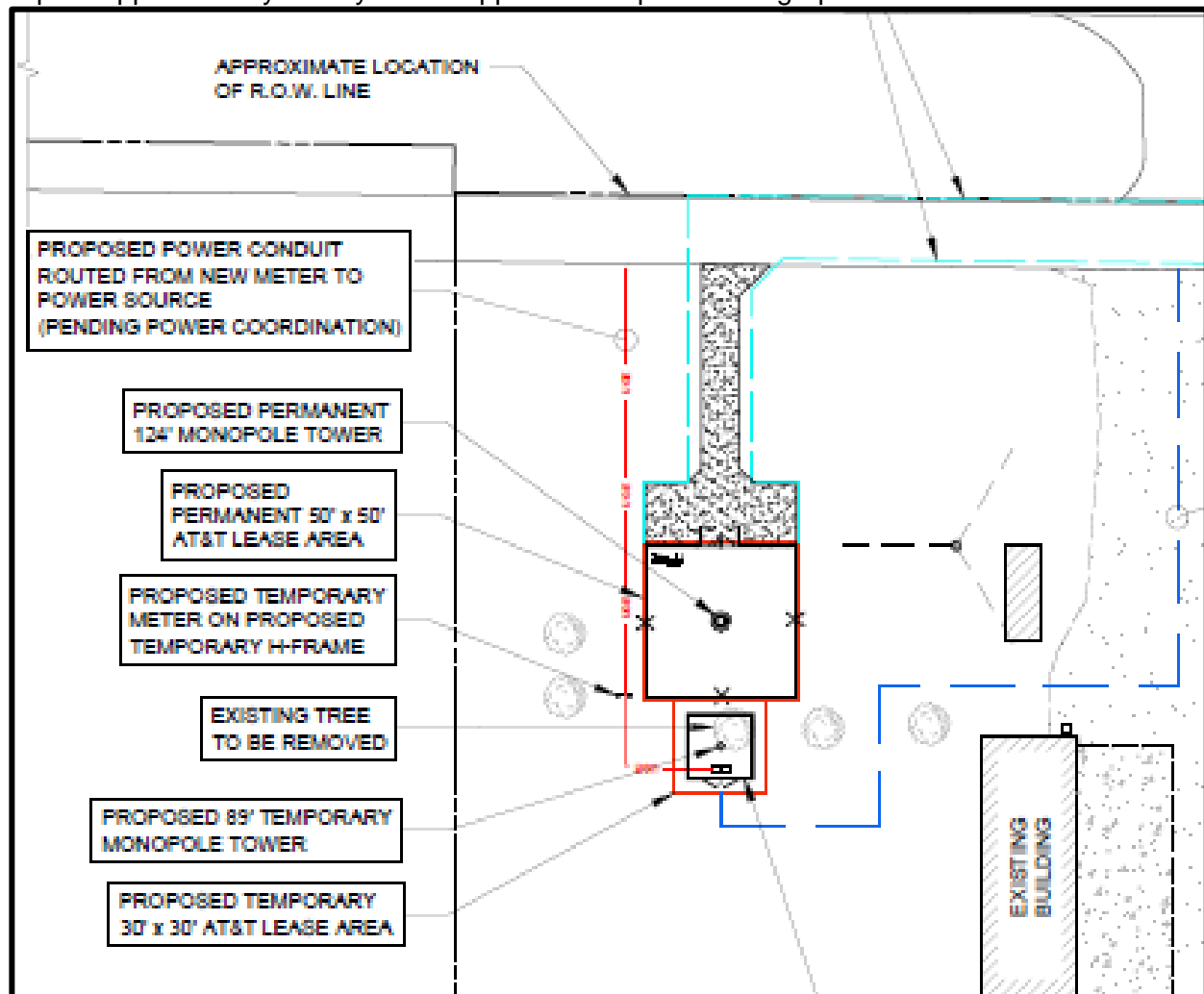
The applicant proposes a monopole telecommunications support structure (TSS) on the property at 4160 and 4350 40th Avenue North. This property is zoned P/I, Public/Institutional. The proposed height of the TSS exceeds the 50 foot height allowed by right in the P/I zone but is not more than 125 feet in height. Section 20-0402.N.3.e of the LDC specifies that TSS's that exceed the maximum height for the P/I district but are not more than 125 feet in height are conditional uses. Specific findings are below.

SUBJECT PROPERTY

The subject property is owned by North Dakota State University (NDSU) and is used as a research facility. NDSU has an agreement with AT&T for this TSS, pending City approval of the CUP.

TEMPORARY AND PERMANENT TOWERS

The CUP will actually cover installation of two TSS's---a temporary one and a permanent one. The sites are adjacent to each other on the subject property. The applicant estimates that the two towers will overlap for approximately 45 days. The applicant has provided a graphic of their locations on the site.



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?**
Telecommunications support structures (TSS's) that exceed the maximum height of 50 feet allowed in the P/I, Public/Institutional zone but do not exceed 125 feet in height are conditional uses in the P/I zone. The proposed TSS meets the applicable provisions of the LDC for such TSS's. The intent 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. Providing sufficient cellular telecommunications capacity is within the scope of protecting the general health, safety, and welfare of the citizens of Fargo.
(Criteria Satisfied)
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
The proposed TSS will improve cell phone coverage and service. The TSS will provide general cell service as well as be a part of FirstNet Emergency Response Initiative, a nationwide network that prioritizes communication for first responders during emergencies. This initiative ensures faster response times, better coordination, and filling coverage gaps.
(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, Planning staff has received no comments or inquiries about the project. **(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 TSS installation consists of the tower itself and related ground equipment, all within a clearly defined, fenced lease area. The subject property is a North Dakota State University agricultural research facility. The temporary and permanent TSS's will be located near the group of buildings on the north side of the lot. The proposed TSS meets the separation distance requirements of the LDC related to proximity to residentially-zone property, parks, and public rights of way. The TSS creates no activity or traffic other than for occasional maintenance. It will not prevent the development or use of neighboring property. **(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 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 is owned by North Dakota State University. A driveway provides access to the property from 40th Avenue North (Cass County Highway 20).
(Criteria Satisfied)

Findings Specific to TSS's that exceed the maximum height for TSS's by right in the zone, but that do not exceed 125 feet in height (Section 20-0402.N.3.e 1-5)

1. **No TSS may be located closer than ½ mile from any existing and/or approved TSS's of over 125 feet in height, and ¼ mile from any existing and/or approved TSS's of 125 or less, as measure from the base of one TSS to the base of another.**
There are no existing or approved TSS's within the distances noted above from the proposed TSS location. The nearest TSS is approximately 0.90 mile to the northwest.
(Criteria Satisfied)
2. **The TSS shall have a co-location capability of at least one other telecommunications provider, unless stealth design considerations make co-location unfeasible as determined by the City Planner.**
The applicant has stated that the proposed TSS can provide this co-location capability.
(Criteria Satisfied)
3. **TSS's shall comply with such other conditions as determined by the Planning Commission.**
Due to the site's proximity to Hector International Airport, staff has added a condition at the request of the airport executive director (see below). **(Criteria Satisfied)**
4. **No TSS located in any non-residential zoning district may be located closer than 200 feet or two times the height of the TSS, whichever is greater, from any residentially zoned property, as measured from the base of the TSS to the nearest such residentially zoned property line.**
The proposed TSS meets this requirement.
(Criteria Satisfied)
5. **(Not applicable to this project—relates to TSS's located in MR-multi-dwelling zoning districts)**

RECOMMENDED CONDITION:

1. The applicant must provide documentation of Federal Aviation Administration (FAA) approval for the tower height prior to the installation of the temporary and permanent towers.

Recommended Motion

Suggested Motion: To accept the findings and recommendations of staff and approve the proposed conditional use permit to allow the TSS to exceed the maximum height requirements in the P/I, Public/Institutional zoning district in the East Half of the Northwest Quarter of Section 22, Township 140 North, Range 49 West.as presented, as the proposal complies with the Standards of Section 20-0909.D; 20-0402.N.3.e.1-5; and all other applicable requirements of the LDC, with the following condition:

1. The applicant must provide documentation of Federal Aviation Administration (FAA) approval for the tower height prior to the installation of the temporary and permanent towers.

Planning Commission Recommendation: April 1st, 2025

Attachments:

1. Zoning map
2. Location map
3. Site plan
4. TSS detail
5. Example of a similar existing installation

LEGEND

PROPERTY LINE

FENCE LINE

UNDERGROUND ELECTRIC

UNDERGROUND FIBER

UNDERGROUND TELCO

UNDERGROUND GAS LINE

OVERHEAD ELECTRIC

OVERHEAD FIBER

OVERHEAD TELCO

OVERHEAD UTILITY LINE

STORM SEWER LINE

SANITARY SEWER LINE

WATERMAIN LINE

BURIED GAS LINE

EDGE OF BUSH/TREES

BITUMINOUS

GRAVEL

X X

--- UGE

--- UGF

--- UGT

--- GAS

--- OHE

--- OHF

--- OHT

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THIS SITE PLAN WAS CREATED OFF OF FIELD MEASUREMENTS BY THE DESIGNER. AS BOUNDARY SURVEY WAS NOT SUPPLIED FOR PURPOSES OF SITE LAYOUT & UTILITY ROUTING.

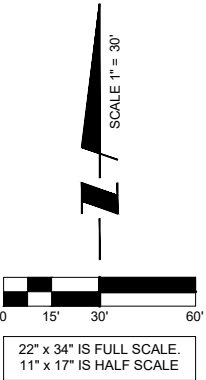
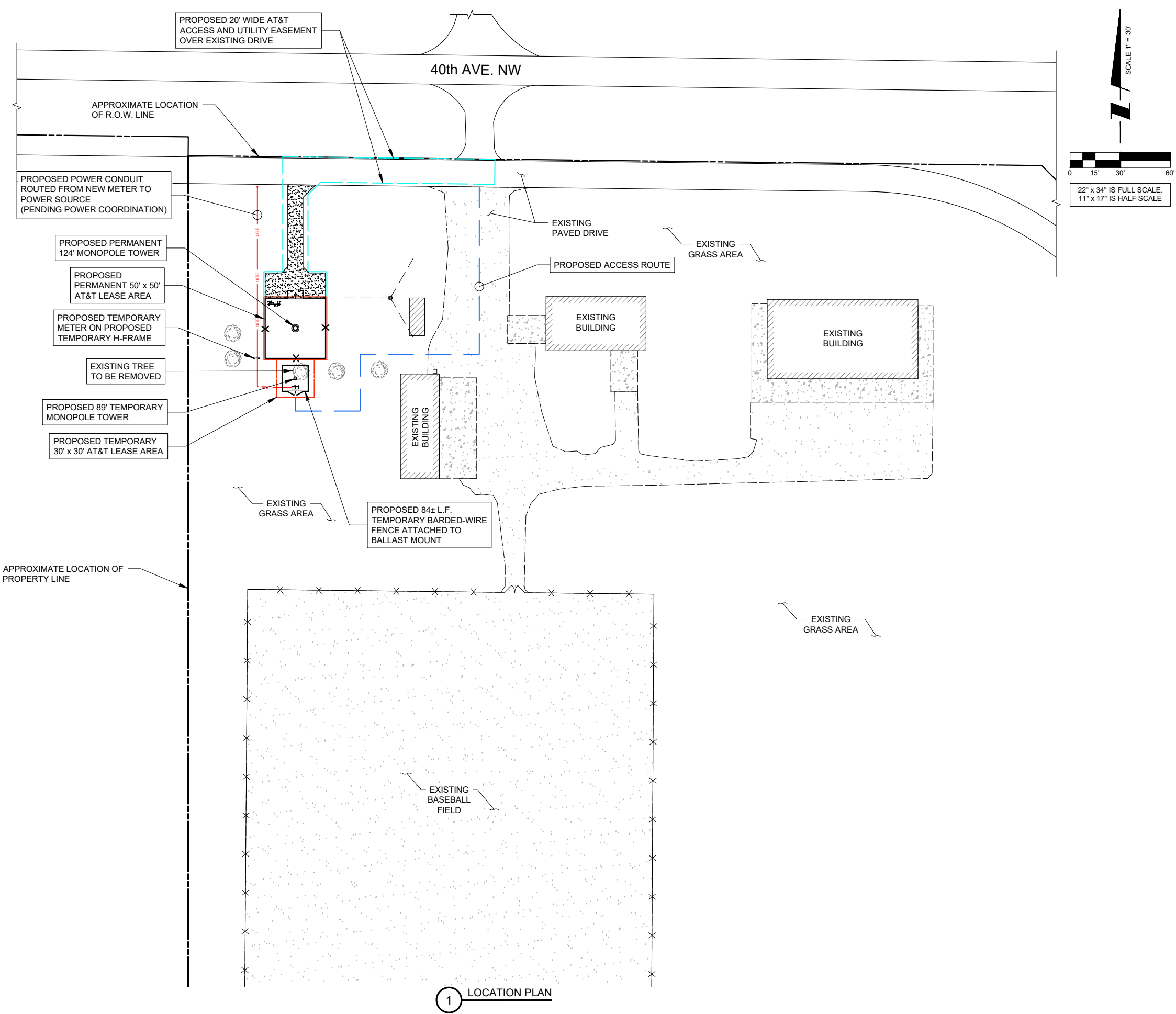


North Dakota One Call  
811 or 800-795-0555

GENERAL SITE NOTES

1. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING PAVEMENT. CONTRACTOR SHALL PHOTOGRAPH AND VIDEOTAPE EXISTING PAVEMENT PRIOR TO CONSTRUCTION. ANY DAMAGE CAUSED DURING CONSTRUCTION SHALL BE REPLACED TO EXISTING OR BETTER CONDITION AT NO ADDITIONAL COST.
2. THE CONTRACTOR WILL, UPON BECOMING AWARE OF SUBSURFACE OR LATENT PHYSICAL CONDITIONS DIFFERING FROM THOSE DISCLOSED BY THE ORIGINAL SOIL INVESTIGATION WORK, PROMPTLY NOTIFY THE OWNER VERBALLY AND IN WRITING, AS TO THE NATURE OF THE DIFFERING CONDITIONS. NO CLAIM BY THE CONTRACTOR FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE PLANS AND SPECIFICATIONS AND DISCLOSED BY THE SOIL STUDIES WILL BE ALLOWED UNLESS THE CONTRACTOR HAS SO NOTIFIED THE OWNER, VERBALLY AND IN WRITING, AS REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.
3. CONTRACTOR TO PROVIDE APPROXIMATE 50'X50' STAGING AREA AND TEMPORARY ROAD. CONTRACTOR SHALL COORDINATE WITH ANTENNA CONTRACTOR, A STAGING AREA AND TEMPORARY ROAD THAT IS ACCEPTABLE TO THE OWNER. STAGING AREA AND TEMPORARY ROAD SHALL BE RESTORED TO EXISTING CONDITIONS AS NECESSARY UPON COMPLETION OF THE PROJECT.
4. BEFORE AND DURING CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE ADEQUATE EROSION CONTROL AS NECESSARY IN THE FORM OF SILT FENCES FOR THE SITE AND BALES AROUND ANY EXISTING MANHOLES, INLETS, OR CATCH BASINS SUSCEPTIBLE TO EROSION. EROSION CONTROL MEASURES SHALL BE PERIODICALLY INSPECTED TO ENSURE PROPER FUNCTION. EROSION CONTROL SHALL BE REMOVED UPON COMPLETION OF WORK.

AT&T SURVEY AND SITE PLANS ARE PENDING RECORD LEASE AREA AND EASEMENT LOCATIONS. PROPOSED UTILITIES NEED TO BE ROUTED WITHIN RECORD ROUTES/EASEMENTS. UTILITY ROUTES SHOWN ARE PENDING THAT INFORMATION.



MasTec

Communications Group

MasTec Network Solutions, LLC Headquarters  
806 Douglas Road, 11th Floor  
Coral Gables, FL 33134 USA

TERRA

CONSULTING GROUP, LTD.  
600 BUSSE HIGHWAY  
PARK RIDGE, IL 60068  
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FAX: 847-698-6401

at&t

mobility corp.  
7900 XERXES AVE S. SOUTH  
3RD FLOOR  
BLOOMINGTON MN. 55431

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| REVISIONS | NO.               | BY  | DATE    |  |  |  |  |  |  |
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|           | ISSUED FOR REVIEW |     |         |  |  |  |  |  |  |

NDFA REILE'S ACRES

NDL94931 (4G)  
NDXN094931 (5G)  
FA#: 16546759

4190 40TH AVE NW  
FARGO, ND 58102

DRAWN BY: JAY

CHECKED BY: DM

DATE: 10/4/24

PROJECT #: 219-063

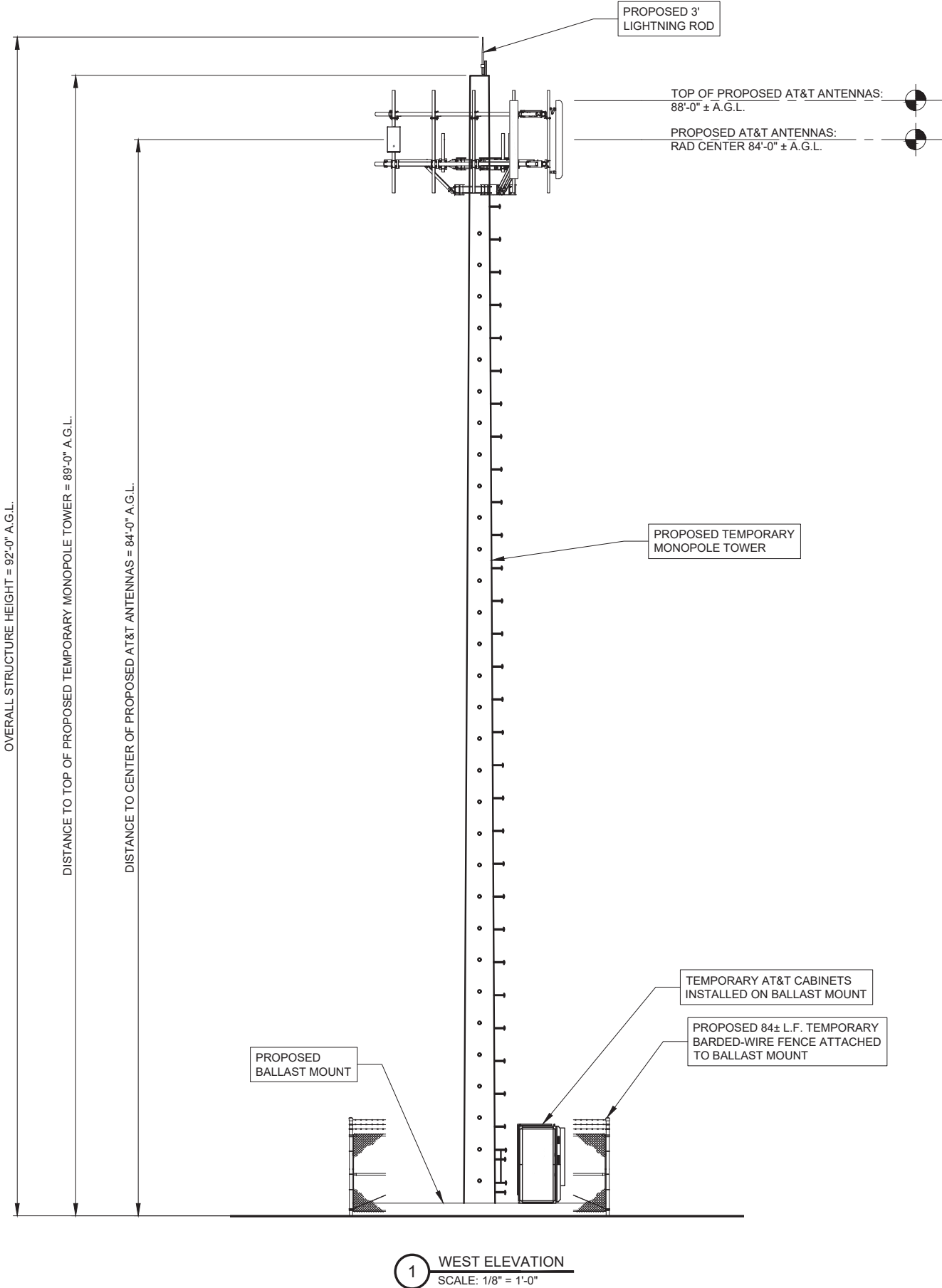
SHEET TITLE

LOCATION PLAN

SHEET NUMBER

LP

## ELEVATION DRAWING FOR TEMPORARY TSS

[illegible]

# NDFA\_REILE'S ACRES

NDL94931 (4G)  
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FA#: 16546759

4190 40TH AVE NW  
FARGO, ND 58102

|             |         |
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| DRAWN BY:   | JAY     |
| CHECKED BY: | DM      |
| DATE:       | 10/4/24 |
| PROJECT #:  | 219-063 |

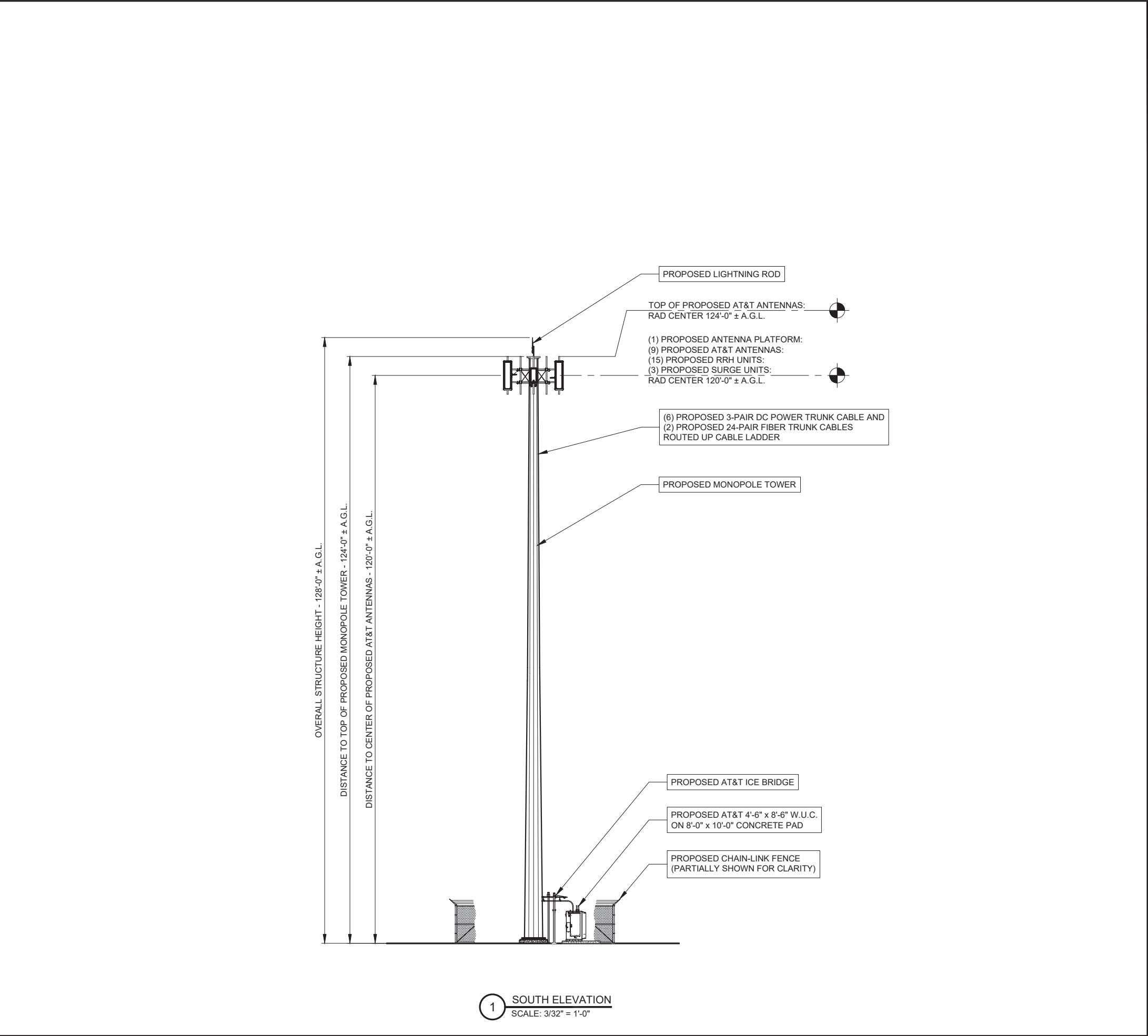
SHEET TITLE

SITE ELEVATION

SHEET NUMBER

# ANT-1

ELEVATION DRAWING FOR PERMANENT TSS



PROJECT DESCRIPTION

THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE.

THE PROJECT GENERALLY CONSIST OF THE FOLLOWING:

PROPOSED-TOWER:  
INSTALL (1) ANTENNA PLATFORM (SABRE, C10855721C,,,,HEAVY 10FT MONOPOLE MOUNTKIT, WITH (12) 2-7/8IN X 10FT MOUNTING PIPES)  
INSTALL (6) COMMSCOPE NNH4-65C-V4 ANTENNAS  
INSTALL (3) AIR6472 B77G B77M INTEGRATED ANTENNA RADIOS  
INSTALL (15) LTE RRH UNITS  
INSTALL (2) RAYCAP DC9-48-60-24-8C-EV SURGE UNITS  
INSTALL (6) DC POWER TRUNKS  
INSTALL (2) FIBER TRUNKS

PROPOSED-PAD EQUIPMENT:  
INSTALL (1) DELTA ELECTRONICS CABINET ES0F030-HCU01) ON CONC. PAD  
INSTALL (1) GENERAC 20KW GENERATOR ON CONCRETE PAD  
INSTALL (1) GPS KIT

PROPOSED-SITE:  
INSTALL (2) ROSENBERGER FB-10ABOX FIBER ENCLOSURES INSTALL APPROXIMATELY 15'-0" OF ICE BRIDGE

AT&T TO VERIFY  
REQUIRED CONCRETE  
PAD EQUIPMENT.

NOTES

- 1. FENCE NOT SHOWN FOR CLARITY.
- 2. WHEN STACKING CABLES 3 OR MORE DEEP, USE STACKABLE SNAP-INS, TALLEY PART NUMBER SSH-158-3 (OR ENGINEER APPROVED EQUAL).

MOUNT ANALYSIS NOTE

THE PASSING ANTENNA MOUNT ANALYSIS EVALUATION LETTER FOR THE PROPOSED MOUNTS WAS COMPLETED BY T.B.D. DATED T.B.D.. THE MOUNT HAS SUFFICIENT CAPACITY FOR THE EXISTING AND PROPOSED LOADINGS OBSERVED ON THESE CONSTRUCTION DRAWINGS.

MOUNT ANALYSIS NOTE

THE PASSING STRUCTURAL ANALYSIS FOR THE EXISTING STRUCTURE WAS COMPLETED BY T.B.D..



MasTec Network Solutions, LLC Headquarters  
806 Douglas Road, 11th Floor  
Coral Gables, FL 33134 USA



600 BUSSE HIGHWAY  
PARK RIDGE, IL 60068  
PH: 847-698-6400  
FAX: 847-698-6401



7900 XERXES AVE S. SOUTH  
3RD FLOOR  
BLOOMINGTON MN. 55431

| NO. | DESCRIPTION       | DATE     | BY | AMW |  |  |  |  |  |
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4190 40TH AVE NW  
FARGO, ND 58102

|             |          |
|-------------|----------|
| DRAWN BY:   | AMW      |
| CHECKED BY: | DM       |
| DATE:       | 11/25/24 |
| PROJECT #:  | 259-021  |

SHEET TITLE  
SITE ELEVATION

SHEET NUMBER

ANT-1



EXAMPLE OF AN EXISTING SIMILAR INSTALLATION  
(provided by applicant)



| <b>City of Fargo<br/>Staff Report</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                         |                                         |                                    |
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| <b>Title:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Rose Creek Golf Course Annex Addition                                                                                                                                                                   | <b>Date:<br/>Update:</b>                | 3/26/2025                          |
| <b>Location:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 4515 University Drive South                                                                                                                                                                             | <b>Staff Contact:</b>                   | Donald Kress, planning coordinator |
| <b>Legal Description:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Lot 3, Block 1, Rose Creek Golf Course Annex Addition                                                                                                                                                   |                                         |                                    |
| <b>Owner(s)/Applicant:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Fargo Park District / Terra Consulting for AT&T Wireless                                                                                                                                                | <b>Engineer:</b>                        | None                               |
| <b>Entitlements Requested:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Conditional Use Permit (CUP)</b> (to allow the TSS to exceed the maximum height requirements in the LI, Limited Industrial zoning district on Lot 3, Block 1, Rose Creek Golf Course Annex Addition) |                                         |                                    |
| <b>Status:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Planning Commission Public Hearing: April 1st, 2025                                                                                                                                                     |                                         |                                    |
| <b>Existing</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                         | <b>Proposed</b>                         |                                    |
| <b>Land Use:</b> Fargo Park District Maintenance Facility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                         | <b>Land Use:</b> No change              |                                    |
| <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 proposed |                                    |
| <b>Maximum Lot Coverage:</b> 85%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                         | <b>Maximum Lot Coverage:</b> 85%        |                                    |
| <b>Proposal:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                         |                                         |                                    |
| <p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li><b>1. Conditional Use Permit (CUP)</b> (to allow the TSS to exceed the maximum height requirements in the LI, Limited Industrial zoning district Lot 3, Block 1, Rose Creek Golf Course Annex Addition)</li> </ol> <p>Note that the CUP is only for the land use. The applicant will have to go through the building permit process when they are ready to install the tower. Approval of the CUP is not approval of a building permit.</p> <p><b>Approval and Appeal</b><br/>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.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: LI; industrial uses</li> <li>• East: across University Drive South; SR-2, Single-Dwelling Residential with detached residences.</li> <li>• South: LI; industrial uses</li> <li>• West: P/I; Public/Institutional with Rose Creek Golf Course</li> </ul> |                                                                                                                                                                                                         |                                         |                                    |
| <b>Context:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                         |                                         |                                    |
| <b>Schools:</b> The subject property is located within the Fargo School District, specifically within the Centennial Elementary, Discovery Middle and Davies High schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                         |                                         |                                    |

**Neighborhood:** The subject property is located within the Rose Creek neighborhood.

**Parks:** Rose Creek Public Golf Course, 1500 Rose Creek Parkway, is adjacent to the west of the subject property and provides amenities of 18 holes; driving range and practice green; alcoholic beverages available; food available in clubhouse; riding carts available. This course has not yet opened for 2025.

**Pedestrian / Bicycle:** There is a multi-use path east across University Drive from the subject property that is part of the metro area path system.

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

#### **Staff Analysis:**

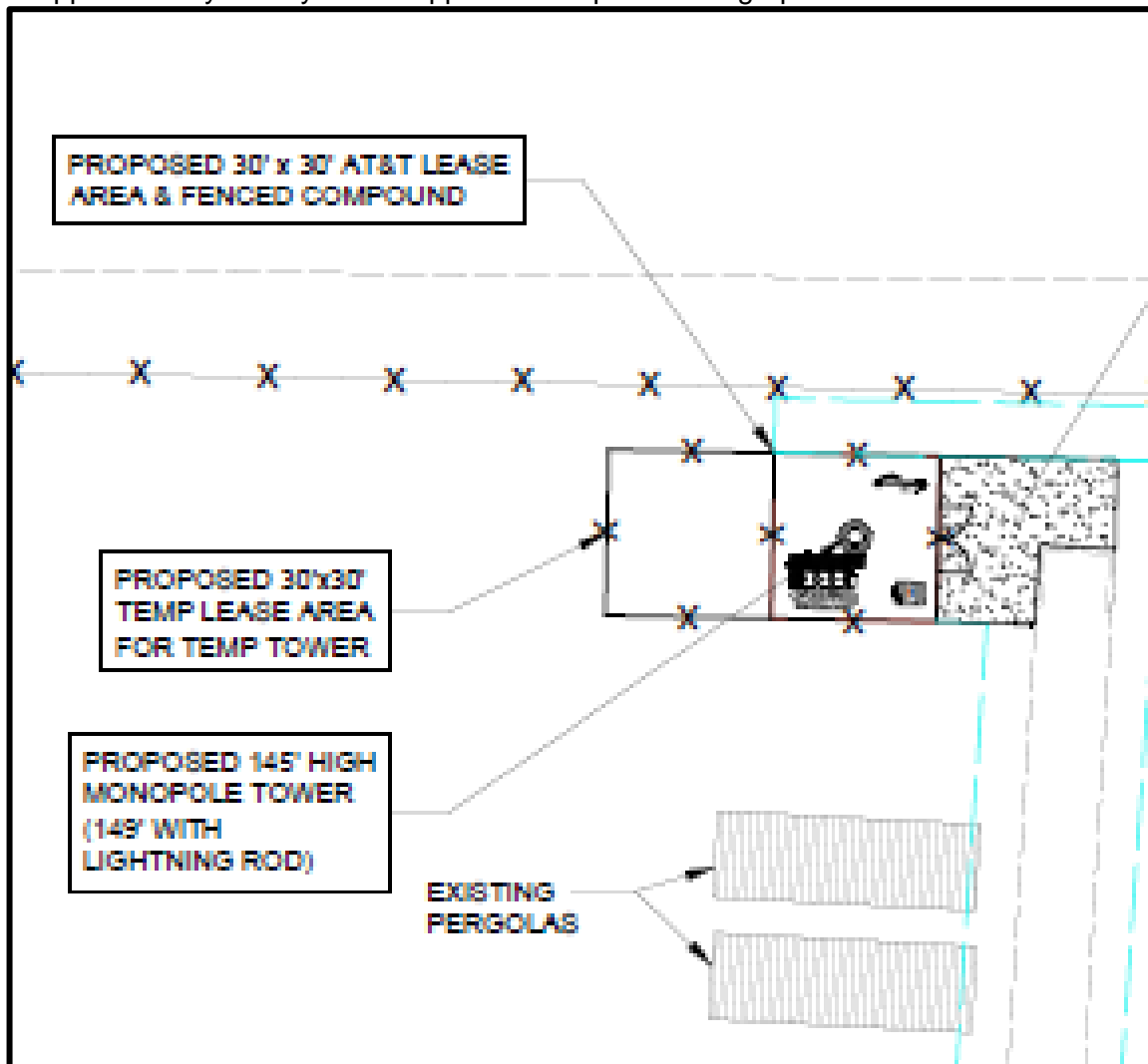
The applicant proposes a monopole telecommunications support structure (TSS) on the property 4515 University Drive South. This property is zoned LI, Limited Industrial. The proposed height of the TSS exceeds the 125 foot height allowed by right in the LI zone. Section 20-0402.N.3.b of the LDC specifies that TSS's of more than 125 feet in the LI zone are conditional uses. Specific findings are below.

#### **SUBJECT PROPERTY**

The subject property is the Fargo Park District's South Maintenance Facility. The Park District has an agreement with AT&T for this TSS, pending City approval of the CUP.

#### **TEMPORARY AND PERMANENT TOWERS**

The CUP will actually cover installation of two TSS's---a temporary one and a permanent one. The sites are adjacent to each other on the subject property. The applicant estimates that the two towers will overlap for approximately 45 days. The applicant has provided a graphic of their locations on the site.



### **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?**  
Telecommunications support structures (TSS's) that exceed the maximum height of 125 feet allowed in the LI, Limited Industrial zone are conditional uses in the LI zone. The proposed TSS meets the applicable provisions of the LDC for such TSS's. The intent 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. Providing sufficient cellular telecommunications capacity is within the scope of protecting the general health, safety, and welfare of the citizens of Fargo.  
**(Criteria Satisfied)**
- 2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**  
The proposed TSS will improve cell phone coverage and service. The TSS will provide general cell service as well as be a part of FirstNet Emergency Response Initiative, a nationwide network that prioritizes communication for first responders during emergencies. This initiative ensures faster response times, better coordination, and filling coverage gaps.  
**(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, Planning staff has not received any comments or inquiries about the project. **(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 TSS installation consists of the tower itself and related ground equipment, all within a clearly defined, fenced lease area. The subject property is a Fargo Park District maintenance facility. The TSS is located in the yard of the facility. The proposed TSS meets the separation distance requirements of the LDC related to proximity to residentially-zone property, parks, and public rights of way as well as the clustering distance requirements related to nearby TSS's. The TSS creates no activity or traffic other than for occasional maintenance. It will not prevent the development or use of neighboring property. **(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 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 is owned by the Fargo Park District. A driveway provides access to the property from University Drive South.  
**(Criteria Satisfied)**

**Findings Specific to TSS's that exceed the maximum height for TSS's by right in the zone, but that do not exceed 125 feet in height (Section 20-0402.N.3.b 1-3)**

1. **No TSS may be located closer than 500 feet, or three times the height of the TSS, whichever is greater, from any residentially zoned property, as measured from the base of the TSS to the nearest residentially zoned property line.**

The proposed site meets this requirement.

**(Criteria Satisfied)**

2. **The TSS shall have a co-location capability of at least one other telecommunications provider, unless stealth design considerations make co-location unfeasible as determined by the City Planner.**

The applicant has stated that the proposed TSS can provide this co-location capability.

**(Criteria Satisfied)**

3. **TSS's shall be either clustered together or spread apart by an adequate distance as to reduce their impact on the overall appearance of the area and the view of the horizon. Therefore, the TSS's shall be placed either no farther than 300 feet away from an existing or approved telecommunications TSS of 125 feet or less, and a minimum distance of ½ mile from a telecommunications TSS's of over 125 feet in height, as measured from the base of one TSS to another.**

The proposed site meets this requirement.

**(Criteria Satisfied)**

**RECOMMENDED CONDITION:**

1. Height of the telecommunications support structure (TSS) not to exceed 150 feet above ground level.

**Recommended Motion**

Suggested Motion: To accept the findings and recommendations of staff and approve the proposed conditional use permit to allow the TSS to exceed the maximum height requirements in the LI, Limited Industrial zoning district on Lot 3, Block 1, Rose Creek Golf Course Annex Addition as presented, as the proposal complies with the Standards of Section 20-0909.D; 20-0402.N.3.b.1-3; and all other applicable requirements of the LDC, with the following condition:

1. Height of the telecommunications support structure (TSS) not to exceed 150 feet above ground level.

**Planning Commission Recommendation: April 1<sup>st</sup>, 2025**

**Attachments:**

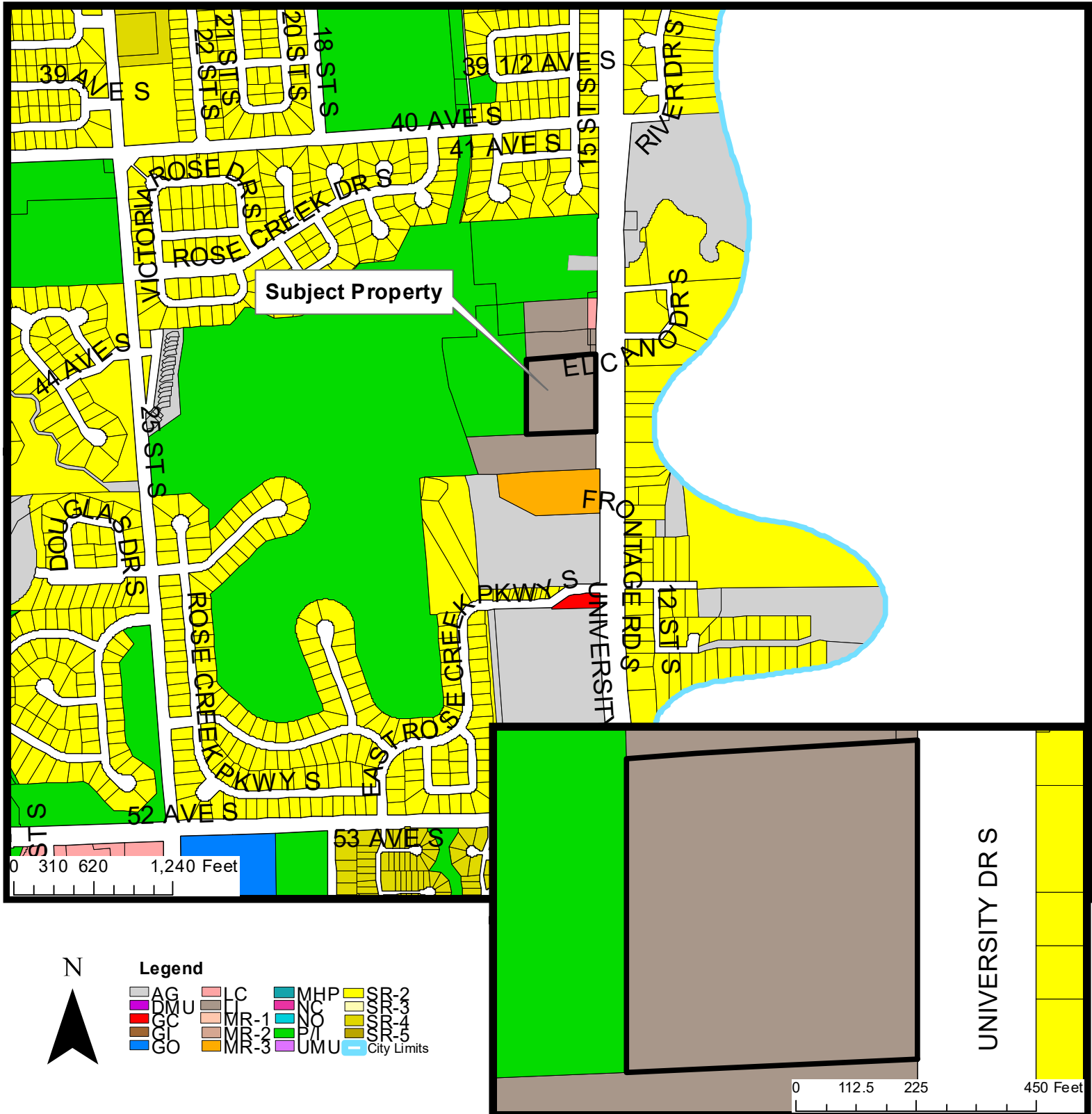
1. Zoning map
2. Location map
3. Site plan
4. TSS detail
5. Photo simulations of new proposed location



CUP, Conditional Use Permit to allow the TSS to exceed the maximum height requirements in the LI, Limited Industrial zoning district

Rose Creek Golf Course Annex Addition

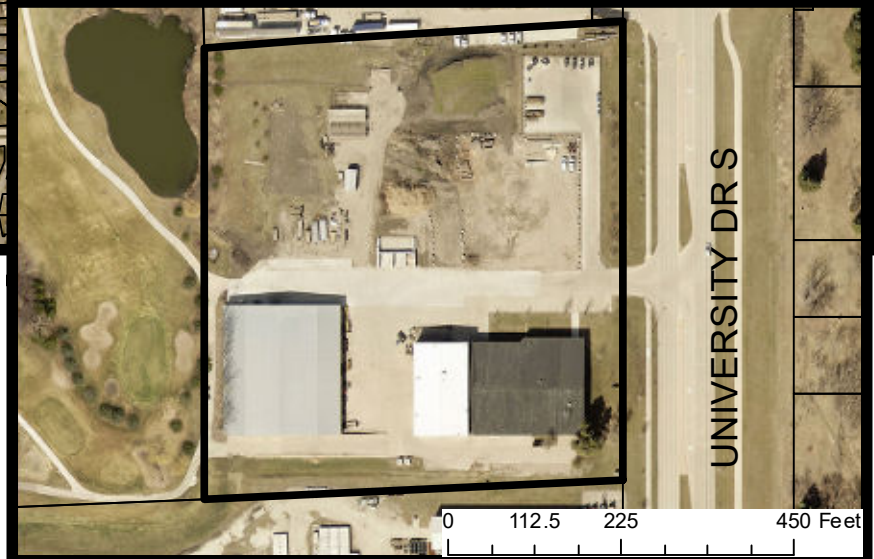
4515 University Drive South



CUP, Conditional Use Permit to allow the TSS to exceed the maximum height requirements in the LI, Limited Industrial zoning district

Rose Creek Golf Course Annex Addition

4515 University Drive South



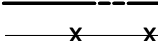
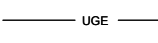
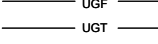
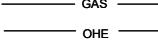
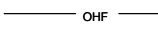
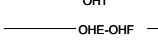
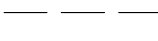



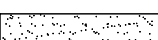
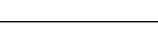
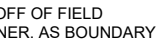




Legend

 City Limits



## SITE PLAN FOR BOTH TSS's

### LEGEND

|                       |                                                                                   |
|-----------------------|-----------------------------------------------------------------------------------|
| PROPERTY LINE         |  |
| FENCE LINE            |  |
| UNDERGROUND ELECTRIC  |  |
| UNDERGROUND FIBER     |  |
| UNDERGROUND TELCO     |  |
| UNDERGROUND GAS LINE  |  |
| OVERHEAD ELECTRIC     |  |
| OVERHEAD FIBER        |  |
| OVERHEAD TELCO        |  |
| OVERHEAD UTILITY LINE |  |
| STORM SEWER LINE      |  |
| SANITARY SEWER LINE   |  |
| WATERMAIN LINE        |  |
| BURIED GAS LINE       |  |
| EDGE OF BUSH/TREES    |  |
| BITUMINOUS            |  |
| GRAVEL                |  |

THIS SITE PLAN WAS CREATED OFF OF FIELD MEASUREMENTS BY THE DESIGNER. AS BOUNDARY SURVEY WAS NOT SUPPLIED FOR PURPOSES OF SITE LAYOUT & UTILITY ROUTING.

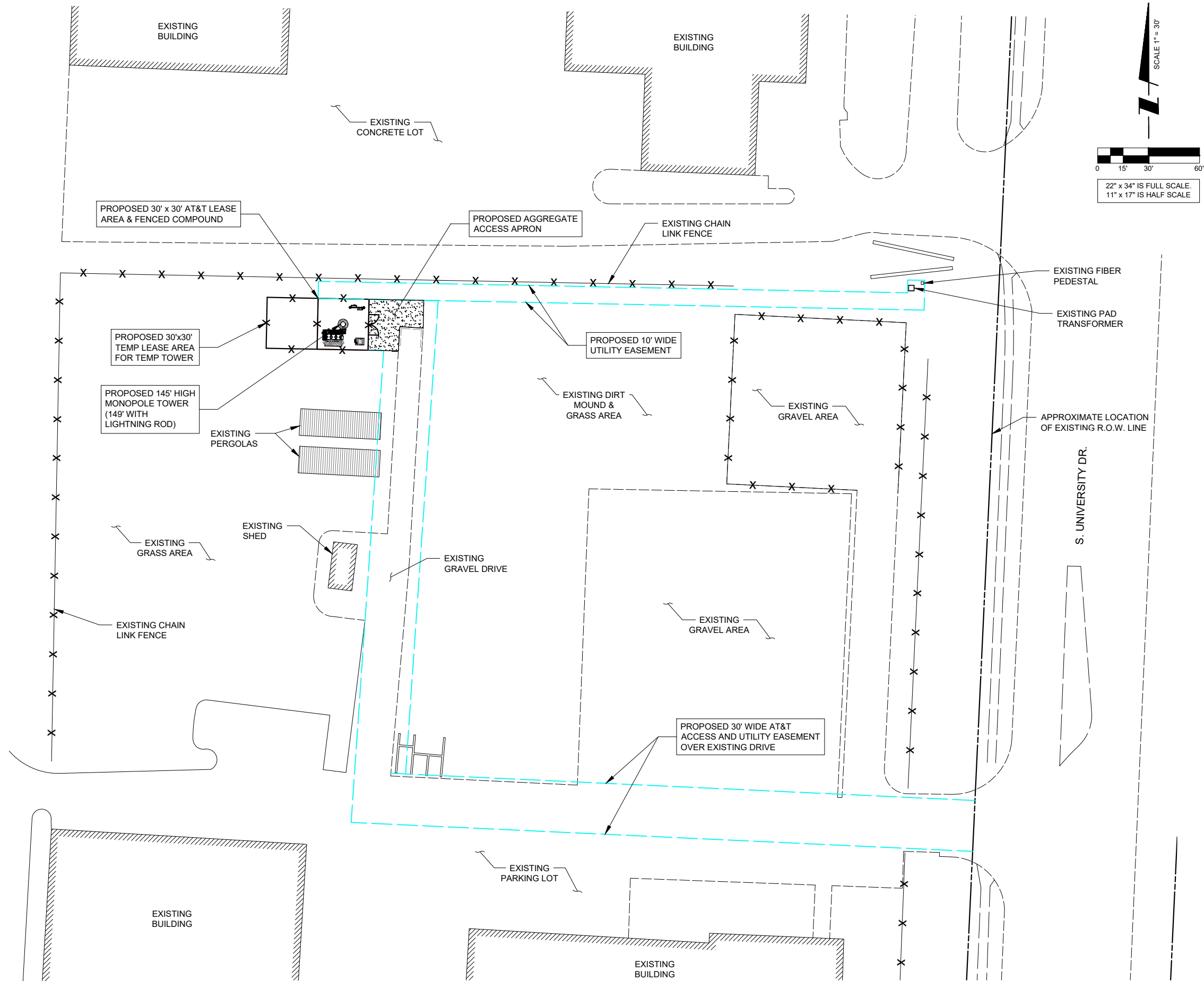


North Dakota One Call  
811 or 800-795-0555

## GENERAL SITE NOTES

1. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING PAVEMENT. CONTRACTOR SHALL PHOTOGRAPH AND VIDEOTAPE EXISTING PAVEMENT PRIOR TO CONSTRUCTION. ANY DAMAGE CAUSED DURING CONSTRUCTION SHALL BE REPLACED TO EXISTING OR BETTER CONDITION AT NO ADDITIONAL COST.
2. THE CONTRACTOR WILL, UPON BECOMING AWARE OF SUBSURFACE OR LATENT PHYSICAL CONDITIONS DIFFERING FROM THOSE DISCLOSED BY THE ORIGINAL SOIL INVESTIGATION WORK, PROMPTLY NOTIFY THE OWNER VERBALLY AND IN WRITING, AS TO THE NATURE OF THE DIFFERING CONDITIONS. NO CLAIM BY THE CONTRACTOR FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE PLANS AND SPECIFICATIONS AND DISCLOSED BY THE SOIL STUDIES WILL BE ALLOWED UNLESS THE CONTRACTOR HAS SO NOTIFIED THE OWNER, VERBALLY AND IN WRITING, AS REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.
3. CONTRACTOR TO PROVIDE APPROXIMATE 50'X50' STAGING AREA AND TEMPORARY ROAD. CONTRACTOR SHALL COORDINATE WITH ANTENNA CONTRACTOR, A STAGING AREA AND TEMPORARY ROAD THAT IS ACCEPTABLE TO THE OWNER. STAGING AREA AND TEMPORARY ROAD SHALL BE RESTORED TO EXISTING CONDITIONS AS NECESSARY UPON COMPLETION OF THE PROJECT.
4. BEFORE AND DURING CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE ADEQUATE EROSION CONTROL AS NECESSARY IN THE FORM OF SILT FENCES FOR THE SITE AND BALES AROUND ANY EXISTING MANHOLES, INLETS, OR CATCH BASINS SUSCEPTIBLE TO EROSION. EROSION CONTROL MEASURES SHALL BE PERIODICALLY INSPECTED TO ENSURE PROPER FUNCTION. EROSION CONTROL SHALL BE REMOVED UPON COMPLETION OF WORK.

AT&T SURVEY AND SITE PLANS ARE PENDING  
RECORD LEASE AREA AND EASEMENT LOCATIONS.  
PROPOSED UTILITIES NEED TO BE ROUTED WITHIN  
RECORD ROUTES/EASEMENTS. UTILITY ROUTES  
SHOWN ARE PENDING THAT INFORMATION.



| REVISIONS |                   |         |     |
|-----------|-------------------|---------|-----|
| NO.       | DESCRIPTION       | DATE    | BY  |
| A         | ISSUED FOR REVIEW | 9/19/24 | JAY |
| B         | ADD 4GEG SITE IDS | 10/7/24 | JAY |
|           |                   |         |     |
|           |                   |         |     |
|           |                   |         |     |
|           |                   |         |     |

NDFA\_SOUTHPOINTE

AT&T 4G SITE ID#: NDL94932  
FA#: 16550624

4515 S. UNIVERSITY DR.  
FARGO, ND 58104

|             |         |
|-------------|---------|
| DRAWN BY:   | JAY     |
| CHECKED BY: | DM      |
| DATE:       | 9/18/24 |
| PROJECT #:  | 259-020 |

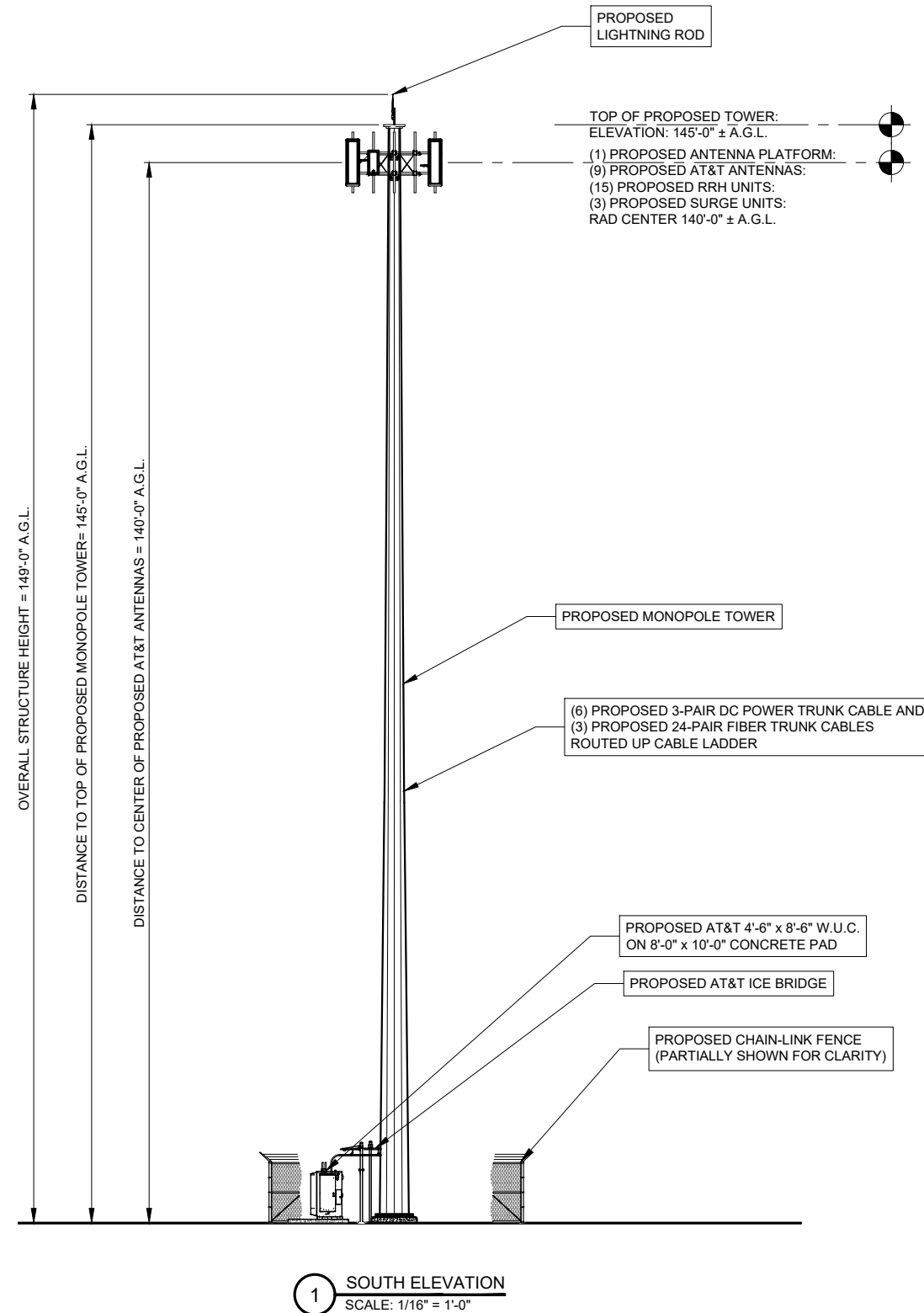
SHEET TITLE

LOCATION PLAN

SHEET NUMBER

**LP**

### ELEVATION DRAWING FOR PERMANENT TSS



## PROJECT DESCRIPTION

THIS IS NOT AN ALL INCLUSIVE LIST. CONTRACTOR SHALL UTILIZE SPECIFIED EQUIPMENT PART OR ENGINEER APPROVED EQUIVALENT. CONTRACTOR SHALL VERIFY ALL NEEDED EQUIPMENT TO PROVIDE A FUNCTIONAL SITE.

THE PROJECT GENERALLY CONSIST OF THE FOLLOWING:

PROPOSED-TOWER:  
 INSTALL (1) ANTENNA PLATFORM SUPPLIED BY TOWER MANUFACTURER  
 INSTALL (6) COMMSCOPE NNH4-65C-V4 ANTENNAS  
 INSTALL (3) AIR64272 B77G B77M INTEGRATED ANTENNA RADIOS  
 INSTALL (15) LTE RRH UNITS  
 INSTALL (3) RAYCAP DC9-48-60-24-8C-EV SURGE UNITS  
 INSTALL (6) DC POWER TRUNKS  
 INSTALL (3) FIBER TRUNKS

PROPOSED-PAD EQUIPMENT:  
 INSTALL (1) DELTA ELECTRONICS CABINET ES0F030-HCU01) ON CONC. PAD  
 INSTALL (1) GENERAC 20KW GENERATOR ON CONCRETE PAD  
 INSTALL (1) GPS KIT

PROPOSED-SITE:  
INSTALL (2) ROSENBERGER FB-10ABOX FIBER ENCLOSURES INSTALL  
APPROXIMATELY 15'-0" OF ICE BRIDGE

AT&T TO VERIFY  
REQUIRED CONCRETE  
PAD EQUIPMENT.

## NOTES

1. FENCE NOT SHOWN FOR CLARITY.
2. WHEN STACKING CABLES 3 OR MORE DEEP, USE STACKABLE SNAP-INS, TALLEY PART NUMBER SSH-158-3 (OR ENGINEER APPROVED EQUAL).

### MOUNT ANALYSIS NOTE

THE PASSING ANTENNA MOUNT ANALYSIS EVALUATION LETTER FOR THE PROPOSED MOUNTS WAS COMPLETED BY T.B.D. DATED T.B.D.. THE MOUNT HAS SUFFICIENT CAPACITY FOR THE EXISTING AND PROPOSED LOADINGS OBSERVED ON THESE CONSTRUCTION DRAWINGS.

## MOUNT ANALYSIS NOTE

THE PASSING STRUCTURAL ANALYSIS FOR THE EXISTING STRUCTURE WAS COMPLETED BY T.B.D..



| REVISED |                    |         |     |
|---------|--------------------|---------|-----|
| NO.     | DESCRIPTION        | DATE    | BY  |
| A       | ISSUED FOR REVIEW  | 9/19/24 | JAY |
| B       | ADD 4G/5G SITE IDs | 10/7/24 | JAY |
|         |                    |         |     |
|         |                    |         |     |
|         |                    |         |     |
|         |                    |         |     |

NDFA\_SOUTHPOINTE

AT&amp;T 4G SITE ID#:

NDL94932

FA#: 16550624

4515 S. UNIVERSITY DR.  
FARGO, ND 58104

|             |         |
|-------------|---------|
| DRAWN BY:   | JAY     |
| CHECKED BY: | DM      |
| DATE:       | 9/18/24 |
| PROJECT #:  | 259-020 |

SHEET TITLE

SITE ELEVATION

SHEET NUMBER

## ANT-1

## PROJECT DESCRIPTION

THE PROJECT GENERALLY CONSIST OF THE FOLLOWING:

PROPOSED-PAD EQUIPMENT:  
 INSTALL (1) DELTA ELECTRONICS CABINET ES0F030-HCU01) ON CONC. PAD  
 INSTALL (1) GENERAC 20KW GENERATOR ON CONCRETE PAD  
 INSTALL (1) GPS KIT

AT&T TO VERIFY  
REQUIRED CONCRETE  
PAD EQUIPMENT.

1. FENCE NOT SHOWN FOR CLARITY.
2. WHEN STACKING CABLES 3 OR MORE DEEP, USE STACKABLE SNAP-INS, TALLEY PART NUMBER SSH-158-3 (OR ENGINEER APPROVED EQUAL).

THE PASSING ANTENNA MOUNT ANALYSIS EVALUATION LETTER FOR THE PROPOSED MOUNTS WAS COMPLETED BY T.B.D. DATED T.B.D.. THE MOUNT HAS SUFFICIENT CAPACITY FOR THE EXISTING AND PROPOSED LOADINGS OBSERVED ON THESE CONSTRUCTION DRAWINGS.

THE PASSING STRUCTURAL ANALYSIS FOR THE EXISTING STRUCTURE WAS COMPLETED BY T.B.D..



SHEET NUMBER

**ANT-1**





BEFORE



AFTER

# NDFA\_SOUTHPOINTE

View from South looking North



NOTE: THIS PHOTO SIMULATION IS A VISUAL INTERPRETATION OF THE PROPOSED DESIGN. FINAL CONSTRUCTION MAY DIFFER FROM WHAT IS PRESENTED HERE.

600 Busse Highway, Park Ridge, IL 60068  
Phone: 847.698.6400 Fax: 847.698.6401  
TCG # 259-020