

FARGO PLANNING COMMISSION AGENDA  
Tuesday, January 5, 2021 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of December 1, 2020
- C: Brown Bag Luncheon - Wednesday, January 20, 2021
- D: Public Hearing Items:
1. Continued hearing on an application requesting a Growth Plan Amendment on an unplatted portion of **Section 5, Township 138 North, Range 49 West**. (Located at 5702 52nd Avenue South) (Four Horsemen, LLC/Nate Vollmuth) (dk): CONTINUED TO FEBRUARY 2, 2021
  2. Continued hearing on an application requesting a LDC Text Amendment to Article 20-09 to create Section 20-0907.E, Vacation of Right of Way. (City of Fargo) (dk): CONTINUED TO FEBRUARY 2, 2021
  3. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on Lots 1 and 2, Block 1, **Elim Second Addition**. (Located at 3534 and 3540 University Drive South) (Elim Homes, Inc./Pope Architects) (ms)
  4. Hearing on an application requesting a Plat of **South Haven Second Addition** (Major Subdivision) a replat of Lots 21-32, South Haven Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 2505, 2511, 2517, 2523, 2529, 2605, 2611, 2617, 2623, 2705, 2717, 2729 65th Avenue South) (Ryland Development Corp./Stan& Patricia Ryland) (dk)
  - 5a. Hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within the boundaries of the proposed **Covey Ranch First Addition**. (Located at 6688 45th Street South) (Dabbert Custom Homes, LLC) (dk)
  - 5b. Hearing on an application requesting a Plat of **Covey Ranch First Addition** (Major Subdivision) a plat of an unplatted portion of the Northwest Quarter of Section 10, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 6688 45th Street South) (Dabbert Custom Homes, LLC) (dk)
  - 6a. Hearing on an application requesting a Zoning Change from AG, Agricultural, SR-4, Single-Dwelling Residential, and P/I, Public and Institutional with a C-O, Conditional Overlay to SR-2, Single-Dwelling Residential and SR-4, Single-Dwelling Residential within the bounds of the proposed **Golden Valley Fifth Addition**. (Located at 2800 67th Avenue South; 6891, 6907, 6919, 6926, 6941 26th Street South; 2628 69th Avenue South; and 2631 Golden Lane South) (Ryland Development Corp./EagleRidge Development, LLC) (dk)

---

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live at [www.FargoND.gov/streaming](http://www.FargoND.gov/streaming). They are rebroadcast each Wednesday at 8:00 a.m. and Sunday at 8:00 a.m.; and are also included in our video archive at [www.FargoND.gov/PlanningCommission](http://www.FargoND.gov/PlanningCommission).

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

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

- 6b. Hearing on an application requesting a Plat of **Golden Valley Fifth Addition** (Major Subdivision) a plat of an unplatted portion of the South Half of the Northwest Quarter of Section 11, Township 138 North, Range 49 West, a replat of Lots 2-5, Block 4, Golden Valley Second Addition; Lot 11, Block 1, and Lots 1 and 2, Block 2, Golden Valley Third Addition; and a vacation and dedication of a portion of 69th Avenue South in Golden Valley Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 2800 67th Avenue South; 6891, 6907, 6919, 6926, 6941 26th Street South; 2628 69th Avenue South; and 2631 Golden Lane South) (Ryland Development Corp./EagleRidge Development, LLC) (dk)

---

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live at [www.FargoND.gov/streaming](http://www.FargoND.gov/streaming). They are rebroadcast each Wednesday at 8:00 a.m. and Sunday at 8:00 a.m.; and are also included in our video archive at [www.FargoND.gov/PlanningCommission](http://www.FargoND.gov/PlanningCommission).

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

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

**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday, December 1, 2020**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held virtually in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, December 1, 2020.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Mary Scherling, Rocky Schneider, Melissa Sobolik, Scott Stofferahn, Maranda Tasa, Jennifer Holtz, Dawn Morgan, Art Rosenberg

Chair Gunkelman called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

Chair Gunkelman stated that Items 2 and 7 have been continued to the January 5, 2020 Planning Commission meeting.

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

**Item B: Minutes: Regular Meeting of November 3, 2020**

Member Tasa moved the minutes of the November 3, 2020 Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

**Item C: No December Brown Bag Meeting Scheduled**

**Item D: Public Hearing Items:**

**Item 1: Eagle Valley Fourth Addition**

**1a. Continued hearing on an application requesting a Zoning Change from P/I, Public and Institutional to SR-4, Single-Dwelling Residential within the boundaries of the proposed Eagle Valley Fourth Addition. (Located at 7300 23rd Street South) (Eagle Ridge Development, LLC): APPROVED**

**1b. Continued hearing on an application requesting a Plat of Eagle Valley Fourth Addition (Major Subdivision) a replat of Lot 20, Block 5, Eagle Valley Addition to the City of Fargo, Cass County, North Dakota. (Located at 7300 23rd Street South) (Eagle Ridge Development, LLC): APPROVED**

A Hearing had been set for November 3, 2020. At the November 3, 2020 meeting, the Hearing was continued to this date and time.

Assistant Planner Maggie Squyer presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted additional comments received were emailed to Board members, and that a virtual neighborhood meeting was held on November 19, 2020.

Ms. Squyer stated that resident Chris Ford submitted an updated protest before the meeting that will be emailed out to Board members following the meeting.

Discussion was held on the changes made to the application and site plan.

Applicant Jon Youness, Eagle Ridge Development, spoke on behalf of the application noting the MR-1, Multi-Dwelling Residential zoning has been removed from the application.

Discussion continued on lot sizes, changes from the original proposal, and the history of the property.

Dave Leker, Executive Director of the Fargo Park District, further shared on the history of the property.

Ms. Squyer read letters in opposition submitted after the packet-publishing deadline to the Board from the following residents:  
Andrea Fogderud, 7424 21st Street South  
Damon Kelly, 7320 20th Street South

The following residents spoke in opposition to the application stating the following concerns: neighborhood feeling deceived, effect to value of current homes, increased congestion to the area, needing more than two neighborhood meetings, and Public/Institutional uses being a better fit for the area.

Chris Ford, 7329 21st Street South (spoke on behalf of daughter and son-in-law)  
Matt Kosak, 7416 21st Street South  
Eric Escarraman, 7404 21st Street South

Discussion was held on the work the developer has done to update the project, what uses are allowed in the P/I, Public and Institutional zoning district, recap of the neighborhood meetings, the process of the Park District to sell the land, and the process done to update the application.

Mr. Leker noted the process for sale of the property, stated it was publicly noticed, and no testimony was received.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from P/I, Public and Institutional to SR-4, Single-Dwelling Residential, and 2)



Subdivision Plat Eagle Valley Fourth Addition as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan.

Board discussion was held regarding Member Morgan abstaining from the vote.

Member Morgan stated she intends to vote on the item and withdraw her recusal.

Mr. Leker noted the Park District is no longer the owner of this property.

Assistant City Attorney Alissa Farol spoke on behalf of the City Attorney's office.

Chair Gunkelman requested Member Morgan to recuse from voting on this item and called for a new second to the motion.

Second by Member Stofferahn. On call of the roll Members Holtz, Tasa, Stofferahn, Rosenberg, Schneider, Sobolik, and Gunkelman voted aye. Member Scherling voted nay. Member Morgan abstained from voting. The motion was declared carried.

At 4:00 p.m., the Board took a five-minute recess.

After Recess: All Members present. Chair Gunkelman presiding.

**Item 2: Section 5, Township 138 North, Range 49 West  
Continued hearing on an application requesting a Growth Plan Amendment on an unplatted portion of Section 5, Township 138 North, Range 49 West. (Located at 5702 52nd Avenue South) (Four Horsemen, LLC/Nate Vollmuth): CONTINUED TO JANUARY 5, 2021**

A Hearing had been set for November 3, 2020. At the November 3, 2020 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to January 5, 2021.

**Item 3: Oak Grove Historic Overlay Zoning District  
Hearing on an application requesting a Zoning Change to establish the Oak Grove Neighborhood Historic Overlay District on Blocks 29, 30, 39, 40, and 41, Keeney and Devitts Second Addition; Blocks 1, 2, and 3 Oak Grove Addition; and Blocks 2, 3, and 4, Lindsays Addition. (Located in the area roughly bounded on the North by 8th Avenue North, East by Short Street North, South by 6th Avenue North and some areas further south towards the Red River, and West between 1st and 2nd Street North): APPROVED**

Planning Coordinator Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted additional comments received were emailed to Board members, and stated the Historic Preservation Commission approved this application on November 17, 2020.

Applicant Carol Pearson spoke on behalf of the application.

Tracy Walvatne, 1123 4th Street North, spoke in favor of the application.

Discussion was held regarding if there would be additional costs to the homeowners.

Member Scherling moved the findings and recommendations of the Historic Preservation Commission and staff be accepted and approval be recommended to the City Commission of the proposed Oak Grove Historic Overlay District as outlined within the staff report, as the proposal complies with the GO2030 Comprehensive Plan, Section 20-0305.E. 1 & 2 (a-f), Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Schneider, Sobolik, Stofferahn, Rosenberg, Holtz, Scherling, Tasa, Morgan, and Gunkelman voted aye. The motion was declared carried.

**Item 4: Huynh Kha Addition**

**Hearing on an application requesting a Plat of Huynh Kha Addition (Major Subdivision) a plat of an unplatted portion of the Northeast Quarter of Section 12, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 1425 Main Avenue) (Huynh Kha Property, LLC/Dovetail Development, LLC): APPROVED**

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

Discussion was held on future Department of Transportation plans involving Main Avenue.

Planning and Development Director Nicole Crutchfield noted the Department of Transportation will communicate with property owners.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Huynh Kha Addition as outlined within the staff report, as the proposal complies with the GO2030 Comprehensive Plan, the Standards of Article 20-06, Section 20-0907.C (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Scherling, Sobolik, Stofferahn, Holtz, Rosenberg, Tasa, Schneider, and Gunkelman voted aye. Member Morgan voted nay. The motion was declared carried.

**Item 5: Darling's First Addition**

**Hearing on an application requesting a Zoning Change from LC, Limited Commercial and MR-2, Multi-Dwelling Residential to MR-2, Multi-Dwelling Residential of Lot 6, Block 2, Darling's First Addition. (Located at 721 University Drive South) (C/D Fraser LTD./Lowry Engineering): APPROVED**

Ms. Squyer presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted an additional comment received was emailed to Board members.

Discussion was held regarding the construction that has already begun on the property, and if it is within code to begin a project before being approved for the zoning change.

Applicant Jon Lowry spoke on behalf of the application. He noted there will be no additional boarding space with the project, only additional office and community space.

Discussion was held on the proposed use of the project.

Tony Ocana, 1117 8th Avenue South, asked Ms. Squyer to provide an overview of the key concerns received in the resident opposition letters, including police calls, transient activity, fireworks, and drug use in the neighborhood.

Mr. Ocana spoke in opposition to the application and noted concerns of the future use to allow additional multi-dwelling residential units.

Discussion was held on the current split zoning on the property, the future concern for the MR-2, Multi-Dwelling Residential zoning to allow additional residential units on the lot, and the lack of better communications to the neighborhood from Fraser.

Ms. Crutchfield noted that MR-2, Multi-Dwelling Residential zoning and its requirements would all have to be met on the property, and at this time no additional residential units are proposed, only additional office and community space.

Discussion was held on the missed opportunity by Fraser to address neighborhood questions, and concerns that the applicant has already begun construction prior to zoning approval.

Mr. Lowry stated the goal for this project is to clean up the properties into one zoning district.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from LC, Limited Commercial and MR-2, Multi-Dwelling Residential to MR-2, Multi-Dwelling Residential as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Stofferahn, Tasa, Morgan, Schneider, Sobolik, Holtz, Scherling, Rosenberg, and Gunkelman voted aye. The motion was declared carried.

**Item 6: Arcadia Park View Addition**

**6a. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential within the boundaries of the proposed Arcadia Park View Addition. (Located at 18 and 20 8th Avenue North) (Arcadia Park View, LLC/Larry Carcoana): APPROVED**

**6b. Hearing on an application requesting a Plat of Arcadia Park View Addition (Minor Subdivision) a replat of Lot 8 and parts of Lots 9-10, Block 6, Truesdell's Addition to the City of Fargo, Cass County, North Dakota. (Located at 18 and 20 8th Avenue North) (Arcadia Park View, LLC/Larry Carcoana): APPROVED**

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

Applicants Larry Carcoana and Dmitry Kovalyov spoke on behalf of the application.

Discussion was held on if the proposed homes would be rental or for purchase, and the maximum number of units allowed on the property.

Member Morgan 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-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential, and 2) Subdivision Plat Arcadia Park View Addition as outlined within the staff report, as the proposal complies with the GO2030 Comprehensive Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Rosenberg, Sobolik, Holtz, Scherling, Morgan, Schneider, Stofferahn, Tasa, and Gunkelman voted aye. The motion was declared carried.

**Item E: Other Items:**

**Item 1:** 2021 Planning Commission Meeting Calendar

Chair Gunkelman stated the 2021 meeting calendar is included in the packet.

Mr. Kress noted that the June and September meetings will be held on Thursdays due to the Memorial Day and Labor Day holidays.

**Item 2: Project Update: Core Neighborhoods Plan**

Planning Coordinator Aaron Nelson presented an update on the Core Neighborhoods Plan, noting additional information is available on the City of Fargo website.

Member Tasa moved to adjourn the meeting at 5:25 p.m. Second by Member Morgan. All Members present voted aye and the motion was declared carried.





**Agenda Items Map**  
Fargo Planning Commission  
January 5, 2021

**Agenda Items Number**

- 3 -- Elim Second Addition
- 4 -- South Haven Second Addition
- 5a & 5b -- Covey Ranch First Addition
- 6a & 6b -- Golden Valley Fifth Addition

Items 1 & 2 Continued

3

5

4

6



0 0.25 0.5 Miles



**City of Fargo  
Staff Report**

<b>Title:</b>	Elim Second Addition	<b>Date:</b>	12/29/2020
<b>Location:</b>	3534 & 3540 University Drive S	<b>Staff Contact:</b>	Maggie Squyer
<b>Legal Description:</b>	Lots 1 & 2, Block 1, Elim Second Addition		
<b>Owner(s)/Applicant:</b>	Elim Homes, Inc./ Pope Architects	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> for an alternative access plan to allow a parking reduction in the MR-3, Multi-Dwelling Residential zoning district		
<b>Status:</b>	Planning Commission Public Hearing: January 5, 2021		

Existing	Proposed
<b>Land Use:</b> Nursing Home/ Senior Assisted Living Facility (Group Living)	<b>Land Use:</b> Nursing Home/ Senior Assisted Living Facility (Group Living)
<b>Zoning:</b> MR-3, Multi-Dwelling Residential	<b>Zoning:</b> MR-3, Multi-Dwelling Residential
<b>Uses Allowed:</b> Multi-Dwelling Residential allows detached housing, attached housing, duplexes, multi-dwelling structures, group living, community services, day care facilities of limited size, parks and open areas, religious institutions, safety services, schools, basic utilities and limited telecommunications facilities.	<b>Uses Allowed:</b> No change
<b>Maximum Density:</b> 24 units per acre	<b>Maximum Density:</b> 24 units per acre

**Proposal:**

The applicant is seeking a Conditional Use Permit (CUP) for an alternative access plan in order to reduce the number of parking stalls required on site. The owner, Elim Homes, Inc., intends to reconstruct a nursing home that suffered fire damage at the beginning of the year. Prior to the fire in January 2020, the campus provided parking for a total of 184 residential units and support staff. The new facility will provide fewer beds than previously existed and require less staff, leading to a 20% reduction in the number of residents and support staff across campus. At the same time, the applicant is proposing to reduce the existing parking by only 4%.

Today, the applicant is proposing that 164 parking stalls will provide adequate on-site parking at 3534 and 3540 University Drive South. The Engineering Department determined that the 164 off-street parking stalls would meet the facility's parking needs based on information provided by the applicant.

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: P/I, Public and Institutional with a school and MR-3, Multi-Dwelling Residential with attached housing,
- East: MR-3, Multi-Dwelling Residential with apartments,
- South: SR-2, Single-Dwelling Residential with detached housing
- West: MR-3, Multi-Dwelling Residential with apartments

<b>Area Plans:</b>
This site is included in the River Drive Neighborhood Plan. The Neighborhood Plan does not address parking requirements as determined by the Land Development Code.
<b>Context:</b>
<b>Neighborhood:</b> River Drive Neighborhood
<b>Schools:</b> The subject property is located within the Fargo Public School District and is served by Eagles Elementary, Discovery Middle, and Davies High Schools.
<b>Parks:</b> The project site is located within a quarter-mile of Courts Plus Community Fitness (3491 University Drive South), Milwaukee Trail North Park (3601 17 <sup>th</sup> Street South) and Milwaukee Trail Middle Park (3719 17 <sup>th</sup> Street South), which offer amenities of a gym, picnic tables, playground equipment and recreational trails.
<b>Pedestrian / Bicycle:</b> A shared use path runs along the west side of the property on University Drive South as part of the metro area bikeways system.
<b>Staff Analysis:</b>
<b>Conditional Use Permit Approval Criteria (Section 20-0909.D)</b>
The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:
<ol style="list-style-type: none"> <li>1. <b>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?</b>  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. Based on the requirements of the Land Development Code, 254 parking stalls would typically be required for this type of development. Prior to the fire, the facility was functioning without complaint with only 171 parking stalls. Section 20-0701 of the Land Development Code provides guidelines to ensure that developers are providing adequate off-street parking for their projects. Exploring reductions in minimum parking standards is a key initiative meant to promote the guiding principles of the LDC. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City.  <b>(Criteria Satisfied)</b></li> <li>2. <b>Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?</b>  Staff suggests that this proposed CUP for an alternative access plan for reduced parking will promote the welfare of the public by supporting the development of a senior assisted living facility. Staff believes that the applicant is providing adequate and convenient on-site parking for residents, employees, and visitors.  <b>(Criteria Satisfied)</b></li> <li>3. <b>Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?</b>  Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the project and no letters of opposition.  <b>(Criteria Satisfied)</b></li> <li>4. <b>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.</b></li> </ol>

The proposed alternative access plan for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant ensure off-street parking stalls will be available to citizens frequenting the property and to trigger a review of the CUP if the proposed use is intensified.  
**(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 Engineering Department determined that the 164 off-street parking stalls would meet the facility's parking needs based on information provided by the applicant.

**(Criteria Satisfied)**

**Recommended Conditions:**

- A minimum of 164 parking stalls to be provided on site.
- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.
- The Conditional Use Permit will cease if the land use changes from group living.
- Expansion of any proposed or existing use will trigger a reevaluation of off-street parking requirements on site.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow an alternative access plan as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- A minimum of 164 parking stalls to be provided on site.
- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.
- The Conditional Use Permit will cease if the land use changes from group living.
- Expansion of any proposed or existing use will trigger a reevaluation of off-street parking requirements on site.

**Planning Commission Recommendation: January 5, 2021**

**Attachments:**

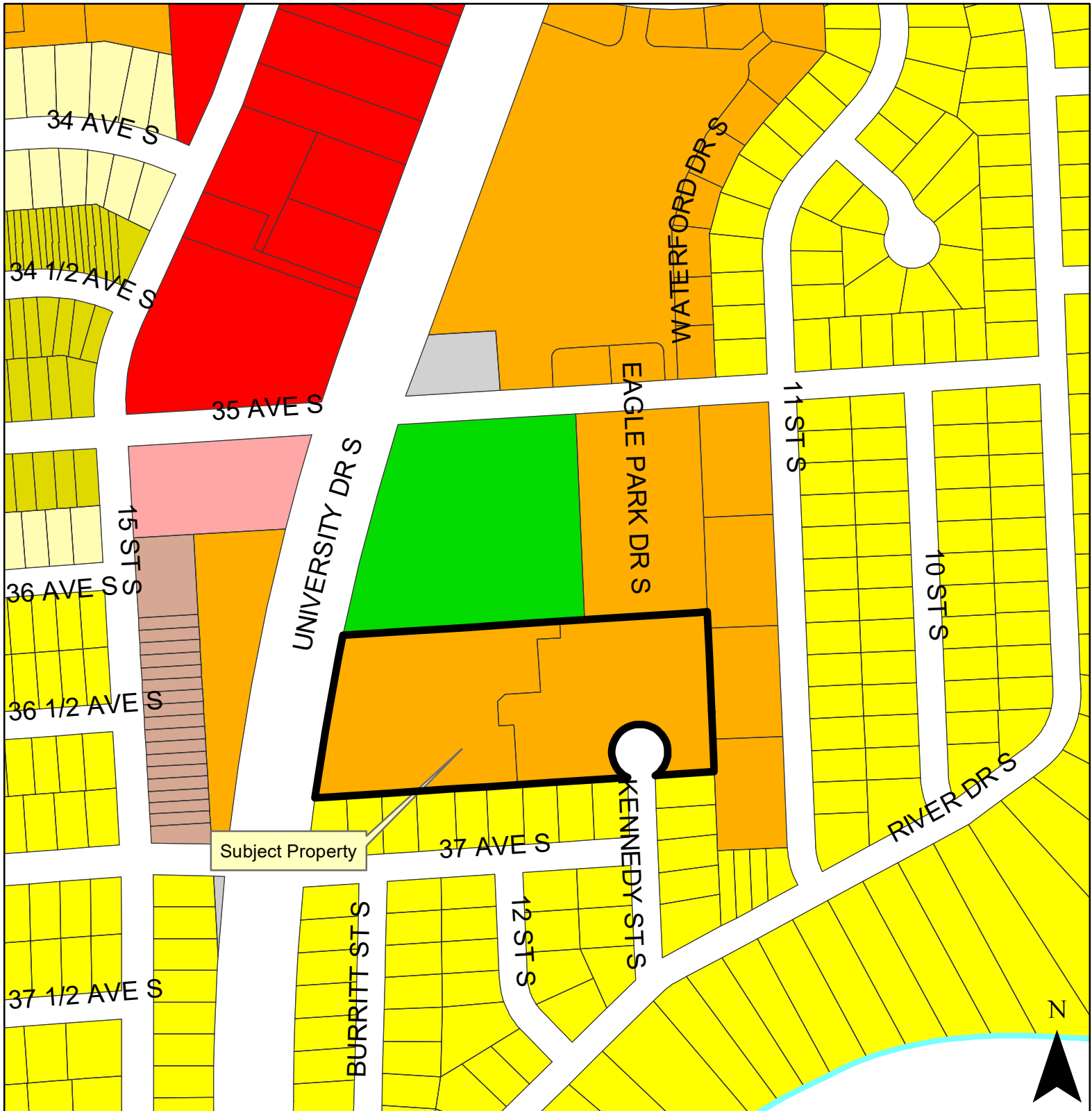
1. Zoning Map
2. Location Map
3. Description of Parking Needs



# Conditional Use Permit

## Elim Second Addition

3534 & 3540 University Dr S



### Legend

AG	DM	LC	MHP	SR-2
CC	GC	MR-1	NOC	SR-3
GO	MR-2	MR-3	UML	SR-4
				SR-5
				City Limits

300  
Feet



# Conditional Use Permit

## Elim Second Addition

3534 & 3540 University Dr S





We are submitting a CUP Application for the Elim: Fargo Care Center Reconstruction project. In January of 2020 we lost our property due to a fire that devastated the Skilled Care Center located on the property. Rather than rehabilitating the existing building, we have elected to reconstruct the building with a different configuration in order to meet current market demands. A key decision was made to reduce the nursing home resident bed count and resident capacity from 136 to 88. This is a 48 bed reduction, or 35% less residents, staff and services at the nursing home location.

Our current site plan for the reconstruction project provides for 164 parking stalls at both the New Nursing Home and Existing Assisted Living Property. This is 6 less parking stalls than we currently have at the existing site today. Per the City of Fargo Parking Requirements, we are required to provide 254 parking stalls, 90 more stalls than we currently are proposing and 84 more stalls than we currently have on site.

Our request to the Commission is to grant an exception to reduce the required parking from the minimum 254 stalls to the 164 stalls we are proposing based on the following;

- 1- We have been operating with 136 Nursing Home beds and 48 Assisted Living Apartments (184 Units of Care) on the campus since the year 2000 and have not had any parking issues.
- 2- Prior to the fire in January 2020 we were providing parking to a total of 184 Resident Units or Beds. When we open the new facility we will be providing parking to only 136 total Resident Units and Staff. This will be a reduction of roughly 20% across the campus.
- 3- Despite the 20% reduction in Resident Units and Staff Demand, we are only reducing the parking by less than 4%.

We would also like to offer additional support for the reduction to 164 parking stalls;

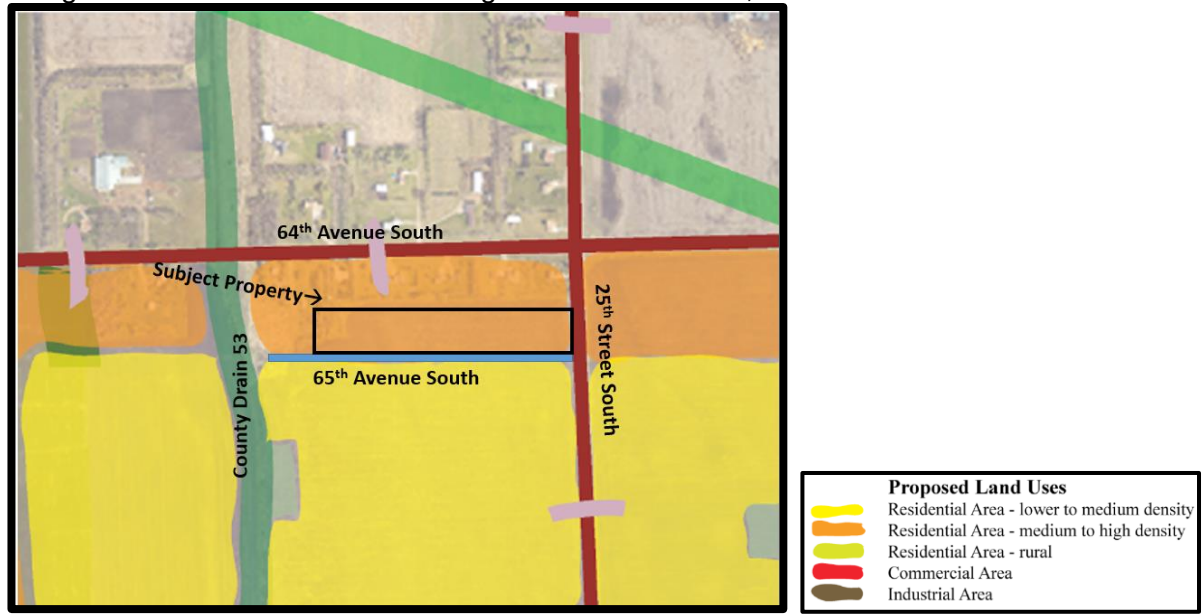
- 1- We developed a property in Bismarck, ND in 2018 with 50 Assisted Living Apartment and 140 Nursing Home Beds that provides 133 parking stalls being adequate for residents, staff and visitors.
- 2- We are currently developing a property in the West Metro of the Twin Cities with 64 Nursing Home Beds and 85 units of Independent Living, Assisted Living and Assisted Living Memory Care that provides 150 parking stalls approved by that city's planning department.
- 3- We are currently developing a property in the North East Metro of the Twin Cities with 64 Nursing Home Beds and 89 units of Independent Living, Assisted Living, Care Suites and Assisted Living Memory Care that provides 132 parking stalls approved by that city's planning department.
- 4- Plans and additional documentation for the projects noted above are available upon request.

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	South Haven Second Addition	<b>Date:</b>	12/30/2020
<b>Location:</b>	2505, 2511, 2517, 2523, 2529, 2605, 2611, 2617, 2623, 2705, 2717, and 2729 65th Avenue South	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description</b>	Lots 21-32, South Haven Subdivision, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Ryland Development/ Stan Ryland	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (plat <b>South Haven Second Addition</b> , a replat of Lots 21 through 32, South Haven Subdivision, City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: January 5, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Platted, not developed	<b>Land Use:</b> Residential
<b>Zoning:</b> SR-2, Single Dwelling Residential (current lots 21-24) and SR-3 (current lots 25-32)	<b>Zoning:</b> No change
<b>Uses Allowed:</b> SR-2 – allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities SR-3—allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> No change
<b>Maximum Density</b> SR-2 allows 5.4 dwelling units per acre; SR-3 allows 8.7 dwelling units per acre	<b>Maximum Lot Coverage</b> No change

<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A major subdivision, entitled <b>South Haven Second Addition</b>, which is a replat of Lots 21 through 32, South Haven Subdivision, Cass County, North Dakota</li> </ol> <p>The existing lots are zoned SR-2 and SR-3. No zone change is proposed along with this plat.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: Detached single-dwelling residential; SR-2</li> <li>• East: Multi-dwelling residences; MR-3</li> <li>• South: Detached single-dwelling residences; SR-4 (platted but not developed)</li> <li>• West: Detached single-dwelling residence; SR-2 (platted but not developed)</li> </ul> <p><b>Area Plans:</b></p> <p>The South Haven Subdivision was platted in 1964, before this area was within the Fargo city limits and before the current growth plan was created. The 2007 Tier One Southeast Growth Plan designates the</p>

area of this project as “Residential Area--Medium to High Density.” It is adjacent to an area designated “Residential Area—Lower to Medium Density” to the south. The areas designated in the growth plan are not exact boundaries but approximate areas. The existing SR-2 and SR-3 zonings allow a lower density that would generally be in the “medium to high density” category, but are reasonable zoning designations for residential lots facing 65<sup>th</sup> Avenue South, a local street.



**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:** Golden Valley Park (6977 Golden Valley Parkway), Legacy Park (6297 22nd Street South) and Davies Second Addition Park (2207 67th Avenue South) are all located within one-half mile of the subject property. These parks provide basketball courts, playground equipment, recreational trails, and picnic shelters.

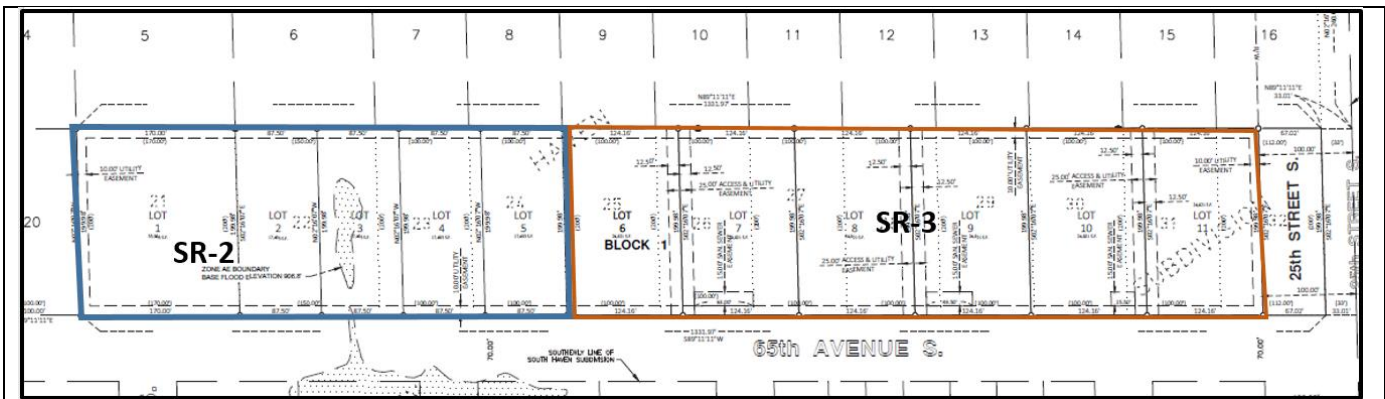
**Pedestrian / Bicycle:** A bike lane exists along the east side of the proposed development on 25th Street South.

**Staff Analysis:**

The lots are currently zoned SR-2, Single-Dwelling Residential (existing lots 21-24) and SR-3, Single-Dwelling Residential (existing lots 25-32). The plat proposes to subdivide the current 12 lots into 11 residential lots, zoned as shown in the chart below:

Lot Number	Zoning
1-5	SR-2, Single Dwelling Residential
6-11	SR-3, Single Dwelling Residential

This zoning is depicted in the graphic below:



The SR-2 zoning allows only detached, single-dwelling residences.

The SR-3 zoning allows single-dwelling as well as attached residential. The easements between the three pairs of lots---Lots 6 and 7; Lots 8 and 9; and Lots 10 and 11---are intended to provide vehicular and utility access to a three unit attached residence on each lot.

DEDICATION: The plat will dedicate 100 feet of right-of-way for future expansion of 25<sup>th</sup> Street South, a major arterial street. This dedication is depicted on the plat.

### Subdivision

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

**1. Section 20-0907(C)(1)(Development Review Procedures—Subdivisions—Major Subdivisions) 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 proposed zoning designations—SR-2 and SR-3—will accommodate the proposed development of detached single-dwelling (SR-2) and attached single-dwelling (SR-3) residences. 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 no inquiries on this property. **(Criteria Satisfied)**

**2. Section 20-0907.4 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 existing and proposed zoning designations are consistent with the 2007 Tier 1 Southeast Growth Plan as described above. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(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.**

The applicant has provided a draft amenities plan that specifies the terms of 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. The City’s standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission the proposed plat of **South Haven Second Addition**, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** January 5, 2021

**Attachments:**

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

# Plat (Major)

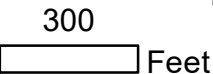
## South Haven Second Addition

2505-2729 65th Ave S



**Legend**

AG	DMU	GGC	GO	LC	MR-1	MR-2	MR-3	MHP	NO	P/I	UML	SR	UR	UR-2	UR-3	UR-4	UR-5	City Limits
----	-----	-----	----	----	------	------	------	-----	----	-----	-----	----	----	------	------	------	------	-------------



Fargo Planning Commission  
January 5, 2020



# Plat (Major)

## South Haven Second Addition

2505-2729 65th Ave S



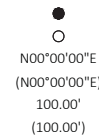


# SOUTH HAVEN SECOND ADDITION

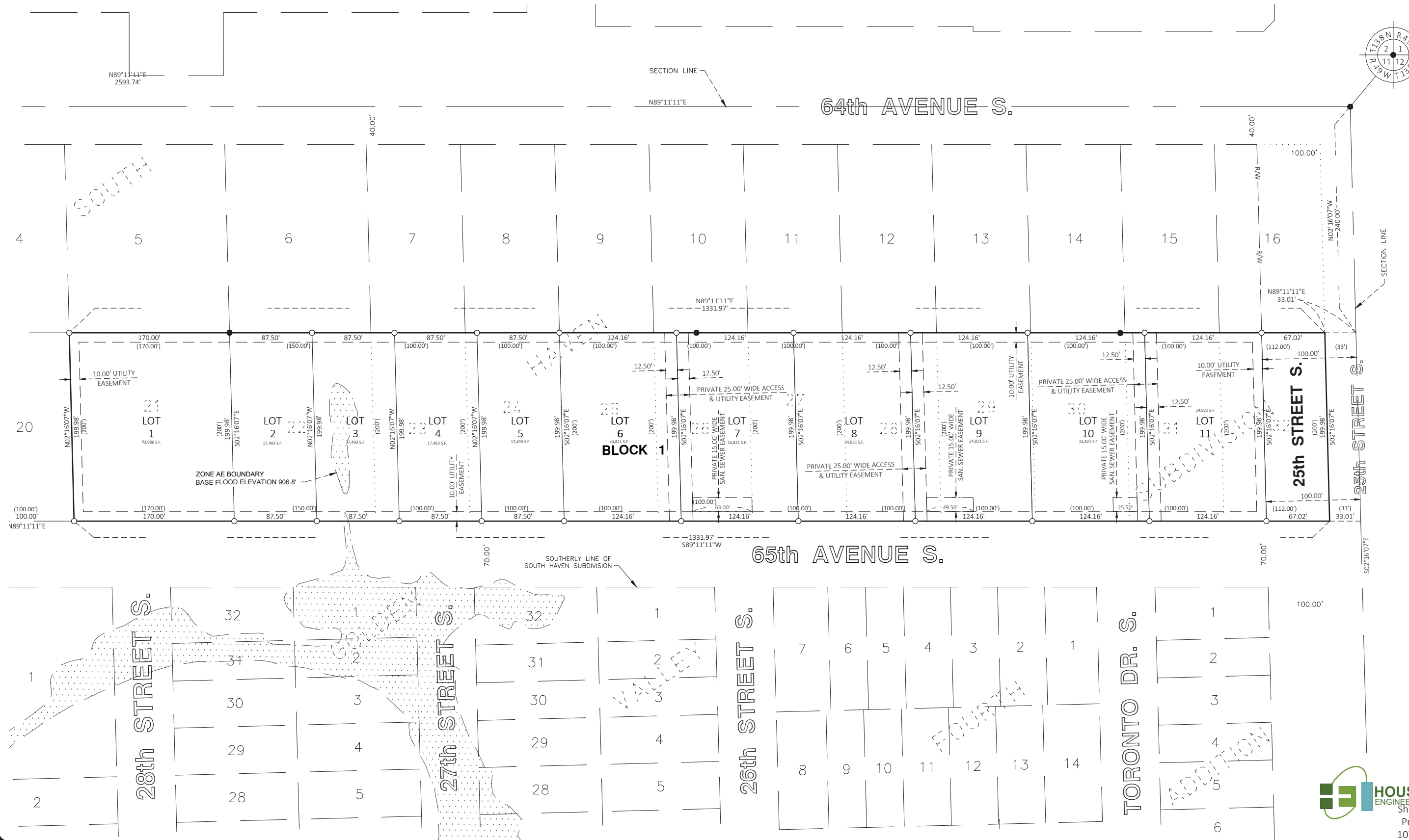
BEING A REPLAT OF LOTS 21 THROUGH 32, SOUTH HAVEN SUBDIVISION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
(A MAJOR SUBDIVISION)

### LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. IRON PIPE SET
- MEASURED BEARING
- PLAT BEARING
- MEASURED DISTANCE
- PLAT DISTANCE
- PLAT BOUNDARY
- LOT LINE
- UTILITY EASEMENT
- EXISTING LOT LINE
- EXISTING UTILITY EASEMENT



- AREA WITHIN ZONE AE (FEMA 100-YEAR FLOODPLAIN)
- 1. PROPERTY IS SITUATED IN ZONE X & ZONE AE AS DEPICTED ON FEMA FIRM PANEL 38017C0787G, DATED JANUARY 16, 2015.
- 2. BASE FLOOD ELEVATION = 906.8' (NAVD 1988)
- 3. BEARINGS SHOWN ARE BASED ON CITY OF FARGO GROUND CONTROL.
- 4. ELEVATIONS SHOWN ARE NAVD 1988.



H:\10770\10770\_0001\CAD\Plat\10770-0001\_Plat.dwg

# SOUTH HAVEN SECOND ADDITION

BEING A REPLAT OF LOTS 21 THROUGH 32, SOUTH HAVEN SUBDIVISION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
(A MAJOR SUBDIVISION)

KNOW ALL PERSONS BY THESE PRESENTS: That Ryland Development Corporation, a North Dakota corporation; and Stanley L. Ryland and Patricia J. Ryland, husband and wife, are the owners and proprietors of the following described tract of land:

Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32, South Haven Subdivision, City of Fargo, Cass County, North Dakota.

Said tract of land contains 6.113 acres, more or less.

And that said parties have caused the same to be surveyed and re-platted as **SOUTH HAVEN SECOND ADDITION** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public for public use the public utility easements depicted on this plat, and do hereby dedicate to the current and future owners of Lots 6 and 7, Lots 8 and 9, and Lots 10 and 11, the private access, sanitary sewer, and utility easements, as depicted on this plat, being coincident to, and for the benefit of, each said pair of lots depicted.

**OWNERS:**

Lots 21 & 22  
Ryland Development Corporation

\_\_\_\_\_  
Stanley L. Ryland, President

State of North Dakota )  
                                  ) ss  
County of Cass       )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Stanley L. Ryland, President of Ryland Development Corporation, 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 corporation.

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

Lots 23 - 32  
Stanley L. Ryland and Patricia J. Ryland

\_\_\_\_\_  
Stanley L. Ryland

\_\_\_\_\_  
Patricia J. Ryland

State of North Dakota )  
                                  ) ss  
County of Cass       )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Stanley L. Ryland and Patricia J. Ryland, husband and wife, 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 as their free act and deed.

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

**SURVEYOR'S CERTIFICATE:**

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

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

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

State of North Dakota )  
                                  ) ss  
County of Cass       )

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

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

**CITY ENGINEER'S APPROVAL:**

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

\_\_\_\_\_  
Brenda E. Derrig, City Engineer

State of North Dakota )  
                                  ) ss  
County of Cass       )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Brenda E. Derrig, 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 she executed the same as her free act and deed.

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

**FARGO PLANNING COMMISSION APPROVAL:**

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

\_\_\_\_\_  
John Gunkelman, Chair  
Fargo Planning Commission

State of North Dakota )  
                                  ) ss  
County of Cass       )

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

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

**FARGO CITY COMMISSION APPROVAL:**

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

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

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

State of North Dakota )  
                                  ) ss  
County of Cass       )

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

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

H:\BNA\10770\10770\_0001\CAD\plat\10770-0001\_plat.dwg



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Covey Ranch First Addition	<b>Date:</b>	12/30/20
<b>Location:</b>	6688 45 <sup>th</sup> Street South	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Portion of the NW 1/4 of Sec. 10, T138N, R49W		
<b>Owner(s)/Applicant:</b>	Dabbert Custom Homes/Don Dabbert <i>(see note below)</i>	<b>Engineer:</b>	Moore Engineering
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Plat of <b>Covey Ranch First Addition</b> , a plat of a portion of the NW 1/4 of Sec. 10, T138N, R49W) and <b>Zoning Change</b> (from AG, Agricultural to P/I, Public and Institutional)		
<b>Status:</b>	Planning Commission Public Hearing: January 5, 2021		

*NOTE: At the time that this report is going out, Dabbert Custom homes is in the process of conveying the ownership of this property to North Dakota State College of Science.*

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped;	<b>Land Use:</b> Educational--- North Dakota State College of Science (NDSCS) Career Workforce Academy
<b>Zoning:</b> AG, Agricultural;	<b>Zoning:</b> P/I, Public and Institutional
<b>Uses Allowed:</b> AG – Agricultural allows detached houses, parks and open space, safety services, basic utilities, and crop production	<b>Uses Allowed:</b> 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, and major entertainment events;
<b>Maximum Density Allowed:</b> AG allows a maximum of 1 dwelling unit per 10 acres;	<b>Maximum Density Allowed:</b> P/I zone has no density or lot coverage standards

**Proposal:**

The applicant requests two entitlements:

1. A major subdivision, entitled **Covey Ranch First Addition**, which is a plat of a portion of the NW 1/4 of Sec. 10, T138N, R49W
2. A zoning change from AG, Agricultural, to P/I, Public and Institutional

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.

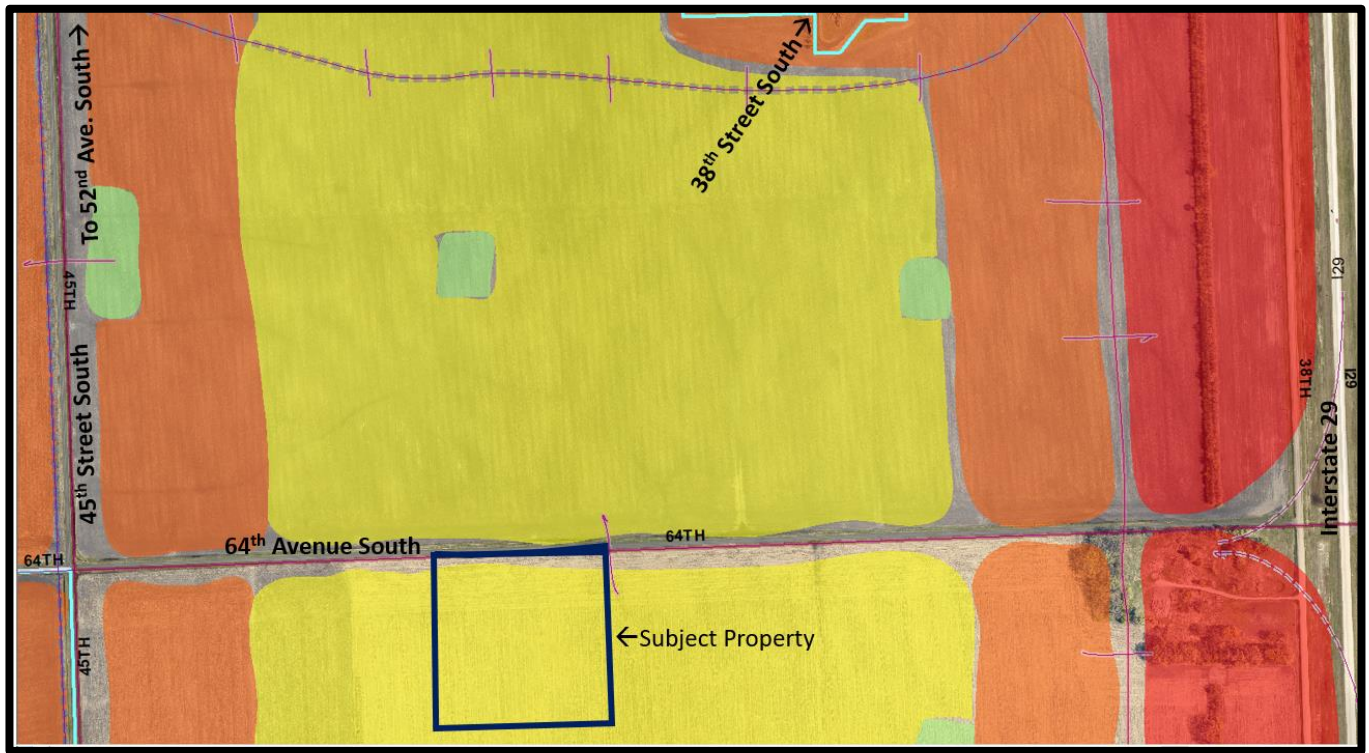
**Surrounding Land Uses and Zoning Districts:**

- North: AG, Agricultural; undeveloped; in Fargo’s four-mile extra-territorial jurisdiction.
- East: AG, Agricultural; undeveloped; in Fargo’s four-mile extra-territorial jurisdiction.
- South: AG, Agricultural; undeveloped; in Fargo’s four-mile extra-territorial jurisdiction.
- West: AG, Agricultural; undeveloped; in Fargo’s four-mile extra-territorial jurisdiction.

(continued on next page)

## Area Plans:

The subject property is located within the Tier 1 South West area of the 2007 Future Land Use Plan. This plan designates the subject property as “Residential Area—Lower to Medium Density.” This land use designation allows the P/I zoning particularly when intended for educational institutions.



	Commercial Area
	Future School
	Proposed Park
	Residential Area - lower to medium density
	Residential Area - medium to high density
	Residential Area - rural

## Schools and Parks:

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

**Neighborhood:** As the subject property is located in the extra-territorial jurisdiction, it is not in a designated neighborhood.

**Parks:** There are no parks in the immediate vicinity of the subject property. However, the Sanford sports complex is proposed to be developed on the north side of 64<sup>th</sup> Avenue South less than one-half mile from the subject property.

**Pedestrian / Bicycle:** There are no bicycle or pedestrian facilities near the subject property at this time. The property fronts on 64<sup>th</sup> Avenue South, which will have 10-foot wide shared use paths on both sides once it's completed.

## Staff Analysis:

### PLAT AND ZONING CHANGE

The plat is a one lot, one block subdivision for development of the North Dakota State College of Science (NDSCS) Career Workforce Academy. This is a state institution with surrounding school districts participating. The plat includes dedications for 64<sup>th</sup> Avenue South and 43<sup>rd</sup> Street South. The P/I zone is allowed under the “Residential Area—Lower to Medium Density” land use designation and is the appropriate zoning for this state-owned educational institution.

ACCESS: The project site takes access from 64<sup>th</sup> Avenue South and 43<sup>rd</sup> Street South.

PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

ANNEXATION: The subject property is currently in Fargo's four-mile extra-territorial jurisdiction, and is included in a pending City-initiated annexation that will include the subject property as well as property north and east of it, as well as necessary street right of way. The property will not be developed until the annexation is complete.

### 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 was zoned AG: Agricultural at the time it was annexed. At that time, no development was proposed. Now that development is proposed, the applicant requests a zoning change to P/I, Public and Institutional. **(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. The subject property fronts on an existing, developed public right-of-way and will dedicate additional rights-of-way, which provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. 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." The Growth Plan that applies to this property is the 2007 Growth Plan.

This property is designated "lower to medium density residential" on the 2007 Growth Plan. The 2007 Growth Plan states that the "low to medium density" residential designation includes the P/I zone. The P/I zone is the appropriate designation for a state-owned educational institution. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City, contingent on Commission approval of the proposed Growth Plan Amendment. **(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 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 P/I, Public/Institutional. The P/I zone is the appropriate designation for a state-owned educational institution. 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 and responded to one inquiry. **(Criteria Satisfied)**

- 2. Section 20-0907.4 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 P/I, Public and Institutional. As noted in the zone change findings above, these zones are consistent with the 2007 Growth Plan designation of “lower to medium density residential.” The P/I zone is the appropriate designation for a state-owned educational institution. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments.

**(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or 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 AG, Agricultural to P/I, Public and Institutional, and 2) a plat of the **Covey Ranch First Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

**Planning Commission Recommendation:** January 5, 2021

**Attachments:**

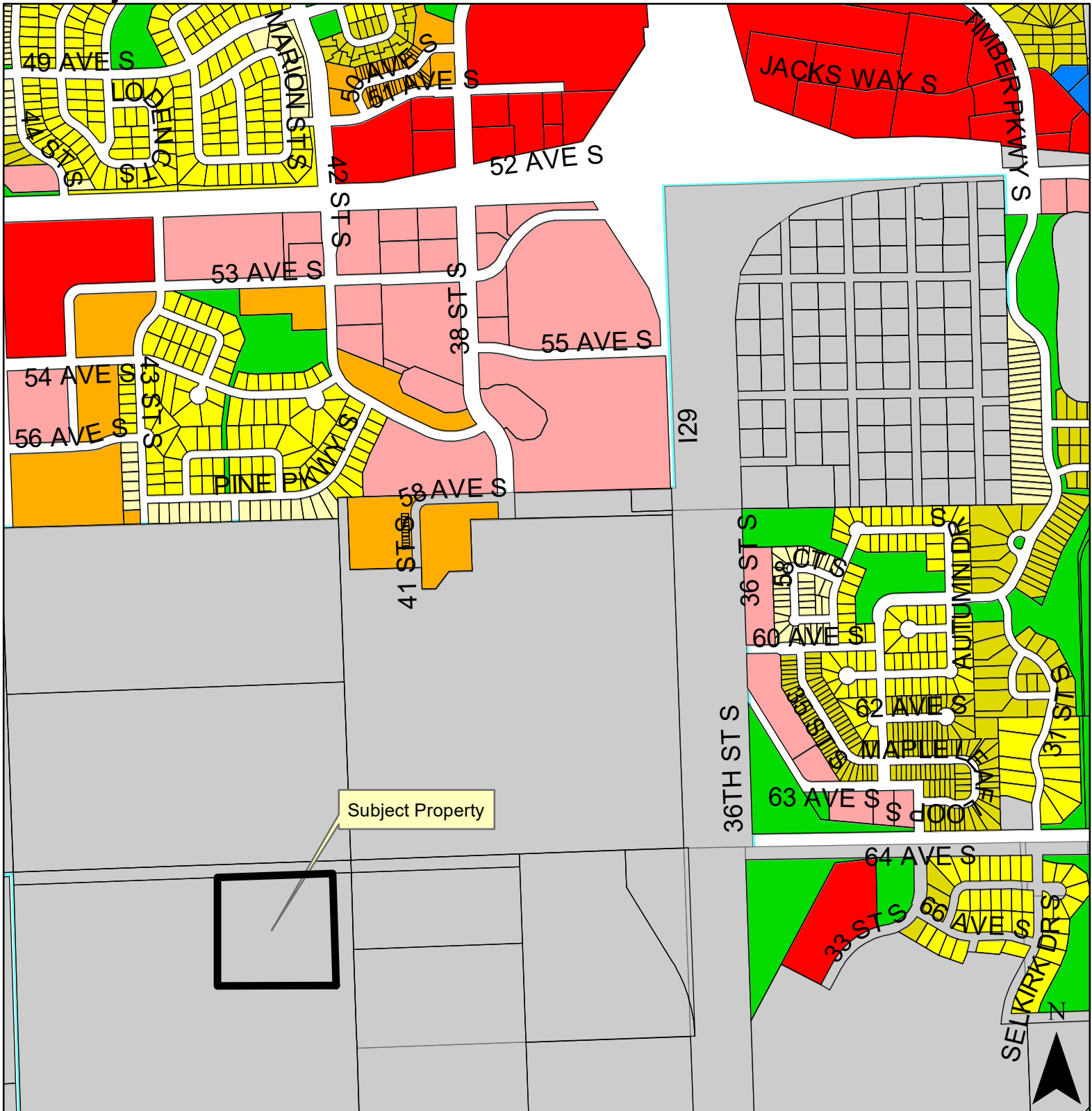
1. Zoning map
2. Location map
3. Preliminary plat



# Zone Change (AG to P/I) & Plat (Major)

## Covey Ranch First Addition

6688 45th St S

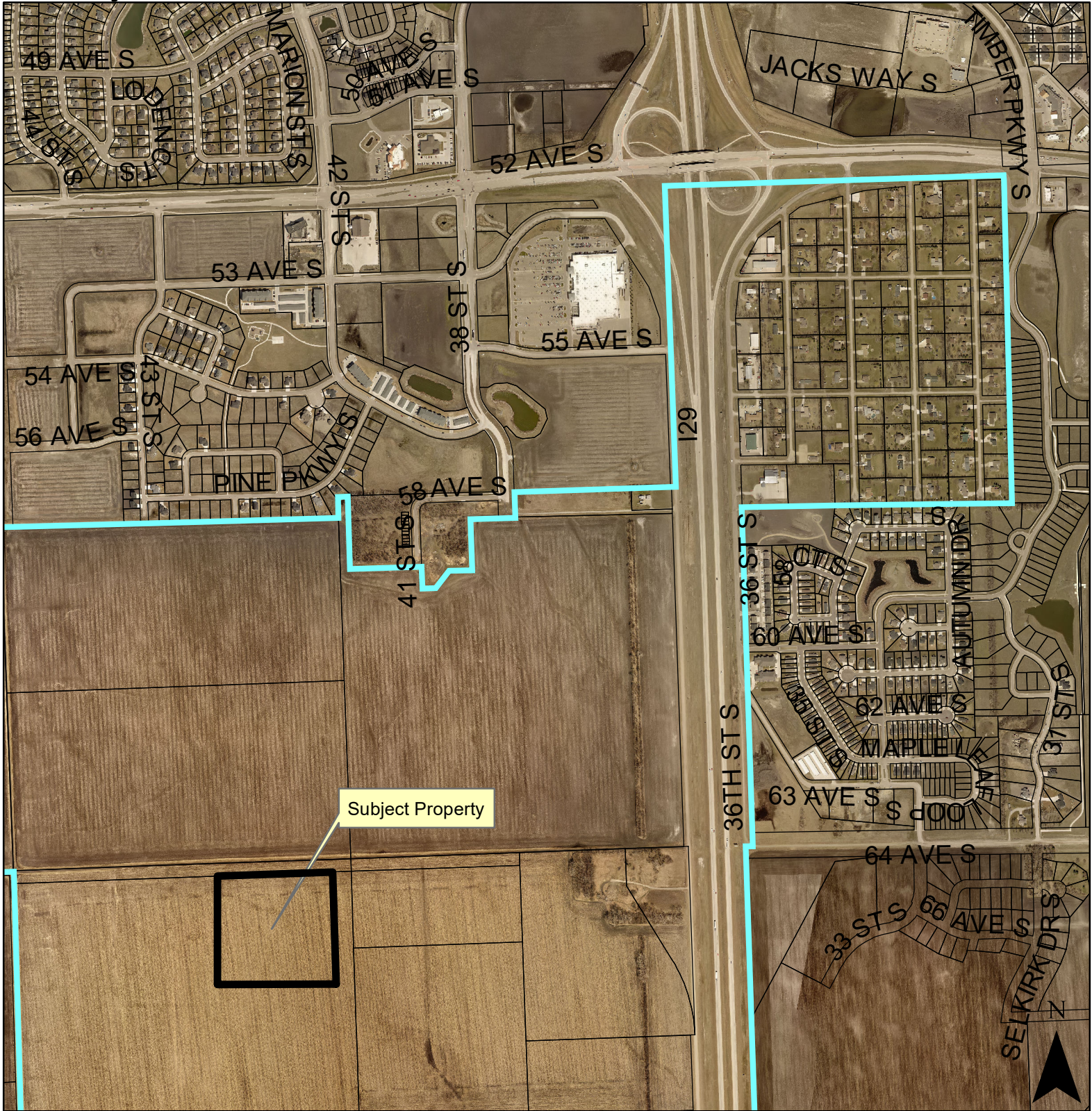




# Zone Change (AG to P/I) & Plat (Major)

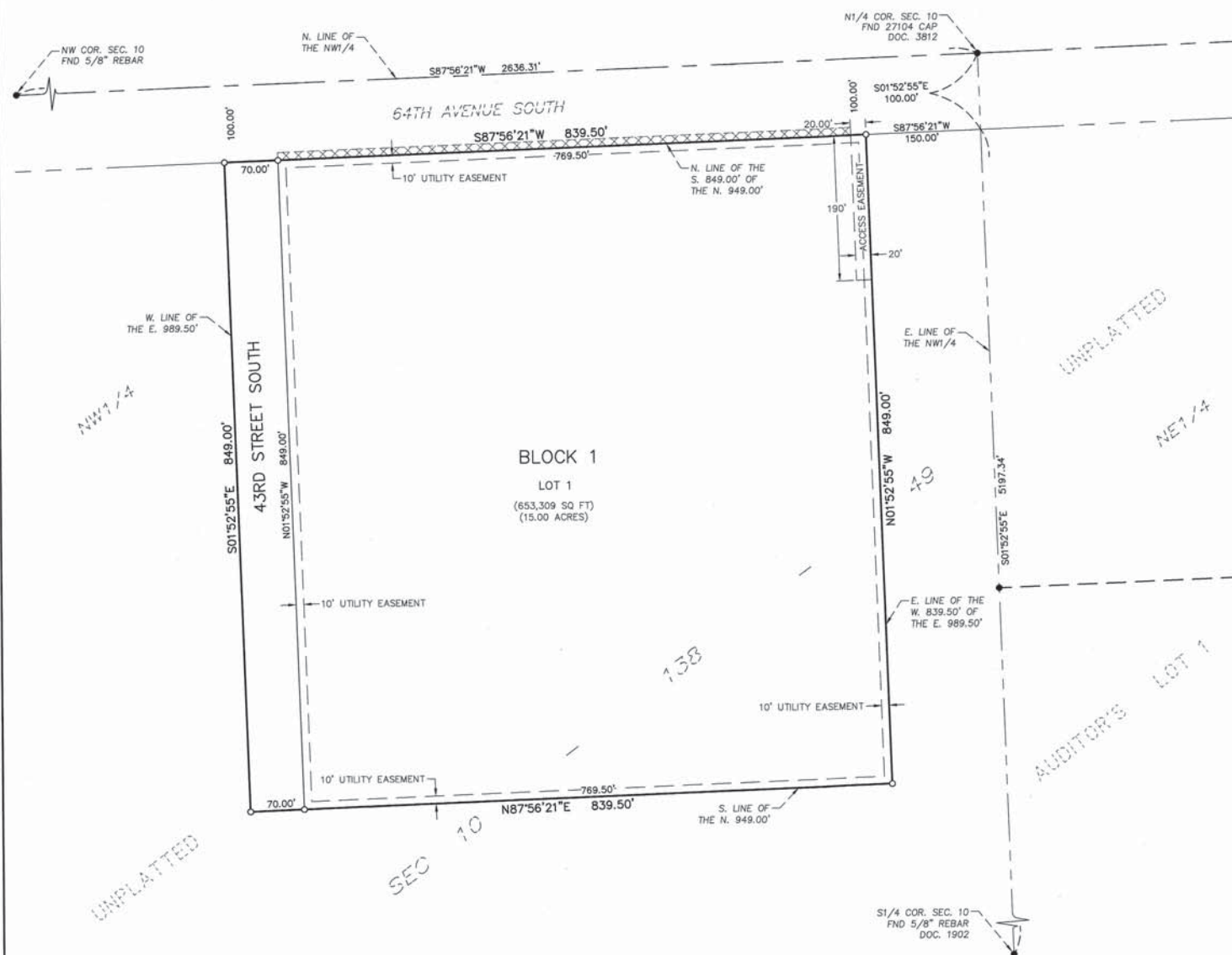
## Covey Ranch First Addition

6688 45th St S





# A MAJOR SUBDIVISION PLAT OF COVEY RANCH FIRST ADDITION TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.



0 100  
Scale in Feet

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10 HAS AN ASSUMED BEARING OF S87°56'21" W.

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5900
- ⊗⊗⊗⊗⊗⊗ NEGATIVE ACCESS EASEMENT

\*Negative Access Easement, as noted on this plat, is an easement dedicated as part of the right of way dedication which easement 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.

**NOTES:**

UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO STREET RIGHTS OF WAY AS SHOWN UNLESS OTHERWISE NOTED.

AREA OF DEDICATED ROAD: 1.36 ACRES  
TOTAL PLAT AREA: 16.36 ACRES

**CITY ENGINEER'S APPROVAL**

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

\_\_\_\_\_  
BRENDA E. DERRIG, CITY ENGINEER  
STATE OF NORTH DAKOTA  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

\_\_\_\_\_  
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

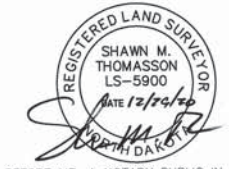
**CERTIFICATE**

SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "COVEY RANCH FIRST ADDITION" TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS: THE SOUTH 849.00 FEET OF THE NORTH 949.00 FEET OF THE WEST 839.50 FEET OF THE EAST 989.50 FEET OF SAID NORTHWEST QUARTER, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE NORTH AND EAST LINES OF SAID NORTHWEST QUARTER.

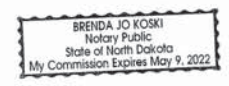
SAID TRACT CONTAINS 16.36 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

\_\_\_\_\_  
Shawn M. Thomasson  
SHAWN M. THOMASSON  
REGISTERED LAND SURVEYOR  
NO. LS-5900  
STATE OF NORTH DAKOTA  
COUNTY OF CASS )



ON THIS 29<sup>th</sup> DAY OF December, 20\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND DEED.

\_\_\_\_\_  
Brenda Jo Koski  
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



**DEDICATION**

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND DESCRIBED IN THE PLAT OF "COVEY RANCH FIRST ADDITION" TO THE CITY OF FARGO, A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT I HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. I HEREBY DEDICATE ALL STREETS, ACCESS EASEMENTS AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: NORTH DAKOTA STATE COLLEGE OF SCIENCE

\_\_\_\_\_  
DR. JOHN RICHMAN, PRESIDENT  
STATE OF NORTH DAKOTA  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DR. JOHN RICHMAN, PRESIDENT OF THE NORTH DAKOTA STATE COLLEGE OF SCIENCE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF NORTH DAKOTA STATE COLLEGE OF SCIENCE

\_\_\_\_\_  
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**FARGO PLANNING COMMISSION APPROVAL**

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

\_\_\_\_\_  
JOHN GUNKELMAN, CHAIR  
STATE OF NORTH DAKOTA  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN GUNKELMAN, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

\_\_\_\_\_  
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

**FARGO CITY COMMISSION APPROVAL**

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

\_\_\_\_\_  
TIMOTHY J. MAHONEY, MAYOR  
STATE OF NORTH DAKOTA  
COUNTY OF CASS )

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

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

\_\_\_\_\_  
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Golden Valley Fifth Addition	<b>Date:</b>	12/30/20
<b>Location:</b>	2800 67th Avenue South; 6891, 6907, 6919, 6929, 6941 26th Street South; 2628 69th Avenue South; and 2631 Golden Lane South.	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Unplatted portion of the South 1/2 of the NW 1/4 of Section 11, Township 138 North, Range 49 West, a replat of Lots 2 through 5, Block 4, Golden Valley Second Addition and Lot 11, Block 1 and Lots 1 and 2, Block 2 of Golden Valley Third Addition, and a vacation and dedication of a portion of 69th Avenue South in Golden Valley Third Addition		
<b>Owner(s)/Applicant:</b>	Ryland Development Corporation / EagleRidge Development, LLC--Jon Youness	<b>Engineer:</b>	Mead and Hunt
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Plat of <b>Golden Valley Fifth Addition</b> a plat of an unplatted portion of the South 1/2 of the NW 1/4 of Section 11, Township 138 North, Range 49 West, a replat of Lots 2 through 5, Block 4, Golden Valley Second Addition and Lot 11, Block 1 and Lots 1 and 2, Block 2 of Golden Valley Third Addition, and a vacation and dedication of a portion of 69th Avenue South in Golden Valley Third Addition) and <b>Zoning Change</b> (from AG, Agricultural, SR-4, Single-Dwelling Residential, and P/I, Public and Institutional with a C-O, Conditional Overlay to SR-2, Single-Dwelling Residential and SR-4, Single-Dwelling Residential)		
<b>Status:</b>	Planning Commission Public Hearing: January 5, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped; partly platted for residential and private park lots	<b>Land Use:</b> Residential
<b>Zoning:</b> AG, Agricultural; SR-4, Single-Dwelling Residential; P/I, Parks/Institutional with a C-O, Conditional Overlay	<b>Zoning:</b> SR-4, Single-Dwelling Residential and SR-2, Single-Dwelling Residential
<b>Uses Allowed:</b> AG – Agricultural allows detached houses, parks and open space, safety services, basic utilities, and crop production SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities; 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,	<b>Uses Allowed:</b> SR-2—allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities  SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;

and major entertainment events; <b>with a C-O, conditional overlay to restrict uses as shown</b>	
<b>Maximum Density Allowed:</b> AG allows a maximum of 1 dwelling unit per 10 acres SR-4 allows a maximum 12.1 units per acre; P/I zone has no density or lot coverage standards	<b>Maximum Density Allowed:</b> SR-2 allows 5.4 dwelling units per acre; SR-4 allows a maximum 12.1 units per acre;

**Proposal:**

The applicant requests two entitlements:

1. A major subdivision, entitled **Golden Valley Fifth Addition**, which is a plat of an unplatted portion of the South 1/2 of the NW 1/4 of Section 11 Township 138 North Range 49 West, a replat of Lots 2 through 5, Block 4, Golden Valley Second Addition and Lot 11, Block 1 and Lots 1 and 2, Block 2 of Golden Valley Third Addition, and a vacation and dedication of a portion of 69th Avenue South in Golden Valley Third Addition
2. A zoning change from AG, Agricultural; SR-4, Single-Dwelling Residential; and P/I, Public and Institutional with a C-O, Conditional Overlay to SR-2, Single-Dwelling Residential and SR-4, Single-Dwelling Residential

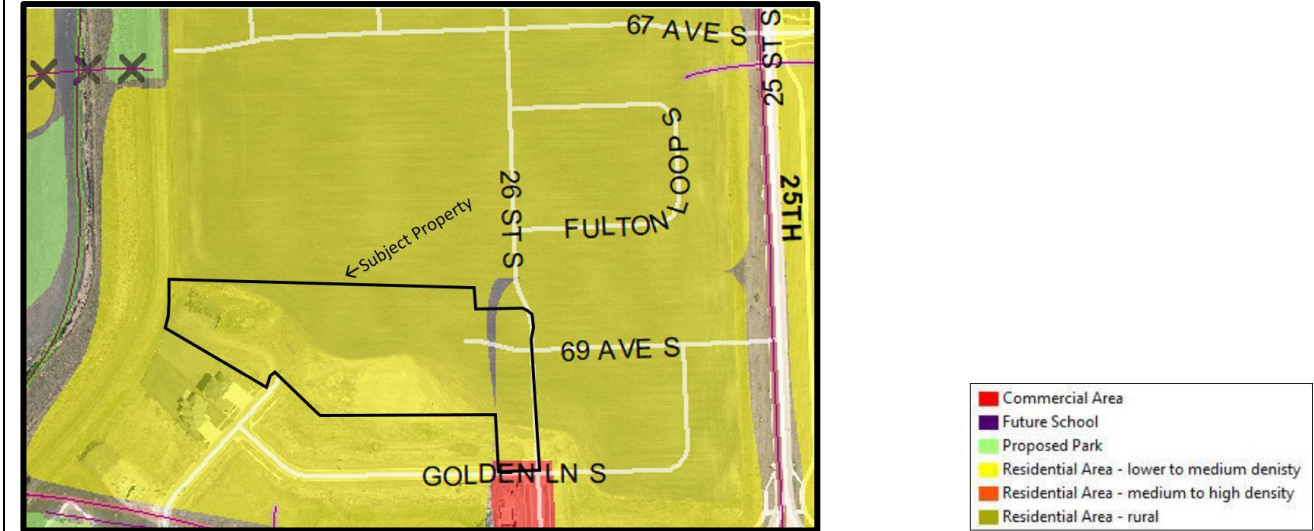
This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

**Surrounding Land Uses and Zoning Districts:**

- North: AG, undeveloped; SR-4: Single-Dwelling Residential, platted for single family residences
- East: SR-4: Single-Dwelling Residential; single family residences and undeveloped lots
- South: SR-2: Single-Dwelling Residential; single family residences and undeveloped lots
- West: AG: Agricultural and P/I undeveloped, and County Drain 53. Property west of Drain 53 platted as Selkirk Place First Addition.

**Area Plans:**

The subject property is located within the 2007 Future Land Use Plan. This plan designates the subject proeprty as “Residential Area—Lower to Medium Density.” This land use designation includes the proposed SR-2 and SR-4 zoning designations.



**Schools and Parks:**

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

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

**Parks:** Davies Recreational Pool (7150 25th Street S) is located approximately 0.30 miles southeast of the subject property and offers concessions, restrooms, and swimming pool amenities. Golden Valley



Park, 6977 Golden Valley Parkway South, is located 0.10 miles south of the subject property and includes amenities of a basketball court, grill and picnic tables, a playground, and a shelter

**Pedestrian / Bicycle:** Approximately one block east side of the subject property, there are off road bike facilities that run along 25<sup>th</sup> Street South. A trail is also proposed to be installed alongside Drain 53.

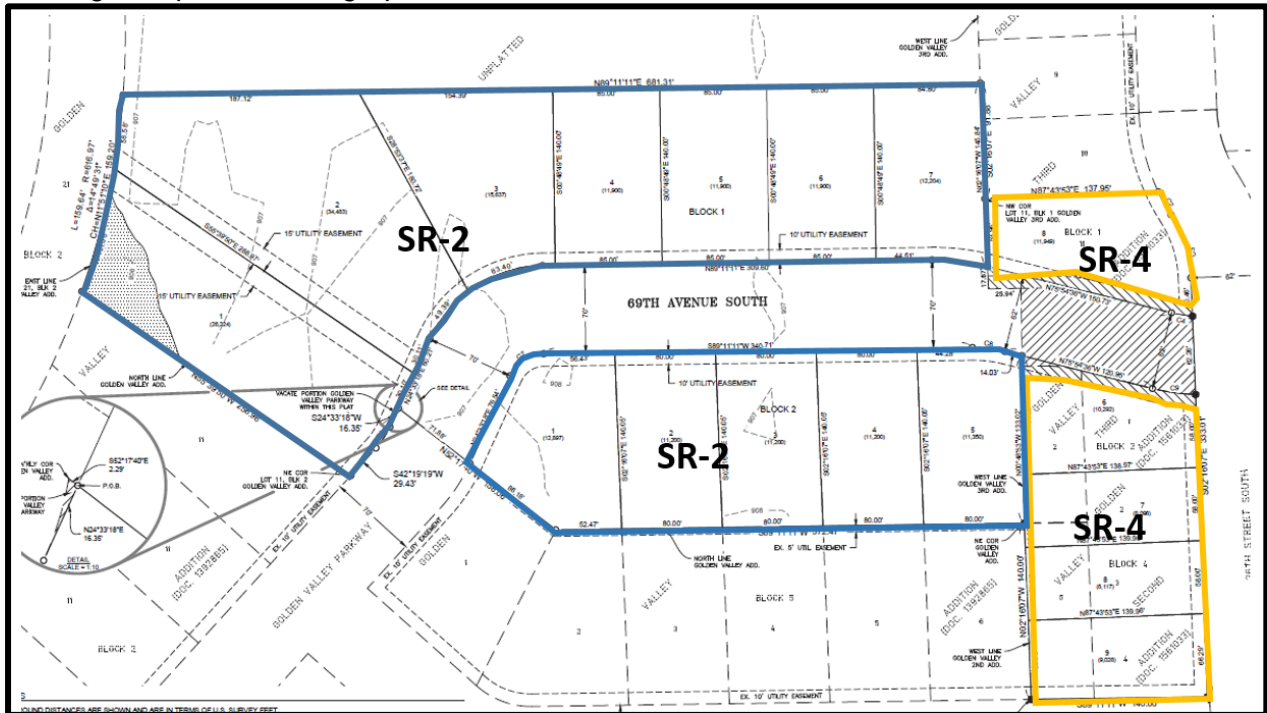
**Staff Analysis:**

**PLAT AND ZONING CHANGE**

The plat creates 16 lots zoned as follows:

Lot Number	Block Number	Zoning
1-7	1	SR-2
8	1	SR-4
1-5	2	SR-2
6-8	2	SR-4

This zoning is depicted in the graphic below:



The lots are intended for detached single-dwelling residences.

**ELIMINATION OF HOMEOWNERS' ASSOCIATION (HOA)-OWNED LOTS** This plat includes a replat of Lot 2, Block 2, Golden Valley Third Addition and Lot 5, Block 4, Golden Valley Second Addition. These lots were platted for private parks, and were zoned P/I, Public/Institutional with a C-O, Conditional Overlay to restrict uses. The lots were to be owned by the homeowners association (HOA). The replat eliminates these private parks and incorporates the area of these lots into single-dwelling residential lots, to be zoned SR-4, which will terminate the C-O on these lots.

**ACCESS:** The project site takes access from 26<sup>th</sup> Street South to the east, with 69<sup>th</sup> Avenue South continuing through the plat to connect with the existing Golden Valley Parkway.

**VACATION OF RIGHT-OF-WAY:** This plat includes a vacation of a portion of right-of-way for 69<sup>th</sup> Avenue South, as depicted on the plat. This right-of-way is not developed as a road, and there are no utilities in it. The plat relocates this right of way slightly to the north and dedicates it for 69<sup>th</sup> Avenue South. The vacation of right-of-way has separate findings as noted below.

**PUBLIC WATER and SEWER:** Public water and sewer will be provided in the dedicated public streets.

**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. A large part of this property was zoned AG: Agricultural at the time it was annexed. At that time, no development was proposed. Now that development is proposed, the applicant requests a zoning change to SR-2: Single Dwelling Residential. Existing lots that are being replatted are currently zoned SR-4 and P/I, Public and Institutional. When replatted, the lots will be zoned SR-4; the separate P/I-zoned lots will be eliminated, as noted above. **(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. The subject property fronts on and existing, developed public right-of-way and will dedicate additional rights-of-way, which provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. 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." The Growth Plan that applies to this property is the 2007 Growth Plan.

This property is designated "lower to medium density residential" on the 2007 Growth Plan. The 2007 Growth Plan states that the "low to medium density" residential designation includes the SR-0 to SR-5 zones. Thus, the SR-2 and SR-4 zones are consistent with the "lower to medium density residential" designation from the 2007 Growth Plan. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City, contingent on Commission approval of the proposed Growth Plan Amendment. **(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 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-2, Single-Dwelling Residential and SR-4, Single-Dwelling Residential. These zones will accommodate the proposed single-family development and are consistent with the "lower to medium density" designation for this property in the 2007 Growth Plan as noted in the zoning change findings above. 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 and responded to one inquiry. **(Criteria Satisfied)**

**2. Section 20-0907.4 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-2, Single-Dwelling Residential and SR-4, Single-Dwelling Residential. As noted in the zone change findings above, these zones are consistent with the 2007 Growth Plan designation of “lower to medium density residential.” The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or 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)**

**ROW Vacation Approval Criteria:** The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). In this case, the petition for vacation and the plat are included in the applicant’s overall subdivision application and plat. Notwithstanding the Land Development Code’s (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C. The final decision on vacation of right of way is made by the City Commission.

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

There are no utilities installed in this right of way. **(Criteria Satisfied)**

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

In accordance with the requirement of this section, this information is included on the plat and its application. **(Criteria Satisfied)**

***N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order***

***the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.***

Documentation of said action is located within both the Planning project file and Auditor's file.

**(Criteria Satisfied)**

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

This procedure---hearing by the City Commission following the appropriate notice period--is the next step in the vacation process. **(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 AG, Agricultural; SR-4, Single-Dwelling Residential; and P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses as noted in this report to SR-2, Single-Dwelling Residential and SR-4, Single Dwelling Residential; and 2) a plat of the **Golden Valley Fifth Addition**, including vacation of right of way, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** January 5, 2021

**Attachments:**

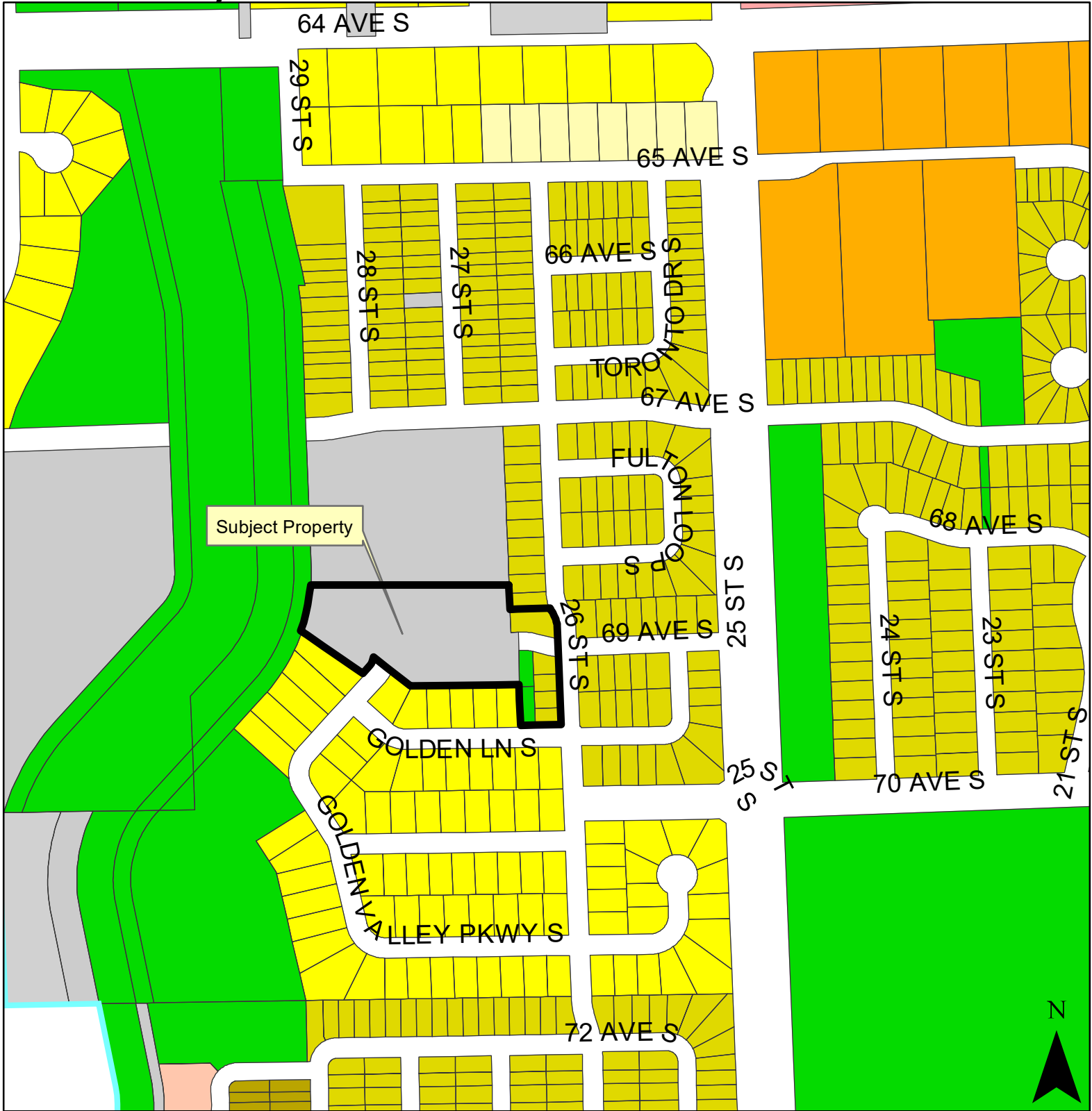
1. Zoning map
2. Location map
3. Preliminary plat



# Zone Change (AG, P/I & SR-4 to SR-2 & SR-4) Plat (Major)

2800 67th Ave S  
2628 69th Ave S, 2631 Golden Ln S 6891,  
6907, 6919, 6929 & 6941 26th St S

## Golden Valley Fifth Addition

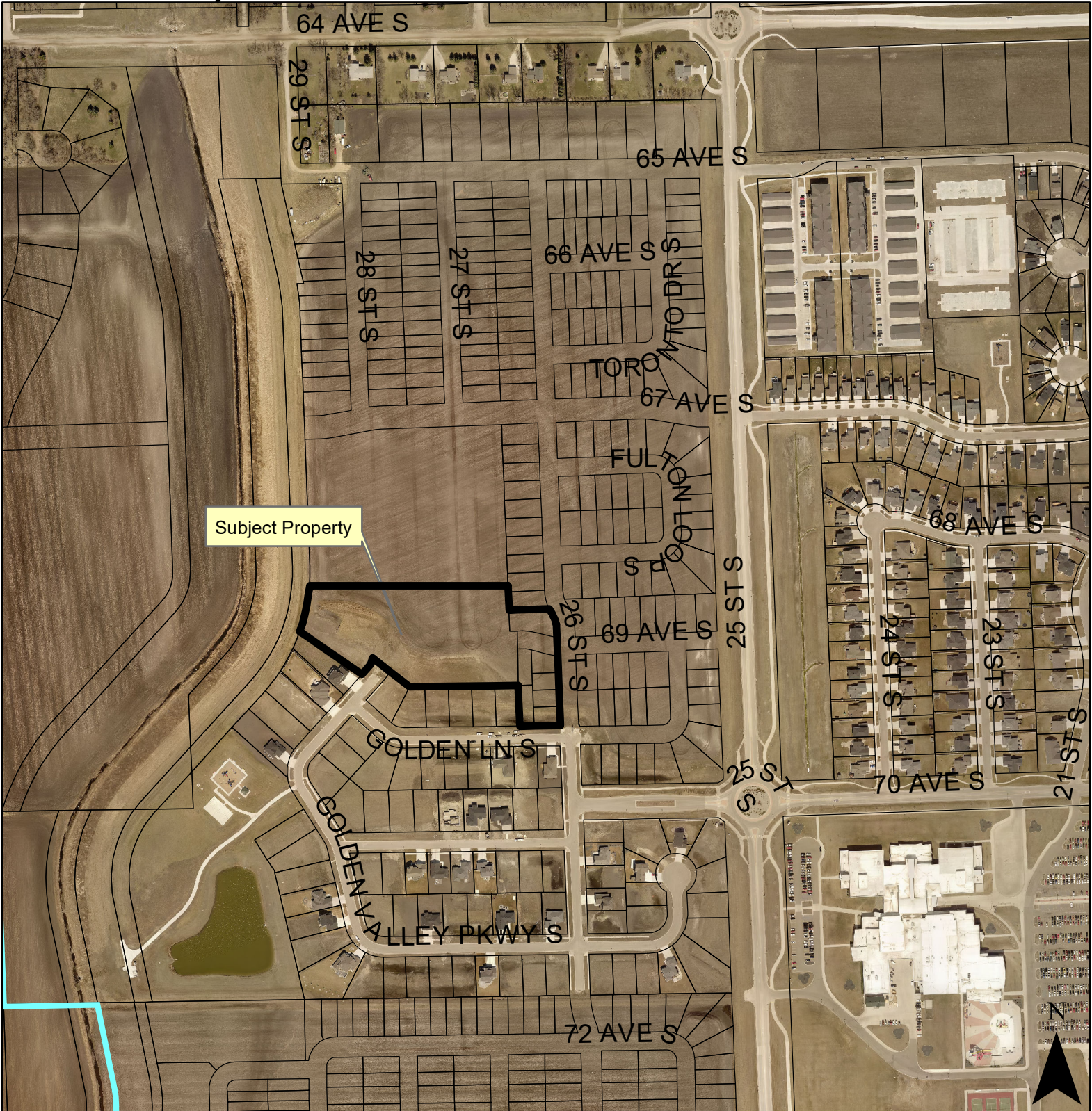




# Zone Change (AG, P/I & SR-4 to SR-2 & SR-4) Plat (Major)

2800 67th Ave S  
2628 69th Ave S, 2631 Golden Ln S 6891,  
6907, 6919, 6929 & 6941 26th St S

## Golden Valley Fifth Addition





# GOLDEN VALLEY FIFTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
AN UNPLATTED PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 139 NORTH,  
RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN AND A REPLAT OF LOTS 2 THRU 5, BLOCK 4 OF GOLDEN VALLEY SECOND ADDITION AND A REPLAT  
OF LOTS 1 AND 2, BLOCK 2 AND LOT 11, BLOCK 1, TOGETHER WITH A PORTION OF 69TH AVENUE SOUTH ALL IN GOLDEN VALLEY THIRD ADDITION;  
A VACATION AND DEDICATION OF PORTIONS OF 69TH AVENUE SOUTH  
(A MAJOR SUBDIVISION)

### PLAT BOUNDARY DESCRIPTION:

That part of the South Half of the Northeast Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota and a replat of Lots 2 thru 5, Block 4, Golden Valley Second Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota and a replat of Lots 1 and 2, Block 2 and Lot 11, Block 1, together with a portion of 69th Avenue South all in Golden Valley Third Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota described as follows:

Beginning at the southeast corner of Lot 4, Block 4 of Golden Valley Second Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota; thence on an assumed bearing of South 89 degrees 11 minutes 11 seconds West on the south line of said addition, a distance of 140.00 to the southwest corner of Lot 5, Block 4, said addition; thence North 02 degrees 16 minutes 07 seconds West on the west line of said addition, a distance of 140.00 feet to the northeast corner of Lot 8, Block 5, Golden Valley Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota; thence South 89 degrees 11 minutes 11 seconds West on the north line of said addition, a distance of 372.47 feet; thence North 52 degrees 17 minutes 40 seconds West on the northeasterly line of said addition, a distance of 160.35 feet to the northwesterly right-of-way line of Golden Valley Parkway; thence southwesterly 37.23 feet along a curve concave to the northwest, not tangent with the last described line, said curve has a radius of 65.00 feet, a central angle of 32 degrees 48 minutes 52 seconds, the chord of said curve bears South 25 degrees 54 minutes 53 seconds West, a distance of 36.72; thence South 42 degrees 19 minutes 19 seconds West, tangent to said curve and on the northwesterly right-of-way line of Golden Valley Parkway, a distance of 29.43 feet to the northeast corner of Lot 11, Block 2 of said Golden Valley Addition; thence North 55 degrees 39 minutes 50 seconds West tangent to last described curve and on the northerly line of said addition, a distance of 258.96 feet to the east line of Lot 21, Block 2 of said addition; thence northeasterly 151.60 feet along a curve concave to the northwest, not tangent with the last described line, said curve has a radius of 616.97 feet, a central angle of 14 degrees 04 minutes 44 seconds, the chord of said curve bears North 12 degrees 13 minutes 34 seconds East, a distance of 151.22 feet; thence North 89 degrees 11 minutes 11 seconds East, a distance of 682.30 feet to the west line of Golden Valley Third Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota; thence South 02 degrees 16 minutes 07 seconds East on the west line of said Golden Valley Third Addition, a distance of 83.88 feet to the northwest corner of Lot 11, Block 1 of said Golden Valley Third Addition; thence North 87 degrees 45 minutes 53 seconds East on the north line of said Lot 11, a distance of 137.95 feet to the west right-of-way line of 26th Street South; thence southeasterly on said west line, 20.89 feet along a curve concave to the east, not tangent with the last described line, said curve has a radius of 162.00 feet, a central angle of 07 degrees 23 minutes 13 seconds, the chord of said curve bears South 29 degrees 01 minutes 43 seconds East, a distance of 20.87 feet; thence southeasterly 53.15 feet along a reverse curve concave to the west having a radius of 100.00 feet and a central angle of 30 degrees 27 minutes 14 seconds, the chord of said curve bears South 17 degrees 29 minutes 43 seconds East, a distance of 52.53 feet; thence South 02 degrees 16 minutes 07 seconds West on said west right-of-way line, a distance of 333.00 feet to the point of beginning.

### PARCEL TO BE DEDICATED

That part of Lot 11, Block 1 of Golden Valley Second Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota described as follows:

Beginning at the southwest corner of said Lot 11; thence on an assumed bearing of North 02 degrees 16 minutes 07 seconds West on the west line of said Lot 11, a distance of 14.94 feet; thence southeasterly 42.14 feet along a concave curve concave to the south, not tangent with the last described line, said curve has a radius of 162.00 feet, a central angle of 14 degrees 54 minutes 13 seconds, the chord of said curve bears South 83 degrees 21 minutes 42 seconds East, a distance of 42.02 feet; thence South 75 degrees 54 minutes 36 seconds East, a distance of 60.10 feet; thence westerly 42.14 feet concave to the south, not tangent with the last described line, said curve has a radius of 162.00 feet, a central angle of 14 degrees 54 minutes 13 seconds, the chord of said curve bears North 83 degrees 21 minutes 42 seconds West, a distance of 42.02 feet; thence South 89 degrees 11 minutes 11 seconds West, a distance of 44.74 feet to the west line of said Lot 11 and the point of beginning.

Said plat contains 575 square feet, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record.

### PARCEL TO BE VACATED

That part of 69th Avenue South in the City of Fargo, Cass County, North Dakota described as follows:

Beginning at the northwest corner of said Lot 2; thence on an assumed bearing of North 00 degrees 48 minutes 49 seconds East on the west line of said Lot 2, a distance of 8.48 feet; thence South 75 degrees 54 minutes 36 seconds East, a distance of 48.54 feet; thence westerly 26.01 feet along a concave curve concave to the south, not tangent with the last described line, said curve has a radius of 100.00 feet, a central angle of 14 degrees 54 minutes 13 seconds, the chord of said curve bears North 83 degrees 21 minutes 42 seconds West, a distance of 25.94 feet; thence South 89 degrees 11 minutes 11 seconds West, a distance of 18.10 feet to the west line of said Lot 2 and the point of beginning.

Said plat contains 143 square feet, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record.

### OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Ryland Development Corporation, a North Dakota corporation, as vendor, and Stan Ryland husband and Patricia Ryland, wife, as vendors, and 76th Street Holdings, LLC, a North Dakota limited liability company, as vendee, being owners of a parcel of land located in that part of the South Half of the Northeast Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian and Lots 2 thru 5, Block 4, GOLDEN VALLEY SECOND ADDITION to the City of Fargo, as filed and on record at the office of the County Recorder, Cass County, North Dakota and Lots 1 and 2, Block 2, together with a portion of 69th Avenue South all in GOLDEN VALLEY THIRD ADDITION to the City of Fargo, as filed and on record at the office of the County Recorder, Cass County, North Dakota; that Iwe have caused the same to be surveyed and replatted as **GOLDEN VALLEY FIFTH ADDITION** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use all Street, Avenues, and utility easement as shown on this plat and do hereby vacate and dedicate a portion of 69th Avenue South within the boundary of said GOLDEN VALLEY FIFTH ADDITION.

### OWNER/VENDER:

Ryland Development Corporation, Contract Vender

### OWNER/VENDOR:

Stanley L. Ryland and Patricia J. Ryland, Contract Vendor

### CONTRACT VENDEE:

76th Street Holdings, LLC

### MORTGAGE HOLDER:

First International Bank and Trust, Mortgagee

Stanley L. Ryland, President

Stanley L. Ryland, Husband

James R. Bullis, President

Matt Mueller, President

State of North Dakota )  
County of Cass )ss  
)

Stanley L. Ryland, Wife  
State of North Dakota )  
County of Cass )ss  
)

State of North Dakota )  
County of Cass )ss  
)

State of North Dakota )  
County of Cass )ss  
)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Stanley L. Ryland, President, Ryland Development Corporation, 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 the corporation.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Stanley L. Ryland, Husband and Patricia J. Ryland, wife, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that they executed the same.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared James R. Bullis, President, 76th Street Holdings, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the limited liability company.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Matt Mueller, President, First International Bank and Trust, 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 First International Bank and Trust.

Notary Public, Cass County, North Dakota

Notary Public, Cass County, North Dakota

Notary Public, Cass County, North Dakota

Notary Public, Cass County, North Dakota

### CITY OF FARGO PLANNING COMMISSION APPROVAL

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

John Gunkelman  
Planning Commission Chair

State of North Dakota )  
County of Cass )SS  
)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared John Gunkelman, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

### FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney  
Mayor

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

State of North Dakota )  
County of Cass )SS  
)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

### CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, P.E.  
City Engineer

State of North Dakota )  
County of Cass )SS  
)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

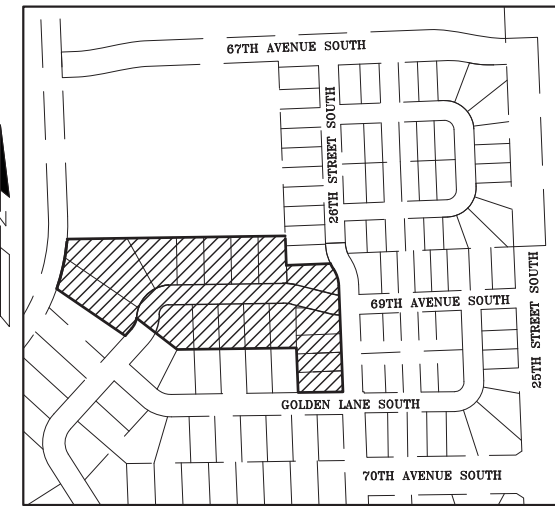


Phone: 701-566-6450  
meadhunt.com

PROJECT NO.  
4650200-202297.01  
SHEET 1 OF 2

# GOLDEN VALLEY FIFTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
 AN UNPLATTED PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 138 NORTH,  
 RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN AND A REPLAT OF LOTS 2 THROUGH 5, BLOCK 4 OF GOLDEN VALLEY SECOND ADDITION AND A REPLAT OF A  
 PORTION OF 69TH AVENUE SOUTH TOGETHER WITH LOTS 1 AND 2, BLOCK 2, AND LOT 11, BLOCK 1 ALL IN GOLDEN VALLEY THIRD ADDITION;  
 A VACATION AND DEDICATION OF A PORTION OF 69TH AVENUE SOUTH AND A VACATION OF A PORTION OF GOLDEN VALLEY PARKWAY IN GOLDEN VALLEY ADDITION  
 (A MAJOR SUBDIVISION)



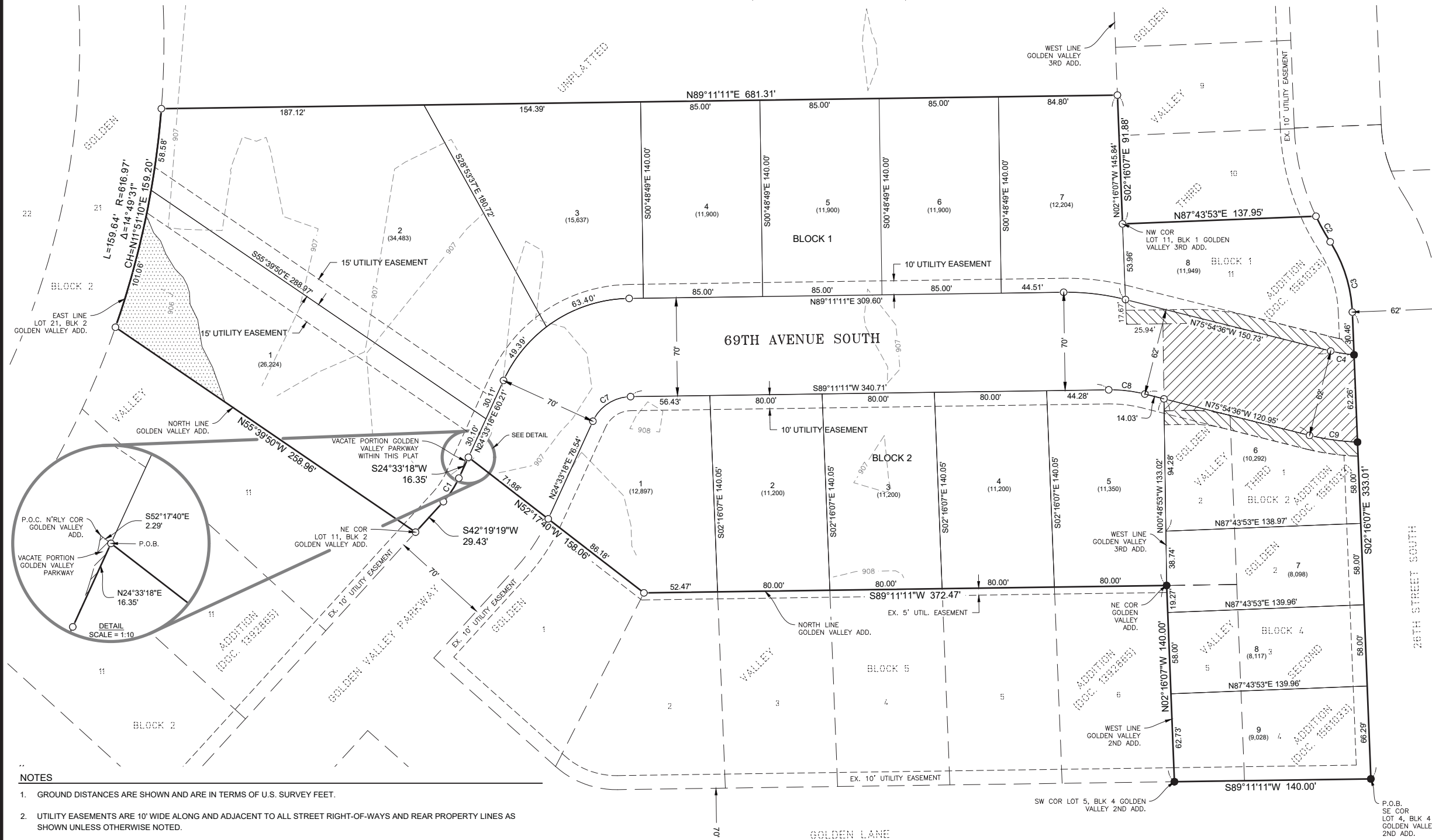
VICINITY MAP  
 SECTION 11, T. 138N. R. 49W.  
 (NO SCALE)

**LEGEND**

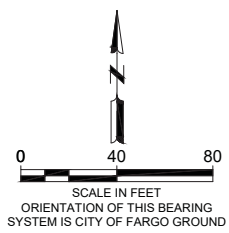
- MONUMENT IN PLACE
- SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
- (5,000) LOT AREA (SQUARE FEET)
- EXISTING PROPERTY LINE
- - - - EXISTING EASEMENT LINE
- NEW LOT LINE
- - - - NEW BLOCK LINE
- PLAT BOUNDARY
- - - - NEW EASEMENT LINE
- - - - MAJOR CONTOUR
- - - - MINOR CONTOUR
- 100 YR. FLOODPLAIN
- 10' UTILITY EASEMENT VACATED BY THIS PLAT
- PUBLIC STREET VACATED BY THIS PLAT

**Curve Table**

Curve #	Length	Radius	Delta	CHORD BEARING	CHORD LENGTH
C1	20.16	65.00	17°46'01"	S33°26'19"W	20.08
C2	20.89	162.00	7°23'13"	S29°01'43"E	20.87
C3	53.15	100.00	30°27'14"	S17°29'43"E	52.53
C4	16.88	100.00	9°40'17"	S80°44'44"E	16.86
C5	44.50	170.00	14°59'53"	N83°18'52"W	44.37
C6	112.80	100.00	64°37'53"	S56°52'15"W	106.92
C7	33.84	30.00	64°37'53"	S56°52'15"W	32.08
C8	26.01	100.00	14°54'13"	N83°21'42"W	25.94
C9	34.60	162.00	12°14'12"	S82°01'42"E	34.53



- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
  - UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
  - PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAP 38017C0787G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 907' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY CONDUCTED NOVEMBER 9TH, 2020.
  - BENCHMARK NAIL IN 1ST POWER POLE WEST OF DRAIN #53 ON THE SOUTH SIDE OF 64TH AVE SOUTH, PUBLISHED ON SHEET #311 OF THE CITY OF FARGO BENCHMARK BOOK (2019 EDITION) ELEVATION = 901.47 (NAVD88)



# PRELIMINARY

**Mead & Hunt**  
 Phone: 701-566-6450  
 meadhunt.com  
 PROJECT NO.  
 4650200-202297.01  
 SHEET 2 OF 2

X:\4650200\202297\01\TECHS\REV\DRAWINGS\GOLDEN VALLEY FIFTH ADDITION PLAT REV.DWG 12/16/2023 3:11:16 PM