

FARGO PLANNING COMMISSION AGENDA
Tuesday, February 6, 2024 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of January 2, 2024

C: Public Hearing Items:

- 1a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay and P/I, Public and Institutional on the proposed **North Pointe Industrial Addition**. (Located at 1900, 2000, and 2220 57th Street North) (Chad Wendel/Moore Engineering, Inc./City of West Fargo/Southeast Water Resources District) (dk)
- 1b. Hearing on an application requesting a Plat of **North Pointe Industrial Addition** (Major Subdivision) a plat of parts of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 1900, 2000, and 2220 57th Street North) (Chad Wendel/Moore Engineering, Inc./City of West Fargo/Southeast Water Resources District) (dk)
- 2a. Hearing on an application requesting a Growth Plan Amendment on the proposed **Interstate Business District Addition** from Residential Area, Lower-to-Medium Density, Commercial, and Proposed Park to Industrial and Commercial. (Located at 4753 45th Street North and 4269 40th Avenue North) (Storage Kings ND, LLC; ARD Properties, LLC/ MBN Engineering) (dk)
- 2b. Hearing on an application requesting a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed **Interstate Business District Addition**. (Located at 4753 45th Street North and 4269 40th Avenue North) (Storage Kings ND, LLC; ARD Properties, LLC/ MBN Engineering) (dk)
- 2c. Hearing on an application requesting a Plat of **Interstate Business District Addition** (Major Subdivision) a plat of a portion of the West Half of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 4753 45th Street North and 4269 40th Avenue North) (Storage Kings ND, LLC; ARD Properties, LLC/ MBN Engineering) (dk)
- 3a. Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial with a C-O, Conditional Overlay, MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed **Covey Ranch Third Addition**. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th

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

Minutes are available on the City of Fargo Web site at www.FargoND.gov/planningcommission.

Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.) (me): CONTINUED TO MARCH 5, 2024

- 3b. Hearing on an application requesting a Plat of **Covey Ranch Third Addition** (Major Subdivision) a plat of an unplatted portion of the North Half of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.) (me): CONTINUED TO MARCH 5, 2024
 4. Hearing on an application requesting a Plat of **Autumn Fields Third Addition** (Minor Subdivision) a replat of Lot 1, Block 8, Autumn Fields Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3166 and 3186 Sienna Drive South; 4234 and 4220 31st Avenue South; 3181 42nd Street South) (Matrix Properties Corporation) (dk)
 - 5a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential and GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional on the proposed **Brekke's Addition**. (Located at 213 24th Street South and 2401 3rd Avenue South) (Lake Agassiz Habitat for Humanity/City of Fargo) (ae)
 - 5b. Hearing on an application requesting a Plat of **Brekke's Addition** (Minor Subdivision) a replat of Lots 8 and 9, Block 11, and adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggart's Subdivision, to the City of Fargo, Cass County, North Dakota. (Located at 213 24th Street South and 2401 3rd Avenue South) (Lake Agassiz Habitat for Humanity/City of Fargo) (ae)
 6. Hearing on an application requesting a Plat of **Laverne's Fourth Addition** (Minor Subdivision) a replat of Lots 1-6, Block 3, Laverne's Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 3033, 3101, and 3181 43rd Street North; 3030, 3100, and 3190 42nd Street North) (Laverne Indy, LLC/Houston Engineering) (ae)
- D: Other Items:
1. Annexation of approximately 54.71 acres of a portion of the Southwest Quarter of Section 29 and a portion of the, Northwest Quarter of Section 32, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (dk)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, January 2, 2024

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, January 2, 2024.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, John Gunkelman, Scott Stofferahn, Art Rosenberg, Jennifer Holtz, Dawn Morgan, Brett Shewey

Absent: Thomas Schmidt

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Schneider proposed amending the Order of Agenda to hear Items one and two later and starting with Items three and four.

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

Item B: Minutes: Regular Meeting of December 5, 2023

Member Stofferahn moved the minutes of the December 5, 2023 Planning Commission meeting be approved. Second by Member Morgan. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Items one and two were heard after items three and four.

Item 1: Replat of Block 5 of Southview Villages Addition

Continued hearing on application requesting a Conditional Use Permit to allow group living in the SR-2, Single-Dwelling Residential zoning district on Lot 5, Block 5B, Replat of Block 5 of Southview Villages Addition. (Located at 2401 South Flickertail Drive South) (The 2011 Kevin & Sara Alto Living Trust): DENIED

A Hearing had been set for December 5, 2023. At the December 5, 2023 meeting, the Hearing was continued to this date and time.

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have not been met and staff is recommending denial.

Rental Inspector Isaiah Bodensteiner spoke about the complaint received, property access, and checklist items during an inspection.

Discussion was held regarding Conditional Use Permit conditions only being active with the current owners. Since denial is being recommended, there are no conditions in place.

Applicant Sara Alto spoke on behalf of the application via conference call.

At 3:50 p.m., the Board took a five-minute recess.

After recess: All members present except Member Schmidt. Chair Schneider presiding.

Discussion was held on the property's intended use before purchase, where Ms. Alto would stay when visiting, and why removing some of the occupants wasn't an option.

Applicant Representative Conner Alto spoke on behalf of the application via conference call.

The following residents spoke in opposition to the application stating the following concerns: character of the neighborhood, parking, snow plows not being able to fully plow street, and the online ad for the house listing permitted and non-permitted uses.

Gary Kaeding, 2307 South Flickertail Drive South
Ed Lulai, 2404 South Flickertail Drive South

Further discussion was held regarding the knowledge of the rules, communication of the rules, and the need to address these items in the future Land Development Code.

Member Shewey moved the findings and recommendations of staff be accepted and the proposed Conditional Use Permit to allow group living on Lot 5, Block 5B, Replat of Block 5 of Southview Villages Addition be denied, as the proposal does not satisfy all the criteria of Section 20-0909.D and Section 20-0402.E of the Land Development Code. Second by Member Morgan. On call of the roll Members Shewey, Morgan, Holtz, Rosenberg, Stofferahn, Tasa, Gunkelman, and Schneider voted aye. Absent and not voting: Member Schmidt. The motion was declared carried.

Item 2: Crossroads Corporate Center Second Addition
Hearing on an application requesting a Plat of Crossroads Corporate Center Second Addition (Minor Subdivision) a replat of Lots 1-4, Block 3, Crossroads Corporate Center Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4130, 4150, and 4180 Crossroads Drive South; 2263 41st Street South): APPROVED

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

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Crossroads Corporate Center Second Addition, as outlined within the staff report, as the proposal complies with the 2003 Southwest Future Land Use Plan, the Standards of Article 20-06, Section 20-007.B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Holtz, Gunkelman, Shewey, Stofferahn, Morgan, Rosenberg, Tasa, and Schneider voted aye. Absent and not voting: Member Schmidt. The motion was declared carried.

Items three and four were heard prior to items one and two.

Item 3: Gamma Fargo Addition

3a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development overlay on Lots 1-3, Block 1, Gamma Fargo Addition and a portion of Lot 1, Block 1, Pracs Second Addition. (Located at 4951 and 4837 Amber Valley Parkway South; 4800, 4820, and 4840 23rd Avenue South) (Comstock Services, LLC/Scott Kjos): APPROVED

3b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan and Final Plan on Lots 1-3, Block 1, Gamma Fargo Addition and a portion of Lot 1, Block 1, Pracs Second Addition. (Located at 4951 and 4837 Amber Valley Parkway South; 4800, 4820, and 4840 23rd Avenue South) (Comstock Services, LLC/Scott Kjos): APPROVED

Planner Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Scott Kjos, Comstock Services, spoke on behalf of the application and answered questions about facility history and current operations.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) PUD, Planned Unit Development Master Land Use Plan and approve the PUD, Planned Unit Development Final Plan, and 2) Zoning Change from LC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development on Lots 1-3, Block 1, Gamma Fargo Addition and a portion of Lot 1, Block 1, Pracs Second Addition, as outlined within the staff report, as the proposal complies with the 2003 Southwest Future Land Use Plan, Section 20-0908.B(7), Section 20-0908.D, and Section 20-0906.F(1-4) of the Land Development Code, and all other application requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Morgan, Gunkelman, Stofferahn, Tasa, Rosenberg, Holtz, Shewey, and

Schneider voted aye. Absent and not voting: Member Schmidt. The motion was declared carried.

Item 4: South Ridge Second Addition

Hearing on an application requesting a Plat of South Ridge Second Addition (Minor Subdivision) a replat of Lots 5 and 6, Block 3, South Ridge First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2365 and 2445 65th Avenue South) (Fargo Investments, LLC/Colliers Engineering & Design): APPROVED

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

Holiday/Circle K Representative, Jim Gafner, Real Estate Development Manager, spoke about what would be built on the property, and addressed accessibility concerns.

Discussion was held on the number of car washes within the city, the convenience of car washes, and the profitability of the business.

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

Discussion was held regarding the water usage of car washes and restrictions imposed on the industry within the city.

Item 5: Rheault Second Addition

5a. Hearing on an application requesting a Zoning Change from GO, General Office to LC, Limited Commercial and MR-3, Multi-Dwelling Residential on the proposed Rheault Second Addition. (Located at 2318, 2322, and 2408 30th Avenue South) (Al and Sharon Carlson/Vision Bank): APPROVED

5b. Hearing on an application requesting a Plat of Rheault Second Addition (Minor Subdivision) a replat of Lots 3, 4, and a portion of 5, Block B of Replat of Part of Rheault Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2318, 2322, 2408, and 2420 30th Avenue South) (Al and Sharon Carlson/Vision Bank): APPROVED

Planner Brad Garcia presented the staff report stating all approval criteria have not been met and staff is recommending denial.

Discussion was held regarding the missing middle housing demand, the need for single-family homes, a plan for bringing in more homes, the amount of single-units and multi-family units, reason for recommending denial, and what is the alternative to building single-family in multi-family zoning.

Applicant Alan Carson (via conference call) spoke on behalf of the application.

Applicant Representative Dan Currier, Vision Bank, spoke in favor of the application and the project.

Member Gunkelman moved the findings and recommendations of staff be rejected and approval be recommended to the City Commission of the proposed 1) Zoning Change from GO, General Office to LC, Limited Commercial and MR-3, Multi-Dwelling Residential, and 2) Subdivision Plat, Rheault Second Addition, as the proposal does comply with the GO2030 Fargo Comprehensive Plan, the Adopted Area Plan, the Standards of Section 20-0906.F(1-4), Section 20-0907.B and C, and Article 20-06 of the Land Development Code. Second by Member Rosenberg.

Further discussion was held regarding inconsistency in the Land Development Code allowing single-family units to be built in multi-family zoning, the right use of the land with the correct corresponding zoning, and residential protections within the different zoning.

On call of the roll Members Gunkelman, Shewey, Morgan, Holtz and Rosenberg voted aye. Members Tasa, Stofferahn, and Schneider voted nay. Absent and not voting: Member Schmidt. The motion was declared carried.

Item 6: Woodcrest Third Addition

Hearing on an application requesting a Waiver of requirement to install a public sidewalk on Lots 13, 14, and 15, Block 16, Woodcrest Third Addition. (Located at 155, 161, and 167 South Woodcrest Drive North) (Mark and Barbara McCourt/Jon and Sadie Erickson/Justin Hanson and Jenaah McLeod-Hanson): DENIED

Mr. Kress presented the staff report stating all approval criteria have not been met and staff is recommending denial.

Discussion was held on the connectivity of the sidewalk to the path and how bicyclist and pedestrians could access it.

The following residents spoke in opposition to the application stating the following concerns: there are no current issues that need to be solved, would like a summer without construction, was not notified about this project, Illinois and Connecticut don't have sidewalks in cul de sacs, a connectivity path will increase foot traffic, flood buyouts have resulted in drug deals happening in the neighborhood.

Jon Erickson, 161 South Woodcrest Drive North
Jenaah McLeod-Hanson, 155 South Woodcrest Drive North

Member Stofferahn moved the findings and recommendations of staff be accepted and denial be recommended to the City Commission of the proposed Waiver of requirement to install a public sidewalk on Lots 13, 14, and 15, Block 16, Woodcrest Third Addition, as the proposal does not meet the intent of the GO2030 Fargo Comprehensive Plan and related plans, or the intent of the guidelines as set forth within Section 20-0609.A (1-7) of the Land Development Code. Second by Member Tasa. On call of the roll Members Holtz, Morgan, Gunkelman, Stofferahn, Tasa and Schneider voted aye. Members Rosenberg, and Shewey voted nay. Absent and not voting: Member Schmidt. The motion was declared carried.

At 5:26 p.m., the Board took a five-minute recess.

After recess: All members present except Members Schmidt and Tasa. Chair Schneider presiding,

Chair Schneider amended the agenda to remove Item D4 due to length of the meeting.

Item D: Other Items:

Item 1: Introduction of proposed Covey Ranch 3rd Addition and Master Plan of 120 acres in the North half of Section 10, Township 138 North, Range 49 West, South of 64th Avenue South and East of 45th Street South.

Planning Coordinator Maegin Elshaug presented an overview of the Master Plan for the area as an introduction to an upcoming project.

Applicant Representative, Matt Welle, Senior Project Manager Moore Engineering, presented a timeline of the activity in the area, and future plan scheduling goals.

Discussion was held regarding the proposed Nature Park, access to high density area, the role of the diversion, and drainage in development of this area.

Item 2: Downtown InFocus Take Action: Recommendation for Adoption APPROVED

Chair Schneider stated his job involves him with the Downtown InFocus Plan and requested the other Commissioners wishes on if he should participate on this item.

Other commissioners felt he was okay to proceed.

Planning and Development Director Nicole Crutchfield presented an update on the Downtown InFocus Plan and stated staff was seeking recommendation of adoption to the City Commission.

Member Rosenberg moved recommendation be made to the City Commission for adoption. Second by Member Shewey. All Members present voted aye and the motion was declared carried.

**Item 3: FM Regional Housing Study: Recommendation for Approval
APPROVED**

Ms. Crutchfield presented an update to the FM Regional Housing Study and stated staff was seeking recommendation be made to the City Commission for approval.

Discussion was held on the next steps after City Commission, what information is contained in the study, and how the information can be used.

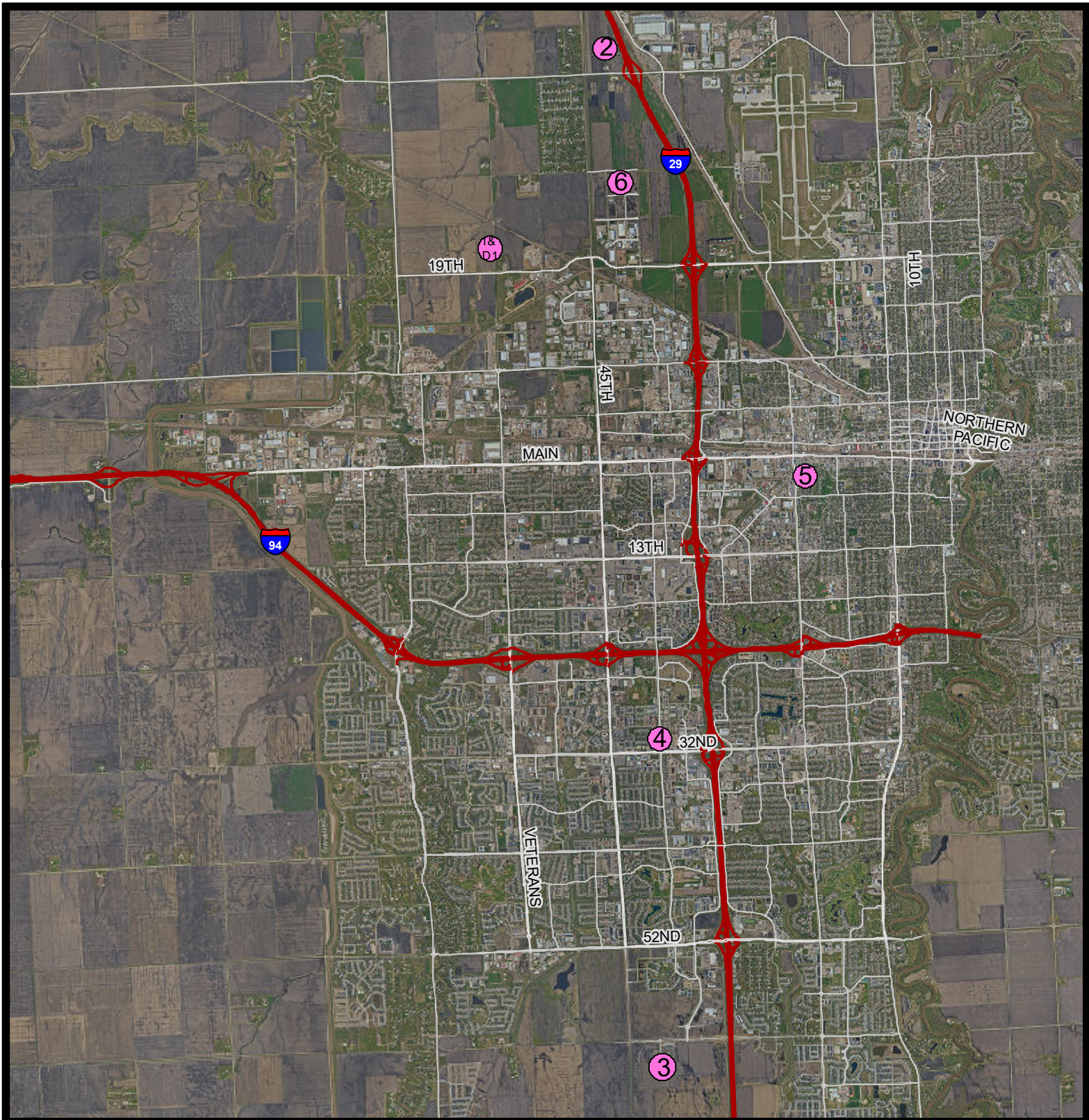
MetroCOG Representative, Adam Altenburg, Project Manager, spoke about setting up a joint powers agreement setting up a Housing Commission with jurisdiction in the area and the entities who could potentially provide members to the commission.

Member Gunkelman moved recommendation be made to the City Commission for approval. Second by Member Rosenberg. All Members present voted aye and the motion was declared carried.

Item 4 was removed from the agenda and not heard.

Item 4: Planning Commission Review of 25th Street Corridor Study

The time at adjournment was 5:53 p.m.



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Agenda Item Number

Continued Items:

3a & 3b -- Covey Ranch Third Addition

1a & 1b -- North Pointe Industrial Addition

2a, 2b & 2c -- Interstate Business District Addition

4 -- Autumn Fields Third Addition

5a & 5b -- Brekke's Addition

6 -- Laverne's Fourth Addition

Other Items:

D1 -- Annexation of portions of Sec. 29 & 32, T140N, R49W

City of Fargo Staff Report			
Title:	North Pointe Industrial Addition	Date:	1/31/2024
Location:	1900, 2000, and 2220 57th Street North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the Southeast 1/4 of Section 29, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Chad Wendel; Southeast Cass Water Resources District; City of West Fargo / Tracy Eslinger, PE—Moore Engineering	Engineer:	Moore Engineering
Entitlements Requested:	Major Subdivision (Plat of North Points Industrial Addition , a plat of a Portion of the Southeast 1/4 of Section 29, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), and a Zoning Change (from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional) (<i>see Zoning Note below</i>)		
Status:	Planning Commission Public Hearing: February 6 th , 2024		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial	
Zoning: AG, Agricultural		Zoning: LI, Limited Industrial	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		Uses Allowed: LI, Limited Industrial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities; P/I, Public/Institutional 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.	
Maximum Density Allowed (Residential): AG allows 1 dwelling unit per 10 acres.		Maximum Lot Coverage Allowed: 85% in LI; P/I has no maximum lot coverage	
Proposal:			
<i>Zoning Note: Though this project was advertised as having a conditional overlay as part of the LI, Limited Industrial, zoning, staff has determined that a C-O is not necessary for this project.</i>			
(continued on next page)			

The applicant requests two entitlements:

1. A major subdivision, entitled **North Pointe Industrial Addition**, a plat of a Portion of the Southeast 1/4 of Section 29, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota
2. A zoning change from AG, Agricultural to LI, Limited Industrial and P/I, Public/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: (across railroad) AG, Agricultural; undeveloped; in Fargo's extra-territorial jurisdiction.
- East: (across 57th Street North) GI, General Industrial; platted but not yet developed
- South: AG, Agricultural; undeveloped; in Fargo's extra-territorial jurisdiction.
- West: AG; undeveloped; Cass County Drain No. 45; in Fargo's extra-territorial jurisdiction.

Area Plans:

The subject property is located within the Tier 1 North West area of the 2007 Future Land Use Plan. This plan designates the subject property as "Industrial" and "Commercial." The proposed zoning of LI, Limited Industrial is consistent with this "Industrial" land use designation. Staff determined a growth plan amendment to change the portion of the subject property designated as "Commercial" to "Industrial" was not necessary, as

1. The boundaries of the designated areas on growth plan maps are generally not sharp boundaries, and
2. The 2007 Fargo Growth Plan identifies the subject property as having future land uses of Industrial and Commercial. The proposed LI zoning allows both industrial and commercial land uses.



Proposed Land Uses

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

Context:

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

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

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

Pedestrian / Bicycle: A 10-foot wide multi-use path is located on the south side of the 19th Avenue North right of way, across 19th Avenue from the subject property.

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

Staff Analysis:**MAJOR SUBDIVISION AND ZONING CHANGE**

The subdivision plat creates 15 lots in 3 blocks, to be zoned as indicated in the chart below:

BLOCK	LOTS	ZONING	COMMENT
1	1, 2, 3, 6, 7, 8	LI	
1	4, 5	P/I	Dedicated to SE Cass
2	1	LI	
3	1, 2, 3, 4, 5	LI	
3	6	P/I	City of West Fargo ownership

ACCESS: The subdivision will take access from 19th Avenue North by way of 58th Street North, dedicated with this subdivision. The subdivision will also take access from 57th Street North by way of 23rd Avenue North, dedicated with this subdivision. Additionally, the plat will dedicate 100 feet of right of way for 19th Avenue North and 100 feet of right of way for 57th Street North. The applicant is limited to one access point on 19th Avenue North, which will be 58th Street as shown on the plat, and one access point on 57th Street, which will be 23rd Avenue as shown on the plat. Access from these streets is otherwise limited by negative access easements.

There is no opportunity for street or pedestrian connections to the north across the railroad tracks. There is no existing street on the property adjacent property to the west to continue at this time. However, the plat depicts an easement across Lots 4 and 5, Block 1 for future continuation of 23rd Avenue North if the west side of Drain 45 ever does develop.

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

COUNTY DRAIN 45 and REQUIRED 175 FOOT SETBACK: Lot 5, Block 1, includes a portion of Cass County Drain No. 45 and a portion of the 175 foot setback from the centerline of the drain that is required by the Land Development Code. Lot 4, Block 1, includes the rest of this required setback. These lots will be dedicated to SE Cass Water Resources District.

CITY OF WEST FARGO OWNERSHIP: Lot 6, Block 3, in the southeast corner of the plat, is owned by the City of West Fargo. It is a sanitary sewer lift station. This property is not currently a platted lot. As it is adjacent to the area proposed to be platted, the City of West Fargo agreed to let this property be incorporated into this plat.

CONCURRENT ANNEXATION

The subject property is currently in Fargo's four-mile extra-territorial jurisdiction, and is included in a pending owner-initiated annexation. The annexation will go through the review and approval process concurrently with this subdivision and zone change. The property will not be developed until the annexation is complete. The Planning Commission's review of the proposed annexation is Item D.1 on the February 6th, 2024 Planning Commission agenda.

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural and is within Fargo's four-mile extra-territorial jurisdiction. In order to be developed, the property has to be annexed, platted, and zoned. Now that development is proposed, the applicant requests a zoning change to LI, Limited Industrial, and P/I, Public/Institutional, which is consistent with the 2007 Growth Plan land use designations for this property 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 an existing public right-of-way. Additional dedications will widen the right of way and extend it the full length of the proposed lots. **(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. There were no concerns. 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, which designates the land uses for this property as "industrial" and "commercial." The proposed zoning of LI, Limited Industrial is consistent with these land use designations as noted above. **(Criteria satisfied)**

Major Subdivision

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

1. **Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
The requested zoning for the industrial development on this property is LI, Limited Industrial, which is consistent with the land use designations of the 2007 Growth Plan. The P/I zoning is applicable in all land use categories. 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. There were no concerns. **(Criteria Satisfied)**
2. **Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The property is proposed to be zoned LI, Limited Industrial and P/I, Public/Institutional. As noted in the zone change findings above, these zones are consistent with the 2007 Growth Plan designations for this property. 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 LI, Limited Industrial and P/I, Public Institutional, and 2) a plat of the **North Pointe Industrial Addition**, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: February 6th, 2024

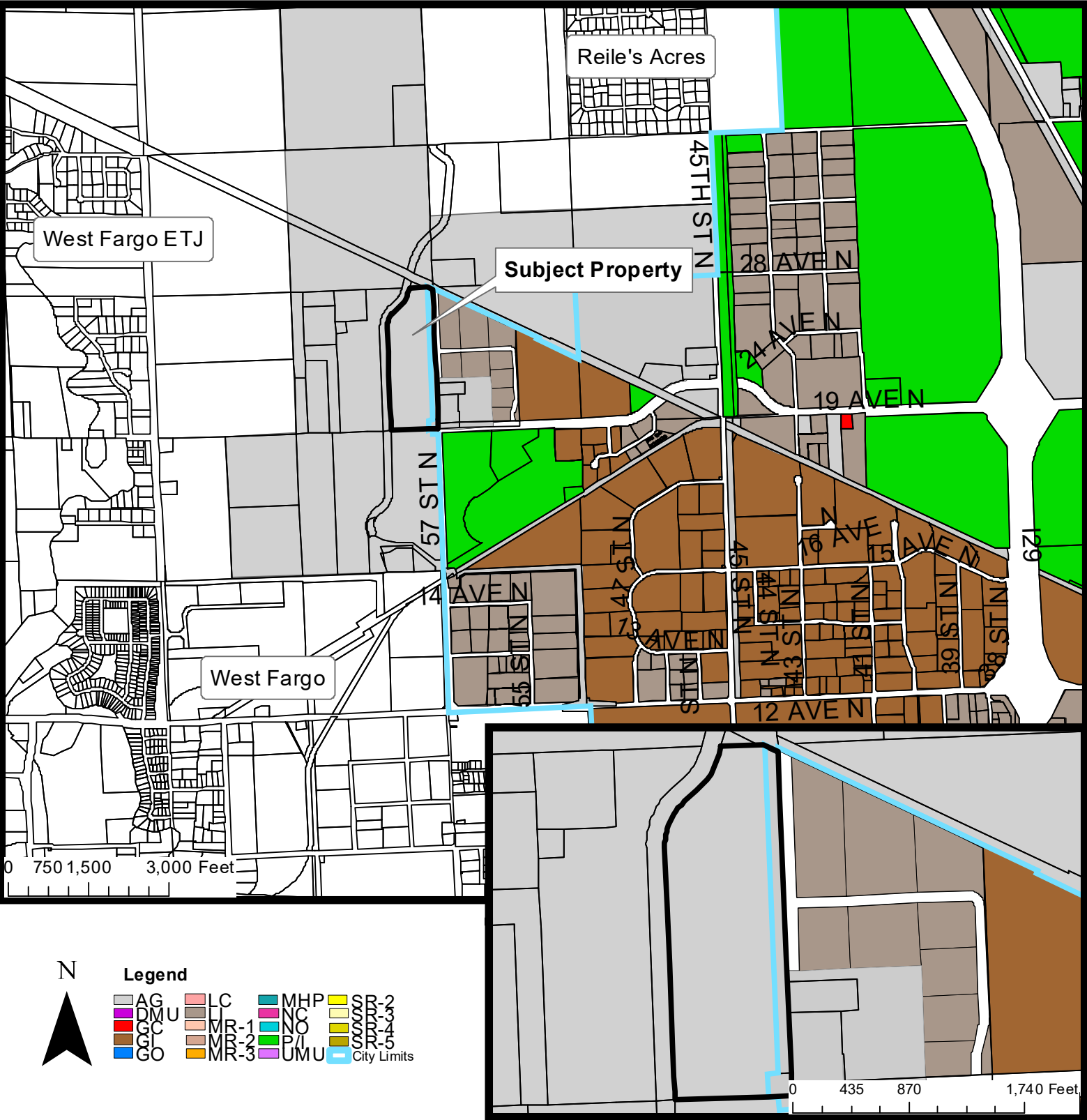
Attachments:

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

Major Subdivision and Zone Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay and P/I, Public and Institutional zoning districts

North Pointe Industrial Addition

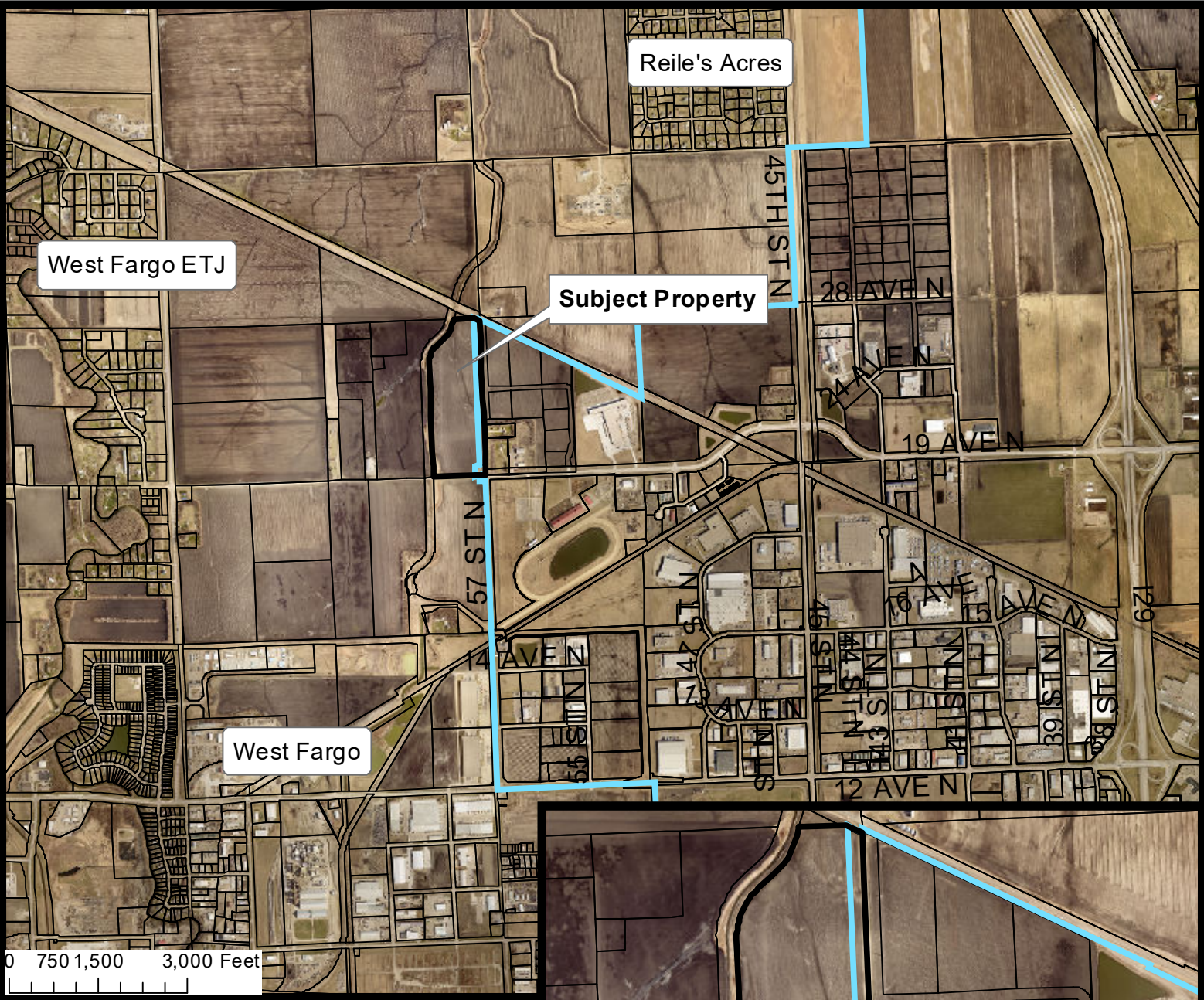
1900, 2000 & 2220 57th Street North



Major Subdivision and Zone Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay and P/I, Public and Institutional zoning districts

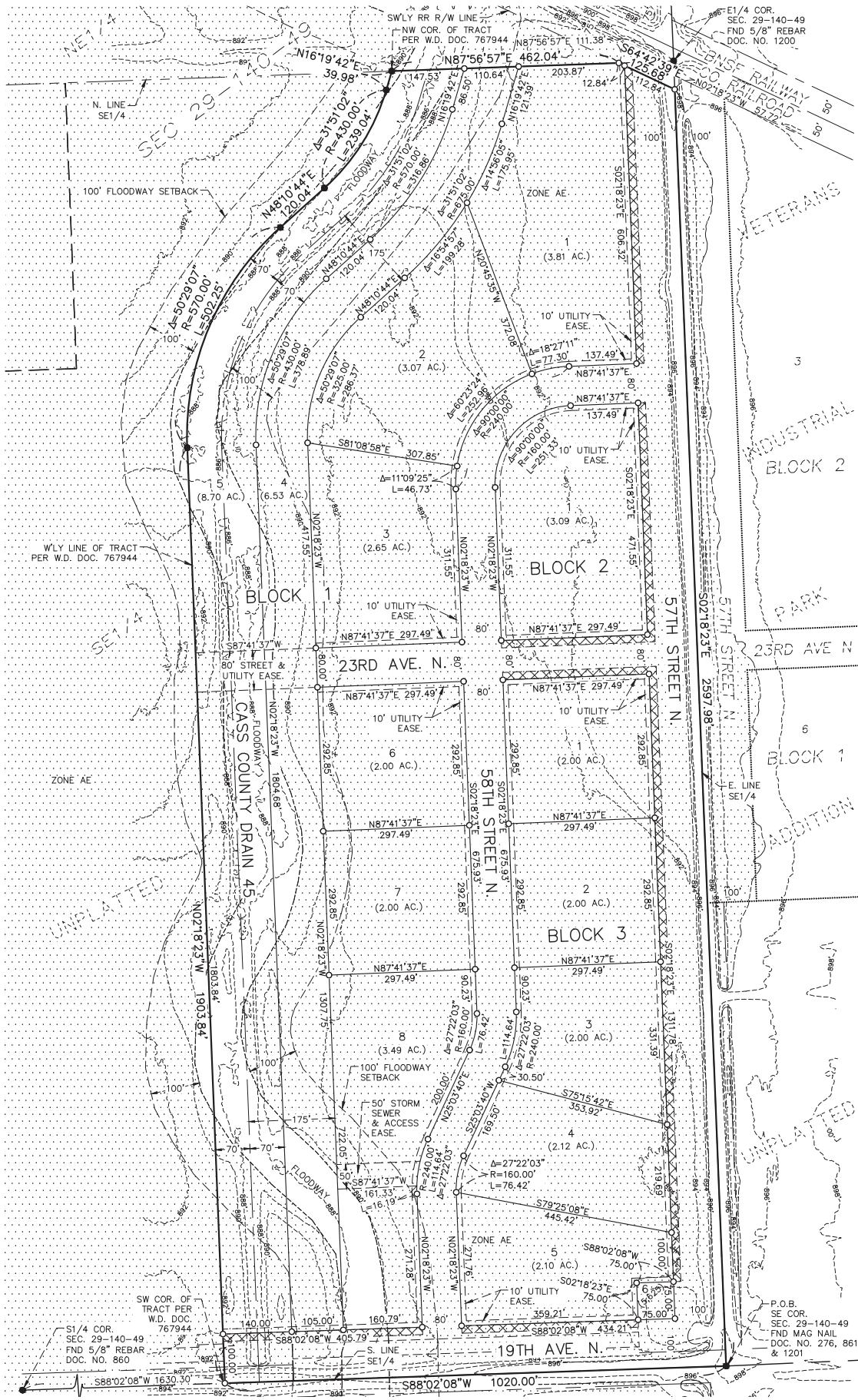
North Pointe Industrial Addition

1900, 2000 & 2220 57th Street North



A MAJOR SUBDIVISION PLAT OF
NORTH POINTE INDUSTRIAL ADDITION

TO THE CITY OF FARGO, A PART OF THE SE1/4 OF SECTION 29, TOWNSHIP 140 NORTH,
RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA



- LEGEND**
- IRON MONUMENT SET AND MARKED WITH LAND SURVEYOR NO. LS-6571
 - IRON MONUMENT FOUND
 - P.O.B. POINT OF BEGINNING
 - (5,625) LOT AREAS IN SQUARE FEET
 - L ARE LENGTH
 - R RADIUS LENGTH
 - Δ CENTRAL ANGLE
 - CH.BRG. CHORD BEARING
 - SECTION LINE
 - PLAT BOUNDARY LINE
 - LOT LINE
 - - - EASEMENT LINE
 - - - EXISTING PROPERTY LINE
 - XXXXX NEGATIVE ACCESS EASEMENT
 - FEMA ZONE AE
 - FLOODWAY AREAS IN ZONE AE
 - 2 FOOT CONTOUR LINE

- NOTES:**
1. PORTIONS OF THIS PLAT ARE LOCATED WITHIN SPECIAL FLOOD HAZARD AREA ZONE AE AND FLOODWAY AREAS IN ZONE AE. THE BASE FLOOD ELEVATION IS 895 FEET ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO'S 3801700567C AND 3801700569G, BOTH WITH AN EFFECTIVE DATE OF JANUARY 16, 2015.
 2. BENCHMARK: TOP NUT OF FIRE HYDRANT LOCATED NORTHEAST OF THE INTERSECTION OF 19TH AVENUE NORTH AND 57TH STREET NORTH, ELEVATION IS 900.97' (NAVD88).
 3. "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".
 4. UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT OF WAYS AS SHOWN UNLESS OTHERWISE NOTED.
 5. THE TOTAL AREA OF DEDICATED ROADS IS 13.23 ACRES.

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "NORTH POINTE INDUSTRIAL ADDITION" TO THE CITY FARGO, A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 140 NORTH, RANGE 49 WEST, 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 SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 02 MINUTES 08 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR A DISTANCE OF 1020.00 FEET TO THE SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN WARRANTY DEED DOCUMENT NO. 767944, RECORDED OCTOBER 15, 1992, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SAID COUNTY; THENCE NORTH 02 DEGREES 18 MINUTES 23 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT OF LAND FOR A DISTANCE OF 1903.84 FEET; THENCE 502.25 FEET NORTHEASTERLY CONTINUING ALONG SAID WESTERLY LINE ON A TANGENTIAL CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 570.00 FEET AND A CENTRAL ANGLE OF 50 DEGREES 29 MINUTES 07 SECONDS; THENCE NORTH 48 DEGREES 10 MINUTES 44 SECONDS EAST CONTINUING ALONG SAID WESTERLY LINE FOR A DISTANCE OF 120.04 FEET; THENCE 239.04 FEET NORTHEASTERLY CONTINUING ALONG SAID WESTERLY LINE ON A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 430.00 FEET AND A CENTRAL ANGLE OF 31 DEGREES 51 MINUTES 02 SECONDS; THENCE NORTH 16 DEGREES 19 MINUTES 42 SECONDS EAST CONTINUING ALONG SAID WESTERLY LINE FOR A DISTANCE OF 39.98 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 87 DEGREES 56 MINUTES 57 SECONDS EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 462.04 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE BNSF RAILWAY COMPANY'S RAILROAD; THENCE SOUTH 64 DEGREES 42 MINUTES 39 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 125.68 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 02 DEGREES 18 MINUTES 23 SECONDS EAST ALONG SAID EAST LINE FOR A DISTANCE OF 2597.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 58.92 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

PRELIMINARY

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, 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 FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "NORTH POINTE INDUSTRIAL ADDITION" TO THE CITY OF FARGO, A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 140 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, AVENUES, UTILITY EASEMENTS, ACCESS EASEMENTS, STREET AND UTILITY EASEMENTS AND STORM SEWER EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: ALL EXCEPT LOTS 4 & 5, BLOCK 1 AND LOT 6, BLOCK 3:

OWNER: LOTS 4 & 5, BLOCK 1: SOUTHEAST CASS WATER RESOURCE DISTRICT

CHAD WENDEL

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHAD WENDEL, 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 FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: LOT 6, BLOCK 3: CITY OF WEST FARGO

KEITH WESTON, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEITH WESTON, CHAIRMAN OF SOUTHEAST CASS WATER RESOURCE DISTRICT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME THE NAME OF SOUTHEAST CASS WATER RESOURCE DISTRICT.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO CITY COMMISSION

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BERNIE L. DARDIS, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND DUSTIN T. SCOTT, 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 WEST FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS ____ DAY OF _____, 2024.

ROCKY SCHNEIDER, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, 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 _____, 2024.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS ____ DAY OF _____, 2024, 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 AS IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS ____ DAY OF _____, 2024.

TOM KNAKMUHS, CITY ENGINEER
REGISTERED PROFESSIONAL ENGINEER
NO. PE-10059

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, CITY ENGINEER, 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 FREE ACT AND DEED.

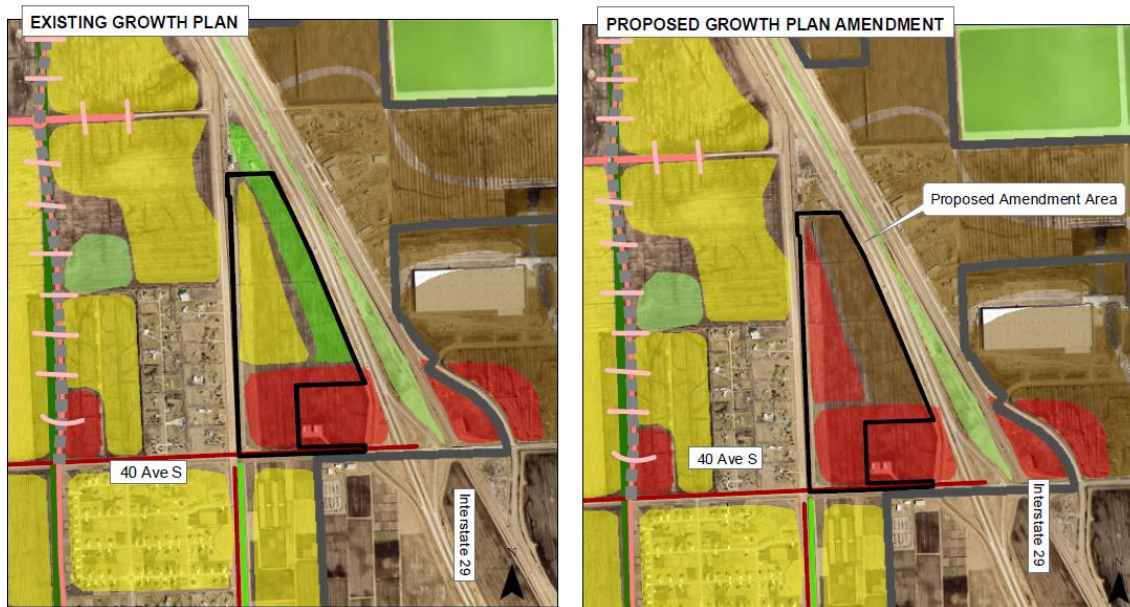
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

SHEET 1 OF 1
PROJ. NO. 23414

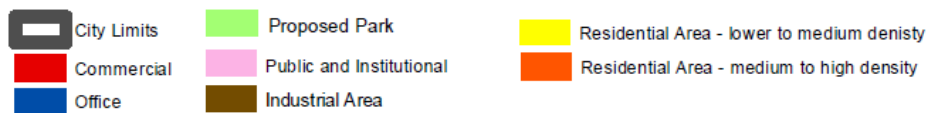


City of Fargo Staff Report			
Title:	Interstate Business District Addition	Date:	1/31/24
Location:	4753 45th Street North and 4269 40th Avenue North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	ARD Properties, LLC; North Fargo Land, LLC / Tony Eukel, MBN Engineering	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (Plat of Interstate Business District Addition , a plat of a Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), a Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; and a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional		
Status:	Planning Commission Public Hearing: February 6 th , 2024		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial; commercial; government-owned	
Zoning: AG, Agricultural; LI, Limited Industrial with a conditional overlay, Ordinance No. 4020		Zoning: LI, Limited Industrial, with C-O; GC, General Commercial with C-O; P/I, Public/Institutional	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities C-O prohibits certain uses as shown above with strikethrough		Uses Allowed: <u>LI—Limited Industrial</u> allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult establishments , offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation , basic utilities, certain telecommunications facilities, <u>GC – General Commercial</u> allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishments , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities. <u>P/I – Public and Institutional</u> 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. C-O's on the LI and GC zones prohibit uses as shown above with striketrough, plus provides addition regulations and requirements as noted below. The P/I zoning has no C-O.
AG--Maximum Density Allowed (Residential): 1 dwelling unit per 10 acres. LI--Maximum Lot Coverage Allowed: 85%	LI--Maximum Lot Coverage Allowed: 85% GC--Maximum Lot Coverage Allowed: 85% P/I--Maximum Lot Coverage Allowed: no max
Proposal:	
<i>PROJECT HISTORY NOTE: A different version of this project was before the Planning Commission between May and August, 2023. That project was denied at by the City Commission in September, 2023. The applicant submitted the current project in December, 2023. Staff considers this a new project.</i> The applicant requests three entitlements: 1. A major subdivision, to be known as Interstate Business District Addition, a plat of a Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota 2. A Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; and 3. A Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and 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: LI, Limited Industrial with conditional overlay; Opp Construction Company • East: No zoning; Interstate 29 right of way (adjacent to proposed Lots 9-15); and • East: AG, Agricultural; fireworks sales (adjacent to proposed Lot 1) • South: (across 40th Avenue North within city limits) P/I, Public / Institutional; North Dakota State University with agricultural uses; and • South: (across 40th Avenue North, outside city limits) Reile's Acres extra-territorial jurisdiction; undeveloped. • West: (across 45th Street North, outside city limits) Reile's Acres extra-territorial jurisdiction; large lot rural residential uses.	
Area Plans:	
The subject property is located within the 2007 Future Land Use Plan. This plan designates the subject property as "Commercial," "Residential Area—Lower to Medium Density;" and "Proposed Park." The applicant proposes to amend the growth plan to change the land use designation to "Industrial" and "Commercial" as indicated in the graphics below. Specific findings for the growth plan amendment and a summary of the growth plan amendment neighborhood open house are below.	



2007 Growth Plan



Context:

Schools: The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and Fargo North High schools.

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

Parks: The Northern Softball Complex is approximately 0.45 mile northeast of the subject property; however, this park is across Interstate 29 and would require an approximately 1.25 mile trip to access it.

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

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

Staff Analysis:

NOTE: In the analysis below, the term "SE Cass" refers to the Southeast Cass Water Resources District, which owns the drainage channels in this portion of Cass County. The abbreviation "ETJ" means "extra-territorial jurisdiction," the area outside of a city's limits over which that city has planning and zoning jurisdiction. The abbreviation "LDC" means Fargo's Land Development Code.

MAJOR SUBDIVISION

The subdivision plat creates 15 lots in one block. The plat also depicts dedications of right of way for 44th Street North and 40th Avenue North. The plat also depicts existing easements as well as a new City of Fargo easement for a water line.

ACCESS—DEDICATED PUBLIC STREET: The subdivision will take access from 40th Avenue North and 45th Street North. The subdivision dedicates 44rd Street North, from which all the lots in the subdivision will take access. The northerly end of 44rd will cross Drain 40, which is adjacent to the subdivision, by way of a box culvert crossing. An easement from SE Cass is required in order to construct this crossing.

Access to the lots in the subdivision will be provided only by 44th Street. The east side of the subdivision is bordered by Interstate 29 right of way; there can be no direct access to the lots from this right of way or I-29. The west side of the subdivision is bordered Lot 8, which will be dedicated to SE Cass and is not developable. This lot is adjacent to Cass County Drain 40. The only access across the drain and Lot 8 will be provided at 44th Street. Additionally, there are no pedestrian routes or trails to connect to along the east or west sides of the subdivision. Negative access easements will limit access onto 44th Street North in proximity to the intersection with 40th Avenue North.

ACCESS—TRANSITION FROM EXISTING GRAVEL ROAD: An existing gravel road along the west side of the subject property provides access to Opp Construction, adjacent to the northern boundary of the subject property. A temporary access agreement between the applicants, SE Cass, and Opp Construction to guarantee that access to Opp Construction is provided at all times, including how the transition from access provided by this gravel road to access provided by 44th Street will be timed has been created. The City is not a party to this agreement. This gravel road will be eliminated when 44th Street North is constructed.

ACCESS—40th AVENUE NORTH / CASS COUNTY HIGHWAY 20: The Cass County Highway Department has jurisdiction over 40th Avenue North, which is also Cass County Highway 20. The Cass County Engineer has determined that a turn lane and a bypass lane must be installed on 40th Avenue North at the time 44th Street is installed. Construction of these additional lanes will be the responsibility of the developer. The subdivision includes a 100-foot right of way dedication on the north side of 40th Avenue. A negative access easement, as depicted on the plat, will prohibit direct access to lots from 40th Avenue North.

PUBLIC WATER and SEWER: Public water and sewer to serve the lots in the subdivision will be provided in the dedicated public street, 44th Street North. Additionally, a large-diameter City of Fargo water line will run north along 44th Street and thence northeast in an easement between Lots 9 and 10 and out of the subdivision. This water line is part of a redundant water loop that is part of the City's overall water distribution system.

175 FOOT DRAIN SETBACK: Land Development Code Section 20-0610.F requires that no subdivision may be approved without a notation and delineation of an area 175 feet from the centerline of any legal drain and the applicant for subdivision approval will be required to dedicate such areas to the public for purposes of such drain. This plat accounts for this dedication by dedicating Lot 8, Block 1, to SE Cass.

PROXIMITY AGREEMENT: A proximity agreement for the subdivision will be signed by the applicant. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport, by which the property owner acknowledges the existence of this facility and the potential for aircraft noise. The City Commission will take final action on this agreement. No action is required by the Planning Commission. No attachment is included with this packet.

DEVELOPER'S AGREEMENT

The City Engineer has required a developer's agreement between the City and the developer related to the non-protest of future paving of 45th Street North; the detention basin (Lot 2, Block 1); and access to the existing business from 44th Street North. This development agreement will go to the City Commission as a separate item and is not included in this packet.

GROWTH PLAN AMENDMENT

In order to allow the proposed LI, Limited Industrial and GC, General Commercial zoning, the underlying growth plan, the 2007 Growth Plan, must be amended to change the land use designation for this property from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial. Findings for the growth plan amendment are below.

ZONE CHANGE

The chart below shows the proposed zoning.

Lot Numbers	Zoning
1	GC, General Commercial with C-O, conditional overlay
2	P/I, Public/Institutional—Stormwater detention basin—City of Fargo will own
3 through 7 and 9	GC, General Commercial with C-O, conditional overlay
8	P/I, Public/Institutional—dedicated to SE Cass for Drain 40
10 through 15	LI, Limited Industrial with C-O, conditional overlay

CONDITIONAL OVERLAYS

Both the LI and GC zones are proposed to have a conditional overlay (C-O). This C-O provides additional land use regulations specific to this project, intended to make the project more compatible with its context. A general overview of the C-O is below; the draft C-O is attached. Approval of this C-O is part of the overall approval for the zoning for this project.

- C-O for LI, LOTS 10-15: Prohibits certain uses that would otherwise be allowed by right in the LI zone and restricts off-premise signage along the I-29 property frontage to no more than four billboards. Staff notes that without this restriction, a maximum of eight billboards could be installed on the lots along the subdivision's I-29 property frontage.
- C-O for GC, LOT 1: Prohibits certain uses that would otherwise be allowed by right in the GC zone; prohibits off-premise signage.
- C-O for GC, LOTS 3-7 and 9: Prohibits certain uses that would otherwise be allowed by right in the GC zone; prohibits off-premise signage; requires buffering.
- The conditional overlay does not apply to the P/I zoned lots, Lots 2 and 8, Block 1.

NEIGHBORHOOD MEETING PRIOR TO FEBRUARY 6th PLANNING COMMISSION HEARING:

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. The intent of this open house is to allow residents and property owners in the area an opportunity to meet with the developer to review and comment on the proposed growth plan amendment. This meeting was held on Thursday, January 18th, at City Hall. Property owners within a 300 foot radius of the subject property were notified by mail of this meeting, as required by the code section noted above. City of Reile's Acres was also notified. There were 13 attendees at this meeting, plus the applicant's team and Planning Department staff. One Fargo Planning Commissioner also attended a portion of the meeting.

Neighbor comments at the meeting included:

- Can there be a buffer along the boundary between Interstate Business District and the Opp property adjacent to the north.
- When the berm along the west side of the subdivision is installed, it should be done all at once.
- Trees along the berm should be evergreens. These evergreens should be of sufficient size that they have some buffering effect when installed, rather than being baby trees that will be expected to grow. There should be a double row of these trees.
- Have some building design standards. The applicant and staff pointed out that many "industrial" buildings actually have the appearance of a commercial or office building. However, building design standards would confirm that buildings would look like this.
- Add to C-O that storage of crushed material, asphalt, etc. is not allowed.
- Have the C-O eliminate "manufacturing and production" from the allowed uses in LI, or at least have some specification prohibiting "dirty" industry.

PUBLIC COMMENTS RECEIVED

Staff received comment e-mails from the mayor of Reile's Acres and from a neighboring property owner. Copies of these e-mails are attached and the concerns expressed in the e-mails are summarized below.

- The community does not favor the project's combination of commercial and industrial development.
- The community favors all-GC, General Commercial zoning for the entire project area.
- Concern about the health effects, including cancer, and potential environmental contamination resulting from industrial development.
- The project will have a negative impact on north Fargo business and schools.
- The current project is not much different from the earlier version.

(continued on next page)

FINDINGS

Growth Plan Evaluation Criteria: Section 20-0905(H) of the LDC states that the Planning Commission and City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:

- **Is the proposed change consistent with surrounding land uses, both existing and future?**

The area included in the proposed growth plan amendment is smaller than the overall subject property, as depicted on the “Existing / Proposed” growth plan map above. The area on the southerly part of the subject property has the growth plan designation of “Commercial,” which is not proposed to be amended.

The area on the east side of the subject property (east of 44th Avenue North), is proposed to be designated “industrial.” The 2007 Growth Plan states that the industrial land use designation is appropriate for “areas that are impacted by airport noise, railroad tracks, interstate highway noise, or other potential negative impacts that are undesirable for other types of development.” The area proposed to be designated “industrial” is along Interstate 29 and within the airport noise attenuation area.

The proposed industrial land use designation is compatible on the north side, where it is adjacent to an industrial-developed property (Opp Construction) that is in Fargo’s ETJ.

The proposed industrial land use designation is compatible on the south side, where it transitions into the existing commercial-designated property.

The area on the west side of the subject property (west of 44th Avenue North), is proposed to be designated “commercial.” This area was originally proposed to also be designated as “industrial,” but over the course of the previous project and submittal of the new project, all the lots on the west side of the subdivision are proposed to be designated “commercial” as a step down in intensity between the “industrial” on the east and the existing rural residential development—Reile’s Acres ETJ-- to the west of the subdivision, across 45th Street North.

Due to the distance of the 45th Street right of way (33 feet); Cass County Drain No. 40 right of way (140.5 feet); Lot 8, which is the required drain protection lot (92.25 feet); and the proposed berm and landscape buffer (25 feet); the land uses between I-29 and Reile’s Acres ETJ follow a progressive step-down in intensity of development:

- Industrial uses on the east side of the subdivision adjacent to I-29, which step down to
- Commercial uses on the west side of the subdivision, which step down to
- A 290.75-foot wide undevelopable area as noted above, which steps down to
- The east lot lines of residential development in Reile’s Acres ETJ

Adding to the 290.75 foot undevelopable area the lot depth of the GC-zoned lots on the west side (over 600 feet) and the 80 feet of right of way for 44th Street North, there is an over 970 foot separation from the east property line of the Reile’s Acres ETJ residential development to the west property line of the LI-zoned lots.

(Criteria Satisfied)

- **Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future?**

There are no existing streets within the subject property. The growth plan does not indicate any intended street alignments within the subject property. The proposed subdivision will dedicate a public street (44th Street) from which all lots in the subdivision will take access. This will be a local street and will provide an additional connection between 40th Avenue North to 45th Street North, which already intersect at the southwest corner of the subject property. It is not intended that new land uses develop as a result of this new street. This street is intended to only serve this development, and there is no opportunity for east-west cross streets to connect to it. **(Criteria Satisfied)**

- **How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or**

developments in the vicinity that make the change positive or negative for the City and the area in general?

The area east of I-29 and north of 40th Avenue North has been developed as industrial, mainly with large warehouses and distribution centers, although all the uses in the LI, Limited Industrial zone are permitted in this area. There are no conditional overlays on these properties (Dakota Commerce Center, Dakota Commerce Center North, and North Fargo Industrial Addition). The proposed growth plan change would allow industrial development on the west side of I-29. This development would include the uses permitted in the LI zone, other than those prohibited by the proposed conditional overlay.

Additionally, some of the assumptions in the 2007 Growth Plan, on which the current land use designations were based, did not come to pass as expected. In fact, the area south of the subject property along 45th Street North, which is now platted as the industrial-zoned Laverne's Addition and Laverne's Second Addition, was originally designated on the 2007 Growth Plan for residential and commercial development. This land use designation was changed in 2015 to industrial. The pressure for residential development north of 19th Avenue North anticipated by the 2007 Growth Plan did not materialize. The property was platted into the current industrial subdivisions in 2018 and 2022.

The property between Laverne's Second Addition and 40th Avenue North is owned by North Dakota State University. It seems likely that NDSU will retain ownership of this land for their own purposes for some time to come. The subject property would then be the end of the re-orientation of the east side of 45th Street from the original residential land use designation to industrial and commercial land use designations.

Thus, alternative land uses for this area can be considered, and changes to land use designations be proposed through the growth plan amendment process specified in the LDC.

(Criteria Satisfied)

- **How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?**

The proposed change provides property for industrial and commercial development that has convenient access to the interstate, an east/west arterial road (40th Avenue North), and City utilities (extended through 44th Street North). Though several areas of the city are already zoned for commercial or industrial uses, it is important to have a variety of commercial and industrial zoned locations as the needs of the different kinds of businesses that can develop in these zones are different. In this location, the focus is on commercial and industrial businesses than have a priority for easy access to an interstate highway and need fairly large lots.

There is no opportunity for pedestrian access on the east or west due to the Cass County Drain 40 and I-29 right of way. Future development or redevelopment of 40th Avenue may include a multi-use path.

(Criteria Satisfied)

Zone Change

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay. The applicant proposes zoning of LI, Limited Industrial and GC, General Commercial, both with conditional overlays, and P/I, Public/Institutional. The 2007 Land Use Plan applies to the subject property, as noted above. The GC zoning is consistent with the existing "Commercial" land use designation. The LI zoning will be consistent with the amended growth plan designation of "Industrial." The P/I zoning for government-owned property can be applied under any land-use designation. **(Criteria Satisfied)**

- **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 plat will dedicate public right of way (44th Street North) through which access and public utilities will be provided. **(Criteria satisfied)**

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

Value of a property for tax purposes is determined by the City or County assessor and is not directly based on adjacent zoning.

The LDC Section 20-0704 provides for residential protection standards (RPS) to mitigate the effects of non-residential development on existing residential development. The application of RPS is based on distance from the non-residential development to the residential zoning. The RPS would not apply in this situation as the residential development is already separated from the non-residential development by a greater distance than would trigger application of the RPS. Thus, a conditional overlay is proposed with this project to mitigate the effects. One element of this C-O is a berm with trees along the west side the GC-zoned lots. As noted in the growth plan findings above, this berm is part of a 290.75 foot separation between the east property line of the Reile's Acres ETJ residential and the development on the GC-zoned lots on the west side of the subdivision, which is intended to mitigate the effects of the new development in relation to those residences. The width of this buffer and the height of the berm/ tree portion of the buffer is well beyond the requirements of RPS.

Re-sale value of a property is determined by local real estate market conditions at the time of sale. These conditions are not predictable in the long term. Staff has no documentation to demonstrate that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received the comment letters noted above. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity.

(Criteria satisfied)

- **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. With the approval of the growth plan amendment noted above, the proposed zoning of Limited Industrial, General Commercial (both with conditional overlays) and Public Institutional will be consistent with these land use designations.

(Criteria satisfied)

Major Subdivision

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

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

The requested zoning for this subdivision is LI, Limited Industrial with conditional overlay; GC, General Commercial with conditional overlay; and P/I, Public Institutional, which will be consistent with the amended 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received the comments noted above. **(Criteria Satisfied)**

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

The property is proposed to be zoned LI, Limited Industrial with conditional overlay; GC, General Commercial with conditional overlay; and P/I, Public Institutional. As noted in the zone change findings above, this zone is consistent with the amended 2007 Growth Plan designations for this property. The

project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

- **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). 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 recommend to the City Commission approval of the proposed 1) Growth Plan Amendment from Residential Area, Lower to Medium Density; Commercial; and Proposed Park to Industrial and Commercial; 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional; and 3) major subdivision, to be known as **Interstate Business District Addition**, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0905(H), and 20-0907.C of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: February 6th, 2024

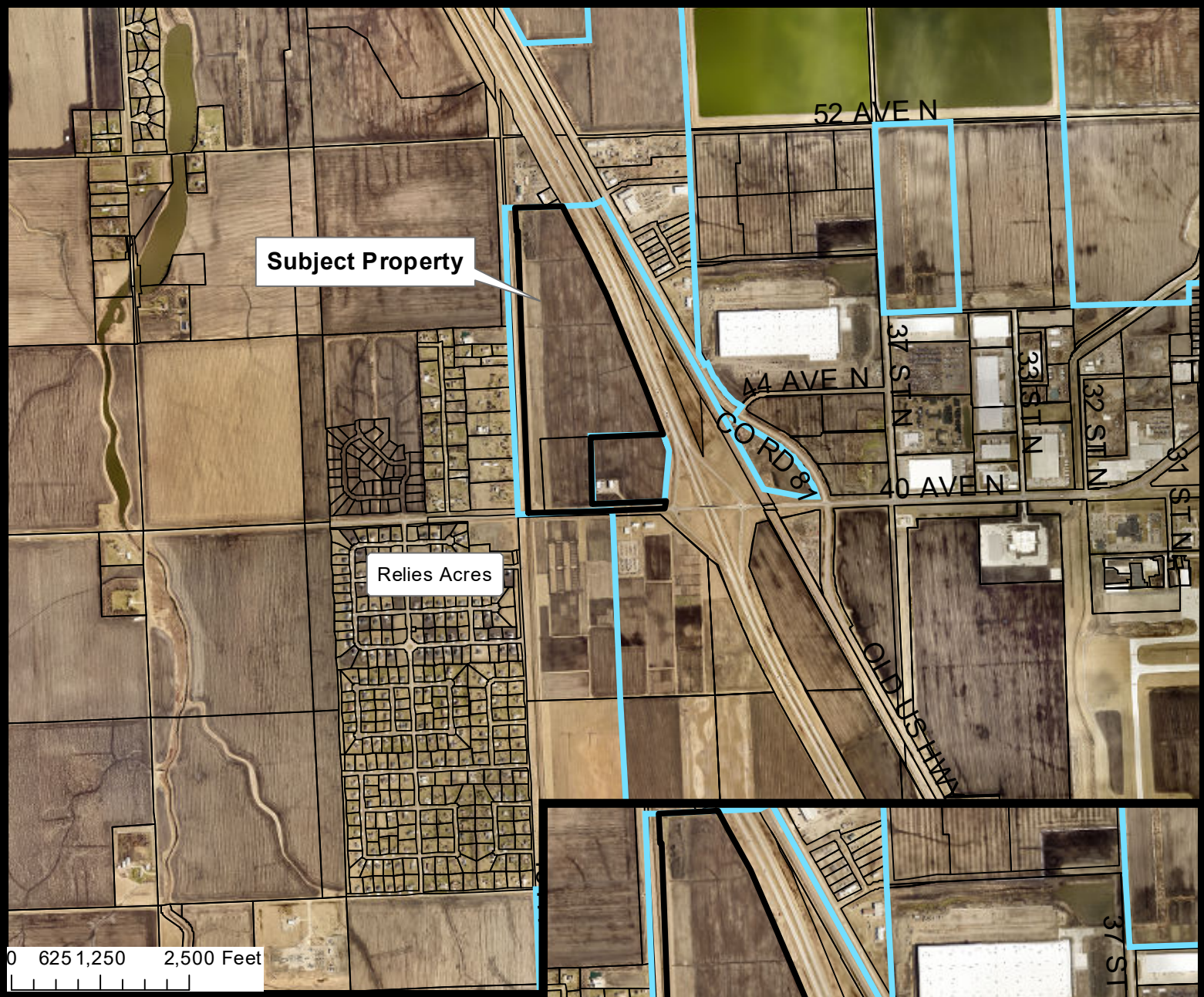
Attachments:

1. Location map
2. Zoning map
3. Growth plan amendment map
4. Preliminary plat
5. Proposed zoning map
6. Draft conditional overlay
7. Public comment letters

Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to LI, Limited Industrial with a Conditional Overlay and GC, General Commercial with a Conditional Overlay and P/I, Public/Institutional; Growth Plan Amendment from Commercial, Residential Area—Lower to Medium Density and Proposed Park to Industrial and Commercial

Interstate Business District Addition

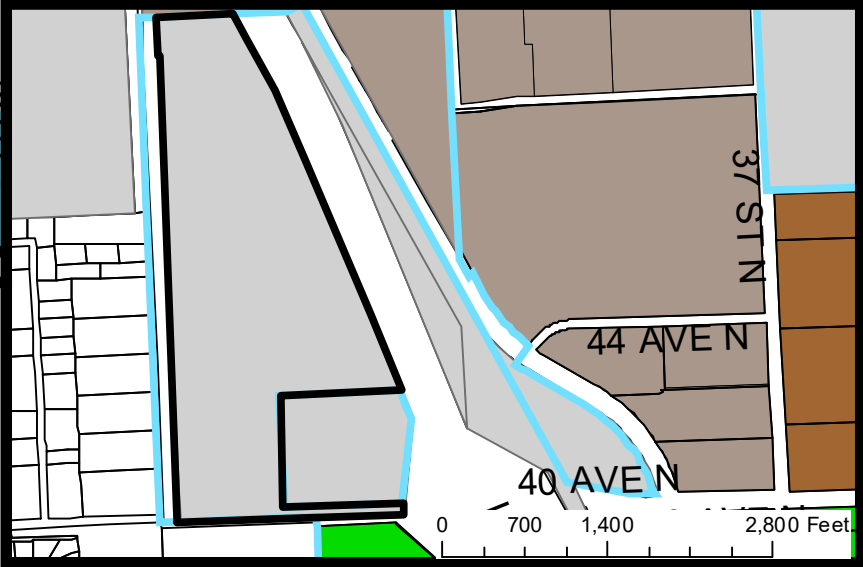
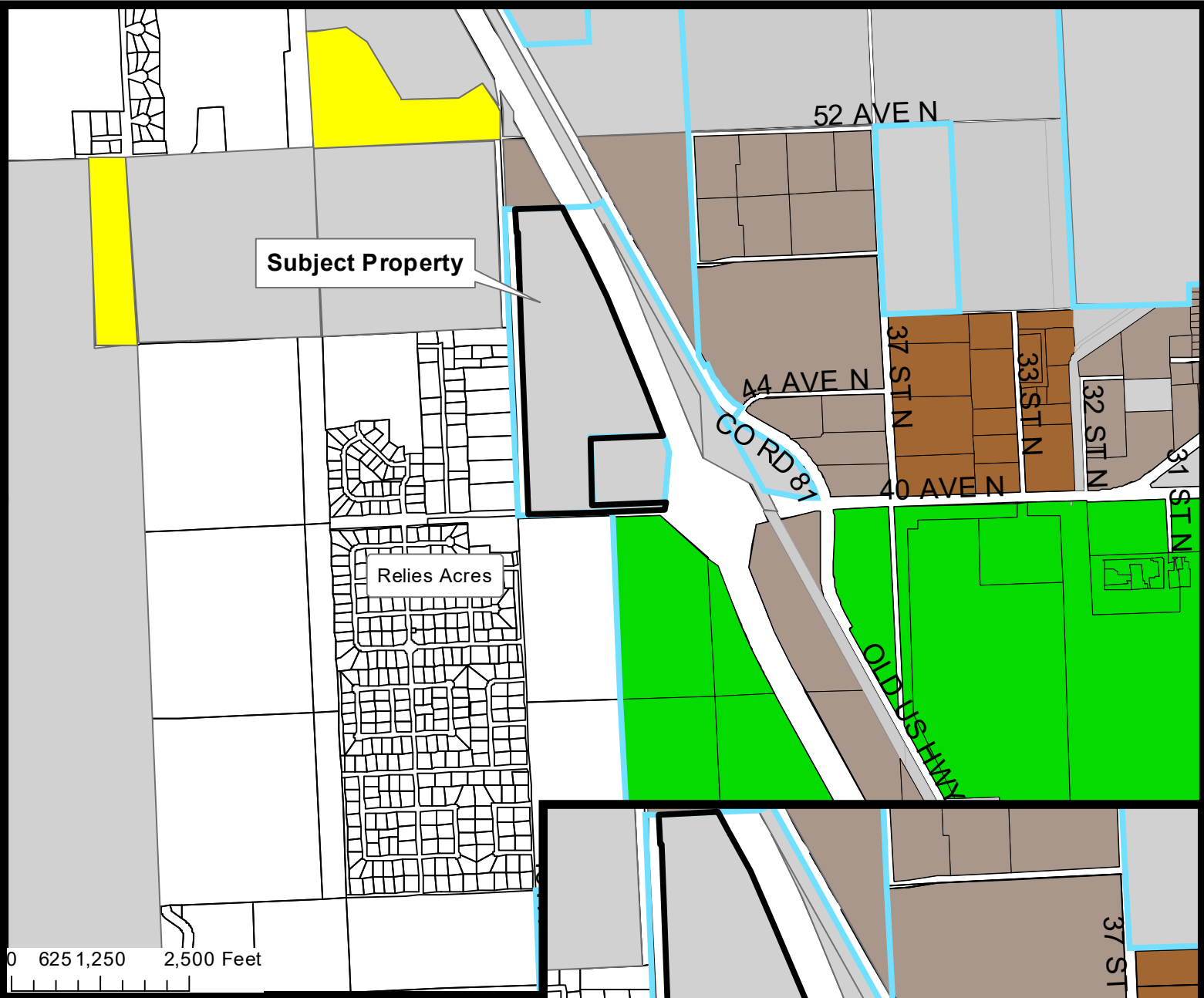
4269 40th Avenue North
4753 45th Street North



Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to LI, Limited Industrial with a Conditional Overlay and GC, General Commercial with a Conditional Overlay and P/I, Public/Institutional; Growth Plan Amendment from Commercial, Residential Area—Lower to Medium Density and Proposed Park to Industrial and Commercial

Interstate Business District Addition

4269 40th Avenue North
4753 45th Street North



N

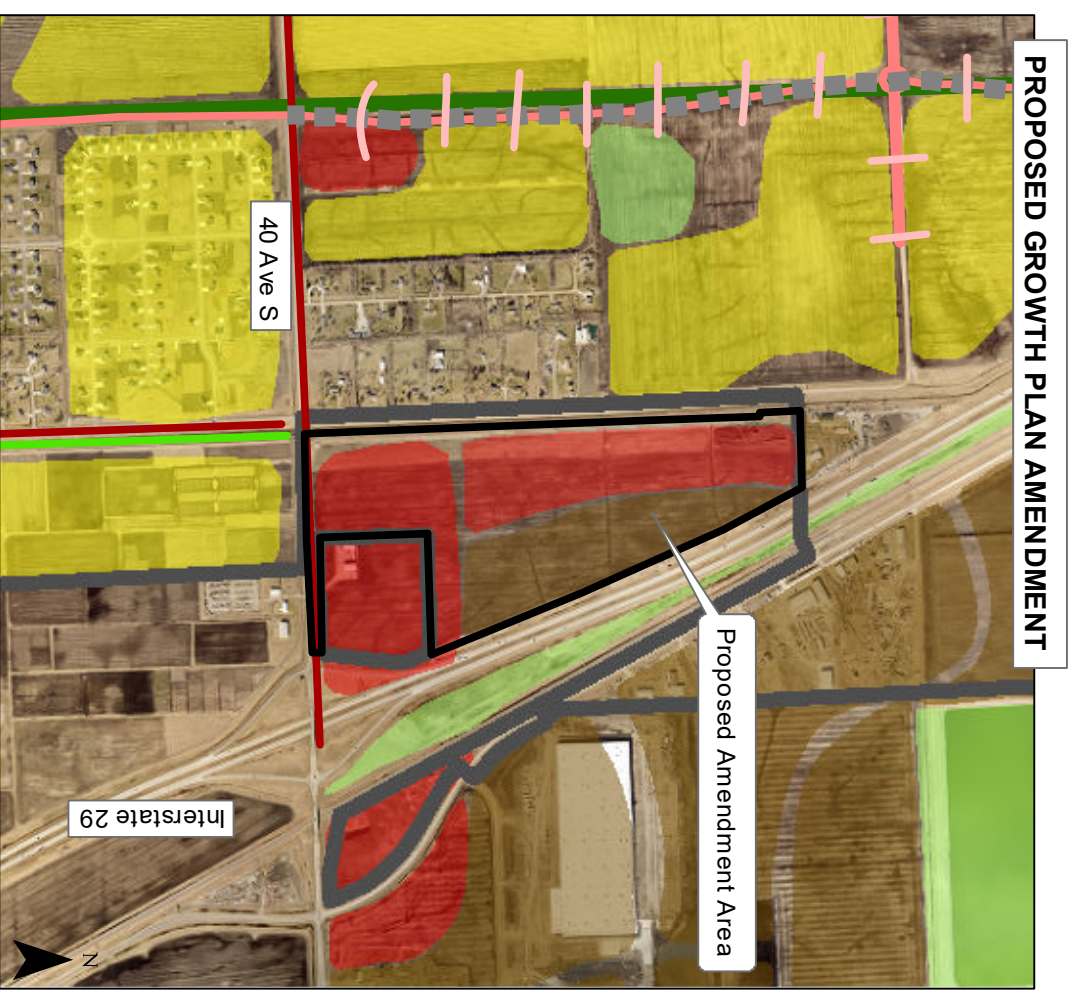
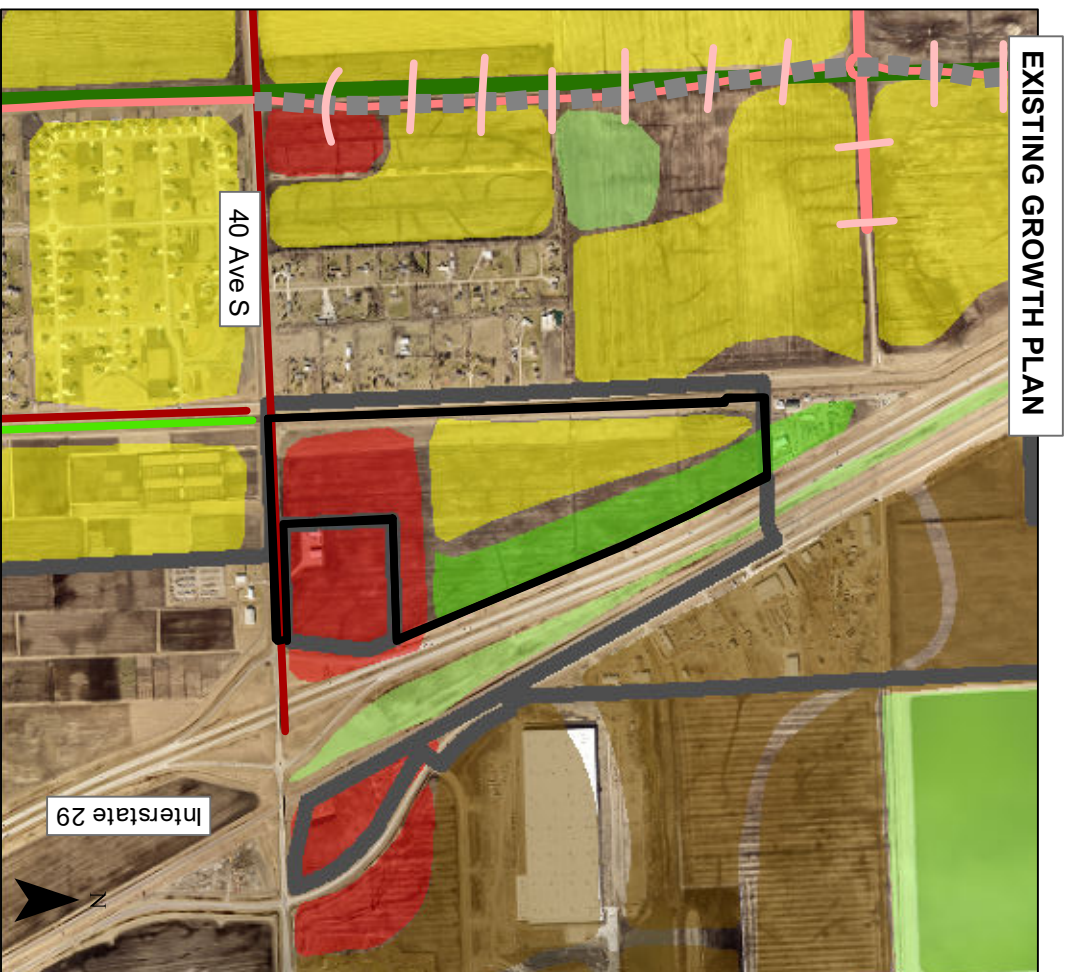
Legend

AG	DMU	GC	GO	LC	LI	MR-1	MR-2	MR-3	MHP	NC	NO	P/I	UMU	SR-2	SR-3	SR-4	SR-5	City Limits
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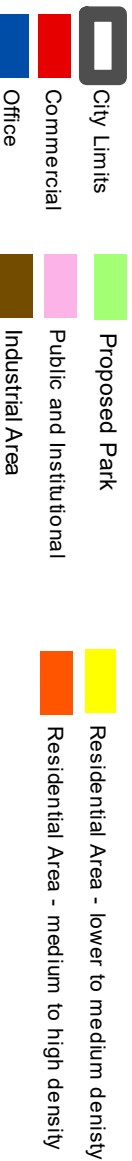
Growth Plan Amendment ("Commercial, Residential—Low to Medium Density, and Proposed Park" to "Industrial and Commercial")

Interstate Business District Addition

4269 40th Avenue North
4753 45th Street North



2001 Growth Plan

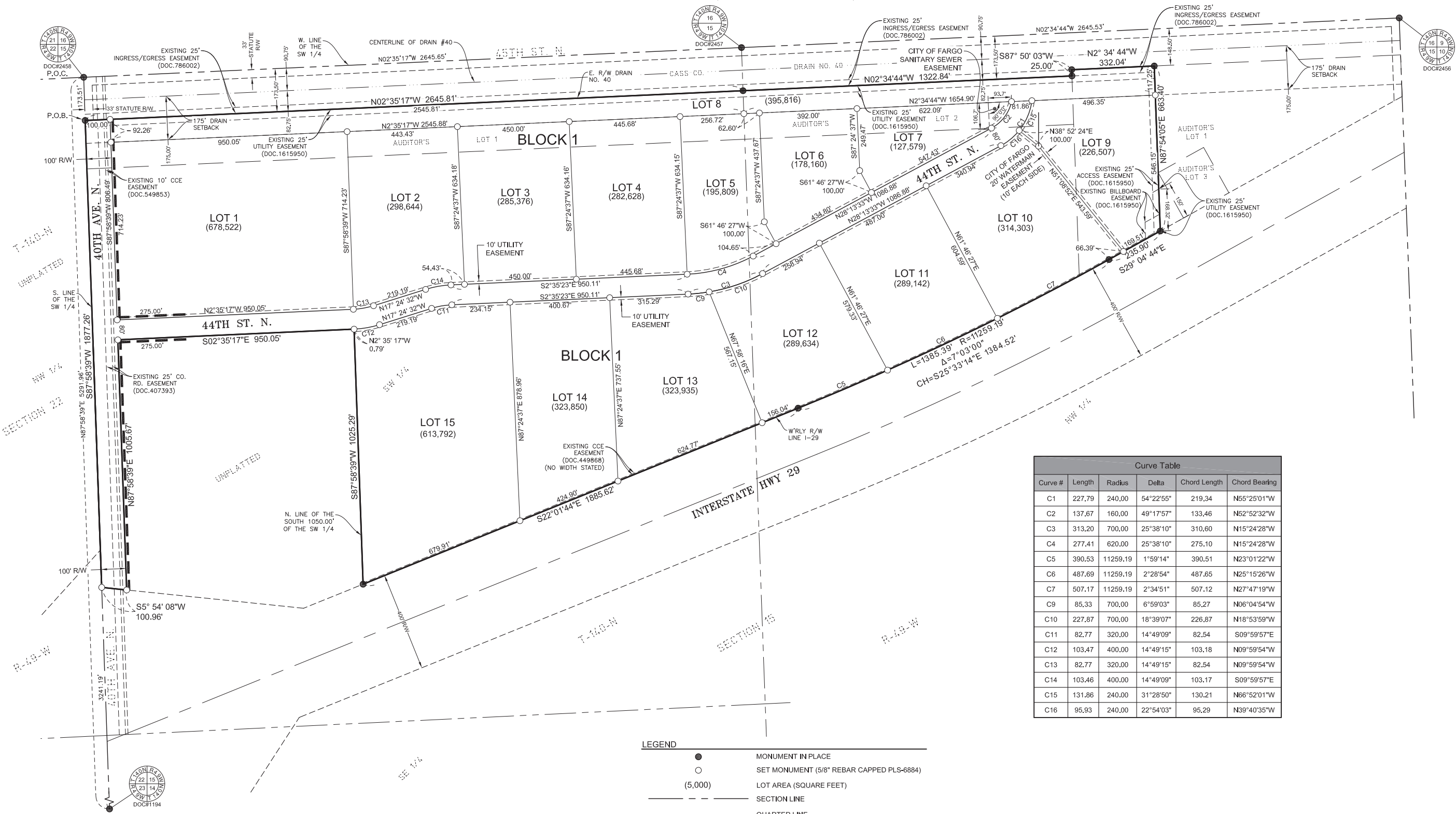


Fargo Planning Commission
February 6, 2024



INTERSTATE BUSINESS DISTRICT ADDITION

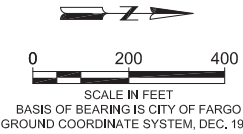
TO THE CITY OF FARGO, A PLAT OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	227.79	240.00	54°22'55"	219.34	N55°25'01"W
C2	137.67	160.00	49°17'57"	133.46	N52°52'32"W
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C4	277.41	620.00	25°38'10"	275.10	N15°24'28"W
C5	390.53	11259.19	1°59'14"	390.51	N23°01'22"W
C6	487.69	11259.19	2°28'54"	487.65	N25°15'26"W
C7	507.17	11259.19	2°34'51"	507.12	N27°47'19"W
C9	85.33	700.00	6°59'03"	85.27	N06°04'54"W
C10	227.87	700.00	18°39'07"	226.87	N18°53'59"W
C11	82.77	320.00	14°49'09"	82.54	S09°59'57"E
C12	103.47	400.00	14°49'15"	103.18	N09°59'54"W
C13	82.77	320.00	14°49'15"	82.54	N09°59'54"W
C14	103.46	400.00	14°49'09"	103.17	S09°59'57"E
C15	131.86	240.00	31°28'50"	130.21	N66°52'01"W
C16	95.93	240.00	22°54'03"	95.29	N39°40'35"W

- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
 - (5,000) LOT AREA (SQUARE FEET)
 - SECTION LINE
 - QUARTER LINE
 - EXISTING PROPERTY LINE
 - EXISTING RIGHT OF WAY
 - EXISTING EASEMENT LINE
 - NEW LOT LINE
 - NEW BLOCK LINE
 - PLAT BOUNDARY
 - NEW EASEMENT LINE
 - NEGATIVE ACCESS EASEMENT

- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF INTERSTATE BUSINESS DISTRICT ADDITION, 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.



Mead & Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4666132-212541.01
SHEET 1 OF 2

PRELIMINARY

INTERSTATE BUSINESS DISTRICT ADDITION

TO THE CITY OF FARGO, A PLAT OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA (A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That ARD Properties, LLC AND North Fargo Land, LLC AND Southeast Cass Water Resource District as owners of a parcel of land located in that part of the West Half of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian and part of Auditor's Lot 1 of the Southwest Quarter thereof, and part of Auditor's Lots 1 & 2 of the Northwest Quarter thereof, Cass County, North Dakota being described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 15; thence North 87 degrees 58 minutes 39 seconds East, an assumed bearing on the south line of said Southwest Quarter, 173.51 feet to the easterly right-of-way line of Cass County Drain No. 40 and the point of beginning; thence North 02 degrees 35 minutes 17 seconds West on said easterly right-of-way line, being parallel with and 173.50 feet easterly of the west line of said Southwest Quarter, 2,645.81 feet to the north line of said Southwest Quarter; thence North 02 degrees 34 minutes 44 seconds West on said easterly right-of-way line, being parallel with and 173.50 feet easterly of the west line of the Northwest Quarter of said Section 15, a distance of 1,322.84 feet to the north line of said Auditor's Lot 2 also being a northerly right-of-way line of said Drain; thence South 87 degrees 50 minutes 03 seconds West on said north line, 25.00 feet to the northwest corner of said Auditor's Lot 2 also being the easterly right-of-way line of said Drain; thence North 02 degrees 34 minutes 44 seconds West on said easterly right-of-way line being parallel with and 148.50 feet easterly of the west line of said Northwest Quarter, 332.04 feet to a point on the northerly line of the South 332.00 feet of said Auditor's Lot 1 of the Northwest Quarter; thence North 87 degrees 54 minutes 05 seconds East on said northerly line being parallel with the south line of said Auditor's Lot 1, a distance of 663.40 feet to the westerly right-of-way line of Interstate Highway 29; thence South 29 degrees 04 minutes 44 seconds East on said westerly right-of-way line, 235.90 feet; thence continuing southeasterly, on said right-of-way line 1,385.39 feet along an arc of a tangent curve, concave to the southwest, having a radius of 11,259.19 feet, a central angle of 07 degrees 03 minutes 00 seconds, and a long chord which bears South 25 degrees 33 minutes 14 seconds East, 1,384.52 feet; thence South 22 degrees 01 minute 44 seconds East on said westerly right-of-way line, 1,885.62 feet to a point of intersection with a parcel line as described in document number 1615949, on file and of record in the office the County Recorder of said Cass County; thence South 87 degrees 58 minutes 39 seconds West on said parcel line, also being parallel with and 1,050.00 feet northerly of the south line of said Southwest Quarter, 1,025.29 feet to a point, said point being a point of intersection with a line parallel with the west line of said Southwest Quarter passing through a point which is located on the south line of said Southwest Quarter, 1,060.00 feet from the southwest corner of said Southwest Quarter; thence South 02 degrees 35 minutes 17 seconds East on said parallel line, 950.05 feet to a point 100.00 feet northerly of the south line of said Southwest Quarter; thence North 87 degrees 58 minutes 39 seconds East, parallel with and 100.00 feet northerly of said south line, 1,005.67 feet to the westerly right-of-way line of Interstate Highway 29; thence South 05 degrees 54 minutes 08 seconds West on said westerly right-of-way line, 100.96 feet to said south line; thence South 87 degrees 58 minutes 39 seconds West on said south line, 1,877.26 feet to the point of beginning.

Containing 122.17 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as "INTERSTATE BUSINESS DISTRICT ADDITION" to the City of Fargo, and does hereby dedicate to the public, for public use, all streets, avenues and easements on this plat, except those easements otherwise noted or shown hereon as "Existing", and does hereby dedicated to the City of Fargo the watermain and sanitary sewer easements as shown hereon.

OWNER: Lots 2-7 & Lots 9-15, Block 1

ARD PROPERTIES, LLC

By: _____

_____.

State of North Dakota)
) SS
County of _____)

On this _____ day of _____ 20____, appeared before me, _____, _____, ARD PROPERTIES, LLC, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

OWNER: Lot 1, Block 1

STORAGE KINGS ND LLC, a North Dakota Limited liability company

By: Ronald M. Knutson, President

_____.

State of North Dakota)
) SS
County of _____)

On this _____ day of _____ 20____, appeared before me, Ronald M. Knutson, President, STORAGE KINGS ND LLC, a North Dakota Limited liability company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Jason Ness, 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____.

Jason Ness, PLS
Professional Land Surveyor
Registration No. LS-6884

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 20____, appeared before me, Jason Ness, PLS, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20____, before me, a notary public in and for said county, personally appeared Rocky Schneider, Chair, Fargo Planning Commission, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

OWNER: Lot 8, Block 1

SOUTHEAST CASS WATER RESOURCE DISTRICT

Keith A. Weston, Chair

Attest: _____
Carol Harbeke-Lewis, Secretary/Treasurer

State of North Dakota)
) SS
County of _____)

On this _____ day of _____ 20____, appeared before me, Keith A. Weston, Chair, and Carol Harbeke-Lewis, Secretary/Treasurer, SOUTHEAST CASS WATER RESOURCE DISTRICT, known to me to be the persons whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

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)
) SS
County of Cass)

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: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this _____ day of _____ 20____.

Tom Knakmuhs, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20____, before me, a notary public in and for said county, personally appeared Tom Knakmuhs, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

Mead & Hunt

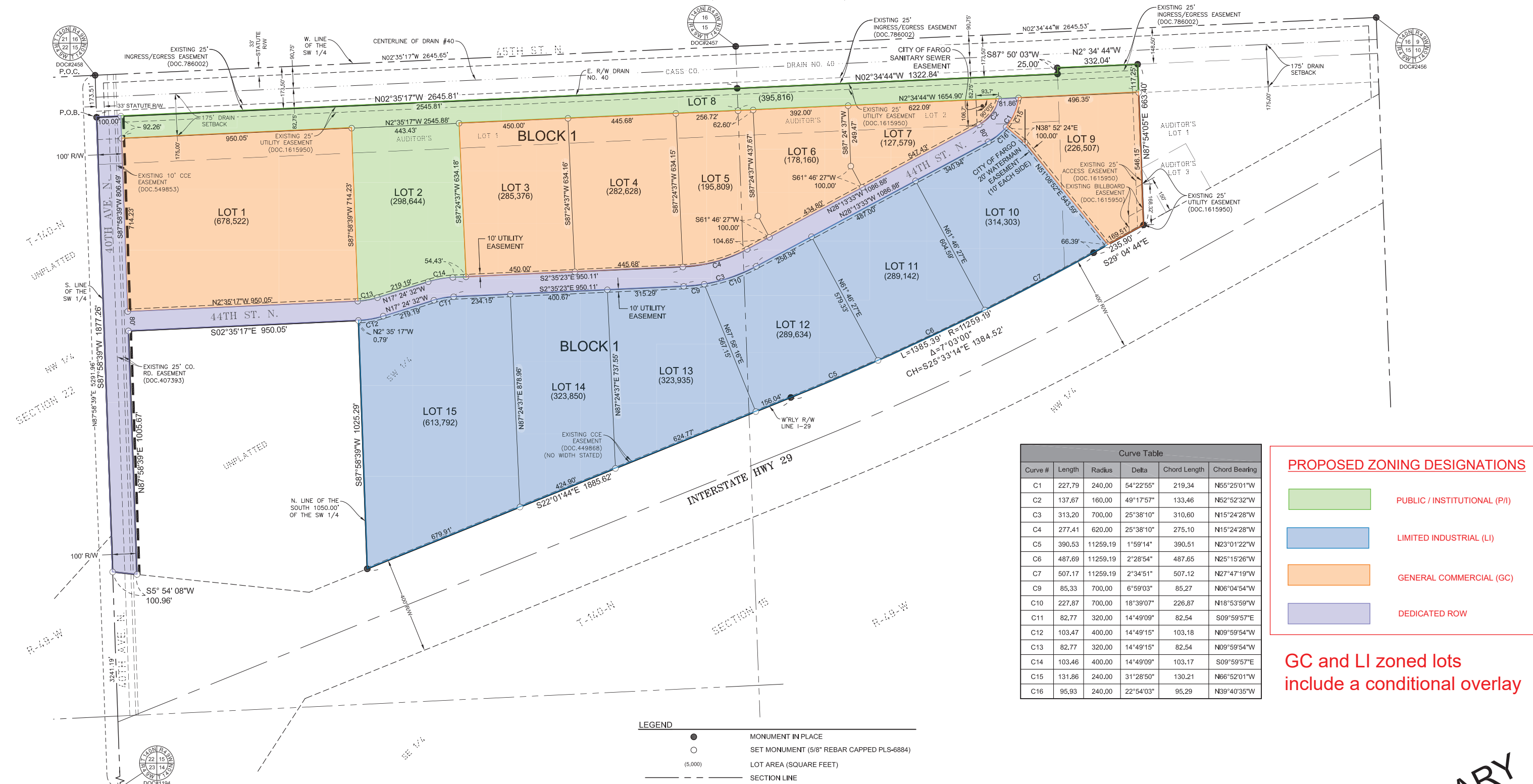
Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4666132-212541.01
SHEET 2 OF 2

PRELIMINARY

INTERSTATE BUSINESS DISTRICT ADDITION

TO THE CITY OF FARGO, A PLAT OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
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C16	95.93	240.00	22°54'03"	95.29	N39°40'35"W

PROPOSED ZONING DESIGNATIONS

PUBLIC / INSTITUTIONAL (P/I)

LIMITED INDUSTRIAL (LI)

GENERAL COMMERCIAL (GC)

DEDICATED ROW

GC and LI zoned lots include a conditional overlay

LEGEND

●

MONUMENT IN PLACE

○

SET MONUMENT (5/8" REBAR CAPPED PLS-6884)

(5,000)

LOT AREA (SQUARE FEET)

SECTION LINE

QUARTER LINE

EXISTING PROPERTY LINE

EXISTING RIGHT OF WAY

EXISTING EASEMENT LINE

NEW LOT LINE

NEW BLOCK LINE

PLAT BOUNDARY

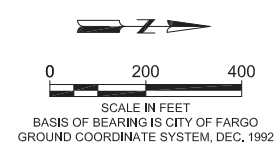
NEW EASEMENT LINE

NEGATIVE ACCESS EASEMENT

NOTES

1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.

2. NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF INTERSTATE BUSINESS DISTRICT ADDITION, 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.



Mead & Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4666132-212541.01
SHEET 1 OF 2

PRELIMINARY

FOR LOT 1, BLOCK 1, ZONED GC WITH CONDITIONAL OVERLAY:

1. Prohibited Uses:
 - Detention Facility
 - Adult Establishment
 - Off-Premise Advertising Signs
 - Aviation/Surface Transportation
 - Portable signs
 - Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)
2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.
- 3 Off-street parking, loading, vehicular circulation areas, and outdoor storage shall have an all-weather surface. No gravel, crushed concrete, or similar material is permitted.
4. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

FOR LOTS 3, 4, 5, 6, 7, and 9, BLOCK 1, ZONED GC WITH CONDITIONAL OVERLAY:

1. Prohibited Uses:
 - Detention Facility
 - Adult Establishment
 - Off-Premise Advertising Signs
 - Aviation/Surface Transportation
 - Portable signs
 - Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)
2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.
3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.
4. The developer shall install 3 foot high berm 25 feet wide at the bottom and 4 feet wide at the top along the west side of Lots 3-7.
5. The developer shall install trees on the west side of the berm. The trees will be a mixture of deciduous and evergreen trees placed one tree every 50 linear feet of buffer. Deciduous trees shall have a minimum caliper of 2 inches. Evergreen trees shall have a minimum height of 5 feet.
6. The developer shall install the berm and the required trees installed as one project, prior to building permit issuance on the first project on these lots.

FOR LOTS 10 THROUGH 15, BLOCK 1, ZONED LI WITH CONDITIONAL OVERLAY:

1. Prohibited Uses:
 - Detention Facility
 - Adult Establishment
 - Aviation/Surface Transportation
 - Portable signs
 - Crushing of any materials, including concrete, asphalt, and rock or storage of concrete rubble or asphalt rubble (unfinished product)
2. Exterior lighting must meet the standards of Residential Protection Standards 20-0704.G.
3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the

DRAFT CONDITIONAL OVERLAY INTERSTATE BUSINESS DISTRICT 26 January 24

Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

4. Maximum height of any off-premise sign is limited to 35 feet.
5. Total number of off-premise signs is limited to four, not all of which can be digital billboards.

Lots 2 and 8, Block 1, Zoned P/I, Public/Institutional, are not developable and do not have a conditional overlay.

From: Shane Amundson
Sent: Monday, January 29, 2024 7:11 AM
To: Donald Kress
Subject: Zoning proposal opposition letter.

Good morning Mr. Kress. Would you consider the following email for inclusion into the Planning Board's February 6th meeting packet?

Thank you,
Shane

Dear Fargo Planning and Zoning Commissioners,

I am writing to bring to your attention the sentiments of our community regarding the Interstate Business District..

It's important to acknowledge that governing bodies may not always make optimal decisions. The effectiveness of such bodies lies in their ability to recognize any oversights and rectify them. In 2020, Reile's Acres expressed support for Mr. Duda's endeavors; however, current public feedback indicates a shift in our stance.

A recent community poll with roughly 270 respondents gathered valuable insights on zoning preferences for the area. The results indicate that 54% of participants are opposed to Limited Industrial as a zoning option, while 44% express opposition to High-Density Residential. Respondents were specifically asked about their objections, and the majority voiced concerns about the Limited Industrial aspect.

Moreover, it has come to the community's attention, through a shared forum article dated October 27, 2014, that the developer, Trent Duda, publicly expressed similar concerns regarding limited industrial zoning in proximity to his residential address. At that time, the concerns were raised about his property in Horace, ND, where a developer proposed limited industrial use, specifically for manufacturing grain bins. Mr. Duda, at that time, was aware of what type of business would potentially occupy the land, a luxury neighboring landowners have not been afforded by the Interstate Business District.

It is crucial to convey that the City of Reile's Acres community does not favor the current plan as proposed. The community overwhelmingly supports an alternative plan that embraces an all-General Commercial zoning for the development area.

Reile's Acres residents favor an all-General Commercial plan which aligns more closely with our residential growth plan. This option addresses worries about potential impacts on home values, quality of life, environmental impacts, safety challenges, and the nature of businesses that might occupy the space.

We kindly request your consideration of this community feedback as you deliberate on the proposed development. We believe that a plan centered around General Commercial zoning would better serve the interests and harmony of our community.

Thank you for your time and attention to this matter. We appreciate your dedication to ensuring thoughtful and inclusive urban development.

Shane J. Amundson
Mayor, Reile's Acres, ND

January 30, 2024
Fargo City Planning Commission
225 4th St N
Fargo, ND 58102

Dear Commission Members,

I am writing this letter in strong opposition of zoning changes at 4753 45th Street North and 4269 40th Avenue North.

I am a resident and a physician of the Fargo community. At prior meetings, I had discussed the extremely dangerous health consequences of cement dust exposure, including multiple types of cancer.

I am very uneasy of the options made available by limited industrial zoning. Given that the operational details have been hidden by the proprietor, I cannot comment on the specifics. I can say it opens the doors to many potential poor outcomes. Nearly all manufacturing/production processes generate waste that will cause environmental contamination in the neighboring area. It will be difficult to contain, monitor, or regulate.

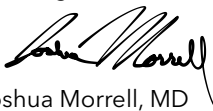
This risk cannot be sufficiently attenuated by reduction in concentration. Even very low levels of exposure, given enough time, will result in disease development. Given that many of us live in the area, we are the proverbial rats in a cage. Most individuals don't appreciate the full impact of cancer, how often it actually occurs. I diagnose and monitor cancer every day, and have personally seen several thousand cases. I know the devastation, the fallout, the bleakness. The people of this community do not deserve to live in fear of what could be.

In 2014 Trent Duda officially and publicly stood against limited industrial occurring near his house. He was clearly aware of the danger that it possesses. Trent was protesting, just as we the citizens are now. Yet today, given opportunity for financial gain, he means to inflict the same danger on other citizens.

From a pragmatic standpoint, this proposition is weak. It is minimally changed from its prior failure. Residential neighborhoods are expanding both to the north and west of the land in question. This will be an isolated island of industrial land. This proposition is against the North Fargo growth plan. It is against the analysis for housing need. It will negatively impact large North Fargo businesses such as NDSU and the VA. It will also negatively impact the growth of North Fargo Schools. This proposition is against being a good neighbor to the city of Reiles Acres. This proposition is against the health and prosperity of the people.

General commercial zoning is the logical compromise, which provides the best outcome when considering all parties, including strategic planning for the city. I plead to your morality and strategy, please do not endanger our community. Please make an informed decision.

Kind regards,



Joshua Morrell, MD

Chairman UND Radiology, Board Certified Radiologist, Department of Veterans Affairs

**City of Fargo
Staff Report**

Title:	Autumn Fields Third Addition	Date:	1/30/2024
Location:	4234 31 Avenue South, 3166 & 3186 Sienna Drive South, and 3181 42 Street South	Staff Contact:	Brad Garcia, Planner
Owner(s)/Applicant:	Matrix Properties Corporation, Kodabank, Lyngstad 29 West LLP, LADs, LLC	Engineer/Architect:	Bolten & Menk
Reason for Request:	Minor Subdivision (Replat of all of Lot 1, Block 8, of the Autumn Fields Addition)		
Status:	Planning Commission Public Hearing: February 6 th , 2024		

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

Proposal:

The applicant requests a **Minor Subdivision** (Replat of all of Lot 1, Block 8, of the Autumn Fields Addition). The subject properties are located at 4234 31st Avenue South, 3166 & 3186 Sienna Drive South, and 3181 42nd Street South and encompass approximately 8.05 acres.

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

Surrounding Land Uses and Zoning Districts:

North: GC, General Commercial, with offices;

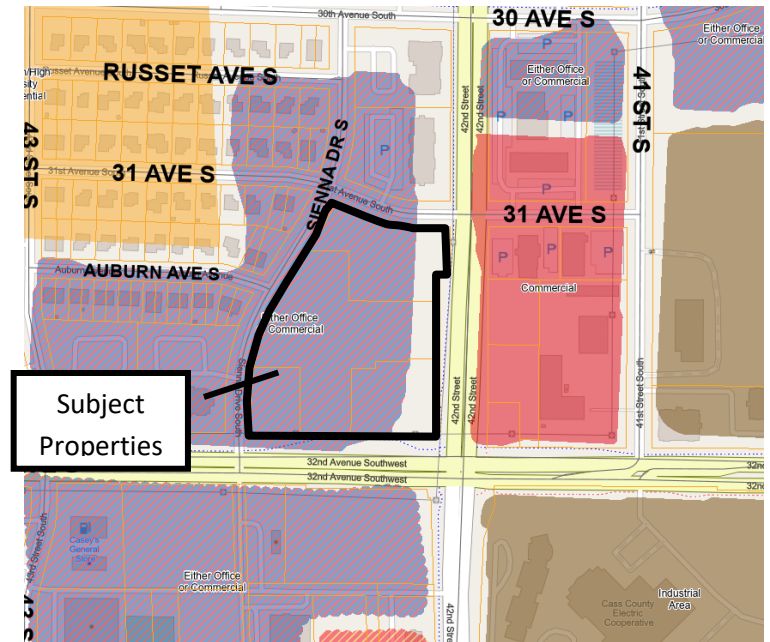
East: GC, General Commercial, with offices, warehouse and public utilities;

South: LC, Limited Commercial, with retail sales and service.

West: GC, General Commercial, with offices and SR-4, Single-Dwelling Residential with attached and detached homes

Area Plans:

The subject property is located within the Southwest Area Plan as contained within the Urban Fringe and Extraterritorial Area of the City of Fargo land use plan. The plan identifies the either office or commercial uses for the subject properties. The existing GC, General Commercial zoning is consistent with this land use designation.



Context:

Schools: The subject property is located within the West Fargo School District and are served by the Freedom Elementary, Liberty and Sheyenne High schools.

Neighborhood: The subject property is located in the Anderson Park neighborhood.

Parks: The subject property is located within a quarter-mile distance to Pointe West Park (3331 42nd Street SW) which features a playground and soccer fields; and Autumn Fields Park (2951 Saffron Drive S) which features a small neighborhood park that has a playground with benches nearby.

Pedestrian / Bicycle: A shared-use path is located on the East and South boundaries of the subject properties and is a component of the metro area bikeways system. No dedicated bike facilities are located within a half-mile radius.

Transit: Two bus routes serve the subject properties within a quarter-mile radius. Route 18 serves the area going Westbound and Eastbound along 32nd Ave S; and Northbound and Southbound along 42nd St S, providing service to GTC, Holiday Station, Bethany Homes, SEHS / Avalon West, Essentia Hospital, Hornbacher's Osgood, Microsoft, and Walmart. Route 14 serves the area going Westbound and Eastbound along 32nd Ave S; and Northbound and Southbound along 42nd St S, providing service to GTC, Prairie Psych / Island Park, Essentia / Sanford, Kmart, Family Fare, Essentia Hospital, Flying J, Rasmussen College, West Acres, YMCA, Love's, Hornbacher's, Courthouse

Staff Analysis:

Project Summary

The applicant is requesting to replat the existing four lots into seven lots. Proposed Lots 1, 5 and 7 (4234 31 Avenue South, 3181 42 Street South and 3186 Sienna Drive South, respectively) will have no change to the existing property lines and are formally lots split off from Lot 1, Block 8, of the Autumn Fields Addition. The existing lot at 3186 Sienna Drive South is proposed be subdivided into 4 lots. No change of use is proposed with this minor subdivision and no conditional overlay exists over any of the subject properties.

Proposed Lots 1, 5 and 7 have been developed, and meet the requirements stated in Land Development Code. The remaining proposed lots are undeveloped at the time of this report and no building permits have been disclosed with the proposed plat.

Access

Access exists off 31st Ave S for proposed Lot 1. Shared access with an existing private drive and access easement for Lots 3-7 off Sienna Drive South. Proposed Lot 2 will have direct access off Sienna Drive South. No access will be allowed off 42nd Street South nor 32nd Avenue South as indicated by the negative access easements, which carry through from the underlying plat.

Stormwater Retention

Lots 1 and 5 have existing retention ponds to serve these properties. A shared storm retention pond exists in the center of the development that will serve lots 2-4 and 6-7. The applicant has provided an amenities plan.

Minor Subdivision

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

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

The subject properties are located within the Southwest Area Plan and the existing and proposed uses are consistent with the context of the area and intended land use. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiry about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(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 Subdivision Plat, **Autumn Fields Third Addition**, as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, adopted Area Plan, the Southwest Area Plan, the standards of Section 20-0907.B-C, and of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation:

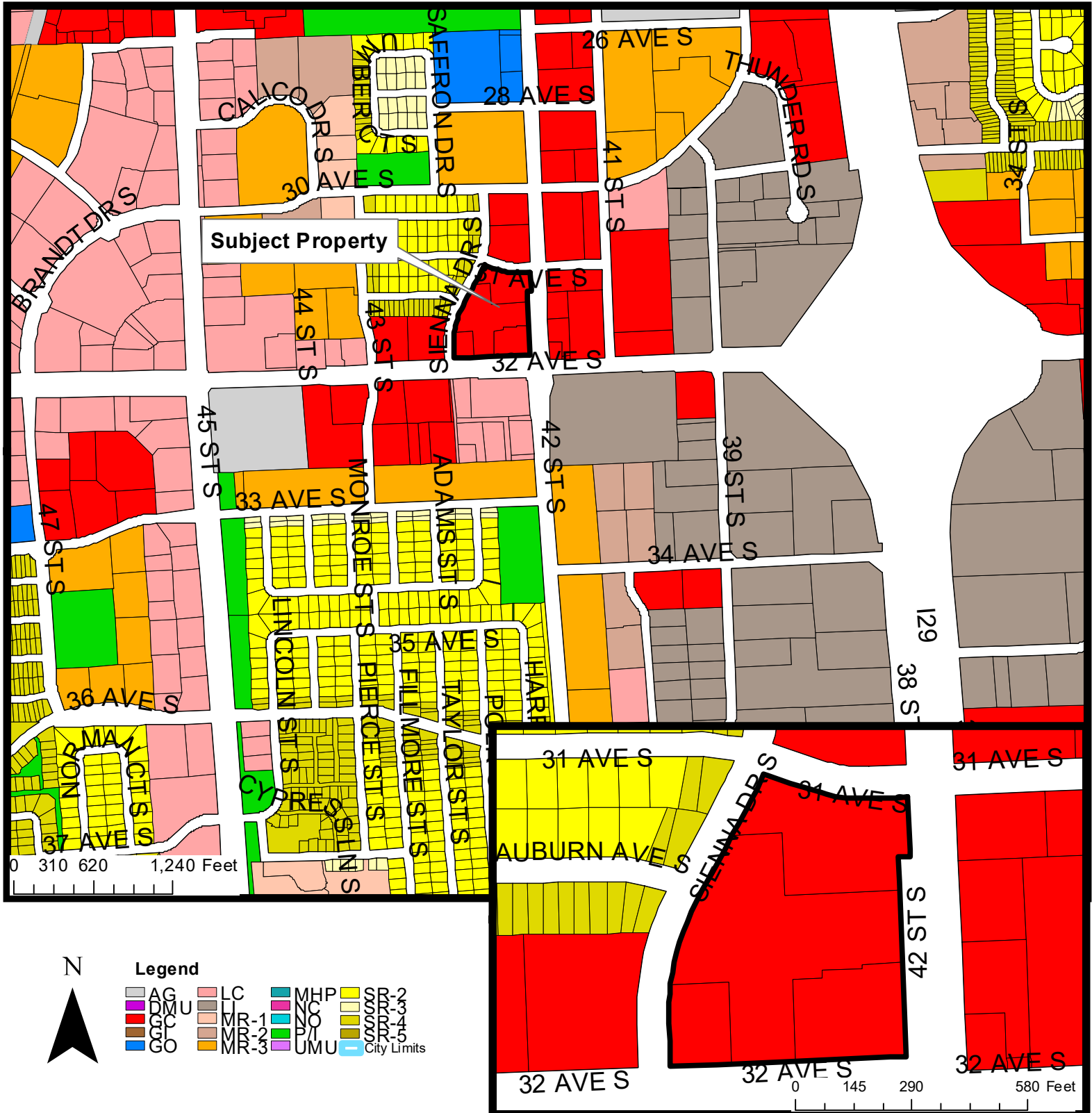
Attachments:

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

Minor Subdivision

Autumn Fields Third Addition

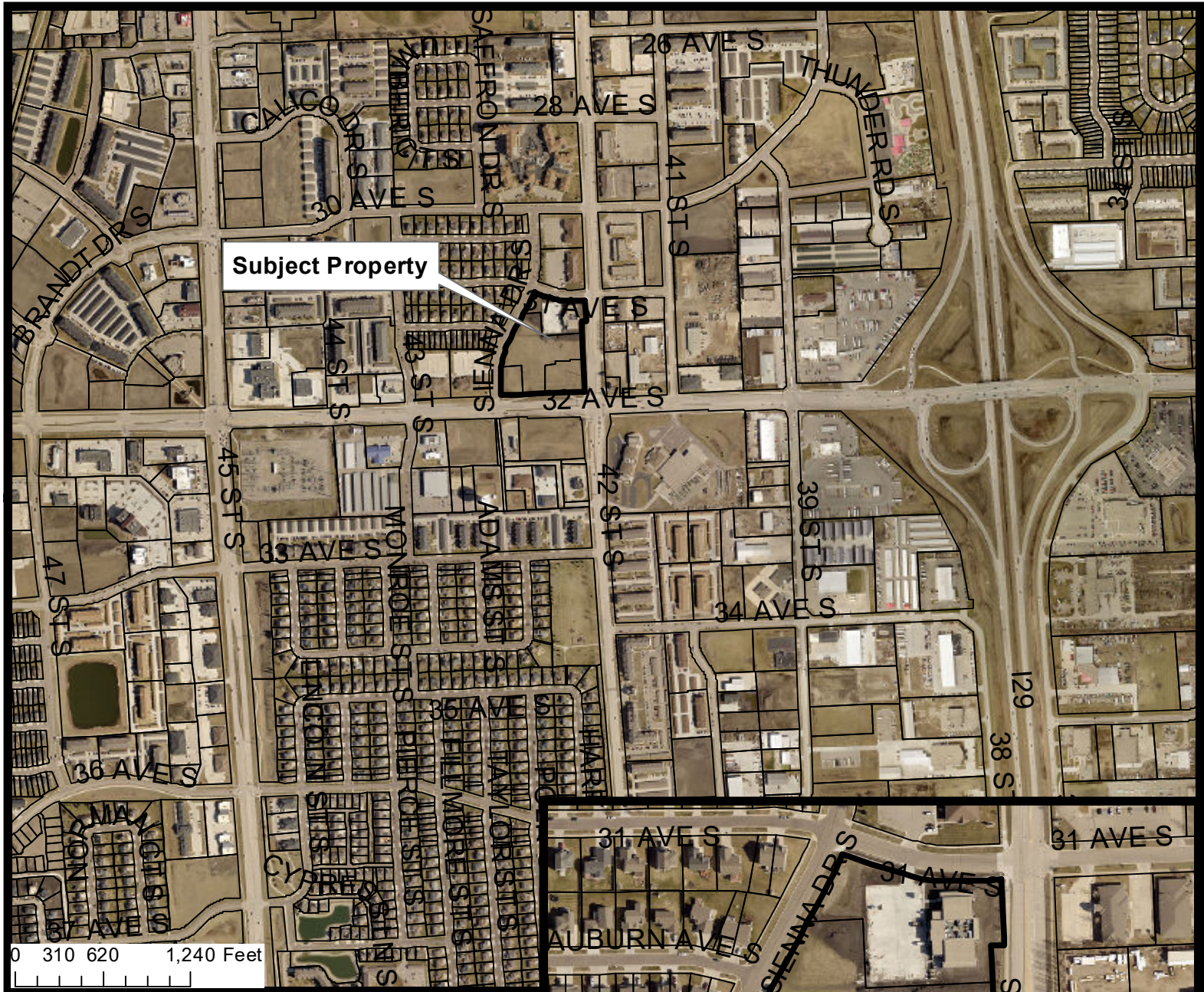
3166 & 3186 Sienna Drive South;
4234 & 4220 31 Avenue South; 3181 42 Street South



Minor Subdivision

Autumn Fields Third Addition

3166 & 3186 Sienna Drive South;
4234 & 4220 31 Avenue South; 3181 42 Street South

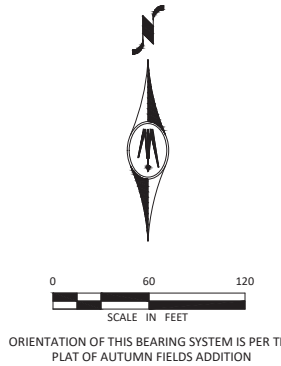
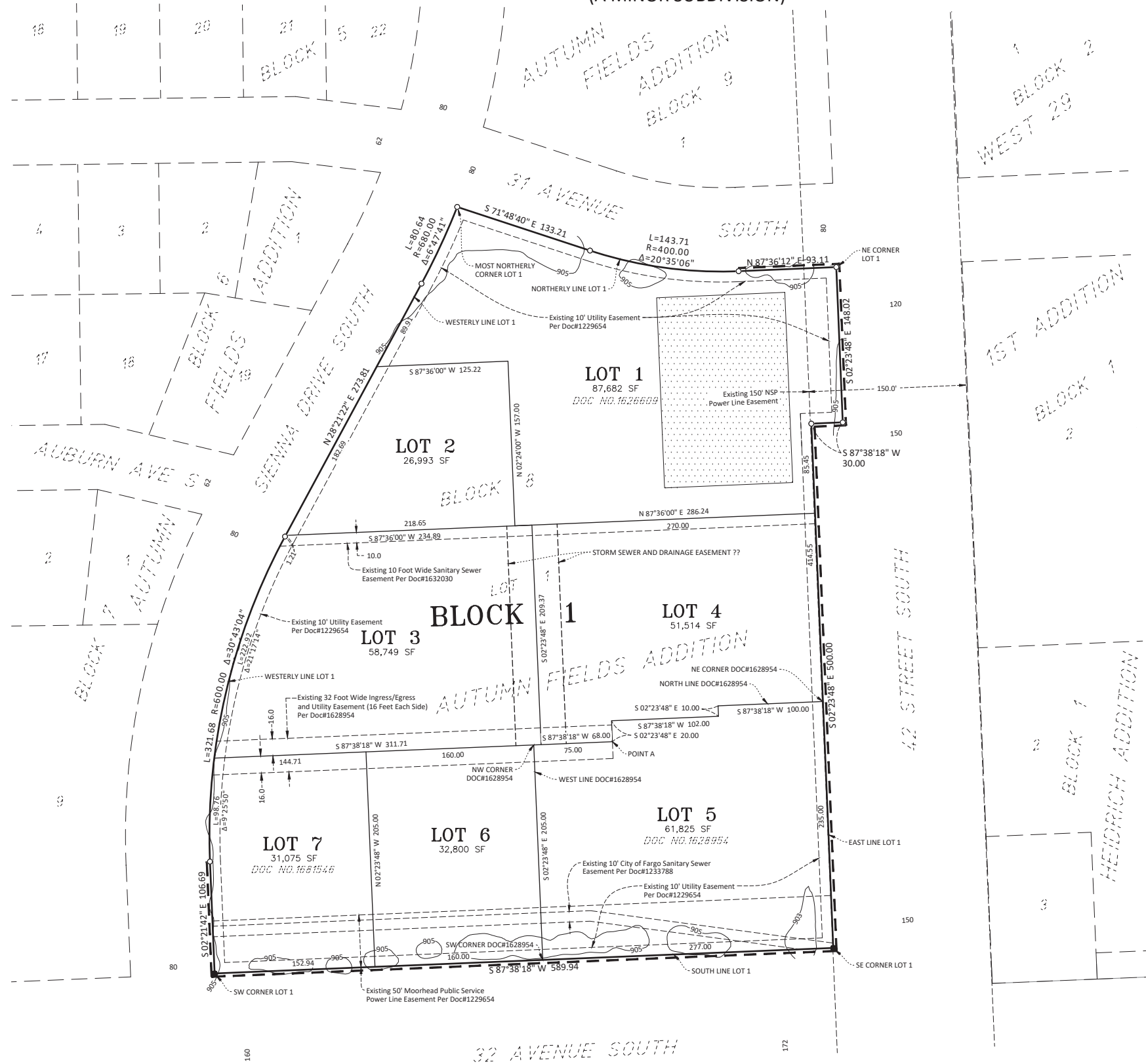


Legend

 City Limits

AUTUMN FIELDS THIRD ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT LOT 1, BLOCK 8 OF AUTUMN FIELDS ADDITION
(A MINOR SUBDIVISION)



LEGEND

- | | |
|---|--|
|  | 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY LIC. NO. LS-5900 |
|  | MONUMENT FOUND |
|  | SUBJECT PROPERTY LINE |
|  | EXISTING PROPERTY LINE |
|  | EASEMENT LINE |
|  | SECTION LINE |
|  | QUARTER LINE |
|  | EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1229654 |
|  | EXISTING CONTOUR LINE PER CITY OF FARGO LIDAR |
|  | CONTOUR DRAWINGS NAVD88 DATUM 2017 |
|  | AREA NOT WITHIN 100 YEAR FLOODPLAIN
(LOMR-F, 21-08-0889A, JULY 6, 2021) |

DOCUMENTS OF RECORD

1. DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS,
RESERVATIONS, EASEMENTS, LIENS & CHARGES RECORDED AS
DOCUMENT NUMBER ???? ON DATED

NOTES

THIS PLAT LIES ENTIRELY WITHIN ZONE AE AS SHOWN ON
FLOOD INSURANCE RATE MAP NO. 38017C0778G, DATED
JANUARY 16, 2015.

ZONE AE: BASE FLOOD ELEVATIONS DETERMINED

BASE FLOOD ELEVATION: 906

BENCHMARK

CITY OF FARGO BENCHMARK 111001 (SEFB OF FIRE HYDRANT)
LOCATED APPROXIMATELY 73 FEET WEST OF THE
NORTHWEST CORNER OF SUBJECT PROPERTY.
ELEVATION=906.63 NAVD88



preliminary

SHEET 2 OF 2

AUTUMN FIELDS THIRD ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT LOT 1, BLOCK 8 OF AUTUMN FIELDS ADDITION
(A MINOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Matrix Properties, Inc., a Minnesota corporation, AND Lyngstad 29 West LLP, a North Dakota Limited Liability Partnership, AND LADs, LLC, a North Dakota Limited Liability Company, AND KODABANK, a North Dakota State Bank, as owners, of a parcel of land located in part of the Southwest Quarter of Section 22, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

All of Lot 1, Block 8 of AUTUMN FIELDS ADDITION to the City of Fargo according to the record plat thereof on file, and of record in the office of the Recorder, Cass County, North Dakota.

Containing 350,639 square feet of land, more or less and subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcel of land to be surveyed and platted as "AUTUMN FIELDS THIRD ADDITION" to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to Lots 2, 3, 4 and 6, the 40 foot wide drainage easement as shown on this plat for the purposes so stated.

OWNER: LOT 1
Lyngstad 29 West LLP

By: John O. Lyngstad, President

State of North Dakota }
County of Cass SS

On this ____ day of _____, in the year 2024, before me, personally appeared, John O. Lyngstad, President, Lyngstad 29 West LLP, a North Dakota Limited Liability Partnership, 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 Lyngstad 29 West LLP.

Notary Public

OWNER: LOT 5
KODABANK

By: NAME?, TITLE?

State of North Dakota }
County of Cass SS

On this ____ day of _____, in the year 2024, before me, personally appeared, name?, title?, KODABANK, a North Dakota State Bank, 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 KODABANK.

Notary Public

OWNER: LOTS 2, 3, 4 & 6
Matrix Properties Inc.

By: John O. Lyngstad, President

State of North Dakota }
County of Cass SS

On this ____ day of _____, in the year 2024, before me, personally appeared, John O. Lyngstad, President, Matrix Properties corporation, a Minnesota 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 Matrix Properties corporation.

Notary Public

OWNER: LOT 7
LADs, LLC

By: NAME?, TITLE?

State of North Dakota }
County of Cass SS

On this ____ day of _____, in the year 2024, before me, personally appeared, name?, title?, LADs, 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 LADs, LLC.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Shawn M. Thomasson, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat.

Shawn M. Thomasson, Professional Land Surveyor
North Dakota License Number LS-5900

State of North Dakota }
County of Cass SS

On this ____ day of _____, 2024, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered 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.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2024.

Tom Knakmuhs, P.E., City Engineer

State of North Dakota }
County of Cass SS

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Tom Knakmuhs, P.E., 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 City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this ____ day of _____, 2024.

Rocky Schneider, Planning Commission Chair

State of North Dakota }
County of Cass SS

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, 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 _____, 2024.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota }
County of Cass SS

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor 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

City of Fargo Staff Report			
Title:	Brekke's Addition	Date:	01/31/2024
Location:	213 24 th Street South & 2401 3 rd Avenue South	Staff Contact:	Alayna Espeseth
Legal Description:	Lots 8 and 9, Block 11, and adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggart's Addition		
Owner(s)/Applicant:	Lake Agassiz Habitat for Humanity & The City of Fargo	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 8 and 9, Block 11 and the adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggarts Addition) and Zoning Change (from MR-3, Multi-Dwelling Residential and GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional)		
Status:	Planning Commission Public Hearing: February 06, 2024		

Existing
Land Use: Undeveloped land & Utilities, Basic
Zoning: MR-3, Multi-Dwelling Residential & GC, General Commercial
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities. GC, General Commercial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities.
Maximum Density Allowed: MR-3 allows a maximum of 24 units per acre
Maximum Lot Coverage Allowed: GC allows up to 85% building coverage.

Proposed
Land Use: Single- Dwelling Residential & Utilities, Basic
Zoning: SR-4, Single-Dwelling Residential & P/I, Public and Institutional
Uses Allowed: 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, Public and Institutional 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.
Maximum Density Allowed: SR-4 allows a maximum 12.1 units per acre, P/I has no density requirements.
Maximum Lot Coverage Allowed: SR-4 allows up to 45% building coverage and P/I has no maximum building coverage.

Proposal:

The applicant requests two entitlements:

1. A **minor subdivision**, to be known as Brekke's Addition, a replat of Lots 8 and 9, Block 11 and the adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggarts Addition to the City of Fargo, Cass County, North Dakota. The minor subdivision will consist of 3 lots, 1 block.
2. A **zone change** from MR-3, Multi-Dwelling Residential and GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional.

The subject property is located at 213 24th Street South & 2401 3rd Avenue South and encompasses approximately .34 acres.

Habitat for Humanity is transferring land to The City of Fargo that will be included in Lot 3, Block 1 Brekke's Addition. The gift agreement will be completed prior to the Planning Commission hearing date.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial with household living use;
- East: SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential with household living uses;
- South: SR-4, Single-Dwelling Residential with household living use;
- West: GC, General Commercial with office and retail, sales and service uses.

Area Plans:

The subject property is located within the the Core Neighborhoods Master Plan. The plan designated the subject property as 'Multi-Family Residential'. The Core Neighborhoods Master Plan gives examples for 'Multi-Family Residential' as being duplexes, townhouses and apartment buildings. The proposed residential zoning district is SR-4, Single-Dwelling Residential, which contributes to the greater range of housing options for households within the community than other Single Dwelling Residential zoning districts and is consistent with the Core Neighborhoods Master Plan.

The City of Fargo owned parcel (Lot 3, Block 1 Brekke's Addition) is being rezoned from GC, General Commercial to P/I, Public and Institutional. This zoning district better represents the public utility use taking place on the lot.



Schools and Parks:

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

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

Parks: The subject property is located .10 miles from 23 Street Park. Amenities include a playground for ages 5-12.

Pedestrian / Bicycle: There is a shared use path that runs along the west boulevard of 25th Street South to the west of the subject property.

MATBUS Route: The subject property is located near Bus Route 20. One stop is located .10 miles to the north on the east side of 24th Street South and another stop is located on the south side of 3rd Avenue North 150 feet to the west of the subject property.

Staff Analysis:

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.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned MR-3, Multi-Dwelling Residential and GC, General Commercial. The applicant is proposing a zone change to SR-4, Single-Dwelling Residential (Lot 1 & 2, Block 1 Brekke's Addition) and P/I, Public and Institutional (Lot 3, Block 1 Brekke's Addition). A zoning designation of SR-4, Single Dwelling Residential is consistent with the Core Neighborhoods Master Plan, as stated above. The applicant, Habitat for Humanity, is proposing to construct a twin home across the SR-4, Single-Dwelling Residential zoned lots that will allow for affordable housing that will be owner occupied. The subject property is adjacent to lots that already have single family residential uses. A zoning designation of SR-4, Single-Dwelling Residential with a smaller minimum lot size requirement than MR-3, Multi-Dwelling Residential allows for two lots that would otherwise be one, decreases minimum setbacks while increasing maximum building coverage and ultimately allows new homeowners on a lot that has never been developed.

The existing GC, General Commercial zoned lot encompasses a public lift station, City Staff felt that the proper zoning designation for this use is P/I, Public and Institutional. Staff finds that the requested zone change is justified since the last zoning classification was established. The proposal meets all zoning district lot requirements of Sec. 20-05 of the LDC

(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 properties are adjacent to existing developed public rights-of-way, which provide access and public utilities to serve them.

(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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no inquiries related to the project. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, Core Neighborhood Master Plan and other adopted policies of the City.

(Criteria Satisfied)

Minor Subdivision

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

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

This subdivision is intended to replat the existing two lots into three new lots. The subject property is currently zoned MR-3, Multi-Dwelling Residential and GC, General Commercial with a proposed zoned change to SR-4, Single-Dwelling Residential (Lots 1 and 2, Block 1 Brekke's Addition) and P/I, Public and Institutional (Lot 3, Block 1 Brekke's Addition). The subject property is located within the Core Neighborhoods Master Plan, which designates the subject property as 'Multi-Family Residential'. A zoning district designation of SR-4, Single Dwelling Residential for Lots 1 & 2, Block 1 Brekke's Addition is consistent with the Core Neighborhoods Master Plan, as stated above. The intent of an SR-4, Single-Dwelling Residential zoning district is to accommodate the proposed development. Lot 3, Block 1 Brekke's Addition is being rezoned from GC, General Commercial to P/I, Public and Institutional. This zoning district better represents the public utility use taking place on the lot. Staff feels the proposal is consistent with the Core Neighborhoods Master Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential and GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional and 2) Subdivision Plat, **Brekke's Addition** as outlined within the staff report, as the proposal complies with the adopted Core Neighborhoods Master Plan, the standards of Article 20-06, Section 20-0907.B. and C of the LDC and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: February 6, 2024

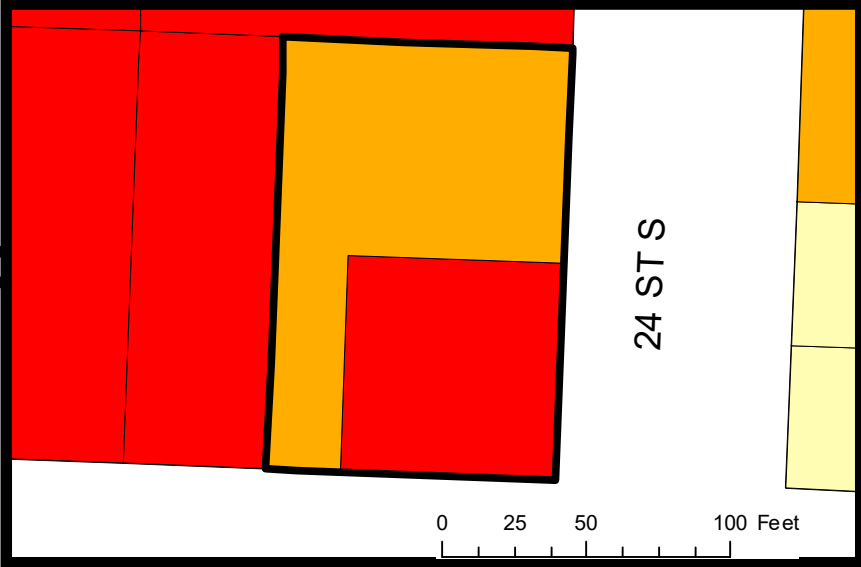
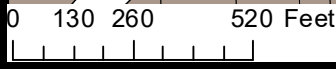
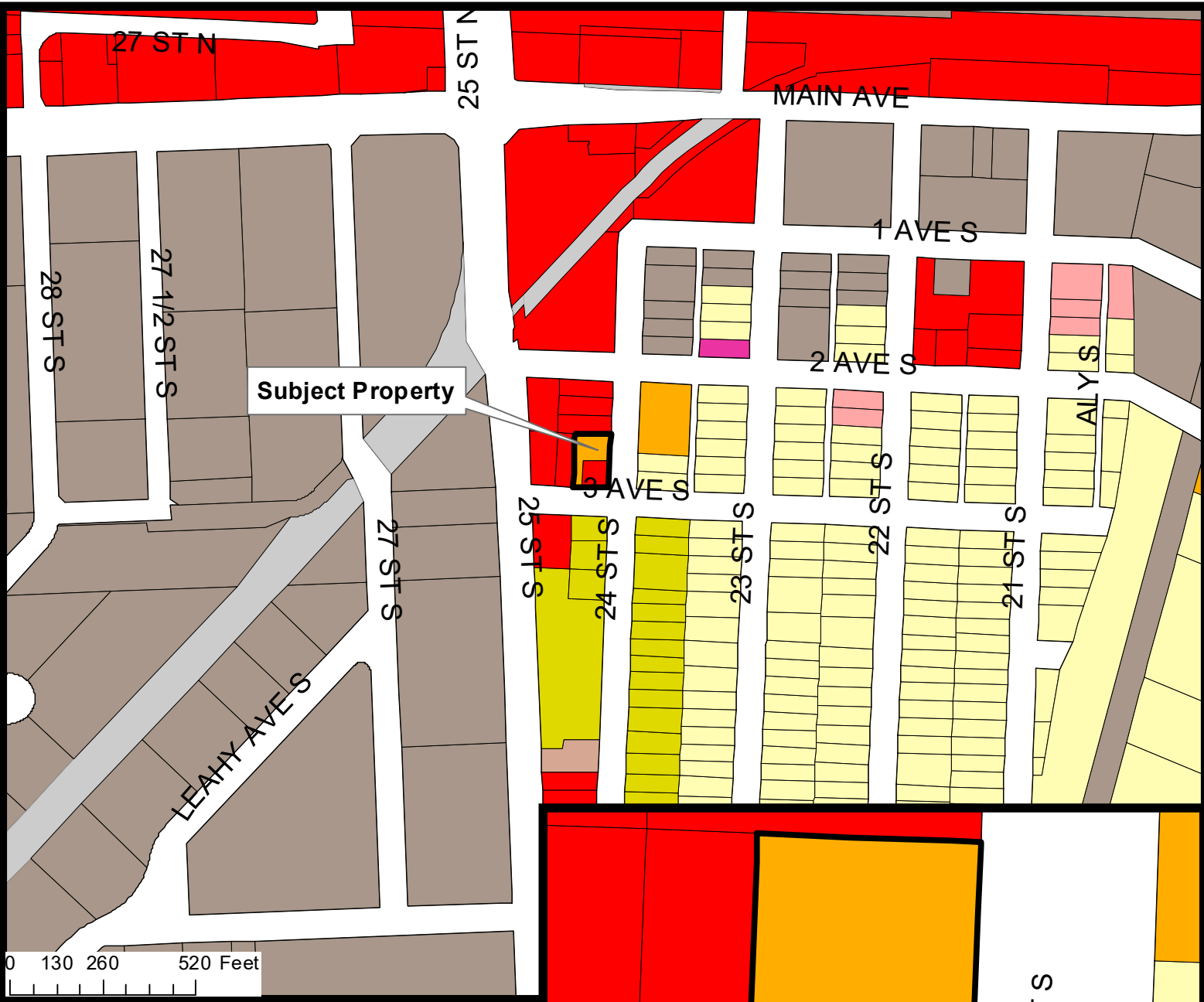
Attachments:

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

Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential & GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional zoning districts.

Brekke's Addition

213 24 Street South & 2401 3 Avenue South



Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NC	P/I	UMU	SR-2	SR-3	SR-4	SR-5	City Limits
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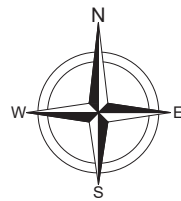
Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential & GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional zoning districts.

Brekke's Addition

213 24 Street South & 2401 3 Avenue South



PLAT OF
BREKKE'S ADDITION
TO THE CITY OF FARGO, A REPLAT OF LOTS 8 AND 9, BLOCK 11, AND ADJACENT SOUTH
HALF OF VACATED ALLEY, OF EGBERT, O'NEIL AND HAGGART'S SUBDIVISION TO THE
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



0 40
Scale in Feet

BASIS OF BEARINGS:
CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992

- LEGEND**
- IRON MONUMENT SET AND MARKED
WITH LAND SURVEYOR NO. 28251
 - IRON MONUMENT FOUND
 - (3,742) LOT AREAS IN SQ. FT.
 - (300.00') RECORD DISTANCE
 - SECTION LINE
 - PLAT BOUNDARY LINE
 - LOT LINE
 - EXISTING LOT LINE
 - //// ALLEY VACATED PER DOCUMENT NO. 684714

TOTAL PLATTED AREA: 0.34 ACRES OR 14,978 SQUARE FEET

CERTIFICATE

Jacob R. Duchsherer, being duly sworn, deposes and says that he is the registered land surveyor who prepared and made the attached plat of "BREKKE'S ADDITION" to the City of Fargo, a Replat of Lots 8 and 9, Block 11, and adjacent south half of vacated alley, of "EGBERT, O'NEIL AND HAGGART'S SUBDIVISION" to the City of Fargo, 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:

All of Lots 8 and 9, Block 11, and adjacent south half of vacated alley, of "EGBERT, O'NEIL AND HAGGART'S SUBDIVISION" to the City of Fargo, according to the recorded plat thereof on file and of record in the Office of the Recorder, Cass County, North Dakota.

Said tract contains 0.34 acres or 14,978 square feet, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

PRELIMINARY

Jacob R. Duchsherer
Registered Land Surveyor
REG. NO. LS-28251

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 Jacob R. Duchsherer, 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 free act and deed.

Notary Public, Cass County, North Dakota

DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "BREKKE'S ADDITION" to the City of Fargo, a Replat of Lots 8 and 9, Block 11, and adjacent south half of vacated alley, of "EGBERT, O'NEIL AND HAGGART'S SUBDIVISION" to the City of Fargo, Cass County, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certificate of Jacob R. Duchsherer, Registered Land Surveyor, and that the description as shown in the Certificate of the Registered Land Surveyor is correct.

Owner Lots 1 and 2, Block 1: Lake Agassiz Habitat for Humanity, Inc.

James W. Nelson, Executive Director

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 James W. Nelson, Executive Director, 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 Lake Agassiz Habitat for Humanity, Inc.

Notary Public, Cass County, North Dakota

Owner of Lot 3, Block 1: City of Fargo

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

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 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 as in the name of the City of Fargo.

Notary Public, Cass County, North Dakota

FARGO PLANNING COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Rocky Schneider, 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 Rocky Schneider, 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

Steven Sprague, City Auditor

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 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 as in the name of the City of Fargo.

Notary Public, Cass County, North Dakota

CITY ENGINEER'S APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Tom Knakmuhs, City Engineer
Registered Professional Engineer
NO. PE-10059

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 Tom Knakmuhs, City Engineer, 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 free act and deed.

Notary Public, Cass County, North Dakota

SHEET 1 OF 1
PROJ. NO. 23739

moore
engineering, inc.

**City of Fargo
Staff Report**

Title:	Laverne's Fourth Addition	Date:	01/31/2024
Location:	3181, 3101 & 3033 43 rd Street North; 3190, 3100 & 3030 42 nd Street North	Staff Contact:	Alayna Espeseth, Assistant Planner
Legal Description:	Lots 1-6, Block 3, Laverne's Second Addition		
Owner(s)/Applicant:	Laverne Indy LLC	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 1-6, Block 3, Laverne's Second Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: February 06, 2024		

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

Proposal:

The applicant requests one entitlement:

1. A **minor subdivision**, to be known as Laverne's Fourth Addition, replat of Lots 1-6, Block 3, Laverne's Second Addition to the City of Fargo, Cass County, North Dakota. The minor subdivision will consist of 1 lot, 1 block.

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

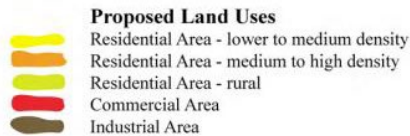
Surrounding Land Uses and Zoning Districts:

- North: P/I, Public and Institutional with undeveloped land;
- East: LI, Limited Industrial with warehouse uses;
- South: LI, Limited Industrial with freight movement uses and undeveloped land;
- West: LI, Limited Industrial with undeveloped land.

(Continued on next page.)

Area Plans:

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



Schools and Parks:

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

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

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

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

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

Staff Analysis:

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.

Minor Subdivision

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

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

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

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

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

Planning Commission Recommendation: February 06, 2024

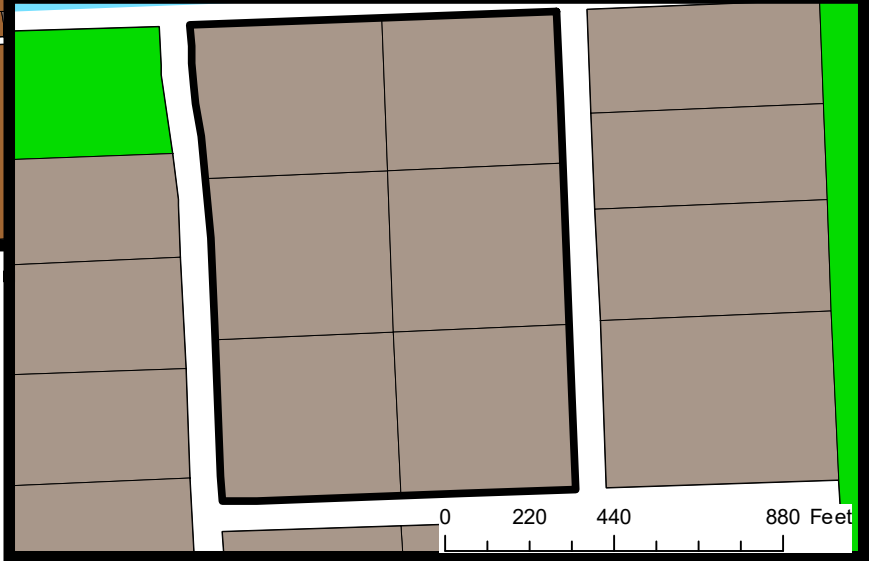
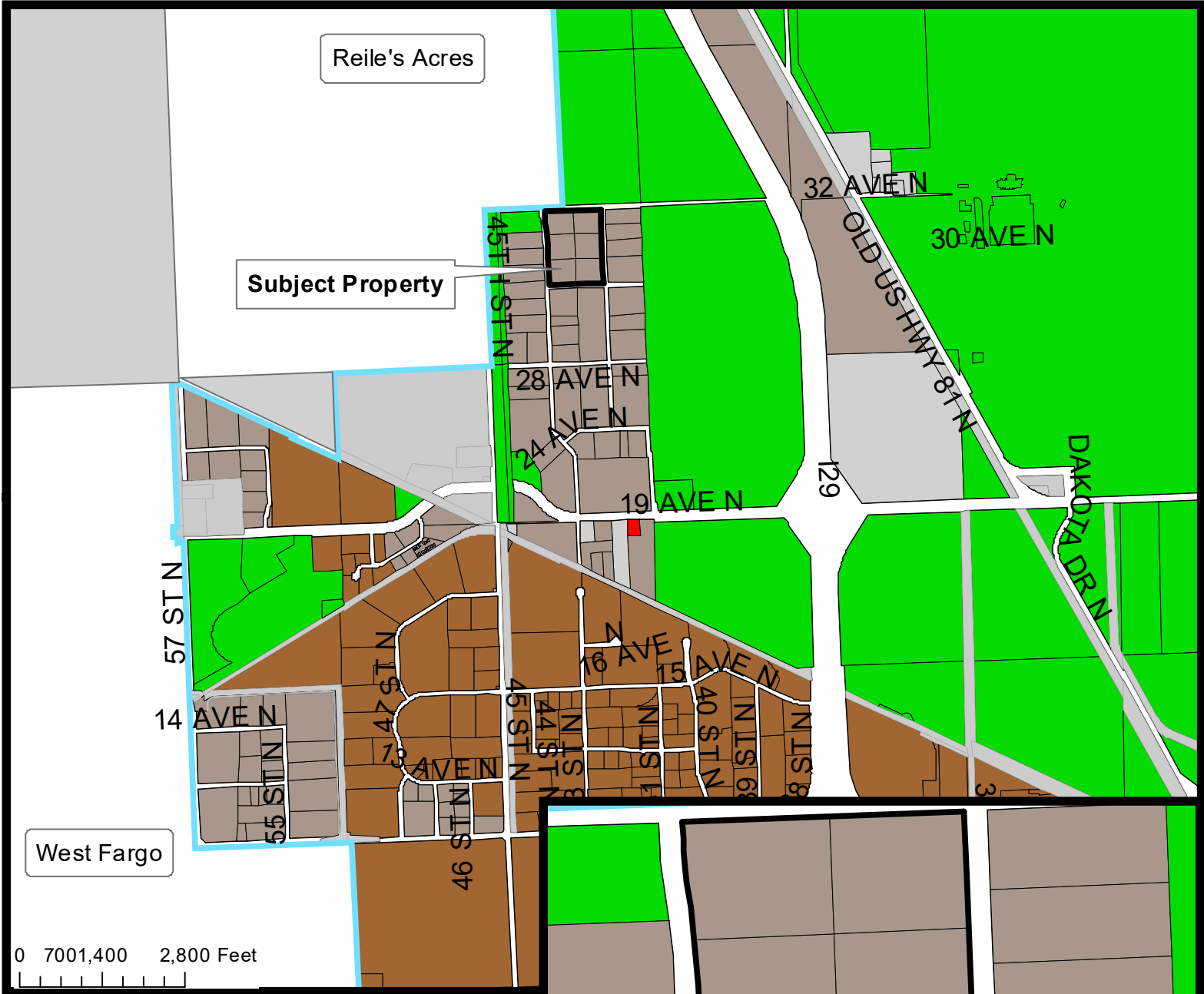
Attachments:

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

Minor Subdivision

Laverne's Fourth Addition

3181, 3101 & 3033 43 Street North;
3190, 3100 & 3030 42 Street North



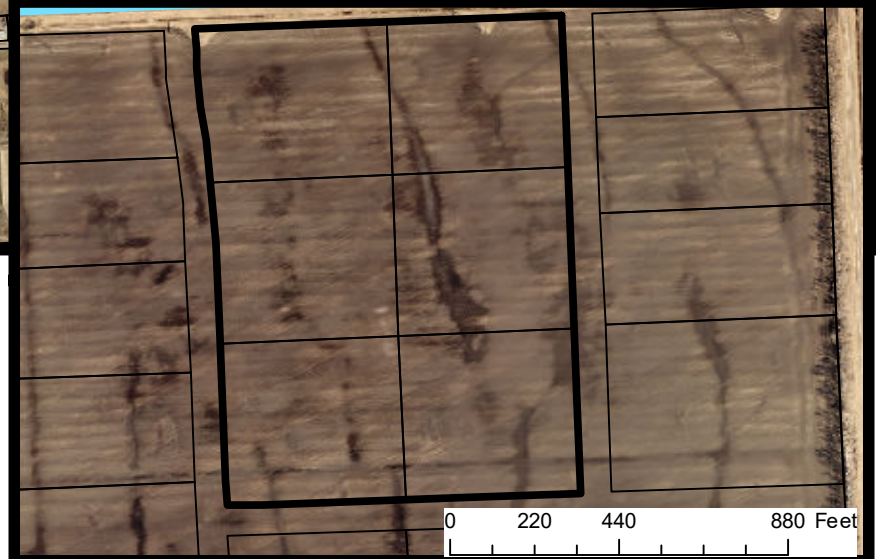
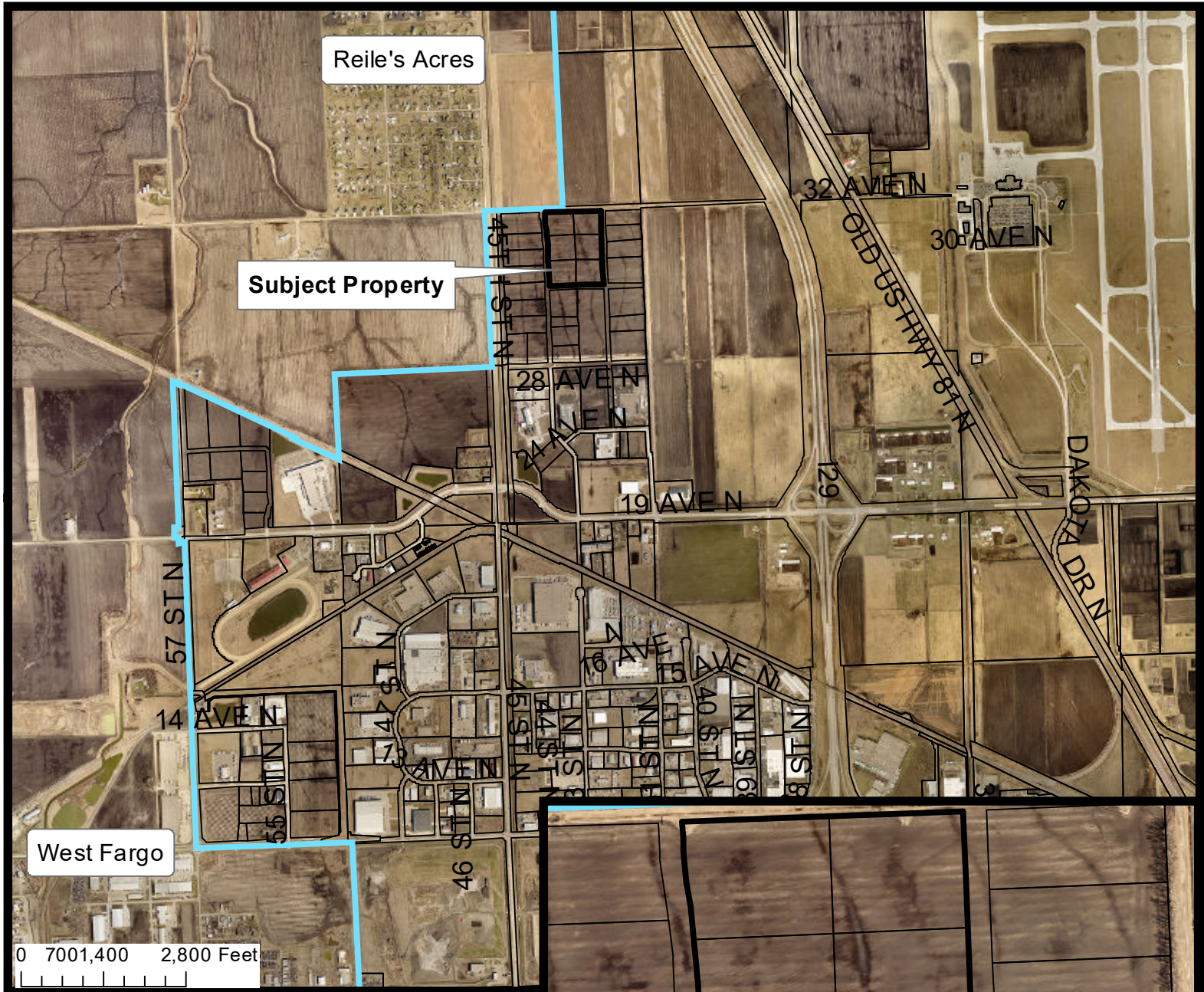
Legend

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

Minor Subdivision

Laverne's Fourth Addition

3181, 3101 & 3033 43 Street North;
3190, 3100 & 3030 42 Street North



Legend

 City Limits

LAVERNE'S FOURTH ADDITION
A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 1, 2, 3, 4, 5 & 6, BLOCK 3
LAVERNE'S SECOND ADDITION
CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



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

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

LAVERNE'S FOURTH ADDITION
A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 1, 2, 3, 4, 5 & 6, BLOCK 3
LAVERNE'S SECOND ADDITION
CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:
NOW ALL PERSONS BY THESE PRESENTS: That Laverne Indy, LLC, a North Dakota limited liability company, are the owners and proprietors of the following described tract of land:
Lots 1, 2, 3, 4, 5 and 6, Block 3, Laverne's Second Addition, to the City of Fargo, Cass County, North Dakota.
Said tract contains 26.61 acres, more or less.
And that said party has caused the same to be surveyed and platted as LAVERNE'S FOURTH ADDITION to the City of Fargo, Cass County, North Dakota.

OWNER:
LAVERNE INDY, LLC
By: Syndica, LLP
Its: Manager
Austin J. Morris, Partner

State of
County of
)
) ss
)

On this day of , 20 before me personally appeared Austin J. Morris, Partner of Syndica, LLP, a North Dakota limited liability partnership, 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 limited liability partnership.

Notary Public:

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

Dated this day of , 20 .

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota
County of Cass
)
) ss
)

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

Notary Public:

CITY ENGINEER'S APPROVAL:
Approved by the Fargo City Engineer this day of , 20 .

Tom Knakmuhs, PE, City Engineer

State of North Dakota
County of Cass
)
) ss
)

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

Notary Public:

FARGO PLANNING COMMISSION APPROVAL:
Approved by the City of Fargo Planning Commission this day of , 20 .

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota
County of Cass
)
) ss
)

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

Notary Public:

FARGO CITY COMMISSION APPROVAL:
Approved by the Board of City Commissioners and ordered filed this day of , 20 .

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota
County of Cass
)
) ss
)

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:\BN\7489\7489_0118\CAD\Plat\Preliminary Plat - Laverne's 4th Addition.dwg-PLAT (2)-12/7/2023 11:34 AM-(dbudcholtz)

**City of Fargo
Staff Report**

Title:	North Pointe Industrial Park Addition	Date:	1/31/2024
Location:	1900, 2000, and 2220 57th Street North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the Southeast 1/4 of Section 29 and portion of the Northeast ¼ of Section 32, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Chad Wendel; Southeast Cass Water Resources District; KLC Holdings, LLC / Tracy Eslinger, PE—Moore Engineering	Engineer:	Moore Engineering
Entitlements Requested:	Planning Commission review of proposed annexation		
Status:	Planning Commission Public Hearing: February 6 th , 2024		

Proposal:

The applicant requests one entitlement:

1. Annexation of an approximately 57.41 acre portion of the Southeast 1/4 of Section 29 and portion of the Northeast 1/4 of Section 32, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota

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; in Fargo's four-mile extra-territorial jurisdiction
- East: (across 57th Street) GI, General Industrial; platted but not yet developed
- South: AG, Agricultural; in Fargo's four-mile extra-territorial jurisdiction
- West: AG, Agricultural; in Fargo's four-mile extra-territorial jurisdiction

Area Plans:

The subject property is located within the Tier 1 North West area of the 2007 Future Land Use Plan. This plan designates the subject proeprty as "Industrial" and "Commercial." The proposed zoning of LI, Limited Industrial is consistent with this "Industrial" land use designation. Staff determined a growth plan amendment to change the portion of the subject property designated as "Commercial" to "Industrial" was not necessary, as

1. The boundaries of the designated areas on growth plan maps are generally not sharp boundaries, and
2. The 2007 Fargo Growth Plan identifies the subject property as having future land uses of Industrial and Commercial. The proposed LI zoning allows both industrial and commercial land uses.

(continued on next page)



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

Staff Analysis:

OWNERSHIP

The property involved in the annexation is owned by the applicants, Chad Wendel, SE Cass Water Resources District, and KLC Holdings, LLC. There are no existing residences or businesses in the annexation area.

LOCATION

The annexation area is along the west side of 57th Street North, north of 19th Avenue North, and includes a portion of Cass County Drain 45 on the west side. The annexation area includes 200 feet of right of way for 19th Avenue North, which includes portions of the Southeast $\frac{1}{4}$ of Section 29 and the Northeast $\frac{1}{4}$ of Section 32.

PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 Tier 1 North West Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the "Tier 1" designation as the "Intended Growth Sector" for the city of Fargo.

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that "Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]" and that "Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development." (page 55, 2007

Growth Plan). The location of the annexation area corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development (page 56, 2007 growth plan):

- *Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services:* The subject property is within the 20 year service area [Tier 1] and along existing streets---19th Avenue North and 57th Street North—designated as arterials. The area adjacent to the east is currently receiving City services.
- *Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property.* The property east across 57th Street North, Veterans Industrial Park Addition, is platted and zoned LI, Limited Industrial and is in the process of being developed. The property on the southeast corner of the intersection of 19th Avenue North and 57th Street North is developed with the North Dakota Horse Park.

PROCESS

The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan at the February 6th, 2024 Planning Commission agenda. A hearing will be scheduled for this annexation at the City Commission concurrently with the plat and zone change hearing.

CONCURRENT SUBDIVISION AND ZONE CHANGE

The entire annexation area will be incorporated into the proposed North Pointe Industrial Addition and adjacent 19th Avenue North right of way, which includes a subdivision and zone change. The property is currently zoned AG, Agricultural. The subdivision creates 12 lots to be zoned LI, Limited Industrial and three lots to be zoned P/I, Public/Institutional. The staff report for North Pointe Industrial Addition provides details on the proposed project. This project is going through the review and hearing process concurrently with this annexation. This project appears as items 1.a and 1.b on the February 6th, 2024 Planning Commission agenda.

Staff Recommendation:

Staff recommends the Planning Commission find that the proposed annexation of a portion of the Southeast 1/4 of Section 29 and portion of the Northeast ¼ of Section 32, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.

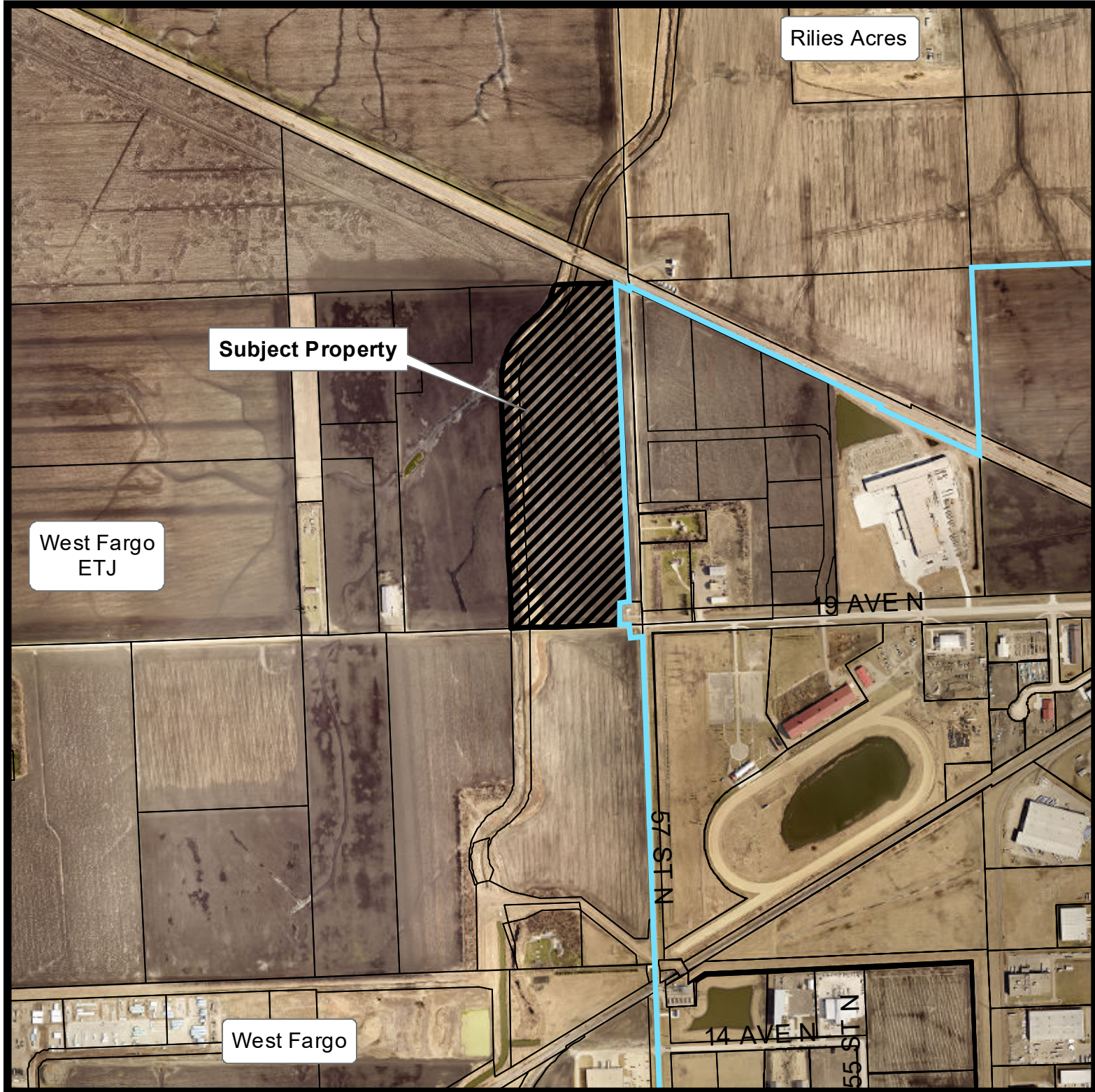
Attachments:

1. Location map
2. Annexation plat

Annexation

Portions of S29, T140N, R49W

2100 57th Street North;
5915 19th Avenue North



Legend

 City Limits

ANNEXATION PLAT
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED ANNEXATION PLAT TO THE CITY OF FARGO; THAT THE PROPERTY REPRESENTED IN THE PLAT IS A PART OF THE SOUTHEAST QUARTER OF SECTION 29 AND PART OF THE NORTHEAST QUARTER OF SECTION 32, ALL IN TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT THE ATTACHED PLAT IS A CORRECT REPRESENTATION OF THE PROPERTY ANNEXED TO THE CITY OF FARGO; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT AND THE EXTERIOR BOUNDARY LINES OF SAID LAND ANNEXED TO THE CITY OF FARGO ARE AS FOLLOWS, TO WIT:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 02 MINUTES 08 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR A DISTANCE OF 175.00 FEET TO A POINT ON A LINE WHICH IS 175.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 02 MINUTES 08 SECONDS WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 845.00 FEET TO THE SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN WARRANTY DEED DOCUMENT NO. 767944, RECORDED OCTOBER 15, 1992, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SAID COUNTY; THENCE NORTH 02 DEGREES 18 MINUTES 23 SECONDS WEST ALONG THE WESTERLY LINE OF SAID TRACT OF LAND FOR A DISTANCE OF 1903.84 FEET; THENCE 502.25 FEET NORTHEASTERLY CONTINUING ALONG SAID WESTERLY LINE ON A TANGENTIAL CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 570.00 FEET AND A CENTRAL ANGLE OF 50 DEGREES 29 MINUTES 07 SECONDS; THENCE NORTH 48 DEGREES 10 MINUTES 44 SECONDS EAST CONTINUING ALONG SAID WESTERLY LINE FOR A DISTANCE OF 120.04 FEET; THENCE 239.04 FEET NORTHEASTERLY CONTINUING ALONG SAID WESTERLY LINE ON A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 430.00 FEET AND A CENTRAL ANGLE OF 31 DEGREES 51 MINUTES 02 SECONDS; THENCE NORTH 16 DEGREES 19 MINUTES 42 SECONDS EAST CONTINUING ALONG SAID WESTERLY LINE FOR A DISTANCE OF 39.98 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 87 DEGREES 56 MINUTES 57 SECONDS EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 462.04 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE BNSF RAILWAY COMPANY'S RAILROAD; THENCE SOUTH 64 DEGREES 42 MINUTES 39 SECONDS EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 12.84 FEET TO A POINT ON A LINE WHICH IS 175.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, ALSO BEING THE EXISTING CITY OF FARGO CORPORATE LIMITS ACCORDING TO ANNEXATION PLAT DOCUMENT NO. 1693834, RECORDED JULY 24, 2023, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 02 DEGREES 18 MINUTES 23 SECONDS EAST ALONG SAID PARALLEL LINE AND ALONG SAID EXISTING CITY OF FARGO CORPORATE LIMITS FOR A DISTANCE OF 2474.65 FEET TO A POINT ON A LINE WHICH IS 175.00 FEET NORTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 02 MINUTES 08 SECONDS WEST ALONG SAID PARALLEL LINE AND CONTINUING ALONG SAID EXISTING CITY OF FARGO CORPORATE LIMITS FOR A DISTANCE OF 75.00 FEET TO A POINT ON A LINE WHICH IS 175.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 02 DEGREES 18 MINUTES 23 SECONDS EAST ALONG SAID PARALLEL LINE AND CONTINUING ALONG SAID EXISTING CITY OF FARGO CORPORATE LIMITS FOR A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING.

AND

THE WEST 920.00 FEET OF THE EAST 1020.00 FEET OF THE NORTH 100.00 FEET OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE NORTH AND EAST LINES OF SAID NORTHEAST QUARTER.

SAID TRACT CONTAINS A COMBINED 54.71 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



STEVEN W. HOLM
REGISTERED LAND SURVEYOR
NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, 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.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2024.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, 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

CITY ENGINEER'S APPROVAL

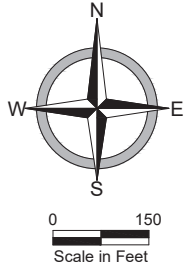
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2024.

TOM KNAKMUS P.E.
CITY ENGINEER

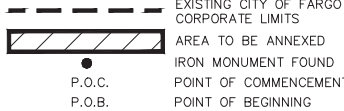
STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUS P.E., CITY ENGINEER, 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.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



LEGEND



BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 29-140-49 HAS AN ASSUMED BEARING OF S88°02'08"W.