

FARGO CITY COMMISSION AGENDA

Monday, July 10, 2023 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/Streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/CityCommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, June 26, 2023; Special Meeting, June 28, 2023).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 2nd reading and final adoption of an Ordinance Amending Section 19-0203 and Enacting Sections 19-0206.1 and 19-0208 of Article 19-02, Amending Section 19-0302 and Enacting Sections 19-0305, 19-0306 and 19-0307 of Article 19-03 of Chapter 19 of the Fargo Municipal Code Relating to the Department of Forestry - Trees, Parks and Boulevards.
- 2. 1st reading of Ordinances Enacting Article 25-38 of Chapter 25 of the Fargo Municipal Code Relating to Commercial Pedal Car Vehicles and Amending Section 8-0311 of Article 8-03 of Chapter 8 of the Fargo Municipal Code Relating to Regulations Governing Operators.
- 3. Applications for Games of Chance:
 - a. EagleRidge Legacy Fund, Inc. for a raffle on 7/27/23; Public Spirited Resolution.
 - b. Fargo Gateway Lions for a raffle and sports pool on 7/11/23.
 - c. ND Chapter of Backcountry Hunters & Anglers for a raffle on 9/21/23; Public Spirited Resolution.
 - d. Matthew's Voice Project for a raffle from 7/14/23 to 7/30/23; Public Spirited Resolution.
 - e. North Dakota Beekeepers Association for a raffle on 7/14/23.
 - f. Warm Blanket Hugs for a raffle on 8/11/23.
 - g. Knights of Columbus 4th Degree Assembly 788 for a calendar raffle 1/1/24-1/31/24.
 - h. Fargo 12U White Baseball Team for a raffle on 7/25/23.
- 4. Site Authorizations for Games of Chance:
 - a. Plains Art Museum at Blue Wolf Casino (West Acres Bowl/Cactus Jacks) (amended).
 - b. West Fargo Events Inc. at Holiday Inn (Spirits Lounge).
- 5. Amendment to the limited franchise agreement with Cass County Electric.
- 6. Extension of a Class "A-3" Alcoholic Beverage License for 518 Properties LLC d/b/a Summit Nightclub until 2/28/24.
- 7. Addition of Project No. HD-23-B1 to the 2023 Capital Improvement Plan.
- 8. Final Balancing Change Order No. 1 in the amount of \$3,740.54 for Project No. UR-22-C1.

9. Negative Final Balancing Change Order No. 2 in the amount of \$-2,550.00 for Project No. TP-21-B1.
10. Waiver of annual fees for Right of Way Occupancy for Red River Valley Electric Cooperative Power Association (Project No. FM-21-A1).
11. Cost share with Lumen Communications for modifications to an existing concrete utility vault (Improvement District No. BR-23-F1).
12. Service Agreement with Minnkota Power Cooperative, Inc. for utility relocation and forthcoming Easement Agreement (Improvement District No. BN-23-A2).
13. Encroachment Agreement with TYKE Properties, LLC located at 2600 3rd Avenue North.
14. Modification of full incentive language for Phase 2 construction to extend to 48-calendar days (Improvement District No. BR-22-A2).
15. Bid award in the amount of \$874,351.50 to Fargo Electric Construction, Inc. for Project No. TR-23-A1.
16. Bid award in the amount of \$22,220.00 to American Engineering Testing for a special inspection contract for the construction of Fire Station 8.
17. Opioid Abatement Fund budget adjustment.
18. Subrecipient Agreement Amendment between Fargo Cass Public Health (Grantor) and Family Healthcare (Subrecipient).
19. School Nursing Budget Proposal Amendment for 7/1/23 to 6/30/24 between Fargo Public School District and Fargo Cass Public Health.
20. Notice of Grant Award from ND Department of Health and Human Services for Tobacco Prevention and Control.
21. Notice of Grant Award from ND Department of Health and Human Services for Women's Way (CFDA #s 93.898 and 93.391).
22. Notice of Grant Award Amendment from the ND Department of Health and Human Services for PHEP City Readiness Initiative (CFDA #93.069).
23. Agreement for Services with Families United for Self-Empowerment.
24. Bid award to Amy's Windows in the amount of \$122,550.00 for replacement of the shades at the Main Library (RFP23090).
25. Letter of Support for Four Sisters, LLC project to the ND Opportunity Fund.
26. Sole Source Procurement with FASTER Asset Solutions in the amount of \$87,808.00 for software upgrades and General Agreement (SSP23114).
27. Contract and bond for Project No. WA2055.
28. Contract and bond for Project No. WA2255.

29. Contract and bond for Project No. WA2254.
30. Contract and bond for Improvement District No. UN-23-A1.
31. Contract and bond for Improvement District No. PN-23-E1.
32. Contract and bond for Improvement District No. PR-23-G1.
33. Contract and bond for Improvement District No. UR-23-A1.
34. Bills.

REGULAR AGENDA:

35. **RESIDENT COMMENTS** (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).

***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**

36. **PUBLIC HEARING** – Hearing on a dangerous building located at 421 15th Avenue North; continued from the 6/26/23 Regular Meeting.
37. **PUBLIC HEARING** – CONTINUED TO 7/24/23 - Southwest Fargo Mission Second Addition (4451, 4455, and 4475 40th Avenue South); approval recommended by the Planning Commission on 5/2/23:
 - a. Zoning Change from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Southwest Fargo Mission Second Addition.
38. **PUBLIC HEARING** – Annexation of 80.40 acres, more or less located in a Part of the Southwest Quarter of Section 28; of the Southeast Quarter of Section 29; and the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota.
 - a. 1st reading of annexation Ordinance.
39. **PUBLIC HEARING** – Veterans Industrial Park Addition (5385 19th Avenue North); approval recommended by the Planning Commission on 5/2/23:
 - a. Zoning Change from AG, Agricultural to LI, Limited Industrial.
 - b. 1st reading of rezoning Ordinance.
 - c. Plat of Veterans Industrial Park Addition.
40. **PUBLIC HEARING** – Interstate Business District Addition (4753 45th Street North and 4269 40th Avenue North); denial recommended by the Planning Commission on 6/6/23:
 - a. Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial
 - b. 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.
 - c. 1st reading of rezoning Ordinance.

- d. Plat of Interstate Business District Addition.
- 41. Change order for additional services with BerryDunn for implementation and project management of a new Enterprise Resource Planning (ERP) accounting system (RFP21029).
- 42. Recommendation for appointment of the City Engineer.
- 43. Update on Federal Aid Road and Bridge Projects.
- 44. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Alecia Arneson and Matthew Meyer, 1514 3rd Avenue North (5 years).
 - b. Brian and Taylor Tranda, 2411 18th Street South (5 years).
 - c. Emma Saice, 911 7th Avenue North (5 years).
 - d. Zachary Echola and Heidi Selzer-Echola, 1111 6th Street South (5 years).
- 45. Liaison Commissioner Assignment Updates.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/CityCommission.



36

Memorandum

DATE: June 26, 2023
TO: Mayor Mahoney and Board of City Commissioners
FROM: Shawn Ouradnik, Inspections Director
SUBJECT: Dangerous Building Public Hearing at 421 15 Ave N, Fargo, ND

The property owner of 421 15 Ave N, Fargo ND, has failed to comply with the order to either obtain a permit to repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, a hearing date is scheduled for June 26, 2023.

Commission action requires a 10 day allowance for action per Article 21-0405.E.
Article 21-0406 also allows court action if that is the course the commission chooses to take.
Article 21-0412 is allowance for Owner appeal to City Commission action.

The recommendation is to **designate this a dangerous building, direct the City Attorney to prepare findings of fact in this matter, and order its removal on (next commission meeting) August 8, 2023 . Please direct the appropriate staff to secure the removal of this building should the Owner fail to do so.**

Property Information: Building is currently uninhabitable due to condition.

Location: 421 15 Ave N

Owner: Dawn M Novotny

Description: Single story single stall detached garage possibly built in 1948

Description of Damage:

- Weather barrier
- Inoperable walk in door and overhead door
- Sheathing attachment
- Deterioration of materials due to exposure
- Not structurally sound
- Junk items stored around the rear yard
- Signs of infestation

TimeLine of Events:

1/15/2021 Permit pulled to repair fire damage in detached garage

3/29/2021 Framing inspection conducted and passed (last inspection done for permit final inspection not scheduled)

3/2023 Complaint received about junk accumulation in yard, dilapidated garage, and unpermitted structures on property

3/23/2023 Investigated situation and conducted on-site inspection to verify claims

3/24/2023 Notice of Incomplete Inspection sent to property owner

4/24/2023 Investigative walk-through inspection completed

4/25/2021 Posted garage as Dangerous Building

4/26/2023 Staff met with property owner in our office – owner agrees to send progress reports weekly

4/27/2023 Reposted Dangerous Building to garage

4/25-5/30/2023 Conducted inspections to verify progress

6/7/2023 Request for Public hearing presented to Commission – public hearing set for 6/26/2023

6/26/2023 Public Hearing held at City Hall during regular Commission meeting

Additional Information: This property has an open permit for the fire damage that occurred in 2021. There have been multiple complains about junk, junk vehicles, and the dilapidated structure. We have tried to work with the owner to have the deficiencies corrected but have not seen the progress required to halt action. The city Prosecutor is pursuing a standing junk abatement for this property.



Inspections Department
225 4th Street North
Fargo, ND 58102
(701) 241-1561

NOTICE OF INCOMPLETE INSPECTION

Monday, March 27, 2023

Dawn M Novotny
421 15 Ave N
FARGO, ND 58102

ADDRESS OF PROPERTY IN VIOLATION: 421 15th Ave N
Permit # 2101-0238 (Repair garage fire damage)

This notice is a reminder that Fargo City Ordinance Article #21-01 adopted the 2021 International Residential Code as the city code. Section R105 of this code states that all inspections must be complete and a final building inspection shall be made after the permitted work is completed.

Our records show that the work at the above address is missing the following inspections to be complete: **FINAL BUILDING INSPECTION**

- **The unpermitted structures on the north side of the existing garage are required to be removed**
- **A complete weather barrier is required on the exterior**
- **Exterior doors are required to be in place and operable**
- **All junk items and snow are required to be removed to allow access for the required inspection**
- **If acceptable progress is not made to the garage and unpermitted structures by 4/21/23 further action will be taken.**

We anticipate that you will contact us prior to 4/21/23 on this matter. You may schedule appointments by contacting the Inspections Department at **701-241-1561** or through the online permit portal at **Permits.fargoND.gov**.

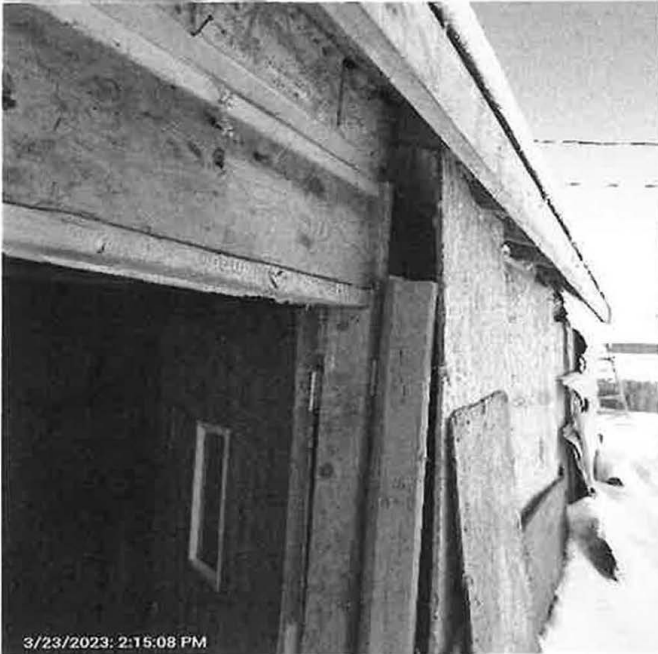
- **We (The city of Fargo Inspections Department) can only communicate with the legal owner or licensed contractor on this matter**

If the work is not complete, please notify me that you are continuing the project so your permit is not filed as incomplete, which may affect insurance coverage or future deed transfers. We appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Thompson". The signature is written in a cursive style with a large, sweeping initial "B".

Bill Thompson
Building Inspector II





NOTICE OF DANGEROUS BUILDING

TO: Dawn M Novotny
421 15 Ave N

YOU ARE HEREBY Given Notice of the following:

1. That this Notice is being given to you pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings.
2. That the building with which this Notice is concerned is commonly known as 421 15 Ave N, and is located on that tract of land in the city of Fargo, more particularly described as follows:
Hogan's Addition, Block 2, Lot 12
3. That an inspection was made of the building on April 24, 2023 by Bill Thompson, Building Inspector of the City of Fargo.
4. That the building inspector for the City of Fargo has found the building, consisting of a single-stall wood-framed detached garage structure to be a Dangerous Building within the standards set forth in the Fargo Municipal Code, Article 21-04, Dangerous Buildings and the International Property Maintenance Code, 2021 edition, Section 111 concerning Dangerous Structures.
5. This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass. It is unlawful to remove this notice until such notice is complied with. Source: 1952 Rev. Ord. 21-0404.
6. That the owner of the building must demolish and remove the building within 30 days from the date of this notice or obtain a permit to repair. To obtain a permit, see 'Conditions Found Statement' below.
7. That the building is unsafe and is a dangerous building in the following respects: See 'Conditions Found Statement' below.
8. The building is unsafe and constitutes a public nuisance pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the 2021 International Property Maintenance Code as adopted by Article 21-0101 of the Fargo Municipal Code.

9. You are further given Notice that unless the building is demolished within the time period set forth herein, the City of Fargo will take such steps as are necessary to cause said building to be demolished pursuant to Fargo Municipal Code, Article 21-04 concerning Dangerous Buildings and the International Property Maintenance Code, the owner will be assessed such costs as are provided for therein.

10. Order for vacation of building. The undersigned building official has determined that the building or structure must be vacated as required by Section 111 of the International Property Maintenance Code, 2021 edition. Therefore, it is hereby ordered that the building or structure shall be vacated immediately, and remain vacated, on this April 25, 2023.

11. Order to secure building. The undersigned building official has determined that the building must remain secured. Therefore, it is hereby ordered that all means of entering the building remain secured to prevent unauthorized entrance. **An inspector will continue to verify compliance.** Failure to keep the building secured will result in the City of Fargo hiring an independent contractor to secure the building. All expenses for securing the building will be assessed against the property.

12. Application for Appeal. Section 107 of the International Property Maintenance Code states that any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Dated April 25 2023.

Conditions Found Statement

On April 24, 2023, Bill Thompson Building Inspector, was present at 421 15 Ave N, Fargo, ND to address a building permit inspection. The following violations were found:

- The detached garage with building permit #2101-0238 has several code violations including weather barrier, inoperable doors, sheathing attachment, deterioration of materials due to exposure. No progress or inspections since 3/29/21
- There is a large unpermitted structure attached to the north side of the garage that does not meet minimum code requirements.
- There are large amounts of junk items stored around the perimeter of these structures, large amounts of building materials are scattered around the rear yard
- A tarp is being used in place of the inoperable overhead door
- Extension cords are run inside the garage from the house
- West fence is structurally unsound
- The detached garage and unpermitted structures meet the conditions of a dangerous structure

The following action must be taken:

- Provide engineering on all systems and obtain a permit to repair and make repairs by permit deadline -or-
- Demolish the structures (Detached garage and unpermitted structures) within the deadline provided in this notice.



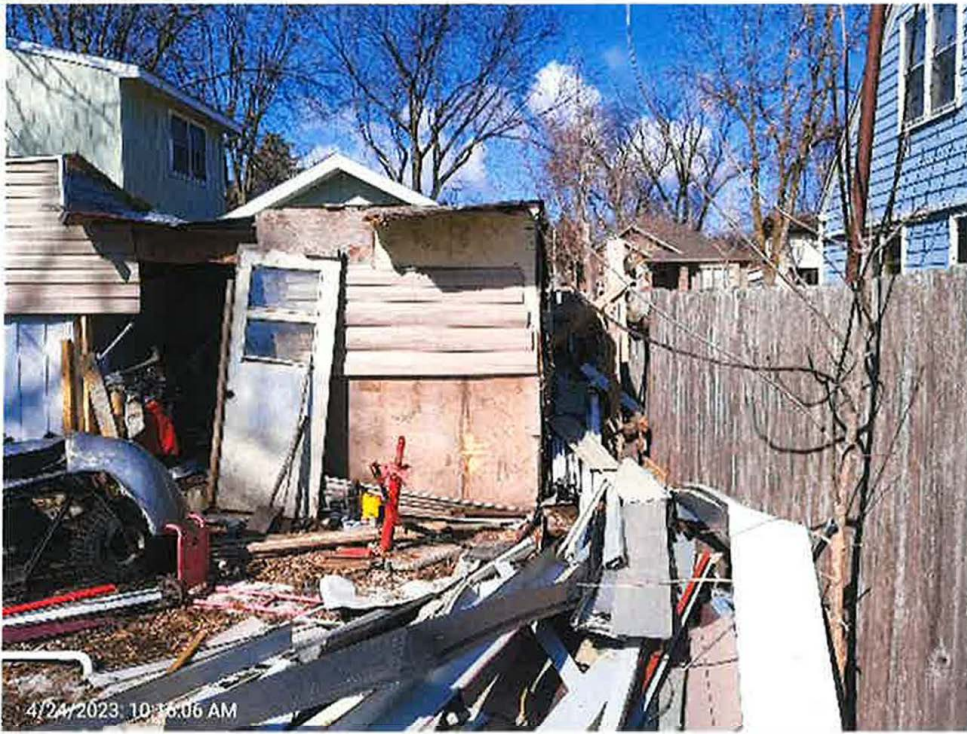
Bill Thompson
Building Inspector
City of Fargo, ND

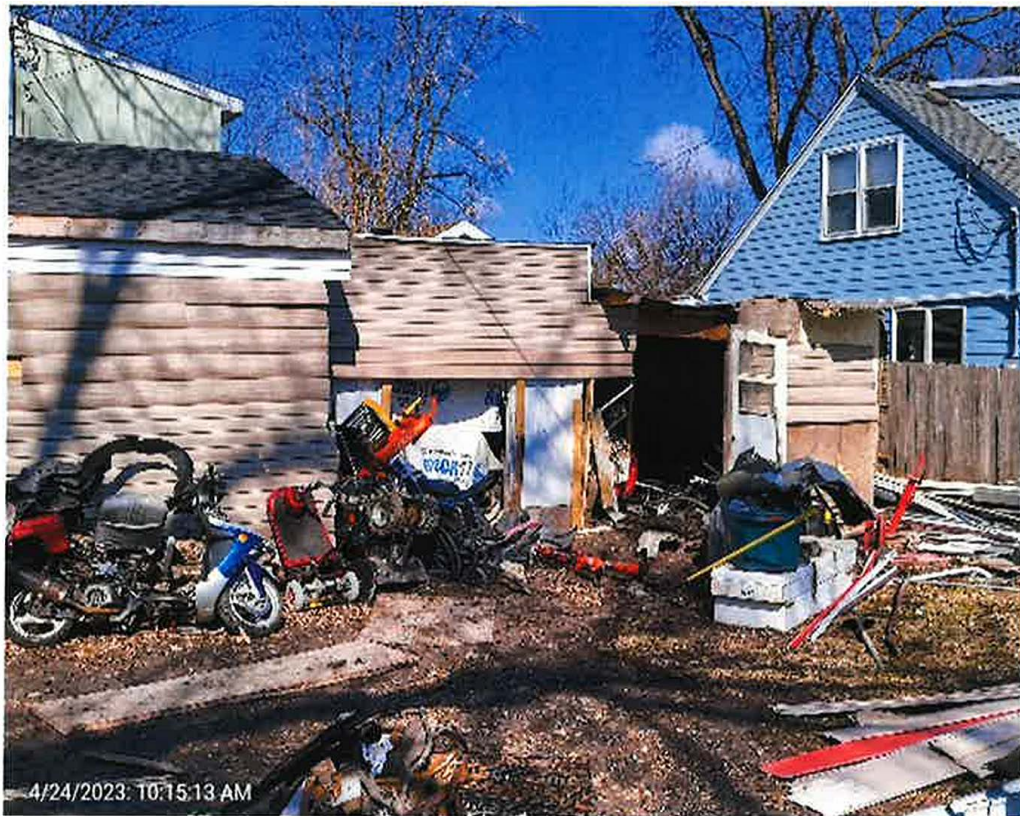


Shawn Ouradnik
Inspections Director



Date Signed









City of Fargo
225 4th St N
Fargo ND 58102

USPS CERTIFIED MAIL



9214 8901 9403 8312 2664 48

DAWN M NOVOTNY
421 15TH AVE N
FARGO ND 58102-2739



Firm Mailing Book For Accountable Mail

Name and Address of Sender
CITY OF FARGO
225 4TH ST N
FARGO ND 58102

Check type of mail or service

<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

Affix Stamp Here
(for additional copies of this receipt).
Postmark with Date of Receipt.

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1. 9214 8901 9403 8312 2664 48	DAWN M NOVOTNY 421 15TH AVE N FARGO ND 58102-2739	0.84	4.15								2.10			
Total Number of Pieces Listed by Sender 1	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)												

Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit usps.com/privacypolicy.



Shipment Confirmation Acceptance Notice

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, must match the labeled packages being presented to the USPS® employee with this form.

Shipment Date: 04/25/2023
Shipped From:
Name: CITY OF FARGO
Address: 225 4TH ST N
City: FARGO
State: ND ZIP+4® 58102

Type of Mail	Volume
Priority Mail Express [®]	
Priority Mail [®]	0
First-Class Package Service [®]	
Returns	
International [®]	
Other	1
Total	1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

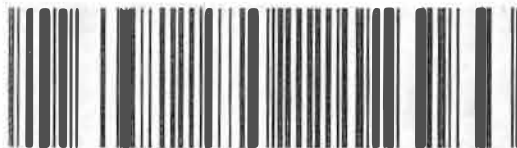
B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select Shipment Confirm
3. Scan or enter the barcode/label number from PS Form 5630
4. Confirm the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0043 9979 22



Confirmation Services Certification

COMPANY INFORMATION

Company Name

City of Fargo

Address (Number, street, suite no., city, state, and ZIP CodeTM)

225 4th St N
Fargo ND 58102

Mailer Identification (MID)SM MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six-digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS[®] facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer. IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000043997922

Confirmation Services Electronic File Number

**92/93	750	901193562	00004399792	2	
AI	STC	Mailer ID	Serial Number	Check Digit	
94					
AI	STC	Source Identifier	Mailer ID	Serial Number	Check Digit

**91 can be used if approved for exception.

INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Re: Posting of Dangerous Building Notice – 421 15 Ave N

Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 25th day of April 2023, he posted the attached notice upon the front of the building located at the following address:

421 15 Ave N
Fargo, ND 58102

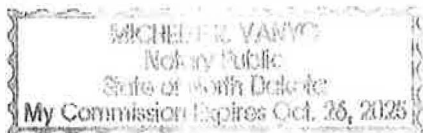


Bill Thompson

Subscribed and sworn to before me this 25 day of April 2023.



Notary Public
Cass County, North Dakota



(SEAL)

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Re: Notice of Dangerous Building


Michelle Lemar, being first duly sworn and being of legal age, deposes and says that on the 25th day of April 2023, she served the attached notice, upon 421 15 Ave N, by placing true and correct copies thereof in envelopes addressed as follows:

Dawn M Novotny
421 15 Ave N
Fargo, ND 58102

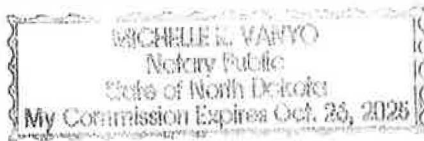
and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, regular mail.


Michelle Lemar

Subscribed and sworn to before me this 25 day of April 2023.


Notary Public
Cass County, North Dakota

(SEAL)



AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

**Re: Notice of Dangerous Building Hearing- Order to Show Cause
421 15 Ave N, Fargo, ND 58102
CM Receipt#: 9214 8901 9403 8312 2664 48**

Michelle Lemar, being first duly sworn and being of legal age, deposes and says that on the 25th day of April 2023, she served the attached notice, upon 421 15 Ave N, by placing true and correct copies thereof in an envelope addressed as follows:

Dawn M Novotny
421 15 Ave N
Fargo, ND 58102

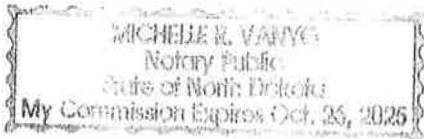
and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.

Michelle Lemar
Michelle Lemar

Subscribed and sworn to before me this 25 day of April 2023.

Michelle R Vandy
Notary Public
Cass County, North Dakota

(SEAL)





Memorandum

DATE: June 12, 2023
TO: Mayor Mahoney and Board of City Commissioners
FROM: Shawn Ouradnik, Inspections Director
SUBJECT: Dangerous Building Notice and Order – 421 15 Ave N Fargo, ND 58102

The property owner of 421 15 Ave N Fargo, ND has failed to comply with the order to either repair or remove the heavily damaged structure at that location within the time allowed for that removal. In accordance with Fargo Municipal Code Article 21-0405, it will now be necessary for you to set a date for a hearing of this order at which time the property owner will be able to appear and show cause why the building should not be removed and the costs of that removal assessed against this property.

The recommendation is **to make a motion, in accordance with FMC Article 21-0405, to set Monday, June 26, 2023 at 5:15PM as the date and time for the hearing regarding the dangerous building order for the structure located at 421 15 Ave N Fargo, ND 58102.**

Notice of Dangerous Building Hearing – Order to Show Cause

Date: June 16, 2023

Location: 421 15 AVE N, FARGO ND 58102
Property Owner: DAWN M NOVOTNY
Address of Property Owner: 421 15 AVE N, FARGO ND 58102

Inspector: Bill Thompson
Date of Posting: 6/16/2023

Ordinance 21-0405 of the Fargo Municipal Code states:

The board of city commissioners shall:


A. Upon receipt of a report of the building inspector as provided for in § 21-0404, subsection (F) give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the records of the register of deeds of the county of Cass to appear before it on the date specified in the notice to show cause why the building or structure reported to be a “dangerous building: should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the building inspector(s) notice provided for herein in § 21-0404, subsection (E).

B. Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the records of the register of deeds of the county of Cass shall offer relative to the “dangerous building.”

A hearing regarding the dangerous building located at Address, Fargo, ND has been scheduled for, Monday, August 22, 2022 at 5:00PM. The hearing will take place in the City Commission Chambers, located at 225 4th Street N., Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Dated on this June 16, 2023.


Shawn Ouradnik
Inspections Director

AFFIDAVIT OF SERVICE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Re: Posting of Dangerous Building Notice – 421 15 Ave N


Bill Thompson, being first duly sworn and being of legal age, deposes and says that on the 16th day of June 2023, he posted the attached notice upon the front of the building located at the following address:

421 15 Ave N
Fargo, ND 58102

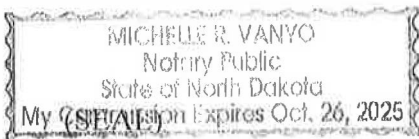


Bill Thompson

Subscribed and sworn to before me this 16 day of June 2023.



Notary Public
Cass County, North Dakota



AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

**Re: Notice of Dangerous Building Hearing– Order to Show Cause
421 15 Ave N, Fargo, ND 58102
CM Receipt#: 9214 8901 9403 8319 3437 08**

Michelle Lemar, being first duly sworn and being of legal age, deposes and says that on the 16th day of June 2023, she served the attached notice, upon 421 15 Ave N, by placing true and correct copies thereof in an envelope addressed as follows:

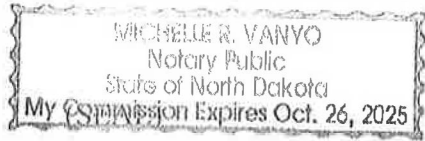
Dawn Novotny
421 15 Ave N
Fargo, ND 58102-2739


and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, Certified Mail.



Michelle Lemar

Subscribed and sworn to before me this 16 day of June 2023.





Notary Public
Cass County, North Dakota

AFFIDAVIT OF SERVICE BY REGULAR MAIL

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Re: Notice of Dangerous Building

Michelle Lemar, being first duly sworn and being of legal age, deposes and says that on the 16th day of June 2023, she served the attached notice, upon 421 15 Ave N, by placing true and correct copies thereof in envelopes addressed as follows:

Dawn M Novotny
421 15 Ave N
Fargo, ND 58102

and deposited the same, with postage prepaid, in the United States mail at Fargo, North Dakota, regular mail.

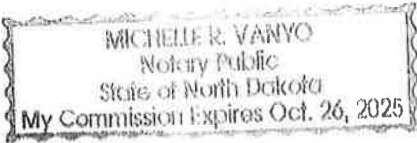
Michelle Lemar

Michelle Lemar

Subscribed and sworn to before me this 16 day of June 2023.

Michelle R Vango

Notary Public
Cass County, North Dakota



(SEAL)



Firm Mailing Book For Accountable Mail

Name and Address of Sender

CITY OF FARGO
225 4TH ST N
FARGO ND 58102

Check type of mail or service

- Adult Signature Required Priority Mail Express
 Adult Signature Restricted Delivery Registered Mail
 Certified Mail Return Receipt for Merchandise
 Certified Mail Restricted Delivery Signature Confirmation
 Collect on Delivery (COD) Signature Confirmation Restricted Delivery
 Insured Mail
 Priority Mail

Affix Stamp Here
(for additional copies of this receipt)
Postmark with Date of Receipt.

USPS Tracking/Article Number	Addressee (Name, Street, City, State & ZIP Code)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRC Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
9214 8901 9403 8319 3437 08	DAWN NOVOTNY 421 15TH AVE N FARGO ND 58102-2739	0.60	4.15								2.10			

Total Number of Pieces Listed by Sender
1

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)



Shipment Confirmation Acceptance Notice

A. Mailer Action

Note to Mailer: The labels and volume associated to this form online, must match the labeled packages being presented to the USPS™ employee with this form.

Shipment Date: 06/16/2023

Shipped From:

Name: CITY OF FARGO

Address: 225 4TH ST N

City: FARGO

State: ND ZIP+4® 58102

Type of Mail	Volume
Priority Mail Express®	
Priority Mail®	0
First-Class Package Service®	
Returns	
International®	
Other	1
Total	1

*Start time for products with service guarantees will begin when mail arrives at the local Post Office™ and items receive individual processing and acceptance scans.

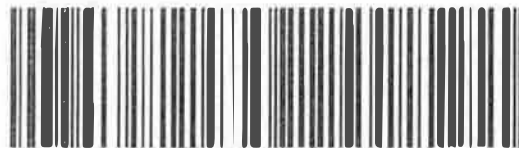
B. USPS Action

Note to RSS Clerk:

1. Home screen > Mailing/Shipping > More
2. Select **Shipment Confirm**
3. **Scan** or enter the barcode/label number from PS Form 5630
4. **Confirm** the volume count message by selecting Yes or No
5. Select Pay and End Visit to complete transaction

USPS EMPLOYEE: Please scan upon pickup or receipt of mail.
Leave form with customer or in customer's mail receptacle.

USPS SCAN AT ACCEPTANCE



9275 0901 1935 6200 0045 1506 53



Confirmation Services Certification

COMPANY INFORMATION

Company Name

City of Fargo

Mailer Identification (MID)* MID is a unique 6- or 9-digit number that identifies the mailer or the mailer's client. A conforming MID is a six digit MID beginning with 0-8 or a nine-digit MID beginning with 9.

Address (Number, street, suite no., city, state, and ZIP Code™)

225 4th St N
Fargo ND 58102

ELECTRONIC FILE

The electronic file submitted by the company shown above has been certified by the National Customer Support Center (NCSC) to be complete and accurate in both content and transmission and to meet the requirements as defined in Publication 199, *Intelligent Mail Package Barcode (IMpb) Implementation Guide for Confirmation Services and Electronic Verification System (eVS) Mailers*.

Authorized NCSC Signature

Date Signed

BARCODED LABELS

The barcoded labels printed and submitted by the company shown above have been certified by the NCSC to meet the standards and specifications as prescribed in Publication 199 and the appropriate ANSI or AIM published standards.

Authorized NCSC Signature

Date Signed

INSTRUCTIONS FOR MAILER

Keep the original of this form in a safe place and provide a copy to your local USPS® facility if requested. Shipments included in Service Performance Measurement should submit a PS Form 3152 with each mailing. In the space below, place a GS1-128 barcode representing the Electronic File Number from the Header Record. If you cannot print the barcode, fill in the sequence numbers and check digit (the digits that follow the MID) from your Electronic File Number. This information is in the Header Record of the electronic file.

IMpb barcodes are required for all tracking numbers effective 1/27/2013. Valid Application Identifiers (AI): IMpb barcode AI "92" uses a 9-digit Mailer ID for commercial permit payment mailers. IMpb barcode "93" uses a 6-digit Mailer ID for commercial permit payment mailer, IMpb barcode "94" is used for online and meter mailers. Legacy barcode AI "91" will continue to be accepted for a limited time with an approved exception or waiver.

Place the barcode here or write the serial number and check digit of the electronic file in the spaces provided.



92750901193562000045150653

Confirmation Services Electronic File Number

**92/93	750	901193562	00004515065	3	
AI	STC	Mailer ID	Serial Number	Check Digit	
94					
AI	STC	Source Identifier	Mailer ID	Serial Number	Check Digit

**91 can be used if approved for exception.

INSTRUCTIONS FOR ACCEPTANCE EMPLOYEE

If mailings are presented under an authorized manifest mailing system, verify payment of postage and fees, where applicable, using standard sampling procedures for pieces with special services. In addition, check the barcode formatting for the following:

- Horizontal bars above and below the barcode.
- Human-readable numbers below the barcode.
- Depending on the product used, the words "USPS TRACKING #", "USPS SIGNATURE TRACKING #", "USPS CERTIFIED MAIL", or product specific found in Publication 199 based on the service type code.
- For Electronic Verification System, (eVS) or "e-VS" should be included either before or after the service banner text. For example: "eVS USPS TRACKING", "USPS TRACKING eVS", "e-VS USPS TRACKING", and "USPS TRACKING e-VS."

Date and Time of Verification

Date and Time of Mailing (if different from date of verification)

INTERFOR

SPUD SELECT

Fargo INSPECTIONS

Approved by the Board of
City Commissioners
August 22, 2022

Notice of Dangerous Building Hearing - Order to Show Cause

Date: June 16, 2023

Location: 421 15 AVE N, FARGO ND 58102
Property Owner: DAWN M HOVOTNY
Address of Property Owner: 421 15 AVE N, FARGO ND 58102

Inspector: Bill Thompson
Date of Hearing: 6/16/2023

Ordinance 21-0454 of the Fargo Municipal Code states:

The head of city commissioners shall:

A. Upon receipt of a report of the building inspector as provided for in § 21-0454, subsection (1) give written notice to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as stored by the records of the register of deeds of the county of Cass to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the provisions of paragraphs set forth in the building inspector's notice provided for herein in § 21-0454, subsection (E).

B. Hold a hearing and hear such testimony as the building inspector or the owner, mortgagee, lessee or any other person having an interest in said building as shown by the records of the register of deeds of the county of Cass shall offer in relation to the "dangerous building."

A hearing regarding the dangerous building located at Address, Fargo, ND has been scheduled for Monday, August 22, 2022 at 5:30PM. The hearing will take place in the City Commission Chambers, located at 205 4th Street N, Fargo, ND 58102.

Any interested person or party is encouraged to attend.

Done at the City of Fargo, ND, on June 16, 2023.


Bill Thompson
Inspector



6/16/2023 11:13:31 AM




Mailer: City of Fargo

Date Produced: 05/08/2023

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8312 2664 48. Our records indicate that this item was delivered on 05/06/2023 at 01:01 p.m. in FARGO, ND 58102. The scanned image of the recipient information is provided below.

Signature of Recipient :


Dawn Hanley

Address of Recipient :

421 15th
Ave N Fargo ND 58102

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

DAWN M NOVOTNY
421 15TH AVE N
FARGO ND 58102-2739

Customer Reference Number: C4151657.24764339

PROOF OF ACCEPTANCE
(ELECTRONIC)

PRODUCED DATE: 06/17/2023

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:
9214 8901 9403 8319 3437 08

Our records indicate that this item was accepted by the USPS at:
ORIGIN ACCEPTANCE FARGO,ND 58108 06/16/2023

ORIGINAL INTENDED RECIPIENT:
DAWN NOVOTNY
421 15TH AVE N
FARGO ND 58102-2739

**PROOF OF ACCEPTANCE
(ELECTRONIC)**

PRODUCED DATE: 04/26/2023

CITY OF FARGO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8312 2664 48

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE FARGO,ND 58108 04/25/2023

ORIGINAL INTENDED RECIPIENT:

DAWN M NOVOTNY

421 15TH AVE N

FARGO ND 58102-2739







3/23/2023: 2:13:01 PM



3/23/2023: 2:16:26 PM



3/23/2023: 2:15:30 PM





















4/24/2023 10:13:55 AM



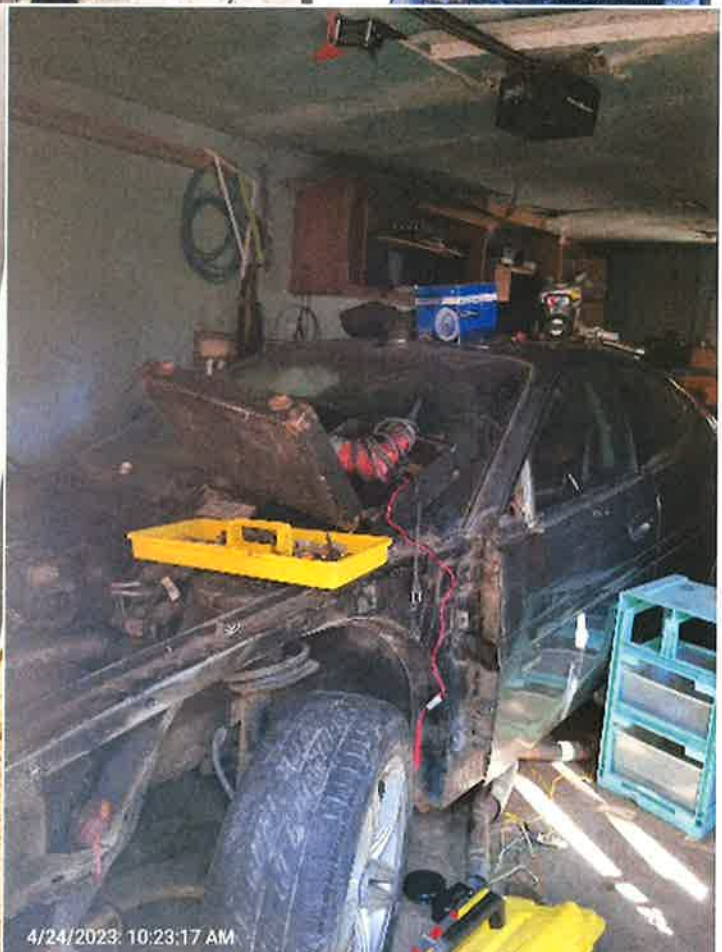
4/24/2023 10:14:50 AM







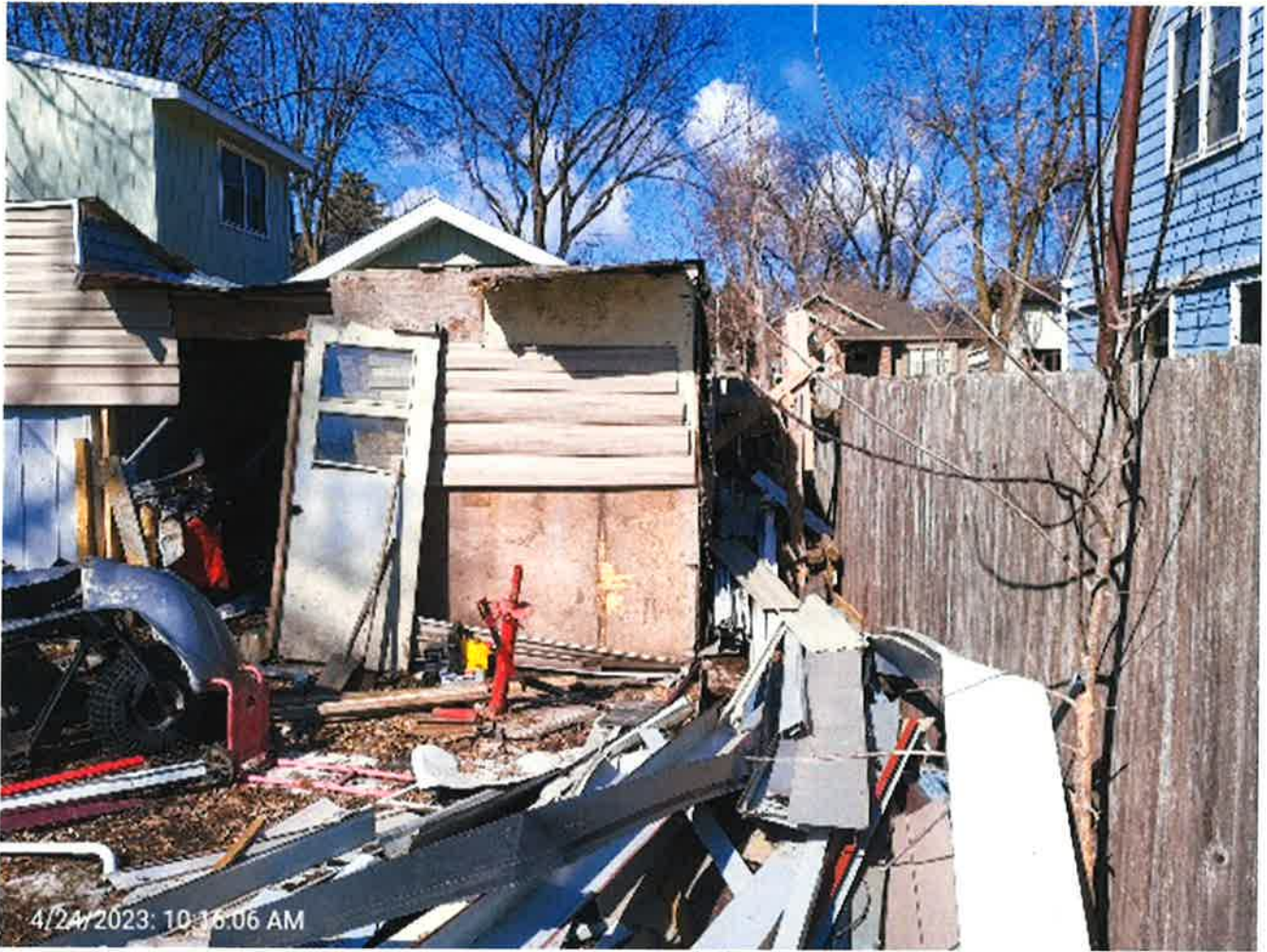


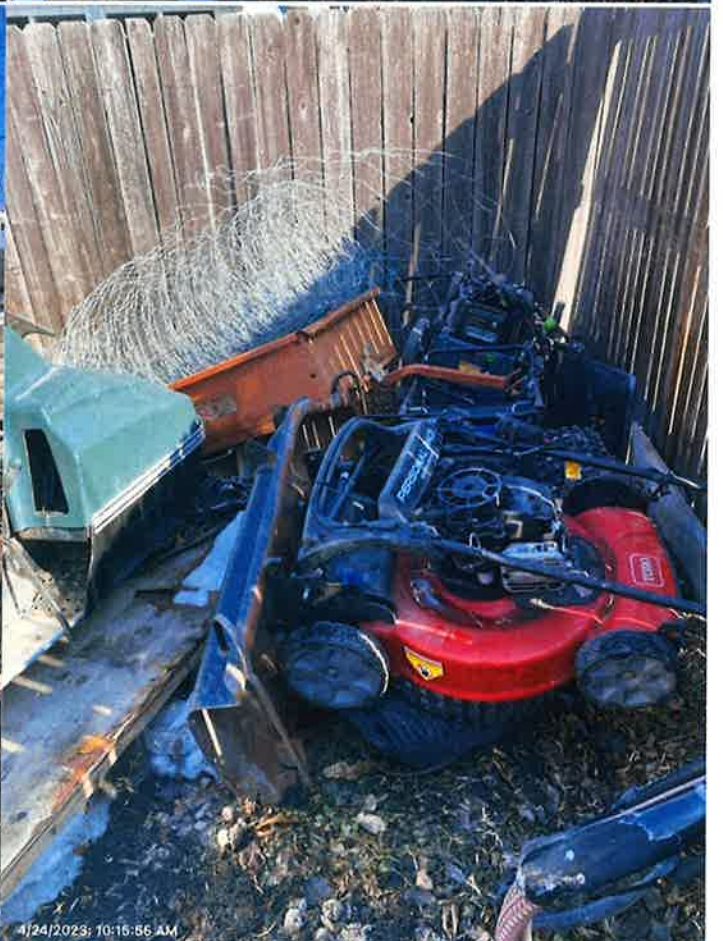
















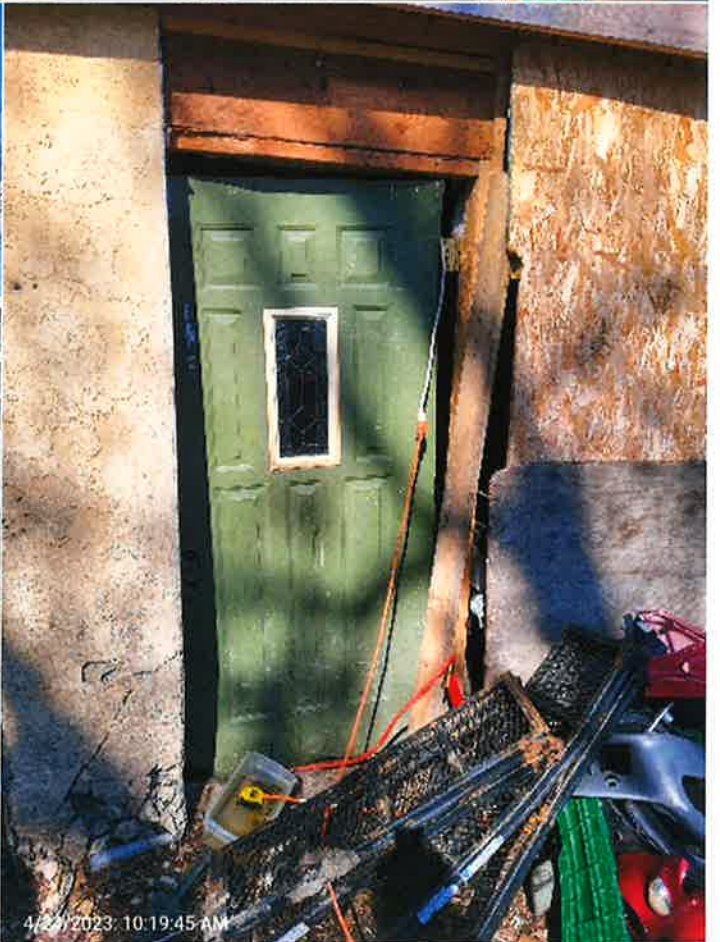
4/24/2023, 10:19:22 AM



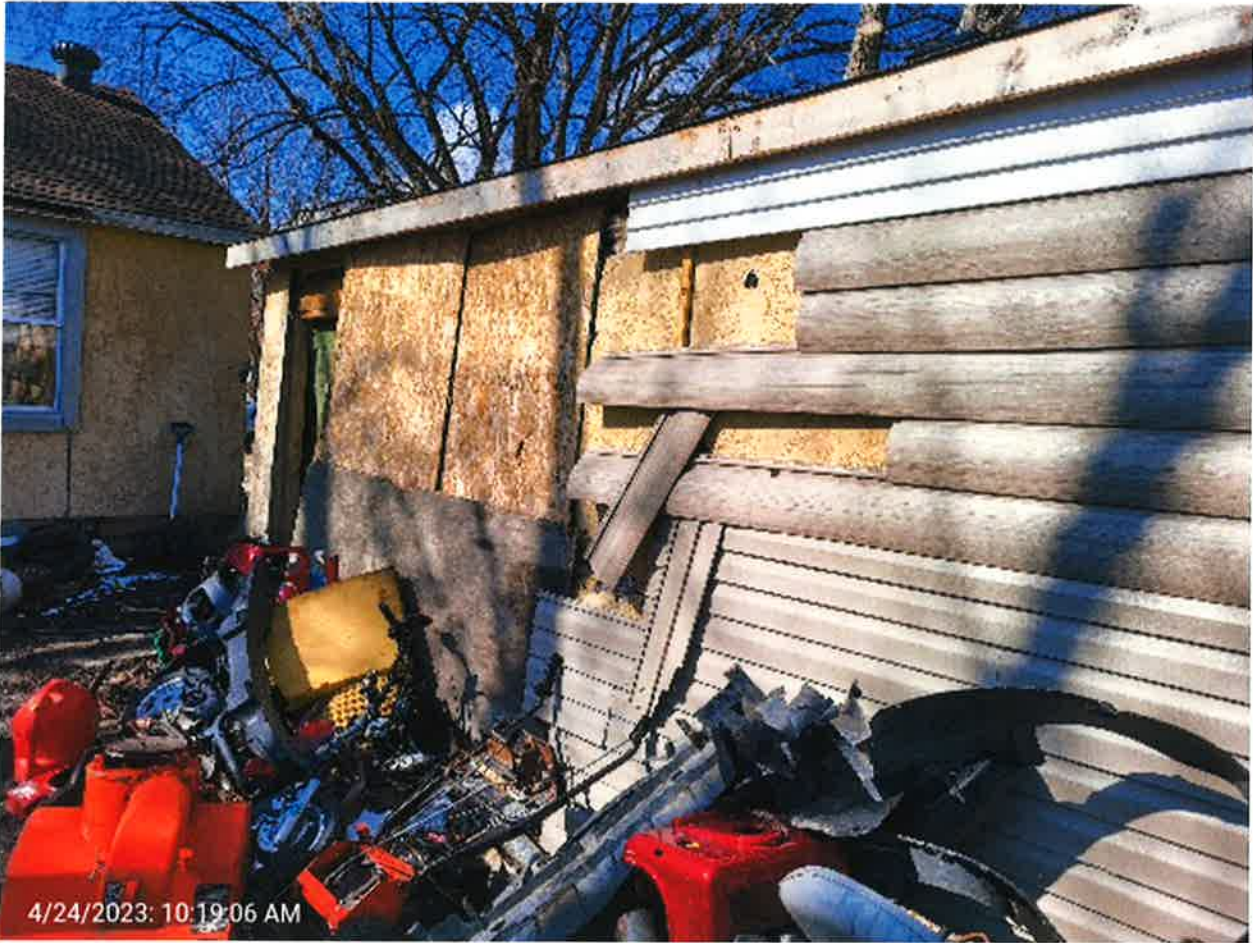
4/24/2023, 10:19:41 AM



4/24/2023, 10:16:08 AM



4/24/2023, 10:19:45 AM





4/24/2023: 10:20:09 AM



4/24/2023: 10:20:32 AM



4/24/2023: 10:16:20 AM



4/24/2023: 10:16:53 AM





DANGER
 This Structure Is Unsafe and Its
 Occupancy Has Been Prohibited by the
 Code Official. It is Unlawful For Any
 Person To Enter Or Occupy This Building
 After 4/25/23
 Any Person Removing This Sign
WILL BE PROSECUTED.
 421 15 Ave N
 Address of Discontinued Building
 Code 1PMC Chapter 1 Section 111
 Date 4/25/23 Refer to FMC Chapter 31-01 + 21-04

Fargo INSPECTIONS
 NOTICE OF DANGEROUS BUILDING
 TO: Code Official
 421 15 Ave N
 1. That the notice is being given to you pursuant to Fargo Municipal Code, Article 21-10 concerning Dangerous Buildings.
 2. That the building with which this notice is concerned is commonly known as 421 15 Ave N and is located at 421 15 Ave N in the City of Fargo, more particularly described as follows: **Major Address Block & Lot 12**
 3. That an inspection was made of the building on April 24, 2023, by Bill Thompson, Building Inspector of the City of Fargo.
 4. That the building is unsafe for the City of Fargo to, based on the building, existing if a significant amount of structural damage appears to be a Dangerous Building within the standards set forth in the Fargo Municipal Code Article 21-10, (Dangerous Buildings) and the International Property Maintenance Code 2021 edition, Section 104 concerning Dangerous Buildings.
 5. This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, removed, or demolished in accordance with the code which has been given the notice, removed, removed, or demolished of the building and all other persons having an interest in said building as shown by the records of the Register of Deeds of the county of Cass, are hereby notified that such notice is hereby given. Section 104.01, Art. 21-10.01
 6. That the owner of the building must demolish and remove the building within 30 days from the date of this notice or unless a permit is issued. To obtain a permit, see Customer Service Department's office.
 7. That the building is unsafe and is a dangerous building in the following respects: One Condition Found Building is Unsafe
 8. The building is unsafe and constitutes a public nuisance pursuant to Fargo Municipal Code, Article 21-10 concerning Dangerous Buildings and the 2021 International Property Maintenance Code as amended by Article 14-2.01 of the Fargo Municipal Code.

4/26/2023: 1:27:08 PM





38

MEMORANDUM

TO: City Commission

FROM: Donald Kress, current planning coordinator

DATE: July 6th, 2023

RE: ANNEXATION OF PROPERTY – Portions of the Southwest Quarter of Section 28; of the Southeast Quarter of Section 29; and of the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota

On May 30th, 2023, the City Commission adopted a resolution to annex approximately 80.40 acres of land within the city's four-mile extra-territorial jurisdiction to enable future development near a gateway to Fargo as well as to help facilitate extension of the City's water distribution system. The proposed annexation area is located in portions of the Southwest Quarter of Section 28; of the Southeast Quarter of Section 29; and of the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota.

The resolution set the date for the sufficiency of protest hearing for the July 10th 2023 City Commission agenda. The purpose of the hearing is to determine if protests to the annexation have been filed. In the absence of protests filed by the owners of more than one-fourth of the territory proposed to be annexed as of the date of adoption of the resolution, the territory described in the resolution becomes a part of the City of Fargo.

Pursuant to annexation statutes (North Dakota Century Code Section 40-51.2), the resolution has been noticed. As of the date of this report, July 6th, 2023, no written protests have been received by the Fargo City Auditor's office. The deadline for submittal of protests is July 7th, 2023. Staff will verify at the July 10th, 2023 sufficiency of protests hearing whether any protests were received by that date and, if necessary, modify the recommendation below.

SUGGESTED MOTION:

To declare that there is insufficient protest to the proposed annexation and, therefore, said land shall become a part of the city in accordance with NDCC §40-51.2-07, and move to direct staff to file and record with the Cass County Recorder a copy of the Resolution of Annexation and an accurate map of the annexed area, certified by the executive officer of the city.

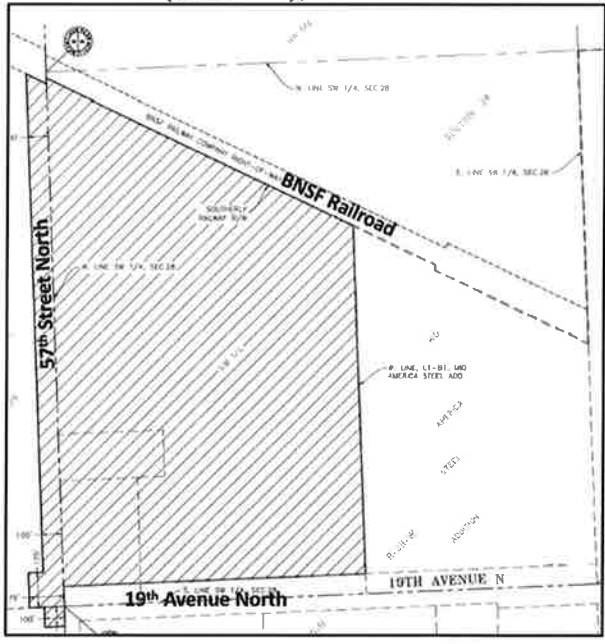
**City of Fargo
Staff Report**

Title:	Annexation of portions of the Southwest Quarter of Section 28; of the Southeast Quarter of Section 29; and of the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota	Date:	7/6/2023
Location:	1744, 2220 and 2101 57 th Street North; 5617 and 5385 19 th Avenue North;	Staff Contact:	Donald Kress, Current Planning Coordinator
Legal Description:	Annexation of portions of the Southwest Quarter of Section 28; of the Southeast Quarter of Section 29; and of the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	City-initiated; see list of owners below	Engineer:	Mead & Hunt for City of Fargo
Entitlements Requested:	Sufficiency of protests hearing for annexation		
Status:	City Commission hearing July 10 th , 2023		

Existing	Proposed
Land Use: Undeveloped; sewer lift station at 57 th Street / 19 th Avenue intersection; residential	Land Use: No change proposed with this annexation.
Zoning: AG: Agricultural: Allows detached houses, parks and open space, safety services, basic utilities, and crop production.	Zoning: No change proposed with this annexation
Maximum Allowable Density: AG allows 1 dwelling unit per 10 acres	Maximum Allowable Density: No change proposed with this annexation.

Proposal






The City of Fargo proposes to annex approximately 80.40 acres of land within the City of Fargo's extra-territorial jurisdiction (ETJ). This ETJ is depicted on Exhibit "A" to the Agreement Regarding Extraterritorial Zoning Jurisdiction and Annexation—City of West Fargo / City of Fargo, which became effective on June 30, 2018 and remains in effect. The graphic below depicts the proposed annexation area. Surrounding roads are 57th Street North (west side), and 19th Avenue North (south side).



Area Plans:

The proposed annexation area is depicted on the North Fargo Tier 1 West map of the 2007 Growth Plan. The area included in the annexation is designated as "Industrial" and "Commercial" on that plan, as shown on the graphic below.



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

Staff Analysis:

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff") and recommended for approval by the Public Works Project Evaluation Committee (PWPEC).

The proposed annexation area is depicted on the North Fargo Tier 1 West map of the 2007 Growth Plan. That plan describes the "Tier 1" designation as the "Intended Growth Sector" for the city of Fargo. The proposed annexation area is adjacent to the current Fargo city limits and along the routes designated for the extension of major arterials—57th Street North and 19th Avenue North—which will provide access and utilities.

Annexation of this area will enable future industrial development near a rail line.

The proposed annexation area is zoned AG, Agricultural.

A proposed subdivision, to be known as Veterans Industrial Park, will cover much of the area of this proposed annexation. There are two residences included in the annexation area, which are the

residences of two of the property owners (the Brands). A City of West Fargo sewer lift station is also included in the annexation area.

OWNERS

The annexation area includes property owned by four different owners:

1. Elwood J. Brand, et. al
2. Bruce P. Brand
3. City of West Fargo
4. KLC Holdings, LLC

PLANNING COMMISSION REVIEW

The Planning Commission is scheduled to review this annexation at their regularly scheduled July 6th, 2023 meeting. Staff will report the Planning Commission's findings at the July 10th, 2023 City Commission hearing.

RESOLUTION OF ANNEXATION

Pursuant to the process described in North Dakota Century Code (NDCC) Section 40-51.2-07, a resolution of annexation, prepared by City staff, was approved by the City Commission on May 30th, 2023. The resolution set the date for the sufficiency of protests hearing for the July 10th, 2023 City Commission agenda. Notice was provided as required by NDCC Section cited above. A copy of the signed resolution is attached.

PROTESTS RECEIVED:

As of the date of this report, July 6th, 2023, no written protests have been received by the Fargo City Auditor's office. The deadline for submittal of protests is July 7th, 2023. Staff will verify at the July 10th, 2023 sufficiency of protests hearing whether any protests were received by that date and, if necessary, modify the recommendation below.

Staff Recommendation:

To declare that there is insufficient protest to the proposed annexation and, therefore, said land shall become a part of the city in accordance with NDCC §40-51.2-07, and move to direct staff to file and record with the Cass County Recorder a copy of the Resolution of Annexation and an accurate map of the annexed area, certified by the executive officer of the city.

Attachments:

1. Location Map
2. Plat of proposed annexation area
3. Resolution of annexation (includes legal description)

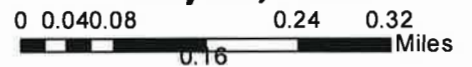
Annexation

5617 and 5385 19th Avenue N;
1744, 2220, and 2101 57th
Street N.

Portions of Sections 28, 29 and 32, T140N R49W



Fargo City Commission
May 30, 2023



RESOLUTION OF ANNEXATION

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF FARGO:

WHEREAS, the City of Fargo, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota, with approximately one hundred twenty-six thousand seven hundred and fifty (126,750) inhabitants; and

WHEREAS, there is contiguous and adjacent to the City of Fargo, a tract or parcel of land hereinafter specifically described, containing approximately 80.40 acres, more or less, which tract or parcel of land is not presently a part of the City of Fargo.

NOW, THEREFORE, BE IT RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that the boundaries of the City of Fargo be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Fargo, Cass County, North Dakota, all the land described as follows:

That part of the Southwest Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence South 02 degrees 18 minutes 20 seconds East, an assumed bearing on the west line of said Southwest Quarter, 29.53 feet to the southerly Railway Right-of-Way line and the point of beginning; thence South 64 degrees 42 minutes 49 seconds East on said Right-of-Way line, 1,703.27 feet to the northwest corner of Lot 1, Block 1 of Mid America Steel Addition to the City of Fargo, on file and of record as Cass County document # 1498167; thence South 02 degrees 23 minutes 10 seconds East on the west line of said Addition, also being a westerly line of the City of Fargo Annexation Plat, on file and of record as Cass County document # 1498070, a distance of 1,732.59 feet to the southwest corner of said Lot 1; thence South 87 degrees 31 minutes 00 seconds West, on a northerly line of said Annexation Plat, being parallel with and 100.00 feet northerly of the south line of said Southwest Quarter, 1,512.00 feet to the west line of said Southwest Quarter; thence North 02 degrees 18 minutes 20 seconds West, on said west line 2,526.18 feet to the point of beginning.

AND,

The East 100.00 feet of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, Lying South of the southerly Railway Right-of-Way line, AND the West 75.00 feet of the East 175.00 feet of the South 175.00 feet thereof.

AND,

The North 100.00 feet of the East 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

All containing 80.40 acres, more or less.

BE IT FURTHER RESOLVED, By the Board of City Commissioners of the City of Fargo, North Dakota, that this Resolution be published in the official newspaper for the City of Fargo once each week for two successive weeks, and a hearing be held on the 10th day of July, 2023, at 5:15 p.m., in the Commission Chambers, City Hall, Fargo, North Dakota.

CERTIFICATE

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF CASS)

I, Timothy J Mahoney, the duly elected, qualified and acting Mayor of the City of Fargo, North Dakota; and


I, Steven Sprague, the duly appointed, qualified, and acting City Auditor of the City of Fargo, North Dakota,

DO HEREBY CERTIFY:

That the foregoing is a full, true, and correct copy of the original Resolution and the whole thereof annexing a tract of land consisting of approximately 80.40 acres, which Resolution was duly adopted by the Board of City Commissioners of the City of Fargo, North Dakota, at the meeting of the Board held May 30th, 2023, at which meeting Commissioners Kolpack Piepkorn Preston Strand and Mahoney were present in person, and none was absent, and Kolpack and Piepkorn voted in favor of the adoption of the Resolution and none voted against the adoption of the Resolution; and

That such Resolution is now a part of the permanent records of the City of Fargo, as filed in the office of the City Auditor.

(SEAL)

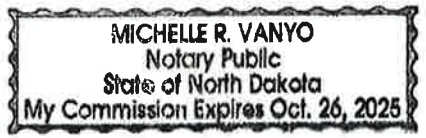



Timothy J. Mahoney, Mayor
City of Fargo, North Dakota

ATTEST:


Steven Sprague, City Auditor

On this 30 day of May, 2023 before me, Michelle R Vango, a Notary Public in and for Cass County in the State of North Dakota, personally appeared TIMOTHY J. MAHONEY, known to me to be the Mayor of the Board of City Commissioners and STEVEN SPRAGUE, known to me to be the City Auditor of the City of Fargo, a municipal corporation under the laws of the State of North Dakota, and they acknowledged to me that they executed the foregoing instrument.





Notary Public
Cass County, North Dakota
My Commission Expires: _____

(39)

City of Fargo Staff Report			
Title:	Veterans Industrial Park Addition	Date:	4/27/2023
		Update:	7/6/2023
Location:	5385 19th Avenue North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the Southwest 1/4 of Section 28, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Elwood J. Brand / Jon Youness, EagleRidge Development	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (Plat of Veterans Industrial Park Addition , a plat of a Portion of the Southwest 1/4 of Section 28, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), and a Zoning Change (from AG, Agricultural to LI, Limited Industrial)		
Status:	City Commission Public Hearing: July 10th, 2023		
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 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	
Maximum Density Allowed (Residential): AG allows 1 dwelling unit per 10 acres.		Maximum Lot Coverage Allowed: 85%	
Proposal:			
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Veterans Industrial Park Addition, a plat of a Portion of the Southwest 1/4 of Section 28, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota 2. A zoning change from AG, Agricultural to LI, Limited Industrial. <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: (across railroad) AG, Agricultural; undeveloped • East: GI, General Industrial; Mid-America Steel • South: P/I, Public / Institutional; North Dakota Horse Park • West: (across 57th Street North) AG; undeveloped; in Fargo's four-mile extra-territorial jurisdiction. 			
(continued on next page)			

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 property on the corner of 19th Avenue and 57th Street North, currently a farmstead, may redevelop as a commercial property in the future, though there are no plans to do so at this time.



Proposed Land Uses	
Yellow	Residential Area - lower to medium density
Orange	Residential Area - medium to high density
Red	Residential Area - rural
Red	Commercial Area
Brown	Industrial Area
Green	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 10 lots in three blocks. The lots in Blocks 1 and 2 are intended for industrial development. The single lot in Block 3 is intended for an off-premise advertising sign, either owned by the sign company or by the developer, who will be responsible for the maintenance of the lot.

All 10 lots are proposed to be zoned LI, Limited Industrial, which will accommodate the proposed industrial development and signage.

ACCESS: The subdivision will take access from 19th Avenue North by way of 53rd 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.

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 east to continue. The existing farmstead precludes additional east/west and north/south access. The applicant is limited to one access point on 19th Avenue North, which will be 53rd Street as shown on the plat, and one access point on 57th Street, which will be 23rd Avenue as shown on the plat.

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

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 57th Street North. This development agreement will go to the City Commission separately and is not included in this packet.

NOTE ON CONTINGENT APPROVAL

The suggested motion below states that approval is contingent on two things:

1. Final technical review of the plat, including the City Engineer's signature; and
2. City Commission approval of the developer's agreement.

The contingent motion below allows the City Commission to approve the plat at this time. Once the final technical review is complete and the City Engineer has signed the plat, and the City Commission has approved the developer's agreement, then the City can then proceed with recording the plat, if approval is received as referenced below. Please note that all future permits, such as building permits, are on hold until the plat can be recorded.

CONCURRENT ANNEXATION

The subject property is currently in Fargo's four-mile extra-territorial jurisdiction, and is included in a pending City-initiated annexation. The annexation is going through the review and approval process concurrently with this subdivision and zone change. The property will not be developed until the annexation is complete. This annexation will be scheduled on the July 10th, 2023 City Commission agenda before this project.

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, 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 "industrial" land use designation of the 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 and responded to one inquiry. **(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. As noted in the zone change findings above, this zone is 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 was reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the 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 the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed 1) Zoning Change from AG, Agricultural to LI, Limited Industrial, and 2) a plat of the **Veterans Industrial Park Addition**, contingent on final technical review of the plat, including the City Engineer's signature; and City Commission approval of the developer's agreement, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0907.C, and 2907.D.3 (a-c), of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: May 2nd, 2023

At the May 2nd, 2023 Planning Commission hearing, by a vote of 7-0 with two Commissioners absent and two Commission seats vacant, that Commission moved to recommend approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to LI, Limited Industrial, and 2) a plat of the **Veterans Industrial Park Addition**, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0907.C, and 2907.D.3 (a-c), of the LDC and all other applicable requirements of the LDC.

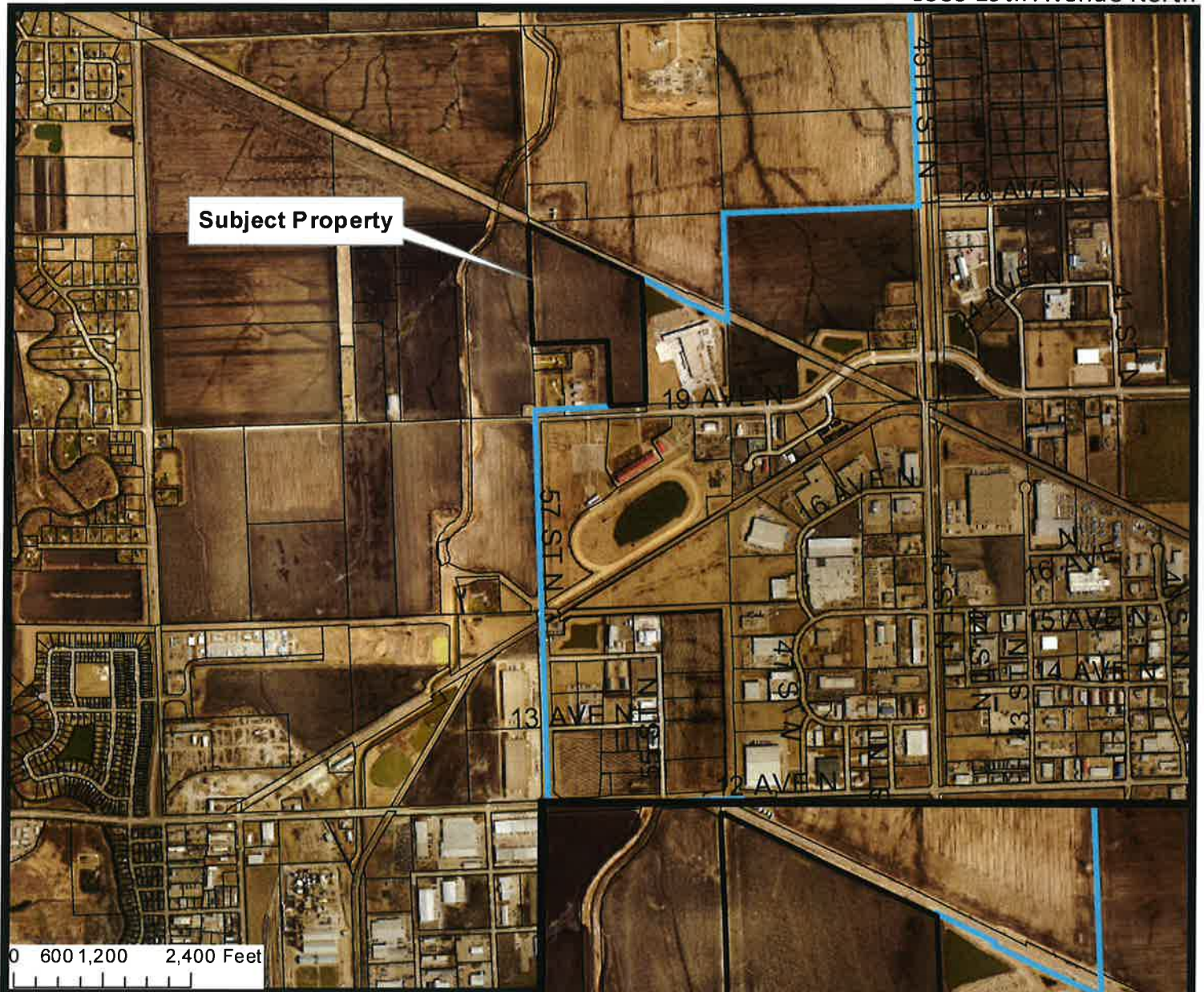
Attachments:

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

Major Subdivision & Zone Change from AG, Agricultural to LI, Limited Industrial

Veterans Industrial Park Subdivision

5385 19th Avenue North



Legend

 City Limits

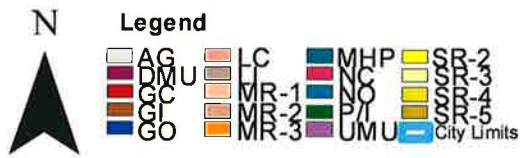
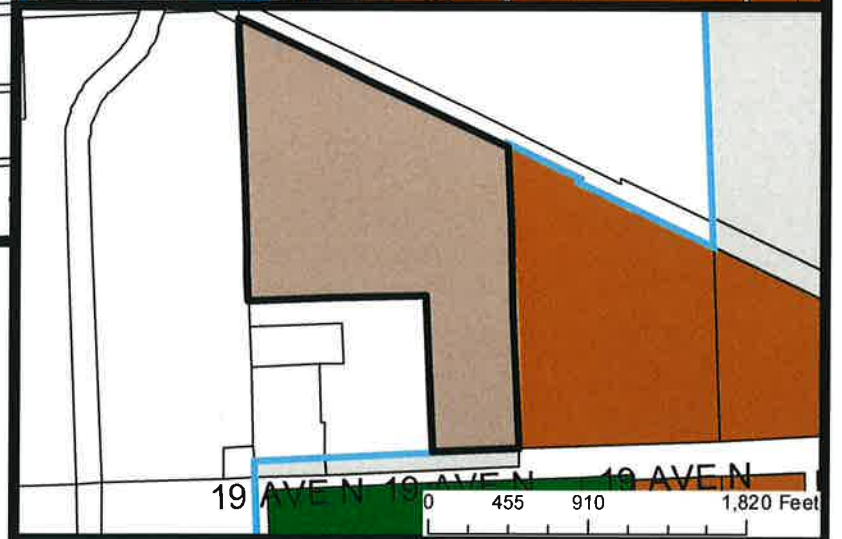
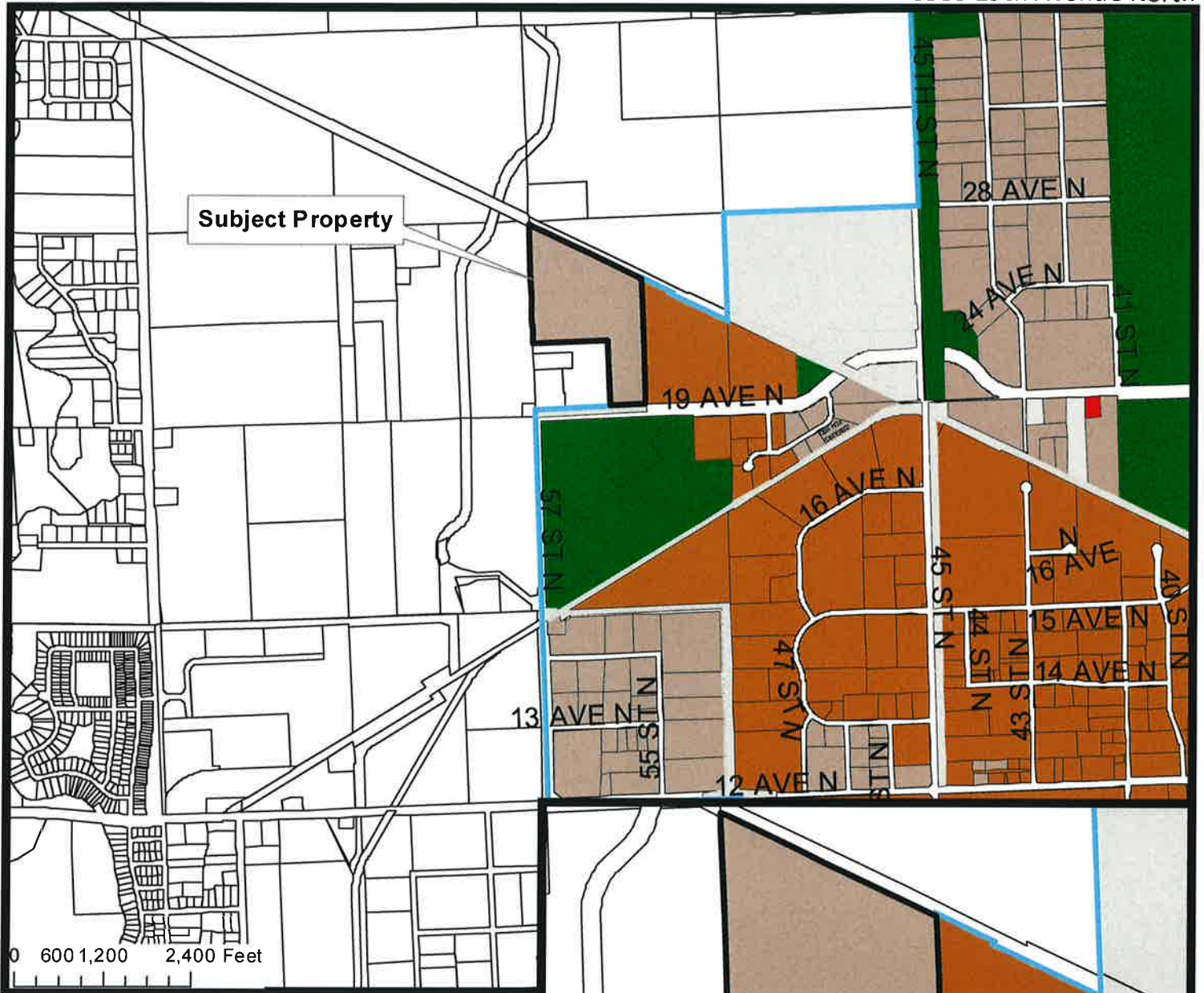


Fargo Planning Commission
May 2, 2023

Major Subdivision & Zone Change from AG, Agricultural to LI, Limited Industrial

Veterans Industrial Park Subdivision

5385 19th Avenue North



ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

ANNEXATION PLAT OF:

That part of the Southwest Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota described as follows:

Commencing at the northeast corner of said Southwest Quarter, thence South 02 degrees 18 minutes 20 seconds East, an assumed bearing on the west line of said Southwest Quarter, 25.53 feet to the southerly Railway Right-of-Way line and the point of beginning, thence South 64 degrees 42 minutes 49 seconds East, 173.27 feet to the northeast corner of Lot 1, Block 1 of Map of 164th Street, thence South 02 degrees 25 minutes 10 seconds East on the west line of said Addition, also being a warranty line of the City of Fargo Annexation Plat, on file and of record as document # 149870, a distance of 1,732.59 feet to the southwest corner of said Southwest Quarter, thence South 02 degrees 18 minutes 20 seconds West, on a northerly line of said Annexation Plat, being capable with and 100.00 feet northerly of the south line of said Southwest Quarter, 1,512.00 feet to the west line of said Southwest Quarter, thence North 02 degrees 18 minutes 20 seconds West, on said west line 2,535.18 feet to the point of beginning.

AND:

The East 100.00 feet of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, lying South of the southerly Railway Right-of-Way line, AND the West 75.00 feet of the East 175.00 feet of the South 175.00 feet thereof.

AND:

The North 100.00 feet of the East 100.00 feet of the Northeast Quarter of Section 24, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota.

All containing 80.40 acres, more or less.

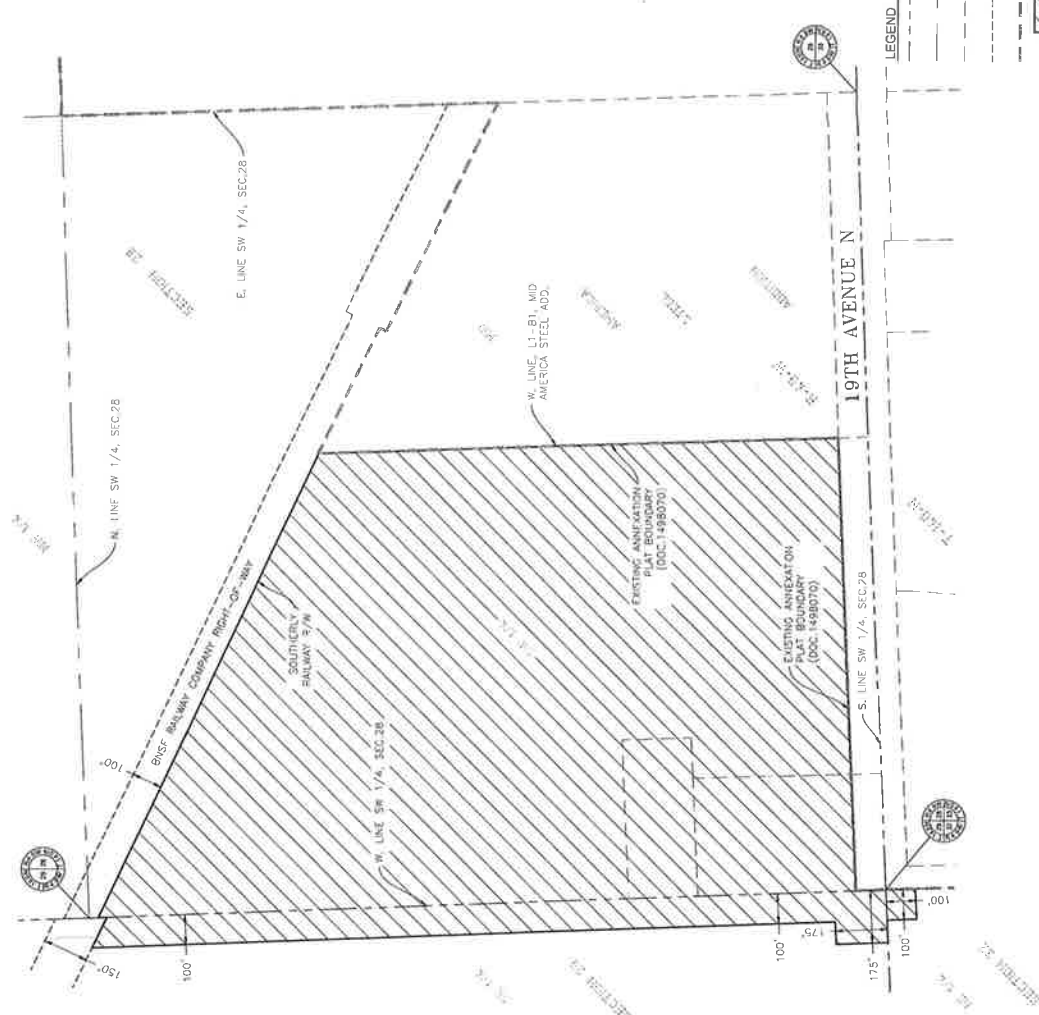
SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT
I, Jason Ness, Professional Land Surveyor, under the laws of the State of North Dakota, do hereby certify that this plat is true and correct representation of the land annexed, that said plat shows the City of Fargo Corporate limits contiguous to the annexed property.

Dated this _____ day of _____, 20__.

Jason Ness, PLS
Professional Land Surveyor
Registration No. LS 4984
State of North Dakota }
County of Cass } SS

On this _____ day of _____, 20__ appeared before me, Jason Ness, 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, Cass County, North Dakota



CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL
Approved by the City Engineer this _____ day of _____, 20__.

Beverly E. Dierig, P.E.
City Engineer

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 20__ before me, a notary public in and for said county, personally appeared _____, known to me to be the person described in and who executed the above free act and deed.

Notary Public, Cass County, North Dakota

FARGO CITY COMMISSION APPROVAL
Approved by the Board of Commissioners and adopted filed this _____ day of _____, 20__.

Timothy J. Mahoney
Mayor

Attest
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

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

Notary Public, Cass County, North Dakota

Mead & Hunt
meadhunt.com
Phone: 701.586.6450

PROJECT NO: 198-01
BASIS OF READING: CITY OF FARGO
GROUND COORDINATE SYSTEM, DEC. 1882
SHEET 1 OF 1

VETERANS INDUSTRIAL PARK ADDITION

A PLAT OF PART OF THE SOUTHWEST QUARTER SECTION 28, TOWNSHIP 140 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNERS CERTIFICATE

KNOWN ALL PERSONS BY THESE PRESENTS, That **ELWOOD J. BRAND and BRUCE BRAND** are the owners of a parcel of land located in that part of the Southwest Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence South 02 degrees 18 minutes 30 seconds East an assumed bearing, on the west line of said Southwest Quarter, 25 53 feet to the southerly Railway Right-of-Way line and the point of beginning; thence South 54 degrees 42 minutes 48 seconds East on said Right-of-Way line, 1,703.27 feet to the northwest corner of Lot 1, Block 1 of Mid-America Stock Addition to the City of Fargo, on file and of record as Cass County Plat No. 6971, containing 20 acres, 23 minutes 00 seconds East on the west line of said Addition, 1,832.59 feet to the southwest corner of said Addition; thence South 87 degrees 41 minutes 00 seconds West, 1,010.29 feet to said west line; thence South 02 degrees 18 minutes 30 seconds West on said west line, 1,053.67 feet to the point of beginning.

Containing .55 4/9 acres, more or less.

Said owners of the above described property have caused this plat to be surveyed and platted as "VETERANS INDUSTRIAL PARK ADDITION" and does hereby declare to the public to whom all roads, avenues and utility easements shown on this plat, except those easements as shown hereon as "Easement".

OWNER
ELWOOD J. BRAND
and
BRUCE BRAND
UNDIVIDED 1/2 INTEREST

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 20____, appeared before me, **ELWOOD JAY BRAND**, 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 and lawful deed.

Notary Public

OWNER
BRUCE BRAND
UNDIVIDED 1/2 INTEREST

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 20____, appeared before me, **BRUCE BRAND**, 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, hereby certify that this plat is a true and correct representation of the survey of said addition as shown on the above certificate and that the same was made for the purpose of future surveys have been located or platted in the ground as shown.

Dated this _____ day of _____, 20____.

Jason Ness, P.L.S.)) Surveyor
Registration No. LS-6864) SS
State of North Dakota)

On this _____ day of _____, 20____, appeared before me, **Jason Ness**, 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 Schweiser
Planning Commission Chair
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 Schweiser**, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public

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

Timothy J. Mahoney) Mayor
Alicia))
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____.

Brenda E. Dering, 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 **Brenda E. Dering, P.E., City Engineer**, known to me to be the person described in and who executed the same as a free act and deed.

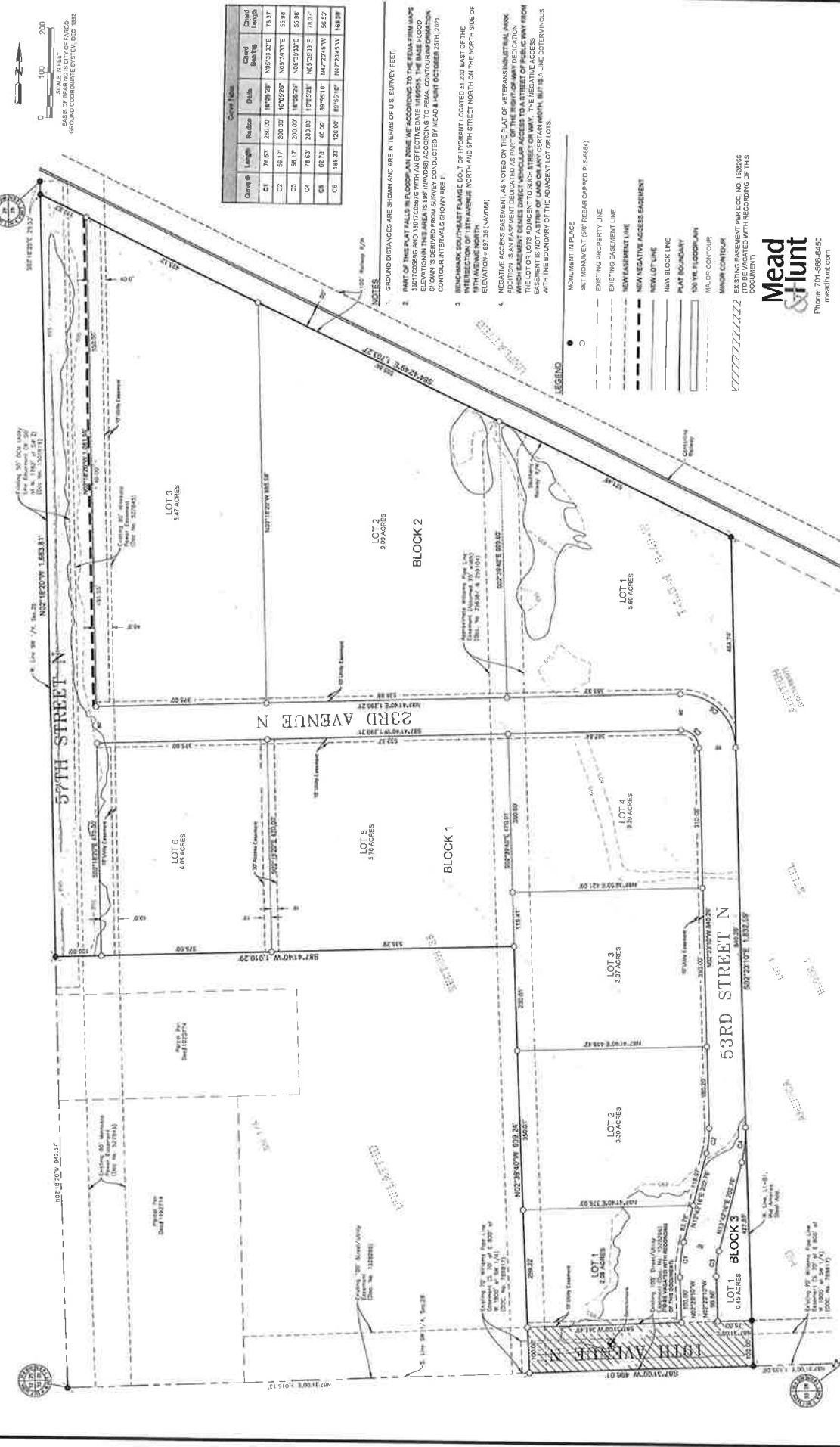
Notary Public

Mead & Hunt

Phone: 701-568-6450
meadhunt.com
PROJECT NO.
6552200-21389-01
SHEET 1 OF 2

VETERANS INDUSTRIAL PARK ADDITION

A PLAT OF PART OF THE SOUTHWEST QUARTER SECTION 2B, TOWNSHIP 140 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



Chain No.	Length	Radius	Chord Bearing	Chord Length
C1	78.63	260.00	N05°09'28"	78.37
C2	95.17	200.00	N05°09'28"	55.88
C3	95.17	200.00	N05°09'28"	55.88
C4	78.63	260.00	N05°09'28"	78.37
C5	62.78	40.00	S89°50'10"	56.53
C6	188.53	120.00	S89°50'10"	188.39

NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
- PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE AS ACCORDING TO THE FEMA FIRM MAPS 140170880C AND 140170880C WITH AN EFFECTIVE DATE THROUGH THE BASE FLOOD ELEVATION BEING 897.5 (NAVD83) ACCORDING TO FEMA. CONTAINING INFORMATION SHOWN ON THESE MAPS IS NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY. CONTOUR INTERVALS SHOWN ARE 1'.
- MONUMENTS FOR PLAT C1 ARE 1" OF PYROCLASTIC LOCATED 41.200 EAST OF THE INTERSECTION OF 19TH AVENUE NORTH AND 33RD STREET NORTH ON THE NORTH SIDE OF THE 19TH AVENUE NORTH. ELEVATION = 897.35 (NAVD83).
- NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF VETERANS INDUSTRIAL PARK ADDITION IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION. THE LOT OR LOT ADJACENT TO EACH ADJACENT ACCESS TO A STREET OR PUBLIC WAY FROM AN EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COINCIDENT WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (SIF REBAR CAPPED 4LS-484)
 - EXISTING PROPERTY LINE
 - EXISTING EASEMENT LINE
 - NEW EASEMENT LINE
 - NEW EASEMENT LINE
 - NEW NEGATIVE ACCESS EASEMENT
 - NEW LOT LINE
 - NEW BLOCK LINE
 - PLAT BOUNDARY
 - 100 YR. FLOODPLAIN
 - MAJOR CONTOUR
 - MINOR CONTOUR

Mead & Hunt
 Phone: 701-666-6450
 meadhunt.com
 PROJECT NO. 4650200-212398-01
 SHEET 2 OF 2

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

396

ORDINANCE NO. _____

1 AN ORDINANCE REZONING A CERTAIN PARCEL
2 OF LAND LYING IN VETERANS INDUSTRIAL PARK ADDITION
3 TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
5 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
6 parcels of land lying in the proposed Veterans Industrial Park Addition to the City of Fargo, Cass
7 County, North Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning
9 request on May 2, 2023; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on July 10,
11 2023,

12 NOW, THEREFORE,

13 Be It Ordained by the Board of City Commissioners of the City of Fargo:

14 Section 1. The following described property:

15 All of Veterans Industrial Park Addition to the City of Fargo, Cass County, North
16 Dakota;

17 is hereby rezoned from "AG", Agricultural, District to "L/I", Limited Industrial, District.

18 Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his
19 office so as to conform with and carry out the provisions of this ordinance.
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23

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

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Dr. Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

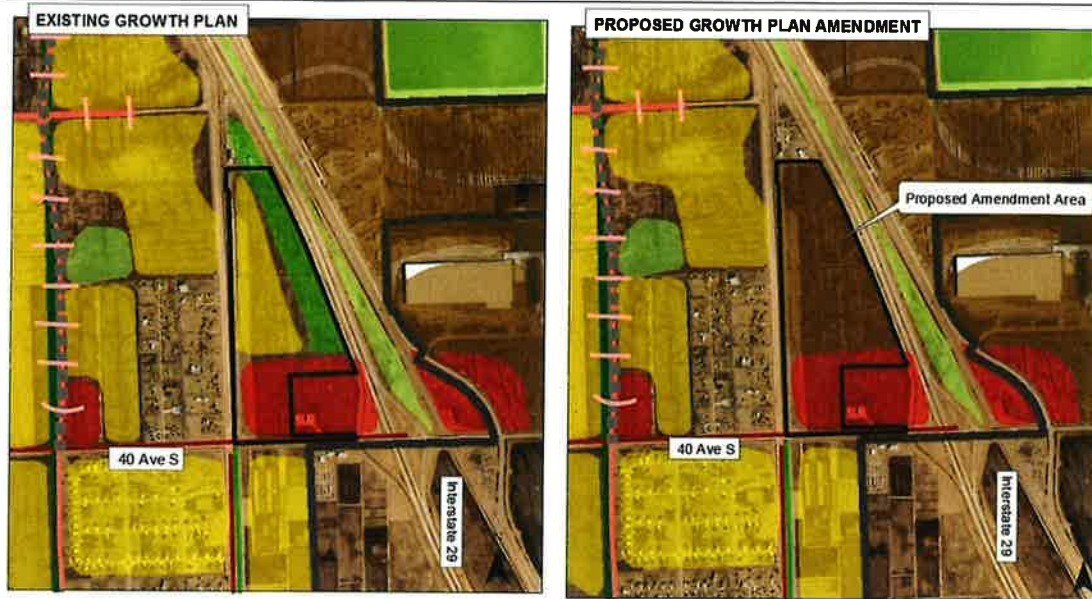
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

40

City of Fargo Staff Report			
Title:	Interstate Business District Addition	Date: Update:	4/27/2023 6/1/2023 7/6/2023
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:	City Commission Public Hearing: July 10 th , 2023		
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 prohibit concrete crushing. 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 maximum
Proposal:	
<p><i>NOTE TO CITY COMMISSION: This project has evolved since it first went to Planning Commission on May 2nd, 2023. At that hearing, following the presentation by staff and testimony by the applicant and neighboring residents to the project site, the Commission moved to continue the hearing to the June 6th, 2023 Planning Commission agenda. The project was revised prior to that hearing. At that hearing, the Planning Commission recommended denial. Since the June 6th hearing, the project has again been revised. The hearing testimony and public comment are summarized below.</i></p> <p><i>The attached subdivision plat, zoning diagram, and conditional overlays apply to the currently proposed version of project, which is summarized under "REVISED PLAN—FOR JULY 10th, 2023 CITY COMMISSION HEARING " on page 11 of this staff report.</i></p> <p>The applicant requests three entitlements:</p> <ol style="list-style-type: none"> 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 <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: 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 AND ZONING CHANGE

The subdivision plat creates 15 lots in one block, zoned as shown in the chart below. The applicant has now proposed that the zoning on the lots on the west side of the property be GC, General Commercial instead of LI, Limited Industrial zoning. (see "Revised Plan from Developer" below):

Lot Numbers	Zoning	Note
1	GC, General Commercial with C-O, conditional overlay	This C-O prohibits certain uses and off-premise signage
2	P/I, Public/Institutional	Will be acquired by City of Fargo as a stormwater detention basin
3 through 7	GC, General Commercial with C-O, conditional overlay	This C-O requires buffering and prohibits certain uses and off-premise signage
8	P/I, Public/Institutional	Will be dedicated to SE Cass Water Resources District
9 through 15	LI, Limited Industrial with C-O, conditional overlay	This C-O mainly relates to off-premise advertising; also prohibits some uses

CONDITIONAL OVERLAYS

Both the LI and GC zones are proposed to have conditional overlays (C-O's). These C-O's provide 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's is below; the draft C-O's are attached. Approval of these C-O's is part of the overall approval for the zoning for this project.

- C-O for LI, LOTS 9-15: 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: Prohibits certain uses that would otherwise be allowed by right in the GC zone; prohibits off-premise signage; requires buffering.

ACCESS AND UTILITIES

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 by a 92.25 foot wide lot, 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.

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. The applicant is working to create an agreement between his company, 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. City staff will review this agreement prior to the City Commission hearing on this project. The City will not be a party to this agreement.

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 property owners. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport. With this agreement, 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. Approval of the proximity agreement is included in the overall approval motion below. A copy of the draft agreement is attached.

GROWTH PLAN AMENDMENT

In order to allow the proposed LI, Limited Industrial 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.

NEIGHBORHOOD MEETING AND NEIGHBORHOOD COMMENT LETTERS PRIOR TO MAY 2nd 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, April 20th, 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. There were nine attendees at this meeting. All but one were residents of Reile's Acres ETJ, which is west across 45th Street North from the subject property. One was a property owner adjacent to the north of the subject property. The applicant and three members of his development team also attended. The meeting was managed by Planning Department staff.

Following that meeting, Planning staff received 10 letters and e-mails from the nearby residential property owners. Copies of these letters and e-mails are attached. Note that several of these letters are similar and have multiple signatures from over 30 property owners in the nearby area.

The neighborhood residents had several comments on the proposed development, including:

- The change from the current least intense land use designations (low density residential and park) to the most intense land use designation (industrial) seems a drastic change.
- Industrial uses will create dust, light, and noise pollution. Particularly, residents are concerned with the concrete crushing operation that the applicant proposes to operate seasonally on the west side of the subdivision.
- Sufficient buffering must be provided on industrial lots that face the residences on the west side of 45th Street North.
- Traffic and safety—this subdivision will bring additional traffic, including heavy truck traffic, to 40th Avenue North. Additionally, due to the configuration of 44th Street, traffic will have access to 45th Street which could increase the traffic load on that road, which is currently a rural gravel road.
- Resale value of these residential properties will be negatively affected.

ACTION AT THE MAY 2nd, 2023 PLANNING COMMISSION HEARING

At the May 2nd, 2023 Planning Commission hearing, staff presented the project and stated the recommendation for approval.

COMMISSIONER QUESTIONS TO STAFF

In response to Commissioner questions, staff clarified that:

- The area depicted on the 2007 Growth Plan as a "proposed park" was actually intended for a wind tower project that never went forward.
- Fargo's and Reile's Acres ETJ's do not overlap. There is an agreement from 2016 that defines the extent of each city's ETJ and each city's responsibilities in relation to the ETJ.
- ETJ does not automatically extend with annexation, so the recent annexation of the area including the subject property did not extend Fargo's ETJ.
- Staff was not aware of any location in Fargo where new Limited Industrial-zoned development was approved adjacent to existing residential development, though an area of the Rocking Horse area along 51st Street South has several General Commercial-zoned properties with conditional use permits for industrial uses that are near existing residential zones.

- There will be no levee on the west side of the subdivision
- All lots will take access from 44th Street North; there will be no direct access to the lots from 40th Avenue North or 45th Street North.

APPLICANT'S TESTIMONY

Applicant Trent Duda described his project to the Commission. In response to Commissioner questions, the applicant clarified that:

- After purchasing the subject property, he had originally approached Reile's Acres about annexing the property. Though Reile's Acres at the time supported his proposed development, and sent him a letter stating so, Reile's Acres was not able to annex this property as it was in Fargo's ETJ at the time (it has since been annexed into Fargo city limits). Reile's Acres' request to the City of Fargo to change the boundaries of the ETJ was turned down.
- Fire code requires two access points for a project this size, which is why 44th Street within the project connects to both 40th Avenue and 45th Street. The originally proposed cul-de-sac was not allowed by the City.
- He did not propose zoning the west side of the subdivision to GC, General Commercial rather than LI, Limited Industrial as he felt the site design standards and limitations on uses in the GC did not fit what he had planned for this subdivision.
- He intends to sell most of the lots; he will keep a few on the east side for his excavation business.

PRESENTATION BY CASS COUNTY ENGINEER

At the invitation of the City, Cass County Engineer Jason Benson testified regarding traffic and future development of roads near the subject property. He noted:

- The area near the subject property is a high-traffic, high-growth area.
- Access control requirements restrict the subdivision to one access off of 40th Avenue, which will be 44th Street.
- The applicant will be required to install a turn lane and a bypass lane at the intersection of 40th Avenue and 44th Street
- The 40th Avenue / Interstate 29 interchange will be rebuilt by the North Dakota Department of Transportation within the next few years. To make any modifications to the road system west of this interchange without knowing what that interchange will look like would be short-sighted.

NEIGHBORS' TESTIMONY

Several neighbors to the subject property, who live in Reile's Acres ETJ, testified in opposition to the project. The major points and concerns included:

- The residents of Reile's Acres ETJ refer to their area as Prairie Estates, which comprises 20 landowners with lots from two to five acres in area.
- Benefits of living in the ETJ are that property owners can have horses, there is a rural aspect to life there, and yet it is close to the city of Fargo.
- The proposed project provides no benefit to these residents.
- When deciding on this project, the Planning Commission should consider the best interest of the surrounding communities.
- Any business allowed in the LI zone could be developed on the lots in the subdivision [a few uses are prohibited by the conditional overlay].
- The proposed concrete crushing operation could run more than the two to three weeks a year that the applicant has stated it would.
- The negative effects of the concrete crusher are noise, dust, and piles of concrete rubble to look at rather than a view of an open field.
- Even though buffering in the form of a berm and trees is proposed, this buffering will not stop noise and dust, and the trees will take some time to reach a mature size to be effective visual buffers.
- The increase traffic created by this subdivision will add to what the residents feel is already hazardous traffic in this area.
- There is no way to stop trucks entering this subdivision from using the gravel 45th Street in front of these residents' homes as a way out of the subdivision to get back to 40th Avenue.
- The resale value of these residential properties could decrease by as much as 25%.
- Fargo is not short of industrial-zoned property; why does the subject property have to be zoned industrial?

- Could the connection between 44th Street and 45th Street be limited to cars only—no trucks?
- Will the industrial zoning eventually wrap around to Fargo's ETJ on the north side of Reile's Acres ETJ? This area is currently designated on the 2007 Growth Plan as residential, the same as the subject property.
- The width of 45th Street and Drain 40, coupled with an additional 20 foot buffer, is really not that great a distance separating residential from industrial uses.
- Concern for the wildlife that inhabit or come to the subject property.

FURTHER DISCUSSION BY COMMISSION

Following the testimony, the Commissioners had further discussion, during which Commissioners had the following comments:

- Can the conditional overlay restrict uses in such a way that it would work for both the developer and the neighbors?
- Would concerns about the traffic be the same if the proposed development were residential?
- Support of the approval criteria seems "pretty flimsy."
- It is the responsibility of the landowner to develop the property in the best possible manner for the neighboring community.
- This area is an entrance to Fargo.
- The Commission needs to set a precedent that they listen to the residents (in the area near proposed development).

MOTION TO CONTINUE THE HEARING

Following the discussion, the Commission moved to continue the project to the June 6th, 2023 Planning Commission agenda, and directed that a better plan for traffic on 45th Street be developed and the concerns of the neighbors be addressed.

ACTION AFTER THE MAY 2nd, 2023 PLANNING COMMISSION HEARING

After the May 2nd, 2023 Planning Commission hearing, Planning staff has held another community meeting and received a revised plan from the applicant and other documents as noted below.

DISCUSSION AT THE MAY 18th, 2023 COMMUNITY MEETING

Following the direction of the Planning Commission at the May 2nd hearing, Planning Department staff scheduled a community meeting for Thursday, May 18th, 2023. Notice of the meeting was sent out to all property owners within a 300-foot radius of the subject property, plus all those who had sent in comments for the May 2nd Planning Commission. Attendees included the developer and his team, two members of the Reile's Acres city council, residents of Reile's Acres and Reile's Acres ETJ, three Fargo Planning Commissioners, and Planning Department staff.

The residents expressed the following concerns:

- Concrete Crusher:
 - Noise is constant. Even if operating hours are limited to daytime hours, many neighbors work from home so the noise would be disruptive.
 - Even with the sprinkler dust control measures on the actual crusher operation, there will always be dust from the piles of concrete rubble. Some of this dust may be toxic.
 - Piles of rubble do not make an attractive entrance to the city. Have visual buffering on the Interstate 29 (east) side of the subdivision to block the view of the rubble piles.

There was discussion of relocating the concrete crusher further to the north on the subject property, out of a direct line from the Reile's Acres ETJ residences.

- Traffic
 - Can 44th Street be gated where it connects to 45th Street so that access from 45th Street is limited to emergency vehicles?
 - Will the increased traffic on 45th Street mean that 45th Street would be improved---paved---soon? If so, who pays for those improvements?
 - General comments about the adverse effects of increased traffic. Two recent fatalities on 40th Avenue North were noted.

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- Property Resale Value
 - Resale value of the residential properties will be considerably less if this development is approved.
- Uses
 - Discussion of the uses allowed in the GC, General Commercial and LI, Limited Industrial zones.
 - Residents don't know what they'll get in terms of uses in this development.
- City-owned detention basin
 - What will this look like?
 - Will it be aerated to prevent it from becoming a mosquito habitat?
- Growth Plan
 - Questions on the validity of the 2007 Growth Plan, now 16 years old.
 - Discussion of the current residential land use designation.
 - Discussion of whether the industrial land use designation would carry over to the west side of 45th Street, on the north side of Reile's Acres ETJ.
- City of Reile's Acres position on the proposed development
 - The City of Reile's Acres has changed its position from generally supporting this development to opposing it. (See "City of Reile's Acres Position on the Proposed Development" below.)

REVISED PLAN FROM DEVELOPER

Subsequent to the May 18th, 2023 community meeting, the applicant submitted a revised proposal based on comments at the Planning Commission hearing and the community meeting. The applicant now proposes:

Lots 3 through 7, Block 1, will be zoned GC, General Commercial. The conditional overlay for these lots would require:

- a 3 foot high berm 25 feet wide at the bottom. 4 feet wide at the top along the west side of the GC area
- a 6 foot high chain link fence with privacy slats for Lots 3, 4, and 5, Block 1 and to only place trees on the west side of the fence to be installed at the time of development and paid for by the property owner.

The lots on the east side of the subdivision will remain zoned LI, Limited Industrial, as originally proposed. The draft conditional overlay (attached) has been updated to include these changes. A copy of an e-mail from the developer explaining these changes and a revised proposed zoning map are also attached.

This plan was forwarded to the residents' representative on May 26th, 2023.

RESIDENTS' RESPONSE TO THE REVISED PROPOSAL

Planning staff received a comment letter from the Reile's Acres ETJ residents dated May 29th, 2023 regarding their response to the revised proposal. A copy of that letter is attached. General points in that letter are:

- LI, Limited Industrial zoning on the lots on the east side of the subdivision could still bring in land uses and businesses that do not fit into the community
- The concrete crushing operation has numerous negative effects, including environmental health effects.
- Decreased resale value of the residents' homes due to the commercial/industrial nature of the proposed subdivision.
- Negative effects of significant additional truck traffic.

The letter provides additional details.

ADDITIONAL CORRESPONDENCE AFTER THE MAY 2nd, 2023 PLANNING COMMISSION HEARING

Planning staff received two letters regarding the potential negative health effects of concrete dust, one about commercial lighting / dark skies, and an e-mail from the applicant. Copies of these letters are attached.

CITY OF REILE'S ACRES POSITION ON THE PROPOSED DEVELOPMENT

When the applicant purchased the subject property in 2020, he approached the City of Reile's Acres with a request that the property be annexed into that city. At the time, Reile's Acres was supportive of the applicant's proposed development. However, the subject property was not in Reile's Acres ETJ, so that Reile's Acres could not annex it. Reile's Acres sent a request to the City of Fargo to relinquish its ETJ control of this property and allow Reile's Acres to extend its ETJ control over this property, but Fargo turned down that request. The property remained in Fargo's ETJ and was eventually annexed in March, 2023. A letter of support for the development from Reile's Acres, dated October 21st, 2020, is attached.

Recently, the City of Reile's Acres has become aware of the concerns of the residents of their city and its ETJ about the proposed development. On Tuesday, May 9th, 2023, the City of Reile's Acres held a city council meeting. At that meeting the Council adopted resolution number 2023-03, opposing the proposed development. Major points of opposition are:

- Negative effects of the concrete crushing operation; and
- Decreased property values for the residential homes due to proximity to a commercial / industrial development

The resolution provides additional detail.

Following discussion of this resolution at the May 18th, 2023 community meeting (summarized above), a correction was made regarding the identification of the proposed zoning. A copy of this revised resolution is attached.

CITY OF FARGO RESPONSES TO SOME OF THE CONCERNS EXPRESSED ABOVE

- City-owned detention basin (Lot 2, Block 1): This detention basin will not be aerated. It will not have a buffer along the west side.
- Lot 1, Block 1, corner of 40th Avenue and 45th Street, zoned general commercial: This lot will not have buffer requirements. The area of this lot was designated as "Commercial" on the 2007 Growth Plan and is being zoned GC, General Commercial to match that existing land use designation.
- Connection of 44th Street with 45th Street: This cannot be a gated connection
- Control of truck traffic on 45th Street (currently a gravel road): This road will be signed with axle weight limits for trucks.

ACTION AT THE JUNE 6th 2023 PLANNING COMMISSION HEARING

At the June 6th, 2023 Planning Commission hearing, staff presented the revised project described above, and noted the laydown items of:

- updated conditional overlay;
- updated subdivision plat; and
- communications from the Reile's Acres ETJ residents since the time the Planning Commission packet was published

Staff stated the recommendation was for approval.

PLANNING COMMISSIONER QUESTIONS TO STAFF

In response to Commissioner questions, Planning staff:

- explained that the boundary between Fargo's ETJ and Reile's Acres ETJ is defined by an agreement from 2016;
- showed on the City's GIS online map the location of City of Fargo, City of Reile's Acres, and their respective ETJ's; and
- explained that there are no specific environmental findings in our ordinance for the growth plan or other entitlements; and

Additionally, the fire marshal explained that dedicated public street within the plat—44th Street North---must connect to both 45th Street and 40th Avenue North to provide two means of access to the subdivision to be in compliance with the City's fire code. This is due to the size of the project. A cul-de-sac street which would connect only to 40th Avenue North, as originally proposed by the developer, is not acceptable.

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APPLICANT'S TESTIMONY

The applicants made the following points:

- Described the proposed berm, fence, and tree buffer along the proposed GC, General Commercial zoned lots 3, 4, 5, 6, and 7, Block 1
- This proposed buffering exceeds any requirement in the LDC for commercial uses developed near residential uses
- Described the dust suppression measures of a concrete crushing operation
- Gave the opinion that the gravel road (45th Street North) that the homes of many of the project opponents front on creates more dust than a concrete crushing operation would in a year.
- Pointed out that the proposed concrete crushing operation is at least 1,500 feet, and at most 3,500 feet from the residences; in other locations in Fargo, there are residences considerably closer than that—some as close as 800 feet—to concrete crushing operation.
- Showed drone photographs of the subject property and surrounding area, illustration the distance between the Reile's Acres ETJ residences and the subject property, and the nature of the surrounding area in general.
- Observed that several areas along the Interstate corridor are zoned LI, Limited industrial as proposed by this project, and the uses within LI include car dealerships and similar non-industrial uses.
- Believed a new growth plan would not show commercial, single-dwelling residential, and a park this close to the Interstate as the current growth plan does.
- The properties of some of the opponents in Reile's Acres ETJ include not only residences but some type of business.

In response to Planning Commissioner questions, the applicant;

- Stated a brief history of how he came to acquire the subject property
- Explained he had originally wanted to mitigate traffic going on to 45th Street North with a cul-de-sac street within the subdivision but the City would not allow it (see "*Commissioner Questions to Staff*" above)
- Described the general timeline of the concrete crushing operation and said he had not had a detailed discussion of the scheduling of the crushing with the nearby residents.

NEIGHBORS' TESTIMONY

Several neighbors to the subject property, who live in Reile's Acres ETJ, testified in opposition to the project. The major points included:

- The proposed change from an open field zoned AG, Agricultural to a developed area zoned LI, Limited Industrial is a dramatic change.
- The 2007 Growth Plan probably designates the subject property as commercial, residential, and park because this area is adjacent to the residences in Reile's Acres ETJ, the City of Reile's Acres itself, and NDSU ag research facilities. That is, the designated uses are fairly low-intensity, as opposed to the proposed industrial land use designation.
- Staff has not provided a better recommendation on the outdated growth plan designation.
- The proposed subdivision provides no benefit to these residents.
- When deciding on this project, the Planning Commission should consider the best interest of the surrounding communities.
- The proposed concrete crushing operation could run more than the two to three weeks a year that the applicant has stated it would.
- Changing the location of the concrete crusher on the subject property does not diminish its overall negative effects of noise, dust, and piles of concrete rubble.
- Even though buffering in the form of a berm and trees is proposed, this buffering will not stop noise and dust, and the trees will take some time to reach a mature size to be effective visual buffers.
- The resale value of these residential properties could decrease by as much as 25%.
- Will approval of the industrial zoning on the subject property set a precedent for the development Fargo's ETJ on the north side of Reile's Acres ETJ? This area is currently designated on the 2007 Growth Plan as residential, the same as the subject property.
- There are no examples in Fargo of situations where industrial zoning was developed near residential zoning. Though some residential areas are located near concrete crushing operations, the crushing operations were there first.

- Applicant North Fargo Land, LLC (Ronald Knutson) did not attend or send a representative to the public meetings. *(NOTE: This applicant's representative followed up on this point by saying that since the North Fargo Land LLC property was already designated as commercial, it was not requesting a growth plan amendment and so this applicant did not feel the need to attend the public meetings)*
- Businesses, like limited liability corporations (LLC's) have strategies and mechanisms to cope with risk and monetary loss that individual homeowners do not.
- No buffer is proposed on the north side of the subdivision, adjacent to the Opp Construction property.
- The concrete crushing operation would create considerable concrete dust, even with the mitigation measures described by the applicant. Concrete dust is cancer-causing; it cannot be easily contained and has a broad area of distribution; and is toxic even in small quantities. *(NOTE: Two of the attached letters detail the health concerns of concrete dust).*

TESTIMONY BY REILE'S ACRES CITY COUNCIL MEMBER

Reile's Acres city council member Tom Krantz testified on behalf of the council. He reiterated points in the May 9th, 2023, resolution by the council regarding this project, including that the council was adamantly opposed to the proposed LI, Limited Industrial zoning and reluctantly accepting of the proposed GC, General Commercial zoning. There was a brief discussion between Planning Commission Chair Schneider and Council Member Krantz about how the Reile's Acres city council had changed their position on the proposed development of this property, from originally supporting to now opposing it. The history of Reile's Acres position on this project is summarized above.

FURTHER DISCUSSION BY PLANNING COMMISSION

Following the testimony, the Commissioners had further discussion, during which Commissioners had the following comments:

- It is surprising that that there appears to be no state or local regulation specific to the health concerns of concrete crushing.
- The decision of whether to approve or deny this project affects not only the Reile's Acres ETJ residents but also the future development of housing in this area.
- The City of Fargo's values include the protection of its residents health, safety, and welfare. Though the Reile's Acres ETJ residents are outside of the City of Fargo, the same values should be applied to them.

MOTION TO APPROVE THE PROJECT

Following the discussion, a motion was made and seconded to approve the project as recommended by staff. On a roll call vote, that motion failed by a vote of 3-4.

MOTION TO DENY THE PROJECT

Following further discussion the discussion, a motion was made and seconded to recommend denial of the project. On a roll call vote, that motion passed by a vote of 4-3. The Commission cited two growth plan approval criteria that were not satisfied. Findings based on the Planning Commission's motion is stated below under "Growth Plan Findings—Planning Commission Findings." As the Planning Commission recommended denial of the growth plan amendment, the proposed zone change and subdivision plat cannot go forward, as neither one of these entitlements is possible without a change the growth plan amendment.

REVISED PLAN—FOR JULY 10th, 2023 CITY COMMISSION HEARING

Subsequent to the June 6th, 2023 Planning Commission hearing, the applicant submitted a revised proposal based on comments at the Planning Commission hearing. The applicant now proposes:

- a. to prohibit concrete crushing on all LI-zoned lots (concrete crushing is not allowed on GC-zoned lots anyway).
- b. to eliminate the fence from the buffer
- c. to keep all the zones the same as at the June Planning Commission hearing (see attached zoning exhibit)

Additionally, the water line easement for the City of Fargo was returned to its original location between lots 9 and 10, rather than the location between lots 11 and 12 as shown on the plat presented at the June 6th, 2023 Planning Commission.

This plan was forwarded to the Reile's Acres representative on June 16th.

The prohibition of concrete crushing and the modification of the buffer have been added to the proposed conditional overlay.

The chart below recaps the lots, zoning, and conditional overlays.

Lot Numbers	Zoning	Note
1	GC, General Commercial with C-O, conditional overlay	This C-O prohibits certain uses and off-premise signage
2	P/I, Public/Institutional	Will be acquired by City of Fargo as a stormwater detention basin
3 through 7	GC, General Commercial with C-O, conditional overlay	This C-O requires buffering and prohibits certain uses and off-premise signage
8	P/I, Public/Institutional	Will be dedicated to SE Cass Water Resources District
9 through 15	LI, Limited Industrial with C-O, conditional overlay	This C-O mainly relates to off-premise advertising; also prohibits certain uses, one of which is concrete crushing

ADDITIONAL CORRESPONDENCE AFTER THE JUNE 6th, 2023 PLANNING COMMISSION HEARING
Planning staff had two lay-down items, including one public comment letter, for the June 6th, 2023 Planning Commission hearing, and received four letters / e-mails, including one from Reile's Acres mayor Shane Amundson, following the June 6th hearing.

These items address:

- Potential health effects of any industrial development
- Opposition to the concrete crushing operation (*NOTE: the applicant has agreed to prohibit concrete crushing as a use on this property, though not all commenters might be aware of that change*)
- Concern about loss of property values
- Concern about increase in traffic in general and truck traffic specifically
- Industrial development not being the appropriate development in this location

Copies of the letters are attached.

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 and to the detention basin, Lot 2, Block 1. This development agreement will go to the City Commission separately and is not included in this packet.

STAFF RECOMMENDATION

Staff's recommendation for approval is based on the original project criteria plus the fact that the developer has now proposed to prohibit concrete crushing as a use on all lots.

NOTE ON CONTINGENT APPROVAL

The suggested motion below states that approval is contingent on two things:

1. final technical review of the plat, including the City Engineer's signature; and
2. City Commission approval of the developer's agreement.

The contingent motion below allows the City Commission to approve the plat at this time. Once the final technical review is complete and the City Engineer has signed the plat, and the City Commission has approved the developer's agreement, then the City can then proceed with recording the plat, if approval is received as referenced below. Please note that no building permits can be granted, nor can any lots be sold, until the plat can be recorded.

CITY COMMISSION MOTION OPTIONS.

In this situation, where the Planning Commission's recommendation differs from staff's recommendation, the City Commission may take one of the following actions:

1. Move to deny the project based on the Planning Commission recommendation; or
2. Move to approve the project based on the staff recommendation; or
3. Move to send the project back to the Planning Commission for further review based on the recent project revisions; or
4. Make its own motion.

NOTE ON ORGANIZATION OF ATTCHMENTS

For convenient reference, copies of letters and other documents received since the June 6th, 2023 Planning Commission are attached first, followed by copies of letters and other documents that appeared in the previous Planning Commission packet.

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:

PLANNING DEPARTMENT STAFF FINDINGS

Planning Department staff made the following findings:

- **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.
- Adjacent to the north of the amendment area is an industrial-developed property (Opp Construction) that is in Fargo's ETJ.
- Adjacent to the east of the amendment area is the right of way for Interstate 29, owned by the state of North Dakota.
- To the south of the amendment area, the growth plan designation of "Commercial" is the existing growth plan designation and is not proposed to be amended.

In terms of compatibility, the proposed industrial land use designation is compatible on the north and east sides. The south, the transition from industrial to commercial closer to an arterial street (40th Avenue North) is compatible.

To the west, the amendment area is in a situation that is rarely encountered in that it is close to existing large lot rural residential development in the extra-territorial jurisdiction of another city (Reile's Acres). In terms of compatibility, industrial development is not often found near to such residential development. The LDC provides for residential protection standards (RPS) of Section 20-0704 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. Nonetheless, the applicant has proposed a 20-foot wide berm/tree buffer be required on the lots along the west side of the Interstate Business District Addition in addition to the already approximately 260 feet that separate this subdivision from the existing residential development in Reile's Acres ETJ (that 260 feet includes Cass County Drain 40 and 45th Street North right of way, a distance of approximately 170 feet and a 92.25-foot wide lot on the entire west side of the proposed development that will be dedicated to Southeast Cass Water Resources District for drain protection and is not developable). This approximately 280 foot separation, with buffering, is intended to mitigate the effects of the commercial and industrial development in relation to the existing residential development to the west. The width of this buffer and the height of the berm/ tree portion of the buffer is well beyond the requirements of RPS.

With the applicant's revised proposal to have the lots on the west side of the subdivision be zoned GC, General Commercial, 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 280-foot wide undevelopable area, which steps down
- The residential development in Reile's Acres ETJ.

(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. The proposed growth plan change would allow industrial development on the west side of I-29. This development could 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 relation to this location, the assumption that there would be significant pressure for residential development north of 19th Avenue North did not pan out; the major areas of residential development turned out to be south and southwest Fargo. Regarding the current "low-to-medium density" land use designation on the subject property, low-density residential development since 2007 has evolved mainly away from the interstate highways. There has been some higher density multi-dwelling development near I-29 south of I-94. At least one of these recent multi-dwelling developments has had sound-proofing requirements for the building.

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.

As noted above, separation distance and buffering are intended to mitigate the effects of the commercial and industrial development in relation to the existing large lot rural residential development west of 45th Street North. **(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)**

PLANNING COMMISSION FINDINGS

Contrary to Planning Department staff's findings, at the June 6th, 2023 Planning Commission hearing, the Planning Commission moved to deny the project on the basis that the project did not satisfy two of the growth plan findings.

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

The proposed change was not consistent with the surrounding land uses, both existing and future.

(Criteria NOT 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 would have a negative impact on the long-term sustainability of the city, and would detract from the livability of the city.

(Criteria NOT Satisfied)

Zoning

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?**

As noted above, the distance and buffering between the proposed development and the existing residences to the west are intended to mitigate the effects of the new development in relation to those residences. Value of a property for tax purposes is determined by the City or County assessor and is not directly based on adjacent zoning. 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 was reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the 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 hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and move approve 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**, including the airport proximity agreement as presented or in substantially similar form, contingent on final technical review of the plat, including the City Engineer’s signature; and City Commission approval of the developer’s agreement, 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: June 6th, 2023

At the June 6th, 2023 Planning Commission hearing, that Commission, by a vote of 4-3 with two Commissioners absent and two Commission seats vacant, moved to recommend **denial** to the City Commission of the proposed 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial, as the findings were not sufficient to support approval. *(As noted above, if the growth plan amendment is not approved, the proposed zoning change and plat cannot go forward.)*

Attachments:

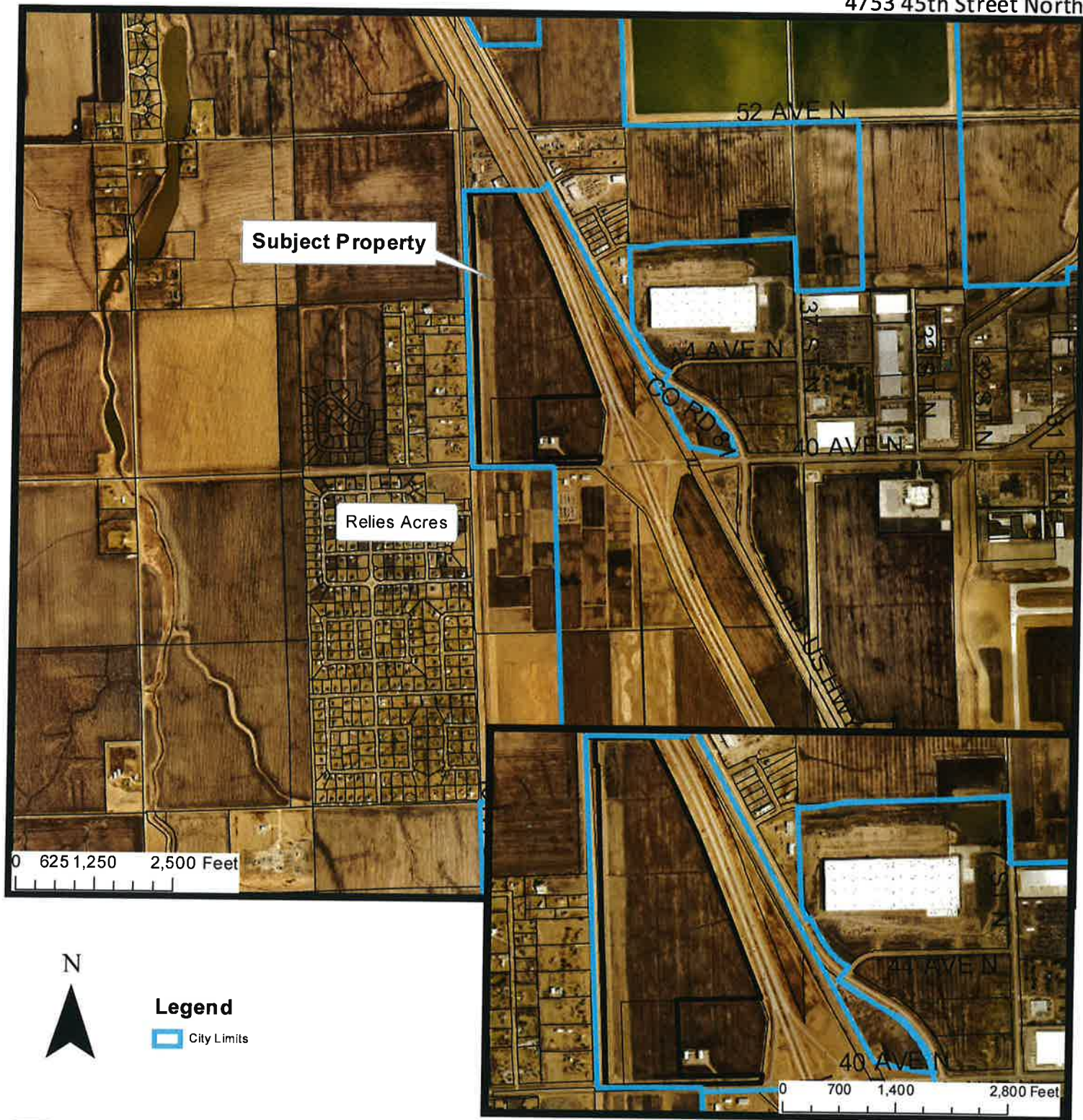
1. Location map
2. Zoning map
3. Growth plan amendment map

4. Preliminary plat
5. Proposed zoning map
6. Draft conditional overlays
7. Draft airport proximity agreement
8. Public comment letters

Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to Limited Industrial and 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

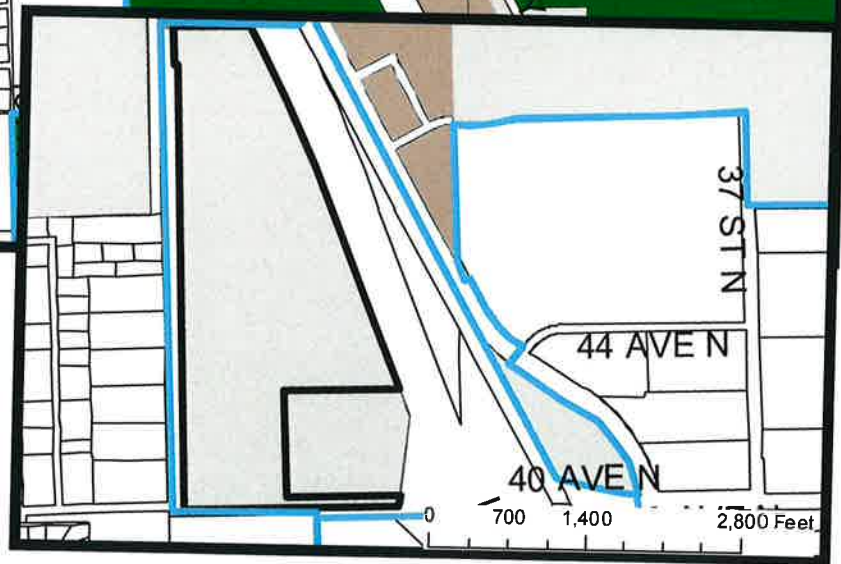
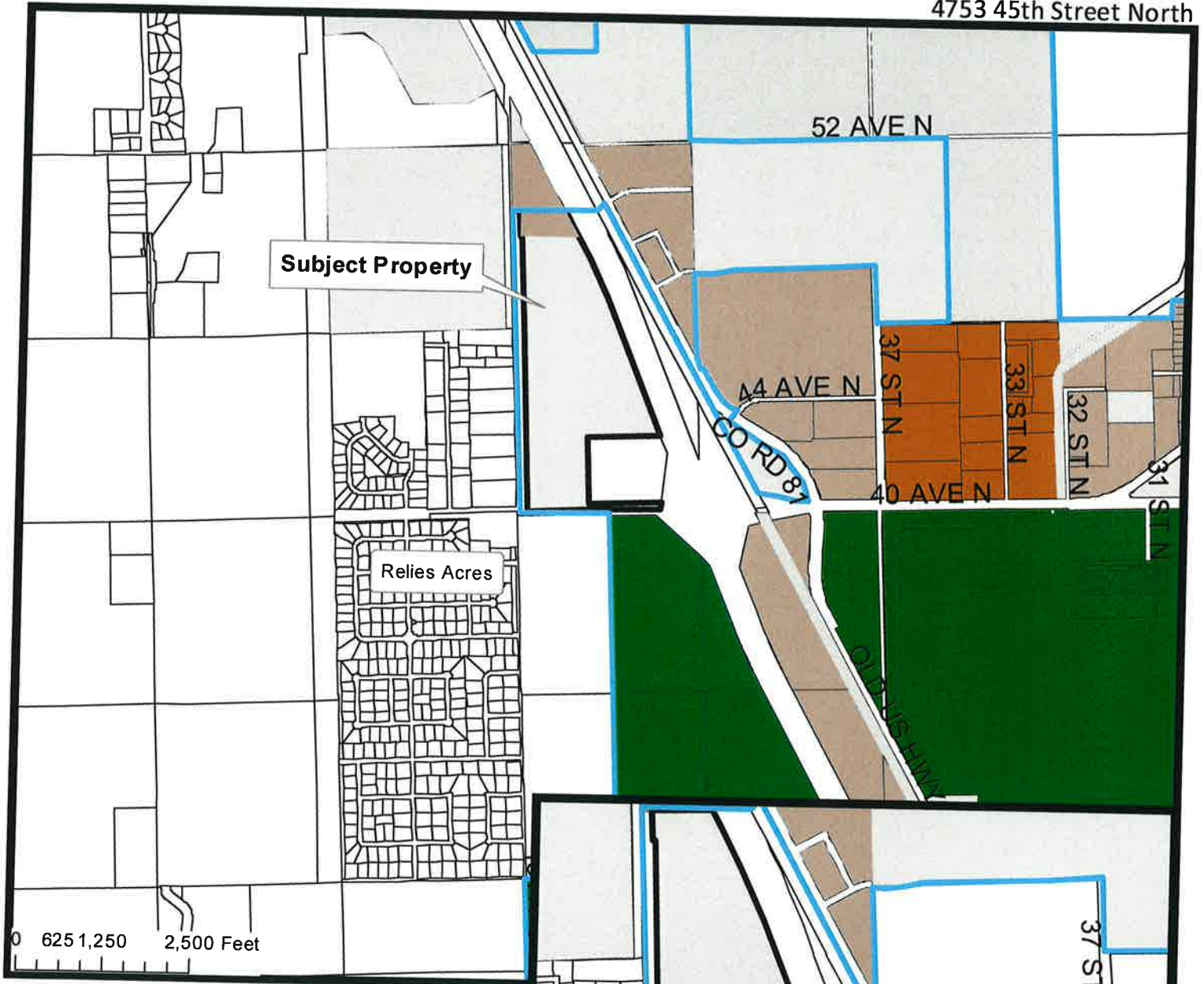
4269 40th Avenue North
4753 45th Street North



Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to Limited Industrial and 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



Legend

AG	DMU	LC	MHP	SSS-2
GC	GO	MRR-1	NZO	SSS-3
GO	MRR-2	MRR-3	P/I	SSS-4
			UMU	SSS-5
				City Limits

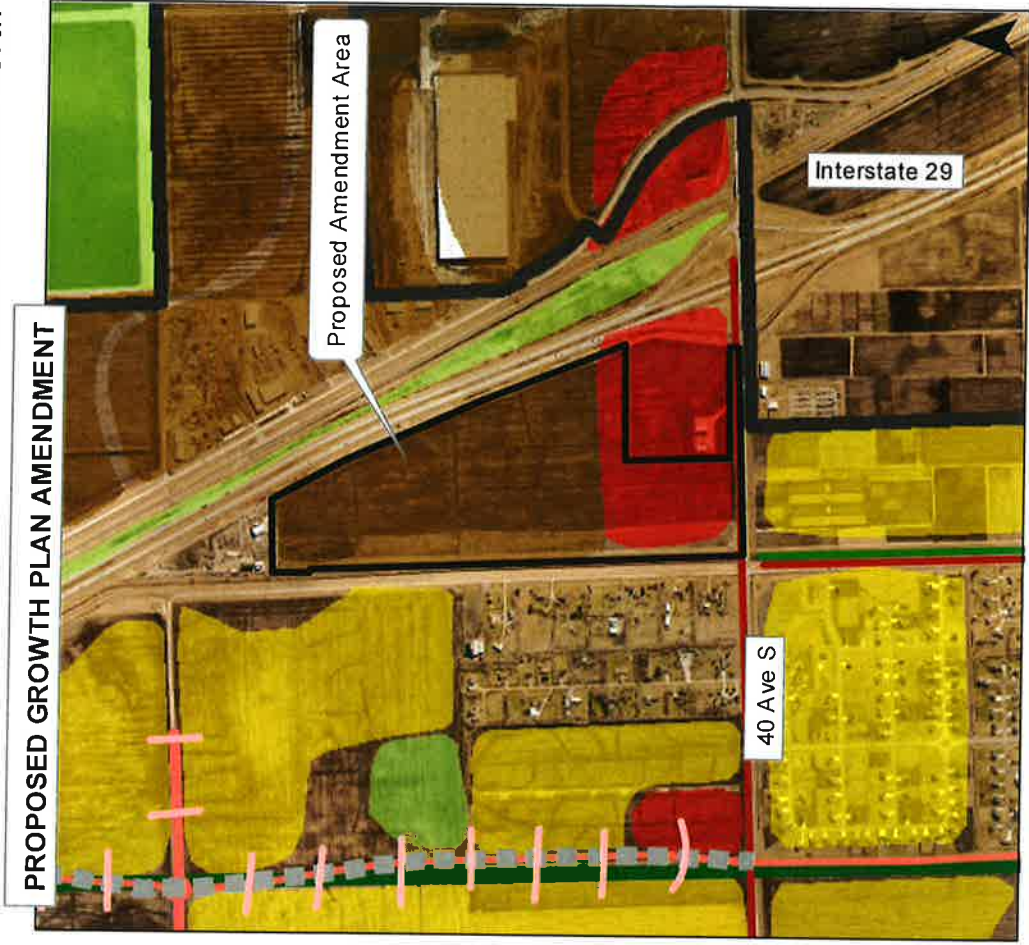
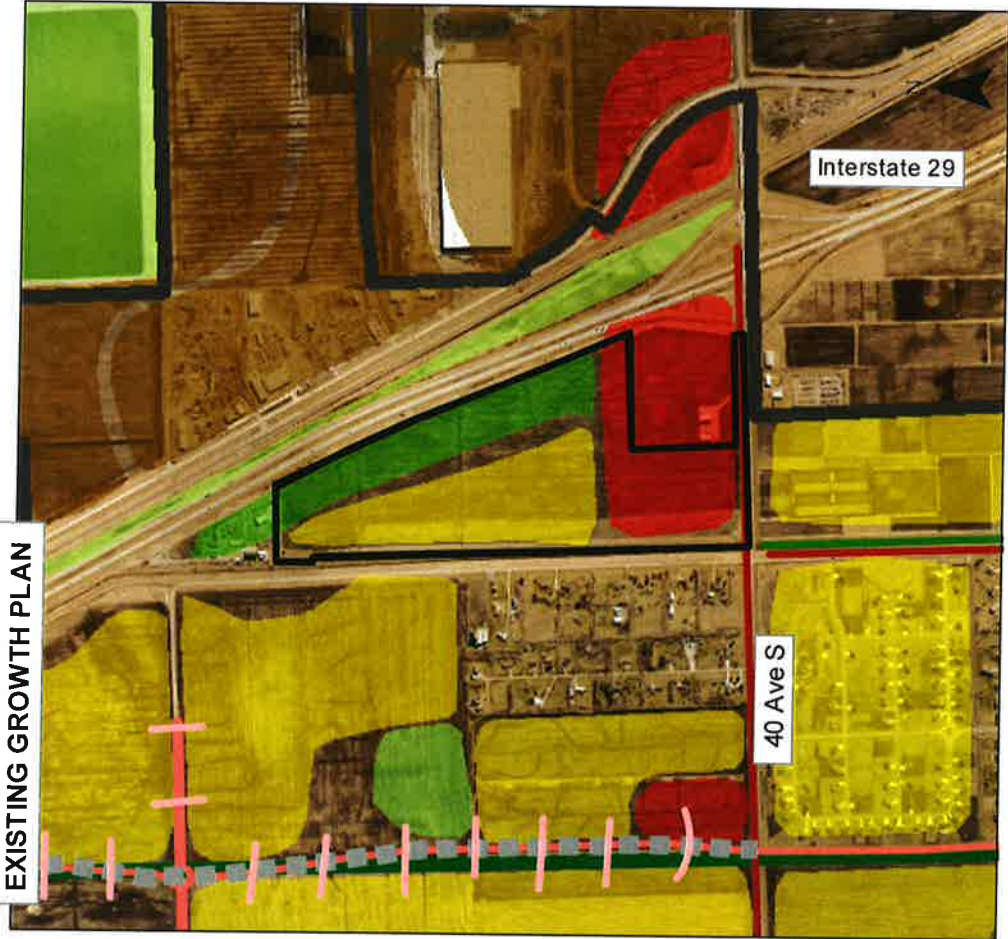


Fargo Planning Commission
May 2, 2023

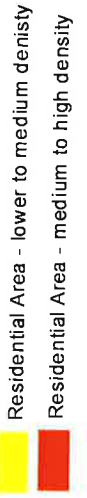
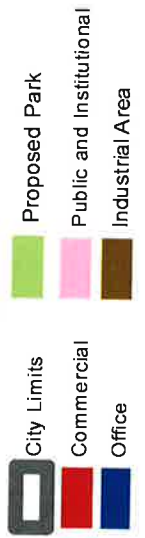
Growth Plan Amendment ("Commercial, Residential—Low to Medium Density, and Proposed Park" to "Industrial and Commercial")

Interstate Business District Addition

4269 40th Avenue North
4753 45th Street North



2007 Growth Plan

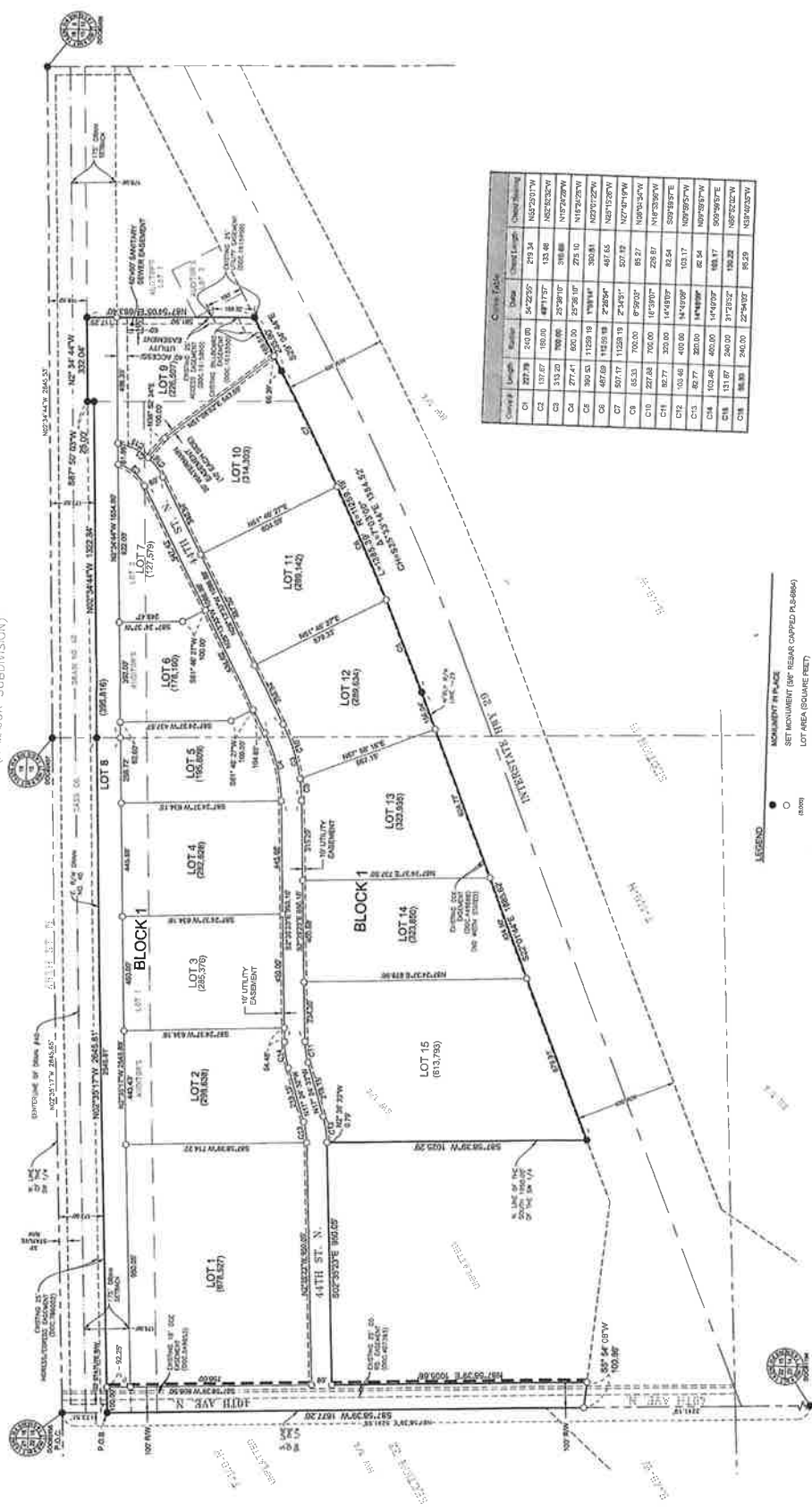


Fargo Planning Commission
May 2, 2023



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)



County	Length	Width	Area	Chain Length	Chain Bearing
C1	297.78	243.00	54,225.57	219.34	N82°52'31\"
C2	137.67	180.00	48,717.57	133.48	N82°52'31\"
C3	313.20	700.00	219,220.00	318.88	N82°52'31\"
C4	277.41	800.00	222,988.00	276.10	N13°25'25\"
C5	360.51	1125.00	405,566.25	360.81	N82°52'31\"
C6	467.69	1125.00	525,800.25	467.65	N82°52'31\"
C7	807.17	1125.00	908,500.25	807.17	N82°52'31\"
C8	453.33	700.00	317,331.00	453.33	N82°52'31\"
C9	227.68	700.00	159,576.00	227.68	N82°52'31\"
C10	103.69	400.00	41,476.00	103.69	N82°52'31\"
C11	103.69	400.00	41,476.00	103.69	N82°52'31\"
C12	131.67	200.00	26,334.00	131.67	N82°52'31\"
C13	131.67	200.00	26,334.00	131.67	N82°52'31\"
C14	131.67	200.00	26,334.00	131.67	N82°52'31\"
C15	131.67	200.00	26,334.00	131.67	N82°52'31\"
C16	131.67	200.00	26,334.00	131.67	N82°52'31\"
C17	131.67	200.00	26,334.00	131.67	N82°52'31\"
C18	131.67	200.00	26,334.00	131.67	N82°52'31\"
C19	131.67	200.00	26,334.00	131.67	N82°52'31\"
C20	131.67	200.00	26,334.00	131.67	N82°52'31\"

- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (SEE REAR CAPTION PG. 466)
 - ▭ LOT AREA (SQUARE FEET)
 - SECTION LINE
 - QUARTERS LINE
 - EXISTING PROPERTY LINE
 - EXISTING RIGHT-OF-WAY
 - EXISTING EASEMENT LINE
 - NEW LOT LINE
 - NEW BLOCK LINE
 - PLAT BOUNDARY
 - PROPOSED ACCESS EASEMENT

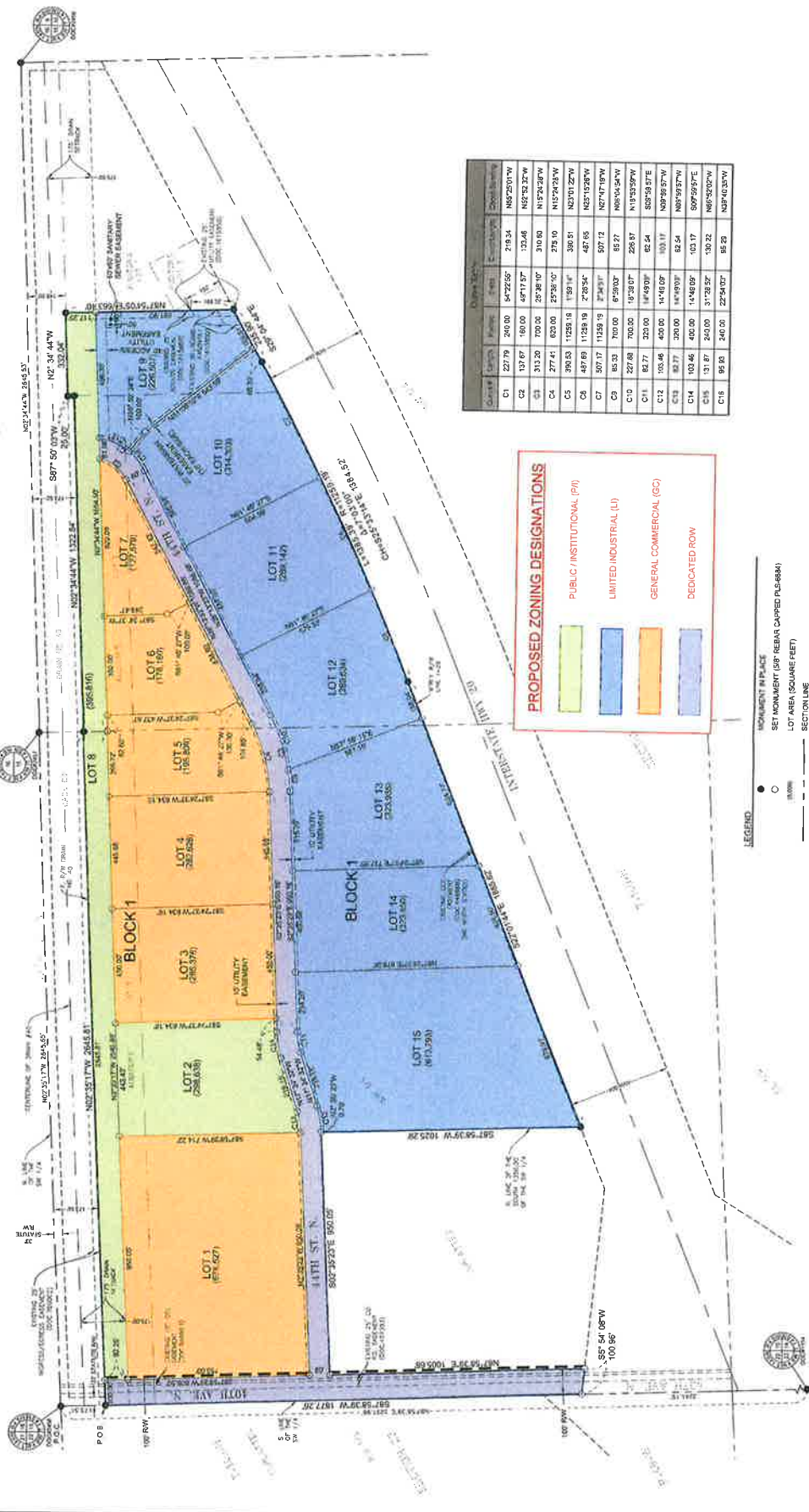
- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - NEGATIVE ACCESS EASEMENT: AS NOTED ON THE EAST OF GREEN VALLEY THIRD ADDITION IS AN EASEMENT DEDICATED AS PART OF THE FRONT-OF-LAND DEDICATION WHICH IS CALLED "NEGATIVE ACCESS EASEMENT". THIS EASEMENT IS A STRIP OF LAND ON ANY CERTAIN FRONT LOT IS A LINE CONTIGUOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

Mead & Hunt
 Phone: 701.586.6600
 mead@mh.com
 PRO. 0123 100
 4889132.0231.01
 SHEET 1 OF 2



INTERSTATE BUSINESS DISTRICT ADDITION

THE CITY OF GOLDEN VALLEY, MINNESOTA, HAS ADOPTED THE INTERSTATE BUSINESS DISTRICT ADDITION TO THE ZONING ORDINANCE, AS SHOWN ON THIS MAP. THE DISTRICT IS BEING ADDED TO THE CITY OF GOLDEN VALLEY, MINNESOTA, AND IS BEING ADDED TO THE ZONING ORDINANCE, AS SHOWN ON THIS MAP.



Lot	Area (Acres)	Area (Sq. Feet)	Area (Sq. Feet)	Area (Sq. Feet)	
C1	227.79	200.00	54,226.56	718.34	N85°25'01"W
C2	137.67	100.00	49,117.57	132.46	N55°32'32"W
C3	313.20	700.00	25,281.10	310.90	N1°24'38"W
C4	277.41	600.00	25,281.10	275.10	N1°24'38"W
C5	390.53	1,125.00	1,591.14	390.51	N23°01'22"W
C6	497.69	1,125.00	1,591.14	497.65	N23°01'22"W
C7	507.17	1,125.00	1,591.14	507.12	N27°17'19"W
C8	85.33	700.00	6,250.00	226.87	N11°35'39"W
C9	227.08	700.00	19,280.00	226.87	N11°35'39"W
C10	82.77	300.00	11,619.99	82.54	S05°39'47"E
C11	103.46	400.00	14,461.00	103.11	N05°59'57"W
C12	82.77	300.00	11,619.99	82.54	N05°59'57"W
C13	103.46	400.00	14,461.00	103.17	S05°59'57"E
C14	103.46	400.00	14,461.00	103.17	S05°59'57"E
C15	93.67	240.00	3,126.59	139.22	N65°30'32"W
C16	93.67	240.00	3,126.59	93.29	N45°03'32"W

PROPOSED ZONING DESIGNATIONS

- PUBLIC INSTITUTIONAL (PI)
- LIMITED INDUSTRIAL (LI)
- GENERAL COMMERCIAL (GC)
- DEDICATED ROW

LEGEND

- MONUMENT MARK
- SECTIONMENT (SPT REBAR CAPPED PL-6884)
- 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 GOLDEN VALLEY THIRD ADDITION, IS AN EASEMENT DEDICATED TO THE CITY OF GOLDEN VALLEY FOR THE PURPOSE OF PROVIDING ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE CONTIGUOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

Mead & Hunt
 PROFESSIONAL CORPORATION
 PROJECT NO. 1086-6650
 SHEET NO. 11.01
 SHEET 11 OF 21

SCALE IN FEET
 0 200 400
 GROUND COORDINATE SYSTEM, DEC 1982

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

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable Signs

1. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

2. 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.

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.

FOR LOTS 3 THROUGH 7, BLOCK 1, ZONED GC WITH CONDITIONAL OVERLAY:

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable Signs

1. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

2. 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.

3. 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.

4. The property owner of Lots 3, 4, and 5, Block 1 shall install trees on the west side of the berm at time of development of these individual lots.

FOR LOTS 9 THROUGH 15, BLOCK 1, ZONED LI WITH CONDITIONAL OVERLAY:

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Aviation/Surface Transportation
- Concrete Crushing

1. Exterior lighting must meet the standards of Residential Protection Standards 20-0704.G.

2. 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.

3. Maximum height of any off-premise sign is limited to 35 feet.

4. Total number of off-premise signs is limited to four.

NOTE: Lots 5 and 8, which will be zoned P/I, Public/Institutional, do not have a conditional overlay.

DRAFT AGREEMENT

(Proximity of Airport, Noise Attenuation and Sewage Lagoons)

THIS AGREEMENT, Made and entered into this ____ day of _____, 2023, by and between ARD Properties, LLC (owner of Lots 3 through 7 and 9 through 15, Block 1); North Fargo Land, LLC (owner of Lot 1, Block 1); and the Southeast Cass Water Resources District (owner of Lot 8, Block 1), hereinafter referred to as "Owners," and CITY OF FARGO, A NORTH DAKOTA MUNICIPAL CORPORATION, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Owners are the record owners of tracts of land located in Cass County, North Dakota, said tracts being more particularly described hereinafter; and,

WHEREAS, said tracts are located within the City of Fargo; and

WHEREAS, Owners have made a development request of the City for a change in zoning from agricultural (AG) to limited industrial (LI) zoning; and,

WHEREAS, the Board of City Commissioners of the City have approved and enacted a zoning ordinance to effect such change upon the condition that the Owners and Owners' successors

in interest be bound to a covenant acknowledging the proximity of Hector International Airport and the City's sewage lagoons to Owner's property; and,

WHEREAS, Owners are willing to execute and to have recorded an agreement wherein Owners recognize the proximity of said facilities in regard to all of the property owned or to be owned by Owners hereinafter described and including all other terms mentioned above; and,

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, IT IS HEREBY AGREED as follows:

1. The subject of this Agreement, and the covenant herein, is the Owner's property, situate in the County of Cass and State of North Dakota, more fully described as:

Lots 1-15, Block 1, Interstate Business District Addition to the city of Fargo.

[hereinafter referred to as the "Subject Property"]

2. As a condition of City's approval of said platting and zoning, Owner does hereby covenant and agree with the City that said Owner will never institute any suit or action at law or otherwise against the City, nor institute, prosecute or in any way aid in the institution or prosecution of any claim, demand, action or cause of action for damages, costs, loss of service, expenses or compensation against the City for or on account of any damage, loss or injury either to person or property, or both, resulting or which may result by reason of the use of the Subject Property in relation to the location and use of Hector International Airport and specifically for damages caused or allegedly caused by the noise of the take-off or landing of jet-propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; also from any vibration generated by said aircraft or from any pollutants or contaminants created from such aircraft usage, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities. All parties agree that this provision and all of the terms and conditions of this Agreement shall be deemed to be covenants running with the land and shall be binding upon, inure to the benefit of, and be enforceable against all parties, and their respective successors, assigns, tenants, lessees, invitees, agents, heirs, executors, administrators, and personal representatives. The parties agree that this provision and Agreement shall be binding upon all future owners, lessees, tenants, and users of the Subject Property.

3. Owner agrees that it will at all times indemnify City, and hold and save the City harmless from and against any and all actions or causes of actions, claims, demands, liability, loss, damage, or expense of whatsoever kind and nature, including counsel or attorney's fees, which the City shall or may at any time sustain or incur by reason or in consequence of the use of the Subject Property for any lawful purposes and specifically for any damages caused or allegedly caused to the Subject Property by the noise of the take-off or landing of jet-propelled or other aircraft from the present runway or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport, or which the City may sustain or incur in connection with any litigation, investigation or other expenditures incident to such use of the Subject Property, including any suit instituted to enforce the obligations of this agreement of indemnity, and Owner agrees to pay to City all sums of money, with interest, which the City shall or may pay or cause to be paid, or become liable to pay, on account of or in connection with such use of the Subject Property, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

4. Paragraphs two (2) and three (3) above shall also apply in all regards to the sewage lagoons owned by the City of Fargo and specifically concerning any odors emanating from said lagoons.

5. Owner agrees that this agreement shall be recorded on the above-described property and specifically agrees that the following covenants shall apply to the above-described property:

FAIR DISCLOSURE STATEMENT

Sewage Lagoons – The tract of land hereby conveyed and legally described lies within the vicinity of certain sewage lagoons owned and maintained by the City of Fargo and may be impacted by odors emanating from said lagoons. The level of usage of said lagoons may vary, from time to time, so that at times the lagoons are “dry” and at other times the lagoons may contain sewage for treatment purposes and that, as a result, there may be no appreciable odor emanating from the lagoons and at other times there may be an appreciable odor emanating from the lagoons.

Airport -- The tract of land hereby conveyed and legally described lies within the vicinity of Hector International Airport and may be impacted by noise associated with the operations of said airport including noise from the take-off or landing of jet propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; or from any vibration generated or

from any pollutants or contaminants created from such aircraft usage. The airport normally operates seven days per week throughout the entire year and is open for flight operation at all hours. The present level of operations will continue and expand for the foreseeable future.

The noise rating of this tract, due to airport operations at the above-named airport according to the Noise Evaluation and Land Use Compatibility Study (1990-91) is above 65 in the DNL rating system.

The United States Department of Housing and Urban Development (HUD), Circular 1390.2 of 4 August 1971, Subject: Noise Abatement and Control: Departmental Policy, Implementation Responsibilities, and Standards, as well as any subsequent or replacement provisions established the following external noise exposure standards for the new construction of residential and other noise sensitive utilization:

Airport Environs

Land Zone	Site Suitability Classification
Above 75	Clearly unacceptable
65-75	Discretionary: Normally unacceptable
Below 65	Clearly acceptable

These site suitability classifications are further defined by HUD as:

1. Clearly unacceptable: The noise exposure at the site is so severe that construction costs to make the indoor environment acceptable for the performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

2. Normally unacceptable: The noise exposure is significantly more severe so that unusual and costly building constructions are necessary to ensure adequate performance of activities. (Residential areas: barriers must be erected between the

site and prominent noise sources to make the outdoor environment tolerable.)

3. Clearly acceptable: The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

Certification

The undersigned purchaser of said tract of land, certifies that (s)he (they) has (have) read the above statement and acknowledge(s) the preexistence of the airport named above and the right of said airport to continue to operate and also recognizes the City of Fargo sewage lagoon existence.

Owner

In the event Owner does not include the foregoing statement in the purchase agreement or deed, it shall, nonetheless, constitute a covenant and restriction running with the land and shall bind any future owner to recognition of the herein referenced facts.

6. This Agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto and shall constitute a covenant running with the property described hereinbefore.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

(Signature pages to follow.)

OWNER:
Southeast Cass Water Resource District
(Lot 8, Block 1)

KEITH A. WESTON, Chairman

ATTEST:

CAROL HARBEKE-LEWIS, Secretary/Treasurer

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this ____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **KEITH A. WESTON, Chairman of the Southeast Cass Water Resource District**, to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

(S E A L)

OWNER:
ARD Properties, LLC
(Lots 3 through 7 and 9 through 15, Block 1)

TRENT DUDA, President

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this _____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **TRENT DUDA, President**, to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

(S E A L)

OWNER:
NORTH FARGO LAND, LLC
(Lot 1, Block 1)

RONALD KNUTSON, Member

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this ____ day of _____, 20__, before me, a notary public within and for said county and state, personally appeared **RONALD KNUTSON, Member** to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

(S E A L)

THE CITY OF FARGO, NORTH DAKOTA,
a municipal corporation

By: _____
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 within and for said county and state, personally appeared **TIMOTHY J. MAHONEY** and **STEVEN SPRAGUE**, to me known to be the Mayor and City Auditor, respectively, of THE CITY OF FARGO, NORTH DAKOTA, the municipal corporation described in and that executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

Notary Public

(S E A L)

**TWO LAYDOWN ITEMS FROM THE
JUNE 6th, 2023 PLANNING COMMISSION
HEARING AND COMMENTS RECEIVED
AFTER THE THAT DATE**

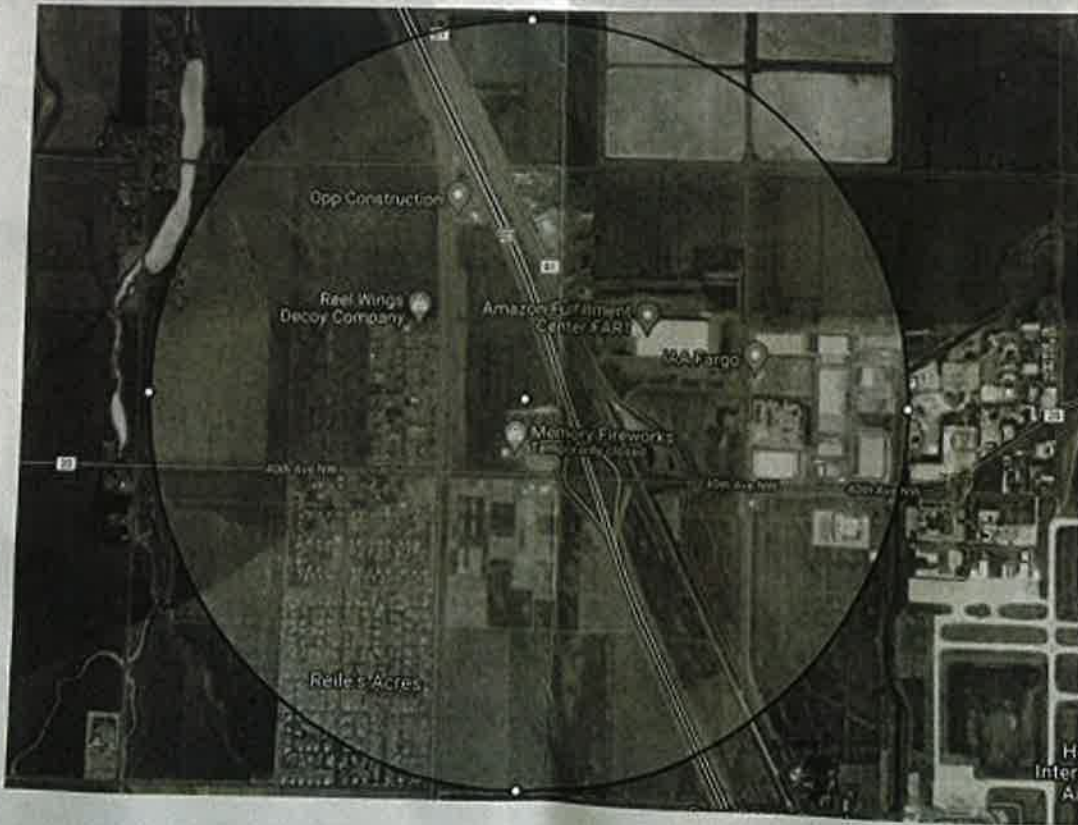
IMPORTANT! PLEASE READ ASAP

There are current plans to build a cement crushing plant in our neighborhood. This may expose us to cement dust, which has been demonstrated to **significantly increase the risk of multiple types of cancer**. There may also be chronic decreased pulmonary function due to scarring of lung tissue. Don't take my word for it, simply google "cement dust cancer." Further, the affected area may be wide and difficult to control, given the windy conditions of our state. Studies demonstrate a possible environmental effect radius of several kilometers.

Should residents be afraid to enjoy the outdoors with their families? Should our children be afraid to play at the baseball diamond and other parks? Does your family deserve to live in fear of cancer?

We need to come together as a community. **A decision will be made at an upcoming meeting, held on June 6th at 3:00 pm, at the Fargo City Hall 225 4th Street North. Please attend in person to prevent this potential disaster.**

2 Kilometer Radius



June 6, 2023

City of Fargo
Planning Commission
225 4th St N
Fargo, ND 58102

RE: Interstate Business District Addition

Planning Commissioners:

I am writing in opposition to the proposed zoning changes at 4753 45th St N and 4269 40th Ave N. With the opposition to placing a cement crushing facility near a residential area from a medical professional, a professor of chemical engineering, and the 40 or so residents that have signed a letter of protest or stated their opposition in person, I cannot believe the planning commission has continued to entertain this request.

- A case study published August 28, 2021, in the International Journal of Environmental Research and Public Health noted:

Different associations have been observed between cement dust and various types of cancer, mortality, bone disease, kidney disease, respiratory disease, or cardiovascular disease. The risk of cancer by inhalation or aspiration of cement dust is very high, especially for people living near cement factories. Silica dust causes silicosis and severe lung disease, and the presence of chromium compounds in cement dust can lead to cancer. The severity of the conditions depends on the duration of exposure, the concentration and constituent of the dust, and the individual sensitivity, but no researcher rules out the possibility of disease. Long-term effects exist, especially in children born and raised near cement plants.

- The case study also notes that with wet processing the dust emissions can still reach 24% for PM10 and 7% for PM2.5; so, in my opinion, that's not an acceptable "solution". Installation of electrostatic precipitators/bag filters have led to significant reductions in dust emissions; however, those techniques must be installed and maintained, the plant must be properly managed, and the air quality must be continuously monitored. I put no faith in the self-regulation of this proposed facility by its owner or future management.

For the long-term health and well-being of the current and future residents of that area, your neighbors, people that share the same county, state and country with you, I ask that you make the conscionable decision to decline the request to rezone to Limited Industrial.

With Respect,



Sarah Larson
4970 38 ½ Ave N
Reiles Acres, ND 58102

July 5, 2023

TO: City of Fargo - City Council

Regarding Continued Objection to Zoning Proposal for: Interstate Business District Addition

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park to L1 Industrial and General Commercial
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

This letter is a follow-up to the initial letters and testimony presented to the Planning Commission on May 2 2023 and on June 6 2023 by the residents of Reiles Acres ETJ that live along 45th Street N and 47th Street N of Fargo, along with additional Reiles Acres residents.

As a follow-up from previous Planning Commission meetings, along with our concerns, we heard the following points from the Planning Commission which resulted in a vote to Deny the proposed zoning amendment:

1. Review the 15 year Growth Plan for the city of Fargo taking into consideration the large residential area adjacent and surrounding this property
2. What should the view be for people coming into Fargo?
3. Does this type of zoning fit the surrounding community and fit Fargo's values
4. Concerns regarding noise, traffic, environmental effects to the entire community

Summary of Concerns from the collective community

This property mentioned above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

We want to address each of the above areas below.

Zoning

1. Our preference is to stay with the existing Growth Plan of Fargo of residential development. This is particularly important considering the best fit for the entire existing surrounding community. Prairie Estates has been in existence since 1973, even before Reiles Acres and was designed for 2-5 acre size lots that allow country living. The entire neighborhood has grown with the expansion of Reiles Acres. Our concern is also that the land to the north of Prairie Estates is also part of Fargo's ETJ – which borders Reiles Acres & Reiles ETJ. The zoning of this land sets the precedent for the entire community long term.

According to Fargo research studies and demands of residents, Fargo is looking to offer residential housing on the north side of the city, and this is the opportunity. The demand is there for people that want to live on the north side of Fargo, with large employers such as NDSU, VA, Amazon, FedEx, etc. Individuals are looking for properties that allow them to have larger lots. Living along an interstate is not an issue – look at all the neighborhoods along I-29 south of I-94 – they are much closer to the interstate.

2. We do not want an Industrial Commercial in the zoning. Despite discussions – there has been no change to the East lots, the land owner still wants zoning of L1 Industrial – which includes manufacturing and production. Although the land owner has since decided to prohibit concrete crushing from any lot, the concern is that the zoning of Industrial Commercial on the east lots still leaves too much room for business types that do not fit this type of adjacent community of residential. We have asked for a change in this zoning for over two months and no concession has been given.
3. We do not feel that Industrial Commercial fits this area. Those types of businesses belong in an industrial park, which Fargo has built on the east side of I-29, and along corridors of 19th and 12th Ave N.
4. There is currently no, or proposed tree line or other buffer between this property and existing residential homes

Concerns on Decreased Valuation of Existing Homes

Having talked with several local realtors, they have validated this fact. Potential homeowners will do their research and check the zoning surrounding them and see their surroundings. They purchase a home based on quality of life.

The current Planning Conditions & Overlay statements do not do justice, they did not do the research, and state they do not believe it has effect. However we have done our research and it is a major concern.

The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our voicing our concerns and fighting for our properties that have been in families for over 50 years.

When we are looking at a potential decreased value in homes that just face this land, that represents a loss of value of close to \$1M. This is a significant concern.

Supporting Statement from Local Realtor

It has come to my attention that the homeowners on the West side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting.

→ *Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.*

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Jeremy Qualley

Qualley & Associates by eXp Realty - Realtor in the FM Area

Consider the Best Interest Of Neighboring Communities

Again – we ask you to consider: Is this the type of zoning YOU would like to live next to?

What is the view that Fargo wants to represent for people coming into the City of Fargo?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to an existing residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Continued Concerns:

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. We do not want businesses that bring additional traffic to the overall neighborhood.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area. These concerns have still not been addressed.

Summary

It is the consensus of all those that have previously posted opposition in previous letters and for those signing this additional letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider our concerns of the entire residential community.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Paul & Paula Peterson</u>	<u>Paul Peterson</u>	<u>4314 48th St N Fargo</u>
Name	Signature	Address

58102

Mike Lestina MIKE LESTINA 4406 45th St. N. Fargo
Name Signature Address
58102

Gail Prudhomme GAIL Prudhomme 4302 45th St N Fargo
Name Signature Address
58102

James Prudhomme Jim Prudhomme 4302 45th St N Fargo
Name Signature Address

Kyla DuBord Kyla DuBord 4101 45th St N Fargo
Name Signature Address

Dave Leah Heide DHeide 4006 45th St N Fargo
Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

From: Shane Amundson
Date: June 28, 2023 at 10:15:42 CDT
To: Tim Mahoney
Subject: Rezoning Opposition

Mayor Mahoney,

I am writing today on behalf of the Reile's Acres' city council, our ETJ, and municipal residents. The council and residents are concerned about the rezoning of a parcel of land known as Interstate Business District Addition (IBDA) – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West. The IBDA rezoning plan calls for a combination of LI and GC from its current AG designation.

The rezoning and proposed project would transform the land into an industrial park containing a concrete crushing operation right off of I-94 and 40th Ave. NW.

Your Planning Commission sided with the our ET and municipal residents in early June and voted 4-3 against the project, noting it wasn't in line with other zoning in the neighborhood.

Property values and possible negative health implications are our primary concerns.

We are asking that you and your Commissioners accept the findings and the vote of your Planning Commission. Your team found the project being proposed as not consistent with the 2007 growth plan and therefore they voted against it.

Very Respectfully,
Shane J. Amundson

May 5th, 2023

To: City of Fargo - City Planning & Development

Dear City Commission Members,

I am writing to you to express strong objection to the proposed zoning changes for the Interstate Business District Addition.

Re-zoning to limited industrial opens the gate to numerous manufacturing operations that carry inherent environmental and health hazards. In my experience as a chemical engineer and materials expert, I cannot think of a single industrially-graded operation that can be deemed safe for residents in its proximity. Generating waste is part of any manufacturing operation, whether solid, wastewater, air pollution, gases, noise, and/or vibration. In practice, it is often a combination of all.

For example, a cement crushing operation was recently suggested as a plausible manufacturing operation to be located in the discussed area. If approved, this would have resulted in devastating consequences to the neighboring community (please see accompanying letter). Even though it is no longer being considered, cement crushing is just one of many alike operations that can be suggested in the future if the re-zoning takes place. I will state it again – there is no harmless industrial process.

Discussions at previous meetings have also exposed the lack of state/city laws and regulations with respect to industrial operations placed in the vicinity of residential areas. I plead to your morality, please stay ahead of the curve, even in the absence of defined laws/regulations. Just a few decades ago asbestos and lead-paints have been widely used in commercial products. It led to the morbidity and tragic loss of numerous lives before much needed laws were implemented. Cases as such require meticulous studies carried out by a large number of specialized experts to prevent adverse outcomes.

I implore to your consciousness and prudence in carrying out the decision that will benefit the city and its people.

Sincerely,

Mariia Goriacheva

Mariia V Goriacheva, Ph.D.

Department of Chemical Engineering

University of North Dakota

Dear Planning Commission Members,

Upon attending the hearing on May 18th, I have come to realization that the potential hazards of the exposure to the cement dust have not been properly addressed and to a large extent were downplayed. As a professor of chemical engineering and a materials expert, I feel obliged to bring your attention to the following information.

Cement in a solidified form (i.e., concrete slab) does not pose danger to human beings. However, in the form of a fine dust, cement becomes lethal. Aerosolized particles can enter the body either through respiratory tract (inhalation) and/or gastrointestinal tract (swallowing). In both routes, individuals become exposed to numerous harmful substances, including but not limited to lead, mercury, cobalt, chromium, aluminum, cadmium, arsenic, silica, asbestos. All are recognized as extremely toxic and prone to cause numerous adverse health effects (Jaishankar *et. al.*, 2014).

Inhaled cement particles were shown to cause lung function impairment, chronic obstructive lung disease, restrictive lung disease, pneumoconiosis, and cancer of the lungs, throat, stomach, and colon. (Meo, 2004) Owing to its aerodynamic diameter, cement particles can also enter the bloodstream and thereby reach essential internal organs and affect various tissues including heart, liver, spleen, bone, and muscles, ultimately changing their microstructure and physiological performance (Gharpure *et. al.*, 2021). Respirable particles were also demonstrated to cause disorders in the nervous system. (Heusinkveld *et. al.*, 2016)

It is simply inaccurate to state that the danger exists only for the individuals directly participating in cement milling operations. Studies conducted on the soil and vegetation show that the cement dust particles can travel the distances of up to 5 kilometers (Shukla *et. al.*, 2008). Further, I would like to disclose the details of the study conducted by Tajudeen and Okpuzor in 2011. To quantify the impact of the cement dust, the researchers placed rats at 250 m and 1000 m away from a cement company. The subsequent examination of the lung tissues revealed presence of chemicals associated with cement dust in both groups of animals. Specifically, lung tissues of the exposed rats showed significant levels of calcium, silicon, aluminum, chromium, and lead compared to the unexposed rats. The histopathology study of the lung tissues of the exposed rats showed abnormal alveolar architecture, disrupted bronchus, damaged bronchioles, degenerated epithelium lining, weak respiratory connective tissues, inflammations, and blue-black pigments. Some of the exposed rats died before the end of the exposure. The experiment lasted only 180 days. (Tajudeen *et. al.*, 2011)

Taking into consideration the strong winds in North Dakota and the absence of natural forest/vegetation, it is safe to assume that the proposed location of the cement crushing plant will expose a large number of residents to the severe risks of the cement dust. Establishing cement crushing plant adjacent to a residential area will have an unnecessary detrimental impact on so many innocent lives. I plead to your consciousness and prudence – please do not allow harm to come to our community.

Sincerely Yours,
Mariia Goriacheva, Ph.D.



References:

Jaishankar *et. al.* Toxicity, Mechanism, and Health Effects of Some Heavy Metals. *Interdiscip Toxicol* **2014**, *7*, 60–72.

Meo. Health Hazards of Cement Dust. *Saudi Med J* **2004**, *25*, 1153-1159.

Gharpure *et.al*, Characterization and Hazard Identification of Respirable Cement and Concrete Dust from Construction Activities. *Int. J. Environ. Res. Public Health* **2021**, *18*, 10126.

Heusinkveld *et. al*, Neurodegenerative and Neurological Disorders by Small Inhaled Particles. *Neurotoxicology* **2016**, *56*, 94–106.

Shukla *et. al*, Impact of Dust Emission on Plant Vegetation in the Vicinity of Cement Plant. *Environ Eng and Manag J* **2008**, *7*, 31-35.

Tajudeen *et. al*. Variation in Exposure to Cement Dust in Relation to Distance from Cement Company. *Research Toxicology* **2011**, *5*, 203-212.

July 5, 2023
Fargo City 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 now understand that the proprietor may be pivoting to other limited industrial options, following the unfavorable recommendation of the planning committee.

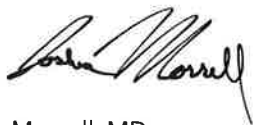
I want to specifically highlight that nearly all production processes generate waste that cause environmental contamination in the neighboring area. Without specific details of what is planned, I can't say for certain whether the risk will be higher or lower vs cement dust, but regardless risk will remain. 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 cancer.

Further, to echo the recommendations of the planning committee, limited industrial does not fit the future plans of this area. Fargo will undoubtedly be expanding to the northwest, and roads such as 45th St N will be a gateway to that expansion. Industrial operations will blemish the area, deterring both business and residential growth.

Again, I plead to your decency and morality, please do not endanger our community.

Kind regards,



Joshua Morrell, MD
Chairman, UND Radiology
Board Certified Radiologist, Department of Veterans Affairs

Autumn Kraft
City of Fargo – City Hall

June 19, 2023

225 4th Street North
Fargo, ND 58102

Subject: Concerns Regarding the Proposed Concrete Crushing Plant near City of Reile's Acres

Dear City of Fargo,

I hope this letter finds you well. As a former resident of Fargo, a graduate of North Dakota State University, and someone who holds affection for the city, I write to express my support for my sister, Kelly Donahue, who is a resident of the City of Reile's Acres. She, along with many other concerned residents, firmly believes that the construction of a concrete crushing plant in proximity to their residential neighborhood will have significant detrimental effects on neighborhood health, well-being, and property values. I urge you to take these concerns seriously and carefully consider the potential consequences before deciding.

One of the primary concerns raised by my sister and other residents is the potential impact on neighborhood health. Concrete crushing plants have been known to emit harmful pollutants, including but not limited to silica, mercury, asbestos, and lead. These pollutants can have detrimental effects on public health in these nearby neighborhoods. It is of utmost importance to prioritize the health and safety of the community by consolidating industrial activities, such as concrete crushing, an appropriate distance from residential zones.

Furthermore, the proposed construction and operation of a concrete crushing plant near residential areas may have a negative effect on the overall well-being of the neighborhood. The noise, dust, and vibrations generated by such facilities can disrupt the tranquility and peacefulness that residents have come to appreciate. It is crucial to recognize the significance of a harmonious living environment and consider alternative locations that minimize potential disturbances and preserve the well-being of the community. This industrial zoning would only exacerbate the activity from the increasingly busy Interstate 29 traffic not far from the zone of concern.

In addition to health and well-being concerns, the establishment of a concrete crushing plant near residential zones could have adverse effects on property values. Potential homebuyers are likely to be deterred by the proximity to industrial activities, which can lead to a decline in property values. This not only impacts the financial well-being of homeowners but also hampers the overall growth and development of the community. It is vital to consider the long-term economic implications of industrial developments and prioritize the preservation of property values for the benefit of all residents.

As a former resident who has experienced firsthand the unique charm and strong community ties that define Fargo, I urge the City of Fargo to give serious consideration to the concerns raised by my sister and other residents of the City of Reile's Acres. I implore you to reasonably accommodate the requests of the residents of the City of Reile's Acres by thoroughly exploring alternative locations for the proposed concrete crushing plant that would mitigate potential negative impacts on the health, well-being, and property values within these residential neighborhoods. By doing so, we can ensure continued prosperity and quality of life for all residents.

Thank you for your attention to this matter. I trust that you will carefully weigh the concerns of the community and make a decision that upholds the best interests of all parties involved.

Warm regards and Go Bison!

Autumn Kraft, Ph.D.



**COMMENTS RECEIVED PRIOR TO THE
JUNE 6th, 2023 PLANNING COMMISSION
HEARING**

From: Trent Duda

Sent: Tuesday, May 30, 2023 10:27 AM

To: Donald Kress ; Mark Williams

Subject:

Donald, I would like to have this email and the Reiles Acres letter to the city of Fargo entered into the packet for this agenda. I would like to start by saying thank you for working with me on this. It has been a long process. When I originally got a purchase agreement for this land I had it stipulated I could get out of buying the land at the time if I couldn't get approval from relies acres to do what I wanted to do on the land. I went and talked with the city at a city council meeting. They agreed they wanted me to start the industrial park and allowed me to crush concrete as you can see in the letter they sent the city of Fargo that I attached here. If they would have said no, I would have bought where Amazon is now which was for sale at the time also. After I went through with the purchase I came to find out the city doesn't have the right to put industrial waste into the Fargo Sewer System which they didn't tell me about. So that meant I had to have Fargo annex me if I wanted industrial. It's now that they are saying they don't want industrial there, which i believe is because they couldn't annex me. After all this, I am willing to do GC along the west side of my project with a 25 foot vegetation buffer and a 3 foot high berm 25 feet wide at the bottom 4 feet wide at the top along all the lots on the west side and a fence on lots 3,4, and 5 on top the berm with the vegetation buffer on the west side of the fence. This would be put in when a building permit is put on these lots and paid for by the new owners of the land. This is more than is required of me and I feel I am meeting more than half way. Thanks for your consideration.

Thank you,

Trent Duda

Owner/President

Earthwork Services Inc

345 12th Ave NE, West Fargo, ND 58078



City of Reile's Acres
4635 35th Ave N.
Reile's Acres, ND 58102
www.reilesacresnd.org

October 21, 2020

City of Fargo

City Hall

225 4th Street North

Fargo, ND 58102

Dear City of Fargo:

The City of Reile's Acres has received a written request from property owner Trent Duda and ARD Properties, LLC with respect to the property located north of Memory Fireworks and west of Interstate 29, north of the City of Fargo.

Mr. Duda is acquiring the property for an expansion of his contracting business, Earthwork Services, Inc. His plans are to use the property for commercial and industrial uses that will include excavating sand and gravel and crushing concrete, beginning on site in Spring 2021. The City of Reile's Acres supports this use of the property.

Mr. Duda requested that the City of Reile's Acres extend its extraterritorial jurisdiction over the property and connect the property to municipal sewer and water services.

The City of Reile's Acres is supportive of this request. By this letter, the City of Reile's Acres requests that the City of Fargo relinquish its extraterritorial jurisdiction with respect to the property, and allow the City of Reile's Acres to extend its extraterritorial jurisdiction over the property, including the possibility of annexation of the property into the City of Reile's Acres.

Very truly yours,

Shane Amundson, Mayor

City of Reile's Acres



City of Reile's Acres
4635 35th Ave N.
Reile's Acres, ND 58102
www.reilesacresnd.org

(RESOLUTION 2023-3)

5/9/23

RESOLUTION OBJECTING THE ZONING PROPOSAL FOR THE INTERSTATE BUSINESS DISTRICT ADDITION

BE IT RESOLVED BY THE ELECTED COUNCIL OF THE CITY OF REILE'S ACRES:

The City of Reile's Acres objects to the Interstate Business District Addition- Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West, request for zoning change.

A. Opposition

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and Proposed park to Industrial and Commercial
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Our opposition to the zoning change is to the following issues the change will create for our city and its ETJ residents if this parcel is allowed to be L1, with a C-O.

B. Details of objections

- 1) The landowner wishes to build a concrete crushing plant on a portion of this land.
 - a. This will not only create an environmental hazard with dust as there is nothing to contain it with the open space and mostly Northerly wind patterns in our area for the majority of the year.
 - b. It will also create noise pollution to a normally quiet area.
 - c. Additional lighting that would be needed for safety of an operation like this will cause excessive light pollution to an area that has normally not had a great deal of man-made light.
 - d. The significant increase in large and heavier trucks/equipment that would be traveling in and out of this parcel would create many additional safety risks to our residents.
- 2) The application allows for a broad spectrum of business and manufacturing to occur on this parcel that could potentially impact home values negatively for our entire city and ETJ residents.



City of Reile's Acres
4635 35th Ave N.
Reile's Acres, ND 58102
www.reilesacresnd.org

a. Only a few areas within Fargo's own boundaries in which single family homes are abutting the similar zoning to this application. By allowing the application to be approved as requested, in our instance, there is no stepped "buffer" system planned. With this designation no one would develop a multi-family housing area when it would be more lucrative to build commercial or industrial properties.

C. Closing

Our request is to not allow the LI zoning. In 2020 our council was in favor of this and we can only assume it was because of the desire to annex this property into the City of Reile's Acres. Today, the residents are opposed to it. Having received communication objecting to this re-zoning request from many our residents, the City of Reile's is officially objecting to the LI re-zoning changes while reluctantly accepting the GC zoning changes.

PASSED AND ADOPTED this 9th Day of May 2023. CITY OF REILE'S ACRES, ND

Mayor Shane J. Amundson, Attest _____
City Auditor Nic Miller, Approved _____

The motion for the adoption of the foregoing resolution was duly made by Member Hager, seconded by Member Krantz, and upon vote being taken hereon, the following voted in favor: Hager, McCamy, Krantz, Dick; the following voted against the same: None; and the following were absent: None; whereupon the resolution was declared duly passed and adopted and was signed by the Mayor and attested by the City Auditor.

May 29 2023

TO: City Of Fargo - City Planning & Development

Regarding Continued Objection to Zoning Proposal for: Interstate Business District Addition

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to L1 Industrial and General Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

This letter is a follow-up to the initial letters and testimony presented to the Planning Commission on May 2 2023 by the residents of Reiles Acres ETJ that live along 45th Street N and 47th Street N of Fargo, along with additional Reiles Acres residents.

As a follow-up from the May 2nd meeting, along with our concerns, we heard the following points from the Planning Commission which resulted in a vote of issuing a continuance to this zoning proposal:

1. Review the 15 year Growth Plan for the city of Fargo taking into consideration the large residential area surrounding this property
2. What should the view be for people coming into Fargo
3. Reiles Acres was not informed, how do you include their opinion
4. Need to rethink the West side of this property
5. Concerns regarding noise, traffic, environmental effects

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

In recent discussion with the property owner, these are points regarding the zoning application:

1. West lots to be zoned as General Commercial
2. No change to the East lots, still wants zoning of L1 Industrial – which includes manufacturing and production.
3. For the buffer zone between Lots 3 -5 only, would be 25 feet with a chain-link fence with slats. Trees would be the responsibility of new lot owner based on conditional overlay instructions
4. Lot 1 is owned by Dr. Knutson, who was not present in discussions and has not offered any buffering

We want to address each of the above areas below.

Zoning

In our meeting on May 18th, we asked the City Planning if they had reviewed the long term growth plan. They stated they are not making any changes. Therefore, we assume that the current zoning of Residential and a Park is still their long term intention.

The updated Zoning proposal indicates that L1 Industrial still stays on the East Lots. Again, this is not what people want. With manufacturing and production still being on the options for L1, it still opens the door for businesses that will not fit into the community.

Mr. Duda wants to own some of these lots and wants to put in a concrete crushing plant - which all affected residents, including city of Reiles Acres, strongly object to.

- This type of operation involves the constant stock piling of concrete which means large truck traffic. Today on Mr. Duda's land, he has a large dirt pile which means up to 40 trucks per day witnessed, and the noise of banging truck tailgates sounds like gun shots which can be heard from within our homes.
- The crushing of concrete involves a process that is environmentally unhealthy. Please refer to the letters that have been submitted by accredited individuals and references to the studies on the long term effects. Fine particles will be carried by the wind not only across the interstate but to neighboring residential areas, represent significant concerns to health, and hazards are absorbed into the ground for up to 5 KM.
- It is not an attractive business to have along the interstate. Other concrete crushing plants in the FM metro area are located in industrial areas at the edge of the city behind other buildings, and no where near residential areas. This is not something the city should allow.

The City of Reiles Acres supports these concerns on behalf of their residents and our ETJ and have sent in a letter to object their concerns as well.

Concerns on Decreased Valuation of Existing Homes

Putting in a chain-link fence with privacy slats is not the answer. It is still very unattractive and will be a garbage collector.

Lot 1, owned by Dr Knutson, contains no buffering allotments in the Conditional Overlay - which again is a major concern for home owners, and everyone traveling by on County Road 20 will have to look at. He has not been present in discussions.

When we are looking at a potential decreased value in homes that just face this land, **that represents a loss of value of close to \$1M.** This is a significant concern.

Consider the Best Interest Of Neighboring Communities

Again - we ask you to consider: Is this the type of zoning YOU would like to live next to?

Here is a view of the land from the 40th Ave N & I-29 Interchange Bridge looking to the northwest. Here is a high amount of traffic not only on the interstate, but by individuals that use 40th Ave N and cross this bridge every day. This is their view - **what do you want them to see in the future?**



There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Continued Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. We do not want businesses that bring additional traffic to the overall neighborhood.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area. These concerns have still not been addressed.

Summary

It is the consensus of all those that have previously posted opposition in previous letters and for those signing this additional letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider our concerns of the entire residential community.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Paul & Paula Peterson</u>	<u>Paul Peterson</u>	<u>4314 45th St N Fargo</u>
Name	Signature	Address

MIKE LESTINA

Mike Lestina

4406 45th St N, Fargo

Name

Signature

Address

JAMES PRUDHOMME

James Prudhomme

4302 45th St N, Fargo

Name

Signature

Address

Dail Prudhomme

Dail Prudhomme

4302 45th St N Fargo

Name

Signature

Address

Dean DuBord

Dean DuBord

4106 45th St N Fargo

Name

Signature

Address

Dave :Lean Heide

DHeide

4006 45th St N Fargo

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

From: Tim D
Sent: Thursday, May 18, 2023 8:56 PM
To: Donald Kress
Subject: Interstate Business District Addition

Hi Mr. Kress,

Thank you for chairing the meeting on May 18 with nearby residents to the proposed concrete crushing station about possible changes.

The residents that live along 45th St N have a much more pressing issue than mine. One of the comments they made included business lighting.

I believe that business lighting can be effective and at the same time economical and esthetic. Night skies in Fargo have disappeared due to the type of street lighting that is being used.

There are better lighting products available than the "Cobra" Head street lamps and lanterns used for house lighting.

[Search by Use \(darksky.org\)](#) This link leads to a page where lighting styles can be perused.

I used to travel 32nd Ave S between 25th St and I29. The type of lighting used in that neighborhood made it difficult to read the road surface, as my eyes were being hit by light from many different light poles. I have attached a document from the same website with additional information on wasted energy based on improperly directed and contained light.

Properly directed light will place the light where it is needed; while uncontrolled light will allow the light to go in any direction. Uncontrolled light makes it harder to see and wastes energy to produce light that is unusable.

According to the International Dark Sky Association (IDA),
Lighting should be directed downward or shielded in all situations.
Approximately \$5 Billion is spent every year on unneeded lighting. The unneeded lighting is costing 21 Million Tons of CO₂. Also, unnecessary lighting is confusing birds and other animals.

I believe that Fargo can reduce its sky glow by a significant portion, just as Tucson has also done, by choosing appropriate lighting for streets and other outdoor uses.

There are even Urban locations that have been designated as Dark Sky locations based on what they have done with the lighting within the city. [Urban Night Sky Places Archives - International Dark-Sky Association \(darksky.org\)](#)

Thank you very much for reading and considering IDA approved lighting which will make the neighborhood more appealing.

Thanks.
Tim Dockter

LIGHT POLLUTION COSTS MONEY AND WASTES RESOURCES

HOW DOES ENERGY WASTE HARM THE ENVIRONMENT?

Excess lighting pumps millions of tons of carbon into our atmosphere every year, and also causes light pollution.

Light pollution:

- Increases greenhouse gas emissions
- Contributes to climate change
- Increases our energy dependence

WHAT ABOUT OUR CARBON FOOTPRINT?

In the U.S. alone, about 15 million tons of CO₂ are emitted each year to power residential outdoor lighting. That equals the emissions of about 3 million passenger cars and adds up to 40,000 tons per day. To offset all that carbon dioxide, we'd need to plant about 600 million trees annually!



WHAT DOES LIGHT POLLUTION COST?

About \$3 billion dollars per year of energy is lost to bad lighting. This is about \$10 a year for every man, woman, and child in the U.S.



HOW MUCH ENERGY AM I WASTING?

The average house with poorly designed outdoor lighting wastes 0.5 kilowatt-hours (kWh) per night. A kilowatt-hour is a unit of energy equivalent to one kilowatt of power for an hour. It's enough energy to power a 50-inch plasma TV for one hour or run one load in your dishwasher!



It just takes small changes to save energy, money and our night skies. You can make a difference today.

Keep light on the ground



ENERGY EFFICIENCY SOLUTIONS

Shielding outdoor lighting saves energy and money, reduces our carbon footprint and helps protect the natural nighttime environment. The solutions are easy. Work with your neighbors and local government to keep the light on the ground and the skies natural. It's a win-win for everyone. You save money while preserving a valuable natural resource.

Tips to help you conserve energy and use light efficiently:

- Install quality outdoor lighting to cut energy use by 60-70%, save money and cut carbon emissions.
- Fully shield all outdoor lighting — light should go down on the ground where it's needed, not up into the sky.
- Be aware that fully shielded fixtures can provide the same level of illumination as unshielded fixtures, but with lower cost and less energy waste.
- Turn off indoor lights in office buildings or homes when not in use to save money and energy.

Visit darksky.org for more information.

Good vs. Bad Lighting

This photo (right) shows examples of good and poor lighting design. The unshielded light fixture on the left throws light into the sky and creates glare, impairing visibility. The shielded light fixture on the right directs light to the ground where it is needed and does not create lighting pollution. To learn about light fixtures that are environmentally friendly, energy efficient and certified with the IDA Fixture Seal of Approval, visit darksky.org.



Energy use and its impact on our environment has become one of the top concerns facing humanity.



Poorly designed outdoor lighting wastes energy by not being shielded, emitting more light than necessary or shining when and where it's not needed. Wasting energy in this way has huge economic and environmental consequences.

Leaving lights on overnight – such as those in office buildings – wastes energy and contributes to the general skyglow of the city. Dark sky friendly lighting does not mean “no light.” It means using the light that you need for a specific task in the most efficient manner possible.

“We can create a more sustainable, cleaner and safer world by making wiser energy choices.”

– Robert Alan Silverstein,
children's science book author



WHY DARK SKIES?

The need to protect and restore the natural nighttime environment is more urgent than ever. Light pollution, defined as light where it is not wanted or needed, affects our health, the environment, wildlife, and our ability to find awe in the natural night. Research indicates that light pollution is increasing at a global average rate of two percent per year.

ABOUT IDA

The International Dark-Sky Association, a 501(c)(3) nonprofit organization based in Tucson, Arizona, is dedicated to preserving and protecting the natural nighttime environment.



HELP US PROTECT THE NIGHT

Our work is made possible by support from IDA members. Become a member and support our work in protecting the natural nighttime environment. Please join us today!

DARK SKY.ORG

International Dark-Sky Association
3223 N. First Avenue
Tucson, AZ 85719 USA
+1-520-293-3198

Light Pollution Wastes Energy and Money



INTERNATIONAL DARK-SKY ASSOCIATION

Dear Planning Commission Members,

Upon attending the hearing on May 18th, I have come to realization that the potential hazards of the exposure to the cement dust have not been properly addressed and to a large extent were downplayed. As a professor of chemical engineering and a materials expert, I feel obliged to bring your attention to the following information.

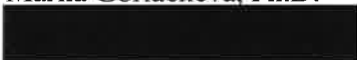
Cement in a solidified form (i.e., concrete slab) does not pose danger to human beings. However, in the form of a fine dust, cement becomes lethal. Aerosolized particles can enter the body either through respiratory tract (inhalation) and/or gastrointestinal tract (swallowing). In both routes, individuals become exposed to numerous harmful substances, including but not limited to lead, mercury, cobalt, chromium, aluminum, cadmium, arsenic, silica, asbestos. All are recognized as extremely toxic and prone to cause numerous adverse health effects (Jaishankar *et. al.*, 2014).

Inhaled cement particles were shown to cause lung function impairment, chronic obstructive lung disease, restrictive lung disease, pneumoconiosis, and cancer of the lungs, throat, stomach, and colon. (Meo, 2004) Owing to its aerodynamic diameter, cement particles can also enter the bloodstream and thereby reach essential internal organs and affect various tissues including heart, liver, spleen, bone, and muscles, ultimately changing their microstructure and physiological performance (Gharpure *et. al.*, 2021). Respirable particles were also demonstrated to cause disorders in the nervous system. (Heusinkveld *et. al.*, 2016)

It is simply inaccurate to state that the danger exists only for the individuals directly participating in cement milling operations. Studies conducted on the soil and vegetation show that the cement dust particles can travel the distances of up to 5 kilometers (Shukla *et. al.*, 2008). Further, I would like to disclose the details of the study conducted by Tajudeen and Okpuzor in 2011. To quantify the impact of the cement dust, the researchers placed rats at 250 m and 1000 m away from a cement company. The subsequent examination of the lung tissues revealed presence of chemicals associated with cement dust in both groups of animals. Specifically, lung tissues of the exposed rats showed significant levels of calcium, silicon, aluminum, chromium, and lead compared to the unexposed rats. The histopathology study of the lung tissues of the exposed rats showed abnormal alveolar architecture, disrupted bronchus, damaged bronchioles, degenerated epithelium lining, weak respiratory connective tissues, inflammations, and blue-black pigments. Some of the exposed rats died before the end of the exposure. The experiment lasted only 180 days. (Tajudeen *et. al.*, 2011)

Taking into consideration the strong winds in North Dakota and the absence of natural forest/vegetation, it is safe to assume that the proposed location of the cement crushing plant will expose a large number of residents to the severe risks of the cement dust. Establishing cement crushing plant adjacent to a residential area will have an unnecessary detrimental impact on so many innocent lives. I plead to your consciousness and prudence – please do not allow harm to come to our community.

Sincerely Yours,
Mariia Goriacheva, Ph.D.



References:

Jaishankar *et. al.* Toxicity, Mechanism, and Health Effects of Some Heavy Metals. *Interdiscip Toxicol* **2014**, *7*, 60–72.

Meo. Health Hazards of Cement Dust. *Saudi Med J* **2004**, *25*, 1153-1159.

Gharpure *et.al.* Characterization and Hazard Identification of Respirable Cement and Concrete Dust from Construction Activities. *Int. J. Environ. Res. Public Health* **2021**, *18*, 10126.

Heusinkveld *et. al.* Neurodegenerative and Neurological Disorders by Small Inhaled Particles. *Neurotoxicology* **2016**, *56*, 94–106.

Shukla *et. al.* Impact of Dust Emission on Plant Vegetation in the Vicinity of Cement Plant. *Environ Eng and Manag J* **2008**, *7*, 31-35.

Tajudeen *et. al.* Variation in Exposure to Cement Dust in Relation to Distance from Cement Company. *Research Toxicology* **2011**, *5*, 203-212.

May 25, 2023
City of Fargo - Planning and Development
225 4th St N
Fargo, ND 58102

Dear Committee 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. I want to highlight the extremely dangerous health consequences of cement dust exposure. There is irrefutable evidence of significantly increased risk of multiple types of cancer, pulmonary fibrosis, and other health aberrations.

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.

I will be available in person for any questions at the upcoming meeting, June 6th. If needed, I can provide numerous scientific papers supporting my statements. Again, I plead to your decency and morality, please do not endanger our community.

Kind regards,



Joshua Morrell, MD
Chairman, UND Radiology
Board Certified Radiologist, Department of Veterans Affairs

**COMMENTS RECEIVED PRIOR TO THE
MAY 2nd, 2023 PLANNING COMMISSION
HEARING**

From: Joe Ring
Sent: Wednesday, April 26, 2023 12:06 PM
To: Donald Kress
Subject: Growth Plan amendment-located @ 4753 45th St N

Donald,

I am writing you today to express my concerns about the proposed zoning changes to the parcel of land located at 4753 45th St. N.

County Rd 20 is a 2 lane road with no turn lanes into Reiles Acres south or north of County road 20. We have seen an increase in traffic with the Amazon Distribution Center and the Marvin Windows facility. If this proposed zoning change is accepted, this will add even more traffic and safety issues while navigated this already busy county road. In addition to this, there is a new residential addition going in North of Reiles 9th addition and this again will add more traffic along this county road. Much of which will be stop and go for residents turning into editions to the north and south of County road 20. I have not been made aware of any proposals or enhancements to county rd 20. At a minimum, this needs to be a consideration before being allowed to move forward with an extensive project such as this one. And the majority of the cost of said project should not fall onto the residents of Reiles Acres.

In addition to the traffic safety issues that this proposal creates, a big part of why the residents of Reiles Acres have chosen to live in this area is because it has been surrounded by agriculture zoned land which has provided its residents an area to enjoy with little to no industrial noise and the hustle and bustle of large vehicle traffic. The proposed changes to Light Industrial gives these future land owners many options for businesses that will be allowed to run heavy trucks and equipment in and out of this area. It is known that a desire for a concrete crushing plant is also being contemplated which would create a large amount of noise in very close proximity to residential homes. This is unacceptable to consider when people have been enjoying this quite area for decades.

The last concern that I have is that 2 years down the road, the owners of this land/property can propose further changes to zoning and request more changes that could contribute to even higher amounts of industrial equipment and heavy truck travel in and around our residential neighborhoods.

I am not in favor of the proposed zoning changes for the above reasons.

I appreciate your time and consideration.

Joe Ring
4752 38 1/2 Ave N
Reiles Acres, ND 58102

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102

Date 04-24-2023

TO: City of Fargo - City Planning & Development

RE: Zoning Proposal Objection to Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park to Industrial and Commercial
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information:

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community:

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning:

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5-story building, or an asphalt facility, etc.

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102

Date 04-24-2023

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side, and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run if the weather permits. He stated that his property off 12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities - Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights, and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102



Date 04-24-2023

Summary:

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would consider our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for the consideration and reviewing this information.

The following individuals have the above concerns and objections and are hereby supporting this by signing:



Signature

Jason Faulkner

Printed Name

4422 45th St N Fargo ND 58102

Address

4.24.2023

Date



Signature

Lydia Faulkner

Printed Name

4422 45th St. N. Fargo ND 58102

Address

4.24.2023

Date

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run as long as the weather permits. He stated that his property off of

12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>JAMES PRUDHOMME</u>	<u>James Prudhomme</u>	<u>4302 - 45th St N, Fargo ND</u>
Name	Signature	Address

<u>Gael Prudhomme</u>	<u>Gael Prudhomme</u>	<u>4302 45th St N Fargo ND</u>
Name	Signature	Address

<u>Debbie Moos</u>	<u>D Moos</u>	<u>4112 47th St N Fargo ND</u>
Name	Signature	Address

<u>James Moos</u>	<u>James Moos</u>	<u>4112 47th St N Fargo ND 58102</u>
Name	Signature	Address

Name Signature Address
Roger Parrow [Signature] 4209-47th St N.

Name Signature Address
Judy Parrow Judy Parrow 4209 47th St N

Name Signature Address
Robert Bohmerf [Signature] 4115 47th ST N
FARGO, ND 58102

Name Signature Address
Brenda Bohmerf Brenda Bohmerf 4115 47th ST N
FARGO, ND
58102

Name Signature Address
Branden + Liz Kutz [Signature] 4414 47th St. N. Fargo, ND 58102

Name Signature Address
Donnette Gustafson [Signature] 4306 47th St. No. Fargo, ND
58102

Name Signature Address
Norman Gustafson Norman Gustafson 4306 47th St. No.

Name Signature Address
Sharon Lorz Sharon Lorz 4319-47th St. N. Fargo, ND
58102

Name Signature Address
Harold Lorz Harold Lorz 4319 47th St N, Fargo ND
58102

Name Signature Address
Kayh Lorz Kayh Lorz 4519 47th St N Fargo ND 58102

Name: Josh Loge
Signature: 
Address: 4519 47th St N

Name: Katie Kram
Signature: 
Address: 4518 47th St. N

Name: Wyatt Kram
Signature: 
Address: 4518 47th St. N.

Name: Pat Bresnahan
Signature: 
Address: 4505 47th St. N

Name: Nicolette Bresnahan
Signature: 
Address: 4505 47th St. N

Name: Bernice Kram
Signature: 
Address: 4502-36th Ave N.

Name: Roger Kram
Signature: 
Address: 4502 - 36th Avenue N.

Name: _____
Signature: _____
Address: _____

Name: _____
Signature: _____
Address: _____

Name: _____
Signature: _____
Address: _____

Name: _____
Signature: _____
Address: _____

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

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Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

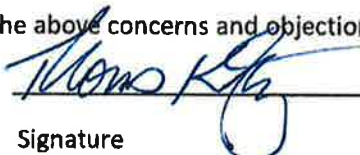
Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Thomas Kritz</u>	<u></u>	<u>4563 38 1/2 Ave. N</u>
Name	Signature	Address Reile's Acres

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run as long as the weather permits. He stated that his property off of

12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,





Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Jamie Kenowski</u>	<u></u>	<u>4786 38th Ave Reites Acres</u>
Name	Signature	Address
<u>Rachel Kenowski</u>	<u></u>	<u>4786 38th Ave Reites Acres</u>
Name	Signature	Address
<u>Susan Young</u>	<u></u>	<u>3838 50th St N Reites Acres</u>
Name	Signature	Address
<u>Michael Young</u>	<u></u>	<u>3838 50th St N Reites Acres</u>
Name	Signature	Address

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

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Background Information

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Specific Concerns

Zoning

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The following individuals have the above concerns and objections and are hereby supporting this by signing:

MARIJA GORJACHEVA		4534 39th AVE N
JOSHUA MORRELL	Signature	Address

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

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Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Breannon Nelson</u>	<u>Brandon Nelson</u>	<u>4502 45th St N</u>
Name	Signature	Address

Name: Aaron Young Signature: [Signature] Address: 4533 38¹/₂ Ave N Reiles Acres ND 58102

Name: Lisa Prudhomme Signature: [Signature] Address: 3353 50th St S Reiles Acres, ND 58102

Name: Joel Prudhomme Signature: [Signature] Address: 3353 50th St S Reiles Acres, ND 58102

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business

does not run just two weeks a year, it can run as long as the weather permits. He stated that his property off of 12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

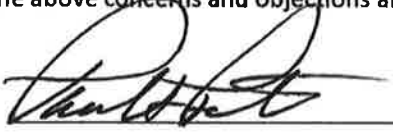
Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

Paul & Paula Peterson  4314 45th ST N Fgo
Name Signature Address

WANEY MARLENE THORSTEINSON  401.5 47th St N Fargo ND
Name Signature Address

MIKE LESTINA
GRETCHEN LESTINA  4406 45th St N. FARGO, ND
Name Signature Address 58102

DAVE + LEAH HEIDE  4006 45th St. N. FARGO, ND
Name Signature Address 58102

Ryan Carlson  4482 45^R St. N
Name Signature Address Fargo, ND 58102

Jerome Kohle  4442 45th St N Fargo
Name Signature Address ND 58102

Todd Bjordahl  337245th St N Riles
Name Signature Address ND 58102

Melinda Bjordahl Melinda Bjordahl 3372 45 St N Riles
Name Signature Address Acres ND 58102

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

GERALD RAMBERG *Gerald Ramberg* 4206 45th St. N. Fargo, ND
58102

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in **Opposition** to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to I.1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

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The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

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Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

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Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety – Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

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Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

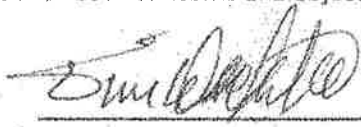


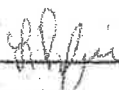
Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Tim Dackter</u>	<u></u>	<u>3635 49th St N 58102</u>
Name	Signature	Address
<u>Debbie Dackter</u>	<u></u>	<u>3635 49th St N 58102</u>
Name	Signature	Address
<u>Joshua Dackter</u>	<u></u>	<u>3635 49th St. N 58102</u>
Name	Signature	Address
<u>LaShai Pfeiffer</u>	<u></u>	<u>4634 35th Ave N 58102</u>
Name	Signature	Address

Nelson, Susan

Name

Susan Nelson

Signature

4730 35th Ave N, Reister Acres, ND

Address

Nelson, Tony

Name

Tony Nelson

Signature

4770 35th Ave N, Reister Acres, ND

Address

Giese, Brendan

Name

Brendan Giese

Signature

4728 37th Ave N, Reister Acres, ND 58102

Address

R. Nelson

Name

R. Nelson

Signature

4730 35th Ave N, Reister Acres, ND

Address

Aissa Nelson

Name

Aissa Nelson

Signature

4770 35th Ave N, Reister Acres, ND 58102

Address

Adam DuBord

Name

Adam DuBord

Signature

4106 45th St N, Fargo, ND 58102

Address

Kyla DuBord

Name

Kyla DuBord

Signature

4106 45th St N, Fargo, ND 58102

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

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Jeremy Qualley
Realtor in the FM Area

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It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Erleen McCanna</u>	<u>Erleen McCanna</u>	<u>4504 38 1/2 Ave N</u>
Name	Signature	Address

<u>John McCanna</u>	<u>John McCanna</u>	<u>4504 38 1/2 Ave N</u>
Name	Signature	Address

_____	_____	_____
Name	Signature	Address

_____	_____	_____
Name	Signature	Address

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

40c

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS
OF LAND LYING IN INTERSTATE BUSINESS DISTRICT ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

1
2 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the
3 City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain
4 parcels of land lying in the proposed Interstate Business District Addition to the City of Fargo, Cass
County, North Dakota; and,

5 WHEREAS, the Fargo Planning Commission recommended denial of the rezoning request
6 on June 6, 2023; and,

7 WHEREAS, the rezoning changes were approved by the City Commission on July 10,
8 2023,

9 NOW, THEREFORE,

10 Be It Ordained by the Board of City Commissioners of the City of Fargo:

11 Section 1. The following described property:

12 Lot One (1), Block One (1) of the Interstate Business District Addition to the City of
13 Fargo, Cass County, North Dakota;

14 is hereby rezoned from "AG", Agricultural, District to "GC", General Commercial, District with a
15 "C-O", Conditional Overlay as follows:

- 16 1. The following uses are prohibited:
- 17 a. Detention Facilities
 - 18 b. Adult Establishments
 - 19 c. Off-Premise Advertising Signs
 - 20 d. Aviation/Surface Transportation
 - 21 e. Portable Signs
- 22 2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.
- 23 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

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall
2 any substance, item or material be kept on any lot that will emit foul odors, including
3 compost sites and fertilizer.

4 Section 2. The following described property:

5 Lots Three (3) through Seven (7), Block One (1) of the Interstate Business District
6 Addition to the City of Fargo, Cass County, North Dakota;

7 is hereby rezoned from "AG", Agricultural, District to "GC", General Commercial, District with a
8 "C-O", Conditional Overlay as follows:

- 9 1. The following uses are prohibited:
- 10 a. Detention Facilities
 - 11 b. Adult Establishments
 - 12 c. Off-Premise Advertising Signs
 - 13 d. Aviation/Surface Transportation
 - 14 e. Portable Signs
- 15 2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.
- 16 3. The property shall not be used in whole or in part for storage of rubbish or debris of any
17 kind whatsoever nor for the storage of any property or items that will cause such lot to
18 appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall
19 any substance, item or material be kept on any lot that will emit foul odors, including
20 compost sites and fertilizer.
- 21 4. The developer shall install a three (3) foot-high berm that must be twenty-five (25) feet
22 wide at the bottom and four (4) feet wide at the top along the west side of Lots Three (3)
23 through Seven (7).
5. The property owner of Lots Three (3), Four (4), and Five (5), Block One (1) shall install
trees on the west side of the berm at the time of development of these individual lots.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 3. The following described property:

1 Lots Two (2) and Eight (8), Block One (1) of the Interstate Business District
2 Addition to the City of Fargo, Cass County, North Dakota;

3 is hereby rezoned from “AG”, Agricultural, District to “P/I”, Public and Institutional, District.

4 Section 4. The following described property:

5 Lots Nine (9) through Fifteen (15), Block One (1) of the Interstate Business District
6 Addition to the City of Fargo, Cass County, North Dakota;

7 is hereby rezoned from “AG”, Agricultural, District to “LI”, Limited Industrial, District with a “C-
8 O”, Conditional Overlay as follows:

9 1. The following uses are prohibited:

- 10 a. Detention Facilities
11 b. Adult Establishment
12 c. Aviation/Surface Transportation
13 d. Concrete Crushing

14 2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

15 3. The property shall not be used in whole or in part for storage of rubbish or debris of any
16 kind whatsoever nor for the storage of any property or items that will cause such lot to
17 appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall
18 any substance, item or material be kept on any lot that will emit foul odors, including
19 compost sites and fertilizer.

20 4. The maximum height of any off-premise sign is limited to thirty-five (35) feet.

21 5. The total number of off-premise signs is limited to four (4).

22 Section 5. The City Auditor is hereby directed to amend the zoning map now on file in his
23 office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 6. This ordinance shall be in full force and effect from and after its passage and approval.

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Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:



INFORMATION SERVICES

225 4th St N

FARGO, ND 58102

PHONE: 701-476-6700

FAX: 701-241-8253

41

July 5, 2023

Honorable Board of
City Commissioners
City of Fargo
200 N 3rd St. S
Fargo, ND 58102

Dear Commissioners;

In 2021, the City issued an RFP (RFP21029) to hire a consultant to facilitate a ERP (Enterprise Resource Planning) RFP process to replace our present accounting system. Through that RFP process, in 2022, BerryDunn was awarded the contract due to their depth of experience and knowledge of similar systems and projects.

Our present IBM AS-400 based accounting system, CentralSquare, has been in use since 1998. The system has been meeting out basic accounting needs, but this legacy system is, technically, far behind current ERP systems and needs to be modernized.

The ERP RFP was issued in late 2022. There were 9 responses to our ERP RFP process. One of those response did not meet the requirements and was rejected.

The Review Committee was comprised of representative of HR, Finance and IS. The Review Committee selected 3 vendors for on-site demonstrations. After these demonstrations, 2 vendors were asked to provide references. The Committee met with the reference cities via video-conferencing.

We were looking for a system that could replace several of our applications. Through the demonstration process, though, we found that some of our current best-of-breed applications performed significantly better than vendor's applications. So, our intent is to keep, and integrate with, our present Learning Management System (LMS), Benefits Management, and Recruiting/Applicant Tracking System. We will also keep using our current Time and Attendance application, Workforce Central, but, through this RFP, we will be migrating to the latest version, UKG Dimensions.

The RFP Review Committee selected the proposal from Tyler for our ERP replacement and the proposal from UKG to move our Time and Attendance to Dimensions.

The City does not have the staffing levels or experience to handle the project management of this size project. Our intent is to use a change order to RFP21029 to add project management for the implementation phase to the original contract.

The implementation of these new systems is projected to take 24 to 36 months. All of the cities that we interviewed had dedicated staff for the implementation process, which we do not have. So, our staff will be working on the implementation task while still performing their current functions.

The timing of the costs will depend greatly on the timing of the implementation process. The attached financial statement projects the implementation across 2023, 2024 and 2025. With 2023 costs of \$458K, 2024 costs of \$1.8M, and 2024 costs of \$1.9M. Annual costs after that are around \$367K.

The initial funding for this is \$1.25M ARP funds and \$2.75M 402 Dept Finance Capital. With the ongoing subscriptions costs budgeted as annual software expenses through the General Fund.

This project has been approved by the Finance Committee.

With approvals, BerryDunn will help us in negotiating the final contract details with the selected vendors, Tyler & UKG. The final contracts will be reviewed by the City Attorney before being finalized.

Suggested Motion:

Direct appropriate staff issue a change order to RFP2021029, appropriate staff to move forward with finalizing the contracts with Tyler & UKG, and, to authorize the funding expenditures.

Thank you,



Susan Thompson
Acting Finance Director



Jill Minette
HR Director



Ron Gronneberg
CIO



200 Third St N
FARGO, ND 58102
PHONE: 701-476-6700
FAX: 701-241-8253

June 15, 2023

Finance Committee
City of Fargo
200 N 3rd St. S
Fargo, ND 58102

Dear Committee Members;

In 2021, the City issued an RFP (RFP21029) to hire a consultant to facilitate a ERP (Enterprise Resource Planning) RFP to replace our present accounting system. Through that RFP process, in 2022 BerryDunn was awarded the contract due to their depth of experience and knowledge of similar systems and projects.

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The City does not have the staffing levels or experience to handle the project management of this size project. Our intent is to use a change order to RFP21029 to add project management for the implementation phase to the original contract.

The implementation of these new systems is projected to take around 24 months. All of the cities that we interviewed had dedicated staff for the implementation process, which we do not have. So, our staff will be working on the implementation task while still performing their current functions.

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Thank you,



Susan Thompson
Acting Finance Director



Jill Minette
HR Director



Ron Gronneberg
CIO

REPORT OF ACTION

FINANCE COMMITTEE

Location: Finance Department

Date of Hearing: June 26, 2023

Routing _____ Date _____
City Commission _____ 07/10/2023
Project File _____ Ron Gronneberg, Susan Thompson and Jill Minnette

Ron Gronneberg explained the history of the City's current accounting system and emphasized the need to replace it. Through an RFP process in 2021, BerryDunn was awarded the consulting contract to work with facilitating a new Enterprise Resource Planning (ERP) system.

Ron detailed the RFP process and how the City's ERP evaluation team selected Tyler Technologies as the preferred vendor. The process of migration to a new system is estimated to be 18-24 months, possibly longer, depending on how much City of Fargo staff can dedicate to this project.

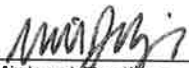
The motion before the Finance Committee is to direct appropriate staff and issue a change order to the BerryDunn contract, RFP21029. Also, direct appropriate staff to move forward with finalizing the contracts with Tyler Technologies along with UKG and to authorize the funding expenditures.

Attached is a copy of the item presented.

MOTION:

Brenda Derrig moved to approve, second by Michael Redlinger and all members present voted in favor.

<u>COMMITTEE:</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Unanimous</u>
				<u>X</u>
				<u>Proxy</u>
Tim Mahoney, Mayor	<u>X</u>	<u>X</u>		
Dave Piepkorn, City Commissioner	<u>X</u>	<u>X</u>		
Mike Redlinger, City Administrator	<u>X</u>	<u>X</u>		
Brenda Derrig, Assistance City Administrator	<u>X</u>	<u>X</u>		
Susan Thompson, Assistant Finance Director	<u>X</u>	<u>X</u>		
Tanner Smedshammer, Purchasing Manager	<u>X</u>	<u>X</u>		
Steve Sprague, City Auditor	<u>X</u>	<u>X</u>		



Michael Redlinger, City Administrator

July 6, 2023

42

Honorable Board of
City Commissioners
City of Fargo
225 North Fourth Street
Fargo, ND 58102

Re: City Engineer Appointment

Dear Commissioners:

The City of Fargo conducted a national search for prospective candidates for the position of City Engineer. A total of four applications were received for the position. The Selection Committee interviewed three applicants. The interviews were held on June 26 and 27. The Selection Committee consisted of the following members:

Brenda Derrig	Assistant City Administrator
Ben Dow	Public Works Director
Mark Williams	Assistant Planner
Jim Hausauer	Water Reclamation Director
Beth Wiegman	Assistant HR Director
Kristi Olson	Office Manager
Jason Leonard	Civil Engineer II
Jen Kraitier	Human Resources Manager (Facilitator)
Ashley Swanson	Human Resources Associate (Facilitator)

Selection Committee Recommendation: The June 26 and 27 interviews were scored individually by each committee member and the scores were compiled to determine the top candidate for the position.

Following the interview process, the Selection Committee recommends the appointment of Tom Knakmuhs to the position of City Engineer.

Tom has accepted the offer that is contingent upon appointment by the City Commission. This offer includes a salary of grade 24, step 10 at \$179,317.

Recommended Action: Approve the appointment of Tom Knakmuhs to the position of City Engineer.

Respectfully Submitted,

Brenda Derrig, P.E.
Assistant City Administrator

PUBLIC WORKS PROJECTS EVALUATION COMMITTEE

Type: Federal Project Updates

Location: Citywide

Date of Hearing: 6/19/2023

<u>Routing</u>	<u>Date</u>
City Commission	<u>7/10/2023</u>
PWPEC File	<u>X</u>
Project File	<u>Jeremy Gorden</u>

The Committee reviewed the accompanying correspondence from Division Engineer, Jeremy Gorden, regarding federal aid road and bridge project updates.

Project removed from State Transportation Improvement Program by NDDOT

- 64th Avenue South Interchange project to add ramps in 2025/2026. We received memo from NDDOT Central Office Planning Division that due to inflation on construction projects, they are planning to move this project from a 2025 bid to a 2028 bid at the earliest. They had programmed an \$18M project in 2025 and they are now removing the project completely from the STIP. City procured the services of Bolton & Menk late last year to complete NEPA and design for this project. We will plan on continuing working with them to complete the traffic analysis at 64th and 76th Avenue South to determine which interchange design that serves our future needs, but the NEPA and design portions of their work will go on hold until project is reprogrammed.

Needing to Hire a Consulting Firm this year

- 12th Avenue North Bridge over Red River. Received RAISE grant last fall for \$1.5M Federal Funds to complete NEPA and design. Need an agreement with Federal Highway before we can procure a consulting firm. No funding for reconstruction as of today.

Projects currently bid and under contract

- 52nd Avenue South – 63rd Street to Sheyenne Street (WF) – Bid last fall, IBI is the Prime Contractor. Looking to begin project in September, bridge will be out for up to a year. Total Project Cost \$25M.

Bidding this October

- 32nd Avenue South – 22nd Street to Red River – Project will run in tandem with a second project that will be replacing the existing storm water lift station east of 11th Street. Apex Engineering will be finalizing design on both projects. Road project will be a two year construction project starting near 11th Street, and will work its way west. Anticipated breakpoint between years is 17th Street. Total Project Cost \$30M.

Bidding this November

- Street Lighting Fixture Replacement Project – Project will swap out 1000+ HPS fixtures to LED fixtures. Hired HDR to complete design and NEPA work. Total Project Cost \$1.3M.
- Bison Village Shared Use Path – New path from 32nd Avenue North to 37th Avenue North. Designed in house. Total Project Cost – \$652K. Fed share \$288k, looking to split local share \$182k each for City and Park District.
- Red River Trail – Along Hackberry Drive from Harwood to 35th Avenue South. Houston Engineering completing design and NEPA. Total Project Cost \$434k. Fed share \$144k, looking to split local share \$145k each for City and Park District.
- 42nd Street Bridge Maintenance Project over I-94. SRF Consulting completing design and limited NEPA. 20+ year old bridge needed benign repair. Total Project Cost \$818k.

Projects bidding in October/November 2024

- Red River Trail – Along River Drive from 35th Avenue South to 40th Avenue South. Houston Engineering currently completing NEPA and design. Total Project Cost \$912k. Fed share \$496k, looking to split local share \$207k each for City and Park District.
- 36th Street Bridge Maintenance Project over Drain 27 – Deck overlay, rail retrofit, new guardrail. Will need to procure a consultant this fall. Total project cost \$497k.
- Shared Use Path box culvert to cross Drain 27 – Extends Milwaukee Trail to Drain 53 Trail, and connects Oakcreek Addition to Timberline Addition. Houston Engineering completing NEPA and design now. Total project cost \$1.14M. Fed total \$700k, looking to split local share \$223k each for City and Park District.

- Red River Trail – Along Red River from 15th Avenue North to Woodcrest Addition – Carbon Reduction Project. Will need to procure a consultant soon. Looking to meet with VA in next week or two. Total project cost \$1.78M. Fed share \$1.086M, looking to split local share \$346k each for City and Park District.

Projects bidding in 2025 for 2026 Construction

- Intersection safety projects – two locations – Offsetting left turn lanes for improved sightlines. E-W on 19th Avenue North at University Drive/N-S on 45th Street to 23rd Avenue South. Cost today \$459k.
- North Broadway Bridge – Demolition currently underway, expected to be completed by Oct. 1. Project has funding for replacement at existing elevation for the year 2026, but we are going to be completing a feasibility study next week with Houston Engineering to fully examine not replacing it, replacing it at current elevation, or replacing it above the post FM Diversion 100-yr flood. This analysis will get us the answers we need to make a decision on what way we plan to go with this bridge. Estimated cost today \$13.7M.
- Pedestrian Bridge over Red River at 40th Avenue South/Bluestem on Moorhead side – Houston currently completing feasibility study and preliminary design. Moorhead still searching for funding for their half of this project. Estimated Total Cost \$13.1M, ND fed side \$4.16M.
- Main Avenue Reconstruction – University to 25th Street – NDDOT lead agency with consultants Apex Engineering and SRF Consulting completing NEPA and design. Environmental Assessment currently underway and will be complete by mid-February 2024. New cost estimate from DOT, \$41.4M, fed share \$27.4M, state share \$3M, local \$11M.

Projects bidding in 2026 for 2027 Construction

- 17th Avenue South – University to 25th Street – Complete street replacement – Need to complete RFP for consultant services soon. Estimated cost \$13.1M, fed share \$6.34M.

No motion made. Receive and file.

RECOMMENDED MOTION

No Commission action.

PROJECT FINANCING INFORMATION:

Recommended source of funding for project: _____

Developer meets City policy for payment of delinquent specials
 Agreement for payment of specials required of developer
 Letter of Credit required (per policy approved 5-28-13)


Yes	No
	N/A
	N/A
	N/A

COMMITTEE

Tim Mahoney, Mayor
 Nicole Crutchfield, Director of Planning
 Steve Dirksen, Fire Chief
 Michael Redlinger, City Administrator
 Ben Dow, Director of Operations
 Steve Sprague, City Auditor
 Brenda Derrig, City Engineer
 Susan Thompson, Interim Finance Director

Present	Yes	No	Unanimous
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

ATTEST:


 Brenda Derrig, P.E.
 City Engineer

Memorandum

To: Members of PWPEC
From: Jeremy Gorden, PE, PTOE
Division Engineer - Transportation
Date: June 16, 2023
Re: Federal Project Updates

Federal Aid Road and Bridge Project Updates

Project removed from State Transportation Improvement Program by NDDOT

- 64th Avenue South Interchange project to add ramps in 2025/2026. We received memo from NDDOT Central Office Planning Division that due to inflation on construction projects, they are planning to move this project from a 2025 bid to a 2028 bid at the earliest. They had programmed an \$18M project in 2025 and they are now removing the project completely from the STIP. City procured the services of Bolton & Menk late last year to complete NEPA and design for this project. We will plan on continuing working with them to complete the traffic analysis at 64th and 76th Avenue South to determine which interchange design that serves our future needs, but the NEPA and design portions of their work will go on hold until project is reprogrammed.

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CITY OF
Fargo
ASSESSMENT DEPARTMENT

44a

June 16, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1514 3 Ave N as submitted by Alecia Arneson and Matthew Meyer. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$61 with the City of Fargo's share being \$10.

Sincerely,



Mike Splonskowski
City Assessor

nib
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)


Property Identification

1. Legal description of the property for which exemption is claimed	<u>Blk 15, Lot 4, Reeves</u>
2. Address of Property	<u>1514 3 Ave N</u>
3. Parcel Number	<u>01-2340-02020-000</u>
4. Name of Property Owner	<u>Alecia Arneson & Matthew Meyer</u> Phone No. <u>605-350-5047</u>
5. Mailing Address of Property Owner	<u>1514 3 Ave N</u>


Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).	<u>New Siding, new windows, installation of duct work & gas forced AC + heat</u>		
7. Building permit No.	<u>2211-0569</u>	8. Year built (residential property)	<u>1916</u>
9. Date of commencement of making the improvements	<u>8/22/2022</u>		
10. Estimated market value of property before the improvements	\$	<u>137,800.00</u>	
11. Cost of making the improvement (all labor, material and overhead)	\$	<u>77,212.75</u>	
12. Estimated market value of property after the improvements	\$	<u>240,000.00</u>	

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant <u></u> Date <u>6/13/2023</u>

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application <input checked="" type="checkbox"/> do not <input type="checkbox"/> meet the qualifications for exemption for the following reason(s): _____
Assessor/Director of Tax Equalization <u></u> Date <u>6-22-2023</u>

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Approval is subject to the following conditions: _____
Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.
Chairperson _____ Date _____



446

June 14, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2411 18 St S as submitted by Brian and Taylor Tranda. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$320 with the City of Fargo's share being \$54.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski". The signature is written in a cursive style.

Mike Splonskowski
City Assessor

nlb
attachment

Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed WENTZ PT LOT 1 BLK 6
SELY OF A LN AT A PT ON NELY LN LOT 1 LYING 15.83' NWLY
OF NE COR OF LOT 1 AS MEAS ALG NELY LN OF

2. Address of Property 2411 18th St. So., Fargo, ND

3. Parcel Number _____

4. Name of Property Owner Brian R Trende Phone No. 701-86-9769

5. Mailing Address of Property Owner 3305 Sandy Lane SE, Mandan, ND 58554

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). See Attached Page

7. Building permit No. 2204-0067-REN 8. Year built (residential property) 1979

9. Date of commencement of making the improvements April 10, 2022

10. Estimated market value of property before the improvements \$ 135,000

11. Cost of making the improvement (all labor, material and overhead) \$ 140,000

12. Estimated market value of property after the improvements \$ 285,000

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant BRT Date June 12, 2023

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do do not meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization Mike Seloumbi Date 6-22-2023

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved Denied

Approval is subject to the following conditions: _____

Exemption is allowed for years 20 __, 20 __, 20 __, 20 __, 20 __.

Chairperson _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

44c

June 8, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 911 7 Ave N as submitted by Emma Saice. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$61 with the City of Fargo's share being \$10.

Sincerely,



Mike Splonskowski
City Assessor

nlb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)


Property Identification

1. Legal description of the property for which exemption is claimed	<u>HARBWOODS 1st Lot 3</u> <u>BLK 4</u>
2. Address of Property	<u>911 7th Ave N., Fargo, ND 58102</u>
3. Parcel Number	<u>01-1120-00270-000</u>
4. Name of Property Owner	<u>Emma C. Saice</u> Phone No. <u>763-290-3643</u>
5. Mailing Address of Property Owner	<u>911 7th Ave N., Fargo, ND 58102</u>


Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).	<u>6ft privacy fence (wood) around back</u> <u>of property</u>		
7. Building permit No.	<u>n/a 2302-0160</u>	8. Year built (residential property)	<u>1908</u>
9. Date of commencement of making the improvements	<u>May 26 - 28th, 2023</u>		
10. Estimated market value of property before the improvements	\$	<u>195,100</u>	
11. Cost of making the improvement (all labor, material and overhead)	\$	<u>4,500</u>	
12. Estimated market value of property after the improvements	\$	<u>197,800</u>	

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.
Applicant <u></u> Date <u>6/3/23</u>

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do <input checked="" type="checkbox"/> do not <input type="checkbox"/> meet the qualifications for exemption for the following reason(s): _____
Assessor/Director of Tax Equalization <u></u> Date <u>6-22-2023</u>

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Approval is subject to the following conditions: _____
Exemption is allowed for years 20 __, 20 __, 20 __, 20 __, 20 __.
Chairperson _____ Date _____

CITY OF
Fargo
ASSESSMENT DEPARTMENT

44d

June 8, 2023

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1111 6 St S as submitted by Zachary Echola and Heidi Selzer-Echola. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$726 with the City of Fargo's share being \$123.

Sincerely,



Mike Splonskowski
City Assessor

nlb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed	<u>Residential single family</u>
<u>Lot: 7 Block: KK ERSKINES LOTS 7 & 8 BLK KK</u>	
2. Address of Property	<u>1111 6th St. S. Fargo, ND 58103</u>
3. Parcel Number	<u>01-0780-00930-000</u>
4. Name of Property Owner	<u>Zachary Echola, Heidi Selzler-Echola</u> Phone No. <u>7013060968</u>
5. Mailing Address of Property Owner	<u>1111 6th St. S. Fargo, ND 58103</u>

Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).		<u>8x15 Addition on rear of house for kitchen expansion</u>
7. Building permit No.	8. Year built (residential property)	<u>1908</u>
9. Date of commencement of making the improvements	<u>Completed August 2023</u>	
10. Estimated market value of property before the improvements	\$	<u>230,000</u>
11. Cost of making the improvement (all labor, material and overhead)	\$	<u>74,000</u>
12. Estimated market value of property after the improvements	\$	<u>292,000</u>

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.	
Applicant	Date <u>6/5/24</u>

Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do <input checked="" type="checkbox"/> do not <input type="checkbox"/> meet the qualifications for exemption for the following reason(s):	
Assessor/Director of Tax Equalization	Date <u>6-22-2023</u>

Action Of Governing Body

15. Action taken on this application by the governing board of the county or city:	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
Approval is subject to the following conditions:		
Exemption is allowed for years 20__, 20__, 20__, 20__, 20__.		
Chairperson	Date	