

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

A: Approve Order of Agenda

B: Minutes: Regular Meeting of June 3, 2025

C: Public Hearing Items:

1. Continued hearing on an application requesting a Plat of **Valley View Twelfth Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Valley View Ninth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3900 54th Street South) (GBP, LLC/Lowry Engineering) (cl): CONTINUED TO AUGUST 5, 2025
2. Hearing on an application requesting a Zoning Change from GI, General Industrial to LI, Limited Industrial on Lots 4-6, Block 1, **RLN Business Park Second Addition**. (Located at 4551 33rd Street North) (Robert Nelson/Lowry Engineering) (dk)
- 3a. Hearing on an application requesting a Zoning Change from LI, Limited Industrial and GC, General Commercial, to GC, General Commercial with a PUD, Planned Unit Development Overlay on Lot 1, Block 1, of the proposed **45th Street Park Sixth Addition** and Lot 4, Block 1, **45th Street Park Second Addition**. (Located at 200, 300, 330, and 400 45th Street South; 4414 and 4428 2nd Avenue South) (West 45th Business Center, LLC/Southeast Cass Water Resources District/Goldmark Design and Development) (me): CONTINUED TO AUGUST 5, 2025
- 3b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan on Lot 1, Block 1, of the proposed **45th Street Park Sixth Addition** and Lot 4, Block 1, **45th Street Park Second Addition**. (Located at 200, 300, 330, and 400 45th Street South; 4414 and 4428 2nd Avenue South) (West 45th Business Center, LLC/Southeast Cass Water Resources District/Goldmark Design and Development) (me): CONTINUED TO AUGUST 5, 2025
- 3c. Hearing on an application requesting a Plat of **45th Street Park Sixth Addition** (Minor Subdivision) a replat of a portion of Lot 2, Block 1, 45th Street Park Third Addition, a portion Lot 2, Block 1, 45th Street Park Fourth Addition, and Lot 2, Block 1, 45th Street Park Fifth Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for reduced drain setback. (Located at 200, 300, and 400 45th Street South; 4414 and 4428 2nd Avenue South) (West 45th Business Center, LLC/Goldmark Design and Development) (me): CONTINUED TO AUGUST 5, 2025
4. Hearing on an application requesting a Plat of **Gateway Hyundai Addition** (Major Subdivision) a replat of portions of Lots 1-2, Porritt's Subdivision, to the City of Fargo, Cass County, North Dakota. (Located at 3800 Main Avenue) (I&S Development, LLP/Houston Engineering) (lm): CONTINUED TO AUGUST 5, 2025

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

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

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

5. Hearing on an application requesting a Conditional Use Permit to allow household living in the LC, Limited Commercial zoning district on a portion of Lot 8, Block 2, **Westrac Addition**. (Located at 1201 Westrac Drive South) (Borrowed Bucks, LLC/Jesse Craig) (cl)

D: Other Items:

1. Appeal of an Administrative Decision to Approve a Small Facilities Alternative Access Plan on a property located at 1201 Westrac Drive South. (Borrowed Bucks, LLC/Jesse Craig) (cl)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, June 3, 2025

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, June 3, 2025.

The Planning Commissioners present or absent were as follows:

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

Absent: Thomas Schmidt

Chair Tasa called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Tasa noted Item 1 has been withdrawn and Item 8 has been continued to July 1, 2025.

Chair Tasa additionally noted that there will be community infocus workshop groups happening June 17-18 for the Fargo Land Development Code 2026, and more information on times and location can be found at www.FargoLDC.org. She reminded Planning Commissioners that a joint meeting between the Planning Commission and City Commission will be held at 11:30 a.m. on Tuesday, June 17 in the Commission Chambers.

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

Item B: Minutes: Regular Meeting of May 6, 2025

Member Stofferahn moved the minutes of the May 6, 2025 Planning Commission meeting be approved. Second by Member Shewey. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Section 14, Township 138 North, Range 49 West

**Continued hearing on an application requesting a Conditional Use Permit (CUP) to allow non-farm commercial uses in the AG, Agricultural zoning district on a portion of the Southeast Quarter of Section 14, Township 138 North, Range 49 West. (Located at 2717 88th Avenue South) (Arenson Holdings, LLC/Kyle Jaeger):
WITHDRAWN**

A Hearing has been set for May 6, 2025. At the May 6, 2025 Hearing, this item was continued to this date and time, however the applicant has requested this application to be withdrawn.

Item 2: Dakota Commerce Center North Second Addition

Hearing on an application requesting a Plat of Dakota Commerce Center North Second Addition (Minor Subdivision) a replat of Lots 5-6, Block 1, Dakota Commerce Center North Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3901 and 4001 48th Avenue North) (Dakota Commerce Center 5, LLC/Ulteig Engineering): APPROVED

Planner Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an update plat was provided to the Board.

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

Item 3: 46th Avenue Industrial Park Second Addition

3a. Hearing on an application requesting a Zoning Change from AG, Agricultural to AG, Agricultural and LI, Limited Industrial on the proposed 46th Avenue Industrial Park Second Addition. (Located 3252 and 3336 52nd Avenue North) (County 20 Storage & Transfer, Inc./Lowry Engineering): APPROVED

3b. Hearing on an application requesting a Plat of 46th Avenue Industrial Park Second Addition (Major Subdivision) a plat of a portion of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver to allow block length to exceed 1,320 feet. (Located 3252 and 3336 52nd Avenue North) (County 20 Storage & Transfer, Inc./Lowry Engineering): APPROVED

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an updated plat was provided to the Board.

Discussion was held on sidewalks.

Assistant City Engineer Nathan Boerboom, spoke on behalf of the Engineering Department.

Member Shewey moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from AG, Agricultural and LI, Limited Industrial, and 2) Subdivision Plat of 46th Avenue Industrial Park Second Addition, including a subdivision waiver for block length, as outlined within the staff report, as the proposal complies with the Fargo Growth Plan 2024, the Standards of Article 20-06, Sections 20-0906.F (1-4), Section 20-0907.C, and Section 20-0907.D.3 (a-c) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Gleye, Hass, Stofferahn, Mohs, Jordre, Rosenberg, Betlock, Cecil, Shewey, and Tasa voted aye. Absent and not voting: Member Schmidt. The motion was declared carried.

Item 4: North 81-20 Subdivision and North 81-20 Second Subdivision
Hearing on an application requesting a Vacation Plat of a portion of 50th Avenue North and 43rd Street North right-of-way adjacent to Lots 7-12, Block 4, and Lots 6-11, Block 2, North 81-20 Subdivision and Lot 1, Block 2, North 81-20 Second Subdivision of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located adjacent to 5001 County Road 81; 4821-4943 43rd Street North; 4349 48th Avenue North) (D&T Properties, LLC/Gibb Realty, LLP/Kenneth M. Brazina/Monte Routledge TOD/Thunderhead Holdings, LLC/City of Fargo): APPROVED

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

Discussion was held on access to the property.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Vacation Plat of North 81-20 Subdivision and North 81-20 Second Subdivision right-of-way Vacation Plat, as outlined within the staff report, as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places. Second by Member Mohs. On call of the roll Members Betlock, Jordre, Cecil, Stofferahn, Mohs, Rosenberg, Gleye, Shewey, Hass, and Tasa voted aye. Absent and not voting: Member Schmidt. The motion was declared carried.

Item 5: Old Broadway Addition
Hearing on an application requesting a Plat of Old Broadway Addition (Minor Subdivision) a plat of a portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 10A, 14, 16, and 22 Broadway North) (Global Development, LLC/Houston Engineering): APPROVED

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

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

Item 6: Barry's Addition

Hearing on an application requesting a Plat of Barry's Addition (Minor Subdivision) a replat of Lot 2, Block 1, Brewhalla Addition, to the City of Fargo, Cass County, North Dakota. (Located at 1620, 1624, 1630, 1632, and 1666 1st Avenue North) (MBA Investments, LLC/Kevin Bartram): APPROVED

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

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

Item 7: Prairie Crossing Addition

Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 21, Block 13, Prairie Crossing Addition. (Located at 3910 25th Street South) (Lake Two Properties, LLC): APPROVED

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

Applicant Representative Deb Kaul, Founder Memory Café of the Red River Valley, spoke on behalf of the application.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change from SR-2, Single-Dwelling residential to P/I, Public and Institutional with a C-O, Conditional

Overlay, as outlined within the staff report, as the proposal complies with the 2024 Fargo Growth Plan, Section 20-0906.F(1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Mohs, Jordre, Shewey, Hass, Rosenberg, Cecil, Gleye, Stofferahn, Betlock, and Tasa voted aye. Absent and not voting: Member Schmidt. The motion was declared carried.

Item 8: Valley View Twelfth Addition

Hearing on an application requesting a Plat of Valley View Twelfth Addition (Minor Subdivision) a replat of Lot 1, Block 1, Valley View Ninth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3900 54th Street South) (GBP, LLC/Lowry Engineering): CONTINUE TO JULY 1, 2025

A Hearing has been set for this date and time, however the applicant has requested this application be continued to July 1, 2025.

Item 9: Family Healthcare Center Addition

Hearing on an application requesting a Plat of Family Healthcare Center Addition (Minor Subdivision) a replat of Lots 6-12, Block 3, Keeney & Devitts Addition, to the City of Fargo, Cass County, North Dakota. (Located at 301, 307, 309, and 313 NP Avenue North) (Family Healthcare Center/Houston Engineering): APPROVED

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

Discussion was held on the historical size of the lots.

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

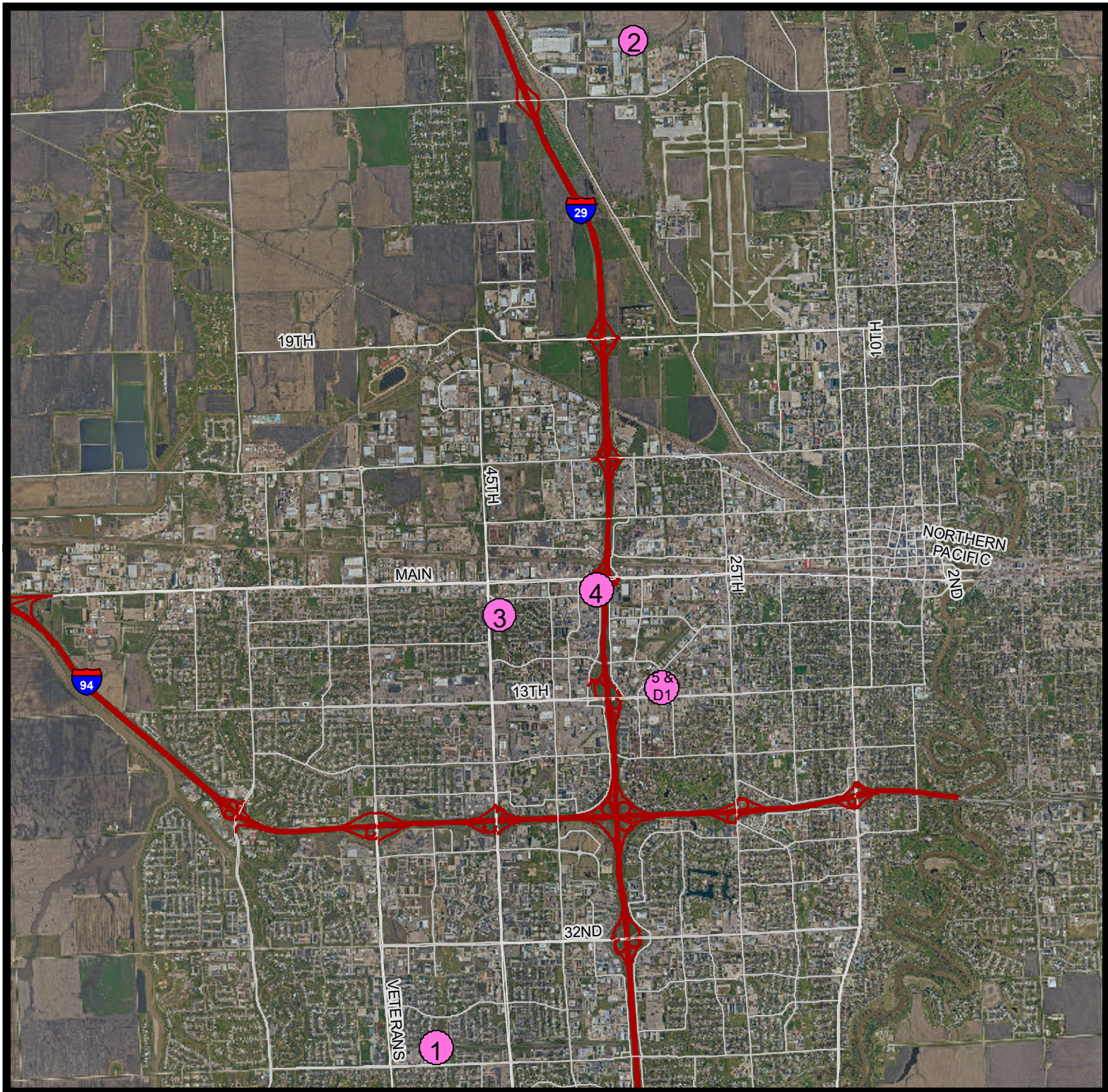
Item D: Other Items:

Item 1: Annexation of approximately 49.91 acres of a portion of the West Half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (46th Avenue Industrial Park Second Addition): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending the board find the annexation to be consistent with the Fargo 2024 Growth Plan.

Member Stofferahn moved the findings and recommendations of staff be accepted and that the Planning Commission find that the proposed Annexation of a portion of the West Half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota, to be consistent with the Fargo Growth Plan 2024. Second by Member Mohs. On call of the roll Members Rosenberg, Hass, Gleye, Mohs, Shewey, Cecil, Betlock, Jordre, Stofferahn, and Tasa voted aye. Absent and not voting: Member Schmidt. The motion was declared carried.

The time at adjournment was 3:41 p.m.



0 0.45 0.9 1.8 2.7 3.6 Miles



Agenda Item Number

Continued Items:

- 1 -- Valley View Twelfth Addition
- 3 -- 45th Street Park Sixth Addition & 45th Street Park Second Addition
- 4 -- Gateway Hyundai Addition

-
- 2 -- RLN Business Park Second Addition
 - 5 -- Westrac Addition
-

Other Items:

- D1 -- Appeal of Small Facilities Alternative Access Plan

City of Fargo Staff Report			
Title:	RLN Business Park Second Addition	Date:	6/25/2025
Location:	4551 33 rd Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 4 through 6, Block 1, RLN Business Park Second Addition		
Owner(s)/Applicant:	Robert Nelson / Lowry Engineering	Engineer:	None
Entitlements Requested:	Zone Change (from GI, General Industrial to LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: July 1 st , 2025		
Existing		Proposed	
Zoning: GI, General Industrial		Zoning: LI, Limited Industrial	
Uses Allowed: detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, mining, basic utilities, and certain telecommunications support structures.		Uses Allowed: colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.	
Minimum Building Coverage: 85%		Minimum Building Coverage: 85%	
Proposal:			
<p>The applicant requests one entitlement:</p> <p>1. Zone Change from GI, General Industrial to LI, Limited Industrial</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, Agricultural, undeveloped • East: AG, Agricultural, undeveloped • South: GI, General Industrial with industrial uses • West: GI, General Industrial with industrial uses 			
Area Plans:			
The 2024 Fargo Growth Plan depicts the place type designation as "General Industrial and Flex Warehouse." Primary uses within this place type are light and general industrial and flex warehouse. Secondary uses are commercial uses specifically related to the primary use. The proposed zoning is consistent with this place type			
Context:			
<p>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.</p> <p>Neighborhood: The subject property is not located within a designated neighborhood.</p>			

Parks: The North Softball Complex is approximately 1.5 miles northwest of the subject property.

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:

The subject property was platted and zoned GI, General Industrial, in 1998 with the RLN Business Park First Addition. RLN Business Park First Addition was largely replatted as RLN Business Park Second Addition in 2005, which created the current configuration of the subject property.

The applicant proposes rezoning the subject property from GI, General Industrial to LI, Limited Industrial, because the setbacks for GI-zoned property are large, and consume a considerable area of this 4.96 acre property. The LI setbacks are smaller, and will allow more of the lot to be developed. The applicant does not need the GI zoning for a particular use allowed only in GI. Below is a chart that compares the GI and LI setbacks.

Dimensional Standard		
	LI	GI
Minimum Setbacks(Ft.)		
Front	20	50
Interior Side	10 ⁽¹⁾	20 ⁽¹⁾
Street Side	20	50
Rear	20	20
⁽¹⁾ No setback required when adjacent to DMU		

(Excerpt from Land Development Code Section 20-0502, Table 20-0502)

ACCESS

The subject property takes access from 33rd Street North.

FUTURE PLATTING

The applicant has submitted an application for a subdivision to combine the three lots of the subject property into a single lot. This subdivision is to be known as RLN Business Park Third Addition, and is currently scheduled for the August 5th, 2025, Planning Commission agenda.

Zoning

Section 20-0906.F(1-4) of the LDC stipulates that 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 applicant proposes rezoning the subject property from GI, General Industrial to LI, Limited Industrial, because the setbacks for GI-zoned property are large, and consume a considerable area of this 4.96 acre property. The LI setbacks are smaller, and will allow more of the lot to be developed. The applicant does not need the GI zoning for a particular use allowed only in GI.

(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 is adjacent to an existing developed public right-of-way, which will be provide access and public utilities to serve the property.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, Fargo Growth Plan 2024, and other adopted policies of the City.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed zone change from GI, General Industrial to LI, Limited Industrial on Lots 4 through 6, Block 1, **RLN Business Park Second Addition**, as presented, as the proposal complies with the adopted Fargo Growth Plan 2024, Section 20-0906.F (1-4), and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 1st, 2025

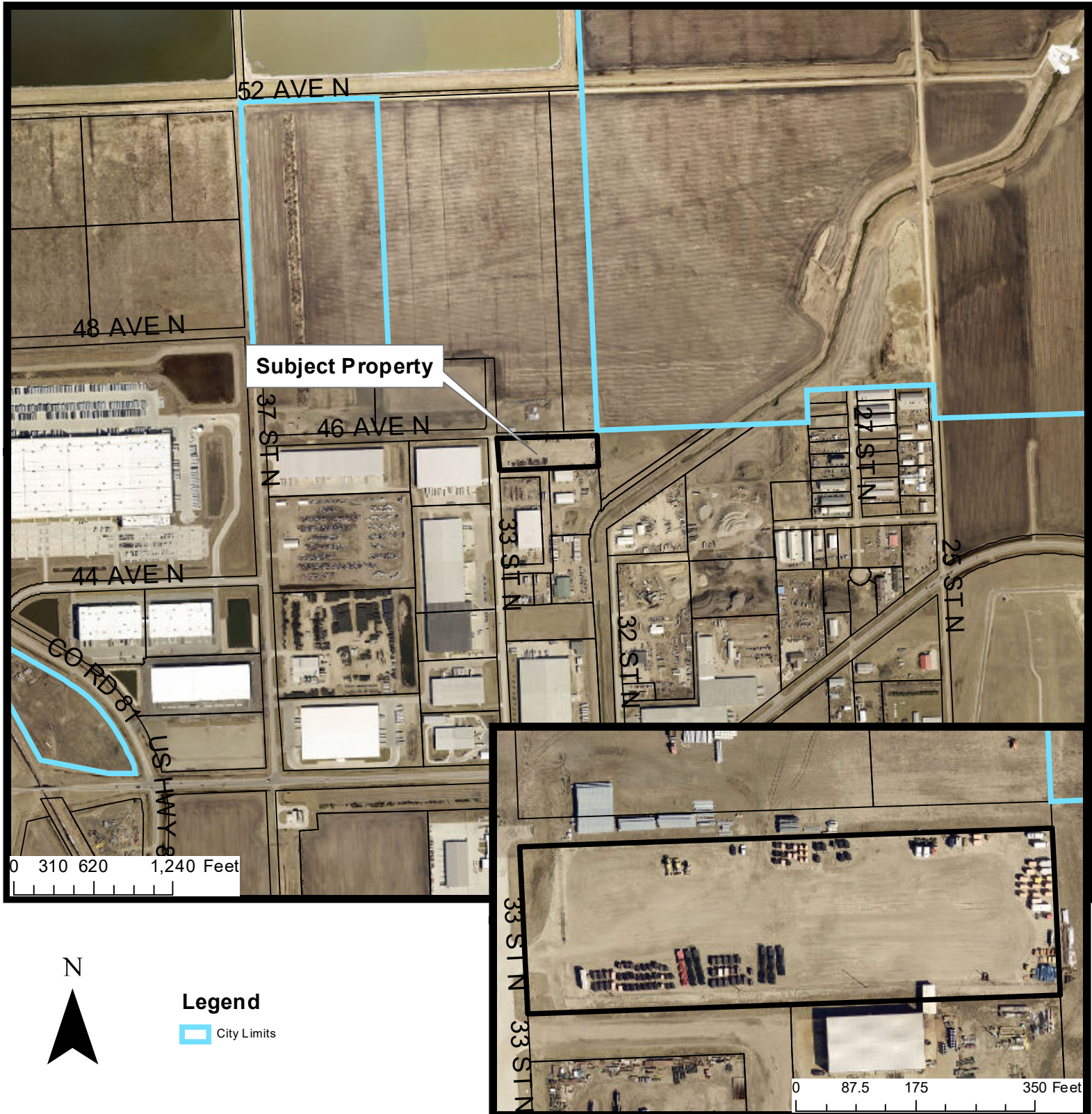
Attachments:

1. Location map
2. Zoning map
3. Zoning exhibit (prepared by applicant)

Zone Change from GI, General Industrial to LI, Limited Industrial zoning district

RLN Business Park Second Addition

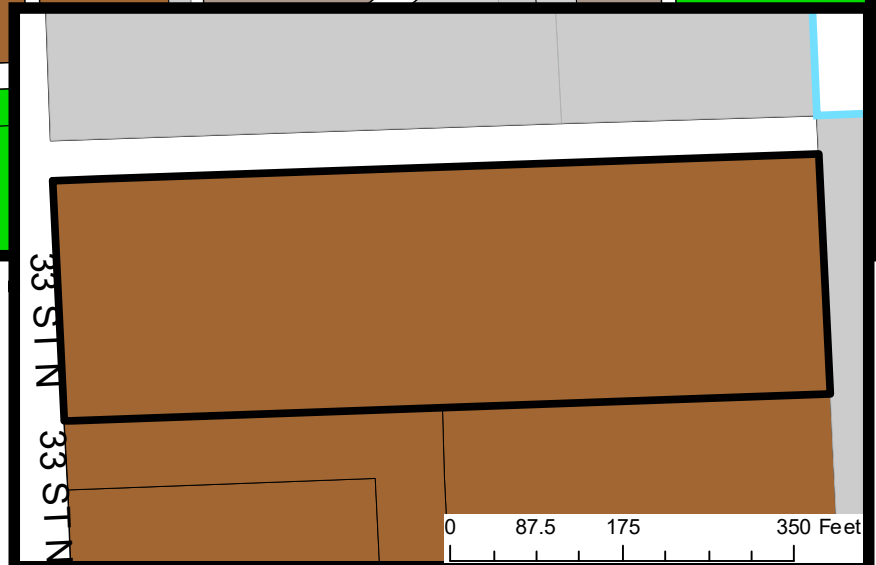
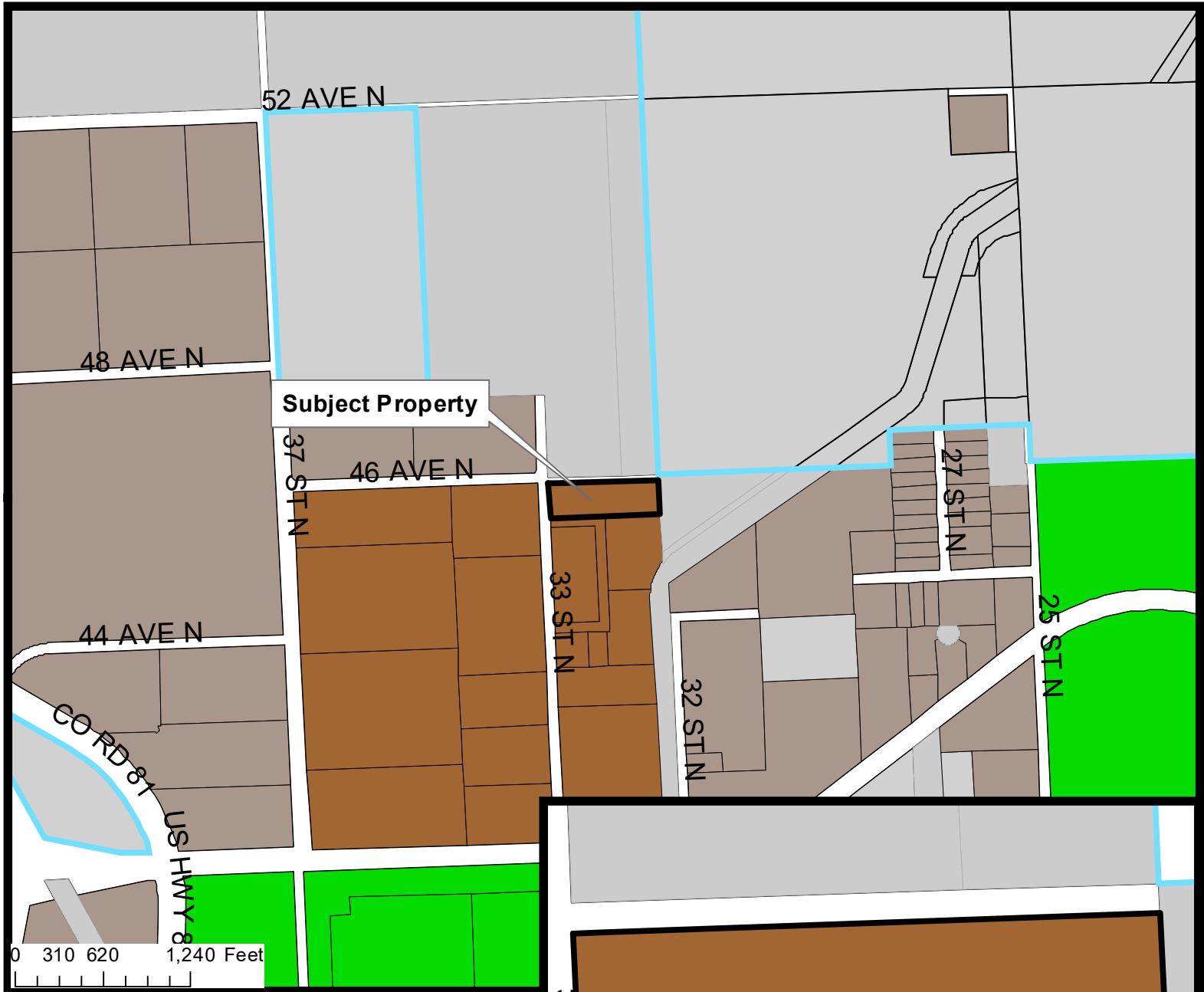
4551 33rd Street North



Zone Change from GI, General Industrial to LI, Limited Industrial zoning district

RLN Business Park Second Addition

4551 33rd Street North



Legend

AG	DMU	LC	MHP	RR-1
GC	LI	MR-1	NC	RR-2
GI	MR-2	MR-3	NO	RR-3
GO	MR-3	UMU	P/I	RR-4
				RR-5
				City Limits

ZONING EXHIBIT

LOT 4, 5, & 6, BLOCK 1, RLN BUSINESS PARK SECOND ADDITION
FARGO, CASS COUNTY, NORTH DAKOTA

UNPLATTED

46 AVE N

Storm Sewer Easement
Doc. 1632116

RLN BUSINESS PARK
2ND ADD.
BLOCK 1

25' Public Drainage & Utility Easement

15' Private Utility & Drainage
Easement (7.5' each side)

15' Private Utility & Drainage
Easement (7.5' each side)

15' Private Utility & Drainage Easement

33 ST N

UNPLATTED

6

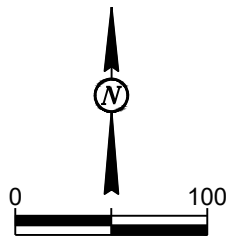
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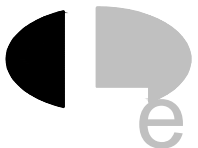
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610.87 ±

Cass County Drain No. 10
(80' each side of Centerline)
Drain E



ZONING	
	USE
	LI - LIMITED INDUSTRIAL DISTRICT



LOWRY
ENGINEERING
5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104

05/15/25 03:56:56PM Z:\Lowry Shared Files\Projects_2025\25065 - Cty 20 Paint Building\Drawings\25065_ZoningExhibit_25065.dwg

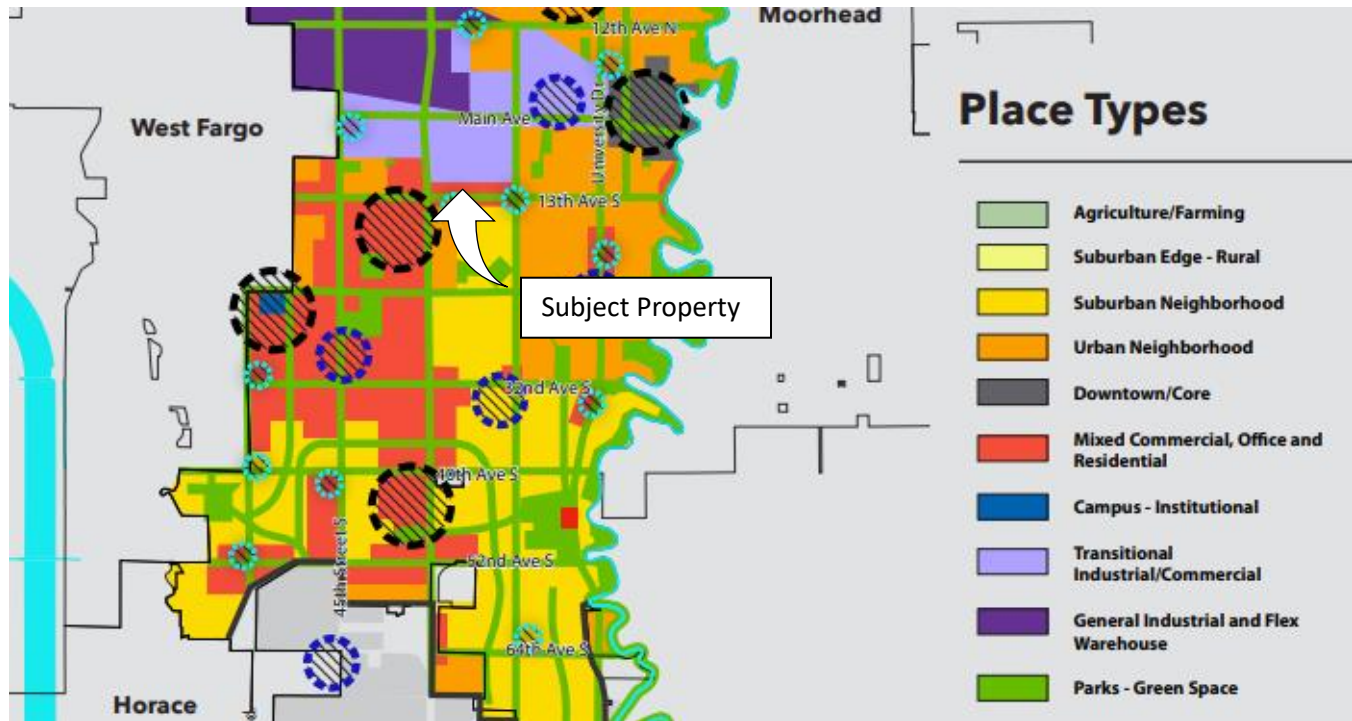
City of Fargo Staff Report			
Title:	Westrac Addition	Date:	06-12-2025
Location:	1201 Westrac Drive South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	A portion of Lot 8, Block 2, Westrac Addition		
Owner(s)/Applicant:	Craig Properties	Engineer/Arch:	TL Stroh
Entitlements Requested:	Conditional Use Permit (CUP) to allow household living in the LC, Limited Commercial Zoning district		
Status:	Planning Commission Public Hearing: July 1, 2025		

Existing	Proposed
Land Use: Commercial, Retail	Land Use: Commercial / Residential Mixed-use
Zoning: LC, Limited Commercial	Zoning: LC, Limited Commercial
Uses Allowed: Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.	Uses Allowed: no change. Conditional Use Permit will allow household living in the LC zone.
Maximum Lot Coverage Allowed: 55%	Maximum Lot Coverage Allowed: 55%

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Conditional Use Permit (CUP) (to allow household living in the LC, Limited Commercial Zone) <p>The applicant proposes to construct a four-story, commercial/residential mixed-use building. The building will provide 2,000 SF of commercial space, intended for a coffee shop or quick-service restaurant, first floor parking, and 37, one-bedroom apartment units.</p> <p>The Planning Department received an appeal to an administrative decision in favor of a small facilities parking reduction for the above subject property. This item will be a non-hearing item on the July 1st Planning Commission Agenda, as item D1.</p> <p>Approval and Appeal The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> North: GC, General Commercial with Office uses East: GC, General Commercial with Office uses, LC, Limited Commercial with food service South: LC, Limited Commercial with retail and food service West: GC, General Commercial with Office uses (in transition from food service)

Area Plans:

The Fargo Growth Plan, adopted in 2024, designates this property and the surrounding area as a 'Mixed Commercial, Office, and Residential' place type. Recommended primary uses include; commercial/retail, distribution, warehousing, wholesaling, offices, and flex buildings. Secondary uses include; flex warehouses and multi-family residential housing. The applicant's proposal is consistent with this place type designation.



Context:

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

Parks: Westgate Park is 0.7 miles from the subject property. It is closest community park. Westgate Park amenities include; multipurpose field, hockey rink, skating rink, warming house, a grill, and playground. The ice rink and warming house are only operational December through February.

Pedestrian / Bicycle: The corner of 13th Avenue South and Westrac Drive South (approximately 350 feet) provides access to the City's shared use path network.

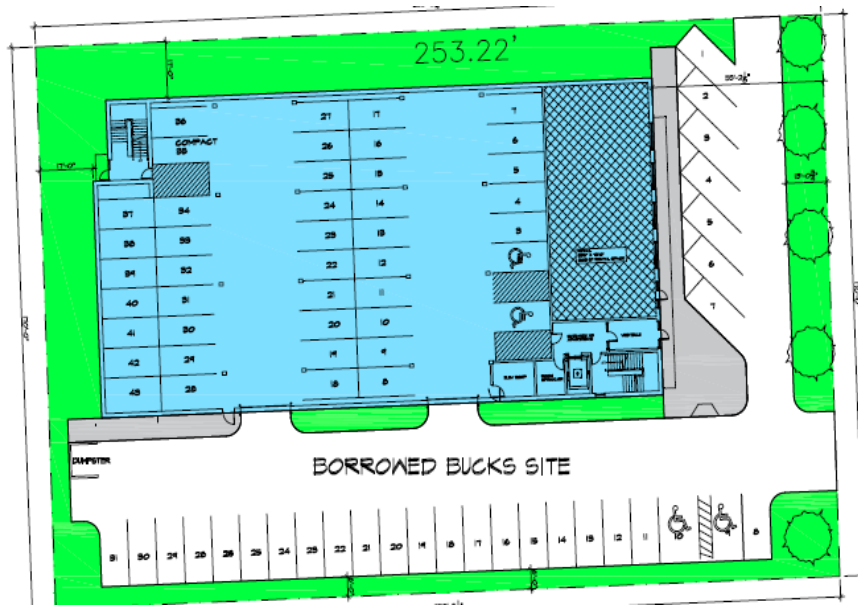
MATBUS Route: MATBUS Routes 20 and 15 both stop at the corner of Westrac Drive South and 13th Avenue South. Route 20 provides service to West Acres, Grocery stores, and various other retail and social service locations in Fargo and West Fargo. Route 15 provides service from West Acres Mall to Downtown and the Ground Transportation Center.



Staff Analysis:

Site History

The building on the subject property has been vacant since June of 2022. Prior, the site was home to Borrowed Bucks Roadhouse, a bar and night club. There is an existing shared parking and easement agreement (doc.1112092) allowing employees, invitees, and guests to park on the adjacent (north) property at 1131 Westrac Drive South. This agreement is attached to agenda item D1's staff report.



Current Proposal

The applicant proposes to construct a four-story, commercial/residential mixed-use building. The building will provide 2,151 SF of commercial space, intended for a coffee shop or quick-service restaurant, first floor parking, and 37, one-bedroom apartment units. The subject property is zoned LC, Limited Commercial. Residential uses are not permitted by right in the LC zoning district. Thus, a conditional use permit is required to allow residential use in this zoning district.

The applicant is proposing a density of 38 units per acre.

The subject property is .99 acres, thus a density of 38 would permit 37.62 units. Fractions are rounded down, to permit 37 units.

The preliminary site plan, provided by the applicant is shown above and attached. Approval of the CUP does not approve the site plan.

In addition to a conditional use permit to allow residential use in the LC zoning district, the applicant is also seeking administrative approval of a small facilities parking reduction. Section 20-0701, subsection e.1.b.(1) of the Land Development Code requires that a minimum of 2 parking spaces per 1-bedroom unit plus 0.25 guest parking spaces per unit for structures containing 7 or more units be provided. Retail sales and Services (quick service restaurants) require 1 parking space per 150 square feet. Therefore, 37 one-bedroom units and 2,151 sf of retail space would require 98 off-street parking spaces. The applicant's preliminary site plan shows 74 parking spaces, with a requested a reduction of 24 spaces (24.48%). There is an existing shared parking and easement agreement (doc.1112092) allowing employees, invitees, and guests to park on the adjacent (north) property at 1131 Westrac Drive South. This administrative decision has been appealed and will be addresses in agenda item D1.

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.

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is consistent with adopted plans and policies of the City. Promoting infill development and exploring reductions in minimum parking standards is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the 2024 Fargo Growth Plan, and other adopted policies of the City.

(Criteria Satisfied)

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

Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. The Conditional Use Permit will allow a commercial/residential mixed-use project to be developed on the subject property. Such projects offer housing opportunities, convenient access to commercial uses, and more effective/efficient use of land.

(Criteria Satisfied)

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

Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received two inquiries about the scope of the project, with no noted concerns. Staff did receive an appeal to the parking reduction, in which concerns related to the Conditional use permit were mentioned, but no official comments related to the CUP have been received. These comments are attached to agenda item D1's staff report.

(Criteria Satisfied)

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

Staff does not believe that the location, size, nature or intensity of the shared parking and reduction will prevent development and use of neighboring properties in accordance with applicable zoning districts. The parking study provided by the applicant provides supporting data with parking comparisons of Fargo, West Fargo and the National Standard.

The parking study is attached to Agenda Item D1 for reference.

(Criteria Satisfied)

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

Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

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

The subject property was developed prior to the implementation of the LDC in 1998. The proposed development will consider the existing parking and easement agreement allowing shared parking and ingress/egress between the subject property and 1311 Westrac Drive South. The Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets

(Criteria Satisfied)

Staff Recommendation:

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

1. The maximum residential density shall be 38 dwelling units per acre.

Planning Commission Recommendation: 07-01-2025

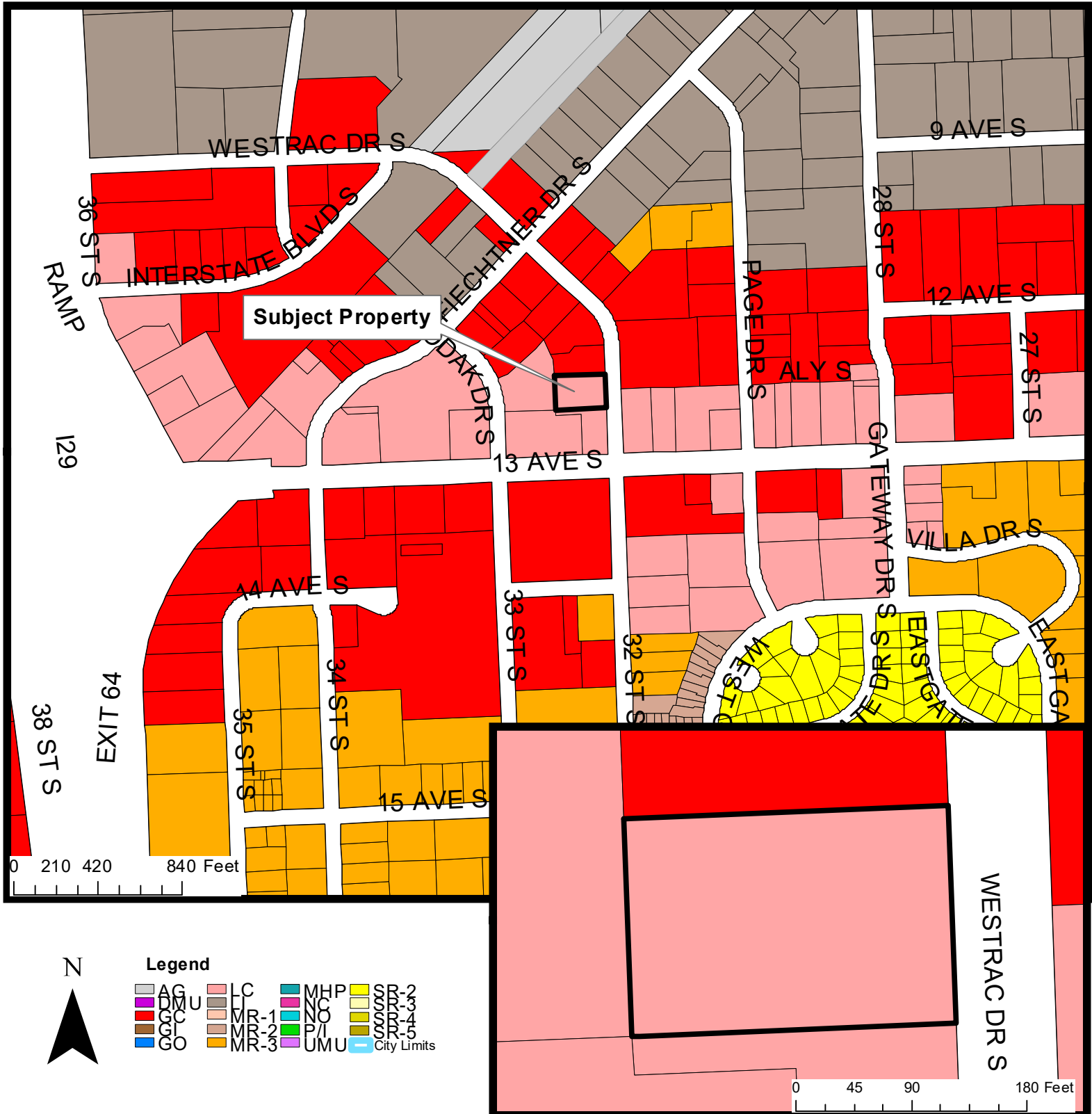
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Site Plan

Conditional Use Permit (CUP) to allow household living in the LC, Limited Commercial zone

Westrac Addition

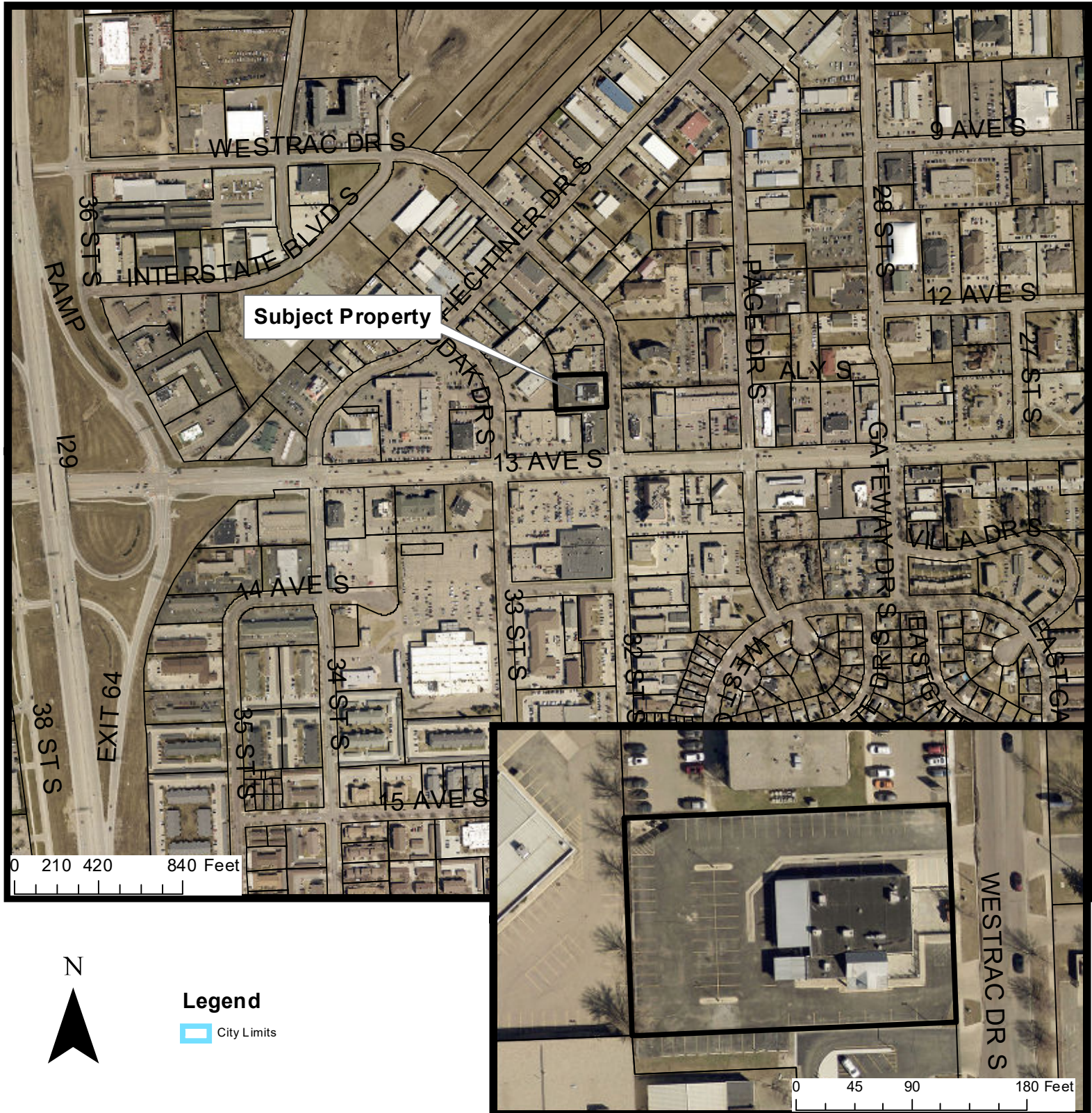
1201 Westrac Drive South

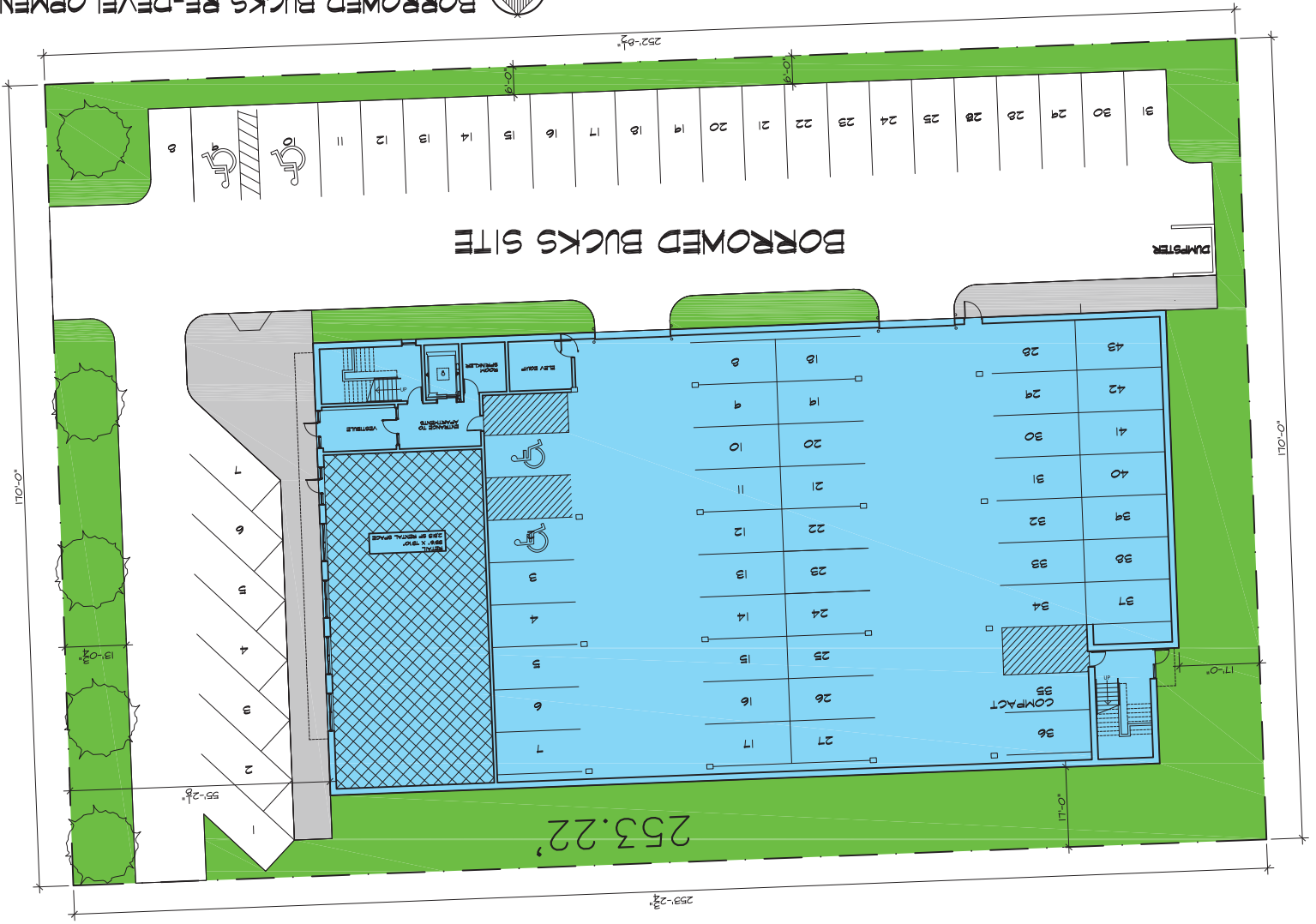


Conditional Use Permit (CUP) to allow household living in the LC, Limited Commercial zone

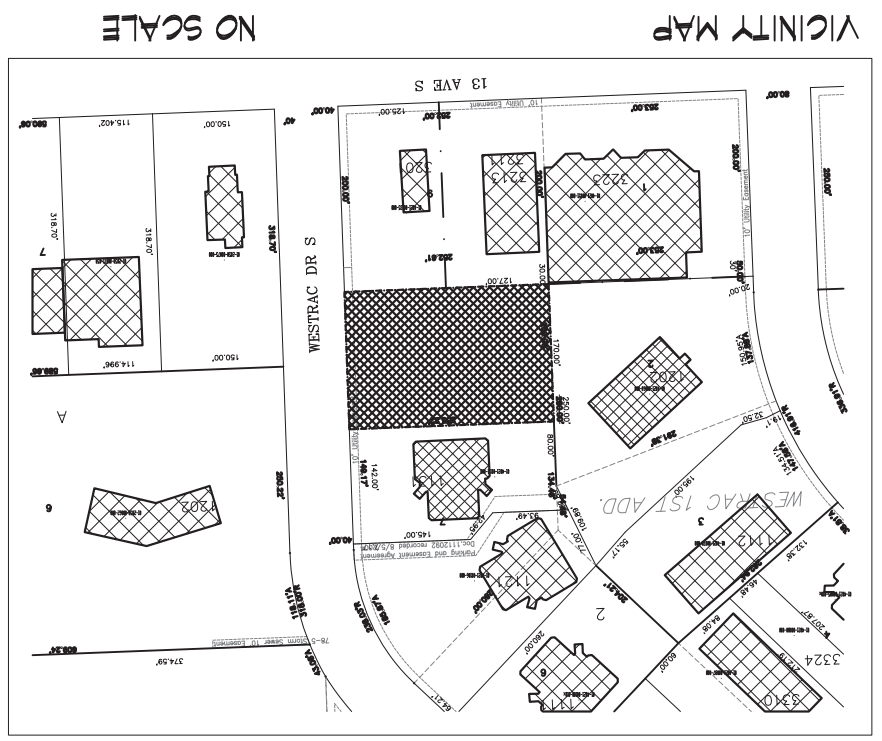
Westrac Addition

1201 Westrac Drive South





BORROWED BUCKS RE-DEVELOPMENT PROJECT
MIXED USE COMPLEX
37 APARTMENTS & 2,513 SF RETAIL
SCALE 1/8" = 1'-0"



**City of Fargo
Staff Report**

Title:	Westrac Addition	Date:	06-20-2025
Location:	1201 Westrac Drive South	Staff Contact:	Chelsea Levorsen, Planner
Legal Description:	A portion of Lot 8, Block 2, Westrac Addition		
Owner(s)/Applicant:	Craig Properties	Engineer/Arch:	TL Stroh
Reason for Request:	Appeal of administrative decision to approve a small facilities alternative access plan		
Status:	Planning Commission Appeal: July 1, 2025		

Existing	Proposed
Land Use: Commercial, Retail	Land Use: Commercial / Residential Mixed-use
Zoning: LC, Limited Commercial	Zoning: LC, Limited Commercial
Uses Allowed: Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.	Uses Allowed: no change. Conditional Use Permit will allow household living in the LC zone.
Maximum Lot Coverage Allowed: 55%	Maximum Lot Coverage Allowed: 55%

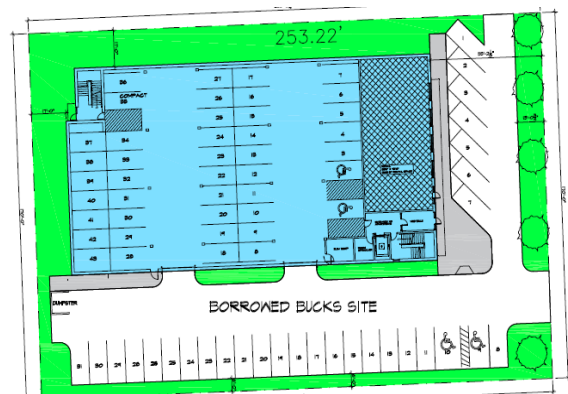
Request:

The applicant, Craig Properties, is requesting a reduction in the number of parking spaces required for the property located at 1201 Westrac Drive South. The applicant requested a small facilities alternative access plan for a parking reduction, which was approved at the staff level. An adjacent property owner objected to the granting of the reduction and is appealing the zoning administrators decision to the Planning Commission.

Project Proposal and Conditional Use Permit

The applicant is proposing to construct a four-story, commercial/residential mixed-use building. The building will provide 2,151 SF of commercial space, intended for a coffee shop or quick-service restaurant, first floor parking, and 37, one-bedroom apartment units. The preliminary site plan is shown here and attached. The subject property is zoned LC, Limited Commercial. Residential uses are not permitted by right in the LC zoning district.

The applicant is also requesting a conditional use permit to allow residential use in this zoning district, at the July 1st Planning Commission.



The Land Development Code requires that a minimum of 2 parking spaces per 1-bedroom unit plus 0.25 guest parking spaces per unit for structures containing 7 or more units be provided. Retail sales and Services (quick service restaurants) require 1 parking space per 150 square feet. Therefore, 37 one-bedroom units and 2,151 sf of retail space would require 98 off-street parking spaces. The applicant's preliminary site plan shows 74 parking spaces, with a requested reduction of 24 spaces (24.48%). There is also an existing shared parking and easement agreement (doc.1112092) allowing employees, invitees, and guests to park on the adjacent (north) property at 1131 Westrac Drive South (attached).

Staff sent out notices to the surrounding property owners of the Planning Department's intention to approve the requested parking reduction. Staff received one written appeal, which is attached.

The applicant has reached out to the property owner who appealed. Additional information may be forthcoming at the Planning Commission meeting.

Process

Applicants wishing to provide fewer parking spaces on-site in accordance to the off-street parking schedule of Section 20-0701-B must secure approval of an alternative access plan. The zoning administrator is authorized to review and act on an alternative access plan if the plan proposes a reduction of no more than 25% or 25 parking spaces. If the proposed reduction is greater than 25% or 25 spaces, review and action by the Planning Commission is required.

In accordance with the Site Plan Review process, Section 20-0910, appeals of zoning administrator decisions must be taken to the Planning Commission. The Planning Commission shall consider the appeal and parking reduction request as a new matter, and shall act to approve or deny the original parking reduction application.

Staff Analysis:

As stated above, the subject property is located at 1201 Westrac Drive South and is zoned LC, Limited Commercial. The applicant is requesting a small facilities parking reduction for their proposed mixed-use commercial and residential, new construction building. The adjacent properties are zoned LC, Limited Commercial and GC, General Commercial.

Section 20-0701-B of the Land Development Code requires:

Use Category	Specific Uses		LDC Requirement		Proposed units / SF	LDC Required Spaces
Household Living	Multi-Dwelling Structures	1-bedroom or larger Less than 6 units	2.33	per unit	-	-
	Multi-Dwelling Structures	1-bedroom or larger 7 or more units	2.25	per unit	37	83.25
	Multi-Dwelling Structures	Efficiency Units	1.25	per unit	-	-
Retail Sales & Services	Restaurant	General, Bars, Taverns, Lounges	1 / 75 sf	per sf	-	-
		Fast-Food (Coffee Shop)	1 / 150	per sf	2,151	14.34
				* or 1 / 75 sf of customer service/dining area		
				TOTAL REQUIRED		98

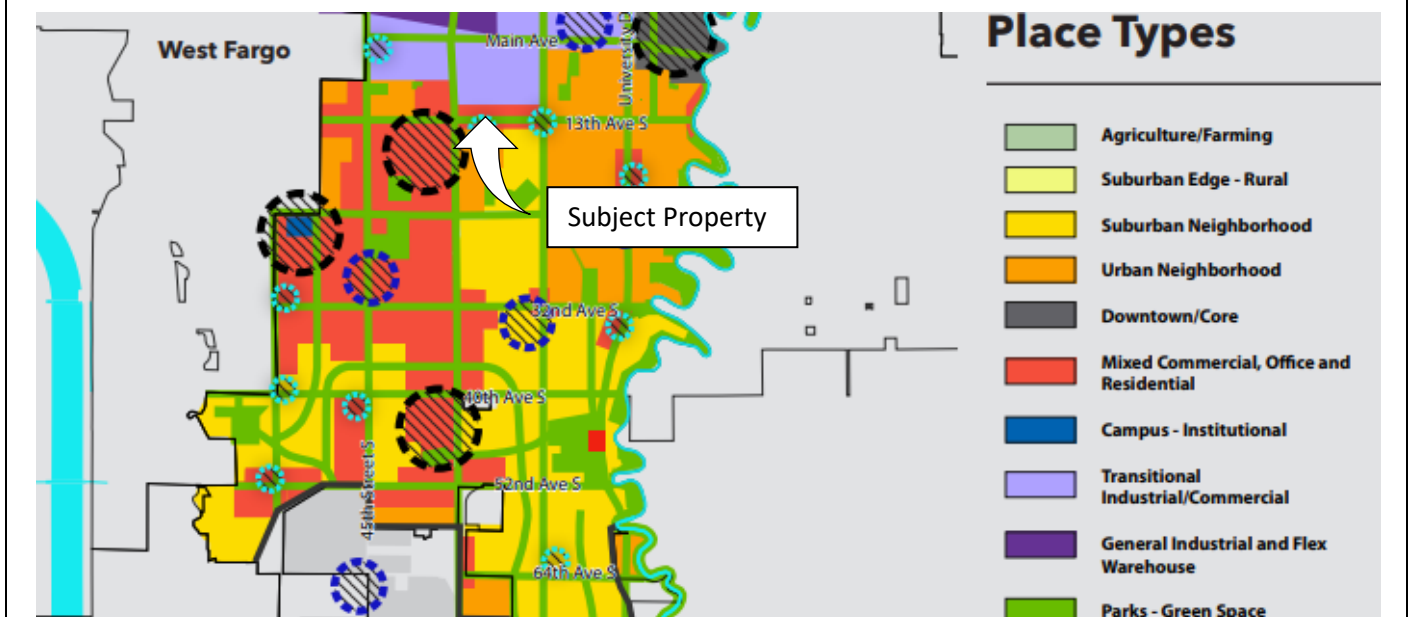
The applicant's preliminary site plan provides 74 parking spaces, with a requested reduction of **24 spaces (24.48%)**. There is an existing shared parking and easement agreement (doc.1112092) allowing employees, invitees, and guests to park on the adjacent (north) property at 1131 Westrac Drive South, which is attached.

Consistency with Plans & Studies

The applicant has included a parking study (attached), completed by Stroh Architects & Interiors. The applicant's parking narrative is consistent with The Institute of Transportation Engineers (ITE) Trip and Parking Manual and Metro COG's Fargo/West Fargo Parking & Access Requirement Study. The Fargo/West Fargo Parking and Access Study would require this proposed site (37 one-bedroom apartment units and 2,151 sf of restaurant space) to provide 61 parking spaces (1.5 spaces per apartment unit plus 2.25 parking spaces per 1,000 sf of restaurant space). A summary of comparable parking requirements from the applicant's parking narrative, with the addition of the Metro COG study is proved below. An error was found in the applicant's table, it has been rectified in the table.

Land Use	per unit	Local Jurisdiction Requirements			Recommended Minimums		Currently Proposed	
		Fargo	West Fargo	Moorhead	ITE Standard	Metro COG Study	per unit	total spaces
Multi-Dwelling Household	1 Bedroom	2.25	1	2	1.23	1.5	1.61	59.57
Restaurant/Bar/Tavern/Lounge	ratio	1/150 sf	1/100 sf	1/75 sf*		2.25/1000 sf	1/150 sf	14.34
TOTAL PROVIDED								74

The Fargo-Moorhead Housing Needs Analysis and Strategies Report, completed by Metro COG anticipates the need for an additional 16,400 residential units by 2033. One of the study's key land-use recommendations is supporting concentrated density along transit corridors and identifying locations to allow more multi-family development. The Fargo Growth Plan, adopted in 2024, designates this property and the surrounding properties along 13th avenue south, as a 'Mixed Commercial, Office, and Residential' place type. Recommended primary uses include; commercial/retail, distribution, warehousing, wholesaling, offices, and flex buildings. Secondary uses include; flex warehouses and multi-family residential housing.



Staff has determined that the above-mentioned plans and studies support the proposed request for a small facilities alternative access plan to reduce the number of required parking spaces from 98 to 74 spaces. The City's Traffic Engineer has reviewed the plan and supports the proposed parking reduction.

Additionally, the proposed parking reduction is consistent with the findings discovered by the consultant team during the Land Development Code re-write.

Action of Appeal (Section 20-0910 of the LDC)

The Planning Commission shall consider the appealed decision on the request for a parking reduction as a new matter. After considering the matter, the Planning Commission shall act to approve or deny the original parking reduction application.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the small facilities alternative access plan, as the proposal satisfies all requirements outlined in Section 20-0701-B of the LDC.

Planning Commission Recommendation: 07-01-2025

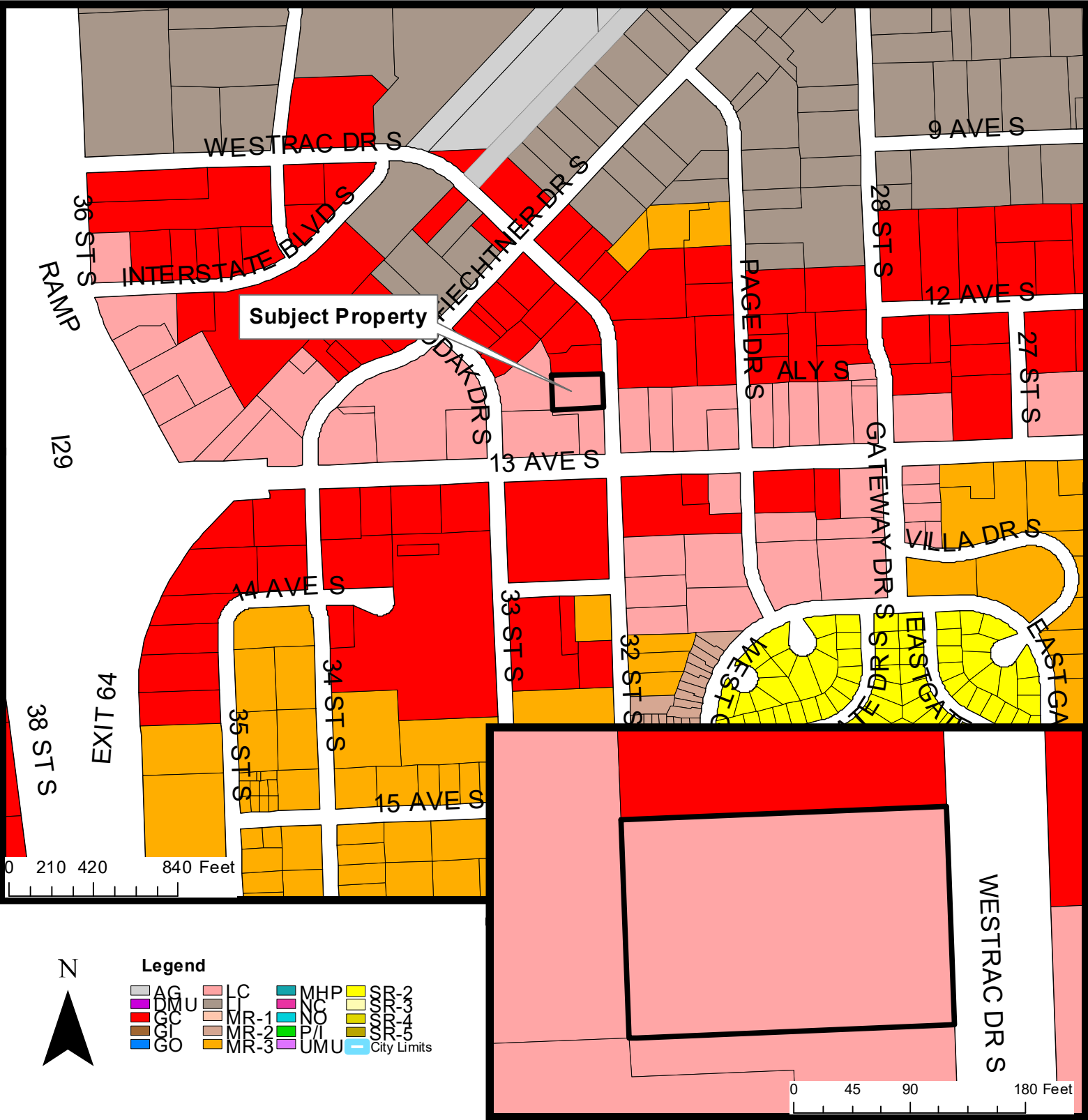
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Site Plan
4. Parking Study
5. Shared parking/ingress/egress Easement
6. Letter of Appeal

Small Facilities Alternative Access Plan for Parking Reduction at 1201 Westrac Drive South

Westrac Addition

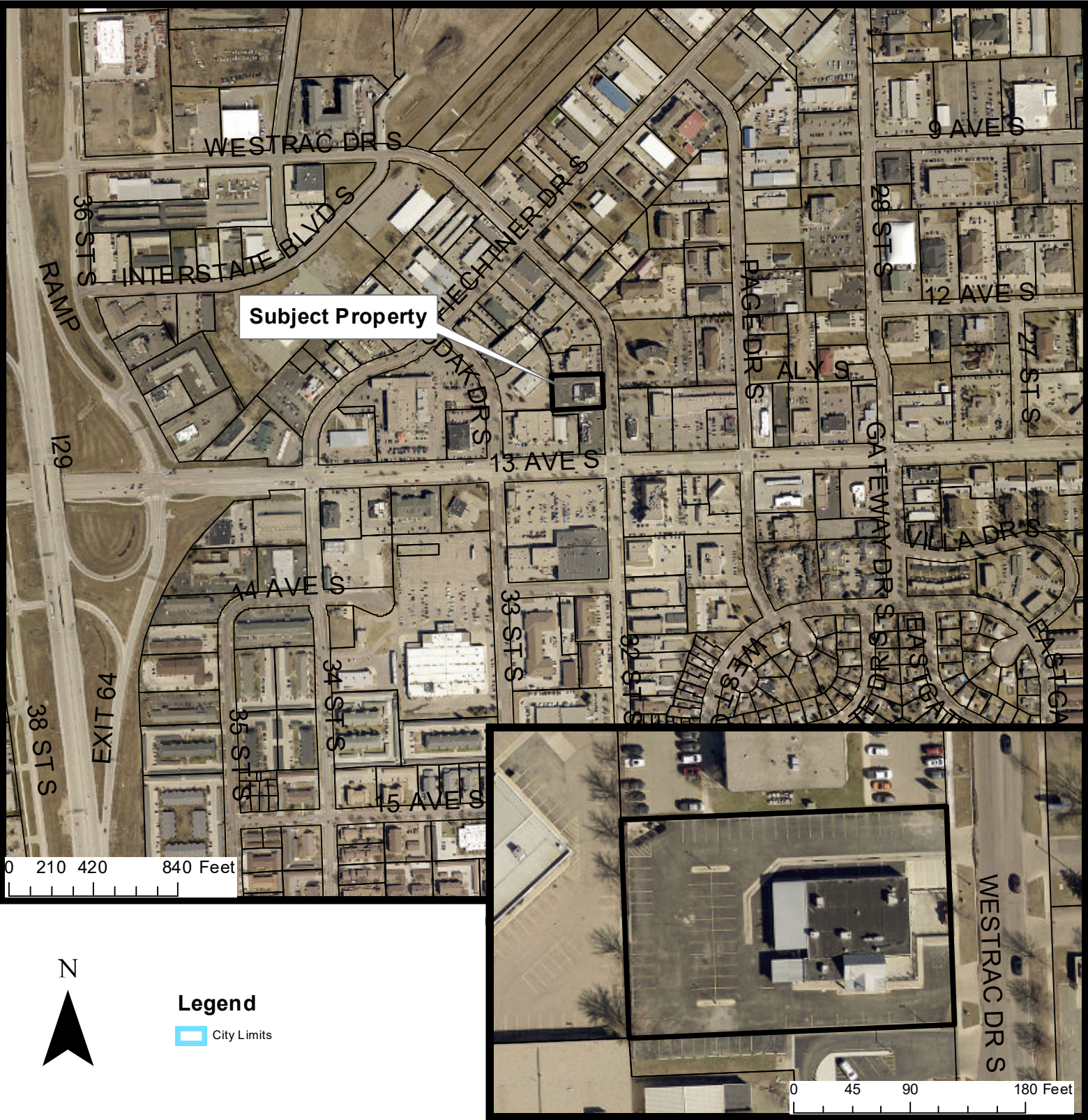
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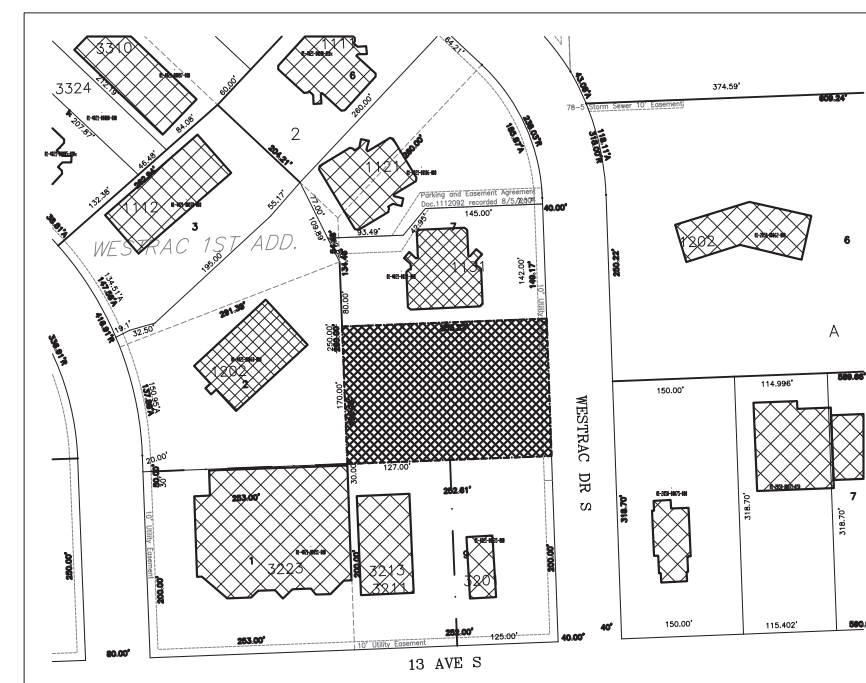


Small Facilities Alternative Access Plan for Parking Reduction at 1201 Westrac Drive South

Westrac Addition

1201 Westrac Drive South





VICINITY MAP

NO SCALE

City of Fargo

Attention: Maegin Elshaug, Chelsea Levorsen

Panning & Development Dept.

225 4th Street North

Fargo, ND 58102

Subject: 37 Unit Multi-family/multi-use Apartment

West Track Drive

Fargo , ND 58103

Ms. Elshaug & Mr. Kress

This letter outlines the old project goals for the new construction of a 37-plex apartment on and a small retail space on the existing Borrowed Buck Roadhouse in South Fargo, as part of the previous discussions with the City of Fargo Planning Department.

Proposed Condition.

The proposed 37 Plex. All 37 apartments are one-bedrooms and 2,151 SF retail space on the first floor. The proposed new structure will be built on the existing Borrowed Bucks Roadhouse restaurant and bar site in South Fargo on West Track Drive, according to the Fargo Land Development Code (LDC). The apartments require. 2.25 parking spaces per one-bedroom unit. Plus, the retail space of 2,151 square feet requires one parking stall per 250 square feet. Bring the total number of stalls for the building to 98 stalls required by LDC.

We are asking to reduce the number of parking stalls by approximately 24.5% or 24 stalls for this project. The developer owns and manages 480 units of apartments and says that approximately 85% of all one-bedroom apartments only have one person renting them. Young professionals typically. Most couples like renting a two-bedroom unit for additional space, and a possible upcoming member of the family. In addition, I also work with another large developer in Fargo, "Enclave Companies." I've talked with Donna Smith, "President of Real Estate Management for Enclave," and she says it does depend on the market but she sees more of a split of 60%, only one person renting, and 40% two people renting. She say it has a lot to do with pricing in the market. As you will see below, we are using a 50/50 split in parking counts for this project.

We also acknowledge that we don't know what kind of commercial enterprises would rent the 2,151 sq. ft. of retail on the first floor,, which could affect the parking count. But looking at the data, we are well above the parking requirements for both the national average and West Fargo LDC.

Additional supporting data from a local source is Metro COG's Fargo/West Fargo Parking and Access Study from December 2018. The highlighted area on the table below for multi-family households shows that the City of Fargo's minimum parking requirements are well above the national average.

Land use		City of Fargo	City of West Fargo	National Standard	Unit	% Difference
Single Family		2.00	2.00	2.00	Bedroom	0%
Multi-Dwelling household		2.25	1.00	1.23	Dwelling Unit	45%
Office - Medical		5.00	5.00	3.20	1000 sqft	36%
Office - General		3..3	5.00	2.84	1000 sqft	15%
Restaurant/bar/tavern/lounge		13.33	10.00	10.60	1000 sqft	20%
Religious Institutions		0.4	0.20	0.20	Seats	50%

According to the Institute of Traffic Engineers in the *Parking Generation Manual, 5th Edition*. Multi-family house Mid-rise at an average of .68 per bedroom. Since that seems very low in our estimation, we feel we have more than adequate parking for this building.

Proposed Parking calculation for this project		#- Stalls		
37 One Bedroom Units	50%	2.25	Stall/Unit	41.625
	50%	1.15	Stall/Unit	21.275
Retail Shop (1 stall/150 SF)		2,151 sf		14.34
Parking according to this calculation				72.9
Parking in the building and on-site				78

We appreciate your efforts in assisting with the review of this project's parking requirement. Hopefully, you will permit us to reduce the parking count. If you have any questions, feel free to contact me at 701-317-3580.

DATE: 06.03.2025



Mike Kuntz – Terry Stroh Principals
TL Stroh Architects Ltd.



1112092

Page: 1 of 3

08/05/2004 11:30A

THORSON PROPERTIES INC TMA HOS AGRES 16.00

PARKING AND EASEMENT AGREEMENT

WHEREAS, the parties hereto have an interest in adjoining real estate hereinafter described, situated in the city of Fargo, County of Cass, State of North Dakota; and

WHEREAS, Randy Thorson Properties, Inc. is the owner of that part of Lot 7, in Block 2, Westrac First Addition to the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the Southeast corner of Lot 7; thence North $00^{\circ}07'32''$ East, along the Easterly line of said Lot 7, for a distance of 142 feet; thence South $89^{\circ}57'00''$ West, parallel with the Southerly line of said Lot 7, for a distance of 145 feet; thence South $41^{\circ}47'39''$ West for a distance of 42 and 95/100 feet; thence South $89^{\circ}57'00''$ West, parallel with the Southerly line of said Lot 7, for a distance of 80 feet; thence South $00^{\circ}03'00''$ East along the Westerly line of said Lot 7, for a distance of 110 feet; thence North $89^{\circ}57'00''$ East, along the Southerly line of said Lot 7, for a distance of 253 and 22/100 feet to the point of beginning.

Together with that part of Lot 3 of said Block 2, Westrac First Addition to the City of Fargo, North Dakota, described as follows:

Commencing at the Northeasterly most corner of said Lot 3, said corner being common to Lots 3, 6 and 7 of Block 2; thence South $00^{\circ}03'00''$ East, along the line common to said Lots 3 and 7, for a distance of 24 and 48/100 feet to the true point of beginning; thence continue South $00^{\circ}03'00''$ East, along the line common to said Lots 3 and 7, for a distance of 30 feet; thence North $24^{\circ}15'21''$ West for a distance of 32 and 89/100 feet; thence North $89^{\circ}57'00''$ East for a distance of 13 and 49/100 feet to the true point of beginning.

Together with an easement or right of way for ingress and egress to the above-described property described as follows:

That part of Lot 3 and Lot 7, Block 2, Westrac First Addition to the City of Fargo, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Lot 7; thence North $00^{\circ}07'32''$ East, along the easterly line of said Lot 7, for a distance of 142 feet to the true point of beginning; thence South $89^{\circ}57'00''$ West, for a distance of 140 and 50/100 feet; thence South $35^{\circ}14'50''$ West for a distance of 63 and 71/100 feet; thence South $89^{\circ}57'00''$ West for a distance of 80 and 84/100 feet; thence North $24^{\circ}15'21''$ West for a distance of 21 and 93/100 feet; thence North $89^{\circ}57'00''$ East for a distance of 79 and 49/100 feet; thence North $35^{\circ}14'50''$ East for a distance of 63 and 71/100 feet; thence North $89^{\circ}57'00''$ East for a distance of 150 and 55/100 feet, to a point of intersection with a curve whose tangent bears South $02^{\circ}57'50''$ East with a radius of 238 and 03/100 feet, concave southeasterly; thence southeasterly, along said curve, for an arc length of 12 and 83 feet, central angle $03^{\circ}05'22''$; thence South $00^{\circ}07'32''$ West for a distance of 7 and 17/100 feet to the true point of beginning;

hereinafter referred to as "Lot 7".

WHEREAS, BFG, Inc. is the owner of Lot 8, except the South 30 feet thereof, Block 2, Westrac First Addition to the City of Fargo, Cass County, North Dakota, hereinafter referred to as "Lot 8".

WHEREAS, the parties hereto desire to create an easement for the purpose of parking, ingress and egress in, to, upon and over a portion of said adjoining real estate.

NOW, THEREFORE, the parties hereto, in consideration of the foregoing and the covenants hereinafter contained, hereby dedicates as follows:

1. The owner of Lot 7 hereby creates, grants and conveys onto the owner of Lot 8, its successors and assigns, employees, invitees and guests, an ingress and egress easement over Lot 7, now used or to be used for parking, ingress and egress to Lot 7. The parties hereto agree that such use of the described property shall be subject, without restriction or qualification, to the rights of all users thereof, their employees, customers, patrons and other invitees.

2. The parties hereto agree that the easement granted herein is superior and paramount to the rights of any party hereto and the parties hereto further agree that this is a covenant that shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors and assigns.

3. The parties hereto agree that the easement does not create or vest any rights in the general public in and to the described property or any portion thereof.

4. The parties hereto agree that this easement granted shall be a perpetual easement.

5. Nothing contained in this Agreement shall prohibit the owners or future owners or their heirs, successors and assigns of the real estate described herein from expanding their existing construction

Dated this 30th day of July, 2004.

RANDY THORSON PROPERTIES, INC.

By: Randy Thorson
Its: President

ACCEPTED:
BFG, INC.

By: [Signature]
Its: Vice President

STATE OF NORTH DAKOTA)

COUNTY OF CASS

On this 30th day of July, 2004, before me, Vonnie Birmingham, a Notary Public in and for said County and State, personally appeared Randy Thorson, to me known to be the President of Randy Thorson Properties, Inc., a North Dakota Corporation, the company that is described in and that accepted the foregoing instrument and acknowledged to me that such company accepted the same.

VONNIE L. BIRMINGHAM
Notary Public
State of North Dakota
My Commission Expires Mar. 21, 2006

Notary Public

My Commission expires 3/21/06

STATE OF NORTH DAKOTA)

COUNTY OF CASS

On this 30th day of July, 2004, before me, Vonnie Birmingham, a Notary Public in and for said County and State, personally appeared Warren Ackley, to me known to be the Vice President of BFG, Inc., a North Dakota corporation, the company that is described in and that accepted the foregoing instrument and acknowledged to me that such corporation accepted the same.

VONNIE L. BIRMINGHAM
Notary Public
State of North Dakota
My Commission Expires Mar. 21, 2006

Notary Public

My Commission expires 3/21/06

The legal descriptions in this instrument were taken from previously recorded documents.

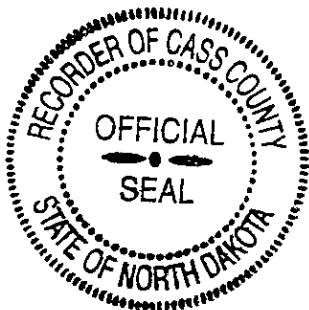


1112092
Page: 3 of 3
08/05/2004 11:30A

RECORDER'S OFFICE, CASS COUNTY, ND 08/05/2004 11:30AM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
DEANNA KENSrud, COUNTY RECORDER

by Teresa A. Kirby Dep.

1112092



To: Fargo Planning Commission

From: Valley Christian Counseling & Wellness

Subject: Appeal of Alternative Access Plan Approval – 1201 Westrac Drive South

Date: June 10, 2025

Dear Members of the Fargo Planning Commission,

We are writing on behalf of Valley Christian Counseling & Wellness who has submitted plans for renovation of the former Chuck E Cheese building located adjacent to the proposed development at 1201 Westrac Drive South. The proposed renovation will allow us to expand our children and family services to more adequately meet the mental health and wellness needs of the children in our community. We respectfully submit this letter as a formal appeal to the Zoning Administrator's intent to approve the Alternative Access Plan submitted by Craig Properties, LLC.

While we support responsible development and mixed-use projects that enhance our community, we have serious concerns about both the proposed reduction in required parking spaces and the overall suitability of this type of development directly adjacent to a facility that will be serving vulnerable children and families.

Key Concerns:

1. Safety of Children and Families

Our center serves children and families, many of whom arrive by car and require safe, accessible parking. Overflow parking from the proposed development could spill into our lot or surrounding streets, increasing traffic congestion and creating hazardous conditions for children entering and exiting our facility.

2. Inadequate Parking for Mixed-Use Demands

The proposed development includes 37 residential units and over 2,000 square feet of retail space. The reduced parking allocation does not adequately account for peak usage times, guest parking, or retail customer turnover. This shortfall will likely result in parking overflow into adjacent properties, including ours.

3. Increased Risk of Crime and Disruption

Mixed-use developments, particularly those with high-density residential units and retail components, can sometimes correlate with increased foot traffic, loitering, and, in some cases, elevated crime rates. Given the sensitive nature of our services the proximity of such a development raises serious concerns about the safety and emotional well-being of the children and families we serve.

We journey with people toward healing and wholeness through Christ-centered services.

valleychristian.co

4. Impact on Community Services

Our center provides essential services that require a calm, secure, private environment. Increased traffic, parking disputes, and potential disturbances from the adjacent property could disrupt our operations and compromise the private, therapeutic atmosphere we strive to maintain.

5. Precedent for Future Developments

Granting this reduction may set a precedent for future developments to seek similar variances, further straining infrastructure and diminishing the quality of life in our neighborhood.

Request for Reconsideration:

We urge the Planning Commission to deny the Alternative Access Plan as currently proposed and to reconsider the overall suitability of this type of property, given Valley Christian's plan to renovate the Chuck E Cheese property to expand children's mental health and wellness services.

We appreciate your attention to this matter and your commitment to thoughtful urban planning that balances growth with community well-being. Please do not hesitate to contact us for further discussion or to arrange a site visit.

Sincerely,

Valley Christian Counseling & Wellness Board of Directors

Nicole Rostad
Co-CEO

Sarah Stigen
Co-CEO

DJ Colter
Chair

Paul Leverington
Vice Chair

Laura Fairfield
Treasurer

Jen Such
Secretary

Jeff Seaver
Director

Ron Knoll (recused)
Director

Paul Nynas
Director

Dr. Joel Haugen
Director

Char Solberg
Director

Terri Abbott
Director

John Satrom
Director