

FARGO PLANNING COMMISSION AGENDA  
Tuesday, June 2 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of May 7, 2020

C: Brown Bag Luncheon - Cancelled

D: Public Hearing Items:

1. Continued hearing on an application requesting a Plat of **Tice Addition** (Minor Subdivision) a replat of a portion of Lot 6, and all of Lots 11 and 12, Block 4, Harry A. Schnell Addition to the City of Fargo, Cass County, North Dakota. (Located at 714 and 718 19th Avenue South) (Kenneth and Kimberly Anderson) (dk)
  2. Continued hearing on an application requesting a Conditional Use Permit to allow for a Telecommunication Support Structure (TSS) 199 feet in height in the GC, General Commercial zoning district on Lot 2, Block 2, **Richard 3rd Subdivision**. (Located at 6120 53rd Avenue South) (Magnum Properties/Scott Jones) (ms)
  - 3a. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Touchmark Addition**. (Located at 1201 35th Avenue South and 1200 Harwood Drive South) (Touchmark LLC/Waterford at Harwood Groves LLC) (dk): CONTINUED TO JULY 7, 2020
  - 3b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural and MR-3, Multi-Dwelling Residential with a PUD, Planning Unit Development to MR-3 with a PUD, Planned Unit Development on the proposed **Touchmark Addition**. (Located at 1201 35th Avenue South and 1200 Harwood Drive South) (Touchmark LLC/Waterford at Harwood Groves LLC) (dk): CONTINUED TO JULY 7, 2020
  - 3c. Continued hearing on an application requesting a Plat of **Touchmark Addition** (Minor Subdivision) an unplatted portion of the Section 25, Township 139 North, Range 49 West and Lots 1, 15, and 16, Block 1, Replat of Waterford Addition, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 1201 35th Avenue South and 1200 Harwood Drive South) (Touchmark LLC/Waterford at Harwood Groves LLC) (dk): CONTINUED TO JULY 7, 2020
  - 4a. Hearing on an application requesting Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on the proposed **Edition Third Addition**. (Located at 4803 and 4809 38th Street South) (Edition Partners, LLP/Houston Engineering) (dk)
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- 4b. Hearing on an application requesting a Plat of **Edition Third Addition** (Minor Subdivision) a replat of part of Lot 1, and all of Lot 2, Block 1, Edition Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4803 and 4809 38th Street South) (Edition Partners, LLP/Houston Engineering) (dk)
- 5a. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential and GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay on the proposed **Sanford South Campus Addition**. (Located at 1720 University Drive South and 1701, 1719, 1723, 1727, 1731, 1735, 1739, 1743, and 1747 11th Street South) (Sanford Medical Center/Cory Bischoff/Meritcare Hospital) (an)
- 5b. Hearing on an application requesting a Plat of **Sanford South Campus Addition** (Minor Subdivision) a replat of Lots 1-12, Block 7, and portion of Block 8, Fargo Investment Company First Addition to the City of Fargo, Cass County, North Dakota. (Located at 1720 University Drive South and 1701, 1719, 1723, 1727, 1731, 1735, 1739, 1743, and 1747 11th Street South) (Sanford Medical Center/Cory Bischoff/Meritcare Hospital) (an)
- 6a. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential, and DMU, Downtown Mixed Use, to MR-2, Multi-Dwelling Residential and DMU, Downtown Mixed Use and a request to repeal the existing PUD, Planned Unit Development overlay on the proposed **Craigs Oak Grove Second Addition**. (Located at 505, 509, and 515 Oak Street and 2, 6, and 10 6th Avenue North) (Jesse Craig) (an)
- 6b. Hearing on an application requesting a Plat of **Craigs Oak Grove Second Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Craigs Oak Grove Addition, a vacated portion of Elm Street, vacated portion of 5th Avenue North, vacated alley, and a portion of Lot 5, 6, and 7, Block 28, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 505, 509, and 515 Oak Street and 2, 6, and 10 6th Avenue North) (Jesse Craig) (an)
7. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan on a portion of Lot 1, Block 2, **Austin's Subdivision**. (Located at 5451 53rd Street South) (Hockey 52, LLC/Century Builders, LLC) (kb): CONTINUED TO JULY 7, 2020
- 8a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to GC, General Commercial on a portion of the proposed **Boulger First Addition**. (Located at 113 and 123 10th Street South; 1013, 1015, and 1019 2nd Avenue South) (Bba LLC/Boulger Funeral Home Inc./Houston Engineering) (dk)
- 8b. Hearing on an application requesting a Plat of **Boulger First Addition** (Minor Subdivision) a replat of Lots 8-12, Block 15, Original Townsite to the City of Fargo, Cass County, North Dakota. (Located at 113 and 123 10th Street South; 1013, 1015, and 1019 2nd Avenue South) (Bba LLC/Boulger Funeral Home Inc./Houston Engineering) (dk)

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9. Hearing on an application requesting a Plat of **South Forty at Osgood Third Addition** (Minor Subdivision) a replat of Lot 6, Block 3, South Forty at Osgood Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 5012-5076 53rd Street South and 5044-5256 50th Avenue South) (Linn Grove Centre, LLC/Enclave Development) (dk)
10. Hearing on an application requesting a Plat of **West Park Fourth Addition** (Minor Subdivision) a replat of Lot 2 and part of Lot 8, Block 4, West Park Second Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 233 41st Street South and 260 42nd Street South) (Minda LLC/Interstate Engineering) (dk)
11. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on Lots 11-14, Block 6, **Truesdell's Addition**. (Located at 814, 818, and 822 Oak Street North) (Arcadia Park View, LLC/Larry Carcoana) (dk)

E: Other Items:

1. Annexation of approximately 35.44 acres of a portion of the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota. (Sitka Investments, LLC / Jon Youness) (dk)

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## **BOARD OF PLANNING COMMISSIONERS MINUTES**

**Regular Meeting:**

**Tuesday, May 5, 2020**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held virtually at 3:00 p.m., Tuesday, May 5, 2020.

The Planning Commissioners present or absent were as follows:

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

Absent: Jennifer Holtz

Chair Gunkelman called the meeting to order and extended thanks to Mike Magelky for his years of service on the Planning Commission.

### **Business Items:**

#### **Item A: Approve Order of Agenda**

Chair Gunkelman noted the follow agenda items:

-Items 12 and 15 have been continued to the June 2, 2020 meeting.

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

#### **Item B: Minutes: Regular Meeting of March 3, 2020**

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

#### **Item C: May 20, 2020 Brown Bag Luncheon: Cancelled**

#### **Item D: Public Hearing Items:**

##### **Item 1: Brandt Crossing 14th Addition**

**Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lot 1, Block 1, Brandt Crossing 14th Addition and the south 60 feet of Lot 2, Block 1, Brandt Crossing 6th Addition (Located at 3244 51st Street South) (M & L Enterprises LLC/Tanner Brandt): APPROVED**

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change to



repeal and reestablish a C-O, Conditional Overlay, as outlined within the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Scherling, Tasa, Morgan, Bachmeier, Stofferahn, Rosenberg, Schneider, Sobolik, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 2: Northern Sheyenne Land Third Addition**

**2a. Hearing on an application requesting a Zoning Change from GI, General Industrial to LI, Limited Industrial on the proposed Northern Sheyenne Land Third Addition. (Located at 1805, 1810, 1820, 1821, 1840, and 1841 Sheyenne Loop North) (Kelmar Property 6, LLC/Houston Engineering): APPROVED**

**2b. Hearing on an application requesting a Plat of Northern Sheyenne Land Third Addition (Major Subdivision) a replat of Lot 1, Block 3, 19th Avenue Southwest Pond Addition; Lots 5-7, Block 1 and Lots 2-3, Block 2, Northern Sheyenne Land Second Addition; and a Vacation and replat of part of 19th Avenue North dedicated as part of Northern Sheyenne Land Addition to the City of Fargo, Cass County, North Dakota. (Located at 1805, 1810, 1820, 1821, 1840, and 1841 Sheyenne Loop North) (Kelmar Property 6, LLC/Houston Engineering): APPROVED**

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

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

Member Morgan moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the 1) Zoning Change from GI, General Industrial to LI, Limited Industrial and 2) Subdivision Plat Northern Sheyenne Land Third Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code, and the Right-of-Way Vacation findings of NDCC 4-39-04 through -07. Second by Member Bachmeier. On call of the roll Members Schneider, Scherling, Sobolik, Stofferahn, Morgan, Bachmeier, Rosenberg, Tasa, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 3: Touchmark Addition**

**3a. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed Touchmark Addition. (Located at 1201 35th Avenue South and 1200 Harwood Drive South) (Touchmark LLC/Waterford at Harwood Groves LLC): CONTINUED TO JUNE 2, 2020**

**3b. Hearing on an application requesting a Zoning Change from AG, Agricultural and MR-3, Multi-Dwelling Residential with a PUD, Planning Unit Development to MR-3 with a PUD, Planned Unit Development on the proposed Touchmark Addition. (Located at 1201 35th Avenue South and 1200 Harwood Drive South) (Touchmark LLC/Waterford at Harwood Groves LLC): CONTINUED TO JUNE 2, 2020**

**3c. Hearing on an application requesting a Plat of Touchmark Addition (Minor Subdivision) an unplatted portion of the Section 25, Township 139 North, Range 49 West and Lots 1, 15, and 16, Block 1, Replat of Waterford Addition, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 1201 35th Avenue South and 1200 Harwood Drive South) (Touchmark LLC/Waterford at Harwood Groves LLC): CONTINUED TO JUNE 2, 2020**

Mr. Kress presented the staff report stating staff is recommending continuing this item to the June 2, 2020 Planning Commission meeting.

Applicant representative Brian Pattengale, Houston Engineering, spoke on behalf of the application, noting there are details of the Planned Unit Development being worked on with City staff.

Member Stofferahn moved to continue this item to the June 2, 2020 Planning Commission meeting. Second by Member Schneider. On call of the roll Members Schneider, Sobolik, Bachmeier, Scherling, Stofferahn, Rosenberg, Tasa, Morgan, and Gunkleman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 4: Osgood Townsite 11th Addition**

**4a. Hearing on an application requesting a Growth Plan Amendment on Lot 9, Block 1, Osgood Townsite 11th Addition and Lot 2, Block 2, Osgood Townsite 12th Addition. (Located at 4850 and 4800 46th Street South) (45th Street Group Apartments #4, LLC/Houston Engineering): APPROVED**

**4b. Hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a request to repeal the C-O, Conditional Overlay on Lot 9, Block 1, Osgood Townsite 11th Addition and Lot 2, Block 2, Osgood Townsite 12th Addition. (Located at 4850 and 4800 46th Street South) (45th Street Group Apartments #4, LLC/Houston Engineering): APPROVED**

Planner Kylie Bagley presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted the applicant and City staff held a virtual neighborhood growth plan meeting and received no inquiries at the time.

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change

from GC, General Commercial, with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential, and 2) Growth Plan Amendment from “commercial” to “medium-high density residential”, as outlined within the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Scherling, Sobolik, Stofferahn, Rosenberg, Tasa, Morgan, Bachmeier, Schneider, Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 5: Egbert, O’Neil, and Haggarts Addition**

**5a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential, and GC, General Commercial, to GC, General Commercial on Lots 1A and 1B, Block 25, Egbert, O’Neil, and Haggarts Addition. (Located at 421 and 425 24th Street South and 424 25th Street South) (Mike and Kelly Hoffman/Todd Jelinski): APPROVED**

**5b. Hearing on an application requesting a Conditional Use Permit to allow household living in the GC, General Commercial zoning district on Lot 1B, Block 25, Egbert, O’Neil, and Haggarts Addition. (Located at 424 25th Street South and 425 24th Street South) (Mike and Kelly Hoffman/Todd Jelinski): APPROVED**

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

Applicant Todd Jelinski spoke on behalf of the application.

Fire Marshall Ryan Erickson, spoke on behalf of the City of Fargo Fire Department. He stated that the applicant would have to obtain the correct zoning to obtain a building permit, so the property can be safe and legal.

Discussion was held regarding the small number of residential lots remaining on the west side of 24th Street South.

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from GC, General Commercial and SR-4, Single-Dwelling Residential to GC, General Commercial, with a C-O, Conditional Overlay, and 2) the Conditional Use Permit be approved to allow household living as outlined within the staff report, on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4), Section 20-0909.D (1-6) and all other applicable requirements of the Land Development Code, with the following condition:

- 1) The maximum residential density shall be limited to one residential unit.

Second by Member Morgan. On call of the roll Members Bachmeier, Scherling, Morgan, Rosenberg, Schneider, Sobolik, Stofferahn, Tasa, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 6: RTFMA Addition**

**6a. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential on the proposed RTFMA Addition. (Located at 1326 16 ½ Street South) (Rebuilding Together F-M Area/Nathan G. Anderson): APPROVED**

**6b. Hearing on an application requesting a Plat of RTFMA Addition (Minor Subdivision) a replat of Lot 19, Block 6, Morton and Doty's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1326 16 ½ Street South) (Rebuilding Together F-M Area/Nathan G. Anderson): APPROVED**

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

Rebecca Anderson, 1317 16 ½ Street South, spoke regarding the application. She expressed questions of the intended use of the property, parking concerns, and thanked the applicant for tearing down the building. She noted a concern of the property being used as a group home.

Applicant Nathan G. Anderson spoke on behalf of the application.

Discussion was held on the intended use of the property.

Director of Planning and Development Nicole Crutchfield noted that group home living would require a Conditional Use Permit on the property.

Ms. Squyer said her understanding is that the property will be used as a twin home.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from SR-3, Single-Dwelling Residential to SR-5, Single-Dwelling Residential, and 2) Subdivision Plat RTFMA Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, and Section 20-0906.F(1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Bachmeier. On call of the roll Members Rosenberg, Sobolik, Scherling, Morgan, Schneider, Stofferahn, Tasa, Bachmeier, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 7: Epic Gateway Addition**

**Hearing on an application requesting a Plat of Epic Gateway Addition (Minor Subdivision) a replat of Lot 1, Block 4, North Dakota R2 Urban Renewal Addition**

**to the City of Fargo, Cass County, North Dakota. (Located at 44 4th Street South and 300 Main Avenue) (EPIC Gateway, LLC/MBN Engineering): APPROVED**

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

Member Morgan questioned what area is being covered, and the intentions for the existing buildings and parking lot.

Applicant representative Brain Kounovsky, spoke on behalf of the application.

Ms. Crutchfield clarified that this application is only for the plat, and not a site plan of the property.

Member Stofferahn asked if the City has a vision for this property.

City Commissioner Tony Grindberg provided a brief overview of this project from the City perspective, noting that this site recently received approval from the Renaissance Zone Authority.

Member Bachmeier absent.

Member Morgan moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Epic Gateway Addition as outlined within the staff report as the proposal complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Tasa, Sobolik, Rosenberg, Morgan, Stofferahn, Schneider, Scherling, and Gunkelman voted aye. Absent and not voting: Member Holtz and Bachmeier. The motion was declared carried.

Member Bachmeier present.

**Item 8: Aldi First Addition**

**Hearing on an application requesting a Plat of Aldi First Addition (Minor Subdivision) a replat of part of Lot 1, Block A, Replat of Part of Village West Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4303 and 4305 13th Avenue South) (Fargo Enterprises/Nathan G. Anderson): APPROVED**

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Aldi First Addition as outlined within the staff report as the proposal complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Sobolik,

Stofferahn, Tasa, Schneider, Rosenberg, Morgan, Scherling, Bachmeier, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 9: Urban Plains by Brandt Fifth Addition**

**9a. Hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district in the proposed Urban Plains by Brandt Fifth Addition. (Located at 2867 55th Street South) (Urban Plains Land Company, LLC/Houston Engineering): APPROVED**

**9b. Hearing on an application requesting a Plat of Urban Plains by Brandt Fifth Addition (Minor Subdivision) a replat of Lot 1, Block 2, Urban Plains by Brandt Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 2867 55th Street South) (Urban Plains Land Company, LLC/Houston Engineering): APPROVED**

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

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

Member Scherling moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Subdivision Plat Urban Plains by Brandt Fifth Addition as outlined within the staff report, and 2) the Conditional Use Permit be approved to allow household living on the basis that it satisfactorily complies with the 2007 Growth Plan, the Standards of Article 20-06, the GO2030 Fargo Comprehensive Plan, Section 20-0909.D (1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following condition:

- 1) The maximum residential density shall be a maximum of 24 units per acre.

Second by Member Stofferahn. On call of the roll Members Morgan, Scherling, Stofferahn, Sobolik, Tasa, Bachmeier, Schneider, Rosenberg, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 10: Asleson Industrial Park Third Addition**

**Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on Lot 1, Block 1, Asleson Industrial Park Third Addition. (Located at 3345, 3357, and 3369 39th Street South and 4013 34th Avenue South) (Choice Investments LLC/Prairie Commons Partners, LLC): APPROVED**

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

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from GC, General Commercial to LI, Limited Industrial as outlined within the staff report on the basis that it satisfactorily complies with GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Sobolik, Scherling, Rosenberg, Bachmeier, Stofferahn, Schneider, Tasa, Morgan, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

Member Rosenberg absent.

**Item 11: Calico Prairie Addition**

**Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan on Lot 3, Block 2, Calico Prairie Addition. (Located at 4462 30th Avenue South) (Housing Authority of the City of Fargo): APPROVED**

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

Discussion was held on how the proposed number of parking stalls on site was determined, and how many bedrooms were in each unit.

Applicant representative Ryan Gran, YHR Partners, Ltd. spoke on behalf of the application.

Member Morgan moved the findings and recommendation of staff be accepted and the Conditional Use Permit be approved to allow an Alternative Access Plan as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

- 1) A minimum of 73 parking stalls be provided on site.
- 2) Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.
- 3) The Conditional Use Permit will cease if the land use changes from senior assisted living facility.
- 4) Expansion of any proposed or existing use will trigger a reevaluation of off-street parking requirements on-site.

Second by Member Bachmeier. On call of the roll Members Schneider, Scherling, Tasa, Stofferahn, Morgan, Bachmeier, Sobolik, and Gunkelman voted aye. Absent and not voting: Members Holtz and Rosenberg. The motion was declared carried.

At 4:16 p.m., the Board took a five-minute recess.



After recess: All Members present except Members Holtz and Rosenberg.

**Item 12: Richard 3rd Subdivision**

**Hearing on an application requesting a Conditional Use Permit to allow for a Telecommunication Support Structure (TSS) 199 feet in height in the GC, General Commercial zoning district on Lot 2, Block 2, Richard 3rd Subdivision. (Located at 6120 53rd Avenue South) (Magnum Properties/Scott Jones): CONTINUED TO JUNE 2, 2020**

**Item 13: Corwin Second Addition**

**Hearing on an application requesting a Plat of Corwin Second Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Corwin Addition to the City of Fargo, Cass County, North Dakota. (Located at 222 40th Street South and 301 38th Street South) (Tim Corwin Family Limited Partnership and Corwin Holdings, Inc./Houston Engineering): APPROVED**

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

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Corwin Second Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Bachmeier. On call of the roll Members Scherling, Schneider, Stofferahn, Tasa, Bachmeier, Morgan, Sobolik, and Gunkleman voted aye. Absent and not voting: Members Holtz and Rosenberg. The motion was declared carried.

**Item 14: Land Development Code Text Amendment**

**Hearing on an application requesting a Land Development Code Text Amendment to amend Section 20-0402(T)(3) and repeal Section 20-0403(C)(5)(e) of the Fargo Municipal Code (Land Development Code) relating to the prohibition of firearm and ammunition sales as a non-farm commercial use or as a home occupation. (City of Fargo/Peter McDonald): DENIED**

Mr. Nelson presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted that on January 27, 2020, the City Commission directed staff to look into this issue and review origins of the code and that Peter McDonald is the co-applicant for this application.

Discussion was held regarding regulation difference between gun sales and ammunition sales, and regulations of cities of similar size.

City Attorney Erik Johnson spoke on the legal interpretation of the code.

Chief Steven Dirksen spoke on behalf of the Fargo Fire Department noting the largest concern is storage of hazardous materials on site.

Fire Marshal Ryan Erickson noted concerns with ammunition manufacturing being regulated in the fire code, but not regulated as a home base occupation. He stated that some materials can be very hazardous.

Discussion continued on the regulations and inspections process of retail spaces versus home-based businesses.

Mr. Johnson stated that a statutory process would be issued if access for an inspection would be denied.

Chief David Todd, Fargo Police Department, stated that obtaining a FFL (Federal Firearms License) is a very extensive process and the background check is very thorough. He noted that most FFL holders are facilitating paperwork and internet sales.

Jo Ann Symington, ATF (Bureau of Alcohol, Tobacco, Firearms & Explosives), stated that there are nine separate types of licenses that could be applied for, and most do a Type 1 license that is a dealer. She noted that with a Type 1 license they cannot manufacture with it, and it is only for ammunition and gun sales.

Further discussion was held on the number of customers that could come to the locations, clarification on what this application is trying to accomplish, and the process of a firearm transfer.

Edward Krystosek, 5548 47th Avenue South spoke on behalf of the application. He noted that he has a FFL, and reviewed the process he follows for a sale or transfer.

Co-Applicant Peter McDonald, spoke on behalf of the application. He referenced a 2016 opinion made by City Attorney Erik Johnson, and a 1988 North Dakota Attorney General's opinion regarding this issue.

Mr. Johnson noted he would need to take a closer look at the 1988 opinion.

Holden Harwood, 1115 8th Avenue North, spoke on behalf of the application.

Mr. Nelson shared a couple of comments that were emailed and called in during the meeting in opposition to the application.

Debra Pullen, 3200 11th Street South, emailed in and noted that she would like to keep the code as it. She doesn't want to take guns away, but didn't want to make it more convenient to get them either.

Gerri Hancock, called in and expressed her opposition against the application.

Member Morgan moved the findings and recommendations of staff be denied and denial of the proposed text amendment to Section 20-0402(T)(3) and Section 20-0403(C)(5)(e) of the Fargo Municipal Code (Land Development Code) relating to the prohibition of firearm and ammunition sales as a non-farm commercial use of as a home occupation be recommended to the City Commission. Second by Member Sobolik. On call of the roll Members Stofferahn, Sobolik, Morgan, Schneider, and Bachmeier voted aye. Members Scherling, Tasa, and Gunkelman voted nay. Absent and not voting Members Holtz and Rosenberg. The motion was declared carried.

**Item 15: Tice Addition**

**Hearing on an application requesting a Plat of Tice Addition (Minor Subdivision) a replat of a portion of Lot 6, and all of Lots 11 and 12, Block 4, Harry A. Schnell Addition to the City of Fargo, Cass County, North Dakota. (Located at 714 and 718 19th Avenue South) (Kenneth and Kimberly Anderson): CONTINUED TO JUNE 2, 2020**

**Item 16: Luxsun 25th Street North Addition**

**16a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial on the proposed Luxsun 25th Street North Addition. (Located at 4764 25th Street North) (Luxsun Investments, LLC/Thad Thorsness): APPROVED**

**16b. Hearing on an application requesting a Plat of Luxsun 25th Street North Addition (Major Subdivision) a replat of Auditors Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 4764 25th Street North) (Luxsun Investments, LLC/Thad Thorsness): APPROVED**

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

Discussion was held regarding drainage or flood protection concerns.

City Engineer Brenda Derrig spoke on behalf of the Engineering Department. She noted there will be some building elevations that will need to be built up to, and a northside protection project should start building this year.

Member Bachmeier 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 to LI, Limited Industrial, and 2) Subdivision Plat Luxsun 25th Street North Addition as outlined within the staff report as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, and Section 20-0906.F(1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Sobolik, Morgan, Tasa, Schneider, Stofferahn, Bachmeier, Scherling, and Gunkelman voted aye. Absent and not voting: Members Holtz and Rosenberg. The motion was declared carried.

**Item E: Other Items:**

**Item 1: Annexation of approximately 1.83 acres of all of Auditor's Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota. (Luxsun Investments, LLC/Thad Thorsness): APPROVED**

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

Member Sobolik moved the findings and recommendations of staff be accepted and found the proposed annexation of Auditors Lot 2, Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan. Second by Member Stofferahn. On call of the roll Members Bachmeier, Morgan, Tasa, Schneider, Sobolik, Scherling, Stofferahn, and Gunkelman voted aye. Absent and not voting: Members Holtz and Rosenberg. The motion was declared carried.

Member Stofferahn moved to adjourn the meeting. Second by Member Schneider. All Members present voted aye. The motion was declared carried.

The time at adjournment was 5:44 p.m.





## Agenda Items Map

Fargo Planning Commission  
June 2, 2020

### Agenda Items Number

- 1 -- Tice Addition
- 2 -- Richard 3rd Subdivision
- 3a, 3b & 3c -- Touchmark Addition
- 4a & 4b -- Edition Third Addition
- 5a & 5b -- Sanford South Campus Addition
- 6a & 6b -- Craig's Oak Grove Second Addition
- 8a & 8b -- Boulger First Addition
- 9 -- South Forty at Osgood Third Addition
- 10 -- West Park Fourth Addition
- 11 -- Truesdell's Addition
- Item 7 continued



0 0.425 0.85 Miles



**City of Fargo  
Staff Report**

<b>Title:</b>	Tice Addition	<b>Date:</b>	5/28/2020
<b>Location:</b>	714 and 718 19th Avenue South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Portion of Lot 6, and all of Lots 11 and 12, Block 4, Harry A. Schnell Addition to the City of Fargo, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Kenneth and Kimberly Anderson	<b>Engineer:</b>	Bolton & Menk
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of a portion of Lot 6, and all of Lots 11 and 12, Block 4, Harry A. Schnell Addition to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		

Existing	Proposed
<b>Land Use:</b> Detached single-dwelling residential	<b>Land Use:</b> No change
<b>Zoning:</b> SR-2, Single-Dwelling Residential	<b>Zoning:</b> No change
<b>Uses Allowed:</b> SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> No change
<b>Maximum Density Allowed:</b> 5.4 dwelling units per acre	<b>Maximum Density Allowed:</b> No change

**Proposal:**

*PROJECT HISTORY NOTE: This project was originally scheduled for hearing at the May 5, 2020 Planning Commission. It was continued to the June 2, 2020 Planning Commission at the request of the applicant to allow time for a neighborhood meeting to address concerns of the neighbors about the proposed subdivision. That meeting was held May 21, 2020. A summary of that meeting as well as the neighborhood comments is provided below.*

The applicant requests one entitlement:

1. A minor subdivision, entitled **Tice Addition** which is a replat of a portion of Lot 6, and all of Lots 11 and 12, Block 4, Harry A. Schnell Addition to the City of Fargo, Cass County, North Dakota.

The two properties are zoned SR-2. No zone change is proposed. The uses and types of housing allowed in the SR-2 zone are noted above.

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

**Surrounding Land Uses and Zoning Districts:**

- North: SR-2, detached single-dwelling residential
- East: SR-2, detached single-dwelling residential
- South: Sound wall and Interstate 29
- West: SR-2, detached single-dwelling residential

<b>Area Plans:</b>
The subject property is not included within any area plans or neighborhood plans.
<b>Schools and Parks:</b>
<p><b>Schools:</b> The subject property is located within the Fargo School District and is served by Clara Barton / Hawthorne Elementary, Carl Ben Eielson Middle and South High schools.</p> <p><b>Neighborhood:</b> The subject property is located within the Clara Barton/Hawthorne neighborhood.</p> <p><b>Parks:</b> Lindenwood Park (1905 Roger Maris Drive) is located approximately 0.20 mile east of the subject property and offers the amenities of bike rental; boat ramp; campground; concessions; cross-country ski trails; fishing; grill; kayak launch; multi-purpose field; picnic tables; playgrounds for ages 2-5 and 5-12; recreational trails; restrooms.</p> <p><b>Pedestrian / Bicycle:</b> The bike trail under the interstate is located approximately 350 feet to the west of the subject property and on-road bike routes are located along 5<sup>th</sup> Street South, located approximately 900 feet east of the subject property, that are components of the metro area bikeways system.</p>
<b>Staff Analysis:</b>
<p>The plat will replat the two existing lots into a different configuration, so that Lot 2, addressed at 714 19<sup>th</sup> Avenue South, will extend behind Lot 1, addressed at 718 19<sup>th</sup> Avenue South, which will shorten that lot to a depth of approximately 148 feet from the current depth of approximately 230 feet. The area of that lot will still be greater than the minimum required area for the SR-2 zone.</p> <p>The street access and utility connections that are in place on the current lots will not change.</p> <p><b>NEIGHBORHOOD COMMENT:</b> Planning staff has received several inquiries by phone and e-mail about this project, as well as opposition letters and an opposition petition. Copies of these letters and the petition are attached.</p> <p>Concerns expressed by these neighbors are that the proposed subdivision:</p> <ul style="list-style-type: none"> <li>• May alter the character of the neighborhood;</li> <li>• Impact property values of the surrounding owners;</li> <li>• Impact emergency services access;</li> <li>• Affect existing easements in the rear yards of these properties; and</li> <li>• Affect surrounding special assessments.</li> </ul> <p>The petition was signed by the owners of 22 surrounding properties. Staff received a forwarded e-mail from one property owner who originally signed the petition indicating the person wished to withdraw opposition to the project; that name has been redacted from the petition. A map showing the location of these protesting properties is attached.</p> <p><b>APPLICANT'S RESPONSE:</b> Also attached is the applicant's (Ken and Kim Anderson) response to the comment letters, which they applicant sent out to the neighbors in late April.</p> <p><b>NEIGHBORHOOD MEETING:</b> On Thursday, May 21, 2020, Planning staff hosted a virtual neighborhood meeting attended by the applicant and several neighbors. The goal of the meeting was to review and, if possible, resolve concerns brought up in neighborhood protests to the proposed Tice Addition. Planning staff addressed the major concerns noted above from a staff perspective, including comments from other departments.</p>



Points made by the neighbors during the meeting reiterated the points made in the comments received and attached to this staff report. The neighbors emphasized that they felt the proposed subdivision would change the character of the neighborhood in a negative way.

## **SUBDIVISION**

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

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

The subject property is not located within an area plan or neighborhood plan. The properties within this plat are currently zoned SR-2, Single-Dwelling Residential. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has several phone, e-mail and letter inquiries and comments and an opposition petition, as noted in the "Neighborhood Comment" section above. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

- 2. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

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

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

**Planning Commission Recommendation:** June 2, 2020

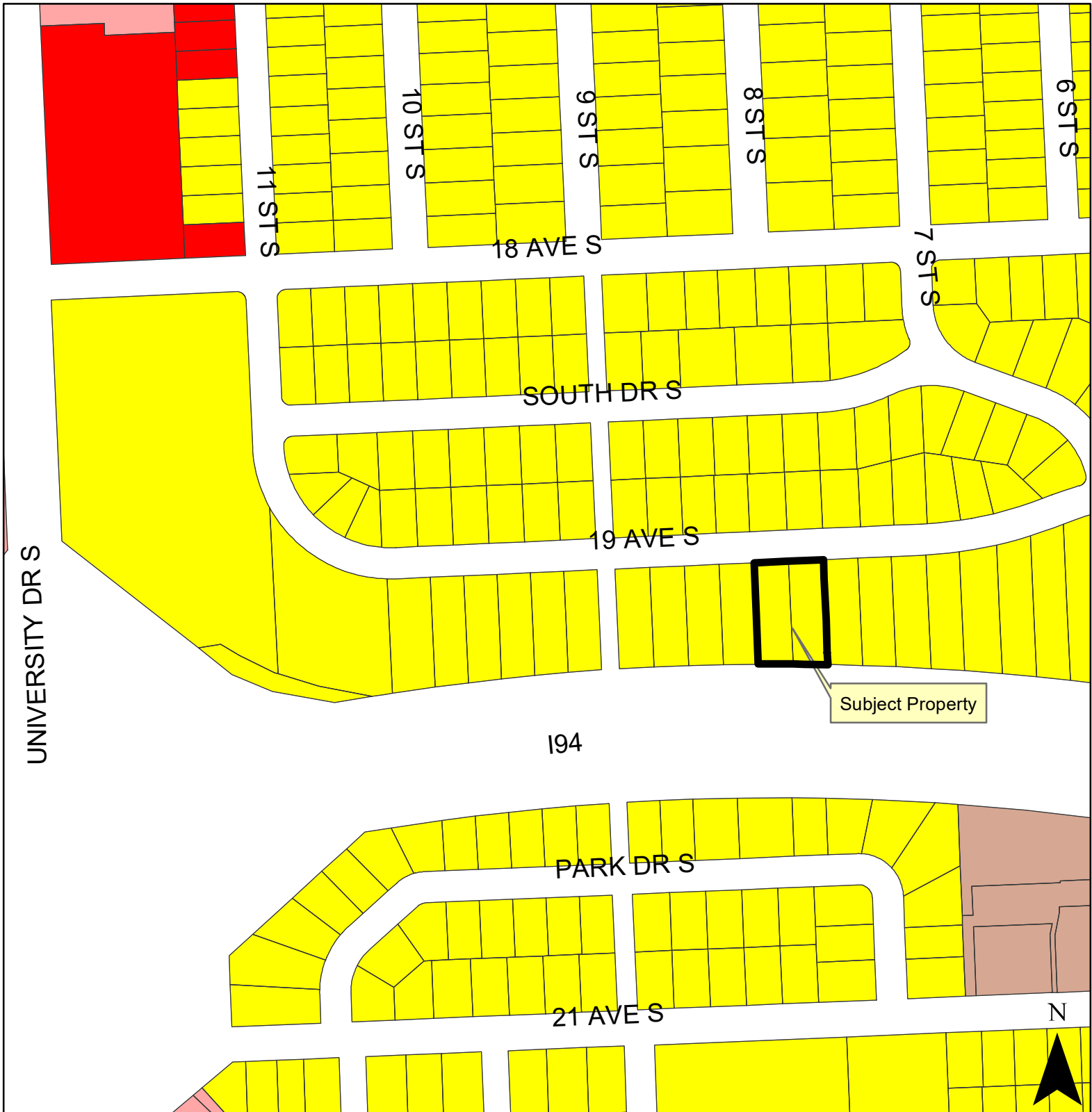
### **Attachments:**

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

# Plat (Minor)

## Tice Addition

714 & 718 19th Ave S



### Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NC	NO	P/	UMU	SP-2	SP-3	SP-4	SP-5	City Limits
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# Plat (Minor)

## Tice Addition

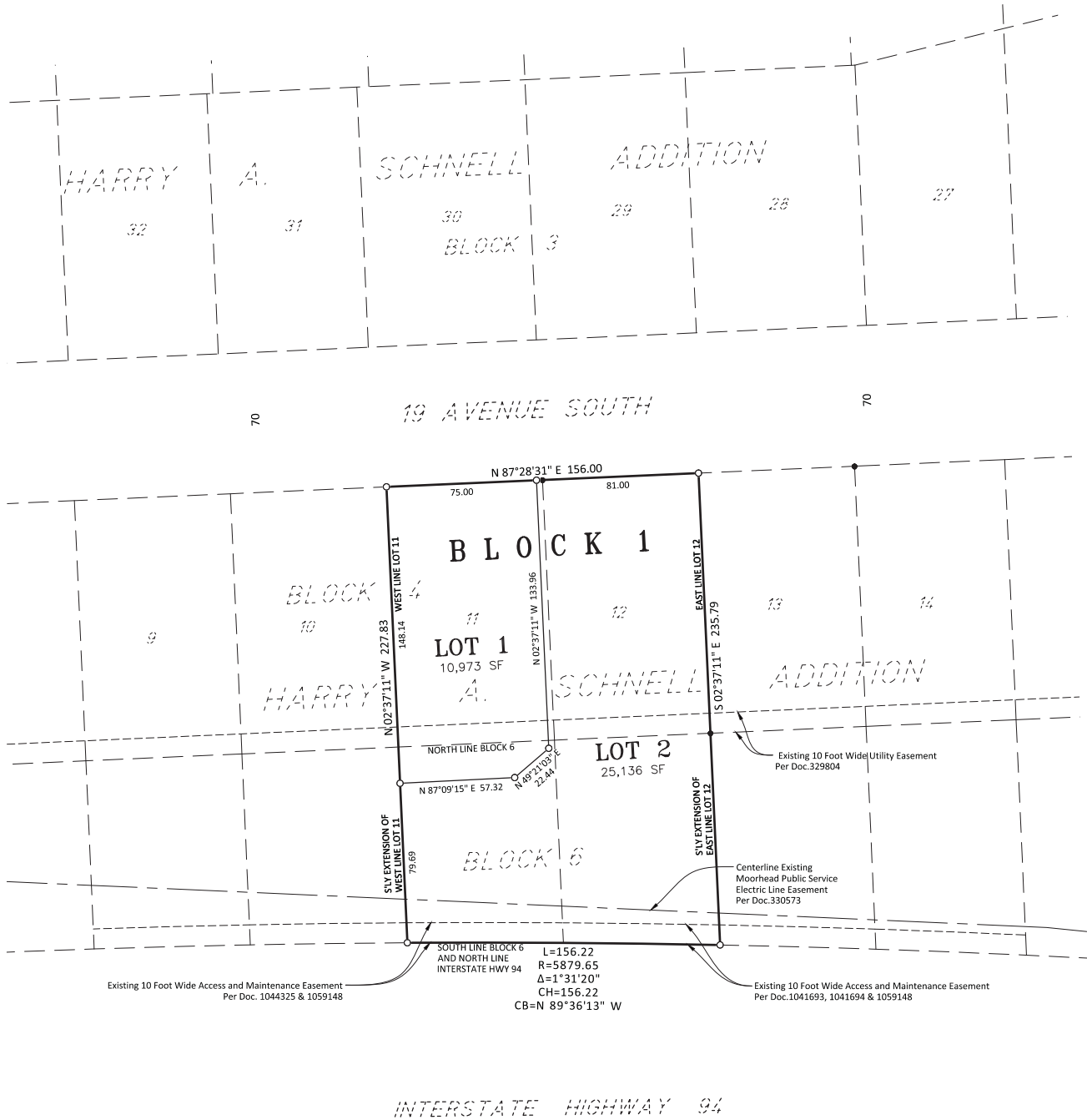
714 & 718 19th Ave S





# TICE ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
A REPLAT OF LOTS 11 AND 12, BLOCK 4 AND PART OF BLOCK 6 OF HARRY A. SCHNELL ADDITION  
(A MINOR SUBDIVISION)



## LEGEND

- 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY LIC. NO. LS-6703
- MONUMENT FOUND, 5/8" REBAR
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE

0 40 80  
SCALE IN FEET  
Bearing Orientation Based on the  
City of Fargo Ground Control System



PREPARED BY:

**BOLTON  
& MENK**

## OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, Kenneth J. Anderson and Kimberly M. Anderson, husband and wife, as owners of a parcel of land located in that part of the Southwest Quarter of Section 18, Township 139 North, Range 48 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lots 11 and 12, Block 4, of HARRY A. SCHNELL ADDITION to the City of Fargo, according to the plat thereof on file and of record, Cass County North Dakota

AND

That part of Block 6, said HARRY A. SCHNELL ADDITION lying south of said Lots 11 and 12, Block 4, bounded on the west by the southerly extension of the west line of said Lot 11 and bounded on the east by the southerly extension of the east line of said Lot 12

Said parcel contains 36,109 square feet of land, more or less and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owners have caused the above described parcel of land to be surveyed and platted as "TICE ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNERS: Kenneth J. and Kimberly M Anderson

MORTGAGEE: Gate City Bank

By: Kenneth J. Anderson, husband

By: Rick Morrow, Business Lending Development Officer

By: Kimberly M. Anderson, wife

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2020 before me, a notary public within and for said County and State, personally appeared Kenneth J. Anderson and Kimberly M. Anderson, husband and wife, known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, a notary public within and for said County and State, personally appeared Rick Morrow, Business Lending Development Officer, Gate City Bank, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Gate City Bank.

Notary Public

Notary Public

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Gregg Stroeing, Professional Land Surveyor  
North Dakota License Number LS-6703

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, a notary public within and for said County and State, personally appeared Gregg Stroeing, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Brenda E. Derrig, City Engineer

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2020 before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

## CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

John Gunkelman, Planning Commission Chair

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2020 before me, a notary public within and for said County and State, personally appeared John Gunkelman, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

## FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2020 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public

*preliminary*

Planning and Development  
225 4th St North  
Fargo N.D. 58102

April 5, 2020

**Re: Proposed Plat of Tice Addition for tract of land located at 714 and 718 19th Avenue South.**

We are writing to object to the above proposal for which we received a written notice.

If this plat is allowed, it will set a precedent and invite others to request similar changes. They will point to this (Tice Addition) and will argue fairness in a request for the same consideration and approval.

If even one other property owner makes a similar proposal to essentially divide up their backyard, another property owner could see their back yard abutted by not two, but by four different land owners. Including the concrete highway wall at the back, a homeowner could find their backyard surrounded by five different barriers/fences of different character.

The uniformly larger lots of this avenue are unique and desirable. If this application is allowed, it is the beginning of the end of this feature for our long-established neighborhood. (newest homes built almost 60 years ago)

If this addition is allowed to go through, it would not be in the best interest of the property owners and residents of this neighborhood. We believe that the fair resolution is to maintain the status quo and deny the petition.

Sincerely,

19th avenue property owner and resident

4/22/20

TO : CITY OF FARGO PLANNING + DEVELOPMENT

AS HOMEOWNERS ON 19<sup>th</sup> AVE SOUTH FARGO, WE ARE WRITING TO STRONGLY OPPOSE THE PROPOSAL TO REPLATT THE PROPERTIES AT 714 + 718 19<sup>th</sup> AVE S FARGO. THE CARVING UP + SUBPLOTING OF OUR LONG ESTABLISHED SINGLE FAMILY NEIGHBORHOOD WITH ITS DESIRABLE SPACIOUS BACKYARDS, ON THE WHIM OF ONE HOMEOWNER, WOULD BE A DETRIMENT + SET A BAD PRECEDENT FOR PRESENT + FUTURE HOME OWNERSHIP IN OUR NEIGHBORHOOD.

IF THE 714 OWNERS WANT MORE LAND, THEY SHOULD MAINTAIN THEIR SOLE OWNERSHIP OF BOTH THE 714 + 718 PROPERTIES IN THEIR ENTIRETY.

WE RESPECTFULLY DECLINE TO SIGN THIS LETTER AS WE + SEVERAL OTHER OWNERS FEAR RETALIATION FROM THE 714 OWNERS. IN THEIR FEW SHORT YEARS ON OUR BLOCK, THEY HAVE HAD RUN-INS WITH NUMEROUS NEIGHBORS.

THANK YOU,

19<sup>th</sup> AVE S HOMEOWNERS (3 HOMES)

April 24, 2020

City of Fargo  
Planning & Development  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

Attn: Fargo Planning Commission  
Mr. Donald Kress, Planning Coordinator

**RE: PROPOSED PLAT OF TICE ADDITION (MINOR SUBDIVISION) AND REPLAT OF A PORTION OF LOT 6, AND ALL OF LOTS 11 AND 12, BLOCK 4, HARRY A. SCHNELL ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA**

Dear Commissioners and Mr. Donald Kress,

We respectfully write to you in **strong opposition** of the above-referenced proposed plat and replat for the tract of land located at 714 and 718 19<sup>th</sup> Avenue South.

We reside at 810 19<sup>th</sup> Avenue South and have lived at this address for 40 years. The larger lots in our neighborhood are desirable. To our knowledge, in the direct vicinity, there has never been a lot subdivided, nor in this odd manner. We fear this sets an undesirable precedent for the following reasons:

1. We are skeptical of developers or others who purchase property, divide it contrary to neighborhood wishes, build, sell, and are gone – leaving us to deal with any long-term problems or effects they have created.
2. A dangerous precedent could be set here for future approvals to subdivide in this manner, in turn, destroying the attractiveness of this neighborhood.
3. Fire and Emergency Services access is of utmost importance in an emergency. Subdividing these two properties would allow for fencing the perimeter of the proposed subdivided area, which could create a direct barrier to entry for Fire and EMS personnel to access certain portions of the larger lot that may now be directly behind the subdivided lot. As fencing material has already been delivered to these addresses, it is clearly the intent of the owner to proceed with a new fence.
4. Easements for utility, water, sewer and the adjacent I-94 corridor are also of concern. Each lot currently has its own easements. It is our thought that this proposed subdivision may have an impact on this access as well.
5. We are concerned about potential devaluation of surrounding property values. We have invested into our home, landscaping, and property with the understanding that the plat was already laid out previously. In purchasing a home in an existing neighborhood, it is unlikely that these lots would change at this late date as compared to a new development. Could there be a direct impact on homeowners as a result of this proposal?



6. We have a concern that the entity requesting this subdivision intends to put up a large structure on a portion of the newly platted property, creating an eyesore.

It is our belief and general consensus that if the applicant wishes to obtain a larger lot on one hand and subdivide another that there are plentiful other areas more appropriate for this type of application, or where no application may be required at all. This and many other factors should have been considered prior to purchase of these existing lots and the homes on them, along with future building and subdividing plans in a well-established neighborhood.

For these reasons, we request that the Fargo Planning Commission **DENY** this application.

Sincerely,

Robert and Sherry Veit

Cc: FILE

April 26, 2020

City of Fargo  
Planning & Development  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

Attn: Fargo Planning Commission  
Mr. Donald Kress, Planning Coordinator

**RE: PROPOSED PLAT OF TICE ADDITION (MINOR SUBDIVISION) AND REPLAT OF A PORTION OF LOT 6, AND ALL OF LOTS 11 AND 12, BLOCK 4, HARRY A. SCHNELL ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA**

Dear Commissioners and Mr. Donald Kress,

We are writing to you in strong opposition of the above-referenced proposed plat and replat for the tract of land located at 714 and 718 19<sup>th</sup> Avenue South.

We reside at 806 19<sup>th</sup> Avenue South and have lived at this address for almost 20 years. The long lots in our neighborhood are desirable and create a buffer between our homes and the noise from the I-94 Interstate. It is our understanding that there has never been a lot subdivided in our neighborhood in this L shaped manner. We fear that this will set an undesirable precedent for the following reasons:

1. We are concerned about the potential devaluation of our property values and those of our neighbors. We have made many improvements to our property over the years expecting that our property will continue to grow in value along with the properties of our neighbors. As a realtor, I believe the property at 718 will have a significantly lower property value with the much smaller lot. This devaluation negatively impacts our property value when we decide to refinance or sell our home.
2. We are concerned about the future implications of subdividing this property. The current or future property owners of large L shaped lots could build oversized structures that do not fit in with the current neighborhood. A huge outbuilding will present an eyesore for the neighbor in the downsized lot and the other neighbor that now borders the East or West end of an L shaped lot.

In the future the property owner with a larger lot will no longer need notification of neighbors and city approval because their oversized building will fall within the percentage of allowable building space within the expanded lot.

3. This has caused much stress and fear among neighbors. Many are opposed but are fearful of putting their name to a petition or letter for fear of retaliation by property owner initiating the subdivision. We as a neighborhood will have to live with long-term problems that this has created.

4. Another concern is how the property special assessments will be impacted. Will the property at 714 be held responsible for more of the current specials for utility, sewer, and street lights that recently went in since it will be a much larger property? It seems to be an unfair burden for the property owner at 718 19<sup>th</sup> Avenue to be responsible for specials when a significant portion of the lot is not comparable to other neighbors.

5. A concerning precedent is being set if this allowed, property owners who originally purchased their property expected to have just two neighbors. If this request is approved we now have the prospect of having three or even possibly four neighboring properties next to our backyards. What is to stop someone from buying up several properties and creating a corridor between the existing homes and the interstate sound barrier?

We are obviously very opposed to this proposed change to our long established neighborhood. This change will lower our property values and sets a precedent for future subdividing of the properties bordering the North end of Interstate 94. We request that the Fargo Planning Commission **DENY** this application.

Sincerely,

Mark and Tracy Aaker

**From:** Robert Veit  
**Sent:** Sunday, April 26, 2020 8:07 PM  
**To:** Donald Kress <dkress@FargoND.gov>  
**Subject:** Tice Addition Replat

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

Dear Mr. Kress,  
I am attaching a letter of opposition for the replat of 714 & 718 19th Ave S, Fargo.

I am also attaching a petition of neighbors on this block that are in opposition of this request. We worked hard to get this done with the Covid-19 pandemic going on and as all or most of these people would not think of attending a meeting, we decided to ask if they would sign this petition of denial. As you can see, the majority of neighbors DO NOT want this approval to go through. Please consider this petition in your meeting.

Thank you.  
Robert & Sherry Veit  
810 19th Ave South  
Fargo, ND

Please confirm that you have received this communication.  
I will follow the electronic petition with a hard copy via mail.

## Petition to Reject Application

Petition summary and background	<b>PROPOSED PLAT OF TICE ADDITION (MINOR SUBDIVISION) AND REPLAT OF A PORTION OF LOT 6, AND ALL OF LOTS 11 AND 12, BLOCK 4, HARRY A. SCHNELL ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA</b>
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to <b>DENY</b> the proposed application.

Printed Name	Signature	Address	Phone Number	Date
Janet Geston	<i>Janet Geston</i>	915-19th Ave. S.		4/25/20
MORGAN NASLUND	<i>Morgan Naslund</i>	814 19th Ave. S.		4/25/20
Crystal Wring	<i>Crystal Wring</i>	813 19th Ave S.		4/25/20
Bethany Niedman	<i>Bethany Niedman</i>	919 19th Ave S.		4/25/20
Wanda Meyers	<i>Wanda Meyers</i>	906 19th ave. S.		4/25/20
Marlene Ames	<i>Marlene Ames</i>	914 19th Ave S.		4/25/20
Beverly Fisher	<i>Beverly Fisher</i>	918-19th Ave. S.		4/25/20
Jess Parkell	<i>Jess Parkell</i>	702 19th Ave. S.		4/25/20
John Larson	<i>John Larson</i>	614 19th Ave S		
Doug Hitzeng	<i>Doug Hitzeng</i>	902 19th Ave S		5/9/20
Angeli Naslund	<i>Angeli Naslund</i>	814 19th Ave. S.		4/25/20

Printed Name	Signature	Address	Phone Number	Date
Charlotte Laughlin	Charlotte Laughlin	911 19 <sup>th</sup> Ave S		4/25/20
Arma Haselku	Arma Haselku	901 19 <sup>th</sup> Ave S.		4/25/20
Ken Neisen	Ken Neisen	809 19 <sup>th</sup> Ave S		4/25/20
Roxanna Jacobson	Roxanna Jacobson	802 19 <sup>th</sup> Ave S		4/25/20
Chad Jacobson	Chad Jacobson	802 19 <sup>th</sup> Ave. S.		4/26/20
ZACH PERSSON	ZACH PERSSON	709 19 <sup>th</sup> Ave S.		4/26/20
Jim Martin	Jim Martin	701 19 <sup>th</sup> Ave S		4/26/20
Bonnie Martin	Bonnie Martin	701 19 <sup>th</sup> Ave S		4/26/20
Wesley J. Gasevic	Wesley J. Gasevic	701 19 <sup>th</sup> Ave S		4/26/20
Ben Borg	Ben Borg	1522 7 <sup>th</sup> St S		4/26/20
Robin Borg	Robin Borg	1529 7 <sup>th</sup> St S		4/25/20
JUNELL KRABBENTHOFF	JUNELL KRABBENTHOFF	1901 5 <sup>th</sup> St S		4/26/20
Kelly Messerschmidt	Kelly Messerschmidt	802 19 <sup>th</sup> Ave S		4/26/20
Mark Acker	Mark Acker	806 19 <sup>th</sup> Ave. S.		4/26/20
Robert Veit	Robert Veit	810 19 <sup>th</sup> Ave S.		4/26/20



# LETTER TO NEIGHBORS FROM APPLICANTS KEN AND KIM ANDERSON IN RESPONSE TO NEIGHBORHOOD COMMENTS

April 28, 2020

Dear Neighbor,

As a matter of background, we are no strangers to this neighborhood. Ken has lived in the Fargo area since 1985 and Kim moved here in 1994. We lived at 1421 – 7<sup>th</sup> St S, Fargo for 20 years before we sold it in 2016 and purchased the Tennenfoss/McManus house the same year. We have put a considerable amount of time and money into this house so far (714), with much more to be done on the interior. While our design choices might not be right for everyone, we have made choices to please ourselves and not offend our neighbors or become the neighborhood “misfit” house. Would you have preferred we kept with the status quo?



In 2018, Lornie passed away and his house went up for sale. Instead of letting a “flipper” purchase it and potentially destroy the integrity of our neighborhood, we purchased it and made several upgrades. We rented it AirBnB style for nearly 1.5 years and have accepted a purchase offer. Once again, while our color choice might not be right for everyone, we don’t believe the house is a color “misfit” in this neighborhood. Would you have preferred we kept with the status quo?



## TICE ADDITION

We are in receipt of the (public record) letters and the signed petition to the Fargo Planning Commission. Set forth below are the concerns stated in the letters and our response to those concerns:

- *We are skeptical of developers or others who purchase property, divide it contrary to neighborhood wishes, build, sell, and are gone – leaving us to deal with any long-term problems or effects they have created.*
- *This has caused much stress and fear among neighbors. Many are opposed but are fearful of putting their name to a petition or letter for fear of retaliation by property owner initiating the subdivision. We as a neighborhood will have to live with long-term problems that this has created.*
  - We are not developers and have not heavily invested in both 714 & 718 simply to sell. We have invested heavily because we intend to stay at 714 and a perfectly nice couple are buying 718 for fair market value.
  - You are “fearful” and expect retaliation from us? What form of retaliation do you think we will carry out? If you truly are fearful of retaliation, perhaps you should take your concerns to law enforcement as that does not seem to fall under the jurisdiction of the Fargo Planning Commission.
- *Fire and Emergency Services access is of utmost importance in an emergency. Subdividing these two properties would allow for fencing the perimeter of the proposed subdivided area, which could create a direct barrier to entry for Fire and EMS personnel to access certain portions of the larger lot that may*



now be directly behind the subdivided lot. As fencing material has already been delivered to these addresses, it is clearly the intent of the owner to proceed with a new fence.

- We are not subdividing “two properties” and we had fencing material delivered to 718, not “these addresses”.
- If the current lot size of 718 is 17,556 s.f. and we are selling 10,973 s.f., then it should be obvious that the largest portion is not being retained by the current owners.
- The completion of the fence was a condition of the sale. We had no, and have no, intentions of fencing the perimeter of the subdivided portion. But even if we did, how would that affect Fire and Emergency Services to anyone living in the area?
- **See also:** Bullet Point #11 for fence/barrier material concerns.
- *Easements for utility, water, sewer and the adjacent I-94 corridor are also of concern. Each lot currently has its own easements. It is our thought that this proposed subdivision may have an impact on this access as well.*
  - The city and/or utility companies currently have access to the easement on both 714 & 718. We as private citizens have not asked for a variance to change any easements or to block any access nor do we plan to ask for a variance in the future.
- *We are concerned about potential devaluation of surrounding property values. We have invested into our home, landscaping, and property with the understanding that the plat was already laid out previously. In purchasing a home in an existing neighborhood, it is unlikely that these lots would change at this late date as compared to a new development. Could there be a direct impact on homeowners as a result of this proposal?*
- *We are concerned about the potential devaluation of our property values and those of our neighbors. We have made many improvements to our property over the years expecting that our property will continue to grow in value along with the properties of our neighbors. As a realtor, I believe the property at 718 will have a **significantly** lower property value with the **much smaller lot**. This devaluation negatively impacts our property value when we decide to refinance or sell our home.*
  - The current owners have invested heavily in both 714 & 718. You may be pleasantly surprised at the sales price of 718.
  - As a former real estate broker with 15 years of experience, I don’t believe a 10,973 s.f. lot will devalue the property – ESPECIALLY when most, if not all, of the lots in the area that are not abutting the interstate wall are less than 10,973 s.f., some of them MUCH LESS.
    - **Example:** The lot at 809 19<sup>th</sup> Ave S is 10,140 s.f. with a 2020 assessed value of \$75,500. If no changes were made to 718 19<sup>th</sup> Ave S, the lot would be 17,556 s.f. with a 2020 assessed value of \$68,000. **AS YOU CAN CLEARLY CONCLUDE, GREATER SIZE DOES NOT MEAN GREATER VALUE...**and I’m confident that the 10,973 s.f. of street frontage is more valuable than the land next to the concrete sound barrier – so while there will likely be an assessed value adjustment to the land, it likely won’t be “significant”.
  - The new buyers are purchasing the house and 10,973 s.f. lot – with the lot lines determined and pinned by a professional engineering firm. A 10,973 s.f. lot is bigger than most, if not all, of the lots on the north side of 19<sup>th</sup> Avenue, all the lots on South Drive, and all the lots on the south side of 18<sup>th</sup> Avenue. So size-wise, there will be little difference between 718 and all the houses along the avenues mentioned above.
- *We have a concern that the entity requesting this subdivision intends to put up a large structure on a portion of the newly platted property, creating an eyesore.*
- *We are concerned about the future implications of subdividing this property. The current or future property owners of large L shaped lots could build oversized structures that do not fit in with the current neighborhood. A huge outbuilding will present an eyesore for the neighbor in the downsized lot and the other neighbor that now borders the East or West end of an L shaped lot.*
  - Read the “Summary” below.
  - Perhaps a greater concern should be if someone paints their house and back yard shed bright yellow with blue trim, creating an eyesore that only a privacy fence can address.

- *Another concern is how the property special assessments will be impacted. Will the property at 714 be held responsible for more of the current specials for utility, sewer, and street lights that recently went in since it will be a much larger property? It seems to be an unfair burden for the property owner at 718 19th Avenue to be responsible for specials when a significant portion of the lot is not comparable to other neighbors.*
  - This is not something that you as a neighbor should worry about. We have confidence that the city will ensure the specials are allocated fair and equitable based on their standard practice of specials allocation.
- *A concerning precedent is being set if this is [sic] allowed, property owners who originally purchased their property expected to have just two neighbors. If this request is approved we now have the prospect of having three or even possibly four neighboring properties next to our backyards. **What is to stop someone from buying up several properties and creating a corridor between the existing homes and the interstate sound barrier?***
  - This is just silly. The City of Fargo has a 10' wide access & maintenance easement from the wall going north into our back yards. It's highly unlikely that they would approve a "corridor" easement from/for a private citizen.
- *If even one other property owner makes a similar proposal to essentially divide up their backyard, another property owner could see their back yard abutted by not two, but by four different land owners. Including the concrete highway wall at the back, a homeowner could find their backyard surrounded by five different barriers/fences of different character.*
  - Nothing currently restricts a single homeowner to just one character style of barrier/fence so this doesn't seem to be a valid concern. A single homeowner can make many different choices and can install a different fence/barrier material every foot if they wish. Most of us choose not to exercise that choice.

## SUMMARY

The new buyers are purchasing the house and 10,973 s.f. lot – with the lot lines determined and pinned by a professional engineering firm. A 10,973 s.f. lot is bigger than most, if not all, of the lots on the north side of 19<sup>th</sup> Avenue, all the lots on South Drive, and all the lots on the south side of 18<sup>th</sup> Avenue.

***The remainder of the (718) lot will be retained and used by us as a yard/garden and it has a garden shed and fire ring on it. That's it! We are not raising chickens/goats or any other animals, we are not growing marijuana or hemp, we are not building a QuikMart or skyscraper. It's a yard & garden for our personal use. Nothing more, nothing less. From the street and for traffic purposes, nothing will change – because it will be used by us for our own personal use.***

Before, during and after the petition signature drive and letter writing campaign, only two neighbors stopped by to ask us what we were planning/what our intentions are. It appears that everyone else relied on rumors and/or innuendos created by the neighbors adjoining 718. That's unfortunate because we're often either in the yard or on the front porch and pretty approachable people.

We hope this dispels any rumors/non-truths anyone has thought or been told about our current actions or future intentions. If you have questions, feel free to stop by or email [Tice2002@gmail.com](mailto:Tice2002@gmail.com)

-kim and ken Anderson  
714 – 19<sup>th</sup> Ave S, Fargo ND  
718 – 19<sup>th</sup> Ave S, Fargo ND

Cc: Fargo Planning Commission

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Richard 3 <sup>rd</sup> Subdivision	<b>Date:</b>	5/28/2020
<b>Location:</b>	6120 53 <sup>rd</sup> Avenue South	<b>Staff Contact:</b>	Maggie Squyer
<b>Legal Description:</b>	Lot 2, Block 2, Richard 3 <sup>rd</sup> Subdivision		
<b>Owner(s)/Applicant:</b>	Magnum Properties LLC/Scott Jones	<b>Engineer:</b>	Moore
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> to allow a 199-foot tall telecommunications support system (TSS) tower in the GC, General Commercial, zoning district.		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Warehouse & Office	<b>Land Use:</b> Office (Radio Station)
<b>Zoning:</b> GC, General Commercial	<b>Zoning:</b> No change
<b>Uses Allowed:</b> GC, General Commercial, allows colleges, community services, day care facilities, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and services, self-service storage, vehicle repair, limited vehicle service, and limited telecommunications facilities.	<b>Uses Allowed:</b> No change
<b>Maximum Building Coverage:</b> 85%	<b>Maximum Building Coverage:</b> 85%

**Proposal:**

KFNW is considering moving their studio from its current location at 5702 52<sup>nd</sup> Avenue South to the subject property at 6120 53<sup>rd</sup> Avenue South and constructing a 199-foot tall telecommunications support structure (TSS). The station currently has five towers located along the southwest corner of 52<sup>nd</sup> Avenue South and Veterans Boulevard. Before constructing the proposed 199-foot TSS, four guyed towers would be removed from the Veterans Boulevard location, leaving one 80-foot tower in place to continue broadcasting operations. According to the applicant, the new 199-foot lattice tower will be unlit. The proposed tower will be painted gray to dull its appearance and the existing trees on the subject property paired with the solar array from the south should help conceal much of the structure. A minimum 6-foot opaque fence or wall will also be required around the base of the structure. After construction of the 199-foot tall TSS is completed, the 80-foot tall tower remaining on Veterans Boulevard will be removed.

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

**Surrounding Land Uses and Zoning Districts:**

- North: GC, General Commercial that is currently vacant
- East: GC, General Commercial with an auto repair shop
- South: PI, Public/Institutional with City of Fargo property

- West: GC, General Commercial with warehouse & office use

#### Area Plans:

The subject property is part of the 2007 Growth Plan and is identified on the South Fargo Tier 1 West map as commercial land use.

#### Legend

- Commercial Area
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density
- City Limits



#### Context:

**Neighborhood:** Deer Creek Neighborhood

**Schools:** The subject property is located within the West Fargo Public School District and is served by Deer Creek Elementary, Heritage Middle, and Horace High Schools.

**Parks:** The project site is located within a half of a mile of Deer Creek Park (6051 Deer Creek Parkway South) which offers playground equipment and a picnic shelter, among other amenities.

**Pedestrian / Bicycle:** A shared use path runs along the east side of 63<sup>rd</sup> Street South and a bike route exists on 52<sup>nd</sup> Avenue South.

#### Staff Analysis:

##### 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. The applicant has addressed construction and site concerns brought up by Planning and Engineering staff. Before construction of a new tower can begin, the applicant will still be required to receive a building permit from the Inspections Department. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City.  
**(Criteria Satisfied)**
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**  
Staff suggests that this proposed CUP to allow a 199-foot tall telecommunications support system (TSS) tower in the GC, General Commercial will promote the convenience of the public by allowing five existing telecommunications support structures on the southwest corner of 52<sup>nd</sup> Avenue South and Veterans

Boulevard to be relocated. This would create potential for redevelopment of over 18 acres of commercial property on the southwest side of town and remove several TSS from view along 52<sup>nd</sup> Avenue South.  
**(Criteria Satisfied)**

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

Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff received one inquiry and no formal complaints about the project.

**(Criteria Satisfied)**

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

The proposed 199-foot TSS will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. According to the applicant, the new 199-foot lattice tower will be unlit. The proposed tower will be painted gray to dull its appearance and the existing trees on the subject property paired with the solar array from the south should help conceal much of the structure. The LDC requires the base of the TSS be screened by a 6-foot opaque fence or wall unless otherwise waived by the Planning Commission. In order to provide additional screening from adjacent properties, staff recommends that installation of a 6-foot opaque fence or wall be included as a condition of approval. The conditions of the CUP are specifically meant to ensure the new tower is as inconspicuous as possible.

**(Criteria Satisfied)**

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

The property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.

**(Criteria Satisfied)**

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

Access to the subject property comes from 53<sup>rd</sup> Avenue South. The Engineering Department has reviewed this application and has reported no concerns over traffic hazards or traffic congestion on public rights-of-way.

**(Criteria Satisfied)**

**Recommended Conditions:**

- The base of the TSS must be enclosed by an opaque fence or wall of at least 6 feet in height and of a character necessary to provide adequate visual screening and to limit access to the TSS.
- Upon completing construction of the proposed 199-foot tall TSS, the property owner will have 60 days to remove the remaining 80-foot tower from 5702 52<sup>nd</sup> Avenue South.
- The Conditional Use Permit will cease if the land use changes from office (radio station)

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow a 199-foot tall telecommunications support system (TSS) tower in the GC, General

Commercial, zoning district as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- The base of the TSS must be enclosed by an opaque fence or wall of at least 6 feet in height and of a character necessary to provide adequate visual screening and to limit access to the TSS.
- Upon completing construction of the proposed 199-foot tall TSS, the property owner will have 60 days to remove the remaining 80-foot tower from 5702 52<sup>nd</sup> Avenue South.
- The Conditional Use Permit will cease if the land use changes from office (radio station)

**Planning Commission Recommendation:** June 6, 2020

**Attachments:**

1. Zoning Map
2. Location Map
3. Site Survey
4. Tower Design

# Conditional Use Permit

## Richard 3rd Subdivision

6120 53rd Ave S



### Legend

AG	LC	MHP	SR-2
DMU	LC	MHP	SR-3
GC	MR-1	NC	SR-4
GI	MR-2	NO	SR-5
GO	MR-3	UML	City Limits

500

Feet

Fargo Planning Commission

May 5, 2020



# Conditional Use Permit

## Richard 3rd Subdivision

6120 53rd Ave S





# CERTIFICATE OF SURVEY

LOT 2, BLOCK 2 OF RICHARD 3RD SUBDIVISION  
CASS COUNTY, NORTH DAKOTA

## LEGEND

- |  |   |
|--|---|
| ● IRON MONUMENT FOUND                              | ○ SHRUB   |
| ○ SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5900 | ⊗ DECIDUOUS TREE  |
| ⊕ HYDRANT & GATE VALVE                             | ⊗ CONIFEROUS TREE   |
| ⊙ SANITARY SEWER MANHOLE                           | ⊗ STUMP   |
| ○ STORM SEWER MANHOLE                              | [---] BITUMINOUS SURFACE                                  |
| □ STORM SEWER CATCH BASIN                          | [---] CONCRETE SURFACE                                    |
| ◇ STORM SEWER GATE VALVE                           | [---] GRAVEL SURFACE                                      |
| ⊠ AIR CONDITIONER                                  | — W — WATER LINE  |
| ⊕ GAS METER  | — SS — SANITARY SEWER LINE                                |
| ⊕ ELECTRIC METER                                   | — ST — STORM SEWER LINE                                   |
| ☆ LIGHT POLE                                       | — F — FIBER OPTIC LINE                                    |
| ⊕ UTILITY PEDESTAL                                 | --- 910 --- CONTOUR LINE WITH ELEVATION 910.00' (NAVD 88) |
| □ MAILBOX  | (M) MEASURED DISTANCE                                     |
|  | (R) RECORD DISTANCE                                       |

## SURVEYORS NOTE:

This survey was performed, and the survey map prepared, without the benefit of a title insurance commitment or an attorney's title opinion, therefore easements and other matters of record may not be reflected on this survey.

## CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.

Shawn M. Thomasson, R.L.S.  
N.D. License No. LS-5900

Date: 5-22-20

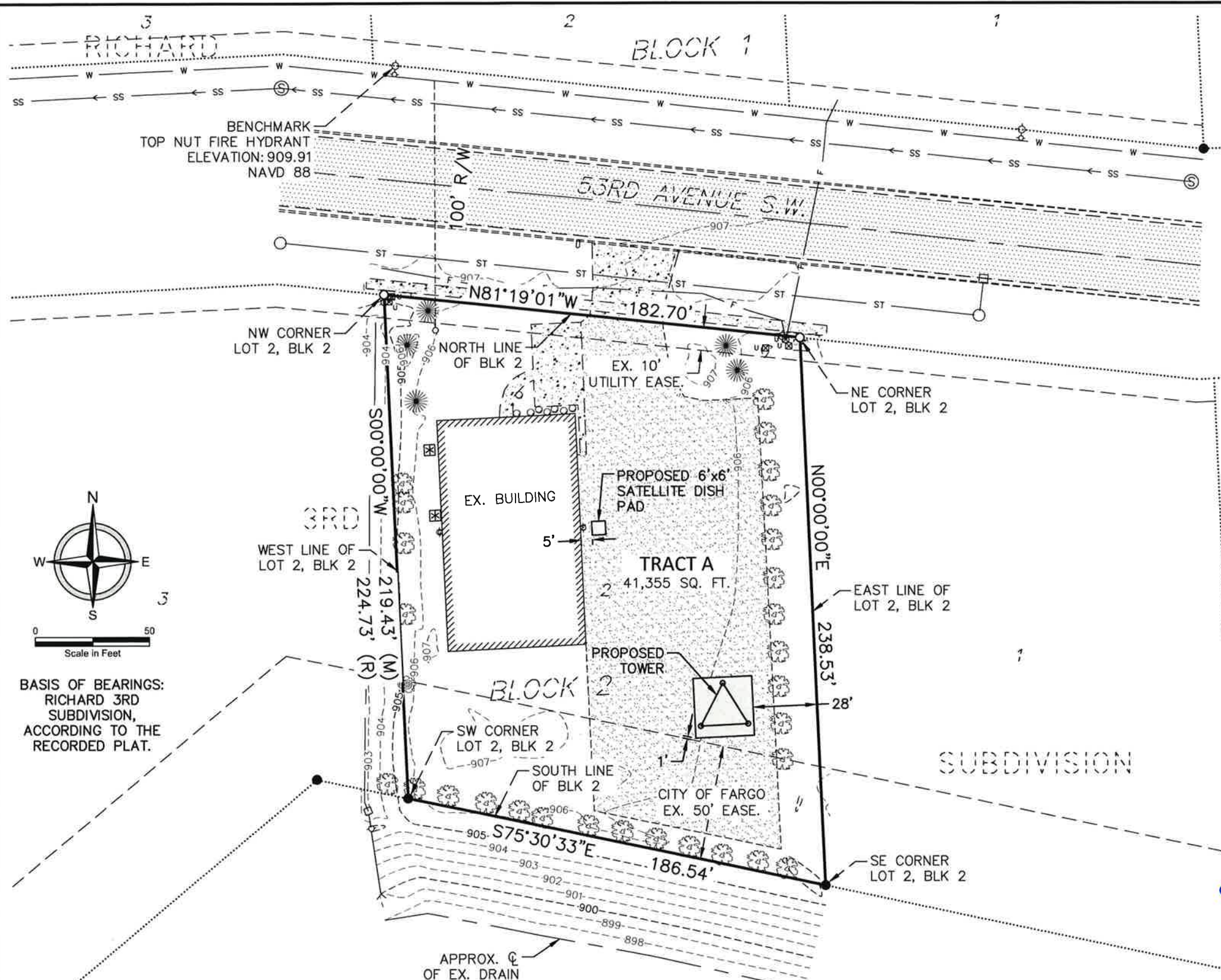


Sheet 1 of 1

## Certificate of Survey

Lot 2, Block 2 of RICHARD 3RD SUBDIVISION  
Cass County, North Dakota

PROJECT No. 21290-971  
DATE: 05/22/20  
REVISED:  
DRAFTER: LFB  
REVIEWER: SMT



## DESCRIPTION

Lot 2, Block 2, RICHARD 3RD SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, Cass County, North Dakota.

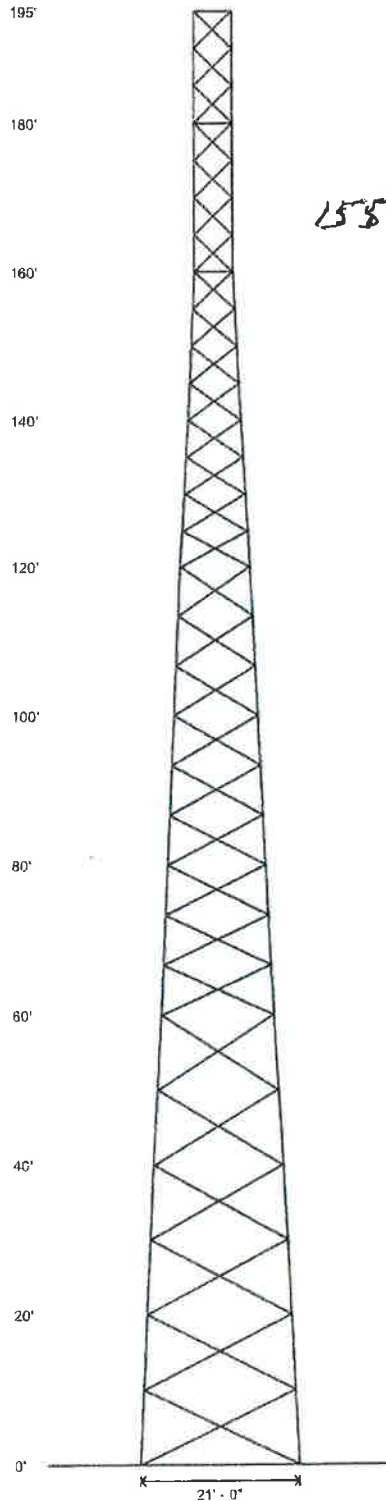
The above described tract contains 41,355 sq. ft., more or less and is subject to all easements, restrictions, reservations and rights-of-ways of record, if any.

## NOTES:

Lot 2 lies within Zone X as shown on Flood Insurance Rate Map No. 385364 0767 G, dated January 16, 2015.

Zone X: Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN									
Legs	5.563 OD X .375	5.563 OD X .258	4.000 OD X .318	3.500 OD X .300	3.500 OD X .216	2.375 OD X .218	A		
Diagonals	L 3 1/2 X 3 1/2 X 1/4				L 2 X 2 X 1/8				
Horizontals	L 3 X 3 X 3/16								
Brace Bolts	(1) 3/4"								
Top Face Width	19'	17'	15'	13'	11'	9'	7'	5'	
Panel Count/Height	6 @ 10'	6 @ 10'	9 @ 6.6667'	16:1	1274	1005	805	565	
Section Weight	3478	2961	2373	2203	1925	1611	1274	1005	805



#### Designed Appurtenance Loading

Elev	Description	Tx-Line
187.5	(1) 15' dipole	
180	(2) Leg Dish Mount	
180	8ft Sidearm	
180		(1) 1 5/8"
180	(2) 6' Grid Dish	(2) 7/8"
170	(1) 250 Sq. Ft. EPA (3000 lbs)	(4) 1 1/4"

#### Design Criteria - ANSI/TIA-222-H

Wind Speed (No Ice)	119 mph
Wind Speed (Ice)	50 mph
Design Ice Thickness	1.00 in
Risk Category	III
Exposure Category	C
Topographic Factor Procedure	Method 1 (Simplified)
Topographic Category	1
Ground Elevation	900 ft

#### Base Reactions

Total Foundation		Individual Footing	
Shear (kips)	34.4	Shear (kips)	20.91
Axial (kips)	56.25	Compression (kips)	224
Moment (ft-kips)	3920	Uplift (kips)	197
Torsion (ft-kips)	16.67		

#### Material List

Display	Value
A	2 375 OD X .154
B	L 2 1/2 X 2 1/2 X 3/16
C	L 2 X 2 X 1/8

#### Notes

- 1) All legs are A500 (50 ksi Min. Yield).
- 2) All braces are A572 Grade 50.
- 3) All brace bolts are A325-X.
- 4) The tower model is S3TL Series HD1.
- 5) Transmission lines are to be attached to standard 6 hole waveguide ladders with stackable hangers.
- 6) Azimuths are relative (not based on true north).
- 7) Foundation loads shown are maximums.
- 8) (6) 1" dia. x 51"-long F1554 grade 105 anchor bolts per leg.
- 9) All unequal angles are oriented with the short leg vertical.
- 10) Weights shown are estimates. Final weights may vary.
- 11) This tower design and, if applicable, the foundation design(s) shown on the following page(s) also meet or exceed the requirements of the 2018 International Building Code.



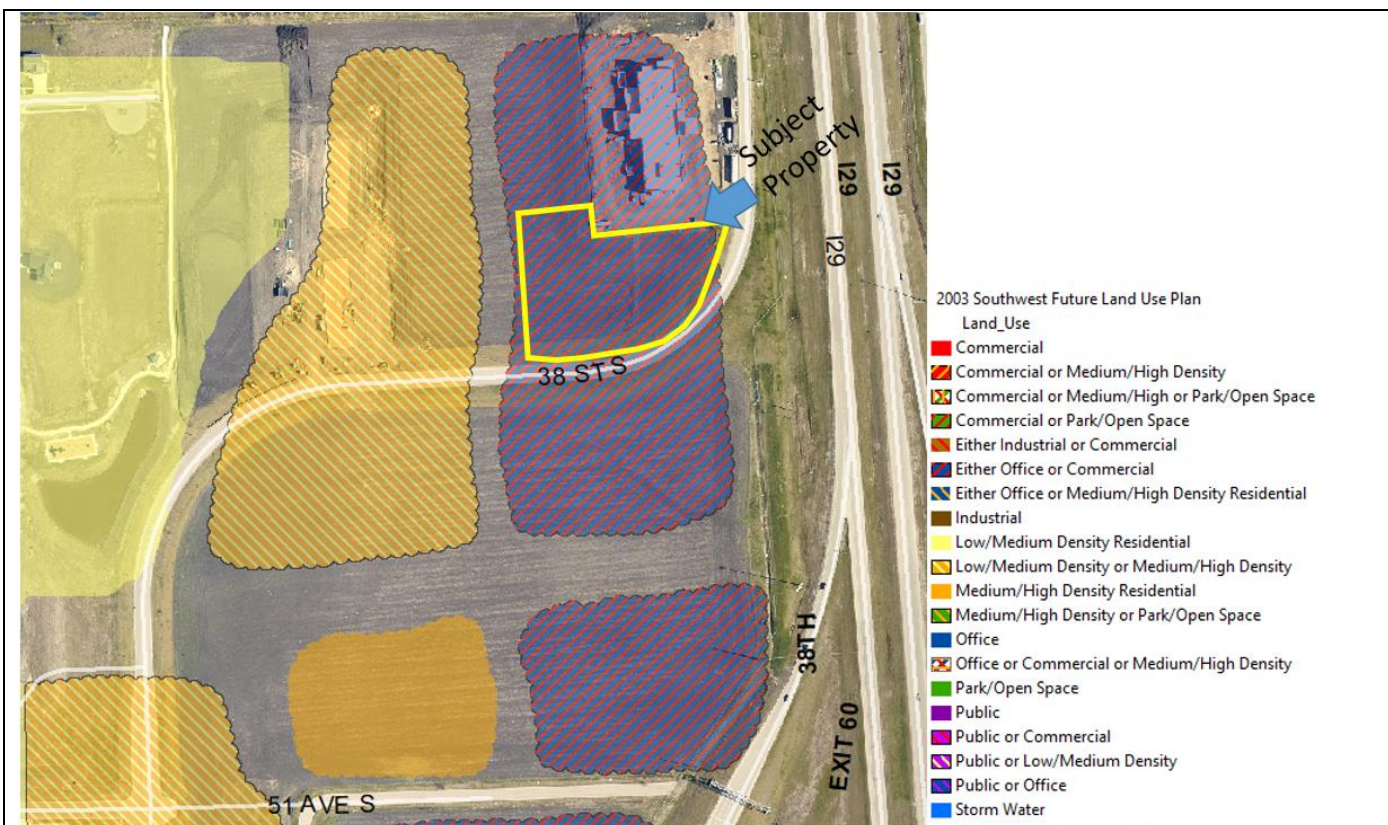
Sabre Industries  
7101 Southbridge Drive  
P.O. Box 658  
Sioux City, IA 51102-0658  
Phone: (712) 259-6891  
Fax: (712) 279-0814

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Quote: 21-0016-TJH  
Customer: NATIONAL TOWER CONTROLS  
Site Name: Fargo, ND  
Description: 195' S3TL  
Date: 5/5/2020 By: CH



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Edition Third Addition	<b>Date:</b>	5/28/2020
<b>Location:</b>	4803 and 4809 38th Street South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Part of Lot 1, and all of Lot 2, Block 1, Edition Second Addition to the City of Fargo, Cass County, North Dakota.		
<b>Owner(s)/Applicant:</b>	Edition Partners, LLC/Houston Engineering	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (replat of Part of Lot 1, and all of Lot 2, Block 1, Edition Second Addition to the City of Fargo, Cass County, North Dakota.); <b>Zoning Change</b> from MR-3 Multi-Dwelling Residential to LC, Limited Commercial		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Undeveloped		<b>Land Use:</b> Commercial	
<b>Zoning:</b> MR-3, Multi-Dwelling Residential		<b>Zoning:</b> LC, Limited Commercial	
<b>Uses Allowed:</b> MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.		<b>Uses Allowed:</b> LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.	
<b>Maximum Density</b> 24 dwelling units per acre		<b>Maximum Building Coverage:</b> 55%	
<b>Proposal:</b>			
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li>1. A minor subdivision entitled <b>Edition Third Addition</b>, which is a replat of Part of Lot 1, and all of Lot 2, Block 1, Edition Second Addition to the City of Fargo, Cass County, North Dakota</li> <li>2. A zoning change from MR-3 Multi-Dwelling Residential to LC, Limited Commercial for all lots in the Edition Third Addition.</li> </ol> <p><b>.Surrounding Zoning Districts and Land Uses:</b></p> <ul style="list-style-type: none"> <li>• North: MR-3 with multi-dwelling buildings; LC with medical facility</li> <li>• East: Not zoned; Interstate 29 right of way</li> <li>• South: GC, General Commercial; undeveloped</li> <li>• West: MR-3 with multi-dwelling buildings</li> </ul>			
<b>Area Plans:</b>			
<p>The subject property is included in the 2003 Southwest Future Land Use Plan, which designates the subject property as “Either Office or Commercial.” The proposed LC. Limited Commercial zoning is included in this land use designation.</p>			
(continued on next page)			



### Schools and Parks:

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

**Neighborhood:** The subject property is located in the Woodhaven neighborhood.

**Parks:** Cottagewood Park is located approximately 0.25 mile northwest of the subject property, and offers the amenities of playgrounds for ages 2-5 and 5-12 and a shelter.

**Pedestrian / Bicycle:** There are no bicycle or pedestrian trails adjacent to the subject property, though a multi-use path that is a component of the metro area trail system can be accessed approximately 600 feet north of the subject property.

### Staff Analysis:

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

**PLAT:** The plat will create one lot in one block.

**ZONING:** The subject property is currently zoned MR-3, Multi-Dwelling Residential. The proposed zone change is to LC, Limited Commercial, as the applicant believes that the LC zoning allows will provide more flexibility for the development of these lots. The property is undeveloped.

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

### FINDINGS

#### Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The existing zoning on this property is MR-3, Multi-Dwelling Residential. The proposed zoning is LC, Limited Commercial. The LC zoning designation is consistent with the land use designation for this property in the 2003 Southwest Future Land Use Plan as noted above. The applicant believes that the LC zoning allows will provide more flexibility for the development of these lots. **(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 lot created by this subdivision will front on dedicated public streets. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comment or inquiry from the public. 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 2003 Southwest Future Land Use Plan. As noted in the "Area Plan" section above, the "Either Office or Commercial" land use designation of that plan has been applied to this area. The proposed LC zoning is consistent with that land use designation. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

**Minor Subdivision**

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

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

The subdivision is intended to replat the subject properties into one lot to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received two inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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



<b>Staff Recommendation:</b>
Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zone change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial and 2) plat of the <b>Edition Third Addition</b> ; as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC,."
<b>Planning Commission Recommendation:</b> June 2, 2020
<b>Attachments:</b>
<ol style="list-style-type: none"> <li>1. Zoning map</li> <li>2. Location map</li> <li>3. Preliminary plat</li> </ol>

# Zone Change (MR-3 to LC) & Plat (Minor)

## Edition Third Addition

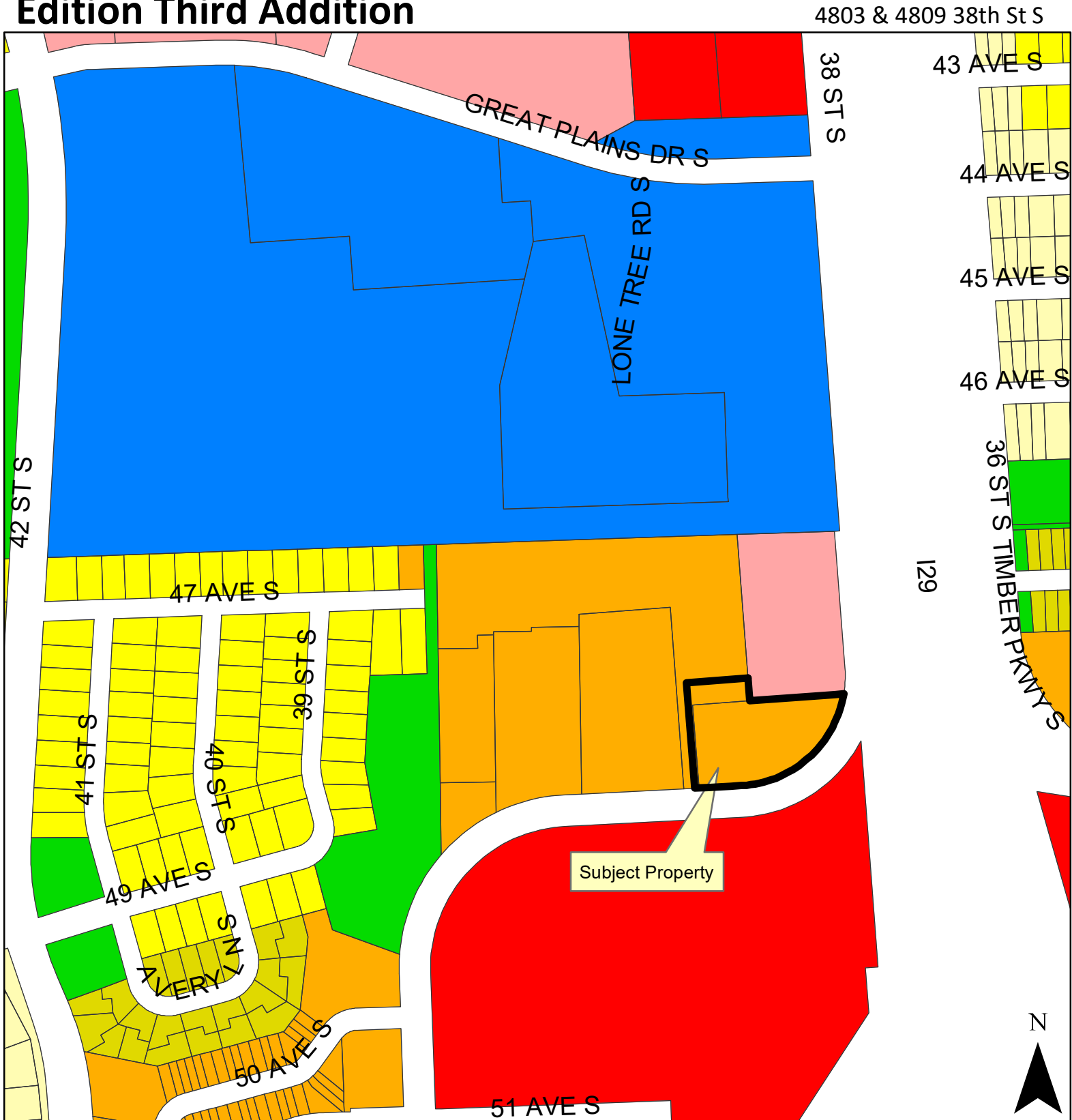
4803 & 4809 38th St S





# Zone Change (MR-3 to LC) & Plat (Minor)

## Edition Third Addition



### Legend



300

Feet

Fargo Planning Commission

June 2, 2020

**CASS COUNTY, NORTH DAKOTA**




**Houston Engineering Inc.**  
 Project No. 7489-075  
 Phone: 701.237.5065

Phone: 701.237.5065

EDITION THIRD ADDITION
A MINOR SUBDIVISION
BEING A REPLAT OF LOT 2 & PART OF LOT 1, BLOCK 1, EDITION SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Edition Partners, LLP, a North Dakota limited liability partnership is the owner and proprietor, and Bank Forward, a North Dakota bank, is the mortgagee, of the following described tract of land:

Lot 2 and part of Lot 1, Block 1, Edition Second Addition, Fargo, Cass County, North Dakota, all being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 2; thence South 86°59'06" West, along the south line of said Lot 1, for a distance of 14.27 feet; thence North 04°20'24" West for a distance of 336.06 feet; thence North 85°40'00" East for a distance of 196.45 feet to a point of intersection with the east line of said Lot 1; thence South 04°20'00" East, along the east line of said Lot 1, for a distance of 72.35 feet to a corner point on the boundary of said Lot 1, said point also being on the north Line of said Lot 2; thence North 85°40'00" East, along the north line of said Lot 2, for a distance of 299.78 feet to the northeast corner of said Lot 2; thence southwesterly along the southeasterly boundary of said Lot 2, said southeasterly boundary being a non-tangent curve, concave northwesterly, radius 350.00 feet, for a distance of 474.24 feet, central angle 77°38'05", chord bearing South 48°10'03" West; thence South 86°59'06" West, along the south line of said Lot 2, for a distance of 133.84 feet to the POINT OF BEGINNING.

Said tract of land contains 123,174 square feet, more or less.

And that said parties have caused the same to be surveyed and re-platted as EDITION THIRD ADDITION to the City of Fargo, Cass County, North Dakota, do hereby vacate the utility easement as designated for vacation on this plat , and do hereby dedicate to the public, for public use, the utility easements shown on the plat.

OWNER:

Edition Partners, LLP

Austin J. Morris, Managing Member

State of North Dakota )
) ss
County of Cass )

On this day of , 20, before me personally appeared Austin J. Morris, Managing Member of Edition Partners, LLP a North Dakota limited liability partnership, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said limited liability partnership.

Notary Public:

MORTGAGEE:

Bank Forward

NAME, TITLE

State of North Dakota )
) ss
County of Cass )

On this day of , 20, before me personally appeared NAME, TITLE of Bank Forward, a North Dakota bank, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said bank.

Notary Public:

SURVEYOR'S CERTIFICATE:

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

Dated this day of , 20.

Curtis A. Skarphol,
Professional Land Surveyor No. 4723

State of North Dakota )
) ss
County of Cass )

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

Notary Public:

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota )
) ss
County of Cass )

On this day of , 20 before me personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

Notary Public:

FARGO PLANNING COMMISSION APPROVAL:

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

John Gunkelman, Chair
Fargo Planning Commission

State of North Dakota )
) ss
County of Cass )

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

Notary Public:

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota )
) ss
County of Cass )

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

Notary Public:

H:\BN1740074891489\_0075\CAD\Plan\PLAT\_Edition Third Addition.dwg



Houston Engineering Inc.
Phone: 701.237.5065

Project No. 7489-075



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Sanford South Campus Addition	<b>Date:</b>	5/28/2020
<b>Location:</b>	1720 University Drive South and 1701, 1719, 1723, 1727, 1731, 1735, 1739, 1743, and 1747 11th Street South	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Block 7 and part of Block 8, Fargo Investment Company First Addition to the City of Fargo, Cass County, North Dakota.		
<b>Owner(s)/Applicant:</b>	Sanford Medical Center Fargo & Cory Bischoff/Foss Architecture & Interiors	<b>Engineer:</b>	MBN Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (replat of Lots 1-12, Block 7 and part of Block 8 Fargo Investment Company First Addition to the City of Fargo, Cass County, North Dakota.); <b>Zoning Change</b> from SR-2, Single-Dwelling Residential, and GC, General Commercial, with a C-O, Conditional Overlay, to GC, General Commercial, with a C-O, Conditional Overlay.		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Health Care Facility & Household Living (Detached Houses)	<b>Land Use:</b> Health Care Facility
<b>Zoning:</b> SR-2, Single-Dwelling Residential, and GC, General Commercial, with C-O Conditional Overlay	<b>Zoning:</b> GC, General Commercial, with C-O Conditional Overlay
<b>Uses Allowed:</b> SR-2 zoning allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities.  GC zoning 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, aviation, surface transportation, and major entertainment events.	<b>Uses Allowed:</b> GC zoning 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, aviation, surface transportation, and major entertainment events.
<b>Maximum Density:</b> SR-2 allows up to 5.4 dwelling units per acre. <b>Maximum Building Coverage:</b> SR-2 allows up to 35%. GC allows up to 85%.	<b>Maximum Building Coverage:</b> GC allows up to 85%.

<b>Proposal:</b>
<p>The applicant is seeking approval of a minor subdivision and zoning map amendment to accommodate a proposed entrance addition and parking lot expansion at the existing Sanford South University Drive medical facility. The minor subdivision, entitled <i>Sanford South Campus Addition</i>, would replat the subject property into one single lot. The proposed zoning map amendment would rezone five residential lots from a base zoning district of SR-2 (Single-Dwelling Residential) to GC (General Commercial). Additionally, the proposed rezoning would establish a C-O (Conditional Overlay) zoning district over the entirety of the subject property. The proposed C-O is intended to ease the transition from the GC zoning district west of 11<sup>th</sup> Street S to the SR-2 zoning district east of 11<sup>th</sup> Street S, by providing for additional landscape buffering and restricting the number of driveway access points.</p>

**Surrounding Zoning Districts and Land Uses:**

- North: LC with health care facility and SR-2 with religious institution
- East: SR-2 with household living
- South: SR-2 with religious institution
- West: LC, GC, & SR-3 with health care facility

**Area Plans:**

N/A

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo Public School District, and is served by Clara Barton Elementary, Carl Ben Eielson Middle and Fargo South High schools.

**Neighborhood:** The subject property is located in the Clara Barton neighborhood.

**Parks:** Lindenwood Park is located approximately 0.4 mile east of the subject property.

**Pedestrian / Bicycle:** There are sidewalks adjacent to the subject property and a shared use path located south of 18<sup>th</sup> Ave S and two blocks east of the subject property.

**Staff Analysis:**

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

**Conditional Overlay:** There is an existing C-O on Lots 1-6, Block 7, which was established in 2007 when these lots were rezoned from SR-2 to GC in preparation for future parking lot expansion. The C-O was established in conjunction with the rezoning of these lots to GC based, in part, on concerns raised by residents and property owners east of 11<sup>th</sup> Street S. Specifically, the C-O contains the following requirements:

1. A nine foot parking buffer shall be required along 17th Avenue South, 11th Street South, and 18th Avenue South consisting of one tree and six shrubs every 25 linear feet with a 3:1 berm intermittent through the buffer.
2. Five percent of the interior parking lot must be landscaped. The five percent may consist of the required open space landscaping requirements (3 plant units per every 1000 square feet of lot), however, the majority of the parking lot landscaping must be made up of shade trees.
3. No more than three drive entrances are allowed onto 11th Street South. The north and south drive entrances shall be a minimum of 100 feet from block corner. The third drive entrance shall be located at mid block.

The current zoning map amendment proposes to apply these same standards to the entirety of the subject property. As such, the proposed parking lot along the east side of the subject property would have to comply with these standards.

**Neighborhood Meeting:** City staff hosted a virtual open house meeting on Tuesday, May 26, 2020 in order to provide an opportunity for dialog between the applicant and the adjacent residents and property owners. The applicant was able to present their development plans and answer questions from the public. The virtual meeting was attended by three members of the public who didn't note too much concern with the proposed development. One attendee requested that, with the addition of off-street parking on Sanford's property, that the City remove on-street parking restrictions on 11<sup>th</sup> Street S. Currently, on-street parking is not permitted 8am-5pm on weekdays, which doesn't leave residents of 11<sup>th</sup> Street with much flexibility during these hours. Another attendee asked about additional future expansion of the Sanford facility, to which a representative of Sanford stated they have no intention or plans to expand east of 11<sup>th</sup> Street S.

**FINDINGS****Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The existing zoning on this property is GC and SR-2. The property owner has requested to rezone the portion of the subject property within the SR-2 zoning district to GC in order to accommodate additional parking and a new building entrance to the existing medical facility. The owner no longer intends for the property to be used for residential purposes. **(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. Lots in the subdivision will front on dedicated public streets. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. Additionally, a virtual open house meeting was held on May 26, 2020, which allowed neighboring property owners the opportunity to discuss the proposed project with the applicant and City staff. To date, Planning staff has received one written comment regarding lack of on-street parking in addition to other comments heard at the open house meeting regarding concern for future development east of the subject property. The proposed C-O standards are intended to provide for visual screening between the development on the subject property and adjacent residential areas. 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." Staff finds this proposal is consistent with the purpose of the LDC, the applicable comprehensive plan, and other adopted policies of the City. **(Criteria satisfied)**

**Minor Subdivision**

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

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

The subdivision is intended to replat the subject property into one lot to accommodate future development. 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. Additionally, a virtual open house meeting was held on May 26, 2020, which allowed neighboring property owners the opportunity to discuss the proposed project with the applicant and City staff. To date, Planning staff has received one written comment regarding lack of on-street parking in addition to other comments heard at the open house meeting regarding concern for future development east of the subject property. The proposed plat includes a vacation of an existing public utility easement. The applicant is working with local utility providers and City staff regarding the relocation of existing private utilities within this easement. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

**\*\*\*Note:** As of the writing of this staff report, the applicant is still working to update the preliminary plat. An update will be provided at the June 2 Planning Commission meeting.\*\*\*

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of 1) the proposed a plat of **Sanford South Campus Addition**; and 2) zone change from SR-2, Single-Dwelling Residential, and GC, General Commercial, with a C-O, Conditional Overlay, to GC, General Commercial, with a C-O, Conditional Overlay, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** June 2, 2020

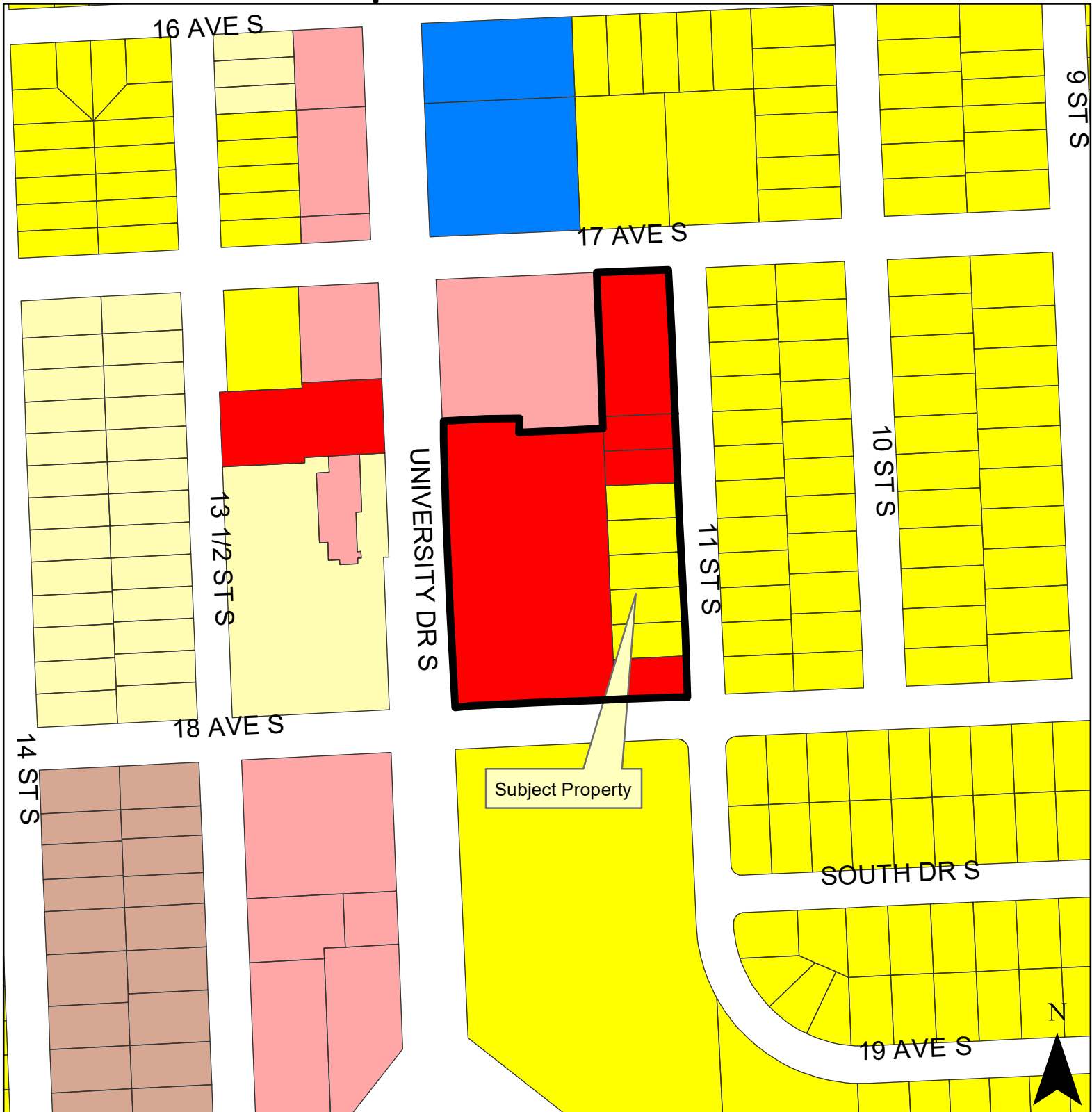
**Attachments:**

1. Zoning map
2. Location map
3. Preliminary plat
4. Public Comment

# Zone Change (GC & SR-2 to GC) & Plat (Minor)

1701, 1719, 1723, 1727, 1731, 1735, 1739, 1743 & 1747 11th St S  
1720 University Dr S

## Sanford South Campus Addition





# Zone Change (GC & SR-2 to GC) & Plat (Minor)




1701, 1719, 1723, 1727, 1731, 1735, 1739, 1743 & 1747 11th St S  
**Sanford South Campus Addition** 1720 University Dr S





A REPLAT OF LOTS 1-12, BLOCK 7 AND BLOCK 8, FARGO INVESTMENT COMPANY FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)



	MONUMENT IN PLACE
	SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
(5,000)	LOT AREA (SQUARE FEET)
(M)	MEASURED BEARING & DISTANCE
(R)	RECORDED BEARING & DISTANCE
— — — — —	EXISTING PROPERTY LINE
- - - - -	EXISTING EASEMENT LINE
=====	PLAT BOUNDARY
=====	NEW LOT LINE
- - - - -	NEW EASEMENT LINE
	EXISTING EASEMENT TO BE VACATED

PROJECT NO.  
4289700-200336.01  
SHEET 2 OF 2

# SANFORD SOUTH CAMPUS ADDITION

A REPLAT OF LOTS 1–12, BLOCK 7 AND BLOCK 8, FARGO INVESTMENT COMPANY FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

PLAT BOUNDARY DESCRIPTION:

All of Lots 1 through 12, Block 7 and all of Block 8 of FARGO INVESTMENT COMPANY FIRST ADDITION to the City of Fargo, as filed an on record at the office of the County Recorder, Cass County, North Dakota.

Said plat contains 6.08 acres, more or less.

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

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Sanford North, are the owners of Lots One through Twelve, Block Seven and all of Block Eight of Fargo Investment Company First Addition to the City of Fargo, as filed and on record at the office of the County Recorder, Cass County, North Dakota; that it has caused the same to be surveyed and replatted as **Sanford South Campus Addition** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the Access & Utility Easement as shown on this plat.

Owner  
Sanford North  
By: Bill Marlette, Treasurer

State of South Dakota )  
 )ss  
County of Minnehaha )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Bill Marlette, Treasurer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of Sanford North.

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

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

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

Joshua J. Nelson  
Professional Land Surveyor No. LS-27292

State of North Dakota )  
 )ss  
County of Cass )

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

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

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derring, P.E., City Engineer

State of North Dakota )  
 )ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Brenda E. Derring, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

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

FARGO PLANNING COMMISSION APPROVAL:

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

John Gunkelman, Chair  
Fargo Planning Commission

State of North Dakota )  
 )ss  
County of Cass )

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

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

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

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

State of North Dakota )  
 )ss  
County of Cass )

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

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

Mead  
& Hunt  
Phone: 701-566-6450  
meadhunt.com

PROJECT NO.  
4289700-200336.01  
SHEET 1 OF 2

PRELIMINARY

## Aaron Nelson

---

**From:** ec1275 <ec1275@gmail.com>  
**Sent:** Tuesday, May 26, 2020 6:55 PM  
**To:** Aaron Nelson  
**Subject:** 11th Street South Parking


**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Thanks for allowing me to speak during todays Sanford Hospital meeting. As I said earlier, I own 1706 11th St South and 1746 11th St south. Although its a great neighborhood, my issue with the area has always been not being able to park during business hours on 11th Street. I'm actually surprised that this, or maybe it has, has not been brought up since the home owners are basically being punished because of the lack of parking at the hospital. That issue no longer exists, since most of the hospital staff and patients have been spread out to other medical locations. The employee lot, University lot, 17th Street lot and the Nativity lot are no longer filled to capacity. Now with the new construction of the Sanford 11th Street lot, parking should not be an issue.

Not being able to park on 11th Street has always been a problem since the homes on this block are older with narrow one car driveways. It becomes an nuisance with residents having to jockey cars around, and is also an issue when scheduling repairs and deliveries. With the new parking lot being constructed, I believe its time to remove the "no parking" signs allow residence to park on their street during normal hours.

Thanks again,

Edward Careaga  


<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Craigs Oak Grove 2 <sup>nd</sup> Addition	<b>Date: Update:</b>	8/28/2019 5/28/2020
<b>Location:</b>	505, 509, and 515 Oak Street and 2, 6, and 10 6th Avenue North	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Lot 1, Block 1, Craigs Oak Grove Addition, vacated portion of Elm Street, vacated portion of 5 <sup>th</sup> Ave N, vacated alley, and a portion of Lots 5, 6, and 7, Block 28, Keeney and Devitts 2 <sup>nd</sup> Addition		
<b>Owner(s)/Applicant:</b>	LHS Investments, LLC/Jesse Craig & Enclave Development	<b>Engineer:</b>	KLJ
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (A replat of Lot 1, Block 1, Craigs Oak Grove Addition, vacated portion of Elm Street, vacated portion of 5 <sup>th</sup> Ave N, vacated alley, and a portion of Lots 5, 6, and 7, Block 28, Keeney and Devitts 2 <sup>nd</sup> Addition) & <b>Zoning Map Amendment</b> (from DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, with PUD, Planned Unit Development, overlay to DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, and to repeal the existing PUD, Planned Unit Development, overlay)		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		

<b>Existing</b>
<b>Land Use:</b> Household Living (Multi-Dwelling & Detached Housing) & vacant.
<b>Zoning:</b> MR-2, Multi-Dwelling Residential, DMU, Downtown Mixed-Use, and PUD, Planned Unit Development Overlay.
<b>Uses Allowed:</b> MR-2 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities  DMU allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.
<b>Maximum Density Allowed:</b> MR-2 allows a maximum of 20 dwelling units per acre, DMU has no limit

<b>Proposed</b>
<b>Land Use:</b> Household Living (Attached & Multi-Dwelling Housing)
<b>Zoning:</b> MR-2, Multi-Dwelling Residential, and DMU, Downtown Mixed-Use
<b>Uses Allowed:</b> No Change
<b>Maximum Density Allowed:</b> No Change

<b>Proposal:</b>
<p>***<b>Note:</b> This item was originally heard the Planning Commission at the regular meeting of September 3, 2019, at which time it was recommended for approval to the City Commission. Since then, the applicant has proposed a revision to the layout of the proposed subdivision lots and, by extension, a revision to the area of proposed rezone to DMU. As such, this revised application will be presented to the Planning Commission and an additional public hearing will be held on June 2, 2020 before this item is presented to the City Commission for consideration. This staff report has been updated to reflect changes to the proposed subdivision and zoning map amendment.***</p>



The applicant is seeking approval of a minor subdivision and zoning map amendment to accommodate a proposed residential development. The minor subdivision, entitled *Craigs Oak Grove 2<sup>nd</sup> Addition*, would replat the subject property into two lots. The proposed zoning map amendment would rezone a portion of Lot 2 from MR-2 (Multi-Dwelling Residential) to DMU (Downtown Mixed-Use) and would extinguish an existing PUD (Planned Unit Development) overlay zoning district that currently encompasses the northwest portion of the subject property. The result of these two requests would be for the proposed Lot 1 to be located within the MR-2 zoning district and for Lot 2 to be located within the DMU zoning district. The applicant is proposing to construct townhomes on Lot 1 and a multi-dwelling apartment/condominium building on Lot 2.

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

**Surrounding Land Uses and Zoning Districts:**

- North: Across 6<sup>th</sup> Ave N are single-family, duplex, and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and LC, Limited Commercial;
- East: is a park zoned AG, Agricultural;
- South: is a BNSF railroad zoned DMU, Downtown Mixed-Use
- West: are single-dwelling and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and GC, General Commercial

**Area Plans:**

No area plans apply

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo School District, specifically the Roosevelt/Horace Mann Elementary, Ben Franklin Middle and Fargo North High school attendance areas.

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

**Parks:** The subject property is located west of Wildflower Grove Park, which provides public amenities such as picnic tables and recreational trails.

**Pedestrian / Bicycle:** There is an existing off road bike facility to the east of the subject property on 6<sup>th</sup> Ave N which connects to the metro area trail system.

**Staff Analysis:**

**Background**

The applicant is proposing this subdivision and zone change in preparation for the redevelopment of the subject property. The applicant has stated that his intent is to construct residential housing that would consist of both townhomes (on Lot 1) and a multi-dwelling residential building consisting of apartment and condominium units (on Lot 2).

The applicant previously platted a majority of the subject property as Craigs Oak Grove Addition, which was approved in January of 2019. That previous subdivision included vacation and dedication of right-of-way, as well as provisions for permanent flood protection, in preparation for future development. Since then, the applicant has acquired additional property along 6<sup>th</sup> Avenue North, which is included in the proposed Craigs Oak Grove 2<sup>nd</sup> Addition subdivision.

**Public Comment**

The applicant has worked over the past couple of years to acquire the parcels included within the subject property. Over this time, and as his development concept has evolved, the applicant has shared these concepts with interested groups. The applicant has discussed his proposed project at:

- a Fargo Neighborhood Coalition meeting in the summer of 2017,

- an informational meeting he held for neighboring residents in September of 2017,
- a Horace Mann Area Neighborhood Association meeting in February of 2019,
- a neighborhood open house he hosted in March of 2019,
- a neighborhood open house on August 27, 2019, and
- a virtual neighborhood open house on May 27, 2020.

The August 27, 2019 open house was attended by 10 neighborhood residents and representatives of the Horace Mann Area Neighborhood Association. There were many questions regarding all aspects of the proposed development as well as the proposed zoning change and subdivision. Most of the concerns raised at the open house seemed to focus on vehicular parking and circulation throughout the area of the subject property, the aesthetics of the townhomes and apartment building that the applicant intends to construct, and the condition of public infrastructure in this area.

Three neighborhood residents attended the digital open house on May 27, 2020. Discussion and concerns raised were mostly related to building height and visual aesthetic of the proposed multi-dwelling building adjacent to park land.

In addition to comments heard at the open houses noted above, to date, staff has received a few emails regarding this application from neighboring residents/property owners. Copies of these comments are attached. Last year, staff received a letter from another neighboring resident regarding the applicant's previous application for major subdivision—Craigs Oak Grove (1<sup>st</sup>) Addition, which is also attached for historical reference since many of the concerns noted in the letter are still applicable to the current application.

Public notification letters were mailed out to owners of property within 300 feet of the subject property, in accordance with Section 20-0901.F of the Land Development Code.

### **Subdivision**

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

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

The location of the subject property is not included within an area plan. While there is no growth plan associated with this location within the City, the proposed development is consistent and compatible with the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities, and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030.

The subdivision would replat the property into two lots to be used for residential development. The subject property is located within the DMU (Downtown Mixed-Use) and MR-2 (Multi-Dwelling Residential) zoning districts. The DMU and MR-2 zoning districts both permit household-living by-right (including attached houses and multi-dwelling structures). Additionally, the proposed zone change is intended to align these two existing zoning district boundaries with the proposed lot lines for Lots 1 and 2, in order to accommodate the proposed development.

The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

**2. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

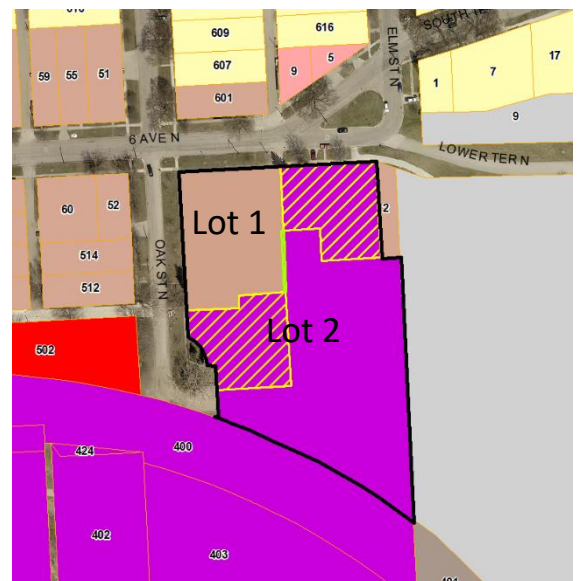
While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. Additionally, an amenities plan and developer agreement were established with the applicant's previous subdivision of Craigs Oak Grove (1<sup>st</sup> Addition), to formally document the details of the public improvements necessary to support the development of the subject property, including flood protection. **(Criteria Satisfied)**

Staff would note that as of the writing of this staff report, the preliminary plat is in need of a few minor corrections/edits. These edits relate to minor technical details and do not change the form or intent of the subdivision plat. The plat would not move forward for consideration by City Commission until these edits are complete.

**Zoning**

The subject property is partially located within both the DMU and MR-2 zoning districts. Although the DMU and MR-2 zoning districts both permit multi-dwelling and attached housing by-right, a zoning map amendment is proposed in order to align the boundaries of these zoning districts with the proposed Lots 1 and 2, which would accommodate the layout of the applicant's proposed development. Additionally, the DMU zoning district would allow a higher density of residential units. The to the right illustrates the area of Lot 2 to be rezoned from MR-2 to DMU (hatched area outlined in yellow), as well as a small area of Lot 1 to be rezoned from DMU to MR-2 (outlined in light green).

Additionally, the northwest portion of the subject property is located within an existing PUD (Planned Unit Development) overlay zoning district. This PUD zoning district was approved in 2016 via Ordinance No. 5047 for a townhome project that was never constructed. The proposed zoning change would also extinguish and remove this PUD overlay since it is no longer applicable to the proposed development.



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

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

Staff is unaware of any zoning map error in regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions at this location since the previous zoning classification was established. The existing zoning districts were established at a time when there were multiple properties along Oak Street N and 6<sup>th</sup> Avenue N on either side of an alley running through this block. The centerline of the public alley and the centerline of 5<sup>th</sup> Avenue N was the primary boundary between the MR-2 and DMU zoning districts. Since then, the applicant has acquired and consolidated these properties and has vacated the public right-of-way that once divided the subject property. The zone change is requested in order to realign the boundary between the MR-2 and DMU zoning districts along the shared lot line of Lot 1 and Lot 2 of the proposed subdivision, which aligns with the applicants proposed development plans. **(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?**

The development is served with city services (water, sewer, streets, police/fire protection, etc.). The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. Additionally, the City Forrester has provided comments to the applicant regarding the protection of mature street trees along 6<sup>th</sup> Avenue N and Oak Street N, which must be accounted for as development plans are developed. **(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 evidence that would suggest this proposal 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, staff has received and heard several comments, which have been summarized above. While some residents are opposed to the applicant's proposed project, staff finds that the change in zoning is relatively minor compared to the current zoning of MR-2 and DMU, and does not substantially change the type of development that can take place on the subject property under the current zoning. Additionally, the applicant is proposing to make a substantial investment in new housing within the vicinity, replacing housing units in need of repair with newly constructed housing units. Ultimately, staff has no evidence to suggest the zoning change would result in adverse effects on condition or value of 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 believes this proposal is in keeping with adopted plans and the existing zoning of adjacent properties. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities, and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030. Additionally, the subject property is within walking distance of the downtown core, which provides an opportunity for residents to live in close proximity to shopping and work. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed 1) Craigs Oak Grove 2<sup>nd</sup> Addition subdivision and 2) zoning map amendment from DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, with PUD, Planned Unit Development, overlay to DMU, Downtown Mixed-Use, and MR-2, Multi-Dwelling Residential, and to repeal the existing PUD, Planned Unit Development, overlay, as presented, as the proposal satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 and Section 20-0906(F) (1-4) of the LDC, and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** June 2, 2020

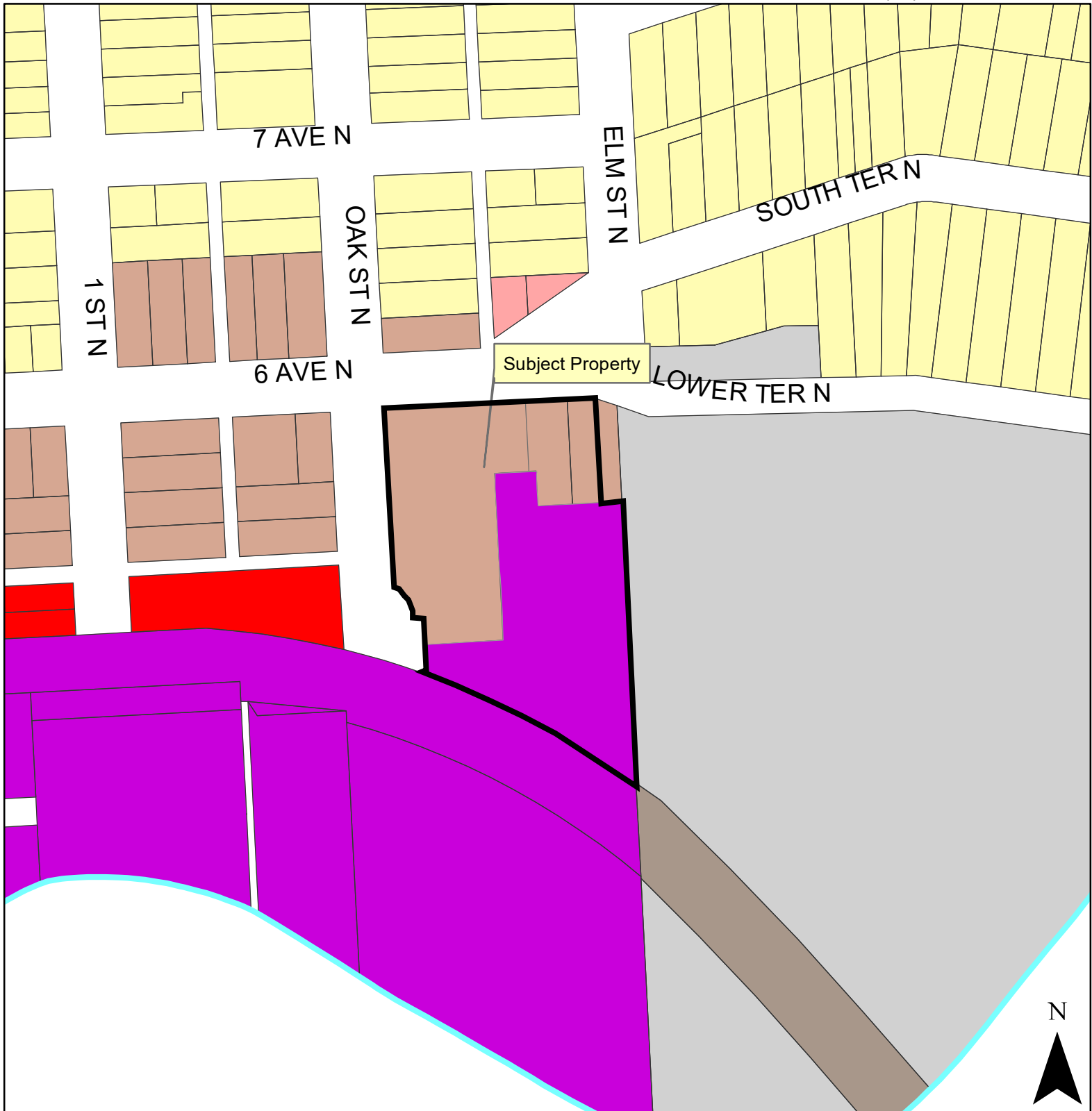
**Attachments:**

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Public Comments

# Zone Change (MR-2 & DMU with PUD to MR-2 & DMU) Plat (Minor)

## Craig's Oak Grove Second Addition

505, 509, & 515 Oak St N  
2, 6, & 10 6th Ave N





# Zone Change (MR-2 & DMU with PUD to MR-2 & DMU) Plat (Minor)

## Craig's Oak Grove Second Addition

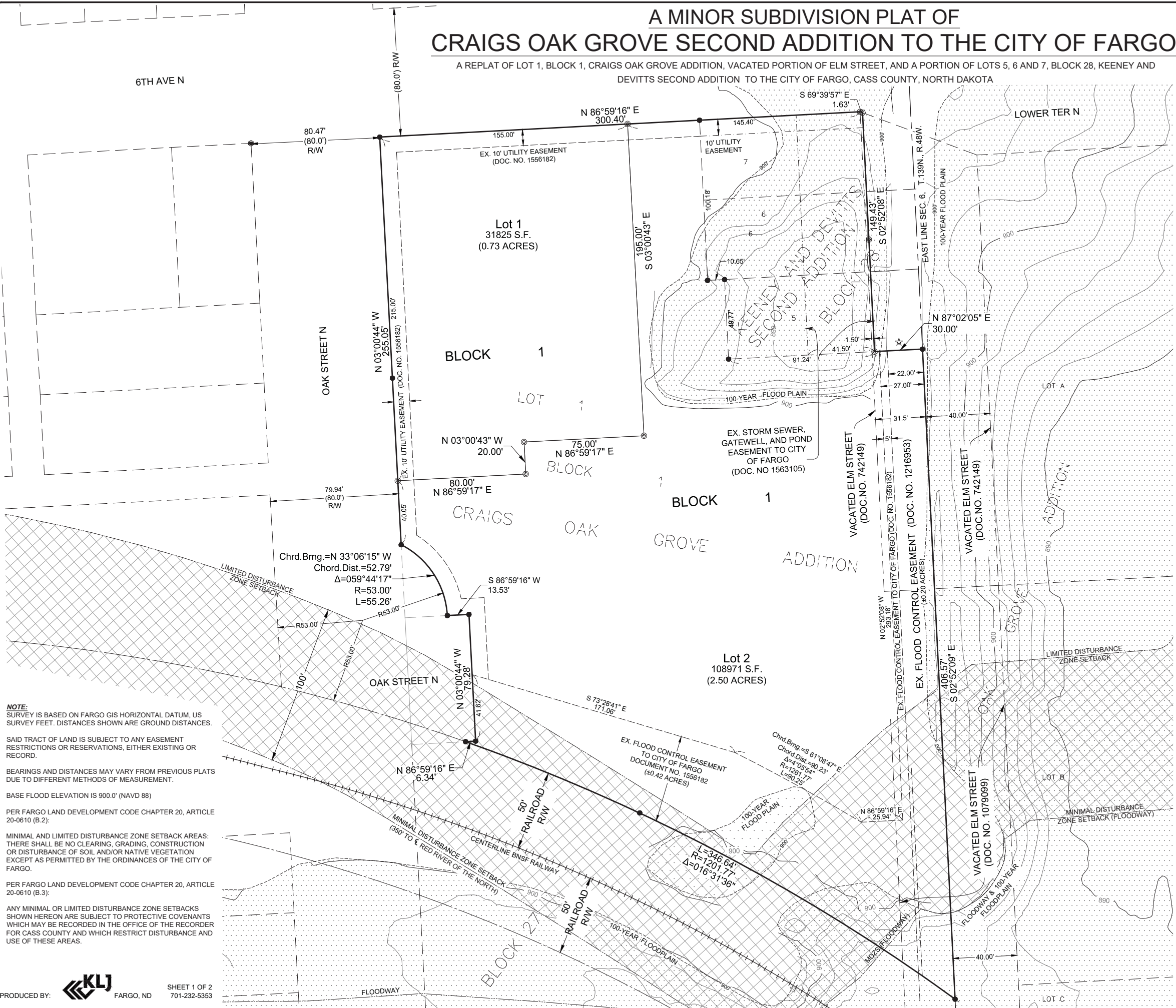
505, 509, & 515 Oak St N  
2, 6, & 10 6th Ave N





A MINOR SUBDIVISION PLAT OF  
CRAIGS OAK GROVE SECOND ADDITION TO THE CITY OF FARGO

A REPLAT OF LOT 1, BLOCK 1, CRAIGS OAK GROVE ADDITION, VACATED PORTION OF ELM STREET, AND A PORTION OF LOTS 5, 6 AND 7, BLOCK 28, KEENEY AND DEVIITS SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



A MINOR SUBDIVISION PLAT OF  
CRAIGS OAK GROVE SECOND ADDITION TO THE CITY OF FARGO

A REPLAT OF LOT 1, BLOCK 1, CRAIGS OAK GROVE ADDITION, VACATED PORTION OF ELM STREET, AND A PORTION OF LOTS 5, 6 AND 7, BLOCK 28, KEENEY AND  
DEVITTS SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS DESCRIPTION, ACCEPTANCE AND DEDICATION:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "CRAIGS OAK GROVE SECOND ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 1, BLOCK 1, CRAIGS OAK GROVE ADDITION; THE VACATED PORTION OF ELM STREET; ALL EXCEPT THE EAST 30 FEET OF LOTS 5, 6, 7, AND THE WEST HALF OF VACATED ELM STREET ADJACENT TO LOTS 5, 6, 7, BLOCK 28, KEENEY AND DEVITTS SECOND ADDITION IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT. WE HEREBY DEDICATE UTILITY EASEMENTS TO THE USE OF THE PUBLIC AS SHOWN ON SAID PLAT.

SAID PLAT CONTAINS 3.24 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

OWNER: LHS INVESTMENTS, LLC

JESSE CRAIG, PARTNER

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY  
APPEARED JESSE CRAIG, TO ME KNOWN TO BE THE PERSON DESCRIBED  
IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

MORTGAGEE: GREAT WESTERN BANK

BRENT WERSINGER, GROUP PRESIDENT

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY  
APPEARED BRENT WERSINGER, TO ME KNOWN TO BE THE PERSON  
DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, CARL P. OLSON, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF  
THE STATE OF NORTH DAKOTA DO HEREBY CERTIFY THAT THE ATTACHED  
PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY OF  
SAID SUBDIVISION AND ALL DISTANCES SHOWN ON SAID PLAT ARE  
CORRECT; THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE  
SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN.

CARL P. OLSON, PROFESSIONAL LAND SURVEYOR  
NORTH DAKOTA LICENSE # LS-4687

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY  
APPEARED CARL P. OLSON, TO ME KNOWN TO BE THE PERSON  
DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

CITY OF FARGO ENGINEERING DEPARTMENT  
APPROVAL

APPROVED BY CITY ENGINEER THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_.

BRENDA E. DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY  
APPEARED BRENDA E. DERRIG, TO ME KNOWN TO BE THE PERSON  
DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

CITY OF FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 20\_\_\_\_.

JOHN GUNKELMAN, CHAIR  
FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY  
APPEARED JOHN GUNKELMAN, FARGO PLANNING COMMISSION CHAIR, TO  
ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE  
SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

CITY OF FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

TIMOTHY J. MAHONEY, MAYOR

ATTEST: STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA )  
 ) SS  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A  
NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY  
APPEARED TIMOTHY J. MAHONEY, MAYOR, CITY OF FARGO, AND STEVE  
SPRAGUE, CITY AUDITOR, CITY OF FARGO, TO ME KNOWN TO BE THE PERSONS  
DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

## Aaron Nelson

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**From:** Robert Ryan  
**Sent:** Tuesday, May 26, 2020 12:41 PM  
**To:** Aaron Nelson  
**Subject:** FW:  
**Attachments:** 20200526\_063349.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aaron,

This email is a protest against the planned development at Oak St. and 6 Ave. by Craig Development. I inspected other buildings of the size proposed, and there does not appear to be enough room for townhomes and an apartment building with enough surface parking spaces.

I would like to know dimensions of the lot, apartment building, parking lot and townhomes, and maybe there is room. Also, if enough neighbors protest, will the rezoning pass?

I attached a picture of the lot showing the garbage left from Craig dumping snow, I hope this will be cleaned up.

Thank you, Bob

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**From:** Robert Ryan <RRyan@FargoND.gov>  
**Sent:** Tuesday, May 26, 2020 12:16 PM  
**To:** Robert Ryan <RRyan@FargoND.gov>  
**Subject:**

Sent from my Verizon, Samsung Galaxy smartphone







## Aaron Nelson

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**From:** Pearson, Carol <carol.pearson@ndus.edu>  
**Sent:** Tuesday, August 27, 2019 3:23 PM  
**To:** Aaron Nelson  
**Subject:** Fw: Craigs Oak Grove Addition

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Pearson, Carol <carol.pearson@ndus.edu>  
**Sent:** Tuesday, August 27, 2019 3:21 PM  
**To:** anelsson@fargond.gov <anelsson@fargond.gov>  
**Subject:** Fw: Craigs Oak Grove Addition

Hi Aaron!

I am sending again my letter as of Feb. 28, 2019, regarding the Craig addition. I wanted to be sure it was recorded as part of public input. The updated report (updated Jan 10 2019) mentions only one letter from a neighbor as well as calls, etc. So I wanted to be sure that my letter from Feb. is acknowledged as part of public input.

Thanks! Carol

---

**From:** Pearson, Carol  
**Sent:** Thursday, February 28, 2019 6:06 PM  
**To:** Aaron Nelson <ANelson@fargond.gov>  
**Cc:** Pearson, Carol <carol.pearson@ndus.edu>  
**Subject:** Re: Craigs Oak Grove Addition

Hi Aaron!

I will be on a plane in a few minutes and thus will be unable to attend tonight's meeting.

Below, I list some of my concerns about the Craig development:

I am writing as a neighbor in the Oak Grove neighborhood. I have many concerns about the Craig development.

My issues have to do with the potential development as it has evolved in the last several years, all related to, or under the auspices of, Jesse Craig development entities.

Members of our neighborhood have repeatedly expressed concerns about this development: letters, petitions and people speaking out at planning and commission meetings have all evidenced the strength of the feelings in the neighborhood.

As the Horace Mann Neighborhood Association has articulated:

*There are few other neighborhoods in Fargo Moorhead that have such a tight-knit small-town feel. Tree-lined streets, parks and playgrounds and wonderful gardens entice walkers and bikers of all ages. Accessible downtown local businesses, architectural details on the fine historic homes and friendly neighbors are all a part of this strong neighborhood.*

We want dialog with City of Fargo departments, nearby businesses and institutions, Fargo Police, and the media — in addition to dialog with any developers considering building in our area. This meeting tonight (28 February) represents a coming together of the developer with Horace Mann Neighborhood Association. I'm not yet sure it represents a dialog.

Our neighborhood residents enjoy the diversity of the population that calls this neighborhood home. Seniors and students, families with and without children — appreciation for all walks of life is the backbone to the vibrancy found here. Equally diverse are the homes, ranging from grand and historic to small and quaint. Most of the homes were built between 1890 and 1950. Many properties have benefitted from thoughtful renovations and restorations. Lower-priced, fixer-upper homes with rich details and solid 'bones' can also be found among some of the most reasonably priced single family homes in FM.

Our Oak Grove neighborhood has received designation as a National Historic Neighborhood. Any future development should take this status into consideration. We want to strengthen our strong neighborhood, as it is a unique treasure in FM.

Several points specific to this development:

—Many of the homes included in this plat are among the most historic in Fargo, dating from the 1890s. Renovations that would keep these homes viable and beautiful, instead of being razed, would better contribute to the tenor of our neighborhood. As Jim Laschkewitsch, et al, stated in a recent letter (22 February) to the Forum: "Approving demolition of single-family homes to be replaced by large-scale, high-density developments is not a sustainable, long-term solution for core neighborhoods."

—The development is at the choke point of traffic circulation in our neighborhood.

—Zoning changes represented by PUDs seem to be too easily obtained. Again quoting Laschkewitsch et al: "Skirting the enforcement of residential protection standards by the overapplication of PUDs is problematic and short-sighted".

—If multi-story, high density apartment buildings are raised on the ridge exactly adjacent to the west border of Wildflower Grove park, I feel the beauty and wild feel of the park would be heavily affected by the presence of these apartments looming above the ridge line.

As Paul Seminary stated in a previous letter to planning: "We understand and believe in city growth. But we want to emphasize that the growth should follow the design of the neighborhood....Our concern is for our neighborhood and those that live here. Can you show me how the Oak Grove project enhances this neighborhood? I am not aware of any [benefits]. I can only see that there are 2 entities that will profit from this project and it is not the people in this neighborhood."

I believe, with the Laschkewitsch et al statement in the Forum article, “a pause in zoning modifications from further high-density projects is necessary in core neighborhoods until the city completes its 2019 core neighborhood plan.”

I maintain that supporting and encouraging the unique and vital character of the Oak Grove neighborhood will lead to a better and stronger Fargo-Moorhead community.

Carol Pearson

On Feb 26, 2019, at 3:24 PM, Aaron Nelson <[ANelson@fargond.gov](mailto:ANelson@fargond.gov)> wrote:

All,

As some of you know (or as all of you may know), Jesse Craig will be discussing his preliminary development concept for the recently platted *Craigs Oak Grove Addition* with the Horace Mann Area Neighborhood Association at 7:00pm this Thursday, February 28 at the Northport branch of the Fargo Public Library—2714 Broadway N.

In addition, staff will be working with Jesse for him to try and schedule a larger neighborhood open house, for which there would be a broader notification process (likely involving mailings to adjacent residents and property owners) prior to the submittal of any development applications. Jesse is currently looking at mid-March for possible meeting dates. I will try to keep you all informed as these discussions progress. Jesse suggested that this may be worth discussion at Thursday’s meeting as well.

Thank you,

Aaron M. Nelson, AICP

Planning Coordinator | Department of Planning & Development  
City of Fargo | 225 Fourth Street North | Fargo, ND 58102  
Phone: (701) 241-1475 | Email: [anelson@FargoND.gov](mailto:anelson@FargoND.gov)

## Regarding Oak Grove Apartment Building Project

I am writing this letter as we the neighborhood, feel very strongly about the welfare of our neighborhood. Our concerns on how a proposed large apartment buildings in the Oak Grove area will negatively impact our neighborhood.

My name is Paul Seminary. I have lived in Fargo 57 of my 62 years. I have lived in different areas of Fargo during my life. I purchased my home at 59 6<sup>th</sup> Ave North in 2001. One of the reasons I decided to make my life in this neighborhood is this great Neighborhood. This part of town is 112 years old, with older homes and neighborhood designs. It is a history of our great city. There are signs of when the city was first started, like a piece of the track from the Trolley cars that used to run up and down the street. The houses are of historical designs. Our home was built in 1905 and there are other homes that were built earlier than ours. Our neighborhood is part of the historical district. The proposed 2 large apartment buildings would not fit the footprint of this neighborhood. We want to keep the historical footprint alive in our neighborhood.

We understand and believe in city growth. But we want to emphasize that the growth should follow the design of the neighborhood. The proposed apartment complex is a very large project that doesn't fit the footprint of this historical neighborhood. It would be like me wanting to build a house in the parking lot of West Acres. That would not fit the footprint of the commercial area. The apartment complex does not fit the footprint of this residential neighborhood.

Some of the concerns of the residents in this neighborhood from my understanding are:

Family. As mentioned above many of the families in this neighborhood are ones with young children. Increase in traffic can impact neighborhood safety.

Traffic. Craig Development has said that the design plan for the apartments is for one car stall per bedroom. This would roughly mean that the traffic up and down our busy street would increase by ~550 per day, not including visitors to the apartment occupants. As to why this would affect the traffic so severely, there are only 2 ways in and out (6<sup>th</sup> Ave and Oak St) of the complex. This would be in addition to the current busy traffic that already uses 6<sup>th</sup> Ave North and adjacent streets and avenues. This street is the main transportation to and from Oak Grove school and park area.

Has there been a road and traffic survey done for these streets and avenues? Will the current streets be able to withstand increased traffic flow – we have already been assessed taxes with the lights and sewer projects. Plus the increase in property taxes due to increase in home assessments. Most of the households in this neighborhood are older families or new families – we aren't able to absorb additional assessments.

Safety. Recently on the news there has been several crimes occurring amongst apartment complexes, theft, vandalism, and murder...Savanna Greywind Murder for example. Also in the news on November 7<sup>th</sup> Stonebridge and another apartment management firm sent their tenants letters about

locking their cars even if they were in the garage due to criminal activity. Please do not put us in that kind of risk by building this large of an apartment complex.

Flood Protection. If Craig Development needs to alter the existing permanent dyke built by the city, Craig Development should have to extend blanket insurance coverage within the parameters of the 300 feet set by the city to protect those individuals within the said footprint. For examples, when the levee broke in Grand Forks/East Grand Forks or the levees in New Orleans and closer to home, when the wall broke at Oak Grove School and many other examples.

As mentioned earlier, Oak Grove is a residential district and to compare our neighborhood to Downtown Fargo which is a business district is like comparing apples to oranges.

Our concern is for our neighborhood and those that live here. Can you show me how the Oak Grove project enhances this neighborhood. I am not aware of any. I can only see that there are 2 entities that will profit from this project, and it is not the people in this neighborhood.

Tax Credit. Why should Craig Development Company receive tax breaks to build HIS buildings when the city has already raised our property taxes. The people are tired of these tax breaks. Especially when the people of this neighborhood do not want these apartment buildings in THEIR neighborhood. The buildings Do Not fit the Footprint of this 112 year old neighborhood.

I know there was another resident in our neighborhood that collected signatures for a petition showing concerns for this project. Unfortunately this person became ill and wasn't able to continue this fight. The collection of signatures from this neighborhood shows us and should show the city that there are many concerns regarding this project in this neighborhood.

Have you been able to acquire the lists from Craig Development on whom he said he has contacted personally and the list of the people he notified from the September meeting?

Has there been any land surveys in the past proposed building site area and if so, what was the results from those surveys. Has this information been taken into account and if so how?

A majority of the people in this neighborhood aren't able to come to a meeting during their work hours. This does not mean that they do not care or are in agreement with this project but just that they can't leave work to come. They may not have vacation time to take or a boss that will allow time away from work. Just because there has been low numbers at the meetings, this does not mean the neighborhood residents do not care about this Oak Grove project, because they do. As the petition you have already received earlier shows that. This is a great neighborhood with historical value to the city of Fargo... we want to preserve these elements, the reason families have chosen to live in Oak Grove area.

Thank you for your time and assistance in this important matter. Please contact myself with any questions. My cell is 701-367-5421. I look forward to your reply and information request.

Paul Seminary



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Boulger First Addition	<b>Date:</b>	5/28/2020
<b>Location:</b>	113 and 123 10th Street South; 1013, 1015, and 1019 2nd Avenue South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Lots 8-12, Block 15, Original Townsite to the City of Fargo, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Bba LLC/Boulger Funeral Home Inc./Houston Engineering	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (replat of Lots 8-12, Block 15, Original Townsite to the City of Fargo, Cass County, North Dakota.); <b>Zoning Change</b> from MR-3 Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Residential, commercial		<b>Land Use:</b> Commercial	
<b>Zoning:</b> GC, General Commercial and MR-3, Multi-Dwelling Residential		<b>Zoning:</b> GC, General Commercial	
<b>Uses Allowed:</b> <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, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events <u>MR-3, Multi-Dwelling</u> allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.		<b>Uses Allowed:</b> GC—no change in allowed uses	
<b>Maximum Building Coverage Allowed in GC:</b> 85% <b>Maximum Density Allowed in MR-3</b> 24 dwelling units per acre		<b>Maximum Building Coverage:</b> 85%	
<b>Proposal:</b>			
The applicant requests two entitlements: <ol style="list-style-type: none"> <li>1. A minor subdivision entitled <b>Boulger First Addition</b>, which is a replat of Lots 8-12, Block 15, Original Townsite to the City of Fargo, Cass County, North Dakota</li> <li>2. A zoning change from MR-3 Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial on the Boulger First Addition.</li> </ol> <b>.Surrounding Zoning Districts and Land Uses:</b> <ul style="list-style-type: none"> <li>• North: GC with commercial uses</li> <li>• East: MR-3 with parking lot and residential uses</li> <li>• South: SR-2, Single Dwelling Residential with Cass County Government Building</li> <li>• West: MR-3 with residential uses</li> </ul>			

<b>Area Plans:</b>
The subject property is not included in an growth plan or neighborhood plan.
<b>Schools and Parks:</b>
<p><b>Schools:</b> The subject property is located within the Fargo Public School District, specifically within the Clara Barton/Hawthorne Elementary, Ben Franklin Middle and Fargo North High schools attendance areas.</p> <p><b>Neighborhood:</b> The subject property is located in the Downtown neighborhood.</p> <p><b>Parks:</b> The subject property is located approximately 0.25 miles west of Island Park, 616 1<sup>st</sup> Avenue South, which offers amenities of restrooms, concessions, and swimming pool.</p> <p><b>Pedestrian / Bicycle:</b> There are no on- or off-road pedestrian/bicycle/multi-use trails adjacent to the subject property.</p>
<b>Staff Analysis:</b>
<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>PLAT: The plat will create two lots in one block.</p> <p>ZONING: Four of the existing lots are zoned GC, General Commercial and one lot is zoned MR-3, Multi-Dwelling Residential. The zone change proposes to zone the entire area of the plat to GC, General Commercial.</p> <p>PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.</p> <p>PROPOSED WAIVER OF CERTAIN RESIDENTIAL PROTECTION STANDARDS: If this project is approved, the western portion of the property will be rezoned to GC, General Commercial. As this GC zoned-area will abut a residentially-zoned (MR-3) property, the Land Development Code's (LDC) Residential Protection Standards will apply. The applicant proposes to modify certain requirements of the RPS, specifically:</p> <ul style="list-style-type: none"> <li>• Reduce the minimum setback from abutting side lot line (west property line) to seven feet to be consistent with the reduced landscape buffer; and</li> <li>• Request waiver to allow parking spaces in the front setback within 50 feet of an MR-zoned lot (the lot adjacent to the west); and</li> <li>• Reduce landscape buffer to seven feet in width based on a lot width of 70 feet in accordance with LDC Section 20-0704.E.4 "Waiver for Small Sites." A "Type A" residential protection buffer will be installed in the seven-foot wide side yard along the west edge of the parking expansion; the existing wood fence along the west property lines provides additional screening.</li> </ul> <p>The RPS waiver is done administratively and is not part of the entitlements before the Planning Commission with this item. In fact, the applicant cannot apply for the RPS waiver until the project has been approved and the zone has changed. However, as the proposed modification of the RPS is part of the overall project design, staff felt note of it should be made at this time.</p>
<b><u>FINDINGS</u></b>
<b><u>Zoning</u></b>
Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:
<p>1. <b>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?</b></p> <p>Staff is unaware of any error in the zoning map as it relates to this property. The existing zoning on this property is GC, General Commercial and MR-3, Multi-Dwelling Residential. The proposed zoning is to change the MR-3 zoned portion of this property to GC, so the entire property is under one zoning designation. <b>(Criteria Satisfied)</b></p>

**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. Lots in the subdivision will front on dedicated public streets. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received a few inquiries from the public. 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." This property is not included in a growth plan or neighborhood plan. Staff finds this proposal is consistent with the purpose of the LDC and other adopted policies of the City. **(Criteria satisfied)**

**Minor Subdivision**

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

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

The subdivision is intended to replat the subject properties into two lots. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has a few inquiries from the public. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of 1) zone change from MR-3, Multi-Dwelling Residential and GC, General Commercial to GC, General Commercial; and 2) the proposed a plat of the **Boulger First Addition** as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC,."

**Planning Commission Recommendation:** June 2, 2020

**Attachments:**

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

# Zone Change (MR-3 to GC) & Plat (Minor)

## Boulger First Addition

113 & 123 10th St S  
1013, 1015 & 1019 2nd Ave S



### Legend

AG	DMU	GL	GO	LC	MR-1	MR-2	MR-3	MHP	NCO	P/I	UML	City Limits
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# Zone Change (MR-3 to GC) & Plat (Minor)

## Boulger First Addition

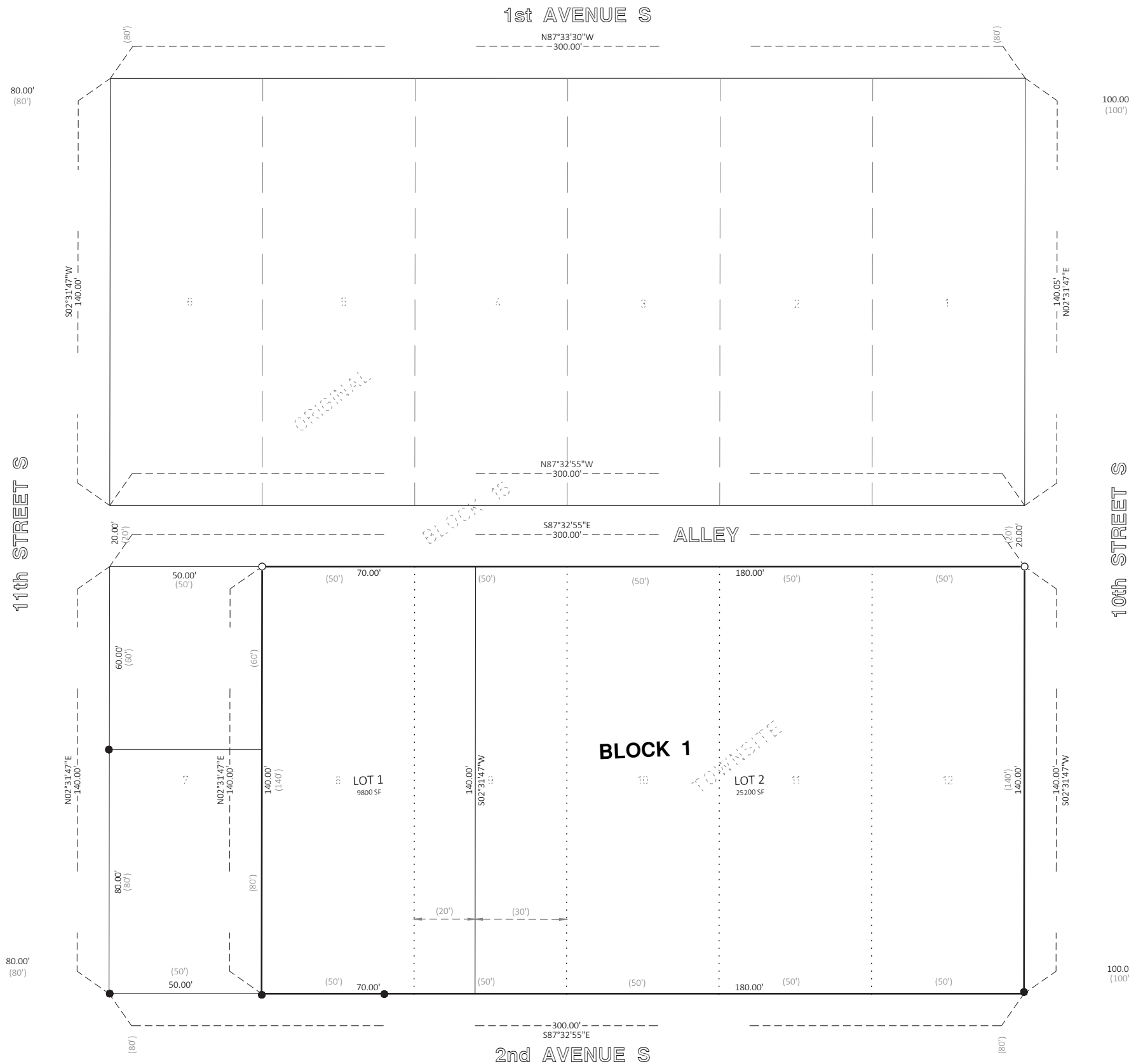
113 & 123 10th St S  
1013, 1015 & 1019 2nd Ave S





# BOULGER FIRST ADDITION

BEING A REPLAT OF LOTS 8 - 12, BLOCK 15, ORIGINAL TOWNSITE  
SECTION 7, T. 139 N., R. 49 W., 5th P.M.  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)



## LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—
LOT LINE	---
UTILITY EASEMENT	- - - - -
EXISTING LOT LINE	- - - - -
EXISTING UTILITY EASEMENT	- - - - -
NEGATIVE ACCESS EASEMENT	XXXXXX

BEARINGS SHOWN ARE BASED ON THE  
CITY OF FARGO HORIZONTAL DATUM

## NOTE:

1. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

BOULGER FIRST ADDITION
BEING A REPLAT OF LOTS 8 - 12, BLOCK 15, ORIGINAL TOWNSITE
SECTION 7, T. 139 N., R. 49 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That BBA LLC, a North Dakota limited liability company; and Boulger Funeral Home, Inc., a North Dakota corporation, are the owners and proprietors of the following described tract of land:

Lots 8, 9, 10, 11, and 12, Block 15, Original Townsite of Fargo, Cass County, North Dakota.

Said tract of land contains 35,000 square feet, more or less.

And that said parties have caused the same to be surveyed and re-platted as BOULGER FIRST ADDITION to the City of Fargo, Cass County, North Dakota.

OWNERS:

Lot 1:
BBA LLC

Lawrence J. Boulger, Managing Member

State of North Dakota )
) ss
County of Cass )

On this \_\_\_\_ day of \_\_\_\_, 20\_\_, before me personally appeared Lawrence J. Boulger, Managing Member of BBA LLC a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said limited liability company.

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

Lot 2:
Boulger Funeral Home, Inc.

James B. Boulger, President

State of North Dakota )
) ss
County of Cass )

On this \_\_\_\_ day of \_\_\_\_, 20\_\_, before me personally appeared James B. Boulger, President of Boulger Funeral Home, Inc., a North Dakota corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said corporation.

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

SURVEYOR'S CERTIFICATE:

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

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

Curtis A. Skarphol,
Professional Land Surveyor No. 4723

State of North Dakota )
) ss
County of Cass )

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

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

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota )
) ss
County of Cass )

On this \_\_\_\_ day of \_\_\_\_, 20\_\_ before me personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

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

FARGO PLANNING COMMISSION APPROVAL:

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

John Gunkelman, Chair
Fargo Planning Commission

State of North Dakota )
) ss
County of Cass )

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

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

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

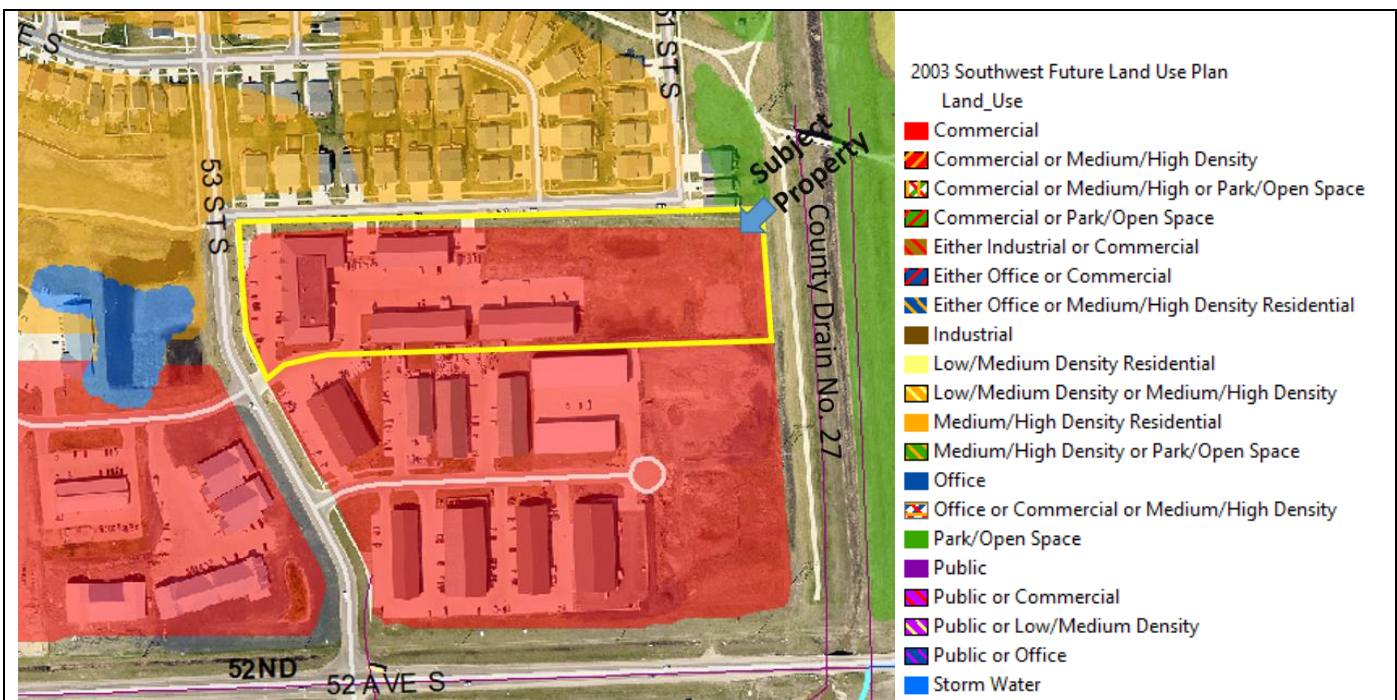
Attest:
Steven Sprague, City Auditor

State of North Dakota )
) ss
County of Cass )

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

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

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	South Forty at Osgood Third Addition	<b>Date:</b>	5/28/2020
<b>Location:</b>	5012-5076 53rd Street South and 5044-5256 50th Avenue South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Lot 6, Block 3, South Forty at Osgood Second Addition		
<b>Owner(s)/Applicant:</b>	Linn Grove Center/Enclave Development	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (replat of Lot 6, Block 3, South Forty at Osgood Second Addition)		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Commercial and Undeveloped		<b>Land Use:</b> Commercial	
<b>Zoning:</b> GC, General Commercial		<b>Zoning:</b> No change	
<b>Uses Allowed:</b> GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events <b>with Conditional Overlay Ordinance No. 4615 for development standards and conditional use permit for industrial uses in the GC, General Commercial zone.</b>		<b>Uses Allowed:</b> No change	
<b>Maximum Building Coverage:</b> 85%		<b>Maximum Building Coverage:</b> No change	
<b>Proposal:</b>			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A minor subdivision entitled <b>South Forty at Osgood Third Addition</b>, which is a replat of Lot 6, Block 3, South Forty at Osgood Second Addition</li> </ol> <p><b>.Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: SR-4, Single-Dwelling Residential with twinhomes</li> <li>• East: AG, Agricultural with County Drain 27</li> <li>• South: GC with commercial uses</li> <li>• West: GC with commercial uses; P/I, Public/Institutional with Osgood Park</li> </ul>			
<b>Area Plans:</b>			
<p>The subject property is included in the 2003 Southwest Future Land Use Plan, which designates the property as “Commercial.” The existing zoning is GC, General Commercial, which is included in the “Commercial” land use designation. No zone change is proposed.</p>			
(continued on next page)			



#### Schools and Parks:

**Schools:** The subject property is located within the West Fargo School District, specifically within the Osgood Elementary, Liberty Middle and Sheyenne High schools.

**Neighborhood:** The subject property is located in the Osgood neighborhood.

**Parks:** The subject property is located across 53<sup>rd</sup> Street South from Osgood Park (4951 47th Street South), which offers the amenities of basketball court; soccer and multipurpose fields; picnic table; grill; shelter; disc golf; recreational trails; and playgrounds for ages 2-5 and 5-12.

**Pedestrian / Bicycle:** A 10-foot wide multi-use path that is a component of the metro area trail system is located in the Southeast Cass Water Resources District property adjacent to the east of the subject property.

#### Staff Analysis:

**PROJECT HISTORY:** The applicant proposes to divide the existing lot into two lots. The area of proposed Lot 1 is mostly developed with small commercial and industrial uses. The area of proposed Lot 2 is, at this time, mostly undeveloped.

**ZONING:** No change to the current General Commercial zoning is proposed. The property is also covered by a conditional overlay (C-O), Ordinance No. 4615; and a conditional use permit (CUP) for industrial use in the GC, General Commercial zone. These C-O and CUP will continue in effect for both lots.

**PLAT:** The plat will create two lots in one block.

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

**DRAIN DEDICATION:** Pursuant to Land Development Code (LDC) Section 20-0610.F, the plat depicts the required notation and delineation of an area 175 feet from the centerline of a legal drain (County Drain 27, in this case). The applicant is required to dedicate this areas to the public for purposes of such drain., Only approximately 32 feet of this dedication is actually on the subject property. No waiver of drain setback is requested.

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.



## **FINDINGS**

### **Minor Subdivision**

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

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

The 2003 Southwest Future Land Use Plan designates the land use on the subject property as "Commercial," which includes the current GC, General Commercial zoning district. No zone change is proposed. The GC zoning will accommodate the existing and proposed development. The existing conditional overlay and conditional use permit will carry through to this plat, as noted above. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received two inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

### **Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed a plat of the **South Forty at Osgood Third Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Article 20-06 and all other applicable requirements of the LDC,."

**Planning Commission Recommendation:** June 2, 2020

### **Attachments:**

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

# Plat (Minor)

## South 40 at Osgood Third Addition

5044, 5136, 5220 & 5256 50th Ave S  
5012, 5052, 5060, 5068 & 5076 53rd St S



### Legend

AG	LC	MHP	SR-2
DMU	MR-1	UVC	SR-3
GC	MR-2	UPL	SR-4
GO	MR-3	UML	SR-5
			City Limits



# Plat (Minor)

## South 40 at Osgood Third Addition

5044, 5136, 5220 & 5256 50th Ave S  
5012, 5052, 5060, 5068 & 5076 53rd St S





# SOUTH FORTY AT OSGOOD THIRD ADDITION

TO THE CITY OF FARGO, A REPLAT OF LOT 6, BLOCK 3, SOUTH FORTY AT OSGOOD  
SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

**OWNER'S CERTIFICATE:**

KNOW ALL PERSONS BY THESE PRESENTS: That LINN GROVE CENTER, LLC are the owners of a parcel of land located in that part of the East Half of the Southwest Quarter of Section 33, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lot 6, Block 3 of **South Forty at Osgood Second Addition** to the City of Fargo, as filed and on record at the office of the County Recorder, as Document #1207292 Cass County, North Dakota.

Containing 285,868 SQ. FT., more or less.

Said owner have caused the above described parcel of land to be surveyed and replatted as **South Forty at Osgood Third Addition** to the City of Fargo, Cass County, North Dakota.

Owner  
LINN GROVE CENTER, LLC  
James D. Carlson, CEO

State of North Dakota )  
 )ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared James D. Carlson, CEO, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of LINN GROVE CENTER, LLC.

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

**MORTGAGEE:**  
First International Bank & Trust

Greg Mastrud, President Commercial Lending

State of North Dakota )  
 )ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Greg Mastrud, President Commercial Lending, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of First International Bank & Trust.

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

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:**

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

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

Joshua J. Nelson  
Professional Land Surveyor No. LS-27292

State of North Dakota )  
 )ss  
County of Cass )

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

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

**CITY ENGINEER'S APPROVAL:**

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

Brenda E. Derrig, P.E., City Engineer

State of North Dakota )  
 )ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Brenda E. Derrig, Fargo City Engineer, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same as her free act and deed.

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

**FARGO PLANNING COMMISSION APPROVAL:**

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

John Gunkelman, Chair  
Fargo Planning Commission

State of North Dakota )  
 )ss  
County of Cass )

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

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

**FARGO CITY COMMISSION APPROVAL:**

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

Timothy J. Mahoney, Mayor

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

State of North Dakota )  
 )ss  
County of Cass )

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

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

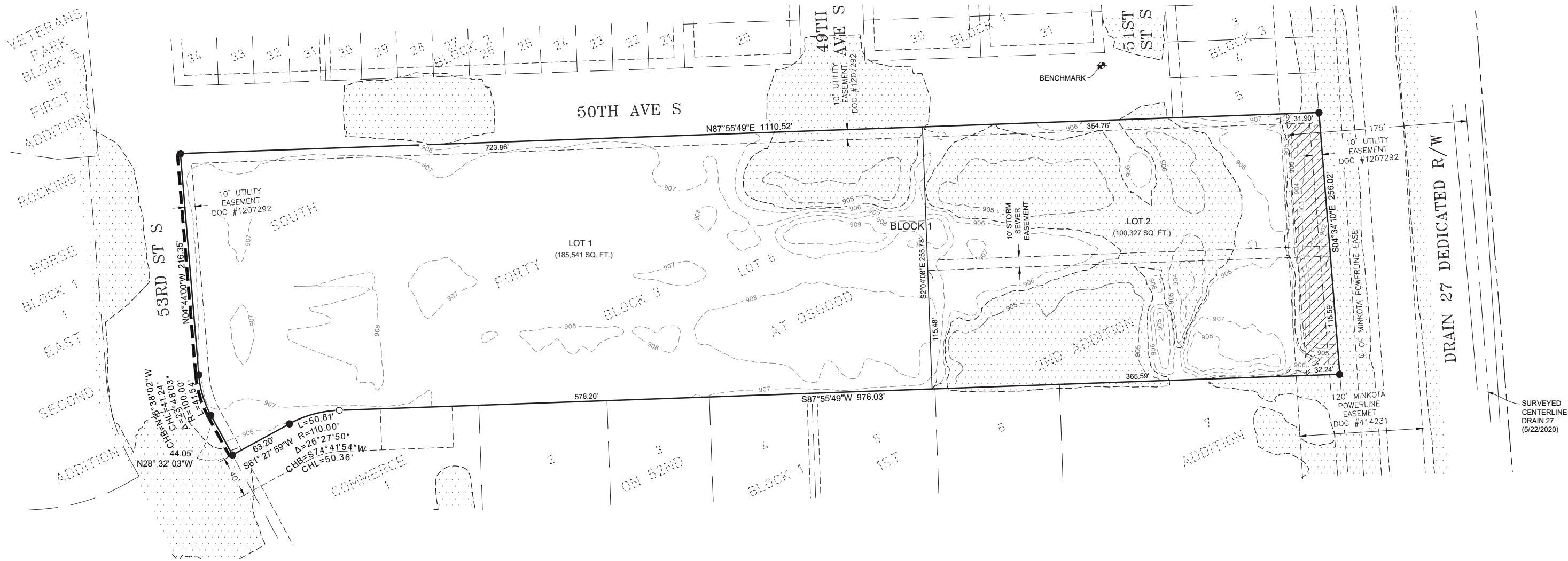
**Mead  
& Hunt**  
Phone: 701-566-6450  
meadhunt.com

**PRELIMINARY**

PROJECT NO.  
4291800-201085.01  
SHEET 1 OF 2

# SOUTH FORTY AT OSGOOD THIRD ADDITION

TO THE CITY OF FARGO, A REPLAT OF LOT 6, BLOCK 3, SOUTH FORTY AT OSGOOD  
SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

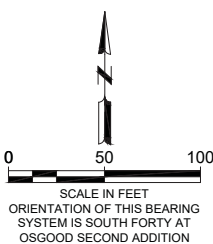


## LEGEND

●	MONUMENT IN PLACE
○	SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
(5,000)	LOT AREA (SQUARE FEET)
---	NEGATIVE ACCESS EASEMENT
---	EXISTING PROPERTY LINE
---	EXISTING EASEMENT LINE
---	NEW LOT LINE
---	PLAT BOUNDARY
---	MAJOR CONTOUR
---	MINOR CONTOUR
---	100 YR. FLOODPLAIN
---	DEDICATED TO THE PUBLIC FOR DRAIN 27 PURPOSES (LDC 20-0610(F))

## NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
- ACCORDING TO THE FEMA FLOOD MAPS 38017C0767G AND 38017C0786G HAVING AN EFFECTIVE DATE 1/16/2015, PARTS OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' AND HAS A BASE FLOOD ELEVATION OF 905.7' (NAVD88).
- CONTOUR INFORMATION SHOWN HEREON IS DERIVED FROM CITY OF FARGO 2017 CONTOUR DATA.
- BENCHMARK TOP NUT HYDRANT IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF 50TH AVENUE S AND 51ST ST S. ELEVATION = 908.42 (NAVD88)
- NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF SOUTH FORTY AT OSGOOD THIRD ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.



**Mead & Hunt**  
Phone: 701-566-6450  
meadhunt.com

**PRELIMINARY**

PROJECT NO.  
4291800-201085.01  
SHEET 2 OF 2



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	West Park Fourth Addition	<b>Date:</b>	5/28/2020
<b>Location:</b>	233 41st Street South and 260 42nd Street South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Lot 2 and part of Lot 8, Block 4, West Park Second Subdivision		
<b>Owner(s)/Applicant:</b>	Minda, LLC / Interstate Engineering	<b>Engineer:</b>	Interstate Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (replat of Lot 2 and part of Lot 8, Block 4, West Park Second Subdivision)		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Industrial and undeveloped		<b>Land Use:</b> No change	
<b>Zoning:</b> LI, Limited Industrial		<b>Zoning:</b> No change	
<b>Uses Allowed:</b> LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.		<b>Uses Allowed:</b> No change	
<b>Maximum Building Coverage:</b> 85%		<b>Maximum Building Coverage:</b> No change	
<b>Proposal:</b>			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A minor subdivision entitled <b>West Park Fourth Addition</b>, which is a replat Lot 2 and part of Lot 8, Block 4, West Park Second Subdivision.</li> </ol>			
<p><b>Surrounding Zoning Districts and Land Uses:</b></p> <ul style="list-style-type: none"> <li>• North: LI with industrial uses</li> <li>• East: LI with industrial uses</li> <li>• South: LI with industrial uses</li> <li>• West: LI with City-owned lift station</li> </ul>			
<b>Area Plans:</b>			
The subject property is not included in a growth plan or neighborhood plan. No zone change is proposed.			
<b>Schools and Parks:</b>			
<p><b>Schools:</b> The subject property is located within the West Fargo School District, specifically within the L.E. Berger Elementary, Cheney Middle and West Fargo High schools.</p> <p><b>Neighborhood:</b> The subject property is located in the Village West neighborhood.</p> <p><b>Parks:</b> Village West Park (4415 9th Avenue Circle South) is located approximately 0.48 miles southwest of the subject property. This park offers amenities of basketball courts; skate park; dog park; multipurpose and soccer fields; recreational trails; picnic table; and playground for ages 5-12.</p> <p><b>Pedestrian / Bicycle:</b> There are no pedestrian or bicycle trails adjacent to the subject property.</p>			

**Staff Analysis:**

**PROJECT HISTORY:** The portion of Lot 4, Block 8, West Park Second Subdivision that is included in this plat is part of a City-owned lot that includes a lift station and recycling center, though the portion of this lot included in the plat is undeveloped. The City offered the undeveloped portion for sale to the adjacent owners. Platting the property was a requirement of the sale. The applicant, Minda ,LLC, has a purchase agreement for this portion of Lot 8, Block 4 that will be finalized when this plat is approved.

**PLAT:** The plat will create two lots in one block.

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

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.

**FINDINGS****Minor Subdivision**

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

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

The subject property is not included in an area plan or growth plan. The zoning is LI, Limited Industrial. No zone change is proposed. The LI zoning will accommodate the existing and proposed development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one inquiry. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed a plat of the **West Park Fourth Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 and all other applicable requirements of the LDC,."

**Planning Commission Recommendation:** June 2, 2020

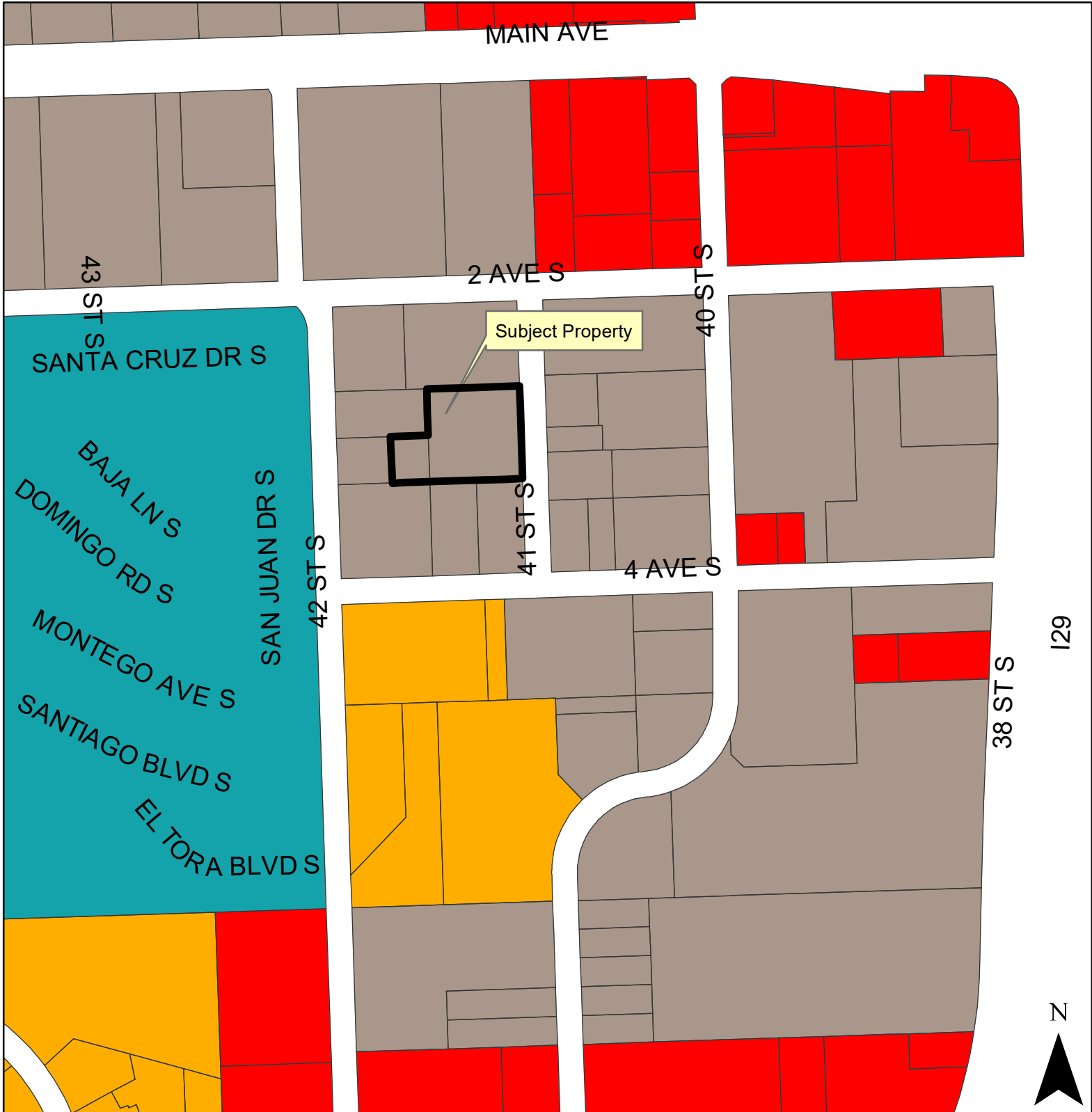
**Attachments:**

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

# Plat (Minor)

## West Park Fourth Addition

233 41st St S  
260 42nd St S



### Legend

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

300

Feet



# Plat (Minor)

## West Park Fourth Addition

233 41st St S  
260 42nd St S







<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Truesdell's Addition	<b>Date: Updated:</b>	5/28/2030
<b>Location:</b>	814, 818, and 822 Oak Street North	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description</b>	Lots 11, 12, 13, 14 Block 6 Truesdell's Addition		
<b>Owner(s)/Applicant:</b>	Arcadia Park View, LLC/Larry Carcoana	<b>Engineer:</b>	None
<b>Entitlements Requested:</b>	<b>Zone Change</b> (from SR-3, Single Dwelling Residential to SR-4, Single Dwelling Residential )		
<b>Status:</b>	Planning Commission Public Hearing: June 2, 2020		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Multi-Dwelling Residential (4-plexes)	<b>Land Use:</b> Duplexes
<b>Zoning:</b> SR-3, Single Dwelling Residential	<b>Zoning:</b> SR-4, Single Dwelling Residential
<b>Uses Allowed:</b> SR-3-- detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities'	<b>Uses Allowed:</b> SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density</b> 8.7 dwelling units per acre	<b>Maximum Lot Coverage</b> 12.1 dwelling units per acre

<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A zoning change from SR-3, Single Dwelling Residential to SR-4, Single Dwelling Residential</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Zoning Districts and Land Uses:</b></p> <ul style="list-style-type: none"> <li>• North: MR-2, Multi-Dwelling Residential with multi-dwelling buildings</li> <li>• East: P/I, Public/Institutional with baseball diamonds</li> <li>• South: SR-3, with detached residences</li> <li>• West: SR-3, with detached residences</li> </ul> <p><b>Area Plans:</b></p> <p>The subject property is not included in a growth plan or neighborhood land use plan.</p> <p><b>Context:</b></p> <p><b>Schools:</b> The subject property is located within the Fargo School District and is served by Horace Mann/Roosevelt Elementary, Ben Franklin Middle and Fargo North High schools.</p> <p><b>Neighborhood:</b> The subject property is located within Horace Mann neighborhood.</p> <p><b>Parks:</b> Mickelson Park and Softball Fields are east across Oak Street North from the subject property.</p>

**Pedestrian / Bicycle:** There are no bicycle or pedestrian trails adjacent to the subject property.

#### **Staff Analysis:**

The existing buildings are 4-plexes and were built in 1962, when the zoning was different on this property and allowed a different density. With the adoption of the current Land Development Code in 1998, this property was zoned to SR-3, Single Dwelling Residential. Thus, this lot now has more dwelling units on it than the current zoning allows.

The owner of this property, Arcadia Park View LLC, wants to turn these 4-plexes into duplexes—each building will have two units instead of four units, so there would be only six dwelling units on the property. The current SR-3 zoning would allow only five dwelling units, so the current zoning and existing development are not consistent. The SR-4 zone would allow a maximum of seven dwelling units on this lot.

Note that, despite the designation of the SR-3 and SR-4 zones as “single dwelling,” both zones allow duplexes. Neither one of these zones, however, allows any multi-dwelling structure---that is, anything greater than a duplex.

It is staff’s understanding from the applicant that the existing buildings would remain and be remodeled; no new or additional buildings would be built.

#### **Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-3. The property owner has requested a change to SR-4, which provides a density that will allow the proposed six dwelling units—three duplexes—on the property.

**(Criteria Satisfied)**

**2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The existing lots front on dedicated public streets. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received some inquiry phone calls about the project but not opposition. As the subject property is within the Horace Mann neighborhood, that neighborhood organization was advised of the project. No comment has been received. 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.” Staff finds this proposal is consistent with the purpose of the LDC, the applicable comprehensive plan, and other adopted policies of the City. **(Criteria satisfied)**

**.Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed zone change from SR-3, Single Dwelling Residential to SR-4, Single-Dwelling Residential as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC.”

**Planning Commission Recommendation:** June 2, 2020

**Attachments:**

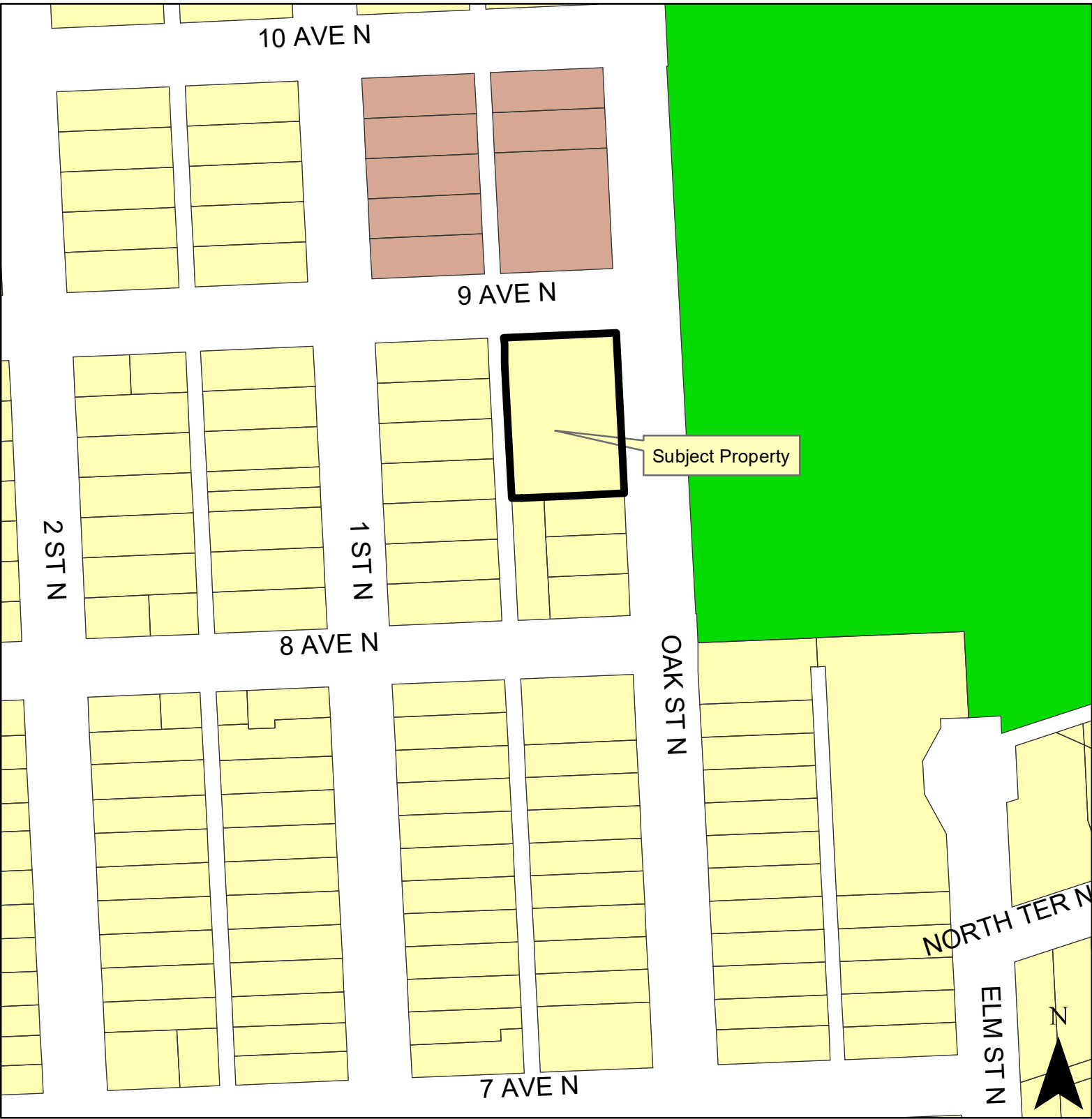
1. Zoning Map
2. Location Map



# Zone Change (SR-3 to SR-4)

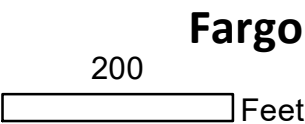
## Truesdells Addition

814, 818 & 822 Oak St N



**Legend**

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



Fargo Planning Commission  
June 2, 2020



# Zone Change (SR-3 to SR-4)

## Truesdells Addition

814, 818 & 822 Oak St N





**City of Fargo  
Staff Report**

<b>Title:</b>	Section 11, Township 138 North, Range 49 West Annexation	<b>Date:</b>	5/28/2020
<b>Location:</b>	7269 25th Street South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Approximately 35.44 acres of a portion of the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Sitka Investments, LLC / Jon Youness	<b>Engineer:</b>	Mead and Hunt
<b>Entitlements Requested:</b>	<b>Annexation</b> of approximately 35.44 acres of a portion of the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota		
<b>Status:</b>	Planning Commission Review: June 2, 2020		

**Proposal:**

The applicant has petitioned the City to annex approximately 35.44 acres of land that is currently within the city's four-mile extra-territorial jurisdiction. This area is undeveloped. A plat of the proposed annexation area is attached.

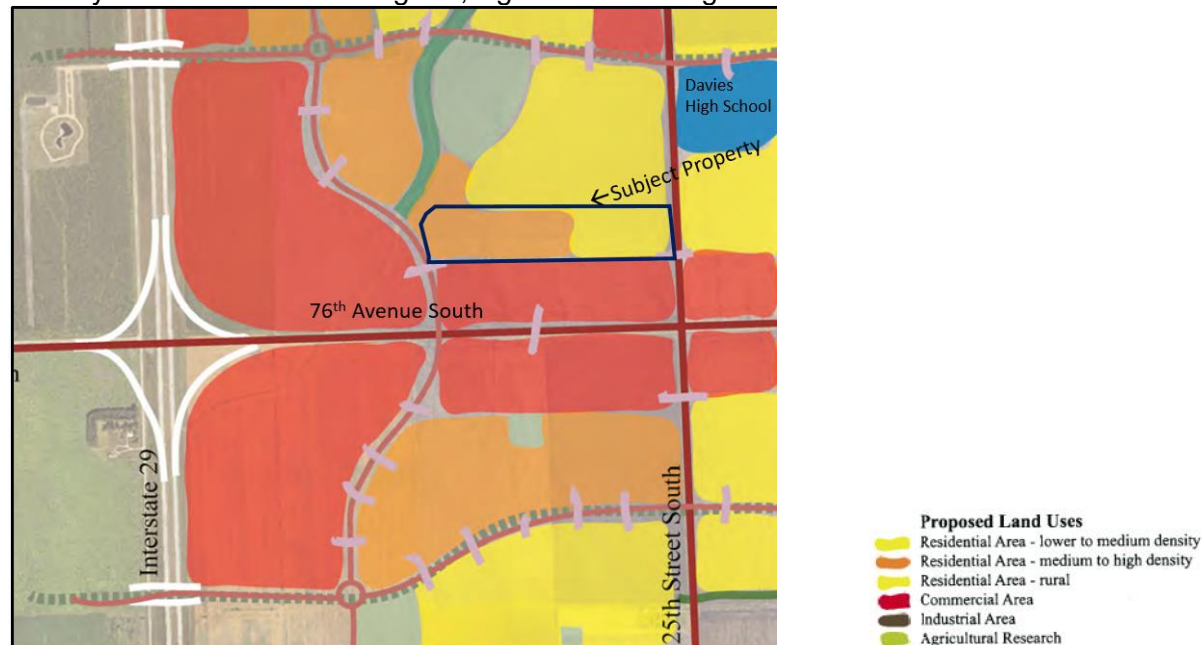
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

**Surrounding Zoning Districts and Land Uses:**

- North: SR-4, Single-Dwelling Residential; detached residences
- East: SR-4 and MR-2, Multi-Dwelling Residential; detached and multi-dwelling residences
- South: AG, Agricultural; undeveloped; in ETJ
- West: AG, Agricultural; County Drain 53 and undeveloped; in ETJ

**Area Plans:**

The 2007 South Fargo Tier 1 West Growth Plan, part of the 2007 Growth Plan, designates the area of this project as "Residential Area—Lower to Medium Density" and "Residential Area—Medium to High Density" land use. The existing AG, Agricultural zoning will remain at this time.

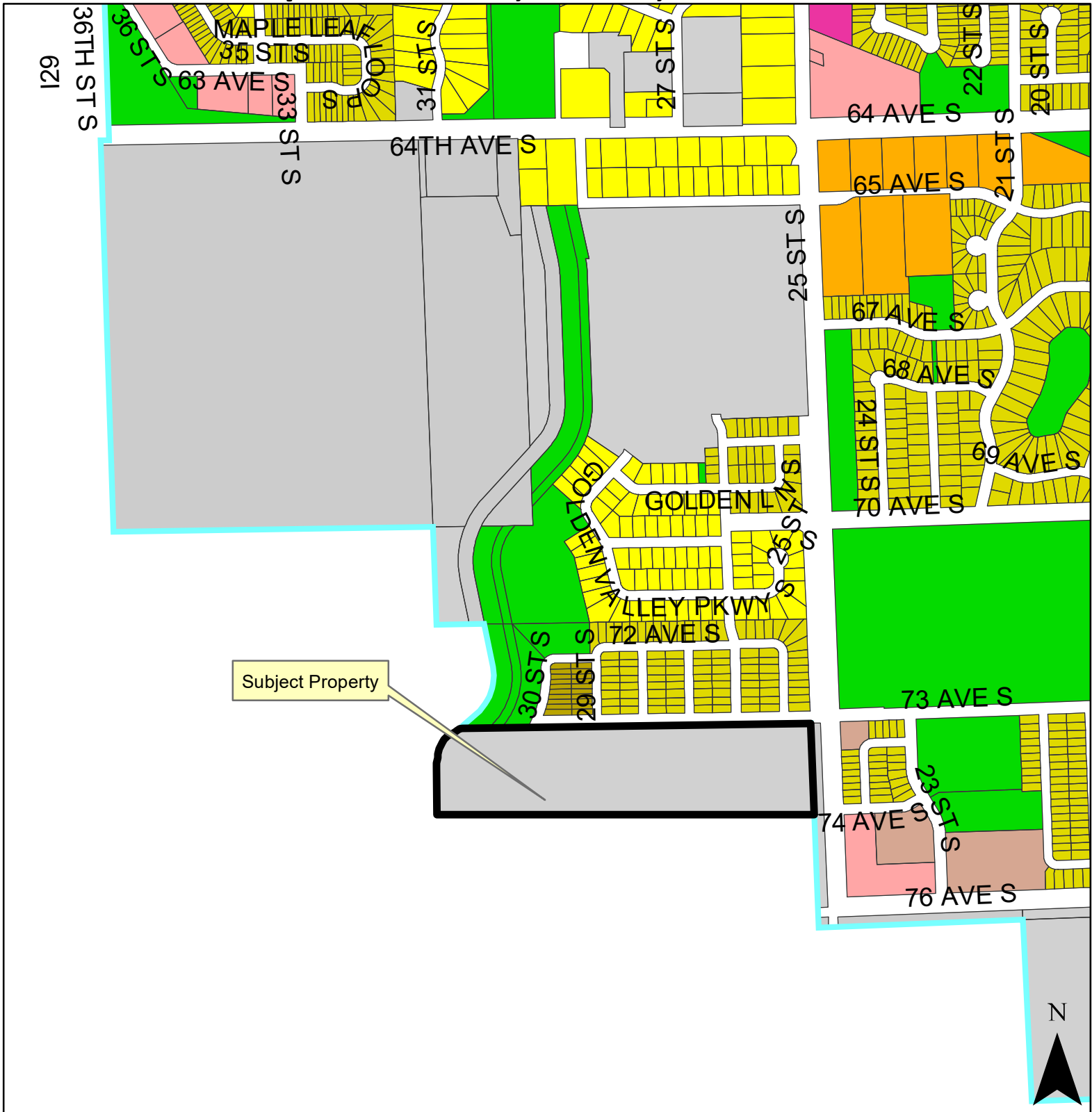


<b>Context:</b>
<p><b>Schools:</b> The subject property is located within the Fargo School District and is served by Bennett Elementary, Discovery Middle and North High schools.</p> <p><b>Neighborhood:</b> The subject property is not located within a designated neighborhood.</p> <p><b>Parks:</b> Golden Valley Park (6977 Golden Valley Parkway) is located approximately 750 feet north of the subject property and provides the amenities of basketball courts; shelter; playgrounds—ages 2-5 and 5-12.</p> <p><b>Pedestrian / Bicycle:</b> There are no on-road or off-road bike facilities adjacent to this property at this time, though future trail connections with the adjacent Golden Valley Additions to the north will be part of the future development of this property. .</p>
<b>Staff Analysis:</b>
<p><u><b>OWNERSHIP</b></u></p> <p>The entire property involved in the annexation is owned by the applicant, Sitka Investments, LLC. No existing residences or businesses are included in the annexation area. The primary reason for this annexation at this time is related to the reconstruction of County Drain 53 adjacent to the east side of this property.</p> <p><u><b>PLAN CONSISTENCY</b></u></p> <p>This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 South Fargo Tier 1 East Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo within the next 20 years (that is, by the year 2027).</p> <p>Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that “Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]” and that “Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development.” (page 55, 2007 Growth Plan). The proposed development is adjacent to existing residential development—Madelyn’s Meadows Second Addition---to the north, and is adjacent to 25<sup>th</sup> Street South. This location corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development:</p> <ul style="list-style-type: none"> <li>• Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services; and</li> <li>• Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property. (page 56, 2007 Growth Plan)</li> </ul> <p>The proposed development is consistent with the land use designations of the 2007 Growth Plan; no growth plan amendment is necessary for this project.</p> <p><u><b>CITY COMMISSION HEARING</b></u></p> <p>A hearing will be scheduled for this annexation at the City Commission subsequent to the Planning Commission hearing.</p>
<b>Staff Recommendation:</b>
<p>Staff recommends the Planning Commission find that the proposed annexation of approximately 35.44 acres of a portion of the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.</p>
<b>Planning Commission Recommendation:</b> June 2, 2020
<b>Attachments:</b>
<ol style="list-style-type: none"> <li>1. Zoning Map</li> <li>2. Annexation Petition</li> <li>3. Annexation Plat</li> </ol>



# Annexation

## Portion of SE 1/4 of Sec. 11, T138N, R49W

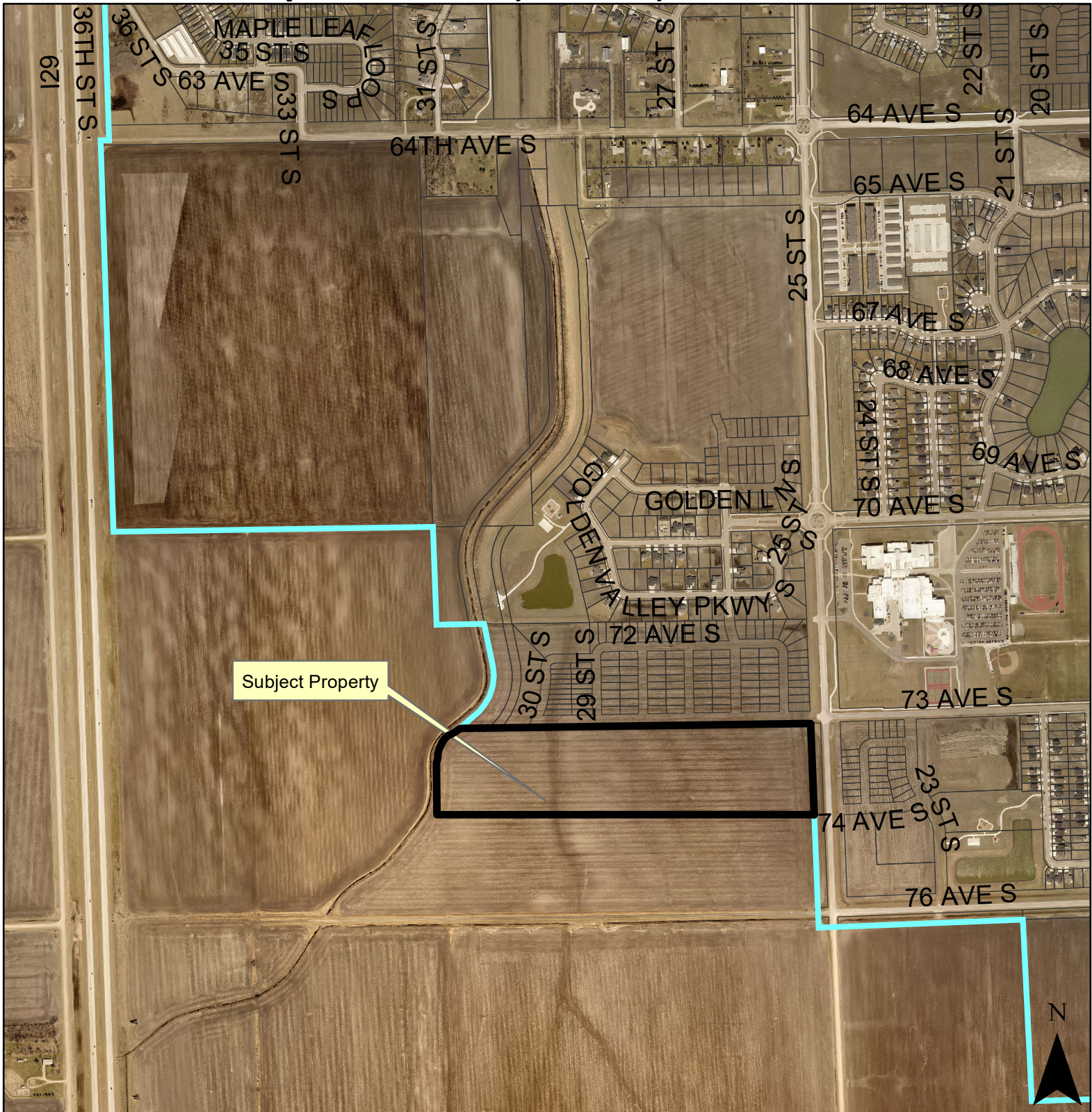




# Annexation

## Portion of SE 1/4 of Sec. 11, T138N, R49W

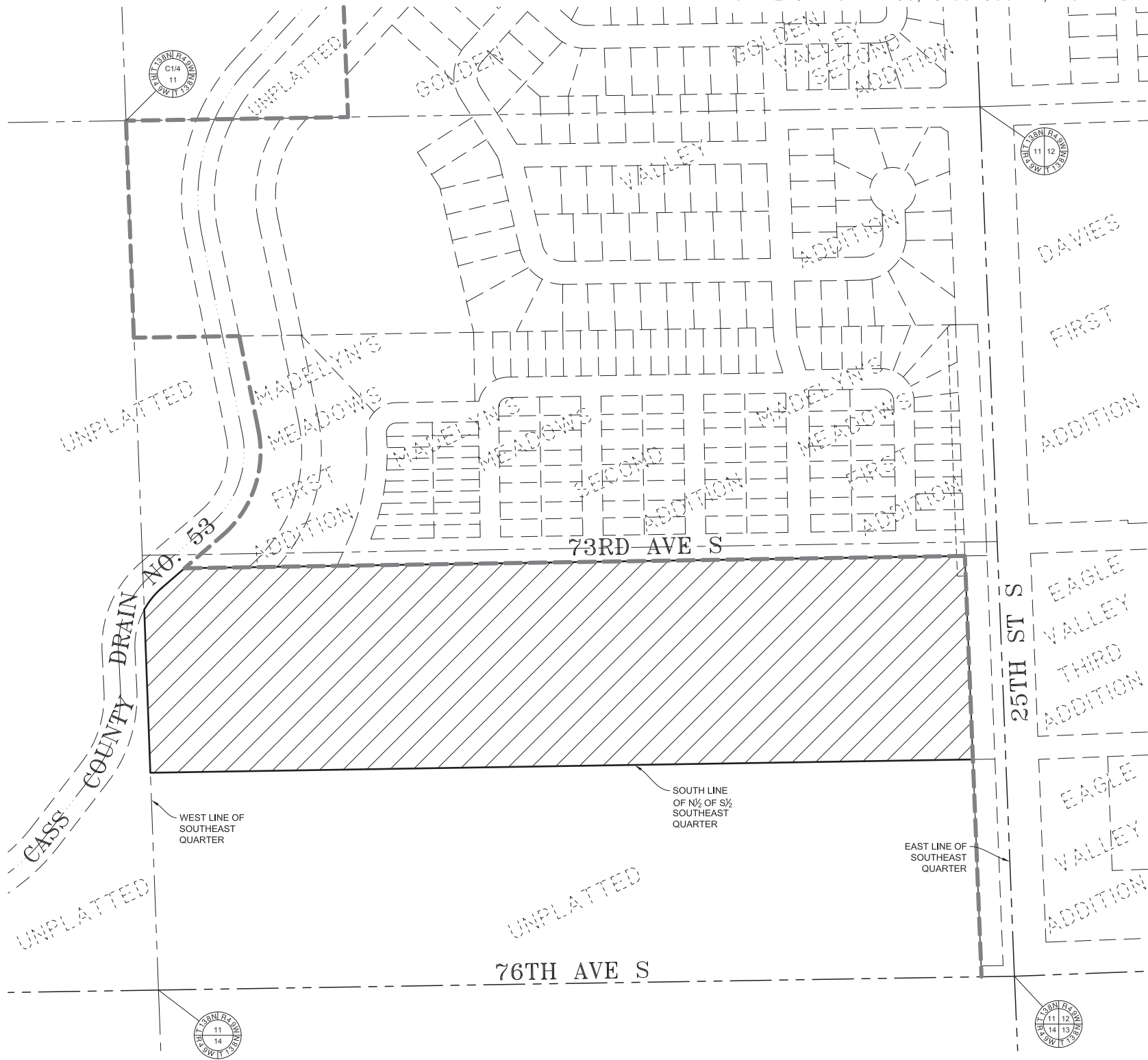
7269 25 St S





# ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



## ANNEXATION PLAT OF:

That part of the North Half of the South Half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence on an assumed bearing of North 02 degrees 16 minutes 07 seconds West along the east line of said Southeast Quarter, 661.81 feet to a point of intersection with the south line of the North Half of the South Half of said Southeast Quarter; thence South 89 degrees 04 minutes 25 seconds West along said south line, 100.02 feet to the point of beginning; thence continuing South 89 degrees 04 minutes 25 seconds West along said south line, 2,502.04 feet to the west line of said Southeast Quarter; thence North 02 degrees 08 minutes 25 seconds West along said west line, 495.65 feet to a point of intersection with the southeasterly right-of-way line of Cass County Drain No. 53; thence northeasterly along said southeasterly right-of-way line 84.83 feet on an arc of a non-tangential curve, concave to the southeast, having a radius of 236.48 feet, a central angle of 20 degrees 33 minutes 08 seconds, and a long chord which bears North 38 degrees 49 minutes 48 seconds East to the southwest corner of MADELYN'S MEADOWS FIRST ADDITION, according to the record plat thereof, said County; thence North 89 degrees 05 minutes 36 seconds East, along the south line of said plat, 2,373.63 feet; thence South 02 degrees 16 minutes 07 seconds East, 619.68 feet to the point of beginning.

Said tract contains 35.44 acres, more or less.

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Joshua J Nelson, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the area annexed; that said plat shows the City of Fargo Corporate limits contiguous to the annexed property.

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

Joshua J Nelson, PLS  
Professional Land Surveyor  
Registration No. LS-27292

State of North Dakota )  
County of Cass ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, appeared before me, Joshua J Nelson, 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\_\_.

Brenda E. Derrig, P.E.  
City Engineer

State of North Dakota )  
County of Cass ) SS

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

Notary Public, Cass County, North Dakota

## FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney  
Mayor


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

State of North Dakota )  
County of Cass ) SS

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

Notary Public, Cass County, North Dakota

## LEGEND

- EXISTING CITY LIMIT BOUNDARY
-  AREA TO BE ANNEXED

**Mead & Hunt**  
Phone: 701-566-6450  
meadhunt.com

PROJECT NO.  
465200-200823.01  
SHEET 1 OF 1

# PRELIMINARY