

FARGO PLANNING COMMISSION AGENDA
Tuesday, March 5, 2024 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of February 6, 2024

C: Public Hearing Items:

- 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial with a C-O, Conditional Overlay, MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed **Covey Ranch Third Addition**. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.) (me): CONTINUED TO APRIL 2, 2024
- 1b. Continued hearing on an application requesting a Plat of **Covey Ranch Third Addition** (Major Subdivision) a plat of an unplatted portion of the North Half of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.) (me): CONTINUED TO APRIL 2, 2024
2. Hearing on an application requesting a Plat of **Urban Plains by Brandt Eighth Addition** (Minor Subdivision) a replat of Lot 3, Block 1, Urban Plains by Brandt Seventh Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2975 Seter Parkway South) (Urban Plains Land Company, LLC/Gleason Companies/Lowry Engineering) (dk): CONTINUED TO APRIL 2, 2024
- 3a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential and GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional on the proposed **Brekke's Addition**. (Located at 213 24th Street South and 2401 3rd Avenue South) (Lake Agassiz Habitat for Humanity/City of Fargo) (ae): WITHDRAWN
- 3b. Continued hearing on an application requesting a Plat of **Brekke's Addition** (Minor Subdivision) a replat of Lots 8 and 9, Block 11, and adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggart's Subdivision, to the City of Fargo, Cass County, North Dakota. (Located at 213 24th Street South and 2401 3rd Avenue South) (Lake Agassiz Habitat for Humanity/City of Fargo) (ae)
4. Hearing on an application requesting a Plat of **Alex's First Addition** (Major Subdivision) a plat of an unplatted portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 5080 38th Street South) (KLC Holdings, LLC/Christianson Companies) (dk)

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

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

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

5. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential to SR-5, Single Dwelling Residential on Lot 1, Block 6, **Golden Valley Fourth Addition**. (Located at 6507, 6511, 6515, 6519, 6523, 6527, 6531, 6535, 6539, 6543 and 6547 28th Street South) (Jordahl Custom Homes, Inc) (dk)
6. Hearing on an application requesting a Plat of **The Pines at the District Sixth Addition** (Minor Subdivision) a replat of Lot 1, Block 1, The Pines at the District Fourth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5461 38th Street South) (Gitty-Up LLC/Houston Engineering) (ae)
7. Hearing on an application requesting a Plat of **NDSU Research and Technology Park Third Addition** (Minor Subdivision) a replat of Lots 1-4, Block 1, NDSU Research and Technology Park Second Addition and a portion of the Northwest Quarter of Section 36, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota. (Located at 1712 and 1734 NDSU Technology Circle North; 1650 and 1672 18th Street North; 1321 Albrecht Boulevard) (NDSU/MBN Engineering) (ae)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, February 6, 2024

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, February 6, 2024.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, John Gunkelman, Scott Stofferahn, Art Rosenberg, Jennifer Holtz, Thomas Schmidt, Brett Shewey (via conference call)

Absent: Maranda Tasa, Dawn Morgan

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Schneider noted Items 3a, 3b, 5a and 5b have been continued to March 5, 2024.

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

Item B: Minutes: Regular Meeting of January 2, 2024

Member Holtz moved the minutes of the January 2, 2024, Planning Commission meeting be approved. Second by Member Schmidt. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: North Pointe Industrial Addition

1a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay and P/I, Public and Institutional on the proposed North Pointe Industrial Addition. (Located at 1900, 2000, and 2220 57th Street North) (Chad Wendel/Moore Engineering, Inc./City of West Fargo/Southeast Water Resources District): APPROVED

1b. Hearing on an application requesting a Plat of North Pointe Industrial Addition (Major Subdivision) a plat of parts of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 1900, 2000, and 2220 57th Street

North) (Chad Wendel/Moore Engineering, Inc./City of West Fargo/Southeast Water Resources District): APPROVED

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

Member Schmidt 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 P/I, Public and Institutional, and 2) Subdivision Plat North Pointe Industrial Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, and Sections 20-0906.F(1-4) and 20-0907.C of the Land Development Code and all other application requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Shewey, Holtz, Rosenberg, Schmidt, Stofferahn, Gunkelman, and Schneider voted aye. Absent and not voting: Members Tasa and Morgan. The motion was declared carried.

Item 2: Interstate Business District Addition

2a. Hearing on an application requesting a Growth Plan Amendment on the proposed Interstate Business District Addition from Residential Area, Lower-to-Medium Density, Commercial, and Proposed Park to Industrial and Commercial. (Located at 4753 45th Street North and 4269 40th Avenue North) (Storage Kings ND, LLC; ARD Properties, LLC/ MBN Engineering): APPROVED

2b. Hearing on an application requesting a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition. (Located at 4753 45th Street North and 4269 40th Avenue North) (Storage Kings ND, LLC; ARD Properties, LLC/ MBN Engineering): APPROVED

2c. Hearing on an application requesting a Plat of Interstate Business District Addition (Major Subdivision) a plat of a portion of the West Half of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 4753 45th Street North and 4269 40th Avenue North) (Storage Kings ND, LLC; ARD Properties, LLC/ MBN Engineering): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He provided an overview of the history of the application, noting an informational meeting was held on January 18. Additional resident comments were provided to the Board.

Discussion was held on the changes to the C-O, Conditional Overlay from the previously applied for application, the number and type of billboards allowed on the property, and the difference between finished and unfinished product.

Assistant Director of Planning and Development Mark Williams spoke on the code regarding billboards.

Applicant Trent Duda spoke on behalf of the application. He provided clarification on statements he made in 2014 regarding development near his home and industrial zoning.

Applicant Representative Tom Nelson, Swan Real Estate, spoke on behalf of the application providing more history on the project.

The following Reile's Acres residents spoke in opposition to the application stating the following concerns: previous denial reasons of the application and not enough changes to it, decreased property values, the type, location, and timeline of the trees to be planted and grow, safety, noise, increased traffic, lack of shared information about what businesses will be going in, and desire for general commercial instead of industrial.

Paula Peterson, 4314 45 Street North
Kyla DuBord, 4106 45 Street North

Discussion was held on the types of homes that are currently in the Prairie Estates area and the uses of the current properties, and property values.

Lance Ziebarth, 3200 11 Street South, spoke in support of the application noting the concessions the applicant has made, planning staff has recommended approval, and a buffer will be put in place in addition to the drain that is already there.

Public comment continued with the following Reile's Acres residents speaking in opposition to the application stating the follow concerns: industrial buildings being dangerous and emitting particles into the air and producing waste, and negative impacts on the environment.

Mariia Goriacheva, 4534 39 Avenue North
Josh Morrell, 4534 39 Avenue North

The following Reile's Acres residents spoke in favor of the application stating the application is normal, appropriate, and expected for the location.

Jeff Odden, 4709 39 ½ Avenue North, Reile's Acres
Denis Oye, 4957 39 ½ Avenue North, Reile's Acres

At 4:01 p.m., the Board took a ten-minute recess.

After Recess: All members present except Members Tasa and Morgan. Chair Schneider presiding.

Mr. Williams provided clarification on the number of billboards and how many could be digital.

Discussion continued on the changes to the application, and the change of Lot 9 to GC, General Commercial with this application.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Growth Plan Amendment from Residential Area, Lower to Medium Density; Commercial; and Proposed Park to Industrial and Commercial, 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional, and 3) Subdivision Plat Interstate Business District Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, and Sections 20-0906.F(1-4), 20-0905(H), and 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Holtz, Gunkelman, Shewey, Stofferahn, Schmidt, Rosenberg, and Schneider voted aye. Absent and not voting: Members Tasa and Morgan. The motion was declared carried.

Item 3: Covey Ranch Third Addition

3a. Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial with a C-O, Conditional Overlay, MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Covey Ranch Third Addition. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.) (me): CONTINUED TO MARCH 5, 2024

3b. Hearing on an application requesting a Plat of Covey Ranch Third Addition (Major Subdivision) a plat of an unplatted portion of the North Half of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.) (me): CONTINUED TO MARCH 5, 2024

A Hearing had been set for this date and time; however the applicant has requested this application be continued to March 5, 2024.

Item 4: Autumn Fields Third Addition

Hearing on an application requesting a Plat of Autumn Fields Third Addition (Minor Subdivision) a replat of Lot 1, Block 8, Autumn Fields Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3166 and 3186 Sienna Drive

South; 4234 and 4220 31st Avenue South; 3181 42nd Street South) (Matrix Properties Corporation): APPROVED

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

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Autumn Fields Third Addition, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, adopted Area Plan, Southwest Area Plan, the Standards of Section 20-0907.B&C, and Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schmidt. On call of the roll Members Schmidt, Holtz, Stofferahn, Rosenberg, Shewey, Gunkelman, and Schneider voted aye. Absent and not voting: Members Tasa and Morgan. The motion was declared carried.

Item 5: Brekke's Addition

5a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential and GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional on the proposed Brekke's Addition. (Located at 213 24th Street South and 2401 3rd Avenue South) (Lake Agassiz Habitat for Humanity/City of Fargo): CONTINUED TO MARCH 5, 2024

5b. Hearing on an application requesting a Plat of Brekke's Addition (Minor Subdivision) a replat of Lots 8 and 9, Block 11, and adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggart's Subdivision, to the City of Fargo, Cass County, North Dakota. (Located at 213 24th Street South and 2401 3rd Avenue South) (Lake Agassiz Habitat for Humanity/City of Fargo): CONTINUED TO MARCH 5, 2024

A Hearing had been set for this date and time; however the applicant has requested this application be continued to March 5, 2024.

Item 6: Laverne's Fourth Addition

Hearing on an application requesting a Plat of Laverne's Fourth Addition (Minor Subdivision) a replat of Lots 1-6, Block 3, Laverne's Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 3033, 3101, and 3181 43rd Street North; 3030, 3100, and 3190 42nd Street North) (Laverne Indy, LLC/Houston Engineering): APPROVED

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

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Laverne's Fourth Addition, as outlined within the staff report, as the proposal complies with the adopted 2007 Tier 1 Northwest Land Use Plan, the Standards of Article 20-06,

Section 20-0907.B&C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Rosenberg, Holtz, Shewey, Gunkelman, Stofferahn, Schmidt, and Schneider voted aye. Absent and not voting: Members Tasa and Morgan. The motion was declared carried.

Item D: Other Items:

Item 1: Annexation of approximately 54.71 acres of a portion of the Southwest Quarter of Section 29 and a portion of the, Northwest Quarter of Section 32, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota.: APPROVED

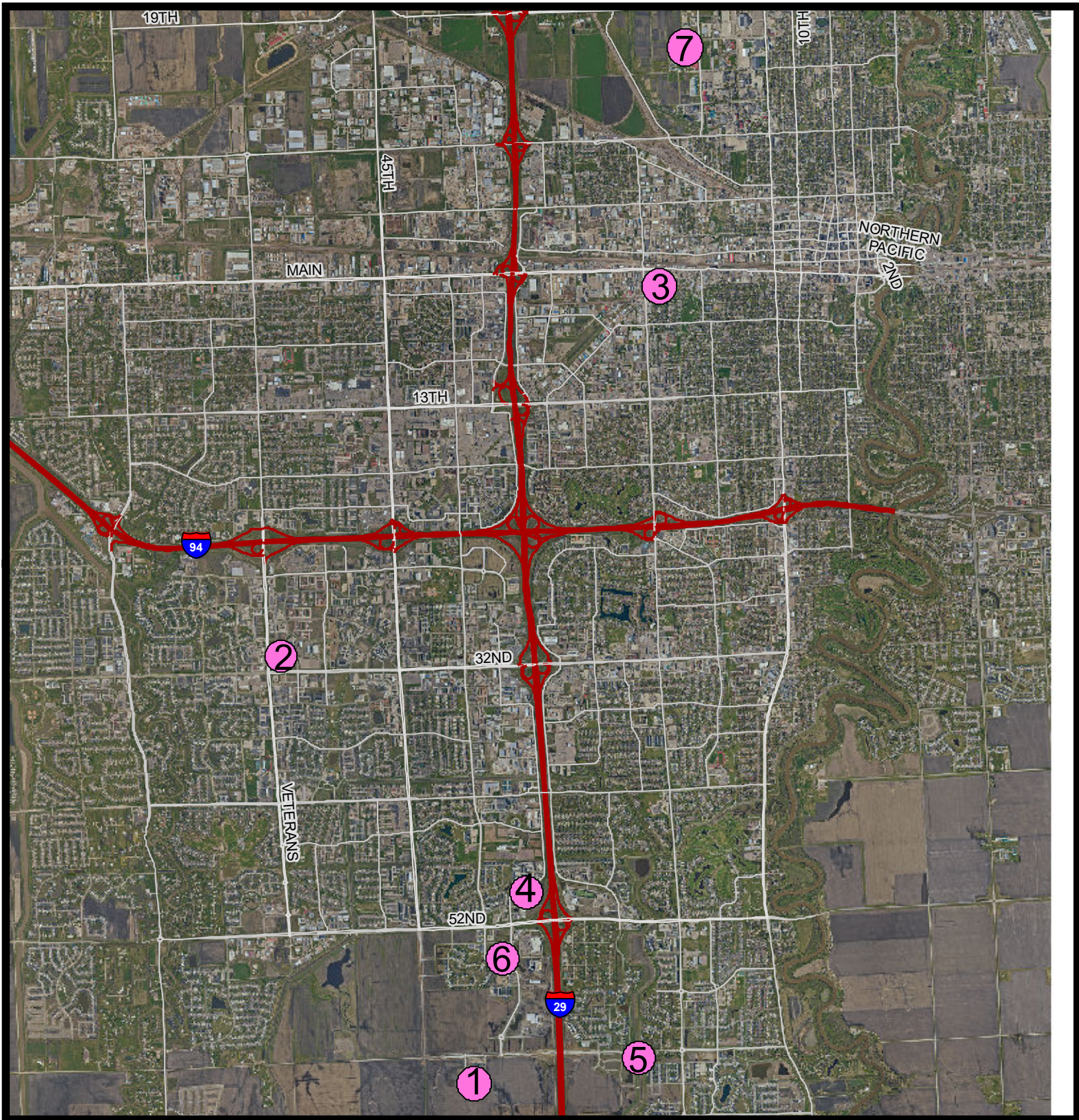
Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on responsibility and maintenance of the drain, and future plans for 19th Avenue North.

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

Member Stofferahn moved that the Planning Commission find the proposed annexation of a portion of the Southeast Quarter of Section 29 and a portion of the Northeast Quarter of Section 32, 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 Rosenberg. On call of the roll Members Gunkelman, Shewey, Rosenberg, Stofferahn, Schmidt, Holtz, and Schneider voted aye. Absent and not voting: Members Tasa and Morgan. The motion was declared carried.

The time at adjournment was 4:29 p.m.



Agenda Item Number

Continued Items:

- 1a & b -- Covey Ranch Third Addition
- 2 -- Urban Plains by Brandt Eighth Addition

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- 3b -- Brekke's Addition
 - 4 -- Alex's First Addition
 - 5 -- Golden Valley Fourth Addition
 - 6 -- The Pines at the District Sixth Addition
 - 7 -- NDSU Research and Technology Park Third Addition



Agenda Items Map

Fargo Planning Commission
March 05, 2024



0 0.4 0.8 1.6 2.4 3.2 Miles

City of Fargo Staff Report			
Title:	Brekke's Addition	Date:	02/28/2024
Location:	213 24 th Street South & 2401 3 rd Avenue South	Staff Contact:	Alayna Espeseth, Assistant Planner
Legal Description:	Lots 8 and 9, Block 11, and adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggart's Addition		
Owner(s)/Applicant:	Lake Agassiz Habitat for Humanity & The City of Fargo	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 8 and 9, Block 11 and the adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggarts Addition) (See Project History Note Below)		
Status:	Planning Commission Public Hearing: March 05, 2024		

Existing
Land Use: Undeveloped land & Utilities, Basic
Zoning: SR-4, Single-Dwelling Residential
Uses Allowed: SR-4, Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: SR-4 allows a maximum 12.1 units per acre
Maximum Lot Coverage Allowed: SR-4 allows up to 45% building coverage

Proposed
Land Use: Single-Family Residential & Utilities, Basic
Zoning: No change
Uses Allowed: No change
Maximum Density Allowed: No change
Maximum Lot Coverage Allowed: No change

Proposal:
The applicant requests one entitlement: 1. A minor subdivision, to be known as Brekke's Addition, a replat of Lots 8 and 9, Block 11 and the adjacent South Half of Vacated Alley, Egbert, O'Neil, and Haggarts Addition to the City of Fargo, Cass County, North Dakota. The minor subdivision will consist of 3 lots, 1 block. Project History Note: The original application was advertised to include a zone change. The zone change has since been withdrawn. The subject property was found to be zoned SR-4, Single-Dwelling Residential per Ordinance 4033. The subject property is located at 213 24th Street South & 2401 3rd Avenue South and encompasses approximately 0.34 acres. Habitat for Humanity is transferring land to The City of Fargo that will be included in Lot 3, Block 1 Brekke's Addition. The gift agreement will be completed prior to the City Commission hearing date. Surrounding Land Uses and Zoning Districts: • North: currently shown as GC, General Commercial on Zoning Map with household living uses; • East: SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential with household living uses; • South: SR-4, Single-Dwelling Residential with household living uses; • West: GC, General Commercial with office and retail, sales and service uses.

Area Plans:

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



Context:

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

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

Parks: The subject property is located 0.10 miles from 23 Street Park. Amenities include a playground for ages 5-12.

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

MATBUS Route: The subject property is located near Bus Route 20. One stop is located 0.10 miles to the north on the east side of 24th Street South and another stop is located on the south side of 3rd Avenue North 150 feet to the west of the subject property.

Staff Analysis:

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

Minor Subdivision

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

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

This subdivision is intended to replat the existing two lots into three new lots. The current zoning is SR-4, Single-Dwelling Residential. No zone change is proposed. The subject property is located within the Core Neighborhoods Master Plan, which designates the subject property as 'Multi-Family Residential'. Staff feels a zoning district designation of SR-4, Single Dwelling Residential is consistent with the Core

Neighborhoods Master Plan, as stated 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 no inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Brekke's Addition** as outlined within the staff report, as the proposal complies with the adopted Core Neighborhoods Master Plan, the standards of Article 20-06, Section 20-0907.B. and C of the LDC and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: March 05, 2024

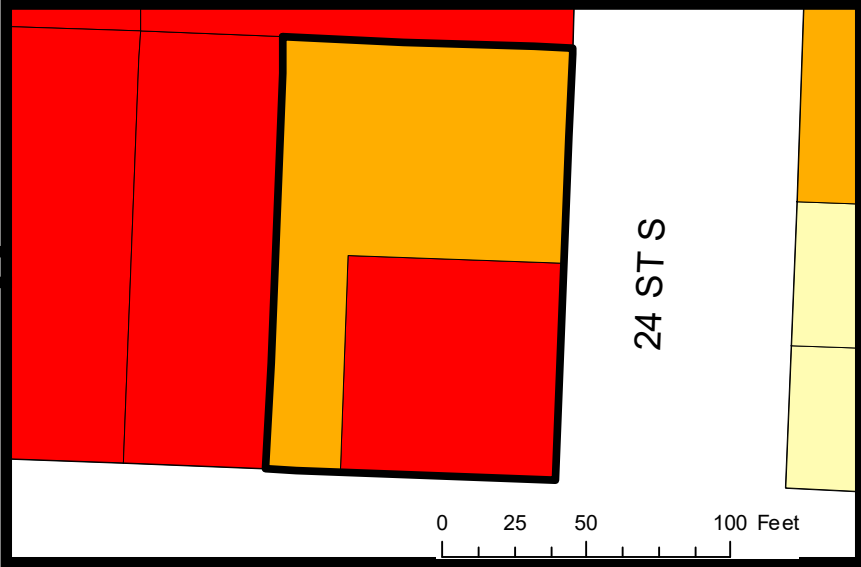
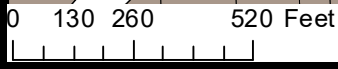
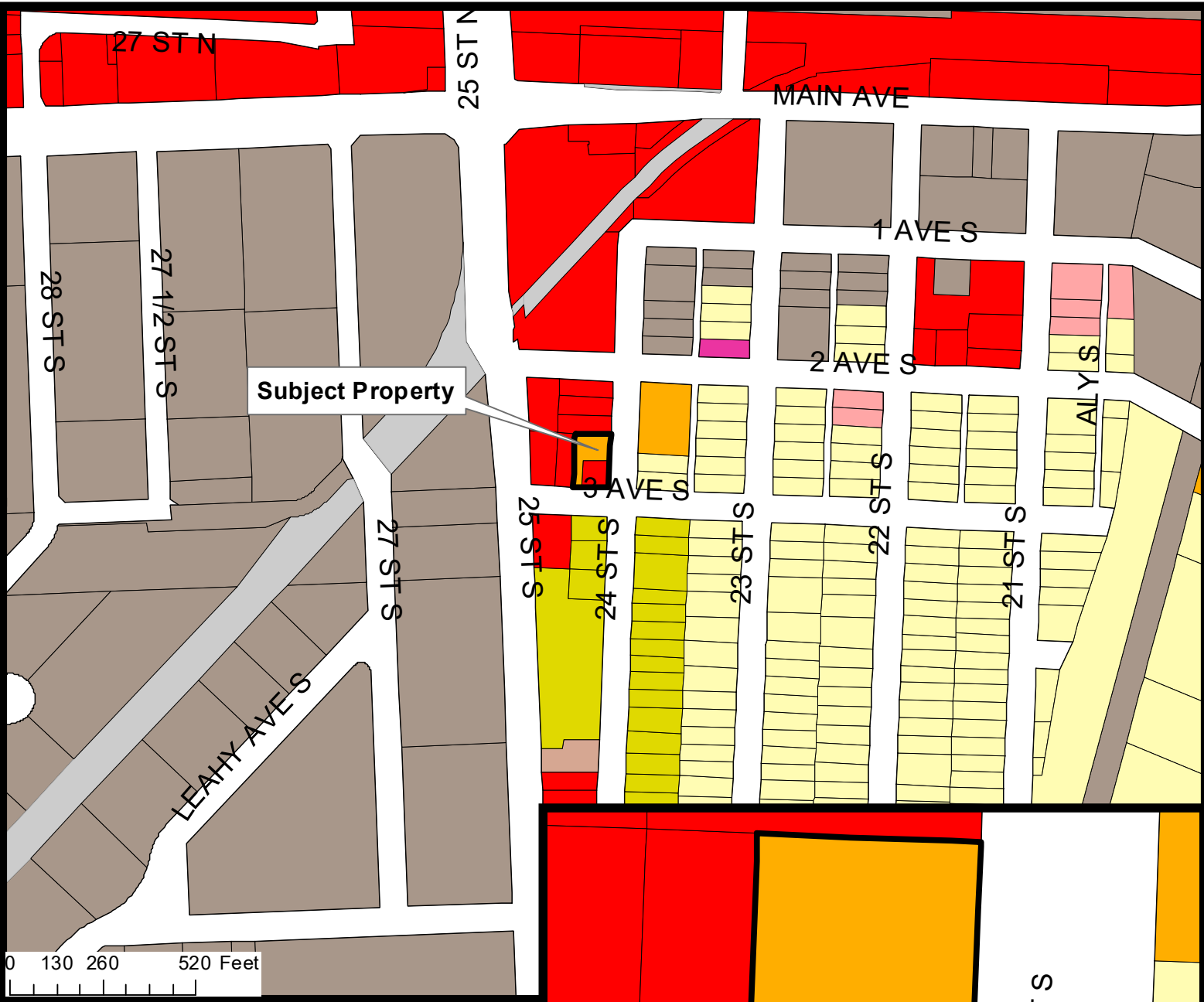
Attachments:

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

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

Brekke's Addition

213 24 Street South & 2401 3 Avenue South



Legend

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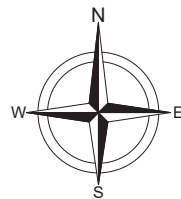
Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential & GC, General Commercial to SR-4, Single-Dwelling Residential and P/I, Public and Institutional zoning districts.

Brekke's Addition

213 24 Street South & 2401 3 Avenue South



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



0 40
Scale in Feet

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

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

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

CERTIFICATE

Jacob R. Duchsherer, being duly sworn, deposes and says that he is the registered land surveyor who prepared and made the attached plat of "BREKKE'S ADDITION" to the City of Fargo, a Replat of Lots 8 and 9, Block 11, and adjacent south half of vacated alley, of "EGBERT, O'NEIL AND HAGGART'S SUBDIVISION" to the City of Fargo, Cass County, North Dakota; that said plat is a true and correct representation of the survey thereof; that all distances are correctly shown on said plat; that monuments have been placed in the ground as indicated for the guidance of future surveys and that said addition is described as follows, to wit:

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

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

PRELIMINARY

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

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Jacob R. Duchsherer, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public, Cass County, North Dakota

DEDICATION

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

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

James W. Nelson, Executive Director

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared James W. Nelson, Executive Director, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same in the name of Lake Agassiz Habitat for Humanity, Inc.

Notary Public, Cass County, North Dakota

Owner of Lot 3, Block 1: City of Fargo

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Timothy J. Mahoney, Mayor and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me that they executed the same as in the name of the City of Fargo.

Notary Public, Cass County, North Dakota

FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider, Chair

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Rocky Schneider, Chair of the Fargo Planning Commission, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same in the name of the Fargo Planning Commission.

Notary Public, Cass County, North Dakota

FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Timothy J. Mahoney, Mayor and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me that they executed the same as in the name of the City of Fargo.

Notary Public, Cass County, North Dakota

CITY ENGINEER'S APPROVAL

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

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

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Tom Knakmuhs, City Engineer, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public, Cass County, North Dakota

SHEET 1 OF 1
PROJ. NO. 23739

moore
engineering, inc.

City of Fargo Staff Report			
Title:	Alex's First Addition	Date:	2/28/2024
Location:	5080 38 th Street South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Unplatted portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West		
Owner(s)/Applicant:	KLC Holdings, LLC/Christianson Companies	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (Plat of an unplatted portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West ,City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: March 5 th , 2024		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: GC, General Commercial, with conditional overlay ordinance No. 4636	Zoning: no change
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult entertainment center , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair , limited vehicle service, and some telecommunication facilities. C-O ordinance no. 4636 prohibits the uses struck through above, plus additional conditional uses.	Uses Allowed: No change
Maximum Lot Coverage: 85%	Maximum Lot Coverage: no change

Proposal:

PROJECT HISTORY NOTE: This identical project, at the time known as "CC's First Addition," was recommended for approval by the Planning Commission on November 7th, 2023 and approved by the City Commission on January 8th, 2024. When submitted for recordation, the Cass County Recorder determined that the plat name was too close to the name of an existing Cass County subdivision from 2005. The only way to change the plat name is to take the plat back through the Commission process. Only the plat name has changed.

The applicant requests one entitlement:

1. A major subdivision, entitled **Alex's First Addition**, which is a plat of an unplatted portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West, City of Fargo, Cass County, North Dakota

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

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial with conditional overlay; MR-3, Multi-Dwelling Residential with conditional overlay; and P/I, Public/Institutional with office, multi-dwelling residential, and Cottagewood Park, a Fargo Park District public facility.
- East: Interstate 29 right of way. Not developable.
- South: GC retail and mini-storage uses.
- West: MR-3 and P/I with multi-dwelling residential uses and Cottagewood Park, a Fargo Park District public facility.

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan designates the subject property as "Low/Medium or Medium/High Density Residential;" and "Either Office or Commercial." The entire property was zoned GC, General Commercial with a conditional overlay in October, 2007. This zoning is consistent with the "Either Office or Commercial" land use designation, while the "Residential" land use designation would allow commercial/residential mixed use development.



2003 Southwest Future Land Use Plan

Commercial	Medium/High Density Residential
Commercial or Medium/High Density	Medium/High Density or Park/Open Space
Commercial or Medium/High or Park/Open Space	Office
Commercial or Park/Open Space	Office or Commercial or Medium/High Density
Either Industrial or Commercial	Park/Open Space
Either Office or Commercial	Public
Either Office or Medium/High Density Residential	Public or Commercial
Industrial	Public or Low/Medium Density
Low/Medium Density Residential	Public or Office
Low/Medium Density or Medium/High Density	Storm Water

Context:

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

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

Parks: Cottagewood Park (4896 38th Street South) is located west across 38th Street South from the subject property and offers grill, picnic table, playground for ages 5-12 recreational, trails, and a shelter.

Pedestrian / Bicycle: There is a shared-use path on north side of 38th Street South that connects to the metro trail system by way of the trails in Cottagewood Park.

MATBUS Routes: The area of the subject property is not served by a MATBUS route.

Staff Analysis:

The plat creates three lots, intended for commercial development. All three lots are currently zoned GC, General Commercial, with a conditional overlay ordinance no. 4636. No changes to the zoning or conditional overlay are proposed.

The subdivision plat dedicates right of way for a dedicated public street within the subdivision, to be known as Alexander Way South. A named street was allowed as otherwise this would street would need to be numbered as a half-street. The plat also dedicates right of way for the connection of this street to existing 51st Avenue South.

The plat depicts negative access easements along much of the 38th Street South property frontage, in order to prohibit direct access to the subdivision from the curves of this street.

Subdivision

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

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

The subject property is zoned GC, General Commercial with a C-O, conditional overlay. This zoning will accommodate the proposed commercial development and is consistent with the "Either Office or Commercial" land use designation of the 2003 Growth Plan. That plat also designates a portion of the subject property as "Low/Medium or Medium/High Density Residential," which would allow commercial/residential mixed use 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, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

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

The subject property is currently zoned GC, General Commercial, with a conditional overlay ordinance no. 4636. No changes to the zoning or conditional overlay are proposed. This zoning is consistent with the 2003 Growth Plan which designates this property for "either Office or Commercial" development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to City Commission hearing. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed **Alex's First Addition** subdivision plat, as presented; as the proposal complies with the 2003 Growth Plan, Standards of Article 20-06, and Section 20-0907.C of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation March 5th, 2024

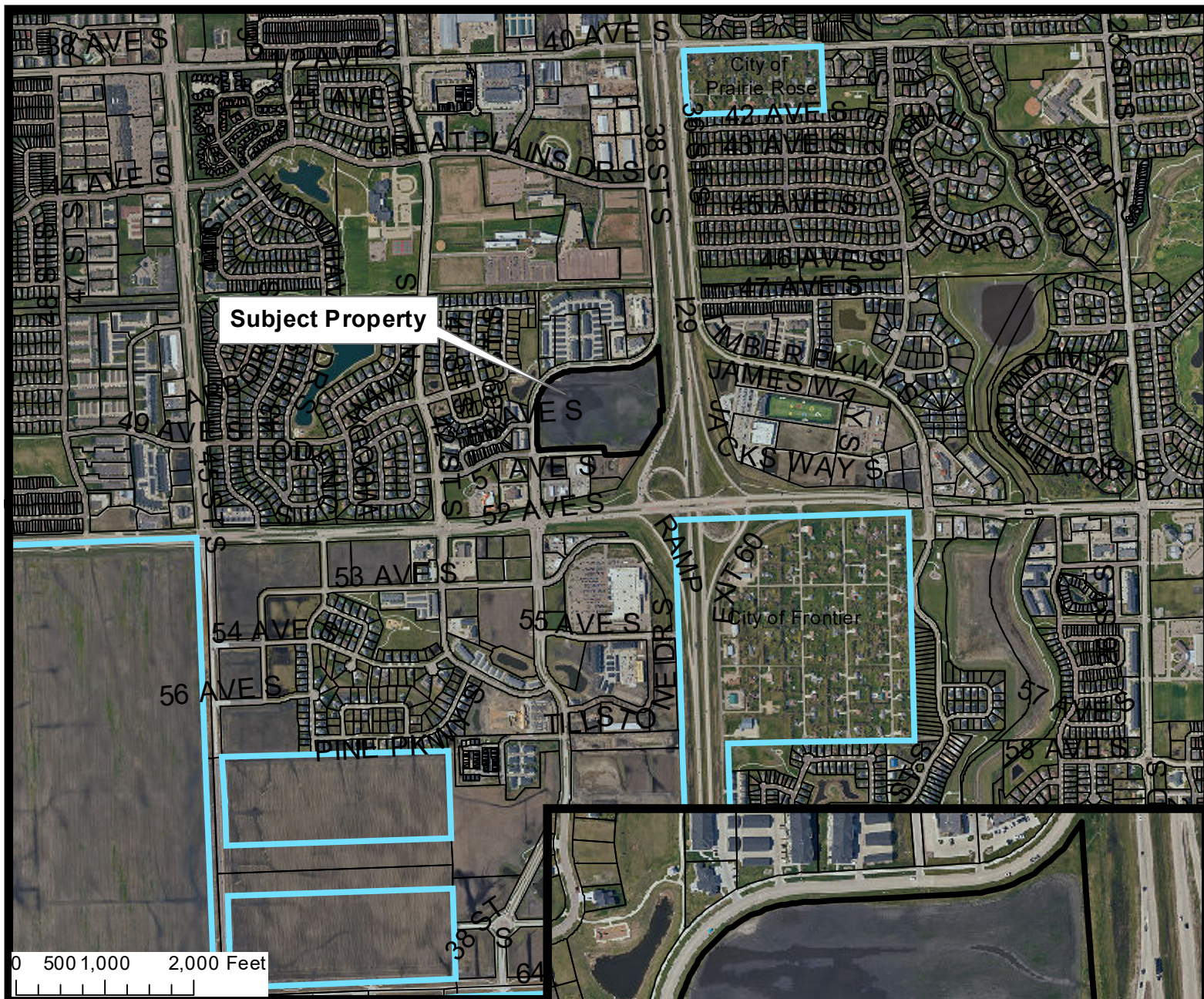
Attachments:

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

Major Subdivision

Alex's First Addition 5080 38th Street South

5080 38th Street South



Legend

 City Limits

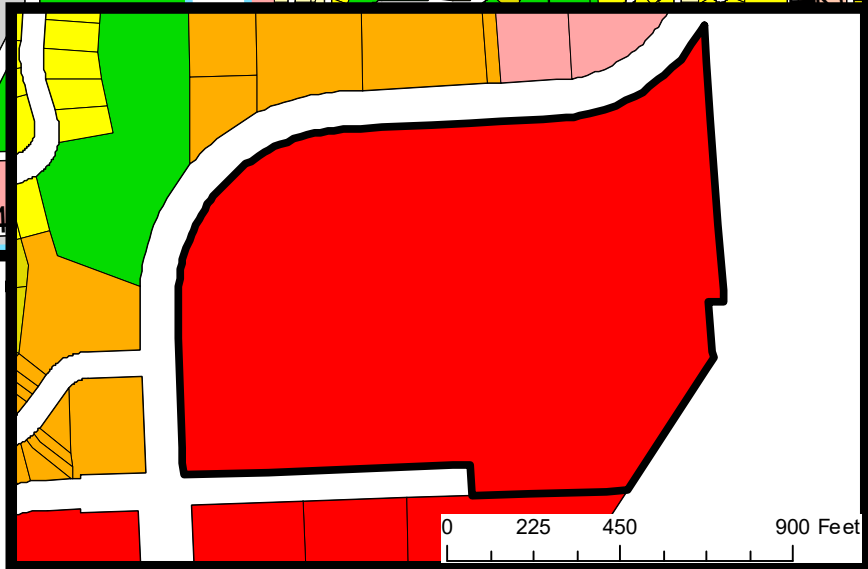
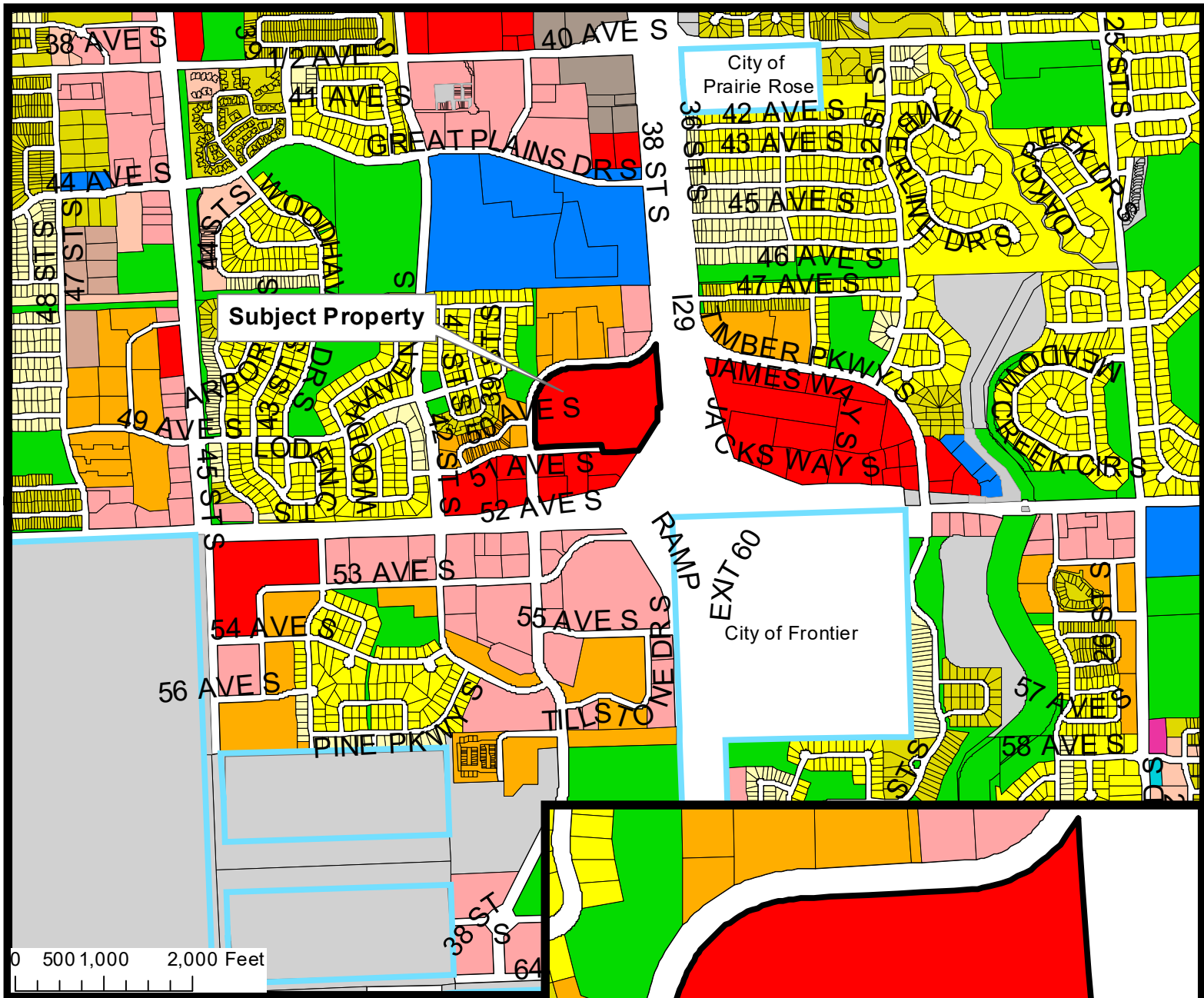
Fargo Planning Commission

March 5, 2024

Major Subdivision

Alex's First Addition

5080 38th Street South



Legend



Fargo Planning Commission
March 5, 2024

ALEX'S FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, T139N, R49W
(A MAJOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That KLC Holdings, LLC , owner of a parcel of land located in that part of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Beginning at a found iron monument which designates the northeast corner of FITZSIMONDS ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence South 88 degrees 01 minute 46 seconds West on a record bearing along the northerly line of said FITZSIMONDS ADDITION for a distance of 403.10 feet; thence North 01 degree 58 minutes 14 seconds West continuing along said northerly line for a distance of 80.00 feet; thence South 88 degrees 01 minute 46 seconds West continuing along said northerly line and the westerly extension thereof for a distance of 749.00 feet to the easterly line of a tract described in Document No. 1224211, on file and of record in the office of said Recorder; thence North 01 degree 58 minutes 14 seconds West along the easterly line of said tract for a distance of 433.80 feet; thence northeasterly, continuing along the easterly line of said tract and on a tangential curve concave to the southeast, having a radius of 450.00 feet and a central angle of 88 degrees 57 minutes 20 seconds for an arc distance of 698.66 feet; thence North 86 degrees 59 minutes 06 seconds East continuing along the easterly line of said tract for a distance of 567.57 feet; thence northerly, continuing along the easterly line of said tract and on tangential curve to the northwest, having a radius of 450.00 feet and a central angle of 59 degrees 42 minutes 26 seconds for an arc distance of 468.94 feet to the westerly right of way line of Interstate Highway No. 29; thence South 04 degrees 19 minutes 15 seconds East along said right of way line for a distance of 722.10 feet; thence South 85 degrees 35 minutes 32 seconds West continuing along said right of way line for a distance of 40.50 feet; thence South 04 degrees 19 minutes 15 seconds East continuing along said right of way line for a distance of 143.36 feet; thence South 33 degrees 03 minutes 04 seconds West continuing along said right of way line for a distance of 412.33 feet to the point of beginning.

Said tract of land contains 28.48 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcel of land to be surveyed and platted as "ALEX'S FIRST ADDITION" to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public for public use forever the street and utility easements as shown on this plat.

OWNER:
KLC Holdings, LLC

By: Kevin Christianson, President

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2023, before me, a notary public within and for said County and State, personally appeared Kevin Christianson, President, KLC Holdings, LLC, 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 KLC Holdings, LLC.

Notary Public

MORTGAGE HOLDER:
Starion Bank

By: Mike Wickham, Market President

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2023 before me, a notary public within and for said County and State, personally appeared Mike Wickham, Market President, Starion 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 Starion Bank.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

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

State of North Dakota }
County of Cass }SS

On this ____ day of _____, 2023, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 202__.

Tom Knakmuhs, P.E., City Engineer

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 202__, before me, a notary public within and for said County and State, personally appeared Tom Knakmuhs, P.E., City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this ____ day of _____, 2023.

Rocky Schneider, Planning Commission Chair

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2023, before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 202__.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

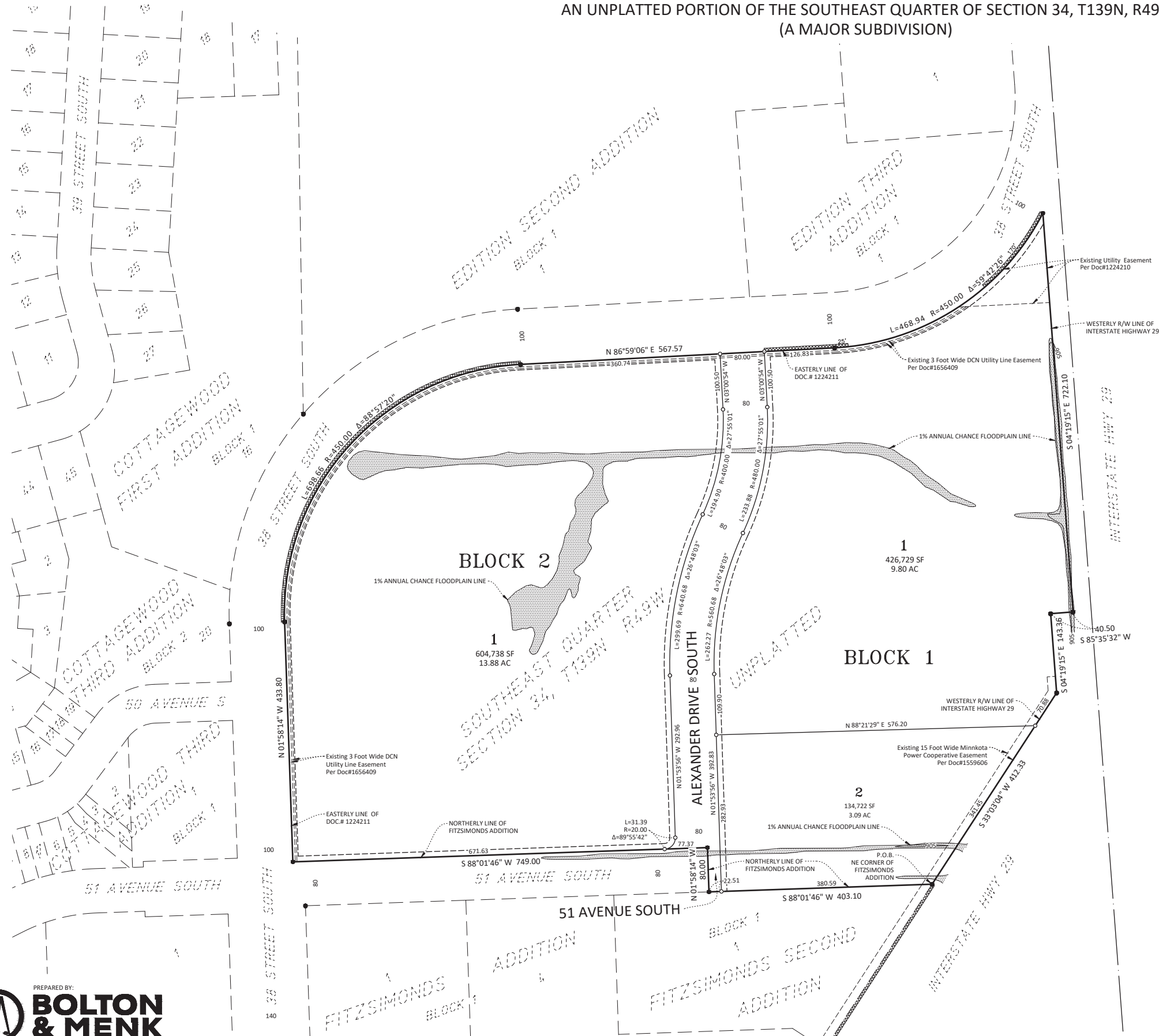
State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 202__, 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

ALEX'S FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, T139N, R49W
(A MAJOR SUBDIVISION)

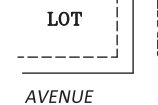


BASIS OF BEARING:
FITZSIMONDS ADDITION ACCORDING TO THE
RECORDED PLAT THEREOF
COORDINATE SYSTEM:
CITY OF FARGO GROUND CONTROL

LEGEND

- 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY LIC. NO. LS-5900
- MONUMENT FOUND
- SUBJECT PROPERTY LINE
- - - SECTION LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE
- - - EXISTING CONTOUR LINE PER CITY OF FARGO
LIDAR CONTOUR DRAWINGS NAVD88 DATED 2014
AREA WITHIN 100 YEAR FLOODPLAIN
- XXXXX NEGATIVE ACCESS EASEMENT
"Negative Access Easement, as noted on this plat, is an easement dedicated
as part of the right of way dedication which easement denies direct vehicular
access to a Street or public way from the Lot or Lots adjacent to such Street or
way. The negative access easement is not a strip of land of any certain width,
but is a line coterminous with the boundary of the adjacent Lot or Lots."

Utility easements are shown thus:



Being 10 feet in width and adjoining street right of way
lines as shown on the plat, unless otherwise indicated.

EASEMENT OF RECORD

1. Minnkota Power Cooperative, Inc. Transmission Line
Easement filed by recorded January 4, 1978 Book
R-7 of Misc., page 362 as document #530244.
2. Cass County Electric Cooperative, Inc. Right of Way
Easement recorded April 11, 1985 as document
#629012.

NOTES

THIS PLAT LIES PARTIALLY WITHIN ZONE AE AS SHOWN ON
FLOOD INSURANCE RATE MAP NO. 38017C0787G, DATED
JANUARY 16, 2015.

ZONE AE: BASE FLOOD ELEVATIONS DETERMINED

BASE FLOOD ELEVATION: 905.7

BENCHMARK

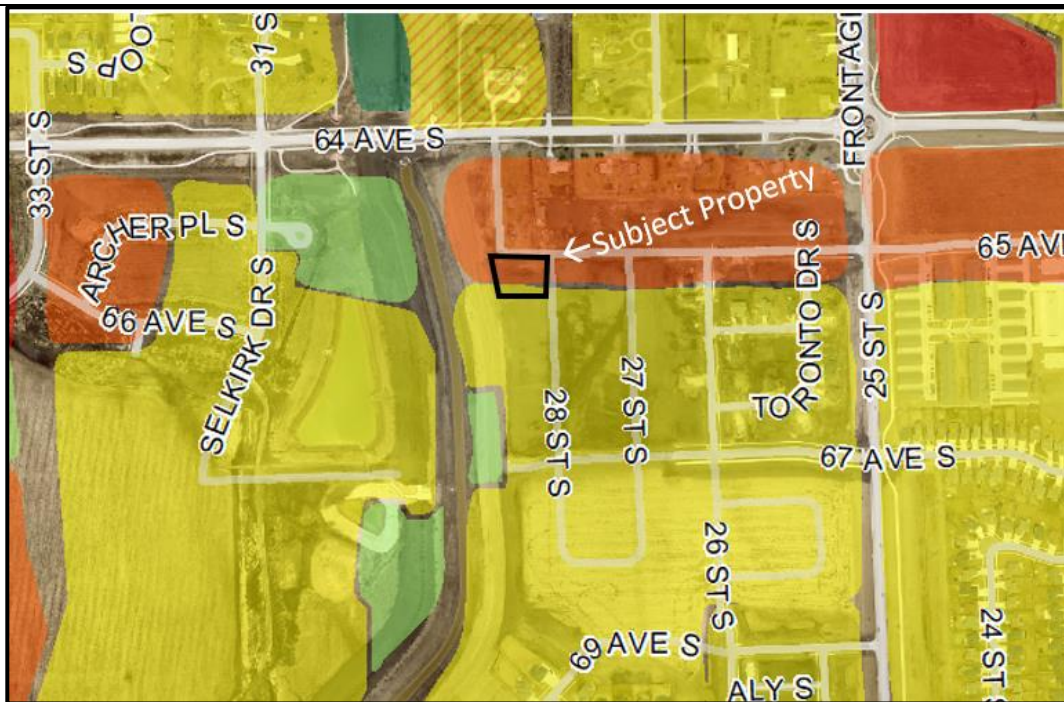
CITY OF FARGO BENCHMARK 245029 LOCATED
APPROXIMATELY 2,500 FEET EASTERLY OF THE
SOUTHEAST CORNER OF SUBJECT PROPERTY.
SOUTHEAST FLANGE BOLT OF FIRE HYDRANT.
ELEVATION=909.42 NAVD88



City of Fargo Staff Report			
Title:	Golden Valley Fourth Addition	Date:	2/28/2024
Location:	6507, 6511, 6515, 6519, 6523, 6527, 6531, 6535, 6539, 6543 and 6547 28th Street South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lot 1, Block 6, Golden Valley Fourth Addition		
Owner(s)/Applicant:	Jordahl Custom Homes / Mike Nelson	Engineer:	None
Entitlements Requested:	Zone Change (from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: March 5 th , 2024		

Existing	Proposed
Land Use: Residential	Land Use: Residential
Zoning: SR-4, Single-Dwelling Residential	Zoning: SR-5, Single-Dwelling Residential
Uses Allowed: Allows detached houses, group living restricted residency, daycare centers of limited size, parks and open areas, safety services, farming/crop productions, basic utilities and limited telecommunications facilities	Uses Allowed: Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities, and limited telecommunications facilities
Maximum Density Allowed: 12.1 dwelling units per acre	Maximum Density Allowed: 14.5 dwelling units per acre

Proposal:
The applicant is requests one entitlement: 1. a Zoning Map Amendment from SR-4, Single-Dwelling Residential to SR-5, Single Dwelling Residential This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report. Surrounding Land Uses and Zoning Districts: • North: SR-2, Single-Dwelling Residential, with single-dwelling residences • East: SR-4, Single-Dwelling Residential, with single-dwelling residences • South: SR-4, Single-Dwelling Residential, with single-dwelling residences • West: P/I, Public and Institutional, with Cass County Drain 57
Area Plans:
As the graphic below depicts, the 2007 Growth Plan, South Fargo Tier 1 East identifies the area of this project as on the boundary between the “residential area—lower to medium density” and “residential area—medium to high density.” The 2007 Growth Plan states that the “medium to high density” category “slightly overlaps with low to medium density residential in terms of the housing styles that would be appropriate” (p. 47) and that townhomes (attached housing) are intended to part of the housing mix in both land use categories. The proposed SR-5 zoning is consistent with both land use designations.



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

Context:

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

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

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

Pedestrian / Bicycle: A shared use path is located just north of the property, which connections to 64th Avenue South and the metro trail system.

MATBUS Routes: The area of the subject property is not served by a MATBUS route.

Staff Analysis:

The property is currently zoned SR-4, Single Dwelling Residential. The City Commission staff report of June 8, 2020 for the original Golden Valley Fourth Addition, states "The developer has indicated Lot 1, Block 6 will be used for attached housing." The density allowed on this 0.88 acre lot by the current SR-4 zoning is 10.64 dwelling units, which means a maximum of 10 units, as fractional numbers of units are always rounded down to the closest whole number. The applicant proposed rezoning to SR-5, which would allow 11 units to be built on the property.

(continued on next page)

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-4, Single-Dwelling Residential. The proposed SR-5, Single-Dwelling Residential, zoning is consistent with the “residential area—lower to medium density” and “residential area—medium to high density” land use designations of the 2007 Growth Plan. The change in zoning will allow the developer to construct an additional residential unit on this 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. Lots in the subdivision will front dedicated public streets. The necessary rights-of-way for these streets will be dedicated with the plat. 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 and responded to four inquiries about the project. 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 purpose of the LDC is 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 2007 Growth 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 zoning map amendment from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential, for Lot 1, Block 6, **Golden Valley Fourth Addition**, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: March 5th, 2024

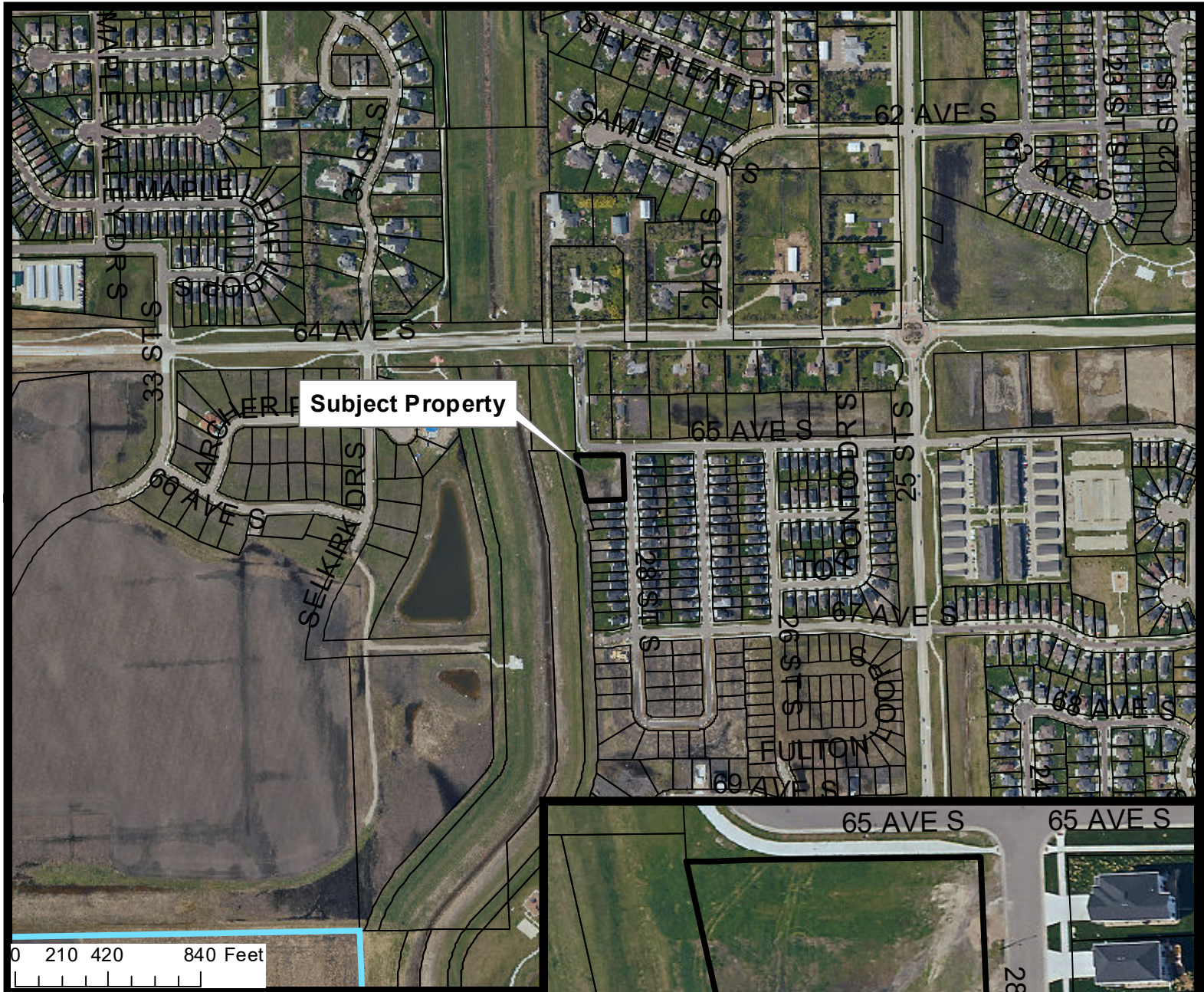
Attachments:

1. Location Map
2. Zoning Map

Zone Change from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential

Golden Valley Fourth Addition

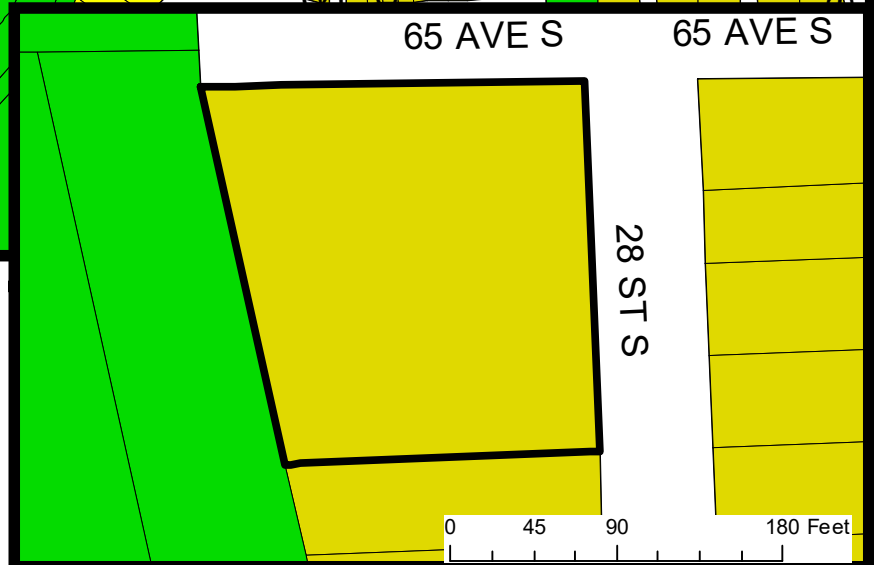
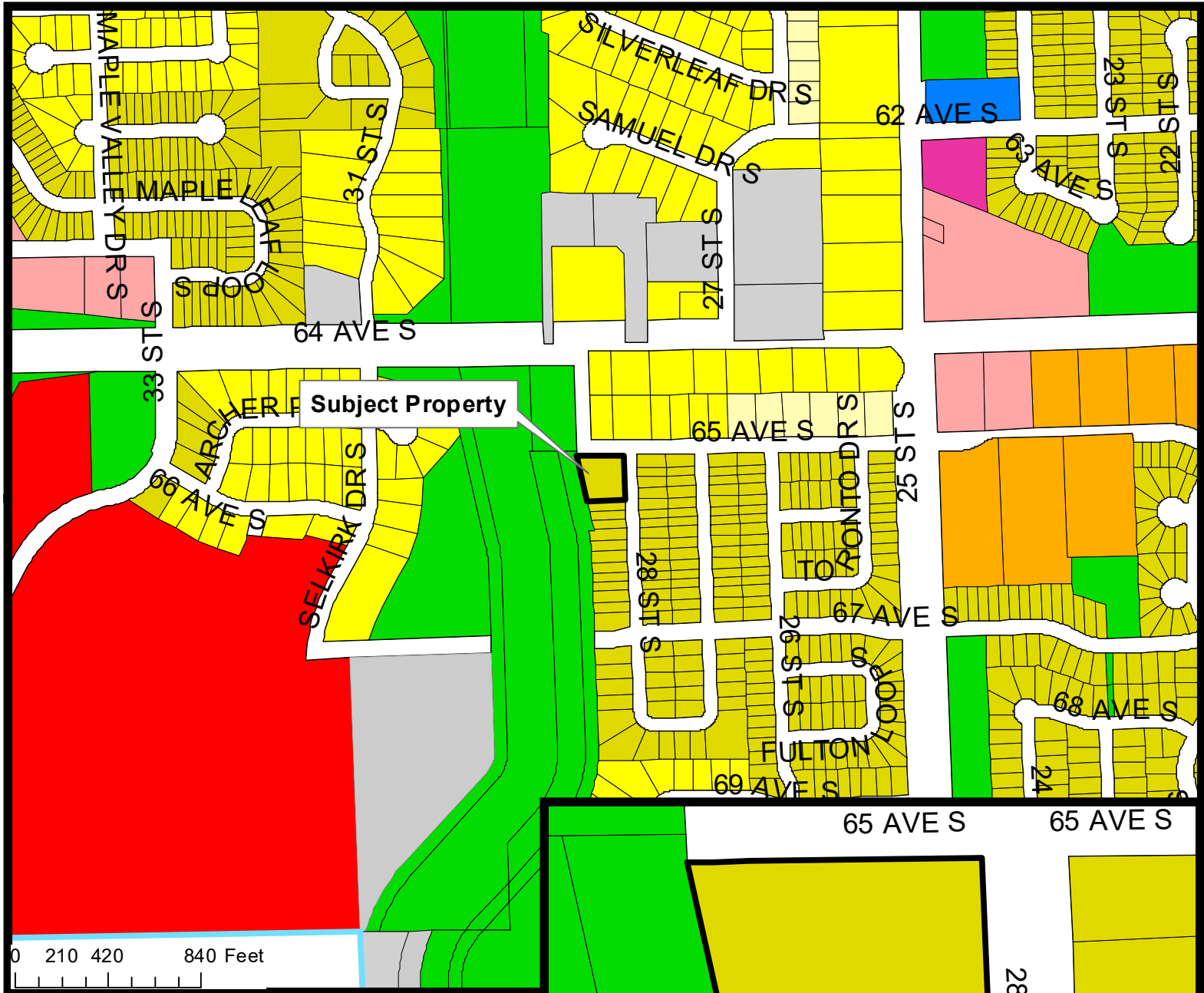
6507, 6511, 6515, 6519, 6523, 6527, 6531, 6535,
6539, 6543, and 6547 28th Street South



Zone Change from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential

Golden Valley Fourth Addition

6507, 6511, 6515, 6519, 6523, 6527, 6531, 6535,
6539, 6543, and 6547 28th Street South



Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NC	P/U	UMU	SR-2	SR-3	SR-4	SR-5	City Limits
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**City of Fargo
Staff Report**

Title:	The Pines at the District Sixth Addition	Date:	02/28/2024
Location:	5461 38 th Street South	Staff Contact:	Alayna Espeseth, Assistant Planner
Legal Description:	Lot 1, Block 1 The Pines at the District Fourth Addition		
Owner(s)/Applicant:	Gitty-Up, LLC / Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (replat of Lot 1, Block 1, The Pines at the District Fourth Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: March 5, 2024		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: LC, Limited Commercial with Conditional Overlay ordinance No. 5422	Zoning: No Change
Uses Allowed: colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off-premise advertising signs , commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities. Conditional Overlay No. 5422 lists provisions and requirements.	Uses Allowed: No Change Conditional Overlay No. 5422 carries through to this subdivision.
Maximum Lot Coverage Allowed: 55%	Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant requests one entitlement:

1. **Minor Subdivision** (replat of Lot 1, Block 1, The Pines at the District Fourth Addition, to the City of Fargo, Cass County, North Dakota)

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

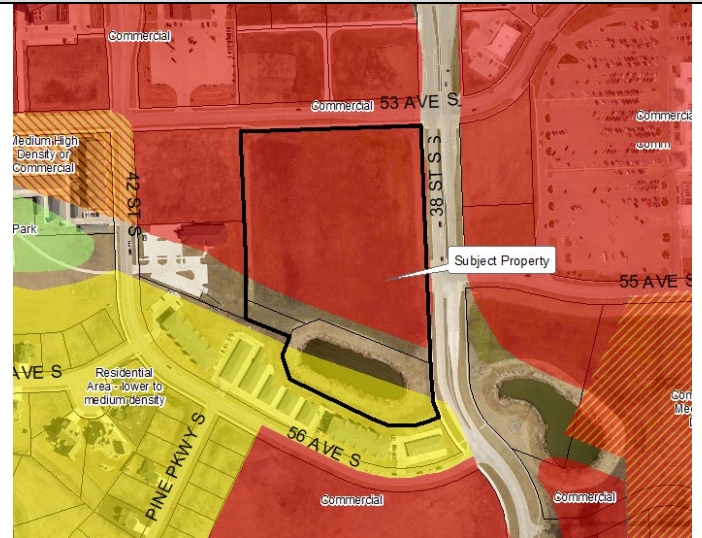
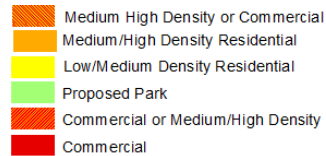
Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial with a conditional overlay with undeveloped properties;
- East: LC, Limited Commercial with a conditional overlay with undeveloped properties;
- South: MR-3, Multi-Dwelling Residential with Multi-Dwelling Structure uses;
- West: LC, Limited Commercial with a conditional overlay with Retail Sales and Service and an undeveloped property.

(Continued on next page.)

Area Plans:

The subject property is designated as “commercial” on the 2007 Tier 1 Southwest Land Use Plan. The current LC, Limited Commercial zoning is consistent with the land use designation.



Context:

Neighborhood: The Subject property is located within The District Neighborhood.

Schools: The subject property is located within the Fargo School District, specifically within Kennedy Elementary, Carl Ben Eielson Middle, and South High schools.

Parks: The subject property is located within 0.08 miles of the Pines Park (5371 42nd Street South). Amenities include Basketball court, grill, picnic table, playground for ages 2-5, playground for ages 5-12, recreational trails and provides a shelter.

Pedestrian / Bicycle: There is a shared use path that runs along the south side of 53rd Avenue South that meets up with a shared use path that runs along the west side of 38th Street South.

MATBUS Route: MATBUS Route 18 has a stop on the north side of the 52nd Avenue WalMart, approximately 0.25 mile northeast of the east side of subject property.

Staff Analysis:

The applicant is seeking approval for a minor subdivision located at 5461 38th Street South. The request is to split an existing lot into a 2 lot minor subdivision entitled, **The Pines at the District Sixth Addition**. Negative access easements that have been carried over from previous subdivisions limit access at locations along the easterly 150 feet of the 53rd Street property frontage, and all of the 38th Street South property frontage except for one break directly across from 55th Avenue South. Access from 53rd Avenue must line up with the private drive to the north across 53rd Avenue South. Subject property is zoned LC, Limited Commercial and no zone change is proposed.

Minor Subdivision

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

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

This subdivision is intended to replat the existing lot into 2 new lots. The current zoning is LC, Limited Commercial. No zone change is proposed. The subject property is located within the 2007 Tier 1 Southwest Land Use Plan which designates the land use as “Commercial”. 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 about the application with no noted concern. 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)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **The Pines at the District Sixth Addition** as outlined within the staff report, as the proposal complies with the adopted 2007 Tier 1 Southwest Land Use Plan, the standards of Article 20-06, Section 20-0907.B. and C of the LDC, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: March 05, 2024

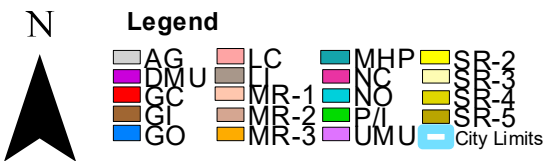
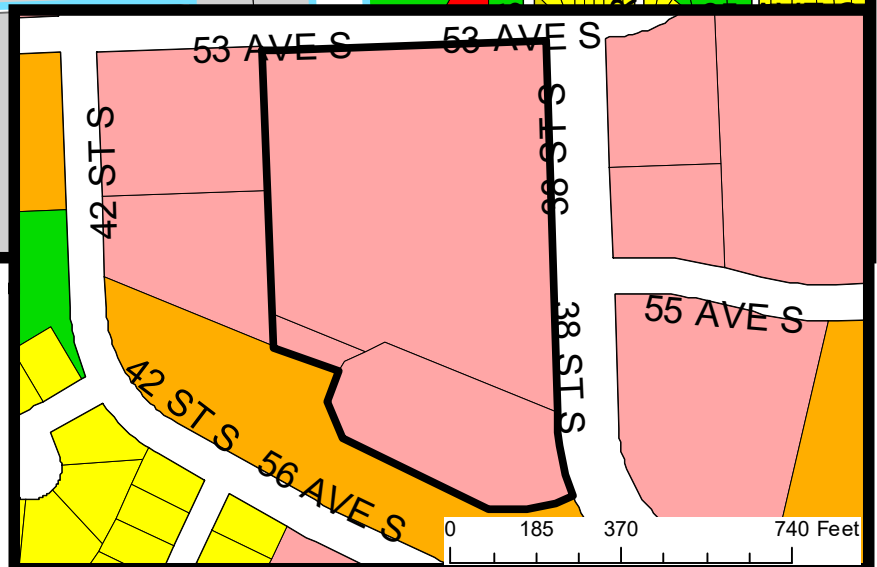
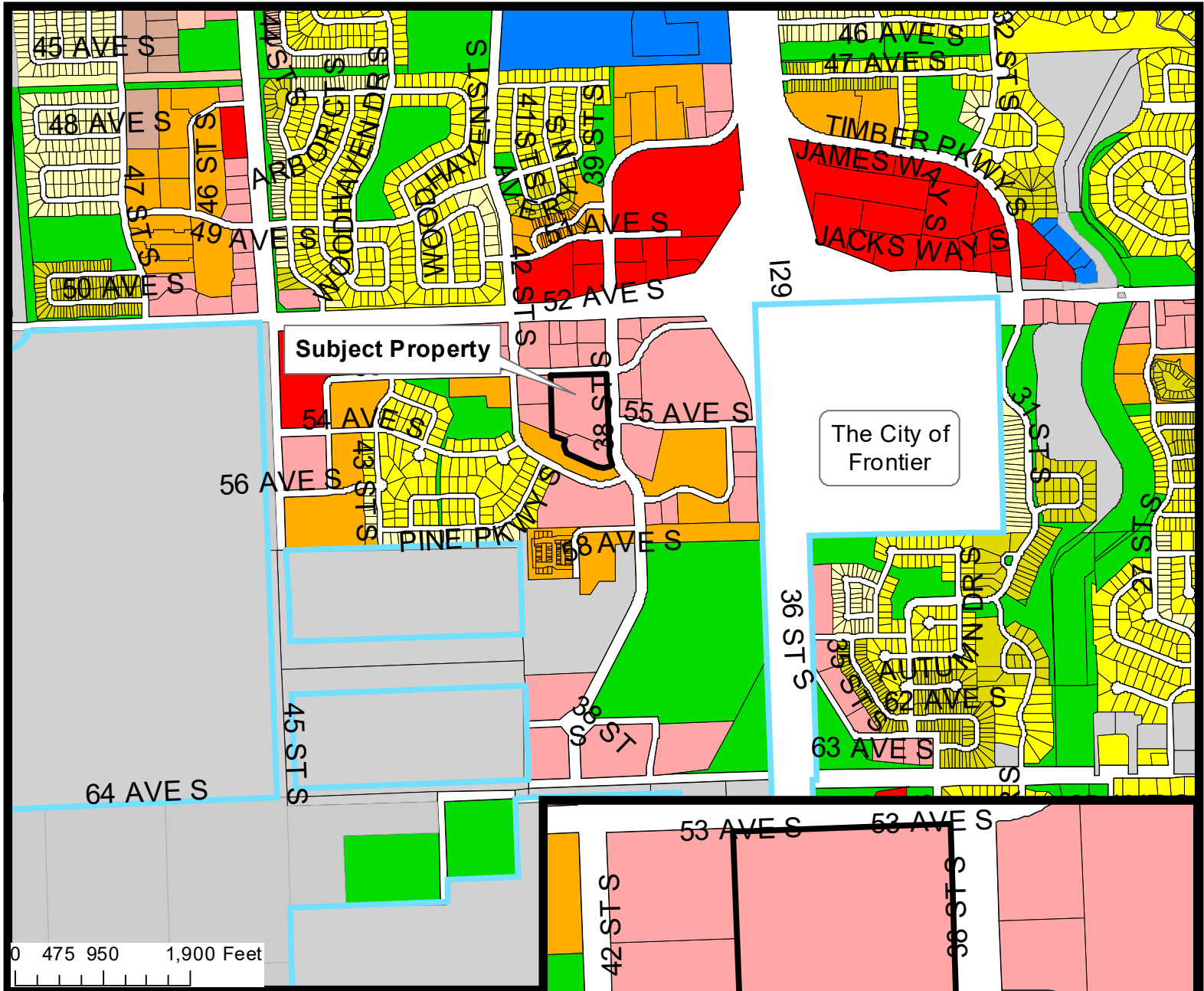
Attachments:

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

Minor Subdivision

The Pines at the District Sixth Addition

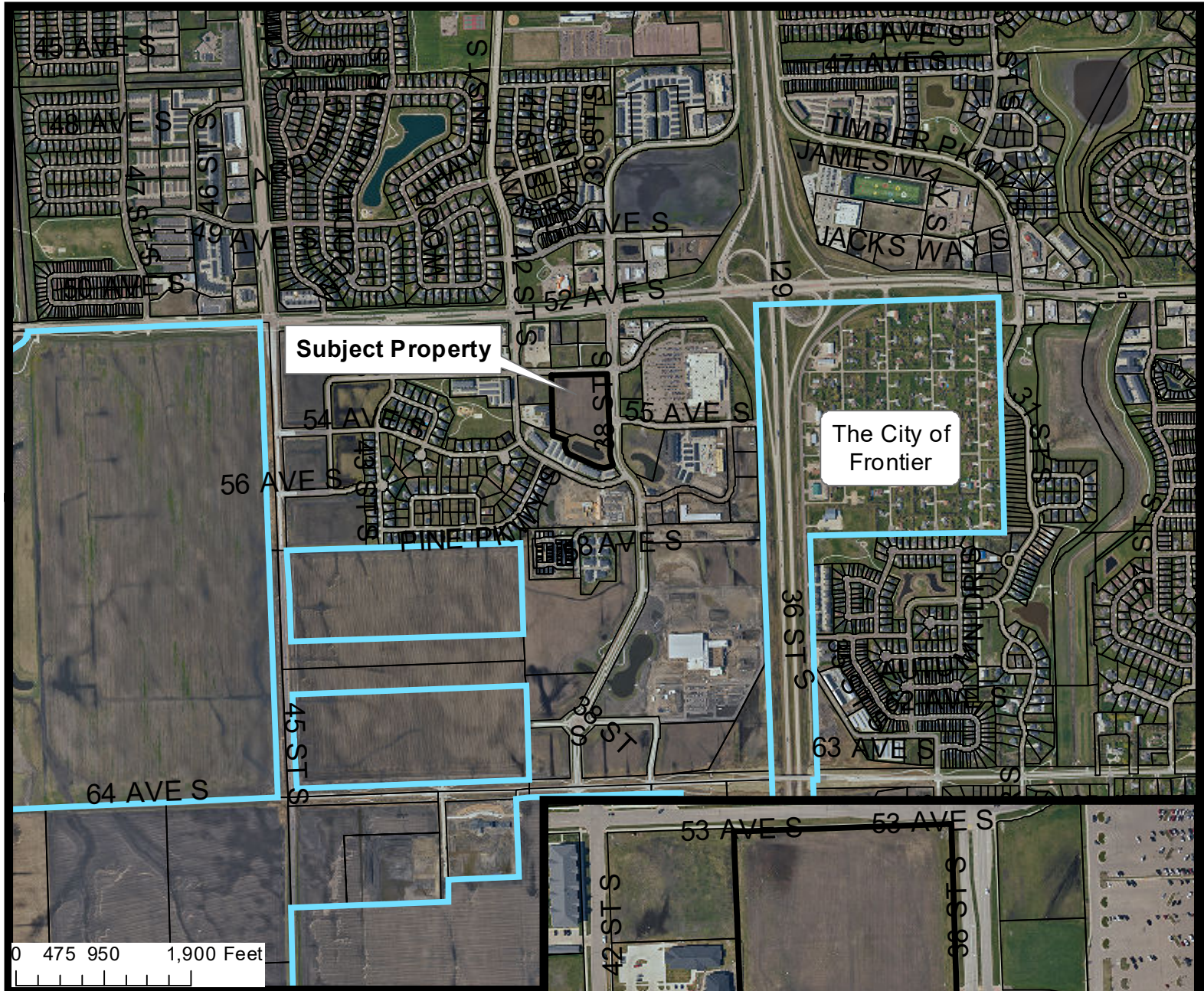
5461 38th Street South



Minor Subdivision

The Pines at the District Sixth Addition

5461 38th Street South

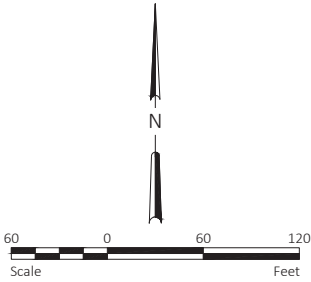
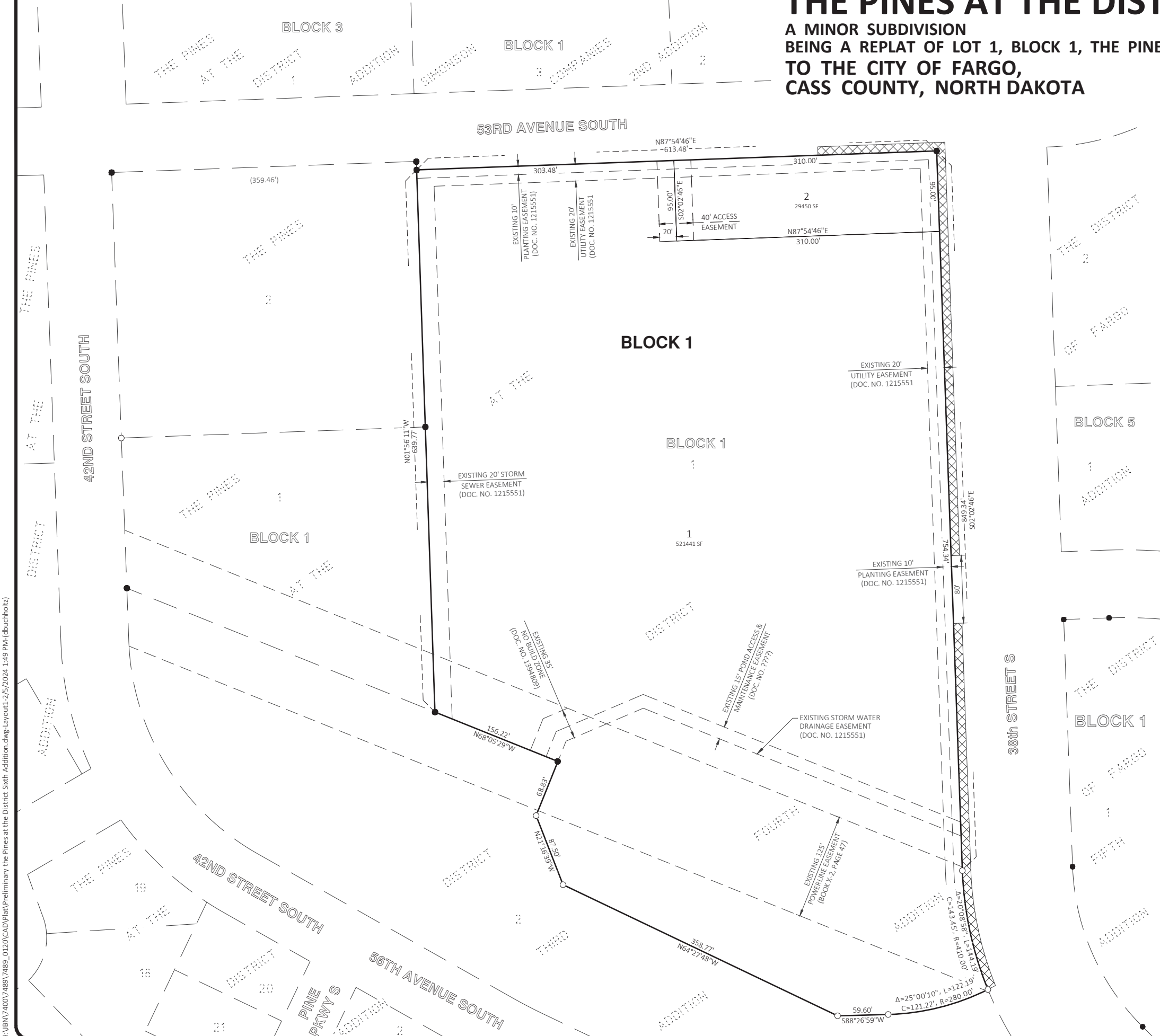


Legend

 City Limits

THE PINES AT THE DISTRICT SIXTH ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOT 1, BLOCK 1, THE PINES AT THE DISTRICT FOURTH ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



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	- - - - -
EXISTING NEGATIVE ACCESS EASEMENT (DOC. NO. 126391)	XXXXX

- BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992.
- NOTES:
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.
 2. THE BREAK IN THE NEGATIVE ACCESS EASEMENT ALONG 38TH STREET SOUTH ALIGNS WITH 55TH AVENUE SOUTH, AND IS THE SAME WIDTH AS THAT ROW, AS DEPICTED ON THE DISTRICT OF FARGO SECOND ADDITION (DOC. NO. 1263911).
 3. PROPERTY IS SITUATED IN 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) AS DEPICTED ON FEMA FIRM PANELS 38017C0786G AND 38017C0787G, DATED JANUARY 16, 2015.
 4. BASE FLOOD ELEVATION = 905.7' (NAVD 1988)

THE PINES AT THE DISTRICT SIXTH ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOT 1, BLOCK 1, THE PINES AT THE DISTRICT FOURTH ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:

NOW ALL PERSONS BY THESE PRESENTS: That Gitty-Up LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

Lot 1, Block 1, The Pines at the District Fourth Addition, to the City of Fargo, Cass County, North Dakota.

Said tract contains 12.647 acres, more or less.

And that said party has caused the same to be surveyed and platted as **THE PINES AT THE DISTRICT SIXTH ADDITION** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the owners of Lots 1 and 2, for private use, the access easement shown on the plat.

OWNER:

Gitty-Up LLC

By: Syndica, LLP

Its: Managing General Partner

Austin J. Morris, Managing Partner

State of _____)
) ss
County of _____)

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

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Tom Knakmuhs, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) 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: _____



**City of Fargo
Staff Report**

Title:	NDSU Research and Technology Park Third Addition	Date:	02/28/2024
Location:	1712 & 1734 NDSU Technology Circle North; 1650 & 1672 18 th Street North; 1321 Albrecht Boulevard North	Staff Contact:	Alayna Espeseth, Assistant Planner
Legal Description:	Lots 1-4, Block 1, NDSU Research and Technology Park Second Addition and a portion of the Northwest Quarter of Section 36, Township 140 North, Range 49 West		
Owner(s)/Applicant:	NDSU Research & Technology Park Inc. / NDSU Dept #3000	Engineer:	MBN Engineering
Entitlements Requested:	Minor Subdivision (replat of Lots 1-4, Block 1, NDSU Research and Technology Park Second Addition and a portion of the Northwest Quarter of Section 36, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: March 05, 2024		

Existing	Proposed
Land Use: undeveloped	Land Use: NDSU Laboratory
Zoning: P/I, Public and Institutional	Zoning: No change
Uses Allowed: colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events	Uses Allowed: No change
Maximum Lot Coverage Allowed: P/I has no maximum lot coverage	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant is requesting one entitlement:

1. **Minor Subdivision** (replat of Lots 1-4, Block 1, NDSU Research and Technology Park Second Addition and a portion of the Northwest Quarter of Section 36, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota)

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

Surrounding Land Uses and Zoning Districts:

- North: P/I, Public and Institutional with undeveloped land;
- East: P/I, Public and Institutional with NDSU softball diamonds;
- South: P/I, Public and Institutional with NDSU research facilities;
- West: P/I, Public and Institutional with vacant land.

(Continued to next page.)

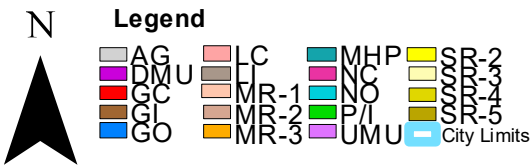
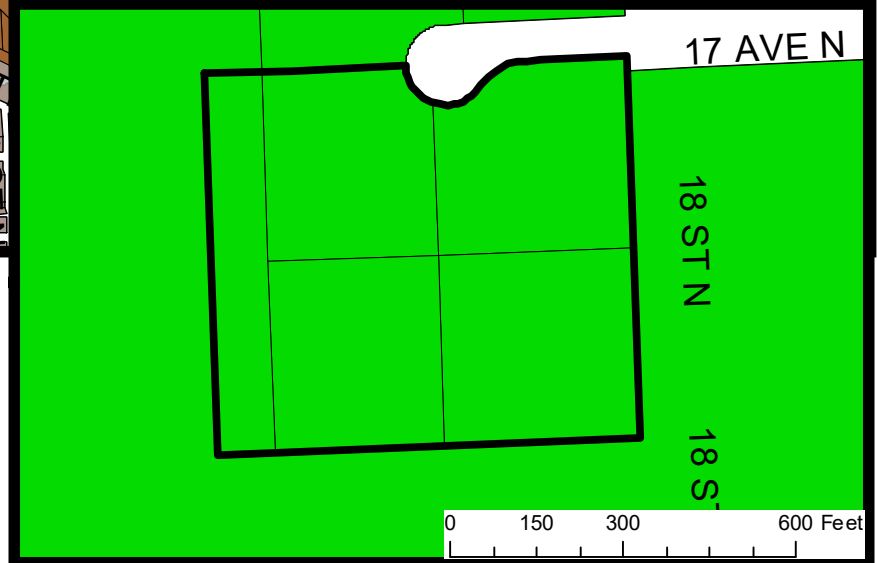
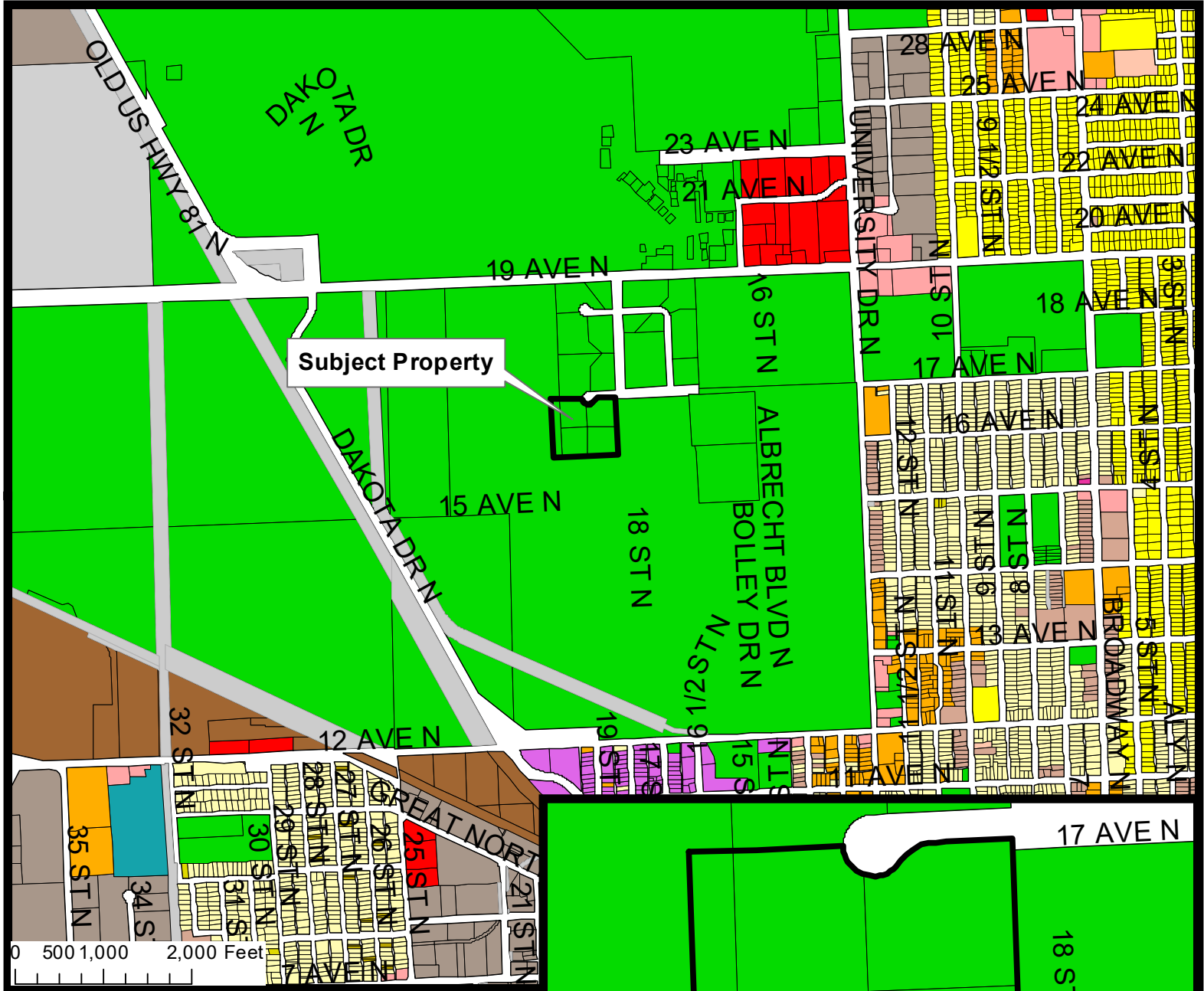
Area Plans:
Subject property is not within an area plan.
Context:
Neighborhood: Subject property is not within a neighborhood. Schools: The subject property is located within the Fargo School district, specifically within the Washington Elementary, Ben Franklin Middle and North High schools. Parks: The subject property is located within 0.75 miles of the Coliseum (807 17th Avenue North). The Coliseum is home to Fargo North boy's and girl's hockey teams along with the NDSU Bison men and women. Drop-In hockey is held Wednesday's at the Coliseum in the winter months. Amenities include indoor ice arenas and restrooms. Pedestrian / Bicycle: Shared use path runs along the east side of 18th Street North. MATBUS Route: MATBUS Route 13 has the closest stop to the subject property along Albrecht Boulevard South just south of 17th Avenue North, roughly 0.30 miles from the subject property.
Staff Analysis:
The applicant is seeking approval for a minor subdivision located at 1712 & 1734 NDSU Technology Circle North, 1650 & 1672 18th Street North and 1321 Albrecht Boulevard North. The request is to combine 4 lots and a portion of the Northwest Quarter of Section 36, Township 140 North, Range 49 West into a 1 Lot, 1 Block minor subdivision entitled, NDSU Research and Technology Park Third Addition. There is an existing 20 foot Utility Easement and 24 foot Access and Utility Easement that will be vacated with this plat. There is an existing Negative Access Easement along 18th Street South that is to remain. At the location where the vacated 24 foot access easement met 18th Street North, a new negative access easement fills in this location. Directly south of this, 38 feet of the negative access easement is being vacated to allow access from the SE corner of the property. The subject property is zoned P/I, Public and Institutional and no zone change is proposed. 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 4 existing lots and a portion of the Northwest Quarter of Section 36, Township 140 North, Range 49 West into one new lot. The current zoning is P/I, Public and Institutional. No zone change is proposed. The subject property is not within an area plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. (Criteria Satisfied) 2. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision. While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.(Criteria Satisfied)

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, NDSU Research and Technology Park Third Addition as outlined within the staff report, as the proposal complies with the standards of Article 20-06, Section 20-0907.B. and C of the LDC and all other applicable requirements of the Land Development Code".
Planning Commission Recommendation: March 05, 2023
Attachments:
1. Zoning Map 2. Location Map 3. Preliminary Plat

Minor Subdivision

NDSU Research and
Technology Park Third Addition

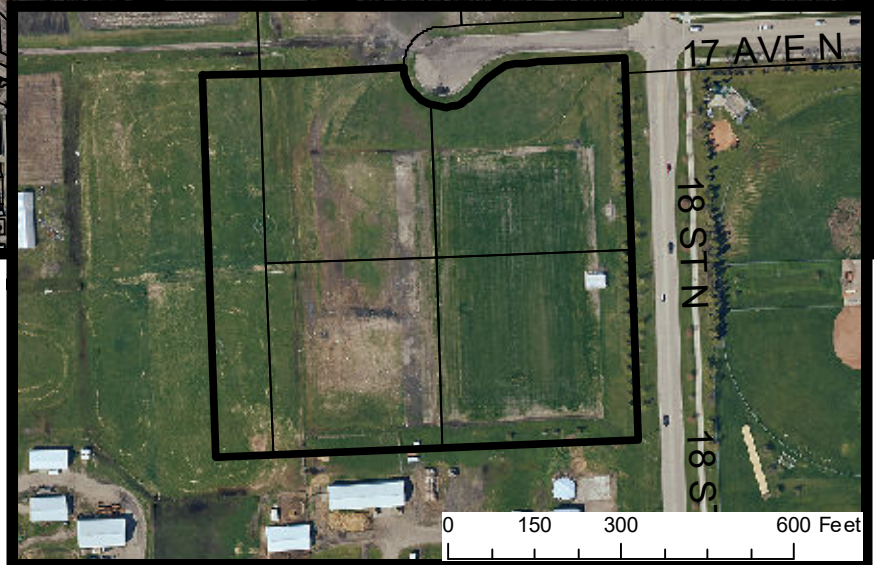
1712 & 1734 NDSU Technology Circle North;
1650 & 1672 18th Street North;
1321 Albrecht Boulevard North



Minor Subdivision

NDSU Research and
Technology Park Third Addition

1712 & 1734 NDSU Technology Circle North;
1650 & 1672 18th Street North;
1321 Albrecht Boulevard North



Legend

City Limits

NDSU RESEARCH AND TECHNOLOGY PARK THIRD ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
BEING A REPLAT OF LOTS 1 THROUGH 4, BLOCK 1, NDSU RESEARCH AND TECHNOLOGY PARK SECOND ADDITION AND A PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 140 NORTH, RANGE 49 WEST AND A VACATION OF ACCESS & UTILITY EASEMENT LYING AND BEING WITHIN THE BOUNDARY OF THE PLAT DESCRIBED HEREIN (A MINOR SUBDIVISION)

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That the North Dakota State University, Owner of a parcel of land located in that part of the Northwest Quarter of Section 36, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:
All of Lots 1 through 4, Block 1 of NDSU RESEARCH AND TECHNOLOGY PARK SECOND ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder as Document No. 1133571, Cass County, North Dakota

AND

That part of the Northwest Quarter described as follows: Beginning that the at the northwest corner of lot 4, Block 1 of NDSU RESEARCH AND TECHNOLOGY PARK SECOND ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota; thence South 02 degrees 08 minutes 12 seconds East on the west line of said addition a distance of 558.45 feet to the southwest corner of lot 3, said addition; thence South 87 degrees 51 minutes 48 seconds West a distance of 74.00 feet; thence North 02 degrees 08 minutes 12 seconds West a distance of 658.50 feet; thence North 87 degrees 25 minutes 08 seconds East a distance of 74.00 feet to the point of beginning.

Containing 10.54 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Said owners of the above described property, have caused the same to be surveyed and plotted as "NDSU RESEARCH AND TECHNOLOGY PARK THIRD ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER

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, PLS
Professional Land Surveyor
Registration No. LS-27292

On this _____ day of _____, 20____ before me
known to me to be the person who is described in and who
executed the same on behalf of said organization.

State of _____)
County of _____)
SS)
State of North Dakota)
County of Cass)

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.

Approved By the City Engineer this _____ day of _____, 2023.

Tom Kindknuhs, P.E.
City Engineer

On this _____ day of _____, 2023, before me, a notary public in and for said county, personally appeared Tom Kindknuhs, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this _____ day of _____, 2023.

Mayor
Timothy J. Mahoney

Attest: Steven Sprague, City Auditor

On this _____ day of _____, 2023, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

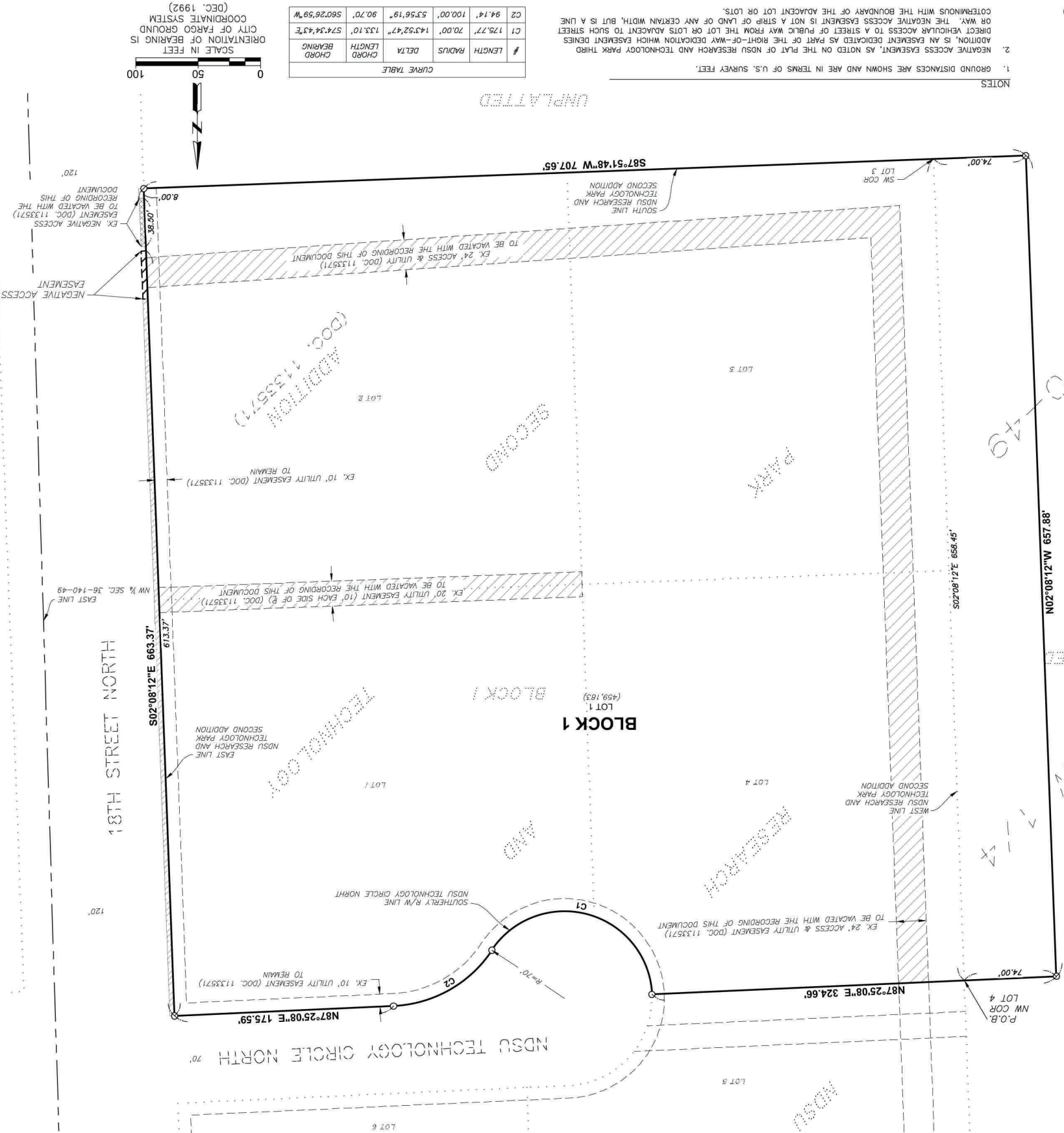
Approved by the City of Fargo Planning Commission this _____ day of _____, 2023.

Rocky Schneider
Planning Commission Chair

State of North Dakota)
County of Cass)
SS)

On this _____ day of _____, 2023, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____



- NOTES
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF NDSU RESEARCH AND TECHNOLOGY PARK THIRD ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

#	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	175.77'	70.00'	143.5247"	133.10'	S74.3443"E
C2	94.14'	100.00'	53.5619"	90.70'	S60.2659"W



1218 55th Street North
Fargo, ND 58102
Email: josh@rjasurvey.com