

FARGO PLANNING COMMISSION AGENDA  
Tuesday, January 2, 2024 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of December 5, 2023

C: Public Hearing Items:

1. Continued hearing on application requesting a Conditional Use Permit to allow group living in the SR-2, Single-Dwelling Residential zoning district on Lot 5, Block 5B, **Replat of Block 5 of Southview Villages Addition**. (Located at 2401 South Flickertail Drive South) (The 2011 Kevin & Sara Alto Living Trust) (dk)
2. Hearing on an application requesting a Plat of **Crossroads Corporate Center Second Addition** (Minor Subdivision) a replat of Lots 1-4, Block 3, Crossroads Corporate Center Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4130, 4150, and 4180 Crossroads Drive South; 2263 41st Street South) (Scheels All Sports, Inc./Houston Engineering) (dk)
- 3a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development overlay on Lots 1-3, Block 1, **Gamma Fargo Addition** and a portion of Lot 1, Block 1, **Pracs Second Addition**. (Located at 4951 and 4837 Amber Valley Parkway South; 4800, 4820, and 4840 23rd Avenue South) (Comstock Services, LLC/Scott Kjos) (lm)
- 3b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan and Final Plan on Lots 1-3, Block 1, **Gamma Fargo Addition** and a portion of Lot 1, Block 1, **Pracs Second Addition**. (Located at 4951 and 4837 Amber Valley Parkway South; 4800, 4820, and 4840 23rd Avenue South) (Comstock Services, LLC/Scott Kjos) (lm)
4. Hearing on an application requesting a Plat of **South Ridge Second Addition** (Minor Subdivision) a replat of Lots 5 and 6, Block 3, South Ridge First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2365 and 2445 65th Avenue South) (Fargo Investments, LLC/Colliers Engineering & Design) (lm)
- 5a. Hearing on an application requesting a Zoning Change from GO, General Office to LC, Limited Commercial and MR-3, Multi-Dwelling Residential on the proposed **Rheault Second Addition**. (Located at 2318, 2322, and 2408 30th Avenue South) (Al and Sharon Carlson/Vision Bank) (bg)
- 5b. Hearing on an application requesting a Plat of **Rheault Second Addition** (Minor Subdivision) a replat of Lots 3, 4, and a portion of 5, Block B of Replat of Part of Rheault Addition, to the City of

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

Minutes are available on the City of Fargo Web site at [www.FargoND.gov/planningcommission](http://www.FargoND.gov/planningcommission).

Fargo, Cass County, North Dakota. (Located at 2318, 2322, 2408, and 2420 30th Avenue South) (Al and Sharon Carlson/Vision Bank) (bg)

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

D: Other Items:

1. Introduction of proposed Covey Ranch 3rd Addition and Master Plan of 120 acres in the North half of Section 10, Township 138 North, Range 49 West, South of 64th Avenue South and East of 45th Street South. (me)
2. Downtown InFocus Take Action: Recommendation for Adoption
3. FM Regional Housing Study: Recommendation for Approval
4. Planning Commission Review of 25th Street Corridor Study

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**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday, December 5, 2023**

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, December 5, 2023.

The Planning Commissioners present or absent were as follows:

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

Absent: Brett Shewey

Chair Schneider called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

Chair Schneider noted Item 1 has been continued to January 2, 2024 and Item 4 has been withdrawn.

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

**Item B: Minutes: Regular Meeting of November 7, 2023**

Member Holtz moved the minutes of the November 7, 2023 Planning Commission meeting be approved. Second by Member Rosenberg. All Members present voted aye and the motion was declared carried.

**Item C: Public Hearing Items:**

**Item 1: Replat of Block 5 of Southview Villages Addition**

**Hearing on application requesting a Conditional Use Permit to allow group living in the SR-2, Single-Dwelling Residential zoning district on Lot 5, Block 5B, Replat of Block 5 of Southview Villages Addition. (Located at 2401 South Flickertail Drive South) (The 2011 Kevin & Sara Alto Living Trust): CONTINUED TO JANUARY 2, 2024**

A Hearing had been set for this date and time; however the applicant has requested this application be continued to January 2, 2024.

Member Morgan present.

**Item 2: Parks Third Addition**

**Hearing on an application requesting a Conditional Use Permit to reduce Telecommunication Support Structure (TSS) setback requirements for telecommunications facility uses in a LC, Limited Commercial zoning district on a portion of Lot 1, Block 1, Parks Third Addition. (Located at 2525 33rd Avenue South) (Terrapact Digital Asset, LLC/Houston Engineering): APPROVED**

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

Discussion was held on the history of the setback requirement.

Planning and Development Assistant Director Mark Williams shared that the requirement was implemented when the current Land Development Code was implemented.

Applicant representative Brian Pattengale spoke on behalf of the application.

Member Stofferahn moved to accept the findings of staff and the Conditional Use Permit to reduce Telecommunication Support Structure (TSS) setback requirements for telecommunications facility uses in a LC, Limited Commercial zoning district on a portion of Lot 1, Block 1, Parks Third Addition, be approved, as outlined within the staff report, as the proposal complies with Section 20-0909.D(1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following conditions:

- 1) The height of a Telecommunication Support Structure (TSS) shall be 50 feet in height or less.
- 2) The setback from residentially-zoned property for a Telecommunication Support Structure (TSS) shall be reduced to a minimum of 120 feet.
- 3) The base of the Telecommunication Support Structure (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 Telecommunication Support Structure (TSS).
- 4) The Conditional Use Permit shall terminate if the use terminates for a period of 12 months.

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

**Item 3: Cityside Addition**

**3a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed Use on the proposed Cityside**



**Addition. (Located at 202, 208, 210, and 212 6th Avenue North; 509, 511, and 515 3rd Street North) (Sterling Properties LLLP/Goldmark): APPROVED**

**3b. Hearing on an application requesting a Plat of Cityside Addition (Major Subdivision) a replat of Lots 2-7, Block 31, and a vacation of a portion of the public alley within Block 31, Keeney and Devitts Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 202, 208, 210, and 212 6th Avenue North; 509, 511, and 515 3rd Street North) (Sterling Properties LLLP/Goldmark): APPROVED**

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

Discussion was held on the background of the application.

Applicant representative Patrick Vesey, Goldmark, spoke on behalf of the application.

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use and 2) Subdivision Plat Cityside Addition, including Vacation of Right-of-Way, as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, Section 20-0907.C, and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code and of North Dakota Century Code Chapter 40-39. Second by Member Rosenberg. On call of the roll Members Morgan, Schmidt, Gunkelman, Stofferahn, Tasa, Rosenberg, Holtz, and Schneider voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

**Item 4: Gamma Fargo Addition**

**4a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to GC, General Commercial on Lots 1-3, Block 1, Gamma Fargo Addition and a portion of Lot 1, Block 1, Pracs Second Addition. (Located at 4951 and 4837 Amber Valley Parkway South; 4800, 4820, and 4840 23rd Avenue South) (Comstock Services, LLC): WITHDRAWN**

**4b. Hearing on an application requesting a Conditional Use Permit to allow manufacturing, production, and warehouse uses in the GC, General Commercial zoning district on Lots 1-3, Block 1, Gamma Fargo Addition and a portion of Lot 1, Block 1, Pracs Second Addition. (Located at 4837 and 4951 Amber Valley Parkway South; 4800, 4820, and 4840 23rd Avenue South) (Comstock Services, LLC): WITHDRAWN**

A Hearing had been set for this date and time; however the applicant has requested this application be withdrawn.

**Item 5: The Pines at the District Fifth Addition**

**Hearing on an application requesting a Plat of The Pines at the District Fifth Addition (Minor Subdivision) a replat of Lot 1, Block 2, The Pines at the District**

**Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4265 53rd Avenue South) (Landco Fargo, LTD/Goldmark Commercial): 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 The Pines at the District Fifth 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 & C 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 Tasa, Gunkelman, Morgan, Schmidt, Holtz, Stofferahn, Rosenberg, and Schneider voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

**Item D: Other Items:**

**Item 1: Downtown InFocus Presentation**

Director of Planning and Development Nicole Crutchfield thanked those that participated in the discussions last month and provided an overview of the Downtown InFocus plan report card of goals and activities.

Discussion was held on inclusive growth downtown, the homeless population, affordability of living downtown, and missing downtown services.

Ms. Crutchfield shared a vision for downtown and the need to recognize gaps in the full picture.

Discussion continued on the size of dwellings, being family friendly, the relationship between the core neighborhoods and downtown, and downtown project updates.

It was noted that comments from the public can still be submitted and this item will come before the Planning Commission in January for recommendation to the City Commission.

**Item 2: FM Regional Housing Study Presentation**

Ms. Crutchfield gave an overview of the study and noted comments and feedback can be submitted over the next couple weeks and this item will come back to the Planning Commission in January for recommendation to the City Commission.

Discussion was held on next steps and a timeline for implementation.

**Item 3: Fargo Growth Plan Update**

Ms. Crutchfield presented an update on the Fargo Growth Plan process.

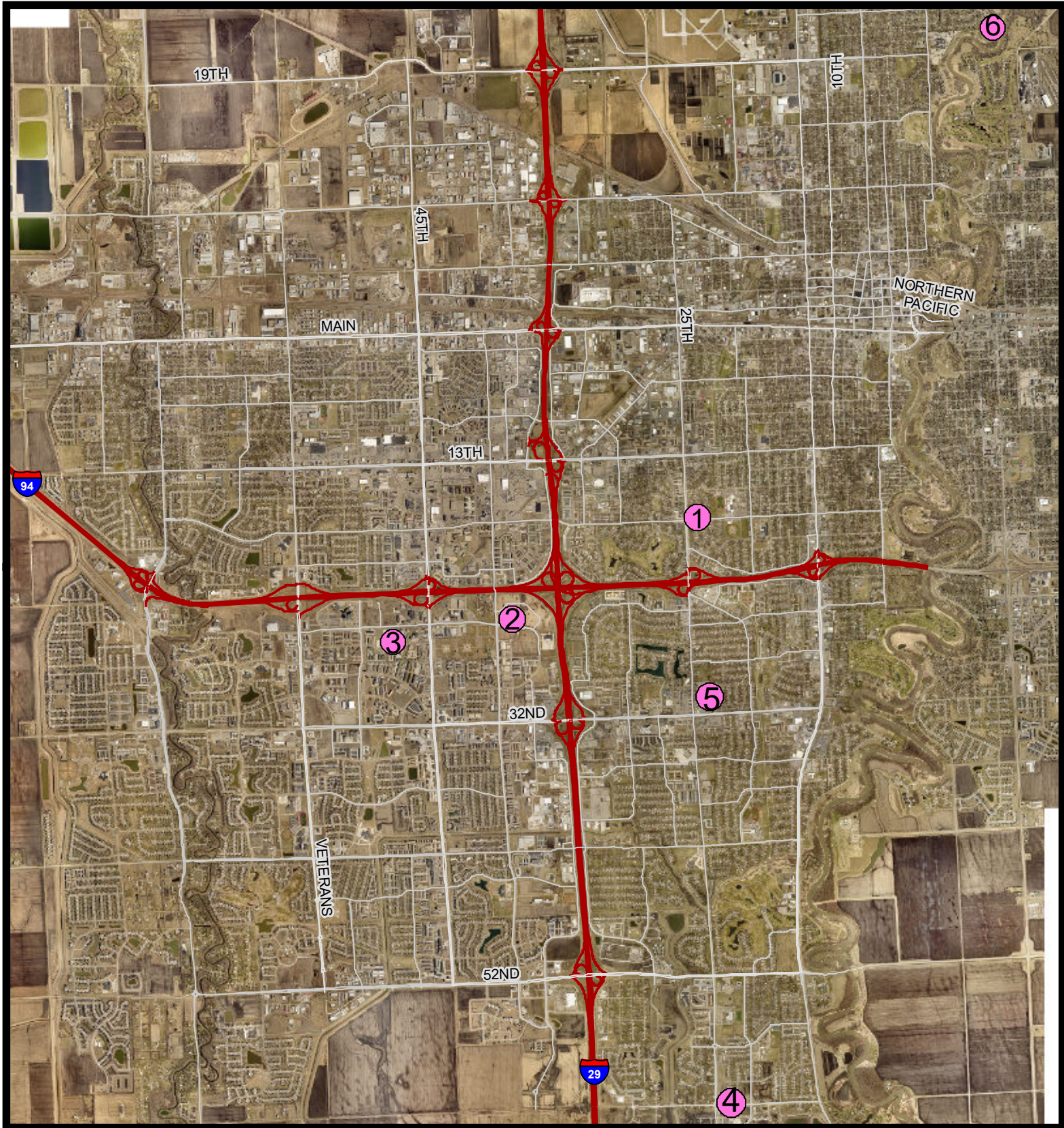
Planning Coordinator Kim Citrowske shared that more meetings will be happening in workgroups with the consultants next week.

Discussion was held on the content to be reviewed at the upcoming meetings.

Member Schmidt moved to adjourn the meeting. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

The time at adjournment was 4:15 p.m.

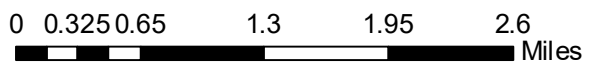





  
**Agenda Items Map**
  
 Fargo Planning Commission
   
 January 2, 2024



- Agenda Item Number**
- 1 - Replat of Block 5 of Southview Villages Addition
  - 2 - Crossroads Corporate Center Second Addition
  - 3a & 3b - Gamma Fargo Addition & Pracs Second Addition
  - 4 - South Ridge Second Addition
  - 5a & 5b - Rheault Second Addition
  - 6 - Woodcrest Third Addition





| <b>City of Fargo<br/>Staff Report</b>   |  |  |                                    |
|---|--|--|------------------------------------|
| <b>Title:</b>   | Replat of Block 5 of Southview Villages Addition   | <b>Date:</b>   | 11/29/2023                         |
|   |  | <b>Update:</b>   | 12/27/2023                         |
| <b>Location:</b>  | 2401 South Flickertail Drive South   | <b>Staff Contact:</b>  | Donald Kress, planning coordinator |
| <b>Legal Description:</b>   | Lot 5, Block 5B, <b>Replat of Block 5 of Southview Villages Addition</b>   |  |                                    |
| <b>Owner(s)/Applicant:</b>  | The 2011 Kevin & Sara Alto Living Trust / Sara Alto  | <b>Engineer:</b>   | None                               |
| <b>Entitlements Requested:</b>  | <b>Conditional Use Permit (CUP)</b> (to allow Group Living in the SR-2, Single Dwelling Residential zoning district) |  |                                    |
| <b>Status:</b>  | Planning Commission Public Hearing: January 2 <sup>nd</sup> , 2024   |  |                                    |
| <b>Existing</b>   |  | <b>Proposed</b>  |                                    |
| <b>Land Use:</b> Single Dwelling Residential  |  | <b>Land Use:</b> Single Dwelling Residential   |                                    |
| <b>Zoning:</b> SR-2, Single-Dwelling Residential  |  | <b>Zoning:</b> SR-2, Single-Dwelling Residential   |                                    |
| <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> In addition to the uses allowed by right in the SR-2 zone, the CUP would allow group living in the SR-2 zone for the subject property only. |                                    |
| <b>Maximum Density Allowed:</b> SR-2 allows a maximum 5.4 dwelling units per acre;  |  | <b>Maximum Density Allowed:</b> No change proposed   |                                    |
| <b>Proposal:</b>  |  |  |                                    |
| <p><i>PROJECT HISTORY NOTE: This project was originally scheduled for the December 5<sup>th</sup>, 2023 Planning Commission agenda, but was continued to the January 2<sup>nd</sup>, 2024 Planning Commission agenda. No action was taken at the December 5<sup>th</sup> Planning Commission meeting.</i></p> <p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li><b>1. Conditional Use Permit (CUP)</b> (to allow Group Living in the SR-2, Single Dwelling Residential zoning district)</li> </ol>  |  |  |                                    |
| <b>Approval and Appeal</b>  |  |  |                                    |
| <p>The Planning Commission is the final decision maker for CUP's. An appeal of the Planning Commission's decision goes to the City Commission. Pursuant of LDC Section 20-0903.B, "Appeals of final decisions made pursuant to the procedures of this article must be filed within 10 days of the date of the decision."</p>  |  |  |                                    |
| <b>Surrounding Land Uses and Zoning Districts:</b>  |  |  |                                    |
| <ul style="list-style-type: none"> <li>• North: SR-2; single-dwelling residences</li> <li>• East: SR-2; single-dwelling residences</li> <li>• South: SR-2; single-dwelling residences</li> <li>• West: SR-2; single-dwelling residences</li> </ul>  |  |  |                                    |
| <b>Context:</b>   |  |  |                                    |
| <p><b>Schools:</b> The subject property is located within the Fargo School District, specifically within the Lewis and Clark Elementary, Carl Ben Eielson Middle, and South High schools.</p> <p><b>Neighborhood:</b> The subject property is located within the South High neighborhood.</p> <p><b>Parks:</b> Westgate Park, 2700 Southgate Drive SW, approximately 0.25 mile west of the subject property, provides amenities of baseball/softball fields; outdoor skating rinks; picnic table; playground, ages 5-12; soccer field; warming houses</p> <p><b>Pedestrian / Bicycle:</b> An off-pavement multi-use trail runs along the west side of 25<sup>th</sup> Street South, approximately 290 feet west of the subject property, though there is no easy access across 25<sup>th</sup> Street from South Flickertail Drive South to this trail.</p> |  |  |                                    |

**MATBUS Route:** The subject property is not located along a MATBUS route. However, MATBUS Route 18 runs along 25<sup>th</sup> Street South, just west of the subject property, with a stop near the intersection with South Flickertail Drive South.

**Area Plan**

The subject property is located within the Core Neighborhoods Plan, which designates the property for “Single Family Residential” land use. The current SR-2, Single-Dwelling Residential zoning is consistent with this land use designation. No zone change is proposed



**Staff Analysis:**

The applicant has applied for CUP for group living in the SR-2 due to an existing zoning violation that has come to the attention of City staff. The Land Development Code prohibits more than three unrelated people living in a single dwelling unit. There are currently five unrelated people living in this residence—the owners’ son and four of his friends. They are all college students.

This zoning violation came to the attention of our Inspections Department in late August of this year. A rental inspector visited the property on September 15<sup>th</sup>. The applicant was made aware of the zoning violation, and over the next few weeks was in contact with Inspections and Planning staff. The applicant was advised that she was eligible to apply for a CUP for group living. She submitted her application in October for the December Planning Commission. This is the standard submittal/hearing timeline.

Enforcement action has been stayed by the Inspections Department pending the outcome of this hearing. That is, the applicant has not been required to remedy the violation and bring the property into compliance yet. If the CUP is approved, and that approval is sustained on any potential appeal, the five residents will be able to remain. If the CUP is denied, and that denial is sustained on any potential appeal, the owner will have to reduce the number of residents in the residence to no more than three.

### RECOMMENDATION OF DENIAL

Staff is recommending denial of this CUP, as stated in the findings below. As the recommendation is for denial, there are no conditions proposed.

### PUBLIC COMMENT

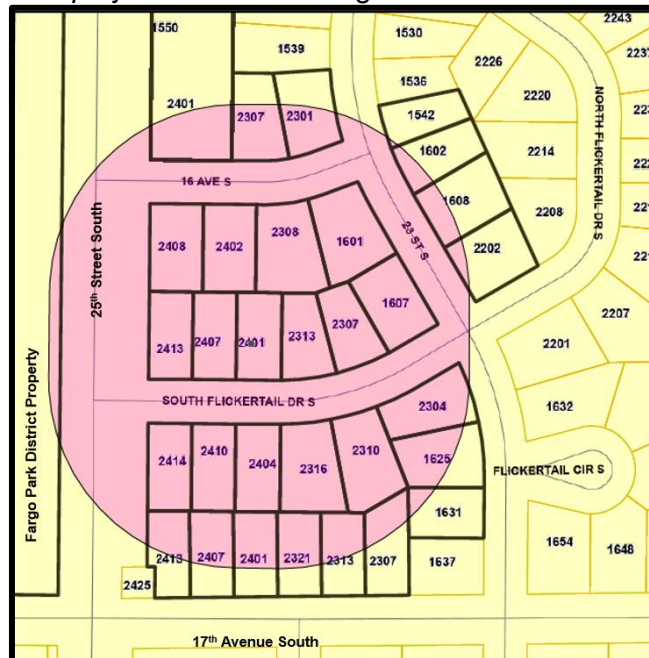
Staff has received six comment e-mails from neighbors to the subject property. Copies of these e-mails, plus a petition in opposition to the proposed CUP and two exhibits, are attached.

Major concerns expressed in these comments include:

- The current use on the subject property is a zoning violation.
- The property owner should have known that allowing more than three people in a single dwelling unit was a zoning violation.
- Any use other than single-family residency, even if temporary, is out of place in this neighborhood.
- The practice of converting single family homes to rental units can negatively affect the resale value of other homes in the neighborhood.
- Additional cars could create congestion, visual hazards and problems with snow plow access.
- The CUP to allow group living could make it easier for a future buyer to be granted a CUP for group living.
- The CUP to allow group living could change the look and feel of the neighborhood.

Staff also responded to four e-mails requesting additional information on the project.

*NOTE: In the findings below, reference to the “neighborhood” of the subject property generally refers to the area within a 300 foot radius of the subject property, which is the area in which property owners receive a letter notifying them of the project and the hearing date. This area is shown below for reference.*



### 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 current use on this property is a violation of the LDC (a zoning violation), as noted above. Staff finds that, though group living can be permitted by CUP in the SR-2 zone, which would remedy the zoning violation, it is not the intent and purpose of the LDC to create individual properties permitted for group living in neighborhoods that are otherwise consistently single-family neighborhoods when the request for group living is only for the benefit of the property owner or residents. **(Criteria NOT Satisfied)**

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

It is staff's understanding that this is not a general rental property, but was procured by the property owner specifically for their son and four of his friends, who are all college students. The proposed conditional use at the specified location seems to be largely for the benefit of the property owner and the student residents.

Note that the group living use proposed here is not any kind of care facility or what is commonly called a "group home," as has been the case with some CUP's for group living in SR-zoned areas that the Planning Commission has recently reviewed. Such facilities are backed by state regulations specific to those uses, which include requirements that such uses be allowed in residential zones.

**(Criteria NOT 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. However, it is the understanding that more than three tenants would create nuisances that could impact the residential neighborhood, such as noise and excess number of cars. 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, Planning staff has received six comment letters, as noted above. **(Criteria NOT 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 subject property is a detached residence, as are the adjacent properties on all sides and across the street. The adjacent properties are owner-occupied, as all the detached residences in the neighborhood appear to be. This is a mature neighborhood; there are no undeveloped lots. None of the other detached residences in this neighborhood have CUP's for group living.

The neighborhood is part of the larger South High neighborhood, which is included in the Core Neighborhoods Plan. A goal of this plan is maintain the integrity of existing single-family neighborhoods, as referred to in more detail below. The intensity of the proposed group living use here would be greater than a single-family use, and thus out of character with the otherwise single-family neighborhood. The parking situation will be addressed in detail in a parking-specific finding below

**(Criteria NOT 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 for a single-dwelling residence, for which staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place. However, if the CUP is approved, parking issues and additional paving could result, which is not conducive to the appeal of a single family residence and could adversely impact drainage. **(Criteria NOT Satisfied)**

***NOTE:** Finding No. 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?” has been omitted here as it relates more to conditional uses for large multi-dwelling and commercial projects rather than conditional uses proposed on single-dwelling lots.*

**Conditional Use Permit Approval Criteria (Section 20-0402.E)**

The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to allow group living in a Single-Dwelling Residence zone to be approved:

**a. Whether or not the dwelling unit meets all building, housing, and fire codes of the City;**

The Inspections Department has advised the applicant of building code violations relating to ceiling height in one of the lower-level bedrooms; requirement for a bathroom exhaust fan; and a set of steps that does not meet building code. The main effect these violations have in relation to the request for the CUP for group living is that one bedroom does not meet the size standards of the building code and is not usable as a bedroom. Additionally, as noted above, the current use of the property is a zoning violation.

**(Criteria NOT Satisfied)**

**b. Whether or not the property has off-street parking space for every vehicle which is owned, possessed or utilized by occupants of the building. Such parking spaces must meet all applicable standards of the City;**

It does not appear that the applicant can satisfy the parking requirement on the property. The parking requirement for group living for which a conditional use permit is required is that off-street parking space for every vehicle which is owned, possessed, or utilized by the occupants of the building must be provided. In the case of this property, it seems this would be five vehicles, one owned by each resident. However, the LDC only recognizes a maximum of one parking space in a residential driveway. All other parking spaces must be located in a covered garage or in side or rear yards. There is no access to the rear yard, as from an alley, on this property. It does not appear that the side yard would accommodate a parking space. So the maximum number of parking spaces that would meet the parking requirement would be three—two in the garage and one in the driveway. Thus, even if the driveway were widened and a larger area of the lot paved, these parking spaces would still not be counted to meet the required parking requirement. It does not appear that the five parking spaces that are needed to meet the parking requirements of the LDC can be created on this property, to meet the demand of the five vehicles owned by the residents.

**(Criteria NOT Satisfied)**

**c. The general condition of the building and whether or not it is in need of substantial repairs or renovation;**

Other than remedying the building code violations noted in (a) above, the Inspections Department has stated that they have found the property to be maintained and not in need of substantial repairs or renovation,

**(Criteria Satisfied)**

**d. Whether or not the requested occupancy is compatible with the neighborhood and will not create undue density and congestion.**

Staff notes that CUP's for group living in an SR zoned area that have recently been approved were for uses that are regulated at the state level by the North Dakota Department of Health and Human Services. Those state regulations indicate that these group living uses must be allowed in single-dwelling districts. Further, the maximum number of residents was limited to four, and the residents in the case of the two such CUP's approved in 2023 do not drive, so parking was not a concern to staff.

The current request appears to be only for the benefit of the owner and the residents, and would allow five people, all of whom drive and have cars, to live in a single residential unit. As noted above, staff does not believe that sufficient parking spaces that meet the LDC requirements can be provided on the property.

All the single-dwelling detached residences in this neighborhood appear to be owner occupied; none has a CUP for group living. Allowing more than three unrelated people to live in the residence on the subject property, for the benefit of the owner and the residents, would be inconsistent with how this neighborhood is currently occupied.

As noted above, this property is within the South High neighborhood, one of the neighborhoods covered by the Core Neighborhoods Master Plan. The future land use map of the South High neighborhood designates this property as “single family residential.” That designation is described in the plan as “. . . a designation that could also be considered a de facto preservation area for the single-family building fabric that dominates these areas [designated as “single-family”]. The proposed group living use is not consistent with the single-family land use designation in the Core Neighborhoods Plan.

**(Criteria NOT Satisfied)**

**Staff Recommendation:**

Suggested Motion: To accept the findings and recommendations of staff and deny the proposed conditional use permit to allow group living on Lot 5, Block 5B, **Replat of Block 5 of Southview Villages Addition** as presented, as the proposal does not satisfy all the criteria of Section 20-0909.D and Section 20-0402.E of the Land Development Code.

**Planning Commission Recommendation:** January 2<sup>nd</sup>, 2024

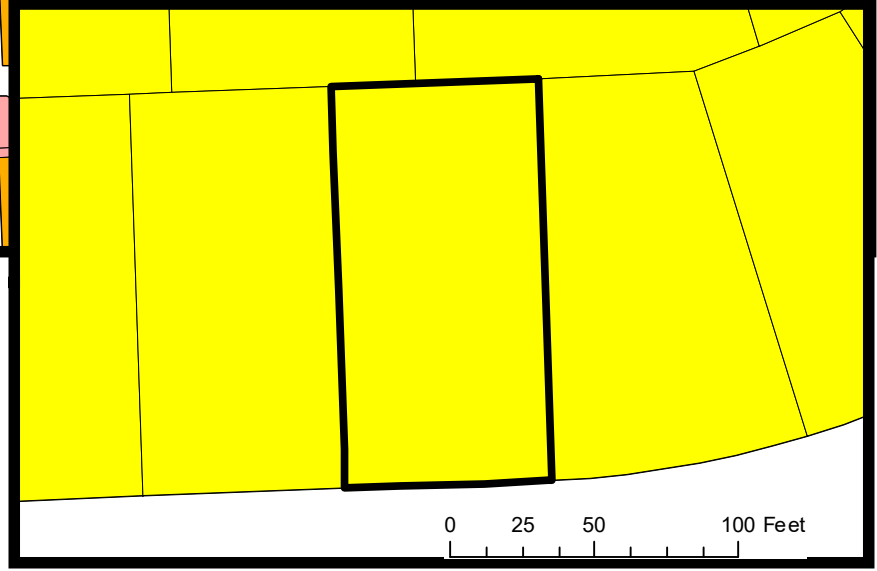
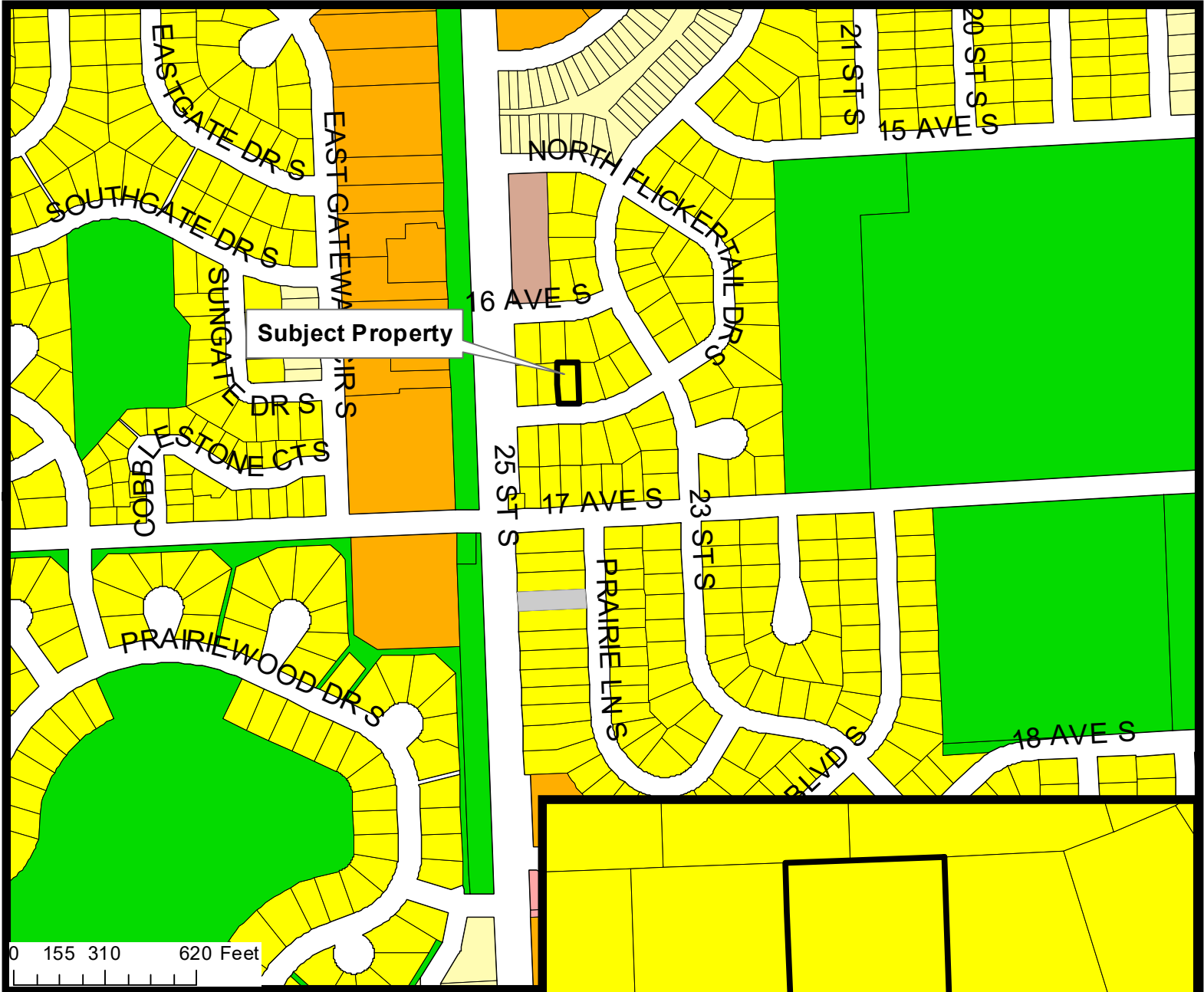
**Attachments:**

1. Zoning map
2. Location map
3. Comment letters

# Conditional Use Permit to allow group living in the SR-2, Single Family Residential zoning district

## Replat of Block 5 of Southview Villages Addition

2401 South Flickertail Drive South



**Legend**

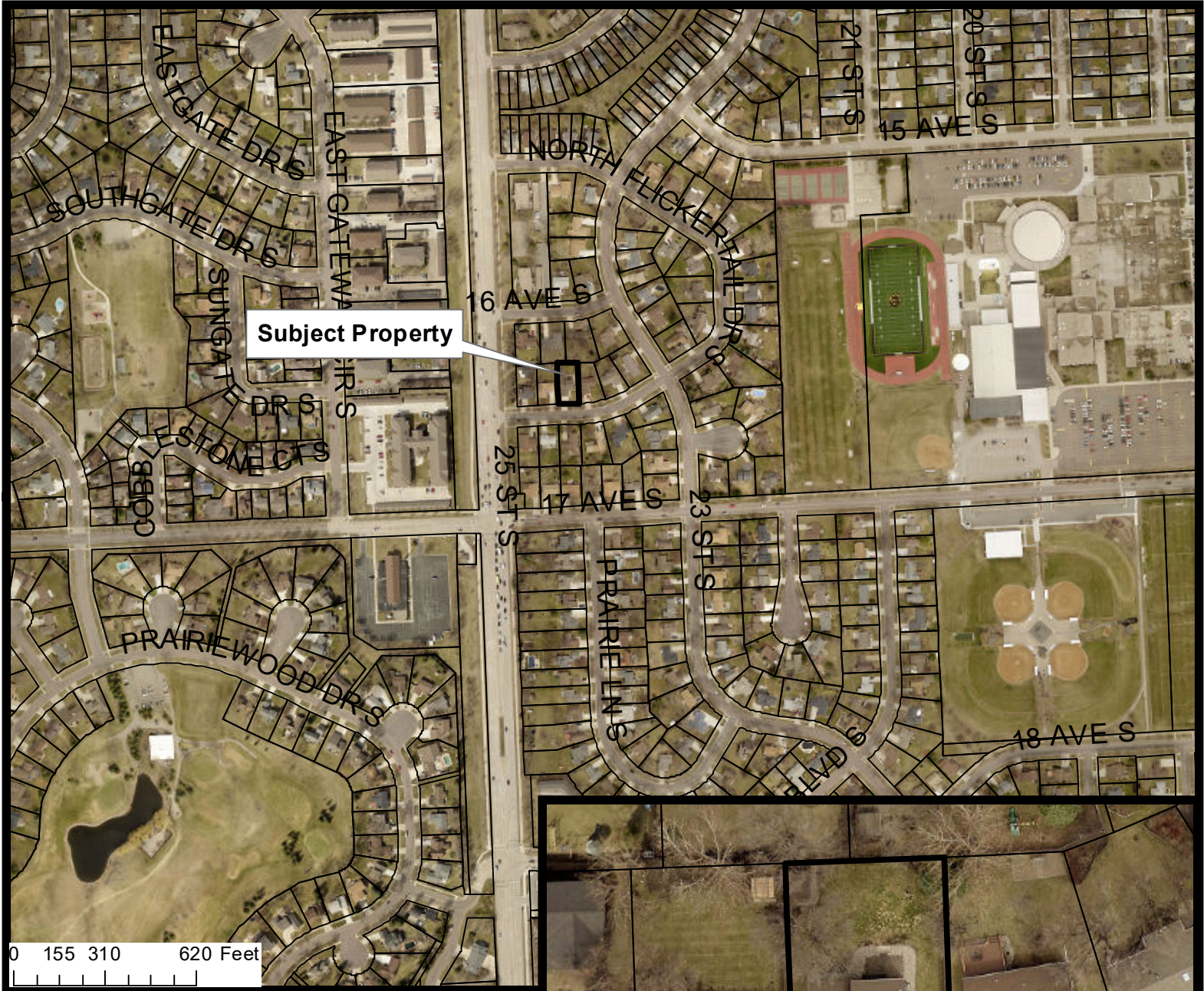
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|----|-----|----|----|----|------|------|------|-----|----|-----|-----|------|------|------|------|-------------|
| AG | DMU | GC | GO | LC | MR-1 | MR-2 | MR-3 | MHP | NC | P/I | UMU | SR-2 | SR-3 | SR-4 | SR-5 | City Limits |
|----|-----|----|----|----|------|------|------|-----|----|-----|-----|------|-----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



# Conditional Use Permit to allow group living in the SR-2, Single Family Residential zoning district

Replat of Block 5 of Southview Villages Addition

2401 South Flickertail Drive South



### Legend

 City Limits

**From:** Regina Mandy  
**Sent:** Tuesday, November 21, 2023 12:30 PM  
**To:** Donald Kress  
**Subject:** Re: rezoning for group living

Dear Mr. Kress, we would most definitely object to having 5 unrelated people living in a single family home in our neighborhood. We had neighbors who did this and there were cars from his renters parked on our street causing congestion, visual hazards and problems with snow plough access. I believe he may have reduced the number of tenants to the legal 3 unrelated people as the parking situation and street congestion has greatly improved. I will say that overall he has been a good neighbor.

But the growing trend of having single family homes converted to apartments is unacceptable. The zoning regulations are there for a reason. We purchased our home with the understanding that it was protected from overcrowding and zone violations. The practice of converting single family homes to rental units often times leads to the decline of the neighborhood. We worry about the resale value of our home as well as the potential problems related to overcrowding in streets and homes designed for single families. The rule of 3 unrelated individuals living in a single family home seems very reasonable and acceptable.

Thank you for your prompt response to our initial letter.

Scott and Regina Mandy

November 22, 2023

TO: Fargo Planning Commission

RE: Request for a Conditional Use Permit (CUP) to Allow "Group Living" in a SR-2 Single Dwelling Residential Zone

LOCATION: Replat of Block 5 of Southview Village Addition, 2401 S. Flickertail Dr. S.

CONCERNS IN REGARD TO GRANTING CUP:

- The proposed Conditional Use Permit will require an increase of driveway space to accommodate the number of vehicles at the location (minimum of 5). This will detract from the appearance of the neighborhood and does not match the general plan or consistency of the land development code.
- The Conditional Use Permit will also contribute to parking concerns due to the five vehicles, along with vehicles belonging to any guests who are visiting the location. When counting vehicle space needed, it should be noted that the two-stall garage is rarely used for parking. Street parking has been an issue, and will amplify when winter weather arrives, impeding the ability for city plows to properly clear snow from the roadway.
- The perceived value of houses on this street will be decreased as the house in question will appear more as a rental unit, in contrast to the single family dwellings on the rest of the street.
- The Conditional Use Permit, if granted, would set a precedent that the land development codes (zoning laws) of the city of Fargo are not consistent. It would create a history, for this house in particular, that could pave the way for a future buyer of the property to be granted a CUP, allowing "group living" in this single family zoned property to continue indefinitely.
- The CUP would also entice a realtor selling the house to market it as a potential income producing property instead of a single family dwelling.

The five young men currently residing in the house have shown us respect and have been good neighbors thus far. As parents of three adult sons ourselves, we are sympathetic to their need for appropriate living arrangements. For zoning consistency, however, and the long term quality of the single family dwellings on this street, we would be opposed to the CUP granting group living at 2401 S. Flickertail Dr. S.

Respectfully,

Keith and Carmelle Nelson  
2313 S. Flickertail Dr. S.  
Fargo, ND 58103

**From:** Mitch Malme  
**Sent:** Wednesday, November 22, 2023 8:32 AM  
**To:** Donald Kress  
**Cc:** Isaiah Bodensteiner ; Keith Nelson; Ed Lulai  
**Subject:** Re: Conditional Use Permit

Don,

I've attached the ( Maintaining SR2 at 2401 S Flickertail Dr S.pdf ) that shows the Statement including the signatures of all the residents on the block that are OPPOSED to the granting of a "Conditional Use Permit" for 2401 S Flickertail Dr S in Fargo ND.

I also included the ( Bella Vista Realty Website.pdf ) ( www.bvrealty.net ) showing that she is in the real estate business. I also included the sale of 2401 S Flickertail Dr S showing it as a 3 bedroom. ( Sale of 2401 S Flickertail Dr S.pdf ). Sara closed on the house the first part of May and the house sat empty until the five renters occupied the property in August. In the meantime she installed two egress windows to make it a five bedroom. I'm assuming Sara Alto a (Real Estate Broker from California) knew up front that the city of Fargo only allows three non-related people to stay in the house and that parking would be an issue.

I also blame the realtors: Listed by Chris Feickert, [REDACTED] Park Co., REALTORS®. Bought with: Landa Heaton, [REDACTED] FpG Realty. They should have been obligated to tell Sara that the city of Fargo would not allow this. They only wanted the sale I guess.

I feel that all of us are being played the fool by Sara Alto because we are from North Dakota. I hope you can help keep the neighborhood intact. Enough said.

Let me know you got this email. Thanks.

Mitch Malme





# Bella Vista REALTY

DRE 00424900

**PLEASE CLICK ON A BOX  
BELOW TO LEARN MORE ABOUT  
THE PROJECTS WE MANAGE.**

Senior Living

Medical/Professional

J. Mark Rynearson  
Broker/Owner-Project Manager  
DRE 00424900



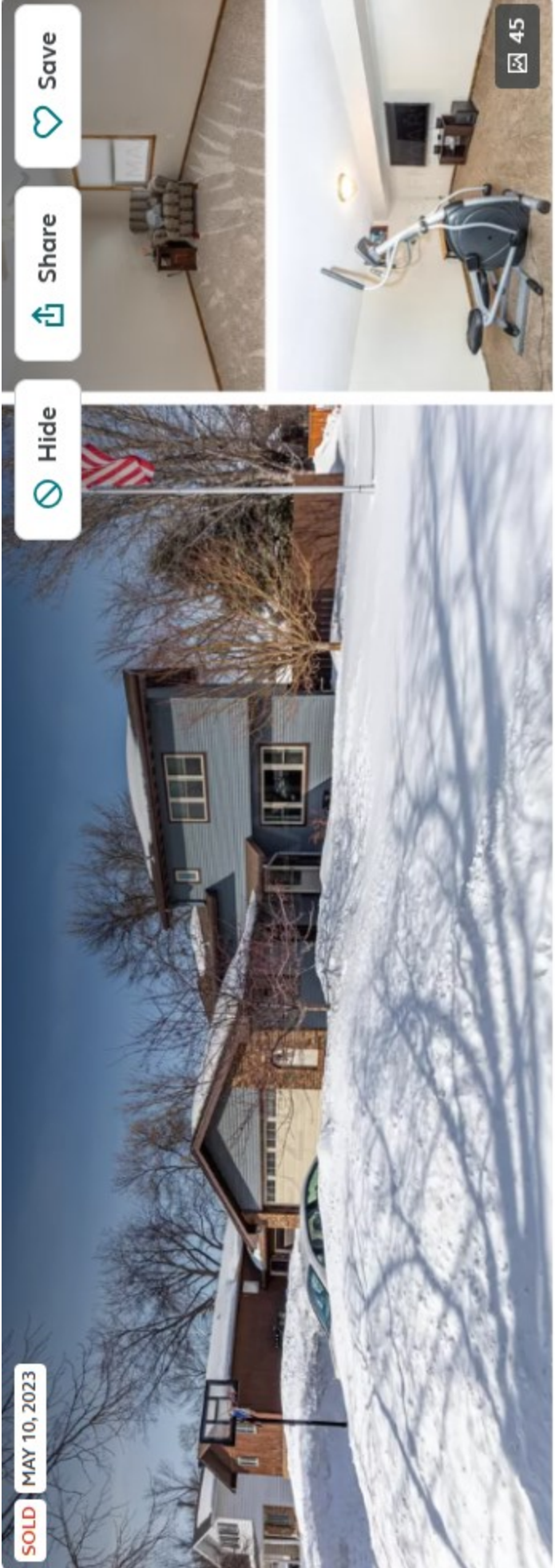
Sara Alto  
Broker Associate/**Site Management**  
DRE 01206582

**MANAGEMENT (707) 496-7012**

**MAILING ADDRESS:**

PO Box 2957, McKinleyville CA 95519





## 2401 S Flickertail Dr S

Fargo, ND 58103 [South High](#)

3 Beds 3 Baths 2,640 sqft

**Retaining of single family limitations, "primary use" (SR2), as originally planned and designed by the city of Fargo for the residence at 2401 South Flickertail Drive South, Fargo, ND**

TO: Relevant Fargo City offices including Inspections and Planning Departments

From: Fargo residents residing at South Flickertail Drive South, Fargo, ND

Statement of Purpose: Maintaining SR2 housing at 2401 on S. Flickertail Dr S. as originally designed and currently supported by the city of Fargo.

As residents of South Flickertail Drive South, we are opposed to any direct, indirect, temporary or permanent changes in the designation, primary use for single family homes on this street. This past Spring a real estate broker from California purchased a single-family dwelling at 2401 (SR2) on this street. The city of Fargo designed this neighborhood for single family dwellings and all of the homes on this street had been occupied and cared for as such. However, we are now dealing with the violation of unrelated group occupancy of the recently sold house at 2401. The purchasers knew that all of the homes on this block were zoned SR2. Regardless, the purchasers knowingly and intentionally violated city zoning by arranging for five unrelated college students to live in this house. This action clearly demonstrates a disregard for the residents and legal city zoning. The new owners have been in violation of city zoning for some time. We are opposed to the conversion of this single-family dwelling to a multifamily/group type dwelling or any variation thereof, regardless if it is temporary, transitional, permanent or by special use permit.

Please do not allow any proposed changes regarding single family occupancy to occur on this street. There are eleven houses on this street and 2401 is located at the midpoint of the block. Again, we are opposed to any changes from the current city designation and description of a single-family dwelling. We see no benefit from changing this zoning. On the contrary, there are many obvious negatives that we are sure the city of Fargo is well aware of.

We are established Fargo residents. Please comply with our request, it is reasonable and maintains compliance with zoning and planning for the city of Fargo. We believe action should be taken to bring this home into legal SR2 compliance.

The following signatories are residents of South Flickertail Drive South, reside at the indicated house numbers and are opposed to any change from the current city designation of single-family dwelling (SR2) to something other, as indicated above.

Signatories and house numbers

- 2407 - Mitel Malme and Janet Malme  
2313 - Ruth A. Nelson  
2414 - Danyling  
2418 - L. Schenker  
2404 - Ed Lulai and Cathy Lulai  
2413 - BRUCE BAUSTE  
2307 - Gary Kaeding  
2307 - Janet Kaeding  
2304 - Matt Stier  
2316 - Seralyn Green and Paul Green  
2318 - Bob & Ann King

Page 3 of 3

Signatories and house numbers

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**From:** Luikens, Andy  
**Sent:** Thursday, November 23, 2023 8:42 AM  
**To:** Donald Kress  
**Subject:** Replat of Block 5 of Southview Villages Addition

Mr. Kress and Planning Commission,

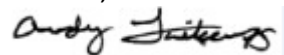
We are writing you as the owners of 2310 South Flickertail Drive South as we have concerns with the proposed **Conditional Use Permit for Lot 5, Block 5B of the Southview Villages Addition (2401 South Flickertail Drive South)**.

My wife and I moved into this neighborhood to start our family given its wonderful single family home environment with access to schools and location in the heart of Fargo. Seeing this request is very troubling as converting 2401 to group living will change the neighborhood not only in feel but in appearance which challenges the very the reason we reside here.

Many of you will remember the days of growing up in an established neighborhood with your friends just down the street and that is exactly what South Flickertail Dr South remains today, for our five year old son Finn. We truly love the community of Fargo and neighborhood we live in and therefore we strongly request that you decline the Group Living permit as we need to continue to value all types of living in Fargo and that means maintaining neighborhoods like South Flickertail Dr South.

Thank you for your time and we truly appreciate your consideration of these comments in our absence from the meeting.

Cheers,



Andy, Anna and Finn Luikens  
2310 S Flickertail Dr S  
Fargo, ND 58103



**From:** Gary Kaeding

**Sent:** Monday, December 4, 2023 11:21 AM

**To:** Donald Kress

**Subject:** Conditional Use Permit for 2401 S Flickertail Drive S

Dear Mr. Kress:

My wife, Jan, and I have lived at 2307 S Flickertail Drive S for over 46 years (purchased in 1977). When we purchased our home it had just been completed, so we have been the first and only owners of this property.

Over these past 46 years, we have naturally seen neighbors come and go. However, each property on the block has always been owned and maintained as a single family home. As you confirmed in your November 30th email to Keith Nelson, that is consistent with the core neighborhoods plan that identifies this area as single-family.

I got the impression from your email that you may be getting frustrated with us since you have clearly indicated that it is your intent to recommend that the conditional use permit be denied. As is often the case in today's environment, we citizens sometimes overreact when dealing with our governmental agencies. Please understand that this is very personal to us and that we just want to make sure we don't miss an opportunity that would help ensure the CUP is denied.

Jan and I agree with your conclusions that there are not enough parking spaces for five vehicles, that the request only benefits the owner and provides no benefit to the neighborhood or larger community, that the request is out of character for the neighborhood and is contrary to the core neighborhoods plan.

This is and always has been a single-family neighborhood. We feel we have a right to keep it that way and that the city has an obligation to maintain the character of neighborhoods such as ours.

Thank you for your consideration of this matter. I appreciate all the feedback you have provided us and I look forward to attending the January 2, 2024 hearing.

Gary and Jan Kaeding  
2307 S Flickertail Drive S

**From:** Paul

**Sent:** Monday, December 4, 2023 8:20 PM

**To:** Donald

**Subject:** Replat of Block 5 of Southview Villages

Hi Donald,

We have lived at 2316 S. Flickertail Drive S. for 10 years. We have enjoyed the quiet neighborhood and the friendly neighbors. We are strongly in favor of maintaining SR2 housing at 2401 S. Flickertail Drive S. as originally designed and currently supported by the City of Fargo. We appreciate you thinking of the long time residents in this neighborhood as you vote on this issue.

Thank you,

Paul and GERALYN Green  
2316 S. Flickertail Drive S.  
Fargo, ND 58103

| <b>City of Fargo<br/>Staff Report</b> |   |                       |  |
|---------------------------------------|---|-----------------------|--|
| <b>Title:</b>                         | Crossroads Corporate Center Second Addition   | <b>Date:</b>          | 12/27/2023                                 |
| <b>Location:</b>                      | 4130, 4150, and 4180 Crossroads Drive South; 2263 41st Street South   | <b>Staff Contact:</b> | Donald Kress, current planning coordinator |
| <b>Legal Description:</b>             | Lots 1 through 4, Block 3, Crossroads Corporate Center Addition   |                       |  |
| <b>Owner(s)/Applicant:</b>            | Scheels All Sports, Inc. / Houston Engineering, Inc.  | <b>Engineer:</b>      | Houston Engineering, Inc.                  |
| <b>Entitlements Requested:</b>        | <b>Minor Subdivision</b> (Plat of <b>Crossroads Corporate Center Second Addition</b> a replat of Lots 1 through 4, Block 3, Crossroads Corporate Center Addition) |                       |  |
| <b>Status:</b>                        | Planning Commission Public Hearing: January 2 <sup>nd</sup> , 2024  |                       |  |

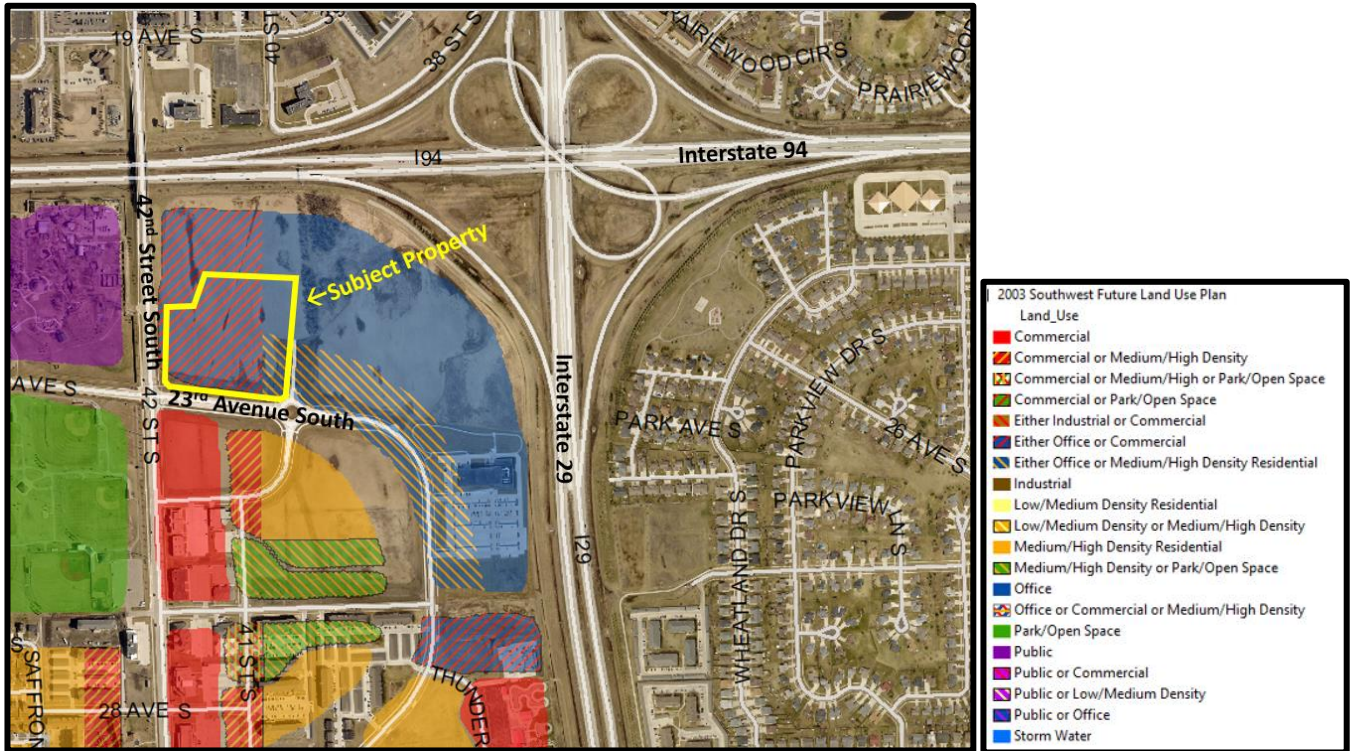
| <b>Existing</b>   | <b>Proposed</b>                           |
|---|---|
| <b>Land Use:</b> Undeveloped  | <b>Land Use:</b> Commercial               |
| <b>Zoning:</b> GC, General Commercial   | <b>Zoning:</b> No change proposed         |
| <b>Uses Allowed:</b> GC – General Commercial. Allows colleges, 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>Uses Allowed:</b> No change            |
| <b>Maximum Density Allowed:</b> GC allows a maximum building coverage of 85%  | <b>Maximum Density Allowed:</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>Crossroads Corporate Center Second Addition</b>, which is a replat of Lots 1 through 4, Block 3, Crossroads Corporate Center Addition.</li> </ol> <p>The property was zoned from AG, Agricultural to GC, General Commercial in 2017. No zone change is proposed.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: GC, undeveloped</li> <li>• East: GC, Undeveloped</li> <li>• South: AG, Agricultural; undeveloped</li> <li>• West: P/I, Public / Institutional; Red River Zoo</li> </ul> <p>(continued on next page)</p> |



## Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan designates the subject properties as "Either Office or Commercial;" and "Either Office or Medium/ High Density Residential." The existing GC, General Commercial zoning is consistent with these designations. No zone change is proposed. No growth plan amendment is required.



## Context:

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

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

**Parks:** The Red River Zoo, 4255 23<sup>rd</sup> Avenue South, is located west across 42<sup>nd</sup> Street South. Anderson Softball Complex, 4200 23<sup>rd</sup> Avenue South, is located southwest of the subject property and offers amenities of baseball/softball fields, concessions, picnic table, playground, ages 2-5, and restrooms.

**Pedestrian / Bicycle:** An 10-foot wide off-road multi-use trail, which is a component of the metro area bikeways system, is within the 42<sup>nd</sup> Street South right of way located west across 42<sup>nd</sup> Street from the subject property.

**MATBUS Route:** MATBUS Route 14 runs along 42<sup>nd</sup> Avenue South, along the west side of the subject property.

## Staff Analysis:

### PLAT

The plat does not change the configuration of the existing four lots, which were created with the Crossroads Corporate Center Addition in 2021. The applicant has requested a break in the negative access easement (NAE) along 23<sup>rd</sup> Street South. That easement was applied with the original Crossroads plat. The only way to revise a negative access easement that has been created on a plat is to replat. This plat also changes the internal access easement that serves all four lots. That access easement will now extend from Crossroads Corporate Center Drive to 23<sup>rd</sup> Avenue South. All the lots touch public right of way on two sides. Additionally, the plat adds an NAE along the property frontage of Crossroads Drive South, to help control access in proximity to the intersection of that street and 42<sup>nd</sup> Street South, an arterial.

**Minor 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 current zoning is GC, General Commercial. No zone change is proposed. This zoning is consistent with the the 2003 Southwest Future Land Use Plan, which designates the subject properties as “Either Office or Commercial;” and “Either Office or Medium/ High Density Residential.” The current GC zoning is consistent with these land use designations. 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. 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)**

**Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **Crossroads Corporate Center Second Addition**, as presented, as the proposal complies with the 2003 Southwest Future Land Use Plan, Standards of Article 20-06, Section 20-0907.B. and C of the LDC, and all other applicable requirements of the LDC.””

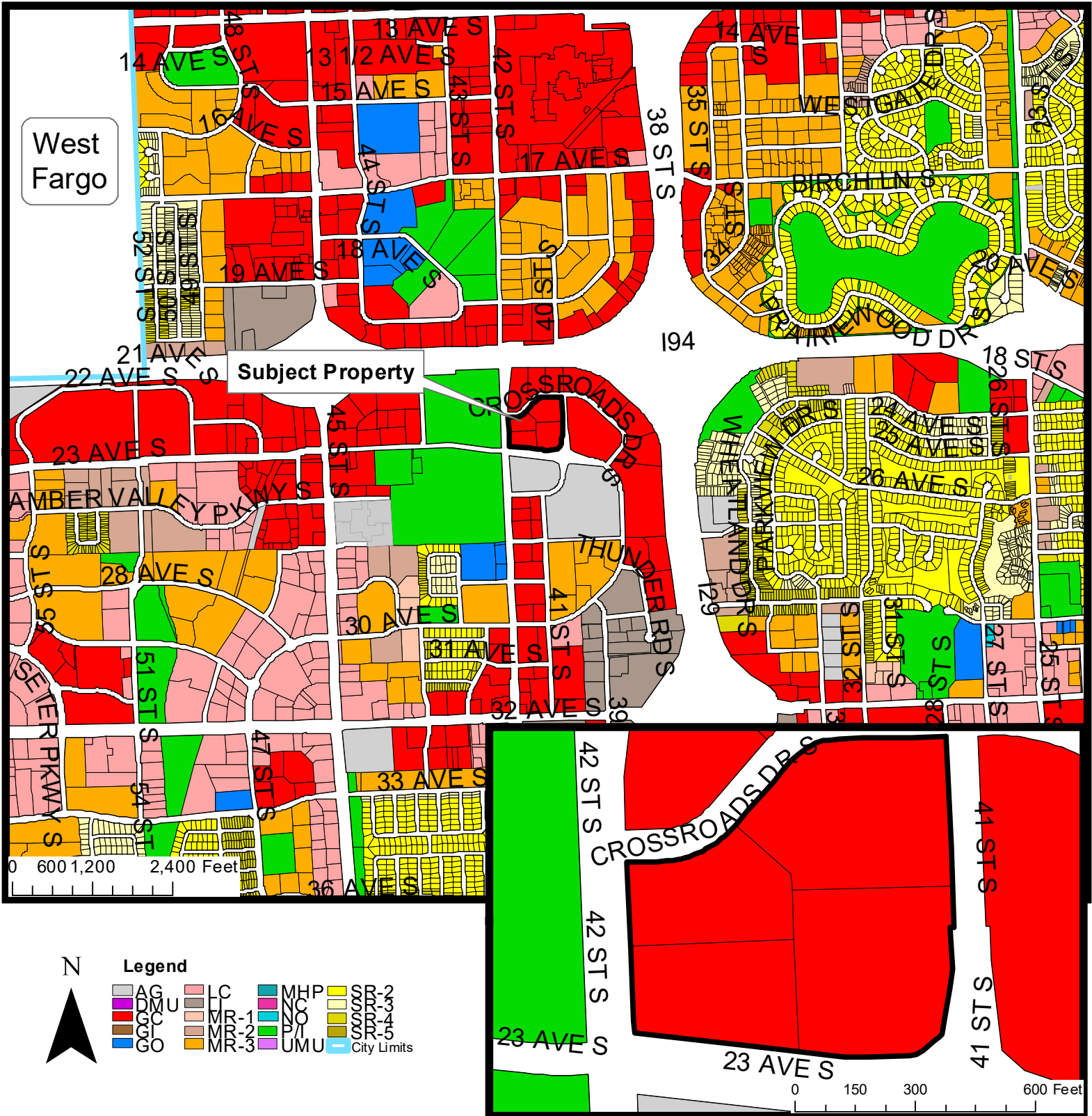
**Planning Commission Recommendation:** January 2<sup>nd</sup>, 2024

**Attachments:**

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

# Minor Subdivision

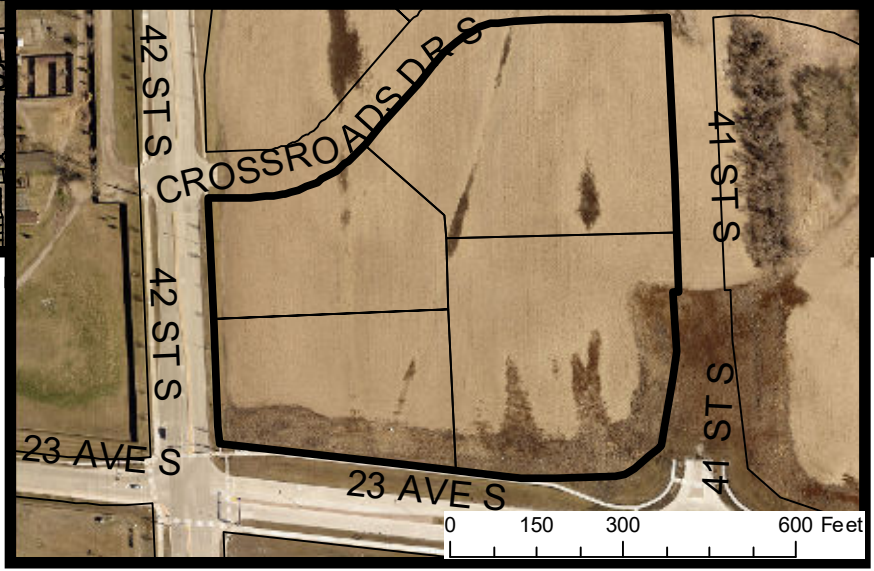
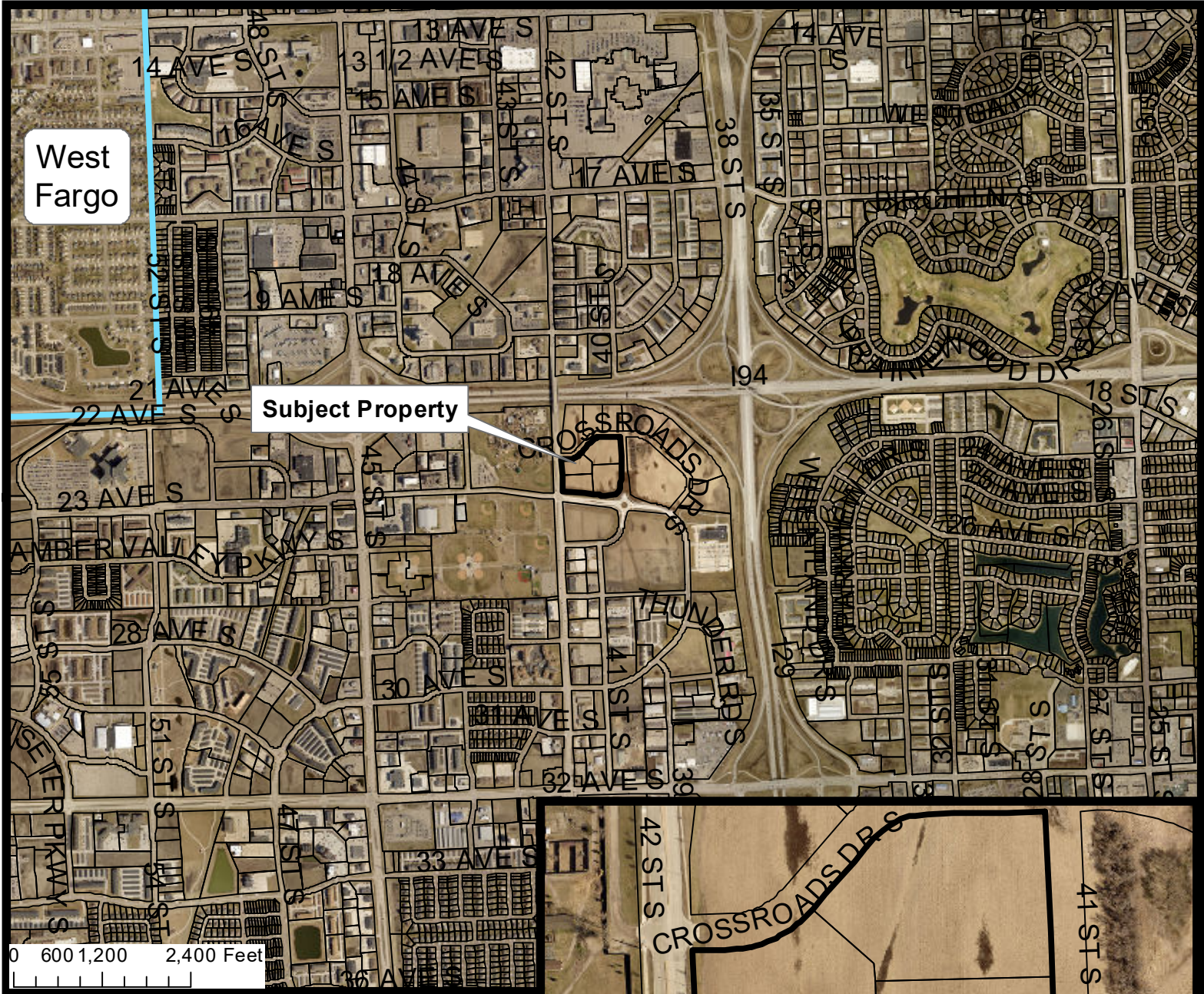
**Crossroads Corporate Center Second Addition** 2263 41st Street South; 4130, 4150 & 4180 Crossroads Drive South





# Minor Subdivision

**Crossroads Corporate Center Second Addition** 2263 41st Street South;  
4130, 4150 & 4180 Crossroads Drive South



**Legend**  
City Limits



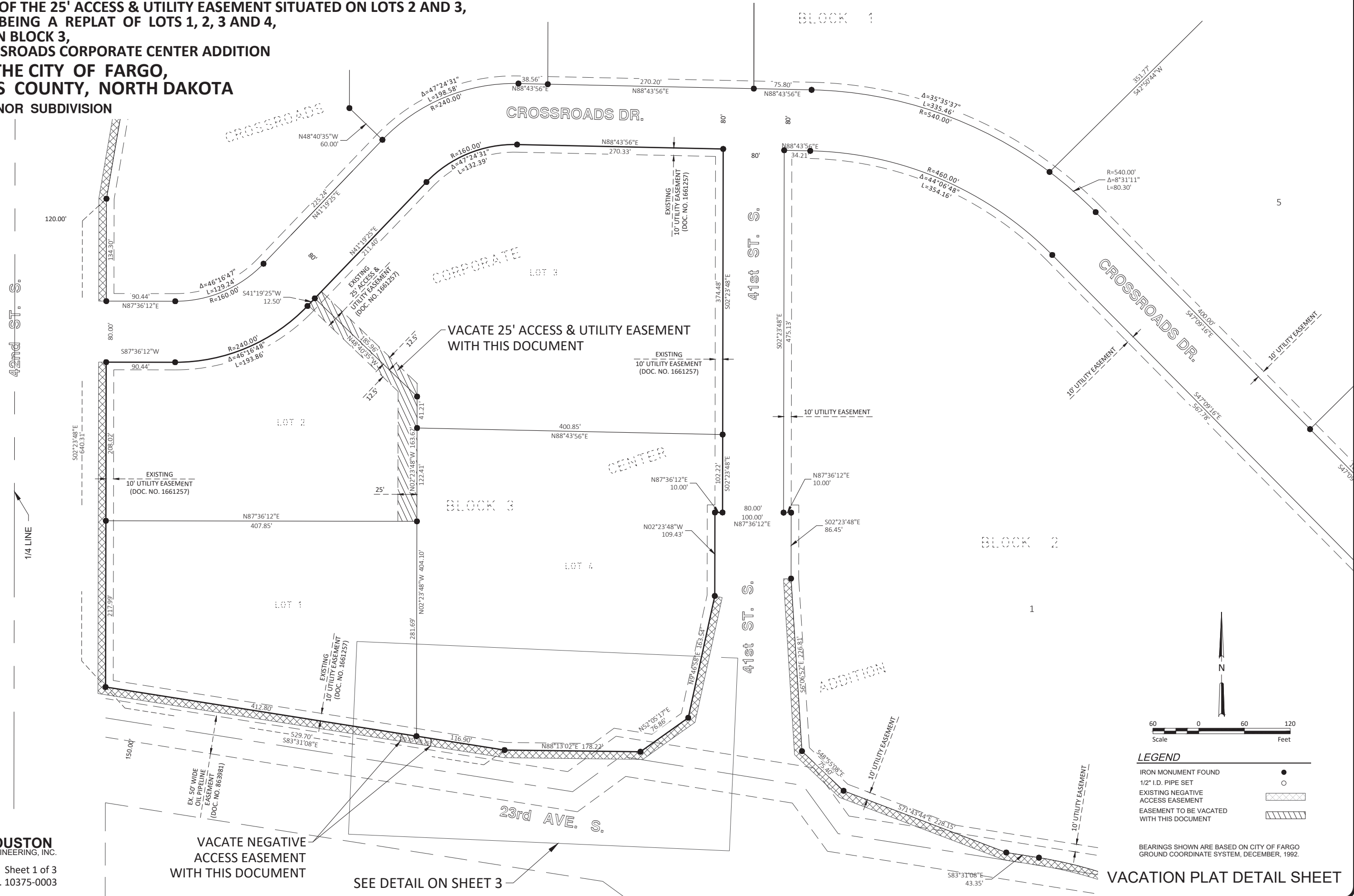
**Fargo Planning Commission**  
**January 2, 2024**



# CROSSROADS CORPORATE CENTER SECOND ADDITION

BEING A VACATION PLAT OF A PORTION OF NEGATIVE ACCESS EASEMENT AND OF THE 25' ACCESS & UTILITY EASEMENT SITUATED ON LOTS 2 AND 3, AND BEING A REPLAT OF LOTS 1, 2, 3 AND 4, ALL IN BLOCK 3, CROSSROADS CORPORATE CENTER ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

A MINOR SUBDIVISION



VACATE 25' ACCESS & UTILITY EASEMENT WITH THIS DOCUMENT

VACATE NEGATIVE ACCESS EASEMENT WITH THIS DOCUMENT

SEE DETAIL ON SHEET 3

**LEGEND**

|   |   |
|---|---|
| IRON MONUMENT FOUND                       | ● |
| 1/2" I.D. PIPE SET                        | ○ |
| EXISTING NEGATIVE ACCESS EASEMENT         | ▨ |
| EASEMENT TO BE VACATED WITH THIS DOCUMENT | ▩ |

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

VACATION PLAT DETAIL SHEET

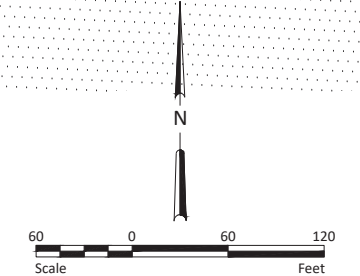
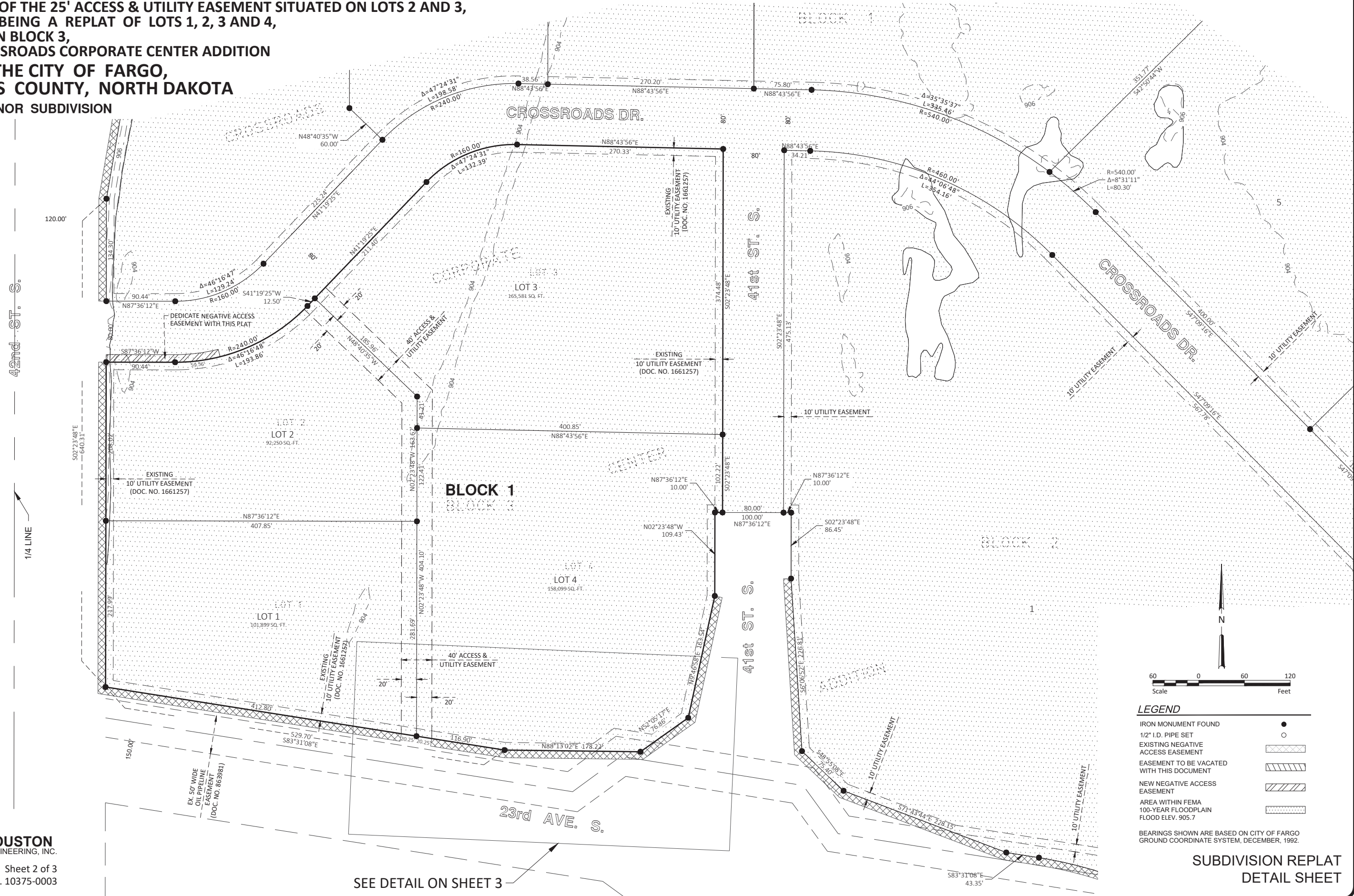


Sheet 1 of 3  
Project No. 10375-0003

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# CROSSROADS CORPORATE CENTER SECOND ADDITION

BEING A VACATION PLAT OF A PORTION OF NEGATIVE ACCESS EASEMENT AND OF THE 25' ACCESS & UTILITY EASEMENT SITUATED ON LOTS 2 AND 3, AND BEING A REPLAT OF LOTS 1, 2, 3 AND 4, ALL IN BLOCK 3, CROSSROADS CORPORATE CENTER ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
A MINOR SUBDIVISION



**LEGEND**

|  |   |
|--|---|
| IRON MONUMENT FOUND                                    | ● |
| 1/2" I.D. PIPE SET                                     | ○ |
| EXISTING NEGATIVE ACCESS EASEMENT                      | ▨ |
| EASEMENT TO BE VACATED WITH THIS DOCUMENT              | ▧ |
| NEW NEGATIVE ACCESS EASEMENT                           | ▩ |
| AREA WITHIN FEMA 100-YEAR FLOODPLAIN FLOOD ELEV. 905.7 | ▤ |

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

**SUBDIVISION REPLAT  
DETAIL SHEET**



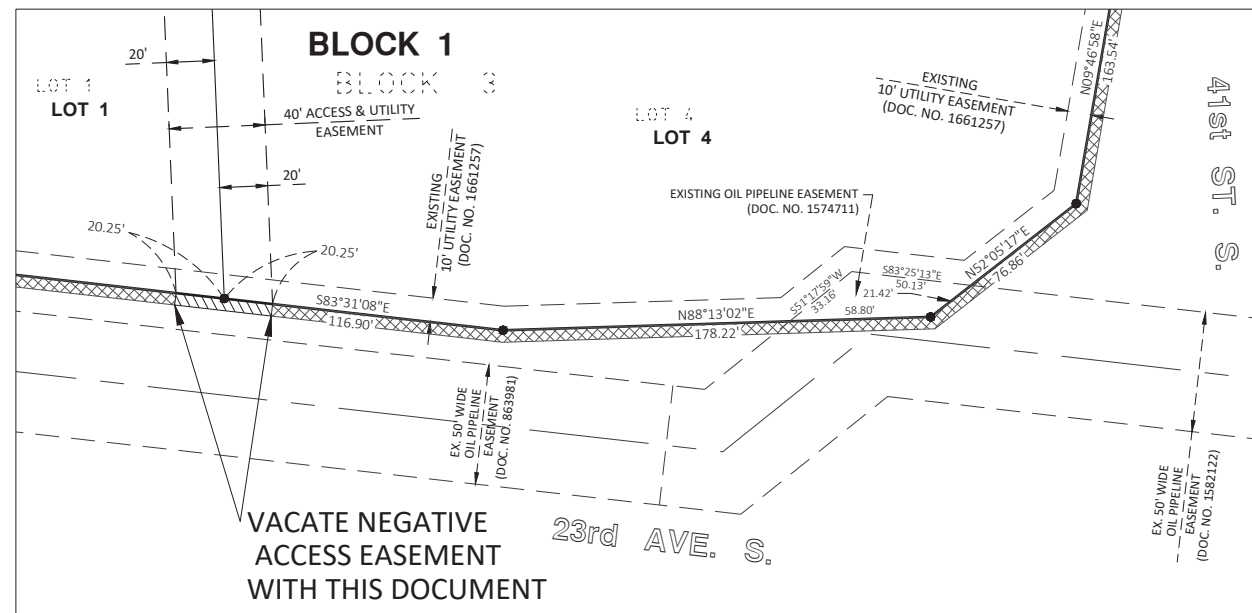
Sheet 2 of 3  
Project No. 10375-0003

SEE DETAIL ON SHEET 3

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# CROSSROADS CORPORATE CENTER SECOND ADDITION

BEING A VACATION PLAT OF A PORTION OF NEGATIVE ACCESS EASEMENT AND OF THE 25' ACCESS & UTILITY EASEMENT SITUATED ON LOTS 2 AND 3, AND BEING A REPLAT OF LOTS 1, 2, 3 AND 4, ALL IN BLOCK 3, CROSSROADS CORPORATE CENTER ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA A MINOR SUBDIVISION



**DETAIL**  
1" = 40'

**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. PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0776G, 38017C0777G, 38017C0778G AND 38017C0779G, DATED JANUARY 16, 2015. ZONE AE IS ONLY DEPICTED ON SHEET 2 OF THIS PLAT AND ONLY WITHIN THE BOUNDARY OF CROSSROADS CORPORATE CENTER ADDITION.
3. BASE FLOOD ELEVATION = 905.7' (NAVD 1988)
4. ELEVATION COUNTOURS SHOWN ARE NAVD 1988, 2-FOOT INTERVAL, AND DERIVED FROM F-M METRO AREA LIDAR DATA ACQUIRED MAY, 2017. CONTOURS ARE ONLY SHOWN ON SHEET 2 OF THIS PLAT AND ARE NOT SHOWN OUTSIDE OF PLAT BOUNDARY OF CROSSROADS CORPORATE CENTER ADDITION.

**OWNER'S CERTIFICATE, VACATION AND DEDICATION:**

KNOW ALL PERSONS BY THESE PRESENTS: That Scheels All Sports, Inc., a North Dakota Corporation, is the owner and proprietor of Lots 1, 2, 3 and 4, Block 3, Crossroads Corporate Center Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 11.888 acres, more or less.

And that said party does hereby vacate the easements as designated for vacation on this plat, and does hereby cause the above described tract to be surveyed and replatted as **CROSSROADS CORPORATE CENTER SECOND ADDITION** to the City of Fargo, Cass County, North Dakota, does hereby dedicate and convey to the public, for public use, the negative access easement shown on this plat, and does hereby dedicate to the present and future owners of Lots 1, 2, 3 and 4, Block 1, herein replatted, the 40' Access and Utility Easement shown on this plat.

**OWNER:**

Scheels All Sports, Inc.

\_\_\_\_\_  
Matt Hanson, CEO

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Matt Hanson, CEO for Scheels All Sports, 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 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 )  
County of Cass ) ss

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\_\_\_\_.

\_\_\_\_\_  
Tom Knakmuhs, P.E., City Engineer

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Tom Knakmuhs, P.E., 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 City Engineer.

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

**FARGO PLANNING COMMISSION APPROVAL:**

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

\_\_\_\_\_  
Rocky Schneider, Chair  
Fargo Planning Commission

State of North Dakota )  
County of Cass ) ss

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

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

**FARGO CITY COMMISSION APPROVAL:**

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

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

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

State of North Dakota )  
County of Cass ) ss

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

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



| <b>City of Fargo<br/>Staff Report</b> |   |                       |                      |
|---------------------------------------|---|-----------------------|----------------------|
| <b>Title:</b>                         | Gamma Fargo Addition and Pracs Second Addition  | <b>Date:</b>          | 12/27/2023           |
| <b>Location:</b>                      | 4951 and 4837 Amber Valley Parkway South; 4800, 4820, and 4840 23 Avenue South.   | <b>Staff Contact:</b> | Luke Morman, Planner |
| <b>Legal Description</b>              | Lots 1-3, Block 1, <b>Gamma Fargo Addition</b> and a portion of Lot 1, Block 1, <b>Pracs Second Addition.</b>   |                       |                      |
| <b>Owner(s)/Applicant:</b>            | Comstock Services, LLC/Scott Kjos   | <b>Engineer:</b>      | N/A                  |
| <b>Entitlements Requested:</b>        | 1) <b>PUD, Planned Unit Development Master Land Use Plan</b> , and <b>PUD Final Plan</b> and 2) <b>Zoning Change</b> from LC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development |                       |                      |
| <b>Status:</b>                        | Planning Commission Public Hearing: January 2, 2024   |                       |                      |

| <b>Existing</b>   | <b>Proposed</b>   |
|---|---|
| <b>Land Use:</b> Office   | <b>Land Use:</b> Office, manufacturing, production, and warehouse.  |
| <b>Zoning:</b> LC, Limited Commercial   | <b>Zoning:</b> GC, General Commercial with a PUD, Planned Unit Development  |
| <p><b>Uses Allowed:</b> LC allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, off-premise advertising, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some TSS structures.</p> <p>Conditional Use Permit from 2004 for a parking reduction (CUP #218).</p> | <p><b>Uses Allowed:</b> GC allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del>, health care facilities, parks and open space, religious institutions, safety services, basic utilities, <del>adult establishments</del>, offices, <del>off-premise advertising</del>, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, <del>aviation, surface transportation</del>, and some TSS structures.</p> <p><b>The PUD, Planned Unit Development would allow manufacturing, production, and warehouse uses in the GC, General Commercial zone</b>, in addition to the other permitted uses in the GC zone and other conditions.</p> <p>CUP #218 remains.</p> |
| <b>Maximum Lot Coverage:</b> Maximum 55% building coverage  | <b>Maximum Lot Coverage:</b> Maximum 85% building coverage  |

| <b>Proposal:</b>   |
|--|
| <p>The applicant is requesting two entitlements:</p> <ol style="list-style-type: none"> <li>1. <b>PUD, Planned Unit Development Master Land Use Plan</b> and <b>PUD Final Plan</b></li> <li>2. <b>Zoning Change</b> from LC, Limited Commercial to GC, General Commercial, with a PUD, Planned Unit Development overlay;</li> </ol> <p>The applicant proposes a medical device manufacturer to fit-up a tenant space in the existing building. The application included the following information for the proposed use:</p> <p><i>“CorVent Medical designs, assembles, and distributes medical devices, ventilators, and breathing devices. We will perform design, testing, assembly, and distribution of ventilators out of this facility. This will be our Global Headquarters and we are OEM.”</i> (Original Equipment Manufacturer)</p> |

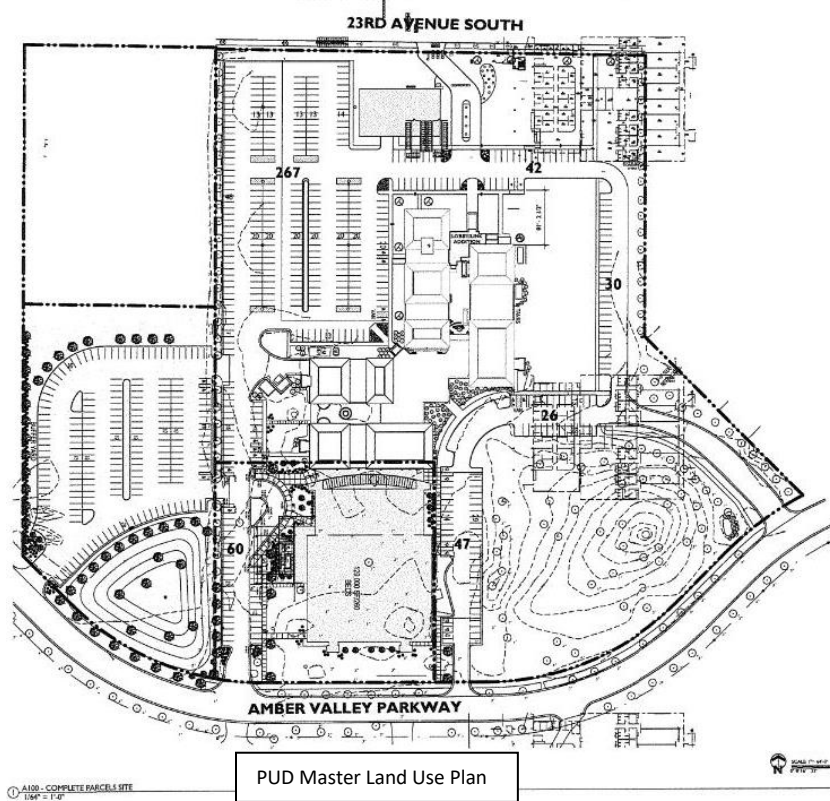


The applicant originally requested a zone change from LC, Limited Commercial, to GC, General Commercial and a CUP, Conditional Use Permit, to allow for manufacturing, production, and warehouse uses in the GC, General Commercial zone. However, through the review process, staff determined that the more appropriate entitlement would be a PUD, Planned Unit Development. The proposed PUD overlay will have typical restrictions for industrial uses in the GC zone such as all-weather surface, no debris, no outdoor storage, concealing refuse containers, and no hazardous chemicals or materials.

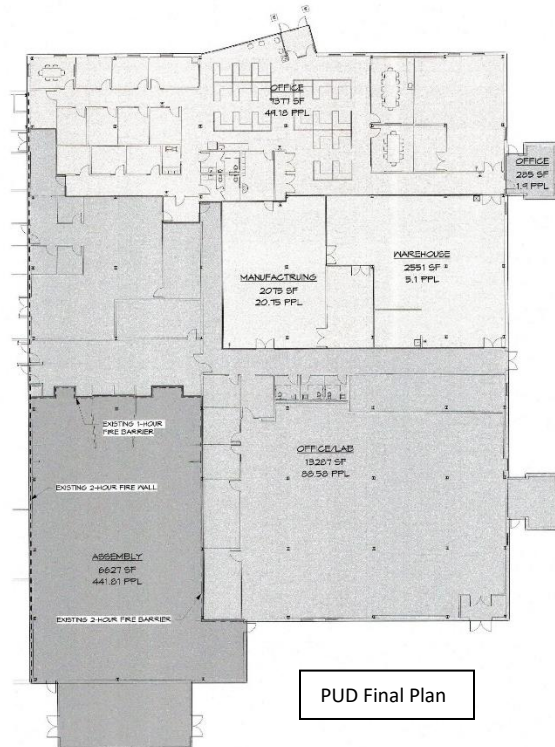
**PUD Master Land Use Plan and PUD Final Plan**

The images to the right are the floor plan and site plans used for the Master Land Use Plan and PUD Final Plan submitted by the applicant. The purpose of the PUD Final Plan is to confirm that the final development plans are consistent with the intent and layout of the PUD Master Land Use Plan. Since all structures and parking areas are existing and the only work is interior, staff is moving these two items through the Commission meetings concurrently.

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.



PUD Master Land Use Plan



PUD Final Plan

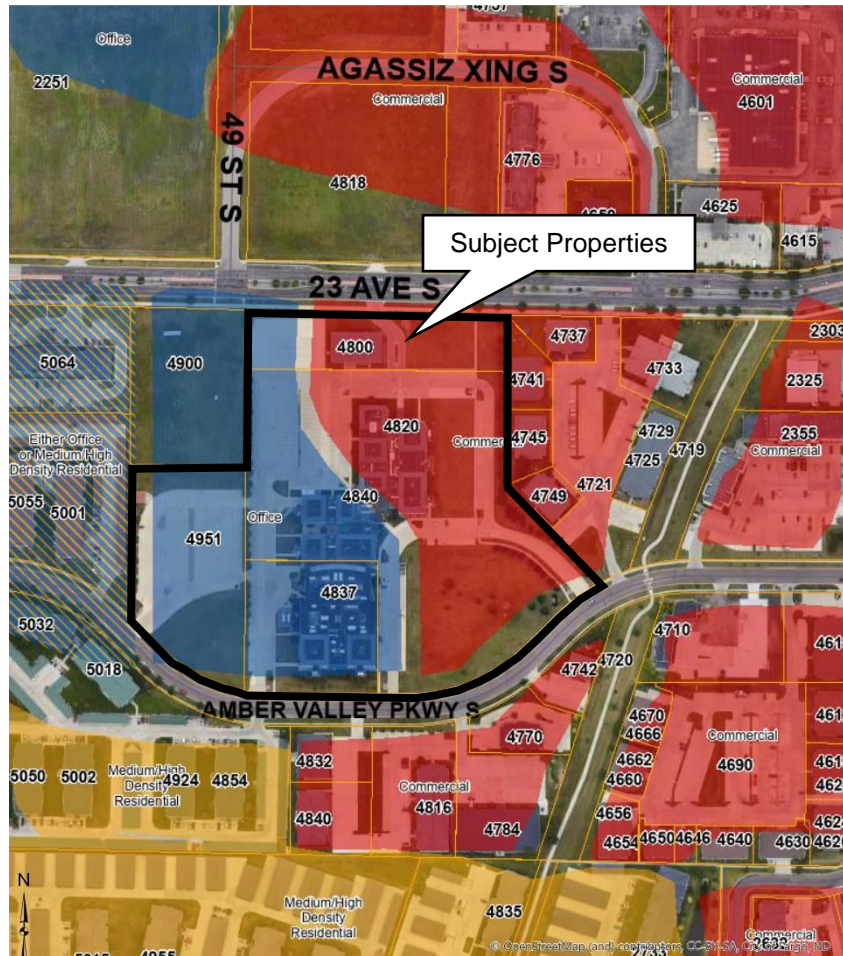
(1) MAIN FLOOR (OCCUPANT LOAD)  
SCALE: 1/8" = 1'-0"

**Surrounding Land Uses and Zoning Districts:**

- North: Across 23<sup>rd</sup> Avenue South is GC, General Commercial, undeveloped.
- East: GC, General Commercial, with office and daycare.
- South: GC, General Commercial, with office.
- West: LC, Limited Commercial, undeveloped, and MR3, Multi-dwelling Residential, with multi-dwelling structures.

**Area Plans:**

The subject properties are located within the 2003 Southwest Future Land Use Plan. Within this growth plan, the subject properties are identified as being suitable for Office and Commercial uses. In addition to the office use to remain, the proposed Planned Unit Development allows manufacturing, production, and warehouse, which will function internally to the building. Staff has determined it unnecessary to have a Growth Plan Amendment because the proposed zone change is consistent with the surrounding zoning and the uses are generally consistent with this Land Use Plan.



**Context:**

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

**Neighborhood:** The subject properties are located within the Amber Valley Neighborhood.

**Parks:** Urban Plains Park and Anderson Softball Complex are within one half of a mile of the subject properties. Amenities for Urban Plains Park include playground for ages 2-12, recreational trails, restrooms, and shelters. Amenities for Anderson Softball Complex are baseball/softball fields, picnic tables, playground for ages 2-5, and restrooms.

**Pedestrian / Bicycle:** There are shared use trails along 23<sup>rd</sup> Avenue South, Amber Valley Parkway, 51<sup>st</sup> Street South, 45<sup>th</sup> Street South, within Urban Plains Park, and nearby connections to the metro area trail system.

**Bus Route:** MATBUS Route 24 runs along 23<sup>rd</sup> Avenue South and 51<sup>st</sup> Street South. MATBUS Route 14 runs along 45<sup>th</sup> Street South. Several stops along these roads are within one quarter of a mile from the subject properties.

**Staff Analysis:**

**PUD Overlay District**

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor use standards to the specifics of the proposed project. The project covers four contiguous parcels under the same ownership, zoned LC, Limited Commercial. For this project, Planning staff recommended the applicant use the GC, General Commercial zone to accommodate the desired industrial uses in the proposed location. The modifications to the use standards of Article 20-04 of the LDC and the additional standards are shown in the chart below. Other LDC standards not included in the chart below will remain as the standard GC requirements.

| <b>Proposed PUD Modifications:</b> |   |
|------------------------------------|---|
| <b>Allowed Uses</b>                | Manufacturing, production, and warehouse  |
| <b>Prohibited Uses</b>             | Detention facility, adult establishment, aviation/surface transportation, off-premise advertising, and portable signs.  |
| <b>Additional Standards</b>        | <ol style="list-style-type: none"> <li>1. Off-street parking, loading, and vehicular circulation shall have an all-weather surface, as defined by the Land Development Code.</li> <li>2. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.</li> <li>3. No outdoor storage of equipment or supplies.</li> <li>4. All refuse containers, including dumpsters, shall be concealed from public view by opaque fence, screen wall, or building extension.</li> <li>5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.</li> </ol> |

**Detailed Comment on PUD Modifications**

Allowed uses: In addition to the uses allowed within the GC, General Commercial zoning district, manufacturing, production, and warehouse uses shall also be allowed.

Prohibited Uses: The uses of detention facilities, adult establishments, aviation/surface transportation, off-premise advertising, and portable signs are frequently prohibited uses with various entitlements throughout the city, especially along collector (23<sup>rd</sup> Avenue South) or arterial roadways.

Additional Standards: In order to protect negative effects of the proposed uses, staff is applying restrictions on paving, prohibiting rubbish or debris, prohibiting outdoor storage, screening refuse containers, and prohibiting hazardous chemicals or materials. These standards listed are typical when allowing industrial uses in the GC zone.

**PUD Master Land Use Plan**

Section 20-0908.B(7) of the LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan:

- 1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**

The plan represents an improvement over what could have been accomplished through strict application of the base GC zoning district. The PUD will allow the uses of manufacturing, production, and warehouse while restricting some others that are normally restricted through Conditional Overlays. Staff is proposing additional standards which would address potential negative impacts of the proposed uses that is consistent with other entitlements that allow industrial uses in the GC zone.

**(Criteria Satisfied)**

2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**  
Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies some standards of the GC zone and use standards as outlined in Section 20-04 and noted above. All other standards and requirements as set forth in the LDC have been met.  
**(Criteria Satisfied)**
  
3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**  
The subject property is located within an area of the City that is largely developed with public infrastructure. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. In addition, the requested PUD has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.  
**(Criteria Satisfied)**
  
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**  
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 City's Go2030 Comprehensive Plan supports development within areas that are already serviced with utilities. 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)**
  
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**  
The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a business with the proposed uses being all internal to an existing building that already has connections to City services. Staff does not believe that the location, size, nature or intensity of the use will prevent development and use of neighboring property in accordance with applicable zoning districts.  
**(Criteria Satisfied)**

#### **PUD Final Plan**

Section 20-0908.D of the LDC stipulates that the Planning Commission shall approve the PUD Final Plan if it is determined to be in substantial compliance with the approved PUD Master Land Use Plan. The PUD Master Land Use Plan and Final Plan are being brought forth concurrently. Relevant plan sheets have been attached to this staff report for reference. The PUD Final Plan shall be deemed to be in compliance so long as, when compared with the PUD Master Land Use Plan, it does not result in:

1. **An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**  
There is no change in project density or intensity.  
**(Criteria Satisfied)**
  
2. **A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**  
There is no change in the mix of housing types or the amount of land devoted to nonresidential uses.  
**(Criteria Satisfied)**
  
3. **A reduction in the amount of open space;**  
There is no change to the amount of open space.  
**(Criteria Satisfied)**



4. **Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**  
There is no change to the vehicular system of streets, parking areas, and access.  
**(Criteria Satisfied)**
5. **Any change within 50 feet of any SR or MR zoning district;**  
There has been no change within 50 feet of any SR or MR zoning district.  
**(Criteria Satisfied)**
6. **Any change determined by the Planning Commission to present an increase in development intensity;**  
There is no increase in development intensity from what exists today besides fitting-up a space in an existing building.  
**(Criteria Satisfied)**
7. **A substantial change in the layout of buildings.**  
There is no change in the layout of the buildings.  
**(Criteria Satisfied)**

The decision making body for the PUD Final Plan is the Planning Commission. Below includes a recommendation contingent on City Commission approval of the Zoning Change and PUD Master Land Use Plan.

### **Zoning**

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**  
Staff is unaware of any error in the zoning map as it relates to the subject properties. The properties are currently zoned LC, Limited Commercial and are proposed to be changed to GC, General Commercial with a PUD, Planned Unit Development overlay. The PUD Overlay zoning district is intended to accommodate the development of this property and specifically identify the proposed development within a master land use plan and zoning ordinance. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established, as the applicant is proposing manufacturing, production, and warehouse uses in the existing building.  
**(Criteria Satisfied)**
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**  
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject properties are adjacent to existing developed public rights-of-way, which provide access and public utilities to serve them.  
**(Criteria Satisfied)**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**  
Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no inquiries related to the project. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.  
**(Criteria Satisfied)**



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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, the Go2030 Comprehensive 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 1) **PUD, Planned Unit Development Master Land Use Plan** and to hereby approve the **PUD Final Plan**, contingent on the City Commission approval of the Zoning Change and PUD Master Land Use Plan, and 2) **Zoning Change** from LC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development on Lots 1-3, Block 1, Gamma Fargo Addition and a portion of Lot 1, Block 1, Pracs Second Addition as the proposal complies with the 2003 Southwest Future Land Use Plan, Section 20-0908.B(7), Section 20-0908.D, and Section 20-0906.F(1-4) of the LDC, and all other applicable requirements of the LDC.

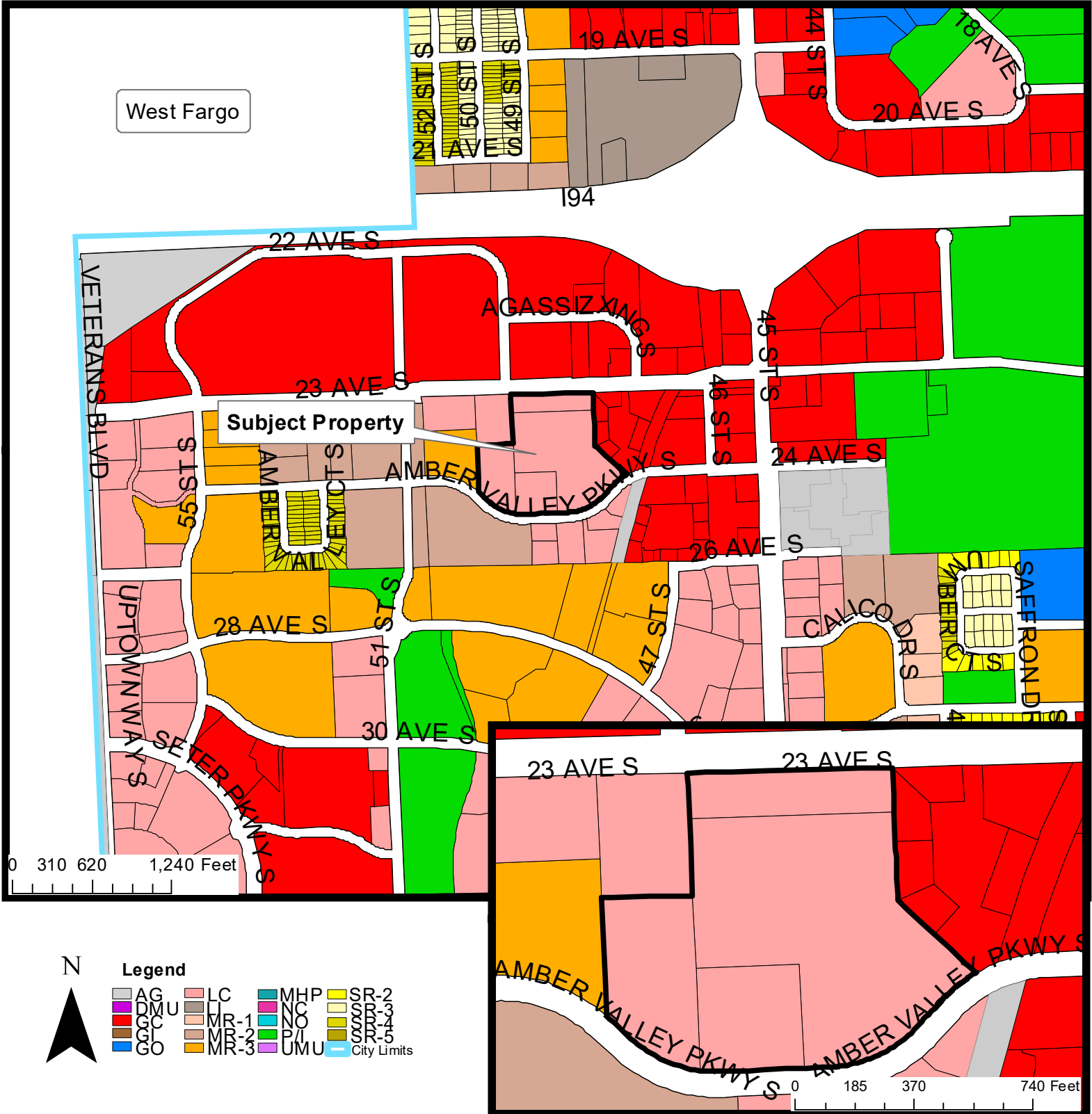
**Attachments:**

1. Zoning Map
2. Location Map
3. PUD Narrative Statement of Intent
4. PUD Master Land Use Plan
5. PUD Final Plan
6. Draft PUD Overlay

**Planned Unit Development (PUD) Overlay, PUD Master Land Use Plan, PUD Final Plan & Zone Change from LC, Limited Commercial to GC, General Commercial zoning district with a PUD**

**Gamma Fargo Addition & Pracs Second Addition**

4800, 4820, 4840 23rd Avenue South;  
4837 & 4951 Amber Valley Parkway South

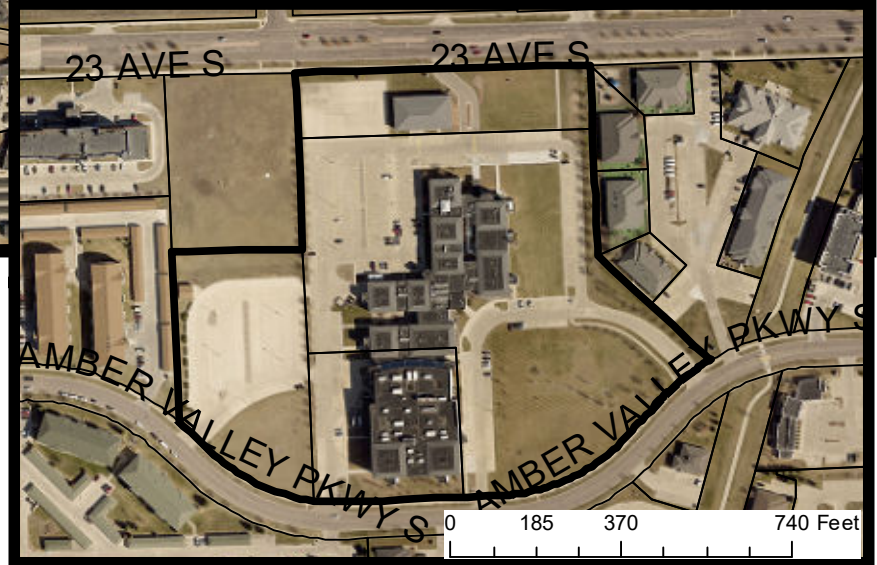
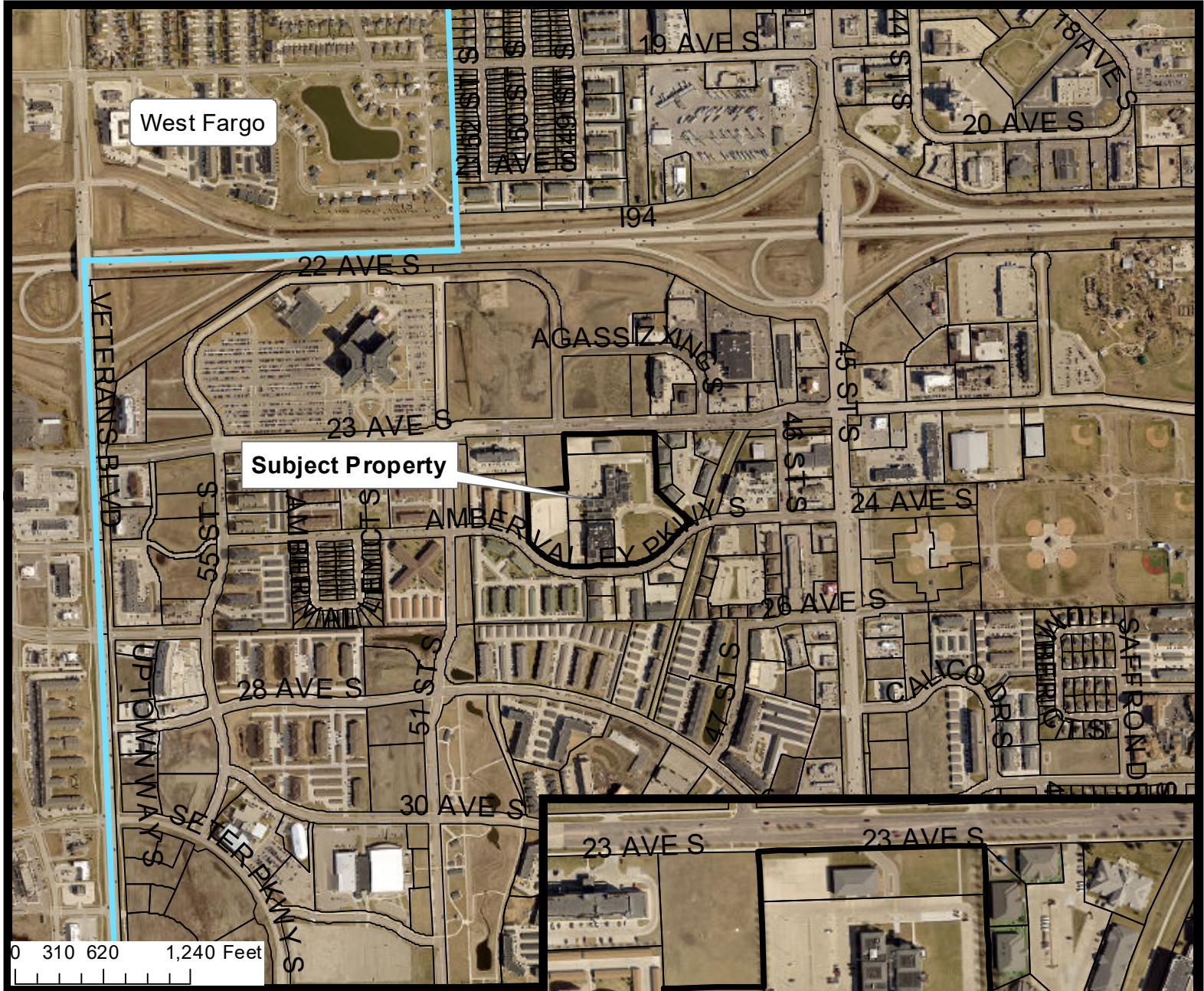




Planned Unit Development (PUD) Overlay, PUD Master Land Use Plan, PUD Final Plan & Zone Change from LC, Limited Commercial to GC, General Commercial zoning district with a PUD

Gamma Fargo Addition & Pracs Second Addition

4800, 4820, 4840 23rd Avenue South;  
4837 & 4951 Amber Valley Parkway South



Legend

 City Limits

December 20<sup>th</sup>, 2023

City of Fargo  
225 4<sup>th</sup> Street North  
Fargo, North Dakota 58102

Re: Amber Valley PUD project.

Developers Statement of Intent:

Comstock Services and CorVent Medical are proposing to remodel existing space within 4837 Amber Valley property. The current uses in the property are medical research and testing. The total building complex is 260,000 sq ft. with over 700 parking spots on 17 acres.

CorVent's leasable space is 12,003 sq ft. within the building. Their proposed Manufacturing area only takes up 2,075 square feet and the warehouse is 2,551 square feet. There will be no outside storage. This is strictly a remodel/fit up not an addition.

Who is CorVent™ Medical. Their business designs, assembles and distributes medical devices, ventilators and breathing devices. They will perform design, testing, assembly and distribution of ventilators out of this facility.

The benefit of bringing CorVent to the neighborhood is the 20 new high paying jobs, that would provide commerce to the surrounding businesses and put another great company with global distribution within the Fargo market.

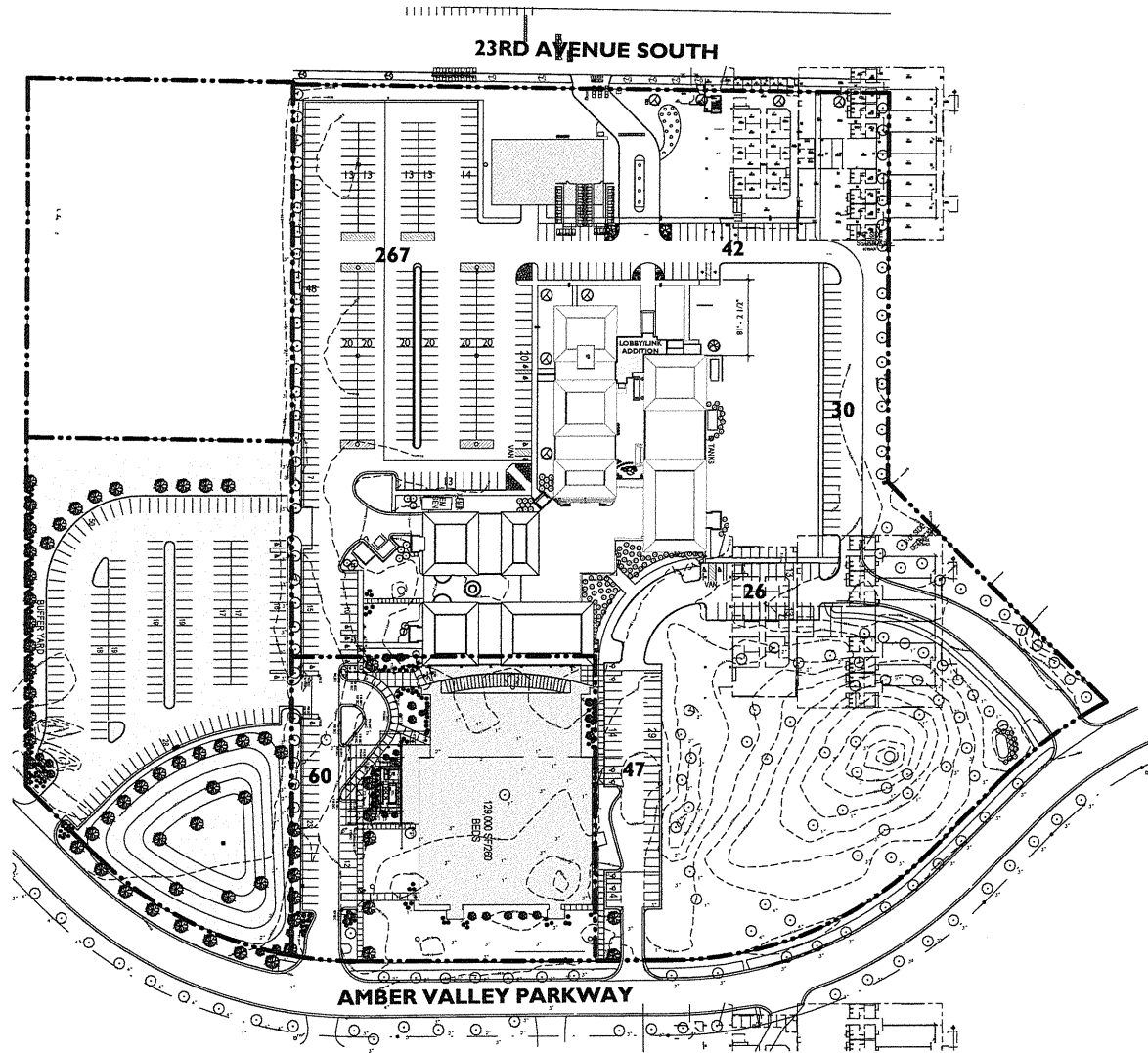
Regards,

A handwritten signature in black ink, appearing to read 'Scott Kjos', with a stylized flourish extending to the left.

Scott Kjos  
Managing Partner



ORIGINAL DRAWING IS 22" x 34" - SCALE ENTITIES ACCORDINGLY



**SITE CONSTRUCTION NOTES**

**GENERAL NOTES**

1. FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO FABRICATION AND/OR CONSTRUCTION.
2. NOTIFY ARCHITECT PROMPTLY IF ANY CONDITIONS CONFLICT WITH CONSTRUCTION DOCUMENTS.
3. ALL CONSTRUCTION SHALL BE PERFORMED TO MEET OR EXCEED GOVERNING CODES AND REGULATIONS BUT SHALL NOT BE OF QUALITY LESS THAN THAT SPECIFIED OR SHOWN ON DRAWINGS.
4. CONTRACTOR SHALL, IN ACCORDANCE WITH OSHA REGULATIONS, MAINTAIN A SAFE MEANS OF PASSAGE AROUND OR THROUGH, AND EGRESS FROM, THE CONSTRUCTION AREA AT ALL TIMES BARRICADE AND DEMONITION & EXCAVATION AS REQUIRED.
5. CONSTRUCTION UNIT UNITS SHALL BE AS INDICATED, PROVIDE A SAFE MEANS OF EGRESS THROUGH AND/OR AROUND THE BUILDING AND CONSTRUCTION SITE AT ALL TIMES DURING CONSTRUCTION.
6. ADJACENT PROPERTIES DISRUPTED BY WORK OF THIS CONTRACT SHALL BE REPAIRED, REGRADED, AND SODDIED TO MEET OR EXCEED ORIGINAL CONDITION.
7. CONTRACTORS ARE RESPONSIBLE FOR SCHEDULING CITY INSPECTIONS OF THEIR WORK.
8. VERIFY ALL EXISTING UTILITY LOCATIONS PRIOR TO EXCAVATION.
9. CONTRACTORS SHALL CONTACT CITY REPRESENTATIVES PRIOR TO CONSTRUCTION AND COORDINATE WORK OF THIS CONTRACT WITH CITY OR JURISDICTION UTILITIES.
10. REPAIR DAMAGE TO ANY ACTIVE UTILITY DUE TO WORK, REPAIRS & CONNECTIONS MUST MEET THE SATISFACTION OF THE OWNER AND/OR UTILITY COMPANY.
11. RESPONSIBLE CONTRACTOR, AT HIS EXPENSE, SHALL REPAIR ANY DAMAGE CAUSED BY DEMONITION WORK.
12. REMOVE FROM THE SITE ALL RUBBISH & DEBRIS RESULTING FROM THE WORK, AT COMPLETION, LEAVE THE SITE IN A SAFE AND CLEAN CONDITION, FREE FROM MATERIALS OR EQUIPMENT. ANY SALVAGED MATERIAL, TO BE RETAINED & STORED AS DIRECTED BY THE OWNER.

**SITE PLAN NOTES:**

- SM1: SIGNAGE - MAIN SIGNAL BY OWNER, ELECTRICAL CONTRACTOR TO PROVIDE ROUGH-IN FOR POWER AND DATA TO THIS SIGN.
- SM2: EXISTING NEW APPROACH - PART OF PREVIOUS SITEWORK.
- SM3: EXISTING NEW DRIVEWAY - PART OF PREVIOUS SITEWORK.
- SM4: EXISTING NEW SIDEWALK - PART OF PREVIOUS SITEWORK.
- SM5: EXISTING PARKING AREA.
- SM6: NEW 5" THICK CONCRETE DRIVEWAY.
- SM7: NEW 5" THICK CONCRETE SIDEWALK, TAPER TO ADA SLOPE AT PARKING LOT.
- SM8: OPTIONAL ENTRANCE PENINSULAS.
- SM9: NEW CONCRETE CURBS & GUTTER, TAPER TO ADA SLOPE AT PARKING LOT.
- SM11: EXISTING SITE MARKING LOT LIGHTING.
- SM12: EXISTING FIRE HYDRANT.
- SM13: EXISTING SIDEWALK.
- SM14: RELOCATED CHILLER UNIT, ELECTRICAL TO ROUTE POWER/DATA TO THIS UNIT AS REQUIRED.
- SM15: CHILLER UNIT SCREENING FENCE.
- SM16: EXISTING PLANTING BED.
- SM17: EXISTING HVAC EQUIPMENT.
- SM18: EXISTING ELECTRICAL EQUIPMENT.
- SM19: NEW PLANTING BED.

**GAMMA SITE PARKING STATISTICS**

TOTAL PARKING SPACES PROVIDED (INCLUDING NEW CONSTRUCTION) = 472

- BUILDING AREA NOT OWNED BY GAMMA, LLC.
- SITE AREA NOT PART OF PROPERTY OWNED BY GAMMA, LLC., OR PART OF PROJECT, PARKING SPACES IN THIS AREA ARE NOT INCLUDED IN TOTAL COUNT.

1 A100 - COMPLETE PARCELS SITE  
1/64" = 1'-0"



KJOS RENOVATION

helenske design group  
architecture • construction management

HDG Job #: 15-1062

REVISIONS / ISSUES

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

CIVIL ENGINEER:  
N/A

STRUCTURAL ENGINEER:  
Honor Engineering  
1620 36th Street SW  
Fargo, ND 58103  
701-280-2949

MECHANICAL ENGINEER:  
By Design/Build

ELECTRICAL ENGINEER:  
By Design/Build

Issue Date: 10/22/2018

SITE PLAN - ALL PARCELS

**A100**  
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400 Amber Valley Parkway  
Fargo, ND 58103

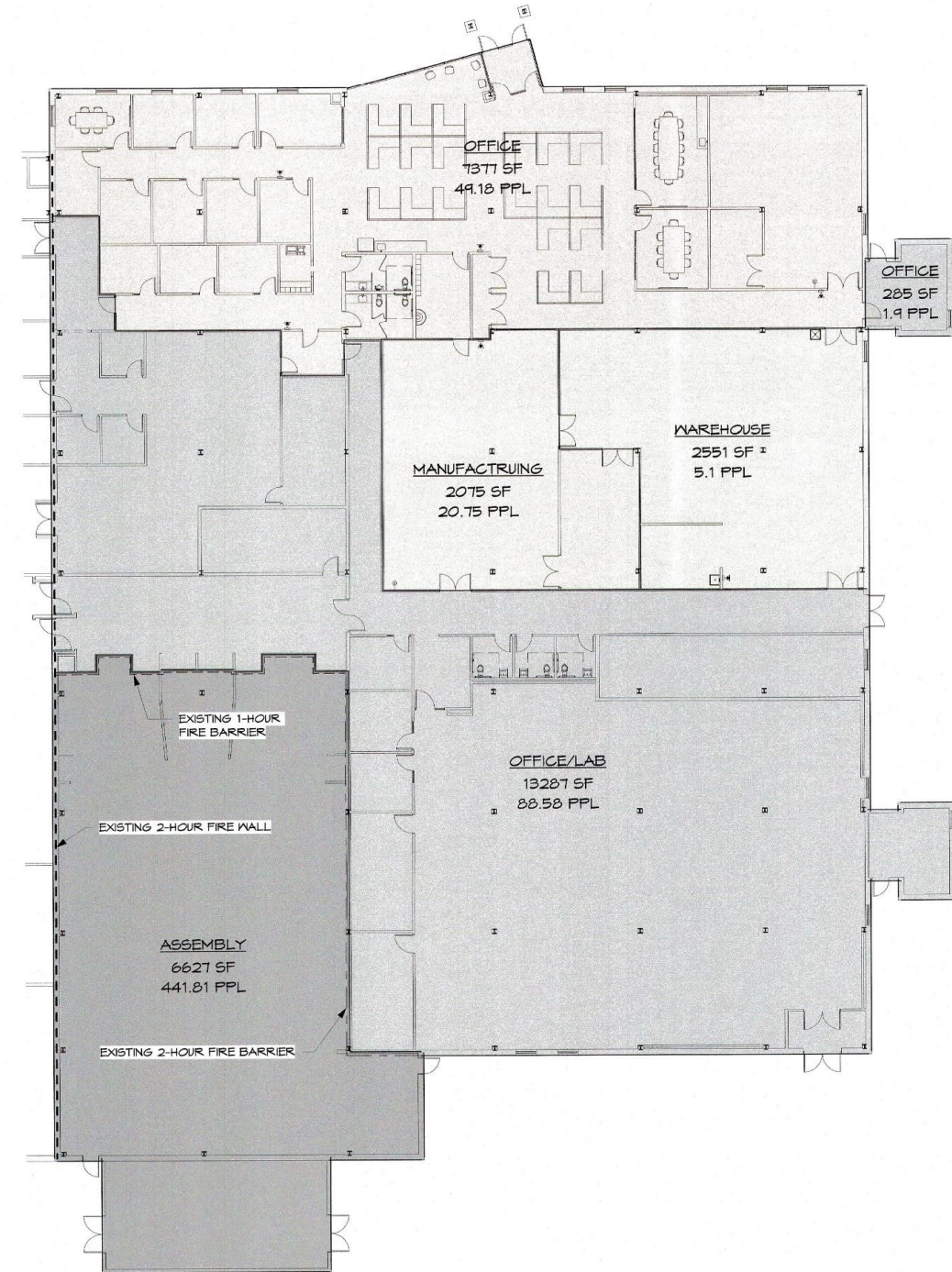
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| Area & Occupant Load Calculations |                           |                |          |                  |           |                     |
|-----------------------------------|---------------------------|----------------|----------|------------------|-----------|---------------------|
| AREA NAME                         | FUNCTION OF SPACE         | LEVEL          | AREA     | OCC. LOAD FACTOR | OCC. LOAD | EXIT WIDTH (INCHES) |
| 1-EXISTING ASSEMBLY (A-3)         |                           |                |          |                  |           |                     |
| ASSEMBLY                          | 1-EXISTING ASSEMBLY (A-3) | (1) MAIN FLOOR | 6627 SF  | 15 SF            | 441.81    | 88.36               |
| 1-EXISTING ASSEMBLY (A-3)         |                           |                | 6627 SF  |                  | 441.81    | 88.36               |
| 1-EXISTING BUSINESS (B)           |                           |                |          |                  |           |                     |
| OFFICE                            | 1-EXISTING BUSINESS (B)   | (1) MAIN FLOOR | 285 SF   | 150 SF           | 1.9       | 0.38                |
| OFFICE/LAB                        | 1-EXISTING BUSINESS (B)   | (1) MAIN FLOOR | 13287 SF | 150 SF           | 88.58     | 17.72               |
| 1-EXISTING BUSINESS (B)           |                           |                | 13572 SF |                  | 90.48     | 18.1                |
| BUSINESS (B)                      |                           |                |          |                  |           |                     |
| OFFICE                            | BUSINESS (B)              | (1) MAIN FLOOR | 7377 SF  | 150 SF           | 49.18     | 9.84                |
| BUSINESS (B)                      |                           |                | 7377 SF  |                  | 49.18     | 9.84                |
| FABRICATION (F-1)                 |                           |                |          |                  |           |                     |
| MANUFACTURING                     | FABRICATION (F-1)         | (1) MAIN FLOOR | 2075 SF  | 100 SF           | 20.75     | 4.15                |
| FABRICATION (F-1)                 |                           |                | 2075 SF  |                  | 20.75     | 4.15                |
| STORAGE (S-1)                     |                           |                |          |                  |           |                     |
| WAREHOUSE                         | STORAGE (S-1)             | (1) MAIN FLOOR | 2551 SF  | 500 SF           | 5.1       | 1.02                |
| STORAGE (S-1)                     |                           |                | 2551 SF  |                  | 5.1       | 1.02                |
| Grand total                       |                           |                | 32202 SF |                  | 607.92    | 121.46              |

FUNCTION OF SPACE (OCC. LOAD)

- 1-EXISTING ASSEMBLY (A-3)
- 1-EXISTING BUSINESS (B)
- BUSINESS (B)
- FABRICATION (F-1)
- STORAGE (S-1)



1 (1) MAIN FLOOR (OCCUPANT LOAD)  
CD1.0 SCALE 1/16" = 1'-0"

**OLAF ANDERSON**  
GENERAL CONTRACTORS  
PHONE: 701.237.5605 FAX: 701.237.0562

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STATE OF NORTH DAKOTA  
LICENSED ARCHITECT  
I hereby certify that this plan, SPECIFICATIONS, CONTRACT AND ALL OTHER DOCUMENTS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT IN THE STATE OF NORTH DAKOTA.  
PRINT NAME: Ray Malloy  
SIGNATURE: [Signature]  
DATE: 8/25/2023 LICENSE #: 14168

Signature below indicates my understanding and acceptance of all content of this drawing:  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_

DATE: 8-25-2023  
DRAWN BY: TWO  
FILE NAME: 2023-024

REVISIONS:

| NO. | DESCRIPTION |
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**PRACS SANDBOX**  
4837 ABMER VALLEY PARKWAY SOUTH  
FARGO, ND

CODE PLAN  
**CD1.0**

## **DRAFT PUD OVERLAY**

### Allowed Uses:

In addition to the uses allowed within the "GC", General Commercial zoning district, manufacturing, production, and warehouse uses shall also be allowed.

### The following uses are prohibited:

Detention facility  
Adult establishment  
Aviation/surface transportation  
Off-premise advertising  
Portable signs

### Additional Standards:

1. Off-street parking, loading, and vehicular circulation shall have an all-weather surface, as defined by the Land Development Code.
2. The properties shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.
3. No outdoor storage of equipment or supplies.
4. All refuse containers, including dumpsters, shall be concealed from public view by opaque fence, screen wall, or building extension.
5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.

| <b>City of Fargo<br/>Staff Report</b> |  |                       |                                      |
|---------------------------------------|--|-----------------------|--------------------------------------|
| <b>Title:</b>                         | South Ridge Second Addition  | <b>Date:</b>          | 12/27/23                             |
| <b>Location:</b>                      | 2445 and 2365 65 <sup>th</sup> Avenue South  | <b>Staff Contact:</b> | Luke Morman, Planner                 |
| <b>Legal Description:</b>             | Lots 5 & 6, Block 3, South Ridge First Addition                                      |                       |                                      |
| <b>Owner(s)/Applicant:</b>            | Fargo Investments, LLC / Colliers Engineering & Design                               | <b>Engineer:</b>      | Westwood Professional Services, Inc. |
| <b>Entitlements Requested:</b>        | <b>Minor Subdivision</b> (Replat of Lots 5 & 6, Block 3, South Ridge First Addition) |                       |                                      |
| <b>Status:</b>                        | Planning Commission Public Hearing: January 2, 2024                                  |                       |                                      |

| <b>Existing</b>  | <b>Proposed</b>                                |
|--|--|
| <b>Land Use:</b> Undeveloped   | <b>Land Use:</b> Commercial                    |
| <b>Zoning:</b> LC, Limited Commercial, with a C-O, Conditional Overlay   | <b>Zoning:</b> Unchanged                       |
| <b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, <del>off-premise advertising</del> , commercial parking, retail sales and service, self-service storage, <del>vehicle repair</del> , limited vehicle service, and certain telecommunication facilities.<br><b>Conditional Overlay No. 5288 prohibits certain uses as indicated above.</b> | <b>Uses Allowed:</b> Unchanged                 |
| <b>Maximum Lot Coverage Allowed:</b> Maximum 55% building coverage   | <b>Maximum Lot Coverage Allowed:</b> Unchanged |

**Proposal:**

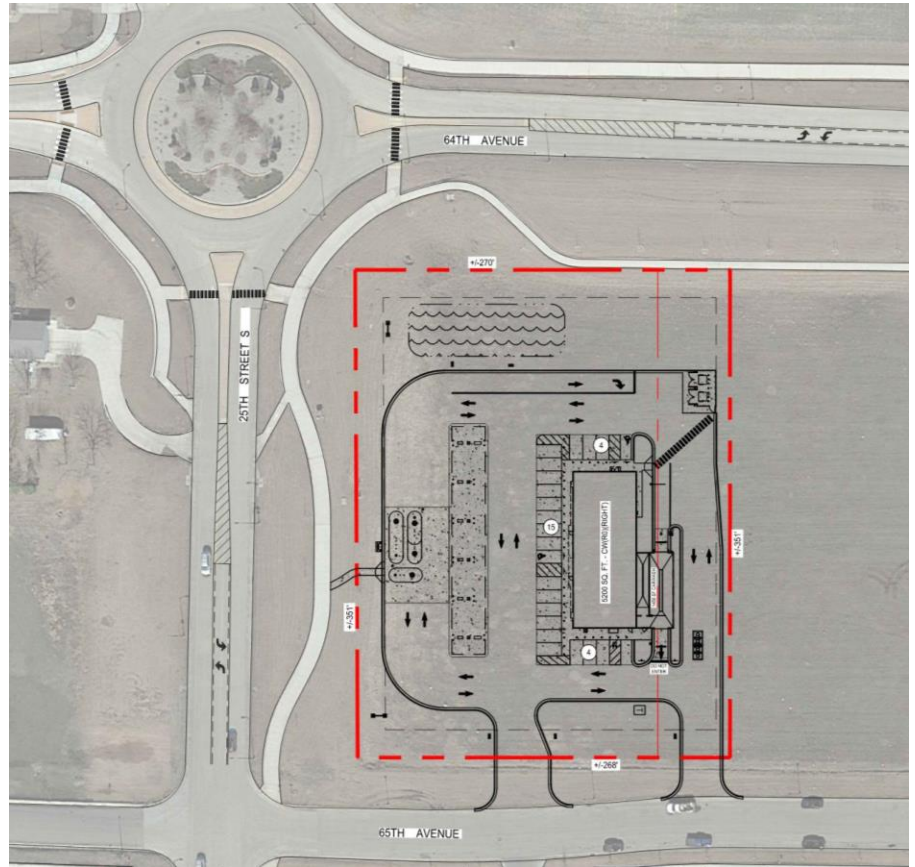
The applicant is seeking approval of a minor subdivision located at 2445 and 2365 65<sup>th</sup> Avenue South. The request is to adjust the existing lot line and remove a portion of the existing negative access easement as a new two lot minor subdivision entitled **South Ridge Second Addition**. The existing negative access easement currently extends about 200 feet from the 25<sup>th</sup> Street South right-of-way, so removing a portion of the easement will allow for an extra driveway as shown in the preliminary site plan below as reference. The existing C-O, Conditional Overlay will remain with design guidelines such as façade variation, pedestrian connectivity, parking lot landscaping, and prohibited uses.



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 64<sup>th</sup> Avenue South, LC, Limited Commercial, undeveloped
- East: MR-3, Multi-dwelling Residential, undeveloped
- South: Across 65<sup>th</sup> Avenue South, MR-3, Multi-dwelling Residential, multi-dwelling structures
- West: Across 25<sup>th</sup> Street South, SR-2, and SR-3, Single-dwelling Residential; household living and undeveloped.

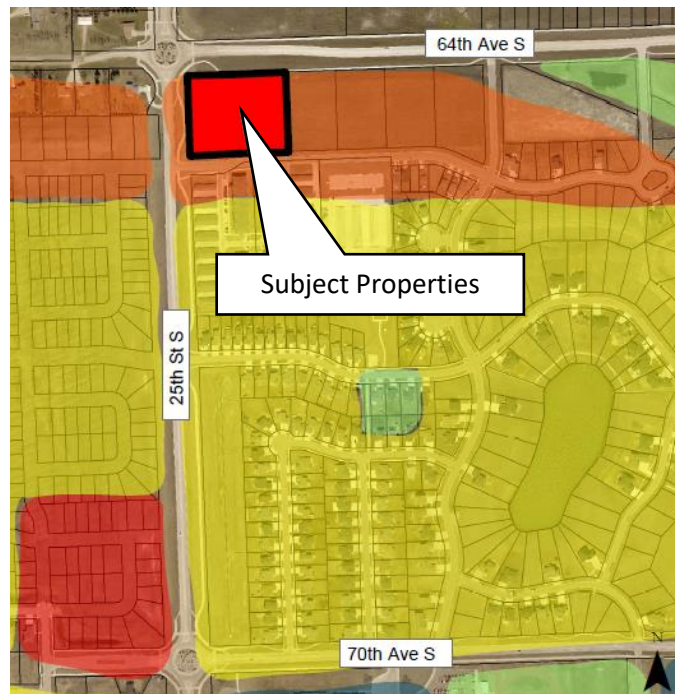


**Area Plans:**

According to the amended 2007 Tier 1 Southeast Land Use Map, the subject properties are designated as "Commercial." The current zoning of LC, Limited Commercial is consistent with this land use designation.

**2007 Tier 1 South East**

- |   |                 |   |  |
|---|-----------------|---|--|
|  | Commercial Area |  | Residential Area - lower to medium density |
|  | Future School   |  | Residential Area - medium to high density  |
|  | Proposed Park   |   |  |



**Context:**

**Schools:** The subject properties are located within the Fargo School District, specifically within the Bennett Elementary, Discovery Middle, and Davies High schools.

**Neighborhood:** The subject properties are located within Davies neighborhood.

**Parks:** Legacy Park, located at 6297 22nd Street South, is within a quarter mile to the northeast of the subject properties and provides amenities of a basketball court, grill, picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter.

**Pedestrian / Bicycle:** In addition to the trails within Legacy Park, an off-road multi-use trail is adjacent to the west side and north sides of the subject properties, within the right of way for 25<sup>th</sup> Street South and 64<sup>th</sup> Avenue South, which is a component of the metro area bikeways system.

**Bus Route:** There are no bus routes within a quarter mile of the subject properties.

**Staff Analysis:**

**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 move the shared lot line and remove a portion of the existing negative access easement for a two lot minor subdivision entitled South Ridge Second Addition. The properties within this plat are currently zoned LC, Limited Commercial, with a Conditional Overlay, and no 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 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 principals.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission the proposed subdivision plat, **South Ridge Second Addition** as outlined within the staff report, as the proposal complies with the 2007 Tier 1 Southeast Land Use Map, standards of Section 20-06, Section 20-0907.B & C, and all other applicable requirements of the Land Development Code."



**Planning Commission Recommendation: January 2, 2024**

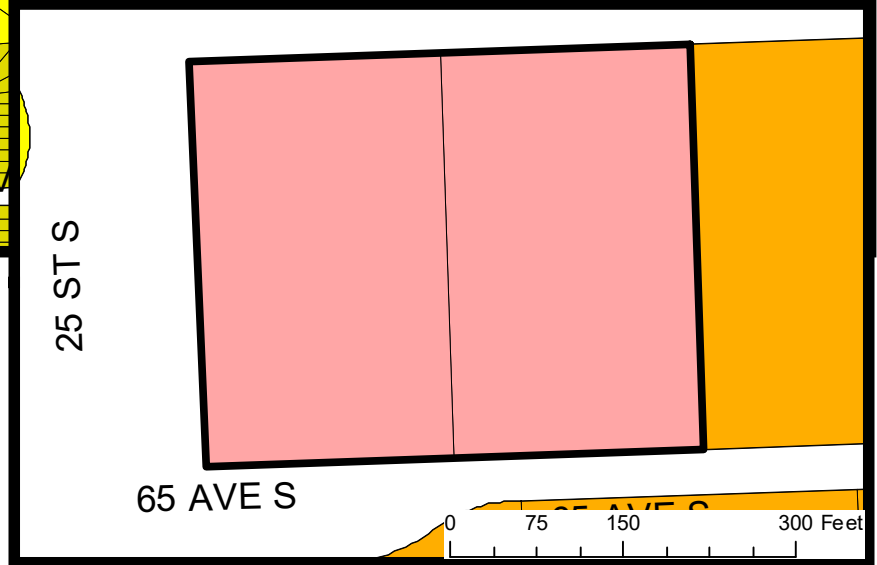
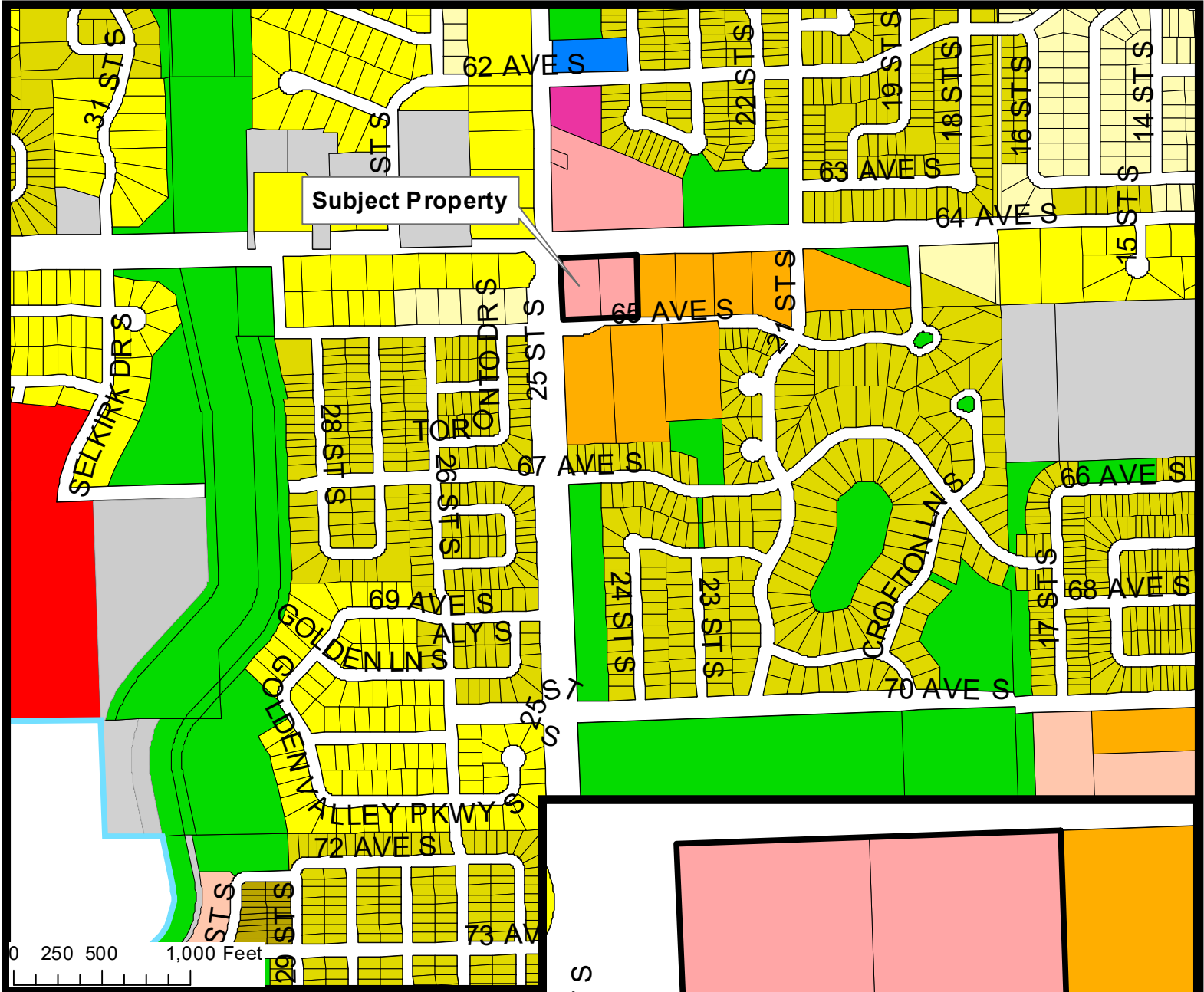
**Attachments:**

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

# Minor Subdivision

## South Ridge Second Addition

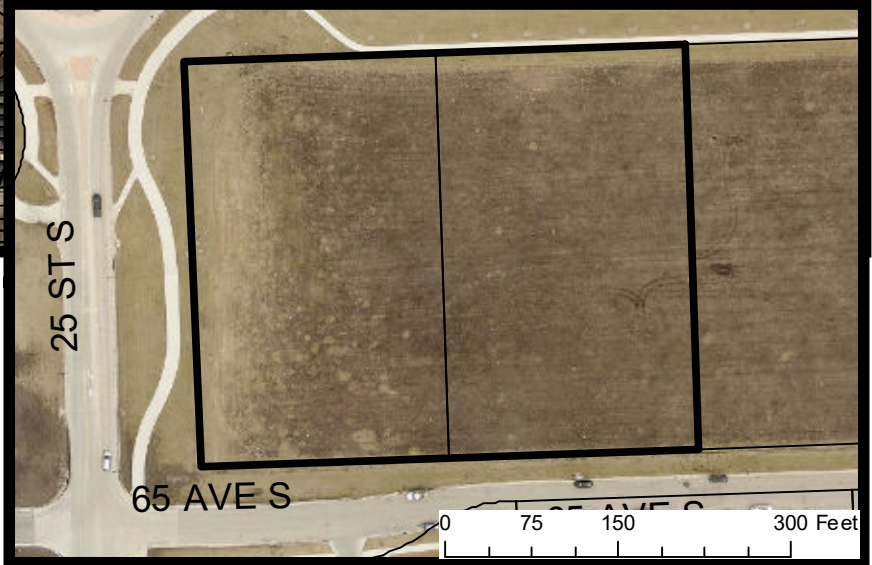
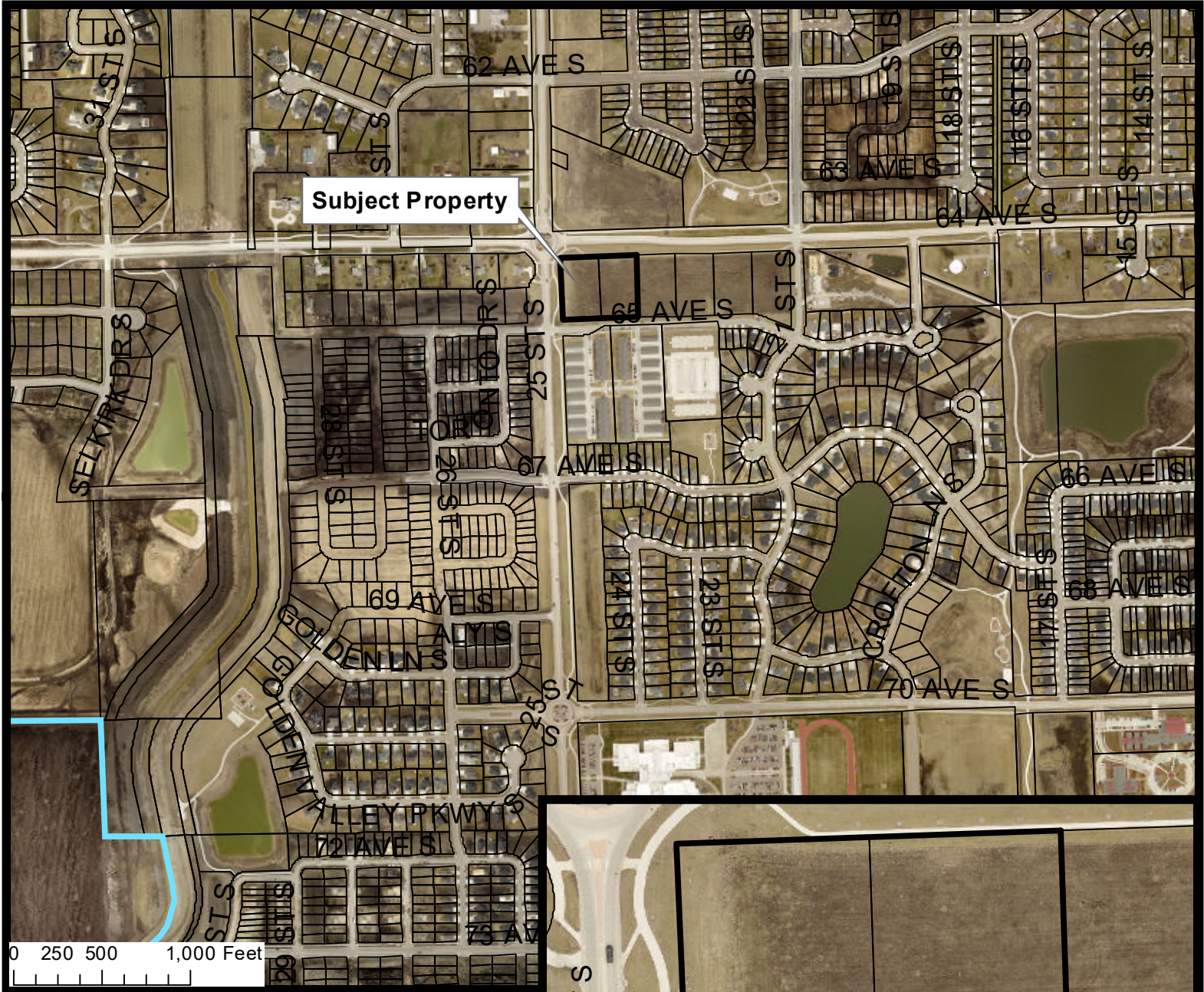
2365 & 2445 65th Avenue South



# Minor Subdivision

## South Ridge Second Addition

2365 & 2445 65th Avenue South







| City of Fargo<br>Staff Report |   |                            |                      |
|-------------------------------|---|----------------------------|----------------------|
| <b>Title:</b>                 | Rheault Second Addition   | <b>Date:</b>               | 12/26/2023           |
| <b>Location:</b>              | 2424, 2408, 2322, and 2318 30 <sup>th</sup> Avenue South  | <b>Staff Contact:</b>      | Brad Garcia, Planner |
| <b>Owner(s)/Applicant:</b>    | Vision Bank / Alan Carlson  | <b>Engineer/Architect:</b> | Neset Land Surveys   |
| <b>Reason for Request:</b>    | <b>Zoning Change</b> (GO, General Office to LC, Limited Commercial and MR-3, Multi-Dwelling Residential) and <b>Minor Subdivision</b> (Replat of all of Lots 3 and 4 and part of Lot 5, Block B, of the Replat of Part of Rheault Addition) |                            |                      |
| <b>Status:</b>                | Planning Commission Public Hearing: January 2 <sup>nd</sup> , 2024  |                            |                      |

| Existing   | Proposed  |
|--|---|
| <b>Land Uses:</b> Undeveloped  | <b>Land Use:</b> Commercial and Residential   |
| <b>Zoning:</b> GO, General Office  | <b>Zoning:</b> LC, Limited Commercial and MR-3, Multi-Dwelling Residential  |
| <b>Uses Allowed:</b> GO - 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, and certain telecommunications facilities. | <b>Uses Allowed:</b> LC – Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.<br><br>MR-3 - Allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, basic utilities, and certain telecommunications facilities. |
| <b>Maximum Building Coverage Allowed:</b> GO allows maximum 65% building coverage.   | <b>Maximum Building Coverage Allowed:</b> LC allows maximum 55% building coverage.<br><br><b>Maximum Density:</b> MR-3 allows a maximum of 24 units per acre.   |

| Proposal:  |
|--|
| <p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li><b>Zoning Change</b> (from GO, General Office to LC, Limited Commercial and MR-3, Multi-Dwelling Residential); and</li> <li><b>Minor Subdivision</b> (Replat of all of Lots 3 and 4 and part of Lot 5, Block B, of the Replat of Part of Rheault Addition).</li> </ol> <p>The proposal is to replat the existing four properties into four reconfigured properties with one of the lots being zoned LC, Limited Commercial to match the zoning of the Vision Bank property as the ownership will be the same. The</p> |



remaining three lots are proposed to be zoned MR-3 for residential use. The property owner is proposing three single-family detached homes at the time of application.

The subject properties are located at 2424, 2408, 2322, and 2318 30th Avenue South and encompasses approximately 1.13 acres.

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

**Surrounding Land Uses and Zoning Districts:**

North: PI, Public/Institutional, with a recreational park;  
East: MR-3, Multi-Dwelling Residential with garden apartments;  
South: MR-3, Multi-Dwelling Residential with garden apartments;  
West: LC, Limited Commercial, with financial services.

**Area Plans:**

The subject property is not located within the bounds of any Future Land Use Plan and is considered infill development even though the property is currently undeveloped.

**Context:**

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

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

**Parks:** The subject property is located within a quarter-mile distance to Rheault Farm (2902 25th Street S) which features a picnic shelter, bunkhouse, playground, brick farmhouse, barn, granary, year round restrooms and a Quonset.

**Pedestrian / Bicycle:** A shared-use path is located West of the subject property along 25<sup>th</sup> Street South and is a component of the metro area bikeways system. No dedicated bike facilities are located within a half-mile radius.

**Transit:** One bus route serves the subject property within a quarter-mile radius. Route 18 serves the area going North and southbound along 25<sup>th</sup> St S, providing service to GTC, Holiday Station, Bethany Homes, SEHS / Avalon West, Essentia Hospital, Hornbacher's Osgood, Microsoft, and Walmart.

**Staff Analysis:**

**Project Summary**

The subject properties were zoned in 2004 from MR-3, Multi-Dwelling Residential to GO, General Office. The original vision of the zone change was to build a bank processing office collocated with the bank branch. These plans never materialized and the properties have remained undeveloped and have remained zoned GO, General Office.

The applicant is proposing to replat the existing four lots into four reconfigured lots in order to accommodate new development. Lot 1 of the proposed subdivision would be rezoned to LC, Limited Commercial to match the existing zoning of the adjacent Vision Bank (3000 25<sup>th</sup> ST S). Vision Bank will continue to own the proposed Lot 1, which is still intended to accommodate a potential future expansion. The remaining lots 2-4 are proposed to be rezoned to MR-3, Multi-Dwelling Residential for detached single-family housing. The proposed rezoning back to MR-3 would allow up to 19 dwelling units on the residentially zoned properties; however at this time the applicant is proposing three single-family detached homes.

During the initial predevelopment meeting the applicant requested SR-3 zoning for this project. Staff explained a more appropriate zoning is MR-3 for the subject properties based on guidance from adopted plans and policies. Other

reasons to support MR-3 in lieu of SR-3 include; 1) Higher density uses (or highest and best use) address staff's findings on studies that are currently in process; such as the Regional Housing Study; and 2) Adjacent properties to the South and East are zoned MR-3 and developed as garden apartments. Lot 2 of the proposed plat will be adjacent to LC, Limited Commercial. Developing single family-zoned properties adjacent to commercial and higher density residential would require Residential Protection Standards (Land Development Code section 20-0501 - Residential Protection Standards). The Residential Protection Standards are intended to protect residential properties and neighborhoods from the adverse impacts sometimes associated with adjacent multi-dwelling development and nonresidential development, whether public or private.

In summary of the predevelopment meeting with the applicant, staff indicated support of MR-3 zoning, but stated any development should be of higher density. Staff further reviewed the LDC, the Growth Plan, and other adopted policies of the City to validate the applicant's proposed development density on the subject properties but determined a higher density should be required to meet the goals and initiatives adopted by the City as described in this report.

### **Land Development Code – MR-3 Multi-Dwelling Residential Zoning**

The Land Development Code describes MR-3 zoning as *“primarily intended to accommodate household living in detached houses, attached houses, duplexes and multi-dwelling structures. The district allows up to 24 dwelling units per acre of land. Development within the district will be characterized by one- to five-story buildings with higher building coverage. This district is generally appropriate for sites with access to collector and higher classification streets, particularly when located near arterial streets.”*

The subject properties are located close to collector and arterial streets which is consistent with all MR- zoning districts. Properties zoned as MR- are intended to have higher density and more easily accommodate traffic to these street classifications.

Even though detached houses are allowed by-right within the MR-3 zoning, staff believes developments within the MR-3 zoning districts should have higher densities to better achieve the citywide goals and initiatives. Allowing single-family detached housing by right in in MR-3 was intended to accommodate changes from the previous Land Development Code when ratifying the newly established zoning districts back in 1999.

### **2007 Growth Plan – Strategies for Growth (Land Use and Zoning)**

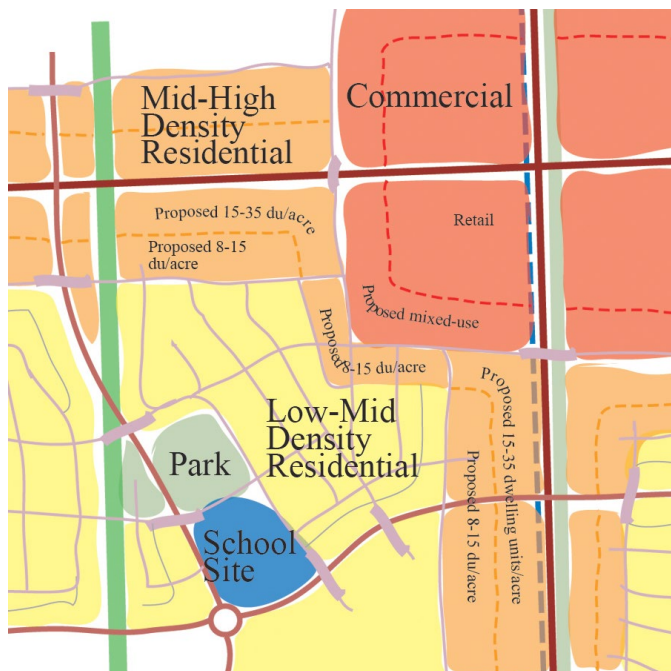
#### **Density Targets for the Fargo Growth Areas**

The 2007 Growth plan identifies the average number of people per acre in Fargo was 10 people per developable acre when the study was published. A developable acre is the land that can be developed after all of the streets, utilities, park land, etc. are removed from the total. Planners talk about density in terms of people per acre and in terms of dwelling units per acre. The average density of 10 people per acre in Fargo equates to approximately 6 dwelling units per acre.

As stated in the 2007 Growth Plan, in order to address issues of livability, walkability, quality of life and sustainability it is desirable to raise the overall density in the city. The approach in the growth plan is to set a higher overall density for the growth area of the city and then encourage the planning staff and city officials to look for ways to increase the overall density in the existing city. A recommended increase in density for the growth area in the plan is 12 people per developable acre or approximately 7 dwelling units per acre. The proposed development with this application is 3 single-family homes, amounting to 3.7 dwelling units per acre.

## Land Use Transitions

One of the main purposes of a land use plan is to set forth land use patterns that provide smooth transitions between high intensity uses like industries or large retail developments and low density residential areas. The 2007 Growth Plan recommends to establish conditional overlay zoning districts where appropriate, in situations where adequate transitions between land uses cannot be provided through direct land use compatibility or through application of the Land Development Code buffering and setback requirements for those particular needs.



- |                              |                                |
|------------------------------|--------------------------------|
| <b>1. SUBJECT PROPERTIES</b> | <b>4. GROCERY STORE</b>        |
| <b>2. ED CLAP ELEMENTARY</b> | <b>5. ESSENTIA CLINIC</b>      |
| <b>3. FARGO LIBRARY</b>      | <b>6. SANFORD SOUTH CLINIC</b> |

### 2007 Growth Plan – Land Use Transitions

## GO200 Comprehensive Plan - Neighborhoods, Infill and New Development

**Recommendation: Ensure development regulations are compatible with infill development.**

One of the key initiatives from the GO2030 comprehensive plan is to Develop policies to promote infill and density within areas that are already developed and are protected by a flood resiliency strategy. Key zoning and land use regulations used to achieve this initiative are Mixed-Use Zoning and Increased Density Zoning. Currently staff have relied on the market to request mixed-use or increased density zoning based on the adopted area plans, such as the 2007 Growth Plan and Core Neighborhoods Plan. However, the subject properties are not identified in either plan.

Infill development is the process of developing vacant or under-used parcels within existing urban areas that are already largely developed. Most city neighborhoods have a significant amount of potential for infill and redevelopment on lots which for various reasons have been passed over in the normal course of urbanization or where existing uses are no longer viable due to changes in development trends or disinvestment.

Higher density areas are often more cost-effective to service with infrastructure such as utilities, water supply, and waste management. This efficiency can lead to cost savings for both the municipality and residents.

### Core Neighborhoods Plan – Multi-Family Residential

Within the Future Land Use Map, Multi-family Residential (MR-3, Multi-Dwelling Residential) is defined as duplexes, townhouses and apartment buildings, likely to be interspersed alongside single-family structures within this designation to provide a greater range of housing options for households within the community. Even though the subject properties are not covered in the Core Neighborhoods Plan, staff apply Land Use best practices of higher density zoning along collector and arterial roadways to better accommodate such density, as described by the Land Development Code

description of the MR- zoning districts and demonstrated in the Core Neighborhoods Plan- Future Land Use Map.

**Core Neighborhoods Plan - Incompatible development and uncertainty in transitional areas**

One of the key issues identified in the Core Neighborhoods Plan is the development pressures within the cities urban neighborhoods. The boundaries between certain land use or development patterns—between single-family blocks and commercial or mixed-use blocks, for example—are the areas that are transitional and can be challenging for new development when change is proposed from existing conditions. This is especially true if land use demands are changing and leading to proposals to redevelop underutilized land.

Although the Core Neighborhoods Plan is referencing the challenges of incorporating Mixed-Use and Increased Density developments, staff recognize that the inverse should also be recognized- land suitable for Mixed-Use Zoning and Increased Density Zoning should be preserved for such development typologies as this relieves development pressures as described in the plan.

**Fargo Moorhead Regional Housing Needs Analysis and Strategies**

The Fargo Moorhead Regional Housing Needs Analysis and Strategies is intended to create a robust regional understanding of housing data. Through common grounding on regional housing issues, participating cities can coordinate on policy and regional strategy. This housing study led to the development of potential short-term and long-term strategies for meeting the housing needs and demands for the region.

Key strategies to increase housing include:

- **Allow for and Reduce Barriers to Soft Density (2-9 Unit structures)** – Continue updating zoning to allow two to nine unit development in anchor neighborhoods across the F-M Region. “Missing middle housing” refers to the 2-9 unit structures often not seen in single-family neighborhoods townhomes, duplexes, triplexes, etc. These homes tend to be less expensive to build than single-family homes, since units and lot sizes are often smaller, and development cost per unit tends to be lower.
- **Support and Reduce Barriers for Multi-family**- Identify locations to allow more multifamily development. Streamline development review process to reduce barriers for housing development. Revise zoning and approval processes to increase “by-right” multifamily development near major employment hubs.

To support higher densities, staff have used conditional overlays and PUDs to establish minimum densities a project must meet. A continued development model that prioritizes single family, detached housing will produce significantly fewer total units with significant new infrastructure costs.



|                     | SF-Detached<br>Single Family Home<br>Share of all housing: 53% | Townhome Community<br>2-10 units<br>Share of all housing: 9% | Low-Rise Apartment<br>10-49 units<br>Share of all housing: 28% | Mid-Rise Apartment<br>50+ units<br>Share of all housing: 10% |
|---------------------|--|--|--|--|
| No. of units        | 1 unit   | 35 units   | 11 units   | 100 units  |
| Land Area           | 0.26 acres   | 2.6 acres  | .5 acre  | 1.3 acres  |
| Density Calculation | 3.8* units per net acre  | 13.5 units per net acre                                      | 22 units per gross acre  | 76.9 units per gross acre                                    |

**Fargo Moorhead Regional Housing Needs Analysis and Strategies - Prioritize Transit Oriented Development**

Transit Oriented Development (TOD) prioritizes the development of housing in accessible regions, improving access to employment, recreation, retail, etc. This strategy supports concentrated density along high frequency transit corridors



by expanding by right multifamily development in transit corridors.

Ensure that development is consistent with the region's growing infrastructure and supports the construction of affordable housing near transit. Allowing increased density of multifamily development will help to reduce development costs and clearly communicate where the F-M Region is interested in supporting new development. Encouraging development of multifamily development near employment centers and transit helps create denser nodes and reduces the need for renters to rely on personal vehicles. Notably, TOD can also decrease the amount of parking a developer supplies, thereby lowering total development costs. This can help make multifamily housing more feasible and environmentally sustainable.

Staff recognizes the challenges of TOD and the availability of public transportation options for residents. However, TOD also includes access to collector and higher classification streets to accommodate more vehicular traffic. Additionally, this strategy highlights higher density development in areas close to basic needs, such as a grocery store. The subject properties are located in close proximity to the First Center South commercial center, which has a grocery store, and a primary bus route along the 25th Street South corridor.

### **Fargo-Moorhead Metropolitan Council of Government's Bicycle and Pedestrian Plan (2022) - Connectivity**

Prioritize infill development in areas that are centrally located and already are or easily can be served by comprehensive active transportation facilities; discourage future low-density, auto-centric development.

Higher density development allows for more efficient use of limited urban land, reducing urban sprawl and promoting compact, well-designed communities. This point is even more prominent given the recent budget concerns with city operations and capital improvement plans.

### **Land Development Code - Staff Analysis**

#### **Zoning**

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

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

The proposed change in zoning is not the result of any error in the zoning map as it relates to this property. The applicant is requesting to rezone the property in order to develop single-family homes. The current zoning was zoned commercial for potential expansion of the adjacent bank; however, the bank has determined the land is no longer needed. Given that adjacent properties to the South and East are multi-dwelling residential, staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. However, the conundrum that is being presented by the applicant is the desire to build three detached single-family homes; which originally was requested as a rezone of the subject properties to SR-3. While staff can suggest a rezoning to MR-3, it is not supportive of a single-family development when there is a strong need for more housing, such as the "Missing Middle".

**(Criteria Not Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property is adjacent to existing developed public rights-of-way, which already provides access and public utilities to serve the property. Staff believes the subject properties are a prime location for higher density development, such as "missing middle" development, in order to address findings in studies currently under way.

**(Criteria Satisfied)**

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification

requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has not received any inquiry about the application. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.  
**(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the Land Development Code, however when considering the proposed density of the subject properties and the context surrounding them, the proposed zone change does not fully meet the Go2030 Comprehensive Plan, and other adopted policies of the City as described in this report.

**(Criteria Not 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.**

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

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend denial to the City Commission of the proposed: 1) Zoning Change from GO, General Office to LC, Limited Commercial and MR-3, Multi-Dwelling Residential and 2) Subdivision Plat, Rheault Second Addition, as outlined within the staff report, as the proposal does not comply with the Go2030 Fargo Comprehensive Plan, adopted Area Plan, the standards of Section 20-0906.F (1-4), Section 20-0907.B-C, and of Article 20-06, and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation:**

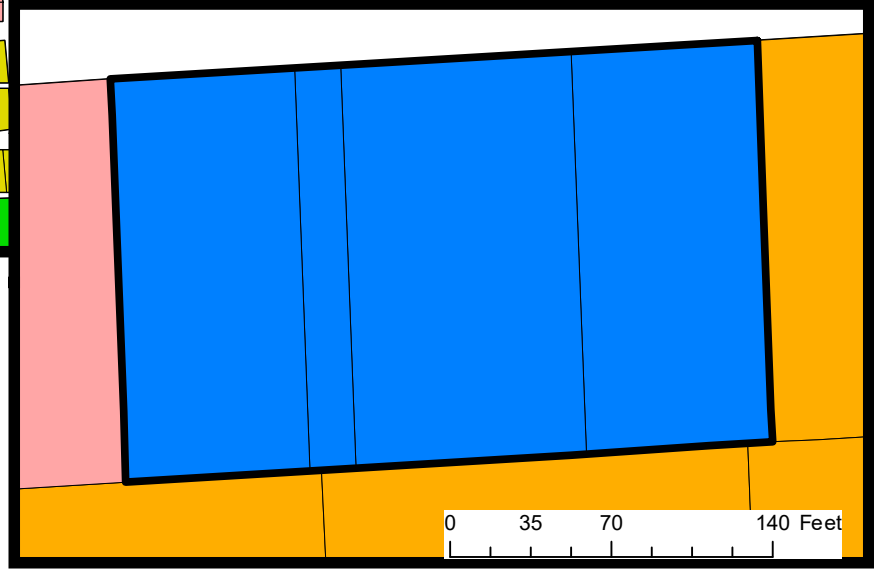
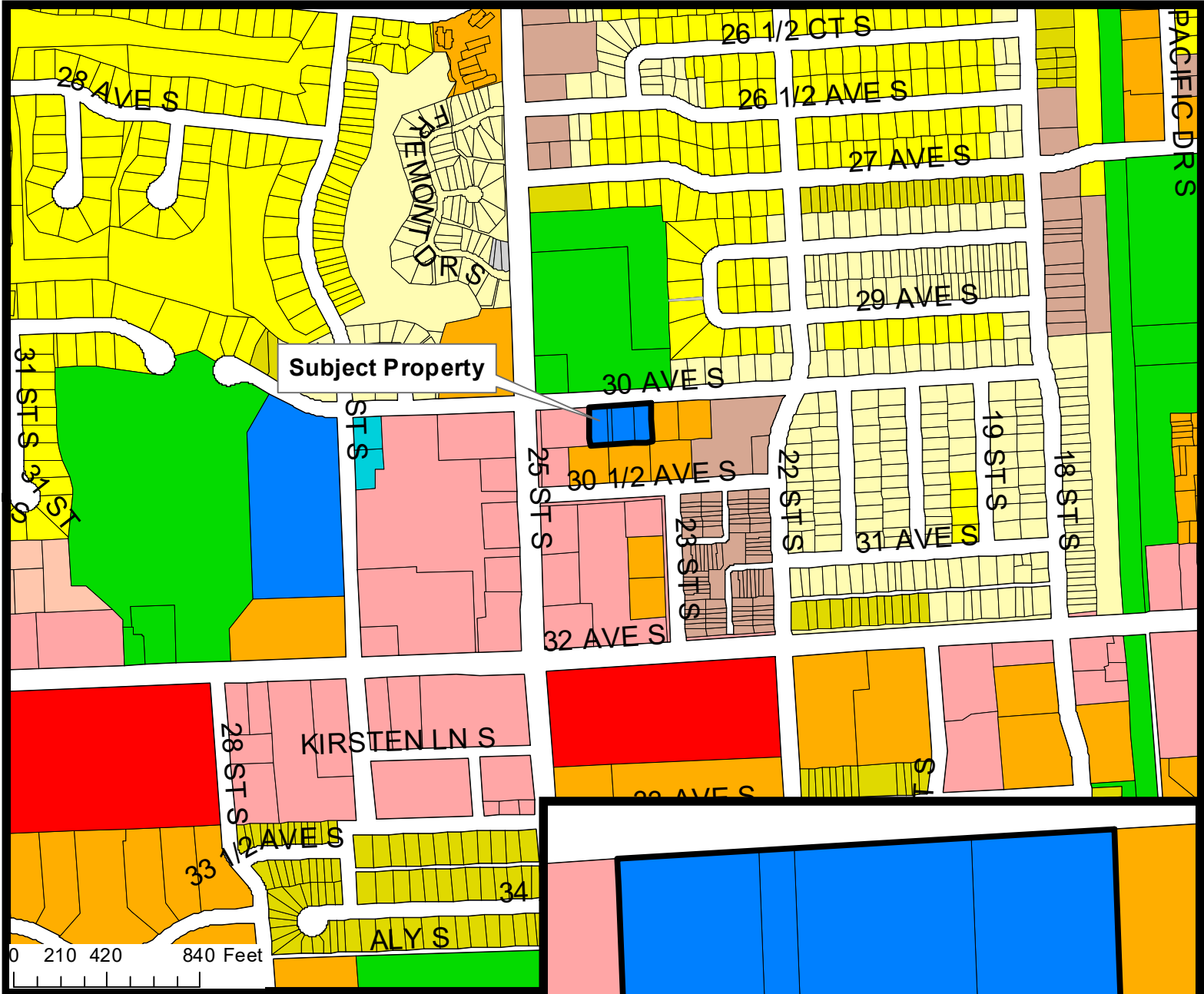
|   |
|---|
|   |
| <b>Attachments:</b>   |
| <ol style="list-style-type: none"><li>1. Zoning Map</li><li>2. Location Map</li><li>3. Preliminary Plat</li></ol> |

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

Minor Subdivision; zone change from GO, General Office to LC, Limited Commercial and MR-3, Multi-Dwelling Residential

Rheault Second Addition

2318, 2322, 2408 & 2420 30th Avenue South



**Legend**

|    |     |    |    |      |      |      |     |    |    |     |     |             |
|----|-----|----|----|------|------|------|-----|----|----|-----|-----|-------------|
| AG | DMU | GO | LC | MR-1 | MR-2 | MR-3 | MHP | NC | NO | P/I | UMU | City Limits |
|----|-----|----|----|------|------|------|-----|----|----|-----|-----|-------------|

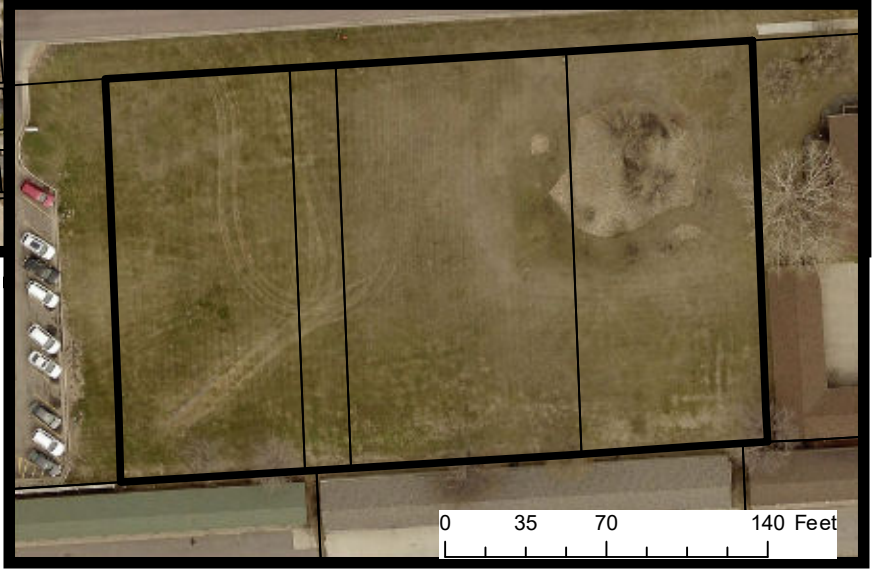




Minor Subdivision; zone change from GO, General Office to LC, Limited Commercial and MR-3, Multi-Dwelling Residential

Rheault Second Addition

2318, 2322, 2408 & 2420 30th Avenue South



Legend  
City Limits



Fargo Planning Commission  
January 2, 2024

# RHEALT SECOND ADDITION

## A MINOR SUBDIVISION

A REPLAT OF ALL OF LOT 3, LOT 4, AND PART OF LOT 5, OF BLOCK B, OF THE REPLAT OF PART OF RHEALT ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA



### OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT ALAN H. CARLSON AND SHARON T. CARLSON ARE THE OWNERS OF THE EAST 20 FEET OF LOT THREE, ALL OF LOT FOUR, AND PART OF LOT FIVE, IN BLOCK B AND VISIONBANK IS THE OWNER ALL OF LOT THREE LESS THE EASTERLY 20 FEET, IN BLOCK B OF THE REPLAT OF PART OF RHEALT ADDITION, TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 20 FEET OF LOT THREE, ALL OF LOT FOUR, AND LOT FIVE, EXCEPT THAT PORTION DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT FIVE; THENCE SOUTH 89°56'59" WEST ALONG THE NORTH LINE OF SAID LOT FIVE FOR A DISTANCE OF 19.55 FEET; THENCE SOUTH 00°03'01" EAST PERPENDICULAR TO THE NORTH LINE OF SAID LOT FIVE FOR A DISTANCE OF 174.95 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT FIVE; THENCE NORTH 89°56'59" EAST ALONG THE SOUTH LINE OF SAID LOT FIVE TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH ALONG THE EAST LINE TO THE POINT OF BEGINNING; IN BLOCK B, OF THE REPLAT OF PART OF RHEALT ADDITION TO THE CITY OF FARGO, SITUATE IN THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA.

AND  
 LOT THREE, LESS THE EASTERLY 20 FEET THEREOF, IN BLOCK B, OF THE REPLAT OF PART OF RHEALT ADDITION TO THE CITY OF FARGO, SITUATE IN THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS RHEALT SECOND ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA. SAID TRACT OF LAND CONSISTS OF 4 LOTS AND 1 BLOCK, AND CONTAINS ±49,438 SQ. FT. OR ±1.13 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ALAN H. CARLSON  
 OWNER OF THE EAST 20 FEET OF LOT THREE, ALL OF LOT FOUR, AND PART OF LOT FIVE

SHARON T. CARLSON, OWNER  
 OWNER OF THE EAST 20 FEET OF LOT THREE, ALL OF LOT FOUR, AND PART OF LOT FIVE

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ALAN H. CARLSON AND SHARON T. CARLSON, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

DAN CAREY  
 PRESIDENT OF VISIONBANK  
 ALL OF LOT THREE, LESS THE EASTERLY 20 FEET

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAN CAREY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

SHEET 1 OF 1

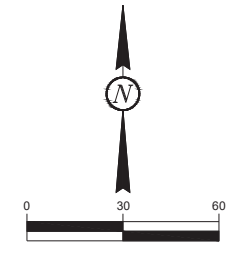


### NOTES

- PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AND 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 AS DEPICTED ON FEMA FIRM PANEL 38017C0779G, DATED JANUARY 16, 2015.
- BASE FLOOD ELEVATION = 905.70' (NAVD 1988)

### SURVEY INFORMATION

DATE OF SURVEY: 11/07/2023  
 BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992



### LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- - - EX. SECTION LINE
- NEW PROPERTY BOUNDARY LINE
- NEW LOT LINE
- ▨ FLOOD ZONE AE

FOR RECORDING PURPOSES ONLY

1/17/23 09:22:56AM Z:\Neset Shared Files\Case Projects\2023 Projects\321192\_A\Carlson Vision Bank Repair\RHEALT REPLAT REVISED.dwg



# RHEAULT SECOND ADDITION

## A MINOR SUBDIVISION

A REPLAT OF ALL OF LOT 3, LOT 4, AND PART OF LOT 5, OF BLOCK B, OF THE REPLAT OF PART OF RHEAULT ADDITION  
TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA

### SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS RHEAULT SECOND ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDRETHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
COLE A. NESET,  
REGISTERED LAND SURVEYOR  
LS-7513

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

### CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
TOM KNAKMUHS, P.E., CITY ENGINEER

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

### CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
TIMOTHY J. MAHONEY, MAYOR

\_\_\_\_\_  
STEVE SPRAGUE, CITY AUDITOR

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 TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

### CITY PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
ROCKY SCHNEIDER, CHAIR  
FARGO PLANNING COMMISSION

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

FOR RECORDING PURPOSES ONLY



| <b>City of Fargo<br/>Staff Report</b>  |  |  |                                    |
|--|--|--|------------------------------------|
| <b>Title:</b>  | Woodcrest Third Addition   | <b>Date:</b>                                       | 12/27/2023                         |
| <b>Location:</b>   | 155, 161, and 167 South Woodcrest Drive North  | <b>Staff Contact:</b>                              | Donald Kress, planning coordinator |
| <b>Legal Description:</b>  | Lots 13, 14, and 15, Block 16, <b>Woodcrest Third Addition</b>   |  |                                    |
| <b>Owner(s)/Applicant:</b>   | Mark and Barbara McCourt/Jon and Sadie Erickson/Justin Hanson and Jenaah McLeod-Hanson                               | <b>Engineer:</b>                                   | None                               |
| <b>Entitlements Requested:</b>   | Waiver of requirement to install a public sidewalk on Lots 13, 14, and 15, Block 16, <b>Woodcrest Third Addition</b> |  |                                    |
| <b>Status:</b>   | Planning Commission Public Hearing: January 2 <sup>nd</sup> , 2024   |  |                                    |
| <b>Existing</b>  |  | <b>Proposed</b>                                    |                                    |
| <b>Land Use:</b> Single Dwelling Residential   |  | <b>Land Use:</b> Single Dwelling Residential       |                                    |
| <b>Zoning:</b> SR-2, Single-Dwelling Residential   |  | <b>Zoning:</b> SR-2, Single-Dwelling Residential   |                                    |
| <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> SR-2 allows a maximum 5.4 dwelling units per acre;   |  | <b>Maximum Density Allowed:</b> No change proposed |                                    |
| <b>Proposal:</b>   |  |  |                                    |
| <p>The applicants request one entitlement:</p> <ol style="list-style-type: none"> <li>1. Waiver of requirement to install a public sidewalk on Lots 13, 14, and 15, Block 16, <b>Woodcrest Third Addition</b></li> </ol>   |  |  |                                    |
| <b>Surrounding Land Uses and Zoning Districts:</b>   |  |  |                                    |
| <ul style="list-style-type: none"> <li>• North: SR-2; single-dwelling residences</li> <li>• East: SR-2; single-dwelling residences and flood buy-out properties (City-owned)</li> <li>• South: SR-2; single-dwelling residences</li> <li>• West: SR-2; single-dwelling residences</li> </ul>   |  |  |                                    |
| <b>Context:</b>  |  |  |                                    |
| <p><b>Schools:</b> The subject property is located within the Fargo School District, specifically within the Longfellow, Ben Franklin Middle, and North High schools.</p> <p><b>Neighborhood:</b> The subject property is located within the Longfellow neighborhood.</p> <p><b>Parks:</b> Elephant / Percy Goodwin Park, 100 19th Avenue North, is approximately 0.75 from the subject properties and provides amenities of baseball/softball fields; disc golf; grill; picnic table; playground, ages 5-12; restrooms; soccer field; tennis court.</p> <p><b>Pedestrian / Bicycle:</b> At the east end of the cul-de-sac is an access to the future multi-use trail along the Red River, which is a component of the metro area bikeways system. This particular trail segment, from 32<sup>nd</sup> Avenue north to Woodland Drive, cover a distance of 2.07 miles. This multi-use trail and proposed access to this trail is a regional missing link to a metro wide trail system.</p> <p><b>MATBUS Route:</b> The subject property is not located along a MATBUS route.</p> |  |  |                                    |
| <b>Area Plan</b>   |  |  |                                    |
| <p>The subject properties are not located within a growth plan or neighborhood plan. However, MetroCOG regional studies indicate the northside gaps in parks and recreational trails when compared to the recreational standards of southside neighborhoods.</p>   |  |  |                                    |



## Staff Analysis:

Requests for waiver of sidewalk in residential areas have rarely come before the Planning Commission in the last decade. The process for waiver being applied in this case is in Fargo Municipal Code Chapter 18.0201.1(E). Though this is not in Chapter 20, the Land Development Code, this section of Chapter 18 refers to the Planning Commission hearing process, and so this project is being brought forward by the Planning Department rather than the City Engineer, the department that is otherwise responsible for Chapter 18. This project will have a hearing at the Planning Commission; the Planning Commission will make a recommendation; and then the project will go forward to the City Commission for a final decision.

### SITE HISTORY TIMELINE

- 1968: Woodcrest Third Addition was platted.
- 1969: The current cul-de-sac street was installed. As shown in the photo below, sidewalk was only installed at the westerly end of the cul-de-sac, not all the way around, even though the entire cul-de-sac was developed with single-dwelling residences. Staff has no documentation as to why sidewalk was not installed around the entire cul-de-sac. Note this photo is from 2011, before the flood buy-outs, as it's easier to see the sidewalk before the trees all grew large.



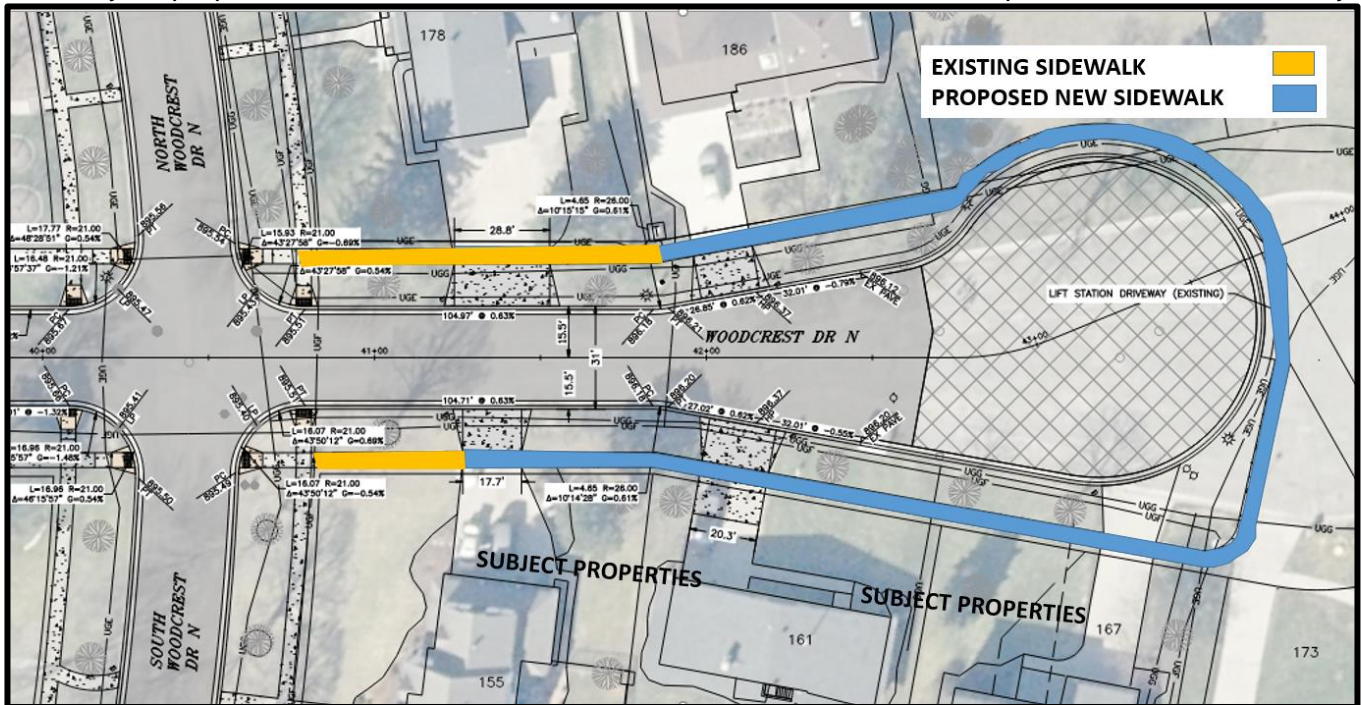
- Post-2009 Flood: Lots 16 through 20, Block 16 of Woodcrest Third Addition on the east end of the cul-de-sac were bought-out by the City and a levee was installed as a flood protection measure. A stormwater lift station was installed. The driveway from the public street in the cul-de-sac to the lift station will also be a connection to the future trail to be established on the east (wet) side of the levee along the Red River.
- 2023: City Engineer's office announced plans to reconstruct the streets in the Woodcrest area as part of the normal maintenance cycle. It is the City's policy to install sidewalks where there currently are not any, even if there were none originally installed.
- 2023: The residents of the subject properties became aware of the proposed installation of sidewalk on their cul-de-sac, and engaged Engineering and Planning staff in a discussion of how to protest the installation of the sidewalk, which led to this public hearing.

(continued on next page)



## LOCATION OF PROPOSED SIDEWALK

The proposed sidewalk would be installed in the public right of way in front of the individual lots, all round the cul-de-sac within standard sidewalk alignment, as shown in the graphic below. Standard alignment is installation of 1 foot outside the property line, and not on the private property of the individual homeowners. Regardless of the outcome of the petition hearing and, following city design standards, the City Engineer has stated that the sidewalk will be installed in the right of way in front of the City-owned flood-buyout properties at the east end of the cul-de-sac in order to have complete sidewalk connectivity.



## APPLICANT'S STATEMENT

As part of their petition to waive the requirements for the installation of sidewalk, the applicants included a statement of their position in opposition to the sidewalk. The applicants state:

*We, the residents of South Woodcrest Drive North cul-de-sac, have since the initial platting of the subdivision in 1968, for as long as we have resided in this neighborhood, been content to live on our quasi-rural street without sidewalks. Consider that we have endured many years of home removals, street construction, and levee building, and we are now requesting that no further disruption of our remaining tranquility be instigated by the construction of a sidewalk through our yards. We regard this sidewalk as unnecessary. It will not increase the safety of pedestrians who can access the riparian greenspace via the expansive cul-de-sac. The sidewalk only leads to a pumping station which is accessible by means of the roadway. The sidewalk will invite additional pedestrian traffic which is unwelcome, and will constitute a burden on homeowners to keep free of snow in winter months. Note that the construction of this sidewalk will cost the city (and us, indirectly) money which could more effectively be used for other, more important purposes. We respectfully request that this sidewalk project be cancelled.*

The attached petition contains additional homeowner comments.

## PLANNING COMMISSION POLICY ON SIDEWALKS

The Planning Commission's adopted policy on sidewalks is stated in LDC Section 20-0609.A, which codifies Ordinance No. 4700, adopted February 23, 2009 (these were initially codified in 1999 and modified in 2009 to reinstate the clarity in waiver process):

The Planning Commission shall make its recommendation on a sidewalk waiver request based on the guidelines of this subsection and the facts surrounding the waiver request. Based on such factors, the Planning Commission may recommend denial of a sidewalk waiver request even though the request may

be technically eligible for such a waiver. The Planning Commission has established the following statement of principles as a foundation for reviewing requests for sidewalk waivers:

1. Sidewalks are a shared amenity and asset of the community. As such, the public interest in sidewalks transcend specific individuals, lots, subdivisions, or periods of time.
2. Sidewalks represent an important element of the transportation system, and as such, they provide an element of safety for both the automobile user and the pedestrian, including children on bikes.
3. Sidewalks are an important element in the inventory of recreational assets of the community.
4. To meet their potential as elements of the transportation and recreational components of the community, accessibility and convenience are factors of real importance.
5. Sidewalks, both as a transportation facility and as a recreational asset, must also consider and assume that vulnerable populations should be and will be found in most areas of the City. Availability and functionality are particularly important to children under 14, persons with disabilities and senior citizens.
6. Sidewalks that are not built can create an uneven or unfair burden of cost, maintenance, and use.
7. Sidewalk plans that offer creative solutions but that are substantially equal substitutes to the traditional sidewalk should be encouraged.

Staff believes that having an incomplete sidewalk around this cul-de-sac would be opposed to the principles stated above. Additionally, Fargo's Go2030 comprehensive plan supports sidewalks in all areas:

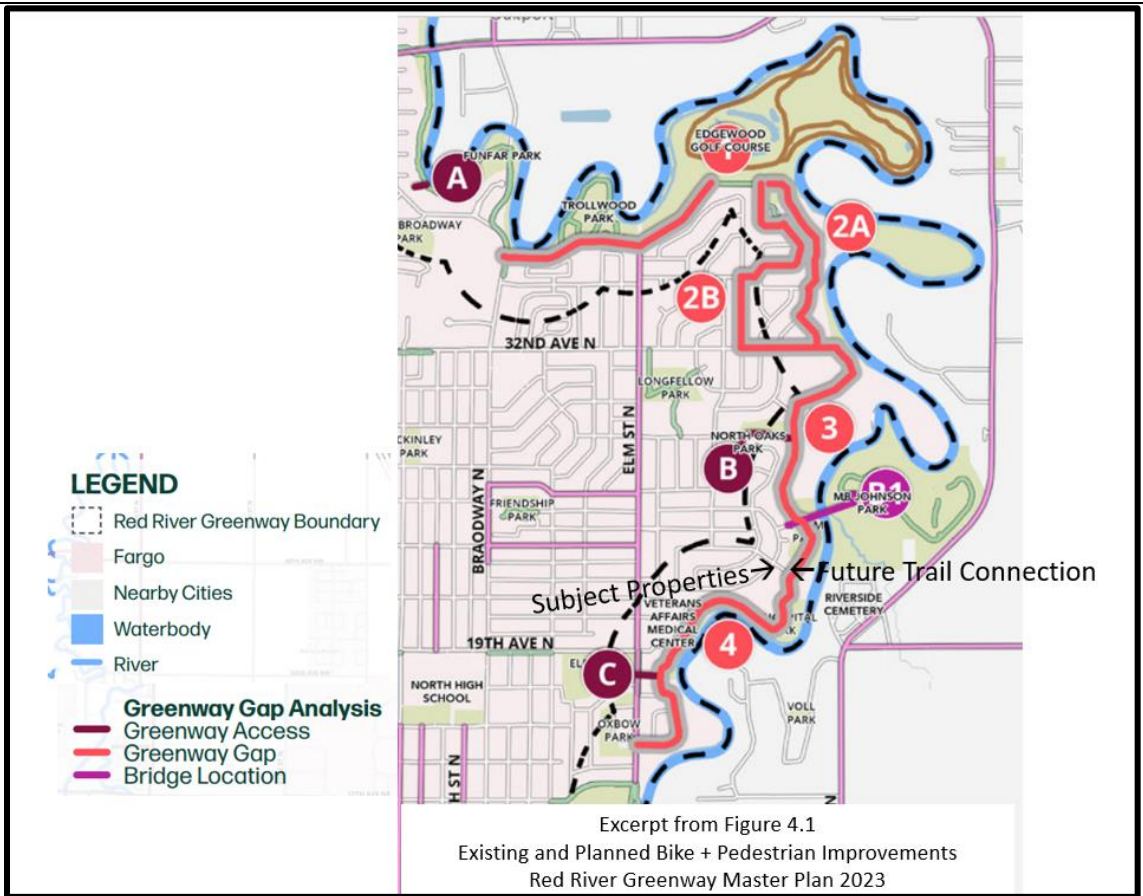
Comprehensive Plan: The City's adopted GO2030 Comprehensive Plan includes a number of initiatives that relate to this requested waiver, as follows:

- Transportation; Initiative 02:* Implement complete streets: to enhance Fargo's roadway network as a continuous and connected network.
- Neighborhoods; Vision:* Fargo will promote attractive and welcoming neighborhoods by promoting a diverse and affordable housing stock. Fargo will create neighborhoods where residents can age in place, children can walk to school and essential services are only a short walk away.
- Neighborhoods; Initiative 02:* Evaluate, review and improve regulations to create more walkable neighborhoods and commercial districts.
- Education, Initiative 01:* Safe Routes to School – Fargo will work with local school officials, neighborhood leaders, parents and children to develop policies and programs that advocate for the safe walking and bicycling to and from schools, and in daily life, to promote a healthy lifestyle of children and their families.

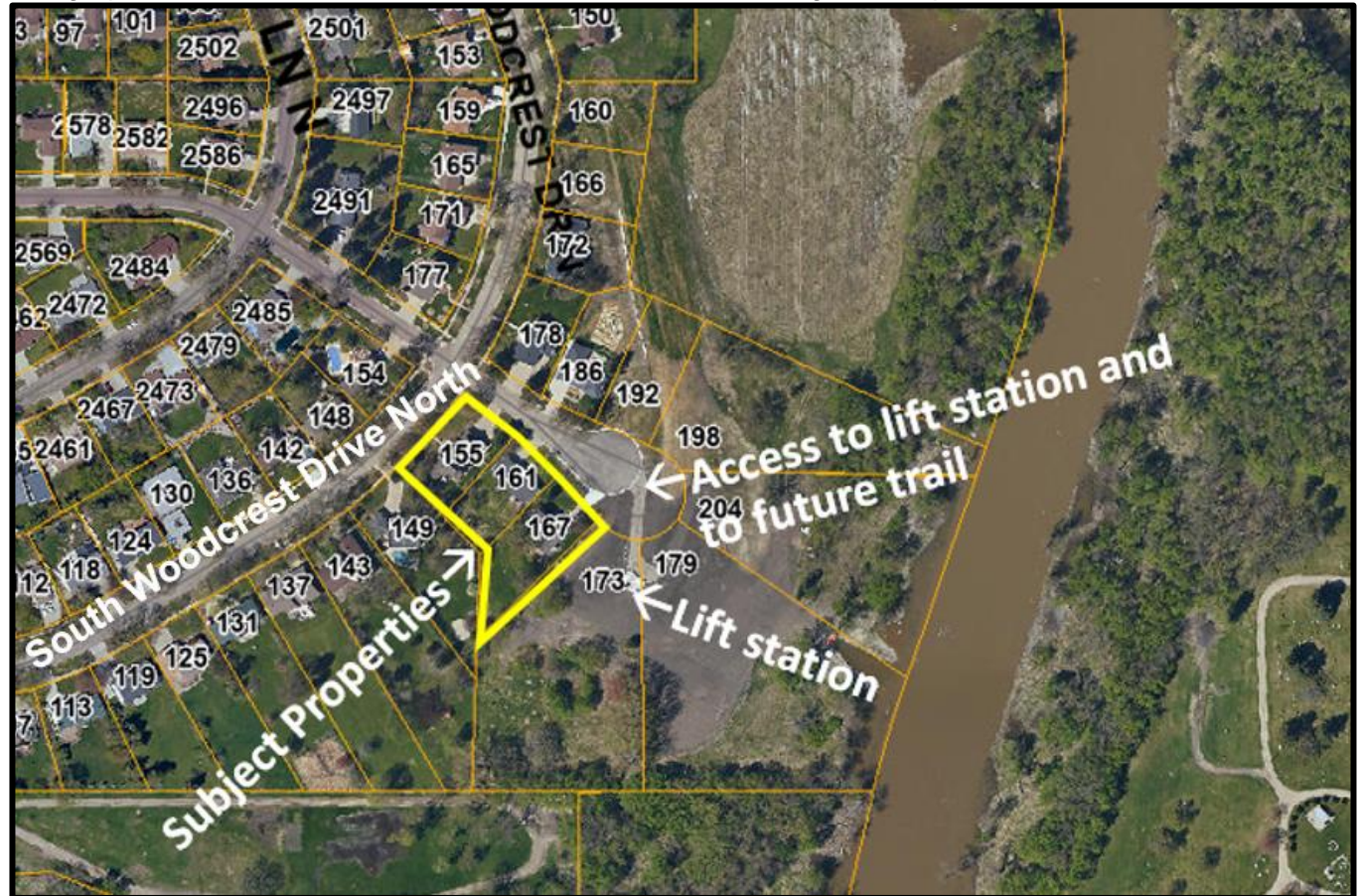
The Fargo-Moorhead Metropolitan Council of Governments (FM MetroCOG) serves as the transportation policy making organization for the greater Fargo-Moorhead metropolitan area. They have recently produced two plans that address pedestrian connectivity, among other topics:

Red River Greenway Study: The 2023 Red River Greenway study depicts a future trail along the Red River from 32<sup>nd</sup> Avenue North to South Woodcrest Drive near the Veterans Administration hospital on Elm Street. As noted above, when the lift station was installed, an access was provided to that lift station that will also be an access from the cul-de-sac to this trail. The City has recently received grant funding for the portion of the trail from this cul-de-sac going south to Woodland/El Zagal. Long term goal is to continue it north but immediate plans are from Woodland/El Zagal to here. The graphic below depicts this trail.





The graphic below shows a detail of the cul-de-sac and existing access point and lift station.



This connectivity follows one of the points of Goal 1—Connectivity and Access Improvement, to “provide options for more neighborhood connections and access points to the greenway” and one of the points of Goal 5—Inclusivity, to “improve perpendicular connections from all neighborhoods in the greenway trail system.” The installation of sidewalk will be part of the connectivity of this trail, which is a multi-use trail and not just a bike trail.

Bicycle and Pedestrian Plan: The 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan “describes a Vision, Guiding Principles, Objectives, and Performance Measure” to “create better bicycle and pedestrian transportation systems, policies, and programs (page 6 and 9).” Guiding Principle 3—Connectivity—includes as one of its objectives “Close missing links in sidewalk and bicycle networks.” This object supports installing the sidewalk as proposed by the City.

**PUBLIC COMMENT**

Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has not received any comments from other owners on the cul-de-sac or other neighboring properties regarding the proposed waiver of sidewalk.

**Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of staff and hereby recommend denial to the City Commission of the proposed Waiver of requirement to install a public sidewalk on Lots 13, 14, and 15, Block 16, **Woodcrest Third Addition** as presented on the basis that the proposal does not meet the intent of the Go2030 Comprehensive Plan and related plans, or the intent of the guidelines as set forth within Section 20-0609.A (1-7) of the Land Development Code.”

**Planning Commission Recommendation:** January 2<sup>nd</sup>, 2024

**Attachments:**

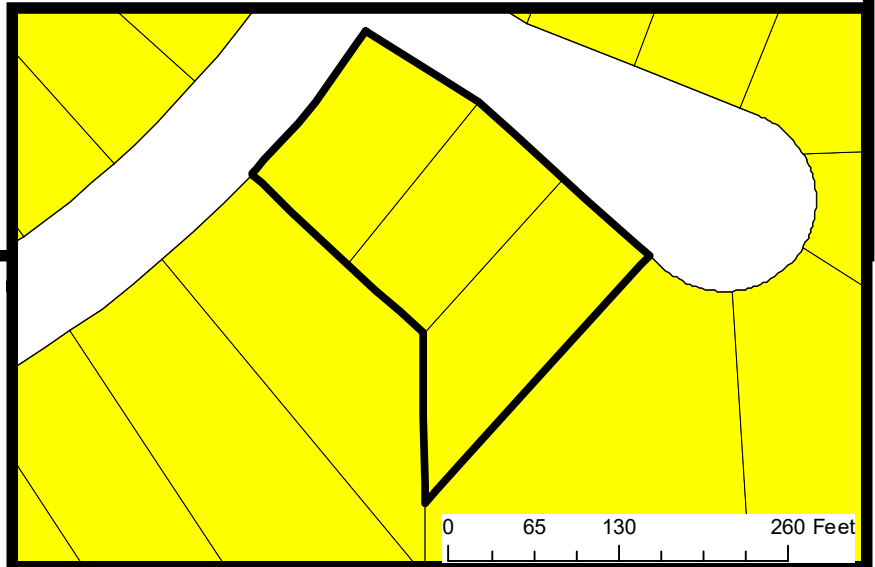
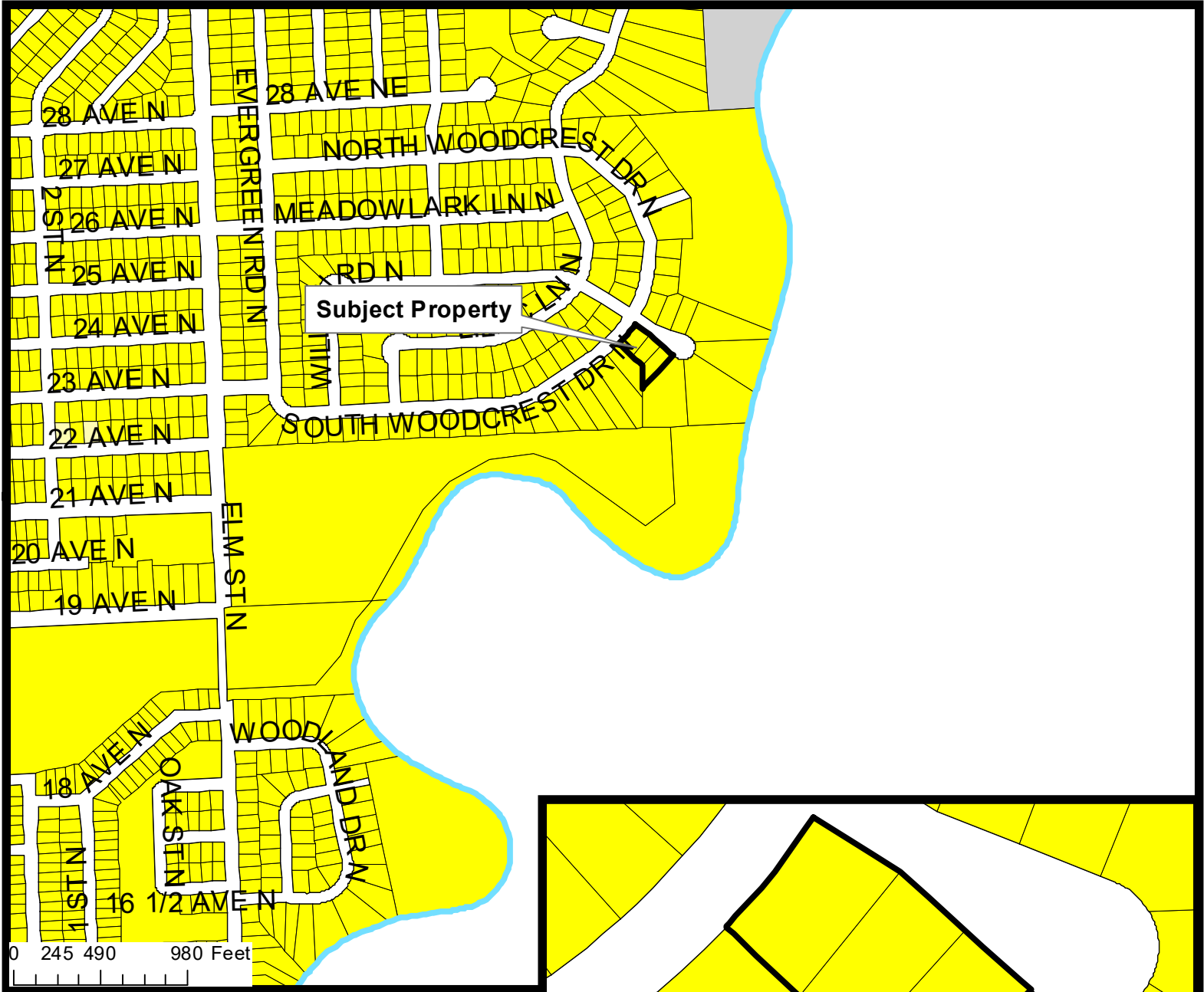
1. Zoning map
2. Location map
3. Applicants’ petition for waiver



# Waiver of Sidewalk

## Woodcrest Third Addition

155, 161 & 167 South Woodcrest Drive North

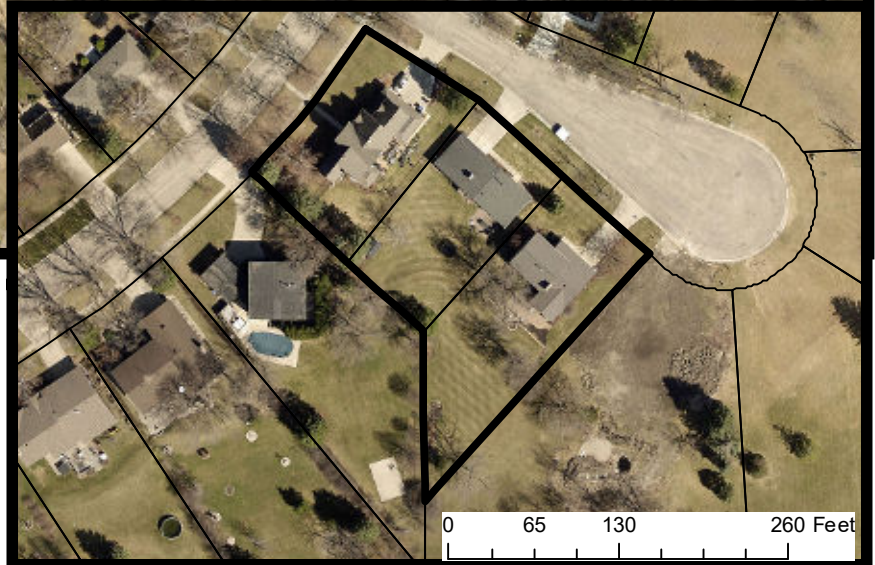




# Waiver of Sidewalk

## Woodcrest Third Addition

155, 161 & 167 South Woodcrest Drive North



### Legend

 City Limits



**PETITION FOR SIDEWALK WAIVER**

We, the undersigned owners of property with frontage on South Woodcrest Drive North, petition the City of Fargo to waive the requirements to install a public sidewalk in the right of way for that portion of South Woodcrest Drive North cul de sac southeast of the intersection with Willow Road, as depicted on the attached graphic, pursuant to the procedure described in Fargo Municipal Code Section 18-0201.1.E. 1-6.

OWNER NAME (as it appears on deed)

Mark and Barbara McCourt  
167 S. Woodcrest Dr. N.  
Fargo, ND 58102

*Mark and Barbara McCourt*

Jon and Sadie Erickson  
161 S. Woodcrest Dr. N.  
Fargo, ND 58102

*Jon Erickson*

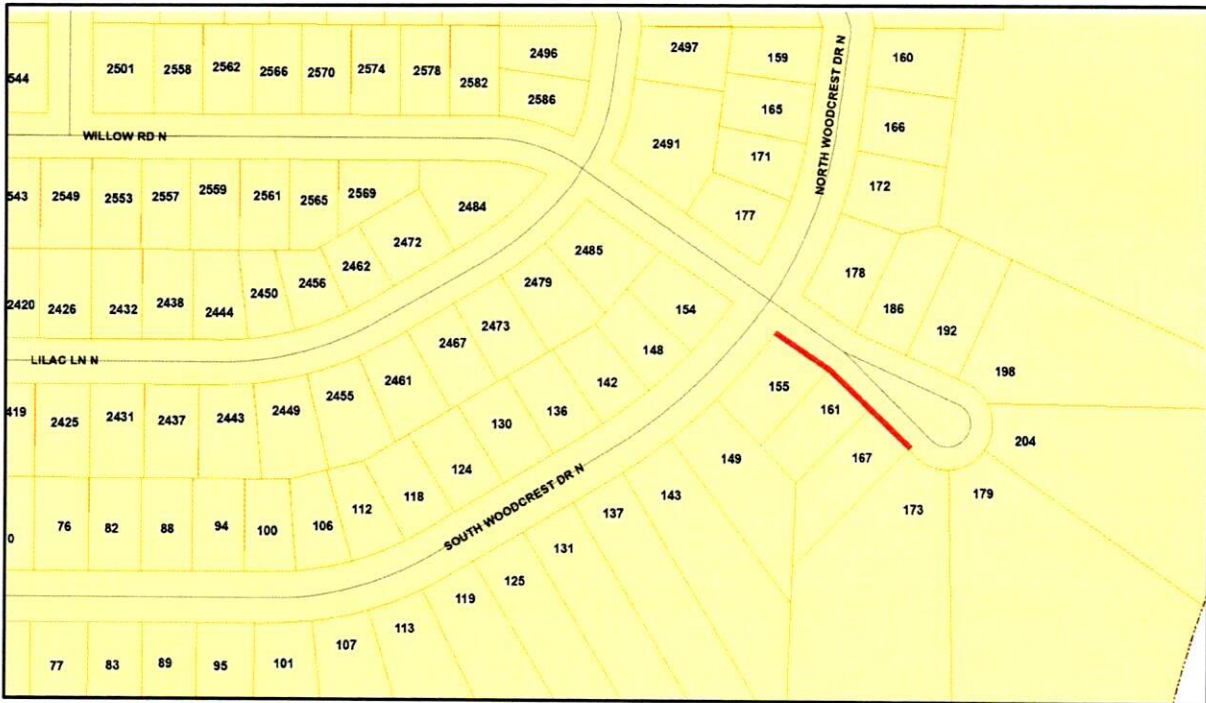
Justin Hanson and Jenaah McLeod-Hanson  
155 S. Woodcrest Dr. N.  
Fargo, ND 58102

*Justin Hanson*  
*Jenaah McLeod Hanson*

We, the residents of South Woodland Drive North cul-de-sac, have since the initial platting of the subdivision in 1968, for as long as we have resided in this neighborhood, been content to live on our quasi-rural street without sidewalks. Consider that we have endured many years of home removals, street reconstruction, and levee building, and we are now requesting that no further disruption of our remaining tranquility be instigated by the construction of a sidewalk through our yards. We regard this sidewalk as unnecessary. It will not increase the safety of pedestrians who can access the riparian greenspace via the expansive cul-de-sac. The sidewalk leads only to a pumping station which is accessible by means of the roadway. The sidewalk will invite additional pedestrian traffic which is unwelcome, and will constitute a burden on homeowners to keep free of snow in winter months. Note as well that the construction of this sidewalk will cost the city (and us, indirectly) money which could more effectively be used for other, more important, purposes. We respectfully request that this sidewalk project be canceled.

Jon Erickson remarks: For as long as we have lived here, since 2005, the absence of a sidewalk has never been a concern. We have raised two children, now age 11, in our home. We have enjoyed our front yard without a sidewalk. The past few years of heavy construction have been a burden and a hindrance to the enjoyment of our property. Any further construction will further diminish our enjoyment and use of our property with no value to us as homeowners. The years that remain while our children are under age 18 are invaluable. I'd like no further obstruction to the use of my property from the City of Fargo that would result from this sidewalk project, nor the added burden of maintenance described above.

AREA OF PROPOSED SIDEWALK WAIVER OUTLINED IN RED





## MEMORANDUM

**TO: PLANNING COMMISSION**

**DATE: DECEMBER 27, 2023**

**FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR**

**RE: DOWNTOWN IN FOCUS TAKE ACTION RECOMMENDATION FOR ADOPTION**

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In 2016, Interface Studio was hired to facilitate a comprehensive planning process for downtown resulting in the [Downtown InFocus: A Blueprint for Fargo's Core](#) being adopted in 2018. After five years, the City hired Interface Studio in February 2022 to assess operational process, data and confirm goals and targeted engagement, pandemic impact and Downtown Community Partnership alignment with the Downtown InFocus. An implementation plan has been created following extensive stakeholder outreach and coordination to identify implementation steps.

The Downtown InFocus - Take Action highlights twenty priorities and lays out action steps for implementing these priorities over the course of the next 5-10 years. The report is meant to be a living document and considered an addendum to the Downtown InFocus plan adopted in 2018. As observations and findings occur over time, there will be need to keep the Take Action report updated.

At the December Planning Commission meeting, the final draft Downtown InFocus Take Action report was presented to the Planning Commission and broad discussion occurred. Staff requested feedback or comments to be submitted to our attention. Meanwhile, staff also sought comments from the public and stakeholders. Attached please find a copy of comments received to date. The latest draft can be found on the City's website: <https://fargond.gov/explore/downtown-fargo/framework-plan> (Downtown InFocus: Take Action 2023).

Recommendation: Recommend adoption to the City Commission

COMMENTS RECEIVED: Downtown InFocus – Take Action report

| REC'D    | NAME             | COMMENT   | PLAN NOTES   |
|----------|------------------|---|--|
| 11.13.23 | Christopher Coen | <p>My first comment is that I think we have too few parks in the core. The big and nice Island Park is a bit too far to get to easily and has the pedestrian unfriendly, to me, Main Ave. as a barrier in getting there. As far as the park on the river, it's now heavily marred by a wall of high-rise apartment buildings built right up to the edge, which destroys the natural scenery aspect of the experience. You just have a sense of people looking down at you.</p>  | <p>Comment received. As the City looks at larger scaled design items these comments will be forwarded.</p>   |
| 11.15.23 | Jacob Rose       | <p>I am a Fargo resident who moved from the Twin Cities. One of my favorite things about living in Fargo is the proximity everything seems to have, and how you can get anywhere from anywhere relatively quickly. Down in the cities, that did not feel the case given how spread out everything is. I also feel the Twin Cities is overly reliant on personal vehicle usage for getting around.</p> <p>I believe downtown Fargo has an excellent opportunity to continue to set itself apart from other areas by creating a more intimate feeling. I believe this would best be accomplished by reducing roads downtown and instead moving towards a more walkable downtown, perhaps with bike lanes or traveling trolleys that move north and south on Broadway and East and West on 1st avenue. Downtown is a great place to be, but it is a pain to drive, or to walk as both pedestrians and vehicles have to coexist in a small space en masse.</p> <p>My only other thoughts would just be reiterating safety and cleanliness. Walt Disney World keeps garbage bins 30 feet apart to minimize littering, and the city should think carefully on how to address safety concerns for citizens given the rise in violence due to growth, and address what can be done about homelessness in our area. If people don't feel comfortable it doesn't matter how much effort went into the other aspects.</p> <p>Best of luck and thank you for what you do!</p> | <p>Comments noted. Inclusive Growth section outlines housing strategies.</p> <p>Visioning comments will be forwarded to additional strategic planning efforts.</p> |

| REC'D    | NAME        | COMMENT  | PLAN NOTES  |
|----------|-------------|--|---|
| 11.15.23 | Eric Thomas | <p>My name is Eric Thomas and I have lived in downtown Fargo with my wife for approximately 3 years now. Prior to that, I've also worked downtown Fargo for approximately 5 years. My wife also works from home and I can say that we have truly enjoyed living and working downtown. That being said, I have a number of comments and/or suggestions that I would like to be considered. For reference, I believe my wife and I are an appealing demographic for downtown, given we are in our late 20's/early 30's, both work and/or are around downtown, and spend a lot of time in the area. My thoughts/comments are noted below:</p> <ol style="list-style-type: none"> <li>1. For the most part, we have been very encouraged by the rapid growth of downtown Fargo and are excited to see its' future. That being said, we live close to the busiest intersection (2nd Ave &amp; Broadway) so we get a large number of loud noises; especially on weekends. However, we have never had any issues with street performers, music, or even intoxicated patrons. The only noise issue we have consistently come across is the motorcycles, modified exhaust of trucks, and loud vehicles. I understand this is a difficult issue to tackle, but law enforcement has to do a better job of patrolling and actually citing loud vehicles during quiet hours. This has always been our #1 issue living downtown.</li> <li>2. We would like to see downtown Fargo have a higher quality gym and fitness facility close to downtown. With all due respect to the downtown YMCA, the gym appears to not have been renovated since I went to preschool there almost 30 years ago. I drive all the way to the Family Wellness center to workout, simply because the downtown YMCA is poor and there aren't any other options nearby.</li> <li>3. The continued use of surface area parking lots in downtown Fargo is the biggest waste of valuable real estate, in my humble opinion. With more and more parking options available in ramps, there is no reason why these parking lots should be used for outdoor parking.</li> <li>4. The Civic Center needs to be renovated and used for various local sporting events, concerts, shows, etc. If the Fargodome expansion vote fails, Fargo will (again) lack any type of convention space. While the Civic center may not hold near the capacity the Fargodome has, it will at least start promoting more events &amp; promoting the downtown Fargo area in general. Downtown Fargo has a golden opportunity for a beautiful arena for this purpose, not to mention both the Radisson &amp; Jasper downtown parking ramps all connect to the Civic center via the skyways. Patrons would love being able to not even have to walk outside for these events, especially in the winter.</li> </ol> <p>Thank you for your time and attention to this matter.</p> | <p>Public realm + design needs addresses physical environment</p> <p>Operational practices and other public realm comments are forwarded to additional departments or partners.</p> |

COMMENTS RECEIVED: Downtown InFocus – Take Action report

| REC'D    | NAME            | COMMENT  | PLAN NOTES  |
|----------|-----------------|--|---|
| 11.15.23 | Steve Zimmerman | <p>One way or another homelessness needs to be addressed. Everything depends on that problem. I hear it constantly: the library is not welcoming any more to average folks, people are begging for money, and, of course, the killer for any neighborhood-I don't feel safe. It's a difficult problem, for sure, but it is by far the biggest one. Unless we get a handle on this situation, you can forget about your other items. This is the driver.</p>  | <p>Inclusive Growth section addresses housing. Initiatives are designed to address these concerns.</p>                  |
| 11.15.23 | Justin Wageman  | <p>I have lived downtown for five years. My feedback concerns two issues: trains and nuisance behavior.</p> <p>I cannot imagine what it must have been like without the quiet zones for trains downtown. But it is not enough. What may not be realized is the amount of noise that thousands and thousands of tons of steel can make without blasting horns. Just the engines and the high-pitched squeals and shrieks of the freight cars and their wheels is incredible. Then there are the discretionary train horn blasts that the engineers make. In one week, I lost count of how many blasts there were and even considered reporting them online to the Federal Railroad Administration (FRA). And even the Amtrak passenger train blasts twice before moving every morning in the early hours (e.g., 3:30 am). It isn't uncommon to hear of people dying on the tracks and vehicles getting hit. This is only going to get worse as projects are set for 80-90 trains a day going through the heart of the city.</p> <p>The nuisance behavior is a major problem downtown. People just loitering taking up the benches, sleeping, pestering others, and panhandling. While I don't attribute all the blame to the homeless, I was surprised to read of the approximately 4,000 people who live downtown because on any given night in the Fargo-Moorhead area, there are 1,000 people who are homeless. I'm glad for the police substation and increased presence. I've seen multiple interventions on the part of cops with people exhibiting nuisance behavior.</p> <p>A trip to Winnipeg showed me what could be done with some of the above issues that Fargo is finally and just now starting to deal with or resolve. One is the trains. I noted how the tracks were elevated in downtown Winnipeg, which eliminated all the wasted time and frustration at crossings, yet slowed the trains down to help reduce noise. I imagine it also reduced the number of pedestrian deaths on the tracks.</p> <p>Two other things I noted in Winnipeg: The diversion that has been in place for years and the beautiful riverfront. Fargo-Moorhead has such an opportunity to create amazing spaces with the undeveloped riverfront property, especially with the Viking Ship Park on the Moorhead side. The diversion in place for many years has given Winnipeg the time to build buildings, green spaces and trails along the Red River. Let's do the same in Fargo and eliminate the tent cities that exist along the riverbank in the trees.</p> <p>This is my feedback. Hopefully many other voices besides mine contribute to make downtown Fargo a wonderful place to live.</p> | <p>Public realm + design needs addresses physical environment and Implementation roles clarifies project champions.</p> |



COMMENTS RECEIVED: Downtown InFocus – Take Action report

| REC'D    | NAME        | COMMENT  | PLAN NOTES   |
|----------|-------------|--|--|
| 11.16.23 | Ryan Benson | <p>Question/Comment: Some of us are living paycheck to paycheck, and we all watch as our government plays this game on a large scale. Maybe we invest in alternative power sources to lower electric cost in the area(overtime of course).. You just built yourselves a gazillion dollar city hall. What does the downtown project have to do with us? I picture commercial buildings with apartments above. And I'm guessing the city will own all of it and make more millions. Payday for me is this Friday, and I have less than \$1k in my account so I could care less about your project. We don't need that bullshit. Stop playing with us like your helping us. Your not. Seems like you're looking for a money grab so we can help you get richer. Your not going to help me, the veterans, or the elderly.</p> <p>My name is Ryan Benson and I absolutely hate the way our government is operating in this country. Please call if you would like to have a conversation. I think that it's important for people with different opinions to be able to hash things out in a professional manor.</p> | <p><a href="#">Inclusive Growth section outlines housing strategies.</a></p> |

| REC'D    | NAME            | COMMENT   | PLAN NOTES   |
|----------|-----------------|---|--|
| 11.22.23 | Rocky Schneider | <ol style="list-style-type: none"> <li>1. The 270 events at Broadway Square, unless they count every open ice day, it doesnt seem like an accurate number. Where is this data from?</li> <li>2. Is there a population estimate since 2020 for Downtown? The 2010-2020 increase of 6%, which is only about 250 people - seems low.</li> <li>3. The chart that shows downtown vs Fargo growth is wrong when compared to the notes next to it. The notes say downtown Fargo increased 23% and the charts data say it decreased by 7% 1990 to 2000. The rest of the chart seems to need a review.</li> <li>4. The statement that 5% of housing is affordable in downtown. The number seems very low. For example, if there are 4113 residents, how many units are in downtown? That this is one of the most important pieces of data to get accurate for this study, so would be good to make sure the data is accurate and if we can help with that we are willing!               <ol style="list-style-type: none"> <li>a. Is there an annual income calculated only in downtown residents?</li> <li>b. If \$58,000 is 80% of AMI, \$17,400 is 30% and that is \$1,450/ month.</li> <li>c. How many units in downtown Fargo are affordable for the median Fargo income?</li> <li>d. Are two and three units calculated for one or two incomes?</li> <li>e. For example, if there are 4113 people, an average of 1.3 people per unit say, or 3200 total units in DT Fargo. 5% would be 160 units noted as affordable. With the Graver, Gardner, The Piston (Orange Records), The Music Emporium, Powers Hotel, Jackson, Lowman, Cooper House, the Highrise (soon to be 100 or 200 affordable), Berrell, University Drive Manor, Artist Flats, Finding Normal and many others would be well over 800 units.</li> </ol> </li> <li>5. On page 10, it notes “Who takes care of Broadway Square?”. Consider adding that the plaza is privately owned and open to the public with the partnership of Fargo Parks and City of Fargo.</li> </ol> | <p>Data sources verified. Inclusive Growth section outlines housing strategies and Implementation roles outlines project champions. Minor edits clarified within document.</p> |

COMMENTS RECEIVED: Downtown InFocus – Take Action report

| REC'D    | NAME           | COMMENT  | PLAN NOTES   |
|----------|----------------|--|--|
| 11.24.23 | Denise Knudson | <p>Hi, my name is Denise Knudson, I've been living in downtown Fargo since 2011. I read an article about the plan and that you are seeking public comments. I haven't commented on the plan because I have not read the plan. Is there a link to read the plan? I do have some suggestions. They are as follows:</p> <ol style="list-style-type: none"> <li>1. More green space. Plant more trees, shrubs and perennials.</li> <li>2. Enforce the noise ordinances. Fine companies and individuals who violate city ordinances.</li> <li>3. Public smoking. I see and smell smokers violating this law everyday in Fargo. It is the law in North Dakota that smoking is prohibited within twenty feet [6.10 meters] of entrances, exits, operable windows, air intakes, and ventilation systems of enclosed areas in which smoking is prohibited. People, including myself, who live downtown are affected by secondhand smoke from smokers who violate this law.</li> </ol> <p>Any questions feel free to contact me.</p>   | <p>Public realm + design needs addresses physical environment and Implementation Roles outlines project champions</p>                                    |
| 11.27.23 | Tommy Schmidt  | <p>This is Tommy Schmidt, Planning Commissioner for the City of Fargo. I was able to review the update to the Downtown InFocus Plan and have several comments. I've broken down my comments based off of the section numbers that were provided in the document:</p> <ol style="list-style-type: none"> <li>5. Update the City's Growth Plan, zoning, LDC <ul style="list-style-type: none"> <li>• Obviously the City is undergoing this currently, but a few items specifically relating to the LDC and Downtown are noted below that should be addressed: <ul style="list-style-type: none"> <li>○ Street trees should be a requirement in the DMU zoning district. This is the only zoning district where street trees are not required, however it is likely the zoning district that would benefit the most from having a required street tree canopy. There have been countless studies and research behind the benefits of urban street trees, and all future reconstruction of streets and redevelopment of parcels in the DMU should be required to plant new trees.</li> <li>○ The City's signage code needs to be re-worked. There have been large, building mounted electronic signs (billboards) that have sprung up on Main Avenue that are not pedestrian oriented and are a visual distraction. These types of signs should be outlawed in the DMU zoning district. Further, any new signage should be required to be at a human scale in size. Currently by-right, new buildings have the ability to have very large signs on their building faces if they want, which has the potential of making some of</li> </ul> </li> </ul> </li> </ol> | <p>Public realm + design needs addresses physical environment</p> <p>Visioning and strategy items will be forwarded to parties leading action items.</p> |

| REC'D | NAME | COMMENT  | PLAN NOTES |
|-------|------|--|------------|
|       |      | <p>Downtown's best streets feel like billboards along the highway.</p> <ul style="list-style-type: none"> <li>○ DMU zoning requires specific building materials (cladding specifically) be used. While I understand the reasoning, I will say that as an Architect who works on Downtown Fargo projects, not being able to use certain materials in lieu of more expensive 'durable' materials can drive project costs up, which get put back onto residents' rents. There could be some sort of conversation about providing enhanced vegetation or public art or public space in projects in lieu of using more expensive building materials.</li> </ul> <p>6. Upgrade Broadway</p> <ul style="list-style-type: none"> <li>• Upgrading Broadway is a fantastic idea             <ul style="list-style-type: none"> <li>○ The proposed street section is an improvement from what is existing, however there is an opportunity to make it even more pedestrian oriented. The proposed street widths are 15', which is very wide, even wider than what is standard on the Interstate. Narrowing these to 11' or 12' wide would give the side of the street shown with angled parking an additional 6-8' of sidewalk width. Sidewalk width should be prioritized on both sides of the street rather than the street lane width.</li> <li>○ All existing street trees should be preserved and emphasis should be placed on planting new trees on both sides of the street with minimum spacing between trees.</li> </ul> </li> </ul> <p>7. Improve Wayfinding</p> <ul style="list-style-type: none"> <li>• My opinion on this is that it doesn't matter how much is spent on wayfinding to the garages, there will always be a sentiment that 'there is no parking' downtown. This perceived idea, though, does not seem like it actually deters people from coming downtown, as the weekends are packed and events still manage to happen. Over time, people will just figure it out. \$50,000 spent on this is money that can be put to better use.</li> </ul> <p>8. Improve 2nd Avenue</p> <ul style="list-style-type: none"> <li>• This plan, though sounds amazing, seems like it is too expensive in its full built out concept. 2nd Avenue near the Square was just rebuilt and having it torn out so soon will look bad to the public. This section of 2nd Avenue from Broadway to Gate City should have just been closed and the Square extended to the South in the first place, but I digress. Mechanical bollards that can come up from the crosswalk area during events and perhaps weekends would be a great way to reclaim this space back when necessary without having to rip up the entire stretch.</li> </ul> |            |



| REC'D    | NAME        | COMMENT  | PLAN NOTES  |
|----------|-------------|--|---|
|          |             | <ul style="list-style-type: none"> <li>• Perhaps a 'scramble' pedestrian crossing could be installed at the intersection of 2nd and Broadway so that pedestrians can cross the entire intersection could be explored.</li> <li>• During events like the Red River Market, Broadway should be closed from 3rd Avenue N to 1st Ave North. Hundreds of pedestrians should not need to be competing with just a handful of vehicles every other minute.</li> </ul> <p>9. Public Art</p> <ul style="list-style-type: none"> <li>• There seems to be a large gap in the western half of Downtown for public arts opportunity sites.</li> <li>• There may be an opportunity for public art to be incorporated into redevelopment projects. Example: providing mural space/blank space on street side faces of buildings in lieu of glazing requirements.</li> </ul> <p>10. Downtown Riverfront</p> <ul style="list-style-type: none"> <li>• Mid America Steel redevelopment should be a priority to have an RFP out in 2024</li> </ul> <p>11. Improve City Hall Plaza</p> <ul style="list-style-type: none"> <li>• The asphalt parking lot should just be removed rather than painted.</li> <li>• The SE parking lot should be developed rather than be part of a larger plaza</li> </ul> <p>In addition to the update, I looked through the Streets Playbook to see if there were any proposed sections that I had comments on.</p> <ul style="list-style-type: none"> <li>• In general, all street reconstruction needs to include new street trees.</li> <li>• Existing bike lanes have been horribly maintained. Bike lane paintings and arrows have almost completely disappeared on many streets, specifically 4th St. For a proper bike lane network, these lanes need to be to the same level that we pay to our driving lanes.</li> <li>• Please use bollards at a minimum where possible at bike lanes to give them an added layer of safety.</li> <li>• Street widths should be minimized as much as possible, with leftover space being allocated to sidewalks or bike lanes.</li> </ul> <p>Thanks for your time in reading the lengthy response!</p> |   |
| 11.27.23 | Jim Gilmour | <p>Page 3. Review and Correct road changes. Omit Broadway south of 2<sup>nd</sup> Avenue, alley east of Broadway, 3<sup>rd</sup> Ave. Add 2<sup>nd</sup> Avenue and 4<sup>th</sup> Street. New buildings, add Riverhouse (north of City Centre).</p> <p>Page 18. Is the comment that Broadway sidewalks are “narrow and crowded” accurate? Sidewalks on Broadway are 11’ wide. Many sidewalks in Manhattan are 10’ wide and handle the pedestrian traffic just fine. I think the balance of space between travel lanes, parking, and pedestrians works well.</p> <p>Page 19. GTC should be shown as a Municipal Garage.</p>  | <p>Technical edits noted and data sources verified. Public realm + design needs addresses physical environment.</p> |

| REC'D | NAME | COMMENT  | PLAN NOTES |
|-------|------|--|------------|
|       |      | <p>Pages 26-27. Additional time is needed to discuss the future use of the parking lot east of the Library and the Mid America Steel site. There may be better options than “mixed income development” and “market rate development”. The Mid America site should include a land use that allows access to the riverfront.</p> <p>Page 31. What is the source of the comment that 5% of downtown housing is “affordable”? Does this mean the larger core neighborhood area? The metro housing study defined affordable rental housing as rents less than \$1,000 a month, and found large percentages of rental housing to be affordable. This report notes that housing of \$780 a month for a server is affordable. Page 36 of the report correctly states that “there are options that are very affordable”.</p> <p>Page 35. What is the source of the comment that in 2023 there are “only six affordable housing units were being built in the downtown”? The Milton Earl project has 42 housing units.</p> <p>Page 35. The report states that adding 800 units of affordable housing downtown would increase the percent of affordable housing downtown and Core Neighborhoods by 2%. Does that report assume 40,000 housing units in the downtown/neighborhood? Check those numbers.</p> <p>Page 36. It is already very difficult for the private sector to attract investors and obtain loans for market rate development. Adding an “inclusionary zoning requirement” that requires some percentage of “affordable” rent units will make it more expensive and discourage housing projects. Owners of existing rental units will be able to increase rents without competition from new housing units, and downtown the number of naturally occurring affordable housing units will decline.</p> <p>Page 38. There is a statement that supportive housing units are operating at “full capacity”. Actually, there are vacancies at Cooper House, and a building that previously provided ~20 units of supportive housing sits vacant at 69 4<sup>th</sup> Street. The funding gap appears to be money for supportive services.</p> <p>Page 39. The map showing the location of Cooper House is not correct.</p> <p>Page 44. Several errors on ownership of parking lots. Also errors on publicly owned sites.</p> |            |

## MEMORANDUM

**TO: PLANNING COMMISSION**

**DATE: DECEMBER 27, 2023**

**FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR**

**RE: REGIONAL HOUSING STUDY RECOMMENDATION FOR APPROVAL**

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The City of Fargo, under the project management of FM Metro COG, was the primary funder for a regional housing study that kicked off in 2022 and finished in 2023. The [Fargo-Moorhead Regional Housing Needs Analysis and Strategies](#) outlines a data-focused assessment of housing supply and productions as well as projected future demands for the region including Clay County, Dilworth, Moorhead, Cass County, Horace, West Fargo and Fargo. The final report also outlines short and long-term strategies for implementation.

In November HR&A project manager, Erin Lonoff, presented the report to Planning Commission and City Commission in a join informational meeting and the Executive Summary and brief overview was presented at the December Planning Commission meeting.

Recommendation: Recommend approval to the City Commission

COMMENTS RECEIVED: F-M Housing Study

| REC'D    | NAME          | COMMENT  | PLAN NOTES   |
|----------|---------------|--|--|
| 12.18.23 | Tommy Schmidt | <ul style="list-style-type: none"> <li>• Parking mandates should be eliminated or lowered drastically from where they currently are. As someone who works in the multi-family housing, providing parking is one of the most expensive aspects of a project's cost, and often the project is over-parked. If less parking is needed and required, that could lower building costs which may lower rents and make it easier for more projects to be started.</li> <br/> <li>• Converting office into housing works very rarely. There are few buildings in Fargo that would even be good candidates for this, plus it is nearly or just as expensive as putting up new construction. I truly do not believe that there should be much effort put into this short-term strategy. Instead, it would be far easier to provide more housing by eliminating barriers to building more of it. Allowing duplexes in all single family zoned areas, for example. ADUs being allowed by right.</li> </ul> | <p>Comments received and considered for future LDC update.</p> |



December 19, 2023

To: Members of Planning Commission

From: Jeremy M. Gorden, PE, PTOE  
Division Engineer - Transportation

Subject: 25<sup>th</sup> Street Corridor Study – Final Report

The City of Fargo and Metro COG began a study in early 2022 to identify any improvements that could be made to improve both vehicular circulation and safety, improve bicycle and pedestrian movements, enhance the context/character of the roadway, and forward the goals of our Go2030 Comp Plan to the 25<sup>th</sup> Street corridor between 32<sup>nd</sup> Avenue S and 64<sup>th</sup> Avenue S in advance of the reconstruction of the roadway, which is 8 to 10 years out.

KLJ work with us and stakeholders adjacent to the corridor and members of the public, to identify and study issues in the study area. KLJ has successfully delivered the results of their investigation and analysis. The 25<sup>th</sup> Street Corridor Study includes alternatives that will be forwarded once the project moves forward into design.

Scott Middaugh, the project manager from KLJ, will give a presentation on the efforts to develop the plan as well as the results for their analysis.

**Recommended Motion**

Informational item only, no motion recommended.