

FARGO PLANNING COMMISSION AGENDA  
Tuesday, May 7, 2024 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of April 2, 2024

C: Public Hearing Items:

- 1a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay on the proposed **Rocking Horse Farm Seventh Addition**. (Located at 5155 59th Street South) (Janice Promersberger/Houston Engineering) (ae)
- 1b. Hearing on an application requesting a Plat of **Rocking Horse Farm Seventh Addition** (Minor Subdivision) a replat of a part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West, to the City of Fargo, Cass County, North Dakota. (Located at 5155 59th Street South) (Janice Promersberger/Houston Engineering) (ae)

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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).

**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday, April 2, 2024**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, April 2, 2024.

The Planning Commissioners present or absent were as follows:

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

Absent: Jennifer Holtz

Chair Schneider called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

Chair Schneider noted Item 2 has been continued to June 4, 2024, Items 1a and 1b have been continued to an uncertain date in the future, and Item 4 has been withdrawn.

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

**Item B: Minutes: Regular Meeting of March 5, 2024**

Member Schmidt moved the minutes of the March 5, 2024 Planning Commission meeting be approved. Second by Member Tasa. All Members present voted aye and the motion was declared carried.

**Item C: Public Hearing Items:**

**Item 1: Covey Ranch Third Addition**

**1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial with a C-O, Conditional Overlay, MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Covey Ranch Third Addition. (Located at 6455 43rd Street South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.): CONTINUED TO DATE UNCERTAIN**

**1b. Continued hearing on an application requesting a Plat of Covey Ranch Third Addition (Major Subdivision) a plat of an unplatted portion of the North Half of Section 10, Township 138 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 6455 43rd Street**

**South; 6688 45th Street South; and 3800 and 3900 64th Avenue South) (64th Avenue Development, LLC/Moore Engineering, Inc.): CONTINUED TO DATE UNCERTAIN**

A Hearing had been set for February 6, 2024. At the February 6, 2024 meeting, the Hearing was continued to March 5, 2024. At the March 5, 2024 meeting, the Hearing was continued to this date and time; however the applicant has requested this application be continued to be heard at an uncertain date in the future.

**Item 2: Urban Plains by Brandt Eighth Addition**  
**Continued hearing on an application requesting a Plat of Urban Plains by Brandt Eighth Addition (Minor Subdivision) a replat of Lot 3, Block 1, Urban Plains by Brandt Seventh Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2975 Seter Parkway South) (Urban Plains Land Company, LLC/Gleason Companies/Lowry Engineering): CONTINUED TO JUNE 4, 2024**

A Hearing had been set for March 5, 2024. At the March 5, 2024 meeting, the Hearing was continued to this date and time; however the applicant has requested this application be continued to June 4, 2024.

**Item 3: Laverne's Fifth Addition**  
**Hearing on an application requesting a Plat of Laverne's Fifth Addition (Minor Subdivision) a replat of Lots 4-6, Block 1, Laverne's Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3034, 3088, and 3120 43rd Street North) (Houston Engineering/Enclave Companies): APPROVED**

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Laverne's Fifth Addition, as outlined within the staff report, as the proposal complies with the Adopted 2007 Tier 1 Northwest Land Use Plan, the Standards of Article 20-06, Section 20-0907.B and 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 Morgan, Schmidt, Gunkelman, Tasa, Rosenberg, Shewey, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 4: Bentley Place Fourth Addition**  
**Hearing on an application requesting a Plat of Bentley Place Fourth Addition (Minor Subdivision) a replat of Lot 5, Block 1, Bentley Place First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5500 32nd Avenue South) (Brandt Crossing, LLC/Enclave Companies): WITHDRAWN**

**Item 5: Airport Second Addition**

**Hearing on an application requesting a Conditional Use Permit to allow residential living in the LC, Limited Commercial zoning district on part of Lot 2, and all of Lot 3, Block 1, Airport Second Addition. (Located at 1919 University Drive North) (JPR Investments, LLC #14/Goldmark Design & Development): APPROVED**

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

Member Schmidt moved to accept the findings and recommendations of staff and the Conditional Use Permit to allow residential living in the LC, Limited Commercial zoning district 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. Up to 96 residential units within the building.
2. Space on the ground floor may be converted to uses approved in the LC, Limited Commercial zoning district without additional review by the Planning Commission, so long as all Land Development Code requirements are met.
3. Any other expansion of building or expansion and/or change of use may require additional review by the Planning Commission.

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

**Item 6: Erskine's Addition**

**Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional on Lots 14-19, Block BB, Erskine's Addition. (Located at 1002 and 1008 10th Street South) (Salem Evangelical Free Church/Relevant Life Church): APPROVED**

Planner Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted page 1 of the staff report has an error for existing proposed zone and use. He clarified the existing use is religious institution and the existing Historic Overlay is Erskine's, both are to remain. Mr. Morman stated the proposed zone is P/I, Public and Institutional not SR-3, Single-Dwelling Residential.

Discussion was held regarding the current zoning and where the sign would be installed.

Applicant Representative Stephen Appel spoke on behalf of the application.



Further discussion was held on details of the sign, and ownership of the building.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional on Lots 14-19, Block BB, Erskine's Addition, as outlined within the staff report, as the proposal complies with the Core Neighborhoods Master Plan, the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906F(1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Rosenberg, Shewey, Morgan, Gunkelman, Stofferahn, Tasa, Schmidt, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 7: The Edge Addition**

**Hearing on a Conditional Use Permit to allow outdoor recreation and entertainment in the in the DMU, Downtown Mixed-Use zoning district on Lot 1, Block 1, The Edge Addition. (Located at 1329 5th Avenue North) (DFI AU, LLC/701 Collective, LLC): APPROVED**

Mr. Morman presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an additional letter of support was provided to the Board Members.

Discussion was held regarding third-party parking studies.

Planning and Development Director Nicole Crutchfield spoke on the ordinance relating to parking.

Traffic Engineer Jeremy Gordon spoke on behalf of the Engineering Department.

Discussion was held on parking and transportation options, traffic control, pedestrian barriers, ownership of the surrounding properties, notification of property owners versus renters, noise level, and hours of operation.

Ms. Crutchfield noted that each scheduled event would need its own noise permit, temporary use permit, and any other permits as applicable.

Fargo Police Captain Chris Helmick spoke on behalf of the Police Department.

Further discussion was held regarding permits, decibel limits, who in the nearby neighborhood was contacted, street closures due to events, 300 foot buffer for property owner letters, ownership of properties in the surrounding area, and the possibility of notifying renters.

Assistant Planning Director Mark Williams and Ms. Crutchfield spoke on the property owner notification process.

Discussion continued regarding the shared driveway.

Applicant Jade Nielson spoke on behalf of the application.

Further discussion was held regarding the shared driveway, timing of events, who was informed of the plans for the property, parking and transportation options, noise issues and the possibility of testing the decibel level, the applicant purchasing other properties near this venue, the ordinance pertaining to the train whistle, type of restrooms and concessions on site, future vision for the neighborhood, the relationship between Jade Presents and Fargo Brewing, and if Jade Presents plans to move all events to this venue instead of using Fargo Brewing.

Member Rosenberg moved to accept the findings and recommendations of staff and the Conditional Use Permit to allow outdoor recreation and entertainment in the DMU, Downtown Mixed-Use zoning district on Lot 1, Block 1, The Edge Addition, be approved, as outlined within the staff report, as the proposal complies with the Core Neighborhoods Master Land Use Plan, Section 20-0909.D(1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following conditions:

1. Changes with the parking agreements or strategies called out in the Parking Plan and Narrative provided in the April 2nd, 2024 Planning Commission packet may require review by the Planning Commission as determined by Planning Staff.
2. Compliance with Engineering, Fire, Inspections, and Police permitting processes shall be maintained.
3. Fencing/barriers shall be required along the railroad as indicated in the Parking Plan provided in the April 2nd, 2024 Planning Commission packet. Any fencing along 5th Avenue North shall meet the applicable fencing requirements of the Land Development Code.
4. If the ownership changes from 701 Collective, LLC or Jade Nielsen Properties, the CUP, Conditional Use Permit shall be revoked.

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

**Item 8: First Industrial Subdivision of Beardsley's Addition  
Hearing on an application requesting a Vacation Plat of the West 23.5 feet of 22nd Street North right of way between 7th and 8th Avenues North, adjacent to Lots 1 and 21 of First Industrial Subdivision of Beardsley's Addition, to the City of**

**Fargo, Cass County, North Dakota. (Located at 2213 7th Avenue North) (John T. Jones Construction/Neset Surveying): APPROVED**

Mr. Kress 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 Right-of-Way Vacation Plat, First Industrial Subdivision of Beardsley's Addition, as outlined within the staff report, as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Place. Second by Member Schmidt. On call of the roll Members Shewey, Stofferahn, Tasa, Schmidt, Rosenberg, Morgan, Gunkelman, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 9: Arneson's Addition  
Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan for reduced parking on portions of Lot 1, and all of Lots 2-3, Block 1, Arneson's Addition. (Located at 11 and 21 18th Street South) (MEC Partners, LLP/RHET Architecture): APPROVED**

Assistant Planner Alayna Espeseth presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted agenda Items number 9 and 10 are the same subject property but have different names.

Discussion was held regarding building ownership, history of the building, the public walk way near the property, and who owns the green space next to the property.

Mr. Kress noted that Southeast Cass Water owns the green space next to the property and there is a drain underneath it.

Applicant Representative Brian Pattengale spoke on behalf of the application.

Member Stofferahn moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an Alternative Access Plan for reduced parking on portions of Lot 1, and all of Lots 2-3, Block 1, Arneson's 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. Any expansion of building or expansion and/or change of use from Religious Institution shall terminate the Conditional Use Permit.
2. Religious Institutions on site must keep different services times and days.
3. A minimum of 70 spaces are required on site.

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

**Item 10: Harvest Church Addition**

**Hearing on an application requesting a Plat of Harvest Church Addition (Minor Subdivision) a replat of portions of Lot 1 and all of Lots 2-3, Block 1, Arneson's Addition, to the City of Fargo, Cass County, North Dakota. (Located at 11 and 21 18th Street South) (MEC partners, LLP/Houston Engineering): APPROVED**

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

Discussion was held regarding the possible future improvements to the walking path, the drain near the property, and space requirements for the drain.

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

Ms. Crutchfield provided further information on the application.

Discussion continued on the space requirements for the drain and walking path.

Mr. Boerboom provided additional information on the watercourse setback requirements.

Additional discussion was held on the naming of the plat.

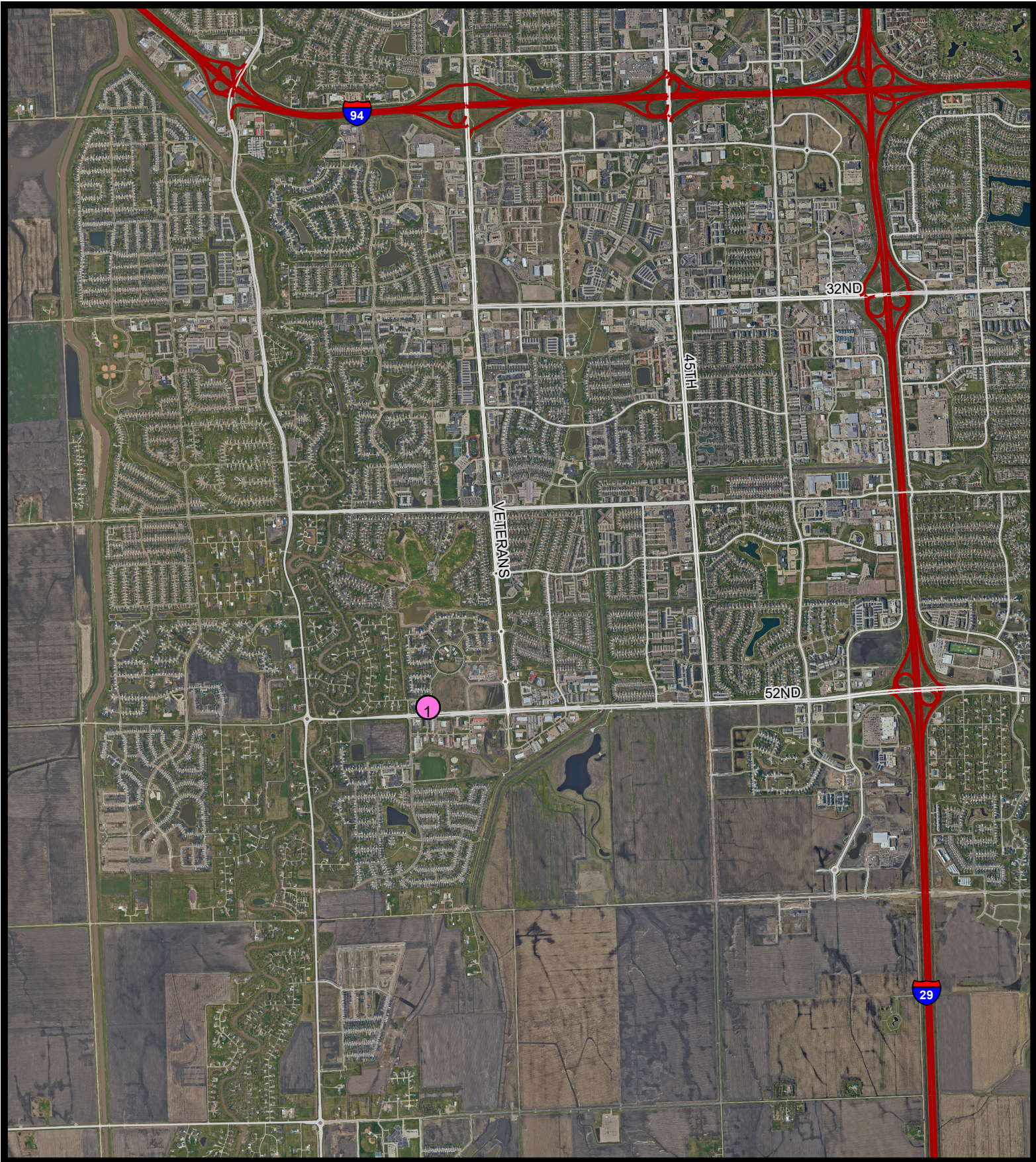
Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Harvest Church Addition, including a subdivision waiver for drain setback, as outlined within the staff report, as the proposal complies with the Adopted Core Neighborhoods Master Plan, the Standards of Article 20-06, Section 20-0907.B, C, and D.3 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Gunkelman, Morgan, Rosenberg, Shewey, Schmidt, Tasa, Stofferahn, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

Discussion was held regarding history of the drain.

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 4:19 p.m.



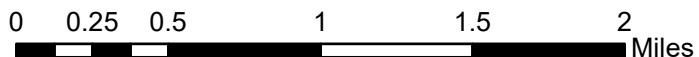


**THE CITY OF**  
**Fargo**  
FAR MORE

**Agenda Items Map**  
Fargo Planning Commission  
May 07, 2024



**Agenda Item Number**  
1a & b -- Rocking Horse Farm Seventh Addition





<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Rocking Horse Farm Seventh Addition	<b>Date:</b>	05/01/2024
<b>Location:</b>	5155 59 <sup>th</sup> Street South	<b>Staff Contact:</b>	Alayna Espeseth, Assistant Planner
<b>Legal Description:</b>	Part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West		
<b>Owner(s)/Applicant:</b>	Rocking Horse Farm, LLC & Houston Engineering, Inc.	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (replat part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West) and <b>Zoning Change</b> (from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay)		
<b>Status:</b>	Planning Commission Public Hearing: May 07, 2024		

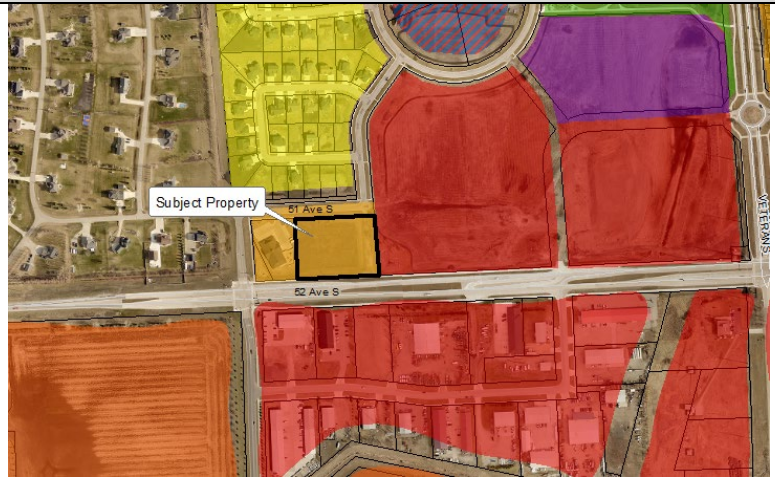
<b>Existing</b>
<b>Land Use:</b> Vacant
<b>Zoning:</b> AG, Agricultural
<b>Uses Allowed:</b> Allows detached houses, parks and open space, safety services, basic utilities, and crop production.
<b>Maximum Density Allowed:</b> 1 dwelling unit per 10 acres.
<b>Maximum Lot Coverage Allowed:</b> N/A

<b>Proposed</b>
<b>Land Use:</b> Commercial
<b>Zoning:</b> LC, Limited Commercial
<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, <del>off premise advertising signs</del> , commercial parking, retail sales and service, <del>self-service storage, vehicle repair</del> , limited vehicle service, and <del>certain telecommunications facilities</del> .
Proposed C-O, Conditional Overlay includes standard building and site requirements and restricts some uses.
<b>Maximum Density Allowed:</b> N/A
<b>Maximum Lot Coverage Allowed:</b> maximum 55% building coverage

<b>Proposal:</b>
<p>The applicant is requesting two entitlements:</p> <ol style="list-style-type: none"> <li>1. <b>Minor Subdivision</b> (replat of the Southeast Quarter of Section 32, Township 139 North, Range 49 West)</li> <li>2. <b>Zoning Change</b> (from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay)</li> </ol> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: Across 51<sup>st</sup> Ave N is SR-2, Single-Dwelling Residential;</li> <li>• East: AG, Agriculture with vacant land;</li> <li>• South: GC, General Commercial with Industrial Services, Retail Sales and Service, Office and Warehouse uses permitted per CUP 2022-002;</li> <li>• West: LC, Limited Commercial with Daycare use.</li> </ul>

**Area Plans:**

The subject property is located within the 2003 Southwest Future Land Use Plan. The plan designates the subject property as being suitable for medium to high density residential. Staff felt that because of the proximity to designated commercial areas, the proposed zoning district of LC, Limited Commercial fits the growth plan and is consistent with the zoning district designation to the west of the subject property.



2003 Southwest Future Land Use Plan Land Use	
Commercial	Either Office or Commercial
Commercial or Medium/High Density	Either Office or Medium/High Density Residential
Commercial or Medium/High or Park/Open Space	Industrial
Commercial or Park/Open Space	Low/Medium Density Residential
Either Industrial or Commercial	Low/Medium Density or Medium/High Density
	Medium/High Density Residential
	Medium/High Density of Park/Open Space
	Office

**Context:**

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

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

**Parks:** The subject property is located approximately 0.50 miles southwest of Veterans Park (4951 53rd Street South). Amenities include a playground for ages 2-5. The subject property is also located 0.50 miles south of Rocking Horse Farm Park (6101 Wildflower Drive South). Amenities include picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails and a non-resolvable shelter.

**Pedestrian / Bicycle:** There are shared use paths that run along the north and south side of 52<sup>nd</sup> Avenue South.

**MATBUS Route:** The subject property is not along a MATBUS route at this time. The closest MATBUS route to the subject property is 1.0 miles northeast, Route 18, with a stop near the intersection of Veterans Boulevard and 44<sup>th</sup> Avenue South. Route 18 runs both north and south.

**Staff Analysis:**

The applicant is seeking approval for a minor subdivision and zone change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay. A copy of the C-O is attached. The request is to replat a part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West (5155 59<sup>th</sup> Street South) into a two lot subdivision entitled, **Rocking Horse Farm Seventh Addition**. The intent of the replat and rezone from AG to LC with a C-O is to allow for commercial development. The subject property is located within the 2003 Southwest Future Land Use Plan which designates the subject property as being suitable for medium to high density residential. Staff felt that because of the proximity to designated commercial areas, the proposed zoning district of LC fits the growth plan and is consistent with the zoning district designation to the west of the subject property. The proposed C-O is more detailed than the C-O on the adjacent property, but is the standard C-O that is used along arterial roadways. 52<sup>nd</sup> Avenue South is an arterial roadway. The adjacent C-O only restricted uses, the proposed C-O restricts uses but also includes standard building and site requirements for properties along arterial roadways.

Note: The permanent street easement for 61<sup>st</sup> Street South, located along the east side of the subject property, is proposed to be vacated at a later date.

**Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. Staff felt the proposed zoning LC, Limited Commercial with a C-O, Conditional Overlay was consistent with the 2003 Southwest Future Land Use Plan because of the proximity to designated commercial areas, and with the zoning district designation to the west of the subject property currently being LC with a C-O. C-O's are typical along arterial roadways, 52<sup>nd</sup> Avenue South is classified as an arterial roadway. **(Criteria Satisfied)**

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

The subject property is already served by existing public services and infrastructure. City staff and other applicable review agencies have reviewed this proposal and finds no deficiencies in the current public utilities that serve the development. **(Criteria Satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. Staff received one inquiry about the project but did not have any objections. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds this proposal is consistent with the purpose of the LDC, the 2003 Southwest Future Land Use Plan, and other adopted policies of the City. **(Criteria Satisfied)**

#### **Minor Subdivision**

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

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

The request is to replat a part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West (5155 59<sup>th</sup> Street South) into a two lot subdivision. The subject property is currently zoned AG, Agricultural and the applicant is requesting to rezone to LC, Limited Commercial with a C-O, Conditional Overlay to allow for commercial development. The subject property is located within the 2003 Southwest Future Land Use Plan which designates the subject property as being suitable for medium to high density residential. Staff felt that because of the proximity to designated commercial areas, the proposed zoning district of LC fits the growth plan and is consistent with the zoning district designation to the west of the subject property also zoned LC. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one inquiry about the application but did not have any objections. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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



**the subdivision.**

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to LC, Limited Commercial with C-O, Conditional Overlay and 2) Subdivision Plat, **Rocking Horse Farm Seventh Addition** as outlined within the staff report, as the proposal complies with the adopted 2003 Southwest Future Land Use Plan, the standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0907.B. and C of the LDC and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation:** May 07, 2024

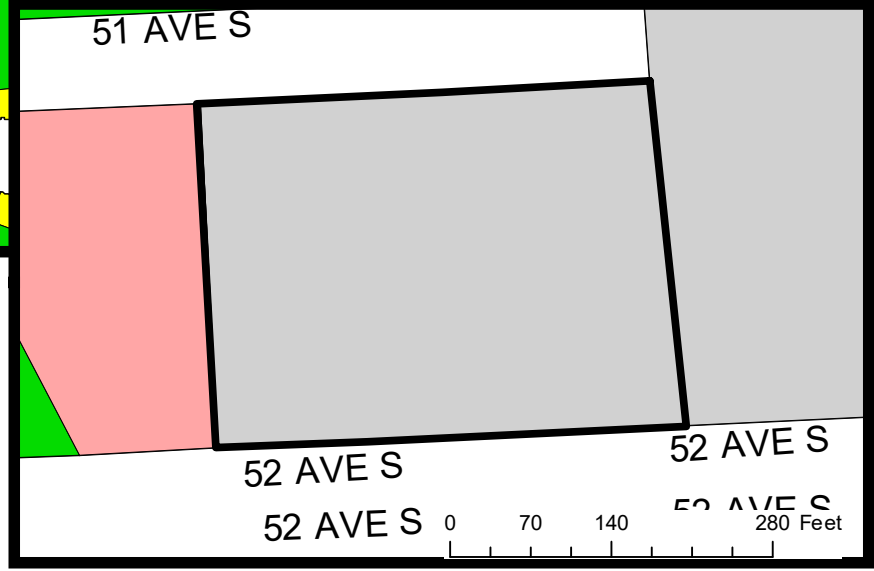
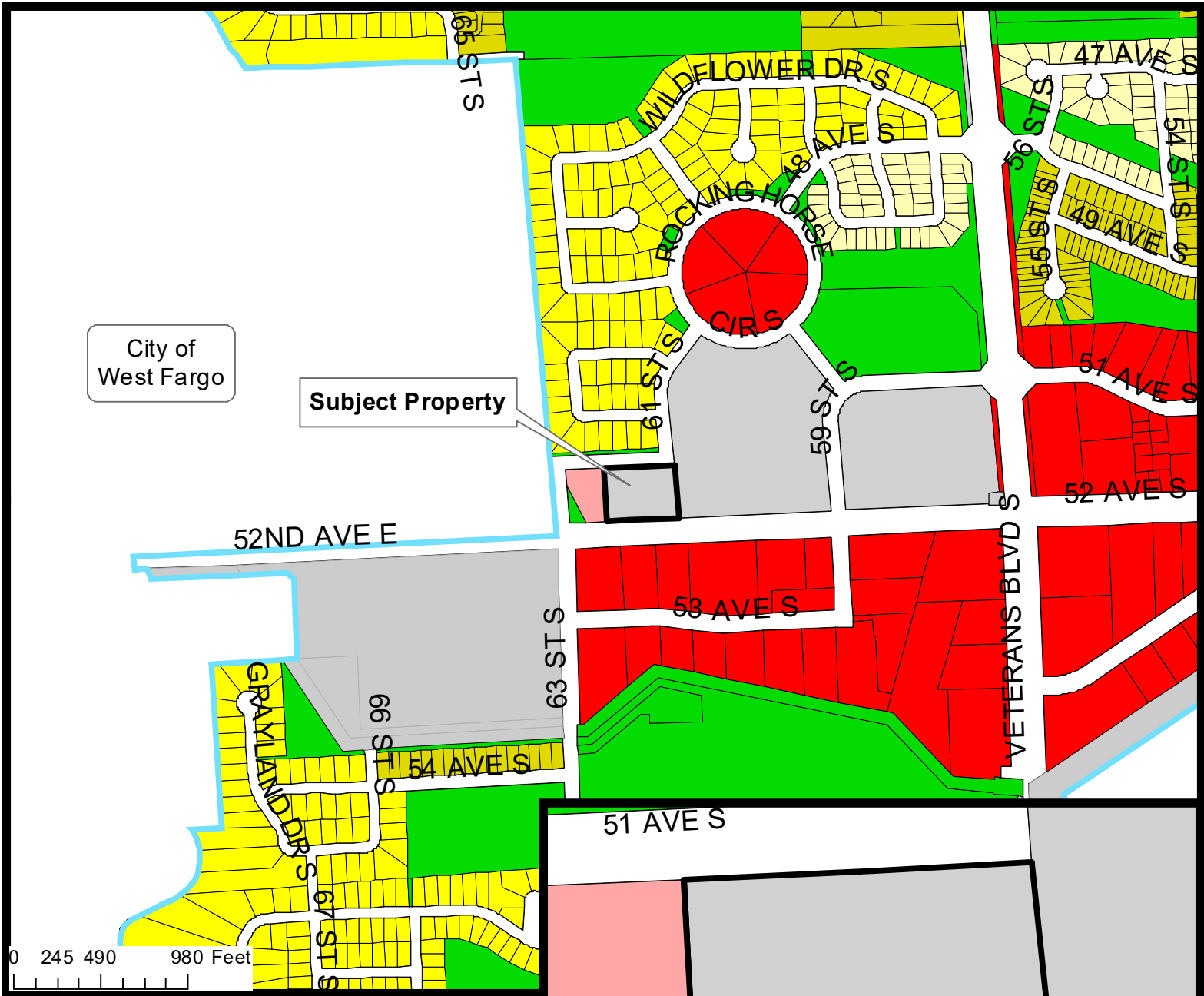
**Attachments:**

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft Conditional Overlay

# Minor Subdivision & Zone Change from AG, Agricultural to LC, Limited Commercial with a Conditional Overlay

## Rocking Horse Farm Seventh Addition

5155 59th Street South



City of West Fargo

Subject Property

0 245 490 980 Feet



**Legend**

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



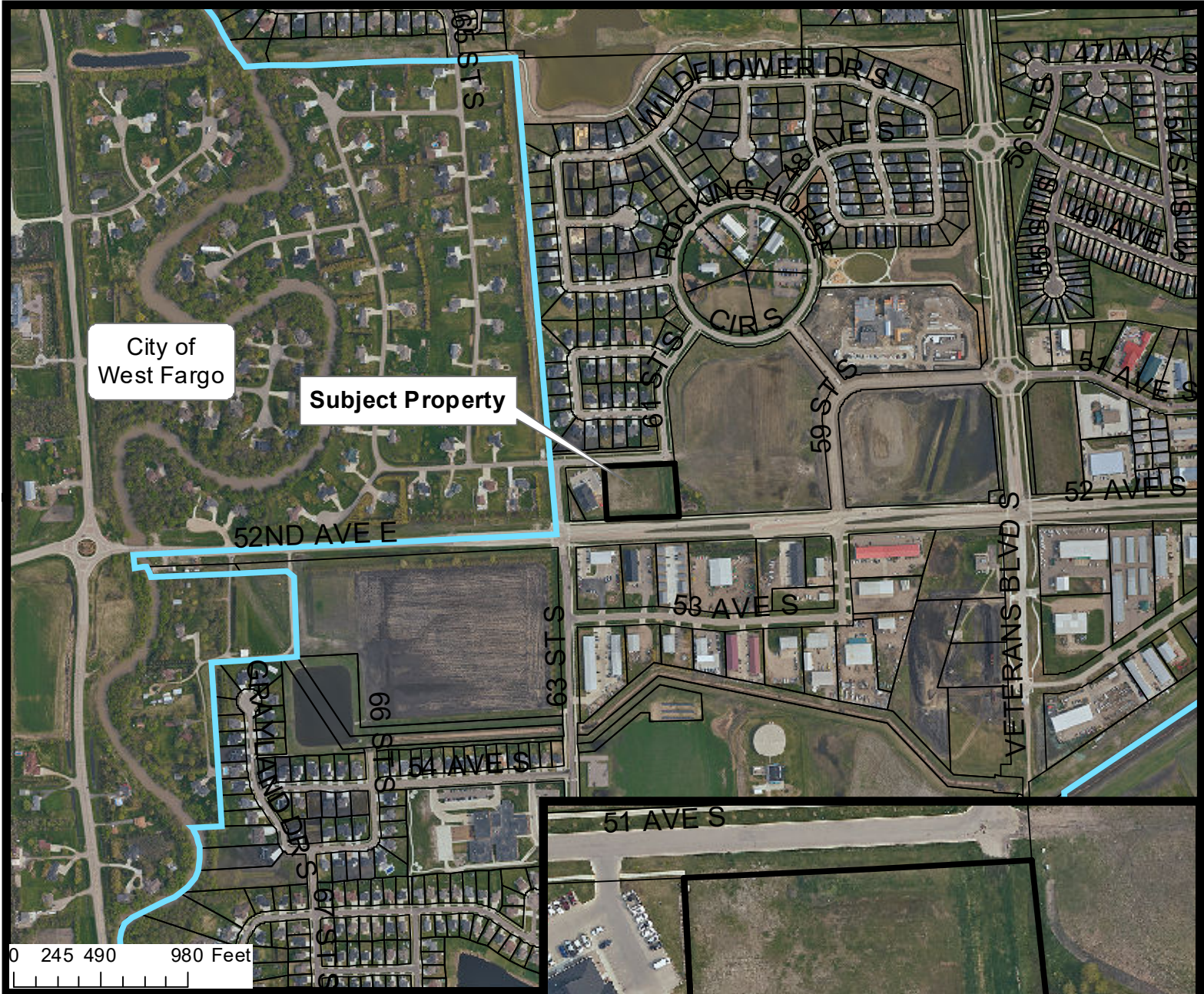
Fargo Planning Commission  
May 07, 2024



# Minor Subdivision & Zone Change from AG, Agricultural to LC, Limited Commercial with a Conditional Overlay

## Rocking Horse Farm Seventh Addition

5155 59th Street South



**Legend**  
City Limits



Fargo Planning Commission  
May 07, 2024

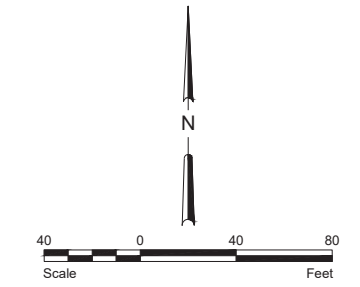


# ROCKING HORSE FARM 7TH ADDITION

A MINOR SUBDIVISION

BEING A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 32,  
T. 139 N., R. 49 W., 5th P.M.

CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA



### LEGEND

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

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

### NOTES:

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



H:\JUN4900\497516\_4975\_010\CAD\FHF 7th Addition.dwg-PLAT-4/30/2024 9:47 AM-(dbuchholz)

# ROCKING HORSE FARM 7TH ADDITION

## A MINOR SUBDIVISION

### BEING A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 32, T. 139 N., R. 49 W., 5th P.M.

### CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

**OWNER'S CERTIFICATE:**

KNOW ALL PERSONS BY THESE PRESENTS: That Rocking Horse Farm, LLC, a North Dakota limited liability company, is the owner and proprietor and Jetland Properties, LLC, a North Dakota limited liability company, is the Contract for Deed Vendee, of that part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, being described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 32; thence North 04°58'43" West, along the westerly line of the Southeast Quarter of said Section 32, for a distance of 75.06 feet to a point of intersection with the northerly line of the South 75.00 feet of the Southeast Quarter of said Section 32; thence North 87°14'48" East, along the northerly line of the South 75.00 feet of the Southeast Quarter of said Section 32, for a distance of 289.97 feet to the southeast corner of Rocking Horse Farm 4<sup>th</sup> Addition to the City of Fargo, said plat being on file at the Cass County Recorder's Office, and the true point of beginning; thence North 02°45'04" West, along the easterly line of said Rocking Horse Farm 4<sup>th</sup> Addition, for a distance of 300.10 feet to the northeast corner of said Rocking Horse Farm 4<sup>th</sup> Addition, said point also lying on the southerly line of Rocking Horse Farm 2<sup>nd</sup> Addition to the City of Fargo, said plat being on file at said Recorder's Office; thence North 87°14'56" East, along the southerly line of said Rocking Horse Farm 2<sup>nd</sup> Addition, for a distance of 390.93 feet; thence South 04°56'27" East for a distance of 300.30 feet to a point of intersection with the northerly line of the South 75.00 feet of the Southeast Quarter of said Section 32; thence South 87°14'48" West, along the northerly line of the South 75.00 feet of the Southeast Quarter of said Section 32, for a distance of 402.41 feet to the true point of beginning.

Said tract of land contains 2.733 acres, more or less.

And that said parties have caused the same to be surveyed and platted as Rocking Horse Farm 7th Addition to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, the utility easements shown on the plat, and do hereby dedicate to the owners of Lots 1 and 2, for private use, the sanitary sewer easement shown on the plat.

**OWNER:**

Rocking Horse Farm, LLC

\_\_\_\_\_  
Kenneth L. Promersberger, President

State of North Dakota )  
  ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Kenneth L. Promersberger, President of Rocking Horse Farm, LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said Limited Liability Company.

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

**MORTGAGEE:**

First International Bank & Trust

\_\_\_\_\_  
Matthew E. Mueller, Branch President

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Matthew E. Mueller, Branch President for First International Bank & Trust, a North Dakota corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said corporation.

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

State of North Dakota )  
  ) ss  
County of Cass )

**CONTRACT FOR DEED VENDEE:**

Jetland Properties, LLC

\_\_\_\_\_  
Janice L. Promersberger, President

State of North Dakota )  
  ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Janice L. Promersberger, President of Jetland Properties, LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the said Limited Liability Company.

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

**CITY ENGINEER'S APPROVAL:**

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

\_\_\_\_\_  
Tom Knakmuhs, PE, City Engineer

State of North Dakota )  
  ) ss  
County of Cass )

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

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

**FARGO PLANNING COMMISSION APPROVAL:**

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

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

State of North Dakota )  
  ) ss  
County of Cass )

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

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

**FARGO CITY COMMISSION APPROVAL:**

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

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

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

State of North Dakota )  
  ) ss  
County of Cass )

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

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

H:\JBN\4900\4975\16\_4975\_010\CAD\FHF 7th Addition\Rocking Horse 7th Addition.dwg-PLAT (2)-4/30/2024 9:47 AM-(dbuchholz)

Conditional Overlay Items  
Rocking Horse Farm Seventh Addition  
5155 59 St S (address subject to change)

1. Description: This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding development within the described property.
  - a. All buildings shall have architectural interest and variety through the use of articulated façades to avoid the effect of a single, long or massive wall.
  - b. Four sided design – all building facades shall be designed with a similar level of design detail, respective to building massing and building materials.
2. All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to ‘Aluco Bond’ and synthetic panels similar to ‘Trespa’. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the wood may be used. Horizontal metal lap siding and vertical metal batten shall be allowed on residential and commercial structures but shall not exceed 75% of the building elevation for residential and 50% for commercial.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 200 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two feet, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 200 horizontal feet. An articulated facade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor façades that face right-of way shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other structures. All ground level HVAC units and utility boxes shall be screened from view from public Right-of-Way by a structure, wall, fence, or landscaping.
7. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides, clad with exterior building materials of the primary building, The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
8. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning

Administrator approval. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- a. The primary entrance or entrances to each commercial building, including pad site buildings.
  - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development. If less than 100 feet between closest building façade and property line exists, sidewalk connection to adjacent property will not be required.
  - c. Parking areas or structures that serve such primary buildings.
  - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network. For Lots 1 and 2, Block 1 Rocking Horse Farm Seventh Addition, one connection on each lot to each public sidewalk will be required.
  - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
  - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
9. A minimum of 5% of the internal surface area of the parking lot shall be landscaped with plantings. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
10. As to the Use Categories applicable to the base, "LC", zoning district, the following uses are prohibited
- a. Detention Facilities
  - b. Self-Service Storage
  - c. Off-Premise Advertising
  - d. Portable Signs
  - e. Vehicle Repair
  - f. Telecommunication Facilities
11. Definitions:
- a. Façade: Any exterior side of a building as viewed from a single direction, typically perpendicular to the exterior side of the building being viewed.
  - b. Depth: A horizontal distance perpendicular to a building façade.
  - c. Elevation: A horizontal orthographic projection of a building onto a vertical plane, parallel to one side of the building.
  - d. Landscaped: To make an area of land more attractive by adding plants.