

FARGO PLANNING COMMISSION AGENDA
Tuesday, August 6, 2019 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of July 2, 2019
- C: Brown Bag Luncheon - Wednesday, August 21, 2019
- D: Public Hearing Items:
- 1a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on the proposed Lot 1, Block 1, **MBA Investments Addition**. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram) (an)
 - 1b. Continued hearing on an application requesting a Plat of **MBA Investments Addition** (Minor Subdivision) a replat of Lots 5, 8, and part of Burlington Northern Right of Way, Block 1, P.M. Properties Subdivision and portions of Lots 3 and 9 and all of Lots 4-8, 14, 15, and a portion of vacated alley, Block 16, Reeves Addition to the City of Fargo, Cass County, North Dakota, to include a Subdivision Waiver for drain dedication. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram) (an)
 2. Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan in the LC, Limited Commercial zoning district on a portion of Lot 4 and all of Lots 3, 5 and 6, Block 1, **Woodhaven Plaza Addition**, and a portion of Lot 2, Block 1, **Prairie Tech Addition**. (Located at 4110, 4137, and 4175 40th Street South, 4014 41st Street South, and 4055 and 4100 41st Avenue South) (Aldevron, LLC/Zerr Berg Architects) (me)
 3. Hearing on an application requesting a Plat of **Prairie Tech Second Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Prairie Tech Addition to the City of Fargo, Cass County, North Dakota. (Located at 4110 40th Street South) (Smile Achers, LLP/Goldmark Commercial) (lm)
 - 4a. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay, on the proposed **Craig's Golden Ridge Addition**. (Located at 3129 7th Avenue North and 802 32nd Street North) (Elevate Communities, LLC and Newton Development, LLC/Craig Development) (dk): CONTINUED TO SEPTEMBER 3, 2019
 - 4b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Craig's Golden Ridge Addition**. (Located at 3129 7th

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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 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

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Avenue North and 802 32nd Street North) (Elevate Communities, LLC and Newton Development, LLC/Craig Development) (dk): CONTINUED TO SEPTEMBER 3, 2019

- 4c. Hearing on an application requesting a Plat of **Craig's Golden Ridge Addition** (Minor Subdivision) a replat of a portion of Lot 6, Golden Ridge Addition, and a portion of Lot 14 and all of Lot 15, Block 3, Model Cities Subdivision, to the City of Fargo, Cass County, North Dakota with a subdivision waiver for drain dedication. (Located at 3129 7th Avenue North and 802 32nd Street North) (Elevate Communities, LLC and Newton Development, LLC/Craig Development) (dk): CONTINUED TO SEPTEMBER 3, 2019
- 5a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lot 1, Block 12, **The Pines at the District Addition**. (Located at 3800 56th Avenue South) (Aurora Ponds II at the District, LLP/Hospice of the Red River Valley) (ms)
- 5b. Hearing on an application requesting a Growth Plan Amendment on Lot 1, Block 12, **The Pines at the District Addition**. (Located at 3800 56th Avenue South) (Aurora Ponds II at the District, LLP/Hospice of the Red River Valley) (ms)
6. Hearing on an application requesting a Right of Way Vacation of a portion of 5th Street North between Blocks 21 and 22, **Keeney and Devitt's Second Addition** and lying North of 4th Avenue North and South of Lot B, Block 1, **Great Northern Depot Addition** to the City of Fargo, Cass County, North Dakota (Located at 410 5th Street North) (DFI Mercantile, LLC/Kilbourne Group) (dk)
7. Hearing on an application requesting a Conditional Use Permit to allow a bed and breakfast in the SR-3, Single-Dwelling Residential zoning district on Lots 2 and 3, Block F, **Chas A Roberts Addition**. (Located at 611 8th Street South) (Roger and Margaret Nelson) (kb)
8. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to NO, Neighborhood Office on Lot 11, Block 1, **Scilley's Addition**. (Located at 1604 52nd Avenue South) (Holy Resurrection Orthodox Mission Church/Ronald Robson) (ms)
9. Hearing on an application requesting a Plat of **St. Paul's Newman Center Addition** (Minor Subdivision) a replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Block 9, Bolley's Addition, City of Fargo, Cass County, North Dakota. (Located at 1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North) (Roers Development) (dk)

E: Other Items:

1. Planned Unit Development Final Plan for St. Paul's Newman Center Addition (dk)

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2. Planned Unit Development Final Plan for Diamond Willow Addition (dk)
3. Amendments to the 2019 Annual Action Plan
4. Roers/Newman Block – Roosevelt Neighborhood Renewal Plan

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, July 2, 2019

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, July 2, 2019.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Mike Magelky, Dawn Morgan, Rocky Schneider, Melissa Sobolik, Shara Fischer, Maranda Tasa, Brad Bachmeier, Jennifer Holtz

Absent: Scott Stofferahn, Mary Scherling

Chair Gunkelman called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of June 4, 2019

Member Magelky moved the minutes of the June 4, 2019 Planning Commission meeting be approved. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

Item C: July 2019 Brown Bag Luncheon – no meeting scheduled for July

Item D: Public Hearing Items:

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

Continued hearing on an application requesting a Conditional Use Permit to allow for non-farm commercial uses in the Agricultural zoning district on a portion of the West half of the Southeast Quarter of Section 14, Township 138 North, Range 49 West. (Located at 2805 88th Avenue South) (Eric Baker): CONTINUED TO OCTOBER 1, 2019

A Hearing had been set for April 2, 2019. At the April 2, 2019 meeting, the Hearing was continued to May 7, 2019. At the May 7, 2019 meeting, the Hearing was continued to June 4, 2019. At the June 4, 2019 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to October 1, 2019.

Member Holtz present.

Item 2: Roberts Second Addition

Hearing on an application requesting an Alley Vacation of the alley between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition. (Located at 1001 NP Avenue North and 28 10th Street North) (DFI AY LLC/Deb Wendel Daub): APPROVED

A Hearing had been set for June 4, 2019. At the June 4, 2019 meeting the Hearing was continued to this date and time.

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 opposition letter received from the Johnson Law Firm, and on the proposed plans for this site.

Applicant Representative Mike Zimney, Kilbourne Group, spoke on behalf of the application

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Alley Vacation between Lot 12, Block 26, and a part of Lot 7 and All of Lots 8-12, Block 25, Roberts Second Addition, subject to the applicant accounting for existing public and private utilities in the alley right of way as outlined within the staff report, as the proposal complies with the Downtown InFocus Master Plan, and the Standards of Chapter 40-39 of the North Dakota Century Code. Second by Member Schneider. On call of the roll Members Magelky, Schneider, Holtz, Sobolik, Morgan, Bachmeier, Fischer, Tasa, and Gunkelman voted aye. Absent and not voting: Members Stofferahn and Scherling. The motion was declared carried.

Item 3: MBA Investments Addition

3a. Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on the proposed Lot 1, Block 1, MBA Investments Addition. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram): CONTINUED TO AUGUST 6, 2019

3b. Hearing on an application requesting a Plat of MBA Investments Addition (Minor Subdivision) a replat of Lots 5, 8, and part of Burlington Northern Right of Way, Block 1, P.M. Properties Subdivision and portions of Lots 3 and 9 and all of Lots 4-8, 14, 15, and a portion of vacated alley, Block 16, Reeves Addition to the City of Fargo, Cass County, North Dakota, to include a Subdivision Waiver for drain dedication. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram): CONTINUED TO AUGUST 6, 2019

A Hearing had been set for June 4, 2019. At the June 4, 2019 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to August 6, 2019.

Item 4: BLU Water Creek 5th Addition

Hearing on an application requesting a Plat of BLU Water Creek 5th Addition (Minor Subdivision) a replat of Lot 2, Block 1, BLU Water Creek 4th Addition to the City of Fargo, Cass County, North Dakota, including a Vacation of Right of Way at the Northeast corner of the intersection of 47th Street South and 33rd Avenue South. (Located at 4609 33rd Avenue South) (Brandt Crossings, LLC/Nate Vollmuth): APPROVED

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

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat BLU Water Creek 5th Addition, including a Vacation of Right of Way at the Northeast corner of the intersection of 47th Street South and 33rd Avenue South, as outlined with in the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Southwest Future Land Use Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and the Standards of Chapter 40-39 of the North Dakota Century Code. Second by Member Holtz. On call of the roll Members Fischer, Sobolik, Holtz, Magelky, Tasa, Morgan, Bachmeier, Schneider, and Gunkelman voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

Item 5: 42nd Street Addition

Hearing on an application requesting a Zoning Change from LC, Limited Commercial to MR-3, Multi-Dwelling Residential on a portion of Lot 2, Block 1, 42nd Street Addition. (Located at 3700 42nd Street South) (David P. Campbell/Stacy Holmes, LJA): APPROVED

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

Discussion was held regarding the current building on the property and it fitting the proposed zoning change.

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

Item 6: Reeves Addition

Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan in the GC, General Commercial zoning district on a

portion of Lot 1, and all of Lots 2-9, and adjacent property, Block 1, Reeves Addition. (Located at 602 University Drive North) (Fargo Brewery Partners, LLP/Lee Schwartz): APPROVED

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

Discussion was held regarding the parking agreement with Sanford and the location of the nearest crosswalk.

Applicant Lee Schwartz and Mike Dawson, Hawley Architects, spoke on behalf of the application.

Dave Hill, Spartan Nash Representative, spoke on behalf of the opposition letter submitted.

City Engineer Brenda Derrig, spoke on behalf of the Engineering Department.

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

- 1) 49 parking stalls to be provided on site.
- 2) Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.
- 3) The Conditional Use Permit will cease if the land use changes from commercial, restaurant, retail sales and services, or indoor storage and manufacturing.
- 4) Expansion of any proposed or existing uses will trigger a reevaluation of off-street parking requirements on site.

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

Item 7: Interstate Park Addition

Hearing on an application requesting a Conditional Use Permit to allow household living in the GC, General Commercial zoning district on portions of Lots 6, 7, and 9, Block 4, Interstate Park Addition. (Located at 3502 Interstate Boulevard South) (JKJ Enterprises, LLP/Dave Glessner): APPROVED

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

Applicant Dave Glessner and Property Owner Kevin Hall, spoke on behalf of the application.

Member Morgan moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow household living in the GC, General Commercial zoning district be approved as the proposal complies with Section 20-0909.D (1-6) and all other applicable requirements of the Land Development Code, with the following conditions:

- 1) The maximum residential density shall be a maximum of 18 units per acre.

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

Item E: Other Items:

Item 1: Review renewal plan for alley reconstruction of Roberts Alley

Director of Strategic Planning and Research Jim Gilmour provided a history and reviewed the proposed Renewal Plan.

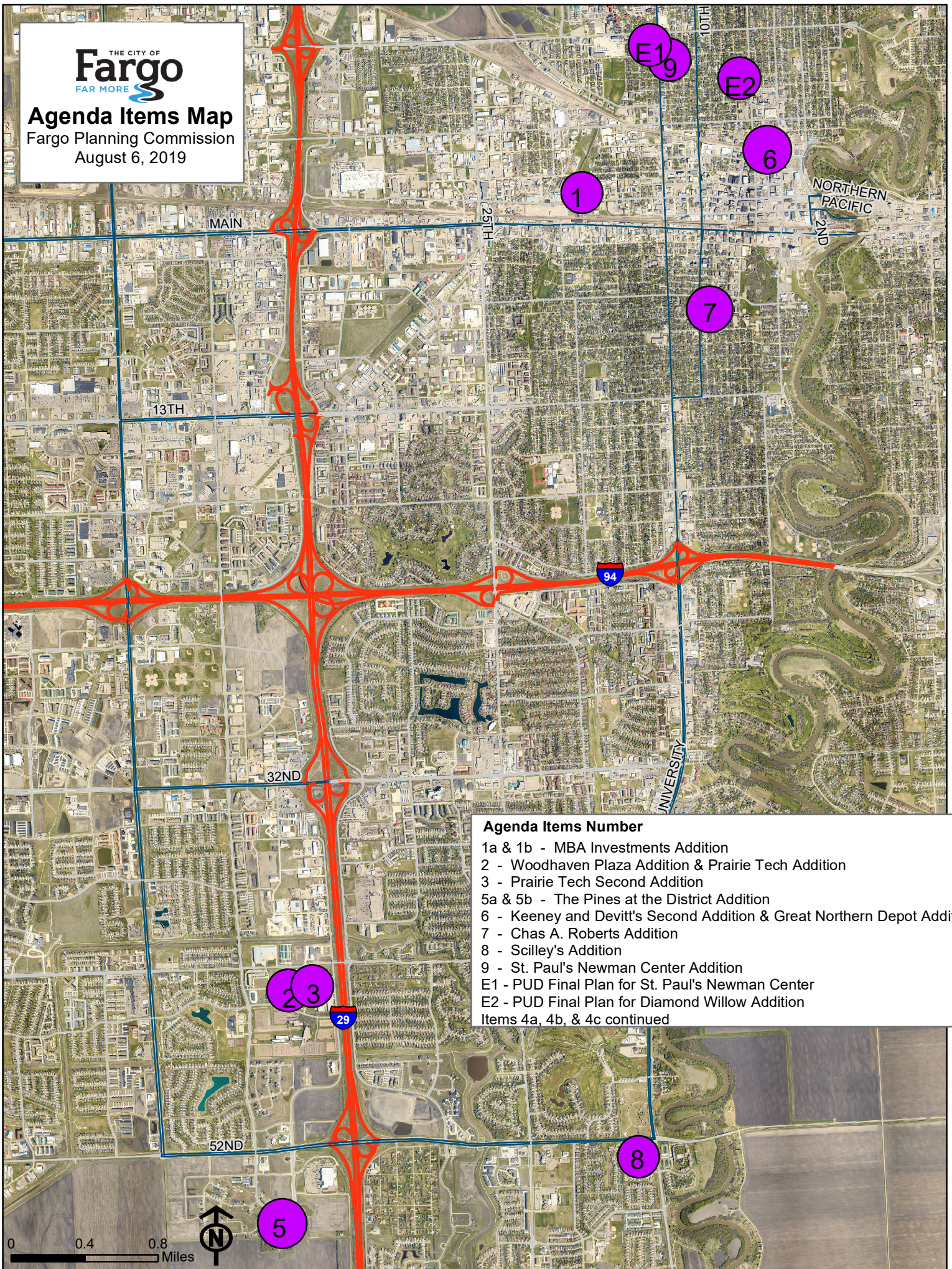
Discussion was held on the timeline for the plan, implementation logistics, and possible disruption to tenants.

Ms. Derrig spoke on behalf of the Engineering Department.

Member Schneider moved to recommend to the City Commission that the Renewal Plans are consistent with the GO2030 Comprehensive Plan of the City of Fargo. Second by Member Morgan. On call of the roll Members Morgan, Magelky, Holtz, Fischer, Sobolik, Tasa, Bachmeier, Schneider, and Gunkelman voted aye. Absent and not voting: Members Stofferahn and Scherling. The motion was declared carried.

Chair Gunkelman thanked Member Fischer for her service as the previous Planning Commission Chair.

Member Sobolik moved to adjourn the meeting at 3:55 p.m. Second by Member Bachmeier. All Members present voted aye and the motion was declared carried.



Agenda Items Number

- 1a & 1b - MBA Investments Addition
- 2 - Woodhaven Plaza Addition & Prairie Tech Addition
- 3 - Prairie Tech Second Addition
- 5a & 5b - The Pines at the District Addition
- 6 - Keeney and Devitt's Second Addition & Great Northern Depot Addition
- 7 - Chas A. Roberts Addition
- 8 - Scillely's Addition
- 9 - St. Paul's Newman Center Addition
- E1 - PUD Final Plan for St. Paul's Newman Center
- E2 - PUD Final Plan for Diamond Willow Addition
- Items 4a, 4b, & 4c continued



City of Fargo Staff Report			
Title:	MBA Investments Addition	Date:	7/30/2019
Location:	1717 1 st Ave N; 112 & 202 16 th St N	Staff Contact:	Aaron Nelson
Legal Description:	Lots 5, 8, and part of Burlington Northern Right of Way, Block 1, P.M. Properties Subdivision and portions of Lots 3 and 9 and all of Lots 4-8, 14, 15, and a portion of vacated alley, Block 16, Reeves Addition to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	MBA Investments, LLC/Kevin Bartram	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 5, 8, and part of Burlington Northern Right of Way, Block 1, P.M. Properties Subdivision and portions of Lots 3 and 9 and all of Lots 4-8, 14, 15, and a portion of vacated alley, Block 16, Reeves Addition to the City of Fargo, Cass County, North Dakota and Subdivision Waiver for drain dedication) and Zoning Map Amendment		
Status:	Planning Commission Public Hearing: August 6, 2019		

Existing	Proposed
Land Use: Warehouse, industrial service, office, & self-storage	Land Use: Warehouse, industrial service, self-storage, & wholesale sales
Zoning: GC, General Commercial	Zoning: GC, General Commercial, & LI, Limited Industrial
Uses Allowed: GC, General Commercial, allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, office, 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.	<p>Uses Allowed: GC, General Commercial, allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, office, 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.</p> <p>LI, Limited Industrial, allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.</p>
Maximum Building Coverage Allowed: 85%	Maximum Building Coverage Allowed: 85%

Proposal:
The applicant is seeking City approval of 1) a minor subdivision, entitled <i>MBA Investments Addition</i> , and 2) a zoning map amendment. The proposed subdivision would replat the property into 3 lots, and includes a subdivision waiver that would modify the requirement regarding public dedication of land for storm water legal drain. The proposed zoning map amendment would rezone Lot 1 of the proposed subdivision from GC, General Commercial, to LI, Limited Industrial.

The primary purpose of the request is to facilitate transfer of ownership of Lot 1 of the proposed subdivision to the owner of the abutting property to the west of the subject property (Ferguson Waterworks). This transfer of ownership would be part of a larger land transaction that applicant is currently working on.

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: LI, Limited Industrial and GC, General Commercial, with warehouse and office uses
- East: GC, General Commercial, with warehouse and office uses
- South: LI, Limited Industrial and GC, General Commercial, with warehouse, office, residential, and retail sales & services uses
- West: LI, Limited Industrial and GC, General Commercial with wholesale sales & warehouse uses

Area Plans:

No area plans apply.

Schools and Parks:

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

Neighborhood: The subject property is located within the Madison neighborhood.

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately 500 feet northeast of the subject property and offers the amenities of basketball, grill, multipurpose field, picnic table, playgrounds, and recreational trails.

Pedestrian/Bicycle: A sidewalk is located along the north side of 1st Ave N. 1st Ave N is a designated bike route.

Staff Analysis:

Subdivision

Drain Dedication:

Cass County Drain No. 3 passes underground through the western edge of the subject property. As this is a legal drain, the area of land within 175 feet of the centerline of the drain would be required to be dedicated to the public for drainage and flood protection purposes at the time of subdivision, pursuant to Section 20-0610 of the Land Development Code (LDC). The applicant has applied for a subdivision waiver in order to modify this dedication requirement.

While the drain is part of the legal storm water requirements and governed by the Southeast Cass Water Resource District, the pipes are within the city limits. Thus, the City of Fargo is required to maintain access and to be prepared to maintain and replace the pipe if needed. The City of Fargo Engineering Department and Southeast Cass Water Resource District have reviewed the request for subdivision waiver and have determined that the dedication of a drain easement for the area within 35 feet of the centerline of the drain would be adequate to provide necessary drainage and flood protection at this location. As of the writing of this staff report, the details regarding the applicant/owner's use of the property within the drain easement area are still being worked out between the applicant, City Engineering Department, and Southeast Cass Water Resource District.

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 location of the subject property is not included within an area plan. The subdivision is intended to replat the property into three lots to be used for existing uses and to allow for the expansion of a wholesale sales use (Ferguson Waterworks). The rezone of Lot 1 from GC, General Commercial, to LI, Limited Industrial, will accommodate the proposed change in use to wholesale sales.

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 phone call from the public regarding this property. The caller asked for information and did not oppose the project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

The LDC stipulates that the following criteria are met before a subdivision waiver can be approved:

- 1. Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**

The City Engineer has determined that a 35-foot easement from the centerline of the drain is sufficient to provide access for maintenance to this underground drain. These details regarding the use of the easement area will be incorporated into a license agreement, or similar document, which will need to be signed by both of the property owner and Cass County Water Resource District. **(Criteria Satisfied)**

- 2. Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

As this is an underground drain within a developed area of the City, the City Engineer has determined that the full dedication of land within 175 feet of the drain centerline is not necessary, and that the proposed drain easement 35 feet from the drain centerline is adequate to provide for maintenance of the drain. The plat depicts this easement in the configuration approved by the City Engineer. **(Criteria Satisfied)**

- 3. Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**

This subdivision waiver applies only to the drain dedication requirements of Section 20-0610 of the LDC for this particular property. **(Criteria Satisfied)**

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 zoning map error in regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions, as the owner would like to redevelop the subject property. The zone change is requested in order to expand an adjacent business (Ferguson Waterworks). **(Criteria Satisfied)**

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

The development is served with city services (water, sewer, streets, police/fire protection, etc.). The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(Criteria Satisfied)**

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

Staff has no evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received one phone call from the public regarding this property. The caller asked for information and did not oppose the project. Staff finds that the approval 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 that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Staff Recommendation

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed 1) MBA Investments Addition subdivision plat; 2) Subdivision Waiver of LDC Section 20-0610(F) for drain dedication; and 3) zoning map amendment from GC, General Commercial, to LI, Limited Industrial, as presented, as the proposal satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906(F) (1-4), and Section 20-0907(D)(3), and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 6, 2019

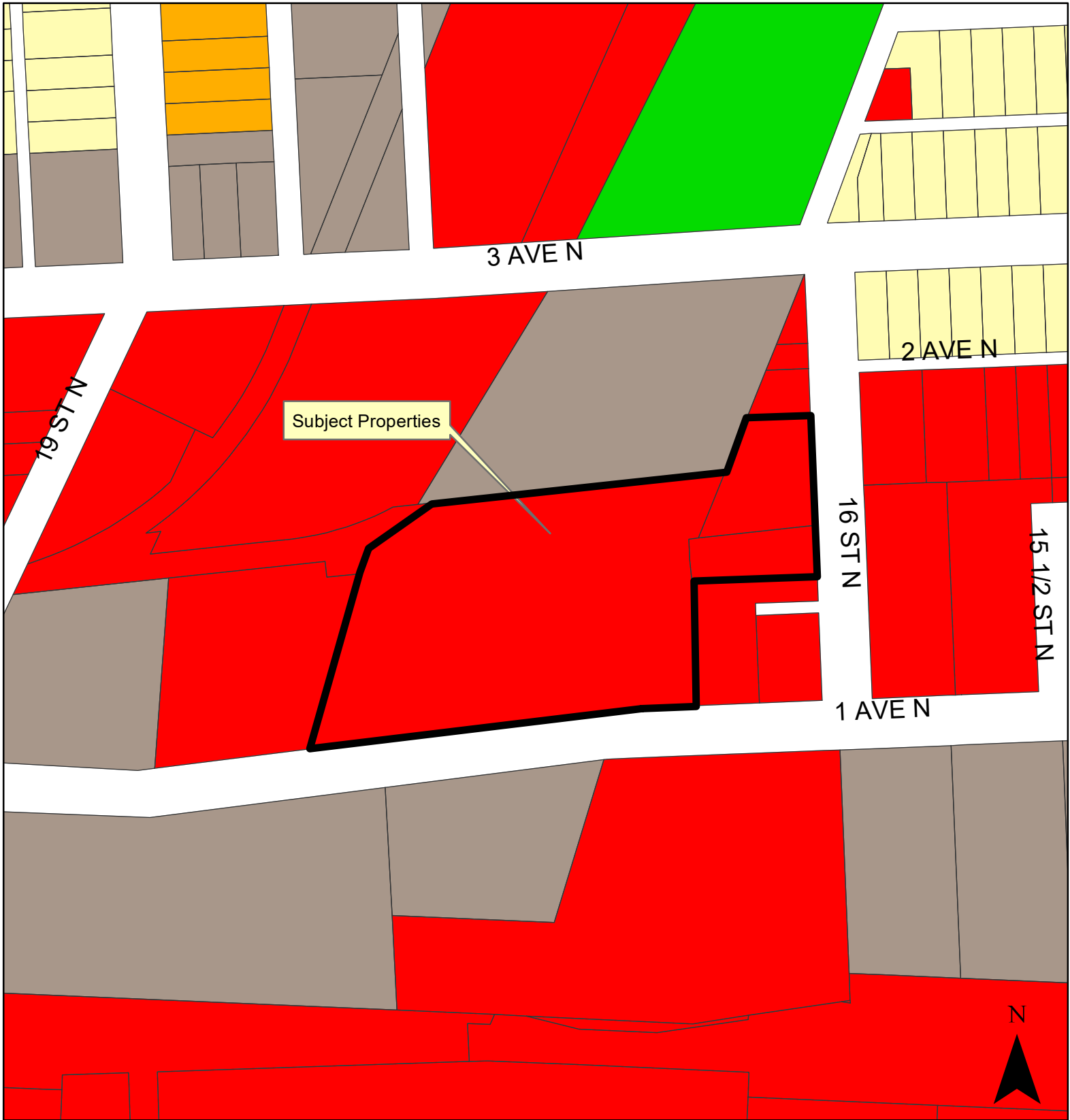
Attachments:

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

Plat (minor) Zone Change (GC to LI)

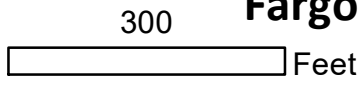
MBA Investments Addition

1717 1st Avenue North;
112 and 202 16th Street North



Legend

AG	DMU	GO	LC	MR-1	MR-2	MR-3	MHP	NC	NO	P/T	UMI	City Limits



Plat (minor) Zone Change (GC to LI)

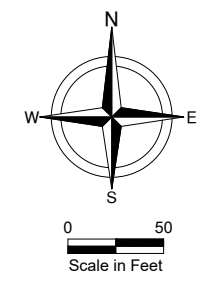
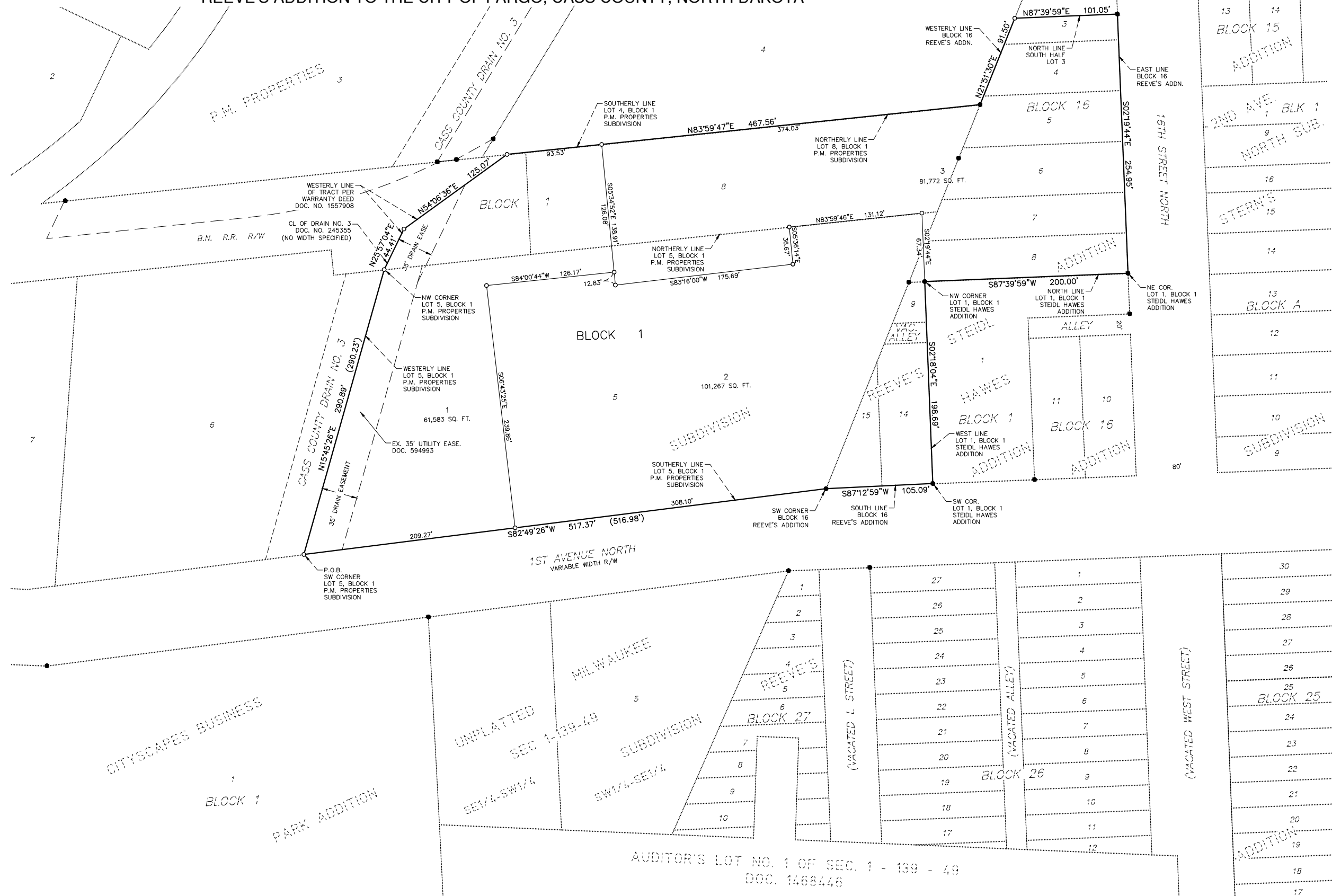
MBA Investments Addition

1717 1st Avenue North;
112 and 202 16th Street North



A MINOR SUBDIVISION PLAT OF MBA INVESTMENTS ADDITION

A REPLAT OF LOT 5, LOT 8 AND PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY LOT, ALL IN
BLOCK 1, P.M. PROPERTIES SUBDIVISION TO THE CITY OF FARGO, AND A REPLAT OF PART OF LOT 3, ALL OF LOTS
4 - 8 INCLUSIVE, PART OF LOT 9, ALL OF LOTS 14 AND 15 AND PART OF THE VACATED ALLEY, ALL IN BLOCK 16,
REEVE'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #6571
 - P.O.B. POINT OF BEGINNING (100.00')
 - PLAT BOUNDARY LINE
 - LOT LINE
 - - - - EXISTING EASEMENT LINE
 - EXISTING LOT LINE
 - EXISTING METES AND BOUNDS TRACT
 - - - - EASEMENT LINE

BASIS OF BEARINGS:
THE WESTERLY LINE OF LOT 5, BLOCK 1, P.M. PROPERTIES SUBDIVISION HAS AN ASSUMED BEARING OF N15°45'26"E.

NOTE:
THE NORTH LINE OF THE SOUTH HALF OF LOT 3, BLOCK 16, REEVE'S ADDITION WAS DETERMINED BY DISTANCE ALONG THE EAST LINE OF SAID LOT 3. THE NORTH LINE OF SAID SOUTH HALF BEING PARALLEL WITH THE SOUTH LINE OF SAID LOT 3.

EASEMENT OF RECORD:
CASS COUNTY BIG SLOUGH DRAIN NO. 3 EASEMENT ACCORDING TO DOCUMENT NO. 245355, NO WIDTH SPECIFIED.



AUDITOR'S LOT NO. 1 OF SEC. 1 - 139 - 49
DOC. 1468446

A MINOR SUBDIVISION PLAT OF
MBA INVESTMENTS ADDITION

A REPLAT OF LOT 5, LOT 8 AND PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY LOT, ALL IN BLOCK 1, P.M. PROPERTIES SUBDIVISION TO THE CITY OF FARGO, AND A REPLAT OF PART OF LOT 3, ALL OF LOTS 4 - 8 INCLUSIVE, PART OF LOT 9, ALL OF LOTS 14 AND 15 AND PART OF THE VACATED ALLEY, ALL IN BLOCK 16, REEVE'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "MBA INVESTMENTS ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 5, LOT 8 AND PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY LOT, ALL IN BLOCK 1, P.M. PROPERTIES SUBDIVISION TO THE CITY OF FARGO, AND A REPLAT OF PART OF LOT 3, ALL OF LOTS 4 - 8 INCLUSIVE, PART OF LOT 9, ALL OF LOTS 14 AND 15 AND PART OF THE VACATED ALLEY, ALL IN BLOCK 16, REEVE'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOT 5, LOT 8 AND PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY LOT, ALL IN BLOCK 1, P.M. PROPERTIES SUBDIVISION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA, PART OF LOT 3, ALL OF LOTS 4 - 8 INCLUSIVE, PART OF LOT 9, ALL OF LOTS 14 AND 15 AND PART OF THE VACATED ALLEY, ALL IN BLOCK 16, REEVE'S ADDITION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 1, SAID P.M. PROPERTIES SUBDIVISION; THENCE NORTH 15 DEGREES 45 MINUTES 26 SECONDS EAST ON AN ASSUMED BEARING ALONG THE WESTERLY LINE OF SAID LOT 5 FOR A DISTANCE OF 290.89 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 25 DEGREES 57 MINUTES 04 SECONDS EAST ALONG THE WESTERLY LINE OF A CERTAIN TRACT AS DESCRIBED IN WARRANTY DEED DOCUMENT NUMBER 1557908, RECORDED MARCH 4, 2019, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER, FOR A DISTANCE OF 44.41 FEET; THENCE NORTH 54 DEGREES 06 MINUTES 36 SECONDS EAST CONTINUING ALONG SAID WESTERLY LINE FOR A DISTANCE OF 125.07 FEET TO THE SOUTHERLY LINE OF LOT 4, BLOCK 1, SAID P.M. PROPERTIES SUBDIVISION; THENCE NORTH 83 DEGREES 59 MINUTES 47 SECONDS EAST ALONG SAID SOUTHERLY LINE FOR A DISTANCE OF 467.56 FEET TO THE WESTERLY LINE OF BLOCK 16, SAID REEVE'S ADDITION; THENCE NORTH 21 DEGREES 51 MINUTES 30 SECONDS EAST ALONG SAID WESTERLY LINE FOR A DISTANCE OF 91.50 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 3, SAID BLOCK 16; THENCE NORTH 87 DEGREES 39 MINUTES 59 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT 3 FOR A DISTANCE OF 101.05 FEET TO THE EAST LINE OF SAID BLOCK 16; THENCE SOUTH 02 DEGREES 19 MINUTES 44 SECONDS EAST ALONG SAID EAST LINE FOR A DISTANCE OF 254.95 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1, STEIDL HAWES ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 87 DEGREES 39 MINUTES 59 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1 FOR A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 02 DEGREES 18 MINUTES 04 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1 FOR A DISTANCE OF 198.69 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 87 DEGREES 12 MINUTES 59 SECONDS WEST ALONG THE SOUTH LINE OF BLOCK 16, SAID REEVE'S ADDITION FOR A DISTANCE OF 105.09 FEET TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 1, SAID P.M. PROPERTIES SUBDIVISION; THENCE SOUTH 82 DEGREES 49 MINUTES 26 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID LOT 5 FOR A DISTANCE OF 517.37 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.62 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "MBA INVESTMENTS ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 5, LOT 8 AND PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY LOT, ALL IN BLOCK 1, P.M. PROPERTIES SUBDIVISION TO THE CITY OF FARGO, AND A REPLAT OF PART OF LOT 3, ALL OF LOTS 4 - 8 INCLUSIVE, PART OF LOT 9, ALL OF LOTS 14 AND 15 AND PART OF THE VACATED ALLEY, ALL IN BLOCK 16, REEVE'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE THE DRAIN EASEMENT SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: MBA INVESTMENTS, LLC

MORTGAGEE: CORNERSTONE BANK

KEVIN J. BARTRAM, PRESIDENT

CRAIG EHRMANTRAUT, VICE PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEVIN J. BARTRAM, PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF MBA INVESTMENTS, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CRAIG EHRMANTRAUT, VICE PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF CORNERSTONE BANK.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2019.

JOHN GUNKELMAN, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN GUNKELMAN, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2019.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL

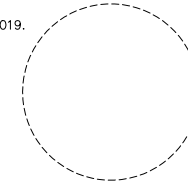
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2019.

BRENDA E. DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



City of Fargo Staff Report			
Title:	Woodhaven Plaza and Prairie Tech Additions	Date:	8/1/2019
Location:	4110, 4137, and 4175 40th Street South, 4014 41st Street South, and 4055 and 4100 41st Avenue South (see note below)	Staff Contact:	Maegin Elshaug
Legal Description:	A portion of Lot 4 and all of Lots 3, 5 and 6, Block 1, Woodhaven Plaza Addition , and a portion of Lot 2, Block 1, Prairie Tech Addition (see note below)		
Owner(s)/Applicant:	Aldevron, LLC/Zerr Berg Architects	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for an alternative access plan		
Status:	Planning Commission Public Hearing: August 6, 2019		

Existing	Proposed
Land Use: Medical Office (research)	Land Use: unchanged
Zoning: LC, Limited Commercial with a CUP for an alternative access plan	Zoning: LC, Limited Commercial with a CUP for an alternative access plan
Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. With a CUP to allow for an Alternative Access Plan	Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. With a CUP to allow for an Alternative Access Plan
Maximum Lot Coverage Allowed: Maximum 55% building coverage	Maximum Lot Coverage Allowed: unchanged

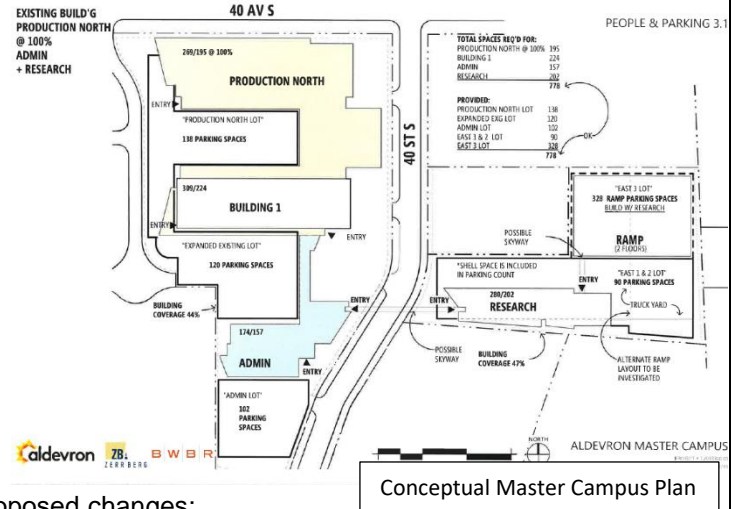
Proposal:

The applicant is requesting a Conditional Use Permit (CUP) for an alternative access plan for parking on property located at 4110, 4137, and 4175 40th Street South, and 4055 and 4100 41st Avenue South. Aldevron, a research medical office use, has an existing structure located on one of the properties, and has plans for future expansion of a campus setting. Aldevron is in the process of purchasing a portion of property located at 4110 40 Street South, Lot 2, Block 1, Prairie Tech Addition, which a portion of that property is included in this application. The property also has a current application in for a minor subdivision, Prairie Tech 2nd Addition, which is item 3 of this month's agenda. The portion of the lot included in this application is intended to align with the proposed Lot 2, Block 1, of the proposed Prairie Tech 2nd Addition.

Note: *At the time of the application, the property at 4014 41st Street South was included. However, the applicant has since withdrawn this property. This change results in a portion of Lot 3, Block 1, Woodhaven Plaza, included in the application, as opposed to the whole lot.*

Background: The Planning Commission approved a CUP on 4055 41st Avenue South on November 1, 2016. This CUP replaced the original CUP, which was approved earlier that year in June. Both CUP's are for an alternative access plan for parking. If approved, the CUP will replace the current CUP, recorded document number 1495757.

Proposal: Aldevron has plans for future expansion of a campus, and has applied for a CUP to address parking related to the expansion. The image to the right shows the conceptual plan for complete build out of the campus, and is shown for illustrative purposes only and subject to change. The applicant has proposed changes to conditions of the existing CUP, noted below, which includes removing the requirement for additional open space on site to provide parking to accommodate a future office use, as well as to exclude primary mechanical space in the parking ratio.



For clarity, below shows the conditions of the existing CUP, with markups in red to indicate the applicant's proposed changes:

1. One off-street parking space be provided per 570 square feet of medical research office use, excluding primary mechanical spaces.
2. ~~In order to accommodate future change of use of the medical research office, the site plan shall depict undeveloped area sufficient to accommodate the LDC's parking requirement of other office, which is currently 1 space per 300 square feet of gross floor area.~~
3. The Conditional Use Permit will cease if the medical research office use ceases.

Staff has identified another condition to the CUP, as noted below in the recommended conditions.

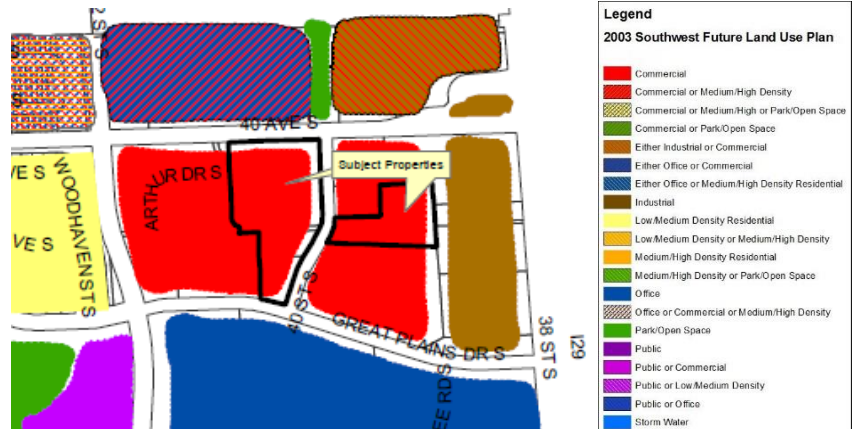
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 40th Avenue South is GC, General Commercial, with a CUP, Conditional Use Permit, with uses of manufacturing and warehouse facilities and retail;
- East: LC with office, retail and industrial uses;
- South: LC and across Great Plains Drive South is GO, General Office, with office uses;
- West: LC and LC with a CUP, Conditional Use Permit to allow residential use, with mixed use development, row houses under construction, and offices uses.

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan indicates the subject property as being appropriate for Commercial uses.



Context:

Neighborhood: Woodhaven

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

Parks: The subject property is less than a half mile east of Woodhaven North Park with the amenities of an ADA fishing ramp, fishing, picnic table, playground, recreational trails, and soccer field.

Pedestrian / Bicycle: Off-road bike facilities are located along 40th Avenue South and are a component of the overall metro area trail system.

Staff Analysis:

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
The general intent and purpose of the LDC is to implement Fargo's GO 2030 Comprehensive Plan and related policies in a manner that will protect the health, safety, and general welfare of the citizens of Fargo. Exploring reductions in minimum parking standards is a key initiative meant to promote the Plan's guiding principles. Specifically, Transportation Initiative 07 from the Go2030 Comprehensive Plan states to, "Pursue creative parking strategies to fund and activate parking structures, explore reducing minimum parking standards, and share parking between daytime and nighttime uses." The applicant is requesting to expand the area and change two conditions of the existing CUP, as Aldevron has more clear development plan for a campus on the subject properties. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff finds that this proposed conditional use permit for an alternative access plan for reduced parking will contribute to and promote the welfare of the public by allowing flexibility within the immediate area, and prevent the need for excess parking. The proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, the potential negative impacts. The applicant has stated that the parking ratio aligns with the anticipated employee needs and staffing levels, including adequate space for shift change. **(Criteria Satisfied)**
3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received one call on the application with no noted concern. **(Criteria Satisfied)**
4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls,**

and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.

The proposed parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. Aldevron has plans to create a campus on the site and staff finds that the previous CUP condition to include open space to accommodate parking for a future office is no longer necessary. The applicant contends that there is an unusually large amount of mechanical space for facility operations due to lab environments, and that excluding the mechanical space from parking ratio aligns with anticipated parking needs of the facility. The applicant states that the parking ratio aligns with the anticipated employee needs and staffing levels, including adequate space for shift change. **(Criteria Satisfied)**

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

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

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

The property has access from 40th Avenue South and 40th Street South. A private drive also provides access to the site; however, this will likely be removed with future expansion. In addition, the Engineering Department has had an opportunity to review the proposal and no comments or concerns were noted to indicate a deficiency with the access roads. Staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

Recommended Conditions:

1. One off-street parking space be provided per 570 square feet of medical research office use, excluding primary mechanical spaces.
2. Parking requirements may be met anywhere within the properties included in the CUP.
3. The Conditional Use Permit will cease if the medical research office use ceases.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow for an Alternative Access Plan as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. One off-street parking space be provided per 570 square feet of medical research office use, excluding primary mechanical spaces.
2. Parking requirements may be met anywhere within the properties included in the CUP.
3. The Conditional Use Permit will cease if the medical research office use ceases.

Planning Commission Recommendation: August 6, 2019

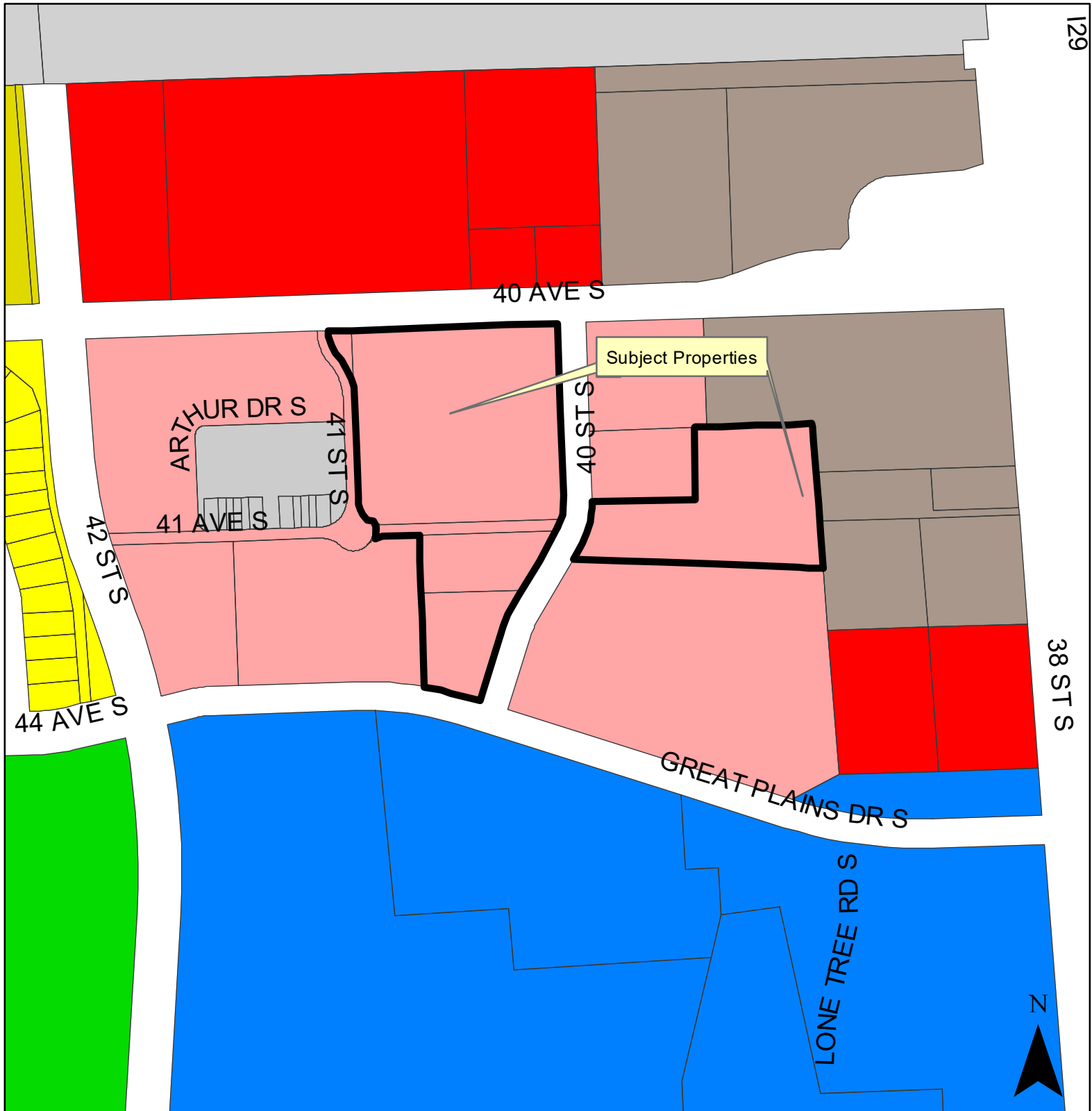
Attachments:

1. Zoning Map
2. Location Map

Conditional Use Permit

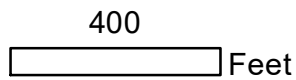
Woodhaven Plaza Addition and Prairie Tech Addition

4110, 4137, & 4175 40th St S;
4014 41st St S; 4055 & 4100 41st Ave S



Legend

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



Fargo Planning Commission
August 6, 2019

Conditional Use Permit

Woodhaven Plaza Addition and Prairie Tech Addition

4110, 4137, & 4175 40th St S;
4014 41st St S; 4055 & 4100 41st Ave S



City of Fargo Staff Report			
Title:	Prairie Tech Second Addition	Date:	7/9/2019
Location:	4110 40 th Street South	Staff Contact:	Luke Morman
Legal Description:	Lot 2, Block 1, Prairie Tech Addition		
Owner(s)/Applicant:	Heather Skari, Smile Achers LLP	Engineer:	Mead & Hunt
Entitlements Requested:	Minor Subdivision (Replat of Lot 2, Block 1, Prairie Tech Addition)		
Status:	Planning Commission Public Hearing: August 6, 2019		

Existing	Proposed
Land Use: Medical Office	Land Use: No change
Zoning: LC, Limited Commercial	Zoning: No change
Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.	Uses Allowed: No change
Maximum Lot Coverage Allowed: 55% of lot	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant is requesting a minor subdivision, entitled **Prairie Tech Second Addition**, which is a replat of Lot 2, Block 1, Prairie Tech Addition. The subject property is located at 4110 40th Street South and is comprised of approximately 5.45 acres. The proposed subdivision will create two lots and one block. The proposed lot 1 is an existing dental office which meets all requirements of the LDC within the proposed boundaries. The proposed lot 2 is part of the Woodhaven Plaza and Prairie Tech Additions' Conditional Use Permit application, which is item 2 of this month's agenda.

The applicant is updating the plat per staff comments, and will have the revised plat prior to the Planning Commission meeting.

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

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial, with retail, and LI, Limited Industrial, with warehouse;
- East: LI, Limited Industrial, with warehouse and office;
- South: LC, Limited Commercial, with office;
- West: LC, Limited Commercial with a CUP, with light manufacturing and vacant land.

Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan. This plan indicates the subject property as being appropriate for Commercial uses.



Schools and Parks:

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

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

Parks: The subject property is less than a half mile east of Woodhaven North Park with the amenities of an ADA fishing ramp, fishing, picnic table, playground, recreational trails, and soccer field.

Pedestrian / Bicycle: Off-road bike facilities are located along 42 St S, 40 Ave S, and 36 St S, which are a component of the metro area bikeway system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to replat the subject property into two lots to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat **Prairie Tech Second Addition** as outlined within the staff report, as the proposal complies with the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

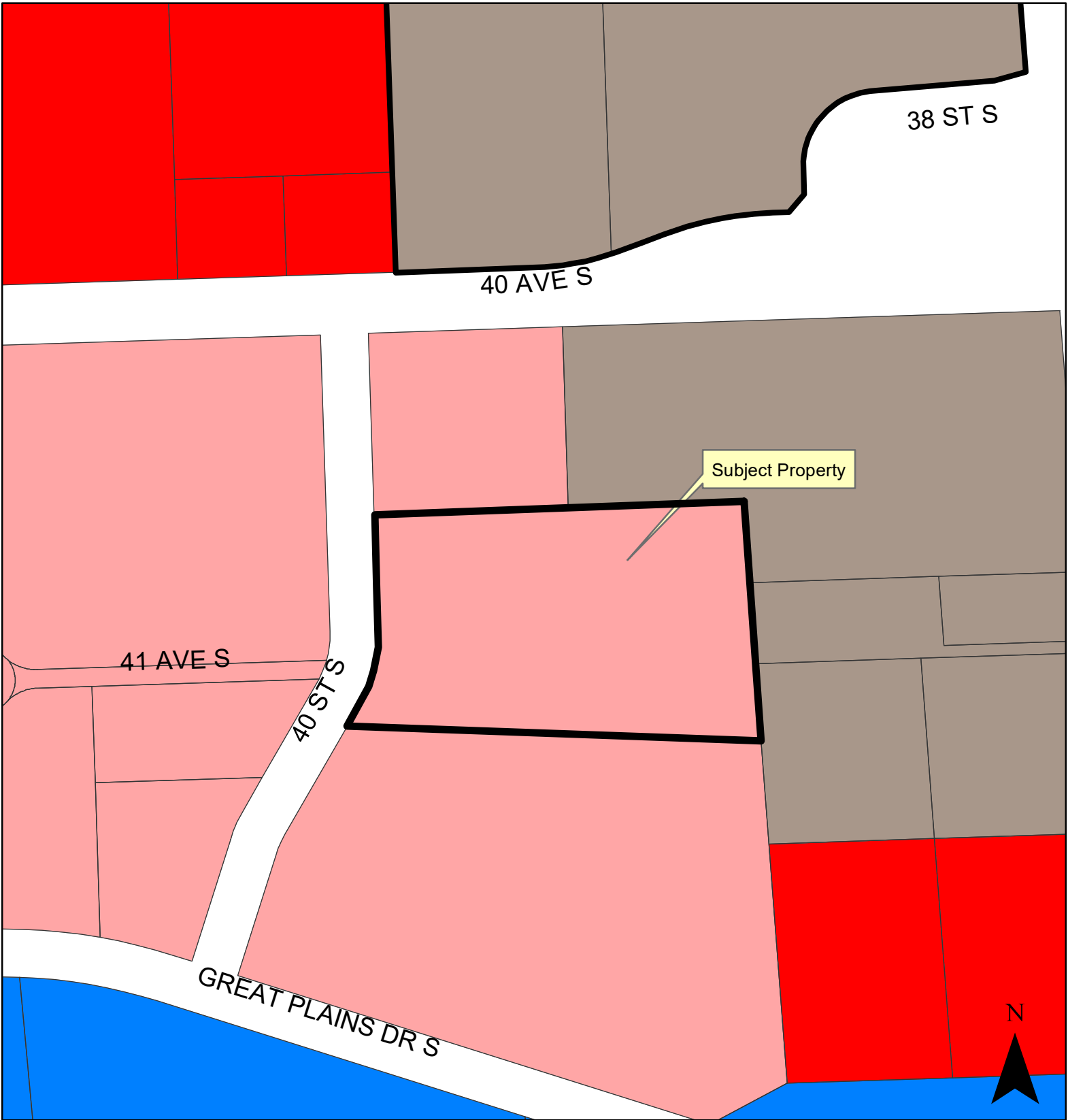
Planning Commission Recommendation: August 6, 2019

Attachments:

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

Plat (minor)

Prairie Tech Second Addition



Plat (Minor)

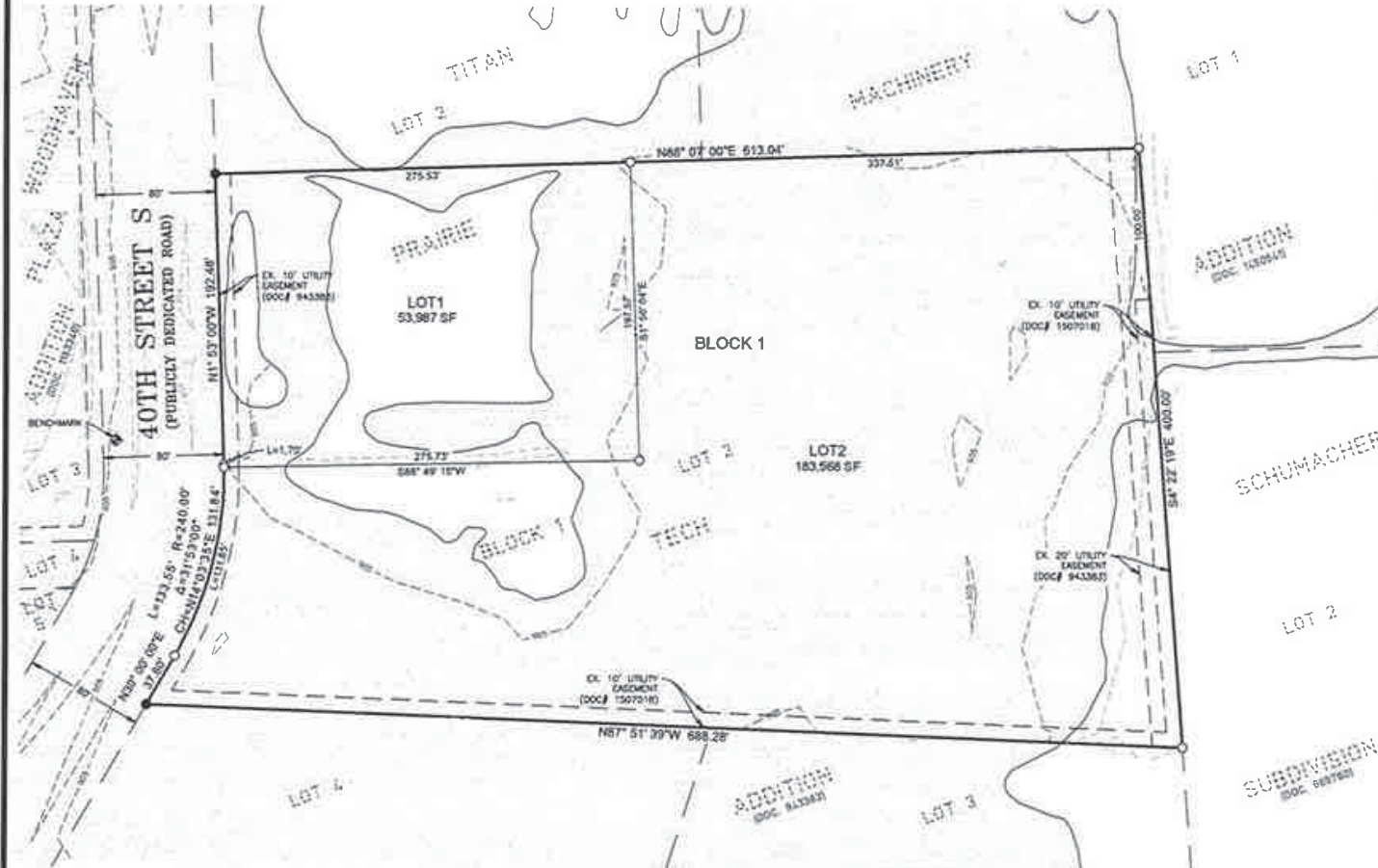
Prairie Tech Second Addition

4110 40th Street S



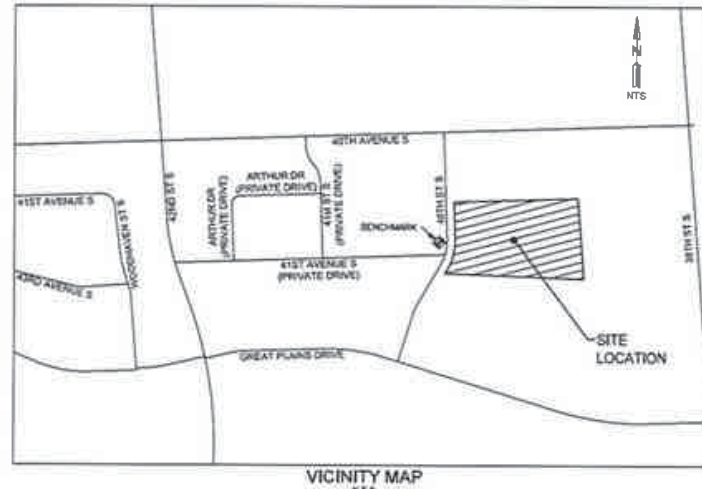
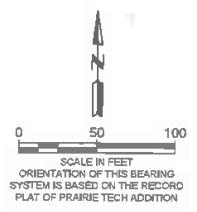
PRAIRIE TECH SECOND ADDITION

REPLAT OF LOT 2, BLOCK 1 OF PRAIRIE TECH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



- LEGEND**
- MONUMENT IN PLACE
 - MONUMENT SET (5/8" REBAR, CAPPED PLS# LS-27292)
 - ▭ 100 YR. FLOOD PLAIN
 - BOUNDARY LINE
 - - - EXISTING PROPERTY LINE
 - - - EXISTING EASEMENT LINE

- NOTES:**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAP 3807C0778G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 905.7' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY CONDUCTED APRIL 12, 2019.
 - BENCHMARK TOP NUT HYDRANT LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF 41ST AVENUE SOUTH AND 40TH STREET SOUTH. ELEVATION = 907.73 (NAVD88)



OWNER'S CERTIFICATE:
KNOW ALL PERSONS BY THESE PRESENTS, That XXXXXXXXX, is the owner of a Lot 2, Block 1 of Prairie Tech Addition to the City of Fargo, as filed and on record at the office of the County Recorder, Cass County, North Dakota, that I have caused the same to be surveyed and replatted as Prairie Tech Second Addition to the City of Fargo, Cass County, North Dakota.

OWNER:
OWNER NAME _____
NAME, TITLE _____
State of North Dakota _____
County of Cass _____

On this _____ day of _____, 20____, before me personally appeared NAME, TITLE, 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 OWNER NAME.

Notary Public: _____

MORTGAGEE:
LIEN HOLDER IF APPLICABLE _____

State of North Dakota _____
County of Cass _____

On this _____ day of _____, 20____, before me personally appeared _____, 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 _____.

Notary Public: _____

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

Dated this _____ day of _____, 20____.

Joshua J. Nelson, Professional Land Surveyor No. LS-27292
State of North Dakota _____
County of Cass _____

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:
Approved by the Fargo City Engineer this _____ day of _____, 20____.

Branda E. Dering, P.E., City Engineer
State of North Dakota _____
County of Cass _____

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:
Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

John Gunkelmann, Chair
Fargo Planning Commission

State of North Dakota _____
County of Cass _____

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:
Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota _____
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: _____

PRELIMINARY

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

Project No.
4447100-191630.01
SHEET 1 OF 1

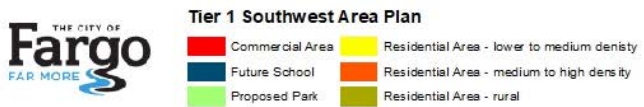
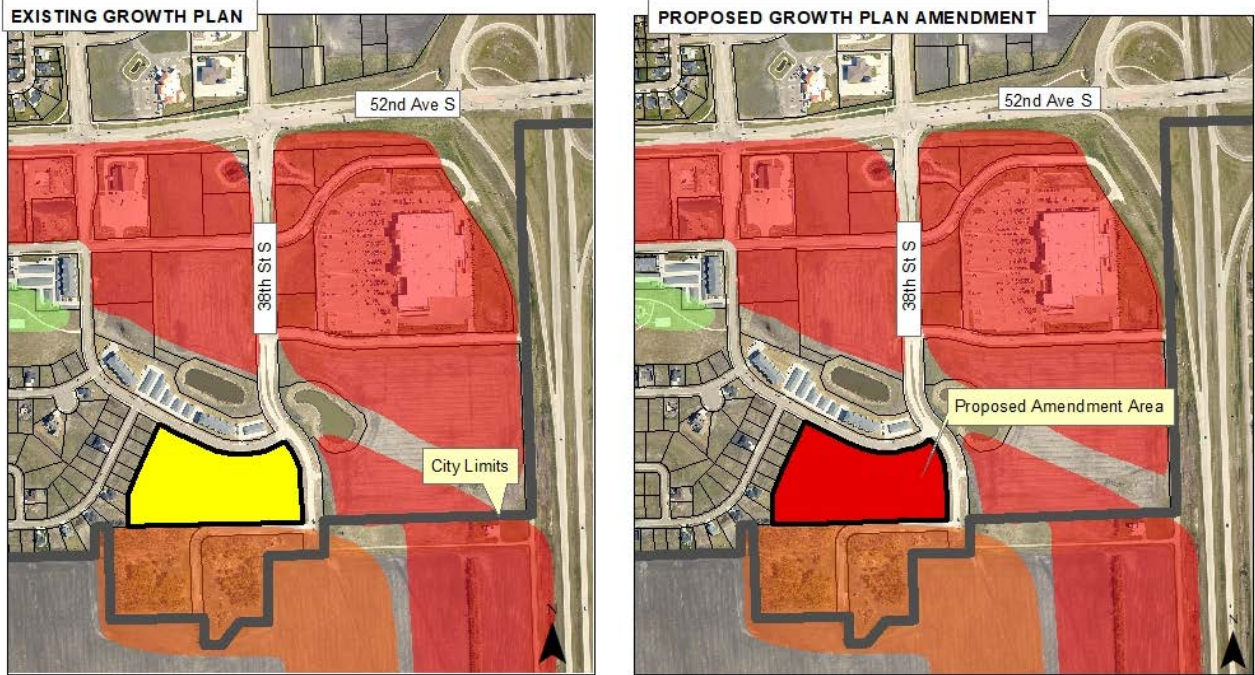
City of Fargo Staff Report			
Title:	The Pines at the District Addition	Date:	8/1/2019
Location:	3800 56 th Avenue South	Staff Contact:	Maggie Squyer
Legal Description:	Lots 4-11, Block 14, Kirkham's 2nd Addition		
Owner(s)/Applicant:	Aurora Ponds II at the District LLC/Dan Bueide	Engineer:	None
Entitlements Requested:	Growth Plan Amendment (from Low to Medium Density Residential to Commercial) and Zoning Change (from MR-3, Multi-Dwelling Residential to LC, Limited Commercial).		
Status:	Planning Commission Public Hearing: August 6, 2019		

Existing
Land Use: Vacant
Zoning: MR-3, Multi-Dwelling Residential
Uses Allowed: MR-3, Multi-Dwelling Residential allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, community service, limited day care facilities, parks and open space, religious institutions, safety services, schools, basic utilities, and limited telecommunications facilities.
Maximum Density Allowed: 24 units per acre
Maximum Building Coverage Allowed: 35%

Proposed
Land Use: Community Service
Zoning: LC, Limited Commercial
Uses Allowed: LC, Limited Commercial allows colleges, community service, day care facilities of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, commercial parking, retail sales and services, self-service storage, vehicle repair, limited vehicle service, and limited telecommunications facilities.
Maximum Building Coverage Allowed: 55%

Proposal:
<p>The applicant is requesting approval of two entitlements:</p> <ol style="list-style-type: none"> 1. Growth Plan Amendment from Low to Medium Density Residential to Commercial 2. Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial <p>As required by the Land Development Code, an open house to allow neighbors of the project site to learn more about the proposed growth plan change was held on the afternoon of Wednesday, July 31, 2019. One neighbor attended the meeting and discussed his concerns about the future land use of the subject property with the applicant.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: MR-3, Multi-Dwelling with apartments • East: LC, Limited Commercial that is currently vacant • South: MR-3, Multi-Dwelling, some apartment buildings and some vacant land • West: SR-2, Single-Family Dwelling, some single family homes and some vacant land <p>Area Plans:</p>

The subject property is located within South Fargo Tier 1 West as stated in the 2007 Growth Plan. This plan designates the subject property as Low to Medium Density Residential. The applicant is proposing to change the land use designation to commercial, as depicted in the map below.



Fargo Planning Commission
August 6, 2019

Schools and Parks:

Neighborhood: The District

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

Parks: The Pines (5371 42nd Street South) and Maple Valley Park (5899 Autumn Drive South) are located within half a mile of the subject property and offer picnic tables, trails, and playground amenities.

Pedestrian / Bicycle: A shared use path runs along the north and east edges of the subject property.

Staff Analysis:

Growth Plan Evaluation Criteria: Section 20-0905(H) of the LDC states that the Planning Commission and City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:

1. **Is the proposed change consistent with surrounding land uses, both existing and future?** The proposed growth plan amendment is generally consistent and compatible with the city's 2007 Growth Plan and provides an appropriate land use transition into adjacent land uses (both platted and future land uses as set forth within the growth plan) due to the low intensity nature of the proposed use.
(Criteria Satisfied)
2. **Does the proposed change involve a street alignment or connection? If so, how does this change**

affect the transportation system and the land uses in the surrounding area, both existing and future. There has been no change in the existing street layout and alignment with this application. Staff believes that the growth plan amendment would continue to be consistent with city adopted plans and policies.

(Criteria Satisfied)

- 3. How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?** The proposed amendment will provide a transition area between the single-dwelling housing to the west of the subject property and the limited commercial lot to east. The proposed low intensity community service use is compatible to the surrounding land uses and will accommodate a demand for out-of-home hospice care in the City.

(Criteria Satisfied)

- 4. How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?** Staff has no evidence to suggest the land use change would negatively impact the long term sustainability of the city. The amendment would positively impact the livability of the City by providing citizens with increased access to hospice care options.

(Criteria Satisfied)

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 suggests that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The parcel has remained vacant since it was replatted in 2013 and the proposed change in zoning would accommodate the newly proposed use.

(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 property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the City and other agencies are able to provide the necessary public services, facilities and programs to serve the development.

(Criteria Satisfied)

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

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any written comments regarding the zoning change. Staff finds that the approval 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 believes this proposal is in keeping with adopted plans and the existing zoning of adjacent properties. The applicant has submitted a Growth Plan Amendment that

would align with the future development of this area. Staff finds this proposal is consistent with the purpose of the LDC, the proposed Growth Plan and other adopted policies of the City.
(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1.) Growth Plan Amendment 2.) Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial, located on Lot 1, Block 12, The Pines at the District Addition, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Section 20-0905(H) and Section 20-906. F (1-4), and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: August 6, 2019

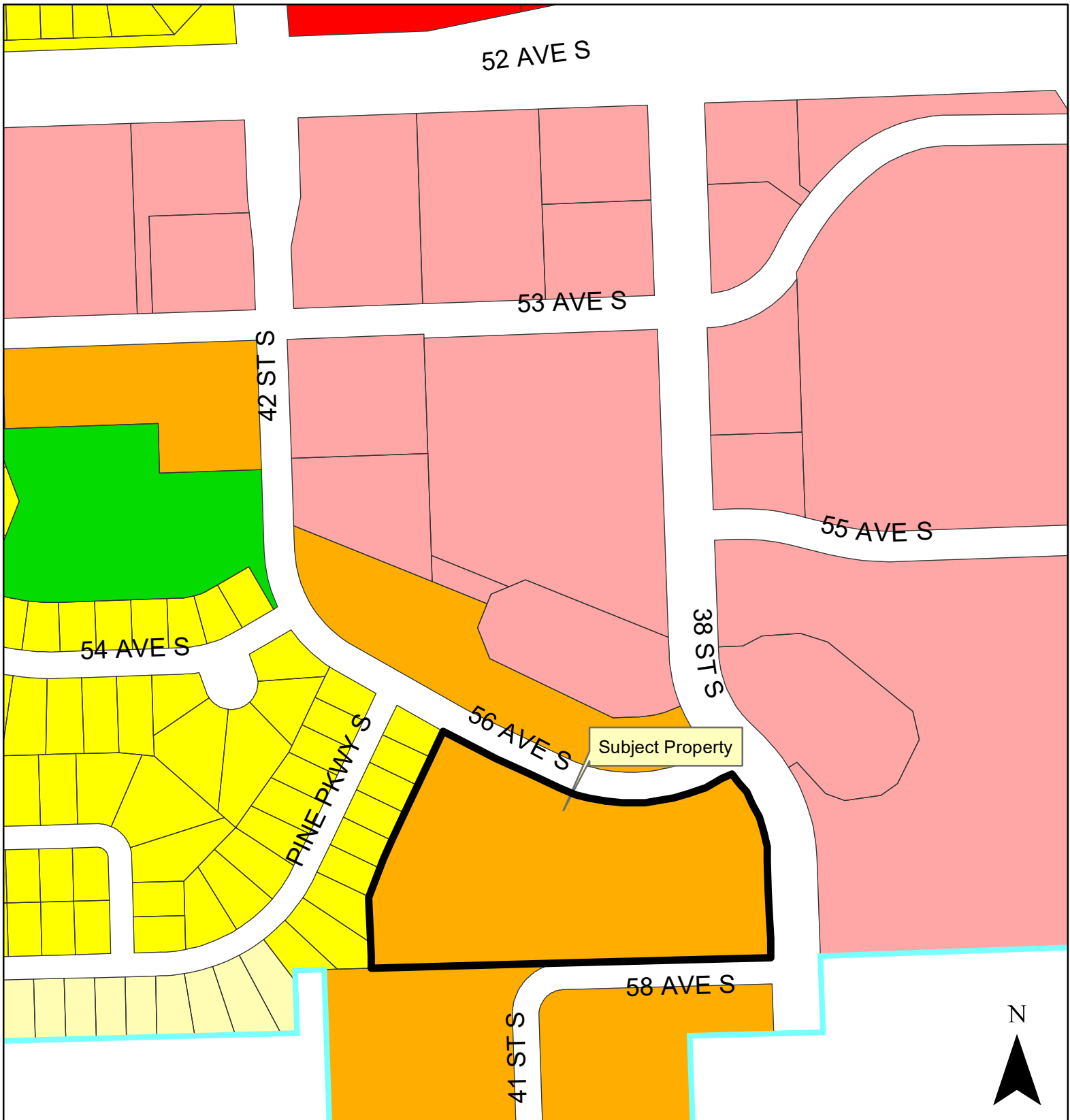
Attachments:

1. Zoning Map
2. Location Map
3. Growth Plan Change Map
4. Proposed Site Plan

Growth Plan Amendment; Zone Change (MR-3 to LC)

The Pines at the District Addition

3800 56th Avenue S



Legend

AG	LC	MHP	SRSR-1
DM	MR-1	NO	SRSR-2
GC	MR-2	P/T	SRSR-3
GO	MR-3	UML	SRSR-4
			SRSR-5
			City Limits

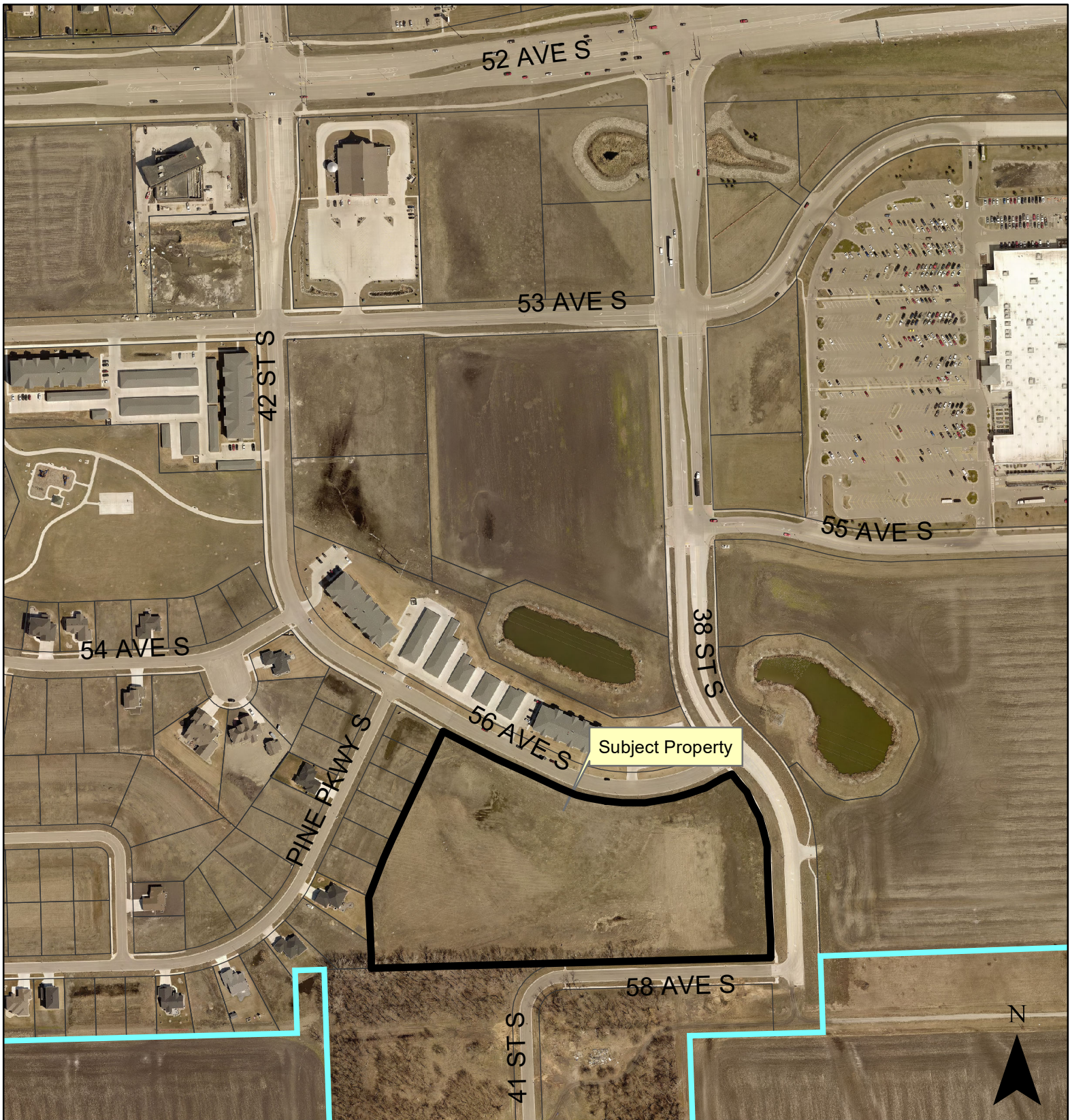
300 Feet

Fargo Planning Commission
August 6, 2019

Growth Plan Amendment; Zone Change (MR-3 to LC)

The Pines at the District Addition

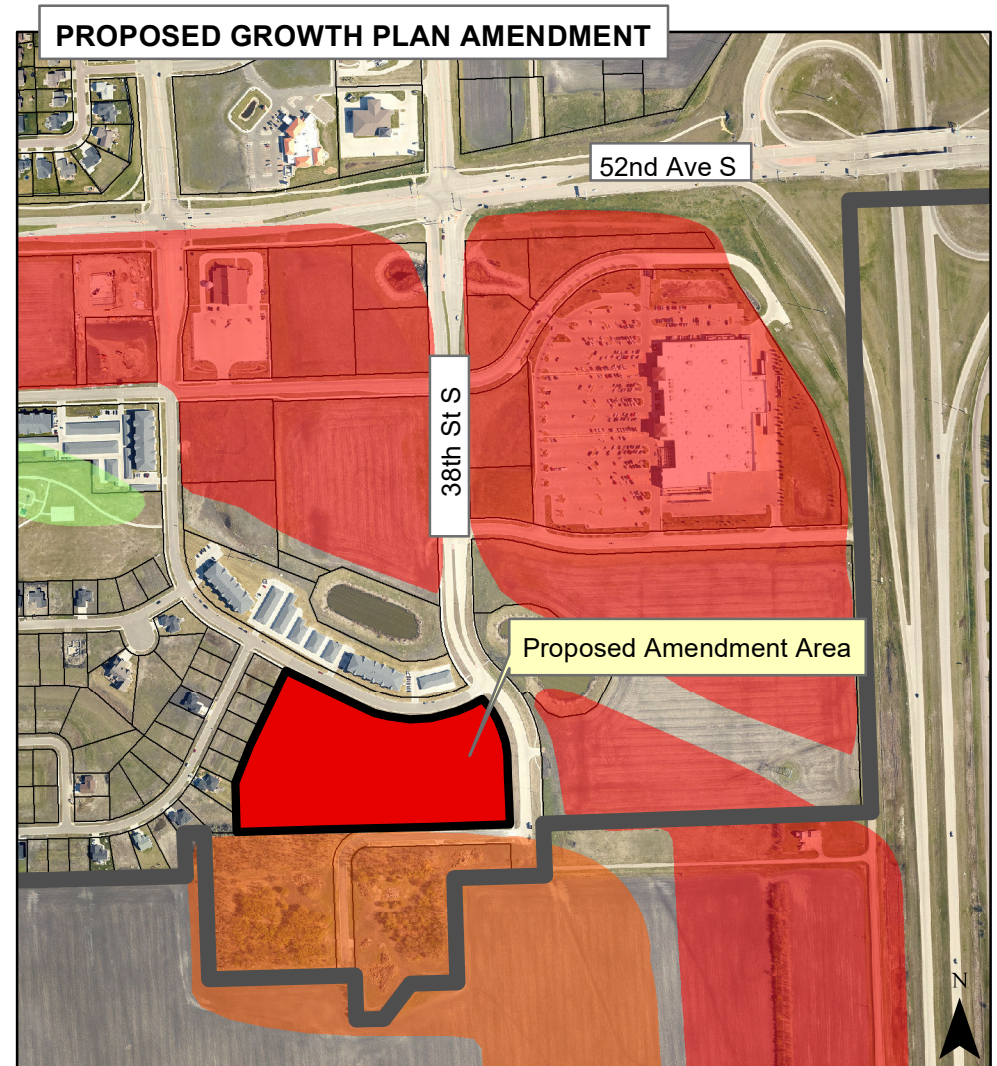
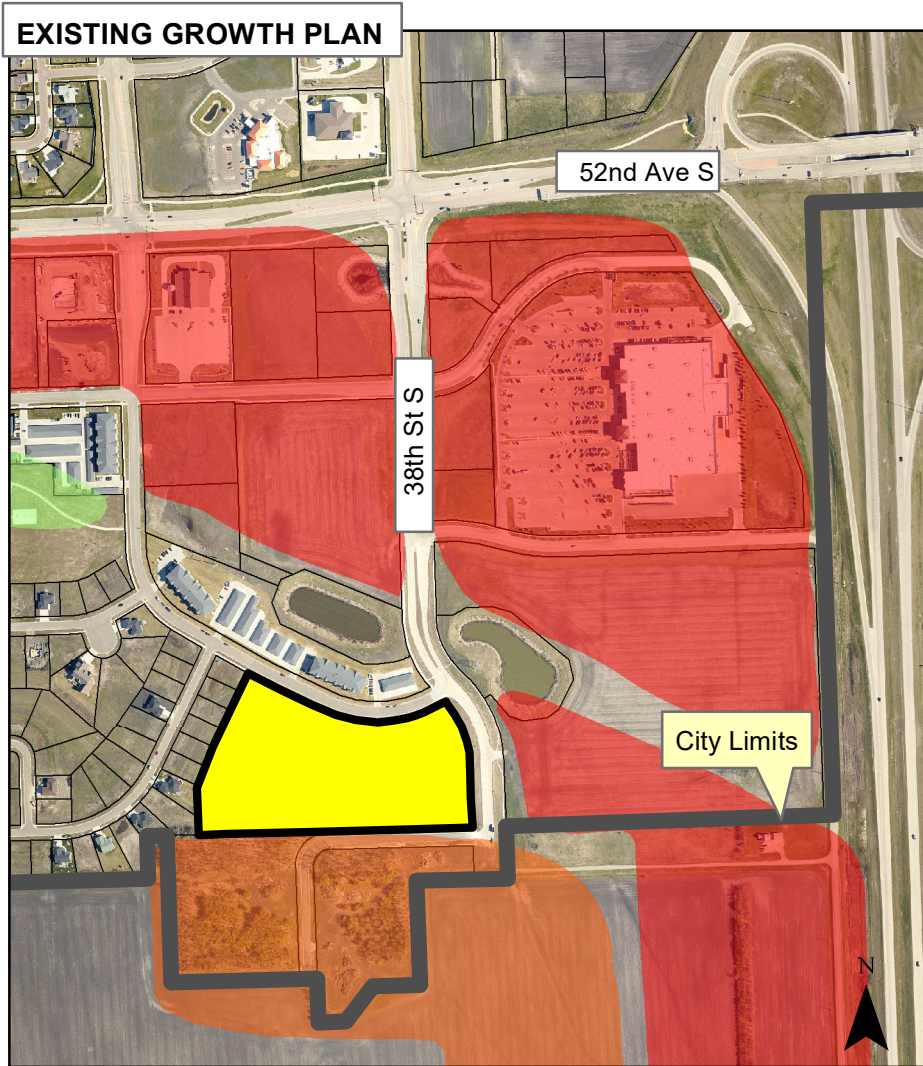
3800 56th Avenue S








Growth Plan Amendment; Zone Change (MR-3 to LC)

The Pines at the District Addition

3800 56th Avenue S



Tier 1 Southwest Area Plan

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

Fargo Planning Commission
August 6, 2019

SUMMARY	
BUILDING	49,000 SF
PARKING	197 SPACES
FUTURE PARKING	26 SPACES
TOTAL SITE	10.98 ACRES
SITE DEV.	10.98 ACRES

PRELIMINARY DOCUMENTS
NOT FOR CONSTRUCTION



Matrix Architects
249 Wayne Avenue, Dayton, Ohio 45402
Telephone: (937) 224-7700 Fax: (937) 224-7125
© 2019 Matrix Architects Incorporated

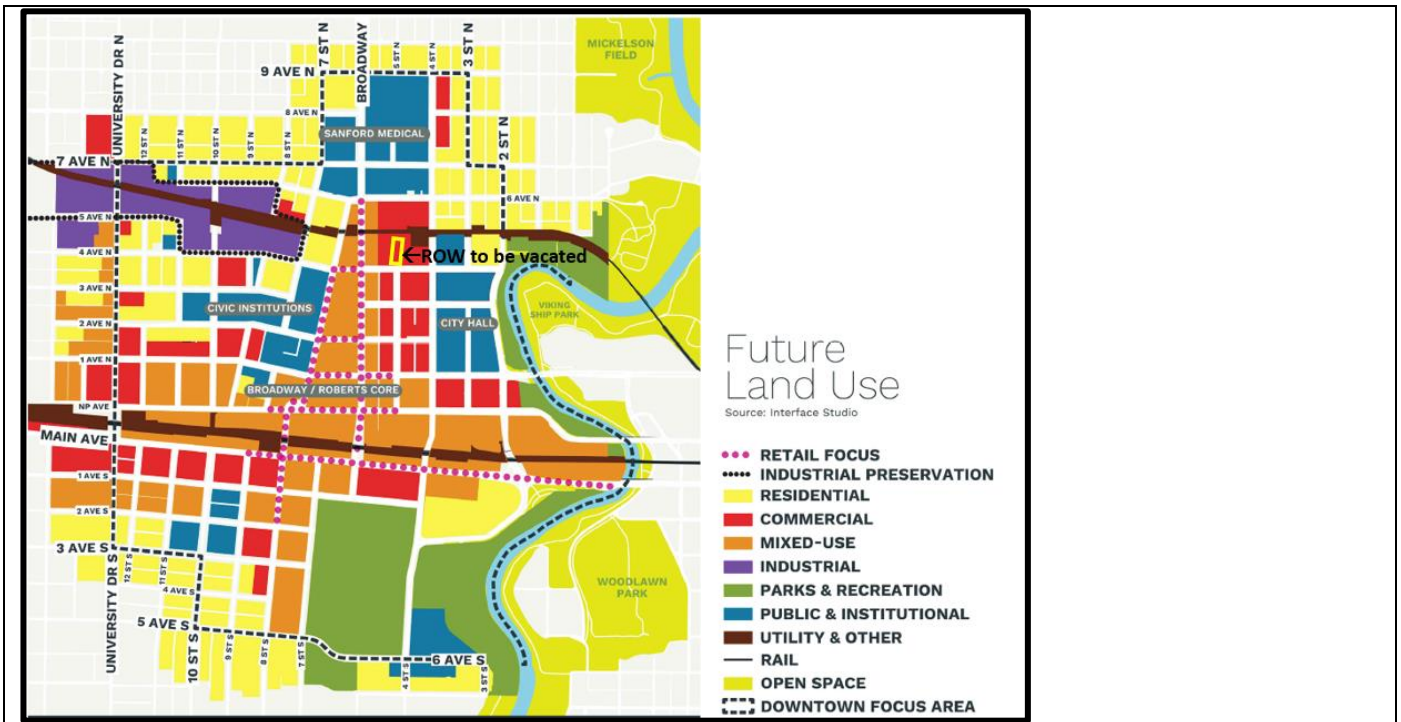
PROPOSED NEW 18-BED INPATIENT HOSPICE FACILITY - AURORA PONDS
HOSPICE OF THE RED RIVER VALLEY - ZONING SITE PLAN



NORTH
SCALE: 1"=100'-0"

DATE: 07/25/2019
PROJ. NO. 19101

City of Fargo Staff Report			
Title:	Keeney and Devitts Second Addition	Date:	7/31/2019
Location:	410 5 th Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of 5th Street North between Blocks 21 and 22, Keeney and Devitt's Second Addition and lying North of 4th Avenue North and South of Lot B, Block 1, Great Northern Depot Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	DFI Mercantile, LLC/ Kilbourne Group—Keith Leier	Engineer:	Houston Engineering
Entitlements Requested:	Vacation of Right of Way (major subdivision) (Portion of 5th Street North between Blocks 21 and 22, Keeney and Devitt's Second Addition and lying North of 4th Avenue North and South of Lot B, Block 1, Great Northern Depot Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: August 6, 2019		
Proposal:			
<p>The applicant requests one entitlement: A vacation of right of way (portion of 5th Street North) between Blocks 21 and 22, Keeney and Devitt's Second Addition and lying North of 4th Avenue North and South of Lot B, Block 1, Great Northern Depot Addition to the City of Fargo, Cass County, North Dakota</p> <p>The plat proposes to vacate a portion of 5th Street North between Blocks 21 and 22, Keeney and Devitt's Second Addition and lying North of 4th Avenue North and South of Lot B, Block 1, Great Northern Depot Addition to allow the area of that vacation area to be added to the adjacent lot. This street vacation helps facilitate the development of this property as a project known as "The Mercantile," which is intended to be a parking ramp surrounded by retail and residential uses, having parking entrances on 5th Street, with parking garage extending to 5th Street. This project is similar to the recently developed Roberts Commons (or "RoCo") structure on 2nd Avenue North and Roberts Street.</p> <p>The portion of 5th Street not being vacated will remain a dedicated public street.</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>			
Area Plans:			
<p>The area of the right of way (ROW) to be vacated is included in the Downtown In Focus Master Plan. Vacation of this ROW helps facilitate the development of this property as a commercial/mixed-use project, consistent with the "commercial" and "mixed-use" land use designations of the Downtown In Focus future land use plan for this property between Broadway and 5th Street North (see graphic below).</p> <p>(continued on next page)</p>			



Schools and Parks:

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

Neighborhood: The subject property is located within the Downtown neighborhood.

Parks: The Civic Plaza (200 3rd Street North) is located approximately 0.20 miles southeast of the subject property and is being developed as an interactive public space.

Pedestrian / Bicycle: There right of way proposed to be vacated does not include any bicycle facilities or multi-use trails.

Staff Analysis:

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy dictates that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). Notwithstanding the Land Development Code’s (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality’s grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water

mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

The right-of-way in question has no street improvements or City underground utilities. No easement for the City is required. **(Criteria Satisfied)**

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, a petition signed by all adjacent owners has been submitted for review and consideration, along with a plat of such public street. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

Documentation of said action is located within both the Planning project file and Auditor's file. **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

These actions will take plat subsequent to the Planning Commission hearing. **(Criteria Satisfied)**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed **vacation of a portion of 5th Street North between Blocks 21 and 22, Keeney and Devitt's Second Addition and lying North of 4th Avenue North and South of Lot B, Block 1, Great Northern Depot Addition to the City of Fargo, Cass County, North Dakota**, as presented, as the proposal complies with the Downtown In Focus master plan and standards of Chapter 40-39 of the North Dakota Century Code."

Planning Commission Recommendation: August 6, 2019

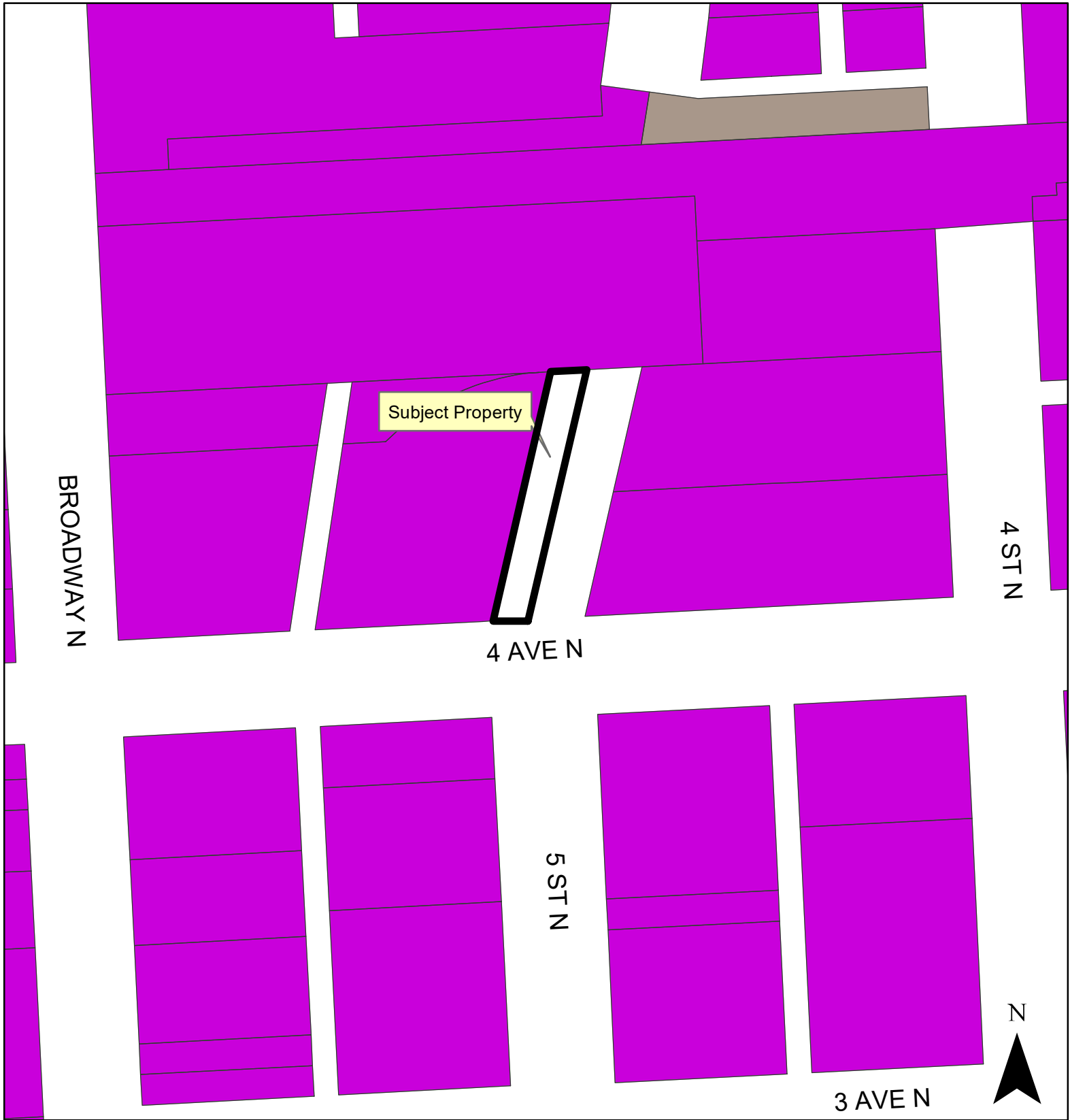
Attachments:

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

Street Vacation

Keeney and Devitts Addition

410 5th Street N



Street Vacation

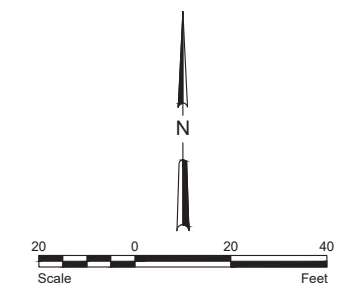
Keeney and Devitts Addition

410 5th Street N



STREET VACATION PLAT

A PORTION OF 5TH STREET NORTH BETWEEN BLOCKS 21 & 22,
 KEENEY AND DEVITT'S SECOND ADDITION
 CITY OF FARGO,
 CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
INDICATES STREET AREA VACATED WITH THIS PLAT	

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.



H:\Fargo\BN\7800\7862\7862_0008\CA\Plat\STREET VACATION PLAT Mercantile.dwg-Layout1-6/13/2019 4:03 PM-(kstroud)

OWNER:
DFI Mercantile LLC
Owner of Lots 2 - 5, Block 21, Keeney and Devitt's Second Addition

NAME, TITLE

OWNER:
Thomas K. and Kari D. Smith, husband and wife
Owner of part of Lot B, Block 1, Great Northern Depot Addition

Thomas K. Smith Kari D. Smith

OWNER:
DVAW LLC, a North Dakota Limited Liability Company
Owner of Lots 10 & 11, Block 22, Keeney and Devitt's Second Addition

NAME, TITLE

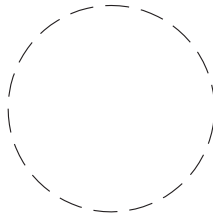
OWNER:
American Federal Bank
Owner of Lots 1 & 12, Block 22, Keeney and Devitt's Second Addition

NAME, TITLE

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:
I, Curtis A. Skarphol, Registered Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the area vacated.

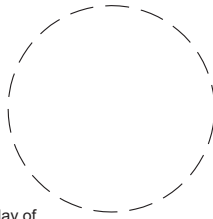
Dated this _____ day of _____, 20____.

Curtis A. Skarphol
Registered Land Surveyor No. 4723



CITY ENGINEER'S APPROVAL:
Approved by the Fargo City Engineer this _____ day of _____, 20____.

Brenda E. Derrig, City Engineer



FARGO PLANNING COMMISSION APPROVAL:
Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

John Gunkelman, Chair
Fargo Planning Commission

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: _____

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 20____, before me personally appeared NAME, TITLE of DFI Mercantile 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 said Limited Liability Company.

Notary Public: _____

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Thomas K. and Kari D. Smith, husband and wife, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Limited Liability Company.

Notary Public: _____

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 20____, before me personally appeared NAME, TITLE of DVAW 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 said Limited Liability Company.

Notary Public: _____

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 20____, before me personally appeared NAME, TITLE of American Federal Bank, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Federal Bank.

Notary Public: _____

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Curtis A. Skarphol, Registered 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: _____

State of North Dakota)
) SS
County of Cass)

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

Notary Public: _____

State of North Dakota)
) SS
County of Cass)

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

Notary Public: _____

STREET VACATION PLAT

A PORTION OF 5TH STREET NORTH BETWEEN BLOCKS 21 & 22,
KEENEY AND DEVITT'S SECOND ADDITION
CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

DESCRIPTION OF AREA TO BE VACATED:

The West 21.50 feet of the East 71.50 feet of 5th Street North, originally platted as A Street by the plat of Keeney and Devitt's Second Addition to the City of Fargo, Cass County, North Dakota, lying between Block 21 and Block 22 and lying north of 4th Avenue North and south of Lot B, Block 1, Great Northern Depot Addition.

OWNERS' CERTIFICATE:

DFI Mercantile LLC, a North Dakota Limited Liability Company; Thomas K. and Kari D. Smith, husband and wife; DVAW LLC, a North Dakota Limited Liability Company; and American Federal Bank; certify that they are the owners of the property adjoining the area to be vacated and that this plat and description are correct.

H:\Fargo\BN\7800\7862\7862_0008\CA\Plat\STREET VACATION PLAT Mercantile.dwg-Layout1 (2/16/13/2019 4:03 PM)-(kstroud)



City of Fargo Staff Report			
Title:	Chas A Roberts Addition	Date:	7-19-2019
Location:	611 8 th Street South	Staff Contact:	Kylie Bagley
Legal Description:	Lots 2 and 3, Block F, Chas A Roberts Addition		
Owner(s)/Applicant:	Roger and Margaret Nelson	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for a Bed and Breakfast in the SR-3 zoning district		
Status:	Planning Commission Public Hearing: August 6, 2019		

Existing	Proposed
Land Use: Dethatched House	Land Use: Dethatched House and Bed and Breakfast
Zoning: SR-3, Single-Dwelling Residential	Zoning: SR-3, Single-Dwelling Residential, with a Conditional Use Permit
Uses Allowed: Detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: Detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities A Conditional Use Permit for a Bed and Breakfast
Maximum Density Allowed (Residential): 8.7 units per acre	Maximum Density Allowed (Residential): 8.7 units per acre

Proposal:
<p>The applicant is requesting a Conditional Use Permit to allow a bed and breakfast in the SR-3, Single-Dwelling Residential, zoning district located on Lots 2 and 3, Block F, Chas A Roberts Addition. The applicant will continue to live in the residence and will convert 5 bedrooms for the bed and breakfast. There will be five dedicated parking spots for the bed and breakfast customers.</p> <p>As part of this Conditional Use Permit the applicant is also requesting that receptions, private parties or similar activities be permitted. The applicant has stated that he does not anticipate any large functions that would disrupt the neighborhood.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-3, Single-Dwelling Residential, zoned properties with detached houses • East: Across 8th St S properties are zoned MR-2, Multi-Dwelling Residential, MR-3, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential, with detached houses and multi-dwelling structures • South: MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential, with detached houses and multi-dwelling structures • West: MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential, with detached houses and multi-dwelling structures
Area Plans:
<p>The subject property is located within the Hawthorne Neighborhood Plan but this plan does not include a future land use plan.</p>

Schools and Parks:

Schools: The subject property is located within the Fargo School District and is served by Clara Barton Hawthorne Elementary, Ben Franklin Middle and North High schools.

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

Parks: The subject property is within a quarter mile to Island Park

Pedestrian / Bicycle: There is an on road bike facility that is a component of the metro area bikeways system.

Staff Analysis:

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

Conditional 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. Promoting infill development is a key initiative in the Comprehensive Plan. Table 20-0401 of the LDC states that a bed and breakfast is allowed in the SR-3 zoning district with a conditional use permit. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**
- 2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff believes that the location of the proposed conditional use will contribute to and promote the welfare and convenience of the public. The proposed use will allow for additional temporary housing close to the downtown.
(Criteria Satisfied)
- 3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
Staff has no reason to believe the proposed use will cause injury to the value of other property in the vicinity. In accordance with the notification requirements of the City, notice of the proposal was sent to surrounding property owners as well as published in the Forum newspaper. To date, staff has received one inquiry on the project regarding additional information on the application.
(Criteria Satisfied)
- 4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**
Staff does not believe that the location, size, nature or intensity of the use will prevent development and use of neighboring property in accordance with applicable zoning districts. In addition to the proposed CUP conditions, use-specific standards of LDC Section 20-0402(S) apply to a bed and breakfast. Bed and Breakfasts must also be licensed and inspected by the State of North Dakota.

(Criteria Satisfied)

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

The subject 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 to utilize the property as proposed. Based on this information staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

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

The property has access of 8th Street South. The Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(Criteria Satisfied)

Recommended Conditions:

- Allow for receptions, private parties or similar activities on site
- The Conditional Use Permit will cease if the land use changes from a bed and breakfast

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow a bed and breakfast as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- Allow for receptions, private parties or similar activities on site
- The Conditional Use Permit will cease if the land use changes from a bed and breakfast

Planning Commission Recommendation: August 6, 2019

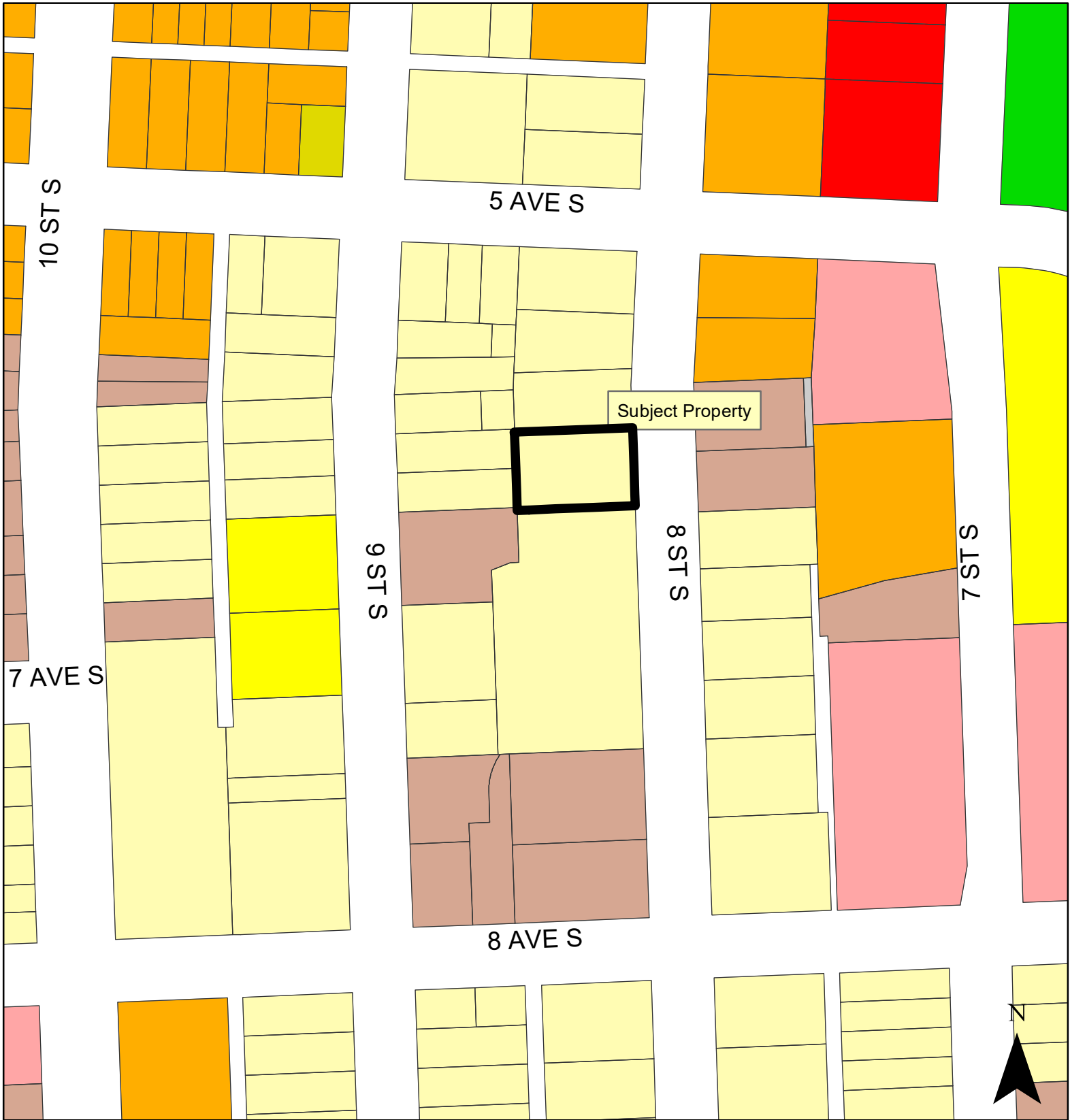
Attachments:

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

Conditional Use Permit

Chas A Roberts Addition

611 8th Street S



Legend

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|-----|------|-----|-------------|
| AG | LC | MHP | SP-2 |
| DMU | LI | NCO | SP-3 |
| GCM | ML | NO | SP-4 |
| GO | MR-1 | PA | SP-5 |
| | MR-2 | UMU | City Limits |
| | MR-3 | | |

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Feet

Conditional Use Permit

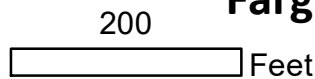
Chas A Roberts Addition

611 8th Street S



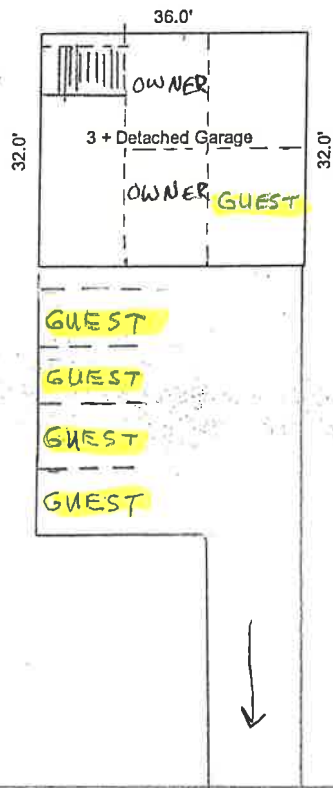
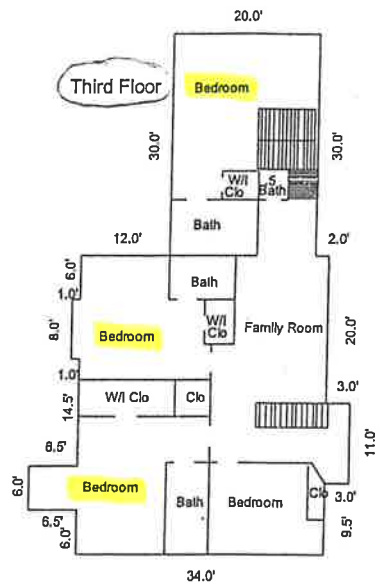
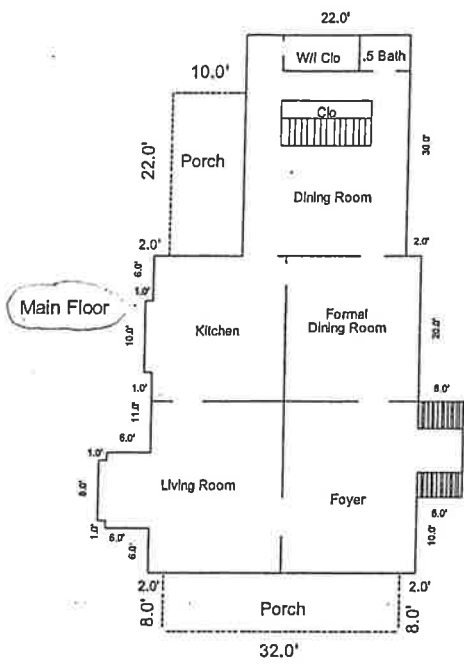
Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NCO	PA	UMI	SRP-2	SRP-3	SRP-4	SRP-5	City Limits
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Fargo Planning Commission

August 6, 2019



8TH STREET SOUTH

City of Fargo Staff Report			
Title:	Scilley's Addition	Date:	8/1/2019
Location:	1604 52 Avenue South	Staff Contact:	Maggie Squyer
Legal Description:	Lot 11, Block 1, Scilley's Addition		
Owner(s)/Applicant:	Ronald Robson	Engineer:	None
Entitlements Requested:	Zoning Change (from SR-2, Single-Family Dwelling, zoning district to NO, Neighborhood Office, zoning district)		
Status:	Planning Commission Public Hearing: August 6, 2019		

Existing	Proposed
Land Use: Religious Institution	Land Use: for sale/potential office space
Zoning: SR-2, Single-Family Dwelling	Zoning: NO, Neighborhood Office
Uses Allowed: SR-2 allows detached houses, limited daycare centers, parks and open areas, religious institutions, safety services, schools, and basic utilities, and limited telecommunications facilities.	Uses Allowed: NO allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, limited daycare centers, parks and open areas, religious institutions, safety services, basic utilities, offices, and limited telecommunications facilities.
Maximum Density Allowed: 5.4 units per acre	Maximum Density Allowed: 5.4 units per acre
Maximum Lot Coverage Allowed: 35%	Maximum Lot Coverage Allowed: 35%

Proposal:
<p>The applicant is requesting a zoning change from the SR-2, Single-Family Dwelling district to the NO, Neighborhood Office district to make the site more attractive to potential buyers. The structure on the property was originally a single-dwelling unit before being renovated to a church. The current property owner, Holy Resurrection Orthodox Mission Church, listed the property for sale in October of 2018.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, Agricultural with Sunset Memorial Garden cemetery • East: GC, General Commercial as a substation owned by Minnkota Power • South: SR-2, Single-Family Dwelling with residential use • West: SR-2, Single-Family Dwelling with residential use
Area Plans:
The site is located in the Bennett Neighborhood plan. This plan does not include a future land use map for the neighborhood.
Neighborhood Context:
Neighborhood: Bennett
Schools: The subject property is located within the boundary of the Fargo School District, specifically Bennett Elementary, Discovery Junior High, and Davies High Schools.
Parks: Greenfields Park and Iwen Park are located within a quarter mile of the subject property, providing amenities of playgrounds, recreational trails, disc golf course, boat ramp, and mountain biking trails.

Pedestrian / Bicycle: A shared use path is located on the north side of 52nd Avenue South, surrounding Sunset Memorial Garden cemetery, and on the south side of 52nd Avenue South, which is a component of the metro area trail system.

Staff Analysis:

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 zoning map error in regard to the subject property. Staff finds the requested zone change is justified by a change in conditions as the existing church looks to sell the property. The zone change is requested to make the property more attractive to prospective buyers. Furthermore, a parcel zoned NO, Neighborhood office would provide a buffer between the GC, General Commercial electrical substation to the east and the SR-2, Single-Family Dwelling units to the west.

(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 current structure is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this property have been identified.

(Criteria Satisfied)

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

Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received four inquiries about the future use of the property and one formal complaint about the potential zoning change. The neighborhood believes a zone change from the SR-2 zoning district would disrupt the neighborhood. A copy of the letter is attached. Staff finds that the approval will not adversely affect the condition or value on 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 the proposal is consistent with the purposes of the LDC and other adopted policies of the City.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from SR-2, Single-Family Dwelling, to NO, Neighborhood Office, located on Lot 11, Block 1, Scilley's Addition, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 6, 2019

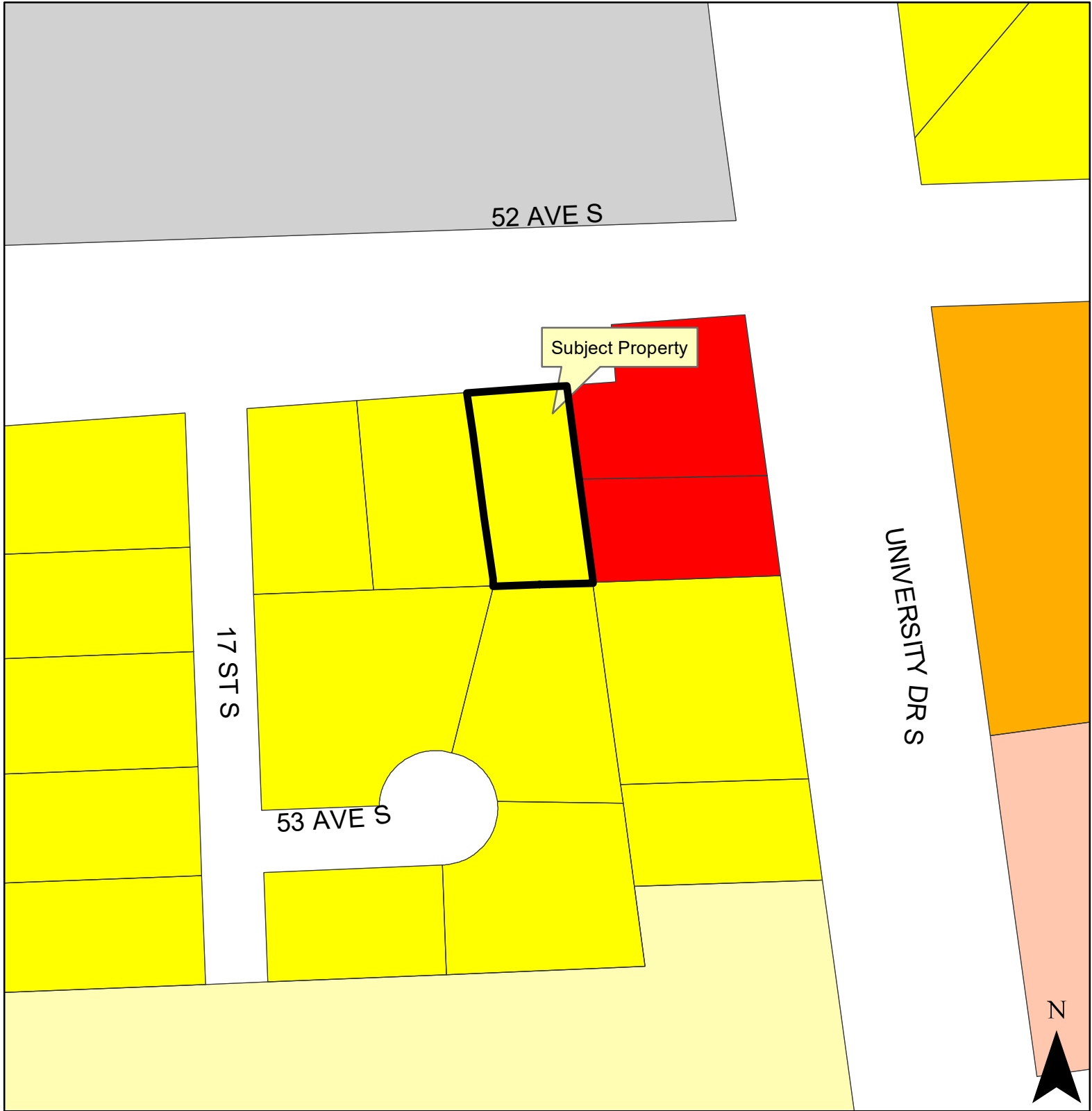
Attachments:

1. Zoning Map
2. Location Map
3. Letter of Opposition

Zone Change (SR-2 to Neighborhood Office)

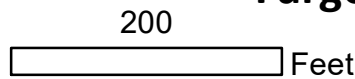
Scilley's Addition

1604 52nd Ave S



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GCC	MR-1	NO	SR-4
GI	MR-2	PI	SR-5
GO	MR-3	UMI	City Limits



Fargo Planning Commission
August 6, 2019

Zone Change (SR-2 to Neighborhood Office)

Scilley's Addition

1604 52nd Ave S



To: Fargo Planning Commission

From: Tom and Tara Morris and Neighborhood

Ref: 1604 52 Ave S, SR-2 to Neighborhood Office Zone Change

We are writing this letter to oppose the zone change at 1604 52 Ave S. We live right next to this property and we think it would affect our neighborhood property values and quality of life. We have spoken to our neighbors and they agree. Currently as an SR-2 zone, it limits the type of business/residences that can be located in this quiet neighborhood. Our neighborhood believes that changing the zoning would disrupt our neighborhood.

Since we have lived in the neighborhood, the property at 1604 has always been a church. There is very little traffic on the frontage road, which was installed to protect the neighborhood from the traffic on 52 Ave S. The tenants of 1604 are not there very often, typically only Wednesday evenings and Sunday mornings. The current church and previous church staff are kind and we have built good relationships with them. The neighborhood sees very little interruption in our quality of life with a church in the neighborhood. Our driveway is connected to the church lot. During Sunday mornings, or other holiday events, the church will put out barriers to block our driveway. This was necessary as when the current church moved in, some patrons would drive across our lawn. This happened several times when children were playing outside. By working with the church, we made it safe for children in the neighborhood.

If an office or other business comes into the neighborhood, we worry about increased vehicle and foot traffic and the problems that come with business properties, like increased crime. We currently have a very quiet and peaceful neighborhood, with a low crime rate. There are only a few homes in the area and very little activity. It feels like you are in the county when you arrive in the neighborhood. This is an older development, heavily wooded, with no current business services. Most of the roads in the neighborhood are not even paved. The people who have purchased property in this area have done so to keep that feel, yet still be located in town.

The only reason the owners of 1604 want to change the zoning is because they are currently selling the property and they are having a hard time finding a buyer with the SR-2 zoning restrictions. The zoning was put in place for a reason, to protect the current neighborhood, its property values and quality of life. We, as a small neighborhood, feel like changing the zoning to help only one property owner sell their property would be an injustice to the rest of the neighborhood.

We agree with community development and understand we are in a growing city. However, we recognize that this change in zoning will only assist the sale of one current residence. It will not allow for any type of structure that would help the city gain in development, like adding a large strip mall, business center, or commercial property that would help increase tax revenue or financial gain for the city, again it will only help one owner sell their residence.

Based on the above reasons, we recommend the Planning Commission deny the zone change at 1604 52 Ave S.

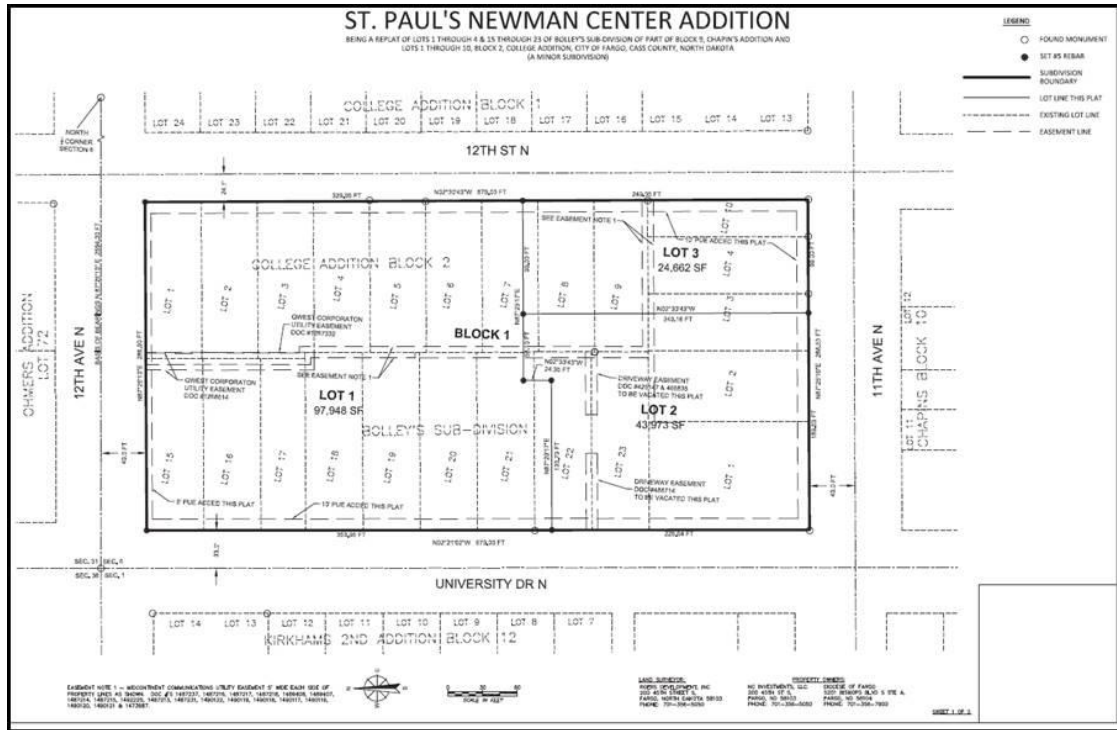
City of Fargo Staff Report			
Title:	St. Paul's Newman Center Addition	Date:	7/31/2019
Location:	1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Block 9, Bolley's Addition, City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Diocese of Fargo; NC Investments, LLC / Roers Development—Larry Nygard	Engineer:	Roers
Entitlements Requested:	Minor Plat (replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Block 9, Bolley's Addition, City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: August 6, 2018		

Existing	Proposed
Land Use: Recent religious institution, single-dwelling residential; and multi-dwelling residential are being demolished or relocated	Land Use: Religious institution; multi-dwelling residential
Zoning: MR-3, Multi-Dwelling Residential with PUD, Planned Unit Development overlay	Zoning: No change
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. Plus additional uses noted in PUD	Uses Allowed: No change
Maximum Density Allowed: PUD allows 32 dwelling units per acre across the project.	Maximum Density Allowed: No change

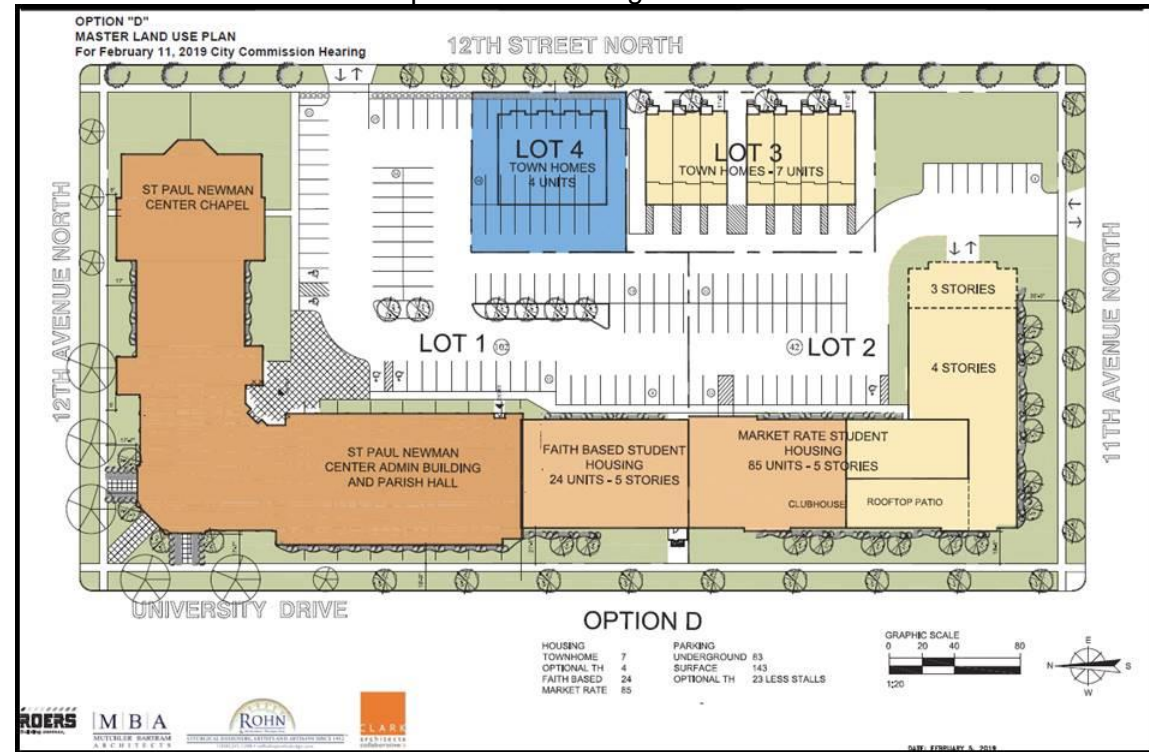
Proposal:

PROJECT HISTORY NOTE: The action being taken on this plat is required by the decision of the City Commission on February 11, 2019, which approved what was known as the "Option D" configuration of the St. Paul's Newman Center project. The "Option D" configuration divides the original one lot for townhomes into two lots and moves these two lots to the north from the original location of the one lot for townhomes. As the plat originally recommended for approval by the Planning Commission on December 4, 2018 showed three lots, and the current plat shows four lots, the plat has to go back through the Planning Commission and City Commission review process. The earlier version of the plat was not recorded. Action is only being taken on the plat. A comparison of these plats is shown below.

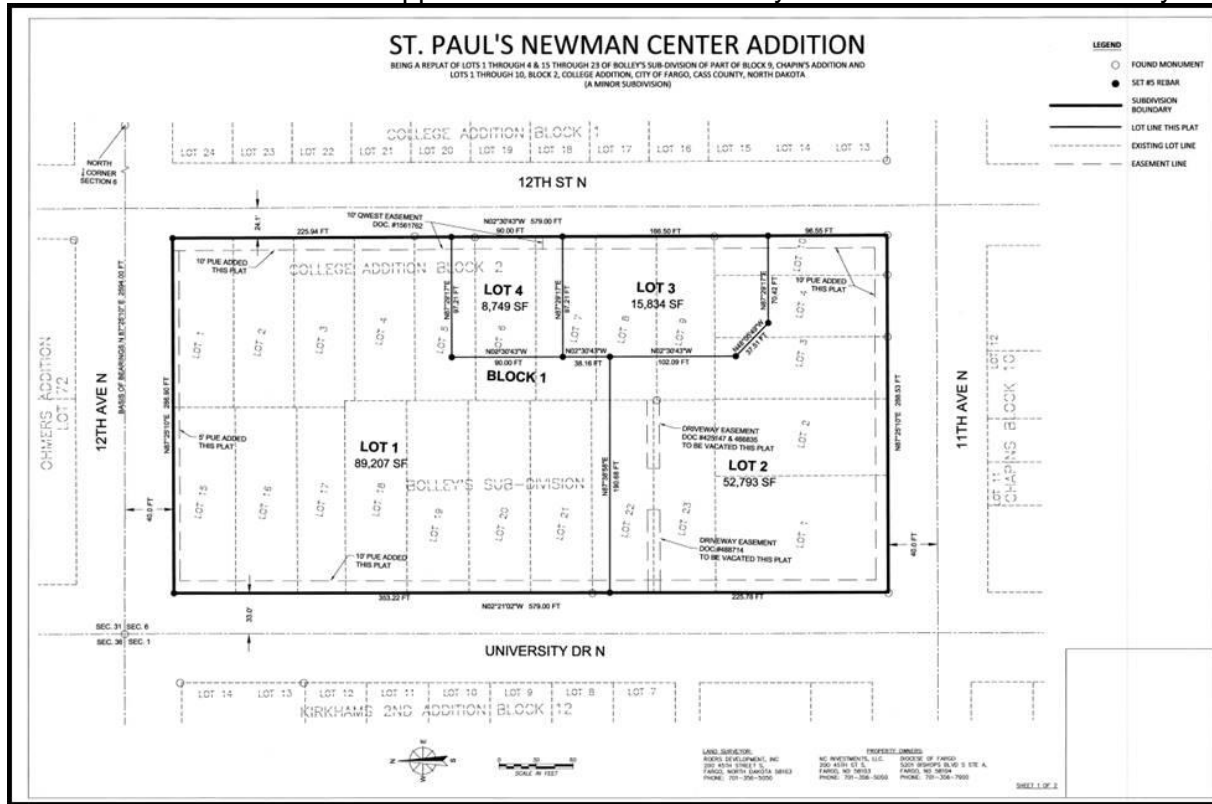
The plat recommended for approval by the Planning Commission on December 4, 2018 looked like this. Note the three lots:



At the February 11, 2019 City Commission hearing, the applicant agreed to submit a revised plat that has lots laid out like this. Note this plan is now configured with four lots:



The revised plat submitted May 31, 2019 follows the plan of Option D shown above, except the southwest corner of Lot 3 is clipped off to allow the driveway from 11th Street to be entirely on Lot 2.



The applicant requests approval of one entitlement:

1. A plat of the **St. Paul Newman Center Addition**, a replat of Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Block 9, Bolley's Addition, City of Fargo, Cass County, North Dakota., to create four lots as shown in the table below.

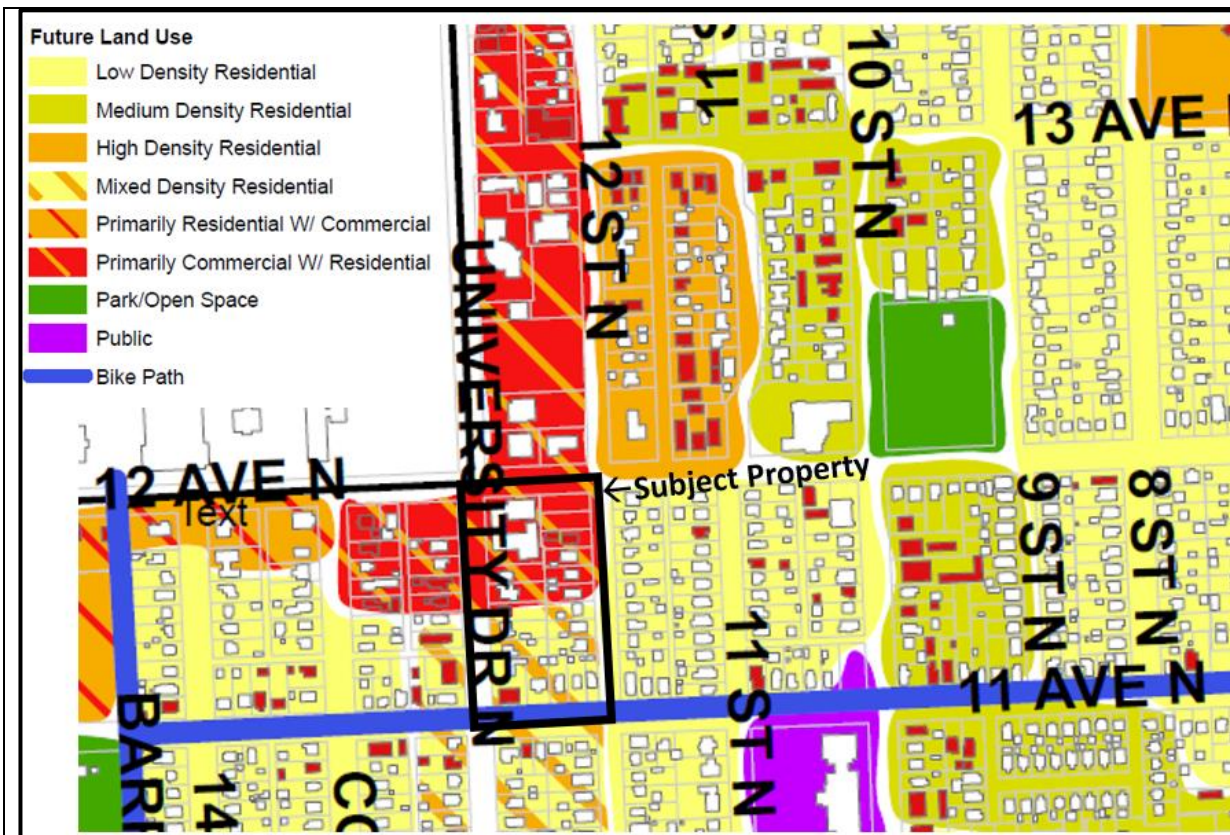
BLOCK	LOT	AREA (square feet/acres)	ZONING	USE
1	1	89,207 / 2.04	MR-3 with PUD	Religious institution
1	2	52,793 / 1.2	MR-3 with PUD	Multi-dwelling residential,
1	3	15,834 / 0.36	MR-3 with PUD	Townhomes
1	4	8,749 / 0.2	MR-3 with PUD	Townhomes

Surrounding Land Uses and Zoning Districts:

- North: LC with convenience store use; P/I with NDSU office use
- East: SR-3 with single-dwelling residential use
- South: SR-3 with single-dwelling residential use
- West: LC with NDSU parking lot use; MR-3 with multi-dwelling use

Area Plans:

This subject property is outlined in black in the graphic below, within the Roosevelt/NDSU Neighborhood Future Land Use Plan. This plan designates the subject property as "Primarily Commercial with Residential" on the north end of the block and "Mixed Density Residential" on the remainder of the block.



Schools and Parks:

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

Parks: Roosevelt Park (1220 10th Street North) is located less than 1,000 feet northeast of the subject property and offers a multipurpose field, outdoor ice skating rinks, warming houses, and playground for ages 2-5. Johnson Soccer Complex (1420 11th Avenue North) is located approximately 1,000 feet west of the subject property and offers a multipurpose field, picnic tables, playgrounds for ages 2-5 and 5-12, restrooms, shelter, and soccer facilities.

Neighborhood: The subject property is located within the Roosevelt neighborhood.

Pedestrian / Bicycle: There is an on-road bike facility located along University Drive North and 11th Avenue North. These bike facilities are components of the metro area bikeways system.

Staff Analysis:

PLAT

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

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

The subject property is located within the Roosevelt neighborhood. The future land use plan for the Roosevelt neighborhood designates the subject property as “Primarily Commercial with Residential” on the north end of the block and “Mixed Density Residential” on the remainder of the block. The subject property is zoned MR-3 with a PUD, Planning Unit Development overlay for the entire block. The PUD modifies certain development standards of the MR-3 zone, landscaping, parking, and Residential Protection Standards as indicated above in order to accommodate the proposed development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no comments. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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 **St. Paul’s Newman Center Addition** subdivision plat, as presented, as the proposal complies with the Go2030 Plan, the Roosevelt/NDSU Neighborhood Future Land Use Plan, Standards of Article 20-06, and all other applicable requirements of the LDC.”

Planning Commission Recommendation: August 6, 2019

Attachments:

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

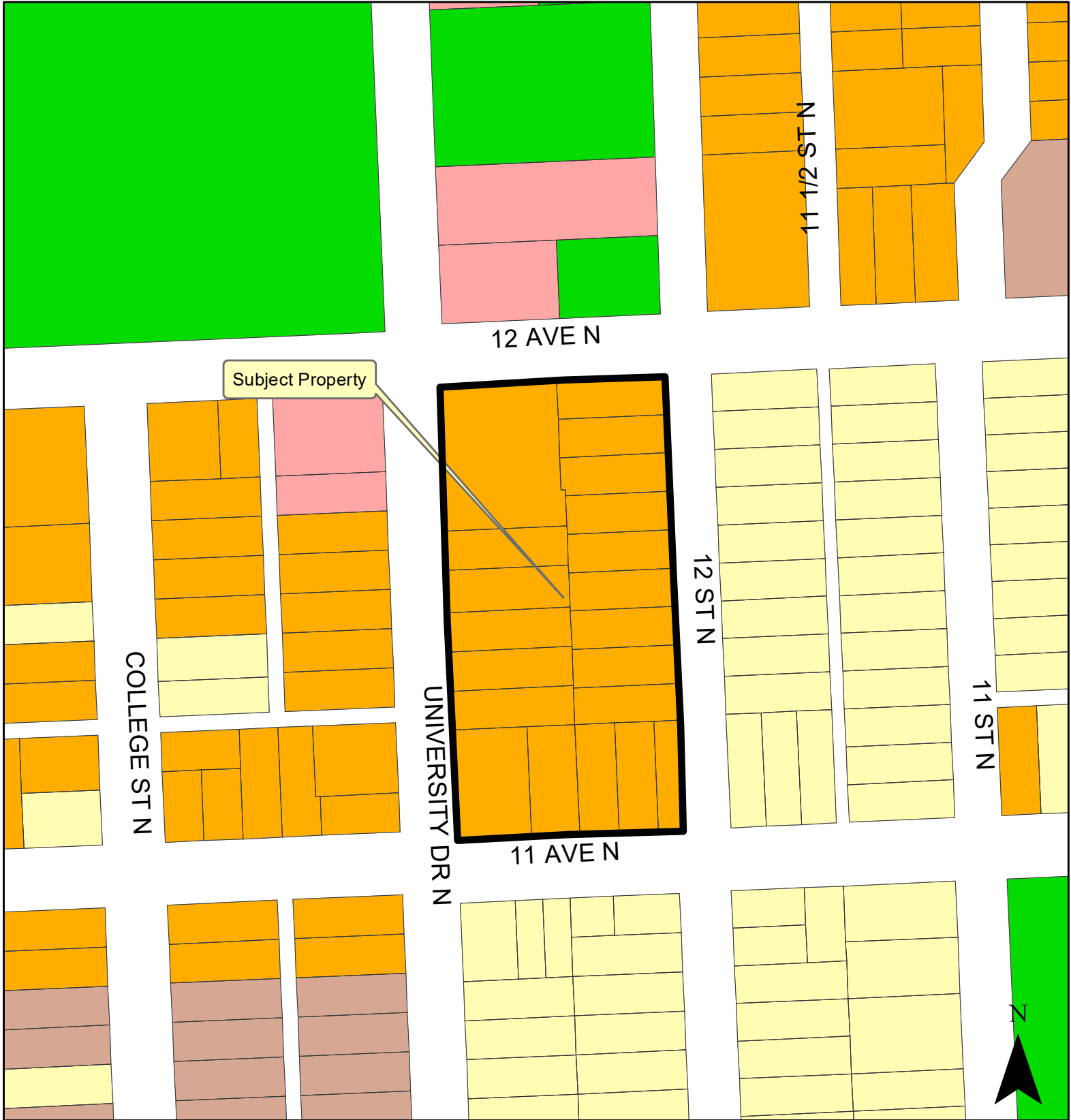
Plat (Minor)

1113, 1117, 1119, 1129, 1131 & 1141 University Drive N

1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142 & 1146 12th Street N

1201, 1211, 1213, 1215 & 1223 11th Avenue N

St. Paul Newman Center Addition

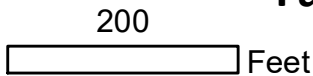


Subject Property



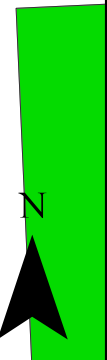
Legend

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



Fargo Planning Commission

August 6, 2019



Plat (Minor)

1113, 1117, 1119, 1129, 1131 & 1141 University Drive N

1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142 & 1146 12th Street N

1201, 1211, 1213, 1215 & 1223 11th Avenue N

St. Paul Newman Center Addition



Subject Property

ST. PAUL'S NEWMAN CENTER ADDITION

BEING A REPLAT OF LOTS 1 THROUGH 4 & 15 THROUGH 23 OF BOLLEY'S SUB-DIVISION OF PART OF BLOCK 9, CHAPIN'S ADDITION AND LOTS 1 THROUGH 10, BLOCK 2, COLLEGE ADDITION, CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)

OWNER'S DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE DIOCESE OF FARGO, A NORTH DAKOTA NONPROFIT CORPORATION AND NC INVESTMENTS LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY AS OWNERS OF TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 139 NORTH, RANGE 48 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 4 & 15 THROUGH 23, BOLLEY'S SUBDIVISION OF PART OF BLOCK 9, CHAPIN'S ADDITION AND LOTS 1 THROUGH 10, BLOCK 2, COLLEGE ADDITION, CITY OF FARGO, CASS COUNTY NORTH DAKOTA. SAID TRACT OF LAND CONTAINS 3.824 ACRES, MORE OR LESS AND IS SUBJECT TO EASEMENTS AS MAY BE OF RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED AND PLATTED AS "ST. PAUL'S NEWMAN CENTER ADDITION" TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, AND DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, ALL UTILITY EASEMENTS AS SHOWN ON THIS PLAT.

DIOCESE OF FARGO

BY: John T. Folda
MOST REV. JOHN T. FOLDA, PRESIDENT OF THE DIOCESE OF FARGO

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS 17th DAY OF May, 2019, BEFORE ME PERSONALLY APPEARED MOST REV. JOHN T. FOLDA, PRESIDENT OF THE DIOCESE OF FARGO, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Scott A. Heselton
NOTARY PUBLIC

SCOTT A. HESELTON
Notary Public
State of North Dakota
My Commission Expires Dec. 12, 2019

NC INVESTMENTS LLC

BY: James P. Roers
JAMES P. ROERS, PRESIDENT OF NC INVESTMENTS LLC

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS 18th DAY OF May, 2019, BEFORE ME PERSONALLY APPEARED JAMES P. ROERS, PRESIDENT OF NC INVESTMENTS LLC, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Leslie A. Wegner
NOTARY PUBLIC

LESLIE A. WEGNER
Notary Public
State of North Dakota
My Commission Expires July 15, 2020

CONSENT OF MORTGAGEE

DATED THIS 23rd DAY OF May, 2019.

AMERICAN FEDERAL BANK
Mark Dubord
BY: MARK DUBORD, VICE PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS 23rd DAY OF May, 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED MARK DUBORD, VICE PRESIDENT OF AMERICAN FEDERAL BANK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

Leslie A. Wegner
NOTARY PUBLIC

LESLIE A. WEGNER
Notary Public
State of North Dakota
My Commission Expires July 15, 2020

CONSENT OF MORTGAGEE

DATED THIS 25 DAY OF May, 2019.

CORNERSTONE BANK
Jim Hambrick
BY: JIM HAMBRICK, SENIOR VICE PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS 23rd DAY OF May, 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED JIM HAMBRICK, SENIOR VICE PRESIDENT OF CORNERSTONE BANK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

Leslie A. Wegner
NOTARY PUBLIC

LESLIE A. WEGNER
Notary Public
State of North Dakota
My Commission Expires July 15, 2020

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, DOUGLAS W. KUMMER, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED "ST. PAUL'S NEWMAN CENTER ADDITION" TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN.

DATED THIS 16th DAY OF May, 2019.

Douglas W. Kummer
DOUGLAS W. KUMMER, PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA LICENSE NO. 1225

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS 16th DAY OF May, 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED DOUGLAS W. KUMMER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

Leslie A. Wegner
NOTARY PUBLIC

LESLIE A. WEGNER
Notary Public
State of North Dakota
My Commission Expires July 15, 2020

CITY OF FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION ON THIS 4th DAY OF December, 2018.

Shara Fischer
SHARA FISCHER, PLANNING COMMISSION CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS 31st DAY OF May, 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED SHARA FISCHER, PLANNING COMMISSION CHAIR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

Miranda Wolf
NOTARY PUBLIC

MIRANDA WOLF
Notary Public
State of North Dakota
My Commission Expires May 18, 2023

CONSENT OF MORTGAGEE

DATED THIS 28 DAY OF May, 2019.

WESTERN STATE BANK
Brad Jacobson
BY: BRAD JACOBSON, PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS 28 DAY OF May, 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED BRAD JACOBSON, PRESIDENT OF WESTERN STATE BANK, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

Leslie A. Wegner
NOTARY PUBLIC

LESLIE A. WEGNER
Notary Public
State of North Dakota
My Commission Expires July 15, 2020

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS 11th DAY OF February, 2019.

Timothy J. Mahoney
TIMOTHY J. MAHONEY, MAYOR

Steven Sprague
STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS _____ DAY OF _____, 2019 BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR, AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME IN THE NAME OF THE FARGO CITY COMMISSION

NOTARY PUBLIC

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

APPROVED BY CITY ENGINEER THIS _____ DAY OF _____, 2019.

Brenda E. Derrig
BRENDA E. DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS) ss

ON THIS _____ DAY OF _____, 2019, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY, PERSONALLY APPEARED BRENDA E. DERRIG, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC









PROPERTY OWNERS:
NC INVESTMENTS, LLC. DIocese OF FARGO
200 45TH ST S, 5201 BISHOPS BLVD S STE A,
FARGO, ND 58103 FARGO, ND 58104
PHONE: 701-356-5050 PHONE: 701-356-7900

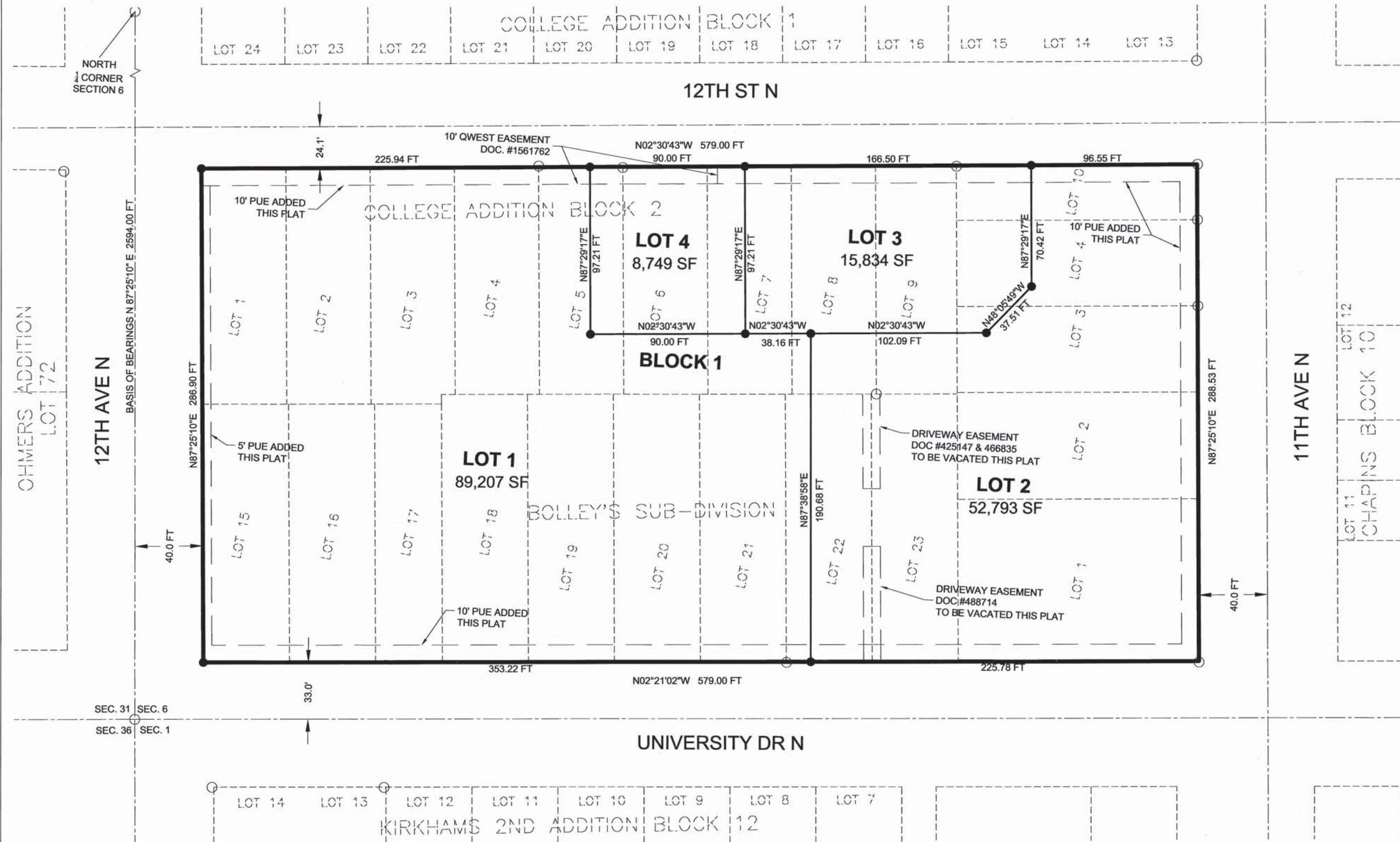
LAND SURVEYOR:
ROERS DEVELOPMENT, INC
200 45TH STREET S,
FARGO, NORTH DAKOTA 58103
PHONE: 701-356-5050

ST. PAUL'S NEWMAN CENTER ADDITION

BEING A REPLAT OF LOTS 1 THROUGH 4 & 15 THROUGH 23 OF BOLLEY'S SUB-DIVISION OF PART OF BLOCK 9, CHAPIN'S ADDITION AND LOTS 1 THROUGH 10, BLOCK 2, COLLEGE ADDITION, CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)

LEGEND

-  FOUND MONUMENT
-  SET #5 REBAR
-  SUBDIVISION BOUNDARY
-  LOT LINE THIS PLAT
-  EXISTING LOT LINE
-  EASEMENT LINE



LAND SURVEYOR:
 ROERS DEVELOPMENT, INC
 200 45TH STREET S,
 FARGO, NORTH DAKOTA 58103
 PHONE: 701-356-5050

PROPERTY OWNERS:
 NC INVESTMENTS, LLC.
 200 45TH ST S,
 FARGO, ND 58103
 PHONE: 701-356-5050
 DIOCESE OF FARGO
 5201 BISHOPS BLVD S STE. A,
 FARGO, ND 58104
 PHONE: 701-356-7900

City of Fargo Staff Report			
Title:	St. Paul's Newman Center Addition	Date:	7/31/2019
Location:	1113, 1117, 1119, 1129, 1131, 1141 North University Drive; 1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142, 1146 12th Street North; 1201, 1211, 1213, 1215, 1223 11th Avenue North	Staff Contact:	Donald Kress, planning coordinator
Legal Description	Lots 1-10, Block 2, College Addition and Lots 1-4 and 15-23, Block 9, Bolley's Addition, City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Diocese of Fargo; NC Investments, LLC / Roers Development—Larry Nygard	Engineer:	Roers
Reason for Request:	Planned Unit Development Final Plan		
Status:	Planning Commission Review: August 6, 2019		

	Proposed
Land Use: Recent religious institution, single-welling residential; and multi-dwelling residential are being demolished or relocated	Land Use: Religious institution; multi-dwelling residential
Zoning: MR-3, Multi-Dwelling Residential with PUD, Planned Unit Development overlay	Zoning: No change
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. Plus additional uses noted in PUD	Uses Allowed: No change
Maximum Density Allowed: PUD allows 32 dwelling units per acre across the project.	Maximum Density Allowed: No change

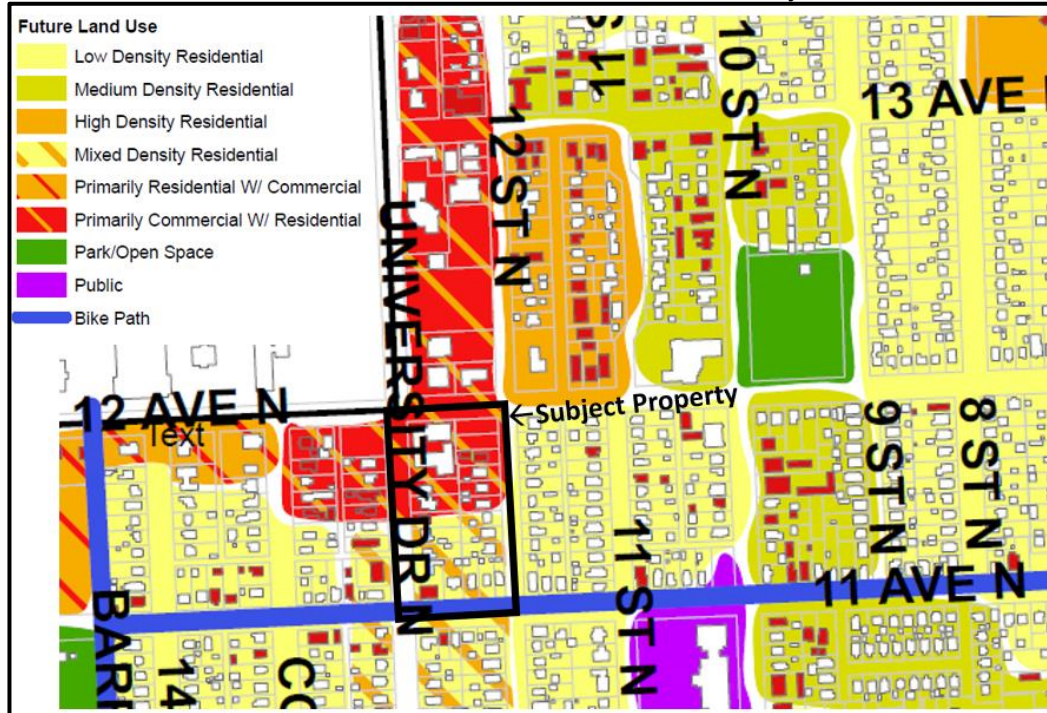
Proposal:
<p>The petitioner is seeking approval of a PUD Final Plan as outlined in Section 20-0908.D of the Land Development Code. Approval of a PUD Final Plan is the third and final step in the PUD process.</p> <p><u>Background:</u> On February 11, 2019, a zoning map amendment from MR-3, Multi-Dwelling Residential; SR-3, Single Dwelling Residential; and LC, Limited Commercial to MR-3 with a PUD (Planned Unit Development) overlay zoning district was approved by the City Commission for the subject property, along with a PUD Master Land Use Plan. The PUD zoning overlay and PUD Master Land Use Plan are the first two steps in the three-step PUD approval process and the PUD Final Plan is the last step. 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 (copies of each plan attached).</p>

Surrounding Land Uses and Zoning Districts:

- North: LC with convenience store use; P/I with NDSU office use
- East: SR-3 with single-dwelling residential use
- South: SR-3 with single-dwelling residential use
- West: LC with NDSU parking lot use; MR-3 with multi-dwelling use

Area Plans:

This subject property is outlined in black in the graphic below, within the Roosevelt/NDSU Neighborhood Future Land Use Plan. This plan designates the subject property as “Primarily Commercial with Residential” on the north end of the block and “Mixed Density Residential” on the remainder of the block.



Schools and Parks:

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

Parks: Roosevelt Park (1220 10th Street North) is located less than 1,000 feet northeast of the subject property and offers a multipurpose field, outdoor ice skating rinks, warming houses, and playground for ages 2-5. Johnson Soccer Complex (1420 11th Avenue North) is located approximately 1,000 feet west of the subject property and offers a multipurpose field, picnic tables, playgrounds for ages 2-5 and 5-12, restrooms, shelter, and soccer facilities.

Neighborhood: The subject property is located within the Roosevelt neighborhood.

Pedestrian / Bicycle: There is an on-road bike facility located along University Drive North and 11th Avenue North. These bike facilities are components of the metro area bikeways system.

(continued on next page)

Staff Analysis:

The applicant has submitted a building permit application to the City, in order to start construction on this project. Staff from the Planning, Engineering, Fire, and Building Inspections Departments are currently

reviewing the application to ensure that their development plans meet all applicable City ordinances and standards. Planning staff has reviewed enough information to confirm that the construction documents are consistent with the PUD Master Land Use Plan and meet all applicable standards, requirements, and conditions of the PUD Ordinance. Please note that Planning Commission approval of this PUD Final Plan is not an approval of the building permit.

PUD Final Plan Section 20-0908.D: 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 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 has been 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 has been no change in the mix of housing types or in the amount of land devoted to nonresidential uses. **(Criteria Satisfied)**
- 3. A reduction in the amount of open space;**
Open space has remained unchanged. **(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;**
Access to this PUD was reviewed during the PUD Master Plan process and has not changed. **(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 represent an increase in development intensity;**
Staff suggests that there has been no increase in development intensity. **(Criteria Satisfied)**
- 7. A substantial change in the layout of buildings.**
There has been no substantial change in the layout of the buildings. **(Criteria Satisfied)**

Staff Recommendation:

"To accept the findings and recommendations of staff and hereby approve the Planned Unit Development Final Plan, as the proposal complies with the PUD Master Land Use Plan, Section 20-0908.D of the LDC, and all other requirements of the LDC"

Planning Commission Decision: August 6, 2019

Attachments:

1. Zoning Map
2. Location Map
3. PUD Master Land Use Plan
4. PUD Final Plan

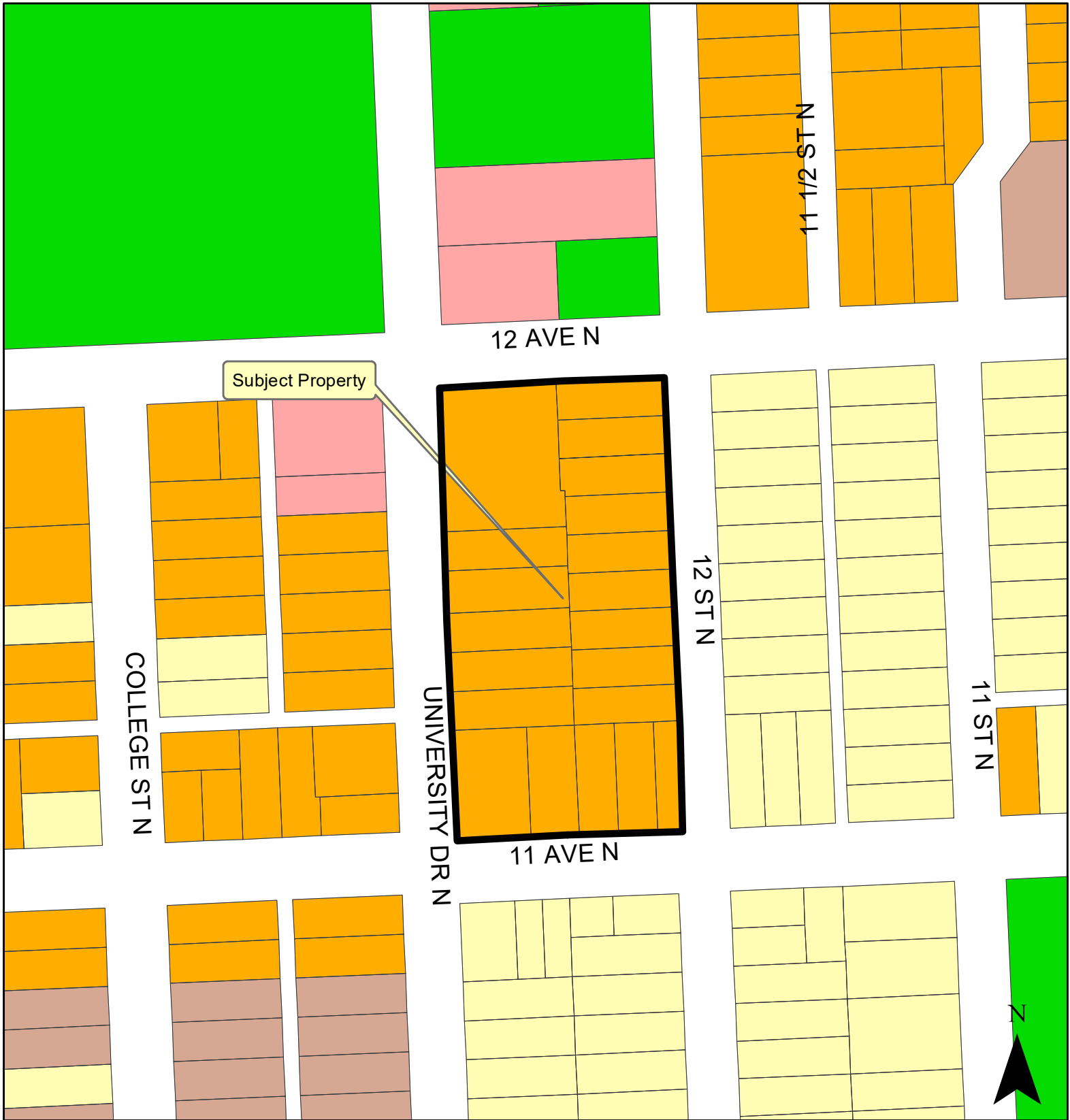
PUD Final Plan

1113, 1117, 1119, 1129, 1131 & 1141 University Drive N

1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142 & 1146 12th Street N

1201, 1211, 1213, 1215 & 1223 11th Avenue N

St. Paul Newman Center Addition

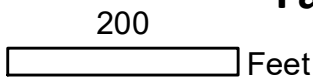


Subject Property



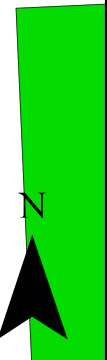
Legend

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



Fargo Planning Commission

August 6, 2019



PUD Final Plan

1113, 1117, 1119, 1129, 1131 & 1141 University Drive N

1112, 1118, 1122, 1126, 1130, 1134, 1138, 1142 & 1146 12th Street N

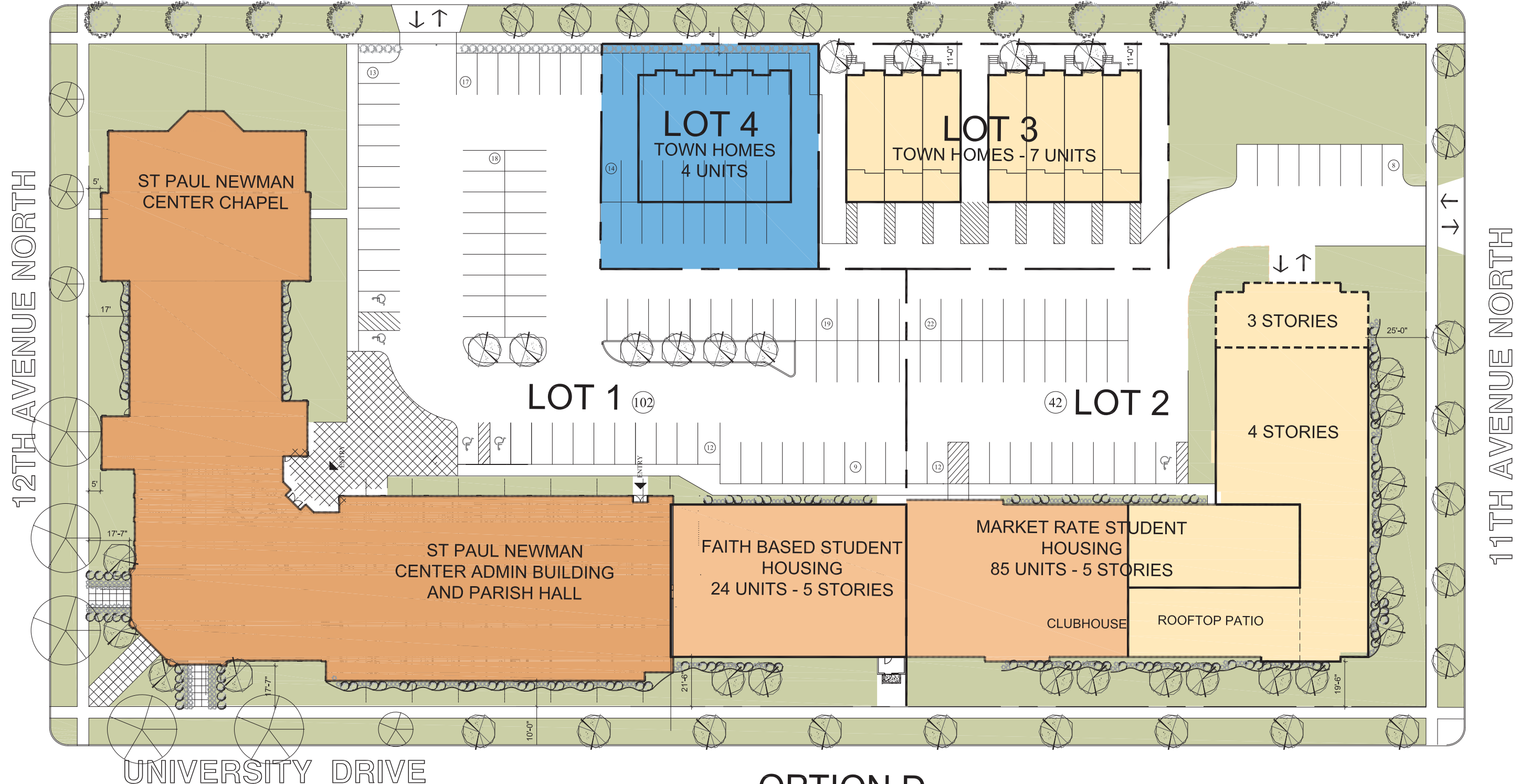
1201, 1211, 1213, 1215 & 1223 11th Avenue N

St. Paul Newman Center Addition



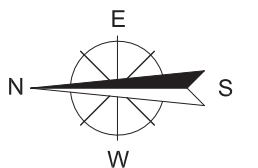
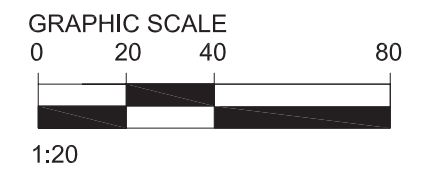
OPTION "D"
MASTER LAND USE PLAN
 For February 11, 2019 City Commission Hearing

12TH STREET NORTH



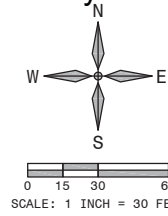
OPTION D

HOUSING		PARKING	
TOWNHOME	7	UNDERGROUND	83
OPTIONAL TH	4	SURFACE	143
FAITH BASED	24	OPTIONAL TH	23 LESS STALLS
MARKET RATE	85		



St. Paul's Newman Center
 PUD Final Plan
 8 July 2019

MBN
 ENGINEERING
 MECHANICAL • ELECTRICAL • CIVIL
 503 7TH ST. N., SUITE 200
 FARGO, ND 58102
 PHONE: 701.478.6336
 FAX: 701.478.6340



SYMBOL LEGEND:

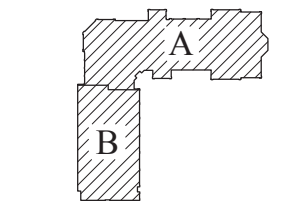
	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING PROPERTY PIN
	EXISTING STORM INLET
	EXISTING STORM MANHOLE
	EXISTING SANITARY MANHOLE
	EXISTING FIRE HYDRANT
	EXISTING GATE VALVE
	EXISTING WATER SHUT OFF
	EXISTING LIGHT POLE
	EXISTING UTILITY POLE W/ ANCHOR CABLE
	EXISTING TELEPHONE MANHOLE
	EXISTING TELEVISION PEDESTAL
	EXISTING ELECTRIC MANHOLE
	EXISTING ELECTRIC PEDESTAL
	EXISTING TREE
	NEW GATE VALVE
	NEW CLEANOUT
	NEW PVC STORM INLET
	NEW STORM INLET
	NEW STORM MANHOLE
	NEW ACCESSIBLE SIGN
	NEW 4" REINFORCED CONCRETE SIDEWALK
	NEW 4" REINFORCED CONCRETE THICKENED-EDGE SIDEWALK
	NEW 6" REINFORCED CONCRETE PAVEMENT
	MATCH EXISTING ASPHALT PAVEMENT
	NEW TYPE 1 STANDARD CONCRETE CURB & GUTTER
	NEW TYPE 2 STANDARD CONCRETE CURB & GUTTER
	NEW LIGHT POLE

PLAN NOTES:

- ALL WORK SHALL COMPLY WITH THE MOST RECENT CITY OF FARGO STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC UTILITIES.
- CONTRACTOR SHALL NOTIFY UTILITY COMPANIES FOR UNDERGROUND LOCATIONS 48 HOURS PRIOR TO BEGINNING CONSTRUCTION. NORTH DAKOTA ONE CALL PHONE NUMBER: 1-800-795-0555
- CONTRACTOR SHALL PROTECT ALL PROPERTY PINS. PROPERTY PINS DESTROYED OR DISTURBED SHALL BE REPLACED AT CONTRACTORS EXPENSE.
- IF THE LAND BOUNDARY DENOTED ON THE PLANS ENCOMPASSES MORE THAN ONE (1) ACRE OR IS LESS THAN ONE (1) ACRE, BUT IS PART OF A LARGER DEVELOPMENT PLAN, A NOTICE OF INTENT TO OBTAIN A STORM WATER POLLUTION PERMIT SHALL BE ACQUIRED BY THE CONTRACTOR AND OWNER FROM THE NORTH DAKOTA STATE HEALTH DEPARTMENT SEVEN (7) DAYS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL MAINTAIN TEMPORARY EROSION CONTROL UNTIL PERMANENT EROSION CONTROL IS ESTABLISHED.
- CONTRACTOR SHALL ACQUIRE AN EROSION SEDIMENT CONTROL (ESC) PERMIT FROM THE CITY OF FARGO PRIOR TO START OF CONSTRUCTION.
- CONTRACTOR SHALL COORDINATE TAPPING OF THE EXISTING WATERMAIN WITH THE CITY OF FARGO MAINS AND HYDRANTS DEPARTMENT. CALL (701)241-1453
- ALL GRASSED AREAS DISTURBED BY CONSTRUCTION SHALL BE TOPSOILED (6" DEPTH), GRADED, SEED, AND HYDRO-MULCHED.

BENCHMARKS:

- BM#1: THE SOUTHEAST FLANGE BOLT OF THE FIRE HYDRANT. ELEV: 902.66
- BM#2: THE SOUTHEAST FLANGE BOLT OF THE FIRE HYDRANT. ELEV: 903.00
- BM#3: THE SOUTHEAST FLANGE BOLT OF THE FIRE HYDRANT. ELEV: 903.09
- BM#4: THE SOUTHEAST FLANGE BOLT OF THE FIRE HYDRANT. ELEV: 903.43
- BM#5: THE SOUTHEAST FLANGE BOLT OF THE FIRE HYDRANT. ELEV: 903.35
- BM#6: THE SOUTHEAST FLANGE BOLT OF THE FIRE HYDRANT. ELEV: 902.68



KEY PLAN



**ST. PAUL'S
 NEWMAN CENTER**
 1141 N. UNIVERSITY DR.
 BID GROUP II BUILDING SHELL,
 MECHANICAL & ELECTRICAL

Fargo, North Dakota



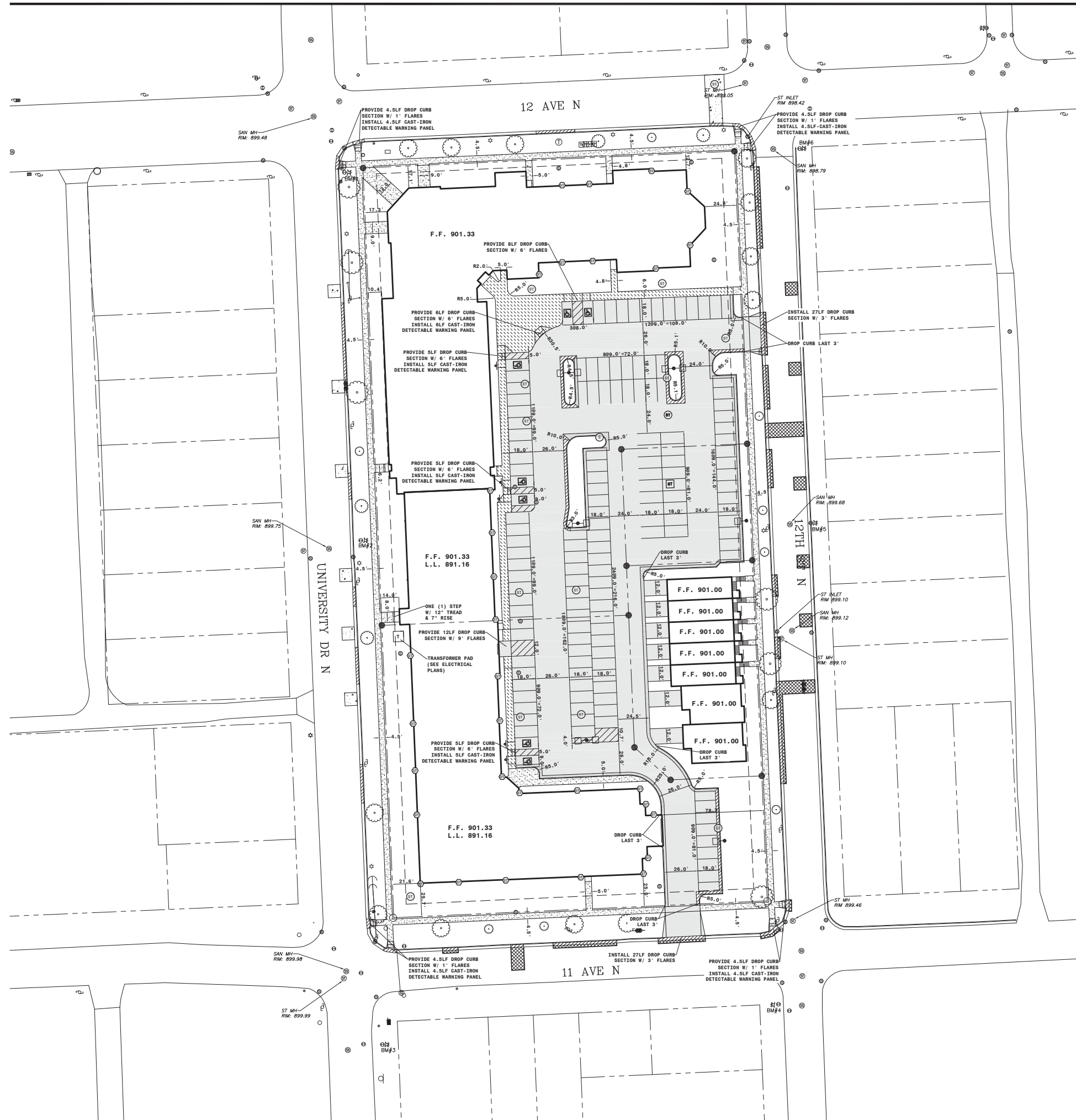
M|B|A

MUTCHLER BARTRAM ARCHITECTS, P.C.
 505 N. Broadway, Suite 201, Fargo, North Dakota, 58102
 Phone: 701-235-5563 | info@mbape.com | Fax: 701-235-5435

PAVING PLAN

Project Number: 18009
 Date: 6-28-19

C5.0



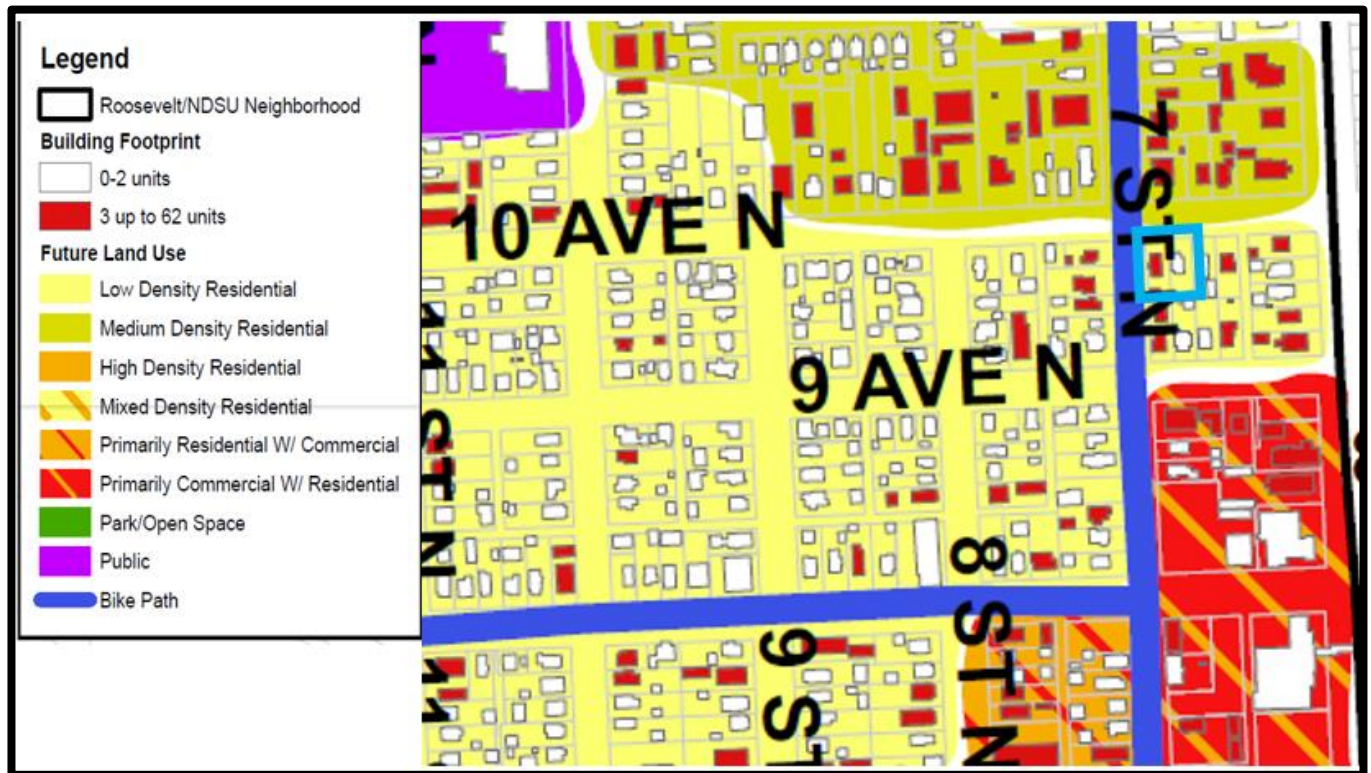
City of Fargo Staff Report			
Title:	Diamond Willow Addition	Date:	7/31/2019
Location:	624, 628, and 632 10 th Avenue North and 911, 915, and 919 7 th Street North (formerly 622 and 624 10 th Avenue North)	Staff Contact:	Donald Kress, planning coordinator
Legal Description	Lots 1 through 6, Block 1, Diamond Willow Addition		
Owner(s)/Applicant:	Vanderson Properties / Nathan Anderson	Engineer:	None
Reason for Request:	Planned Unit Development Final Plan		
Status:	Planning Commission Review: August 6, 2019		

Existing	Proposed
Land Use: Recent single-dwelling residences have been demolished; site is currently vacant	Land Use: Single-dwelling attached residences
Zoning: MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay	Zoning: Unchanged
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities with modifications as provided in the PUD	Uses Allowed: Unchanged
Maximum Density Allowed: 24 dwelling units per acre	Maximum Density Allowed: Unchanged

Proposal:
<p>The petitioner is seeking approval of a PUD Final Plan as outlined in Section 20-0908.D of the Land Development Code. Approval of a PUD Final Plan is the third and final step in the PUD process.</p> <p><u>Background:</u> On March 26, 2018, a zoning map amendment from MR-3, Multi-Dwelling Residential to MR-3 with a PUD (Planned Unit Development) overlay zoning district was approved by the City Commission for the subject property, along with a PUD Master Land Use Plan. The PUD zoning overlay and PUD Master Land Use Plan are the first two steps in the three-step PUD approval process and the PUD Final Plan is the last step. 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 (copies of each plan attached).</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: Across 10th Avenue North, MR-3 with multi-dwelling use • East: MR-3 with multi-dwelling use • South: MR-3 with multi-dwelling use • West: MR-3 with multi-dwelling use

Area Plans:

This subject properties are outlined in blue in the graphic below, within the Roosevelt Neighborhood Future Land Use Plan. This plan designates the subject property as “Low Density Residential” land use. That plan does not provide a density number for this land use category.



Schools and Parks:

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

Parks: Mickelson Park & Softball Fields (901 Oak Street N) is located approximately a 0.50 miles east of the subject property and provides baseball/softball, concessions, playground, recreational trails, restroom, and sledding hill amenities.

Neighborhood: The subject property is within the Roosevelt Neighborhood.

Pedestrian / Bicycle: There is an on-road bike facility located along 7th Street North. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

The applicant has submitted a building permit application to the City, in order to start construction on this project. Staff from the Planning, Engineering, Fire, and Building Inspections Departments are currently reviewing the application to ensure that their development plans meet all applicable City ordinances and standards. Planning staff has reviewed enough information to confirm that the construction documents are consistent with the PUD Master Land Use Plan and meet all applicable standards, requirements, and conditions of the PUD Ordinance. Please note that Planning Commission approval of this PUD Final Plan is not an approval of the building permit.

PUD Final Plan Section 20-0908.D: 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 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 has been 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 has been 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;**
Open space has remained unchanged. **(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;**
Access to this PUD was reviewed during the PUD Master Plan process and has not changed. **(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 represent an increase in development intensity;**
Staff suggests that there has been no increase in development intensity. **(Criteria Satisfied)**
- 7. A substantial change in the layout of buildings.**
There has been no substantial change in the layout of the buildings. **(Criteria Satisfied)**

Staff Recommendation:

“To accept the findings and recommendations of staff and hereby approve the Planned Unit Development Final Plan for the Diamond Willow Addition, as the proposal complies with the PUD Master Land Use Plan, Section 20-0908.D of the LDC, and all other requirements of the LDC”

Planning Commission Decision: August 6, 2019

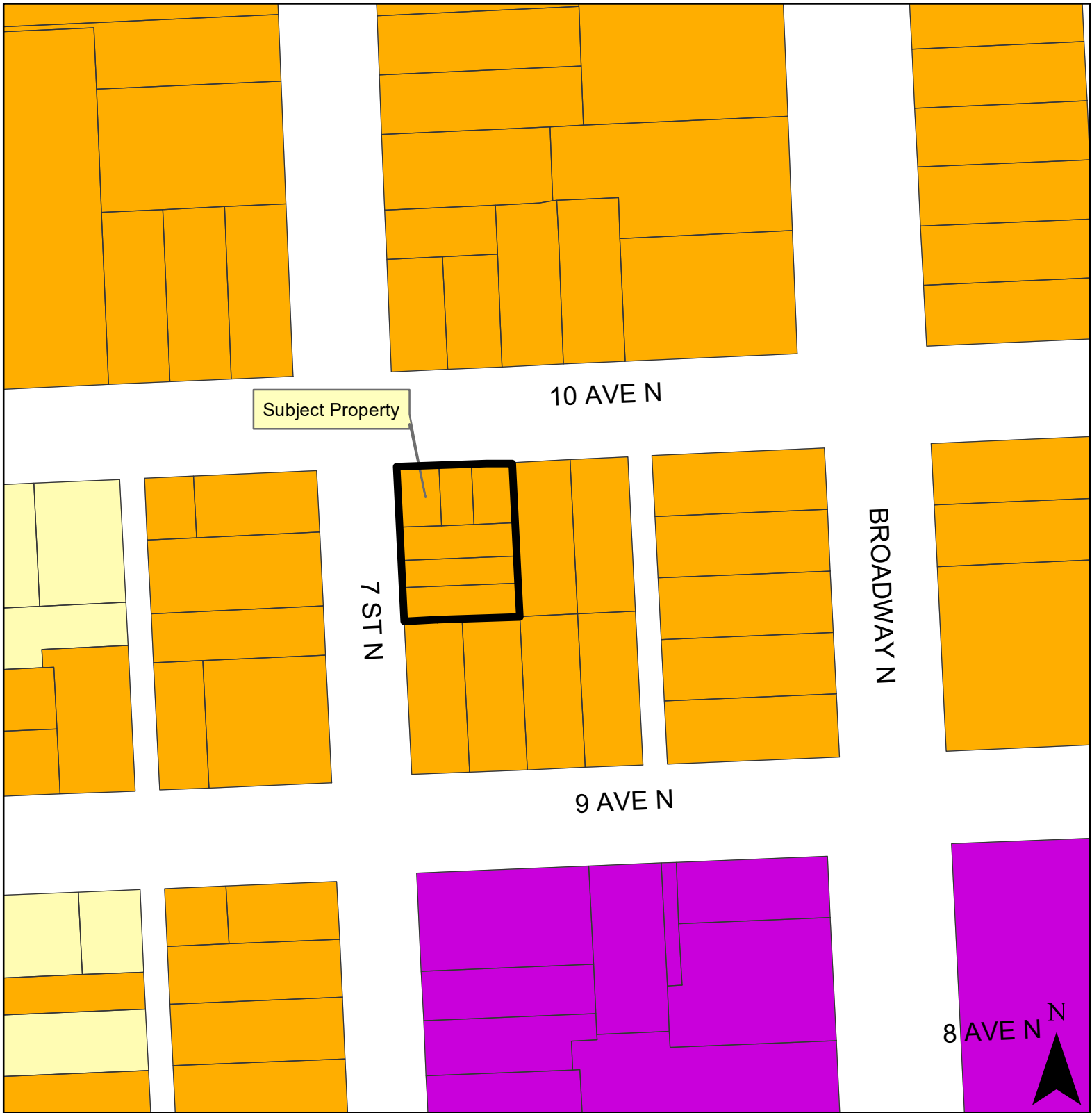
Attachments:

1. Zoning Map
2. Location Map
3. PUD Master Land Use Plan
4. PUD Final Plan

PUD Final Plan

624, 628, 632 10th Ave N
911, 915, 919 7th St N

Diamond Willow Addition



Legend

AG	LC	MHP	SP
DMU	LI	NC	SP-2
GC	MR-1	NO	SP-3
G&G	MR-2	PA	SP-4
GO	MR-3	UMU	SP-5
		City Limits	

200

Feet

Fargo Planning Commission

August 6, 2019

PUD Final Plan

624, 628, 632 10th Ave N
911, 915, 919 7th St N

Diamond Willow Addition



Subject Property

10 AVE N

7 ST N

BROADWAY N

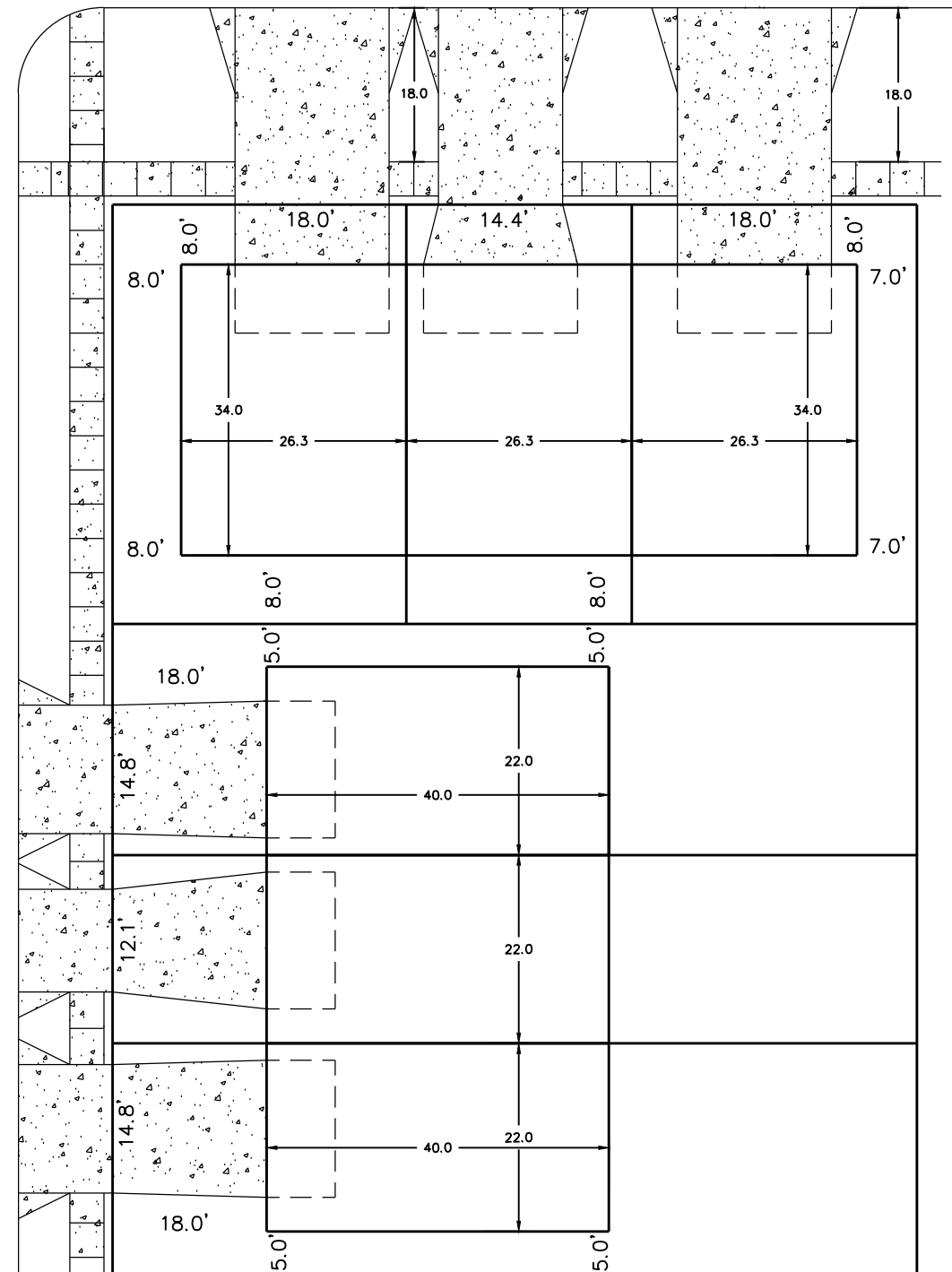
9 AVE N

8 AVE N N

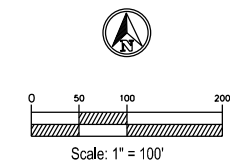
10th Avenue North

DIAMOND WILLOW
MASTER LAND USE PLAN
November 2, 2017

7th Street North



Area Of Property = 11,750 SF
Building Coverage = 5,325 SF(45.3%)
Open Space = 4,791 SF(40.8%)

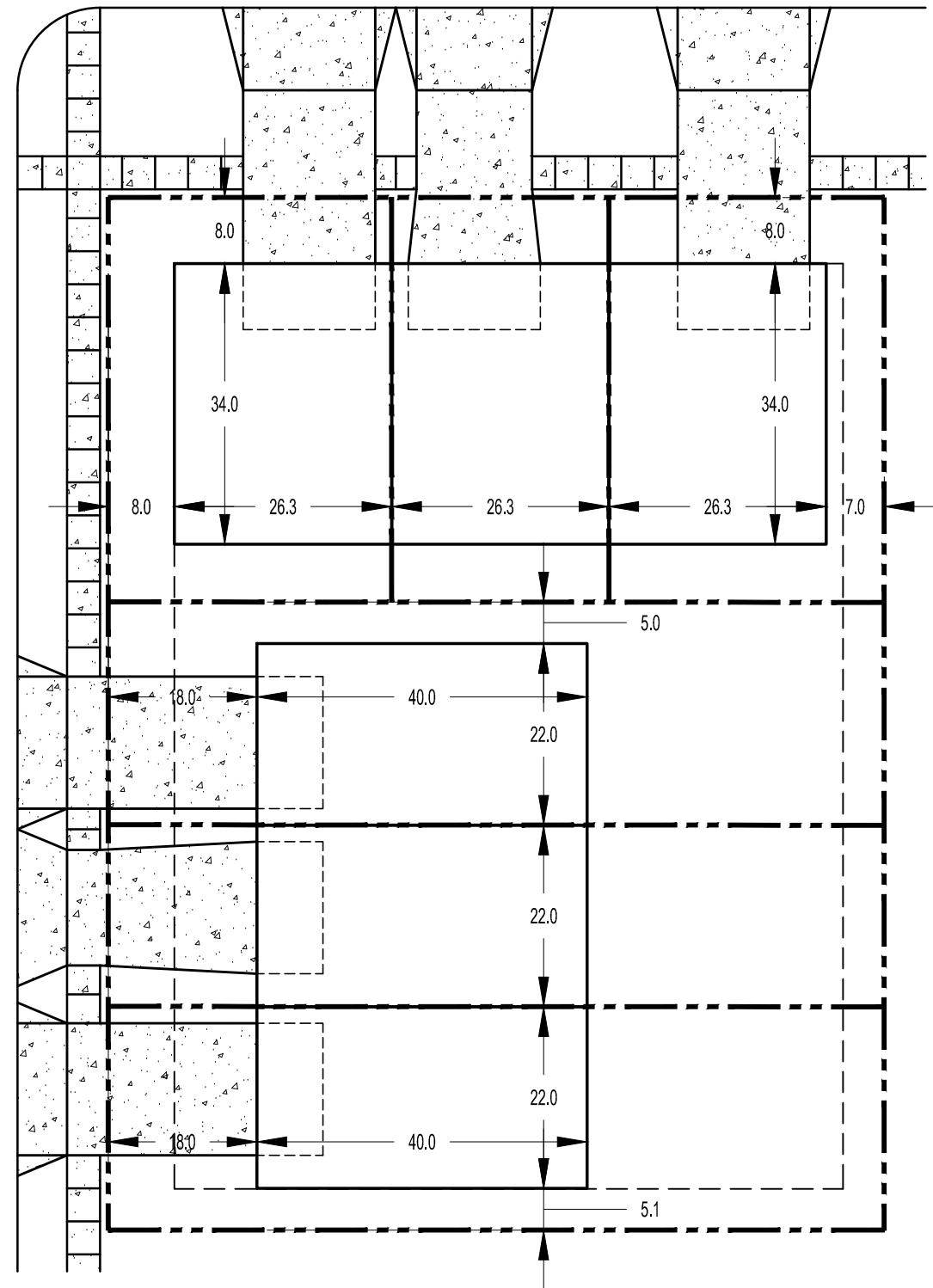


10th Avenue North

Diamond Willow PUD Final Plan

30 July 2019

7th Street North




Area Of Property = 11,750 SF
Building Coverage = 5,325 SF (45.3%)
Open Space = 4,791 SF (40.8%)



SCAL: 1" = 20'

M E M O R A N D U M

TO: PLANNING COMMISSION
FROM: TIA BRASETH, COMMUNITY DEVELOPMENT PLANNING COORDINATOR 
DATE: AUGUST 1, 2019
RE: NOTICE OF AMENDMENTS TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOME 2019 ACTION PLAN

The Department of Planning & Development is considering amendments to the City of Fargo's Community Development Block Grant (CDBG)/HOME 2019 Action Plan, previously approved by the Planning Commission (5/7/19), Community Development Committee (4/23/19), and the City Commission (6/17/19). Proposed amendments include:

- Identified scope, location, and budget for an activity under the previously approved Affordable Housing Development project
- Decreased budget for Affordable Housing Development project
- Identified scope, location, and budget for the previously approved Beyond Shelter, Inc. Acquisition project
- Increased budget for Beyond Shelter, Inc. Acquisition project
- Identified location for the previously approved Community Housing Development Organization (CHDO) Housing project

Each proposed amendment is detailed in the attached public notice, which was published in the July 25, 2019 Forum newspaper. This proposal will also be presented to the Community Development Committee and the City Commission. The timeline for this amendment, including the 30-day public comment period, is outlined in the attached public notice. Once approved by citizens and the City, the amendment will be submitted to HUD for approval.

It is part of the City's adopted Citizen Participation Plan to take all substantial amendments to the Community Development Committee, Planning Commission, and City Commission as part of the review and approval process.

Recommended Motion: Approve proposed amendments.

Notice of Public Hearing & Public Comment Period
Amendments to 2019 Action Plan
Community Development Block Grant (CDBG)
& HOME Investment Partnerships Programs

The City of Fargo is considering amendments to its 2019 Action Plan, previously approved by City Commission on June 17, 2019. Specific locations have recently been identified for 2019 projects and must be included in the plan. Location updates are considered substantial amendments and must go through a citizen participation process. Also included in this amendment is a budget revision for two 2019 CDBG activities. The details and timeline for this process are outlined below. Upon City Commission action on August 26, 2019, a recommendation regarding these amendments will be forwarded to HUD for their consideration and approval.

- 30-Day Public Comment Period:** July 25, 2019 through August 25, 2019
- Send written comments or phone:** City of Fargo
Planning and Development Department
Attn: Community Development Planning Coordinator
225 4th Street North, Fargo ND 58102
701.476.4144
- Electronic Comments:** planning@FargoND.gov
- Public Hearing:** Monday, August 12, 2019 - 5:15 p.m.
Fargo City Commission Chambers
225 4th Street North, Fargo ND 58102
- Final City Commission Consideration:** Monday, August 26, 2019

Summary of Proposed Amendments:

1. Amendments to 2019 CDBG Affordable Housing Development Activity

- a. Project site/activities/budget identified – 1529 10 Avenue South (\$48,000)**
Activities include acquisition and future construction of a single-family housing unit in partnership with Lake Agassiz Habitat for Humanity. *National Objective: Low to Moderate Income Housing Benefit [570.208(a)(3)]. CDBG Matrix Codes: 01 Acquisition and *12 Construction of Housing. Eligibility 24 CFR Part 570.201 (a) and 570.201 (m). *CDBG funds will only be used to fund acquisition, construction of housing will be funded and performed by Lake Agassiz Habitat for Humanity.*
- b. Revise activity budget from \$284,049 to \$103,049 (reduction of \$181,000)**
An additional \$181,000 is needed for the previously approved Beyond Shelter, Inc. CDBG acquisition activity (original budget \$345,000), which will result in affordable senior rental housing. See Amendment #2(b) below.

2. Amendments to 2019 Acquisition Activity: Beyond Shelter, Inc.

- a. Project site/activities/budget identified – 4225 28 Avenue South (\$526,000)**
Activities include acquisition and future construction of a multi-family senior rental housing complex in partnership with HomeField 3, LLLP (previously published and noted as Beyond Shelter, Inc.). *National Objective: Low to Moderate Income Housing Benefit [570.208(a)(3)]. CDBG Matrix Codes: 01 Acquisition and *12 Construction of Housing. Eligibility 24 CFR Part 570.201 (a) and 570.201 (m). *CDBG funds will only be used to fund acquisition, construction of housing will be funded with non-CDBG funds (i.e., HOME funds, other federal and local sources).*
- b. Revise activity budget from \$345,000 to \$526,000 (addition of \$181,000)**
The appraisal of the vacant land determined fair market value was \$520,000. An additional \$6,000 is needed for acquisition-related costs. Additional funds will be drawn from the Affordable Housing Development activity, see revised budget in Amendment #1(b).

3. Amendments to 2019 Community Development Housing Organization (CHDO Project)

- a. Project site identified – 4225 28 Avenue South**
Activities include construction of a multi-family senior rental housing complex.

Comments & Suggestions

Comments and suggestions from the public are encouraged through a public comment period and/or at the public hearing. The 2019 amended draft plan and activity amendments are available online at www.fargond.gov/planninganddevelopment/plansandstudies or by request through the Planning and Development Department. See contact information below.

The facility is accessible and can accommodate persons with disabilities. Alternative formats of this information or reasonable accommodations for persons with disabilities or limited English proficiency, including the availability of interpretation and translation services, will be made upon request (48 hours notice is required). Anyone who requires these services or an auxiliary aid to fully participate in the hearing should contact the Planning and Development Department at 701.241.1474/Planning@FargoND.gov, or the City of Fargo's Section 504/ADA Coordinator Brock Morrison at 701.298.6966 to arrange for services. To access TDD/Relay service dial 701.241.8258. It is the policy of the City of Fargo to provide services without regard to race, color, religion, sex, disability, familial status, national origin, age, marital status, veteran status, sexual orientation, gender identity, public assistance, domestic violence, lawful activity, or condition protected by applicable federal and state laws except where a Bona Fide Occupational Qualification (BFOQ) applies. The City is an equal employment/equal housing opportunity agency.

MEMORANDUM

TO: Fargo Planning Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research
Aaron Nelson, Planning Coordinator *AN*

DATE: July 29, 2019

SUBJECT: Renewal Plan Review

The Planning and Development Department prepared a Renewal Plan for redevelopment in the Roosevelt Neighborhood. The plan is attached for your review.

The plan was prepared to be consistent with City plans. As part of the review process, the plan is referred to the Planning Commission for review and recommendation as to its conformity with the GO2030 Comprehensive Plan.

I am requesting that the Planning Commission make a recommendation to the City Commission that this Renewal Plan is consistent with the GO2030 Comprehensive Plan of the City of Fargo.

Attachment

RENEWAL PLAN
TAX INCREMENT FINANCING DISTRICT NO. 2019-02

CITY OF FARGO, NORTH DAKOTA

August 2019

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RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2019-02

Subsection 1.1. Definitions.

For the purposes of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

“City” means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

“City Commission” or “Commission” means the Fargo City Commission.

“Comprehensive Plan” means the City's GO 2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

“County” means Cass County, North Dakota.

“Development” means the construction of new buildings, structures, or improvements; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

“Renewal Area” means the property described in Subsection 1.4 of this Plan.

“Renewal Plan” or “Plan” means this Plan adopted by the Commission for the Renewal Area.

“State” means the State of North Dakota.

“Tax Increment Financing Act” or “TIF Act” means North Dakota Century Code, Section 40-58-20, as amended.

“Tax Increment Bonds” means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the TIF District as stated in this Plan, or any obligations issued to refund the Tax Increment Bonds.

“Tax Increment Financing District” or “TIF District” means Tax Increment Financing District No. 2019-02.

“Urban Renewal Law” means North Dakota Century Code, Chapter 40-58.

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area and the establishment of Tax Increment Financing District No. 2019-02 are authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or

blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a “workable program” for the use of public and private resources to facilitate the development of industrial or commercial properties, eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slum and blighted areas, or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan for TIF District No. 2019-02, the City Commission intends to make the following findings:

- (a) The Renewal Area includes a blighted area.

Factual basis: This Renewal Area is blighted due to the presence of deteriorated or deteriorating structures (substandard house size, unsound basements or foundations, inadequate roofing, asbestos construction materials) which substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. Photos of the Renewal Area can be found in Appendix D.

- (b) The Renewal Area includes residential properties as well as a few commercial properties.

Factual basis: The renewal area is primarily residential with some commercial, and considered blighted as described in (a) above. Blighted areas are eligible for renewal.

- (c) The Renewal Area is appropriate for a development or renewal project.

Factual basis: The renewal area is designated in the Roosevelt/NDSU Neighborhood Land Use Plan for a mix of residential development, as well as some residential/commercial mixed-use development.

- (d) Comparable replacement dwellings or housing is available to persons displaced by the proposed Tax Increment Project.

Factual basis: The rental vacancy rate in Fargo is 9%. The housing on the block proposed for redevelopment is vacant.

- (e) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.

Factual basis: The City Commission has found that the proposed development is consistent with the goals that are embodied in the Go2030 Comprehensive Plan. Most notably, the proposed development seeks to address several key initiatives of the Go2030 plan, including initiatives for/to Promote Infill, Quality New Development,

and High Quality Affordable Housing near NDSU. In addition, the proposed development conforms to the Roosevelt-NDSU Neighborhood Land Use Plan. The proposed use of the property is consistent with zoning, adjacent residential land use, and transportation facilities. The proposed development will not burden the existing infrastructure as the property is served with the water and sewer main lines.

Redevelopment of dilapidated houses conforms to Go2030, Community Development plans, and neighborhood plans.

Subsection 1.4. Description of Renewal Area

The renewal area is the Roosevelt/NDSU Neighborhood and is generally bounded by 14th Avenue North on the north, Broadway North on the east, 7th Avenue North on the south, and Barrett Street North on the west, excluding the NDSU campus. A map of the Renewal Area is attached as Appendix F.

Subsection 1.5. Description of TIF District

TIF District No. 2019-02 consists of the parcel legally described in Appendix A. A map of the approximate boundaries of the TIF District is attached hereto as Appendix B.

The development site is located southeast of North Dakota State University and is within the block bounded by 12th Avenue North on the north, 12th Street North on the east, 11th Avenue North on the south, and University Drive North on the west. The project map is attached as Appendix B. The property is zoned MR-3 (Multi-Dwelling Residential) and PUD (Planned Unit Development). A zoning map is attached as Appendix C. Adjacent land uses to the west, south, and east are residential; to the north is commercial.

The proposed project includes the removal of the existing religious institution and single- & multi-dwelling residences, and the construction of a new religious institution, an apartment building, attached single-dwelling townhome units, and associated on-site parking. The project includes the redevelopment of the entire block and will be redeveloped in accordance with the PUD Master Land Use Plan and PUD zoning district. The redevelopment plan (PUD Master Plan) is attached as Appendix E.

Subsection 1.6. Land Acquisition, Development, Demolition and Removal of Structures, Redevelopment, or Improvements

The Development of the Renewal Area includes the following activities:

Land Acquisition – The estimate is \$465,000.

Demolition & Site Cleaning/Grading – This cost is the estimate of the cost to remove existing buildings and foundations, trees, and concrete and inspect for and remove asbestos, plus fill and grade the site. The estimate is \$220,000.

Public Works Improvements – This is the cost for needed improvements for sidewalks,

approach and curb repair, road repair, new utility services, and landscaping in the boulevard. The estimate is \$265,000.

Administrative/TIF Fees – Other Tax Increment costs include the administrative costs. These are estimated to be \$47,500 in administrative costs for the City of Fargo.

Neighborhood Projects – This cost is for the acquisition and demolition of dilapidated houses within the Renewal Area. The estimate is \$200,000 to \$300,000.

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement. The development agreement costs will be determined after a review by City financial advisors. The maximum allowed costs will be specified in the development agreement.

Subsection 1.7. Land Use Attributes – TIF District & Neighborhood

(a) *Zoning or Planning Changes.*

TIF District – The original 23 lots in this TIF District have been zoned MR-3 (Multi-Dwelling Residential) with PUD (Planned Unit Development) and platted as four lots. No zoning and planning changes are required to accommodate this project.

Neighborhood – The Neighborhood contains a variety of zoning districts, predominantly single- and multi-dwelling residential. Almost half of the neighborhood is within the SR-3 (Single-Dwelling Residential) zoning district, and about 2/5 of the neighborhood is located within either the MR-2 or MR-3 (Multi-Dwelling Residential) zoning districts.

(b) *Maximum Densities.*

TIF District – The property within the TIF District will be developed in accordance with the PUD (Planned Unit Development) zoning district, which allows a residential density of 32 dwelling units per acre. The subject property has an area of 3.82 acres, which would allow a maximum of 122 dwelling units. The applicant's proposal of 121 units is within the allowable density on this property.

Neighborhood – Projects within the Neighborhood will conform to the maximum densities prescribed by the existing zoning districts. These projects would be located within the Neighborhood, but outside of the TIF District.

(c) *Building Requirements.*

All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.

(d) *Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public imps.)*

The physical improvements outlined in the plan meet critical needs required for the redevelopment of this property. The project complies with the PUD (Planned Unit Development) zoning district and the redevelopment goals of the Go2030

Comprehensive Plan. The development provides for new residential dwelling units within an existing residential neighborhood.

Subsection 1.8. Estimate of Development Costs

The City anticipates development of the Renewal Area will involve certain public costs. Under North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allow the use of funds received from tax increments to be applied to certain specified costs. The City will provide for certain costs as listed below in a development agreement. The primary costs involved in the development are, acquisition, demolition & site cleanup, and public works improvements.

Property Acquisition	\$465,000
Demolition & Site Cleanup	\$220,000
Public Works Improvements	\$265,000
Administration	\$47,500
<u>Neighborhood Housing Site Acquisitions</u>	<u>\$300,000</u>
TOTAL	\$1,297,500

The City and Developer may also obtain reimbursement of interest between the time project costs are incurred and the date the Tax Increment Revenue Note is issued, such interest being capitalized and added to the foregoing costs.

Subsection 1.9. Estimate of Bonded Indebtedness

The City intends to finance certain costs of the Development through the issuance of a Tax Increment Financing Note to the Developer. In addition, the City may use general obligation bonds, special assessment warrants, or refunding improvement bonds pursuant to North Dakota Century Code, Section 40-58-20 (9), and the City may specially assess all or a portion of the costs of development and apply funds received from tax increments to payment of the special assessments and other bonds.

Subsection 1.10. Tax Increment Financing.

The County Auditor of the County is requested to compute, certify and remit tax increments resulting from the Development within the Renewal Area.

The original assessed value of the property within the Renewal Area, as last assessed and equalized before the base year of this Plan is outlined on Attachment A.

Each year the County Auditor will compute the amount of tax increment generated within the Renewal Area in accordance with the TIF Act. Any year which there is an "incremental value" as provided in the TIF Act, an increment will be payable to the City and deposited in the fund created

by the County Auditor for that purpose. Any year in which there is “lost value” pursuant to the TIF Act, no increment will be payable to the City.

Subsection 1.11. Estimate of Tax Increment.

It is anticipated that the Development will result in an increase in true and full value of the Renewal Area redevelopment site to \$14 million. The value of the development site within the TIF district is less than \$2 million. The increase in value will be approximately \$12 million. Under the mill rate in effect as of the date of this Plan, the Renewal Area will generate tax increment each year in the estimated amount of \$156,000.

Subsection 1.12. Duration of the TIF District.

The City anticipates that the TIF District will continue until all development costs are reimbursed through the receipts of tax increment. The estimated time period would be ten years after completion of the project. The first substantial tax increment payment will be recovered in 2022.

APPENDIX A

LEGAL DESCRIPTION OF PROPERTY

Lots 1-4 & 15-23 of Bolley's Subdivision of Part of Block 9, Chapin's Addition and Lots 1-10, Block 2, College Addition to the City of Fargo

(Said description contains the block bounded by 12th Avenue North, University Drive North, 11th Avenue North, and 12th Street North, and is to be replatted as Lots 1-4, Block 1, St. Paul's Newman Center Addition to the City of Fargo)

APPENDIX B

MAP OF THE TIF DISTRICT

TIF District No. 2019-02



APPENDIX C

ZONING MAP

APPENDIX D
PHOTOS OF EXISTING CONDITIONS

1119 University Dr N



1215 11th Ave N



1213 11th Ave N



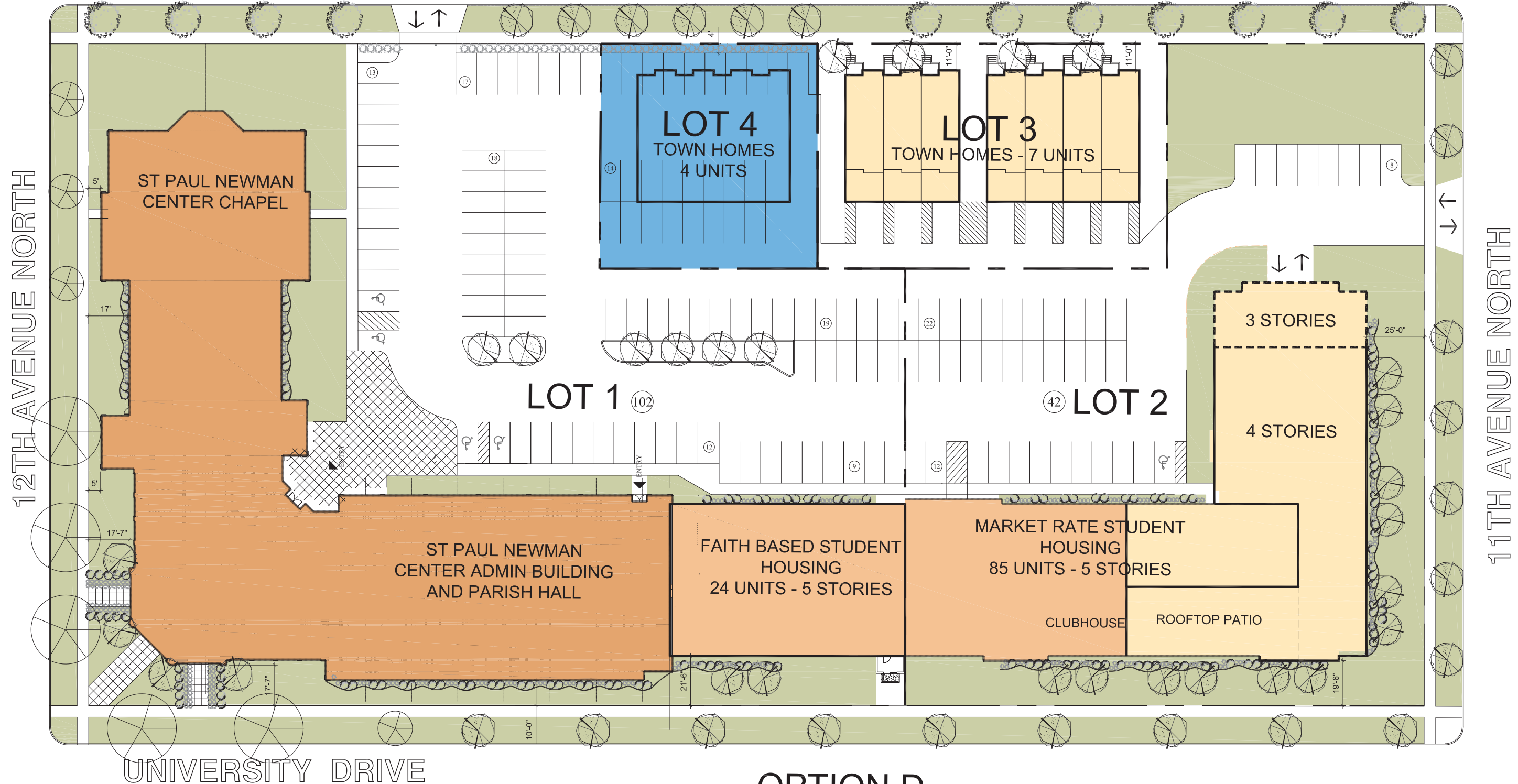
1118 12th St N



APPENDIX E
PLAN FOR REDEVELOPMENT

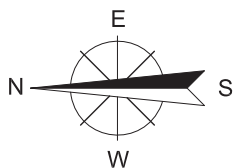
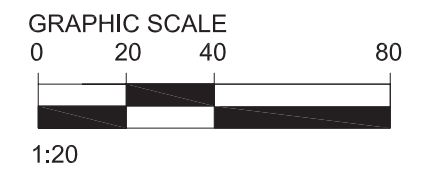
OPTION "D"
MASTER LAND USE PLAN
 For February 11, 2019 City Commission Hearing

12TH STREET NORTH



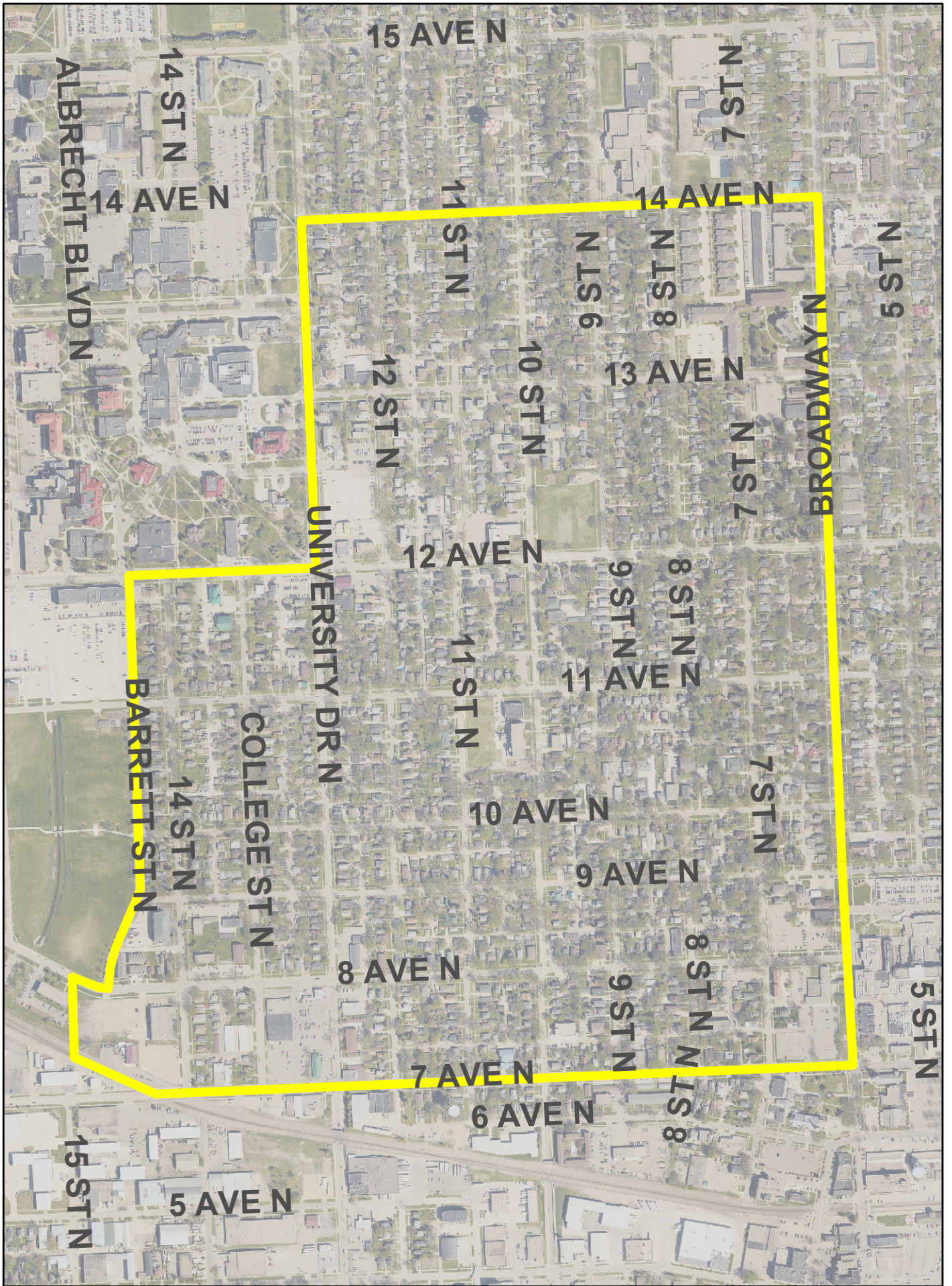
OPTION D


HOUSING		PARKING	
TOWNHOME	7	UNDERGROUND	83
OPTIONAL TH	4	SURFACE	143
FAITH BASED	24	OPTIONAL TH	23 LESS STALLS
MARKET RATE	85		



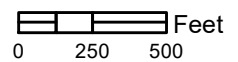
APPENDIX F

MAP OF THE RENEWAL AREA



 Renewal Area

Renewal Area



MEMORANDUM

TO: Planning Commissioners

FROM: Donald Kress, current planning coordinator

DATE: August 1, 2019

RE: North Dakota Planning Association Annual Conference—September 19th

The North Dakota Planning Association annual conference will be held at the Bismarck Event Center on Thursday, September 19th, 2019. This year's conference is scheduled to include presentation sessions as well as two panel discussions (legislative and land use law), a session on Planning Commissioner training, and a mobile tour of downtown Bismarck.

Planning Department staff has been involved in planning this conference and will also participate in it. We encourage Planning Commissioners to attend as your schedules permit.

If you are interested in attending, please contact me regarding conference registration and room reservations.

Please see the NDPA's website for further information:
<https://www.ndplanning.org/conference>