

FARGO PLANNING COMMISSION AGENDA
Tuesday, August 3, 2021 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of July 6, 2021

C: Brown Bag Luncheon - Wednesday, August 18, 2021

D: Public Hearing Items:

1. Continued hearing on an application requesting a Plat of **Dakota Air Parts Addition** (Major Subdivision) a replat of Lots 1-3, Block 1, DDK Addition to the City of Fargo, Cass County, North Dakota. (Located at 3910 and 4020 25th Street North; 2505 39 ½ Avenue North) (MACO Leasing, Inc./Nate Vollmuth) (an): CONTINUED TO SEPTEMBER 9, 2021
2. Continued hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 4, Block 1, **Valley View Eighth Addition**. (Located on 5652 36th Avenue South) (LTC Mustang, LLC/Brian Kounovsky) (kb): CONTINUED TO SEPTEMBER 9, 2021
3. Hearing on an application requesting a Plat of **First Community Addition** (Minor Subdivision) a replat of Lots 1- 2, Block 1, Western State Bank Addition to the City of Fargo, Cass County, North Dakota. (Located at 5201 42nd Street South and 4211 53rd Avenue South) (First Community Credit Union/Houston Engineering, Inc.) (kb)
- 4a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential within the boundaries of the proposed **Amber Valley West Sixth Addition**. (Located at 5675 26th Avenue South and 2501 55th Street South) (Amber Valley West Investment, LLC and Galleria on Veterans, LLC/Christianson Companies and Lowry Engineering) (dk)
- 4b. Hearing on an application requesting a Plat of **Amber Valley West Sixth Addition** (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Amber Valley West First Addition and Lot 2, Block 1, Amber Valley West Fifth Addition to the City of Fargo, Cass County, North Dakota. (Located at 5675 26th Avenue South and 2501 55th Street South) (Amber Valley West Investment, LLC and Galleria on Veterans, LLC/Christianson Companies and Lowry Engineering) (dk)
- 4c. Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan on Lot 2, Block 1, of the proposed **Amber Valley West Sixth Addition**. (Located at 2501 55th Street South) (Amber Valley West Investment, LLC and Galleria on Veterans, LLC/Christianson Companies and Lowry Engineering) (dk)

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

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

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

5. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to LC, Limited Commercial on Lot 2, Block 1, **Asleson Farms Fourth Addition**. (Located at 3523 41st Street South) (JNB Properties, LLC/Nick Dietrich) (am)
 6. Hearing on an application requesting a Conditional Use Permit to allow Industrial Uses in the GC, General Commercial zoning district on Lot 9, **Goodman's Addition**. (Located at 3241 Main Avenue – Unit C) (Goodman LLLP/Overloaded Laundry) (am)
- E: Other Items:
1. Rules of Internal Procedure and Operations of the City of Fargo Planning Commission

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, July 6, 2021

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 6, 2021.

The Planning Commissioners present or absent were as follows:

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

Absent: None

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Chair Schneider noted Item 1 and Item 4 have been continued to August 3, 2021.

Item B: Minutes: Regular Meeting of June 3, 2021

Member Rosenberg moved the minutes of the June 3, 2021 Planning Commission meeting be approved. Second by Member Tasa. All Members present voted aye and the motion was declared carried.

Item C: Brown Bag Luncheon: No July meeting scheduled

Item D: Public Hearing Items:

Item 1: Valley View Eighth Addition

Continued hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 4, Block 1, Valley View Eighth Addition. (Located on 5652 36th Avenue South) (Brian Kounovsky/LTC Mustang, LLC): CONTINUED TO AUGUST 3, 2021

A Hearing had been set for May 4, 2021. At the May 4, 2021 meeting, the Hearing was continued to June 3, 2021. At the June 3, 2021 meeting, the Hearing was continued to this date and time; however the applicant has requested this item be continued to August 3, 2021.

Item 2: The District of Fargo Fourth Addition

2a. Hearing on an application requesting a Growth Plan Amendment on Lots 3-4, Block 1 of the proposed The District of Fargo Fourth Addition. (Located at 5532 and 5676 38th Street South) (Larry Scheffler/Brian Pattengale): APPROVED

2b. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a C-O, Conditional Overlay within the boundaries of the proposed The District of Fargo Fourth Addition. (Located at 5532 and 5676 38th Street South) (Larry Scheffler/Brian Pattengale): APPROVED

2c. Hearing on an application requesting a Plat of The District of Fargo Fourth Addition (Major Subdivision) a replat of Lots 1-2, Block 2, The District of Fargo Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 5532 and 5676 38th Street South) (Larry Scheffler/Brian Pattengale): APPROVED

Planner Kylie Bagley presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted an open house meeting for the public was held on June 30, 2021.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Growth Plan Amendment as presented; 2) Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a C-O, Conditional Overlay; and 3) Subdivision Plat The District of Fargo Fourth Addition as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Go2030 Comprehensive Plan, the Standards of Article 20-06, Section 20-0906.F (1-4), and Section 20-0905.H of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Holtz, Tasa, Morgan, Stofferahn, Rosenberg, Gunkelman, and Schneider voted aye. The motion was declared carried.

Item 3: Parts of Section 3, 4, 10, 15, and 16, and all of Section 9, Township 138 North, Range 49 West

Hearing on an application requesting a Growth Plan Amendment on parts of Section 3, 4, 10, 15, and 16, and all of Section 9, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Generally located South of 52nd Avenue South, West of Interstate 29, East of Veterans Boulevard, and North of 88th Avenue South) (City of Fargo): APPROVED

Planning Coordinator Aaron Nelson presented the staff report, as well as an overview on the background of this proposal. He noted staff has held two open houses, and stated all approval criteria have been met and staff is recommending approval.

City Division Engineer Nathan Boerboom and Mr. Nelson, addressed questions from Member Gunkelman and Member Rosenberg.

Discussion continued regarding the Town Center shown on the map, plans for locations of future commercial businesses including small retailers, an overview on the proposed storm water pond, and possible neighborhood amenities.

Developers Jon Youness of Eagle Ridge Development, LLC, and Austin Morris of Enclave Development shared their thoughts on this proposal.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Growth Plan Amendment as presented, as the proposal is consistent with the 2007 Growth Plan, the Go2030 Comprehensive Plan, and the Standards of Section 20-0905.H of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Stofferahn, Rosenberg, Holtz, Gunkelman, Tasa, Morgan, and Schneider voted aye. The motion was declared carried.

Item 4: Dakota Air Parts Addition

Hearing on an application requesting a Plat of Dakota Air Parts Addition (Major Subdivision) a replat of Lots 1-3, Block 1, DDK Addition to the City of Fargo, Cass County, North Dakota. (Located at 3910 and 4020 25th Street North; 2505 39 ½ Avenue North) (MACO Leasing, Inc./Nate Vollmuth): CONTINUED TO AUGUST 3, 2021

A hearing had been set for this date and time; however the applicant has requested this item be continued to August 3, 2021.

Item 5: Thor Addition

Hearing on an application requesting a Plat of Thor Addition (Minor Subdivision) a replat of Lot 4, Block 1, Commerce on 12th Addition, to the City of Fargo, Cass County, North Dakota. (Located at 1200 55th Street North) (Thor Investments, LLC /Thad Thorsness): APPROVED

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

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Thor Addition as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Morgan, Tasa, Gunkelman, Holtz, Stofferahn, Rosenberg, and Schneider voted aye. The motion was declared carried.

Item 6: University South Addition

Hearing on an application requesting a Plat of University South Addition (Minor Subdivision) a replat of portion of Lot 1, Block 2, Oak Manor First Addition to the City of Fargo, Cass County, North Dakota. (Located at 2301 University Drive South) (GFI Dakota Development, LLC/Houston Engineering, Inc.): APPROVED

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

Developer Austin Morris, Enclave Development, spoke on behalf of the application.

Discussion was held regarding future parking plans, and the projected timeframe for the demolition of the existing vacant building.

Member Morgan moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat University South Addition as outlined within the staff report, as the proposal complies with the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Rosenberg, Gunkelman, Holtz, Morgan, Stofferahn, Tasa, and Schneider voted aye. The motion was declared carried.

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

The time at adjournment was 3:46 p.m.

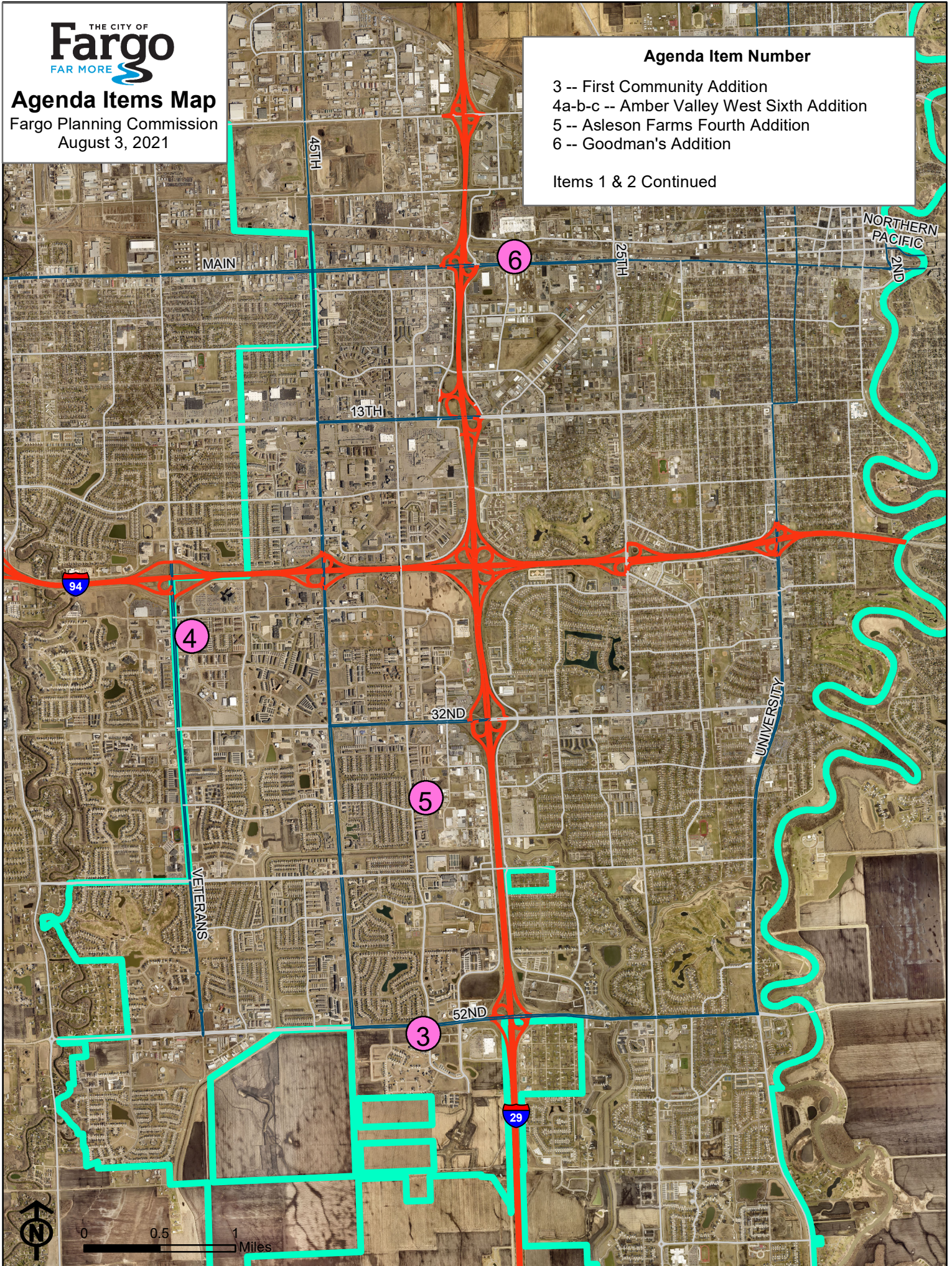
Agenda Items Map

Fargo Planning Commission
August 3, 2021

Agenda Item Number

- 3 -- First Community Addition
- 4a-b-c -- Amber Valley West Sixth Addition
- 5 -- Asleson Farms Fourth Addition
- 6 -- Goodman's Addition

Items 1 & 2 Continued



City of Fargo Staff Report			
Title:	First Community Addition	Date:	7-26-2021
Location:	5201 42 nd St S and 4211 53 rd Ave S	Staff Contact:	Kylie Bagley
Legal Description:	Lots 1 and 2, Block 1, Western State Bank Addition		
Owner(s)/Applicant:	First Community Credit Union/Andy Westby	Engineer:	Jim Schlieman
Entitlements Requested:	Minor Subdivision (A replat of Lots 1 and 2, Block 1, Western State Bank Addition)		
Status:	Planning Commission Public Hearing: August 3, 2021		

Existing	Proposed
Land Use: Retail Sales and Services	Land Use: Unchanged
Zoning: LC, Limited Commercial	Zoning: Unchanged
Uses Allowed: 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: Unchanged
Maximum Lot Coverage Allowed: Maximum 55% building coverage	Maximum Lot Coverage Allowed: Unchanged

Proposal:

The applicant is seeking approval of a minor subdivision located at 5201 42nd Street South and 4211 53rd Avenue South. The request is to plat the existing two lot minor subdivision into a two lot minor subdivision entitled **First Community Addition**. The lots are being adjusted so that the current parking for the financial institution are on the same lot as the financial institution.

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 52nd Ave S the properties are zoned SR-2, Single-Dwelling Residential, with single-family dwelling units
- East: Across 42nd St S the properties are zoned LC, Limited Commercial, with retail sales and service uses.
- South: Across 53rd Ave S the properties are zoned MR-3, Multi-Dwelling Residential, with multi-family dwelling units
- West: The property is zoned LC, Limited Commercial and is currently vacant land

Area Plans:

The subject property is located within the 2007 Growth Plan for the southwest area of the City of Fargo. Within this growth plan, the subject property is identified as being suitable for commercial uses.

Legend

- Commercial Area
- Future School
- Medium High Density or Commercial
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density



Schools and Parks:

Neighborhood: The subject properties are located in The District Neighborhood.

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

Parks: The subject properties are located within half a mile of The Pines Park (5371 42nd Street South), Woodhaven South Park (4802 Woodhaven Drive South) and Cottagewood Park (4896 38th Street South), which offer amenities such as playgrounds, picnic shelters, a basketball court, recreational trails, and fishing pond.

Pedestrian / Bicycle: Shared Use Paths exist along 52nd Avenue South and on the south side of 53rd Avenue South.

Staff Analysis:

Minor Subdivision

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

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

This subdivision is intended to replat two existing lots into two new lots. The properties within this plat are currently zoned LC, Limited Commercial, which is consistent with that land use designation. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

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

Planning Commission Recommendation: August 3, 2021

Attachments:

1. Zoning Map
2. Location Map
3. Plat

Plat (Minor)

5201 42nd Street S;
4211 53rd Avenue S

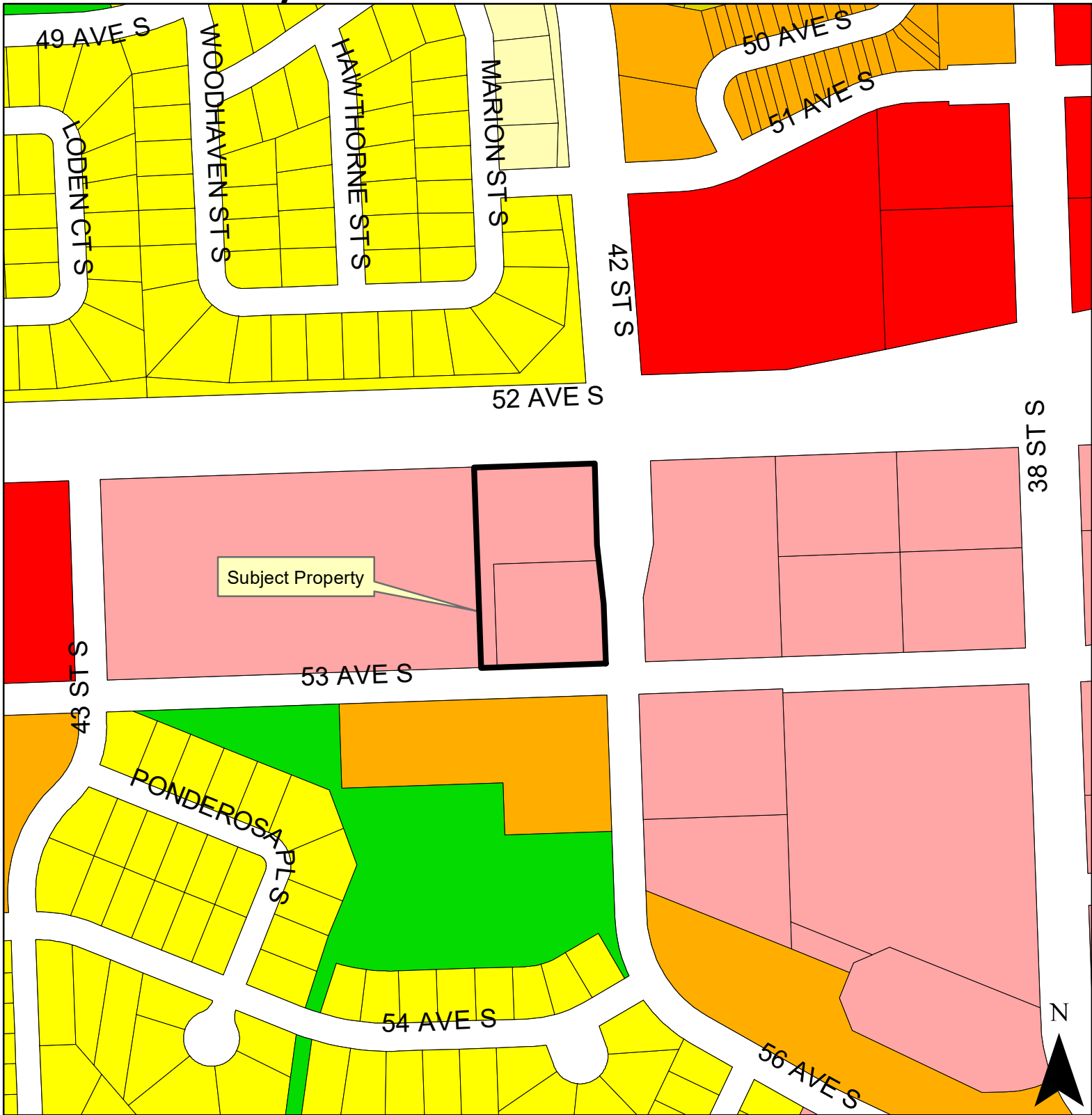
First Community Addition



Plat (Minor)

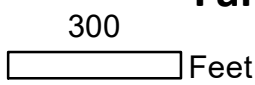
5201 42nd Street S;
4211 53rd Avenue S

First Community Addition



Legend

AG	DDMU	GG	GO	LC	MR-1	MR-2	MR-3	MHP	NZC	UMU	20000-1	20000-2	20000-3	20000-4	20000-5	20000-6	20000-7	20000-8	20000-9	20000-10	20000-11	20000-12	20000-13	20000-14	20000-15	20000-16	20000-17	20000-18	20000-19	20000-20	20000-21	20000-22	20000-23	20000-24	20000-25	20000-26	20000-27	20000-28	20000-29	20000-30	20000-31	20000-32	20000-33	20000-34	20000-35	20000-36	20000-37	20000-38	20000-39	20000-40	20000-41	20000-42	20000-43	20000-44	20000-45	20000-46	20000-47	20000-48	20000-49	20000-50	20000-51	20000-52	20000-53	20000-54	20000-55	20000-56	20000-57	20000-58	20000-59	20000-60	20000-61	20000-62	20000-63	20000-64	20000-65	20000-66	20000-67	20000-68	20000-69	20000-70	20000-71	20000-72	20000-73	20000-74	20000-75	20000-76	20000-77	20000-78	20000-79	20000-80	20000-81	20000-82	20000-83	20000-84	20000-85	20000-86	20000-87	20000-88	20000-89	20000-90	20000-91	20000-92	20000-93	20000-94	20000-95	20000-96	20000-97	20000-98	20000-99	20000-100
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Fargo Planning Commission
August 3, 2021

FIRST COMMUNITY ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOTS 1 AND 2, BLOCK 1, WESTERN STATE BANK ADDITION IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:
 KNOW ALL PERSONS BY THESE PRESENTS: That First Community Credit Union, a North Dakota credit union, and ND Dental Holdings, LLC, a North Dakota limited liability company, are the owners and proprietors of the following described tract of land:

Lots 1 and 2, Block 1, of Western State Bank Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 3.497 acres, more or less.

And that said parties have caused the same to be surveyed and replatted as **First Community Addition** to the City of Fargo, Cass County, North Dakota.

OWNER:
 First Community Credit Union
 (Lot 1 and part of Lot 2, Block 1, Western State Bank Addition)

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

Stephen J. Schmitz, President

Rocky Schneider, Chair
 Fargo Planning Commission

State of _____)
) ss
 County of _____)

State of North Dakota)
) ss
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared Stephen J. Schmitz, President of First Community Credit Union, a North Dakota credit union, 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 credit union.

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

Notary Public: _____

Notary Public: _____

OWNER:
 ND Dental Holdings, LLC
 (Part of Lot 2, Block 1, Western State Bank Addition)

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

James Fred Johnson III, President

Timothy J. Mahoney, Mayor

State of _____)
) ss
 County of _____)

Attest: _____
 Steven Sprague, City Auditor

On this _____ day of _____, 20____ before me personally appeared James Fred Johnson III, President of ND Dental Holdings, 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: _____

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
 County of Cass)

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

Notary Public: _____

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

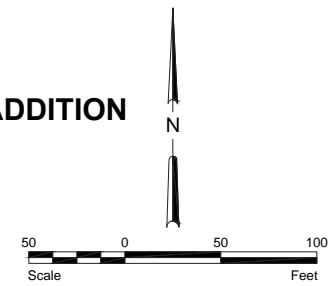
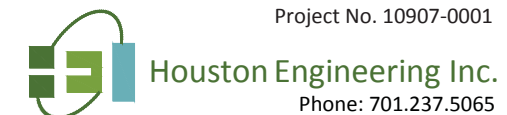
Brenda E. Derrig, City Engineer

State of North Dakota)
) ss
 County of Cass)

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

Notary Public: _____

Sheet 1 of 1
 Project No. 10907-0001

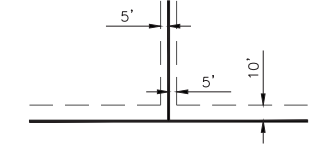


LEGEND

- IRON MONUMENT FOUND ●
- 1/2" I.D. PIPE SET ○
- EXISTING NEGATIVE ACCESS (DOC. NO. 1451871) [Hatched Box]

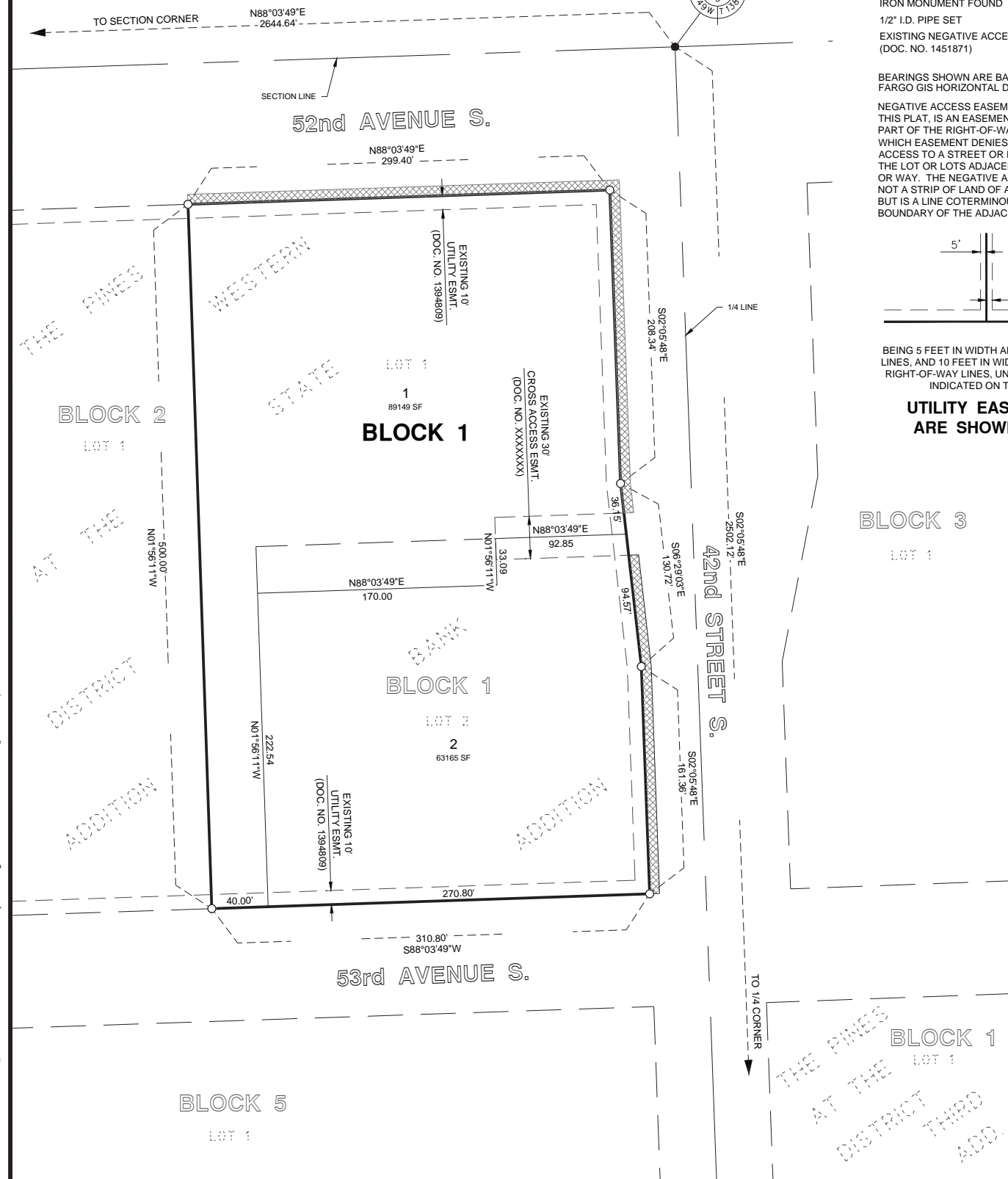
BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

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



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THE PLAT.

UTILITY EASEMENTS ARE SHOWN THUS



H:\JBM10907\10907\10907-0001\CAD\10907-0001 Preliminary Plat.dwg PLAT-6/21/2021 9:10 AM (jschlieman)

City of Fargo Staff Report			
Title:	Amber Valley West Sixth Addition	Date:	7/28/2021
Location:	5675 26 th Avenue South and 2501 55 th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 1 and 2, Block 1, Amber Valley West First Addition and Lot 2, Block 1, Amber Valley West Fifth Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Galleria on Veteran's, LLC; Amber Valley West Investments, LLC / Christianson Companies; Lowry Engineering	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (Replat of Lots 1 and 2, Block 1, Amber Valley West First Addition and Lot 2, Block 1, Amber Valley West Fifth Addition to the City of Fargo, Cass County, North Dakota) and Zone Change (from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential within the boundaries of this plat); Conditional Use Permit (to allow for an Alternative Access Plan on Lot 2, Block 1, of the proposed Amber Valley West Sixth Addition)		
Status:	Planning Commission Public Hearing: August 3, 2021		

Existing	Proposed
Land Use: Commercial; undeveloped	Land Use: Commercial; Residential
Zoning: LC, Limited Commercial with a C-O, Conditional Overlay	Zoning: LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential
<p>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.</p> <p>with Conditional Overlay Ordinance No. 4754 which restricts some uses and provides site and building design guidelines</p>	<p>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.</p> <p>with Conditional Overlay Ordinance No. 4754 which restricts some uses and provides site and building design guidelines</p> <p>MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.</p>
Maximum Lot Coverage Allowed: 55%	<p>Maximum Density Allowed (Residential): 24 dwelling units per acre</p> <p>Maximum Lot Coverage Allowed: 55%</p>

Proposal:

The applicant requests three entitlements:

1. A minor subdivision, entitled **Amber Valley West Sixth Addition**, which is a replat of Lots 1 and 2, Block 1, Amber Valley West First Addition and Lot 2, Block 1, Amber Valley West Fifth Addition to the City of Fargo, Cass County, North Dakota
2. A zoning change from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential
3. A conditional use permit (CUP) to allow for an Alternative Access Plan on Lot 2, Block 1, of the proposed Amber Valley West Sixth Addition

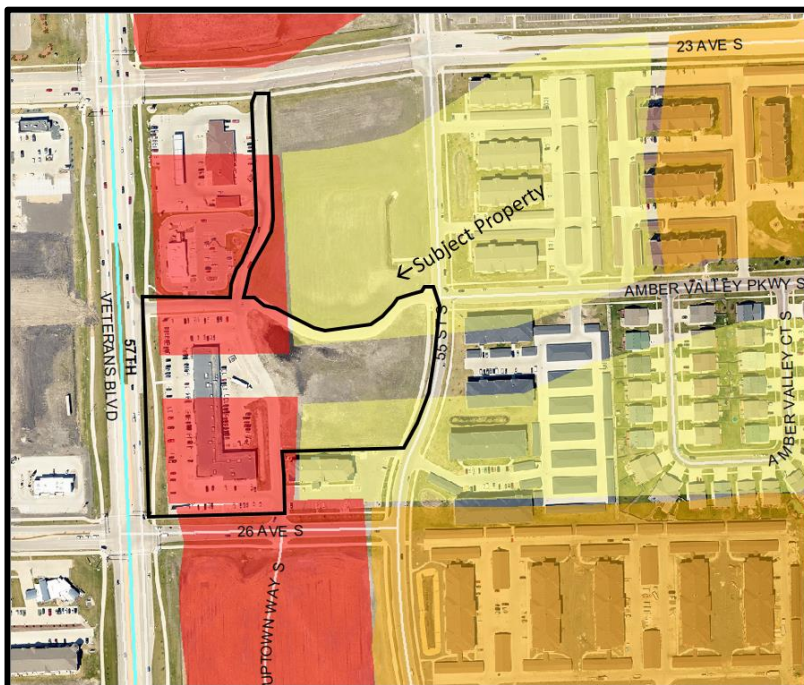
This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LC; commercial development and stormwater detention basin
- East: MR-3; multi-dwelling residential development
- South: LC; commercial development
- West: City of West Fargo; commercial development

Area Plans:

The subject property is located within the Southwest Area Plan as contained within the Urban Fringe and Extraterritorial Area of the City of Fargo land use plan. This plan designates the subject property as Commercial land uses abutting Veterans Boulevard and Low/Medium Density Residential land uses on the eastern portion of the tract. The proposed zoning is LC, Limited Commercial and MR-3, Multi-Dwelling Residential. The LC zoning will be in the area designated as “Commercial” while the MR-3 zoning will be in the area designated “Low/Medium Density Residential.” While the proposed MR-3 zoning is of somewhat greater density than “Low/Medium Density Residential,” staff believes the intent of the growth plan is implemented by providing a mix of Commercial and Residential. Staff also contends that Low/Medium Density Residential and Medium/High Density Residential have an overlap of allowable zoning districts. Additionally, though the density of the proposed senior residence—20 units per acre---would fall into the MR-2, Multi-Dwelling Residential zone, Planning staff recommended the MR-3 zone as it matches the zoning east across 55th Street South from the subject property.



2003 Southwest Future Land Use Plan	
Land Use	
[Red Box]	Commercial
[Red/Orange Box]	Commercial or Medium/High Density
[Yellow/Orange Box]	Commercial or Medium/High or Park/Open Space
[Green/Orange Box]	Commercial or Park/Open Space
[Blue/Orange Box]	Either Industrial or Commercial
[Blue/Red Box]	Either Office or Commercial
[Blue/Orange Box]	Either Office or Medium/High Density Residential
[Brown Box]	Industrial
[Yellow Box]	Low/Medium Density Residential
[Orange Box]	Low/Medium Density or Medium/High Density
[Dark Orange Box]	Medium/High Density Residential

Schools and Parks:

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

Neighborhood: The subject property is located in the Amber Valley neighborhood

Parks: Urban Plains Park (3020 51st Street South) is located approximately 0.5 miles southeast of the subject property and offers two playgrounds, recreational trails, a small shelter and a wedding gazebo. The park also has three larger shelters that can be reserved.

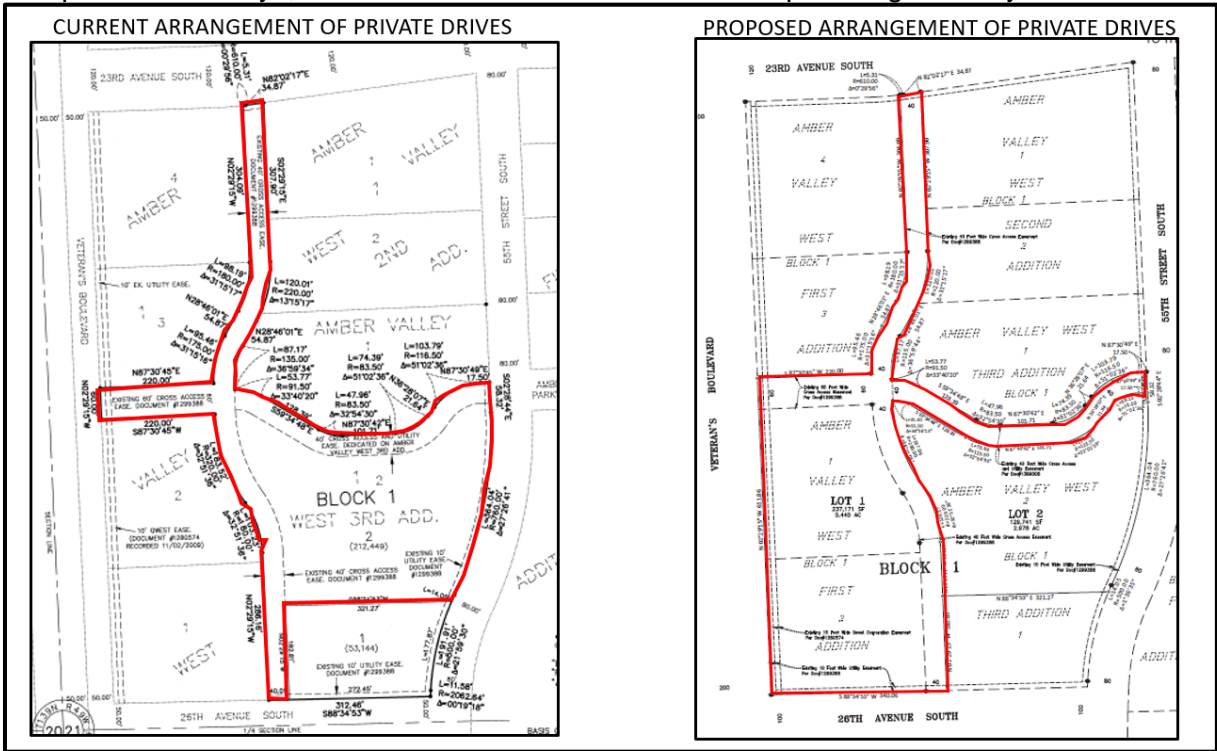
Pedestrian / Bicycle: There is a 10-foot wide multi-use trail along the east side of the subject property that is within the 55th Street South right of way. This trail is part of the metro area trail system.

Staff Analysis:

The applicant proposes to replat Lots 1 and 2, Block 1, Amber Valley West First Addition and Lot 2, Block 1, Amber Valley West Fifth Addition to create a two-lot subdivision, Amber Valley West Sixth Addition. The changes from the current plat, uses, and zoning are indicated in the chart below.

Current Lot and Block	Use	Zoning	Proposed Lot and Block	Proposed Use	Proposed Zoning
Lot 1 and 2, Block 1, Amber Valley West 1st	Strip shopping center	LC with a conditional overlay	Lot 1, Block 1, Amber Valley West 6 th	Strip shopping center	LC with a conditional overlay
Lot 1, Block 1 Amber Valley West 5 th	Undeveloped	LC with a conditional overlay	Lot 2, Block 1, Amber Valley West 6 th	Multi-dwelling senior residence	MR-3

The replat will also relocate the private driveways that are currently part of Lot 1, Block 1, Amber Valley West 5th Addition and make them part of the proposed Lot 1, Block 1, Amber Valley West Sixth Addition. These are private driveways, so this is not a vacation of dedicated public right of way.



The applicant proposes to develop Lot 2, Block 1 with a senior residence, which has the following features

- Available to ages 62 years and older;
- It is not an assisted living facility--no services are provided to the residents;
- The living units are individually owned by the residents.

Additionally, the applicant requests a conditional use permit (CUP) for an alternative access plan for reduced parking requirement on proposed Lot 2, Block 1, which is intended for a multi-dwelling senior residence. The LDC requirement and proposed reduction are summarized in the chart below.

Number of Dwelling Units	LDC Parking Requirement	Proposed Number of Spaces	Number of Reduction	Percent of Reduction
52	117	88	29	25

Of the proposed 88 parking spaces, 61 will be underground and 27, including five ADA spaces, will be surface parking.

The applicant has provided a traffic study which supports the proposed reduction in parking; this study has been reviewed by the City's traffic engineer. Findings and standard conditions for the CUP are below.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The subject property is currently zoned LC, Limited Commercial with a C-O, conditional overlay. The applicant proposes to rezone Lot 2, Block 1 of the proposed subdivision to MR-3, Multi-Dwelling Residential, to accommodate a senior housing residence. The MR-3 zoning is consistent with the multi-dwelling residential zoning across 55th Street South from the subject property. Lot 1, Block 1 will remain zoned as LC and the conditional overlay will carry over. The conditional overlay will not apply to the MR-3 zoned Lot 2, Block 1. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing, developed public rights-of-way which provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The subject property is located within the Southwest Area Plan as contained within the Urban Fringe and

Extra-territorial Area of the City of Fargo land use plan This plan designates the subject property as Commercial land uses abutting Veterans Boulevard and Low/Medium Density Residential land uses on the eastern portion of the tract. The proposed zoning is LC, Limited Commercial and MR-3, Multi-Dwelling Residential. The LC zoning will be in the area designated as “Commercial” while the MR-3 zoning will be in the area designated “Low/Medium Density Residential.” While the proposed MR-3 zoning is of somewhat greater density than “Low/Medium Density Residential,” staff believes the intent of the growth plan is implemented by providing a mix of Commercial and Residential. Staff also contends that Low/Medium Density Residential and Medium/High Density Residential have an overlap of allowable zoning districts. Additionally, though the density of the proposed senior residence—20 units per acre---would fall into the MR-2, Multi-Dwelling Residential zone, Planning staff recommended the MR-3 zone as it matches the zoning east across 55th Street South from the subject property. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

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

The proposed zoning is LC, Limited Commercial with a C-O, conditional overlay on Lot 1, Block 1 which will accommodate the existing commercial development, and MR-3, Multi-Dwelling Residential on Lot 2, Block 1, which will accommodate the proposed senior residential development. The subdivision complies with the Southwest Area Plan as contained within the Urban Fringe and Extra-territorial Area of the City of Fargo land use plan, which applies to the subject property. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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

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. Based on the requirements of the Land Development Code, 117 parking stalls would typically be required for this type of development. The applicant proposes a 25 percent reduction of this requirement, to 88 parking stalls, based on the proposed use as an 62 and older multi-dwelling senior residence. The City’s traffic engineer has

reviewed the traffic study. Section 20-0701 of the Land Development Code provides guidelines to ensure that developers are providing adequate off-street parking for their projects. Exploring reductions in minimum parking standards is a key initiative meant to promote the guiding principles of the LDC. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

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

Staff suggests that this proposed CUP for an alternative access plan for reduced parking will promote the welfare of the public by supporting the development of a senior assisted living facility. Staff believes that the applicant is providing adequate and convenient on-site parking for residents, employees, and visitors.

(Criteria Satisfied)

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

Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. **(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 alternative access plan for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant ensure off-street parking stalls will be available to residents and visitors and to trigger a review of the CUP if the proposed use is intensified.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

The Engineering Department determined that the 88 off-street parking stalls would meet the facility's parking needs based on information provided by the applicant.

(Criteria Satisfied)

Recommended Conditions:

- A minimum of 88 parking stalls to be provided on site.
- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.

- The Conditional Use Permit will cease if the land use changes from a senior residence.
- Expansion of any proposed or existing use will trigger a reevaluation of off-street parking requirements on site

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) zone change from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential and 2) **Amber Valley West Sixth Addition** subdivision plat as presented; as the proposal complies with the Southwest Area Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC; and to approve the 1) the conditional use permit (CUP) to allow an alternative access plan for Lot 2, Block 1 of the proposed Amber Valley West Sixth Addition as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- A minimum of 88 parking stalls to be provided on site.
- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.
- The Conditional Use Permit will cease if the land use changes from a senior residence.
- Expansion of any proposed or existing use will trigger a reevaluation of off-street parking requirements on site.

Planning Commission Recommendation

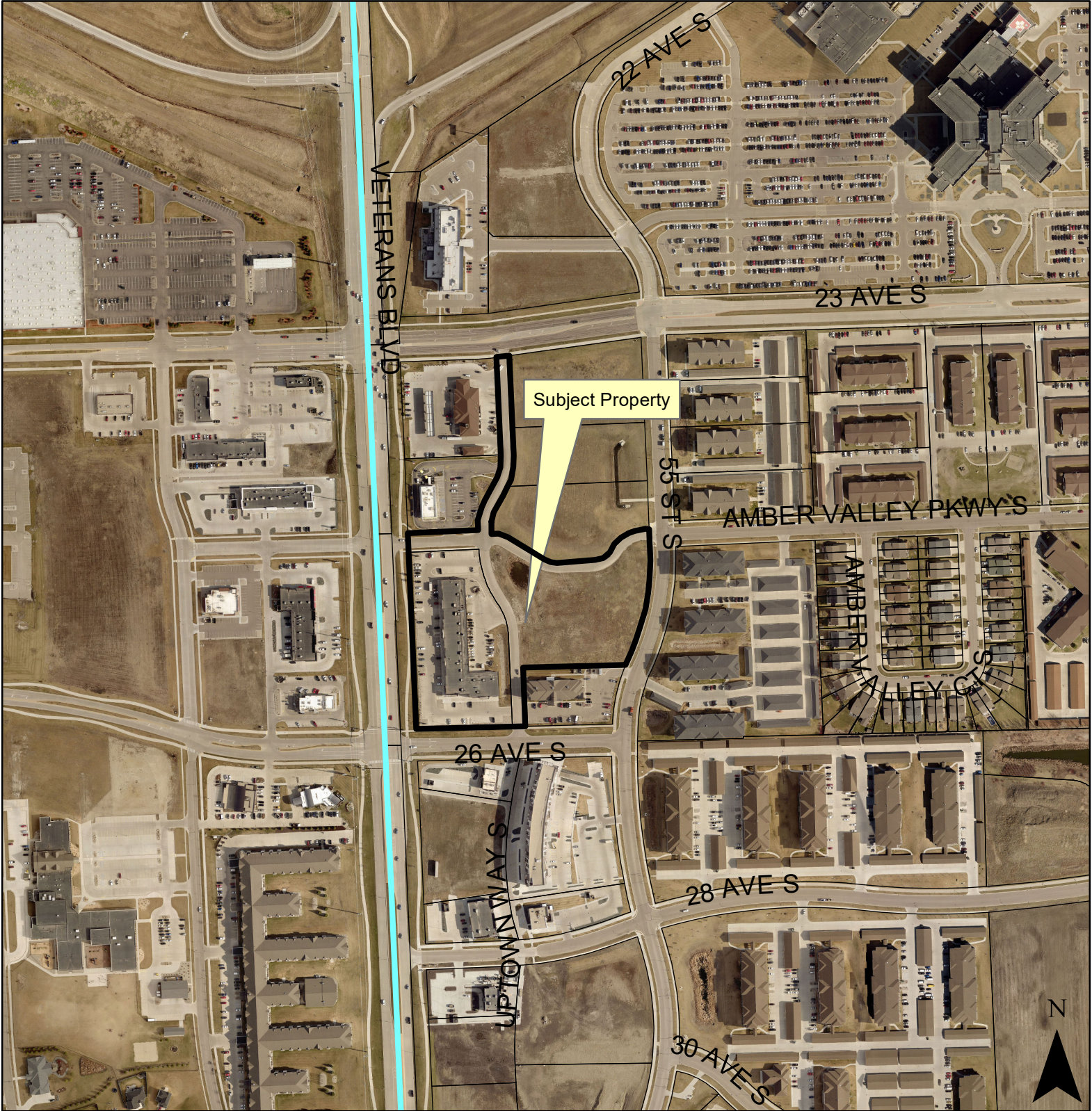
Attachments:

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

Zone Change (LC to MR-3), Plat (Minor), CUP

Amber Valley West Sixth Addition

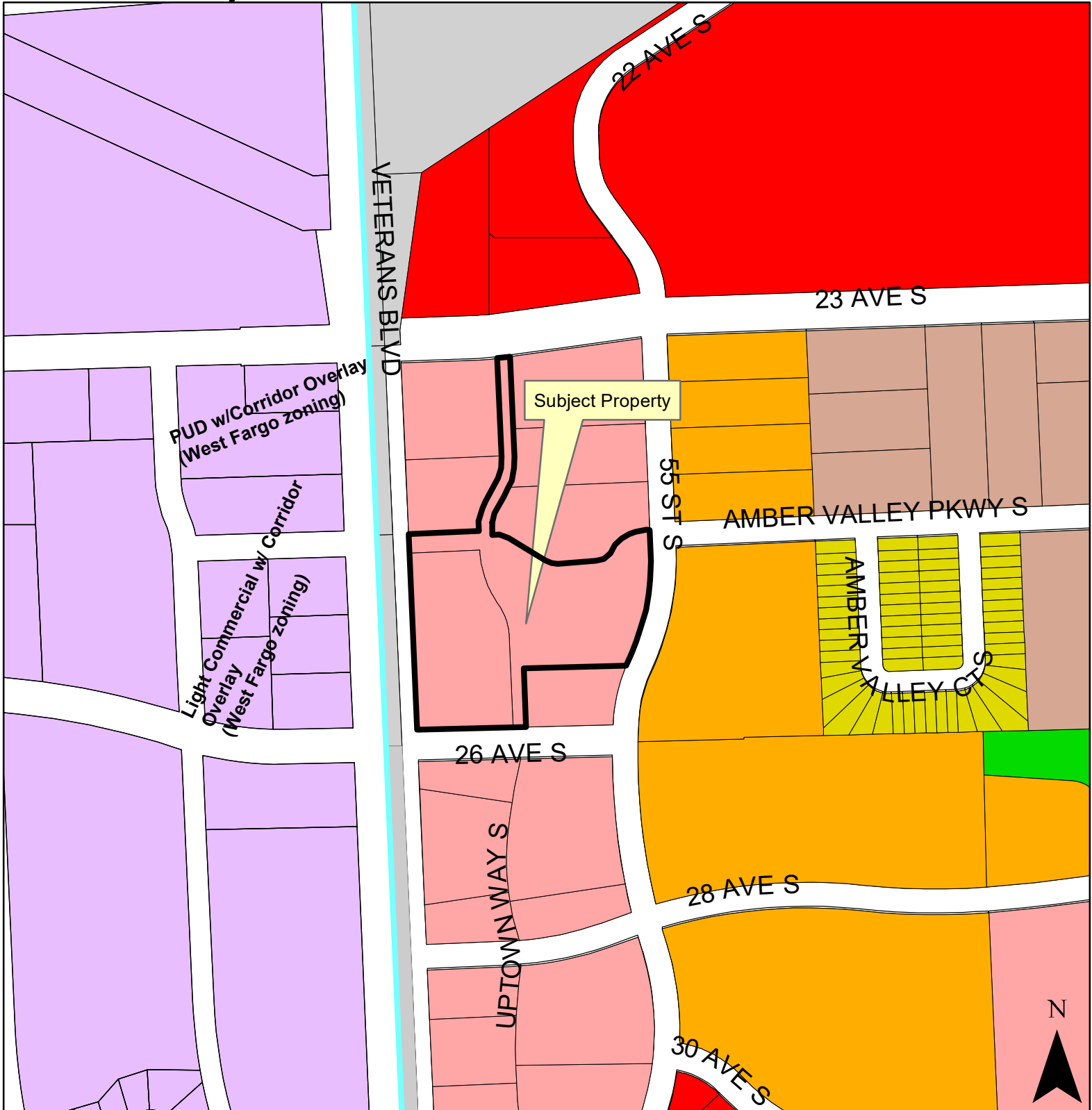
2501 55th Street S;
5675 26th Avenue S



Zone Change (LC to MR-3), Plat (Minor), CUP

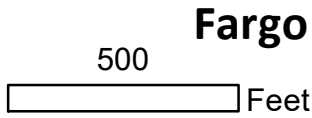
2501 55th Street S;
5675 26th Avenue S

Amber Valley West Sixth Addition



Legend

AG	DMU	GGC	GO	LC	MHP	MNC	NO	P/T	UMU	City Limits
MR-1	MR-2	MR-3								

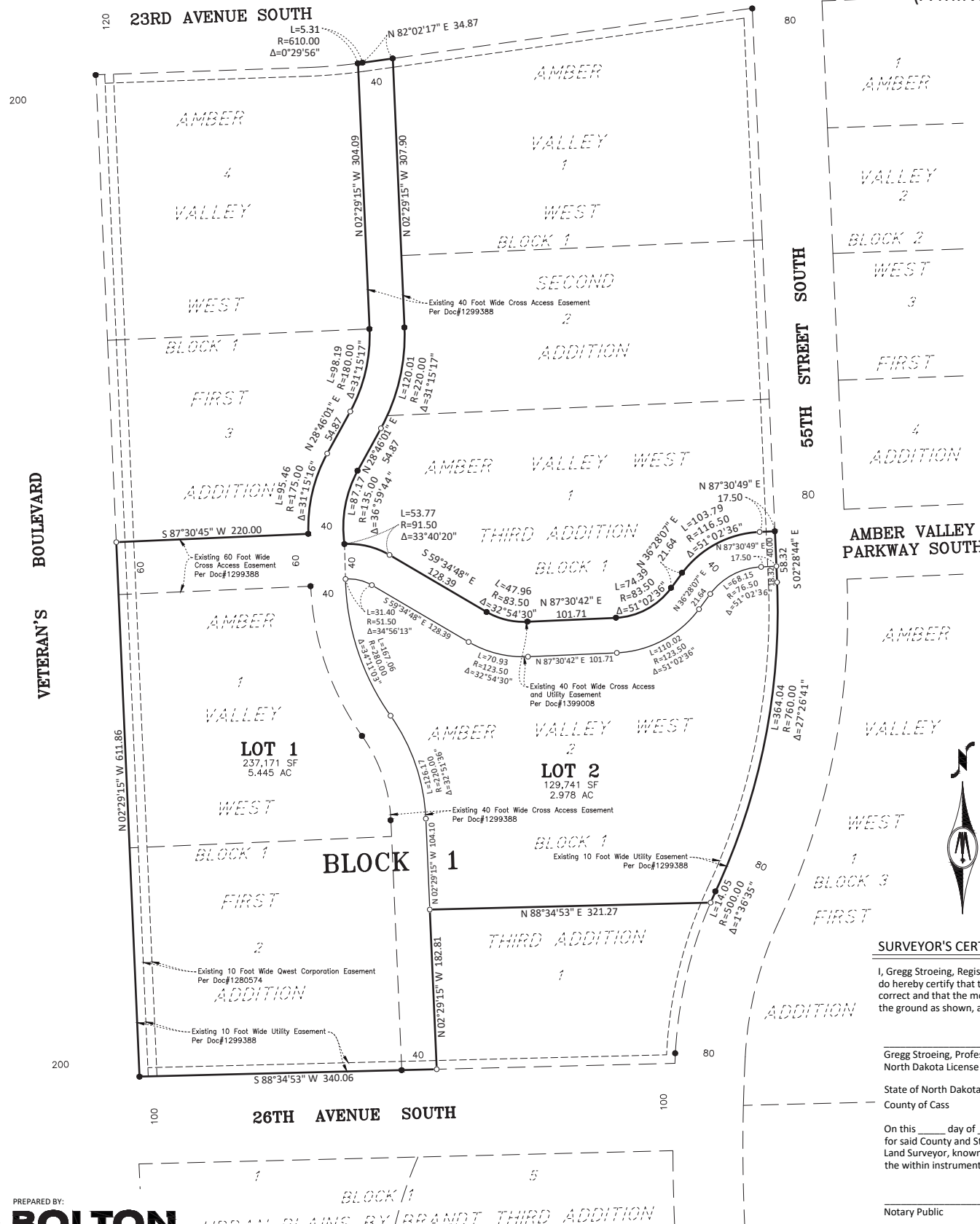


Fargo Planning Commission
August 3, 2021



AMBER VALLEY WEST SIXTH ADDITION

A REPLAT OF LOTS 1 AND 2, BLOCK 1 OF AMBER VALLEY WEST FIRST ADDITION AND LOT 2, BLOCK 1 OF AMBER VALLEY WEST FIFTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)



OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Galleria on Veteran's, LLC, a North Dakota limited liability company, as owner of the following described land:

Lots 1 and 2, Block 1 of AMBER VALLEY WEST FIRST ADDITION to the City of Fargo according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

AND

That Amber Valley West Investments, LLC, a north Dakota limited liability company, as owner of the following described land:

Lot 2, Block 1 of AMBER VALLEY WEST FIFTH ADDITION to the City of Fargo according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Said parcels contain 8.423 acres of land, more or less and are subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcels of land to be surveyed and platted as "AMBER VALLEY WEST SIXTH ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER: LOT 1
Galleria on Veteran's, LLC

By: Kevin Christianson, President

State of North Dakota }
County of Cass }
SS

On this _____ day of _____, in the year 2021 before me personally appeared Kevin Christianson, President, Galleria on Veteran's, LLC known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Galleria on Veteran's, LLC

Notary Public

OWNER: LOT 2
Amber Valley West Investments, LLC

By: Kevin Christianson, President

State of North Dakota }
County of Cass }
SS

On this _____ day of _____, in the year 2021 before me personally appeared Kevin Christianson, President, Amber Valley West Investments, LLC, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Amber Valley West Investments, LLC

Notary Public

MORTGAGE HOLDER: LOT 1
Starion Bank

By:

State of North Dakota }
County of Cass }
SS

On this _____ day of _____, in the year 2021

before me personally appeared _____

_____, Starion Bank, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Starion Bank

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

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

State of North Dakota }
County of Cass }
SS

On this _____ day of _____, 2021, before me, a notary public within and for said County and State, personally appeared Gregg Stroeing, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2021.

Rocky Schneider, Planning Commission Chair

State of North Dakota }
County of Cass }
SS

On this _____ day of _____, in the year 2021 before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2021.

Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass }
SS

On this _____ day of _____, in the year 2021 before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2021.

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota }
County of Cass }
SS

On this _____ day of _____, in the year 2021 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public

PRELIMINARY



PREPARED BY:

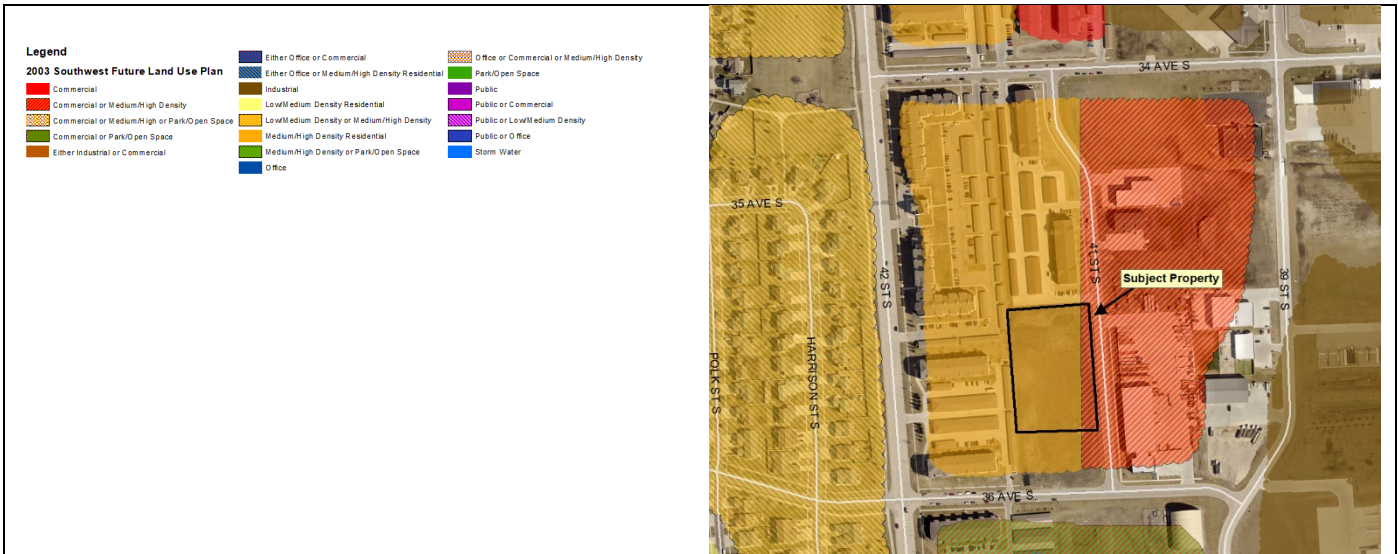
BOLTON & MENK

URBAN PLAINS BY BRANDT THIRD ADDITION

City of Fargo Staff Report			
Title:	Asleson Farms Fourth Addition	Date:	7/27/2021
Location:	3523 41 st Street South	Staff Contact:	Adam Martin, assistant planner
Legal Description:	Lot 2, Block 1, Asleson Farms Fourth Addition		
Owner(s)/Applicant:	JNB Properties LLC/Nick Dietrich	Engineer:	n/a
Entitlements Requested:	Zoning Change (from MR-2, Multi-Dwelling Residential, to LC, Limited Commercial)		
Status:	Planning Commission Public Hearing: August 3, 2021		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: MR-2, Multi-Dwelling Residential	Zoning: LC, Limited Commercial
Uses Allowed: MR-2 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: LC 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.
Maximum Lot Coverage Allowed: 35%	Minimum Lot Coverage Allowed: 55%
Maximum Density:	

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A Zoning Change from MR-2, Multi-Dwelling Residential, to LC, Limited Commercial, for the property described as Lot 2, Block 1, Asleson Farms Fourth Addition, located at 3523 41st Street South. <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-2, Multi-Dwelling Residential, with multi-dwelling residences. • East: LI, Limited Industrial, with Contractor Yard and Office uses. • South: LC, Limited Commercial, with Retail Sales and Service uses. • West: MR-3: Multi-Dwelling Residential, with multi-dwelling residences. <p>Area Plans:</p> <p>According to the 2003 Southwest Future Land Use Plan, the subject property falls into both the "Medium/High Density Residential" and the "Commercial or Medium/High Density Residential" land use designations. Thus, staff finds the proposed zoning district to be appropriate for the subject property.</p>



Schools and Parks:

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

Neighborhood: The subject property is located within the Pointe West neighborhood.

Parks: Pointe West Park, located at 3331 42nd Street SW, is approximately 800 feet northwest of the subject property, and provides amenities of playground for ages 5-12, and soccer fields.

Pedestrian / Bicycle: The subject property is not connected to bike facilities. An off-road multi-use trail is located approximately 400 feet west of the subject property, along the west side of 42nd Street South, which is a component of the metro area bikeways system.

Staff Analysis:

ZONING

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

- 1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
 Staff is unaware of any zoning map error in regards to the subject property. The property owner applied for a plat of Asleson Farms Fourth Addition, which was presented to the Planning Commission in February 2021. At that time, the property immediately south of the subject property was rezoned from MR-2, Multi-Dwelling Residential, to LC, Limited Commercial to accommodate a proposed dance studio. The applicant is requesting to rezone the subject property to provide a better transition of land uses between the industrial uses to the east and the residential uses to the west. Staff finds that the requested zone change is justified by a change in conditions at this location since the previous zoning classification was established.
(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 and responded to one inquiry about the project, and has received no letters of opposition.

(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. The 2003 Southwest Future Land Use Plan identified the subject property as suitable for either medium to high-density residential or commercial development. The requested zone change would create the opportunity for commercial development through the LC, Limited Commercial, zoning district. Staff believes this proposal is in keeping with adopted plans and the existing zoning of adjacent properties.

Additionally, the Fargo Go2030 Comprehensive Plan supports infill development within areas that are already developed, serviced with utilities. The promotion of infill development is the number two ranked priority of Go2030. 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 move to recommend approval to the City Commission of the proposed zoning map amendment from MR-2, Multi-Dwelling Residential, to LC, Limited Commercial, as the proposal satisfactorily complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Growth Plan, Standards of Article 20-0906(F) (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 3rd, 2021

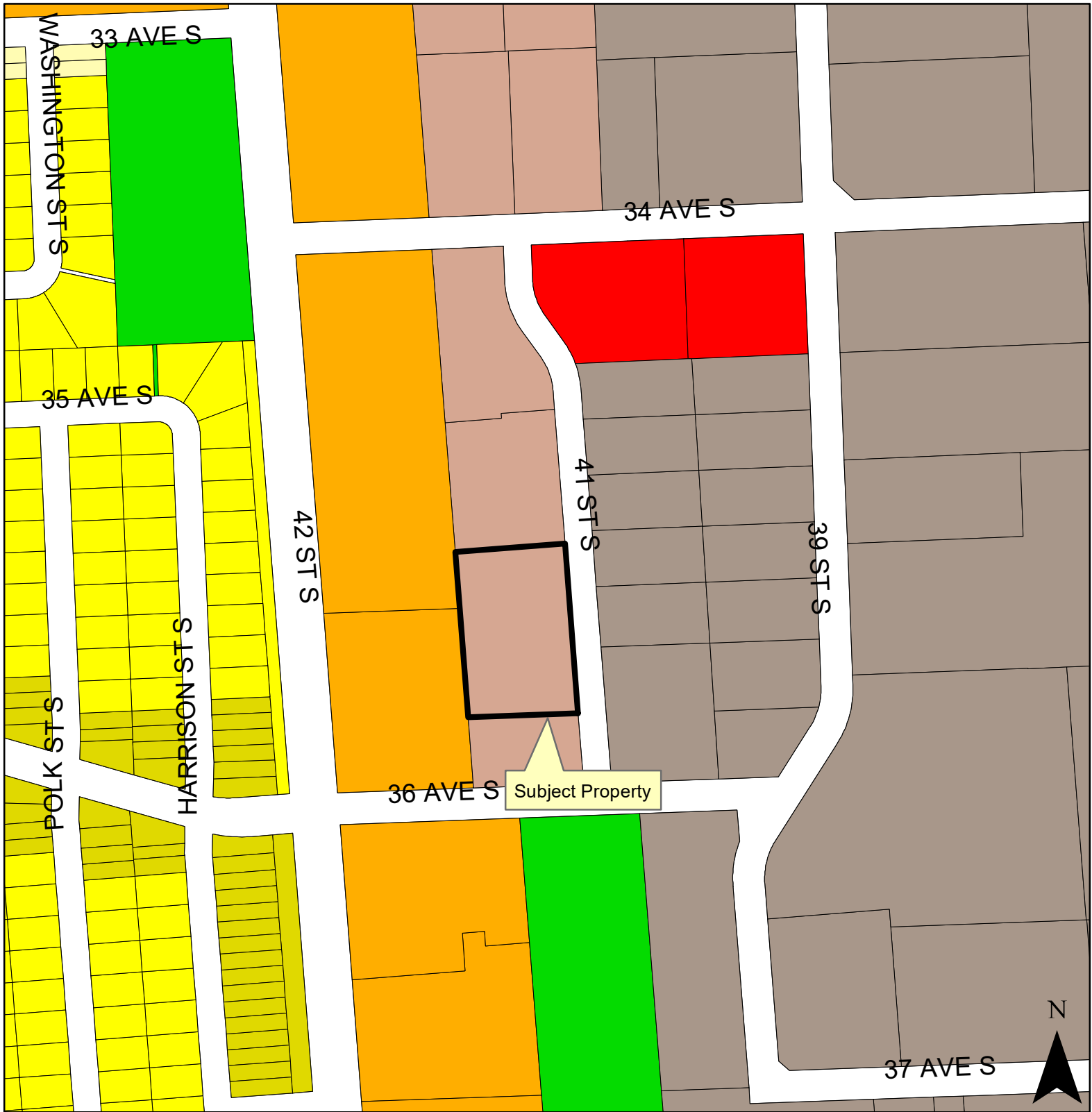
Attachments:

1. Zoning map
2. Location map

Zone Change (MR-2 to LC)

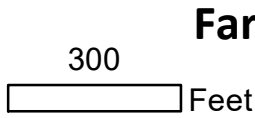
Asleson Farms Fourth Addition

3523 41st Street South



Legend

AG	DMU	LC	MHP	SS
DGC	MR-1	MNR-1	NCO	SS-2
GFC	MR-2	MNR-2	P/J	SS-3
GO	MR-3	UMU	SS-4	SS-5
			City Limits	



Fargo Planning Commission
August 3, 2021

Zone Change (MR-2 to LC)

Asleson Farms Fourth Addition

3523 41st Street South



City of Fargo Staff Report			
Title:	Goodman's Addition	Date:	7/27/2021
Location:	3241 Main Avenue, Unit C	Staff Contact:	Adam Martin, assistant planner
Legal Description	Lot 9, Goodman's Addition		
Owner(s)/Applicant:	Goodman LLP/Jason Hearn	Engineer:	n/a
Entitlements Requested:	Conditional Use Permit (to allow Industrial Service uses in the GC, General Commercial zone)		
Status:	Planning Commission Public Hearing: August 3, 2021		

Existing	Proposed
Land Use: Commercial	Land Use: Industrial
Zoning: GC, General Commercial	Zoning: GC, General Commercial
Uses Allowed: GC allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	Uses Allowed: The Conditional Use Permit would allow Industrial Service uses in the GC, General Commercial zone , in addition to the other permitted uses in the GC zone.
Maximum Lot Coverage: 85%	Maximum Lot Coverage: 85%

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A conditional use permit (CUP) to allow Industrial Service uses in the GC, General Commercial zone <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: GC, General Commercial, utilized by the BNSF railroad • East: LC, Limited Commercial, with warehouse and commercial uses • South: LI, Limited Industrial, with commercial uses • West: GC, General Commercial, with retail sales and service uses
Area Plans:
The subject property is not located within an area covered by a future land use plan.
Context:
<p>Schools: The subject property is located within the West Fargo School District and is served by L.E. Berger Elementary, Cheney Middle, and West Fargo High schools.</p> <p>Neighborhood: The subject property is not located within any specified neighborhood.</p> <p>Parks: The Metro Recreation Center (3110 Main Avenue) is located approximately 900 feet east of the subject property and provides amenities of archery, horseshoes, and indoor soccer fields. Teamsters Park (1900 1st Avenue South) is located approximately 1 mile east of the subject property and provides amenities of recreational trails and a multipurpose field.</p> <p>Pedestrian / Bicycle: The subject property is not adjacent to any bicycle facilities.</p>

Staff Analysis:

EXISTING CONDITIONS

The existing building contains a former lawn care equipment showroom, as well as other warehouse and commercial uses.

PROPOSED USE

The applicant's business, Overloaded Laundry, is a commercial laundry service that processes scrubs and linens from several hospitals and nursing home facilities in the Fargo-Moorhead region. The proposed business does not operate as a retail sales and service use, nor does it involve customers delivering and retrieving laundry. Additionally, the facility will not contain or utilize coin-operated laundry machines. Therefore, this use is classified by the Land Development Code (LDC) as Industrial Service, for which a conditional use permit is required in the GC, General Commercial zone.

Staff notes that the CUP relates to allowing certain uses. The CUP is not a building permit. The tenant will have to go through the change of use permit process, with a building permit for tenant improvement, with the Inspections Department prior to opening their business. These permits are administrative, and so do not come before the Planning Commission. Additionally, as part of the building permit review process, the Fire Marshal will review all peroxides and chemicals used in the laundry operation. Planning staff has discussed this point with the tenant.

RESIDENTIAL PROTECTION STANDARDS and USE STANDARDS FOR INDUSTRIAL USES IN GENERAL COMMERCIAL ZONING

Fargo's Land Development Code (LDC) Section 20-0704, Residential Protection Standards, states that Residential Protection Standards apply to all non-residential development when such development occurs on a site within 150 feet of any SR (single dwelling), MR (multi-dwelling), or MHP (mobile home park) zoning. The subject property is greater than 150 from any SR, MR, or MHP zoned property, so this section by itself does not apply.

LDC Sec. 20-0402 (R), Use Standards for Industrial Uses in General Commercial Zoning, applies the residential protection standards for landscape buffers to any side of the development within 600 feet of residential zoning districts (SR, MR, and MHP) and within 600 feet of vacant land illustrated as "residential" on a Growth Plan. The subject property is greater than 600 feet from any SR, MR, or MHP zoned property. As this proposed use does not have any exterior storage or operations, nor does it create external impacts of noise, smoke, vibration, or traffic, staff finds that no additional landscaping buffer is required for this use at this time. However, future expansion or development of new industrial uses on this site may require residential protection buffer described in 20-0402(R), as noted in the recommended conditions below. Compliance with Sec. 20-0402(R) is evaluated during the building permit review process.

LDC Section 20-0402 (R) also requires that a facility having industrial uses must be located greater than 300 feet from the property line of any residentially zoned property. This facility meets that requirement.

RECOMMENDED CONDITIONS

Planning staff has developed standard conditions for industrial uses in the GC zone. Staff recommends these conditions, stated below, as part of this CUP. Additionally, all applicable sections of the LDC apply to industrial uses in the GC, and so do not need to be specified in the recommended conditions.

Recommended Conditions:

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

5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
6. Any expansion of the Industrial Service use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
7. The Conditional Use Permit shall terminate if the Industrial Service use cease for a period of more than 12 consecutive months.

APPROVAL AND APPEAL

The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant to LDC Section 20-0903(B), appeals of final decisions must be filed within 10 days of the date of the decision.

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. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow a commercial laundry business. 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 and promote the welfare and convenience of the public. Staff is proposing conditions which would address potential negative impacts of the proposed use but that also allow the public to utilize the convenience of this business.
(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 CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries or protest regarding the project or proposed use.
(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 conditional use permit to allow Industrial Service uses should not dominate the immediate neighborhood or prevent any other sites from being used. There are no external impacts of noise, smoke, vibration, or traffic. Based on this information, staff finds that the proposed conditional use permit meets this criterion.
(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 properties are located within an area of the City that is largely developed with public infrastructure. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. In addition, the requested CUP

has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

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 subject property has vehicular access to Main Avenue and is developed with one entrances. The proposed business does not have high traffic or frequent large deliveries. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval of the conditional use permit to allow Industrial Services uses in the GC, General Commercial zone, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0909.D (1-6) of the LDC, and all other applicable requirements of the LDC, with the following conditions for the CUP:

1. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
2. No outdoor storage of equipment or supplies.
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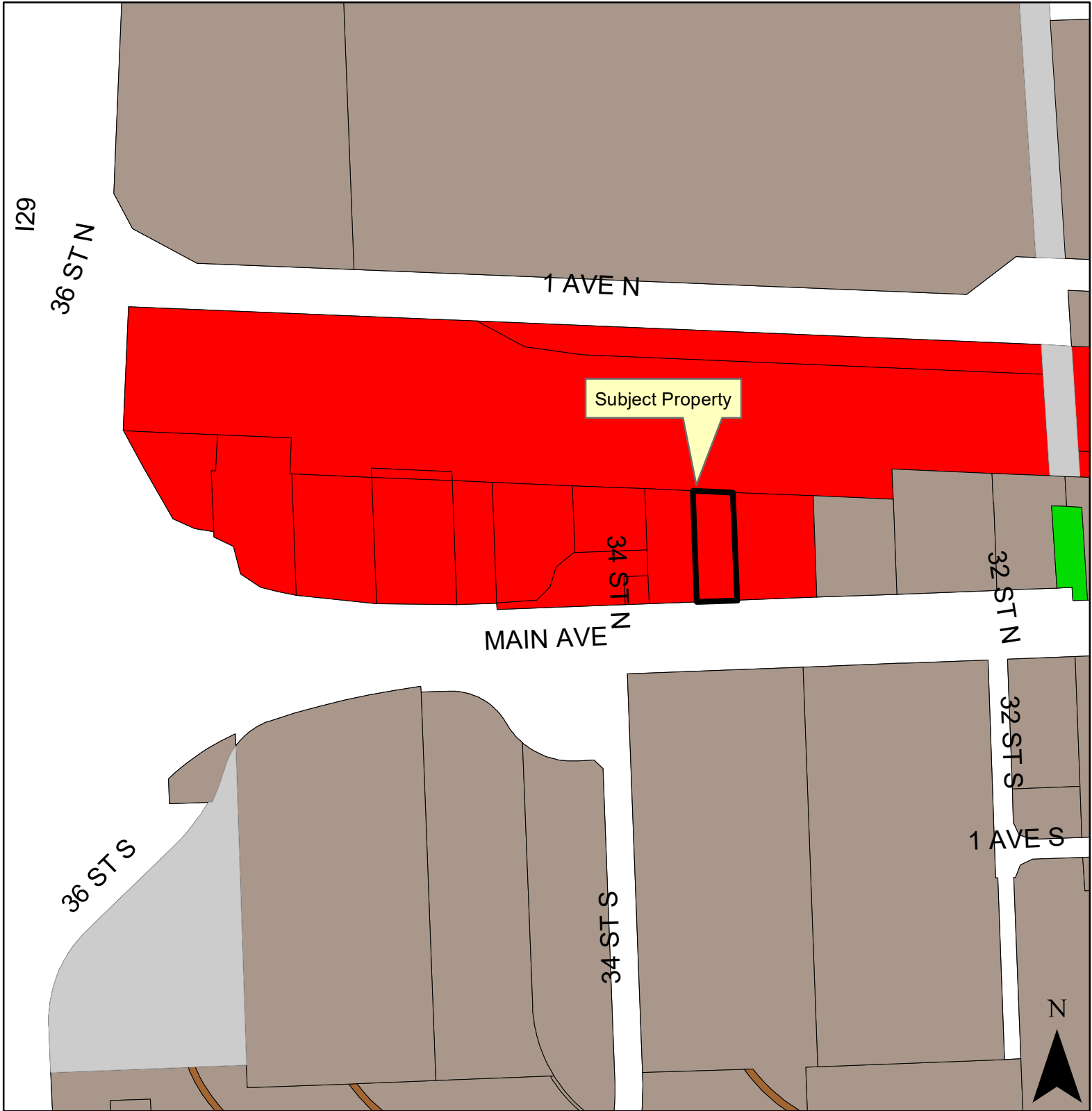
Attachments:

1. Zoning Map
2. Location Map

CUP (Industrial Service in GC Zone)

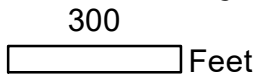
Goodman's Addition

3241 Main Avenue



Legend

- | | | | |
|-----|-------|-----|-------------|
| AG | LC | MHP | RR-1 |
| DMU | MLC | N/C | RR-2 |
| GC | MRR-1 | NO | RR-3 |
| GO | MRR-2 | P/T | RR-4 |
| | MRR-3 | UMU | RR-5 |
| | | | City Limits |



Fargo Planning Commission
August 3, 2021

CUP (Industrial Service in GC Zone)


Goodman's Addition

3241 Main Avenue



MEMORANDUM

TO: Fargo Planning Commission

FROM: Donald Kress, current planning coordinator 

DATE: July 28, 2021

SUBJECT: Review Rules of Internal Procedure and Operations

Attached are the Rules of Internal Procedure and Operations for the Fargo Planning Commission. These rules were adopted June 7, 2016.

The attached version updates the address of City Hall from 200 Third Street North to 225 Fourth Street North.

Periodically, the Planning Commission reviews and reaffirms these rules. The reaffirmation is done by roll call vote.

**RULES OF INTERNAL PROCEDURE AND OPERATIONS OF THE
CITY OF FARGO PLANNING COMMISSION
(ADOPTED JUNE 7, 2016)**

The duly appointed Planning Commission of the City of Fargo, North Dakota, does hereby adopt the rules hereinafter set forth as the rules that shall govern its internal operations.

**I
MEMBERSHIP**

- A. The City of Fargo Planning Commission (hereinafter referred to as “the Commission”) shall be composed of those individuals who have been appointed by the governing bodies of the City of Fargo and Cass County in accordance with the provision of NDCC 40-48-03 and who have filed the oath of office requisite to such appointment. The Commission operates with authority in accordance with the provision of NDCC 40-05.1-06. At the regular meeting in July of each year, the Commission shall elect a Chair and Vice-Chair for the ensuing year to have the duties hereinafter specified.
1. The Chair shall generally preside and conduct all Commission meetings and all special meetings, may appoint standing or special committees from Commission members for specific functions, and select by appointment individual members to perform specific duties.
 2. The Vice-Chair shall, in the event of the absence, disability, resignation, or conflict of interest of the Chair, exercise all the powers and duties of said Chair. In the event the Chair is permanently disqualified from performing the Chair’s function, the Vice-Chair shall automatically become Commission Chair and the position of Vice-Chair shall be deemed vacant and an election shall follow for Vice-Chair.
 3. The Commission is made up of eleven members, eight of whom are appointed by the City Commission for three-year terms and three of whom are appointed as extraterritorial representatives by the County Commission for five-year terms. The Commissioners shall serve without compensation. The Commissioners serve at the pleasure of the appointing Commission.

**II
MEETINGS**

- A. Regular Meetings – The Commission shall meet as determined by the Commission and published in accordance to the Land Development Code and North Dakota Century Code. If the regular meeting date shall fall on a holiday when City offices are generally closed, the meeting shall be rescheduled at a time to be determined by the Commission.
- B. Special Meetings – The Chair or three Commissioners may from time to time call special meetings of the Commission with not less than twenty-four hours notice to Commission members. Telephonic meetings are prohibited.

- C. Meeting Location – All regular meetings of the Commission shall be held in the Chambers of the City Commission, City Hall, Fargo, North Dakota, on the day and time specified in Section A above. Alternative locations may be specified and advertised in accordance with publication requirements. Special meetings may be held at other locations and at other times which shall be designated in the written notice of the special meeting.
- D. Order of Business – The items of business to be considered at any regular or special meeting shall be specified on the notice of such meetings, which shall be the meeting agenda and which shall be transmitted to each member in the case of a regular meeting no later than three days immediately preceding the meeting date and, in the case of special meetings, at the time the meeting is noticed. The order of the agenda may be changed or late items may be added by the Commission.
- E. Application for a Public Hearing – The written application is due in the Department of Planning and Development office as set forth in the established processing cycle of Article 20-0901.E of the Land Development Code.

If an application is to be continued at the request of the applicant, a motion must be made for the application to be continued to the following month's Commission agenda or date certain as requested. With the approval of the Commission, applications may be continued at the request of the Department of Planning and Development.

If an application is to be withdrawn, the applicant shall submit a written statement providing reasons for the withdrawal to the Department of Planning and Development at any time prior to public hearing. If a withdrawal letter is not submitted, the Commission hearing will take place.

If an applicant or opponent wishes, additional written information may be presented to the Department of Planning and Development at 225 Fourth Street North, Fargo, North Dakota, 58102, 24 hours prior to the public hearing.

Protest: The Commission will receive, by all who wish to protest on a specific case, comments in either written or verbal form. The comments received will be reported to the City Commission at their public hearing.

III VOTING

All duly appointed Commission members, including the Chair and Vice-Chair, shall be entitled to one equal vote at any regular or special meeting except as indicated below. There shall be no voting by proxy.

The Commissioner declaring a conflict of interest concerning a matter before the Commission shall declare such a conflict at the time the matter is introduced for consideration and shall not vote nor participate in the discussion concerning the matter. The Commissioner declaring the conflict may remove oneself from the table and participate in the discussion as a member of the public.

All matters presented for Commission consideration requiring affirmative action shall be decided by majority vote of the members present and voting.

**IV
QUORUM**

A quorum shall consist of a majority of the seated members of the Commission.

**V
STANDING COMMITTEES**

The Commission or City Commission may create standing or special committees of the Commission.

**VI
ETHICS/CONDUCT**

- A. The Commission follows City of Fargo Employment Policy No. 300-005: Conduct/Ethics/Gift Policy.
- B. The Commission follows City of Fargo Employment Policy No. 300-009: Federal Grants Ethics Policy.

**VII
OTHER PROCEDURES**

All operating procedures not specifically provided for herein shall be governed generally by the latest edition of Robert's Rules of Order which are hereby incorporated for purposes of reference. In the event any provisions of Robert's Rules of Order are inconsistent herewith, these Rules shall govern.

**VIII
CONTROL OF LAW**

The procedures and operations of the Commission shall be governed by applicable ordinances of the City of Fargo, North Dakota, laws of the State of North Dakota, and applicable laws of the United States of America; and any provisions herein inconsistent or in conflict with such laws or ordinances shall be deemed void.

**IX
AMENDMENT AND REPEAL**

These procedural Rules may be amended or repealed from time to time by the affirmative vote of a majority of the duly appointed Commission members at a regular or special meeting. Such amendment or repeal shall be presented at one meeting and acted upon at the subsequent meeting.

X
ADOPTION AND FILING

These Rules shall be presented to the Commission for consideration at a regular or special meeting and shall be adopted only on affirmative vote of a majority of Commission members and made a permanent part of the record.

The undersigned Chair of the City of Fargo Planning Commission does hereby certify that the foregoing "Rules of Internal Procedure and Operations of the City of Fargo Planning Commission" were duly adopted by said Planning Commission on the 7th day of June, 2016, and reaffirmed by said Planning Commission on the 3rd day of August, 2021.

Rocky Schneider
Chair of the Planning Commission