

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

A: Approve Order of Agenda

B: Minutes: Regular Meeting of November 5, 2024

C: Public Hearing Items:

- 1a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed **Broadway Commons Addition**. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies) (dk): CONTINUED TO FEBRUARY 4, 2025
- 1b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan on the proposed **Broadway Commons Addition**. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies) (dk): CONTINUED TO FEBRUARY 4, 2025
- 1c. Continued hearing on an application requesting a Plat of **Broadway Commons Addition** (Minor Subdivision) a replat of all of Lot 1, all of Auditor's Lots A, B, E, F, and G and a portion of Lot 6 of Marelius' Subdivision of Block 18 of Chapin's Addition and part of Auditor's Lot C of Block 17 of Chapin's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies) (dk): CONTINUED TO FEBRUARY 4, 2025
2. Hearing on an application requesting a Plat of **Prairie Farms Third Addition** (Minor Subdivision) a replat of Lots 1-3, Block 6, Prairie Farms Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5897, 5923, and 5945 31st Street South) (Prairie Grove, Inc./Houston Engineering) (dk)
- 3a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial and AG, Agricultural on the proposed **Grafstrom First Addition**. (Located at 5401 and 5617 19th Avenue North and 2101 57th Street North) (Just North of the Horse Park, LLC/Christianson Companies) (dk)
- 3b. Hearing on an application requesting a Plat of **Grafstrom First Addition** (Major Subdivision) a plat of an unplatted portion of the Southwest Quarter of Section 28, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 5401 and 5617 19th Avenue North and 2101 57th Street North) (Just North of the Horse Park, LLC/Christianson Companies) (dk)

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

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

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

4. Hearing on an application requesting a Conditional Use Permit (CUP) to reduce Telecommunications Support Structure (TSS) setback requirements and to allow the TSS to exceed the maximum height requirements in the LC, Limited Commercial zoning district on Lots 23, 24, and 25, Block 14, **Morton & Doty's Addition**. (Located at 1417 University Drive South) (McAllister Real Estate, LLLP/Buell Consulting) (dk)
5. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lot 1, Block 1, **The District at Fargo Fifth Addition**. (Located at 3788 55th Avenue South) (Nathan Skaff/Nicholas Qualley) (lm)
6. Hearing on an application requesting a Plat of **Avery Commons Addition** (Minor Subdivision) a replat of Lots 5-9, Block 5, Cottagewood First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4931, 4943, 4949, 4955, and 4967 Avery Lane South) (Heritage Homes/Houston Engineering) (dk)
7. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to SR-5, Single-Dwelling Residential on Lot 1, Block 1, **Eagle Valley Fifth Addition**. (Located at 7475 24th Street South) (Eagle Ridge Development) (dk)
8. Hearing on an application requesting a Conditional Use Permit to allow household living in the LC, Limited Commercial zoning district on Lot 4, Block 1, **Osgood Townsite 15th Addition**. (Located at 5100 47th Street South) (Grand 52, LLC/EagleRidge Development) (dk)

D: Other Items:

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, November 5, 2024

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, November 5, 2024.

The Planning Commissioners present or absent were as follows:

Present: Maranda Tasa, Scott Stofferahn, Art Rosenberg, Jennifer Holtz, Thomas Schmidt, Joseph Cecil, Amy Hass, Tyler Mohs, Paul Gleye

Absent: Brett Shewey

Chair Tasa called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Tasa noted Items 3a, 3b, and 3c have been continued to December 3, 2024 and 1a and 1b have been continued to February 4, 2025.

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

Item B: Minutes: Regular Meeting of October 1, 2024

Member Schmidt moved the minutes of the October 1, 2024 Planning Commission meeting be approved. Second by Member Hass. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Northdale First Addition

1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay on the proposed Northdale First Addition. (Located at 4300 County Highway 81 North) (Allstar Land Company/Christianson Companies, Inc.): CONTINUED TO FEBRUARY 4, 2025

1b. Continued hearing on an application requesting a Plat of Northdale First Addition (Major Subdivision) a plat of an unplatted portion of the Southeast Quarter of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 4300 County Highway 81 North)

(Allstar Land Company/Christianson Companies, Inc.): CONTINUED TO FEBRUARY 4, 2025

A Hearing had been set for September 5, 2024. At the September 5, 2024 meeting, the Hearing was continued to this October 1, 2024. At the October 1, 2024 meeting, the Hearing was continued to this date and time, however the applicant has requested this application be continued to February 4, 2025.

Item 2: Austin's Subdivision

Continued hearing on an application requesting a Conditional Use Permit (CUP) to allow for industrial service use in the GC, General Commercial zoning district on Lot 3, Block 1, Austin's Subdivision. (Located at 5418 53rd Avenue South) (Lowry Engineering/JBJ Properties, LLC):

A Hearing had been set for October 1, 2024. At the October 1, 2024 meeting, the Hearing was continued to this date and time.

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

Discussion was held on the adjacent amenities.

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

Applicant Representative Sam Solberg, Lowry Engineering, spoke on behalf of the application.

Further discussion was held on the existing tree row southeast of the property, and the proposed type of work to be done on property.

Member Stofferahn moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Industrial Service use in the GC, General Commercial zoning district be approved as the proposal complies with Section 20-0909.D (1-6) of the Land Development Ord, and all other applicable requirements of the Land Development Code, with the following 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.
- 2) All refuse containers, including dumpsters, shall be concealed from public view by an opaque fence, screen wall or building extension.

- 3) No outdoor storage of equipment or supplies.
- 4) Off-street parking, loading, vehicular circulation areas and outdoor yards shall have an all-weather surface, as defined by the Land Development Code.
- 5) The manufacturing, production, or processing of food and/or animal products or hazardous chemicals shall not be permitted.
- 6) Any expansion of the industrial use from the site plan provided in the November 5, 2024 Planning Commission packet 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 all industrial uses cease for a period of more than 12 consecutive months.

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

Item 3: Broadway Commons Addition

3a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed Broadway Commons Addition. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies): CONTINUED TO DECEMBER 3, 2024

3b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan on the proposed Broadway Commons Addition. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies): CONTINUED TO DECEMBER 3, 2024

3c. Hearing on an application requesting a Plat of Broadway Commons Addition (Minor Subdivision) a replat of all of Lot 1, all of Auditor's Lots A, B, E, F, and G and a portion of Lot 6 of Marelius' Subdivision of Block 18 of Chapin's Addition and part of Auditor's Lot C of Block 17 of Chapin's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies): CONTINUED TO DECEMBER 3, 2024

A Hearing had been set for this date and time, however the Hearing was continued to December 3, 2024.

Item D: Other Items:

Item 1: Update on recent annexation of the Southwest Pond area

Planning Coordinator Donald Kress spoke on the recent City initiated annexation in Southwest Fargo. He noted this in an informational only item to the Planning Commission as approval has been made by the City Commission.

Discussion was held on future plans for Veteran Avenue, and current zoning of the property.

Mr. Boerboom spoke on behalf of the Engineering Department.

Item 2: Discussion of Future Growth Strategies

Planning and Development Director Nicole Crutchfield spoke on next steps now that the Fargo Growth Plan has been adopted and the process is beginning on the Land Development Code rewrite.

Discussion was held on coordination of plans between other jurisdictions and agencies, timeline of the Land Development Code rewrite, balancing needs in the interim time and utilizing the czb consultants, collaborating with the Economic Development Incentives Committee, identifying stakeholders that provide input, and project next steps.

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

The time at adjournment was 3:45 p.m.

Agenda Item Number

Continued Items:

1a, b & c - Broadway Commons Addition

2 - Prairie Farms Third Addition

3a & b - Grafstrom First Addition

4 - Morton & Doty's Addition

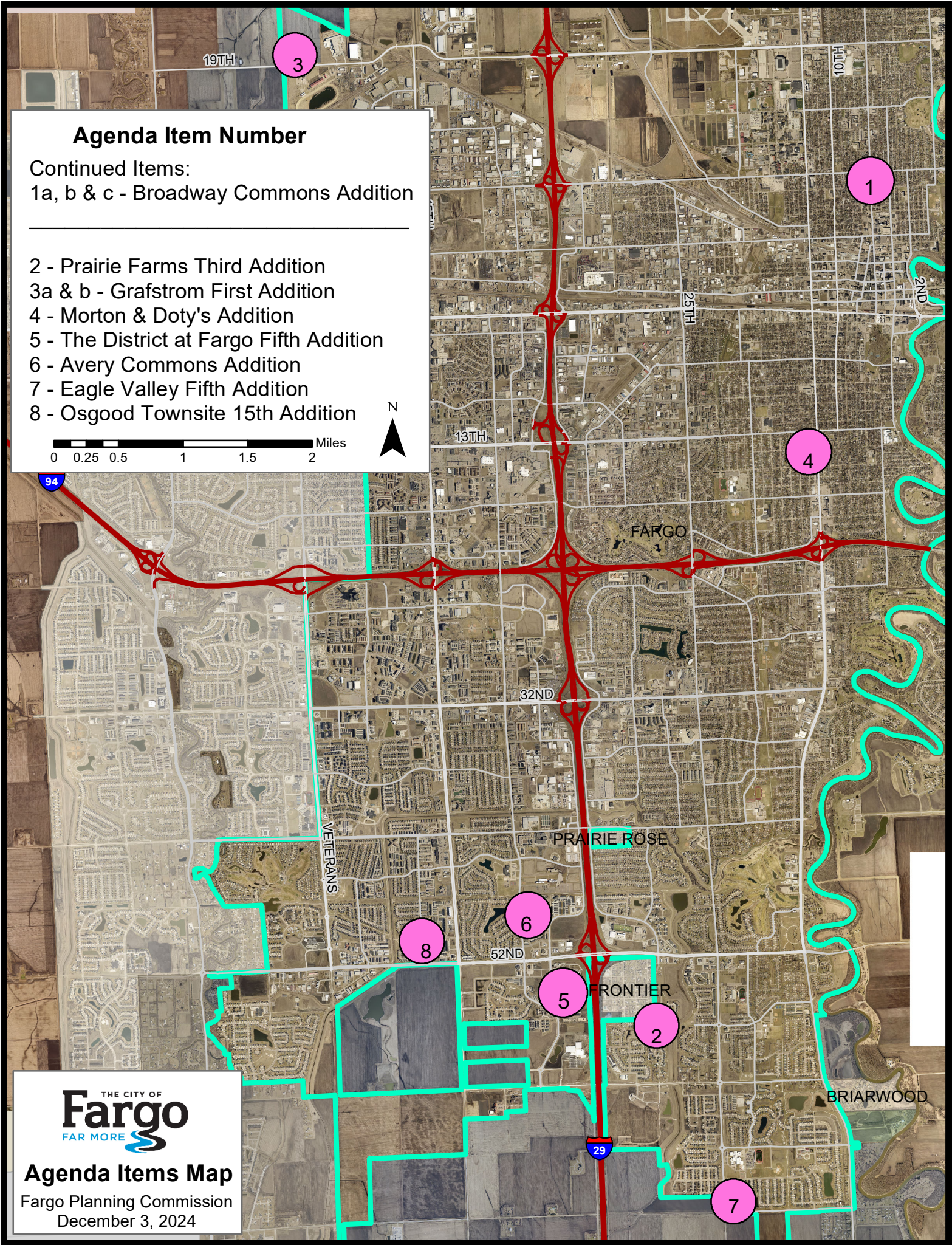
5 - The District at Fargo Fifth Addition

6 - Avery Commons Addition

7 - Eagle Valley Fifth Addition

8 - Osgood Townsite 15th Addition

0 0.25 0.5 1 1.5 2 Miles



Agenda Items Map

Fargo Planning Commission
December 3, 2024

City of Fargo Staff Report			
Title:	Prairie Farms Third Addition	Date:	11/27/2024
Location:	5897, 5923, and 5945 31st Street South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lots 1, 2, and 3, Block 6, Prairie Farms Addition		
Owner(s)/Applicant:	Designer Homes of Fargo Moorhead, LLC / Brian Pattengale	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 1, 2, and 3, Block 6, Prairie Farms Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: December 3rd, 2024		

Existing	Proposed
Land Use: Residential	Land Use: Residential
Zoning: SR-4	Zoning: No change
Uses Allowed: Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities Conditional Overlay Ordinance No. 4921 prohibits attached housing and duplexes in the SR-4 zone	Uses Allowed: No change. Conditional overlay remains in effect.
Maximum Density Allowed: 12.1 dwelling unit per acre	Maximum Density Allowed: No change

Proposal:

PROJECT HISTORY NOTE: A plat with this same name, covering the same properties, was before the Planning Commission at their July 2nd, 2024 public hearing and was subsequently approved by the City Commission. That three lot, one block plat reconfigured the three lots. The applicant requested that staff not record that plat, as the applicant's situation had changed and he now wished to create only two lots out of these three lots. That is the plat that is before you today. As the first Prairie Farms Third Addition was not recorded, the applicant can use that name again.

The applicant requests one entitlement:

1. A **minor subdivision**, to be known as Prairie Farms Third Addition, replat of Lots 1, 2, and 3, Block 6, Prairie Farms Addition, to the City of Fargo, Cass County, North Dakota

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

Surrounding Land Uses and Zoning Districts:

- North: SR-4 with residential uses
- East: SR-4 with residential uses and P/I, Public/Institutional with park and open spaces uses (Fargo Park District property and developer-owned circle)
- South: P/I, Public/Institutional with park and open spaces uses (Fargo Park District property)
- West: SR-2, Single Dwelling Residential, with residential uses

(continued on next page)

Context:

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

Neighborhood: The subject property is located within the Maple Valley neighborhood.

Parks: Maple Valley Park, located at 5899 Autumn Drive South, is approximately 0.05 mile west of the subject property and provides amenities of grill; picnic table; playground, ages 2-5; playground, ages 5-12; and a shelter.

Pedestrian / Bicycle: A shared-use path is located south across Maple Valley Drive South from the subject property. This path is a part of the metro area bikeways system.

MATBUS Route: The subject property is not located along a MATBUS route.

Staff Analysis:

The existing lots were platted as part of the Prairie Farms Addition in 2014. The lots have not been developed. As noted above, the plat replats the existing three lots into two lots.

PROPOSED LOT	AREA
1	34,381
2	44,035

ACCESS: The individual lots will take access from 31st Avenue South through breaks in the negative access easement. This easement prohibits direct access to the lots from 31st Avenue South except at the breaks depicted on the plat.

There is an existing 30-foot wide access and utility easement to the rear (west side) of these lots that was created with the Prairie Farms Addition. This easement includes a paved driveway. This easement will remain.

ZONING: The current zoning is SR-4, Single-Dwelling Residential with conditional overlay ordinance no. 4921. No zone change is proposed. The conditional overlay will carry through to this subdivision.

Minor Subdivision

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

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

The requested minor subdivision combines replats the existing three lots into two lots for residential development. The current zoning is SR-4, Single Dwelling Residential. 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 not received any inquiries or comments 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 and the Fargo Growth Plan 2024. **(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. Staff will prepare an updated amenities plan that will tie this project back to previous amenities plans of the Prairie Farms subdivisions.
(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 Farms Third Addition** as outlined within the staff report, as the proposal complies with the adopted Fargo Growth Plan 2024, the standards of Article 20-06, Section 20-0907.B. and C and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: December 3rd, 2024

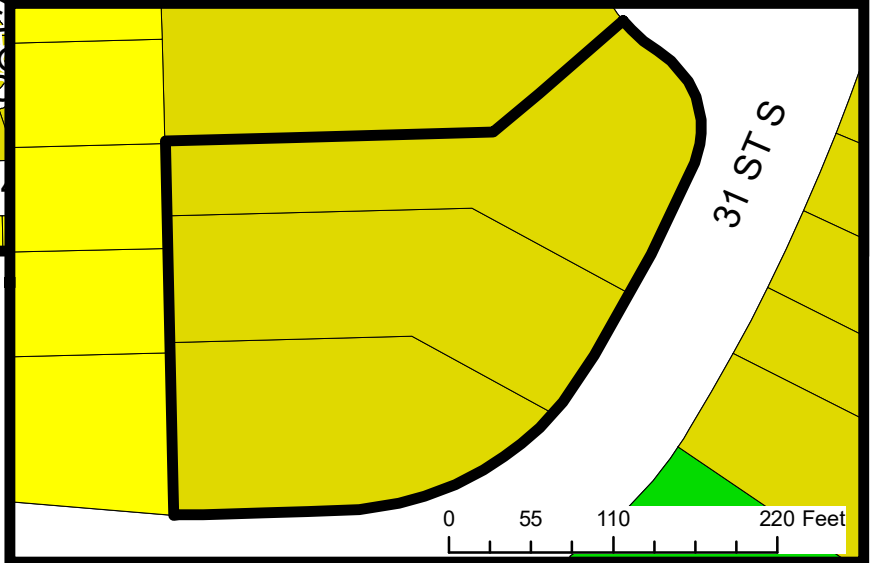
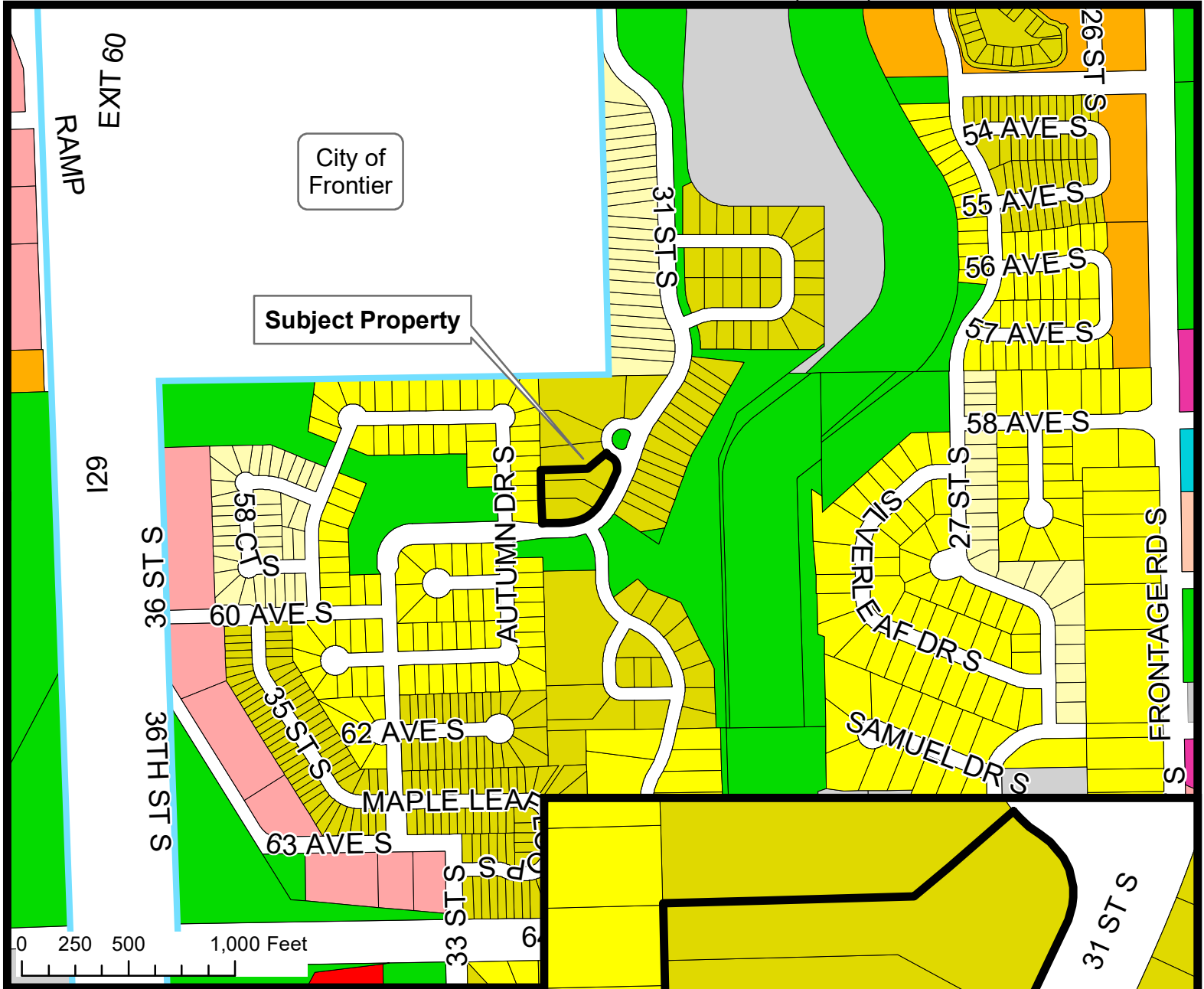
Attachments:

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

Minor Subdivision

Prairie Farms Third Addition

5897, 5923, and 5945 31st Street South



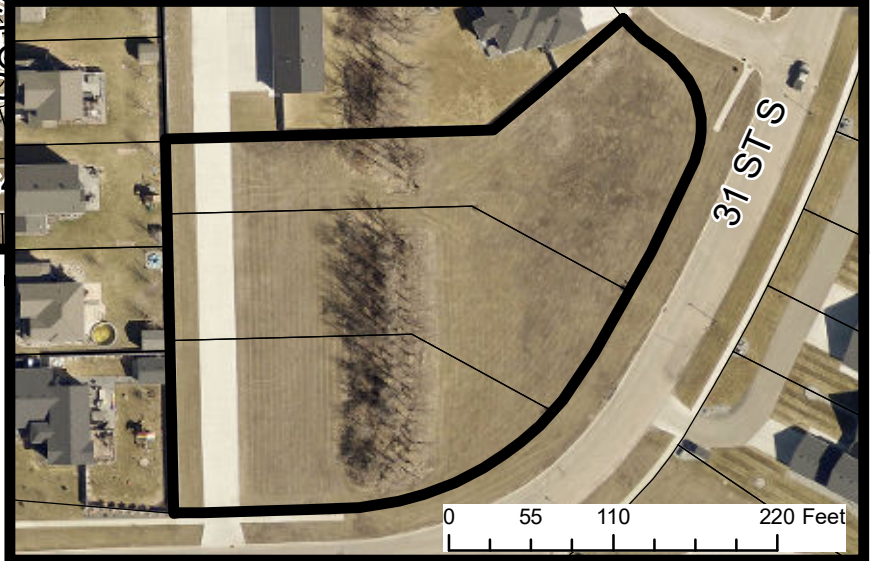
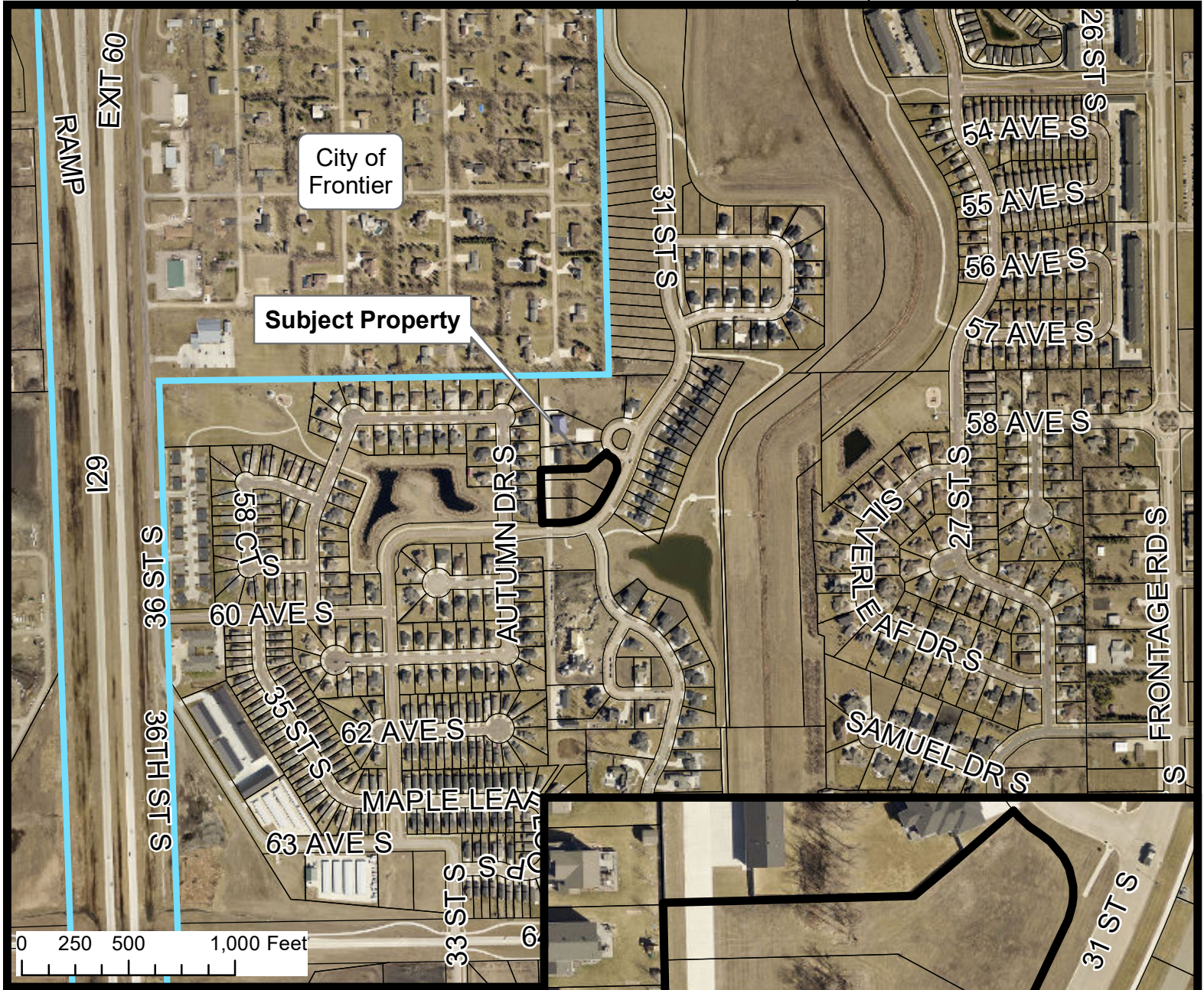
Legend

AG	LC	MHP	SS-1
DDMU	MR-1	NOC	SS-2
CC	MR-2	PJ	SS-3
GO	MR-3	UMU	SS-4
			SS-5
			City Limits

Minor Subdivision

Prairie Farms Third Addition

5897, 5923, and 5945 31st Street South

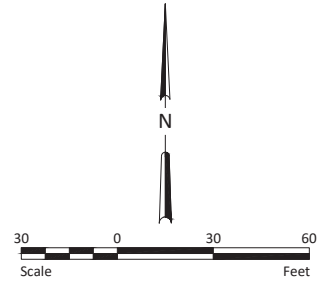
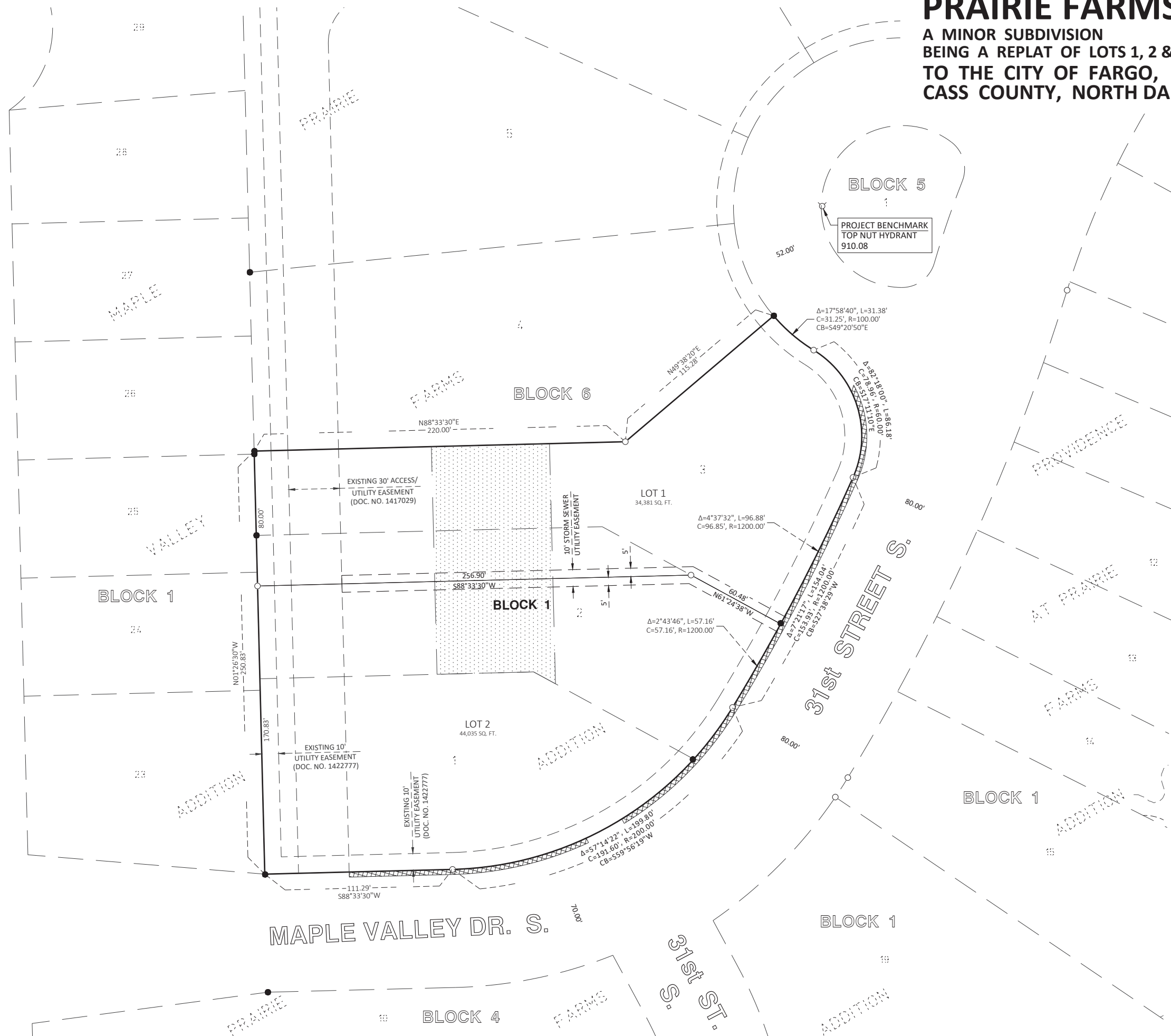


Legend

 City Limits

PRAIRIE FARMS THIRD ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 1, 2 & 3, BLOCK 6, PRAIRIE FARMS ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
NEW LOT LINE	—————
NEW UTILITY EASEMENT	-----
EXISTING LOT LINE	-----
EXISTING UTILITY EASEMENT	-----
AREA WITHIN ZONE AE - FEMA 100-YEAR FLOODPLAIN	▨
NEGATIVE ACCESS EASEMENT	XXXX

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

- NOTES:**
- 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.
 - A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0787G, DATED JAN. 16, 2015, AS MODIFIED BY LOMR-F CASE NO. 16-08-0054A, DATED NOV. 17, 2015.
 - BASE FLOOD ELEVATION = 906.7' (NAVD 1988)
 - ZONE AE ONLY DEPICTED WITHIN THE BOUNDARY OF THIS PLAT. EXISTING GROUND ELEVATIONS WITHIN THE DEPICTED ZONE AE ARE BETWEEN ELEVATION 906.0 AND 907.0 (NAVD88 - 2020 METRO-AREA LIDAR COLLECT). NO EVEN-FOOT CONTOURS EXIST WITHIN THIS DEPICTED BOUNDARY - ELEVATION CONTOURS ARE NOT DEPICTED.

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
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PRAIRIE FARMS THIRD ADDITION

A MINOR SUBDIVISION
 BEING A REPLAT OF LOTS 1, 2 & 3, BLOCK 6, PRAIRIE FARMS ADDITION
 TO THE CITY OF FARGO,
 CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION:

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

Lots 1, 2 and 3, Block 6, Prairie Farms Addition, to the City of Fargo, Cass County, North Dakota.

Said tract contains 1.800 acres, more or less.

And that said party has caused the same to be surveyed and platted as **PRAIRIE FARMS THIRD ADDITION** to the City of Fargo, Cass County, North Dakota; and does hereby dedicate to the public, for public use, the Storm Sewer Easement and the Negative Access Easements as shown on this plat.

OWNER:
 Designer Homes of Fargo-Moorhead, LLC

 Robert A. Leslie, President

State of _____)
) ss
 County of _____)

On this _____ day of _____, 20____ before me personally appeared Robert A. Leslie, President of Designer Homes of Fargo-Moorhead, 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, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this _____ day of _____, 20____.

 Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota)
) ss
 County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

 Tom Knakmuhs, PE, City Engineer

State of North Dakota)
) ss
 County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

 Maranda R. Tasa, Chair
 Fargo Planning Commission

State of North Dakota)
) ss
 County of Cass)

On this _____ day of _____, 20____ before me personally appeared Maranda R. Tasa, 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)
) ss
 County of Cass)

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

Notary Public: _____

City of Fargo Staff Report			
Title:	Grafstrom First Addition	Date:	8/28/2024
		Update:	11/27/2024
Location:	5401, and 5617 19th Avenue North and 2101 57th Street North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Unplatted portion of the Southwest Quarter of Section 28, Township 140 North, Range 49 West		
Owner(s)/Applicant:	Just North of the Horsepark, LLC / Christianson Companies	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (Plat of Grafstrom First Addition , a plat of an Unplatted portion of the Southwest Quarter of Section 28, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota), and a Zoning Change (from AG, Agricultural to AG, Agricultural and LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: December 3rd, 2024		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial, Residential/ Agricultural	
Zoning: AG, Agricultural		Zoning: LI, Limited Industrial; AG Agricultural	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		Uses Allowed: LI 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, basic utilities, certain telecommunications facilities AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	
Maximum Density Allowed (Residential) in AG: 1 dwelling unit per 10 acres.		Maximum Lot Coverage Allowed in LI: 85% Maximum Density Allowed (Residential) in AG: 1 dwelling unit per 10 acres.	
Proposal:			
<p><i>PROJECT NOTE: This project was before the Planning Commission at their September 5th, 2024 meeting. The Planning Commission recommended approval. Following that meeting, the applicants decided to revise the plat, changing the lot configuration to add another lot. This change was acceptable to staff, but required the plat to go back to the Planning Commission. The boundaries of the plat and the did not change. A comparison of the previous and current plats is below.</i></p> <p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Grafstrom First Addition, a plat of an unplatted portion of the Southwest Quarter of Section 28, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota 2. A zoning change from AG, Agricultural to AG, Agricultural and LI, Limited Industrial. <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>(continued on next page)</p>			

Surrounding Land Uses and Zoning Districts:

- North: LI; platted; undeveloped
- East: LI; platted; undeveloped
- South: P/I, Public / Institutional; North Dakota Horse Park
- West: (across 57th Street North) AG; undeveloped; in Fargo’s four-mile extra-territorial jurisdiction

Area Plans:

Fargo’s Growth Plan 2024 was adopted on August 19th, 2024. This project was proposed under the previous growth plan, the 2007 Growth Plan. This project is consistent with the future land use designations for this property under both plans.

Context:

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

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: There are no Fargo Park District parks within one mile of the subject property.

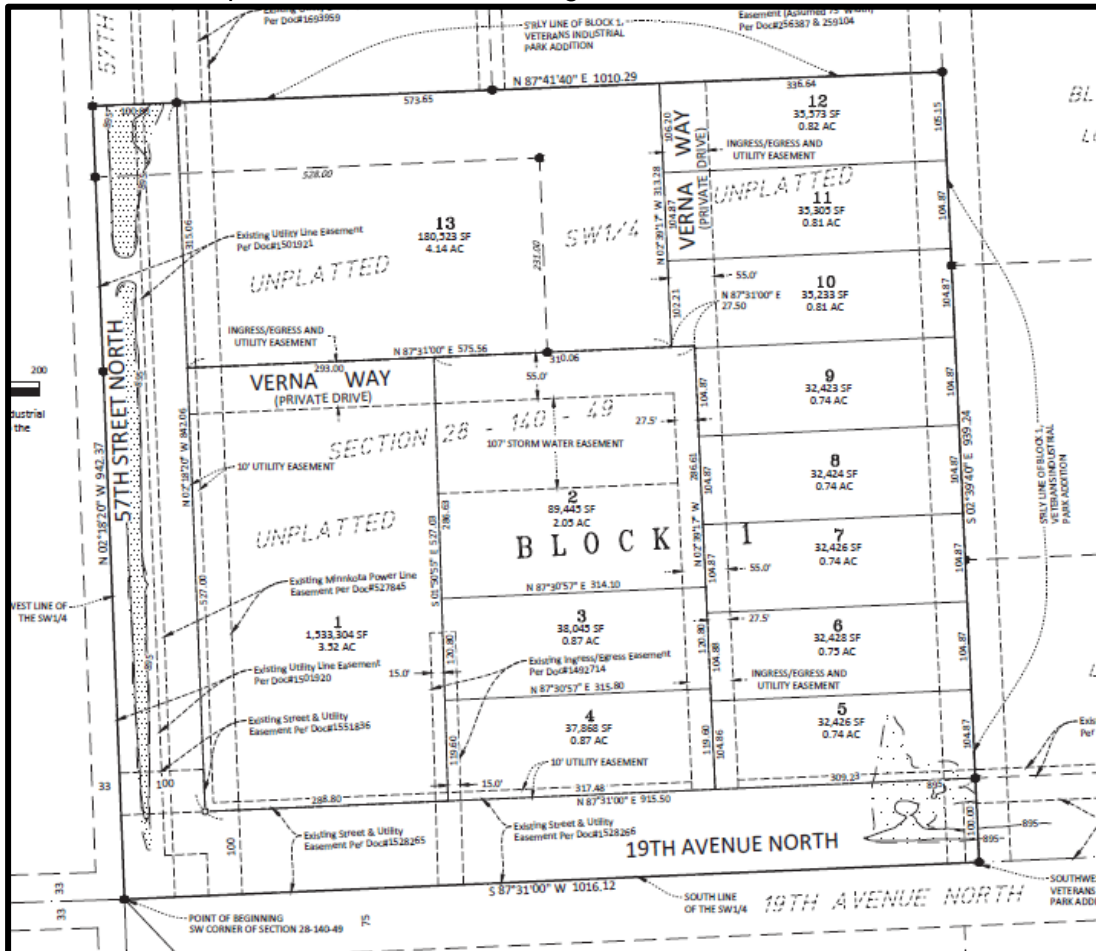
Pedestrian / Bicycle: A 10-foot wide multi-use path is located on the south side of the 19th Avenue North right of way, across 19th Avenue from the subject property.

MATBUS Route: The subject property is not on a MATBUS route at this time.

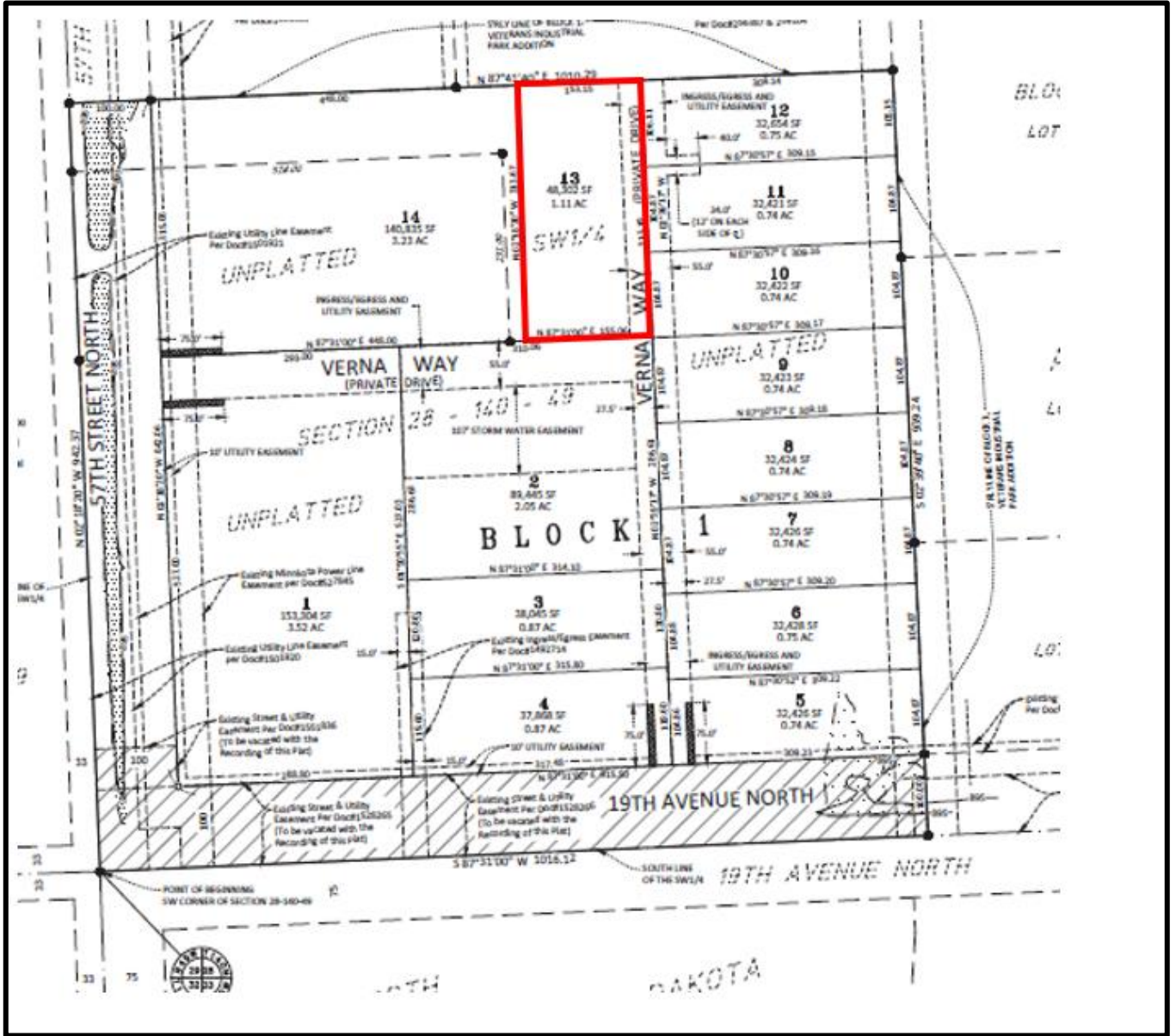
Staff Analysis:

COMPARISON OF PREVIOUS AND CURRENT PLATS:

Plat presented at the September 5th, 2024 Planning Commission—13 lots



Plat proposed at the December 3rd, 2024 Planning Commission—14 lots. New lot 13 outlined in red. This lot is cut out of previous Lot 13. The remainder of previous Lot 13 is now Lot 14.



MAJOR SUBDIVISION AND ZONING CHANGE

The subdivision plat creates 14 lots in one block. Lots 2 through 13 are intended for industrial development. Lot 1 has recently been used as residential and Lot 14 is currently used as residential. These residences will remain on these lots. Lot 2 includes a stormwater detention easement, identified on the plat.

The lots are proposed to be zoned as shown in the chart below:

LOT NUMBER	CURRENT ZONING	PROPOSED ZONING	NOTE
1	AG	AG	Existing residence to remain
2 through 13	AG	LI	
14	AG	AG	Existing residence to remain

The two AG, Agricultural zoned lots are included in the plat to complete the platting of this area. No additional development is proposed on these AG-zoned lots at this time.

RIGHT OF WAY DEDICATION: The plat depicts 100-foot wide dedications of right of way for 19th Avenue North and 57th Street North.

ACCESS: The subdivision will take access from 19th Avenue North and 57th Street North by way of an access easement (private drive) identified as “Verna Way” on the plat. The location of these access points on 19th Avenue and 57th Street was determined based on the City’s rules for access spacing along arterials. This access easement will be owned and maintained by the property owners within the subdivision. This is not a dedicated City right of way; the City does not have any maintenance responsibility for it.

A developer agreement between the property owners and the city will detail that some existing access points will become limited access in the future, and some will be closed.

PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

EXISTING NONCONFORMING LOTS: The areas of Lots 1 and 14, which are currently parcels defined by metes-and-bounds, are below the minimum area of 10 acres required by the Land Development Code for lots in the AG, Agricultural zone. These are existing lots, and will be incorporated into the plat in their current size and configuration.

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 property is currently zoned AG: Agricultural. The applicant requests a zoning change to LI, Limited Industrial, for the development of industrial uses 12 of the 14 lots. Two of the 14 lots will retain their AG, Agricultural zoning designation. **(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 an existing public right-of-way. Additional dedications will widen the right of way and extend it the full length of the proposed lots. **(Criteria satisfied)**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. There were no concerns. 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.” Fargo’s Growth Plan 2024 was adopted on August 19th, 2024. This project was proposed under the previous growth plan, the 2007 Growth Plan. The proposed zoning of LI, Limited Industrial is consistent with the designated future land uses for this property under both plans, as noted above. Two lots will retain their current AG, Agricultural zoning. **(Criteria satisfied)**

Major Subdivision

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

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

The requested zoning for the industrial development on this property is LI, Limited Industrial, which is consistent with the future land use designations of both the recently adopted Fargo Growth Plan 2024 and the earlier 2007 Growth Plan. Two lots will retain their current AG, Agricultural zoning. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

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

The property is proposed to be zoned LI, Limited Industrial. As noted in the zone change findings above, this zone is consistent with the future land use designations of both the recently adopted Fargo Growth Plan 2024 and the earlier 2007 Growth Plan. Two lots will retain their current AG, Agricultural zoning. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. 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.

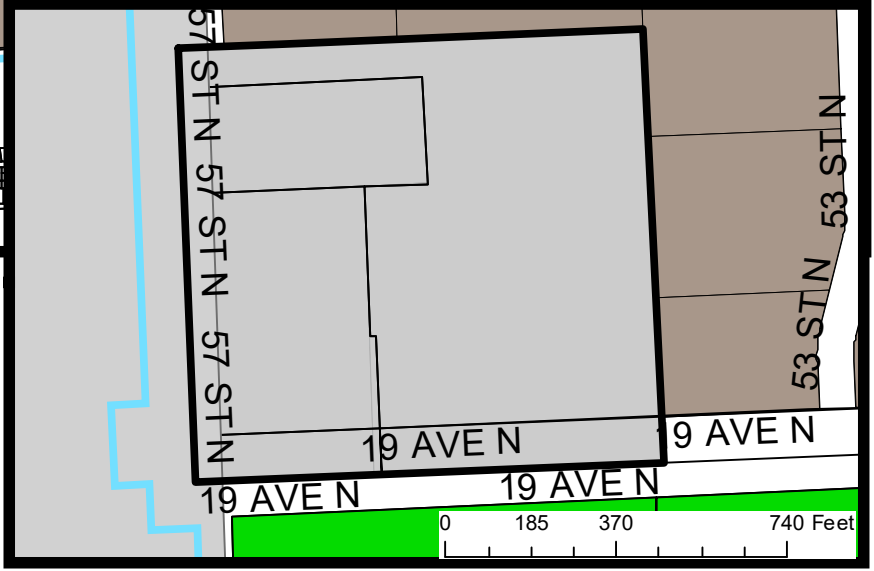
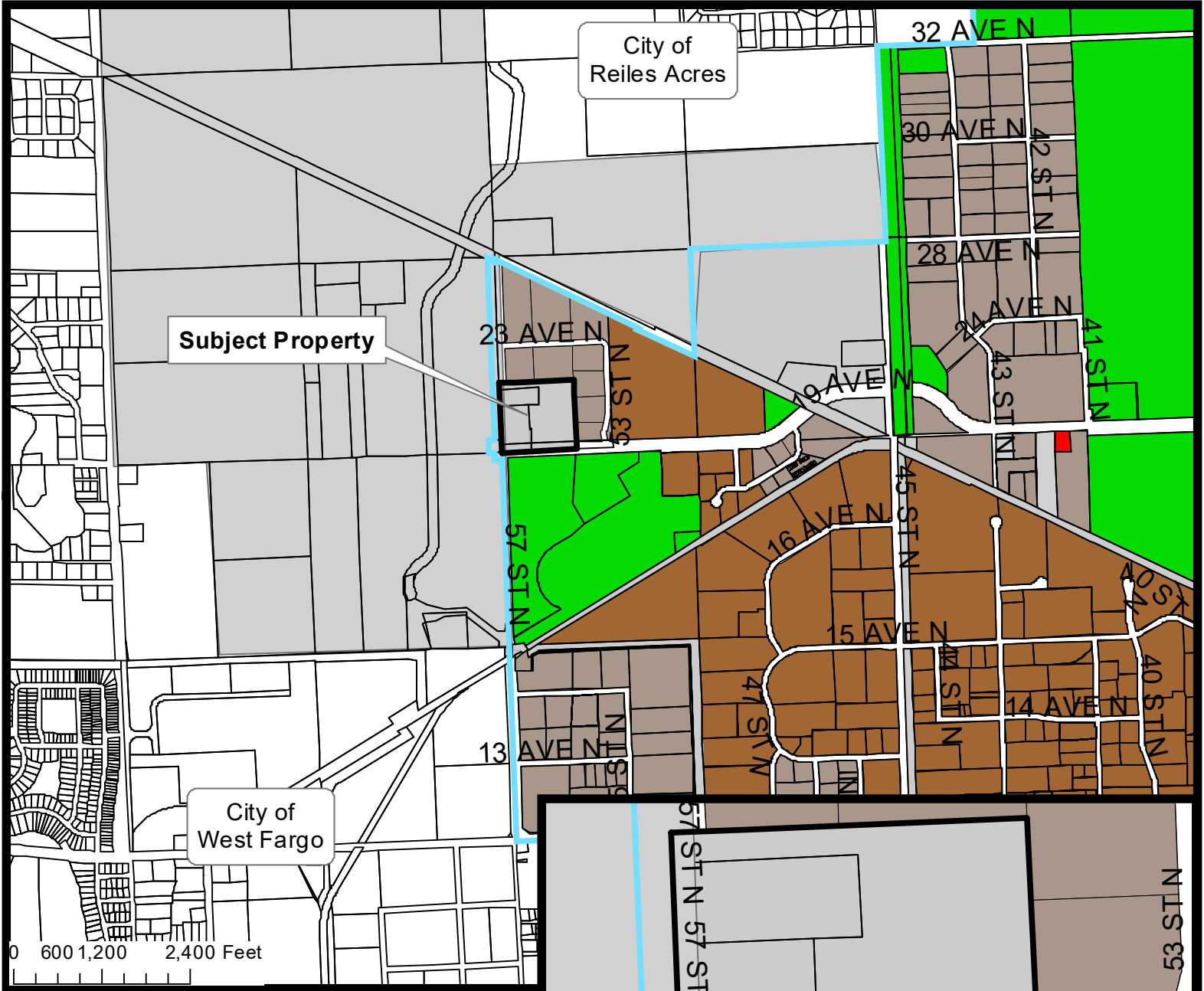
(Criteria Satisfied)

Staff Recommendation:
Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to AG, Agricultural and LI, Limited Industrial, and 2) a plat of the Grafstrom First Addition , as presented, as the proposal complies with the Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the LDC and all other applicable requirements of the LDC, and the 2024 and 2007 Growth Plans.”
Planning Commission Recommendation: December 3rd, 2024
Attachments:
<ul style="list-style-type: none"> 1. Zoning map 2. Location map 3. Preliminary plat

Major Subdivision and zone change from AG, Agricultural to AG, Agricultural and LI, Limited Industrial

Grafstrom First Addition

2101 57th Street North;
5401 and 5617 19th Avenue North



Legend

- | | | | | | | | | | | | | | | | | | |
|----|-----|----|----|----|------|------|------|-----|----|----|----|-----|-------|-------|-------|-------|-------------|
| AG | DMU | GC | GO | FC | MR-1 | MR-2 | MR-3 | MHP | NC | NO | DT | UMU | SSR-2 | SSR-3 | SSR-4 | SSR-5 | City Limits |
|----|-----|----|----|----|------|------|------|-----|----|----|----|-----|-------|-------|-------|-------|-------------|

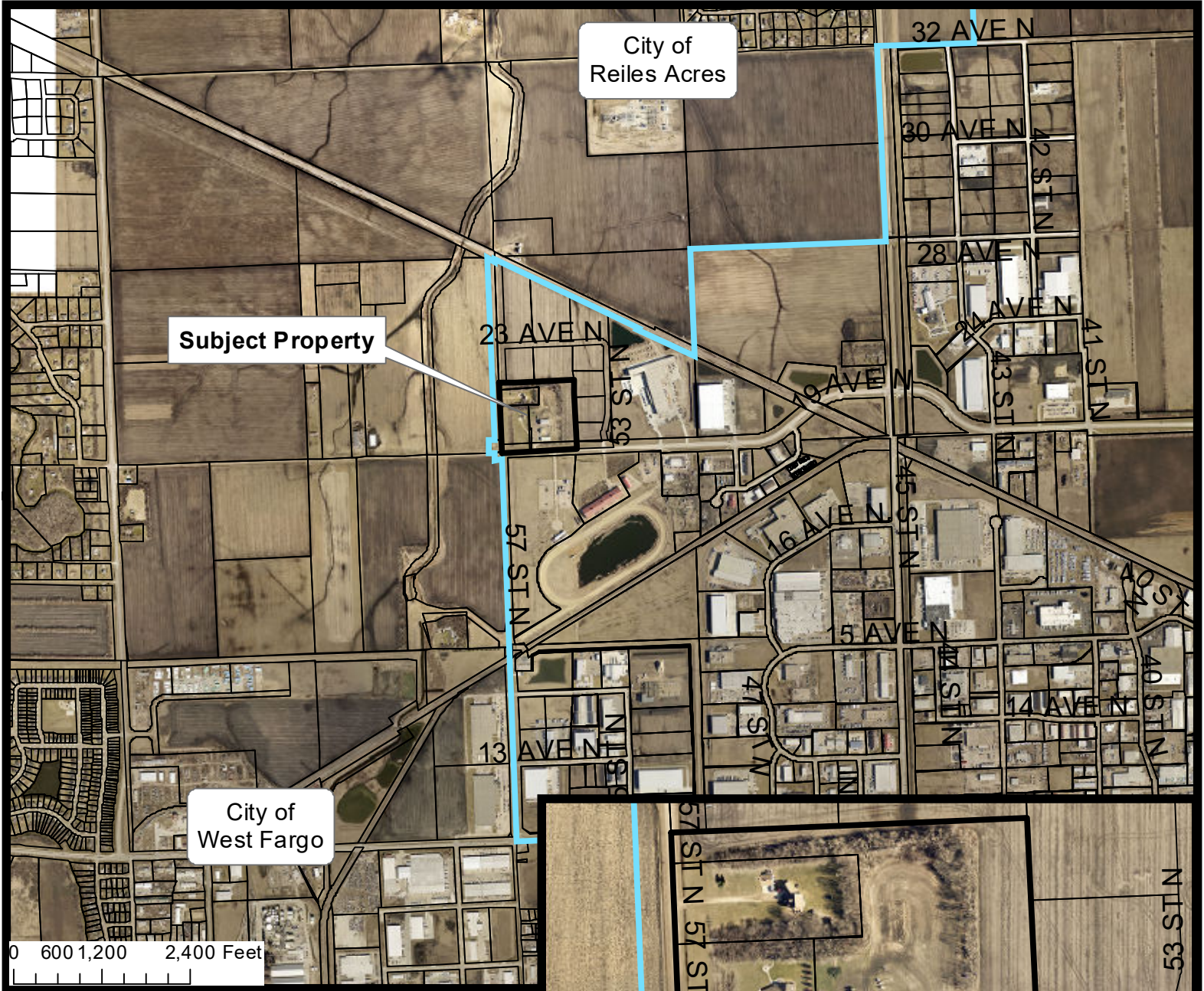


Fargo Planning Commission
December 3, 2024

Major Subdivision and zone change from AG, Agricultural to AG, Agricultural and LI, Limited Industrial

Grafstrom First Addition

2101 57th Street North;
5401 and 5617 19th Avenue North



Legend
City Limits



Fargo Planning Commission
December 3, 2024

GRAFSTROM FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE SOUTHWEST QUARTER SECTION 28 TOWNSHIP 140 NORTH RANGE 49 WEST
(A MAJOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Just North of the Horse Park, LLC, a North Dakota limited liability company, and Randy Harwood and Stacie Harwood, husband and wife, as owners of a parcel of land located in that part of the Southwest Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Beginning at found iron monument which designates the southwest corner of said Southwest Quarter; thence North 02 degrees 18 minutes 20 seconds West on a record bearing along the west line of said Southwest Quarter for a distance of 942.37 feet to a found iron monument on the southerly line of Block 1, VETERANS INDUSTRIAL PARK ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence North 87 degree 41 minutes 40 seconds East along said southerly line for a distance of 1010.29 feet to a found iron monument; thence South 02 degrees 39 minutes 40 seconds East, continuing along said southerly line for a distance of 939.24 feet to a found iron monument on the south line of said Southwest Quarter; thence South 87 degrees 31 minutes 00 seconds West along said south line for a distance of 1016.12 feet to the point of beginning.

Containing 21.88 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owners have caused the above described parcel of land to be surveyed and platted as "GRAFSTROM FIRST ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate to the public for public use the streets and utility easements as shown on this plat for the purposes so stated and do hereby dedicate to Lots 1 through 14, the ingress/egress and utility easements as shown on this plat for the purposes so stated and do hereby dedicate to Lots 1 through 13, the storm water easement as shown on this plat for the purposes so stated.

Owner: All Except Lot 14
Just North of the Horse Park, LLC

By: Hans Grafstrom, President

County of Cass }
State of North Dakota }SS

On this ____ day of _____, in the year 2024 before me, a notary public within and for said County and State, personally appeared Hans Grafstrom, President, Just North of the Horse Park, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the limited liability company.

Notary Public

Owner: Lot 14
Randy Harwood and Stacie Harwood, Husband and Wife

By: Randy Harwood, Husband Stacie Harwood, Wife

County of Cass }
State of North Dakota }SS

On this ____ day of _____, in the year 2024 before me, a notary public within and for said County and State, personally appeared Randy Harwood and Stacie Harwood, Husband and Wife, 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 as their free act and deed.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

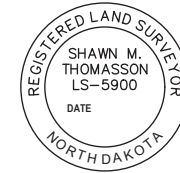
I, Shawn M. Thomasson, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed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

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

State of North Dakota }
County of Cass }SS

On this ____ day of _____, 2024, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public



CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2024.

Tom Knakmuhs, P.E., City Engineer

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Tom Knakmuhs, P.E., City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2024.

Maranda R. Tasa, Planning Commission Chair

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Maranda R. Tasa, 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 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 _____, 2024.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2024, 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

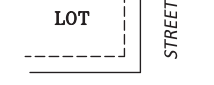
GRAFSTROM FIRST ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
 AN UNPLATTED PORTION OF THE SOUTHWEST QUARTER SECTION 28 TOWNSHIP 140 NORTH RANGE 49 WEST
 (A MAJOR SUBDIVISION)

- LEGEND**
- 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY LIC. NO. LS-5900
 - MONUMENT FOUND, 5/8" REBAR
 - SUBJECT PROPERTY LINE
 - SECTION LINE
 - EXISTING PROPERTY LINE
 - - - 1% ANNUAL FLOODPLAIN LINE
 - - - PROPOSED EASEMENT LINE
 - - - EXISTING EASEMENT LINE
 - - - EXISTING CONTOUR LINE PER CITY OF FARGO LIDAR CONTOUR DRAWINGS NAVD88 DATED 2017
 - ▨ AREA WITHIN THE 1% ANNUAL FLOODPLAIN (ZONE AE)
 - ▨ STREET AND UTILITY EASEMENT VACATION

NEGATIVE ACCESS EASEMENT
 "Negative Access Easement, as noted on this plat, is an easement dedicated as part of the right of way dedication which easement denies direct vehicular access to a street or public way from the lot or lots adjacent to such street or way. The negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent lot or lots."

Utility easements are shown thus:



AVENUE

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

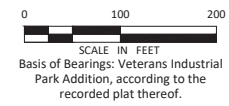
NOTES

THE SUBJECT PROPERTY LIES WITHIN ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AND ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE CURRENT FLOOD INSURANCE RATE MAP NO. 38017C0586G, HAVING AN EFFECTIVE DATE OF JANUARY 16, 2015.

BASE FLOOD ELEVATION: 895

BENCHMARK

City of Fargo Benchmark 149006, the Southeast Flange Bolt of Fire Hydrant Located in the Northeast Quadrant of 19th Avenue North and 57th Street North. ELEV=899.93 NAVD88



City of Fargo Staff Report			
Title:	Morton & Doty's Addition	Date:	11/27/2024
Location:	1417 University Drive South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 23, 24, and 25, Block 14, Morton & Doty's Addition		
Owner(s)/Applicant:	McAllister Real Estate, LLLP / Buell Consulting for Verizon Wireless	Engineer:	None
Entitlements Requested:	Conditional Use Permit (CUP) (to reduce Telecommunications Support Structure (TSS) setback requirements and to allow the TSS to exceed the maximum height requirements in the LC, Limited Commercial zoning district)		
Status:	Planning Commission Public Hearing: December 3 rd , 2024		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Undeveloped	
Zoning: LC, Limited Commercial		Zoning: LC, Limited Commercial	
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.		Uses Allowed: No change proposed	
Maximum Lot Coverage: 55%		Maximum Lot Coverage: 55%	
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Conditional Use Permit (CUP) (to reduce Telecommunications Support Structure (TSS) setback requirements and to allow the TSS to exceed the maximum height requirements in the LC, Limited Commercial zoning district) 			
Approval and Appeal			
<p>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 of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.</p>			
Surrounding Land Uses and Zoning Districts:			
<ul style="list-style-type: none"> • North: LC, Limited Commercial with commercial and residential uses; SR-3, Single-Dwelling Residential with single-dwelling residential uses • East: LC, Limited Commercial with commercial uses • South: LC, Limited Commercial with commercial and industrial uses • West: SR-2 Single Dwelling Residential with religious institution and single-dwelling residences 			
Context:			
<p>Schools: The subject property is located within the Fargo School District, specifically within the Clara Barton /Hawthorne Elementary, Carl Ben Eielson Middle and South High schools.</p>			
<p>Neighborhood: The subject property is located within the Lewis and Clark neighborhood.</p>			
<p>Parks: Clara Barton Park (1451 6th Street South) is approximately 0.45 mile east of the subject property and provides basketball court, baseball/softball fields, outdoor skating rinks, playground, and a warming</p>			

house.

Pedestrian / Bicycle: There are no multi-use paths adjacent to the subject property.

MATBUS Route: The subject property is located along MATBus Route 14, which connects the downtown Ground Transportation Center with West Acres shopping center by way of University Drive, 32nd Avenue South, and 42nd Street South.

Staff Analysis:

The applicant proposes a monopole telecommunications support structure (TSS) on the property at 1417 University Drive South. This property is zoned LC, Limited Commercial. The proposed height of the TSS is 79 feet. This height would be beyond the maximum 50-foot height allowed by the LC zone. This TSS would also not meet required setbacks from the nearby single-dwelling residential zones. Thus, the applicant requests a conditional use permit to:

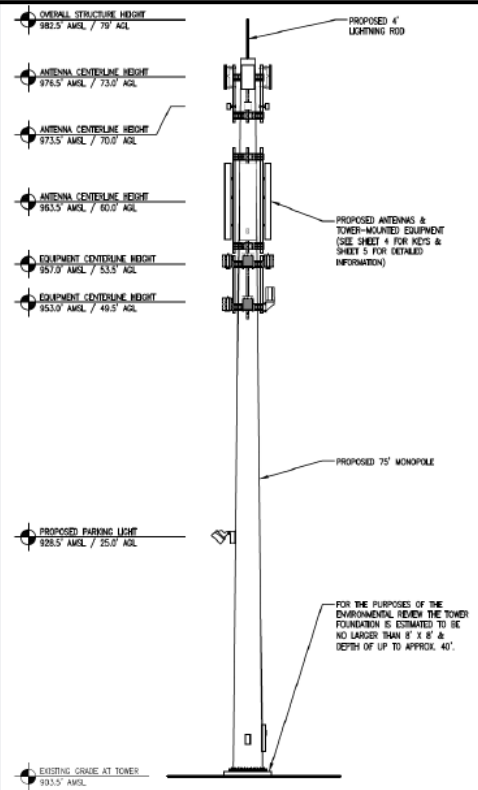
1. allow the TSS exceed the maximum height requirements in the LC, Limited Commercial zoning district; and
2. reduce Telecommunications Support Structure (TSS) setback requirements.

TYPE OF TSS: The applicant describes the proposed TSS as a “SMACRO tower,” and provides the following information on such towers:

A SMACRO tower is a unique stealth design which does not require any ground space other than the foundation. In addition, the antennas and ancillary equipment are flush mounted to the tower which significantly lowers the visibility. Therefore, a SMACRO tower is often implemented in urban areas with small parcels and nearby residential uses.

Proposed Tower

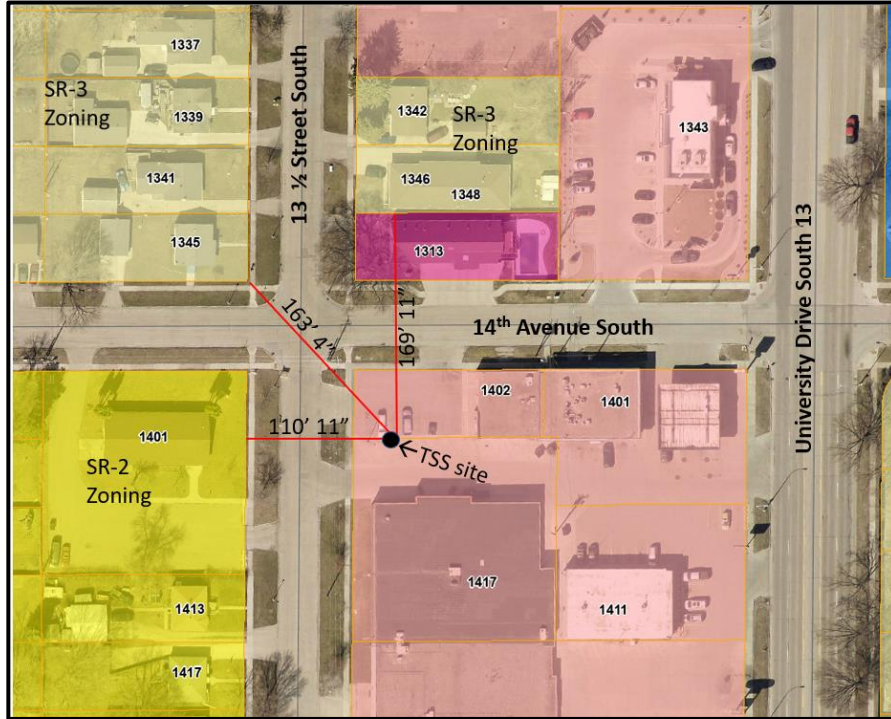
- 79' SMACRO monopole.
- 8' x 8' footprint, no separate ground equipment
- Only one parking spot required.
- Includes parking lot light.
- Flush mount design intended to minimize visual impact.



(Graphic provided by applicant. A larger version is attached)

SPECIFIC SETBACK REDUCTIONS REQUESTED: The TSS is proposed to be located in a property zoned LC, Limited Commercial. The maximum height allowed by right for a TSS in the LC zone is 50 feet. Section 20-0402.N.3.e.4 of the Land Development Code (LDC) specifies that a TSS that exceeds the maximum height for the zone but is not more than 125 feet in height, that is located in a non-residential zoning district must be set back twice the height of the tower, or 200 feet, whichever is greater, from residentially zoned property. Twice the height of the tower is 158 feet, so 200 feet is the greater distance in this case.

Residentially zoned property within 200 feet of the proposed TSS site is located to the north, northwest, and west. The graphic below shows the distances from the TSS site to the property lines of the single-dwelling zoned properties.



The applicant requests reduction of the 200-foot setback as follows:

DIRECTION	REQUIRED SETBACK	PROPOSED SETBACK	REQUESTED REDUCTION--FEET	REQUESTED REDUCTION--PERCENT
North	200 feet	169' 11"	30' 1"	15
Northwest	200 feet	163' 4"	36' 8"	19
West	200 feet	110' 11"	89' 1"	45

Section 20-0402.N.3.k of the LDC specifies that Planning Commission may, through a conditional use permit, reduce the required setbacks by up to 50 percent of the required distance (in this case, by up to 100 feet). Findings specific to this setback reduction are stated below.

TSS OVER HEIGHT ALLOWED IN THE LC ZONE: The proposed TSS is located in a property zoned LC, Limited Commercial. The maximum height allowed by right for a TSS in the LC zone is 50 feet. Section 20-0402.N.3.e of the LDC specifies that TSS's that exceed the maximum height for the district but are not more than 125 feet in height are conditional uses are subject to the CUP review process. Specific findings are below.

LDC Section 20-0402.N.j.4 defines "stealth" design of TSS's:

The term "stealth," as used in this section, shall mean , in referring to freestanding telecommunications TSS's, the ability to blend into the context of the surrounding environment at a given location or to use a TSS design that is as inconspicuous as possible under the existing or planned circumstances by screening, disguising, concealing, or otherwise camouflaging the TSS as a natural feature, as part of a structure, or as an accessory structure consistent with the overall function of the property on which the TSS is located.

Using the photo simulations provided by the applicant shown below, the proposed TSS will be a dominant feature of this neighborhood. It is conspicuous and does not blend into the surrounding environment. It is not screened, disguised, concealed, or otherwise camouflaged.

Photo Simulations – View 1 (SMACRO)

14th Ave South & 13-1/2 St South



Photo Simulations – View 2 (SMACRO)

13-1/2 St South



Photo Simulations – View 3 (SMACRO)

University Drive South



(Photo simulations provided by applicant. Larger versions are attached)

Regarding alternative locations, the applicant has stated that he has contacted property owners of nearby sites. These nearby sites were either not available, were not viable for tower location due to overhead power lines, or were closer to residential uses than the proposed site and so would require a CUP for even greater setback reduction.

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. It is staff's perspective that the requested 45 percent reduction in the required setback distance from the residentially-zoned property to the west is excessive and that the height and configuration of the TSS will make it a dominant feature in the neighborhood.
(Criteria Not Satisfied)
- 2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
The applicant has stated that the TSS at this location will improve coverage and capacity in a highly residential area with significant demand. This TSS is intended to offload high-traffic sites currently serving Sanford Hospital, South High School, and downtown Fargo. The TSS at this site will provide improved 5G coverage for the surrounding area, including for Sanford hospital and nearby schools **(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 and responded to one inquiry about the project from a property owner across University Drive, located outside of the required setback area. **(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.**
It is staff's perspective that the proposed TSS is not of stealth design, as defined above, and will be a conspicuous feature that will dominate the neighborhood. **(Criteria Not Satisfied)**
- 5. Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**
The property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property 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 subject property is a commercial property with a driveway onto 13 ½ Street South...
(Criteria Satisfied)

Findings Specific to TSS's that exceed the maximum height for TSS's by right in the zone, but that do not exceed 125 feet in height (Section 20-0402.N.3.e 1-5)

- 1. No TSS may be located closer than ½ mile from any existing and/or approved TSS's of over 125 feet in height, and ¼ mile from any existing and/or approved TSS's of 125 or less, as measure from the base of one TSS to the base of another.**

The applicant has provided documentation that the proposed site meets this requirement.

(Criteria Satisfied)

- 2. The TSS shall have a co-location capability of at least one other telecommunications provider, unless stealth design considerations make co-location unfeasible as determined by the City Planner.**

The applicant has stated that the proposed TSS can provide this co-location capability.

(Criteria Satisfied)

- 3. TSS's shall comply with such other conditions as determined by the Planning Commission.**

As staff is recommending denial, no conditions are proposed. The Planning Commission may specify conditions.

- 4. No TSS located in any non-residential zoning district may be located closer than 200 feet or two times the height of the TSS, whichever is greater, from any residentially zoned property, as measured from the base of the TSS to the nearest such residentially zoned property line.**

The proposed TSS does not meet these setback requirements. See findings below specific to reduction of these setbacks.

(Criteria Not Satisfied)

- 5. (not applicable to this project)**

Findings specific to the reduction of setback distances from SR and other residential zoning districts (Section 20-0402.N.3.k 1-3)

- 1. The TSS shall be of stealth design**

Based on the definition of "stealth" in LDC Section 20-0402.N.3.k.4 noted above, the proposed TSS does not meet the stealth requirement. It will be a conspicuous feature, and is not screened, disguised, concealed, or otherwise camouflaged.

(Criteria Not Satisfied)

- 2. (not applicable to this project)**

- 3. If applicable, the applicant shall submit verification that the communications equipment planned for the proposed TSS cannot be installed on an existing TSS within the area (if any)**

The applicant has stated that he has contacted property owners of nearby sites. These nearby sites were either not available, were not viable for tower location due to overhead power lines, or were closer to residential uses that the proposed site and so would require a CUP for even greater setback reduction. The applicant has stated that Verizon is utilizing all existing TSS's in the area.

(Criteria Satisfied)

Recommended Motion

Suggested Motion: To accept the findings and recommendations of staff and **deny** the proposed conditional use permit to reduce Telecommunications Support Structure (TSS) setback requirements and to allow the TSS to exceed the maximum height requirements in the LC, Limited Commercial zoning district on Lots 23, 24, and 25, Block 14, Morton & Doty's Addition as presented, as the proposal **does not** complies with the Standards of Section 20-0909.D; 20-0402.N.3.e.1-5; N.3.K.1-3; and all other applicable requirements of the LDC.

Planning Commission Recommendation: December 3rd, 2024

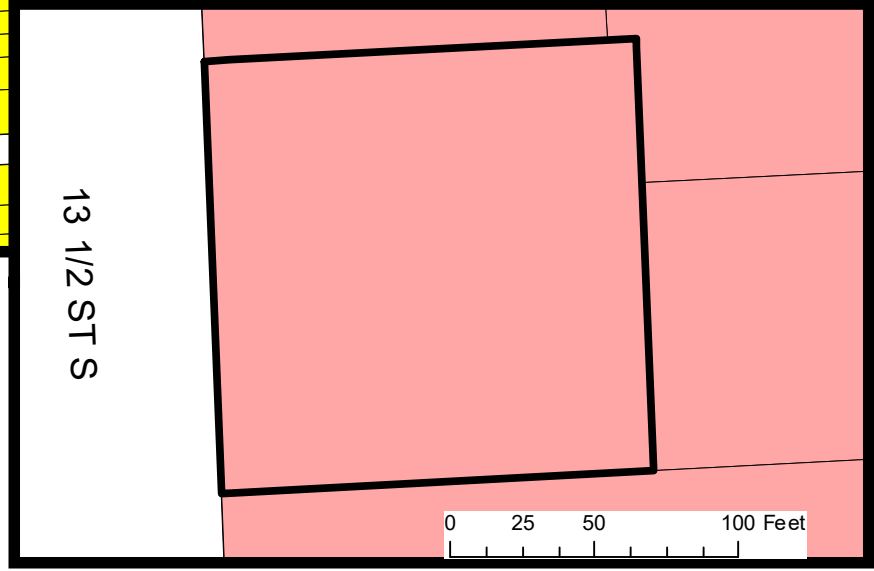
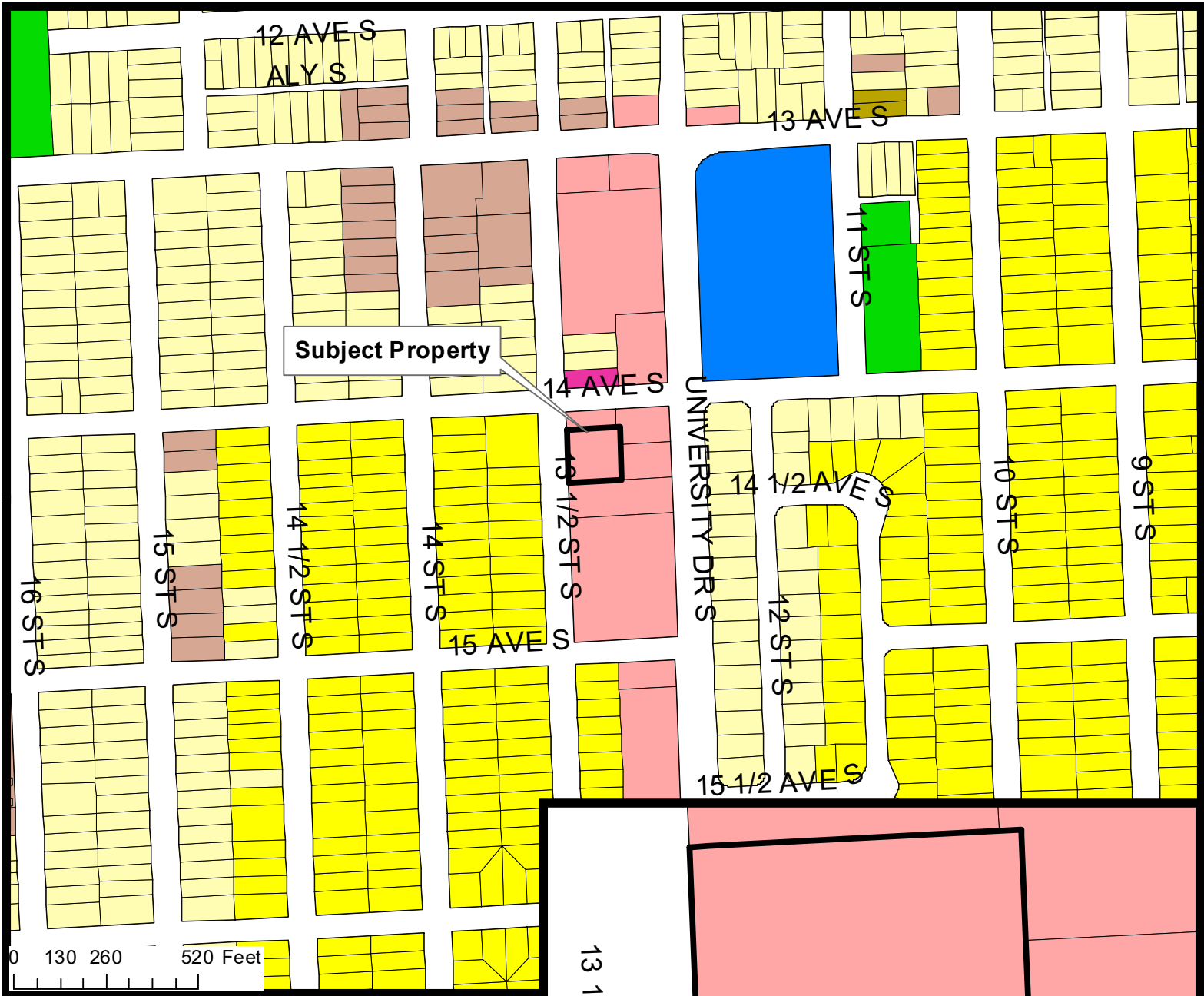
Attachments:

1. Zoning map
2. Location map
3. Narrative
4. Pole features
5. Photo simulations
6. Site plan
7. Coverage maps

CUP, Conditional Use Permit to reduce Telecommunications Support Structure (TSS) setback requirements and to allow TSS to exceed the maximum height in the LC, Limited Commercial zoning district

Morton & Doty's Addition

1417 University Drive South



Legend

AG	LC	MHP	SSR-2
DDMU	MR-1	NCO	SSR-3
GGCCU	MR-2	P/T	SSR-4
GO	MR-3	UMU	SSR-5
			City Limits



**Fargo Planning Commission
December 3, 2024**

CUP, Conditional Use Permit to reduce Telecommunications Support Structure (TSS) setback requirements and to allow TSS to exceed the maximum height in the LC, Limited Commercial zoning district

Morton & Doty's Addition

1417 University Drive South



Legend
City Limits



**Fargo Planning Commission
December 3, 2024**



BUELL CONSULTING, INC.
720 Main Street, Suite 200
Saint Paul, MN 55118
(651) 361-8110
www.buellconsulting.com

SENT VIA EMAIL

August 9, 2024

Donald Kress, Planning Coordinator
Department of Planning & Development
City of Fargo
225 4th St North
Fargo, ND 58102

**RE: Verizon Conditional Use Permit Application / Telecommunications Support Structure /
Site Name: FAR Broadway**

Dear Mr. Kress,

Verizon Wireless is proposing to construct a new cell tower in Fargo at the following location along University Drive South. The proposed tower is a 79' SMACRO monopole in the parking lot of Hurley's Religious Goods, as depicted in the construction drawings included with this application.

A SMACRO tower is a unique stealth design which does not require any ground space other than the foundation. In addition, the antennas and ancillary equipment are flush mounted to the tower which significantly lowers the visibility. Therefore, a SMACRO tower is often implemented in urban areas with small parcels and nearby residential uses.

Site Location: 1417 University Drive South
Fargo, ND 58103
PID: 38017
Property Owner: McAllister Real Estate LLLP
Current Zoning: Limited Commercial (LC)

Supplemental Documentation:

- Coverage Analysis (Attachment 1)
- Construction Drawings (Attachment 2)

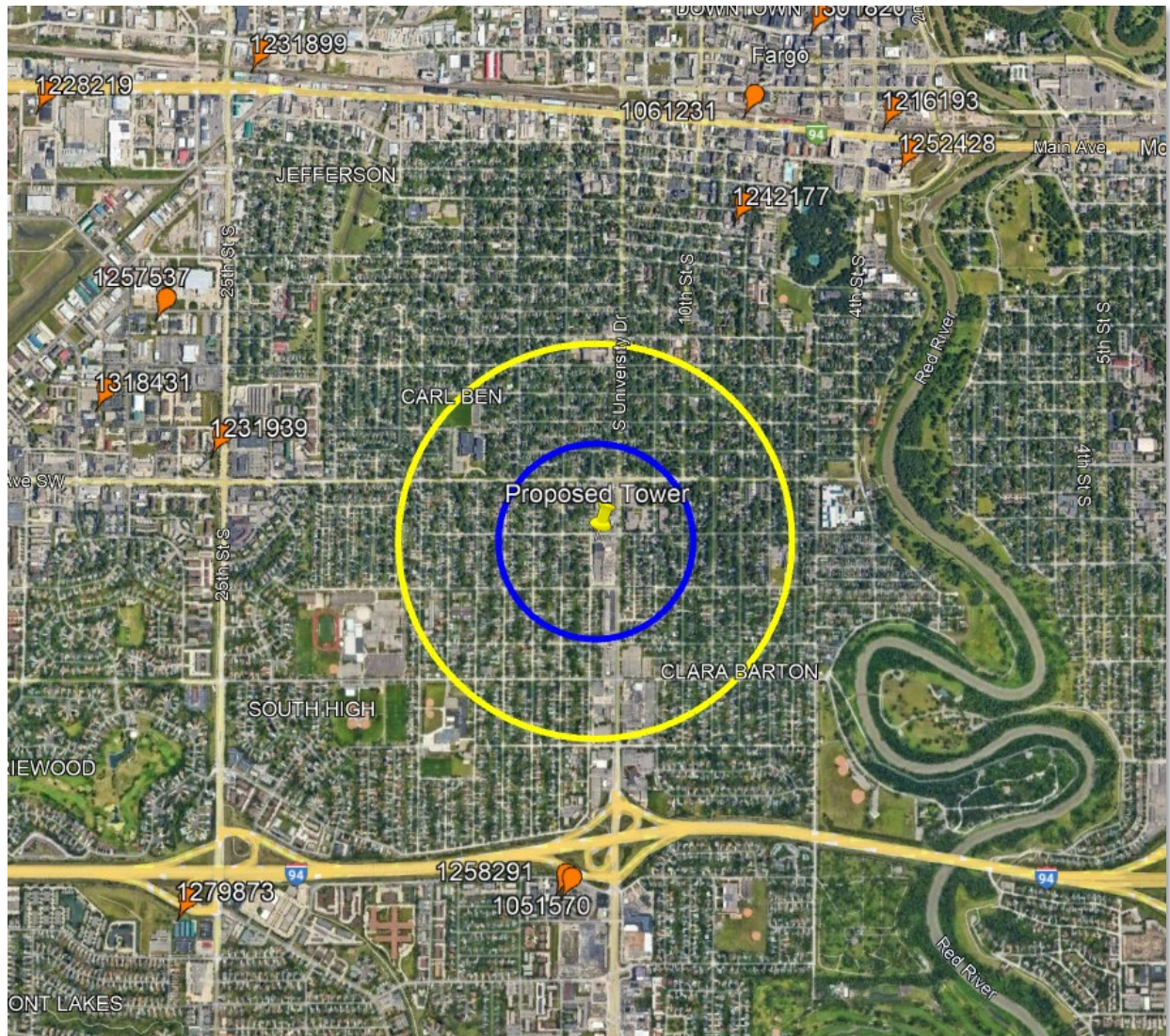
It is our understanding that the proposed tower is considered a conditional use as it exceeds the 50' by right threshold in a LC district. The following addresses the relevant performance standards pursuant §20-0402-N of the Fargo Land Development Code.

§20-0402-N.3:

(1) No TSS may be located closer than ½ mile from any existing and/or approved TSSs of over 125 feet in height, and ¼ mile from any existing and/or approved TSSs of 125 feet or less, as measured from the base of one TSS to the base of another;

Figure 1 depicts the nearby TSSs identified by their respective FCC Antenna Registration Numbers (ASR). There are no TSSs of either more or less than 125’ within a radius of ½ mile (yellow) or ¼ mile (blue). Note that Verizon is already installed on ASRs: 1061231, 1258291, 1231939, 1231899,

Figure 1:





BUELL CONSULTING, INC.
720 Main Street, Suite 200
Saint Paul, MN 55118
(651) 361-8110
www.buellconsulting.com

- (2) *The TSS must have co-location capability of at least one other telecommunications provider, unless stealth design considerations make colocation unfeasible as determined by the City Planner;*

The tower has the structural capacity and height to support an additional carrier.

- (3) *TSSs shall comply with such other conditions as determined by the Planning Commission;*

Conditions have not been determined by the Planning Commission as of this application date.

- (4) *No TSS located in any non-residential zoning district may be located closer than 200 feet or two times the height of the TSS, whichever is greater, from any residentially zoned property, as measured from the base of the TSS to the nearest such residentially zone property line; nearest such residentially zone property line;*

Figure 2 depicts the setbacks relevant to this section of the ordinance. Note the district to the north is Neighborhood Commercial and is therefore not applicable, see Figure 3. The proposed tower is 163'-4" from the district to the northwest, zoned Single Dwelling (SR-3), and 110'-11" from the Single Dwelling (SR-2) district to the west.

Pursuant to §20-0402-N.3.k, the respective 18.5% and 44.5% setback reductions fall within the Planning Commission's ability to reduce the residential setback.

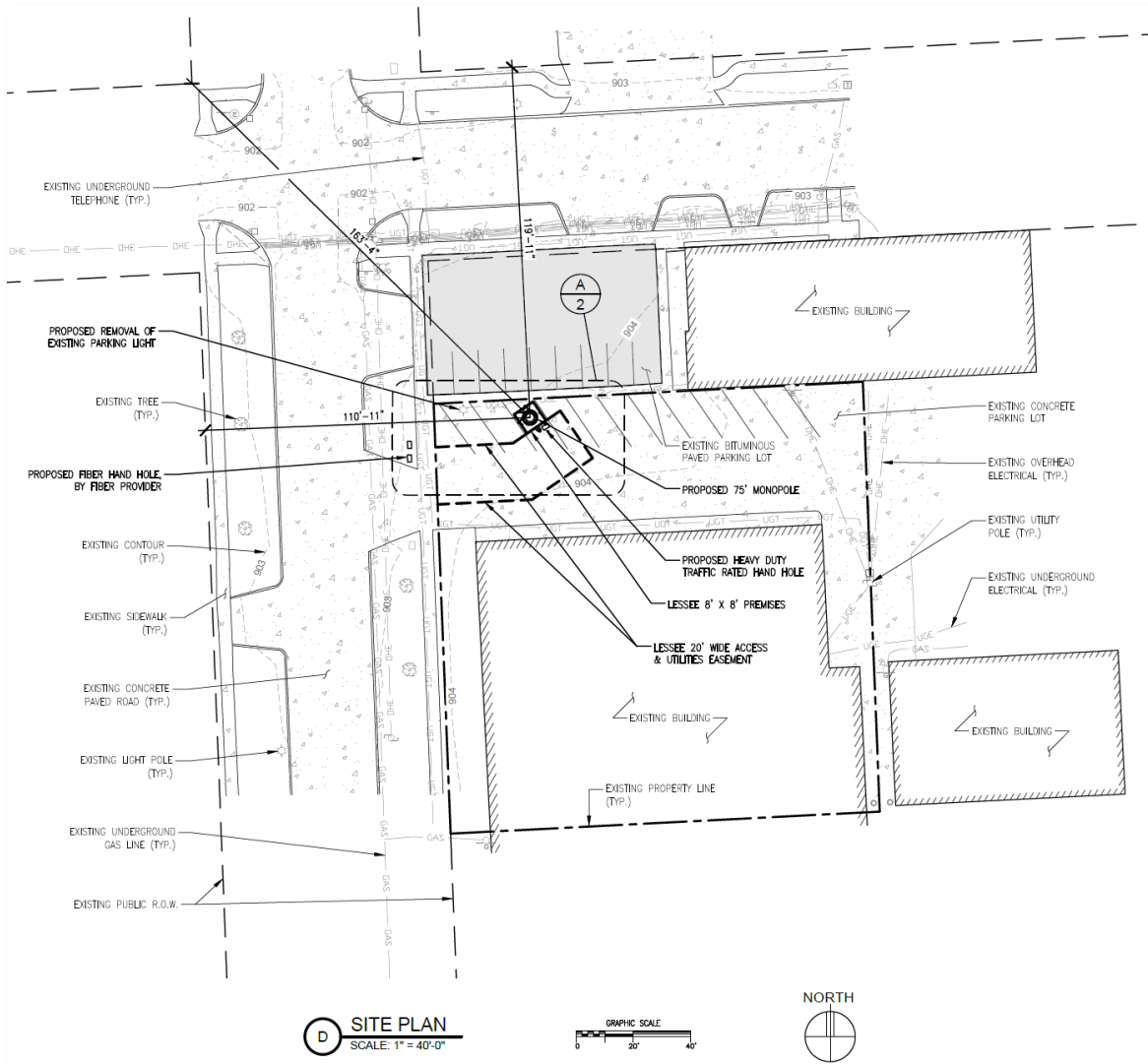
The request for a residential setback reduction is based upon §20-0402-N.3.k.(1) as the SMACRO tower is considered a stealth design. In particular, the flush mounted equipment, lack of ground equipment, and its use as a parking lot light, blend the tower with the surrounding neighborhood to the greatest extent possibly while allowing Verizon to deploy the full range of service to its Fargo customers.

Lastly, note per Figure 1, there are no TSSs within the required separation distances and Verizon is already installed on the only nearby TSSs. Therefore, Subsections (2) and (3) are not applicable.

Coverage Analysis:

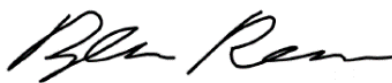
The Coverage Analysis (Attachment II) identifies the location of nearby Verizon sites and compares the coverage and capacity before and after installation of the proposed tower. In addition, the analysis compares the proposed 79' and a 50' tower that would be considered by-right. Note, the former is the 60' ACL and the latter 41' which specifies the antenna height. The advantage of a larger tower is clearly demonstrated and serves to limit the likelihood of a need for additional sites in the future.

Figure 2:



Thank you in advance for your time in reviewing our application and please do not hesitate to contact me via email or the number below with any questions or requests for further information.

Sincerely,



Blair Ransom
 Site Development Agent *on behalf of Verizon Wireless*
 Phone: 612-875-1808
 Email: b.ransom@grahamredev.com

Proposed Tower

- 79' SMACRO monopole.
- 8' x 8' footprint, no separate ground equipment
- Only one parking spot required.
- Includes parking lot light.
- Flush mount design intended to minimize visual impact.

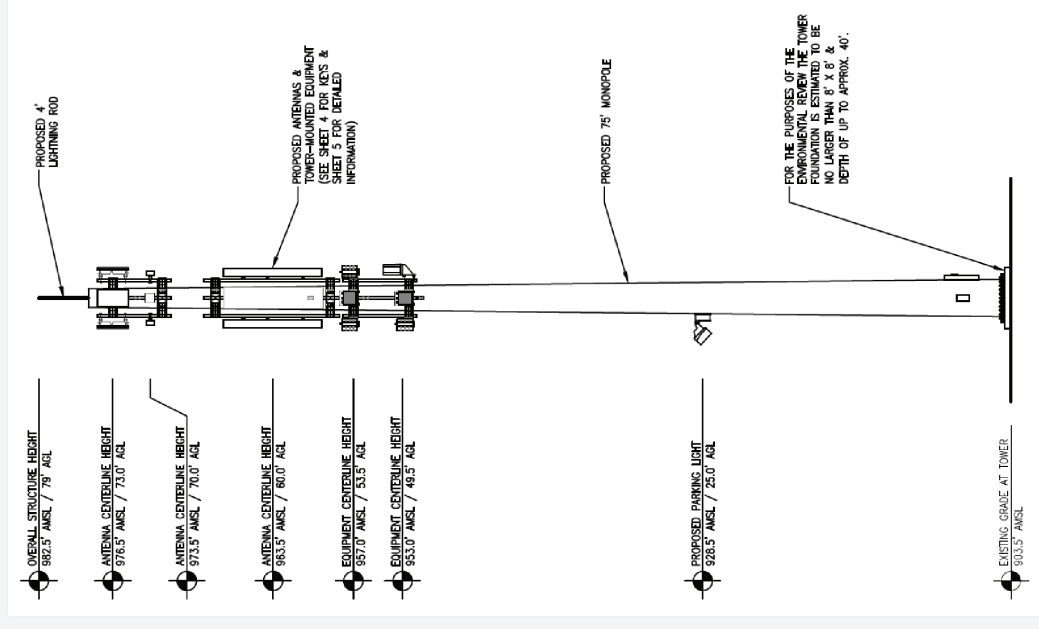


Photo Simulations



Photo Simulations – View 1 (SMACRO)

14th Ave South & 13-1/2 St South



Photo Simulations – View 2 (SMACRO)

13-1/2 St South



Photo Simulations – View 3 (SMACRO)

University Drive South





PROPOSED MONOPOLE (APPROX.)

A OVERVIEW OF SITE



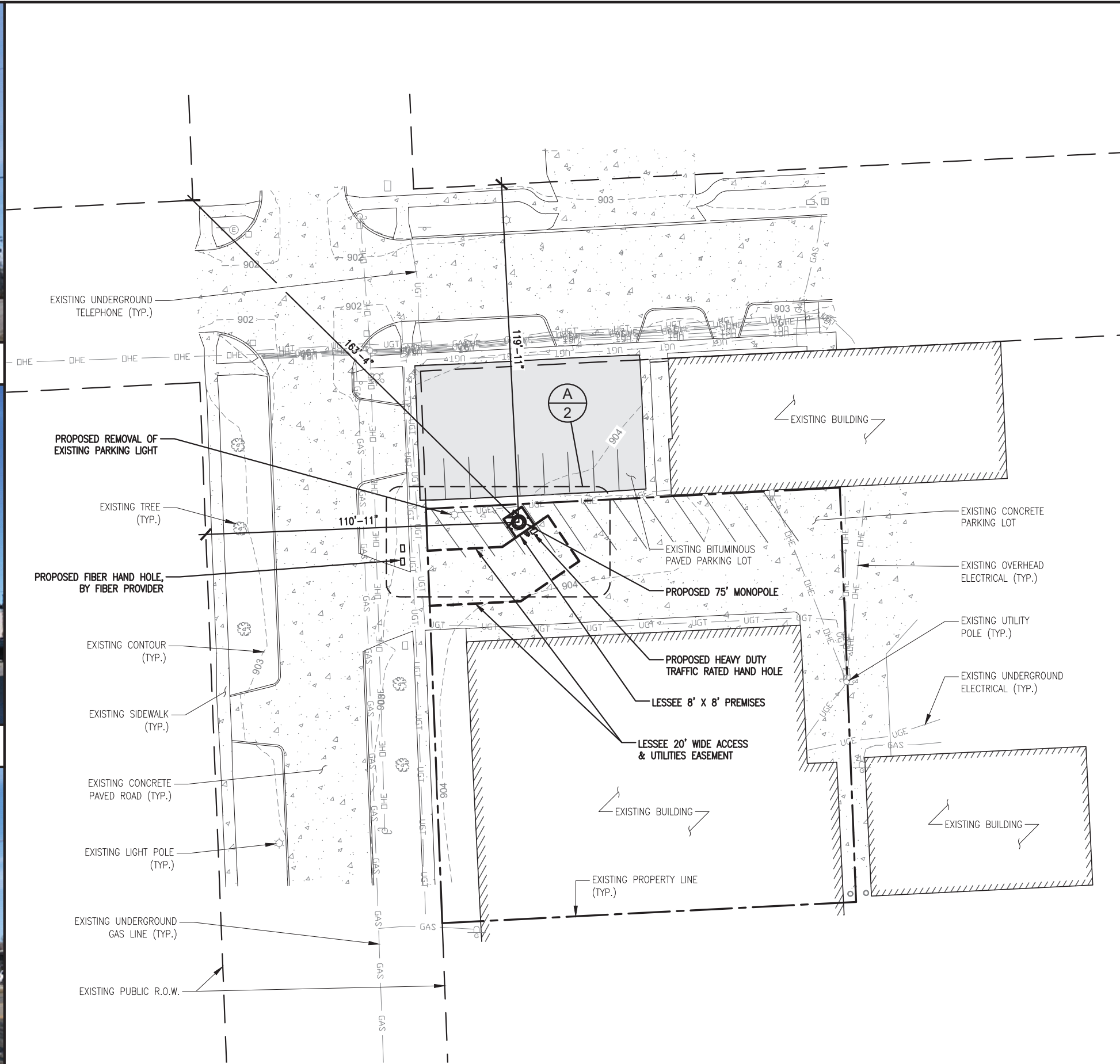
PROPOSED MONOPOLE (APPROX.)

B OVERVIEW OF SITE

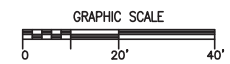


PROPOSED MONOPOLE (APPROX.)

C OVERVIEW OF SITE



D SITE PLAN
SCALE: 1" = 40'-0"



verizon

10801 Bush Lake Rd
Bloomington, MN 55438
952.946.4694 voice

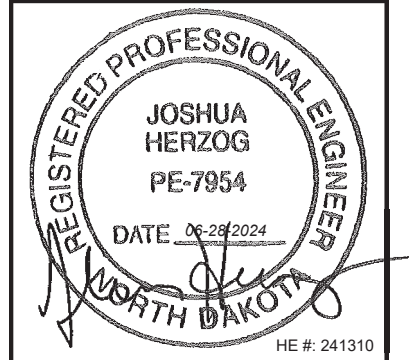
DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM



HERZOG ENGINEERING

1334 81ST AVE NE
SPRING LAKE PARK, MN 55432
(612) 844-1234
WWW.HERZOGENGINEERING.COM



PROJECT NO:	17256811
LOCATION CODE:	278389
CHECKED BY:	TRB

**FAR BROADWAY
SMACRO**
13 1/2 STREET S
FARGO, ND 58103

SUBMITTAL:

INITIAL:	DATE:	DESCRIPTION:
JP	06-14-24	REV. A
JP	06-28-24	REV. B

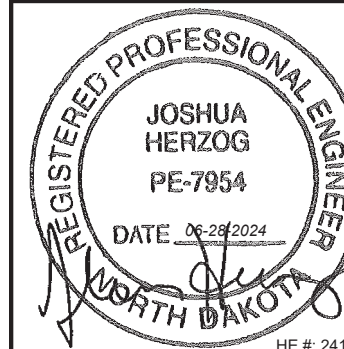
STRUCTURAL ANALYSIS:

DATE:	DESCRIPTION:

RFDS:

DATE:	12-12-23
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PLOT DATE	06-28-24
SET TYPE	REV. B
SHEET TITLE	SITE PLAN
SHEET NUMBER	SHEET 1



PROJECT NO:	17256811
LOCATION CODE:	278389
CHECKED BY:	TRB

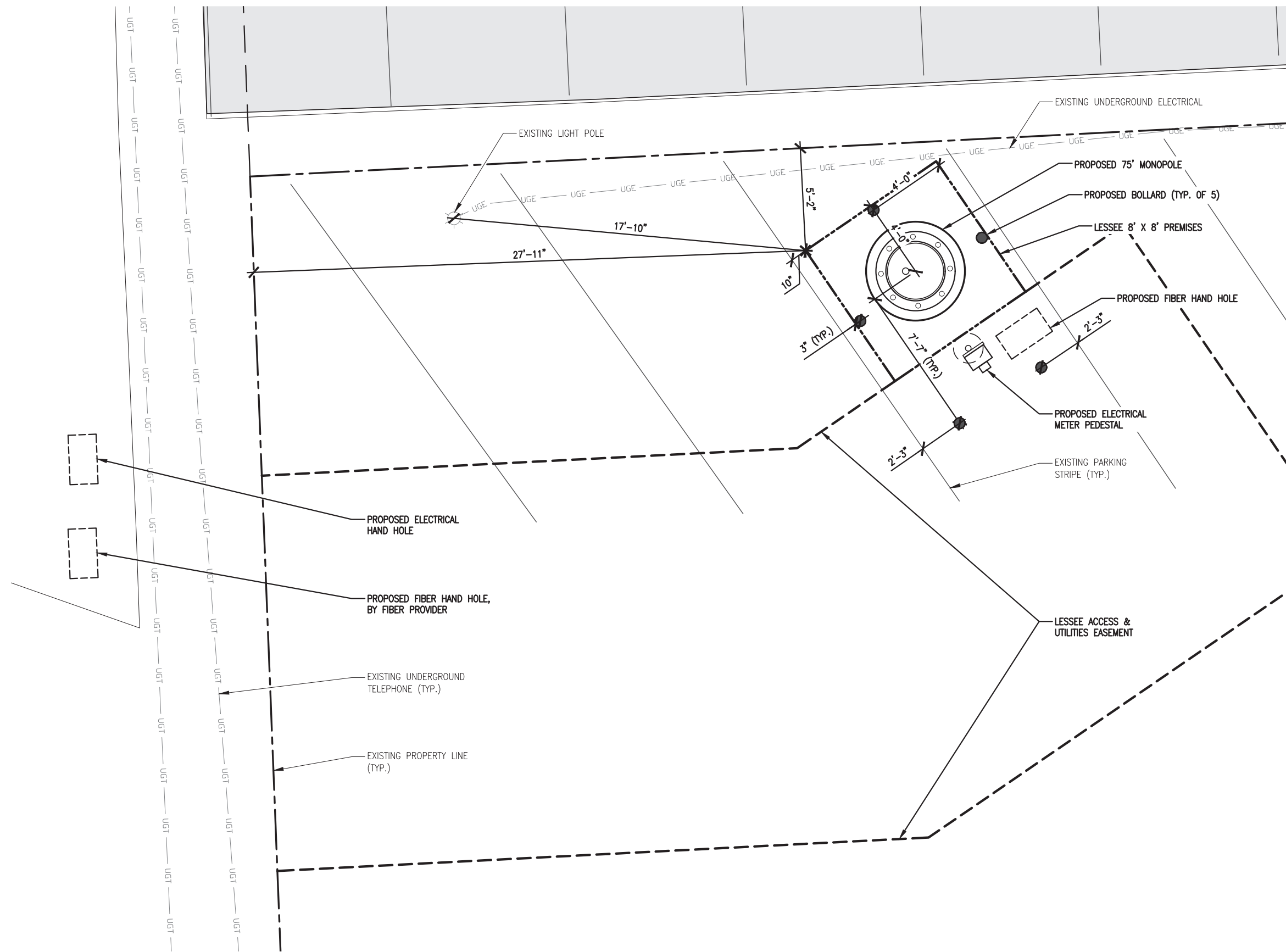
**FAR BROADWAY
SMACRO**
13 1/2 STREET S
FARGO, ND 58103

SUBMITTAL:		
INITIAL:	DATE:	DESCRIPTION:
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JP	06-28-24	REV. B

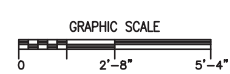
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DATE:	DESCRIPTION:

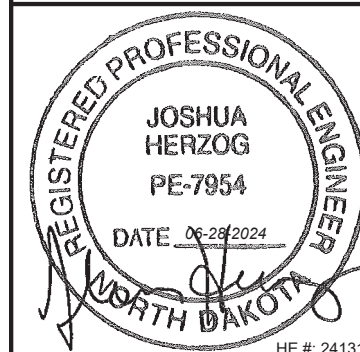
RFDS:	
DATE:	
12-12-23	

PLOT DATE	06-28-24
SET TYPE	REV. B
SHEET TITLE	ENLARGED SITE PLAN
SHEET NUMBER	SHEET 2



A ENLARGED SITE PLAN
SCALE: 3/16" = 1'-0"





PROJECT NO:	17256811
LOCATION CODE:	278389
CHECKED BY:	TRB

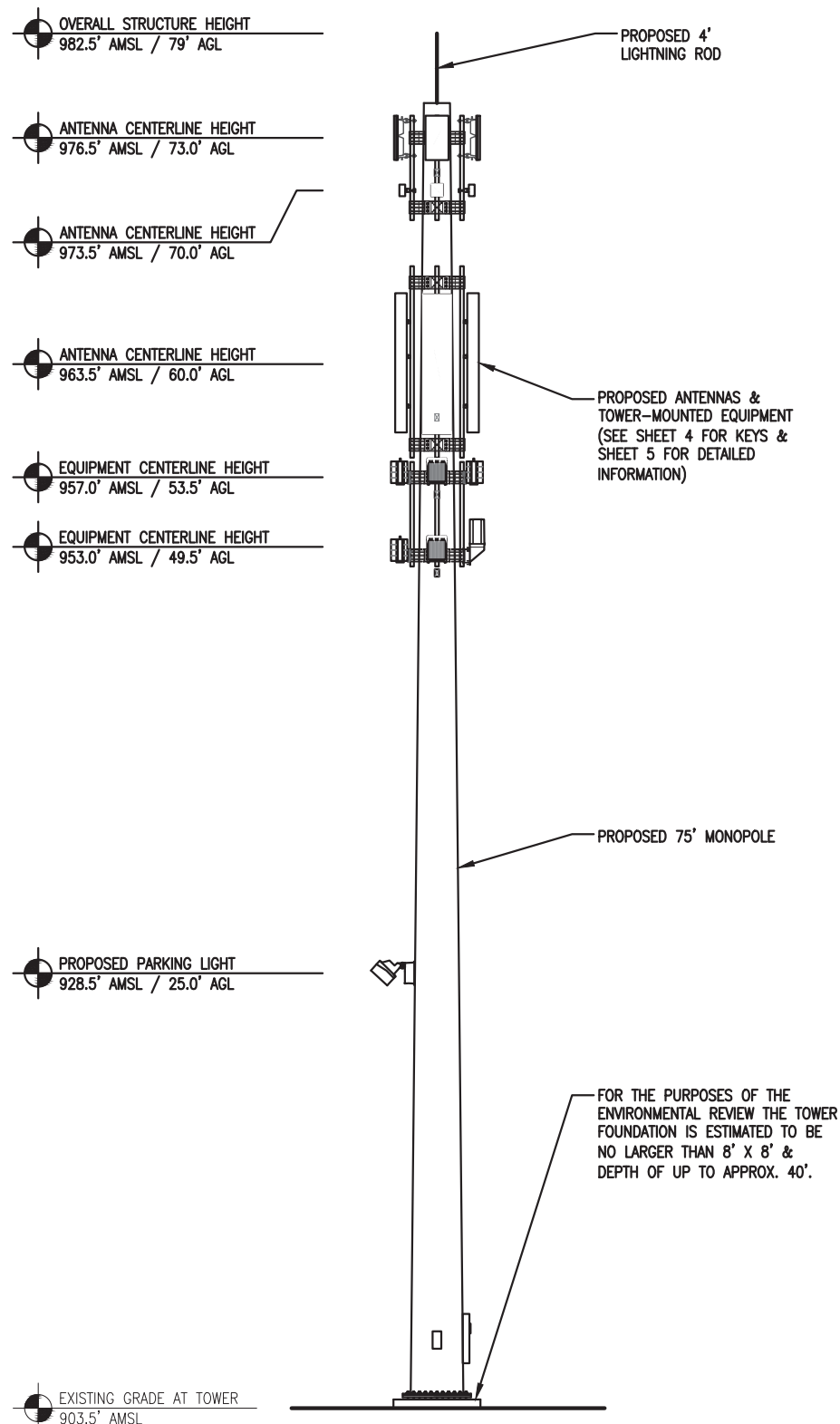
**FAR BROADWAY
SMACRO**
13 1/2 STREET S
FARGO, ND 58103

SUBMITTAL:		
INITIAL:	DATE:	DESCRIPTION:
JP	06-14-24	REV. A
JP	06-28-24	REV. B

STRUCTURAL ANALYSIS:	
DATE:	DESCRIPTION:

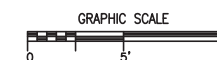
RFDS:	
DATE:	
12-12-23	

PLOT DATE	06-28-24
SET TYPE	REV. B
SHEET TITLE	TOWER ELEVATION
SHEET NUMBER	SHEET 3

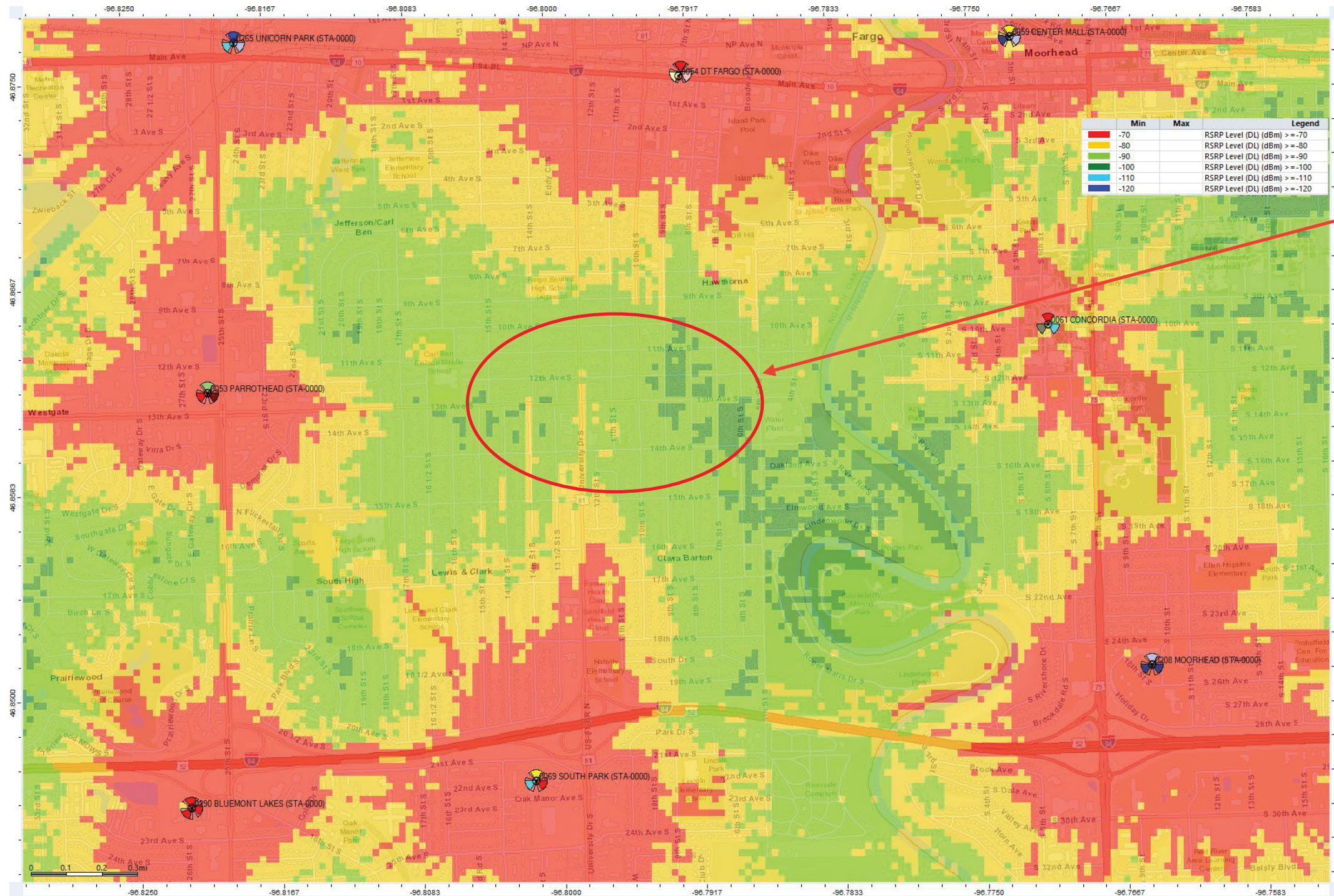


- NOTE:**
- 1.) TOWER TO BE ERECTED AND INSTALLED IN ACCORDANCE WITH TOWER MANUFACTURER'S DRAWINGS NOT INCLUDED WITH THIS PACKAGE. DISCREPANCIES BETWEEN TOWER DRAWINGS AND DESIGNER DRAWINGS TO BE REPORTED TO VERIZON WIRELESS AND THE DESIGNER IMMEDIATELY.
 - 2.) TOWER FOUNDATION TO BE EXCAVATED AND CONSTRUCTED IN ACCORDANCE WITH RECOMMENDATIONS AND SPECIFICATIONS OF THE GEOTECHNICAL REPORT WHICH IS NOT INCLUDED IN THIS PACKAGE. DISCREPANCIES BETWEEN THE REPORT AND THE OTHER DOCUMENTS TO BE IMMEDIATELY REPORTED TO VERIZON WIRELESS AND THE DESIGNER.
 - 3.) CONTRACTOR TO ENSURE TIP OF ANTENNAS DO NOT EXCEED TOWER HEIGHT.
 - 4.) ELEVATION IS SHOWN FOR GENERAL DIAGRAMMATIC PURPOSES ONLY. DO NOT SCALE.
 - 5.) NO STRUCTURAL ANALYSIS FOR THE TOWER, MOUNTS OR FOUNDATION HAVE BEEN PERFORMED AS PART OF THESE DRAWINGS. THE STRUCTURAL ANALYSIS FOR THE TOWER AND FOUNDATION ARE BY THE TOWER SUPPLIER AND SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF THE PROJECT.
 - 6.) PLEASE COORDINATE ANY STRUCTURAL CONCERNS/MATTERS OR ANY LOADING MODIFICATIONS TO THE CONSULTANT WHO AUTHORED THE ANALYSIS AND NOTIFY DESIGN 1 IMMEDIATELY OF THE ISSUE.
 - 7.) THESE DRAWINGS DO NOT CONSTITUTE A WARRANTY, EXPRESSED OR IMPLIED, OF THE ACCURACY OF THE STRUCTURAL ANALYSES PERFORMED BY OTHERS NOR THE PERFORMANCE OF THE COMPLETED CONSTRUCTION AS SHOWN ON THESE DOCUMENTS AND THE STRUCTURAL ANALYSES.

A TOWER ELEVATION
SCALE: 1" = 10'-0"

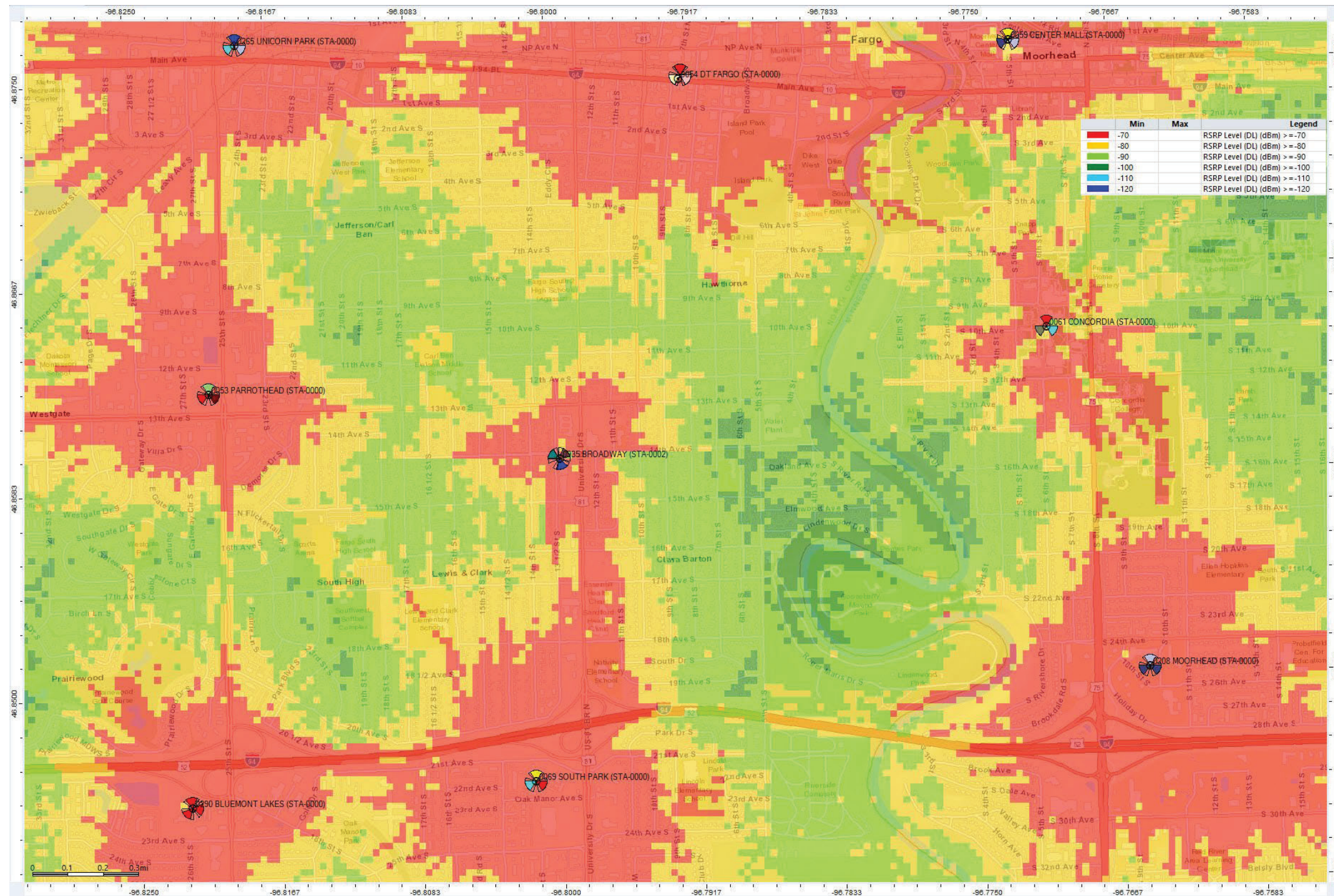


Existing LTE RSRP withOUT BROADWAY Site



There is wide high traffic area with low RSRP levels

LTE RSRP with BROADWAY at 60 ft ACL



- FAR Broadway will improve both coverage and capacity goals.
- Site activation will offload the high traffic from its neighboring sites Parrothead, South Park & DT Fargo.
- FAR Broadway will also improve the RSRP levels in Sanford South University Medical Center, Southside Shopping Center, South High School and many houses in the area.



City of Fargo Staff Report			
Title:	The District of Fargo Fifth Addition	Date:	11/26/2024
Location:	3788 55 th Avenue South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lot 1, Block 1, The District of Fargo Fifth Addition		
Owner(s)/Applicant:	Nathan Skaff (RRCOM LL) / Nick Qualley (Scenic Sign)	Engineer:	N/A
Entitlements Requested:	Zone Change (to repeal and reestablish a C-O, Conditional Overlay on Lot 1, Block 1, The District of Fargo Fifth Addition)		
Status:	Planning Commission Public Hearing: December 3, 2024		

Existing	Proposed
Land Use: Office and retail	Land Use: Unchanged
Zoning: LC, Limited Commercial, with a C-O, Conditional Overlay	Zoning: LC, Limited Commercial, with a revised C-O, Conditional Overlay
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, off premise advertising signs , commercial parking, retail sales and service, self-service storage , vehicle repair , limited vehicle service , and certain telecommunication facilities. Conditional Overlay (C-O) No. 5320 regulates signs, restricts land uses, and provides design standards.	Uses Allowed: No change proposed <i>(Proposed change to C-O modifies prohibited sign types, not uses)</i>
Maximum Lot Coverage Allowed: 55%	Maximum Lot Coverage Allowed: Unchanged

Proposal:

The applicant is seeking approval of a zone change located at 3788 55th Avenue South. The request is to repeal and reestablish a C-O, Conditional Overlay on Lot 1, Block 1, The District of Fargo Fifth Addition. The proposed Conditional Overlay will revise the list of prohibited signage.

On July 18th, 2024, the applicant applied for a sign permit to build a monument sign with an “electronic messaging center” (EMC) on the northwest corner of the subject property. During the permit review, staff found that the proposed EMC portion of the monument sign is not allowed by the C-O, Conditional Overlay because “animated sign” is listed under the Prohibited Signage section. The applicant then revised their proposal to exclude the EMC from their sign to add it at a later date if they are able to change the C-O, which allowed them to receive their permit on July 23rd, 2024. The sign is currently existing, meeting all the applicable requirements of the Sign Code; however, it is built to allow for the EMC to be added onto its existing structure. Removing “Animated Sign” from the prohibited signage listed in the C-O will let the Land Development Code’s Sign Code (Article 20-13) regulate the electronic messaging center.

The original C-O (Ordinance 4634) for The District of Fargo Addition in 2007 had several design standards at the request of the developer, which exceeds today’s standard C-O regulations. The existing C-O had some of those standards carried through with the most recent plat of the subject property. The LDC’s Sign Code was repealed and reestablished in 2010 (with subsequent text amendments).

Additionally, staff has included an amendment related to prohibited uses to reflect a Land Development Code text amendment since the latest C-O ordinance.

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 55 Ave S is LC, Limited Commercial with a C-O, Conditional Overlay, with vacant land and retail sales and service;
- East: MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, with multi-dwelling structures;
- South: MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, with multi-dwelling structures;
- West: Across 38 St S is LC, Limited Commercial with vacant land and MR-3, Multi-Dwelling Residential with multi-dwelling structures.

Area Plans:

Fargo's Growth Plan 2024 was adopted on August 19th, 2024. This project is consistent with the future land use designations for this property.

Context:

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

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

Parks: The Pines Park and the Fargo Parks Sports Center are within approximately half a mile of the subject property. Pines Park amenities include a basketball court, playground, shelter, & trails. Fargo Parks Sports Center amenities include a basketball court, football field, meeting rooms, pickleball court, and walking tracks.

Pedestrian / Bicycle: There are ten-foot-wide paths along 52nd Avenue South, eight-foot-wide paths along 53rd Avenue South, eight-foot-wide paths on the west side of 42nd Street South, ten-foot-wide paths along portions of 38th Street South, and shared-use paths within The Pines Park that connect to the metro area trail system.

Bus Route: The subject property is within a quarter mile of route 18, which runs along 53th Ave S, 38th St S, 52nd Ave S, and 42nd St S. This route has a bus stop located at the Walmart at 3757 55 Ave S which is within a quarter mile of the subject property.

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 error in the zoning map as it relates to this property. The original C-O (Ordinance 4634) for The District of Fargo Addition in 2007 contained signage regulations that have carried through to the existing C-O, and the LDC's Sign Code was repealed and re-enacted in 2010 (with subsequent text amendments). The applicant is requesting to rezone the subject property in order to repeal and reestablish the C-O to allow for an electronic messaging center, letting the Sign Code (Article 20-13) to regulate the signage.

(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 is adjacent to existing developed public rights-of-way, which provides access and public utilities to serve the subject property.
(Criteria Satisfied)

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no inquiries related to the application with no noted concern.
(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 new electronic messaging center will comply with the LDC's sign code. Staff finds that the proposed zone change is consistent with the purpose of the LDC, 2024 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 the proposed Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lot 1, Block 1, **The District of Fargo Fifth Addition** as outlined within the staff report, as the proposal complies with the 2024 Growth Plan, standards of Section 20-906.F, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: December 3, 2024

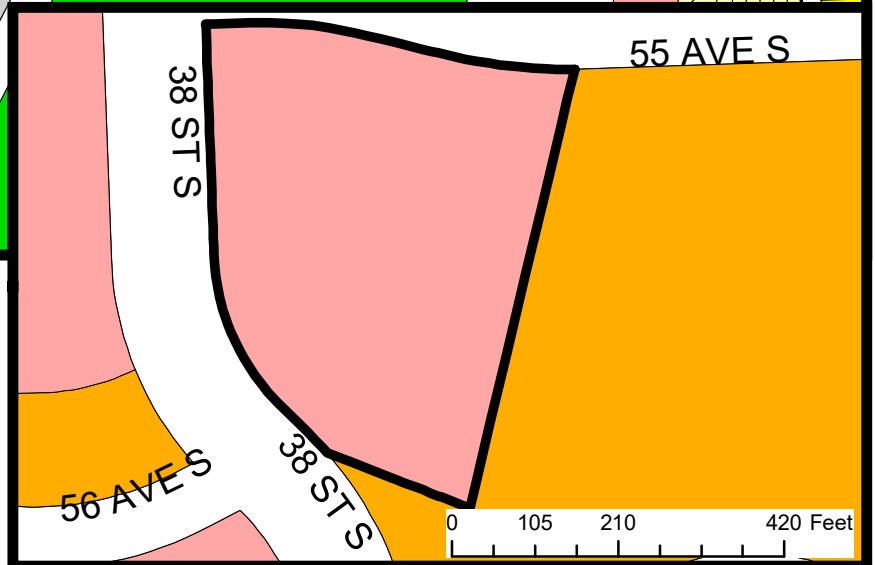
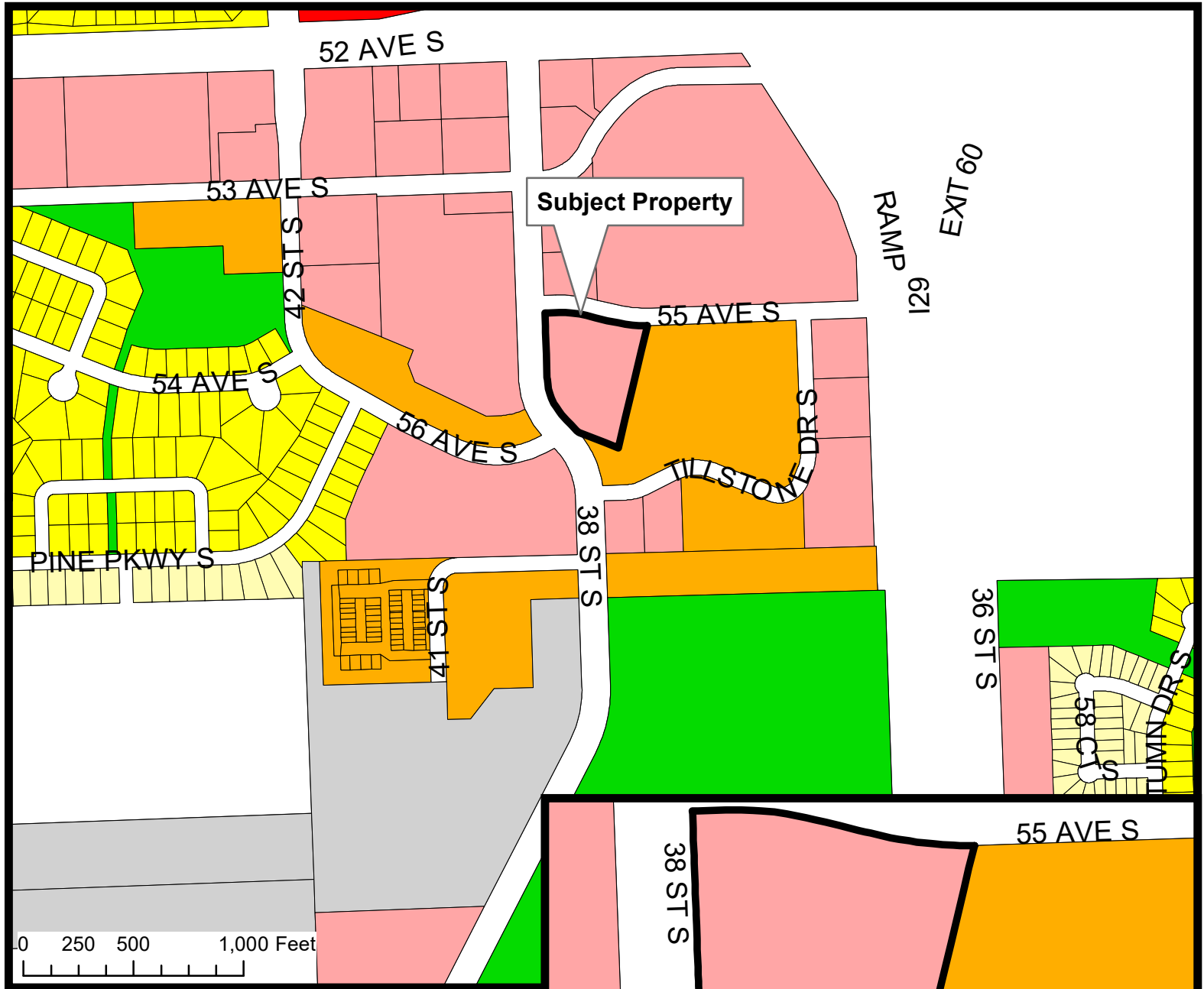
Attachments:

1. Zoning Map
2. Location Map
3. C-O, Conditional Overlay Draft
4. Applicant's Narrative

Zone change from LC, Limited Commercial with a C-O, Conditional Overlay to LC with a Revised Conditional Overlay

The District of Fargo Fifth Addition

3788 55th Avenue South



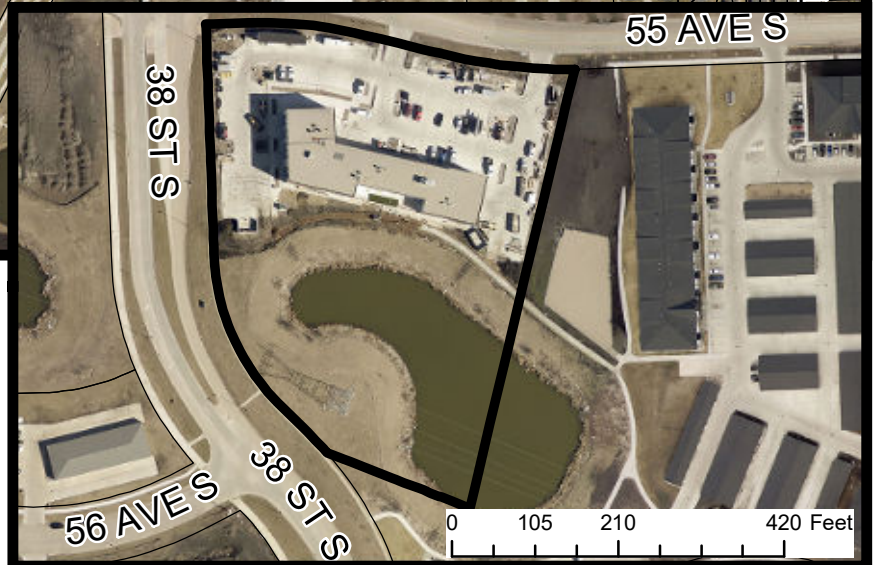
Legend

AG	LC	MHP	SR-2
DMU	LJ	NC	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	PA	SR-5
	MR-3	UMU	City Limits

Zone change from LC, Limited Commercial with a C-O, Conditional Overlay to LC with a Revised Conditional Overlay

The District of Fargo Fifth Addition

3788 55th Avenue South



Conditional Overlay Items
The District of Fargo Fifth Addition
3788 55th Avenue South

A. Commercial Developments.

1. Building Form and Style.

- 1.1 All building elevations/facades greater than 200 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least two (2) feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of twenty (20) percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet.
- 1.2 Ground floor facades that are within 150 feet of the right of way, measured from the exterior wall, shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than fifty (50) percent of its horizontal length.
- 1.3 Principal Materials. Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally- colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.
- 1.4 Accent Materials. In conjunction with the principal materials listed above in Section 1.3., finished wood and vinyl accent materials may also be used to construct or clad exterior walls. Accent materials shall be applied to no greater than twenty (20) percent of each building facade.
- 1.5 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units within 150 feet of public right-of-15Way shall be visually screened from adjacent public right-of-way by structures¹⁶and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building
- 1.6 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when located within 150 feet of public right-of-way, by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.
- 1.7 Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising, or combination.

2. Site Design.

- 2.1 A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 2.2 Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks

with Zoning Administrator approval. An on- site system of pedestrian walkways shall be provided between building entrances and the following:

- 2.2.1 Parking lots or parking structures;
 - 2.2.2 Any public sidewalk or multi-use path along the perimeter of the lot;
 - 2.2.3 Entrances of other buildings on the site;
 - 2.2.4 Any public sidewalk system along the perimeter streets adjacent to the development; and
 - 2.2.5 Adjacent pedestrian origins and destinations – including but not limited to transit stops, residential development, office buildings, and retail shopping buildings – where deemed practical and appropriate by the Zoning Administrator.
- 3 Prohibited Uses. The following uses are prohibited:
- 3.1 Detention facilities;
 - 3.2 Self-service storage;
 - 3.3 Vehicle repair;
 - 3.4 Vehicle service, limited;
 - 3.5 Industrial uses; and
 - 3.6 ~~Adult entertainment centers Adult establishments.~~
- 4 Prohibited Signage. The following signs are prohibited:
- ~~4.1 Animated Sign: a sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except variations required for displaying time or temperature information.~~
 - 4.2 Fence Sign: a sign affixed in any way to or painted on a fence.
 - 4.3 Off Premises Sign: a sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located. One pylon sign to be shared with all three (3) businesses is allowed for proximity next to the interstate with a height limit of sixty (60) feet.
 - 4.4 Pennant: a flag tapering to a point usually strung together by line or rope.
 - 4.5 Portable Sign: any sign designed to be moved easily and is not permanently affixed to the ground, structure or building.
 - 4.6 Roof Sign: a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof.
 - 4.7 Vehicular Sign: a sign or business identification affixed to any vehicle, including, but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes, and similar vehicles and their accessories.
 - 4.8 Window Sign: a sign painted or applied directly on a window or affixed to the outside or inside of a window.

B. Residential Developments.

1. Building Form and Style.

- 1.1 Principal Materials. Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Metal panel, finished wood and vinyl shall be allowed on residential structures but should not exceed 75% of the building elevation.
- 1.2 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when

located within 150 feet of public right-of-way, by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

2. Site Design.

- 2.1 A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 2.2 Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on- site system of pedestrian walkways shall be provided between building entrances and the following:
 - 2.2.1 Parking lots;
 - 2.2.2 Any public sidewalk or multi-use path along the perimeter of the lot;
 - 2.2.3 Entrances of other buildings of the site;
 - 2.2.4 Any public sidewalk system along the perimeter streets adjacent to the development;
 - 2.2.5 Adjacent pedestrian origins and destinations – including, but not limited to transit stops, residential development, office buildings, and retail shopping buildings – where deemed practical and appropriate by the Zoning Administrator; and
 - 2.2.6 Upon approval of the Zoning Administrator, adjacent properties may share pedestrian circulation systems that connect to public sidewalks.

3. Prohibited Signage. The following signs are prohibited:

- ~~3.1 — Animated Sign: a sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except variations required for displaying time or temperature information.~~
- 3.2 Fence Sign: a sign affixed in any way to or painted on a fence.
- 3.3 Off-Premises Sign: a sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located. One pylon sign to be shared with all three (3) businesses is allowed for proximity next to the interstate with a height limit of sixty (60) feet.
- 3.4 Pennant: a flag tapering to a point usually strung together by line or rope.
- 3.5 Portable Sign: any sign designed to be moved easily and is not permanently affixed to the ground, structure or building.
- 3.6 Roof Sign: a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof.
- 3.7 Vehicular Sign: a sign or business identification affixed to any vehicle, including, but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes, and similar vehicles and their accessories.
- 3.8 Window Sign: a sign painted or applied directly on a window or affixed to the outside or inside of a window.

TILLSTONE DEVELOPMENT

APPLICATION TO REESTABLISH CONDITIONAL OVERLAY.

Block 1, Lot 1, The District of Fargo 5th Addition.

3788 55TH Ave S, Fargo, ND, 58104

Nathan Skaff of (RRCOMM LLC) and myself Nick Qualley with (Scenic Sign) are applying to reestablish the conditional overlay of the Tillstone Development located on Block 1, Lot 1, The District of Fargo 5th Addition. 3788 55th Ave S, Fargo, ND, 58104.

There are ordinances in place regarding signage for this Development that are outside the City of Fargo's usual signage guidelines and limits the best chance of success for the local business's located within this development.

ORDINANCE NO. 5320

Page 4. - Section 4. Prohibited Signage.

Section 4.1 – Animated Sign: A sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except variations required for displaying time or temperatures information.

(Verbiage repeated on Page 6.)

ORDINANCE NO. 5320

Page 6. - Section 3. Prohibited Signage.

Section 3.1 – Animated Sign: A sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except variations required for displaying time or temperatures information.

The prohibited signs referenced above restricts the installation and use of a Digital Display, also referred to as an Electronic Message Center, or EMC for short, within this development. EMCs are widely used in the Fargo area to help our local businesses promote their presence, products, and services. This form of on-premise advertisement helps drive the success of the businesses within our community.

The Monument Sign initially proposed for this development (Exhibit A) had an EMC and was denied a sign permit due to the ordinances written into the conditional overlay. The Sign was then resubmitted for permitting without the EMC (Exhibit B) and was approved. This sign is currently in production and is set to be installed at the end of October. However, the sign has an engineered preplanned substructure to add an EMC in the future if the reestablishment of the conditional overlay is to be approved. (Exhibit C)

We are looking to have the conditional overlay revised to allow the installation and use of a Digital Display/EMC onto the Shops at Tillstone Monument as shown on Exhibit A.

(RRCOMM LLC) Nathan Skaff  Date 10/3/24

(SCENIC SIGN) Nick Qualley  Date 10-2-24

City of Fargo Staff Report			
Title:	Avery Commons Addition	Date:	11/27/2024
Location:	4931, 4943, 4949, 4955, and 4967 Avery Lane South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lots 5 through 9, Block 5, Cottagewood First Addition		
Owner(s)/Applicant:	Designer Homes of Fargo Moorhead, LLC / Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 5 through 9, Block 5, Cottagewood First Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: December 3rd, 2024		
Existing		Proposed	
Land Use: Residential		Land Use: Residential	
Zoning: SR-4		Zoning: No change	
Uses Allowed: Allows 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: No change.	
Maximum Density Allowed: 12.1 dwelling unit per acre		Maximum Density Allowed: No change	
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A minor subdivision, to be known as Avery Commons Addition, replat of Lots 5 through 9, Block 5, Cottagewood First Addition, to the City of Fargo, Cass County, North Dakota <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-2 with single-dwelling residential uses • East: SR-4 with single-dwelling residential uses • South: SR-4 with single-dwelling residential uses • West: SR-4 with single-dwelling residential uses and P/I, Public/Institutional (City of Fargo stormwater detention facility) 			
Context:			
<p>Schools: The subject property is located within the Fargo School District and is served by Kennedy Elementary, Carl Ben Eielson Middle and South High schools.</p> <p>Neighborhood: The subject property is located within the Woodhaven neighborhood.</p> <p>Parks: Cottagewood Park, located at 4896 38th Street South, is approximately 0.09 mile east of the subject property and provides amenities of grill; picnic table; playground, ages 5-12; recreational trails; and a shelter.</p> <p>Pedestrian / Bicycle: A shared-use path is located along the north side of 49th Avenue South one block north of the subject property. This path is a part of the metro area bikeways system.</p>			

MATBUS Route: The subject properties are not location along a MATBUS route.

Staff Analysis:

The existing lots were platted as part of the Cottagewood First Addition in 2013. The lots have not been developed. The subdivision replats the five existing lots into four lots.

PROPOSED LOT	AREA
1	10,178
2	9800
3	9800
4	10,178

ACCESS: The individual lots will take access from Avery Lane South

ZONING: The current zoning is SR-4, Single-Dwelling Residential. No zone change is proposed.

Minor Subdivision

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

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

The requested minor subdivision replats the existing five lots into four lots for residential development. The current zoning is SR-4, Single Dwelling Residential. 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 not received any inquiries or comments. 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, and the Fargo Growth Plan 2024. **(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. Staff will prepare an updated amenities plan that will tie this project back to previous amenities plans of the Cottagewood subdivisions. **(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, **Avery Commons Addition**, as outlined within the staff report, as the proposal complies with the adopted Fargo Growth Plan 2024, the standards of Article 20-06, Section 20-0907.B and C and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: December 3rd, 2024

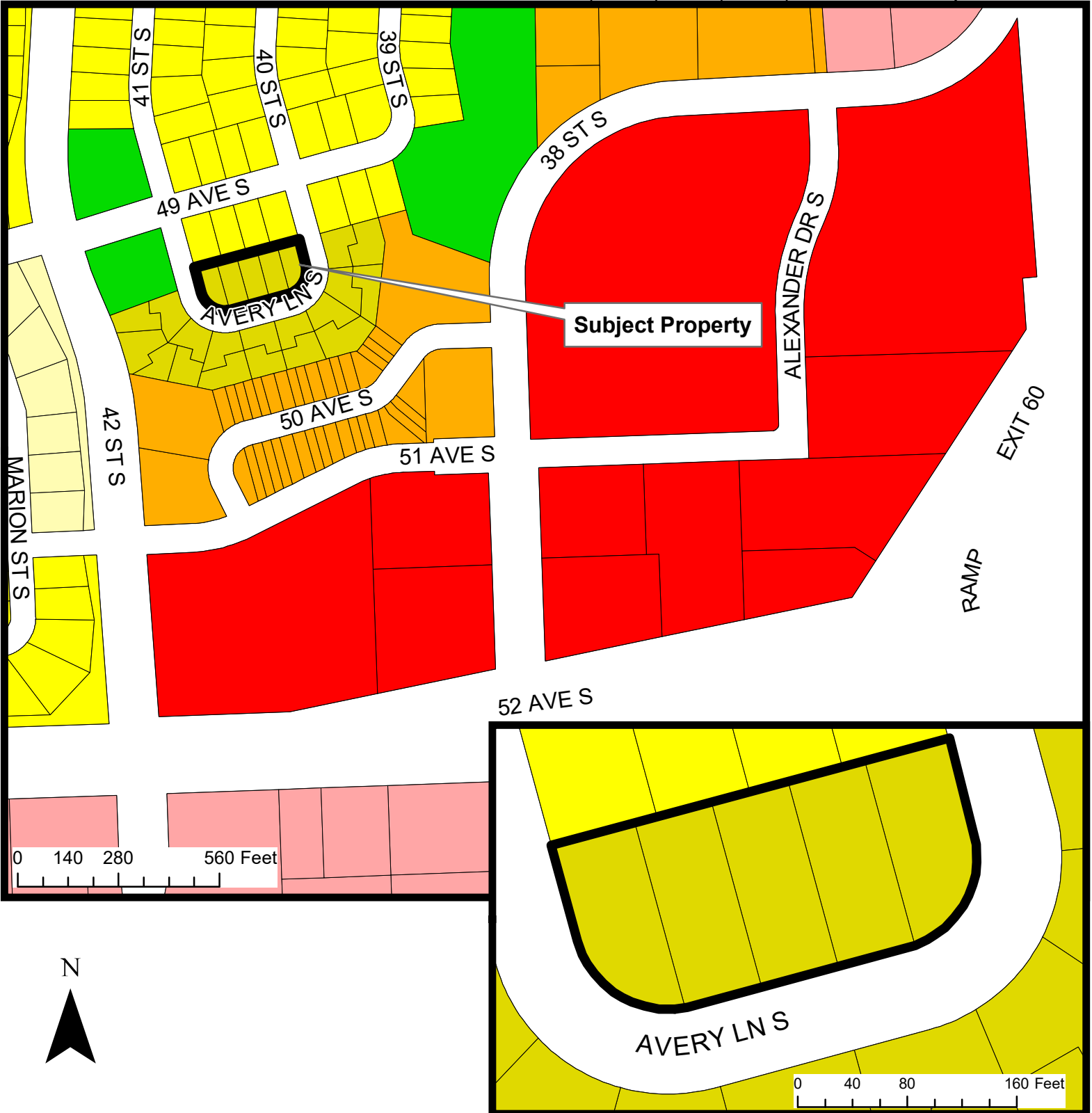
Attachments:

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

Minor Subdivision

Avery Commons Addition

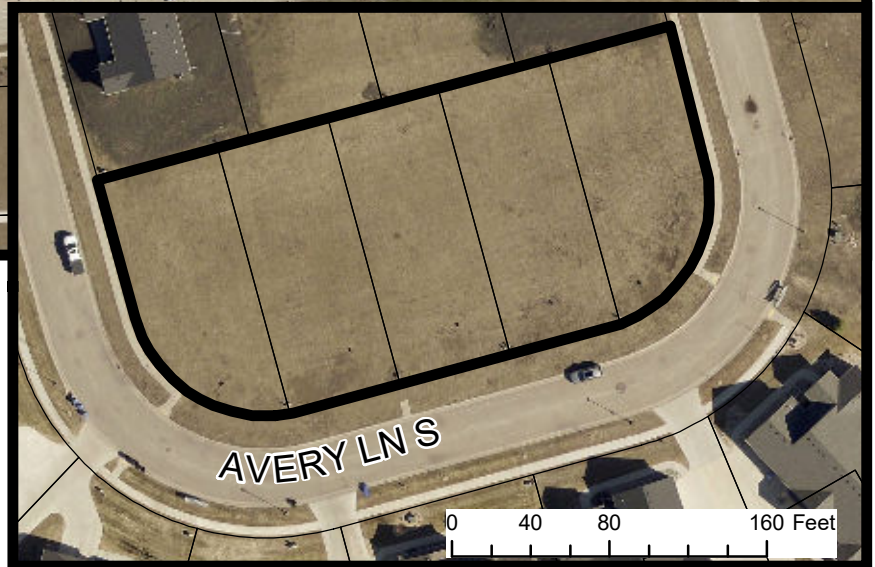
4931, 4943, 4949, 4955, and 4967 Avery Lane South



Minor Subdivision

Avery Commons Addition

4931, 4943, 4949, 4955, and 4967 Avery Lane South



AVERY COMMONS

A MINOR SUBDIVISION

BEING A REPLAT OF LOTS 5,6,7,8 & 9, BLOCK 5, COTTAGEWOOD FIRST ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Heritage Homes, LLC, a North Dakota limited liability corporation, is the owner and proprietor of the following described tract of land:

Lots 5, 6, 7, 8 & 9, Block 5, Cottagewood First Addition to the City of Fargo, Cass County, North Dakota

Said tract contains 0.917 acres, more or less.

And that said party has caused the same to be surveyed and platted as **AVERY COMMONS** to the City of Fargo, Cass County, North Dakota.

OWNER:

Heritage Homes, LLC, a North Dakota limited liability corporation

Tyrone M Leslie, President

State of _____)
County of _____) ss

On this _____ day of _____, 20____ before me personally appeared Tyrone M Leslie, President Heritage Homes, LLC, a North Dakota limited liability corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said nonprofit corporation.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota)
County of Cass) ss

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Tom Knakmuhs, PE, City Engineer

State of North Dakota)
County of Cass) ss

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

Maranda R. Tasa, Chair
Fargo Planning Commission

State of North Dakota)
County of Cass) ss

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

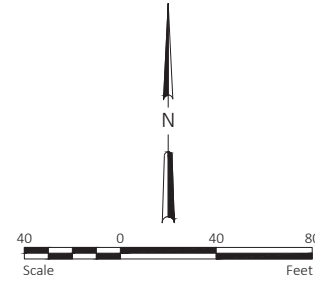
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
County of Cass) ss

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

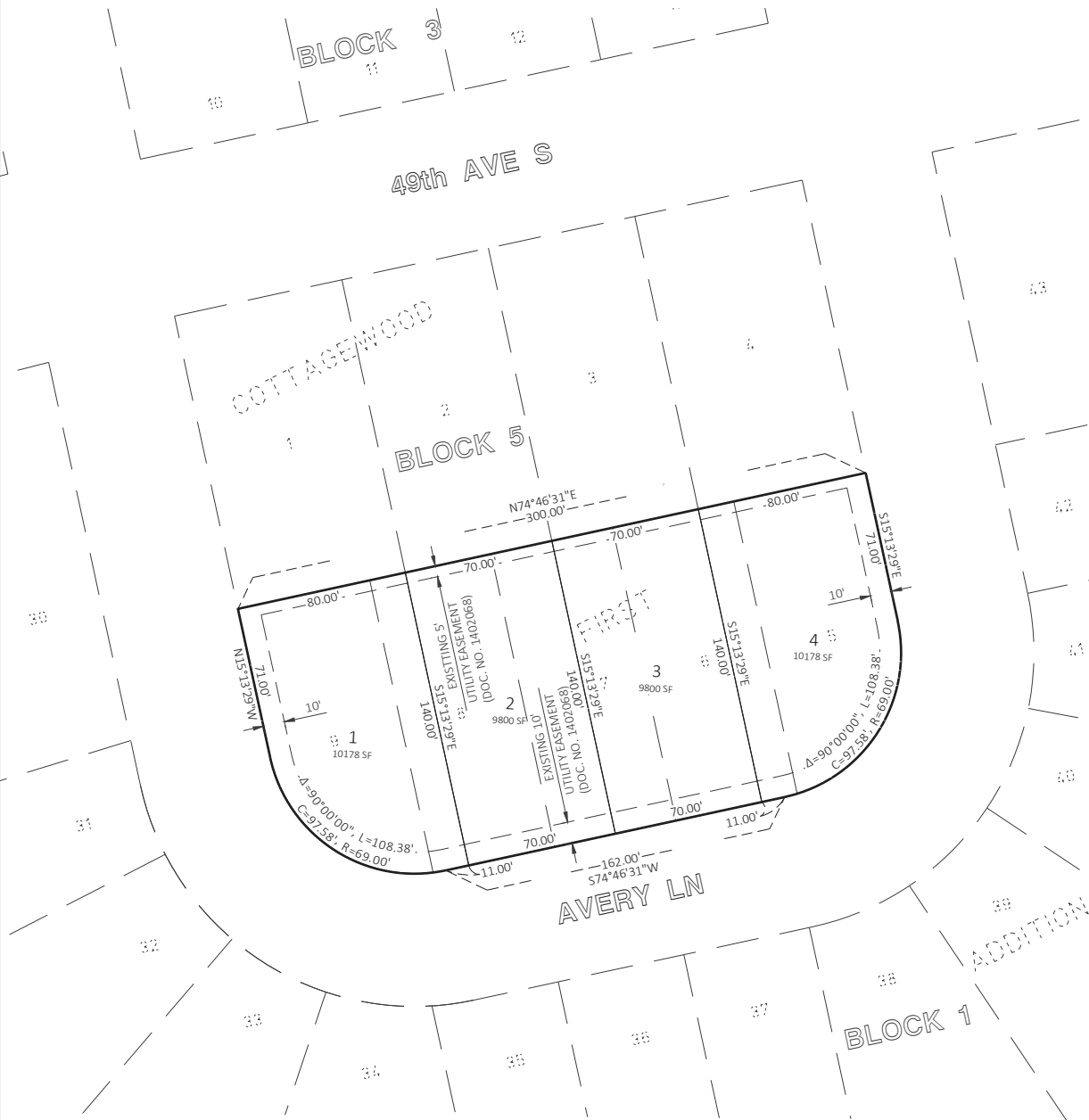
Notary Public: _____



LEGEND

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

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

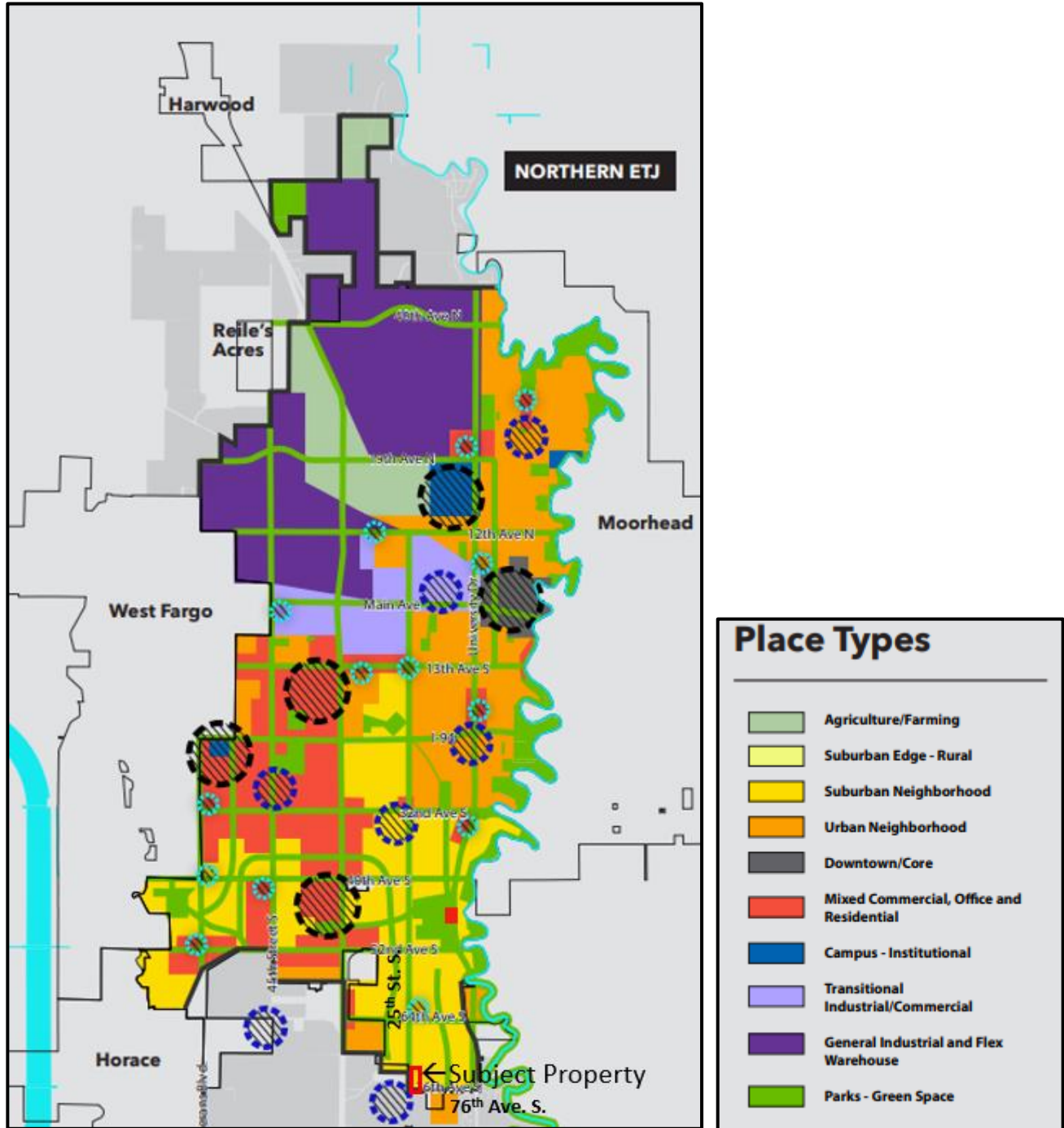


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City of Fargo Staff Report			
Title:	Eagle Valley 5th Addition	Date:	11/27/2024
Location:	7475 24 th Street South.	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 1, Block 1, Eagle Valley 5 th Addition		
Owner(s)/Applicant:	Eagle Ridge Development /Jon Youness	Engineer:	None
Entitlements Requested:	Zone Change (from LC, Limited Commercial with a conditional overlay to SR-5, Single Dwelling Residential, with repeal of the existing conditional overlay ordinance no. 5315)		
Status:	Planning Commission Public Hearing: December 3rd, 2024		
Existing			
Land Use: Undeveloped		Land Use: Residential	
Zoning: LC, Limited Commercial		Zoning: SR-5, Single-Dwelling Residential	
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off-premise advertising signs , commercial parking, retail sales and service, self-service storage, vehicle repair , limited vehicle service, and certain telecommunications facilities. Conditional Overlay Ord. No. 5315 prohibits some uses, as noted above, and provides site and building design standards.		Uses Allowed: Allows detached houses, attached houses and duplexes, daycare centers of up to 12 children or adults, parks and open space, religious institutions, safety services and basic utilities.	
Maximum Lot Coverage: 55%		Maximum Density: 14.5 dwelling units per acre	
Proposal:			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Zone Change from LC, Limited Commercial to SR-5, Single Dwelling Residential. <p>The subject property is located at 7475 24th Street South.</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-4: Single-Dwelling Residential with single family residences • East: SR-4 with single family residences • South: Across 76th Avenue South is in Fargo’s four-mile extra-territorial jurisdiction; zoned AG, Agricultural; not developed. • West: Across 25th Street South is in Fargo’s four-mile extra-territorial jurisdiction; zoned AG, Agricultural; not developed. 			
Area Plans:			
<p>The subject property is designated as “Suburban Neighborhood” place type in the Fargo Growth Plan 2024. Among the uses identified in the plan for this place type are townhomes, duplexes, triplexes, and quadplexes. The proposed SR-5 zoning designation is consistent with this land use designation as it will allow the development of attached single-dwelling residences (townhomes) and duplexes. The Fargo</p>			

Growth Plan 2024 was adopted August 19, 2024 and replaced the 2007 Growth Plan which previously covered this area.



Context:

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

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

Parks: Eagle Valley Park (1880 70th Avenue S) is located approximately 0.08 mile east of the subject property and offers the amenities of basketball court, grill, picnic table, playgrounds for ages 2-5 and 5-12; recreational trails; and a shelter.

Pedestrian / Bicycle: There are no multi-use paths adjacent to the subject property.

MATBUS Route: The subject property is not located along a MATBUS route.

Staff Analysis:

EXISTING CONDITIONAL OVERLAY

Lot 1, Block 7, Eagle Valley Addition was zoned LC in January, 2015. That lot was replatted as part of Eagle Valley 5th Addition in July, 2021. Conditional Overlay Ordinance Number 5315 was approved on July 26th, 2021. This conditional overlay was added to the existing LC zoning. This conditional overlay will be repealed as part of the zone change. The proposed SR-5 zone will not have a conditional overlay.

ACCESS

Access will be taken from 24th Street South. Negative access easements along the north, south, and west sides of the Eagle Valley 5th Addition plat prohibit access from the 74th and 75th Avenues and 25th Street South.

CONCEPT PLAN

The applicant has provided a concept plan of how the property could be developed with attached single-dwelling housing. Approval of the zone change does not include approval of the site plan.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property was originally zoned LC, Limited Commercial in January, 2014. A conditional overlay was added in July, 2021. The land use designation under the 2007 Growth Plan was "Commercial." The property has not been developed. The 2007 Growth Plan was replaced by the recently adopted Fargo Growth Plan 2024. This property is now designated as "Suburban Neighborhood," in which townhomes are an identified use. The applicant is requesting to rezone the property to SR-5, Single-Dwelling Residential, in order to develop attached single-dwelling residences (townhomes). Staff finds that the requested zoning change is justified by change in conditions—the change in growth plan designation—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?

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

(Criteria Satisfied)

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no comment or inquiries from the public. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is

consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the recently adopted Fargo Growth Plan 2024, 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 zone change from LC, Limited Commercial with a conditional overlay to SR-5, Single-Dwelling Residential with repeal of conditional overlay ordinance no.5315, for Lot 1, Block 1, **Eagle Valley 5th Addition**, as presented, as the proposal complies with the adopted Fargo Growth Plan 2024, Section 20-0906.F (1-4), and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 3, 2024

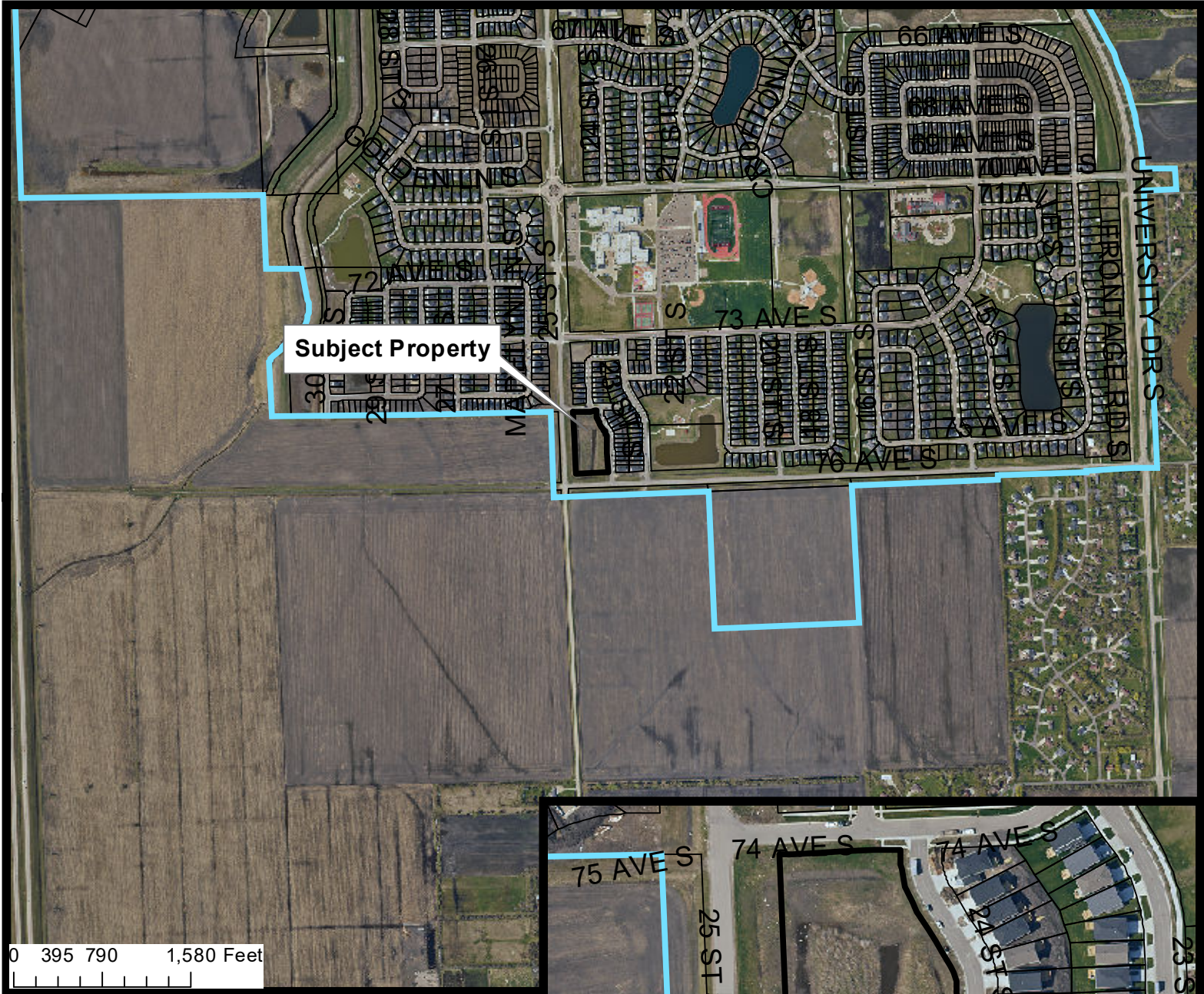
Attachments:

1. Location map
2. Zoning map
3. Concept plan

Zone Change from LC, Limited Commercial with CO, Conditional Overlay to SR-5, Single Dwelling Residential

Eagle Valley Fifth Addition

7475 24th Street South



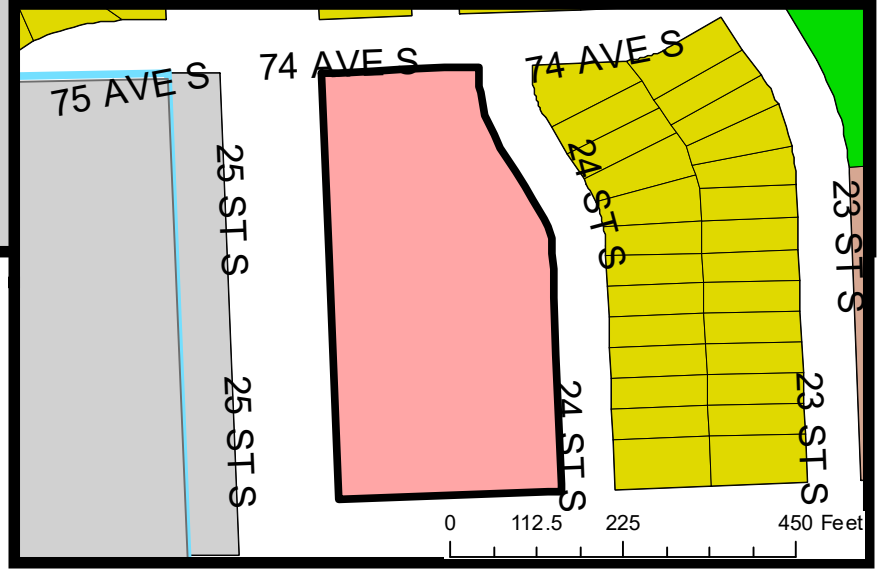
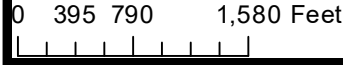
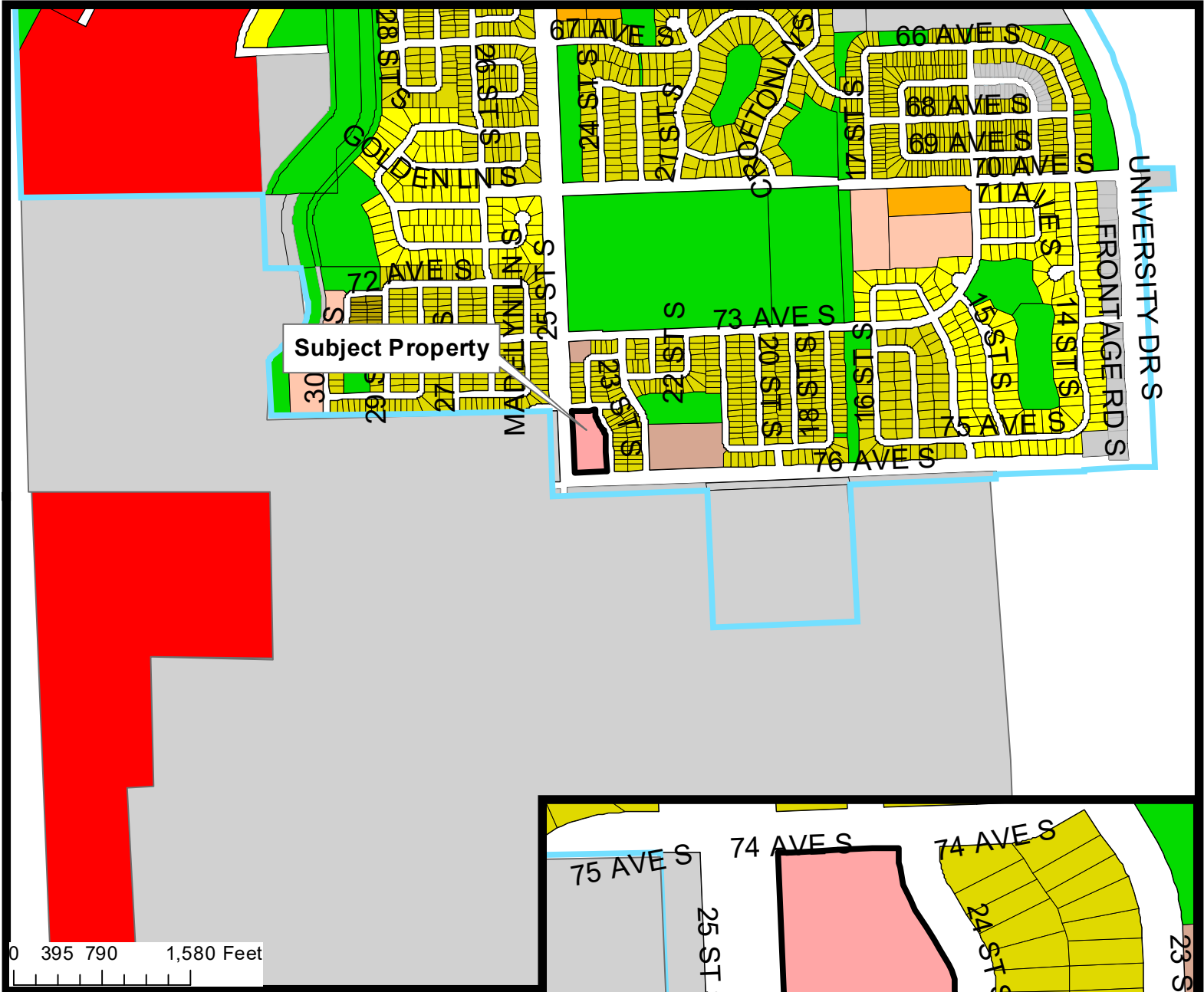
Legend

 City Limits

Zone Change from LC, Limited Commercial with CO, Conditional Overlay to SR-5, Single Dwelling Residential

Eagle Valley Fifth Addition

7475 24th Street South



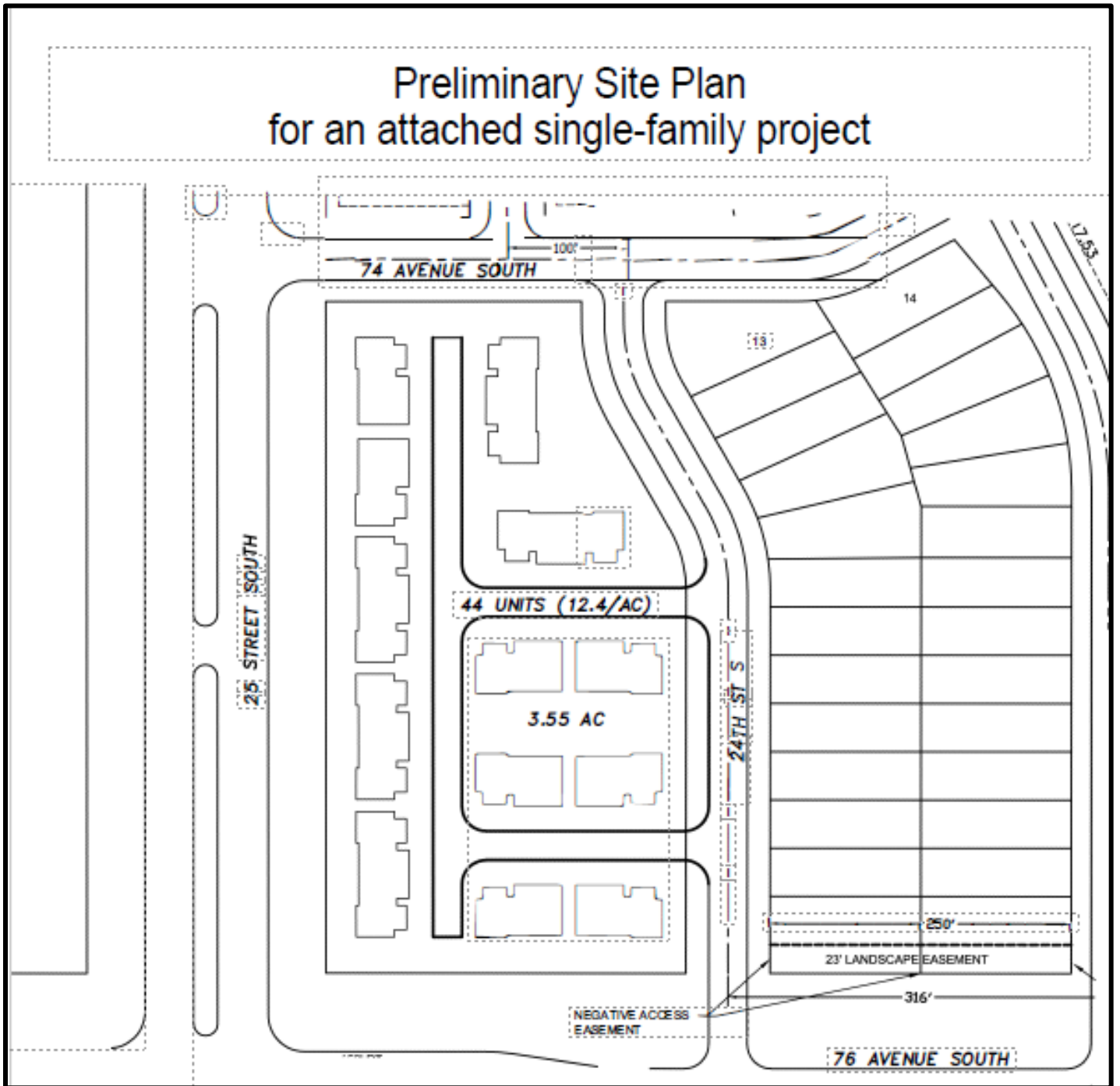
Legend

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



**Fargo Planning Commission,
December 3, 2024**

Plan provided by applicant. Plan is not a part of the zone change approval.



City of Fargo Staff Report			
Title:	Osgood Townsite 15 th Addition	Date:	11/27/2024
Location:	5100 47 th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 4, Block 1, Osgood Townsite 15th Addition		
Owner(s)/Applicant:	Grand 52, LLC / EagleRidge Development	Engineer:	None
Entitlements Requested:	Conditional Use Permit (CUP) (to allow household living in the LC, Limited Commercial Zone)		
Status:	Planning Commission Public Hearing: December 3 rd , 2024		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Commercial/Residential Mixed Use	
Zoning: LC, Limited Commercial		Zoning: LC, Limited Commercial	
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs , commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities with Conditional Overlay Ordinance No. 4547 , which provides site and building design standards and prohibits off-premise signs.		Uses Allowed: No change proposed. Conditional overlay remains in effect. Conditional Use Permit will allow household living in the LC zone.	
Maximum Lot Coverage: 55%		Maximum Lot Coverage: 55%	
Proposal:			
The applicant requests one entitlement: 1. Conditional Use Permit (CUP) (to allow household living in the LC, Limited Commercial Zone)			
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 of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.			
Surrounding Land Uses and Zoning Districts:			
<ul style="list-style-type: none"> • North: LC with commercial uses • East: LC, with commercial uses and MR-3, Multi-Dwelling Residential with multi-dwelling structures • South: across 52nd Avenue South GC, General Commercial, in Fargo's four-mile extra-territorial jurisdiction, undeveloped • West: SR-4 Single Dwelling Residential with single-dwelling residences 			
Context:			
Schools: The subject property is located within the West Fargo School District, specifically within the Osgood Elementary, Liberty Middle and Sheyenne High schools.			
Neighborhood: The subject property is located within the Osgood neighborhood.			
Parks: Osgood Park (4951 47 th Street South) is approximately 0.07 mile west of the subject property. This park provides basketball court, disc golf, grill, multipurpose field, picnic table, playground for ages 5-12, recreational trails, soccer field, and a shelter.			

Pedestrian / Bicycle: There is a multi-use path across 47th Street South from the subject property that is a component of the metro area bikeways system.

MATBUS Route: The subject property is not located along a MATBus route.

Staff Analysis:

The applicant proposes to develop a commercial/residential mixed-use project. The subject property is zoned LC, Limited Commercial. Residential uses are not allowed by right in the LC zone. Thus, a conditional use permit is required to allow residential use in this zone.

The applicant proposes a density of 32 dwelling units per acre.

A concept site plan provided by the applicant is attached. Approval of the CUP does not approve the site plan.

Conditional Overlay Ordinance No. 4547 will remain in effect. The CUP does not modify the conditional overlay.

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. As noted above, provisions of the LDC will apply and additional conditions will be added to ensure that this project is developed in a manner that is appropriate to the context of the surrounding properties and uses. Staff finds this proposal is consistent with the purpose of the LDC, Fargo Growth Plan 2024, 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. The CUP will allow a commercial/residential mixed-use project to be developed on the subject property. Such projects offer housing opportunities, convenient access to commercial uses, and more effective/efficient use of land. **(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 not received any inquiries or comments. **(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 recently adopted Fargo Growth Plan 2024 encourages mixed use development where appropriate to the context. The subject property is located at the corner of an arterial street (52nd Avenue) and a collector street (47th Street). The immediate neighborhood includes both commercial and residential uses, as noted above. New development will comply with the

dimensional standards of the LC, Limited Commercial zone and the parking and landscaping standards of the LDC. No modification of these standards is being requested.

(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 subject property takes access from private drives along the north and east property frontage that were established with the Osgood Townsite 14th and 15th Additions. The subject property does not have direct access to 47th Street South or 52nd Avenue South.

(Criteria Satisfied)

RECOMMENDED CONDITION:

1. To allow household living at a maximum density of 32 dwelling units per acre on Lot 4, Block 1, Osgood Townsite 15th Addition.

5100 4Staff Recommendation:

Suggested Motion: To accept the findings and recommendations of staff and move to approve the proposed conditional use permit allow household living in the LC, Limited Commercial zone, subject to the condition listed below, as presented, as the proposal complies with the Fargo Growth Plan 2024, Standards of Section 20-0909.D, and all other applicable requirements of the LDC, with the following condition:

1. To allow household living at a maximum density of 32 dwelling units per acre on Lot 4, Block 1, Osgood Townsite 15th Addition.

Planning Commission Recommendation: December 3rd, 2024

Attachments:

1. Zoning map
2. Location map
3. Concept site plan

