

FARGO PLANNING COMMISSION AGENDA  
Tuesday, April 6, 2021 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of March 2, 2021

C: Brown Bag Luncheon - Wednesday, April 21, 2021

D: Public Hearing Items:

1. Continued hearing on an application requesting a Growth Plan Amendment on an unplatted portion of **Section 5, Township 138 North, Range 49 West**. (Located at 5702 52nd Avenue South) (Four Horsemen, LLC/Nate Vollmuth) (dk): WITHDRAWN
2. Continued hearing an application requesting a Planned Unit Development Master Land Use Plan and Final Plan within the boundaries of the proposed **Brewhalla Addition**. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC) (me)
- 3a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay within the boundaries of the proposed **EOLA Addition**. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies) (me): CONTINUE TO MAY 4, 2021
- 3b. Continued hearing on an application requesting a Planned Unit Development Master Land Use Plan within the boundaries of the proposed **EOLA Addition**. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies) (me): CONTINUED TO MAY 4, 2021
4. Continued hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to NO, Neighborhood Office on Lot 1, Block 1, **Rowe's Addition**. (Located at 619 University Drive South) (Bradley and Lisa Johnson) (an): CONTINUED TO JUNE 1, 2021
5. Hearing on an application requesting a Plat of **Peterson Addition** (Minor Subdivision) a replat of part of Lots 1-5, Block 2, Schultz & Lindsay's First Addition to the City of Fargo, Cass County, North Dakota. (Located at 302 29th Street North) (Michael D. Peterson) (an)
- 6a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and MR-2, Multi-Dwelling Residential with a C-O, Conditional Overlay to SR-4, Single-Dwelling Residential, SR-5, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and P/I, Public and Institutional within the proposed **Valley View Estates Second Addition**. (Located at 3604 through 3731 50th Street South) (K Square Developers, LLC) (dk)

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

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

- 6b. Hearing on an application requesting a Plat of **Valley View Estates Second Addition** (Major Subdivision) a replat of Lots 31-50, Block 3, Lots 1-14, Block 7, and a vacation of a portion of 50th Street South, Valley View Estates Addition to the City of Fargo, Cass County, North Dakota. (Located at 3604 through 3731 50th Street South) (K Square Developers, LLC) (dk)
- 7a. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential and LC, Limited Commercial to LC, Limited Commercial with a C-O, Conditional Overlay, and SR-4, Single-Dwelling Residential on the proposed **Eagle Valley Fifth Addition**. (Located at 7401 and 7501 23rd Street South) (EagleRidge Development/76th Street Holdings) (dk)
- 7b. Hearing on an application requesting a Plat of **Eagle Valley Fifth Addition** (Major Subdivision) a replat of Lots 1 and 2, Block 7, Eagle Valley Addition to the City of Fargo, Cass County, North Dakota including a vacation of Right of Way for 23rd Street South and a subdivision waiver for street alignment. (Located at 7401 and 7501 23rd Street South) (EagleRidge Development/76th Street Holdings) (dk)
8. Hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lots 23-24, Block 18, **Reeves Addition**. (Located at 1405 1st Avenue North) (Craig Holdings, LLC) (ms)
9. Hearing on an application requesting a Plat of **Booth Addition** (Minor Subdivision) a replat of Lots 1-15, Block 25 and vacated 15 ½ Street North and vacated alley in Reeve's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1532 and 1534 1st Avenue North) (Booth Family Properties, LLC) (kb)
10. Hearing on an application requesting a Plat of **Sigma Psi Housing Addition** (Minor Subdivision) a replat of a portion of Lots 1, 2, 7, and 8 and a portion of the vacated alley, Lane's Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 1261 University Drive North; 1206 and 1210 13th Avenue North) (Sigma Psi Housing, LLC) (kb)
11. Hearing on an application requesting a Plat of **Southview Villages Second Addition** (Major Subdivision) a replat of Lots 7-18, Block 6B, of a replat of Lots 12-21, Block 7, Lots 1-16, Block 6, and Lots 37-46, Block 6A, Southview Villages Addition and a vacation of a portion of 25th Street South Right-of-Way to the City of Fargo, Cass County, North Dakota. (Located at 1701, 1707, 1713, 1719, 1725, 1731, 1735, 1741, 1747, 1751, 1755, and 1761 Prairie Lane South) (John and Darla Dockter) (dk)
12. Hearing on an application requesting a Plat of **L. J. Laffen Addition** (Major Subdivision) a plat of a portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West to the City of Fargo, Cass County, North Dakota. (Located at 417 and 501 Main Avenue) (Lake Agassiz Regional Development Corp./City of Fargo) (dk)
13. Hearing on a request for recommendation for approval of the Fargo Core Neighborhoods Master Plan. (an)

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E: Other Items:

1. Appeal of an Administrative Decision to Approve a Residential Protection Standard (RPS) waiver on the property located at 505 and 509 Oak Street North and 6 and 10 6th Avenue North (Craigs Oak Grove Second Addition) (ms)
2. Land Development Code Diagnostic – Presentation of the Preferred Approach and Work Plan (an)

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**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting**

**Tuesday, March 2, 2021**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, March 2, 2021.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Mary Scherling, Rocky Schneider, Melissa Sobolik, Scott Stofferahn, Maranda Tasa, Dawn Morgan, Art Rosenberg

Absent: Jennifer Holtz

Chair Gunkelman called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

Chair Gunkelman noted Items 1 and 6 are continued to April 6, 2021 and that Item 2 has been withdrawn.

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

**Item B: Minutes: Regular Meeting of February 2, 2021**

Member Sobolik moved the minutes of the February 2, 2021 Planning Commission meeting be approved. Second by Member Morgan. All Members present voted aye and the motion was declared carried.

**Item C: March 17, 2021 Brown Bag Luncheon: Cancelled**

**Item D: Public Hearing Items**

**Item 1: Section 5, Township 138 North, Range 49 West**

**Continued hearing on an application requesting a Growth Plan Amendment on an unplatted portion of Section 5, Township 138 North, Range 49 West. (Located at 5702 52nd Avenue South) (Four Horsemen, LLC/Nate Vollmuth): CONTINUED TO APRIL 6, 2021**

A Hearing had been set for November 3, 2020. At the November 3, 2020 meeting, the Hearing was continued to December 1, 2020. At the December 1, 2020 meeting, the Hearing was continued to January 5, 2021. At the January 5, 2021 meeting, the Hearing was continued to February 2, 2021. At the February 2, 2021 meeting, the Hearing was

continued to this date and time; however, the applicant has requested this item be continued to April 6, 2021.

**Item 2: LDC Text Amendment**

**Continued hearing on an application requesting a LDC Text Amendment to Article 20-09 to create Section 20-0907.E, Vacation of Right of Way. (City of Fargo): WITHDRAWN**

A Hearing had been set for December 1, 2020. At the December 1, 2020 meeting, the Hearing was continued January 5, 2021. At the January 5, 2021 meeting, the Hearing was continued to February 2, 2021. At the February 2, 2021 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

**Item 3: 220 Addition**

**3a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use within the boundaries of the proposed 220 Addition. (Located at 214 and 220 6th Avenue North) (Jerry & Jean Pladson): APPROVED**

**3b. Continued hearing on an application requesting a Plat of 220 Addition (Minor Subdivision) a replat of Lot 8, and part of Lot 9, Block 31, Keeney and Devitts Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 214 and 220 6th Avenue North) (Jerry & Jean Pladson): APPROVED**

A Hearing had been set for February 2, 2021. At the February 2, 2021 meeting, the Hearing was continued to this date and time.

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

Discussion was held regarding if the property was in a Historic Overlay District. Ms. Squyer confirmed that it was not.

Applicant Representative James Pladson spoke on behalf of the application.

Member Morgan moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use, and 2) Subdivision Plat 220 Addition as outlined within the staff report, as the proposal complies with the Downtown InFocus Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Schneider, Sobolik, Stofferahn, Scherling, Tasa, Morgan, and Gunkelman voted aye. Absent and not voting: Members Holtz and Rosenberg. The motion was declared carried.

**Item 4: Brewhalla Addition**

**4a. Continued hearing on an application requesting a Zoning Change from LI, Limited Industrial, GC, General Commercial, and GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay within the boundaries of the proposed Brewhalla Addition. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC): APPROVED**

**4b. Continued hearing an application requesting a Planned Unit Development Master Land Use Plan and Final Plan within the boundaries of the proposed Brewhalla Addition. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC): CONTINUED TO APRIL 6, 2021**

**4c. Continued hearing on an application requesting a Plat of Brewhalla Addition (Minor Subdivision) a replat of Blocks 26 and 27, the vacated "L" Street (16 ½ Street North), the West 25 feet of vacated West Street (16th Street North), and part of the vacated Northern Pacific Avenue, Reeves Addition; replat of part of Lot 5, Milwaukee Addition; plat of Auditor's Lot No. 1 of the South Half of Section 1, Township 139 North, Range 49 West; and a plat of an unplatted part of the South Half of said Section 1, to the City of Fargo, Cass County, North Dakota. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC): APPROVED**

A Hearing had been set for February 2, 2021. At the February 2, 2021 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.

Member Rosenberg present.

Discussion was held regarding the parking lot and the building location being set in the back of the property.

Applicant Representatives Kevin Bartram, MBA Investments, and Mark Bjornstad, Drekker Brewery, spoke on behalf of the application.

Discussion continued regarding walkability from the right-of-way, landscaping, residential parking, and pedestrian circulation.

Planning and Development Assistant Director Mark Williams provided information on motion options for the Application.

Member Schneider moved to approve the Planned Unit Development Master Land Use Plan and direct staff to work further with the applicant on the Planned Unit Development Final Land Use Plan. Second by Member Tasa.

Mr. Bartram asked for further clarification on the motion.

Mr. Williams provided more information on the differences of a Planned Unit Development Master Plan and Planned Unit Development Final Plan.

On call of the roll Members Stofferahn, Tasa, Scherling, and Schneider voted aye. Members Sobolik, Rosenberg, Morgan, and Gunkelman voted nay. The motion failed for lack of majority.

Planning and Development Director Nicole Crutchfield provided direction on Planning Commissions options for this application.

Member Morgan moved to approve the Planned Unit Development Master Land Use Plan and the Subdivision Plat Brewhalla Addition. The motion died for lack of a second.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Brewhalla Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0908.3B (7) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Stofferahn, Rosenberg, Scherling, Sobolik, Morgan, Tasa, Schneider, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from LI, Limited Industrial, and GC, General Commercial to GC, General Commercial with a PUD, Planned Unit Development Overlay, contingent on the City Commission approval of the Zoning Change and Planned Unit Development Master Land Use Plan, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0908.3B (7) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Rosenberg, Sobolik, Morgan, Tasa, Stofferahn, Scherling, and Gunkelman voted aye. Member Schneider voted nay. Absent and not voting: Member Holtz. The motion was declared carried.

Member Scherling moved to continue the proposed Planned Unit Development Master Land Use Plan and Planned Unit Development Final Plan to the April 6, 2021 Planning Commission meeting. Second by Member Schneider. On call of the roll Members Morgan, Tasa, Schneider, Scherling, and Stofferahn voted aye. Members Rosenberg, Sobolik, and Gunkelman voted nay. Absent and not voting: Member Holtz. The motion was declared carried.



**Item 5: EOLA Addition**

**5a. Hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay within the boundaries of the proposed EOLA Addition. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies): CONTINUED TO APRIL 6, 2021**

**5b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan within the boundaries of the proposed EOLA Addition. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies): CONTINUED TO APRIL 6, 2021**

**5c. Hearing on an application requesting a Plat of EOLA Addition (Major Subdivision) a replat of Lot 4, Block 1, Anderson Park Second Addition to the City of Fargo, Cass County, North Dakota, including a waiver for a reduced street Right-of-Way. (Located at 2470 and 2500 45th Street South) (EOLA Landholdings, LLC & City of Fargo/EPIC Companies): APPROVED**

Ms. Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval of the Subdivision Plat, and for the Zoning Change and Planned Unit Development Master Land Use Plan to be continued to the April 6, 2021 Planning Commission meeting. She noted an updated plat was emailed to Board Members.

Member Morgan moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat EOLA Addition as outlined within the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code, and to continue the Zoning Change and the Planned Unit Development Master Land Use Plan to the April 6, 2021 Planning Commission meeting. Second by Member Stofferahn. On call of the roll Members Stofferahn, Morgan, Tasa, Schneider, Sobolik, Scherling, Rosenberg, and Gunkelman voted aye. Absent and not voting Member Holtz. The motion was declared carried.

**Item 6: Rowe's Addition**

**Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to NO, Neighborhood Office on Lot 1, Block 1, Rowe's Addition. (Located at 619 University Drive South) (Bradley and Lisa Johnson): CONTINUED TO APRIL 6, 2021**

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to April 6, 2021.

**Item 7: Rocking Horse East Second Addition**

**Hearing on an application requesting a Conditional Use Permit to allow manufacturing and production, industrial services, and warehouse and freight movement uses in the GC, General Commercial zoning district on Lot 3, Block 2, Rocking Horse East Second Addition. (Located at 5454, 5458, 5462, 5466, 5470, 5474, 5478, 5482, 5486, 5490, 5494, and 5498 51st Avenue South) (Jerry and Terasina Hintz): APPROVED**

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

Discussion was held on the condition regarding the manufacturing, production, or processing of food and/or animal products not being permitted on site in relation to the proposed tea business.

Assistant Director of Planning and Development Mark Williams noted the proposed use is to re-package something already processed, so the condition can remain.

Member Sobolik moved the findings and recommendations of staff be accepted and the Conditional Use Permit be approved to allow for Warehouse, Manufacturing and Production, and Industrial Services in the GC, General Commercial zoning district as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code with the following conditions:

- 1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
- 2) No outdoor storage of equipment or supplies.
- 3) Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the Land Development Code.
- 4) The manufacturing, production, or processing of food and/or animal products shall not be permitted.
- 5) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 6) Any expansion of industrial uses 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 Tasa. On call of the roll Members Tasa, Rosenberg, Sobolik, Morgan, Stofferahn, Schneider, Scherling, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 8: Urban Plains by Brandt Fifth Addition**

**Hearing on an application requesting to repeal a Conditional Use Permit to allow residential use in the LC, Limited Commercial zoning district on Lots 1-5, Block 1, Urban Plains by Brandt Fifth Addition and re-establish a Conditional Use Permit to allow residential use in the LC, Limited Commercial zoning district on Lot 1, Block 1, Urban Plains by Brandt Fifth Addition. (Located at 5600 28th Avenue South; 2850, 2901, 2970, and 2975 Uptown Way South) (Uptown and Main V, LLC/Urban Plains Land Co, LLC): APPROVED**

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

Applicant Representative Brain Pattengale, Houston Engineering, spoke on behalf of the application.

Member Sobolik moved the findings and recommendations of staff be accepted and to repeal the existing Conditional Use Permit on Lots 1-5, Block 1, Urban Plains by Brandt Fifth Addition and reestablish a Conditional Use Permit to allow residential use in the LC, Limited Commercial zoning district on Lot 1, Block 1, Urban Plains by Brandt Fifth Addition be approved as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following conditions:

1) The maximum residential density shall be 34 units per acre.

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

**Item 9: Chas A. Roberts Addition**

**Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial on portions of Lots 1, 23, and 24, Block K, Chas A. Roberts Addition. (Located at 615 9th Avenue South) (Paul and Kathryn Anderson): APPROVED**

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

Resident Anne Moynihan, 809 6th Street South, spoke against the application voicing concerns over increased traffic in the alleyway.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Morgan, Scherling, Stofferahn, Sobolik, Tasa, Schneider, Rosenberg, and Gunkelman voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

Member Tasa absent.

**Item E: Other Items:**

**Item 1: Review of a proposed Renewal Plan and Tax Increment Financing (TIF) District No. 2021-01 for consistency with the GO2030 Comprehensive Plan.**

Director of Strategic Planning and Development Jim Gilmour presented the item, explaining how Tax Increment Financing districts work, and providing an overview of possible redevelopment areas.

Discussion was held on the types of Tax Increment Financing districts, how the revenue flow works, and decision makers on the investments and expenditures.

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

Chair Gunkelman addressed the Members regarding returning to in-person meetings beginning in April. He noted staff will reach out to Members to determine comfortability with this option.

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

The time at adjournment was 4:39 p.m.



**Agenda Items Number**

- 2 -- Brewhalla Addition
- 3a & 3b -- EOLA Addition
- 4 -- Rowe's Addition
- 5 -- Peterson Addition
- 6a & 6b -- Valley View Estates Second Addition
- 7a & 7b -- Eagle Valley Fifth Addition
- 8 -- Reeves Addition
- 9 -- Booth Addition
- 10 -- Sigma Psi Housing Addition
- 11 -- Southview Villages Second Addition
- 12 -- L. J. Laffen Addition
- E.1 -- Craig's Oak Grove Second Addition RPS Waiver

Item 1 Withdrawn

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City of Fargo Staff Report			
<b>Title:</b>	<b>Brewhalla Addition</b>	<b>Date:</b>	1/26/2021
		<b>Update:</b>	2/24/2021
		<b>Update:</b>	3/31/2021
<b>Location:</b>	1612, 1620, 1624, 1630, 1632, 1666, 1702 1 <sup>st</sup> Avenue North	<b>Staff Contact:</b>	Maegin Elshaug
<b>Owner(s)/Applicant:</b>	MBA Investments, LLC	<b>Engineer:</b>	Moore Engineering, Inc
<b>Reason for Request:</b>	<b>PUD Master Land Use Plan and a PUD Final Plan.</b>		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		

Existing	Proposed
<b>Land Use:</b> Commercial, Residential, and Industrial	<b>Land Use:</b> unchanged
<b>Zoning:</b> LI, Limited Industrial; GC, General Commercial	<b>Zoning:</b> GC, General Commercial with a PUD
<p><b>Uses Allowed:</b></p> <p>LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.</p> <p>GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</p> <p>Plus a CUP allowing Residential and Industrial Uses; and a CUP for an alternative access plan for parking reduction.</p>	<p><b>Uses Allowed:</b></p> <p>GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del>, health care facilities, parks and open space, religious institutions, safety services, <del>adult entertainment centers</del>, offices, <del>off-premise advertising</del>, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, <del>vehicle repair, limited vehicle service, aviation, surface transportation</del>, major entertainment events, and <del>portable signs</del>.</p> <p>Plus a PUD allowing Residential and Industrial uses</p>
<p><b>Maximum Density Allowed:</b></p> <p>LI &amp; GC: 85% building coverage CUP: allows 1 residential unit</p>	<p><b>Maximum Density Allowed:</b></p> <p>GC: 85% building coverage (unchanged) PUD: allow 7 units per acre (up to 47 units)</p>

**Proposal:**

**Update 3/31/2021:** At the March 2 Planning Commission meeting, the Commission voted to recommend approval to the City Commission the major subdivision, **Brewhalla Addition**, and zoning change. The Planning Commission also recommended continuation of the Planned Unit Development Master Plan and Final Plan to the April 6 Planning

Commission meeting. This staff report does not include previously approved findings related to the major subdivision or zoning. The PUD Overlay and Parking sections are included for reference.

Since the Planning Commission meeting on March 2, the applicant and staff have coordinated on site improvements based on feedback from the Planning Commission regarding separated pedestrian connectivity and landscaping. Page 2 includes updated plans that provide a separated pedestrian walkway from the City sidewalk to the front door of Brewhalla and shows the proposed landscaping on the site. These plans are also attached.

**Note:** *Brewhalla Addition (and the area of this PUD Master Plan and Final Plan) is as follows: Blocks 26 and 27, the vacated "L" Street (16 ½ Street North), the West 25 feet of vacated West Street (16th Street North), and part of the vacated Northern Pacific Avenue, Reeves Addition; part of Lot 5, Milwaukee Addition; Auditor's Lot No. 1 of the South Half of Section 1, Township 139 North, Range 49 West, and an unplatted part of the South Half of Section 1, Township 139 North, Range 49 West.*

The applicant is seeking approval of a PUD Master Land Use Plan and Final Plan. The subject property is located at 1612, 1620, 1624, 1630, 1632, 1666, 1702 1<sup>st</sup> Avenue North and contains approximately 6.74 acres. The applicant intends for a new multi-use building to be built on the western portion of the property.

#### Background Information

In June 2018, the Planning Commission approved residential (one unit) and industrial uses in the GC, General Commercial zoning (CUP 2018-007 and recorded Cass County document number 1541641). In July 2018, the Planning Commission approved an alternative access plan for a parking reduction (CUP 2018-009 and recorded Cass County document number 1542377). Both of the CUPs included the property at 1620, 1624, 1630, 1632 and 1666 1<sup>st</sup> Avenue North and both were approved with conditions. Also in 2018, a variance was approved that allowed the placement of the structure in the southeast corner of the site closer to the property lines than what would normally be permitted. It is intended that the CUPs and variance will no longer be necessary if the Zoning and PUD Master Land Use Plan and Final Plan are approved, as the PUD would address those items.

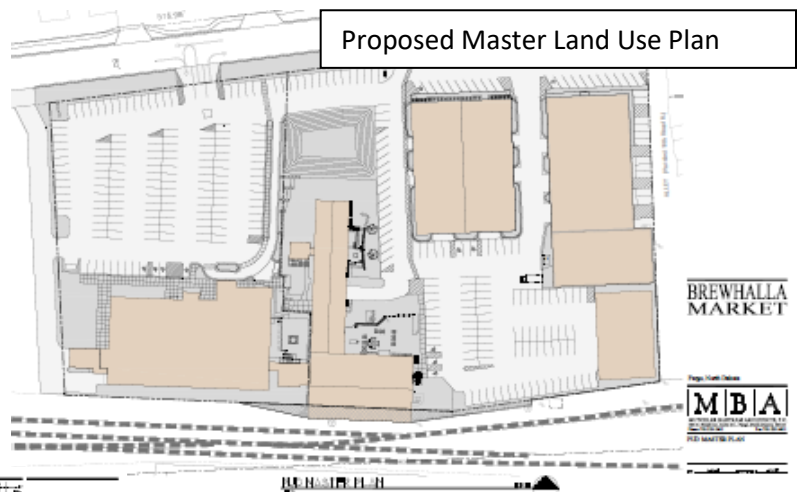
#### Project Summary

The applicant has applied for a minor subdivision, zoning change and a PUD Overlay in order to tailor development standards to the specifics of the proposed project, Brewhalla Market, which will be a new mixed-use building on the west portion of the subject property. According to the applicant, the Brewhalla Market project is proposed to create a new 4-story (with lower level) mixed use facility with underground parking, two stories of food market, retail, and multi-use event space, third floor lodging units (24 rooms), and fourth floor apartments (three 2-bedroom units and fifteen 1-bedroom units – total of 18 units); along with an on-grade corridor connecting the Brewhalla Market project to the Drekker Brewery space (building in the center and south part of the subject property). The applicant would like to have flexibility for the lodging units be developed as residential units; the PUD Overlay section notes the proposed density and units to accommodate this. Due to the complexities of the site and shared parking, the PUD will include the whole property. Existing structures and land uses located on the eastern portion of the project (Lot 2 / the Railyard) are not expected to change with this project. There are several existing structures on the east and south sides that do not meet setback requirements, which the PUD will accommodate. The applicant has submitted a project narrative, PUD Master Land Use Plan and Final Plan which further describes the proposed development. These documents are attached.

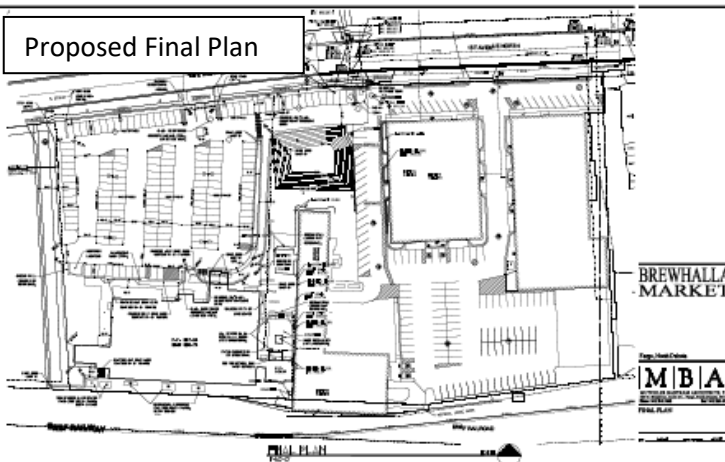
*Continued on next page*

### PUD Master Land Use Plan

The image to the right is a preliminary Master Land Use Plan submitted by the applicant. All structures are existing except for the Brewhalla Market, the proposed structure on the west. The Master Land Use Plan shows the building envelope of the structures, parking and circulation, and open space.



### Proposed Final Plan



### PUD Final Plan

The purpose of the PUD Final Plan is to confirm that the final development plans are consistent with the intent and layout of the PUD master land use plan. The image on the left is the preliminary PUD Final Plan. The applicant will also need to submit for a building permit, where all review departments will review the plans for compliance with their respective codes.

### PUD Overlay

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The proposed PUD overlay is intended to modify the following specific GC zoning standards:

- Allow residential and industrial use;
- Establish residential density of a maximum of 7 units per acre (allows up to 47 units);
- Reduce the interior side setback to 0 feet (on shared lot line of the proposed Lots 1 and 2 of the subdivision);
- Reduce setback on east interior setback to 2 feet and south rear setback to 0 feet to accommodate existing non-confirming structures;
- Reduce parking lot perimeter landscaping buffer width to minimum 4 feet;
- Modify the minimum off-street parking requirements for a mixed-use development.

In addition to these modifications, the PUD overlay will establish additional design standards for the development, which are largely consistent with the conditions of the existing CUPs 2018-007 and 2018-009. The design standards can be found in the attached draft PUD Ordinance, and are summarized below:

- Prohibited uses
- Bicycle parking
- Pedestrian circulation
- Minimum open space requirement

- Restrictions related to the manufacturing use

#### Parking Information

The applicant has prepared a parking proposal, which was reviewed by the City's traffic engineer. The traffic engineer concurred with the proposal. The applicant has proposed to keep the existing parking ratios on the east lot (Lot 2 / the Railyard), which were approved through CUP 2018-009. The parking requirements are to provide:

- Two spaces for the one residential unit on site
- One space per 500 square feet for all other uses

The applicant has proposed the following ratios for the west lot (Lot 1 / Brewhalla):

- 1.5 space per residential unit
- One space per 250 square feet for conference and event spaces, food market and patios
- One space per 500 square feet for kitchen and ancillary space
- All other uses will be per the Land Development Code.

Though the two lots have different parking ratios, the parking is intended to be shared between the two lots.

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. The applicant will also need to submit for a building permit, where all review departments will review the plans for compliance with their respective codes.

The Fire Department noted the following comments on the applications:

- Consideration should be given to risk associated with mainline railroad tracks and residential units located in close proximity. On this site, adjustments could be made to move residential units away from the track. The parking lot could possibly provide buffer between building and tracks.

The Inspections Department noted the following comments on the applications:

- There appear to be buildings crossing property lines which is not allowed per building code.
- There appears to be buildings that are too close to property lines. If property lines are installed near existing buildings, they may be not compliant with the building code. They can be reconstructed to comply.
- Any building, construction or work on or near railroad property will need approval from the railroad Owner and will require easement agreements if approved. Statements and easement agreements must be provided prior to approving any permits and work on the property. These easements must be in the Inspections Departments hands prior to permit and signed by all parties involved.
- The comments on this review are for purposes of preliminary review for the building code only and new information must be provided during the application, plan review and permit process that indicate full compliance with all codes and ordinances. The Inspections Department will approve for the PUD and expect all issues will be resolved prior to any permit application submittal.

While the comments from the Inspections Department are included in the staff report, they don't specifically relate to or impact the PUD application; the comments refer more to the design and permitting process and items that will have to be addressed during the building permit review phase.

#### **Surrounding Land Uses and Zoning Districts:**

- North: Across 1<sup>st</sup> Avenue North is LI, Limited Industrial and GC, General Commercial with warehouse and office uses;
- East: LI, Light Industrial with warehouse and office uses;
- South: GC, General Commercial with the BNSF Railroad;
- West: LI, Limited Industrial with warehouse and office uses.

**Area Plans:**

The subject property is located within the boundaries of the Core Neighborhoods Plan, which is in process and in its final stages of development and review.

**Context:**

**Neighborhood:** Madison / Unicorn Park

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

**Parks:** Unicorn Park (1603 3 Avenue North) is located approximately 800 feet north of the subject property. Unicorn Park provides basketball, grill, multipurpose field, playground, and picnic table amenities.

**Pedestrian / Bicycle:** There is an on-road bike facility located north of the property on 1 Avenue North. This bike route is a component of the metro area bikeways system.

**Staff Analysis:**

*Findings for the subdivision and zoning change have been removed, as the Planning Commission took action on these items on March 2, 2021.*

**Master Land Use Plan**

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan:

- 1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**  
The plan represents an improvement over what could have been accomplished through strict application of the base GC zoning district. This PUD is intended to promote a mixed-use development pattern by providing flexibility in terms of residential use and density, industrial use, parking requirements, setbacks and landscaping requirements while establishing design standards, in order to provide a larger scale development with residential use. **(Criteria Satisfied)**
- 2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**  
All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**
- 3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**  
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way, which provide access and public utilities to serve the property. **(Criteria Satisfied)**
- 4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**  
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan, including initiatives of *infill*, *design standards*, and *quality new development*. The City's Go2030 Comprehensive Plan supports development within areas that are already serviced with utilities. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**
- 5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**  
The PUD is consistent with sound planning practice and the development will promote the general welfare of



the community by providing a mixed-use development that will allow for a variety of uses within an area of the City that already has access to City services. **(Criteria Satisfied)**

**PUD Final Plan Section 20-0908.D:** The LDC stipulates that the Planning Commission shall approve the PUD Final plan if it is determined to be in substantial compliance with the approved PUD Master Land Use Plan. The PUD Final Plan shall be deemed to be in compliance so long as, when compared with the PUD Master Land Use Plan, it does not result in:

- 1. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**  
There has been no change in project density or intensity. **(Criteria Satisfied)**
- 2. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**  
There has been no change in the mix of housing types or the amount of land devoted to nonresidential uses. **(Criteria Satisfied)**
- 3. A reduction in the amount of open space;**  
Open space has remained unchanged. **(Criteria Satisfied)**
- 4. Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**  
Staff finds the change in common parking areas and reduction of access points do not constitute a significant change. **(Criteria Satisfied)**
- 5. Any change within 50 feet of any SR or MR zoning district;**  
There has been no change within 50 feet of any SR or MR zoning district. **(Criteria Satisfied)**
- 6. Any change determined by the Planning Commission to represent an increase in development intensity;**  
There has been no increase in development intensity. **(Criteria Satisfied)**
- 7. A substantial change in the layout of buildings.**  
There has been no substantial change in the layout of the buildings. **(Criteria Satisfied)**

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed PUD Master Land Use Plan and to hereby approve the PUD Final Plan, contingent on the City Commission approval of the Zoning Change and PUD Master Land Use Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F(1-4), and Section 20-0908.B(7) of the LDC, and all other applicable requirements of the LDC."

**Planning Commission Recommendation: April 6, 2021**

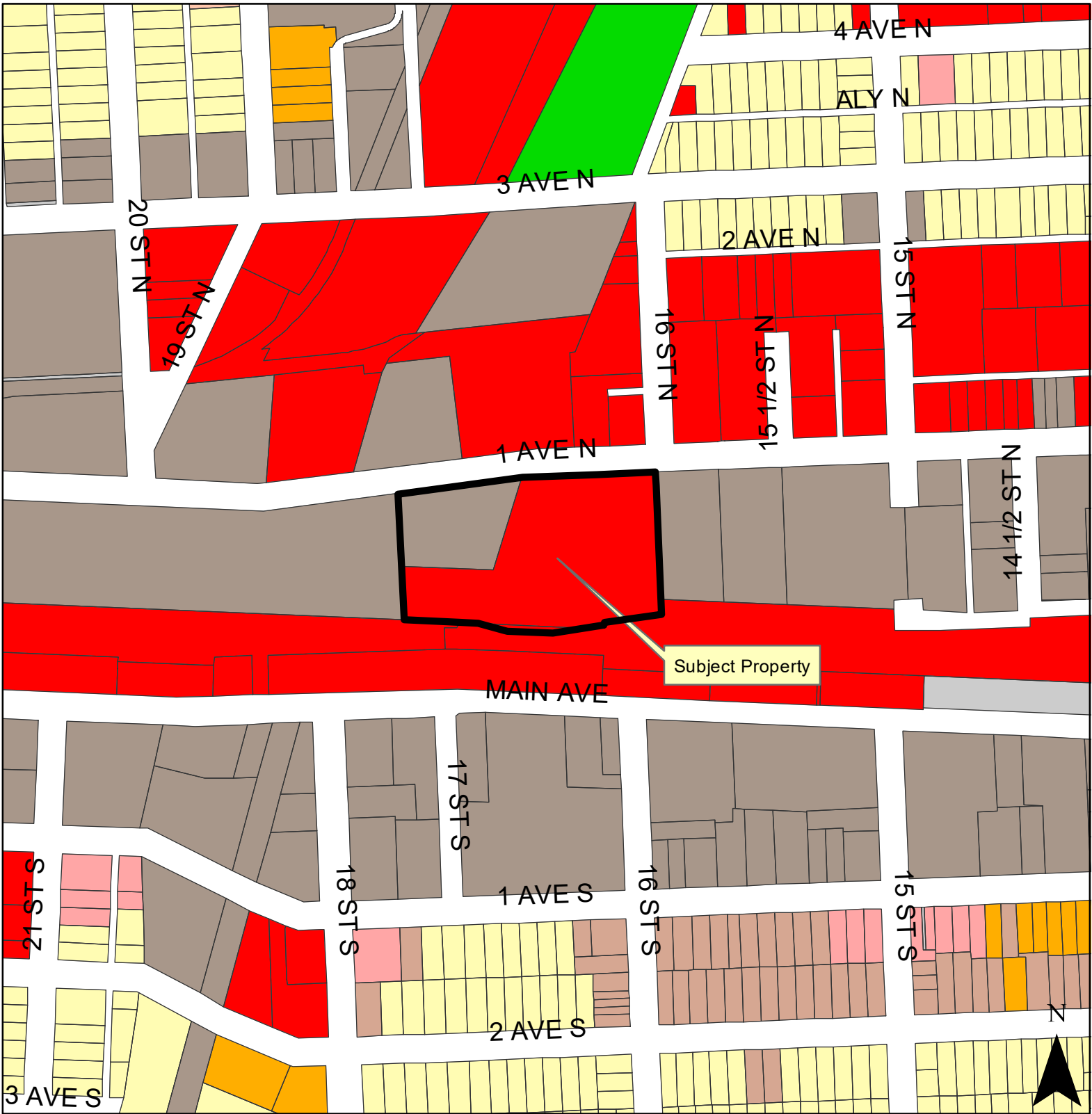
**Attachments:**

1. Zoning Map
2. Location Map
3. Project narrative from applicant
4. PUD Master Land Use Plan and Final Plan
5. PUD supplemental plan and image from applicant
6. Public Comment

# PUD Master Plan and Final Plan

## Brewhalla Addition

1612, 1620, 1624, 1630, 1632, 1666, & 1702 1st Ave N





# PUD Master Plan and Final Plan

## Brewhalla Addition

1612, 1620, 1624, 1630, 1632, 1666, & 1702 1st Ave N





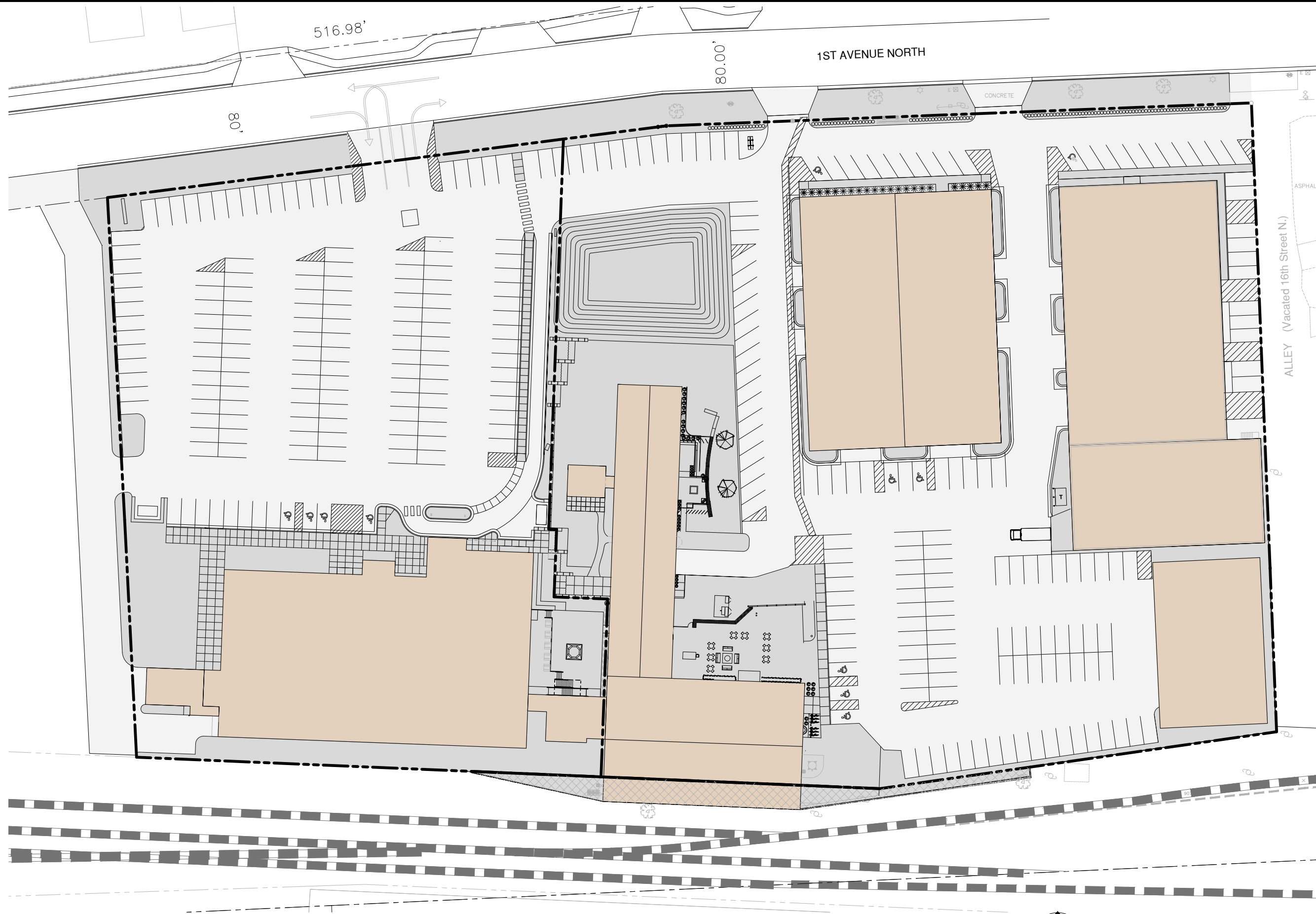
## **BREWHALLA MARKET NARRATIVE**

The site is located adjacent to the west side of the Railyard Complex (1620, 1624, 1630, 1632 & 1666 1<sup>st</sup> Avenue North). The site includes an outdoor pipe storage yard (1702 1<sup>st</sup> Avenue North) combined with land near the railroad tracks that is currently part of the Railyard Complex. We are in the process of revising the property line between the Railyard and the proposed Brewhalla Market site which will require revised plats and legal descriptions for each property.

The proposed plan is to create a new 4 story plus basement Mixed Use Facility that includes underground parking for 41 vehicles and 7 motorcycles; 2 stories of Food Market / Retail / Multi-Use Event spaces; 3<sup>rd</sup> floor Lodging Units (24 rooms); 4<sup>th</sup> floor Apartments ((3) 2 BR & (15) 1 BR units); and an on-grade corridor connecting the new Brewhalla to the west end of the existing Drekker Brewery space. The project will be of steel and precast concrete construction with an Atrium and large skylight connecting all 4 above grade floors.

The new site will include 41 below grade parking spaces and 165 on-grade parking spaces (206) that will connect to the existing 163 parking spaces serving the Railyard for a total of 369 parking spaces for the combined development. There are also 10 spaces in the Coffee Drive-up, spaces for 7 motorcycles and 4 spaces in loading / unloading areas in the new development. A storm detention pond will be provided as required by the City. We will also be providing additional sanitary sewer piping through the property and connecting a neighboring site to the west that is not served by City utilities.

This is a facility that would be unique to anything in the region. It will draw people to Fargo for tourism and business. It provides sorely needed conference space to the Fargo / Cass County area. Perhaps most importantly, all this happens on an under-developed formerly industrial infill site in support of current downtown initiatives. All utilities and access are existing and no additional services are necessary.



# BREWHALLA MARKET

Fargo, North Dakota

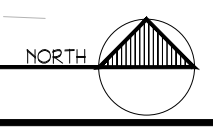


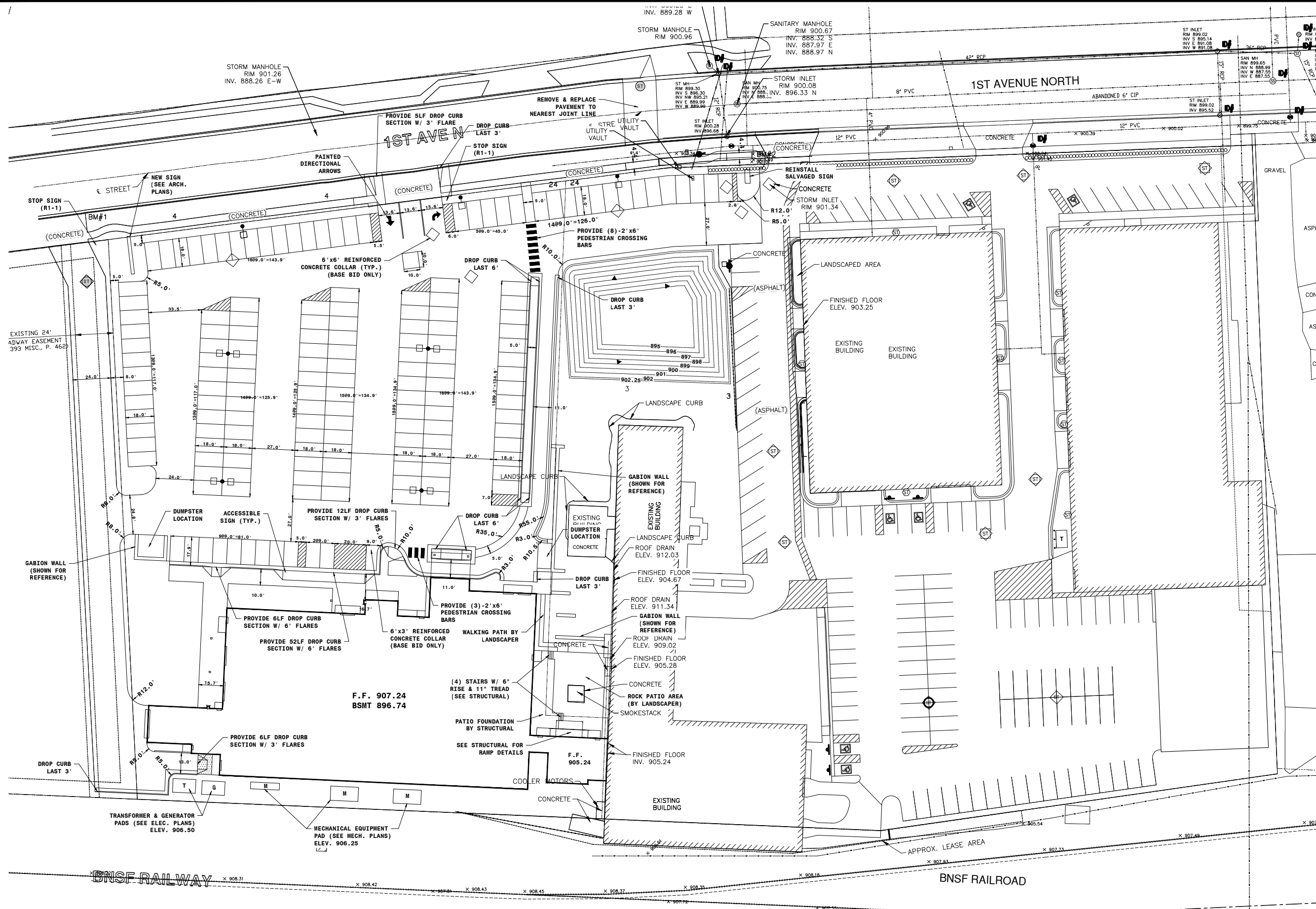
MUTCHLER BARTRAM ARCHITECTS, P.C.  
 505 N. Broadway, Suite 201, Fargo, North Dakota, 58102  
 Phone: 701-235-5563 Fax: 701-235-5435

PUD MASTER PLAN

Date 3-29-21 Project Number 20015

PUD MASTER PLAN  
 NTS





# BREWHALLA MARKET

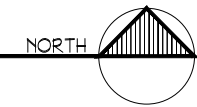
Fargo, North Dakota



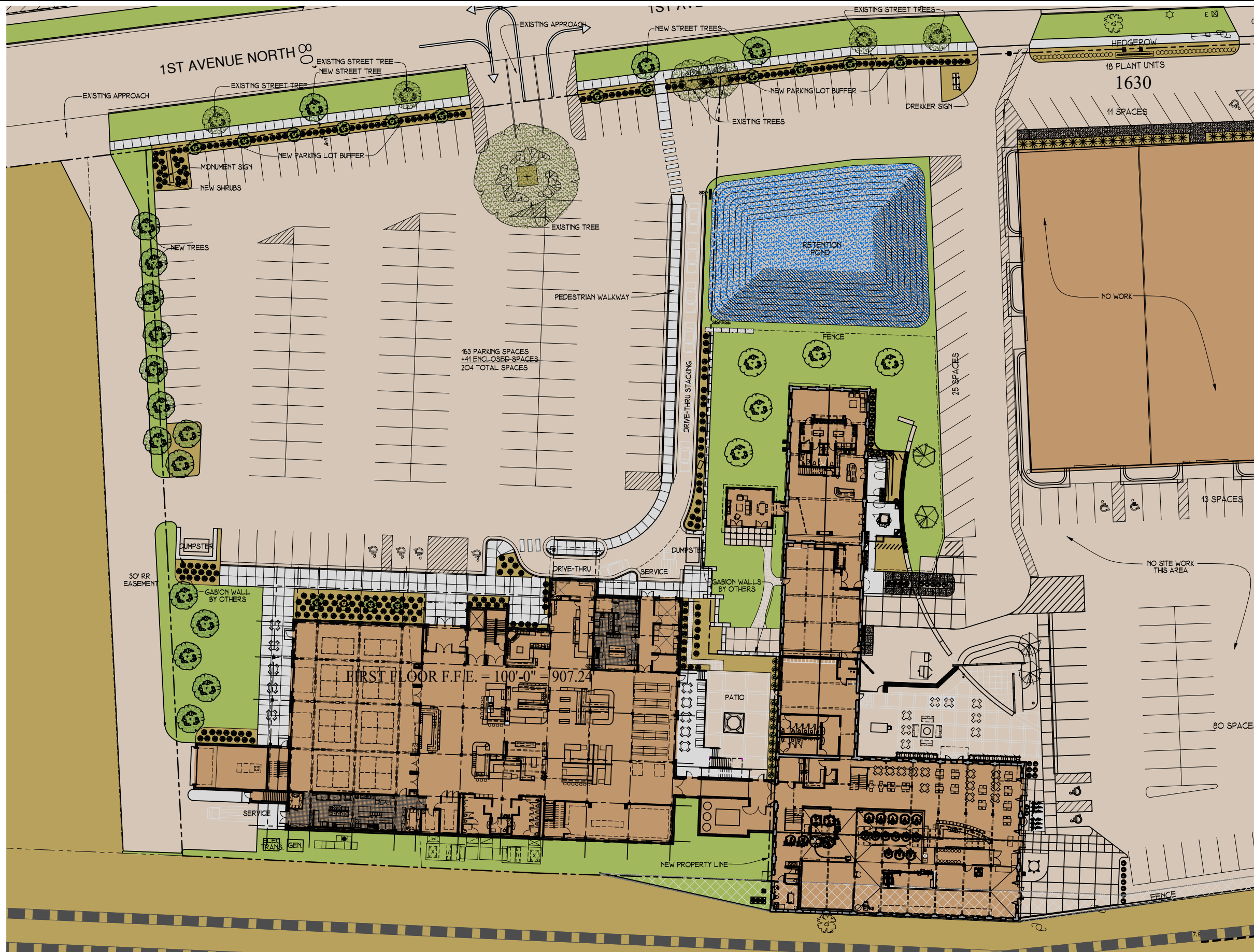
MUTCHLER BARTRAM ARCHITECTS, P.C.  
 505 N. Broadway, Suite 201, Fargo, North Dakota, 58102  
 Phone: 701-235-5563 Fax: 701-235-5435

FINAL PLAN

FINAL PLAN  
 1"=60'-0"







# BREWHALLA MARKET

Fargo, North Dakota



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

## LANDSCAPING PLAN

Date 3-29-21 Project Number 20015

LANDSCAPING PLAN  
 SCALE : 1" = 50'-0"





Perspective rendering from applicant





RECEIVED  
1-25-2021 DE

Suite 200  
16 South 16<sup>th</sup> Street  
P. O. Box 9495  
Fargo, ND 58106-9495  
(701) 281-3951

January 21, 2021

Planning Commission  
City of Fargo  
225 4<sup>th</sup> Street No  
Fargo, ND 58102

**RE: BREWHALLA**

To Whom It May Concern:

SNAPS Holding Company is the parent company of KP Main, LLC and other properties and enterprises throughout the region. KP Main is a commercial property that we own and is best known as the "Knight Printing Building", named for our tenant, Knight Printing. KP Main is a recipient of the meeting notice regarding Brewhalla.

We are writing in SUPPORT of the Brewhalla Addition and all the imagination, planning, work, investment, and development occurring along the 1st Avenue North corridor that we have seen since the revitalization of the neighborhood began.

We are excited to see the positive changes to the neighborhood and ask that they be allowed to continue.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sanjay C. Patel", written in a cursive style.

Sanjay C. Patel  
President

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Peterson Addition	<b>Date:</b>	3-30-21
<b>Location:</b>	302 29 <sup>th</sup> Street North	<b>Staff Contact:</b>	Aaron Nelson
<b>Legal Description:</b>	Part of Lots 1-5, Block 2, Schultz & Lindsay's 1 <sup>st</sup> Addition		
<b>Owner(s)/Applicant:</b>	Quest Corporation/Michael D. Peterson	<b>Engineer:</b>	Apex Engineering Group, Inc.
<b>Entitlements Requested:</b>	Minor Subdivision (Replat of part of Lots 1-5, Block 2, Schultz & Lindsay's 1 <sup>st</sup> Addition)		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant	<b>Land Use:</b> Industrial Services
<b>Zoning:</b> LI, Limited Industrial	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> 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.	<b>Uses Allowed:</b> Unchanged
<b>Maximum Lot Coverage Allowed:</b> 85% building coverage	<b>Maximum Lot Coverage Allowed:</b> Unchanged

<b>Proposal:</b>
<p>The applicant is seeking approval of a minor subdivision to accommodate future industrial development of the subject property. The subject property is a largely unused portion of a larger parcel of land owned by Quest Corporation. The Quest Corporation parcel consists of portions of 5 different lots. The proposed minor subdivision, entitled <i>Peterson Addition</i>, would replat a portion of these 5 lots into a single lot.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: LI, Limited Industrial, with industrial service and office uses;</li> <li>• East: LI, Limited Industrial, with warehouse and office uses;</li> <li>• South: LI, Limited Industrial, with industrial service and office uses;</li> <li>• West: LI, Limited Industrial, with Manufacturing &amp; Production uses.</li> </ul>
<b>Area Plans:</b>
N/A
<b>Schools and Parks:</b>
<p><b>Neighborhood:</b> N/A</p> <p><b>Schools:</b> The subject property is located within the Fargo School District and is served by Madison Elementary, Ben Franklin Middle, and Fargo North High schools.</p>

**Parks:** Unicorn Park (1603 3 Avenue North) is located approximately a mile east of the subject property. Unicorn Park provides basketball, grill, multipurpose field, playground, and picnic table amenities.

**Pedestrian / Bicycle:** There are no sidewalks or bike facilities in this area.

**Staff Analysis:**

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

**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 properties within this plat are currently zoned LI, Limited Industrial, which is consistent with that land use designation. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any communication regarding this project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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

**Staff Recommendation:**

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

**Planning Commission Recommendation:** April 6, 2021

**Attachments:**

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

# Plat (Minor)

## Peterson Addition

302 29th St N





# Plat (Minor)

## Peterson Addition

302 29th St N







<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Valley View Estates Second Addition	<b>Date:</b>	3/31/2021
<b>Location:</b>	3604 through 3731 50th Street South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Lots 31 through 50, Block 3; Lots 1 through 14, Block 7, Valley View Estates Addition; and a vacation of a portion of 50 <sup>th</sup> Street South		
<b>Owner(s)/Applicant:</b>	K-Square Developers / Jon Youness—Eagle Ridge Development	<b>Engineer:</b>	Mead and Hunt
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (replat of Lots 31 through 50, Block 3; Lots 1 through 14, Block 7, Valley View Estates Addition and a vacation of a portion of right of way for 50 <sup>th</sup> Street South) and <b>Zoning Change</b> (from SR-4, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and MR-2, Multi-Dwelling Residential with a C-O, Conditional Overlay to SR-4, Single-Dwelling Residential; SR-5, Single Dwelling Residential; MR-1, Multi-Dwelling Residential) (see “Zoning Note” below)		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Platted, not yet developed		<b>Land Use:</b> Residential	
<b>Zoning:</b> SR-4, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and MR-2, Multi-Dwelling Residential with a C-O, Conditional Overlay		<b>Zoning:</b> SR-4, Single-Dwelling Residential; SR-5, Single-Dwelling Residential; MR-1, Multi-Dwelling Residential (see “Zoning Note” below)	
<b>Uses Allowed:</b> SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;  MR-1, Multi-Dwelling Residential, allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities  MR-2, Multi-Dwelling Residential allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities <b>with a C-O, Conditional Overlay to restrict density to 16 dwelling units per acre</b>		<b>Uses Allowed:</b> SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;  SR-5 Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.  MR-1, Multi-Dwelling Residential, allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	
<b>Maximum Density Allowed:</b> SR-4 allows a maximum 12.1 units per acre; MR-1 allows a maximum of 16 dwelling units per acre MR-2 allows a maximum of 20 units per acre; <b>however, the C-O, Conditional Overlay restricts</b>		<b>Maximum Density Allowed:</b> SR-4 allows a maximum 12.1 units per acre; SR-5 allows a maximum of 14.5 units per acre MR-1 allows a maximum of 16 dwelling units per acre	

this density to 16 dwelling units per acre (See "Elimination of Conditional Overlay" below)

**Proposal:**

The applicant requests two entitlements:

1. A major subdivision, entitled **Valley View Estates Second Addition**, replat of Lots 31 through 50, Block 3; Lots 1 through 14, Block 7, Valley View Estates Addition and a vacation of a portion of right of way for 50<sup>th</sup> Street South
2. A **zoning change** from SR-4, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential and MR-2, Multi-Dwelling Residential with a C-O, Conditional Overlay to SR-4, Single-Dwelling Residential; SR-5, Single Dwelling Residential; MR-1, Multi-Dwelling Residential

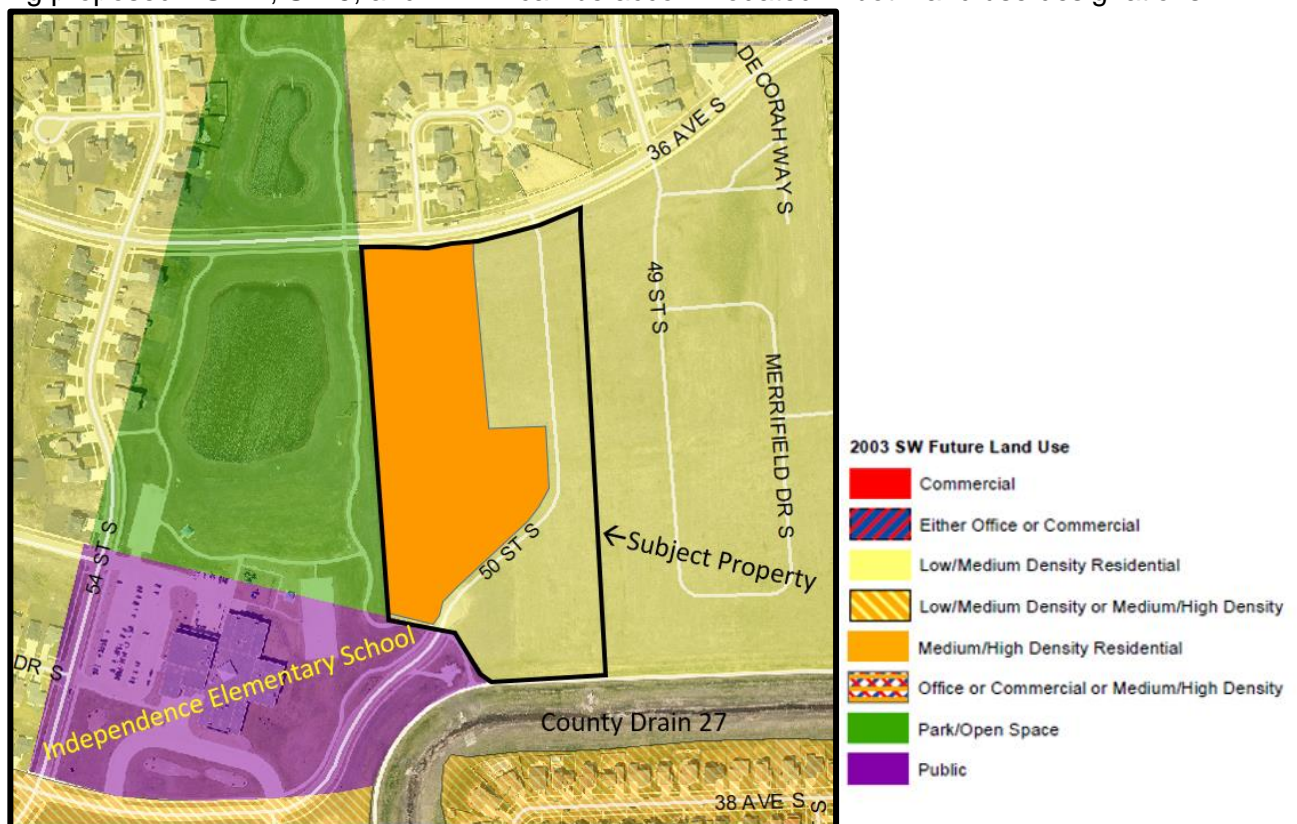
*Zoning Note: Though this project was advertised as including P/I, Public/Institutional zoning, a project revision since the time of advertising has eliminated the need for the P/I zoning. No area of this project will be zoned P/I.*

**Surrounding Land Uses and Zoning Districts:**

- North: SR-4: Single-Dwelling Residential; single family residences (both detached and attached)
- East: SR-2 and SR-4: Single-Dwelling Residential; MR-3: Multi-Dwelling Residential; P/I: Parks/Institutional
- South: Not zoned; Cass County Drain No. 27
- West: P/I: Parks/Institutional; Valley View Park and detention basin

**Area Plans:**

The subject property is located within the 2003 Future Land Use Plan. This plan was amended in 2016 and 2020 on this property. A portion of the property is designated as "Residential Area—Lower to Medium Density" (light green color). The 2020 amendment designated a portion the property as "Residential Area—Medium to High Density" (orange color). No amendment to the growth plan is proposed. The zoning proposed—SR-4, SR-5, and MR-1--can be accommodated in both land use designations.



(continued on next page)

**Context:**

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

**Neighborhood:** The subject property is located within the Brandt Crossing neighborhood.

**Parks:** Valley View Park is adjacent to the western boundary of the project site. This park provides playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter. A portion of this park is a stormwater detention basin.

**Pedestrian / Bicycle:** There is a multi-use trail that runs along the east side of Valley View Park, adjacent to the west side of the project site. The plat provides a connection to this trail from 50<sup>th</sup> Street South. A multi-use trail that runs along the County Drain 27 right of way adjacent to the south side of part of the project site.

**Staff Analysis:**

The subject property is located at 3604 through 3731 50th Street South and is bounded by 36<sup>th</sup> Avenue South (north) Cass County Drain No. 27 (south), Valley View Estates Addition (east) and Valley View Park (west).

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.

**PLAT AND ZONING CHANGE**

The plat will create 100 lots, zoned as follows:

BLOCK	LOTS	ZONING	LAND USE
1	1-19	SR-4	Single-Dwelling Residential
1	20	MR-1	Multi-Dwelling Residential; 16 dwelling units per acre density
2	1-16	SR-4	Single-dwelling residential
3	1-16	SR-4	Single-dwelling residential
4	1-22	SR-5	Single-dwelling residential
5	1-26	SR-4	Single-dwelling residential

The SR-4 zoned lots intended for detached single-dwelling development range in size from approximately 4,300 square feet to 7,900 square feet, with most lots in the 4,300 to 5,000 square foot range. Lot widths range from 36 feet to 60 feet, with most lots being in the 36 to 40 foot range.

The SR-5 zoned lots intended for attached single-dwelling development range in size from approximately 2,400 square feet to 4,900 square feet, with most lots in the 2,400 to 3,800 square foot range. Lot widths range from 22 feet to 36 feet, with most lots being in the 22 to 28 foot range. In addition, this project applies Alternative Residential Development Options—Attached Housing (LDC Section 20-0506 B) to Block 5. This LDC section exempts attached housing from lot width, lot area, and building coverage requirements of the underlying zoning district, and does not require an interior side setback on the “attached” side of a lot containing an attached house. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right, but the application is confirmed for compliance with the subdivision process.

The MR-1 zoned lot (Lot 20, Block 1) is intended for multi-dwelling development at a density of 16 dwelling units per acre.

All meet the minimum required lot area and lot width of their respective zones.

**ACCESS:** The project site takes access from 36th Avenue South to the north and 50<sup>th</sup> Street South to the south. 50<sup>th</sup> Street is routed through the subdivision to connect with 36<sup>th</sup> Avenue South. Additional streets depicted on the plat are to be dedicated public streets.

**ALLEY:** The alley shown in Block 4 is a dedicated public alley, though the homeowners association (HOA) for that block will perform some snow removal. City staff will review the HOA agreement prior to City Commission hearing on this project.

**VACATION OF 50<sup>th</sup> STREET:** 50<sup>th</sup> Street South is being vacated and re-routed from its original configuration by this plat. The new configuration aligns directly with the existing portions of 50<sup>th</sup> Street South. 50<sup>th</sup> Street South has not been developed and the right of way does not include any utilities. Findings for vacation of right of way, noted below, are from the North Dakota Century Code (NDCC). Pursuant to NDCC, and additional advertising period is required prior to the City Commission hearing for vacations of right of way.

**LOT 20 PEDESTRIAN EASEMENT:** The pedestrian easement on Lot 20, Block 1, which was established on the Valley View Estates plat (originally Lot 50, Block 3), will remain.

**FEWER UNITS THAN ORIGINALLY PROPOSED:** The Valley View Estates Second Addition plat will have less density in the area being replatted than the original Valley View Estates Addition. The original Valley View Estates Addition would have allowed a maximum of 222 dwelling units on 34 lots for this area. The Valley View Estates Second Addition would allow a maximum of 154 residential units on 100 lots, as shown in the chart below.

	<b>Number of Single-Dwelling Lots</b>	<b>Number of Single-Dwelling Units</b>	<b>Number of Multi-Dwelling Lots</b>	<b>Potential Number of Multi-Dwelling Units*</b>
Original Valley View Estates Add'n	32	32	2	190
Valley View Estates Second Add'n	99	99	1	55

*\*\*"Potential Number" based on lot area X allowable dwelling units per acre. Multi-dwelling lots are not always developed to their full capacity.*

**WEST FARGO PUBLIC SCHOOLS REVIEW:** As representatives of the West Fargo Public Schools administration reviewed the original Valley View Estates project and spoke at the Planning Commission hearing for that project, Planning staff sent information on this project and the project density noted above to the West Fargo Public Schools administration for their review. As the overall density will be less than originally, West Fargo Public Schools had no concerns about this plat.

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

**ELIMINATION OF CONDITIONAL OVERLAY:** The Valley View Estates Second Addition will completely replat and rezone Lot 14, Block 4 of the Valley View Estates Addition, which was zoned MR-2, Multi-Dwelling Residential with a C-O, Conditional Overlay. This replat and rezone will eliminate the MR-2 zoning and conditional overlay on this property.

**STORMWATER:** This subdivision will be served by an existing regional detention basin adjacent to the west side of the project for up to 65 percent impervious surface on the project site. If the site has greater than 65 percent, impervious surface, additional detention and water quality measures may be required.

**PARK ACCESS FROM 50<sup>th</sup> STREET SOUTH:** The applicant and the Fargo Park District have worked together to provide a pedestrian/bike easement access to Valley View Park from 50<sup>th</sup> Street South.



NEIGHBORHOOD OPEN HOUSE: The applicant requested that Planning staff coordinate a neighborhood open house to allow surrounding owners to comment on this project. This event was held virtually on Tuesday, March 30, 2021. One neighbor participated in this open house and talked with Planning staff and the applicant about the project. The neighbor did not state any opposition to the project.

### 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 applicant is replatting the property and rezoning as appropriate for the proposed lot sizes and land uses. **(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 and existing, developed public right-of-way and will dedicate additional rights-of-way, which provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received no comment on the application other than the neighborhood open house noted above. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2003 Growth Plan.

A portion of the property is designated as "Residential Area—Lower to Medium Density." The 2020 amendment designated a portion the property as "Residential Area—Medium to High Density." No amendment to the growth plan is proposed. The zoning proposed—SR-4, SR-5, and MR-1--can be accommodated in both land use designations. **(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 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 residential development on this property is SR-4: Single-Dwelling Residential, SR-5: Single-Dwelling Residential, and MR-1: Multi-Dwelling Residential. The zoning is consistent with the growth plan designations for this property as noted above. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no comment on the application other than the neighborhood open house noted above. **(Criteria Satisfied)**

2. **Section 20-0907.4 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 SR-4: Single-Dwelling Residential, SR-5: Single-Dwelling Residential, and MR-1: Multi-Dwelling Residential. As noted above, these zones are consistent with the growth plan designations for this property. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.

**(Criteria Satisfied)**

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

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)**

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

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

There are no utilities installed in this right of way. **(Criteria Satisfied)**

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

In accordance with the requirement of this section, this information is included on the plat and its application. **(Criteria Satisfied)**

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

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

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

This procedure---hearing by the City Commission following the appropriate notice period--is the next step in the vacation process. **(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 SR-4, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and MR-2, Multi-Dwelling Residential with a C-O, Conditional Overlay to SR-4, Single-Dwelling Residential; SR-5, Single Dwelling Residential; MR-1, Multi-Dwelling Residential and 2) a plat of the **Valley View Estates Second Addition**, including a vacation of right of way, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** April 6, 2021

**Attachments:**

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

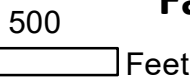
# Zone Change (from SR-4, MR-1 & MR-2 with a C-O to SR-4, SR-5 & MR-1) & Plat (Major)

## Valley View Estates Second Addition

3604 - 3731 50th St S



**Legend**

**Fargo Planning Commission**

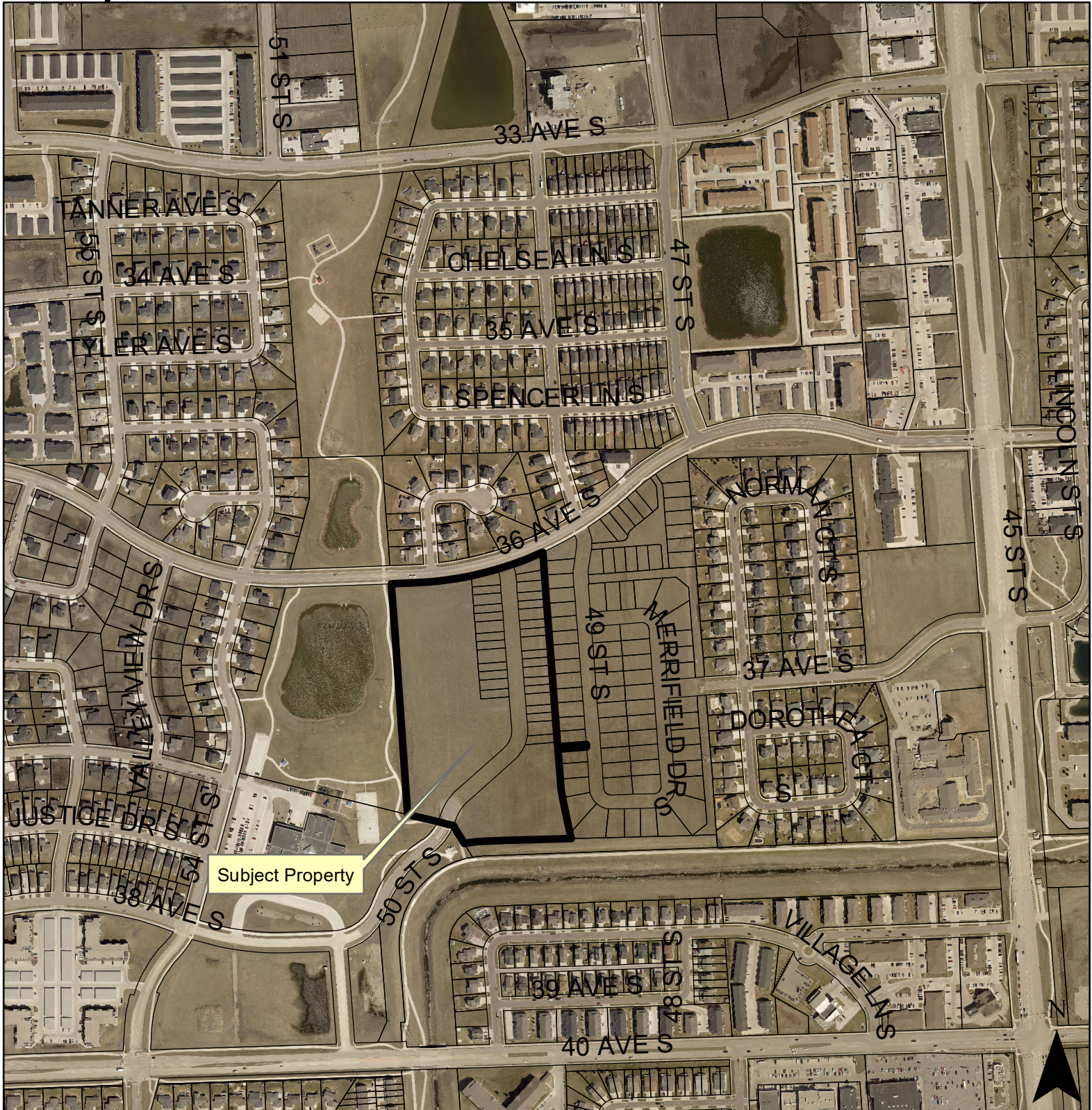
**April 6, 2021**



# Zone Change (from SR-4, MR-1 & MR-2 with a C-O to SR-4, SR-5, MR-1 & P/I) & Plat (Major)

## Valley View Estates Second Addition

3604 - 3731 50th St S





# VALLEY VIEW ESTATES SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
 A REPLAT OF LOTS 31 THROUGH 50, BLOCK 3 AND LOTS 1 THROUGH 14, BLOCK 4 OF VALLEY VIEW ESTATES ADDITION; AND  
 A VACATION OF 50TH STREET SOUTH AND ALL EASEMENTS LYING AND BEING WITHIN THE BOUNDARY OF SAID VALLEY VIEW ESTATES SECOND ADDITION  
 (A MAJOR SUBDIVISION)

**OWNER'S CERTIFICATE AND DEDICATION:**

KNOWN ALL PERSONS BY THESE PRESENTS: That K Square Developers, LLC, a North Dakota limited liability company, do hereby certify that we are the owners of the land located in that part of the Southeast Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Lots 31 through 50, Block 3 and Lots 1 through 14, Block 4 of Valley View Estates Addition to the City of Fargo according to the recorded plat thereof, Cass County, North Dakota and a vacation of all streets and easements within Valley View Estates Second Addition.

Containing 17.80 acres, more or less, and is subject to Easements, Reservations and Restrictions and Rights-of-Ways of record.

And that said parties have caused the same to be surveyed and platted as "VALLEY VIEW ESTATES SECOND ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate all Streets, Avenues, Drives, Lanes, Alleys and Easements shown on said plat to the Public and the Storm Sewer Easement to the City of Fargo and hereby vacate all Streets and Easements dedicated on the plat of Valley View Estates Addition contained in the boundary of Valley View Estates Second Addition.

Owner:  
 K Square Developers, LLC

\_\_\_\_\_  
 Brian Kounovsky, President

State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, appeared before me, Brian Kounovsky, President, K Square Developers, LLC, a North Dakota limited liability company, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the limited liability company.

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

Mortgage Holder:  
 Western State Bank

\_\_\_\_\_  
 Chad Cota, VP/Business Banking Officer  
 State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, appeared before me, Chad Cota, VP/Business Banking Officer known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same on behalf of Western State Bank.

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

**SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:**

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

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
 Joshua J. Nelson, Professional Land Surveyor No. LS-27292

State of North Dakota )  
 ) ss  
 County of Cass )

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

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

**CITY ENGINEER'S APPROVAL:**

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

\_\_\_\_\_  
 Brenda E. Derrig, P.E., City Engineer

State of North Dakota )  
 ) ss  
 County of Cass )

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

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

**FARGO PLANNING COMMISSION APPROVAL:**

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

\_\_\_\_\_  
 John Gunkelman, Chair  
 Fargo Planning Commission

State of North Dakota )  
 ) ss  
 County of Cass )

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

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

**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: \_\_\_\_\_

Block 1	
Lot Number	Square Feet
1	7,883
2	5,033
3	5,763
4	4,500
5	4,500
6	6,375
7	4,500
8	4,500
9	7,513
10	4,500
11	4,500
12	5,763
13	4,500
14	4,500
15	6,375
16	4,500
17	4,500
18	7,513
19	4,606
20	151,318

Block 2	
Lot Number	Square Feet
1	4,972
2	4,294
3	4,294
4	4,294
5	4,294
6	4,294
7	4,294
8	4,977
9	5,648
10	4,665
11	4,315
12	4,294
13	4,294
14	4,294
15	4,294
16	4,886

Block 3	
Lot Number	Square Feet
1	4,972
2	4,294
3	4,294
4	4,294
5	4,294
6	4,294
7	4,294
8	4,977
9	4,977
10	4,294
11	4,294
12	4,294
13	4,294
14	4,294
15	4,294
16	4,972

Block 4	
Lot Number	Square Feet
1	4,859
2	2,937
3	3,862
4	3,714
5	2,641
6	3,339
7	3,250
8	2,451
9	2,415
10	3,958
11	3,957
12	2,476
13	2,423
14	3,080
15	3,080
16	2,420
17	2,420
18	3,080
19	3,080
20	2,420
21	2,420
22	4,467
23	5,124
24	5,634
25	5,818
26	8,496

Block 5	
Lot Number	Square Feet
1	6,423
2	5,131
3	4,579
4	4,084
5	3,910
6	3,913
7	3,921
8	3,929
9	3,937
10	3,945
11	3,953
12	3,961
13	3,969
14	4,661
15	5,735
16	4,046
17	4,054
18	4,062
19	4,070
20	4,078
21	4,133
22	4,467
23	5,124
24	5,634
25	5,818
26	8,496

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	86.55'	435.00'	11°23'58"	S82°42'37"W	86.40'
C2	66.02'	1496.19'	2°31'42"	N84°39'50"E	66.02'
C3	62.00'	1500.00'	2°22'06"	N72°00'43"E	62.00'
C4	141.68'	1500.00'	5°24'43"	N68°07'19"E	141.63'
C5	179.14'	255.00'	40°15'06"	N01°22'16"E	175.48'
C6	41.54'	100.00'	23°47'54"	S73°42'39"W	41.24'
C7	128.81'	82.00'	90°00'00"	S40°36'36"W	115.97'
C8	39.89'	170.00'	13°26'43"	S11°06'45"E	39.80'
C9	16.53'	170.00'	5°34'21"	N07°10'34"W	16.53'
C10	23.36'	170.00'	7°52'22"	N13°53'56"W	23.34'
C11	52.06'	100.00'	29°49'49"	S19°18'17"E	51.48'
C12	31.42'	20.00'	90°00'00"	N40°36'36"E	28.28'
C13	67.29'	162.00'	23°47'54"	N73°42'39"E	66.81'
C14	27.27'	162.00'	9°38'36"	S80°47'18"W	27.23'
C15	39.77'	162.00'	14°03'54"	S68°56'03"W	39.67'
C16	25.34'	108.00'	13°26'43"	S11°06'45"E	25.29'
C17	26.10'	69.00'	21°40'33"	N06°26'52"E	25.95'
C18	48.73'	131.00'	21°18'44"	N06°37'47"E	48.45'
C19	31.87'	1500.00'	1°13'03"	N82°47'34"E	31.87'
C20	22.05'	1500.00'	0°50'32"	N81°45'46"E	22.05'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C21	22.07'	1500.00'	0°50'35"	N80°55'13"E	22.07'
C22	28.72'	1500.00'	1°05'49"	N79°57'00"E	28.72'
C23	28.78'	1499.88'	1°05'58"	N78°51'07"E	28.78'
C24	22.20'	1500.19'	0°50'53"	N77°52'41"E	22.20'
C25	30.35'	1500.00'	1°09'34"	N76°52'28"E	30.35'
C26	30.45'	1500.00'	1°09'48"	N75°42'47"E	30.45'
C27	22.40'	1500.00'	0°51'21"	N74°42'13"E	22.40'
C28	28.26'	1499.88'	1°04'46"	N73°44'09"E	28.26'
C29	37.83'	100.00'	21°40'33"	S83°33'08"E	37.61'
C30	45.40'	120.00'	21°40'33"	N83°33'08"W	45.13'
C31	10.25'	120.00'	4°53'43"	S75°09'43"E	10.25'
C32	22.48'	120.00'	10°43'55"	S82°58'32"E	22.44'
C33	12.67'	120.00'	6°02'55"	N88°38'03"E	12.66'
C34	50.51'	1493.71'	1°56'16"	N86°53'09"E	50.51'
C35	24.18'	65.00'	21°18'44"	S06°37'47"W	24.04'
C36	51.07'	135.00'	21°40'33"	S06°26'52"W	50.77'
C37	85.03'	166.00'	29°20'55"	S19°03'51"E	84.10'
C38	179.29'	185.00'	55°31'34"	N05°58'32"W	172.35'
C39	17.66'	65.00'	15°33'47"	N03°45'18"E	17.60'
C40	6.52'	65.00'	5°44'57"	N14°24'40"E	6.52'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C41	35.33'	135.00'	14°59'45"	S09°47'16"W	35.23'
C42	15.74'	135.00'	6°40'48"	S01°03'00"E	15.73'
C43	36.21'	166.00'	12°29'51"	S10°38'20"E	36.14'
C44	40.41'	166.00'	13°56'49"	S23°51'39"E	40.31'
C45	8.41'	166.00'	2°54'15"	S32°17'11"E	8.41'
C46	33.55'	185.00'	10°23'23"	N28°32'37"W	33.50'
C47	39.06'	185.00'	12°05'50"	N17°18'01"W	38.99'
C48	38.07'	185.00'	11°47'29"	N05°21'22"W	38.01'
C49	68.61'	185.00'	21°14'52"	N11°09'49"E	68.21'
C150	6.62'	255.00'	1°29'14"	S33°28'35"E	6.62'
C151	0.25'	162.00'	0°05'24"	S61°51'24"W	0.25'

LINE TABLE		
LINE #	LENGTH	BEARING
L1	23.33'	S17° 50' 07"E
L2	32.53'	S61° 48' 42"W
L3	29.89'	N61° 48' 42"E
L4	66.06'	N04° 23' 24"W
L5	32.97'	N17° 17' 09"E
L6	24.86'	N17° 17' 09"E
L7	10.02'	N72° 42' 51"W
L8	10.02'	S72° 42' 51"E
L9	26.07'	N04° 01' 35"W
L10	24.56'	S04° 01' 35"E

**Mead & Hunt**

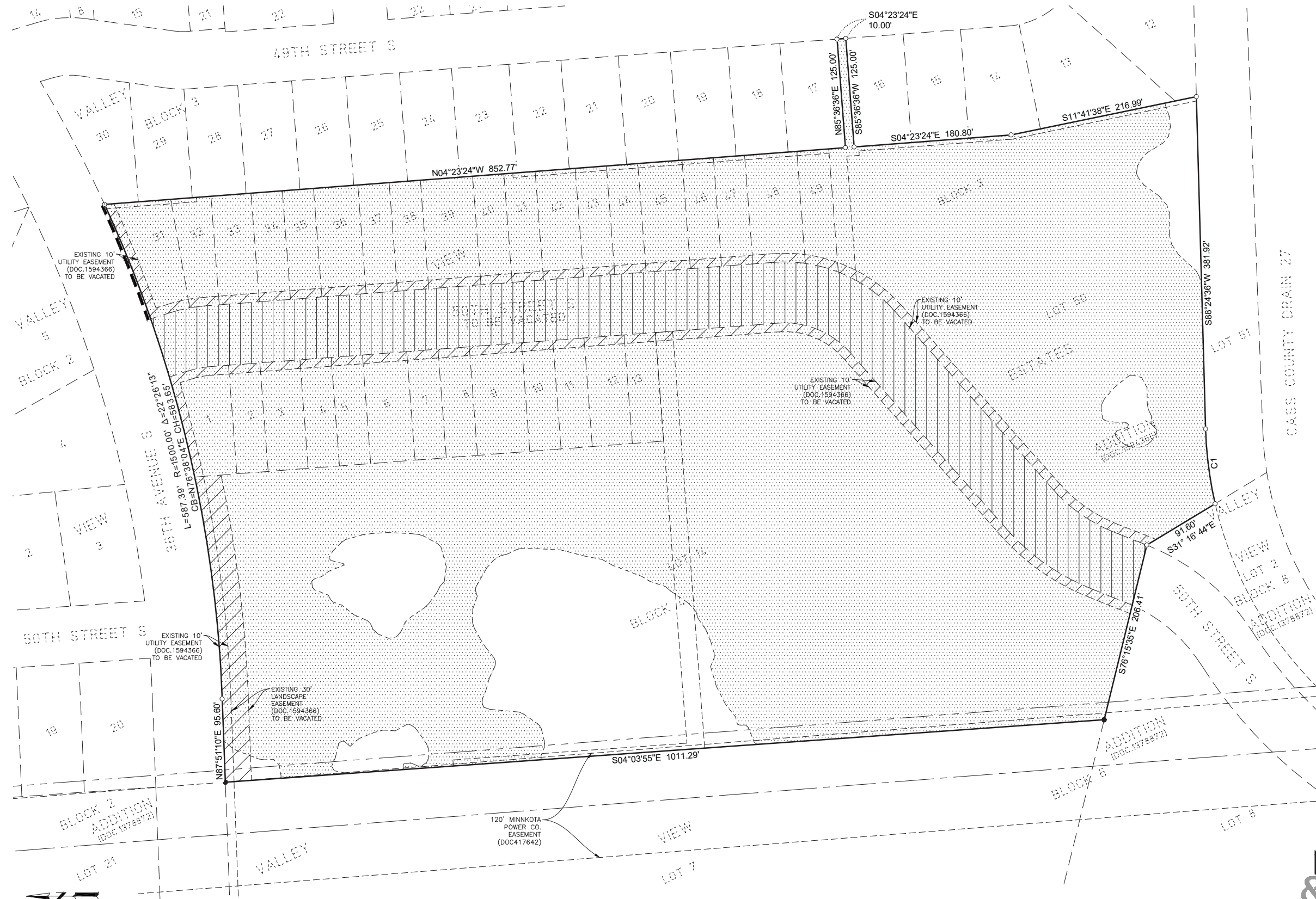
Phone: 701-566-6450  
 meadhunt.com

PROJECT NO.  
 4650200-210433.01  
 SHEET 1 OF 3

**PRELIMINARY**

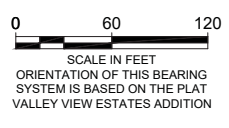
# VALLEY VIEW ESTATES SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
 A REPLAT OF LOTS 31 THROUGH 50, BLOCK 3 AND LOTS 1 THROUGH 14, BLOCK 4 OF VALLEY VIEW ESTATES ADDITION; AND  
 A VACATION OF 50TH STREET SOUTH AND ALL EASEMENTS LYING AND BEING WITHIN THE BOUNDARY OF SAID VALLEY VIEW ESTATES SECOND ADDITION  
 (A MAJOR SUBDIVISION)



LEGEND	
●	MONUMENT IN PLACE
○	SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
---	EXISTING PROPERTY LINE
- - - -	EXISTING EASEMENT LINE
---	NEW LOT LINE
---	NEW BLOCK LINE
---	PLAT BOUNDARY
- - - -	NEW EASEMENT LINE
---	MAJOR CONTOUR
---	MINOR CONTOUR
▨	100 YR. FLOODPLAIN
▨	EXISTING EASEMENT TO BE VACATED
▨	EXISTING RIGHT OF WAY TO BE VACATED

- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
  - PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAPS 38017C0778G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 905.7' (NAVD88) ACCORDING TO FEMA. ELEVATION INFORMATION SHOWN IS DERIVED FROM CITY OF FARGO 2015 LIDAR DATA.
  - BENCHMARK ELEVATION = XXX.XX (NAVD88)



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

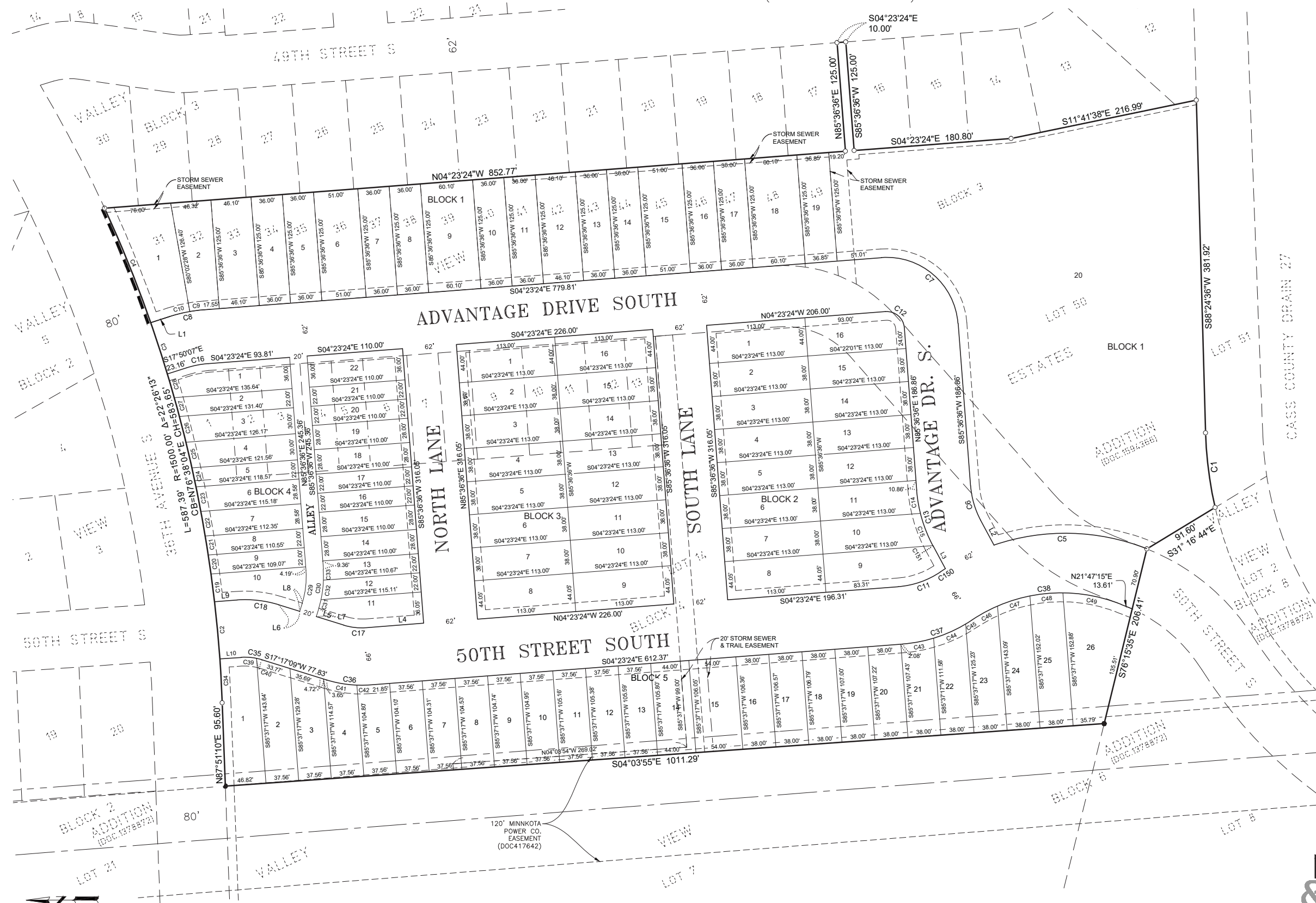
PROJECT NO.  
 4650200-210433.01  
 SHEET 2 OF 3

**PRELIMINARY**

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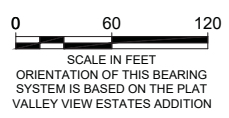
# VALLEY VIEW ESTATES SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
 A REPLAT OF LOTS 31 THROUGH 50, BLOCK 3 AND LOTS 1 THROUGH 14, BLOCK 4 OF VALLEY VIEW ESTATES ADDITION; AND  
 A VACATION OF 50TH STREET SOUTH AND ALL EASEMENTS LYING AND BEING WITHIN THE BOUNDARY OF SAID VALLEY VIEW ESTATES SECOND ADDITION  
 (A MAJOR SUBDIVISION)



- LEGEND**
- MONUMENT IN PLACE
  - SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
  - QUARTER SECTION LINE
  - - - - - EXISTING NEGATIVE ACCESS EASEMENT (DOC.1594366)
  - - - - - EXISTING PROPERTY LINE
  - - - - - EXISTING EASEMENT LINE
  - NEW LOT LINE
  - NEW BLOCK LINE
  - PLAT BOUNDARY
  - - - - - NEW EASEMENT LINE

- NOTES**
1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
  2. UTILITY EASEMENTS HEREON ARE 10 FEET IN WIDTH AND ADJOINING STREET RIGHT OF WAY LINES AS SHOWN ON THE PLAT, UNLESS OTHERWISE INDICATED.
  3. 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 OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OR LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.



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

PROJECT NO.  
 4650200-210433.01  
 SHEET 3 OF 3

**PRELIMINARY**

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<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Eagle Valley Fifth Addition	<b>Date:</b>	3/31/2021
<b>Location:</b>	7401 and 7501 23 <sup>rd</sup> Street South	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Lots 1 and 2, Block 7, Eagle Valley Addition		
<b>Owner(s)/Applicant:</b>	EagleRidge Development, LLC--Jon Youness	<b>Engineer:</b>	Mead and Hunt
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Plat of <b>Eagle Valley Fifth Addition</b> , a replat of Lots 1 and 2, Block 7, Eagle Valley Addition ) and <b>Zoning Change</b> (from LC, Limited Commercial and MR-2, Multi-Dwelling Residential to LC with a conditional overlay (C-O) and SR-4, Single-Dwelling Residential)		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped; platted for multi-dwelling residential and commercial lots	<b>Land Use:</b> Single-Dwelling Residential; Commercial
<b>Zoning:</b> LC, Limited Commercial and MR-2, Multi-Dwelling Residential	<b>Zoning:</b> LC, Limited Commercial with a Conditional Overlay (C-O); SR-4, Single-Dwelling Residential
<b>Uses Allowed:</b> LC, Limited Commercial Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. MR-2 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> LC, Limited Commercial Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, <del>off premise advertising signs</del> , commercial parking, retail sales and service, <del>self service storage, vehicle repair</del> , limited vehicle service with a <b>C-O</b> , <b>Conditional Overlay to prohibit certain permitted and conditionally permitted uses and to provide design guidelines.</b>  SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;
<b>Maximum Density Allowed:</b> MR-2 allows a maximum of 20 units per acre	<b>Maximum Density Allowed:</b> SR-4 allows a maximum 12.1 units per acre;

**Proposal:**

*PROJECT HISTORY NOTE: At the November 3, 2021 Planning Commission, the applicant brought forth a proposed growth plan amendment (GPA), proposing to change the land use designation on this property from "Commercial" to "Residential." Planning staff did not support this proposal, and the Planning Commission opposed it, as well. This project went to City Commission on November 30, 2020, and that Commission moved that the growth plan amendment be referred back to the Planning Commission for a possible compromise. The applicant has now revised the project to keep a portion of commercial (Block 1, Lot 1) and also having some single-dwelling lots (Lots 1-27, Block 2). Please see the "Area Plans" section below for further information.*

The applicant requests two entitlements:



1. A major subdivision, entitled **Eagle Valley Fifth Addition**, which is a replat of Lots 1 and 2, Block 7, Eagle Valley Addition; and
2. A zoning change from LC, Limited Commercial and MR-2, Multi-Dwelling Residential to LC with a conditional overlay (C-O) and SR-4, Single-Dwelling Residential

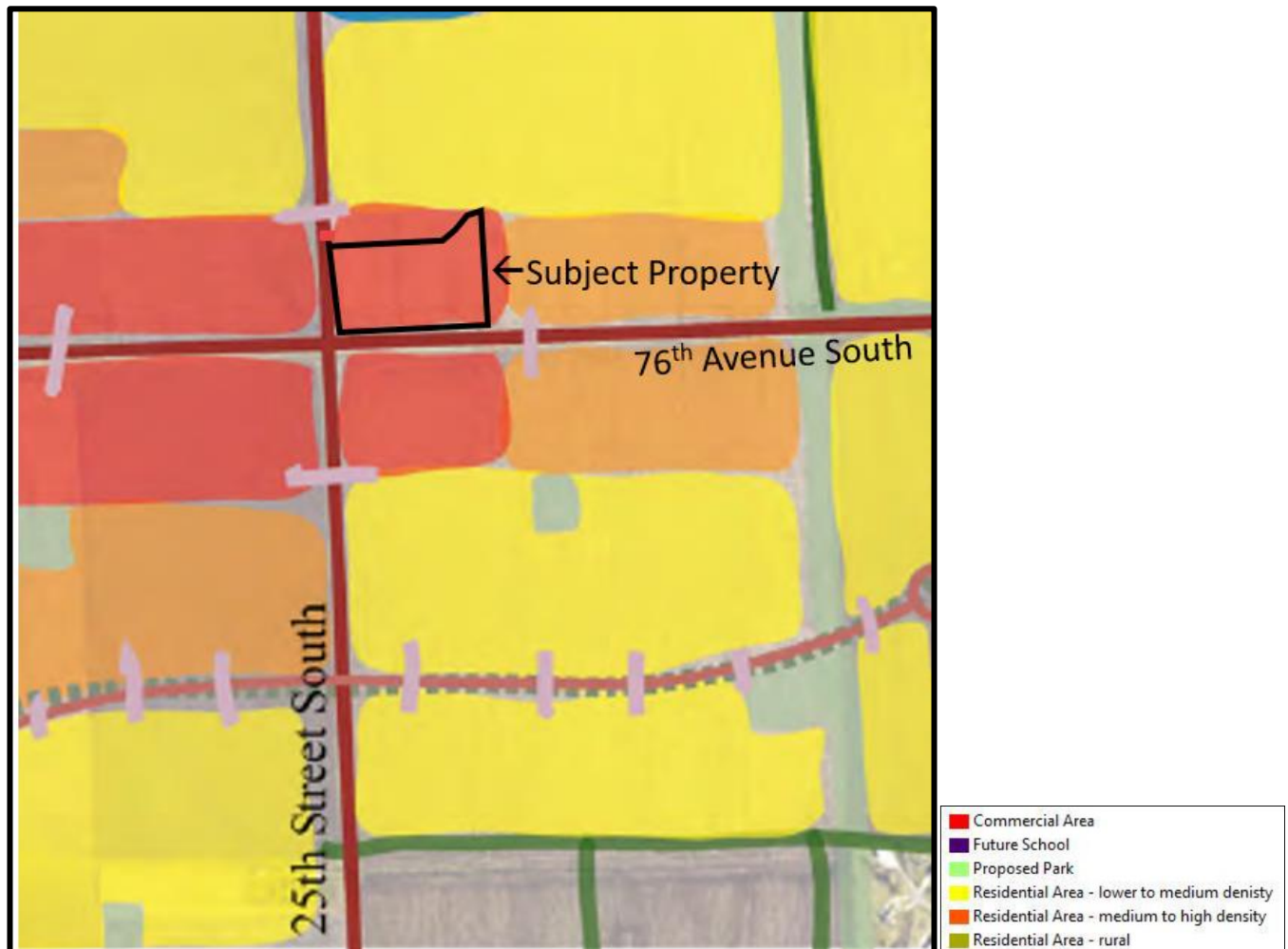
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

**Surrounding Land Uses and Zoning Districts:**

- North: SR-4: Single-Dwelling Residential, single dwelling residences
- East: P/I: Public/Institutional; Fargo Park District park
- South: AG; Agricultural; undeveloped
- West: AG: Agricultural; undeveloped

**Area Plans:**

The subject property is located within the 2007 Tier 1 Southeast Future Land Use Plan. This plan designates the subject proeprty as "Commercial." Staff has determined that even though the project includes a residential component, a significant portion of this project is to be zoned and intended for commercial development, and the land use designation on the adjacent property is a "residential" designation, no growth plan amendment is required.



**Schools and Parks:**

**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 within the Davies neighborhood.

**Parks:** Eagle Valley Park (7400-75—23<sup>rd</sup> Street South) is located across 23<sup>rd</sup> Street from the subject property, and offers playground slides, a basketball court, grill, picnic tables and a shelter.

**Pedestrian / Bicycle:** There are no trails adjacent to the subject property. There is a multi-use trail across 23<sup>rd</sup> Street South from the subject property that also crosses Eagle Valley Park.

**Staff Analysis:**

PLAT AND ZONING CHANGE

The plat creates 28 lots zoned as follows:

Lot Number	Block Number	Zoning
1	1	LC, Limited Commercial with a Conditional Overlay (C-O)
1-27	2	SR-4

The SR-4 zoned lots intended for detached single-dwelling development range in size from approximately 4,900 square feet to 7,900 square feet, with most lots in the 4,900 to 5,400 square foot range. Lot widths range from 34 feet to 50 feet, with most lots being in the 40 foot range.

**CONDITIONAL OVERLAY:** The zone change includes a conditional overlay, that will regulate signs, prohibit certain land uses on the property, and provide design standards for the development of the site. The conditional overlay is appropriate for this area that is along two arterials yet still close to multi-dwelling and single-dwelling residential. A copy of the draft conditional overlay is attached. Staff recommends that portable signs need further regulation than provided for in the draft overlay. Staff may have additional review comments.

**ACCESS:** The plat dedicates 24<sup>th</sup> Street South, which will provide access to the commercial lot and the residential lots on the west side of Block 2. Access to the lots on the east side of Block 2 will come from 23<sup>rd</sup> Street South. The existing negative access easements, created on the original Eagle Valley plat in 2015, remain along 25<sup>th</sup> Street, 74<sup>th</sup> Avenue, and 75<sup>th</sup> Avenue except where necessary to be vacated to allow for 24<sup>th</sup> Street.

**VACATION OF RIGHT-OF-WAY:** This plat includes a vacation of a portion of right-of-way for 23<sup>rd</sup> Street South, as depicted on the plat. This right-of-way is not developed as a road. The existing storm sewer main in this right of way will remain. The plat narrows the existing right of way from 80 feet to 70 feet. The 70 foot width, which will allow parking on one side of the street only, is acceptable for the surrounding zoning pursuant to Land Development Code street standards. Findings for vacation of right of way, noted below, are from the North Dakota Century Code (NDCC). Pursuant to NDCC, an additional advertising period is required prior to the City Commission hearing for vacations of right of way.

**SUBDIVISION WAIVER FOR STREET ALIGNMENT:** LDC Section 20-0611.K. relates to alignment of streets at intersections. As the plat shows, the proposed 24<sup>th</sup> Street South does not directly align with the existing portion of 24<sup>th</sup> Street South to the north. Though generally streets should align, in this case the traffic engineer found the proposed location of 24<sup>th</sup> Street South acceptable as the intersections are offset so as not to be a crash concern. Additionally, the proposed 24<sup>th</sup> Street is located further from the intersection of 74<sup>th</sup> Avenue and 25<sup>th</sup> Street, so is actually in a better position to serve the area of commercial development that will be part of this plat. Thus, staff can support a waiver of the requirements of Section 20-0611.K related to alignment of streets at intersections for this plat. Separate findings for this subdivision waiver are noted below.

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

**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 applicant is replatting the property and rezoning as appropriate for the proposed lot sizes and land uses. **(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 and existing, developed public right-of-way and will dedicate additional rights-of-way, which provide access and public utilities to serve the development. **(Criteria satisfied)**

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

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

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan.

The subject property is located within the 2007 Tier 1 Southeast Future Land Use Plan. This plan designates the subject property as "Commercial." The proposed LC, Limited Commercial zoning is consistent with this land use designation. Though the property is not specifically designated for "residential" land use, the adjacent land use designation across 23<sup>rd</sup> Street South is a "residential" one. Due to the inexact boundaries of land use designations, staff finds that the proposed SR-4 residential zoning is acceptable on this property; no amendment to the land use plan is required.

**(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 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 development on this property is SR-4, Single-Dwelling Residential for the residential portion and LC, Limited Commercial with a C-O, Conditional Overlay for the commercial portion. These zones will accommodate the proposed development. The 2007 Growth Plan designates the subject property as "Commercial." The proposed LC, Limited Commercial zoning is consistent with this land use designation. Though the property is not specifically designated for "residential" land use, the adjacent land use designation across 23<sup>rd</sup> Street South is a "residential" one. Due to the inexact boundaries of land use designations, staff finds that the proposed SR-4 residential zoning is acceptable for this location. 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 not received any comments. **(Criteria Satisfied)**

- 2. Section 20-0907.4 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 SR-4, Single-Dwelling Residential for the residential portion and LC, Limited Commercial with a C-O, Conditional Overlay for the commercial portion. As noted in the zone change findings above, these zones are consistent with the 2007 Growth Plan designation. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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)**

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

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

Though generally streets should align, in this case the traffic engineer found the proposed location of 24<sup>th</sup> Street South acceptable as the intersections are offset so as not to be a crash concern. **(Criteria Satisfied)**

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

The proposed 24<sup>th</sup> Street is located further from the intersection of 74<sup>th</sup> Avenue and 25<sup>th</sup> Street, so is actually in a better position to serve the area of commercial development that will be part of this plat **(Criteria Satisfied)**

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

This subdivision waiver applies only to the intersection alignment requirements of Section 20-0611 of the LDC for this particular intersection. **(Criteria Satisfied)**

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

***N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the***



***municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.***

There existing City storm sewer main installed in this right of way will remain, and will still be in the right of way. No additional easement is necessary. **(Criteria Satisfied)**

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

In accordance with the requirement of this section, this information is included on the plat and its application. **(Criteria Satisfied)**

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

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

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

This procedure---hearing by the City Commission following the appropriate notice period--is the next step in the vacation process. **(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 LC, Limited Commercial and MR-2, Multi-Dwelling Residential to LC with a conditional overlay (C-O) and SR-4, Single-Dwelling Residential and 2) a plat of the **Eagle Valley Fifth Addition**, including vacation of right of way, and subdivision waiver for street alignment, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0907.D. 3 (a—c) of the LDC and all other applicable requirements of the LDC, and of North Dakota Century Code Chapter 40-39.

**Planning Commission Recommendation:** April 6, 2021

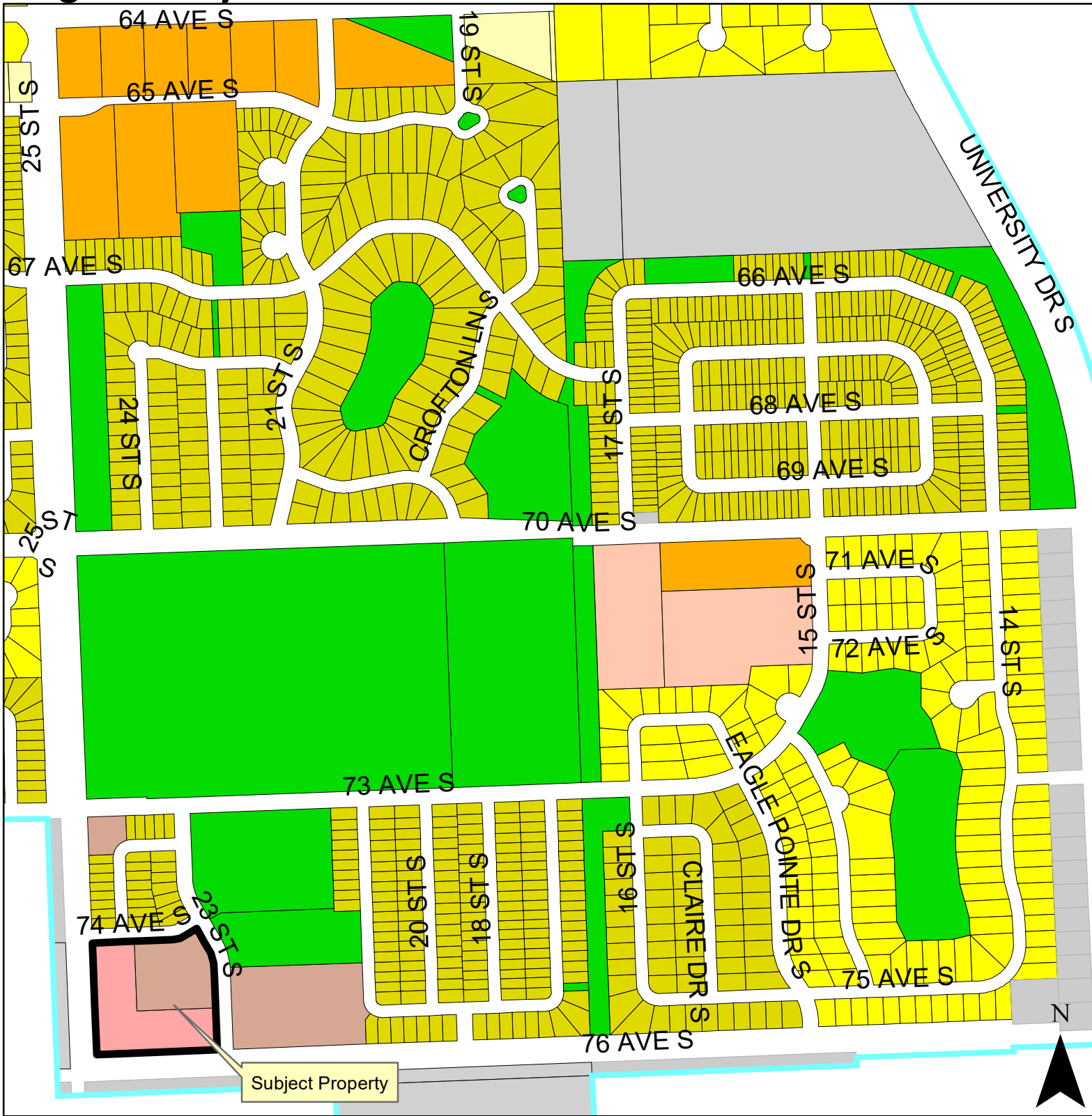
**Attachments:**

1. Zoning map
2. Location map
3. Preliminary plat
4. Draft conditional overlay

# Zone Change (LC & MR-2 to LC with a C-O & SR-4) & Plat (Major)

## Eagle Valley Fifth Addition

7401 & 7501 23rd St S



**Legend**

AG	LC	MHP	SR-2
DMU	LI	NOC	SR-3
GCC	MR-1	NC	SR-4
GO	MR-2	UMI	SR-5
	MR-3		City Limits

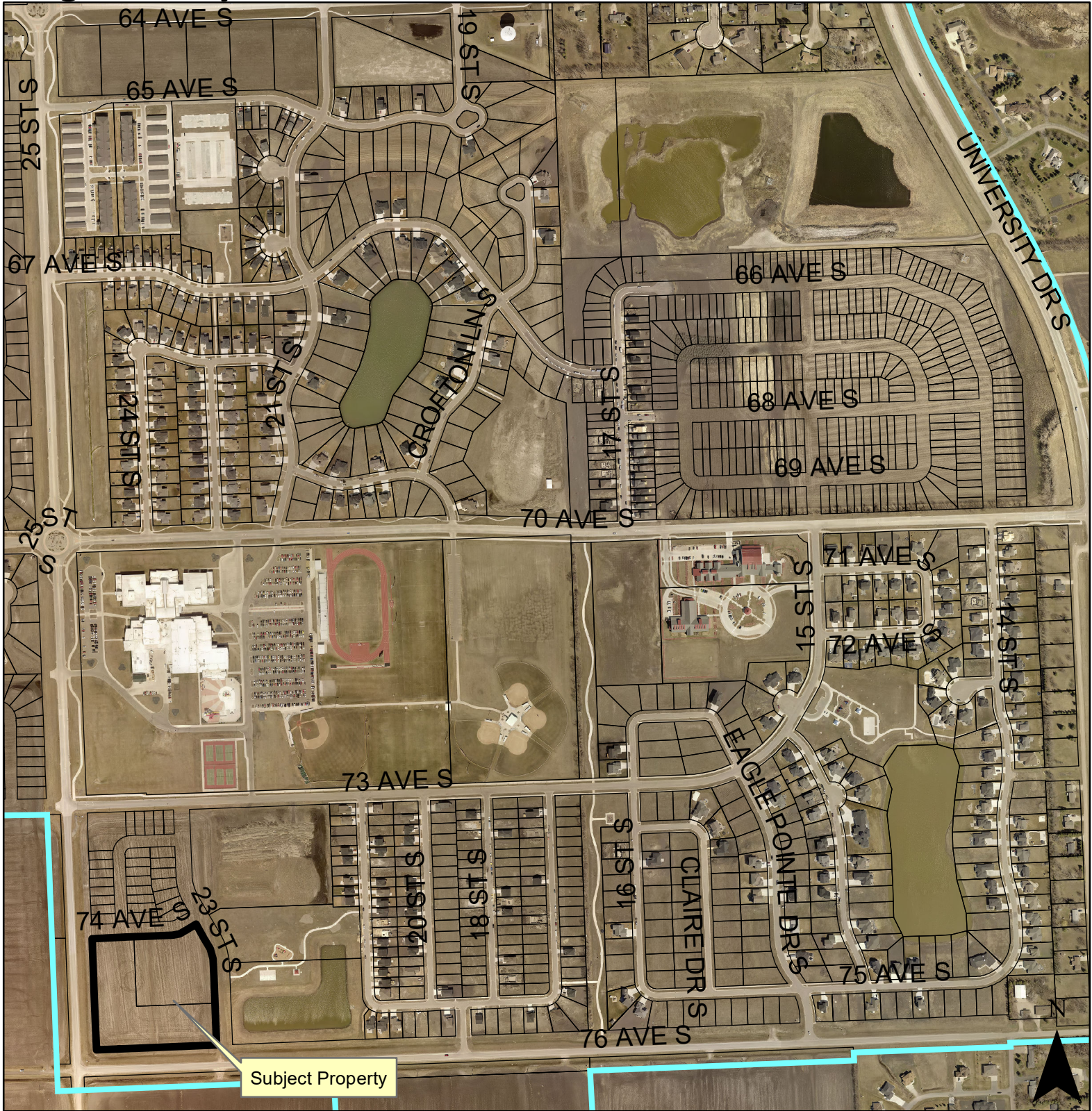
500 **Fargo Planning Commission**  
 Feet **March 2, 2021**



# Zone Change (LC & MR-2 to LC with a C-O & SR-4) & Plat (Major)

## Eagle Valley Fifth Addition

7401 & 7501 23rd St S





# EAGLE VALLEY FIFTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.  
A REPLAT OF LOTS 1 & 2, BLOCK 7, TOGETHER WITH A PORTION OF 23RD STREET SOUTH;  
BEING A VACATION PLAT OF A PORTION OF 23RD STREET SOUTH, EAGLE VALLEY ADDITION  
(A MAJOR SUBDIVISION)

## PLAT BOUNDARY DESCRIPTION:

Lots 1 and 2, Block 7, Eagle Valley Addition, according to the record plat on file and of record in the Office of the Recorder, Cass County, North Dakota and a vacation of that part of 23rd Street South.

Said plat contains 8.88 acres, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record, if any.

## OWNER'S DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "EAGLE VALLEY FIFTH ADDITION" to the City of Fargo, a replat of Lots 1 and 2, Block 7, Eagle Valley Addition to the City of Fargo, Cass county, North Dakota; and a vacation of that part of 23rd Street South within the boundary of said Eagle Valley Fifth Addition; that we have caused it to be platted into lots and blocks as shown by said plat and certification of Joshua J. Nelson, Professional Land Surveyor, and that the description as shown in the certificate of the Professional Land Surveyor is correct. We hereby dedicate all Streets, Lanes, Drives, and Utility Easements shown on said plat to the use of the Public and hereby vacate all utility easements dedicated on the plat of Eagle Valley Addition contained in the boundary of Eagle Valley Fifth Addition.

## OWNER/VENDOR

76th Street Holdings, LLC, Contract Vendor  
By: James R. Bullis, President

State of North Dakota )  
)SS  
County of Cass )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, appeared before me, James R. Bullis, President, 76th Street Holdings, LLC, a North Dakota Limited Liability Company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

## CONTRACT VENDEE

Eagle Ridge Development, LLC, Contract Vendee  
By: Jon Youness, Secretary

State of North Dakota )  
)SS  
County of Cass )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, appeared before me, Jon Youness, Secretary, Eagle Ridge Development, LLC, a North Dakota Limited Liability Company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

## MORTGAGE HOLDER

First International Bank and Trust, Mortgagee  
By: Matt Mueller, Vice President

State of North Dakota )  
)SS  
County of Cass )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, appeared before me, Matt Mueller, Vice President known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same on behalf of First International Bank & Trust.

Notary Public, Cass County, North Dakota

My commission expires: \_\_\_\_\_

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

Joshua J. Nelson, Professional Land Surveyor No. LS-27292

State of North Dakota )  
)ss  
County of Cass )

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

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

## CITY ENGINEER'S APPROVAL:

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

\_\_\_\_\_  
Brenda E. Derrig, P.E., City Engineer

State of North Dakota )  
)ss  
County of Cass )

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

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

## FARGO PLANNING COMMISSION APPROVAL:

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

\_\_\_\_\_  
John Gunkelman, Chair  
Fargo Planning Commission

State of North Dakota )  
)ss  
County of Cass )

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

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

## 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: \_\_\_\_\_

**Mead  
& Hunt**

Phone: 701-566-6450  
meadhunt.com

PROJECT NO.  
4650200-202030  
SHEET 1 OF 2



# EAGLE VALLEY FIFTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.  
 A REPLAT OF LOTS 1 & 2, BLOCK 7, TOGETHER WITH A PORTION OF 23RD STREET SOUTH;  
 BEING A VACATION PLAT OF A PORTION OF 23RD STREET SOUTH, EAGLE VALLEY ADDITION  
 (A MAJOR SUBDIVISION)

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	65.85'	135.00'	27°56'53"	N73°45'27"E	65.20'
C2	142.24'	245.00'	33°15'51"	N18°44'51"W	140.25'
C3	84.65'	162.00'	29°56'26"	N17°09'42"W	83.69'
C4	56.29'	108.00'	29°51'48"	S17°12'01"E	55.66'
C5	92.78'	178.00'	29°51'48"	S17°12'01"E	91.73'
C6	48.08'	92.00'	29°56'26"	N17°09'42"W	47.53'
C7	5.66'	135.00'	2°24'03"	N86°31'52"E	5.66'

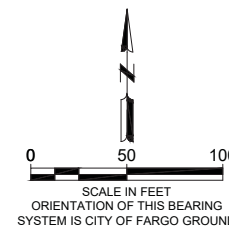
LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	16.21	S02°16'07"E
L2	16.21	S02°16'07"E
L3	14.22	N32°07'55"W
L4	7.49	N32°07'55"W
L5	13.98	N02°11'29"W
L6	10.81	S02°06'56"E
L7	60.80	S34°18'07"E
L8	40.50	S34°18'07"E
L9	34.10	S34°18'07"E
L10	25.92	S18°44'58"E
L11	31.83	S18°44'58"E
L12	19.49	N18°44'58"W
L13	38.25	N18°44'58"W
L14	21.67	N34°18'07"W
L15	40.35	N34°18'07"W
L16	40.35	N34°18'07"W
L17	33.04	N34°18'07"W

### LEGEND

- BENCHMARK
- MONUMENT IN PLACE
- SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
- LOT AREA (SQ. FEET)
- EXISTING NEGATIVE ACCESS EASEMENT (DOC. 1436860)
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- NEW LOT LINE
- NEW BLOCK LINE
- PLAT BOUNDARY
- NEW EASEMENT LINE
- MAJOR CONTOUR
- MINOR CONTOUR
- EXISTING RIGHT-OF-WAY TO BE VACATED
- EXISTING EASEMENT TO BE VACATED
- EXISTING NEGATIVE ACCESS EASEMENT TO BE VACATED

### NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
- UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
- ALL OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAP 38017C0790G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 908.5' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY CONDUCTED DECEMBER 14, 2020.
- BENCHMARK TOP NUT HYDRANT IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF 74TH AVE S AND 23RD STREET SOUTH ELEVATION = 911.97 (NAVD88)
- 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 OF 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.



**Mead & Hunt**

Phone: 701-566-6450  
meadhunt.com

PROJECT NO.  
4650200-202030  
SHEET 2 OF 2

## EAGLE VALLEY FIFTH ADDITION

## DRAFT CONDITIONAL OVERLAY

(submitted by applicant for staff review)

Section 1. The following-described property:

Lots 1, Block 1, Eagle Valley Fifth Addition

To be rezoned from MR-3, Multi-Dwelling and LC, Limited Commercial, to LC, Limited Commercial with a Conditional Overlay (C-O)

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding future commercial and residential development within the described property.
2. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality prestressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond' and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Horizontal metal lap siding and vertical metal batten shall be allowed on residential and commercial structures but shall not exceed 75% of the building elevation for residential structures and 60% for commercial.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections, architectural material changes, or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated façade would emphasis elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet. View line shall measured from property line.
6. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.

7. Separate vehicular and pedestrian circulation systems shall be provided. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - a. The primary entrance or entrances to each commercial building, including pad site buildings.
  - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
  - c. Parking areas or structures that serve such primary buildings.
  - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
  - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
  - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
  
8. A minimum of 5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
  
9. The following use(s) are prohibited.
  - a. Detention Facilities
  - b. Self Service Storage
  - c. Adult Entertainment Center
  - d. Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)
  - e. Portable Signs (portable signs will be allowed until June 30, 2025)
  - f. Vehicle Repair
  - g. Industrial Service
  - h. Manufacturing and Production
  - i. Warehouse and Freight Movement
  - j. Aviation/Surface Transportation

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Reeves Addition	<b>Date:</b>	3/30/2021
<b>Location:</b>	1405 1 <sup>st</sup> Avenue North	<b>Staff Contact:</b>	Maggie Squyer
<b>Legal Description:</b>	Lots 23 & 24, Block 18, Reeves Addition		
<b>Owner(s)/Applicant:</b>	Craig Holdings LLC/ Jesse Craig	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> to allow residential living in the GC, General Commercial, zoning district.		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Office and artist studio	<b>Land Use:</b> mixed-use
<b>Zoning:</b> GC, General Commercial with a CUP for manufacturing and production in the GC.	<b>Zoning:</b> GC, General Commercial with CUPs for industrial use and residential use in the GC.
<p><b>Uses Allowed:</b> General Commercial allows colleges, community service, day care facilities of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult entertainment centers, office, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and services, self-service storage, vehicle repair, limited vehicle service, and limited telecommunications facilities.</p> <p>Conditional Use Permit 2015-027 allows Manufacturing and Production in GC.</p>	<p><b>Uses Allowed:</b> General Commercial allows colleges, community service, day care facilities of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult entertainment centers, office, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and services, self-service storage, vehicle repair, limited vehicle service, and limited telecommunications facilities.</p> <p>Conditional Use Permit 2015-027 allows Manufacturing and Production in GC.</p> <p>The proposed Conditional Use Permit would allow residential living in GC.</p>
<b>Maximum Density:</b> No existing residential density allotment in the GC zoning district.	<b>Maximum Density:</b> Requested Conditional Use Permit would allow one dwelling unit on the subject property.

<b>Proposal:</b>
<p>The applicant is requesting a Conditional Use Permit (CUP) to allow residential living in the GC, General Commercial, zoning district on Lots 23 &amp; 24, Block 18, Reeves Addition. The applicant intends to construct a two-story addition on the subject property with first floor garage parking and a single dwelling unit for the owner on the second floor.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: GC, General Commercial with warehouse and office</li> <li>• East: LC, Limited Commercial with detached housing</li> <li>• South: LI, Limited Industrial with warehouse and office</li> <li>• West: GC, General Commercial with office</li> </ul>



<b>Area Plans:</b>
The subject property is located in the Madison/Unicorn Park Neighborhood, which is currently under evaluations as part of the Core Neighborhoods Plan.
<b>Context:</b>
<b>Neighborhood:</b> Madison/Unicorn Park Neighborhood
<b>Schools:</b> The subject property is located in the Fargo Public School District and is served by Roosevelt Elementary, Ben Franklin Middle, and North High Schools.
<b>Parks:</b> The site is located within half of a mile of Unicorn Park (1603 3 <sup>rd</sup> Avenue North), the Johnson Soccer Complex (1420 11 <sup>th</sup> Avenue North), and Teamsters Park (1900 1 <sup>st</sup> Avenue South) which provide playground equipment, soccer fields, basketball courts, recreational trails and picnic tables for public use.
<b>Pedestrian / Bicycle:</b> A bike route is located south of the subject property along 1 <sup>st</sup> Avenue North.
<b>Staff Analysis:</b>
<b>Background:</b> The property owner received approval of a Conditional Use Permit for an Alternative Access Plan to reduce parking and allow valet parking in October of 2008. Attached is a copy of the recorded document. At the time of the approval, the property owner was allowed to reduce the number of required parking stalls for the existing office space from 8 to 6, provided that he offer valet parking and accommodations for bicyclists, including bike racks, shower and dressing area within the building. The Alternative Access Plan remains in effect as long as the office use continues on the subject property.  The Planning Commission approved a second Conditional Use Permit to allow Manufacturing and Production in the General Commercial zoning district in October of 2015. Attached is a copy of the recorded document. Approval of the conditional use allowed the property owner to construct a 1,400+ square foot artist's studio and welding shop onto the existing office. This use remains today.
<b>Conditional Use Permit Approval Criteria (Section 20-0909.D)</b> The following is a list of criteria that must be determined satisfied in order for a Conditional Use Permit to be approved:
<ol style="list-style-type: none"> <li><b>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?</b> 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 proposed CUP for residential living will allow the property owner to continue using mixed-use building in the General Commercial zoning district while meeting the dimensional standards of the GC zone and the general development standards of the LDC. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City. <b>(Criteria Satisfied)</b></li> <li><b>Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?</b> The Madison/Unicorn Park Neighborhood contains a variety of uses and zoning districts. Staff finds that this proposed conditional use permit to allow residential living on the subject property will contribute to and promote the welfare of the public. <b>(Criteria Satisfied)</b></li> <li><b>Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?</b> 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, staff has received one inquiry about the project and no letters of opposition. <b>(Criteria Satisfied)</b></li> </ol>

**4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

The proposed mixed-use development will not dominate the immediate neighborhood or prevent any other site from developing in a manner allowed by zoning district regulations. The subject property is located in the Madison/Unicorn Park neighborhood, which is comprised of a variety of zoning districts and uses. **(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 has access to 1<sup>st</sup> Avenue North and 14<sup>th</sup> Street North, which are fully constructed public rights-of-way. All driveways will be reviewed and permitted in accordance with Section 20-0702 of the Land Development Code. **(Criteria Satisfied)**

Recommended Conditions:

- The maximum residential density shall be one dwelling unit.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow residential living in the GC, General Commercial, zoning district on Lots 23 & 24, Block 18, Reeves Addition, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- The maximum residential density shall be one dwelling unit."

**Planning Commission Recommendation:** April 6, 2021

**Attachments:**

1. Location Map
2. Zoning Map
3. Recorded CUP from 2008
4. Recorded CUP from 2015



# Conditional Use Permit

Reeves Addition

1405 1st Ave N

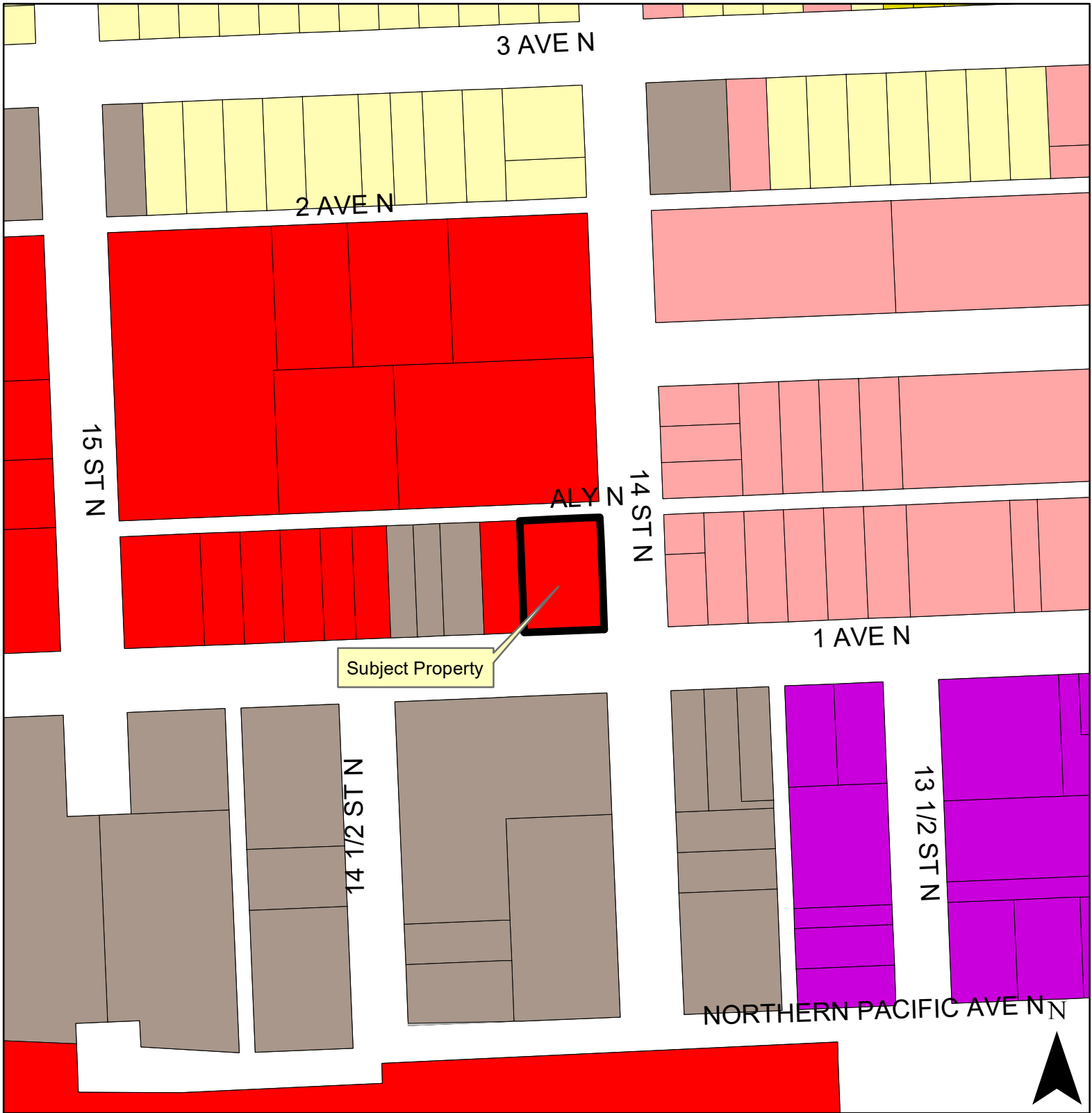




# Conditional Use Permit

## Reeves Addition

1405 1st Ave N



Subject Property





## **Conditional Use Permit**

On this 8th Day of October, 2008

The City of Fargo  
Planning Commission

Hereby grants a:

**Conditional Use Permit**  
for an Alternative Access Plan for a Parking Reduction  
and to allow Valet Parking.

For the property located  
1405 1st Avenue North  
Lot 23, Block 18, Reeves Addition.



1247341

Page: 1 of 3

10/09/2008 02:30P

RECORDER'S OFFICE, CASS COUNTY, ND 10/19/2015 2:49 PM  
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.  
JEWEL A. SPIES, COUNTY RECORDER

by Teresa A. Kirby, Dep. **1461255**  
Recorded Electronically



No. 2015-027



On this 6th Day of October, 2015

The City of Fargo  
Planning Commission

Hereby grants a:

**Conditional Use Permit**

To allow Manufacturing and Production Land Use in the  
GC, General Commercial zoning district.

For the property located at:  
1401 and 1405 1st Avenue North  
Lots 23 and 24, Block 18, Reeve's Addition,  
to the City of Fargo, Cass County, North Dakota.

Conditions of approval listed on page 2.

Page 2 of 3

Conditions of approval:

1. The Conditional use Permit shall be void if the property is used for any industrial use other than “manufacturing and production” as contemplated under this approval.
2. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any part of the lot that will emit foul odors.
3. Outdoor storage areas shall not be located within the front side setback areas of the development. In addition, all outdoor storage areas shall be fenced with a 6 foot high opaque fence.
4. The manufacturing, production, or processing of animal products, or hazardous chemicals, or materials shall not be permitted.

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Booth Addition	<b>Date:</b>	3-24-21
<b>Location:</b>	1532, 1538, 1542 and 1548 1 <sup>st</sup> Avenue North	<b>Staff Contact:</b>	Kylie Bagley
<b>Legal Description:</b>	Lots 1 – 15, Block 25 and vacated 15 ½ Street North and all Vacated Alley in Reeve’s Addition		
<b>Owner(s)/Applicant:</b>	Booth Family LLC/Daniel Ness	<b>Engineer:</b>	Mead & Hunt
<b>Entitlements Requested:</b>	Minor Subdivision ( Replat of Lots 1 – 15, Block 25 and vacated 15 ½ Street North and all Vacated Alley in Reeve’s Addition)		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant	<b>Land Use:</b> Commercial Condos
<b>Zoning:</b> LI, Limited Industrial	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> 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.	<b>Uses Allowed:</b> Unchanged
<b>Maximum Lot Coverage Allowed:</b> 85% building coverage	<b>Maximum Lot Coverage Allowed:</b> Unchanged

<b>Proposal:</b>
<p>The applicant is requesting a minor subdivision entitled <b>Booth Addition</b> which is a replat of Lots 1 – 15, Block 25 and vacated 15 ½ Street North and all Vacated Alley in Reeve’s Addition. The minor subdivision will create one lot, one block in order to accommodate commercial condos on site.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: Across 1<sup>st</sup> Avenue North is LI, Limited Industrial and GC, General Commercial with warehouse and office uses;</li> <li>• East: LI, Light Industrial with warehouse and office uses;</li> <li>• South: GC, General Commercial with the BNSF Railroad;</li> <li>• West: LI, Limited Industrial with warehouse and office uses.</li> </ul>
<b>Area Plans:</b>
<p>The subject property is located within the boundaries of the Core Neighborhoods Plan, which is in process and in its final stages of development and review.</p>

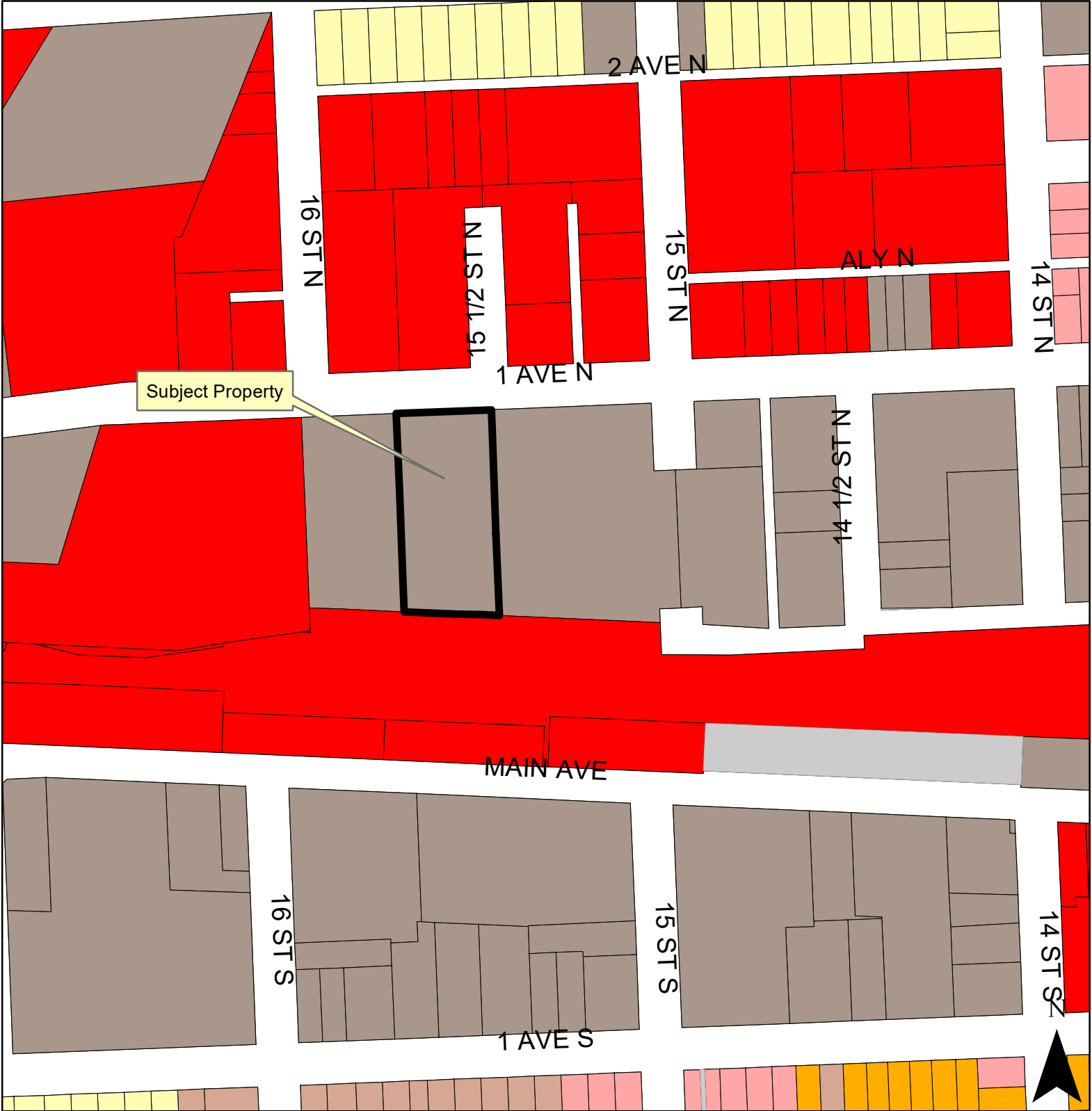


<b>Schools and Parks:</b>
<p><b>Neighborhood:</b> Madison / Unicorn Park</p> <p><b>Schools:</b> The subject property is located within the Fargo School District and is served by Roosevelt Elementary, Ben Franklin Middle, and Fargo North High schools.</p> <p><b>Parks:</b> Unicorn Park (1603 3 Avenue North) is located approximately 800 feet north of the subject property. Unicorn Park provides basketball, grill, multipurpose field, playground, and picnic table amenities.</p> <p><b>Pedestrian / Bicycle:</b> There is an on-road bike facility located north of the property on 1 Avenue North. This bike route is a component of the metro area bikeways system.</p>
<b>Staff Analysis:</b>
<p><b>Minor Subdivision</b></p> <p>The LDC stipulates that the following criteria is met before a minor plat can be approved:</p> <ol style="list-style-type: none"> <li> <p><b>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.</b></p> <p>The properties within this plat are currently zoned LI, Limited Industrial, which is consistent with that land use designation. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any communication regarding this project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. <b>(Criteria Satisfied)</b></p> </li> <li> <p><b>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.</b></p> <p>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. <b>(Criteria Satisfied)</b></p> </li> </ol>
<b>Staff Recommendation:</b>
<p>Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, <b>Booth Addition</b> as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".</p>
<b>Planning Commission Recommendation:</b> April 6, 2021
<b>Attachments:</b>
<ol style="list-style-type: none"> <li>Zoning Map</li> <li>Location Map</li> <li>Preliminary Plat</li> </ol>

# Plat (Minor)

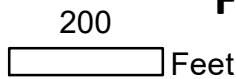
## Booth Addition

1532 1st Ave N



**Legend**

AG	LC	MHP	SR-2
DD	MC	NC	SR-3
GG	MR-1	NO	SR-4
CC	MR-2	PT	SR-5
GO	MR-3	UMU	City Limits





# Plat (Minor)

## Booth Addition

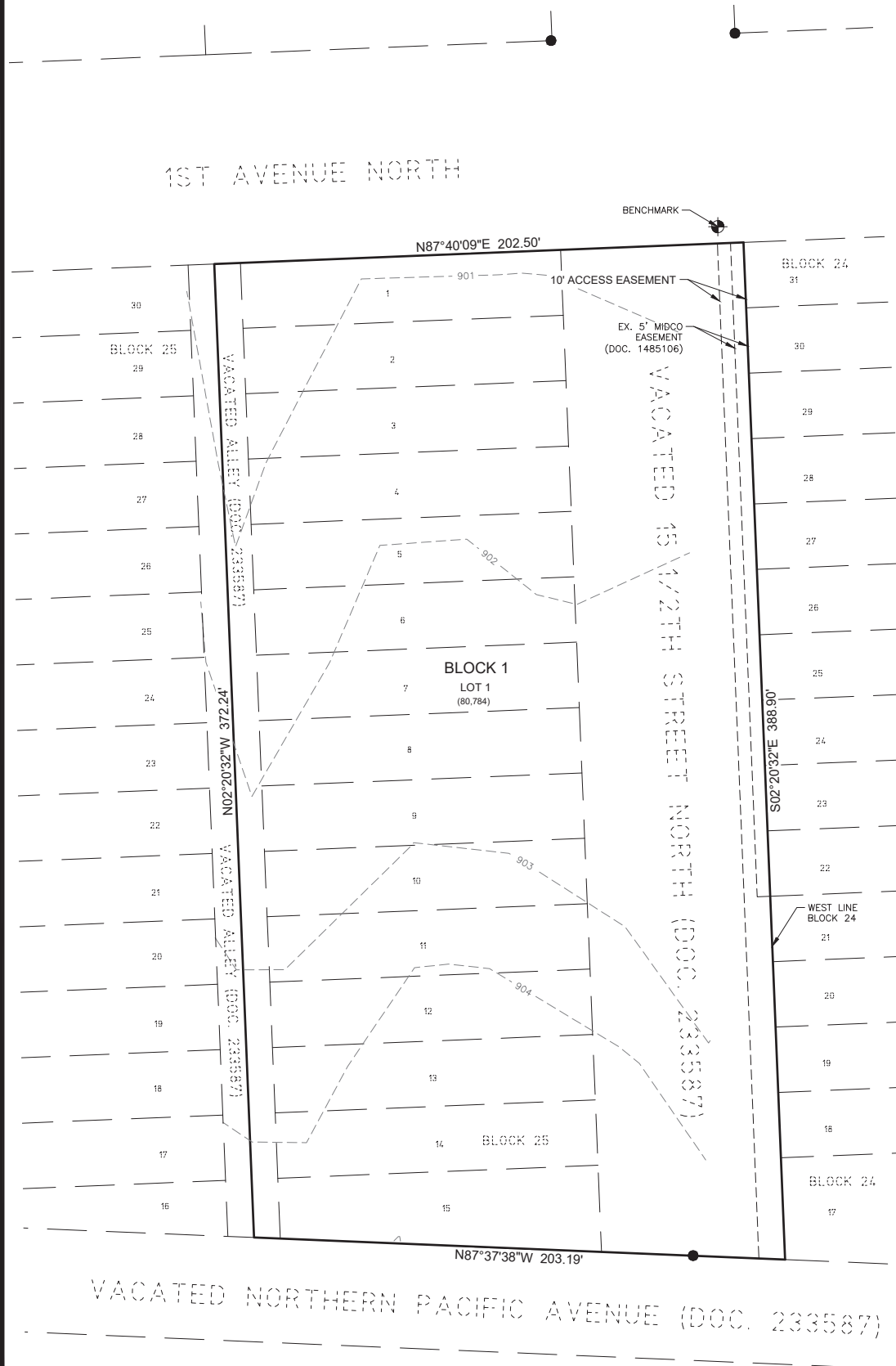
1532 & 1534 1st Ave N





# BOOTH ADDITION

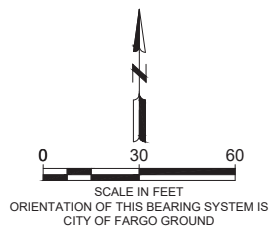
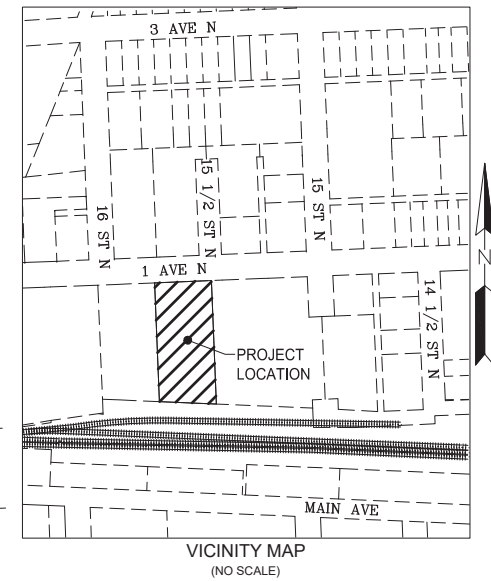
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
 A REPLAT OF LOTS 1 THROUGH 15, BLOCK 25 AND VACATED 15½ STREET NORTH AND VACATED ALLEY ALL IN REEVE'S ADDITION  
 (A MINOR SUBDIVISION)



**LEGEND**

●	MONUMENT IN PLACE
○	SET MONUMENT (5/8\"/>
(5,000)	LOT AREA (SQUARE FEET)
---	EXISTING PROPERTY LINE
- - - - -	EXISTING EASEMENT LINE
---	PLAT BOUNDARY
- - - - -	NEW EASEMENT LINE
- - - - -	MAJOR CONTOUR
- - - - -	MINOR CONTOUR

- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
  - ALL OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'X' ACCORDING TO THE FEMA FIRM MAP 38017C0593G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 900.9' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM SURVEY DATA CONDUCTED JANUARY 27TH, 2021.
  - BENCHMARK - TOP NUT OF FIRE HYDRANT LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF 1ST AVENUE NORTH AND 15½ STREET SOUTH. ELEVATION = 903.58 (NAVD88)



**OWNER'S CERTIFICATE**  
 KNOW ALL PERSONS BY THESE PRESENTS, That Booth Family Properties, LLC, a North Dakota Limited Liability Company, as owner of a parcel of land located in that part of the Southeast Quarter of Section 1, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lots 1 through 15, Block 25, together with the east half of the vacated alley in said block and all of the vacated 15½ Street North lying west of the west line of Block 24, all in Reeve's Addition to the City of Fargo according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 1.85 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as "BOOTH ADDITION" to the City of Fargo, Cass County, North Dakota.

**OWNER:**  
 Booth Family Properties, LLC

Kim Booth, President  
 State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, Kim Booth, President, Booth Family Properties, LLC, a North Dakota Limited Liability Company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Joshua J. Nelson, PLS  
 Professional Land Surveyor  
 Registration No. LS-27292

State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public

**CITY OF FARGO PLANNING COMMISSION APPROVAL**  
 Approved by the City of Fargo Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

John Gunkelman  
 Planning Commission Chair

State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared John Gunkelman, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public

**FARGO CITY COMMISSION APPROVAL**  
 Approved by the Board of 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, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public

**CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL**  
 Approved by the City Engineer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Brenda E. Derrig, P.E.  
 City Engineer

State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public



Phone: 701-566-6450  
 meadhunt.com

PROJECT NO.  
 4665378-210420.01  
 SHEET 1 OF 1



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Sigma Psi Housing Addition	<b>Date:</b>	3-26-2021
<b>Location:</b>	1261 University Drive North; 1206 and 1210 13 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Kylie Bagley
<b>Legal Description:</b>	Lots 1, 2, 7 and 8, along with a portion of the vacated alley all in Lane's Subdivision		
<b>Owner(s)/Applicant:</b>	Sigma Psi Housing LLC/Tony Eukel	<b>Engineer:</b>	MBN Engineering
<b>Entitlements Requested:</b>	Minor Subdivision ( Replat of Lots 1, 2, 7 and 8, along with a portion of the vacated alley all in Lane's Subdivision)		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Group Living	<b>Land Use:</b> Group Living
<b>Zoning:</b> LC, Limited Commercial	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> Colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.  Plus a CUP to allow Group Living  Plus CUP to allow for an Alternative Access Plan to reduce on-site parking.	<b>Uses Allowed:</b> Unchanged
<b>Maximum Lot Coverage Allowed:</b> 55% building coverage	<b>Maximum Lot Coverage Allowed:</b> Unchanged

<b>Proposal:</b>
<p>The applicant is requesting a minor subdivision entitled <b>Sigma Psi Housing Addition</b> which is a replat of Lots 1, 2, 7 and 8, along with a portion of the vacated alley all in Lane's Subdivision. The minor subdivision will create one lot one block in order to accommodate a sorority house on site.</p> <p>In 2019 the property owner received a CUP to allow group living in the LC, Limited Commercial, zoning district as well as a CUP to allow for an Alternative Access Plan to reduce parking on site.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: across 13<sup>th</sup> Ave N, P/I, Public &amp; Institutional and MR-3, Multi-Dwelling Residential with Religious Other and Group Living (Fraternity &amp; Sorority) uses</li> <li>• East: MR-3, Multi-Dwelling Residential with Group Living (Fraternity &amp; Sorority) use</li> <li>• South: LC, Limited Commercial with Office use</li> </ul>

- West: P/I, Public & Institutional with Educational use

**Area Plans:**

The Roosevelt-NDSU Neighborhood Area Plan designates the area of this project as “Commercial with Residential” land use.



**Schools and Parks:**

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

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

**Parks:** Roosevelt Park is located approximately less than one quarter mile to the southeast of the project site and provides the amenities of a multipurpose field, outdoor skating/warming house, and playground.

**Pedestrian / Bicycle:** There are shared use paths along 12<sup>th</sup> Avenue North and bike lanes along University Drive North and 10<sup>th</sup> Street North that are components of the metro area bikeways system.

**Staff Analysis:**

**Minor Subdivision**

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

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

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 communication regarding this project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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

**Staff Recommendation:**

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

**Planning Commission Recommendation:** April 6, 2021

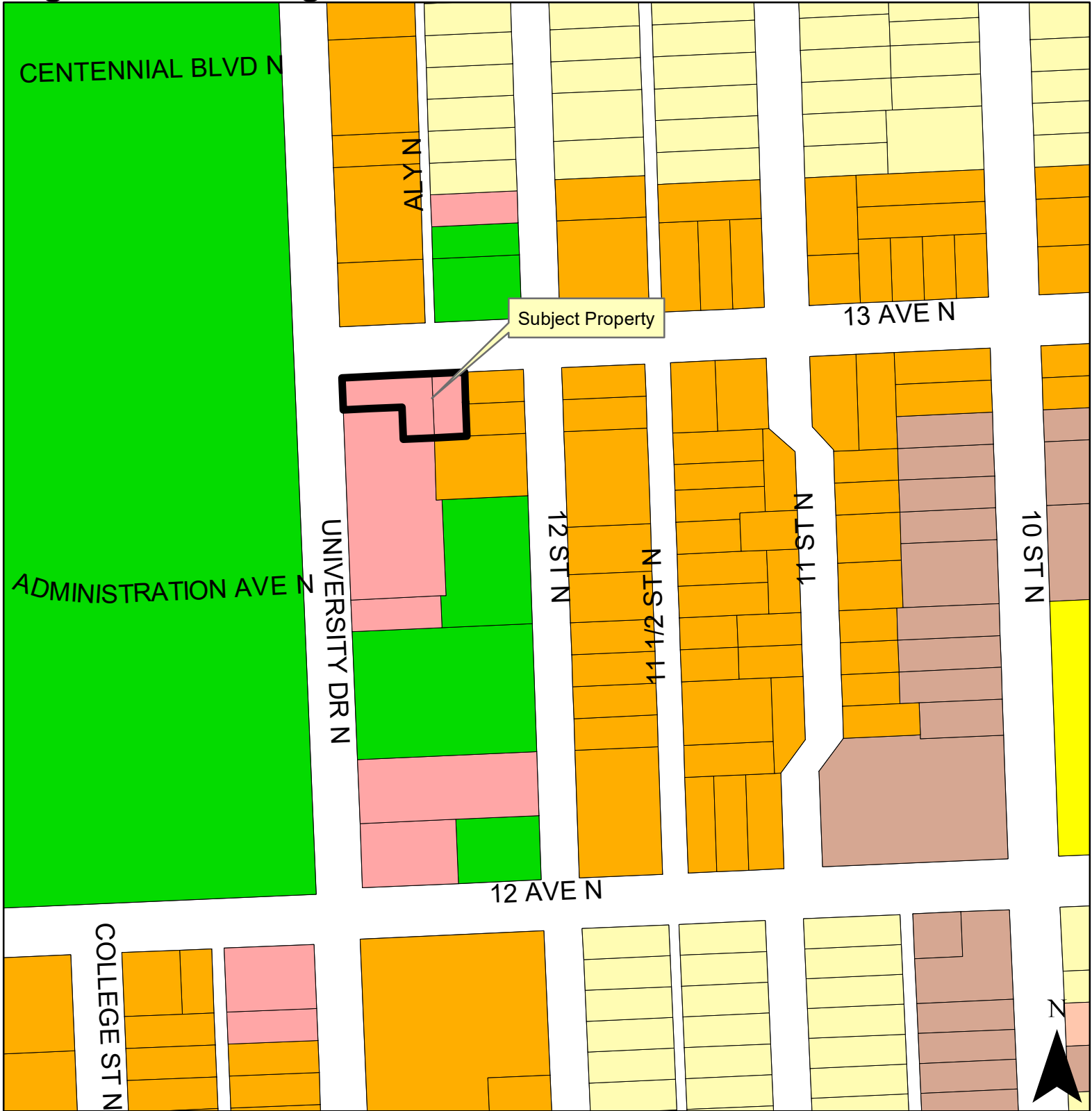
**Attachments:**

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

# Plat (Minor)

## Sigma Psi Housing Addition

1261 University Dr N  
1206 & 1210 13th Ave N





# Plat (Minor)

## Sigma Psi Housing Addition

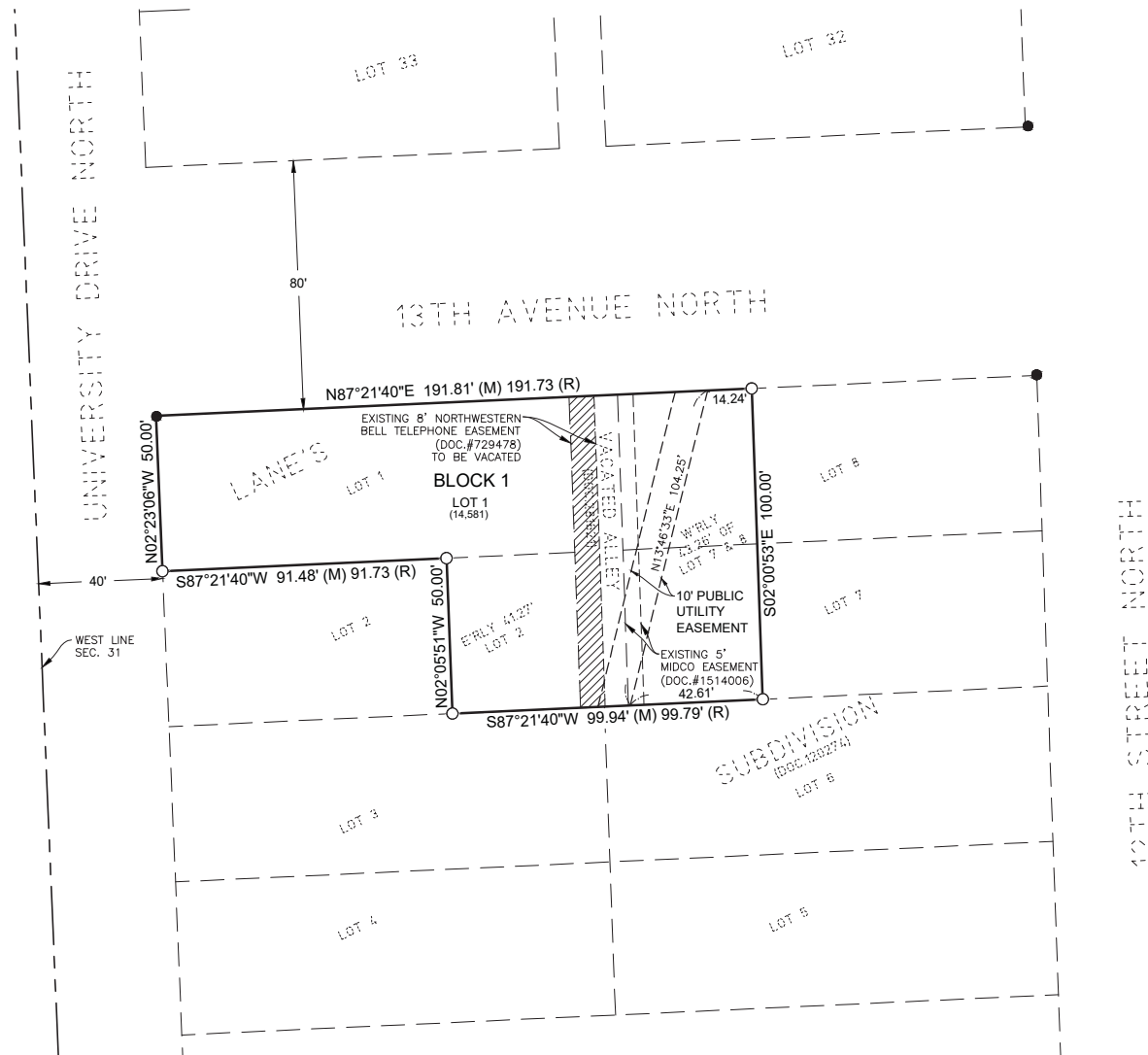
1261 University Dr N  
1206 & 1210 13th Ave N





# SIGMA PSI HOUSING ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
 A REPLAT OF PARTS OF LOTS 1, 2, 7, AND 8, ALONG WITH A PORTION OF THE VACATED ALLEY ALL IN LANE'S SUBDIVISION  
 (A MINOR SUBDIVISION)



## OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That the Sigma Psi Housing, LLC a Indiana Limited Liability Company, as owner of a parcel of land located in that part of the Southwest Quarter of Section 31, Township 140 North, Range 48 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lot 1, the East 41.27 feet of Lot 2, the West 43.26 feet of Lots 7 and 8 along with the vacated alley contiguous to said lots, all in Lane's Subdivision to the City of Fargo, as filed and on record at the office of the County Recorder, Cass County, North Dakota.

Containing 0.33 acres, more or less.

Said owners have caused the above described parcel of land to be surveyed and platted as "**SIGMA PSI HOUSING ADDITION**" to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public, for public use the utility easements as shown on this plat for purposes specified.

## OWNER:

Sigma Psi Housing, LLC  
 By: Laura Helton

Laura Helton, Authorized Representative

State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, Laura Helton, Authorized Representative, Sigma Psi Housing, LLC, a Indiana Limited Liability Company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public, Cass County, North Dakota

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Joshua J. Nelson, PLS  
 Professional Land Surveyor  
 Registration No. LS-27292

State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public, Cass County, North Dakota

## CITY OF FARGO PLANNING COMMISSION APPROVAL

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

John Gunkelman  
 Planning Commission Chair

State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared John Gunkelman, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

## FARGO CITY COMMISSION APPROVAL

Approved by the Board of 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, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

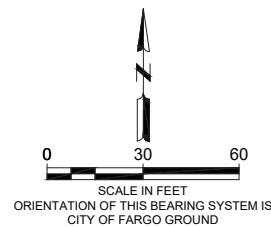
Approved by the City Engineer this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Brenda E. Derrig, P.E.  
 City Engineer

State of North Dakota )  
 ) SS  
 County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota



LEGEND	
●	MONUMENT IN PLACE
○	SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
(M)	MEASURED BEARING & DISTANCE
(R)	RECORDED BEARING & DISTANCE
(5,000)	LOT AREA (SQUARE FEET)
---	EXISTING PROPERTY LINE
---	EXISTING EASEMENT LINE
---	NEW EASEMENT LINE
---	PLAT BOUNDARY
▨	EXISTING EASEMENT TO BE VACATED

**NOTES**  
 1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.



Phone: 701-566-6450  
 meadhunt.com

PROJECT NO.  
 4289700-210373.01  
 SHEET 1 OF 1

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Southview Villages Second Addition	<b>Date:</b>	3/31/2021
<b>Location:</b>	1701, 1707, 1713, 1719, 1725, 1731, 1735, 1741, 1747, 1751, 1755, and 1761 Prairie Lane South	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Lots 7 through 18, Block 6B, Southview Villages Addition, and a 21-foot wide strip of right of way for 25 <sup>th</sup> Street South adjacent to these lots		
<b>Owner(s)/Applicant:</b>	Property owners of the addresses noted above—see attached list / John and Darla Dockter	<b>Engineer:</b>	Neset Land Surveys
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Plat of <b>Southview Villages Second Addition</b> a replat of Lots 7 through 18, Block 6B, Southview Villages Addition, and vacation of a 21-foot wide strip of right of way for 25 <sup>th</sup> Street South adjacent to these lots )		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Residential	<b>Land Use:</b> No change
<b>Zoning:</b> SR-2, Single Dwelling Residential	<b>Zoning:</b> No change
Uses Allowed: SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> No Change
<b>Maximum Density</b> 5.4 dwelling units per acre	<b>Maximum Density:</b> No change

<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A major subdivision, entitled <b>Southview Villages Second Addition</b> a replat of Lots 7 through 18, Block 6B, Southview Villages Addition, and vacation of a 21-foot wide strip of right of way for 25<sup>th</sup> Street South adjacent to these lots.</li> </ol> <p>The plat proposes to vacate a 21-foot wide strip of 25<sup>th</sup> Street South right of way adjacent to the west property line of Lots 7 through 18, Block 6B, Southview Villages Addition, and replat those lots to add the vacated area to each individual lot. All lots are zoned SR-2, Single Dwelling Residential and are developed with detached residences. No zone change is proposed.</p> <p>This plat is considered a major subdivision as it involves vacation of right of way.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: SR-2 with detached single-dwelling residence.</li> <li>• East: SR-2 with detached single-dwelling residence.</li> <li>• South: SR-2 with detached single-dwelling residence. and MR-3: Multi-Dwelling Residential with multi-residential dwellings.</li> <li>• West: Across 25<sup>th</sup> Street South zoned P/I, Public Institutional with City-owned lift station and Park District-owned open space and trail.</li> </ul>

**Area Plans:**

The subject property is not included in an area or neighborhood plan.

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo School District, specifically within the Lewis & Clark Elementary, Carl Ben Eielson Middle and South High schools.

**Neighborhood:** The subject property is located within the South High neighborhood.

**Parks:** Westgate Park, located at 2700 Southgate Drive Southwest, is approximately 0.35 miles west of the subject property, and provides amenities of grill, multipurpose field, hockey rink and outdoor skating along with a playground.

**Pedestrian / Bicycle:** An off-road multi-use trail, which is a component of the metro area bikeways system, is adjacent to the west side of the subject property

**Staff Analysis:****HISTORY OF THE RIGHT-OF-WAY ENCROACHMENT AND REQUEST FOR VACATION**

*(The summary below was provided by Prairie Lane resident Darla Dockter and reviewed by City staff)*

The lots included in this plat were originally platted in 1978.

Along the east side of 25th Street, between the sidewalk and the platted property lines was a forty-foot right-of-way.

In August 1985, the 12 homeowners petitioned to the Fargo Park District for permission to erect a fence as a sight and sound barrier to the anticipated increase in traffic and noise on 25th Street. In an agreement with Bob Johnson, then director of the Fargo Park District, only the first twenty feet would be needed for the bike path and would be cared for by the Park District. The property owners were given permission to erect a privacy fence and tree row in the remaining land. The Park District agreed to care for the boulevard in this area also. This agreement was a signed petition – no formal encroachment existed.

In 2013, a formal encroachment agreement was made to allow the City to acquire federal transportation funds for a street improvement project on 25th Street.

Since 1985 the homeowners have used and maintained the encroached twenty feet of property, fence and trees. As of 2013, homeowners have also been required to pay additional insurance on the encroached footage.

**HISTORY OF THE CURRENT APPLICATION**

The applicants are the property owners along Prairie Lane South whose lots back up to this encroachment. They came forward to the City to request a vacation of the right of way, with the vacated area to be added to their individual lots. Doing this would end the need for the encroachment agreements; for the payment of additional insurance premiums as required by the encroachment agreement; and for the updating of those agreements and the insurance every time a property changed owners.

City staff reviewed the request for the vacation and determined that the area proposed to be vacated was no longer required for right of way purposes and could be vacated. City staff also directed the applicants to incorporate the vacation of right of way into a replat of their individual properties. This process would clarify the addition of the vacated area to the existing lots.

Findings for vacation of right of way, noted below, are from the North Dakota Century Code (NDCC). Pursuant to NDCC, and additional advertising period is required prior to the City Commission hearing for vacations of right of way.

(continued on next page)



## Major Subdivision

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

- 1. Section 20-0907 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 property within this plat is currently zoned SR-2, Single-Dwelling Residential. No zone change is proposed. No new development is proposed. The area of the plat is not included in a growth plan. 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 communication from the neighborhood. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

- 2. Section 20-0907.4 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 within this plat is currently zoned SR-2, Single-Dwelling Residential. No zone change is proposed. No new development is proposed. The area of the plat is not included in a growth plan. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.

**(Criteria Satisfied)**

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

As no new public improvements are being created by this plat, an amenities plan was not required. 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)**

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

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

There are no utilities installed in this right of way. **(Criteria Satisfied)**

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

In accordance with the requirement of this section, this information is included on the plat and its application. **(Criteria Satisfied)**

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

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

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

This procedure---hearing by the City Commission following the appropriate notice period--is the next step in the vacation process. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **Southview Villages Second Addition**, including vacation of right of way, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC, and of North Dakota Century Code Chapter 40-39."

**Planning Commission Recommendation:** April 6, 2021

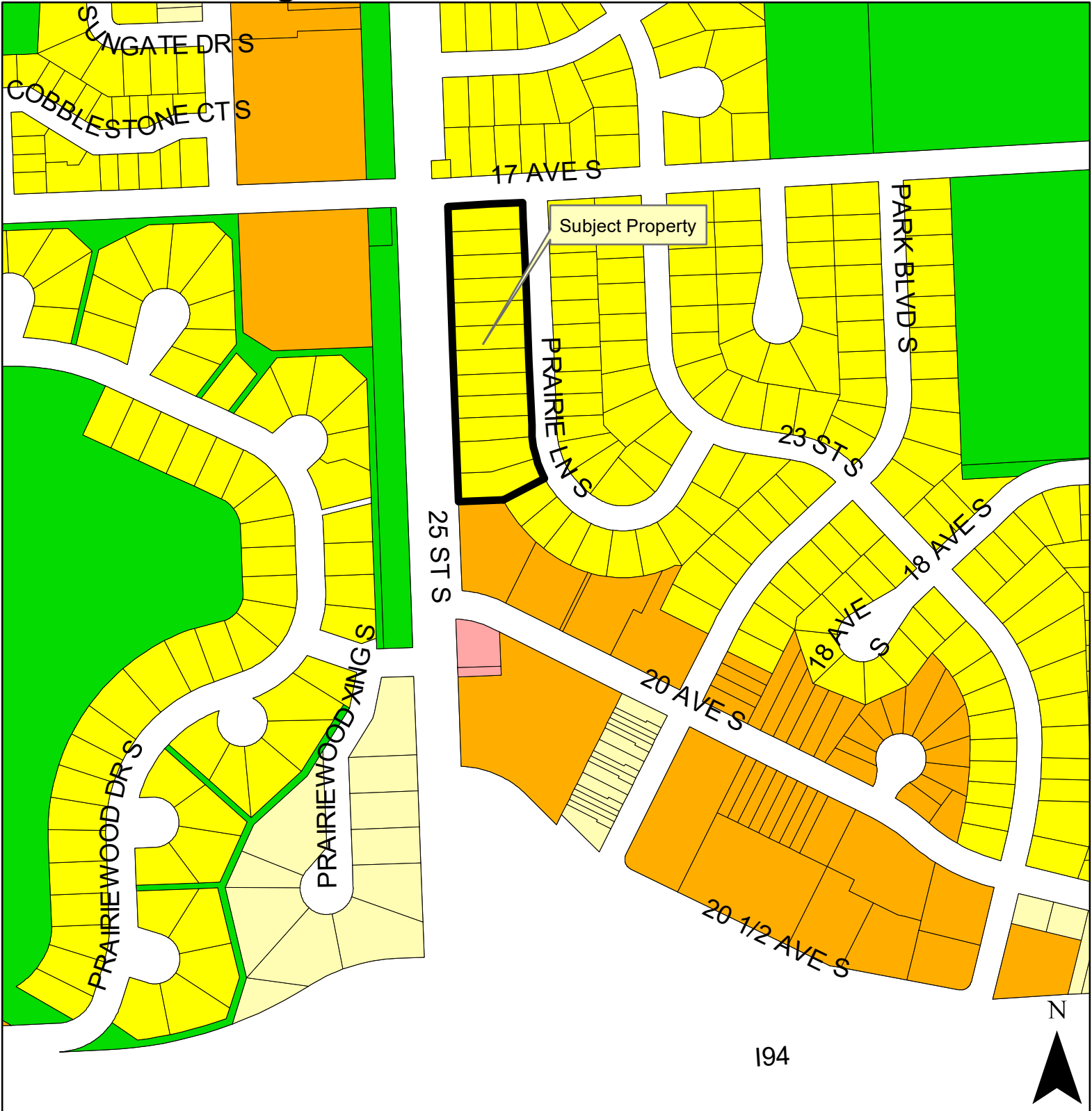
**Attachments:**

1. Zoning map
2. Location map
3. List of property owner applicants
4. Preliminary plat

# Plat (Major) & Vacation of Right-of-Way

## Southview Villages Second Addition

1701, 1707, 1713, 1719, 1725, 1731, 1735,  
1741, 1747, 1751, 1755 & 1761 Prairie Ln S





# Plat (Major) & Vacation of Right-of-Way

## Southview Villages Second Addition

1701, 1707, 1713, 1719, 1725, 1731, 1735,  
1741, 1747, 1751, 1755 & 1761 Prairie Ln S





**PROPERTY OWNER APPLICANTS FOR SOUTHVIEW VILLAGES SECOND ADDITION**

ERBELE, JACOB F & MARCI L

DOCKTER, JOHN E & DARLA J

BRAUN, GEORGE JR & JUDY LEE

HARLES, NEIL E

NGUYEN, AUSTIN NAHN

THOMPSON, MARK L & COWING, CLAUDIA

OLESEN, SHAWN D & PATRICIA A

POOL, JEFF P & DEBRA A MCELVEY

GEIST, AARON & BELINDA

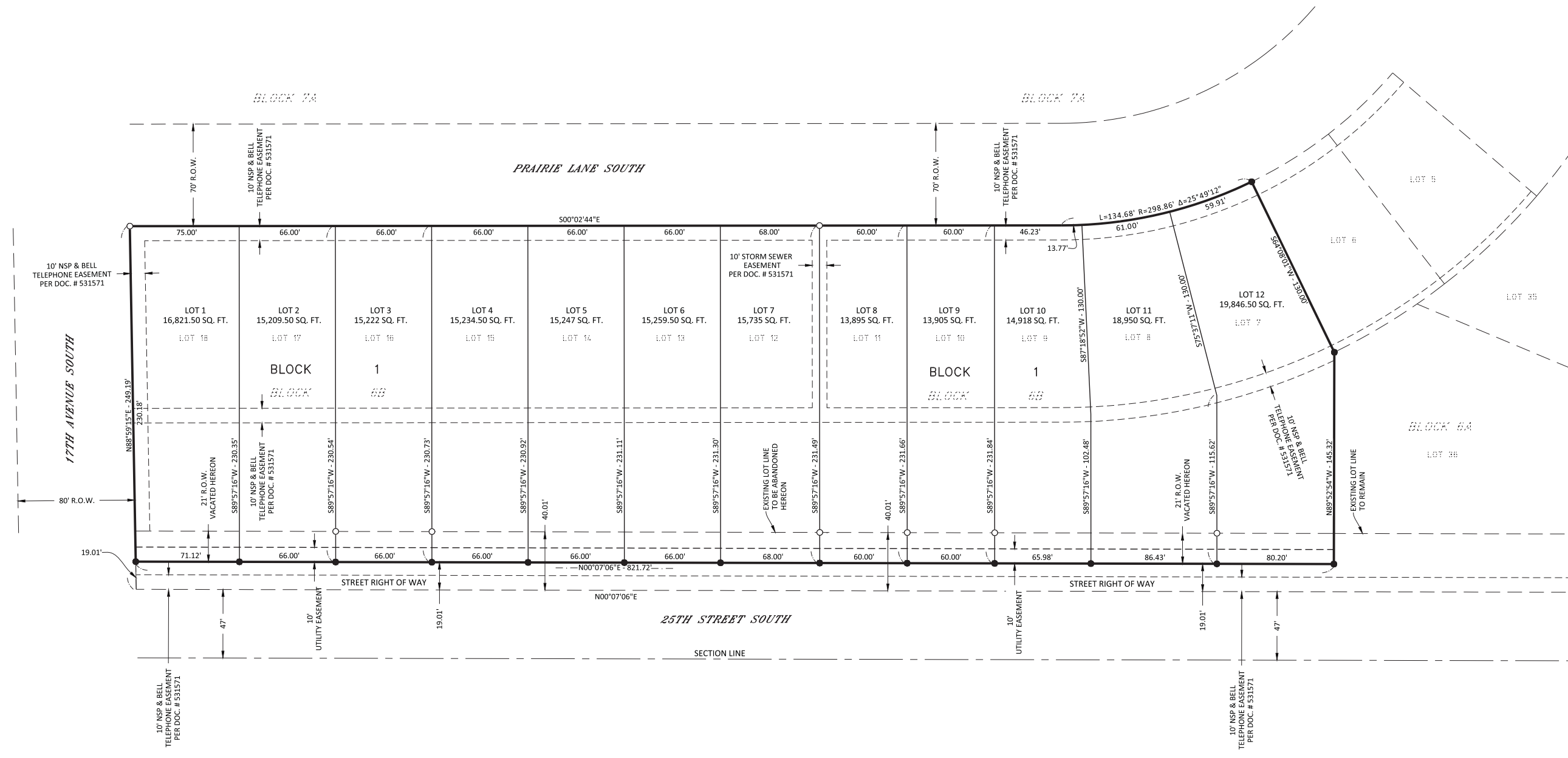
HELLER, DALE B & DEETTA M

SEIFFERT, GREGORY S & MARY E

KUNTZ, JOSHUA M & BREE A

# SOUTHVIEW VILLAGES SECOND ADDITION

A REPLAT OF LOTS 7-18, BLOCK 6B, OF A REPLAT OF LOTS 12-21, BLOCK 7, LOTS 1-16, BLOCK 6, AND LOTS 37-46, BLOCK 6A, SOUTHVIEW VILLAGES ADDITION. THE VACATION OF A PORTION OF 25TH STREET SOUTH RIGHT OF WAY. TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



**LEGEND**

- MONUMENT SET
- MONUMENT FOUND
- - - EXISTING EASEMENT
- - - EXISTING PROPERTY LINE
- - - EXISTING SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW PROPERTY LINE
- - - NEW EASEMENT LINE

**SURVEY INFORMATION**

BASIS OF BEARING: THE WEST LINE OF BLOCK 6B, SOUTHVIEW VILLAGES ADDITION ASSUMED TO BEAR  $N00^{\circ}07'06''E$

03/01/21 09:02:44AM C:\Users\kiewit\kempson\AppData\Local\Temp\Publsh\_13528\Southview Villages Second Addition.dwg







<b>City of Fargo Staff Report</b>			
<b>Title:</b>	L.J. Laffen Addition	<b>Date:</b>	3/31/2021
<b>Location:</b>	417 and 501 Main Avenue	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West to the City of Fargo, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	City of Fargo; Lake Agassiz Regional Development Corporation / JLG Architects—Matt Torgerson	<b>Engineer:</b>	Apex Engineering
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Plat of <b>L.J. Laffen Addition</b> , a plat of portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: April 6, 2021		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Commercial	<b>Land Use:</b> No change
<b>Zoning:</b> DMU, Downtown Mixed Use	<b>Zoning:</b> No change
Uses Allowed: DMU Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.	<b>Uses Allowed:</b> No Change
<b>Maximum Lot Coverage Allowed:</b> 100%	<b>Maximum Lot Coverage Allowed:</b> No change

**Proposal:**

The applicant requests one entitlement:

1. A major subdivision, entitled **L. J. Laffen Addition**, a plat of portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West to the City of Fargo, Cass County, North Dakota

This project is considered a major subdivision as an area of right of way in the southwest portion of the plat is being dedicated for Main Avenue.

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.

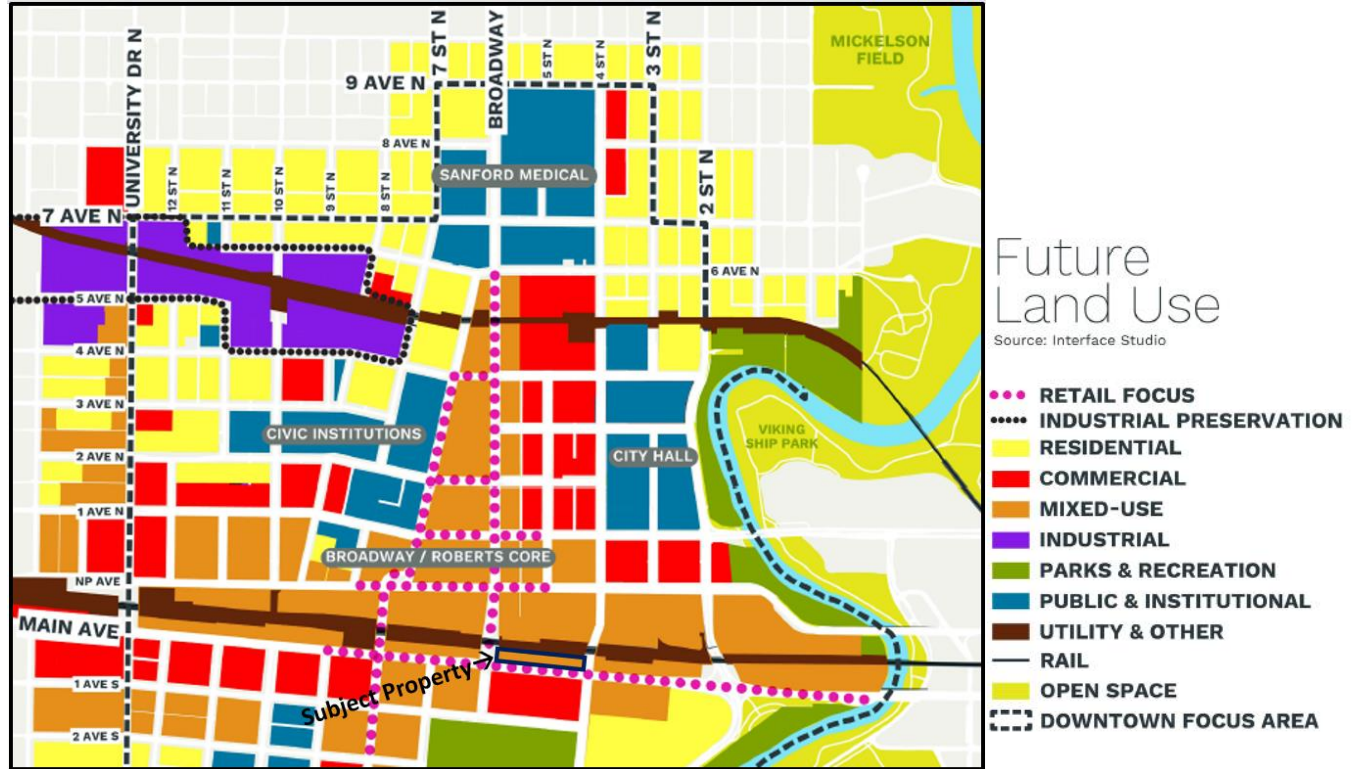
**Surrounding Land Uses and Zoning Districts:**

- North: DMU with railroad right of way
- East: DMU with Fargo Park District headquarters
- South: DMU with office uses and parking ramp
- West: DMU with office uses

(continued on next page)

## Area Plans:

The subject property is located within the Downtown In Focus plan. The future land use map of that plan identifies this area as intended for “Mixed Use” development. The property is zoned DMU, Downtown Mixed Use, which allows mixed-use development. No zone change is proposed.



## Schools and Parks:

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

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

**Parks:** Island Park, located at 502 1<sup>st</sup> Avenue South, is approximately 500 feet south of the subject property, and provides amenities of basketball court, tennis courts, handball, grills and picnic tables, playground, cross country ski trails, recreational trails, rentals and a swimming pool.

**Pedestrian / Bicycle:** Off-road multi-use trails are adjacent to the subject property along both Broadway and Main Street.

## Staff Analysis:

The plat will create two lots zoned DMU, Downtown Mixed Use. The lots will take access from Broadway, Main Avenue, and 4<sup>th</sup> Street North. The existing building owned by the Lake Agassiz Development Corporation will remain on Lot 2, Block 1. The applicant intends to build a new office building on Lot 1, Block 1.

## Major Subdivision

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

- 1. Section 20-0907 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 property is zoned DMU, Downtown Mixed Use. No zone change is proposed. The DMU zone will accommodate the proposed development of an office building. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no comment on the application. **(Criteria Satisfied)**

2. **Section 20-0907.4 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 zoned DMU, Downtown Mixed Use. No zone change is proposed. The DMU zone will accommodate the proposed development of an office building. The DMU zoning designation is consistent with the "Mixed Use" designation of the Downtown in Focus Plan. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.

**(Criteria Satisfied)**

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

As no new public improvements are being created by this plat, an amenities plan was not required. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **L. J. Laffen Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Downtown in Focus Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** April 6, 2021

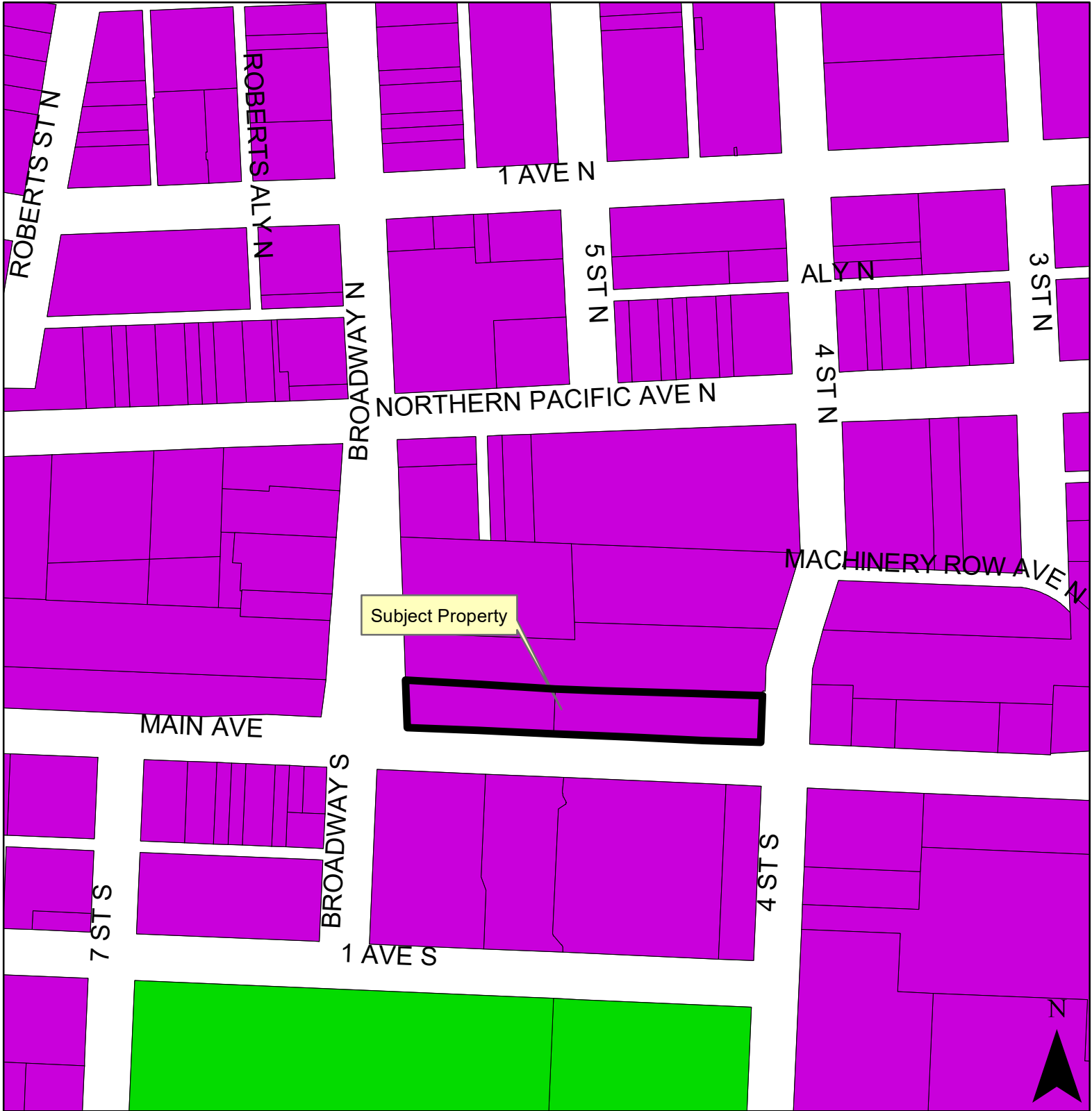
**Attachments:**

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

# Plat (Major)

## L. J. Laffen Addition

417 & 501 Main Ave





# Plat (Major)

## L. J. Laffen Addition

417 & 501 Main Ave



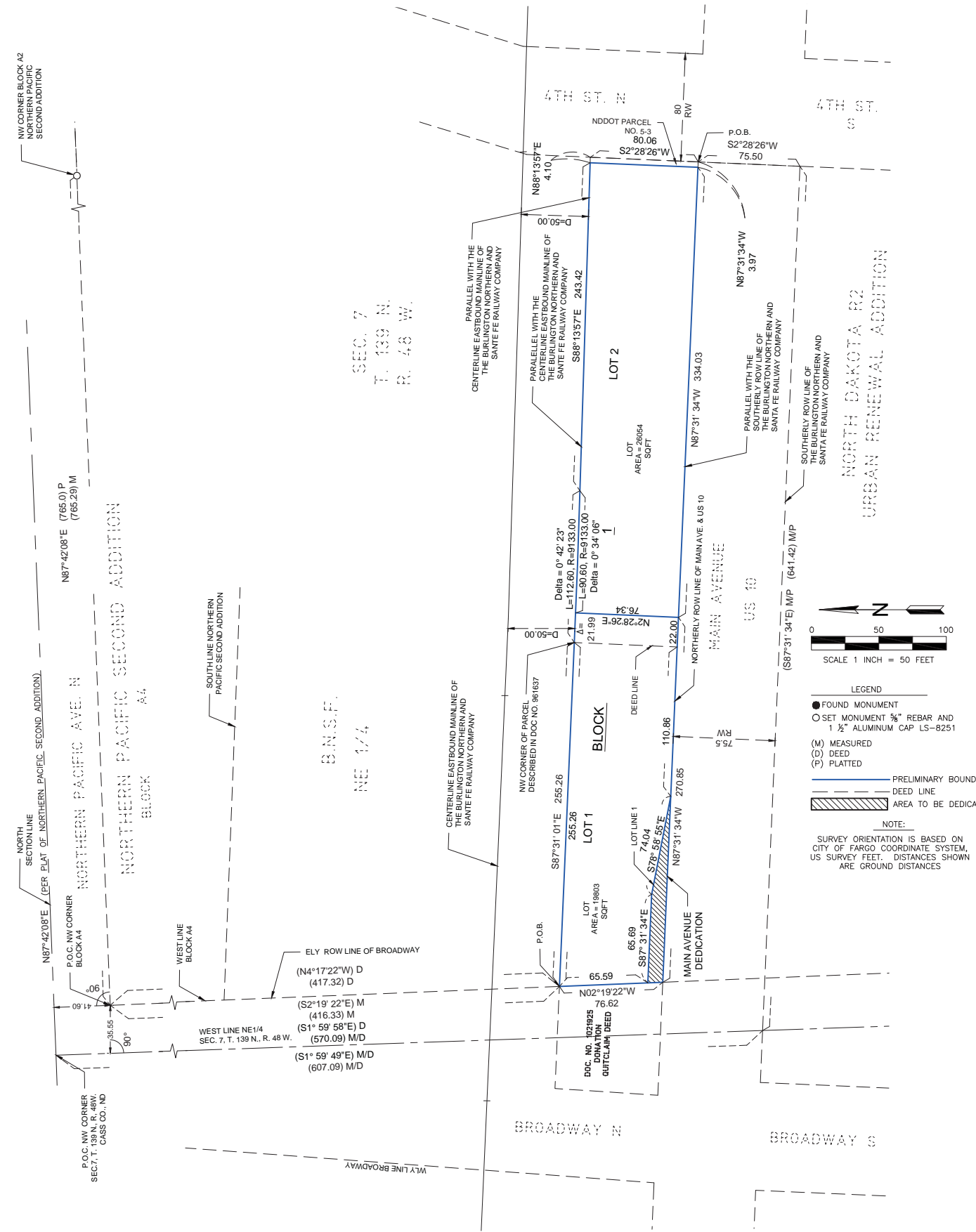


# L.J. LAFFEN ADDITION

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

### A TRACT OF UNPLATTED LAND LOCATED IN THE NORTHEAST QUARTER, SECTION 7, TOWNSHIP 139 NORTH, RANGE 48 WEST.

#### (A MAJOR SUBDIVISION)



**OWNERS DESCRIPTION AND DEDICATION**

That 501 Main Ave DevCorp, LLC, the undersigned, does hereby certify that we are the owners of the parcel of land described in Document Number \_\_\_\_\_ on file in the office of the County Recorder, Cass County, North Dakota, to wit:

A tract of unplatted land located in the NE 1/4 of Section 7, Township 139 North, Range 48 West of the 5<sup>th</sup> Principal Meridian, in the City of Fargo, Cass County, North Dakota described as follows:

Commencing at a found iron monument at the Northwest corner of the recorded plat Northern Pacific Second Addition; thence on an assumed bearing of South 04 degrees 17 minutes 22 seconds East, along the Easterly line of Broadway for a distance of 417.32 feet to the True Point of Beginning; thence South 89 degrees 38 minutes 42 seconds East 259.30 feet to the Northwest corner of that certain parcel of land described in Quitclaim Deed dated July 13, 2000 from the Burlington Northern and Santa Fe Railway Company to Lake Agassiz Regional Development Corporation; thence South 00 degrees 20 minutes 45 seconds West, along the Westerly boundary of said "Lake Agassiz" parcel 76.48 feet to a found iron monument on the North right of way line of Main Avenue; thence North 89 degrees 32 minutes 13 seconds West along said North right of way line of Main Avenue 253.14 feet to a point on the Easterly right of way line of Broadway; thence North 04 degrees 17 minutes 22 seconds West along said right of way line 76.25 feet to the True Point of Beginning.

AND

That Lake Agassiz Regional Development Corporation, the undersigned, does hereby certify that we are the owners of the parcel land described in Document Number 961637, on file in the office of the County Recorder, Cass County, North Dakota, to wit:

That part of the Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) right of way lying in the NE 1/4 of Section 7, Township 139 North, Range 48 West of the 5<sup>th</sup> P.M., Cass County, North Dakota, described as follows:

Commencing at the Northwest corner of said NE 1/4; thence South 01 degrees 59 minutes 49 seconds East along the West line of said NE 1/4 for a distance of 607.09 feet to a point on the South right of way line of said The Burlington Northern and Santa Fe Railway Company; thence South 87 degrees 31 minutes 34 seconds East along said South right of way line of said The Burlington Northern and Santa Fe Railway Company for a distance of 641.42 feet to a point on the West right of way line of Fourth Street South in the City of Fargo; thence North 02 degrees 28 minutes 26 seconds East along the West right of way line of said Fourth Street South, for a distance of 75.50 feet to the Point of Beginning; thence North 87 degrees 31 minutes 34 seconds West parallel to said South Railway right of way line for a distance 360.00 feet; thence North 02 degrees 28 minutes 26 seconds East parallel to the West right of way line of said Fourth Street South for a distance of 76.32 feet to a point on a line lying 50.00 feet South of and parallel to the centerline of the Eastbound Mainline Track of said The Burlington Northern and Santa Fe Railway Company; thence Southeasterly along a curve to the left (R=9,133.00 feet, Delta = 0 of 00 degrees 42 minutes 23 seconds) tangent to a bearing of South 87 degrees 31 minutes 34 seconds East and parallel to and 50.00 feet South of the centerline of said The Burlington Northern and Santa Fe Railway Company Eastbound Mainline Track for an arc distance of 112.60 feet; thence South 88 degrees 13 minutes 57 seconds East parallel to and 50.00 feet South of the centerline of said The Burlington Northern and Santa Fe Railway Company Eastbound Mainline Track for a distance of 247.42 feet to a point on the West right of way line of said Fourth Street South in the City of Fargo; thence South 02 degrees 28 minutes 26 seconds West along said West right of way line a distance of 80.06 feet to the Point of Beginning.

LESS THE FOLLOWING PARCEL OF LAND:

Parcel Number 5-3, North Dakota Department of Transportation Right of Way Plat, Project No. CPU-NHU-8-010(041)939 PC 21170, dated 8/21/2019.

A portion of the NE 1/4 of Section 7, Township 139 N., Range 48 W. of the 5<sup>th</sup> Principal Meridian, County of Cass, State of Dakota, described as follows and shown on plat 5 of 7:

Commencing at the N 1/4 corner of Section 7; thence southerly along the 1/4 line of Section 7, S 01 deg. 59 min. 58 sec. E a distance of 570.09 feet to a point on the survey centerline of US 10; thence easterly along the survey centerline of US 10, S 87 deg. 33 min. 11 sec. E a distance of 640.35 feet; thence N 02 deg. 26 min. 49 sec. E a distance of 37.75 feet to the point of beginning; thence N 02 deg. 23 min. 00 sec. a distance of 88.56 feet; thence S 88 deg. 07 min. 13 sec. E a distance of 4.06 feet; thence S 02 deg. 28 min. 30 sec. W along the existing westerly right of way of 4<sup>th</sup> Street South a distance of 88.60 feet; thence N 87 deg. 33 min. 11 sec. W along the existing northerly right of way of US 10 a distance of 3.92 feet to the point of beginning.

Said tract is shown on the right of way plat as 5-3 and contains 353 SF more or less, and is subject to existing easements or rights of way previously acquired.

We hereby dedicate the utility easements and the avenue to the use of the public as shown on said plat.

OWNER: Lot 1, Block 1  
501 Main Ave DevCorp, LLC

Sanford Hoff, President and Chief Executive Officer  
501 Main Ave DevCorp, LLC  
STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared Sanford Hoff, President and Chief Executive Officer for the 501 Main Ave DevCorp, LLC, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

AND

Jason Haagsen, Vice President and Chief Financial Officer  
501 Main Ave DevCorp, LLC  
STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared Jason Haagsen, Vice President and Chief Financial Officer for the 501 Main Ave DevCorp, LLC, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

MORTGAGEE: ????????????????

STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared XXXXXXXXXXXXXXXX, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

OWNER: Lot 2, Block 1  
Lake Agassiz Regional Development Corporation

Amber Metz, Executive Director  
STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared Amber Metz, Executive Director, Lake Agassiz Regional Development Corporation, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

MORTGAGEE: ????????????????

STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared XXXXXXXXXXXXXXXX, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Bruce W. Skipton, Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that the attached plat is a true and accurate representation of the survey of said subdivision and all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been correctly placed in the ground as shown.

Bruce W. Skipton, Professional Land Surveyor  
North Dakota License Number LS-8251

STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared Bruce W. Skipton, Professional Land Surveyor, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Notary Public

Brenda E. Derrig, PE, City Engineer

STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared Brenda E. Derrig, PE, City Engineer, City of Fargo, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Notary Public

John Gunkelman, Chair  
Fargo Planning Commission

STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared John Gunkelman, City of Fargo Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO CITY COMMISSION APPROVAL

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

Notary Public

Steven Sprague, City Auditor


STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public with and for said County and said State, personally appeared Timothy J. Mahoney, Mayor, City of Fargo and Steven Sprague, City Auditor, City of Fargo, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

## MEMORANDUM

**TO:** Fargo Planning Commission

**FROM:** Aaron Nelson, Planning Coordinator 

**DATE:** March 26, 2021

**SUBJECT:** Item 13: Approval & Adoption of the Fargo Core Neighborhoods Master Plan

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Over the past year, the City of Fargo has undertaken a neighborhood planning effort focusing on the key issues facing the City's oldest residential neighborhoods, which has culminated in the creation of the Fargo Core Neighborhoods Master Plan. This project was presented at a joint meeting of the City Commission, Planning Commission, and project steering committee on February 8, 2021, along with a draft of the plan document. Now, it is with great excitement that staff presents the attached Fargo Core Neighborhoods Master Plan for your final review and recommendation. At the April 6, 2021 meeting of the Planning Commission, staff will provide a brief project update and will be looking for the Planning Commission to hold a final public hearing on this item before rendering a recommendation to the City Commission regarding the adoption of the plan.

### Background:

The Board of City Commissioners initiated this project on July 1, 2019 and, shortly thereafter, hired the project consultant, *czb*, to lead the City through a collaborative planning process. Work began in early 2020 with the formation of four steering committees: an overarching project steering committee (consisting of City officials and representatives of partner organizations) and three neighborhood sub-area committees (consisting of residents and citizen stakeholders from each of the nine core neighborhoods). These committees together comprised over 70 individuals, with each committee convening six times throughout the development of the plan. Input from over 400 resident respondents to public survey and open house questions added additional voices to the mix and helped to supplement input gleaned from the steering committees and from the robust data analysis conducted by the project team. Through this process of discovery, analysis, and public discussion, several key issues were identified and explored before potential solutions were developed and honed.

Ultimately, the Core Neighborhoods Master Plan includes a comprehensive "toolkit" that is designed to tackle these complex neighborhood issues across multiple fronts, through various stakeholders, over many years. To this end, the Plan includes individual "Neighborhood Implementation Briefs," which are tailored to the unique conditions within each neighborhood and are geared towards implementation steps that can be taken at the neighborhood level.

Attached you will find a letter from the project consultant, project executive summary, and Parts 1-4 of the Core Neighborhoods Master Plan document. Part 5—the individual *Neighborhood Implementation Briefs*—can be found on the project website (<https://FargoND.gov/CoreNeighborhoodsPlan>) along with additional project information.

**Suggested Motion:** "...to recommend that the City Commission approve and adopt the Core Neighborhoods Master Plan, for the purpose of guiding City policy in relation to the core neighborhoods."

Attachments



January 29, 2021

To the Fargo community:

Throughout 2020, our team had the privilege of working with dozens of dedicated and thoughtful community volunteers and public servants on the development of the Core Neighborhoods Master Plan. Despite limited face-to-face interaction due to the pandemic, it was hard for us not to recognize distinct qualities that make Fargo special, including a humility that belies justifiable civic pride.

On our visits to Fargo's core, we saw much for the community to be proud of—from the exceedingly rare canopies of mature elm trees, to blocks of quaint historic homes, to the schools that anchor walkable neighborhoods, and scores of other assets that give Fargo's core character and authenticity. We also encountered a community that hasn't been complacent. Where mature elms are threatened, the City has a robust canopy replacement effort in place. Where too many other cities have neglected their downtowns, that has not been the case in Fargo. Investments in downtown public spaces, along Main Avenue, and in the attention to detail at the new City Hall are recent demonstrations of this pride; they communicated to us that Fargo is serious about investing in itself to ensure that it remains a place worth caring about, and a place that continues to be appealing to households and businesses that have options, well into the future.

That seriousness—that willingness to continually reinvest—is going to be tested. While we saw much that is impressive, we also documented significant levels of disinvestment in the urban core that, though not yet overwhelming, should be a cause for concern and action. One out of every six residential properties in Fargo's core neighborhoods now show visible signs of deferred maintenance, signs you can be sure the market prices into its determination of value. In addition, more than one out of three properties show signs of neither neglect nor active care, making them vulnerable to decline in the coming decade. That means that just over half of the 9,000 residential properties in Fargo's core are vulnerable to a loss of value right now. Unattended, that will categorically translate into a shrinking tax base, reduced demand, falling values, and a weakened ring around downtown and NDSU.

This twin reality—a history of reinvesting when needed amid a well-documented empirical threat—presents Fargo with an opportunity. When facing similar conditions in the past, countless American cities have opted to stay the course in their older neighborhoods despite the warning signs, doing nothing differently and hoping that troublesome trends might reverse on their own. Rarely has this worked, putting communities in a position one or two decades down the line where problems have worsened, interventions have become more onerous and expensive, and their capacity to intervene and shape their own future has diminished.

Des Moines, a community we worked in recently, waited 20 years too long to change gears and actually grapple with long-observed trends in its older neighborhoods. It has now committed to a \$50 million process of revitalizing four older neighborhoods over the next 10 years. But in doing so, it had to decide not to intervene in many other neighborhoods that would be far more expensive to revitalize due to their slippage. Des Moines' \$50 million problem today was curable at a fraction of that cost 20 years ago.

Conditions in Fargo do not yet require such difficult trade-offs. But they do require a trade-off to avoid following a similar path: act now or act later.

If the Fargo community acts now, it can do so from a position of strength. Despite the signs of disinvestment, more than 40% of homes in the core show signs of active maintenance and pride of ownership, schools are primarily regarded as neighborhood assets, and several areas of the core compete well with other neighborhoods in the Fargo-Moorhead region. This is why, more than anything else, the Core Neighborhoods Toolkit in the

**czbLLC**

**2001 Mount Vernon Avenue  
Alexandria, VA 22301  
703-548-3708**

**Charles Buki, President  
cbuki@czb.org**





master plan is a blueprint for preventive maintenance—making strategic, cost-effective interventions that are akin to changing the oil regularly in a car to avoid costlier repairs in the future.

Taking on more active forms of preventive maintenance must be a community-wide commitment and one that primarily leans on, and leverages the investment decisions of, thousands of private property owners. It will take the form of property owners catching up on deferred maintenance because they have the confidence that doing so makes financial sense and that others on their block are doing the same and raising standards. It will also take the form of property owners keeping up with improvements and updates to older homes so that they remain marketable—and likely to attract good buyers—well into the future.

The City's role—and the roles of other public and non-profit agencies—will be to cultivate the confidence of property owners by keeping public infrastructure in good shape, investing in amenities that make neighborhoods livable and desirable, taking action when a declining property threatens to dampen the confidence and quality of life of neighbors, offering help when a resident is financially unable to make basic repairs, and being a good partner when neighbors work together to manage and improve their blocks. Now is the time to protect the legacy strengths of Fargo's core and, in the process, leverage the presence of NDSU and downtown.

Fargo is fully capable of doing the work necessary to make its core neighborhoods healthier and stronger, and to avoid the pitfalls of inaction. That is evident in the City's decision to develop a big-picture, core-wide plan instead of creating a patchwork of plans over a period of years that would be easy to lose track of. And it is evident in decades of work to remake downtown Fargo into a more vibrant and attractive place—work that required the right combination of private and public sector investment.

But fully implementing the Core Neighborhoods Master Plan over the next decade will also require a degree of focus, risk-tolerance, collaboration, patience, and long-term thinking that is rare in most communities—including Fargo. This is also an opportunity: implementing the plan will require Fargo to stretch itself on each of these fronts and build civic muscles that can be used in other ways to achieve other goals.

2020 was a challenging year, but also one for reassessing what's important and taking a long-term perspective on where Fargo has been and where it is going. As a product of that tumultuous year, the Core Neighborhoods Master Plan offers Fargo an opportunity to think and act differently about strengthening the neighborhoods that define its history and that, with careful and active stewardship, will help define a future that Fargoans will be proud of.

Sincerely,  
czbLLC

**czbLLC**  
**2001 Mount Vernon Avenue**  
**Alexandria, VA 22301**  
**703-548-3708**

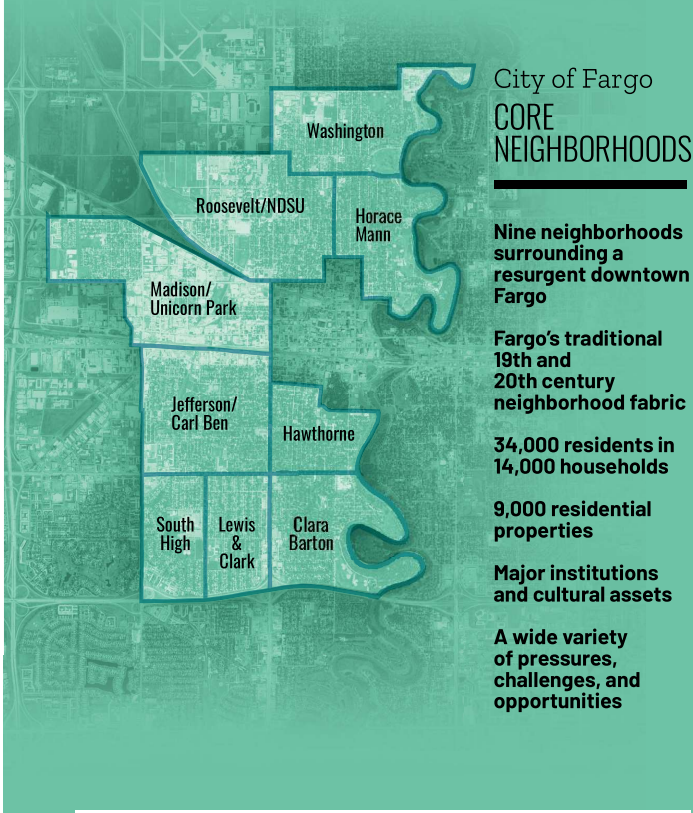
**Charles Buki, President**  
**cbuki@czb.org**

# EXECUTIVE SUMMARY

City of Fargo

# CORE NEIGHBORHOODS

Master Plan



JANUARY 2021

THE CITY OF  
**Fargo**  
FAR MORE

PREPARED BY

czb

## What is the Core Neighborhoods Master Plan?

Fargo's core neighborhoods are a vital part of the city's past, present, and future. As Fargo's original neighborhoods, they house many of its most important assets and offer a wide range of residential and economic opportunities to a growing and increasingly diverse region.

Appreciation of the roles that these neighborhoods play in the life of Fargo—and the issues that inevitably affect neighborhoods as they age and evolve—is the impetus for this plan. In the wake of the Downtown InFocus plan from 2018 and the earlier Go2030 Comprehensive Plan, the need for renewed and focused attention to the core neighborhoods has become broadly recognized.

Rather than a piecemeal approach to planning for the future of the core neighborhoods, a process was designed for residents and other stakeholders to come together and create a unified plan for the core that also responds to the opportunities and challenges in each neighborhood.

**The result is a Core Neighborhoods Master Plan that achieves both a core-wide perspective for long-term policymaking and a neighborhood-level focus on desired outcomes and implementation.**

## Who was involved in developing the plan?

The Core Neighborhoods Master Plan was shaped by the contributions of over 80 community volunteers who served on four project committees in 2020. Through an online survey and a month-long virtual open house to accommodate COVID-19 public health protocols, more than 400 other core neighborhood residents provided feedback on issues, assets, and potential actions to pursue in their neighborhoods.



The Core Neighborhoods Master Plan is organized into **five interconnected parts to guide decision-making and action** by the City of Fargo, resident leaders, and a variety of other stakeholders from individual neighborhoods up to the regional and state levels.

Broad commonalities across Fargo’s core—revealed throughout the planning process—resulted in a plan that offers a unified approach to decision-making and strategy development throughout the core. This is evident in the issues described in Part 1, in the neighborhood planning concepts covered in Part 2, and in the shared vision—driven by a set of common values and planning principles—presented in Part 3. All of these pieces are echoed in the blueprint for a core-wide toolkit of policies and programs in Part 4.

Successfully implementing the toolkit, however, will require respect for the distinct characteristics and goals of each of the core neighborhoods. Part 5 features implementation briefs for each neighborhood that call attention to these distinctions and how they can be used to inform implementation efforts.

## PART 1



## Key Issues, Conditions, and Trends

Four issues are singled out as priorities in Part 1 due to their currency, at some level, throughout the core neighborhoods. Of those four issues, the two that were voiced most frequently are directly related to the condition, maintenance, marketability, and impact of the core’s aging housing stock.



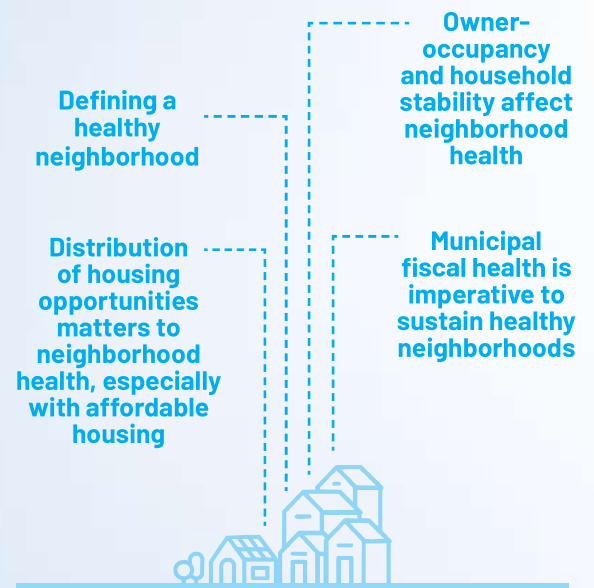
## PART 2



## Critical Concepts for Neighborhood Planning in Fargo

Fargo’s core neighborhoods feature residential areas developed late in the 19th century when the city was in its infancy, areas developed during the height of the postwar Baby Boom, and everything in between. There are also areas where new construction is a prominent part of the landscape.

This level of variety, and the life cycles of homes and social fabric that go with it, are part and parcel of having neighborhoods that have been around for generations. For a relatively young city like Fargo—where most people now live in much newer neighborhoods outside the core—this requires recognition and application of planning concepts that are especially relevant for aging neighborhoods.



## PART 3



## Vision, Values, and Planning Principles

On what basis should decisions on a wide range of issues be made? And how can those decisions be made in a manner that cumulatively moves Fargo and its core neighborhoods in their desired direction?

The values and planning principles in Part 3 provide a basic and flexible framework for evaluating opportunities and options—foreseeable and unforeseeable—that are likely to have either a direct or indirect impact on the health and vitality of core neighborhoods. Importantly, this framework makes it clear that many decisions that impact the core in some manner are often not recognizable at first blush as relevant to the core.



### VALUES

Character  
Sustainability  
Inclusion



### PLANNING PRINCIPLES

Housing is balanced, diverse, and contributes to neighborhood character

Neighborhoods are amenity-rich

Settlement patterns do not inhibit economic mobility

Growth pays for itself (including negative externalities)

## PART 4



## Core Neighborhoods Toolkit

### 1 Development Regulation and Incentive Tools



### 2 Neighborhood Leadership & Engagement Tools



### 3 Housing Reinvestment Tools



### 4 Public Infrastructure Investment Tools



### 5 Public Health & Safety Tools



Owing to the range of issues that affect the healthy and vitality of Fargo's core neighborhoods, a comprehensive toolkit will be needed to adequately address the opportunities and challenges facing the core.

The five components of the toolkit in Part 4 acknowledge current practices around each set of tools and recommend changes or additions to those practices. Rather than treating the toolkit as an a la carte menu, it will be critical to view them as parts that reinforce each other. In other words, deriving the full impact of one set of tools will not be possible without the others.

## PART 5



## Neighborhood Implementation Briefs

Assets  
Issues  
Conditions  
Vision  
Outcomes  
Implementation Guidance

While there is much that each of the core neighborhoods have in common, there are significant differences that can and should be reflected by how decisions are made and how tools identified in Part 4 are applied.

The implementation briefs for each neighborhood describe the characteristics and trends that shape life in each neighborhood, the vision that residents have for their neighborhoods, and guidance for implementing the toolkit in a manner that responds to local conditions.





# Essential Takeaways

The Core Neighborhoods Master Plan provides detailed findings on a number of issues and provides broad direction of decision-making and the implementation of a specific set of tools. When boiled down to its essence, however, four essential points are critical for understanding what the core neighborhoods need and how to approach the work in coming years.

**Preventive maintenance—to avoid more serious and widespread problems in 10 or 15 years—is what Fargo’s core neighborhoods need in the 2020s**

Blight is not widespread or overwhelming in the core neighborhoods today, but it is likely to become a bigger issue over time without careful intervention. While the housing market in the core is now generally strong, it would be a mistake to not induce property owners to catch-up on deferred maintenance costs while they can do so for pennies on the long-term dollar.

**The Core Neighborhoods Master Plan provides an approach to preventive maintenance to make sure that smart, and quite modest, investments in the near term save the community from having to make far costlier interventions in the future.**

**A comprehensive set of tools—not an isolated policy or two—will be needed to address the issues and opportunities that exist in the core neighborhoods**

Neighborhoods, especially older ones, are complicated and influenced by a wide range of social, economic, and environmental factors. Such factors are rarely within the sole discretion of any single neighborhood or any single public agency to manage.

**The Core Neighborhoods Master Plan includes a toolkit for the core that covers land use policy, resident engagement, housing reinvestment, public infrastructure, and enforcement of basic health and safety codes. It also provides a set of values and planning principles to serve as a flexible decision-making framework.**

**A citywide—and even regional—perspective is needed to achieve core neighborhood goals and sustain broad public support for policies and investments**

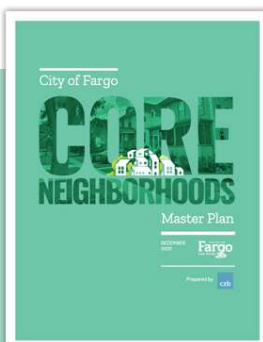
The core neighborhoods contribute much to the city and the Fargo-Moorhead region in terms of the desirability and diversity of the housing stock and the institutional, cultural, and recreational assets located there. The relative age of their housing also means they contain a vital repository of the city’s less costly housing.

**The Core Neighborhoods Master Plan identifies investments in housing, regulatory systems, and infrastructure that make good long-term fiscal and strategic sense to the City of Fargo. It also identifies opportunities to rethink how growth occurs within and beyond the core, how affordable housing opportunities are distributed, and how to balance preservation and redevelopment in order to keep core neighborhoods and their housing markets vibrant and competitive.**

**Patience, risk tolerance, and collaboration are required for success to be achieved and sustained**

While the task at hand for Fargo is preventive maintenance in its core neighborhoods, changes to current practices are needed and this is never easy or quick work. A tolerance for trying new and bold approaches to longstanding issues, and giving those approaches the time and space to be tested, will be required of City leaders, residents, and everyone else involved.

**The Core Neighborhoods Master Plan is designed to be implemented over the course of a decade and will rely on high levels of coordination, ingenuity, and trust to work. It recommends specific tools but leaves many details up to those doing the work to collectively design, test, and adapt those tools as needed.**



## Learn more

The Core Neighborhoods Master Plan is available online by visiting the City of Fargo’s website at the link below. The Master Plan achieves both a core-wide vantage point and a localized focus on implementation, building upon the Downtown InFocus Plan and the Go2030 Comprehensive Plan.

<https://fargond.gov/CoreNeighborhoodsPlan>

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City of Fargo



CORE  
NEIGHBORHOODS

Master Plan

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JANUARY  
2021



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Prepared by czbLLC



**Prepared for  
City of Fargo**

**Consultants**  
czbLLC with Fall Creek Consultants

**With thanks to  
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**Data Collectors for Field Survey of  
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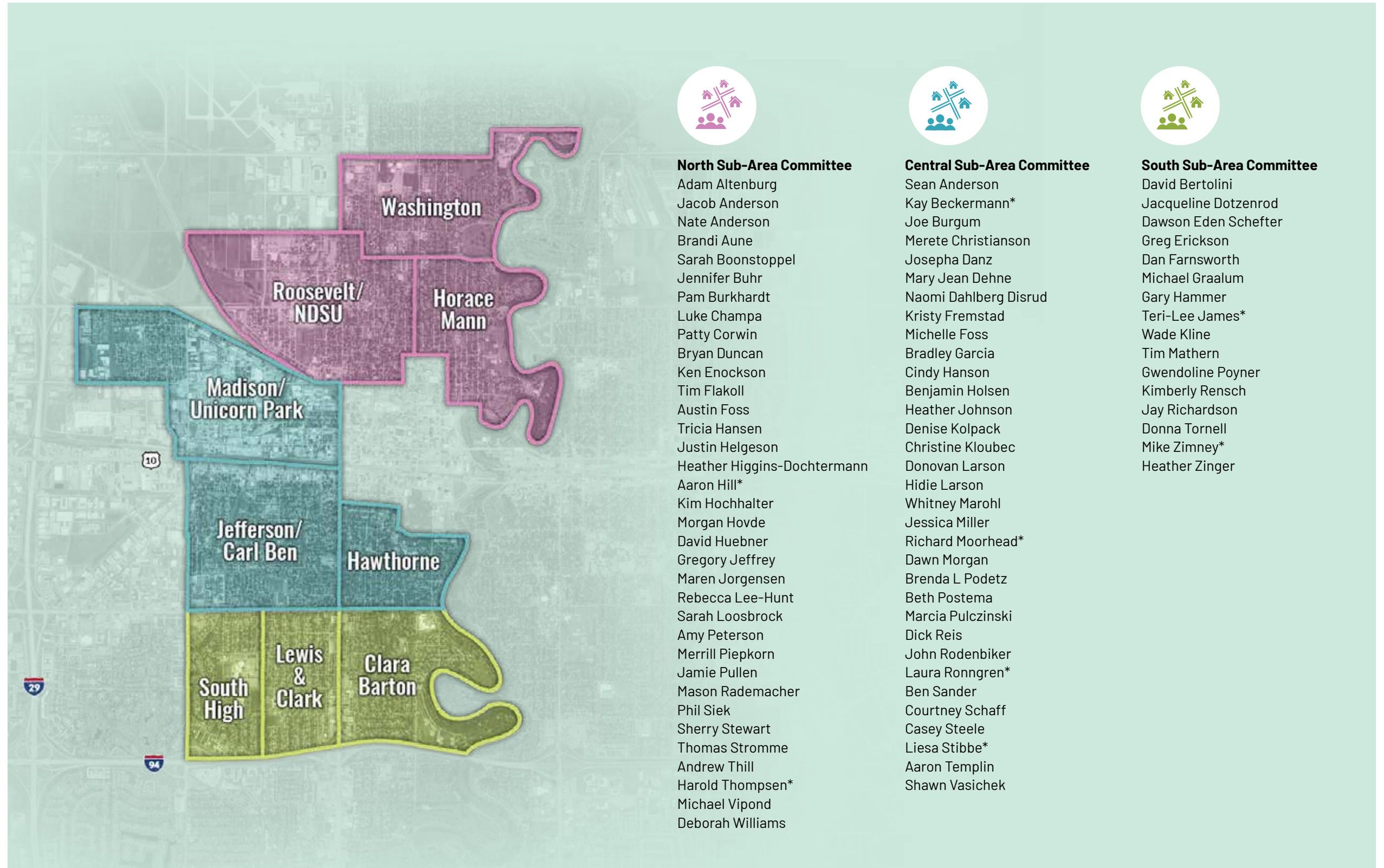
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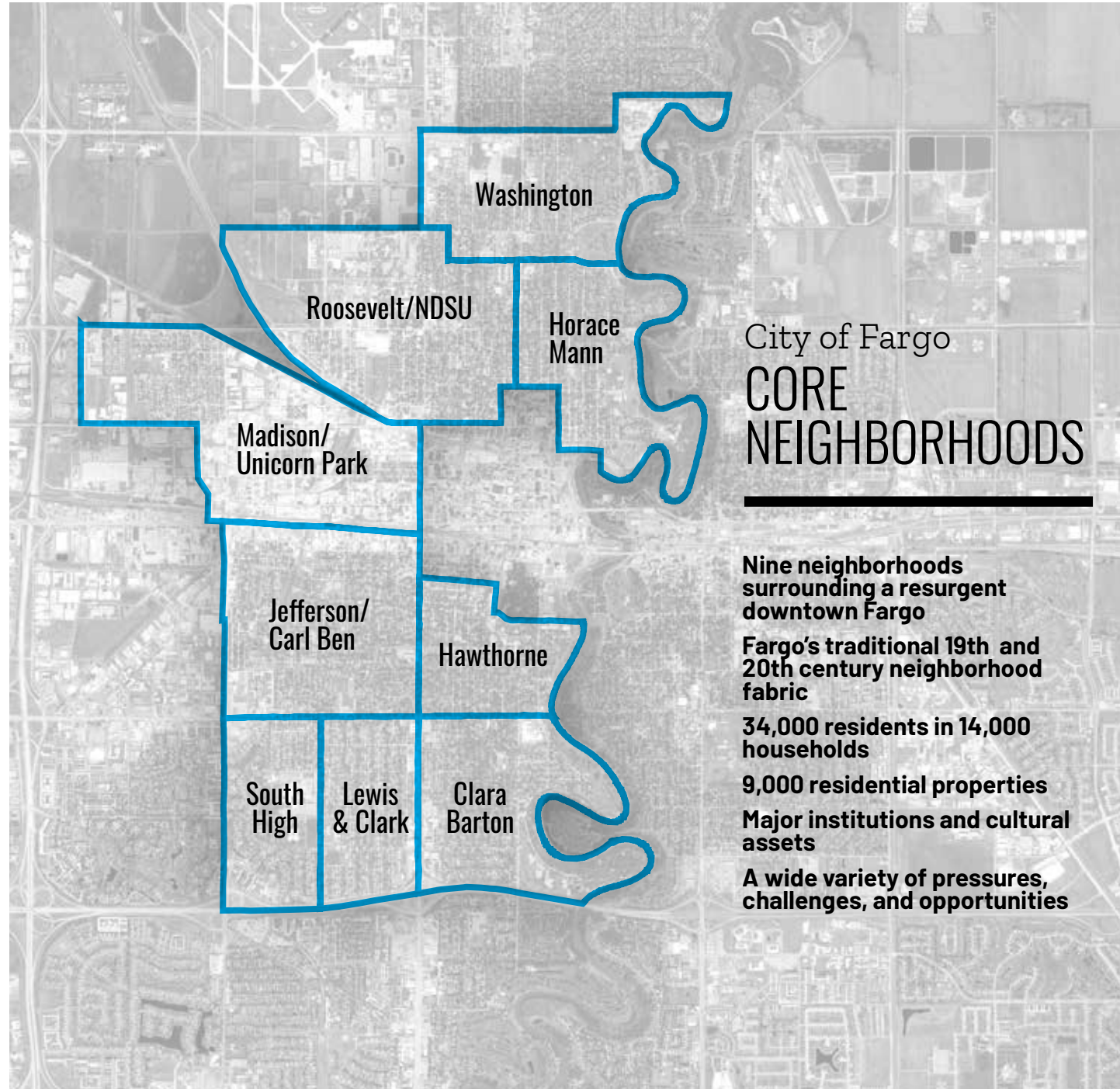


**Table of Contents**

3	Introduction
14	<b>PART 1</b> Key Issues, Conditions, and Trends
30	<b>PART 2</b> Critical Concepts for Neighborhood Planning in Fargo
36	<b>PART 3</b> Vision, Values, and Planning Principles for the Core Neighborhoods
40	<b>PART 4</b> Core Neighborhoods Toolkit
66	<b>PART 5</b> Neighborhood Implementation Briefs
68	Clara Barton
82	Hawthorne
96	Horace Mann
110	Jefferson/Carl Ben
124	Lewis & Clark
138	Madison/Unicorn Park
152	Roosevelt
166	South High
180	Washington



# INTRODUCTION



## City of Fargo CORE NEIGHBORHOODS

**Nine neighborhoods surrounding a resurgent downtown Fargo**

**Fargo's traditional 19th and 20th century neighborhood fabric**

**34,000 residents in 14,000 households**

**9,000 residential properties**

**Major institutions and cultural assets**

**A wide variety of pressures, challenges, and opportunities**

**Fargo's core neighborhoods embody the story of Fargo's first century. From blocks of late-Victorian houses and commercial buildings that spilled over from a bustling urban center (today's downtown), to streets of bungalows, Colonials, Tudors, and small apartment buildings from the 1910s and 1920s, to tracts of postwar ranches and multi-family complexes, the core neighborhoods trace Fargo's growth from a frontier river and railway town to a small but vibrant Great Plains metropolis.**

The neighborhoods also reflect a history of community-building in Fargo. A commitment to public education is seen in the number and quality of neighborhood schools and the role of North Dakota State University as a cultural and economic anchor. Stewardship of the urban forest and the valuing of public space is evident on every tree-lined street. And a commitment to making public parks a centerpiece of Fargo's civic life and quality of life is made clear by historic parks such as Island and Oak Grove, along with numerous neighborhood parks and playgrounds.

The legacy of Fargo's core neighborhoods is an important part of their present and a critical part of their—and the entire city's—future. At a time when most Fargo residents now live outside of the core neighborhoods, there is growing recognition of their value to the Fargo-Moorhead region as places of character, durability, livability, vitality, and opportunity that contribute in significant ways to the region's economic competitiveness, image, and sustainability.

## What is the Core Neighborhoods Master Plan, and why was it developed?

Appreciation of the role that the core neighborhoods collectively play in the life of Fargo is the impetus for this Core Neighborhoods Master Plan. In the wake of the Downtown InFocus plan (completed in 2018) and the earlier Go2030 comprehensive plan, the need for renewed and focused attention to issues in core neighborhoods was broadly recognized given the wide range of concerns that were surfacing on a regular basis—from residential and commercial blight, to school enrollment levels, to the design of infill development, to pedestrian safety, and everything in between.



Rather than a piecemeal approach to core neighborhood planning that would create one plan at a time for each neighborhood over a period of years, a more holistic approach was chosen. A process was designed whereby the nine neighborhoods in Fargo's core—encompassing an area with over 30,000 residents, 9,000 residential properties, and most of Fargo's major institutions and cultural assets—would come together to create a unified master plan for the core while simultaneously developing or updating neighborhood-level visions, outcomes, and implementation steps.

The result is a Core Neighborhoods Master Plan that achieves both a core-wide vantage point—helpful for identifying common issues and conditions and devising collaborative interventions—and a localized focus on implementation.



# Essential Takeaways

This Core Neighborhoods Master Plan provides detailed findings on a number of issues that were identified through stakeholder outreach and data analysis during the planning process. When boiled down, these findings become four essential takeaways that summarize what needs to be accomplished in Fargo’s core neighborhoods as well as how to approach and manage the work.

## Preventive maintenance—to avoid more serious and widespread problems in 10 or 15 years—is what Fargo’s core neighborhoods need in the 2020s

Blight is not widespread or overwhelming in the core neighborhoods today, but it is likely to become a bigger issue over time without careful intervention. While the housing market in the core is now generally strong, it would be a mistake to not induce property owners to catch-up on deferred maintenance costs while they can do so for pennies on the long-term dollar.

Fargo is in an enviable position to invest resources it possesses into disciplined preventive maintenance activities over the next decade. If it can do this, strong blocks can be kept strong, stable blocks can become stronger, and struggling blocks can receive the attention they need.

## A comprehensive set of tools—not an isolated policy or two—will be needed to address the issues and opportunities that exist in the core neighborhoods

Neighborhoods, especially older ones, are complicated and influenced by a wide range of social, economic, and environmental factors. Such factors are rarely within the sole discretion of any single neighborhood or any single public agency to manage.

Consequently, multiple well-integrated policy tools are needed to ensure that neighborhood health is maintained and advanced.

## A citywide—and even regional—perspective is needed to achieve core neighborhood goals and sustain broad public support for policies and investments

The core neighborhoods contribute much to the city and the Fargo-Moorhead region in terms of the desirability and diversity of the housing stock and the institutional, cultural, and recreational assets located there. The relative age of their housing also means they contain a vital repository of the city’s less costly housing.

A strong core, in other words, puts the entire region in a stronger position to meet the needs of current residents and compete for new residents and business activity well into the future.

## Patience, risk tolerance, and collaboration are required for success to be achieved and sustained

While the task at hand for Fargo is preventive maintenance in its core neighborhoods, changes to current practices are needed and this is never easy or quick work. A tolerance for trying new and bold approaches to longstanding issues, and giving those approaches the time and space to be tested, will be required of City leaders, residents, and everyone else involved.

That will mean neighbors putting themselves out there as leaders on a regular basis to build more engaged and resilient neighborhoods. It will mean City leaders making decisions consistent with neighborhood goals year after year to create more predictability and confidence. It will mean staff working inter-departmentally routinely to address complex issues in need of a range of expertise and capacities. And it will mean overcoming a tendency to underinvest—disguised as civic and household frugality—when doing so has costly long-term consequences.



The Core Neighborhoods Master Plan provides an approach to preventive maintenance to make sure that smart, and quite modest, investments in the near term save the community from having to make far costlier interventions in the future.

The Core Neighborhoods Master Plan includes a toolkit for the core that covers land use policy, resident engagement, housing reinvestment, public infrastructure, and enforcement of basic health and safety codes. It also provides a set of values and planning principles to serve as a flexible decision-making framework.

The Core Neighborhoods Master Plan identifies investments in housing, regulatory systems, and infrastructure that make good long-term fiscal and strategic sense to the City of Fargo. It also identifies opportunities to rethink how growth occurs within and beyond the core, how affordable housing opportunities are distributed, and how to balance preservation and redevelopment in order to keep core neighborhoods and their housing markets vibrant and competitive.

The Core Neighborhoods Master Plan is designed to be implemented over the course of a decade and will rely on high levels of coordination, ingenuity, and trust to work. It recommends specific tools but leaves many details up to those doing the work to collectively design, test, and adapt those tools as needed.

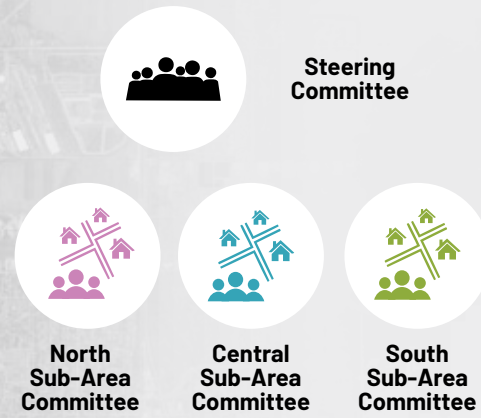
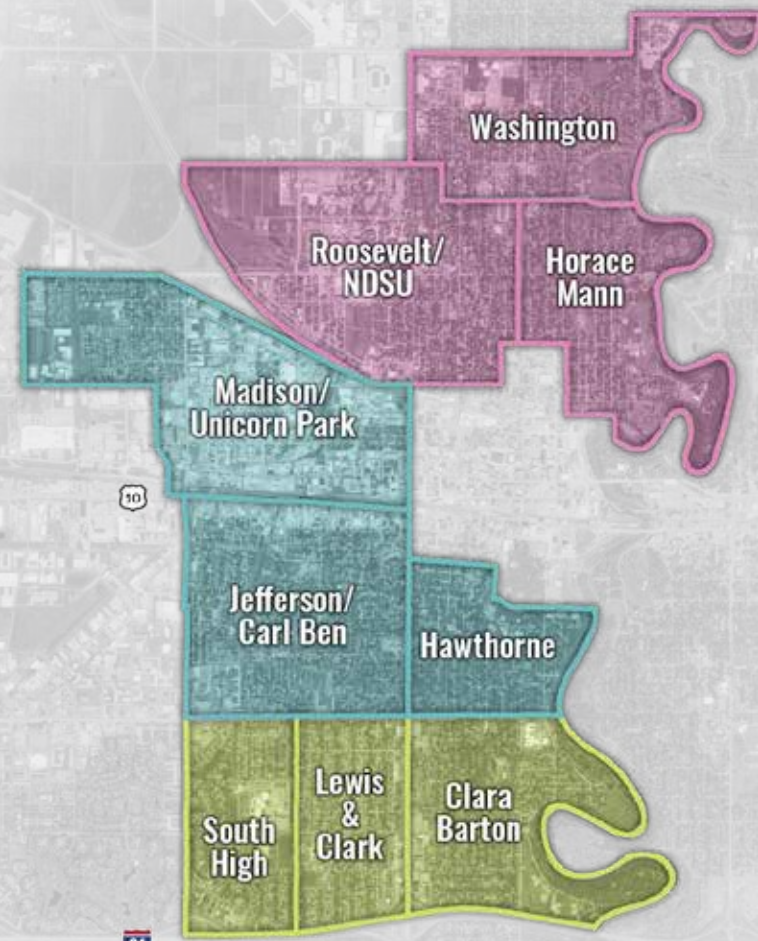
# Process Overview



## City of Fargo CORE NEIGHBORHOODS MASTER PLAN

Development of the Core Neighborhoods Master Plan took place over three phases during 2020 and was coordinated by the City of Fargo’s Department of Planning & Development and its consultant, czb. At the heart of the project, however, were four committees with over 80 community volunteers.

The Project Steering Committee provided a citywide perspective to the project while three ‘Sub-Area’ committees—each comprised of three neighborhoods—provided more localized guidance. Sub-Area volunteers joined their committees through an open recruitment process at the beginning of 2020.



The voices of committee volunteers were supplemented by an online survey in April and an online open house in September that collectively added the perspectives of another 400 individuals to the project.



### PHASE 1 Issue Identification and Data Analysis

Committee volunteers identified what was “working” and “not working” in their neighborhoods, as well as outcomes to achieve.

An online survey in April revealed selling points, turn-offs, and priority problems to solve in each neighborhood.

Committee volunteers and NDSU students contributed to a field survey of residential property conditions throughout the core.

Data relating to demographics, household types, housing types, home sales, residential investment patterns, levels of maintenance, and other conditions were compiled into a Neighborhood and Housing Market Analysis of the core neighborhoods to inform the planning process.

### PHASE 2 Vision Identification and Toolkit Development

Findings on key issues and trends from Phase 1 were used to draft and refine a core neighborhoods toolkit of responsive policies and programs.

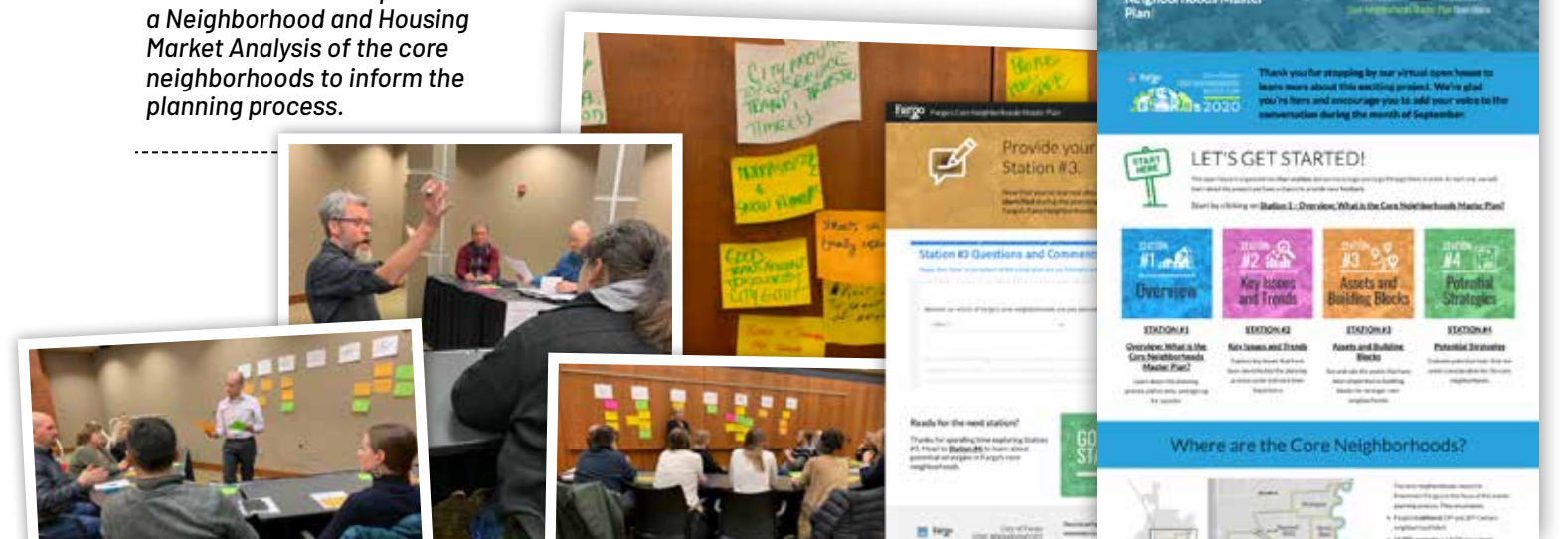
Through neighborhood branding exercises, committee volunteers identified core neighborhood attributes and target markets that were distilled into brand/vision statements for each neighborhood.

An online open house in September—an accommodation to the COVID 19 pandemic—communicated key issues, assets, and preliminary tools to the public for review and feedback.

### PHASE 3 Plan Development

All components and findings of the planning process were pulled together into a short preview document for committee review in October.

A draft plan was prepared for committee volunteers to review in November, followed by finalization and stakeholder presentations in December.





# How to use this plan

While understanding the nature and impact of localized issues was a priority of the Core Neighborhoods Master Plan, the core-wide vantage point provided an opportunity to understand the connections between conditions at the block level and systems at citywide and regional levels—including policy systems, markets, public and private decision-making, and other influences that ultimately impact every block in Fargo in some way.

A few decaying homes on one block, for example, do not represent root problems on their own. Instead, they are symptoms of wider forces that influence investments in homes, socioeconomic patterns, school enrollments, levels of neighbor-to-neighbor engagement, the City's capacity to maintain infrastructure, and other factors that all combine to shape a neighborhood's health and resilience.

This document is structured in a way to identify or clarify linkages between issues, trends, policies, strategies, and desired outcomes—and to provide a framework for consistently making decisions that have the future health of core neighborhoods in mind.

## PART 1

Part 1 identifies and explores what is known about issues that emerged during the planning process. Almost every issue was raised in multiple neighborhoods and is connected in some way to every other issue.

### Who does this aim to help?

All neighborhood stakeholders and City officials can use Part 1 to better understand the nature and distribution of the most important issues in Fargo's core.

## Key Issues, Conditions, and Trends



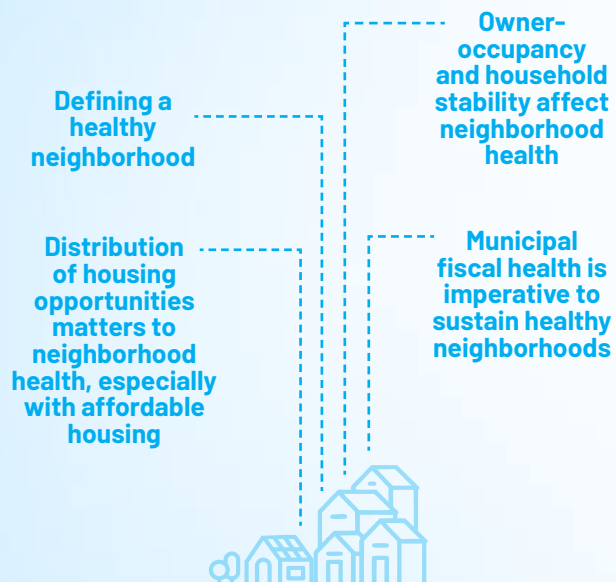
## PART 2

Part 2 presents four critical concepts for neighborhood planning in Fargo that influence many of the issues described in Part 1 and have a bearing on the ability of neighbors and the City to address existing and future challenges.

### Who does this aim to help?

The concepts in Part 2 are especially relevant to elected and appointed officials in the City of Fargo, planners, neighborhood leaders, and agencies that work in the core.

## Critical Concepts for Neighborhood Planning in Fargo



## PART 3

## Vision, Values, and Planning Principles

Part 3 presents a core-wide vision drawn from common themes in the visions and desired outcomes of each neighborhood. That overall vision speaks to a set of shared values which, when combined with concepts from Part 2, can be translated into planning principles to guide decision-making.

### Who does this aim to help?

Content in Part 3 can be used by any individuals or groups who make decisions that affect core neighborhoods and who want to have a way of aligning their decisions with this Core Neighborhoods Master Plan.

### VALUES

Character Sustainability Inclusion

### PLANNING PRINCIPLES

Housing is balanced, diverse, and contributes to neighborhood character

Neighborhoods are amenity-rich

Settlement patterns do not inhibit economic mobility

Growth pays for itself (including negative externalities)

## PART 4

## Core Neighborhoods Toolkit

1 Development Regulation and Incentive Tools

2 Neighborhood Leadership & Engagement Tools

3 Housing Reinvestment Tools

4 Public Infrastructure Investment Tools

5 Public Health & Safety Tools

Part 4 presents five components of a toolkit for Fargo's core neighborhoods. Together, they represent a comprehensive set of interventions for addressing key issues from Part 1 while applying planning principles informed by critical concepts for neighborhood planning.

### Who does this aim to help?

The toolkit components offer guidance to elected officials, department heads, and other staff who will be closely involved in refining or reengineering systems to achieve core neighborhood outcomes.

## PART 5

## Neighborhood Implementation Briefs

Assets  
Issues  
Conditions  
Vision  
Outcomes  
Implementation Guidance

Part 5 includes an implementation brief for each core neighborhood. Each brief focuses on local conditions, defines a vision to aim for and outcomes to achieve, and provides guidance for implementing Part 4 tools at the neighborhood level.

### Who does this aim to help?

The implementation briefs are useful to neighborhood residents and leaders who want to know how to play their important role in plan implementation. They also provide critical local context for elected officials and staff at agencies closely involved with implementation.



PART 1



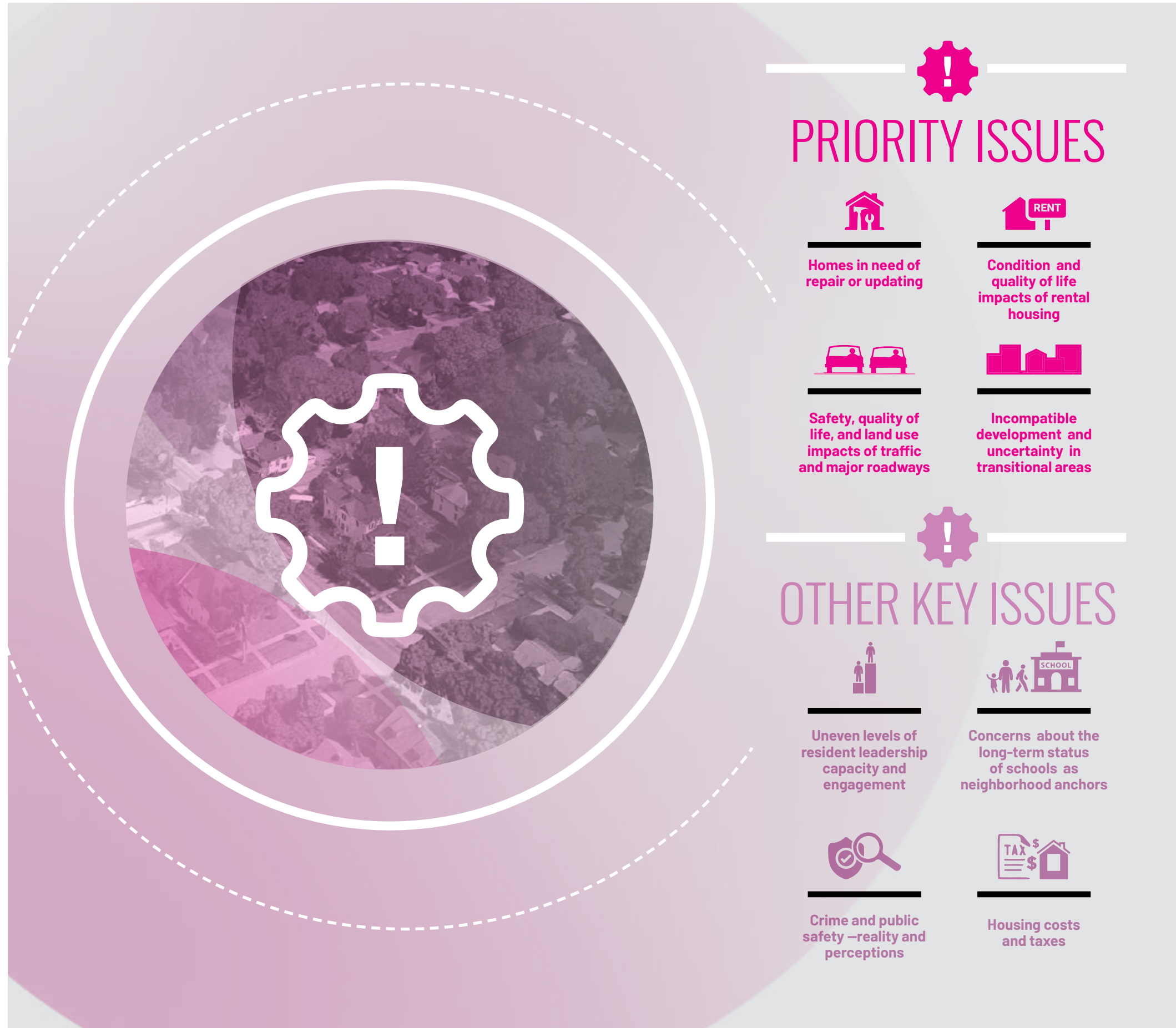
# KEY ISSUES, CONDITIONS AND TRENDS

The range of issues that matter to people in Fargo's core neighborhoods is as diverse as the core itself. The planning process, however, revealed that a **relative handful of issues are considered important across the core**. They might be expressed in slightly different ways in each neighborhood, but these issues represent opportunities to focus effort and resources in ways that are likely to be meaningful to multiple neighborhoods.



**PART 1** Part 1 describes issues with currency in multiple neighborhoods, including how they have been expressed during the planning process, what is known about each issue based on broader analysis of neighborhood conditions, and why each issue matters to the health and prospects of core neighborhoods in Fargo. It calls out **four priority issues that were most consistently expressed as important** to many if not most of the core neighborhoods while also describing some other key issues that rose to the surface.

**PART 5** In Part 5 of this plan, **neighborhood-level nuances** around each issue—especially distinctions likely to influence plan implementation—are described in more detail, as are any issues that are much more localized in their impact and importance.



## PRIORITY ISSUES



Homes in need of repair or updating



Condition and quality of life impacts of rental housing



Safety, quality of life, and land use impacts of traffic and major roadways



Incompatible development and uncertainty in transitional areas



## OTHER KEY ISSUES



Uneven levels of resident leadership capacity and engagement



Concerns about the long-term status of schools as neighborhood anchors



Crime and public safety—reality and perceptions



Housing costs and taxes



# Homes in need of repair or updating

## How has this issue been expressed?

Project committee representatives from across the core identified distressed-looking properties as a problem to address.

30% of respondents to an online survey identified homes in disrepair as the most important issue to address in their neighborhood, making it the single most common answer received overall and the most common for nearly all of the core neighborhoods.

Small or outdated homes were identified as a common turn-off to potential homebuyers in core neighborhoods—especially given the newness of housing elsewhere in Fargo.

## What is known?

Over 1,500 properties in the core neighborhoods—or 1 in every 6—are slipping or distressed

A spring 2020 field survey of residential property conditions across the core found that over 1,500 properties showed signs of visible disinvestment when viewed from the street or sidewalk—such as peeling paint, worn siding, a roof or porch in disrepair, and other signals of neglect.

If the average “catch-up” cost to bring these 1,500 properties into a good state of repair—inside and outside—is \$35,000, that equates to at least \$50 million in deferred maintenance in the core’s private residential stock.



## Some property characteristics correlate with relatively high levels of disinvestment

Certain property characteristics are good predictors of disinvestment in the core neighborhoods—especially size and configuration. Of the most common single-family home configurations in the core, for example, 2 bedroom/1 bathroom properties had worse condition scores than other property types and were more likely to be absentee-owned.

Most Common Small Home Configurations (in order of frequency)	Average Year Built	Average Assessed Value	% Owner-Occupied	Average Field Survey Score (lower score indicates better condition)	
				Least Healthy	Most Healthy
2 bedrooms / 2 bathrooms	1939	\$150,353	82%	4.75	2.67
2 bedrooms / 1 bathroom	1937	\$132,175	77%	3.75	2.84
3 bedrooms / 2 bathrooms	1948	\$165,795	86%	3.25	2.59
3 bedrooms / 1 bathroom	1943	\$148,893	82%	2.75	2.74

Source: czb analysis of City of Fargo assessment data



## Why does this issue matter, and how does it affect neighborhood planning?

While distressed housing is an important issue in Fargo’s core neighborhoods, it is also true that blight is not yet overwhelming. This is an advantage. Fargo has an opportunity to learn from cities that waited too long to counteract blight in a concerted manner. Among the lessons that can and should be applied to Fargo’s core neighborhoods:

**It pays to intervene sooner:** By the time disinvestment becomes visible, it is usually preceded by years of withdrawn maintenance. And if it continues, it becomes more and more costly for the owner (and, eventually, the City) to address with each passing year.

**Housing conditions influence quality of life and safety:** Deferred exterior maintenance is often an indication of deeper levels of disinvestment that can diminish quality of life and safety for individuals at a specific property and others in close proximity.

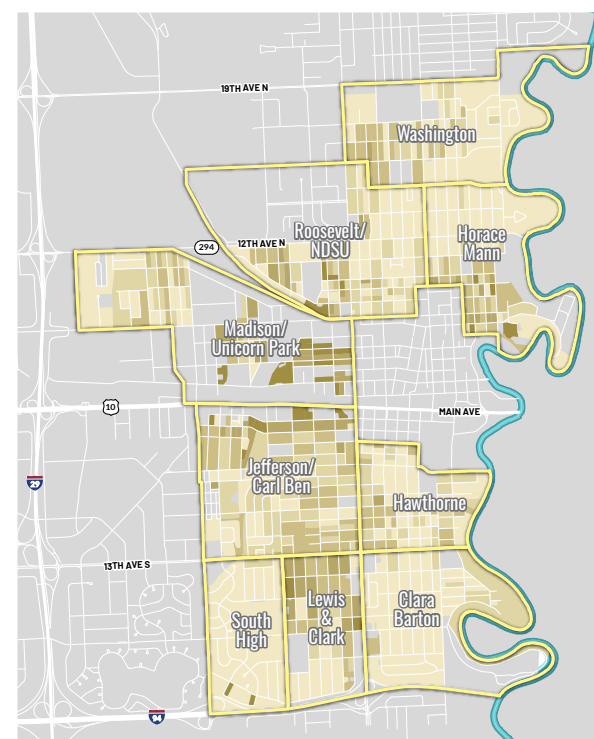
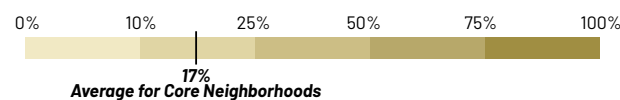
**Each troubled property has a wider impact, especially on confidence:** A few distressed properties on an otherwise stable block can undermine the confidence of other property owners and dissuade potential residents from moving in. Over time, disinvestment can spread to other properties and ultimately undermine the City’s financial capacity to intervene.

**Separating “ability” and “willingness” of property owners is critical:** Are distressed conditions the result of financial hardship or physical disability? Or are they the result of an owner who is capable of keeping their property in good repair but chooses not to? The answers to these questions must shape any intervention.

## These properties can be found across the core but are not evenly distributed

While each neighborhood in Fargo’s core is affected to some degree by homes with deferred maintenance, some areas are much more affected than others. Neighborhoods adjacent to downtown each have multiple blocks with higher-than-average concentrations of slipping or distressed properties as well as blocks with relatively low concentrations. Further out, Washington and Lewis & Clark both have several blocks where deferred maintenance is noticeable.

## Share of Properties that are Slipping or Distressed According to Field Survey



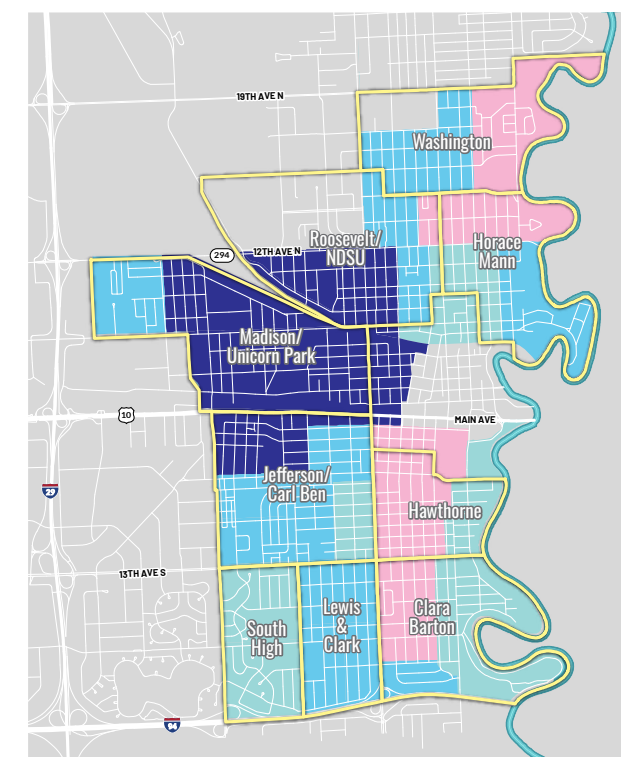
Source: 2020 Field Survey of Residential Conditions

## Disinvestment is a symptom of relatively soft markets

Fargo’s housing market is, on the whole, a healthy and stable one where the supply of housing is well-matched to demand. But some areas in the core have levels of housing demand that are relatively low for the Fargo market. Such areas tend to correlate with blocks where disinvestment is visible.

The adjacent map of housing market demand is from a citywide typology produced during the planning process that used a combination of value per acre, average sales prices, owner-occupancy rates, and building permit concentrations to gauge relative levels of demand and investment throughout Fargo.

## Housing Market Demand by Block Group



Source: czb Summary of Neighborhood and Housing Market Analysis for the Core Neighborhoods Master Plan, June 2020





# Condition and quality of life impacts of rental housing

## How has this issue been expressed?

Project committee representatives from several neighborhoods cited a variety of concerns about rental housing, including conditions at older apartment complexes, the transitioning of single-family homes into rentals, and the location of multi-family infill development.

18% of respondents to an online survey identified declining conditions at rental properties as the most important problem to solve in their neighborhood—the second most common answer.

Maintenance or nuisance-related issues at rental properties were cited by survey respondents as major turn-offs for potential residents in six of the nine core neighborhoods.

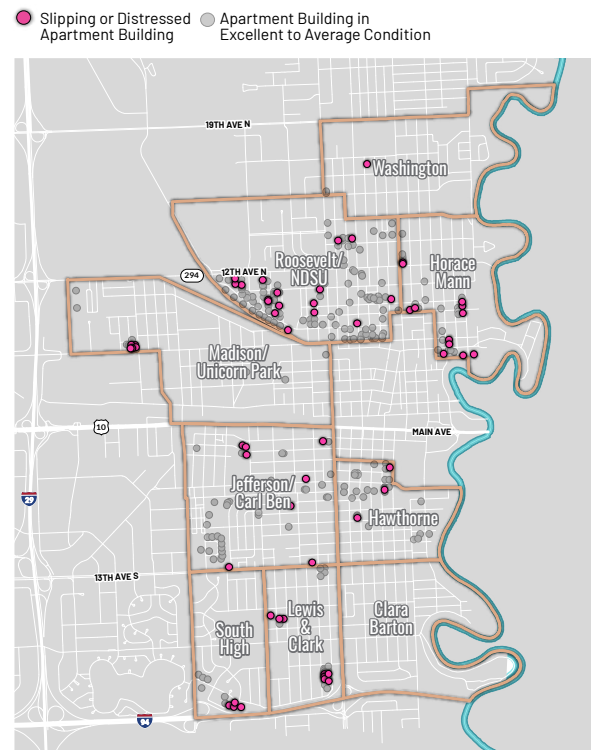
## What is known?

Over 50 of the 286 apartment buildings in the core neighborhoods—or 1 out of every 5—are slipping or distressed

Apartment buildings in the core neighborhoods (buildings with four or more units) account for almost 3,400 housing units—around 20% of all housing units in the core. Of these 286 buildings, 57 were found to have visible signs of disinvestment in the 2020 field survey of residential properties. These buildings tend to be older (86% were built before 1980) and have fewer units than newer apartment complexes.

Every neighborhood in the core has at least one apartment building or complex considered slipping or distressed—with the exception of Clara Barton, which has no rental properties with four or more units.

### Distribution of Slipping or Distressed Apartment Buildings in Fargo

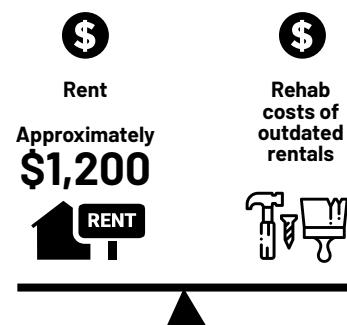


Source: 2020 Field Survey of Residential Conditions

Rents in older, underimproved properties are relatively low and widely affordable—which makes them less likely to be improved

Analysis by czbLLC of regional construction costs suggests that major rehabilitation work to outdated rental complexes will often require that rent be raised to at least \$1,200 upon completion for the owner to fully cover their construction and operating costs. If owners or investors are not confident that such rent can be achieved—in a market where median rent is \$800 and older complexes compete with thousands of more recently built units—major rehab will be delayed indefinitely in favor of minor fixes.

### Break-even rent for rehab of outdated rentals



Single-family rentals tend to be smaller and more poorly maintained than owner-occupied homes

Of the more than 7,500 single-family homes in the core neighborhoods, just over 1,200—or 16%—are estimated to be absentee-owned based on owner address data. Analysis of the size, value, and condition of single-family properties by ownership status reveals a clear pattern: those that are absentee-owned are, on average, 10% smaller, have assessed values that are 17% lower, and average conditions that are less healthy than their owner-occupied counterparts. Once single-family homes decline to a certain price point in the core (generally below \$130,000, but higher closer to NDSU), their feasibility as investment properties rises and investors out-bid the owner-occupant competition.

### Characteristics of Single-Family Properties in the Core Neighborhoods, by Ownership Status

	Absentee-Owned	Owner-Occupied
Number of Properties	1,202	6,366
Average Size of Property (Square Feet)	1,168	1,307
Average Assessed Value, 2019	\$153,063	\$184,892
Average Field Survey Score (lower score indicates better condition)	2.94	2.46

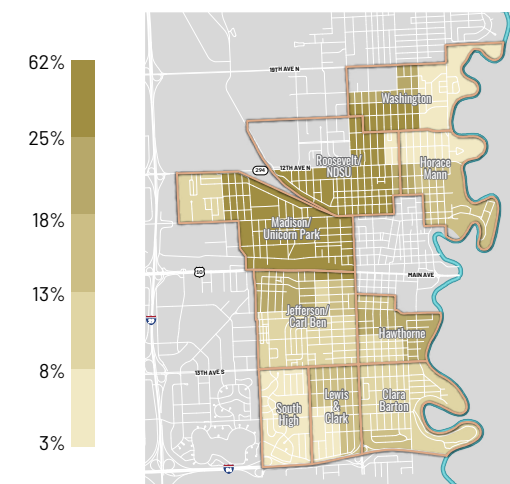
Source: czb analysis of City of Fargo assessment data

Absentee ownership of single-family homes is concentrated near NDSU but on the rise in most areas of the core

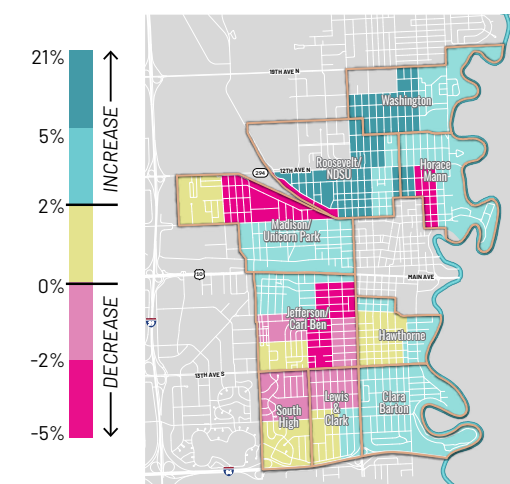
More than 25% of single-family homes are absentee-owned in much of the Madison/Unicorn Park and Roosevelt neighborhoods, and in parts of Washington. Notable concentrations also exist in Hawthorne, Jefferson/Carl Ben, and Horace Mann.

Between 2011 and 2019, absentee-ownership rose to some extent in each neighborhood, though a few areas saw modest decreases.

### Share of Single-Family Homes that are Absentee-Owned, 2018



### Changes in Absentee-Ownership of Single-Family Homes, 2011-2019



## Why does this issue matter, and how does it affect neighborhood planning?

A distressed or problematic rental property is very often a symptom of the same market forces that influence neglect at an owner-occupied property. But distressed rentals are often thought of as distinct issues in older neighborhoods for good reasons. They tend to be in highly visible locations along or near busier streets and are thus more noticeable and likely to have a bigger impact on internal and external impressions of a neighborhood than a typical house. They also happen to be businesses, which means that the owners have different motivations and responsibilities than a homeowner.

Understanding the motivations and responsibilities of rental property owners and investors is an important part of designing policy tools or programs that are likely to keep healthy rental properties healthy or turn around properties that are in trouble. This is true for an apartment complex with 20 units owned by a large management company—and for the single-family house being rented out by a smalltime landlord.





# Safety, quality of life, and land use impacts of traffic and major roadways

## How has this issue been expressed?

Concerns about the impacts of major roadways on neighborhood atmosphere and quality of life, on the walkability and bikeability of core neighborhoods, and on the marketability of properties along or near major roadways were raised by all three of the project's Sub-Area committees.

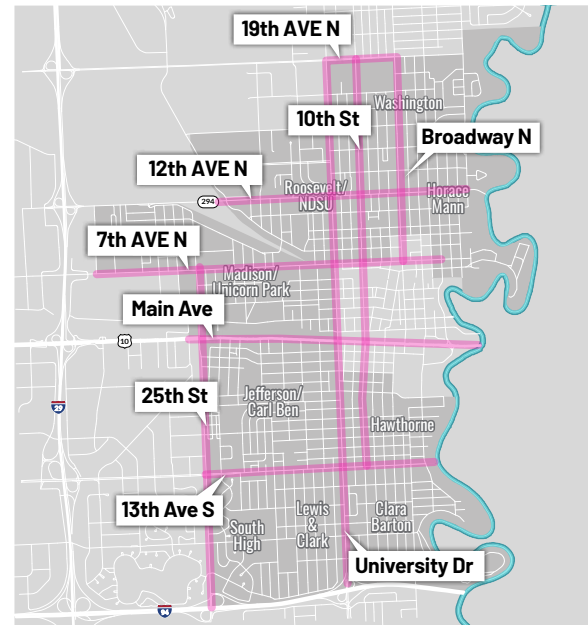
16% of respondents to an online survey described a combination of concerns about traffic and streets—speeding, noise, conditions—as neighborhood detractors, making it the third most common issue cited.

## What is known?

### All core neighborhoods are influenced in some way by busy, auto-oriented arterial roadways

The presence of busy, auto-oriented roadways are a fact of life for all core neighborhoods and help to make driving within and between parts of the core fast and efficient. For the most part, these roads follow auto-oriented highway-design principles from the late 20th century, which means that accommodations for neighborhood character or the experience of other users (pedestrians, bicyclists, and transit riders) is largely a secondary concern.

### Arterials that carry at least 10,000 vehicles per day



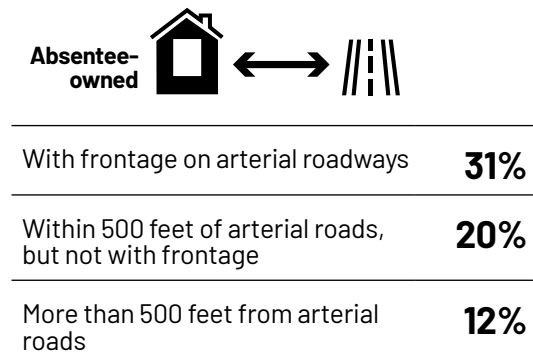
Source: czb analysis of NDDOT traffic counts

### Arterial roadways have an influence on residential property ownership and condition patterns

Just over 550 single-family homes front arterial roadways in the core neighborhoods. Among these properties, the absentee-ownership rate is 31%—nearly double the 16% rate for the core overall.

Additionally, recent average sale prices, average assessed values, and property condition scores for single-family homes are all lower, on average, along arterial roadways than in the core as a whole. Key exceptions include Broadway and University Drive South, where conditions, owner-occupancy rates, and values are relatively strong.

### Absentee-ownership rate of single-family homes by proximity to arterials



Source: czb analysis of City of Fargo assessment data

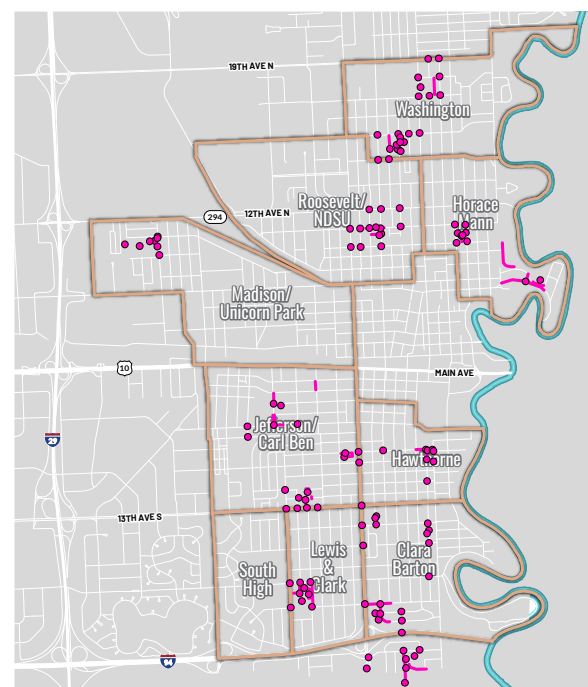
### Pedestrian safety issues exist throughout the core, especially as it relates to school walking routes

While pedestrian and bicycle safety and convenience have become more prominent issues in Fargo than they were in previous eras, substantial room for improvement remains.

A Safe Routes to School Plan completed for Fargo in 2020 found numerous opportunities to improve pedestrian safety in core neighborhoods—in areas adjacent to schools and along key streets leading to school facilities.

### Safe Routes to Schools Opportunities

● Intersections or crossing that need attention      — Sidewalks in need of attention or addition



Source: Fargo Safe Routes to School Plan

### Reconstruction of Main Avenue is a model for arterial roadway redesign

The reconstruction of Main Avenue between University Drive and 2nd Street in 2020—enhancing the street's safety for all users and its visual appeal—serves as a model for arterial redesign in Fargo. Its presence is likely to influence public demand for similar work elsewhere in the core when opportunities arise for full reconstruction or more limited traffic-calming efforts.

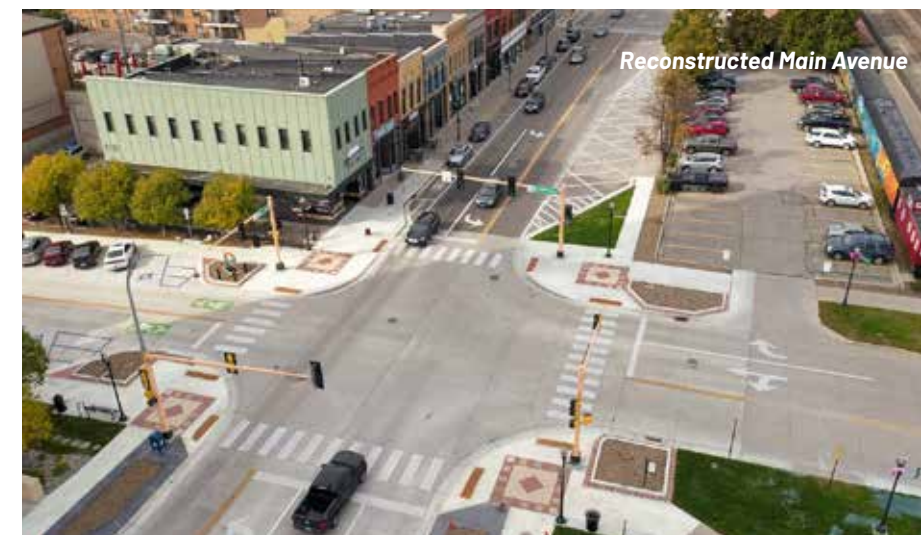


Photo credit: Apex Engineering Group

## Why does this issue matter, and how does it affect neighborhood planning?

The environment along major streets in Fargo's core is often at odds with the quieter, tree-lined atmosphere found on interior streets. This is unavoidable in some respects—after all, traffic volumes and noise will be higher on major streets, and arterials help to limit the number of cars that use local streets to get through a neighborhood.

It is also true, however, that busy streets can be designed in ways that enhance rather than detract from a neighborhood's general character, and that they and their adjacent land uses can be designed to feel safe to non-auto users.

Perhaps the most significant advantage that core neighborhoods have over other locations in the region is a strong sense of place. Everything that can be done to reinforce that sense—especially the design of well-traveled streets—is a step towards making the core more livable to current residents and more appealing to future residents.





# Incompatible development and uncertainty in transitional areas

## How has this issue been expressed?

Concerns about the design, density, and/or land use of infill development has been expressed in a number of ways by volunteer committee members and survey respondents in most of the core neighborhoods. Specific concerns have included:

The design of new homes, garages, or rental infill being out of step with established vernacular character

Higher density housing or mixed-use structures being developed in an ad hoc manner that is difficult to anticipate

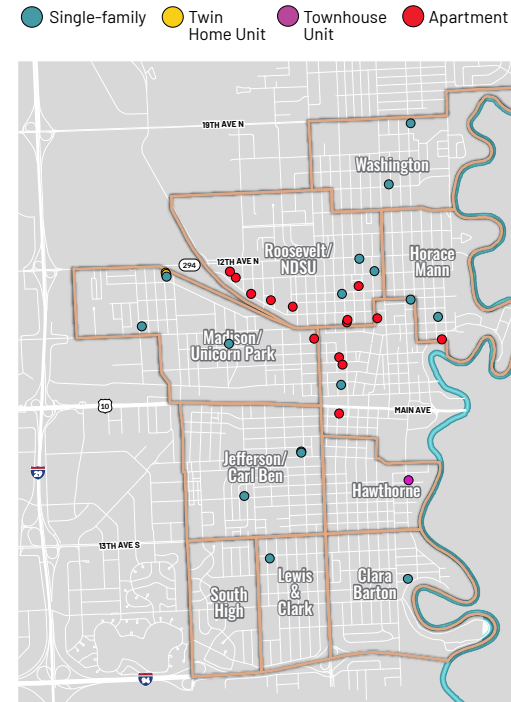
## What is known?

**New construction has occurred in most core neighborhoods since 2015, but especially in areas adjacent to downtown and NDSU**

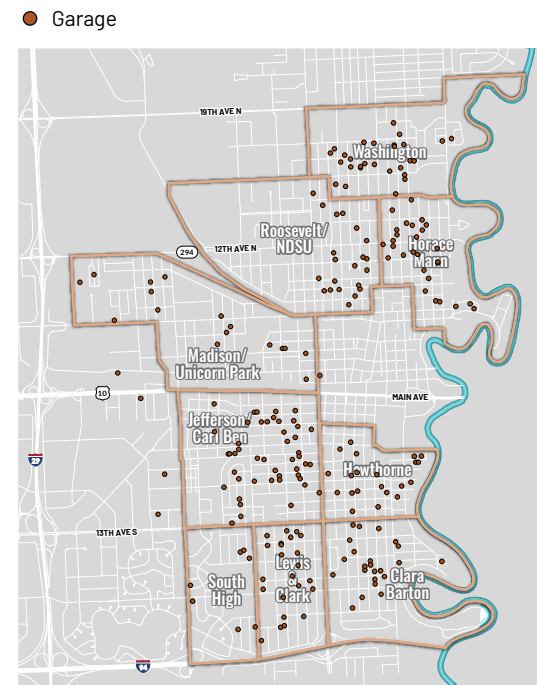
Whenever infill development is proposed in established neighborhoods, concerns can arise if it represents a deviation from what is expected or desired by others who have a stake in the neighborhood. Those expectations might be formally expressed in plans or by the Land Development Code, or they might be informal preferences.

While new residential construction is not a widespread occurrence in Fargo's core neighborhoods, it has been happening with more frequency in recent years—especially in areas abutting downtown Fargo and NDSU—creating flashpoints around opposing visions for particular properties, blocks, or neighborhoods. Planned Unit Developments (PUDs) have been used as a tool to flexibly negotiate development details for many of the larger projects in the core, but this ad hoc approach often leaves disagreements over neighborhood vision unresolved.

**New Residential Properties Built Since 2015**

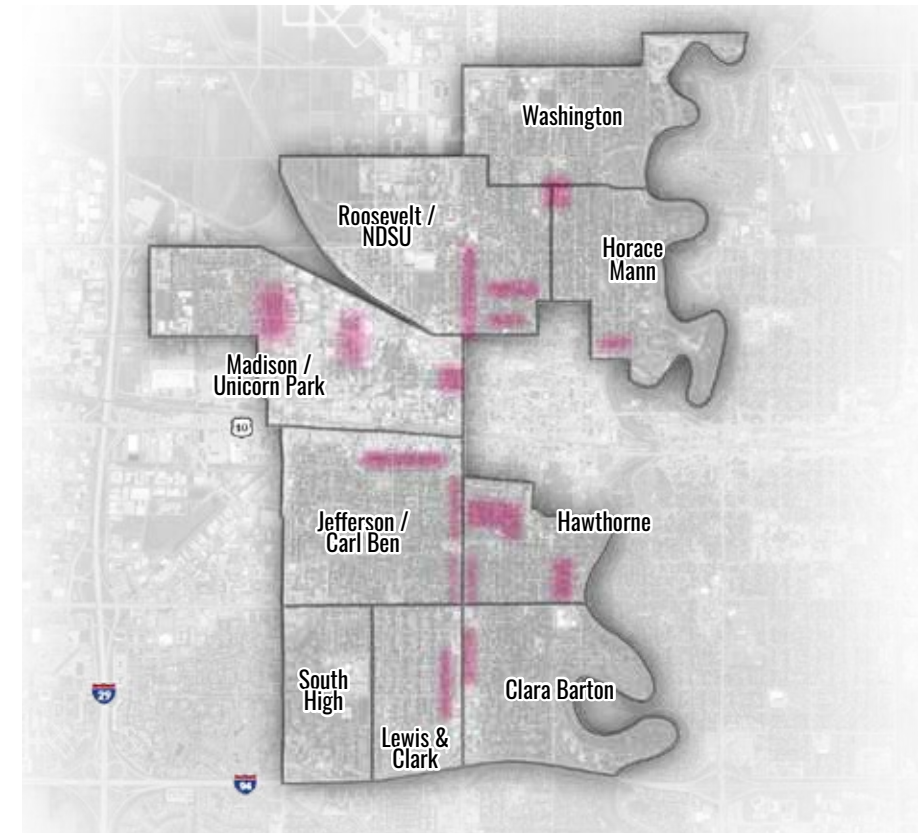


**Permits Issued for Garage Construction, 2015-2019**



Source: City of Fargo building permit data

**Map of edges / transitional areas in the core**



**'Edges' in the core neighborhoods are the areas most likely to be transitional and contested**

The boundaries between certain land use or development patterns—between single-family blocks and commercial or mixed-use blocks, for example—are the areas where new development is most likely to be contested. This is especially true if land use demands are changing and leading to proposals to redevelop underutilized land.

Almost every neighborhood in the core has edges that are either currently or could become areas where evolving land use demands might conflict with long-held or more recent expectations.

## Fargo's Land Development Code (LDC)



Analysis of Fargo's Land Development Code (LDC) in 2020 has found it to be at odds in several important ways with goals expressed by the Go2030 comprehensive plan and other plans that have been developed since the last time the LDC was substantially revised in the 1990s.

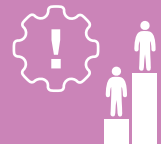
Shortcomings include inadequate development standards, especially as they relate to urban form—or how new buildings relate to the physical fabric of a neighborhood or street.



## Why does this issue matter, and how does it affect neighborhood planning?

Too much uncertainty about what can be built and what it will look like—especially in areas where land uses mix or transition from one use to another—is a bigger issue for some stakeholders than others. It matters to neighborhood vitality, though, if it causes enough existing owners to hesitate on making investments to their properties because they lack confidence in the direction of the neighborhood or their own willingness to remain there. It also matters if it steers away homebuyers who sense uncertainty and have plentiful options elsewhere that give them more confidence.

Incompatibility of development matters if new development has the effect of lowering standards in a given neighborhood or disrupting urban form in a way that detracts from a neighborhood's established physical character. Either change can have the effect of setting a tone for future investment that erodes certain advantages that core neighborhoods have over other parts of the Fargo-Moorhead region.



## Uneven levels of resident leadership capacity and engagement




### How has this issue been expressed?

The response to the call for volunteers to participate on committees for the Core Neighborhoods Master Plan largely reflected existing levels of resident leadership capacity and organization. Areas with a longer history of organized engagement had more residents expressing an interest to participate than those with less formal or visible resident leadership structures.

### What is known?

#### Resident leadership capacity in the core appears to correlate with a combination of factors

The two neighborhoods with the most volunteers for the Core Neighborhoods Master Plan—Hawthorne and Horace Mann—are two that have longstanding and fairly active neighborhood associations. There may be a number of reasons for this, but a few key ones appear to be:

<p><b>Rallying Points</b> </p> <p>These areas have some of the oldest housing in the city and have been dealing with cycles of disinvestment, reinvestment, and change for decades. Often, some precipitating event or issue is needed to compel people to become and stay engaged.</p>	<p><b>Identity</b> </p> <p>Like the presence of issues to rally around, a clear neighborhood identity is something that existing residents and newcomers alike can connect themselves to. Fargo's most engaged neighborhoods tend to have the clearest or strongest identities.</p>	<p><b>Income</b> </p> <p>Resident affluence and education can influence the degree to which neighbors feel comfortable interacting with City government and seek to actively manage change in their neighborhood. Higher incomes also frequently translate to concentrations of middle-aged homeowners who have been in the neighborhood for enough time to connect with others.</p>
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### Why does this issue matter, and how does it affect neighborhood planning?

**Resident leadership can seem like an abstract or intangible force in a neighborhood, but its absence can have very tangible consequences. If residents are not connected and organized in some way—either formally or informally—a neighborhood's capacity to address small issues before they become larger issues, and to effectively advocate for neighborhood interests, will be limited**



## Concerns about the long-term status of schools as neighborhood anchors

### How has this issue been expressed?

Schools were singled-out as critical assets in almost all core neighborhoods—serving as physical and cultural anchors—during the planning process. But concerns were also raised that schools in the core have been falling behind newer schools in newer neighborhoods. If schools in the core, and the neighborhoods themselves, have a harder time competing for young families, there are fears that certain facilities may not be viable in the long-term.

### What is known?

#### Elementary enrollment projections reflect growth expectations and trends in Fargo

Fargo's growth in recent decades has been concentrated in the city's southern end, where residential development and a growing population have been served by new and expanded school facilities. Over the next few years, elementary enrollments based on student residence show that core neighborhood enrollment will be flat if not declining while enrollment beyond the core will grow by almost 5%.

In terms of enrollment as a percentage of school capacity, core elementary schools are expected to be at 74% in 2023/2024, while non-core elementary schools will be at 82%.

**Projected Elementary School Enrollment by Student Residence**

	2020/ 2021	2023/ 2024	% Change
Core Elementary Schools	2,004	1,979	-1.2%
Non-core Elementary Schools	3,333	3,491	+4.7%

Source: Fargo Public Schools Long Range Facility Plan (2019)

### Why does this issue matter, and how does it affect neighborhood planning?

**The symbiotic relationship between core neighborhoods and their schools—with each neighborhood reflecting and reinforcing the strength of its schools, and vice versa—make schools an important part of neighborhood planning. In Fargo, uneven growth patterns and their influence on planning for school facilities means that the proper scale for addressing this issue is citywide.**





## Crime and public safety —reality and perceptions

### How has this issue been expressed?

In an online survey, crime and safety were identified as priority problems to address in Jefferson / Carl Ben and Madison / Unicorn Park. But it was also among a range of issues noted by participants in a few other neighborhoods, including Horace Mann and Roosevelt / NDSU.

In some cases, crime was raised during the planning process as an issue that impacts neighborhood quality of life. In other cases, it was raised as more of a perception problem, where the external image of crime does not align with reality.

### What is known?

#### A greater density of incidents in and adjacent to downtown Fargo than in most other parts of the city

Crime data in Fargo is not yet reported in a manner conducive to detailed analysis and meaningful comparisons of neighborhood-level crime rates. However, the Fargo Police Department does use CityProtect as an online mapping tool to share incident reports with the public—allowing residents and neighborhood organizations to see the types of incidents that have been reported over recent periods on specific blocks or near specific intersections.

Mapping all reported incidents from the previous 12 months using CityProtect reveals a greater density of incidents in and adjacent to downtown Fargo than in most other parts of the city. This is to be expected given the relative density of population and activity in Fargo’s urban core, as well as levels of economic need that are higher than average (for Fargo). This concentration of incidents—however experienced or communicated—can influence how safe people feel about living in or visiting certain parts of Fargo’s core.



Source: CityProtect

### Why does this issue matter, and how does it affect neighborhood planning?

**Feeling unsafe—regardless of how that impression is generated—can lead some potential residents to look elsewhere and compel existing residents to withdraw from civic life or move someplace that feels safer. But it can also motivate neighbors to reach out, work together, and collaborate with City leaders to make a block feel more orderly, neighborly, and secure.**



## Housing costs and taxes

### How has this issue been expressed?

While the affordability of the core neighborhoods was often mentioned during the planning process as a key asset, concerns about housing costs and taxes were also raised. Rather than concerns about prices or rents, those raising this issue tended to focus on the maintenance and repair costs related to older housing and Fargo’s practice of placing special assessments on properties to pay for infrastructure improvements.

### What is known?

#### While Fargo’s housing market has been strong for years due to rapid growth, it remains broadly affordable.

For example, the median gross rent in Fargo in 2018 was well within the affordability range of the typical renting household, and the value of the median owner-occupied house was well within the purchasing range of typical Fargo homeowners.

The affordability of the housing stock—especially in the core—is often a reflection of age and condition. With nearly 80% of the residential properties in the core neighborhoods now 60-years-old or older, and there being a clear difference in average condition between older and newer properties according to the 2020 field survey of residential conditions, homes in the core present owners with financial decisions and challenges that are more complicated than paying more for a newer house in a newer neighborhood. When the costs of upgrading older infrastructure get added as special assessments, owning an older home in an older neighborhood becomes a particular challenge for households with low or limited incomes.

### Why does this issue matter, and how does it affect neighborhood planning?

**Affordability in the core neighborhoods can be a double-edged sword—providing a wide range of options for homeownership in a strong regional housing market, but putting a greater onus on owners to maintain and improve aging properties to prevent serious degradation. If a growing share of owners are unable to keep up with maintenance for financial reasons, or are unwilling to pay for costly and disruptive upgrades, housing quality and conditions eventually erode along with neighborhood quality of life and the City’s tax base.**

### Comparison of Median Incomes and Housing Costs, 2018

	INCOME NEEDED	INCOME ACTUAL
<b>RENT</b>	Income needed to afford median rent in Fargo <b>\$31,840</b>	Actual median household income of renters in Fargo <b>\$36,867</b>
<b>FOR SALE</b>	Income needed to affordably purchase a home priced at Fargo’s median home value <b>\$66,000</b>	Actual median household income of homeowners in Fargo <b>\$86,970</b>

### Comparison of Property Conditions in Core Neighborhoods by Age

Year Built	Number of Core Residential Properties	Average Field Survey Score (lower score indicates better condition)				
		Least Healthy (4.75)	3.75	3.25	2.75	Most Healthy (1.0)
1939 or Earlier	3,667					2.63
1940 to 1959	3,354					2.56
1960 to 1979	1,444					2.44
1980 to 1999	222					2.45
2000 or Later	154					2.00

Source: czb analysis of American Community Survey 2018 5-Year Estimates and 2020 field survey of residential conditions

# How did we get here?

The priority issues in Fargo's core neighborhoods have not emerged overnight, and they are not isolated from each other or from other issues. They represent choices and processes long in the making that affect older neighborhoods across the country.

Identifying strategies to address these issues requires an understanding of where the issues come from, the problems that need solving, and the interconnectedness of problems and potential solutions.



## Homes in need of repair or updating

When disrepair becomes visible at the scale now apparent in Fargo's core neighborhoods—one in every six residential properties—it is a sign that disinvesting in older housing makes more sense for many owners than investing and actively improving. Plentiful, newer, and generally affordable options on the edges of Fargo make it easier for households to look past the core when they decide where to put their housing dollars.

If the market doesn't respond to an aging and outdated house by substantially renovating it and making it competitive again to the broader homebuying market, the cost of the house will increasingly reflect its condition and it becomes a source of affordable housing. While this is an important role for the house to play and an asset for a community where low-wage workers have a declining range of affordable options, deferred maintenance is likely to mount over time without intervention. And if homes in disrepair become concentrated, poverty is also likely to become concentrated.



## Condition and quality of life impacts of rental housing

Rental housing is a significant part of Fargo's housing supply (56% of all occupied units) and an essential part of a healthy housing market that provides access to the full spectrum of housing types. As with owner-occupied housing in Fargo, plentiful and largely affordable options—especially newer units—have contributed to disinvestment in some older rental properties. An older and outdated apartment rents for less than its more modern competitors, which makes them affordable—but it also limits reinvestment into the property and can lead to degradation over time if market or other forces fail to intervene.

The renting of single-family houses—generally not a viable business model—has become viable in areas where acquisition costs are especially low (due to declining condition or unfavorable location) or if the market can bear high rents (as in areas adjacent to NDSU). With thousands of new rental units having been built citywide in recent years, though, landlords of single-family homes may find it increasingly difficult to compete for renters. This has the potential to create affordable homebuying opportunities for some households, but it might also hasten disinvestment in the most marginal properties.



## Safety, quality of life, and land use impacts of traffic and major roadways

When most of Fargo's core neighborhoods were built in the early-to-mid 20th century, Fargo was a much smaller city with far fewer cars. As the city and traffic volumes grew, major streets were re-engineered to better accommodate the efficient flow of cars—something that happened in every American community. Cities are now a full generation into rethinking these practices, and Fargo is no different. While some major roads have been thoughtfully redesigned, many in the core are still stuck in a mid-century model that feels unsafe to pedestrians and bicyclists and detracts from neighborhood character.

The recent reconstruction of Main Avenue has the potential to reset expectations and make it easier for similar redesigns to occur on other corridors. But the physical and behavioral adaptations that will make corridors throughout the core feel safer will take years, patience, and resources to accomplish.



## Incompatible development and uncertainty in transitional areas

Cities and neighborhoods change—any effort to preserve a place in amber will inevitably be met with disappointment. While change cannot be prevented, it can be managed and guided in ways that reflect a general community consensus about the pace, nature, and geography of change, as well as the compromises that stakeholders are willing to acknowledge and make.

In parts of Fargo's core neighborhoods where change has been happening the fastest, efforts to fully recognize and reconcile competing goals have often been inadequate, resulting in feelings of frustration, distrust, and uncertainty. Decisions are being made on a regular basis where key stakeholders disagree about which principles and goals should be the basis for a decision—disagreements that go unresolved and carry over to future decisions.

# What issues require attention?

*Overcoming both a hesitancy and an inability to make large home improvements*

*Isolated examples of blight that threaten stable areas*

*Limited financial motivation to upgrade aging multi-family properties*

*Preservation of affordable opportunities currently provided by underimproved rental properties*

*Making single-family properties in decline less appealing targets for rental investors and more appealing to homebuyers*

*The design and function of major roadways (and of the overall network they form)*

*Uncertainty and disinvestment stemming from evolving land use demands along some corridors*

*Too much uncertainty about what can go where and what it will look like*

*Inadequate processes for mediating disagreements between competing interests and visions*

PART 2

# CRITICAL CONCEPTS FOR NEIGHBORHOOD PLANNING IN FARGO



To address issues that are emerging or longstanding in Fargo’s core neighborhoods, understanding the nature of those issues and how they connect to each other is an important starting point. But to arrive at a framework for making decisions and implementing tools that will make a difference, an understanding of critical concepts for good neighborhood planning is also needed.

The following pages present four interrelated concepts that are particularly relevant for the core neighborhood and provide a foundation for identifying the types of actions that are likely to yield outcomes in favor of vibrant and sustainable neighborhoods and actions that might undermine long-term neighborhood health.

## Defining a healthy neighborhood

Every neighborhood wants to be “healthy,” but what does that really mean? In the context of neighborhood planning—especially when talking about revitalization or maintaining vitality—a healthy neighborhood refers to one that functions well on four specific factors: market, capacity, conditions, and image.

When a neighborhood is faring well on each of these factors, the primary work for neighborhood leaders and their public and non-profit partners is centered around maintaining these strengths and recognizing that a fall off on any one of the factors feeds a downward cycle. If resident capacity to manage problems begins to slide, for example, conditions are apt to slide in some way, which translates to a shakier image and a weaker market that begets further decline in capacity.

When a neighborhood is not strong on one or more of these factors, work should center on improving the weak points and recognizing that doing so will have ripple effects within the Healthy Neighborhoods cycle. If residents in a neighborhood organize to identify and manage small problems before they get out of hand, conditions are apt to improve, which influences a more positive image, which results in more people seeing the neighborhood as a desirable place to live.

While there are other goals a neighborhood may want to achieve besides these four factors of neighborhood health, being healthy puts a neighborhood in the driver’s seat of its own future.

## MARKET

*Who is living in the neighborhood and who would like to live in the neighborhood*

### The market is strong

Demand for housing is in balance with or exceeds the supply; prices are rising and keeping pace with inflation

## CAPACITY

*Ability and willingness of residents to manage home and neighborhood*

### Resident capacity is high

Residents actively manage neighborhood issues and engage each other and wider stakeholders in constructive ways

## IMAGE

*Perception of the neighborhood by non-residents; shaped in part by neighborhood’s self-image*

### Neighborhood image is positive

Signals sent by conditions communicate pride and instill confidence

## CONDITIONS

*Level of care and investment committed by residents of the neighborhood; level of infrastructure upkeep committed by public sector*

### Housing and neighborhood physical conditions are good

Residential blocks are appealing to potential buyers and renters from outside the neighborhood

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# Distribution of housing opportunities matters

Fargo does not have an abnormally high level of households with low incomes. As of 2018, just under 22% of households (or 11,500) earned less than \$25,000, compared to 20% nationally. For these households, however, housing options are constrained by their ability to afford no more than \$625 per month without becoming overly burdened by housing costs.

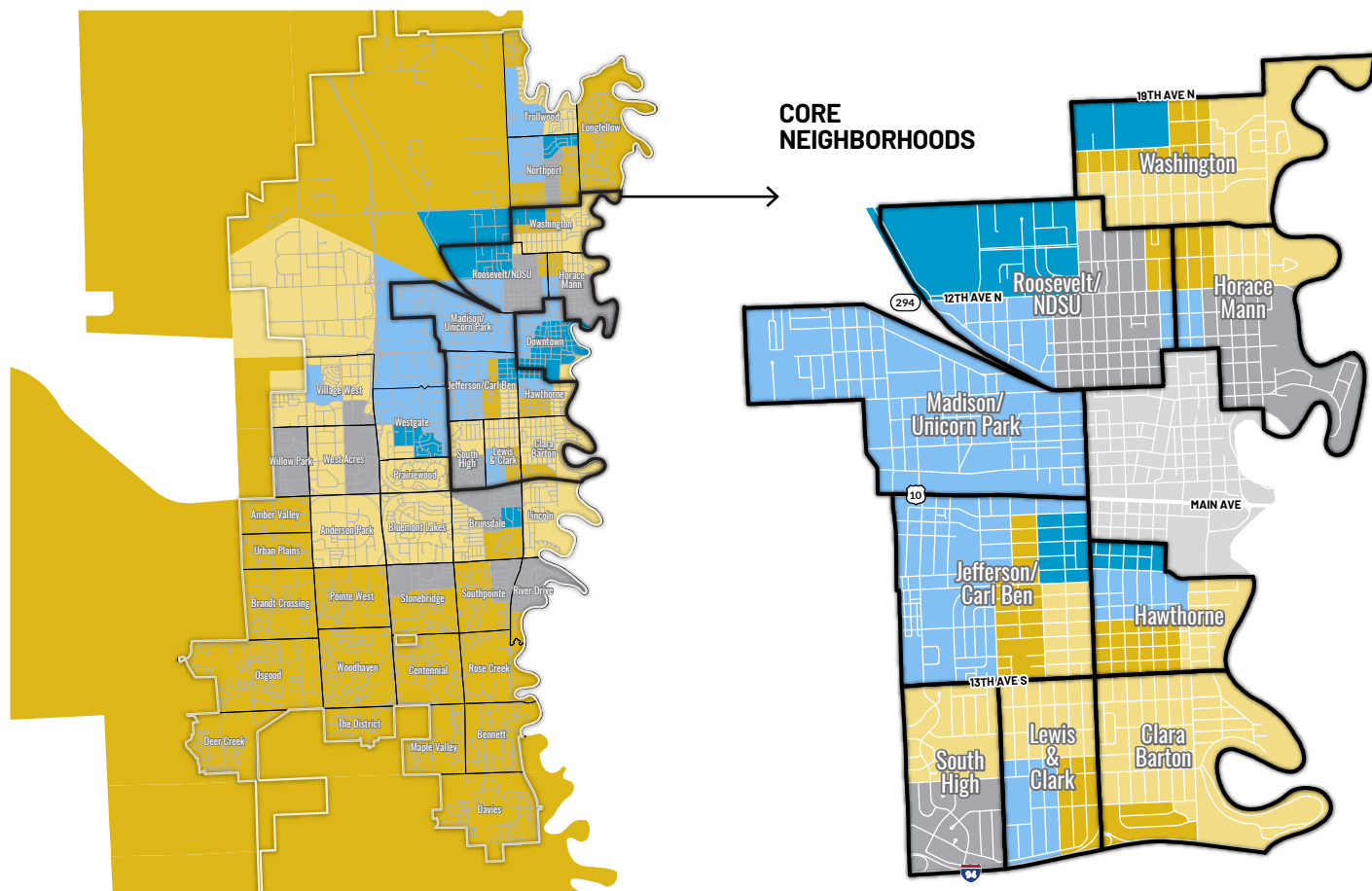
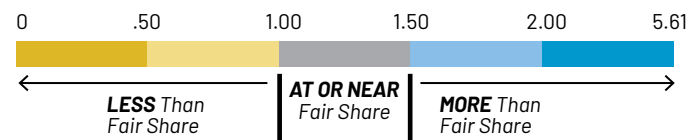
The distribution of inexpensive housing heavily influences where many of these households settle, and the distribution in Fargo (as in most cities) is far from even. These households are disproportionately located in older neighborhoods—particularly in the core—where older housing serves as

an important source of affordable housing. And within the core, these households are disproportionately distributed in areas where housing is least expensive and rental opportunities are numerous.

Why are these very common patterns of household distribution noteworthy from a neighborhood planning standpoint? When efforts are not made to intentionally distribute affordable housing opportunities on a wider basis within a region, concentrations of poverty inevitably result over time in rising levels of disinvestment, declining conditions, limited commercial opportunities due to low discretionary spending capacity, and the wide range of social issues that arise when neighborhoods are sharply polarized by income.

In other words, how affordable housing opportunities are distributed within a region—whether they are part of every neighborhood’s housing fabric or relegated to a handful of areas—ultimately shapes just how healthy an older neighborhood with older and less expensive housing can be.

Share of Households Making \$25,000 or Less Compared to Expected Share Under “Fair Share” Scenario for City of Fargo



Source: czb analysis of household income distributions in the City of Fargo from the American Community Survey 5-Year Estimates, 2018

# Owner-occupancy and household stability affect neighborhood health

Just as neighborhood health becomes harder to build and sustain if a neighborhood has an outsized share of a region’s low-income households, neighborhood health is more difficult to achieve and maintain when owner-occupancy is a small or declining component of a neighborhood’s residential fabric.

As a rule of thumb, a 50% owner-occupancy rate for housing units in a neighborhood (or higher, if the housing stock is predominately single-family dwellings) is an important threshold to stay above, ensuring that a critical mass of residents have a significant personal stake in the neighborhood’s health and a strong incentive to invest both socially and financially. It is harder for an owner-occupant to get up and leave when neighborhood health is at risk, therefore giving them extra motivation to actively address issues as they arise in

collaboration with other residents (owners and renters).

Owner-occupancy is also correlated with household stability—as measured by characteristics such as length of tenure, earning potential, and education—and a critical mass of stable households is another contributor to neighborhood health for all residents.

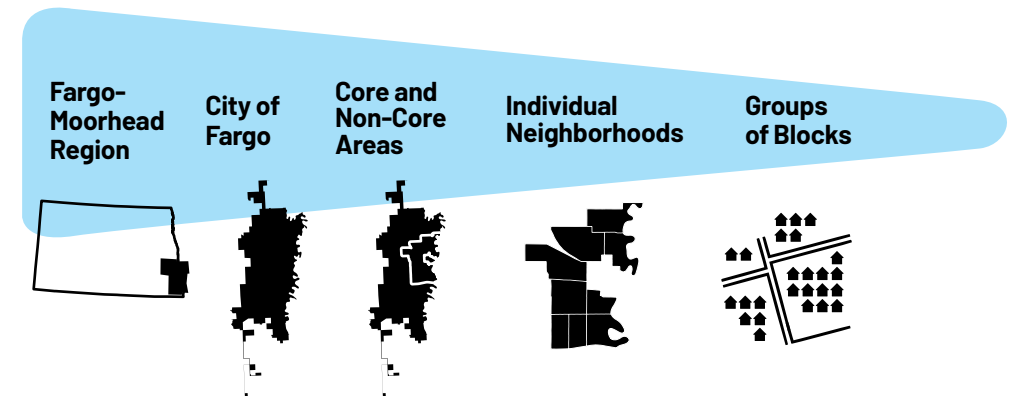
Sustained neighborhood health derives from no single indicator. Strong neighborhoods have renters and homeowners across a range of proportions. What matters most is that owners—home owners or rental property owners—find long term-value in maintaining their properties to a high standard that signals pride of residency, and having a housing ladder that is balanced and well-distributed regionally, citywide, and at the neighborhood-level.

Neighborhood health in Fargo is served by having a balance of housing types and opportunities at all geographic scales

## Housing types and opportunities



## Geographic scales



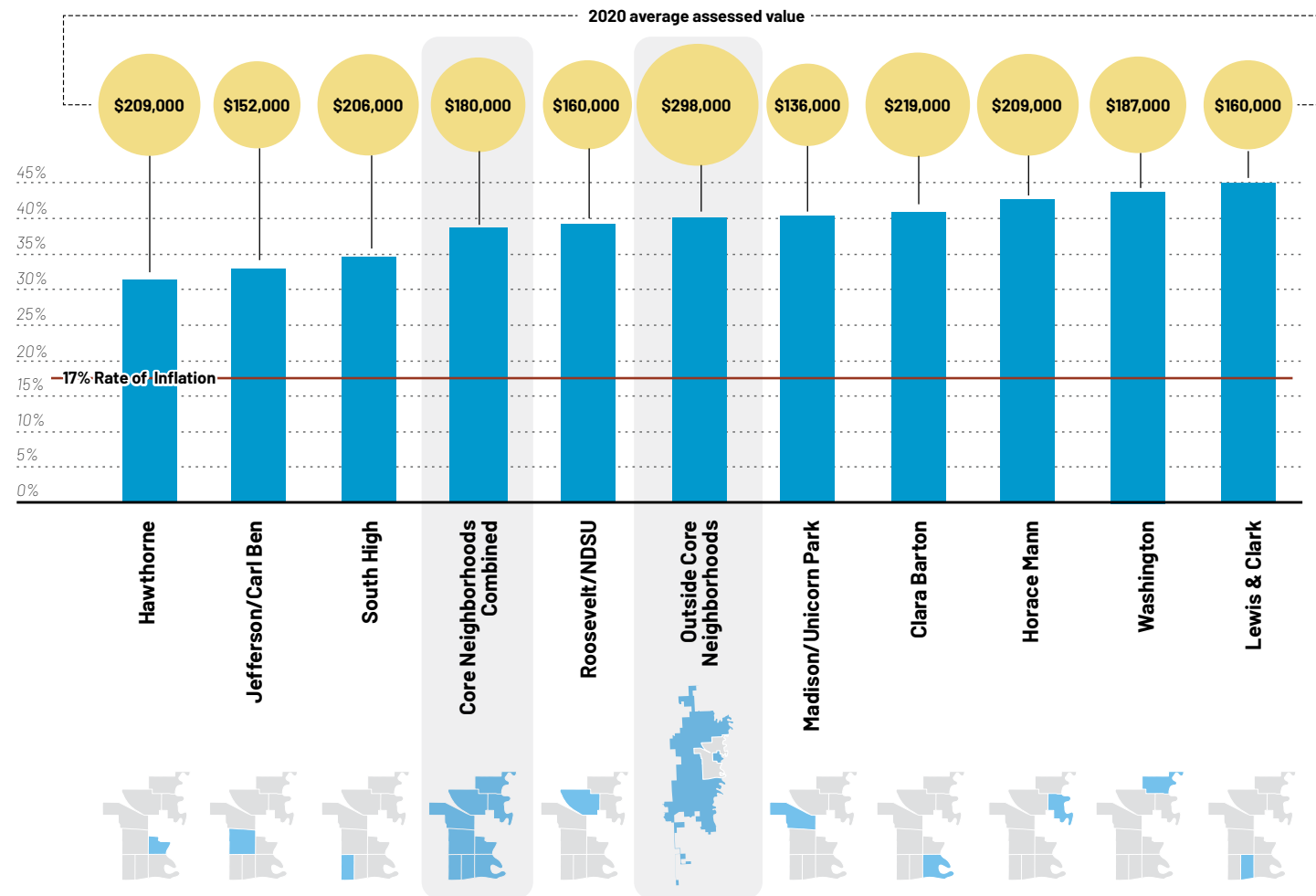
## The City's fiscal strength is imperative

An often overlooked but crucial objective of neighborhood planning is a neighborhood's contribution to the fiscal health of the City—especially when property taxes are an important source of municipal revenue as they are in Fargo. If the City's fiscal position erodes, investments in infrastructure and services are likely to fall behind desired levels, and the City's ability to help pay for a wide range of neighborhood goals will be reduced. Consequently, monitoring long-term changes in property values—and whether those values keep up with or fall behind inflation—is one important way to gauge how neighborhoods contribute to fiscal health.

Given Fargo's rapid growth in recent decades and rising demand for housing, the average assessed value of single-family homes has been able to outpace inflation in each of the core neighborhoods by a considerable margin. Though average values in all core neighborhoods remain well below the average value of newer housing stock outside the core, five of the nine core neighborhoods have experienced value growth since 2011 that exceeds the rate of growth in non-core neighborhoods.

These value trends, combined with the fact that blight is not yet at overwhelming levels in any core neighborhood, are an indication of Fargo's strong position to invest in ways that will foster and maintain healthy core neighborhoods.

Percent Change in Average Assessed Value of Single-Family Homes, 2011-2020, Compared to Inflation



Source: czb analysis of current and historical assessment data from City of Fargo

## How should these concepts influence planning and policy for Fargo's neighborhoods?

What these four concepts reveal is a need to think expansively from a planning and policy standpoint on a few different levels—and to recognize that building or sustaining neighborhood health is not a one- or two-dimensional task that can be accomplished by focusing narrowly on the core neighborhoods themselves. Specifically:

### Defining a healthy neighborhood

The four interrelated factors that drive neighborhood health all require different types of attention from neighborhood residents, City leaders, and other neighborhood stakeholders. Stimulating engagement between neighbors requires certain tools in the same way that encouraging home reinvestment requires specific resources and approaches. Good planning and policymaking must pay attention to all four factors.

### Distribution of housing opportunities matters

Intentionally distributing affordable housing opportunities to avoid concentrations that would be harmful to low-income households and neighborhood health is not something that can be done by narrowly focusing on affordable housing in the core neighborhoods. City- and region-level action are necessary to make movement in a fairer direction possible.

### Owner-occupancy and household stability affect neighborhood health

In the same way that well-distributed affordable housing opportunities requires at least a citywide policy perspective, achieving a healthy balance of owner-occupancy throughout the core neighborhoods requires a way of thinking about the integration of different housing types at the block scale, the neighborhood scale, and beyond.

### The City's fiscal health is imperative

Making the City's long-term fiscal health part of decision-making and planning at the neighborhood level—and not just from the standpoint of whether the City can afford to pay for something at any given moment—forces planning to be mindful of the consequences that every action might have on a neighborhood's ability to compete for housing demand and maintain a property base that can strongly contribute to service delivery and infrastructure investments.

PART 3

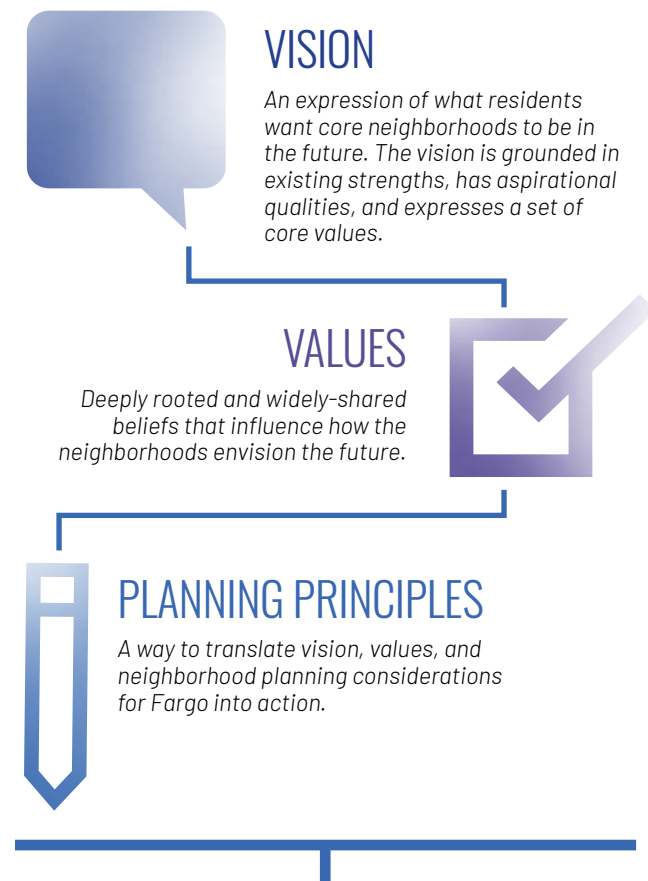


# VISION, VALUES, AND PLANNING PRINCIPLES FOR THE CORE NEIGHBORHOODS

Each of Fargo’s core neighborhoods has a vision for the future grounded in specific strengths and opportunities that residents wish to build from and challenges they seek to overcome. These visions—in the form of neighborhood brand statements and a set of measurable outcomes—can be found in the implementation briefs in Part 5.

Although each neighborhood has its own vision, the process behind the Core Neighborhoods Master Plan revealed many common themes in these visions and the specific outcomes being sought across the core—commonalities that speak to an overarching vision for the core and a set of shared values. When those values are combined with what is known about prominent issues in the core (Part 1) and concepts for neighborhood planning in Fargo (Part 2), a set of planning principles comes into focus.

Together, the shared vision, values, and planning principles presented here in Part 3 form the building blocks of a decision-making framework. As City officials and neighborhood leaders are confronted with choices that have the potential to influence core neighborhoods, this framework can serve as a basis for making decisions that consistently and thoughtfully align with what residents in the core value and want to achieve.



**Building blocks for a consistent decision-making framework for Fargo and the core neighborhoods**

Fargo’s core neighborhoods all have a strong and distinct sense of place that reflects their history and their role in Fargo’s collective story.

Their homes, parks, schools, and trees are points of pride that contribute to a high and improving quality of life that attracts residents looking for character and community.

There is a strong commitment to investment and stewardship as well as equity and diversity, ensuring that desirable residential environments are neighborly and accessible.

Statement of Shared Vision for the Core Neighborhoods







## VALUES

### We are committed to...

#### Character

Our neighborhoods have vernacular character that reflects where we've come from and who we are in Fargo—we value it and recognize that it contributes value to our neighborhoods. We believe in preserving local character whenever possible and being thoughtful about new additions to the built environment.

#### Sustainability

As a community, we are responsible with our resources and assets—this means we are careful about what we invest in as a community, but we are not cheap. We recognize that building and maintaining desirable places (public or private) requires investment, far-sightedness, and stewardship to achieve durability and lasting benefit.

#### Inclusion

While we have room to improve on matters of inclusion, a sense of fairness and common interest have long shaped our civic culture. We recognize that moving forward as a community is something that happens when all feel included as contributors to and beneficiaries of our success.



## PLANNING PRINCIPLES

### Housing is balanced, diverse, and contributes to neighborhood character

Having a wide range of housing types and price points—from a strong and well-preserved single-family stock to a range of appealing rental options—will keep our housing market resilient and responsive to housing demand and need. We will strive to ensure that the core neighborhoods collectively provide this range of opportunities and that housing diversity is thoughtfully integrated within individual neighborhoods.

### Neighborhoods are amenity-rich

High-quality parks and other amenities contribute to quality of life for all residents and the desirability of our core neighborhoods. We will preserve, invest responsibly in, and add strategically to the amenities we have. Whenever possible, we will make an extra effort to turn underutilized or one-dimensional public spaces—including streets—into stronger quality of life assets.

### Settlement patterns do not inhibit economic mobility

Our actions promote the maintenance and emergence of balanced, mixed-income neighborhoods citywide and in the core. If a project or policy is likely to directly or indirectly concentrate poverty and disinvestment into small areas or specific neighborhoods, we will reject or rethink it.

### Growth pays for itself (including negative externalities)

Growth comes with direct costs, such as infrastructure construction and expansion. But it also comes with externalities, such as diminished demand for older neighborhoods and older public facilities. In addition to paying its own way, growth must contribute to solving its indirect consequences.

### How would this work as a decision-making framework?

Gauging whether a decision aligns with a value or planning principle will not always be straightforward—such a framework requires a willingness by the community to openly interpret and discuss what the values and principles mean and how they apply to the decision at hand. At a basic level, however, there are some clear “dos” and “don’ts” that go with the values and planning principles presented in this plan.

## DO

Use the City’s Land Development Code to require adherence to basic principles of good urban form in order to strengthen the physical fabric of core neighborhoods

Support a mixture of housing opportunities in each neighborhood, including multi-family housing along corridors where higher densities make the most sense

Encourage preservation of and reinvestment in the core’s single-family housing supply

Invest in high-quality park and public space improvements—including connections between improvements—to bolster quality of life in core neighborhoods and position them as neighborhoods of choice in the region

Involve neighborhoods in planning amenities to create a sense of ownership and confidence that translates to parallel investments by private homeowners

Use City incentives to encourage and support residential projects that help the City and its neighborhoods achieve mixed-income results

Use federal and state housing resources in ways that create durable housing opportunities for low-income households in mixed-income settings near job centers, services, and amenities

Ensure that new development on Fargo’s edges is both covering the cost of new infrastructure and services AND helping to pay for reinvestment in the City’s core

Plan for growth in a more comprehensive manner that takes ramifications for schools, parks, and existing neighborhoods into full account

Put an onus on core neighborhoods to absorb a share of Fargo’s future population growth—the most sustainable way for Fargo to grow

## DON'T

Allow infill development to compromise the quality of existing neighborhood form (but, at the same time, don't be overly prescriptive about style and design)

Allow redevelopment patterns to emerge that (1) compromise confidence and continuity on stable, single-family blocks or that (2) result in mixed-use, higher density areas that feel unplanned or haphazard

Skimp or underinvest in neighborhood amenities and expect core neighborhoods to successfully compete for residents and investment in the long-run

Plan improvements to neighborhood amenities without considering how they connect to and support other amenities and neighborhood goals

Use City incentives to encourage or support projects that will reinforce concentrations of poverty or exclusive development patterns

Use federal or state housing resources in ways that steer new affordable units to areas with the lowest land costs or areas isolated from economic opportunities or amenities

Assume that having new development pay for new infrastructure and service costs alone is sufficient to cover the full fiscal impact on Fargo

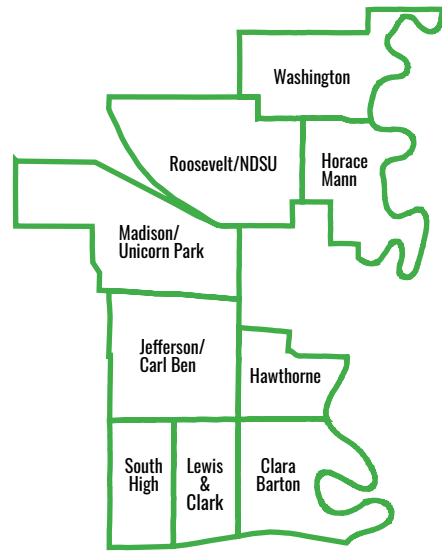
Mistake preservation goals in core neighborhoods as a rationale for not absorbing growth in the core

PART 4



# CORE NEIGHBORHOODS TOOLKIT

The process behind the Core Neighborhoods Master Plan revealed a comprehensive range of issues to address and principles to apply that will require a citywide vantage point. Consequently, a toolkit for the core neighborhoods focused narrowly on a few localized programs or policy tools would have been inadequate to the task of achieving the shared and individual visions of the nine neighborhoods.



The toolkit outlined here responds to the complexity of these neighborhoods and the issues to address by identifying five general categories of intervention tools that form a comprehensive toolkit for a diverse collection of older neighborhoods.

For each tool category, the following information is presented:

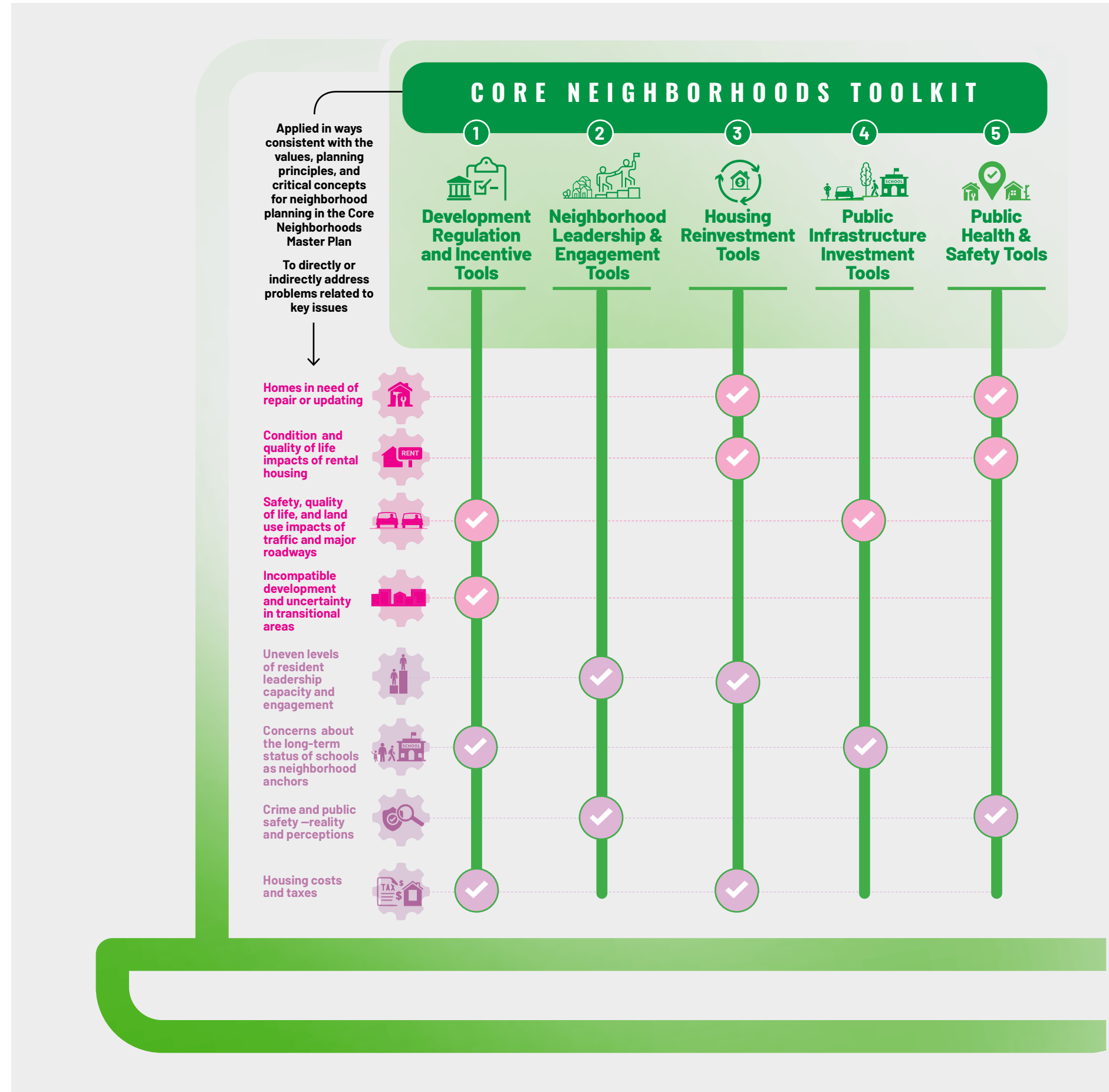
PROBLEMS TO SOLVE ..... CURRENT PRACTICES AND CONDITIONS ..... CHANGES TO MAKE

**Problems to Solve** in the core neighborhoods that can be addressed in some form by the tool category.

**Current Practices and Conditions**, outlining how the City of Fargo and its partners currently utilize tools within the category.

**Changes to Make**, covering recommended actions that would bring policies and programming in Fargo into better alignment with the issues that need to be addressed and the planning concepts and principles outlined in this plan.

Part 4 concludes by proposing a realistic sequencing of implementation steps and highlighting the most critical steps to achieve in the near-term to put implementation on a positive course.



1

Development Regulation and Incentive Tools



PROBLEMS TO SOLVE ..... CURRENT PRACTICES AND CONDITIONS ..... CHANGES TO MAKE

**What are the core neighborhood problems that can be addressed by this category of tools?**

Too much **uncertainty about what can go where and what infill development will look like**, which can contribute to current or potential owners hesitating to invest in existing properties.

**Uneven distribution of affordable housing options** across Fargo, with higher-than-optimal concentrations of low-cost options (and therefore poverty) in some core neighborhood areas where the housing stock is older and outdated.

**How are these tools currently configured or used?**

**A Land Development Code that, according to a separate LDC Diagnostics project, is outdated** and not a good reflection of goals stated in the Go2030 comprehensive plan or other, more recent, plans. This includes the absence of design standards in base zoning districts as well as zones close to downtown that permit a broad range of uses and densities (perhaps too broad given existing, desired, or foreseeable land use patterns).

**A Go2030 comprehensive plan that does not acknowledge certain ambitions that are important to the health of core neighborhoods**, such as an ambition that all neighborhoods be healthy or that affordable housing be addressed in a manner that does not concentrate poverty in a few poorer neighborhoods.

**Routine use of Planned Unit Developments (PUDs) by developers** to negotiate the details of core neighborhood infill projects, including use and density—which leads to decisions that can seem ad hoc and unpredictable to neighborhood stakeholders.

**Aging housing stock in the core neighborhoods serving as Fargo’s default supply of affordable housing**, with no policies in place to require or encourage a more even and equitable distribution of affordable housing.

**A system of development incentives**, including tax exemptions, tax increment financing (TIFs), and payment in lieu of tax agreements (PILOTs) with policies and guidelines that are regularly reviewed to ensure they are aligned with City objectives and plans.

**What changes to current practices substantially address the “Problems to Solve?”**

**1. Update the Land Development Code (LDC) to reflect principles and goals expressed in this Core Neighborhoods Master Plan.**



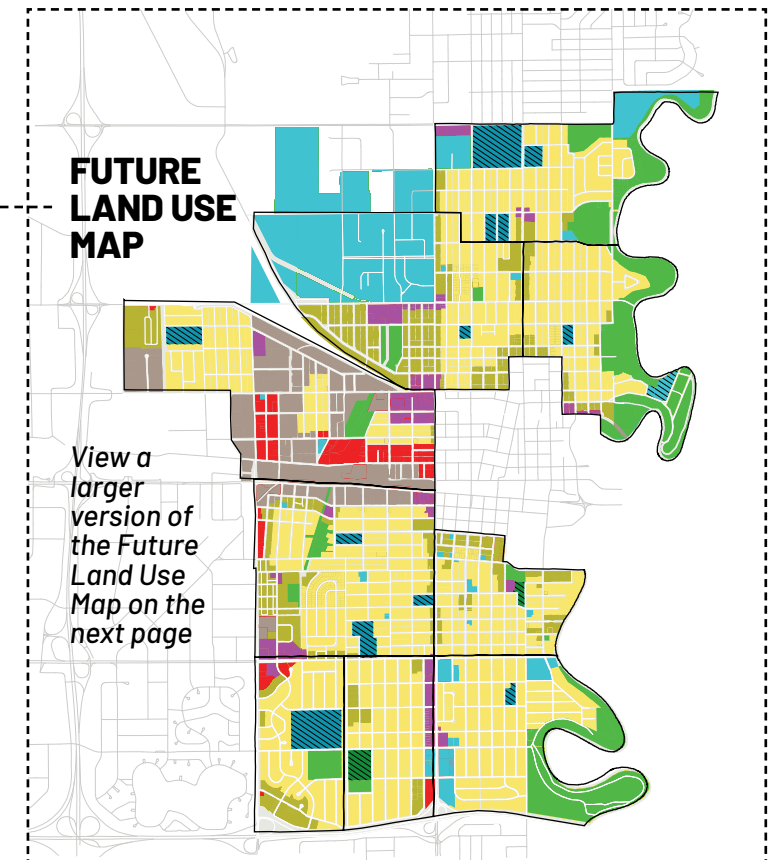
A successful update of the LDC will take a wide range of planning and policy goals into account for the entire city. Special attention, though, should be given to outcomes sought in the core neighborhoods and the ways that the LDC can assist in achieving those outcomes.

**ACTION**

Use the following resources and recommendations to guide the LDC update:

- ✓ **Future Land Use Map for the core neighborhoods, which has been created to express land use and development goals in the core neighborhoods.**
- ✓ **Integrate development standards into a revised Land Development Code as a commitment to the “Character” value in this plan. Development standards are a set of design requirements that are used to establish a minimum level of design quality and address the use of materials, transparency, overall building articulation, and other basic elements of urban form.**

Who	Cost
City of Fargo	No direct cost in addition to what is expended on the LDC update





1

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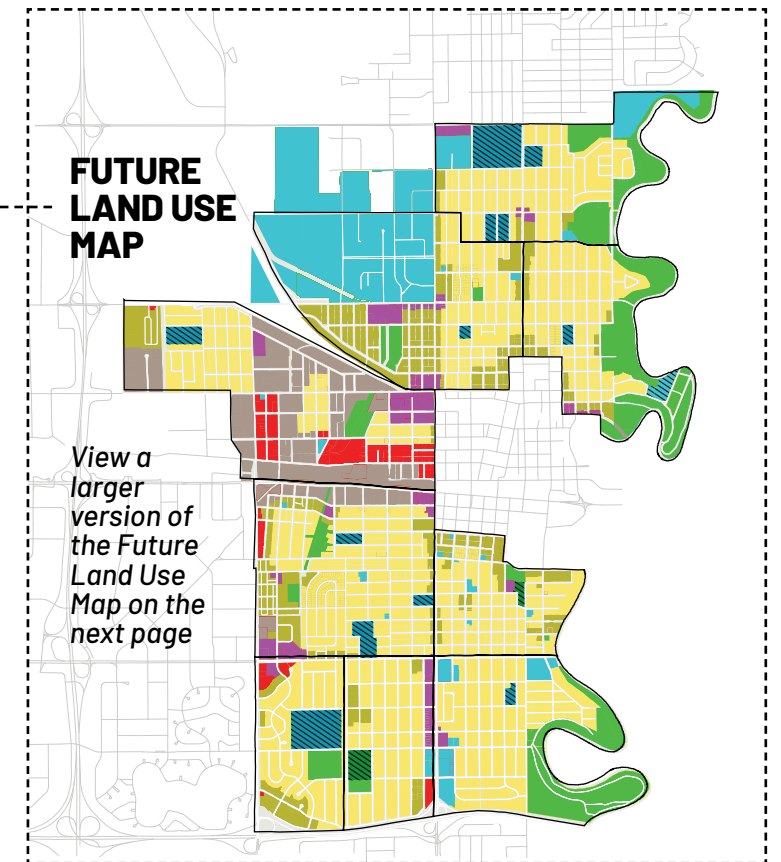
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**ACTION**

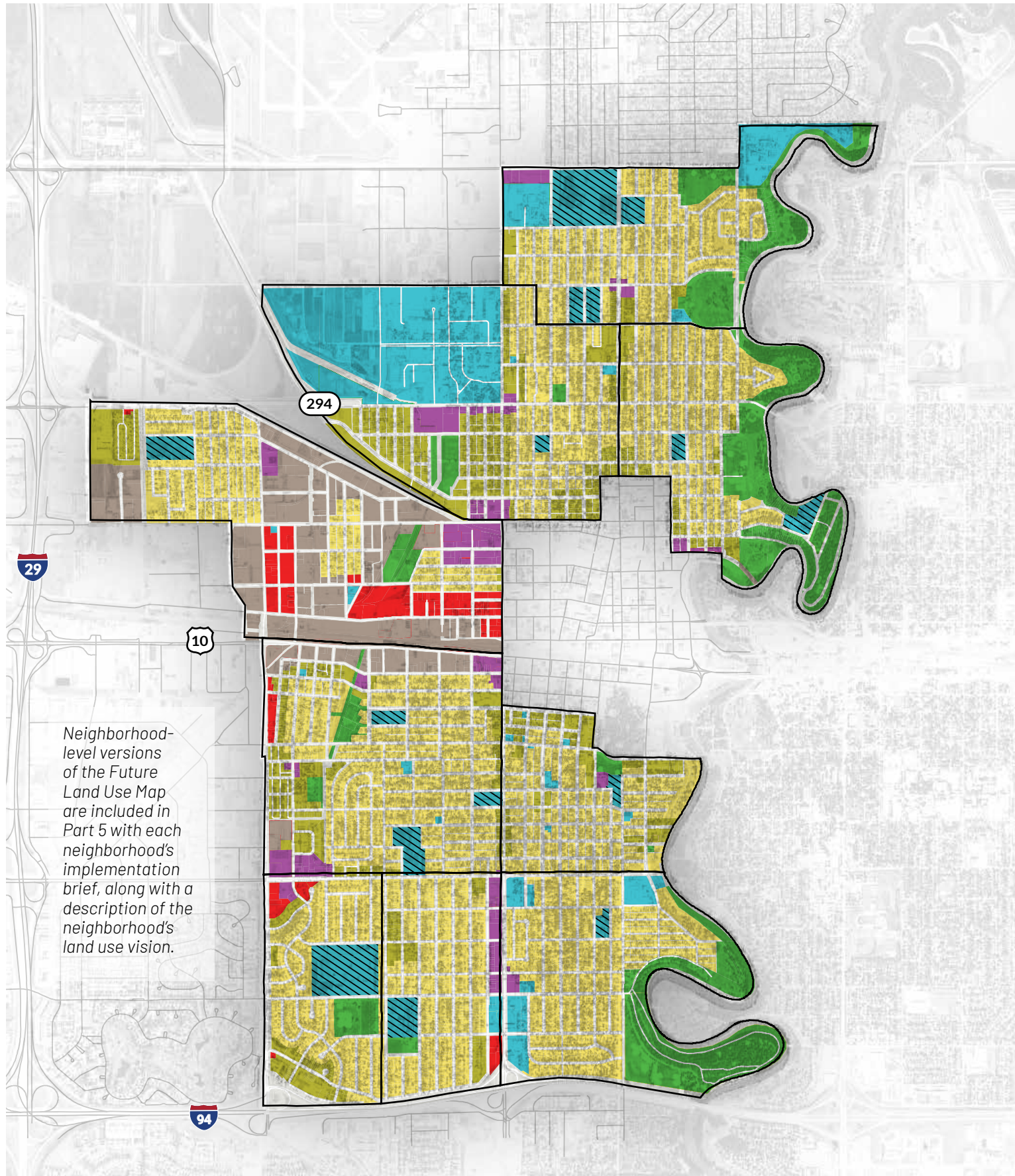
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Who	Cost
City of Fargo	No direct cost in addition to what is expended on the LDC update







# Future Land Use Map (FLUM)

## What is a FLUM?

The Future Land Use Map (FLUM) is the community's visual guide to future planning efforts and identifies recommended locations for specific land uses. In the case of Fargo's core neighborhoods, many land uses have been in place for decades and the existing land uses are the same as the proposed future land uses. The challenge is to clearly identify those locations, often at the block level, that are transitional and recommended to be something different than they are today. The FLUM is a map of what the community wants to have happen; it is not a prediction.

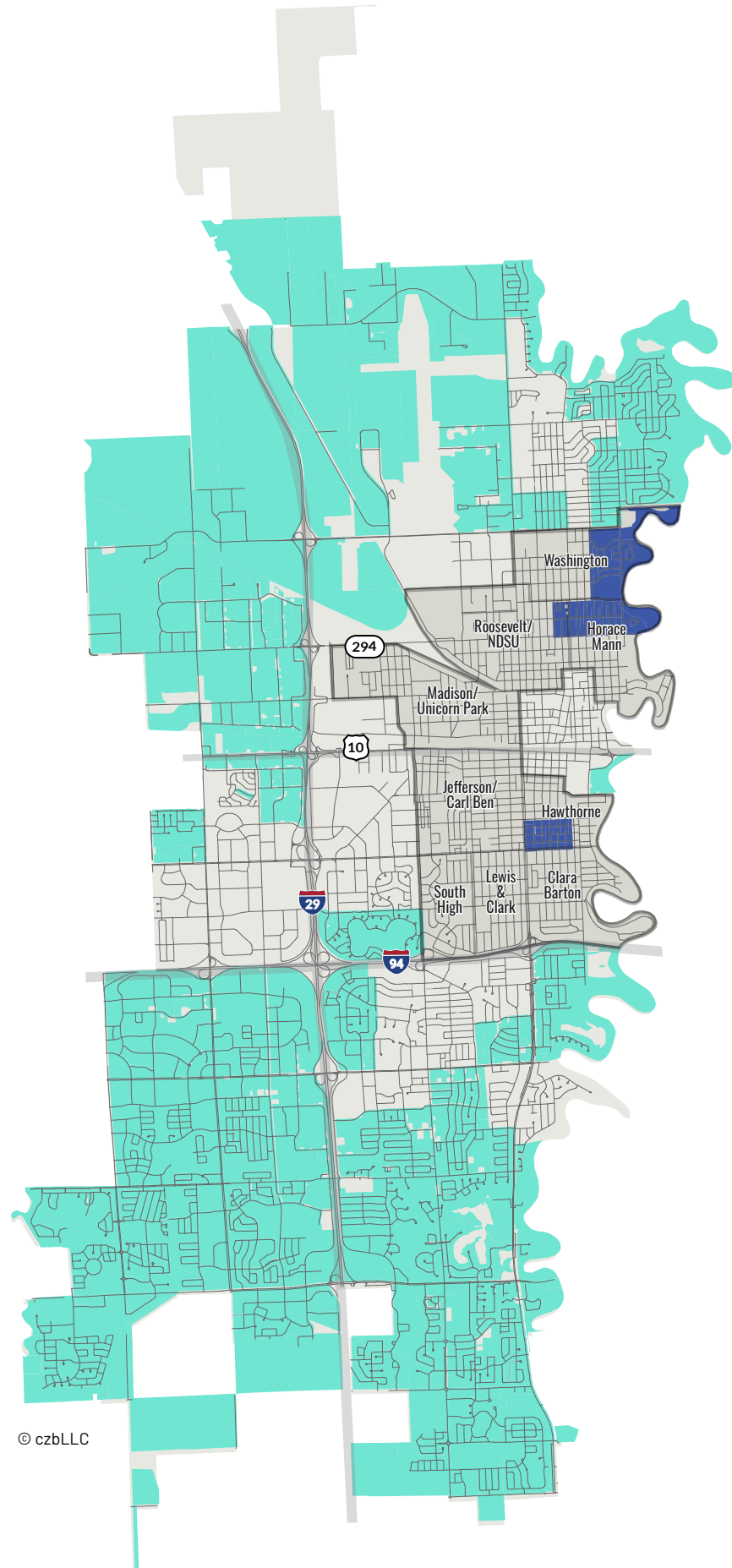
## How is it used?

The FLUM provides a generalized view of how land in the core neighborhoods is intended to be used. It does not necessarily show land uses as they exist today nor does it illustrate zoning information; it is not an official City map. Rather it should be used to inform any updates for a new zoning map associated with revisions to the Land Development Code (LDC). If the FLUM depicts a land use differently than what actually exists on the ground it does not mean the existing use (technically defined as a "nonconforming use") must be removed or cease operation. In this case, the standards for continued operation included in Article 20-10, Section 20-1002, Nonconforming Uses of the Land Development Code apply.

## What land use designations are illustrated on the FLUM?

- Single-Family Residential**  
 Single-family housing is the primary building typology recommended within this land use designation, a designation that could also be considered a de facto preservation area for the single-family building fabric that dominates these areas.
- Industrial/Warehousing**  
 Industrial/warehousing facilities tend to be concentrated in specific areas as a result of transportation needs as well as the size of buildings needed for fabrication of materials, and they should be limited to specific sites as noted. Opportunities may exist in some areas to retrofit these properties for mixed-use development, including artist live/work spaces, loft apartments, or commercial uses such as brewpubs. Landscaping and screening requirements should be strongly implemented and enforced.
- Multi-Family Residential**  
 Duplexes, townhouses and apartment buildings are likely to be interspersed alongside single-family structures within this designation to provide a greater range of housing options for households within the community.  
  
 While neighborhoods are not typically considered for mixed-use neighborhood commercial opportunities, the City should explore allowing small cafes (coffee shops, tea houses, bakeries, etc.) or a local mom-n-pop shop, a hardware store, or a pottery or art shop within this land use designation. And because the Planning Department cannot always predict where a need, or opportunity, for such services will arise, the City should consider a Conditional Use Permit (CUP) to allow neighborhood commercial uses (with detailed criteria for approval) per the existing Land Development Code (LDC).
- Park, Open Space and Trails**  
 In addition to parks, playgrounds, open spaces, and trails this land use designation also includes environmentally sensitive areas.
- Commercial**  
 While a variety of commercial uses make up the majority of these areas as designated on the map, these areas should increasingly be considered for mixed-use development. Residential development and/or offices on the upper floors of retail establishments are encouraged within this land use designation. Residential development should be designed at higher densities in these areas.
- Mixed Use Neighborhood**  
 Neighborhood commercial opportunities such as restaurants, local retail establishments and community gathering spaces with residential uses incorporated into the development are the primary components of this land use designation. Unlike the Commercial designation, mixed-use development requires the inclusion of a residential component to ensure 24-hour viability. Additionally, walking and cycling access must be fully integrated into these developments.
- Institutional**  
 Schools, churches, nonprofit centers, community centers, hospitals, medical centers, and public facilities make up the majority of uses within the institutional land use designation.
- Schools with recreational amenities**





## Inclusion Priority Areas

- Non-Core Housing Inclusion
- Core Housing Inclusion

This map of inclusion priority areas identifies blocks that have well-below average shares of Fargo's low-income households AND housing market demand conditions that are above average for Fargo. If a residential project in these areas is to receive any form of incentive from the City of Fargo, it is recommended that the incentive be granted only if the project has an affordable component of at least 10% of developed units.

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### 2. Revise development incentives and subsidies to reflect goals and planning principles of this plan



Just as the Land Development Code needs to be updated to reflect recent plans, the same applies to development incentives and subsidies (from local, state, or federal sources) that are used by the City to aid development of certain types and in certain locations. The City has a process in place for periodic reviews and updates to these tools.

#### ACTION

During Fargo's next review of policies governing development incentives and subsidies, integrate changes that reflect the planning principles and goals of the Core Neighborhoods Master Plan. These may include:

- ✓ **Mixed-use incentives in areas designated on the FLUM (and codified in the LDC) as emerging neighborhood centers**
- ✓ **Mixed-income, inclusionary housing requirements** for:
  - Any project with a residential component that seeks assistance through TIF or PILOT
  - Any multi-family residential project seeking a remodeling exemption
- ✓ **Withholding City-controlled incentives or support for any project that contributes to or reinforces concentrated poverty, such as:**
  - Any project with a substantial affordable housing component that is also in a Census block group with 20% or higher poverty

Who	Cost
City of Fargo	Value of potential tax revenues forgiven to achieve core neighborhood goals (potentially offset by tax revenues not forgiven for mis-aligned projects)

### 3. Create a regional housing trust fund to support inclusive housing development at a regional level



While the City of Fargo can actively pursue a wider distribution of affordable housing opportunities through modifications to development incentives, a truly fair distribution of affordable housing opportunities requires action at the regional level. Without a regional approach to this issue, default concentrations of affordable housing in the least expensive communities will remain an issue and undermine the long-term health of older neighborhoods across Fargo-Moorhead.

#### ACTION

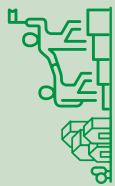
- ✓ **Through inter-jurisdictional agreements, create a consortium of communities** that agree to pay annually into a housing trust fund based on a combination of population and recent volume of market-rate development, among other possible criteria. Use allocated funds to assist financing of low-income and mixed-income housing development in a manner that does not contribute to or reinforce concentrations of poverty.

Who	Cost
Fargo-Moorhead Council of Governments (Metro COG) as the potential convener or coordinator of participating communities; the new Cass County Land Trust as the potential home and manager of a housing trust fund	Annual cost to participating communities dependent on long-term production goals tied to regional housing needs



2

Neighborhood Leadership & Engagement Tools



PROBLEMS TO SOLVE ..... CURRENT PRACTICES AND CONDITIONS ..... CHANGES TO MAKE

**What are the core neighborhood problems that can be addressed by this category of tools?**

**Cultivating greater resident leadership capacity** where it is low and maintaining it where it is high in order to successfully manage issues at the neighborhood level.

**How are these tools currently configured or used?**

**A few core neighborhoods have well-established neighborhood associations** that interact with residents and City officials, though maintaining and growing their volunteer base is an ongoing challenge. Most areas in the core neighborhoods do not have anything so formal, and any informal leadership structure that exists is often hard for the City to interact with routinely.

**The City of Fargo used to employ an individual who helped to facilitate the development and operation of neighborhood associations** and the cultivation of neighborhood leaders, but such a position has not existed for at least a decade.

**The Fargo Neighborhood Coalition exists to connect neighborhood leaders and amplify neighborhood issues** but has limited, volunteer-driven capacity.

**What changes to current practices substantially address the “Problems to Solve?”**

**1. Create capacity to cultivate and connect residential leaders and to oversee programming that stimulates neighbor-to-neighbor engagement.**



Having dedicated staff to work with neighborhood associations and emerging neighborhood groups was critical to past achievements on the issue of residential leadership development. Such a capacity is needed again, and over a sustained period, to boost the capacity of neighborhoods to manage issues and interact effectively with City Hall and other entities.

**ACTION**

- Establish a “Neighborhood Coordinator” position.** Position the coordinator as primarily responsible for designing and executing programming related to neighborhood leadership and engagement, and as a key liaison between neighborhood groups and City departments.

Who	Cost
City of Fargo as lead financial sponsor of the position; position would ideally be housed at the same entity responsible for new housing reinvestment programs identified in this plan (see Housing Reinvestment Tools)	Salary and benefits of coordinator position

**2. Develop and implement programs designed to identify emerging leaders, support the work of emerging or established neighborhood groups, and to connect neighborhood leaders to information and each other.**



A number of simple and time-tested approaches can be used to empower residents who want to engage and organize their neighbors and to create locally-driven momentum that builds confidence and a sense of ownership for neighborhood conditions.

**ACTION**

Design and execute programs, such as:

- Block activities and small beautification/improvement projects for motivated groups of neighbors (using small matching grants and providing facilitation support)**
- Annual ‘neighborhood improvement summit’ that brings neighborhood leaders together to engage with City departments and each other, supplemented by routine, topical workshops.**
- Technical assistance and/or small grants to aid in the implementation of activities that reinforce neighborhood brand and vision (as identified through the Core Neighborhoods Master Plan process).**

Who	Cost
Programs administered by Neighborhood Coordinator	Resources for small matching grants, organizing the annual summit and routine workshops (estimated range: \$15,000 to \$30,000 per year)

3

Housing Reinvestment Tools



PROBLEMS TO SOLVE ..... CURRENT PRACTICES AND CONDITIONS ..... CHANGES TO MAKE

**What are the core neighborhood problems that can be addressed by this category of tools?**

**How are these tools currently configured or used?**

**What changes to current practices substantially address the “Problems to Solve?”**

**Overcoming owner hesitancy and/or inability to make large improvements** to older homes that are in need of repairs/updates to maintain the health and marketability of core neighborhood housing stock.

**Addressing isolated examples of blight** that threaten stable areas.

**Limited financial motivation to upgrade aging apartment complexes** that also serve as a source of affordable housing.

**Making single-family homes that are currently slipping less appealing targets for rental investors** and more appealing for potential homeowners.

The City of Fargo has two longstanding Community Development programs in this category of tool that are too limited in size and impact to address these problems at the proper scale.

**Housing Rehabilitation Program:** A program funded with federal dollars for income-eligible homeowners that currently rehabs 5 to 7 properties per year due to limited resource availability and limited contractor capacity to do the rehab work (due in part to regulations tied to the funding source).

Additional federal resources from the Community Development Block Grant program and H.O.M.E. are dedicated to a variety of programs, especially those that serve the housing needs of the homeless and very low-income households.

**Neighborhood Revitalization Program:** The City of Fargo and Gate City Bank partner on a low-interest loan program that serves approximately 10 homeowners per year, on average; approximately \$2 million in loan capital is allocated annually; the program provides an attractive home improvement financing option for those who use it, but it does not appear to stimulate work that would not have happened otherwise.

The City of Fargo also has tax incentives aimed at reinvestment in both commercial and residential real estate. This includes the remodeling property tax exemption that exempts the value added by remodeling for five years.

The City’s Historic Overlay Districts—of which there are seven in the core neighborhoods—do not provide resources or incentives to assist owners with property improvements. But they do provide a measure of predictability, and therefore confidence to owners who make investments in historic homes, by ensuring that exterior modifications in the districts are reviewed for architectural sensitivity.

- Continue to allocate Fargo’s federal housing and neighborhood resources in a manner that serves the greatest housing needs, but look for opportunities to serve goals of this plan.**



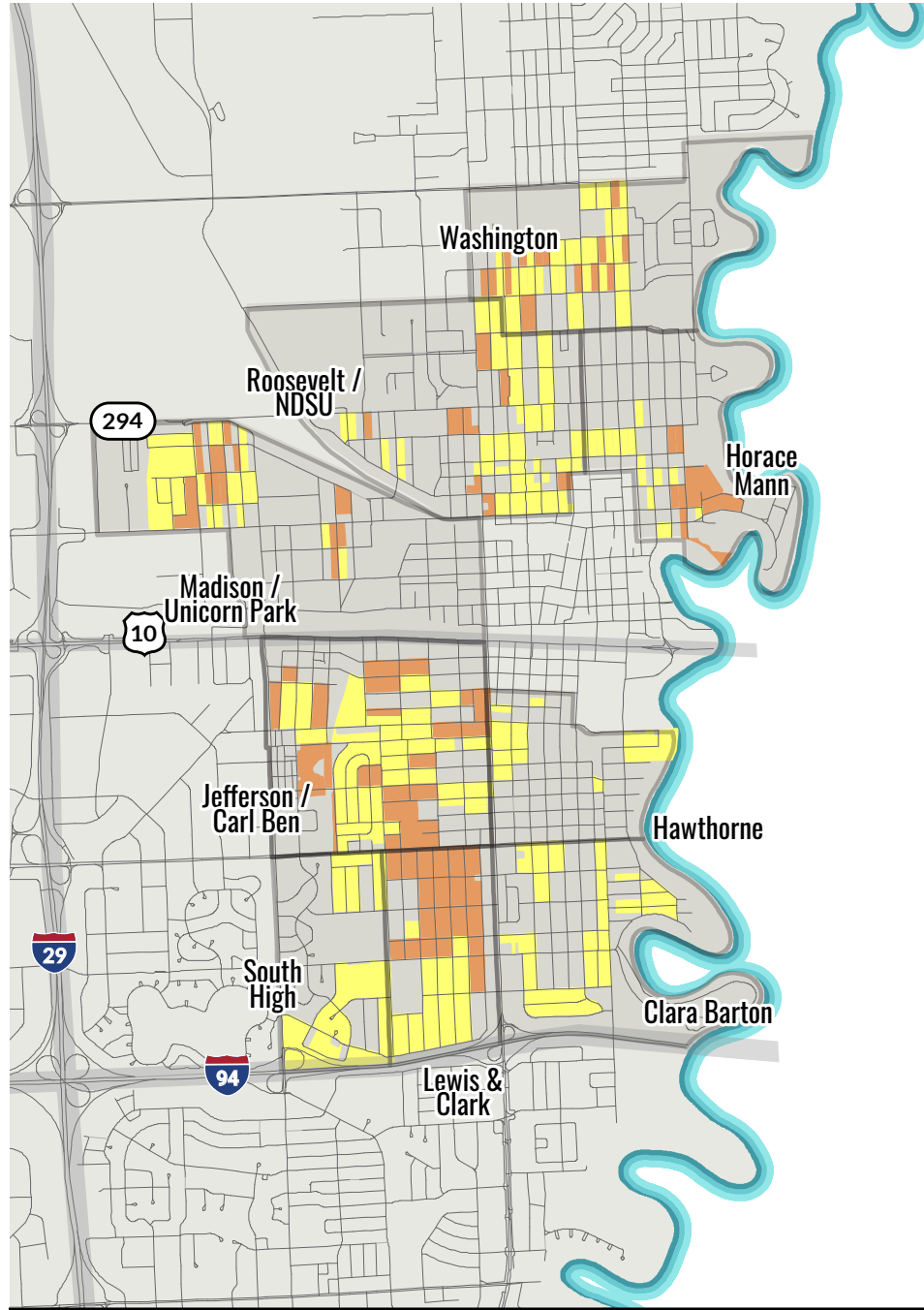
Existing federally-supported housing and neighborhood programs managed by the Division of Community Development have shortcomings that limit their reach and impact, and this is largely a consequence of resource limitations and restrictions on how they can be used. Nevertheless, they help support vital services for the city’s most vulnerable populations.

**ACTION**

Continue the City’s emphasis on using federal housing and neighborhood resources to address the immediate and long-term shelter needs of households and individuals at 30% of area median income and below, including services to prevent homelessness. Whenever and wherever possible, however, use these resources to support the following activities:

- Blight reduction** on core neighborhood blocks (in eligible Census tracts) where distressed housing conditions are an impediment to neighborhood stability
- Infrastructure improvements** that reduce the cost of mixed-income housing developments in the core neighborhoods

Who	Cost
City of Fargo Division of Community Development	Allocation of existing federal funding streams



## Promising Areas for Reinvestment Resources

The blocks identified on this map are especially promising targets for strategic housing reinvestment resources.

**Core Reinvestment "A" Blocks**  
 "A" blocks represent blocks that are largely stable with modest levels of deferred maintenance. Strategic investments have a high probability of making them stronger and spurring reinvestment by neighbors.

**Core Reinvestment "B" Blocks**  
 "B" blocks have higher levels of deferred maintenance but still retain a number of healthy properties. Larger investments are needed here to bolster confidence, but there are identifiable strengths to build from.

## 2. Create new housing reinvestment capacity to flexibly and proactively intervene with approximately 225 homes and 10 apartment buildings over a ten-year period.



- Based on the existing scale of residential disinvestment in Fargo's core, it is estimated that roughly 235 interventions over the next decade—of the right types and in the right locations—will do much to raise standards, bolster confidence, and prevent blight and disinvestment from becoming a more significant issue in 15 or 20 years.

- The recommended volume of intervention is based on the Pareto principle, also known as the 80/20 rule. Experience elsewhere has shown that by focusing directly and strategically on a modest number of disinvested properties, behaviors can be shifted in a manner that influences investment patterns neighborhood-wide.

- Given the important link between neighborhood improvement and high levels of resident capacity, marrying reinvestment programming with leadership and engagement programming may be advantageous.

### ACTION

Establish a new entity (or reposition an existing one) that would be charged with designing, promoting, and managing a series of residential reinvestment programs aligned with this plan, as well as cultivating resident leadership. These programs may include:

#### ✓ Owner-Occupant Home Improvement Program

**Target:** 125 houses over 10 years

Partner with existing owner-occupants on significant home improvement projects that would elevate home marketability and neighborhood standards.

#### ✓ Home Turnaround Program – Acquisition and Renovation

**Target:** 50 houses over 10 years

Proactively acquire and renovate troubled houses in strategic locations and sell to qualified owner-occupants.

#### ✓ Home Turnaround Program – Acquisition and Demolition

**Target:** 50 houses over 10 years

Acquire and demolish troubled properties that are unsalvageable. Sell the resulting lot to a non-profit or for-profit buyer with capacity to rebuild in a manner sensitive to neighborhood goals, or undertake sensitive infill without partners.

#### ✓ Apartment Revitalization and Affordability Preservation Program

**Target:** 10 buildings over 10 years (with roughly 80 units total)

Partner with property owners on significant rehabilitation of outdated and declining apartment buildings. Require preservation of affordable rents on a share of rehabbed units.

#### ✓ Neighborhood Leadership & Engagement Program

See description of leadership cultivation and engagement capacity described under Neighborhood Leadership & Engagement Tools.

#### ✓ Small Grants for Clustered Curb Appeal Improvements

Use small matching grants for exterior home improvements as a way to encourage groups of at least 10 neighbors to make simultaneous and visible upgrades to their block in order to build confidence and stimulate neighbor-to-neighbor engagement.

### Who

City of Fargo as lead sponsor with numerous other financial and strategic partners

### Cost

**Capital:** Ideally, the costs of housing reinvestment projects will be covered by a combination of owner capital and debt, capital supplied by the City of Fargo, and state or federal tax credits (where applicable). Public resources would cover revolving capital needs as well as subsidies to pay for appraisal gaps and affordability gaps. It is estimated that the City of Fargo would need to commit approximately \$4 million over 10 years to support the target of intervening with 235 properties across the programs here.

**Operations:** Estimated need for administrative and operating funding to target, plan, and manage 20 to 25 projects per year, as well as neighborhood engagement capacity.

### Return on Investment:

When a number of conditions are met, capital committed to this activity by the City of Fargo should be expected to result in at least a dollar-for-dollar increase in the taxable assessed value of properties that are improved, as well as indirect value gains elsewhere on affected blocks. Maximizing ROI will require (1) that improvements noticeably and meaningfully increase marketability of the property by virtue of quality construction and use of quality materials, (2) improvements to the exterior of properties and to landscaping are prioritized, (3) delayed/deferred capital improvements to systems (foundation, roofing, heat/cooling, plumbing, electrical, weatherization) occur, and (4) that complementary public and private improvements be made or encouraged in close proximity.



4

Public Infrastructure Investment Tools



PROBLEMS TO SOLVE ..... CURRENT PRACTICES AND CONDITIONS ..... CHANGES TO MAKE

**What are the core neighborhood problems that can be addressed by this category of tools?**

**Streets**

The design and function of arterial streets, most of which reflect an outdated auto-centric approach to street design.

Speeding on residential side streets.

Overparking on residential streets near busy institutions (namely NDSU).

Noise from Interstates is a problem to solve in some areas.

**Trees**

Trees are a recognized asset that need continued stewardship and investment to remain so, especially as mature trees die off and need replacement.

**Parks**

Parks are a recognized asset and have the potential to be greater quality of life assets.

**Schools**

Schools are a recognized asset, but some core neighborhood stakeholders fear that facilities and programming is falling behind newer schools in newer neighborhoods.

**How are these tools currently configured or used?**

**Streets**

The City of Fargo has already implemented 'low-hanging fruit' bike infrastructure throughout much of the core.

Main Avenue was rebuilt in 2020 between the river and University Drive in a manner that serves as a model for 'complete streets' design.

Previous efforts to redesign streets to better accommodate all users have run into opposition from property owners, especially when on-street parking spaces are threatened.

A system of sound barriers exists along parts of the Interstates bordering the core neighborhoods, but it is incomplete.

A Safe Routes to School study was completed in 2020 and identified areas that pose the greatest risks for pedestrians in general and children specifically.

**Trees**

Fargo has a well-established Forestry Department that tracks the health and size of 57,000 trees in public rights-of-way and oversees maintenance and replanting efforts.

**Parks**

Fargo parks are managed by a special-purpose government (the Fargo Park District) that collects revenue through a tax levy, facility fees, and a fundraising foundation. Matching parks planning and neighborhood interests/needs is a continuous challenge, and long-range planning for the overall system of spaces within the core (and citywide) could be stronger and more closely tied to neighborhood visions and goals. The Park District will start work soon on a comprehensive strategic plan, which will provide an opportunity to connect neighborhood and park strategies.

**Schools**

Development of new housing in the City of Fargo and school facility planning are not currently coordinated. Impacts on the latter are figured-out in the aftermath of the former through redistricting and facility expansion that tries to balance a range of competing interests. Currently, many facilities in the core are well under capacity while facilities in fast-growing southern areas of Fargo are facing pressures to expand.

**What changes to current practices substantially address the "Problems to Solve?"**

**1. Use rising levels of neighborhood leadership and engagement to consistently inform infrastructure planning and investments in the core neighborhoods**



Planning for infrastructure investments can have a tendency to solicit public input in ways that reinvent the wheel for each project rather than building on priorities and goals that have been memorialized by previous efforts. This can create an environment where projects and investments are fragmented rather than combining with others to realize long-term community outcomes.

**ACTION**

✓ **Through newly created neighborhood coordination capacity (see Neighborhood Leadership & Engagement Tools), leverage engaged residents to routinely inform planning efforts** related to specific types of infrastructure in the core neighborhoods through the lens of established neighborhood priorities and goals. Use the continuity of this engagement to ensure that new investments in parks, streets, trees, schools, and other infrastructure builds on existing momentum.

Who	Cost
Neighborhood Coordinator working with residents and departments/agencies overseeing infrastructure planning & investments	Improved coordination of existing public engagement resources

**2. Develop a strategy to implement "complete streets" principles and character-enhancing improvements on all major corridors in the core neighborhoods, as well as traffic calming measures on busy side streets**



Turning from an auto-focused orientation of major streets in the core to a more balanced consideration of multiple users (which has already begun on some streets, including Main Avenue) is a long-term process that requires thoughtful phasing and planning to achieve the right design for each street. The same goes for any effort to use street infrastructure to express and reinforce neighborhood character.

**ACTION**

✓ **As part of the upcoming Fargo Transportation Study, identify a process for gradually implementing complete streets principles along major corridors in core neighborhoods**, taking into consideration reconstruction schedules and the potential for inexpensive short-term modifications to test concepts. Include neighborhood associations, Fargo Public Schools, the Park District, and Forestry as key partners in the planning process.

Who	Cost
Metro COG, City of Fargo, NDDOT, and USDOT, along with other relevant partners	To be determined

### 3. Explore modifications to traffic patterns along University Drive and 10th Street corridors



University Drive and 10th Street became tandem one-way arterials decades ago, before I-29 and I-94 were built. Stakeholders from neighborhoods along these corridors (north and south of downtown) have asked if the streets can return to two-way traffic—a practice that many cities and highway departments have adopted in recent years (including Fargo, with Northern Pacific and 1st Avenue).

Below 13th Avenue South, the current two-way configuration of South University Drive is not pedestrian or bicycle friendly and hinders the potential for the street to become a mixed-use neighborhood corridor.

#### ACTION

- Request NDDOT evaluation of the conversion of these corridors from one-way to two-way traffic, and of “complete street” options for South University Drive.

Who	Cost
Metro COG, through its Metropolitan Transportation Planning processes	To be determined

### 4. Implement residential parking permits in areas of demonstrated need and at residents’ request



Concerns about overparking—particularly in the Roosevelt neighborhood due to parking demand by NDSU students and the conversion of single-family homes into rentals—have been raised as a quality of life and traffic safety issue.

#### ACTION

- Utilize the Residential Parking Permit District mechanism established under the City’s Code of Ordinances. There is currently one such district in the city (downtown). The process for designating a district involves a petition submitted to the City Engineer by a resident, with signatures from at least 50% of property owners in the proposed district.

Who	Cost
Neighborhood association or group of residents demonstrating support for a parking district and reasoning for the district’s establishment	Nominal permit issuance and renewal fees to offset administrative and enforcement costs

### 5. Expand system of sound barriers between Interstate highways and core neighborhoods where they are missing and deemed necessary



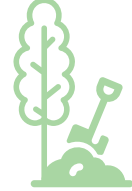
While a system of sound barriers protects several parts of the core neighborhoods from Interstate highway noise, other areas have no such protection. The area between South University Drive and 25th Street South, in particular, has been noted for the impact of highway noise on neighborhood quality of life and marketability.

#### ACTION

- Include core neighborhood noise impact and mitigation analysis in Metro COG’s upcoming Interstate Operations Study and introduce recommended mitigation measures into Metro COG’s Long-Range Transportation Plan processes. Build on analysis performed and feedback received during recent planning efforts and work collaboratively with neighborhood leaders on understanding impacts and solutions.

Who	Cost
Metro COG and NDDOT	Dependent on determination of impact and form of mitigation chosen

### 6. Maintain strong commitment to tree maintenance and replanting



It would be a mistake to take the high caliber of Fargo’s forestry management for granted, or to assume that trees can take care of themselves. What Fargo has today is the result of wise stewardship that requires resources and support to continue.

#### ACTION

- Maintain or increase current levels of investment in Fargo’s Forestry Department to ensure that trees remain a primary asset of the core neighborhoods. Doing so can ensure the proper pace of replanting as mature elms die off and contribute to neighborhood character-enhancing changes to major corridors.

Who	Cost
City of Fargo	At minimum, keep Forestry Department funding (currently at \$2.3 million per year) paced with inflation

**7. Develop a comprehensive strategy for improving and maintaining public spaces as critical neighborhood assets**



Public spaces in the core neighborhoods are owned and managed by the Park District, Fargo Public Schools (school yards, athletic fields, and playgrounds), and the City. Currently, there is no process for thinking about these spaces as a cohesive network of connected spaces—but there should be to make the most of these spaces as neighborhood assets and to ensure that a long-term vision melds with neighborhood needs and aspirations.

**ACTION**

✔ **Develop a ‘Fargo Parks and Public Space Master Plan’ through a partnership between the Park District, City of Fargo, Fargo Public Schools, and other relevant stakeholders.** Use this core neighborhoods plan and other plans to guide the process, which would lay out a long-term, network-wide vision and investment strategy for public spaces in Fargo. Use the Park District’s upcoming strategic planning efforts as a starting point for this work.

Who	Cost
Park District, City of Fargo, and Fargo Public Schools	Estimated range: \$100,000+

**8. Strengthen the long-term planning relationship between the City and Fargo Public Schools with a new focus on recognizing and addressing the negative externalities of growth**



The City of Fargo and Fargo Public Schools have a good working relationship when it comes to monitoring housing development and demographic changes that will impact school enrollment. But Fargo currently lacks a long-term vision for development and growth that takes into account the effect that new development on the periphery has on core neighborhoods and school enrollment patterns.

**ACTION**

✔ **Update Fargo’s 2007 Growth Plan and the Go2030 Comprehensive Plan** to provide a long-term vision for growth that more adequately accounts for the costs and benefits of how and where growth happens. Use this as a basis for an updated policy framework that may include impact fees and other tools to ensure that new development (wherever it happens) contributes to a strengthening of Fargo’s core.

Who	Cost
City of Fargo	To be determined

**5**

**Public Health and Safety Tools**



**PROBLEMS TO SOLVE ..... CURRENT PRACTICES AND CONDITIONS**

**What are the core neighborhood problems that can be addressed by this category of tools?**

**How are these tools currently configured or used?**

**Overcoming owner-occupant hesitancy to make large improvements to older homes that are in need of repairs/ updates—** especially hesitancy stemming from lack of confidence in neighborhood direction.

**Overcoming owner inability (financial, physical, or otherwise) to make basic repairs to bring their properties up to code.**

**Making single-family homes that are currently slipping less appealing targets for rental investors** and more appealing for potential homeowners.

**Alleys that are unkempt and detract from neighborhood character and confidence** (road condition, presence of junk/debris, condition of adjoining private property and yards).

**Fargo’s Inspections Department** interacts with residential property conditions in the core neighborhoods in two primary ways:

**Complaint-based enforcement** of the property maintenance code, which is the traditional method for most communities. Based on conversations with core neighborhood stakeholders, this approach is not well understood by many residents who assume that code enforcement should actively seek out code violations.

**Active public safety inspections of rental properties** through a rental inspection program. In its current form, the program is not communicated clearly to the wider public and gives considerable discretion to code inspectors to determine when inspections are needed and when to follow-up.

**A Code Enforcement Task Force** exists that brings together Inspections, Law, Planning, Fire, and Police for coordination. However, an integrated problem-solving approach that addresses physical disorder before it becomes a more serious social problem does not yet exist.

**Rebuilding Together** has an active Fargo/Moorhead chapter that assists homeowners in need with critical home repairs and improvements, including abatement of code violations.

**The City has limited resources** to assist low-income owners with acute “Code Compliance Assistance” activities.



**CHANGES TO MAKE**

What changes to current practices substantially address the “Problems to Solve?”

**1. Strengthen existing complaint-based code enforcement by expanding communication/outreach with neighborhoods and property owners**



Complaint-based code enforcement is most effective when the public understands how it works, their role in communicating issues to the City, and the limitations of code enforcement (what it can and cannot address).

**ACTION**

- ✔ **Continue this model of code enforcement, but expand outreach** (in collaboration with a new Neighborhood Coordinator position described elsewhere in the plan toolkit) to better inform residents and neighborhood groups about their role in this partnership.

Who	Cost
City of Fargo Building Inspections, in collaboration with Communications and Governmental Affairs and Neighborhood Coordinator	Potentially nominal through enhanced coordination between Building Inspections, Communications and Governmental Affairs, Neighborhood Coordinator, and neighborhood organizations

**2. Supplement the basic complaint-based code enforcement method with periodic sweeps of core neighborhoods**



Targeted code enforcement activities run the risk of unfairly focusing on specific neighborhoods and populations. The key to active but fair code enforcement is to have a systematic approach, such as a process for regular sweeps.

Comprehensive sweeps offer significant opportunities to communicate with property owners about the purpose of code enforcement, about programs to assist those who need help to remedy violations, and about programs that exist to stimulate property improvements and rehab.

**ACTION**

- ✔ **Institute a system of code enforcement sweeps that divides the core neighborhoods into a series of zones that receive a block-by-block sweep for code violations on a regular basis.** For example, the core could be divided into four zones, each with a similar number of properties. Starting in Year 1, Zone #1 would be the focus of a strategic code enforcement sweep, followed by Zone #2 in Year 2. Properties in Zone #1 would be subject to another sweep in Year 5 when the cycle starts again.

Alternatively, a system of city-wide sweeps could be instituted that goes north-to-south and covers the core neighborhoods early on in a multi-year cycle. Or, sweeps can be designed to focus only on certain violations that pose the greatest risk to public safety and neighborhood quality of life.

Who	Cost
City of Fargo Building Inspections	Additional full-time staff at Building Inspections will be needed, with exact numbers dependent on the chosen approach and resulting work load

**3. Upgrade the existing rental inspection program into a license and inspection system**



The current rental inspection program is an excellent start to regulating the rental housing business to ensure safe and healthy housing conditions for renters and a level playing field for good landlords. But there are practices to adopt that would make for a more comprehensive and transparent system, such as a system that ties inspections to rental unit licensing.

**ACTION**

- ✔ **Require all rental units in the City to operate with a license that is obtained and maintained by passing a basic health and safety inspection.** Exemptions can be granted to properties that are the lowest risks, including relatively new properties, rental buildings where the owner lives on site, rental units occupied by close family of the owner, and other sensible exclusions.

All properties would begin with a provisional, or automatic, license. Then, the City would begin a process of inspecting a certain percentage of all rental units each year, granting a full license if the property passes inspection—a license that would be good until the time comes for the next routine inspection. If the City made each license good for five years, this would require execution of a repeating five-year inspection cycle.

If properties fail an inspection, additional inspections would be required until all violations are abated. And if a property is a source of repeat complaints and problems, or if the owner has a problematic track record, the term of the license can be shortened to ensure that inspections are more frequent.

To pay for administration of this system, charge a fee for all inspections to cover program costs. This effectively penalizes property owners who require repeated follow-up inspections and rewards those who require fewer inspections. Moorhead currently has a similar fee-based rental registration system that is worth study.

Who	Cost
City of Fargo Building Inspections	Additional full-time staff will be needed at Building Inspections, with costs offset by inspection fees

**4. Build on the Code Enforcement Task Force currently in place to create a closer working relationship between Inspections, Community Development, the Police Department, Municipal Court, social service providers, and other relevant partners**



Collaboration between multiple departments enhances the City’s ability to identify root problems behind physical disorder to inform the application of appropriate tools (such as compliance assistance for matters of financial need, community policing where disorder is affecting safety and quality of life, acquisition of problem properties in strategic locations, etc.).

**ACTION**

- ✔ **Formalize the Code Enforcement Task Force via direction from the City Commission that prescribes participating departments and the Task Force’s mission.** Broaden the range of collaborators to include relevant non-City agencies and devise a system of “field teams” that would prioritize subject properties, investigate circumstances, identify probable solutions, and put the solutions into motion.

Who	Cost
Building Inspections as potential lead partner on Task Force	Potentially nominal through enhanced coordination of partnering agencies

**5. Create a “Compliance Assistance” partnership between Community Development, Building Inspections, and relevant private sector partners**



Having labor and financial resources to coordinate and deploy as needed to assist with code compliance for homeowners unable to abate violations is a critical part of achieving the desired outcomes of code enforcement.

**ACTION**

- ✓ **Identify a pool of resources (financial and labor) from City departments and non-profit partners that can be used to assist eligible homeowners with emergency repairs and other forms of basic code compliance.**

Who	Cost
Community Development, Building Inspections, and Rebuilding Together, among other potential partners	Allocate small pool of City resources to help cover compliance assistance costs and match with resources from Rebuilding Together and other non-profit partners

**6. Use alley maintenance and cleanup efforts as a neighborhood improvement and engagement tool**



Alleys are an important part of the infrastructure in several core neighborhoods, but their status as shared space can lead to neglect and accumulation of junk and debris.

**ACTION**

- ✓ **Create a partnership between Public Works, Community Development, Solid Waste, Forestry, neighborhood associations, and other partners that treats alley cleanup efforts as an opportunity to connect neighbors with each other and to create a firmer sense of local ownership for alley conditions.**

Beyond alleys, identify other activities involving the same partners to improve resident engagement while improving neighborhood conditions.

Who	Cost
Neighborhood Coordinator in partnership with relevant City departments and neighborhood associations	Refocus existing resource and capacity

# Timing and Prioritization

The actions identified in this Core Neighborhoods Toolkit—all of which would build from or modify Fargo’s existing approach to these five types of tools—are ambitious and will collectively require a patient, long-term commitment of resources and energy from the City and a variety of neighborhood stakeholders and partners to achieve results.


As a comprehensive package, the actions identified in this plan would be impossible and inappropriate to implement all at once, or even over the span of a few years. There are some actions that are foundational in nature and require attention in the first 12 to 24 months after plan adoption to put systems and policies in place that will lay the groundwork for activities and decision-making over the coming decade—and ensure that the table has been set for additional work to be done.

		Foundations to Lay in the First 24 Months	Building on Foundations in Months 12-36	Longer-term Momentum-building Actions
<b>Development Regulation and Incentive Tools</b>	Update the Land Development Code (LDC) to reflect principles and goals expressed in this Core Neighborhoods Master Plan	✓		
	Revise development incentives and tax exemptions to reflect goals and planning principles of the Core Neighborhoods Master Plan		✓	
	Create a regional housing trust fund to support inclusive housing development at a regional level			✓
<b>Neighborhood Leadership &amp; Engagement Tools</b>	Create capacity to cultivate and connect residential leaders, and to oversee programming that stimulates neighbor-to-neighbor engagement	✓		
	Develop and implement programs designed to identify emerging leaders, support the work of emerging or established neighborhood groups, and to connect neighborhood leaders to information and each other.		✓	
<b>Housing Reinvestment Tools</b>	Create new housing reinvestment capacity to flexibly and proactively intervene with approximately 225 homes and 10 apartment buildings over a ten-year period	✓		
	Continue to allocate Fargo’s federal housing and neighborhood resources in a manner that serves the greatest housing needs, but look for opportunities to serve goals of this plan		✓	
<b>Public Infrastructure Investment Tools</b>	Create capacity to continuously link neighborhood residents and leaders to infrastructure investment planning and decisions	✓		
	Develop strategy to implement “complete streets” principles and character-enhancing improvements on all major corridors in the core neighborhoods, as well as traffic calming measures on busy side streets		✓	
	Explore modifications to traffic patterns along University Drive and 10th Street corridors		✓	
	Implement residential parking permits in areas of demonstrated need and at residents’ request		✓	
	Expand system of sound barriers between Interstate highways and core neighborhoods where they are missing but may be required by current federal guidelines			✓
	Maintain strong commitment to tree maintenance and replanting	✓		
	Develop comprehensive strategy for improving and maintaining public spaces as critical neighborhood assets		✓	
<b>Public Health &amp; Safety Tools</b>	Strengthen existing complaint-based code enforcement efforts by expanding communication/outreach with neighborhoods and property owners	✓		
	Supplement the basic complaint-based code enforcement method with periodic sweeps of core neighborhoods		✓	
	Upgrade the existing rental inspection program into a license and inspection system			✓
	Build on the Code Enforcement Task Force model currently in place to create a closer working relationship between Inspections, Community Development, the Police Department, Municipal Court, social service providers, and other relevant partners	✓		
	Create a “Compliance Assistance” partnership between Community Development, Rebuilding Together, and other relevant partners	✓		
	Use alley maintenance and cleanup efforts as a neighborhood improvement and engagement tool		✓	

# Top Five Implementation Steps

To get plan implementation underway in a manner that builds confidence and momentum for other plan activities, the five utmost priorities for the first 24 months of implementation are listed below.

Number one on the list is not a tool identified in this plan—rather, it is the recognition that a plan of this complexity needs to have a committee or person clearly designated as the coordinator tasked with overseeing an implementation planning process, connecting involved stakeholders, and tracking progress on all policy and program fronts.




**#1**

**Designate an implementation coordinator or coordinating body**

The coordinator could be an individual based in City Hall, or it could be a newly established or repurposed committee assisted by City staff. Developing and overseeing annual action plans will be an important part of this work.


2021 will be a year dominated by detailed implementation planning, policy work, and the identification of resources to allocate in 2022 and future budgets.



**#2**

**Update the Land Development Code (LDC) to reflect principles and goals expressed in the Core Neighborhoods Master Plan**


The update to the LDC is expected to begin in 2021 and will help lay policy groundwork to activate principles and realize goals from this and other plans.



**#3**

**Create capacity to cultivate and connect residential leaders and to oversee programming to simulate neighbor-to-neighbor engagement**


Establishing and filling the Neighborhood Coordinator position in 2022 (a distinct role from that listed as priority #1) will be an important part of building on the momentum generated by resident volunteers during this planning process. Part of that individual's early work would be the development of programming and projects to cultivate neighborhood leadership capacity.



**#4**

**Create new housing reinvestment capacity to flexibly and proactively intervene with approximately 225 homes and 10 apartment buildings over a ten-year period**

This decade-long process of strategically reinvesting in the housing stock of core neighborhoods in order to bolster market strength is the biggest single departure from current practices and will take time to put into place. At least 18 months will be needed to create a new entity or repurpose an existing entity, secure capital commitments from the City of Fargo and other sources, build administrative capacity, and design financial products/programs before money can start flowing into worthy projects.



**#5**

**Strengthen existing complaint-based code enforcement efforts by expanding communication/outreach with neighborhoods and property owners**

Expanding code enforcement efforts in Fargo will require a process of building a better understanding in the community of the purpose of property maintenance codes and roles that the City, neighbors, and property owners play in keeping neighborhoods safe, healthy, and attractive. This begins with building partnerships and understanding around the current, complaint-based approach to enforcement.



## Aaron Nelson

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**From:** HAROLD A <hthompson@msn.com>  
**Sent:** Tuesday, March 23, 2021 1:55 PM  
**To:** Aaron Nelson  
**Cc:** Nicole Crutchfield; 'Ken Enockson'; Jim Laschkewitsch; Peter Lombardi  
**Subject:** Core Neighborhood Mastker Plan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Aaron,

Please know that I will not be in town to address the Planning Commission on April 6th.

Please let them know that I am in full support of the recommendations outlined in the Core Neighborhood Master Plan.

The Top Five Implementation Steps recommended are essential and doable and I highly recommend the Planning Commission adopt them and forward them to the City Commission for implementation.

Also know that I am extremely grateful for the city's investment in czbLLC. czbLLC has been a pleasure to work with and the quality of their research, analysis and recommendations are invaluable. My hope is that the Planning Commission and City Commission agree.

In addition, I would like to ask the Planning Commission to extend czb's contract to work with our neighborhood, Roosevelt/NDSU. I believe that their expertise to implement an updated Future Land Use Map for our neighborhood would be invaluable and beneficial to all.

Please let me know if a more formal request is needed.

Thank you, again, for all that you have done for our neighborhoods.

Harold Thompson - Roosevelt/NDSU resident

Item #	E.1
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City of Fargo Staff Report			
<b>Title:</b>	Craigs Oak Grove Second Addition	<b>Date:</b>	3/30/2021
<b>Location:</b>	505 & 509 Oak Street North and 6 & 10 6 <sup>th</sup> Avenue North	<b>Staff Contact:</b>	Maggie Squyer
<b>Petitioner:</b>	Enclave Companies and T.L Stroh Architects	<b>Engineer:</b>	N/A
<b>Reason for Request:</b>	Appeal of an administrative decision to approve a Residential Protection Standards waiver		
<b>Status:</b>	Planning Commission Hearing: April 6, 2021		

Existing	Proposed
<b>Land Use:</b> Vacant	<b>Land Use:</b> Multi-Dwelling Residential
<b>Zoning:</b> DMU, Downtown Mixed-Use	<b>Zoning:</b> unchanged
<b>Uses Allowed:</b> Downtown Mixed-Use allows detached housing, attached housing, duplexes, multi-dwelling structures, colleges, community service, day care facilities of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, commercial parking, retail sales and services, self-service storage, vehicle repair, limited vehicle service, and limited telecommunications facilities.	<b>Uses Allowed:</b> unchanged
<b>Maximum Density Allowed:</b> Maximum 55% building coverage	<b>Maximum Density Allowed:</b> unchanged

<b>Request:</b> Enclave Companies and T.L. Stroh are requesting a waiver to a residential protection standard that requires any portion of a structure located within 101 to 150 feet of an SR, Single-Dwelling Residential, zoning district to be limited to 55 feet in height. The subject property is legally described as Lot 2, Block 1, Craigs Oak Grove Second Addition. An administrative decision was made by the City Planner to grant the requested waiver. However, Staff received two letters of opposition within the ten-day appeal period, so the waiver is now subject to review by the Planning Commission.
<b>Process:</b> In accordance with the Residential Protection Standards waiver process, appeals of staff's decision are presented to the Planning Commission for review. The Planning Commission shall consider the appeal and waiver request as a new matter, and shall act to approve or deny the original waiver application.
<b>Staff Analysis:</b> As stated above, the subject property is located at Lot 2, Block 1, Craigs Oak Grove Second Addition and is zoned DMU, Downtown Mixed-Use. Residential protection standards are required whenever multi-dwelling development occurs on a site located within 150 feet of any SR zoning district. The subject property is approximately 130 feet south of a property zoned SR-3, Single-Dwelling Residential.  Section 20-0704.D of the LDC states that structures or portions of structures may not exceed 55 feet in height when located 101 to 150 feet from any SR zoning district.

As outlined in Section 20-0704.I of the LDC, the City Planner is authorized to reduce or waive one or more of the residential protection standards if it is found that the reduction or waiver is appropriate and will not harm the surrounding area.

**Waiver:**

The original application requested a waiver of Section 20-0704.D, which limits buildings within 101 to 150 feet of an SR zoning district to 55-feet in height. The applicant requests waiving this height restriction as it only affects a small portion of the building near the northeast corner of the property. In lieu of the Residential Protection Standards height restriction, the petitioner shall be required to meet the following conditions:

1. The structure will be subject to the dimensional standards of the underlying DMU, Downtown Mixed-Use, zoning district, which has no maximum height restriction.

As noted, staff received two written appeals in opposition of the request.

**Staff Position:**

Staff finds that the waiver is appropriate for the project.

**Action on Appeal:** (Section 20-0704.I.1.d of LDC)

The Planning Commission shall consider the appealed decision on the request for waiver of residential protection standards required by Section 20-0704 as a new matter. After considering the matter, the Planning Commission shall act to approve or deny the original application.

**Staff Recommendation:**

Recommended Motion: "To accept the findings and recommendations of staff and hereby move to approve the waiver for the applicable residential protection standards of Section 20-0704 of the LDC as presented, and require the petitioner to meet the dimensional standards of the underlying DMU, Downtown Mixed-Use, zoning district, which has no maximum height restriction."

**Planning Commission Decision: April 6, 2021**

**Attachments:**

1. Location Map
2. Zoning Map
3. Proposed Site Plan
4. Appeals



# Residential Protection Standards Waiver

## Craig's Oak Grove Second Addition

505 & 509 Oak Street North  
6 & 10 6th Avenue North





# Residential Protection Standards Waiver

## Craig's Oak Grove Second Addition

505 & 509 Oak Street North  
6 & 10 6th Avenue North





**NOTES:**  
 1. DIMENSIONS ARE FROM EDGE TO EDGE OR FROM FACE OF CURB TO FACE OF CURB

**SITE INFORMATION:**  
 PROPERTY DESCRIPTION: LOT 2, BLOCK 1  
 CRAIGS OAK GROVE  
 SECOND ADDITION

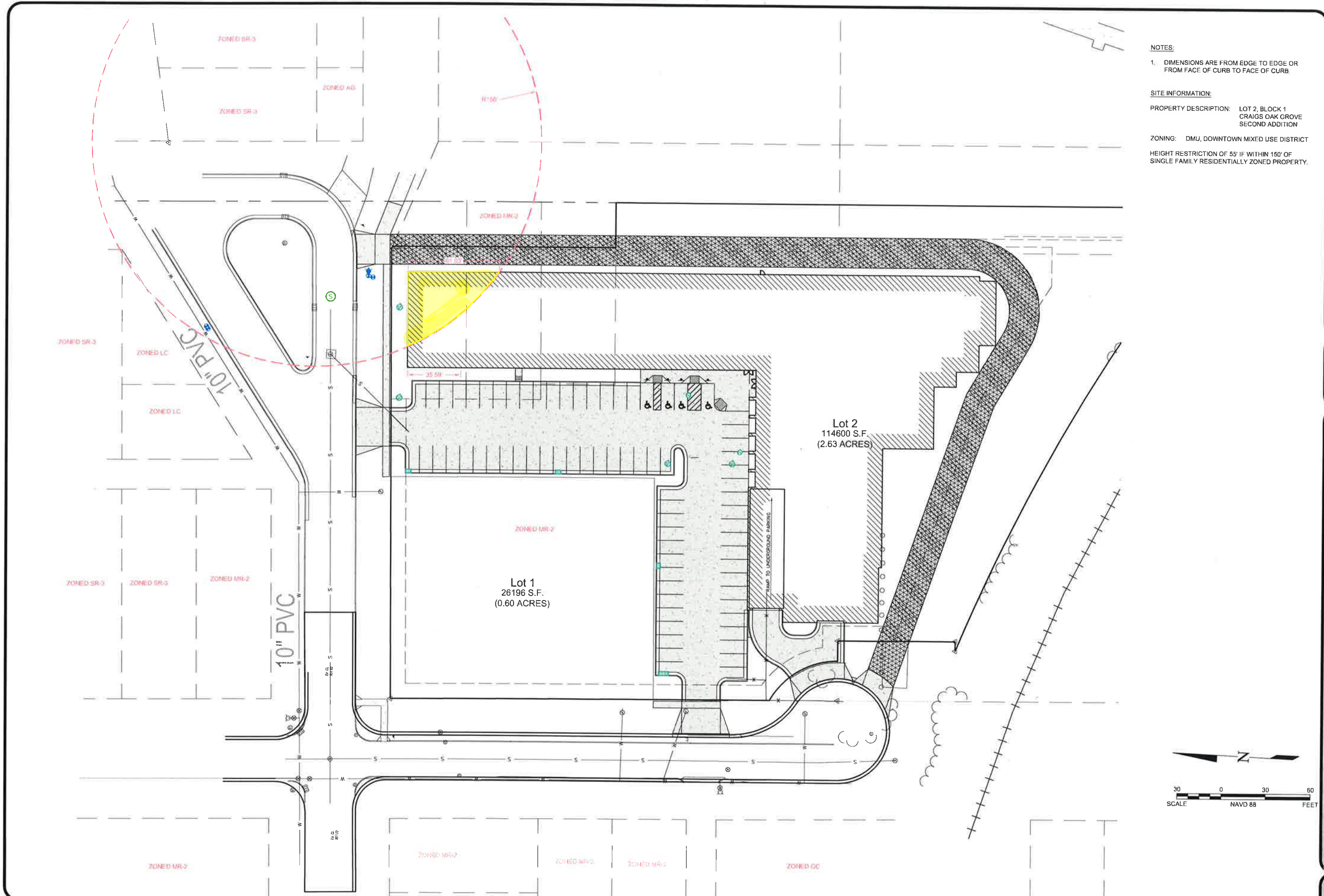
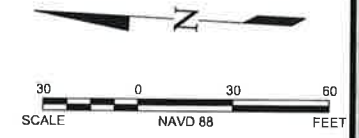
ZONING: DMU, DOWNTOWN MIXED USE DISTRICT

HEIGHT RESTRICTION OF 55' IF WITHIN 150' OF SINGLE FAMILY RESIDENTIALLY ZONED PROPERTY.

NO	DATE	REVISION

DRAFTED JD
REVIEWED SK
PROJECT NUMBER 2016-00826
ISSUE DATE 3/4/2021

**OAK STREET APARTMENTS**  
 ENCLAVE DEVELOPMENT  
 FARGO, NORTH DAKOTA  
 HEIGHT SETBACK LINE





**From:** [Robert Ryan](#)  
**To:** [Maggie Squyer](#)  
**Subject:** development at Oak and 6 ave  
**Date:** Thursday, March 18, 2021 10:50:07 AM

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Maggie,

I own property at 509 1<sup>st</sup> Street North and received the notice from planning concerning the height of the new apartment building. How tall will it be?

Also, the last print I saw did not have the building dimensions, do you know those?

I am against going any taller than code permits. Please let me know how tall, and maybe that would change my opinion.

Bob Buildings & Grounds

**From:** [Margaret Ryan](#)  
**To:** [Maggie Squyer](#)  
**Subject:** Craig Enclave( Oak Grove 2nd Addition)  
**Date:** Sunday, March 21, 2021 9:42:03 AM

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**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

I oppose the Craig Enclave Apartment building being higher than code allows in a Residential neighborhood. Also are the promised townhomes on the west side and North still on the plan?

Thank you  
Margaret

## MEMORANDUM

**TO:** Fargo Planning Commission

**FROM:** Aaron Nelson, Planning Coordinator *AN*

**DATE:** March 26, 2021

**SUBJECT:** Item E.2: Land Development Code Diagnostic – Preferred Approach & Work Plan

---

At the April 6 meeting of the Planning Commission, staff will provide a final project update for the Land Development Code (LDC) Diagnostic study.

The two main objectives of this study are 1) to identify and to better understand the strengths and weaknesses of the current Land Development Code and 2) to build consensus around a preferred set of action steps towards addressing identified issues. These objectives correspond to the project's two primary deliverables. The first deliverable, the *LDC Diagnostic Report*, was presented to the Planning Commission on August 4, 2020. The final deliverable, the *Preferred Approach and Work Plan*, is attached for your review.

You may recall participating in a joint meeting of the Planning Commission and City Commission on November 30, 2020, at which three alternative options for how to go about addressing the issues identified by the LDC Diagnostic Report were presented and discussed. Based on feedback from this meeting, a comprehensive update to the LDC was identified as the "preferred alternative."

The attached Preferred Approach and Work Plan document outlines the main components of this preferred alternative and provides an overview of the interrelated steps the City should take in order to commence a comprehensive update to the Land Development Code.

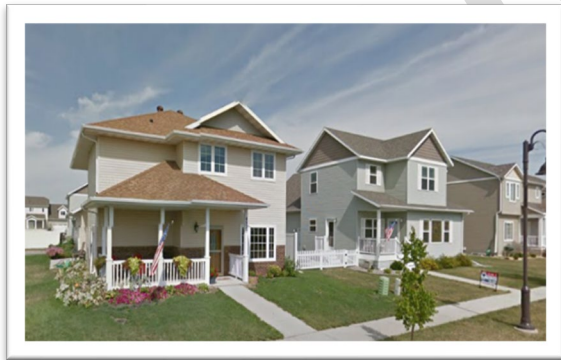
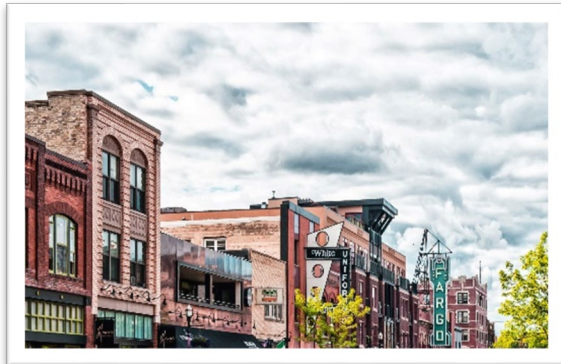
Staff and the project consultant, *LWC*, intend to present these project documents to the City Commission within the coming month. Staff plans to integrate the recommendations and task items from this study into the department work plan in order to coordinate this work with the City's other planning needs and department priorities.

This is an informational item and no action is being requested.

Attachment



THE CITY OF  
**Fargo**  
FAR MORE 



## PREFERRED APPROACH AND WORK PLAN

PUBLIC DRAFT APRIL 2021

**Contents**

I. Project Overview ..... 1

II. Preferred Alternative ..... 2

III. Work Plan..... 3

    Phase 1: Long-Range Planning and Preparation (12-22 months) ..... 3

    Phase 2: Preparation for the Comprehensive LDC Update (5 months) ..... 5

    Phase 3: Prepare and Issue Request for Proposal (4 months)..... 7

IV. Scope of Work Framework ..... 8

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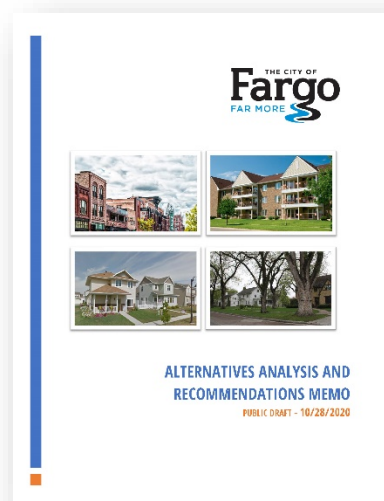
## I. Project Overview

In 2019, the City of Fargo hired the Lisa Wise Consulting, Inc. (LWC) Consulting Team (including SRF Consulting) to review and assess the City's Land Development Code (LDC) and related ordinances, document any deficiencies or opportunities for improvement, and develop a preferred alternative and work plan to remedy any noted deficiencies.

The project began in November 2019, with a public workshop and staff and stakeholder interviews to gather information regarding what is and is not working within the LDC. This information, combined with the Consulting Team's analysis of the LDC, was summarized in the Land Development Code Diagnostic Report released in June 2020. This Report documented existing challenges and shortfalls within the LDC including an analysis of the effectiveness of the existing zoning districts' development regulations, and entitlement procedures to implement the City's land use policies and goals in the Comprehensive Plan, *Go2030*. In addition, this Report served as the foundation for developing appropriate recommendations and establishing clear priorities for future LDC revisions and/or amendments. The Final Report was presented to the Planning Commission for public comment in August 2020.

An Alternatives and Recommendations Memo was prepared in October 2020 providing three options to address the issues identified in Diagnostic Report. The memo was presented for discussion and consideration at a joint meeting of the Planning Commission and City Commission on November 30, 2020. As further described in the next section, it was agreed that work on a comprehensive update to the LDC was a priority.

This work plan is intended to guide staff as they begin the implementation of the Preferred Alternative. This will ensure the revised LDC implements *Go2030* and will produce the type of high-quality development that the City and its residents desire.





## II. Preferred Alternative

At the November 2020 joint meeting of the Planning Commission and City Commission, it was agreed that the City should undertake a comprehensive update to the LDC, addressing all issues identified in the Diagnostic Report, incorporating industry best practices.

The preferred approach to the comprehensive LDC update includes the following components:

- Form-based development standards for the Downtown Mixed-Use and University Mixed-Use zones as well as for the multi-family residential zones and commercial corridors;
- Objective design and development standards for all mixed-use, multi-family residential, and commercial development projects which build on the form-based standards, with more specific provisions for elements such as façade articulation;
- New Planned Unit Development (PUD) standards and the rethinking of the Conditional Overlay (CO) process
- An Inclusionary Housing Ordinance to incentivize the development of more affordable housing options in the City;
- Modernized and updated subdivision regulations with appropriate best practices;
- Streamlined and clarified approval processes, while also adding administrative level flexibility;
- Clear, easy to read, and user-friendly regulations in an easy to navigate format; and
- Amendments to existing regulations to address other code deficiencies identified in the Diagnostic Report

The components listed above were identified as potential solutions to the issues identified in the LDC Diagnostic Report. The scale of the changes and impact on certain Code sections will vary depending on need and feasibility at the time of the comprehensive LDC update, based on agreed upon scope and budget. The Preferred Alternative also identifies the need for additional policy development and planning initiatives (such as updates to the Comprehensive Plan or Growth Plan,). Notably, the City should develop a citywide Future Land Use Map prior to beginning the comprehensive LDC update, as this will determine the extent of changes anticipated in the update. The end goal is to create a more user-friendly code which utilizes best practices to implement the goals of *Go2030* with a focus on context-sensitive design, expanded housing options, and a more predictable entitlement process.

### **III. Work Plan**

Given the general agreement to proceed with the Preferred Alternative (described above), the next phase of the project is to develop a work plan that addresses all the issues identified in the LDC Diagnostic Report and clearly outlines the steps the City needs to take to commence a comprehensive update of the LDC. To implement the Preferred Alternative, the Work Plan outlines a deliberate process to prepare for the eventual issuance of a Request for Proposals (RFP) for the LDC update. This Work Plan outlines the crucial initial steps to prepare the City staff and governing bodies for a LDC update process that involves new zoning tools that have not been previously applied in Fargo. Given the current context and development pressure the City is facing, the work plan targets the release of an RFP within the next 18-20 months. LWC recommends a phased approach to ensure a successful outcome. The phased approach will help with scheduling and the internal management of the process to ensure the strength and clarity of each initiative. One key aspect in the overall process management is keeping the long-range planning efforts and the LDC update preparation tasks operating concurrently. Embarking on simultaneous planning efforts which include multiple public meetings and workshops runs the risk of “planning-fatigue” among residents. The City can avoid this by structuring any simultaneous planning efforts to build upon each other, rather than run independently of one another, and therefore avoid redundancy, repetition, and overlap in the outreach process.

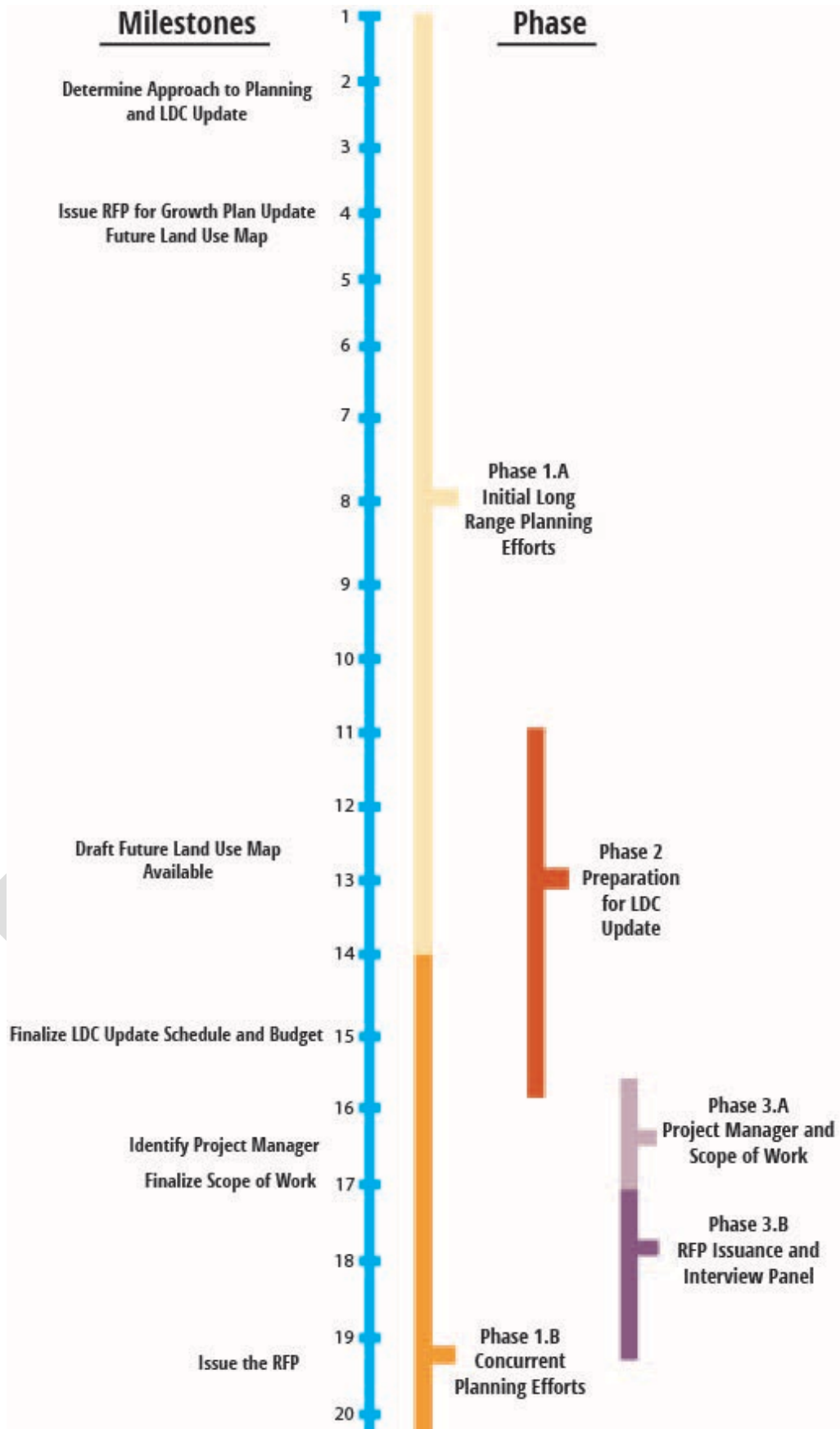
The sections below highlight each phase of work and its intent. The timeline on the following page shows the alignment of the three phases with key milestones. Not all Phases must occur consecutively. Phases may be completed more quickly than outlined, when possible, to achieve an earlier RFP issuance date.

#### **Phase 1: Long-Range Planning and Preparation (12-22 months)**

To inform the scope of the LDC update, City staff must identify additional long range planning work to be completed prior to, and/or concurrently with, future phases of the Code update. The City should start Phase 1A before beginning Phase 1B. The two can run concurrently.

##### ***A. Phase 1.A: Identify and Begin Initial Long Range Planning Efforts***

Some planning work should be considered before engaging in the LDC update process, including the update to the Growth Plan and development of a Future Land Use Map. Developing even a preliminary or draft Future Land Use Map before beginning to plan for the LDC update will help in understanding the extent of the zoning changes that need to occur and, thereby, fine-tune the scope of work. In addition, any necessary updates to *Go2030* could occur before the LDC update begins or during the consultant selection process. If City staff and City officials have





already identified goals and policy areas of *Go2030* that need to be updated, these updates should occur before the LDC update process commences. This allows uncoupling the land use policy development process from implementation. Given the considerable amount of change anticipated as part of an update to the 2007 Growth Plan, it is important to have these bigger, City-wide conversations regarding the City's approach and goals early on to develop community consensus and support around a long-range vision, so implementation via the LDC Update does not get delayed or stalled as a result of community pushback.

**B. Phase 1.B: Identify Long Range Planning Efforts Concurrent with LDC Update**

Some planning initiatives can begin and run concurrently with an LDC update. This includes implementation of the Core Neighborhood Master Plan, which would not interfere with the type of work needed to update the LDC. The City could utilize the public outreach momentum it gained during the Core Neighborhood planning process and direct it towards the LDC update while also reaching a wider audience by involving other neighborhoods and stakeholders outside of the core. Additionally, detailed design charrettes or planning workshops needed for areas targeted for application of form-based code standards, such as Downtown and key commercial corridors, can be part of the scope of work for the LDC update.

**Phase 2: Preparation for the Comprehensive LDC Update (5 months)**

All elements of Phase 2 listed below can occur concurrently as a means of preparing for the LDC update process. LWC recommends completing some initial education and training with staff to help inform other Phase 2 efforts.

***Education and Training***

As the LDC Diagnostic Report and the Alternatives and Recommendations Memo have been completed, the next step is to ensure that City staff and associated approval authorities, such as the Planning Commission, understand the new, proposed zoning tools that will be utilized in an updated LDC, such as form-based zoning. Education on form-based zoning and other updated best practices can be accomplished by participation in education sessions for Boards and Commissions as well as training for City staff on these new regulations. If possible, staff training and education should be completed prior to beginning other preparations listed in Phase 2, as the education will inform next steps, such as timeline, schedule, and outreach. Organizations such as the Form-Based Code Institute and the American Planning Association offer virtual courses ranging from Form-Based Code 101 classes that provide a high-level overview of form-based codes to deep-dive sessions on how to administer a form-based code. It is also important to offer key stakeholders with opportunities to participate in the education sessions, as well as

residents, local design professionals, local developers, and contractors etc. Finally, there are many useful articles available online in the public domain that can be shared with interested members of the public.

### ***Project Schedule and Budget***

City staff should identify budget targets and funding sources for the LDC update process prior to development of an RFP. While the exact budget amount will be informed by the final scope of work, extensive Code update projects that involve a change from a use-based Euclidean zoning code to a hybrid code with form-based elements typically costs between \$500,000 and \$1,000,000, over a period of 3 to 5 years. A determination of the extent of the updates required to the Code (versus what provisions can be carried forward), the number and duration of meetings with City staff, and the extent of the public outreach process will help inform the amount of funding needed. This, in turn, will inform the RFP, as the City should provide a budget range in the RFP to ensure prospective consultants prepare a scope of services in line with the City's budget objectives.

Depending on budget cycles, available funding sources, and the City's desired completion date, the City can then develop the project schedule. Project schedules will vary depending on the scope of work and the desired amount of public outreach. Overall, a comprehensive code update project for a city the size of Fargo will typically require a minimum of two years to complete.

### ***Public Outreach Strategy***

The City should develop goals for a comprehensive public outreach strategy to inform and involve the City's residents and stakeholders of the LDC update process and describe how they can participate. This should occur concurrently with developing the desired project schedule and budget, as they inform each other. City staff does not need to develop the entire outreach plan but should have an idea of the extent of outreach, number of meetings, and other key details needed to inform the budget and timeline.

A successful strategy employed by many cities who have worked on comprehensive code rewrite projects is to appoint a Code Advisory Group or Committee made up of residents and appointed officials to help oversee the process, provide a forum for community input, and provide policy direction and guidance to City staff and the consultant team on important issues associated with the LDC update.

In addition, some cities identify a local resident to serve as a "citizen champion" for a Code update project. The citizen champion is typically a resident or business owner who is respected in the community and who can help the City staff to overcome challenges and issues that may surface during the update and approval process.

### **Phase 3: Prepare and Issue Request for Proposal (4 months)**

Phase 3A should be completed prior to beginning Phase 3B.

#### ***A. Phase 3.A: Project Manager and Scope of Work***

##### ***1. Identify a Project Manager***

Identify a project manager within the Department of Planning and Development and ensure that they can dedicate sufficient time to the project to guarantee its success as well as enough support staff to help up until project completion. The Director should review other current and future projects and reallocate resources, or request additional resources, as needed to maintain the project manager's availability.

##### ***2. Finalize Project Objectives, Scope, and Timeline***

The project manager will finalize the project objectives and confirm that they are consistent with the expectations of the City's policy makers/elected officials, as well as finalize the scope of work and the overall project timeline.

#### ***B. Phase 3.B: RFP Issuance and Consultant Interview Panel***

##### ***1. Write and Issue the RFP***

The project manager should write the RFP in consultation with the City's Auditor's office, City guidelines and, as necessary, utilizing resources on RFPs from the American Planning Association and the Form-Based Code Institute. The RFP should include project objectives, timeline, scope framework, and budget range. To ensure adequate time to evaluate the RFP, submit and receive responses to questions, and participate in a pre-bid meeting, the City should allow for minimum six weeks to submit a proposal. The RFP should be posted in local media outlets, the City's website, as well as national planning websites including Planetizen and the American Planning Association to get the widest range of responses possible.

##### ***2. Establish Interview Panel***

During the six-week response period or prior to release of the RFP, establish an interview panel of no more than seven persons. Ideally, the interview panel will include members from multiple disciplines and/or agencies including, for example, the City Department of Planning and Development staff, Planning Commissioners, City Attorney, staff from other departments, and/or the identified citizen champion for the code.



## **IV. Scope of Work Framework**

The RFP should include a high-level scope of work to specify, as much as possible, the minimum number of tasks that will occur for the City to achieve desired project goals. The list below is a high-level scope framework to be addressed in the proposer's scope of work for a code rewrite project. The City can provide additional details, as appropriate, once Phase 1 is complete.

### **1. Project Management**

The consultant team will prepare a Project Management and Communications Plan to establish work protocols and ensure information flows consistently among the City and consultant team. The project lead will be responsible for ensuring quality of deliverables, reporting on progress, and compliance with the timeline and budget. Components of the plan will include:

- Regular calls/meetings with City staff
- Kickoff meeting

### **2. Public Outreach**

The consultant team will work with the City to formulate a Public Outreach Plan to outline all public meetings, work sessions, interviews, and other outreach efforts. The Plan could go further to help establish an LDC Update Advisory Committee or similar type of body to oversee the process. The consultant team's goal should be focused on proactive and consistent messaging and regular noticed meetings with community leaders and stakeholders aimed at transparency and ensuring that residents are a key partner in the decision-making process.

### **3. Background Review and Final Approach**

An in-depth analysis of the LDC, key policy documents, and the Diagnostic Report should occur early in the process to establish the necessary changes to each LDC section and how any changes implement the City's land use goals and policies. Potential deliverables for this task include:

- Recommendations and Strategy Memo
- Annotated Outline and Style Guide

### **4. Draft the LDC**

The proposer should clearly identify the number of drafts, approach to deliverables, time reserved for City staff and/or public review. The drafts should address all

chapters/sections identified in the Annotated Outline. The LDC should include the following updated and/or new sections:

- Zoning Districts: Single-family Residential, Mixed-Use, Multi-family Residential, Commercial, Industrial, Overlay Zones, Other
- Land Use Regulations: definitions, specific to use regulations
- Form-Based Zones: frontage standards, building type standards, public realm standards, civic space standards
- Citywide Standards: landscaping, parking, open space
- Subdivision Regulations
- Administration and Procedures: use permits, site plan review, administrative relief, variances
- Zoning Map

## **5. Review and Approval**

The consultant team will attend review meetings with City staff and make formal presentations to the Planning Commission to get feedback on the draft LDC. Revised drafts will culminate into a final draft LDC for the Planning and City Commissions to consider for recommendation and approval, respectively, at a certain number of public hearings.