

FARGO PLANNING COMMISSION AGENDA
Tuesday, January 4, 2022 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of December 7, 2021

C: Brown Bag Luncheon - Wednesday, January 19, 2022

D: Public Hearing Items:

1. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential, to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 4, **Ohmer's Addition**. (Located at 1258 Broadway North) (Immanuel Lutheran Church of Fargo) (dk)
- 2a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial and MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed **Metropolitan Park Third Addition**. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk)
- 2b. Hearing on an application requesting a Plat of **Metropolitan Park Third Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk)
- 2c. Hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan on the proposed **Metropolitan Park Third Addition**. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk)
3. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development overlay to GC, General Commercial with an amended PUD, Planned Unit Development overlay on **EOLA Addition**. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South and 4417 and 4477 26th Avenue South) (MAKT, LLC/EOLA Landholdings LLC) (me)
- 4a. Hearing on an application requesting a Growth Plan Amendment on the proposed **Legacy I Seventh Addition** from low-to-medium density or medium-to-high density residential to office. (Located at 6155 24th Street South) (Gerald Eid) (dk)

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

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

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

- 4b. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential to GO, General Office with a C-O, Conditional Overlay on the proposed **Legacy I Seventh Addition**. (Located at 6155 24th Street South) (Gerald Eid) (dk)
- 4c. Hearing on an application requesting a Plat of **Legacy I Seventh Addition** (Minor Subdivision) a replat of Lot 1, Block 7, Legacy I Fourth Addition to remove portions of an existing negative access easement, to the City of Fargo, Cass County, North Dakota. (Located at 6155 24th Street South) (Gerald Eid) (dk)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, December 7, 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, December 7, 2021.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Rocky Schneider, Scott Stofferahn, Maranda Tasa (via conference call), Jennifer Holtz, Dawn Morgan, Art Rosenberg, Thomas Schmidt

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of November 2, 2021

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

Item C: No December Brown Bag Meeting Scheduled

Item D: Public Hearing Items

Item 1: Urban Plains by Brandt Second Addition

Continued hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on Lot 2, Block 2, Urban Plains by Brandt Second Addition. (Located at 5100 28th Avenue South) (Urban Plains Land Company, LLC/Tim Gleason): APPROVED

A hearing had been set for November 2, 2021. At the November 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 is recommending approval.

Member Holtz present.

Discussion was held on the updated site plan, original vision for the area, parking, and convertible mixed-use.

Applicant Austin Morris, Enclave Development, spoke on behalf of the application and provided a brief presentation.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a revised C-O, Conditional Overlay on Lot 2, Block 2, Urban Plains by Brandt Second Addition, as outlined within the staff report, as the proposal complies with 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 Rosenberg. On call of the roll Members Morgan, Schmidt, Stofferahn, Rosenberg, Gunkelman, Holtz, and Schneider voted aye. Member Tasa voted nay. The motion was declared carried.

Item E: Other Items:

Item 1: Review of Renewal Plan for Kmart site on University

Director of Strategic Planning and Development Jim Gilmour presented the proposed Renewal Plan for blighted property at 2301 South University Drive, the former location of a Kmart store.

Discussion was held on the proposed plan for the site.

Austin Morris, Enclave Development, provided information regarding the proposed land use and parking on the site.

Planning and Development Director Nicole Crutchfield spoke on the GO2030 Comprehensive Plan consistencies and goals.

Discussion continued on neighborhood values, transportation routes, and project time frame.

Member Gunkelman 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 Rosenberg. On call of the roll Members Gunkelman, Stofferahn, Holtz, Rosenberg, Schmidt, Morgan, Tasa, and Schneider voted aye. The motion was declared carried.

Item 2: Review of Renewal Plan for J Street Redevelopment

Mr. Gilmour presented the proposed Renewal Plan for blighted property at 1418 1st Avenue North.

Discussion was held on the proposed project and the GO2030 Comprehensive Plan consistencies and goals.

Kevin Bartram, MBA Architects, spoke on behalf of the project.

Member Morgan 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 Holtz. On call of the roll Members Schmidt, Morgan, Tasa, Gunkelman, Holtz, Stofferahn, Rosenberg, and Schneider voted aye. The motion was declared carried.

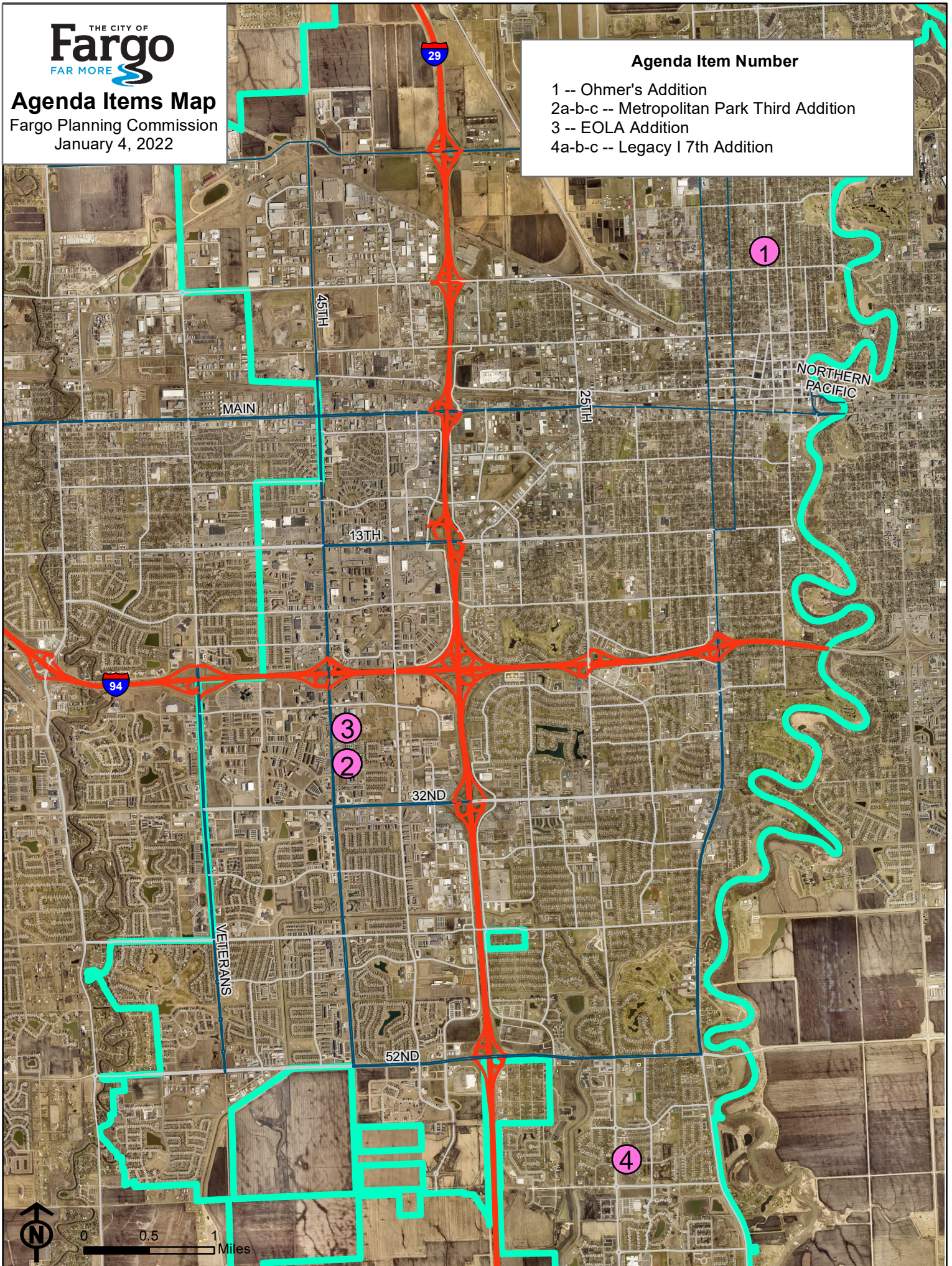
The time at adjournment was 3:51 p.m.

Agenda Items Map

Fargo Planning Commission
January 4, 2022

Agenda Item Number

- 1 -- Ohmer's Addition
- 2a-b-c -- Metropolitan Park Third Addition
- 3 -- EOLA Addition
- 4a-b-c -- Legacy I 7th Addition



City of Fargo Staff Report			
Title:	Ohmer's Addition	Date:	12/29/2021
Location:	1258 Broadway North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Block 4, Ohmer's Addition		
Owner(s)/Applicant:	Immanuel Lutheran Church	Engineer:	None
Entitlements Requested:	Zone Change (from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional with a conditional overlay (C-O))		
Status:	Planning Commission Public Hearing: January 4, 2022		

Existing	Proposed
Land Use: Religious institution	Land Use: No change
Zoning: MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential	Zoning: P/I, Public and Institutional with a conditional overlay
Uses Allowed: MR-2 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities SR-3 allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, schools, offices , commercial parking , outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events. Conditional overlay prohibits some uses as shown.
Maximum Density Allowed: MR-2 allows a maximum density of 20 dwelling units per acre (du/ac); SR-3 allows a maximum of 8.7 du/ac	Maximum Density Allowed: P/I does not allow residential uses. Maximum Lot Coverage: Maximum 85% building coverage
Proposal:	
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A zoning change from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional with a conditional overlay (C-O) <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: MR-2 with multi-dwelling residence • East: MR-2 with detached residences • South: MR-2 and SR-3 with detached residences and religious institution • West: SR-3 with detached residences 	
Area Plans:	
<p>The subject property is located with the 2021 Core Neighborhoods Plan, which designates the subject property for Institutional land use. That plan states that religious institutions are among the uses to be found in areas designated for Institutional land use. The P/I, Public and Institutional zone is consistent with this land use designation. No growth plan amendment is required for this zone change.</p>	



Context:

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 in the Roosevelt neighborhood.

Parks: Roosevelt Park (1220 9th Street) is located approximately 0.2 miles southwest of the subject property. This park provides amenities of hockey rink, outdoor skating, picnic tables, a playground, restrooms, an indoor shelter space available for rent in the summer and a warming house.

Pedestrian / Bicycle: There are no trails adjacent to the subject property.

Bus Route: The subject property is located along MATBUS Route 11 with a shelter across 13th Avenue from the subject property.

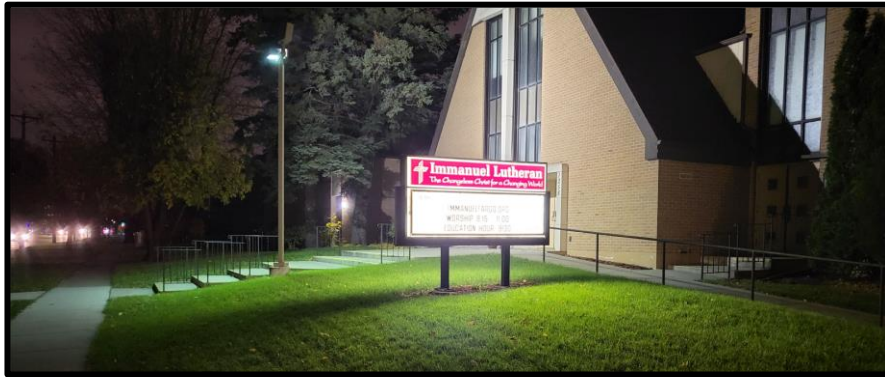
Staff Analysis:

ZONING AND CONDITIONAL OVERLAY:

The property is currently in two zones, MR-2 and SR-3. Rezoning the property to P/I creates a single zone for the property that is consistent with the Core Neighborhoods Plan designation and with the use on the property. The intent of the conditional overlay (C-O) is to limit allowable land uses to those that would be compatible with the neighborhood, in order to insure predictability of any future development or activities on this property. Note that residential uses are not allowed in the P/I zone. The zone change would also allow the existing sign to be brought into conformance (see EXISTING SIGN below).. A copy of the draft conditional overlay is attached.

EXISTING SIGN:

The existing sign, located along the Broadway frontage of the subject property, is shown in the photos below:



This sign was approved in 1993, prior to the current Land Development Code and Sign Code regulations. Thus, it is a non-conforming sign and cannot be modified under the current SR-3 and MR-2 zoning on the property. If the zone change to the P/I zone is approved and the applicant decides to modify the existing sign, such modification would be regulated by the Sign Code (Fargo Land Development Code Sections 20-1301 through 20-1312).

Regarding the concerns expressed in the comment e-mails received about a possible electronic messaging center signs (see NEIGHBORHOOD COMMENTS below), Section 20-1307.J. of the Sign Code regulates frame effects and background animation; number of electronic messaging center signs allowed on the property, and sign brightness of electronic messaging center signs. Additionally, the proposed conditional overlay limits the size of any future electronic messaging sign.

NEIGHBORHOOD MEETING:

A neighborhood meeting, organized by Planning Department staff, was held on November 18, 2021 at City Hall to provide residents and property owners in the area an opportunity to meet with Immanuel Lutheran Church representatives to review and comment on this proposed change in zoning. Property owners in the surrounding 300 feet were notified of the meeting. Attendees included a representative of the Roosevelt Neighborhood Association and a neighboring property owner. Neither attendee opposed the project.

NEIGHBORHOOD COMMENTS: Attached are copies of e-mails received from neighborhood residents regarding the proposed zone change. The main concern appears to be potential modification of the sign to include electronic messaging. One e-mail is from the Roosevelt Neighborhood Association.

Zoning

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

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

The subject property is in two zones--SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential--due to a lot combination that was not a subdivision.

The existing sign was permitted in 1993 and was made non-conforming by the adoption of the 1998 LDC. Thus, the sign cannot be modified under the current zoning.

(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?**

Yes. The subject property fronts on existing public rights of way which provide access and utility services. No new development is proposed.

(Criteria Satisfied)

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received four e-mails regarding the proposed zone change (copies attached). Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

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

The subject property is included in the Core Neighborhoods Plan (CNP) and is designated on the Future Land Use Plan of the CNP as for Institutional land uses, which include religious institutions. The proposed zoning of P/I, Public Institutional is consistent with that land use designation. The proposed conditional overlay is intended to insure predictability for and neighborhood compatibility with any future development or activities on this property.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed zone change from MR-2, Multi-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional with a conditional overlay (C-O) as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: January 4, 2022

Attachments:

1. Location Map
2. Zoning Map
3. Draft Conditional Overlay
4. Public comments

Zone Change (SR-2 & MR-2 to P/I) with a Conditional Overlay (C-O)

Ohmers Addition

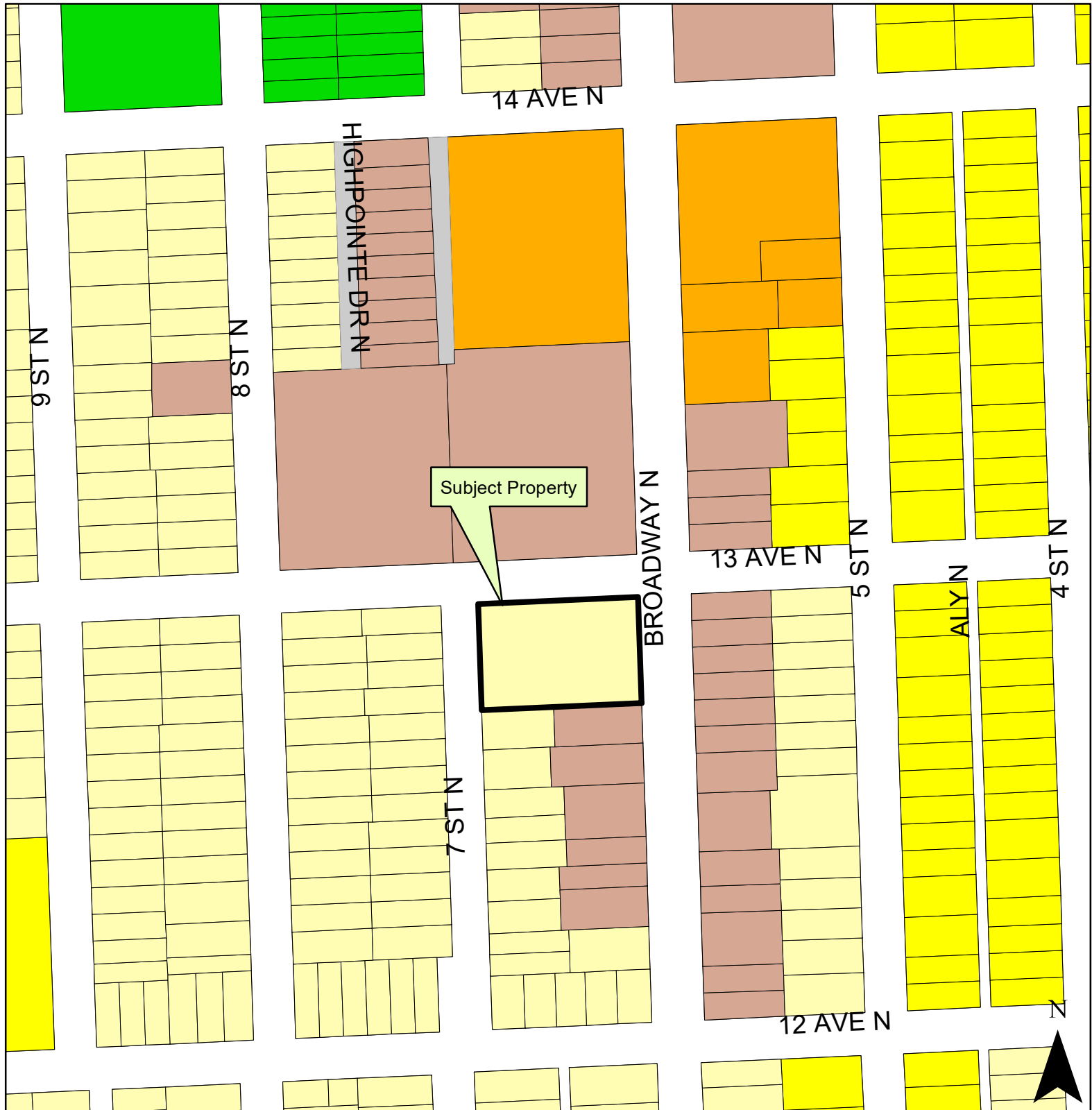
1258 Broadway N



Zone Change (SR-2 & MR-2 to P/I) with a Conditional Overlay (C-O)

Ohmers Addition

1258 Broadway N



Legend

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

300

Feet

Block 4, Ohmer's Addition is rezoned from SR-3 Single-Dwelling Residential, District and MR-2, Multi-Dwelling Residential District to "P/I", Public and Institutional, District, with a "C-O", Conditional Overlay" as follows:

1) The following use (s) are allowed:

- a. Colleges
- b. Community Service
- c. Daycare Centers of unlimited size
- d. Health Care Facilities
- e. Parks and Open Space
- f. Religious Institutions
- g. Safety Services
- h. Schools
- i. Outdoor Recreation and Entertainment

All other uses are prohibited

2) For the purposes of evaluating the maximum sign face area of an electronic messaging center, Broadway North will be considered a local street.

From: jan mueller
Sent: Thursday, November 18, 2021 9:39 AM
To: Donald Kress <dkress@FargoND.gov>
Subject: Immanuel Lutheran Church

If the church changes their zoning, will it increase our taxes? We live across the street on Broadway. Also, they already have a bright sign in front of the church that is on all night. I understand they want to put up a new sign. Will it be even brighter? Currently between the street light(which we appreciate) and their sign it is already very bright. Never understood why a locked church needs the sign on through the night. Anyway , nothing brighter would be appreciated What does the change in zoning mean for neighboring blocks?

Does not look like I can make it to the meeting! Can I get answers via email? Or regular mail?
Thanks for any response.
Sent from my iPhone

From: Alex Rinehart
Sent: Thursday, November 18, 2021 5:18 PM
To: Donald Kress <dkress@FargoND.gov>
Subject: Immanuel Lutheran Church - opposed rezoning

Hello,

We live catty-corner (cross Broadway) to Immanuel Lutheran Church and we do not support the proposed rezoning. We feel the light from a new sign would be disruptive to my family, child, and neighborhood overall. We think the sign they have now is perfectly fine. I could not attend today's meeting but wanted to let you know our opinion.

Thank you for your time,

J Alex Rinehart
1301 Broadway N

From: HAROLD A [*Representing Roosevelt Neighborhood Association*]

Sent: Thursday, December 9, 2021 3:22 PM

To: Donald Kress <dkress@FargoND.gov>

Cc: Ken Enockson; Jim Laschkewitsch

Subject: Re: Immanuel Lutheran Church zone change

RNA officers met Tuesday to discuss. They have no problem with size and type. The only concern was the brightness of the electronic message board at night. We understand the brightness is regulated by code and expect the city will enforce it at time of permit.

I also reported that the city intends to limit the uses in the new P/I zone. Please confirm.

Harold

From: Christine Rose
Sent: Monday, November 15, 2021 8:26 AM
To: Donald Kress <dkress@FargoND.gov>
Subject: 1258 Broadway

Hi Donald

I just realized I cannot attend the meeting on Thursday. I wanted to put it in writing that I am not in favor of the re-zoning of the church especially for an electronic message center.

You have my opinion.

Thank you
Chris Rose

City of Fargo Staff Report			
Title:	Metropolitan Park Third Addition	Date:	12/29/2021
Location:	4400 Calico Drive and 4455 30th Avenue South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Metropolitan Apartments LLC/JPR Investments, LLC #13 / Nate Vollmuth-Goldmark	Engineer:	Mead and Hunt
Entitlements Requested:	Zoning Change (From MR-3, Multi-Dwelling Residential and LC, Limited Commercial to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay); a PUD Master Land Use Plan ; and a Minor Subdivision (replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: January 4, 2022		

Existing	Proposed
Land Use: Multi-Dwelling Residential and Undeveloped;	Land Use: Multi-Dwelling Residential
Zoning: LC, Limited Commercial and MR-3, Multi-Dwelling Residential	Zoning: MR-3 with PUD overlay
Uses Allowed: LC, Limited Commercial , allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. PUD does not add any uses
Maximum Lot Coverage Allowed: LC allows a maximum lot coverage of 55% Maximum Density Allowed: MR-3 allows a maximum density of 24 dwelling units per acre	Maximum Density Allowed: MR-3 allows a maximum density of 24 dwelling units per acre, increased to 36 dwelling units per acre with PUD overlay

Proposal:
<p>The applicant requests three entitlements:</p> <ol style="list-style-type: none"> 1. Zoning Change (From MR-3, Multi-Dwelling Residential and LC, Limited Commercial to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay); 2. PUD Master Land Use Plan; and 3. Minor Subdivision (replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota) <p>(continued on next page)</p>

CURRENT STATUS

As of the writing of this staff report, staff continues to work with the applicant to confirm and solidify the details of the PUD. It is staff's intent to present the applications at the January 4th, 2022 Planning Commission meeting in order to introduce the project and to hear public comments, but to recommend continuation of the application to February 1st, 2022 in order to give additional time to coordinate and finalize the details of the application. In summary, staff intends for the project to be heard by the Planning Commission twice; once on January 4th for information, discussion, and public hearing purposes, and again on February 1st for continued public hearing and recommendation from the Planning Commission. Staff has not included any findings for the minor plat, zone change, and PUD Master Land Use Plan as there is no recommendation at this time.

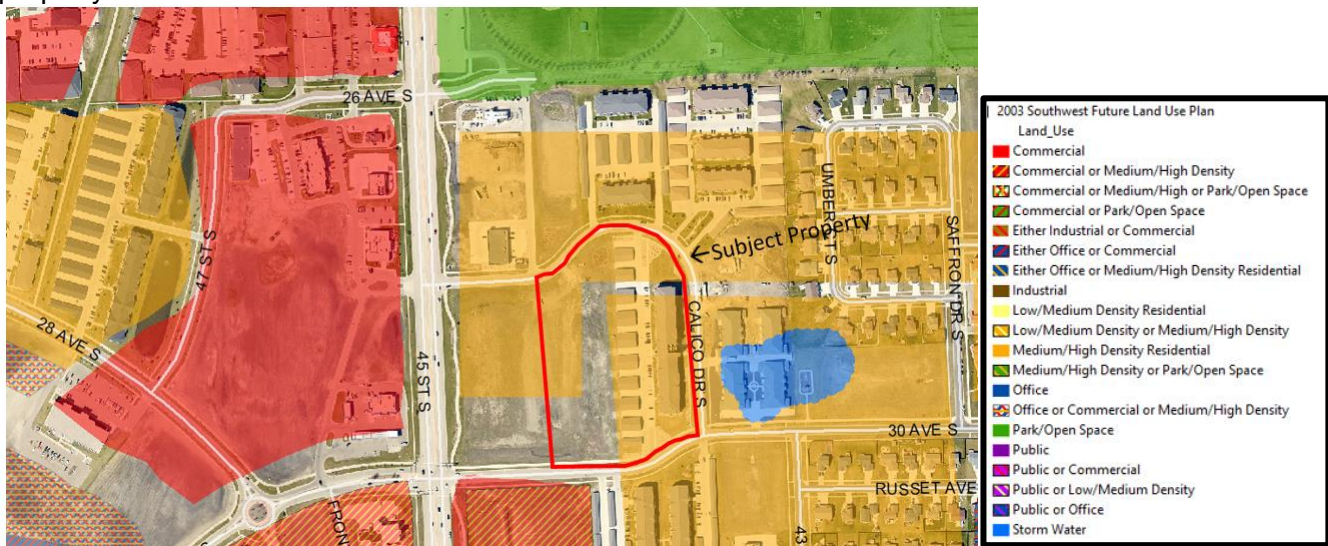
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LC with retail/service uses and MR-2, Multi-Dwelling Residential, with multi-dwelling residences.
- East: MR-1: Multi-Dwelling Residential with multi-dwelling residences (condominiums)
- South: LC with Fargo Housing Authority ownership; MR-2: Multi-Dwelling Residential with multi-residential dwellings; and MR-3: Multi-Dwelling Residential with multi-residential dwellings
- West: LC with retail/service uses.

Area Plans:

The subject property was originally designated as "medium to high density residential" in the Growth Plan for the Urban Fringe and Extra-Territorial Areas of the City of Fargo, specifically the Southwest Area Plan. On January 6, 2003, the City Commission approved a change to the "Commercial" land use designation along the east side of 45th Street South. This area is now part of the Metropolitan Park Second Addition. The proposed zoning of MR-3, Multi-Dwelling Residential for Metropolitan Park Third Addition is consistent with the "medium to high density residential" land use designation on the subject property.



Schools and Parks:

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

Neighborhood: The subject property is located within the Anderson Park neighborhood.

Parks: Anderson Softball Complex, located at 4200 23rd Street South, is approximately 800 feet north of the subject property, and provides amenities of baseball/softball fields, concessions, picnic table, playground for ages 2-5, and restrooms

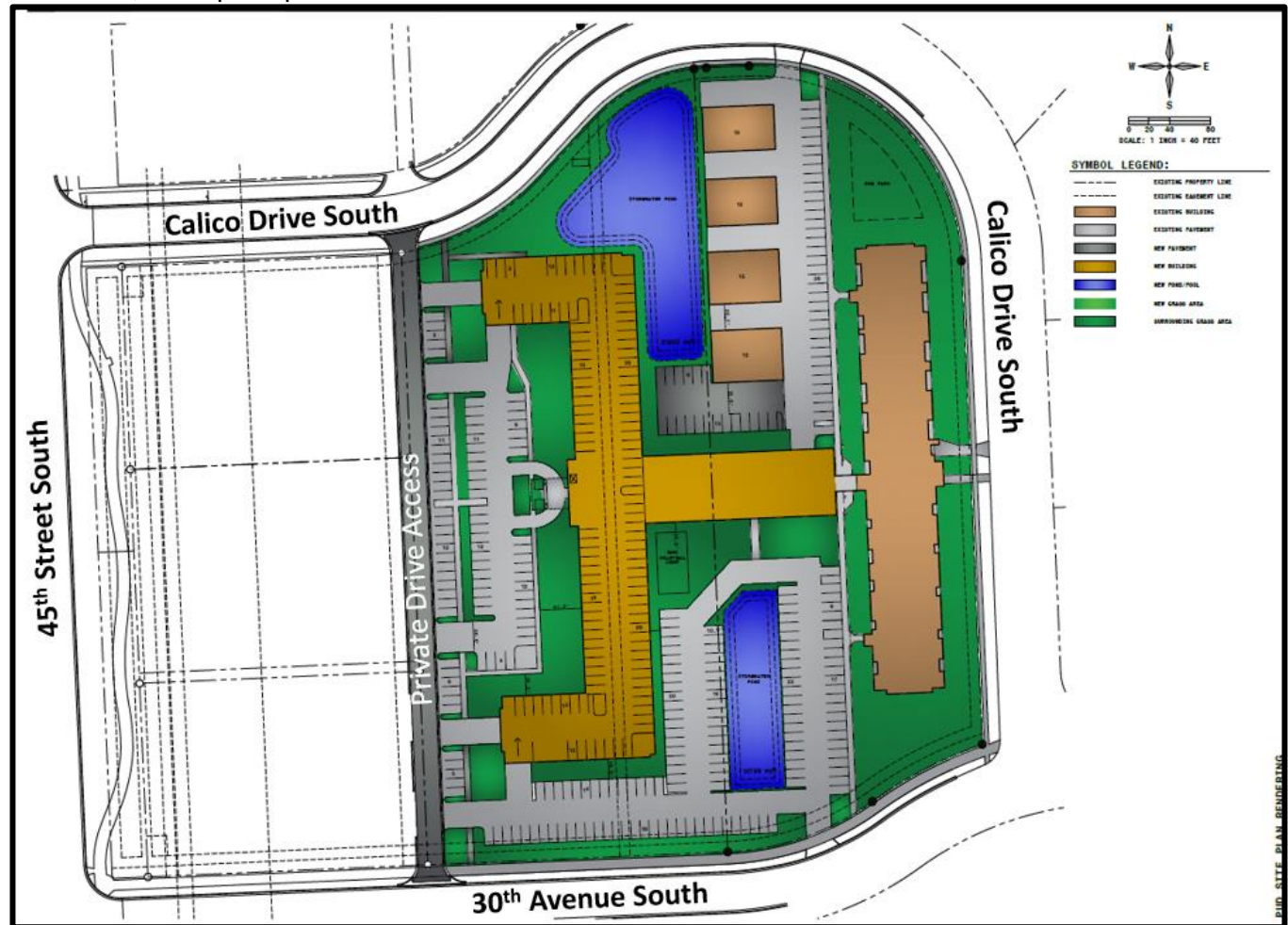
Pedestrian / Bicycle: An off-road multi-use trail is adjacent to the west side of the subject property, between the subject property and the 45th Street South right of way, which is a component of the metro area bikeways system.

Bus Route: MATBUS Route 14 runs along 42nd Street South, with a stop at 30th Avenue and 42nd Street South, approximately 0.32 mile east of the subject property.

Staff Analysis:

PUD Master Land Use Plan

The image below is a preliminary Master Land Use Plan submitted by the applicant (street names added for reference). The Master Land Use Plan shows the building envelope of the structures, parking and circulation, and open space.



The applicant proposes to construct a new 200+ unit multi-family apartment project, along with amenities spaces, and connect it to the existing 75 unit multi-family apartment building. The new apartment will have two levels of enclosed parking, thus allowing the ability to remove a portion of the existing surface parking garages on site, and giving the residents in the existing apartment building the ability to access their vehicles within the building footprint. The project will also 'go vertical' above the standard 3 to 4 story apartment building, which will allow for a very efficient use of the property and existing utilities within the area. Though several garages remain as part of the existing apartment building and the project includes surface as well as enclosed parking, the project provides open green space and water spaces.

Note that if the zoning change and the Master Land Use Plan are approved by the City Commission, the Planning Commission will review the Final Plans for the PUD at some point in the future.

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 MR-3, Multi-Dwelling Residential zoning standards:

- Establish maximum residential density of approximately 36 units per acre;
- Establish building height maximum on property to approximately 85 feet;
- Provide additional open space (staff review pending); and
- Modify the minimum off-street parking requirements.

Rendering

A rendering of the proposed new apartment building, provided by the applicant, is attached. This is a conceptual graphic included for reference.

Plat

The plat will create combine two existing lots into a single lot.

Access

The lot will take access through an access and utility easement running north-south along with west side of the plat; from Calico Drive on the north and east sides of the plat, and form 30th Avenue South on the south side of the plat.

Master Land Use Plan: Article 20-090(7)(B)(a-e) of 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;**
2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**
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;**
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;**
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**

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?**
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?**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

MINOR SUBDIVISION

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

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

complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

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.

Staff Recommendation:

Suggested Motion: "To continue the proposed zone change, PUD master plan, and minor plat to the February 1, 2022 Planning Commission hearing.

Planning Commission Recommendation: January 4, 2022

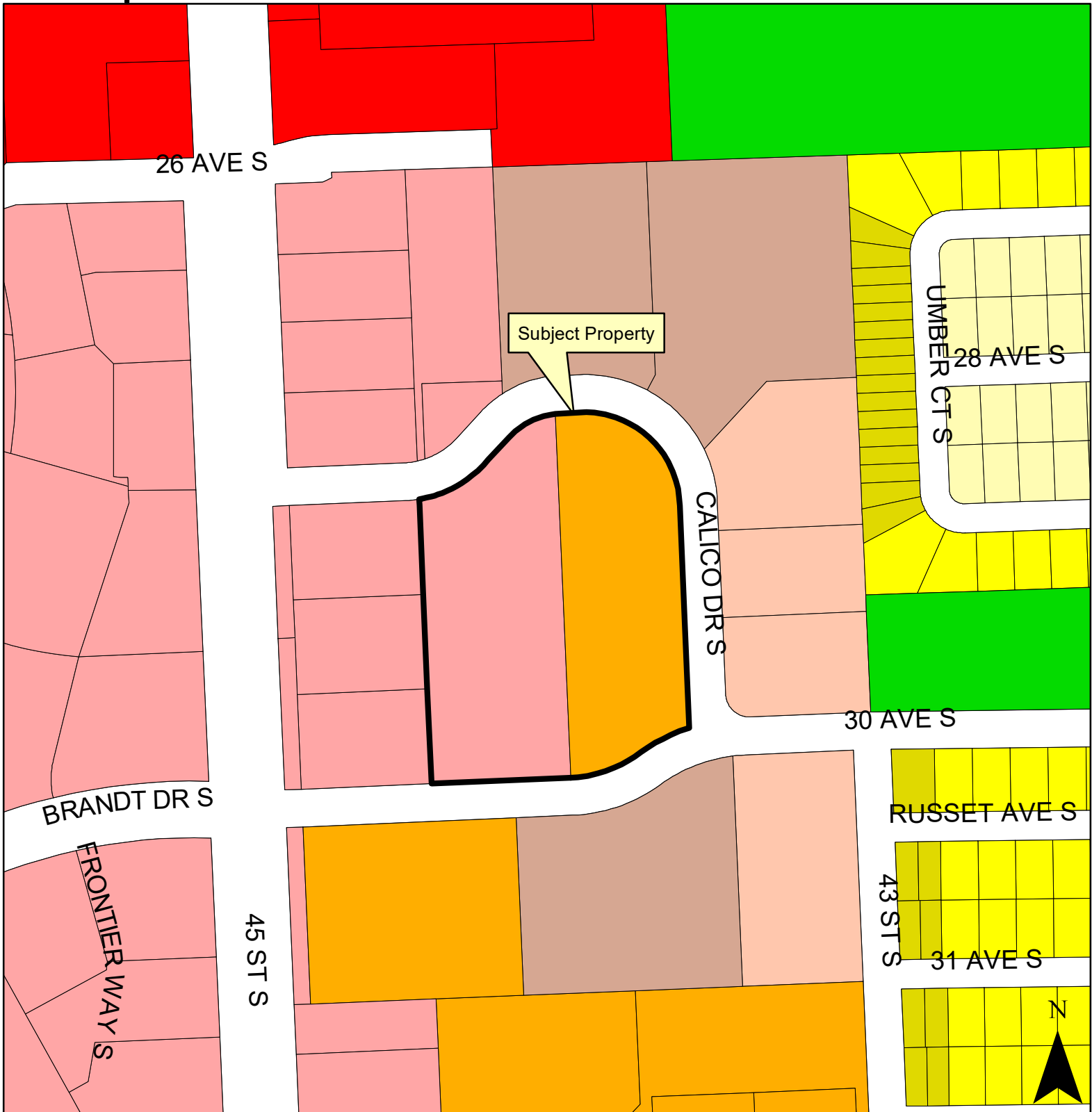
Attachments:

1. Zoning map
2. Location map
3. Preliminary plat
4. Master land use plan
5. Owners' statement
6. Rendering of new apartment

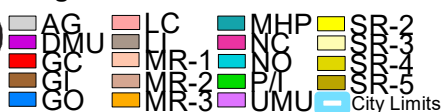
Plat (Minor), Zone Change (LC and MR-3 to MR-3 with a Planned Unit Development [PUD] Overlay), and PUD Master Land Use Plan

Metropolitan Park Third Addition

4400 Calico Drive S & 4455 30 Avenue S



Legend



300
Feet

Fargo Planning Commission
January 4, 2022

**Plat (Minor), Zone Change (LC and MR-3 to
MR-3 with a Planned Unit Development [PUD] Overlay),
and PUD Master Land Use Plan**

Metropolitan Park Third Addition

4400 Calico Drive S & 4455 30 Avenue S



METROPOLITAN PARK THIRD ADDITION

A REPLAT OF LOT 2, BLOCK 1 OF METROPOLITAN PARK ADDITION AND LOT 4, BLOCK 1 OF METROPOLITAN PARK SECOND ADDITION, ALL TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That JPR Investments LLC #13A, a North Dakota Limited Liability Company, and Metropolitan Apartments, LLC, are the owners of a parcel of land located in that part of the West Half of the Southwest Quarter of Section 22, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lot 2, Block 1 of METROPOLITAN PARK ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

AND

Lot 4, Block 1 of METROPOLITAN PARK SECOND ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 8.67 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as "METROPOLITAN PARK THIRD ADDITION" to the City of Fargo, do hereby dedicate to the public, for public use, the Utility Easement as shown on this plat.

OWNER:

JPR Investments LLC #13A

Claim of Interest in:

Lot 4, Block 1 of METROPOLITAN SECOND PARK ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

James P. Roers, President

State of North Dakota)
County of Cass) SS

On this day of 20, appeared before me, James P. Roers, President, JPR Investments, LLC #13A, 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

OWNER:

Metropolitan Apartments, LLC

Claim of Interest in:

Lot 2, Block 1 of METROPOLITAN PARK ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

XXXXX XXXXXX, XXXXXX

State of North Dakota)
County of Cass) SS

On this day of 20, appeared before me, Metropolitan Apartments, LLC, 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, Jason Ness, 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.

Jason Ness, PLS
Professional Land Surveyor
Registration No. LS-6884

State of North Dakota)
County of Cass) SS

On this day of , 20, appeared before me, Jason Ness, 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.

Rocky Schneider

Planning Commission Chair

State of North Dakota)
County of Cass) SS

On this day of 20, before me, a notary public in and for said county, personally appeared Rocky Schneider, 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)
County of Cass) SS

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

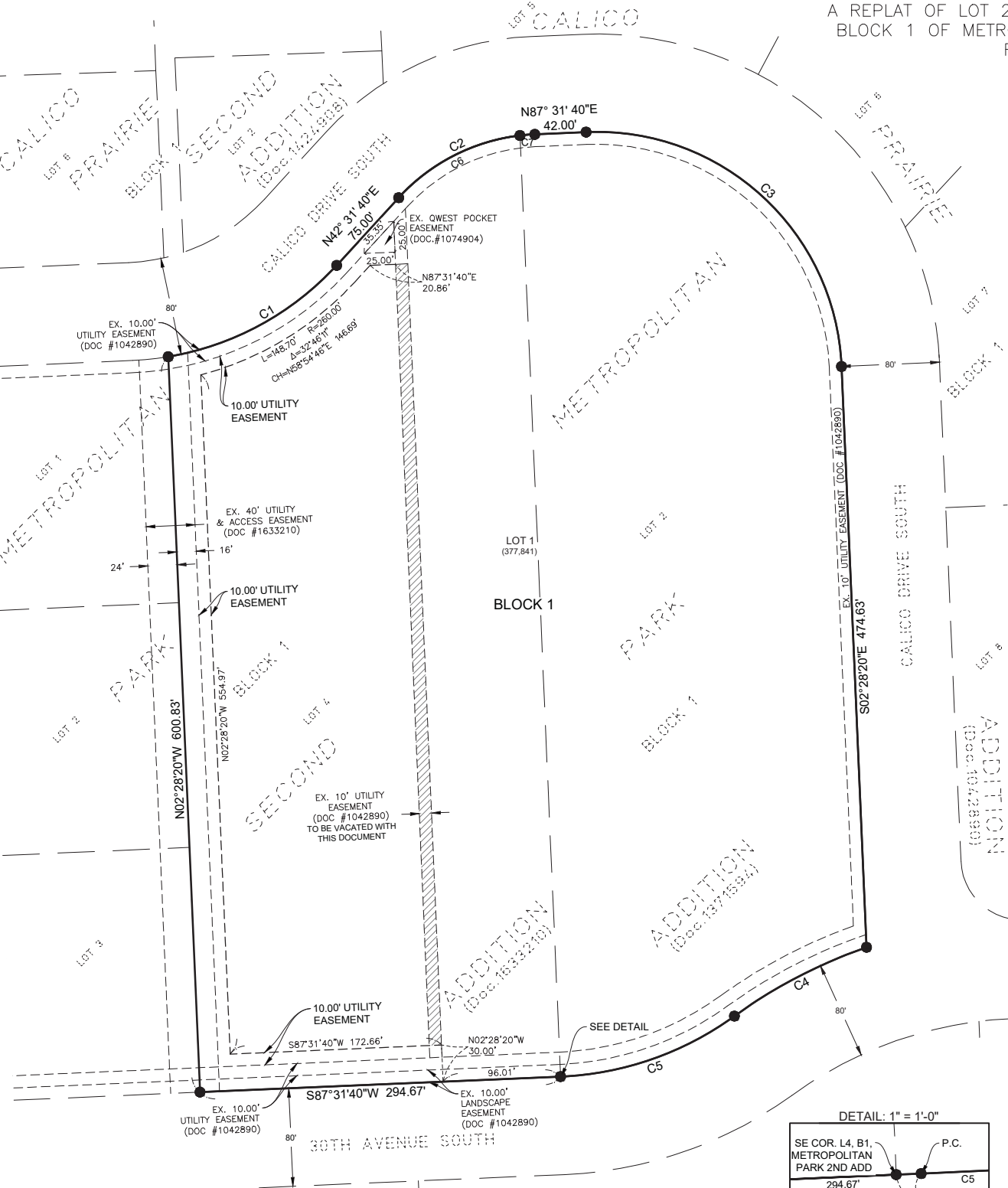
Approved by the City Engineer this day of 20.

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
County of Cass) SS

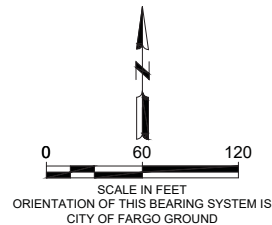
On this day of 20, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public



NOTES

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



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C6	113.52'	160.00'	040°39'06"	S62°51'13.27"W	111.15'
C7	12.14'	160.00'	004°20'54"	S85°21'13.27"W	12.14'
C3	314.16'	200.00'	090°00'00"	S47°28'19.76"E	282.84'
C5	152.13'	260.00'	033°31'27"	N70°45'56.74"E	149.97'
C4	122.04'	410.00'	017°03'14"	N62°31'50.24"E	121.59'
C1	159.35'	240.00'	038°02'27"	N61°32'53.85"E	156.43'
C2	125.66'	160.00'	045°00'00"	S65°01'40.24"W	122.46'

LEGEND

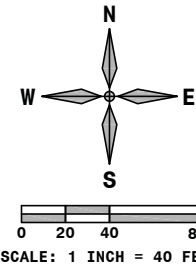
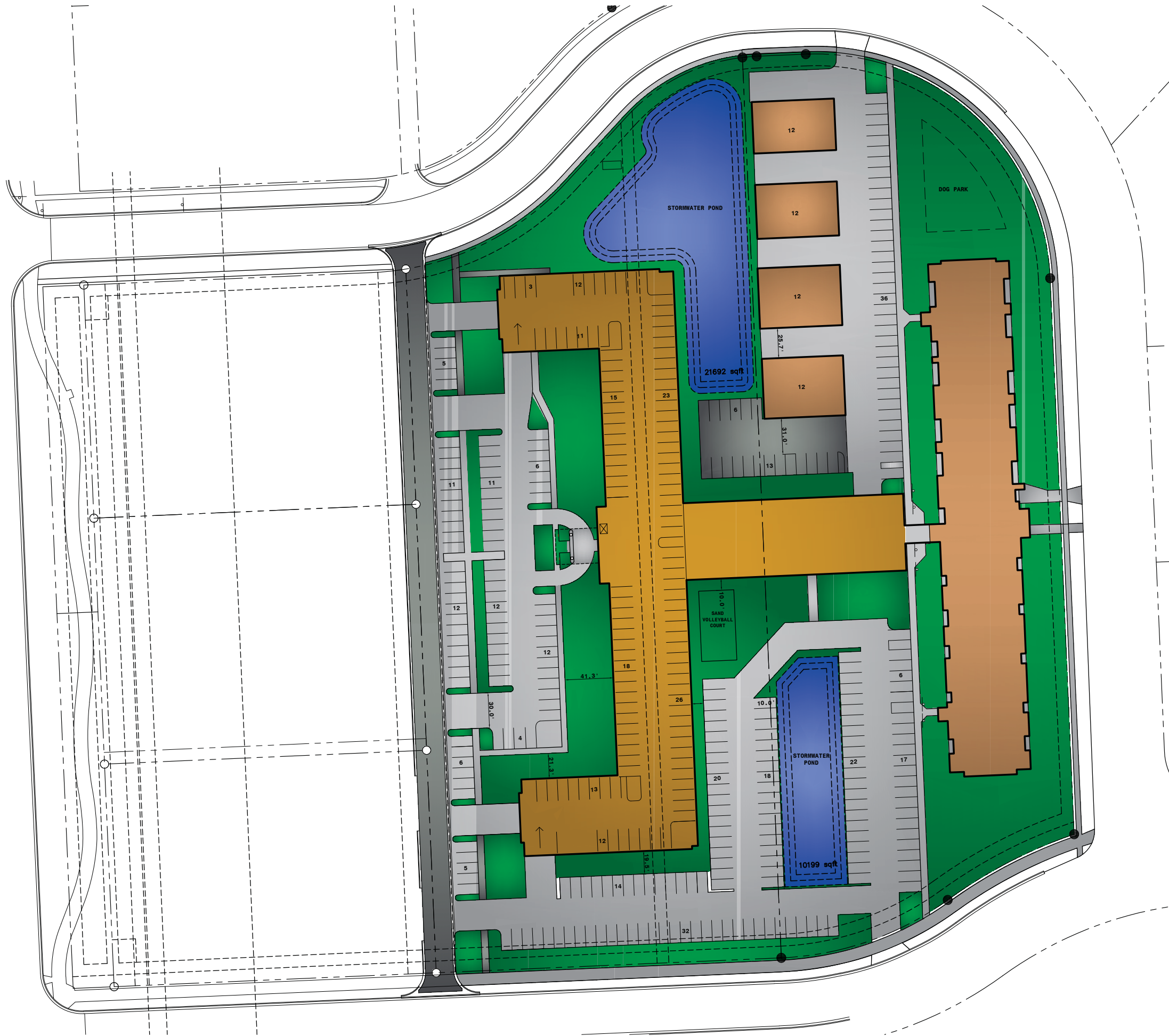
- MONUMENT IN PLACE
- SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
- (5,000) LOT AREA (SQUARE FEET)
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- PLAT BOUNDARY
- - - NEW EASEMENT LINE
- EXISTING EASEMENT (TO BE VACATED WITH RECORDING OF THIS DOCUMENT)

Mead & Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4447100-211842.01
SHEET 1 OF 1

PRELIMINARY



SYMBOL LEGEND:	
	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING BUILDING
	EXISTING PAVEMENT
	NEW PAVEMENT
	NEW BUILDING
	NEW POND/POOL
	NEW GRASS AREA
	SURROUNDING GRASS AREA

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

**ROERS COMPANIES
METRO APARTMENT
COMPLEX**

FARGO, NORTH DAKOTA

NOT FOR CONSTRUCTION

MBN JOB #: 21-266 DATE: 12-28-21

C1.0

PUD SITE PLAN RENDERING



METROPOLITAN PARK 3rd ADDITION

DEVELOPERS STATEMENT OF INTENT:

Goldmark Design and Roers Development is proposing this Infill/Backfill Development on 45th Street in south Fargo. In an effort to increase density within the existing Multi Family and future Mixed Use Development, and in addition to lessening the overall impact to existing public utility infrastructure and creating a more walk-able community, we are proposing to make the following modifications to the MR-3 Zoning District via PUD (Planned Unit Development). The increased density of developments in a goal of the City of Fargo's 2030 Comp Plan.

Increase Units per Acre from 24 to 36. We will achieve this by parking a majority of the required stall underground and tucked under the new building. The project will also 'go vertical' above the standard 3 to 4 story apartment building, which will allow for a very efficient use of the property and existing utilities within the area.

Minimum Open Space Requirement of 30%, thus making for a dense site, yet keeping ample green space for outdoor use.

Increase Max Height of Building from 60' to 80'

Parking Ratio: Reduce the Parking Ratio from 2.25 Parking Spaces / Unit to 2 Parking Spaces / Unit. The design team believes this ratio to be sufficient, given the high density of the complex, walkability to neighboring properties and business, and various amenities being added to the complex thus reducing the need to leave the site for such activities.

Eliminate the need for added Landscaping on the Existing MR-3 Zoned and Built Lot

PROJECT SCOPE:

Construct a new 200+ Unit Multi-Family Apartment Project, within this Mixed Use Development. The new facility will add amenities spaces for the complex and a direct connection to the existing 75 Unit Multi-Family Apartment Building. Amenities to include: Fitness center, children's play area, volleyball court, hot tub, sauna, vending, yoga studio, underground/heated parking, car wash area, dog wash spa and package room

The new Multi-Family Apartment will have two levels of enclosed parking, thus allowing the ability to remove a portion of the existing surface parking garages on site, and thus giving the residents in the existing apartment building the ability to access their vehicles within the building footprint.

A natural buffer will be added with landscaping along the west edge of the parking lot, between the MF Building and the commercial lots, to reduce the noise/light/activity generated via the adjacent properties



PROJECT:

METRO REINVENT

Enter address here

REVISIONS:		
No.	Date	RREMARK
PROJECT NO: 20-073		
DATE: 12/20/21		
DRAWN BY: Author		
CHECKED BY: NGV		
DOCUMENT PHASE: SCHEMATIC DESIGN		
SHEET CONTENTS: 3D VIEW		

**City of Fargo
Staff Report**

Title:	EOLA Addition	Date:	12/28/2021
Location:	4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South and 4417 and 4477 26th Avenue South	Staff Contact:	Maegin Elshaug, Planning Coordinator
Legal Description:	Lots 1-2, Block 1 and Lots 1-5, Block 2, EOLA Addition		
Owner(s)/Applicant:	MAKT, LLC & EOLA Landholdings LLC / EPIC Companies	Engineer:	N/A
Entitlements Requested:	Zoning Change (from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay)		
Status:	Planning Commission Public Hearing: January 4, 2021		

Existing	Proposed
Land Use: Vacant	Land Use: Mixed-use Development
Zoning: GC, General Commercial with a PUD Overlay	Zoning: GC, General Commercial with a modified PUD Overlay
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , 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. Plus a PUD allowing Residential use	Uses Allowed: no change
Maximum Density Allowed: 70 units per acre	Maximum Density Allowed: no change
Maximum Lot Coverage Allowed: 85% maximum building coverage	Maximum Lot Coverage Allowed: no change

Proposal:

The application is for a zoning change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay. The applicant is proposing to amend two items within the overlay, which is discussed below.

In May 2021, the EOLA Addition PUD, Planned Unit Development was approved by the City Commission, which included a major subdivision, zoning change, and PUD Master Land Use Plan. The Planning Commission reviewed those applications at the March and May 2021 Planning Commission meetings. More recently, at the October 5, 2021 meeting, the Planning Commission reviewed and approved the PUD Final Plan for the project. The existing PUD overlay is Ordinance 5300.

The applicant has applied to amend two provisions the PUD overlay in order for greater design flexibility: building height and variation of the building parapet. The applicant is requesting the amendment to provide flexibility in building height to allow up to 130 feet (or ten stories) and to remove the requirement for parapet variation at the top of the building façade. Below shows the two portions of the existing overlay with the modifications in red text:

- Height: The maximum building height for the overall development and within the proximity of residentially zoned property shall be 85-130 feet.
- Additional Standards
 - 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.

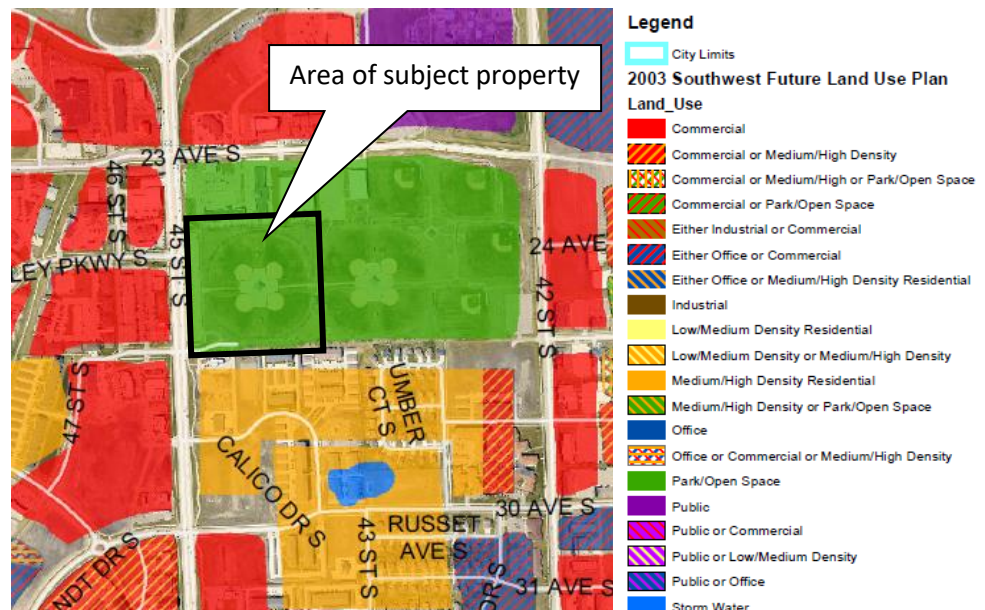
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial and P/I, Public and Institutional, with uses of commercial and the Fargo Park District's Southwest Youth Ice Area;
- East: P/I and the remainder of the Anderson Softball Complex;
- South: LC, Limited Commercial and MR-2, Multi-Dwelling Residential with uses of commercial and apartments;
- West: Across 45th Street South is GC with commercial use.

Area Plans:

The subject property is located within an area identified as the 2003 Southwest Area Plan as contained within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo*. The property was rezoned to GC, General Commercial with a C-O, Conditional Overlay in 2014. While this plan indicates the property for park/open space, a growth plan amendment was contemplated at the time and was ultimately concluded that, due to the general land use pattern of the area, not necessary. The base zoning district of GC is not changing with this application.



Context:

Neighborhood: Anderson

Schools: The subject property is located within the West Fargo School District, specifically within the Freedom

Elementary, Liberty Middle and Sheyenne High schools.

Parks: The subject property is located adjacent to the remainder of the Anderson Softball Complex.

Pedestrian / Bicycle: A shared use facility is located on the east side of 45th Street South and connects to the metro area trail system.

Transit: MAT Bus Route 24 runs along 23rd Avenue South. A bus stop is located approximately two blocks east of 45th Street, located less than a quarter-mile from the subject property.

Staff Analysis:

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The PUD zoning is an overlay with an underlying zoning district of GC, General Commercial. The proposed PUD Overlay zoning district is intended to accommodate the development of this property and specifically identify the proposed development with a master land use plan, final plan and zoning ordinance. The requested amendment provides some flexibility within the development, allowing the structures to be built up to 130 feet (or ten floors) and the removal of the requirement for parapet variation at the top of the building façade.

(Criteria Satisfied)

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

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

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed amended PUD overlay is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

Staff Recommendation:

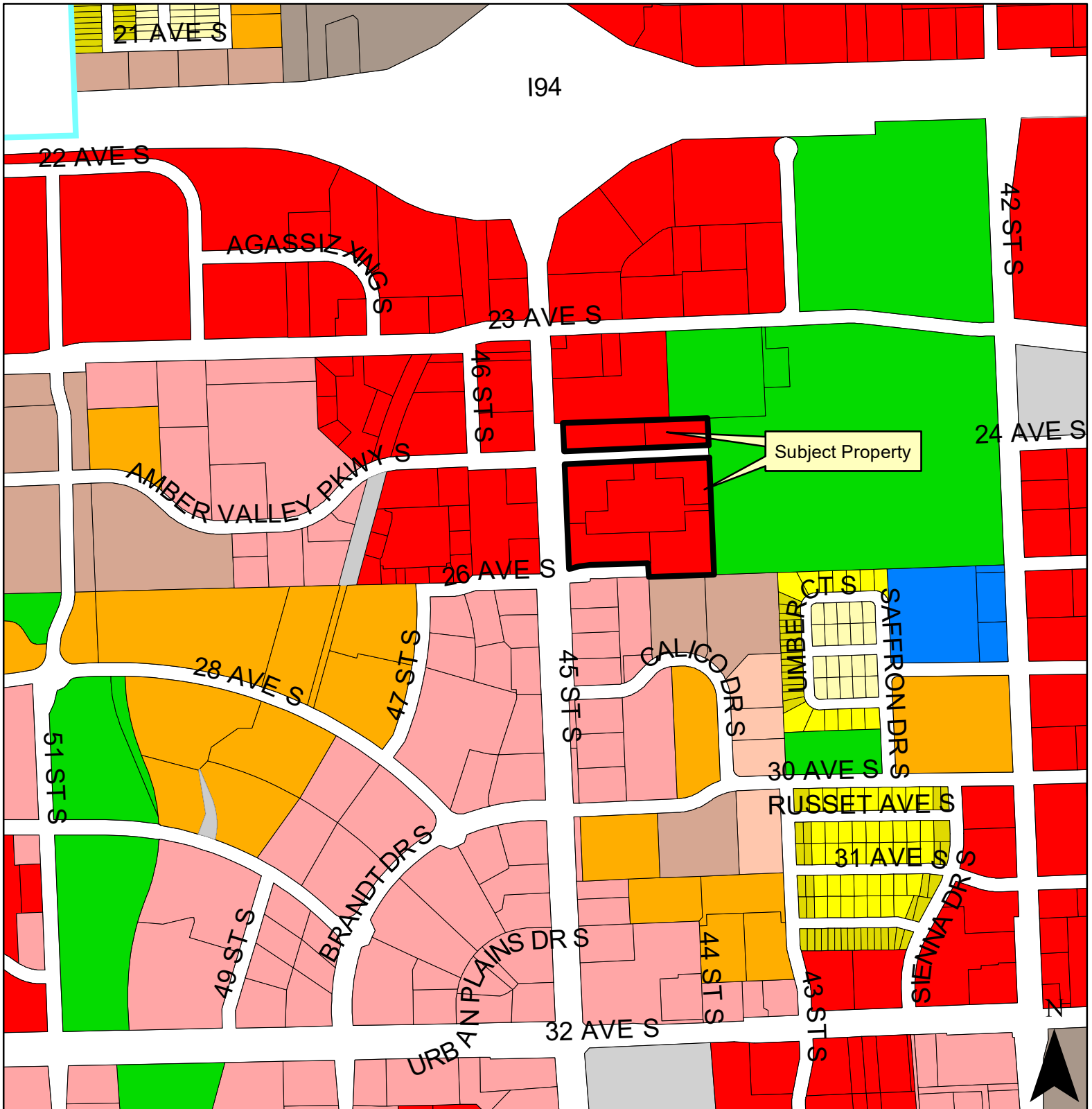
Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from GC, General Commercial with a PUD, Planned Unit Development Overlay, to GC, General Commercial with an amended PUD, Planned Unit Development Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: January 4, 2021
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map

Zone Change (GC with a Planned Unit Development [PUD] Overlay to GC with a Planned Unit Development [PUD] Overlay)

4410, 4415, 4448, 4470, 4471, 4474 24th Avenue S;
4417 & 4477 26th Avenue S

EOLA Addition



Legend

AG	DMU	LC	MHP	SP
GC	GO	MR-1	NC	SP-2
MR-2	MR-3	MR-3	PUD	SP-4
UMU				SP-5
				City Limits

300
Feet

Fargo Planning Commission
January 4, 2022

Zone Change (GC with a Planned Unit Development [PUD] Overlay to GC with a Planned Unit Development [PUD] Overlay)

EOLA Addition

4410, 4415, 4448, 4470, 4471, 4474 24th Avenue S;
4417 & 4477 26th Avenue S



Legend

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

Fargo Planning Commission
January 4, 2022

City of Fargo Staff Report			
Title:	Legacy I 7 th Addition	Date:	12/28/21
Location:	6155 24 th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 1, Block 7, Legacy I 4 th Addition		
Owner(s)/Applicant:	Gerald Eid / Jason Eid	Engineer:	None
Entitlements Requested:	Zoning Change (from SR-4, Single-Dwelling Residential to GO, General Office with a conditional overlay (C-O) to restrict land uses); Growth Plan Amendment (amend the 2003 Growth Plan from “Residential Area— Lower-to-Medium Density or Medium-to-High Density” to “Office” for the subject property.) Minor Subdivision (plat of Legacy I 7th Addition , a replat of Lot 1, Block 7, Legacy I 4 th Addition to remove the negative access easement along 62 nd Avenue South)		
Status:	Planning Commission Public Hearing: January 4, 2022		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Daycare and office	
Zoning: SR-4, Single-Dwelling Residential		Zoning: GO, General Office	
Uses Allowed: SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities		Uses Allowed: GO – General Office. 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, and commercial parking with a conditional overlay (C-O) to restrict some land uses.	
Maximum Density Allowed: SR-4 allows a maximum of 12.1 dwelling unit per acre		Maximum Building Coverage Allowed: 55% GO does not allow residential uses	

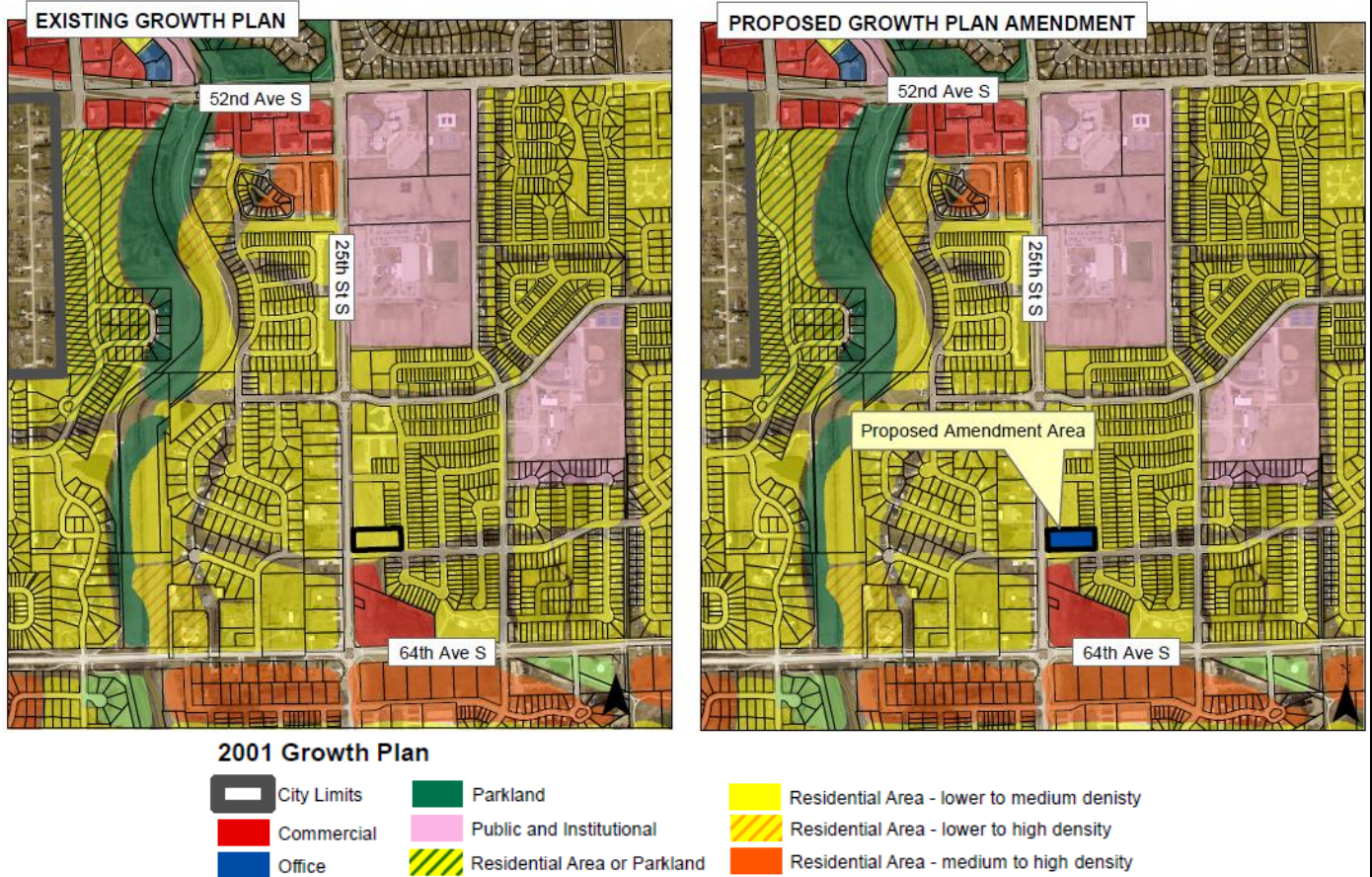
Proposal:
<p>The applicant requests three entitlements:</p> <ol style="list-style-type: none"> 1. A zoning change from SR-4, Single-Dwelling Residential to GO, General Office with a conditional overlay (C-O) to restrict some land uses; and 2. A growth plan amendment to amend the 2003 Growth Plan from “Residential Area— Lower-to-Medium Density or Medium-to-High Density” to “Office” for the subject properties. 3. A minor subdivision to be known as Legacy I 7th Addition, a replat of Lot 1, Block 7, Legacy I 4th Addition to remove the negative access easement along 62nd Avenue South. No change to the lot dimensions is proposed. <p><i>NOTE: Though this project was originally advertised as having a growth plan amendment to the “Commercial” land use designation, further discussion between staff and the applicant determined that the more restrictive “Office” land use designation was more appropriate</i></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>(continued on next page)</p>

Surrounding Land Uses and Zoning Districts:

- North: P/I, Public and Institutional, undeveloped; SR-4, Single-Dwelling Residential, single-dwelling residences
- East: SR-4, single-dwelling residences
- South: NC, Neighborhood Commercial, undeveloped; SR-4, single-dwelling residences
- West: SR-2, Single-Dwelling Residential with single-dwelling residences and religious institution

Area Plans:

The subject property is located within the 2001 (amended in 2003) Growth Plan. This plan designates the subject property as "Residential Area—Lower to Medium Density" and "Residential Area—Medium to High Density." This land use designation includes the current SR-4, Single-Dwelling Residential zoning. The applicant proposes to amend this plan to designate the subject properties as "Office," which includes the proposed GO, General Office zoning. Findings for the proposed growth plan amendment are below.



Context:

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

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

Parks: Legacy Park, located at 6297 22nd Street South, is approximately 750 feet southeast of the subject property and provides amenities of basketball court, grill, picnic tables, playground, recreational trails and a shelter.

Pedestrian / Bicycle: An off-road multi-use trail is adjacent to the west side of the subject property, within the right of way for 25th Street South, which is a component of the metro area bikeways system.

Bus Route: The subject property is not near a MATBUS route.

Staff Analysis:

PLAT

The replat of the existing lot eliminates the negative access easement (NAE) along 62nd Avenue South that was originally applied with the Legacy I 4th Addition plat. Planning and Engineering staff have determined that this NAE is no longer required. The plat does not change the lot dimensions.

ZONE CHANGE

The applicant's main goal for the zone change is to find the minimum zone in which a day care that serves more than 13 children can be built without any additional entitlement; such a daycare cannot be built in the current SR-4 zoning or any other residential zone. The GO, General Office zone, would allow this use. This zone does not allow many of the uses that area allowed in the LC, Limited Commercial and GC, General Commercial zones. The conditional overlay (see below) further restricts the land uses available in the GO zone.

CONDITIONAL OVERLAY

The zone change includes a conditional overlay that will regulate signs, prohibit certain land uses on the property, and provides design standards for the development of the site. The conditional overlay is appropriate for this area that is along an arterial street yet still close to multi-dwelling and single-dwelling residential. A copy of the draft conditional overlay is attached.

GROWTH PLAN AMENDMENT:

In order to allow the proposed GO, General Office zoning, the underlying growth plan, the 2001 (amended in 2003) Growth Plan, must be amended to change the land use designation for this property from Medium to High Density Residential to Office. Findings for the growth plan amendment are below.

GROWTH PLAN AMENDMENT NEIGHBORHOOD MEETING

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. The intent of this open house is to allow residents and property owners in the area an opportunity to meet with the developer to review and comment on this proposed growth plan amendment. This meeting was held on Tuesday, December 7th, 2021 at City Hall. Property owners within a 300 foot radius of the subject property were notified by mail of this meeting. There were no attendee at this meeting other the developer and Planning Department staff.

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

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

- 1. Is the proposed change consistent with surrounding land uses, both existing and future?**
Surrounding land uses include SR-4-zoned single dwelling lots as well as large undeveloped lots with P/I, Public/Institutional and NC, Neighborhood Commercial, zoning. It is the developer's intent to provide neighborhood serving office and daycare uses at this location located along an arterial street.
(Criteria Satisfied)
- 2. Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.**
No
(Criteria Satisfied)
- 3. How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or**

developments in the vicinity that make the change positive or negative for the City and the area in general?

Some nearby parcels with commercial zoning have been developed with residential instead of commercial uses. The nearest developed neighbor-serving area is approximately 0.75 miles north. Allowing this parcel to change to a land use designation and a zone that allows office uses facilitates the developer's intent to provide neighborhood serving office and daycare uses at this location located along an arterial street that may be underserved by such uses.

(Criteria Satisfied)

4. How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?

The proposed development will provide neighborhood services to the surrounding residents. Regarding walkability, existing portions of sidewalks, including the 10-foot wide multi-use trail on the south side of the subject property, will be completed as part of this project

(Criteria Satisfied)

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

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

There is no error in the zoning map. The property was zoned to the current zoning of SR-4 in 2005 (Legacy I 4th Addition). This 1.89 acre lot could accommodate 22 dwelling units, perhaps as attached condominiums or rental units. The property has not been developed in the 16 years since the original approval, suggesting that the original plan for this lot as a residential development is not practical at the present time. Thus, staff believes it is reasonable that alternative plan can be considered.

(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?

Yes. The project site fronts on public rights of way that provide access and utility services.

(Criteria Satisfied)

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no public comment. 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 project meets some of the goals of infill development stated in the Go2030 Comprehensive Plan:

- the subject property is already served by supporting infrastructure;
- the project will increase the mix of uses and amenities in the area; and,
- by extending and completing existing sidewalks, the project will increase walkability.

The 2001/2003 Growth plan designation of “office” proposed for this site states *“This designation was also used in areas that may need to function as stand-alone sites from an access and circulation standpoint. Generally an office building, office campus, or public institution can function as a stand alone development, as opposed to commercial land uses, which often benefit from the synergy created when they are adjacent to roadways that also provide access to other commercial developments”*

The growth plan is proposed to be amended as noted above.

The major intended tenant of the property is a daycare accommodating more than 13 children; such a facility is not allowed in residentially-zoned areas

(Criteria Satisfied)

MINOR SUBDIVISION

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

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

The replat of the existing lot eliminates the negative access easement (NAE) along 62nd Avenue South that was originally applied with the Legacy I 4th Addition plat. Planning and Engineering staff have determined that this NAE is no longer required. The property within this plat is currently zoned SR-4, Single-Dwelling Residential. The proposed zone change would rezone the entire property to GO, General Office with a conditional overlay (C-O) to accommodate the proposed office development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any 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.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

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

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zoning change from SR-4, Single-Dwelling Residential to GO, General Office with a conditional overlay (C-O); 2) growth plan amendment to amend the 2003 Growth Plan from “Residential Area— Lower-to-Medium Density or Medium-to-High Density” to “Office” for the subject properties; and 3) minor subdivision **Legacy I 7th Addition** as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Growth Plan, Section 20-0906.F (1-4), 20-0905.H (1-4), the standards of Article 20-06, and all other applicable requirements of the LDC.”

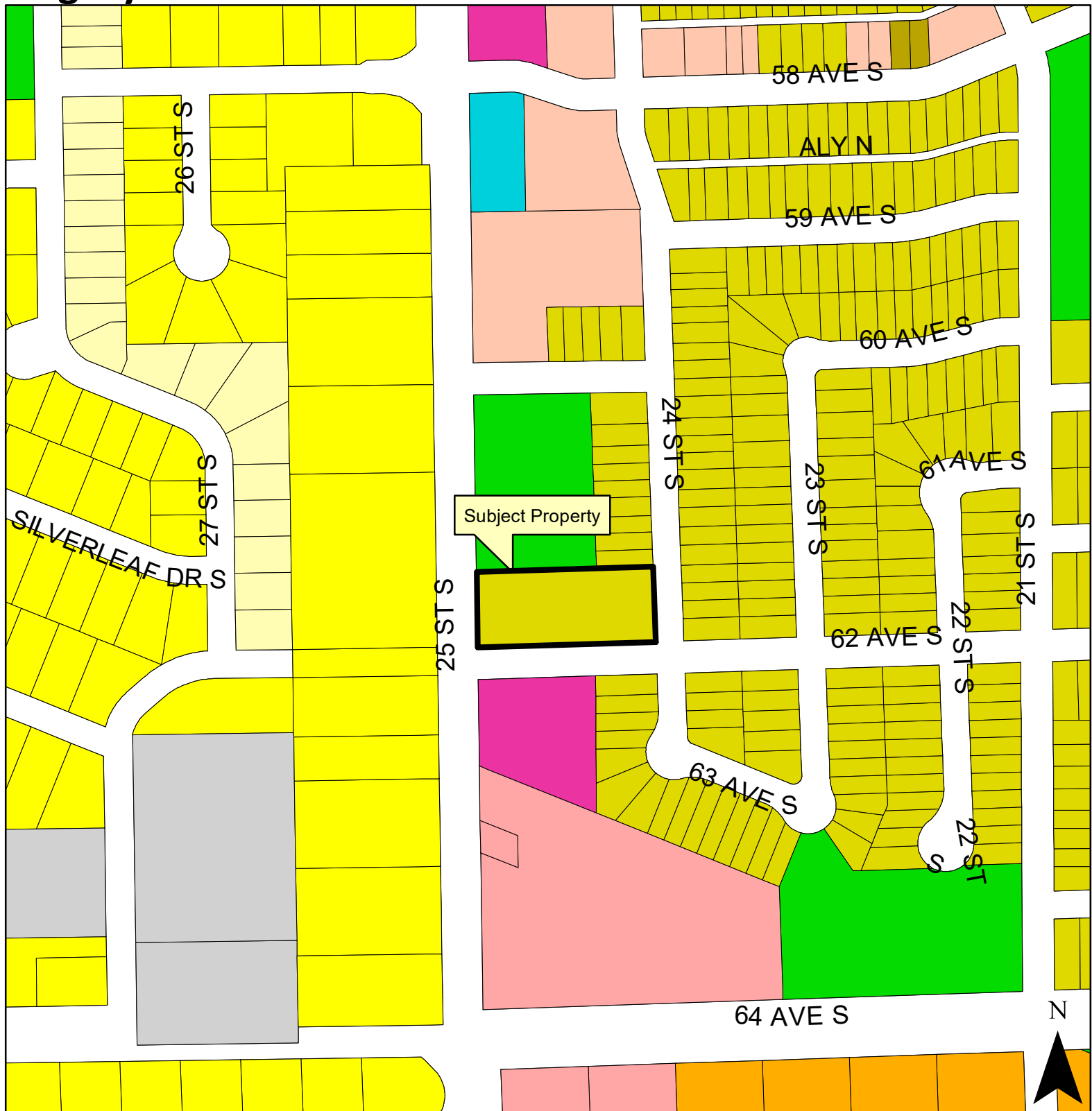
Planning Commission Recommendation: January 4, 2022

Attachments:

1. Zoning map
2. Growth Plan Map
3. Location map
4. Preliminary plat
5. Draft conditional overlay

Plat (Minor), Zone Change (SR-4 to GO), and Growth Plan Amendment (Residential to Office)

Legacy I 7th Addition



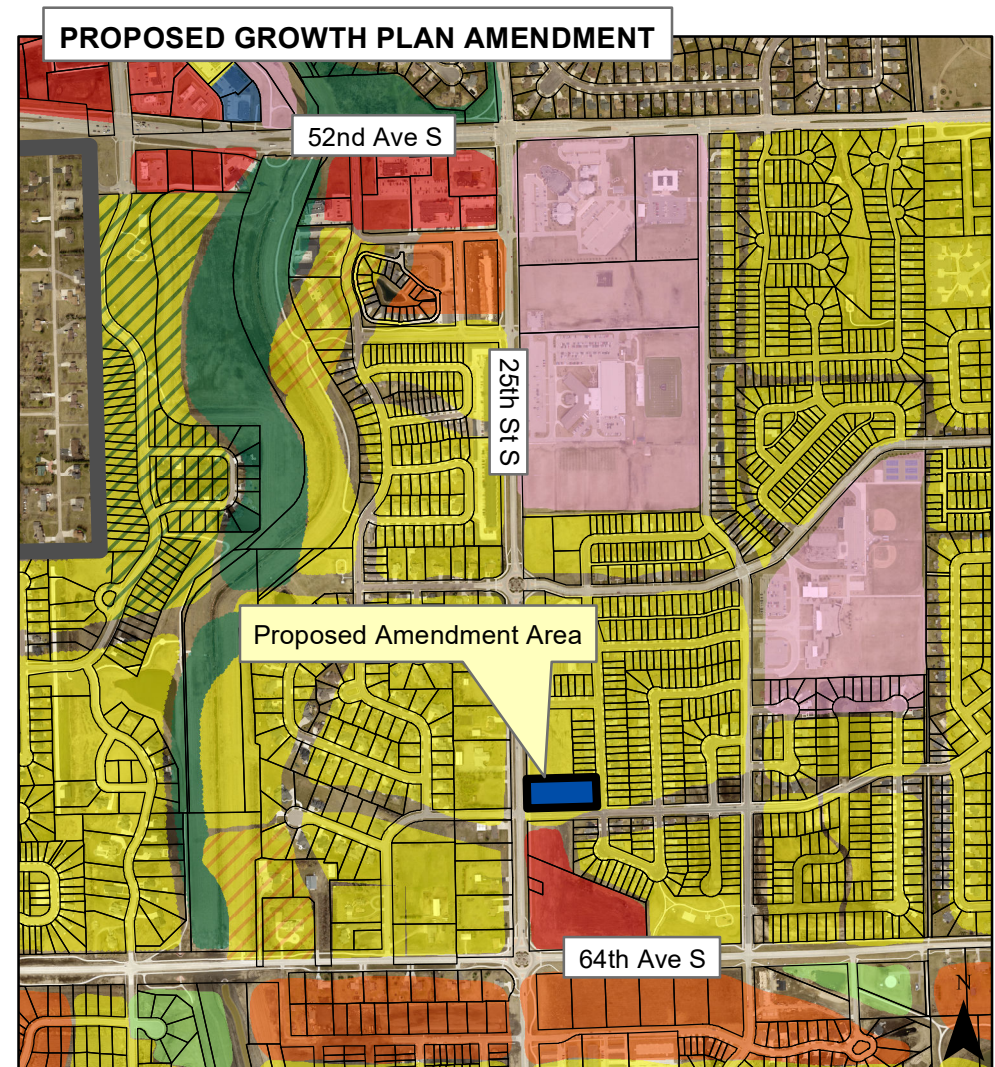
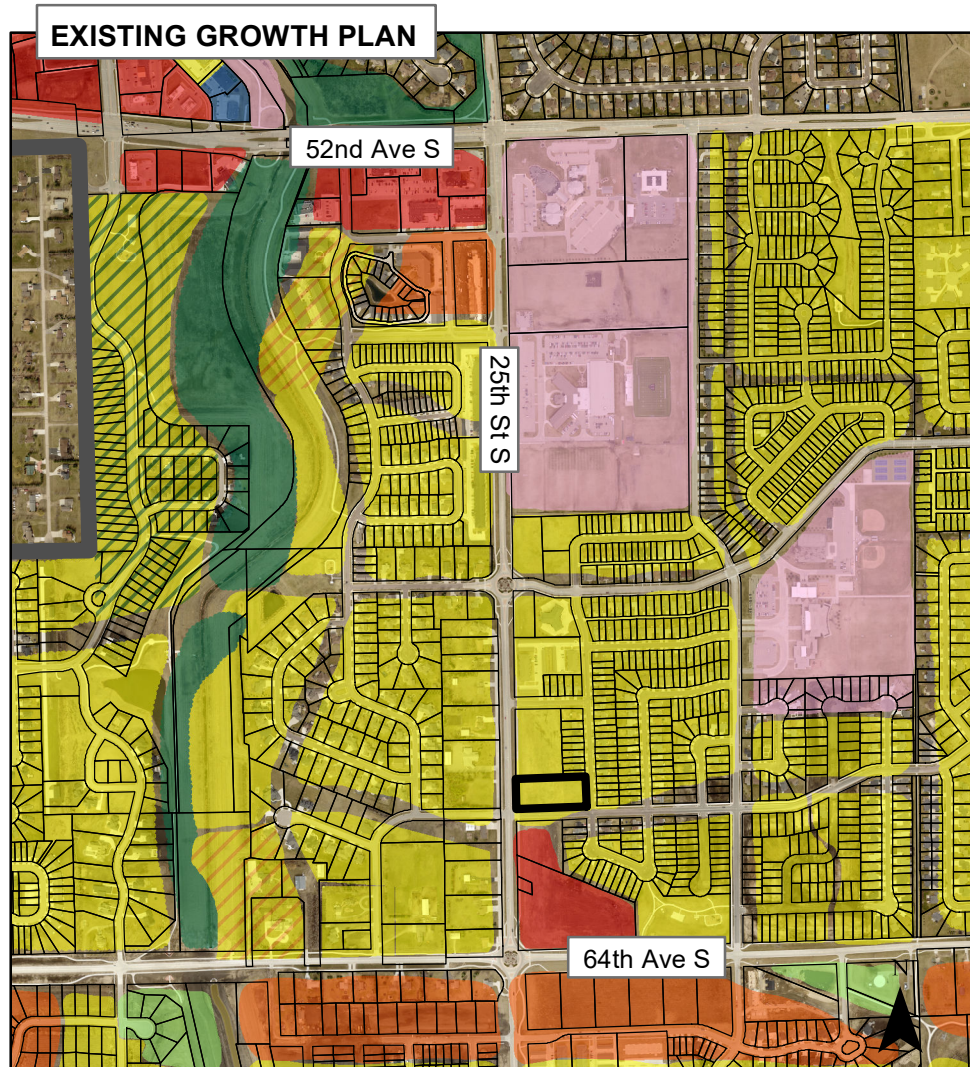
Legend

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

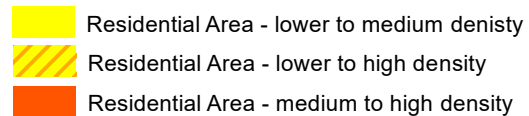
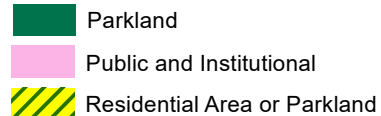
Growth Plan Amendment (Residential to Office)

Legacy I 7th Addition

6155 24th Street South



2001 Growth Plan

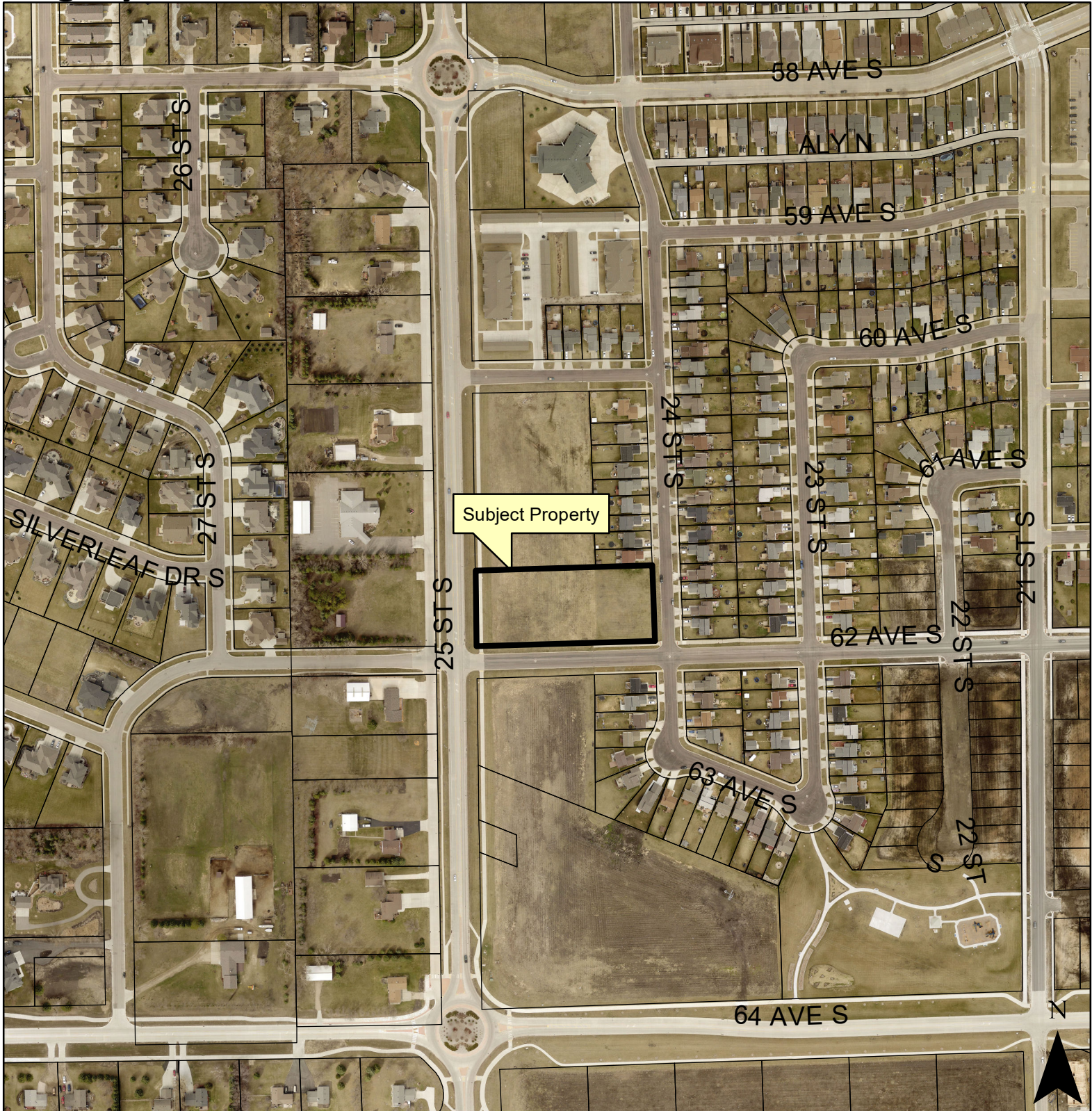


Fargo Planning Commission
January 4, 2022

Plat (Minor), Zone Change (SR-4 to GO), and Growth Plan Amendment (Residential to Office)

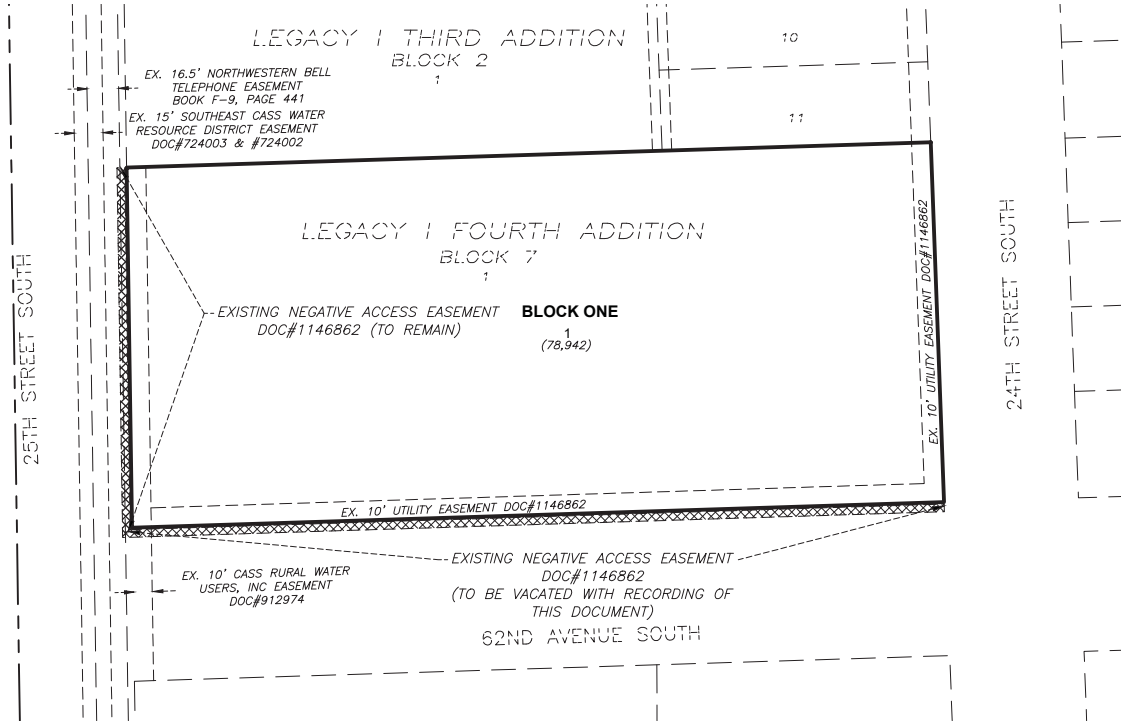
Legacy I 7th Addition

6155 24th Street S



Plat Date & Time: 19 October 2021 4:09 PM
G:\SURVEY\01_Projects\2021\21-575_Eid-Co Homes Legacy I 4th Replat - Fargo, ND\Drawings\21-575 Legacy I 7th Addition Plat.dwg

LEGACY I 7TH ADDITION
A REPLAT OF LOT 1, BLOCK 7 OF LEGACY I 4TH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR PLAT)



OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Gerald D. Eid, being the owner of land in that part of the Southwest Quarter of Section 1, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lot 1, Block 7 of LEGACY I 4TH 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 82,592 square feet, more or less.

Said owner of the above described property, have caused the same to be surveyed and platted as "LEGACY I 7TH ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:

Gerald D. Eid

Gerald D. Eid

State of North Dakota)
County of Cass)ss

On this _____ day of _____, 20____, before me personally appeared Gerald D. Eid, Owner, 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 corporation.

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)
County of Cass) SS

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: _____

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)
County of Cass) SS

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)
County of Cass) SS

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: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider
Planning Commission Chair

State of North Dakota)
County of Cass) SS

On this _____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Rocky Schneider, 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: _____

KPH, INC.
SURVEY
9530 39TH ST. S.
FARGO, ND 58104
701-499-7979

Lot 1, Block 1, Legacy I 7th Addition

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 pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond' and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the 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 50% for commercial.
3. All building façades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
4. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, variation of material type that projects at least 6" in plane or other such features along no less than 50 percent of their horizontal length. If the façade facing the street is not the front, it shall include similar features and/or landscaping features in scale with the façade that shall include a variety of trees and shrubs types and sizes within fifteen feet of the building facade.
5. Flat roofs and rooftop equipment, such as HVAC units, shall be totally screened when viewing angle is from the finish floor elevation, measured 150' from the exterior wall or provided with a parapet or screening wall half the height of the equipment, including but not limited to the back of the structure.
6. Loading and/or services areas/facilities shall be located at the side or rear of buildings and screened from public streets by structures and/or landscaping, with a minimum opacity of 50%.
7. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right of way or residentially zoned property the metal gate shall not be required.
8. Separate vehicular and pedestrian circulation systems shall be provided. An on-site 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.

9. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.

10. On-premise signs

- a) Every structure and complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept.
- b) Signage size, color, and form should complement the architecture of the building and should not compete with or become the focal point of the building form.
- c) Signage must not extend vertically or horizontally past the building.
- d) Signage text should be legible from arterial streets; use of recognizable imagery can be substituted for legibility of text. Sign should not be larger than necessary to achieve this legibility from the street.
- e) Sign surface areas must be less than 10 percent of the building surface
- f) Signs should be located above first floor doors and windows, on awnings, or adjacent to building entrances if mounted on a wall.
- g) Corporate logos should be appropriately scaled.
- h) Separate pedestrian-oriented signs should be provided when pedestrians cannot see the façade signage which is oriented to the street.
- i) Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking, and other special areas.
- j) Multi-tenant buildings or developments may have one monument or ground mounted sign per street frontage listing all of the tenants. Monument or ground-mounted signs for individual businesses in multi-tenant buildings or developments are prohibited. Monument-type signs are the preferred alternative for business identification whenever possible.
- k) Signs should advertise a specific building or business, not products, trademarks, or special events.
- l) Window signs used for shop fronts or mixed-use buildings are permitted, provided that the aggregate total of all window signs for each business shall not exceed 25% of its respective window area.

11. Prohibited Signage

- a) Pole or pylon sign--A sign that is mounted a freestanding pole or pylon placed in the ground.
- b) Billboards – a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.
- c) Fence Signs – a sign affixed in any way to or painted on a fence

- d) Off Site Sign – a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located.
 - e) Pennant – a flag tapering to a point usually strung together by line or rope.
 - f) Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
 - g) Roof Sign – a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof
 - h) Vehicular Sign – a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories.
 - i) Exterior Window Sign – means any sign painted or applied to the interior/exterior of the window of a tenant
12. The following uses in the GO, General Office zone are prohibited:
- a) Commercial Parking
 - b) Off-premise advertising