

FARGO PLANNING COMMISSION AGENDA
Thursday, July 6 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of June 6, 2023

C: Public Hearing Items:

- 1a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial, with an amended PUD, Planned Unit Development overlay on Lots 1-2, Block 1, **EOLA Addition** and on the proposed **EOLA Second Addition**. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC) (me)
- 1b. Continued hearing on an application requesting an application for a PUD, Planned Unit Development Master Land Use Plan amendment on Lots 1-2, Block 1, **EOLA Addition** and on the proposed **EOLA Second Addition**. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC) (me)
- 1c. Continued hearing on an application requesting a Plat of **EOLA Second Addition** (Major Subdivision) a replat of Lots 1-5, Block 2, EOLA Addition and part of Lot 1, 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 4410, 4448, 4470, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South; 4200 23rd Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC) (me)
2. Hearing on an application requesting a Conditional Use Permit to allow residential living in the LC, Limited Commercial zoning district on part of Lot 2, and all of Lot 3, Block 1, **Airport Second Addition**. (Located at 1919 University Drive North) (JPR Investments, LLC #14/Goldmark Design & Development) (me)
- 3a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial on the proposed **46th Avenue Industrial Park Addition**. (Located at 3336 52nd Avenue North) (County 20 Storage & Transfer, Inc/Lowry Engineering) (dk)
- 3b. Hearing on an application requesting a Plat of **46th Avenue Industrial Park Addition** (Major Subdivision) a plat of a portion of the South half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 3336 52nd Avenue North) (County 20 Storage & Transfer, Inc/Lowry Engineering) (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.

- 4a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial, with a C-O, Conditional Overlay on the proposed **University South Fourth Addition**. (Located at 1376 Oak Manor Avenue South) (Beyond Shelter Housing, LLC./Houston Engineering) (bg)
 - 4b. Hearing on an application requesting a Plat of **University South Fourth Addition** (Minor Subdivision) a replat of Lot 1, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 1376 Oak Manor Avenue South) (Beyond Shelter Housing, LLC./Houston Engineering) (bg)
 5. Hearing on an application requesting a Plat of **Village West Fourth Addition** (Minor Subdivision) a replat of part of Lots 5-6, Block 1, Village West Addition, to the City of Fargo, Cass County, North Dakota. (Located at 902 40th Street South) (Christianson Companies) (Im)
- D: Other Items:
1. Annexation of approximately 14.20 acres of a portion of the Southwest Quarter of the Northwest Quarter of Section 14, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota.
 2. Annexation of approximately 80.40 acres of portions of the Southwest Quarter of Section 28, the Southeast Quarter of Section 29, and the Northeast Quarter of Section 32, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota.

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, June 6, 2023

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, June 6, 2023.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, John Gunkelman, Scott Stofferahn, Art Rosenberg, Dawn Morgan, Brett Shewey

Absent: Jennifer Holtz, Thomas Schmidt

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Schneider noted Item 2 has been continued to July 6, 2023.

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

Item B: Minutes: Regular Meeting of May 2, 2023

Member Shewey moved the minutes of the May 2, 2023 Planning Commission meeting be approved. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Interstate Business District Addition

1a. Continued hearing on an application requesting a Growth Plan Amendment on the proposed Interstate Business District Addition from Residential Area, Lower-to-Medium Density, Commercial, and Proposed Park to Industrial and Commercial. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering): DENIED

1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition. (Located at 4753 45th Street North and 4269

40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering): DENIED

1c. Continued hearing on an application requesting a Plat of Interstate Business District Addition (Major Subdivision) a plat of a portion of the West Half of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering): DENIED

A Hearing had been set for May 2, 2023. At the May 2, 2023 meeting, the Hearing was continued to this date and time.

Planning Coordinator Donald Kress presented the staff report providing an overview of updates and stating all approval criteria have been met and staff is recommending approval. He noted additional documents were provided to the board including an updated C-O, Conditional Overlay, updated plat, and an additional comment from a resident. Mr. Kress noted a community meeting was held on May 18.

Discussion was held on the proposed buffers, fence height, and the location of the extra-territorial areas.

Applicant Trent Duda spoke on behalf of the application, highlighting the changes he has made to the project.

Assistant City Engineer Tom Knakmuhs and Fire Marshall Ryan Erickson spoke on behalf of the Engineering and Fire Departments, providing information on access and fire code requirements.

Applicant Representatives Nate Vollmuth, Goldmark Design, and Tom Nelson, Swan Real Estate, spoke on behalf of the application.

Discussion continued on the location site and frequency and timing of the concrete crushing.

The following Reile's Acres residents spoke in opposition to the application stating the following concerns: health concerns over air quality, the proposed zoning of LI, Limited Industrial, decreased property value, time before trees would be grown to shield the view, view of Fargo as an entrance to the City, environmental impacts, safety, noise, and applicant representation at the community meetings.

Paula Peterson, 4314 45 Street North
Jerome Koble, 4442 45 Street North
Mariia Goriacheva, 4534 39 Avenue North
Josh Morrell, 4534 39 Avenue North
Kyla DuBord, 4106 45 Street North

At 4:01 p.m., the Board took a ten-minute recess.

After Recess: All members present except Members Holtz and Schmidt. Chair Schneider presiding.

Relators Justin Berg and Shane Cullen provided information on the New Haven development in Reile's Acres, and concerns voiced from prospective buyers.

Discussion was held on if other areas of town near concrete crushing facilities were experiencing turnover in properties.

Mr. Vollmuth spoke on the portion of the property he is representing and shared the location of other concrete crushing facilities in the proximity of this property.

The following Reile's Acres residents spoke in opposition to the application stating the following concerns: the type of industrial businesses that would be allowed in the area, applicant representation at the community meeting, buffer on the south and north portions of the property, control of concrete dust, and the LI, Limited Industrial zoning district.

Wyatt Kram, 4518 47 Street North
Jim Prudhomme, 4302 45 Street North
Gary Opp, Opp Construction, 4111 40 Avenue North
Thomas Krantz, City of Reile's Acres Council Member, 4563 38 ½ Avenue North

Discussion was held on the City of Reile's Acres change of position on this project, the location of the extraterritorial boundaries of Fargo and Reile's Acres, setting a precedent for future development in the area, and if the concrete dust is environmentally regulated.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial, 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LO, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional, and 3) Subdivision Plat Interstate Business District Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, and Section 20-0906.F(1-4), Section 20-0905(H), and Section 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Rosenberg, Tasa, and Gunkelman voted aye. Members Morgan, Stofferahn, Shewey, and Schneider voted nay. Absent and not voting: Members Holtz and Schmidt. The motion failed for a lack of majority.

Discussion continued on city versus rural living, the inevitability of growth and change, and best use of this land.

Member Stofferahn moved the findings and recommendations of staff be denied and denial be recommended to the City Commission of the proposed 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial, 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LO, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional, and 3) Subdivision Plat Interstate Business District Addition. Second by Member Morgan. On call of the roll Members Shewey, Morgan, Stofferahn, and Schneider voted aye. Members Tasa, Gunkelman, and Rosenberg voted nay. Absent and not voting: Members Holtz and Schmidt. The motion was declared carried.

Mr. Kress noted Commissioners need to note which criteria is not met to recommend denial.

Which criteria is the motion for denial – not consistent with the surrounding land uses and the long term sustainability of the city.

Member Stofferahn moved the findings and recommendations of staff be denied and denial be recommended to the City Commission of the proposed 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial, 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LO, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional, and 3) Subdivision Plat Interstate Business District Addition, as outlined within the staff report, as the proposal does not comply with the surrounding land uses and the long term sustainability of the City. Second by Member Shewey. On call of the roll Members Shewey, Morgan, Stofferahn, and Schneider voted aye. Members Rosenberg, Gunkelman, and Tasa voted nay. Absent and not voting: Members Holtz and Schmidt. The motion was declared carried.

Item 2: EOLA Second Addition

2a. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial, with an amended PUD, Planned Unit Development overlay on Lots 1-2, Block 1, EOLA Addition and on the proposed EOLA Second Addition. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC): CONTINUED TO JULY 6, 2023

2b. Hearing on an application requesting an application for a PUD, Planned Unit Development Master Land Use Plan amendment on Lots 1-2, Block 1, EOLA Addition and on the proposed EOLA Second Addition. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC): CONTINUED TO JULY 6, 2023

2c. Hearing on an application requesting a Plat of EOLA Second Addition (Major Subdivision) a replat of Lots 1-5, Block 2, EOLA Addition and part of Lot 1, 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 4410, 4448, 4470, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South; 4200 23rd Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC): CONTINUED TO JULY 6, 2023

Item 3: Section 36, Township 140 North, Range 49 West
Hearing on an application requesting a Conditional Use Permit to allow a temporary Telecommunication Support Structure (TSS) within the P/I, Public and Institutional zoning district on Section 36, Township 140 North, Range 49 West. (Located at 1310 17th Avenue North) (North Dakota State University/Terra Consulting Group; AT&T Wireless): **APPROVED**
Planner Brad Garcia presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was on the appearance of the structure, estimated timeline of the temporary structure, and other structures on the current water tower.

Applicant Representative Hugh Bealka, spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Telecommunications Support Structure (TSS) of less than 125 feet in the P/I, Public and Institutional zoning district be approved as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0402.N(3), Section 20-0909.D(1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following condition:

1. The Telecommunications Support Structure (TSS) shall be 100 feet or less in height.

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

Item D: Other Items:

Item 1: Review of a Renewal Plan for the property located at 502 8th Street South
Director of Strategic Planning and Development Jim Gilmour presented an overview of the Renewal Plan.

Applicant Dave Noah, spoke on the proposed plan for the site.

Discussion was held on ownership of the property, and row-homes.

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 Tasa, Gunkelman, Stofferahn, Rosenberg, Morgan, Shewey, and Schneider voted aye. Absent and not voting: Members Holtz and Schmidt. The motion was declared carried.

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

The time at adjournment was 5:04 p.m.

Agenda Item Number

- 1a,b&c -- EOLA Addition & EOLA Second Addition
- 2 -- Airport Second Addition
- 3a&b -- 46th Avenue Industrial Park Addition
- 4a&b-- University South Fourth Addition
- 5 -- Village West Fourth Addition

Other Items:

- D1 -- Annexation of portions of Sec. 14, T140N, R49W
- D2 -- Annexation of portions of Sec. 28, 29 & 32, T140N, R49W



Agenda Items Map
Fargo Planning Commission
July 6, 2023

0 0.25 0.5 1 1.5 2 Miles

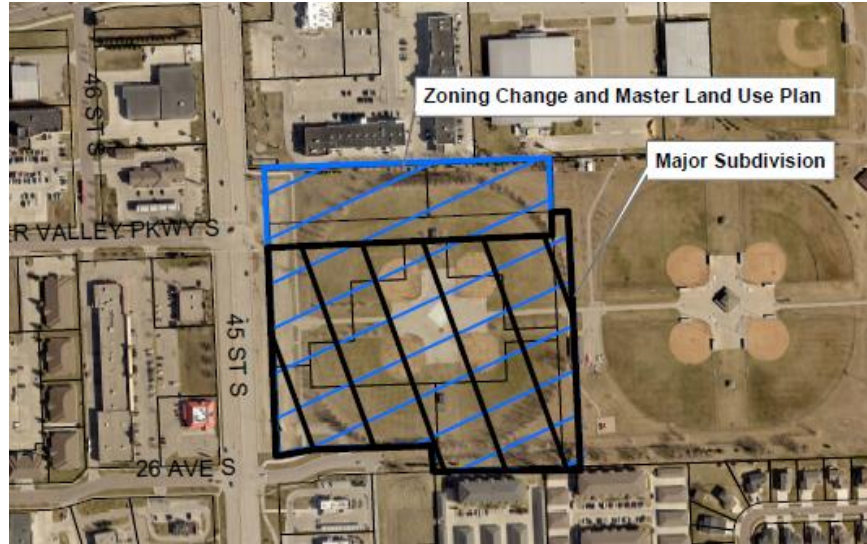
City of Fargo Staff Report			
Title:	EOLA Second Addition	Date: Update:	June 1, 2023 June 30, 2023
Location:	4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	Lots 1-2, Block 1, and Lots 1-5, Block 2, EOLA Addition and part of Lot 1, Block 1, Anderson Park Second Addition		
Owner(s)/Applicant:	Makt LLC; EOLA Landholdings, LLC; Fargo Park District / EPIC Companies	Engineer:	MBN Engineering / RJN Surveyors
Entitlements Requested:	Major Subdivision (replat of Lots 1-5, Block 2, EOLA Addition and part of Lot 1, Block 1, Anderson Park Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for a reduced street Right-of-Way); Zone Change (from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial, with an amended PUD, Planned Unit Development overlay); and PUD Master Land Use Plan (amendment)		
Status:	Planning Commission Public Hearing: July 6, 2023		

Existing	Proposed
Land Use: Mixed-Use Development	Land Use: no change
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 establishment , 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 (ordinance 5336)	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:
<p>The applicant requests three entitlements:</p> <ol style="list-style-type: none"> 1. Major Subdivision (replat of Lots 1-5, Block 2, EOLA Addition and part of Lot 1, Block 1, Anderson Park Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for a reduced street Right-of-Way); 2. Zone Change (from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial, with an amended PUD, Planned Unit Development overlay);

3. PUD Master Land Use Plan (amendment)

The image below indicates the areas for the requests. The zoning change, including modifications to the PUD overlay and Master Land Use Plan amendment (in blue) encompass the subject area. The major subdivision, which includes a waiver for reduced street right-of-way (in black), includes the area south of 24th Avenue South.



History

In May 2021, the EOLA Addition PUD was approved, which allowed the development of a mixed-use development on 16.7 acres, that included eight 7-10-story buildings and 4-acre public open space in the middle, as well as a parking structure in the northeast corner. In October 2021, the Planning Commission approved a Final Plan for the structures on the west side, south of 24th Avenue South, which are currently under construction. In February 2022, a zoning change (ordinance 5336) was approved that modified several requirements with the original PUD relating to building height and screening of rooftop units.

Project Summary

Since the previous PUD approval, the development plans have changed. The applicant is now proposing to include a water park with attached hotel and to also dedicate right of way on the east and south sides that were previously public access easements. The applicant is also proposing some modifications to the PUD overlay.

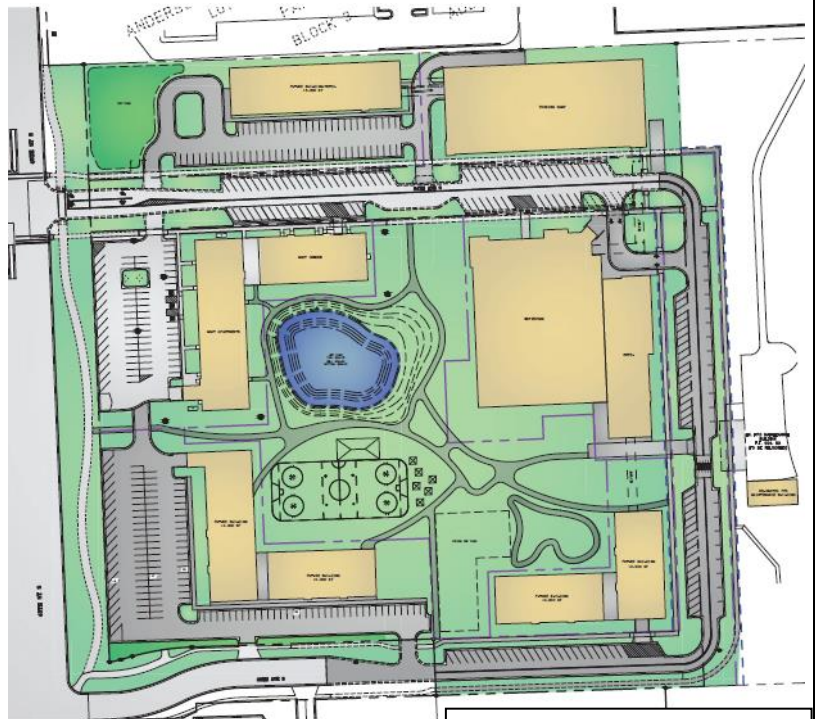
Major Subdivision and waiver for a reduced street Right of Way

In order to accommodate the development changes, the applicant has applied for a subdivision, EOLA Second Addition, to create one (1) block and five (5) lots for the subject property. The subdivision will dedicate right of way for 44th Street South and the remaining 26th Avenue South, which will provide a public right of way connection around the development south of 24th Avenue South. The right of way for the road for 44th Street South is narrower than required by the Land Development Code, therefore the application includes a request for waiver for a reduced street right of way. Staff is working with the applicant on a new amenities plan for the area, which is attached.

Continued on next page

PUD Master Land Use Plan

The image to the right is the amended Master Land Use Plan submitted by the applicant. The applicant proposes mixed-use buildings, parking structure and large public park, with changes on the west to include indoor waterpark and hotel. Two structures are already under construction, just northwest of the pond. The PUD Master Land Use Plan shows the building envelope of the structures, parking and circulation, and open space. 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 Master Land Use Plan

There is an existing maintenance shed owned by the Park District that would be located for a time within the dedicated right of way of 44th Street South, from when the plat is recorded until the structure is moved or until an infrastructure project begins. The applicant and/or Park District will need to work with the Engineering Department on securing approvals to allow the structure to remain in the right of way. This process and the plat would need to be processed in tandem at the City Commission.

PUD Overlay

The applicant has applied to amend three provisions of the PUD overlay in order for greater design flexibility, including building setback, ground floor facades and loading facilities. Staff has included an amendment related to prohibited uses to reflect a Land Development Code text amendment since the latest PUD ordinance. Below shows the portions of the existing overlay with the modifications in red and black, and underlined text.

- Setbacks: A reduction to 10 feet on the front **and** street side **setbacks**, and **reduction to 5 feet on the** rear setback.
- Additional Standards:
 - Ground Floor Facades: Ground floor facades that face the public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than **60% 50%** of their horizontal length. If the façade facing the street is not the front it shall include the same features and/or landscaping in scale with the façade.
 - Loading Facilities: Loading facilities **to be located at the side of structures when possible. shall not be located at the front of structures where it is difficult to adequately screen them from view.** All loading and service areas **will be clearly signed to specify location. Trash compactors, trash chutes and roll-off trash will not need screening if located within the interior of the building. Loading and service area doors will be architecturally compatible with the materials and colors of the building. shall be screened from the view of adjacent public streets and public parks through a structure and/or landscaping.**
 - Prohibited Uses: **Adult Entertainment Center Adult Establishment**

Parking Information

Because of the changes to the development to include an indoor waterpark and hotel, the applicant provided an updated parking study, which shows that the parking provided for the development meets the peak demand. The parking study is attached for reference. With the establishment of the original PUD, and based on the parking study, parking requirements for residential and commercial uses of retail, office and restaurant were modified. The

applicant noted that the ratios established by the PUD are sufficient for the development and is not requesting any modifications. The City of Fargo Traffic Engineer reviewed the parking study and concurred with the findings.

Additionally, the applicant is working with the Engineering Department on the storm water master plan for the whole development, as well as the Forestry Department to address street trees on site due to the narrower road section and unique road configuration.

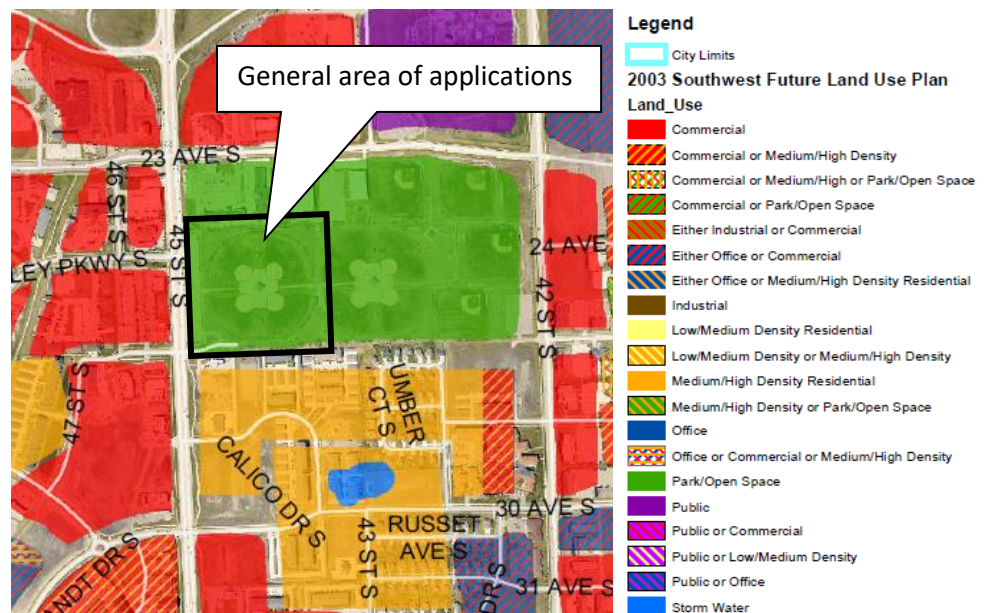
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report. The applicant will also need to submit for building permits, where all review departments will review the plans for compliance with their respective codes.

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 Park

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. Additional shared use paths are planned that would connect around the south and east side of the subject property.

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established, as the applicant is proposing to include an indoor waterpark and hotel. The PUD zoning is an overlay with an underlying zoning district of GC, General Commercial. The proposed amended 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 and zoning ordinance. The requested amendment provides some flexibility within the development, pertaining to building setback, ground floor façade, screening of loading facilities, as well as updating a restricted use due to an LDC text amendment. **(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, and additional right of way is being dedicated for 44th Street South and 26th Avenue South. **(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)**

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. The original PUD was approved for a mixed-use development pattern by providing flexibility in terms of residential use and density, parking requirements, setbacks and landscaping requirements while establishing design standards, in order to provide a master-planned large-scale development with residential use. The amendment is to accommodate an indoor water park and hotel, which were not included in the initial master plan. **(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, and additional right of way is being dedicated for 44th Street South and 26th Avenue South. **(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 *sustainable mixed use center, public gathering spaces, infill, design standards, quality new development, and parking*. 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)**

Subdivision

The LDC stipulates that the following criteria is met before a major 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 GC, General Commercial with a PUD, Planned Unit Development Overlay. The GC zoning is proposed to remain as the base zoning district for the PUD, while PUD Overlay is proposed to be modified as part of the zoning application. 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 public comment or inquiries. **(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 GC, General Commercial with a PUD Overlay. The GC zoning is proposed to remain as the base zoning district for the PUD, while PUD Overlay is proposed to be modified as part of the zoning application. 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 public comment or inquiries. **(Criteria Satisfied)**

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

The City’s standard policy is 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. 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. **(Criteria Satisfied)**

Subdivision Waiver For Street Width

This project requires a subdivision waiver for streets for right of way width as the 44th Street South and 26th Avenue South roadway will be reduced in overall right of way width, paving width, and boulevard configuration. Though 26th Avenue does not have a reduced right of way width, the paving width, parking and boulevard configuration are unique.

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.

Forty-Fourth (44th) Street South and 26th Avenue South will be local streets within a GC zoning district, with 44th Street South having diagonal parking on the west side and parallel parking on the east side and 26th Avenue South having diagonal parking on the north side and no parking on the south side. LDC 20-0611(G)(1) specifies an 80-foot wide ROW. Forty-Fourth (44th) Street South is proposed to be a 73 foot wide right of way. The standards between the required and proposed ROW are depicted in the chart below:

STANDARD	LDC	PROPOSED
Overall width	80 feet	73 feet
Lanes	2	2
Paving width	40 feet	Approximately 52 feet (to accommodate parking)
Sidewalk width	4.5 feet each side	6 feet on west side and 10 feet on the east side on 44 th Street South; 6 feet on the north side and 10 feet on the south side of 26 th Avenue South
Sidewalk location	2.0 feet off property line	Just outside the ROW within Utility and Sidewalk easement and 2.0 feet off property line as space allows

The reduced right-of-way width provides connectivity and parking while accommodating the mixed-use development. Staff finds this criteria is met. **(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.

Approval of the subdivision waiver for right of way width, as described above, would allow the applicant’s project design for a mixed-use development while still providing sufficient right of way and connectivity to provide access and on-street diagonal and parallel parking, as well as pedestrian circulation on dedicated public sidewalks, which the City’s Traffic Engineer has reviewed. The Public Works department is working with the applicant on a maintenance agreement to address public improvements, maintenance, and snow removal, which will be consistent with the agreement in place for 24th Avenue South. **(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.

Only the street standards requirement of Section 20-0611 of the LDC would be affected by approval of this waiver. **(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) zone change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay; 2) amended PUD, Planned Unit Development Master Land Use Plan; and 3) major subdivision plat, **EOLA Second Addition**, including a waiver for a reduced street Right of Way as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0907.C, Section 20-0907.D.3(a-c), Section 20-0906.F (1-4), and Section 20-0908.B(7) of the LDC and all other applicable requirements of the LDC, contingent on approval by the Fargo Park Board."

Planning Commission Recommendation:

Attachments:

1. Zoning Map
2. Location Map
3. Amended PUD Master Land Use Plan
4. Preliminary Plat
5. Amenities Plan
6. Draft Ordinance
7. Parking Study

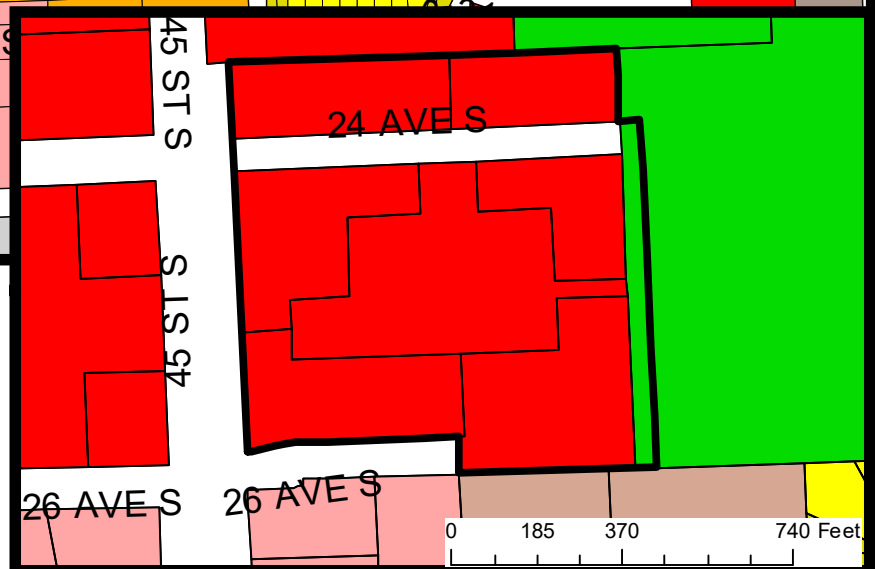
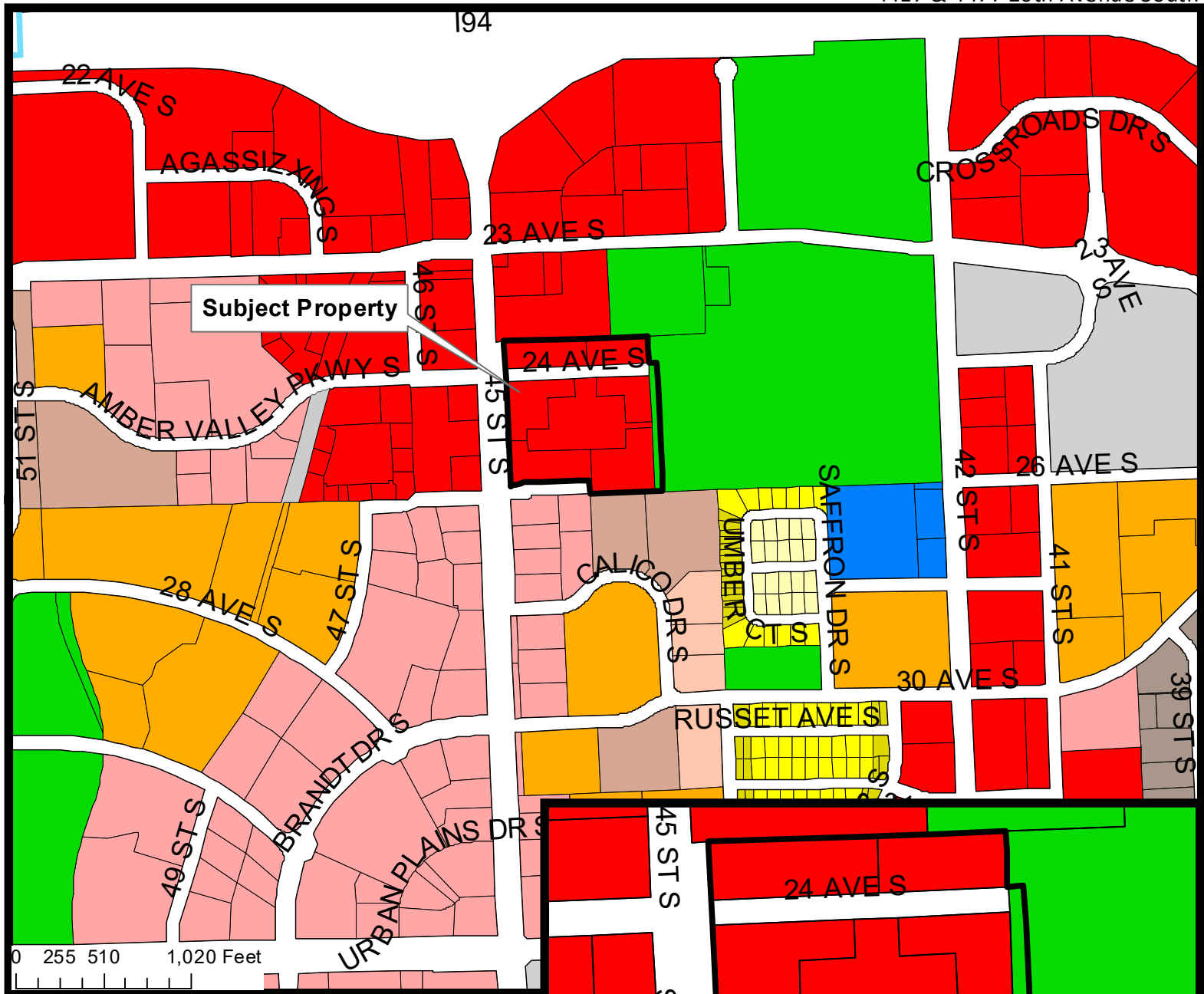
Major Subdivision, Zone Change (Modify Existing Planned Unit Development in GC, General Commercial) & Planned Unit Development Master Land Use Plan Amendment

4200 23rd Avenue South

4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South

4417 & 4477 26th Avenue South

EOLA Second Addition



Legend

- | | | | | | | | |
|--|-----|--|------|--|-----|--|-------------|
| | AG | | LC | | MHP | | SR-2 |
| | DMU | | LJ | | MNC | | SR-3 |
| | GC | | MR-1 | | P/O | | SR-4 |
| | GI | | MR-2 | | P/I | | SR-5 |
| | GO | | MR-3 | | UMU | | City Limits |



Fargo Planning Commission
June 6, 2023

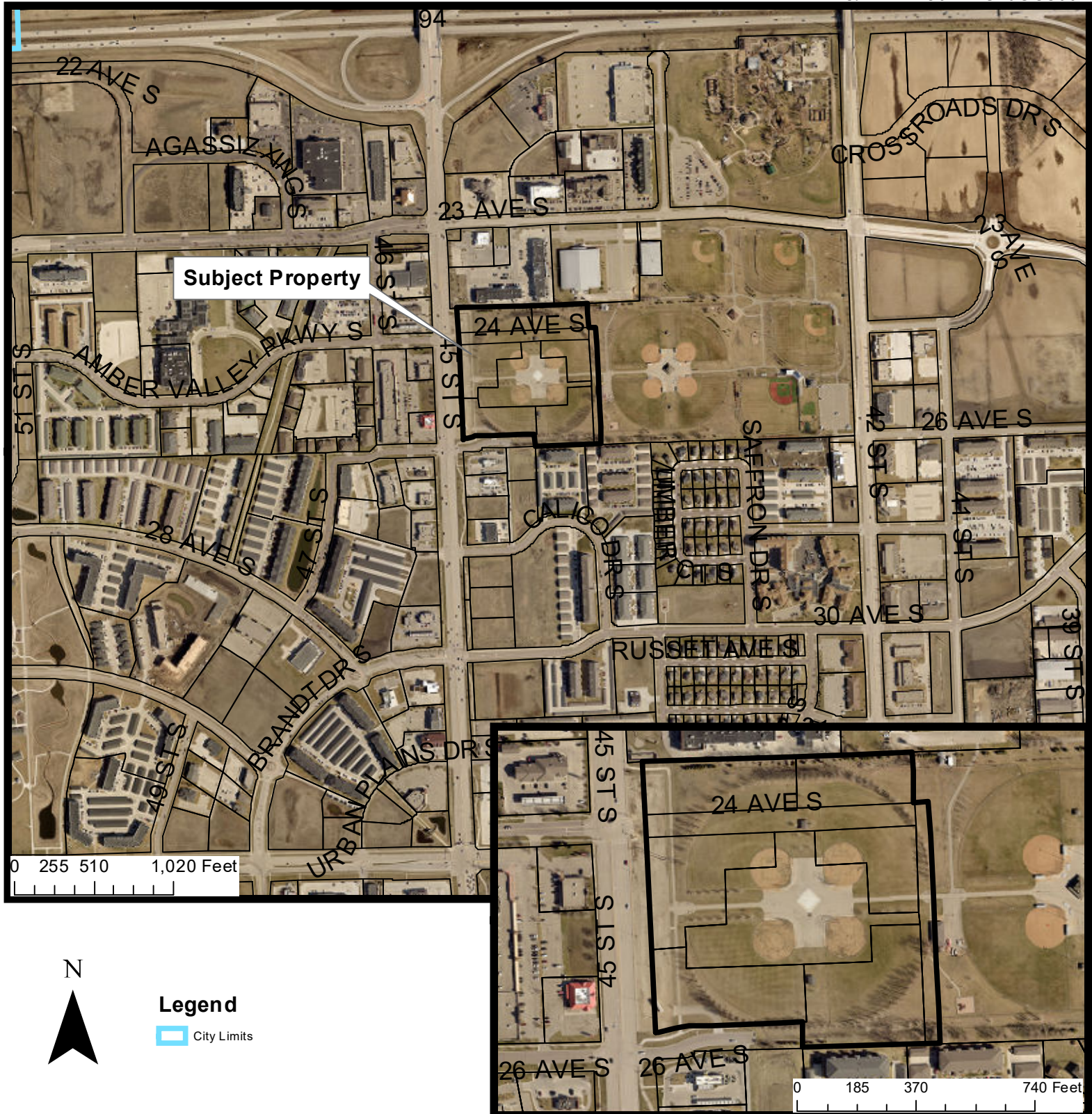
Major Subdivision, Zone Change (Modify Existing Planned Unit Development in GC, General Commercial) & Planned Unit Development Master Land Use Plan Amendment

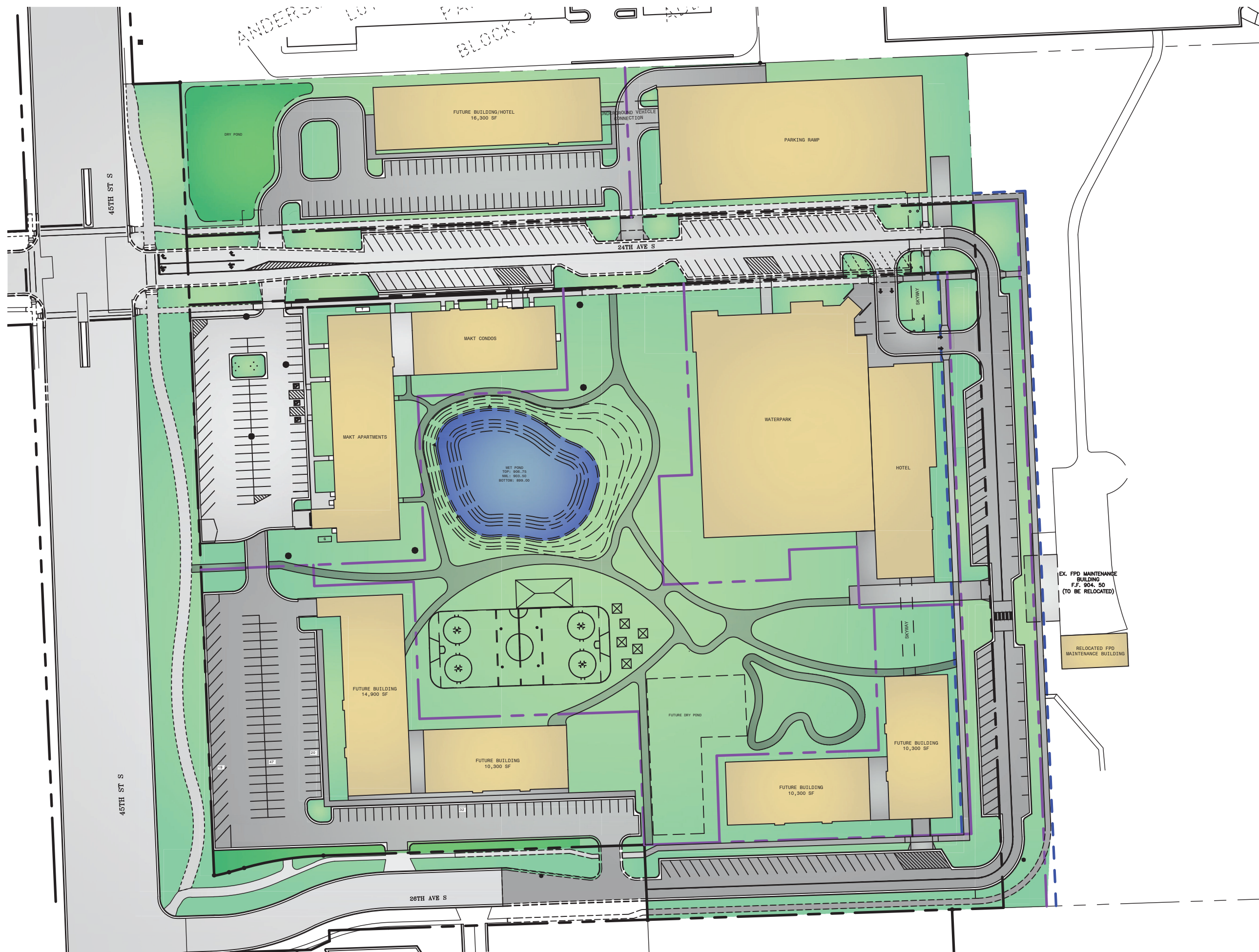
4200 23rd Avenue South

4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South

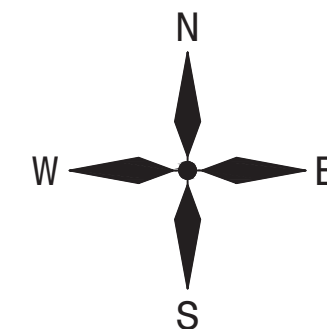
4417 & 4477 26th Avenue South

EOLA Second Addition






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



EPIC COMPANIES
EOLA

FARGO, ND

NOT FOR CONSTRUCTION

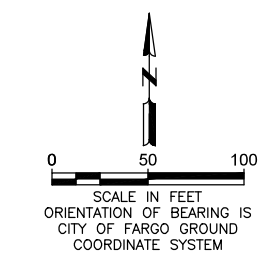
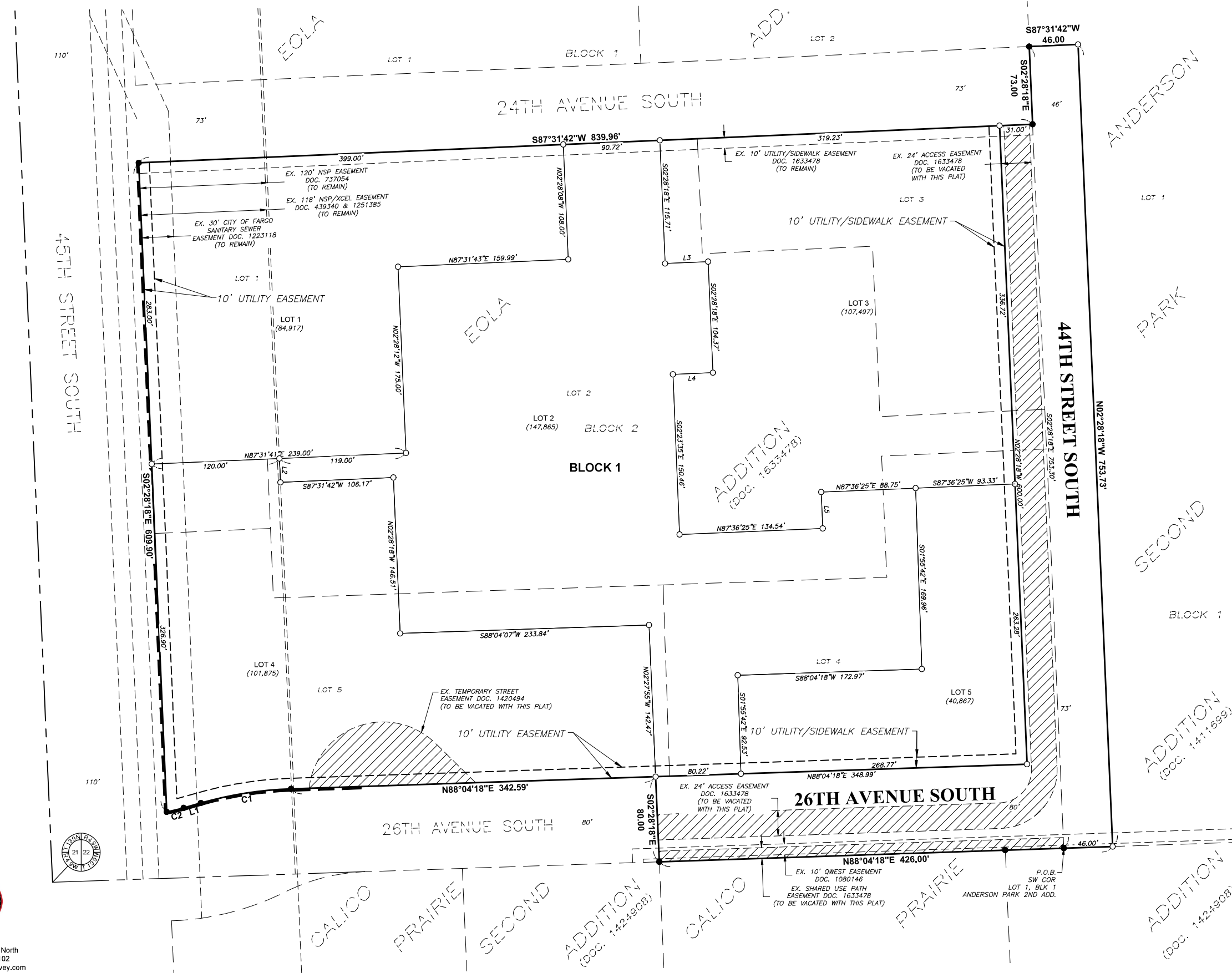
MBN JOB #: 22-199 DATE: 4-12-23

THE WAVE SITE SCHEMATIC

SITE

EOLA SECOND ADDITION

A REPLAT OF LOTS 1 THROUGH 5, BLOCK 2 OF EOLA ADDITION AND PART OF LOT 1, BLOCK 1 OF ANDERSON PARK SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MAJOR SUBDIVISION)



LEGEND

- SET 5/8" REBAR W/CAP LS-27292
- FOUND MONUMENT
- ▬ PLAT OVERALL BOUNDARY
- ▬ PLAT BLOCK LINES
- ▬ PLAT INTERIOR LOT LINES
- ▬ PLAT NEW EASEMENT
- ▬ EXISTING NEGATIVE ACCESS EASEMENT
- ▬ EXISTING PROPERTY LINE
- ▬ EXISTING EASEMENT LINE
- ▬ EXISTING EASEMENT TO BE VACATED
- ▬ SECTION LINE
- ▬ QUARTER LINE

- 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.
 - BENCHMARK SEFB HYDRANT LOCATED IN THE SOUTHEAST QUADRANT OF 45TH STREET SOUTH AND 26TH AVENUE SOUTH, BM-111011 PUBLISHED ON SHEET #111 OF THE CITY OF FARGO BENCHMARK BOOK (2021 EDITION) ELEVATION = 906.63 (NAVD88).
 - BASE FLOOD ELEVATION (BFE) IS 905.7 (NAVD88) PER CITY OF FARGO GIS.
 - ELEVATION CONTOURS DERIVED FROM CITY OF FARGO LIDAR DATA

CURVE TABLE

#	LENGTH	RADIUS	DELTA	CRD. LENGTH	CRD. BRG.
C1	85.81	355.00	13°50'57"	85.60	N81°08'50"E
C2	16.32	195.00	4°47'44"	16.32	N76°37'48"E

LINE TABLE

#	DISTANCE	BEARING
L1	16.76	N74°13'21"E
L2	22.50	N02°28'21"W
L3	40.42	N87°31'42"E
L4	37.63	S87°36'25"W
L5	34.19	N02°23'35"W

Plot Date & Time: 25 May 2023 3:45 PM
 C:\Users\raj\Documents\Survey\01 - Projects\2023\21-048 MRN EPIC EOLA Second Addition - Fargo\Drawings\21-048 EOLA Second Addition-Fargo.dwg
 1218 55th Street North
 Fargo, ND 58102
 Email: josh@rjnsurvey.com



EOLA SECOND ADDITION

A REPLAT OF LOTS 1 THROUGH 5, BLOCK 2 OF EOLA ADDITION AND PART OF LOT 1, BLOCK 1 OF ANDERSON PARK SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That the Fargo Park District and MAKT LLC, do hereby certify that we are the owners of the land located in that part of the Northwest Quarter of Section 22, Township 139 North, Range 49 West, Cass County, North Dakota described as follows:

All of Lots 1 through 5, Block 2 of EOLA ADDITION to the City of Fargo, situated in the County of Cass and the State of North Dakota.

AND

That part of Lot 1, Block 1 of ANDERSON PARK SECOND ADDITION to the City of Fargo situated in the County of Cass and the State of North Dakota described as follows:

Beginning at the southwest corner of said Lot 1; thence North 88 degrees 04 minutes 18 seconds East on the south line of said lot, a distance of 46.00 feet; thence North 02 degrees 28 minutes 18 seconds West on a line parallel to the west line of said lot, a distance of 753.73 feet; thence South 87 degrees 31 minutes 42 seconds West, a distance of 46.00 feet to the west line of said lot; thence South 02 degrees 28 minutes 18 seconds East on the west line of said lot a distance of 753.73 feet to the south line of said lot and the point of beginning.

Containing 13.01 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Said owners of the above described property, have caused the same to be surveyed and platted as "EOLA SECOND ADDITION" to the City of Fargo, Cass County, North Dakota., and does hereby dedicate to the public for public use the streets and utility easements shown on this plat for purposes specified.

OWNER:

MAKT LLC

Lots 1 through 5, Block 2 and Lots 1 and 2, Block 1 of EOLA ADDITION

Todd Berning, President

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, appeared before me, Todd Berning, President, MAKT 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 on behalf of EOLA Landholdings, LLC.

Notary Public: _____

MORTGAGE HOLDER:

Western State Bank

Lots 1 through 5, Block 2 and Lots 1 and 2, Block 1 of EOLA ADDITION

Matt Oachs, Loan Officer

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, appeared before me, Matt Oachs, Loan Officer, Western State Bank, 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 on behalf of Western State Bank.

Notary Public: _____

OWNER:

Fargo Park District

Lot 1, Block 1 of ANDERSON PARK SECOND ADDITION

Dawn Morgan, President

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, appeared before me, Dawn Morgan, President, Fargo Park District, 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 on behalf of the Fargo Park District.

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 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: _____

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, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

OWNER:

EOLA Landholdings, LLC

Lots 1 through 5, Block 2 and Lots 1 and 2, Block 1 of EOLA ADDITION

Todd Berning, President

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, appeared before me, Todd Berning, President, EOLA 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 they executed the same on behalf of EOLA Landholdings, LLC.

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: _____



**Site Amenities and
Project Plan
EOLA Second Addition
Preliminary – June 2023**

Location: The subject property is legally referenced to as EOLA Second Addition including Lots 1-5 of Block 1, being a replat of Lots 1-5 of Block 2 EOLA Addition part of Lot 4 Block 1 of Anderson Park Second Addition to the City of Fargo, Cass County, North Dakota. The property comprises approximately 13.01 acres

Details: The project includes five (5) General Commercial (GC) zoned lots on one (1) block and is generally located on the east side of the of Amber Valley Parkway and 45th Street intersection, between 24th and 26th Avenues South. The project is intended to be a master-planned development that will consist of multiple mixed-use buildings, parking lots, and green space, also including Lots 1-2, Block 1, EOLA Addition. A Planned Unit Development has been approved, and an application for an amendment to the plan has been submitted in parallel with the replat application.

Right of Way (ROW): The project accommodates right of way dedications for public roadways and utilities, with specific details outlined below:

44th Street South: This segment of 44th South between 24th Avenue South and 26th Avenue South has been designated as a *local roadway* pursuant to §20.0702.

- ROW shall be 77 feet;
- Street widths shall be 52 feet with diagonal parking on west side of the street and parallel parking on the east side of the street, as shown on COF Standard Detail 4000-5.4 (2013).
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed.
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 6 foot sidewalk shall be incorporated into the west boulevard. 4.5' is the minimum width required by §20.0611. This sidewalk sits in a dedicated Sidewalk/Utility Easement.
- 10 foot shared use path shall be incorporated on the east boulevard.

26th Avenue South: This segment of 26th Avenue South between 44th Street South and 45th Street South has been designated as a *local roadway* pursuant to §20.0702.

- ROW dedication shall be 80 feet;
- Street widths shall be 44 feet with diagonal parking on north side of the street on the new roadway section and no parking on the south side of the street
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed.
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 6 foot sidewalks shall be incorporated into the boulevards. 4.5' is the minimum width required by §20.0611. This sidewalk sits in a dedicated Sidewalk/Utility Easement.
- 10 foot shared use path shall be incorporated on the south boulevard.

Miscellaneous

- Developer shall be responsible for coordinating the placement of parking signage, street light locations, and trees with the appropriate City of Fargo department. These details shall be determined prior to construction of any public improvements.

- A Public Right of Way Agreement will be required for this project. The developer is responsible for all snow removal from street diagonal/parallel parking, sidewalks and driveway approaches within the dedicated Right of Way of 44th Street South from 24th Avenue South to 26th Avenue South, and of 26th Avenue South, from 44th Street South to a westerly point measuring 380 feet.

Storm Water Management:

All storm water quantity and quality within the newly platted lots will be met with on-site detention. The detention ponds will be engineered, constructed, and maintained by the owner of the site per the “City of Fargo Policy on Storm Water and Treatment Requirements”. Proposed detention ponds will tie into City owned and maintained storm water infrastructure as directed by City of Fargo Engineering.

Flood Protection: Portions of EOLA Addition fall within the existing FEMA floodplain. It is acknowledged by the developer that all occupied structures located within the floodplain will be required to be removed from the floodplain via a Letter of Map Revision (LOMR). It is also acknowledged by the developer that construction of structures shall comply with City of Fargo Floodproof Construction Requirements, when applicable.

Engineering and Construction Improvements: The developer’s engineer, MBN Engineering, Inc., shall rely upon and collaborate with the City of Fargo Engineering Department on the design and construction of all public improvements, inclusive of wet underground facilities and boulevards, as applicable.

Funding of Improvements: The following shall apply respective to assessed public improvements:

- Public improvements shall be assessed to the benefitting properties, pursuant to City Infrastructure Funding Policy.

This Amenities Plan is hereby approved.

Blake Nybakken, EOLA Landholdings, LLC

date

Blake Nybakken, MAKT, LLC

date

Dawn Morgan, Board President
Fargo Park District

date

, City Engineer

date

DRAFT PUD OVERLAY

Allowed Uses.

In addition to the uses allowed within the “GC”, General Commercial zoning district, residential use shall also be allowed.

Residential Density.

The maximum residential density allowed shall be seventy (70) units per acre.

Parking. The following parking requirements are as follows:

1.16 parking spaces per residential unit;

1 space per 230 square feet for commercial uses of retail, office, and restaurant;

Parking can be located anywhere in the development; and

All other parking requirements shall be governed by the Land Development Code.

Setbacks.

A reduction to 10 feet on the front ~~and~~, side street setbacks, and reduction to 5 feet on the rear setback.

Landscaping.

The parking lot buffer requirement shall be waived.

Perennial open space plant units shall be increased to a maximum of 40% of the requirement.

Open space plant unit placed in the front and street side shall be reduced to 25%.

Open space plant units may be located collectively within the development.

For purposes of determining open space plant units, active recreation area square footages shall be excluded from calculations.

At the final phase of development, all required open space plant units will be verified.

Landscaping will increase with review of phased PUD Final Plans. Landscape plans will be submitted with each Final Plan for internal review.

Height.

The maximum building height for the overall development and within the proximity of residentially zoned property shall be 130 feet.

Open Space.

The development shall have a minimum of 20% open space.

Additional Standards.

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; or glass. 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.

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.

All building façades greater than 150 feet in length, measured horizontally, shall incorporate a varied material palette. The varied material palette shall be configured whereas the primary material and color shall not exceed 50% of the building façade, the secondary material and color shall not exceed 30% of the building façade, tertiary material and color shall not exceed 20% of the building façade, and any other materials and/or colors shall not exceed the percentage of the tertiary material. Material square footage shall be inclusive of all glazing and door openings as well as deck projections.

Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length. If the façade facing the street is not the front it shall include the same features and/or landscaping in scale with the façade.

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.

Loading facilities to be located at the side of structures when possible. shall not be located at the front of structures where it is difficult to adequately screen them from view. All loading and service areas will be clearly signed to specify location. Trash compactors, trash chutes and roll-off trash will not need screening if located within the interior of the building. Loading and service area doors will be architecturally compatible with the materials and colors of the building. shall be screened from the view of adjacent public streets and public parks through a structure and/or landscaping.

Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.

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:

- The primary entrance(s) to each commercial building, including pad site buildings.
- Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
- Parking areas or structures that serve each primary building.
- 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.

-Any public sidewalk system along the perimeter streets adjacent to the development.

-Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, and office buildings.

The following uses are prohibited:

Detention facilities;

Adult ~~entertainment center~~[Establishment](#);

Off-premise advertising signs;

Portable signs;

Vehicle repair;

Industrial service;

Manufacturing and production;

Warehouse and freight movement; and

Aviation/surface transportation.

DRAFT

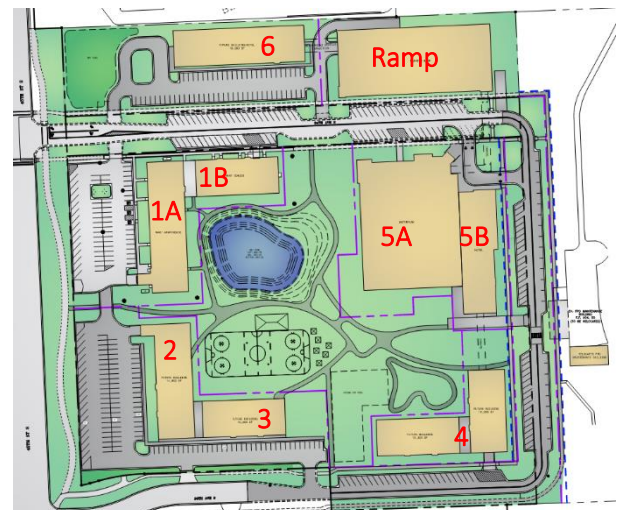
DATE: June 1, 2023
TO: Mr. Brian Reinarts
CC: Mr. Blake Nybakken
ORGANIZATION: EPIC Companies
ADDRESS: 745 31st Avenue E #105
CITY/STATE: West Fargo, ND 58078
FROM: Kevin White, AICP, CAPP, Walker Consultants
PROJECT NAME: EOLA Parking Study
PROJECT NUMBER: 21-005056.00

BACKGROUND AND INTRODUCTION

EPIC Companies (EPIC) is redeveloping the Anderson Fields site located at 2500 45th Street South in Fargo. The current working concept for the site includes a walkable, master planned mixed-use development of approximately 18 acres (currently branded “EOLA”) consisting of apartment and condominium residential units, open public park space, office, a hotel with attached water park, and mixed-use commercial space. The public park space will serve as informal gathering space and feature outdoor restaurant seating along the perimeter. Plans call for this space to be programmed to include activities like outdoor skating and hockey in the winter, small performances with temporary stages, and farmers markets.

Walker Consultants (Walker) was initially hired by EPIC Companies in February 2021 to assess the parking needs of the development program as part of a process EPIC was undertaking to work with the city to rezone the property from General Commercial and establish a planned unit development (PUD) at the site. A final parking study memorandum was accepted by the City of Fargo in April 2021.

Planning for the project is ongoing, and the EOLA development program has changed since 2021, most notably with the addition of an indoor water park. Changes on the site require EPIC to secure a replat and PUD modification from the city. As part of this process, the city has requested an updated parking study to assess the parking needs of the development program. This memorandum summarizes the process, findings, and conclusions of that updated parking study.



EOLA Site Plan, April 2023. Source: EPIC Companies.

PROPOSED DEVELOPMENT PROGRAM

Walker Consultants worked with EPIC to identify the development land use program, including assumptions on the mix of uses. Final commercial land use mix may shift based on market demand. The current proposed EOLA development program (as of May 17, 2023) is included in Figure 1 below. These figures depict gross leasable square footages, except for the office, which is listed as gross floor area.

Figure 1: EOLA Development Program Summary

Use	Bldg. 1A	Bldg. 1B	Bldg. 2	Bldg. 3	Bldg. 4	Bldg. 5A	Bldg. 5B	Bldg. 6	Project Total
Retail	1,020 SF	613 SF	1,295 SF	613 SF	-	-	-	1,295 SF	4,836 SF
Restaurant: Customer Service/Fast Casual	1,165 SF	700 SF	1,480 SF	700 SF	-	-	-	1,480 SF	5,525 SF
Restaurant: Fine/Casual	3,640 SF	1,834 SF	4,625 SF	1,834 SF	-	-	-	4,625 SF	16,558 SF
Office	8,735 SF	6,400 SF	4,700 SF	6,400 SF	-	-	-	8,000 SF	34,235 SF
Hotel (leisure-focused)	-	-	-	-	-	135 keys	-	-	125 keys
Hotel restaurant/lounge/bar	-	-	-	-	-	7,000	-	-	7,000 SF
Indoor waterpark	-	-	-	-	-	-	50,000 SF	-	50,000 SF
Total	14,560 SF	9,547 SF	12,100 SF	9,547 SF	-	125 keys and 7,000 SF	50,000 SF	15,400 SF	118,279 SF and 125 key hotel
Resident Apartment	93 units (69 1-BR, 16 2-BR, 8 3-BR)	-	54 units (24 1-BR, 18 2-BR, 12 3-BR)	-	50 units (20 1-BR, 18 2-BR, 12 3-BR)	-	-	33 units (21 1-BR, 12 2-BR)	230 units (134 1-BR, 64 2-BR, 32 3-BR)
Resident Condo	-	27 units (7 1-BR, 20 2-BR)	33 units (12 studio, 12 1-BR, 9 2-BR)	-	27 units (7 1-BR, 20 2-BR)	-	-	39 units (12 studio, 15 1-BR, 12 2-BR)	126 units (24 studio, 41 1-BR, 61 2-BR)

Source: EPIC Companies, 2023

Due to the arrangement of buildings and parking on-site, users will favor parking in facilities adjacent to the land uses they are visiting. Since the site is relatively compact (roughly 0.15 miles wide) and land uses are mixed, it is reasonable to assume that users will park anywhere on site they can find an open space if their first parking space choice is taken. It is for this reason that the site is regarded as one self-contained shared parking system and was modeled as such in this analysis.

PROPOSED PROJECT PHASING

The phasing timelines proposed for this project are depicted in Figure 2 below. This timeline is an estimate and is subject to change based on tenant leasing and sales. Please note that Phase 5 is out of order based on the numbering system used by EPIC. Estimated parking needs overall and by phase are outlined later in this memorandum.

Figure 2: Proposed Phasing Timeline

Phase	Description	Projected Full Build-Out Date
1	MAKT Buildings (Building 1A and Building 1B)	Fall 2023
2	Building 5A and Building 5B and above-ground parking garage	Summer 2025
3	Building 2	Fall 2026
4	Building 3	Spring 2027
5	Building 6	Winter 2025
6	Building 4	Spring 2028

Source: EPIC Companies, 2023

SHARED PARKING OVERVIEW

INTRODUCTION

Shared parking leverages the presence of complementary land uses on a site having different periods of peak parking demand, allowing for the sharing of parking spaces among uses in a mixed-use environment—in lieu of providing a minimum number of parking spaces for each individual use. For example, an office building can share parking with residential units because parking demand peaks in the day for the office workers and peaks in the evening for the residents. This results in an opportunity to provide adequate parking without building more parking spaces than necessary for customers, employees, and residents. Shared parking commonly results in a reduction in the total need for parking spaces and in more efficient use of land dedicated to parking.

Shared parking is a cost-effective approach to addressing parking shortfalls, while increasing the capacity of each parking space in the system. This opens more land for uses other than parking and reduces overall development costs, which can have the parallel effect of lowering rents.

Walker’s Shared Parking Model is based on the Urban Land Institute (ULI) and International Council of Shopping Center’s (ICSC) Shared Parking publication. Walker led a team of consultants in writing the updated Shared Parking Third Edition and it features the most up-to-date parking demand model. Shared Parking is an industry-accepted method of generating a parking capacity recommendation for real estate development projects. The model projects the parking needs of a various types of development from 6:00 a.m. to 12:00 midnight on a typical weekday and a weekend for every month of the year.

A shared parking analysis, in accordance with the 3rd Edition of the Shared Parking publication, is the generally accepted methodology for determining the appropriate parking supply for a mixed-use development. The ability to share parking spaces is the result of two conditions:

1. Variations in the accumulation of vehicles by hour, by day or by season at the individual land uses. For example, office buildings have peak parking needs during the day on weekdays, restaurants have peak parking needs during the evening and weekends, and hotels and residential land uses have peak parking needs overnight.
2. Relationships exist among the land uses that result in visiting multiple land uses on the same auto trip. For example, a substantial percentage of patrons at one business (restaurant) may be visitors at the retail. This is referred to as the “effects of the captive market.” These patrons are already parking and contribute only once to the number of peak hour parkers. In other words, the parking demand ratio for individual land uses should be factored downward in proportion to the captive market received from neighboring land uses.

To determine a recommended parking supply for the proposed site, Walker used shared parking methodologies. The resulting recommended supply for the proposed project is based on the projected peak hour of design day parking demand.

Note that this does not represent the maximum parking demand ever generated by the development. In Walker’s experience, designing a parking system for the absolute peak busiest day of the year leads to overbuilding of parking spaces. Similarly, one does not build for an average day and have insufficient supply for the peak (if not multiple) hours on 50 percent of the days in a year. The peak in this analysis refers to the “design day” or “design hour,” one that recurs frequently enough to justify providing spaces for that level of parking activity. The 85th percentile of peak-hour observations for each land use is generally recommended by Shared Parking, except for retail shopping, for which the 20th highest hour of the year is employed.

SHARED PARKING METHODOLOGY

In accordance with the Third Edition of Shared Parking, parking needs are analyzed separately for employees/residents and customers/guests to improve the reliability of the projections, as well as the tools for parking management planning. The analysis employs the following steps in the order set forth in Figure 3.

Figure 3: Shared Parking Methodology

Step 1	Step 2	Step 3	Step 4	Step 5	Total
Land Use Metrics	x Base Parking Demand Ratios	x Monthly Factor x Hourly Factor	x Non-Captive Ratio	x Driving Ratio	= Total Recommended Parking Supply

Source: Shared Parking, 3rd Edition

BASE PARKING DEMAND RATIOS

Figure 4 below displays the base parking ratios for the different land uses used in this analysis, from the Urban Land Institute’s *Shared Parking 3rd Edition*. The shared parking model does not distinguish between condominium residential and apartment residential; all residential is categorized the same. The base parking ratios represent how many spaces should be supplied to each use if the spaces are unshared, and the project is in a suburban context where the driving ratio is at or near 100 percent for all users. The shared parking model contains base parking ratios that are typically used unless a project specific feature merits changing them. In this analysis, standard base parking ratios for the land uses were utilized.

Figure 4: Base (Unshared and Unadjusted) Parking Ratios, Weekday and Weekend

Land Use	Weekday		Weekend		Unit
	Visitor	Employee/ Resident	Visitor	Employee/ Resident	
Retail (<400 ksf)	2.90	0.70	3.20	0.80	/ksf GLA
Restaurant: Customer Service/ Fast Casual	12.40	2.00	12.70	2.00	/ksf GLA
Restaurant: Fine/Casual	13.25	2.25	15.25	2.50	/ksf GLA
Office (25 to 100 ksf)	0.30	3.48	0.03	0.35	/ksf GFA
1-Bedroom	0.10	0.90	0.15	0.90	/units
2-Bedroom	0.10	1.65	0.15	1.65	/units
3-Bedroom	0.10	2.50	0.15	2.50	/units
Hotel	1.00	0.15	1.00	0.15	/key
Hotel Bar/Lounge/Restaurant	6.67	1.20	7.67	1.33	/ksf GFA
Water park	2.60	0.26	3.00	0.30	/ksf GFA

Source: Shared Parking, 3rd Edition

These unadjusted base ratios are applied to the development program data to establish unadjusted peak parking needs levels. These levels are the start of the shared parking analysis and are adjusted using the shared parking model process based on conditions of the market and the site.

PRESENCE FACTORS

After the project's land uses have been quantified and base parking ratios have been applied to these land use quantities, adjustments are made to account for parking demand variability by hour of day and month of year. These time-based adjustments are referred to as a "presence" adjustment.

Presence is expressed as a percentage of the peak hour demand on a design day for both time of day and month of the year. The fact that parking demand for each component may peak at different times generally means that fewer parking spaces are needed for the project than would be required if each component were a freestanding development.

Based on Walker's understanding of the land use program and experience with similar projects, Walker deems the adjustments recommended in *Shared Parking* for time of day and time of year are generally appropriate for the proposed project.

DRIVE RATIO ADJUSTMENT

Two adjustments are then applied: a driving ratio adjustment and non-captive ratio adjustment. Both are described below.

The driving ratio adjustment ratio represents the percentage of users arriving at the site by a personal vehicle. This excludes all non-driving modes of transportation including shuttle busses and other public transportation, taxi, ride-hailing (Lyft/Uber), walking, bicycling, and carpooling passengers. The EOLA development sits in an area where nearly all site visitors, employees, and residents use a single-occupancy vehicle to travel to and from the site. A 100% drive ratio is assumed for retail customers and office employees. Consistent with market conditions, a 15% drive alone reduction was applied to fine/casual restaurant customers to account for use of Uber and Lyft on weekday and weekend evenings, and a 2% drive alone reduction was applied for retail and restaurant employees. It is assumed that 100% of office employees, 100% residents, and all others will own a vehicle and park it on-site.

NON-CAPTIVE RATIO ADJUSTMENT

"Captive market" is borrowed from market researchers to describe people who are already present in the immediate vicinity at certain times of the day. In the shared parking analysis, the term "captive market" reflects the adjustment of parking needs and vehicular trip generation rates due to the interaction among uses in an area. Traditionally, the non-captive adjustment is used to fine-tune the parking needs of restaurants and retail patronized by employees of adjacent office buildings, generally long-term parkers, already counted as being parked for the day and not generating additional parking demand.

Generally, non-captive parking considerations for any mixed-use development considers that some visitors to a specific land use may already be parked or have arrived at the site to visit multiple land uses, such as when a retail customer visits a restaurant within the same development. This is referred to as the “effects of a captive market,” as some of the restaurant’s patrons and event attendees are already parking at the site. Therefore, they contribute only once to the number of peak hour spaces utilizing the development’s parking supply. In other words, with shared parking, the parking demand ratio for individual land uses can be adjusted downward in proportion to the captive market support of the neighboring land uses.

Walker, in designing a shared use analysis in accordance with industry best practices, uses the inverse or non-captive ratio, which is the percentage of parkers who are not already counted as being parked. The planned development includes a mix of retail, office, restaurant, coffee shop, and residential uses. Therefore, it is likely that a portion of those visiting the commercial land uses will be from the offices or residents visiting the retail/dining establishments.

Non-captive ratios can vary from one property to the next and from one function to the next within the same property. Typically, a reduction ranging from 5 to 90 percent has been used by parking and transportation professionals to fine-tune the parking requirements for mixed-use projects with primary attractors and secondary attractors. Walker Consultants assumed slight adjustments to ratios to reflect a moderate amount of captive demand at the site. Examples include office employees visiting the retail and restaurant uses on site.

SHARED PARKING MODEL RESULTS

The results of the shared parking model analysis are included in Figure 5 below. Note that EPIC plans a total of one (1) reserved parking space per one (1) unit of residential built at the development, equating to a sum of 356 reserved resident parking spaces.

Both peak hours fall within the month of December. The peak hour of parking need occurs at 8 p.m. on a weekend, driven in large part due to hotel and dining parking needs. Parking needs displayed in Figure 5 are at full build-out and occupancy of the proposed development program.

Figure 5: Parking Needs Analysis Summary

Land Use	Weekday Peak Parking Need (7 p.m. peak hour)		Weekend Peak Parking Need (8 p.m. peak hour)	
	Customer/Visitor	Employee/Resident	Customer/Visitor	Employee/Resident
Retail (<400 ksf)	5	3	4	3
Restaurant: Customer Service/ Fast Casual	30	10	19	7
Restaurant: Fine/Casual	179	36	200	40
Office (25 to 100 ksf)	0	17	0	0
Hotel	109	4	115	4
Hotel Restaurant/Lounge	22	3	10	10
Indoor water park	79	13	95	15
Residential Subtotal	36	78 + 356 reserved spaces = 434	54	88 + 356 reserved spaces = 444
Subtotal	460	520	497	523
Grand Total Needed	980		1,020	

Source: Walker Consultants, 2023

PROPOSED PARKING PROGRAM

EPIC plans off-street underground and at-grade structured parking, surface parking, and an above-ground structured parking garage at the development. Current plans call for 1,020 spaces, broken out as follows:

- Underground structured: 202 spaces (reserved for residents)
- First floor structured: 32 spaces
- Surface parking: 280 spaces
- Above-ground parking garage: 506 spaces

This planned parking supply number is subject to change based on final site planning work.

In addition to the proposed off-street parking supply above, 148 on-street parking spaces (on City of Fargo right-of-way) will be located along the extension of 24th Avenue, 44th Street, and 26th Avenue. These spaces are technically not part of the development and are thus not counted in the parking provided. However, functionally these spaces are expected to be available for users of the development.

The parking supply number is being reviewed and is subject to change. The results of this planning study, and discussions with the City of Fargo, will impact the final parking supply to be provided. **Plans call for the underground structured parking spaces to be built under Buildings 1A and 1B and reserved for condominium owners. A portion of the rest of the parking supply will be reserved for residents as well, for a total of one (1)**

reserved parking space per one (1) unit of residential built at the development, equating to a sum of 356 reserved resident parking spaces. The rest of the parking on site will be open and shared; beyond the restricted underground resident spaces, no parking access controls are currently planned at any parking facilities.

Adjacent off-site parking is available on the rare occasion that events taking place on the EOLA site cause parking needs to exceed supply. EPIC has had discussions with the operators of the adjacent Southwest Ice Arena and F-M Curling Club about the use of their surface parking facility in these situations. Events will happen occasionally, and are expected to occur on evenings and weekends, and overall parking supply plus excess off-site supply are expected to accommodate any peak event demands. EPIC commits to monitor events closely (and calibrate event size and type as needed) to ensure that event parking demand does not have any negative spillover impacts. It is for this reason that regular, typical non-event conditions were modeled in this analysis as the design-target to determine overall site parking needs.

AGGREGATE PARKING SUPPLY

Given the proposed parking supply of 1,020 spaces, the aggregate development supply ratios will be as follows:

- **Residential:** 356 reserved spaces will be provided for 356 residential units, for a supply of 1.0 reserved space per residential unit. Note that 795 open and shared parking spaces will be available in the EOLA system for residential demand that occurs beyond the 356 reserved spaces. Beyond the reserved residential spaces, analysis suggests another 78 – 88 parking spaces needed to accommodate residential demand at the peak time.
- **Commercial (non-residential):** Removing the reserved resident spaces, and the 88 spaces of additional resident demand, this leaves 576 spaces (1,020 total spaces provided – 356 reserved resident spaces – 88 spaces of additional resident demand) to accommodate the parking needs of the 118,279 square feet of office/commercial uses and the 125 key hotel (99,000 square feet). This equates to a ratio of 707 parking spaces for 217,279 square feet, or 2.65 spaces per 1,000 square feet of commercial (non-residential) space at EOLA.

PARKING NEEDS BY PHASE

Figure 6 below depicts the estimated cumulative peak parking needs at full build-out and occupancy of each respective phase indicated. The recommended site parking supply is representative of the 85th percentile of parking needs, which is the industry standard for planning purposes. There will be days and times when not all planned parking supply is needed. Therefore, parking should only be built as needed, as development phases are built and occupied; Walker Consultants recommends the construction and provision of parking supply is phased relative to parking needs such that parking supply comes online when it is needed, and neither excess parking surpluses nor parking supply deficits result.

Figure 6: Estimated Peak Parking Needs by Phase (All Values are Cumulative)

Phase	Weekday Peak Parking Need				Weekend Peak Parking Need			
	Customer/ Visitor	Employee/ Resident	Reserved	Total	Customer/ Visitor	Employee/ Resident	Reserved	Total
After Phases 1 and 2	221	113	120	454	271	70	120	461
After Full Build-Out	460	164	356	980	497	167	356	1,020

Source: Walker Consultants, 2023

EPIC Companies proposes to build the 506 space above-ground parking structure as part of Phase 2. Walker Consultants recommends the above-ground parking garage to be built to accommodate Phase 2 parking needs (in addition to a portion of planned surface spaces and enough underground resident reserved spaces to accommodate projected needs).

Based on the analysis, given the current proposed program and site plan, the proposed parking garage is necessary to accommodate projected parking needs at full build-out. If the garage were not built, additional surface parking of several hundred spaces would be necessary to accommodate projected parking needs. Constructing the parking garage allows for the addition of parking supply and an efficient use of space on site for development.

CITY OF FARGO PARKING REQUIREMENTS

The site is currently zoned General Commercial (GC). Figure 7 below summarizes the estimated minimum parking requirements under the GC zoning district, according to the City of Fargo Code of Ordinances. These estimates are provided as a means of comparing parking required by code relative to parking needs projected from the shared parking analysis. According to estimates, **the City of Fargo would typically require 1,321 spaces, plus an unknown number of additional spaces to accommodate associated hotel uses and the water park (details are not available in the City of Fargo Code of Ordinances on how to calculate these additional spaces – see Figure 7 below for more details).**

The EOLA development will operate as a shared parking ecosystem, thus fewer parking spaces are warranted. Shared parking analysis indicates projected parking needs are below minimum parking requirements per city code.

Note that this is an estimate based on Walker Consultants’ understanding of the current program. Specific requirements should be confirmed with the City of Fargo.

Figure 7: City of Fargo Minimum Off-Street Parking Requirements for General Commercial (GC) District

Use	Quantity	Minimum Requirement	Required Parking
Retail	4,836 SF	1 per 250 SF	20
Restaurant: Customer Service/Fast Casual	4,235 SF customer service and dining area*	1 per 75 SF of customer service and dining area**	57
Restaurant: Fine/Casual	16,558 SF	1 per 75 SF	221
Office	34,235 SF	1 per 300 SF	115
Residential Studio	24 units	1.25 per unit	30
Residential One-Bedroom	175 units	2.0 per unit	350
Residential Two-Bedroom	125 units	2.0 per unit	250
Residential Three-Bedroom	32 units	2.0 per unit	64
Residential Guest	356 total units (all in buildings with more than 7 units)	0.25 per unit in buildings greater than 7 units	89
Hotel	125 keys + associated space	1 per guest room, plus required spaces for associated uses	125 spaces + more for associated uses
Water park	50,000 SF	n/a	n/a
Total			1,321+

*This is equal to 2/3 of the total gross floor area; (Gross Floor Area: 5,525 square feet GLA + 15% = 6,354 SF GFA).

**Per code requirements, using the 1 per 75 SF of customer service and dining area requirement yields a greater number of required parking spaces.

Source: City of Fargo Code of Ordinances

EPIC has applied to the City of Fargo to establish a planned unit development (PUD) at this site. The PUD is described in Section 20-0302 of the City of Fargo Municipal Code. The PUD is an overlay district that allows for greater flexibility in planning and site design than traditional zoning districts, including with the provision of parking. In a PUD, minimum off-street parking requirements may be modified during the review and approval process. This parking study will help in the evaluation of the PUD and the determination of final site parking supply.

CONCLUSION AND PROJECTED PARKING NEEDS

Analysis indicates that 8:00 p.m. on the weekend in December represents a **peak parking need of 1,020 parking spaces**. We recommend EPIC maintains relationships with surrounding landowners for access to additional parking supply if parking needs exceed available on-site supply, especially under event conditions (note that event

conditions were not included in this analysis). The projected peak parking need is representative of the 85th percentile of parking needs, which is the industry standard for planning purposes.

Thoughtful and deliberate parking operations and management is critical to ensuring the most efficient utilization of parking supply. Walker Consultants recommends EPIC implement parking management strategies to ensure reserved residential parking spaces are protected from other users, and to ensure that the most proximate and convenient parking spaces on-site are used efficiently for higher turnover short-term parking. The parking ramp should have a thoughtful operations plan in place before opening. Additionally, communications, messaging, wayfinding, and technology should be utilized to educate and inform users of their parking options on site, and to help users find available spaces (especially in the planned parking garage) at peak times.

<i>City of Fargo Staff Report</i>			
Title:	Airport Second Addition	Date:	6/28/2023
Location:	1919 University Drive North	Staff Contact:	Maegin Elshaug
Legal Description:	part of Lot 2, and all of Lot 3, Block 1, Airport Second Addition		
Owner(s)/Applicant:	JPR Investments, LLC #14 / Goldmark Design & Development	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for residential living in the LC, Limited Commercial zoning district		
Status:	Planning Commission Public Hearing: July 6, 2023		

Existing	Proposed
Land Use: mixed use	Land Use: no change
Zoning: LC, Limited Commercial	Zoning: no change
Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities. With CUP that allows residential living	Uses Allowed: no change With amended CUP to allow residential
Maximum Density Allowed (Residential): 93 total units per CUP	Maximum Density Allowed (Residential): 94 total units proposed
Maximum Lot Coverage Allowed: 55% maximum	Maximum Lot Coverage Allowed: no change

Proposal:
<p>The applicant is requesting one entitlement:</p> <ol style="list-style-type: none"> 1. Conditional Use Permit (CUP) to allow residential living in the LC, Limited Commercial zoning district. <p>In June in 2006, the Planning Commission approved a conditional use permit on the property that allows residential living not exceeding 93 units with underground parking within a LC, Limited Commercial zoning district. The mixed use building was built in 2007 with 75 residential units and commercial on the ground floor, which was previously used as office space. The applicant is proposing to turn approximately 24,000 square feet on the ground floor into 19 additional residential units, for a total of 94 units. Approximately 1,200 square feet internal to the building and 1,200 square feet external (a drive thru) will remain as commercial space. The request will increase the number of units in the building by 19 (for a total of 94) and increase the units previously approved with CUP by one unit. There is no building expansion as part of this request. An image of the existing building is to the right.</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.

Surrounding Land Uses and Zoning Districts:

- North: Commercial and residential within the LC (with CUP, Conditional Use Permit) and LI, Limited Industrial zoning districts;
- East: Warehouse and commercial within the LC zoning district;
- South: Convenience store within the LC zoning district;
- West: Across University Drive South is North Dakota State College of Science, office and financial institution in the GC, General Commercial zoning district.

Area Plans:

There are no area plans identified for the subject property.

Context:

Neighborhood: Northport

Schools: The subject property is located within the Fargo School District, specifically the Washington elementary, Ben Franklin junior high, and North high schools.

Parks: No parks are located within a quarter-mile of the subject property.

Pedestrian / Bicycle: Shared use paths are located just west and south of the subject property along University Drive South and 19th Avenue South, which connect into the metro area system.

Transit / MATBus: Route 34 goes into this development with a stop at the building and a shelter just west across University Drive South.

Staff Analysis:

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

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

1. Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?

The 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 proposal would allow one additional unit than was previously approved, while maintaining commercial space in the building. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

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

Staff finds that this proposed conditional use permit to allow for an increase in residential units while maintaining commercial space will contribute to and promote the welfare of the public. **(Criteria Satisfied)**

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

Staff has no data to suggest the proposed change 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 two inquiries with no noted concern. **(Criteria Satisfied)**

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

Staff finds that the proposed conditional use permit to continue to allow and increase the residential units by one should not dominate the immediate neighborhood or prevent any other sites from being used. Suggested conditions of the CUP will limit intensity of the use. Staff finds that the proposed conditional use permit meets this criteria. **(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 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 University Drive South, which is a fully constructed arterial roadway. Access points have been previously approved when the existing building was originally permitted. **(Criteria Satisfied)**

Recommended Conditions:

- Up to 94 units within existing building
- Expansion of building or expansion and/or change of use may require additional review by the Planning Commission
- At least 1,200 square feet internal to the building must remain as commercial space

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 LC, Limited Commercial zoning district, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- Up to 94 units within existing building
- Expansion of building or expansion and/or change of use may require additional review by the Planning Commission
- At least 1,200 square feet internal to the building must remain as commercial space

Planning Commission Recommendation:

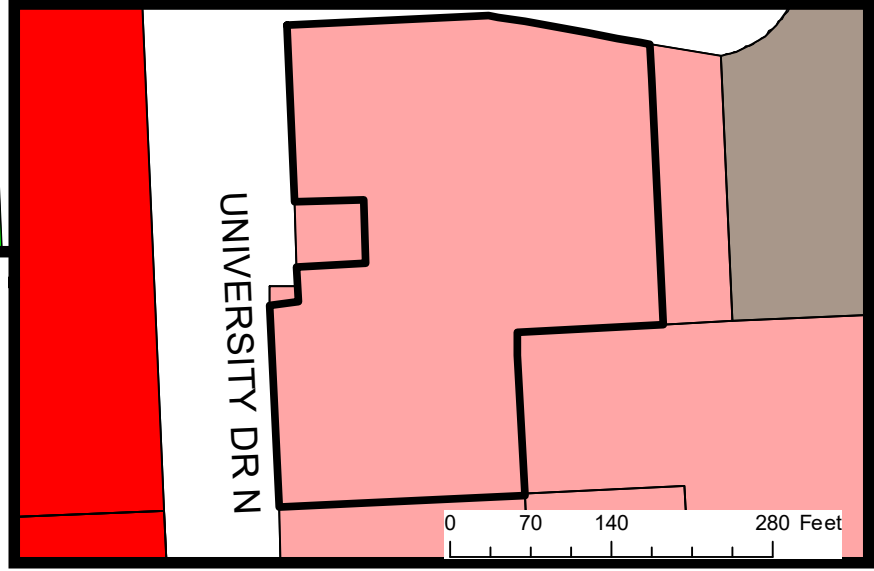
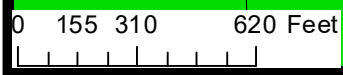
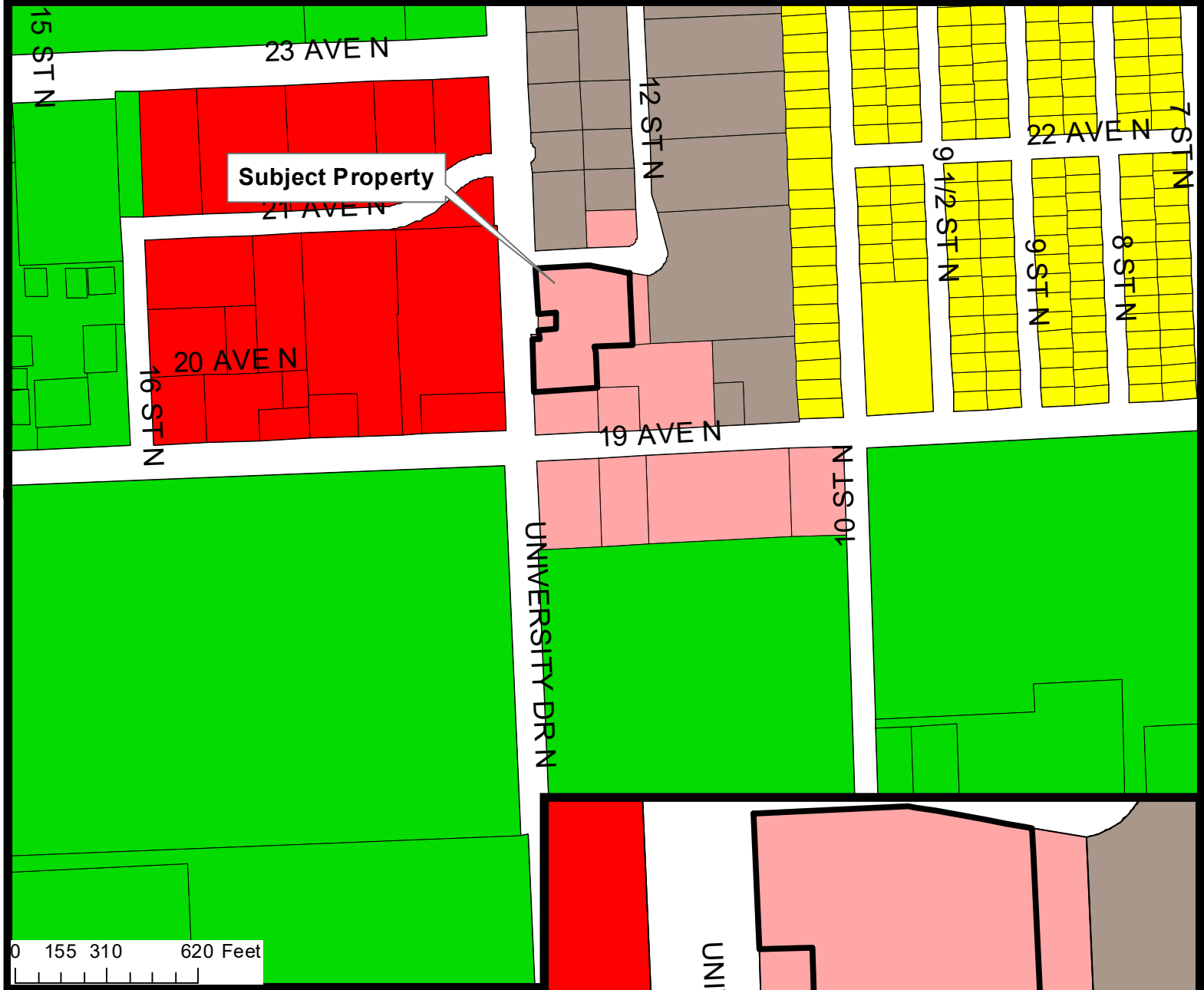
Attachments:

1. Zoning Map
2. Location Map

Conditional Use Permit for Residential Use in the LC, Limited Commercial Zone

Airport Second Addition

1919 University Drive North



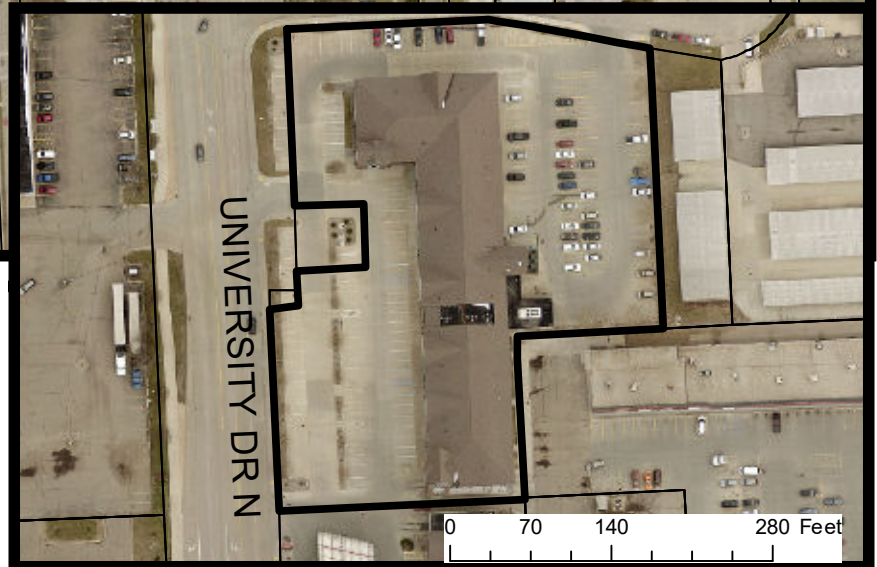
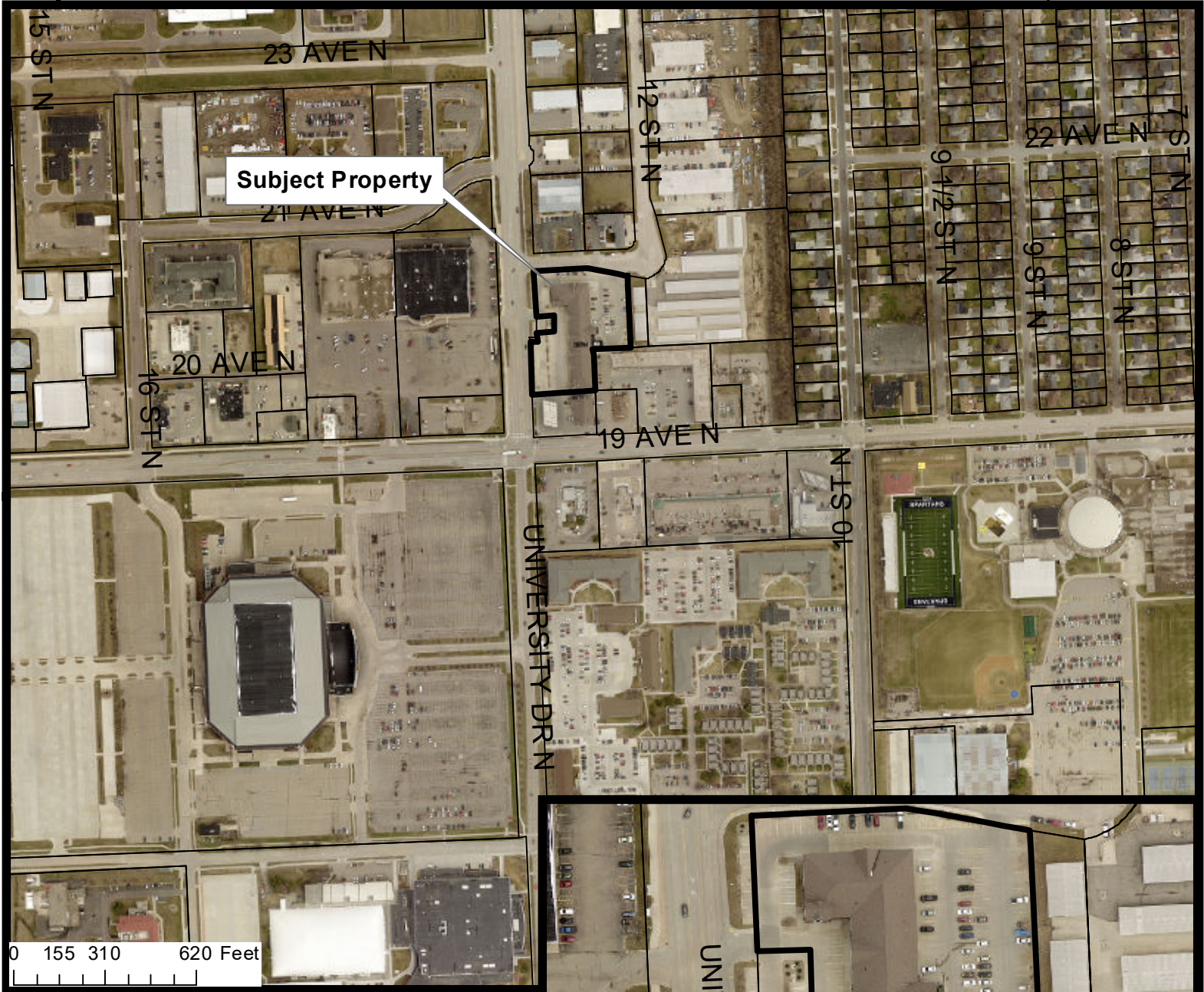
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AG	DMU	GC	GO	LC	LI	MR-1	MR-2	MR-3	MHP	NC	NO	P/I	UMU	SR-2	SR-3	SR-4	SR-5	City Limits
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Conditional Use Permit for Residential Use in the LC, Limited Commercial Zone

Airport Second Addition

1919 University Drive North



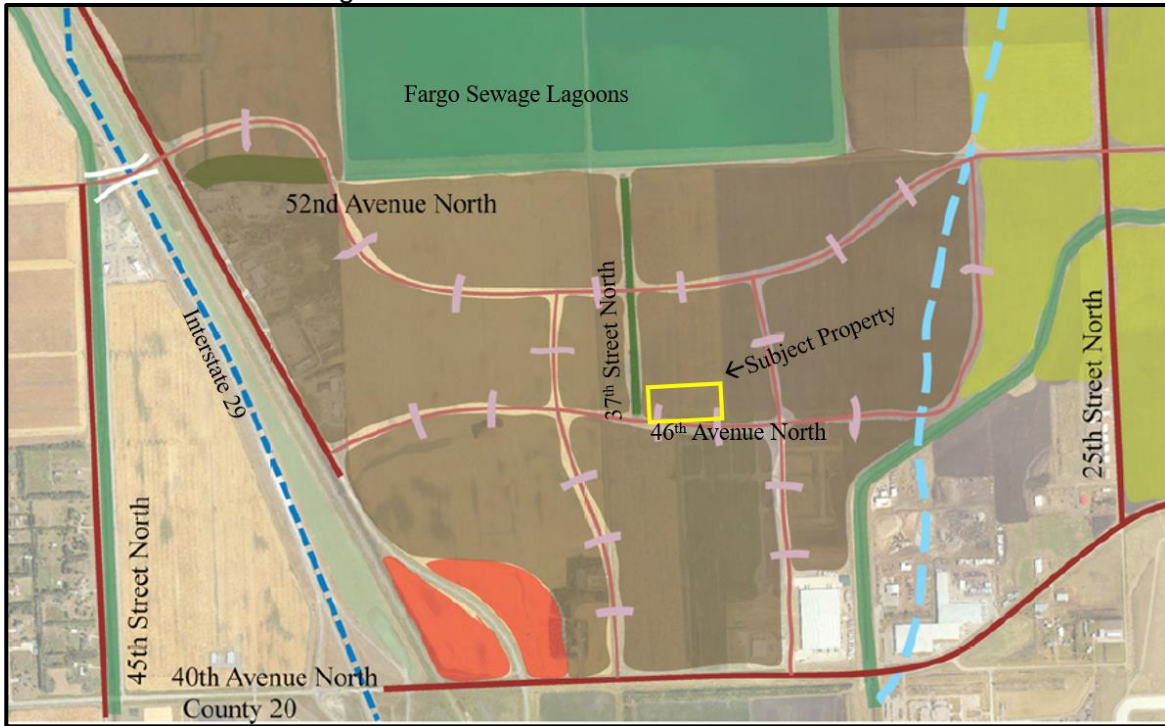
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 City Limits

City of Fargo Staff Report			
Title:	46 th Avenue Industrial Park	Date:	6/28/2023
Location:	3336 52nd Avenue North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the South half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	County 20 Storage & Transfer, Inc / Lowry Engineering	Engineer:	Lowry Engineering / Nenet Land Surveys
Entitlements Requested:	Major Subdivision (Plat of 46th Avenue Industrial Park Addition , a plat of a Portion of the South half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota and a Zoning Change (from AG, Agricultural to LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: July 6 th , 2023		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial--warehouse	
Zoning: AG, Agricultural		Zoning: LI, Limited Industrial	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities	
Maximum Density Allowed (Residential): AG allows 1 dwelling unit per 10 acres.		Maximum Lot Coverage Allowed: 85%	
Proposal:			
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled 46th Avenue Industrial Park Addition, a plat of a Portion of the South half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota 2. A zoning change from AG, Agricultural to LI, Limited Industrial. <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: AG, Agricultural; City of Fargo sewage lagoons • East: AG; undeveloped; in Fargo’s four-mile extra-territorial jurisdiction • South: GI, General Industrial; industrial uses • West: LI; industrial—mainly warehouse 			

Area Plans:

The subject property is located within the Tier 1 North East area of the 2007 Future Land Use Plan,. This plan designates the subject proeprty as "Industrial." The proposed zoning of LI, Limited Industrial is consistent with this land use designation.



Proposed Land Uses	
	Residential Area - lower to medium density
	Residential Area - medium to high density
	Residential Area - rural
	Commercial Area
	Industrial Area
	Agricultural Research

Context:

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

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

Parks: The Northern Softball Complex is approximately 1 mile northwest of the subject property.

Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.

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

Staff Analysis:

MAJOR SUBDIVISION AND ZONING CHANGE

The subdivision plat creates two lots in one block, intended for industrial development. Both lots are proposed to be zoned LI, Limited Industrial, which will accommodate the proposed development.

ACCESS:

The plat includes dedications of right of way for three streets, as shown below:

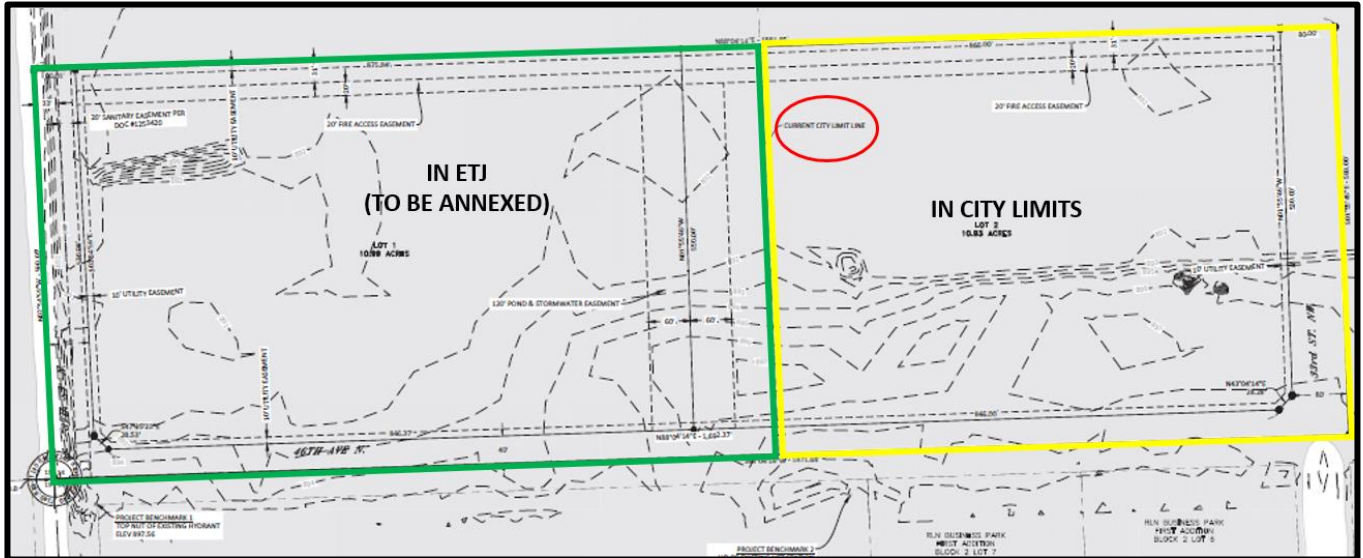
STREET	RIGHT OF WAY WIDTH	COMMENT
46 th Avenue North	40 feet	North half of 46 th Street
37 th Street North	60 feet	East half of 37 th Street
33 rd Street North	80 feet	Full width ROW

Additionally, the plat depicts a 20-foot wide fire access easement along the northerly portion of the subdivision, connecting 37th and 33rd Streets.

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

PROXIMITY AGREEMENT: A proximity agreement for the subdivision will be signed by the applicant. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport and the overflow sewage lagoons. With this agreement, the property owner acknowledges the existence of these facilities and the potential for aircraft noise and sewage odor. The City Commission will take final action on this agreement. No action is required by the Planning Commission. There is no attachment for this agreement.

SUBJECT PROPERTY IS PARTLY IN CITY LIMITS AND PARTLY IN ETJ: As depicted on the graphic below, a portion of the subject property is within the city limits and a portion is in Fargo's four-mile extra-territorial jurisdiction (ETJ). The portion in the ETJ is the subject of an owner-initiated annexation, as noted in the section below. The red-circled note indicates the current city limit line.



CONCURRENT ANNEXATION: As noted above, a portion of subject property is currently in Fargo's four-mile extra-territorial jurisdiction, and is included in a pending owner-initiated annexation. The annexation is going through the review and approval process concurrently with this subdivision, growth plan amendment, and zone change. The property will not be developed until the annexation is complete. Planning Commission review of the proposed annexation is item D.1 on the July 6th, 2023 Planning Commission Agenda.

Zoning

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

- 1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural. A portion of the subject property is within the city limits and a portion is in Fargo's four-mile extra-territorial jurisdiction (ETJ). In order to be developed, the property has to be annexed, platted, and zoned. Now that development is proposed, the applicant requests a zoning change to LI, Limited Industrial, which is consistent with the 2007 Growth Plan land use designation of "Industrial" for this property, and also with the existing zoning on the west side of 37th Street North, north of 40th Avenue North. **(Criteria Satisfied)**
- 2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing public right-of-way. Additional dedications will widen the right of way and extend it the full length of the proposed lots. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. 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, which designates the land use for this property as "industrial." The proposed zoning of LI, Limited Industrial is consistent with this land use designation. **(Criteria satisfied)**

Major Subdivision

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

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

The requested zoning for the residential development on this property is LI, Limited Industrial, which is consistent with the "industrial" land use designation of the 2007 Growth Plan and also with the zoning of adjacent properties along the west side of 37th Street North. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

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

The property is proposed to be zoned LI, Limited Industrial. As noted in the zone change findings above, this zone is consistent with the 2007 Growth Plan designation of "Industrial" 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.

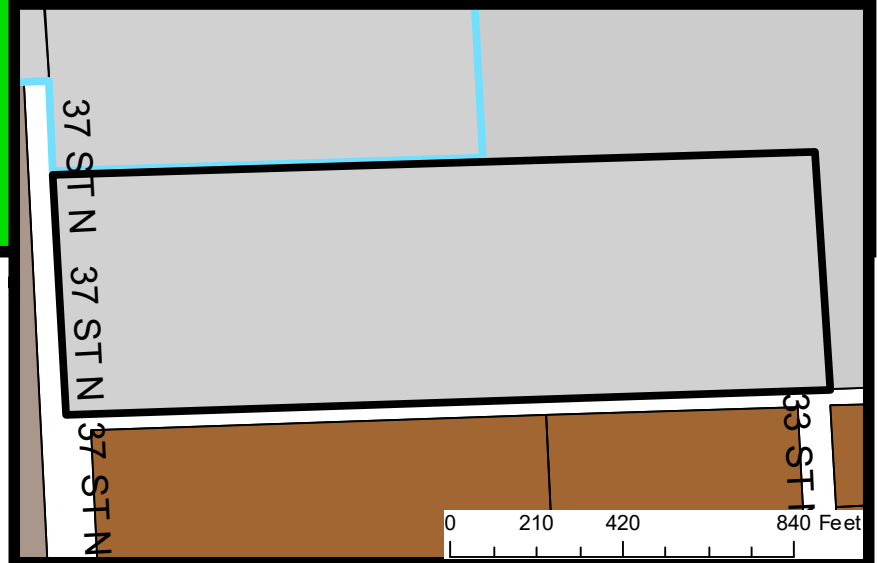
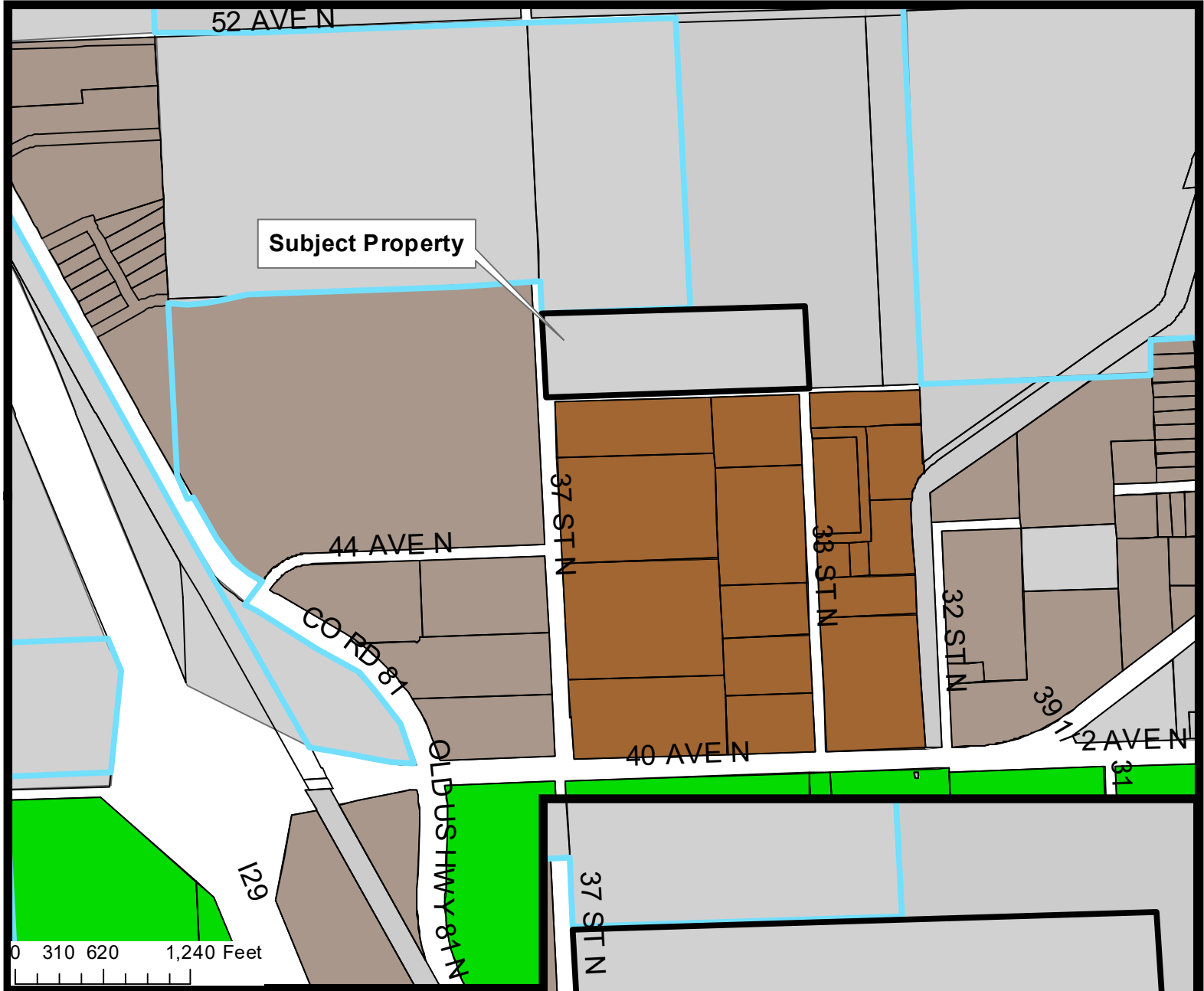
The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements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

Staff Recommendation:
Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to LI, Limited Industrial, and 2) a plat of the 46th Avenue Industrial Park Addition , as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the LDC and all other applicable requirements of the LDC.”
Planning Commission Recommendation: July 6 th , 2023
Attachments:
<ol style="list-style-type: none">1. Zoning map2. Location map3. Preliminary plat

Major Subdivision & Zone Change from AG, Agricultural to LI, Limited Industrial

46th Avenue Industrial Park Addition

3336 52nd Avenue North



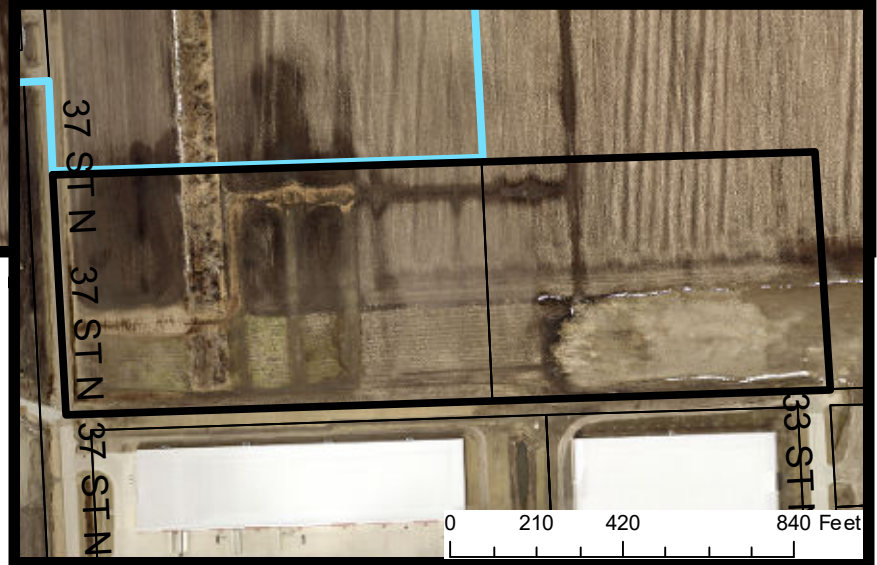
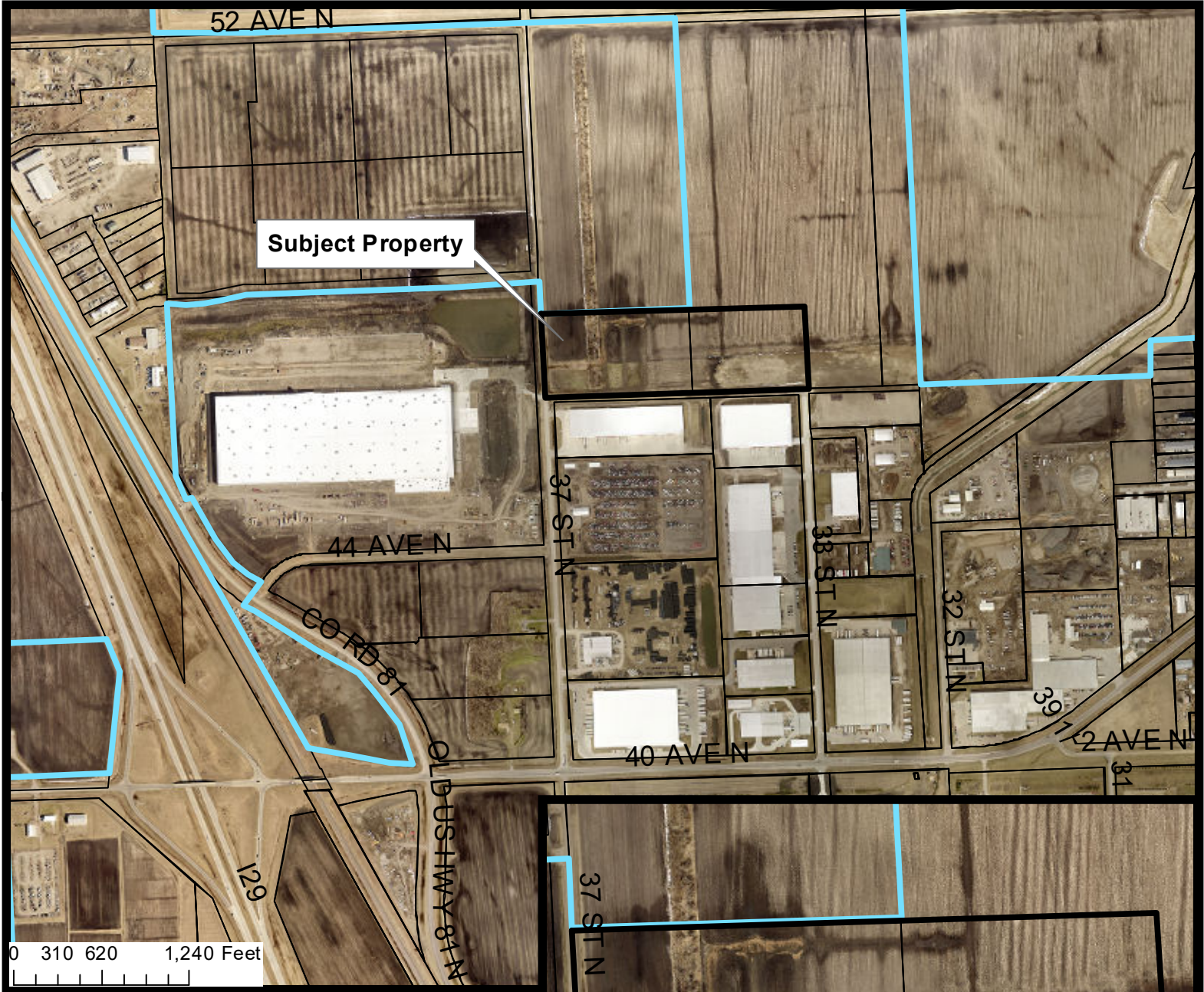
Legend

	AG		LC		MHP		S1
	DMU		MR-1		NC		S2
	GC		MR-2		P/I		S3
	GI		MR-3		UMU		S4
	GO						S5
							City Limits

Major Subdivision & Zone Change from AG, Agricultural to LI, Limited Industrial

46th Avenue Industrial Park Addition

3336 52nd Avenue North

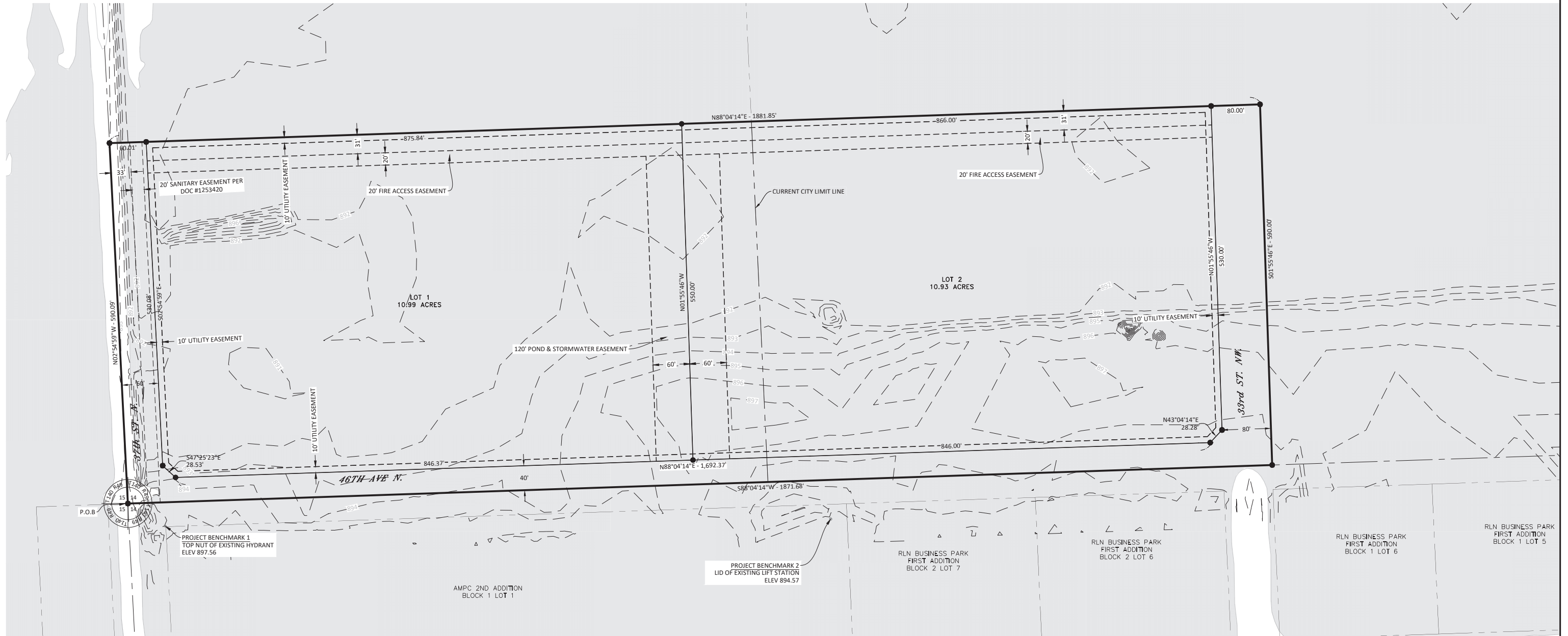


Legend

 City Limits

46TH AVENUE INDUSTRIAL PARK ADDITION

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST
OF THE 5TH PRINCIPAL MERIDIAN
FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



FOR RECORDING PURPOSES ONLY

SHEET 1 OF 2



LEGEND	
●	MONUMENT SET
○	MONUMENT FOUND
P.O.B.	POINT OF BEGINNING
- - - - -	EX. EASEMENT
- - - - -	EX. PROPERTY LINE
- - - - -	EX. SECTION LINE
—————	PROPERTY BOUNDARY LINE
—————	NEW ROW/PROPERTY LINE
- - - - -	NEW EASEMENT LINE
▨	100 YEAR FLOOD PLAIN

SURVEY INFORMATION

DATE OF SURVEY: 08-10-2022
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992
VERTICAL DATUM: NAVD88

BENCHMARK 1: T-NUT OF HYDRANT IN THE SOUTHWEST CORNER OF SITE, INTERSECTION OF 46TH AVE N AND 37TH ST. N. ELEV 897.56

BENCHMARK 2: LID OF LIFT STATION ON SOUTH SIDE OF 46TH AVENUE NW, APPROXIMATELY 620 FEET WEST OF SOUTHEAST PROPERTY CORNER ELEV 894.57

NOTES

1. ALL DISTANCES ARE GROUND DISTANCES.

LOWRY ENGINEERING

5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104

08/26/23 04:40:20PM Z:\Lowry Shared Files\Projects_2023\32013 - 46th ave industrial buildings_Site Design\Drawings\23013_ProjectSurvey\23013_Phase-1.dwg

46TH AVENUE INDUSTRIAL PARK ADDITION

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST
OF THE 5TH PRINCIPAL MERIDIAN
FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT COUNTY 20 STORAGE & TRANSFER INC, IS THE OWNER OF THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 14, THE POINT OF BEGINNING; THENCE N02°54'59"W FOR A DISTANCE OF 590.09 FEET; THENCE N88°04'14"E FOR A DISTANCE OF 1881.85 FEET; THENCE S01°55'46"E FOR A DISTANCE OF 590.00 FEET; THENCE S88°04'14"W FOR A DISTANCE OF 1871.68 FEET TO THE POINT OF BEGINNING.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS 46TH AVENUE INDUSTRIAL PARK ADDITION TO THE CITY OF FARGO, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREETS AND AVENUES AS DEPICTED ON THIS PLAT, UTILITY EASEMENTS, 120' POND & STORMWATER EASEMENT AND 20' FIRE ACCESS EASEMENT SHOWN ON SAID PLAT. SAID 46TH AVENUE INDUSTRIAL PARK ADDITION, CONSISTS OF 2 LOTS AND 1 BLOCKS, AND CONTAINS 25.36 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: _____
BOB NELSON, COUNTY 20 STORAGE & TRANSFER INC

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BOB NELSON _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS 46TH AVENUE INDUSTRIAL PARK ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2023.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS-7513

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2023.

BRENDA E. DERRIG, P.E.
CITY ENGINEER

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2023.

TIMOTHY J. MAHONEY
MAYOR

STEVEN SPRAGUE
CITY AUDITOR

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVEN SPRAGUE _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

CITY PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2023.

ROCKY SCHNEIDER
CHAIRMAN PLANNING COMMISSION

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

FOR RECORDING PURPOSES ONLY

City of Fargo Staff Report			
Title:	University South 4 th Addition	Date:	06/29/2023
Location:	1376 Oak Manor Ave S	Staff Contact:	Brad Garcia, Planner
Legal Description:	Lot 1 Block 1 University South 2 nd Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Beyond Shelter Housing Inc.	Engineer:	Brian Pattengale, Houston Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lot 1 Block 1 University South 2nd Addition) and Zoning Change (from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: July 6 th , 2023		

Existing
Land Use: Residential
Zoning: MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities. Conditional Overlay provides site and building design guidelines
Maximum Density Allowed (Residential): MR-3 allows a maximum of 24 units per acre

Proposed
Land Use: Residential and Office
Zoning: MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities. Conditional Overlay provides site and building design guidelines
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, basic utilities, adult establishment , offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service , and some telecommunication facilities. Conditional Overlay restricts some uses and provides site and building design guidelines.
Maximum Density Allowed (Residential): MR-3 allows a maximum of 24 units per acre
Maximum Lot Coverage Allowed (Commercial): GC allows a maximum 85% building coverage

Proposal:
The applicant requests two entitlements: <ol style="list-style-type: none"> 1. Minor Subdivision, entitled University South 4th Addition, which is a replat of Lot 1, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota; and 2. Zoning Change (from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay).

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

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial with day care and retail sales and service uses.
- East: GC, General Commercial with a Conditional Overlay, with retail sales and service uses.
- South and West: MR-3, Multi-Family Residential with household living.

Area Plans:

The subject property is not included in a growth plan or area plan. However, a vision for this area is depicted in Fargo's Go2030 Comprehensive Plan. That plan envisions redevelopment of this portion of South University Drive to follow the model of a walkable mixed-use center, in which redevelopment of the properties along it would create pedestrian-oriented spaces with "walkable friendly" blocks, combining residential, commercial, and park or other amenity uses. A graphic of this general concept from the Go2030 plan is depicted to the right, with the subject property outlined in red and nearby street names circled in yellow.



(from Go2030 Comprehensive Plan, pages 36 and 37)

Schools and Parks:

Neighborhood: The subject properties are located in the Brunsdale neighborhood.

Schools: The subject properties are located within the Fargo School District and served by Lincoln Elementary school, Carl Ben Middle school and South High school.

Parks: The subject property is located within a half mile of Lincoln Park (2120 9th Street S), Brunsdale park (1702 27th Avenue S) and Oak Manor Park (2400 18th Street S).

- Brunsdale Park has two youth baseball fields, one full-size baseball field, nine pickleball courts, a batting cage, concessions, picnic tables and shelter, playground, recreational trails, restrooms, StoryWalk and a warming house.
- Lincoln Park features a baseball and softball field, multipurpose field, basketball court, a playground, outdoor skating and hockey rink along with a warming house.
- Oak Manor Park is a neighborhood park that features picnic tables, a playground and recreational trails.

Pedestrian / Bicycle: A shared use path exists within a half-mile located along the Milwaukee Trail. Two bike routes exist within a half-mile distance. One bike route is located East of University along 11th St S and 9th St S and another bike route to the west located along 17th St S.

Transit: One public transportation bus route serves the subject property within a quarter-mile distance. Route 14 serves the area going east and westbound along 24th Ave S, providing service to GTC, Prairie Psych / Island Park,

Essentia / Sanford, Kmart, Family Fare, Essentia Hospital, Flying J, Rasmussen College, West Acres, YMCA, Love's, Hornbacher's, Courthouse.

Staff Analysis:

Background

The subject property is part of a multi-phased redevelopment of the old K-Mart site. The redevelopment currently has two new developments currently under construction as part of a larger masterplan. The subject property included a residential development within the plan, which has been described as affordable senior housing. The Inspections department has received an application for a construction permit for the north apartment building as shown on figure 1 in this report.

The attached plat is a draft from the applicant, which requires a corrected legal description and newly recorded access easements. Staff will provide an updated plat for the hearing if available.

Zone Change

The subject property was last zoned MR-3 on December 27th, 2021 to accommodate two multi-family apartment projects. Staff recommends no change to the zoning of lot 1 and would maintain the MR-3 zoning district.

In the process of developing the University South Second Addition, property owners determined that the overall development of this site would be better served with a GC zoning district. This rezone included Lots 1 and 2, Block 1 of University South Addition and were included in the zone change from LC to GC proposed for Lot 1, Block 1 of University South Second Addition, so that all the commercial lots on this site shared the same zoning. GC-General commercial with a conditional overlay is recommended for the proposed Lot 2 to maintain a consistent zoning district that encompasses commercial uses within the redevelopment site.

Access

The project site will continue to take access from Oak Manor Avenue South, and 25th Avenue South. Lot 2 of the proposed subdivision will receive access from 25th Ave S through an access easement located on Lot 1 and Lot 2, Block 1 University South Addition. The applicant will submit an updated agreement for maintenance of the access and utility easements for staff review prior to final plat approval.

Stormwater Retention

The stormwater retention pond on Lot 1 will serve both lots in the proposed subdivision. The existing stormwater pond already serves the properties within the redevelopment through a stormwater easement agreement. The pond is privately owned and maintained.

Conditional Use Permit (Parking Reduction)

Planning Commission approved a Conditional Use Permit (CUP) on February 7th, 2023 for a parking reduction for the proposed apartment building on the subject property. The parking reduction was based on a parking study of comparable senior housing projects owned and operated by the applicant. The CUP will remain on the proposed Lot 1 Block 1 University South Fourth Addition.

Conditional Overlay (C-O)

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 covers both residential and commercial development on the site. The intent of the conditional overlay is to help development on these

properties reach the goals of the Go2030 plan, as noted above, for this location. A copy of the draft conditional overlay is included in this packet.

Public Comment

The Land Development Code states that Written notice of the proposal was sent to all property owners within 300 feet of the subject property and published per section 20-0901.F. Planning staff has received and responded to one call in regards to this 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?**

The proposed change in zoning is not the result of any error in the zoning map as it relates to this property. The subject property is currently zoned MR-3, Multi-Dwelling Residential with a conditional overlay and restricts any development to residential uses. Due to changes in funding sources for affordable housing projects, the applicant is requesting to develop Lot 2 as commercial use.

(Criteria Satisfied)

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

The subject property is already served by existing public services and infrastructure. Current service is expected to be sufficient to accommodate proposed commercial developments.

(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. 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 not covered by a growth plan, area plan, or neighborhood plan.

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 includes additional design standards as outlined in the Conditional Overlay, which are commonplace with other development projects along commercial corridors in Fargo; and,
- The project will increase the mix of uses and amenities in the area.
- Supports the concept of a walkable mixed-use neighborhood center

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)

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 proposed zoning of GC, General Commercial and MR-3, Multi-Dwelling Residential, both with a conditional overlay, is intended to accommodate the proposed residential and commercial 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, Planning staff has received no comments or inquiries. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and GC, General Commercial with a C-O, Conditional Overlay and 2) Subdivision Plat, **University South 4th Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, Section 20-0906(F) (1-4), Section 20-0907.B. and C, and all other applicable requirements of the Land Development Code”.

Planning Commission Recommendation: July 6, 2018

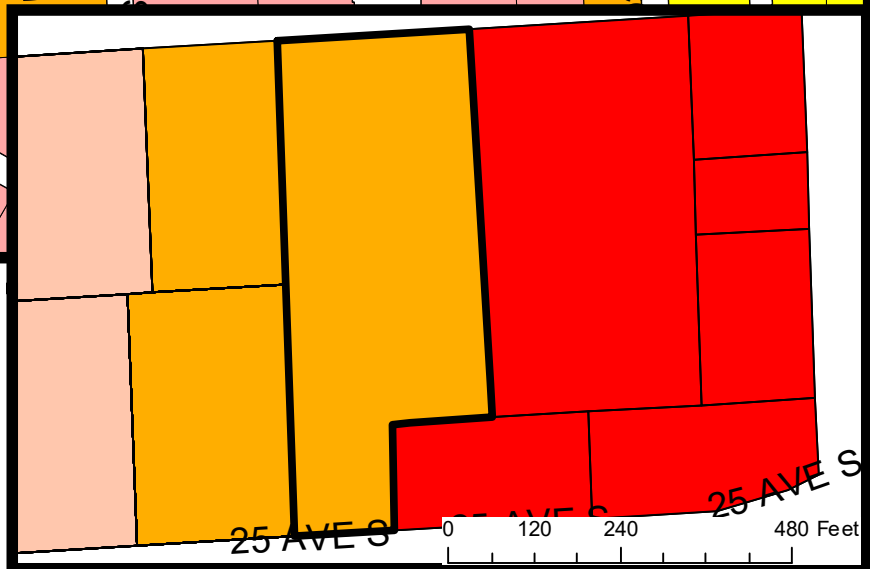
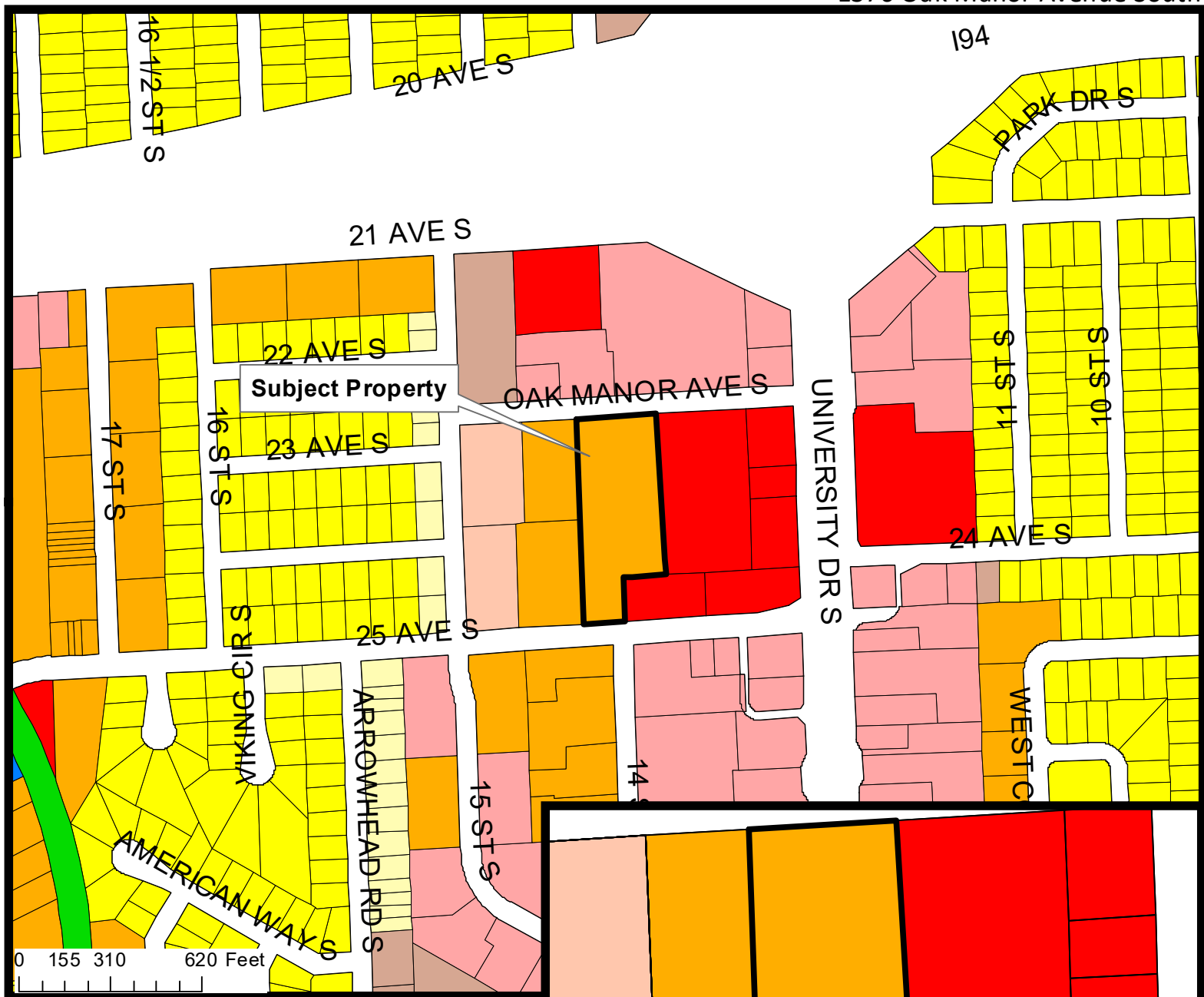
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft Conditional Overlay

Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3 with a C-O, & GC, General Commercial with a C-O

University South Fourth Addition

1376 Oak Manor Avenue South



Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NC	NO	P/I	UMU	SR-2	SR-3	SR-4	SR-5	City Limits
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Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to MR-3 with a C-O, & GC, General Commercial with a C-O

University South Fourth Addition

1376 Oak Manor Avenue South

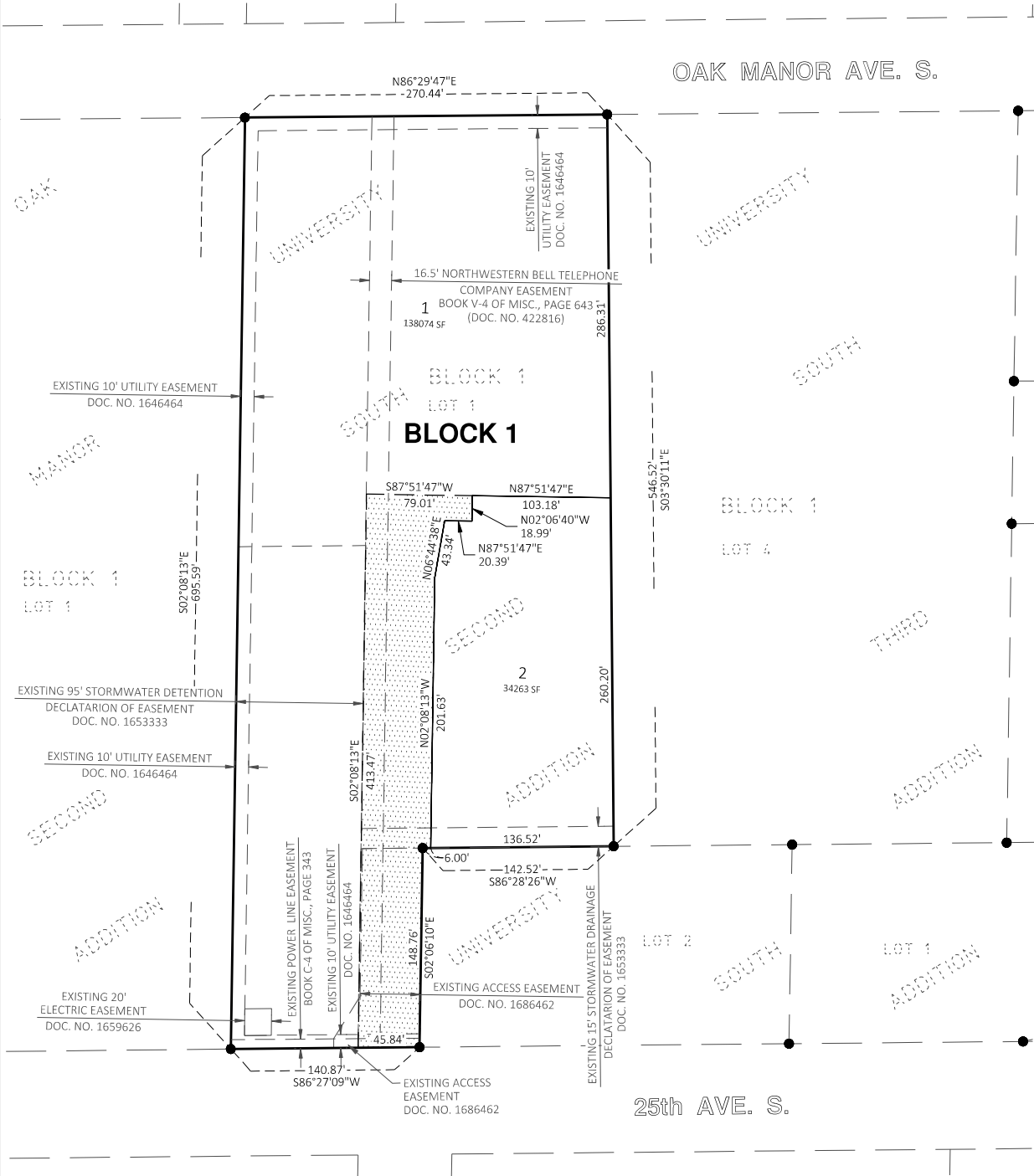
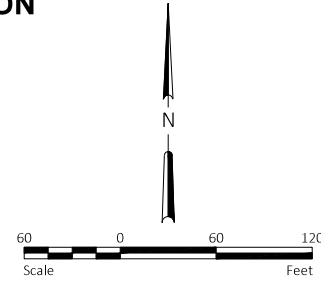


Legend
City Limits

UNIVERSITY SOUTH FOURTH ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOT 1, BLOCK 1, UNIVERSITY SOUTH SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



LEGEND

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

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

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

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Beyond Shelter Housing, LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

Lot 1, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 3.956 acres, more or less.

And that said party has caused the same to be surveyed and replatted as UNIVERSITY SOUTH FOURTH ADDITION to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the access easement as shown on this plat.

OWNER:

Beyond Shelter Housing, LLC
A North Dakota limited liability company

By: Beyond Shelter, Inc., a North Dakota nonprofit corporation
Its: Sole Member

FARGO PLANNING COMMISSION APPROVAL:

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

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

Daniel P. Madler, Chief Executive Officer

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____, before me personally appeared Daniel P. Madler, Chief Executive Officer of Beyond Shelter Housing, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

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: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

H:\JBA\8800\8833\8833_0012\CAD\Plat\Preliminary University South Fourth Addition.dwg:Layout1-6/28/2023 3:34 PM-(dbuchholtz)



Based on Conditional Overlay 5332

(Variations are identified by red text and strikethrough text)

1. Building Form and Style.

1.1. All building elevations/facades greater than ~~200~~ 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least two (2) feet, and the cumulative total horizontal width of all projections and/or recesses within a facade shall equate to at least an accumulated total of twenty (20) percent of the overall horizontal length of the facade. No uninterrupted length of any facade shall exceed ~~200~~ 150 horizontal feet.

~~1.2. Ground floor facades that are within 150 feet of the right-of-way, measured from the exterior wall, shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than fifty (50) percent of its horizontal length.~~

1.2. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features of pedestrian scale along no less than 60 percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.

1.3. Principal Materials. Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.

1.4. Accent Materials. In conjunction with the principal materials listed above, finished wood or vinyl may also be used to construct or clad exterior walls. Accent materials shall be applied to no greater than twenty (20) percent of each building facade.

1.5. Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units within 150 feet of public right-of-way shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.

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

1.7. Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising or combination thereof.

2. Site Design.

2.1. A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.

2.2. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

2.2.1. Parking lots or parking structures;

2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot;

2.2.3. Entrances of other buildings on the site;

2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development; and

2.2.5. Adjacent pedestrian origins and destinations— including, but not limited to, transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator.

3. The following uses are prohibited:

3.1. Detention facilities;

3.2. Self-service storage;

3.3. Vehicle repair;

3.4. Vehicle service, limited;

3.5. Industrial uses; and

3.6. Adult entertainment center.

4. The following signs are prohibited:

4.1. Pole or pylon sign: a sign that is mounted to a freestanding pole or pylon placed in the ground;

4.2. 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;

4.3. Fence Signs: a sign affixed in any way to or painted on a fence;

4.4. 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;

4.5. Pennant: a flag tapering to a point usually strung together by line or rope;

4.6. Portable Sign: any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/ or which is not wired for electricity in accordance with the sign code;

4.7. Roof Sign: a sign erected upon or above a roof or parapet of a building or structure;

4.8. 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; and

4.9. Window Sign: a sign painted or applied to the interior or exterior of the window that covers greater than fifty (50) percent of the glass area.

City of Fargo Staff Report			
Title:	Village West Fourth Addition	Date:	6/28/2023
Location:	902 40 th Street South	Staff Contact:	Luke Morman, Planner
Legal Description:	Part of Lots 5 and 6, Block 1, Village West Addition		
Owner(s)/Applicant:	902 40 th LLC / Chris Mack (Christianson Companies)	Engineer:	Bolton & Menk
Entitlements Requested:	Minor Subdivision (Replat of part of Lots 5 and 6, Block 1, Village West Addition)		
Status:	Planning Commission Public Hearing: July 06, 2023		

Existing	Proposed
Land Use: Commercial and undeveloped	Land Use: Commercial
Zoning: GC, General Commercial	Zoning: Unchanged
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention centers, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunication facilities.	Uses Allowed: Unchanged
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: Unchanged

Proposal:
<p>The applicant is seeking approval of a minor subdivision located at 902 40th Street South. The request is to replat the existing lot into a two lot minor subdivision entitled Village West Fourth Addition. Lot 1 will remain a parking lot and Lot 2 will be developed for a commercial use. The existing parking lot was built in the year 2000 to account for parking required by an expansion of the Century Cinema movie theater, but is no longer needed to meet minimum parking requirements due to more recent interior remodeling of the movie theater.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: Across 9 Ave S is GC, General Commercial with retail sales and service; • East: LC, Limited Commercial with retail sales and service; • South: GC, General Commercial with basic utility and retail sales and service; • West: Across 40 St S is GC, General Commercial with office. <p><i>Note: Amenities Plans are not typically required for minor subdivisions, however, due to the existing stormwater pond and utilities the Engineering staff is working with the developer to address the existing infrastructure.</i></p>
Area Plans:
There are no recent growth plans which apply directly to the subject property.

Schools and Parks:

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

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

Parks: Village West Park is within one half of a mile to the west of the subject property. Amenities include a basketball court, dog park, picnic tables, playground for ages 5-12, recreational trails, restrooms, skate park, and warming houses.

Pedestrian / Bicycle: There are shared-use paths within one half of a mile of the subject property on the south side of Westrac Drive South (between 38th and 36th Street South), on the south side 13th Avenue South, and shared use paths within and around Village West Park.

Bus Route: The subject property is within a quarter mile of route 20. Route 20 runs along 38th Street South, 42nd Street South, and 9th Avenue South with stops on both sides of the street.

Staff Analysis:

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.**

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

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission the proposed subdivision plat, **Village West Fourth Addition** as outlined within the staff report, as the proposal complies with the standards of Section 20-0907.B & C, standards of Article 20-06, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: July 6, 2023

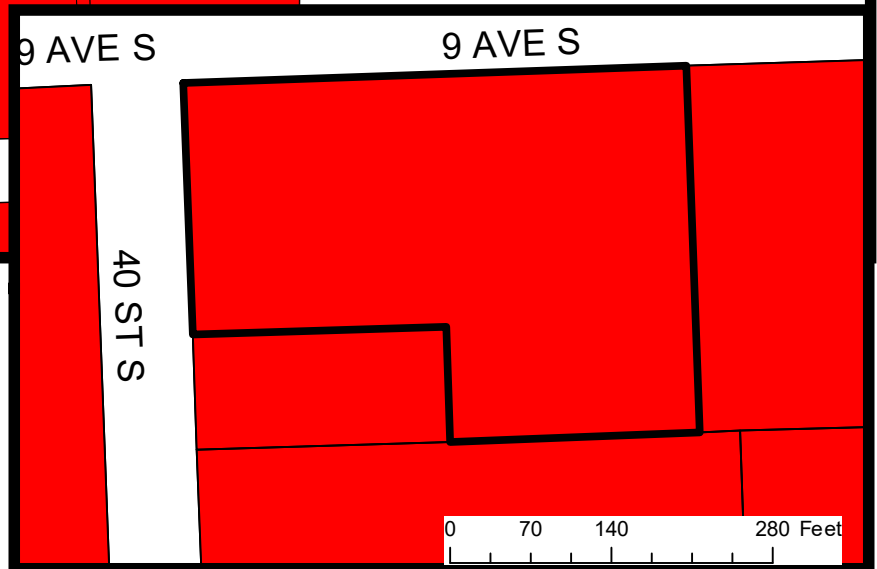
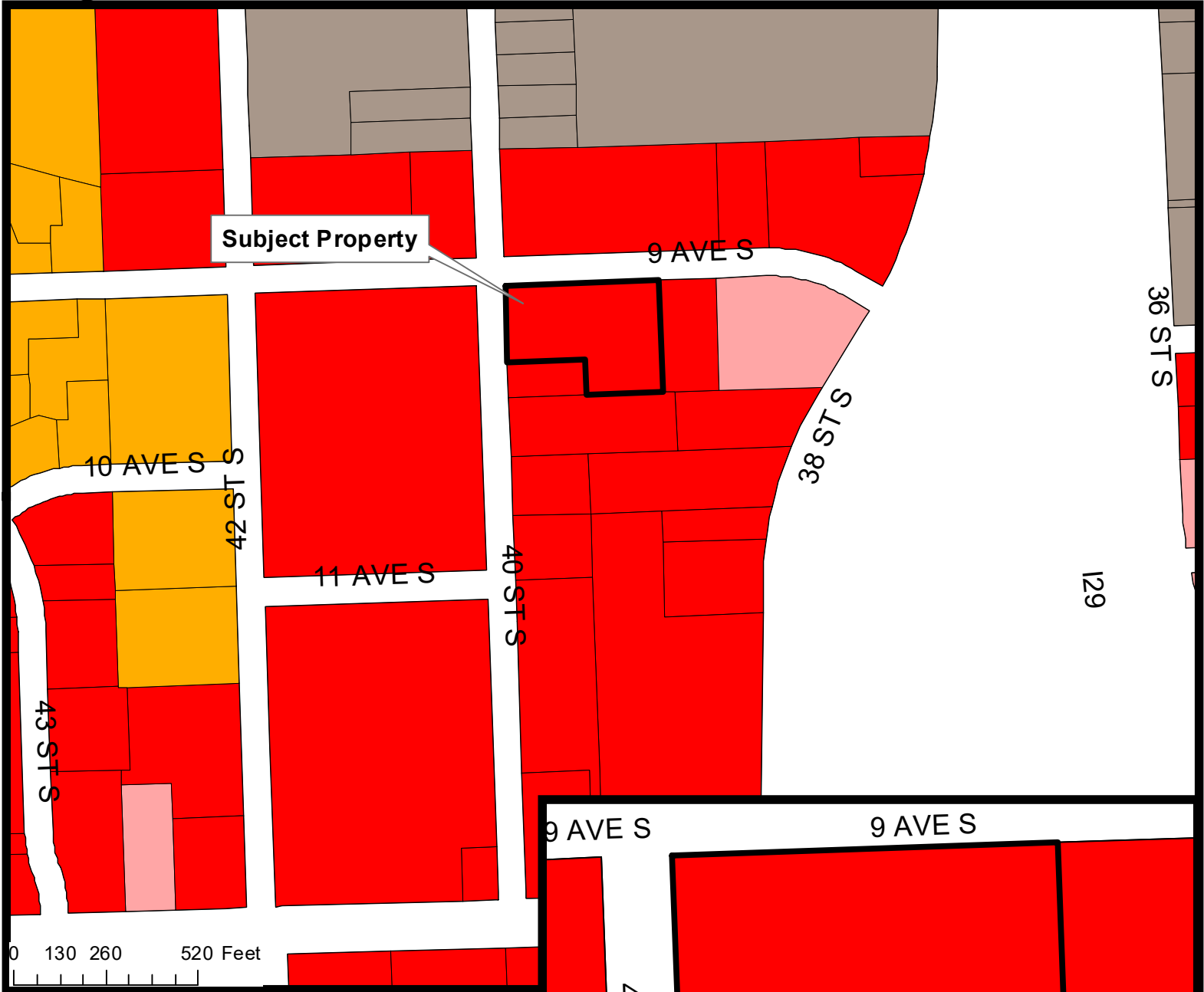
Attachments:

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

Minor Subdivision

Village West Fourth Addition

902 40th Street South



Legend

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

Village West Fourth Addition

902 40th Street South



Legend

 City Limits

VILLAGE WEST FOURTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF PART OF LOTS 5 & 6, BLOCK 1, VILLAGE WEST
(A MINOR SUBDIVISION)

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2023.

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

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2023, before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, P.E., City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2023.

Rocky Schneider, Planning Commission Chair

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2023, before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 2023.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2023 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That KLC Holdings, LLC, a North Dakota limited liability company, owner of a parcel of land located in that part of the Southeast Quarter of Section 10, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lot Five, LESS the South 100 feet thereof, and the West 216.75 feet of Lot Six, in Block One, of Village West, situate in the City of Fargo, the County of Cass and the State of North Dakota.

Containing 117,760 square feet or 2.70 acres of land, more or less and subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcel of land to be surveyed and platted as "VILLAGE WEST FOURTH ADDITION" to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public for public use, the 10 foot wide utility easements as shown on this plat and does hereby dedicate to Lot 1, the storm pond/storm sewer/drainage easement and the 28 foot wide ingress/egress easement as shown on this plat for the purposes so stated, and does hereby dedicate to Lots 1 and 2, the storm sewer/drainage easement as shown on this plat for the purposes so stated.

OWNER:
KLC Holdings, LLC

MORTGAGE HOLDER:
First Community Credit Union

By: Kevin Christianson, President,

By: _____

State of North Dakota
County of Cass

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2023 before me, a notary public within and for said County and State, personally appeared Kevin Christianson, President, KLC Holdings, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of KLC Holdings, LLC.

On this ____ day of _____, in the year 2023 before me, a notary public within and for said County and State, personally appeared _____, First Community Credit Union, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of First Community Credit Union.

Notary Public

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

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

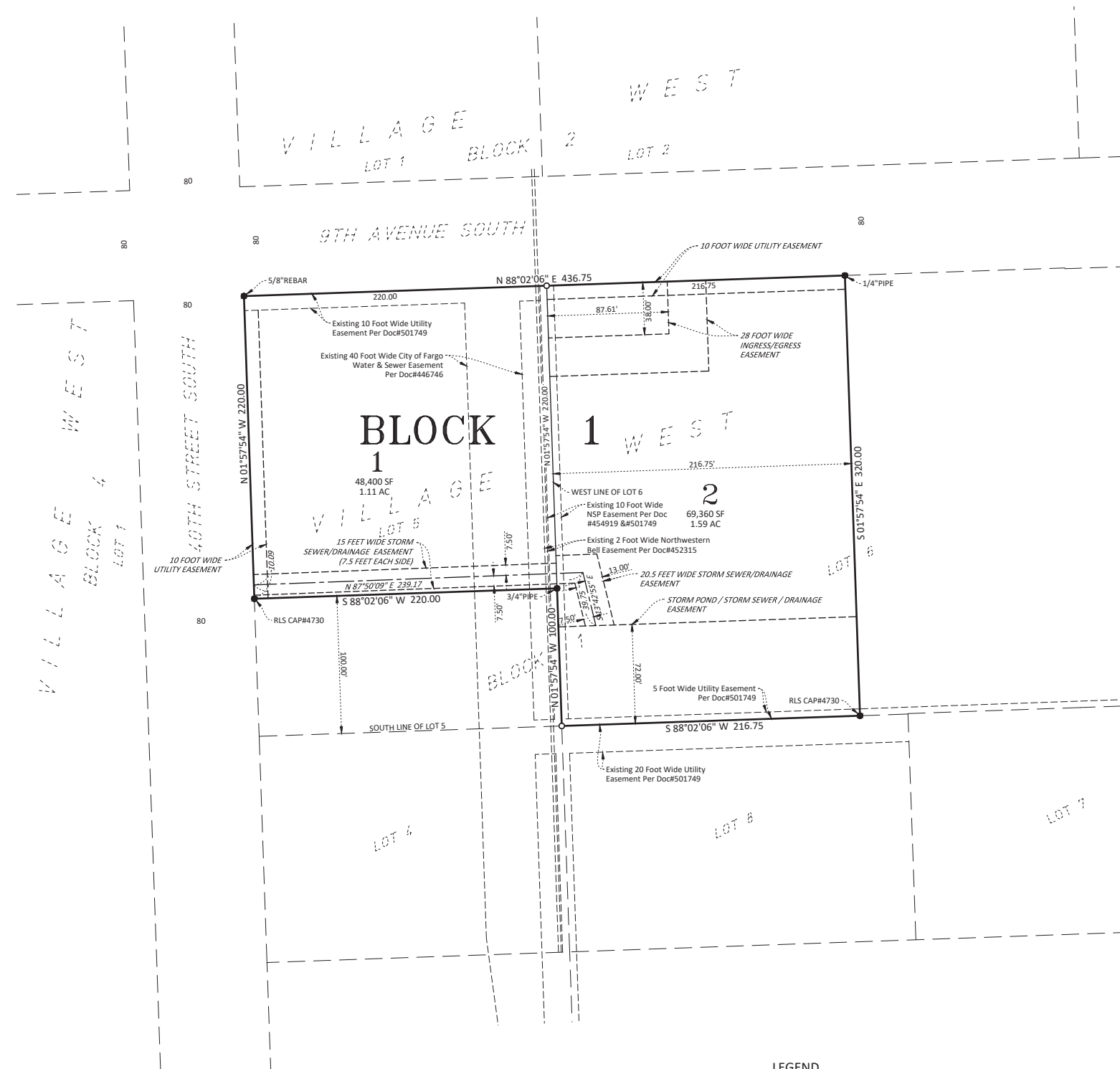
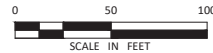
State of North Dakota
County of Cass

On this ____ day of _____, 2023, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

PRELIMINARY

Basis of Bearing: The North Line of Lot 5, Block 1, VILLAGE WEST has an Assumed Bearing of North 88 Degree 02 Minutes 06 Seconds East



LEGEND

- 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY LIC. NO. LS-5900
- MONUMENT FOUND
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE



**City of Fargo
Staff Report**

Title:	Annexation of a portion of the Northwest 1/4 of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota	Date:	6/28/2023
Location:	3336 52 nd Avenue North	Staff Contact:	Donald Kress, Planning Coordinator
Legal Description:	Portion of the Northwest 1/4 of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	County 20 Storage & Transfer, Inc.	Engineer:	Lowry Engineering/ Neset Land Surveys
Entitlements Requested:	Planning Commission review of consistency with comprehensive plan.		
Status:	Planning Commission review July 6 th , 2023		

Proposal:

The applicant requests one entitlement:

1. Annexation of an approximately 14.20 acre portion of the Northwest 1/4 of Section 14, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota

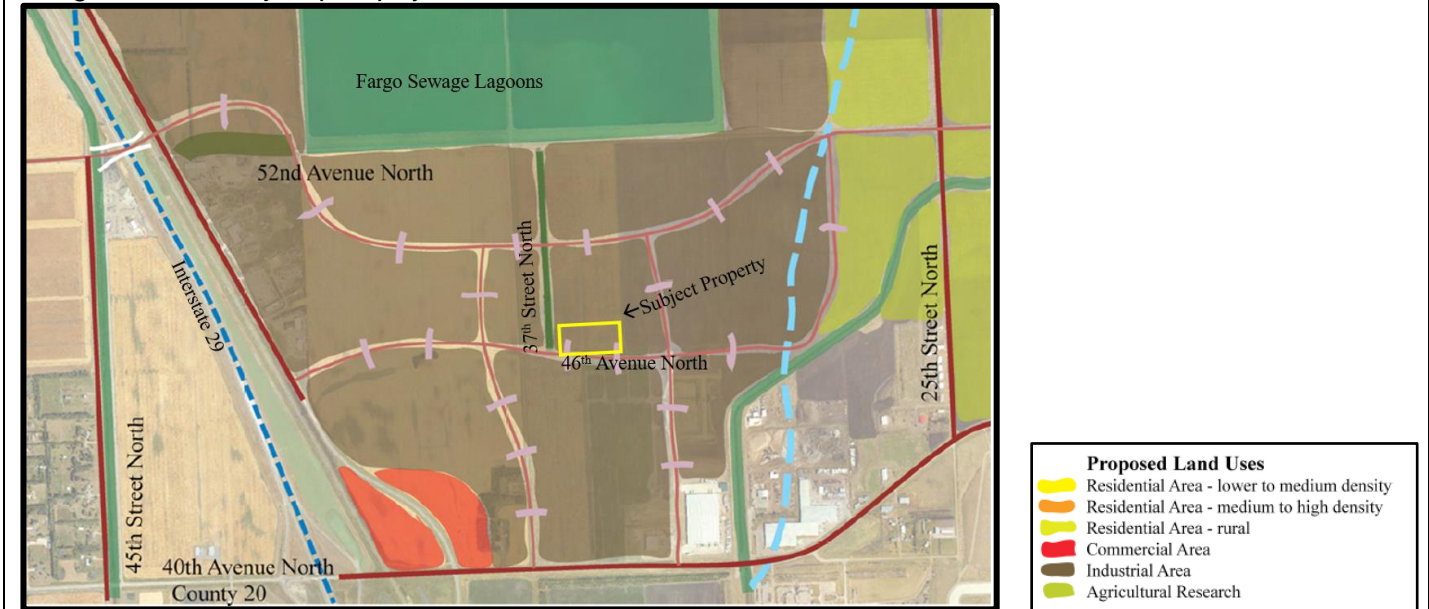
This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; in Fargo’s four-mile extra-territorial jurisdiction
- East: AG; undeveloped; within Fargo city limits
- South: GI, General Industrial; industrial uses
- West: LI; industrial—mainly warehouse

Area Plans:

The subject property is located within the Tier 1 area of the 2007 Future Land Use Plan, meaning this area is expected to be developed by 2027 (that is, within 20 years of 2007). The 2007 Growth Plan plan designates the subject proeprty as “Industrial.”



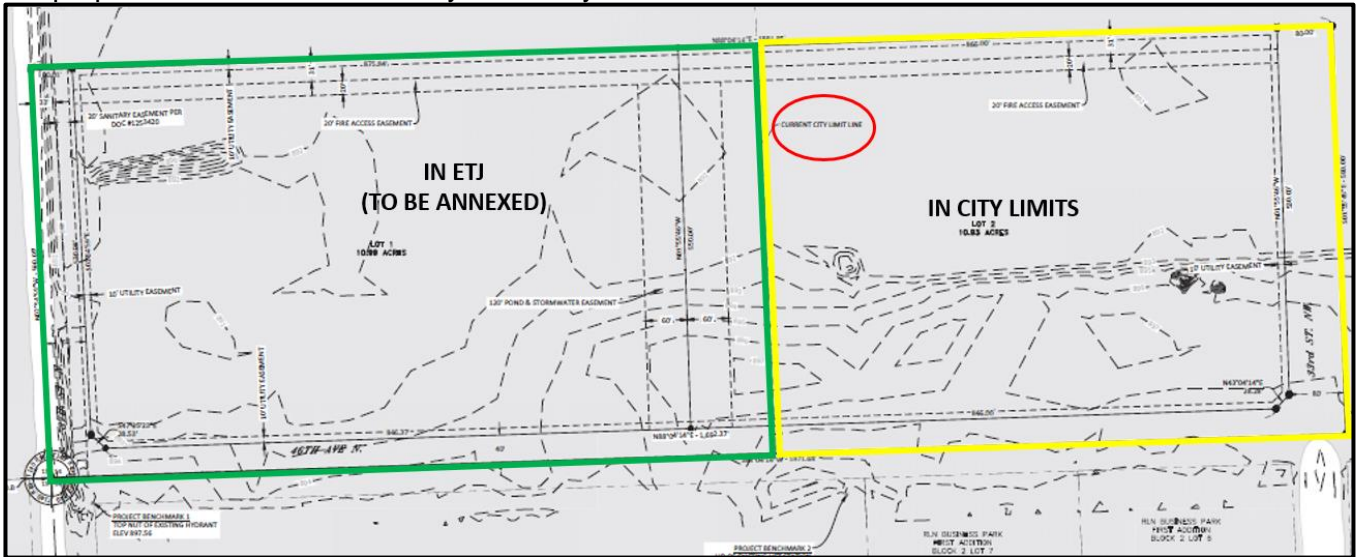
Staff Analysis:

OWNERSHIP

The entire property involved in the annexation is owned by the applicant, County 20 Storage & Transfer, Inc. The property is undeveloped. There are no existing residences or businesses in the annexation area.

LOCATION

As depicted on the graphic below, this 14.20 acre property proposed to be annexed is part of a larger proposed subdivision, described in "CURRENT SUBDIVISION AND ZONE CHANGE" below. A portion of the proposed subdivision is already within city limits.



PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 Tier 1 North East Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the "Tier 1" designation as the "Intended Growth Sector" for the city of Fargo.

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that "Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]" and that "Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development." (page 55, 2007 Growth Plan). The location of the annexation area corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development (page 56, 2007 growth plan):

- *Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services:* The subject property is within the 20 year service area [Tier 1]. The area adjacent to the south and west is currently receiving City services.
- *Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property.* The subject property is contiguous with developed property to the south and west. Property adjacent to the east, under the same ownership as the proposed annexation area, is already within Fargo city limits.

PROCESS

The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan in item D.1 of the July 6th, 2023 Planning Commission agenda. A hearing will be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing.

CONCURRENT SUBDIVISION AND ZONE CHANGE

The entire annexation area will be incorporated into the proposed 46th Avenue Industrial Park Addition, which includes a subdivision and zone change. The subdivision will create two lots for industrial development. The property is currently zoned AG, Agricultural. The proposed zoning for the entire

subdivision is LI, Limited Industrial. The staff report for 46th Avenue Industrial Park provides details on the proposed project. This project is going through the review and hearing process concurrently with this annexation. This project appears as items 3.a and 3.b on the July 6th, 2023 Planning Commission agenda.

Staff Recommendation:

Staff recommends the Planning Commission find that the proposed annexation of a portion of the Northwest 1/4 of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.

Attachments:

1. Location map
2. Annexation map

Annexation

Portions of the SW 1/4 of the NW 1/4 of Sec. 14 T140N R49W

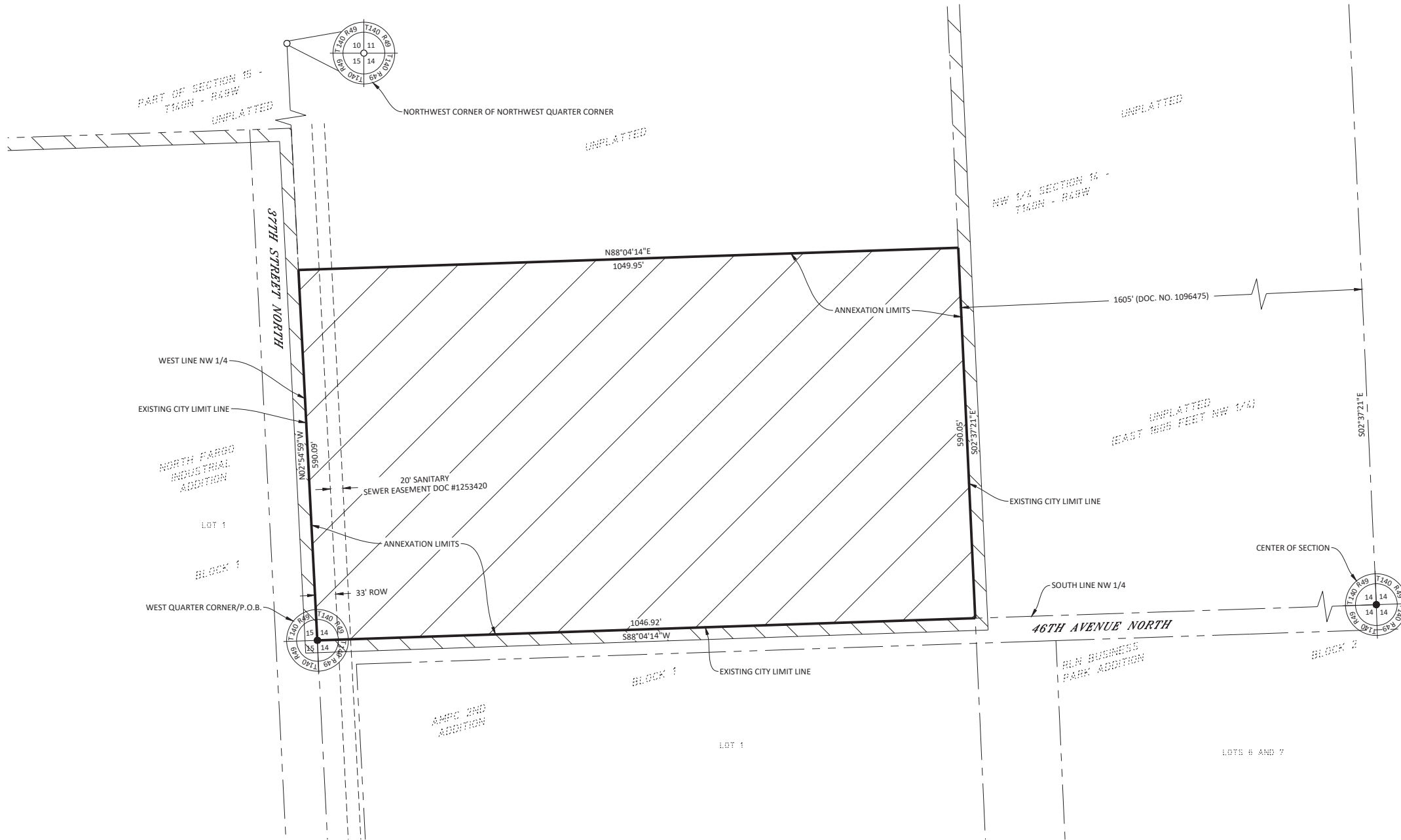


Legend

 City Limits

ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



SURVEYORS CERTIFICATE

COLE A. NESET, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED ANNEXATION PLAT TO THE CITY OF FARGO; THAT THE PROPERTY REPRESENTED IN THE PLAT IS A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT THE ATTACHED PLAT IS A CORRECT REPRESENTATION OF THE PROPERTY ANNEXED TO THE CITY OF FARGO; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT AND THE EXTERIOR BOUNDARY LINES OF SAID LAND ANNEXED TO THE CITY OF FARGO ARE AS FOLLOWS, TO WIT:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 14; THENCE N02°54'59"W ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14 A DISTANCE OF 590.09 FEET; THENCE N88°04'14"E ALONG A LINE PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14 A DISTANCE OF 1049.95 FEET; THENCE S02°37'21"E A DISTANCE OF 590.05 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 14; THENCE S88°04'14"W ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 14 A DISTANCE OF 1046.92 FEET TO THE POINT OF BEGINNING.

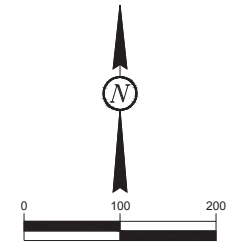
SAID TRACT OF LAND CONTAINS ±14.20 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS-7513

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA



LEGEND	
○	MONUMENT FOUND
●	MONUMENT SET
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
▨	AREA TO BE ANNEXED
▩	EXISTING CORPORATE LIMITS

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2023.

BRENDA DERRIG, P.E., CITY ENGINEER

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA DERRIG, P.E. TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS _____ DAY OF _____, 2023.

TIMOTHY J. MAHONEY, MAYOR

ATTEST:

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

FOR RECORDING PURPOSES ONLY

SURVEY INFORMATION

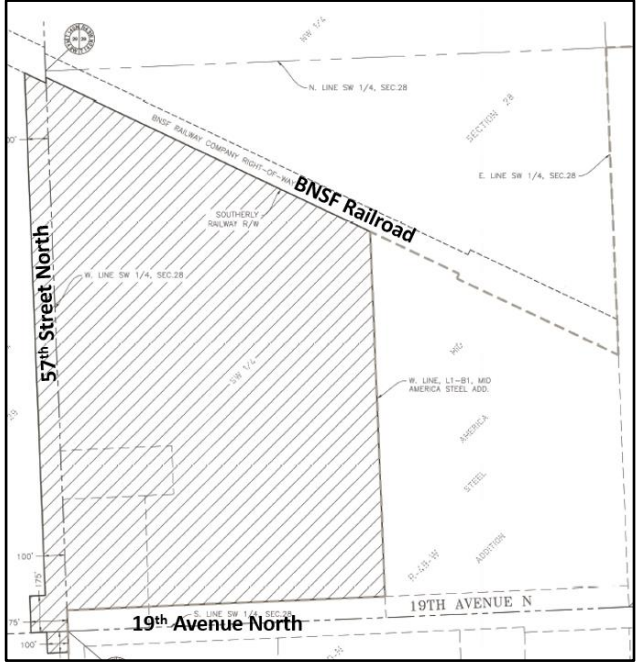
DATE OF SURVEY: 04/01/2023
BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992

06/29/23 01:30:34PM Z:\Neset Shared Files\City of Fargo\Projects\2023\Projects\202304_46th Ave Annexation and Plat\46th Ave Annexation and Plat.dwg

City of Fargo Staff Report			
Title:	Annexation of portions of the Southwest Quarter of Section 28; of the Southeast Quarter of Section 29; and of the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota		Date: 6/28/2023
Location:	1744, 2220 and 2101 57 th Street North; 5617 and 5385 19 th Avenue North;	Staff Contact:	Donald Kress, Current Planning Coordinator
Legal Description:	Annexation of portions of the Southwest Quarter of Section 28; of the Southeast Quarter of Section 29; and of the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	City-initiated; see list of owners below	Engineer:	Mead & Hunt for City of Fargo
Entitlements Requested:	Planning Commission review of consistency with growth plan.		
Status:	Planning Commission review July 6th, 2023		

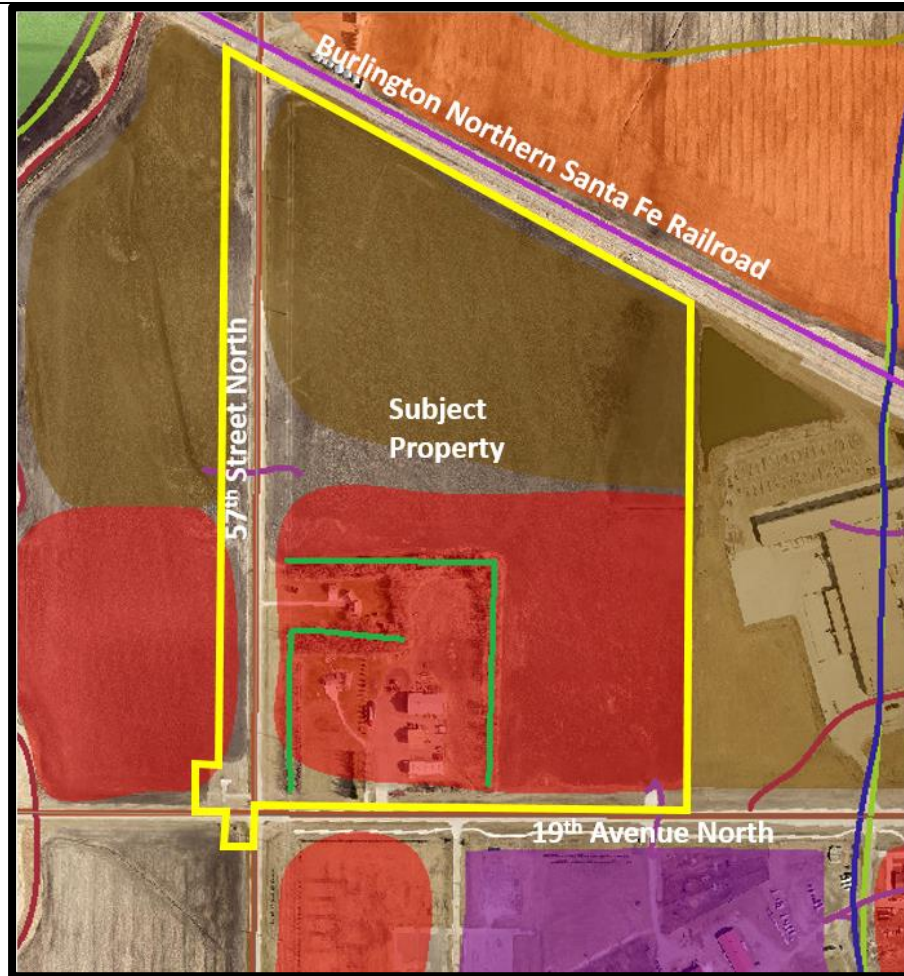
Proposal






The City of Fargo proposes to annex approximately 80.40 acres of land within the City of Fargo’s extra-territorial jurisdiction (ETJ). This ETJ is depicted on Exhibit “A” to the Agreement Regarding Extraterritorial Zoning Jurisdiction and Annexation—City of West Fargo / City of Fargo, which became effective on June 30, 2018 and remains in effect. The graphic below depicts the proposed annexation area. Surrounding roads are 57th Street North (west side), and 19th Avenue North (south side).



Area Plans:

The proposed annexation area is depicted on the North Fargo Tier 1 West map of the 2007 Growth Plan. The area included in the annexation is designated as “Industrial” and “Commercial” on that plan, as shown on the graphic below.



Proposed Land Uses	
	Residential Area - lower to medium density
	Residential Area - medium to high density
	Residential Area - rural
	Commercial Area
	Industrial Area

Staff Analysis:

OWNERSHIP

The annexation area includes property owned by four different owners:

1. Elwood J. Brand, et. al
2. Bruce P. Brand
3. City of West Fargo
4. KLC Holdings, LLC

There are two residences included in the annexation area, which are the residences of two of the property owners (the Brands), though no development of these properties is intended at this time. A City of West Fargo sewer lift station is also included in the annexation area.

PLAN CONSISTENCY

This property is outside of the Fargo city limits and is depicted on the 2007 Tier 1 North East Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo.

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that “Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]” and that “Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development.” (page 55,

2007 Growth Plan). The location of the annexation area corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development (page 56, 2007 growth plan):

- *Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services:* The proposed annexation area is adjacent to the current Fargo city limits and along the routes designated for the extension of major arterials—57th Street North and 19th Avenue North—which will provide access and utilities.
- *Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property.* The subject property is contiguous with developed property to the east, and to the south across 19th Avenue North. These areas are already receiving city services. In addition to the property proposed to be developed as Veterans Industrial Park Addition, the property owners opted to add additional property for potential future development.

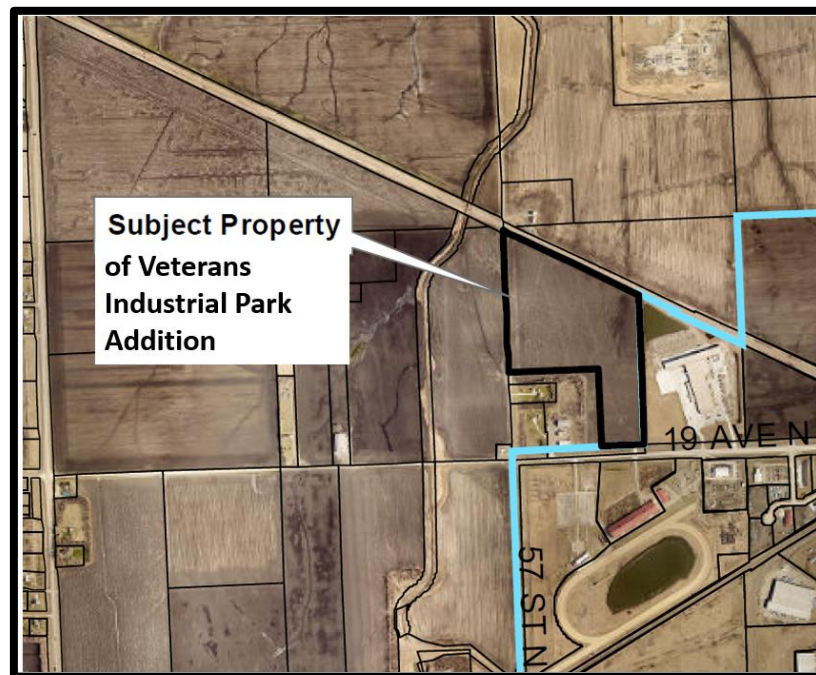
Annexation of this area will enable future industrial development near a rail line.

PROCESS

The City Commission adopted a resolution of annexation for this area at their May 30th, 2023 meeting. This resolution set the date for the sufficiency of protests hearing for the July 10th, 2023 City Commission agenda. It is intended that the proposed subdivision and zone change (see below) will also be on that agenda.

CONCURRENT SUBDIVISION AND ZONE CHANGE

A proposed subdivision and zone change, to be known as Veterans Industrial Park Addition, is intended to occupy most of the annexation area, as depicted in the graphic below.



The subdivision will create 10 lots for industrial development. The property is currently zoned AG, Agricultural. The proposed zoning for the entire subdivision is LI, Limited Industrial. The Planning Commission recommended this project for approval at the May 2nd, 2023 Planning Commission hearing. This project is going through the review and hearing process concurrently with this annexation.

Additional area included within the annexation is for right of way for 57th Street and 19th Avenue North.

(continued on next page)

Staff Recommendation:

Staff recommends the Planning Commission find that the proposed annexation of portions of the Southwest Quarter of Section 28; of the Southeast Quarter of Section 29; and of the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.

Attachments:

1. Location map
2. Annexation map

Annexation

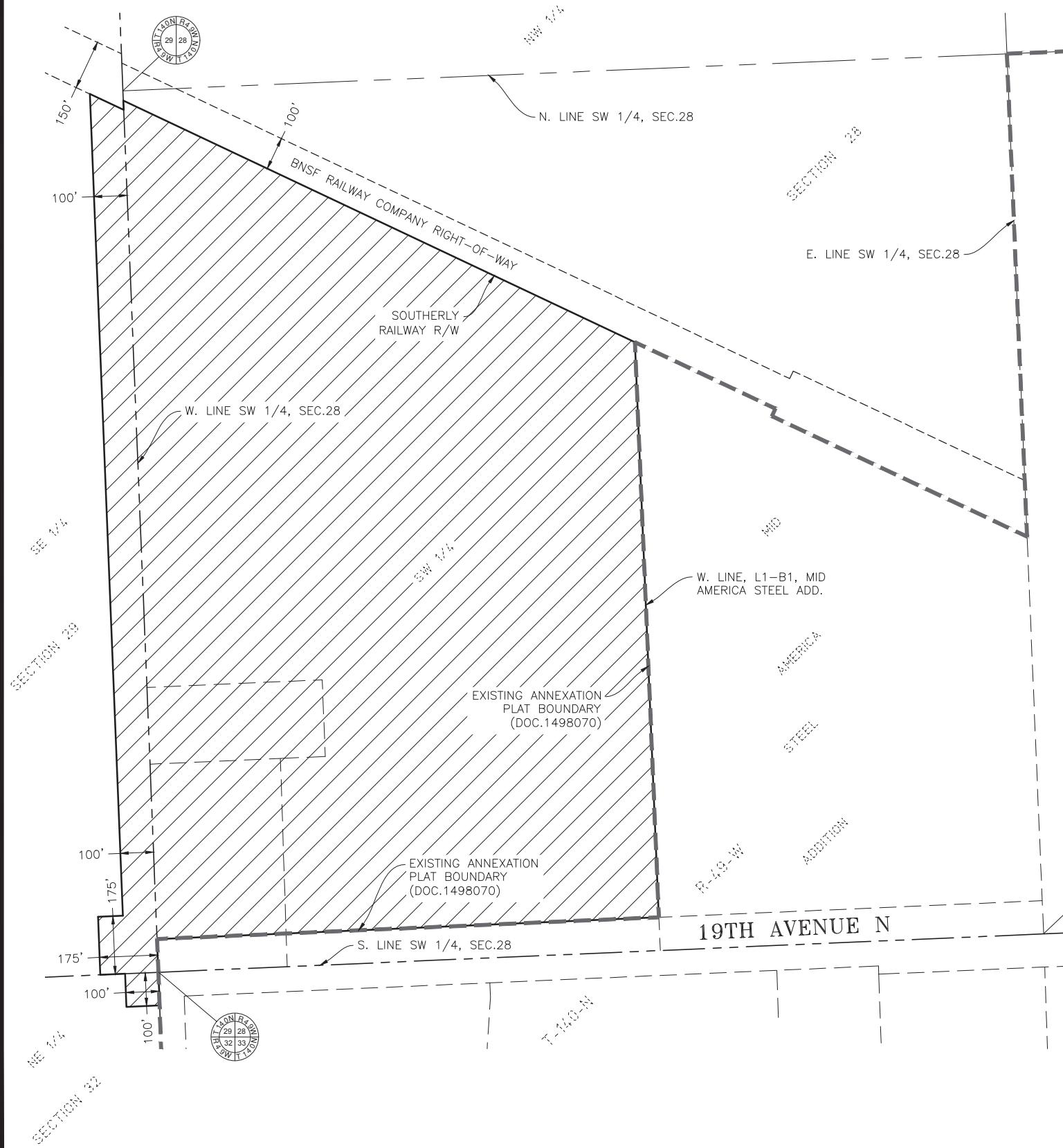
5617 and 5385 19th Avenue N;
1744, 2220, and 2101 57th
Street N.

Portions of Sections 28, 29 and 32, T140N R49W



ANNEXATION PLAT

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



ANNEXATION PLAT OF:

That part of the Southwest Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence South 02 degrees 18 minutes 20 seconds East, an assumed bearing on the west line of said Southwest Quarter, 29.53 feet to the southerly Railway Right-of-Way line and the point of beginning; thence South 64 degrees 42 minutes 49 seconds East on said Right-of-Way line, 1,703.27 feet to the northwest corner of Lot 1, Block 1 of Mid America Steel Addition to the City of Fargo, on file and of record as Cass County document # 1498167; thence South 02 degrees 23 minutes 10 seconds East on the west line of said Addition, also being a westerly line of the City of Fargo Annexation Plat, on file and of record as Cass County document # 1498070, a distance of 1,732.59 feet to the southwest corner of said Lot 1; thence South 87 degrees 31 minutes 00 seconds West, on a northerly line of said Annexation Plat, being parallel with and 100.00 feet northerly of the south line of said Southwest Quarter, 1,512.00 feet to the west line of said Southwest Quarter; thence North 02 degrees 18 minutes 20 seconds West, on said west line 2,526.18 feet to the point of beginning.

AND,

The East 100.00 feet of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, Lying South of the southerly Railway Right-of-Way line, AND the West 75.00 feet of the East 175.00 feet of the South 175.00 feet thereof.

AND,

The North 100.00 feet of the East 100.00 feet of the Northeast Quarter of Section 32, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota

All containing 80.40 acres, more or less

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 area annexed; that said plat shows the City of Fargo Corporate limits contiguous to the annexed property.

Dated this _____ day of _____, 20__.

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

State of North Dakota)
) SS
County of Cass)

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, 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, P.E., 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

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

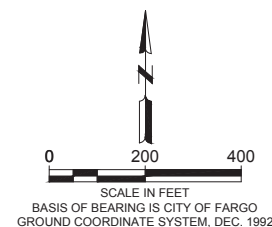
State of North Dakota)
) SS
County of Cass)

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

LEGEND

- SECTION LINE
- QUARTER LINE
- EXISTING LOT LINE
- RIGHT-OF-WAY LINE
- EXISTING CITY LIMIT BOUNDARY
- AREA TO BE ANNEXED



Mead & Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4650200-212398.01
SHEET 1 OF 1