

FARGO PLANNING COMMISSION AGENDA
Tuesday, June 4, 2024 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of May 7, 2024

C: Public Hearing Items:

1. Continued hearing on an application requesting a Plat of **Urban Plains by Brandt Eighth Addition** (Minor Subdivision) a replat of Lot 3, Block 1, Urban Plains by Brandt Seventh Addition, to the City of Fargo, Cass County, North Dakota. (Located at 2975 Seter Parkway South) (Urban Plains Land Company, LLC/Gleason Companies/Lowry Engineering) (dk): WITHDRAWN
- 2a. Hearing on an application requesting a Planned Unit Development Master Land Use Plan on the proposed Lot 1, Block 1, **Schatz Fifth Addition**. (Located at 5671 34th Avenue South) (Cedars South, LLC/Eagle Ridge Development) (me)
- 2b. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development overlay on the proposed Lot 1, Block 1, **Schatz Fifth Addition**. (Located at 5671 34th Avenue South) (Cedars South, LLC/Eagle Ridge Development) (me)
- 2c. Hearing on an application requesting a Plat of **Schatz Fifth Addition** (Minor Subdivision) a replat of Auditor's Lot 1 of Schatz Third Addition and Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 and 5671 34th Avenue South) (Cedars South, LLC/Eagle Ridge Development/The Haven on Veterans LLC) (me)
- 3a. Hearing on an application requesting a Zoning Change from AG, Agricultural and GC, General Commercial to MR-3, Multi-Dwelling Residential with C-O, Conditional Overlay, and SR-4, Single-Dwelling Residential, and SR-5, Single Dwelling Residential on the proposed **Selkirk Place Second Addition**. (Located at 6655 Selkirk Drive South) (Eagle Ridge Development) (dk)
- 3b. Hearing on an application requesting a Plat of **Selkirk Place Second Addition** (Major Subdivision) a plat of a part of the North Half of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 6655 Selkirk Drive South) (Eagle Ridge Development) (dk)
4. Hearing on an application requesting a Plat of **Edgewood Estates Third Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Edgewood Estates Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3619 Parker Place North) (Jon Schilling/Houston Engineering) (dk)

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

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

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

- 5a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on the proposed **The Pines at the District Seventh Addition**. (Located at 5461 38th Street South) (Gitty-Up, LLC/Houston Engineering) (lm)
- 5b. Hearing on an application requesting a Plat of **The Pines at the District Seventh Addition** (Minor Subdivision) a replat of Lot 1, Block 1, The Pines at the District Sixth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5461 38th Street South) (Gitty-Up, LLC/Houston Engineering) (lm)
- 6a. Hearing on an application requesting a Zoning Change from GO, General Office to GO, General Office and SR-5, Single-Dwelling Residential on the proposed **Legacy I Eighth Addition**. (Located at 6155 24th Street South) (ProCore Development, LLC/Brandon Raboin) (lm)
- 6b. Hearing on an application requesting a Plat of **Legacy I Eighth Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Legacy I Seventh Addition to the City of Fargo, Cass County, North Dakota. (Located at 6155 24th Street South) (ProCore Development, LLC/Brandon Raboin) (lm)
7. Hearing on an application requesting a Vacation Plat of portions of 22nd Street North, the remainder of 8th Avenue North lying West of 21st Street North, and the Block 34 East-West alley, all originally dedicated with **Beardsley's Addition**, lying between 7th and 8th Avenues North as currently located, City of Fargo, Cass County, North Dakota. (Located at 2105 and 2115 7th Avenue North; 706, 716, 718, 724, and 737 21st Street North; 705 22nd Street North) (John T. Jones Construction/Neset Surveying) (dk)
- 8a. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on Lots 12-13, Block S, **Chas A. Roberts Addition**. (Located at 901 9th Street South) (Brian Walker) (lm)
- 8b. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 12-13, Block S, **Chas A. Roberts Addition**. (Located at 901 9th Street South) (Brian Walker) (lm)
9. Hearing on an application requesting a Plat of **Westrac Fifth Addition** (Minor Subdivision) a replat of Lots 2-3, Block 1, Westrac Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3315 Westrac Drive South and 624 34th Street South) (SoFar Properties, LLP/JWPT, LLC/MBN Engineering, Inc.) (ae)
10. Hearing on an application requesting a Vacation Plat of a portion of 5th Avenue North right-of-way adjacent to Block 23, **Leach and Wells Subdivision**. (Located at 421 4th Street North adjacent to 415 4th Street North) (City of Fargo/Houston Engineering/Fargo Public School District) (ae)

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D: Other Items:

1. Review of proposed Renewal Plan 2024-01 for consistency with the GO2030 Comprehensive Plan. (jg)
2. Update to Planning Commission Rules of Internal Procedures and Operations.

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, May 7, 2024

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, May 7, 2024.

The Planning Commissioners present or absent were as follows:

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

Absent: Thomas Schmidt

Chair Schneider called the meeting to order and welcomed new Planning Commissioner Joseph Cecil to the board.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of April 2, 2024

Member Morgan moved the minutes of the April 2, 2024 Planning Commission meeting be approved. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

Member Tasa present.

Item C: Public Hearing Items:

Item 1: Rocking Horse Farm Seventh Addition

1a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay on the proposed Rocking Horse Farm Seventh Addition. (Located at 5155 59th Street South) (Janice Promersberger/Houston Engineering): APPROVED

1b. Hearing on an application requesting a Plat of Rocking Horse Farm Seventh Addition (Minor Subdivision) a replat of a part of the Southeast Quarter of Section 32, Township 139 North, Range 49 West, to the City of Fargo, Cass County, North Dakota. (Located at 5155 59th Street South) (Janice Promersberger/Houston Engineering): APPROVED

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

Applicant representative Mike Love, Houston Engineering, spoke on behalf of the application.

Discussion was held on the proposed use of the site.

Member Shewey present.

Further discussion was held on the type of commercial use anticipated.

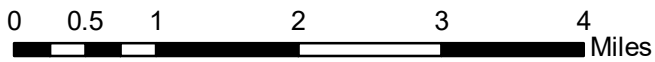
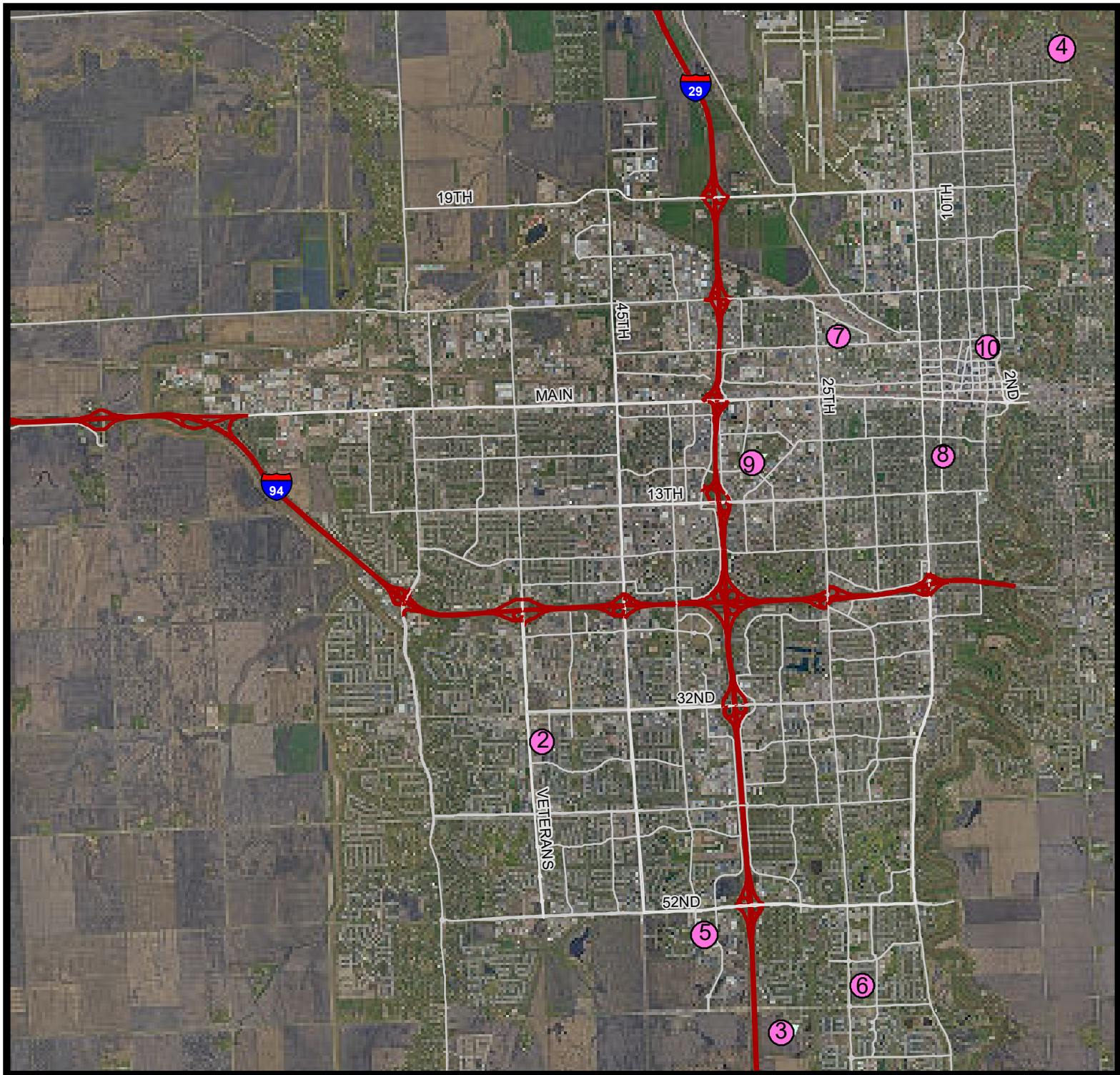
Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to LC, Limited Commercial with a C-O, Conditional Overlay and 2) Subdivision Plat Rocking Horse Farm Seventh Addition, as outlined within the staff report, as the proposal complies with the adopted 2003 Southwest Future Land Use Plan, the Standards of Article 20-06, Section 20-0906.F(1-4), Section 20-0907.B and 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 Morgan, Holtz, Rosenberg, Cecil, Stofferahn, Tasa, Shewey, Gunkelman, and Schneider voted aye. Absent and not voting: Member Schmidt. The motion was declared carried.

Planning and Development Director Nicole Crutchfield provided a brief Growth Plan update.

Discussion was held on next steps, and the Land Development Code rewrite timeline and process.

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

The time at adjournment was 3:10 p.m.




Agenda Items Map
 Fargo Planning Commission
 June 04, 2024



Agenda Item Number

- 2a, b & c -- Schatz Fifth Addition
- 3a & b -- Selkirk Place Second Addition
- 4 -- Edgewood Estates Third Addition
- 5a & b -- The Pines at the District Seventh Addition
- 6a & b -- Legacy 1 Eighth Addition
- 7 -- Beardsley's Addition
- 8a & b -- Chas A. Roberts Addition
- 9 -- Westrac Fifth Addition
- 10 -- Leach and Wells Subdivision

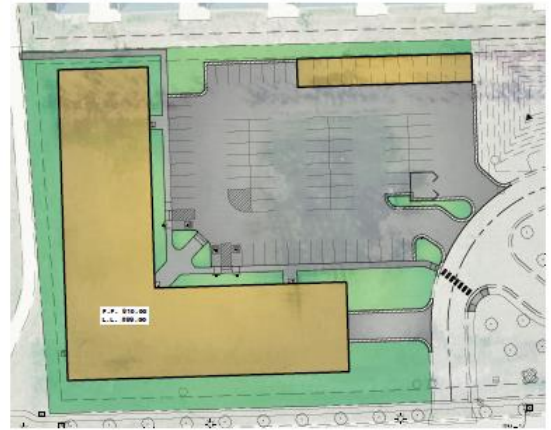
City of Fargo Staff Report			
Title:	Schatz 5th Addition	Date:	5/30/2024
Location:	5601& 5671 34 Avenue South	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	Auditor's Lot 1 of Schatz Third Addition and Lot 1, Block 2, Schatz Third Addition		
Owner(s)/Applicant:	Cedars South, LLC /The Haven on Veterans LLC/Eagle Ridge Development	Engineer:	RJN Survey
Entitlements Requested:	PUD Master Land Use Plan on the proposed Lot 1, Block 1, Schatz 5 th Addition; Zoning Change (from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with PUD, Planned Unit Development Overlay) on the proposed Lot 1, Block 1, Schatz 5 th Addition; and Minor Subdivision (a replat of Auditor's Lot 1 of Schatz Third Addition and Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota.)		
Status:	Planning Commission Public Hearing: June 4, 2024		

Existing	Proposed
Land Use: vacant and multi-dwelling residential (apartments)	Land Use: multi-dwelling residential (apartments)
Zoning: MR-3, Multi-Dwelling Residential	Zoning: MR-3, Multi-Dwelling Residential and MR-3 with PUD, Planned Unit Development 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.	Uses Allowed: unchanged
Maximum Density Allowed (Residential): MR-3 allows a maximum of 24 units per acre	Maximum Density Allowed (Residential): MR-3 allows a maximum of 24 units per acre and the PUD will allow a minimum of 32 units per acre.

Proposal:
<p>The applicant requests three entitlements:</p> <ol style="list-style-type: none"> 1. PUD Master Land Use Plan on the proposed Lot 1, Block 1, Schatz 5th Addition; 2. Zone Change (from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with PUD, Planned Unit Development Overlay) on the proposed Lot 1, Block 1, Schatz 5th Addition; 3. Major Subdivision (replat of Auditor's Lot 1 of Schatz Third Addition and Lot 1, Block 2, Schatz Third Addition). <p>Note that the PUD Master Land Use Plan and Zone Change is on the proposed Lot 1 only.</p>

PUD Master Land Use Plan

The image to the right is the proposed master land use plan submitted by the applicant, which shows the building location, parking and circulation, and open space. Note that if the zoning change and master land use plan are approved by the City Commission, the Planning Commission will review the PUD final plans at some point in the future.



Proposed PUD Master Land Use Plan

PUD Overlay

The applicant has applied for a PUD Overlay, which includes modifications or requirements of the following:

- Residential Density
- Building Coverage
- Parking
- Additional Standards relating to design and pedestrian connectivity.

The draft PUD Overlay is attached.

The PUD narrative includes information related to the request to modify parking requirements based on number of bedrooms. The City Traffic Engineer has reviewed the request for modification to parking requirements and concurs with the proposal.

Minor Subdivision

In order to accommodate the development, the applicant has applied for a subdivision, Schatz 5th Addition, to create one (1) block and two (2) lots for the subject property. The auditor’s lot was created by a separate document in 2020, which will become Lot 1 of the new plat.

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.

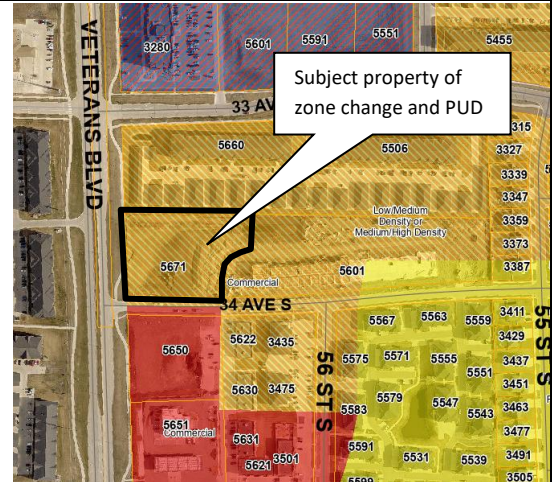
Surrounding Land Uses and Zoning Districts:

- North: MR-3, Multi-Dwelling Residential with apartments;
- East: SR-3, Single-Dwelling Residential with detached homes;
- South: Across 34 Avenue South is LC, Limited Commercial with CO, Conditional Overlay and MR-1, Multi-Dwelling Residential with commercial and apartments;
- West: Across Veterans Boulevard is the City of West Fargo with apartments.

Continued on next page

Area Plans:

The subject property was originally part of the Southwest Area Plan as designated within the *Urban Fringe and Extraterritorial Area of the City of Fargo* land use plan adopted in 2001. This area was most recently updated in 2010 (see exhibit to right), which shows the subject property as being appropriate for low/medium density or medium/high density residential. The zoning district is MR-3, Multi-Dwelling Residential, which will remain as the underlying zoning district of the PUD.



Context:

Neighborhood: Brandt Crossing

Schools: The subject property is located within the West Fargo School District, specifically Independence elementary, Liberty middle high and Sheyenne high schools.

Parks: The subject property is located within a quarter-mile of Brandt Crossing Park and Dog Park (5509 & 5050 33rd Avenue South), with amenities of a basketball court, playground, recreational trails, shelter and dog park.

Pedestrian/Bicycle: A shared-use path is located just east of the subject property on the west side of Veterans Boulevard, which connects to the metro area trail system.

Transit/MatBUS: Route 24 runs near the subject property along 32nd Avenue South and Veterans Boulevard South, about 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 construct a more dense residential product. The PUD zoning is an overlay with an underlying zoning district of MR-3, Multi-Dwelling Residential. The MR-3 zone is an appropriate underlying zone for the project, as the project proposes a high-density multi-dwelling building with no commercial uses. The proposed PUD zoning is overlain on the underlying zone and is intended to accommodate the development of the proposed project. **(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, including Veterans Boulevard and 34th 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. **(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 PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities and also supports developments with increased density. 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)**

Master Land Use Plan

Section 20-0908.B(7) of the LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan:

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;

The plan represents an improvement over what could have been accomplished through strict application of the base zoning district to create a high-density development. It modifies certain development standards of the MR-3 zone and general development standards in order to provide a higher density housing than would be allowed under the MR-3 zoning. **(Criteria Satisfied)**

2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;

All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**

3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

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

4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Particularly, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities and also supports developments with increased density. 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 residential housing option an area of the City that already has access to City services and is close to recreational facilities, shopping, and commercial uses. **(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 property is currently zoned MR-3, Multi-Dwelling Residential and proposed to be zoned MR-3 with a PUD, Planned Unit Development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any public comment or inquiries. **(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 to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development overlay; 2) a PUD Master Land Use Plan; and 3) minor subdivision, Schatz 5th Addition, as outlined within the staff report, as the proposal complies with Go2030 Comprehensive Plan, the adopted Area Plan, Section 20-0906.F(1-4), Section 20-0908.B(7), the standards of Article 20-06, Section 20-0907.B. and C of the LDC, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation:

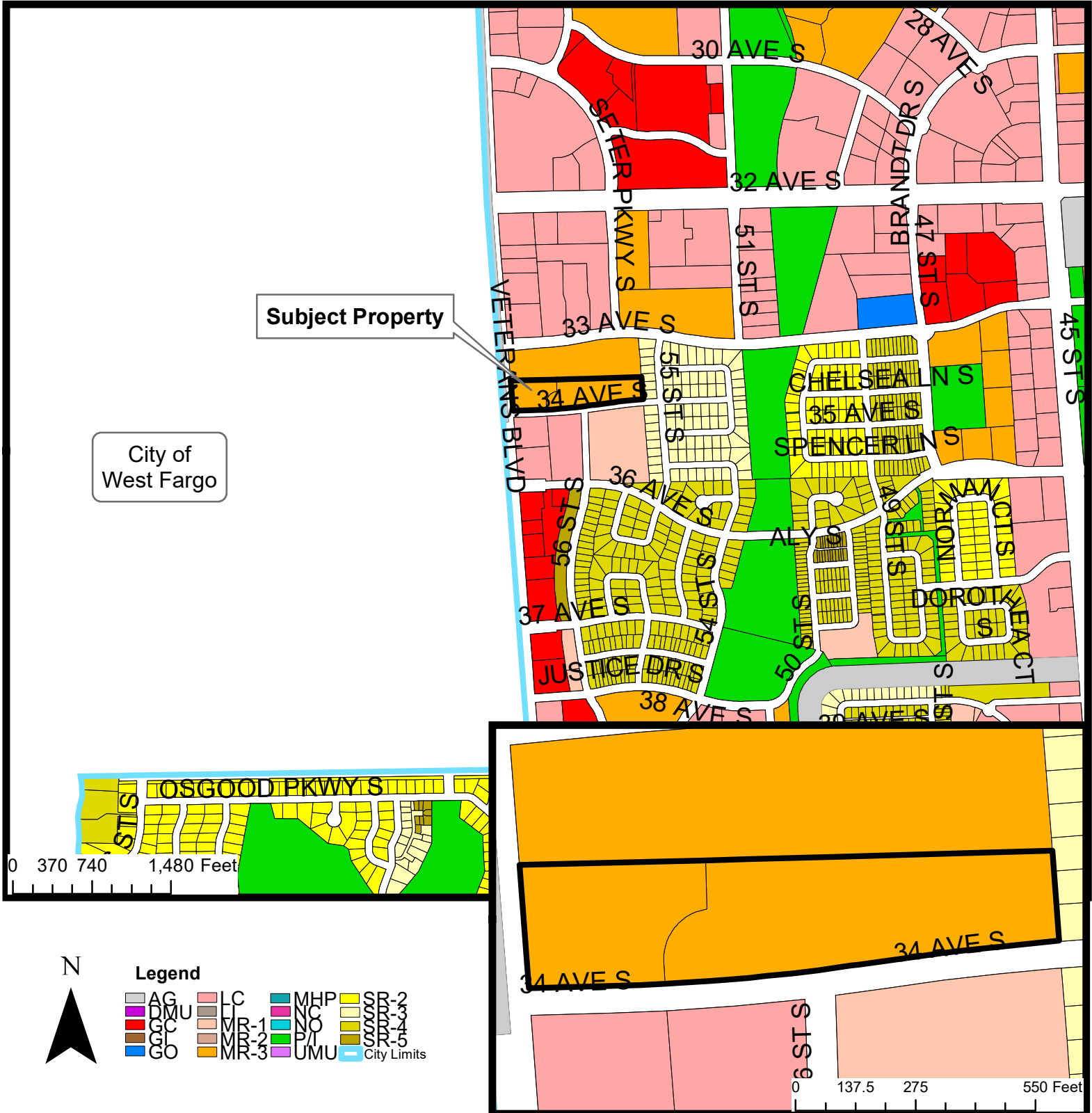
Attachments:

- 1. Zoning Map
- 2. Location Map
- 3. PUD Master Land Use Plan
- 4. PUD Narrative
- 5. Preliminary plat
- 6. Draft Ordinance

Minor Subdivision, Zoning Change from MR-3, Multi-Dwelling Residential to MR-3 and a PUD, Planned Unit Development overlay and a PUD master land use plan

Schatz Fifth Addition

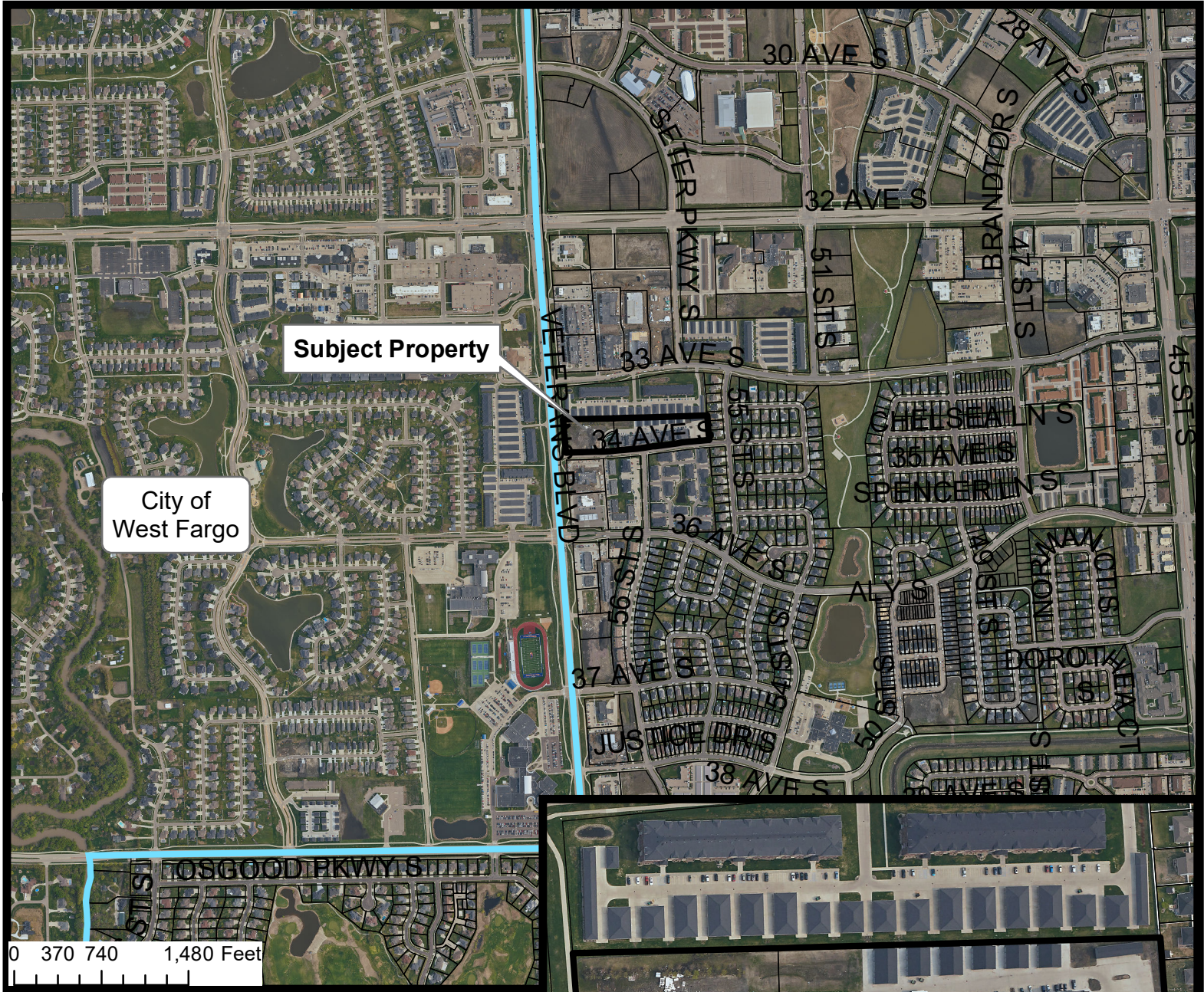
5601 & 5671 34th Avenue South



Minor Subdivision, Zoning Change from MR-3, Multi-Dwelling Residential to MR-3 and a PUD, Planned Unit Development overlay and a PUD master land use plan

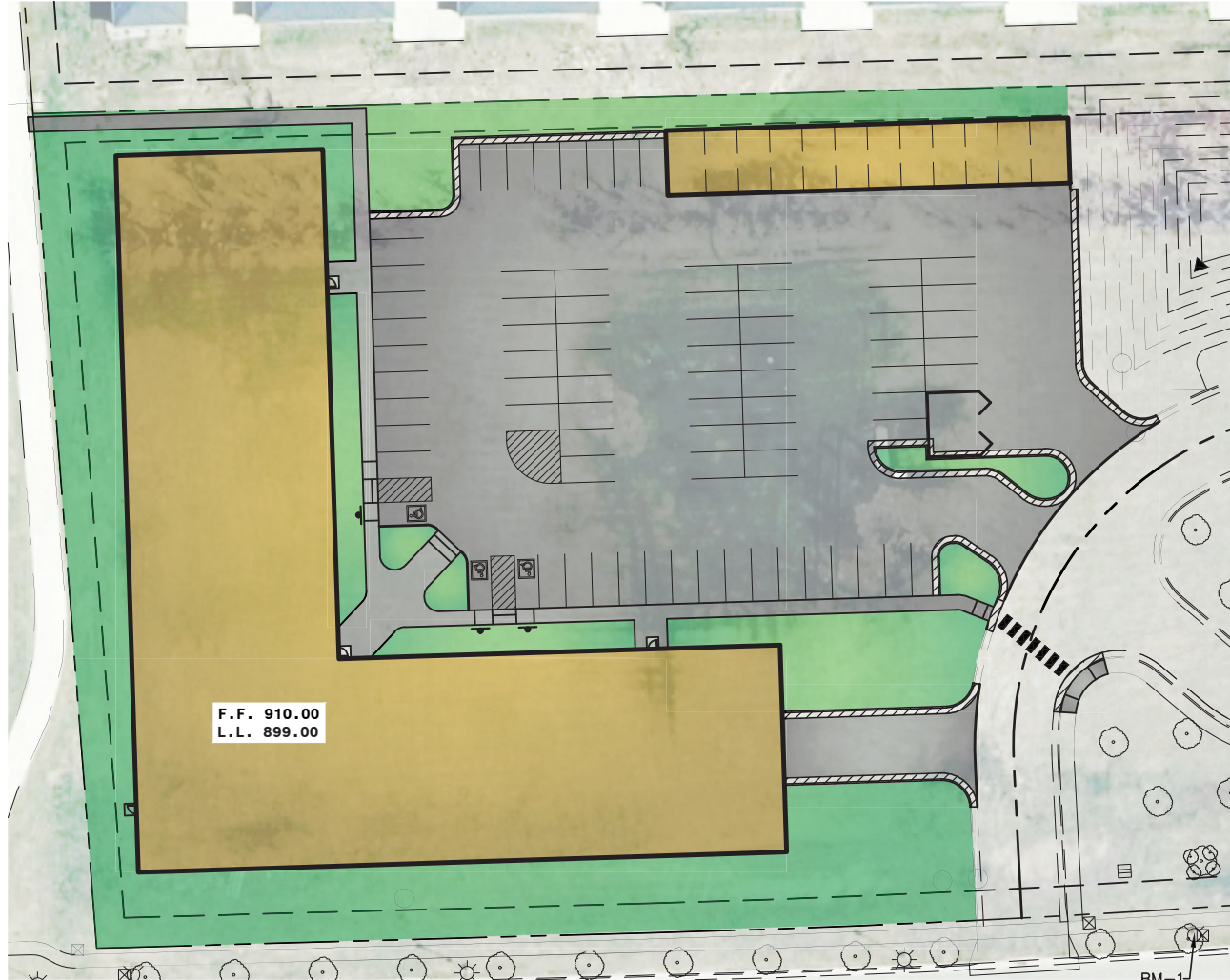
Schatz Fifth Addition

5601 & 5671 34th Avenue South



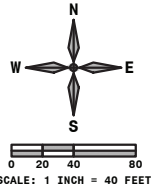
Legend

AG	LC	MHP	SR-2
DDMU	LI	PNO	SR-3
CC	MR-1	PJ	SR-4
GO	MR-2	UMU	SR-5
GO	MR-3		City Limits



F.F. 910.00
L.L. 899.00

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



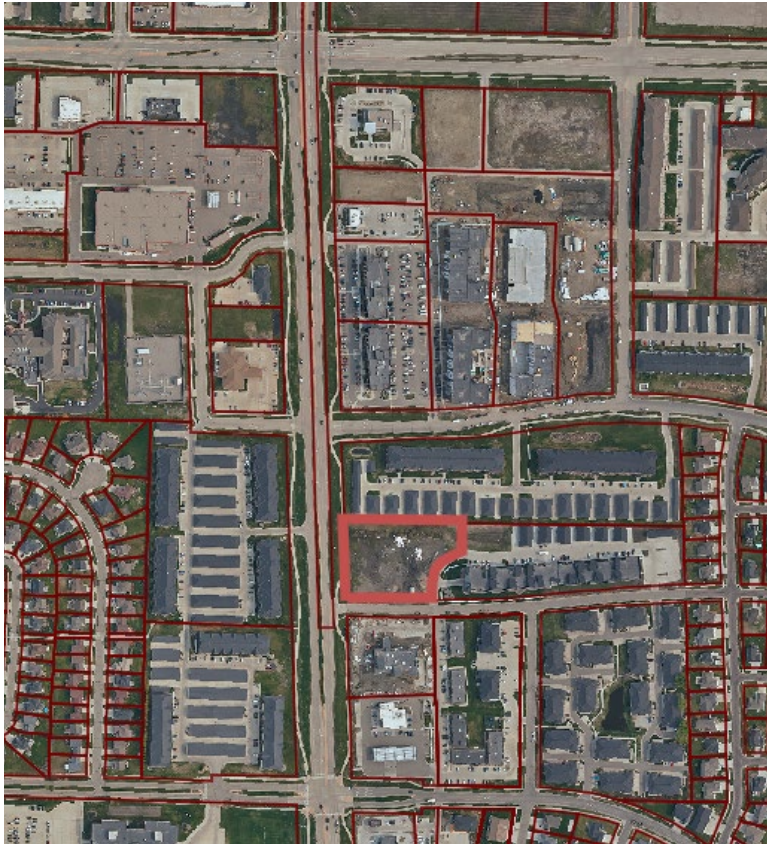
**SOUTH HAVEN
APARTMENTS #2
VETERAN'S BLVD**

FARGO, NORTH DAKOTA

PUD MASTER LAND USE PLAN

MBN JOB #: 23-305 DATE: 05-20-24

West Haven PUD

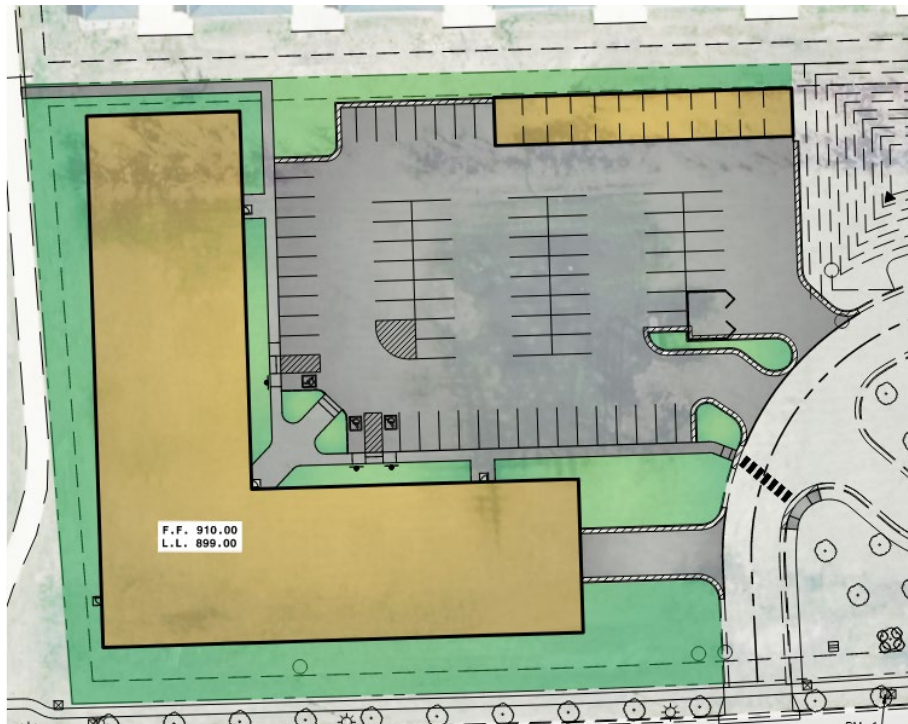


Planned Unit Development
5605 38th Street South
Fargo, ND



EagleRidge Development
701-540-7159
eagleridgedevelopment.com

Concept Renderings & Site Plan



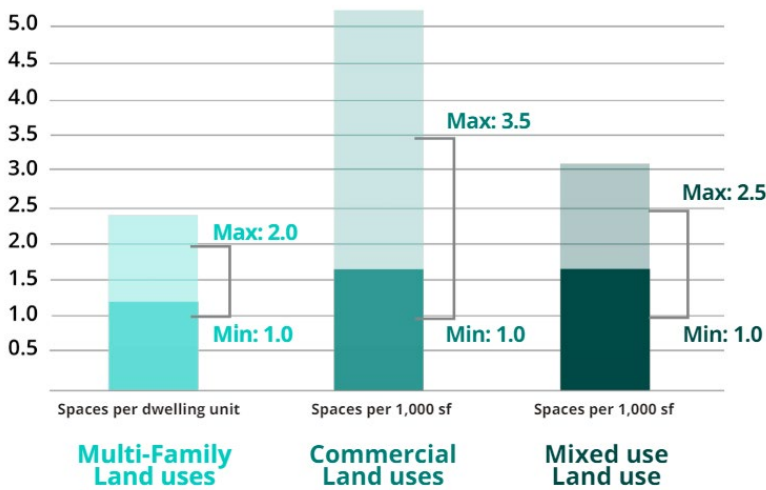
Project Narrative

EagleRidge Development submits this proposed planned unit development (PUD) request to create an upscale multi-family project in south Fargo. This project will consist of 82 residential units. There will be a combination of studio, 1-bedroom, 2-bedroom, and 3-bedroom apartment options. The project will provide parking per the table below:

West Haven PUD Parking Ratios	
Unit Type	Stalls/Unit
Efficiency	1.5
1-Bed	1.75
2-Bed	2
3-Bed	2.25

The Fargo & West Fargo Parking & Access Study from 2018 provides recommended parking based on the project type. The chart below shows the proposed minimum and maximum ratios for multi-family to be between 1.0 stalls and 2.0 stalls per unit. We are proposing ~2.0 stalls per unit based on the proposed unit mix which is on the higher end of the recommendation.

Proposed minimum and maximum parking requirements



For reference, the ITE Manuel calls for 1.7 parking stalls per unit for suburban mid-rise multifamily.

Per the proposed parking requirement table, the project is required to have 159 parking stalls. A total of 162 stalls will be provided.



Statement of Intent

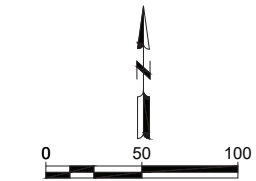
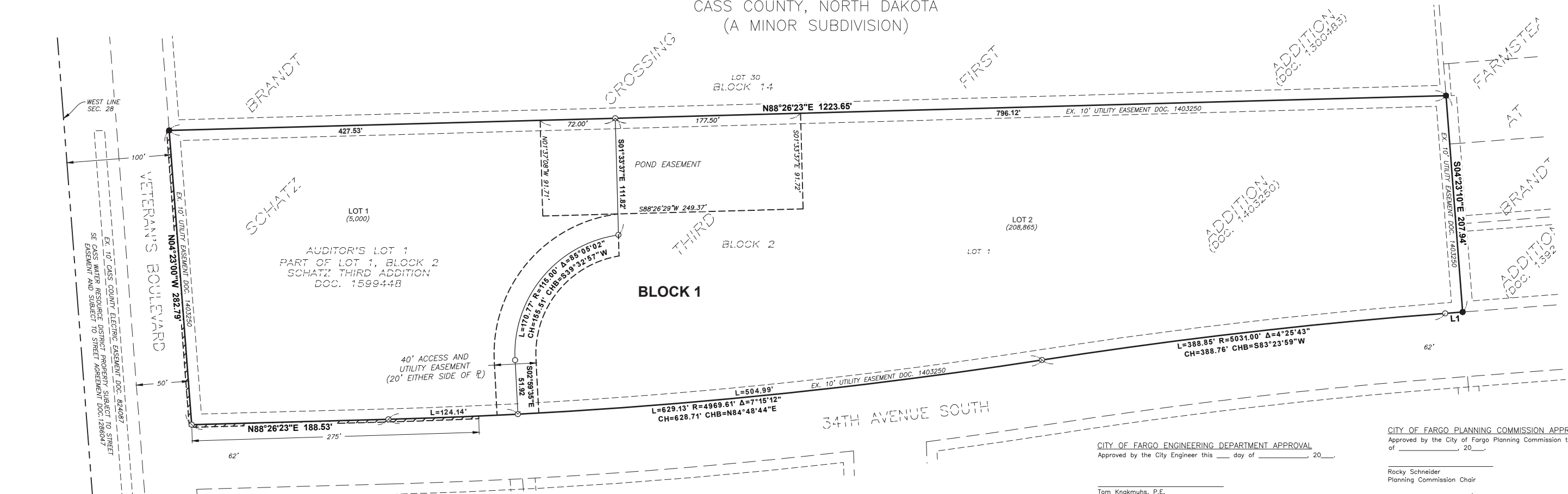
This project allows the property to be fully developed into an upscale residential community without the need for any additional municipal infrastructure.

The provisions of the PUD are intended to allow this unique parcel to fully develop as an upscale residential building on Veteran's Boulevard. Right sizing the parking and increasing the density allows for a substantially better use of the property when compared to a project confined by the existing zoning ordinance requirements. Additionally, the added density comes with the benefit of not requiring any additional municipal infrastructure.



SCHATZ FIFTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
BEING A REPLAT OF AUDITOR'S LOT 1 OF SCHATZ THIRD ADDITION AND LOT 1, BLOCK 2 OF SCHATZ THIRD ADDITION TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



SCALE IN FEET
ORIENTATION OF THIS BEARING
SYSTEM IS CITY OF FARGO
GROUND COORDINATES
(DEC. 1992 ADJ.)

- LEGEND**
- SET 5/8" REBAR CAP LS 27292 FOUND MONUMENT
 - SURVEYED/PLAT BOUNDARY
 - PLAT INTERIOR LOT LINES
 - NEW EASEMENT
 - EXISTING PROPERTY LINE
 - EXISTING EASEMENT LINE
 - SECTION LINE
 - NEW NEGATIVE ACCESS EASEMENT

- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF SCHATZ FIFTH ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

LINE TABLE		
#	DISTANCE	BEARING
L1	16.76'	S85°36'50"W



1218 55th Street North
Fargo, ND 58102
Email: josh@rjnsurvey.com

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: _____

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That the Cedars South, LLC and The Haven on Veterans, LLC, both a North Dakota Limited Liability Company, as owners of Auditor's Lot 1 of SCHATZ THIRD ADDITION and part of Lot 1, Block 2 of SCHATZ THIRD ADDITION, all in the Northwest Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

All of Auditor's Lot 1, part of Lot 1, Block 2 of SCHATZ THIRD ADDITION to the City of Fargo, described in Document No. 1610700 on file and of record in the office of the County Recorder, Cass County, North Dakota.

AND

Lot 1, Block 2 of SCHATZ THIRD ADDITION to the City of Fargo, according to the recorded plat thereof, recorded as Document No. 1403250, on file and of record in the office of the County Recorder, Cass County, North Dakota.

Containing 7.18 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 "SCHATZ FIFTH ADDITION" to the City of Fargo, Cass County, North Dakota, and does hereby dedicate and convey a private access and utility easement and private pond easement, for storm water purposes, as shown herein, to all lots within said "SCHATZ FIFTH ADDITION".

OWNER: LOT 1

The Haven on Veterans, LLC

James R. Bullis, Secretary

State of _____)
County of _____) ss

On this ___ day of _____, 20__, before me personally appeared James R. Bullis, Secretary, The Haven on Veterans, 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 company.

Notary Public: _____

OWNER: LOT 2

Cedars South, LLC

James R. Bullis, Secretary

State of _____)
County of _____) ss

On this ___ day of _____, 20__, before me personally appeared James R. Bullis, Secretary, Cedars South, 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 company.

Notary Public: _____

MORTGAGE HOLDER

First International Bank and Trust, Mortgagee

Matt Mueller, President

State of _____)
County of _____) ss

On this ___ day of _____, 20__, before me personally appeared Matt Mueller, President, First International Bank and Trust, 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 International Bank and Trust.

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL
Approved by the City Engineer this ___ day of _____, 20__.

Tom Knakmuhs, 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 Tom Knakmuhs, 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: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL
Approved by the City of Fargo Planning Commission this ___ day of _____, 20__.

Rocky Schneider
Planning Commission Chair

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20__, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL
Approved by the Board of Commissioners and ordered filed this ___ day of _____, 20__.

Timothy J. Mahoney
Mayor

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: _____

Draft PUD Overlay - Schatz 5th Addition

Residential Density

The residential density allowed shall be a minimum of 32 units per acre.

Building Coverage

The maximum building coverage allowed shall be 40% of lot.

Parking

The following parking requirements are as follows:

1. Efficiency units will require 1.5 parking spaces per unit.
2. One bedroom units will require 1.75 parking spaces per unit.
3. Two bedroom units will require 2 parking spaces per unit.
4. Three bedroom units will require 2.25 parking space per unit.
5. Guest spaces have been incorporated to the above ratios.

Additional Standards

1. 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; glass; or commercial metal siding. 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.
2. Ground floor facades that face public streets shall have arcades, windows, entry areas, awnings, or other such features along no less than 30% 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.
3. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets or screens, including but not limited to the back of the structure.
4. 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. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.
5. The cumulative total building footprint for all accessory buildings shall be a maximum of 45 percent of the primary building coverage.
6. No accessory buildings shall be allowed between the primary building(s) and the front or street side along public right of way or between building front and private road.
7. Individual accessory buildings shall have a maximum length of 140 feet.
8. A minimum of 40 percent of the footprint of the primary building shall be used for parking.
9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development.
 - b. Parking areas that serve each primary building.
 - c. Any public sidewalk system along the perimeter streets adjacent to the development.
 - d. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, and office buildings.

City of Fargo Staff Report			
Title:	Selkirk Place Second Addition	Date:	5/30/2024
Location:	6655 Selkirk Drive South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the North Half of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota,.		
Owner(s)/Applicant:	Earlyne L. Hector / Jon Youness, EagleRidge Development	Engineer:	Bolton & Menk
Entitlements Requested:	<p>Major Subdivision (plat of a portion of the North Half of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota)</p> <p>Zone Change (from Zoning Change from AG, Agricultural and GC, General Commercial to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, SR-4, Single-Dwelling Residential, and SR-5, Single Dwelling Residential)</p>		
Status:	Planning Commission Public Hearing: June 4, 2024		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential,
Zoning: AG, Agricultural and GC, General Commercial	Zoning: SR-4, Single Dwelling Residential; SR-5, Single Dwelling Residential; MR-3, Multi-Dwelling Residential with C-O, Conditional Overlay
<p>Uses Allowed: <u>AG – Agricultural.</u> Allows detached houses, parks and open space, safety services, basic utilities, and crop production</p> <p><u>GC, General Commercial.</u> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</p>	<p>Uses Allowed:</p> <p><u>SR-4, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;</p> <p><u>SR-5, Single Dwelling Residential</u> Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.</p> <p><u>MR-3</u> 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. The conditional overlay will regulate accessory buildings and pedestrian connectivity.</p>
<p>Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.</p> <p>Maximum Lot Coverage: GC allows 85%</p>	<p>Maximum Density Allowed: SR-4 allows 12.1 dwelling units per acre; SR-5 allows 14.5 dwelling units per acre; MR-3 allows 24 dwelling units per acre</p>

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Selkirk Place Second Addition**, a plat of a portion of the North Half of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota; and
2. A zone change Zoning Change from AG, Agricultural and GC, General Commercial to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay; SR-4, Single-Dwelling Residential; and SR-5, Single Dwelling Residential

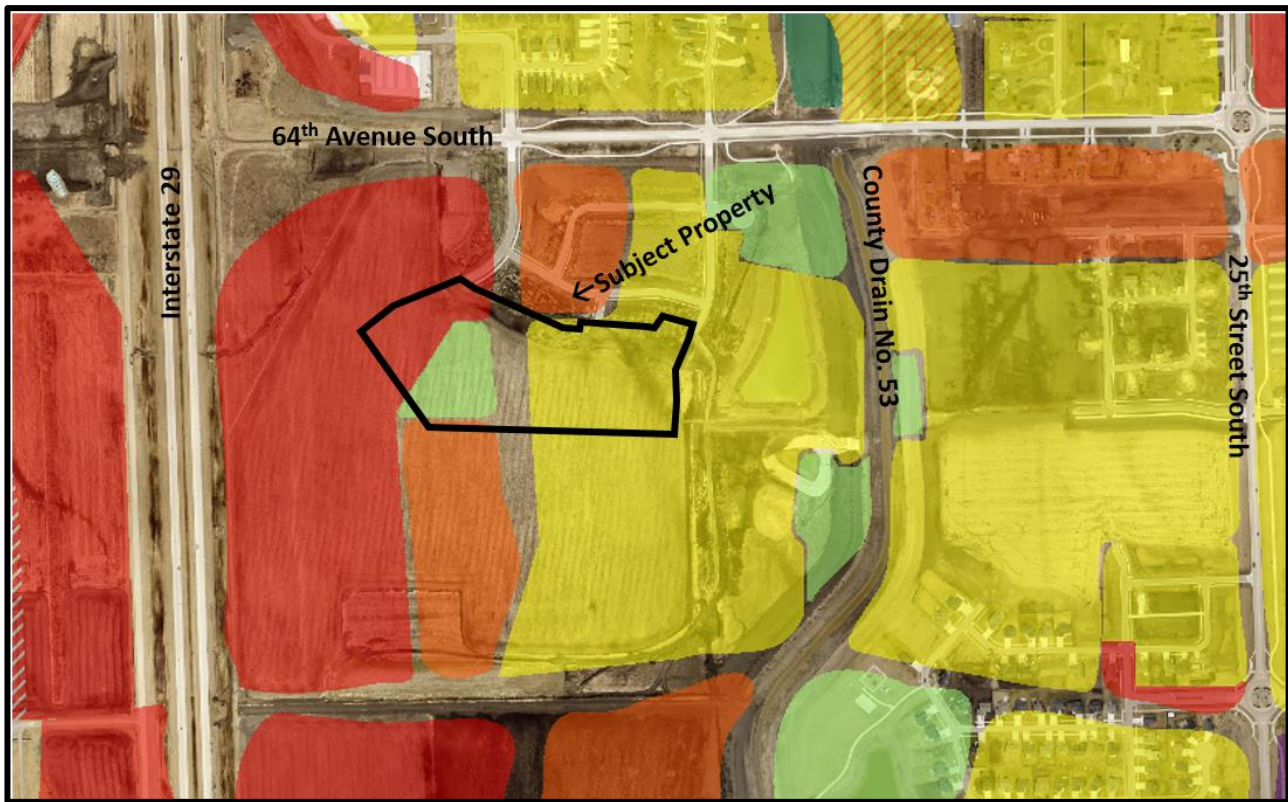
This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: SR-4 and SR-2, Single-Dwelling Residential; platted; mostly undeveloped
- East: County Drain 53; AG—undeveloped;
- South: AG, agricultural
- West: Not zoned--Interstate 29 right of way

Area Plans:

The 2007 Growth Plan, South Fargo Tier 1 East, designates the area of this project “residential area—lower to medium density,” “residential area—medium to high density” and “proposed park” land uses. Per that plan, the proposed SR-4, SR-5 and MR-3 zonings are consistent with these land use designations.



Red	Commercial Area
Purple	Future School
Light Green	Proposed Park
Yellow	Residential Area - lower to medium density
Orange	Residential Area - medium to high density
Olive Green	Residential Area - rural

Context:

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

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

Parks: Golden Valley Park (6977 Golden Valley Parkway) is adjacent to the southeast portion of this development. This park provides courts for basketball, playgrounds for ages 2-5 and 5-12, and a shelter.

Pedestrian / Bicycle: There are no off-road bike facilities along 64th Avenue South or Interstate 29. See "TRAIL CONNECTIVITY" below.

Transit/MATBUS: The subject property is not on a MATBUS route.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create a total of 48 lots for single-dwelling and multi-dwelling residential development. Lots will be zoned as shown in the chart below.

BLOCK	LOTS	ZONING	LAND USE
1	1-14	SR-4	Single-Dwelling Residential
1	15	MR-3 with C-O	Multi-Dwelling Residential
2	1-23	SR-4	Single-Dwelling Residential
3	1-9	SR-4	Single-Dwelling Residential
3	10	SR-5	Single-Dwelling Residential—attached townhomes

The SR-4 zoned lots range in size from 6,250 square feet to 11,809 square feet. The developer intends these for detached single dwelling residences. All SR-4 zoned lots meet the minimum required lot area of the SR-4 zone of 3,600 square feet.

The SR-5 zoned lot is intended for attached townhomes. This 1.9-acre lot will accommodate a maximum of 27 units.

The MR-3 zoned lot is intended for multi-family development. This 4.96-acre lot will accommodate a maximum of 119 units.

The conditional overlay on the MR-3 zoned lot provides for pedestrian connectivity and limits the size and location of accessory buildings on the lot. A copy of the draft C-O is attached.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat.

STREET	CLASSIFICATION	COMMENT
32 nd Street South	Local	Continues existing street
Belding Drive South	Local	New street
33 rd Street South	Collector	Continues existing street
67 th Avenue South	Collector	Continues existing street

TRAIL CONNECTIVITY: Planning, Engineering, and Park District staff are working with the applicant to insure effective trail connectivity. Off-street shared use paths are intended for 67th Avenue South and 33rd Street South

FUTURE PARK: The applicant continues to work with the Fargo Park District on the development of a park with trail connectivity in a future phase of development to the south of the current plat. No park dedication appears on this plat.

(continued on next page)

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural and GC, General Commercial. The proposed zoning of SR-4, SR-5 and MR-3 with a C-O is consistent with the land use designations of this the area as “residential area—lower to medium density,” and “residential area—medium to high density” land uses. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. 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 South Fargo Tier 1 East Growth Plan, part of the 2007 Growth Plan. The property is currently zoned AG, Agricultural and GC, General Commercial. The proposed zoning of SR-4, SR-5 and MR-3 with a C-O is consistent with the land use designations of this the area as “residential area—lower to medium density,” and “residential area—medium to high density” land uses. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

1. Section 20-0907.C.1 (Development Review Procedures—Subdivisions—Major Subdivisions) 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 proposed zoning designations for the development on this property are SR-4, SR-5, and MR-3 with a C-O. These zones will accommodate the proposed single-dwelling and multi-dwelling development, and are consistent with the “residential area—lower to medium density,” and “residential area—medium to high density” designations for this property in the 2007 South Fargo Tier 1 East Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. **(Criteria Satisfied)**

2. Section 20-0907.B.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 proposed zoning designations for the development on this property of SR-4, SR-5, and MR-3 with a C-O are consistent with the “residential area—lower to medium density,” and “residential area—medium to high density” designations for this property in the 2007 South Fargo Tier 1 East Growth Plan. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC). 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. **(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 AG, Agricultural and GC, General Commercial to SR-4, Single-Dwelling Residential, SR-5, Single Dwelling Residential, and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay; and 2) plat of **Selkirk Place Second Addition** major subdivision, as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907 of the LDC, and all other applicable requirements of the LDC.”

Planning Commission Recommendation: June 4, 2024

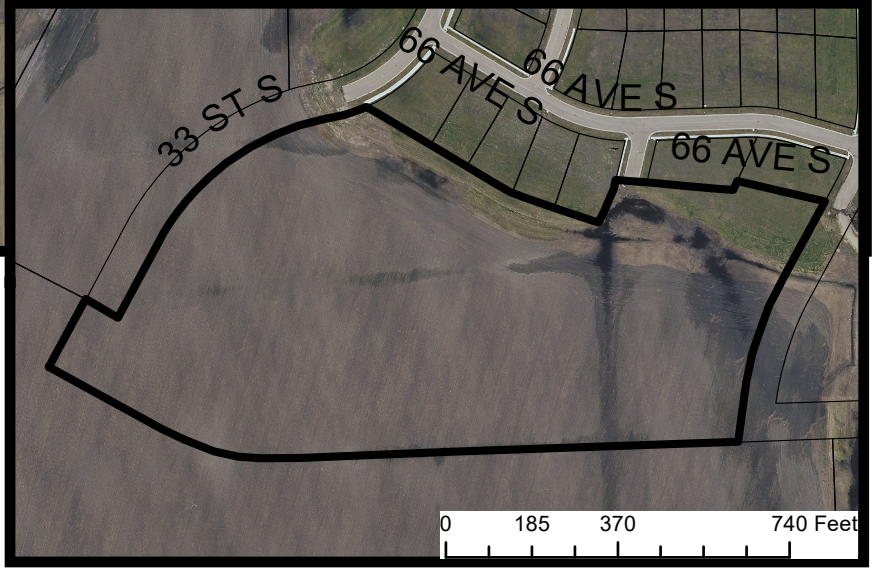
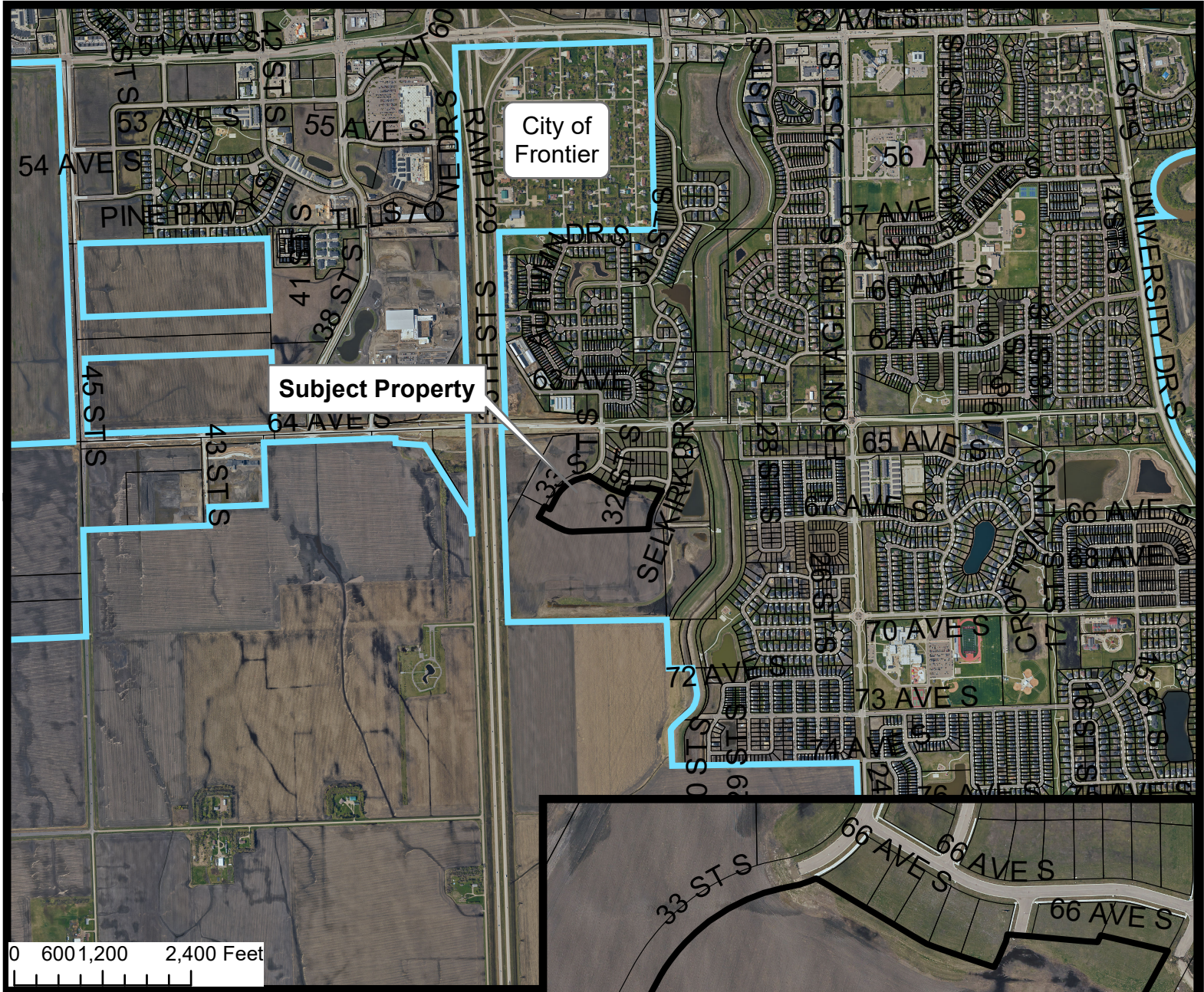
Attachments:

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

Major Subdivision & Zone Change from GC, General Commercial & AG, Agricultural to SR-4, Single-Family Residential and SR-5, Single-Family Residential and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay

Selkirk Place Second Addition

6655 Selkirk Drive South



Legend
City Limits

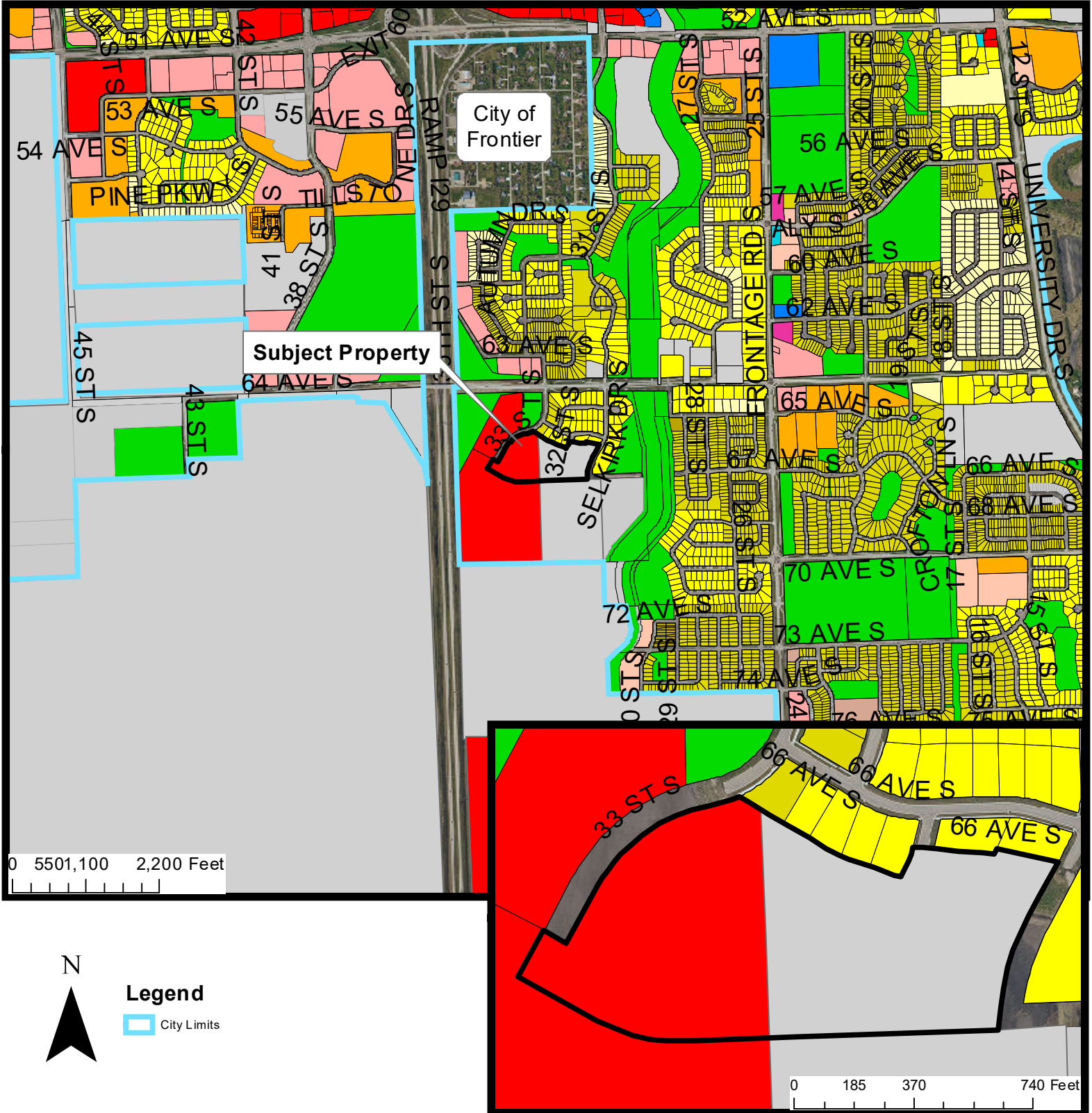


Fargo Planning Commission
June 04, 2024

Major Subdivision & Zone Change from GC, General Commercial & AG, Agricultural to SR-4, Single-Family Residential and SR-5, Single-Family Residential and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay

Selkirk Place Second Addition











6655 Selkirk Drive South



SELKIRK PLACE SECOND ADDITION

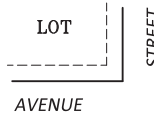
PART OF THE NORTHWEST QUARTER AND PART OF AUDITORS LOT 2 IN THE NORTHEAST QUARTER
OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

LEGEND

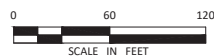
-  5/8" x 18" LONG REBAR, MONUMENT SET OR TO BE SET, CAP MARKED BY LIC. NO. LS-5900
-  5/8" DIAMETER REBAR FOUND
-  SUBJECT PROPERTY LINE
-  EXISTING PROPERTY LINE
-  EASEMENT LINE
-  QUARTER SECTION LINE
-  EXISTING CONTOUR LINE PER CITY OF FARGO
-  LIDAR CONTOUR DRAWINGS NAVD88 DATED 2017
-  AREA NOT WITHIN 100 YEAR FLOODPLAIN
-  NEGATIVE ACCESS EASEMENT

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

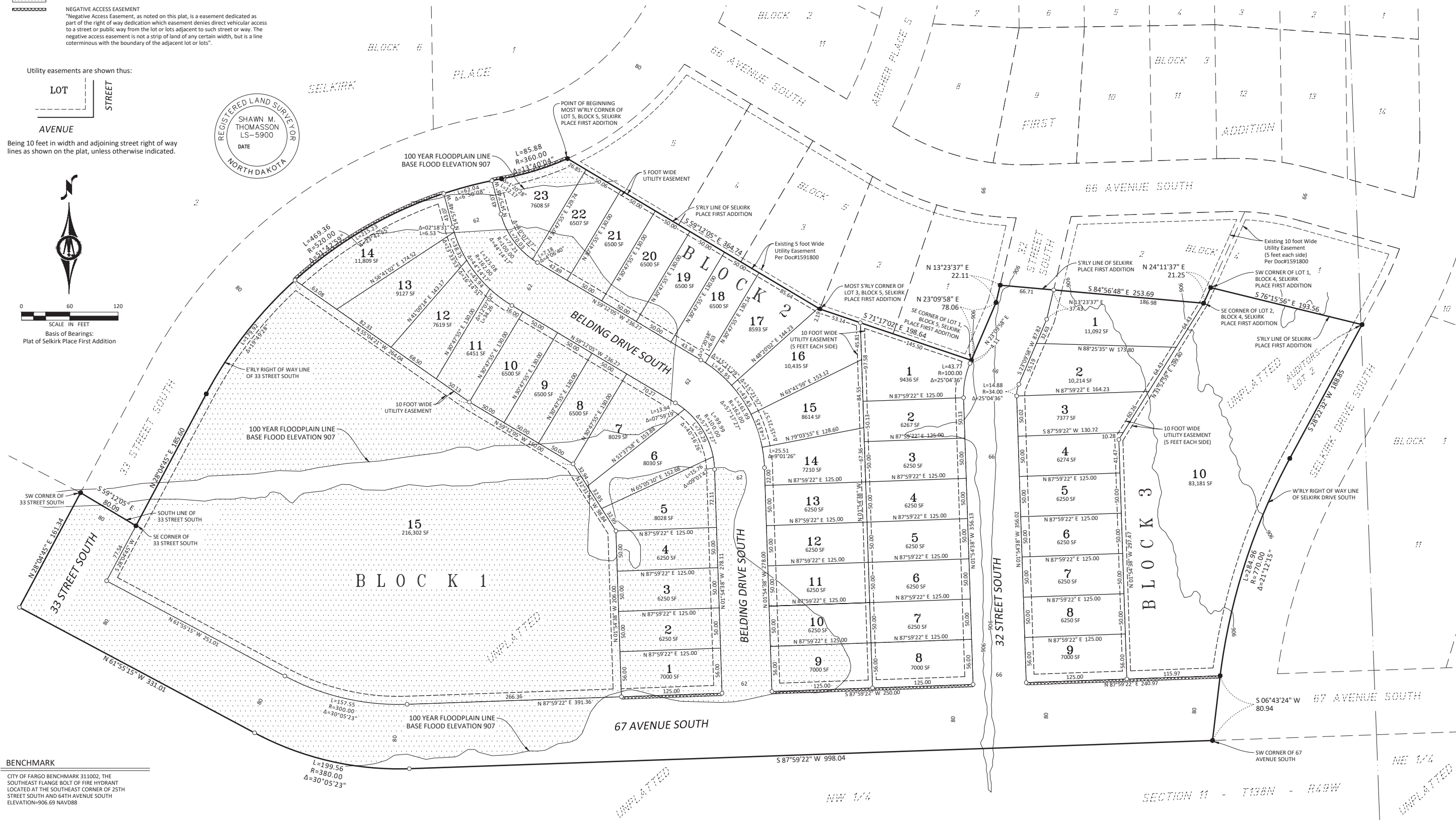
Utility easements are shown thus:



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



Scale in Feet
Basis of Bearings:
Plat of Selkirk Place First Addition



BENCHMARK
CITY OF FARGO BENCHMARK 311002, THE
SOUTHEAST FLANGE BOLT OF FIRE HYDRANT
LOCATED AT THE SOUTHEAST CORNER OF 25TH
STREET SOUTH AND 64TH AVENUE SOUTH
ELEVATION=906.69 NAVD88



SELKIRK PLACE SECOND ADDITION

PART OF THE NORTHWEST QUARTER AND PART OF AUDITORS LOT 2 IN THE NORTHEAST QUARTER
OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Earlyne L. Hector, owner of a parcel of land located in that part of the Northwest Quarter and part of Auditors Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Beginning at the most westerly corner of Lot 5, Block 5, SELKIRK PLACE FIRST ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence South 59 degrees 12 minutes 05 seconds East on a record bearing along the southerly line of said SELKIRK PLACE FIRST ADDITION for a distance of 364.74 feet to the most southerly corner of Lot 3, said Block 5; thence South 71 degrees 17 minutes 02 seconds East continuing along said southerly line for a distance of 198.64 feet to the southeast corner of Lot 1, said Block 5; thence North 23 degrees 09 minutes 58 seconds East continuing along said southerly line for a distance of 78.06 feet; thence North 13 degrees 23 minutes 37 seconds East continuing along said southerly line for a distance of 22.11 feet; thence South 84 degrees 56 minutes 48 seconds East continuing along said southerly line for a distance of 253.69 feet to the southeast corner of Lot 2, Block 4, said SELKIRK PLACE FIRST ADDITION; thence North 24 degrees 11 minutes 37 seconds East continuing along said southerly line for a distance of 21.25 feet to the southwest corner of Lot 1, said Block 4; thence South 76 degrees 15 minutes 56 seconds East continuing along said southerly line for a distance of 193.56 feet to the westerly right of way line of Selkirk Drive South as dedicated and delineated in said SELKIRK PLACE FIRST ADDITION; thence South 28 degrees 22 minutes 32 seconds West along said westerly right of way line for a distance of 188.85 feet; thence southerly along said westerly right of way line on a tangential curve concave to the east, having a radius of 770.00 feet and a central angle of 21 degrees 12 minutes 15 seconds for an arc distance of 284.96 feet; thence South 06 degrees 43 minutes 24 seconds West along said westerly right of way line for a distance of 80.94 feet to the southwest corner of 67 Avenue South as dedicated and delineated in said SELKIRK PLACE FIRST ADDITION; thence South 87 degrees 59 minutes 22 seconds West for a distance of 998.04 feet; thence westerly on a tangential curve concave to the north, having a radius of 380.00 feet and a central angle of 30 degrees 05 minutes 23 seconds for an arc distance of 199.56 feet; thence North 61 degrees 55 minutes 15 seconds West for a distance of 331.01 feet; thence North 28 degrees 04 minutes 45 seconds East for a distance of 161.34 feet to the southwest corner of 33 Street South as dedicated and delineated in said SELKIRK PLACE FIRST ADDITION; thence South 59 degrees 12 minutes 05 seconds East along the south line of said 33 Street South for a distance of 80.09 feet to the southeast corner of said 33 Street South; thence North 28 degrees 04 minutes 45 seconds East along the easterly right of way line of said 33 Street South for a distance of 185.60 feet; thence northeasterly along said easterly right of way line on a tangential curve concave to the southeast, having a radius of 520.00 feet and a central angle of 51 degrees 42 minutes 59 seconds for an arc distance of 469.36 feet; thence northeasterly along said easterly right of way line on a reverse curve concave to the north, having a radius of 360.00 feet and a central angle of 13 degrees 40 minutes 04 seconds for an arc distance of 85.88 feet to the point of beginning.

Said tract of land contains 19.31 acres, more or less, and is 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 "SELKIRK PLACE SECOND ADDITION" to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public for public use forever the streets and the utility easements as shown on this plat.

OWNER:
Earlyne L. Hector

By: Earlyne L. Hector, an individual

State of North Dakota }
County of Cass }

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Earlyne L. Hector, an individual, 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 a free act and deed.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

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

State of North Dakota }
County of Cass }

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

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Tom Knakmuhs, P.E., City Engineer

State of North Dakota }
County of Cass }

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

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider, Planning Commission Chair

State of North Dakota }
County of Cass }

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

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota }
County of Cass }

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public

FOR LOT 15, BLOCK 1, ZONED MR-3 WITH CONDITIONAL OVERLAY:

1. No accessory buildings shall be allowed between the primary building(s) and the front or street side along public right of way or between building front and private road.
2. Individual accessory buildings shall have a maximum length of 140 feet.
3. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development.
 - b. Parking areas that serve each primary building.
 - c. Any public sidewalk system along the perimeter streets adjacent to the development.
 - d. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, and office buildings.

City of Fargo Staff Report			
Title:	Edgewood Estates Third Addition	Date:	5/29/2024
Location:	3619 Parker Place North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 1, Block 1, Edgewood Estates Second Addition		
Owner(s)/Applicant:	Jon Schilling / Brian Pattengale—Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 1, Edgewood Estates Second Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: June 4, 2024		
Existing		Proposed	
Land Use: Detached single-dwelling residential		Land Use: No change	
Zoning: SR-2, Single-Dwelling Residential		Zoning: No change	
Uses Allowed: SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities		Uses Allowed: No change	
Maximum Density Allowed: 5.4 dwelling units per acre		Maximum Density Allowed: No change	
Proposal:			
<p>The applicant requests one entitlement:</p> <ul style="list-style-type: none"> • A minor subdivision, entitled Edgewood Estates Third Addition which is a replat of Lot 1, Block 1, Edgewood Estates Second Addition The plat will divide the existing lot into two lots. <p>The property is undeveloped. The property is zoned SR-2, Single-Dwelling Residential. No zone change is proposed.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-2, detached single-dwelling residential • East: SR-2, detached single-dwelling residential • South: SR-2, detached single-dwelling residential • West: SR-2, detached single-dwelling residential 			
Area Plans:			
The subject property is not included within any area plans or neighborhood plans.			
Context:			
<p>Schools: The subject property is located within the Fargo School District and is served by Longfellow Elementary, Ben Franklin Middle and North High schools.</p> <p>Neighborhood: The subject property is located within the Edgewood neighborhood.</p> <p>Parks: Edgewood Public Golf Course is within approximately one-quarter mile of the subject property</p>			

and offers the amenities of baseball/softball; basketball; grill; multipurpose field; playground, ages 5-12; picnic table; restrooms; soccer; tennis; disc golf

Pedestrian / Bicycle: There are no on-road bike routes or multi-use trails in the rights of way adjacent to the subject property.

Transit/MATBUS: The subject property is not on a MATBUS route.

Staff Analysis:

The subject property was created by combining Lots 9 and 10, Block 3, Edgewood Estates Addition into a single lot in 2021, with Edgewood Estates Second Addition. The property owner's plans have now changed. The current plat divides the subject property into two lots. The 10-foot wide storm sewer easement along the common property line of Lots 1 and 2 shown on the proposed plat replaces one that was vacated with the previous plat. The underlying storm sewer line has not been relocated; it will be within this easement.

SUBDIVISION

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

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

The subject property is not located within an area plan or neighborhood plan. The property within this plat is currently zoned SR-2, Single-Dwelling Residential. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any, inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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

Staff Recommendation:

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

Planning Commission Recommendation: June 4, 2024

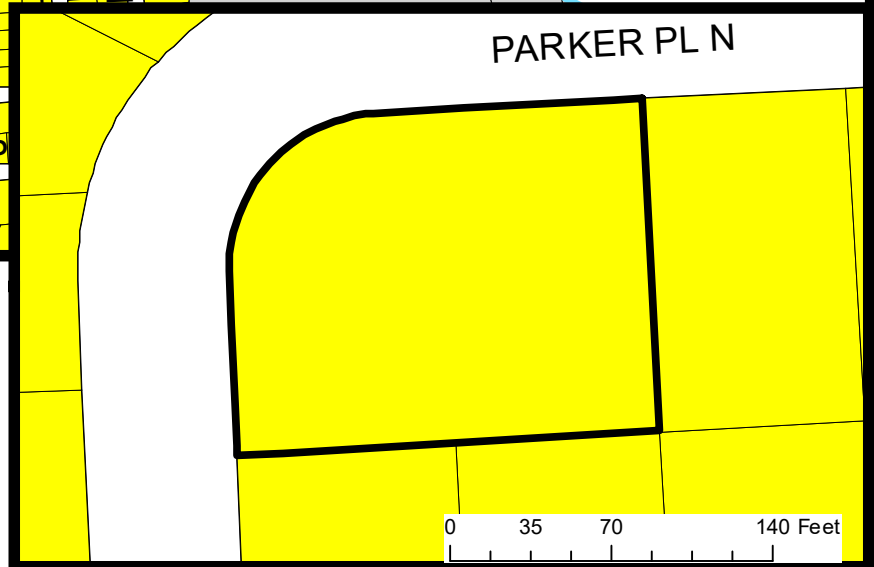
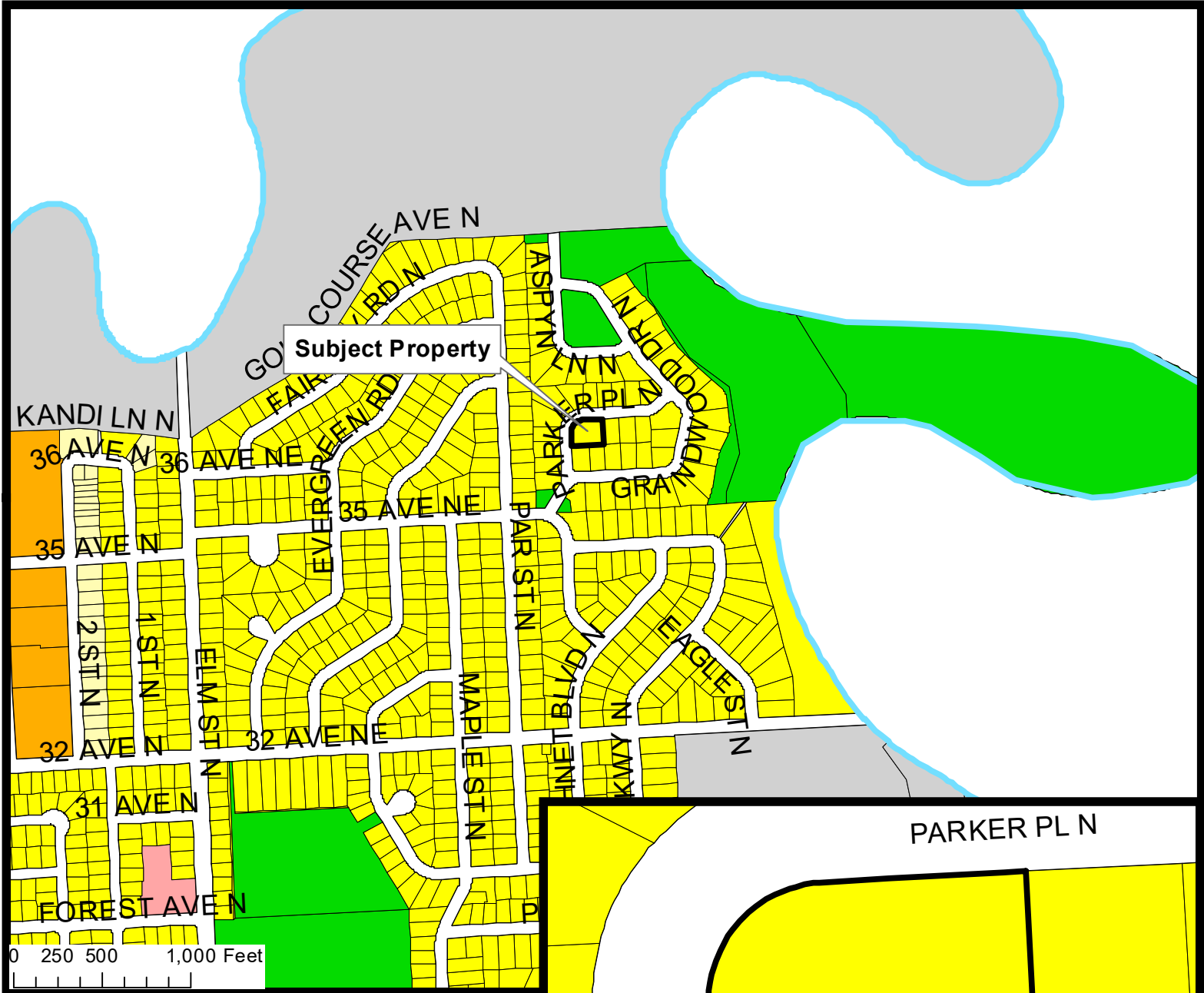
Attachments:

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

Minor Subdivision

Edgewood Estates Third Addition

3619 Parker Place North



Legend

AG	DMU	GC	GO	LC	LJ	MR-1	MR-2	MR-3	MHP	MNC	BO	P1	UMU	SR-2	SR-3	SR-4	SR-5	City Limits
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Minor Subdivision

Edgewood Estates Third Addition

3619 Parker Place North



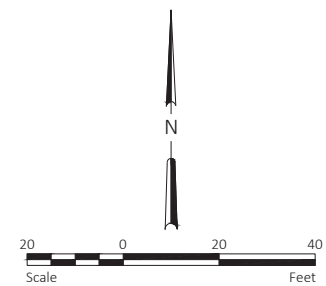
Legend

 City Limits

EDGEWOOD ESTATES THIRD ADDITION

BEING A REPLAT OF LOT 1, BLOCK 1, EDGEWOOD ESTATES SECOND ADDITION

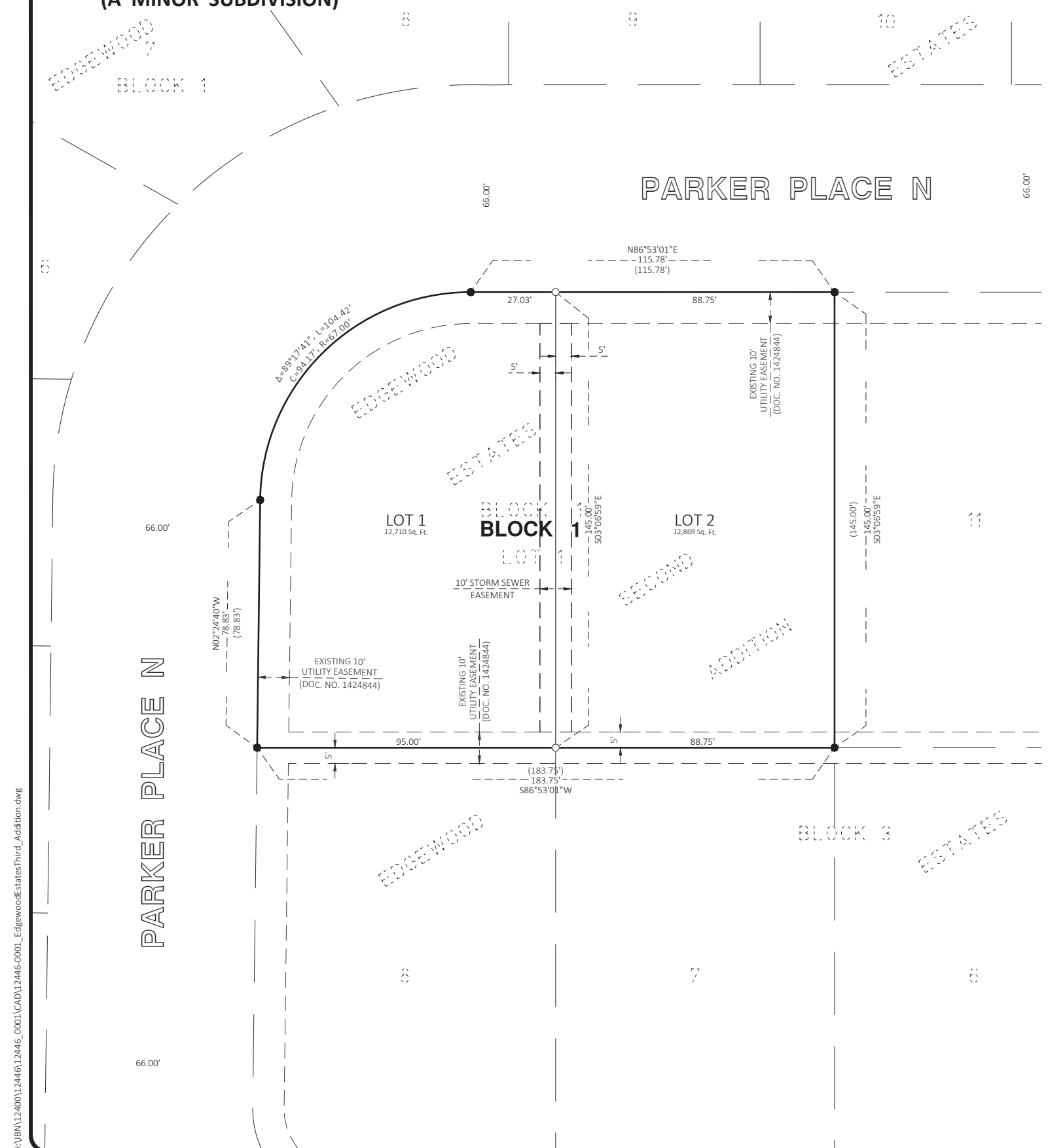
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



LEGEND

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

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



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EDGEWOOD ESTATES THIRD ADDITION

BEING A REPLAT OF LOT 1, BLOCK 1, EDGEWOOD ESTATES SECOND ADDITION
 TO THE CITY OF FARGO,
 CASS COUNTY, NORTH DAKOTA
 (A MINOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Jon Shilling, a single person, is the owner and proprietor of the following described tract of land:

Lot 1, Block 1, Edgewood Estates Second Addition, City of Fargo, Cass County, North Dakota.

Said tract of land contains 25,579 square feet, more or less.

And that said party has caused the same to be surveyed and re-platted as **EDGEWOOD ESTATES THIRD ADDITION** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the storm sewer easement as shown on this plat.

OWNER:

 Jon Shilling

State of North Dakota)
) ss
 County of Cass)

On this _____ day of _____, 20____, before me personally appeared Jon Shilling, a single person, 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: _____

SURVEYOR'S CERTIFICATE:

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

Dated this _____ day of _____, 20____.

 Curtis A. Skarphol,
 Professional Land Surveyor No. 4723

State of North Dakota)
) ss
 County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

 Tom Knakmuhs, PE, City Engineer

State of North Dakota)
) ss
 County of Cass)

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

Notary Public: _____

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: _____

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: _____

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City of Fargo Staff Report			
Title:	The Pines at the District Seventh Addition	Date:	05/30/2024
Location:	5501 38 th Street South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lot 1, Block 1 The Pines at the District Sixth Addition		
Owner(s)/Applicant:	Gitty-Up, LLC / Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	1) Zoning Change (from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-dwelling Residential with a C-O, Conditional Overlay) and 2) Minor Subdivision (replat of Lot 1, Block 1, The Pines at the District Sixth Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: June 4, 2024		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial and residential
Zoning: LC, Limited Commercial with a C-O, Conditional Overlay (Ordinance 5422)	Zoning: LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-dwelling Residential with a C-O, Conditional Overlay.
<p>Uses Allowed: LC 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.</p> <p>Conditional Overlay No. 5422 prohibits certain uses.</p>	<p>Uses Allowed: LC 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.</p> <p>MR-3 allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, community service, day care up to 12 people, parks and open areas, religious institutions, safety services, schools, basic utilities, and certain telecommunication facilities.</p> <p>The attached Draft Conditional Overlay applies to both LC and MR-3 properties.</p>
Maximum Lot Coverage Allowed: 55%	Maximum Lot Coverage Allowed: No Change

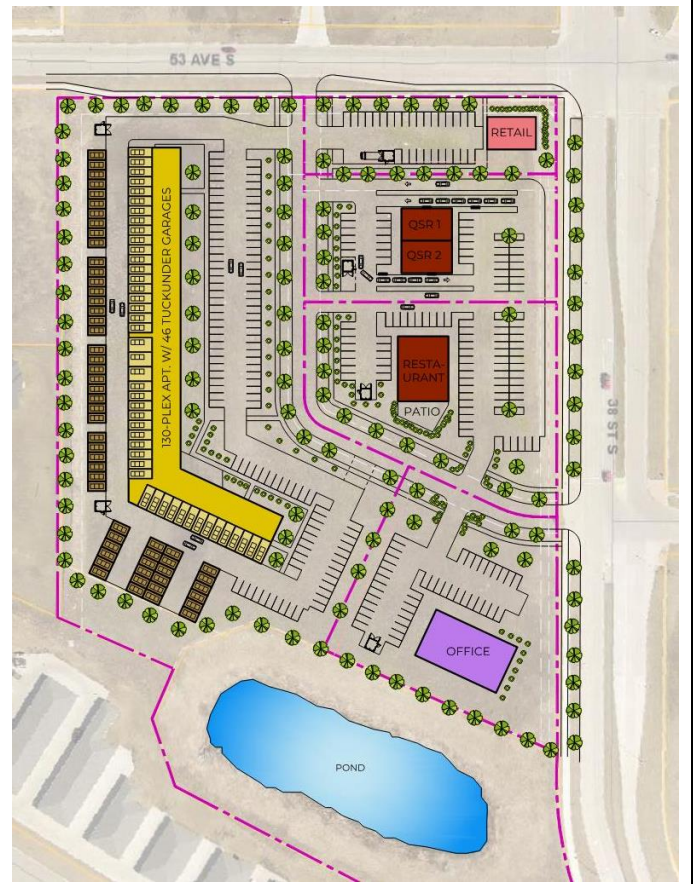
Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-dwelling Residential with a C-O, Conditional Overlay. 2. A Minor Subdivision, to be known as The Pines at the District Seventh Addition, a replat of Lot 1, Block 1, The Pines at the District Sixth Addition. <p>The applicant is seeking approval for a zone change and minor subdivision located at 5501 38th Street South. The request is to split an existing lot into a 3 lot minor subdivision entitled, The Pines at the District Seventh Addition. The applicant provided the preliminary master plan or the development which shows the general building layout</p>

and pedestrian connectivity. Some of the lot lines shown in pink are speculative. Please refer to the plat attached for the correct lot configuration. The yellow building indicates the residential multi-dwelling structure proposed that would follow MR-3 zoning regulations with the proposed C-O.

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

Surrounding Land Uses and Zoning Districts:

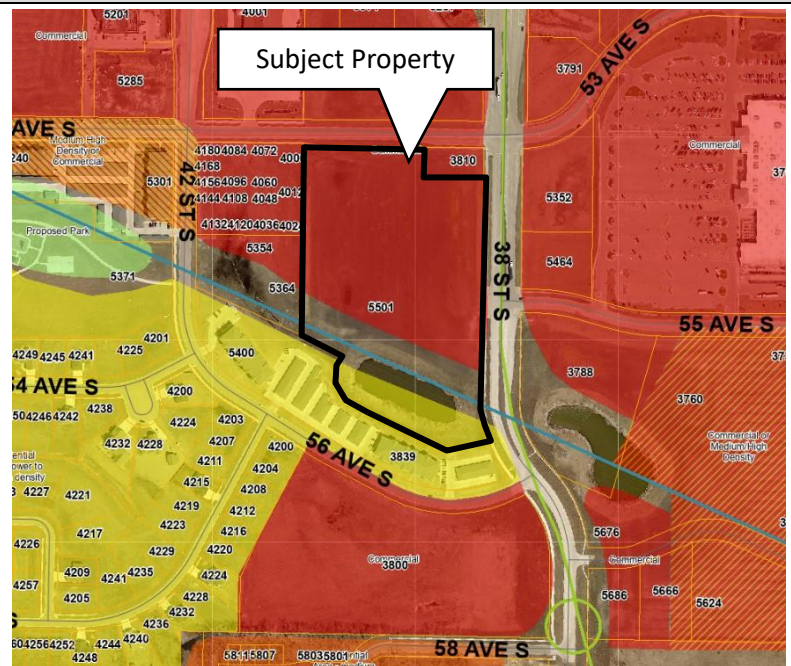
- North: LC, Limited Commercial with a conditional overlay with undeveloped properties;
- East: LC, Limited Commercial with a conditional overlay with undeveloped properties;
- South: MR-3, Multi-Dwelling Residential with Multi-Dwelling Structure uses;
- West: LC, Limited Commercial with a conditional overlay with retail sales and service and offices.



Area Plans:

The subject property is designated as "commercial" and "low/medium density residential" on the 2007 Tier 1 Southwest Land Use Plan. Although the land use designations aren't specifically a "medium/high density residential" as we often see with MR-3 zoned properties, staff determined it unnecessary to have a Growth Plan Amendment because it is generally consistent with the Growth Plan and should be reviewed on larger regional requests. The current LC, Limited Commercial, zoning and the proposed MR-3, Multi-dwelling Residential, zoning are consistent with the land use designations.

- Medium High Density or Commercial
- Medium/High Density Residential
- Low/Medium Density Residential
- Proposed Park
- Commercial or Medium/High Density
- Commercial



Context:

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

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

Parks: The subject property is located within 0.08 miles of the Pines Park (5371 42nd Street South). Amenities include Basketball court, grill, picnic table, playground for ages 2-5, playground for ages 5-12, recreational trails and provides a shelter.

Pedestrian / Bicycle: There is a shared use path that runs along the south side of 53rd Avenue South that meets up with a shared use path that runs along the west side of 38th Street South.

MATBUS Route: MATBUS Route 18 has a stop on the north side of the 52nd Avenue Wal-Mart, approximately one quarter of a mile northeast of the subject property.

Staff Analysis:

The applicant is seeking approval for a zoning change and minor subdivision located at 5501 38th Street South. The request is to split an existing lot into a 3 lot minor subdivision entitled, **The Pines at the District Seventh Addition**. The proposed lot on the west/southwest (Lot 3, Block 1, The Pines at the District Seventh Addition) will be MR-3, Multi-dwelling Residential with a C-O property and the lots on the east side of the property (Lots 1-2, Block 1, The Pines at the District Seventh Addition) will remain LC, Limited Commercial with a C-O. Staff has worked with the applicant to simplify the C-O from what is there currently in addition to including an access and utility easement that travels along the shared lot lines through the middle of the subject property. The applicant is currently working on updating the plat to show this easement. The existing C-O will be replaced by a new C-O that will apply to all of the proposed lots. The C-O consists of design standards, parking lot landscaping, and pedestrian connectivity. All other existing easements have been carried over from the previous subdivisions.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to the subject property. The property is currently zoned LC, Limited Commercial with a C-O, Conditional Overlay and is proposed to be changed to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-dwelling Residential with a C-O, Conditional Overlay. 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 a multi-dwelling structure on the proposed Lot 3, Block 1, The Pines at the District Seventh Addition.

(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 properties are adjacent to existing developed public rights-of-way, which provide access and public utilities to serve them.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

The purpose of the LDC is to implement Fargo’s Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, 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.**

This subdivision is intended to replat the existing lot into 3 new lots. The current zoning is LC, Limited Commercial with a C-O, and is proposed to be changed to LC, Limited Commercial with a C-O and MR-3, Multi-dwelling Residential with a C-O. 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 one inquiry about the application with no noted concern. 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 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 LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-dwelling Residential with a C-O, Conditional Overlay, and 2) Minor subdivision plat entitled, **The Pines at the District Seventh Addition** as outlined within the staff report, as the proposal complies with the adopted 2007 Tier 1 Southwest Land Use Plan, the standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0907.B. and C of the LDC, and all other applicable requirements of the Land Development Code.”

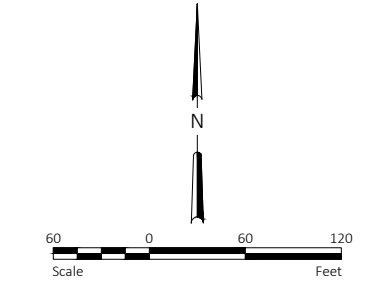
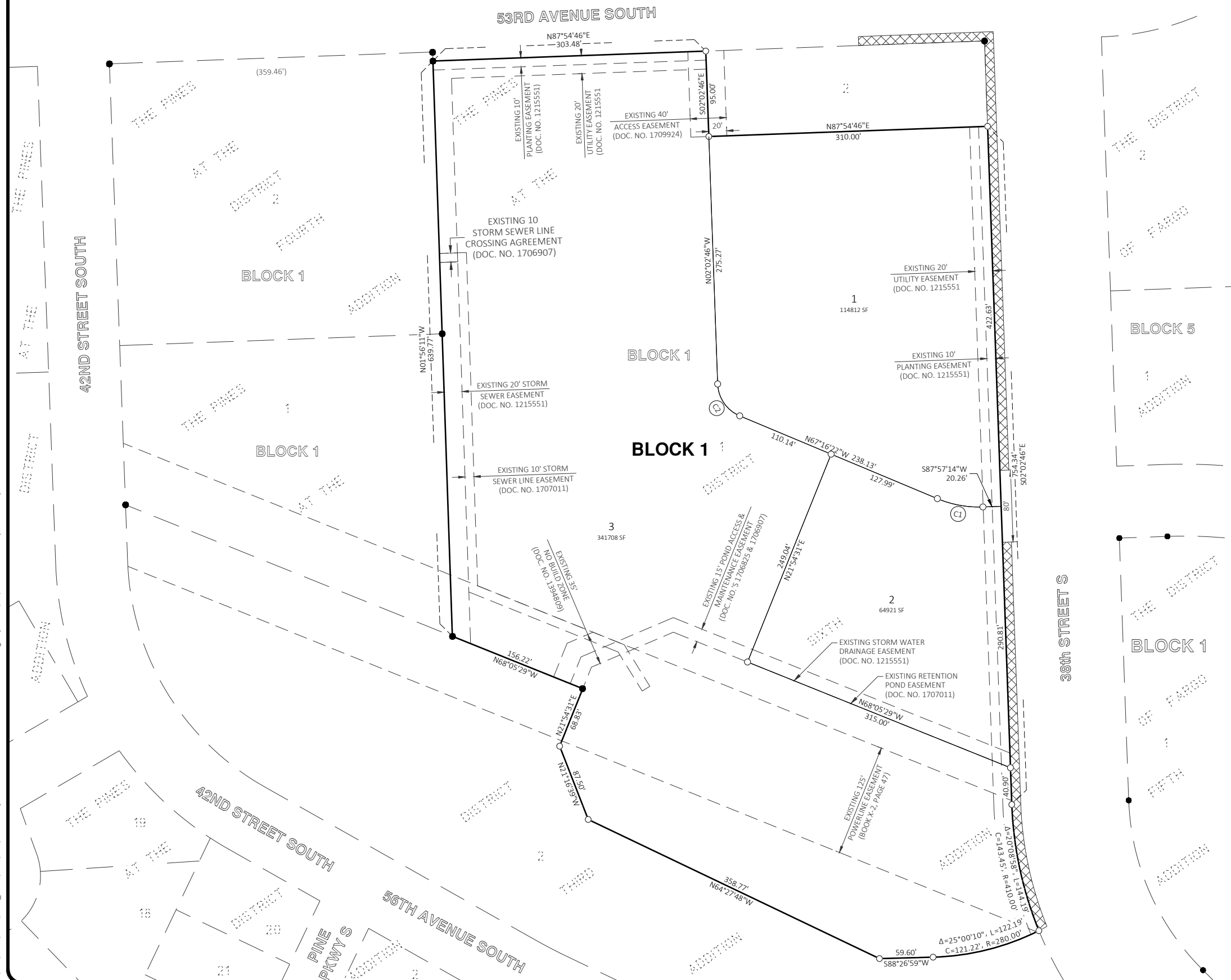
Planning Commission Recommendation: June 4, 2024

Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft C-O

THE PINES AT THE DISTRICT SEVENTH ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOT 1, BLOCK 1, THE PINES AT THE DISTRICT SIXTH 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	-----
EXISTING NEGATIVE ACCESS EASEMENT (DOC. NO. 126391)	XXXXXX

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

- NOTES:**
1. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
 2. THE BREAK IN THE NEGATIVE ACCESS EASEMENT ALONG 38TH STREET SOUTH ALIGNS WITH 55TH AVENUE SOUTH, AND IS THE SAME WIDTH AS THAT ROW, AS DEPICTED ON THE DISTRICT OF FARGO SECOND ADDITION (DOC. NO. 1263911).
 3. PROPERTY IS SITUATED IN ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) AS DEPICTED ON FEMA FIRM PANELS 38017C0786G AND 38017C0787G, DATED JANUARY 16, 2015.
 4. BASE FLOOD ELEVATION = 905.7' (NAVD 1988)

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	51.89	120.00	24°46'24"	N79°39'34"W	51.48
C2	45.54	40.00	65°13'36"	N34°39'34"W	43.12

H:\BKV\400\7489\7489_0125\CAD\Plat\Preliminary The Pines at the District Seventh Addition.dwg; Layout:1-5/15/2024 10:15 AM; (dbuchholz)

THE PINES AT THE DISTRICT SEVENTH ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOT 1, BLOCK 1, THE PINES AT THE DISTRICT SIXTH ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

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

Lot 1, Block 1, The Pines at the District Sixth Addition, to the City of Fargo, Cass County, North Dakota.

Said tract contains 11.971 acres, more or less.

And that said party has caused the same to be surveyed and platted as **THE PINES AT THE DISTRICT SEVENTH ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:

Gitty-Up LLC

By: Syndica, LLP

Its: Managing General Partner

Austin J. Morris, Managing Partner

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Austin J. Morris, Partner of Syndica, LLP, a North Dakota limited liability partnership, 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 partnership.

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____.

Tom Knakmuhs, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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: _____

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: _____

H:\BN\7400\7489_0125\CAD\Plat\Preliminary The Pines at the District Seventh Addition.dwg:Layout1 (2)-5/15/2024 10:35 AM-(dbuchholz)

Conditional Overlay Items
The Pines at the District Seventh Addition
5501 38 St S

1. Description: This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding development within the described property.
 - a. All buildings shall have architectural interest and variety through the use of articulated façades to avoid the effect of a single, long or massive wall.
 - b. Four sided design – all building facades shall be designed with a similar level of design detail, respective to building massing and building materials.
2. All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal-cladding similar to ‘Aluco Bond’, ‘MAC’, ‘Pac-Clad’, and synthetic panels similar to ‘Trespa’ and ‘Nichiha’. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with a wood look may be used. Horizontal lap siding and vertical board & batten shall be allowed on residential structures but shall not exceed 75% of the building elevation for residential.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated facade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor façades that front public right-of-way shall have arcades, windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length for commercial and 30 percent of their horizontal length for residential. If the façade facing the street is not the front, it shall include the same features and/or landscaping in scale with the façade.
6. The total building footprint for all accessory buildings shall be a maximum of 45 percent of the primary building coverage.
7. No accessory structures shall be allowed between the primary structure and the front or street side property line or in the front of the building.
8. Individual accessory structures shall have a maximum length of 140 feet.
9. A minimum of 40 percent of the primary building footprint shall be designated for parking integrated into the structure for residential.

10. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other structures. All ground level HVAC units and utility boxes shall be screened from view by a structure, wall, fence, or landscaping.
11. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
12. Separate vehicular and pedestrian circulation systems shall be provided. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. The primary entrance or entrances to each commercial building, including pad site buildings.
 - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
 - c. Parking areas or structures that serve such primary buildings.
 - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
 - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
 - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
13. A minimum of 5% of the internal surface area of the parking lot shall be landscaped with plantings. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
14. As to the Use Categories applicable to the base, "LC", zoning district, the following uses are prohibited.
 - a. Detention Facilities
 - b. Self-Service Storage
 - c. Adult Establishment
 - d. Off-Premise Advertising
 - e. Portable Signs
 - f. Vehicle Repair
 - g. Industrial Uses
15. Definitions:
 - a. Façade: Any exterior side of a building as viewed from a single direction, typically perpendicular to the exterior side of the building being viewed.
 - b. Depth: A horizontal distance perpendicular to a building façade.
 - c. Elevation: A horizontal orthographic projection of a building onto a vertical plane, parallel to one side of the building.
 - d. Landscaped: To make an area of land more attractive by adding plants.

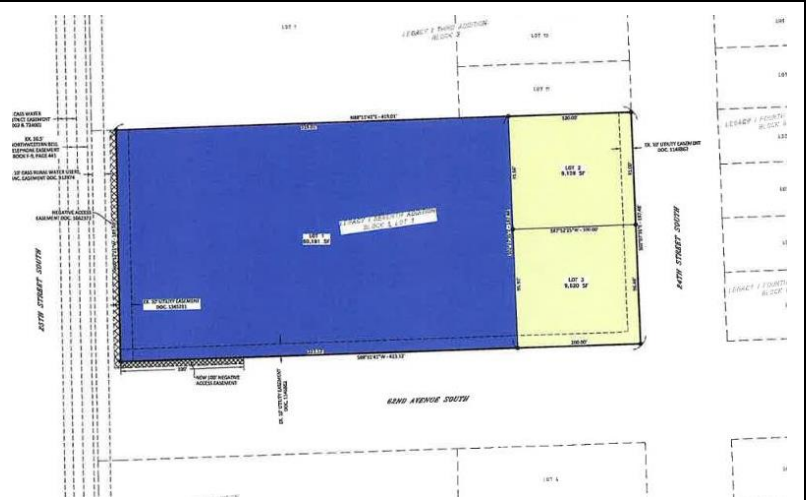
City of Fargo Staff Report			
Title:	Legacy 1 Eighth Addition	Date:	05/30/2024
Location:	6155 24 th Street South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lot 1, Block 1, Legacy 1 Seventh Addition		
Owner(s)/Applicant:	ProCore Development LLC/Brandon Raboin	Engineer:	Lowry Engineering
Entitlements Requested:	1) Zoning Change (from GO, General Office with a C-O, Conditional Overlay, to GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential) and 2) Minor Subdivision (Replat of Lot 1, Block 1, Legacy 1 Seventh Addition)		
Status:	Planning Commission Public Hearing: June 4, 2024		

Existing
Land Use: Undeveloped land
Zoning: GO, General Office with a C-O, Conditional Overlay
Uses Allowed: GO allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, commercial parking , and certain telecommunication facilities. Conditional Overlay No. 5343 prohibits certain uses as indicated above.
Maximum Density Allowed: GO has no density requirements.
Maximum Lot Coverage Allowed: GO allows up to 65% building coverage.

Proposed
Land Use: Undeveloped land and attached housing
Zoning: GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential
Uses Allowed: GO allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, commercial parking , and certain telecommunication facilities. Conditional Overlay No. 5343 prohibits certain uses as indicated above. SR-5, Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: GO has no density requirements, SR-5 allows a maximum 14.5 units per acre.
Maximum Lot Coverage Allowed: GO allows up to 65% building coverage, SR-5 allows up to 50% building coverage.

Proposal:
The applicant requests two entitlements: <ol style="list-style-type: none"> 1. A Zoning Change from GO, General Office with a C-O, Conditional Overlay, to GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential. 2. A Minor Subdivision, to be known as Legacy 1 Eighth Addition, a replat of Lot 1, Block 1, Legacy 1 Seventh Addition.

The subject property is located at 6155 24th Street South and encompasses approximately 1.81 acres. The minor subdivision will consist of 3 lots and 1 block. The applicant is proposing that the zoning for the west portion of the property (new Lot 1, Block 1, Legacy 1 Eighth Addition) will remain zoned GO, General Office with a C-O, but the east portion of the property (new Lots 2-3, Block 1, Legacy 1 Eighth Addition) will change to SR-5, Single-dwelling Residential to accommodate attached housing development. The proposed development includes one 3-plex attached housing building on both SR-5 lots and the GO property does not have any plans at this time. The provisions of conditional overlay ordinance no. 5343 includes design standards, signage regulations, and use restrictions.



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:

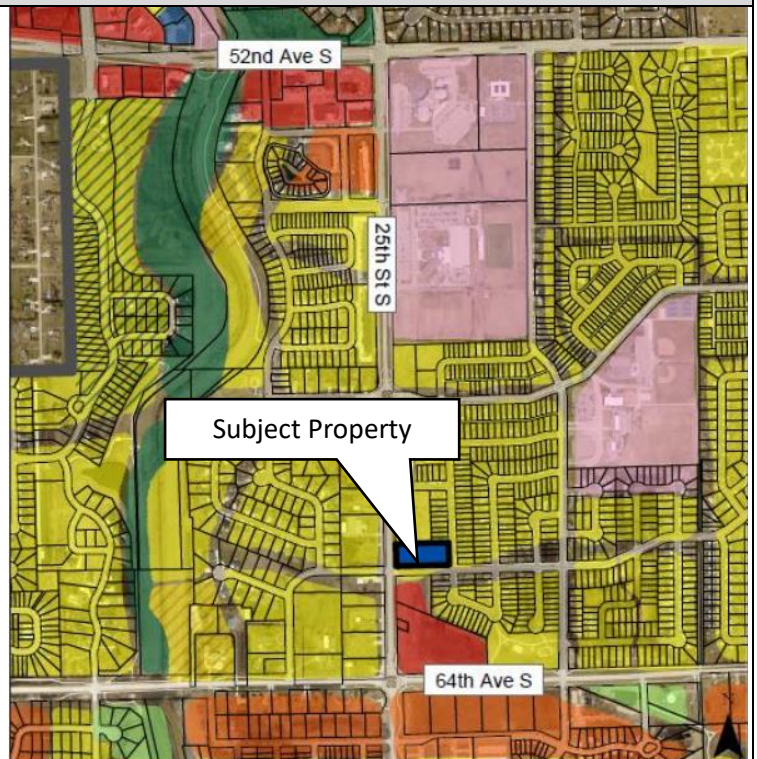
- North: P/I, Public and Institutional, undeveloped; SR-4, Single-Dwelling Residential with household living;
- East: SR-4, Single-Dwelling Residential with household living;
- South: NC, Neighborhood Commercial, undeveloped; and SR-4, Single-dwelling Residential with household living;
- West: SR-2,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

Area Plans:

The subject property is located within the 2001 (amended) Growth Plan. Within this growth plan, the subject property is identified as being suitable for “Office” use. Adjacent to the “Office” use designation is “Residential Area – lower to medium density.” Staff has determined that the proposed zone of GO, General Office, and SR-5, Single-dwelling Residential, is consistent with this land use designation.

2001 Growth Plan

- | | |
|--|------------------------------|
| City Limits | Parkland |
| Commercial | Public and Institutional |
| Office | Residential Area or Parkland |
| Residential Area - lower to medium density | |
| Residential Area - lower to high density | |
| Residential Area - medium to high density | |



Schools and Parks:

Neighborhood: The subject property is located in the Bennett Neighborhood.

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

Parks: The subject property is within a quarter mile from Legacy Park, located at 6297 22nd Street South. Amenities include a basketball court, grill, picnic tables, playgrounds, recreational trails, and a shelter.

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

MATBUS Route: No MATBUS route is within a quarter mile of the subject property.

Staff Analysis:

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to the subject property. The property is currently zoned GO, General Office with a C-O, Conditional Overlay. The applicant is proposing that the zoning for the west portion of the property (new Lot 1, Block 1, Legacy 1 Eighth Addition) will remain as is, but the east portion of the property (new Lots 2-3, Block 1, Legacy 1 Eighth Addition) will change to SR-5, Single-dwelling Residential to accommodate attached housing development. 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 residential adjacent to existing residential on the east and is keeping the west portion the same.

(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 properties are adjacent to existing developed public rights-of-way, which provide access and public utilities to serve them.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

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

This subdivision is intended to replat the existing lot into three new lots. The property is currently zoned GO, General Office with a C-O, Conditional Overlay. The, applicant is proposing that the zoning for the west portion of the property (new Lot 1, Block 1, Legacy 1 Eighth Addition) will remain as is, but the east portion of the property (new Lots 2-3, Block 1, Legacy 1 Eighth Addition) will change to SR-5, Single-dwelling Residential to accommodate attached housing development. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no inquiries related to the project.

(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 GO, General Office with a C-O, Conditional Overlay, to GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential and 2) Minor Subdivision Plat, **Legacy 1 Eighth Addition** as outlined within the staff report, as the proposal complies with the adopted 2001 (amended) Growth Plan, the standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0907.B. and C of the LDC, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: June 4, 2024

Attachments:

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

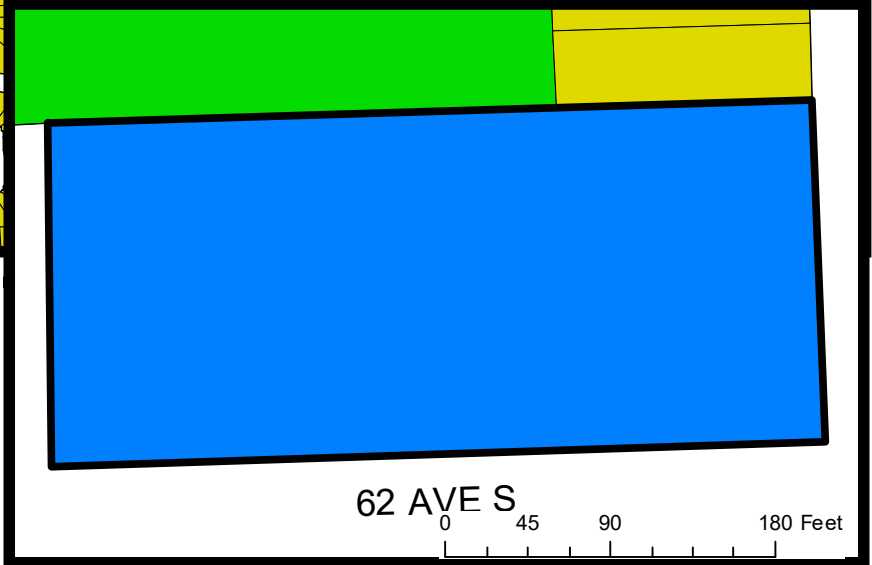
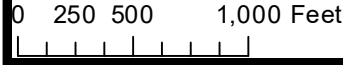
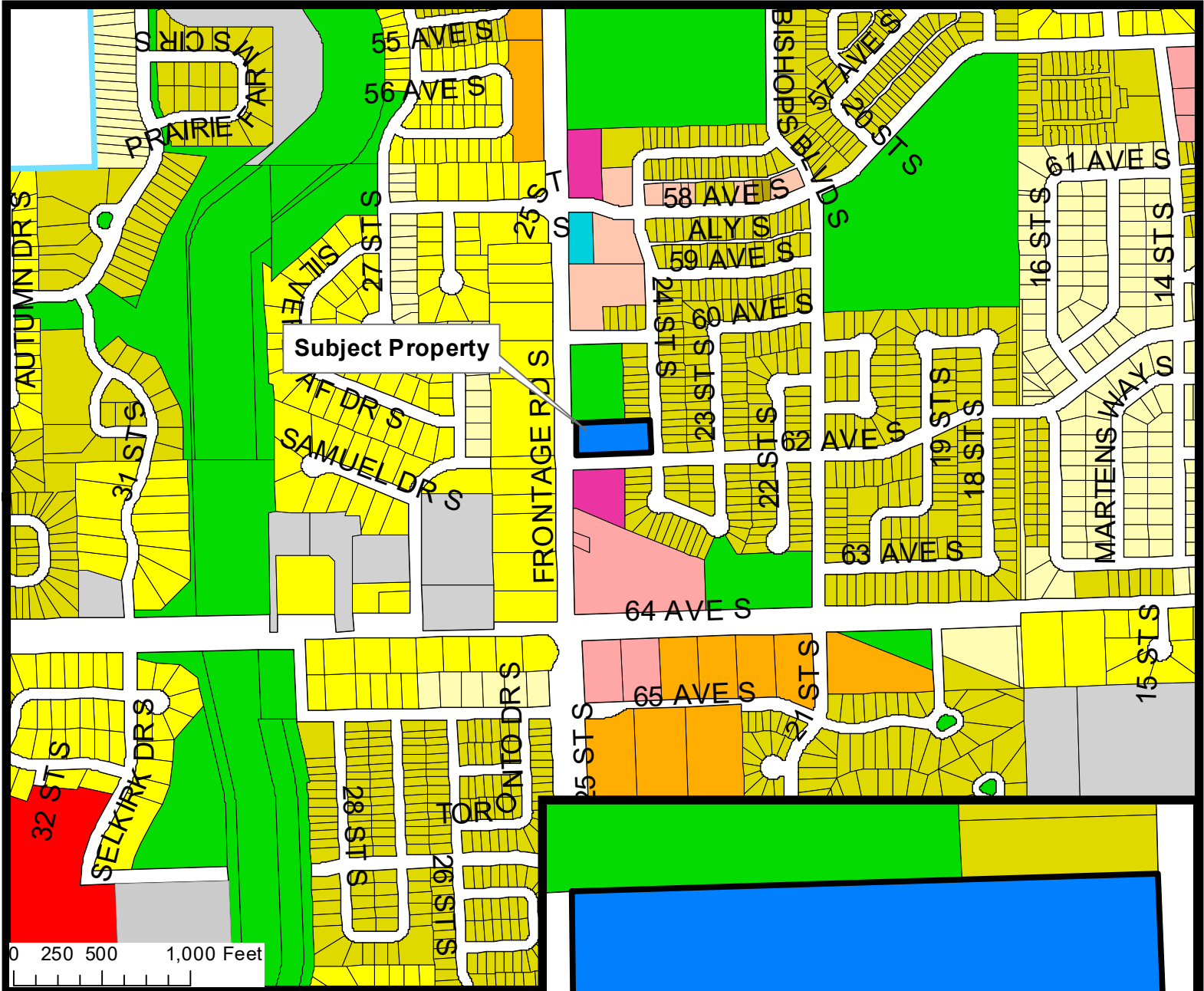
Minor Subdivision & Zone Change from GO, General Office

\ # \ to GO General Office # \ and

SR-5, Single-Dwelling Residential

Legacy 1 Eighth Addition

6155 24th Street South



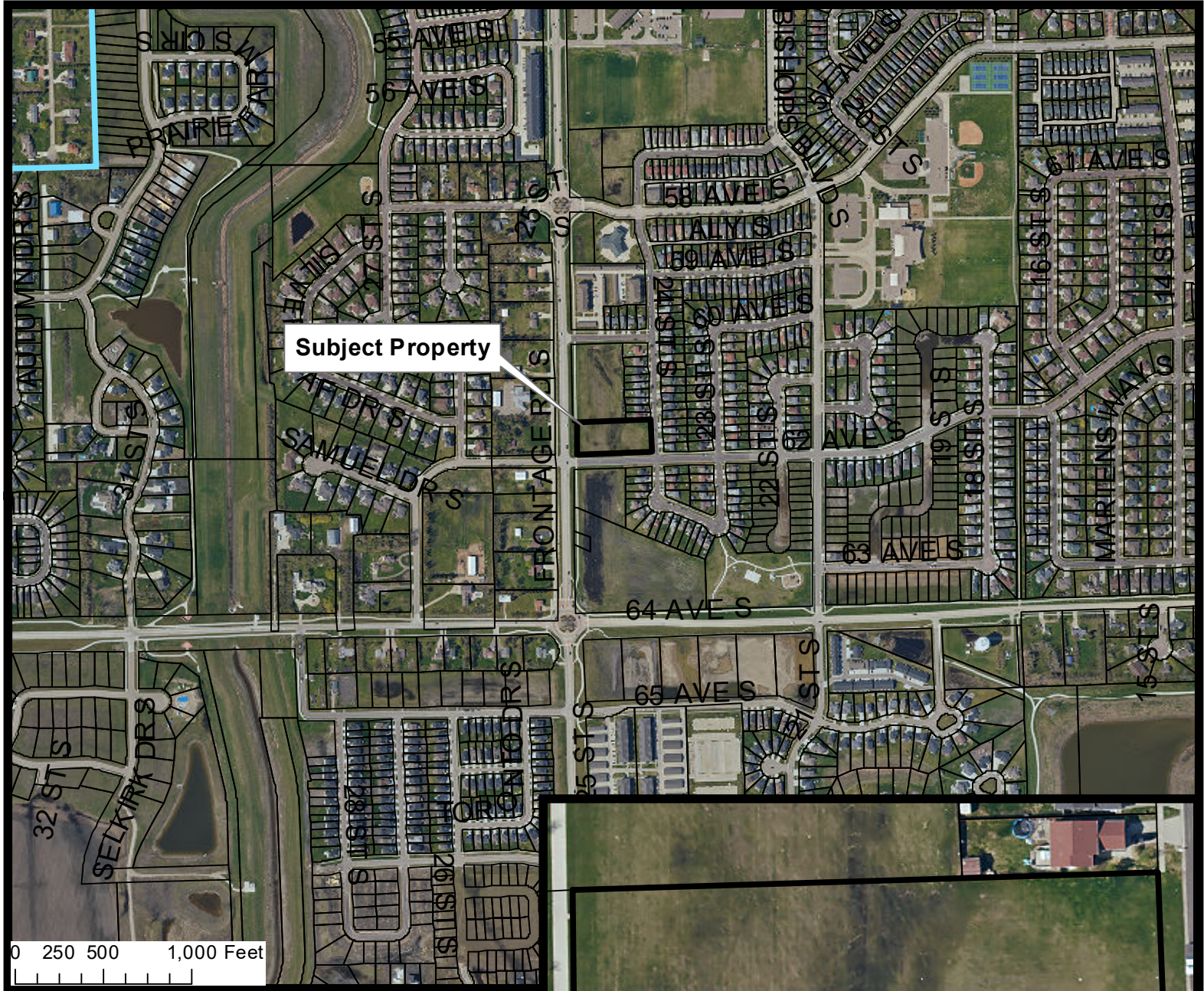
Legend

- AG
- DMU
- LC
- MHP
- GO
- MR-1
- MR-2
- MR-3
- P/I
- UMU
- SR-1-2
- SR-1-3
- SR-2-1
- SR-2-2
- SR-2-3
- SR-2-4
- SR-2-5
- City Limits

Minor Subdivision & Zone Change from GO, General Office with a C-O, Conditional Overlay to GO, General Office with a C-O and SR-5, Single-Dwelling Residential

Legacy 1 Eighth Addition

6155 24th Street South

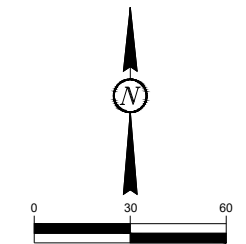
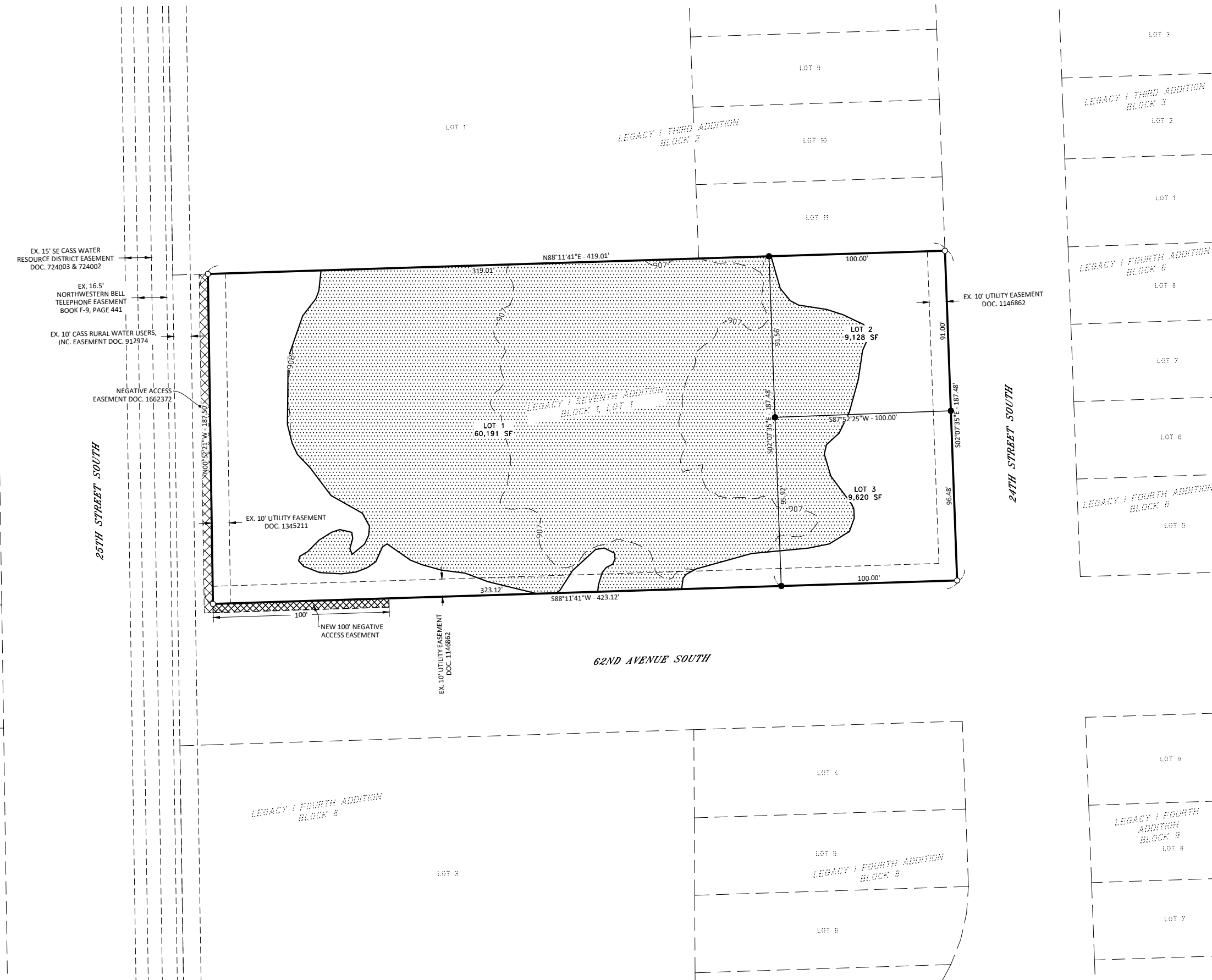


Legend

 City Limits

LEGACY I EIGHTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF LEGACY I SEVENTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



LEGEND

●	MONUMENT SET
○	MONUMENT FOUND
- - - - -	EX. EASEMENT
- - - - -	EX. PROPERTY LINE
- - - - -	EX. SURFACE CONTOUR LINE
- - - - -	907
XXXXXX	EX. NEGATIVE ACCESS EASEMENT
XXXXXX	NEW NEGATIVE ACCESS EASEMENT
—————	PROPERTY BOUNDARY LINE
—————	NEW ROW/PROPERTY LINE
—————	NEW EASEMENT LINE
.....	FLOODPLAIN AREA

SURVEY INFORMATION

DATE OF SURVEY: CITY OF FARGO GROUND COORDINATE SYSTEM, US SURVEY FEET
 BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, US SURVEY FEET
 BENCHMARK USED: SEFB HYDRANT LOCATED IN THE NORTHWEST QUADRANT OF 25TH STREET SOUTH AND 62ND AVENUE SOUTH, BM-305005, PUBLISHED ON SHEET #305 OF THE CITY OF FARGO BENCHMARK BOOK ELEVATION = 909.85 (NAVD88)

- NOTES**
- PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' PER FEMA FIRM MAP 38017C0787G WITH AN EFFECTIVE DATE OF 1/16/2015. WITH A BASE FLOOD ELEVATION OF 907.3' NAVD88.
 - SURFACE DATA SHOWN IS 2017 CONTOUR DATA DOWNLOADED FROM THE CITY OF FARGO ENGINEERING RESOURCE CENTER
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF LEGACY I EIGHTH ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

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City of Fargo Staff Report			
Title:	Beardsley's Addition	Date:	5/29/2024
Location:	2213 7 th Avenue North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description	Portions of 22nd Street North, the remainder of 8th Avenue North lying west of 21st Street North, and the Block 34 East-West alley, all originally dedicated with Beardsley's Addition , lying between 7th and 8th Avenues North as currently located, City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	Northern States Power Company; R&R Investments; Jeremy Disrud; Accel Holdings; Craig Runck / Tim Vanderzanden—John T. Jones Construction	Engineer:	Neset Land Surveying
Reason for Request:	Right of Way Vacation (a vacation plat portions of 22nd Street North, the remainder of 8th Avenue North lying west of 21st Street North, and the Block 34 East-West alley, all originally dedicated with Beardsley's Addition , lying between 7th and 8th Avenues North as currently located, City of Fargo, Cass County, North Dakota.)		
Status:	Planning Commission Public Hearing: June 4, 2024		
Proposal:			
<p>The applicant is seeking approval of a vacation plat of portions of 22nd Street North, the remainder of 8th Avenue North lying west of 21st Street North, and the Block 34 East-West alley, all originally dedicated with Beardsley's Addition, lying between 7th and 8th Avenues North as currently located, City of Fargo, Cass County, North Dakota.</p> <p>This portion of 22nd Street North and 8th Avenue North are not used as public streets.</p> <p>It is staff's understanding that the property owners adjacent to the alley to be vacated will have a private easement agreement for access. The City is not part of this agreement.</p> <p>The proposed street vacation encompasses approximately 1.17 acres of public right of way. Upon vacation, the vacated area will become part of the adjacent lots in Block 34 and a portion Block 27 of Beardsley's Addition. These lots are owned by several different owners as listed above.</p> <p>HISTORY OF RIGHT OF WAY DEDICATIONS AND PREVIOUS VACATIONS</p> <p>All of the right of way being vacated by the plat was dedicated on the plat of Beardsley's Addition in 1882. Most of 8th Avenue North between Blocks 27 and 34 was vacated in 1953. 8th Avenue was relocated to its current location at that time. A short piece of this avenue remaining will be vacated by this plat.</p> <p>The originally platted north-south alley in Block 34 and a portion of Block 27 was vacated in 1962.</p> <p>A vacation of a 23.5 foot wide portion of the west side of 22nd Street was before the Planning Commission at the April 2nd, 2024 public hearing. That portion of 22nd Street was dedicated separately in</p>			

1951, so staff determined that portion of the street should be vacated separately. That vacation is scheduled for the July 8th, 2024 City Commission agenda.

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.

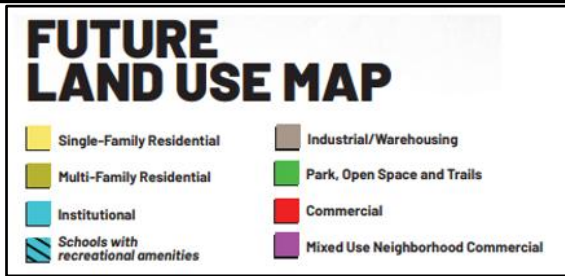
Notices of the proposed vacation have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call about the application.

Surrounding Land Uses and Zoning Districts:

- North: LI, industrial uses; abandoned railroad spur
- East: LI, industrial uses
- South: LI, across 7th Avenue North
- West: LI, industrial uses

Area Plans

The area of the vacation is included in the Madison/Unicorn Park Neighborhood, and is designated as "industrial" on the Core Neighborhoods Plan, as shown in the graphic below. This plan does not specifically address vacations of public right of way.



Context:

Schools: The subject property is located within the Fargo School District including Madison Elementary, Ben Franklin Middle and North High School.

Neighborhood: The subject property is included in the Madison/Unicorn Park Neighborhood.

Parks: Johnson Park is located approximately 0.60 miles northeast of the subject property, but would require a trip of approximately 0.90 miles to reach due to the railroad tracks. Madison Park and Bicycle Playground is approximately 0.60 miles northwest of the subject property, and includes amenities of splash pad, baseball/softball fields, basketball court, outdoor skating and hockey rink, grill and picnic tables, playground, shelter, soccer field, small beginner skate park and a warming house, and the Madison Bicycle Playground.

Recreation Trails: There are no recreational trails adjacent to the area.

Transit: MATBUS Route 17 runs along 7th Avenue North and has a stop across 7th Avenue North, on the corner of 7th Avenue and 23rd Street.

Staff Analysis:

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

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

It is the applicant's responsibility to contact all potential utility providers and submit documentation that there are no utilities in these easements. City staff reviews the applicant's documentation prior to City Commission approval of the plat. An easement would have to be retained for any existing utility line that must remain. **(Criteria Satisfied)**

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

grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, a petition signed by the adjacent owners has been submitted for review and consideration, along with a plat of such public street. **(Criteria Satisfied)**

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

The vacation plat will be advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

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

This action will be taken by the City Commission. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the **Beardsley's Addition** right-of-way vacation plat as presented; as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places."

Planning Commission Recommendation: June 4th 2024

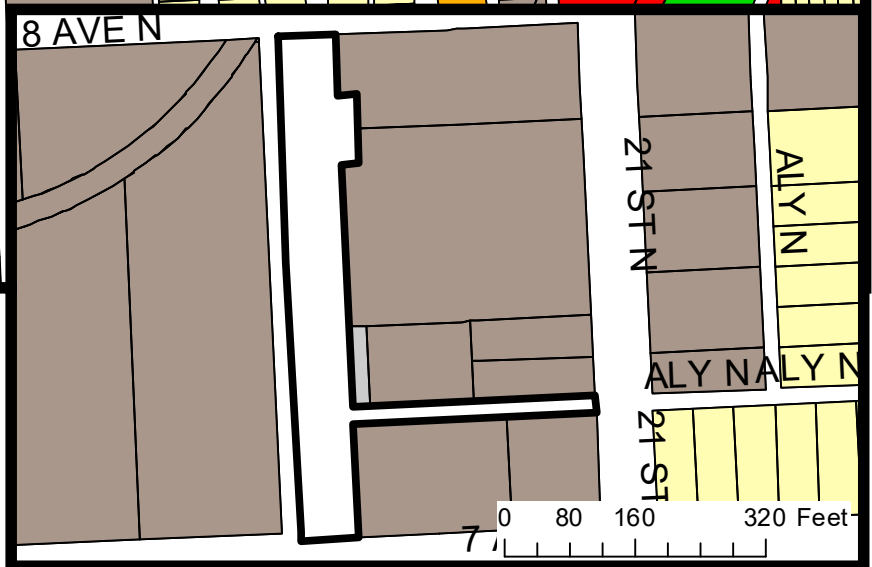
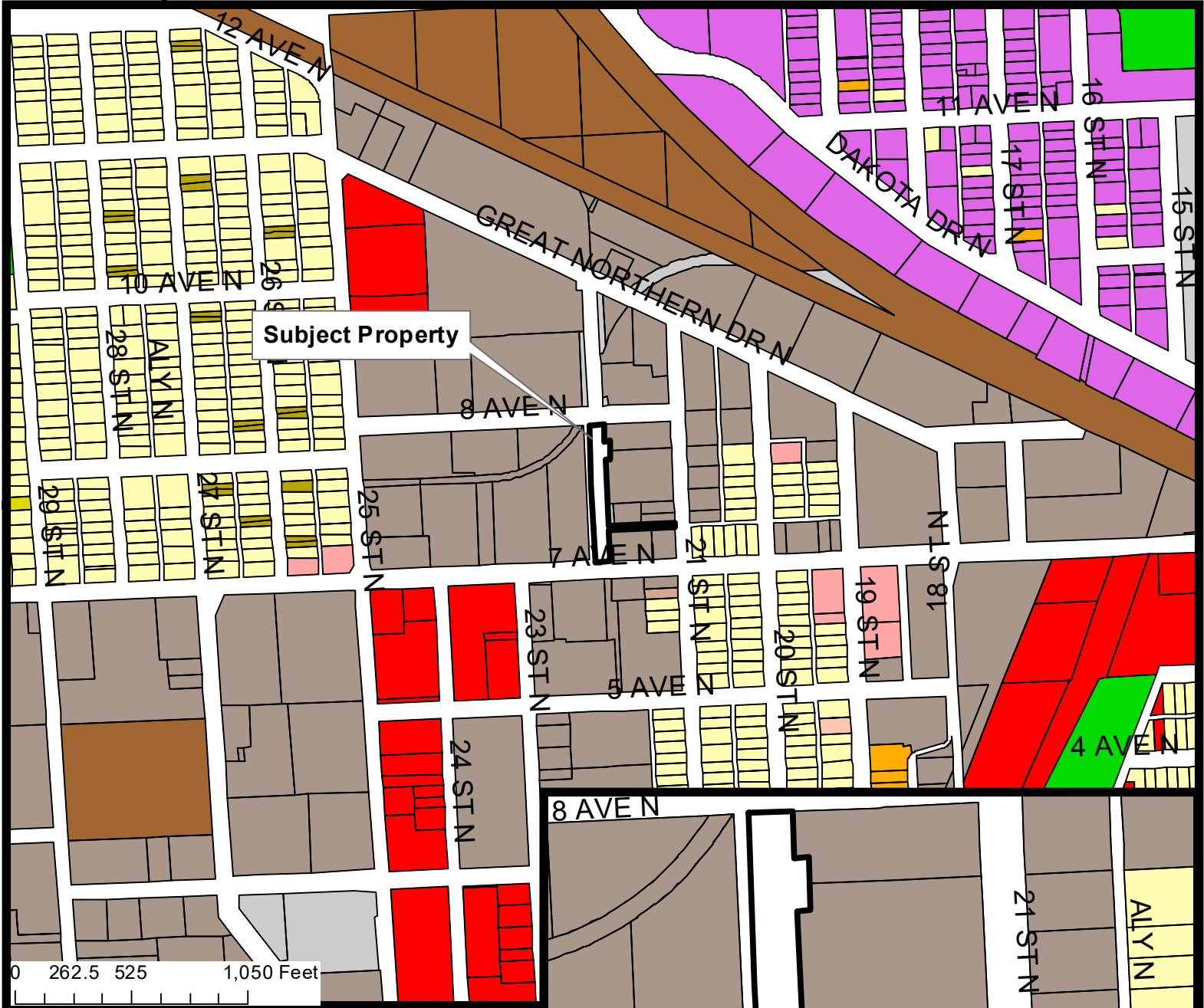
Attachments:

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

Vacation Plat

2105 & 2115 7th Avenue North;
 705 22nd Street North;
 706, 716, 718, 724 & 737 21st Street North

Beardsley's Addition



Legend

AG	LC	MHP	RR-2
DMU	LI	NC	RR-3
GGC	MR-1	NO	RR-4
GO	MR-2	PT	RR-5
	MR-3	UMU	City Limits

Vacation Plat

2105 & 2115 7th Avenue North;

705 22nd Street North;

706, 716, 718, 724 & 737 21st Street North

Beardsley's Addition



Legend

 City Limits



Fargo Planning Commission
June 04, 2024

VACATION PLAT

THE EAST 70.00 FEET OF 22ND STREET NORTH ADJOINING LOTS 1 AND 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION, THAT PART OF 22ND STREET NORTH ADJOINING PART OF BLOCK 27, ALL OF BLOCK 34, THAT PART OF AN AVENUE AS PLATTED ON BEARDSLEY'S ADDITION, ALL THAT PART OF AN AVENUE AS PLATTED ON BEARDSLEY'S ADDITION, BETWEEN BLOCKS 27 AND 34 OF SAID BEARDSLEY'S ADDITION, AND ALL OF THE EAST-WEST ALLEY AS PLATTED ON BEARDSLEY'S ADDITION, ADJOINING LOTS 6 THROUGH 13, BLOCK 34 OF SAID BEARDSLEY'S ADDITION ALL TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA

DESCRIPTION OF AREA TO BE VACATED

THE EAST 70.00 FEET OF 22ND STREET NORTH ADJOINING LOTS 1 AND 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION, THAT PART OF 22ND STREET NORTH ADJOINING PART OF BLOCK 27, ALL OF BLOCK 34, AND THAT PART OF AN AVENUE AS PLATTED ON BEARDSLEY'S ADDITION, ALL TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF LOT 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION; THENCE N87°26'45"E ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 21 A DISTANCE OF 23.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°26'45"E ALONG SAID EXTENSION OF THE NORTH LINE A DISTANCE OF 70.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF 22ND STREET NORTH AS PLATTED ON BEARDSLEY'S ADDITION; THENCE S02°33'15"E ALONG SAID EAST LINE A DISTANCE OF 620.00 FEET TO THE SOUTHWEST CORNER OF BLOCK 34 OF BEARDSLEY'S ADDITION; THENCE S87°26'45"W ALONG THE EXTENSION OF THE SOUTH LINE OF SAID BLOCK 34 A DISTANCE OF 70.00 FEET; THENCE N02°33'15"W ALONG A LINE PARALLEL WITH THE EAST LINE OF 22ND STREET NORTH AS PLATTED ON SAID BEARDSLEY'S ADDITION A DISTANCE OF 620.00 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF FIRST INDUSTRIAL SUBDIVISION, THE POINT OF BEGINNING.

AND

ALL THAT PART OF AN AVENUE AS PLATTED ON BEARDSLEY'S ADDITION, BETWEEN BLOCKS 27 AND 34 OF SAID BEARDSLEY'S ADDITION, ALL TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF LOT 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION; THENCE N87°26'45"E ALONG THE EXTENSION OF THE NORTH LINE OF SAID FIRST INDUSTRIAL SUBDIVISION A DISTANCE OF 93.50 FEET TO THE WEST LINE OF BLOCK 27 OF BEARDSLEY'S ADDITION; THENCE S02°33'15"E ALONG SAID WEST LINE A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE N87°26'45"E ALONG SAID SOUTH LINE A DISTANCE OF 23.50 FEET; THENCE S02°33'15"E A DISTANCE OF 85.00 FEET TO THE NORTH LINE OF BLOCK 34 OF BEARDSLEY'S ADDITION; THENCE S87°26'45"W ALONG SAID NORTH LINE A DISTANCE OF 23.50 FEET TO THE EAST RIGHT-OF-WAY LINE OF 22ND STREET NORTH AS PLATTED ON SAID BEARDSLEY'S ADDITION; THENCE N02°33'15"W ALONG SAID EAST LINE A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING.

AND

ALL OF THE EAST-WEST ALLEY AS PLATTED ON BEARDSLEY'S ADDITION, ADJOINING LOTS 6 THROUGH 13, BLOCK 34, OF SAID BEARDSLEY'S ADDITION, ALL TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12; THENCE N87°26'45"E ALONG THE NORTH LINES OF LOTS 7 THROUGH 12 A DISTANCE OF 300.00 FEET TO THE NORTHEAST CORNER OF LOT 7; THENCE N02°33'15"W ALONG THE WEST RIGHT-OF-WAY LINE OF 21ST STREET NORTH A DISTANCE OF 20.00 FEET TO THE SOUTHWEST CORNER OF LOT 6; THENCE S87°26'45"W ALONG THE EXTENSION OF THE SOUTH LINE OF LOTS 6 AND 13 A DISTANCE OF 300.00 FEET TO THE SOUTHWEST CORNER OF LOT 13; THENCE S02°33'15"E ALONG THE EAST RIGHT-OF-WAY LINE OF 22ND STREET NORTH A DISTANCE OF 20.00 FEET TO THE NORTHWEST CORNER OF LOT 12, THE POINT OF BEGINNING.

DESCRIPTION OF UTILITY EASEMENT RETAINED BY THE CITY OF FARGO

THE EAST 70.00 FEET OF 22ND STREET NORTH ADJOINING LOTS 1 AND 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION, THAT PART OF 22ND STREET NORTH ADJOINING PART OF BLOCK 27, AND ALL OF BLOCK 34 OF BEARDSLEY'S ADDITION, ALL TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 34 OF BEARDSLEY'S ADDITION; THENCE S87°26'45"W ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 34 A DISTANCE OF 70.00 FEET; THENCE N02°33'15"W ALONG A LINE PARALLEL WITH THE EAST LINE OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION A DISTANCE OF 620.00 FEET TO THE EAST LINE ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID INDUSTRIAL FIRST SUBDIVISION OF BEARDSLEY'S ADDITION; THENCE N87°26'45"E ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE A DISTANCE OF 70.00 FEET TO THE EAST LINE OF 22ND STREET NORTH AS PLATTED ON BEARDSLEY'S ADDITION; THENCE S02°33'15"E ALONG SAID EAST LINE A DISTANCE OF 620.00 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF BLOCK 34 OF BEARDSLEY'S ADDITION, THE POINT OF BEGINNING.

CITY ENGINEER'S APPROVAL

APPROVED BY THE FARGO CITY ENGINEER THIS _____ DAY OF _____, 2024.

TOM KNAKMUHS, P.E., CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM KNAKMUHS, P.E., 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

SURVEY INFORMATION

DATE OF SURVEY: 2/23/2023
BASIS OF BEARING: CITY OF FARGO COORDINATE SYSTEM,
DECEMBER 1992

FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS _____ DAY OF _____, 2024.

ROCKY SCHNEIDER, CHAIR
STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED 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: CASS STATE: NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS _____ DAY OF _____, 2024.

TIMOTHY J. MAHONEY, MAYOR

ATTEST:

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2024, 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

SURVEYOR'S 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 VACATION PLAT; THAT THIS VACATION PLAT IS A CORRECT REPRESENTATION OF THE SURVEY OF SAID RIGHT OF WAY VACATION; 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 _____, 2024.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS-7513

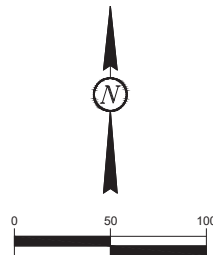
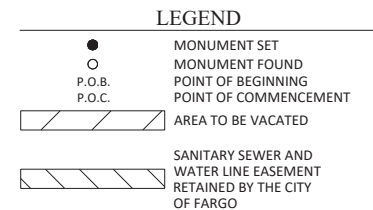
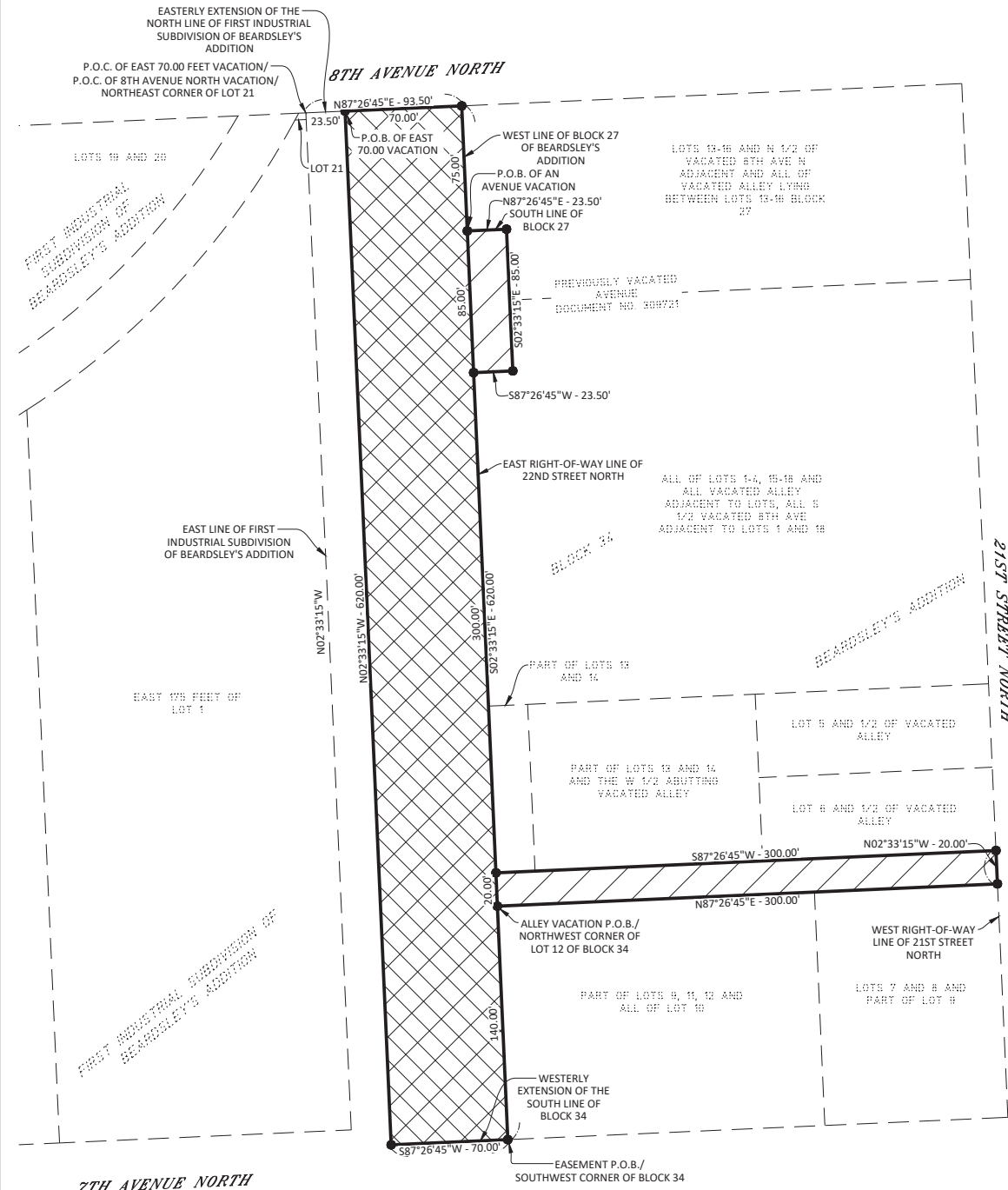
STATE OF NORTH DAKOTA)
COUNTY OF CASS)SS

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE 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

PAGE 1 OF 2

FOR RECORDING PURPOSES ONLY



06/07/24 12:23:58PM C:\Users\GABRIE-1\OneDrive\Local\Temp\Pub-Publish_14138\Remainder Parcel Vacation Plat.dwg

VACATION PLAT

THE EAST 70.00 FEET OF 22ND STREET NORTH ADJOINING LOTS 1 AND 21 OF FIRST INDUSTRIAL SUBDIVISION OF BEARDSLEY'S ADDITION, THAT PART OF 22ND STREET NORTH ADJOINING PART OF BLOCK 27, ALL OF BLOCK 34, THAT PART OF AN AVENUE AS PLATTED ON BEARDSLEY'S ADDITION, ALL THAT PART OF AN AVENUE AS PLATTED ON BEARDSLEY'S ADDITION, BETWEEN BLOCKS 27 AND 34 OF SAID BEARDSLEY'S ADDITION, AND ALL OF THE EAST-WEST ALLEY AS PLATTED ON BEARDSLEY'S ADDITION, ADJOINING LOTS 6 THROUGH 13, BLOCK 34 OF SAID BEARDSLEY'S ADDITION ALL TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA

OWNERS' CERTIFICATE

JOHN T. JONES CONSTRUCTION COMPANY, A NORTH DAKOTA CORPORATION; NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION; R & R INVESTMENTS, LLC; THE CITY OF FARGO; JEREMY DISRUD; CRAIG RUNCK; MADELYNE RUNCK; AND ACCEL HOLDINGS CERTIFY THAT THEY ARE THE OWNERS OF THE PROPERTY ADJOINING THE AREA TO BE VACATED AND THAT THIS PLAT AND DESCRIPTION ARE CORRECT.

OWNER

JOHN T. JONES CONSTRUCTION COMPANY
OWNER OF THE EAST 175 FEET OF LOT 1 AND LOT 21, FIRST INDUSTRIAL SUBDIVISION TO BEARDSLEY'S ADDITION

TIM VANDERZANDEN, VICE PRESIDENT

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIM VANDERZANDEN, 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

OWNER

LOTS 13-16, BLOCK 34 AND 1/2 OF VACATED 8TH AVENUE NORTH ADJACENT AND ALL OF VACATED NORTH-SOUTH ALLEY LYING BETWEEN LOTS 13-16, BLOCK 34 OF BEARDSLEY'S ADDITION

NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION

BY _____ ITS _____

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

OWNER

LOT 1, INCLUDING THE SOUTH HALF OF VACATED 8TH AVENUE NORTH ADJACENT TO SAID LOT 1, LOTS 2, 3, 4, 15, 16, 17, 18, INCLUDING THE SOUTH HALF OF VACATED 8TH AVENUE NORTH ADJACENT TO SAID LOT 17, ALL IN BLOCK 34 OF BEARDSLEY'S ADDITION

R & R INVESTMENTS

BY _____ ITS _____

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

OWNER

THE WEST 40 FEET OF LOT 9, AND ALL OF LOT 10, IN BLOCK 34, OF BEARDSLEY'S ADDITION AND THE NORTH 130 FEET OF LOT 11 AND THE NORTH 130 FEET OF THE EAST 26.5 FEET OF LOT 12, IN BLOCK 34, OF BEARDSLEY'S ADDITION

JEREMY DISRUD

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JEREMY DISRUD, 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

OWNER

LOT 5 AND LOT 6, BLOCK 34, AND HALF OF THE ABUTTING VACATED ALLEY, BEARDSLEY'S ADDITION TO THE CITY OF FARGO

CRAIG RUNCK

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CRAIG RUNCK, 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

OWNER

THE EAST 116.50 FEET OF LOTS 13 AND 14 AND THE WEST HALF OF THE ABUTTING VACATED ALLEY, ALL IN BLOCK 34, BEARDSLEY'S ADDITION TO THE CITY OF FARGO

MADELYNE RUNCK

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MADELYNE RUNCK, 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

OWNER

LOTS 7 AND 8, AND THE EAST 10 FEET OF LOT 9, IN BLOCK 34, OF BEARDSLEY'S ADDITION

ACCEL HOLDINGS LLP

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, 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 of Fargo Staff Report			
Title:	Chas A. Roberts Addition	Date:	5/30/2024
Location:	901 9 th Street South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lots 12-13, Block S, Chas A. Roberts Addition		
Owner(s)/Applicant:	Brian Walker	Engineer:	N/A
Entitlements Requested:	1) Conditional Use Permit to allow an Alternative Access Plan for a parking reduction and 2) Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 12-13, Block S, Chas A. Roberts Addition		
Status:	Planning Commission Public Hearing: June 4, 2024		

Existing	Proposed
Land Use: Retail Sales and Service (Photography Studio)	Land Use: Retail Sales and Service (Tattoo Shop)
Zoning: NC, Neighborhood Commercial with a C-O, Conditional Overlay (Ordinance 4787) and Historic Overlay District (Ordinance 4910)	Zoning: NC, Neighborhood Commercial with a Historic Overlay District (Ordinance 4910).
<p>Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers up to 12 children, parks and open areas, religious institutions, safety services, basic utilities, offices, retail sales and service, and certain telecommunication facilities.</p> <p>C-O, Conditional Overlay (Ordinance 4787) restricts some land uses.</p> <p>Chas A. Roberts Historic Overlay District (Ordinance 4910)</p>	<p>Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers up to 12 children, parks and open areas, religious institutions, safety services, basic utilities, offices, retail sales and service, and certain telecommunication facilities.</p> <p><i>C-O, Conditional Overlay removed.</i></p> <p>Chas A. Roberts Historic Overlay District to remain.</p>
Maximum Density Allowed: N/A	Maximum Density Allowed: N/A

Proposal:
<p>The applicant is requesting two entitlements:</p> <ol style="list-style-type: none"> 1. CUP, Conditional Use Permit to allow an Alternative Access Plan for a parking reduction 2. Zoning Change to repeal and reestablish a C-O, Conditional Overlay <p><i>NOTE: Though this project was originally advertised as having a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, further discussion between staff after the neighborhood open house meeting determined that the existing C-O could be removed entirely due to the lack of neighborhood concern, the standard NC zoning requirements, and the proposed parking reduction being sufficient to address all of staff's concerns for the project.</i></p> <p><u>History:</u> The subject property was previously a church prior to 2011 and in July of 2011, Brian Walker, the current owner, received approval of a zoning change to change it from SR-3, Single-dwelling Residential, to NC, Neighborhood Commercial. This rezone allowed the owner to use the building for his Photography Studio. Due to neighborhood feedback, a C-O, Conditional Overlay, was added to prohibit the retail sales and service use to just allow his photography studio and to prohibit office uses.</p>

Proposal:

The applicant is in the process of selling the property to The Bee's Nest Tattoo and Art Studio. They plan to add parking spaces off of the alley to accommodate for staff parking. The potential future owner, Dusty Hill, provided the following statement about their operations:

"We have four artists, and our clients are predominantly women ranging from 18-65 in age. Our days of operation are Tuesday through Saturday, and our hours vary from artist to artist. On average we each have 1-3 clients a day and we only schedule appointments, we do not take walk ins. Usually two of us work in the

morning to midafternoon and the other two work late morning to early evening. Occasionally on weekends we will host local artists to give art classes and display their work in our studio. We take part in multiple charity events for local groups like the YWCA, Rape and Abuse Crisis Center, and For Luv Dogs. We are very particular about the people we take on as clients and allow into our space."

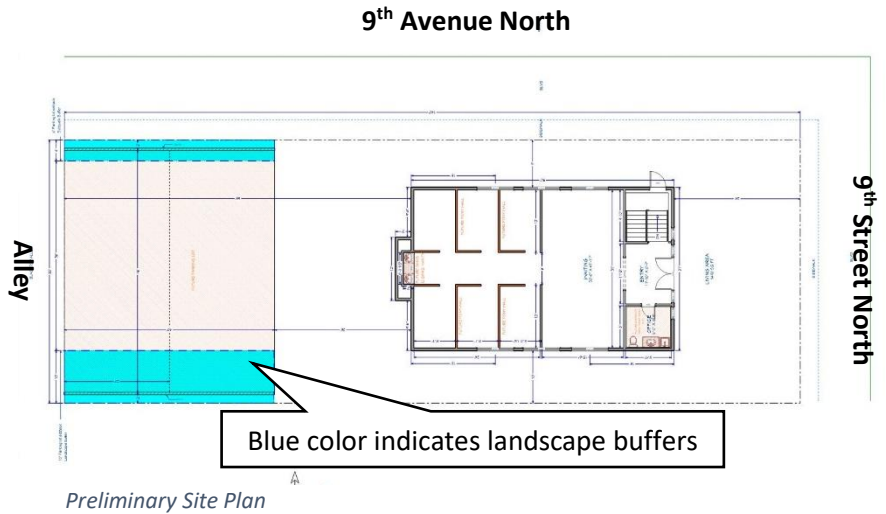
The City hosted a neighborhood open house meeting on Thursday, May 23rd where Planning staff, the property owner, potential future owner, and one neighborhood resident were in attendance. The resident noted that they were glad they are adding off-street parking. In addition to the standard LDC notice procedures, the Hawthorne Neighborhood representative was also provided the same notice documents, but did not respond

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

Surrounding Land Uses and Zoning Districts:

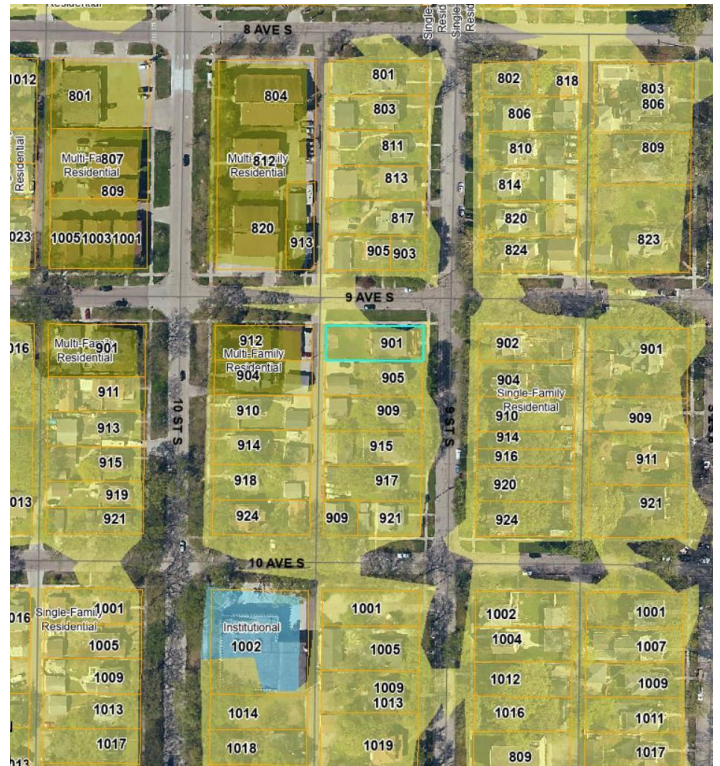
- North: Across 9th Avenue South, SR-3, Single-dwelling Residential with a duplex;
- East: SR-3, Single-dwelling Residential with household living;
- West: Across the alley, SR-3, Single-dwelling Residential with multi-dwelling residential;
- South: SR-3, Single-dwelling Residential with household living.

**Note that all adjacent properties also are within the Historic Overlay.*



Area Plans:

The subject property is located within the 2021 Core Neighborhoods Master Plan. The future land use map of the Hawthorne neighborhood brief designates the subject property as being suitable for single-family residential uses. The current photography studio has been at this location since 2011 but the Core Neighborhood Plan from 2021 still designated the subject property as residential. The base zoning district of NC, Neighborhood Commercial, is not changing. Due to the specific land use remaining commercial, staff has determined that the proposed use is generally consistent with this land use designation.



Context:

Neighborhood: The subject property is located within the Hawthorne Neighborhood

Schools: The subject property is located within the boundary of the Fargo School District and served by Clara Barton and Hawthorne Elementary schools, Ben Franklin Middle School, and North High School.

Parks: Located within a half-mile of the subject property is Dill Hill Park (652 6th Avenue South), Burdick Park (1550 South River Road), and Island Park (302 7th Street South). Dill Hill Park provides amenities of baseball and softball fields. Burdick Park provides recreational trails. Island Park provides amenities of a basketball court, cross country ski trails, grill, handball court, outdoor pools, picnic table, playgrounds, recreational trails, restrooms, reservable shelter, and tennis courts.

Pedestrian / Bicycle: A shared use path exists within a half-mile located along the Red River.

Bus Route: MATBUS routes 14 and 15 run along 10th Street South, 13th Avenue South, and University Drive South. Routes 14 and 16 run along 4th Street South. Route 16 runs along 5th Street South. Route 18 runs along 9th Avenue South and University Drive South. Several stops along these roads are within one quarter of a mile from the subject property.

Staff Analysis:

The applicant has requested to address parking requirements on the property through a conditional use permit. The applicant noted that the subject property has been served through on-street parking along 9th Avenue South. With the applicant's proposal to add parking along the alley, the City's Traffic Engineer, Jeremy Gorden, stated his approval for the proposed parking reduction noting that if they maximize the off-street parking to four spots, daytime

parking is sufficient on 9th Avenue South in that block that can handle additional parking needs.” The additional parking would require a parking lot buffer, Residential Protection Standards (RPS) setback, and RPS landscape buffer. Any future work to the exterior of the building with a permit will require a Certificate of Appropriateness with review of the Chas A. Roberts Historic Overlay and approval by Planning staff and/or the Historic Preservation Commission.

In conclusion, staff is in support of this project due to the applicant's proposal for adding off-street parking spaces, the lack of neighborhood opposition to items that were concerning during the original rezone to Neighborhood Commercial, the LDC's applicable permitting regulations and processes for future work on the subject property, and staff's recommended conditions of this CUP.

Approval and Appeal

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

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would require four off-street parking spaces, reducing from the seven required off-street parking spaces per Section 20-0701 of the LDC. Staff has proposed additional conditions that would address potential negative impacts of the proposed use to the surrounding properties. Staff finds this proposal is consistent with the purpose of the LDC and other adopted plans and 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 a parking reduction at this location will not affect the welfare of the public. The CUP for parking reduction has been reviewed by the Engineering Department who supports the proposal as it has been accommodated by street parking since 2011 and will now have an additional 4four parking spaces on site.

(Criteria Satisfied)

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

Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to one inquiry about the project noting concern about the additional parking. The Hawthorne Neighborhood representative was also provided the same notice documents, but has not responded.

(Criteria Satisfied)

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

The proposed conditional use permit for parking reduction will not dominate the immediate neighborhood or

prevent any other sites from being used in the manner allowed by zoning district regulations. In addition to the four⁴ off-street parking spaces, street signage allows parking during the day on both sides of 9th Avenue South and on the east side of 9th Street South which will accommodate the tattoo shop's business hours as stated in the description of operations earlier in this report, as well as in the email correspondence attached to this packet. Signage along 9th Avenue South only prohibits parking on both sides of the street from November 1st through April 15th on Mondays, Wednesdays, Fridays, and Sundays from the hours of 1am to 7am. Signage along 9th Street South prohibits parking on the east side entirely, but only prohibits parking from November 1st through April 15th on Tuesdays, Thursdays, and Saturdays from the hours of 1am to 7am.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

The subject property fronts 9th Avenue South to the north and 9th Street South to the east, which are fully constructed local roadways. It also has an alley to the west that connects 9th Avenue South to 10th Avenue South. No additional access is proposed.

(Criteria Satisfied)

Recommended Conditions:

1. A minimum of four parking spaces are required on site.
2. Change or expansion of retail sales and service use will require additional review by staff and/or the Planning Commission.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to the subject property. The property is currently zoned NC, Neighborhood Commercial with a C-O, Conditional Overlay and is proposed to be changed to just NC, Neighborhood Commercial. 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 a tattoo shop in the existing building.

(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 properties are adjacent to existing developed public rights-of-way, which provide access and public utilities to serve them.

(Criteria Satisfied)

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received and responded to one inquiry about the project noting concern that the buyer wants to add parking to the subject property, however, no letter was submitted. The Hawthorne Neighborhood representative was also provided the same notice documents, but has not responded. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the 1) Conditional Use Permit to allow an Alternative Access Plan for a parking reduction and 2) Zoning Change to repeal and reestablish a C-O, Conditional Overlay on Lots 12-13, Block S, Chas A. Roberts Addition, as the proposal complies with Section 20-0909.D (1-6), Section 20-0906.F (1-4), the Core Neighborhoods Master Plan, and all other requirements of the LDC, with the following conditions for the CUP:

1. A minimum of four parking spaces are required on site.
2. Change or expansion of retail sales and service use will require additional review by staff and/or the Planning Commission.

Planning Commission Recommendation: June 4, 2024

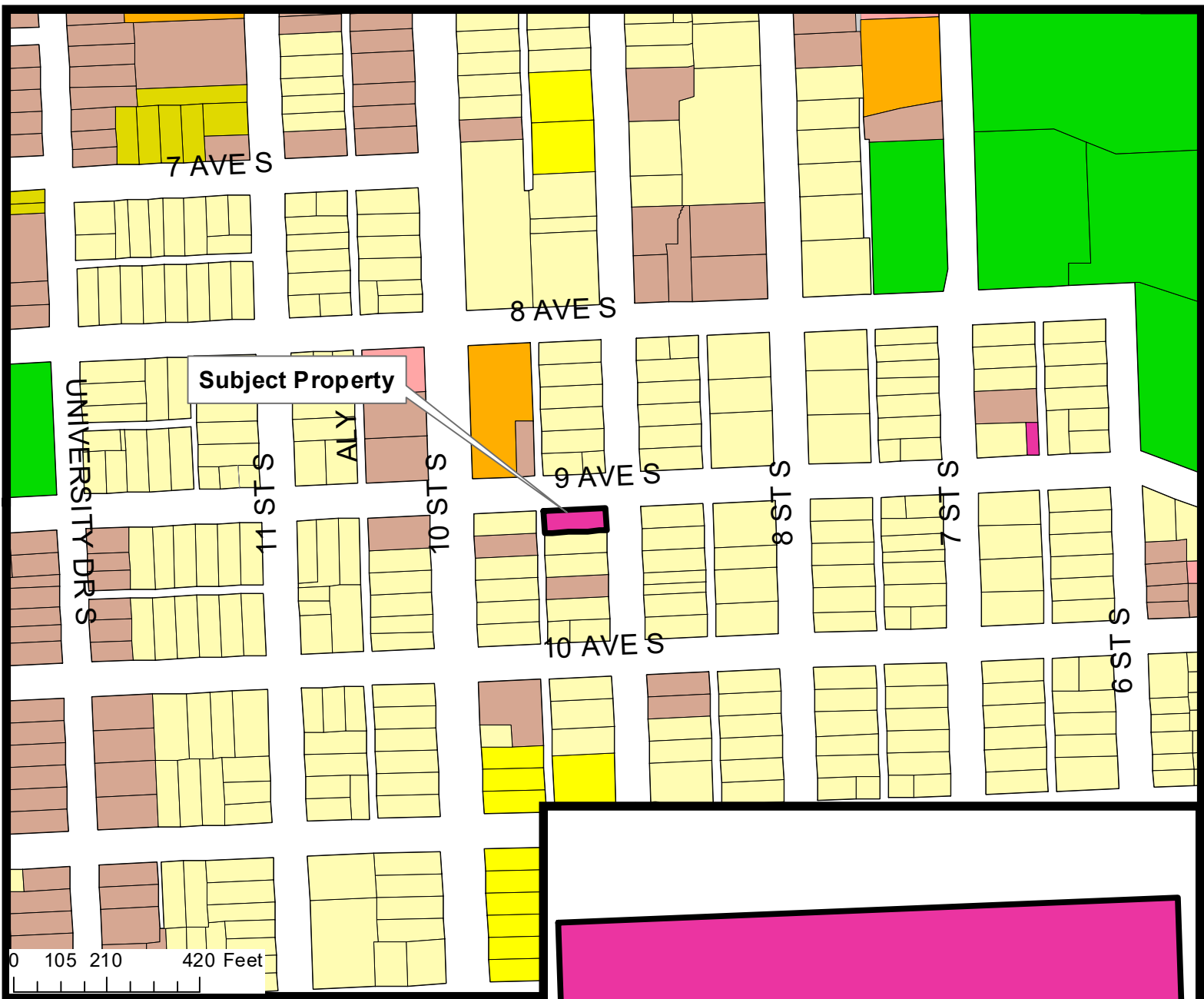
Attachments:

1. Zoning Map
2. Location Map
3. Email Correspondence from the potential future owner

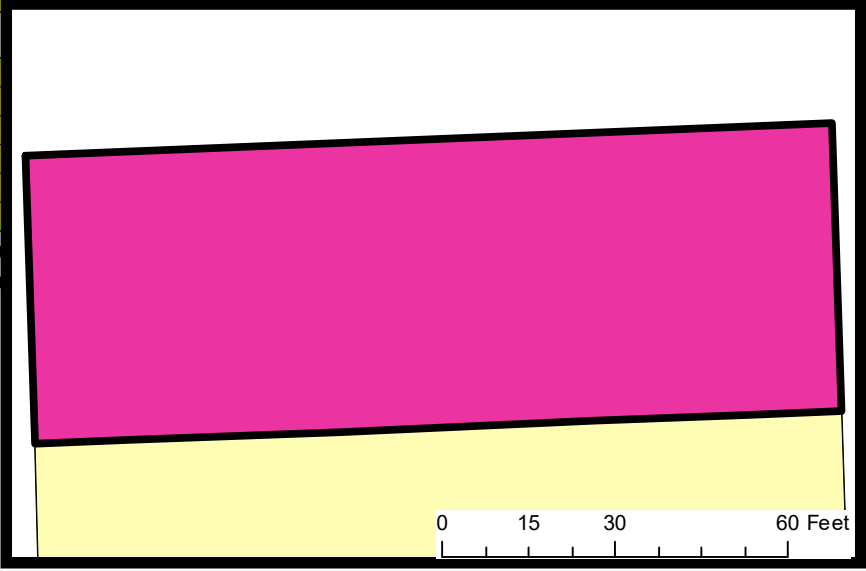
Zone Change from NC, Neighborhood Commercial with CO, Conditional Overlay to NC, Neighborhood Commercial with a revised CO, Conditional Overlay & CUP, Conditional Use Permit for Parking Reduction

Chas A Roberts Addition

901 9th Street South



0 105 210 420 Feet



0 15 30 60 Feet



Legend

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

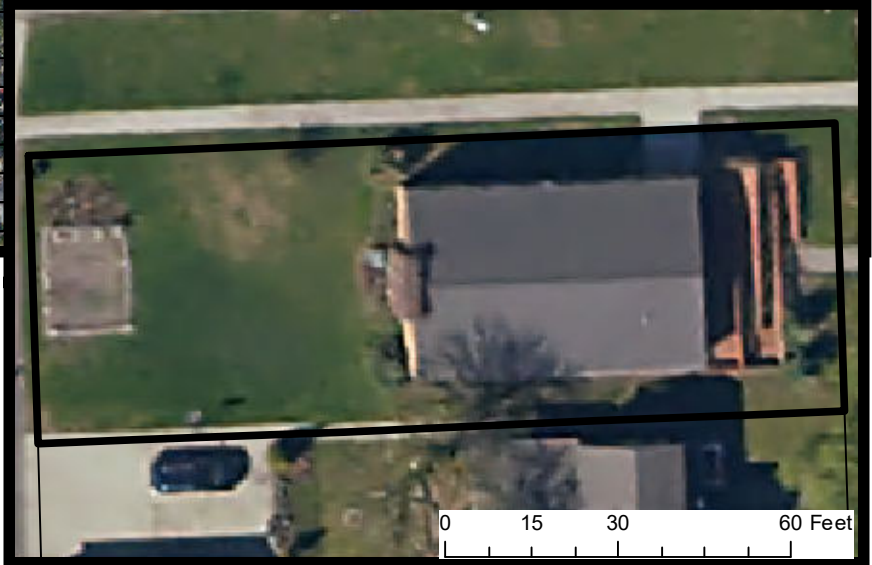


Fargo Planning Commission
June 04, 2024

Zone Change from NC, Neighborhood Commercial with CO, Conditional Overlay to NC, Neighborhood Commercial with a revised CO, Conditional Overlay & CUP, Conditional Use Permit for Parking Reduction

Chas A Roberts Addition

901 9th Street South



Legend

 City Limits



Fargo Planning Commission
June 04, 2024

Luke Morman

From: dusty hill
Sent: Wednesday, May 22, 2024 9:26 AM
To: Luke Morman; Brian Walker
Subject: Re: information on 901 9 St S

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Site Plan Review

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Luke, here is our business operation description with testimonials.

We are The Bee's Nest Tattoo and Art Studio and are currently located at 14 8th St S Fargo. We are trying to purchase and move our studio into the space at 901 9th St S Fargo.

We are an all female tattoo and art studio that opened on 8th street in 2016 by Tanna Hill and Stephanie Marshall. Tanna has been in the industry for 17 years and Steph has been for 12. Our goal was to open a studio that would allow us to work around our family life schedules. We built The Bee's Nest as a place to work and create in, and to be a safe and welcoming environment our children could be part of. We have since taken on other artists and are now looking to move out of the downtown area and into our own quieter location. We have four artists, and our clients are predominantly women ranging from 18-65 in age. Our days of operation are Tuesday through Saturday, and our hours vary from artist to artist. On average we each have 1-3 clients a day and we only schedule appointments, we do not take walk ins. Usually two of us work in the morning to mid afternoon and the other two work late morning to early evening. Occasionally on weekends we will host local artists to give art classes and display their work in our studio. We take part in multiple charity events for local groups like the YWCA, Rape and Abuse Crisis Center, and For Luv Dogs. We are very particular about the people we take on as clients and allow into our space. We are very respectful and professional towards our clients and neighbors, and take their safety and comfortability very seriously. The 901 location is the exact kind of spot we had only dreamed of finding and we hope to be part of the neighborhood in the near future.

TESTIMONIALS:

To whom it may concern;

It's with much excitement that I write this letter of recommendation and acceptance for The Bee's Nest Tattoo and Art Studio to move into the 9th street south building!

I have been going to the Bee's Nest for almost two years and have gotten to know most of the ladies fairly well. Not only do Tanna and Steph have a very professional environment, excellent team, and high expectations from that team and each other, but it is also a business run by women, empowering women!

It's always a welcoming and encouraging environment, and any neighborhood will be lucky to get them! I look forward to having their business as a neighbor and hope the city of Fargo will allow them to move in! I work from home and have absolutely no concerns in having them on my street!

If you have additional questions, don't hesitate to contact me.

Sincerely,

Carmen McKelvey

[1303 9th St. So - Fargo, 58103](#)

Tanna and her team are amazing! Both as professional business women and artists. Their shop stays busy, but is never crowded or overwhelming, and is well managed and maintained while providing a fun, funky artistic vibe that I look forward to heading to for each of my appointments. I am typically there late afternoon and early evening hours during the week and the shop is always quiet and rarely has anyone there past 8pm. Even at the busiest, there is usually at least one artist not working and the rest only have a client at time, so I've never seen more than 3 to 4 clients in the shop. The ladies set their own schedules, mostly sticking to weekday afternoons and evenings, as they have busy families along with their businesses. Other clients I meet while I am there are always polite, fun to chat with and we all look forward to our appointments. In fact, the majority of us are repeat clients that come back time and time again. Tanna and her team make their clients feel like family!

Natasha K. - Investor Relations Manager and tattoo enthusiast!

Dear Sirs and Madams,

I have been acquainted with the ladies that run and work at The Bees Nest for quite some time, some of them for over a decade at this point, and for that entire length of time they have proven themselves to professional, caring, and active members of the community. And as a homeowner/resident of Fargo's Hawthorne neighborhood, I personally would be enthusiastic to welcome their new shop here in our area. I have never known the atmosphere at their current place of business to be anything less than clean, attractive, quiet, and busy with happy customers and clients. Also, the entire shop being female owned and operated is a boon for the Fargo business landscape, and makes the area look and feel more modern and forward-facing.

To sum up, I again voice my support for The Bees Nest and the ladies that work there opening their new place of business in the Hawthorne area, believing that they would be valuable additions to the community, and would bring welcome tax dollars and attention to our neighborhood.

All of the artists that are a part of The Bees Nest would make the area better by their presence.

for your time and consideration,

Eary, U.S. Army, Ret.

Thank you

ThomasW.

602 University Drive South Fargo 58103

[Dusty Hill](#)

Graphic Design | Draftsman

City of Fargo Staff Report			
Title:	Westrac Fifth Addition	Date:	05/29/2024
Location:	3315 Westrac Drive South & 624 34 th Street South	Staff Contact:	Alayna Espeseth, Assistant Planner
Legal Description:	Lots 2 & 3, Block 1 Westrac Third Addition		
Owner(s)/Applicant:	JWPT, LLC & Sofar Properties, LLP	Engineer:	MBN Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 2 & 3, Block 1 Westrac Third Addition)		
Status:	Planning Commission Public Hearing: June 04, 2024		

Existing	Proposed
Land Use: Vacate Land	Land Use: Industrial
Zoning: LI, Limited Commercial with C-O, Conditional Overlay	Zoning: No Change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities , 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, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation , and certain telecommunications facilities. Conditional Overlay #5362 which prohibits some uses and is carried through with this subdivision.	Uses Allowed: No Change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No Change

Proposal:
<p>The applicant is requesting one entitlement:</p> <ol style="list-style-type: none"> Minor Subdivision, to be known as Westrac Fifth Addition, a replat of Lots 2 & 3, Block 1 Westrac Third Addition. The minor subdivision will consist of 2 lots, 1 block. <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: LI, Limited Industrial with the Cass County Jail; • East: AG, Agricultural with City Owned drainage facility; • South: GC, General Commercial with a PUD, Planned Unit Development with Residential uses; GC, General Commercial with Commercial uses & LI, Limited Industrial with Retail Sales and Service uses; • West: LI, Limited Industrial with industrial uses and undeveloped land. <p style="text-align: right;">(Continued to next page.)</p>

Area Plans:
The subject property is not located within a growth plan, area plan or neighborhood plan.
Schools and Parks:
Neighborhood: The subject property is located within the Westgate neighborhood.
Schools: The subject property is located within the Fargo School District, specifically within the Jefferson Elementary, Ben Franklin Middle and North High schools.
Parks: Metro Rec Center, located at 3110 Main Avenue, is approximately 0.75 miles northeast of the subject property and provides amenities of indoor turf year round making it a very versatile facility. The space is great for soccer, football, lacrosse, tag and golf putting.
Pedestrian / Bicycle: There is a bike lane that runs along the south side of Westrac Drive South.
MATBUS Route: The subject property is a stop on MATBUS Route 20. The stop is located on the north side of Westrac Drive South, just east of 34th Street South. Another stop is located at the northwest corner of the intersection of Westrac Drive South and Fiechtner Drive South.
Staff Analysis:
The applicant is seeking approval for a minor subdivision that consists of 2 lots, 1 block located at 3315 Westrac Drive South & 624 34 th Street South. The subject property is zoned LI, Limited Industrial with a C-O, Conditional Overlay No. 5362, which will carry through with this subdivision. The C-O prohibits some uses and has some site design standards. No zone change is proposed. The subject property is not located within a growth plan, area plan or neighborhood plan. Lot 2, Block 1 consists of a flag portion that allows access off of 34 th Street South on the northwest portion of the subject property. There is a 60 foot access easement on this flag portion that allows Lot 1, Block 1 to take access from. There is an existing access and utility easement that runs along the southwest property line of the subject property allowing Lot 1, Block 1 access from Westrac Drive South. There is an existing storm water detention pond easement on Lot 2, Block 1.
Minor Subdivision
The LDC stipulates that the following criteria is met before a minor plat can be approved:
<ol style="list-style-type: none"> 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 request is for a minor subdivision that replats Lots 2 & 3, Block 1 Westrac Third Addition into a 2 lot, 1 block subdivision entitled Westrac Fifth Addition. The subject property is currently zoned LI, Limited Industrial with a C-O, Conditional Overlay No. 5362, which will carry through with this subdivision. No zone change is proposed. The subject property is not located within a growth plan, area plan or neighborhood plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. (Criteria Satisfied) 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 subdivision plat, **Westrac Fifth Addition** as outlined within the staff report, the standards of Article 20-06, Section 20-0907.B. and C of the LDC and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: June 04, 2024

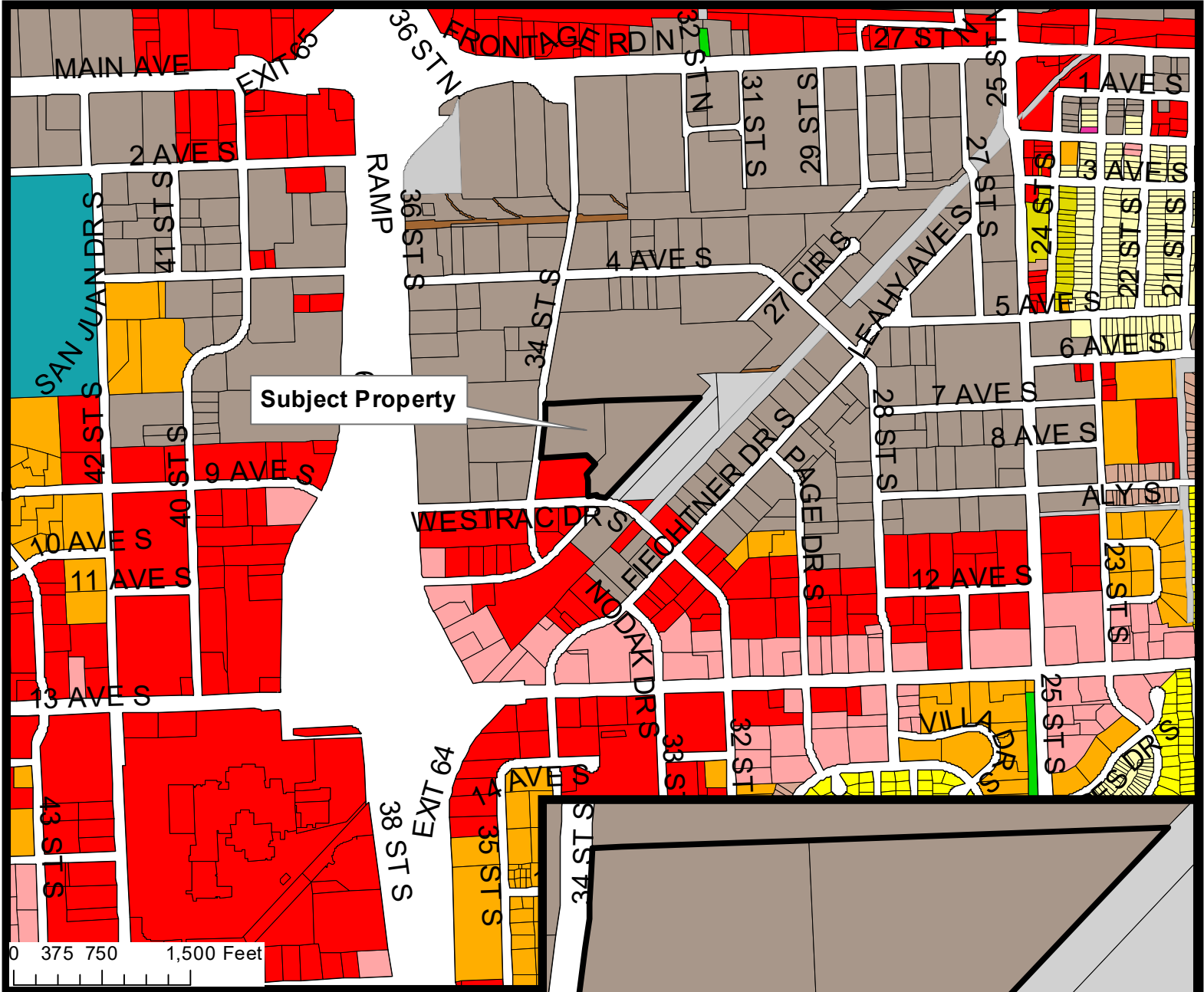
Attachments:

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

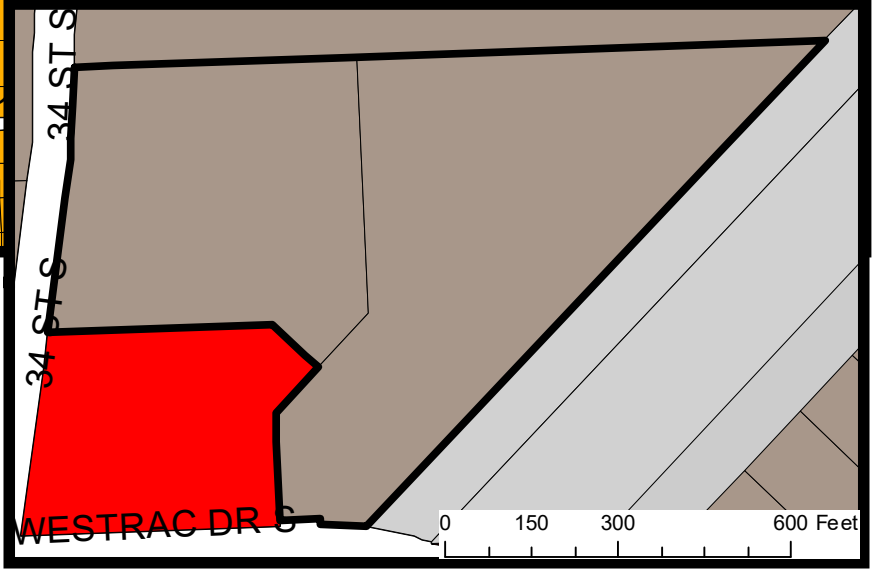
Minor Subdivision

Westrac Fifth Addition

3315 Westrac Drive South and 624 34th Street South



0 375 750 1,500 Feet



0 150 300 600 Feet



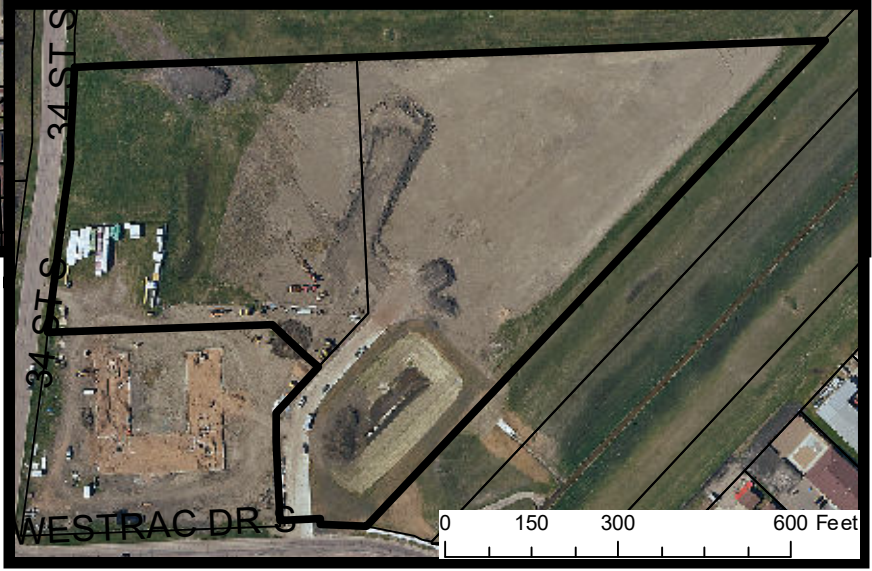
Legend

- AG
 - LC
 - MHP
 - SRR-2
 - DMU
 - LI
 - MNC
 - SRR-3
 - CC
 - MR-1
 - PUL
 - SRR-4
 - GO
 - MR-2
 - UMU
 - SRR-5
- City Limits

Minor Subdivision

Westrac Fifth Addition

3315 Westrac Drive South and 624 34th Street South

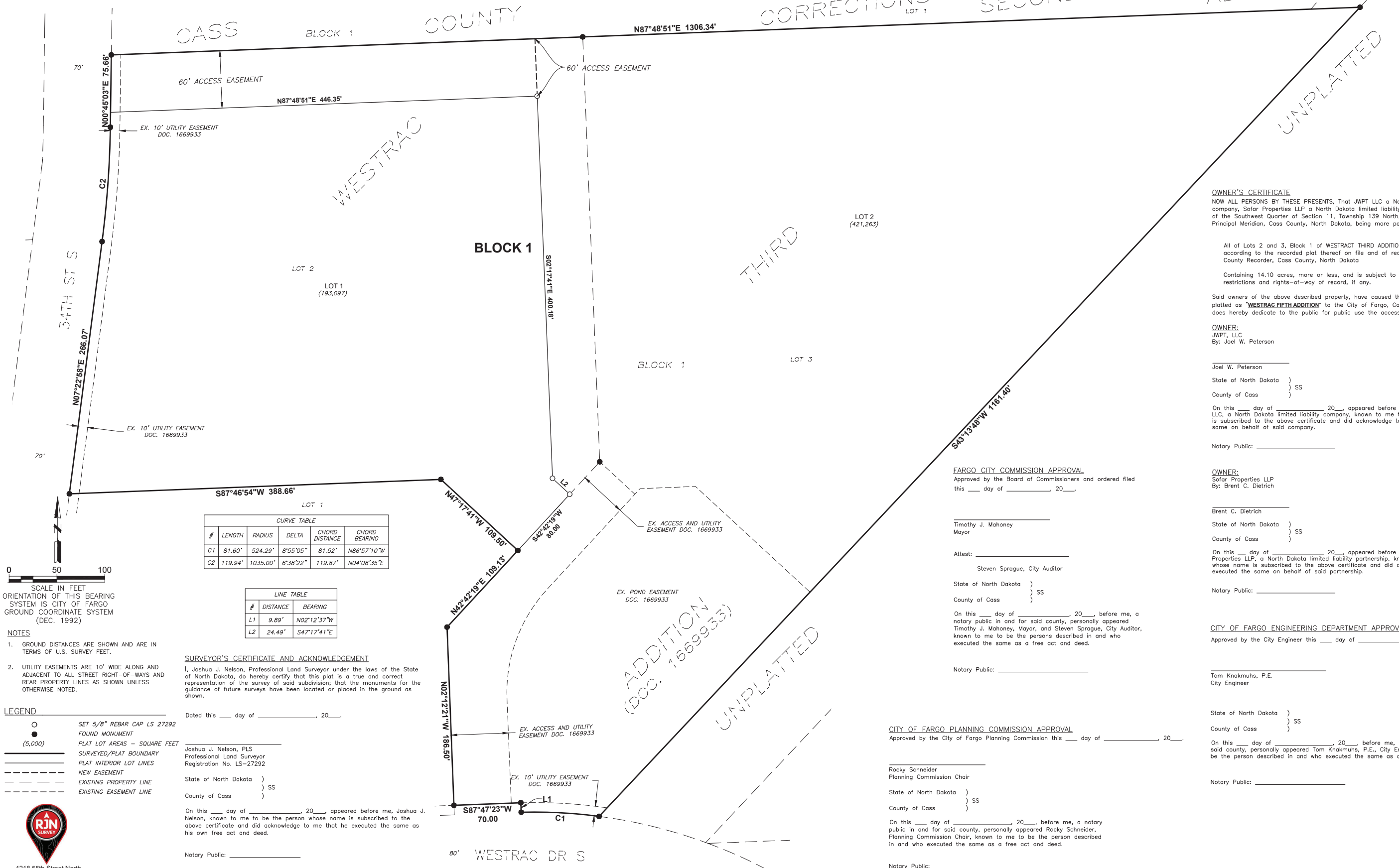


Legend

 City Limits

WESTRAC FIFTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
 A REPLAT OF LOTS 2 AND 3, BLOCK 1 OF WESTRAC THIRD ADDITION
 (A MINOR SUBDIVISION)



CURVE TABLE				
#	LENGTH	RADIUS	DELTA	CHORD DISTANCE
C1	81.60'	524.29'	8°55'05"	81.52'
C2	119.94'	1035.00'	6°38'22"	119.87'

LINE TABLE		
#	DISTANCE	BEARING
L1	9.89'	N02°12'37"W
L2	24.49'	S47°17'41"E

SCALE IN FEET
 ORIENTATION OF THIS BEARING SYSTEM IS CITY OF FARGO GROUND COORDINATE SYSTEM (DEC. 1992)

- 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.

- LEGEND**
- SET 5/8" REBAR CAP LS 27292
 - FOUND MONUMENT
 - (5,000) PLAT LOT AREAS - SQUARE FEET
 - SURVEYED/PLAT BOUNDARY
 - PLAT INTERIOR LOT LINES
 - - - NEW EASEMENT
 - - - EXISTING PROPERTY LINE
 - - - EXISTING EASEMENT LINE

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Dated this ___ day of _____, 20__.

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

State of North Dakota)
) SS
 County of Cass)

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

Notary Public: _____



OWNER'S CERTIFICATE

NOW ALL PERSONS BY THESE PRESENTS, That JWPT LLC a North Dakota limited liability company, Sofar Properties LLP a North Dakota limited liability partnership as owners of part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

All of Lots 2 and 3, Block 1 of WESTRAC THIRD ADDITION to the City of Fargo, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota

Containing 14.10 acres, more or less, and is subject to easements, reservations, restrictions and rights-of-way of record, if any.

Said owners of the above described property, have caused the same to be surveyed and platted as "WESTRAC FIFTH ADDITION" to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public for public use the access easement shown on this plat.

OWNER:
 JWPT, LLC
 By: Joel W. Peterson

Joel W. Peterson
 State of North Dakota)
) SS
 County of Cass)

On this ___ day of _____, 20__, appeared before me, Joel W. Peterson, JWPT, 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 said company.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL
 Approved by the Board of Commissioners and ordered filed this ___ day of _____, 20__.

Timothy J. Mahoney
 Mayor

Attest: _____
 Steven Sprague, City Auditor

State of North Dakota)
) SS
 County of Cass)

On this ___ day of _____, 20__, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public: _____

OWNER:
 Sofar Properties LLP
 By: Brent C. Dietrich

Brent C. Dietrich
 State of North Dakota)
) SS
 County of Cass)

On this ___ day of _____, 20__, appeared before me, Brent C. Dietrich, Sofar Properties LLP, a North Dakota limited liability partnership, 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 said partnership.

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL
 Approved by the City Engineer this ___ day of _____, 20__.

Tom Knakmuhs, 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 Tom Knakmuhs, 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: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL
 Approved by the City of Fargo Planning Commission this ___ day of _____, 20__.

Rocky Schneider
 Planning Commission Chair

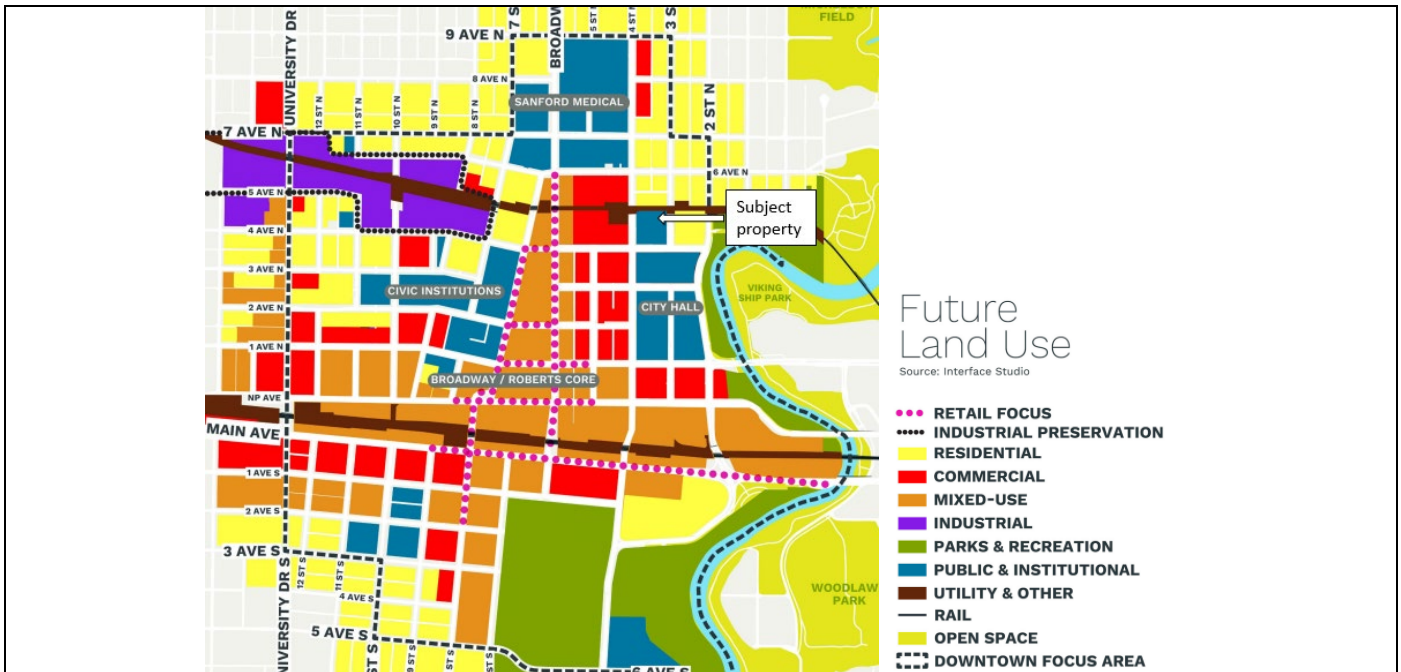
State of North Dakota)
) SS
 County of Cass)

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 Staff Report			
Title:	Leach and Wells Subdivision	Date:	05/29/2024
Location:	421 4th Street North, adjacent to 415 4th Street North	Staff Contact:	Alayna Espeseth, Assistant Planner
Legal Description:	a portion of 5th Avenue North right-of-way adjacent to Block 23, Leach and Wells Subdivision		
Owner(s)/Applicant:	Fargo Public Schools District / City of Fargo	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Right of Way Vacation (a vacation of a portion of 5 th Avenue North right-of-way adjacent to Block 23, Leach and Wells Subdivision)		
Status:	Planning Commission Public Hearing: June 04, 2024		

Proposal:
<p>The applicant is seeking approval of a vacation plat of a portion of 5th Avenue North right-of-way adjacent to Block 23, Leach and Wells Subdivision. This portion of 5th Avenue North is not used as a public street.</p> <p>The proposed street encompasses approximately 0.21 acres of public right-of-way. The vacated area is entirely on the south side of the Burlington Northern Santa Fe (BNSF) railroad tracks. Upon vacation, the vacated area will become part of the adjacent property to the south, 415 4th Street North.</p> <p>This right of way was originally dedicated by the Keeney & Devitts 2nd Addition plat in 1878. The rail line has been in this right of way since 1882.</p> <p>An access and utility easement will be dedicated to the public, as depicted on the plat.</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: DMU, Downtown Mixed Use with office and warehouse uses, BNSF railroad; • East: DMU, Downtown Mixed Use with surface passenger terminals, BNSF railroad; • South: DMU, Downtown Mixed Use with multi-dwelling residential, surface parking and retail sales and services; • West: DMU, Downtown Mixed Use with mixed use / multi-dwelling residential building.
Area Plans:
<p>The area of right of way to be vacated is included in the Downtown In Focus Master Plan, as depicted in the graphic below.</p> <p style="text-align: right;">(Continued on next page.)</p>



Schools and Parks:

Neighborhoods: The subject property is included in the Downtown neighborhood.

Schools: The subject property is located within the Fargo School District including Horace Mann/Roosevelt Elementary, Ben Franklin Middle and North High School.

Parks: The Great Northern Park (425 Broadway N) is located approximately 0.1 miles east of the subject property and provides place for a picnic lunch in downtown Fargo. The park features picnic tables and offers a small grass area.

Pedestrian / Bicycle: There is a bike lane along 4th Street North directly west of the subject property, a shared use path along 2nd Street North and a bike lane along 4th Avenue North.

MATBUS Route: Route 11 is the closest bus stop to the subject property and is located on the east side of Broadway North near the intersection with 6th Avenue North.

Staff Analysis:

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

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

such electric facilities in the vacated streets.

There is an active fiber line in this right of way. The City of Fargo has requested a utility and access easement to be placed on the plat, see attached plat. It is the applicant's responsibility to contact all potential utility providers and submit documentation that there are no other utilities in these easements. City staff reviews the applicant's documentation prior to City Commission approval of the plat. Any existing utility line that must be remain would have an easement retained. **(Criteria Satisfied)**

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

In accordance with the requirement of this section, a petition signed by all adjacent owners has been submitted for review and consideration, along with a plat of such public street. **(Criteria Satisfied)**

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

The vacation plat will be advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

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

This action will be taken by the City Commission. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the **Leach and Wells Subdivision (5th Avenue North)** right-of-way vacation plat as presented; as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places."

Planning Commission Recommendation: June 04, 2024

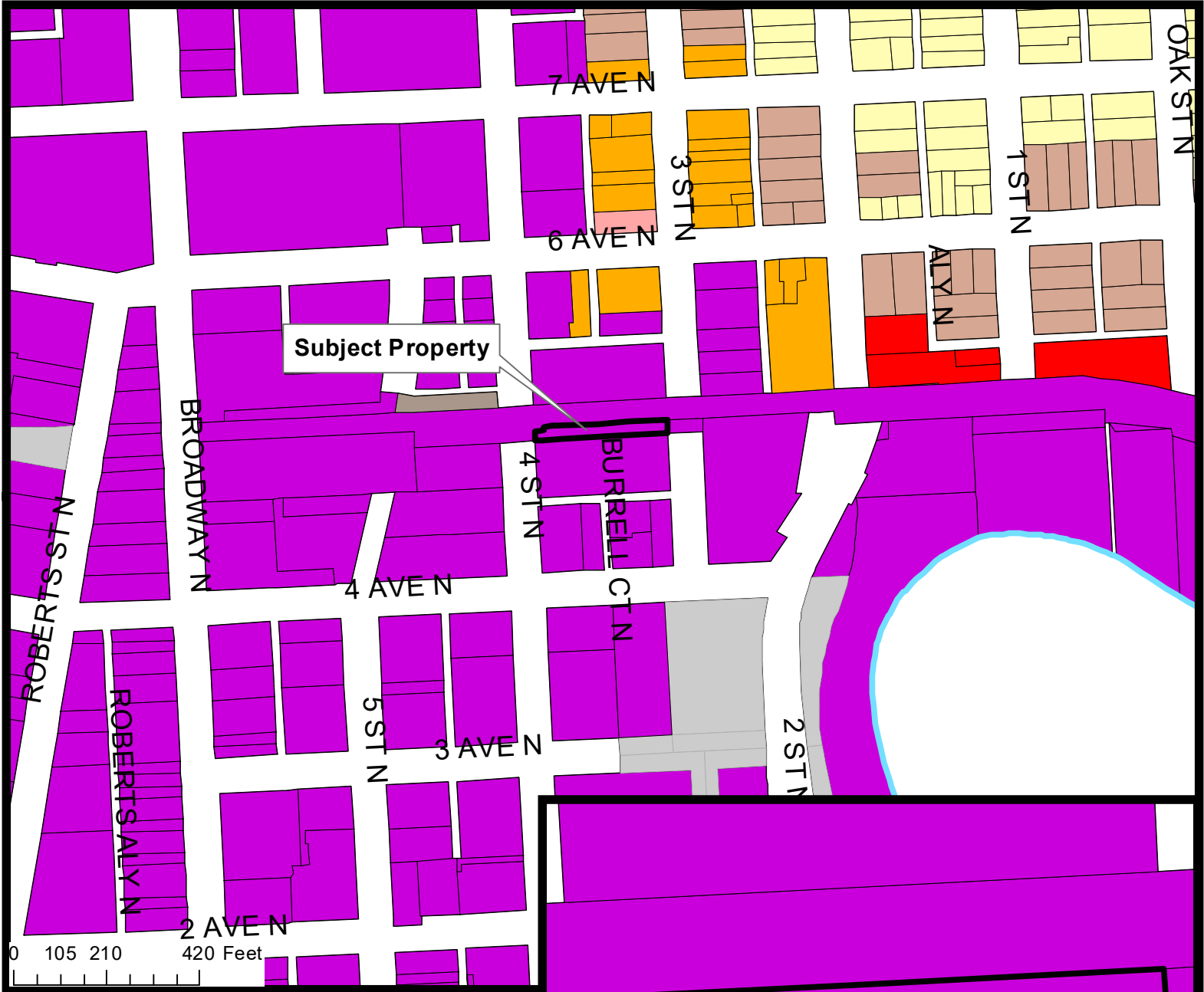
Attachments:

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

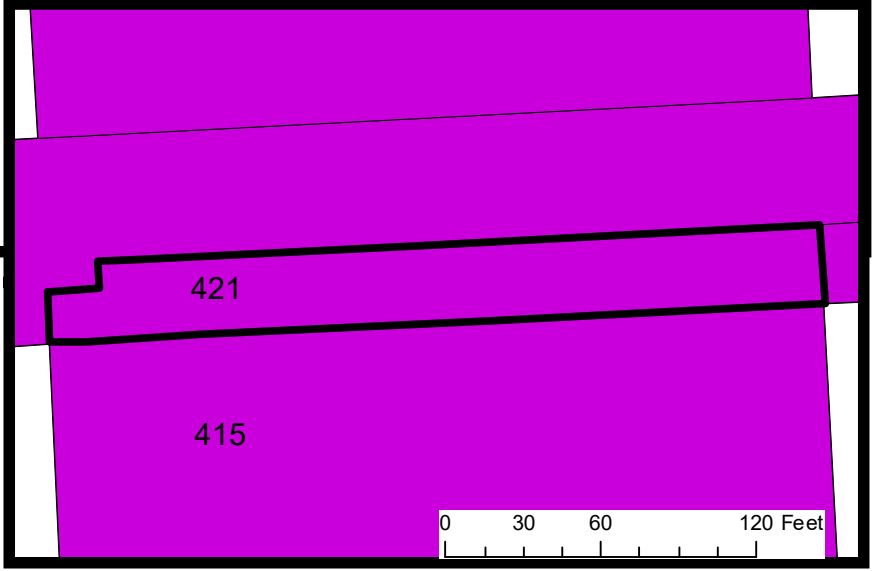
Vacation of Right of Way

Leach and Wells Subdivision

421 4th Street North



0 105 210 420 Feet



0 30 60 120 Feet



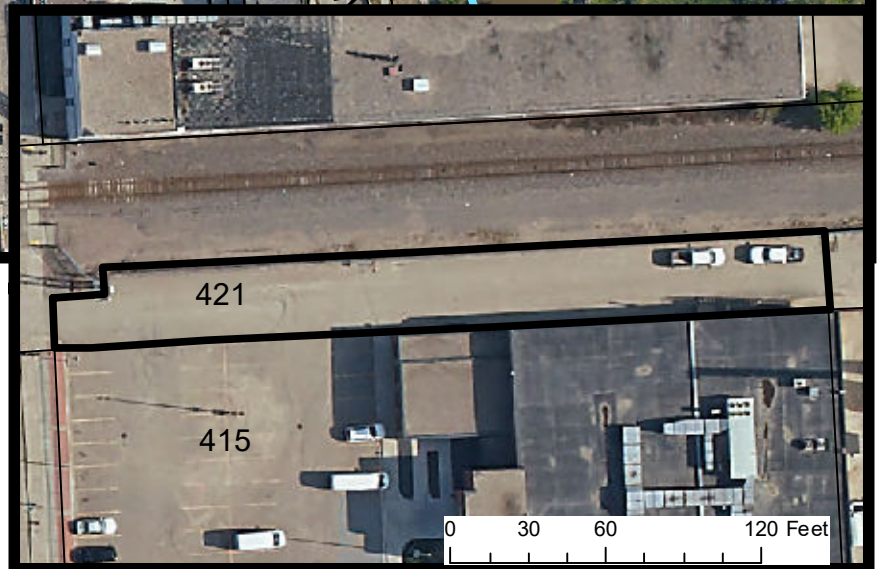
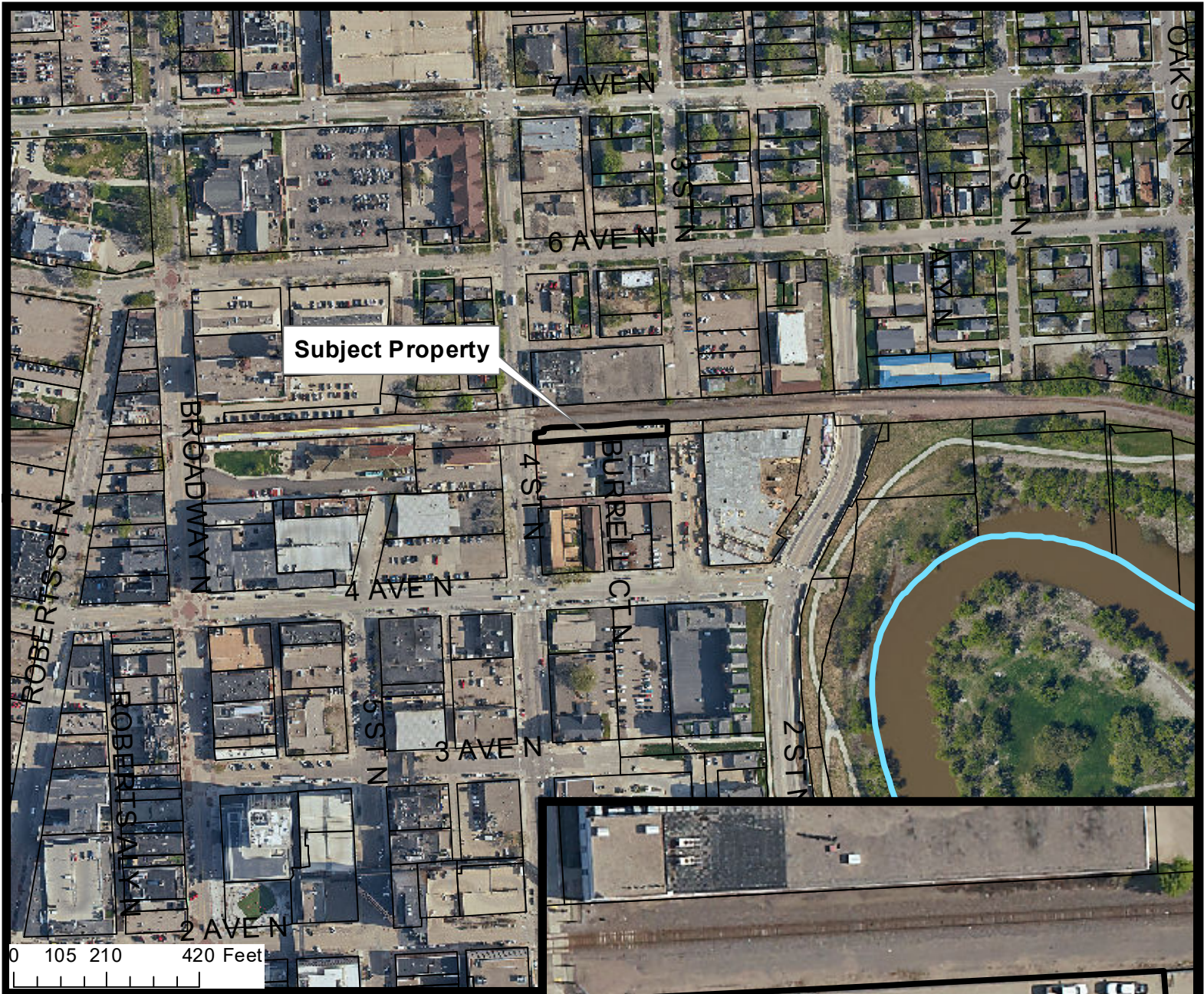
Legend

- | | | | |
|------|------|-----|-------------|
| AG | LC | MHP | RR-2 |
| DDMU | LC | NO | RR-3 |
| GGC | MR-1 | NO | RR-4 |
| GO | MR-2 | P/I | RR-5 |
| | MR-3 | UMU | City Limits |

Vacation of Right of Way

Leach and Wells Subdivision

421 4th Street North

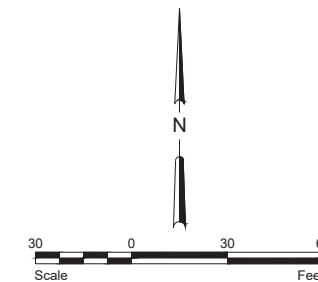


Legend

 City Limits

VACATION PLAT

OF A PORTION OF 5TH AVENUE NORTH ADJACENT TO
LEACH AND WELLS SUBDIVISION
IN 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')
AREA TO BE VACATED WITH THIS DOCUMENT	
UTILITY EASEMENT	- - - - -

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

H:\JBM5400\5421\5421_0031\CAD\PlatVacation Plat - 5th Ave N.dwg-Layout1-5/15/2024 11:59 AM-(dbuchholz)



VACATION PLAT

OF A PORTION OF 5TH AVENUE NORTH ADJACENT TO LEACH AND WELLS SUBDIVISION IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

DESCRIPTION- AREA TO BE VACATED:

A portion of right-of-way originally dedicated as Fourth Avenue lying northerly of Leach and Wells Subdivision to the City of Fargo, also currently known as 5th Ave. N. as shown on the Great Northern Railway map, Fargo No. 1, dated May, 1948, bounded on the west by the northerly extension of the westerly line of said Leach and Wells Subdivision, bounded on the east by the northerly extension of the easterly line of said Leach and Wells Subdivision, bounded on the north by a line that is 30.00 feet southerly of and parallel with the centerline of the existing BNSF Railway Company track and bounded on the south by the northerly line of said Leach and Wells Subdivision, all in the City of Fargo, Cass County, North Dakota.

Excepting therefrom the North 10.00 feet of the West 20.00 feet thereof.

And do hereby dedicate to the public, the utility and access easements shown on the plat.

OWNER:

Fargo Public Schools

Jackie Gapp, Business Manager

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Jackie Gapp, Business Manager, Fargo Public Schools, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of Fargo Public School District.

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 area vacated.

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____.

Tom Knakmuhs, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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: _____

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: _____



MEMORANDUM

TO: Fargo Planning Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research 

DATE: May 7, 2024

SUBJECT: Renewal Plan Review

At the recommendation of the Economic Development Incentives Committee, I prepared a Renewal Plan for a blighted area located on the northeast edge of the downtown. The plan was prepared to be consistent with the City's comprehensive plan and the Downtown Plan.

The entire block is vacant and buildings are blighted. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas already serviced with utilities.

The future land use plan for the downtown indicates housing for the block. The current and proposed zoning both allow housing on the block.

As part of the renewal plan review process, the plan is referred to the Planning Commission for recommendation as to its conformity with the Go2030 Comprehensive Plan.

I am requesting that the Planning Commission make a recommendation to the City Commission that this Renewal Plan is consistent with the Go2030 Comprehensive Plan of the City of Fargo.

Recommended Motion:

Recommend to the City Commission that the proposed Renewal Plan is consistent with the Go2030 Comprehensive Plan of the City of Fargo.

Attachment

RENEWAL PLAN
TAX INCREMENT FINANCING DISTRICT NO. 2024-01
CITY OF FARGO, NORTH DAKOTA
MAY 2024

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2024-01..... 1

SUBSECTION 1.1. DEFINITIONS..... 1

SUBSECTION 1.2. STATUTORY AUTHORITY..... 1

SUBSECTION 1.3. STATEMENT OF PUBLIC PURPOSE 2

SUBSECTION 1.4. DESCRIPTION OF RENEWAL AREA 3

SUBSECTION 1.5. STRUCTURE VALUE, DEMOLITION AND SITE CLEARING..... 3

SUBSECTION 1.6. LAND USE ATTRIBUTES – TIF DISTRICT 3

SUBSECTION 1.7. ESTIMATE OF DEVELOPMENT COSTS 4

SUBSECTION 1.8. ESTIMATE OF BONDED INDEBTEDNESS..... 4

SUBSECTION 1.9. TAX INCREMENT FINANCING..... 4

SUBSECTION 1.10. ESTIMATE OF TAX INCREMENT..... 5

SUBSECTION 1.11. DURATION OF THE TIF DISTRICT..... 5

APPENDIX A: LEGAL DESCRIPTION OF PROPERTY

APPENDIX B: MAP OF THE RENEWAL AREA/TIF DISTRICT

APPENDIX C: PHOTOS OF EXISTING CONDITIONS

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2024-01

Subsection 1.1. Definitions.

For the purposes of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

"City" means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

"City Commission" or "Commission" means the Fargo City Commission.

"Comprehensive Plan" means the City's GO 2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

"County" means Cass County, North Dakota.

"Development" means the construction of new buildings, structures or improvements; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

"Renewal Area" means the property described in Subsection 1.4 of this Plan.

"Renewal Plan" or "Plan" means this Plan adopted by the Commission for the Renewal Area.

"State" means the State of North Dakota.

"Tax Increment Financing Act" or "TIF Act" means North Dakota Century Code, Section 40-58-20, as amended.

"Tax Increment Bonds" means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the TIF District as stated in this Plan, or any obligations issued to refund the Tax Increment Bonds.

"Tax Increment Financing District" or "TIF District" means Tax Increment Financing District No. 2024-01.

"Urban Renewal Law" means North Dakota Century Code, Chapter 40-58.

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area and the establishment of Tax Increment Financing District No. 2024-01 are authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or

blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a "workable program" for the use of public and private resources to facilitate the development of industrial or commercial properties, eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slum and blighted areas, or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan for TIF District No. 2024-01, the City Commission intends to make the following findings:

- (a) The Renewal Area includes a blighted properties.

Factual basis: This Renewal Area is blighted due to the presence of blighted commercial and residential structures. This substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. Photos are included in Appendix C.

- (b) The Renewal Area has five residential buildings on the east side of the block, and two commercial buildings on the west side of the block. All the buildings are vacant.

Factual basis: The renewal area is considered blighted as described in (a) above. Blighted areas are eligible for renewal.

- (c) The Renewal Area is appropriate for a development or renewal project.

Factual basis: The renewal area is zoned for downtown mixed use on the west side of the block, and for multi-family housing on the east side of the block.

- (d) The residential buildings on the block are vacant.

Factual basis: There is no occupied housing on the site because of the age and poor condition of the buildings. The redevelopment is expected to include new housing units.

- (e) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.

Factual basis: The proposed development is consistent with the goals that are embodied in the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities, and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030.

Redevelopment of the site consistent with the Downtown Plan. The downtown future land use plan is for housing on the site. The present and proposed zoning would allow housing. Redevelopment will use existing infrastructure.

Subsection 1.4. Description of Renewal Area

The Renewal Area is located on the northeast edge of the downtown. The area is an entire city block between 6 Ave N and 7th Ave N., with 4th Street on the west and 3rd Street on the east. It is legally described in Appendix A. A map of the Renewal Area is attached as Appendix B.

Subsection 1.5. Structure Value, Demolition and Site Clearing.

The Development of the Renewal Area includes the following activities:

Land Acquisition/Land Write Down. – The developer would be provided with the value of the properties less the value of the land.

Building Demolition and Site Clearing – This estimate is for demolition of the buildings, surface parking and any environmental cleanup.

Administrative/TIF Fees – Other Tax Increment costs include the administrative costs.

Subsection 1.6. Land Use Attributes – TIF District

- (a) *Zoning or Planning Changes.*
The Developer has requested Downtown Mixed Use for the entire block, and vacation of the ally.
- (b) *Maximum Densities.*
Property within the TIF District will be developed in accordance with the applicable zoning district requirements.
- (c) *Building Requirements.*
All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.
- (d) *Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public imps.)*
The activities outlined in the plan are required for the redevelopment of this property. The first phase of the redevelopment is demolition of existing structures.

Future redevelopment will comply with the zoning district, the redevelopment goals of the Go2030 Comprehensive Plan, the Downtown Plan, the Renaissance Zone Plan, and the Core Neighborhood Plan. The future land use in the Core Neighborhood to the east is multi-family residential. The Planning Department will be reviewing the detailed plans when they are available in the future.

Subsection 1.7. Estimate of Development Costs

The City anticipates development of the Renewal Area will involve certain public costs. Under North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allow the use of funds received from tax increments to be applied to certain specified costs. The City will provide for certain costs as listed below in a development agreement. The primary costs are building values and demolition.

Value of the improvements removed	\$1,000,000
Demolition and Site Cleanup	\$500,000
Administration	\$50,000
TOTAL	\$1,550,000

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement. The maximum allowed costs will be specified in the development agreement.

The Developer may also obtain reimbursement of interest between the time project costs are incurred and the date the Tax Increment Revenue Note is issued, such interest being capitalized and added to the foregoing costs.

Subsection 1.8. Estimate of Bonded Indebtedness

The City intends to finance certain costs of the Development through the issuance of a Tax Increment Financing Note to the Developer. In addition, the City may use general obligation bonds, special assessment warrants or refunding improvement bonds pursuant to North Dakota Century Code, Section 40-58-20 (9), and the City may specially assess all or a portion of the costs of development and apply funds received from tax increments to payment of the special assessments and other bonds.

Subsection 1.9. Tax Increment Financing

The County Auditor is requested to compute, certify and remit tax increments resulting from the Development within the Renewal Area.

The original assessed value of the property within the Renewal Area, as last assessed and equalized before the base year of this Plan, is expected to be \$615,000 for the land value.

Each year, the County Auditor will compute the amount of tax increment generated within the Renewal Area in accordance with the TIF Act. Any year in which there is an "incremental value" as provided in the TIF Act, an increment will be payable to the City and deposited in the fund created by the County Auditor for that purpose. Any year in which there is "lost value" pursuant to the TIF Act, no increment will be payable to the City.

Subsection 1.10. Estimate of Tax Increment

It is anticipated the new Development will result in an increase in true and full value of the Renewal Area redevelopment site to over \$30 million. The value of the site within the TIF district is expected to initially decrease to \$614,000. The increase in value is expected to be over \$29 million. Under the mill rate in effect as of the date of this Plan, the Renewal Area is expected to generate tax increment each year in the estimated amount of \$400,000.

Subsection 1.11. Duration of the TIF District

The TIF District will continue until all development costs are reimbursed through the receipts of tax increment, or after a maximum of five property tax years after completion of the project and the expiration of any other incentives.

APPENDIX A

LEGAL DESCRIPTION OF PROPERTY

JS2L

<u>Address Number</u>	<u>Street</u>
601	4th Street North
617	4th Street North
602	3rd Street North
608	3rd Street North
612	3rd Street North
616	3rd Street North
304	7th Ave North
312	7th Ave North

There are 8 properties
Legal on next pages



Parcel Information Report

Parcel Number: 01-1540-02920-000

General Information

Segment Id: 1
Owner 1: JS2L PARTNERS LLP
Owner 2:
Property Address: 601 4 ST N
Mailing Address: 3050 SIENNA DR S FARGO, ND 58104-
Addition Name: Keeney & Devitts 2nd
Block: 37
Lot: S 3.83 FT OF 9 & ALL OF 10 & 1
Additional Description:

Estimated Flood Stage Levels For River Flooding:
If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 42 or higher.
Structure may be affected by an approximate flood stage of 44 or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$153,000.00	\$33,700.00	\$186,700.00

Building Information

Year Built: 1959 No. of Apartment Units:
Total Building SqFt: 2345 Residential Story Height: ()

Lot Size

Front Width: 103.83 Land Use: C (Commercial)
Back Width: 103.83 Property Type: 78 (Service Station)
Depth Side 1: 140.00
Depth Side 2: 140.00 Square Footage: 14536.00

DISCLAIMER: The City of Fargo provides property information to the public "as is" without warranty of any kind, expressed or implied. Assessed values are subject to change by the City of Fargo. In no event will the City of Fargo be liable to anyone for damages arising from the use of the property data. You assume responsibility for the selection of data to achieve your intended results, and for the installation and use of the results obtained from the property data.

Assessment records are for the sole purpose of identifying the land being taxed. In some cases to attain efficiency, Assessment Department legal descriptions may be shortened yet will retain sufficient information to identify the land. Since tax statements and records are not deeds and may contain abbreviated descriptions, they should not be used as a basis for a survey or a legal document and should not be used by surveyors or others as the primary source of a property description.



Parcel Information Report

Parcel Number: 01-1540-02930-000

General Information

Segment Id: 1
Owner 1: JS2L PARTNERS LLP
Owner 2:
Property Address: 617 4 ST N
Mailing Address: 3050 SIENNA DR S FARGO, ND 58104-
Addition Name: Keeney & Devitts 2nd
Block: 37
Lot: 7, 8 & N 46.17 FT OF 9
Additional Description:

Estimated Flood Stage Levels For River Flooding:

If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 42 or higher.

Structure may be affected by an approximate flood stage of 42 or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$246,000.00	\$450,600.00	\$696,600.00

Building Information

Year Built: 1964
Total Building SqFt: 11812
No. of Apartment Units:
Residential Story Height: ()

Lot Size

Front Width: 167.47
Back Width: 165.87
Depth Side 1: 140.00
Depth Side 2: 140.00
Land Use: C (Commercial)
Property Type: 55 (Manufacturing)
Square Footage: 23446.00

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Assessment records are for the sole purpose of identifying the land being taxed. In some cases to attain efficiency, Assessment Department legal descriptions may be shortened yet will retain sufficient information to identify the land. Since tax statements and records are not deeds and may contain abbreviated descriptions, they should not be used as a basis for a survey or a legal document and should not be used by surveyors or others as the primary source of a property description.



Parcel Information Report

Parcel Number: 01-1540-02990-000

General Information

Segment Id: 1
Owner 1: JS2L PARTNERS LLP
Owner 2:
Property Address: 312 7 AVE N
Mailing Address: 3050 SIENNA DR S FARGO, ND 58104
Addition Name: Keeney & Devitts 2nd
Block: 37
Lot: W 50 FT OF N 50 FT OF 6

Additional Description:

Estimated Flood Stage Levels For River Flooding:

If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 42 or higher.

Structure may be affected by an approximate flood stage of 42 or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$15,100.00	\$92,900.00	\$108,000.00

Building Information

Year Built: 1907
Total Building SqFt: 1248
No. of Apartment Units:
Residential Story Height: 7 (2 Story)

Lot Size

Front Width: 50.00
Back Width: 50.00
Depth Side 1: 50.00
Depth Side 2: 50.00
Land Use: R (Residential)
Property Type: 1 (Single Family)
Square Footage: 2500.00

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Assessment records are for the sole purpose of identifying the land being taxed. In some cases to attain efficiency, Assessment Department legal descriptions may be shortened yet will retain sufficient information to identify the land. Since tax statements and records are not deeds and may contain abbreviated descriptions, they should not be used as a basis for a survey or a legal document and should not be used by surveyors or others as the primary source of a property description.



Parcel Information Report

Parcel Number: 01-1540-02980-000

General Information

Segment Id: 2
Owner 1: JS2L PARTNERS LLP
Owner 2:
Property Address: 304 7 AVE N
Mailing Address: 3050 SIENNA DR FARGO, ND 58104
Addition Name: Keeney & Devitts 2nd
Block: 37
Lot: E 90 FT OF N 50 FT OF 6

Additional Description:

Estimated Flood Stage Levels For River Flooding:

If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 42 or higher.
Structure may be affected by an approximate flood stage of 42 or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$23,000.00	\$78,700.00	\$101,700.00

Building Information

Year Built: 1904 No. of Apartment Units: 5
Total Building SqFt: 1682 Residential Story Height: ()

Lot Size

Front Width: 50.00 Land Use: P (Apartment)
Back Width: 50.00 Property Type: 6 (Conversion)
Depth Side 1: 90.00
Depth Side 2: 90.00 Square Footage: 4545.00

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Assessment records are for the sole purpose of identifying the land being taxed. In some cases to attain efficiency, Assessment Department legal descriptions may be shortened yet will retain sufficient information to identify the land. Since tax statements and records are not deeds and may contain abbreviated descriptions, they should not be used as a basis for a survey or a legal document and should not be used by surveyors or others as the primary source of a property description.



Parcel Information Report

Parcel Number: 01-1540-02970-000

General Information

Segment Id: 1
Owner 1: JS2L PARTNERS LLP
Owner 2:
Property Address: 616 3 ST N
Mailing Address: 3050 SIENNA DR S FARGO, ND 58104-
Addition Name: Keeney & Devitts 2nd
Block: 37
Lot: N 10 FT OF 4 & ALL OF 5 & S 18 FT OF 6

Additional Description:

Estimated Flood Stage Levels For River Flooding:

If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 41 or higher.

Structure may be affected by an approximate flood stage of 42 or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$66,000.00	\$107,400.00	\$173,400.00

Building Information

Year Built: 1908
Total Building SqFt: 1788
No. of Apartment Units:
Residential Story Height: ()

Lot Size

Front Width: 78.00
Back Width: 78.00
Depth Side 1: 140.00
Depth Side 2: 140.00
Land Use: C (Commercial)
Property Type: 72 (Retail)
Square Footage: 10920.00

DISCLAIMER: The City of Fargo provides property information to the public "as is" without warranty of any kind, expressed or implied. Assessed values are subject to change by the City of Fargo. In no event will the City of Fargo be liable to anyone for damages arising from the use of the property data. You assume responsibility for the selection of data to achieve your intended results, and for the installation and use of the results obtained from the property data.

Assessment records are for the sole purpose of identifying the land being taxed. In some cases to attain efficiency, Assessment Department legal descriptions may be shortened yet will retain sufficient information to identify the land. Since tax statements and records are not deeds and may contain abbreviated descriptions, they should not be used as a basis for a survey or a legal document and should not be used by surveyors or others as the primary source of a property description.



Parcel Information Report

Parcel Number: 01-1540-02960-000

General Information

Segment Id: 1
 Owner 1: JS2L PARTNERS LLP
 Owner 2:
 Property Address: 612 3 ST N
 Mailing Address: 3050 SIENNA DR S FARGO, ND 58104-
 Addition Name: Keeney & Devitts 2nd
 Block: 37
 Lot: S 30 FT OF N 40 FT OF 4
 Additional Description:

Estimated Flood Stage Levels For River Flooding:

If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 41 or higher.
 Structure may be affected by an approximate flood stage of 41 or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
 Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$13,100.00	\$123,200.00	\$136,300.00

Building Information

Year Built: 1895 No. of Apartment Units:
 Total Building SqFt: 1440 Residential Story Height: 7 (2 Story)

Lot Size

Front Width: 30.00 Land Use: R (Residential)
 Back Width: 30.00 Property Type: 1 (Single Family)
 Depth Side 1: 140.00
 Depth Side 2: 140.00 Square Footage: 4200.00

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Parcel Information Report

Parcel Number: 01-1540-02950-000

General Information

Segment Id: 2
 Owner 1: JS2L PARTNERS LLP
 Owner 2:
 Property Address: 608 3 ST N
 Mailing Address: 3050 SIENNA DR S FARGO, ND 58104
 Addition Name: Keeney & Devitts 2nd
 Block: 37
 Lot: 3 & S 10 FT OF 4
 Additional Description:

Estimated Flood Stage Levels For River Flooding:

If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 41 or higher.

Structure may be affected by an approximate flood stage of 42 or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
 Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$42,000.00	\$104,600.00	\$146,600.00

Building Information

Year Built: 1890 No. of Apartment Units: 5
 Total Building SqFt: 2216 Residential Story Height: ()

Lot Size

Front Width: 5.00 Land Use: P (Apartment)
 Back Width: 0.00 Property Type: 6 (Conversion)
 Depth Side 1: 0.00
 Depth Side 2: 0.00 Square Footage: 8400.00

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Parcel Information Report

Parcel Number: 01-1540-02940-000

General Information

Segment Id: 1
Owner 1: JS2L PARTNERS LLP
Owner 2:
Property Address: 602 3 ST N
Mailing Address: 3050 SIENNA DR S FARGO, ND 58104-
Addition Name: Keeney & Devitts 2nd
Block: 37
Lot: 2
Additional Description:

Estimated Flood Stage Levels For River Flooding:

If your property is outside the city limits or your property and structure are not affected by a 25 to 44 foot flood stage data will be not available (N/A).

Property may be affected by an approximate flood stage of 42 or higher.

Structure may be affected by an approximate flood stage of N/A or higher.

Please note that this approximation does not take into account any local issues such as ice and debris jams or localized flooding from intense rainfall events.

District Information

Cass School District: 1
Elem. School District: HoraceMann

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$56,000.00	\$15,400.00	\$71,400.00

Building Information

Year Built: No. of Apartment Units:
Total Building SqFt: Residential Story Height: ()

Lot Size

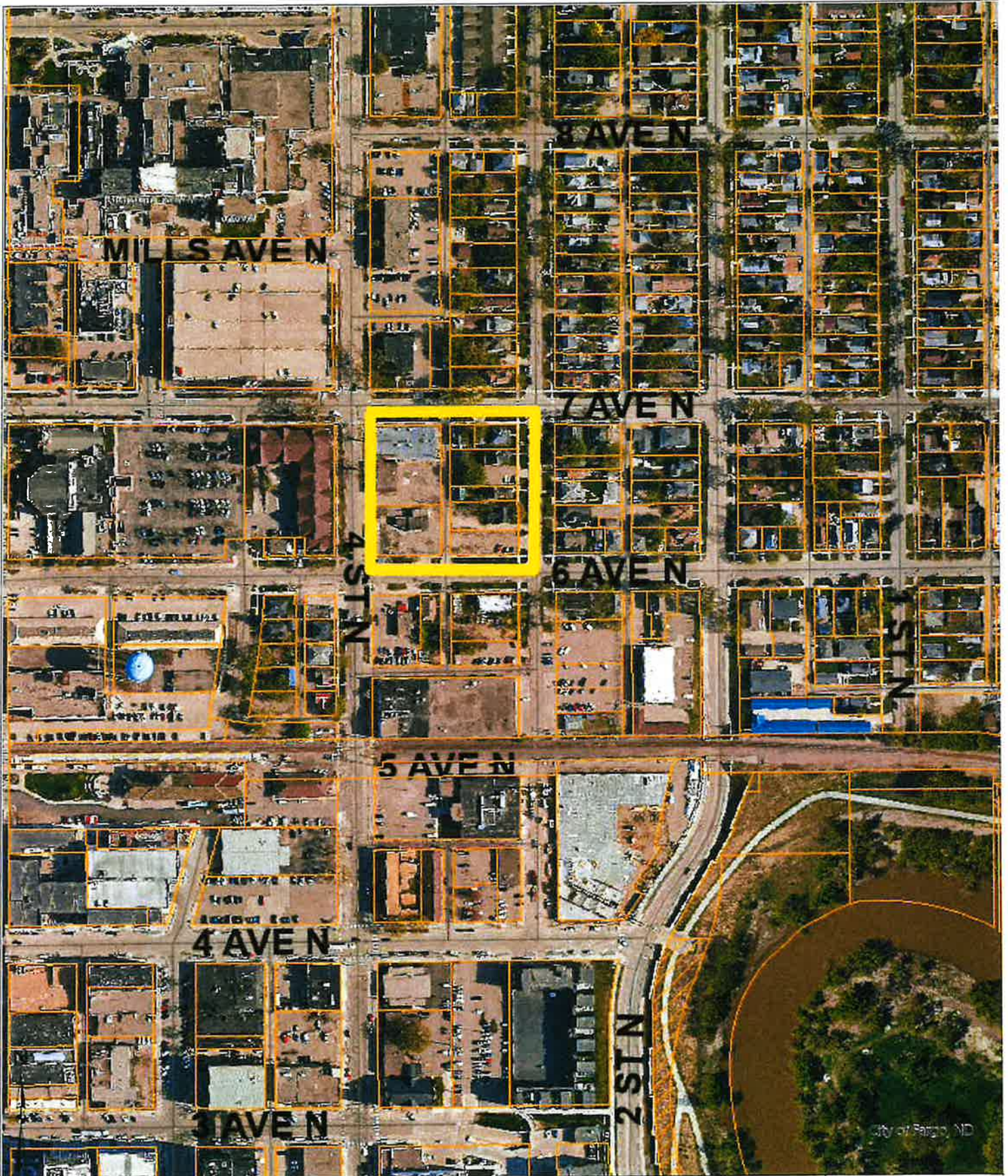
Front Width: 50.00 Land Use: C (Commercial)
Back Width: 50.00 Property Type: 62 (Parking Ramp/Lot)
Depth Side 1: 140.00
Depth Side 2: 140.00 Square Footage: 7000.00

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APPENDIX B

MAP OF THE RENEWAL AREA/TIF DISTRICT



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Renewal Area 2024-01

1:4,514

5/8/2024 1:21 PM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



City of Fargo, ND

APPENDIX C
PHOTOS OF EXISTING CONDITIONS







MEMORANDUM

TO: Fargo Planning Commission
FROM: Donald Kress, Current Planning Coordinator
DATE: May 30, 2024
SUBJECT: Review Rules of Internal Procedure and Operations

About every three to five years, it has been our practice to update bylaws, otherwise known as Rules of Internal Procedure and Operations for the Fargo Planning Commission. These rules were last reviewed and adopted July 2021. Planning Commission Chair Rocky Schneider suggested bringing these forward and will introduce the item at the meeting.

The reaffirmation is done by roll call vote.

**RULES OF INTERNAL PROCEDURE AND OPERATIONS OF THE
CITY OF FARGO PLANNING COMMISSION
(UPDATED ~~AUGUST 3, 2021~~, 2024)**

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

**I
MEMBERSHIP**

- A. The City of Fargo Planning Commission (hereinafter referred to as “the Commission”) shall be composed of those individuals who have been appointed by the governing bodies of the City of Fargo and Cass County in accordance with the provision of NDCC 40-48-03 and who have filed the oath of office requisite to such appointment. The Commission operates with authority in accordance with the provision of NDCC 40-05.1-06 and as designated by City Ordinance, Chapter 20 of the Fargo Municipal Code. At the regular meeting in July of each year, the Commission shall elect a Chair and Vice-Chair for the ensuing year to have the duties hereinafter specified.
1. The Chair shall generally preside and conduct all Commission meetings and all special meetings, may appoint standing or special committees from Commission members for specific functions, and select by appointment individual members to perform specific duties.
 2. The Vice-Chair shall, in the event of the absence, disability, resignation, or conflict of interest of the Chair, exercise all the powers and duties of said Chair. In the event the Chair is permanently disqualified from performing the Chair’s function, the Vice-Chair shall automatically become Commission Chair and the position of Vice-Chair shall be deemed vacant and an election shall follow for Vice-Chair.
 3. As represented in Section 20-0802 of the Land Development Code, tThe Commission is made up of eleven members. E, eight of whom members are appointed by the City Commission for a total of three, three-year terms. Three members and three of whom are appointed as extraterritorial representatives by the County Commission for five-year terms. The Commissioners shall serve without compensation. The Commissioners serve at the pleasure of the appointing Commission. Members are appointed until resignation or reappointment or replacement has occurred.

**II
MEETINGS**

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

C.B. Meeting Location – All regular meetings of the Commission shall be held in the Chambers of the City Commission, City Hall, Fargo, North Dakota, on the day and time specified in Section A above. Alternative locations may be specified and advertised in accordance with publication requirements. Special meetings may be held at other locations and at other times which shall be designated in the written notice of the special meeting.

D.C. Order of Business – The items of business to be considered at any regular or special meeting shall be specified on the notice of such meetings, which shall be the meeting agenda and which shall be transmitted to each member in the case of a regular meeting no later than three days immediately preceding the meeting date and, in the case of special meetings, at the time the meeting is noticed. The order of the agenda may be changed or late items may be added by the Commission.

E.D. Application for a Public Hearing – The written application is due in the Department of Planning and Development office as set forth in the established processing cycle of Article 20-0901.E of the Land Development Code.

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

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

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

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

III VOTING

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

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

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

**IV
QUORUM**

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

**V
STANDING COMMITTEES**

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

**VI
ETHICS/CONDUCT**

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

**VII
OTHER PROCEDURES**

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

**VIII
CONTROL OF LAW**

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

**IX
AMENDMENT AND REPEAL**

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

X
ADOPTION AND FILING

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

The undersigned Chair of the City of Fargo Planning Commission does hereby certify that the foregoing "Rules of Internal Procedure and Operations of the City of Fargo Planning Commission" were duly adopted by said Planning Commission on the ~~7th day of June, 2016,~~ and reaffirmed by said Planning Commission on the ~~3rd day of August, 2021.~~ day of , 2024.

Rocky Schneider
Chair of the Planning Commission