

FARGO PLANNING COMMISSION AGENDA
Tuesday, June 6, 2023 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of May 2, 2023
- C: Public Hearing Items:
- 1a. Continued hearing on an application requesting a Growth Plan Amendment on the proposed **Interstate Business District Addition** from Residential Area, Lower-to-Medium Density, Commercial, and Proposed Park to Industrial and Commercial. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering) (dk)
 - 1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed **Interstate Business District Addition**. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering) (dk)
 - 1c. Continued hearing on an application requesting a Plat of **Interstate Business District Addition** (Major Subdivision) a plat of a portion of the West Half of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering) (dk)
 - 2a. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial, with an amended PUD, Planned Unit Development overlay on Lots 1-2, Block 1, **EOLA Addition** and on the proposed **EOLA Second Addition**. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC) (me)
 - 2b. Hearing on an application requesting an application for a PUD, Planned Unit Development Master Land Use Plan amendment on Lots 1-2, Block 1, **EOLA Addition** and on the proposed **EOLA Second Addition**. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC) (me)
 - 2c. Hearing on an application requesting a Plat of **EOLA Second Addition** (Major Subdivision) a replat of Lots 1-5, Block 2, EOLA Addition and part of Lot 1, Block 1, Anderson Park Second

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

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

Addition, to the City of Fargo, Cass County, North Dakota, including a waiver for a reduced street Right-of-Way. (Located at 4410, 4448, 4470, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South; 4200 23rd Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC) (me)

3. Hearing on an application requesting a Conditional Use Permit to allow a temporary Telecommunication Support Structure (TSS) within the P/I, Public and Institutional zoning district on **Section 36, Township 140 North, Range 49 West**. (Located at 1310 17th Avenue North) (North Dakota State University/Terra Consulting Group; AT&T Wireless) (bg)

D: Other Items:

1. Review of a Renewal Plan for the property located at 502 8th Street South. (jg)

** After Adjournment, move to the Meadowlark Room for work session on the Growth Plan.

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, May 2, 2023

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, May 2, 2023.

The Planning Commissioners present or absent were as follows:

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

Absent: Maranda Tasa, Thomas Schmidt

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of April 4, 2023

Member Shewey moved the minutes of the April 4, 2023 Planning Commission meeting be approved. Second by Member Morgan. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Veterans Industrial Park Addition

1a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial, on the proposed Veterans Industrial Park Addition. (Located at 5385 19th Avenue North) (EagleRidge Development/Elwood Brand): APPROVED

1b. Hearing on an application requesting a Plat of Veterans Industrial Park Addition (Major Subdivision) a plat of a portion of Southwest Quarter of Section 28, Township 140 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 5385 19th Avenue North) (EagleRidge Development/Elwood Brand): APPROVED

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

Member Rosenberg present.

Discussion was held regarding the extraterritorial area of Fargo, potential use, and infrastructure.

Applicant Ian Bullis, EagleRidge Development, spoke on behalf of the application.

Brief discussion was held regarding potential use and the proposed zoning.

Member Gunkelman 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 LI, Limited Industrial, and 2) Subdivision Plat Veterans Industrial Park Addition, as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, and Sections 20-0906.F(1-4), Section 20-0907.C, and Section 20-0907.D.3(a-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 Holtz, Rosenberg, Morgan, Stofferahn, Shewey, Gunkelman, and Schneider voted aye. Absent and not voting: Members Schmidt and Tasa. The motion was declared carried.

Item 2: Interstate Business District Addition

2a. Hearing on an application requesting a Growth Plan Amendment on the proposed Interstate Business District Addition from Residential Area, Lower-to-Medium Density, Commercial, and Proposed Park to Industrial and Commercial. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering): CONTINUED TO JUNE 6, 2023

2b. Hearing on an application requesting a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering): CONTINUED TO JUNE 6, 2023

2c. Hearing on an application requesting a Plat of Interstate Business District Addition (Major Subdivision) a plat of a portion of the West Half of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 4753 45th Street North and 4269 40th Avenue North) (North Fargo Land, LLC; ARD Properties, LLC/Tony Eukel, MBN Engineering): CONTINUED TO JUNE 6, 2023

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held regarding the Growth Plan, the process of making amendments to the Growth Plan, and the change of land use designation.

Planning and Development Assistant Director Mark Williams spoke on the prior plans for the land, and the difficulty of developing land for residential use adjacent to the interstate.

Further discussion was held regarding the involvement of Reile's Acres in the process, the City of Fargo extraterritorial process, zoning of the areas by Reile's Acres, other places in Fargo that LI, Limited Industrial abuts residential, and buffers and set backs on the property.

City Engineer Brenda Derrig spoke on behalf of the Engineering Department.

Discussion continued regarding the location of driveways for the property, the possibility of Lots 3 through 7 being GC, General Commercial, and environmental and noise concerns.

Applicant Trent Duda, Earthworks Services and ARD Properties, spoke on behalf of the application. He provided a brief history of this property between his development company and the City of Reile's Acres.

Additional discussion continued regarding the choice of LI, Limited Industrial instead of GC, General Commercial, if there was an option to put in a C-O, Conditional Overlay on the street facing side, types of business allowed, the bridge over the drain, how zoning would affect the sale of the lots, maintenance of 45th street, and the Growth Plan.

Applicant representative Nate Vollmuth spoke on behalf of the application.

Cass County Engineer Jason Benson spoke on behalf of the Cass County Highway Department.

Further discussion was held regarding road access, safety, traffic, future development, wear and tear on the road, and road maintenance.

The following Reile's Acres residents spoke in opposition to the application stating the following concerns: the proposed buffer, traffic, safety, noise, air quality, environmental impacts, decreased property value, and the choice of LI, Limited Industrial, instead of GC, General Commercial zoning.

Paula Peterson, 4314 45 Street North
Jerome Koble, 4442 45 Street North
Mike Lestina, 4406 45 Street North
Kyla DuBord, 4106 45 Street North
Wyatt Kram, 4518 47 Street North
Jim Prudhomme, 4302 45 Street North
Lucas Kreklau, 3600 50 Street North
Gail Prudhomme, 4302 45 Street North

Discussion continued regarding other areas in the City of Fargo where LI, Limited Industrial zoning exists near residential zoning, the possibility of making the C-O, Conditional Overlay more restrictive, what view we want people to have coming into the City from the interstate, traffic concerns, and the option of continuing the application to allow the developer and the citizens of Reile's Acres to have further discussions.

At 4:30 p.m., the Board took a ten-minute recess.

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

Member Rosenberg moved to continue the application to the June 6, 2023 Planning Commission meeting to come up with a plan that addresses 45th Street, and allow the developer and the residents of Reile's Acres to possibly come to a compromise. Second by Member Shewey. On call of the roll Members Gunkelman, Holtz, Shewey, Stofferahn, Morgan, Rosenberg, and Schneider voted aye. Absent and not voting: Members Tasa and Schmidt. The motion was declared carried.

Item 3: Green Acres Second Addition

Hearing on an application requesting a Plat of Green Acres Second Addition (Minor Subdivision) a replat of part of Lots 1 and 3, all of Lot 2, Block 1, Green Acres Addition to the City of Fargo, Cass County, North Dakota. (Located at 2225, 2233, and 2237 13th Avenue South) (The Acme Investment Co./Neset Land Surveys, Inc): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Andrew Thil, Lowry Engineering, spoke on behalf of the application.

Brief discussion was held regarding the proposed plans for the location.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Green Acres Second Addition, as outlined within the staff report, as the proposal complies with the Core Neighborhoods Plan, the Standards of Section 20-0907.B&C, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Morgan, Gunkelman, Stofferahn, Rosenberg, Holtz, Shewey and Schneider voted aye. Absent and not voting: Members Tasa and Schmidt. The motion was declared carried.

Item 4: Southwest Fargo Mission Second Addition

4a. Hearing on an application requesting a Zoning Change from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay on the proposed Southwest Fargo Mission Second

Addition. (Located at 4451, 4455, and 4475 40th Avenue South) (4540 Investments, LLC/Christianson Companies): APPROVED

4b. Hearing on an application requesting a Plat of Southwest Fargo Mission Second Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Southwest Fargo Mission Addition to the City of Fargo, Cass County, North Dakota, including a subdivision watercourse setback waiver. (Located at 4451, 4455, and 4475 40th Avenue South) (4540 Investments, LLC/Christianson Companies): APPROVED

4c. Hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 1 of the proposed Southwest Fargo Mission Second Addition. (Located at 4451, 4455, and 4475 40th Avenue South) (4540 Investments, LLC/Christianson Companies): APPROVED

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

Applicant Chris Mack, Christenson Companies, spoke on behalf of the application.

Discussion was held regarding parking arrangements.

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from P/I, Public and Institutional to P/I, Public and Institutional and GC, General Commercial with a C-O, Conditional Overlay, 2) Subdivision Plat Southwest Fargo Mission Second Addition, and to approve the 3) Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 1 of the proposed Southwest Fargo Mission Second Addition, as outlined within the staff report, as the proposal complies with the 2003 Growth Plan, the Standards of Section 20-0906.F(1-4), Section 20-0907.B&C, Article 20-06, and Section 20-0909.D of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following condition:

- 1) The maximum density of the district shall be a maximum of 13.5 units per acre.

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

Item D: Other Items:

Item 1: Growth Plan Update

Planning Coordinator Kim Citrowske presented a brief update on the Fargo Growth Plan.

Chair Schneider shared about the Growth Plan Advisory Committee. He nominated three Planning Commission Members to be a part of the Advisory Committee: Members Holtz, Tasa, and Schneider.

Member Shewey moved to approve Members Holtz, Tasa and Schneider be added to the Growth Plan Advisory Committee. Second by Gunkelman. On call of the roll Members Shewey, Morgan, Gunkelman, Holtz, Stofferahn, Rosenberg, and Schneider voted aye. Absent and not voting: Members Tasa and Schmidt. The motion was declared carried.

Discussion was held regarding holding a brown bag meeting to discuss the Land Development Code, Comprehensive Plan, and the Growth Plan.

The time at adjournment was 5:19 p.m.



THE CITY OF
Fargo
 FAR MORE

Agenda Items Map
 Fargo Planning Commission
 June 6, 2023



Agenda Item Number

- 1 -- Interstate Business Park Addition
- 2 -- EOLA Second Addition
- 3 -- Section 36, Township 140 North, Range 49 West

0 0.325 0.65 1.3 1.95 2.6
 Miles

City of Fargo Staff Report			
Title:	Interstate Business District Addition	Date: Update:	4/27/2023 6/1/2023
Location:	4753 45th Street North and 4269 40th Avenue North.	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	ARD Properties, LLC; North Fargo Land, LLC / Tony Eukel, MBN Engineering	Engineer:	Mead & Hunt
Entitlements Requested:	Major Subdivision (Plat of Interstate Business District Addition , a plat of a Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota), a Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; and a Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional		
Status:	Planning Commission Public Hearing: June 6 th , 2023		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Industrial; commercial; government-owned	
Zoning: AG, Agricultural; LI, Limited Industrial with a conditional overlay, Ordinance No. 4020		Zoning: LI, Limited Industrial, with C-O; GC, General Commercial with C-O; P/I, Public/Institutional	
<p>Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production</p> <p>Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities</p> <p>C-O prohibits certain uses as shown above</p>		<p>Uses Allowed:</p> <p><u>LI—Limited Industrial</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities</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, basic utilities, adult establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities.</p> <p><u>P/I – Public and Institutional</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.</p> <p>C-O prohibits certain uses in GC and as shown above</p>	
<p>AG--Maximum Density Allowed (Residential): 1 dwelling unit per 10 acres.</p> <p>LI--Maximum Lot Coverage Allowed: 85%</p>		<p>LI--Maximum Lot Coverage Allowed: 85%</p> <p>GC--Maximum Lot Coverage Allowed: 85%</p> <p>P/I--Maximum Lot Coverage Allowed: no maximum</p>	
(continued on next page)			

Proposal:

PROJECT HISTORY NOTE: This project was originally heard at the May 2nd, 2023 Planning Commission hearing. At the hearing, following the presentation by staff and testimony by the applicant and neighboring residents to the project site, the Commission moved to continue the hearing to the June 6th, 2023 Planning Commission agenda. A summary of the May 2nd hearing and subsequent events is below.

The applicant requests three entitlements:

1. A major subdivision, to be known as **Interstate Business District Addition**, a plat of a Portion of the West Half of Section 15, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota
2. A **Growth Plan Amendment** from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; and
3. A **Zoning Change** from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional

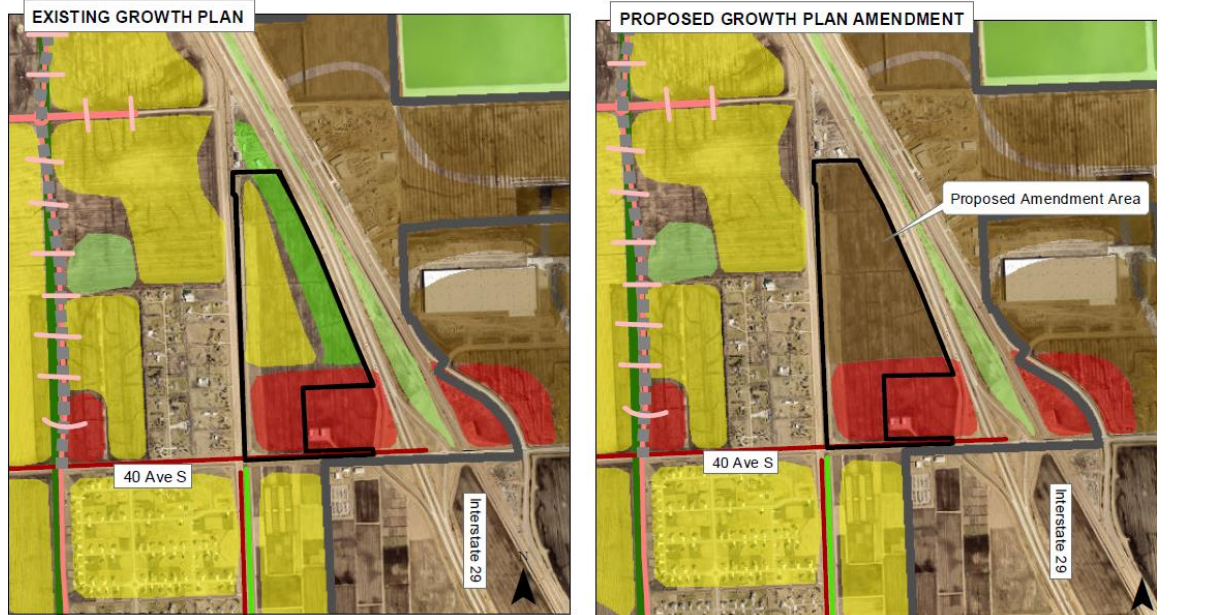
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

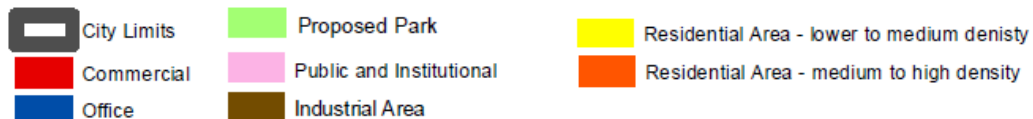
- North: LI, Limited Industrial with conditional overlay; Opp Construction Company
- East: No zoning; Interstate 29 right of way (adjacent to proposed Lots 9-15); and
- East: AG, Agricultural; fireworks sales (adjacent to proposed Lot 1)
- South: (across 40th Avenue North within city limits) P/I, Public / Institutional; North Dakota State University with agricultural uses; and
- South: (across 40th Avenue North, outside city limits) Reile's Acres extra-territorial jurisdiction; undeveloped.
- West: (across 45th Street North, outside city limits) Reile's Acres extra-territorial jurisdiction; large lot rural residential uses.

Area Plans:

The subject property is located within the 2007 Future Land Use Plan. This plan designates the subject property as "Commercial," "Residential Area—Lower to Medium Density," and "Proposed Park." The applicant proposes to amend the growth plan to change the land use designation to "Industrial" and "Commercial" as indicated in the graphics below. Specific findings for the growth plan amendment and a summary of the growth plan amendment neighborhood open house are below.



2007 Growth Plan



(continued on next page)

Context:

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

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

Parks: The Northern Softball Complex is approximately 0.45 mile northeast of the subject property; however, this park is across Interstate 29 and would require an approximately 1.25 mile trip to access it.

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

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

Staff Analysis:

NOTE: In the analysis below, the term "SE Cass" refers to the Southeast Cass Water Resources District, which owns the drainage channels in this portion of Cass County. The abbreviation "ETJ" means "extra-territorial jurisdiction," the area outside of a city's limits over which that city has planning and zoning jurisdiction. The abbreviation "LDC" means Fargo's Land Development Code.

MAJOR SUBDIVISION AND ZONING CHANGE

The subdivision plat creates 15 lots in one block, zoned as shown in the chart below. The applicant has now proposed that the zoning on the lots on the west side of the property be GC, General Commercial instead of LI, Limited Industrial zoning. (see "Revised Plan from Developer" below):

Lot Numbers	Zoning	Note
1	GC, General Commercial with C-O, conditional overlay	This C-O prohibits certain uses and off-premise signage
2	P/I, Public/Institutional	Will be acquired by City of Fargo as a stormwater detention basin
3 through 7	GC, General Commercial with C-O, conditional overlay	This C-O requires buffering and prohibits certain uses and off-premise signage
8	P/I, Public/Institutional	Will be dedicated to SE Cass Water Resources District
9 through 15	LI, Limited Industrial with C-O, conditional overlay	This C-O mainly relates to off-premise advertising; also prohibits some uses

CONDITIONAL OVERLAYS

Both the LI and GC zones are proposed to have conditional overlays (C-O's). These C-O's provide additional land use regulations specific to this project, intended to make the project more compatible with its context. A general overview of the C-O's is below; the draft C-O's are attached. Approval of these C-O's is part of the overall approval for the zoning for this project.

- C-O for LI, LOTS 9-15: Prohibits certain uses that would otherwise be allowed by right in the LI zone and restricts off-premise signage along the I-29 property frontage to no more than four billboards. Staff notes that without this restriction, a maximum of eight billboards could be installed on the lots along the subdivision's I-29 property frontage.
- C-O for GC, LOT 1: Prohibits certain uses that would otherwise be allowed by right in the GC zone; prohibits off-premise signage.
- C-O for GC, LOTS 3-7: Prohibits certain uses that would otherwise be allowed by right in the GC zone; prohibits off-premise signage; requires buffering.

ACCESS AND UTILITIES

ACCESS—DEDICATED PUBLIC STREET: The subdivision will take access from 40th Avenue North and 45th Street North. The subdivision dedicates 44rd Street North, from which all the lots in the subdivision will take access. The northerly end of 44rd will cross Drain 40, which is adjacent to the subdivision, by way of a box culvert crossing. An easement from SE Cass is required in order to construct this crossing.

Access to the lots in the subdivision will be provided only by 44th Street. The east side of the subdivision is bordered by Interstate 29 right of way; there can be no direct access to the lots from this right of way or I-29. The west side of

the subdivision is bordered by a 92.25 foot wide lot, Lot 8, which will be dedicated to SE Cass and is not developable. This lot is adjacent to Cass County Drain 40. The only access across the drain and Lot 8 will be provided at 44th Street. Additionally, there are no pedestrian routes or trails to connect to along the east or west sides of the subdivision.

ACCESS—TRANSITION FROM EXISTING GRAVEL ROAD: An existing gravel road along the west side of the subject property provides access to Opp Construction, adjacent to the northern boundary of the subject property. The applicant is working to create an agreement between his company, SE Cass, and Opp Construction to guarantee that access to Opp Construction is provided at all times, including how the transition from access provided by this gravel road to access provided by 44th Street will be timed. City staff will review this agreement prior to the City Commission hearing on this project. The City will not be a party to this agreement.

ACCESS—40th AVENUE NORTH / CASS COUNTY HIGHWAY 20: The Cass County Highway Department has jurisdiction over 40th Avenue North, which is also Cass County Highway 20. The Cass County Engineer has determined that a turn lane and a bypass lane to be installed on 40th Avenue North at the time 44th Street is installed. Construction of these additional lanes will be the responsibility of the developer. The subdivision includes a 100-foot right of way dedication on the north side of 40th Avenue. A negative access easement, as depicted on the plat, will prohibit direct access to lots from 40th Avenue North.

PUBLIC WATER and SEWER: Public water and sewer to serve the lots in the subdivision will be provided in the dedicated public street, 44th Street North. Additionally, a large-diameter City of Fargo water line will run north along 44th Street and thence northeast in an easement between Lots 9 and 10 and out of the subdivision. This water line is part of a redundant water loop that is part of the City's overall water distribution system.

175 FOOT DRAIN SETBACK: Land Development Code Section 20-0610.F requires that no subdivision may be approved without a notation and delineation of an area 175 feet from the centerline of any legal drain and the applicant for subdivision approval will be required to dedicate such areas to the public for purposes of such drain. This plat accounts for this dedication by dedicating Lot 8, Block 1, to SE Cass.

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

GROWTH PLAN AMENDMENT

In order to allow the proposed LI, Limited Industrial zoning, the underlying growth plan, the 2007 Growth Plan, must be amended to change the land use designation for this property from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial. Findings for the growth plan amendment are below.

NEIGHBORHOOD MEETING AND NEIGHBORHOOD COMMENT LETTERS PRIOR TO MAY 2nd HEARING:

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. The intent of this open house is to allow residents and property owners in the area an opportunity to meet with the developer to review and comment on the proposed growth plan amendment. This meeting was held on Thursday, April 20th, at City Hall. Property owners within a 300 foot radius of the subject property were notified by mail of this meeting, as required by the code section noted above. There were nine attendees at this meeting. All but one were residents of Reile's Acres ETJ, which is west across 45th Street North from the subject property. One was a property owner adjacent to the north of the subject property. The applicant and three members of his development team also attended. The meeting was managed by Planning Department staff.

Following that meeting, Planning staff received 10 letters and e-mails from the nearby residential property owners. Copies of these letters and e-mails are attached. Note that several of these letters are similar and have multiple signatures from over 30 property owners in the nearby area.

The neighborhood residents had several comments on the proposed development, including:

- The change from the current least intense land use designations (low density residential and park) to the most intense land use designation (industrial) seems a drastic change.
- Industrial uses will create dust, light, and noise pollution. Particularly, residents are concerned with the concrete crushing operation that the applicant proposes to operate seasonally on the west side of the subdivision.
- Sufficient buffering must be provided on industrial lots that face the residences on the west side of 45th Street North.

- Traffic and safety—this subdivision will bring additional traffic, including heavy truck traffic, to 40th Avenue North. Additionally, due to the configuration of 44th Street, traffic will have access to 45th Street which could increase the traffic load on that road, which is currently a rural gravel road.
- Resale value of these residential properties will be negatively affected.

ACTION AT THE MAY 2nd, 2023 PLANNING COMMISSION HEARING

At the May 2nd, 2023 Planning Commission hearing, staff presented the project and stated the recommendation for approval.

COMMISSIONER QUESTIONS TO STAFF

In response to Commissioner questions, staff clarified that:

- The area depicted on the 2007 Growth Plan as a “proposed park” was actually intended for a wind tower project that never went forward.
- Fargo’s and Reile’s Acres ETJ’s do not overlap. There is an agreement from 2016 that defines the extent of each city’s ETJ and each city’s responsibilities in relation to the ETJ.
- ETJ does not automatically extend with annexation, so the recent annexation of the area including the subject property did not extend Fargo’s ETJ.
- Staff was not aware of any location in Fargo where new Limited Industrial-zoned development was approved adjacent to existing residential development, though an area of the Rocking Horse area along 51st Street South has several General Commercial-zoned properties with conditional use permits for industrial uses that are near existing residential zones.
- There will be no levee on the west side of the subdivision
- All lots will take access from 44th Street North; there will be no direct access to the lots from 40th Avenue North or 45th Street North.

APPLICANT’S TESTIMONY

Applicant Trent Duda described his project to the Commission. In response to Commissioner questions, the applicant clarified that:

- After purchasing the subject property, he had originally approached Reile’s Acres about annexing the property. Though Reile’s Acres at the time supported his proposed development, and sent him a letter stating so, Reile’s Acres was not able to annex this property as it was in Fargo’s ETJ at the time (it has since been annexed into Fargo city limits). Reile’s Acres’ request to the City of Fargo to change the boundaries of the ETJ was turned down.
- Fire code requires two access points for a project this size, which is why 44th Street within the project connects to both 40th Avenue and 45th Street. The originally proposed cul-de-sac was not allowed by the City.
- He did not propose zoning the west side of the subdivision to GC, General Commercial rather than LI, Limited Industrial as he felt the site design standards and limitations on uses in the GC did not fit what he had planned for this subdivision.
- He intends to sell most of the lots; he will keep a few on the east side for his excavation business.

PRESENTATION BY CASS COUNTY ENGINEER

At the invitation of the City, Cass County Engineer Jason Benson testified regarding traffic and future development of roads near the subject property. He noted:

- The area near the subject property is a high-traffic, high-growth area.
- Access control requirements restrict the subdivision to one access off of 40th Avenue, which will be 44th Street.
- The applicant will be required to install a turn lane and a bypass lane at the intersection of 40th Avenue and 44th Street
- The 40th Avenue / Interstate 29 interchange will be rebuilt by the North Dakota Department of Transportation within the next few years. To make any modifications to the road system west of this interchange without knowing what that interchange will look like would be short-sighted.

NEIGHBORS’ TESTIMONY

Several neighbors to the subject property, who live in Reile’s Acres ETJ, testified in opposition to the project. The major points included:

- The residents of Reile’s Acres ETJ refer to their area as Prairie Estates, which comprises 20 landowners with lots from two to five acres in area.
- Benefits of living in the ETJ are that property owners can have horses, there is a rural aspect to life there, and yet it is close to the city of Fargo.
- The proposed subdivision provides no benefit to these residents.
- When deciding on this project, the Planning Commission should consider the best interest of the surrounding communities.
- Any business allowed in the LI zone could be developed on the lots in the subdivision [a few uses are prohibited by the conditional overlay].

- The proposed concrete crushing operation could run more than the two to three weeks a year that the applicant has stated it would.
- The negative effects of the concrete crusher are noise, dust, and piles of concrete rubble to look at rather than a view of an open field.
- Even though buffering in the form of a berm and trees is proposed, this buffering will not stop noise and dust, and the trees will take some time to reach a mature size to be effective visual buffers.
- The increase traffic created by this subdivision will add to what the residents feel is already hazardous traffic in this area.
- There is no way to stop trucks entering this subdivision from using the gravel 45th Street in front of these residents' homes as a way out of the subdivision to get back to 40th Avenue.
- The resale value of these residential properties could decrease by as much as 25%.
- Fargo is not short of industrial-zoned property; why does the subject property have to be zoned industrial?
- Could the connection between 44th Street and 45th Street be limited to cars only—no trucks?
- Will the industrial zoning eventually wrap around to Fargo's ETJ on the north side of Reile's Acres ETJ? This area is currently designated on the 2007 Growth Plan as residential, the same as the subject property.
- The width of 45th Street and Drain 40, coupled with an additional 20 foot buffer, is really not that great a distance separating residential from industrial uses.
- Concern for the wildlife that inhabit or come to the subject property.

FURTHER DISCUSSION BY COMMISSION

Following the testimony, the Commissioners had further discussion, during which Commissioners had the following comments:

- Can the conditional overlay restrict uses in such a way that it would work for both the developer and the neighbors?
- Would concerns about the traffic be the same if the proposed development were residential?
- Support of the approval criteria seems "pretty flimsy."
- It is the responsibility of the landowner to develop the property in the best possible manner for the neighboring community.
- This area is an entrance to Fargo.
- The Commission needs to set a precedent that they listen to the residents (in the area near proposed development).

MOTION TO CONTINUE THE HEARING

Following the discussion, the Commission moved to continue the project to the June 6th, 2023 Planning Commission agenda, and directed that a better plan for traffic on 45th Street be developed and the concerns of the neighbors be addressed.

ACTION SINCE THE MAY 2nd, 2023 PLANNING COMMISSION HEARING

Since the May 2nd, 2023 Planning Commission hearing, Planning staff has held another community meeting and received a revised plan from the applicant and other documents as noted below.

DISCUSSION AT THE MAY 18th, 2023 COMMUNITY MEETING

Following the direction of the Planning Commission at the May 2nd hearing, Planning Department staff scheduled a community meeting for Thursday, May 18th, 2023. Notice of the meeting was sent out to all property owners within a 300-foot radius of the subject property, plus all those who had sent in comments for the May 2nd Planning Commission. Attendees included the developer and his team, two members of the Reile's Acres city council, residents of Reile's Acres and Reile's Acres ETJ, three Fargo Planning Commissioners, and Planning Department staff.

The residents expressed the following concerns:

- Concrete Crusher:
 - Noise is constant. Even if operating hours are limited to daytime hours, many neighbors work from home so the noise would be disruptive.
 - Even with the sprinkler dust control measures on the actual crusher operation, there will always be dust from the piles of concrete rubble. Some of this dust may be toxic.
 - Piles of rubble do not make an attractive entrance to the city. Have visual buffering on the Interstate 29 (east) side of the subdivision to block the view of the rubble piles.
 - Discussion of relocating the concrete crusher further to the north on the subject property, out of a direct line from the Reile's Acres ETJ residences.
- Traffic
 - Can 44th Street be gated where it connects to 45th Street so that access from 45th Street is limited to emergency vehicles?

- Will the increased traffic on 45th Street mean that 45th Street would be improved---paved—soon? If so, who pays for those improvements?
- General comments about the adverse effects of increased traffic. Two recent fatalities on 40th Avenue North were noted.
- Property Resale Value
 - Resale value of the residential properties will be considerably less if this development is approved.
- Uses
 - Discussion of the uses allowed in the GC, General Commercial and LI, Limited Industrial zones.
 - Residents don't know what they'll get in terms of uses in this development.
- City-owned detention basin
 - What will this look like?
 - Will it be aerated to prevent it from becoming a mosquito habitat?
- Growth Plan
 - Questions on the validity of the 2007 Growth Plan, now 16 years old.
 - Discussion of the current residential land use designation.
 - Discussion of whether the industrial land use designation would carry over to the west side of 45th Street, on the north side of Reile's Acres ETJ.
- City of Reile's Acres position on the proposed development
 - The City of Reile's Acres has changed its position from generally supporting this development to opposing it. (See "City of Reile's Acres Position on the Proposed Development" below.)

REVISED PLAN FROM DEVELOPER

Subsequent to the May 18th, 2023 community meeting, the applicant submitted a revised proposal based on comments at the Planning Commission hearing and the community meeting. The applicant now proposes:

Lots 3 through 7, Block 1, will be zoned GC, General Commercial. The conditional overlay for these lots would require:

- a 3 foot high berm 25 feet wide at the bottom. 4 feet wide at the top along the west side of the GC area
- a 6 foot high chain link fence with privacy slats for Lots 3, 4, and 5, Block 1 and to only place trees on the west side of the fence to be installed at the time of building permit and paid for by the property owner.

The lots on the east side of the subdivision will remain zoned LI, Limited Industrial, as originally proposed. The draft conditional overlay (attached) has been updated to include these changes. A copy of an e-mail from the developer explaining these changes and a revised proposed zoning map are also attached.

This plan was forwarded to the residents' representative on May 26th, 2023.

RESIDENTS' RESPONSE TO THE REVISED PROPOSAL

Planning staff received a comment letter from the Reile's Acres ETJ residents dated May 29th, 2023 regarding their response to the revised proposal. A copy of that letter is attached. General points in that letter are:

- LI, Limited Industrial zoning on the lots on the east side of the subdivision could still bring in land uses and businesses that do not fit into the community
- The concrete crushing operation has numerous negative effects, including environmental health effects.
- Decreased resale value of the residents' homes due to the commercial/industrial nature of the proposed subdivision.
- Negative effects of significant additional truck traffic.

The letter provides additional details.

ADDITIONAL CORRESPONDENCE SINCE THE MAY 2nd, 2023 PLANNING COMMISSION HEARING

Planning staff received two letters regarding the potential negative health effects of concrete dust, one about commercial lighting / dark skies, and an e-mail from the applicant. Copies of these letters are attached.

CITY OF REILE'S ACRES POSITION ON THE PROPOSED DEVELOPMENT

When the applicant purchased the subject property in 2020, he approached the City of Reile's Acres with a request that the property be annexed into that city. At the time, Reile's Acres was supportive of the applicant's proposed development. However, the subject property was not in Reile's Acres ETJ, so that city could not annex it. Reile's Acres sent a request to the City of Fargo to relinquish its ETJ control of this property and allow Reile's Acres to extend its ETJ control over this property, but Fargo turned down that request. The property remained in Fargo's ETJ

and was eventually annexed in March, 2023. A letter of support for the development from Reile's Acres, dated October 21st, 2020, is attached.

Recently, the City of Reile's Acres has become aware of the concerns of the residents of their city and its ETJ about the proposed development. On Tuesday, May 9th, 2023, the City of Reile's Acres held a city council meeting. At that meeting the Council adopted resolution number 2023-03, opposing the proposed development. Major points of opposition are:

- Negative effects of the concrete crushing operation; and
- Decreased property values for the residential homes due to proximity to a commercial / industrial development

The resolution provides additional detail.

Following discussion of this resolution at the May 18th, 2023 community meeting (summarized above), a correction was made regarding the identification of the proposed zoning. A copy of this revised resolution is attached.

CITY OF FARGO RESPONSES TO SOME OF THE CONCERNS EXPRESSED ABOVE

- City-owned detention basin (Lot 2, Block 1): This detention basin will not be aerated. It will not have a buffer along the west side.
- Lot 1, Block 1, corner of 40th Avenue and 45th Street, zoned general commercial: This lot will not have buffer requirements. The area of this lot was designated as "Commercial" on the 2007 Growth Plan and is being zoned GC, General Commercial to match that existing land use designation.
- Connection of 44th Street with 45th Street: This cannot be a gated connection
- Control of truck traffic on 45th Street (currently a gravel road): This road will be signed with axle weight limits for trucks.

NOTE ON ORGANIZATION OF ATTCHMENTS

For convenient reference, copies of letters and other documents received since the May 2nd, 2023 Planning Commission are attached first, followed by copies of letters and other documents that appeared in the May 2nd, 2023 Planning Commission packet.

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

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

- **Is the proposed change consistent with surrounding land uses, both existing and future?**

The area included in the proposed growth plan amendment is smaller than the overall subject property, as depicted on the "Existing / Proposed" growth plan map above.

- Adjacent to the north of the amendment area is an industrial-developed property (Opp Construction) that is in Fargo's ETJ.
- Adjacent to the east of the amendment area is the right of way for Interstate 29, owned by the state of North Dakota.
- To the south of the amendment area, the growth plan designation of "Commercial" is the existing growth plan designation and is not proposed to be amended.

In terms of compatibility, the proposed industrial land use designation is compatible on the north and east sides. The south, the transition from industrial to commercial closer to an arterial street (40th Avenue North) is compatible.

To the west, the amendment area is in a situation that is rarely encountered in that it is close to existing large lot rural residential development in the extra-territorial jurisdiction of another city (Reile's Acres). In terms of compatibility, industrial development is not often found near to such residential development. The LDC provides for residential protection standards (RPS) to mitigate the effects of non-residential development on existing residential development. The application of RPS is based on distance from the non-residential development to the residential development. The RPS would not apply in this situation as the residential development is already separated from the non-residential development by a greater distance than would trigger application of the RPS. Nonetheless, the applicant has proposed a 20-foot wide berm/fence/tree buffer be required on the lots along the west side of the Interstate Business District Addition in addition to the already approximately 260 feet that separate this subdivision from the existing residential development in Reile's Acres ETJ (that 260 feet includes Cass County Drain 40 and 45th Street North right of way, a distance of approximately 170 feet and a 92.25 -foot wide lot on the entire west side of the proposed

development that will be dedicated to Southeast Cass Water Resources District for drain protection and is not developable). This approximately 280 foot separation, with buffering, is intended to mitigate the effects of the commercial and industrial development in relation to the existing residential development to the west. The width of this buffer and the height of the berm/fence/tree portion of the buffer is well beyond the requirements of RPS.

With the applicant's revised proposal to have the lots on the west side of the subdivision be zoned GC, General Commercial, the land uses between I-29 and Reile's Acres ETJ follow a progressive step-down in intensity of development:

- Industrial uses on the east side of the subdivision adjacent to I-29, which step down to
- Commercial uses on the west side of the subdivision, which step down to
- A 280-foot wide undevelopable area, which steps down
- The residential development in Reile's Acres ETJ.

(Criteria Satisfied)

- **Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future?**

There are no existing streets within the subject property. The growth plan does not indicate any intended street alignments within the subject property. The proposed subdivision will dedicate a public street (44th Street) from which all lots in the subdivision will take access. This will be a local street and will provide an additional connection between 40th Avenue North to 45th Street North, which already intersect at the southwest corner of the subject property. It is not intended that new land uses develop as a result of this new street. This street is intended to only serve this development, and there is no opportunity for east-west cross streets to connect to it. **(Criteria Satisfied)**

- **How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?**

The area east of I-29 and north of 40th Avenue North has been developed as industrial, mainly with large warehouses and distribution centers, although all the uses in the LI, Limited Industrial zone are permitted in this area. The proposed growth plan change would allow industrial development on the west side of I-29. This development could include the uses permitted in the LI zone, other than those prohibited by the proposed conditional overlay.

Additionally, some of the assumptions in the 2007 Growth Plan, on which the current land use designations were based, did not come to pass as expected. In relation to this location, the assumption that there would be significant pressure for residential development north of 19th Avenue North did not pan out; the major areas of residential development turned out to be south and southwest Fargo. Regarding the current "low-to-medium density" land use designation on the subject property, low-density residential development since 2007 has evolved mainly away from the interstate highways. There has been some higher density multi-dwelling development near I-29 south of I-94. At least one of these recent multi-dwelling developments has had sound-proofing requirements for the building.

Thus, alternative land uses for this area can be considered, and changes to land use designations be proposed through the growth plan amendment process specified in the LDC.

As noted above, separation distance and buffering are intended to mitigate the effects of the commercial and industrial development in relation to the existing large lot rural residential development west of 45th Street North. **(Criteria Satisfied)**

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

The proposed change provides property for industrial and commercial development that has convenient access to the interstate, an east/west arterial road (40th Avenue North), and City utilities (extended through 44th Street North). Though several areas of the city are already zoned for commercial or industrial uses, it is important to have a variety of commercial and industrial zoned locations as the needs of the different kinds of businesses that can develop in these zones are different. In this location, the focus is on commercial and industrial businesses than have a priority for easy access to an interstate highway and need fairly large lots.

There is no opportunity for pedestrian access on the east or west due to the Cass County Drain 40 and I-29 right of way. Future development or redevelopment of 40th Avenue may include a multi-use path.

(Criteria Satisfied)

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural. The applicant proposes zoning of LI, Limited Industrial and GC, General Commercial, both with conditional overlays, and P/I, Public/Institutional for the lots that will be owned by government entities. The 2007 Land Use Plan applies to the subject property, as noted above. The GC zoning is consistent with the existing "Commercial" land use designation. The LI zoning will be consistent with the amended growth plan designation of "Industrial." The P/I zoning for government-owned property can be applied under any land-use designation. **(Criteria Satisfied)**

- **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 plat will dedicate public right of way (44th Street North) through which access and public utilities will be provided. **(Criteria satisfied)**

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

As noted above, the distance and buffering between the proposed development and the existing residences to the west are intended to mitigate the effects of the new development in relation to those residences. Value of a property for tax purposes is determined by the City or County assessor and is not directly based on adjacent zoning. Re-sale value of a property is determined by local real estate market conditions at the time of sale. These conditions are not predictable in the long term. Staff has no documentation to demonstrate 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 the comment letters noted above. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan. With the approval of the growth plan amendment noted above, the proposed zoning of Limited Industrial, General Commercial (both with conditional overlays) and Public Institutional will be consistent with these land use designations. **(Criteria satisfied)**

Major Subdivision

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

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

The requested zoning for this subdivision is LI, Limited Industrial with conditional overlay; GC, General Commercial with conditional overlay; and P/I, Public Institutional, which will be consistent with the amended 2007 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 the comments noted above. **(Criteria Satisfied)**

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

The property is proposed to be zoned LI, Limited Industrial with conditional overlay; GC, General Commercial with conditional overlay; and P/I, Public Institutional. As noted in the zone change findings above, this zone is consistent with the amended 2007 Growth Plan designations for this property. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of

the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial, and Proposed Park to Industrial and Commercial; 2) Zoning Change from AG, Agricultural and LI, Limited Industrial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay, GC, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional; and 3) major subdivision, to be known as **Interstate Business District Addition**, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4), 20-0905(H), and 20-0907.C of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: May 2nd, 2023

At the May 2nd, 2023 Planning Commission hearing, that Commission, by a vote of 7-0 with two Commissioners absent and two Commission seats vacant, moved to continue the hearing to the June 6th, 2023 Planning Commission agenda.

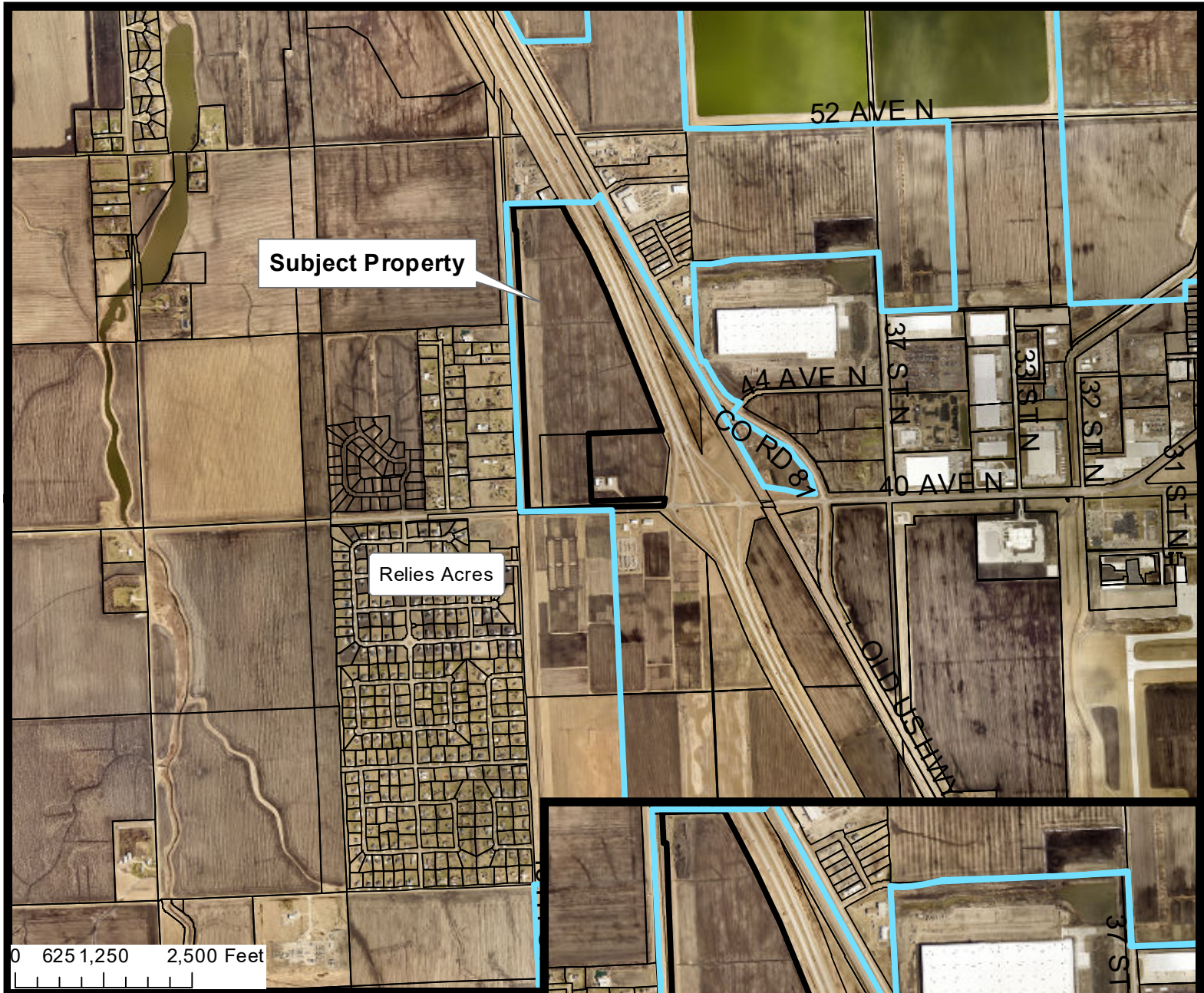
Attachments:

1. Location map
2. Zoning map
3. Growth plan amendment map
4. Preliminary plat
5. Proposed zoning map
6. Draft conditional overlays
7. Public comment letters

Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to Limited Industrial and General Commercial with a Conditional Overlay and P/I, Public/Institutional; Growth Plan Amendment from Commercial, Residential Area—Lower to Medium Density and Proposed Park to Industrial and Commercial

Interstate Business District Addition

4269 40th Avenue North
4753 45th Street North



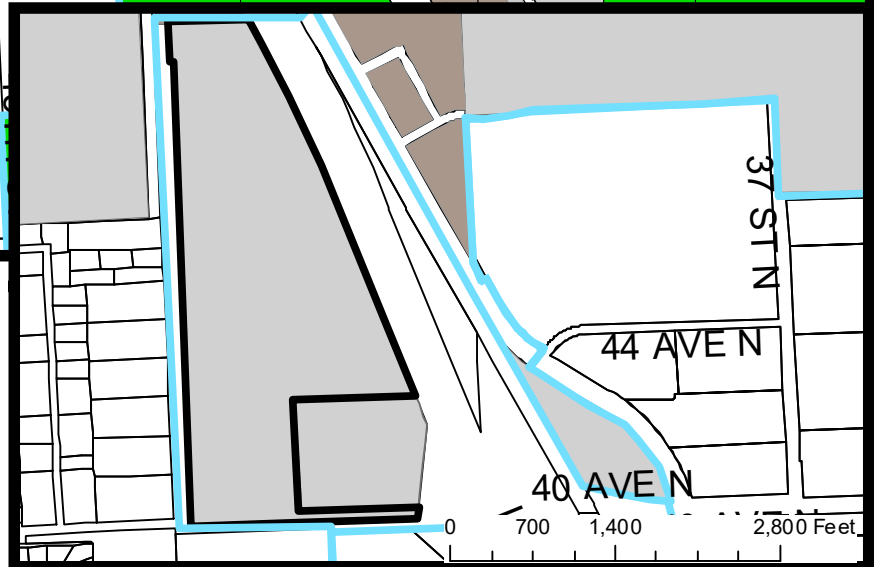
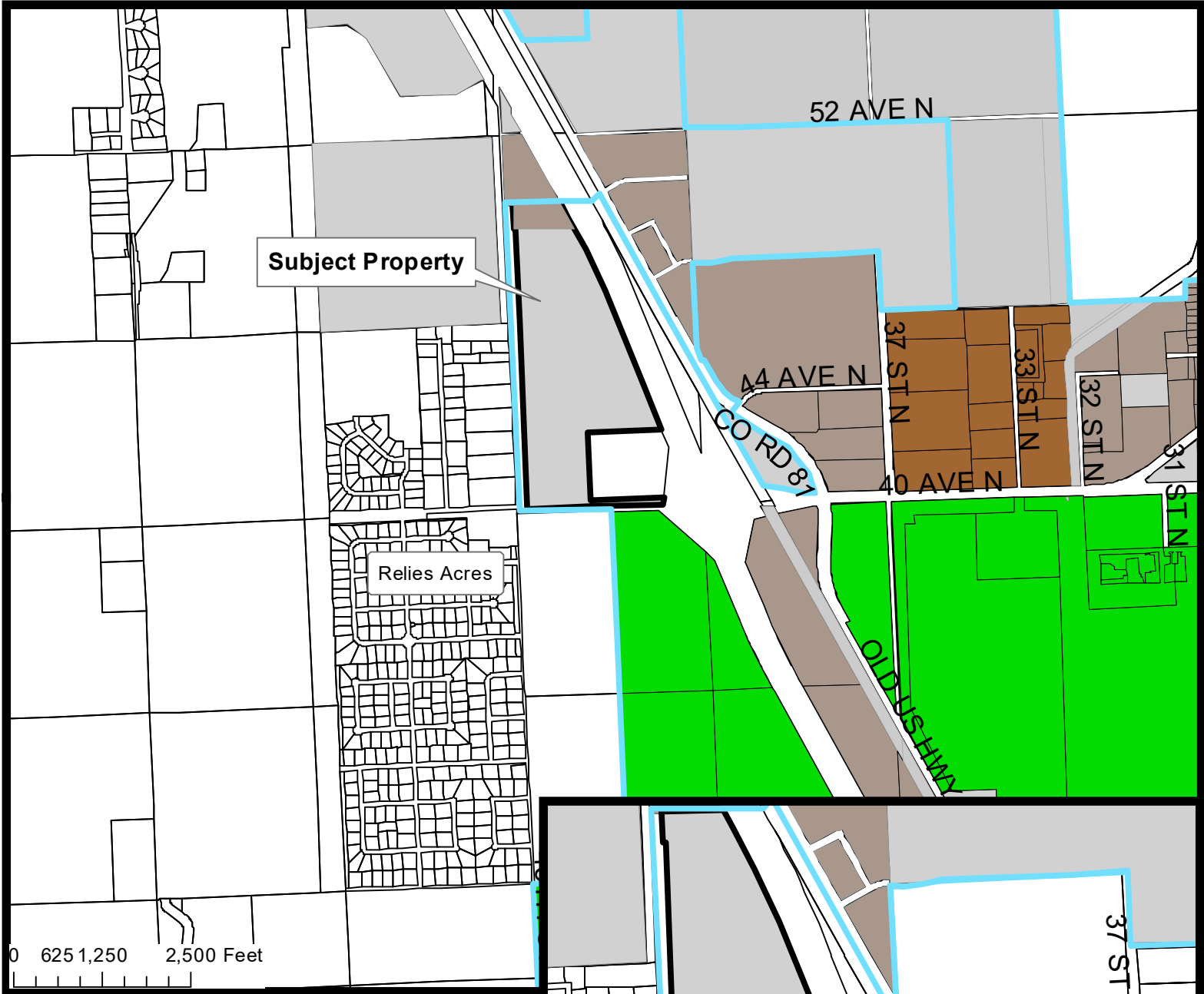
Legend

 City Limits

Major Subdivision, Zone Change from AG, Agricultural and LI, Limited Industrial with a Conditional Overlay to Limited Industrial and General Commercial with a Conditional Overlay and P/I, Public/Institutional; Growth Plan Amendment from Commercial, Residential Area—Lower to Medium Density and Proposed Park to Industrial and Commercial

Interstate Business District Addition

4269 40th Avenue North
4753 45th Street North



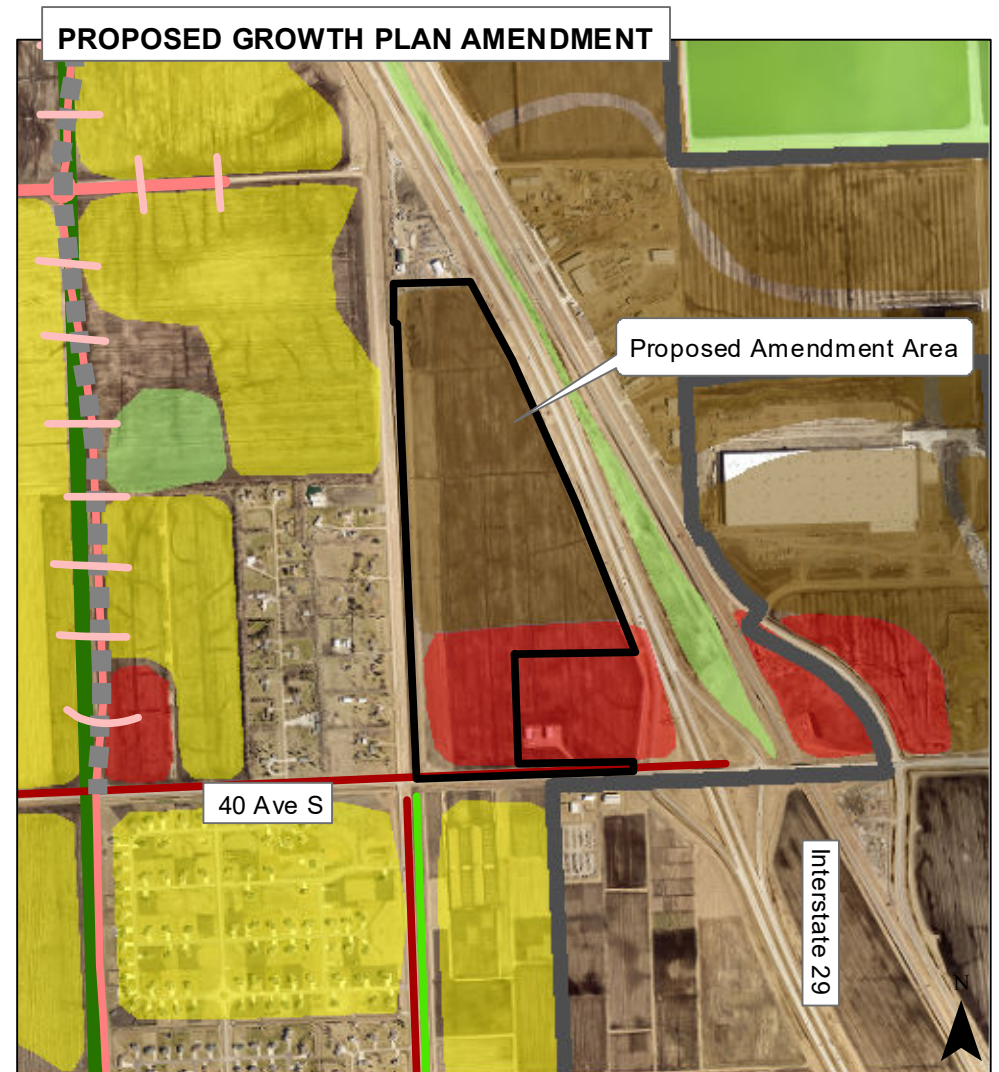
Legend

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

Growth Plan Amendment ("Commercial, Residential—Low to Medium Density, and Proposed Park" to "Industrial and Commercial")

Interstate Business District Addition

4269 40th Avenue North
4753 45th Street North

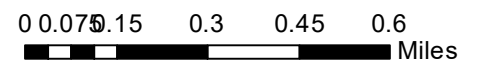


2007 Growth Plan



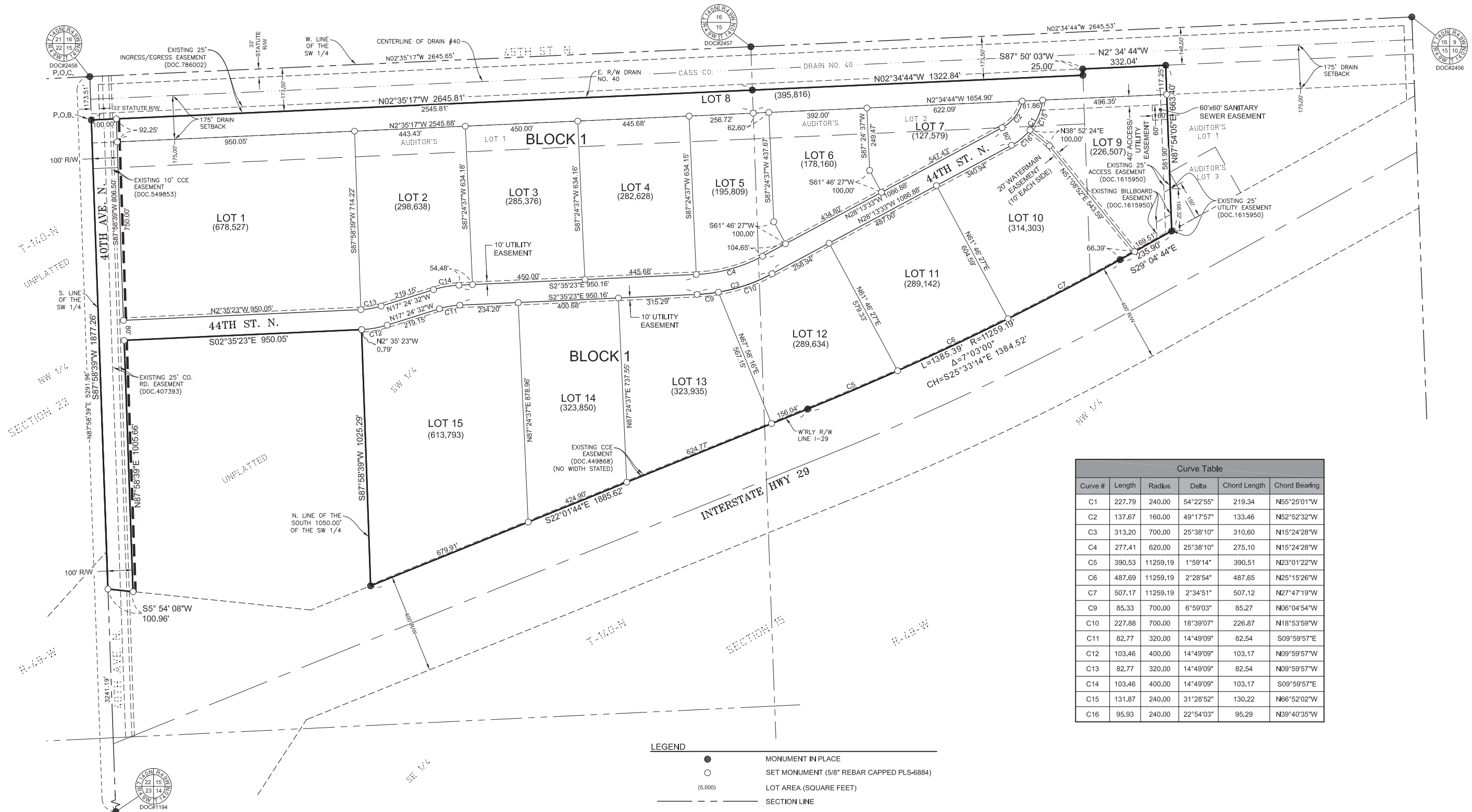
- City Limits
- Commercial
- Office
- Proposed Park
- Public and Institutional
- Industrial Area
- Residential Area - lower to medium density
- Residential Area - medium to high density

Fargo Planning Commission
May 2, 2023



INTERSTATE BUSINESS DISTRICT ADDITION

TO THE CITY OF FARGO, A PLAT OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

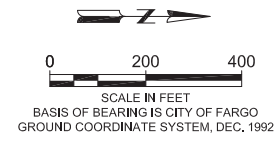


Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	227.79	240.00	54°22'55"	219.34	N55°25'01"W
C2	137.67	160.00	49°17'57"	133.46	N52°52'32"W
C3	313.20	700.00	25°38'10"	310.60	N15°24'28"W
C4	277.41	620.00	25°38'10"	275.10	N15°24'28"W
C5	390.53	11259.19	1°59'14"	390.51	N23°01'22"W
C6	487.69	11259.19	2°28'54"	487.65	N25°15'26"W
C7	507.17	11259.19	2°34'51"	507.12	N27°47'19"W
C9	85.33	700.00	6°59'03"	85.27	N06°04'54"W
C10	227.88	700.00	18°39'07"	226.87	N18°53'59"W
C11	82.77	320.00	14°49'09"	82.54	S09°59'57"E
C12	103.46	400.00	14°49'09"	103.17	N09°59'57"W
C13	82.77	320.00	14°49'09"	82.54	N09°59'57"W
C14	103.46	400.00	14°49'09"	103.17	S09°59'57"E
C15	131.87	240.00	31°28'52"	130.22	N66°52'02"W
C16	95.93	240.00	22°54'03"	95.29	N39°40'35"W

- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
 - (5,000) LOT AREA (SQUARE FEET)
 - SECTION LINE
 - QUARTER LINE
 - EXISTING PROPERTY LINE
 - - - EXISTING RIGHT OF WAY
 - - - EXISTING EASEMENT LINE
 - NEW LOT LINE
 - NEW BLOCK LINE
 - PLAT BOUNDARY
 - - - NEW EASEMENT LINE
 - - - 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 GOLDEN VALLEY THIRD 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 OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.



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

PRELIMINARY

PROJECT NO.
4666132-212541.01
SHEET 1 OF 2

INTERSTATE BUSINESS DISTRICT ADDITION

TO THE CITY OF FARGO, A PLAT OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That ARD Properties, LLC AND North Fargo Land, LLC AND Southeast Cass Water Resource District as owners of a parcel of land located in that part of the West Half of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian and part of Auditor's Lot 1 of the Southwest Quarter thereof, and part of Auditor's Lots 1 & 2 of the Northwest Quarter thereof, Cass County, North Dakota being described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 15; thence North 87 degrees 58 minutes 39 seconds East, an assumed bearing on the south line of said Southwest Quarter, 173.51 feet to the easterly right-of-way line of Cass County Drain No. 40 and the point of beginning; thence North 02 degrees 35 minutes 17 seconds West on said easterly right-of-way line, being parallel with and 173.50 feet easterly of the west line of said Southwest Quarter, 2,645.81 feet to the north line of said Southwest Quarter; thence North 02 degrees 34 minutes 44 seconds West on said easterly right-of-way line, being parallel with and 173.50 feet easterly of the west line of the Northwest Quarter of said Section 15, a distance of 1,322.84 feet to the north line of said Auditor's Lot 2 also being a northerly right-of-way line of said Drain; thence South 87 degrees 50 minutes 03 seconds West on said north line, 25.00 feet to the northwest corner of said Auditor's Lot 2 also being the easterly right-of-way line of said Drain; thence North 02 degrees 34 minutes 44 seconds West on said easterly right-of-way line being parallel with and 148.50 feet easterly of the west line of said Northwest Quarter, 332.04 feet; thence North 87 degrees 54 minutes 05 seconds East, 663.40 feet to the westerly right-of-way line of Interstate Highway 29; thence South 29 degrees 04 minutes 44 seconds East on said westerly right-of-way line, 235.90 feet; thence continuing southeasterly, on said right-of-way line 1,385.39 feet along an arc of a tangent curve, concave to the southwest, having a radius of 11,259.19 feet, a central angle of 07 degrees 03 minutes 00 seconds, and a long chord which bears South 25 degrees 33 minutes 14 seconds East, 1,384.52 feet; thence South 22 degrees 01 minute 44 seconds East on said westerly right-of-way line, 1,885.62 feet; thence South 87 degrees 58 minutes 39 seconds West, parallel with and 1050.00 feet northerly of the south line of said Southwest Quarter, 1,025.29 feet; thence South 02 degrees 35 minutes 23 seconds East, 950.05 feet; thence North 87 degrees 58 minutes 39 seconds East, parallel with and 100.00 feet northerly of the south line of said Southwest Quarter, 1,005.56 feet to the westerly right-of-way line of Interstate Highway 29; thence South 05 degrees 54 minutes 08 seconds West on said westerly right-of-way line, 100.96 feet to the south line of said Southwest Quarter; thence South 87 degrees 58 minutes 39 seconds West on said south line, 1,877.26 feet to the point of beginning.

Containing 122.17 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as **"INTERSTATE BUSINESS DISTRICT ADDITION"** to the City of Fargo, and does hereby dedicate to the public, for public use, all streets, avenues and easements on this plat, except those easement as shown hereon as "Existing".

OWNER: Lots 2-7 & Lots 9-15, Block 1

ARD PROPERTIES, LLC

By: _____, _____

_____, _____

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, appeared before me, _____, ARD PROPERTIES, LLC, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

OWNER: Lot 1, Block 1

NORTH FARGO LAND, LLC

By: _____, _____

_____, _____

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, appeared before me, _____, NORTH FARGO LAND, LLC, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Dated this ____ day of _____, 20____.

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

State of North Dakota)
) SS
County of Cass)

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

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider, Chair
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: _____

OWNER: Lot 8, Block 1

SE CASS WATER RESOURCE DISTRICT

By: _____, _____

_____, _____

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, appeared before me, _____, SE CASS WATER RESOURCE DISTRICT, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of _____, 20____.

Timothy J. Mahoney
Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

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

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, 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: _____



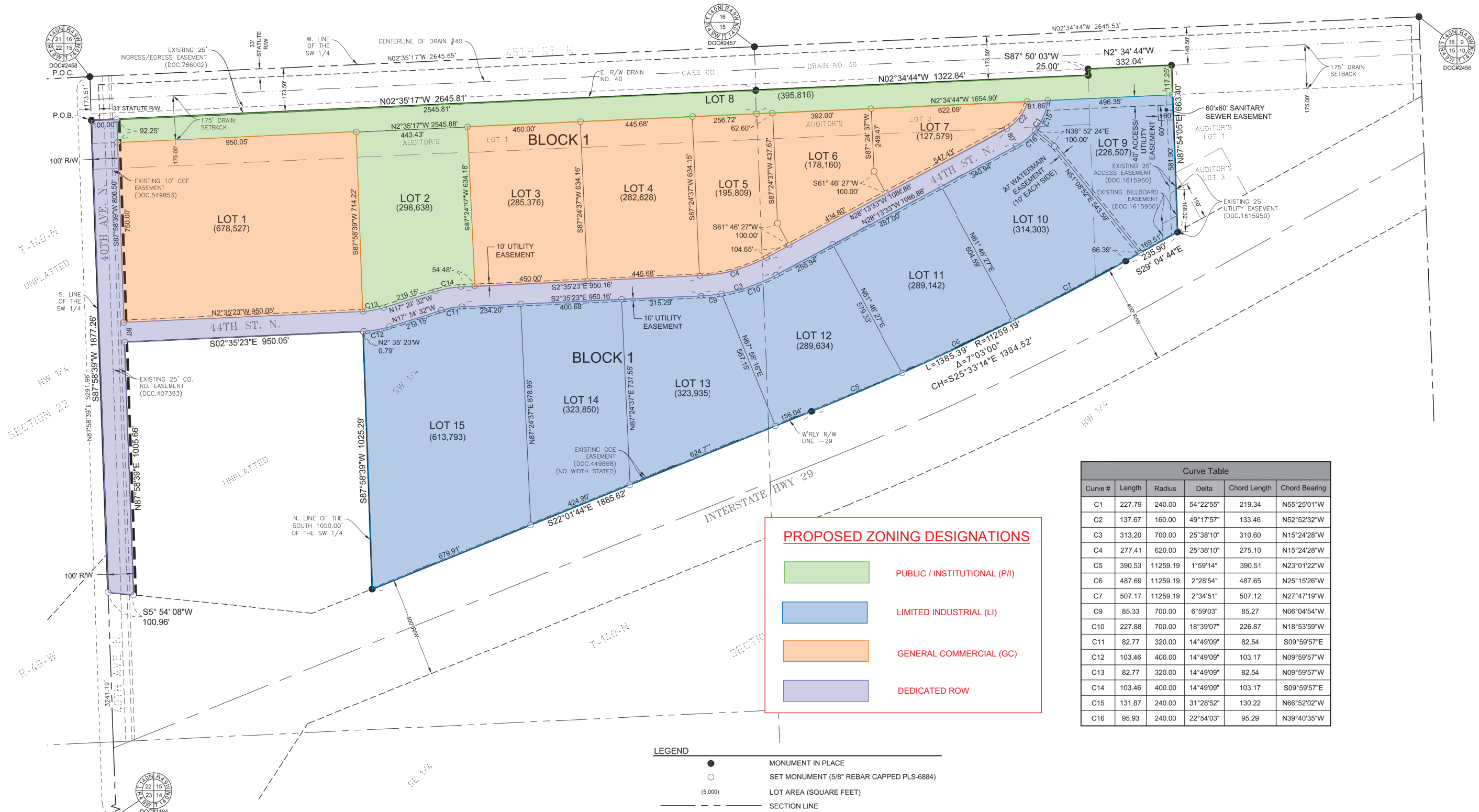
Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4666132-212541.01
SHEET 2 OF 2

PRELIMINARY

INTERSTATE BUSINESS DISTRICT ADDITION

TO THE CITY OF FARGO, A PLAT OF PART OF THE WEST HALF OF SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



PROPOSED ZONING DESIGNATIONS

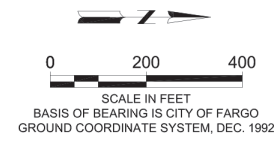
- PUBLIC / INSTITUTIONAL (P/I)
- LIMITED INDUSTRIAL (LI)
- GENERAL COMMERCIAL (GC)
- DEDICATED ROW

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	227.79	240.00	54°22'55"	219.34	N55°25'01"W
C2	137.67	160.00	49°17'57"	133.46	N52°52'32"W
C3	313.20	700.00	25°38'10"	310.60	N15°24'28"W
C4	277.41	620.00	25°38'10"	275.10	N15°24'28"W
C5	390.53	11259.19	1°59'14"	390.51	N23°01'22"W
C6	487.69	11259.19	2°28'54"	487.65	N25°15'26"W
C7	507.17	11259.19	2°34'51"	507.12	N27°47'19"W
C9	85.33	700.00	6°59'03"	85.27	N06°04'54"W
C10	227.88	700.00	18°39'07"	226.87	N18°53'59"W
C11	82.77	320.00	14°49'09"	82.54	S09°59'57"E
C12	103.46	400.00	14°49'09"	103.17	N09°59'57"W
C13	82.77	320.00	14°49'09"	82.54	N09°59'57"W
C14	103.46	400.00	14°49'09"	103.17	S09°59'57"E
C15	131.87	240.00	31°28'52"	130.22	N66°52'02"W
C16	95.93	240.00	22°54'03"	95.29	N39°40'35"W

- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
 - (5,000) LOT AREA (SQUARE FEET)
 - SECTION LINE
 - QUARTER LINE
 - EXISTING PROPERTY LINE
 - - - EXISTING RIGHT OF WAY
 - - - EXISTING EASEMENT LINE
 - NEW LOT LINE
 - NEW BLOCK LINE
 - PLAT BOUNDARY
 - - - NEW EASEMENT LINE
 - - - 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 GOLDEN VALLEY THIRD 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 OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.



Mead & Hunt
 Phone: 701-566-6450
 meadhunt.com
 PROJECT NO. 4666132-212541.01
 SHEET 1 OF 2

DRAFT CONDITIONAL OVERLAY FOR INTERSTATE BUSINESS DISTRICT—UPDATED 1 June 23

(Note: Changes are shown below with underline for added items and ~~strike-through~~ for deleted items)

FOR LOT 1, BLOCK 1, ZONED GC WITH CONDITIONAL OVERLAY: (west side facing Reile's Acres ETJ) (No change)

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable Signs

~~1. If a conditional use permit for any industrial use is approved for this lot in the future, one condition of approval must be that a residential protection buffer including a three-foot high berm and two rows of 10-point trees spaced 25 feet on center must be provided at the time of development of that industrial use on the lot.~~

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

3 Off-street parking, loading, vehicular circulation areas, and outdoor storage shall have an all-weather surface. No gravel, crushed concrete, or similar material is permitted.

4. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

FOR LOTS 3 THROUGH 7, BLOCK 1, ZONED GC WITH CONDITIONAL OVERLAY: (west side, facing Reile's Acres ETJ)

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation
- Portable Signs

~~1. A residential protection buffer including a three-foot high berm and two rows of 10-point trees spaced 25 feet on center must be provided at the time of development of the lot. (Replaced by items 4 and 5 below)~~

2. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

4. A 3 foot high berm 25 feet wide at the bottom. 4 feet wide at the top shall be required along the west side of these lots.

5. In addition to the above items, the property owner of Lots 3, 4, and 5, Block 1 shall install a 6 foot high chain link fence with privacy slats for lots 3, 4, and 5 and to only place trees on the west side of the fence at time of development of these individual lots.

FOR LOTS 6 THROUGH 7, BLOCK 1, ZONED LI WITH CONDITIONAL OVERLAY: (west side, north of Reile's Acres ETJ) (These lots are included in the item above)

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Off-Premise Advertising Signs
- Aviation/Surface Transportation

DRAFT CONDITIONAL OVERLAY FOR INTERSTATE BUSINESS DISTRICT—UPDATED 1 June 23
(Note: Changes are shown below with underline for added items and ~~strike-through~~ for deleted items)

~~• Portable Signs~~

~~1. Exterior lighting must meet the standards of Land Development Code Section 20-0704.G.~~

~~2. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.~~

FOR LOTS 9 THROUGH 16, BLOCK 1, ZONED LI WITH CONDITIONAL OVERLAY: (east side facing I-29) (No change)

Prohibited Uses:

- Detention Facility
- Adult Establishment
- Aviation/Surface Transportation

1. Exterior lighting must meet the standards of Residential Protection Standards 20-0704.G.

2. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

3. Maximum height of any off-premise sign is limited to 35 feet.

4. Total number of off-premise signs is limited to four, not all of which can be digital billboards.

NOTE: Lots 5 and 8, which will be zoned P/I, Public/Institutional, do not have a conditional overlay.

From: Trent Duda
Sent: Tuesday, May 30, 2023 10:27 AM
To: Donald Kress ; Mark Williams
Subject:

Donald, I would like to have this email and the Reiles Acres letter to the city of Fargo entered into the packet for this agenda. I would like to start by saying thank you for working with me on this. It has been a long process. When I originally got a purchase agreement for this land I had it stipulated I could get out of buying the land at the time if I couldn't get approval from relies acres to do what I wanted to do on the land. I went and talked with the city at a city council meeting. They agreed they wanted me to start the industrial park and allowed me to crush concrete as you can see in the letter they sent the city of Fargo that I attached here. If they would have said no, I would have bought where Amazon is now which was for sale at the time also. After I went through with the purchase I came to find out the city doesn't have the right to put industrial waste into the Fargo Sewer System which they didn't tell me about. So that meant I had to have Fargo annex me if I wanted industrial. It's now that they are saying they don't want industrial there, which i believe is because they couldn't annex me. After all this, I am willing to do GC along the west side of my project with a 25 foot vegetation buffer and a 3 foot high berm 25 feet wide at the bottom 4 feet wide at the top along all the lots on the west side and a fence on lots 3,4, and 5 on top the berm with the vegetation buffer on the west side of the fence. This would be put in when a building permit is put on these lots and paid for by the new owners of the land. This is more than is required of me and I feel I am meeting more than half way. Thanks for your consideration.

Thank you,

Trent Duda
Owner/President

Earthwork Services Inc
345 12th Ave NE, West Fargo, ND 58078



City of Reile's Acres
4635 35th Ave N.
Reile's Acres, ND 58102
www.reilesacresnd.org

October 21, 2020

City of Fargo

City Hall

225 4th Street North

Fargo, ND 58102

Dear City of Fargo:

The City of Reile's Acres has received a written request from property owner Trent Duda and ARD Properties, LLC with respect to the property located north of Memory Fireworks and west of Interstate 29, north of the City of Fargo.

Mr. Duda is acquiring the property for an expansion of his contracting business, Earthwork Services, Inc. His plans are to use the property for commercial and industrial uses that will include excavating sand and gravel and crushing concrete, beginning on site in Spring 2021. The City of Reile's Acres supports this use of the property.

Mr. Duda requested that the City of Reile's Acres extend its extraterritorial jurisdiction over the property and connect the property to municipal sewer and water services.

The City of Reile's Acres is supportive of this request. By this letter, the City of Reile's Acres requests that the City of Fargo relinquish its extraterritorial jurisdiction with respect to the property, and allow the City of Reile's Acres to extend its extraterritorial jurisdiction over the property, including the possibility of annexation of the property into the City of Reile's Acres.

Very truly yours,

Shane J. Amundson

Shane Amundson, Mayor

City of Reile's Acres



City of Reile's Acres
4635 35th Ave N.
Reile's Acres, ND 58102
www.reilesacresnd.org

(RESOLUTION 2023-3)

5/9/23

RESOLUTION OBJECTING THE ZONING PROPOSAL FOR THE INTERSTATE BUSINESS DISTRICT ADDITION

BE IT RESOLVED BY THE ELECTED COUNCIL OF THE CITY OF REILE'S ACRES:

The City of Reile's Acres objects to the Interstate Business District Addition- Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West, request for zoning change.

A. Opposition

1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and Proposed park **to Industrial and Commercial**

2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Our opposition to the zoning change is to the following issues the change will create for our city and its ETJ residents if this parcel is allowed to be L1, with a C-O.

B. Details of objections

1) The landowner wishes to build a concrete crushing plant on a portion of this land.

a. This will not only create an environmental hazard with dust as there is nothing to contain it with the open space and mostly Northerly wind patterns in our area for the majority of the year.

b. It will also create noise pollution to a normally quiet area.

c. Additional lighting that would be needed for safety of an operation like this will cause excessive light pollution to an area that has normally not had a great deal of man-made light.

d. The significant increase in large and heavier trucks/equipment that would be traveling in and out of this parcel would create many additional safety risks to our residents.

2) The application allows for a broad spectrum of business and manufacturing to occur on this parcel that could potentially impact home values negatively for our entire city and ETJ residents.



City of Reile's Acres
4635 35th Ave N.
Reile's Acres, ND 58102
www.reilesacresnd.org

a. Only a few areas within Fargo's own boundaries in which single family homes are abutting the similar zoning to this application. By allowing the application to be approved as requested, in our instance, there is no stepped "buffer" system planned. With this designation no one would develop a multi-family housing area when it would be more lucrative to build commercial or industrial properties.

C. Closing

Our request is to not allow the LI zoning. In 2020 our council was in favor of this and we can only assume it was because of the desire to annex this property into the City of Reile's Acres. Today, the residents are opposed to it. Having received communication objecting to this re-zoning request from many our residents, the City of Reile's is officially objecting to the LI re-zoning changes while reluctantly accepting the GC zoning changes.

PASSED AND ADOPTED this 9th Day of May 2023. CITY OF REILE'S ACRES, ND

Mayor Shane J. Amundson, Attest _____
City Auditor Nic Miller, Approved _____

The motion for the adoption of the foregoing resolution was duly made by Member Hager, seconded by Member Krantz, and upon vote being taken hereon, the following voted in favor: Hager, McCamy, Krantz, Dick; the following voted against the same: None; and the following were absent: None; whereupon the resolution was declared duly passed and adopted and was signed by the Mayor and attested by the City Auditor.

May 29 2023

TO: City Of Fargo - City Planning & Development

Regarding Continued Objection to Zoning Proposal for: Interstate Business District Addition

This letter is in opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to L1 Industrial and General Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

This letter is a follow-up to the initial letters and testimony presented to the Planning Commission on May 2 2023 by the residents of Reiles Acres ETJ that live along 45th Street N and 47th Street N of Fargo, along with additional Reiles Acres residents.

As a follow-up from the May 2nd meeting, along with our concerns, we heard the following points from the Planning Commission which resulted in a vote of issuing a continuance to this zoning proposal:

1. Review the 15 year Growth Plan for the city of Fargo taking into consideration the large residential area surrounding this property
2. What should the view be for people coming into Fargo
3. Reiles Acres was not informed, how do you include their opinion
4. Need to rethink the West side of this property
5. Concerns regarding noise, traffic, environmental effects

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

In recent discussion with the property owner, these are points regarding the zoning application:

1. West lots to be zoned as General Commercial
2. No change to the East lots, still wants zoning of L1 Industrial – which includes manufacturing and production.
3. For the buffer zone between Lots 3 -5 only, would be 25 feet with a chain-link fence with slats. Trees would be the responsibility of new lot owner based on conditional overlay instructions
4. Lot 1 is owned by Dr. Knutson, who was not present in discussions and has not offered any buffering

We want to address each of the above areas below.

Zoning

In our meeting on May 18th, we asked the City Planning if they had reviewed the long term growth plan. They stated they are not making any changes. Therefore, we assume that the current zoning of Residential and a Park is still their long term intention.

The updated Zoning proposal indicates that L1 Industrial still stays on the East Lots. Again, this is not what people want. With manufacturing and production still being on the options for L1, it still opens the door for businesses that will not fit into the community.

Mr. Duda wants to own some of these lots and wants to put in a concrete crushing plant - which all affected residents, including city of Reiles Acres, strongly object to.

- This type of operation involves the constant stock piling of concrete which means large truck traffic. Today on Mr. Duda's land, he has a large dirt pile which means up to 40 trucks per day witnessed, and the noise of banging truck tailgates sounds like gun shots which can be heard from within our homes.
- The crushing of concrete involves a process that is environmentally unhealthy. Please refer to the letters that have been submitted by accredited individuals and references to the studies on the long term effects. Fine particles will be carried by the wind not only across the interstate but to neighboring residential areas, represent significant concerns to health, and hazards are absorbed into the ground for up to 5 KM.
- It is not an attractive business to have along the interstate. Other concrete crushing plants in the FM metro area are located in industrial areas at the edge of the city behind other buildings, and no where near residential areas. This is not something the city should allow.

The City of Reiles Acres supports these concerns on behalf of their residents and our ETJ and have sent in a letter to object their concerns as well.

Concerns on Decreased Valuation of Existing Homes

Putting in a chain-link fence with privacy slats is not the answer. It is still very unattractive and will be a garbage collector.

Lot 1, owned by Dr Knutson, contains no buffering allotments in the Conditional Overlay - which again is a major concern for home owners, and everyone traveling by on County Road 20 will have to look at. He has not been present in discussions.

When we are looking at a potential decreased value in homes that just face this land, that represents a loss of value of close to \$1M. This is a significant concern.

Consider the Best Interest Of Neighboring Communities

Again – we ask you to consider: Is this the type of zoning YOU would like to live next to?

Here is a view of the land from the 40th Ave N & I-29 Interchange Bridge looking to the northwest. Here is a high amount of traffic not only on the interstate, but by individuals that use 40th Ave N and cross this bridge every day. This is their view – **what do you want them to see in the future?**



There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Continued Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. We do not want businesses that bring additional traffic to the overall neighborhood.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area. These concerns have still not been addressed.

Summary

It is the consensus of all those that have previously posted opposition in previous letters and for those signing this additional letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider our concerns of the entire residential community.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Paul : Paula Peterson</u>	<u>Paul S Peterson</u>	<u>4314 45th ST N Fargo</u>
Name	Signature	Address

MIKE LESTINA

Mike Lestina

4406 45th St. N. Fargo

Name

Signature

Address

JAMES PRUDHOMME

James Prudhomme 4302 45th St N, Fargo

Name

Signature

Address

Dail Prudhomme

Dail Prudhomme

4302 45th St N Fargo

Name

Signature

Address

Don DuBord

Don DuBord

4106 45th St N Fargo

Name

Signature

Address

Dave :Lean Heide

DHeide

4006 45th ST N Fargo

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

From: Tim D
Sent: Thursday, May 18, 2023 8:56 PM
To: Donald Kress
Subject: Interstate Business District Addition

Hi Mr. Kress,

Thank you for chairing the meeting on May 18 with nearby residents to the proposed concrete crushing station about possible changes.

The residents that live along 45th St N have a much more pressing issue than mine. One of the comments they made included business lighting.

I believe that business lighting can be effective and at the same time economical and esthetic. Night skies in Fargo have disappeared due to the type of street lighting that is being used.

There are better lighting products available than the "Cobra" Head street lamps and lanterns used for house lighting.

[Search by Use \(darksky.org\)](#) This link leads to a page where lighting styles can be perused.

I used to travel 32nd Ave S between 25th St and I29. The type of lighting used in that neighborhood made it difficult to read the road surface, as my eyes were being hit by light from many different light poles. I have attached a document from the same website with additional information on wasted energy based on improperly directed and contained light.

Properly directed light will place the light where it is needed; while uncontrolled light will allow the light to go in any direction. Uncontrolled light makes it harder to see and wastes energy to produce light that is unusable.

According to the International Dark Sky Association (IDA),
Lighting should be directed downward or shielded in all situations.
Approximately \$5 Billion is spent every year on unneeded lighting. The unneeded lighting is costing 21 Million Tons of CO₂. Also, unnecessary lighting is confusing birds and other animals.

I believe that Fargo can reduce its sky glow by a significant portion, just as Tucson has also done, by choosing appropriate lighting for streets and other outdoor uses.

There are even Urban locations that have been designated as Dark Sky locations based on what they have done with the lighting within the city. [Urban Night Sky Places Archives - International Dark-Sky Association \(darksky.org\)](#)

Thank you very much for reading and considering IDA approved lighting which will make the neighborhood more appealing.

Thanks.
Tim Dockter

LIGHT POLLUTION COSTS MONEY AND WASTES RESOURCES

HOW DOES ENERGY WASTE HARM THE ENVIRONMENT?

Excess lighting pumps millions of tons of carbon into our atmosphere every year, and also causes light pollution.

Light pollution:

- Increases greenhouse gas emissions
- Contributes to climate change
- Increases our energy dependence

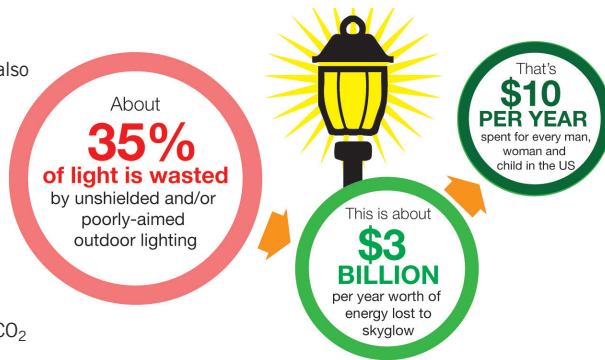
WHAT ABOUT OUR CARBON FOOTPRINT?

In the U.S. alone, about 15 million tons of CO₂ are emitted each year to power residential outdoor lighting. That equals the emissions of about 3 million passenger cars and adds up to 40,000 tons per day. To offset all that carbon dioxide, we'd need to plant about 600 million trees annually!



WHAT DOES LIGHT POLLUTION COST?

About \$3 billion dollars per year of energy is lost to bad lighting. This is about \$10 a year for every man, woman, and child in the U.S.



HOW MUCH ENERGY AM I WASTING?

The average house with poorly designed outdoor lighting wastes 0.5 kilowatt-hours (kWh) per night. A kilowatt-hour is a unit of energy equivalent to one kilowatt of power for an hour. It's enough energy to power a 50-inch plasma TV for one hour or run one load in your dishwasher!



It just takes small changes to save energy, money and our night skies. You can make a difference today.

Keep light on the ground



ENERGY EFFICIENCY SOLUTIONS

Shielding outdoor lighting saves energy and money, reduces our carbon footprint and helps protect the natural nighttime environment. The solutions are easy. Work with your neighbors and local government to keep the light on the ground and the skies natural. It's a win-win for everyone. You save money while preserving a valuable natural resource.

Tips to help you conserve energy and use light efficiently:

- Install quality outdoor lighting to cut energy use by 60-70%, save money and cut carbon emissions.
- Fully shield all outdoor lighting — light should go down on the ground where it's needed, not up into the sky.
- Be aware that fully shielded fixtures can provide the same level of illumination as unshielded fixtures, but with lower cost and less energy waste.
- Turn off indoor lights in office buildings or homes when not in use to save money and energy.

Visit darksky.org for more information.

Good vs. Bad Lighting

This photo (right) shows examples of good and poor lighting design. The unshielded light fixture on the left throws light into the sky and creates glare, impairing visibility. The shielded light fixture on the right directs light to the ground where it is needed and does not create lighting pollution. To learn about light fixtures that are environmentally friendly, energy efficient and certified with the IDA Fixture Seal of Approval, visit darksky.org.



Energy use and its impact on our environment has become one of the top concerns facing humanity.



Poorly designed outdoor lighting wastes energy by not being shielded, emitting more light than necessary or shining when and where it's not needed. Wasting energy in this way has huge economic and environmental consequences.

Leaving lights on overnight – such as those in office buildings – wastes energy and contributes to the general skyglow of the city. Dark sky friendly lighting does not mean “no light.” It means using the light that you need for a specific task in the most efficient manner possible.

“We can create a more sustainable, cleaner and safer world by making wiser energy choices.”

— Robert Alan Silverstein,
children's science book author

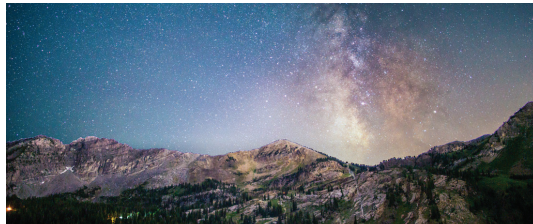


WHY DARK SKIES?

The need to protect and restore the natural nighttime environment is more urgent than ever. Light pollution, defined as light where it is not wanted or needed, affects our health, the environment, wildlife, and our ability to find awe in the natural night. Research indicates that light pollution is increasing at a global average rate of two percent per year.

ABOUT IDA

The International Dark-Sky Association, a 501(c)(3) nonprofit organization based in Tucson, Arizona, is dedicated to preserving and protecting the natural nighttime environment.



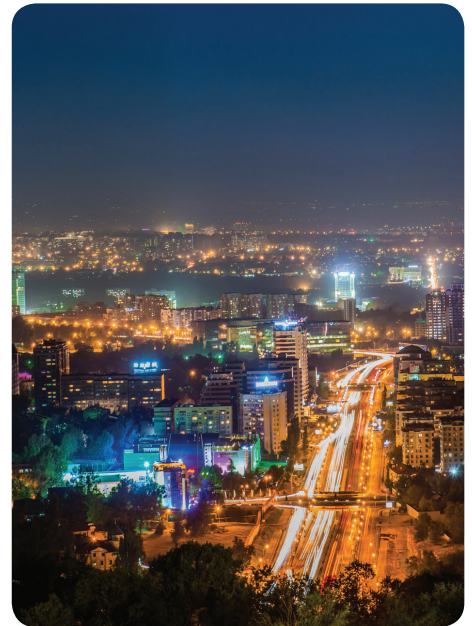
HELP US PROTECT THE NIGHT

Our work is made possible by support from IDA members. Become a member and support our work in protecting the natural nighttime environment. Please join us today!

**DARK
SKY.
ORG**

International Dark-Sky Association
3223 N. First Avenue
Tucson, AZ 85719 USA
+1-520-293-3198

Light Pollution Wastes Energy and Money



INTERNATIONAL DARK-SKY ASSOCIATION

Dear Planning Commission Members,

Upon attending the hearing on May 18th, I have come to realization that the potential hazards of the exposure to the cement dust have not been properly addressed and to a large extent were downplayed. As a professor of chemical engineering and a materials expert, I feel obliged to bring your attention to the following information.

Cement in a solidified form (i.e., concrete slab) does not pose danger to human beings. However, in the form of a fine dust, cement becomes lethal. Aerosolized particles can enter the body either through respiratory tract (inhalation) and/or gastrointestinal tract (swallowing). In both routes, individuals become exposed to numerous harmful substances, including but not limited to lead, mercury, cobalt, chromium, aluminum, cadmium, arsenic, silica, asbestos. All are recognized as extremely toxic and prone to cause numerous adverse health effects (Jaishankar *et. al.*, 2014).

Inhaled cement particles were shown to cause lung function impairment, chronic obstructive lung disease, restrictive lung disease, pneumoconiosis, and cancer of the lungs, throat, stomach, and colon. (Meo, 2004) Owing to its aerodynamic diameter, cement particles can also enter the bloodstream and thereby reach essential internal organs and affect various tissues including heart, liver, spleen, bone, and muscles, ultimately changing their microstructure and physiological performance (Gharpure *et. al.*, 2021). Respirable particles were also demonstrated to cause disorders in the nervous system. (Heusinkveld *et. al.*, 2016)

It is simply inaccurate to state that the danger exists only for the individuals directly participating in cement milling operations. Studies conducted on the soil and vegetation show that the cement dust particles can travel the distances of up to 5 kilometers (Shukla *et. al.*, 2008). Further, I would like to disclose the details of the study conducted by Tajudeen and Okpuzor in 2011. To quantify the impact of the cement dust, the researchers placed rats at 250 m and 1000 m away from a cement company. The subsequent examination of the lung tissues revealed presence of chemicals associated with cement dust in both groups of animals. Specifically, lung tissues of the exposed rats showed significant levels of calcium, silicon, aluminum, chromium, and lead compared to the unexposed rats. The histopathology study of the lung tissues of the exposed rats showed abnormal alveolar architecture, disrupted bronchus, damaged bronchioles, degenerated epithelium lining, weak respiratory connective tissues, inflammations, and blue-black pigments. Some of the exposed rats died before the end of the exposure. The experiment lasted only 180 days. (Tajudeen *et. al.*, 2011)

Taking into consideration the strong winds in North Dakota and the absence of natural forest/vegetation, it is safe to assume that the proposed location of the cement crushing plant will expose a large number of residents to the severe risks of the cement dust. Establishing cement crushing plant adjacent to a residential area will have an unnecessary detrimental impact on so many innocent lives. I plead to your consciousness and prudence – please do not allow harm to come to our community.

Sincerely Yours,
Mariia Goriacheva, Ph.D.



References:

Jaishankar *et. al.* Toxicity, Mechanism, and Health Effects of Some Heavy Metals. *Interdiscip Toxicol* **2014**, 7, 60–72.

Meo. Health Hazards of Cement Dust. *Saudi Med J* **2004**, 25, 1153-1159.

Gharpure *et.al*, Characterization and Hazard Identification of Respirable Cement and Concrete Dust from Construction Activities. *Int. J. Environ. Res. Public Health* **2021**, 18, 10126.

Heusinkveld *et. al*, Neurodegenerative and Neurological Disorders by Small Inhaled Particles. *Neurotoxicology* **2016**, 56, 94–106.

Shukla *et. al*, Impact of Dust Emission on Plant Vegetation in the Vicinity of Cement Plant. *Environ Eng and Manag J* 2008, 7, 31-35.

Tajudeen *et. al.* Variation in Exposure to Cement Dust in Relation to Distance from Cement Company. *Research Toxicology* **2011**, 5, 203-212.

May 25, 2023
City of Fargo - Planning and Development
225 4th St N
Fargo, ND 58102

Dear Committee Members,

I am writing this letter in strong opposition of zoning changes at 4753 45th Street North and 4269 40th Avenue North.

I am a resident and a physician of the Fargo community. I want to highlight the extremely dangerous health consequences of cement dust exposure. There is irrefutable evidence of significantly increased risk of multiple types of cancer, pulmonary fibrosis, and other health aberrations.

This risk cannot be sufficiently attenuated by reduction in concentration. Even very low levels of exposure, given enough time, will result in disease development. Given that many of us live in the area, we are the proverbial rats in a cage.

I will be available in person for any questions at the upcoming meeting, June 6th. If needed, I can provided numerous scientific papers supporting my statements. Again, I plead to your decency and morality, please do not endanger our community.

Kind regards,



Joshua Morrell, MD
Chairman, UND Radiology
Board Certified Radiologist, Department of Veterans Affairs

COMMENTS RECEIVED PRIOR TO THE
MAY 2nd, 2023 PLANNING COMMISSION
HEARING

From: Joe Ring
Sent: Wednesday, April 26, 2023 12:06 PM
To: Donald Kress
Subject: Growth Plan amendment-located @ 4753 45th St N

Donald,

I am writing you today to express my concerns about the proposed zoning changes to the parcel of land located at 4753 45th St. N.

County Rd 20 is a 2 lane road with no turn lanes into Reiles Acres south or north of County road 20. We have seen an increase in traffic with the Amazon Distribution Center and the Marvin Windows facility. If this proposed zoning change is accepted, this will add even more traffic and safety issues while navigated this already busy county road. In addition to this, there is a new residential addition going in North of Reiles 9th addition and this again will add more traffic along this county road. Much of which will be stop and go for residents turning into editions to the north and south of County road 20. I have not been made aware of any proposals or enhancements to county rd 20. At a minimum, this needs to be a consideration before being allowed to move forward with an extensive project such as this one. And the majority of the cost of said project should not fall onto the residents of Reiles Acres.

In addition to the traffic safety issues that this proposal creates, a big part of why the residents of Reiles Acres have chosen to live in this area is because it has been surrounded by agriculture zoned land which has provided its residents an area to enjoy with little to no industrial noise and the hustle and bustle of large vehicle traffic. The proposed changes to Light Industrial gives these future land owners many options for businesses that will be allowed to run heavy trucks and equipment in and out of this area. It is known that a desire for a concrete crushing plant is also being contemplated which would create a large amount of noise in very close proximity to residential homes. This is unacceptable to consider when people have been enjoying this quite area for decades.

The last concern that I have is that 2 years down the road, the owners of this land/property can propose further changes to zoning and request more changes that could contribute to even higher amounts of industrial equipment and heavy truck travel in and around our residential neighborhoods.

I am not in favor of the proposed zoning changes for the above reasons.

I appreciate your time and consideration.

Joe Ring
4752 38 1/2 Ave N
Reiles Acres, ND 58102

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102

Date 04-24-2023

TO: City of Fargo - City Planning & Development

RE: Zoning Proposal Objection to Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park to Industrial and Commercial
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information:

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community:

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning:

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5-story building, or an asphalt facility, etc.

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102



Date 04-24-2023

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side, and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run if the weather permits. He stated that his property off 12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities - Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights, and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Jason & Faulkner Lydia



4422 45th St N
Fargo, ND, 58102



Date 04-24-2023

Summary:

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would consider our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for the consideration and reviewing this information.

The following individuals have the above concerns and objections and are hereby supporting this by signing:


Signature

Jason Faulkner
Printed Name

4422 45th St N Fargo ND 58102
Address

4.24.2023
Date


Signature

Lydia Faulkner
Printed Name

4422 45th St. N. Fargo ND 58102
Address

4.24.2023
Date

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

ARD properties LLC is the official landowner per ND parcel viewer. Trent Duda is the name behind the LLC. He is associated with Earthworks services. The owner of this land has stated that he bought this land to expand his business. He currently has properties in West Fargo for Earthworks and his trucking business.

He stated that he will keep 2-3 lots on the east side and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run as long as the weather permits. He stated that his property off of

12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

The design of this plat will incorporate a city street through the middle with a secondary exit on the northwest corner, including a bridge across 45th street drain. This will also mean that traffic could now exit on the north end and come down 45th Street N – meaning additional potential traffic including trucks in front of a residential area.

Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>JAMES PRUDHOMME</u>	<u>James Prudhomme</u>	<u>4302-45th St N, Fargo ND</u>
Name	Signature	Address

<u>Gael Prudhomme</u>	<u>Gael Prudhomme</u>	<u>4302 45th St N Fargo ND 58102</u>
Name	Signature	Address

<u>Debbie Moos</u>	<u>D Moos</u>	<u>4112 47th St N Fargo ND 58102</u>
Name	Signature	Address

<u>James Moos</u>	<u>James Moos</u>	<u>4112 47th St N Fargo ND 58102</u>
Name	Signature	Address

Name Signature Address
Roger Parrow [Signature] 4209-47th St N.

Name Signature Address
Judy Parrow Judy Parrow 4209 47th St N

Name Signature Address
Robert Bohmer [Signature] 4115 47th ST N
FARGO, ND 58102

Name Signature Address
Brenda Bohmer Brenda Bohmer 4115 47th ST N
FARGO, ND
58102

Name Signature Address
Branden + Liz Katz [Signature] 4414 47th St. N Fargo, ND 58102

Name Signature Address
Donnette Gustafson [Signature] 4306 47th St. No Fargo, ND
58102

Name Signature Address
Norman Gustafson Norman Gustafson 4306 47th St. No.

Name Signature Address
Sharon Lorz Sharon Lorz 4319-47th St. N. Fargo, ND
58102

Name Signature Address
Harold Lorz Harold Lorz 4319 47th St N, Fargo ND
58102

Name Signature Address
Kayh Lorz [Signature] 4519 47th St N Fargo ND 58102

Name Signature Address

Name: Josh Loge Signature: *Josh Loge* Address: 4519 47th St N

Name: Katie Kram Signature: *Katie Kram* Address: 4518 47th St. N

Name: Wyatt Kram Signature: *Wyatt Kram* Address: 4518 47th St. N.

Name: Pat Bresnahan Signature: *Pat Bresnahan* Address: 4505 47th St. N

Name: Nicolette Bresnahan Signature: *Nicolette Bresnahan* Address: 4505 47th St. N

Name: Bernice Kram Signature: *Bernice Kram* Address: 4502-36th Ave N.

Name: Roger Kram Signature: *Roger Kram* Address: 4502-36th Avenue N.

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

Name: _____ Signature: _____ Address: _____

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

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Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Thomas Keutz</u>	<u></u>	<u>4563 38 1/2 Ave. N</u>
Name	Signature	Address Reile's Acres

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

- 1) Growth Plan Amendment from Residential Area, Lower to Medium Density, Commercial and proposed park **to Industrial and Commercial**
- 2) Zoning Change from AG, Agriculture and L1, Limited Industrial with a C-O, Conditional Overlay to L1, Limited Industrial with a C-O, Conditional Overlay, General Commercial with a C-O, Conditional Overlay, and P/I, Public and Institutional on the proposed Interstate Business District Addition

Background Information

Prairie Estates (our informal name) was established in the early 1970's within Reed Township, and now represents approximately 78 acres of single home residential lots between 5 – 2 acre lots each, owned by 30 separate landowners. Nine properties currently located on 45th Street N on the west side of Section 15 of the above District Addition, do face east toward this property. Our addition provides country living at its best with large lots, ability to have horses, has developed mature tree lines, quiet atmosphere, and yet close enough to city limits. This is considered prime real estate for all of these factors.

This area is an ET Area for the City of Reiles Acres.

Summary of Concerns from the collective community

The Section 15 property as described above has always been agricultural zoned. With it being recently annexed to the City of Fargo, the proposed changes in zoning are a very dramatic change, not only for those residents that live across from this property – but also for the community as a whole. The residents on 47th Street N and those in Reiles Acres will have to look at and deal with the effects of whatever type of businesses that are on above stated property.

Specific Concerns

Zoning

The proposed amendments would move the zoning from agricultural to Limited Industrial and Commercial. This would also include manufacturing and production. If this zoning is approved, any developer can purchase the lots and put in any type of business that fit this definition. There is nothing precluding a developer from purchasing several lots and putting in a business within these guidelines, it could be a 5 story building, or an asphalt facility, etc.

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He stated that he will keep 2-3 lots on the east side and he wants to put in a concrete crushing facility. This will bring added noise and large amount of truck hauling traffic, which we are opposed to. This type of business does not run just two weeks a year, it can run as long as the weather permits. He stated that his property off of

12th Ave N is not large enough for a concrete business. His current businesses are in industrial areas and not near residential.

Consider the Best Interest Of Neighboring Communities

Is this the type of zoning you would like to live next to?

There currently are no good examples of where the City of Fargo has put in Industrial/Commercial zoning directly next to a residential area. This is an opportunity for the City of Fargo to consider doing the right thing for an existing community.

Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

Although an overlay plan can include requirements for buffers, which include tree-lines – it does not matter how far that buffer is. We will still be impacted by the noise, lights and traffic.

Concerns:

Property Value – The current estimate from realtors is that we could lose up to ¼ of the estimated resale value of our homes based upon what is located across the street. This is a huge concern and well worth our fighting for our properties that have been in families for over 50 years.

Traffic & Safety– Increased traffic will happen, and will bring additional trucking running at whatever hours the business needs. Currently 40th Ave N has a large amount of traffic already due to City of Reiles Acres and their new addition being built. With the lack of turning lanes and controlled intersections, this poses additional safety concerns for the entire community.

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Lights – despite any buffers, lighting cannot be a hinderance to the community residents.

Supporting Statement from Local Realtor

To whom it may concern,

It has come to my attention that the homeowners on north side of Reiles Acres on 45th St N have recently received notice that the agricultural land to the East of them has or will be zoned Commercial/Industrial from the original zone of agriculture. Having commercial or industrial buildings across the road from a residential area can negatively impact the home values in the neighborhood. Homeowners in these residential areas usually choose to live there because of the peacefulness, privacy, and tranquility that such areas offer, especially in a rural setting. Putting up commercial or industrial buildings close to residential homes could create noise pollution, increase traffic, and decreased air quality, leading to a general decrease in the quality of life for residents.

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Janice Kenowski</u>	<u></u>	<u>4786 38th Ave Reites Acres</u>
Name	Signature	Address
<u>Rachel Kenowski</u>	<u></u>	<u>4786 38th Ave Reites Acres</u>
Name	Signature	Address
<u>Susan Young</u>	<u></u>	<u>3838 50th St N Reites Acres</u>
Name	Signature	Address
<u>Michael Young</u>	<u></u>	<u>3838 50th St N Reites Acres</u>
Name	Signature	Address

April 24, 2023

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Background Information

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This area is an ET Area for the City of Reiles Acres.

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Our biggest question is this: Why are you not considering keeping with the original growth plan of a mix-used development plan of residential, low-density as a transition between a current residential area? Despite this section of land being next to an interstate, there are established communities around it that need to strongly be considered. The proposed zoning brings no benefit to the surrounding community.

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Summary

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We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

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MARIJA GORJACHEVA		4534 39th AVE N
JOSHUA MORRELL	Signature	Address

April 24, 2023

TO: City Of Fargo - City Planning & Development

Regarding Objection to Zoning Proposal:

Interstate Business District Addition – Plat of portion of the West Half of Section 15, Township 140 North, Range 49 West

This letter is in Opposition to the following application with the Fargo Planning Commission for:

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<u>Bryan Nelson</u>	<u>Bryan Nelson</u>	<u>4502 45th St N</u>
Name	Signature	Address

Name

Signature

Address

Aaron Young

[Signature]

4533 38^{1/2} AVE N Reiles Acres
ND
58102

Name

Signature

Address

Lisa Prudhomme

[Signature]

3353 50th St S Reiles
Acres, ND
58102

Name

Signature

Address

Joel Prudhomme

[Signature]

3353 50th St S Reiles
Acres, ND
58102

Name

Signature

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Name

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Supporting Statement from Local Realtor

To whom it may concern,

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Best Regards,

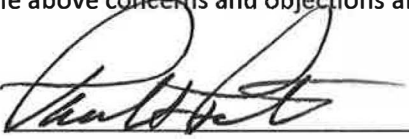
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<u>Paul & Paula Peterson</u>	<u></u>	<u>4314 45th ST N Fgo</u>
Name	Signature	Address

<u>DUANE & MARLENE THORSTEINSON</u>	<u></u>	<u>4015 47th St N Fargo ND</u>
Name	Signature	Address

<u>MIKE LESTINA</u> <u>GRETCHEN LESTINA</u>	<u></u>	<u>4406 45th St N. FARGO, ND</u> <u>58102</u>
Name	Signature	Address

<u>DAVE + LEAH HEIDE</u>	<u>DAVE HEIDE</u> 	<u>4006 45th St. N. FARGO, ND</u> <u>58102</u>
Name	Signature	Address

Ryan Carlson  4482 45th St. N
Name Signature Address Fargo, ND 58102

Jerome Kohle  4442 45th St N Fargo
Name Signature Address ND 58102

Tad Bjordahl  337245th St N Reids
Name Signature Address Acres ND

Melinda Bjordahl Melinda Bjordahl 3372 45 St N Reids
Name Signature Address Acres ND
58102

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

Name Signature Address

GERALD RAMBERG *Gerald Ramberg*

4206 45th ST. N. FARGO, ND
58102

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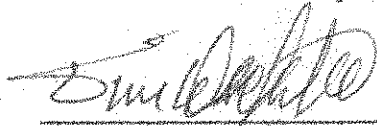
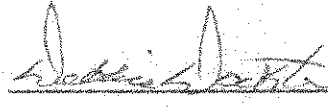
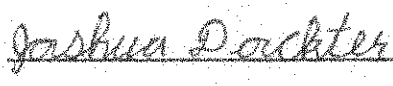

Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Tim Dockter</u>	<u></u>	<u>3635 49th St N 58102</u>
Name	Signature	Address
<u>Debbie Dockter</u>	<u></u>	<u>3635 49 St N 58102</u>
Name	Signature	Address
<u>Joshua Dockter</u>	<u></u>	<u>3635 49th St. N 58102</u>
Name	Signature	Address
<u>Lashai Pfeiffer</u>	<u></u>	<u>4634 35th Ave N 58102</u>
Name	Signature	Address

Nelson, Susan
Name

Susan Nelson
Signature

4732 35th Ave N Reiles Acres
Address

Nelson, Tony
Name

Tony Nelson
Signature

4770 35th Ave N, Reiles Acres, ND
Address

Giese, Brendan
Name

Brendan Giese
Signature

4725 37th Ave N, Reiles Acres, ND 58102
Address

R. Nelson
Name

R. Nelson
Signature

4730 35th Ave N Reiles Acres ND
Address

Missa Nelson
Name

Missa Nelson
Signature

4770 35th Ave N, Reiles Acres, ND 58102
Address

Adam DuBord
Name

Adam DuBord
Signature

4106 45th St N Fargo 58102
Address

Kyla DuBord
Name

Kyla DuBord
Signature

4106 45th St N 58102
Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Name

Signature

Address

Moreover, the presence of these buildings may not appeal to potential buyers, which could hurt the marketability of the homes in the area. Prospective buyers may be discouraged from buying a house that is located close to commercial or industrial buildings due to the perceived negative impacts on their quality of life. This can lead to lower demand for homes in the area and a decrease in their market value.

Therefore, it is not beneficial to put up commercial or industrial buildings across the road from residential areas. It can cause a decline in the quality of life for residents and lower the marketability and home values in the area.

Best Regards,

Jeremy Qualley
Realtor in the FM Area

Summary

It is the consensus of all that have signed this letter, that we object to the current proposed zoning and would like the City of Fargo to strongly reconsider an adjusted zoning proposal that would take into account our concerns of the entire residential community. This could include light industrial only along the interstate, but to not include manufacturing or production in remaining areas.

We do plan to attend all related hearings to voice our objections and concerns. Thank you for reviewing this information and your consideration.

The following individuals have the above concerns and objections and are hereby supporting this by signing:

<u>Erleen McCanna</u>	<u>Erleen McCanna</u>	<u>4504 38 1/2 Ave N</u>
Name	Signature	Address

<u>John McCanna</u>	<u>John McCanna</u>	<u>4504 38 1/2 Ave N</u>
Name	Signature	Address

_____	_____	_____
Name	Signature	Address

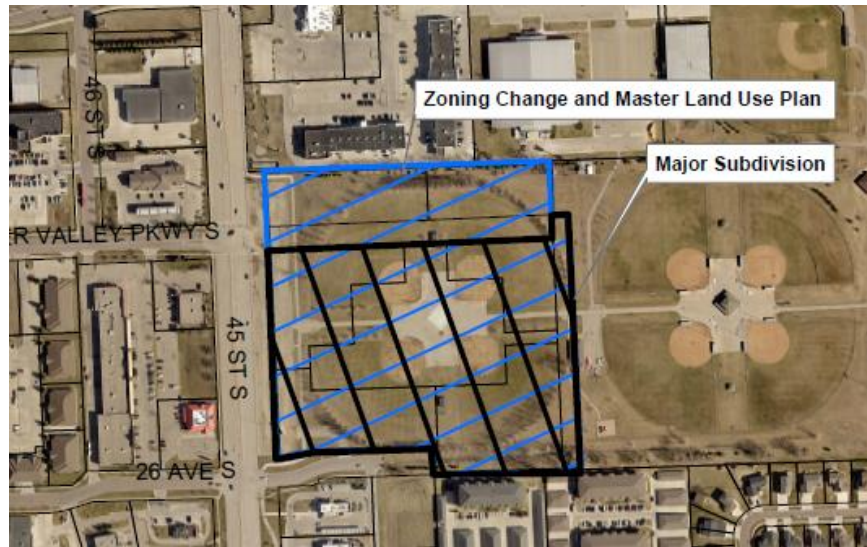
_____	_____	_____
Name	Signature	Address

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

Existing	Proposed
Land Use: Mixed-Use Development	Land Use: no change
Zoning: GC, General Commercial with a PUD Overlay	Zoning: GC, General Commercial with a modified PUD Overlay
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult establishment , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service , aviation , surface transportation , and major entertainment events. Plus a PUD allowing Residential use (ordinance 5336)	Uses Allowed: no change
Maximum Density Allowed: 70 units per acre	Maximum Density Allowed: no change
Maximum Lot Coverage Allowed: (85% maximum building coverage)	Maximum Lot Coverage Allowed: no change

Proposal:
<p>The applicant requests three entitlements:</p> <ol style="list-style-type: none"> 1. Major Subdivision (replat of Lots 1-5, Block 2, EOLA Addition and part of Lot 1, Block 1, Anderson Park Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for a reduced street Right-of-Way); 2. Zone Change (from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial, with an amended PUD, Planned Unit Development overlay); 3. PUD Master Land Use Plan (amendment)

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



History

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

Project Summary

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

Major Subdivision and waiver for a reduced street Right of Way

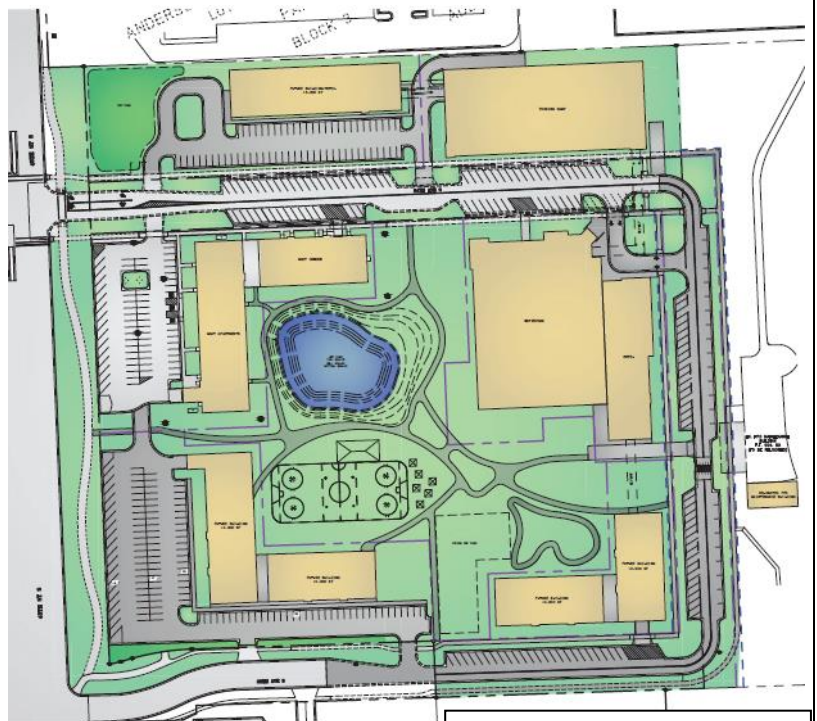
In order to accommodate the development changes, the applicant has applied for a subdivision, EOLA Second Addition, to create one (1) block and five (5) lots for the subject property. The subdivision will dedicate right of way for 44th Street South and the remaining 26th Avenue South, which will provide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

Continued on next page

PUD Master Land Use Plan

The image to the right is the amended Master Land Use Plan submitted by the applicant. The applicant proposes mixed-use use buildings, parking structure and large public park, with changes on the west to include indoor waterpark and hotel. Two structures are already under construction, just northwest of the pond. The PUD Master Land Use Plan shows the building envelope of the structures, parking and circulation, and open space. Note that if the zoning change and the Master Land Use Plan are approved by the City Commission, the Planning Commission will review the Final Plans for the PUD at some point in the future.

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



PUD Master Land Use Plan

PUD Overlay

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

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

Parking Information

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

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

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

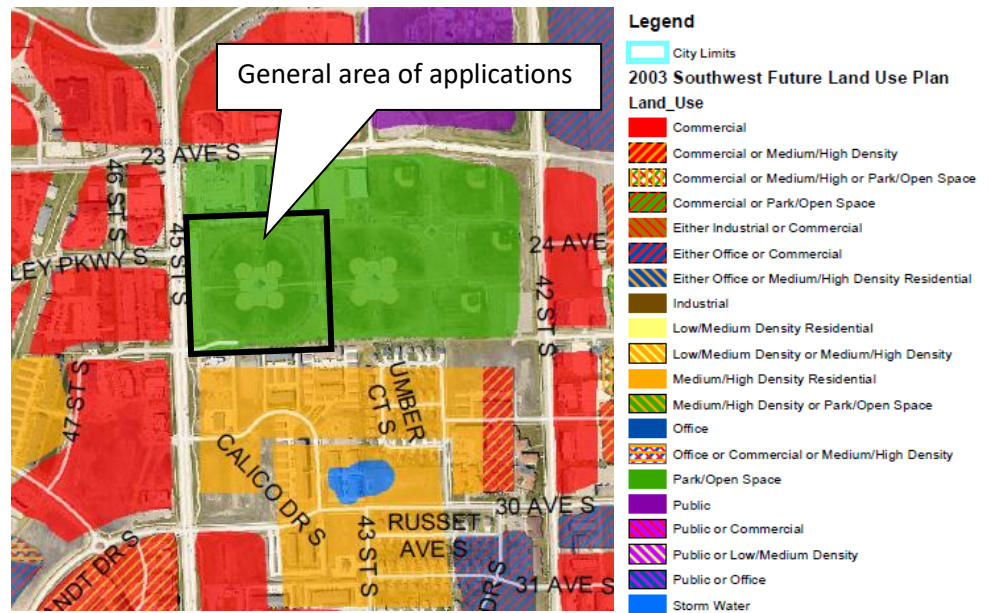
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report. The applicant will also need to submit for building permits, where all review departments will review the plans for compliance with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

Surrounding Land Uses and Zoning Districts:

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

Area Plans:

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



Context:

Neighborhood: Anderson Park

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

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

Pedestrian / Bicycle: A shared use facility is located on the east side of 45th Street South and connects to the metro area trail system. Additional shared use paths are planned that would connect around the south and east side of the subject property.

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

Staff Analysis:

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established, as the applicant is proposing to include an indoor waterpark and hotel. The PUD zoning is an overlay with an underlying zoning district of GC, General Commercial. The proposed amended PUD Overlay zoning district is intended to accommodate the development of this property and specifically identify the proposed development with a master land use plan and zoning ordinance. The requested amendment provides some flexibility within the development, pertaining to building setback, ground floor façade, screening of loading facilities, as well as updating a restricted use due to an LDC text amendment. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property is adjacent to existing developed public rights of way, which provide access and public utilities to serve the property, and additional right of way is being dedicated for 44th Street South and 26th Avenue South. **(Criteria Satisfied)**

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

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

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

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

Master Land Use Plan

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

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

The plan represents an improvement over what could have been accomplished through strict application of the

base GC zoning district. The original PUD was approved for a mixed-use development pattern by providing flexibility in terms of residential use and density, parking requirements, setbacks and landscaping requirements while establishing design standards, in order to provide a master-planned large-scale development with residential use. The amendment is to accommodate an indoor water park and hotel, which were not included in the initial master plan. **(Criteria Satisfied)**

2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**
All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**
3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights of way, which provide access and public utilities to serve the property, and additional right of way is being dedicated for 44th Street South and 26th Avenue South. **(Criteria Satisfied)**
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan, including initiatives of *sustainable mixed use center, public gathering spaces, infill, design standards, quality new development, and parking*. The City's Go2030 Comprehensive Plan supports development within areas that are already serviced with utilities. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**
The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a mixed-use development that will allow for a variety of uses within an area of the City that already has access to City services. **(Criteria Satisfied)**

Subdivision

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

1. **Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
The property is zoned GC, General Commercial with a PUD, Planned Unit Development Overlay. The GC zoning is proposed to remain as the base zoning district for the PUD, while PUD Overlay is proposed to be modified as part of the zoning application. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any public comment or inquiries. **(Criteria Satisfied)**
2. **Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
The property is zoned GC, General Commercial with a PUD Overlay. The GC zoning is proposed to remain as the base zoning district for the PUD, while PUD Overlay is proposed to be modified as part of the zoning application. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any public comment or inquiries. **(Criteria Satisfied)**

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

The City’s standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. **(Criteria Satisfied)**

Subdivision Waiver For Street Width

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

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

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

STANDARD	LDC	PROPOSED
Overall width	80 feet	73 feet
Lanes	2	2
Paving width	40 feet	Up to 50 feet (to accommodate parking)
Sidewalk width	4.5 feet each side	6 feet on west side and 10 feet on the east side on 44 th Street South; 6 feet on the north side and 10 feet on the south side of 26 th Avenue South
Sidewalk location	2.0 feet off property line	Just outside the ROW within Utility and Sidewalk easement and 2.0 feet off property line as space allows

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

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

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

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

Only the street standards requirement of Section 20-0611 of the LDC would be affected by approval of this waiver. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay; 2) amended PUD, Planned Unit Development Master Land Use Plan; and 3) major subdivision plat, **EOLA Second Addition**, including a waiver for a reduced street Right of Way as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0907.C, Section 20-0907.D.3(a-c), Section 20-0906.F (1-4), and Section 20-0908.B(7) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation:

Attachments:

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

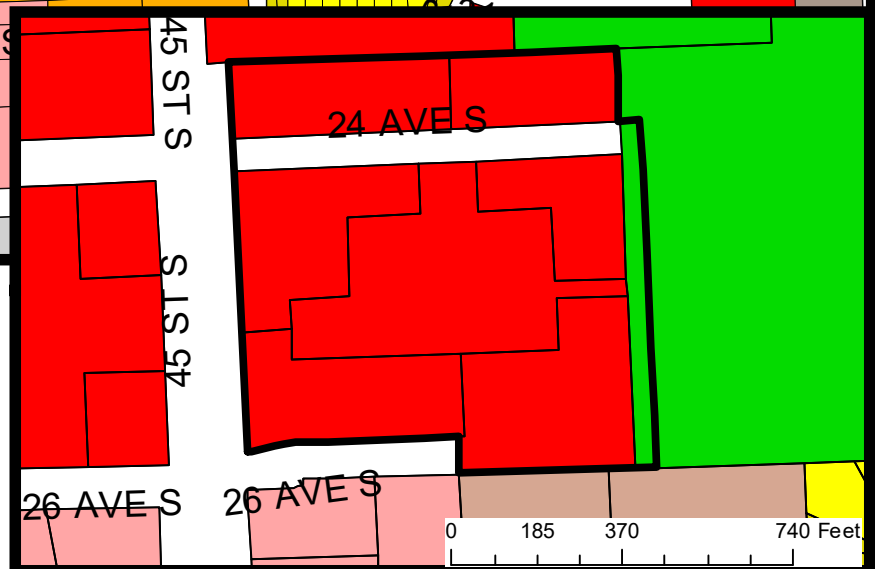
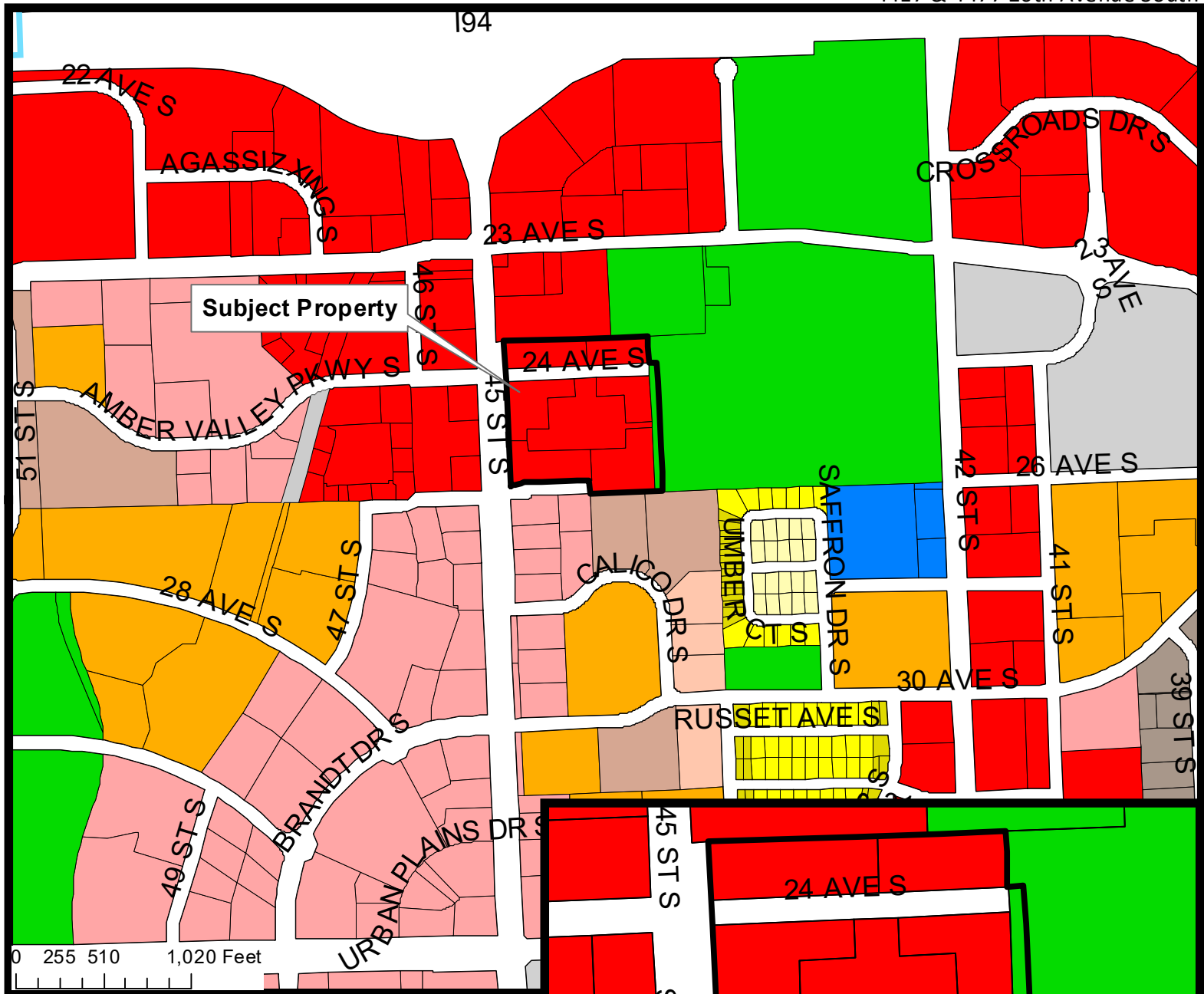
Major Subdivision, Zone Change (Modify Existing Planned Unit Development in GC, General Commercial) & Planned Unit Development Master Land Use Plan Amendment

4200 23rd Avenue South

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

4417 & 4477 26th Avenue South

EOLA Second Addition



Legend

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

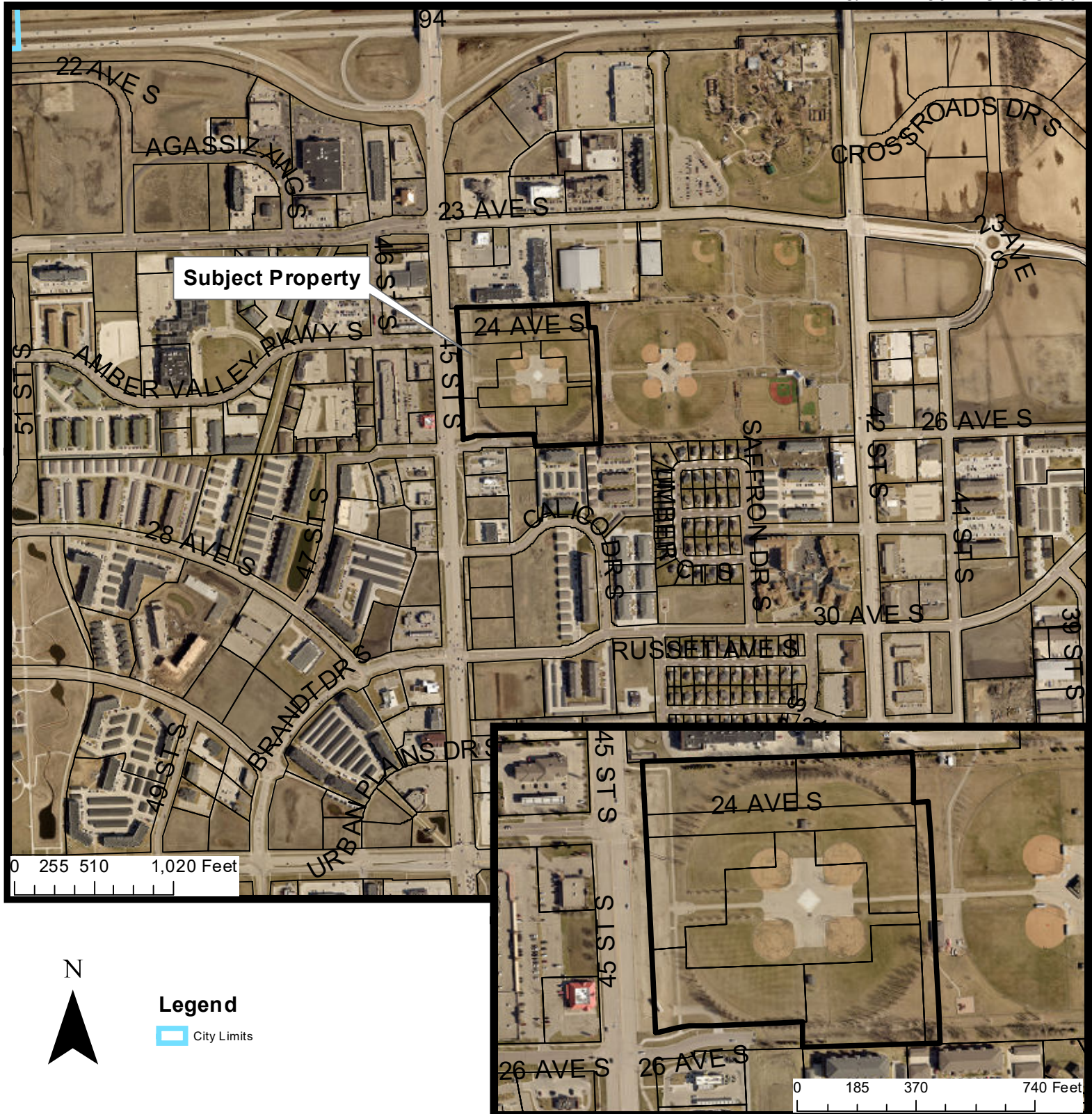
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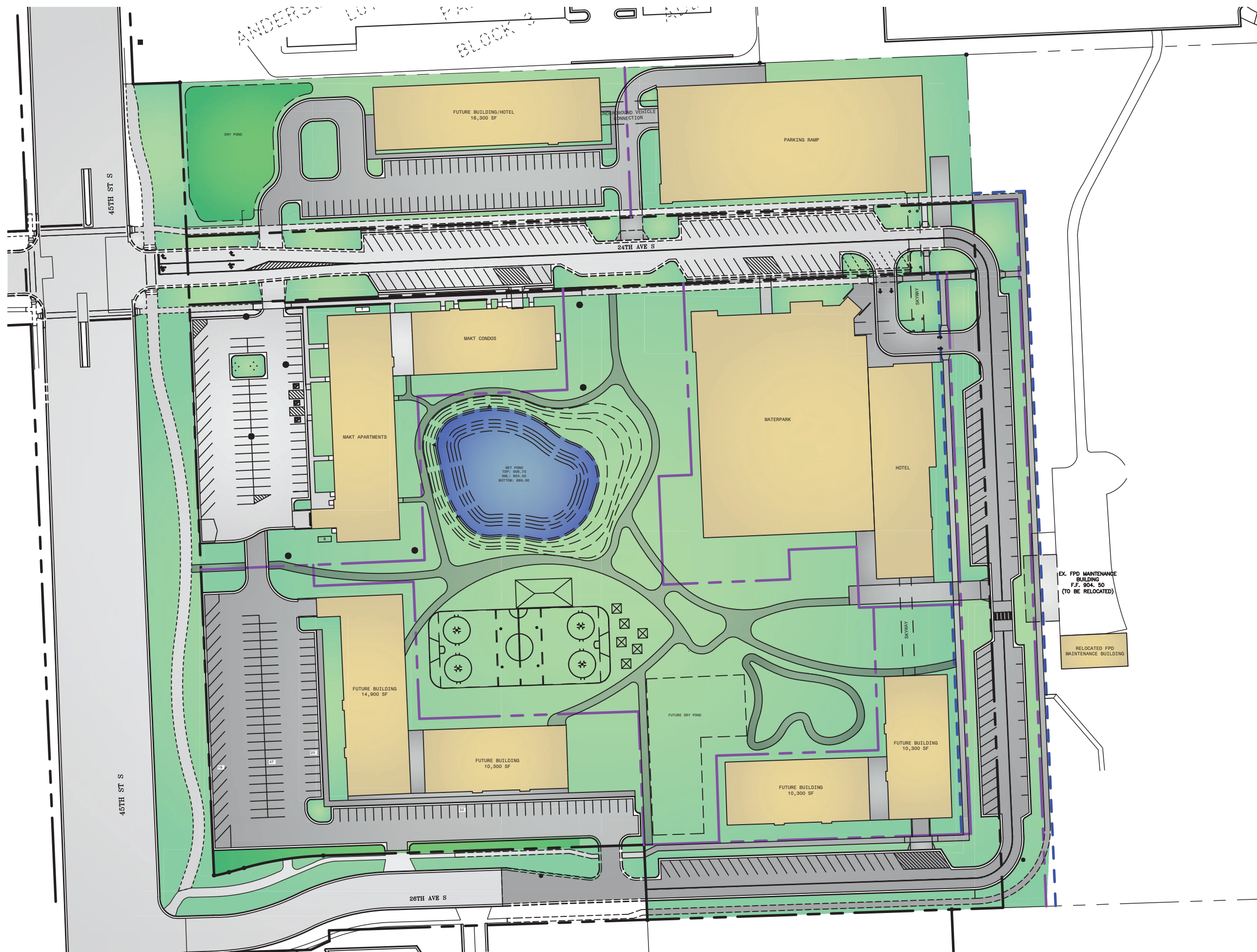
4200 23rd Avenue South

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

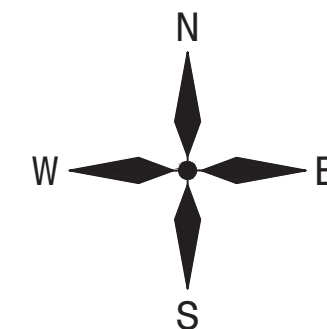
4417 & 4477 26th Avenue South

EOLA Second Addition






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



EPIC COMPANIES
EOLA

FARGO, ND

NOT FOR CONSTRUCTION

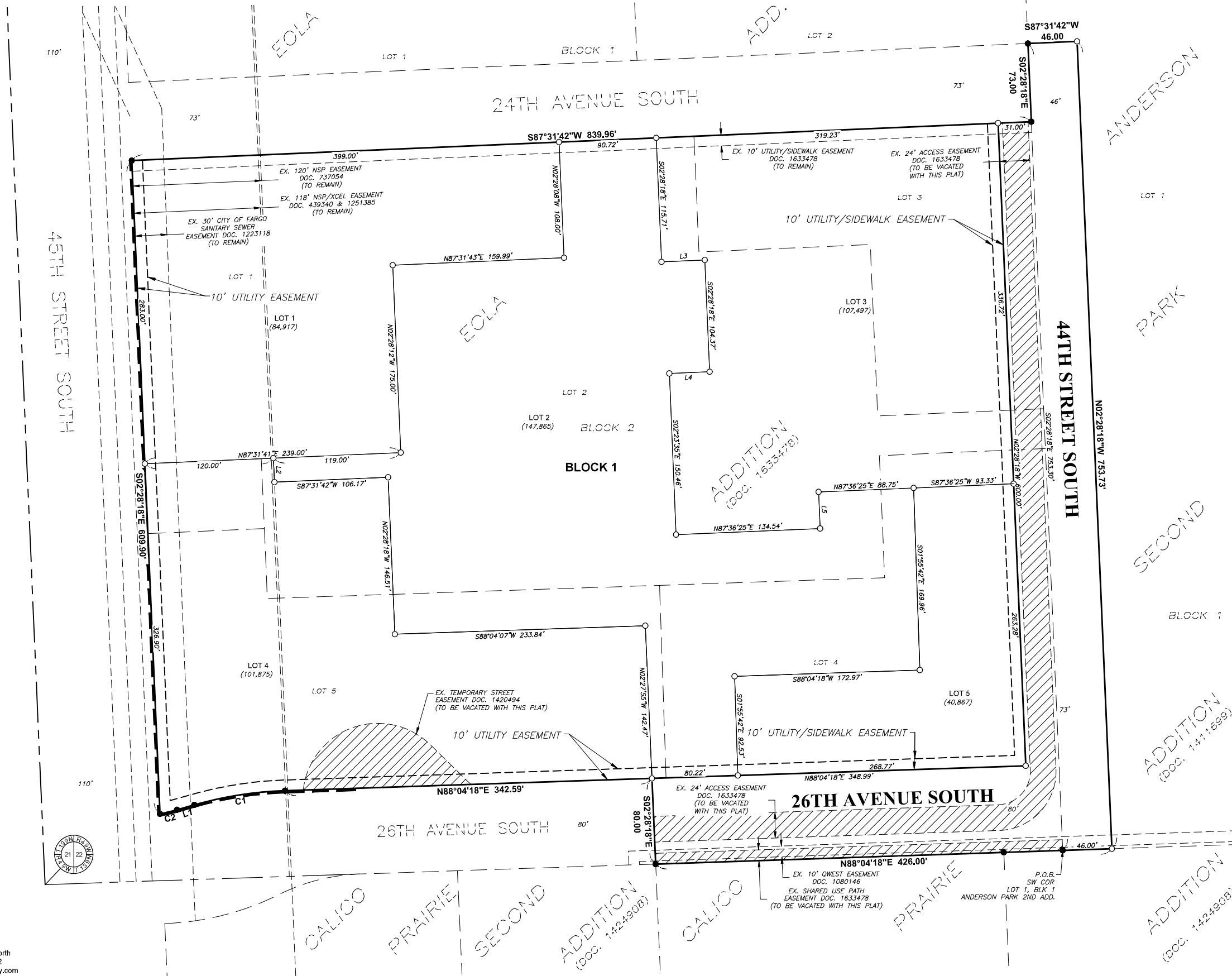
MBN JOB #: 22-199 DATE: 4-12-23

THE WAVE SITE SCHEMATIC

SITE

EOLA SECOND ADDITION

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



0 50 100
SCALE IN FEET
ORIENTATION OF BEARING IS
CITY OF FARGO GROUND
COORDINATE SYSTEM

LEGEND

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

- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
 - BENCHMARK SEFB HYDRANT LOCATED IN THE SOUTHEAST QUADRANT OF 45TH STREET SOUTH AND 26TH AVENUE SOUTH, BM-111011 PUBLISHED ON SHEET #111 OF THE CITY OF FARGO BENCHMARK BOOK (2021 EDITION) ELEVATION = 906.63 (NAVD88).
 - BASE FLOOD ELEVATION (BFE) IS 905.7 (NAVD88) PER CITY OF FARGO GIS.
 - ELEVATION CONTOURS DERIVED FROM CITY OF FARGO LIDAR DATA

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

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

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



EOLA SECOND ADDITION

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

OWNER'S CERTIFICATE

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

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

AND

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

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

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

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

OWNER:

MAKT LLC

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

Todd Berning, President

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, appeared before me, Todd Berning, President, MAKT LLC, a North Dakota Limited Liability Company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of EOLA Landholdings, LLC.

Notary Public: _____

MORTGAGE HOLDER:

Western State Bank

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

Matt Oachs, Loan Officer

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, appeared before me, Matt Oachs, Loan Officer, Western State Bank, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of Western State Bank.

Notary Public: _____

OWNER:

Fargo Park District

Lot 1, Block 1 of ANDERSON PARK SECOND ADDITION

Dawn Morgan, President

State of North Dakota)
County of Cass) SS

On this ___ day of _____, 20___, appeared before me, Dawn Morgan, President, Fargo Park District, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the Fargo Park District.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ___ day of _____, 20___.

Timothy J. Mahoney
Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
County of Cass) SS

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

Notary Public: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider
Planning Commission Chair

State of North Dakota)
County of Cass) SS

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

Notary Public: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
County of Cass) SS

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

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Dated this ___ day of _____, 20___.

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

State of North Dakota)
County of Cass) SS

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

Notary Public: _____



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

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

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

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

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

- ROW dedication shall be 73 feet;
- Street widths shall be 50 feet with diagonal parking on west side of the street and parallel parking on the east side of the street, as shown on COF Standard Detail 4000-5.4 (2012).
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed.
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 6 foot sidewalk shall be incorporated into the west boulevard. 4.5' is the minimum width required by §20.0611. This sidewalk sits in a dedicated Sidewalk/Utility Easement.
- 10 foot shared use path shall be incorporated on the east boulevard.

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

- ROW dedication shall be 80 feet;
- Street widths shall be up to 50 feet with diagonal parking on north side of the street on the new roadway section and no parking on the south side of the street, as shown on COF Standard Detail 4000-5.4 (2012).
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed.
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 6 foot sidewalks shall be incorporated into the boulevards. 4.5' is the minimum width required by §20.0611. This sidewalk sits in a dedicated Sidewalk/Utility Easement.

- 10 foot shared use path shall be incorporated on the south boulevard.

Miscellaneous

- Developer shall be responsible for coordinating the placement of parking signage, street light locations, and trees with the appropriate City of Fargo department. These details shall be determined prior to construction of any public improvements.
- A snow removal maintenance plan will be required for this project. The developer is responsible for all snow removal within the 44th Street South and 26th Avenue South dedicated Right-of-Way and sidewalks.

Storm Water Management: All stormwater located within the newly platted lots will be detained on-site via acceptable stormwater treatment practices before discharging to the municipal storm sewer system. The proposed private stormwater system will accommodate all detention and water quality requirements.

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

Engineering and Construction Improvements: *(this section will be coordinated with Engineering Department and updated)*

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

- Public improvements shall be assessed to the benefitting properties, pursuant to city policy

This Amenities Plan is hereby approved.

Blake Nybakken, EOLA Landholdings, LLC

date

Blake Nybakken, MAKT, LLC

date

, City Engineer

date

DRAFT PUD OVERLAY

Allowed Uses.

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

Residential Density.

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

Parking. The following parking requirements are as follows:

1.16 parking spaces per residential unit;

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

Parking can be located anywhere in the development; and

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

Setbacks.

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

Landscaping.

The parking lot buffer requirement shall be waived.

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

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

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

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

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

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

Height.

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

Open Space.

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

Additional Standards.

All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; or glass. Natural wood or wood

paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.

Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.

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

Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than ~~60~~50% of their horizontal length. If the façade facing the street is not the front it shall include the same features and/or landscaping in scale with the façade.

Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall.

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

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

Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance(s) to each commercial building, including pad site buildings.
- Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
- Parking areas or structures that serve each primary building.
- Connections between the on-site (internal) pedestrian walkway network and any public

sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.

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

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

The following uses are prohibited:

Detention facilities;

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

Off-premise advertising signs;

Portable signs;

Vehicle repair;

Industrial service;

Manufacturing and production;

Warehouse and freight movement; and

Aviation/surface transportation.

DRAFT

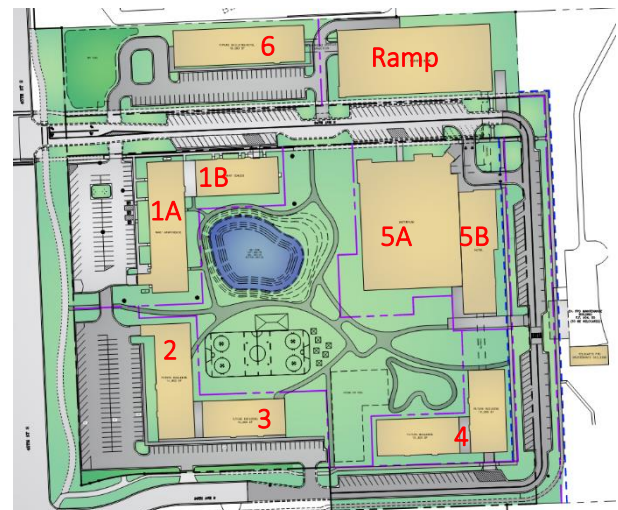
DATE: June 1, 2023
TO: Mr. Brian Reinarts
CC: Mr. Blake Nybakken
ORGANIZATION: EPIC Companies
ADDRESS: 745 31st Avenue E #105
CITY/STATE: West Fargo, ND 58078
FROM: Kevin White, AICP, CAPP, Walker Consultants
PROJECT NAME: EOLA Parking Study
PROJECT NUMBER: 21-005056.00

BACKGROUND AND INTRODUCTION

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

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

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



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

PROPOSED DEVELOPMENT PROGRAM

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

Figure 1: EOLA Development Program Summary

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

Source: EPIC Companies, 2023

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

PROPOSED PROJECT PHASING

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

Figure 2: Proposed Phasing Timeline

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

Source: EPIC Companies, 2023

SHARED PARKING OVERVIEW

INTRODUCTION

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

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

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

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

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

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

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

SHARED PARKING METHODOLOGY

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

Figure 3: Shared Parking Methodology

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

Source: Shared Parking, 3rd Edition

BASE PARKING DEMAND RATIOS

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

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

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

Source: Shared Parking, 3rd Edition

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

PRESENCE FACTORS

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

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

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

DRIVE RATIO ADJUSTMENT

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

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

NON-CAPTIVE RATIO ADJUSTMENT

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

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

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

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

SHARED PARKING MODEL RESULTS

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

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

Figure 5: Parking Needs Analysis Summary

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

Source: Walker Consultants, 2023

PROPOSED PARKING PROGRAM

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

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

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

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

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

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

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

AGGREGATE PARKING SUPPLY

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

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

PARKING NEEDS BY PHASE

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

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

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

Source: Walker Consultants, 2023

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

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

CITY OF FARGO PARKING REQUIREMENTS

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

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

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

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

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

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

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

Source: City of Fargo Code of Ordinances

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

CONCLUSION AND PROJECTED PARKING NEEDS

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

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

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

City of Fargo Staff Report			
Title:	NDSU Campus	Date:	06/01/2023
Location:	1310 17 Ave N	Staff Contact:	Brad Garcia, planner
Legal Description:	That part of the Northeast Quarter of Section 36, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: Commencing at the West Quarter corner of said Section 36; thence North 87 degrees 35 minutes 16 seconds East along the East and West Quarter line of said Section 36, a distance of 4,394.35 feet; thence North 2 degrees 24 minutes 44 seconds West, a distance of 939.93 feet to the Point of Beginning of the lease area to be described; thence North 2 degrees 27 minutes 19 seconds West, a distance of 25.00 feet; thence North 87 degrees 32 minutes 41 seconds East, a distance of 25.00 feet; thence South 2 degrees 27 minutes 19 seconds East, a distance of 25.00 feet; thence South 87 degrees 32 minutes 41 seconds West, a distance of 25.00 feet to the Point of Beginning.		
Owner(s)/Applicant:	NDSU/New Cingular Wireless PCS, LLC and Affiliates	Engineer:	Terra Consulting/Hugh Bealka
Entitlements Requested:	Conditional Use Permit (to install a telecommunications support structure (TSS) of greater than 50 feet and less than 125 feet in height in the P/I, Public/Institutional zone)		
Status:	Planning Commission Review: June 6th, 2023		

Existing	Proposed
Land Use: University Campus	Land Use: No change
Zoning: P/I, Public/Institutional	Zoning: No change
Uses Allowed: P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.	Uses Allowed: No Change The Conditional Use Permit would allow a telecommunications support structure (TSS) of less than 125 feet in height in the P/I, Public/Institutional zone, in addition to the other permitted uses in the P/I zone.
Maximum Lot Coverage: P/I has no maximum	Maximum Density Allowed: No change

Proposal:

The applicant requests the approval of one entitlement:

- Conditional Use Permit:** A conditional use permit (CUP) to install a telecommunications support structure (TSS) of less than 125 feet in height in the P/I, Public/Institutional zone.

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

Surrounding Land Uses and Zoning Districts:

- North: Across 17th Ave N (Private Road is P/I, Public/Institutional, consisting of the Fargo Dome and parking lots
- East: Adjacent to the subject area is P/I, Public/Institutional, Sanford Health Complex as part of the NDSU Campus;
- South: Adjacent to the subject area is P/I, Public/Institutional, Dacotah Sports Field and parking;
- West: Across Albrecht Blvd N (Private Street) is P/I, Public/Institutional, the Biosciences Research Laboratory as part of the NDSU campus.

Area Plans:

The subject area is located within the NDSU campus identified within the NDSU Campus Masterplan. The NDSU Campus Masterplan does not discuss or provide guidance on telecommunications support structures, and so does not apply to this Conditional Use Permit.

Context:

Neighborhood: The subject area is located in the NDSU Campus.

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

Parks: No public parks are located within a ¼-mile radius of the subject area within the campus property.

Pedestrian / Bicycle: No shared-use paths are located in proximity to the area. Several bicycle and pedestrian facilities are privately located within the NDSU campus. A bicycle lane runs north/south along N University Drive.

Bus Route: Several bus routes provide service within a ¼-mile of the subject area. Route 13 serves GTC, Klai Hall, R. H. Barry Hall, Roosevelt Elementary, NDSU Transit Hub, Northport Hornbacher's, Trollwood Village, NDSCS - Fargo, Sanford Health Athletic Complex, Family Fare, People Ready, and Renaissance Hall. Route 13U provides seasonal service to some locations along Route 13. Route provides service to NDSU Transit Hub, Family Fare, Klai Hall, University Village, SHAC, and Centennial Shelter.

Staff Analysis:

Existing Conditions

The proposed area is currently developed as Dacotah Field with a parking lot to the west and Shelly Ellig Indoor Track and Field Facility to the South.

Project Summary

AT&T has been providing cell/data service from the City of Fargo water tower located at 1430 10 St N which will cease operations August 2023. The applicant is seeking to establish a temporary cell tower within the NDSU campus to maintain AT&T coverage around the campus and surrounding neighborhoods. The applicant estimates the duration of the temporary cell tower to be around 2 years or until a permanent solution is established.

The proposed cell tower will be located on the west side of Dacotah Field within the existing parking lot (see site plan on following page). The tower would be a 100' ballasted monopole tower with one antennae to be located in a 25'x25' leased area, which will be fenced off with a security chain-link fence.

The CUP is not a building permit. The applicant will have to go through the building permit process, with a permit to construct the telecommunications support structure, through the Inspections Department prior to construction. These permits are administrative, and do not come before the Planning Commission.

RESIDENTIAL PROTECTION STANDARDS and USE STANDARDS FOR TELECOMMUNICATIONS SUPPORT STRUCTURES IN THE P/I, PUBLIC/INSTITUTIONAL ZONING DISTRICT

Fargo's Land Development Code (LDC) Section 20-0704, Residential Protection Standards, states that Residential Protection Standards apply to all non-residential development when such development occurs on a site within 150 feet of any SR (single dwelling), MR (multi-dwelling), or MHP (mobile home park) zoning. The proposed location on the subject property is greater than 150 from any SR, MR, or MHP zoned property, so this section by itself does not apply.

Additionally, Section 20-0402.N (3) of the LDC states that telecommunications support structures which exceed the maximum height permitted by-right in the P/I zoning district, but are not more than 125 feet in height are Conditional Uses and are therefore subject to the Conditional Use review process, stipulating that the following criteria are met before the Conditional Use Permit can be approved:

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

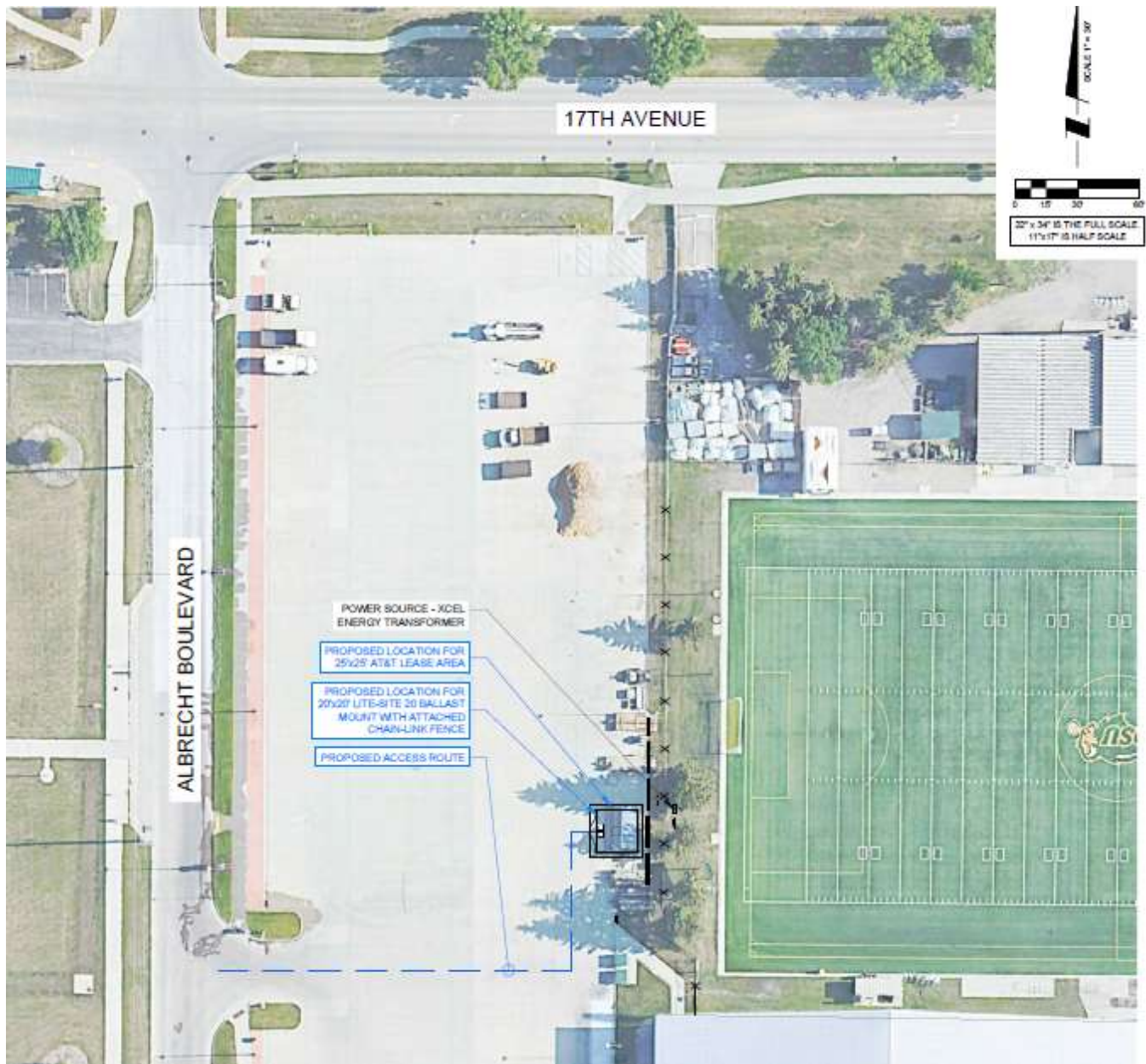
Staff found the proposed TSS to be in compliance with the required minimum distance from existing and approved TSSs. **(Criteria Satisfied)**

2. **The TSS must have co-location capability of at least one other telecommunications provider, unless stealth design considerations make co-location unfeasible as determined by the City Planner.**
The proposed TSS would have co-location capability with other telecommunications providers. **(Criteria Satisfied)**

3. **TSSs shall comply with such other conditions as determined by the Planning Commission.**
Staff recommends a condition of the CUP to allow a TSS structure with a maximum height of 100 feet. **(Criteria Satisfied)**

4. **No TSS located in any non-residential zoning district may be located closer than 200 feet or two times the height of the TSS, whichever is greater, from any SR zoning districts, as measured from the base of the TSS to the nearest point of such SR zoning district.**
The proposed TSS is 100 feet in height, which would require a minimum radius of 200 feet from the nearest SR zoning district. Staff found the proposed location to be greater than 200 feet from the nearest SR zoning district, which satisfies this requirement. **(Criteria Satisfied)**

5. **No TSS located in any MR zoning district may be located closer than 200 feet or two times the height of the TSS, whichever is greater, from any SR zoning districts, as measured from the base of the TSS to the nearest point of such SR zoning district.**
The proposed TSS is not located within an MR zoning district; thus, this does not apply. **(Criteria Satisfied).**



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 allow a telecommunications support structure (TSS) according to provisions outlined in the LDC. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

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

Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public as it will maintain cell/data service within the area.

(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 that 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 CUP were sent out to property owners within 300 feet of the subject area. To date, staff has received no inquiries or protest regarding the project or proposed use.

(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 to allow a telecommunications support structure (TSS) is not expected to negatively affect the immediate neighborhood or prevent any type of development or use of adjacent properties. Additionally, there are no increase in impacts of noise, smoke, vibration, or traffic from existing conditions. Based on this information, staff finds that the proposed conditional use permit meets this criterion.

(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 subject property is located within an area of the City that is largely developed with public infrastructure. 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. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

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

The subject property has vehicular access to 17th Avenue North and Albrecht Blvd N (both NDSU maintained roads). The proposed telecommunications support structure will be located west of Dacotah Field and will not generate additional traffic. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval of the conditional use permit to allow a Telecommunications Support Structure (TSS) of less than 125 feet in the P/I, Public/Institutional zone, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0402.N (3), Section 20-0909.D (1-6) of the LDC, and all other applicable requirements of the Land Development Code, with the following condition for the CUP:

TSS structure shall be 100 feet or less in height.

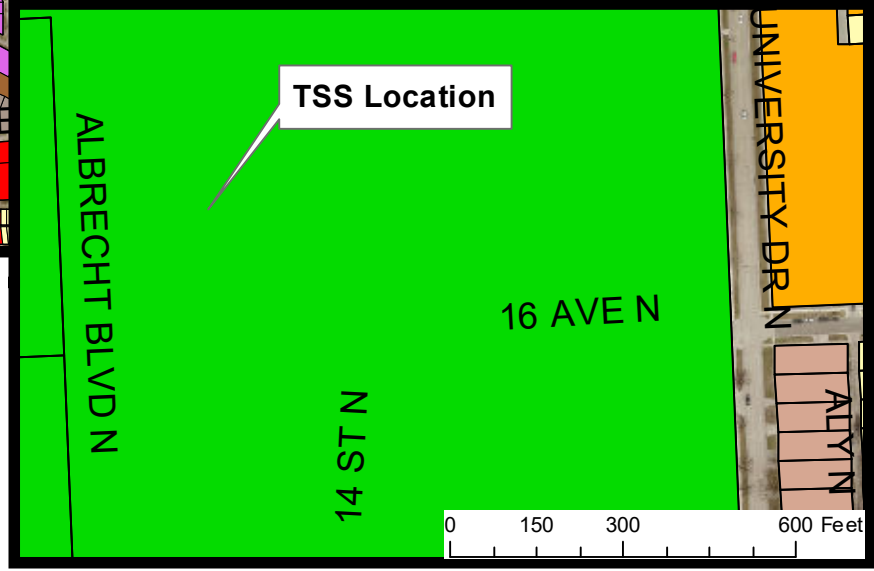
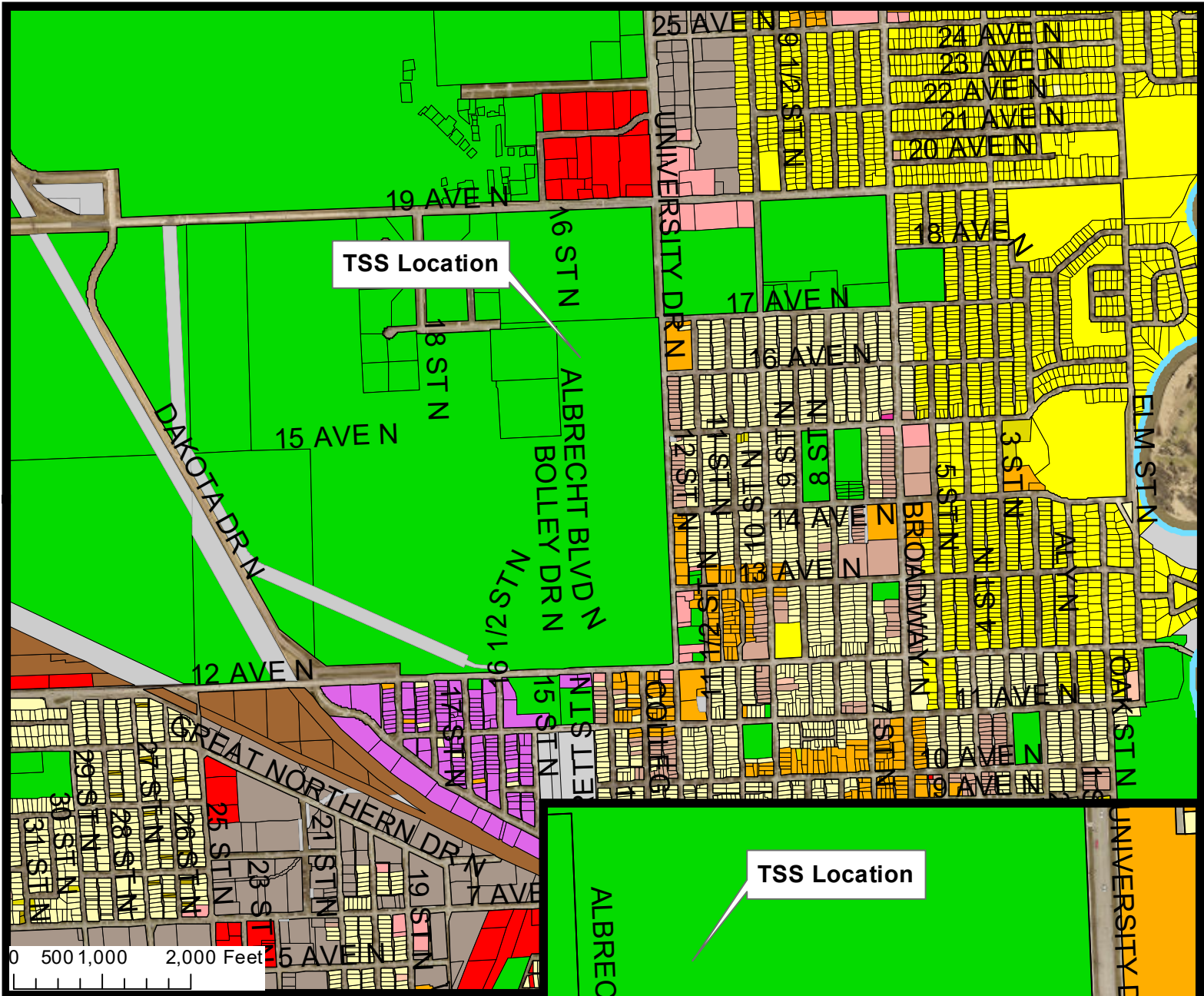
Attachments:

1. Zoning map
2. Location map
3. Site Plan
4. Elevation Drawing

CUP for TSS Structure in the P/I Zoning District

North Dakota State University Campus

1321 Albrecht Boulevard North



Legend

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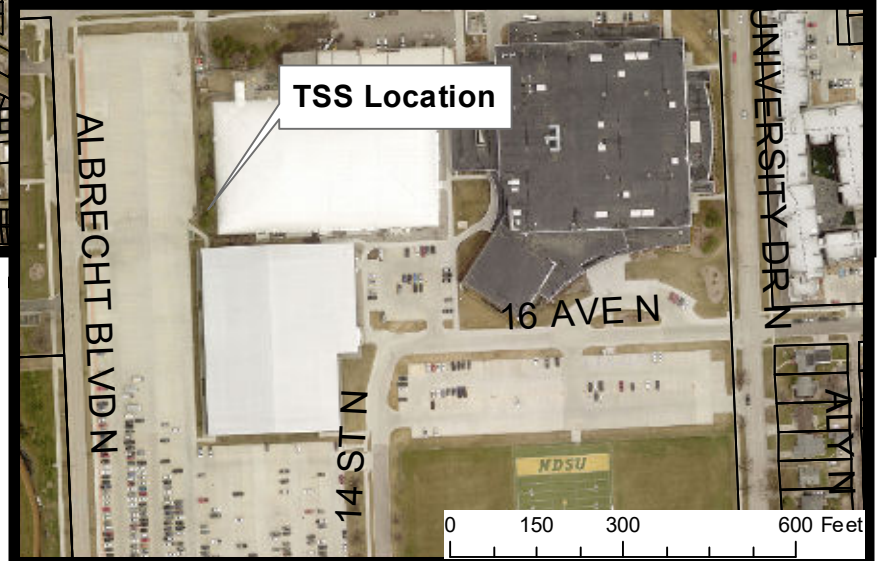


Fargo Planning Commission
June 6, 2023

CUP for TSS Structure in the P/I Zoning District

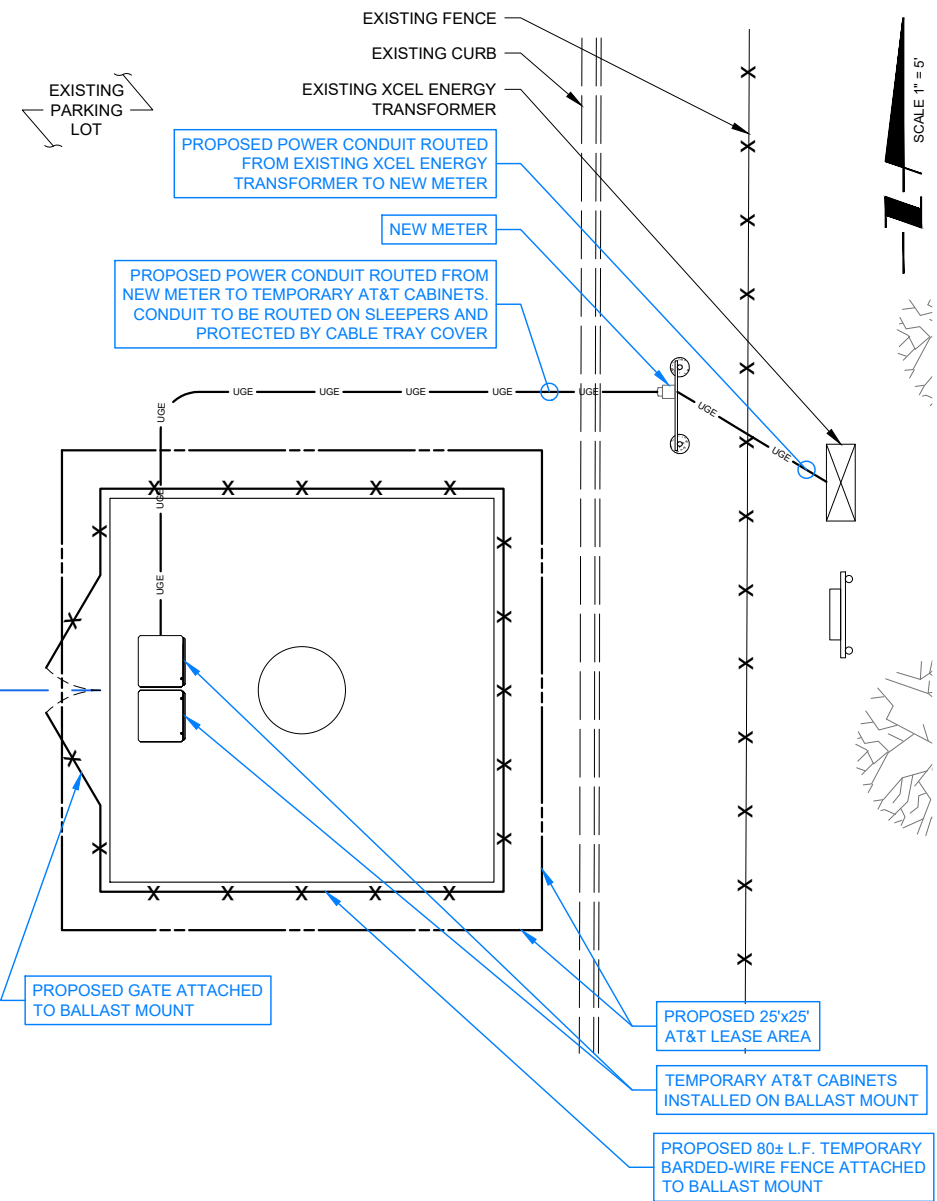
North Dakota State University Campus

1321 Albrecht Boulevard North

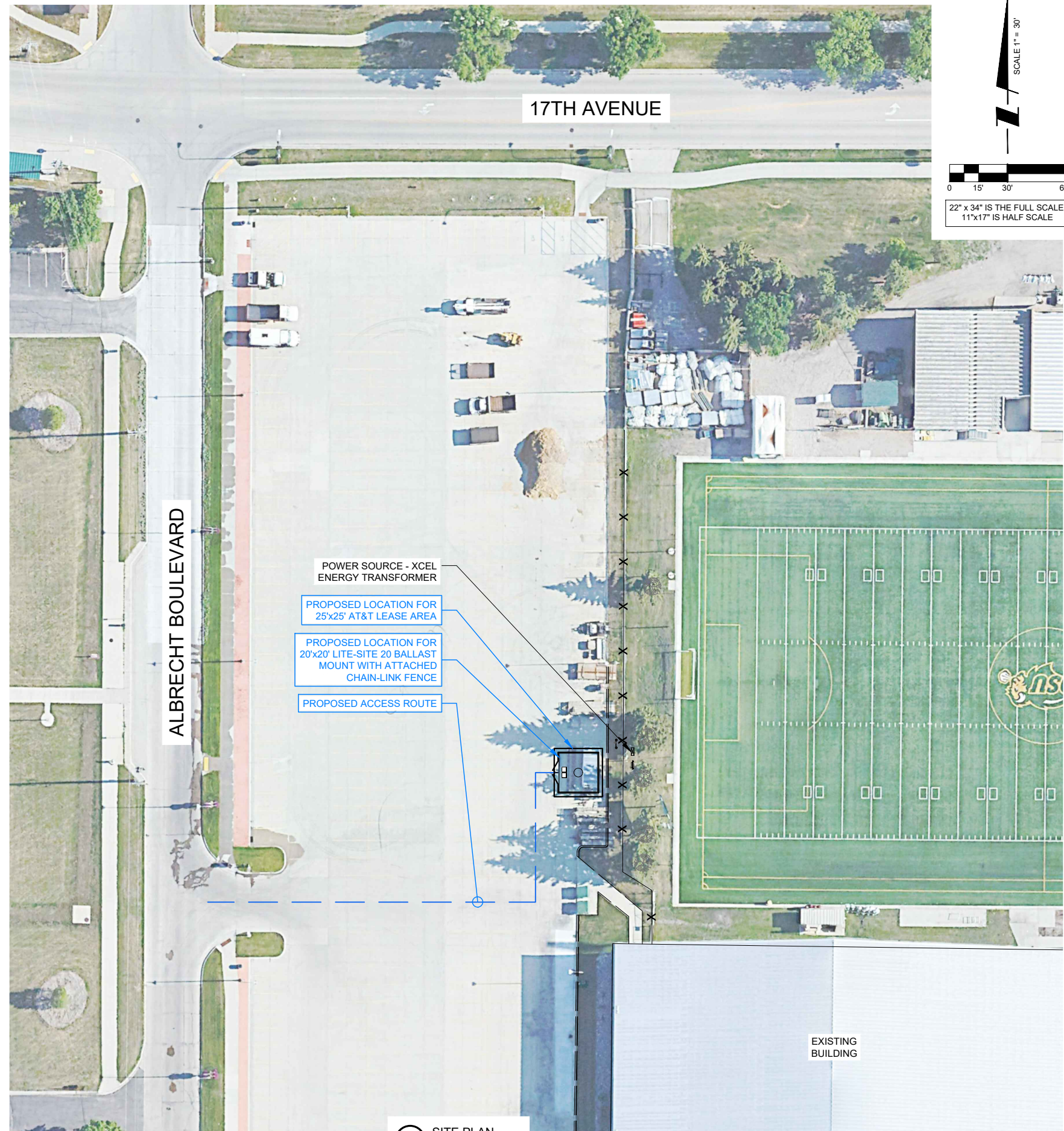


Legend

 City Limits



1 COMPOUND PLAN
SCALE: 1" = 5'-0"



2 SITE PLAN
SCALE: 1" = 30'-0"



730 NATIONAL PARKWAY
SCHAUMBURG, IL 60173
PLANS PREPARED BY:
TERRA
CONSULTING GROUP, LTD.
600 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401

SEAL:

22" x 34" IS THE FULL SCALE.
11" x 17" IS HALF SCALE

REVISIONS		NO.	DESCRIPTION	DATE	BY
A	ISSUED FOR REVIEW	09/06/22	MLM		
B	FOR PERMIT ISSUANCE	04/14/23	AC		

FARGO WT RELO
NDSU (NORTH)

1310 17TH AVE N
FARGO, ND 58102

DRAWN BY:	MLM
CHECKED BY:	TZ
DATE:	09/06/22
PROJECT #:	175-302

SHEET TITLE
SITE PLAN

SHEET NUMBER



Know what's below.
Call before you dig.
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SCALE: 1/8" = 1'-0"

22" x 34" IS FULL SCALE.
11" x 17" IS HALF SCALE

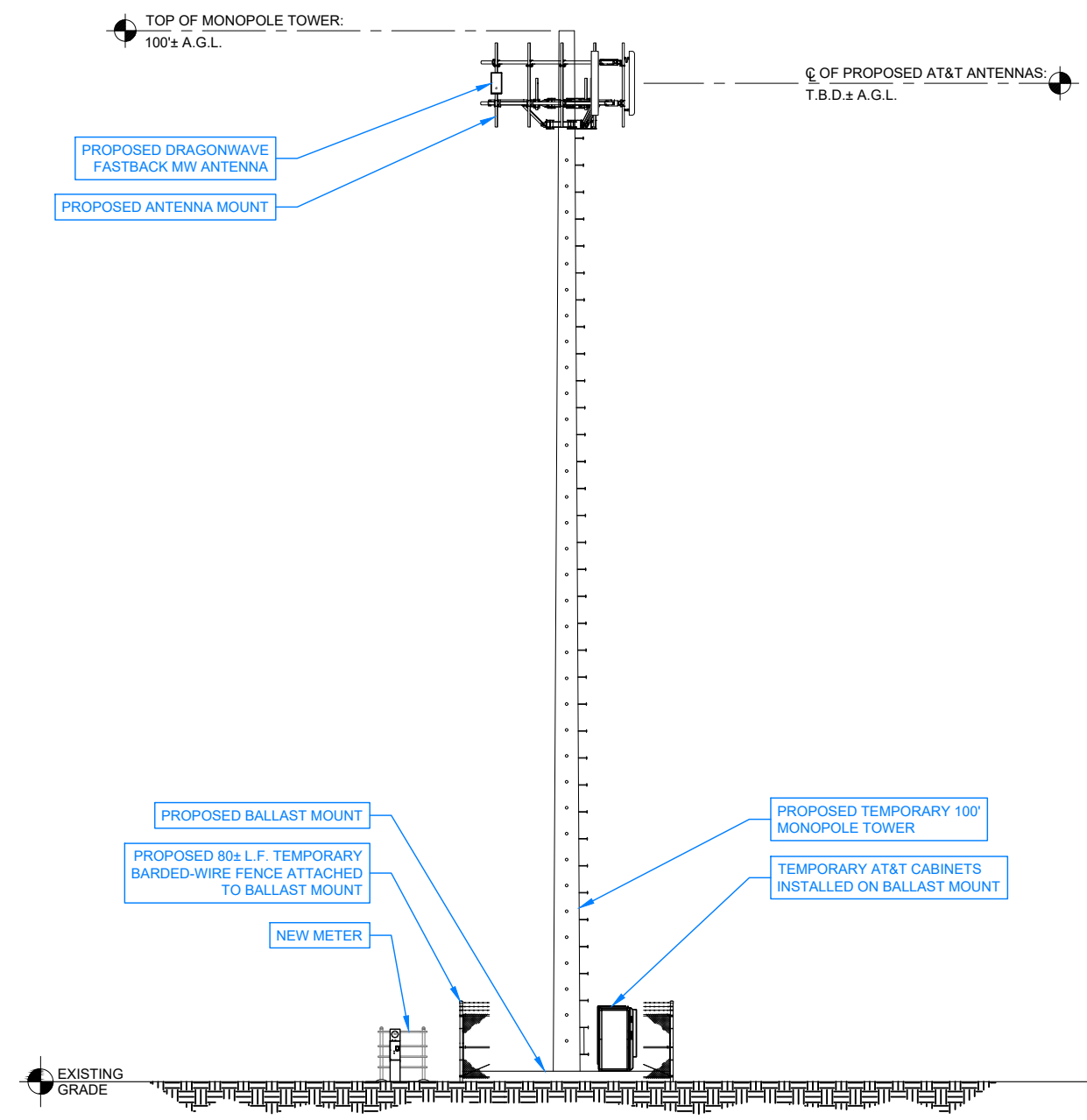


PLANS PREPARED BY:
TERRA
CONSULTING GROUP, LTD.
600 BUSSE HIGHWAY
PARK RIDGE, IL 60068
PH: 847-698-6400
FAX: 847-698-6401

SEAL:

NOTES:

- THIS DRAWING IS FOR EXHIBIT AND LAYOUT PURPOSES ONLY
- NO ANTENNA OR LINE WORK TO BEGIN PRIOR TO CONFIRMATION OF ADEQUATE TOWER AND MOUNT CAPACITY. REFER TO STRUCTURAL ANALYSIS BY OTHERS.



NO.	DESCRIPTION	DATE	BY	
			MLM	AC
A	ISSUED FOR REVIEW	09/06/22		
B	FOR PERMIT ISSUANCE	04/14/23		

**FARGO WT RELO
NDSU (NORTH)**

1310 17TH AVE N
FARGO, ND 58102

DRAWN BY:	MLM
CHECKED BY:	TZ
DATE:	09/06/22
PROJECT #:	175-302

SHEET TITLE
TOWER ELEVATION

SHEET NUMBER
3

1 TOWER ELEVATION
SCALE: 1/8" = 1'-0"



MEMORANDUM

TO: Fargo Planning Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research 

DATE: May 30, 2023

SUBJECT: Renewal Plan Review

City staff prepared a Renewal Plan for a blighted property located 502 8th Street South. The plan is attached for your review.

The plan was prepared to be consistent with the City's comprehensive plan and the Core Neighborhood Plan. The proposed redevelopment conforms to the zoning of the property. 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. 2023-03

CITY OF FARGO, NORTH DAKOTA

MAY 2023

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RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2023-03

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 Go2030 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. 2023-03.

“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. 2023-03 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. 2023-03, 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 a vacant and blighted apartment building. 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 include in Appendix D.

- (b) The Renewal Area is has one small apartment building with blighted conditions.

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 MR-3 that allows for multi-family housing.

- (d) The 6-unit apartment building is vacant.

Factual basis: There is no occupied housing on the site because of the poor condition of the apartment building. The redevelopment will be 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.

The plan is consistent with Core Neighborhood Plan future land used plan. The land use plan identified this block as multi-family residential. The proposed development will use existing infrastructure, and other infrastructure can be added as needed.

Subsection 1.4. Description of Renewal Area

The Renewal Area is one lot at 502 8th Street South in the Hawthorne Neighborhood. The site is 11,764 square feet on the southeast corner of 5th Avenue and 8th Street South. It is legally described in Appendix A. A map of the Renewal Area is attached as Appendix B.

The proposed project will be five townhome style apartments or condos.

The redevelopment plan is attached as Appendix C.

Subsection 1.5. Land Acquisition, Development, Demolition and Removal of Structures, Redevelopment or Public Improvements

The Development of the Renewal Area includes the following activities:

Land Acquisition/Land Write Down. - The cost of acquisition of the properties less the value of the land.

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

Public Infrastructure – The estimate is for the costs to disconnect utilities in the street and reconstruction sidewalks and vehicle approaches to the property.

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 Renewal area is zoned MR-3. No zoning changes are required for this project.
- (b) *Maximum Densities.*
The 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 physical improvements outlined in the plan meet critical needs required for the redevelopment of this property. The project complies with the zoning district and the redevelopment goals of the Go2030 Comprehensive Plan and the Core Neighborhood Plan.

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, and can use other funds to pay for city infrastructure. The primary costs involved in the development are land costs, demolition and site cleanup, and public works improvements.

Land Costs	\$104,000
Demolition and Site Cleanup	\$94,500
Public Infrastructure	\$88,000
Administration	\$14,325
TOTAL	\$300,825

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement. The development agreement costs will be determined after a review by City financial advisers. The maximum allowed costs will be specified in the development agreement. Based on the proposed development, the present value of TIF revenue is \$280,000 over 15 years.

The City and 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 \$166,000.

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 Development will result in an increase in true and full value of the Renewal Area redevelopment site to \$2 million. The increase in value will be approximately \$1.9 million. Under the mill rate in effect as of the date of this Plan, the Renewal Area will generate tax increment each year in the estimated amount of \$27,000.

Subsection 1.11. Duration of the TIF District.

The City anticipates that the TIF District will continue until all development costs are reimbursed through the receipts of tax increment, or after a maximum of 15 property tax years after completion of the project.

APPENDIX A

LEGAL DESCRIPTION OF PROPERTY



Parcel Information Report

Parcel Number: 01-2140-01000-000

General Information

Segment Id: 1
Owner 1: HN 8TH STREET LLC
Owner 2:
Property Address: 502 8 ST S
Mailing Address: BOX 612 FARGO, ND 58107-0612
Addition Name: Northern Pacific
Block: 44
Lot: BEG AT NW COR OF 3, SLY 80 FT, ELY 150 FT TO MIDPOINT OF A LN BISECTING 2 N & S, NLY ALG CENTER LN OF 2 TO N LN OF 2 WLY TO PT OF BEG

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 38 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: ClarHawth

Property Valuation

	Land	Improvements	Total
Current Appraised Value:	\$71,000.00	\$95,000.00	\$166,000.00

Building Information

Year Built: 1890
Total Building SqFt: 4919
No. of Apartment Units: 6
Residential Story Height: ()

Lot Size

Front Width: 80.00
Back Width: 76.00
Depth Side 1: 150.00
Depth Side 2: 150.00
Land Use: P (Apartment)
Property Type: 6 (Conversion)
Square Footage: 11764.00

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.

APPENDIX B

MAP OF THE RENEWAL AREA/TIF DISTRICT



City of Fargo, ND

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 2023-03

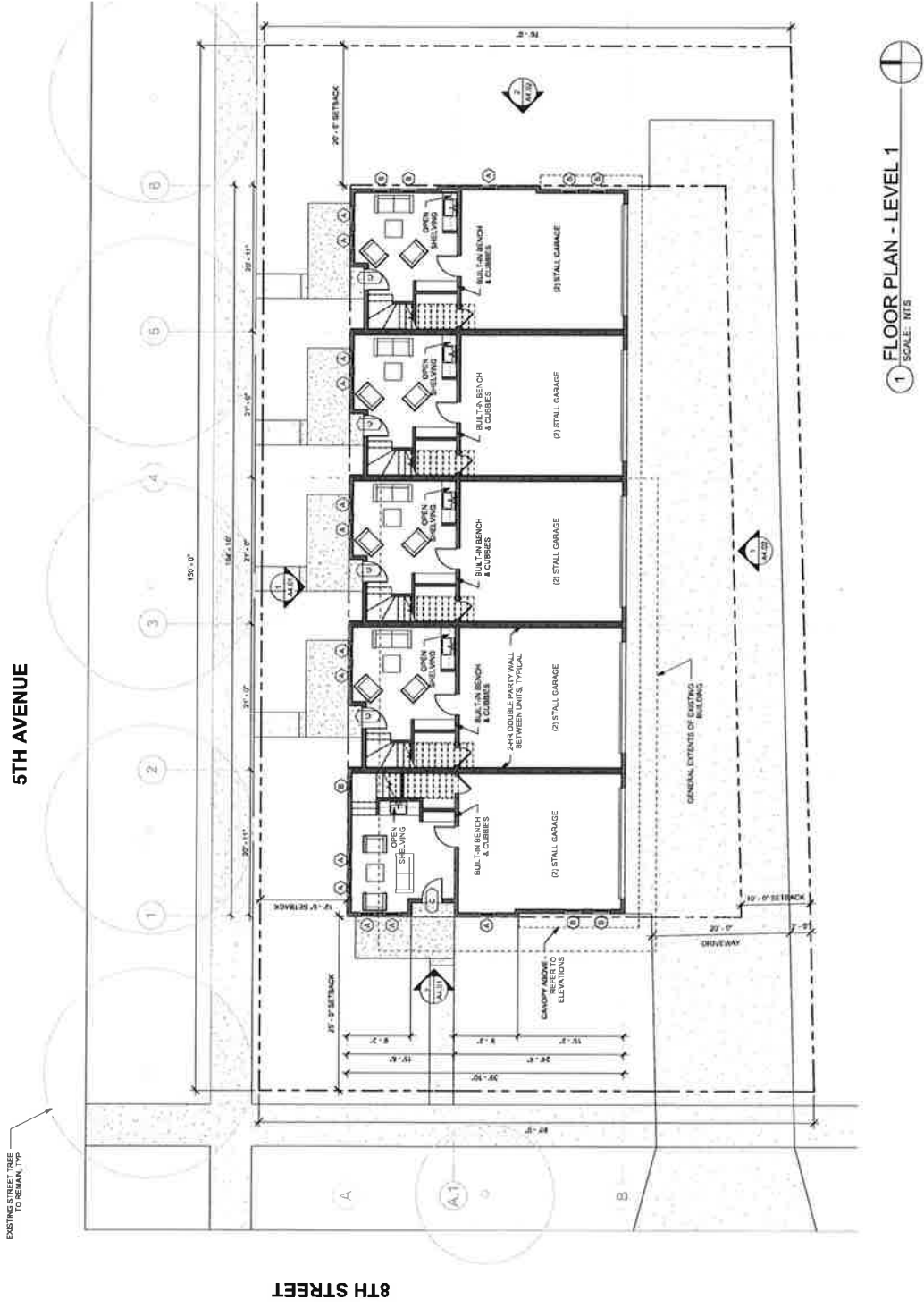
1:2,257

5/26/2023 4:21 PM

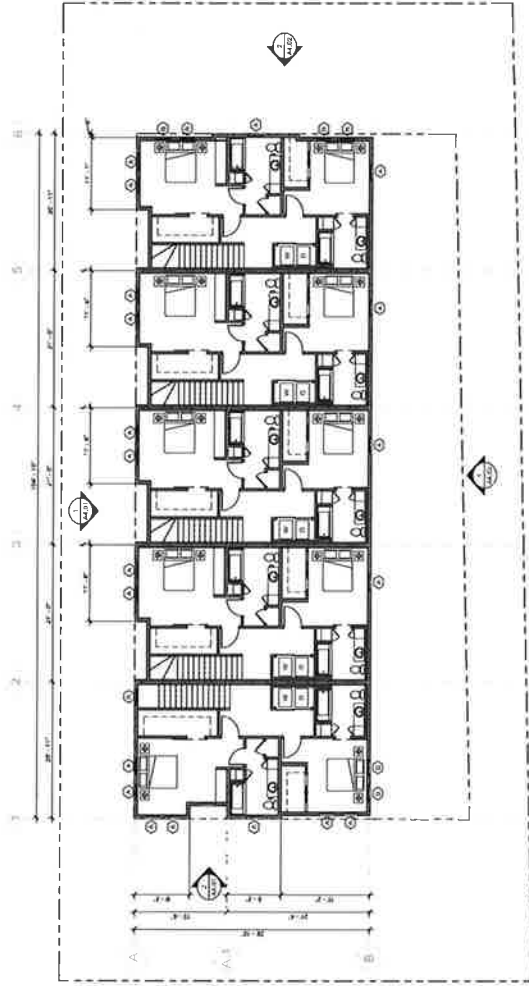
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



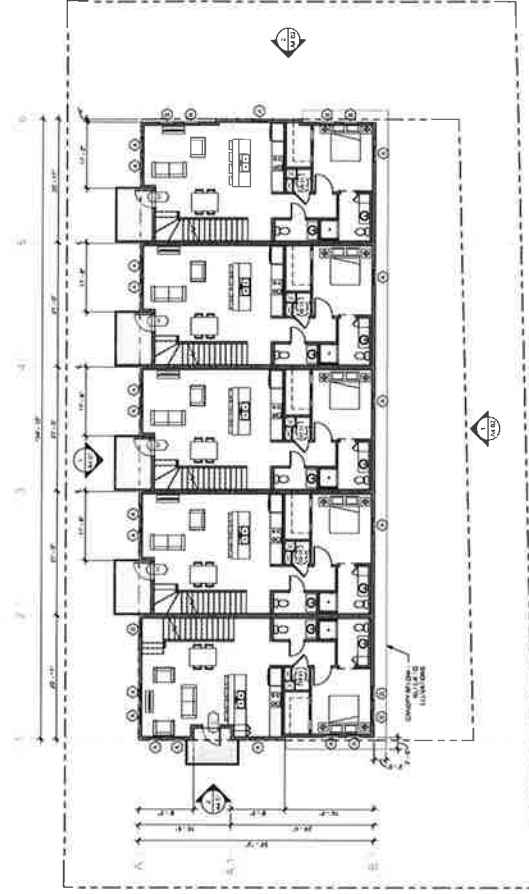
APPENDIX C
PLAN FOR REDEVELOPMENT



1 FLOOR PLAN - LEVEL 1
SCALE: 1/8" = 1'-0"



1 FLOOR PLAN - LEVEL 3
SCALE: NTS



1 FLOOR PLAN - LEVEL 2
SCALE: NTS



RENDERING - SOUTHWEST CORNER



RENDERING - NORTHEAST CORNER



RENDERING - NORTHWEST CORNER



RENDERING - SOUTHWEST CORNER

APPENDIX D
PHOTOS OF EXISTING CONDITIONS



EXISTING STRUCTURE



PROJECT SITE ⊕



VICINITY MAP ⊕

8TH STREET ROWHOUSES | Economic Development Incentives Committee