

FARGO PLANNING COMMISSION AGENDA  
Tuesday, March 1, 2022 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of February 1, 2022
- C: Brown Bag Luncheon - Wednesday, March 16, 2022
- D: Public Hearing Items:
  - 1a. Continued hearing on an application requesting a Zoning Change from LC, Limited Commercial and MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed **Metropolitan Park Third Addition**. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk)
  - 1b. Continued hearing on an application requesting a Plat of **Metropolitan Park Third Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk)
  - 1c. Continued hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan on the proposed **Metropolitan Park Third Addition**. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13) (dk)
  - 2a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional on the proposed **Laverne's Second Addition**. (Located at 4200 32nd Avenue North and 2867 45th Street North) (LaVerne A. Montplaisir Family Trust/Houston Engineering) (dk)
  - 2b. Hearing on an application requesting a Plat of **Laverne's Second Addition** (Major Subdivision) a plat of a portion of the Northwest Quarter of Section 27, Township 140 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 4200 32nd Avenue North and 2867 45th Street North) (LaVerne A. Montplaisir Family Trust/Houston Engineering) (dk)
  - 3. Hearing on an application requesting a Plat of **West Acres Seventh Addition** (Minor Subdivision) a replat of all of Lots 19-20 and portions of Lots 10, 11, 12, and 18, Block 5, West Acres Fourth Addition to the City of Fargo, Cass County, North Dakota. (Located at 3911 20th Avenue South) (Jonathan Casper/Neset Land Surveys) (lm)

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

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

4. Hearing on an application requesting a Plat of **Valley View Estates Third Addition** (Minor Subdivision) a replat of Lots 8-20, Block 1, Valley View Estates Addition to the City of Fargo, Cass County, North Dakota. (Located at 4800, 4801, 4809, 4823, 4824, 4837, 4842, 4849, 4852, 4866, 4875, 4889, and 4890 Decorah Way South) (Thomsen Homes LLC/EagleRidge Development) (lm)
- 5a. Hearing on an application requesting a Zoning Change from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional overlay to GC, General Commercial with a C-O, Conditional Overlay on the proposed **Christianson 32nd Avenue South Second Addition**. (Located at 3102 36th Street South and 3401 32nd Avenue South) (KLC Holdings LLC/Christianson Companies/Farm Power Inc.) (am)
- 5b. Hearing on an application requesting a Plat of **Christianson 32nd Avenue South Second Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Christianson 32nd Avenue South Addition and Lot 1, Block 1, Virgil Montplaisir Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 3102 36th Street South and 3401 32nd Avenue South) (KLC Holdings LLC/Christianson Companies/Farm Power Inc.) (am)

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## **BOARD OF PLANNING COMMISSIONERS MINUTES**

**Regular Meeting:**

**Tuesday, February 1, 2022**

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, February 1, 2022.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Rocky Schneider, Jennifer Holtz, Dawn Morgan, Art Rosenberg, Thomas Schmidt

Absent: Maranda Tasa, Scott Stofferahn

Chair Schneider called the meeting to order.

### **Business Items:**

#### **Item A: Approve Order of Agenda**

Chair Schneider noted Items 1a, 1b, and 1c have been continued to March 1, 2022.

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

#### **Item B: Minutes: Regular Meeting of January 4, 2022**

Member Holtz moved the minutes of the January 4, 2022 Planning Commission meeting be approved. Second by Member Rosenberg. All Members present voted aye and the motion was declared carried.

#### **Item C: February 16, 2022 Brown Bag Luncheon: CANCELLED**

Member Morgan present.

#### **Item D: Public Hearing Items:**

##### **Item 1: Metropolitan Park Third Addition**

**1a. Continued hearing on an application requesting a Zoning Change from LC, Limited Commercial and MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed Metropolitan Park Third Addition. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): CONTINUED TO MARCH 1, 2022**

**1b. Continued hearing on an application requesting a Plat of Metropolitan Park Third Addition (Minor Subdivision) a replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): CONTINUED TO MARCH 1, 2022**

**1c. Continued hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan on the proposed Metropolitan Park Third Addition. (Located at 4400 Calico Drive and 4455 30th Avenue South) (Metropolitan Apartments LLC/JPR Investments, LLC #13): CONTINUED TO MARCH 1, 2022**

A hearing had been set for January 4, 2022. At the January 4, 2022 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to March 2, 2022.

**Item 2: Westrac Third Addition**

**2a. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development and AG, Agricultural to GC, General Commercial with a PUD, Planned Unit Development, and LI, Limited Industrial with a C-O, Conditional Overlay on the proposed Westrac Third Addition. (Located at 3315 and 3361 Westrac Drive) (JWPT LLC/SoFar Properties, LLP/Prairie Ridge 4, LLLP/MBN Engineering, Inc): APPROVED**

**2b. Hearing on an application requesting a Plat of Westrac Third Addition (Major Subdivision) a replat of Lot 1, Block 1, Cedar Crest Addition and a plat of a portion of the Southwest Quarter of Section 11, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 3315 and 3361 Westrac Drive) (JWPT LLC/SoFar Properties, LLP/Prairie Ridge 4, LLLP/MBN Engineering, Inc): APPROVED**

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

Applicant representative Nick Dietrich spoke on behalf of the application.

Discussion was held about buffers and the proposed use.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from GC, General Commercial with a PUD, Planned Unit Development and AG, Agricultural to GC, General Commercial with a PUD, Planned Unit Development and LI, Limited Industrial with a C-O, Conditional Overlay and 2) Subdivision Plat Westrac Third Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4), the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Holtz,



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

**Item 3:         Rocking Horse Farm Sixth Addition**

**3a.     Hearing on an application requesting a Growth Plan Amendment on the proposed Rocking Horse Farm Sixth Addition from Commercial to Public and Institutional. (Located at 5801 52nd Avenue South) (Rocking Horse Farm, LLC/Houston Engineering): APPROVED**

**3b.     Hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional on the proposed Rocking Horse Farm Sixth Addition. (Located at 5801 52nd Avenue South) (Rocking Horse Farm, LLC/Houston Engineering): APPROVED**

**3c.     Hearing on an application requesting a Plat of Rocking Horse Farm Sixth Addition (Major Subdivision) a plat of a portion of the Southeast Quarter of Section 32, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 5801 52nd Avenue South) (Rocking Horse Farm, LLC/Houston Engineering): APPROVED**

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted that a neighborhood open house meeting was held on January 20.

Discussion was held on the streets, sidewalks, open space, and access points.

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

Applicant representatives Mike Love, Houston Engineering, and Mark Lemer, West Fargo Public Schools, spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from AG, Agricultural to P/I, Public and Institutional, 2) Growth Plan Amendment to amend the 2003 Growth Plan from "Commercial Area" to "Public and Institutional", and 3) Subdivision Plat Rocking Horse Farm Sixth Addition as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, the 2003 Growth Plan, Section 20-0906.F (1-4) 20-0905.H, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Gunkelman, Holtz, Rosenberg, Schmidt, Morgan, and Schneider voted aye. Absent and not voting: Members Tasa and Stofferahn. The motion was declared carried.

**Item 4:         Industrial Subdivision No. 5**

**Hearing on an application requesting a Plat of Industrial Subdivision No. 5 (Minor Subdivision) a replat of Lots 4 and 5, Block 12, Industrial Subdivision No. 2 to the**

**City of Fargo, Cass County, North Dakota. (Located at 1405 43rd Street North)  
(Kelmar Property 8, LLC/Houston Engineering): APPROVED**

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

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Industrial Subdivision No. 5 as outlined within the report, as the proposal complies with the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Schmidt, Morgan, Rosenberg, Gunkelman, Holtz, and Schneider voted aye. Absent and not voting: Members Stofferahn and Tasa. The motion was declared carried.

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

The time at adjournment was 3:25 p.m.

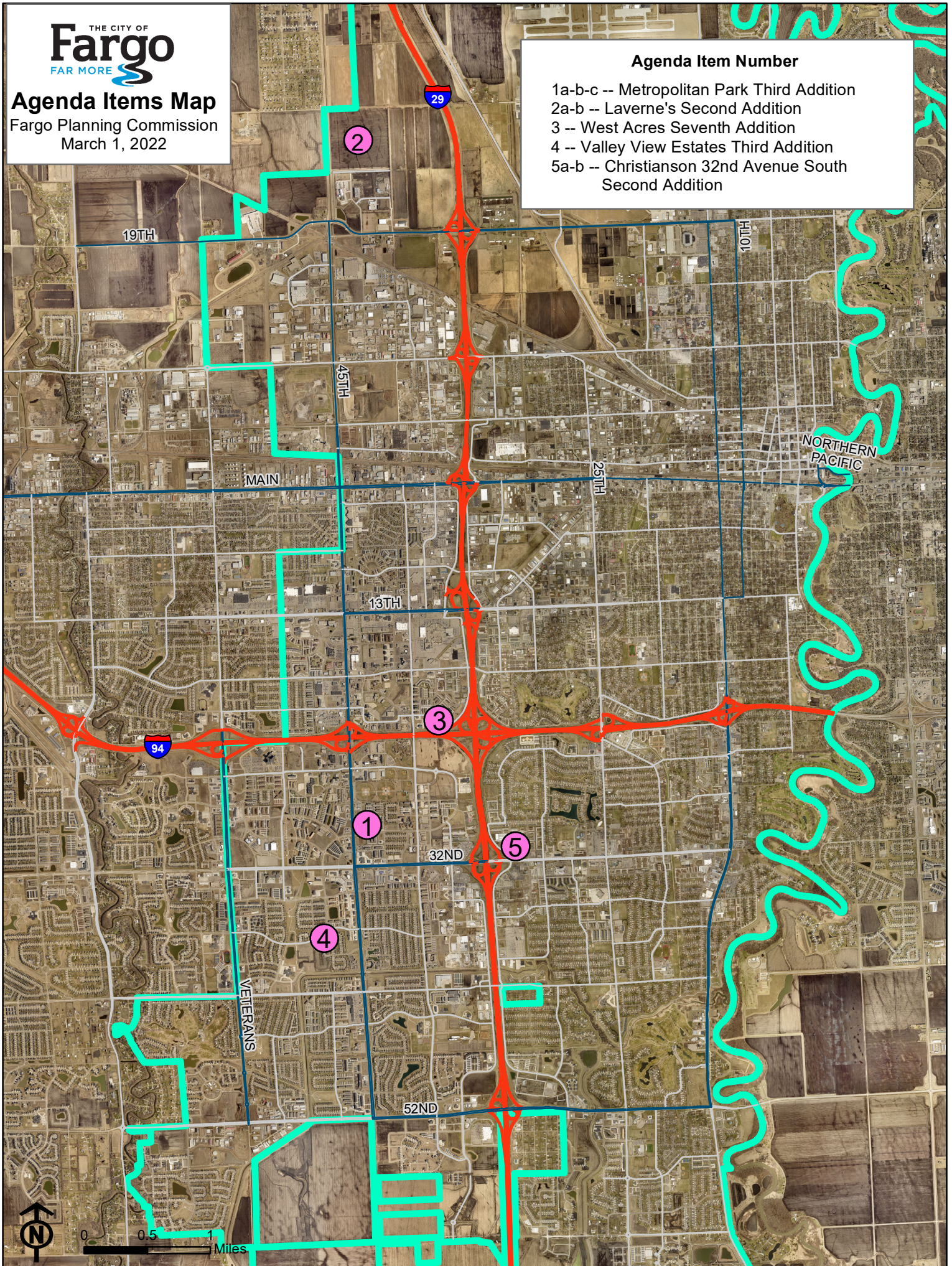


## Agenda Items Map

Fargo Planning Commission  
March 1, 2022

### Agenda Item Number

- 1a-b-c -- Metropolitan Park Third Addition
- 2a-b -- Laverne's Second Addition
- 3 -- West Acres Seventh Addition
- 4 -- Valley View Estates Third Addition
- 5a-b -- Christianson 32nd Avenue South  
Second Addition





<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Metropolitan Park Third Addition	<b>Date: Updated:</b>	12/29/2021 2/23/2022
<b>Location:</b>	4400 Calico Drive and 4455 30th Avenue South	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota.		
<b>Owner(s)/Applicant:</b>	Metropolitan Apartments LLC/JPR Investments, LLC #13 / Nate Vollmuth-Goldmark	<b>Engineer:</b>	Mead and Hunt
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (From MR-3, Multi-Dwelling Residential and LC, Limited Commercial to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay); a <b>PUD Master Land Use Plan</b> ; and a <b>Minor Subdivision</b> (replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: March 1, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Multi-Dwelling Residential and Undeveloped;	<b>Land Use:</b> Multi-Dwelling Residential
<b>Zoning:</b> LC, Limited Commercial and MR-3, Multi-Dwelling Residential	<b>Zoning:</b> MR-3 with PUD overlay
Uses Allowed: <b>LC, Limited Commercial</b> , allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. <b>MR-3, Multi-Dwelling</b> allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	<b>Uses Allowed: MR-3, Multi-Dwelling</b> allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. <b>PUD adds daycare for 13 or more children or adults.</b>
<b>Maximum Lot Coverage Allowed:</b> LC allows a maximum lot coverage of 55% <b>Maximum Density Allowed:</b> MR-3 allows a maximum density of 24 dwelling units per acre	<b>Maximum Density Allowed:</b> MR-3 allows a maximum density of 24 dwelling units per acre, <b>increased to 32 dwelling units per acre with PUD overlay</b>

<b>Proposal:</b>
<p><i>PROJECT HISTORY NOTE: This project was originally scheduled for the January 4<sup>th</sup>, 2022 Planning Commission hearing. At that hearing, staff recommended continuation of the project though discussion was held at that hearing. Staff continued to work with the applicant on certain site design aspects so the project was continued from the February 1<sup>st</sup>, 2022 Planning Commission to the March 1<sup>st</sup> 2022 Planning Commission in order to provide time to work these items out</i></p> <p>(continued on next page)</p>

The applicant requests three entitlements:

1. **Zoning Change** (From MR-3, Multi-Dwelling Residential and LC, Limited Commercial to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay);
2. **PUD Master Land Use Plan**; and
3. **Minor Subdivision** (replat of Lot 2, Block 1, Metropolitan Park Addition and Lot 4, Block 1 of Metropolitan Park Second Addition to the City of Fargo, Cass County, North Dakota)

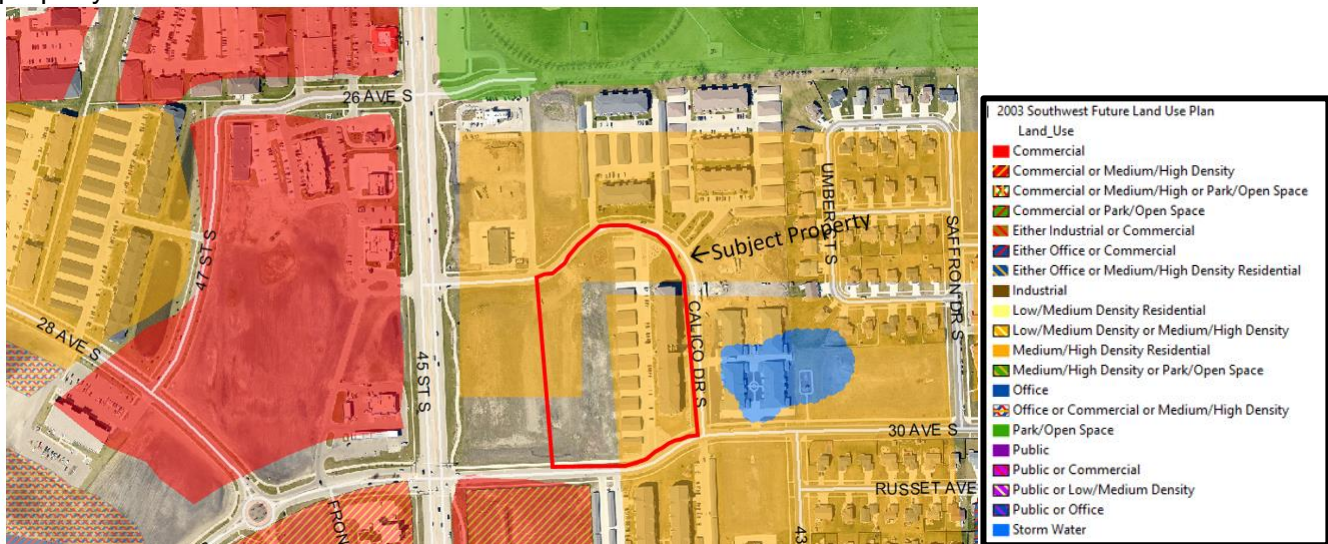
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

#### Surrounding Land Uses and Zoning Districts:

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

#### Area Plans:

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



#### Context:

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

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

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

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

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

## Staff Analysis:

### PUD Master Land Use Plan

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



The applicant proposes to construct a new 200+ unit multi-family apartment project, along with amenities spaces, and connect it to the existing 75 unit multi-family apartment building. The new apartment will have two levels of enclosed parking, thus allowing the ability to remove a portion of the existing surface parking garages on site, and giving the residents in the existing apartment building the ability to access their vehicles within the building footprint. The project will also 'go vertical' above the standard 3 to 4 story apartment building, which will allow for a very efficient use of the property and existing utilities within the area. Though several garages remain as part of the existing apartment building and the project includes surface as well as enclosed parking, the project provides open green space and water spaces. The new facility will add amenities spaces for the complex and a direct connection to the existing 75 Unit Multi-Family Apartment Building. Amenities to include: Fitness center, children's play area, daycare, volleyball court, hot tub, sauna, vending, yoga studio, underground/heated parking, car wash area, dog wash spa and package room. Additionally, the PUD would allow for future development of an on-site daycare.

### Final PUD Plan Required Prior to Building Permit Approval

It should be noted that a PUD has two steps: a Master Land Use Plan and a Final Plan. This hearing does not include the Final Plan. The applicant must submit a PUD Final Plan for review by the Planning Commission when site plans and building permits are submitted. The Planning Commission must find the PUD final plan to be consistent with the PUD Master Land Use Plan prior to building permit approval. Note that the Planning Commission does not approve the actual building permit.

### Zoning Change and PUD Overlay

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. The property is currently two separate

lots, one zoned LC, Limited Commercial and the other zone MR-3, Multi-Dwelling Residential. For this project, Planning staff recommended the applicant use the MR-3 zone as the base zone for the PUD. The modifications to the development standards of the underlying MR-3 zone are shown in the chart below. Development standards not included in the chart below will remain as the standard MR-3 requirements.

	<b>Current LDC development standards for MR-3 zone</b>	<b><i>PUD modifications to MR-3 zone development standards</i></b>
Allowed Uses	detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	<i>Add Daycare for greater than 13 children or adults</i>
Residential Density	24 du/ac	<i>Increase density to 32 du/ac</i>
Max. Height	60 ft	<i>Increase maximum building height to 85'</i>
Parking-Residential—Multi-dwelling	2.25 spaces per unit	<i>Reduce required parking ratio to 2.0 spaces per unit</i>
Parking for Daycare	1 space per 500 square feet of daycare	<i>Reduce to one space per 1,000 square feet of daycare</i>
Landscaping—Parking Lot Perimeter	Buffers shall be located between adjacent streets rights of way and off-street parking areas and all vehicular circulation areas within the front or streetside setback per Table 20-0705(D)(3)	<i>Added 10' landscape buffer between MR-3 lot and General Commercial lots to the west.</i>

#### **Detailed Comment on PUD Modifications**

Allowed Uses: The additional use of daycare accommodating more than 13 children is proposed to be added to the allowed uses. The applicant wishes to have the option of creating an onsite daycare.

Residential Density: The project proposes 270 dwelling units (combination of new and existing buildings) on a 8.67 acre property, yielding a density of approximately 32 dwelling units per acre. Planning staff is willing to support the increased density for this location, as one of the goals of the City's Go 2030 comprehensive plan is increased density in the appropriate locations.

Maximum Height: The applicant proposes to increase the maximum building height from 60 feet to 85 feet to accommodate the proposed multi-dwelling building. Planning staff supports this change as a way to increase the residential density of the site.

Parking—Residential Multi-Dwelling: Staff is willing to support the reduced parking ratio as the project provides a significant number of underground and tuck-under parking spaces, even though there is still some surface parking and a few garage spaces from the existing development are retained.

Parking—Daycare: Staff is willing to support the proposed reduced parking—from 1 space per 500 square feet of daycare to 1 space per 1,000 square feet of daycare—for the future daycare as the daycare is expected to take approximately half of its students from within the development.

Additional Landscaping Buffer: The applicant intends to add a 10' landscape buffer along the west side parking area between the project site and General Commercial lots to the west, based on Planning staff's recommendation.

### **Rendering**

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

### **Plat**

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

### **Access**

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

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

- 1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**  
The plan represents an improvement over what could have been accomplished through strict application of the base zoning district. It modifies certain development standards of the MR-3 zone and general development standards in order to provide a higher density housing than would be allowed under the MR-3 zoning. Increased density in the appropriate locations is a goal of the City's Go2030 comprehensive plan. The project provides a significant number of underground and tuck-under parking spaces, thereby making more efficient use of the property. The project provides on-site recreational amenities, open space, and has the option for an on-site daycare. **(Criteria Satisfied)**
- 2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**  
Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies some standards of the MR-3 zone and general development standards as outlined in Section 20-0501 and noted above. All other 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 an existing developed public right-of-way which provide access and public utilities to serve the property. **(Criteria Satisfied)**
- 4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**  
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Particularly, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities and also supports developments with increased density. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**



**5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a residential housing option near recreational facilities, shopping, commercial uses, on a property that was bypassed by earlier development.  
**(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:

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

There is no error in the zoning map. The project involves the combination of two properties with different zonings---one is LC, Limited Commercial and one is MR-3, Multi-Dwelling Residential. As the base zone for the proposed PUD, Planning staff recommended the entire property be rezoned to MR-3, as there is no commercial component other than the possible daycare as part of this project.

**(Criteria Satisfied )**

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

Yes

**(Criteria Satisfied)**

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

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

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

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

This project site is covered by the 2003 Growth Plan (southwest future land use plan), which designates the property as Medium/High Density Residential. The proposed zoning meets this land use designation.

The project meets several of the goals of infill development stated in the Go2030 Comprehensive Plan:

- the subject property is already served by supporting infrastructure;
- the project is within an area that is already developed and protected by a flood resiliency strategy;
- the project will increase the mix of uses and amenities in the area;
- the project brings high-density residential into close proximity with existing and future retail, restaurant, and service businesses and recreational amenities; and
- the project design includes parking strategies such as tuck-under and internal parking structures.

**(Criteria Satisfied)**

**MINOR SUBDIVISION**

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

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

The property within this plat is currently zoned LC, Limited Commercial and MR-3, Multi-Dwelling Residential. The proposed zone change would rezone the entire property to MR-3 with a planned unit development (PUD) overlay to accommodate the proposed residential development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential and LC, Limited Commercial to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; 2) PUD Master Land Use Plan; and 3) Minor Subdivision of **Metropolitan Park Third Addition** as the proposal complies with the Go2030 Fargo Comprehensive Plan; Article 20-0908(B)(a-e); Section 20-0907 (B) and (C); Section 20-0906. F (1-4); and Standards of Article 20-06 of the LDC; 2003 Growth Plan; and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** March 1st, 2022

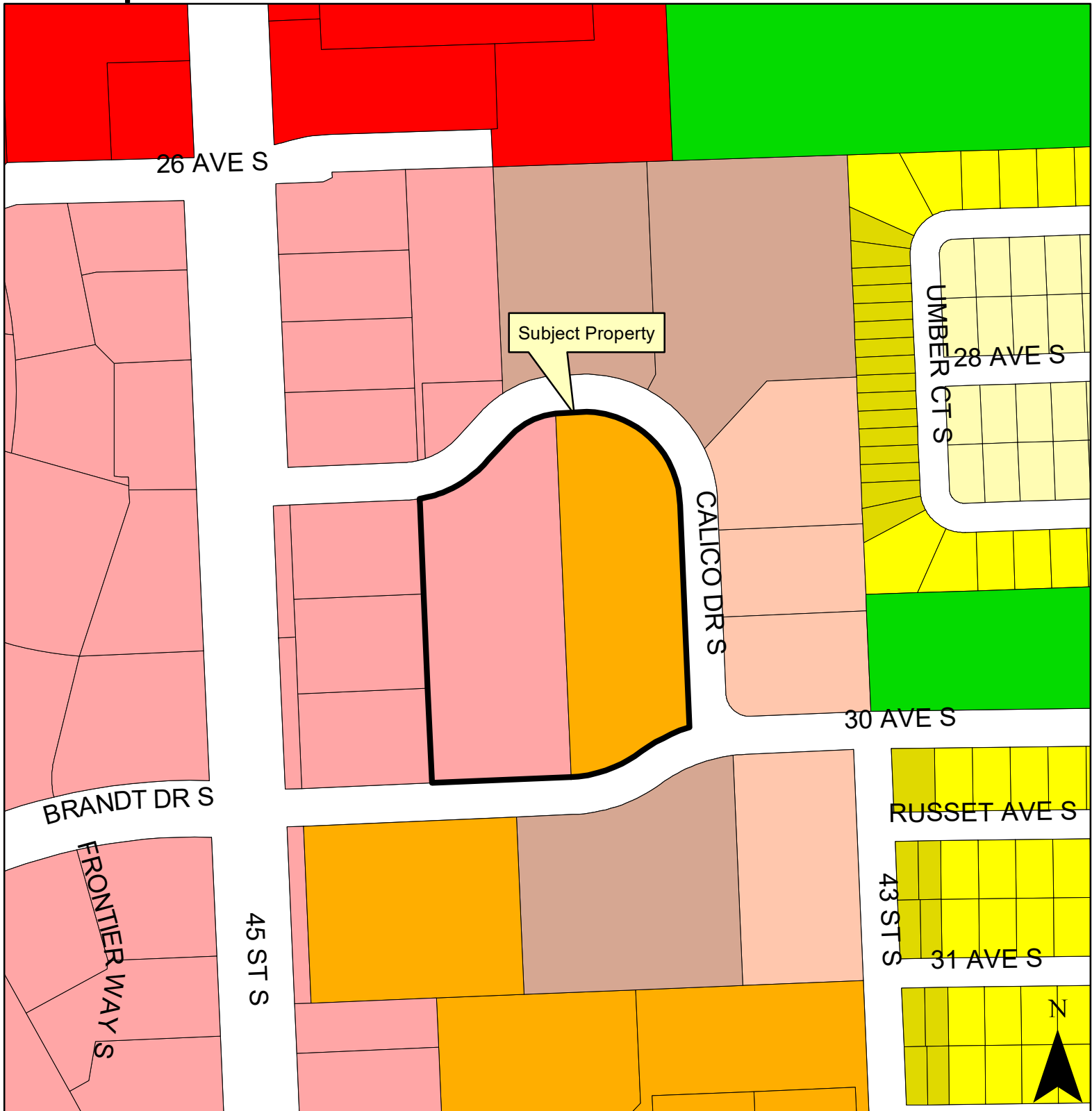
**Attachments:**

1. Zoning map
2. Location map
3. Preliminary plat
4. Master land use plan
5. Owners' statement
6. PUD Narrative/Chart
7. Rendering

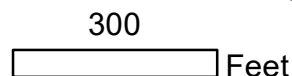
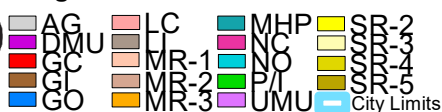
# Plat (Minor), Zone Change (LC and MR-3 to MR-3 with a Planned Unit Development [PUD] Overlay), and PUD Master Land Use Plan

## Metropolitan Park Third Addition

4400 Calico Drive S & 4455 30 Avenue S



### Legend



Fargo Planning Commission  
March 1, 2022



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

**Metropolitan Park Third Addition**

4400 Calico Drive S & 4455 30 Avenue S





METROPOLITAN PARK THIRD ADDITION

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

OWNER'S CERTIFICATE

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

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

AND

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

Containing 8.67 acres, more or less.

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

OWNER:

JPR Investments LLC #13A

Claim of Interest in:

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

James P. Roers, President

State of North Dakota )  
County of Cass ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, James P. Roers, President, JPR Investments, LLC #13A, North Dakota Limited Liability Company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public

OWNER:

Metropolitan Apartments, LLC

Claim of Interest in:

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

XXXXXX XXXXXX, XXXXXXXX

State of North Dakota )  
County of Cass ) SS

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

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

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

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

State of North Dakota )  
County of Cass ) SS

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

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider

Planning Commission Chair

State of North Dakota )  
County of Cass ) SS

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

Notary Public

FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney  
Mayor

Attest: \_\_\_\_\_  
Steven Sprague, City Auditor

State of North Dakota )  
County of Cass ) SS

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

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

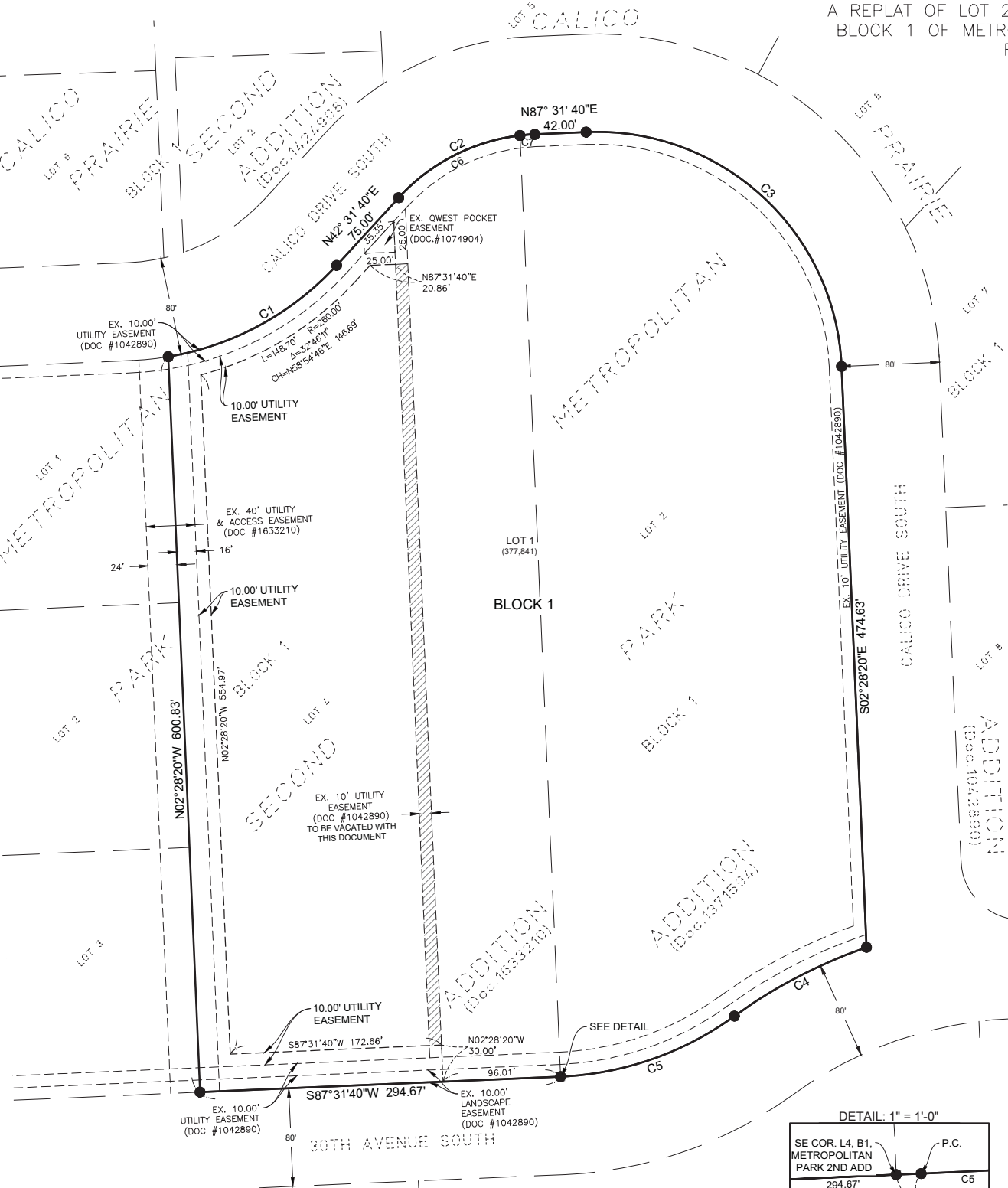
Approved by the City Engineer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Brenda E. Derrig, P.E.  
City Engineer

State of North Dakota )  
County of Cass ) SS

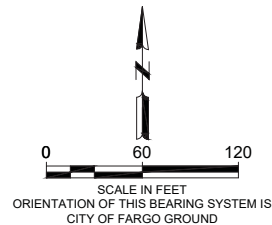
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public



NOTES

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



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

LEGEND

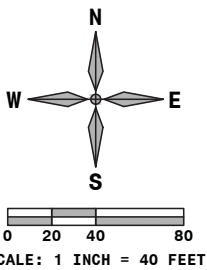
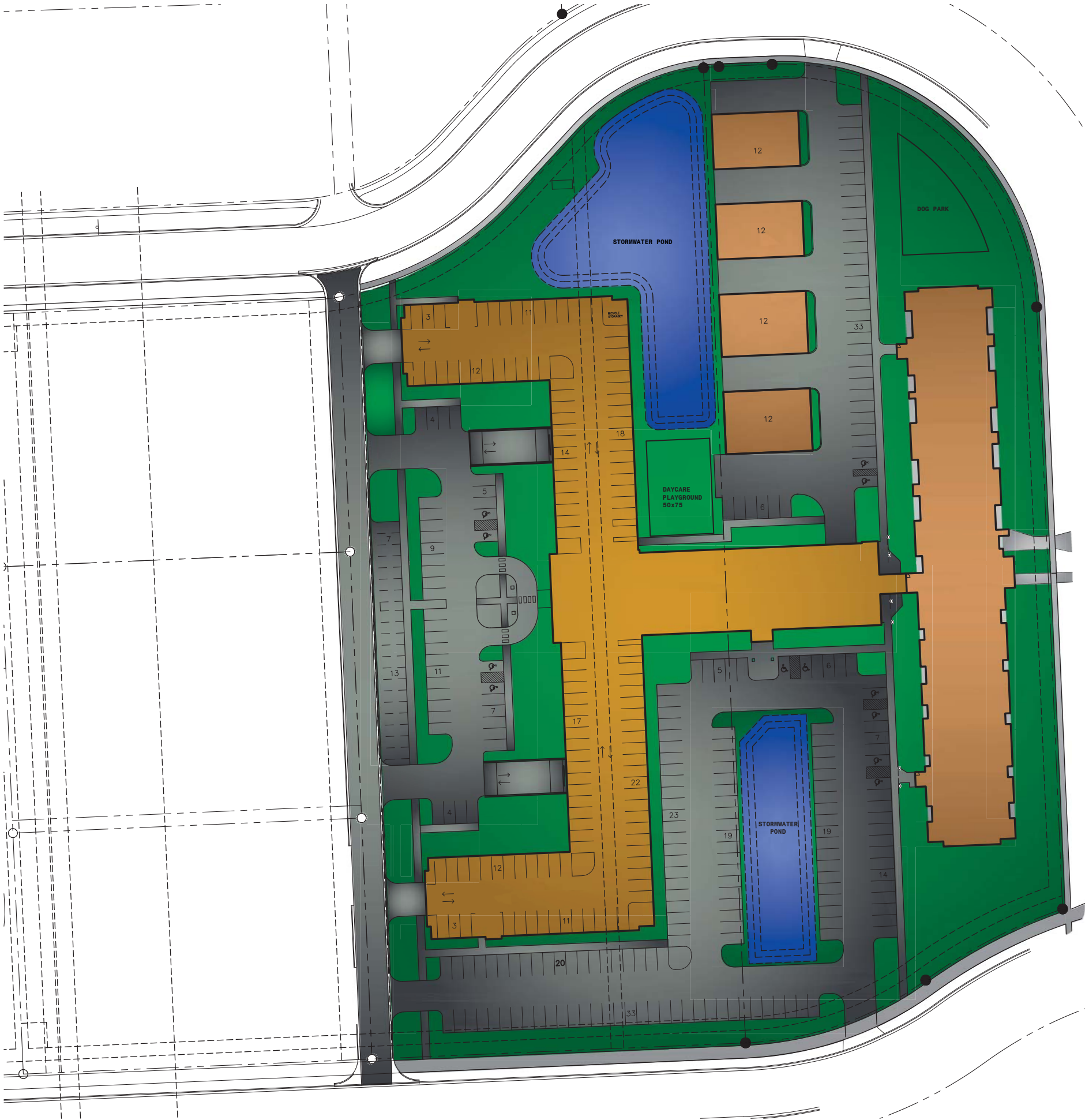
- MONUMENT IN PLACE
- SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
- (5,000) LOT AREA (SQUARE FEET)
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- PLAT BOUNDARY
- - - NEW EASEMENT LINE
- EXISTING EASEMENT (TO BE VACATED WITH RECORDING OF THIS DOCUMENT)

Mead & Hunt

Phone: 701-566-6450  
meadhunt.com

PROJECT NO.  
4447100-211842.01  
SHEET 1 OF 1

PRELIMINARY



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



**MBN**  
ENGINEERING

MECHANICAL \* ELECTRICAL \* CIVIL

503 7TH ST. N., SUITE 200  
FARGO, ND 58102  
PHONE: 701.478.6336  
FAX: 701.478.6340

**ROERS COMPANIES  
METRO APARTMENT  
COMPLEX**

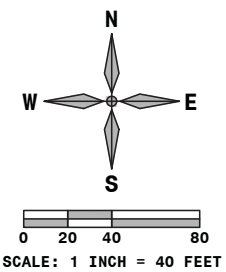
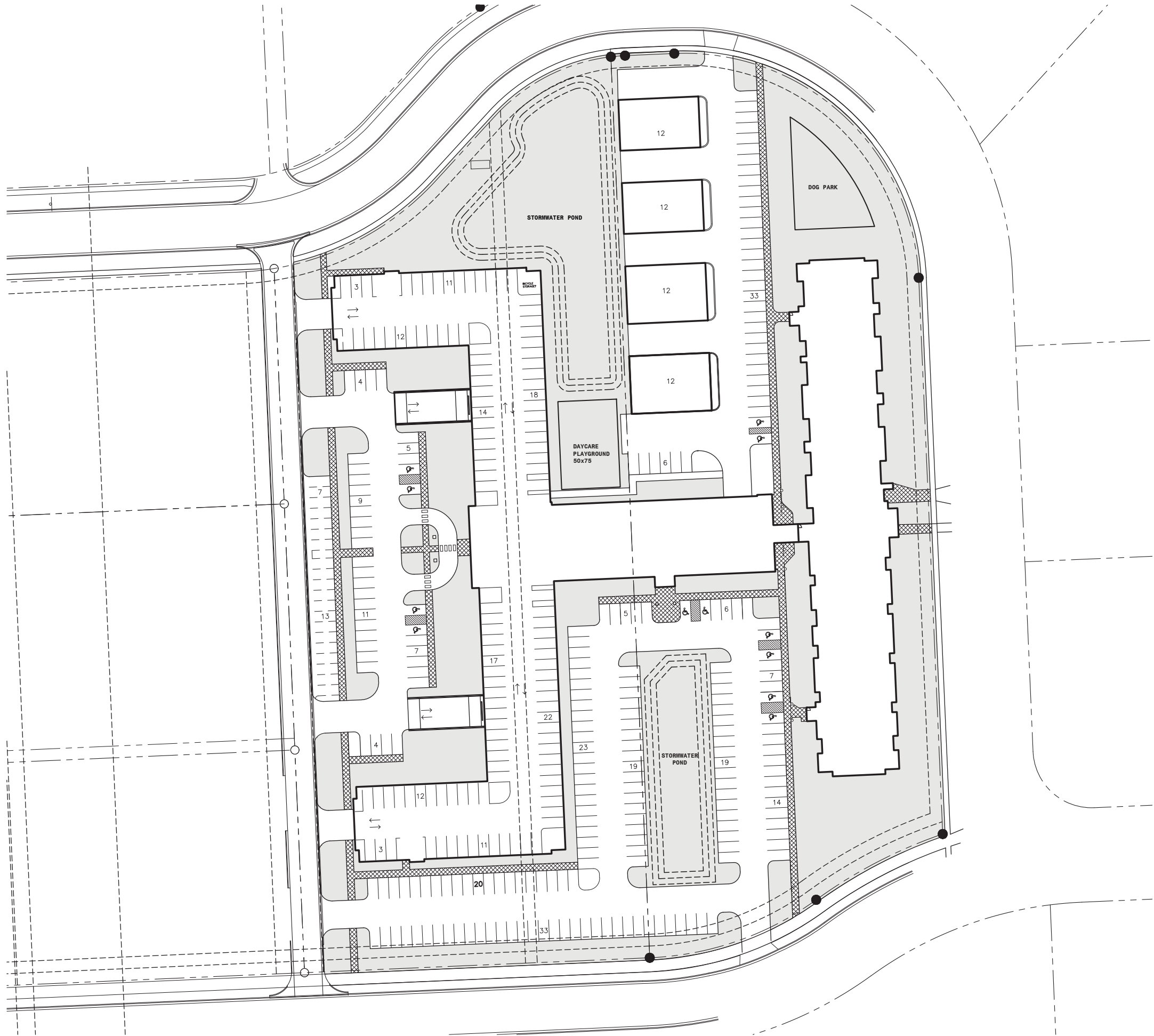
FARGO, NORTH DAKOTA

**NOT FOR CONSTRUCTION**

MBN JOB #: 21-266    DATE: 2-22-22

**C1.0**

PUD SITE PLAN RENDERING



- SYMBOL LEGEND:**
- EXISTING PROPERTY LINE
  - EXISTING EASEMENT LINE
  - OPEN SPACE
  - IMPERVIOUS SURFACE WITHIN OPEN SPACE

**CALCULATIONS:**

TOTAL LOT - 377,839 SQFT (8.67 ACRE)  
OPEN AREA - 162,006 SQFT (13,397 SQFT IMPERVIOUS)  
PERCENT OPEN AREA = 42.88% (8.27% IMPERVIOUS)

EXISTING BUILDING - 29,321 SQFT  
NEW BUILDING - 59,774 SQFT  
PERCENT TOTAL LOT COVERAGE = 23.58%

LEVELS - 7  
TOTAL SQFT NEW BUILDING - 395,192

**PARKING STALLS**

PARKING LEVEL B	163	] 296 UNDER COVER
PARKING LEVEL A	123	
EXISTING GARAGE	48	
EXISTING SURFACE	41	] 225 SURFACE PARK.
NEW SURFACE	184	
FUTURE	20	
<b>TOTAL PROVIDED</b>	<b>579</b>	<b>(2.14 STALLS/UNIT)</b>

**540 STALLS REQUIRED (270 \* 2.0)**

UNITS	1ST	2ND	3RD	4TH	5TH	6TH	TOTAL
1 BED	0	6	9	9	9	6	39
2 BED	0	21	28	28	28	21	126
3 BED	0	6	6	6	6	6	28
							<u>195</u>

EXISTING UNITS 75  
TOTAL UNITS 270  
UNIT DENSITY 31.83 UNIT/ACRE

**ROERS COMPANIES  
METRO APARTMENT  
COMPLEX**

FARGO, NORTH DAKOTA

**NOT FOR CONSTRUCTION**

MBN JOB #: 21-266      DATE: 2-22-22

PUD SITE PLAN

**C2.0**





## **METROPOLITAN PARK 3<sup>rd</sup> ADDITION**

**Updated February 23<sup>rd</sup>, 2022**

### DEVELOPERS STATEMENT OF INTENT:

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

Increase Units per Acre from 24 to 32. We will achieve this by parking a majority of the required stalls underground and tucked under the new building. The project will also 'go vertical' above the standard 3 to 4 story apartment building, which will allow for a very efficient use of the property and existing utilities within the area.

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

Increase Max Height of Building from 60' to 85'

Parking Ratio: Reduce the Parking Ratio from 2.25 Parking Spaces/Unit to 2.00 Parking Spaces/Unit. The design team believes this ratio to be sufficient, given the high density of the complex, walkability to neighboring properties and business, and various amenities being added to the complex thus reducing the need to leave the site for such activities.

Allow for a Daycare use to be allowed in the MR Zoning District/PUD. The developer plans to construct a 10,000sf daycare center on the 1<sup>st</sup> and 2<sup>nd</sup> floor of the building (in the link). The daycare provider is anticipating 50% of their 100 students will come from the apartment complex. For this reason, we would also propose to modify the parking requirements for a daycare facility use from 1/500sf to 1/1000sf.

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

### PROJECT SCOPE:

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



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

A 10' buffer will be added with landscaping along the west edge of the parking lot, between the MF Building and the commercial lots, to reduce the noise/light/activity generated via the adjacent commercial properties. There shall be room on the west side of the buffer for future parking of the MF complex, if needed.

# METROPOLITAN PARK 3rd ADDITION PUD NARRATIVE

## Updated February 23<sup>rd</sup>, 2022

### PROJECT NARRATIVE:

Construct a new 200+ Unit Multi-Family Apartment Project, along with amenities spaces, and connect it to the existing 75 Unit Multi-Family Apartment Building.

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

The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the MR-3 development standards, except as otherwise provided below:

	<b>Current LDC development standards for MR-3 zone</b>	<b><i>PUD modifications to MR-3 zone development standards</i></b>	<b>NOTES</b>
Allowed Uses	detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	<i>Daycare Facility of 10,000sf</i>	Request to reduce parking requirement from 1/500 to 1/1000
Residential Density	24 du/ac	<i>32 du/ac</i>	<i>High Density Dev.</i>
Max. Height	60 ft	<i>85'</i>	
Minimum open space	35% of total lot area	<i>30% of total lot</i>	
Parking-Residential—Multi-dwelling	2.25 spaces per unit	<i>2.00 spaces per unit</i>	Walk-ability to commercial and office space and amenities
Parking--Retail	1 space per 300 SF	<i>NA</i>	
Landscaping—Parking Lot Perimeter	Buffers shall be located between adjacent streets rights of way and off-street parking areas and all vehicular circulation areas within the front or streetside setback per Table 20-0705(D)(3)	<i>Added 10' landscape buffer between MR-3 lot and General Commercial lots to the west.</i>	



PROJECT:

METRO REINVENT

Enter address here

REVISIONS:		
No.	Date	REMARK

PROJECT NO: 20-073

DATE: 12/20/21

DRAWN BY: Author

CHECKED BY: NGV

DOCUMENT PHASE:

SCHEMATIC DESIGN

SHEET CONTENTS:

3D VIEW

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Laverne's Second Addition	<b>Date:</b>	2/23/2022
<b>Location:</b>	4200 32 <sup>nd</sup> Avenue North and 2867 45 <sup>th</sup> Street North	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Portion of the Northwest Quarter of Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Montplaisir Ag and Rental, LLP; Laverne A. Montplaisir Family Trust; Southeast Cass Water Resource District / Brian Pattengale—Houston Engineering	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Portion of the Northwest Quarter of Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota) <b>Zone Change</b> (from AG, Agriculture to LI, Limited Industrial and P/I, Public/Institutional)		
<b>Status:</b>	Planning Commission Public Hearing: March 1, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> commercial and light industrial
<b>Zoning:</b> AG, Agricultural	<b>Zoning:</b> LI, Limited Industrial; P/I, Public/Institutional
<b>Uses Allowed:</b> AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	<b>Uses Allowed:</b> LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation. P/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.
<b>Maximum Density Allowed (Residential):</b> AG allows a maximum of 1 dwelling unit per 10 acres.	<b>Maximum Lot Coverage Allowed:</b> LI allows a maximum of 85% lot coverage; P/I has no maximum lot coverage



## Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Laverne's Second Addition**, a five block, 33 lot major subdivision, which is a plat of a portion of the Northwest Quarter Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota
2. A zoning change from AG, Agriculture to LI, Limited Industrial and P/I, Public/Institutional (the P/I designation will be applied to lots owned by SE Cass Water Resources District or City of Fargo).

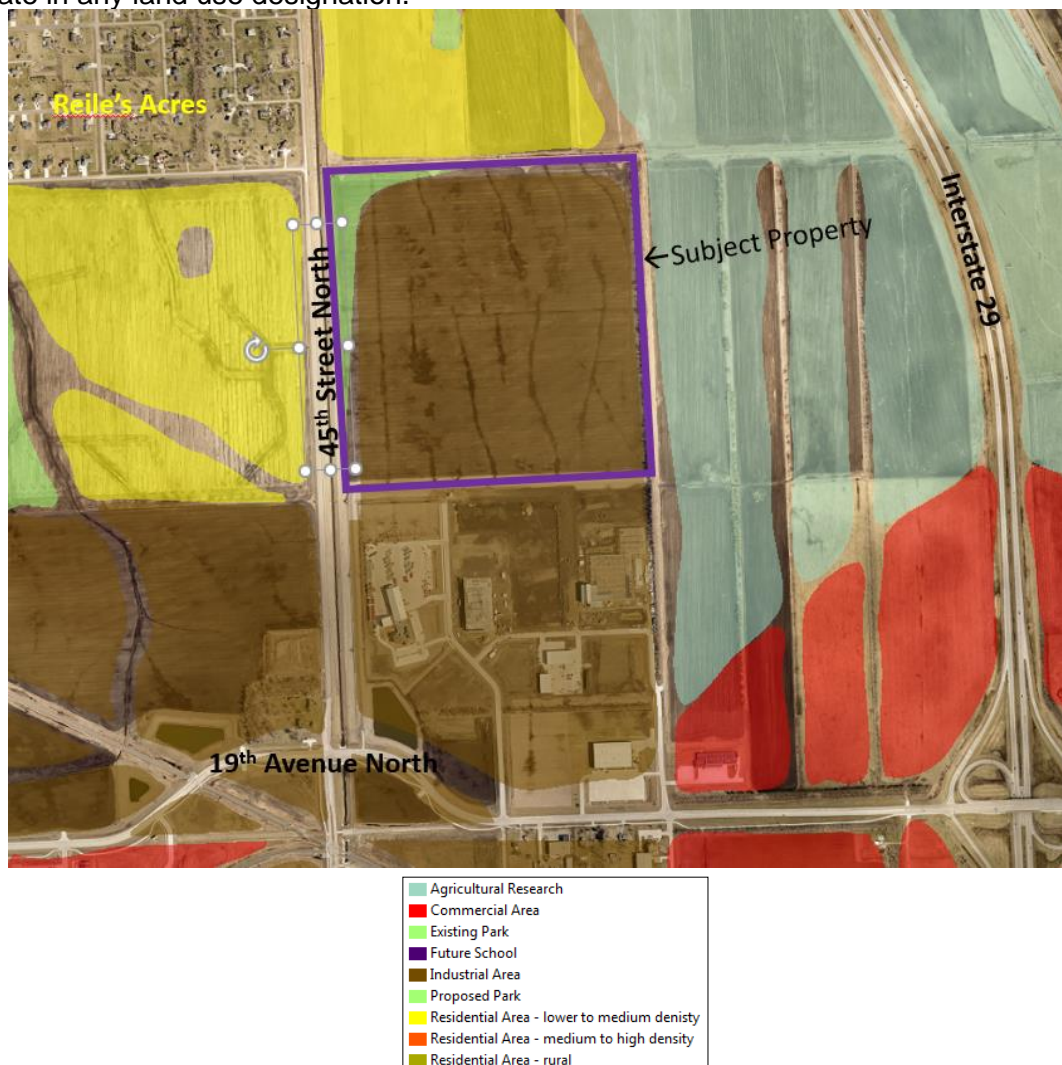
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

## Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; undeveloped
- East: P/I, Public/Institutional—NDSU research area;
- South: LI with industrial uses; some lots not yet developed
- West: AG, Agricultural--residential use and undeveloped

## Area Plans:

The 2007 Tier 1 Northwest Land Use Growth Plan designates most the area of this project as "Industrial Area" land use. That plan states that the proposed LI zoning is included within this land use designation. P/I zoning, for publicly owned facilities such as stormwater detention basins and Cass County drains, is appropriate in any land use designation.



**Context:**

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

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

**Parks:** There are no public parks within one mile of the subject property.

**Pedestrian / Bicycle:** A multi-use path is intended for the right of way of 43<sup>rd</sup> Street, which will connect with the existing multi-use path in Laverne's Addition to the south. There is an off-road multi-use trail that is located approximately 0.42 miles south the project site along 19<sup>th</sup> Avenue North. Both paths are part of the metro area bikeways system.

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

**Staff Analysis:****PLAT AND ZONE CHANGE**

The plat will create 33 lots in five blocks, zoned as shown in the chart below:

BLOCK	LOTS	ZONING	LAND USE
1	1-2	P/I	Cass County Drain No. 40 and adjacent levee, owned by SE Cass Water Resources District
1	3	P/I	To become City-owned detention basin
1	4-11	LI	Limited Industrial
2	1-8	LI	Limited Industrial
3	1-6	LI	Limited Industrial
4	1-4	LI	Limited Industrial
5	1-4	LI	Limited Industrial

The LI zoned lots range in size from 3.00 acres to 6.50 acres, with most lots being in the 3.50 to 4.50 - acre range. The P/I zoned lots range in size from 5.00 to 10.80 acres. There is no minimum required lot area in the LI or P/I zones.

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

**AMENITIES PLAN:** Based on comments from staff, the applicant is revising the draft amenities plan providing details of the project's streets, stormwater, and trails within the project.

**STORMWATER DETENTION BASIN:** Lot 3, Block 1 will become a City owned stormwater detention basin.

**TURNAROUNDS ON 28<sup>th</sup> and 30<sup>th</sup> AVENUES:** The applicant will provide easements, by separate document, for 110-foot diameter turnarounds at the east ends of 28<sup>th</sup> and 30<sup>th</sup> Avenues North. These easements can be vacated if these avenues ever extend east beyond the boundaries of this subdivision.

**PARKS** No park dedication is required.

**CROSSING OF COUNTY DRAIN 40:** Though outside of this subdivision, the crossing of Drain 40 at 28<sup>th</sup> Avenue North will be completed with the development of 28<sup>th</sup> Avenue as part of the infrastructure request

for this subdivision. The Southeast Cass Water Resources District has reviewed the drain-related matters related to this subdivision.

**AIRPORT PROXIMITY AGREEMENT:** The airport executive director has required an airport proximity agreement for this subdivision. Planning and Airport Authority staff are working with the applicant to prepare this agreement, which will go forward to the City Commission.

### **Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of LI and P/I is consistent with the 2007 Tier 1 Northwest Land Use Plan designation of "Industrial."

**(Criteria Satisfied)**

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

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

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

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

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Tier 1 Northwest Land Use Plan; this plan designates this property as appropriate industrial development, which would include the LI and P/I zones. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

### **Subdivision**

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

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

The zoning for the development on this property is LI, Limited Industrial and P/I, Public/Institutional. The LI zoning will accommodate the proposed limited industrial development. The P/I zoning will accommodate the county drain and city-owned detention basin.

The LI and P/I zoning designations are consistent with the “industrial” land use designation for this property in the 2007 Tier 1 Northwest Land Use Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry about the project.  
**(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 proposed zoning is LI and P/I. This zoning is consistent with the 2007 Northwest Tier 1 Land Use Plan which designates this property for industrial development. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) 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) zone change from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional; and 2) **Laverne’s Second Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Tier 1 Northwest Land Use Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

**Planning Commission Recommendation:** March 1<sup>st</sup>, 2022

**Attachments:**

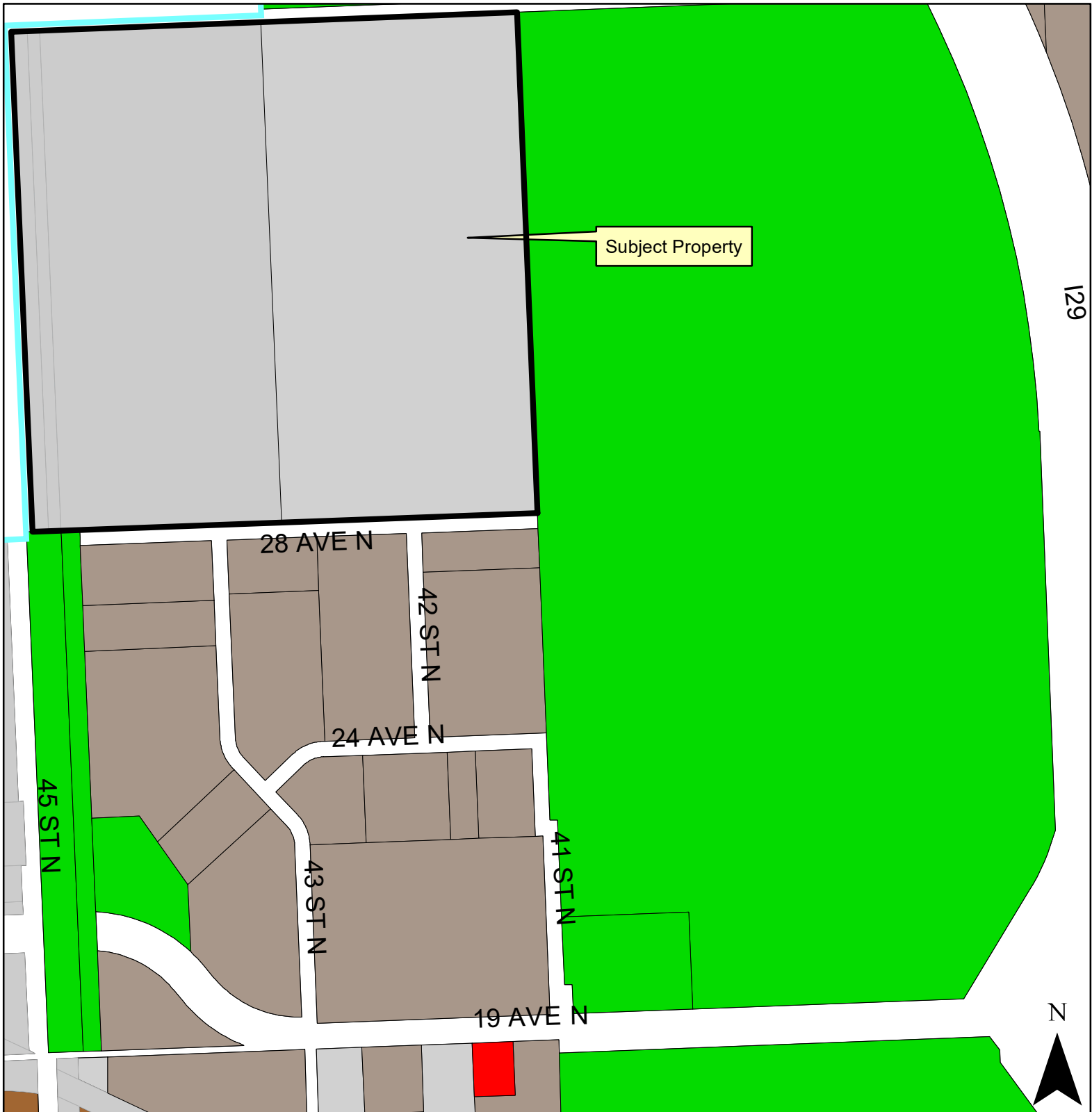
1. Zoning Map
2. Location Map
3. Preliminary Plat



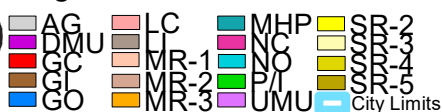
# Plat (Major); Zone Change (AG to LI and P/I)

## Laverne's Second Addition

4200 32nd Avenue N and 2867 45th Street N



### Legend



300  
Feet



# Plat (Major); Zone Change (AG to LI and P/I)

## Laverne's Second Addition

4200 32nd Avenue N and 2867 45th Street N

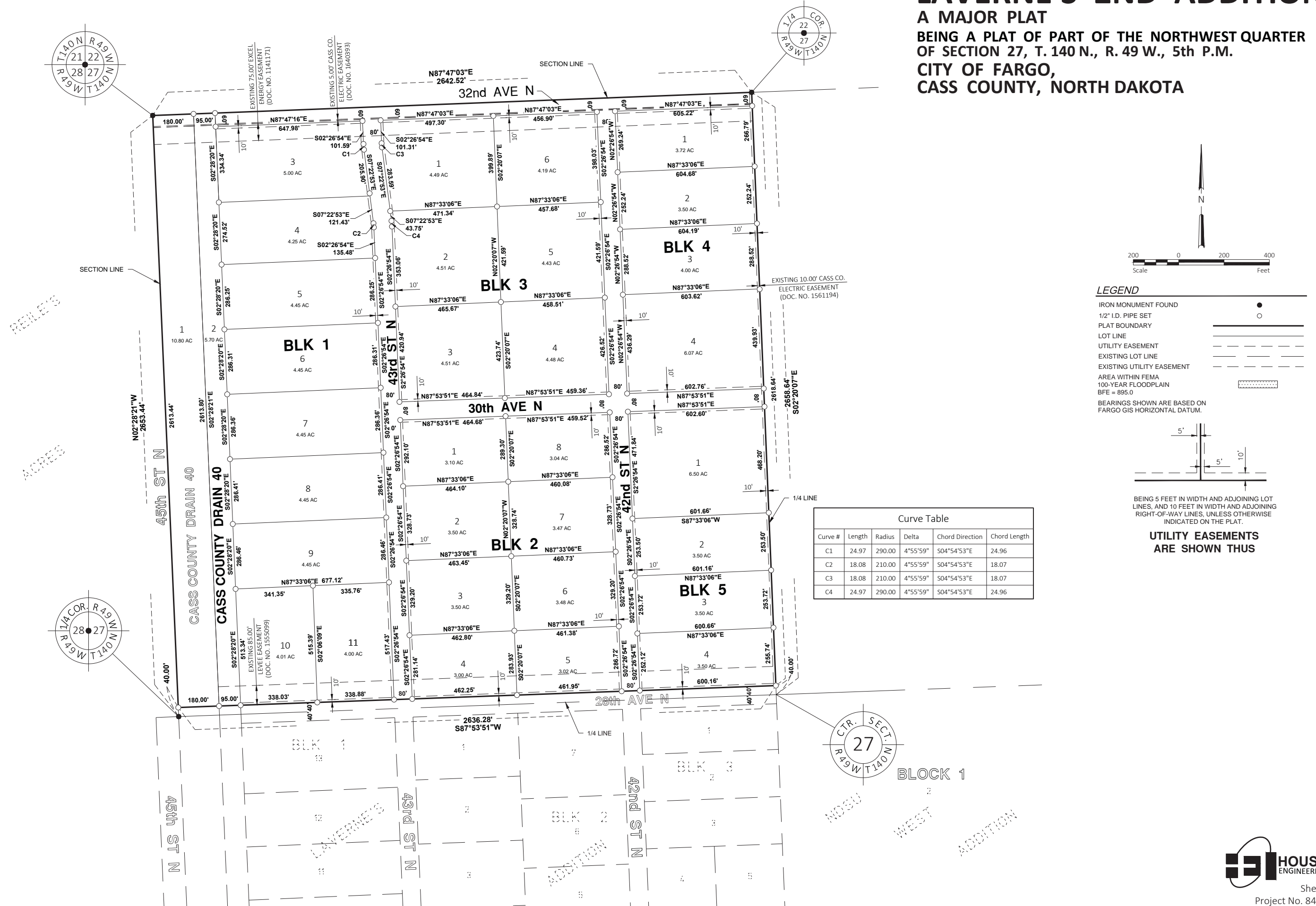




# LAVERNE'S 2ND ADDITION

## A MAJOR PLAT

BEING A PLAT OF PART OF THE NORTHWEST QUARTER  
OF SECTION 27, T. 140 N., R. 49 W., 5th P.M.  
CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA



LAVERNE'S 2ND ADDITION  
A MAJOR PLAT  
BEING A PLAT OF PART OF THE NORTHWEST QUARTER  
OF SECTION 27, T. 140 N., R. 49 W., 5th P.M.  
CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE:  
KNOW ALL PERSONS BY THESE PRESENTS: That Southeast Cass Water Resource District, a political subdivision of the State of North Dakota, Montplaisir Ag and Rental, LLP, a North Dakota limited liability partnership, and Perry Montplaisir, as Trustee of the LaVerne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012, are the owners and proprietors of the Northwest Quarter of Section 27, Township 140 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, less the South 40.00 of said Northwest Quarter.

Said tract of land contains 158.510 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **LaVerne's Second Addition** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the streets, avenues, and utility easements shown on the plat; and do hereby dedicate to Southeast Cass Water Resource District, Lot 2, Block 1 as shown on the plat.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

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

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota )  
 ) ss  
County of Cass )

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

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

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota )  
 ) ss  
County of Cass )

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

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

FARGO PLANNING COMMISSION APPROVAL:

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

Rocky Schneider, Chair  
Fargo Planning Commission

State of North Dakota )  
 ) ss  
County of Cass )

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

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

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: \_\_\_\_\_  
Steven Sprague, City Auditor

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

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

OWNER:

Southeast Cass Water Resource District  
(Lots 1 and 2, Block 1)

Dan Jacobson, Chairman

Attest: \_\_\_\_\_  
Carol Harbeke-Lewis, Secretary-Treasurer

State of \_\_\_\_\_ )  
 ) ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Dan Jacobson, Chairman, and Carol Harbeke-Lewis, Secretary-Treasurer, of the Southeast Cass Water Resource District, a North Dakota political subdivision, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of said water resource district.

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

OWNER:

Montplaisir Ag and Rental, LLP

(undivided 42% interest in the entire plat property, less Lots 1 and 2, Block 1, and less 45<sup>th</sup> Street North)

Perry Montplaisir, General Partner

State of \_\_\_\_\_ )  
 ) ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Perry Montplaisir, General Partner of Montplaisir Ag and Rental, a North Dakota limited liability partnership, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability partnership.

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

OWNER:

LaVerne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012

(undivided 42% interest in the entire plat property, less Lots 1 and 2, Block 1, and less 45<sup>th</sup> Street North)

Perry Montplaisir, Trustee

State of \_\_\_\_\_ )  
 ) ss  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared Perry Montplaisir, Trustee of the LaVerne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said trust.

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



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	West Acres Seventh Addition	<b>Date:</b>	2-23-22
<b>Location:</b>	3911 20 Ave S	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description:</b>	Lots 19-20 and portions of Lots 10, 11, 12, and 18, Block 5, West Acres Fourth Addition		
<b>Owner(s)/Applicant:</b>	Jonathan Casper (Interstate Office), Charles Cobb (Blue Bills, LLC), and Scott Houle (Dynasty Holdings, LLC) / Ken Stulc	<b>Engineer:</b>	Neset Land Surveyors
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of all of Lots 19-20 and portions of Lots 10, 11, 12, and 18, Block 5, West Acres Fourth Addition)		
<b>Status:</b>	Planning Commission Public Hearing: March 1, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Office and undeveloped.	<b>Land Use:</b> Unchanged
<b>Zoning:</b> GC, General Commercial with a CUP, Conditional Use Permit.	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.  CUP West Acres 4 <sup>th</sup> allows a multi-dwelling structure.	<b>Uses Allowed:</b> Unchanged
<b>Maximum Lot Coverage Allowed:</b> Maximum 85% building coverage	<b>Maximum Lot Coverage Allowed:</b> Unchanged

**Proposal:**

The applicant is seeking approval of a minor subdivision located at 3911 20 Avenue South. The request is to replat the existing lot into a two lot minor subdivision entitled West Acres Seventh Addition.

A CUP for multi-dwelling structure was approved in May of 2010 under a previously planned project that was never completed. The configuration of the plat will require modification of the Conditional Use Permit, if future multi-dwelling residential development is requested.

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.

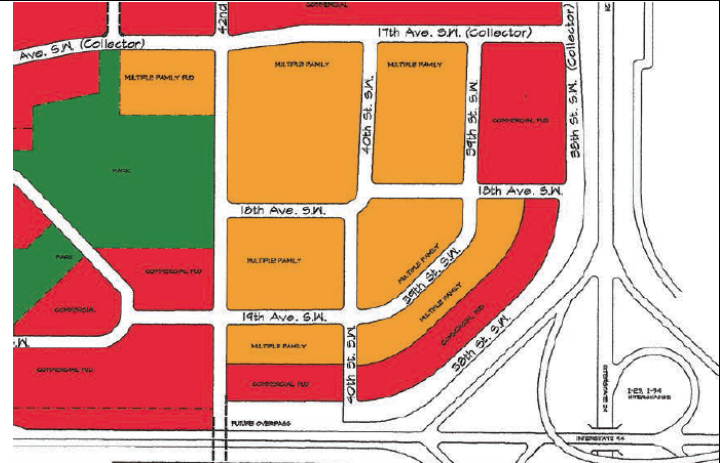
**Surrounding Land Uses and Zoning Districts:**

- North: Across 19<sup>th</sup> Ave S, MR-3, Multi-Dwelling Residential, with multi-family dwelling units

- East: MR-3, Multi-Dwelling Residential, with multi-family dwelling units; GC, General Commercial, undeveloped
- South: 20<sup>th</sup> Avenue South and Interstate 94
- West: GC, General Commercial; school

#### Area Plans:

There are no recent growth plans which apply directly to this location. There is, however, an area plan that was put together for this area in the 1990's. This area plan designates the property adjacent to the interstate interchange as future commercial, while identifying areas further from the interchange as multi-family.



#### Context:

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

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

**Parks:** Rabanus Park is within a quarter mile to the northwest of the subject property. This park provides basketball courts, grills, picnic tables, playgrounds for ages 2-5 and 5-12, recreational trails, sand volleyball courts, shelters, and warming houses. This is also the location of The Fargo Project: World Garden Commons and also a stormwater detention basin.

**Pedestrian / Bicycle:** There are sidewalks running along all street rights of way abutting the property and shared-use paths within Rabanus Park.

**Bus Route:** The subject property is within a quarter mile of routes 14 and 24 which run along 42<sup>nd</sup> St S. These routes have bus stops are located near the crossing streets of 19<sup>th</sup> Ave S and 18<sup>th</sup> Ave S.

#### Staff Analysis:

##### Minor Subdivision

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

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

This subdivision is intended to replat one existing lot into two new lots. The properties within this plat are currently zoned GC, General Commercial, and no change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the application. Staff has reviewed this

request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

**Staff Recommendation:**

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

**Planning Commission Recommendation:** March 1, 2022

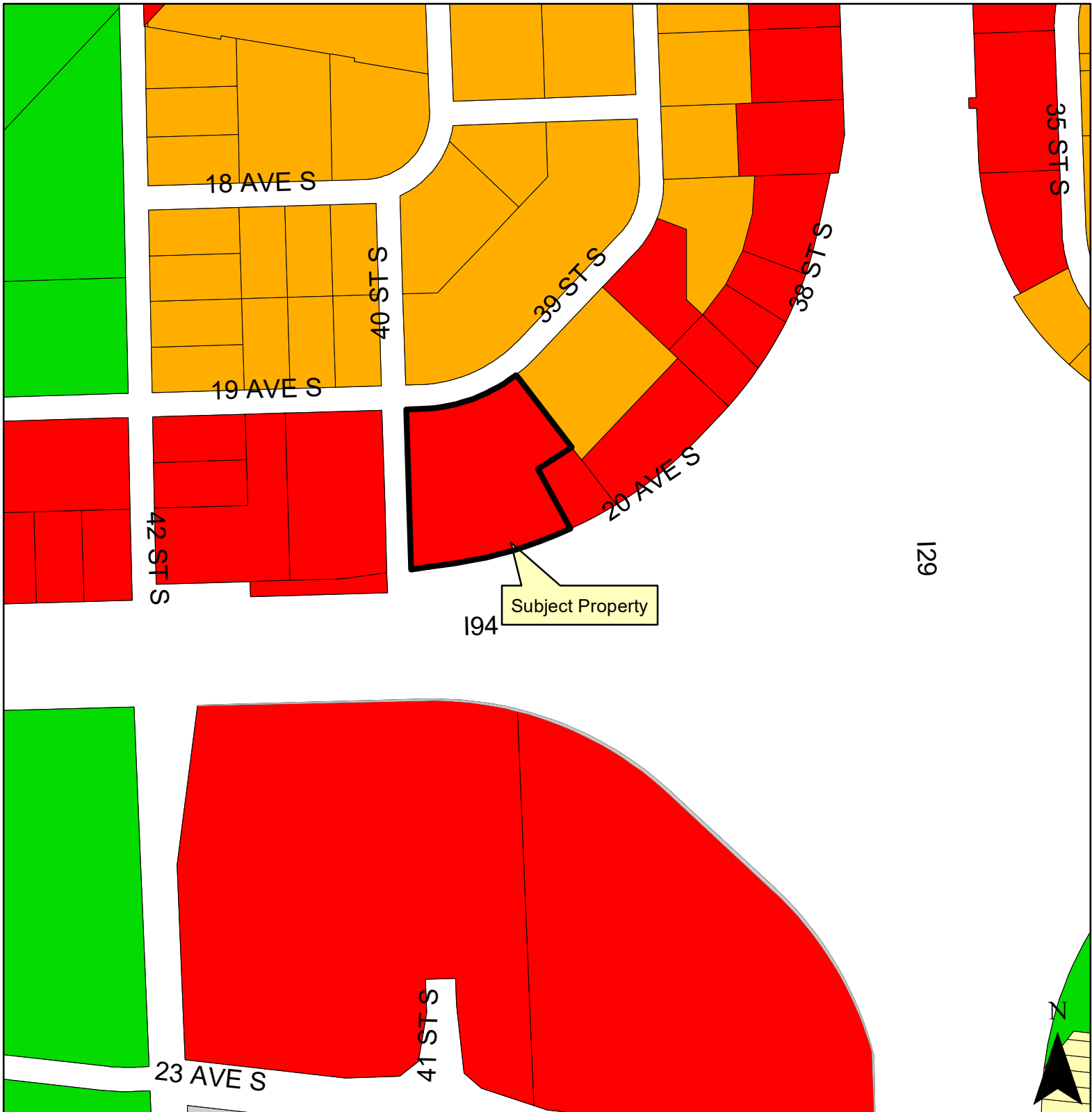
**Attachments:**

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

# Plat (Minor)

## West Acres Seventh Addition

3911 20th Avenue S



### Legend

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



# Plat (Minor)

## West Acres Seventh Addition

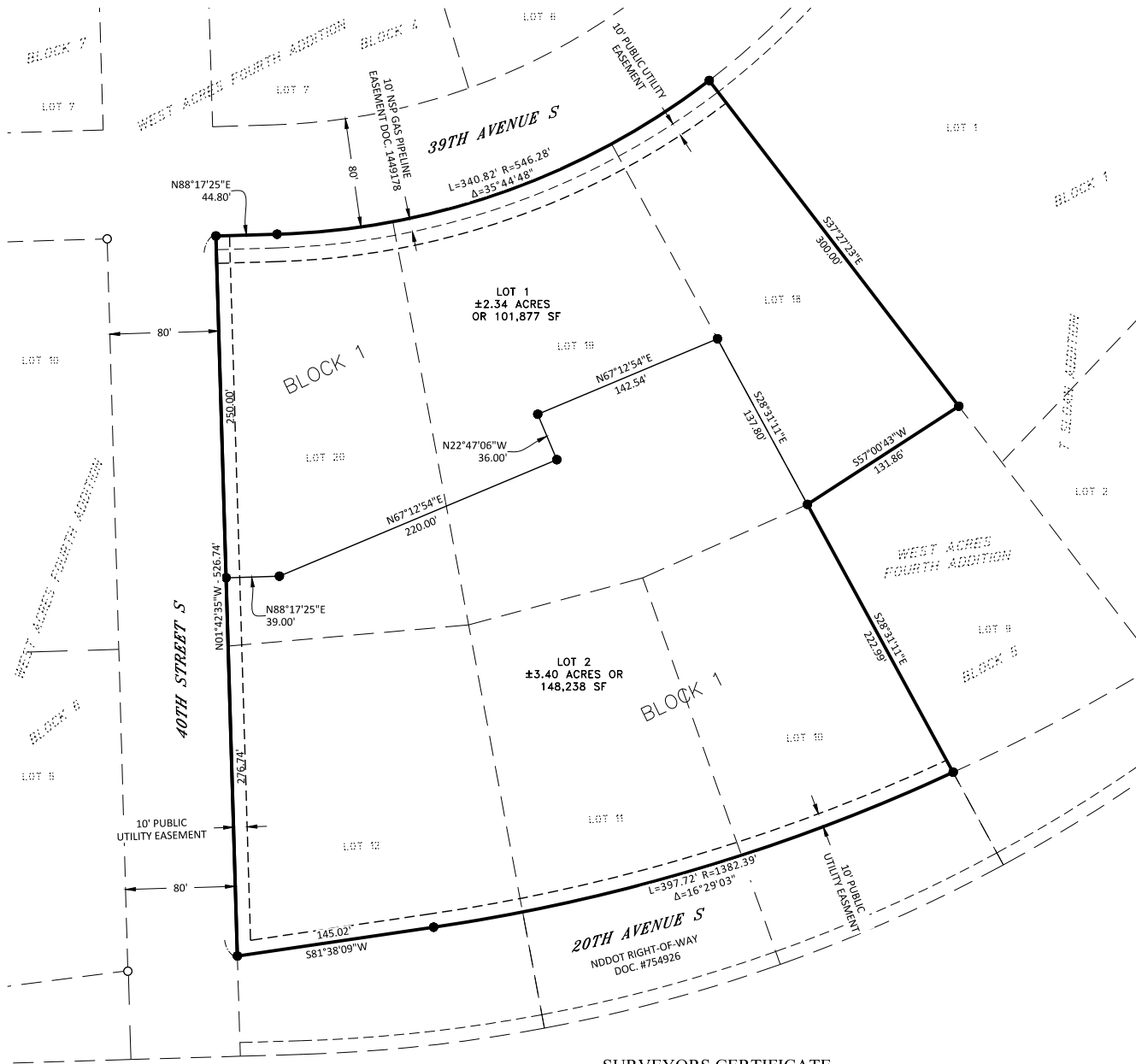
3911 20th Avenue S





# WEST ACRES SEVENTH ADDITION

A REPLAT OF ALL OF LOTS 19 AND 20 AND PART OF LOTS 10, 11, 12, AND 18 OF BLOCK 5 WEST ACRES FOURTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (MINOR SUBDIVISION)



## SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS WEST ACRES SEVENTH ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

COLE A. NESET,  
REGISTERED LAND SURVEYOR  
ND REG. NO. 7513

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

## OWNERS' CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS, INTERSTATE OFFICE LLC, BLUEBILLS LLC, DYNASTY HOLDINGS LLC ARE THE OWNERS OF ALL OF LOTS 19 AND 20 AND THAT PART OF LOTS 10, 11, 12, AND 18, BLOCK 5, WEST ACRES FOURTH ADDITION, TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 20, BLOCK 5 OF WEST ACRES FOURTH ADDITION; THENCE N88°17'25"E ALONG THE NORTH LINE OF SAID LOT AND BLOCK A DISTANCE OF 44.80 FEET; THENCE NORTHEASTERLY ON A CURVE CONCAVE TO THE NORTH HAVING AN ARC LENGTH OF 340.82 FEET, A RADIUS OF 546.28 FEET AND A CENTRAL ANGLE OF 35°44'48"; THENCE S37°27'23"E A DISTANCE OF 300.00 FEET; THENCE S57°00'43"W A DISTANCE OF 131.86 FEET; THENCE S28°31'11"E A DISTANCE OF 222.99 FEET TO THE NORTH RIGHT OF WAY OF INTERSTATE 94 FRONTAGE ROAD AS DESCRIBED IN DOCUMENT NO. 754926, ON FILE AT THE CASS COUNTY RECORDER'S OFFICE. SAID RIGHT OF WAY LINE BEING A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1382.39 FEET AN ARC LENGTH OF 397.72 FEET AND A CENTRAL ANGLE OF 16°29'03"; THENCE S81°38'09"W A DISTANCE OF 145.02 FEET TO THE WEST LINE OF LOT 12; THENCE N01°42'35"W ALONG SAID LINE A DISTANCE OF 526.74 FEET TO THE POINT OF BEGINNING.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS, WEST ACRES SEVENTH ADDITION. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL ACCESS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID WEST ACRES SEVENTH ADDITION, CONSISTS OF TWO LOTS AND ONE BLOCK, AND CONTAINS 250,115 SQUARE FEET, OR 5.74 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF SIGHT AND RECORD.

BY: JONATHAN CASPER, INTERSTATE OFFICE LLC  
ITS: SECRETARY/TRESURER

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JONATHAN CASPER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

BY: CHARLES COBB, BLUEBILL LLC  
ITS: PRESIDENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHARLES COBB, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

BY: SCOTT HOULE, DYNASTY LLC  
ITS: PRESIDENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SCOTT HOULE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

## VISION BANK OF FARGO

MORTGAGEE OF LOT 1 AND 2, IN BLOCK ONE, WEST ACRES SEVENTH ADDITION.

VISION BANK OF FARGO

BY: DAN CAREY  
ITS: PRESIDENT/CEO

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAN CAREY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

## CITY ENGINEER'S APPROVAL

APPROVED BY THE FARGO CITY ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BRENDA E. DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, CITY ENGINEER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

## FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ROCKY SCHNEIDER, CHAIR  
FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, CHAIR, FARGO PLANNING COMMISSION, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

## FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

TIMOTHY J. MAHONEY, MAYOR

ATTEST:

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR, CITY OF FARGO, AND STEVEN SPRAGUE, CITY AUDITOR, CITY OF FARGO, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

SHEET 1 OF 1

PROJECT ID: 22004.03  
DATE: 2-21-2022  
DRAWN BY: KRS  
CHECKED BY: CAN



5306 51ST AVENUE SOUTH, SUITE A  
FARGO, ND 58104  
PHONE: 701-235-0199 EX. 114  
EMAIL: CNESET@NESETSURVEYS.COM

02/21/22 09:03:38AM Z:\Neset Shared Files\Cole Projects\2022 Projects\22004\_LOWMY PROJECTS\03-LE\SS Lot Split\Survey\_Project\SS Plat.dwg

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Valley View Estates Third Addition	<b>Date:</b>	2-23-2022
<b>Location:</b>	4800, 4801, 4809, 4823, 4824, 4837, 4842, 4849, 4852, 4866, 4875, 4889, and 4890 Decorah Way South	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description:</b>	Lots 8-20, Block 1, Valley View Estates Addition		
<b>Owner(s)/Applicant:</b>	Thomsen Homes / Jon Youness—Eagle Ridge Development	<b>Engineer:</b>	KPH, Inc.
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of lots 8-20, Block 1, Valley View Estates Addition)		
<b>Status:</b>	Planning Commission Public Hearing: March 1, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Residential.	<b>Land Use:</b> Unchanged
<b>Zoning:</b> SR-4, Single-Dwelling Residential; P/I, Public and Institutional.	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> SR-4 – Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;  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	<b>Uses Allowed:</b> Unchanged
<b>Maximum Density Allowed:</b> SR-4 allows a maximum 12.1 units per acre;  P/I has no density or lot coverage standards.	<b>Maximum Density Allowed:</b> Unchanged

**Proposal:**

The applicant is seeking approval of a minor subdivision located at 4800, 4801, 4809, 4823, 4824, 4837, 4842, 4849, 4852, 4866, 4875, 4889, and 4890 Decorah Way South. The request is to replat the existing thirteen lots into an eleven lot minor subdivision entitled Valley View Estates Third Addition.

The proposed layout of lots shows the existing lots being replatted into larger lots. The proposed lot 6 (existing lot 8) is a private drive lot owned by the Home Owner's Association (HOA) that will remain the same. Planning staff is working with the applicant to maintain continuity of the HOA created with the Valley View Estates subdivision.

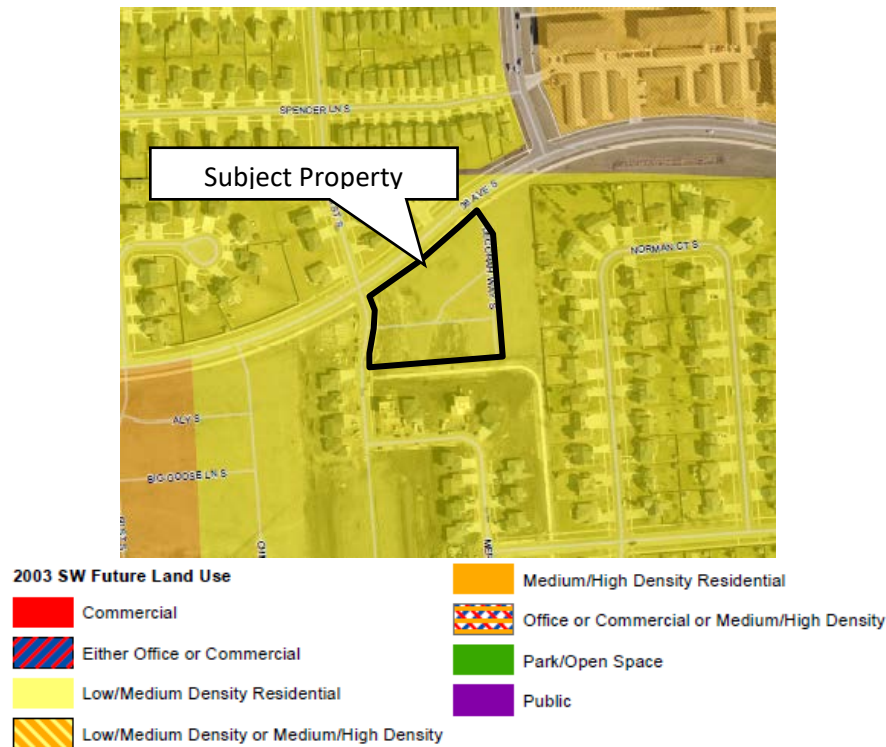
The project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

**Surrounding Land Uses and Zoning Districts:**

- North: SR-4: Single-Dwelling Residential; single family residences (both detached and attached)
- East: SR-4: Single-Dwelling Residential; single family residences
- South: P/I: Parks/Institutional, multi-use trail
- West: SR-4: Single-Dwelling Residential; single family residences

## Area Plans:

The subject property is located within the 2003 Future Land Use Plan. Within this growth plan, the subject property is identified as being suitable Low/Medium Density Residential uses.



## Context:

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

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

**Parks:** Valley View Park is within a quarter mile to the west of the subject properties. This park provides playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter. A portion of this park is a stormwater detention basin.

**Pedestrian / Bicycle:** There are shared-use trails running along the south side of the subject properties, through Valley View Park to the west, and along County Drain 27 right of way to the south.

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

## Staff Analysis:

### Minor Subdivision

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

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

This subdivision is intended to replat thirteen existing lots into 11 new lots. The properties within this plat are currently zoned SR-4, Single-family Residential, which is consistent with that land use designation. No zone change is proposed. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to three general inquiries about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.



**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

**Staff Recommendation:**

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

**Planning Commission Recommendation: March 1, 2022**

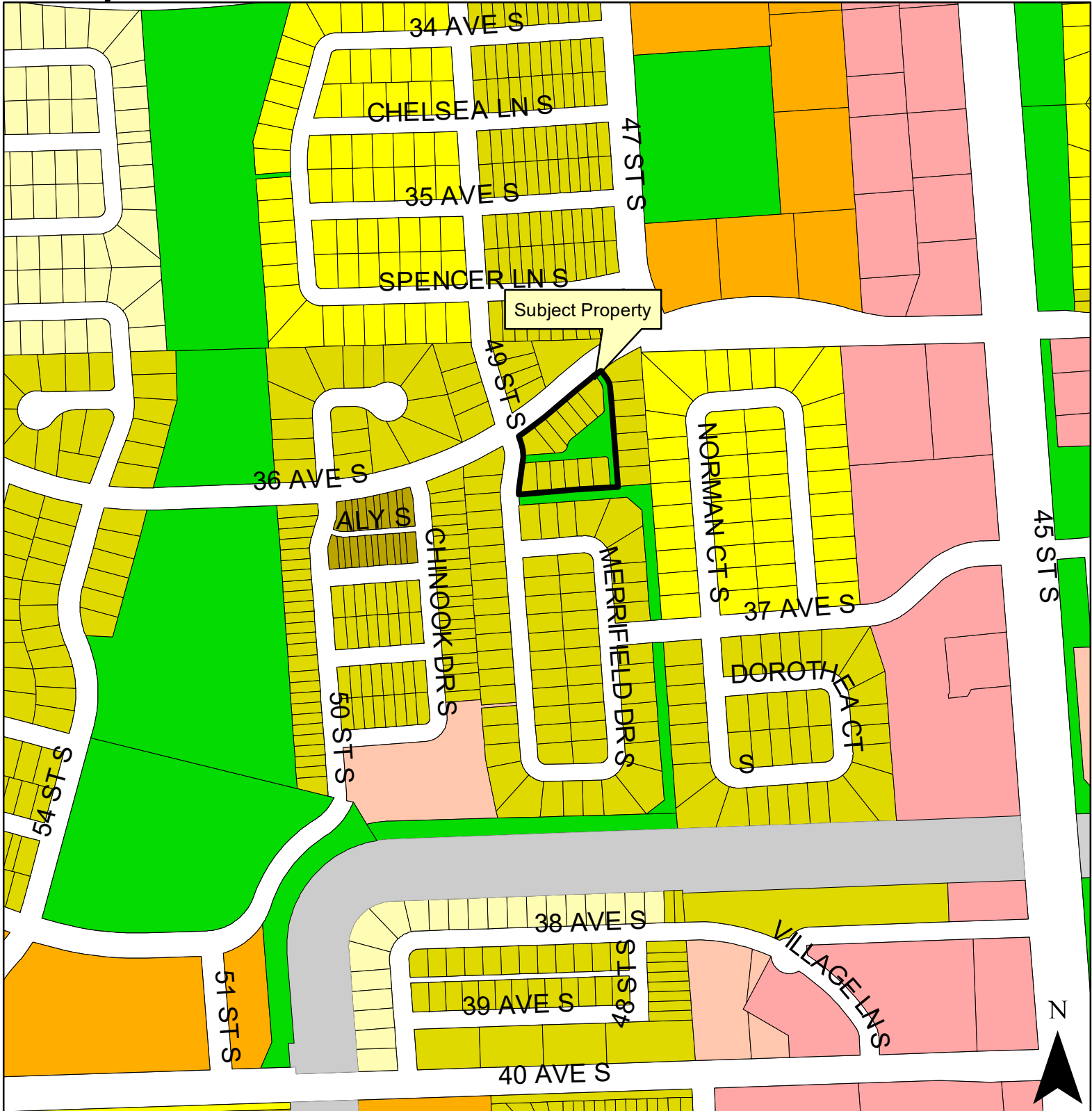
**Attachments:**

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

# Plat (Minor)

## Valley View Estates Third Addition

4800, 4801, 4809, 4823, 4824, 4837, 4842, 4849,  
4852, 4866, 4889, and 4890 Decorah Way S



### Legend

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

300  
Feet

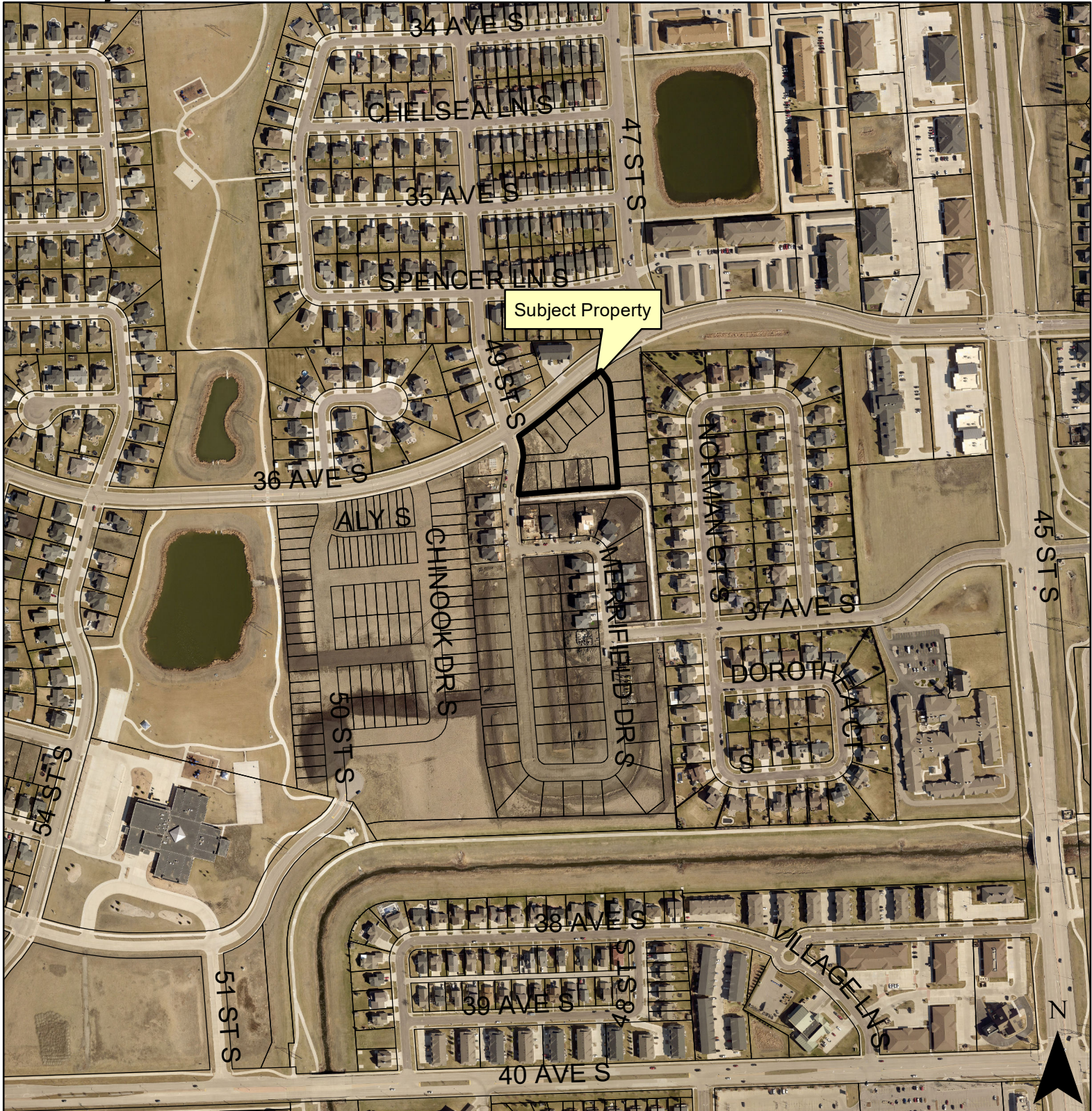
Fargo Planning Commission  
March 1, 2022



# Plat (Minor)

## Valley View Estates Third Addition

4800, 4801, 4809, 4823, 4824, 4837, 4842, 4849,  
4852, 4866, 4889, and 4890 Decorah Way S

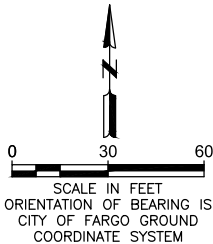
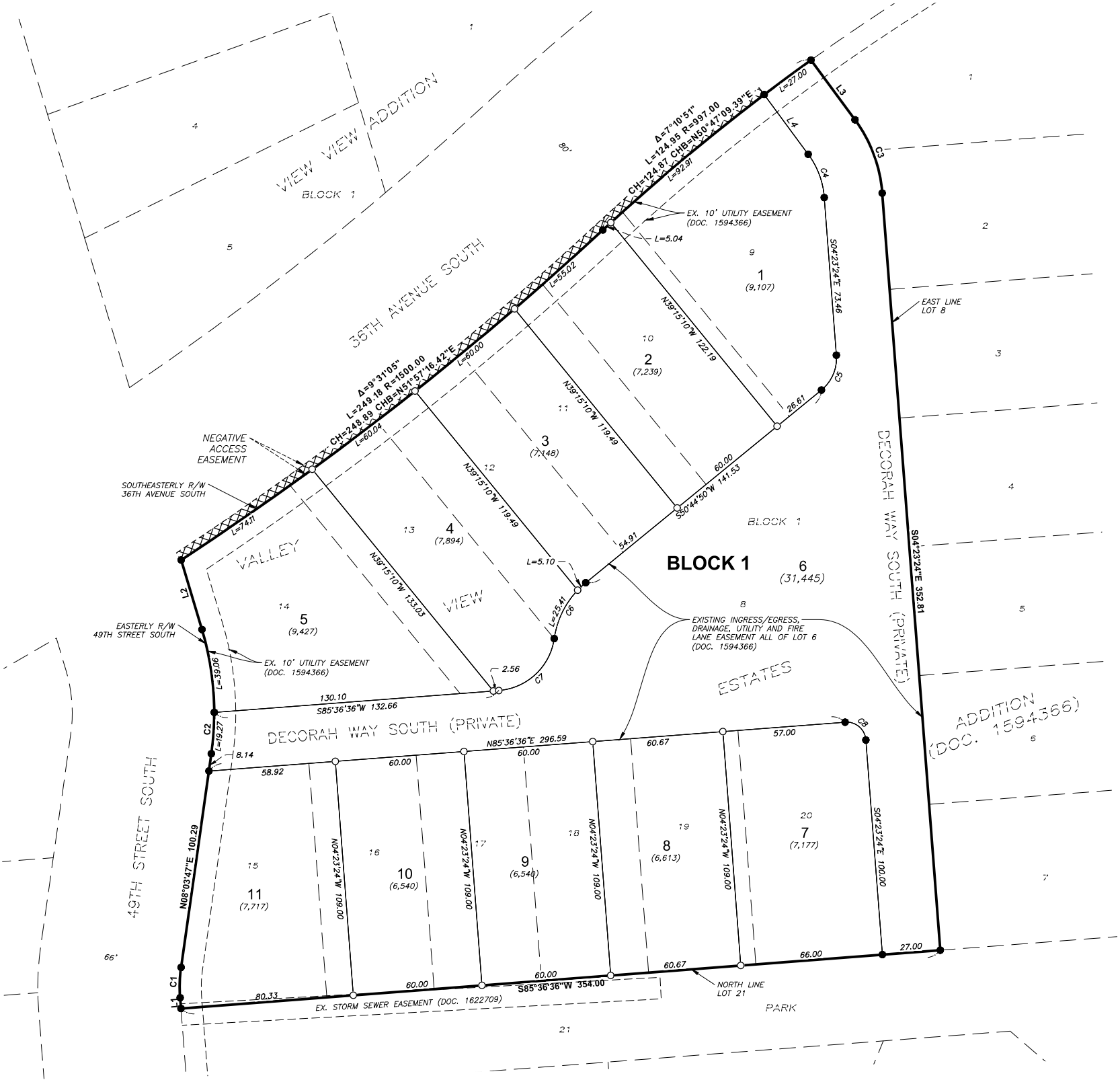




Plat Date & Time: 15 February 2022 9:08 AM  
S:\SURVEY\01\_P\Projects\2022\522-503\_Thorstein Homes Valley View Estates Third Addition Plat - Fargo.dwg

# VALLEY VIEW ESTATES THIRD ADDITION

A REPLAT OF LOTS 8 THROUGH 20, BLOCK 1 OF VALLEY VIEW ESTATES ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)



- NOTES
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
  - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF DECORAH WAY 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.

LEGEND	
	SET 5/8" REBAR WITH CAP LS-27292
	FOUND MONUMENT
	PLAT LOT AREAS IN SQUARE FEET
	PLAT BOUNDARY LINE
	PLAT INTERIOR LOT LINES
	EXISTING EASEMENT LINE
	EXISTING/BACKGROUND PROP. LINE
	NEW NEGATIVE ACCESS EASEMENT ALONG 36TH AVE S

LINE TABLE		
#	DISTANCE	BEARING
L1	5.00	N04°23'24"W
L2	33.69	N16°41'47"W
L3	34.46	S36°22'14"E
L4	34.44	S36°22'14"E

CURVE TABLE					
#	LENGTH	RADIUS	DELTA	CHORD DISTANCE	CHORD BEARING
C1	14.13	65.00	12°27'11"	14.10	S01°50'12"W
C2	58.34	135.00	24°45'34"	57.89	N04°19'00"W
C3	36.84	66.00	31°58'50"	36.36	N20°22'49"W
C4	21.77	39.00	31°58'50"	21.49	N20°22'49"W
C5	18.28	19.00	55°08'14"	17.59	N23°10'43"E
C6	30.52	41.00	42°38'51"	29.82	S29°24'43"W
C7	38.13	28.19	77°30'36"	35.29	N46°52'26"E
C8	14.14	9.00	90°00'00"	12.73	N49°23'24"W

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



S:\SURVEY\01\_Projects\2022\522-503\_Thomsen Homes Valley View Estates Third Addition Plat - Fargo.dwg Plot Date & Time: 15 February 2022 9:08 AM

# VALLEY VIEW ESTATES THIRD ADDITION

A REPLAT OF LOTS 8 THROUGH 20, BLOCK 1 OF VALLEY VIEW ESTATES ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

OWNER’S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Thomsen Homes LLC, a North Dakota limited liability company, being the owner of Lots 8 through 20, Block 1 of Valley View Estates Addition to the City of Fargo, Cass County, North Dakota, being more particularly described as follows:

A replat of Lots 8 through 20, Block 1 of VALLEY VIEW ESTATES ADDITION to the City of Fargo, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 1.90 acres, more or less and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Said owner of the above described property, have caused the same to be surveyed and platted as "VALLEY VIEW ESTATES THIRD ADDITION" to the City of Fargo, Cass County, North Dakota and hereby dedicate the negative access easement as shown on said plat to the public.

OWNER:

Thomsen Homes LLC

Chris Thomsen, President

State of North Dakota )  
County of Cass )ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Chris Thomsen, President, Thomsen Homes LLC a North Dakota limited liability company known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of Thomsen Homes, LLC.

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

SURVEYOR’S CERTIFICATE AND ACKNOWLEDGEMENT

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

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

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

State of North Dakota )  
County of Cass ) SS

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

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

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

FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney  
Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota )  
County of Cass ) SS

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

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

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, P.E.  
City Engineer

State of North Dakota )  
County of Cass ) SS

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

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

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider  
Planning Commission Chair

State of North Dakota )  
County of Cass ) SS

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

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

City of Fargo Staff Report			
<b>Title:</b>	Christianson 32 <sup>nd</sup> Avenue South Second Addition	<b>Date:</b>	2/22/2022
<b>Location:</b>	3102 36 <sup>th</sup> Street South; 3401 32 <sup>nd</sup> Avenue South	<b>Staff Contact:</b>	Adam Martin, Assistant Planner
<b>Legal Description:</b>	Lot 1, Block 1, Christianson 32 <sup>nd</sup> Avenue South Addition, and Lot 1, Block 1, Virgil Montplaisir Subdivision		
<b>Owner(s)/Applicant:</b>	Farm Power, Inc.; KLC Holdings, LLC / Christianson Companies	<b>Engineer:</b>	Bolton & Menk
<b>Entitlements Requested:</b>	<b>Zone Change</b> (from GC, General Commercial, and LI, Limited Industrial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay); <b>Minor Subdivision</b> (Plat of <b>Christianson 32<sup>nd</sup> Avenue South Second Addition</b> a replat of Lot 1, Block 1, Christianson 32 <sup>nd</sup> Avenue South Addition, and Lot 1, Block 1, Virgil Montplaisir Subdivision)		
<b>Status:</b>	Planning Commission Public Hearing: March 1, 2022		

Existing	Proposed
<b>Land Use:</b> Commercial and Undeveloped	<b>Land Use:</b> Commercial
<b>Zoning:</b> GC, General Commercial and LI, Limited Industrial with a C-O, Conditional Overlay	<b>Zoning:</b> GC, General Commercial with a C-O, Conditional Overlay
<p><b>Uses Allowed:</b> GC allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</p> <p>LI allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del>, health care facilities, parks and open space, religious institutions, safety services, <del>adult entertainment centers</del>, offices, <del>off-premise advertising</del>, commercial parking, outdoor recreation and entertainment, retail sales and service, <del>self-service storage</del>, vehicle repair, limited vehicle service, <del>industrial service</del>, manufacturing and production, warehouse and freight movement, wholesale sales, <del>aviation, surface transportation</del>.</p> <p><b>Note: Conditional Overlay No. 5015 prohibits certain uses on the LI-zoned lot</b></p>	<p><b>Uses Allowed:</b> GC allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del>, health care facilities, parks and open space, religious institutions, safety services, <del>adult entertainment centers</del>, offices, <del>off-premise advertising</del>, commercial parking, outdoor recreation and entertainment, retail sales and service, <del>self-service storage</del>, vehicle repair, limited vehicle service, <del>aviation, surface transportation</del>, and <del>major entertainment events</del>.</p> <p><b>Note: The proposed Conditional Overlay prohibits certain uses.</b></p>
<b>Maximum Lot Coverage Allowed:</b> 85% for both GC and LI	<b>Maximum Lot Coverage Allowed:</b> 85% for GC

Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li>1. A <b>zone change</b> from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay; and</li> <li>2. A <b>minor subdivision</b> to be known as <b>Christianson 32<sup>nd</sup> Avenue South Second Addition</b>, a replat of Lot 1, Block 1, Christianson 32<sup>nd</sup> Avenue South Addition, and Lot 1, Block 1, Virgil Montplaisir Subdivision</li> </ol>

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

**Surrounding Land Uses and Zoning Districts:**

- North: GC, General Commercial, with commercial development, and MR-3, Multi-Dwelling Residential, with multi-dwelling residences.
- East: AG, Agricultural, with multi-residential dwellings, and GC, General Commercial, with office development.
- South: LC, Limited Commercial, with office uses; GC, General Commercial, with vehicle repair uses, and; LI, Limited Industrial, with vehicle repair, limited vehicle service, and retail sales and service uses.
- West: 36<sup>th</sup> Street and Interstate 29 rights-of-way.

**Area Plans:**

The subject property is not located within a growth plan area.

**Schools and Parks:**

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

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

**Parks:** Ed Clapp Park, located at 2801 32<sup>nd</sup> Avenue South, is approximately 0.25 miles east of the subject property, and provides amenities of soccer fields and a playground for ages 5-12.

**Pedestrian / Bicycle:** Off-road shared-use paths are adjacent to the west and south sides of the subject property, along 36<sup>th</sup> Street South and 32<sup>nd</sup> Avenue South, respectively. Both paths are components of the metro area bikeways system.

**Transit:** MATBUS Route 14 runs along 33<sup>rd</sup> Street South and 32<sup>nd</sup> Avenue South. A bus stop is located along 33<sup>rd</sup> Street South, approximately 200 feet northeast of the subject property. Additionally, MATBUS Route 18 runs along 32<sup>nd</sup> Avenue South, with its nearest stop located approximately one-eighth of a mile southeast of the subject property, at the southwest corner of 32<sup>nd</sup> Avenue South and 32<sup>nd</sup> Street South.

**Staff Analysis:**

The plat will create four lots zoned GC, General Commercial with a C-O, Conditional Overlay. A City of Fargo-owned property, on which a sanitary sewer lift station is located, separates part of Lot 1, Block 1 from 32<sup>nd</sup> Avenue South. Although all four lots are adjacent to public rights of way, access to Lots 1 and 3 will be from an access easement running west-east approximately in the center of the plat. This is due to driveway spacing standards in Section 20-0702 of the Land Development Code, as well as an existing negative access easement along 33<sup>rd</sup> Street South.

Additionally, as part of redeveloping the property, the existing driveway along 36<sup>th</sup> Street South into the Fargo Tractor site will be closed due to its proximity to the block corner at 32<sup>nd</sup> Avenue South. After coordinating with the City's traffic engineer, it was determined that any new driveway along 36<sup>th</sup> Street South will need to be spaced a minimum of 260 feet from the block corner at 32<sup>nd</sup> Avenue South. Staff has discussed this point with the applicant, and it is anticipated that this driveway spacing requirement will be reflected through an updated access easement on the plat.

**Zoning**

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

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

There is no error in the zoning map. The property currently described as Lot 1, Block 1, Virgil Montplaisir Subdivision, was previously rezoned from AG, Agricultural, to C-2, General Commercial (which is now known as GC, General Commercial) in September 1977. Additionally, the property currently described as Lot 1, Block 1, Christianson 32<sup>nd</sup> Avenue South Addition was previously rezoned from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay in January 2016. The proposed rezoning of the subject property will bring the entire subdivision into one zoning designation of GC, General Commercial with a C-O, Conditional Overlay. Additionally, the proposed zone change is intended to facilitate the proposed project that redevelops an existing, underutilized commercial site.

Though there is currently no growth plan to guide future land uses for the Bluemont Lakes neighborhood, the GC zoning district is reasonable for the context of the area. However, a conditional overlay (C-O) will be attached to the GC zoning district. This C-O will have site development standards and land use restrictions

that are intended to mitigate any potential impacts of commercial development in relation to residentially-zoned property to the north and east of the subject property. Additionally, this C-O is similar to those approved along other commercial corridors within the City of Fargo.

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

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

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

The subject property is not covered by a growth plan, area plan, or neighborhood plan.

The project meets some of the goals of infill development stated in the Go2030 Comprehensive Plan:

- the subject property is already served by supporting infrastructure;
- the project includes additional design standards as outlined in the Conditional Overlay, which are commonplace with other development projects along commercial corridors in Fargo; and,
- the project will increase the mix of uses and amenities in the area.

Additionally, by incorporating site design standards into the Conditional Overlay, the project meets some of the goals of active living streets stated in the Go2030 Comprehensive Plan, which identifies 32<sup>nd</sup> Avenue South as an active living street.

Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

**(Criteria Satisfied)**

#### **Minor Subdivision**

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

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

The proposed zoning of GC, General Commercial with a C-O, Conditional Overlay is intended to accommodate the proposed commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat and zone change have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.

**(Criteria Satisfied)**

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

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure



improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zoning change from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay, and; 2) a minor subdivision of the **Christianson 32<sup>nd</sup> Avenue South Second Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, applicable growth plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** March 1, 2022

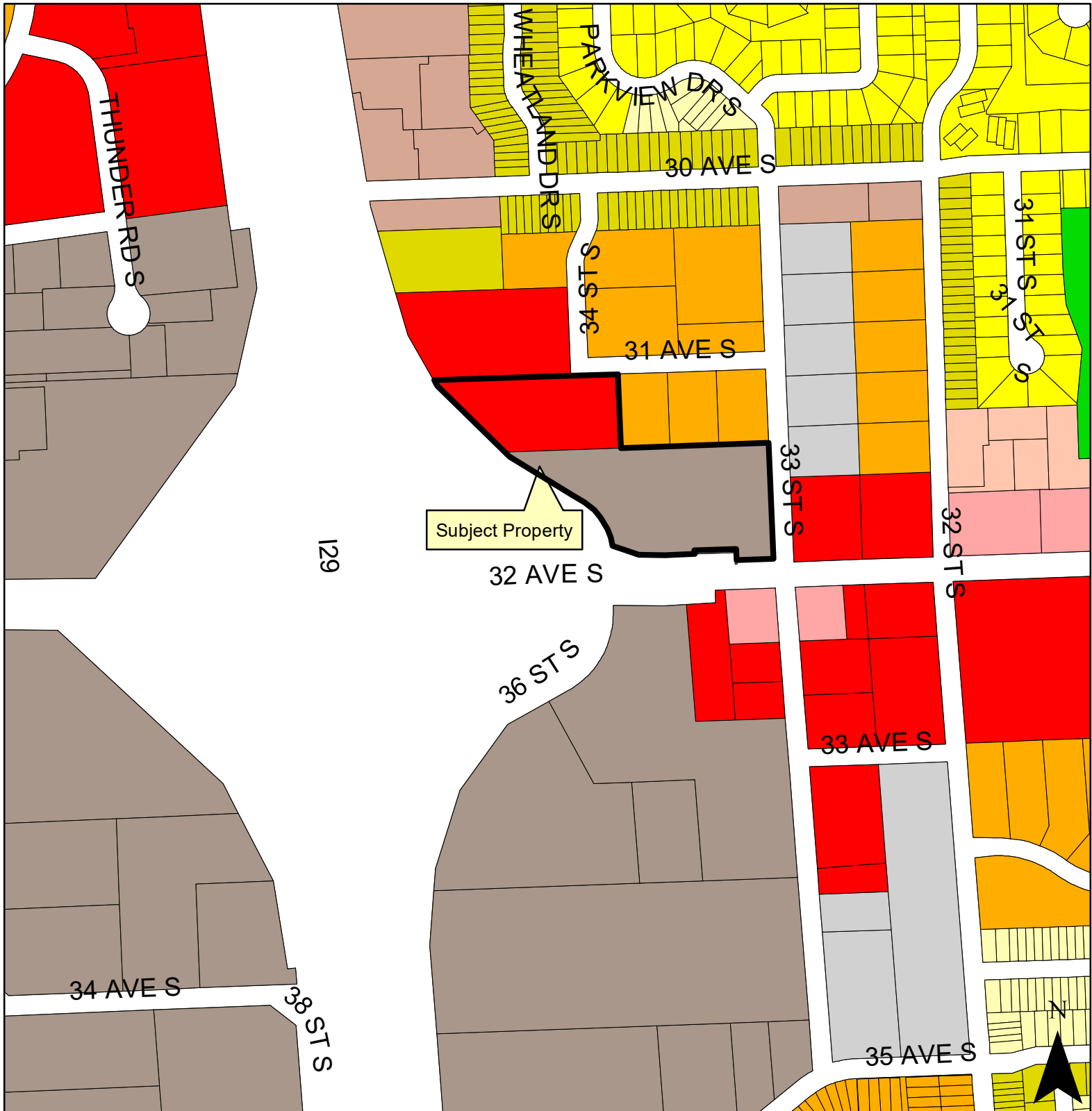
**Attachments:**

1. Zoning map
2. Location map
3. Preliminary plat
4. Draft Conditional Overlay

# Plat (Minor); Zone Change (GC and LI with a C-O to GC with a C-O)

## Christianson 32nd Avenue South Second Addition

3401 32nd Avenue S  
and 3102 36th Street S



### Legend

AG	LC	MHP	SR-2
DMU	LC	MHP	SR-3
GC	MR-1	NCO	SR-4
GO	MR-2	PI	SR-5
	MR-3	UMU	City Limits

300

Feet



# Plat (Minor); Zone Change (GC and LI with a C-O to GC with a C-O)

## Christianson 32nd Avenue South Second Addition

3401 32nd Avenue S  
and 3102 36th Street S





# CHRISTIANSON 32ND AVENUE SOUTH SECOND ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF CHRISTIANSON 32ND AVENUE SOUTH ADDITION AND LOT 1, BLOCK 1 OF VIRGIL MONTPLAISIR SUBDIVISION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

## OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Christianson Properties, LLC, a North Dakota Limited Liability Company, owner, and Bell Bank, mortgageee, of the following described land:

Lot 1, Block 1 of VIRGIL MONTPLAISIR SUBDIVISION according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

AND

Lot 1, Block 1 of CHRISTIANSON 32ND AVENUE SOUTH ADDITION to the City of Fargo according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Said parcels contain 11.634 acres of land, more or less and are subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcels of land to be surveyed and platted as "CHRISTIANSON 32ND AVENUE SOUTH SECOND ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:  
Christianson Properties, LLC

By: Kevin Christianson, President

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me, a notary public within and for said County and State, personally appeared Kevin Christianson, President, Christianson Properties, LLC known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Christianson Properties, LLC

Notary Public

MORTGAGE HOLDER:  
Bell Bank

By: \_\_\_\_\_, \_\_\_\_\_

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2022 before me personally appeared \_\_\_\_\_,

\_\_\_\_\_, Bell Bank, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Bell Bank

Notary Public

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

\_\_\_\_\_, Date: \_\_\_\_\_  
Gregg Stroeing, Professional Land Surveyor  
North Dakota License Number LS-6703

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, a notary public within and for said County and State, personally appeared Gregg Stroeing, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

## CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rocky Schneider, Planning Commission Chair

State of North Dakota }  
County of Cass }SS

On this \_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

## FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Timothy J. Mahoney, Mayor

Attest: \_\_\_\_\_  
Steven Sprague, City Auditor

State of North Dakota }  
County of Cass }SS

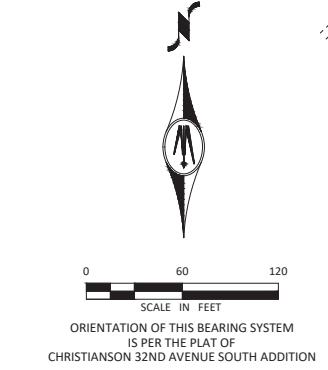
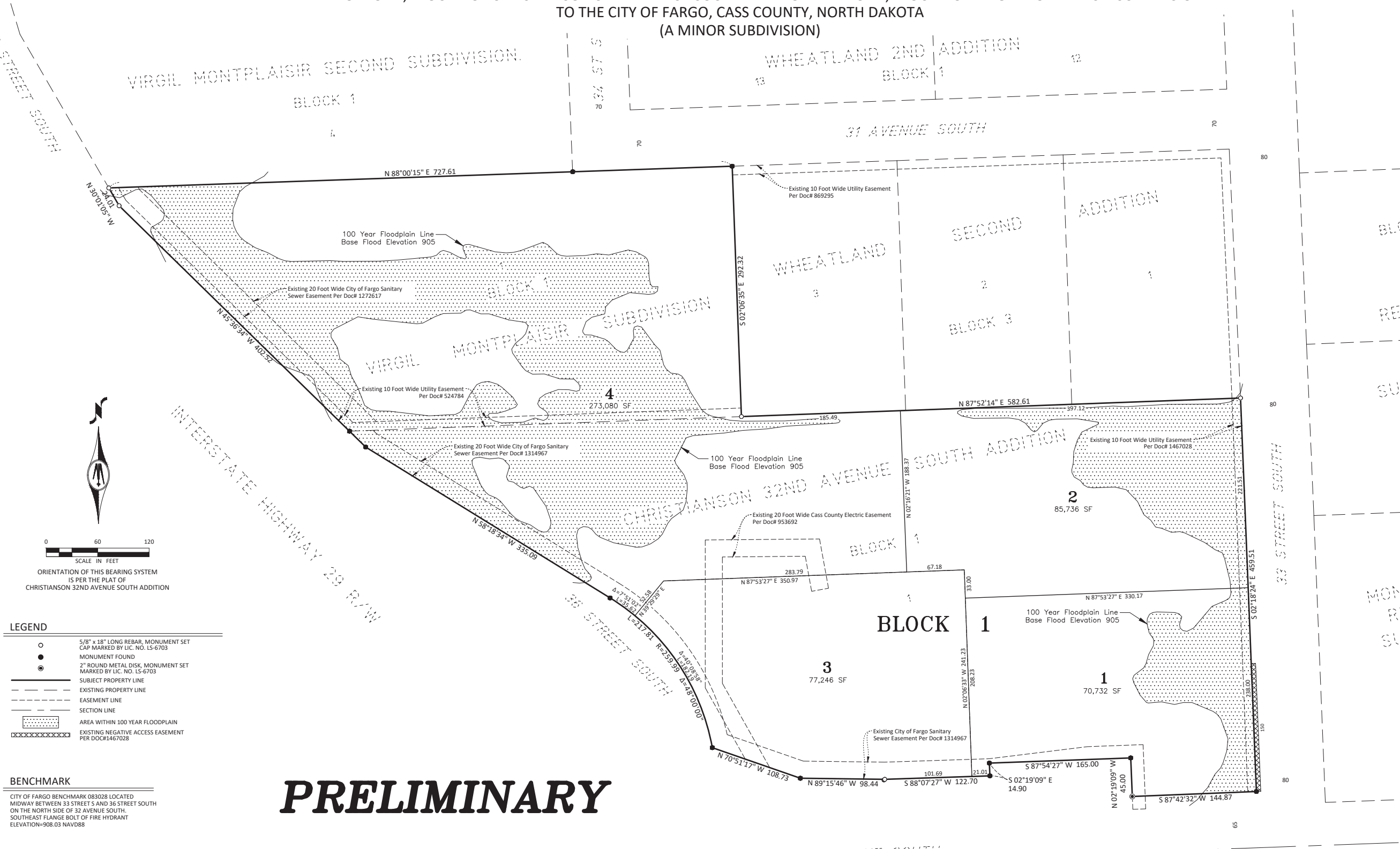
On this \_\_\_\_ day of \_\_\_\_\_, in the year 2022 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public

# PRELIMINARY

# CHRISTIANSON 32ND AVENUE SOUTH SECOND ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF CHRISTIANSON 32ND AVENUE SOUTH ADDITION AND LOT 1, BLOCK 1 OF VIRGIL MONTPLAISIR SUBDIVISION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)



**LEGEND**

○	5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC. NO. LS-6703
●	MONUMENT FOUND
⊙	2" ROUND METAL DISK, MONUMENT SET MARKED BY LIC. NO. LS-6703
---	SUBJECT PROPERTY LINE
---	EXISTING PROPERTY LINE
---	EASEMENT LINE
---	SECTION LINE
▨	AREA WITHIN 100 YEAR FLOODPLAIN
XXXXXX	EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1467028

**BENCHMARK**  
CITY OF FARGO BENCHMARK 083028 LOCATED MIDWAY BETWEEN 33 STREET S AND 36 STREET SOUTH ON THE NORTH SIDE OF 32 AVENUE SOUTH. SOUTHEAST FLANGE BOLT OF FIRE HYDRANT ELEVATION=908.03 NAVD88

## PRELIMINARY



## Draft Conditional Overlay

### 1. Building form and style

- 1.1. All building elevations/façades greater than 200 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least two feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet.
- 1.2. Ground floor facades that are within 150 feet of the right of way, measured from the exterior wall shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 50% of its horizontal length
- 1.3. Principal Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.
- 1.4. Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, and vinyl. Accent materials shall be applied to no greater than 20 percent of each building façade.
- 1.5. Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units within 150ft of public right of way shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.
- 1.6. Dumpsters and refuse containers shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when located within 150 feet of public right of way, by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three 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 dumpsters or refuse containers.
- 1.7. Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising or combination.
- 1.8. Screening of Outdoor Storage Areas
  - 1.8.1. Outdoor storage areas shall not be located within the front setback area of the development.
  - 1.8.2. Outdoor storage areas shall not cover more than 50 percent of the open space of the development. For the purposes of determining allowable outdoor storage area, open space shall be defined as outdoor, unenclosed area located on the ground, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

## 2. Site Design

- 2.1. A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 2.2. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
  - 2.2.1. Parking lots or parking structures
  - 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot
  - 2.2.3. Entrances of other buildings on the site
  - 2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development
  - 2.2.5. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator
- 2.3. For the proposed Lot 1, Block 1, Christianson 32<sup>nd</sup> Avenue South Second Addition, the front setback along 32<sup>nd</sup> Avenue South shall be forty (40) feet from the property line. This setback will apply to buildings and structures only.

## 3. Prohibited Uses

- 3.1. Group Living
- 3.2. Adult Entertainment
- 3.3. Detention facilities
- 3.4. Self-service storage
- 3.5. Aviation/Surface Transportation
- 3.6. Entertainment Event, Major
- 3.7. Mining
- 3.8. Off-Premise Advertising
- 3.9. Industrial uses

## 4. Prohibited Signage

- 4.1. Billboards – a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.
- 4.2. Off Premise Sign – a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located.
- 4.3. Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.