

FARGO PLANNING COMMISSION AGENDA
Tuesday, May 4, 2021 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of April 6, 2021
- C: Brown Bag Luncheon - Wednesday, May 19, 2021
- D: Public Hearing Items:
 - 1a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay within the boundaries of the proposed **EOLA Addition**. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies) (me)
 - 1b. Continued hearing on an application requesting a Planned Unit Development Master Land Use Plan within the boundaries of the proposed **EOLA Addition**. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies) (me)
 - 2. Hearing on an application requesting a Conditional Use Permit to allow Manufacturing and Production in the GC, General Commercial zoning district on a portion of Lots 5 and 6, Block 1, **Schultz and Williams Addition**. (Located at 3241 South University Drive) (Packet Digital/Terri Zimmerman) (dk)
 - 3. Hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 4, Block 1, **Valley View Eighth Addition**. (Located on 5652 36th Avenue South) (Brian Kounovsky/ LTC Mustang, LLC) (kb): CONTINUED TO JUNE 3, 2021
 - 4. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on Lot 10, Block 1, **DK First Addition**. (Located at 3521 39th Street South) (Jack Lelwica) (ms/kf)
 - 5a. Hearing an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to MR-2, Multi-Dwelling Residential with a PUD, Planned Unit Development, Overlay on Lot 1, Block 1, **Craigs Oak Grove Second Addition**. (Located at 515 Oak Street North) (Craig Development, LLC/Oak Grove River Lofts) (an)
 - 5b. Hearing an application requesting a PUD, Planned Unit Development, Master Land Use Plan on Lot 1, Block 1, **Craigs Oak Grove Second Addition**. (Located at 515 Oak Street North) (Craig Development, LLC/Oak Grove River Lofts) (an)

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

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

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

- 6a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial on the proposed **Dakota Commerce Center Addition**. (Located at 4060, 4230, 4316, and 4416 37th Street North and 3701 40th Avenue North) (Hyde Development/Edena Rinke) (an)
- 6b. Hearing on an application requesting a Plat of **Dakota Commerce Center Addition** (Major Subdivision) a plat of portions of the Southeast Quarter of Section 15, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver. (Located at 4060, 4230, 4316, and 4416 37th Street North and 3701 40th Avenue North) (Hyde Development/Edena Rinke) (an)

E: Other Items:

- 1. Review of proposed annexation of a portion of Section 15, Township 140 North, Range 49 West. (an)
- 2. Nominating Committee.
- 3. Review of a proposed Renewal Plan and Tax Increment Financing (TIF) District No. 2021-02 for consistency with the GO2030 Comprehensive Plan. (jg)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, April 6, 2021

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, April 6, 2021.

The Planning Commissioners present or absent were as follows:

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

Absent: Mary Scherling, Maranda Tasa, Melissa Sobolik

Chair Gunkelman called the meeting to order.

Business Items

Item A: Approve Order of Agenda

Chair Gunkelman noted Item 1 has been withdrawn, Items 3a and 3b have been continued to May 4, 2021, and Item 4 has been continued to June 3, 2021.

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

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

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

Item C: April 21, 2021 Brown Bag Luncheon: CANCELLED

Item D: Public Hearing Items

Member Rosenberg present.

Item 1: Section 5, Township 138 North, Range 49 West

Continued hearing on an application requesting a Growth Plan Amendment on an unplatted portion of Section 5, Township 138 North, Range 49 West. (Located at 5702 52nd Avenue South) (Four Horsemen, LLC/Nate Vollmuth): WITHDRAWN

A Hearing had been set for November 3, 2020. At the November 3, 2020 meeting, the Hearing was continued to December 1, 2020. At the December 1, 2020 meeting, the Hearing was continued to January 5, 2021. At the January 5, 2021 meeting, the Hearing was continued to February 2, 2021. At the February 2, 2021 meeting, the Hearing was

continued to March 2, 2021. At the March 2, 2021 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

Item 2: Brewhalla Addition

Continued hearing an application requesting a Planned Unit Development Master Land Use Plan and Final Plan within the boundaries of the proposed Brewhalla Addition. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC): APPROVED

A Hearing had been set for February 2, 2021. At the February 2, 2021 meeting, the Hearing was continued to March 2, 2021. At the March 2, 2021 meeting, the Hearing was continued to this date and time.

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

Discussion was held on railroad proximity, and the reach of the whistle-free zone.

Fire Marshall Ryan Erickson spoke on behalf of the Fire Department.

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

Applicant Mark Bjornstad, Drekker Brewing, spoke on behalf of the application.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed PUD, Planned Unit Development Master Land Use Plan and to hereby approve the PUD, Planned Unit Development Final Plan, contingent on the City Commission approval of the Zoning Change and PUD, Planned Unit Development Master Land Use Plan as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0906.F(1-4) and Section 20-0908.B(7) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Schneider, Holtz, Stofferahn, Morgan, Rosenberg, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Scherling, and Tasa. The motion was declared carried.

Item 3: EOLA Addition

3a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay within the boundaries of the proposed EOLA Addition. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies): CONTINUED TO MAY 4, 2021

3b. Continued hearing on an application requesting a Planned Unit Development Master Land Use Plan within the boundaries of the proposed EOLA

Addition. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies): CONTINUED TO MAY 4, 2021

A Hearing had been set for March 2, 2021. At the March 2, 2021 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to May 4, 2021.

Item 4: Rowe's Addition

Continued hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to NO, Neighborhood Office on Lot 1, Block 1, Rowe's Addition. (Located at 619 University Drive South) (Bradley and Lisa Johnson): CONTINUED TO JUNE 3, 2021

A Hearing had been set for March 2, 2021. At the March 2, 2021 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to June 3, 2021.

Item 5: Peterson Addition

Hearing on an application requesting a Plat of Peterson Addition (Minor Subdivision) a replat of part of Lots 1-5, Block 2, Schultz & Lindsay's First Addition to the City of Fargo, Cass County, North Dakota. (Located at 302 29th Street North) (Michael D. Peterson): APPROVED

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Peterson Addition as outlined within the staff 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 Holtz. On call of the roll Members Stofferahn, Morgan, Schneider, Holtz, Rosenberg, and Gunkelman voted aye. Absent and not voting: Members Scherling, Tasa, and Sobolik. The motion was declared carried.

Item 6: Valley View Estates Second Addition

6a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and MR-2, Multi-Dwelling Residential with a C-O, Conditional Overlay to SR-4, Single-Dwelling Residential, SR-5, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and P/I, Public and Institutional within the proposed Valley View Estates Second Addition. (Located at 3604 through 3731 50th Street South) (K Square Developers, LLC): APPROVED

6b. Hearing on an application requesting a Plat of Valley View Estates Second Addition (Major Subdivision) a replat of Lots 31-50, Block 3, Lots 1-14, Block 7, and a vacation of a portion of 50th Street South, Valley View Estates Addition to the City of Fargo, Cass County, North Dakota. (Located at 3604 through 3731 50th Street South) (K Square Developers, LLC): APPROVED

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted a virtual neighborhood meeting was held on March 30, 2021.

Mr. Kress stated that although the project was advertised with a P/I, Public and Institutional, zoning district, this proposal does not contain any P/I, Public and Institutional area.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from SR-4, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and MR-2, Multi-Dwelling Residential with a C-O, Conditional Overlay to SR-4, Single-Dwelling Residential, SR-5, Single-Dwelling Residential, MR-1, Multi-Dwelling Residential, and 2) Subdivision Plat Valley View Estates Second Addition, including a vacation of Right-of-Way as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Growth Plan, the Standards of Article 20-06, and Section 20-0906.F(1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Rosenberg, Holtz, Morgan, Schneider, Stofferahn, and Gunkelman voted aye. Absent and not voting: Members Scherling, Tasa, and Sobolik. The motion was declared carried.

Item 7: Eagle Valley Fifth Addition

7a. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential and LC, Limited Commercial to LC, Limited Commercial with a C-O, Conditional Overlay, and SR-4, Single-Dwelling Residential on the proposed Eagle Valley Fifth Addition. (Located at 7401 and 7501 23rd Street South) (EagleRidge Development/76th Street Holdings): APPROVED

7b. Hearing on an application requesting a Plat of Eagle Valley Fifth Addition (Major Subdivision) a replat of Lots 1 and 2, Block 7, Eagle Valley Addition to the City of Fargo, Cass County, North Dakota including a vacation of Right-of-Way for 23rd Street South and a subdivision waiver for street alignment. (Located at 7401 and 7501 23rd Street South) (EagleRidge Development/76th Street Holdings): APPROVED

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

Discussion was held on the proximity of commercial zoning to residential zoning, allowable commercial uses, and neighborhood development.

Planning and Development Director Nicole Crutchfield stated the commercial area would provide support and resources for the neighborhood.

Discussion continued regarding the plan for the other corners of 25th Street and 76th Avenue, and the lack of multi-dwelling residential in the area.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from MR-2, Multi-Dwelling Residential, LC, Limited Commercial and to LC, Limited Commercial with a C-O, Conditional Overlay and SR-4, Single-Dwelling Residential, and 2) Subdivision Plat Eagle Valley Fifth Addition, including vacation of Right-of-Way and subdivision waiver for street alignment as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth Plan, the Standards of Article 20-06, Section 20-0906.F(1-4), and Section 20-0907.D.3(a-c) of the Land Development Code, and all other applicable requirements of the Land Development Code and of the North Dakota Century Code Chapter 40-39. Second by Member Morgan. On call of the roll Members Holtz, Rosenberg, Morgan, Stofferahn, Schneider, and Gunkelman voted aye. Absent and not voting: Members Sobolik, Tasa, and Scherling. The motion was declared carried.

Item 8: Reeves Addition

Hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lots 23-24, Block 18, Reeves Addition. (Located at 1405 1st Avenue North) (Craig Holdings, LLC): APPROVED

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

Applicant Jesse Craig spoke on behalf of the application.

Member Morgan moved the findings and recommendations of staff be accepted and the Conditional Use Permit be approved to allow residential living in the GC, General Commercial zoning district on Lots 23 and 24, Block 18, Reeves Addition as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code with the following conditions:

- 1) The maximum residential density shall be one dwelling unit.

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

Item 9: Booth Addition

Hearing on an application requesting a Plat of Booth Addition (Minor Subdivision) a replat of Lots 1-15, Block 25 and vacated 15 ½ Street North and vacated alley in Reeve's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1532 and 1534 1st Avenue North) (Booth Family Properties, LLC): APPROVED

Planner Kylie Bagley presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the proposed use of the property.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Booth Addition as outlined within the staff report, as the proposal complies with the Adopted Area Plan, 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 Holtz, Stofferahn, Morgan, Schneider, Rosenberg, and Gunkelman voted aye. Absent and not voting: Members Scherling, Tasa, and Sobolik. The motion was declared carried.

Item 10: Sigma Psi Housing Addition

Hearing on an application requesting a Plat of Sigma Psi Housing Addition (Minor Subdivision) a replat of a portion of Lots 1, 2, 7, and 8 and a portion of the vacated alley, Lane's Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 1261 University Drive North; 1206 and 1210 13th Avenue North) (Sigma Psi Housing, LLC): APPROVED

Ms. Bagley presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the Conditional Use Permit on the property, emergency service access, and the plan for the existing building.

Mr. Erickson spoke on behalf of the Fire Department.

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Sigma Psi Housing Addition as outlined within the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Morgan, Rosenberg, Stofferahn, Holtz, Schneider, and Gunkelman voted aye. Absent and not voting: Members Scherling, Tasa, and Sobolik. The motion was declared carried.

At 3:57 p.m, the Board took a seven-minute recess.

After recess: All Members present except Members Sobolik, Scherling, and Tasa. Chair Gunkelman presiding.

Item 11: Southview Villages Second Addition

Hearing on an application requesting a Plat of Southview Villages Second Addition (Major Subdivision) a replat of Lots 7-18, Block 6B, of a replat of Lots 12-21, Block 7, Lots 1-16, Block 6, and Lots 37-46, Block 6A, Southview Villages Addition and a vacation of a portion of 25th Street South Right-of-Way to the City of Fargo, Cass County, North Dakota. (Located at 1701, 1707, 1713, 1719, 1725,

1731, 1735, 1741, 1747, 1751, 1755, and 1761 Prairie Lane South) (John and Darla Dockter): APPROVED

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

Discussion was held on the history of the properties and the future plan for the fences.

Applicant Representative John Dockter spoke on behalf of the application.

Ms. Derrig spoke on behalf of the Engineering Department.

Planning and Development Assistant Director Mark Williams and Ms. Crutchfield noted this request is for a subdivision plat, and the fences located on the private property are not part of the application review.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Southview Villages Second Addition, including a vacation of Right-of-Way as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code, and of the North Dakota Century Code Chapter 40-39. Second by Member Schneider. On call of the roll Members Rosenberg, Holtz, Stofferahn, Morgan, Schneider, and Gunkelman voted aye. Absent and not voting: Members Scherling, Tasa, and Sobolik. The motion was declared carried.

Item 12: L. J. Laffen Addition

Hearing on an application requesting a Plat of L. J. Laffen Addition (Major Subdivision) a plat of a portion of the Northeast Quarter of Section 7, Township 139 North, Range 48 West to the City of Fargo, Cass County, North Dakota. (Located at 417 and 501 Main Avenue) (Lake Agassiz Regional Development Corp./City of Fargo): APPROVED

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

Matt Torgerson, JLG Architects, spoke on behalf of the application.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat L. J. Laffen Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Downtown InFocus Plan, 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 Schneider, Rosenberg, Holtz, Stofferahn, Morgan, and Gunkelman voted aye. Absent and not voting: Members Scherling, Tasa, and Sobolik. The motion was declared carried.

Item 13: Fargo Core Neighborhoods Master Plan

Hearing on a request for recommendation for approval of the Fargo Core Neighborhoods Master Plan: APPROVED

Mr. Nelson presented the staff report stating staff is recommending approval. He noted an email received after the publishing deadline was submitted to the Board, and provided an overview of the project and next steps.

Member Morgan moved to recommend that the City Commission approve and adopt the Fargo Core Neighborhoods Master Plan, for the purpose of guiding City policy in relation to the core neighborhoods. Second by Member Schneider. On call of the roll Members Schneider, Stofferahn, Holtz, Rosenberg, Morgan, and Gunkelman voted aye. Absent and not voting: Members Scherling, Sobolik, and Tasa. The motion was declared carried.

Item E: Other Items:

Item 1: Appeal of an Administrative Decision to Approve a Residential Protection Standard (RPS) waiver on the property located at 505 and 509 Oak Street North and 6 and 10 6th Avenue North (Craigs Oak Grove Second Addition): APPROVED

Ms. Squyer presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant Representative Austin Morris spoke on behalf of the application.

Member Rosenberg moved the findings and recommendations of staff be accepted the waiver for the Residential Protection Standards be approve as outlined within the staff report, and require the petitioner to meet the dimensional standards of the underlying DMU, Downtown Mixed-Use zoning district, which has no maximum height restriction. Second by Member Schneider. On call of the roll Members Rosenberg, Morgan, Holtz, Schneider, Stofferahn, and Gunkelman voted aye. Absent and not voting: Members Tasa, Scherling, and Sobolik. The motion was declared carried.

Item 2: Land Development Code Diagnostic – Presentation of the Preferred Approach and Work Plan

Mr. Nelson presented the final project update, history of the project, and reviewed the preferred approach and work plan. He noted the next step is presenting the Final Plan materials to the City Commission.

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

The time at adjournment was 4:42 p.m.

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Agenda Item Number

1a & 1b -- EOLA Addition

2 -- Schultz and Williams Addition

4 -- DK First Addition

5a & 5b -- Craigs Oak Grove Second Addition

6a & 6b -- Dakota Commerce Center Addition

E.1 -- Annexation of Section 15, Township 140 N, Range 49 W

Item 3 Continued

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Item #	1a & 1b
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City of Fargo Staff Report			
Title:	EOLA Addition	Date:	2/24/2021
		Update:	4/28/2021
Location:	2470 & 2500 45 th St S	Staff Contact:	Maegin Elshaug
Owner(s)/Applicant:	EOLA Landholdings, LLC & City of Fargo / Epic Companies	Engineer:	Mead & Hunt
Reason for Request:	Zoning Change (from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial to a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay); and a PUD Master Land Use Plan		
Status:	Planning Commission Public Hearing: May 4, 2021		

Existing	Proposed
Land Use: Vacant (previously sports complex)	Land Use: Mixed-use development
Zoning: GC with a C-O, Conditional Overlay	Zoning: GC with PUD
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service , aviation , surface transportation , and major entertainment events. Plus CUP for TSS structure (location further east of subject property)	Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service , aviation , surface transportation , and major entertainment events. Plus a PUD allowing Residential use
Maximum Density Allowed: 85% maximum building coverage	Maximum Density Allowed: building coverage unchanged

Proposal:
<p>Update 4/28/2021: At the March 2 Planning Commission meeting, the Commission voted to recommend approval of the major subdivision, EOLA Addition, including a waiver for reduced street Right of Way, to the City Commission. The Commission also recommended continuation of the Zoning change and Planned Unit Development Master Plan to the April 6 Planning Commission meeting. On April 6, the Planning Commission continued the item to the May 4 Planning Commission meeting. This staff report does not include the previously approved findings related to the major subdivision or waiver for street width.</p> <p>Since the March 2 meeting, the applicant has requested additional modifications for the development, which are noted in the PUD Overlay section below.</p> <p>Note: EOLA Addition and the area of the Zoning Change and PUD request is Lot 4, Block 1, Anderson Park Second Addition.</p>

The applicant is seeking approval of a 1) zoning change from GC, General Commercial with a C-O, Conditional Overlay (Ordinance 4904), to GC, General Commercial with a Planned Unit Development (PUD) Overlay and a request to repeal the C-O, Conditional Overlay; and 2) a PUD Master Land Use Plan. The subject property is located at 2470 and 2500 45th Street South and contains approximately 16.74 acres. The property located at 2470 45th Street South is owned by the City of Fargo and is the location of the 24th Avenue South dedication on the proposed EOLA Addition plat. The applicant intends to build a master-planned mixed-use development. The image below shows the area of the applications.

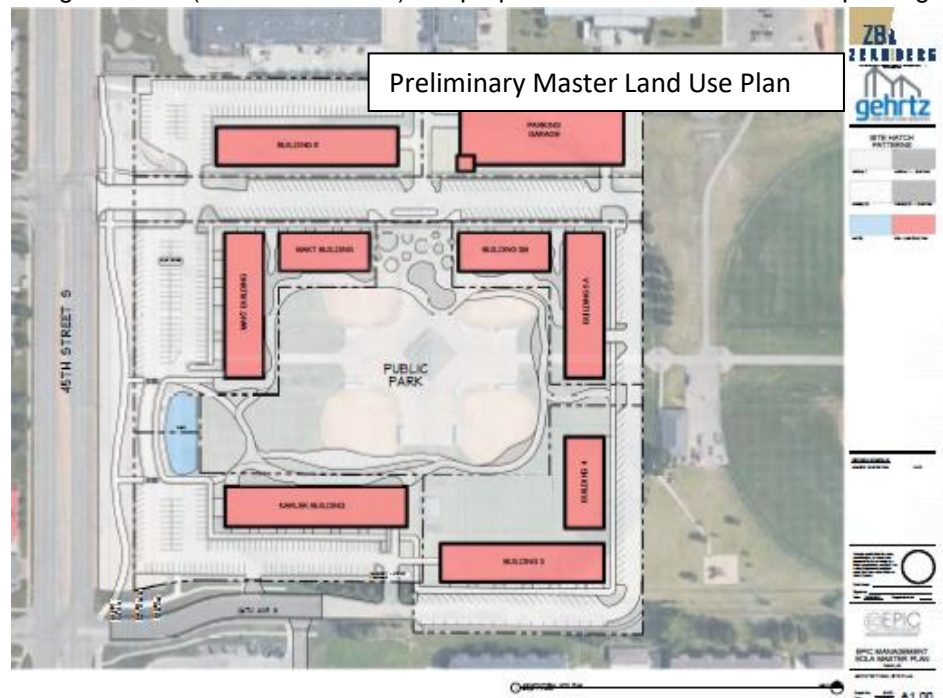


Project Summary

The applicant has applied for a major subdivision, zoning change and a PUD Overlay in order to tailor development standards to the specifics of the proposed project, the EOLA development, which is a new master-planned mixed-use development surrounding a 4-acre urban park. The proposed project is eight 7-story buildings with underground parking, 1-2 floors of commercial space, with combination of residential condominiums and apartments, with patio spaces that open up to the park. Buildings 3 and 4 (southeast corner) are proposed to be all residential. A parking garage is also proposed on the site; however, if the parking structure was not constructed, the applicant proposes a similar mixed-use structure as the others. The applicant notes that any outdoor dining is anticipated to be facing the public park and not along adjacent right-of-way. The applicant states that the development will be a walkable community that has trails connecting to the park, and coordinated events with surrounding community organizations to naturally coexist with the surrounding amenities.

PUD Master Land Use Plan

The image to the right is a preliminary Master Land Use Plan submitted by the applicant. The applicant proposes six



mixed-use and two residential (southeast corner), 7-story buildings, parking structure and large public park. If the parking structure was not constructed, the applicant proposes a similar mixed-use structure as the other eight. The Master Land Use Plan shows the building envelope of the structures, parking and circulation, and open space. Note that if the zoning change and the Master Land Use Plan are approved by the City Commission, the Planning Commission will review the Final Plans for the PUD at some point in the future.

PUD Overlay

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The proposed PUD overlay is intended to modify the following specific GC zoning standards:

- Allow residential use;
- Establish maximum residential density of 70 units per acre;
- Increase building height within proximity of residentially zoned property and establish building height maximum on property to 85 feet;
- Reduce front, street side, and rear setbacks to 10 feet;
- Establish a minimum of 20% open space;
- Waive requirement for parking lot buffer;
- Increase maximum perennial open space plant units to 40% of requirement;
- Reduce open space plant unit front and street side placement to 25%;
- Modify the minimum off-street parking requirements for a mixed-use development.

The applicant is also requesting to meet all required open space plant units collectively in the development, and requesting to remove the square footage of active recreation from the overall calculation for plant unit requirements. In addition, at the final phase of the development, all required open space plant units will be verified. Landscaping will increase with review of phased Final Plans. Landscape plans will be submitted with each Final Plan for internal review.

In lieu of a parking lot buffer, the applicant is working on a proposal for plantings within the boulevard of 45th Street South, similar to the plantings to the south along 45th Street South. In addition to the modifications noted, the PUD overlay would also establish additional standards for the development, which is largely consistent with the C-O, Conditional Overlay. The draft ordinance for the PUD, including design standards are attached.

Parking

The applicant has prepared a parking needs analysis, which was reviewed by the city's traffic engineer. Based on the report, the traffic engineer concurred with the findings, which support a reduction in parking for the site. The study proposes to provide 1.16 parking spaces per residential unit, and for commercial uses of retail, office, and restaurant (sit down and fast casual), to provide 4.35 per 1,000 square feet of commercial. To simplify, staff suggests using a ratio of 1 parking space per 230 gross square feet for the noted commercial uses. All other parking requirements will be per the Land Development Code.

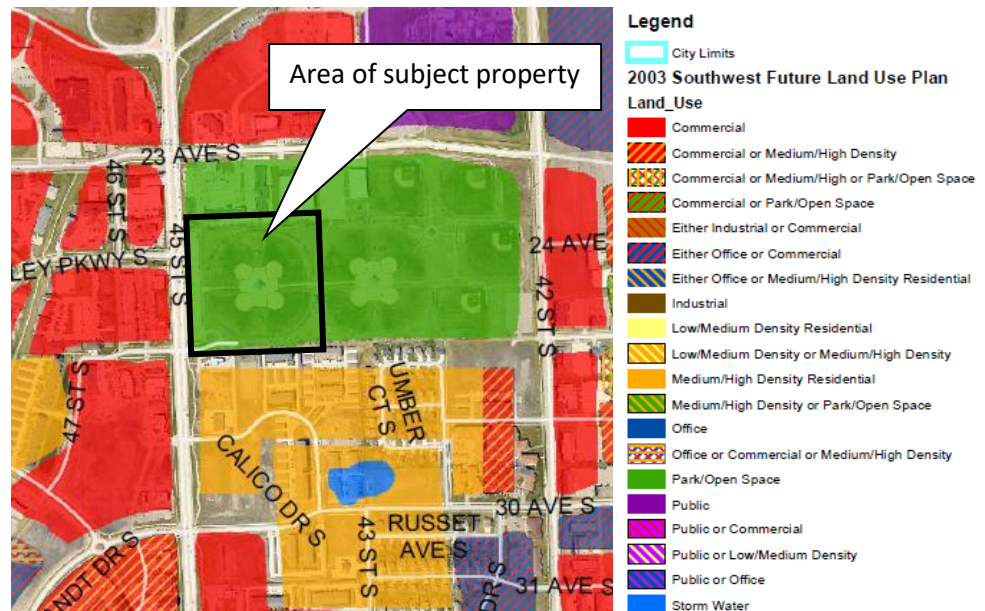
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report. The applicant will also need to submit for a building permit, where all review departments will review the plans for compliance with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

Surrounding Land Uses and Zoning Districts:

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

Area Plans:

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



Context:

Neighborhood: Anderson

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

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

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

Staff Analysis:

Findings for the subdivision and waiver for street width have been removed, as the Planning Commission took action on these items on March 2, 2021.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The PUD zoning is an overlay with an underlying zoning district of GC, General Commercial. The proposed PUD Overlay zoning district is intended to accommodate the development of this property and specifically identify the proposed development with a specific master land use plan that is to be reviewed concurrently with the zoning change request. **(Criteria Satisfied)**

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

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

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan, Go2030, specifically:

- Sustainable Retail Mixed Use Centers - Noted to have the potential to incorporate more residential density and retail space, with walkability improvements, and public art to become a destination for shopping and entertainment.
- Public Gathering Spaces - Develop dedicated public gathering spaces in neighborhood centers.
- Infill—Develop policies to promote infill and density within areas that are already developed and are protected by a flood resiliency strategy. Control sprawl and focus on areas outside of the floodplain.
- Design Standards—Continue to follow design guidelines for Growth Areas for infill and residential development. Improve quality new housing by fostering strong relationship with the development and building community to promote dense, walkable communities with neighborhood centers.
- Quality New Development—Require new development to meet site design standards that result in well-designed new neighborhoods.
- Parking- Pursue creative parking strategies to fund and activate parking structures, explore reducing minimum parking standards, and share parking between daytime and nighttime uses.

Staff finds that the proposed development is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Master Land Use Plan

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

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

The plan represents an improvement over what could have been accomplished through strict application of the base GC zoning district. This PUD is intended to promote a mixed-use development pattern by providing flexibility in terms of residential use and density, parking requirements, setbacks and landscaping requirements while establishing design standards, in order to provide a master-planned large-scale development with residential use. **(Criteria Satisfied)**

2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;
All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the

ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way, which provide access and public utilities to serve the property. **(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan, including initiatives of *sustainable mixed use center, public gathering spaces, infill, design standards, quality new development, and parking*. The City's Go2030 Comprehensive Plan supports development within areas that are already serviced with utilities. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**

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

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a mixed-use development that will allow for a variety of uses within an area of the City that already has access to City services. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed 1) zoning change from GC, General Commercial with C-O, Conditional Overlay to GC, General Commercial with a Planned Unit Development and repeal the C-O, Conditional Overlay, and 2) PUD Master Land Use Plan, as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F(1-4), and Section 20-0908.B(7) of the LDC, and all other applicable requirements of the LDC

Planning Commission Recommendation: May 4, 2021

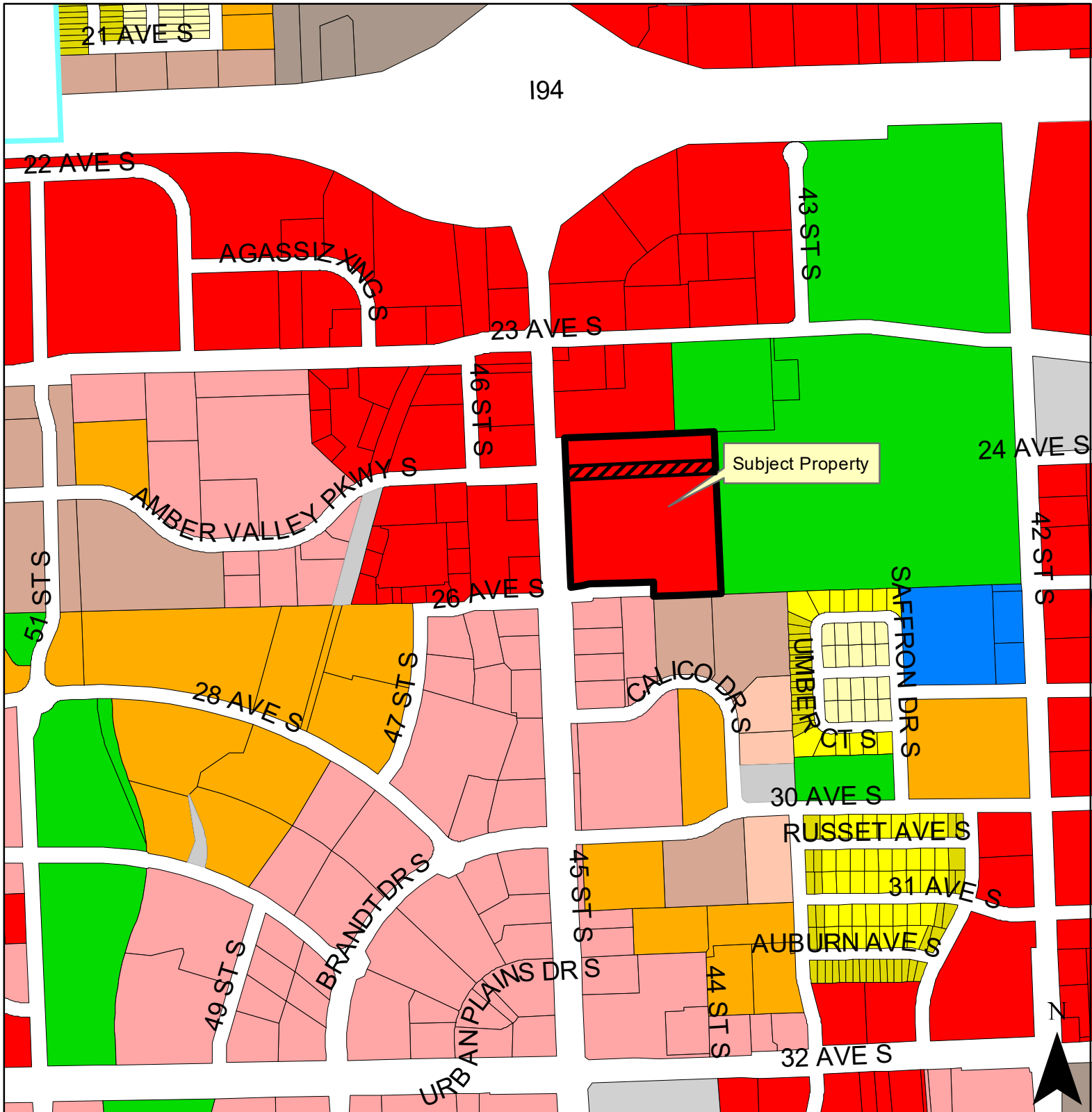
Attachments:

1. Zoning Map
2. Location Map
3. Project narrative from applicant
4. PUD Master Land Use Plan
5. Project plans and renderings from applicant
6. Draft PUD Ordinance

Zone Change (GC with a C-O to GC with a Planned Unit Development [PUD] Overlay, repealing the C-O) and PUD Master Land Use Plan

EOLA Addition

2500 & 2470 45th St S



**Zone Change (GC with a C-O to GC with a
Planned Unit Development [PUD] Overlay, repealing the C-O)
and PUD Master Land Use Plan**

EOLA Addition

2500 & 2470 45th St S





January 14, 2021

EOLA Development at Anderson Fields

PUD required application materials:

1. Project Narrative:

- a. The EOLA development at the former Anderson Fields site on 45th Street in South Fargo will be a master-planned mixed-use development that surrounds a 4-acre urban park. The buildings shown on the site plan are anticipated to be 7-stories in height, with underground parking, patio space that opens up to the park, 1-2 levels of commercial space, then a mix of residential condos and apartments on the upper levels. EOLA is Greek for the word 'violet'. The seven rays of light that make up the violet color will be transformed into the representation of seven countries, familiar with the ancestry of the region. EOLA will be a walkable community that has trails connecting to the park and will have coordinated events with surrounding community organizations to naturally coexist with the baseball fields, Southwest Arena and the Red River Zoo.

SITE HATCH PATTERNS

ASPHALT

ASPHALT - EXISTING

CONCRETE

CONCRETE - EXISTING

WATER

NEW CONSTRUCTION

REVISION SCHEDULE		DATE
NUMBER	DESCRIPTION	

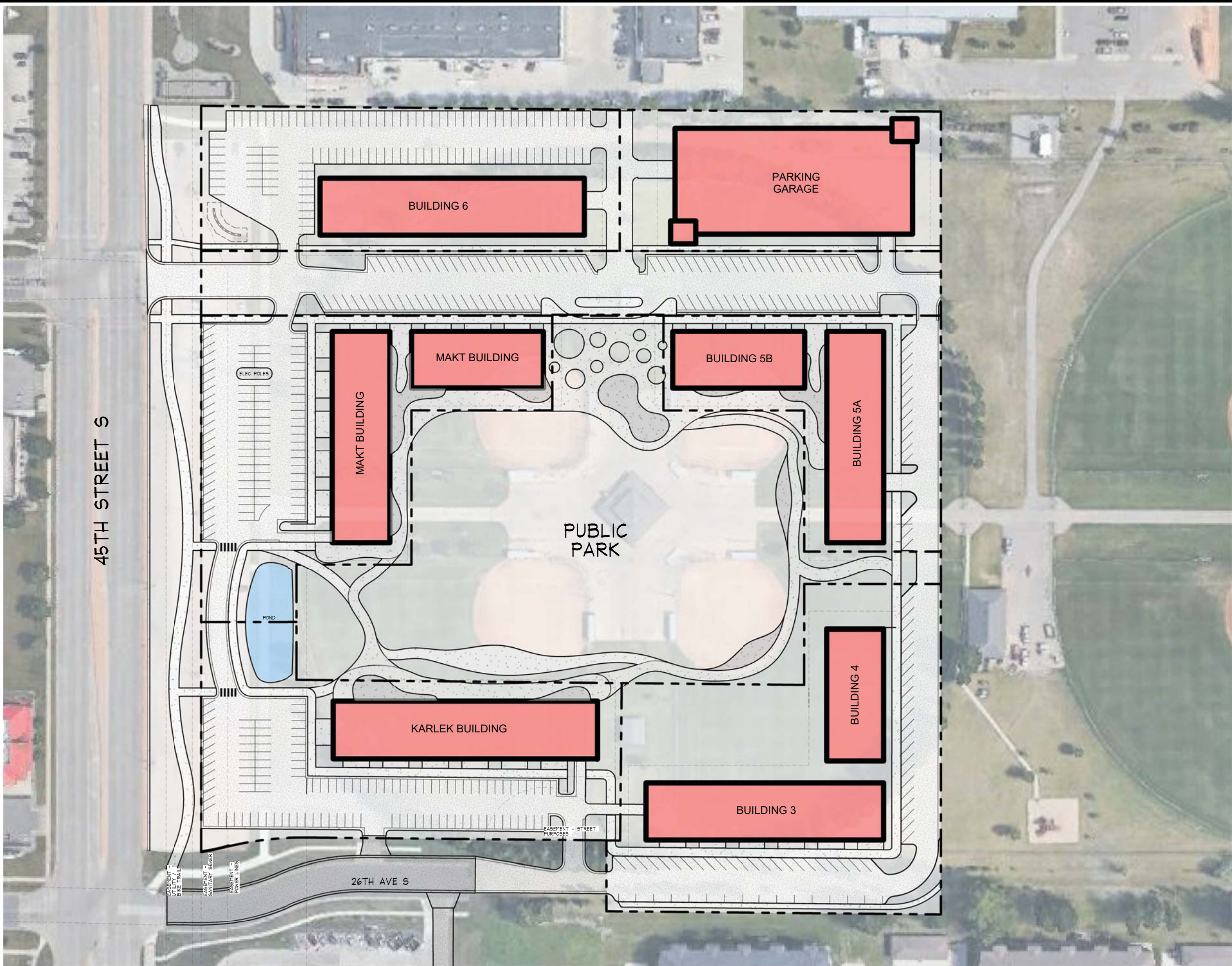
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Print Name: _____

Signature: _____

Date: 02/15/2021

Registration No. _____





Rendering from applicant – view to north-northeast



Rendering from applicant – view to northwest

EXTERIOR ELEV KEY

- 4"x4" FACE BRICK, VENEER, HALF BOND CORNER BY 4"
- PREFINISHED FIBER CONCRETE PANEL BY TE
- PREFINISHED ACH 1 PANEL SYSTEM BY TE
- PREFINISHED ACH 2 PANEL SYSTEM BY TE
- PREFINISHED ACH 3 PANEL SYSTEM BY TE
- PREFINISHED ACH 4 PANEL SYSTEM BY TE
- CONTROL JOINT
- PANEL JOINT

REVISION SCHEDULE

NUMBER DESCRIPTION DATE

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Print Name: Anthony M. Wiegman
Signature: [Signature]
Date: 03/10/2021 Registration No.: 2140

EPIC
COMPANIES
Management • Investment • Development

EPIC MANAGEMENT
EOLA - MAKT
FARGO, ND

EXTERIOR ELEVATIONS

Project: 20.045
Date: 03/10/2021

A4.00



① MAKT APTS. - EAST ELEVATION
SCALE: 1/8" = 1'-0"



② MAKT APTS. - WEST ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR ELEV KEY

- 4 1/4" X 1" FACEBRICK, VENEER, HALF BOND COURSE BY 4"
- PREFINISHED FIBER CONCRETE PANEL BY TE
- PREFINISHED ACH 1 PANEL SYSTEM BY TE
- PREFINISHED ACH 2 PANEL SYSTEM BY TE
- PREFINISHED ACH 3 PANEL SYSTEM BY TE
- PREFINISHED ACH 4 PANEL SYSTEM BY TE
- CONTROL JOINT
- PANEL JOINT

REVISION SCHEDULE

NUMBER	DESCRIPTION	DATE
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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Print Name: Anthony M. WGB
Signature:
Date: 03/10/2021 Registration No.: 2140

Management • Investment • Development

EPIC MANAGEMENT
EOLA - MAKT
FARGO, ND

EXTERIOR ELEVATIONS

Project 20.045

Date 03/10/2021



2 MAKT APTS - SOUTH ELEVATION

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



1 MAKT APTS - NORTH ELEVATION

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



③ MAKT CONDOS - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



② MAKT CONDOS - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



④ MAKT CONDOS - WEST ELEVATION
SCALE: 1/8" = 1'-0"



① MAKT CONDOS - EAST ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR ELEV KEY

- 4" x 4" FACEBRICK, VENER, HALF BOND CORNER BY 4"
- PREFINISHED FIBER CEMENT PANEL BY TE
- PREFINISHED ACH 1 PANEL SYSTEM BY TE
- PREFINISHED ACH 2 PANEL SYSTEM BY TE
- PREFINISHED ACH 3 PANEL SYSTEM BY TE
- PREFINISHED ACH 4 PANEL SYSTEM BY TE
- CL CONTROL JOINT
- EL PANEL JOINT

REVISION SCHEDULE

NUMBER DESCRIPTION DATE

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Carolina.

Print Name: Anthony M. WGB
Signature: [Signature]
Date: 03/10/2021 Registration No.: 2140

EPIC
COMPANIES
Management • Investment • Development

EPIC MANAGEMENT
EOLA - MAKT
FARGO, ND

EXTERIOR ELEVATIONS

EOLA Draft Ordinance

Allowed Uses: In addition to uses allowed within the GC, General Commercial zoning district, Residential Use shall also be allowed.

Residential Density: The maximum residential density allowed shall be 70 units per acre.

Parking: The following parking requirements will be used for the development:

- 1.16 spaces per residential unit.
- 1 space per 230 square feet for commercial uses of retail, office, and restaurant.
- All other uses will be per the Land Development Code.
- Parking can be located anywhere in the development.

Setback: Reduce Front, Street side, and Rear setback to 10 feet.

Landscaping:

- Waive parking lot buffer requirement.
- Increase maximum perennial open space plant units to 40% of requirement.
- Reduce open space plant unit front and street side placement to 25%.
- Open space plant units may be located collectively within the development.
- For purposes of determining open space plant units, active recreation area square footages will be excluded from calculations.
- At the final phase of the development, all required open space plant units will be verified. Landscaping will increase with review of phased PUD Final Plans. Landscape plans will be submitted with each Final Plan for internal review.

Height: Increase building height within proximity of residentially zoned property and establish building height maximum of 85 feet.

Open Space: Minimum of 20% open space for the development.

Additional Standards:

1. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; or glass. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.
2. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
3. All building facades greater than 150 feet in length, measured horizontally, shall incorporate a varied material palette. The varied material palette shall be configured whereas the primary material and color shall not exceed 50% of the building façade, the secondary material and color shall not exceed 30% of the building façade, tertiary material and color shall not exceed 20% of the building façade, and any other materials and/or colors shall not exceed the percentage of the tertiary material. Material square footage shall be inclusive of all glazing and door openings as well as deck projections

4. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the façade facing the street is not the front it shall include the same features and/or landscaping in scale with the façade.
5. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.
6. Loading facilities shall not be located at the front of structures where it is difficult to adequately screen them from view. All loading and service areas shall be screened from the view of adjacent public streets and public parks through a structure and/or landscaping.
7. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.
8. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. The primary entrance or entrances to each commercial building, including pad site buildings.
 - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
 - c. Parking areas or structures that serve each primary building.
 - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
 - e. Any public sidewalk system along the perimeter streets adjacent to the development.
 - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, office buildings.
9. The following uses are prohibited:
 - a. Detention facilities
 - b. Adult entertainment center
 - c. Off-premise advertising signs
 - d. Portable signs
 - e. Vehicle repair
 - f. Industrial service
 - g. Manufacturing and production
 - h. Warehouse and freight movement
 - i. Aviation/surface transportation

City of Fargo Staff Report			
Title:	Schultz and Williams Addition	Date:	4/28/2021
Location:	3241 University Drive South	Staff Contact:	Donald Kress, planning coordinator
Legal Description	Portions of Lots 5 and 6, Block 1, Schultz and Williams Addition		
Owner(s)/Applicant:	TAG, LLC (sale pending) / Terri Zimmerman—Packet Digital	Engineer:	None
Entitlements Requested:	Conditional Use Permit (to allow manufacturing and production uses in the GC, General Commercial zone)		
Status:	Planning Commission Public Hearing: May 4, 2021		

Existing	Proposed
Land Use: Commercial	Land Use: Manufacturing and production
Zoning: GC, General Commercial	Zoning: GC, General Commercial
Uses Allowed: 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 storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	Uses Allowed: The Conditional Use Permit would allow manufacturing and production uses in the GC, General Commercial zone, in addition to the other permitted uses in the GC zone.
Maximum Lot Coverage: 85%	Maximum Lot Coverage: 85%

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A conditional use permit (CUP) to allow manufacturing and production uses in the GC, General Commercial zone <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: GC, with commercial uses • East: LC, Limited Commercial, with commercial uses • South: GC, with commercial uses • West: GC, with commercial uses
Area Plans:
<p>The subject property is not located within an area covered by a future land use plan.</p> <p>(continued on next page)</p>

Context:

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

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

Parks: Lemke Park (1000 32nd Avenue South) is located approximately one-quarter mile northeast of the subject property and provides amenities of outdoor skating and hockey rink, a warming house, picnic tables, an indoor shelter space available for rent in the summer, a playground and recreational trail, as well as wildlife viewing.

Pedestrian / Bicycle: There is an off-road multi use trail located east across South University Drive from the subject property that is part of the metro area trail system.

Staff Analysis:EXISTING CONDITIONS

The existing building is a former media production studio. The building includes a large studio space as well as offices.

PROPOSED USE

The applicant's business, Packet Digital, involves assembly of electronic components. This use is classified by the Land Development Code (LDC) as manufacturing and production, for which a conditional use permit is required in the GC, General Commercial zone.

Staff notes that the CUP relates to allowing certain uses. The CUP is not a building permit. The tenant will have to go through the change of use permit process, with a building permit for tenant improvement, with the Inspections Department prior to opening their business. These permits are administrative, and so do not come before the Planning Commission. Planning staff has discussed this point with the tenant.

RESIDENTIAL PROTECTION STANDARDS and USE STANDARDS FOR INDUSTRIAL USES IN GENERAL COMMERCIAL ZONING

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

LDC Sec. 20-0402 (R), Use Standards for Industrial Uses in General Commercial Zoning, applies the residential protection standards for landscape buffers to any side of the development within 600 feet of residential zoning districts (SR, MR, and MHP) and within 600 feet of vacant land illustrated as "residential" on a Growth Plan. As this proposed use does not have any exterior storage or operations, nor does it create external impacts of noise, smoke, vibration, or traffic, staff finds that no additional landscaping buffer is required for this use at this time. However, future expansion or development of new industrial uses on this site may require residential protection buffer described in 20-0402(R), as noted in the recommended conditions below. Compliance with Sec. 20-0402(R) is evaluated during the building permit review process.

LDC Section 20-0402 (R) also requires that a facility having industrial uses must be located greater than 300 feet from the property line of any residentially zoned property. This facility meets that requirement.

(continued on next page)

RECOMMENDED CONDITIONS

Planning staff has developed standard conditions for industrial uses in the GC zone. Staff recommends these conditions, stated below, as part of this CUP. Additionally, all applicable sections of the LDC apply to industrial uses in the GC, and so do not need to be specified in the recommended conditions.

Recommended Conditions:

1. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
2. No outdoor storage of equipment or supplies.
3. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have and maintain an all-weather surface, as defined by the LDC.
4. The manufacturing, production, or processing of food and/or animal products shall not be permitted.
5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
6. Any expansion of the manufacturing and production use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
7. The Conditional Use Permit shall terminate if the manufacturing and production use cease for a period of more than 12 consecutive months.

APPROVAL AND APPEAL

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

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow an electronic component assembly business. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.
(Criteria Satisfied)
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. Staff is proposing conditions which would address potential negative impacts of the proposed use but that also allow the public to utilize the convenience of this business.
(Criteria Satisfied)

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

Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received no protest regarding the proposed use. Staff has received and responded to two inquiries about the project.

(Criteria Satisfied)

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

The proposed conditional use permit to allow manufacturing and production should not dominate the immediate neighborhood or prevent any other sites from being used. There are no external impacts of noise, smoke, vibration, or traffic. Based on this information, staff finds that the proposed conditional use permit meets this criterion.

(Criteria Satisfied)

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

The subject properties are located within an area of the City that is largely developed with public infrastructure. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

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

The subject property has vehicular access to South University Drive and is developed with two entrances. The proposed business does not have high traffic or frequent large deliveries. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the conditional use permit to allow manufacturing the production uses in the GC, General Commercial zone, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0909.D (1-6) of the LDC, and all other applicable requirements of the LDC, with the following conditions for the CUP:

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

including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.

2. No outdoor storage of equipment or supplies.
3. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have and maintain an all-weather surface, as defined by the LDC.
4. The manufacturing, production, or processing of food and/or animal products shall not be permitted.
5. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
6. Any expansion of the manufacturing and production use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
7. The Conditional Use Permit shall terminate if the manufacturing and production use cease for a period of more than 12 consecutive months.

Planning Commission Recommendation: May 4, 2021

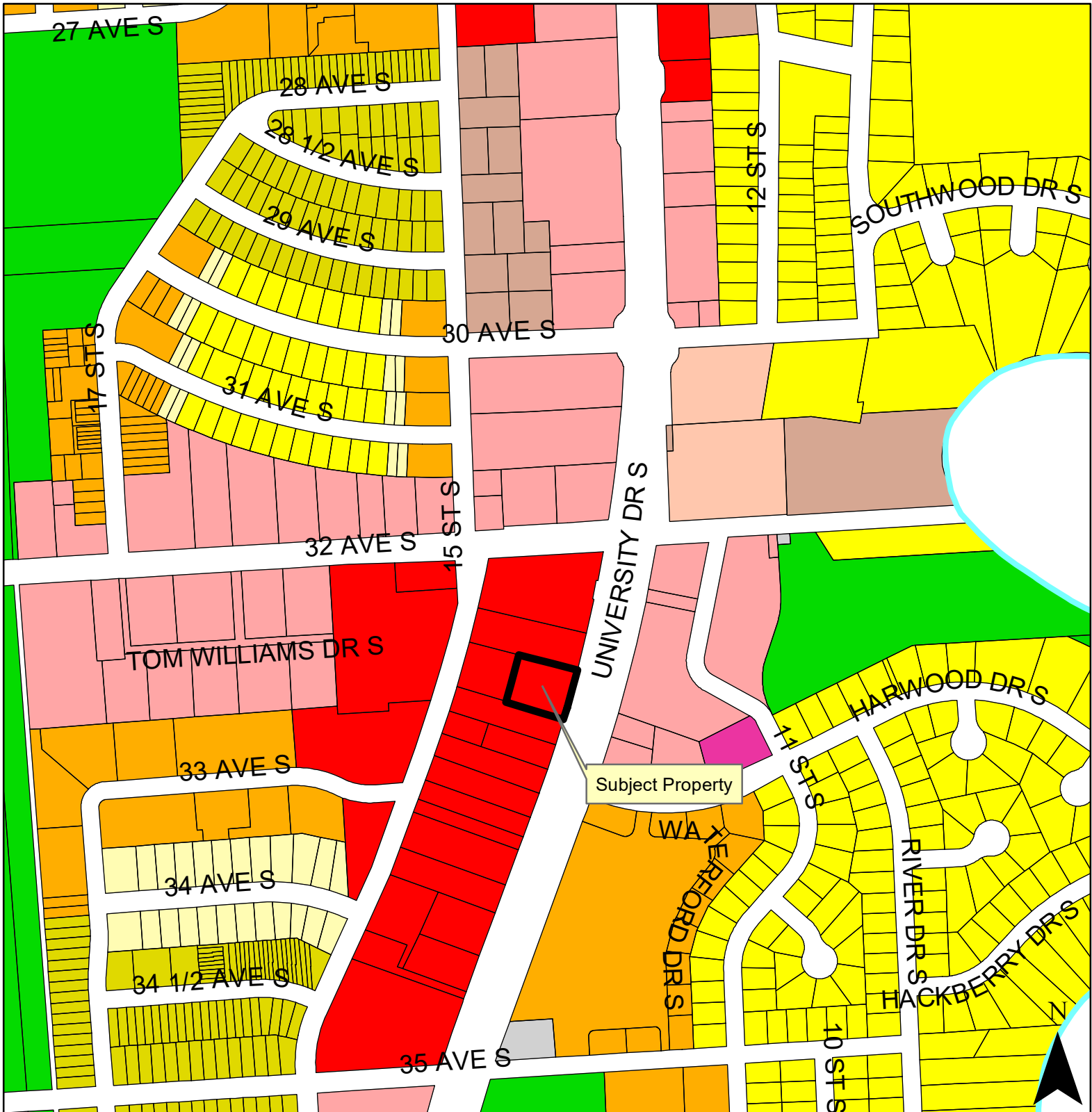
Attachments:

1. Zoning Map
2. Location Map

Conditional Use Permit

Schultz & Williams Addition

3241 University Dr S



Legend

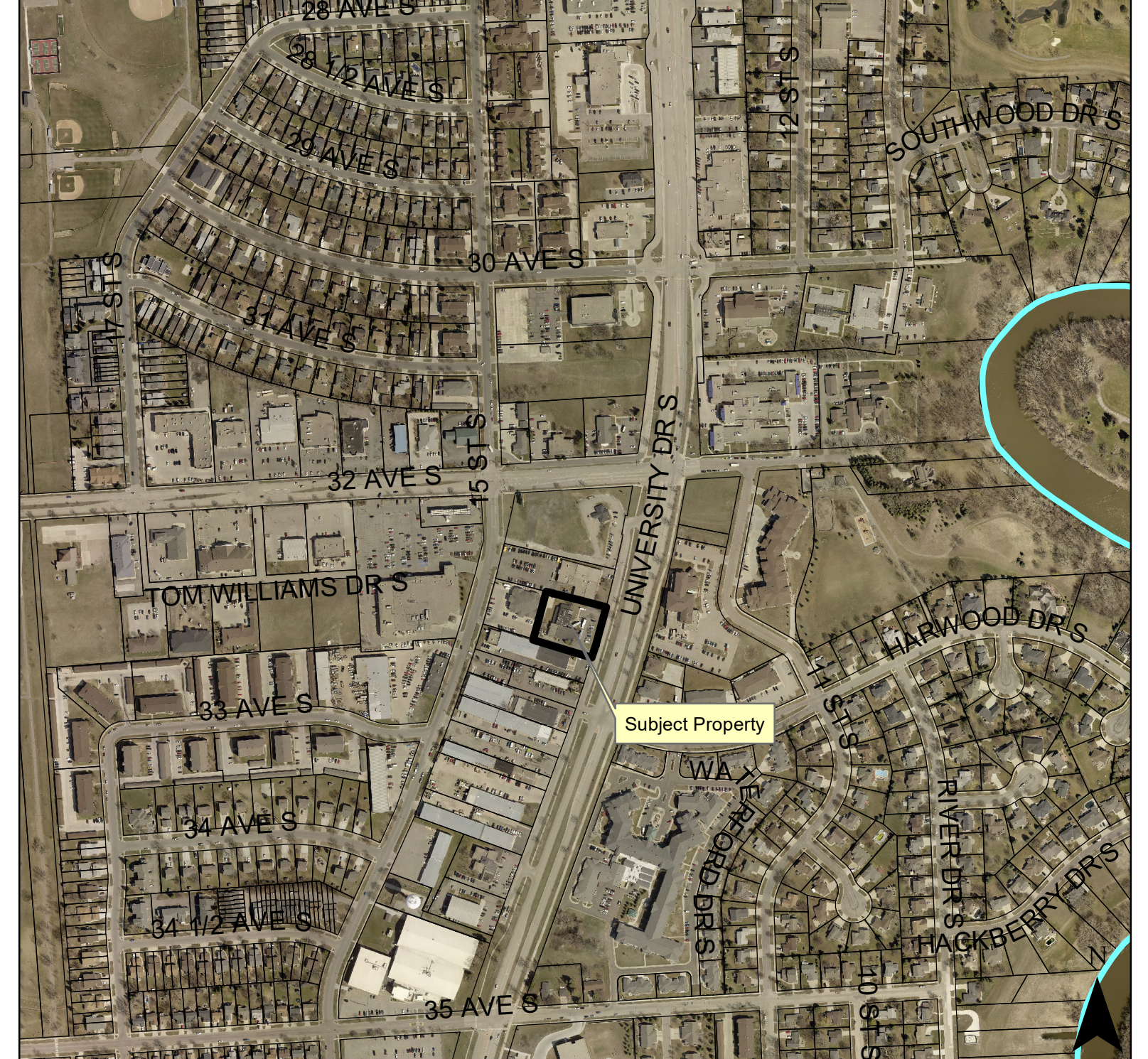
AG	LC	MHP	SR-2
DMU	MR-1	NC	SR-3
GC	MR-2	NO	SR-4
GL	MR-3	P/I	SR-5
GO		UML	City Limits

500

Feet

Fargo Planning Commission

May 4, 2021



**City of Fargo
Staff Report**

Title:	DK First Addition	Date:	4/27/2021
Location:	3521 39 th Street South	Staff Contact:	Maggie Squyer; Karin Flom
Legal Description:	Lot 10, Block 1 DK First Addition		
Owner(s)/Applicant:	Jack and Ashley Lelwica	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for an Alternative Access Plan		
Status:	Planning Commission Public Hearing: May 4, 2021		

Existing	Proposed
Land Use: Retail Sales and Service	Land Use: Unchanged
Zoning: LI, Limited Industrial	Zoning: Unchanged
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, 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 and limited telecommunications facilities.	Uses Allowed: Unchanged
Maximum Lot Coverage Allowed: 85% building coverage	Maximum Lot Coverage Allowed: Unchanged

Proposal:

The applicants, Jack and Ashley Lelwica, are requesting a Conditional Use Permit for an Alternative Access Plan to reduce the required parking on site. The facility is a dog kennel, a retail sales and service use. The Land Development Code requires general retail sales and service uses to provide 1 parking stall per 250 square feet of floor area. The facility is currently 4,980 square feet and is looking to add an expansion of 2,975 – 3,500 square feet. Without a parking reduction in place the applicant would be required to provide a total of 32-34 parking stalls.

The applicant is requesting to use the day care parking ratio, which requires 1 stall per 500 square feet of floor area. The proposed expansion would require a total of 16-17 stalls using this ratio. The dog kennel operates similarly to a child daycare center with customers picking up or dropping off animals. The facility currently has an average of five employees on site and five customers at a time. After the expansion, the applicant anticipates up to seven employees and six customers at a time.

The City of Fargo's Traffic Engineer did not require a parking study for this application and agreed the day care parking ratio is sufficient.

There is an existing administrative Alternative Access Plan for a Small Facility on the subject property. This existing plan requires 15 parking stalls with the condition that any expansion of the square footage of retail sales and service use would require reevaluation of the parking reduction. This Conditional Use Permit for an Alternative Access Plan would replace this administrative Alternative Access Plan.

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

Surrounding Land Uses and Zoning Districts:

- North: LI, Limited Industrial, with retail and commercial uses.
- East: Across 39th St S LI, Limited Industrial, with a truck repair shop.
- South: LI, Limited Industrial, with warehouse uses.
- West: LI, Limited Industrial, with warehouse uses.

Context:

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

Parks: Pointe West Park (3331 42nd Street SW) is located approximately 0.5 miles northwest of the subject property. Pointe West Park provides a playground and soccer amenities.

Pedestrian / Bicycle: An off road shared use path is located two blocks to the west along 42nd Street South which connects to the metro area trail system.

Staff Analysis:

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.

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

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

- 1. Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Promoting infill development and exploring reductions in minimum parking standards are both key initiatives meant to promote the Plan's guiding principles. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City.
(Criteria Satisfied)
- 2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff finds that this proposed conditional use permit to allow for a parking reduction at this location will not affect the welfare of the public.
(Criteria Satisfied)
- 3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received 1 inquiry about the project and no letters of opposition.
(Criteria Satisfied)
- 4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the**

development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.

The proposed alternative access plan for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant ensure off-street parking stalls will be available to citizens frequenting the property.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

The Engineering Department determined that the proposed ratio of 1 stall per 500 square feet would meet the facility's parking needs based on information provided by the applicant.

(Criteria Satisfied)

Recommended Conditions:

1. A minimum of 1 stall per 500 square feet of dog kennel area shall be provided on site
2. The Conditional Use Permit will cease if the land use changes from a dog kennel for a period of more than 12 consecutive months

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow an alternative access plan for a parking reduction as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. A minimum of 1 stall per 500 square feet of dog kennel area shall be provided on site
2. The Conditional Use Permit will cease if the land use changes from a dog kennel for a period of more than 12 consecutive months

Planning Commission Recommendation: May 4, 2021

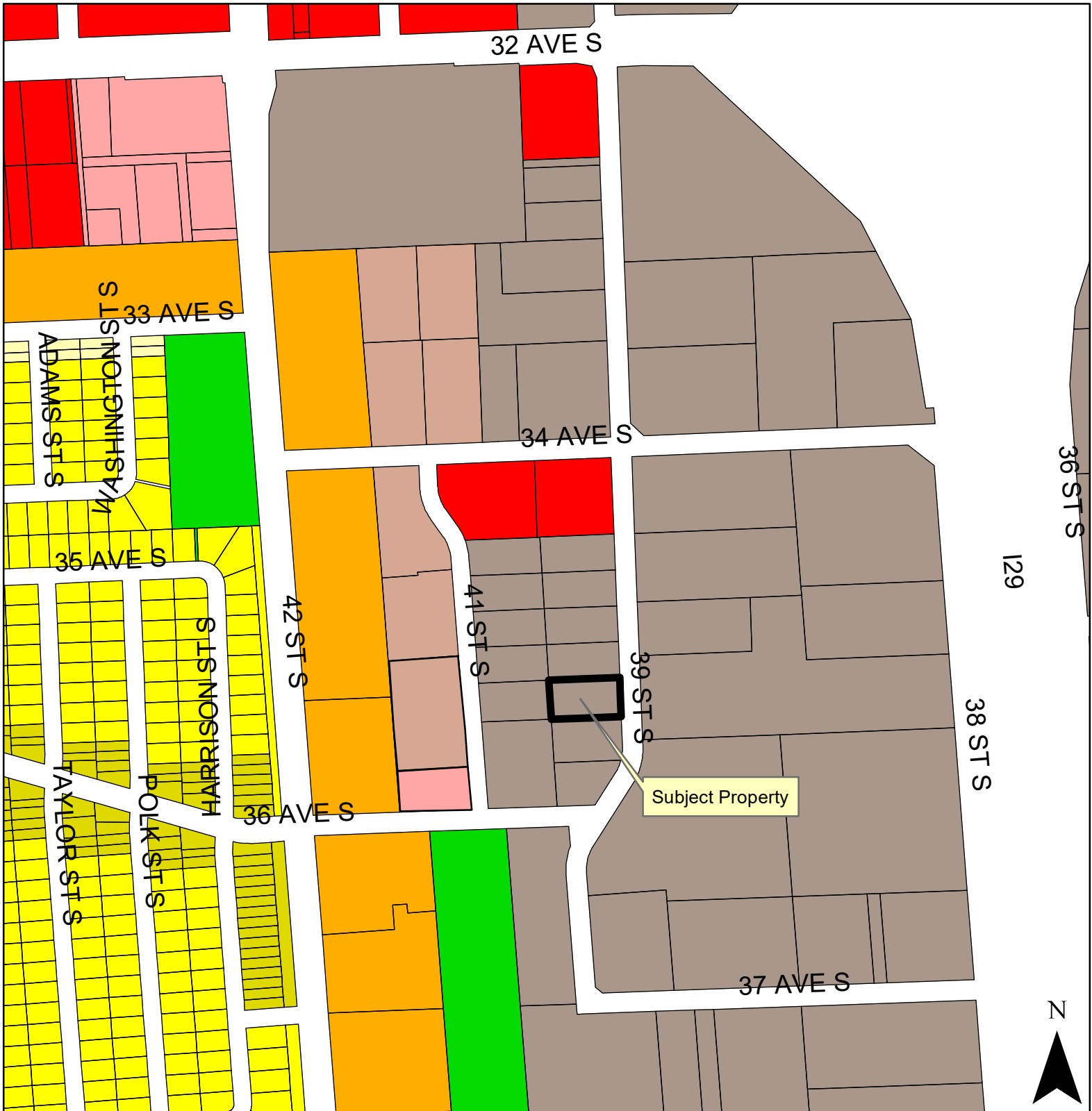
Attachments:

1. Zoning Map
2. Location Map

Conditional Use Permit

DK First Addition

3521 39th St S



Legend

AG	DMU	GC	GI	GO	LC	MR-1	MR-2	MR-3	MHP	NC	NO	P/U	UML	SR-2	SR-3	SR-4	SR-5	City Limits
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500

Feet

Fargo Planning Commission

May 4, 2021

Conditional Use Permit

DK First Addition

3521 39th St S



City of Fargo Staff Report			
Title:	Craigs Oak Grove 2 nd Addition	Date:	4/27/2021
Location:	515 Oak Street N	Staff Contact:	Aaron Nelson
Legal Description:	Lot 1, Block 1, Craigs Oak Grove Second Addition		
Owner(s)/Applicant:	Craig Development, LLC/Oak Grove River Lofts	Engineer:	N/A
Entitlements Requested:	Zoning Change (from MR-2, Multi-Dwelling Residential, to MR-2, Multi-Dwelling Residential, with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan		
Status:	Planning Commission Public Hearing: May 4, 2021		

Existing	Proposed
Land Use: Vacant	Land Use: Household Living (Multi-Dwelling Housing)
Zoning: MR-2, Multi-Dwelling Residential	Zoning: MR-2, Multi-Dwelling Residential, with PUD, Planned Unit Development, Overlay
Uses Allowed: MR-2 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: No Change
Maximum Density Allowed: MR-2 allows a maximum of 20 dwelling units per acre	Maximum Density Allowed: Proposed PUD would allow a maximum of 35 dwelling units per acre.

Proposal:
<p>***Note: Based on direction from staff, the applicant has requested that this application for PUD (Planned Unit Development) be withdrawn. In lieu of this PUD, the applicant intends to bring forward a request for zoning map amendment at a future meeting of the Planning Commission, in order to rezone the subject property from MR-2 (Multi-Dwelling Residential) to DMU (Downtown Mixed-Use) with a C-O (Conditional Overlay). The applicant's request to rezone to DMU with a C-O will be treated as a new application, which would be heard by the Planning Commission no earlier than the June 3 meeting of the Planning Commission (in other words, this rezone request is not up for consideration by the Planning Commission at the May 4 meeting).</p> <p>Staff requested that the applicant withdraw the PUD application and to, instead, pursue a rezone to DMU with a C-O because staff feels that the applicant's proposed development better aligns with the intent of the DMU zoning district than it does with the existing MR-2 zoning district. Additionally, the establishment of a C-O (Conditional Overlay) zoning district would be used to restrict development to align with the applicant's specific development proposal. While the applicant is withdrawing this PUD application in order to pursue a zone change in the near future, the applicant's proposed development (described within this staff report) will remain the same.</p> <p>At the May 4 Planning Commission meeting, staff will provide an overview of the proposed project and additional background information regarding the withdrawal of the PUD application. No formal action is being requested of the Planning Commission at the May 4 meeting. However, staff suggests holding the scheduled public hearing prior to declaring the PUD application withdrawn by the applicant, in order to hear any comments relating to the applicant's proposed development. Because the applicant has requested to withdraw this application, no findings have been included within the Staff Analysis section of this report.***</p>

The applicant, Jesse Craig, is seeking approval of a Planned Unit Development (PUD) application for a proposed multi-dwelling residential building. More specifically, the applicant is requesting approval of a zoning map amendment to establish a PUD Overlay zoning district and a PUD Master Land Use Plan. The proposed development would include a single, three-story building containing 21 units (9 one-bedroom units and 12 two bedroom units) with 31 indoor parking spaces.

PUDs consist of three elements: the PUD overlay zoning district, the PUD Master Land Use Plan, and PUD Final Plan. The PUD overlay zoning district establishes the PUD district on the zoning map and details the development standards that are modified for the PUD development. The PUD Master Land Use Plan is a generalized site plan for the PUD area, which establishes the basic parameters for development. The PUD overlay and PUD Master Land Use Plan together establish the maximum development envelope for the subject property. The PUD Final Plan is the final detailed site plan that is used for building permitting and construction. While the PUD overlay zoning map amendment and PUD Master Land Use Plan are typically reviewed and approved concurrently, approval of the PUD Final plan is required within two years of the approval of a PUD Master Land Use Plan.

PUD Zoning Map Amendment

The applicant is requesting a zoning map amendment to rezone the subject property from MR-2 (Multi-Dwelling Residential) to MR-2 (Multi-Dwelling Residential) with a PUD (Planned Unit Development) overlay. The development standards proposed to be modified by this ordinance are as follows:

Residential Density: The maximum residential density allowed shall be 35 dwelling units per acre.

Setbacks:

- The minimum front setback shall be 10 feet.
- The minimum street-side setback shall be 10 feet.
- The minimum rear setback shall be 5 feet.
- The minimum interior-side setback shall be 5 feet.

Building Coverage: The maximum building coverage shall be 83% of the lot area.

Parking: The minimum off-street parking requirements for residential use categories shall be 1.45 parking spaces per unit.

Landscaping: The number of plant units required to satisfy the Open Space Landscaping standards of §20-0705.C of the Land Development Code may be reduced by one (1) plant unit for every five (5) linear feet of wrought iron fencing provided within the front or street-side yard. Fencing must be three to four (3-4) feet in height to qualify for a reduction in the number of required plant units.

Additional Standards:

- Bicycle parking facilities, such as a bike rack or bike lockers, shall be provided on site.
- An on-site system of pedestrian walkways shall be provided between building entrances and public sidewalks located along the perimeter of the block.
- At least one primary building entry shall face a public street.
- All exterior walls (excluding openings for such things as doors, windows, or equipment) shall be primarily constructed and/or finished with brick and/or stone, except that:
 - The following materials may be used for purposes of providing accent: glass, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), steel siding with a ceramic hybrid paint finish, fiber cement siding, insulated metal panels, wood-based materials, asphalt, and decorated concrete block. When these materials are used, the materials must be of commercial grade and may not exceed 10% of the total exterior wall area.

- The use of architectural metal panels and wood panels for enclosure of mechanical equipment shall be permitted.
- Building elevation walls facing a public street must have projections and/or recesses having a depth of at least one foot and extending for a minimum of 20% of the length of such walls.
- Dumpsters and refuse containers shall be contained completely within the building and concealed from view from the exterior, except during times of collection.
- The building design shall include integrated design features to avoid monotony, to create visual interest, and to enhance the pedestrian scale, all of which is to be designed to create compatibility with the surrounding neighborhood. Examples of features that can be included are:
 - Canopies
 - Cornices
 - Eaves
 - Arched entries, balconies, or breezeway entrances
 - Stone or brick accent walls
 - Decorative stone or brick banding
 - Verandas, porches, balconies or decks
 - Projected walls
 - Variation of roof lines
 - Decorative caps or chimneys

PUD Master Land Use Plan

The PUD Master Land Use Plan is attached.

PUD Final Plan

The applicant is not requesting approval of the PUD Final Plan at this time.

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

Surrounding Land Uses and Zoning Districts:

- North: Across 6th Ave N are single-family, duplex, and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and LC, Limited Commercial;
- East: the site of a proposed multi-dwelling structure zoned DMU, Downtown Mixed-Use;
- South: the site of a proposed multi-dwelling structure zoned DMU, Downtown Mixed-Use;
- West: are single-dwelling and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and GC, General Commercial

Area Plans:

No area plans apply.

Schools and Parks:

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

Neighborhood: The subject property is located in the Horace Mann neighborhood.

Parks: The subject property is located west of Wildflower Grove Park, which provides public amenities such as picnic tables and recreational trails.

Pedestrian / Bicycle: There is an existing off road bike facility to the east of the subject property on 6th Ave N which connects to the metro area trail system.

Staff Analysis:**Neighborhood Open House Meeting:**

About six residents attended a neighborhood open house that was held on Monday, April 26 to provide an opportunity for interested residents and property owners in the area to learn more about the proposed development and to provide feedback. While a few residents expressed some apprehension with the proposed density in relation to the applicant's previous plans for townhomes at this location, feedback was largely positive in relation to the design of the building and the applicant's desire to construct a building reminiscent of a traditional "brownstone" that would fit the historic character of the neighborhood. One letter of opposition has been received by staff and is attached to this staff report.

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

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

1. **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**
2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**
3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**

Staff Recommendation:

The applicant has requested that this application be withdrawn. Staff suggests holding a public hearing before declaring the application withdrawn by the applicant. No formal action is being requested at this time.

Planning Commission Recommendation: May 4, 2021

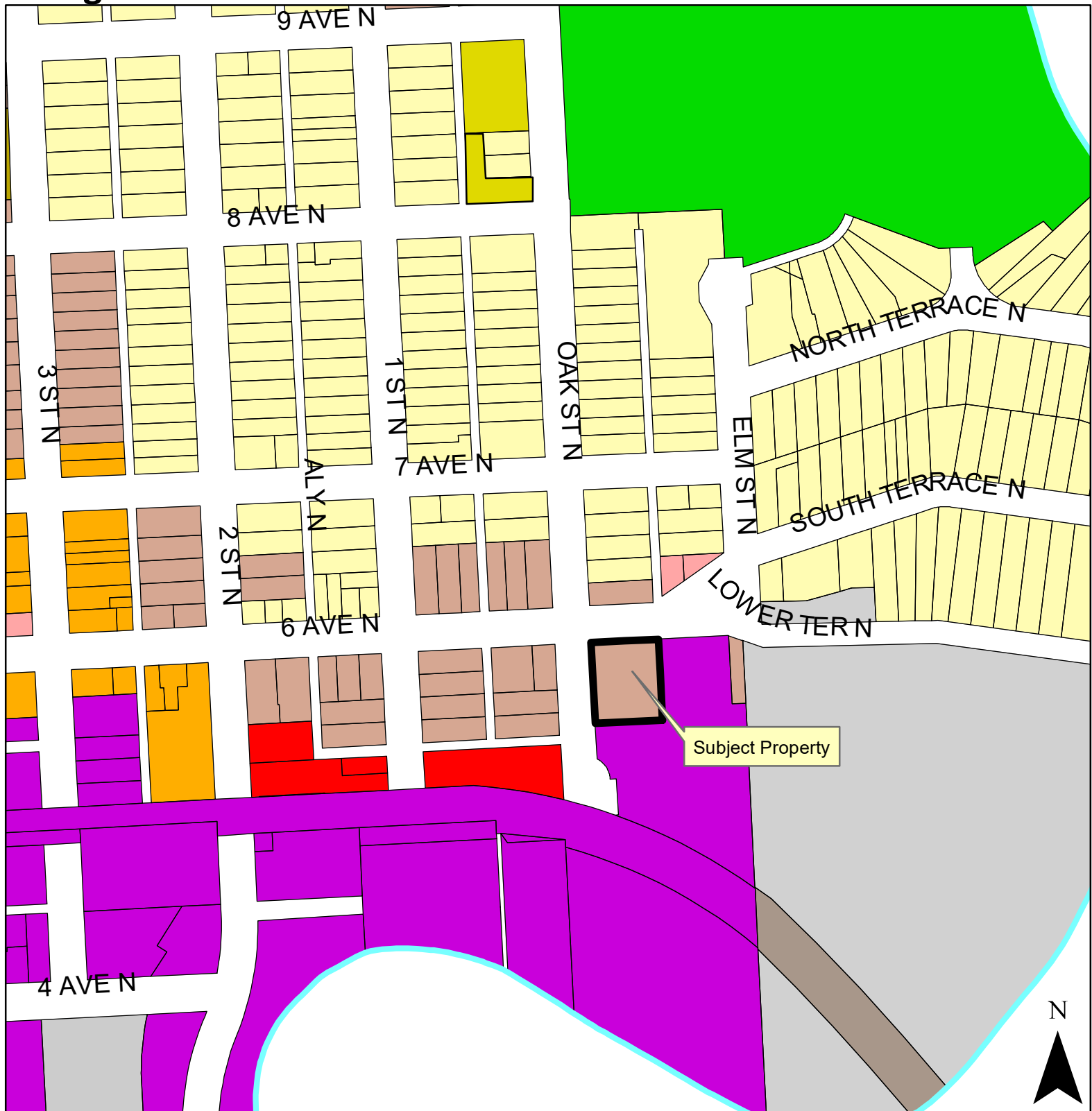
Attachments:

1. Zoning Map
2. Location Map
3. PUD Master Land Use Plan
4. Draft Project Plans & Renderings
5. Public Comment

Zone Change (MR-2 to MR-2 with a Planned Unit Development [PUD] Overlay) & PUD Master Land Use Plan

Craig's Oak Grove Second Addition

515 Oak St N



Legend

AG	DMU	GC	GI	GO	LC	MR-1	MR-2	MR-3	MHP	NC	P/T	UML	SR-2	SR-3	SR-4	SR-5	City Limits
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Zone Change (MR-2 to MR-2 with a Planned Unit Development [PUD] Overlay) & PUD Master Land Use Plan

Craig's Oak Grove Second Addition

515 Oak St N





DRAFT

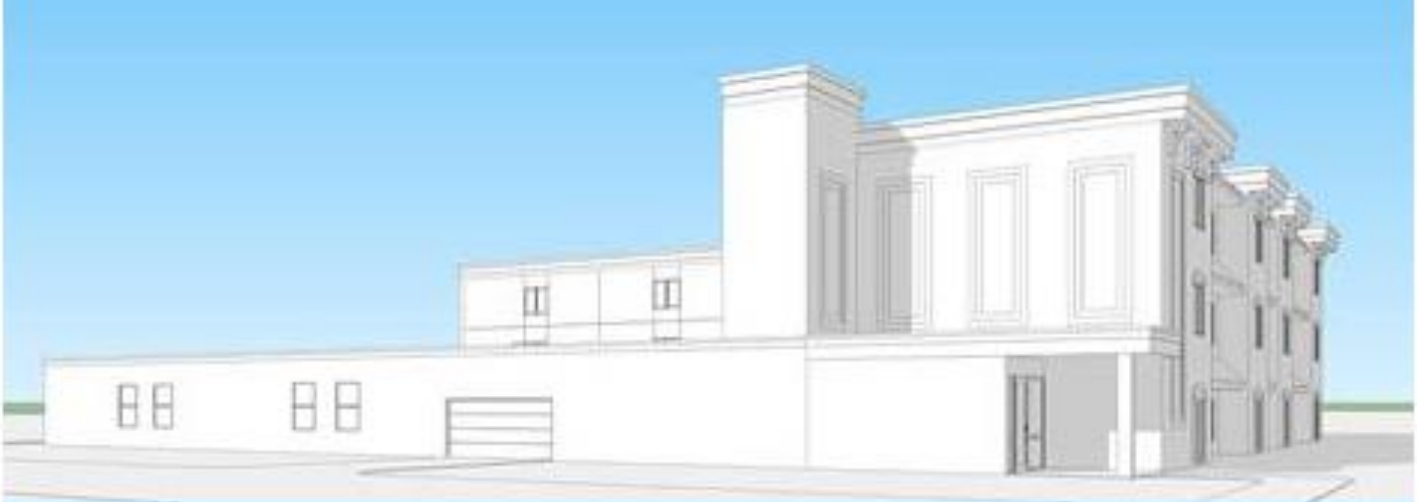
Southwest building corner (view looking northeast)



Northwest building corner (view looking southeast)



East side of building (view looking west-southwest)



West side of building (view looking east)



Aaron Nelson

From: Pearson, Carol [REDACTED]
Sent: Saturday, April 24, 2021 3:48 PM
To: Aaron Nelson
Subject: Jesse Craig PUD

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi Aaron!

Thank you for sharing this update.

I am writing to go on record as being strongly opposed to this PUD request by Jesse Craig. This is not at all what Craig proposed for this section of the lots he bought and demolished. Taken in addition to the proposed 5 story apartments further south and east, I feel that this adds density that is inappropriate in the middle of our single family historic neighborhood. The townhomes he initially proposed would be a much better fit.

I am strongly opposed to this application.

i will be unable to attend the meeting on the 26th of April, so I take this method to register my voice about this PUD application.

Carol Pearson

City of Fargo Staff Report			
Title:	Dakota Commerce Center Addition	Date:	4/27/2021
Location:	4060, 4230, 4316, and 4416 37th Street North and 3701 40th Avenue North	Staff Contact:	Aaron Nelson
Legal Description:	Part of the Southeast Quarter of Section 15, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Holmquist Family, LLP; Jon S. Treitline; & Edena M. Holmquist /Hyde Development	Engineer:	Ulteig
Entitlements Requested:	Major Subdivision (Part of the Southeast Quarter of Section 15, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota and Subdivision Waiver) and Zone Change (from AG, Agricultural, to LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: May 4, 2021		

Existing	Proposed
Land Use: Agricultural & Residential	Land Use: Industrial
Zoning: AG, Agricultural	Zoning: LI, Limited Industrial
Uses Allowed: AG allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: 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.
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Density Allowed: Maximum 85% building coverage

Proposal:

The applicant is seeking approval of a major subdivision and zoning map amendment to accommodate industrial development of the subject property. The major subdivision, entitled *Dakota Commerce Center Addition*, would plat the subject property into four lots on one block, and includes a subdivision waiver that would allow for the block length to exceed 1,320 feet. The subdivision would dedicate additional public right-of-way for 40th Avenue N and 37th Street N. The zoning map amendment would rezone the subject property from AG (Agricultural) to LI (Limited Industrial).

NOTE: This property is currently in the City's extra-territorial jurisdiction (ETJ). The process for annexing this property into the City is running concurrently with the subdivision and zone change. The Planning Commission will review the proposed annexation in item E.1 of the May 4, 2021 Planning Commission Agenda.

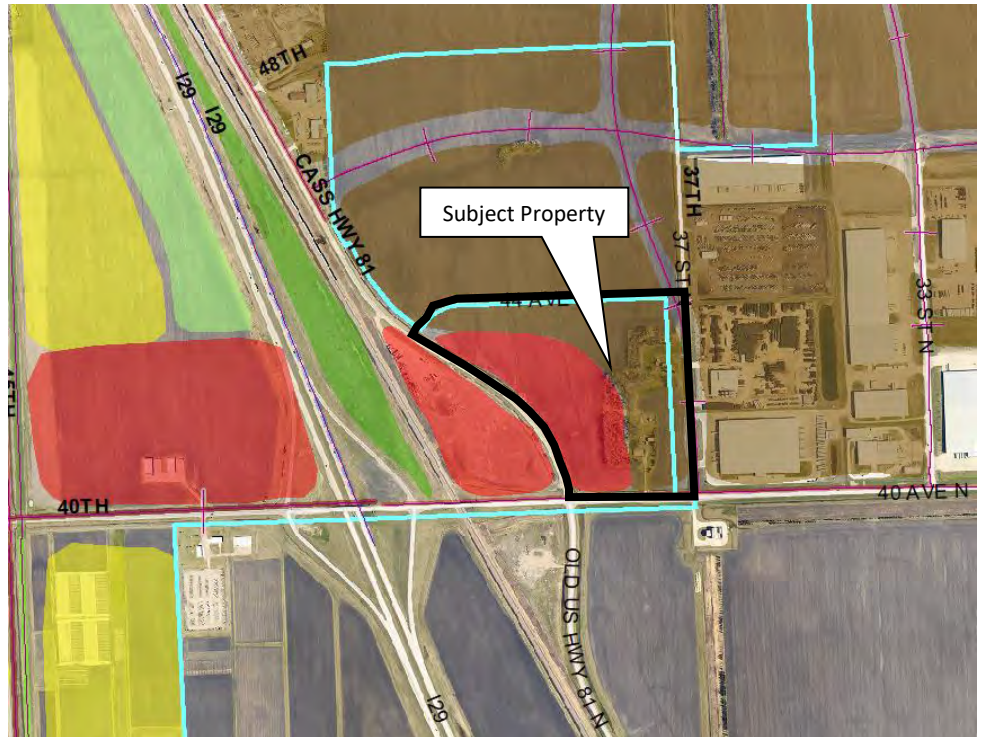
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Warehouse and freight movement within the LI (Limited Industrial) zoning district;
- East: Industrial uses within the LI zoning district;
- South: Crop production within the P/I (Public & Institutional) zoning district; and
- West: (Extraterritorial Jurisdiction) Industrial uses within the AG (Agricultural) zoning district.

Area Plans:

The 2007 Fargo Growth Plan identifies the subject property as having future land uses of Industrial and Commercial. The proposed LI zoning allows both industrial and commercial land uses.



Context:

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

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

Parks: The Northern Softball Complex is approximately 1.3 miles northwest of the subject property.

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

Staff Analysis:

ACCESS: Access to the subject property will be provided on the north via 44th Ave N, from the west via County Rd 81, and from the east via 37th St N. A negative access easement will be established with the plat to restrict access from 40th Ave N and adjacent street intersections. A system of access easements will be established as the property develops in order to provide for internal circulation, as described within the subdivision amenities plan.

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

ANNEXATION: This property is outside of the Fargo city limits. The property owners have requested annexation through an owner-initiated petition. The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan in item E.1 of the May 4, 2021 Planning Commission agenda. There is a

separate staff report for this item. A hearing is intended to be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing.

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. As noted within §20-0202.A of the Land Development Code, the AG zoning district provides an interim zoning classification for growth areas pending a determination on an appropriate permanent zoning designation. The proposed zoning for this property is LI, Limited Industrial, which will accommodate the proposed development. **(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. The project site will become eligible to receive City services upon annexation. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subdivision will front on dedicated public streets. The necessary rights-of-way for these streets will be dedicated with the plat. These street 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, staff has not received any public comment or inquiries. 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 2007 Growth Plan designates this property as appropriate for commercial and industrial land uses. The proposed LI zoning allows both industrial and commercial land uses. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

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

A zoning map amendment is included with this application to accommodate the proposed development. The proposed subdivision is consistent with the proposed LI zoning designation. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. **(Criteria Satisfied)**

- 2. Section 20-0907.4 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.**

Pursuant to Item 1 above, the proposed development will comply with the proposed zoning map amendment. 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 20-907.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 public infrastructure currently exists at this location, any future improvements associated with the project are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are per City of Fargo assessment policy. **(Criteria Satisfied)**

The LDC stipulates that the following criteria are met before a subdivision waiver can be approved:

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

The proposed subdivision waiver would allow a longer block length than would otherwise be required by the LDC. Limitations on maximum block size are desirable to ensure adequate connectivity of the transportation system. At this location, however, the area to the north, east, and west have previously been platted as large lots with no perpendicular public streets that would extend through the subject property. Additionally, there is little opportunity for additional street connectivity to the west, where there is an arterial street and barriers of railroad and interstate. As such, the addition of a public street to reduce the block length at this location would really only serve the subject property and do little to impact the transportation system in this area. The area is intended to be industrial in nature, where larger block sizes are more common compared to residential or commercial areas that are more heavily traveled by the general public. The applicant intends to build single, large buildings on each of the four proposed lots on the block. In Lieu of platting additional public right-of-way within the subdivision, the owner/developer will establish a system of cross access/parking easements to allow traffic and parking between the lots within the subdivision and to allow movement within and across the site. **(Criteria Satisfied)**

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

In Lieu of platting additional public right-of-way within the subdivision, the owner/developer will establish a system of cross access/parking easements to allow traffic and parking between the lots within the subdivision, and to allow movement within and across the site, as outlined within the attached subdivision amenities plan. While each of the four proposed lots abuts public right-of-way and can accommodate direct access from the public right-of-way, the proposed access easements will provide for additional connectivity. With the establishment of these cross access easements, staff finds the proposed waiver to be a minimal deviation from the Land Development Code. **(Criteria Satisfied)**

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

This subdivision waiver applies only to the block length requirements of Section 20-0607.B of the LDC for this particular property. **(Criteria Satisfied)**

Staff Recommendation:

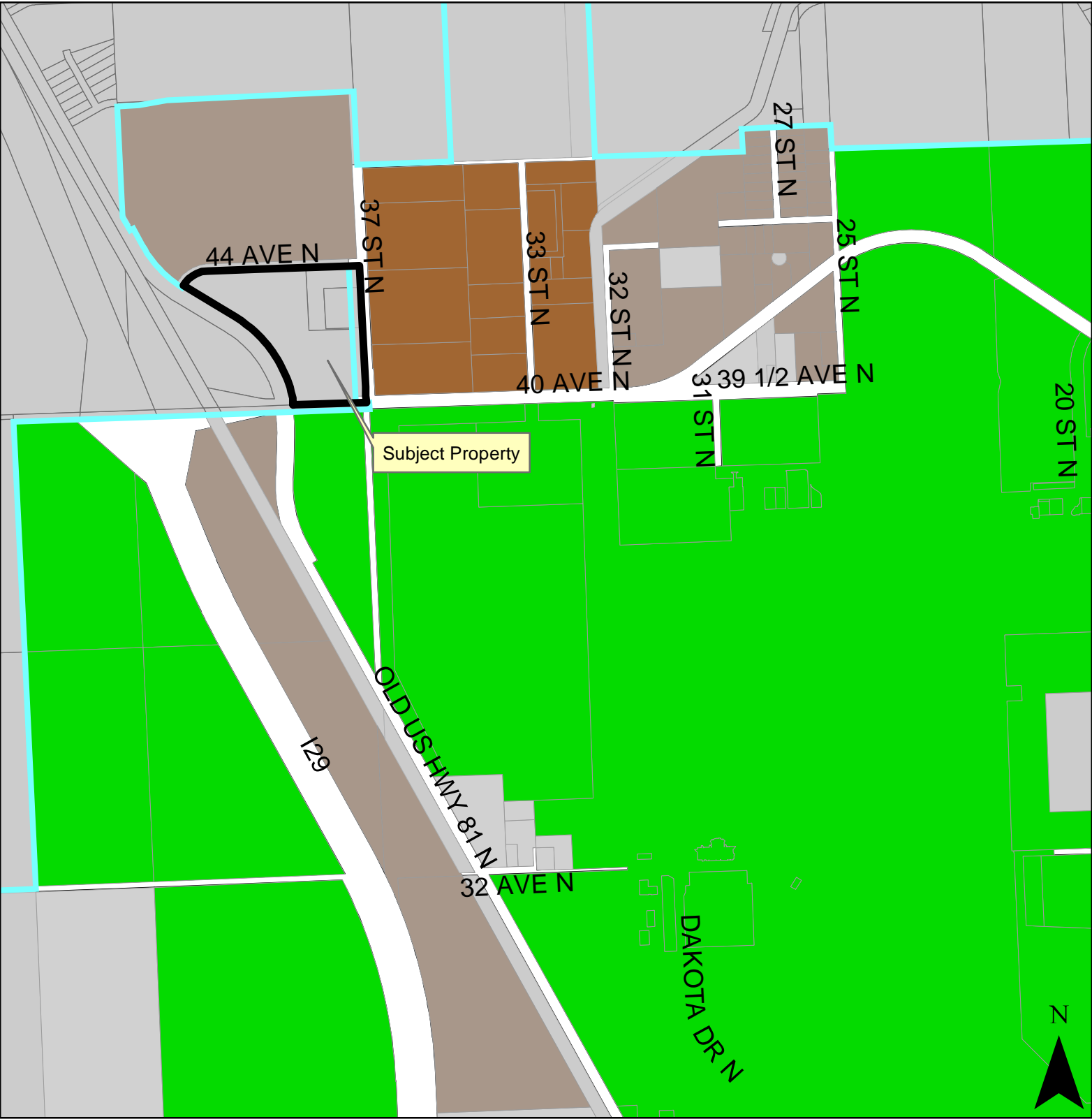
Suggested Motion: "To accept the findings and recommendations of staff and to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to LI, Limited Industrial, and 2) plat of **Dakota Commerce Center Addition** as presented; as the proposal complies with the 2007 Growth Plan, Go2030 Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: May 4, 2021
Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Preliminary Plat4. Draft Amenities Plan5. Proximity Agreement

Zone Change (AG to LI) & Plat (Major)

Dakota Commerce Center Addition

3701 40th Ave N
4060, 4230, 4316 & 4416 37th St N



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	PI	SR-5
	MR-3	UML	

City Limits

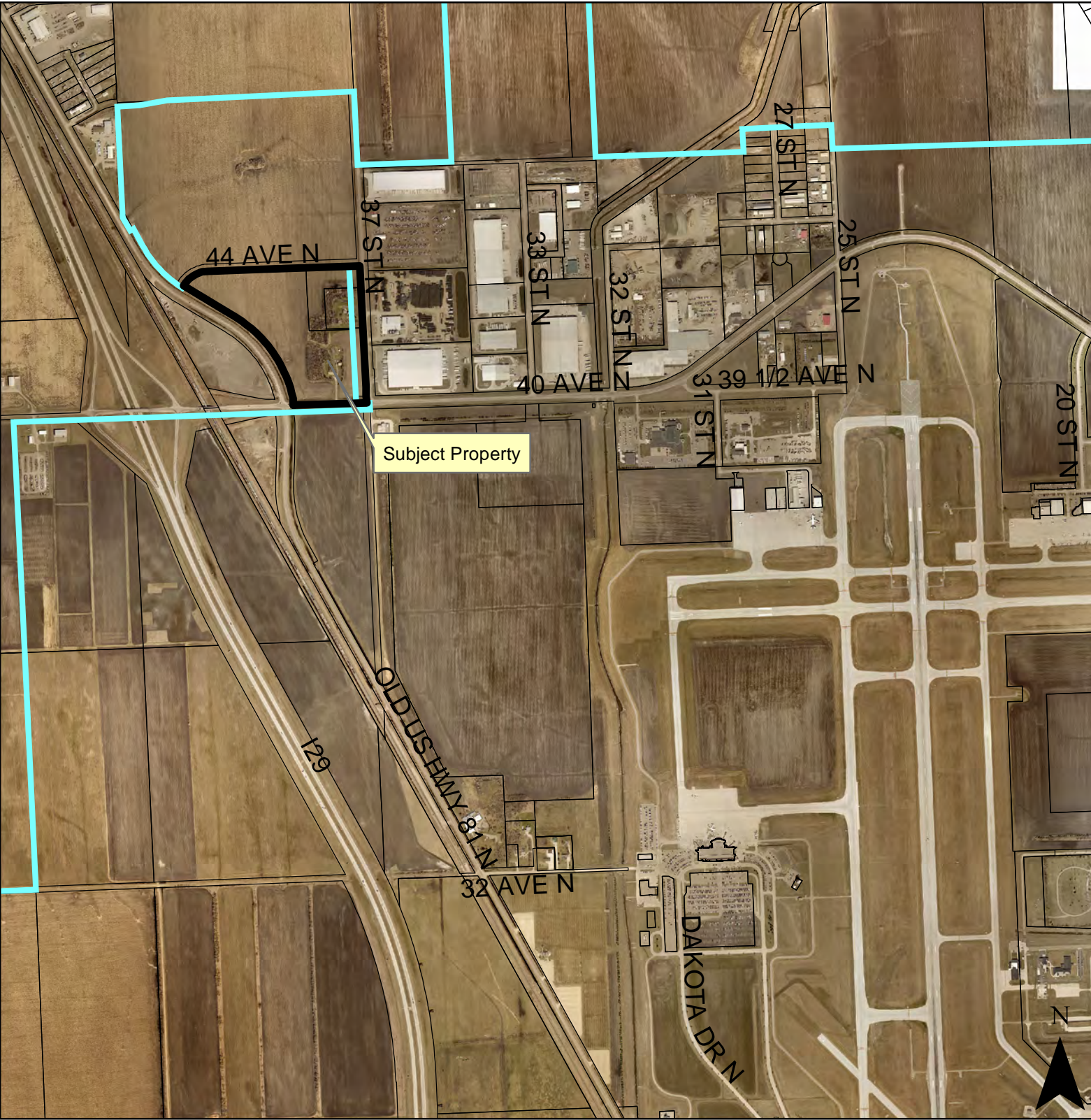
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Miles

Fargo Planning Commission
May 4, 2021

Zone Change (AG to LI) & Plat (Major)

Dakota Commerce Center Addition

3701 40th Ave N
4060, 4230, 4316 & 4416 37th St N



DAKOTA COMMERCE CENTER ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,
AN UNPLATTED PORTION OF THE SOUTHEAST QUARTER, SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST
(A MAJOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That HOLMQUIST FAMILY LLP, A LIMITED LIABILITY PARTNERSHIP UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, JON S. TREITLINE, AND EDENA M. HOLMQUIST, as owners of a parcel of land located in the Southeast Quarter of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, lying northeasterly of County Road 81 and southeasterly and southerly of 44th Avenue North, and more particularly described as follows:

Parcel 1:
That part of the Southeast Quarter of Section Fifteen, in Township One Hundred Forty North of Range Forty-nine West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota, described as follows: Commencing at the Southeast Corner of the Southeast Quarter; thence North 02 degrees 55 minutes 05 seconds West, along the East line of the Southeast Quarter 835.00 feet to the point of beginning; thence South 87 degrees 58 minutes 39 seconds West, parallel with the South line of the Southeast Quarter 440.67 feet; thence North 03 degrees 04 minutes 45 seconds West 450.14 feet; thence North 88 degrees 16 minutes 27 seconds East 441.98 feet to c point on the East line of the Southeast Quarter; thence South 02 degrees 55 minutes 05 seconds East, along the East line of the Southeast Quarter 447.83 feet to the point of beginning.

Parcel 2:
The Southeast Quarter of Section Fifteen, Township One Hundred Forty North of Range Forty-nine West of the Fifth Principal Meridian Cass County, North Dakota, lying Northeasterly of the County Road 81 right of way;

EXCEPTING THEREFROM the following tracts: (1) The North 689 feet of the South 1524 feet of the East 632 feet of the Southeast Quarter of Section Fifteen, Township One Hundred Forty North of Range Forty-nine West of the Fifth Principal Meridian, Cass County, North Dakota; (2) North Fargo Industrial Addition to the City of Fargo, Cass County, North Dakota;

Parcel 3:
A tract of land situated in the Southeast Quarter of Section Fifteen, in Township One Hundred Forty North of Range Forty-nine West of the Fifth Principal Meridian, Reed Township, Cass County, North Dakota, and said tract is specifically described as follows: Commencing at a point 835 feet North of the Southeast corner of the Southeast Quarter of Section Fifteen, and said point is the true point of beginning of tract hereinafter described; thence West and parallel to the South section line of said Section 15, for 632 feet; thence North and parallel to the East section line of said Section 15 for 689 feet; thence East and parallel to the said South section line for 632 feet; thence South and along the said East section line for 689 feet to the point of beginning. All being situate in the County of Cass and the State of North Dakota, EXCEPTING THEREFROM the following described tract: That part of the Southeast Quarter of Section Fifteen, in Township One Hundred Forty North of Range Forty-nine West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota, described as follows: Commencing at the Southeast Corner of the Southeast Quarter; thence North 02 degrees 55 minutes 05 seconds West, along the East line of the Southeast Quarter 835.00 feet to the point of beginning; thence South 87 degrees 58 minutes 39 seconds West, parallel with the South line of the Southeast Quarter 440.67 feet; thence North 03 degrees 04 minutes 45 minutes West 450.14 feet; thence North 88 degrees 16 minutes 27 seconds East 441.98 feet to a point on the East line of the Southeast Quarter; thence South 02 degrees 55 minutes 05 seconds East, along the East line of the Southeast Quarter 447.83 to the point of beginning.

Cass County, North Dakota

Contains 2,015,254 square feet or 46.26 acres, more or less

Said owners have caused the above described parcel of land to be surveyed and platted as "DAKOTA COMMERCE CENTER ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate the drainage easements to Lots 1 through 4, and the street, avenue, highway and utility easements to the public, for public use, as shown on this plat.

Holmquist Family, LLP

Ronald K. Holmquist, managing partner

State of North Dakota } SS
County of Cass

On this _____ day of _____, 20____, before me personally appeared _____, managing partner of the Holmquist Family, LLP, a limited liability partnership under the laws of the State of North Dakota, described in and who executed the within and foregoing instrument and acknowledged that he executed the same.

Notary Public

Jon S. Treitline

State of North Dakota } SS
County of Cass

On this _____ day of _____, 20____, before me personally appeared, Jon S. Treitline, described in and who executed the within and foregoing instrument and acknowledged that he executed the same.

Notary Public

Edena M. Holmquist

State of North Dakota } SS
County of Cass

On this _____ day of _____, 20____, before me personally appeared, Edena M. Holmquist, described in and who executed the within and foregoing instrument and acknowledged that he executed the same.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Kurt M. Kisch, Registered 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 addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Kurt M. Kisch, Professional Land Surveyor
North Dakota License No. LS-4597

State of Minnesota } SS
County of Hennepin

On this _____ day of _____, 20____, before me, a notary public with and for said County, personally appeared Kurt M. Kisch, to me known to be the person described in and who executed the same.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by 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, a notary public with and for said County, personally appeared Brenda E. Derrig, City Engineer, to me known to be the person described in and who executed the same.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

John Gunkelman, Planning Commission Chair
Fargo Planning Commission

State of North Dakota } SS
County of Cass

On this _____ day of _____, 20____, before me, a notary public with and for said County, personally appeared John Gunkelman, Planning Commission Chair, to me known to be the person described in and who executed the same.

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, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same.

Notary Public

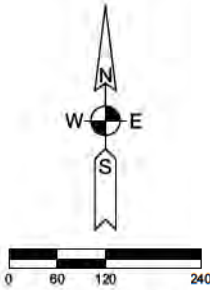
PREPARED BY



PROJECT NO. 21.00306
SHEET 1 OF 2 SHEETS
FARGO - AUSTIN - BISMARCK - BOISE - CEDAR RAPIDS - DETROIT LAKES - DENVER - SIOUX FALLS - ST PAUL - WILLISTON

DAKOTA COMMERCE CENTER ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,
AN UNPLATTED PORTION OF THE SOUTHEAST QUARTER, SECTION 15, TOWNSHIP 140 NORTH, RANGE 49 WEST
(A MAJOR SUBDIVISION)



GRAPHIC SCALE: 1"=120'
For the purposes of this plat,
the south line of the Southeast Quarter of
Section 15, Township 140 North, Range 49 West
is assumed to bear South 87° 58' 41" West.

LEGEND	
●	MONUMENT FOUND
○	MONUMENT SET, 5/8" REBAR, CAPPED "LS-4597"
—	SUBJECT PROPERTY LINE
- - -	SECTION/QUARTER LINE
- - -	EXISTING PROPERTY LINE
- - -	EASEMENT LINE
- - -	DIMENSION LEADER LINE
- - -	FEMA ZONE AE LINE
- - -	2 FOOT CONTOUR LINE
- - -	NEGATIVE ACCESS EASEMENT
Negative Access Easement, as noted on this plat, is an easement dedicated as part of the right of way dedication which easement denies direct vehicular access to a street or public way from the lot or lots adjacent to such street or way. The negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent lot or lots. Negative Access Easement does not apply to emergency vehicles.	

Floodplain Areas, as noted on this plat, are from the following FEMA Flood Insurance Rate Maps:
38017C0578G with an Effective Date of January 16, 2015
38017C0579G with an Effective Date of January 16, 2015
38017C0586G with an Effective Date of January 16, 2015
38017C0587G with an Effective Date of January 16, 2015

Contours shown are based on a Field Survey by Ulteig, July, 2020

PROJECT BENCHMARK
BAKKUM - MnDOT survey disk stamped "BAKKUM 1993" set on top of an aluminum alloy rod located in southwest quadrant of intersection of 70th Ave N and 28th St N, Clay County, Minnesota (approx. 26,500 feet East-Northeast from intersection of County Road 20 & 37th Street).
Published Elevation = 898.21' (NAVD88)

Site Benchmark:
Benchmark #13 - #5 rebar with cap "ULTEIG ENG CONTROL PT" set 24 feet northeast of the centerline of County Road 81 and 1250 feet southeast of the asphalt/concrete transition of County Road 81.
Elevation = 894.07' (NAVD88)

PREPARED BY



FARGO - AUSTIN - BISMARCK - BOISE - CEDAR RAPIDS - DETROIT LAKES - DENVER - SIOUX FALLS - ST PAUL - WILLISTON

PROJECT NO. 21.00308
SHEET 2 OF 2 SHEETS

DRAFT
Site Amenities and Project Plan
Dakota Commercial Center Addition
May 2021

Location: The subject property is legally referenced as an unplatted portion of the Southeast Quarter of Section 15, Township 140 North, Range 49 West of the 5th Principal Meridian, in the City of Fargo, Cass County, North Dakota. The property comprises approximately 46 acres, including right-of-way dedication.

Details: The project will create 4 Limited Industrial lots. Lots will be designated as Lots 1-4, Block 1, DAKOTA COMMERCE CENTER ADDITION.

Right of Way (ROW): The project accommodates right-of-way dedications for public roadways and utilities.

37th Street North from 40th Avenue to 44th Avenue North: This roadway segment has been designated as a *local* roadway pursuant to 20.0702. An additional 60 feet of right-of-way is dedicated with this subdivision.

40th Avenue from 37th Street North to County Road 81: This roadway segment has been designated as an *arterial* roadways pursuant to 20.0702. An additional 100 feet of right-of-way is dedicated with this subdivision.

Subdivision Waiver: This subdivision includes a subdivision waiver of the maximum block length standard of LDC §20-0607.B. Justification for this waiver is based on the developer's intent to construct large individual buildings on the four large lots platted by this subdivision. The developer acknowledges that deviation from this original development intent, such as the need/desire for further subdivision of the subject property in the future, may require the platting of additional right-of-way through this block to accommodate orderly development and access.

Internal site operational access easements: The owner/developer will be adding access and cross access/parking easements to allow traffic and parking from each building, and to allow movement through the site. These easements will be defined and recorded as the park is developed to ensure the exact easement locations are in harmony with the buildings, drive lanes and parking throughout the entire park development.

Water Supply: Potable water supply shall be provided by City of Fargo.

Sanitary Sewer: Sanitary sewer connection shall be provided by City of Fargo.

Engineering and Construction Improvements: The owner/developer shall rely upon and collaborate with City Engineering for construction of all public improvements, inclusive of storm water facilities, boulevards, and median landscaping, as applicable.

Storm Water Management: All storm water quantity and quality will be met with on-site detention. The detention ponds will be engineered, constructed, and maintained by the owner of the site per the "City of Fargo Policy on Storm Water and Treatment Requirements". Proposed

detention ponds will tie into City owned and maintained storm water infrastructure as directed by City of Fargo Engineering.

Flood Protection: Portions of proposed site fall within the existing FEMA Floodplain and/or the 41' Water Surface Elevation Inundation Area. It is acknowledged by the developer that construction of structures shall comply with City of Fargo Flood Proofing Requirement when applicable.

Dakota Commercial Center Addition Amenities Plan is hereby approved:

Hyde Development - Paul Hyde

date

Brenda Derrig, City Engineer

date

AGREEMENT

(Proximity of Airport, Noise Attenuation and Sewage Lagoons)

THIS AGREEMENT, Made and entered into this ____ day of _____, 20____, by and between HOLMQUIST FAMILY LLP, A LIMITED LIABILITY PARTNERSHIP UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, JON S. TREITLINE, AND EDENA M. HOLMQUIEST, hereinafter referred to as "Owner," and CITY OF FARGO, A NORTH DAKOTA MUNICIPAL CORPORATION, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Owner is the record owner of a tract of land located in Cass County, North Dakota, said tract being more particularly described hereinafter; and,

WHEREAS, said tract is located within the extraterritorial jurisdiction (ETJ) of City of Fargo but will be annexed as a part of the overall project; and,

WHEREAS, Owner has made a development request of the City for a change in zoning from agricultural (AG) to limited industrial (LI) zoning; and,

WHEREAS, the Board of City Commissioners of the City have approved and enacted a zoning ordinance to effect such change upon the condition that the Owner and Owner's successors

in interest be bound to a covenant acknowledging the proximity of Hector International Airport and the City's sewage lagoons to Owner's property; and,

WHEREAS, Owner is willing to execute and to have recorded an agreement wherein Owner recognizes the proximity of said facilities in regard to all of the property owned or to be owned by Owner hereinafter described and including all other terms mentioned above; and,

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, IT IS HEREBY AGREED as follows:

1. The subject of this Agreement, and the covenant herein, is the Owner's property, situate in the County of Cass and State of North Dakota, more fully described as:

Lots 1-4, Block 1, Dakota Commerce Center Addition to the city of Fargo.

[hereinafter referred to as the "Subject Property"]

2. As a condition of City's approval of said platting and zoning, Owner does hereby covenant and agree with the City that said Owner will never institute any suit or action at law or otherwise against the City, nor institute, prosecute or in any way aid in the institution or prosecution of any claim, demand, action or cause of action for damages, costs, loss of service, expenses or compensation against the City for or on account of any damage, loss or injury either to person or property, or both, resulting or which may result by reason of the use of the Subject Property in relation to the location and use of Hector International Airport and specifically for damages caused or allegedly caused by the noise of the take-off or landing of jet-propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; also from any vibration generated by said aircraft or from any pollutants or contaminants created from such aircraft usage, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

3. Owner agrees that it will at all times indemnify City, and hold and save the City harmless from and against any and all actions or causes of actions, claims, demands, liability, loss, damage, or expense of whatsoever kind and nature, including counsel or attorney's fees, which the City shall or may at any time sustain or incur by reason or in consequence of the use of the Subject Property for any lawful purposes and specifically for any damages caused or allegedly caused to the Subject Property by the noise of the take-off or landing of jet-propelled or other aircraft from the present runway or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport, or which the City may sustain or incur in

connection with any litigation, investigation or other expenditures incident to such use of the Subject Property, including any suit instituted to enforce the obligations of this agreement of indemnity, and Owner agrees to pay to City all sums of money, with interest, which the City shall or may pay or cause to be paid, or become liable to pay, on account of or in connection with such use of the Subject Property, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

4. Paragraphs two (2) and three (3) above shall also apply in all regards to the sewage lagoons owned by the City of Fargo and specifically concerning any odors emanating from said lagoons.

5. Owner agrees that this agreement shall be recorded on the above-described property and specifically agrees that the following covenants shall apply to the above-described property:

FAIR DISCLOSURE STATEMENT

Sewage Lagoons – The tract of land hereby conveyed and legally described lies within the vicinity of certain sewage lagoons owned and maintained by the City of Fargo and may be impacted by odors emanating from said lagoons. The level of usage of said lagoons may vary, from time to time, so that at times the lagoons are “dry” and at other times the lagoons may contain sewage for treatment purposes and that, as a result, there may be no appreciable odor emanating from the lagoons and at other times there may be an appreciable odor emanating from the lagoons.

Airport -- The tract of land hereby conveyed and legally described lies within the vicinity of Hector International Airport and may be impacted by noise associated with the operations of said airport including noise from the take-off or landing of jet propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; or from any vibration generated or from any pollutants or contaminants created from such aircraft usage. The airport normally operates seven days per week throughout the entire year and is open for flight operation at all hours. The present level of operations will continue and expand for the foreseeable future.

The noise rating of this tract, due to airport operations at the above-named airport according to the Noise Evaluation and Land

Use Compatibility Study (1990-91) is above 65 in the Lnd rating system.

The United States Department of Housing and Urban Development (HUD), Circular 1390.2 of 4 August 1971, Subject: Noise Abatement and Control: Departmental Policy, Implementation Responsibilities, and Standards, as well as any subsequent or replacement provisions established the following external noise exposure standards for the new construction of residential and other noise sensitive utilization:

Airport Environs

Land Zone	Site Suitability Classification
Above 75	Clearly unacceptable
65-75	Discretionary: Normally unacceptable
Below 65	Clearly acceptable

These site suitability classifications are further defined by HUD as:

1. Clearly unacceptable: The noise exposure at the site is so severe that construction costs to make the indoor environment acceptable for the performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

2. Normally unacceptable: The noise exposure is significantly more severe so that unusual and costly building constructions are necessary to ensure adequate performance of activities. (Residential areas: barriers must be erected between the site and prominent noise sources to make the outdoor environment tolerable.)

3. Clearly acceptable: The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

Certification

The undersigned purchaser of said tract of land, certifies that (s)he (they) has (have) read the above statement and acknowledge(s) the preexistence of the airport named above and the right of said airport to continue to operate and also recognizes the City of Fargo sewage lagoon existence.

Owner

In the event Owner does not include the foregoing statement in the purchase agreement or deed, it shall, nonetheless, constitute a covenant and restriction running with the land and shall bind any future owner to recognition of the herein referenced facts.

6. This Agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto and shall constitute a covenant running with the property described hereinbefore.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

(Signature pages to follow.)

HOLMQUIST FAMILY, LLP

By: _____
Ronald K. Holmquist, managing partner

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

On this _____ day of _____, 2021, before me, a notary public within and for said county and state, personally appeared RONALD K. HOLMQUIST, to me known to be the managing partner of HOLMQUIST FAMILY, LLP, described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

Notary Public

(S E A L)

Jon S. Treitline

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

On this _____ day of _____, 2021, before me, a notary public within and for said county and state, personally appeared JON S. TREITLINE, described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

Notary Public

(S E A L)

Edena M. Holmquist

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

On this _____ day of _____, 2021, before me, a notary public within and for said county and state, personally appeared EDENA M. HOLMQUIST, described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

Notary Public

(S E A L)

CITY OF FARGO, A NORTH DAKOTA
MUNICIPAL CORPORATION

By: _____
Dr. Timothy Mahoney, Mayor

ATTEST:

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this _____ day of August, 2020 before me, a notary public within and for said county and state, personally appeared DR. TIMOTHY MAHONEY, MAYOR and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of the CITY OF FARGO, A NORTH DAKOTA MUNICIPAL CORPORATION, described in and that executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

Notary Public

**City of Fargo
Staff Report**

Title:	Annexation – Dakota Commerce Center Addition	Date:	4/27/2021
Location:	4416 37th Street North and 3701 40th Avenue North	Staff Contact:	Aaron Nelson
Legal Description:	Part of the Southeast Quarter of Section 15 and the Northeast Quarter of Section 22, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Holmquist Family, LLP; Jon S. Treitline; & Edena M. Holmquist /Hyde Development	Engineer:	Ulteig
Entitlements Requested:	Annexation (Part of the Southeast Quarter of Section 15 and the Northeast Quarter of Section 22, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Review: May 4, 2021		

Proposal:

The property owners have petitioned the City to annex approximately 51.36 acres of land that is currently within the city's extra-territorial jurisdiction. Aside from two existing houses, this area is undeveloped and includes portions of existing and proposed right-of-way for 40th Avenue N and County Road 81. A map of the proposed annexation area is attached. This is an owner-initiated annexation, not a City-initiated annexation, and so is an annexation by ordinance.

NOTE: A request for major subdivision and zoning map amendment for the proposed annexation area will be heard as items 6a and 6b of the May 4, 2021 Planning Commission agenda.

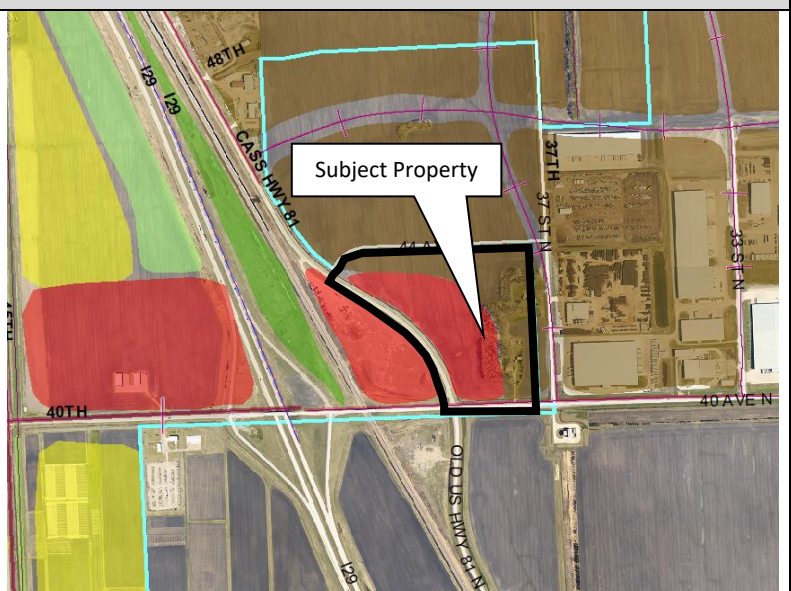
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Warehouse and freight movement within the LI (Limited Industrial) zoning district;
- East: Industrial uses within the LI zoning district;
- South: Crop production within the P/I (Public & Institutional) zoning district; and
- West: (Extraterritorial Jurisdiction) Industrial uses within the AG (Agricultural) zoning district.

Area Plans:

The 2007 Fargo Growth Plan identifies the subject property as having future land uses of Industrial and Commercial. The proposed LI zoning allows both industrial and commercial land uses.

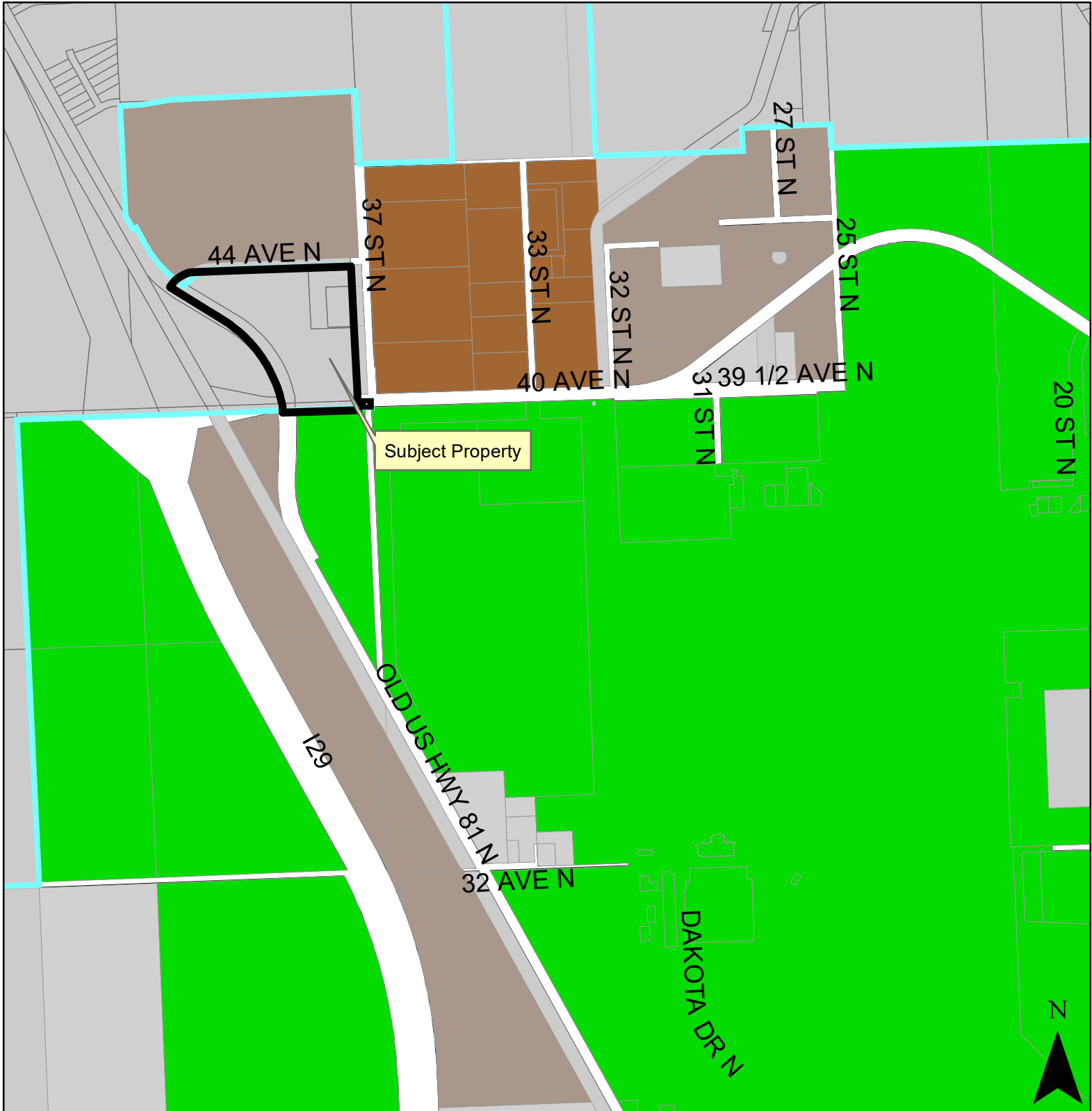


Context:
<p>Schools: The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and Fargo North High schools.</p> <p>Neighborhood: The subject property is not located within a designated neighborhood.</p> <p>Parks: The Northern Softball Complex is approximately 1.3 miles northwest of the subject property.</p> <p>Pedestrian / Bicycle: There are no on-road or off-road bike facilities adjacent to this property.</p>
Staff Analysis:
<p><u>OWNERSHIP</u> The private property involved in the annexation is completely owned by the petitioners.</p> <p><u>PLAN CONSISTENCY</u> This property is outside of the Fargo city limits. The applicant has requested annexation through an owner petition. The proposed annexation area is depicted on the 2007 North Fargo Tier 1 East Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo within the next 20 years (that is, by the year 2027).</p> <p>Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that “Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]” and that “Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development.” (page 55, 2007 Growth Plan). The proposed development is adjacent to existing industrial development along 37th Street North and 40th Avenue N. This location corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development:</p> <ul style="list-style-type: none"> • Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services; and • Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property. (page 56, 2007 Growth Plan) <p>The proposed development is consistent with the land use designations of the 2007 Growth Plan; no growth plan amendment is necessary for this project.</p> <p><u>CITY COMMISSION HEARING</u> A hearing will be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing.</p>
Staff Recommendation:
Staff recommends the Planning Commission find that the proposed annexation of a part of the Southeast Quarter of Section 15 and the Northeast Quarter of Section 22, Township 140 North, Range 49 West, to the City of Fargo, Cass County, North Dakota to be consistent with the 2007 Growth Plan.
Planning Commission Recommendation: May 4, 2021
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Annexation Petition and Legal Description 4. Preliminary Annexation Plat

Annexation

Dakota Commerce Center Addition

3701 40th Ave N
& 4416 37th St N



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	MR-1	NO	SR-4
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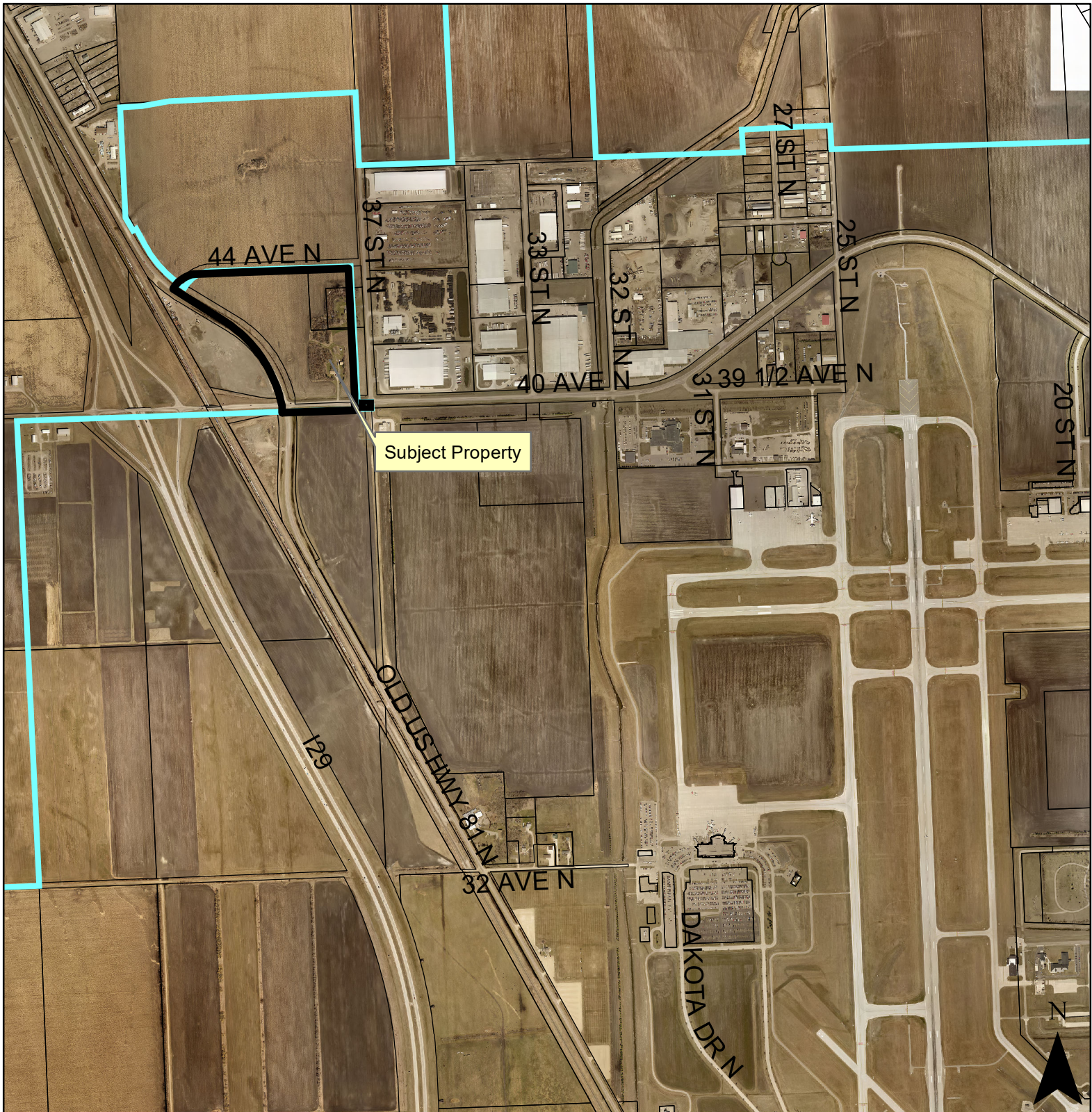
Fargo Planning Commission

May 4, 2021

Annexation

Dakota Commerce Center Addition

3701 40th Ave N
& 4416 37th St N





Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: Planning@FargoND.gov
www.FargoND.gov

PETITION FOR ANNEXATION

To: City of Fargo

The undersigned, being the owner of not less than three-fourths in assessed value of the following described property, hereby petitions the City of Fargo to annex said property pursuant to Section 40-51.2-03 NDCC. The following is a description of the property to be annexed:

See the attached map. The "Edena Rinke Parcel" is comprised of 5.45 acres +/- as depicted on the map.

The total area to be annexed is roughly 46.03 acres, located between County Road 81 and 37th

Street North, and between 40th Avenue North (County Rd 20) and the proposed 44th Avenue North.

The undersigned further certifies that Edena M. Rinke is the owner of at least three-fourths in assessed value of the property hereinabove described.

Dated this March 11 day of 2021, in the year 2021

Signature Edena M Rinke

~~MINNESOTA~~
STATE OF NORTH DAKOTA)
~~TRAVERSE~~) ss.
COUNTY OF CASS)

On this 11th day of March, in the year 2021, before me, a notary public in and for said County and State, personally appeared Edena M Rinke, who executed to foregoing instrument, and acknowledged to me that he/she executed the same.



Christie K Peters
Notary Public ~~TRAVERSE~~ MINNESOTA
Cass County, North Dakota
My Commission Expires: 1-31-2022



Planning & Development
225 4th Street North
Fargo, ND 58102
Office: 701.241.1474 | Fax: 701.241.1526
Email: Planning@FargoND.gov
www.FargoND.gov

PETITION FOR ANNEXATION

To: City of Fargo

The undersigned, being the owner of not less than three-fourths in assessed value of the following described property, hereby petitions the City of Fargo to annex said property pursuant to Section 40-51.2-03 NDCC. The following is a description of the property to be annexed:

See the attached map. The "Treitline Parcel" is comprised of 4.55 acres +/- as depicted on the map.

The total area to be annexed is roughly 46.03 acres, located between County Road 81 and 37th

Street North, and between 40th Avenue North (County Rd 20) and the proposed 44th Avenue North.

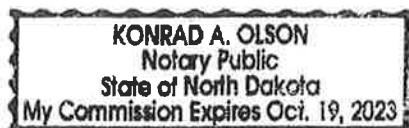
The undersigned further certifies that Jon S. Treitline is the owner of at least three-fourths in assessed value of the property hereinabove described.

Dated this 11th day of March, in the year 2021

Signature Jon S. Treitline

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this 11th day of MARCH, in the year 2021, before me, a notary public in and for said County and State, personally appeared JON S. TREITLINE, who executed to foregoing instrument, and acknowledged to me that he/she executed the same.



[Signature]
Notary Public
Cass County, North Dakota
My Commission Expires: 10/19/2023



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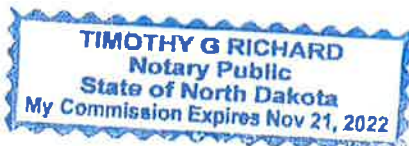
The undersigned further certifies that Holmquist Family LLP is the owner of at least three-fourths in assessed value of the property hereinabove described.

Dated this 11th day of March, in the year 2021

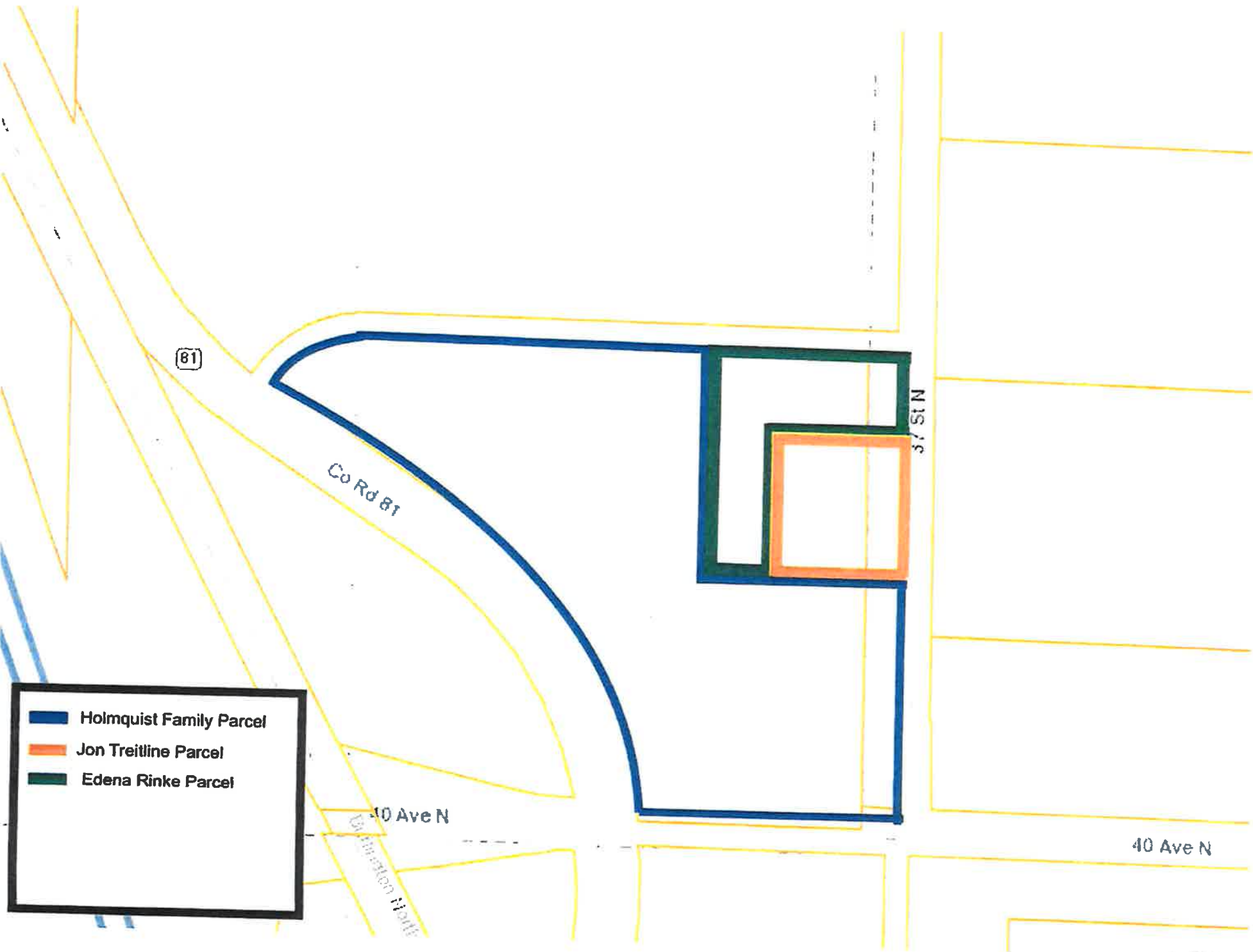
Signature Ronald K. Holmquist

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

On this 11 day of March, in the year 2021, before me, a notary public in and for said County and State, personally appeared Ronald K. Holmquist, who executed to foregoing instrument, and acknowledged to me that he/she executed the same.



[Signature]
Notary Public
Cass County, North Dakota
My Commission Expires:



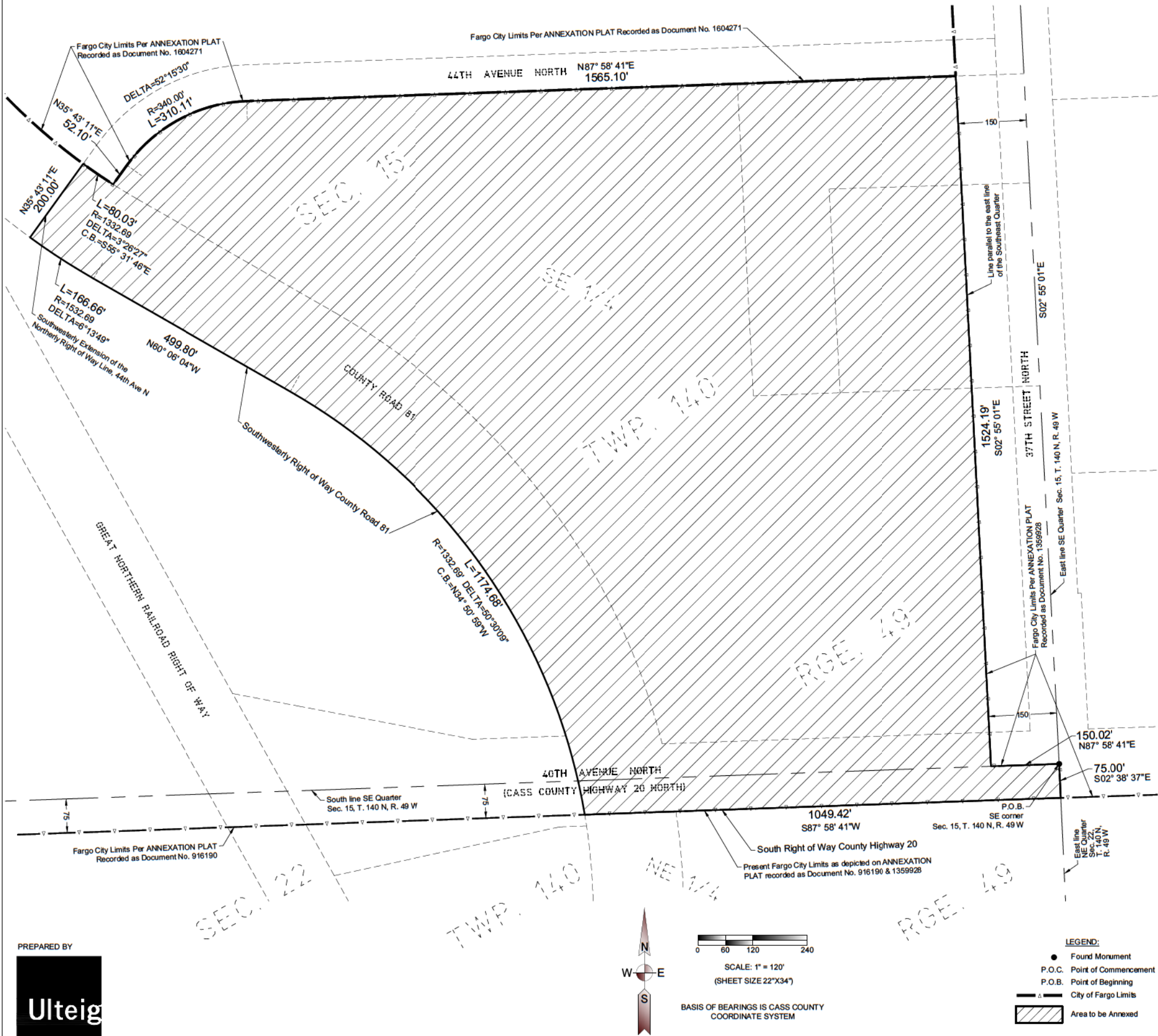
-  Holmquist Family Parcel
-  Jon Treitline Parcel
-  Edena Rinke Parcel

That part of the Southeast Quarter of Section 15 and the Northeast Quarter of Section 22, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, more particularly described as follows:

Beginning at the southeast corner of said Section 15; thence South 02 degrees 38 minutes 37 seconds East, assumed bearing, along the east line of said Northeast Quarter of Section 22, also being the west line of the Fargo City Limits per Document No. 1359928, a distance of 75.00 feet, more or less, to the south Right of Way of County Highway 20, also being the north line of the Fargo City Limits as depicted on City of Fargo Annexation Plat Document No. 916190 and 1359928; thence South 87 degrees 58 minutes 41 seconds West, along said south Right of Way and north line of said Fargo City Limits, a distance of 1049.42 feet, more or less, to the intersection with the westerly right of way of County Road 81; thence northwesterly, and along said westerly Right of Way of County Road 81, a distance of 1174.68 feet along a non-tangential curve concave to the southwest with a radius of 1332.69 feet, a central angle of 50 degrees 30 minutes 09 seconds, and a chord which bears North 34 degrees 50 minutes 59 seconds West; thence North 60 degrees 06 minutes 04 seconds West, tangent to last described curve and along said Right of Way, a distance of 499.80 feet; thence northwesterly, along a tangential curve concave to the northeast and along said Right of Way, a distance of 166.66 feet to the intersection with the southwesterly extension of the northerly right of way line of 44th Ave North as dedicated in the plat of NORTH FARGO INDUSTRIAL ADDITION, said curve has a radius of 1532.69 feet, a central angle of 06 degrees 13 minutes 49 seconds; thence North 35 degrees 43 minutes 11 seconds East, not tangent to last described curve and along said southwesterly extension of said north line of 44th Ave North, a distance of 200.00 feet to the northeasterly Right of Way of County Road 81 and the southwesterly line of the Fargo City Limits per Document No. 1604271; thence southeasterly, and along said northeasterly Right of Way and southwesterly line of the Fargo City Limits, a distance of 80.03 feet along a non-tangential curve concave to the northeast with a radius of 1332.69 feet, a central angle of 3 degrees 26 minutes 27 seconds, and a chord which bears South 55 degrees 31 minutes 46 seconds East, thence North 35 degrees 43 minutes 11 seconds East, not tangent to last described curve and along the south line of the Fargo City Limits per Document No. 1604271, a distance of 52.10 feet; thence northeasterly along a tangential curve concave to the southeast and continuing along the said south line of the Fargo City Limits per Document No. 1604271, a distance of 310.11 feet said curve has a radius of 340.00 feet, and a central angle of 52 degrees 15 minutes 30 seconds; thence North 87 degrees 58 minutes 41 seconds East, tangent to last described curve and along the south line of said Fargo City Limits per Document No. 1604271, a distance of 1565.10 feet, to the west line of the Fargo City Limits per Document No. 1359928; thence South 02 degrees 55 minutes 01 seconds East, along said west line, a distance of 1524.19 feet; thence North 87 degrees 58 minutes 41 seconds East along the south line of the Southeast Quarter of said Section 15, also being the south line of the Fargo City Limits per Document No. 1359928, a distance of 150.02 feet to the point of beginning.

Contains 2,237,104 square feet or 51.36 acres, more or less.

ANNEXATION PLAT
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



ANNEXATION PLAT OF:
That part of the Southeast Quarter of Section 15 and the Northeast Quarter of Section 22, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, more particularly described as follows:
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Contains 2,237,104 square feet or 51.36 acres, more or less.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:
I, Kurt M. Kisch, Registered Professional Land Surveyor under the laws of the State of North Dakota, hereby certify that the annexed plat is a true representation of Resolution adopted.

Kurt M. Kisch North Dakota License No. 4597
State of Minnesota)
County of Hennepin) SS

The foregoing instrument was acknowledged this ____ day of ____, 2021, before me, a notary public with and for said County, personally appeared Kurt M. Kisch, Professional Land Surveyor, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public _____ County
My commission expires _____

CITY ENGINEER'S APPROVAL:
This annexed plat is hereby approved this ____ day of ____, 2021.

Brenda E. Derrig, City Engineer, P.E.
State of North Dakota)
County of Cass) SS

The foregoing instrument was acknowledged this ____ day of ____, 2021, before me, a notary public with and for said County, personally appeared Brenda E. Derrig, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public Cass County
My commission expires _____

FARGO CITY COMMISSION APPROVAL:
Approved by the Board of City Commissioners of Fargo, North Dakota this ____ day of ____, 2021.

Timothy J. Mahoney Steven H. Sprague
Mayor City Auditor

State of North Dakota)
County of Cass) SS

The foregoing instrument was acknowledged this ____ day of ____, 2021, before me, a notary public with and for said County, by Timothy J. Mahoney, Mayor, and Steven H. Sprague, City Auditor, on behalf of the City of Fargo.

Notary Public Cass County
My commission expires _____

MEMORANDUM

TO: Fargo Planning Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research
Aaron Nelson, Planning Coordinator

DATE: April 28, 2020

SUBJECT: Renewal Plan Review

City staff has prepared a Renewal Plan for blighted property located in the 1600 and 1700 blocks of 1st Avenue North. The plan is attached for your review.

The plan was prepared to be consistent with the City's comprehensive plan and related plans. Additionally, the plan aligns with the requirements and intent of the zoning amendment that was reviewed and recommended for approval by the Planning Commission on March 2, 2021, and a Planned Unit Development approved on April 6, 2021. As part of the review process, the Renewal Plan is referred to the Planning Commission for recommendation as to its conformity with the GO2030 Comprehensive Plan.

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

Recommended Motion:

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

Attachment

RENEWAL PLAN
TAX INCREMENT FINANCING DISTRICT NO. 2021-02

CITY OF FARGO, NORTH DAKOTA

April 2021

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2021-02.....	1
SUBSECTION 1.1. DEFINITIONS.....	1
SUBSECTION 1.2. STATUTORY AUTHORITY.....	1
SUBSECTION 1.3. STATEMENT OF PUBLIC PURPOSE	2
SUBSECTION 1.4. DESCRIPTION OF RENEWAL AREA	3
SUBSECTION 1.5. LAND ACQUISITION, DEVELOPMENT, DEMOLITION AND REMOVAL OF STRUCTURES, REDEVELOPMENT, OR IMPROVEMENTS.....	3
SUBSECTION 1.6. LAND USE ATTRIBUTES – TIF DISTRICT	4
SUBSECTION 1.7. ESTIMATE OF DEVELOPMENT COSTS	4
SUBSECTION 1.8. ESTIMATE OF BONDED INDEBTEDNESS.....	5
SUBSECTION 1.9. TAX INCREMENT FINANCING.....	5
SUBSECTION 1.10. ESTIMATE OF TAX INCREMENT.....	5
SUBSECTION 1.11. DURATION OF THE TIF DISTRICT.....	5
APPENDIX A: LEGAL DESCRIPTION OF PROPERTY	
APPENDIX B: MAP OF THE RENEWAL AREA/TIF DISTRICT	
APPENDIX C: ZONING MAP	
APPENDIX D: PHOTOS OF EXISTING CONDITIONS	
APPENDIX E: PLAN FOR REDEVELOPMENT	

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2021-02

Subsection 1.1. Definitions.

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

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

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

"Comprehensive Plan" means the City's Go2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

"County" means Cass County, North Dakota.

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

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

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

"State" means the State of North Dakota.

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

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

"Tax Increment Financing District" or "TIF District" means Tax Increment Financing District No. 2021-02.

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

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area and the establishment of Tax Increment Financing District No. 2021-02 are authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or

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

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

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan for TIF District No. 2021-02, the City Commission intends to make the following findings:

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

Factual basis: This Renewal Area is blighted due to the presence of a vacant site with demolition debris, which substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

- (b) The Renewal Area includes vacant property that was a site used for disposal of old buildings and outdoor storage of materials used in construction.

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

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

Factual basis: The renewal area was recently rezoned to allow for a mixed-use development that includes retail space, event space, a hotel and housing.

- (d) The site is vacant and existing housing will not be affected.

Factual basis: No housing will be eliminated by this redevelopment. The redevelopment will include new housing units.

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

Factual basis: The proposed development is consistent with the goals that are embodied in the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030. Additionally, the subject property less than a mile from the downtown core, and this redevelopment is compatible with and supportive of downtown redevelopment. The proposed use of the property is consistent with zoning, and may encourage additional

infill development to the west of the site. The proposed development will use existing infrastructure as the property is served with the water and sewer main lines.

Subsection 1.4. Description of Renewal Area

The Renewal Area is located west of downtown Fargo. More specifically, it is located on the south side of 1st Avenue North, west of 16th Street. The site is approximately seven acres as legally described in Appendix A. A map of the Renewal Area is attached as Appendix B.

A zoning map of the Renewal Area is attached as Appendix C. Adjacent land uses are vacant sites, commercial uses and industrial/warehouse uses. The Renewal Area included the Drekker Brewery, commercial buildings and a residence.

The proposed project will be a 4-story building of 100,000 square feet attached to the west of the Drekker Brewery. The first two floors will be a food market and event/conference space. Floors three and four will be lodging units and apartment units. There will be underground parking in a basement level, surface parking for nearly 200 cars and outdoor patios.

The redevelopment plan is attached as Appendix E.

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

The Development of the Renewal Area includes the following activities:

Land Acquisition – The estimate is \$970,000.

Demolition and Site Cleaning, Soil Correction and Remediation and Grading – This cost is the estimate of the cost to remove substandard soils and rubble, plus fill and grade the site. The estimate is \$353,000.

Public Works Improvements – This is the cost for needed improvements for infrastructure to serve the site including curb/gutter, sidewalks, utility connections and storm water facilities. The estimate is \$119,000.

Administrative/TIF Fees – Other Tax Increment costs include the administrative costs. There are estimated to be \$72,000 in administrative costs for the City of Fargo.

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

Subsection 1.6. Land Use Attributes – TIF District

(a) *Zoning or Planning Changes.*

The lots in this TIF District have replatted into two lots. The northwestern lot is 0.6 acres in area and is zoned MR-2 (Multi-Dwelling Residential). The other lot is 2.6 acres in area and is zoned DMU (Downtown Mixed-Use). No zoning and planning changes are required to accommodate this project.

(b) *Maximum Densities.*

The property within the TIF District will be developed in accordance with the applicable zoning district requirements. The site is zoned General Commercial with a Planned Unit Development.

(c) *Building Requirements.*

All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.

(d) *Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational/community facilities and other public improvements.)*

The physical improvements outlined in the plan meet critical needs required for the redevelopment of this property. The project complies with the DMU zoning district and the redevelopment goals of the Go2030 Comprehensive Plan. The development provides for the infill of new mixed use building just west of downtown Fargo.

Subsection 1.7. Estimate of Development Costs

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

Property Acquisition	\$970,000
Demolition and Site Cleanup	\$353,000
Public Works Improvements	\$119,000
Administration	\$72,000
 TOTAL	 \$1,514,000

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

Subsection 1.8. Estimate of Bonded Indebtedness

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

Subsection 1.9. Tax Increment Financing.

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

The original assessed value of the property within the Renewal Area, as last assessed and equalized before the base year of this Plan is outlined on Attachment A.

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

Subsection 1.10. Estimate of Tax Increment.

It is anticipated that the Development will result in an increase in true and full value of the Renewal Area redevelopment site to \$20 million. The value of the development site within the TIF district is \$5 million. The increase in value will be approximately \$15 million. Under the mill rate in effect as of the date of this Plan, the Renewal Area will generate tax increment each year in the estimated amount of \$208,000.

Subsection 1.11. Duration of the TIF District.

The City anticipates that the TIF District will continue until all development costs are reimbursed through the receipts of tax increment, or after a maximum of 10 years. The first substantial tax increment payment will be received in 2023, with the full value increased value in 2024.

APPENDIX A
LEGAL DESCRIPTION OF PROPERTY



Parcel Information Report

Parcel Number: 01234003793000

General Information

City/Township:	Fargo City
Taxpayer Name:	MBA INVESTMENTS LLC
Property Address:	1620 1 AVE N
Section:	27
Subdivision:	Reeves
Extra Territorial Area:	
Lot:	1
Legal Description:	1 THRU 13 & 1 THRU 27 & W 25 FT OF VAC 16 ST N & ALL OF 16 1/2 ST N LYING BETWEEN BLKS 26 & 27 & ALLEY WHICH WERE VAC IN 1940, LESS THE FOLL: ALL PTS OF LTS 11, 12 & 13 & ALL PTS OF LTS 12 THRU 17, BLK 26 WHICH LIE S OF A LN WHICH IS PARA & 200 FT N OF THE CENTERLINE OF NP RR MAIN TRACK, ALSO LESS A PARCEL OF LD WITH THE PARCEL234.0-3810.0 & ALSO LESS THAT PT OF A PARCEL OF LD LEGALLY DESC BY PARCEL350.0-4901.0; AND AUD LT 1 OF S 1/2 SEC 1 TWP 139 N R 49 W. **2-15-18 BOUNDARY CORRECTION; COMB/FR 01-2170-00361-000 & 01-2340-03792-000 SPL#2018-007
Lot Area:	0
Frontage Length:	
Depth Factor:	
Recorded Acres:	5.07233

District Information

School District:	S001 (Fargo Public School District #1)
Water District:	W060 (Southeast Water Resource District)
Fire District:	()



Parcel Information Report

Parcel Number: 01350004901000

General Information

City/Township:	Fargo City
Taxpayer Name:	MBA INVESTMENTS LLC
Property Address:	1702 1 AVE N
Section:	27
Subdivision:	Reeves
Extra Territorial Area:	
Lot:	1
Legal Description:	UNPLATTED COMM AT NW COR OF LT 1, BLK 27 REEVES SD PT ALSO BEING ON SLY R/W LN OF 1 AVE N; THN S 85 DEG 48 MIN 15 SEC W (ASSMD BRG) ALG SLY LN OF SD 1 AVE N & ALG NLY LN OF SD LT 5, FOR A DIST OF 5.39' TO TRUE PT OF BEG; THEN CONT S 85DG48'15"" W ALG SLY LN OF SD 1 AVE N FOR A DIST OF 351 FT, THEN S 00 DEG 00 MIN 00 SEC E PARA WITH WLY R/W LN OF VAC 16 1/2 ST N FOR A DIST OF 204.34' TO NLY R/W LN OF RR, THEN S 84 DEG 30 MIN 51 SEC E, ALG NLY R/W LN OF SD RR, FOR A DIST OF 259 FT; THEN N 19 DEG 54 MIN 12 SEC E FOR A DIST OF 270.97 FT TO TRUE PT OF BEG *07/06/00 SPL/FR 01-1980-00210-000
Lot Area:	0
Frontage Length:	
Depth Factor:	
Recorded Acres:	0

District Information

School District:	S001 (Fargo Public School District #1)
Water District:	W060 (Southeast Water Resource District)
Fire District:	()

APPENDIX B

MAP OF THE RENEWAL AREA/TIF DISTRICT

TIF District No. 2021-02



APPENDIX C

ZONING MAP

TIF District No. 2021-02



Zoning Districts

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

 TIF District

0 100 200 Feet



APPENDIX D
PHOTOS OF EXISTING CONDITIONS



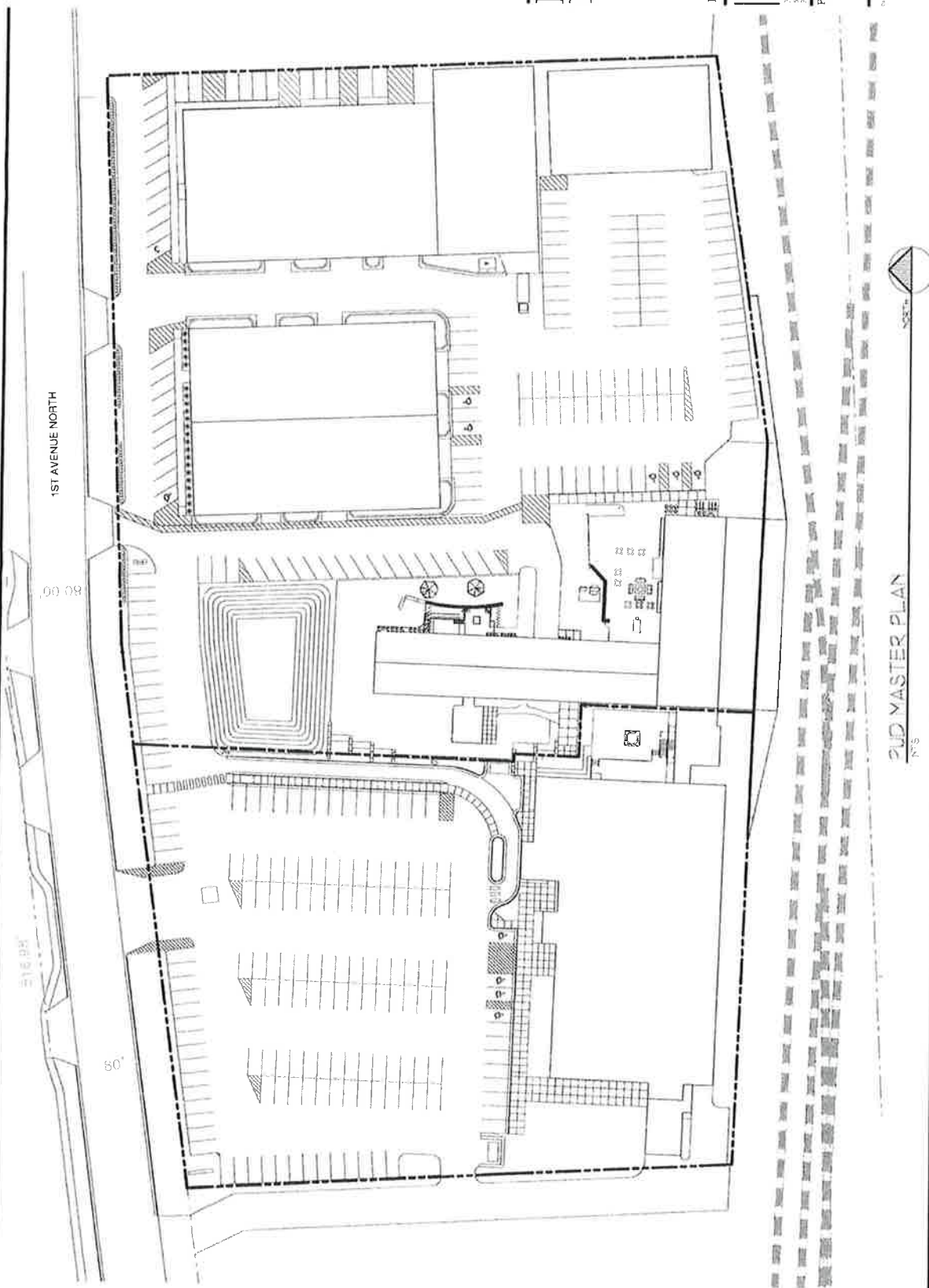
Agenda Item 28b

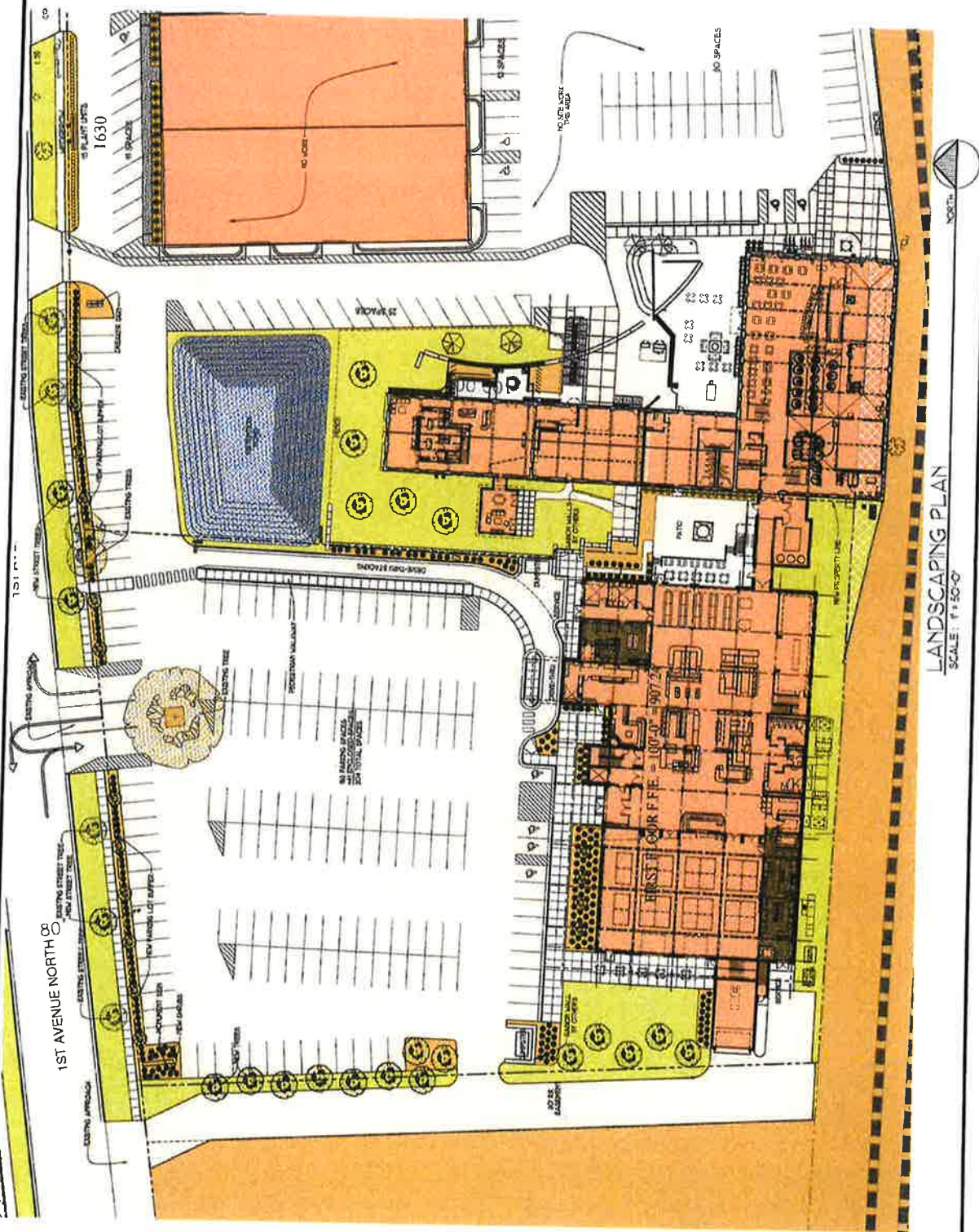
← Facing southerly from 1st Avenue North at the area being rezoned from LI to GC, where the new building will be built.

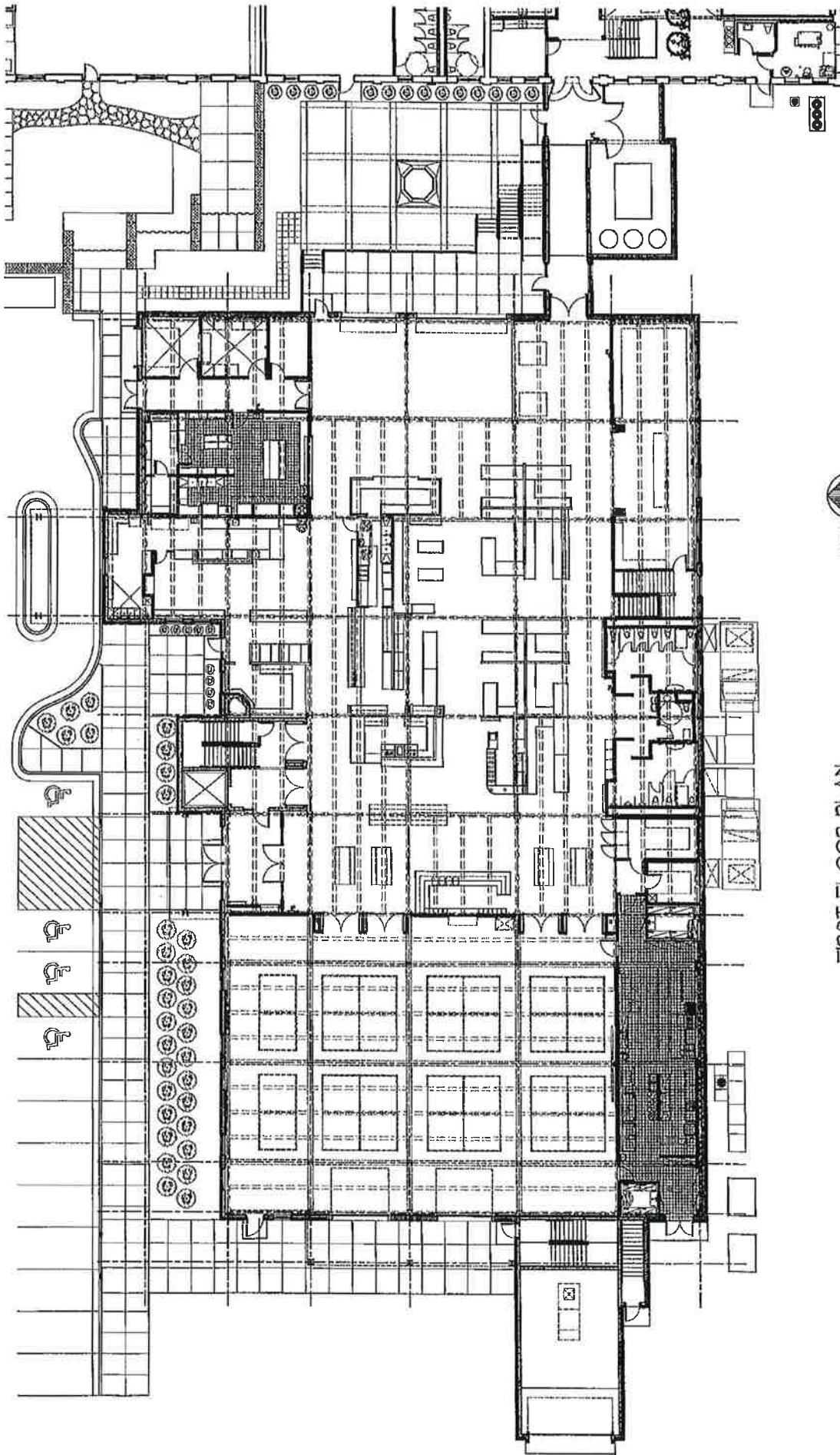


→ Facing easterly along 1st Avenue North along the property frontage showing the Railyard offices and Icehouse buildings on the subject property. The buildings and uses will remain.

APPENDIX E
PLAN FOR REDEVELOPMENT







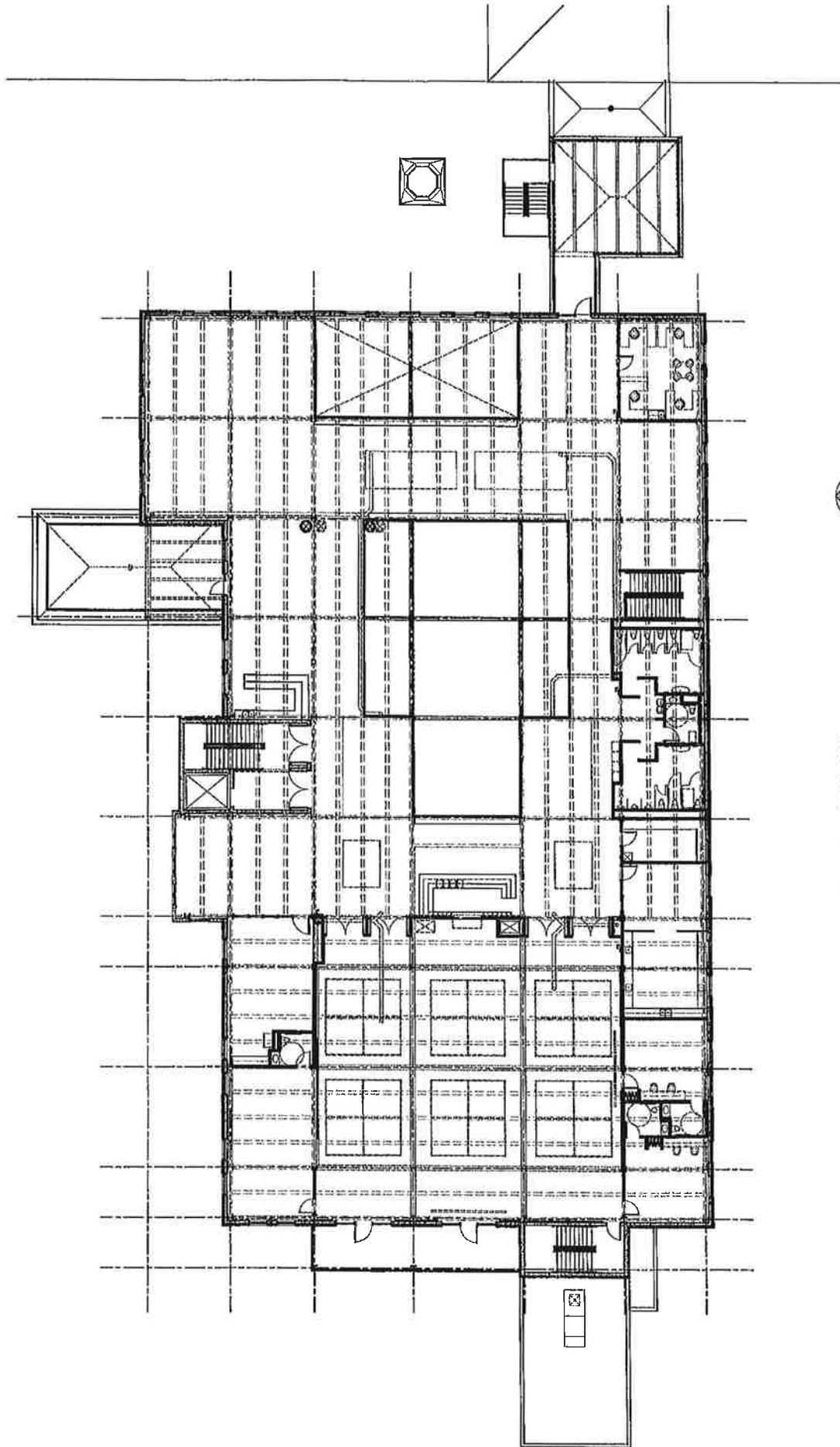
FIRST FLOOR PLAN
SCALE: 1" = 50'-0"



BREWHALLA MARKET

FARGO, NORTH DAKOTA

M | B | A
ARCHITECTS



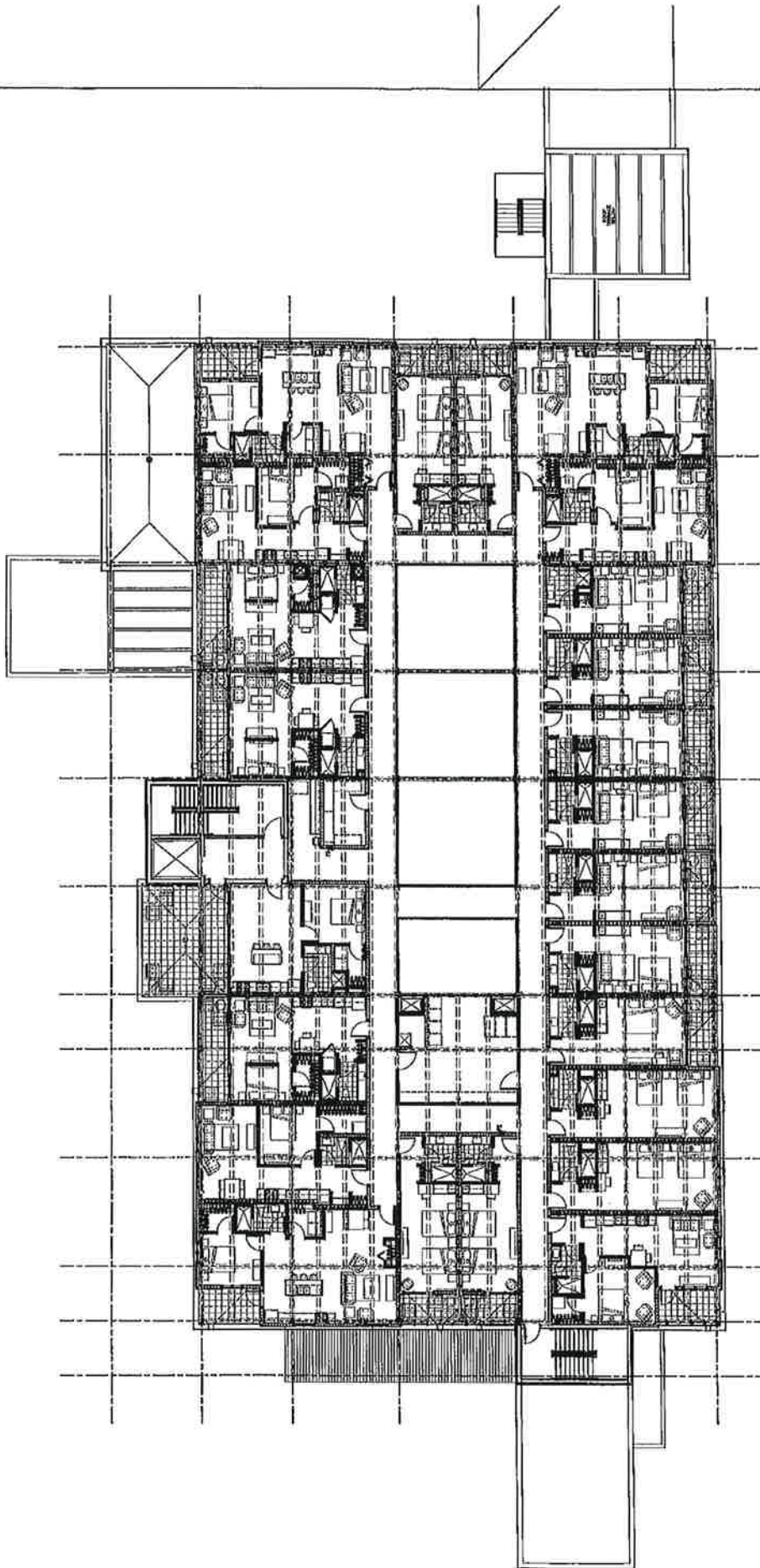
SECOND FLOOR PLAN
SCALE: 1/4" = 30'-0"



BREWHALLA MARKET

FARGO, NORTH DAKOTA

M|B|A
ARCHITECTS



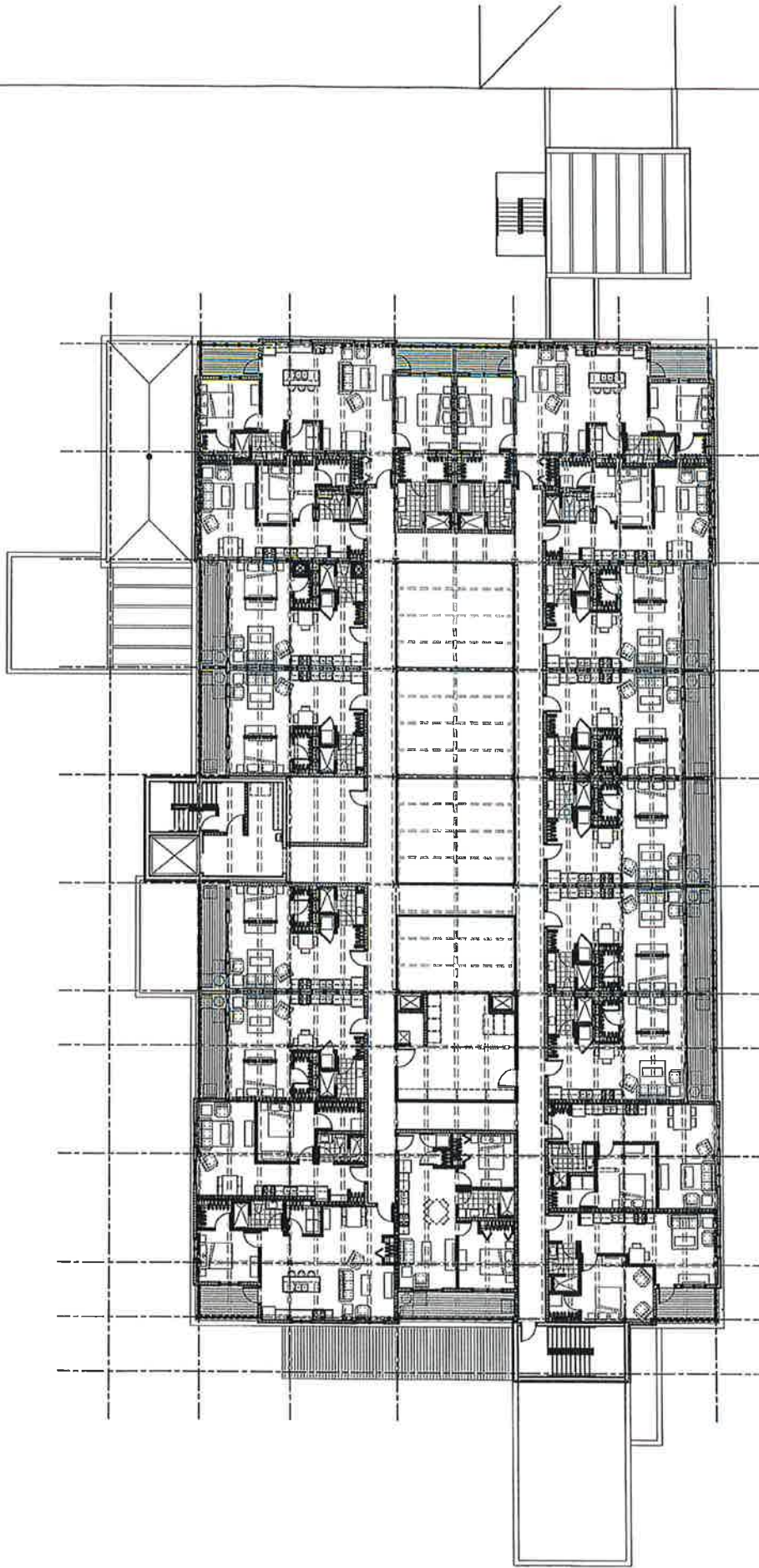
THIRD FLOOR PLAN
SCALE: 1" = 30'-0"



BREWHALLA MARKET

FARGO, NORTH DAKOTA

M | B | A
ARCHITECTS



FOURTH FLOOR PLAN
SCALE: 1" = 30'-0"



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Perspective rendering from applicant



Perspective rendering from applicant



Perspective rendering from applicant