

FARGO PLANNING COMMISSION AGENDA  
Tuesday, May 6, 2025 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of April 1, 2025
- C: Public Hearing Items:
- 1a. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, **EOLA Second Addition** and on the proposed **J & O 45th Street Apartments Addition**. (Located at 4417 and 4477 26th Avenue South and 4410, 4448, 4470, and 4474 24th Avenue South) (EOLA Landholdings, LLC/The Wave Resort, LLC/MAKT, LLC/Houston Engineering) (me)
  - 1b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan Amendment on Lot 2, Block 1, **EOLA Second Addition** and on the proposed **J & O 45th Street Apartments Addition**. (Located at 4417 and 4477 26th Avenue South and 4410, 4448, 4470, and 4474 24th Avenue South) (EOLA Landholdings, LLC/The Wave Resort, LLC/MAKT, LLC/Houston Engineering) (me)
  - 1c. Hearing on an application requesting a Zoning Change from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, **EOLA Addition**. (Located at 4415 and 4471 24th Avenue South) (EOLA Landholdings, LLC/Christopher H. Crowe, RT/Houston Engineering) (me)
  - 1d. Hearing on an application requesting a Plat of **J & O 45th Street Apartments Addition** (Major Subdivision) a replat of Lots 1, 3, 4 and 5, Block 1, EOLA Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac. (Located at 4417 and 4477 26th Avenue South and 4410 and 4448 24th Avenue South) (EOLA Landholdings, LLC/The Wave Resort, LLC/Houston Engineering) (me)
  - 2a. Hearing on an application request a Zoning Change from GO, General Office and P/I, Public and Institutional to GO, General Office and P/I, Public and Institutional on the proposed **Sullivan Second Addition**. (Located at 5202 and 5534 25th Street South and 5201 and 5475 Bishops Boulevard South) (Diocese of Fargo/MBN Engineering) (cl)
  - 2b. Hearing on an application requesting a Plat of **Sullivan Second Addition** (Minor Subdivision) a replat of Lots 1-2, Block 1, Sullivan Addition to the City of Fargo, Cass County, North Dakota.

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

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



(Located at 5202 25th Street South and 5201, 5475 and 5534 Bishops Boulevard South)  
(Diocese of Fargo/MBN Engineering) (cl)

3. Hearing on an application requesting a Conditional Use Permit (CUP) for an Alternative Access Plan for a parking reduction on Lot 1, Block 1, **Southwest Fargo Mission Second Addition**. (Located at 4475 40th Avenue South) (52nd Avenue Investments, LLC/Christianson Companies) (me)
4. Hearing on an application requesting a Conditional Use Permit (CUP) to allow non-farm commercial use in the AG, Agricultural zoning district on a portion of the Southeast Quarter of **Section 14, Township 138 North, Range 49 West**. (Located at 2717 88th Avenue South) (Arenson Holdings, LLC/Kyle Jaeger) (lm): CONTINUED TO JUNE 3, 2025

D: Other Items:

1. Annexation of approximately 87.89 acres of portions of Sections 10 and 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota.

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## **BOARD OF PLANNING COMMISSIONERS MINUTES**

**Regular Meeting:**

**Tuesday, April 1, 2025**

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 1, 2025.

The Planning Commissioners present or absent were as follows:

Present: Maranda Tasa, Art Rosenberg, Brett Shewey, Joseph Cecil, Amy Hass, Tyler Mohs, Paul Gleye, Michael Betlock, Tracy Jordre

Absent: Scott Stofferahn, Thomas Schmidt

Chair Tasa called the meeting to order.

### **Business Items:**

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

Chair Tasa noted that Items 1a, 1b, and 1c have been withdrawn. She also noted that a Planning Commission Brown Bag meeting will be held on either April 15 or 16 on the topic of overview staff application process review.

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

#### **Item B: Minutes: Regular Meeting of March 4, 2025**

Member Gleye moved the minutes of the March 4, 2025 Planning Commission meeting be approved. Second by Member Rosenberg. All Members present voted aye and the motion was declared carried.

#### **Item C: Public Hearing Items:**

##### **Item 1: Broadway Commons Addition**

**1a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed Broadway Commons Addition. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies):  
WITHDRAWN**

**1b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan on the proposed Broadway Commons Addition. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th**



**Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies):  
WITHDRAWN**

**1c. Continued hearing on an application requesting a Plat of Broadway Commons Addition (Minor Subdivision) a replat of all of Lot 1, all of Auditor's Lots A, B, E, F, and G and a portion of Lot 6 of Marelus' Subdivision of Block 18 of Chapin's Addition and part of Auditor's Lot C of Block 17 of Chapin's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1004, 1014, and 1024 Broadway North; 1013 and 1017 7th Street North) (Silver Leaf Properties/MBN Engineering, Inc/Gleason Companies): WITHDRAWN**

A Hearing had been set for November 5, 2024. At the November 5, 2024 meeting, the Hearing was continued to December 3, 2024. At the December 3, 2024 meeting, the Hearing was continued to this February 4, 2025. At the February 4, 2025 meeting, the Hearing was continued to this date and time, however the applicant has requested this application be withdrawn.

**Item 2: Brekke's 64th Avenue Addition**

**2a. Continued hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on the proposed Brekke's 64th Avenue Addition. (Located at 1606 and 1648 64th Avenue South) (Brekke Custom Homes/Houston Engineering, Inc.): APPROVED**

**2b. Continued hearing on an application requesting a Plat of Brekke's 64th Avenue Addition (Major Subdivision) a plat of the Northwest Quarter of the Northeast Quarter of Section 12, Township 138 North, Range 49 West, of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 1606 and 1648 64th Avenue South) (Brekke Custom Homes/Houston Engineering, Inc.): APPROVED**

A Hearing had been set for March 4, 2025. At the March 4, 2025 meeting, the Hearing was continued to this date and time.

Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an updated plat was provided for the Board.

Applicant representative Brian Pattengale, Houston Engineering, spoke on behalf of the application.

Discussion was held on the sidewalk layout.

Member Gleye 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-2, Single-Dwelling Residential to SR-4, Single-Dwelling Residential, and 2) Subdivision Plat Brekke's 64th Avenue Addition, as outlined within the staff report, as



the proposal complies with the Standards of Article 20-06, Sections 20-0906.F (1-4) and 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code and the 2024 Growth Plan. Second by Member Shewey. On call of the roll Members Jordre, Hass, Mohs, Shewey, Gleye, Cecil, Betlock, Rosenberg, and Tasa voted aye. Absent and not voting: Members Schmidt and Stofferahn. The motion was declared carried.

**Item 3: Simonson Companies Fourth Addition**  
**Hearing on an application requesting a Plat of Simonson Companies Fourth Addition (Minor Subdivision) a replat of Lot 2, Block 1, Simonson Companies Third Addition and Lot 1, Block 1, Simonson Companies Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 3971 53rd Avenue South and 5237 38th Street South) (Simonson Companies, LLC/Lowry Engineering): APPROVED**

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

Discussion was held on if a traffic light would be going in on 53rd Avenue and 38th Street South.

Assistant City Engineer Nathan Boerboom, spoke on behalf of the Engineering Department, noting no current plans at this time for a traffic light at that location.

Further discussion was held on access and traffic.

Member Hass moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Simonson Companies Fourth Addition, as outlined within the staff report, as the proposal complies with the adopted 2024 Fargo Growth Plan, the Standards of Article 20-06, Section 20-0907. B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Mohs. On call of the roll Members Rosenberg, Betlock, Hass, Cecil, Shewey, Mohs, Gleye, Jordre, and Tasa voted aye. Absent and not voting: Members Schmidt and Stofferahn. The motion was declared carried.

**Item 4: Golden Valley Sixth Addition**  
**Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling residential to SR-5, Single-Dwelling Residential on Lot 11, Block 1, Golden Valley Sixth Addition. (Located at 6788 27th Street South) (Jordahl Custom Homes/Houston Engineering): APPROVED**

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

Discussion was held on density in a single-family neighborhood.



Member Shewey moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from SR-4, Single-Dwelling Residential to SR-5, Single-Dwelling Residential, as outlined within the staff report, as the proposal complies with the 2024 Growth Plan, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Betlock, Jordre, Cecil, Mohs, Rosenberg, Gleye, Shewey, Hass, and Tasa voted aye. Absent and not voting: Members Stofferahn and Schmidt. The motion was declared carried.

**Item 5: Goodman's Subdivision**

**Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan to allow shared parking and reduced parking in the GC, General Commercial zoning district on Lots 15-17, Goodman's Subdivision. (Located at 3501 and 3511 Main Avenue) (3222, LLC/Century Builders): APPROVED**

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

Discussion was held on landscaping.

Member Gleye moved the findings and recommendations of staff be accepted and the Conditional Use Permit for an Alternative Access Pan to allow shared parking and reduced parking in the GC, General Commercial zoning district on Lots 15-17, Goodman's Subdivision be approved, as outlined in the staff report, as the proposal complies with the 2024 Growth Plan, the Standards of Section 20-0909.D of the Land Development Code, and all other applicable requirements of the Land Development code, with the following conditions:

1. A minimum of 119 parking spots shall be provided on the subject properties.
2. Future permits are generally consistent with the site plan provided in the April 1, 2025 Planning Commission packet. Changes may require review by the Planning Commission as determined by Planning staff.
3. If the uses of their hours of operation change from what is outlined in the provided parking narrative, then the updated information will be required to be reviewed and approved by the City of Fargo Traffic Engineer and Planning Commission as determined by Planning staff.

Second by Member Betlock. On call of the roll Members Gleye, Hass, Mohs, Jordre, Rosenberg, Betlock, Cecil, Shewey, and Tasa voted aye. Absent and not voting: Members Stofferahn and Schmidt. The motion was declared carried.



Mr. Kress presented an overview of Items 6, 7, and 8.

**Item 6: Mickelson Fields Addition**

**Hearing on an application requesting a Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the P/I, Public and Institutional zoning district on Lot 2, Block 1, Mickelson Fields Addition. (Located at 875, 901, and 925 Oak Street North) (Fargo Park District/Terra Consulting for AT&T): APPROVED**

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an updated site plan and elevation drawing was provided to the Board.

Discussion was held on landscaping, design standards, and fencing.

Hugh Bealka, Terra Consulting, spoke on behalf of the application.

Additional discussion was held on the location of the tower, the aesthetic look of the tower, lighting for the sledding hill located on the tower, and look of the fencing around the tower.

The following residents spoke in opposition to the application stating the following concerns: Height of the tower, impacting the sledding hill for children, noise, degrading the park, decreasing home values, potential health risks from radio frequency, and affecting wildlife.

Dana Woodruff, 746 Elm Street North  
Dawn Nygord 1102 Oak Street  
Teresa Nightengale, 2 North Terrace North

Mr. Kress noted radio frequency is regulated federally.

Further discussion was held on managing land use versus benefit, reviewing the proposed height in the application, not the site plan, required distance by code from residential properties, the importance of maintaining and preserving park land, and alternative site options.

Planning and Development Director Nicole Crutchfield spoke on behalf of the Planning Department.

Discussion continued on the Planning Commission's role in reviewing applications.

Mr. Bealka provided further information on the application.

Additional discussion continued on the tower height, aesthetic look, and alternative tower location options.



Member Rosenberg moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the P/I, Public and Institutional zoning district on Lot 2, Block 1, Mickelson Fields Addition be approved, as outlined in the staff report, as the proposal complies with the Standards of Section 20-0909.D, and Section 20-0402.N.3.e.1-5 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Shewey. On call of the roll Members Rosenberg, Shewey, Gleye, Hass, and Tasa voted aye. Members Cecil, Mohs, Betlock, and Jordre voted nay. Absent and not voting: Members Schmidt and Stofferahn. The motion was declared carried.

**Item 7: Section 2, Township 140 North, Range 49 West**

**Hearing on an application requesting a Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the P/I, Public and Institutional zoning district on the East Half of the Northwest Quarter of Section 22, Township 140 North, Range 49 West. (Located at 4160 and 4350 40th Avenue North) (North Dakota State University/Terra Consulting for AT&T): APPROVED**

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

Discussion was held on location, ability to co-locate other companies on the tower, distance from residential area, height requirement, and distance to the next nearest tower.

Mr. Bealka, Terra Consulting, spoke on behalf of the application.

Discussion continued on the number of companies to be co-locatable on one pole.

Resident Dana Woodruff, 746 Elm Street North, spoke regarding the number of towers AT&T is applying for.

Ms. Crutchfield spoke regarding coverage, limited location options in the north part of Fargo, and the current code standards.

Member Rosenberg moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the P/I, Public and Institutional zoning district in the East Half of the Northwest Quarter of Section 22, Township 140 North, Range 49 West, be approved, as outlined within the staff report, as the proposal complies with the Standards of Section 20-0909.D, and Section 20-0402.N.3.e.1-5 of the Land Development Code, and all other applicable requirements of the Land Development Code with the following condition:



1. The applicant must provide documentation of Federal Aviation Administration (FAA) approval for the tower height prior to the installation of the temporary and permanent towers.

Second by Member Gleye. On call of the roll Members Mohs, Jordre, Shewey, Hass, Rosenberg, Cecil, Gleye, Betlock, and Tasa voted aye. Absent and not voting: Members Stofferahn and Schmidt. The motion was declared carried.

**Item 8: Rose Creek Golf Course Annex Addition  
Hearing on an application requesting a Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the LI, Limited Industrial zoning district on Lot 3, Block 1, Rose Creek Golf Course Annex Addition. (Located at 4515 University Drive South) (Fargo Park District/Terra Consulting for AT&T): APPROVED**

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

Discussion was held on the height of the tower and if tower height affects coverage.

Mr. Bealka, Terra Consulting, spoke on behalf of the application.

Member Shewey moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Telecommunications Support Structure (TSS) to exceed the maximum height requirements in the LI, Limited Industrial zoning district on Lot 3, Block , Rose Creek Golf Course Annex Addition, be approved, as outlined within the staff report, as the proposal complies with the Standards of Section 20-0909.D, and Section 20-0402.N.3.b.1-3 of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following condition:

1. Height of the Telecommunications Support Structure (TSS) not to exceed 150 feet above ground level.

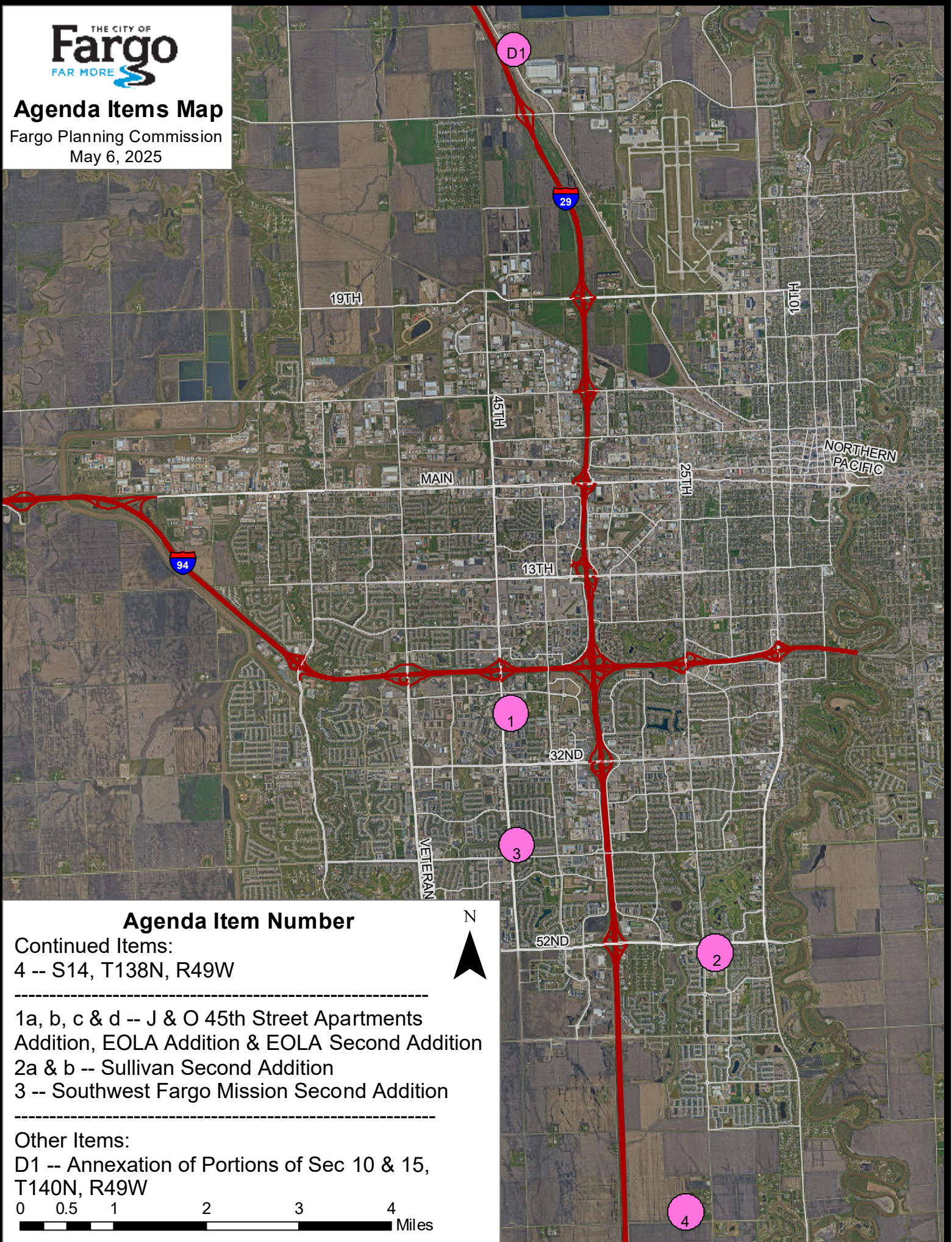
Second by Member Rosenberg. On call of the roll Members Betlock, Hass, Cecil, Shewey, Rosenberg, Gleye, Mohs, Jordre, and Tasa voted aye. Absent and not voting: Members Stofferahn and Schmidt. The motion was declared carried.

The time at adjournment was 4:34 p.m.



## Agenda Items Map

Fargo Planning Commission  
May 6, 2025



### Agenda Item Number

Continued Items:

4 -- S14, T138N, R49W

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- 1a, b, c & d -- J & O 45th Street Apartments  
Addition, EOLA Addition & EOLA Second Addition  
2a & b -- Sullivan Second Addition  
3 -- Southwest Fargo Mission Second Addition
- 

Other Items:

D1 -- Annexation of Portions of Sec 10 & 15,  
T140N, R49W

0 0.5 1 2 3 4  
Miles





<b>City of Fargo Staff Report</b>			
<b>Title:</b>	<b>J &amp; O 45<sup>th</sup> Street Apartments Addition, EOLA Addition, and EOLA Second Addition</b>	<b>Date:</b>	5/1/2025
<b>Location:</b>	4417 and 4477 26th Avenue South and 4410, 4415, 4448, 4470, 4471 and 4474 24th Avenue South	<b>Staff Contact:</b>	Maegin Elshaug, planning coordinator
<b>Legal Description:</b>	Lots 1 & 2, EOLA Addition; Lots 1-5, Block 1, EOLA Second Addition		
<b>Owner(s)/Applicant:</b>	Makt LLC; EOLA Landholdings, LLC; The Wave Resort, LLC; Christopher H Crowe RT / Houston Engineering	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	<b>Zoning Change</b> from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; <b>PUD, Planned Unit Development Master Land Use Plan Amendment</b> on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; <b>Zoning Change</b> from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition; and a <b>Plat</b> of J & O 45th Street Apartments Addition (Major Subdivision) a replat of Lots 1, 3, 4 and 5, Block 1, EOLA Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac.		
<b>Status:</b>	Planning Commission Public Hearing: May 6, 2025		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Mixed-Use Development	<b>Land Use:</b> Mixed-Use, Commercial, and Residential Development
<b>Zoning:</b> GC, General Commercial with a PUD Overlay;	<b>Zoning:</b> GC, General Commercial with an amended PUD Overlay and GC, General Commercial with a CO, Conditional Overlay
<b>Uses Allowed:</b>  GC – General Commercial allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del> , health care facilities, parks and open space, religious institutions, safety services, <del>adult establishment</del> , offices, <del>off-premise advertising</del> , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, <del>vehicle repair</del> , limited vehicle service, <del>aviation</del> , <del>surface transportation</del> , major	<b>Uses Allowed:</b>  GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, <del>detention facilities</del> , health care facilities, parks and open space, religious institutions, safety services, <del>adult establishment</del> , offices, <del>off-premise advertising</del> , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, <del>vehicle repair</del> , limited vehicle service, <del>aviation</del> , <del>surface transportation</del> , major entertainment events, <del>industrial service</del> , <del>manufacturing and</del>



entertainment events, <del>industrial service, manufacturing and production, warehouse and freight movement, and portable signs.</del>  Plus a PUD allowing Residential use, building and design standard requirements and restricted uses (noted above). Ordinances 5403 and 5404.	<del>production, warehouse and freight movement, and portable signs.</del>  Plus an amended PUD allowing Residential use, building and design standard requirements and restricted uses (noted above) <u>and</u> CO with building and design standard requirements and restricted uses (noted above).
<b>Maximum Density Allowed:</b> 70 units per acre	<b>Maximum Density Allowed:</b> 40 units per acre and 70 units per acre
<b>Maximum Lot Coverage Allowed:</b> 85% maximum building coverage	<b>Maximum Lot Coverage Allowed:</b> no change

<b>Proposal:</b>
<p>The applicant requests four entitlements:</p> <ol style="list-style-type: none"> <li>1. <b>Zoning Change</b> from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J &amp; O 45th Street Apartments Addition. (Located at 4417 and 4477 26th Avenue South and 4410, 4448, 4470, and 4474 24th Avenue South)</li> <li>2. <b>PUD, Planned Unit Development Master Land Use Plan Amendment</b> on Lot 2, Block 1, EOLA Second Addition and on the proposed J &amp; O 45th Street Apartments Addition. (Located at 4417 and 4477 26th Avenue South and 4410, 4448, 4470, and 4474 24th Avenue South)</li> <li>3. <b>Zoning Change</b> from GC, General Commercial with a PUD, Planned Unit Development overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the original PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition. (Located at 4415 and 4471 24th Avenue South)</li> <li>4. <b>Plat</b> of J &amp; O 45th Street Apartments Addition (Major Subdivision) a replat of Lots 1, 3, 4 and 5, Block 1, EOLA Second Addition, to the City of Fargo, Cass County, North Dakota, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac. (Located at 4417 and 4477 26th Avenue South and 4410 and 4448 24th Avenue South)</li> </ol> <p><u><i>Planned Unit Development Overview</i></u>  <i>A PUD is an overlay district permitting greater flexibility of land planning and site design than other zoning districts, where different zoning standards are eligible for modification. PUD zoning districts are inextricably linked to PUD plans in that development must be in alignment with, and not deviate from, the approved plans. PUDs have three components: Overlay (written ordinance which includes LDC modifications and additional requirements); Master Land Use Plan (generalized land use plan that establishes the maximum development “envelope”); and Final Plan (detailed design and construction documents of which are reviewed for permitting approval).</i></p>



Property Associated with Entitlement Applications

The image to the right indicates the areas of the requests.

Items 1 & 2: The area of the amended PUD Overlay zone change and amended PUD Master Land Use Plan are indicated by the blue diagonal lines.

Item 3: The zone change from GC with PUD to GC with C-O and removal from the original PUD Master Land Use Plan is indicated by the black dots.

Item 4: The plat (major subdivision), which includes a waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac (item 4), is identified in black diagonal lines.



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 45<sup>th</sup> Street South is GC with commercial use.

**Area Plans:**

Fargo's Growth Plan 2024 was adopted in August 2024. The placetype for the subject property is designated as Mixed Commercial, Office and Residential for this property and is consistent with the proposed development.

**Context:**

**Neighborhood:** Anderson Park

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

**Parks:** The subject property is located adjacent to Anderson Softball Complex.

**Pedestrian / Bicycle:** A shared use facility is located on the east side of 45<sup>th</sup> Street South and connects



to the metro area trail system. Additional sidewalks are proposed within the development, as well as a shared use path along the south side of the property.

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

### **Staff Analysis:**

#### **Background**

Originally annexed in 1995 and platted and zoned in 1998, the Park District (owner of Anderson Softball Complex and the subject property at the time) replatted and zoned the land in 2013 to GC, General Commercial with a C-O, Conditional Overlay from P/I, Public and Institutional in preparation of a future sale of the property. At the time, there was contemplation of development quality as part of the conditional overlay, and traffic connectivity seeking right of way dedication of 26<sup>th</sup> Avenue South. The conditional overlay on the property (ordinance 4904) was consistent of a typical overlay along arterial streets in south Fargo. In 2019, the Fargo Park District sought bids for the land which was eventually acquired by EPIC Companies.

Over the course of three years, 2020 – 2023, the EOLA development group worked with staff and Planning Commission resulting in the EOLA PUD zoning to allow for a large-scale mixed-use development on 16.7 acres. The existing master land use plan included eight 7-10-story buildings and 4-acres of public open space in the center, as well as a potential parking structure in the northeast corner. The Makt buildings, owned by Makt, LLC (currently built) began construction in 2022, concurrent with the developers finalizing the plans for a hotel and waterpark on the east side of the development. In 2024, it was understood that the development would no longer proceed as planned, as EPIC Companies was no longer in operation; and the property has remained unchanged until this current proposal.

When the EOLA development began, there was one owner of the property, EOLA Landholdings, LLC (under EPIC Companies), who had the vision and planned to develop the property entirely. Over the years, as the development progressed into design and construction, ownership of some lots changed, such as to Makt LLC and The Wave Resort, LLC, while still maintaining the original vision, since the original developer was still leading the coordination for the development.

Transitioning the existing development master plan to a new vision with new owners has been complex. The original PUD was created under one developer/land owner. Today there are multiple landowners and there is no longer a single vision-keeper overseeing the development to ensure the unique vision comes to fruition. Five different owners have come together to coordinate and provide a plan for the land. Currently, there are four owners who own the seven existing lots (Makt LLC; EOLA Landholdings, LLC; The Wave Resort, LLC; Christopher H Crowe RT) and it is anticipated that the lots currently owned by EOLA Landholdings, LLC and The Wave Resort, LLC will be acquired by J & O Real Estate, LLC. All five owners involved are being represented by one applicant and representative through Houston Engineering. Staff has coordinated regularly over the course of the last several weeks with the applicant, as the case is quite complex in terms of entitlements, development composition, unique dimensional standards of the roadway, and associated agreements. The EOLA development was very specific and holistically integrated in regards to land use, connectivity, parking, and landscaping. This required that staff work with the owners to essentially unravel the existing PUD and reassemble the entitlements and ordinance to create an updated master plan while still incorporating the Makt buildings in a way that all five entities can work within, resulting in this proposed application.



### Project Description of Current Proposal

Since the previous PUD approvals, the development plans have changed and the previously approved PUD Master Plan can no longer be implemented due to lack of financial feasibility and market interest. There is a new development group for the remainder of the properties, excluding the properties at 4415 24<sup>th</sup> Avenue South and 4470 and 4474 24<sup>th</sup> Avenue South (Makt buildings). As an amendment to the development plan, the applicant is seeking to remove the two lots north of 24<sup>th</sup> Avenue South from the current PUD and develop those under the GC base zoning district with a CO (referenced as Item 3 on page 3 of the staff report). The Conditional Overlay accommodates building and site design standards, which are noted in more detail below. The remainder of the development, between 24<sup>th</sup> Avenue South and 26<sup>th</sup> Avenue South, are to be developed as six buildings (one single-story commercial building and five 4-story residential use buildings). Main level parking will be on the first floor in all five of the residential buildings. The applicant is working with the Fargo Park District to account for the previously planned 4-acre open space. The previously constructed Makt buildings will remain in the PUD overlay as they were constructed to meet specific items in that PUD overlay. The amended PUD overlay includes deviations from the LDC for land use and building location and form, and includes building and site design standards. More detail on these items are noted below.

### Summary of Entitlements Requested

#### Item 1: Zoning Change – from GC with PUD Overlay to GC with amended PUD Overlay

The applicant is requesting a zoning change from GC with a PUD Overlay to GC with an amended PUD Overlay for properties between 24<sup>th</sup> and 26<sup>th</sup> Avenues South. The applicant is requesting to amend several provisions of the PUD Overlay in order to tailor it to the specifics of the new proposed development while keeping the Makt buildings in compliance. There are certain provisions in the overlay that are specific to the Makt buildings and supporting parking (which are referred to as the legal lots 1 & 8 in the J & O 45<sup>th</sup> Street Apartments Addition), provisions specific to the remaining lots, and provisions that apply to all.

The PUD overlay has several sections, including items that deviate from LDC requirements and additional design standards. Those are listed below and a draft PUD is attached, with amendments indicated.

- Allow residential use in GC (no change from previous PUD requirement)
- Establishing density for residential use (for remaining undeveloped lots)
- Modify residential parking standards; removing commercial parking requirements to default to LDC (see section below for detailed information on parking request)
- Reduce setbacks in GC (no change from previous PUD requirement)
- Modifying parking lot buffers and open space plant unit placement, and remove some provisions to default to LDC.
- Establish maximum building height (for remaining undeveloped lots)
- Establish minimum of 20% open space (no change from previous PUD requirement)
- Clarify that residential protection standards do not apply (no change, but now included in PUD ordinance)
- Additions Standards – (no change from previous PUD requirement)
  - Building materials and articulation, color schemes, screening of mechanical and servicing nuisances, pedestrian circulation and prohibited uses.

#### Parking Information for PUD overlay

The applicant proposes to vary parking standards for residential units through review of the PUD.



Properties not within the PUD will meet LDC requirements.

With the original EOLA development, a parking study was provided and parking reductions through reduced parking ratios were approved for residential and commercial uses. With the changes with the development, the applicant has provided an updated parking study, along with a request to modify parking requirements for residential. The current proposal is to provide:

- 1.31 parking spaces per residential unit for the MAKT buildings and associated parking lots
- 2 parking spaces per residential unit on the remainder of the development

All other uses would be per the Land Development Code (LDC). The parking study technical memorandum is attached for review.

#### Item 2: PUD Master Land Use Plan Amendment

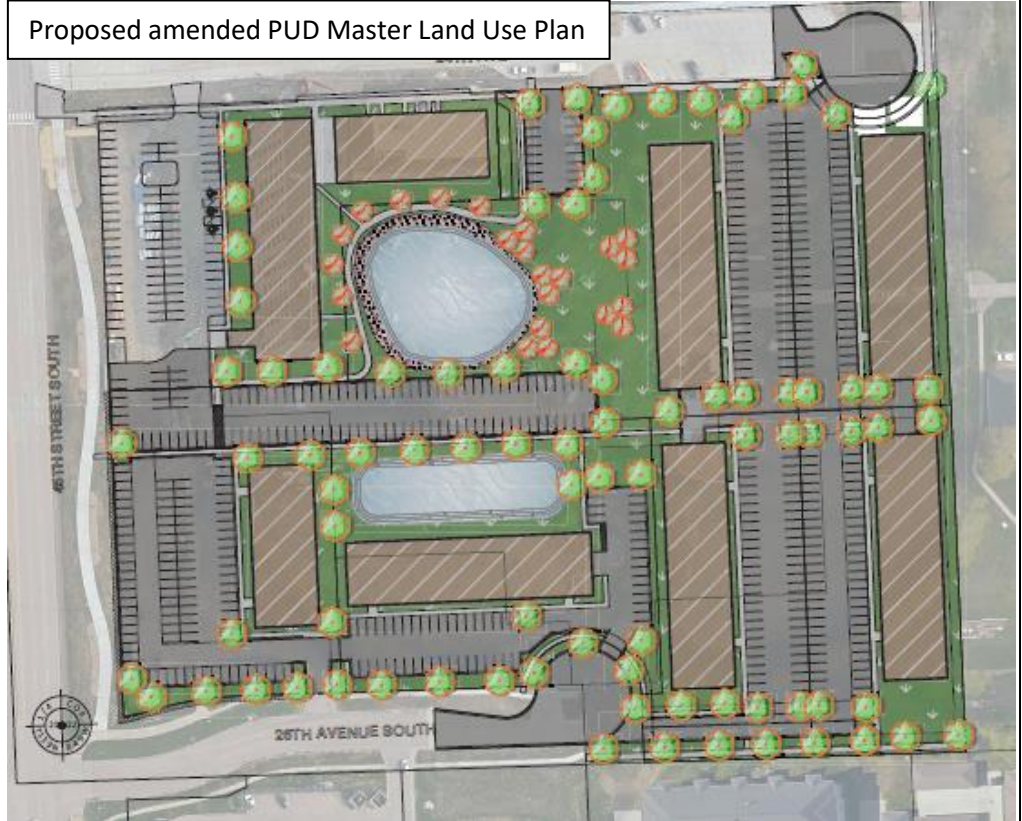
The images to the right and below show the amended Master Land Use Plan submitted by the applicant and the current Master Land Use Plan (EOLA development) for reference (a larger copy of both are attached). PUD Master

Land Use Plans generally show the building envelope of the structures, parking and circulation, and open space.

The applicant proposes six new single-use buildings; one single-story commercial building along 45<sup>th</sup> Street South, and five 4-story, 42-unit residential buildings with main level parking, located in the center and east side of the property, along with associated parking and the existing Makt buildings in the northwest.

The current PUD Master Land Use Plan (following page) from the EOLA

Proposed amended PUD Master Land Use Plan

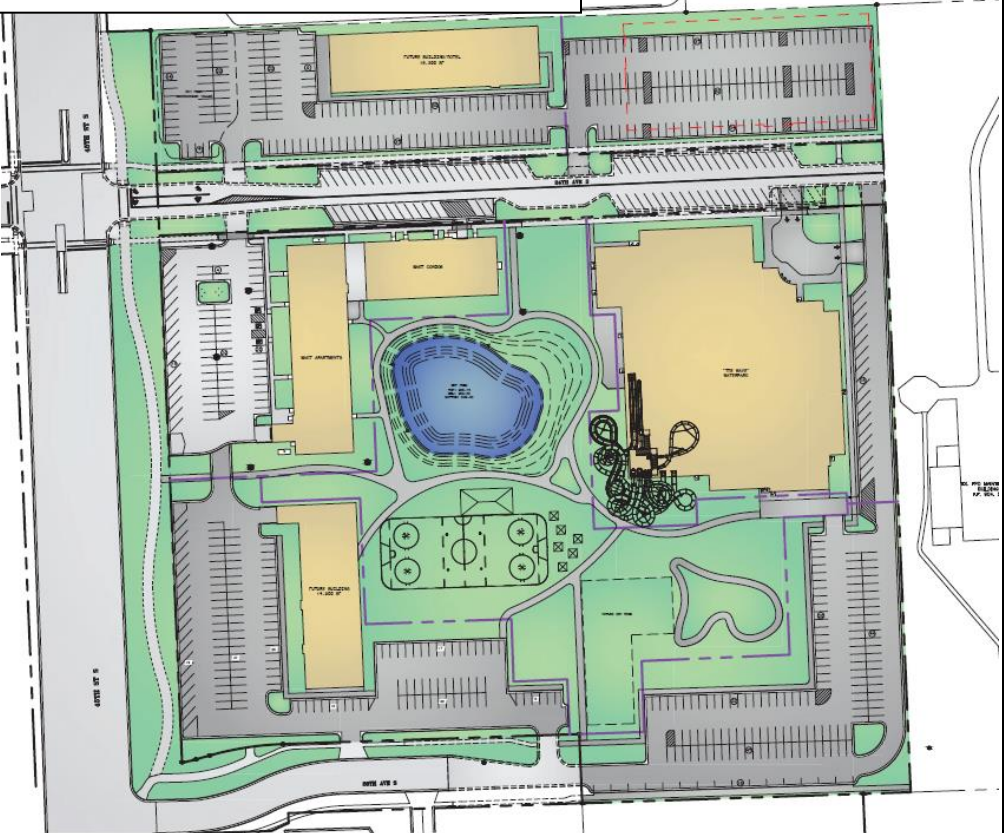




development shows the intended development pattern at the time, includes five buildings (mixed use, commercial, waterpark, hotel) with the potential for a parking ramp in the northeast corner (red dashes). This plan was amended in 2023 from the original to accommodate the waterpark and hotel on the east and parking, and is less dense in terms of residential units, building coverage and height, than the original EOLA plan.

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.

EOLA development PUD Master Land Use



**Item 3: Zoning Change – from GC with PUD Overlay to GC with C-O Overlay and removal from PUD Master Land Use Plan**

This application includes removing the two properties north of 24<sup>th</sup> Avenue South from the PUD boundary in order to be constructed by-right in the GC zoning district with CO. The CO includes design standards, building materials, articulation, color schemes, screening of mechanical and servicing nuisances, pedestrian circulation and prohibited uses. This is similar to conditional overlay zoning ordinances that are currently utilized on properties located along arterial roadways. A draft CO is attached.

**Item 4: Major Subdivision and waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac**

The applicant is requesting to replat four (4) lots and one block into eight (8) new lots and one block, and dedicate right of way for cul-de-sacs at the east ends of 24<sup>th</sup> Avenue South and 26<sup>th</sup> Avenue South. With the previous development, it was intended there would be a public north/south access connection via an easement on the east side of the development connecting 24<sup>th</sup> and 26<sup>th</sup> Avenues South. Because development plans have changed, dedication for cul-de-sacs on both avenues will accommodate necessary circulation in place of that access, and the existing easement will be vacated. Due to site constraints and the previously approved reduced street right of way, a waiver for reduced minimum turnaround dimensions of a cul-de-sac (a smaller diameter than the LDC requires), and for maximum length of a cul-de-sac (reduced maximum length of the distance from 45<sup>th</sup> Street South to the end of the turnaround radius) is included with the request.



### **Additional Components**

There are several additional items that staff is working with the applicant on to address specific items related to the development.

#### **Site Amenities and Project Plan**

Staff is working on an updated Site Amenities and Project Plan to account for the changes in the development, and includes public roadway and utility specifics, storm water management, flood protection requirements and design and construction of improvements. The draft is attached.

#### **Developer's Agreements**

Staff is working on a Developer's Agreement to include provisions for water utility connection, special assessments, and will carry through the previously approved Maintenance Agreements for the EOLA development that addressed public improvements, maintenance, and snow removal.

#### **Stormwater Master Plan**

The applicant will provide an updated stormwater master plan for the properties between 24<sup>th</sup> and 26<sup>th</sup> Avenues South. Depending on results of the report, additional area may be necessary stormwater and the plat will likely include a stormwater easement on Lot 6. The report will be required before the plat is finalized.

#### **Master Landscaping Plan and Street Trees**

The applicant is working on a master landscaping plan to address landscaping requirements and locations of street trees along the right of way and on site for 24<sup>th</sup> Avenue South due to the narrower road section and unique road configuration, which occurred with the original EOLA development. The landscaping plan will be brought forward with PUD Final Plan review by the Planning Commission in the future.

### **Summary of Current Proposal and Corresponding Review**

Staff acknowledges that the original master plan envisioned metro-wide community and regional benefits that will no longer be realized with the change in development vision. The previously proposed development was a destination with regional draw to be developed at a scale more reminiscent of downtown – including 7-10 story mixed use buildings. Unique to this project was a custom roadway design of 24<sup>th</sup> Avenue South based on coordination with the developer assigning private maintenance responsibilities, as well as a four-acre public open space with amenities that had been coordinated with the Fargo Parks District.

The current proposal for the new master plan development is likely more consistent with what would have been anticipated for this area along the 45<sup>th</sup> Street South arterial corridor, prior to the EOLA proposed development. This new development plan still provides an improvement beyond what could have been built under the established zoning district which was GC, General Commercial, pre EOLA proposal. The alignment with 2024 Growth Plan and allowance of a revised PUD and CO assures residential land use at an increased density and reduction for unnecessary parking. The new development plan maintains the original PUD buildings and site design standards, pedestrian connectivity and prohibits incompatible uses.

### **Zoning**

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



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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established, as the previously approved development will no longer be implemented. There are two zoning change requests: 1) from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development overlay and 2) GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay. The base zoning district for each application will not change. The PUD properties will be developed in alignment with the amended master plan, final plans and requirements in the ordinance related to building location, form, density, and other provisions and requirements. Together, these show the expectations for how the development will be constructed. The properties with the conditional overlay will be developed as permitted through the base zoning district of GC to include design standards for site design and restricting uses. The building locations, circulation and landscaping is currently not known and will be reviewed at the time of building permit submittal. **(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, subject to agreements. The subject property is adjacent to existing developed public rights of way, which provide access and public utilities to serve the property, and additional right of way is being dedicated for 24<sup>th</sup> Avenue South and 26<sup>th</sup> Avenue South to accommodate necessary vehicular and pedestrian circulation. **(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 LDC, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received one call of 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. The current proposal is still in keeping with City plans, including GO2030, Growth Plan, and Housing Needs Analysis, noted below.

**GO2030 Comprehensive Plan Initiatives**

- Promote Infill – Promote infill and density within areas that are already developed.
  - Ensure compatible infill, encourage design standards, increase mix of uses and amenities, and improve aesthetics and walkability.
- Design Standards – Utilize design standards for infill development, improving quality of new housing and promote dense, walkable communities with neighborhood centers.
  - Enhance the character of the public realm, increase walkability, and encourage non-motorized transportation
- Quality New Development – Require new development to meet site design standards that result



in well-designed new neighborhoods.

- Provide high quality, long-lasting, connected, mixed-density neighborhoods.
- Parking – Pursue creative parking strategies by exploring reducing minimum parking standards and sharing parking.

Fargo's Growth Plan states that the quality and character contribute in creating a strong sense of place, with high quality development and memorable user experiences. The zoning overlays seek to regulate and define how the site will look and feel when visiting and using the site, providing enhanced design elements for increased value and long-term investment. The Growth Plan identifies the placetype as Mixed Commercial, Office and Residential, which is consistent with the proposal.

Additionally, the proposal on lots for residential is denser and provides more housing and units per acre than could be accommodated under MR-3, Multi-Dwelling Residential. The Fargo-Moorhead Regional Housing Needs Analysis and Strategies shows there is a need for a range of housing options for homeowners and renters, including multi-dwelling units.

Upon review of the proposed parking reduction, it is stated in the parking study technical memorandum that the previous development design assumption and models use previously no longer apply and the parking needs have been re-evaluated based on the new development. The study cites the ITE (Institute of Transportation Engineering) Parking Generation Manual, 5<sup>th</sup> Edition, noting the peak parking demand as 1.31 per dwelling unit for Mid Rise Multifamily Housing Apartments use in General Urban/Suburban and cites the MetroCOG Fargo/West Fargo Parking and Access Study, recommending a parking ratio of between one and two stalls per unit. The Parking and Access Study also notes the national standard of 1.23 per unit for a multi-dwelling household. In calculating parking requirements, residential (about 330 units) and approximately 33,608 square feet of retail (for lack of defined commercial uses currently), the development would require 709 parking spaces and approximately 855 spaces are provided, resulting in an excess of 146 parking spaces to accommodate change in use and any additional parking needs. The City of Fargo Traffic Engineer reviewed the parking study and concurred with the findings.

Staff finds that the proposed zoning changes are consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, Fargo Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

### **PUD Master Land Use Plan**

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

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

The plan represents an improvement over what could have been accomplished through strict application of the base GC zoning district. The amendment allows for a higher density, mixed use, commercial and residential development pattern, providing flexibility for residential use and density, residential parking requirements, building setbacks and landscaping requirements, while requiring higher standards for building design and materials, screening nuisances, pedestrian connectivity, and restriction of incompatible uses. The development retains vehicular and non-motorized connectivity and circulation, preserving potential connections east at 24<sup>th</sup> Avenue South, should the City determine there's a future need. Pedestrian connectivity internal to the development is maintained in a new configuration. There are also no accessory detached structures for apartment garages on the property, as parking is internal to all buildings, with the exception of the commercial building on the



southwest and surface level parking. **(Criteria Satisfied)**

2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**  
All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**
3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**  
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights of way, which provide access and public utilities to serve the property, and additional right of way is being dedicated for 24<sup>th</sup> Avenue South and 26<sup>th</sup> Avenue South. **(Criteria Satisfied)**
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**  
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan, including initiatives of *infill*, *design standards*, *quality new development*, and *parking*, as noted previously. 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, 2024 Growth 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 development that will allow for a variety of uses within an area of the City that already has access to City services. **(Criteria Satisfied)**

#### **Subdivision**

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

1. **Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**  
The property is proposed to be zoned GC with an amended PUD. The GC zoning is proposed to remain as the base zoning district for the PUD, while the PUD Overlay is proposed to be modified as part of the zoning application. The Growth Plan identifies the placetype as Mixed Commercial, Office and Residential, which is consistent with the development. **(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.**  
Due to the new configuration of the cul-de-sacs and vacation of the public access easement, a water utility connection will be provided on private property within a watermain easement, of which the details will be accounted for in the Developer's Agreement. Additionally, there are a number of easement vacations and dedications related to the reconfiguration of circulation and the right of way. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to



property owners within 300 feet of the subject property. To date, staff has received one call of inquiry.  
**(Criteria Satisfied)**

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

The applicant is working with the Engineering Department for the public infrastructure improvements associated with the project. The funding of these infrastructure improvements will follow the City's Infrastructure Funding Policy. An amenities plan has been drafted that will specify the terms of securing installation of public improvements to serve the subdivision, and will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission.  
**(Criteria Satisfied)**

**Subdivision Waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac.**

This project needs a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac, due to the previously approved reduction in overall right of way width, paving width and boulevard configuration, particularly for 24<sup>th</sup> Avenue South. Though 26<sup>th</sup> Avenue does not have a reduced right of way width, the paving width, parking and boulevard configuration are unique.

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

Twenty-Fourth (24<sup>th</sup>) Avenue South and 26<sup>th</sup> Avenue South will be local streets within a base zoning district of GC. With the previous development, it was intended there would be a public access connection via an easement on the east side of the development connecting 24<sup>th</sup> and 26<sup>th</sup> Avenues South. Because development plans have changed, this access is no longer proposed and dedication for cul-de-sacs on both avenues will accommodate necessary circulation. Due to site constraints and the previously approved reduced street right of way, a waiver for reduced minimum turnaround dimensions of a cul-de-sac (a smaller diameter than the LDC requires), and for maximum length of a cul-de-sac (reduced maximum length of the distance from 45<sup>th</sup> Street South to the end of the turnaround radius). The standards of LDC Section 20-0611.G.3 Grades, Curve Radii and Other Standards between the required and proposed right of way are depicted in the chart below:

<b>STANDARD</b>	<b>LDC</b>	<b>PROPOSED</b>
Minimum Turnaround – Right of Way Diameter	160 feet	116 feet
Minimum Turnaround - Pavement	140 feet	96 feet
Maximum Length of Cul-de-Sac - Permanent	600 feet	Up to 850 feet

The reduction provides necessary circulation while accommodating the development. The City of Fargo Fire Marshal has confirmed that a 96-foot paved turnaround is sufficient to meet fire code.  
**(Criteria Satisfied)**

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

Approval of the subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac, as described above, would allow the applicant's project design for a mixed-use, commercial and residential development while still providing sufficient right of way and connectivity to provide access and circulation, and accounts for the proposal to vacate and existing public access



easement circulating the development. The request has been reviewed by the Engineering, Fire, and Public Works departments. The Public Works and Engineering departments are working with the applicant on a developer's agreement that would continue the previously approved maintenance agreement to address public improvements, maintenance, and snow removal. **(Criteria Satisfied)**

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

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

In summary, there are multiple aspects of this set of entitlements to ratify revisions of the development master plan. Staff supports the collection of applications in order to support the new project master plan. While not as grand as a destination oriented regional attraction, the new project supports aspects that the Go2030 and the Growth Plan envisions - more residential to support the market needs and quality development to support creating long-standing value. This location is centrally located to jobs, commercial with easy interstate access, and is already served by infrastructure.

**Staff Recommendation:**

**Suggested Motion:** "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: **1) Zoning Change** from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with an amended PUD, Planned Unit Development Overlay on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; **2) PUD, Planned Unit Development Master Land Use Plan Amendment** on Lot 2, Block 1, EOLA Second Addition and on the proposed J & O 45th Street Apartments Addition; **3) Zoning Change** from GC, General Commercial with a PUD, Planned Unit Development Overlay to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD, Planned Unit Development Master Land Use Plan on Lots 1 and 2, Block 1, EOLA Addition; and **4) a Plat** of J & O 45th Street Apartments Addition, including a subdivision waiver for reduced minimum turnaround dimensions and maximum length of a cul-de-sac; as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2024 Fargo Growth Plan, Standards of Article 20-06, Section 20-0907.C, Section 20-0907.D.3(a-c), Section 20-0906.F (1-4), and Section 20-0908.B.7(a-e) of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation:**

**Attachments:**

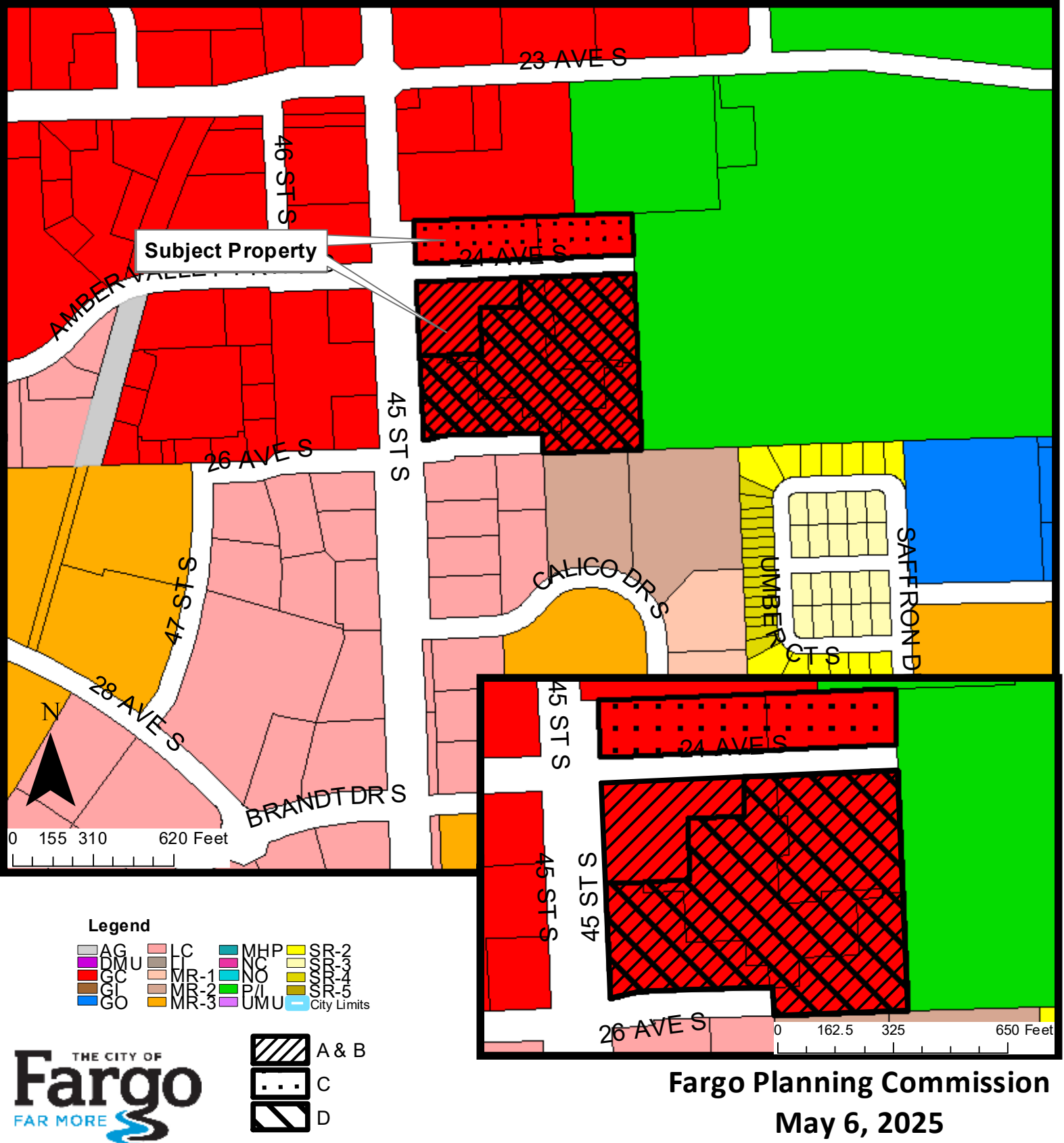
1. Zoning Map
2. Location Map
3. PUD Narrative and Chart
4. Amended PUD Master Land Use Plan
5. Current PUD Master Land Use Plan (EOLA)
6. Draft PUD Ordinance
7. Draft CO Ordinance
8. Preliminary Plat
9. Draft Amenities Plan
10. Parking Study Technical Memorandum



(A) Zoning Change from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial with an amended PUD; (B) PUD Master Land Use Plan Amendment; (C) Zoning Change from GC, General Commercial with a PUD to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD Master Land Use Plan; (D) Major Subdivision and Subdivision Waiver

J & O 45th Street Apartments Addition,  
EOLA Addition and EOLA Second Addition

4417 and 4477 26th Avenue South; 4410, 4415,  
4448, 4470, 4471 and 4474 24th Avenue South





(A) Zoning Change from GC, General Commercial with a PUD, Planned Unit Development to GC, General Commercial with an amended PUD; (B) PUD Master Land Use Plan Amendment; (C) Zoning Change from GC, General Commercial with a PUD to GC, General Commercial with a C-O, Conditional Overlay and removal from the PUD Master Land Use Plan; (D) Major Subdivision and Subdivision Waiver

J & O 45th Street Apartments Addition,  
EOLA Addition and EOLA Second Addition

4417 and 4477 26th Avenue South; 4410, 4415,  
4448, 4470, 4471 and 4474 24th Avenue South



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**THE CITY OF**  
**Fargo**  
FAR MORE

**Legend**

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## PUD NARRATIVE

DEVELOPER'S STATEMENT OF INTENT: Market rate residential multifamily complex on existing infill property. 4 story, flat roof, wood framed construction over main floor precast concrete parking garage. Parking garage to be at grade. Unit mix to consist of Efficiency, 1 bedroom, 2 bedroom and 3 bedroom type units. Buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal cladding similar to 'Aluco Bond', 'MAC', 'Pac-Clad', and synthetic panels similar to 'Trespa' and 'Nichiha'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with a wood look may be used. Horizontal lap siding and vertical board & batten shall be allowed on residential structures but shall not exceed 75% of the building elevation for residential. Lot located directly along 45<sup>th</sup> Street to be used for general commercial with a single level multitenant commercial building.

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

	<b>Current LDC development standards for GC</b>	<b><i>PUD modifications to GC development standards</i></b>	<b>NOTES</b>
Allowed Uses	Institutional and Commercial as Listed in the LDC – Office, Parking, Commercial, Recreation and Entertainment, outdoor, Retail sales and service, Self Service Storage, etc	<i>Additional allowed uses within GC to include residential use. Prohibited Uses: Detention Facilities, adult establishment, off premise advertising signs, vehicle repair, industrial service, manufacturing and production, warehouse and freight movement, and aviation/surface transportation.</i>	
Minimum Lot Area	None	<i>No Change</i>	
Minimum Lot Width	None	<i>No Change</i>	
Residential Density	NA	70 du/Acre for Lot 2, Block 1, EOLA Second Addition  40 du/Acre for Lots on J&O 45 <sup>th</sup> Street Apartments Addition	See Notes



Setbacks	Front: 20' Interior: 5' Street Side: 20' Rear: 15'	<i>Front: 10', Street Side: 10', Rear: 5', Interior: no change</i>	See Notes
Max. Height	None	<i>130 feet – Lot 2, Block 1, EOLA Second Addition</i>  <i>60 feet – J&amp;O 45t Street Apartments Addition</i>	
Building Coverage	85% of lot area	<i>No Change</i>	
Minimum open space	None	<i>20% of overall PUD area</i>	See Notes
Parking-Residential—Multi-dwelling	MR-3 Standards - Efficiency 1.25 stalls per unit  1 Bedroom and Larger 2 stalls per unit.  0.25 stalls per unit guest parking	<i>1.31 Stalls per unit for Lot 2, Block 1 EOLA Second Addition and Lots 1 and 8, Block 1 of J&amp;O 45th Street Apartments Addition</i>  <i>2 Stalls per Unit for remaining Lots on J&amp;O 45<sup>th</sup> Street Apartments Addition</i>	See Notes
Parking--Retail	1 space per 250 SF	<i>No Change</i>	See Notes
Landscaping—Street Trees	1 per every 50 feet on arterials; 1 per every 35 feet on locals	<i>No Change</i>	
Landscaping—Open Space	3 plant units per 1,000 SF of area; 8 sf per unit,	<i>Removal of requirement that 70% of plan units located between front and street.</i>  <i>Planting Units may be located anywhere in the PUD area and reviewed as a master plan. Individual lots shall not be required to meet planting unit counts. No reduction in overall plant units required.</i>	See Notes



Landscaping— Parking Lot Perimeter	Buffers shall be located between adjacent streets rights of way and off-street parking areas and all vehicular circulation areas within the front or streetside setback per Table 20-0705(D)(3)	<i>Removal of parking lot buffer requirement along 45<sup>th</sup> Street for Lot 2, Block 1 EOLA Second Addition and Lot 7 and 8, Block 1 of J&amp;O 45th Street Apartments Addition.</i>  <i>Removal of parking lot buffer requirement along 24th Avenue for Lot 2, Block 1 EOLA Second Addition</i>	See Notes
Paving Setbacks	Parking lots and vehicular circulation areas shall provide a paving setback per Table 20-0705(D)(4)	No Change	
Residential Protection Standards (RPS)—Setback from abutting side and rear lot line	Development on lots adjacent to side or rear lines of lots in the SR or MR zoning district must meet the setbacks per Table 20-0704(B)(1)	<i>Multi Family Residential Use abutting MR Zoning defaults to PUD setbacks listed.</i>	
RPS—Front Setback	For new multi-family or nonresidential development occurs on lots adjacent to the side lot in any SR or MHP district, see 20-0704(B)(2) for setback requirements.	No Change	
RPS—Visual screening of dumpsters and outdoor storage areas	Required on all dumpsters and storage areas	No Change	
RPS—building height, 75 feet from residential	35 feet max	<i>Multi Family Residential Use abutting MR Zoning max height of 60' applies</i>	See Notes
RPS—building height 76-100 feet from residential	45 feet max	<i>Multi Family Residential Use abutting MR Zoning max height of 60' applies</i>	See Notes
RPS—building height 101--150 feet from residential	55 feet max	<i>Multi Family Residential Use abutting MR Zoning max height of 60' applies</i>	See Notes
RPS-residential protection buffers	At least 10 feet with 1 tree and 20 shrubs per 50 lineal feet	<i>Multi Family Residential Use abutting MR Zoning does not require a buffer</i>	



RPS—operating hours	No garbage or recycling services between 10:00 p.m. and 6:00 a.m.	<i>No Change</i>	
RPS--lighting	No light more than 0.4 footcandles one foot inside SR-zoned lot	<i>No Change</i>	
RPS--odor	See 20-0704(H)— <i>usually not a problem on residential and commercial developments</i>	<i>No Change</i>	

#### Residential Density Notes:

The increased density of site matches with the Fargo Growth Plan and desire for denser infill developed to utilize existing street and utility infrastructure. The increased density allows for growth of the City without the burden of extending the existing infrastructure or growing the physical footprint of the City as a whole. The existing PUD and existing building on site were developed with a 70 units per acre density. To maintain compliance of the existing building with code the the proposed density is 70 units per acre remains on the existing building parcel. Lots on J&O Plat to be at 40 units per acre density. Increased density complies with the Fargo Growth Plan and overall increased unit density on infill projects.

#### Max Height Notes:

General Commercial has no max height limits. By adding height limitations to the lots located in the J&O 45 Street Apartment addition it bring the height limit into the same requirements as MR-3 zoning. The proposed multi family apartments building would be similar to other new multi family structures. The 130' max height carries over for the existing structure and the lot it is located on.

#### Setbacks Notes:

Proposed setback match current PUD on property. Maintaining existing requirements allows for the existing building to maintain compliance with code. Additionally, as the PUD has individual lots with unusual street frontages, the reduced setbacks allowing for increased flexibility in site layout.

#### Open Space Notes:

General Commercial requires no open space requirements. Stipulation a minimum open space requirement ensures open space will be provided with the proposed residential uses.

#### Residential Parking Requirement Notes:

Existing PUD and Traffic Study Calls for 1.16 stalls per residential unit and 1 per 230 sf for commercial uses of retail, office, and restaurant. The MetroCOG Fargo/West Fargo Parking & Access Study recommended a parking ratio of between 1 and 2 stalls per unit. The proposed ratio falls within the recommend range. The Institute of Transportation Engineering Parking Generation 5<sup>th</sup> Edition lists the average peak period parking demand as 1.31 vehicles per dwelling unit for Mid Rise Multifamily Housing Apartments use in General



Urban/Suburban with no nearby rail transit. (Use 221 in the manual). The 1.31 residential rate would apply to the existing building requirements. Additionally the parking requirements for the commercial space are reverting back to the standards required within the LDC.

Residential uses in the J&O 45<sup>th</sup> Apartment Addition would be proposed at 2 stalls per unit. LDC calls for 2 stall per unit and 0.25 Stalls per apartment. The elimination of the guest parking stall is warranted by the shared parking of the multiple apartment buildings. The reduction in parking places the required parking on the high end of the MetroCOG recommended parking ratio for residential units. The reduction in parking requirements allows for increased density, while still maintaining recommended parking ratios.

#### Landscaping: Open Space Notes:

The presence of the overhead powerlines along 45<sup>th</sup> Street severely restrict the Due to the reduced setback requirements placement of 70% of the required plant units within the area will be excessive and create an overly dense planting area.

The current PUD for the area was to be reviewed as a whole relating to total plan units required. The existing developed parcel cannot meet the planting requirements as a stand alone parcel due the site layout and the presence of the overhead power line easements. A master plan for planting shall be developed as part of the site development and overall PUD. Plant units required shall not be reduced overall, but no individual lot shall be required to meet planting units as a standalone lot.

#### Landscaping: Parking Lot Perimeter:

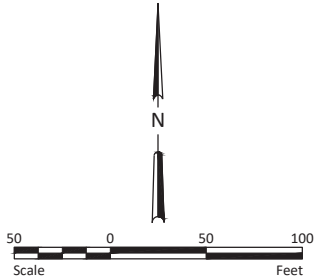
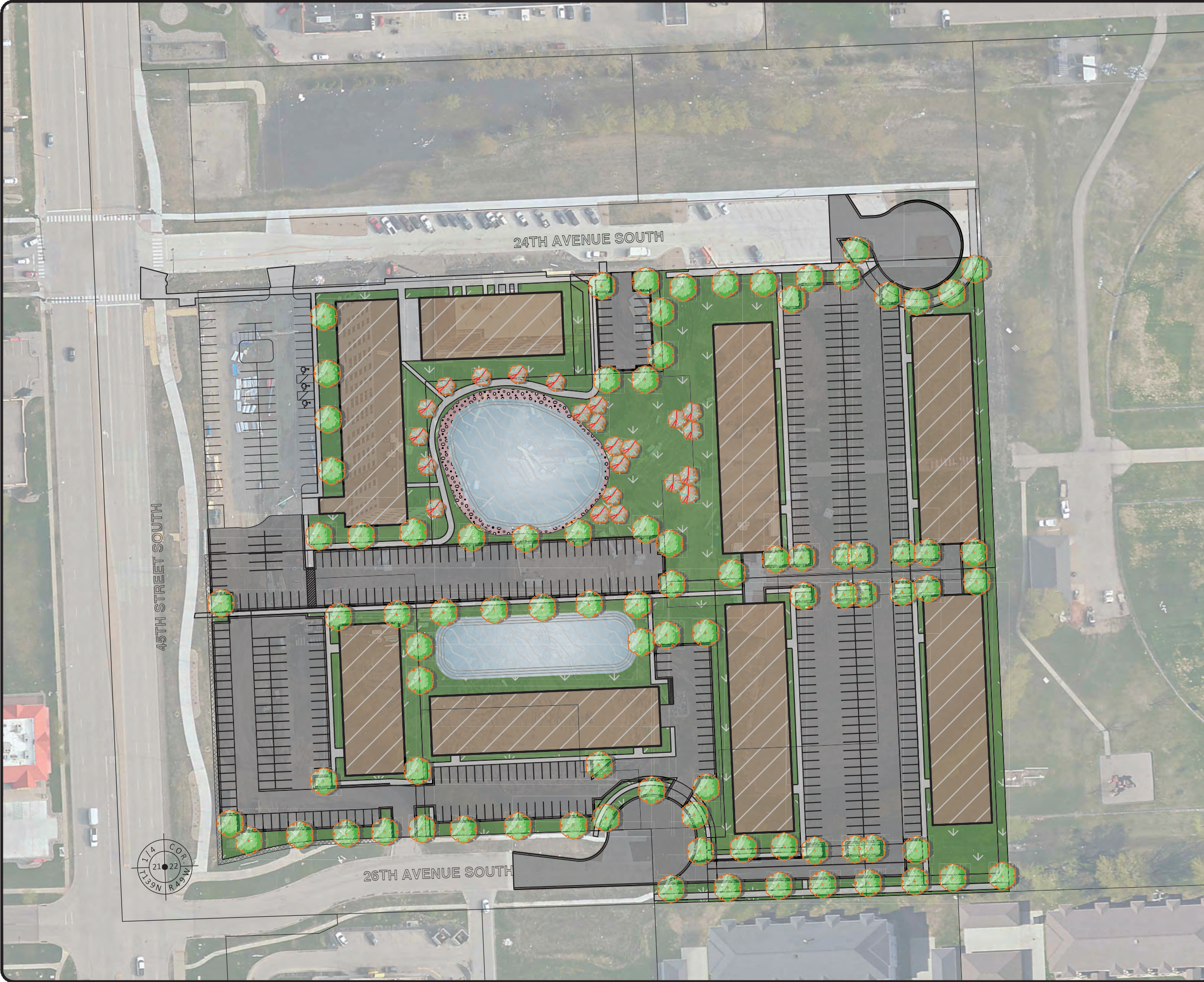
The MAK Building is currently constructed and was previous approved with the removal of the parking lot buffer due to the unique street scape along 24<sup>th</sup> Avenue and the powerline easements along 45<sup>th</sup> Street. The parking lot buffer on 45 was removed in lieu of landscaping beds located within the 45<sup>th</sup> Street right of way. The proposed modifications apply this to the new lots along 45<sup>th</sup> Street. In areas adjacent to 24<sup>th</sup> Avenue and 26<sup>th</sup> Avenue parking lot perimeter buffers would still apply for parking lots located with the front and street side setbacks on the proposed J&O 45<sup>th</sup> Apartment Addition.

#### RPS Standard Modifications Notes:

The adjacent properties to the site are generally zoned for the same or more intense uses than on the proposed PUD. At the southeast corner of the PUD are several lots zoned MR-2. On the proposed master plan the adjacent structures would be a multi family use equivalent to an MR-3 zoning/use. Per the LDC no RPS protections are required between MR zoned properties. By modifying the RPS requirements for height and setback with the proposed uses it would be conforming with the standard LDC requirements. The proposed modifications still require protection against any SR zoning adjacent to the PUD.

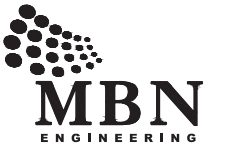
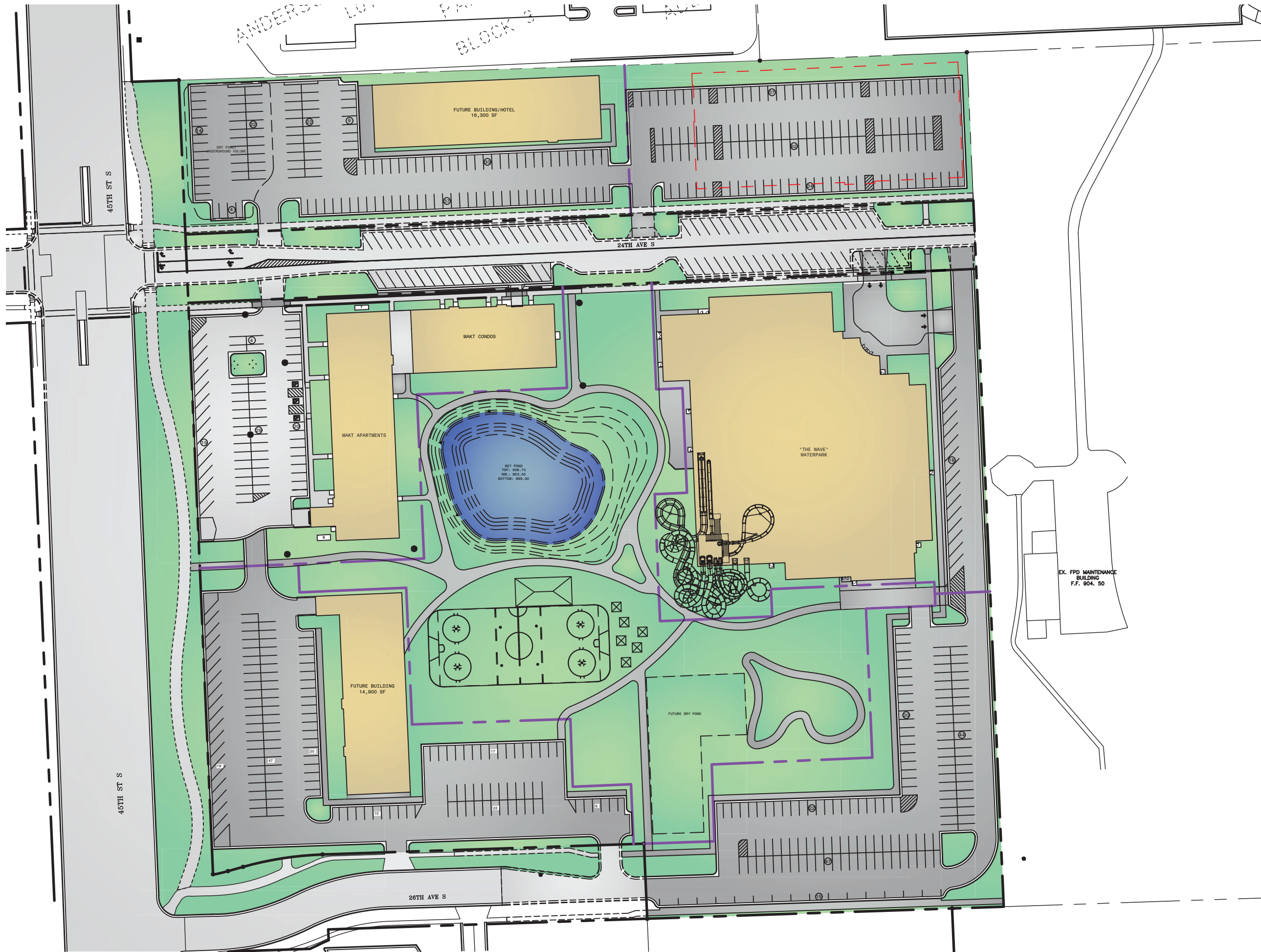


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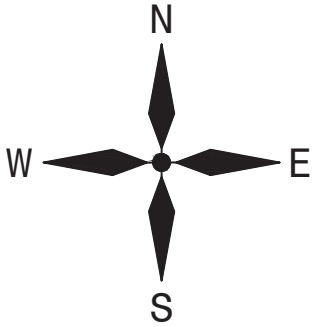


HOUSTON engineering, inc.		45TH STREET DEVELOPMENT 4477 26TH AVENUE SOUTH FARGO, NORTH DAKOTA		No.	Revision	Date	By
Drawn By BTP		PUD MASTER PLAN					
Checked By BTP							
Date 04-30-25							
Scale As Shown							
Project No. 7824-0071							
SHEET 1							





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



0 50 100 200  
SCALE: 1 INCH = 100 FEET

EPIC COMPANIES  
EOLA

FARGO, ND

NOT FOR CONSTRUCTION

MBN JOB #: 22-199 DATE: 8-29-23

THE WAVE SITE SCHEMATIC

SITE



## DRAFT PUD OVERLAY

Lot 2, Block 1, EOLA Second Addition

Lots 1-8, Block 1, J & O 45<sup>th</sup> Street Apartments Addition

### Allowed Uses.

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

### Residential Density.

On Lot 2, Block 1, EOLA Second Addition and Lots 1 & 8, Block 1, J & O 45<sup>th</sup> Street Apartments Addition, the maximum residential density allowed shall be seventy (70) units per acre.

On Lots 2-7, Block 1, J & O 45<sup>th</sup> Street Apartments Addition, the maximum residential density allowed shall be forty (40) units per acre.

### Parking. The following parking requirements are as follows:

On Lot 2, Block 1, EOLA Second Addition and Lots 1 & 8, Block 1, J & O 45<sup>th</sup> Street Apartments Addition, ~~1.31~~ 1-16 parking spaces per residential unit;

On Lots 2-7, Block 1, J & O 45<sup>th</sup> Street Apartments Addition, 2 parking spaces per residential unit.

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

Parking can be located anywhere in the development; and

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

### Setbacks.

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

### Landscaping.

The parking lot buffer requirement shall be waived along 45<sup>th</sup> Street South and along 24<sup>th</sup> Avenue South on Lot 2, Block 1, EOLA Second Addition.

~~Perennial open space plant units shall be increased to a maximum of 40% of the requirement.~~ Open space plant unit placed in the front and street side shall be reduced to 25%.

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

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

At the final phase of development, all required open space plant units will be verified. Landscaping will increase with review of phased PUD Final Plans. Landscape plans will be submitted with each Final Plan for internal review.

### Height.

On Lot 2, Block 1, EOLA Second Addition and Lots 1 & 8, Block 1, J & O 45<sup>th</sup> Street Apartments Addition, the maximum building height ~~for the overall development and within the proximity of residentially zoned property~~ shall be 130 feet.

On Lots 2-7, Block 1, J & O 45<sup>th</sup> Street Apartments Addition, the maximum building height for residential buildings within proximity of residentially zoned property shall be sixty (60) feet.

### Open Space.

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



## **Residential Protection Standards**

**No residential protection standards apply to the development.**

### **Additional Standards.**

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

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

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

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

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

Loading facilities to be located at the side of structures when possible. All loading and service areas will be clearly signed to specify location. Trash compactors, trash chutes and roll-off trash will not need screening if located within the interior of the building. Loading and service area doors will be architecturally compatible with the materials and colors of the building.

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

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

- The primary entrance(s) to each commercial building, including pad site buildings.
- Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
- Parking areas or structures that serve each primary building.
- Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the



perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.

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

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

The following uses are prohibited:

Detention facilities;

Adult Establishment;

Off-premise advertising signs;

Portable signs;

Vehicle repair;

Industrial service;

Manufacturing and production;

Warehouse and freight movement; and

Aviation/surface transportation.



Draft Conditional Overlay Items  
EOLA 1<sup>st</sup> Addition Lot 1 and 2 Block 1  
4471 and 4415 24<sup>th</sup> Avenue S

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

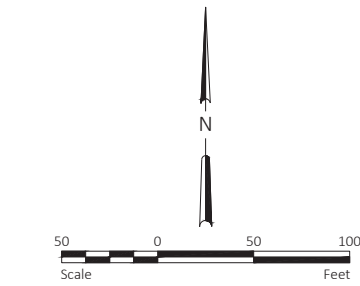
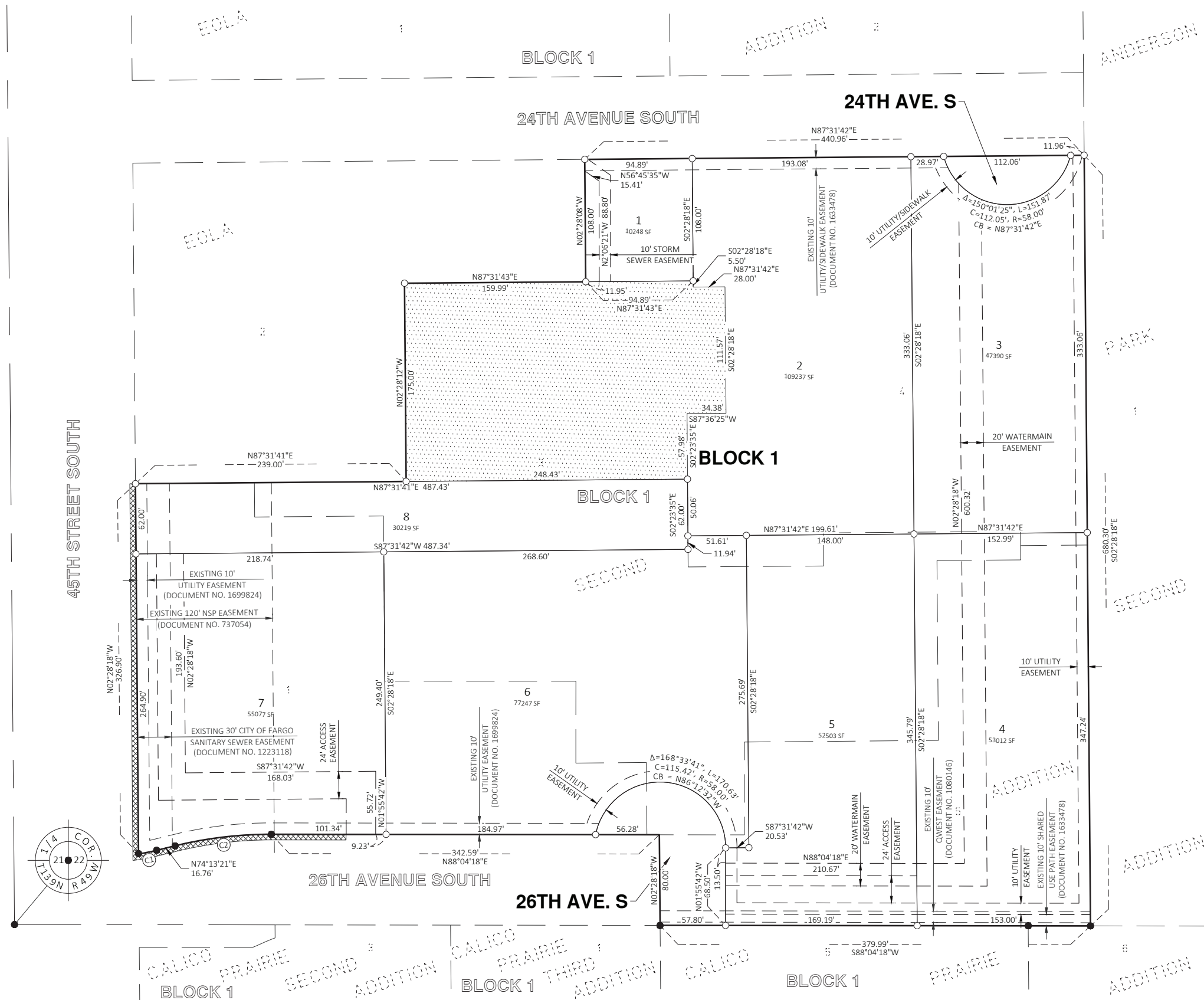


10. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
11. Separate vehicular and pedestrian circulation systems shall be provided. An onsite system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
- a. The primary entrance or entrances to each commercial building, including pad site buildings.
  - b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
  - c. Parking areas or structures that serve such primary buildings.
  - d. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
  - e. Any public sidewalk system along the perimeter streets adjacent to the commercial development.
  - f. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
12. A minimum of 5% of the internal surface area of the parking lot shall be landscaped with plantings. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
13. Definitions:
- a. Façade: Any exterior side of a building as viewed from a single direction, typically perpendicular to the exterior side of the building being viewed.
  - b. Depth: A horizontal distance perpendicular to a building façade.
  - c. Elevation: A horizontal orthographic projection of a building onto a vertical plane, parallel to one side of the building.
  - d. Landscaped: To make an area of land more attractive by adding plants.
14. The following uses are prohibited:
- a. Detention Facilities
  - b. Adult Establishments
  - c. Off-premise advertising signs
  - d. Portable signs
  - e. Vehicle repair
  - f. Industrial service
  - g. Manufacturing and production
  - h. Warehouse and freight movement; and
  - i. Aviation/surface transportation



# J & O 45TH STREET APARTMENTS ADDITION

A MAJOR SUBDIVISION  
BEING A REPLAT OF LOTS 1, 3, 4 & 5, BLOCK 1  
EOLA SECOND ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA



**LEGEND**

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
MEASURED DISTANCE	100.00'
PLAT BOUNDARY	—
LOT LINE	---
UTILITY EASEMENT	- - - - -
ACCESS EASEMENT	- - - - -
EXISTING UTILITY EASEMENT	- - - - -
EXISTING NEGATIVE ACCESS EASEMENT	XXXXXX
EXISTING EASEMENTS TO BE VACATED WITH THIS PLAT	XXXXXX
STORMWATER EASEMENT DEDICATED WITH THIS PLAT	XXXXXX

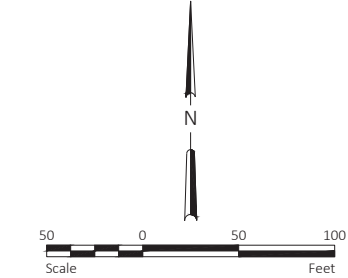
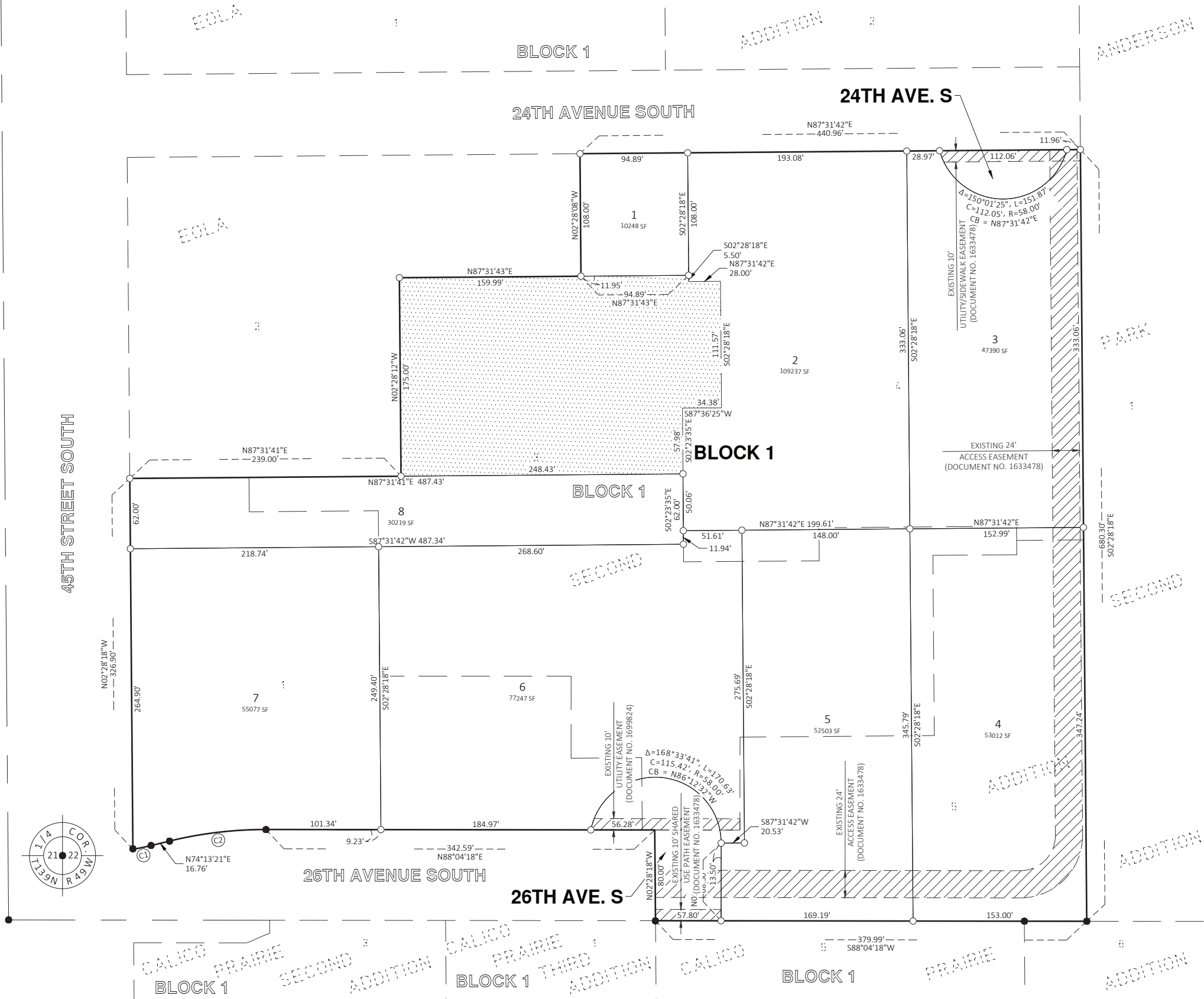
BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992.

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	16.32	195.00	4°47'46"	N76°37'14"E	16.32
C2	85.81	355.00	13°50'57"	N81°08'50"E	85.60



# J & O 45TH STREET APARTMENTS ADDITION

A MAJOR SUBDIVISION  
BEING A REPLAT OF LOTS 1, 3, 4 & 5, BLOCK 1  
EOLA SECOND ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA



**LEGEND**

IRON MONUMENT FOUND  
1/2" I.D. PIPE SET  
MEASURED BEARING  
MEASURED DISTANCE  
PLAT BOUNDARY  
LOT LINE  
EXISTING EASEMENTS TO BE VACATED WITH THIS PLAT

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

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	16.32	195.00	4°47'46"	N76°37'14"E	16.32
C2	85.81	355.00	13°50'57"	N81°08'50"E	85.60



J & O 45TH STREET APARTMENTS ADDITION
A MAJOR SUBDIVISION
BEING A REPLAT OF LOTS 1, 3, 4 & 5, BLOCK 1
EOLA SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE AND DEDICATION: J & O Real Estate, LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

Lots 1, 3, 4 & 5, Block 1, Eola Second Addition, to the City of Fargo, Cass County, North Dakota.

Said tract contains 10.264 acres, more or less, and is subject to easements as may be of record.

And that said party has caused the same to be surveyed and platted as J & O 45TH STREET APARTMENTS ADDITION to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the utility/sidewalk easement, utility easements, stormwater easement, the streets and avenues shown on the plat, and do hereby dedicate for private /benefit of the lots the storm sewer easement, watermain easement and access easements shown on the plat.

Owner:
J & O Real Estate, LLC, a North Dakota limited liability company

Brent C. Olson
Secretary/Treasurer

State of North Dakota )
) ss
County of Cass )

On this day of , 20, before me, a notary public within and for said county and state, personally appeared Brent C. Olson, Secretary/Treasurer of J & O Real Estate, a North Dakota limited liability company, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same on behalf of said limited liability company.

Notary public:

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this day of , 20.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota )
) ss
County of Cass )

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

Notary Public:

CITY ENGINEER'S APPROVAL:

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

Tom Knakmuhs, PE, City Engineer

State of North Dakota )
) ss
County of Cass )

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

Notary Public:

FARGO PLANNING COMMISSION APPROVAL:

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

Maranda R. Tasa, Chair
Fargo Planning Commission

State of North Dakota )
) ss
County of Cass )

On this day of , 20, before me personally appeared Maranda R. Tasa, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public:

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota )
) ss
County of Cass )

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

Notary Public:



## DRAFT

### Site Amenities and Project Plan

#### J & O 45<sup>th</sup> Street Apartments Addition

**Location:** The subject property is legally referenced to as Lots 1-8, Block 1, J & O 45<sup>th</sup> Street Apartments Addition to the City of Fargo, Cass County, North Dakota, a replat of Lots 1, 3, 4, and 5, Block 1 of EOLA Second Addition.

**Details:** The project includes eight (8) General Commercial (GC) zoned lots. As approved, the project is intended to be a master-planned development that will consist of a combination of residential and commercial properties.

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

24<sup>th</sup> Avenue South: This segment of 24<sup>th</sup> Avenue South on the east edge of the J & O 45<sup>th</sup> Street Apartments Addition plat has been designated as a *local roadway* pursuant to §20.0702.

- ROW dedication for cul-de-sac shall be 116 feet in diameter, with a paving width of 96 feet in diameter;
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 6-foot sidewalks shall be incorporated into the boulevards. 4.5 feet is the minimum width required by §20.0611. This sidewalk sits in a dedicated Sidewalk/Utility Easement.

26<sup>th</sup> Avenue South This segment of 26<sup>th</sup> Avenue South towards the center on the south side of the J & O 45<sup>th</sup> Street Apartments Addition plat has been designated as a *local roadway* pursuant to §20.0702.

- ROW dedication for cul-de-sac shall be 116 feet in diameter, with a paving width of 96 feet in diameter;
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 4.5-foot sidewalks shall be incorporated into the boulevards required by §20.0611.
- In the future, an 8-foot or 10-foot shared use path may be incorporated on the south side to connect further to the east. Future construction of this shared use path will be coordinated between the Fargo Park District and the Developer. The City of Fargo will have no responsibility for future operation or maintenance of this shared use path.

#### Miscellaneous

- Developer shall be responsible for coordinating the placement of parking signage, street light locations, and trees with the appropriate City of Fargo department. These details shall be determined prior to construction of any public improvements.
- Snow Removal
  - o City of Fargo will be responsible for plowing of 24<sup>th</sup> Avenue South and 26<sup>th</sup> Avenue South driving lanes, including cul-de-sacs. Snow will be plowed to



outer edges of driving lanes and not removed from the right of ways by the City.

- Developer will be responsible for snow plowing of diagonal parking spaces on 24<sup>th</sup> Avenue South. Snow shall not be moved into 24<sup>th</sup> Avenue South driving lanes.
- Any snow removal necessary on 24<sup>th</sup> Avenue South or 26<sup>th</sup> Avenue South shall be completed by the Developer.

**Storm Water Management:** Private storm water facilities will be constructed on Lots 2 and 6, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition. The entirety of these private storm water facilities shall be constructed concurrently with the initial private site improvements on any lot within J & O 45<sup>th</sup> Street Apartments Addition.

The Developer has provided a storm water model (dated XX/XX/XXX) that demonstrates the storm water facilities as presently designed will meet the current City of Fargo's Policy on Storm Water Discharge and Treatment Requirements for Lots 1-8, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition and Lot 2, Block 1 of EOLA Second Addition. The Developer will be required to confirm the design of the storm water facility is unchanged at the time of initial permitting of any lot within J & O 45<sup>th</sup> Street Apartments Addition. If changed, a new storm water model shall be provided to demonstrate that the below stated allowable impervious areas for each lot are still applicable.

The private storm water facility has been designed for the following maximum impervious areas of each lot:

- Lot 1, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition – XX% impervious area
- Lot 2, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition – XX% impervious area
- Lot 3, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition – XX% impervious area
- Lot 4, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition – XX% impervious area
- Lot 5, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition – XX% impervious area
- Lot 6, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition – XX% impervious area
- Lot 7, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition – XX% impervious area
- Lot 8, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition – XX% impervious area
- Lot 2, Block 1 of EOLA Second Addition – XX% impervious area

Upon development of an individual lot, the property owner will be required to provide documentation with the site plan submission to demonstrate the maximum allowable impervious area is not exceeded for the individual lot. If an individual lot's design exceeds the maximum allowable impervious area then an additional on-site storm water facility will be required within the individual lot.

The property owners of Lots 1-8, Block 1 of J & O 45<sup>th</sup> Street Apartments Addition and Lot 2, Block 1 of EOLA Second Addition are solely responsible for the operation and maintenance of the private storm water facilities.

**Flood Protection:** Portions of J & O 45<sup>th</sup> Street Apartments Addition 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 the City of Fargo Floodproofing Construction Requirements when applicable, including removing all structures from the FEMA Special Flood Hazard Area by a Letter of Map Revision via fill (LOMR-F).



**Engineering and Construction Improvements:** The Developer shall rely upon and collaborate with the City of Fargo Engineering Department on the design and construction of all public improvements.

**Funding of Improvements:** This section is under development.

DRAFT



This Amenities Plan is hereby approved.

\_\_\_\_\_  
J & O Real Estate, LLC  
Owner: Lots 1-8, Block 1, J & O 45<sup>th</sup> Street Apartments Addition

\_\_\_\_\_  
date

\_\_\_\_\_  
MAKT, LLC  
Owner: Lot 2, Block 1, EOLA Second Addition

\_\_\_\_\_  
date

\_\_\_\_\_  
Tom Knakmuhs, City Engineer

\_\_\_\_\_  
date



# Technical Memorandum

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**To:** Mark Williams  
City of Fargo

**From:** Brian T. Pattengale  
Houston Engineering, Inc.

**Subject:** J&O 45<sup>th</sup> Street Addition

**Date:** April 23, 2025

**Project:** 7824-0071



## INTRODUCTION

This Technical Memorandum is a review of the parking demand for the proposed Planned Unit Development (PUD) located at 4474 24<sup>th</sup> Avenue south. The proposed PUD contains the existing MAK<sup>T</sup> Mixed used building, five 42-unit multifamily residential apartment buildings with first level parking, and one single story commercial space. The proposed master plan of the proposed PUD is attached.

The site is currently covered by a PUD with various requirements and accommodations including parking reductions for the existing MAK<sup>T</sup> Building. The parking reductions for the current PUD were based on the concept of captive market, shared parking, and designing parking requirements for the 85<sup>th</sup> Percentile peak hour parking demand, in lieu of the absolute peak parking demand. As the proposed development the traffic study was based on is no longer being constructed the design assumption and models used in the traffic study no longer apply. As such new parking ratios are being proposed with the updated PUD to accommodate the existing building and the proposed development.

### *City of Fargo Parking Requirements*

City of Fargo Land development code (LDC) requires 1.25 parking stalls per efficiency unit and 2.00 stalls per one bedroom and larger units. Additionally, it requires 0.25 guest parking stalls per unit for structures that contain 7 or more units. The commercial/retail space parking requirements are based on end use and vary, but for general retail sales and service a parking ratio of 1 stall per 250 sq. ft. is listed in the code. The current PUD has parking requirements of 1.16 Parking Stalls Per Unit and 1 Parking Stall per 230 ft<sup>2</sup> of commercial space for all commercial uses. The parking requirement for the residential units represents a significant reduction from the LDC requirements. The current requirements for commercial are mixed as it represents an increase in parking for some uses and a decrease in parking for other uses.



## PARKING DEMAND ESTIMATES

With the updated masterplan and proposed PUD the parking needs of the site have been reevaluated. The existing MAKT Building and the remainder of the site are different uses and as such different parking requirements are being proposed for the site. The existing MAKT Building is a seven story building with commercial space on the first level and a combination of rental units and condo units in the upper stories. The building contains 120 residential units and 22,078 ft<sup>2</sup> of commercial space. The Institute of Transportation Engineering Parking Generation 5th Edition lists the average peak period parking demand as 1.31 vehicles per dwelling unit for Mid Rise Multifamily Housing Apartments use in General Urban/Suburban with no nearby rail transit. (Use 221 in the manual). This use corresponds with the existing MAKT Building residential units. The MetroCOG Fargo/West Fargo Parking & Access Study recommended a parking ratio of between 1 and 2 stalls per unit. The ITE 1.31 stalls per unit ratio falls within this recommended study. The commercial space located within the MAKT building would return to the standard parking ratios listed in the LDC. As the commercial space use can be highly variable and parking requirements/demand will vary on the specific tenant of the space a determination if a parking reduction is needed cannot be determined at this time. Returning to the parking ratios required in the LDC ensures that adequate parking will be provided as the commercial space is filled.

Residential uses in the J&O 45th Apartment Addition would be proposed at 2 stalls per unit. LDC calls for 2 stall per unit and 0.25 Stalls per apartment. The elimination of the guest parking stall is warranted by the shared parking of the multiple apartment buildings. The reduction in parking places the required parking at the high end of the MetroCOG recommended parking ratio for residential units. The reduction in parking requirements allows for increased density, while still maintaining recommended parking ratios and adequate parking for the proposed uses.

The final proposed parking ratios for residential units are 1.31 parking stalls per unit for Lot 2, Block 1 EOLA Second Addition, and Lots 1 and 8, Block 1 of J&O 45<sup>th</sup> Street Apartments Addition and 2 parking stalls per Unit for remaining Lots on J&O 45<sup>th</sup> Street Apartments Addition. All commercial space would revert back to the standard parking ratios in the Land Development Code.

The proposed commercial building located on Lot 7, Block 1 of J&O 45<sup>th</sup> Street Apartment Addition, is a single story commercial space approximately 10,000 ft<sup>2</sup> in size. No modifications for commercial space are proposed for the J&O 45<sup>th</sup> Street Apartments Addition. All commercial uses would follow the parking ratios as laid out in the LDC.

## CONCLUSION

The proposed parking ratios 1.31 parking stalls per unit for Lot 2, Block 1 EOLA Second Addition and Lots 1 and 8, Block 1 of J&O 45<sup>th</sup> Street Apartments Addition and 2 parking stalls per Unit for remaining Lots on J&O 45<sup>th</sup> Street Apartments Addition with commercial space parking requirements meeting the LDC requirements based on use provide adequate parking demands for the project. The revised parking ratios for the updated PUD and masterplan are a significant increase in the parking requirements for the PUD from the current requirements. Based on the provided information the proposed parking ratios will provide adequate parking for the development and can be used in place of the City of Fargo Land Development Code requirements.



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Sullivan Second Addition	<b>Date: Update:</b>	04-28-2025
<b>Location:</b>	5201 & 5475 Bishop's Blvd. South & 5202 & 5534 25 Street South	<b>Staff Contact:</b>	Chelsea Levorsen, Planner
<b>Legal Description:</b>	Lots 1 and 2, Block 1, Sullivan Addition		
<b>Owner(s)/Applicant:</b>	Diocese of Fargo & STS Anne & Joachim Catholic Church	<b>Engineer:</b>	MBN Engineering
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (a replat of Lot 1 and 2, Block 1, Sullivan Addition), and a <b>Zoning Change</b> (from PI, Public and Institutional to PI, Public and Institutional and GO, General Office to GO, General Office)		
<b>Status:</b>	Planning Commission Public Hearing: May 6 <sup>th</sup> , 2025		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Religious Institution – Church, Rectory and Parish offices.		<b>Land Use:</b> No change, Additional rectory housing	
<b>Zoning:</b> GO, General Office P/I, Public & Institutional		<b>Zoning:</b> GO, General Office P/I, Public & Institutional	
<b>Uses Allowed:</b> GO, General Office Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, and commercial parking.  P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.		<b>Uses Allowed:</b> GO, General Office Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, and commercial parking.  P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.	
<b>Maximum Lot Coverage Allowed in GO:</b> 65%		<b>Maximum Lot Coverage Allowed in P/I:</b> Dimensional standards of adjacent zoning district (GO and SR-4)	
<b>Proposal:</b>			
<p>The applicant has requested two entitlements:</p> <ol style="list-style-type: none"> <li>1. A minor subdivision, to be known as <b>Sullivan Second Addition</b>, a replat of Lots 1 and 2, Block 1, Sullivan Addition; and</li> <li>2. A zoning change from GO, General Office to GO, General Office and P/I, Public and Institutional to P/I, Public and Institutional, for purpose of aligning with new boundary lines.</li> </ol> <p>The subject property is located at 5201 &amp; 5475 Bishop's Blvd. South and 5202 &amp; 5534 25 Street South, and encompasses approximately 31.93 acres.</p> <p>(continued on next page)</p>			

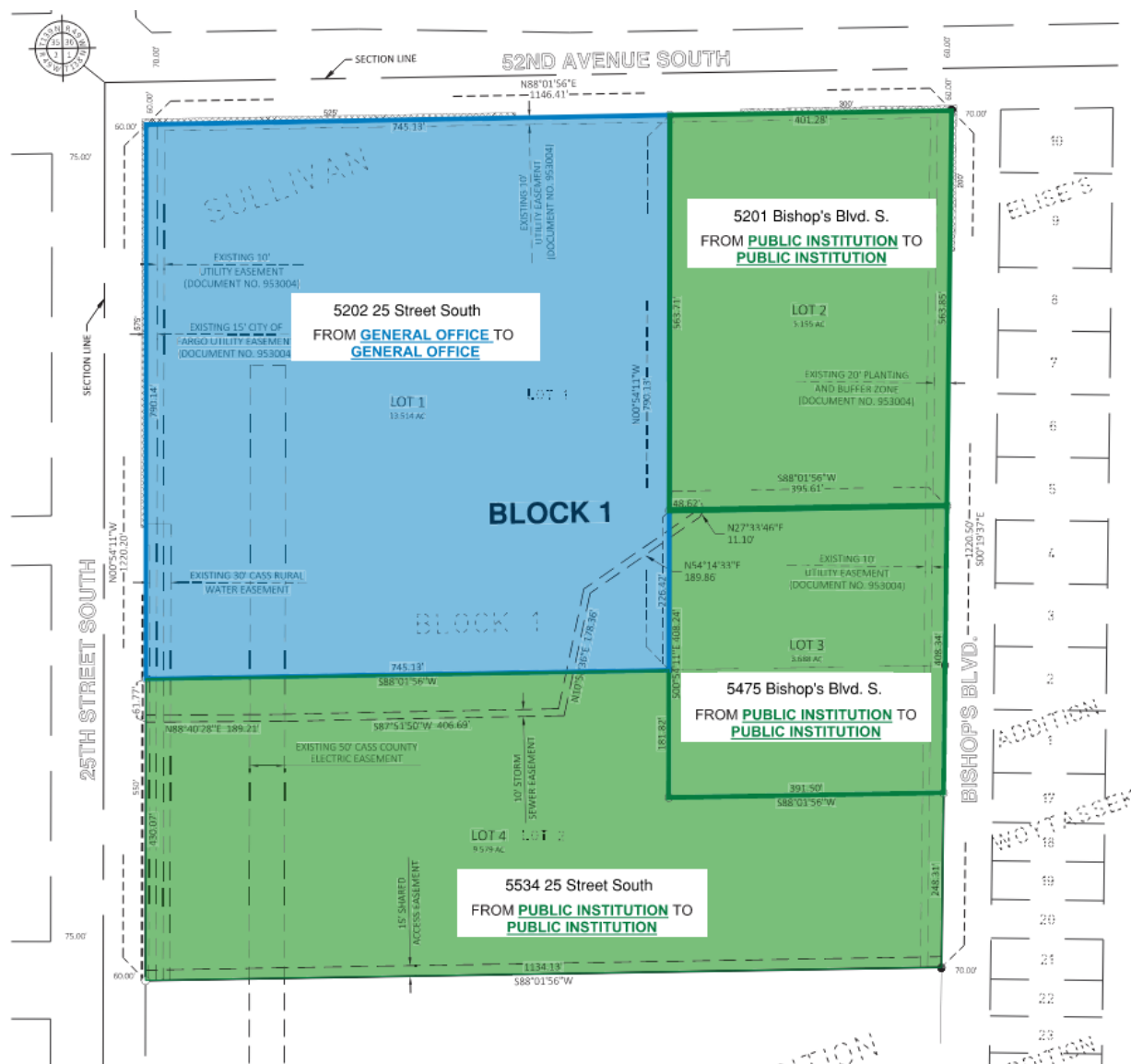


The Diocese is seeking a platted minor subdivision. The proposed subdivision makes the three deeded lots into four legal lots. There is currently a new construction permit in for a rectory home for retired priests, to be built on the proposed lot 3. Section 20-1203 of the LDC, permits daycares, caretaker's housing, and group living facilities as an accessory use to Religious Institutions.

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

Below is the proposed zoning map.

No change is being made. Rezoning for the purpose of aligning with new boundary lines.



### Surrounding Land Uses and Zoning Districts:

- North: SR-2, Single Dwelling Residential - Detached single family (across 52<sup>nd</sup> Ave, located within Rose Creek)
- East: SR-4, Single Dwelling Residential (across Bishops Blvd) Attached and detached, twin home and Single Family)
- South: P/I, Public and Institutional (Shanley High School)
- West: LC, Limited Commercial (Don's Car Wash & Bright Futures Daycare & Strip commercial) & MR-3, Multi-Dwelling Residential



<b>Area Plans:</b>
Fargo's Growth Plan 2024 was adopted on August 19th, 2024. The property is located within the Suburban Neighborhood place type. Intended uses include small to medium residential lots, townhomes, places of worship, daycare centers, and schools. A religious institution, with church, rectory housing, and offices currently occupy the property, which is consistent with the land use designation for this property.
<b>Context:</b>
<p><b>Schools:</b> The subject property is located within the Fargo School District and is served by Bennett Elementary, Discovery Middle and Davies High schools.</p> <p><b>Neighborhood:</b> The subject property is located within the Bennett neighborhood.</p> <p><b>Parks:</b> Bennett Park is approximately ½ mile south of the subject property. Amenities include irrigated fields, basketball court, batting cage, a playground, and tennis courts. Rose Creek Golf Course and Meadow Creek Park are both less than ¼ mile north.</p> <p><b>Pedestrian / Bicycle:</b> The subject property is bordered on three sides, 25<sup>th</sup> Street, 52<sup>nd</sup> Avenue, and Bishop's Boulevard, by shared-use paths, which connect to the local trail system.</p> <p><b>MATBUS Route:</b> The subject property is not on a MATBUS route at this time.</p>
<b>Staff Analysis:</b>
<p>The Fargo Diocese is seeking to survey and record lot lines that were formally established through deed splits. Deed splits are a method some land owners historically used to formalize tax parcel changes. Most banks and title companies don't recognize deeded lot boundaries any longer as legal lots for the purpose of securing entitlements. The Diocese is seeking to ratify this situation through a platted minor subdivision. The proposed subdivision makes the three deeded lots into four legal lots.</p> <p>The Diocese of Fargo has had discussions with the Engineering and Planning and Development Departments about construction of a new rectory home on the property. A permit has been submitted on the proposed Lot 3, for a new rectory home for retired Priests. Rectory homes are a permitted accessory use for Religious Institutions.</p> <p><b>SITE HISTORY:</b> The subject property was originally platted as two lots, one block. In 2000, when the Catholic Church was constructed, Lot One was deed split into two, for a total of three lots. The lot the church sits on, 5202 25 Street South, is zoned GO, General Office. The other two lots are zoned P/I, Public and Institutional. Due to the previous deed split, the applicant is requesting the properties be rezoned to the same zoning districts, to ensure the correct zoning boundary lines are recorded.</p> <p><b>MINOR SUBDIVISION:</b> The subdivision plat creates four lots, in one block.</p> <p><b>ZONING:</b> No change. Zoning for the purpose of aligning new boundary lines.</p> <p><b>ACCESS:</b> The subdivision will continue to take access from 52<sup>nd</sup> Avenue, 25<sup>th</sup> Street, and Bishop's Boulevard. Negative access easements (NAE's) depicted on the plat designate access points along 52<sup>nd</sup> Avenue and 25<sup>th</sup> Street and comply with the City's driveway spacing standards.</p> <p><b>AMENITIES PLAN:</b> Staff will prepare a developer agreement and an amenity plan specifying developer considerations related to public improvements, stormwater, and water.</p> <p><b>Zoning</b> Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:</p> <ol style="list-style-type: none"> <li><b>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?</b></li> </ol> <p>(continued on next page)</p>



Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned P/I, Public and Institutional and GO, General Office. The applicant requests a zoning change to P/I, Public and Institutional and GO, General Office to ensure the existing zoning districts align with the new platted parcel lines and since the lots were previously deeded. **(Criteria Satisfied)**

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

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

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry, with no noted concern. 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." Fargo's Growth Plan 2024 was adopted on August 19th, 2024. The proposed zoning of P/I, Public and Institutional and GO, General Office are consistent with the designated future land use and place type for this property under the 2024 Growth Plan, as noted above. **(Criteria satisfied)**

**Minor Subdivision**

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

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

This subdivision is intended to create a four-lot, one block subdivision. The requested zoning for the industrial development on this property is P/I, Public and Institutional and GO, General Office, which is consistent with the place type designation of the recently adopted Fargo Growth Plan 2024. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

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

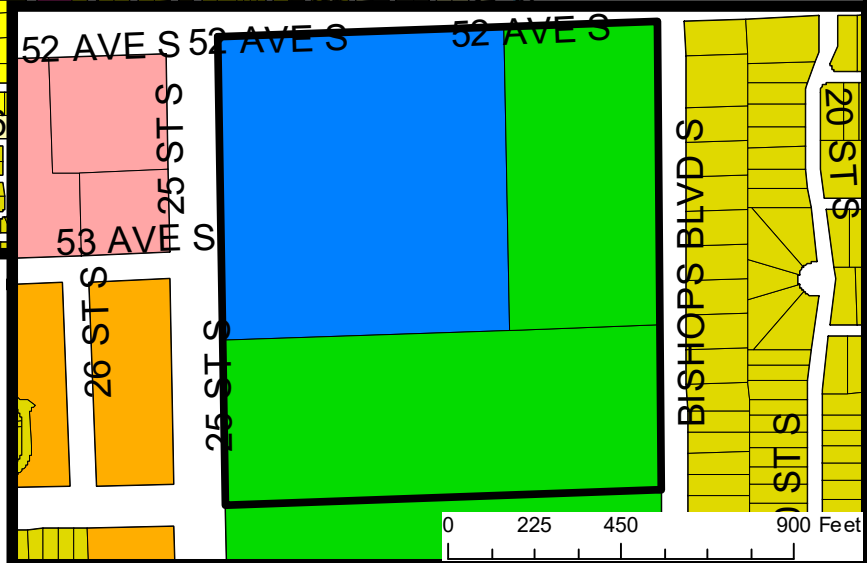
While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Staff and the applicant are working to create an amenities plan to define certain aspects of the development, including stormwater, utility connections, and access. At this time no public improvements are required to support this minor subdivision or proposed land development activities. The amenities plan will include any projected improvements and be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the plat going to City Commission public hearing. **(Criteria Satisfied)**



<b>Staff Recommendation:</b>
Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) P/I, Public and Institutional and GO, General Office; and 2) a plat of <b>Sullivan Second Addition</b> , as presented, as the proposal complies with the Standards of Article 20-06, and Sections 20-0906.F (1-4) and of Section 20-0907.B & C, of the LDC and all other applicable requirements of the LDC, and the 2007 and 2024 Growth Plans."
<b>Planning Commission Recommendation:</b> April 6 <sup>th</sup> , 2025
<b>Attachments:</b>
<ol style="list-style-type: none"> <li>1. Zoning map</li> <li>2. Location map</li> <li>3. Preliminary plat</li> <li>4. Proposed Zoning Map</li> </ol>



## Sullivan Second Addition



### Legend

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



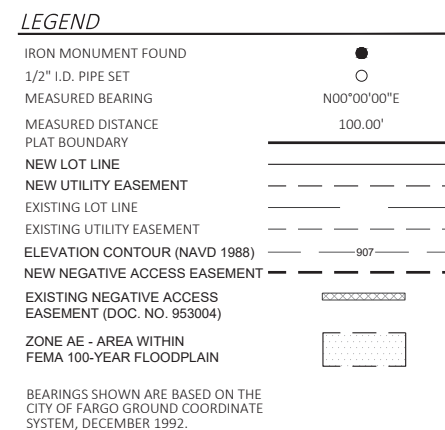
## Sullivan Second Addition

 City Limits

**Fargo Planning Commission**  
**May 06, 2025**



**A MINOR SUBDIVISION  
BEING A REPLAT OF LOTS 1 AND 2, BLOCK 1, SULLIVAN ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA**



NOTES:

1. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
2. A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0787G DATED JAN. 16, 2015.
3. BASE FLOOD ELEVATION = 907.0' (NAVD 1988)
4. AREAS WITHIN FEMA ZONE AE ARE ONLY DEPICTED WITHIN THE BOUNDARY OF THIS PLAT.
5. ELEVATION CONTOURS ARE NAVD 1988 FROM THE 2020 F-M METRO AREA LIDAR COLLECT, AND ARE ONLY SHOWN WITHIN FEMA ZONE AE WITHIN THE BOUNDARY OF THE PLAT.



Sheet 1 of  
Project No. 6052-010



SULLIVAN SECOND ADDITION

A MINOR SUBDIVISION  
BEING A REPLAT OF LOTS 1 AND 2, BLOCK 1, SULLIVAN ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Sts. Anne and Joachim Catholic Church, of Fargo, North Dakota; and the Diocese of Fargo, North Dakota, a North Dakota corporation; are the owners and proprietors of the following described tract of land:

Lots 1 and 2, Block 1, Sullivan Addition, to the City of Fargo, Cass County, North Dakota.

Said tract contains 31.936 acres, more or less, and is subject to easements as may be of record.

And that said parties have caused the same to be surveyed and replatted as **SULLIVAN SECOND ADDITION** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the storm sewer easement, watermain easement and the negative access easements shown on this plat.

OWNERS:

Lot 1:  
Sts. Anne and Joachim Catholic Church, of Fargo, North Dakota

Signature

Printed Name & Title

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared \_\_\_\_\_ (name)

\_\_\_\_\_ (title), of Sts. Anne and Joachim Catholic Church, of Fargo, North Dakota, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of said church.

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

Lots 2, 3 & 4:  
Diocese of Fargo, North Dakota

Signature

Printed Name & Title

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared \_\_\_\_\_ (name)

\_\_\_\_\_ (title), of the Diocese of Fargo, North Dakota, a North Dakota corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of said corporation.

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

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

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

Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota )  
 ) ss  
County of Cass )

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

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

CITY ENGINEER'S APPROVAL:

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

Tom Knakmuhs, PE, City Engineer

State of North Dakota )  
 ) ss  
County of Cass )

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

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

FARGO PLANNING COMMISSION APPROVAL:

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

Maranda R. Tasa, Chair  
Fargo Planning Commission

State of North Dakota )  
 ) ss  
County of Cass )

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

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

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

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

State of North Dakota )  
 ) ss  
County of Cass )

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

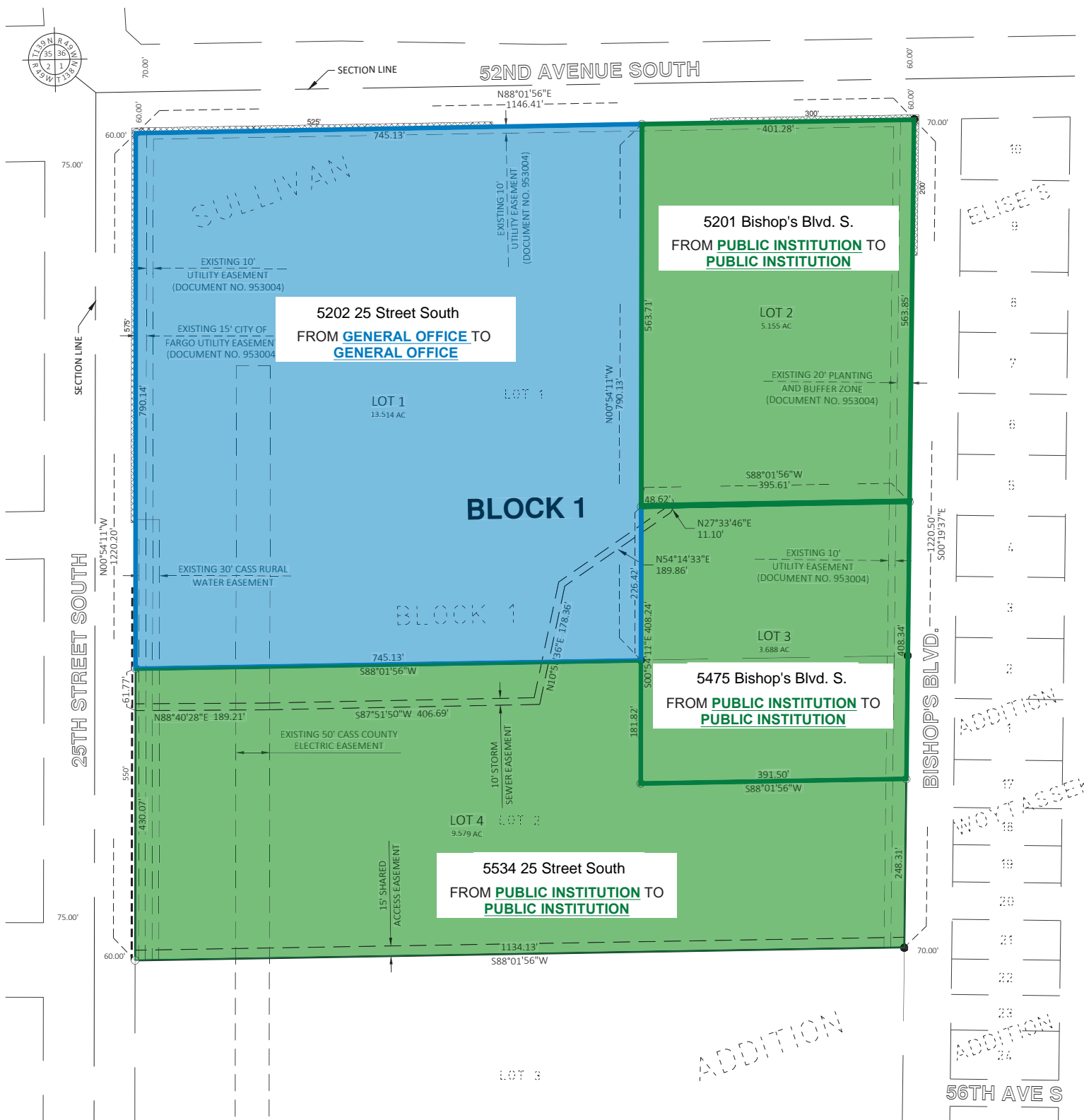
Notary Public: \_\_\_\_\_

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# SULLIVAN SECOND ADDITION

A MINOR SUBDIVISION  
BEING A REPLAT OF LOTS 1 AND 2, BLOCK 1, SULLIVAN ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA



**LEGEND**

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
MEASURED DISTANCE	100.00'
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	- - - - -
EXISTING LOT LINE	- - - - -
EXISTING UTILITY EASEMENT	- - - - -
NEGATIVE ACCESS EASEMENT	- - - - -
EXISTING NEGATIVE ACCESS EASEMENT (DOC. NO. 953004)	- - - - -

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

NOTE:

1. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

PRELIMINARY PLAT



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	<b>Southwest Fargo Mission Second Addition</b>	<b>Date:</b>	4/30/2025
<b>Location:</b>	4475 40 Avenue South	<b>Staff Contact:</b>	Maegin Elshaug, planning coordinator
<b>Legal Description:</b>	Lot 1, Block 1, Southwest Fargo Mission Second Addition		
<b>Owner(s)/Applicant:</b>	52nd Avenue Investments, LLC / Christianson Companies	<b>Engineer:</b>	n/a
<b>Entitlements Requested:</b>	Conditional Use Permit for an Alternative Access Plan for a parking reduction on Lot 1, Block 1, <b>Southwest Fargo Mission Second Addition</b> .		
<b>Status:</b>	Planning Commission Public Hearing: May 6, 2025		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> vacant and parking lot	<b>Land Use:</b> 55+ multi-dwelling residential
<b>Zoning:</b> MR-3, Multi-Dwelling Residential	<b>Zoning:</b> no change
<b>Uses Allowed:</b> MR-3 allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities.  <b>With a C-O, Conditional Overlay (ordinance 5457) that includes building and site design standards.</b>	<b>Uses Allowed:</b> no change; existing C-O will remain
<b>Maximum Density Allowed:</b> MR-3 allows a maximum of 24 units per acre	<b>Maximum Density Allowed:</b> no change

<b>Proposal:</b>
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. Conditional Use Permit (CUP) for an Alternative Access Plan for a parking reduction.</li> </ol> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: AG, Agricultural, with Cass County Drain No. 27;</li> <li>• East: P/I, Public &amp; Institutional, with Living Waters Lutheran Church;</li> <li>• South: Across 40<sup>th</sup> Avenue South is P/I, Public and Institutional with a shared-use path, and MR-1, Multi-Dwelling Residential;</li> <li>• West: Across 45<sup>th</sup> Street South LC, Limited Commercial, with offices.</li> </ul>



### Area Plans:

Fargo's Growth Plan 2024 was adopted in August 2024. This project is consistent with the place type designation of Mixed Commercial, Office and Residential for this property.

### Context:

**Neighborhood:** Woodhaven

**Schools:** The subject property is located within the Fargo Public School District, specifically the Kennedy elementary, Carl Ben middle, and South high schools.

**Parks:** Vista Park, Edgewood Village Park, and Woodhaven North Park are within a quarter mile of the subject properties. Vista Park provides trails; Edgewood Village Park provides picnic tables, a playground for ages 2-5, and recreational trails; and Woodhaven North Park provides fishing with an ADA fishing ramp, picnic tables, a playground for ages 5-12, recreational trails, and a shelter.

**Pedestrian / Bicycle:** There are shared-use paths running along both sides of 45<sup>th</sup> Street South and 40<sup>th</sup> Avenue South, through Vista Park, Edgewood Village Park, and Woodhaven North Park, and along County Drain 27.

**Bus Route:** The subject properties are within a quarter mile of MATBUS route 18, which runs along 40<sup>th</sup> Avenue South. This route has bus stops near the crossing streets of 47<sup>th</sup> Street South, 45<sup>th</sup> Street South, 43<sup>rd</sup> Street South, and 42<sup>nd</sup> Street South.

### Staff Analysis:

#### Recent Site History

Originally platted in 2003 in the Southwest Fargo Mission Addition as one lot, including the subject property and adjacent property to the east, Living Waters Church. In about 2005, a church was constructed including associated parking on the subject property. At the time, the church had future plans for expansion and installed parking in anticipation of that expansion.

In 2023 under new ownership, the subject property was platted and rezoned from P/I, Public and Institutional to GC, General Commercial with a C-O, Conditional Overlay, and received a Conditional Use Permit residential use in a GC zone, with the intent to construct a mixed use building on the property. In the fall of 2024, the subject property was rezoned from GC with a C-O to MR-3, Multi-Dwelling Residential with C-O, which applied design standards more consistent with a residential multi-dwelling building, as opposed to a commercial or mixed-use building, as development plans had changed with the intent to construct a residential building with no commercial.

#### Current Proposal

The applicant proposes a new 55+ age multi-dwelling residential building on the site, with 83 units and 2 efficiency guest units (total of 85 units), and is requesting to provide 149 parking spaces for the units, which is a reduction from 2.25 parking spaces per unit to approximately 1.75.

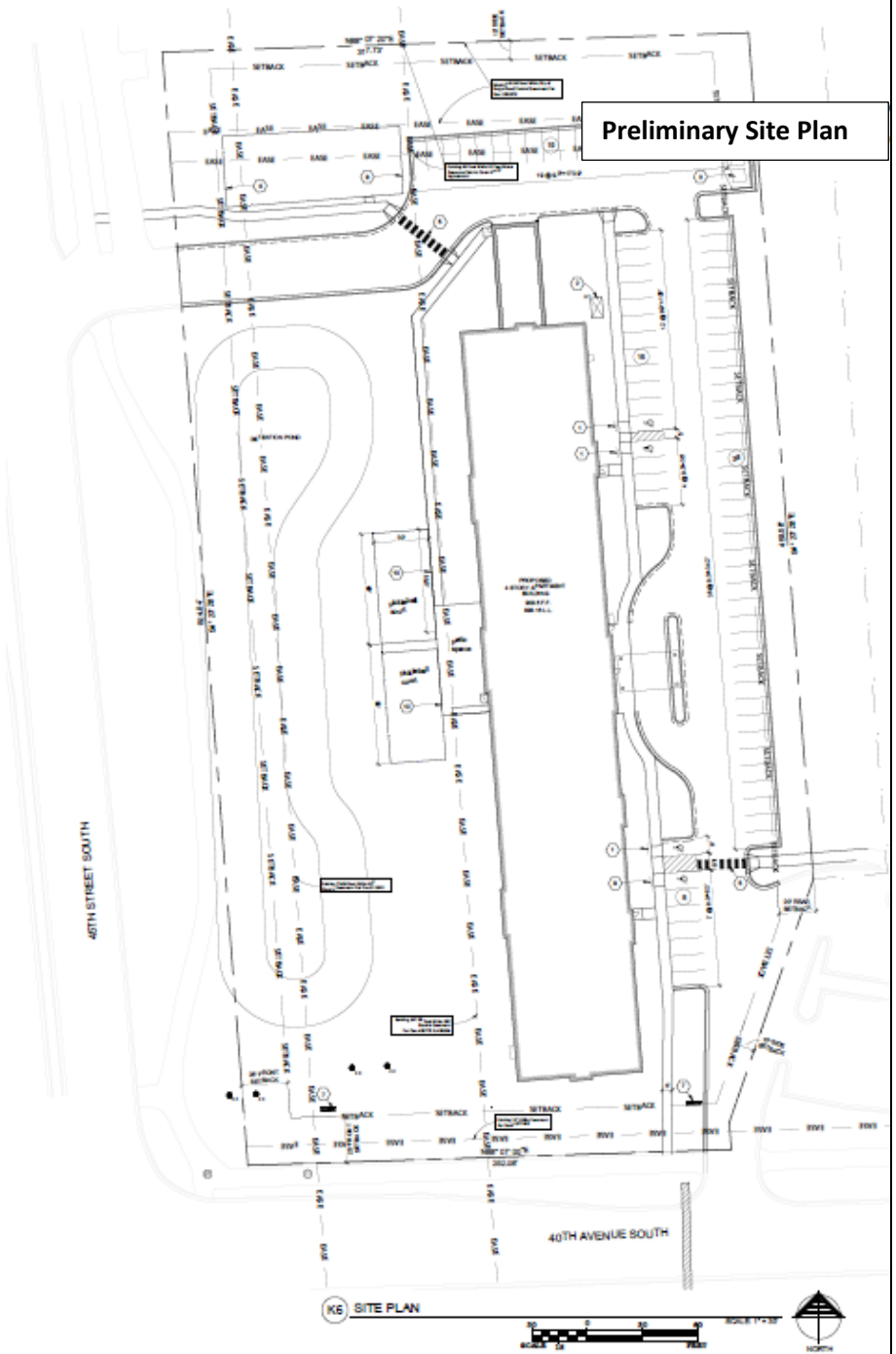


The preliminary site plan is shown on the right and attached. The project will include 68 underground parking spaces and 81 surface parking spaces, for a total of 149 parking spaces on site. The applicant is requesting a reduction of 40 parking spaces.

Additionally, a Cross Parking and Driveway Easement exists between the subject property and adjacent church property, which allows sharing of parking between the two properties.

The existing parking on the site, which was once intended to accommodate further expansion, will be removed as part of redevelopment, and the applicant has demonstrated that the neighboring church will still meet minimum parking requirements on their site with the reduction.

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.



### 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. Promoting infill development and exploring reductions in minimum parking standards are both key initiatives meant to promote the Plan's guiding principles. A parking analysis was provided, requesting a parking reduction from the Land Development Code (LDC) standard requirements. The narrative cites the Institute of Traffic Engineers (ITE), in the *Parking Generation Manual, 5th Edition*, Senior Adult Housing Land Use, suggesting a ratio of between .45 to .67 parking space per unit, and also cites the MetroCOG Fargo/West Fargo Parking and Access Study, suggesting Fargo's requirement is above national standards of 1.23 per units of a multi-dwelling household. Additionally, the Parking and Access Study recommends a parking ratio of between one and two stalls per unit. The new building will need to go through the permit process where it will be reviewed for compliance with the Land Development Code and other departments respective codes. 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. The requesting a parking reduction specific to the land use and user of the site, and the parking study demonstrates the proposed parking ratio, supported by national and local studies, will meet on-site needs. The shared agreement will allow for any event or overflow parking needs. Staff is proposing conditions which would address potential negative impacts of the proposed parking reduction. **(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 one call of inquiry. **(Criteria Satisfied)**

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

Staff does not believe that the location, size, nature or intensity of the shared parking and reduction will prevent development and use of neighboring properties in accordance with applicable zoning districts. The parking study provided by the applicant indicates that the parking provided is sufficient to account for needs of the facility without compromising the parking needs of the church. Fargo's Traffic Engineer has reviewed the proposal and determined that the request will provide sufficient parking based on the parking study findings. **(Criteria Satisfied)**



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

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 Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. Access is provided on 45<sup>th</sup> Street South with a right-in, right-out access, as well as full access on 40<sup>th</sup> Avenue South. Furthermore, the Cross Parking and Driveway Easement would allow utilization of the two access points on the adjacent property. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

**Recommended Conditions:**

1. A minimum of 149 parking spaces shall be provided on the subject property for a 55+ living facility.
2. Future permits are generally consistent with the site plan provided at the May 6, 2025 Planning Commission packet. Changes may require review by the Planning Commission as determined by Planning Staff.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit for an Alternative Access Plan for parking reduction in the MR-3, Multi-Dwelling zoning district on Lot 1, Block 1, Southwest Mission Second Addition, as presented, as the proposal complies with the 2024 Growth Plan, Standards of Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. A minimum of 149 parking spaces shall be provided on the subject property for a 55+ living facility.
2. Future permits are generally consistent with the site plan provided at the May 6, 2025 Planning Commission packet. Changes may require review by the Planning Commission as determined by Planning Staff."

**Planning Commission Recommendation:**

**Attachments:**

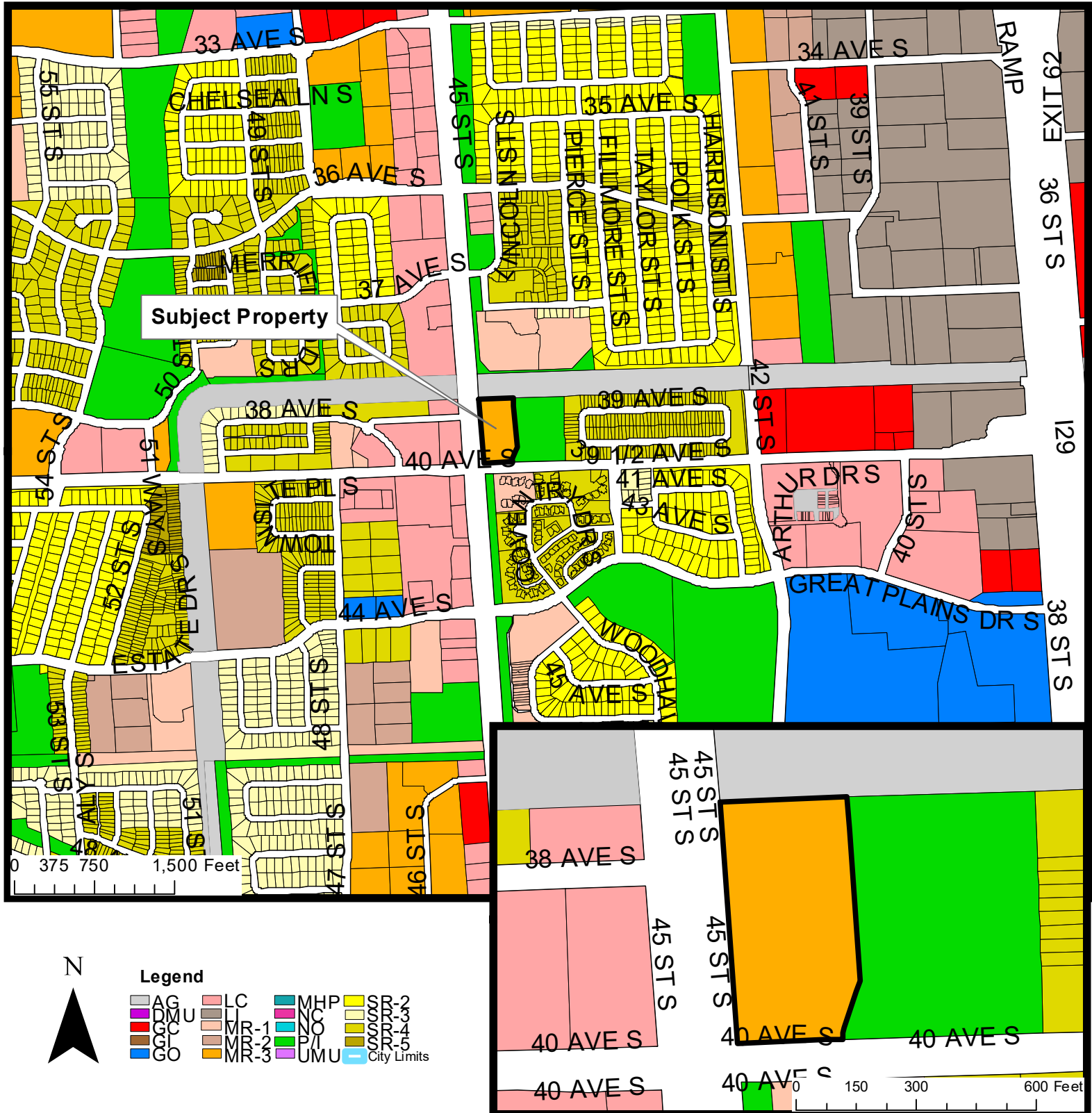
1. Zoning Map
2. Location Map
3. Parking Narrative
4. Preliminary Site Plan



# CUP, Conditional Use Permit for parking reduction

## Southwest Fargo Mission Second Addition

4475 40th Avenue South

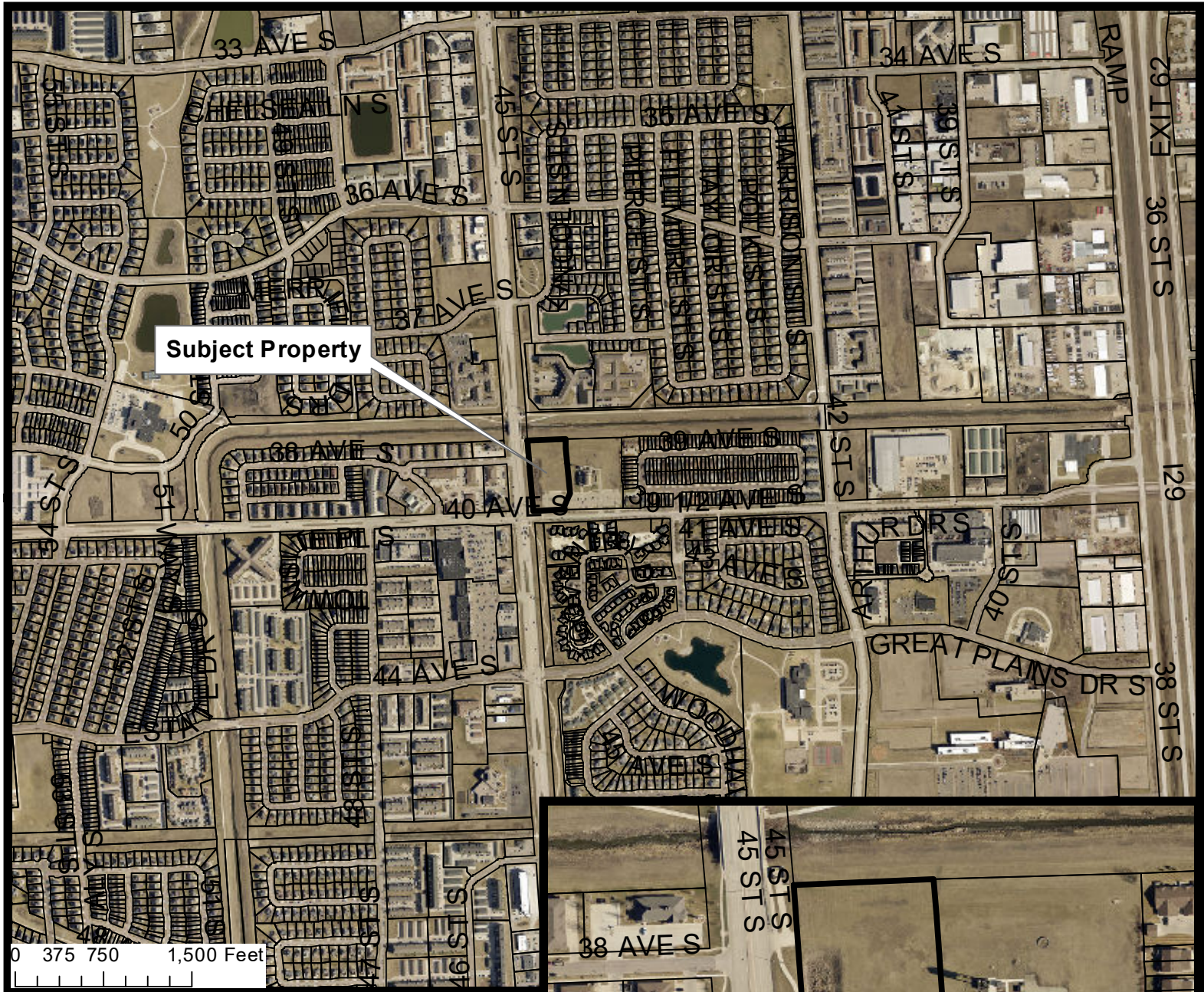




# CUP, Conditional Use Permit for parking reduction

## Southwest Fargo Mission Second Addition

4475 40th Avenue South





March 14, 2025

City of Fargo  
Attention: Maegin Elshaug  
Planning & Development  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

Subject: 55+ Living Waters Senior Living Apartments  
4475 40 Avenue South  
Alternative Access Plan DRG Project #24-022

Ms. Elshaug,

As part of the previous discussions with the City of Fargo Planning Department, it is the intention of this letter to outline the proposed project goals for the new construction of the 55+ Living Waters Senior Apartments building.

#### Proposed Conditions

The proposed 55+ Living Waters Senior Living Apartment building will provide 83 apartment units and 2 efficiency guest units. Based on City of Fargo Land Development Code, the site will require 2.25 parking spaces per each 1-bedroom or larger unit, 2 for permanent residents and 0.25 for guest parking. It would also require 1.25 parking spaces per efficiency guest unit. In this case, the site would need to support 189 off-street parking spots. The building provides 68 parking spots in an underground parking garage along with 81 surface parking spots for a total of 149 proposed parking spots.

In the City of Fargo Land Development code, under 20-0701-Parking and Loading, Subpart E – Alternative Access Plans, a Large Facility allows for a reduction of more than 25% or more than 25 parking spaces. We are requesting an Alternative Access Plan for Large Facilities based on a reduction of 40 parking spots (21%). Our proposed plan provides a total of 149 parking spots which accounts for the reduction and meets the requirements of the Alternative Access Plan for Large Facilities. Our request for this reduction is due to the known history of the aging users of this type of facility and that not everyone will be driving or own a vehicle.

According to the Institute of Traffic Engineers (ITE), in the *Parking Generation Manual, 5<sup>th</sup> Edition*, Senior Adult Housing Land Use (LU 252) parking demand data includes a range of parking rates of .45 to .67 spaces per dwelling unit for a typical weekday condition. Using the higher range rate of .67 for our 83 units equals 56 parking spots plus 2.5-spots for the 2-efficiency guest units for a total of 59 required parking spots. With our proposed parking reduction of 21%, we are exceeding the requirements of the ITE data and we will also be providing extra parking for peak times such as holidays and special events. We feel that this is a realistic parking reduction request that will meet the needs of the residents and their guests while also not providing an excessive amount of parking. See 'Alternate Access Plan' Table.



Alternative Access Plan	
Parking Spots Required	189
25% Parking Reduction	47
Proposed 21% Parking Reduction	40
Parking Spots Provided	149

Additional supporting data from a local perspective includes the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) 'Fargo/West Fargo Parking and Access Study' from December 2018. The highlighted section in the Table below for multi-dwelling households shows that the City of Fargo's minimum parking requirements are well above the national standard.

**Parking Minimum Requirements for major land uses in Fargo, West Fargo, and National Standards**

Landuse	City of Fargo	City of West Fargo	National Standard <sup>1</sup>	Unit	% difference
Single family	2.00	2.00	2.00	Bedroom	0%
Multi-dwelling household	2.25	1.00	1.23	Dwelling Unit	45%
Office - medical	5.00	5.00	3.20	1,000 sqft	36%
Office - general	3.33	5.00	2.84	1,000 sqft	15%
Restaurant/bar/tavern/lounge	13.33	10.00	10.60	1,000 sqft	20%
Religious Institutions	0.40	0.33	0.20	Seat	50%

1. ITE (Institute of Transportation Engineers) Parking Generation Manual, 4th Edition

Another finding from the Metro COG study states that, "Senior housing is a common housing development type but the parking requirement for this land use is much higher than the demand for parking. Many senior housing residents want a 2-bedroom unit for one resident. About 60 to 75% of residents do not have a car and none have 2 cars which leads to an oversupply of parking for these developments." (p. 21)

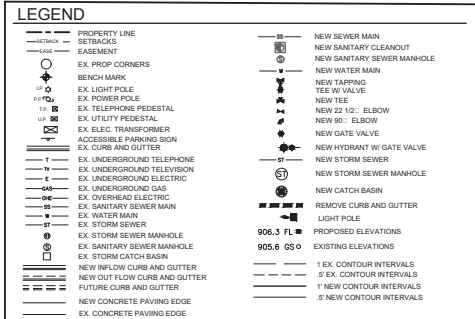
We appreciate your efforts in assisting with the preliminary review and request for the parking reduction. If you have any questions, please feel free to contact me at 701-499-0212.

Sincerely,



Kimberly Matteson, AIA, NCARB  
Principal Architect





- ## KEY NOTES

- 1 HANDICAP SIGN S.D. J13.
- 2 PROVIDE CONCRETE TRANSFORMER PAD. COORDINATE SIZE AND EXACT LOCATION WITH THE ELECTRICAL CONTRACTOR AND CASS COUNTY ELECTRIC.
- 3 TRASH ENCLOSURE. SEE ARCHITECTURAL PLANS.
- 4 NOT USED.
- 5 PROVIDE 6" WIDE CROSSWALK. PAINTED BLOCKS SHALL BE 5' X 24" SPACED EVERY 4" TO EDGE TO EDGE.
- 6 AT EACH LOCATION, COORDINATE EXACT LOCATION WITH THE MECHANICAL CONTRACTOR.
- 7 MONUMENT SIGN BY OTHERS.
- 8 9" TALL CHAIN LINK FENCE FOR DOG PARK AREA.
- 9 HANDICAP SIGN S.D. J17.
- 10 PICKLEBALL COURT WITH FENCE. COORDINATE WITH ARCHITECT FOR FENCE AND FISHING.

### PARKING REQUIREMENTS

83 APARTMENT UNITS 83 X 2.25 = 187 SPACES REQUIRED  
2 GUEST UNITS = 2 SPACES REQUIRED  
ADA SPACES PROVIDED 6 SPACES(1 VAN ACCESSIBLE)

TOTAL SPACES REQUIRED:  
SURFACE PARKING SPACES:

SURFACE PARKING SPACES PROVIDED:  
UNDERGROUND PARKING SPACES PROVIDED:

TOTAL SPACES PROVIDED

85 UNIT APARTMENT COMPLEX ZONED "MR-3"

TOTAL SITE AREA:	187,537 S.F. (4.30 ACRES)
FRONT SETBACK:	25 FT
SIDE SETBACK:	10 FT
REAR SETBACK:	20 FT

MAX. BUILDING COVERAGE:	(35%) OR 65,638 S.F.
ACTUAL BUILDING COVERAGE:	(15.5%) 29,170 S.F.

REQUIRED PERCENTAGE OPEN SPACE:	(35%) OR 65,638 S.F.
ACTUAL OPEN SPACE:	(54.5%) OR 102,282 S.F.

ACTUAL IMPERVIOUS:

(45.4%) OR 85,255 S.F.

<b>DATE:</b>	FEBRUARY 17, 2025
<b>PROJECT NO:</b>	24-022
<b>DRAWN BY:</b>	CM
<b>CHECKED BY:</b>	TH
<b>ADDENDUMS:</b>	
<b>REVISIONS:</b>	

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**55+ SENIOR LIVING FACILITY**  
4475 40TH AVE. S.  
FARGO, ND



**CHRISTIANSON**  
COMPANIES

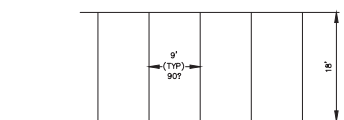
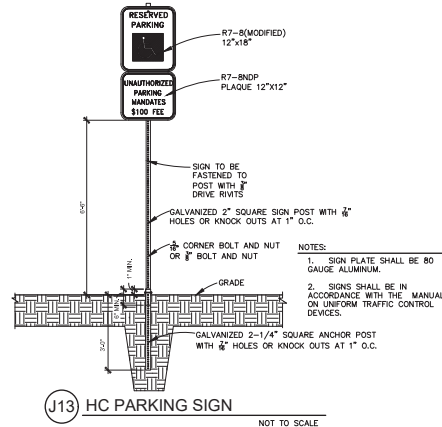
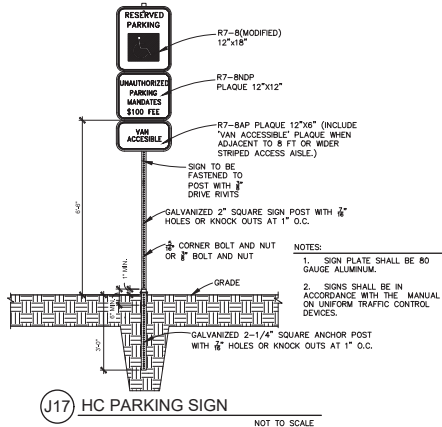
4609 33RD AVE.  
SOUTH SUITE 400  
FARGO, ND 58104



**DRG**  
DESIGN RESOURCES GROUP  
PH. (701) 499-0212  
FAX (701) 281-9501

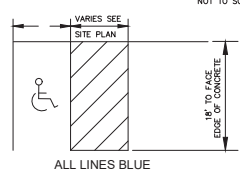
**SHEET DESCRIPTION:**  
SITE PLAN

Sheet  
**C1.1**



- NOTES:
1. THE CONTRACTOR SHALL PAINT 4" WIDE STRIPES FOR THE PARKING STALLS. THE PAINT SHALL BE: EPOXY PAVEMENT MARKINGS PER THE SPECIFICATION BOOK.
  2. SEE SITE LAYOUT FOR OTHER STALL DIMENSIONS.
  3. ALL GORE AREAS BESIDES ADA PARKING AREAS. SHALL BE 4" LINES WITH 3' SP. BETWEEN LINES.

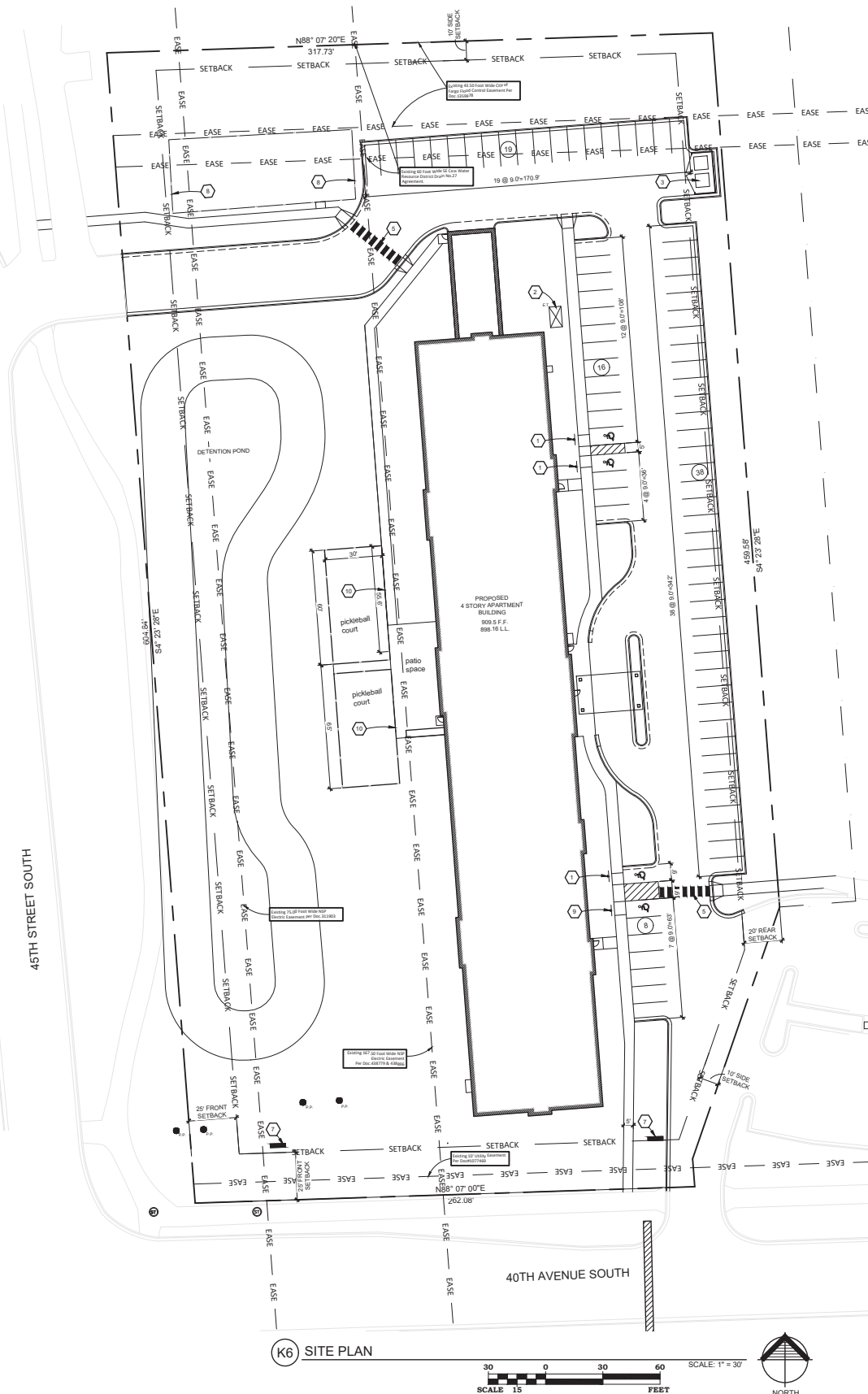
(L13) TYPICAL PARKING STALL LAYOUT



"A" DIMENSION = 8' VAN ACCESSIBLE  
5' OTHERWISE

- 5' OTHERWISE
- NOTES:
1. THE CONTRACTOR SHALL PAINT 4" WIDE STRIPES FOR PARKING STALLS AND HANDICAP SYMBOL AS SHOWN HERE AND AT LOCATIONS ON THE SITE PLAN. THE PAINT SHALL BE AS STATED IN THE SPECIFICATIONS.
  2. THE GORE AREAS SHALL BE 4" LINES WITH 3' SPACING BETWEEN LINES.
  3. THE ADA PAINT MARKINGS SHALL BLUE. THE PAINT SHALL BE EPOXY PAVEMENT MARKINGS PER THIS SPECIFICATION. THE CONTRACTOR SHALL SUBMIT CERTIFICATION OF THE PAINT PRIOR TO PLACEMENT.

(N13) TYPICAL ADA PARKING STALL LAYOUT



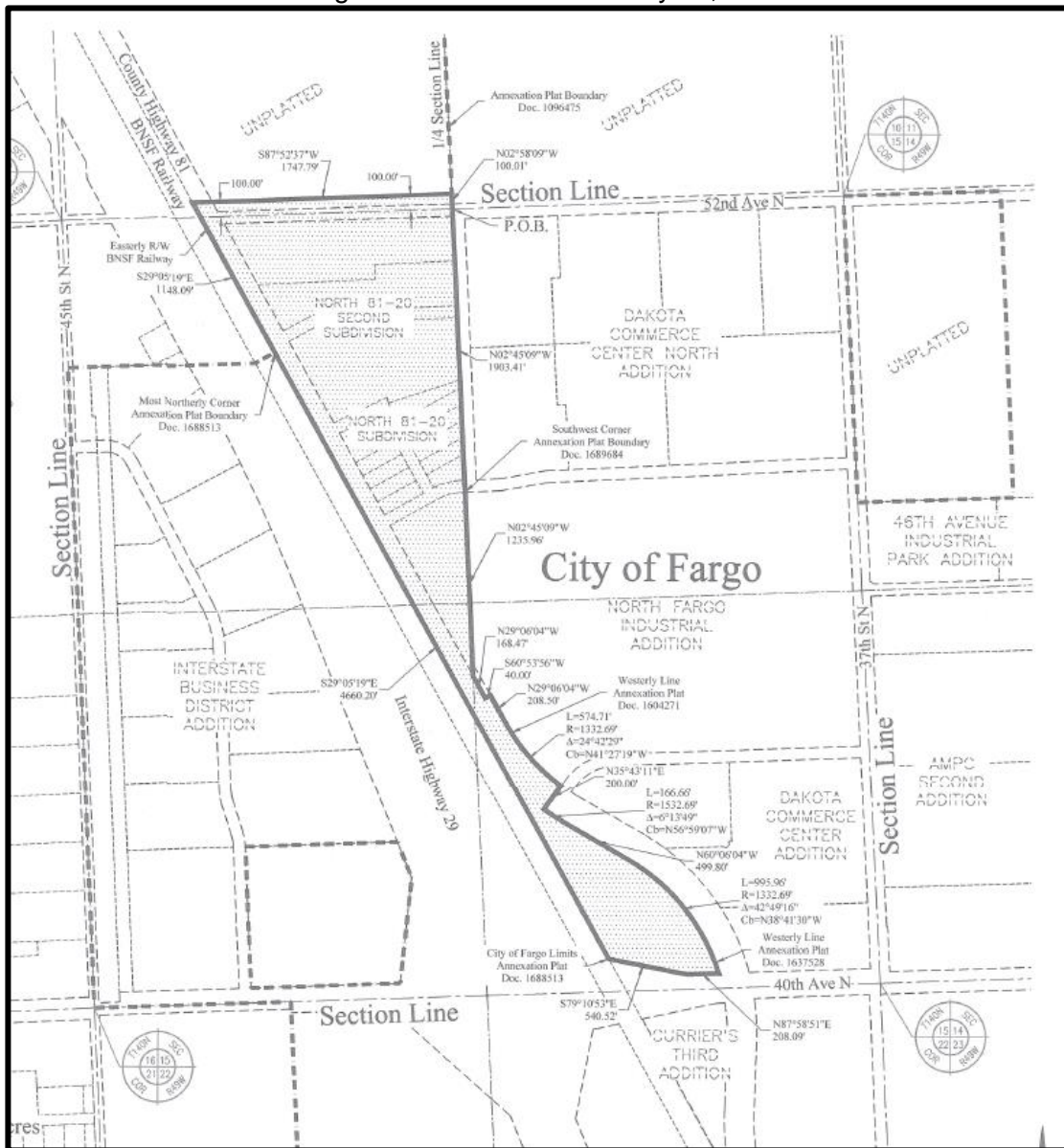


<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Annexation of portions of Sections 10 and 15, T140N, R49W	<b>Date:</b>	4/30/2025
<b>Location:</b>	4320 52 <sup>nd</sup> Ave. North; 5115, 5001, and 4300 County Road 81; 4821 through 4942 43 <sup>rd</sup> St. North; 4350 and 4389 48 <sup>th</sup> St. North;	<b>Staff Contact:</b>	Donald Kress, Planning Coordinator
<b>Legal Description:</b>	Portion of Sections 10 and 15, Township 140 North, Range 49 West, of the 5th Principal Meridian, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	Oye Leasing, LLP; Highway 81 Holdings, LLC; D&T Properties, LLC; Gibb Realty, LLP; Kenneth M. Brazina; Monte Routledge TOD; Bigs Property LLC; Thunderhead Holdings, LLC; Eastdale LLC; Cass County / City of Fargo	<b>Engineer:</b>	City of Fargo
<b>Entitlements Requested:</b>	Planning Commission review of consistency with comprehensive plan.		
<b>Status:</b>	Planning Commission review May 6 <sup>th</sup> , 2025		
<b>Proposal:</b>			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. Annexation of an approximately 87.89 acre portion of Sections 10 and 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota</li> </ol> <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><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: AG, Agricultural; undeveloped; in Fargo's four-mile extra-territorial jurisdiction</li> <li>• East: LI, Limited Industrial; warehouse and industrial uses</li> <li>• South: across Cass County 20 LI, Limited Industrial; industrial uses</li> <li>• West: BNSF Railroad</li> </ul>			
<b>Staff Analysis:</b>			
<p>This is a City-initiated annexation. City staff have contacted the property owners within the proposed annexation area and they are all agreeable to the annexation.</p> <p><b><u>OWNERSHIP</u></b></p> <p>There are 10 property owners within the annexation area:</p> <ol style="list-style-type: none"> <li>1. Oye Leasing, LLP</li> <li>2. Highway 81 Holdings, LLC</li> <li>3. D&amp;T Properties, LLC</li> <li>4. Gibb Realty, LLP</li> <li>5. Kenneth M. Brezina</li> <li>6. Monte Routledge TOD</li> <li>7. Thunderhead Holdings, LLC</li> <li>8. Bigs Property LLC</li> <li>9. Eastdale LLC</li> <li>10. Cass County (County Highway 81)</li> </ol>			



## LOCATION

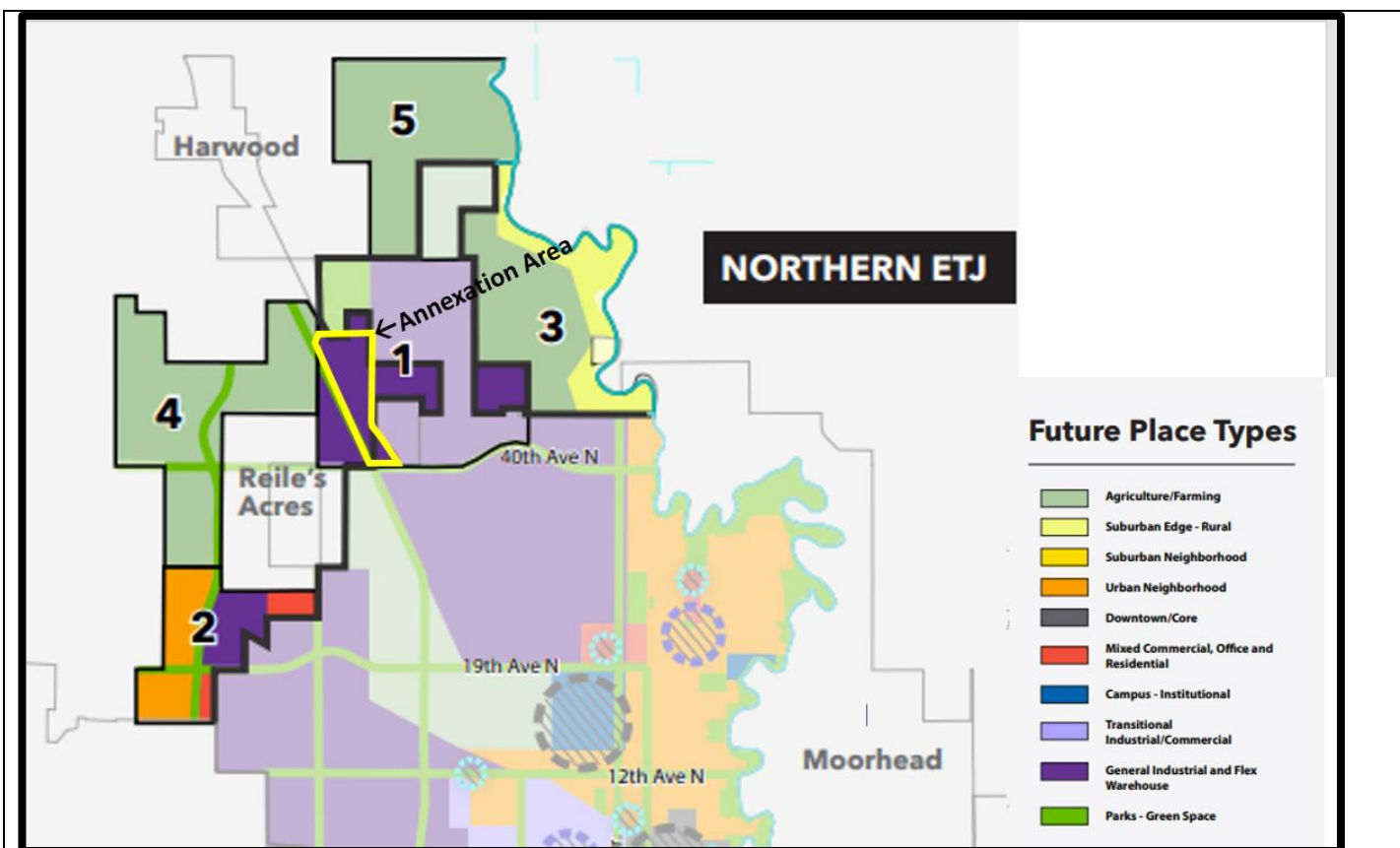
As depicted on the graphic below, this 87.89 acre property proposed to be annexed is on the east side of Interstate 29. All but one of the properties within the annexation area is already developed and zoned LI, Limited Industrial. The property on the south end of the annexation area will mostly become part of the Northdale First Addition, a one-lot, one-block subdivision to be zoned LI, Limited Industrial. This subdivision was before the Planning Commission on February 4<sup>th</sup>, 2025.



## PLAN CONSISTENCY

This property is outside of the Fargo city limits. The proposed annexation area is depicted within Growth Grid Number 1 of the Northern ETJ of the Fargo Growth Plan 2024. The future place type designation is "General Industrial and Flex Warehouse." Primary uses within this place type are light and general industrial and flex warehouse. Secondary uses are commercial uses specifically related to the primary use. The existing and proposed development and zoning are consistent with this place type. The annexation area is adjacent to the existing city limits. Access is provided by County Highways 81 and 20, 52<sup>nd</sup> Avenue North, and 41st Street North. The properties are eligible to connect to City utilities. The properties in the annexation are adjacent to developing properties that have recently been platted and zoned





#### PROCESS

The Planning Commission will evaluate this proposed annexation for consistency with the Fargo Growth Plan 2024 in item D.1 of the May 6<sup>th</sup>, 2025 Planning Commission agenda. Staff would schedule the resolution of annexation before the City Commission on that Commission's May 12<sup>th</sup>, 2025 agenda. That Commission would then set the date for the sufficiency of protests hearing, which staff would recommend as the June 23<sup>rd</sup>, 2025 City Commission agenda.

#### **Staff Recommendation:**

Staff recommends the Planning Commission find that the proposed annexation portions of Sections 10 and 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the Fargo Growth Plan 2024.

#### **Attachments:**

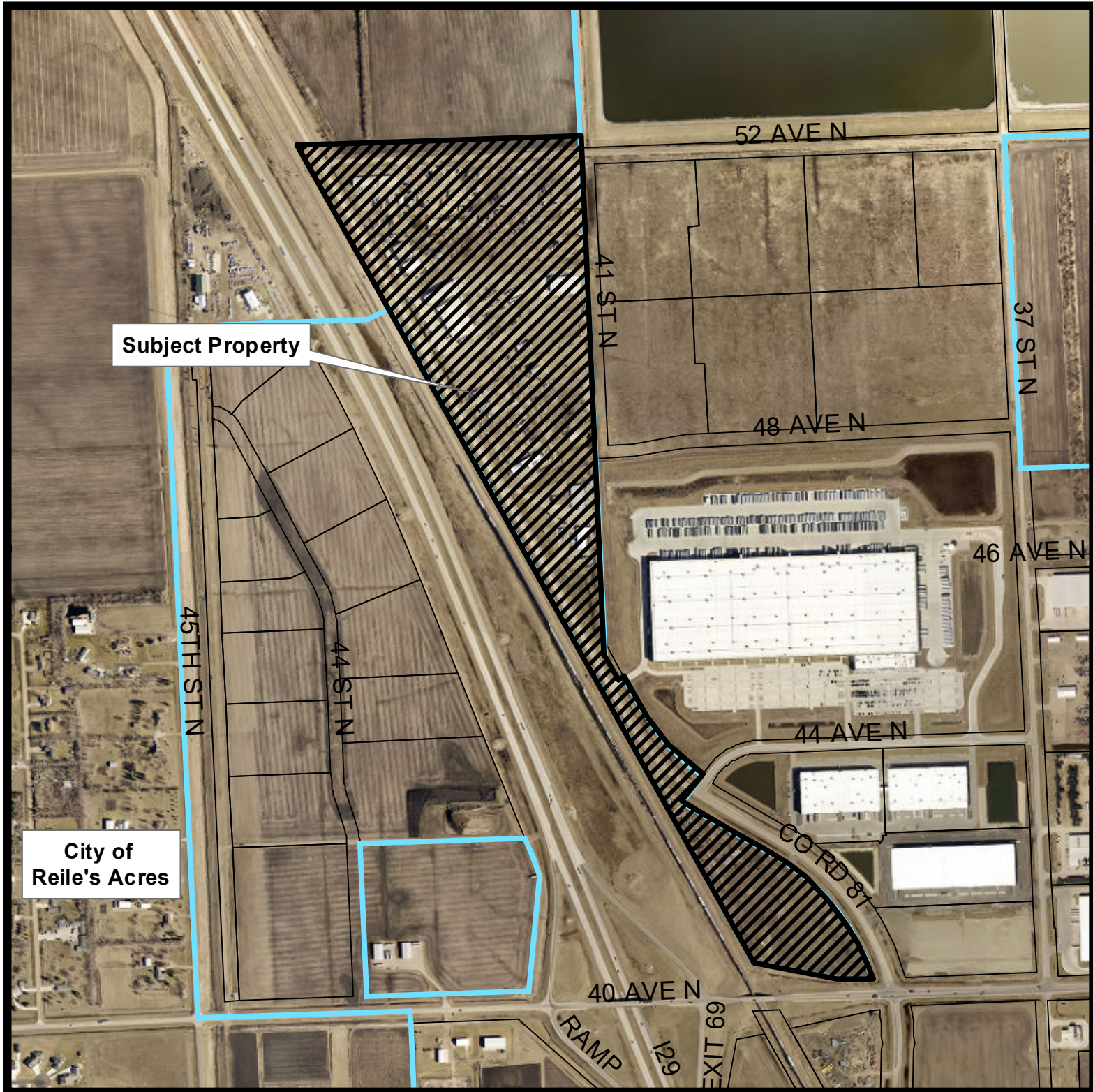
1. Location map
2. Zoning map
3. Annexation plat



# Annexation

Portions of Sections 10 and 15,  
T140N, R49W

4320 52nd Avenue North; 5115, 5001, & 4300  
County Road 81; 4821 - 4942 43rd Street North;  
4350 & 4389 48th Street North



## Legend

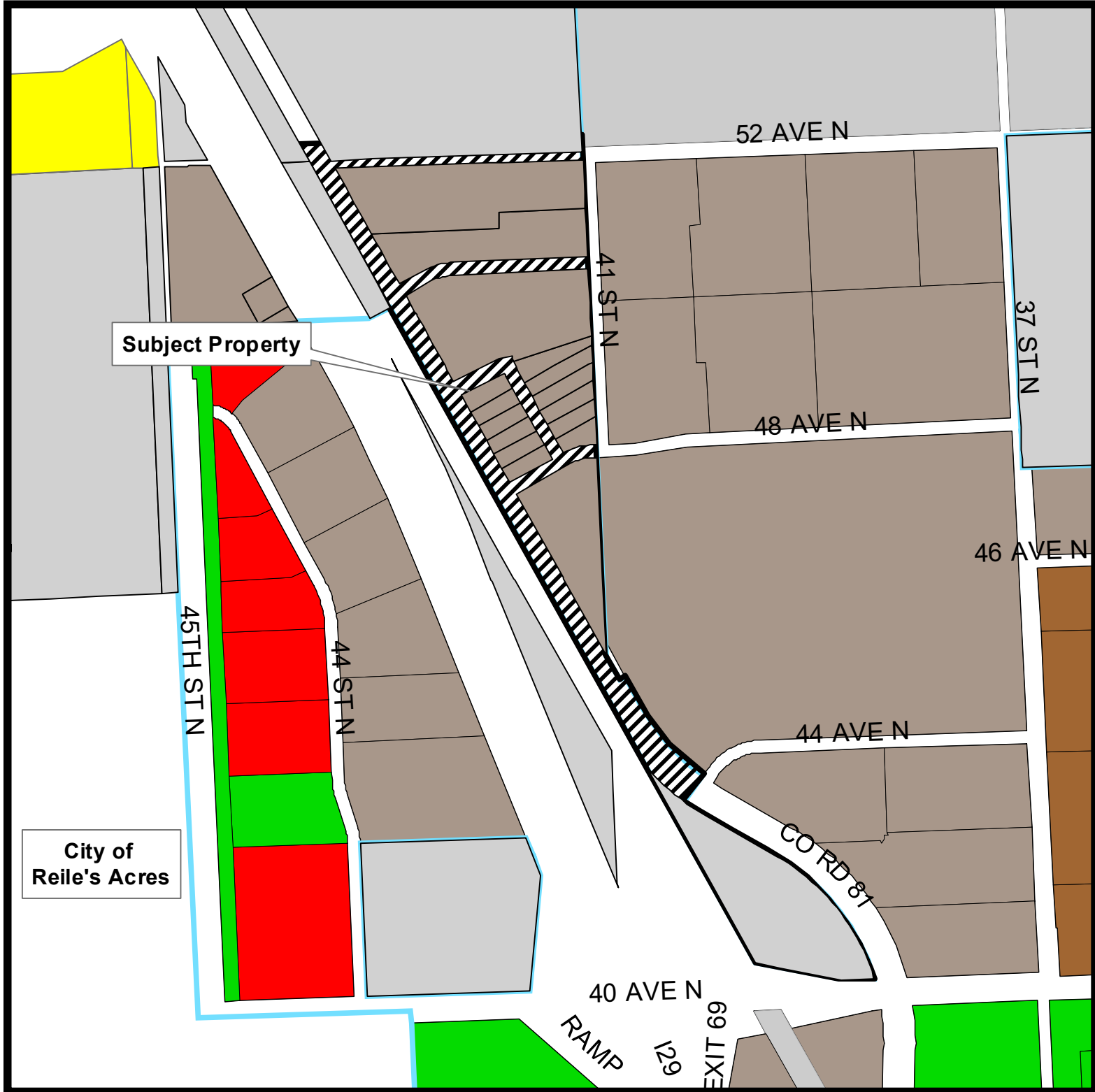
 City Limits



# Annexation

Portions of Sections 10 and 15,  
T140N, R49W

4320 52nd Avenue North; 5115, 5001, & 4300  
County Road 81; 4821 - 4942 43rd Street North;  
4350 & 4389 48th Street North



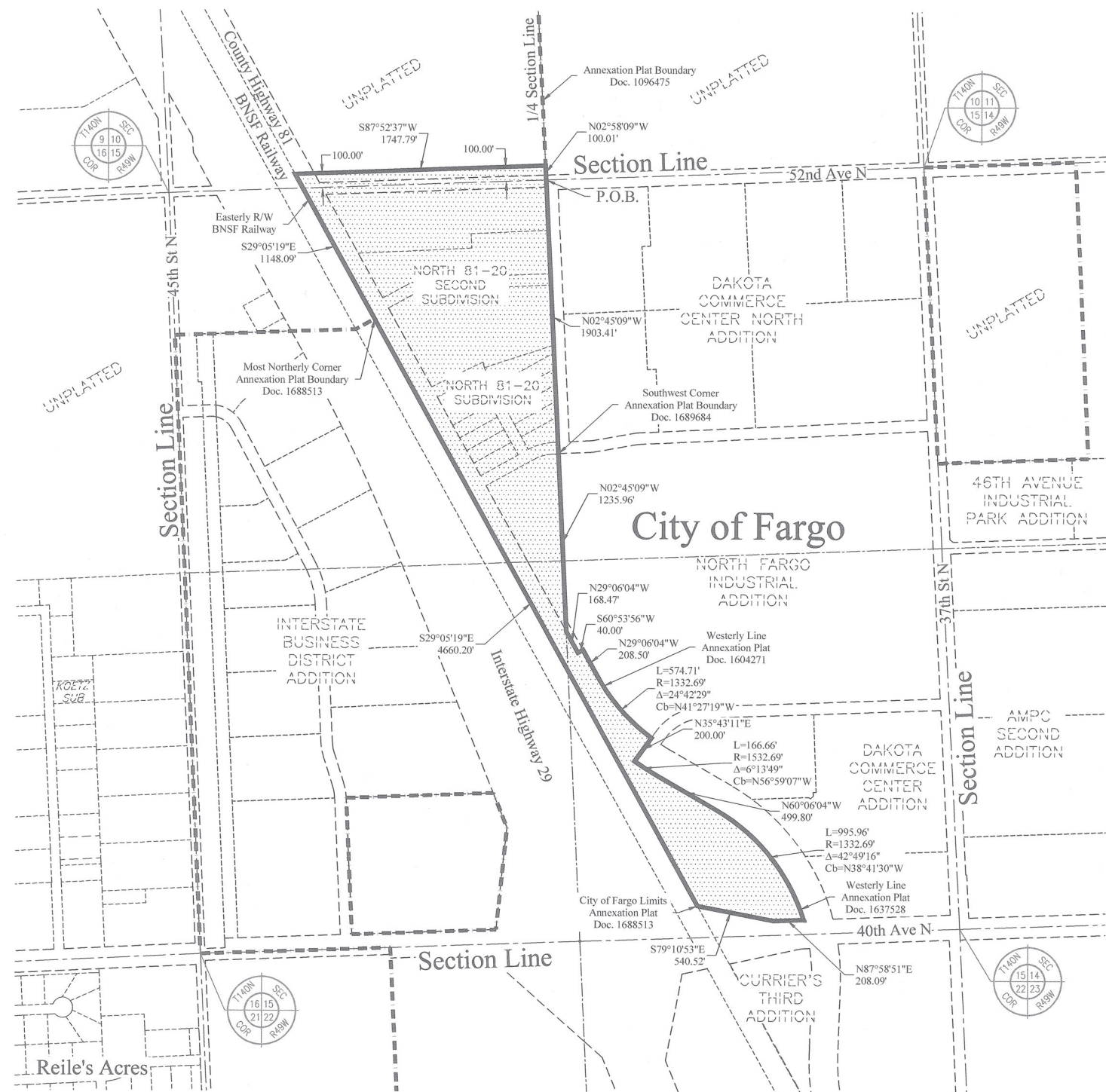
## Legend

AG	LC	MHP	SP-2
DMU	MR-1	NC	SP-3
GC	MR-2	PJ	SP-4
GO	MR-3	UMU	SP-5
			City Limits



# ANNEXATION PLAT

## TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



### Annexation Plat of:

That part of Section 10 and Section 15, 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 the Southwest Quarter of said Section 10; thence northerly on the existing City of Fargo Corporate Limits as shown on the City of Fargo Annexation Plat document 1096475 on file and of record in the Cass County Recorder's Office, also being the east line of said Southwest Quarter, to a point on a line parallel with and 100.00 feet northerly of, as measured perpendicular to, the south line of said Southwest Quarter; thence westerly on said line parallel with the south line of said Southwest Quarter to a point on the easterly right-of-way line of the BNSF Railway; thence southeasterly on said easterly right-of-way line of the BNSF Railway to the most northerly corner of the existing City of Fargo Corporate Limits as shown on document 1688513 on file and of record in the Cass County Recorder's Office; thence continuing on the existing City of Fargo Corporate Limits as shown on said document 1688513 on the following three courses; thence South 29°05'19" East, a distance of 4660.20 feet; thence South 79°10'53" East, a distance of 540.52 feet; thence North 87°58'51" East, a distance of 208.09 feet to a point on the westerly line of the existing City of Fargo Corporate Limits as shown on the City of Fargo Annexation Plat document 1637528 on file and of record in the Cass County Recorder's Office, also being the westerly right-of-way line of County Highway 81; thence continuing on the existing City of Fargo Corporate Limits as shown on said document 1637528 on the following four courses; thence northerly along a nontangential curve, concave to the southwest, having a radius of 1332.69 feet, a central angle of 42°49'16" and a chord bearing of North 38°41'30" West; thence North 60°06'04" West, tangent to the preceding curve, a distance of 499.80 feet; thence on a tangential curve to the right having a radius of 1532.69 feet and a central angle of 6°13'49"; thence North 35°43'11" East, a distance of 200.00 feet, to a point on the westerly boundary of the existing City of Fargo Corporate Limits as shown on the City of Fargo Annexation Plat document 1604271 on file and of record in the Cass County Recorder's Office, also being the easterly right-of-way line of said County Highway 81; thence continuing on the existing City of Fargo Corporate Limits as shown on said document 1604271 on the following five courses; thence on a nontangential curve, concave to the northeast, having a radius of 1332.69 feet, a central angle of 24°42'29" and a chord bearing of North 41°27'19" West; thence North 29°06'04" West, tangent to the preceding curve, a distance of 208.50 feet; thence South 60°53'56" West a distance of 40.00 feet; thence North 29°06'04" West a distance of 168.47 feet; thence North 02°45'09" West, a distance of 1235.96 feet, to the southwest corner of the existing City of Fargo Corporate Limits as shown on document 1689684 on file and of record in the Cass County Recorder's Office; thence North 02°45'09" West, on the westerly line of said existing City of Fargo Corporate Limits as shown on said document 1689684, a distance of 1903.41 feet to the point of beginning.

Said part contains 87.89 Acres, more or less.

### CERTIFICATE OF ACCURACY:

I, Brent W. Wacha, Professional Land Surveyor, under the laws of the State of North Dakota, hereby certify that this annexation plat is a true and correct representation of the area annexed; that said plat shows the City of Fargo corporate limits contiguous to the annexed property.

Brent W. Wacha, PLS  
North Dakota Registration No. LS-5068

State of North Dakota )  
County of Cass ) SS

On this \_\_\_\_ day of \_\_\_\_, 2025, before me, a notary public with and for said county, personally appeared:

Brent W. Wacha, Professional Land Surveyor

Known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County  
My commission expires \_\_\_\_

### CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this \_\_\_\_ day of \_\_\_\_, 2025.

Tom Knakmuhs, City Engineer, P.E.  
North Dakota Registration No. PE-10059

State of North Dakota )  
County of Cass ) ss.

On this \_\_\_\_ day of \_\_\_\_, 2025, before me, a notary public with and for said county, personally appeared:

Tom Knakmuhs, City Engineer; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they 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, and ordered filed this \_\_\_\_ day of \_\_\_\_, 2025.

Timothy J. Mahoney, Mayor

Steve Sprague, City Auditor

State of North Dakota )  
County of Cass ) SS

On this \_\_\_\_ day of \_\_\_\_, 2025, before me, a notary public with and for said county, personally appeared:

Timothy J. Mahoney, Mayor; City of Fargo  
Steve Sprague, City Auditor; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County  
My commission expires \_\_\_\_



Prepared by:

Fargo Engineering Department  
FARGO, NORTH DAKOTA

- SECTION LINE
- 1/4 SECTION LINE
- EXISTING CITY LIMIT BOUNDARIES
- AREA TO BE ANNEXED (87.89 Acres ±)



Basis of Bearings:  
City of Fargo  
Ground Coordinate System,  
December 1992