

FARGO PLANNING COMMISSION AGENDA
Tuesday, November 3, 2020 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of October 6, 2020

C: Brown Bag Luncheon - Wednesday, November 18, 2020

D: Public Hearing Items:

1. Hearing on an application requesting a Name Change Plat for Robins Lane South between 66th Avenue and Selkirk Drive South, located between Block 2 and Block 3, Selkirk Place First Addition, to be renamed **Archer Place South**. (Located at 3104-3237 Robins Lane South) (Earlyne L. Hector/Bolton & Menk, Inc.) (ms)
- 2a. Hearing on an application requesting a Zoning Change from P/I, Public and Institutional to SR-4, Single-Dwelling Residential and MR-1, Multi-Dwelling Residential within the boundaries of the proposed **Eagle Valley Fourth Addition**. (Located at 7300 23rd Street South) (Eagle Ridge Development, LLC) (ms)
- 2b. Hearing on an application requesting a Plat of **Eagle Valley Fourth Addition** (Major Subdivision) a replat of Lot 20, Block 5, Eagle Valley Addition to the City of Fargo, Cass County, North Dakota. (Located at 7300 23rd Street South) (Eagle Ridge Development, LLC) (ms)
3. Hearing on an application requesting a Growth Plan Amendment on Lots 1 and 2, Block 7, **Eagle Valley Addition**. (Located at 7401 and 7501 23rd Street South) (Eagle Ridge Development, LLC/76th Street Holdings LLC) (dk)
4. Hearing on an application requesting a Growth Plan Amendment on an unplatted portion of **Section 5, Township 138 North, Range 49 West**. (Located at 5702 52nd Avenue South) (Four Horsemen, LLC/Nate Vollmuth) (dk)
- 5a. Hearing on an application requesting a Zoning Change from GI, General Industrial to GC, General Commercial within the boundaries of the proposed **ADOC Addition**. (Located at 2900 12th Avenue North) (Potter Holdings, LLC/Nate Vollmuth) (an)
- 5b. Hearing on an application requesting a Plat of **ADOC Addition** (Minor Subdivision) a plat of an unplatted portion of the Southeast Quarter of Section 35, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 2900 12th Avenue North) (Potter Holdings, LLC/Nate Vollmuth) (an)

E: Other Items

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

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

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

1. Review of the proposed Tax Increment Financing (TIF) District No. 2020-01 Renewal Plan for consistency with GO2030.
2. MetroCOG Presentation: Northwest Metro Transportation Plan
3. Project Update: Land Development Code Diagnostic Study

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, October 6, 2020

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, October 6, 2020.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Mary Scherling (via conference call), Rocky Schneider (via conference call), Maranda Tasa (via conference call), Jennifer Holtz, Dawn Morgan, Art Rosenberg

Absent: Melissa Sobolik, Scott Stofferahn

Chair Gunkelman called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of September 1, 2020

Member Rosenberg moved the minutes of the September 1, 2020 Planning Commission meeting be approved. Second by Member Morgan. All Members present voted aye and the motion was declared carried.

Item C: October 16, 2020 Brown Bag Luncheon: Cancelled

Chair Gunkelman stated he would like to have a discussion at the end of the meeting regarding how future Brown Bag Meetings could look.

Planning and Development Assistant Director Mark Williams stated things to consider are topics to be discussed, interest and availability, and making the most use of Members time.

Item D: Public Hearing Items:

Chair Gunkelman noted the following agenda items:

- Items 2a and 2b have been withdrawn by the applicant.

Item 1: Austin's Subdivision

Continued hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on a portion of Lot 1, Block 2, Austin's Subdivision. (Located at 5409 53rd Avenue South) (Dakota Prep Athletics/Josh R. Johnson): APPROVED

A Hearing had been set for September 1, 2020. At the September 1, 2020 meeting, the Hearing was continued to this date and time.

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

Member Morgan moved the findings and recommendations of staff be accepted and the Conditional Use Permit be approved to allow an Alternative Access Plan as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code, and all other requirements of the Land Development Code with the following conditions:

- 1) A minimum of 29 parking stalls shall be provided on site.
- 2) The Conditional Use Permit will cease if the land use changes from a basketball practice facility.
- 3) Expansion of any proposed or existing use will trigger a reevaluation of off-street parking requirements on site.

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

Item 2: Section 12, Township 139 North, Range 49 West

2a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial to GC, General Commercial with a PUD, Planned Unit Development within the boundaries of a portion of the Northeast Quarter of Section 12, Township 139 North, Range 49 West. (Located at 1425 Main Avenue) (Huynh Kha Property LLC/Dovetail Development): WITHDRAWN

2b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of a portion of the Northeast Quarter of Section 12, Township 139 North, Range 49 West. (Located at 1425 Main Avenue) (Huynh Kha Property LLC/Dovetail Development): WITHDRAWN

A Hearing had been set for September 1, 2020. At the September 1, 2020 meeting, the Hearing was continued to this date and time; however the applicant has requested this application be withdrawn.

Item 3: Bentley Place Third Addition

Hearing on an application requesting a Plat of Bentley Place Third Addition (Minor Subdivision) a replat of Lot 1, Block 1, Bentley Place Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 3240 Veterans Boulevard) (Brandt Crossing, LLC/Blake Carlson): APPROVED

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

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

Item 4: Madelyn's Meadows Fourth Addition

4a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, P/I, Public and Institutional, and MR-1, Multi-Dwelling Residential within the boundaries of the proposed Madelyn's Meadows Fourth Addition. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): APPROVED

4b. Hearing on an application requesting a Plat of Madelyn's Meadows Fourth Addition (Major Subdivision) a replat of a portion of the North half of the South half of the Southeast Quarter of Section 11, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): APPROVED

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

Discussion was held on the pending annexation, and number of homeowners that received notification of the application.

Applicant Jon Youness spoke on behalf of the application, and noted a recent neighborhood meeting was held with neighboring Eagle Valley residents.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, P/I, Public and Institutional, and MR-1, Multi-Dwelling Residential, and 2) Subdivision Plat Madelyn's Meadows Fourth Addition as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Scherling, Holtz, Rosenberg, Tasa, Morgan, Schneider, and Gunkelman voted aye. Absent and not voting: Members Stofferahn and Sobolik. The motion was declared carried.

Item E: Other Items:

Item 1: Planned Unit Development Final Plan for Bentley Place First Addition: APPROVED

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

Discussion was held on the updates to the plan, and proposed lighting.

Member Morgan moved the findings and recommendations of staff be accepted and the Planned Unit Development Final Plan for Bentley Place First Addition be approved as outlined within the staff report, as the proposal complies with the Planned Unit Development Master Land Use Plan, Section 20-0908.D 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 Tasa, Morgan, Schneider, Holtz, Scherling, Rosenberg, and Gunkelman voted aye. Absent and not voting: Members Sobolik and Stofferahn. The motion was declared carried.

Item 2: Appeal of an Administrative Decision to approve a Residential Protection Standard (RPS) waiver on a property located at 1404 12th Avenue North. (Kirkhams 2nd Addition): APPROVED

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

Member Morgan expressed her opposition of the RPS waiver noting concerns with more changes in the Roosevelt Neighborhood.

Discussion was held on the current fence, plans to replace the fence, requirements for the property, and the City's process for checking compliance if there is a complaint.

Applicant Rhett Fiskness spoke on behalf of the application, stating a new 6-foot opaque fence would be replacing the current fence.

Member Rosenberg moved the findings and recommendations of staff be accepted and the waiver for Residential Protection Standards be approved as outlined within the staff report, and require that in lieu of a standard landscape buffer and 10-foot parking setback as outlined in the Land Development Code Section 20-0704, the petitioner shall be required to meet the following conditions:

1) Provide a 6-foot tall opaque fence along the southern property line as indicated on the plan.

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

Item 3: FM MetroCOG staff to introduce the initiation of a Fargo Transportation Plan.

Planning Coordinator Aaron Nelson provided a brief background and introduced MetroCOG Executive Director, Cindy Gray.

Ms. Gray gave a presentation on the Fargo Transportation Plan, noting this study will begin in early 2021. She provided a background of the process, goals for the study, and topics the study will focus on.

Chair Gunkelman continued the discussion regarding Brown Bag meetings.

Discussion was held on schedules, making them the most beneficial, potential topics, productive conversation, a virtual versus in-person meeting, and frequency.

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

The time at adjournment was 4:20 p.m.



Agenda Items Map

Fargo Planning Commission
November 3, 2020

Agenda Items Number

- 1 -- Archer Place South
- 2a & 2b -- Eagle Valley Fourth Addition
- 3 -- Eagle Valley Addition
- 4 -- Section 5, Township 138 North, Range 49 West
- 5a & 5b -- ADOC Addition
- E1 -- TIF 2020-01 Renewal Plan
- E2 -- MetroCOG Presentation: Northwest Metro Transportation Plan
- E3 -- Project Update: LDC Diagnostic Study

5

E1

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**City of Fargo
Staff Report**

Title:	Archer Place South	Date:	10/28/2020
Location:	3104-3237 Robins Lane South	Staff Contact:	Maggie Squyer
Owner(s)/Applicant:	Earlyne L. Hector/ Bolton & Menk, Inc.	Engineer:	Bolton & Menk, Inc.
Entitlements Requested:	Name Change Plat		
Status:	Planning Commission Public Hearing: November 3, 2020		

Staff Analysis:

The applicant is requesting the proposed *Name Change Plat* involving approximately 960 feet of the existing Robins Lane South located between Selkirk Drive South and 66th Avenue South within the Selkirk Place First Addition. The plat would effectively rename this section of street as **Archer Place South**.

As a matter of practice, the City has utilized plats to assign and document street names. The Land Development Code (LDC) is essentially silent on street naming requirements, procedures, or criteria for approval, other than §20-0604 which states, "Street names may not duplicate names of any existing street in the City or in adjacent communities except where the street is a continuation of an existing street. Streets must be numbered in accordance with the City of Fargo Street and property numbering system approved by the Board of City Commissioners."

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.

Property Owner Notices: Although not specifically required by the LDC, as a courtesy, the City has sent notification letters to property owners within 300 feet of the subject street consistent with Section 20-0901 of the LDC, in addition to published notification. To date, staff has not received any comments or negative feedback regarding the proposed *Name Change Plat*.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the *Name Change Plat* on the basis that it satisfactorily complies with the Comprehensive Plan, Standards of Article 20-06 and all other applicable requirements of the LDC.

Planning Commission Recommendation: November 3, 2020

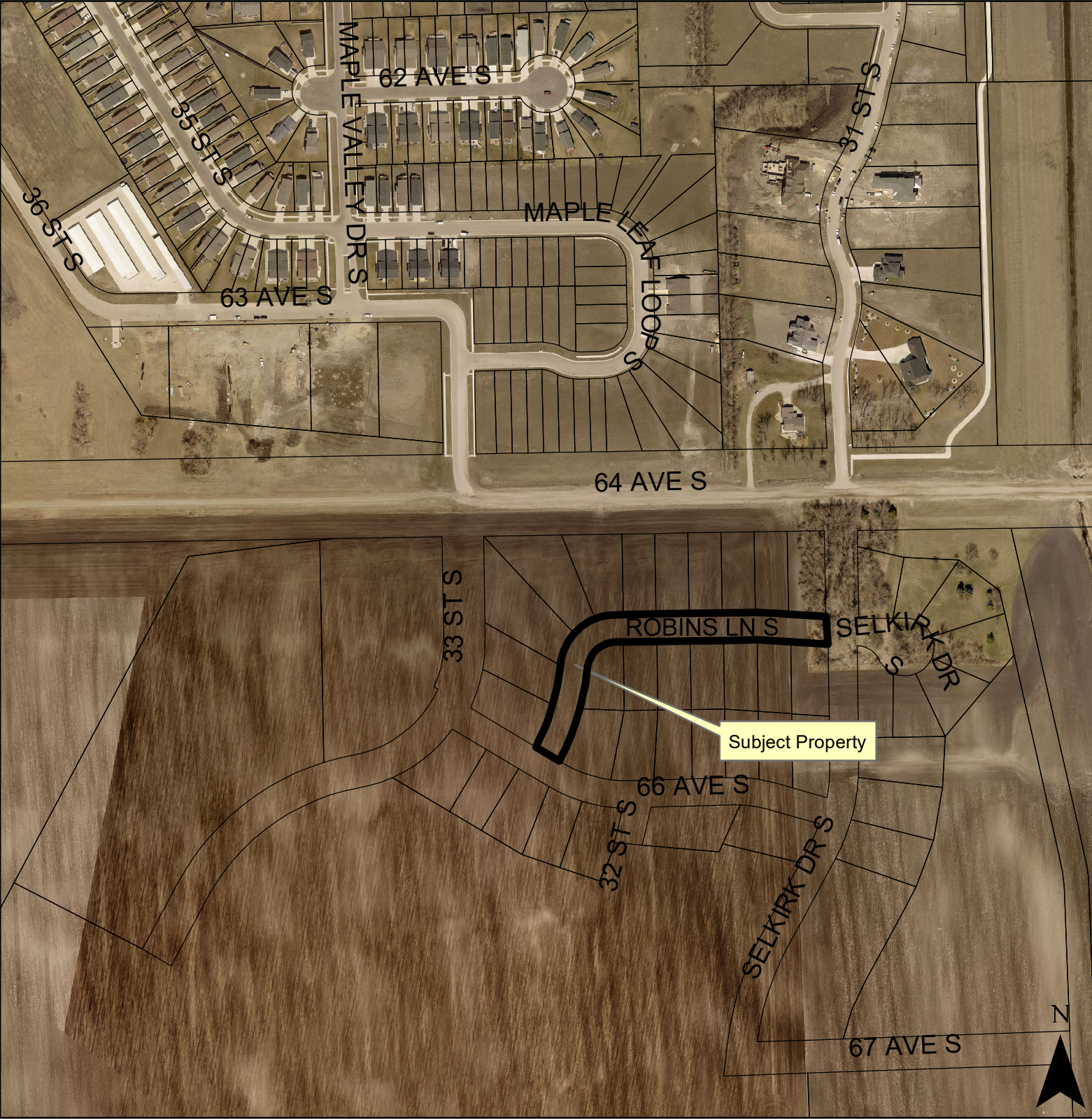
Attachments:

1. Location Map
2. Name Change Plat

Plat (Name Change)

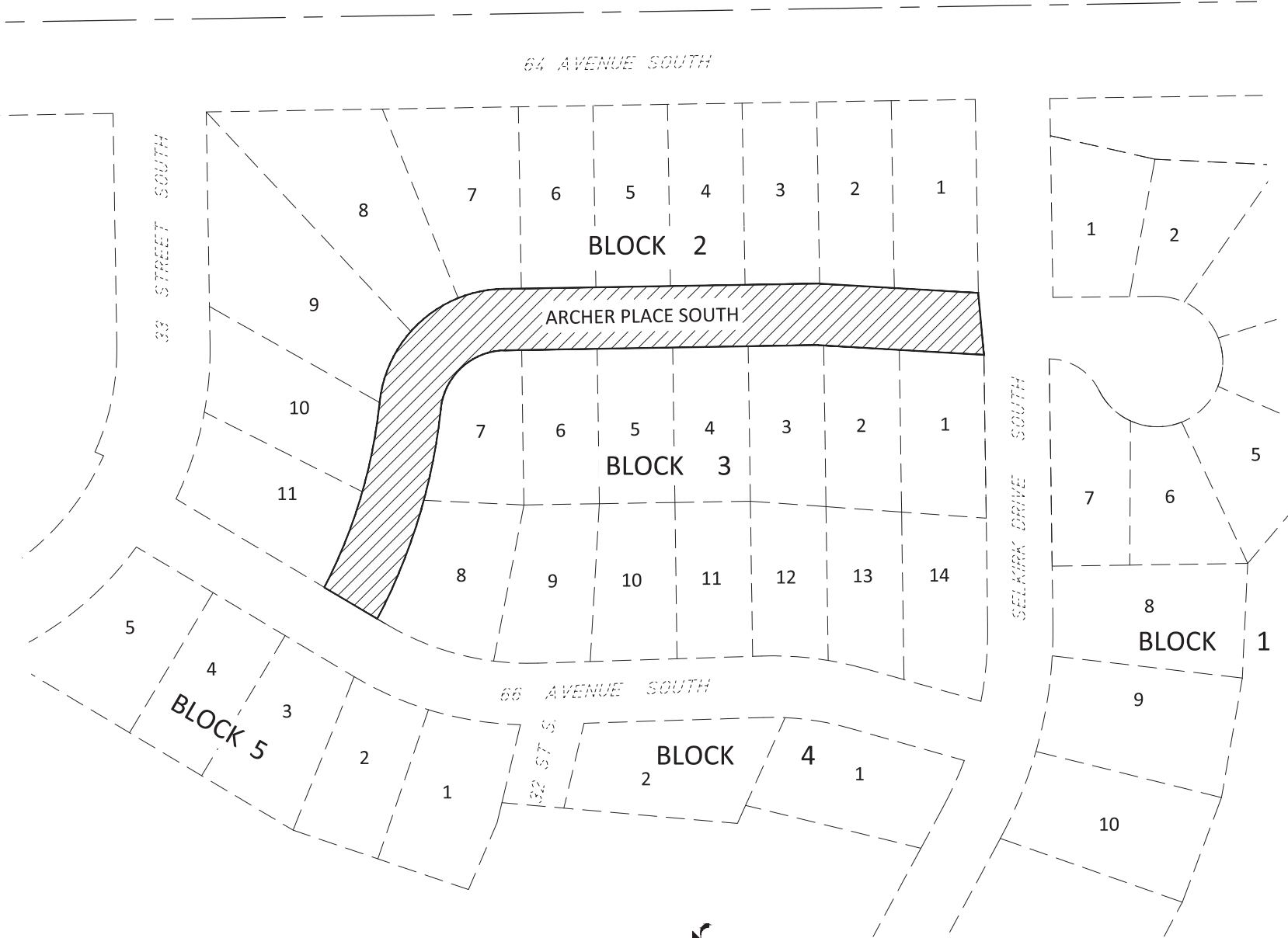
Archer Place South

3104-3237 Robins Ln S



NAME CHANGE PLAT

SELKIRK PLACE FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



DESCRIPTION OF NAME CHANGE

The following Lane in SELKIRK PLACE FIRST ADDITION, to the City of Fargo, Cass County, North Dakota shall be changed as hereinafter designated and in the future shall be known by said designated name

Robins Lane South between 66 Avenue South and Selkirk Drive South shall be known as Archer Place South.

CERTIFICATE OF ACCURACY

I, Gregg Stroeing, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the Lane to be named or renamed

Gregg Stroeing, Professional Land Surveyor
North Dakota License Number LS-6703

State of North Dakota }
County of Cass

On this ____ day of _____, in the year 20____ before me personally appeared Gregg Stroeing, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

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 }
County of Cass

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

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

This Name Change plat is approved this ____ day of _____, 20____.

Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass

On this ____ day of _____, in the year 20____ before me personally appeared Brenda E. Derrig, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

John Gunkelman, Planning Commission Chair

State of North Dakota }
County of Cass

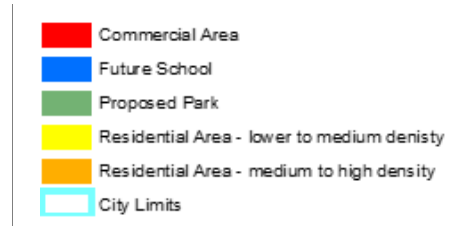
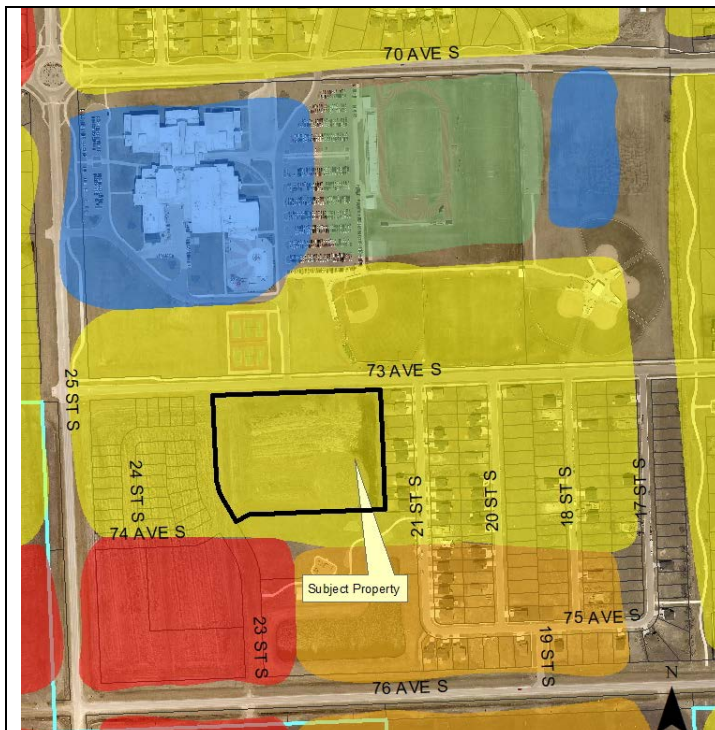
On this ____ day of _____, in the year 20____ before me, a notary public within and for said County and State, personally appeared John Gunkelman, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

City of Fargo Staff Report			
Title:	Eagle Valley Fourth Addition	Date:	10/28/2020
Location:	7300 23 rd Street South	Staff Contact:	Maggie Squyer
Legal Description:	Lot 20, Block 5, Eagle Valley Addition		
Owner(s)/Applicant:	EagleRidge Development, LLC	Engineer:	Mead & Hunt
Entitlements Requested:	Zone Change (from P/I, Public and Institutional to SR-4, Single-Dwelling Residential and MR-1, Multi-Dwelling Residential) and Major Subdivision (replat of Lot 20, Block 5, Eagle Valley Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: November 3, 2020		

Existing	Proposed
Land Use: Vacant	Land Use: Residential
Zoning: P/I, Public and Institutional	Zoning: SR-4, Single-Dwelling Residential and MR-1, Multi-Dwelling Residential
Uses Allowed: Allows colleges, community services, day care facilities of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, schools, basic utilities, offices, commercial parking, outdoor recreation and entertainment, industrial services, manufacturing and production, warehouse and freight movement, waste-related uses, animal confinement, farming/crop production, aviation, surface transportation, and major entertainment events.	Uses Allowed: SR-4 allows detached houses, attached houses, duplexes, group living restricted residency, day care facilities of limited size, parks and open areas, religious institutions, safety services, schools, basic utilities, and telecommunications facilities of limited size. MR-1 allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, community services, day care facilities of limited size, parks and open areas, religious institutions, safety services, schools, basic utilities, and telecommunications facilities of limited size.
Maximum Density Allowed: determined by adjacent zoning districts	Maximum Density Allowed in SR-4: 12.1 dwelling units per acre Maximum Density Allowed in MR-1: 16 dwelling units per acre

Proposal:
<p>The applicant is seeking City approval of 1) a Zoning Map Amendment, and 2) a Major subdivision entitled Eagle Valley Fourth Addition.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: P/I, Public and Institutional (Davies High School) • East: SR-4, Single-Dwelling Residential • South: P/I, Public and Institutional • West: SR-4, Single-Dwelling Residential
Area Plans:
<p>In the 2007 Growth Plan, South Fargo Tier 1 East identifies the subject property as "residential area—lower to medium density," land uses. The proposed SR-4 and MR-1 zoning are consistent with the lower to medium density residential land use designation. A map of the 2007 Growth Plan can be found below.</p>



Context:

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

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

Parks: Davies Athletic Complex (1880 70th Avenue South), Eagle Pointe Park II (1646 73rd Avenue South) and Eagle Valley Park (7400 23rd Street South) are located within a quarter mile of the subject property. These parks provide baseball/softball fields, playground equipment, recreational trails, and picnic shelters.

Pedestrian / Bicycle: A shared use path exists along the north side of the proposed development adjacent to 73rd Street and along the west side of the proposed development along 23rd Street South.

Staff Analysis:

The plat will create 29 lots for residential development. One lot will be zoned MR-1, Multi-Dwelling Residential and the remaining 28 lots will be zoned SR-4, Single-Dwelling Residential.

ZONING: The SR-4 zoned single-dwelling lots range in size from 5,757 square feet to 14,188 square feet. All lots meet the minimum required lot area of 3,600 square feet in the SR-4 zoning district. Lot 1, Block 1 will be zoned MR-1 and is roughly twenty times larger than the minimum lot size requirement of 5,000 square feet. The proposed MR-1 lot is large enough to support 37 dwelling units.

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

STREET CONNECTIVITY: The west side of the development fronts the existing 23rd Street South and the north side of the development fronts 73rd Avenue South. Griffin Drive South and 22nd Street South are dedicated streets that will run through the proposed subdivision, connecting 73rd Avenue South to 23rd Street South.

NEIGHBORHOOD COMMENT: Planning staff received numerous emails from citizens in the Davies Neighborhood who are in opposition of the requested zone change. Several of the emails list concerns over the loss of greenspace, increased traffic congestion, potential drainage issues, and a feeling of being misled in regards to the long-term use of the subject property. Copies of the letters of protest are included in this packet.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned P/I, Public and Institutional. The proposed SR-4, Single-Dwelling Residential, and MR-1, Multi-Dwelling Residential zoning are consistent with the “residential area—lower to medium density,” land use designation determined by the 2007 Growth Plan. Staff finds that the change in zoning is justified, as the developer has a clear picture of the type of development that will occupy the land. **(Criteria Satisfied)**

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

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

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received several letters of opposition to the project. These letters include concerns over the loss of neighborhood greenspace, increased traffic counts, and potential increase of flood hazards. City of Fargo Engineering and Public Works Departments reviewed the proposed subdivision and did not find issues with site drainage or traffic flow. 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 purpose of the LDC is 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. Staff finds this proposal is consistent with the purpose of the LDC, the 2007 Growth Plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

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

The proposed zoning designations for this property are SR-4 and MR-1. Both zoning districts are consistent with the “residential area—lower to medium density,” designation for this property as identified by the 2007 Growth Plan and will accommodate the proposed low density housing development and right-of-way facilities. 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 several comments and inquiries about the project. **(Criteria Satisfied)**

2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The proposed SR-4 and MR-1 zoning districts are consistent with the “residential area—lower to medium density,” designation identified for this property by the 2007 Growth Plan. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zoning map amendment from P/I, Public and Institutional to SR-4, Single-Dwelling Residential and MR-1, Multi-Dwelling Residential; and 2) a plat of **Eagle Valley Fourth Addition**, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: November 3, 2020

Attachments:

1. Location Map
2. Zoning Map
3. Preliminary Plat
4. Letters of Opposition

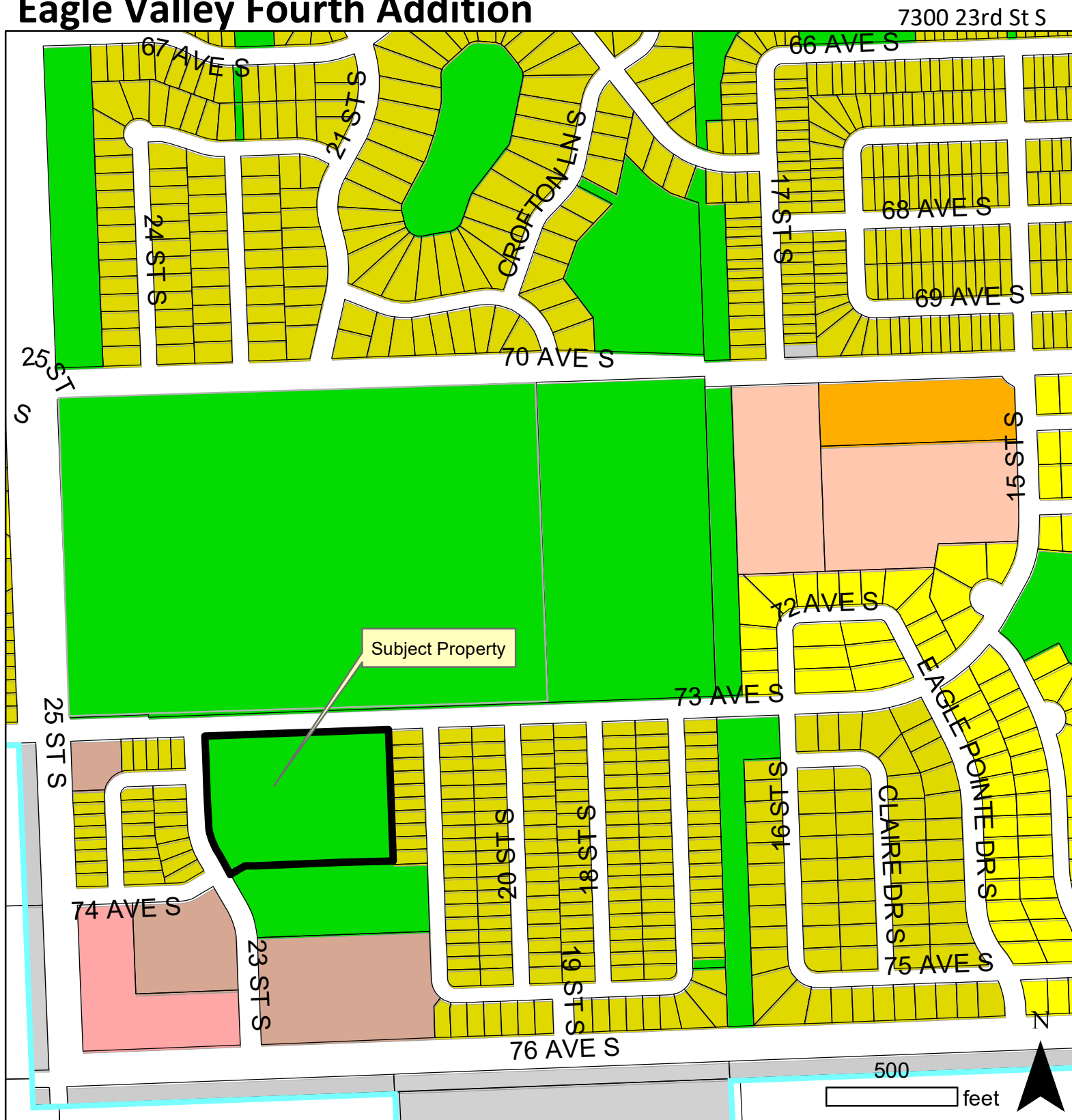
Zone Change (P/I to SR-4 & MR-1) & Plat (Major)

Eagle Valley Fourth Addition



Zone Change (P/I to SR-4 & MR-1) & Plat (Major)

Eagle Valley Fourth Addition



Legend



EAGLE VALLEY FOURTH ADDITION

A REPLAT OF LOT 20, BLOCK 5, EAGLE VALLEY ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

PLAT BOUNDARY DESCRIPTION:

Lot 20, Block 5, Eagle Valley Addition, according to the record plat on file and of record in the Office of the Recorder, Cass County, North Dakota.

Said plat contains 7.97 acres, more or less.

Subject to Easements, Restrictions, Reservations and Rights of Way of Record, if any.

OWNER'S DEDICATION

We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "EAGLE VALLEY FOURTH ADDITION" to the City of Fargo, a replat of Lot 20, Block 5, Eagle Valley Addition to the City of Fargo, Cass county, North Dakota; that we have caused it to be platted into lots and blocks as shown by said plat and certification of Joshua J. Nelson, Professional Land Surveyor, and that the description as shown in the certificate of the Professional Land Surveyor is correct. We hereby dedicate all Streets, Lanes, Drives, and Utility Easements shown on said plat to the Public.

Owner: Eagle Ridge Development, LLC

James R. Bullis, President

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20 __, appeared before me, James R. Bullis, President, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same on behalf of Eagle Ridge Development, LLC.

Notary Public, Cass County, North Dakota

Mortgage Holder: First International Bank & Trust

Matt Mueller, President

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20 __, appeared before me, Matt Mueller, President known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same on behalf of First International Bank & Trust.

Notary Public, Cass County, North Dakota

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this ____ day of _____, 20 ____.

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

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, P.E., City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

John Gunkelman, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 20 __, before me personally appeared John Gunkelman, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 20 __, before me personally appeared Timothy J. Mahoney, Major, 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: _____

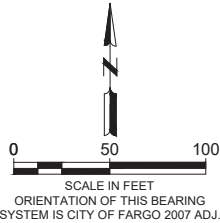


Phone: 701-566-6450
meadhunt.com

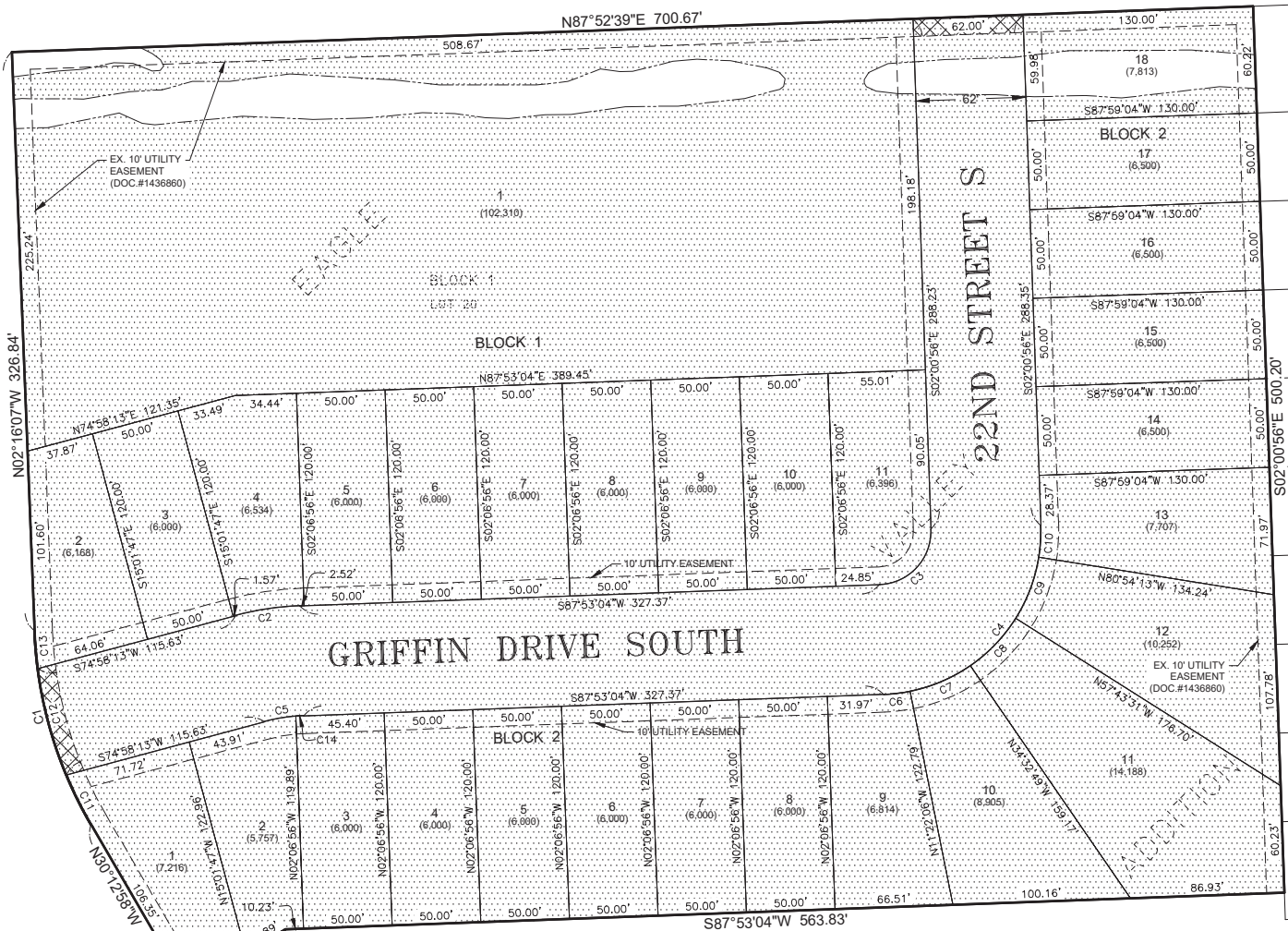
PROJECT NO.
4650200-202030
SHEET 1 OF 2

EAGLE VALLEY FOURTH ADDITION

A REPLAT OF LOT 20, BLOCK 5, EAGLE VALLEY ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



73RD AVENUE S.



LEGEND

- Set Monument (5/8" Rebar, w/cap LS-27292)
- Found Monument
- (7,357) Lot Area in Square Feet
- Plat Boundary
- Block Boundary
- Lot Line
- - - - - New Easement Line
- - - - - Existing Easement Line
- Existing Property Line
- 100 yr. Flood Plain
- XXXXXX Existing 10' Utility Easement To Be Vacated With This Plat

- NOTES:
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
 - PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO FEMA FIRM MAP 38017C0790G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 908.5' (NAVD88) ACCORDING TO FEMA. CONTOUR DATA DERIVED FROM CITY OF FARGO 2011 FLOOD MAPS

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHB	CHL
C1	114.63'	235.00'	27°56'52"	N16°14'32"W	113.49'
C2	36.51'	162.00'	12°54'51"	S81°25'39"W	36.44'
C3	47.07'	30.00'	89°54'00"	N42°56'04"E	42.39'
C4	144.35'	92.00'	89°54'00"	N42°56'04"E	129.99'
C5	22.54'	100.00'	12°54'51"	S81°25'39"W	22.49'
C6	14.86'	92.00'	9°15'11"	N83°15'29"E	14.84'
C7	37.22'	92.00'	23°10'42"	N67°02'33"E	36.96'
C8	37.22'	92.00'	23°10'42"	N43°51'50"E	36.96'
C9	37.22'	92.00'	23°10'42"	N20°41'08"E	36.96'
C10	17.84'	92.00'	11°06'43"	N03°32'26"E	17.81'
C11	31.20'	235.00'	7°38'23"	S26°24'47"E	31.17'
C12	62.18'	235.00'	15°09'38"	S15°01'47"E	62.00'
C13	21.25'	235.00'	5°10'51"	S04°51'32"E	21.24'
C14	4.60'	100.00'	2°38'04"	S86°34'02"W	4.60'

**Mead
& Hunt**

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4650200-202030
SHEET 2 OF 2

Maggie Squyer

From: Denis MacLeod <...>
Sent: Sunday, October 25, 2020 6:06 PM
To: Maggie Squyer
Subject: Eagle Valley Fourth Addition

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

Dear Maggie Squyer,

When we moved into our home, I noticed the rapid development of subdivisions to the west of Davies High School. I knew the Park District owned the undeveloped land adjacent to and west of our home. I called and left a message with the Park District Executive Director Dave Leker. He kindly returned my call and said that the Park District had no plans to sell the land and would if developed hold the land for a future hockey facility.

I am alarmed to learn that a developer has now purchased the land with the intention of building closely spaced homes and a dense concentration of multi-family homes.

Green space is at a premium and should receive more of a priority in urban development. Governor Burgum has noted the urban sprawl that has affected Fargo. That sprawl leads to spiraling public safety concerns and maintenance costs to cover an ever-larger Fargo footprint. As it is, summer street maintenance and snow removal are sporadic and incomplete at best on our street. Adding to that burden doesn't bode well for an improvement.

Please consider retaining the area as green space. Once the opportunity to preserve the land is lost, we all will lose.

Respectfully,

Denis and Mary MacLeod
7319 21st St S
Fargo, ND 58104

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Maggie Squyer

From: Cara Keller
Sent: Sunday, October 25, 2020 7:10 PM
To: Maggie Squyer
Subject: Written protest to proposed zoning change - Eagle Valley 4th Addition

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Hi Maggie,

This letter is to voice my protest to the zoning change in the Eagle Valley 4th Addition to the greenspace between 21st Street S and 23rd Street S. The zoning should remain the same - as promised to area home buyers. I will not begin to review how unethical this is now that every house has been built along 21st St S. All involved surely are well aware of the crooked nature of this proposed zoning change. They all know what they would think if it was their neighborhood. They all know this is for the profit of a certain person(s). I will state if this zoning change goes through in some fashion I will pursue credits to the specials I paid to live in this area with the large undeveloped space. Keep this city true to its homeowners.

Best,
Cara Keller



Virus-free. www.avast.com

Maggie Squyer

From: Andrea Fogderud
Sent: Monday, October 26, 2020 6:30 PM
To: Maggie Squyer
Cc: ANDREA F
Subject: Fargo Planning Commission - Eagle Valley 4th Addition: Proposal Denial

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

Maggie Squyer, Assistant Planner:

I am writing this letter to voice my concern and disappointment as a resident within Eagle Valley on 21st St S in Fargo. I received a recent letter describing the proposal that would change the zoning from the aforementioned area from current public and Institutional state to single and/or multi-dwelling (Lot 20 Block 5).

When choosing to build a new home, I specifically chose the immediate area as I was advised by my builder and realtor that this land was reserved for further green space or public use for Fargo parks. I also specifically chose an area that was free of any apartment buildings, so choosing this specific plot of land was very intentional. You can imagine my dismay in knowing that I made my very substantial purchase under the guise that I would continue to have some green space within my view for my child.

I am writing this to convey my adamant rejection of this proposal as a current, long-term resident of this neighborhood! I am not the only resident who has these same concerns over how we were explained this land was slated to be used. This is the direct opposite of what the residents have been advised while choosing this neighborhood. As Fargo swallows up the nearby landscape, be thoughtful and proactive in leaving more green space for our children, current and future residents, as we were told it would be!

In addition to lack of green space, adding more homes and multi-dwelling spaces will quickly cramp the current park as well as fill the roads with even more traffic, making it unsafe for our children to enjoy our peaceful neighborhood.

Please submit this as my official statement as I am not able to attend to read this in person during the meeting. Please respond with any further information you need from me or the other current neighbors in my area.

Andrea Fogderud
7424 21st St S
Fargo, ND 58104
701. .

Maggie Squyer

From:
Sent: Tuesday, October 27, 2020 2:37 AM
To: Maggie Squyer
Subject: greenspace between 21st st s and 23rd st s on Tue Nov 3 docket

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

Maggie:

It is my opinion that the Fargo Planning Commission should deny the application requesting the zoning change for the greenspace located between 21st St S and 23rd St S. As a nearby resident, I do not want to see any multiple family dwellings in this location. My recommendation is to keep it as a greenspace, as that was the original plan.

Tim Schmidt
7455 20th St S, Fargo, ND

Maggie Squyer

From: Nikki Carden <
Sent: Tuesday, October 27, 2020 7:50 AM
To: Maggie Squyer
Subject: 21st St and 23rd St S

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

Maggie Squyer,

My family wanted to express our concerns about the green space between 21st S & 23rd St S. We strongly want this to be denied for single family homes and multiple family dwellings. We have two young daughters who enjoy that area. Also we are concerned about the safety of adding at least 70 families plus their vehicles with the overwhelming added traffic that will add. We frequent the water park, the walking trails, and the parks. We feel safe here and also enjoy it. We absolutely do not want to be robbed of that.

Thank you for listening to our concerns. And I hope a decision will be made to keep the existing neighborhood families happy, and not the developer.

Travis & Nikki Carden
7418 20th St S
Fargo, ND 58104

Sent from my iPhone

Maggie Squyer

From: Jim Miller or James Miller
Sent: Tuesday, October 27, 2020 12:17 PM
To: Maggie Squyer
Subject: Zoning Change Application

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

Ms Squyer and Fargo Planning Commission Members:

We are writing today AGAINST the application requesting a zoning change to the land located between 21st St S and 23rd St S located in Fargo.

Our address is 7494 21st St S in Fargo (straight South of Davies HS football field). We have lived here since 2018 and enjoy the quiet neighborhood with a pond across the street and one of the many parks that Fargo offers. Several nights ago, we signed a petition AGAINST a Zoning Change Application.

Our signing a petition AGAINST the change is based on the fact that this property had been sold to the Parks Department a few years ago.

Many present home owners along 21st St S (back side of the proposed development of which we are not) were told there was no plans or intentions for this land to be developed into anything other than possible added park space or some sort of water features making the neighborhood more attractive, raising real estate values, etc. Quite the Marketing ploy. Now, it has been sold back to the developer with a platted development design for single family dwellings and possible duplexes/40 unit apartment building.

After talking to the Davies HS Superintendent recently we have learned that they are near maximum enrollment numbers of 1350 students. Adding additional housing/duplexes/apartment building would add to the neighborhood population increase/addition vehicles in the area/possible accidents/and overall additional congestion might also be a concern. Don't get the wrong idea. We are all for progress in Fargo as it effects everyone, but, the developer should consider another option for this area.

Perhaps you may or may not have thought of this, so we have provided your Commission some considerations/ideas below for said above property.

1. Leave the current mound of dirt in place for Winter sledding opportunities for children and seed grass for Summer
2. Outdoor ice-skating rinks w/warming house
3. Allow Davies HS Agriculture classes to plant trees or garden spots within the area
4. Roller skating rinks are coming back. Build a rink and give HS students employment there (like the Davies HS pool in the Summer) year round.
5. Provide a drive-through donut/coffee shop attached to said rinks above, run by Davies HS for fundraising efforts.

Thank you for your consideration of this letter.

/signature/

James A (Jim) and Adeline A (Ade) Miller
7494 21st St S

Maggie Squyer

From: Tamra McCullough
Sent: Tuesday, October 27, 2020 1:33 PM
To: Maggie Squyer
Subject: Planning Commission - Eagle Valley Addition

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

October 27th 2020

To the members of the Fargo Planning Commission:

I respectfully request the members of the commission decline the request to rezone the Eagle Valley Park of Eagle Valley Addition.

We purchased our home, which backs up to the area under consideration, in the spring of 2017 knowing that the area behind us was a designated green space area between our neighborhood and the future neighborhood along the east side of 25th street. I even verified this information with the development company Eagle Ridge prior to signing and was shown the map of the area which designated the area as a park.

Now the commission has before it a plan to re-zone the area for a different development company's plans that even goes against the covenants we were given for Eagle Valley, which includes the following declarations:

NOW, THEREFORE, Developer declares that the Property is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, reservations, easements, liens and charges (sometimes referred to as "covenants and restrictions") set forth in this Declaration.

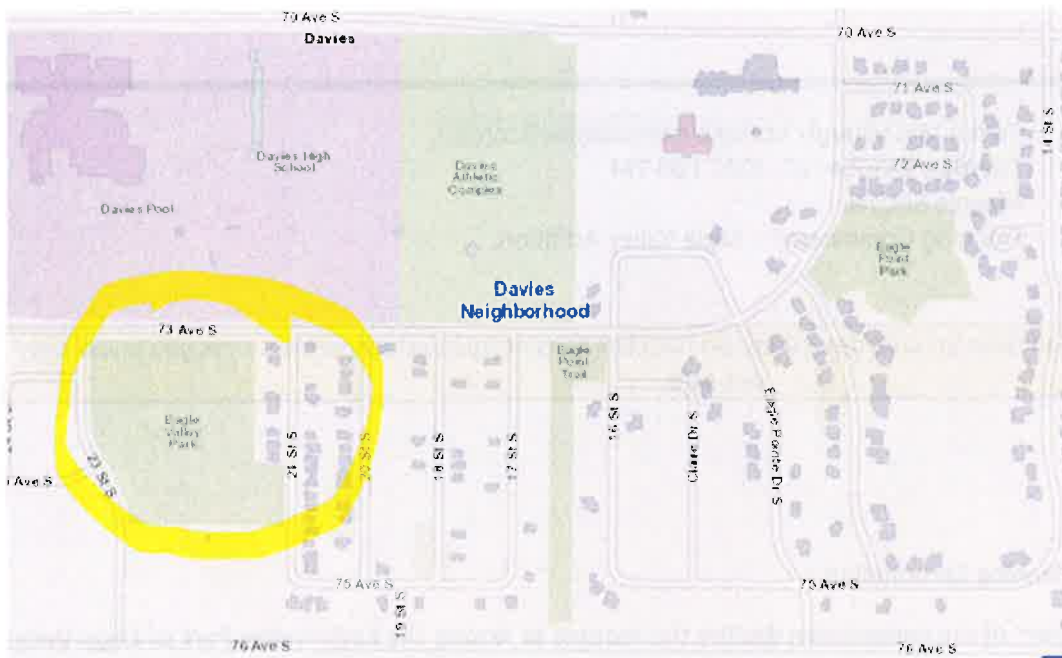
D. Each Lot will be restricted to construction of one single family detached residence with either a two or three car attached garage. Detached garages may be approved, provided they are constructed as part of the design style and are constructed with the same exterior materials as the house. No lean-to, car-port, or vehicle storage building detached from the residence will be permitted, without the written approval of the Review Committee.

G. All residences shall have a minimum two-car garage. Three-car garages are encouraged.

H. No residence shall exceed two and half stories in height when viewed from the street.

Article IV: 1. Land Use and Building Type. All Lots zoned residential shall be used for single family purposes only. No improvements or structures whatsoever, other than a private dwelling house, swimming pool, Review Committee approved outbuildings, garages and fences (subject to limitations hereinafter set forth) may be erected, placed or maintained on any Lot on the Property.

This is the map that still resides on City of Fargo website: it clearly states the area under review is Eagle Valley Park.



We love our neighborhood and the park is part of that. We enjoy the rabbits, ducks, geese and the grouse that I lovingly refer to as my chickens. As a community we have done enough damage to the environment, why do we need to develop this area as well when it was already designated as a park? If it must be developed, please consider soccer fields or a splash pad to compete with the family friendly neighborhoods in West Fargo.

Additionally, the park is always FULL of water in the spring giving us Eagle Valley lake for almost three months of the year. Should the area be developed where will this water go - my basement? What guarantee is the new developer going to give this neighborhood about the water flow and property values? Their plans will devalue the area including the surrounding areas such as the Madelynn area and the environment. This is only about money for them, for the residents this is about our families and our community.

The commission is holding my family's future in its hands. We chose the neighborhood due to the known open green space and enjoy being able to watch the festivities at the high school and the pool in the summer. We truly do not want to sell but will seriously have to consider since this proposed change goes against all we were promised about our neighborhood. A sale that will no longer be as strong as it once would have been with the proposed new development on the verge of being approved by the commission.

There are so many options for a family friendly, eco-friendly area for the area already deemed a park for the Eagle Valley Addition of Fargo. Please consider the benefits to the residents and high school by leaving this area a green space.

Thank you for your time and serious consideration of the requests of the families within the Eagle Valley community. We are counting on you to protect our family homes.

Sincerely,

Tamra F Schmidt McCullough and family

Maggie Squyer

From: Natalie Tuchscherer
Sent: Tuesday, October 27, 2020 5:50 PM
To: Maggie Squyer
Subject: Planning Commission Concerns

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

I recently received a notice that the Fargo Planning Commission will determine if they approve or deny the zoning request for the greenspace on 21st St and 23rd St just south the Davies High School. I wanted to take a moment to voice my concern for the way this piece of land has been dealt with. I originally lived on 20th St in a rental from Meridian Management when there were only 7 homes up in the area. My family liked the neighborhood, park and people so much that I purchased a house a few doors down. While making the decision to purchase the fact that it was a nice neighborhood in an upcoming area, located near the school with a great park around a pond weighed in on my decision. Now it is being proposed to turn that great area into several small homes on 50 foot lots.... Even more, there are talks of a large apartment building. If I had been handed that information up front about the development I would chose differently. Carefree investments, my realtor and the zoning assignments assured me this would remain park space. This WILL make my resale options dimmish greatly so the answer isn't for me to pick up and move, its for the commission to make a decision that was already previously made.... The land should be greenspace surrounding a park.

I have been told there is a petition going around to stop this rezoning, I would like my name added to that petition per my email request.

Thank you,

Natalie Tuchscherer
VISIONBank

Vice President | www.visionbanks.com
461200 nmls |



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October 27, 2020

Fargo Planning Commission
225 4th Street North
Fargo, ND 58102

Dear Sirs:

In regard to the proposed rezoning of the tract of land located at 7300 23rd Street South, I would like to file a formal protest to changing the zoning of the property. The residents around and near the property feel that changing the zoning gives reasonable suspicion that fraudulent activity is occurring. Everyone that built homes in this area was told that the developer had sold the land to the Parks Department and the land would be a park or undeveloped greenspace indefinitely. Now just a few months after the last home bordering this space has been built, a notice arrives stating there is an application requesting rezoning of the space to allow for single and multi-dwelling homes to be built on the property.

With a small amount of investigation, it has been determined that the developer that sold the property to the Parks District had a first right of refusal clause in the sale agreement to be able to buy the property back at the same price the developer sold it for. No additions for real estate taxes, special assessments or any other costs that would have been incurred had the developer maintained ownership of the property were required to be added to the resale cost of the property. When using public dollars to purchase land this appears to be a questionable at best arrangement. Somewhat of a conflict of interest that the Parks District could purchase a property and know that if the plans for the property change that they will have no way to recoup the costs that taxpayers had to bear to obtain the property in the first place.

With all of the homeowners along 21st Street South that borders the green space being told by developers, contractors, realtors and even the parks district that this property would not be developed into housing, they purchased their properties in good faith, knowing this area would remain undeveloped and they, their children, and their pets would be able to have access to the space for years and years to come.

They would not have to be concerned about the development of the land causing potentially unsafe traffic conditions for their children or friends that want to go across the street to use the water park. They wouldn't need to be concerned with changes to the lower lying land affecting water drainage and negatively impacting the condition of their yards or basements. They wouldn't need to be concerned about multi-dwelling housing reducing long-term property values or increasing area police calls. They wouldn't have to be concerned that anyone living directly across the street from a water park could end up being a predator, pedophile or other criminal that can come with the transient population that more frequently comes in multi-dwelling residential properties. For these reasons, they were willing to pay top dollar for their properties adjacent to the greenspace. The actions of the Park District to sell the land back to the developer raises reasonable suspicion that an agreement was in place all along and this would constitute criminal activity having taxpayers pick up the tab for taxes and assessments that should have been being paid by the developer all along not to mention the fraudulent tactics used to increase the value and salability of property adjacent to the land.

ND Statue chapter 11-27 requires public notice of sale of public lands and the land is to be sold to the highest bidder. Where and when was such notice published? How could the Parks District enter into a contract with a first right of refusal at a set price knowing that could well be in violation of statutory requirements?

Pursuant to the facts and circumstances and unanswered questions, it appears on the surface that statutory practices were not followed and there is reasonable suspicion that the developer had intentions to develop this property all along. There is reasonable cause to believe the "sale" of the property to the parks department subject to a first right of refusal restriction at a set price was not a legal contract provision and as such the sale back to the developer is also not a legal transfer.

The existing residents of the Eagle Valley subdivision, would prefer the land be retained by the Parks District and like to formally request that the zoning of the property located at 7300 23rd St South, Fargo ND remain unchanged. We feel the safety and reduced strain on existing infrastructure provided by the greenspace would be much better use of the land than additional residential development.

In the event the commission chooses to recommend the rezoning of the property for residential development:

1. There is no need to include any multi-dwelling residential zoning in the plan whatsoever, as existing residents oppose that use of the property and there is already an overabundance of available rental property in the area.
2. There should be **significant** compensation awarded to the existing residents of the subdivision and particularly to the property owners adjacent to the subject property for the city's failure related to the good-faith purchases that included representations that will be now be contradicted by these actions.

In the event you do not believe these facts and circumstances are sufficient to not change the zoning and that no significant compensation is due to homeowners, we will request a formal investigation into the activity and of the process used by the Parks District and/or other departments involved in the dealings with this property.

Please see the attached petition signed by many residents of the existing area surrounding the subject property that I was able to obtain signatures from on such short notice. We are all opposed to the rezoning and genuinely believe the property's best use is that of public greenspace. Having 100% of the residents whom I was able to contact be in agreement that the zoning should not change, it seems clear that the planned greenspace owned by the Park District should be retained and no change to zoning should be allowed.

Your thoughtful attention to this matter is greatly appreciated.



Christopher Ford
For the benefit of
Benjamin and Rachel Klinger
7329 21st Street South
Fargo, ND 58104

We the residents of Eagle Valley subdivision, hereby object to the proposed rezoning of the approximate 7.97 acre plat of land located at 7300 23rd St South in its entirety and in particular object entirely to having the rezoning including any multi-dwelling residential zones:

Name of resident	Address	Signature
1) Ananda Benitez	7309 21 st St S.	Ananda Benitez
2) Sergio Benitez	7309 21 st St S.	Sergio Benitez
3) Denis MacLeod	7319 21 st St. S.	Denis T. MacLeod
4) Jennifer Friesen	7349 21 st St S	Jennifer Friesen
5) Baboucar Badjie	7339 21 st St S	Baboucar Badjie
6) Brooke Badjie	7339 21 st St S	Brooke
7) Tamra F S McCullough	7359 21 St S	Tamra F S McCullough
8) Kyle Walker	7369 21 st St S	Kyle Walker
9) Rick Brauch	7379 21 st St S	Rick Brauch
Brad Bredehl		
10) Brad Bredehl	7389 21 st St S	Brad Bredehl
11) Kevin Cook	7399 21 st St S	Kevin Cook
12) Ade Miller	7494 21 st St. S	Ade Miller
13) JAMES A MILLER	7494 21 ST ST. S	James A. Miller
14) CARA KELLER	7478 21 ST ST. S.	Cara Keller
15) Michael Finch	7466 21 st St S	Michael Finch
16) Lindsey Bennett	7404 21 st St. S.	Lindsey Bennett

- 17) Er, K' Escurraman 7404 21st St. S. Er
- 18) Cynthia Tucker 7350 21st St S Cynthia
- 19) ROBERT DURKOP 7370 21st ST N Robert Durkop
- 20) Ruth B. Salo 7331 20th St S Ruth B. Salo
- 21) Acelin Lebaron 7391 20th St S Acelin
- 22) Dustin Hayenga 7397 20th St S Dustin Hayenga
- 23) Sarah Clapp 7411 20th St. S Sarah Clapp
- 24) Jonji Jny 7423 20th St. S Jonji
- 25) ~~DD~~ Rick Kremer 7433 20th St S RK
- 26) Mirela Celina 7448 20th St. S Mirela
- 27) Mark Lawson 7428 20th St S Mark
- 28) Nikki Carden 7418 20th St S Nikki
- 29) Gabe Wigdahl 7408 20th St S Gabe Wigdahl
- 30) Roger Everson 7391 20th St S Roger
- 31) Tom McCroskey 7380 20th St. S Tom
- 32) Cam Pedersen 7360 20th St S Cam
- 33) Adam W. Eckroth 7352 20th St. S. Adam W. Eckroth
- 34) Umit Aulagor 7328 20th St, S Umit

35) Damon Kelly

7320 20th St S

Don Kelly
701 846 7048

36) Brian Kelly

7320 20th St S

Brian Kelly
701 491 0387

37) Chris Morris

7304 20th St S

Chris Morris
701 412 1129

38) Brad Morris

7304 20th St S

Brad Morris

39) Jim Rennie Rikow

7308 21st St S

701 446 7247
Jim Rikow

40) Andrew Fogden

7424 21st St S

Andrew Fogden

41) William Johnson

7339 24th St S

William Johnson

42) Dave Johnson

7339 24th St S

Dave Johnson

43) Mike Martinson

2351 Eagle Valley Dr

Mike Martinson

44) Amanda Martinson

2351 Eagle Valley Drive

Amanda Martinson

45) Aaron Westral

7454 21st St S

Aaron Westral

46) Ben Klingel

7329 21st St S

Ben Klingel

47) Rachel Klingel

7329 21st St S

Rachel Klingel

48) _____

49) _____

50) _____

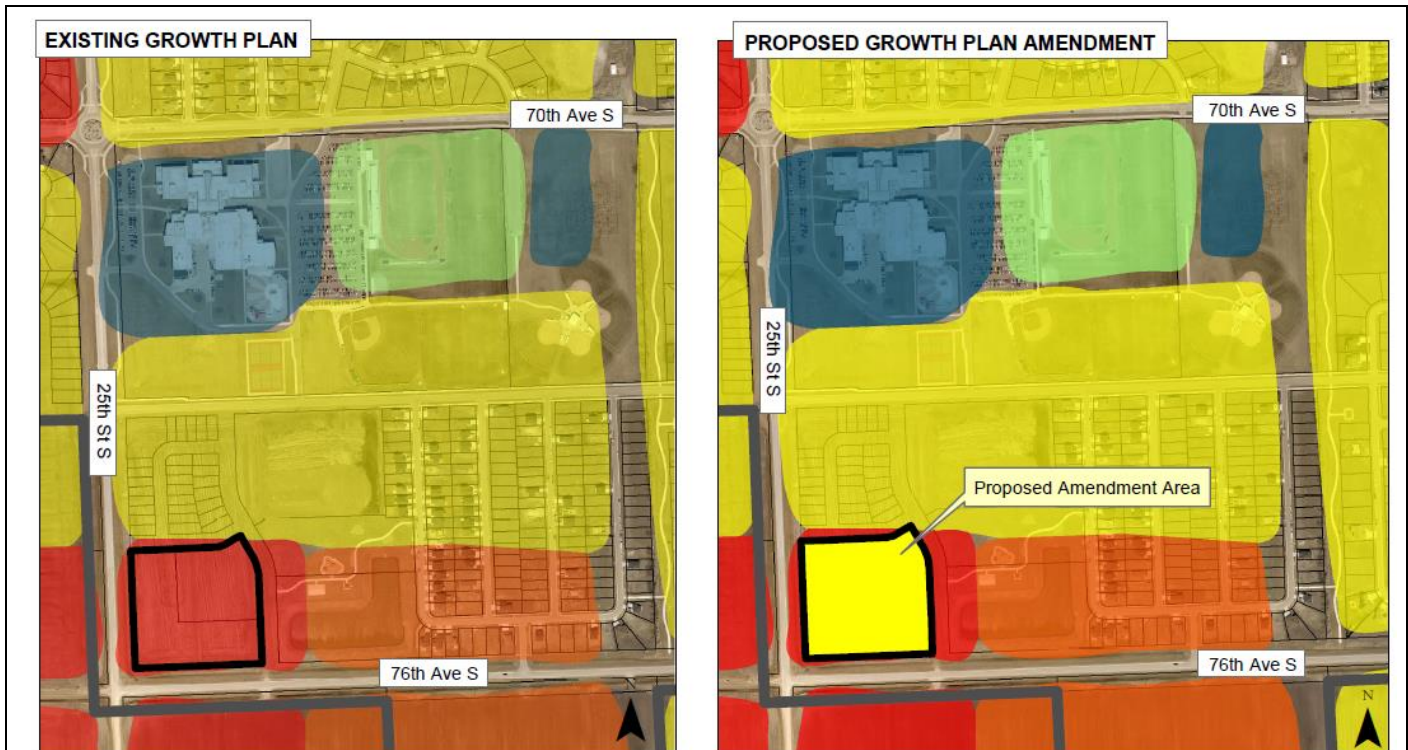
51) _____

52) _____

City of Fargo Staff Report			
Title:	Eagle Valley Addition	Date:	10/29/2020
Location:	7401 and 7501 23rd Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 1 and 2, Block 7, Eagle Valley Addition		
Owner(s)/Applicant:	Eagle Ridge Development /Jon Youness	Engineer:	None
Entitlements Requested:	Growth Plan Amendment from “Commercial” to “Residential Area-Lower to Medium Density” land use designations of the 2007 Southeast Tier 1 Growth Plan		
Status:	Planning Commission Public Hearing: November 3, 2020		

Existing	Proposed
Land Use Designation: Commercial	Land Use Designation Residential Area-Lower to Medium Density
Zoning districts that are allowed in this land use designation: GC, General Commercial; LC, Limited Commercial; GO, General Office; P/I Public/Institutional	Zoning districts that are allowed in this land use designation: SR-0, 1, 2, 3, 4, and 5 Single-Dwelling Residential Zones, MR-1 Multi-Dwelling Residential Zone, and P/I Public/Institutional.

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. Growth Plan Amendment from “Commercial” to “Residential Area-Lower to Medium Density” designations of the 2007 Southeast Tier 1 Growth Plan. <p>The subject property is located at 7401 and 7501 23rd Street South and is bounded by 74th Avenue South (north) 76th Avenue South (south), 23rd Street South (east) and 25th Street South (west).</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> North: SR-4: Single-Dwelling Residential and MR-1, Multi-Dwelling Residential with single family residences (both detached and attached) East: P/I, Public/Institutional; Fargo Park South: Across 76th Avenue South is in Fargo’s extra-territorial jurisdiction; zone AG, Agricultural; not developed. West: Across 25th Street South is in Fargo’s extra-territorial jurisdiction; zone AG, Agricultural; not developed. <p>Area Plans:</p> <p>The subject property is located within the 2007 Southeast Tier 1 Growth Plan, which designates the property for “Commercial” land use. This land use designation includes the GC, General Commercial, LC, Limited Commercial, and GO, General Office Zones. The applicant proposed to amend this growth plan to change the land use designation “Residential Area-Lower to Medium Density,” which would include SR-0, 1, 2, 3, 4, and 5 Single-Dwelling Residential Zones, MR-1 Multi-Dwelling Residential Zone, and P/I Public/Institutional Zone.</p>



2007 Tier 1 South East



Schools and Parks:

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

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

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.15 mile north of the subject property and offers baseball/softball amenities. Davies Recreational Pool (7150 25th Street S) is also located across 73rd Avenue from the subject property and offers concessions, restrooms, and swimming pool amenities.

Pedestrian / Bicycle: On the east of the property, there are off road bike facilities that run along 25th Street South.

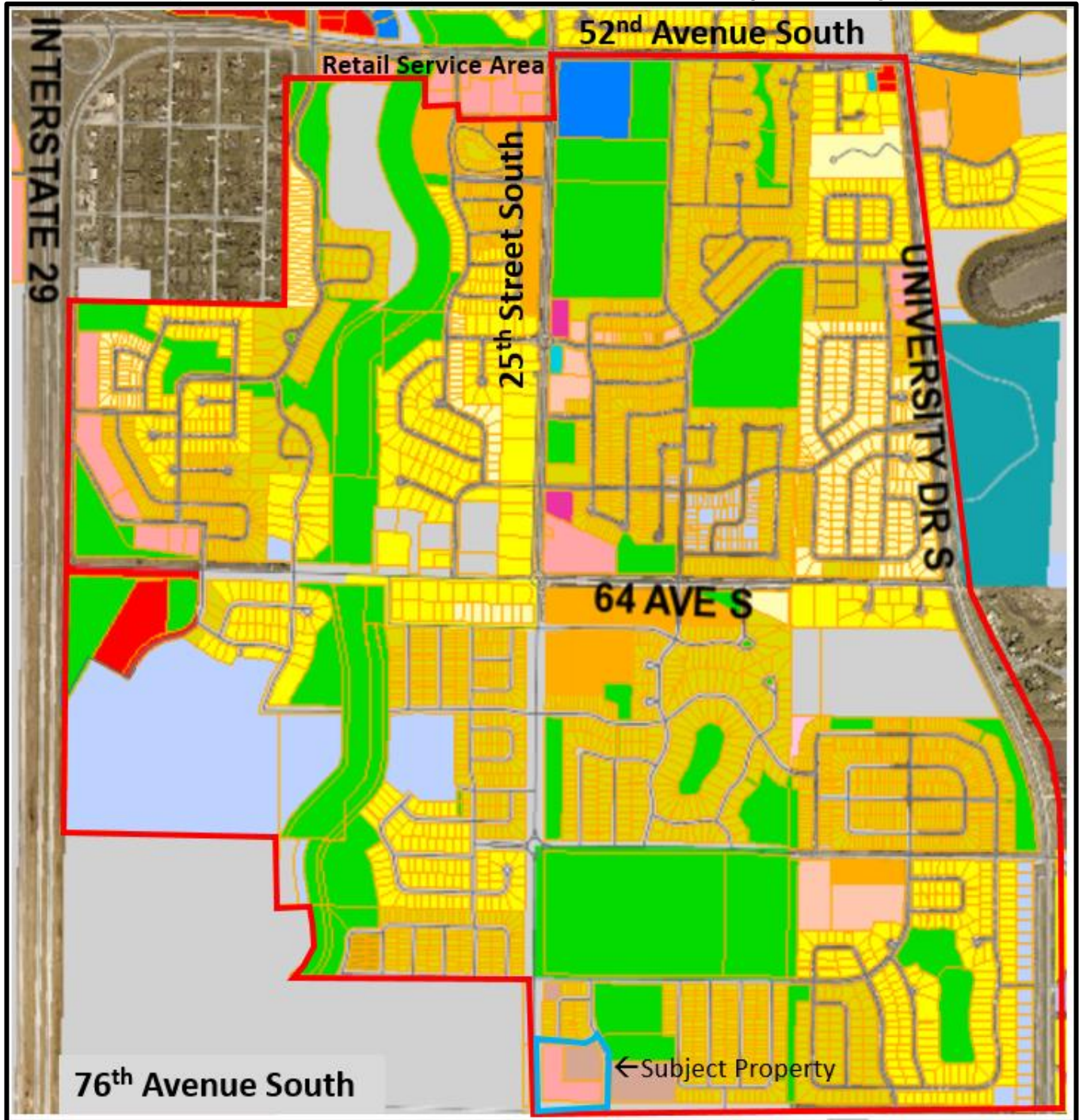
Staff Analysis:

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

STAFF ANALYSIS

The subject property is at the corner of two arterial streets—25th Street South and 76th Avenue South. The property on the all four corners of this intersection, including the subject property, is designated for "Commercial" land use. The 2007 Growth Plan states that the "Commercial" designation is intended to "provide convenient services" to the surrounding area and "is generally used in areas along arterial roadways. . . where single family residential land uses are not desirable." The Growth Plan describes the "Residential Area-Lower to Medium Density" category, which the growth plan amendment proposes for the subject property, as an area "expected to have the overall character of a single family neighborhood." Thus, the Growth Plan clearly contrasts the intended land uses in the "Commercial" area along arterials, where single-family development is not desirable, with the "Residential Area-Lower to Medium Density", which is specifically intended for single-family development, and appropriately designates this location

along two arterials for “Commercial” land uses. The remaining three corners of this intersection are also designated for “Commercial” land use. However, these areas are not yet in the city limits and so cannot be developed at this time, leaving the subject property the remaining developable Commercial-designated area on this corner. It is also one of few remaining developable commercial properties in a heavily residential 3-square mile area, outlined in red on the map below. There is no retail in this area until the west side of the intersection of 25th Street South and 52nd Avenue South, depicted on the map below, which is two miles away from the subject property. Some properties in this area that are zoned LC and GC are undeveloped; others are developed with non-retail uses—housing, mini-storage, public utilities.



An example of an existing intersection that has commercial development on the four corners that serves the surrounding residential area, and probably a larger area as well, is the intersection of 25th Street South and 32nd Avenue South.

Based on the analysis above, Planning staff recommends denial of the requested growth plan amendment from “Commercial” to “Residential Area-Lower to Medium Density” as;

1. The “Commercial” land use designation, and not the “Residential Area-Lower to Medium Density” designation, is the appropriate one for the subject property’s location at the corner of two arterial streets.
2. “Commercial” designated areas are intended to provide convenient services to the surrounding development area. The subject property is the only currently developable commercial area on a corner of two arterial streets, and one of few remaining developable commercial properties in a heavily residential three square mile surrounding area.
3. Retaining the “Commercial” land use designation on this property is essential to providing an area for services serving the surrounding area as the demand for those services develops. The location of these services should be convenient to a neighborhood, ideally within a walk-able / bike-able distance, or at least something less than a two-or-more-mile car trip away.
4. The Growth Plan is a long-term view with a 20 to 50 year development horizon with the goal of creating a community where land uses are integrated to complement and reinforce each other. Modifications of the growth plan that “chip away” at this integrated plan—that is, that propose to eliminate a small area of a certain use without compensating for this change elsewhere in the plan---defeat the purpose and effectiveness of the growth plan.

These points are included in the findings below.

STAFF DISCUSSION WITH THE APPLICANT

Planning staff did have discussions with the applicant regarding development alternatives for this property other than the all low-density residential development that the developer is proposing. These alternatives included a mix of residential and commercial development. The developer has chosen to pursue his proposal for all low-density residential.

PUBLIC OPEN HOUSE

Pursuant to LDC requirements for growth plan amendments, Planning staff held a virtual open house on Monday, October 26, 2020, to allow residents and property owners in the area an opportunity to review and comment on the proposed Growth Plan Amendment. No members of the public participated in this open house.

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

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

1. **Is the proposed change consistent with surrounding land uses, both existing and future?**
The proposed growth plan amendment is not consistent with surrounding land uses. The area is designated Commercial. The 2007 Growth Plan indicates that “Commercial” designated areas are intended to provide convenient services to the surrounding development area. The subject property is the only currently developable commercial area on a corner of two arterial streets, and one of few remaining developable commercial properties in a heavily residential three square mile area.
(Criteria Not Satisfied)
2. **Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.** The proposed growth plan amendment only refers to the changing the land use designation; no plat showing street alignments or connectivity is being reviewed with this growth plan amendment.
(Criteria Not Applicable)

3. **How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?** The Growth Plan is a long-term view with a 20 to 50 year development horizon with the goal of creating a community where land uses are integrated to complement and reinforce each other. Modifications of the growth plan that “chip away” at this integrated plan—that is, that propose to eliminate a small area of a certain use without compensating for this change elsewhere in the plan---defeat the purpose and effectiveness of the growth plan. The proposed growth plan amendment would be a negative change for the City and the area in general, as it would deprive the surrounding residential areas of a location to meet the retail service demands of the surrounding area.

(Criteria Not Satisfied)

4. **How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?** Retaining the “Commercial” land use designation on this property is essential to providing an area for services serving the surrounding area as the demand for those services develops. The location of these services should be convenient to a neighborhood, ideally within a walk-able / bike-able distance, or at least something less than a two-or-more-mile car trip away.

(Criteria Not Satisfied)

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend **denial** to the City Commission of the proposed Growth Plan Amendment from “Commercial” to “Residential Area-Lower to Medium Density” as the proposal does **not** comply with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, and Standards of Section 20-0905(H) of the LDC

Planning Commission Recommendation: November 3, 2020

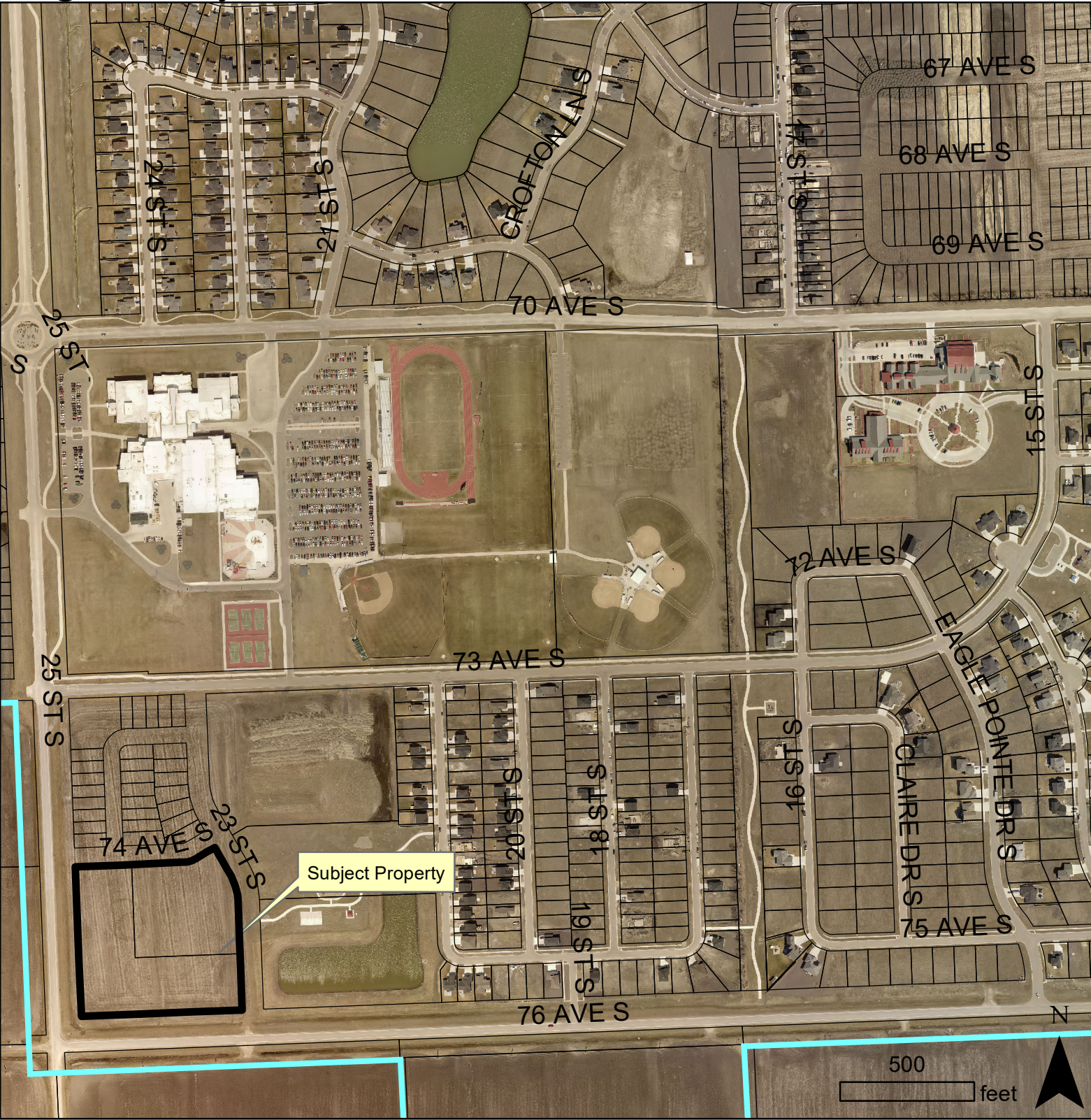
Attachments:

1. Location map
2. Growth Plan Map

Growth Plan Amendment

Eagle Valley Addition

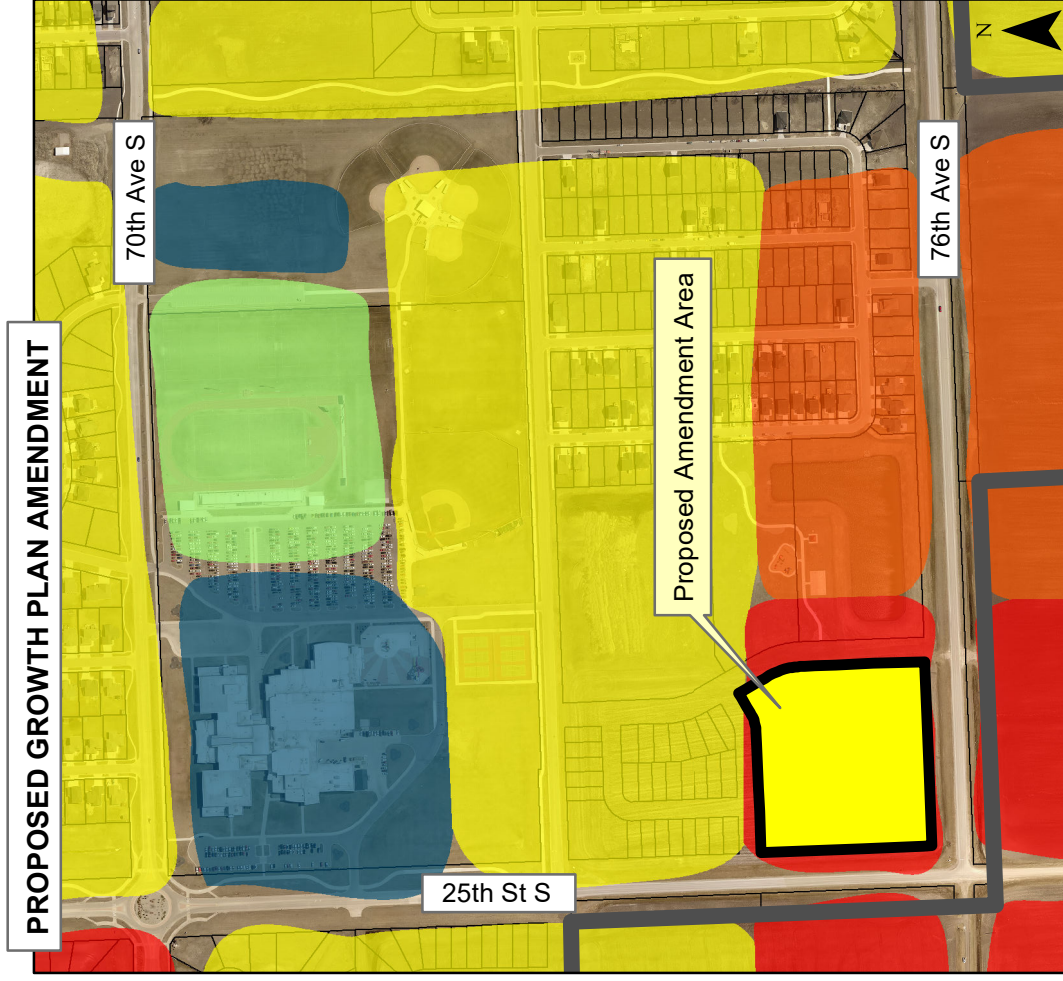
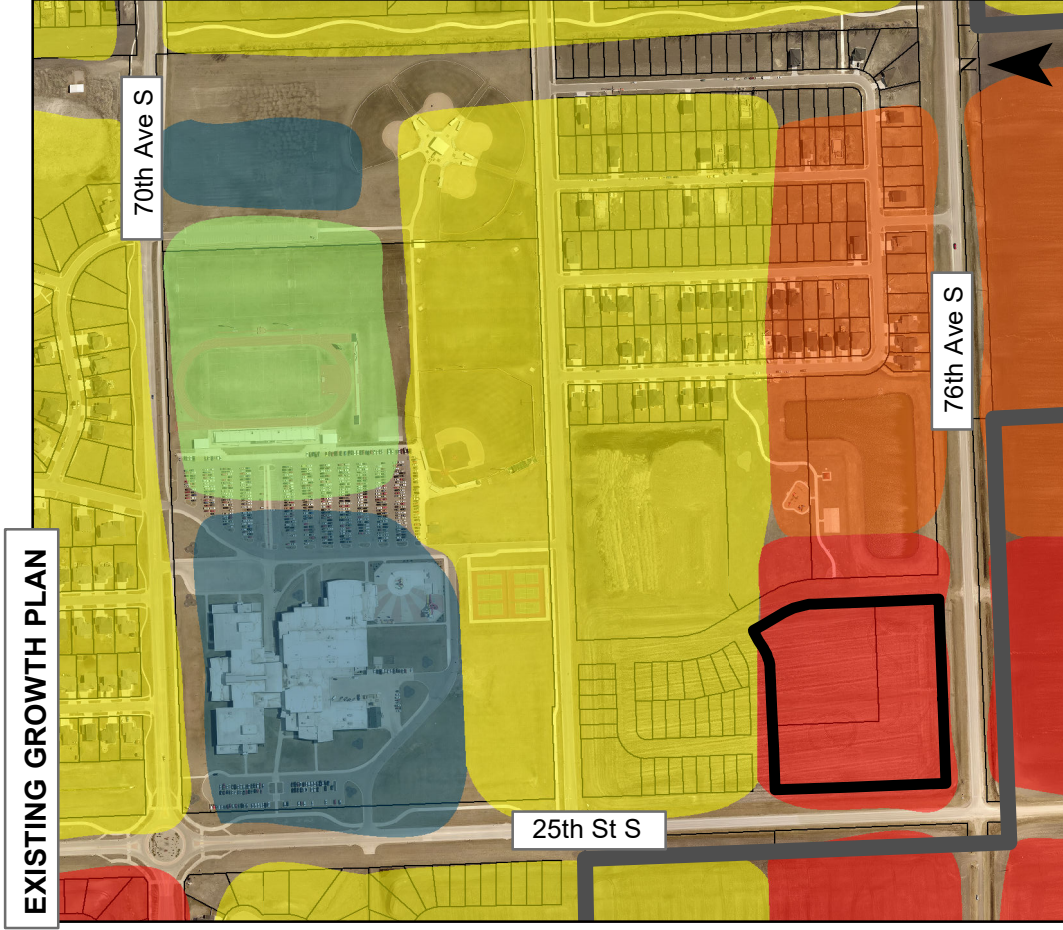
7401 & 7501 23rd St S



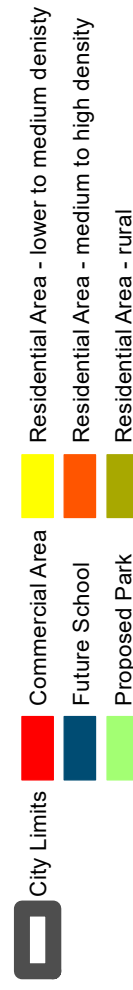
Growth Plan Amendment

Eagle Valley Addition

7401 & 7501 23rd Street South



2007 Tier 1 South East



**City of Fargo
Staff Report**

Title:	Section 5, Township 138 North, Range 49 West	Date:	10/29/2020
Location:	5702 52nd Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Unplatted portion of Section 5, Township 138 North, Range 49 West		
Owner(s)/Applicant:	Four Horsemen, LLC / Nate Vollmuth--Goldmark	Engineer:	None
Entitlements Requested:	Growth Plan Amendment from "Commercial" to "Industrial" land use designations of the 2007 Southwest Tier 1 Growth Plan		
Status:	Planning Commission Public Hearing: November 3, 2020		

Existing	Proposed
Land Use Designation: Commercial	Land Use Designation: industrial
Zoning districts that are allowed in the "Commercial" land use designation: GC, General Commercial; LC, Limited Commercial; GO, General Office; P/I Public/Institutional	Zoning districts that are allowed in the "Industrial" land use designation: GI, General Industrial; LI, Limited Industrial; GC, General Commercial

Proposal:

The applicant requests one entitlement:

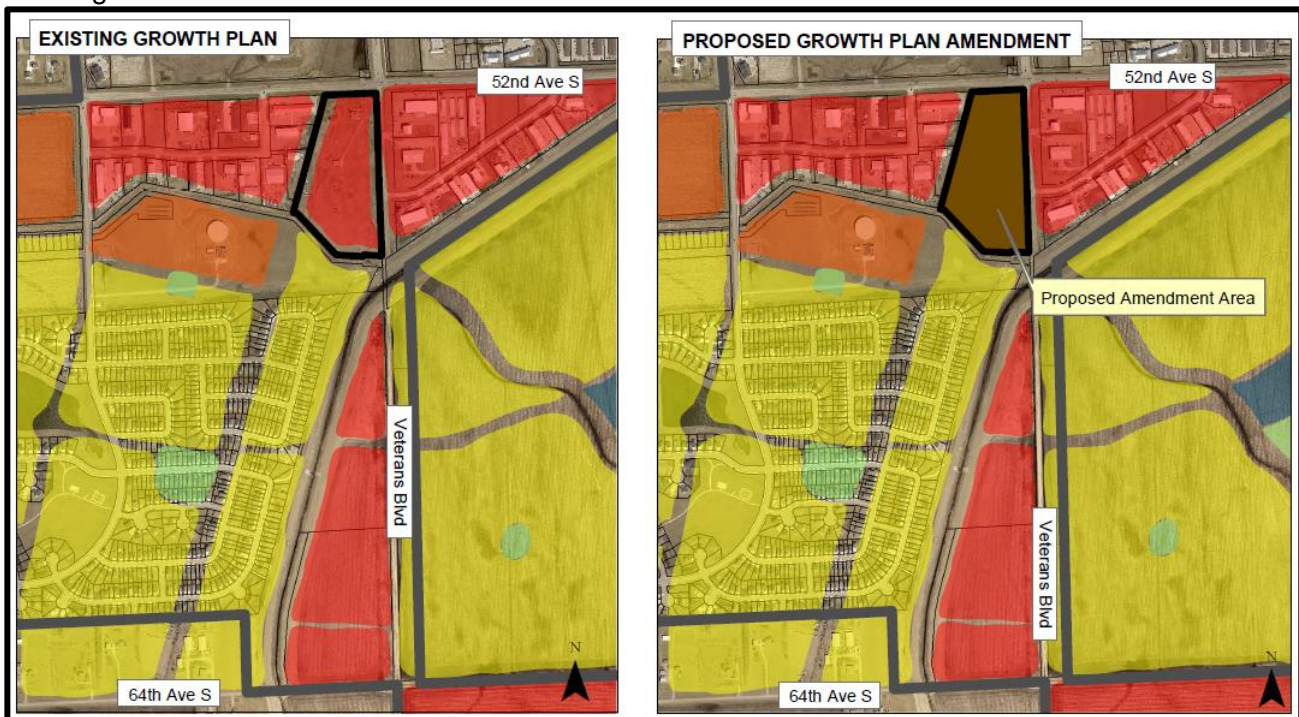
- 1. Growth Plan Amendment** from "Commercial" to "Industrial" land use designations of the 2007 Southwest Tier 1 Growth Plan.

Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; undeveloped
- East: GC, with Commercial uses
- South: P/I, Public/Institutional with City of Fargo-owned water reservoir and ditch
- West: GC, with commercial uses

Area Plans:

The subject property is located within the 2007 Southwest Tier 1 Growth Plan, which designates the property for "Commercial" land use. The applicant proposes to amend this growth plan to change the land use designation to "Industrial."





Schools and Parks:

Schools: The subject property is located within the West Fargo School District, specifically within the Deer Creek Elementary, Heritage Middle and Horace High schools.

Neighborhood: The subject property is located within the Deer Creek neighborhood.

Parks: Osgood Park (4951 47th Street North) is approximately 0.7 mile from the subject property. This park provides playgrounds for ages 2-5 and 5-12, recreational trails, a shelter, picnic table, multi-purpose field, basketball court, grill, recreational trails, disc golf, and a soccer field.

Pedestrian / Bicycle: The existing multi-use path along Veterans Boulevard north of 52nd would be continued south of 52nd as Veterans Boulevard is developed.

The subject property is located at 5702 52nd Avenue South and is bounded by 52nd Avenue South (north); City of Fargo-owned ditch and water reservoir (south); Veterans Boulevard (east); and Austin's Subdivision (west).

Staff Analysis:

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

STAFF EVALUATION

The subject property has a nearly one-quarter mile frontage along an arterial street—Veterans Boulevard South. Though this street is not at this time developed to its full capacity as an arterial south of 52nd Avenue South, it is intended to match the configuration it has north of 52nd as it extends south across County Drain 23 and further. The subject property is designated for "Commercial" land use in the 2007 Growth Plan. That plan states that the Commercial land use designation is "generally used in areas along arterial roadways" and is intended for "a variety of commercial, office, institutional and residential land uses." In contrast to the Commercial land use designation, the Growth Plan states that the Industrial land use designation is "used mainly in areas where some industrial land uses have already been developed or in areas that are impacted by airport noise, railroad tracks, interstate highway noise, or other potential negative impacts that are undesirable for other types of development." The Industrial designation is intended for uses that are "predominantly industrial in nature." Existing surrounding uses are those that area allowed by right in the GC, General Commercial zone except one on the corner of 53rd Avenue and Veterans Boulevard which has a conditional use permit for an industrial use.

As shown on the two maps below, the 2007 Growth Plan designates the entire south side of 52nd Avenue South is from I-29 to 63rd Street South, a distance of 2.5 miles, as "Commercial." South of this Commercial-designated area are areas designated for residential development. The 2003 Southwest Future Land Use Plan designates the north side of a 1.5 mile stretch of 52nd Avenue South from 45th Street South to 63rd Street South as mostly "Commercial." North of these Commercial-designated areas are areas designated for residential. Thus, creation of an industrial area is not consistent with surrounding development. (NOTE: The 2003 Southwest Future Land Use Plan, cited here, is not to be confused with the 2016 Southwest Metro Transportation Plan, which was a MetroCOG project.)





Fargo's comprehensive plan, Go2030, designates Veterans Boulevard as an Active Living Street. That plan describes Active Living Streets as having "the potential to support multiple modes of transportation [*pedestrians, cyclists, transit, vehicles*], incorporate green stormwater infrastructure, and become great public spaces with attractive streetscapes." It seems a section of street developed with large industrial lots would be challenged to meet this goal of the Active Living Street.

Based on the analysis above, Planning staff recommends denial of the requested growth plan amendment from Commercial to Industrial as;

1. The Commercial land use designation, and not the Industrial designation, is the appropriate one for the subject property's location along an arterial street in an area where no other industrial uses have been developed.
2. Go2030's Active Living Street designation for Veterans Boulevard does not appear to support developing this frontage of Veterans with large industrial lots.
3. The Growth Plan is a long-term view with a 20 to 50 year development horizon with the goal of creating a community where land uses are integrated to complement and reinforce each other. Modifications of the growth plan that "chip away" at this integrated plan—that is, that propose to eliminate a small area of a certain use without compensating for this change elsewhere in the plan---defeat the purpose and effectiveness of the growth plan.

These points are included in the findings below.

OPEN HOUSE SUMMARY

Pursuant to LDC requirements for growth plan amendments, Planning staff held a virtual open house on Wednesday, October 28, 2020, to allow residents and property owners in the area an opportunity to review and comment on the proposed Growth Plan Amendment. The applicant, Nate Vollmuth, attended. One neighboring property owner participated. Her concern was whether the access to her business would be affected by the growth plan change. She had no comment in favor or in opposition to the actual growth plan amendment.

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

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

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

The proposed change is not consistent with the surrounding land uses, existing and future. The Commercial land use designation, and not the Industrial designation, is the appropriate one for the subject property's location along an arterial street in an area where no other industrial uses have been developed. The area on both sides of Veterans Boulevard and both sides of the adjacent 52nd Avenue is designated for future commercial uses, as well.

(Criteria Not Satisfied)

2. **Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.** The proposed growth plan amendment only refers to the changing the land use designation; no plat showing street alignments or connectivity is being reviewed with this growth plan amendment.

(Criteria Not Applicable)

3. **How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?** The Growth Plan is a long-term view with a 20 to 50 year development horizon with the goal of creating a community where land uses are integrated to complement and reinforce each other. Modifications of the growth plan that “chip away” at this integrated plan—that is, that propose to eliminate a small area of a certain use without compensating for this change elsewhere in the plan---defeat the purpose and effectiveness of the growth plan. The proposed growth plan amendment would be a negative change for the City and the area in general, as it would create land used options (industrial) that are out of character with the larger surrounding neighborhood, designated as “commercial.” The proposed change would also alter the character of the future extension Veterans Boulevard South.

(Criteria Not Satisfied)

4. **How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?** While it is important to have areas of the city designated for industrial uses, the 2007 Growth Plan states that the Industrial land use designation is “used mainly in areas where some industrial land uses have already been developed or in areas that are impacted by airport noise, railroad tracks, interstate highway noise, or other potential negative impacts that are undesirable for other types of development.” This description of industrial areas does not characterize the subject property’s location along a major arterial. Additionally, large industrial lots along a street frontage are generally not viewed as contributing to a street’s walkability.

(Criteria Not Satisfied)

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend **denial** to the City Commission of the proposed Growth Plan Amendment from “Commercial to “Industrial” as the proposal does **not** comply with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, and Standards of Section 20-0905(H) of the LDC

Planning Commission Recommendation: November 3, 2020

Attachments:

1. Location Map
2. Growth Plan Map

Growth Plan Amendment

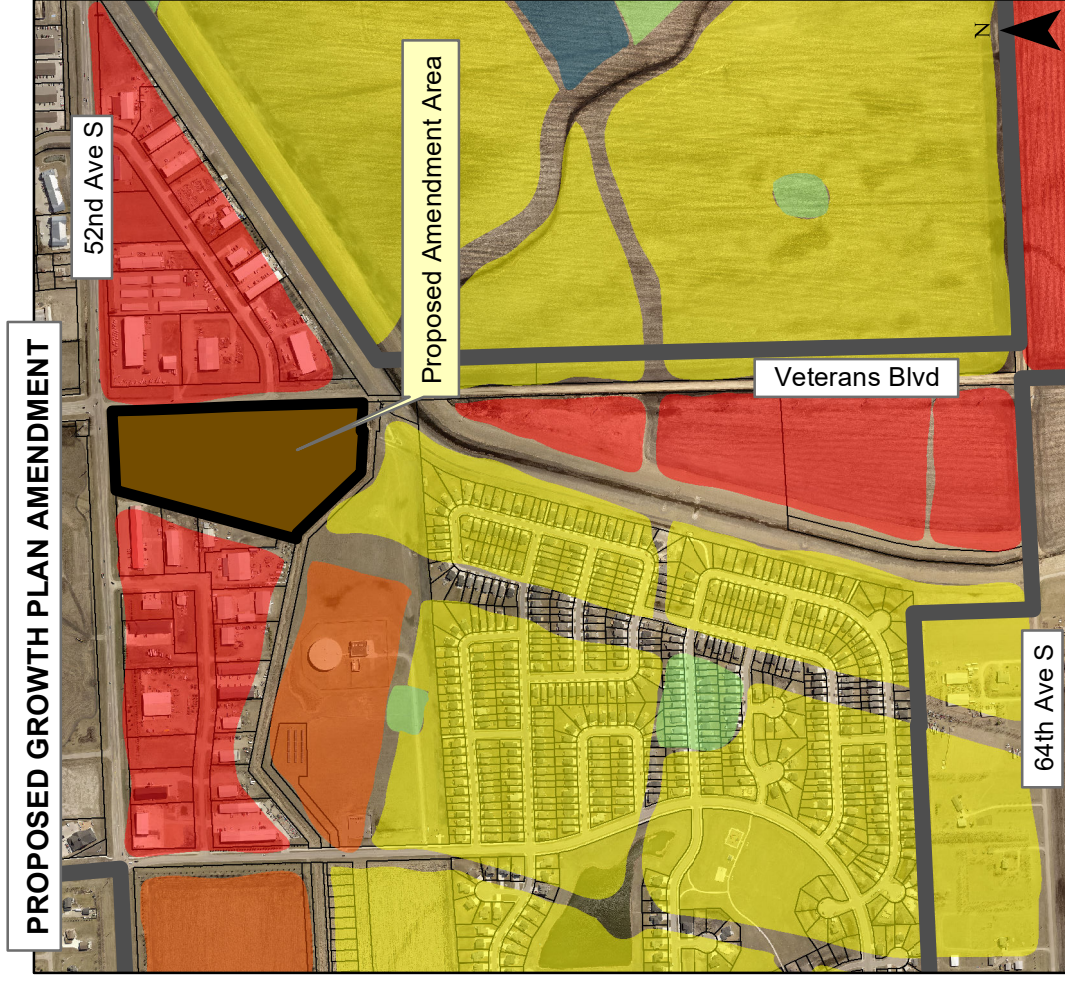
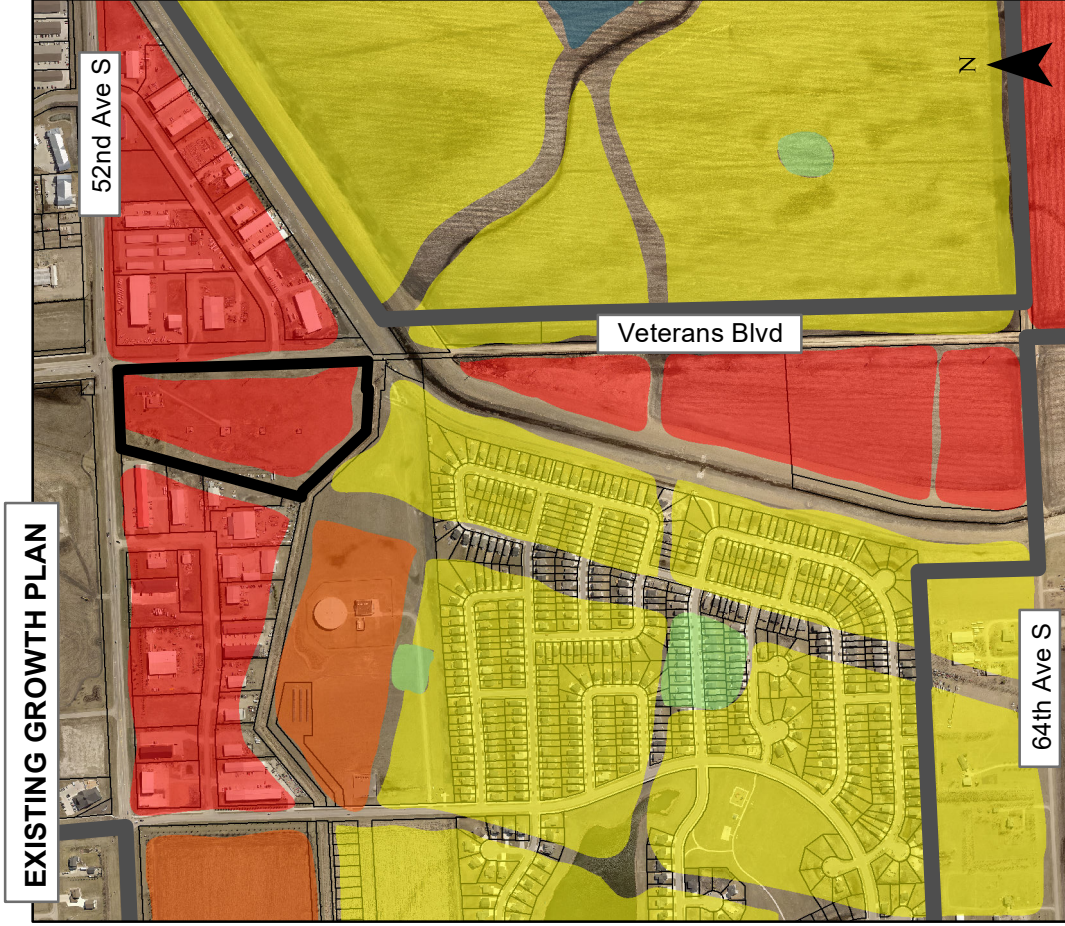
Portion of Section 5, Township 138 North, Range 49 West 5702 52nd Ave S



Growth Plan Amendment

Portion of Sec. 5, Township 138 North, Range 49 West

5702 52nd Avenue South



2007 Tier 1 South West



City Limits

Commercial Area

Future School

Industrial Area



Proposed Park

Residential Area - lower to medium density

Residential Area - medium to high density

Fargo Planning Commission

November 3, 2020

City of Fargo Staff Report			
Title:	ADOC Addition	Date:	10/27/2020
Location:	2900 12 th Avenue North	Staff Contact:	Aaron Nelson
Legal Description:	An unplatted portion of the Southeast Quarter of Section 35, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Potter Holdings, LLC/Nate Vollmuth	Engineer:	Bolton & Menk, Inc.
Entitlements Requested:	Minor Subdivision (a plat of an unplatted portion of the Southeast Quarter of Section 35, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota); Zoning Change from GI, General Industrial, to GC, General Commercial.		
Status:	Planning Commission Public Hearing: November 3, 2020		

Existing	Proposed
Land Use: Warehouse and Freight Movement	Land Use: Vehicle Repair and Warehouse & Freight Movement
Zoning: GI, General Industrial	Zoning: GC, General Commercial
Uses Allowed: GI, General Industrial, zoning allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.	Uses Allowed: GC, General Commercial, zoning allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.
Maximum Building Coverage: GI allows up to 85%.	Maximum Building Coverage: GC allows up to 85%.

Proposal:
<p>The applicant is seeking approval of a minor subdivision and zoning map amendment to accommodate commercial redevelopment of the subject property. The minor subdivision, entitled <i>ADOC Addition</i>, would plat the subject property into two lots. The proposed zoning map amendment would rezone both of these lots from GI (General Industrial) to GC (General Commercial). Additionally, the applicant has proposed to create a shared access easement at the north end of the intersection of 12th Avenue N and 29th Street N, which would provide vehicular access to both of the proposed lots. To accommodate a driveway access at this location, the traffic control signal at this intersection would need to be modified to convert it from a three-leg intersection to a four-leg intersection. A north/south pedestrian crosswalk would also be added across the west leg of the intersection, allowing pedestrian connectivity across 12th Avenue N. The cost of these improvements to the intersection would be special assessed to the subject property.</p> <p>Surrounding Zoning Districts and Land Uses:</p> <ul style="list-style-type: none"> • North: GI (General Industrial) with railroad and warehouse & freight movement; • East: GI (General Industrial) with warehouse & freight movement; • South: (across 12th Ave N) is SR-3 with household living (detached house & duplex) and community services • West: GI (General Industrial) with wholesale sales/warehouse & freight movement <p>Area Plans:</p> <p>N/A</p>

Schools and Parks:

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

Neighborhood: The subject property is located next to the Madison neighborhood.

Parks: Madison Park is located approximately 745 feet south of the subject property.

Pedestrian / Bicycle: There is a shared use path located along the south side of 12th Avenue N.

Staff Analysis:

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

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The existing zoning on this property is GI. The property owner has requested to rezone the property to GC in order to accommodate the commercial redevelopment of the property. Lot 1 is proposed to be redeveloped for vehicle repair. The existing grain bins on Lot 1 are proposed to be removed and the existing building on the west end of the lot would be repurposed for said use. There are no immediate plans to redevelop Lot 2 at this time. As such, Lot 2 will continue to function as is until the property can be sold for redevelopment. While the existing use of warehouse and freight movement requires a Conditional Use Permit (CUP) within the proposed GC zoning district, Section 20-1001.A.1 of the LDC states that, "A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional Use Permit is now required for the use." As such, Lot 2 is deemed to have a CUP to allow warehouse and freight movement within the GC zoning district.

Since the property was originally developed (prior to 1962), there has been an increase in residential development within the Madison neighborhood and 12th Avenue N has become a high-traffic arterial street. Staff finds the request to rezone the property from GI to GC to be justified by the change in conditions. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. Access to, and through, the subject property will be accommodated via an ingress/egress easement dedicated to the public. **(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 not received any comments regarding this proposal. Under the current GI (General Industrial) zoning district, many intensive industrial uses that are incompatible with adjacent residential uses are permitted by-right, such as waste-related uses and mining. Such uses would be prohibited within the proposed GC (General Commercial) zoning district. 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." Staff finds this proposal is consistent with the purpose of the LDC, the applicable comprehensive plan, and other adopted policies of the City. **(Criteria satisfied)**

Minor Subdivision

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

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

The subdivision is intended to plat the subject property into two lots to accommodate future redevelopment. 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 not received any comments regarding this proposal. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. Additionally, the proposed modifications to the intersection of 12th Avenue N and 29th Street N will be 100% special assessed to the subject property. A waiver of protest will be signed by the applicant and submitted to the City prior to final approval of the subdivision, to ensure the agreed upon terms for securing installation of public improvements to serve the subdivision. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of 1) the proposed a plat of **ADOC Addition**; and 2) zone change from GI, General Industrial, to GC, General Commercial, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

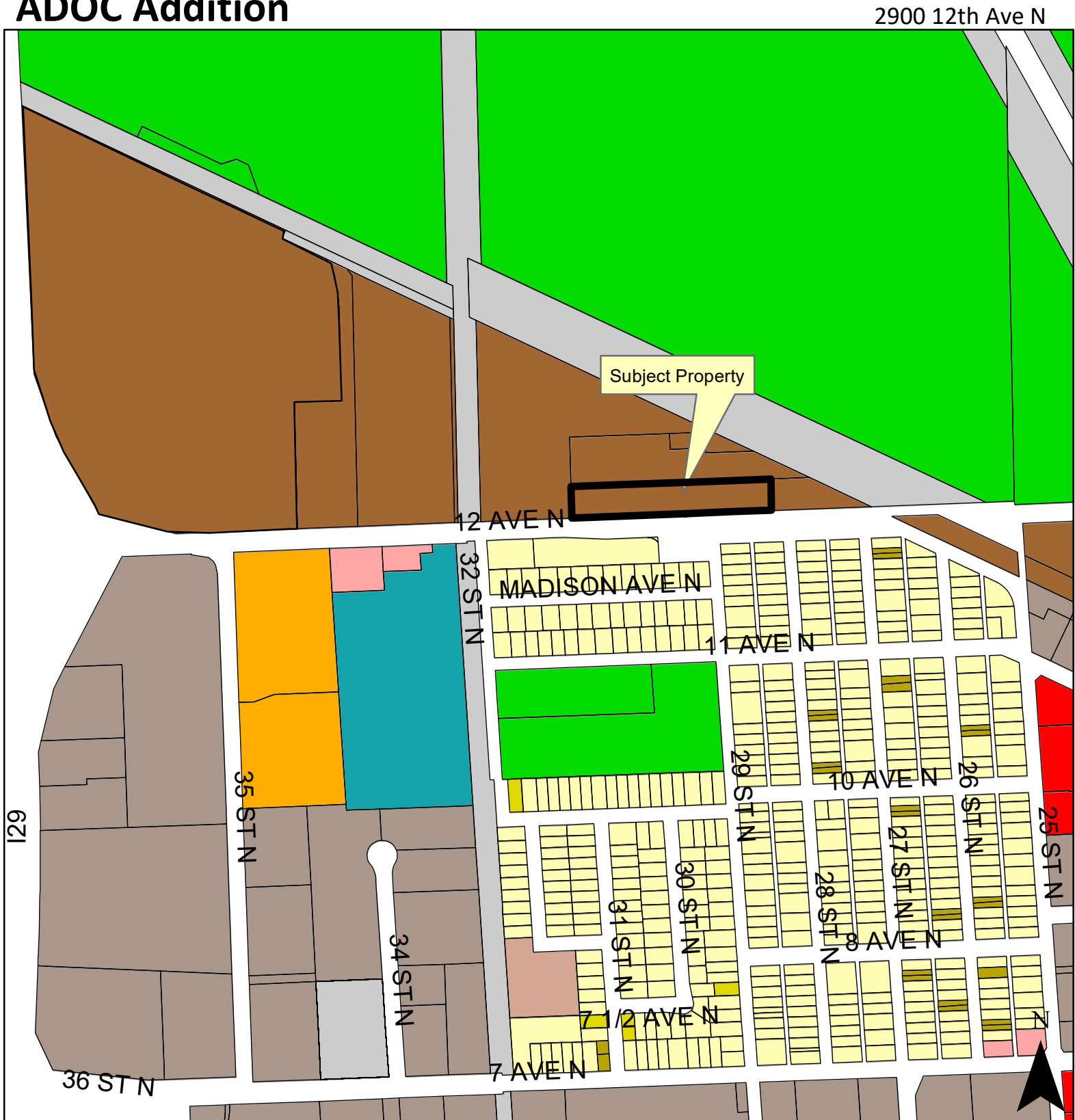
Planning Commission Recommendation: November 3, 2020

Attachments:

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

Zone Change (GI to GC) & Plat (Minor)

ADOC Addition



Legend



Zone Change (GI to GC) & Plat (Minor)

ADOC Addition

2900 12th Ave N



ADOC ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 140 NORTH, RANGE 49 WEST
(A MINOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Potter Holdings, LLC, a North Dakota limited liability company as owner of a parcel of land located in that part of the South Half of the Southeast Quarter of Section 35, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Commencing at the intersection of a line drawn parallel with and distant 50.00 feet northerly of, as measured at a right angle to, the south line of said Section 35 and a line drawn parallel with and distant 50.00 feet southwesterly of, as measured at a right angle to, the Burlington Northern Railroad Company's main line track centerline; thence South 87 degrees 47 minutes 58 seconds West, assumed bearing and parallel with the south line of said Section 35, a distance of 1425.71 feet to a line drawn parallel with and 503.50 feet east of, as measured at a right angle to, the north-south centerline of said Section 35 to the point of beginning of the land to be described; thence North 01 degree 20 minutes 00 seconds West, along said parallel line, 150.00 feet; thence North 87 degrees 47 minutes 58 seconds East, parallel with said south line of Section 35, a distance of 950.53 feet; thence South 01 degree 20 minutes 00 seconds East, parallel with said north-south centerline, 150.00 feet to a line drawn parallel with and 50.00 feet north of, as measured at a right angle to, the south line of said Section 35; thence South 87 degrees 47 minutes 58 seconds West, along said parallel line, 950.53 feet to the point of beginning

Said parcel contains 142,563 square feet or 3.273 acres of land, more or less and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcel of land to be surveyed and platted as "ADOC ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate to the public for public use the 10 foot wide public utility easement and the 28 foot wide ingress/egress easement as shown on this plat for the purposes so stated.

OWNER: Potter Holdings, LLC

By: Thomas J. Potter, President.

State of North Dakota }
County of Cass }SS

On this _____ day of _____, in the year 2020 before me, a notary public within and for said County and State, personally appeared Thomas J. Potter, President, Potter Holdings, LLC, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Potter Holdings, LLC.

Notary Public

MORTGAGEE: Town and Country Credit Union

By: Kevin Fritz, Vice President of Commercial Lending

State of North Dakota }
County of Cass }SS

On this _____ day of _____, 2020, before me, a notary public within and for said County and State, personally appeared Kevin Fritz, Vice President of Commercial Lending, Town and Country Credit Union known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Town and Country Credit Union.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Gregg Stroeing, Professional Land Surveyor
North Dakota License Number LS-6703

State of North Dakota }
County of Cass }SS

On this _____ day of _____, 2020, before me, a notary public within and for said County and State, personally appeared Gregg Stroeing, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2020.

Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass }SS

On this _____ day of _____, in the year 2020 before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this _____ day of _____, 2020.

John Gunkelman, Planning Commission Chair

State of North Dakota }
County of Cass }SS

On this _____ day of _____, in the year 2020 before me, a notary public within and for said County and State, personally appeared John Gunkelman, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota }
County of Cass }SS

On this _____ day of _____, in the year 20____ before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

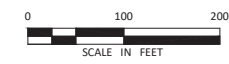
Notary Public

preliminary



ADOC ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AN UNPLATTED PORTION OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 140 NORTH, RANGE 49 WEST
(A MINOR SUBDIVISION)

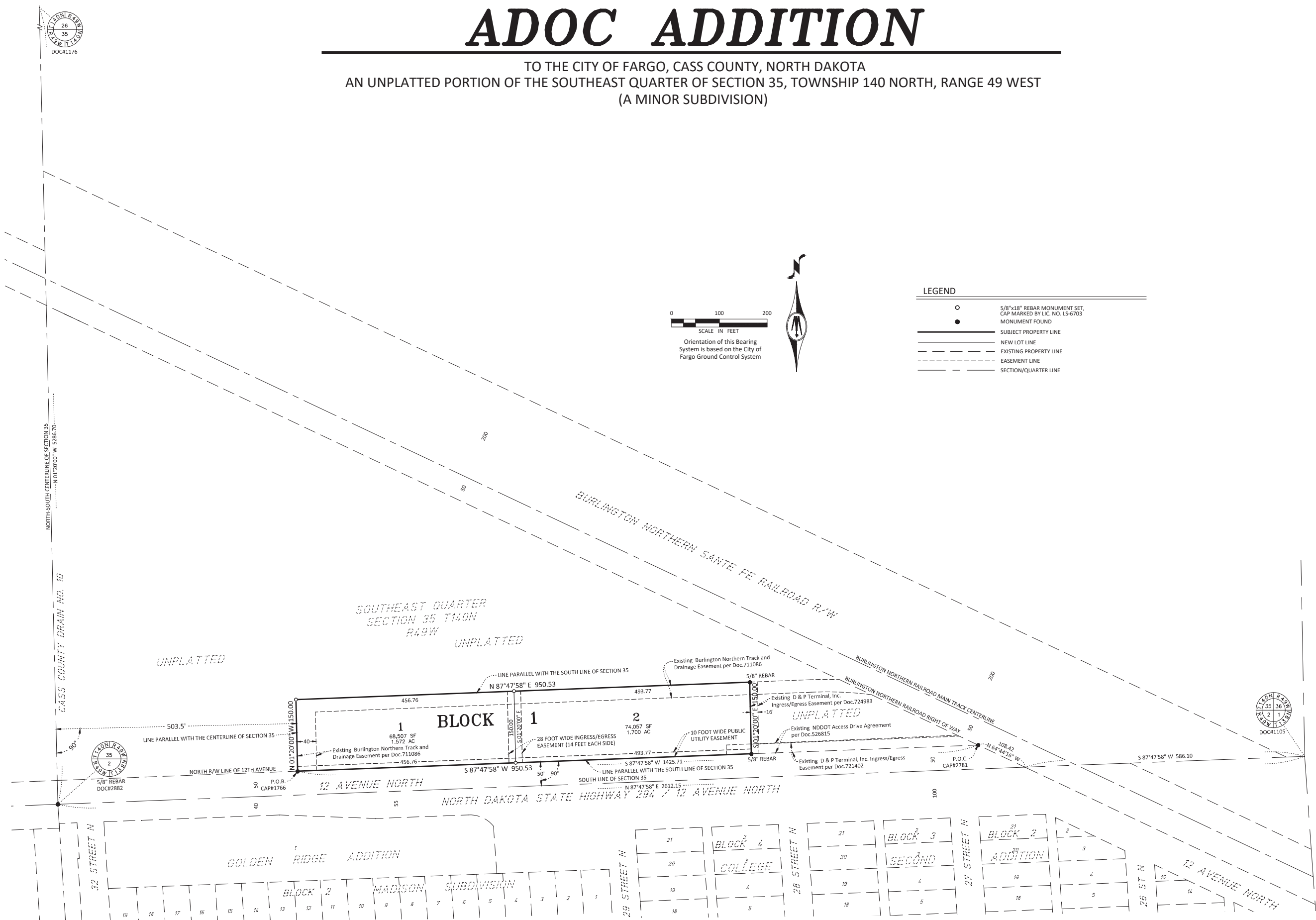


Orientation of this Bearing
System is based on the City of
Fargo Ground Control System



LEGEND

- 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY L.C. NO. 15-6703
- MONUMENT FOUND
- SUBJECT PROPERTY LINE
- NEW LOT LINE
- EXISTING PROPERTY LINE
- - - EASEMENT LINE
- - - SECTION/QUARTER LINE



PREPARED BY:

preliminary

MEMORANDUM

TO: Fargo Planning Commission

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

DATE: October 28, 2020

SUBJECT: Item E.1: Review of Renewal Plan for consistency with Go2030

City staff has prepared a Renewal Plan for blighted residential property located on the southeast corner of Oak Street North and 6th Avenue North, on the south end of the Horace Mann Neighborhood. The plan is attached for your review.

The plan was prepared to be consistent with the City's comprehensive plan and related plans. Additionally, the plan aligns with the requirements and intent of the Criags Oak Grove 2nd Addition subdivision and zoning map amendment that was reviewed and recommended for approval by the Planning Commission on June 2, 2020. As part of the review process, the Renewal Plan is referred to the Planning Commission for recommendation as to its conformity with the GO2030 Comprehensive Plan.

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

Recommended Motion:

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

Attachment

RENEWAL PLAN
TAX INCREMENT FINANCING DISTRICT NO. 2020-01
CITY OF FARGO, NORTH DAKOTA
October 2020

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RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2020-01

Subsection 1.1. Definitions.

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

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

“City Commission” or “Commission” means the Fargo City Commission.

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

“County” means Cass County, North Dakota.

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

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

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

“State” means the State of North Dakota.

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

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

“Tax Increment Financing District” or “TIF District” means Tax Increment Financing District No. 2020-01.

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

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area and the establishment of Tax Increment Financing District No. 2020-01 are authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or

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

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

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan for TIF District No. 2020-01, the City Commission intends to make the following findings:

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

Factual basis: This Renewal Area is blighted due to the presence of deteriorated or deteriorating structures (substandard house size, unsound basements or foundations, inadequate roofing, asbestos construction materials) which substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. Photos of the Renewal Area can be found in Appendix D.

- (b) The Renewal Area includes residential properties.

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

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

Factual basis: The Renewal Area is located within the DMU (Downtown Mixed-Use) and MR-2 (Multi-Dwelling Residential) zoning districts, which both permit multi-dwelling residential development.

- (d) Comparable replacement dwellings or housing is available to persons displaced by the proposed Tax Increment Project.

Factual basis: There are vacant apartments in the City. The multi-family vacancy rate in the City is estimated to be around 6.7% as of June 2020, which is high enough to meet the needs of the persons that would be displaced.

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

Factual basis: The proposed development is consistent with the goals that are embodied in the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already

developed, serviced with utilities, and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030. Additionally, the subject property is within walking distance of the downtown core, which provides an opportunity for residents to live in close proximity to shopping and work. The proposed use of the property is consistent with zoning, adjacent residential land use, and transportation facilities. The proposed development will not burden the existing infrastructure as the property is served with the water and sewer main lines.

Redevelopment of dilapidated houses conforms to Go2030, Community Development plans, and neighborhood plans.

Subsection 1.4. Description of Renewal Area

The TIF district Renewal Area is located on the northeast side of downtown Fargo, within the Horace Mann Neighborhood. More specifically, it is located on the southeast corner of Oak Street N and 6th Avenue N, consisting of a 3.2 acre tract of land as legally described in Appendix A. A map of the Renewal Area is attached as Appendix B.

The northwest quarter or so of the Renewal Area is within the MR-2 (Multi-Dwelling Residential) zoning district, with the remaining area being located within the DMU (Downtown Mixed-Use) zoning district. A zoning map of the Renewal Area is attached as Appendix C. Adjacent land uses and zoning districts include:

- North: Across 6th Ave N are single-family, duplex, and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and LC, Limited Commercial;
- East: is a park zoned AG, Agricultural;
- South: is a BNSF railroad zoned DMU, Downtown Mixed-Use;
- West: are single-dwelling and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and GC, General Commercial.

The proposed project includes the removal of the existing single- & multi-dwelling residences and the construction of a new multi-dwelling residential building with associated off-street parking facilities. The building would contain apartment rental units and “for-sale” condominium units. The redevelopment plan is attached as Appendix E. A future phase of development is anticipated to include the construction of attached townhomes on the northwest portion of the Renewal Area, within the MR-2 zoning district.

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

The Development of the Renewal Area includes the following activities:

Land Acquisition – The estimate is \$1,650,000.

Demolition & Site Cleaning, Soil Correction and Remediation, and Grading – This cost is the estimate of the cost to remove existing buildings and foundations, trees, and remove substandard soils and rubble, plus fill and grade the site. The estimate is \$1,400,000.

Flood Levee – This is the cost of the design and construction of a flood levee, including removal of soils below the levee. The estimated cost is \$625,000.

Public Works Improvements – This is the cost for needed improvements for infrastructure to serve the site including utilities, street improvements, sidewalks, lighting, and a bike path. The estimate is \$425,000.

Administrative/TIF Fees – Other Tax Increment costs include the administrative costs. There are estimated to be \$85,000 in administrative costs for the City of Fargo.

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

Subsection 1.6. Land Use Attributes – TIF District

- (a) *Zoning or Planning Changes.*
The original residential lots in this TIF District have re-platted into two lots. The northwestern lot is 0.6 acres in area and is zoned MR-2 (Multi-Dwelling Residential). The other lot is 2.6 acres in area and is zoned DMU (Downtown Mixed-Use). No zoning and planning changes are required to accommodate this project.
- (b) *Maximum Densities.*
The property within the TIF District will be developed in accordance with the applicable zoning district requirements. The DMU zoning district does not restrict the number of dwelling units, whereas the MR-2 zoning district restricts residential density to a maximum of 20 units per acre. The proposed 131-unit multi-dwelling residential building will be located within the DMU zoning district.
- (c) *Building Requirements.*
All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.
- (d) *Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public imps.)*
The physical improvements outlined in the plan meet critical needs required for the redevelopment of this property. The project complies with the DMU zoning district and the redevelopment goals of the Go2030 Comprehensive Plan. The development provides for the infill of new residential dwelling units within an existing residential neighborhood within walking distance of downtown Fargo.

Subsection 1.7. Estimate of Development Costs

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

Property Acquisition	\$1,650,000
Demolition & Site Cleanup	\$1,400,000
Flood Levee	\$625,000
Public Works Improvements	\$425,000
Administration	\$85,000
 TOTAL	 \$4,185,000

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

Subsection 1.8. Estimate of Bonded Indebtedness

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

Subsection 1.9. Tax Increment Financing.

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

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

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

Subsection 1.10. Estimate of Tax Increment.

It is anticipated that the Development will result in an increase in true and full value of the Renewal Area redevelopment site to \$21,592,000. The value of the development site within the TIF district is \$1,278,900. The increase in value will be approximately \$20.3 million. Under the mill rate in effect as of the date of this Plan, the Renewal Area will generate tax increment each year in the estimated amount of \$282,000.

Subsection 1.11. Duration of the TIF District.

The City anticipates that the TIF District will continue until all development costs are reimbursed through the receipts of tax increment, or after a maximum of fifteen years. The estimated time period would be fifteen years after completion of the project. The first substantial tax increment payment will be recovered in 2023.

APPENDIX A
LEGAL DESCRIPTION OF PROPERTY

Lot 1, Block 1, Craigs Oak Grove Addition, Vacated Portion of Elm Street, and a Portion of
Lots 5, 6, and 7, Block 28, Keeney and Devitts Second Addition to the City of Fargo, Cass
County, North Dakota

Also Known As:

Craigs Oak Grove Second Addition to the City of Fargo, Cass County, North Dakota

APPENDIX B

MAP OF THE RENEWAL AREA/TIF DISTRICT

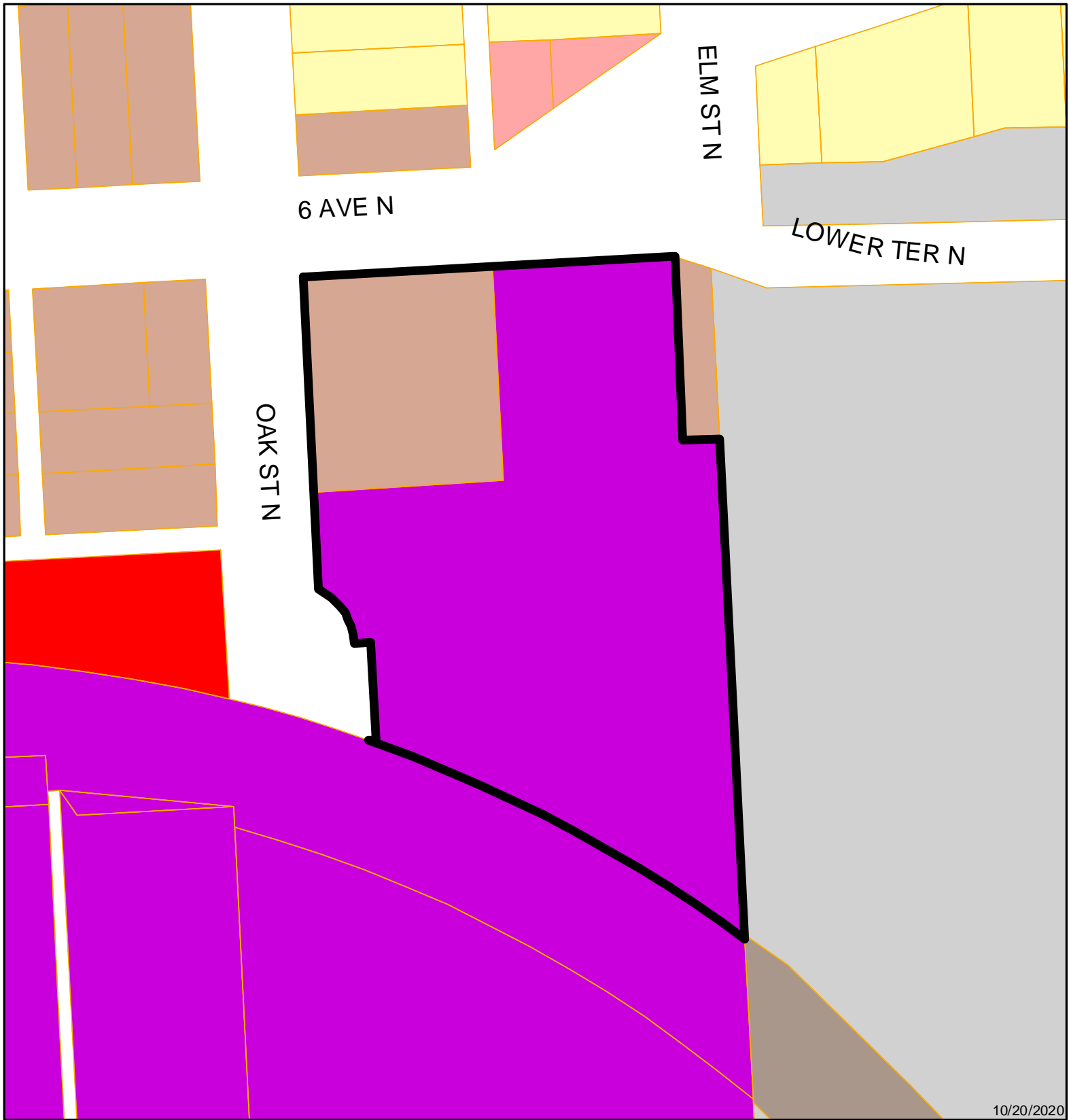
TIF District No. 2020-01



APPENDIX C

ZONING MAP

TIF District No. 2020-01



Zoning Districts

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

 TIF District

0 50 100 Feet

N



APPENDIX D

PHOTOS OF EXISTING CONDITIONS



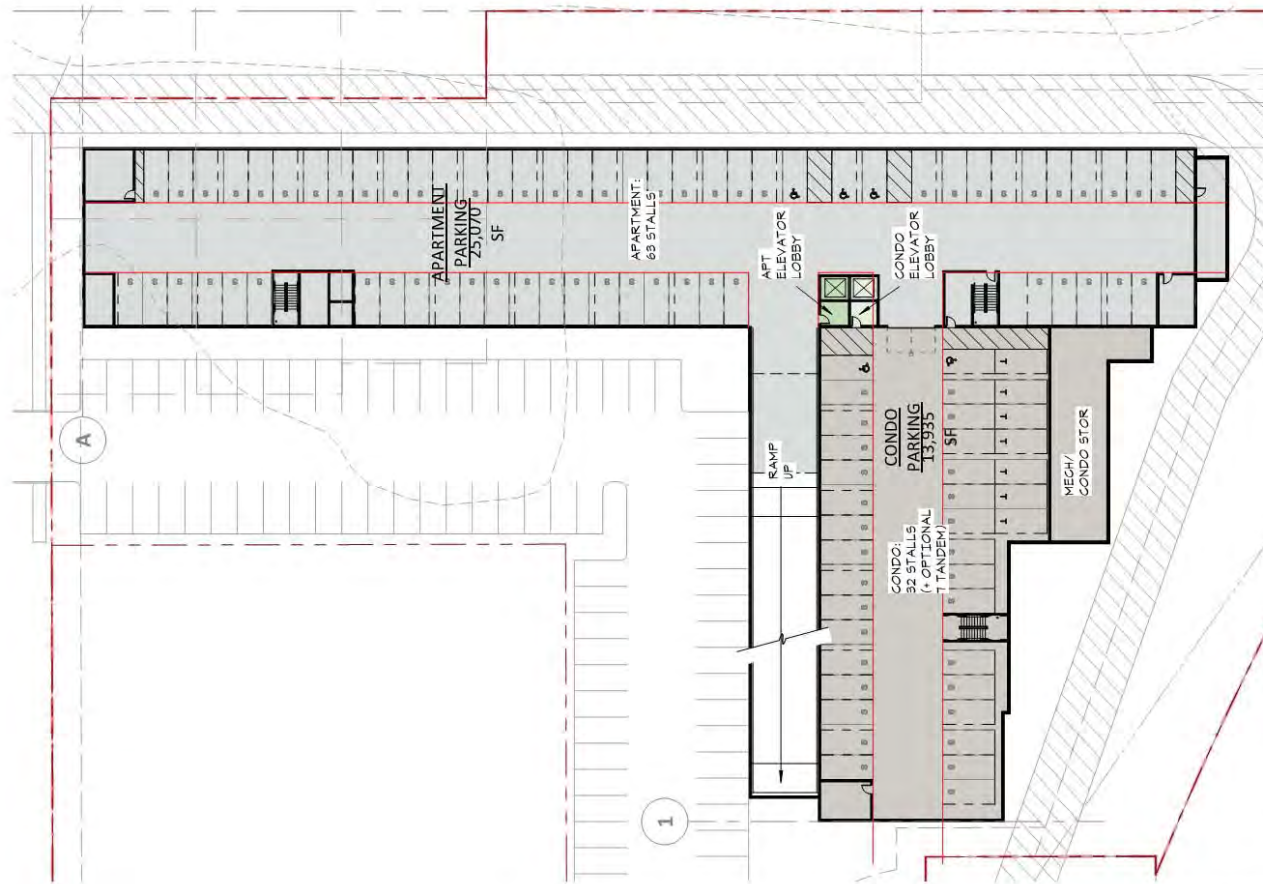






APPENDIX E
PLAN FOR REDEVELOPMENT

FLOOR PLANS



UNDERGROUND PARKING

09.14.20

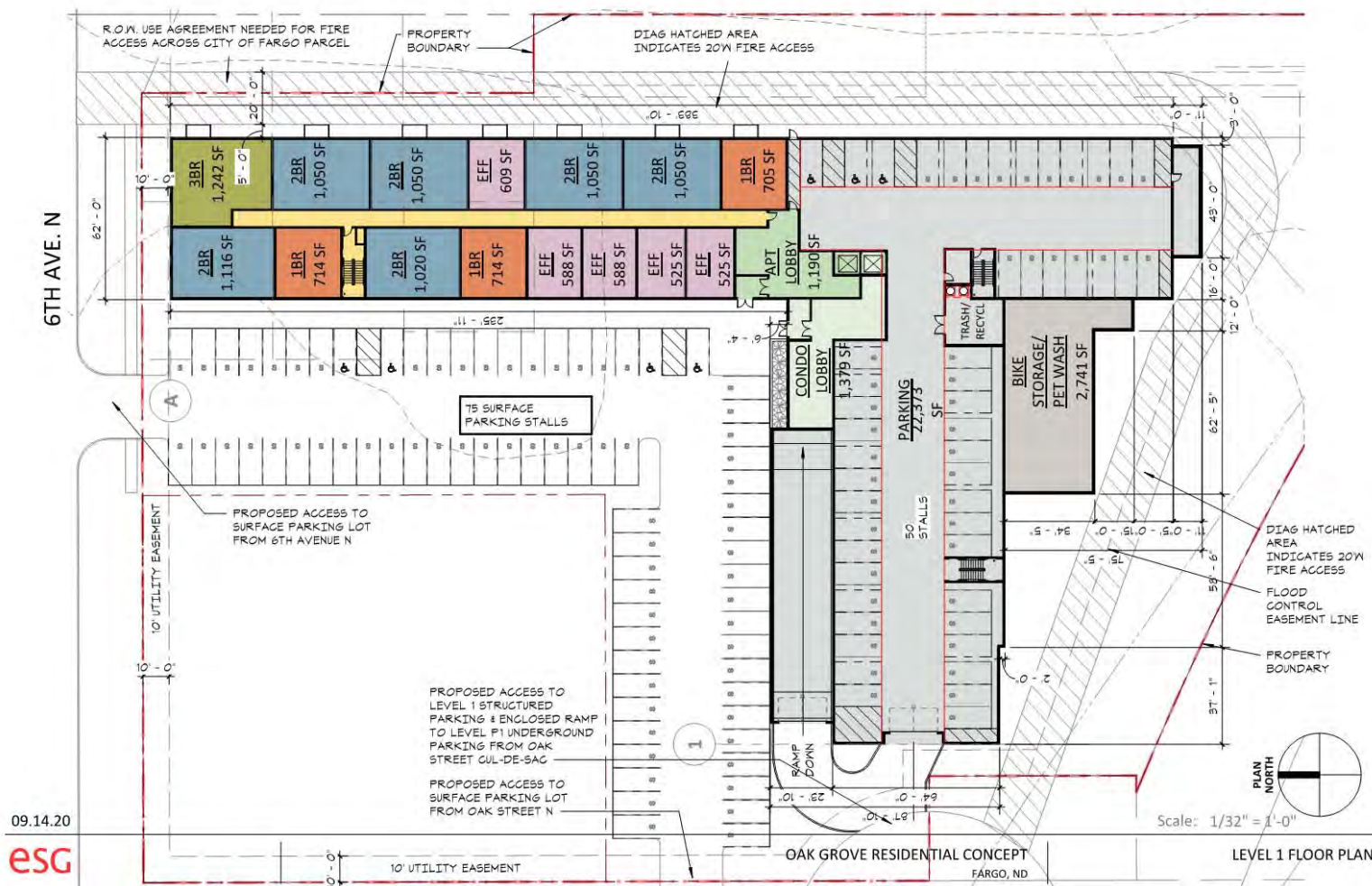
esc

OAK GROVE RESIDENTIAL CONCEPT
FARGO, ND

Scale: 1/32" = 1'-0"

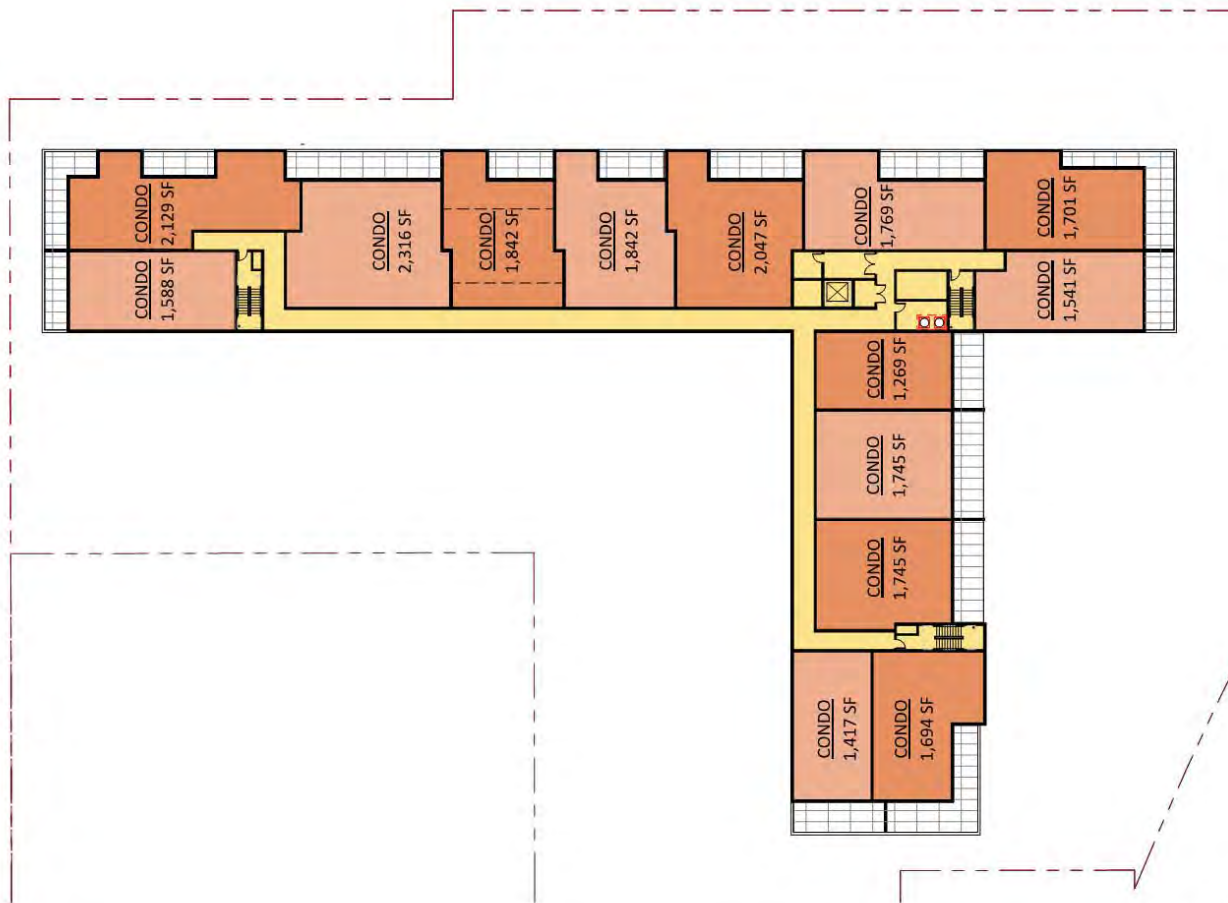
LEVEL P1 PARKING PLAN

FLOOR PLANS



GROUND FLOOR

FLOOR PLANS



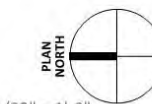
5TH FLOOR CONDOMINIUMS

09.14.20

esc

OAK GROVE RESIDENTIAL CONCEPT
FARGO, ND

Scale: 1/32" = 1'-0"



LEVEL 5 FLOOR PLAN

VIEW OF SOUTH-EAST END FROM WILDFLOWER GROVE PARK



esg

VIEW OF NORTH-EAST CORNER FROM WILDFLOWER GROVE PARK



esg



ENTRANCE – NORTH-WEST VIEW

esg



AMENITY DECK – SOUTH-WEST VIEW FACING DOWNTOWN

esg

MEMORANDUM

TO: Fargo Planning Commission

FROM: Aaron Nelson, Planning Coordinator *AN*

DATE: October 28, 2020

SUBJECT: Item E.2: Northwest Metro Transportation Plan

At the November 3rd meeting of the Fargo Planning Commission, FM MetroCOG staff will provide a project overview and presentation of the Northwest Metro Transportation Plan, which is currently being finalized. This is an informational item and no action is being requested.

Background Information

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG), City of Fargo, City of West Fargo, and Cass County have been working jointly to develop a plan for future expansion of the regional transportation network within the northwestern growth area of the Fargo-Moorhead metro.

The study seeks to identify the transportation needs for a full build-out of future development within the study area, including recommendations for future street capacity, multimodal facilities and traffic control, and to provide a high-level estimate of infrastructure costs associated with these future transportation facilities.

The Northwest Metro Transportation Plan document can be found at the project website, along with additional project information: <http://www.fmmetrocog.org/projects-rfps/nwmetro-transportation-plan>.

MEMORANDUM

TO: Fargo Planning Commission

FROM: Aaron Nelson, Planning Coordinator *AN*

DATE: October 28, 2020

SUBJECT: Item E.3: Project Update – Land Development Code Diagnostic

At the November 3rd meeting of the Planning Commission, staff will provide a project update for the Land Development Code Diagnostic. Specifically, staff would like to introduce the attached *Alternatives Analysis and Recommendations Memo* and invite Planning Commissioners to a joint meeting with the Fargo City Commission to take place on November 30th.

The intent of this agenda item is not to discuss the attached alternatives memo in detail (which will be the purpose of the meeting on November 30th), but rather, the intent is to provide commissioners with this information well in advance and to invite commissioners to contact staff with any questions or feedback prior to the November 30th meeting.

This is an informational item and no action is being requested.

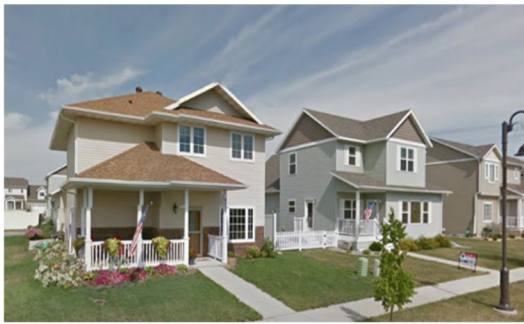
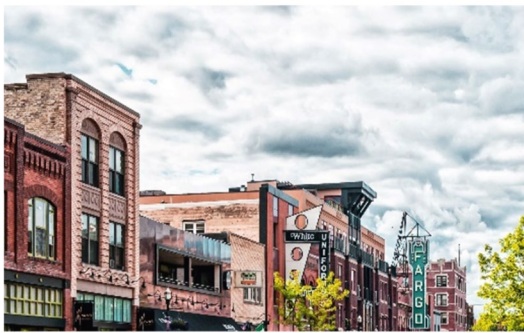
Background Information

The City is in the process of conducting an evaluation of the City's Land Development Code (LDC) in order to identify any existing deficiencies and evaluate options to address identified issues. The project consultant, Lisa Wise Consulting, Inc. (LWC), has been working since September 2019 at assessing the City's development regulations and has summarized their findings within the *LDC Diagnostic Report*, which they presented to the Fargo Planning Commission on August 4, 2020, and which is available on the project website at: <https://fargond.gov/city-government/departments/planning-development/land-use-zoning/land-development-code/land-development-code-ldc-diagnostic>.

Since then, LWC has developed three alternative approaches ("Alternatives") to address the issues documented within the *LDC Diagnostic Report*. In essence, these three alternatives are intended to provide a range of options for the City to consider when contemplating what degree of change to the LDC would be most appropriate, given the issues identified and the priorities of the City's Comprehensive Plan. These three alternatives are outlined and compared within the attached *Alternatives Analysis and Recommendations Memo*.

LWC and City staff will be hosting a joint meeting of the Fargo City Commission and Planning Commission at noon on Monday, November 30, in order to present and discuss these three alternatives with commissioners. (Additional information will be forthcoming regarding the details of this meeting, which will likely be predominantly virtual.) The purpose of the meeting on November 30 is to provide an opportunity for commissioners to consider various approaches and attempt to build consensus around key aspects of a process (or "Preferred Alternative") for improving Fargo's development regulations. This discussion will help LWC to hone in and flesh out the details of a preferred alternative. This preferred alternative will then be presented to the City in early 2021 in the form of a detailed work plan, including a specific set of recommended action steps.

Attachment



ALTERNATIVES ANALYSIS AND RECOMMENDATIONS MEMO

PUBLIC DRAFT - 10/28/2020

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Executive Summary

This memo provides an in-depth analysis and comparison of three alternative approaches (Alternatives) to address the issues identified in the City of Fargo Land Development Code (LDC) Diagnostic Report (June 2020). To simplify the comparison between the three, each Alternative consists of the same eight components, or “elements”. These elements determine the characteristics of the Alternative, including the type of tools used, which sections of the LDC are modified, and additional factors related to outreach and education. (see Section 2 and the side bar). Each element is evaluated utilizing the same eight metrics (see Section 3 and the side bar), each with a clearly defined score of “low”, “medium”, or “high”. This qualitative scoring system provides a basis for comparing the Alternatives as well as understanding their pros and cons. The pairing of the Elements and Metrics provide an objective look at the effectiveness of each alternative in terms of addressing the issues in the Diagnostic Report and the dynamics associated with implementing the Alternatives.

The Alternatives, described in detail in Section 4, represent three feasible options to modify the LDC. Each Alternative is cumulative, building on the recommended improvements in the previous.

- Alternative #1, Intermediate Fixes, focuses on strategic revisions and updates to processes, zone standards, graphics, and land uses that can be implemented with no additional planning needed to implement.
- Alternative #2, Core and Corridors, builds on work in the Comprehensive Plan and the Core Neighborhood Plan (in progress) to develop new regulations for downtown, core neighborhoods, and key commercial corridors. Introducing new form-based standards in these selected areas will help to create more predictability for residents and applicants.
- Alternative #3, Comprehensive Overhaul, involves a more substantial update and reorganization of the existing LDC. Form-based regulations may be introduced elsewhere in the City in additional locations targeted for walkable mixed-use development, and subdivision regulations would be updated. This Alternative would coincide with a planning effort to develop a citywide future land use map.

Based on the qualitative comparison across Alternatives, Alternative #2 – Core and Corridors is the recommended Alternative. The Core and Corridors Alternative addresses many of the priority issues identified in the Diagnostic Report, particularly the need for compatibility and predictability in built results and processes, quality and diversity of multi-family residential development, and fostering walkability in commercial areas. This Alternative carries forward processes and standards that are working well, incorporates modern code best-practices, and builds upon the in-progress Core Neighborhoods Plan.

ELEMENTS

1. Development Standards
2. Code Format and Organization
3. Development Review
4. Degree of Change
5. Sections Revised
6. Staff Resources
7. Planning Effort
8. Education

METRICS

1. Estimated Cost
2. Administrative Burden
3. Timeline to Complete
4. Effectiveness
5. Predictability
6. Simplicity/User-Friendliness
7. Education Needed
8. Planning Needed

1. Introduction

In 2019, the City of Fargo hired the Lisa Wise Consulting, Inc. (LWC) Consulting Team (including SRF Consulting) to review and assess the City's Land Development Code (LDC) and related ordinances, document any deficiencies or opportunities for improvement, and develop a preferred alternative to remedy any noted deficiencies. The project began with a public workshop and interviews with City staff, the Planning Commission, and various stakeholders in November 2019 which provided on-the-ground and user-based information regarding what is working or not working within the LDC. This information was supplemented by the Consulting Team's professional analysis of the LDC and summarized in the Land Development Code Diagnostic Report. The Report, released in June 2020, was presented to the Planning Commission on August 4, 2020. Public comments were received through August 11, 2020.

This Alternatives and Recommendation Memo is the final phase of the project. This Memo provides an overview of three specific and distinct options to address the issues identified in the Diagnostic Report and concludes with a recommendation. This Memo will be presented for discussion and consideration at a joint meeting of the Planning Commission and City Commission on November 30, 2020. Following this meeting, the City Commission will direct City staff to develop a Preferred Alternative and associated Work Plan for implementation. This Alternative and Work Plan will be brought back to the Planning Commission and City Commission in early 2021.

2. Elements of Alternatives

This Section provides an overview of the eight Elements that were used in the creation of each Alternative. A description of each Element, and the variables within that Element, are provided below. The Elements are:

1. Development Standards
2. Code Format and Organization
3. Development Review
4. Degree of Change
5. Sections Revised
6. Staff Resources
7. Planning Effort
8. Education

2.1 Development Standards

Development standards, such as height, setback, and parking requirements are the typical tools in a zoning code used to regulate development within the City. This Element refers to the dominant type of tool utilized in the LDC. This can include a combination of use-based (Euclidean), form-based, and performance-based regulations. Zoning tools affect the predictability and flexibility of development. Figure 1 outlines the pros and cons of the development standard types.

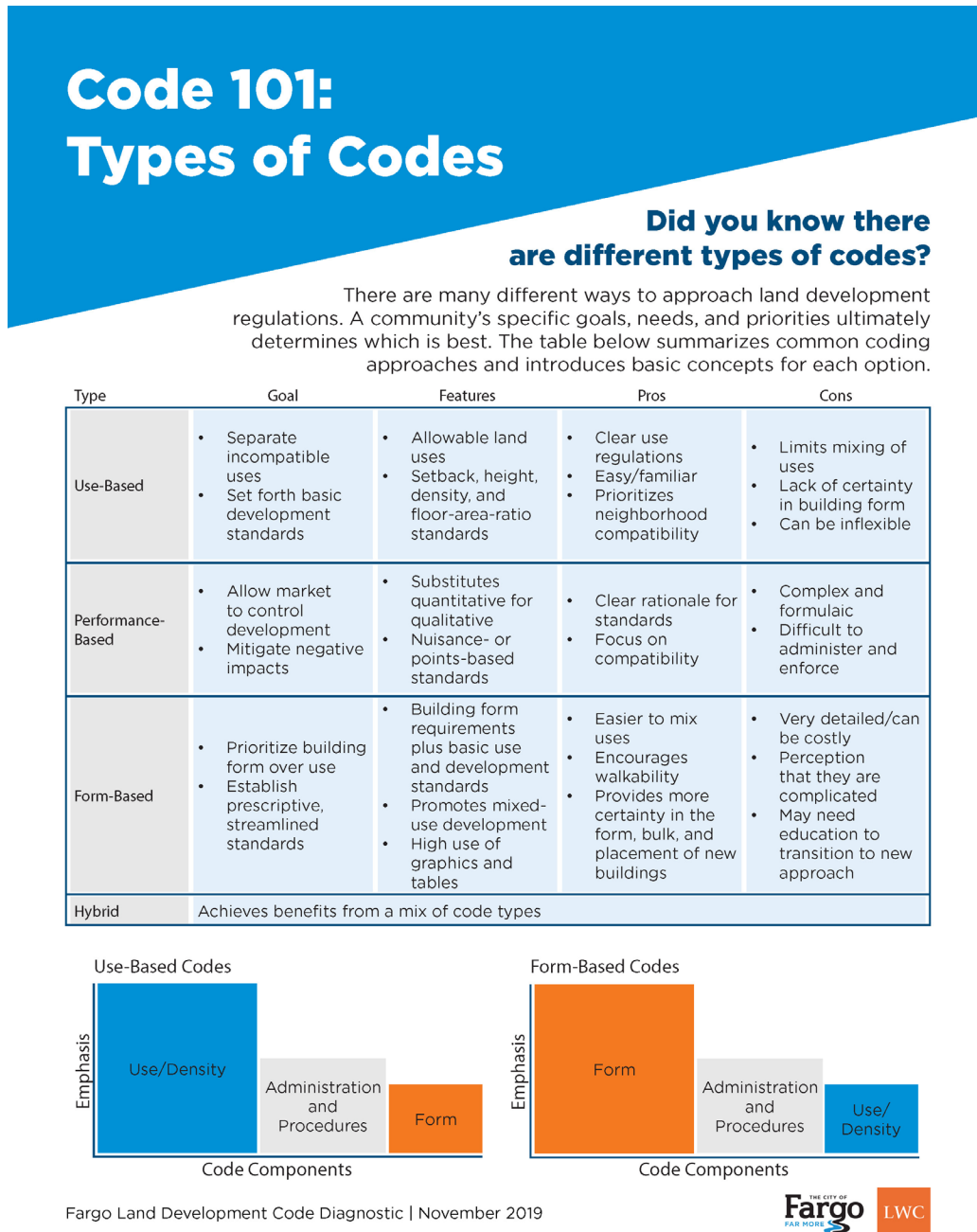


Figure 1: Development Standard Overview

2.2 Code Format and Organization

This element considers the way the LDC is formatted and structured in the document overall and as well as on a page. Options range from no change from the existing structure to a complete reformat and reorganization of the LDC. Page layouts, restructuring, and design impact the simplicity and user-friendliness of a Code, as well as the timeline to complete the given Alternative depending on the degree of change. Figure 2 shows a sample of a code page layout with more graphics.



Figure 2: Pages from a Form-Based Code, incorporating more graphics and tables

2.3 Development Review

This element considers the process in which new projects are reviewed and approved. This includes by-right approvals, discretionary review, or customized or negotiated review, such as through PUDs and COs. This also includes consideration of the flexibility and ease of the development review process and relates to administrative costs and overall predictability of the regulations.

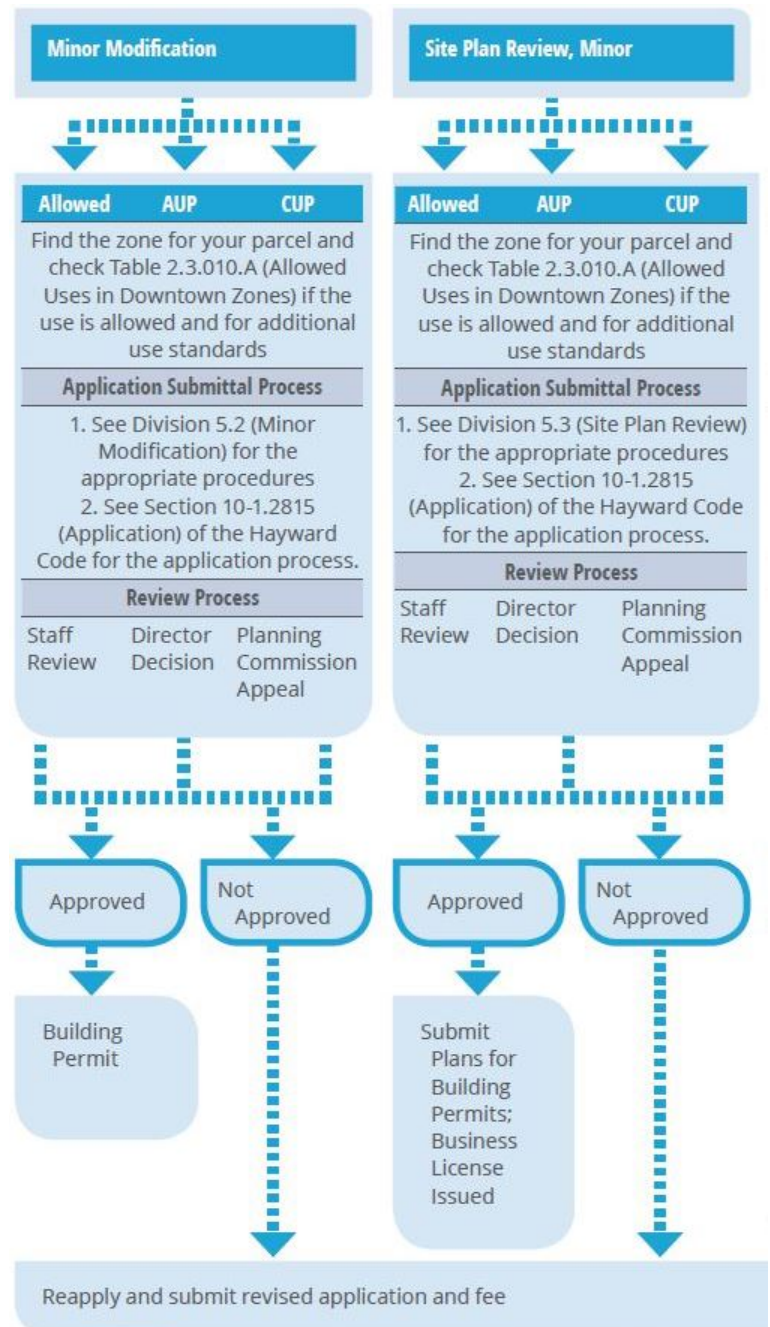
2.4 Staff Resources Needed

This element includes the amount of City staff time devoted to the Alternative, in terms of implementing the changes as well as advising on technical components. It includes reliance on existing staff resources and the need to add or supplement existing resources with new staff or outside expertise such as a consultant) which impacts cost, administrative costs, and simplicity of the update process.

2.5 Degree of LDC Change

The degree of LDC change is the amount of change from the existing structure, regulatory mechanisms, and review mechanisms of the existing LDC. Change can be classified as “none”, “minor”, or “major”. This does not necessarily correspond to change in the zoning map, development patterns, or long-term vision for the City. This element relates to ease of use, administrative costs, and simplicity of the update process.

Figure 3: Sample Development Review Flowcharts



2.6 LDC Sections Revised

Related to the degree of change, this element includes an assessment of the estimated number of Articles or Sections that are modified as part of the Alternative. This may include a few, many, or most/all of the LDC which impacts cost, administrative costs, and simplicity of the update.

2.7 Additional Planning Needed

This element includes consideration of the amount of additional planning work needed prior to beginning and/or completing the Alternative. The element considers the possibility of updating the Comprehensive Plan, developing a Citywide Future Land Use Map (FLUM), completing in-progress work (e.g. the Core Neighborhoods Plan) or no additional planning work. This relates to cost, timeline, as well as overall planning needed as part of the Alternative.

2.8 Additional Education Needed

This element considers the amount of education on planning and zoning concepts and tools for City staff, the Planning Commission, and the City Commission. Depending on the chosen Alternative, new concepts will be introduced that will have to be implemented and administered at each approval level. Intimate knowledge of each new concept will be crucial to the success of the chosen alternative.

Figure 5: Fargo Land Development Code Articles

Article	Title
20-01	General Provisions
20-02	Base Zoning Districts
20-03	Overlay and Special Purpose Districts
20-04	Use Regulations
20-05	Dimensional Standards
20-06	Subdivision Design and Improvements
20-07	General Development Standards
20-08	Review and Decision-Making Bodies
20-09	Development Review Procedures
20-10	Nonconformities
20-11	Violations and Enforcement
20-12	Definitions
20-13	Fargo Sign Code

Examples of Staff Education

- Webinars and Online Courses (e.g. Planetizen and the Form-Based Code Institute)
- Conference attendance (virtual or in-person)
- Outside Consultant-led Training Sessions

Examples of Commission and Public Education

- Open House(s) at City Hall
- Staff or Consultant Led Study Sessions
- Presentations at neighborhood /community meetings and/or at community events (ex. Farmers Market)

Case Study - Las Vegas, NV Downtown Form-Based Code

As part of the Form-Based Code (FBC) project to implement the Downtown Plan, LWC hosted a series of educational sessions and workshops on FBC with staff, Planning Commission, City Council, and the public. LWC coordinated this effort in conjunction with the Form-Based Code Institute (FBCI) who provides training courses to explain FBC fundamentals and advantages, as well as best practices for preparing FBC standards and administering FBCs in development projects. To further community education and better understand unique neighborhood characteristics, LWC facilitated several days of stakeholder meetings and an all-day design workshop to collaborate on potential form-based development scenarios.

3. Evaluation Metrics

The “Evaluation Metrics” are the criteria used to compare each Alternative. The metrics are the same for all Alternative elements, allowing City staff and decision makers to understand the pros and cons of each Alternative. Each metric has an associated score of “Low”, “Medium”, and “High” to establish the criteria for ranking the Alternatives across metrics.

A breakdown of the evaluation metrics and scoring system is described below:

Estimated Cost: This is the approximate monetary cost to implement the alternative which can include the cost of staff time and/or outside expertise.

- **Low** – Inexpensive. All or most changes can be implemented utilizing existing staff resources.
- **Medium** – Moderate cost. Most changes can be implemented by City staff with the potential involvement of outside expertise.
- **High** – An expensive process that involves substantial City staff resources and/or outside expertise.

Long-range Administrative Expense: This is the estimated cost of City staff time to administer the LDC following the Alternative, including interpretation of LDC provisions and time spent during the entitlement process.

- **Low** – A low amount of staff time needed, as the LDC is predictable, clear, user-friendly, simple, and utilizes a great degree of by-right approvals.
- **Medium** – A moderate amount of time needed to administer the LDC. A balance of by-right approvals and complex entitlement processes.
- **High** – An extensive amount of time is needed to review projects, answer questions, and support negotiated zoning (e.g. PUDs and Rezones).

Timeline: The timeline is the approximate amount of time it may take to complete the work identified in the alternative. The time it takes to implement an alternative will depend on staff time, the Planning Commission/City Commission approval process, community engagement/education, and possible time for third-party expertise.

- **Low** – Short amount of time to implement, <12 months.
- **Medium** – A moderate amount of time to implement, <24 months.
- **High** – A longer amount of time to implement, 24+ months.

Effectiveness: This metric assesses the effectiveness of the alternative in addressing the issues identified in the Land Development Code Diagnostic Report.

- **Low** – The alternative addresses only a few of the issues identified in the Diagnostic Report.
- **Medium** – The alternative addresses many of the issues identified in the Diagnostic Report.
- **High** – The alternative addresses most, if not all, of the issues identified in the Diagnostic Report.

Predictability: This addresses the expected degree of predictability in the physical type of the development and the process in which that development is approved. Lists of allowed land uses already include a degree of predictability, whereas basic development regulations only address overall building envelope, which is typically much larger than the desired size, scale, and form of new buildings. This metric considers whether or not additional form, or design-based regulations are included in an effort to improve development predictability.

- **Low** - The alternative results in a low level of predictability in the development outcomes and approval process. Development approvals would still be potentially subject to negotiation and/or arbitrary conditions.
- **Medium** - The alternative results in a moderately predictable development outcomes and approval process, with greater degree of predictability in certain geographies. More objective standards would produce a more predictable building and thereby a more predictable process, little to no negotiations or conditions necessary.
- **High** - The alternative results in a highly predictable development outcomes and approval process citywide due to the Code consisting only of objective standards with clear development goals.

Simplicity/User-Friendliness: This metric relates to how simple or easy it will be to use and administer the Land Development Code, following the completion of the alternative. This metric is based on best practices and a common industry understanding of degree of user-friendliness/simplicity based on utilization of techniques (such as more prescriptive zoning district regulations) and processes (e.g. less reliance on negotiation). Individual perception of simplicity and ease of use may vary based on experience and familiarity with land development.

- **Low** - The alternative introduces a minimal amount of new user-friendly provisions and overall simplicity of the LDC.
- **Medium** - The alternative simplifies some of the complex procedures within the LDC and creates a moderately more user-friendly experience for the applicant, community member, and/or City staff person.
- **High** - The alternative results in a much simpler system for City staff to administer as well as an easy to use LDC for applicants and community members.

Education: This is the additional education needed on specific aspects of planning such as (Form-Based Codes, economics, or housing) to help inform decisions regarding implementing alternatives.

- **Low** - Little, if any, new concepts introduced via the alternative.
- **Medium** - Education needed regarding some new planning and zoning concepts in order to implement and administer the alternative.
- **High** - Significant degree of education and outreach regarding many new planning and zoning concepts and a substantial amount of time is needed to understand how they function within the LDC.

Planning: This is the additional land use planning needed to implement certain aspects of an alternative.

- **Low** - No major planning initiatives/studies are needed in to implement the changes within the alternative.
- **Medium** - Some small area plans needed to support development of the alternative.
- **High** - Major planning studies and initiatives needed to implement the major changes to the LDC, including a citywide Future Land Use Map (FLUM) and revisiting of the policies in the Comprehensive Plan, *Go2030*.

4. Alternatives

4.1 Overview

This Section provides an overview of each Alternative with detailed information on each Elements identified in Section 2 and the Metrics based on the scoring criteria established in Section 3. Table 1 compares each Alternative across the eight Elements. Table 2 provides the scoring across all metrics for each Alternative.

Table 1 – Alternatives Overview

Elements	Intermediate Fixes (#1)	Core and Corridors (#2)	Comprehensive Overhaul (#3)
Development Standards	Use-Based Standards	Hybrid (Use & Form-Based) Standards	Hybrid (more Form-Based Standards)
Code Format and Organization	No Change	Minor Change – Integrate new zones and procedures into existing code	Major Change – Reorganize and restructure
Development Review	Continued Negotiated Zoning (PUDs and COs for mixed-use, larger multi-family, and infill projects)	More by-right approval of mixed-use and multi-family in core and corridors	More by-right development in additional parts of the city (outside core and downtown). Discretion still needed as appropriate.
Degree of LDC Change	Minor	Focused changes	Full rewrite
LDC Sections Revised	Few/None	Many new and revised Sections	Full rewrite
Staff Resources Needed	Some – Mostly in-house	Some – Outside expertise needed	Significant effort and coordination with outside experts
Additional Planning Needed	None	Neighborhood Plans (in progress) plus key commercial corridors.	Citywide Future Land Use Map
Additional Education Needed	No	Yes	Yes
Note: Elements which are the same across Alternatives (e.g. legal issues such as Reed V Gilbert) are not listed.			

Table 2 – Alternative Metrics

Metric	Intermediate Fixes (#1)	Core and Corridors (#2)	Comprehensive Overhaul (#3)
Estimated Cost	Low	Medium	High
Long-Range Administrative Expense	Low	Low/Medium	High
Timeline	Medium	Medium/High	High
Effectiveness	Low	Medium	High
Predictability	Low	Medium	High
Simplicity/User-Friendliness	Low/Medium	Medium	Medium/High
Education	None	Medium	High
Planning	None	Low/Medium	High

4.2 Recommendation

Based on the qualitative comparison of the Alternatives, (Staff/Consultant) preliminary recommended alternative is Alternative #2, Core and Corridors. The final recommendation may be adjusted based on City Commission input and incorporated into a preferred alternative. Nevertheless, the Core and Corridors alternative provides the City with the means to address many of the issues identified in the Diagnostic Report in a feasible and cost-effective manner while also building upon existing regulations and procedures that are working well. In addition, this alternative will further implement the goals of *Go2030* related to walkability, encouraging a variety of housing types, and contributing to predictable and well-designed residential, commercial, and mixed-use development. The changes to the LDC are mostly minor, such as modification to procedures to allow flexibility and updates to the DMU and UMU Districts to promote more walkability and predictability. The larger changes include eliminating the use of Conditional Overlays and creating objective design standards for new multi-family developments outside of the downtown (and other areas envisioned to be regulated with new form-based regulations). While this Alternative may require more substantial staff resources and a longer timeline, these are feasible changes that will have a significant impact in providing a clearer land development process for all parties (City staff, applicants, and residents) that further implements the long-term goals of *Go2030*.

4.3 Alternatives

Alternative #1 - Intermediate Fixes

The “Intermediate Fixes” alternative addresses the most straight-forward issues identified in the Land Development Code Diagnostic Report. The alternative includes modification of specific regulations and processes such as parking; Site Plan Review; adding a new Minor Modifications process; adding more/updating graphics; and minor improvements to the DMU/UMU zones (without increasing the geographic distribution of these zones). This alternative will include minimal changes to the overall LDC structure or organization; does not make major improvements to predictability, housing affordability, or subdivisions; and continues to rely on the PUDs and COs processes where needed. Apart from the Site Plan Review process, the Minor Modifications process, and codifying the Parkland Dedication process, the development review process will remain the same. This alternative can most likely be implemented utilizing existing staff resources with minimal (if any) additional new planning or educational efforts.

Addressing LDC Issues

- **General Standards:** Minor improvements to parking, paving, landscaping regulations which are prohibitive and not context- sensitive.
- **Best Practices:** More graphics and diagrams in the LDC, clearer application process, and more flexible development standards.

Intermediate Fixes (#1) Metrics Scores	
Estimated Cost	Low
Long-Range Administrative Expense	Low
Timeline	Medium
Effectiveness	Low
Predictability	Low
Simplicity/User-Friendliness	Low/Medium
Education	None
Planning	None

Intermediate Fixes (#1) Elements	
Development Standards	Use-Based Standards
Code Format and Organization	No Change
Development Review	Continued Negotiated Zoning (PUDs)
Degree of LDC Change	Minor
LDC Sections Revised	Few/None
Staff Resources Needed	Some – Mostly in-house
Additional Planning Needed	None
Additional Education Needed	No

Alternative #2 - Core & Corridors

The “Core & Corridors” alternative would build upon the “Intermediate Fixes” alternative and implement focused regulatory changes to development within the downtown, core neighborhoods, and major commercial corridors. The regulatory changes emphasize more predictable development outcomes and less reliance on negotiated zoning in the downtown and core neighborhoods as well as a revisioning of the commercial corridors to implement the goals of *Go2030* related to walkability. The alternative will utilize a hybrid approach, incorporating new form-based regulations and objective design standards where appropriate, with little change to existing zones in areas not envisioned to change (e.g. newer residential subdivisions).

In addition, this alternative would incorporate more by-right approvals, new and more widespread mixed-use zones, and objective commercial and multifamily residential design standards to reduce the need for discretionary review and PUDs. Conditional Overlays would be eliminated as an option, although existing COs would remain. This alternative would likely include some modification to existing LDC structure and organization to incorporate new zoning districts and improved page layouts. Planning is limited to Core Neighborhood Plan (in progress) and some additional planning/rezoning along commercial corridors (e.g. Veterans Boulevard). Education regarding new zoning tools (e.g. Form-based Code) and planning efforts are needed prior to implementation.

This alternative would best be pursued with additional staff resources (e.g. additional staff or outside support) with specialized expertise. More time and cost prohibitive issues identified in the Diagnostic Report (such as issues with subdivisions and housing affordability) may not be addressed.

Addressing LDC Issues

- **Walkability & Design:** New form-based development regulations for Downtown, Commercial corridors, and core neighborhoods.
- **Best Practices:** Objective development standards support by-right and predictable entitlement. Elimination of Conditional Overlay process.

Core and Corridors (#2) Metric Scores	
Estimated Cost	Medium
Long-Range Administrative Expense	Low/Medium
Timeline	Medium/High
Effectiveness	Medium
Predictability	Medium
Simplicity/User-Friendliness	Medium
Education	Medium
Planning	Low/Medium

Core and Corridors (#2) Elements	
Development Standards	Hybrid (Use & Form-Based) Standards
Code Format and Organization	Minor Change – Integrate new zones and procedures into existing code
Development Review	By-right approval in core and corridors
Degree of LDC Change	Focused changes
LDC Sections Revised	Many new and revised Sections
Staff Resources Needed	Some – Consultant expertise needed
Additional Planning Needed	Neighborhood Plans (in progress) plus key commercial corridors.
Additional Education Needed	Yes

Alternative #3 - Comprehensive Overhaul

The "Comprehensive Overhaul" alternative builds upon Alternatives 1 and 2 by expanding planning and

rezoning efforts to additional areas outside of the downtown, core neighborhoods, and key commercial corridors resulting in a more comprehensive overhaul of the existing LDC's content, structure, and organization. This alternative assumes very little of the existing LDC would be retained and would involve an update to all zones. Additional citywide planning efforts will be needed to support the development of new zones and updates to the City zoning map.

While this alternative includes expansion of form-based standards and by-right approvals, it does not anticipate a citywide form-based code nor eliminate the need for discretionary review of certain projects.

This alternative would also consider more extensive economic analysis of residential development feasibility (e.g. "missing middle housing" typologies) and development of tools for affordability, such as inclusionary housing requirements. Additionally, this alternative incorporates single family residential design standards and substantial revisions to subdivision regulations requiring coordination with other City departments (e.g. Public Works). This alternative would also require a substantial amount of staff resources for education, planning, and coordination with consultant expertise. Most (or all) issues in the Diagnostic Report would be addressed.

Addressing LDC Issues

- **Walkability & Design:** More form-based design standards in residential, commercial, and mixed-use areas that prioritize walkability and predictable building design and form.
- **Best Practices:** Creation of a Future Land Use Map to guide development decisions. Highly predictable entitlement process due to more widespread form-based standards.
- **Housing and Affordability:** Zoning district changes aimed at encouraging "missing middle" housing types. Potential inclusionary housing requirements for new projects
- **Subdivisions:** Updated process addressing easements, streets, utilities, and lot sizes.

Comprehensive Overhaul (#3) Metric Scores	
Estimated Cost	High
Long-Range Administrative Expense	High
Timeline	High
Effectiveness	High
Predictability	High
Simplicity/User-Friendliness	Medium/High
Education	High
Planning	High

Comprehensive Overhaul (#3) Elements	
Development Standards	Hybrid (more Form-Based Standards)
Code Format and Organization	Major Change – Reorganize and restructure
Development Review	By-right development in most of the city. Discretion still needed as appropriate.
Degree of LDC Change	Full rewrite
LDC Sections Revised	Full rewrite
Staff Resources Needed	Significant effort and coordination with outside experts
Additional Planning Needed	Citywide Future Land Use Map
Additional Education Needed	Yes