

FARGO PLANNING COMMISSION AGENDA
Tuesday, October 1, 2024 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of September 5, 2024

C: Public Hearing Items:

- 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay on the proposed **Northdale First Addition**. (Located at 4300 County Highway 81 North) (Allstar Land Company/Christianson Companies, Inc.) (dk): CONTINUED TO NOVEMBER 5, 2024
- 1b. Continued hearing on an application requesting a Plat of **Northdale First Addition** (Major Subdivision) a plat of an unplatted portion of the Southeast Quarter of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 4300 County Highway 81 North) (Allstar Land Company/Christianson Companies, Inc.) (dk): CONTINUED TO NOVEMBER 5, 2024
- 2a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional on the proposed **Selkirk Place Third Addition**. (Located at 3040 and 3200 67th Avenue South) (NICD, LLC/EagleRidge Development) (dk)
- 2b. Hearing on an application requesting a Plat of **Selkirk Place Third Addition** (Major Subdivision) a plat of an unplatted portion of the Northwest Quarter and a portion of Auditor's Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 3040 and 3200 67th Avenue South) (NICD, LLC/EagleRidge Development) (dk)
- 3a. Hearing on an application requesting a Zoning Change from DMU, Downtown Mixed-Use, MR-3, Multi-Dwelling Residential, and LC, Limited Commercial to DMU, Downtown Mixed-Use on the proposed **HAL Addition**. (Located at 602, 608, 612, and 616 3rd Street North; 601 and 617 4th Street North; 304 and 312 7th Avenue North) (J2SL Partners, LLP/Stephen Lyngstad) (dk)
- 3b. Hearing on an application requesting a Plat of **HAL Addition** (Major Subdivision) a replat of Block 37, Keeney and Devitt's Second Addition, including vacation of the alley, to the City of Fargo, Cass County, North Dakota. (Located at 602, 608, 612, and 616 3rd Street North; 601 and 617 4th Street North; 304 and 312 7th Avenue North) (J2SL Partners, LLP/Stephen Lyngstad) (dk)

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.

4. Hearing on an application requesting a Conditional Use Permit (CUP) to allow for wholesale sales use in the GC, General Commercial zoning district, on Lot 1, Block 1, **Village West Fourth Addition**. (Located at 902 40th Street South) (902 40th, LLC/Christianson Companies) (me)
5. Hearing on an application requesting a Conditional Use Permit (CUP) to allow for industrial service use in the GC, General Commercial zoning district on Lot 3, Block 1, **Austin's Subdivision**. (Located at 5418 53rd Avenue South) (Lowry Engineering/JBJ Properties, LLC) (me): CONTINUED TO NOVEMBER 5, 2024
6. Hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on Lot 1, Block 1, **Southwest Fargo Mission Second Addition**. (Located at 4475 40th Avenue South) (4540 Investments, LLC/Christianson Companies) (dk)

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Thursday, September 5, 2024

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., Thursday, September 5, 2024.

The Planning Commissioners present or absent were as follows:

Present: Maranda Tasa, Art Rosenberg, Jennifer Holtz, Thomas Schmidt, Brett Shewey, Joseph Cecil, Amy Hass, Tyler Mohs, Paul Gleye (via conference call)

Absent: Scott Stofferahn

Chair Tasa called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Tasa noted Items 1a, 1b, and D1 have been continued to October 1.

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

Item B: Minutes: Regular Meeting of August 6, 2024

Member Shewey moved the minutes of the August 6, 2024 Planning Commission meeting be approved. Second by Member Mohs. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Northdale First Addition

1a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay on the proposed Northdale First Addition. (Located at 4300 County Highway 81 North) (Allstar Land Company/Christianson Companies, Inc.): CONTINUED TO OCTOBER 1, 2024

1b. Hearing on an application requesting a Plat of Northdale First Addition (Major Subdivision) a plat of an unplatted portion of the Southeast Quarter of Section 15, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 4300 County Highway 81 North) (Allstar Land Company/Christianson Companies, Inc.): CONTINUED TO OCTOBER 1, 2024

A Hearing had been set for this date and time, however the applicant has requested this application be continued to October 1, 2024.

Member Rosenberg present.

Item 2: Grafstrom First Addition

2a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial and AG, Agricultural on the proposed Grafstrom First Addition. (Located at 5385, 5401, and 5617 19th Avenue North and 2101 57th Street North) (Just North of the Horse Park, LLC/Christianson Companies): APPROVED

2b. Hearing on an application requesting a Plat of Grafstrom First Addition (Major Subdivision) a plat of an unplatted portion of the Southwest Quarter of Section 28, Township 140 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 5385, 5401, and 5617 19th Avenue North and 2101 57th Street North) (Just North of the Horse Park, LLC/Christianson Companies): APPROVED

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

Member Shewey 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 AG, Agricultural and LI, Limited Industrial, and 2) Subdivision Plat of Grafstrom First Addition, as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code, and the 2024 and 2007 Growth Plans. Second by Member Rosenberg. On call of the roll Members Schmidt, Holtz, Cecil, Mohs, Rosenberg, Gleye, Shewey, Hass, and Tasa voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

Item 3: Timber Parkway Eleventh Addition

Hearing on an application requesting a Plat of Timber Parkway Eleventh Addition (Minor Subdivision) a replat of Lot 2, Block 1, Timber Parkway Sixth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3300 Jacks Way South) (PLC Investments, LLC/Houston Engineering): APPROVED

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

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat

Timber Parkway Eleventh Addition, as outlined within the staff report, as the proposal complies with the Standards of Section 20-0907.B and C, Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Schmidt. On call of the roll Members Gleye, Schmidt, Hass, Mohs, Rosenberg, Holtz, Cecil, Shewey, and Tasa voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

Item 4: The Pines at the District Second Addition
Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on Lot 1, Block 1, The Pines at the District Second Addition and Lot 1, Block 14, The Pines at the District Addition. (Located at 4400 56th Avenue South and 5691 43rd Street South) (Bethany on 42nd/Shawn Stuhaug): APPROVED

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

Discussion was held on projected road placement.

Assistant City Engineer Nathan Boerboom spoke on behalf of the Engineering Department.

Additional discussion was held on access points, parking, and building footprint.

Assistant Director of Planning and Development Mark Williams spoke on development trends of underground parking.

Applicant Shawn Stuhaug, CEO of Bethany, spoke on behalf of the application.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a C-O, Conditional Overlay, to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Rosenberg. On call of the roll Members Rosenberg, Holtz, Hass, Cecil, Shewey, Mohs, Gleye, Schmidt, and Tasa voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

Item 5: Estes Addition
Hearing on an application requesting a Plat of Estes Addition (Minor Subdivision) a replat of Lot 1, Block 9, Industrial Subdivision No. 1, and portions of Lots 1 and 2, Hector's Subdivision, to the City of Fargo, Cass County, North Dakota.

**(Located at 1301 43rd Street North; 4121, 4151, and 4153 12th Avenue North)
(Black Branch Terminal, LLC/Neset Land Survey's): APPROVED**

Mr. 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 Estes Addition, as outlined within the staff report, as the proposal complies with the Standards of Section 20-0907.B and C, Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Holtz. On call of the roll Members Hass, Mohs, Shewey, Gleye, Cecil, Schmidt, Holtz, Rosenberg, and Tasa voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

Item D: Other Items:

Item 1: Annexation of approximately 13.77 acres of a portion of the Southeast Quarter of Section 15, T140N, R49W, Cass County, North Dakota.: CONTINUED TO OCTOBER 1, 2024

A Hearing had been set for this date and time, however the applicant has requested this application be continued to October 1, 2024.

Item 2: Presentation on the Fargo Transportation Plan

Fargo Transportation Engineer Jeremy Gordon gave a presentation on an overview of the Fargo Transportation Plan, noting the plan works to emphasize safety, access to active transportation, sustainable and complete streets, and design guidelines. He shared the full plan can be accessed at Fargostreets.com under resources.

Discussion was held on public input opportunities for future designs and questions, sidewalks, and contributing factors to street designs.

Planning and Development Director Nicole Crutchfield provided additional information about processes, support of having a roadway map, and the importance of pieces working together.

Further discussion was held on lane widths, connectivity, the traffic calming policy, and alignment with the Growth Plan.

Item 3: Land Development Code scope update

Assistant Planning Director Mark Williams shared that the Growth Plan was unanimously approved by the City Commission, and gave an update on the Land

Development Code rewrite. He noted that a scope of service to amend the contract with czb Consultants is before the Board for recommendation.

Discussion was held on the importance of moving this process forward as fast as we can, and stakeholders to be included in the discussions and process.

Member Rosenberg moved to approve the proposed scope of work outlined in the Project Summary for a comprehensive Land Development Code and Incentive Policy Update. Second by Member Shewey. On call of the roll Members Mohs, Shewey, Hass, Rosenberg, Cecil, Gleye, Schmidt, Holtz, and Tasa voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

The time at adjournment was 4:04 p.m.

Agenda Item Number

Continued

1a&b -- CONTINUED: Northdale First Addition

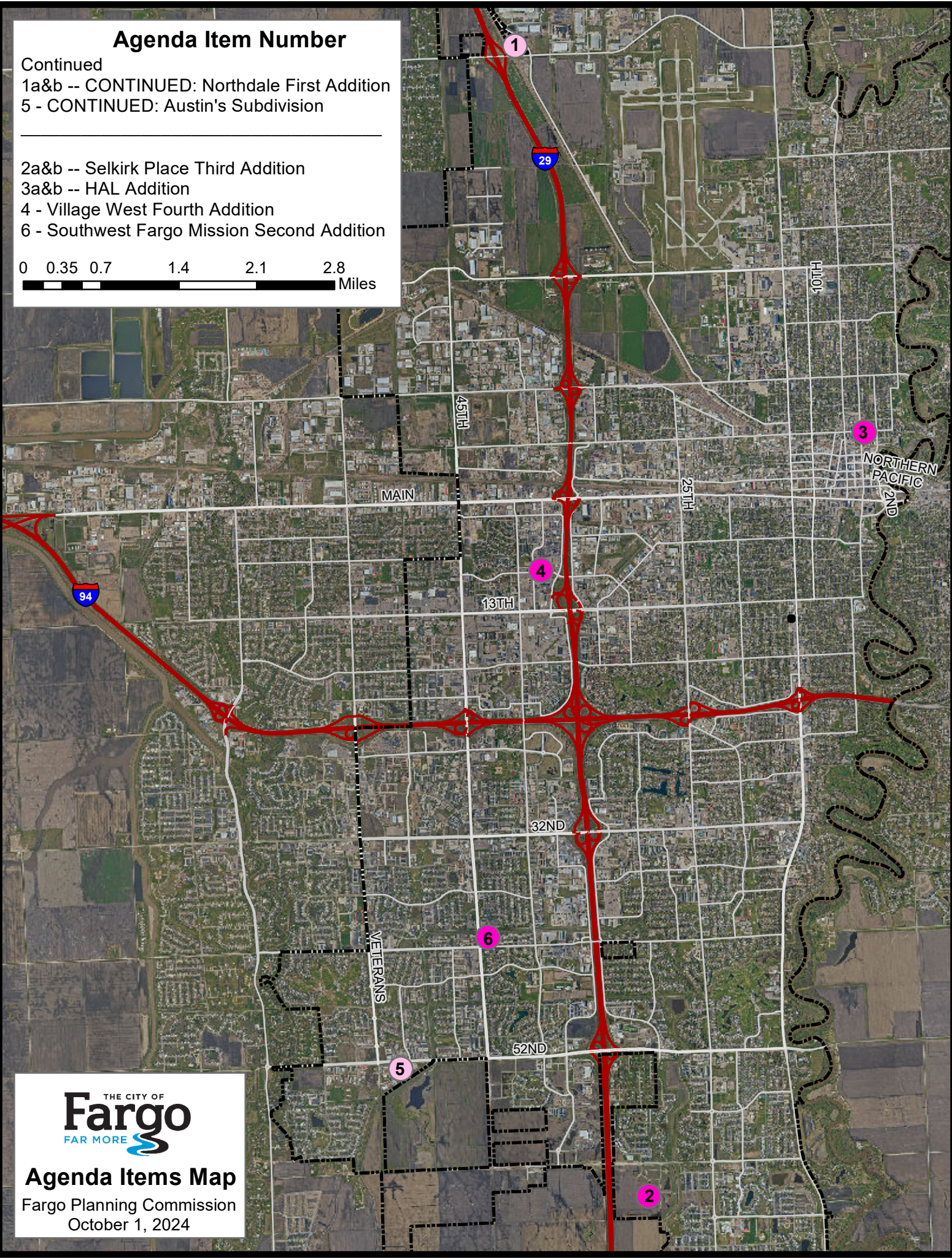
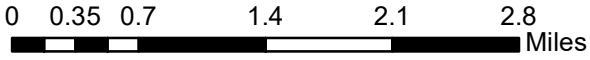
5 - CONTINUED: Austin's Subdivision

2a&b -- Selkirk Place Third Addition

3a&b -- HAL Addition

4 - Village West Fourth Addition

6 - Southwest Fargo Mission Second Addition



Agenda Items Map

Fargo Planning Commission
October 1, 2024

City of Fargo Staff Report			
Title:	Selkirk Place Third Addition	Date:	9/25/2024
Location:	3040 and 3200 67th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the Northwest Quarter and part of Auditor's Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota.		
Owner(s)/Applicant:	NICD, LLC / Jon Youness, EagleRidge Development	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (plat of a portion of the Northwest Quarter and part of Auditor's Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota) Zone Change (from AG, Agricultural to SR-4, Single-Dwelling Residential, and P/I, Public/Institutional)		
Status:	Planning Commission Public Hearing: October 1st, 2024		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential,
Zoning: AG, Agricultural	Zoning: SR-4, Single Dwelling Residential;
Uses Allowed: <u>AG – Agricultural</u> . Allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: <u>SR-4, Single Dwelling Residential</u> Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities; <u>P/I, Public Institutional</u> Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Density Allowed: SR-4 allows 12.1 dwelling units per acre. Residential uses are not allowed in the P/I zone.

Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Selkirk Place Third Addition, plat of a portion of the Northwest Quarter and part of Auditor's Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota; and 2. A zone change from AG, Agricultural to SR-4, Single-Dwelling Residential, and P/I, Public/Institutional <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>

Surrounding Land Uses and Zoning Districts:

- North: SR-4 and SR-5, Single-Dwelling Residential; MR-3, Multi-Dwelling Residential; platted; not yet undeveloped
- East: County Drain 53; AG—undeveloped;
- South: AG; undeveloped
- West: AG; undeveloped

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: The project includes a public park, which will be developed at the time of residential development.

Pedestrian / Bicycle: There are no off-road bike facilities along 64th Avenue South or Interstate 29. See "TRAIL CONNECTIVITY" below.

Transit/MATBUS: The subject property is not on a MATBUS route.

Staff Analysis:

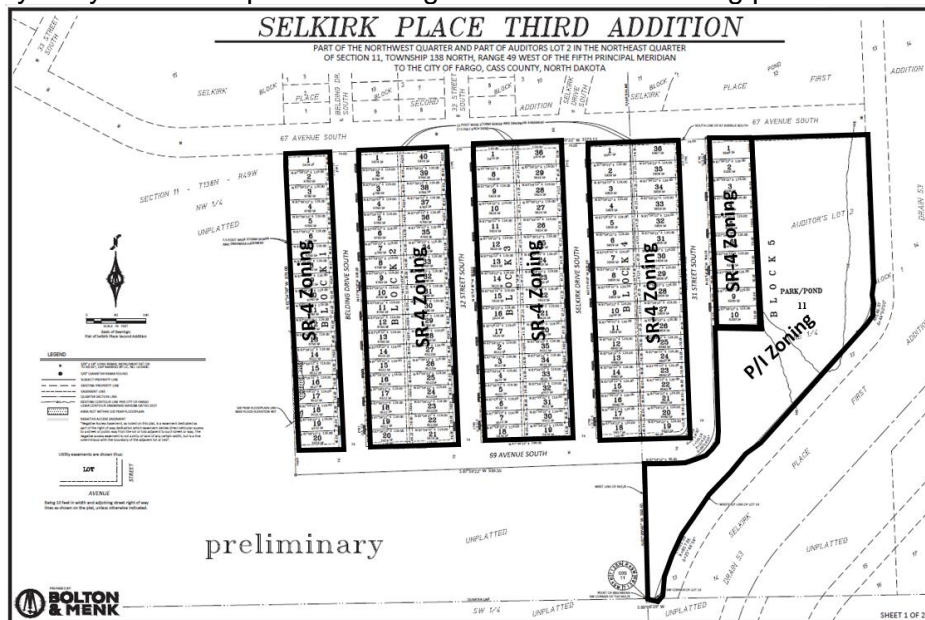
PLAT AND ZONE CHANGE

The plat will create a total of 143 lots. One lot is for a park and stormwater detention facility. The rest of the lots are for single-dwelling residential development. Lots will be zoned as shown in the chart below.

BLOCK	LOTS	ZONING	LAND USE
1	1-20	SR-4	Single-Dwelling Residential
2	1-40	SR-4	Single-Dwelling Residential
3	1-36	SR-4	Single-Dwelling Residential
4	1-36	SR-4	Single-Dwelling Residential
5	1-10	SR-4	Single-Dwelling Residential
5	11	P/I	Public park; stormwater detention facility

The SR-4 zoned lots range in size from 4,522 square feet to 6,944 square feet. The developer intends these for detached single dwelling residences. All SR-4 zoned lots meet the minimum required lot area of the SR-4 zone of 3,600 square feet.

The 6.75 acre P/I zoned lot is intended for a public park and stormwater detention facility. This lot is intended to be conveyed by the developer to the Fargo Park District following plat recordation.



ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat, as shown in the chart below.

STREET	CLASSIFICATION	COMMENT
Belding Drive South	Local	Continues existing street
32 nd Street South	Local	Continues existing street
Selkirk Drive South	Local	Continues existing street
30 th Street South	Local	New street
69 th Avenue South	Collector	New street

NEGATIVE ACCESS EASEMENT: The plat depicts negative access easements (NAE's) along the side yards of the residential lots along 67th Avenue South. These NAE's prevent direct access to these lots from 67th Avenue. Small NAE's also are depicted along the local residential streets. These are intended to manage driveway widths and locations.

SIDEWALK AND BOULEVARD ALONG 67th and 69th AVENUES SOUTH: The property owners of the lots with side yard frontage along 67th and 69th Avenues South will have some responsibility for sidewalk and boulevard maintenance along those frontages, as described in the amenities plan.

TRAIL CONNECTIVITY: Planning, Engineering, and Park District staff are working with the applicant to insure effective trail connectivity. Off-street shared use paths are intended for 67th Avenue South and along the nearby Drain 53. Proposed trails will be referred to in the amenities plan.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of SR-4 and P/I will allow the proposed single-dwelling residential and park development. **(Criteria Satisfied)**

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

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

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

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

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The proposed development is consistent with the recently adopted Fargo Growth Plan 2024. **(Criteria satisfied)**

(continued on next page)

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 the development on this property are SR-4 and P/I. These zones will accommodate the proposed single-dwelling residential and park development, and are consistent with the recently adopted Fargo Growth Plan 2024. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries about the project. **(Criteria Satisfied)**

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

The proposed zoning designations for the development on this property of SR-4 and P/I are consistent with the recently adopted Fargo Growth Plan 2024. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC). 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. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public/Institutional; and 2) plat of **Selkirk Place Third Addition** major subdivision, as presented; as the proposal complies with the Fargo Growth Plan 2024, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907 of the LDC, and all other applicable requirements of the LDC.”

Planning Commission Recommendation: October 1st, 2024

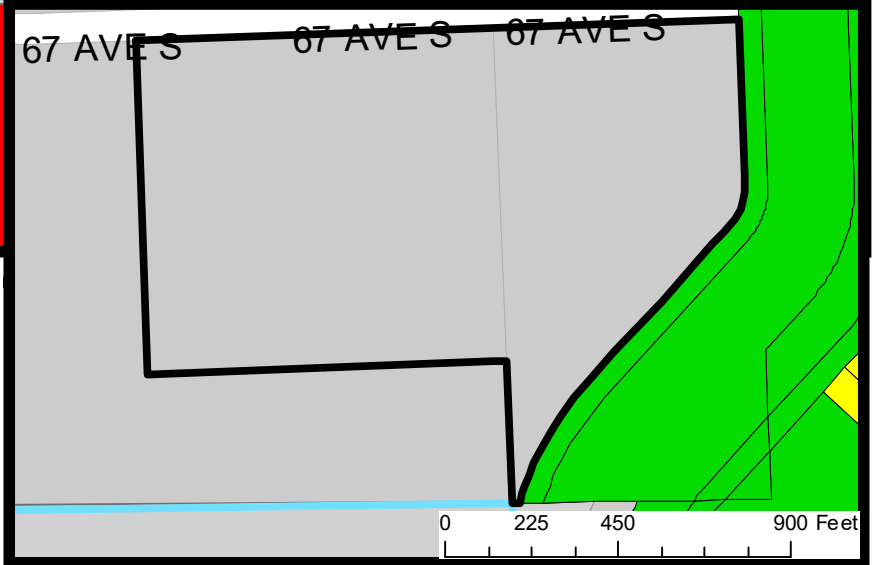
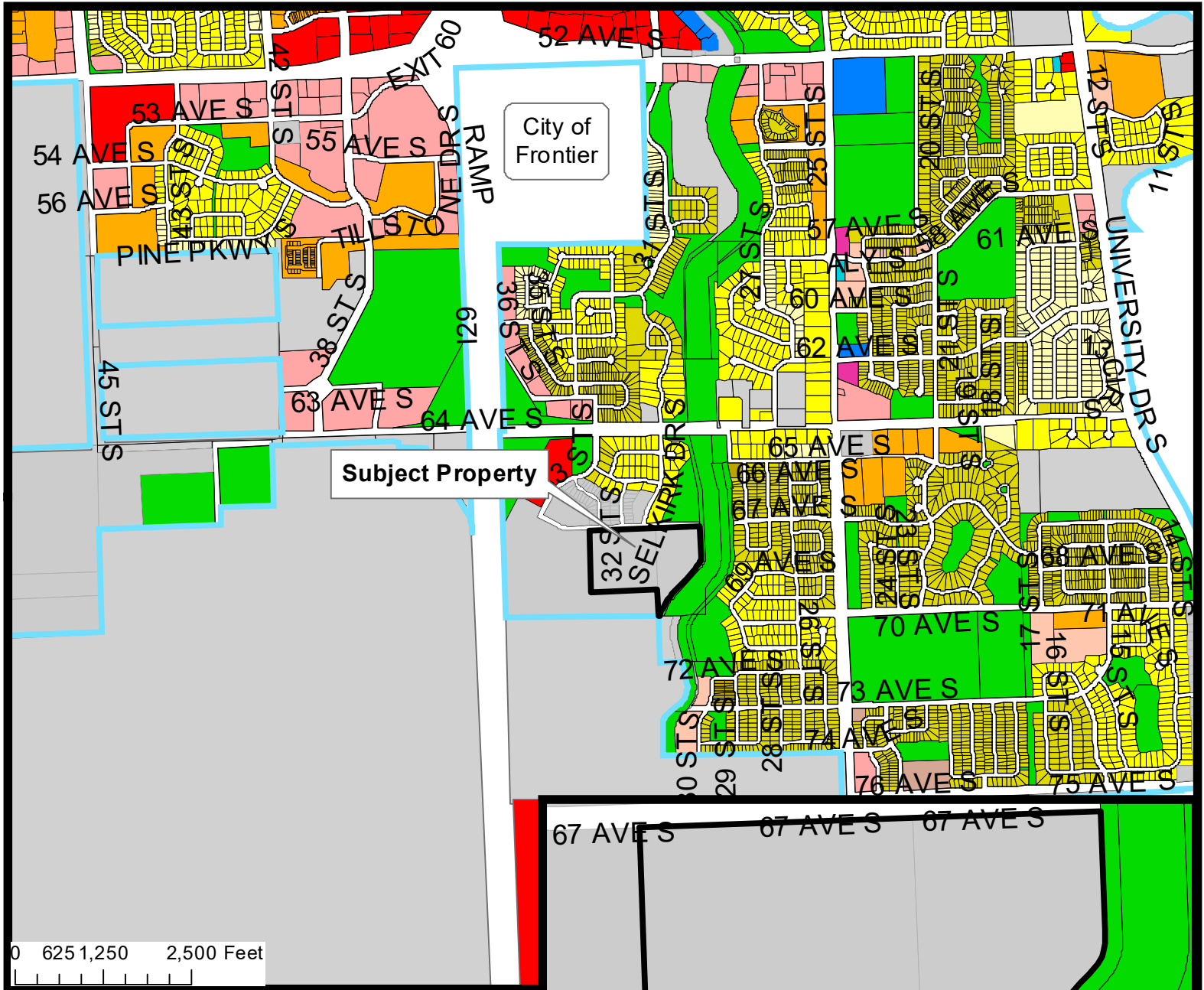
Attachments:

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

Major Subdivision & Zone Change from AG, Agricultural to SR-4, Single-Family Residential and P/I, Public/Institutional

Selkirk Place Third Addition

3200 & 3040 67 Avenue South



Legend

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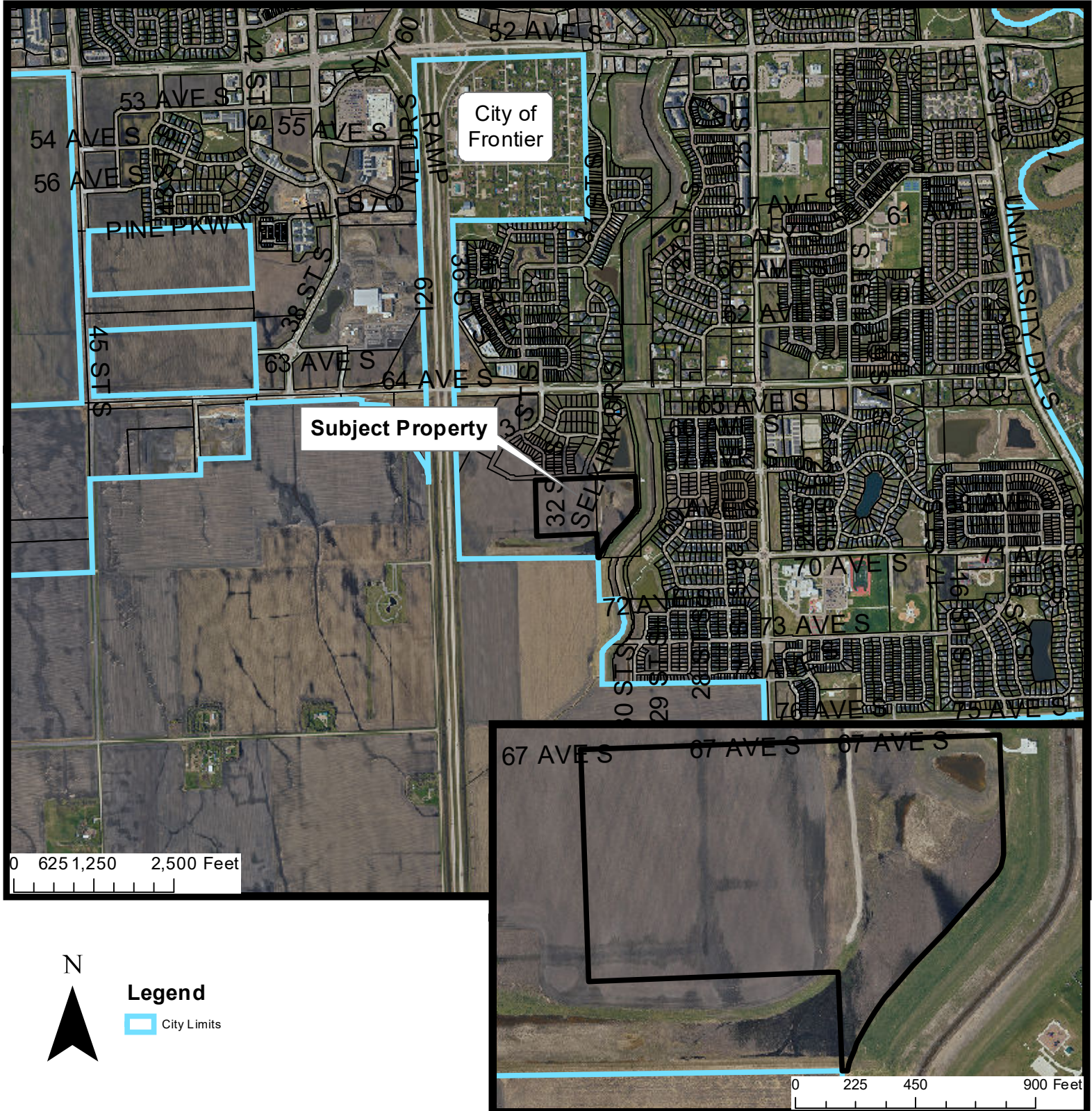


Fargo Planning Commission
October 1, 2024

Major Subdivision & Zone Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public/Institutional

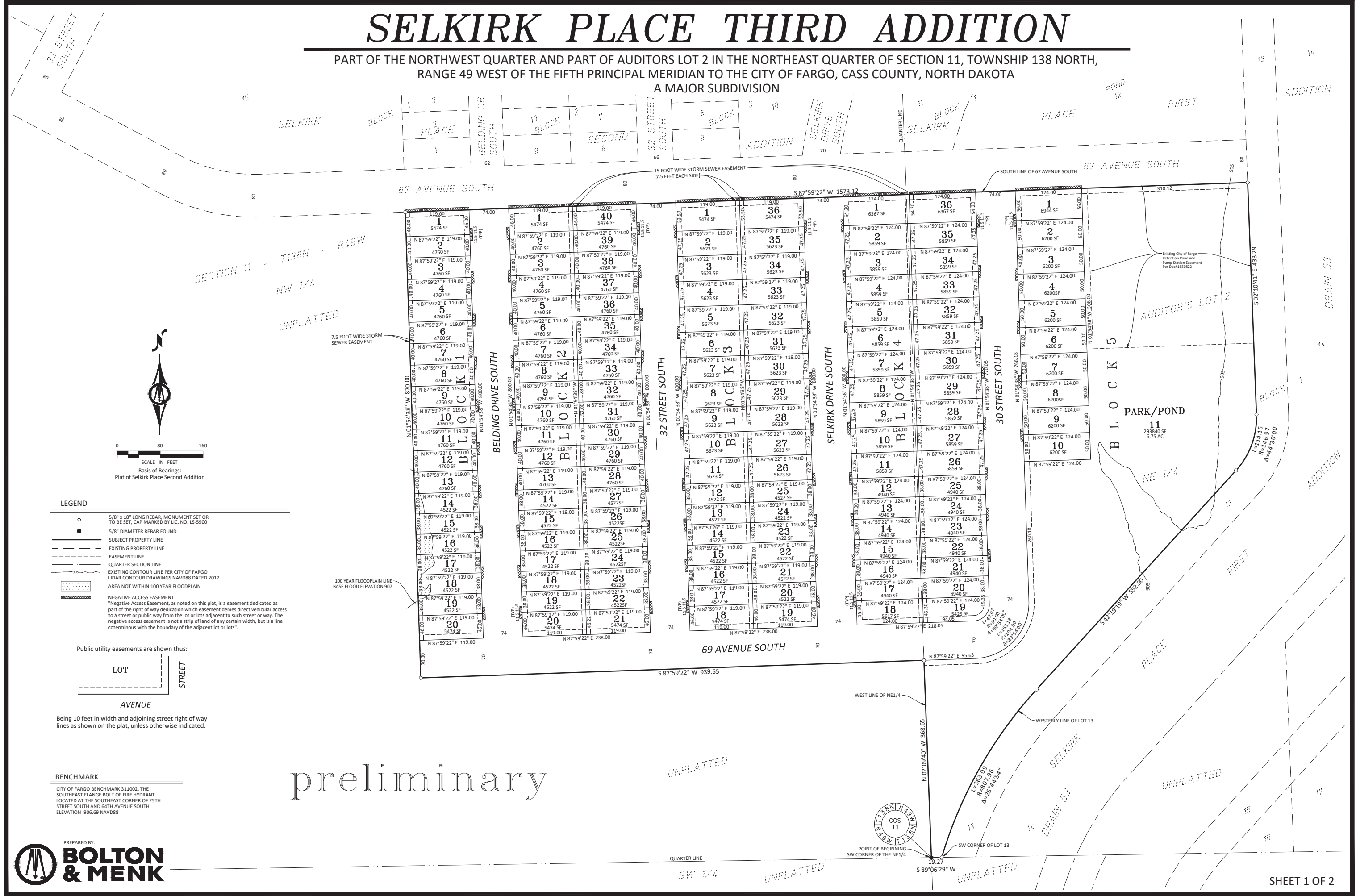
Selkirk Place Third Addition

3200 & 3040 67 Avenue South

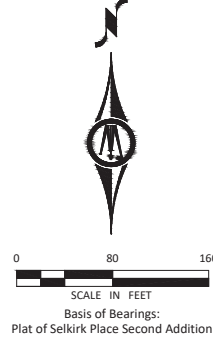


SELKIRK PLACE THIRD ADDITION

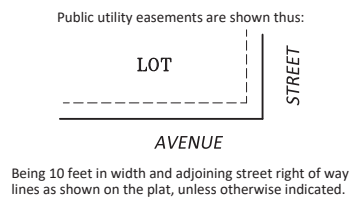
PART OF THE NORTHWEST QUARTER AND PART OF AUDITORS LOT 2 IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MAJOR SUBDIVISION



SECTION 11 - T138N - R49W
NW 1/4
UNPLATTED



- LEGEND**
- 5/8" x 18" LONG REBAR, MONUMENT SET OR TO BE SET, CAP MARKED BY LIC. NO. LS-5900
 - 5/8" DIAMETER REBAR FOUND
 - SUBJECT PROPERTY LINE
 - - - EXISTING PROPERTY LINE
 - - - EASEMENT LINE
 - - - QUARTER SECTION LINE
 - - - EXISTING CONTOUR LINE PER CITY OF FARGO LIDAR CONTOUR DRAWINGS NAVD88 DATED 2017
 - ▨ AREA NOT WITHIN 100 YEAR FLOODPLAIN
 - ▨ NEGATIVE ACCESS EASEMENT
- "Negative Access Easement, as noted on this plat, is an easement dedicated as part of the right of way dedication which easement denies direct vehicular access to a street or public way from the lot or lots adjacent to such street or way. The negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent lot or lots."



BENCHMARK
CITY OF FARGO BENCHMARK 311002, THE SOUTHEAST FLANGE BOLT OF FIRE HYDRANT LOCATED AT THE SOUTHEAST CORNER OF 25TH STREET SOUTH AND 64TH AVENUE SOUTH ELEVATION=906.69 NAVD88

preliminary



PREPARED BY:
BOLTON & MENK



POINT OF BEGINNING
SW CORNER OF THE NE1/4

SELKIRK PLACE THIRD ADDITION

PART OF THE NORTHWEST QUARTER AND PART OF AUDITORS LOT 2 IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MAJOR SUBDIVISION

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That NICD, LLC, a North Dakota limited liability company, owner of a parcel of land located in that part of the Northwest Quarter and part of Auditors Lot 2 in the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Beginning at the southwest corner of said Northeast Quarter; thence North 89 degrees 05 minutes 56 seconds East on a record bearing along the south line of said Northeast Quarter for a distance of 19.27 feet to the southwest corner of Lot 13, Block 1, SELKIRK PLACE FIRST ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence northeasterly along the westerly line of said Lot 13 and along a non-tangential curve concave to the southeast, having a radius of 807.96 feet, a central angle of 25 degrees 44 minutes 54 seconds and a chord bearing of North 29 degrees 26 minutes 52 seconds East (chord distance of 360.04 feet) for an arc distance of 363.09 feet; thence North 42 degrees 19 minutes 19 seconds East along the westerly line of said Lot 13 for a distance of 552.90 feet; thence northerly along the westerly line of said Lot 13 and along a tangential curve concave to the west, having a radius of 146.97 feet and a central angle of 44 degrees 30 minutes 00 seconds for an arc distance of 114.15 feet; thence North 02 degrees 10 minutes 41 seconds West along the westerly line of said Lot 13 for a distance of 433.29 feet to the south right of way line of 67 Avenue South; thence South 87 degrees 59 minutes 22 seconds West along said right of way line for a distance of 1573.12 feet; thence South 01 degree 54 minutes 38 seconds East for a distance of 870.00 feet; thence North 87 degrees 59 minutes 22 seconds East for a distance of 939.55 feet to the west line of the Northeast Quarter of said Section 11; thence South 02 degrees 09 minutes 40 seconds East along said west line for a distance of 368.65 feet to the point of beginning.

Said tract contains 30.88 acres, 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 "SELKIRK PLACE THIRD ADDITION" to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public for public use forever the streets, storm sewer easements, and the utility easements as shown on this plat.

OWNER:
NICD, LLC

By: James Bullis, President

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared James Bullis, President, NICD, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of NICD, LLC.

Notary Public

MORTGAGE HOLDER:
First International Bank & Trust

By: Matt Mueller, Senior Vice President

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2024 before me, a notary public within and for said County and State, personally appeared Matt Mueller, Senior Vice President, First International Bank & Trust, 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 First International Bank & Trust.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Shawn M. Thomasson, 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.

Shawn M. Thomasson, Professional Land Surveyor Date: _____
North Dakota License Number LS-5900

State of North Dakota }
County of Cass }SS

On this ____ day of _____, 2024, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, 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 _____, 2024.

Tom Knakmuhs, P.E., City Engineer

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Tom Knakmuhs, P.E., City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2024.

Maranda R. Tasa, Planning Commission Chair

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Maranda R. Tasa, 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 she executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 2024.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2024, 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

City of Fargo Staff Report			
Title:	HAL Addition	Date:	09-25-2024
Location:	601 & 617 4th Street North; 602, 608, 612 & 616 3rd Street North ;and 304 & 312 7th Avenue North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lots 1-10, Block 37, Keeney and Devitts Second Addition to the City of Fargo, Cass County, North Dakota.		
Owner(s)/Applicant:	J2SL Partners LLP / Stephen Lyngstad	Engineer:	Bolton & Menk
Entitlements Requested:	Major Subdivision (replat of Lots 1-10, and vacation of the public alley, in Block 37, Keeney and Devitts Second Addition to the City of Fargo, Cass County, North Dakota); Zone Change (from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU).		
Status:	Planning Commission Public Hearing: October 1 st , 2024		
Existing		Proposed	
Land Use: Residential; Commercial		Land Use: Downtown Mixed Use	
Zoning: MR-3, Multi-Dwelling Residential; DMU, Downtown Mixed Use; LC, Limited Commercial		Zoning: DMU, Downtown Mixed Use	
<p>Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities</p> <p>DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.</p> <p>LC, Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service, and certain telecommunications facilities.</p>		<p>Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.</p>	
<p>Maximum Density Allowed-- MR-3: 24 dwelling units per acre Maximum Building Coverage Allowed—LC: 55% DMU has no maximum density and allows 100% lot coverage</p>		<p>DMU has no maximum density and allows 100% lot coverage</p>	
(continued on next page)			

Proposal:

The applicant requests two entitlements:

1. A **major subdivision**, to be known as HAL Addition, replat of Lots 1-10, and vacation of the public alley, in Block 37, Keeney and Devitts Second Addition to the City of Fargo, Cass County, North Dakota.
2. A **zone change** from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU.

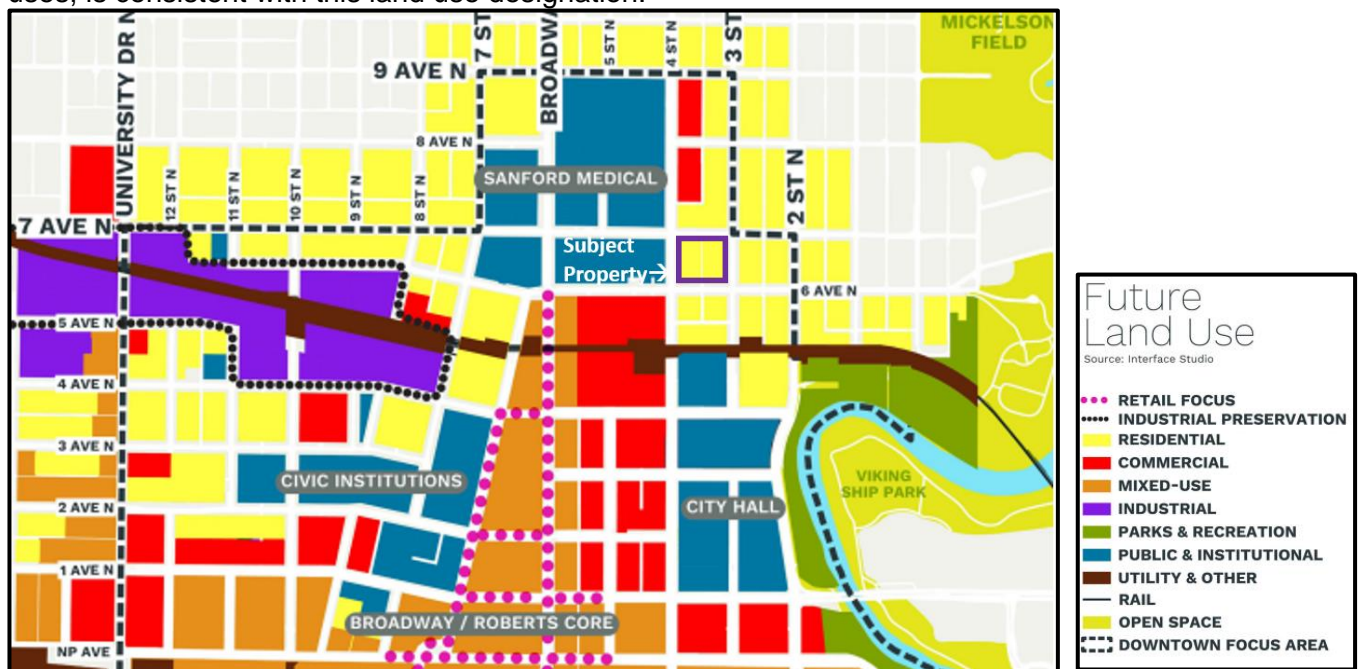
The subject property is located at 601 & 617 4th Street North; 602, 608, 612 & 616 3rd Street North ;and 304 & 312 7th Avenue North and encompasses approximately 1.86 acres.

Keeney and Devitts Second Addition was originally platted in 1878.

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.

Area Plans:

The subject property is covered by The Downtown in Focus Plan, which identifies the future land use as “Residential.” The proposed DMU, Downtown Mixed Use zoning, which allows multi-dwelling residential uses, is consistent with this land use designation.



Surrounding Zoning Districts and Land Uses:

- North: DMU and MR-3 with residential uses and hotel (under construction)
- East: MR-3 with residential uses
- South: DMU and MR-3 with residential uses
- West: DMU with multi-dwelling residential uses

Context

Neighborhood: The subject property is located within the Downtown Neighborhood. On the east side, the subject property is across the street from the Horace Mann Neighborhood.

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

Parks: Horace Mann Park, located at 1025 3rd Street North on the grounds of Horace Mann Elementary School, is approximately 0.27 miles north of the subject property and includes amenities of basketball court, multipurpose field, outdoor skating rinks, picnic table, playground, ages 5-12, warming houses

Pedestrian / Bicycle: There is an on-street shared use path on the east side of 4th Street North, which is a component of the metro area bikeways system.

MATBUS Routes: The subject property is not along a MATBUS route.

Staff Analysis:

MAJOR SUBDIVISION

HAL Addition is a major subdivision as it includes vacation of right of way (see below). HAL Addition will vacate the alley and combine 10 existing lots—all of Block 37-- into a single lot. Existing access on the west (4th Street North) and north (7th Avenue North) will be closed. The primary access will be from the south (6th Avenue North) side.

ZONE CHANGE

The proposed zoning is DMU, Downtown Mixed Use. Multi-dwelling residential uses are allowed by right in DMU. There is no limit on density in the DMU zone as there is in the current MR-3 zone (24 units per acre). This zone change is consistent with the Downtown in Focus Plan land use designation.

VACATION OF RIGHT OF WAY

The plat includes a vacation of the alley right of way (ROW) within Block 37, Keeney & Devitts 2nd Addition. Staff supports the proposed vacation of this portion of the alley. Findings specific to this vacation are below. NDCC 40-39-07 requires a minimum 30 day notice period prior to City Commission hearing for vacations of right of way.

PUBLIC MEETING

An open house meeting was held on Thursday, September 12, 2024 at city hall, in order to allow residents and property owners in the area an opportunity to review and comment on the proposed application including the major subdivision and zoning change. Nine neighbors, including representatives of the Downtown and Horace Mann neighborhoods, attended. The developer and Planning Department staff also attended.

The neighbors were generally in favor of the redevelopment of this block. The developer did not propose any specific development at this meeting. The meeting attendees had the following general comments:

- In any multi-dwelling residential project, the density should be concentrated on the west side of the subject property, along 4th Street North.
- Residential density should step down toward the east side of the subject property, to transition into the single-dwelling residences along the east side of 3rd Street North.
- A massive five-story development is not appropriate for this site.
- Any residential development should provide an option of affordable housing.
- Residents supported the demolition of unused buildings and clean-up on this property.

Major Subdivision

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

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

The subject property is currently zoned MR-3, Multi-Dwelling Residential; DMU, Downtown Mixed Use; and LC, Limited Commercial. The applicant proposes zoning of DMU for the entire property. This zoning is consistent with the land use designation in the Downtown in Focus future land use map, as noted above. 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, as well as to representatives of the Horace Mann and Downtown neighborhoods. To date, Planning staff has received and responded to one inquiry, plus the comments received at the meeting as noted above. **(Criteria Satisfied)**

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

The property is currently zoned MR-3, Multi-Dwelling Residential; DMU, Downtown Mixed Use; and LC, Limited Commercial. The applicant proposes zoning of DMU for the entire property. This zoning is consistent with the land use designation in the Downtown in Focus future land use map, as noted above. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

The applicant has provided a draft amenities plan to address stormwater requirements. No additional public improvements will be required for this subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned MR-3, Multi-Dwelling Residential; DMU, Downtown Mixed Use; and LC, Limited Commercial. The applicant proposes zoning of DMU for the entire property. This zoning is consistent with the land use designation in the Downtown in Focus future land use map, as noted above. DMU zoning is intended to allow intensive development. The dimensional standards of that zone allow 100 percent lot coverage and do not require setbacks, At the same time, development in the DMU zoning district is intended to be pedestrian oriented with a strong emphasis on a safe and attractive streetscape. Along 4th Street North, this block is along an entrance to the more commercially developed portion of downtown to the south. This block is also a transition from the more intensive development along 4th Street North to the lower-density residential neighborhood to the east across 3rd Street North. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subdivision is along dedicated public rights of way, which will provide access and public utilities. **(Criteria satisfied)**

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

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

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” As noted above, the Downtown in Focus Plan covers the subject property. The proposed zoning of DMU is consistent with the land use designations for the subject property shown in this plan. **(Criteria satisfied)**

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). In this case, the petition for vacation and the plat are included in the applicant’s overall subdivision application and plat. Notwithstanding the Land Development Code’s (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C. The final decision on vacation of right of way is made by the City Commission.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality’s grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

There are no City of Fargo utilities installed in this right of way. It is the applicant’s responsibility to contact all potential utility providers and submit documentation that there are no utilities in these easements. City staff reviews the applicant’s documentation prior to City Commission approval of the plat. Any existing utility line that must be remain would have an easement retained.

(Criteria Satisfied)

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, this information is included on the plat and its application. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

Documentation of said action is located within both the Planning project file and Auditor's file. **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This procedure---hearing by the City Commission following the appropriate notice period--is the next step in the vacation process. **(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 1) zone change from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU, Downtown Mixed Use and 2) proposed plat of the **HAL Addition**, including vacation of right of way, as outlined in the staff report, as the proposal complies with the Standards of Article 20-06, and Sections 20-0907.C and 20-0906. F (1-4) of the LDC and all other applicable requirements of the LDC, the Downtown in Focus Plan, and of North Dakota Century Code Chapter 40-39."

Planning Commission Recommendation: October 1st, 2024

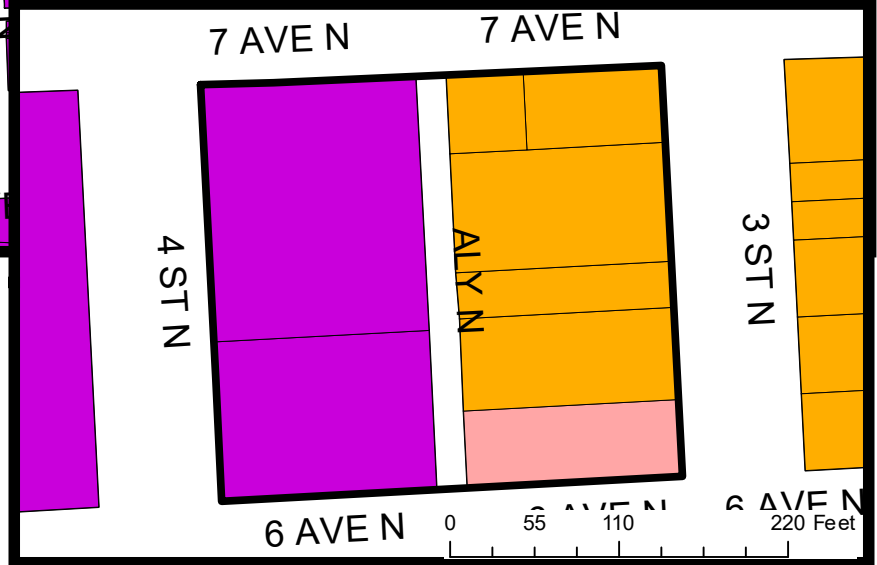
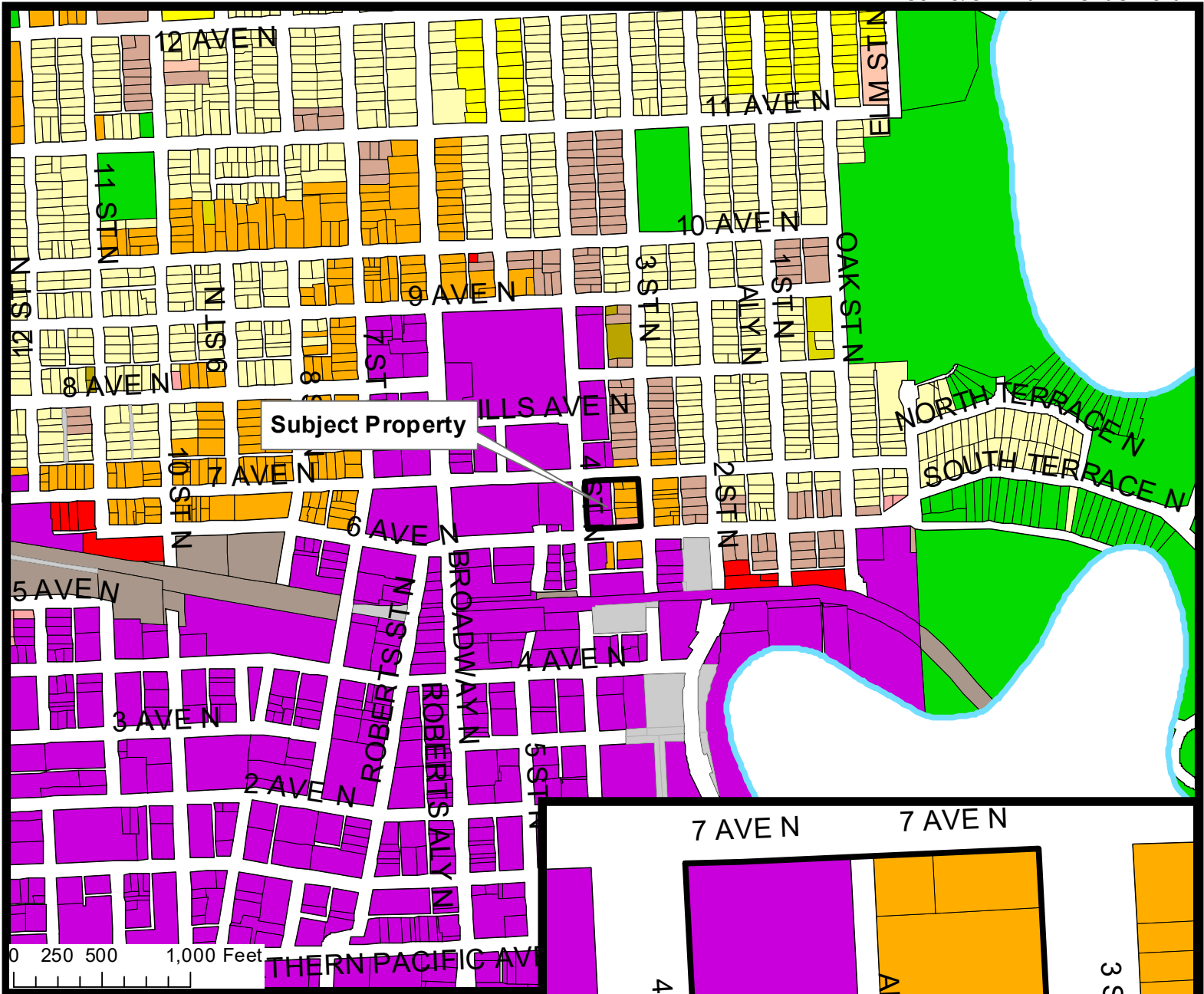
Attachments:

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

Major subdivision, including vacation of right of way; zone change from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU, Downtown Mixed Use zoning district

601 & 617 4th Street North;
602, 608, 612 & 616 3rd Street North;
304 & 312 7th Avenue North

HAL Addition



0 250 500 1,000 Feet



Legend

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

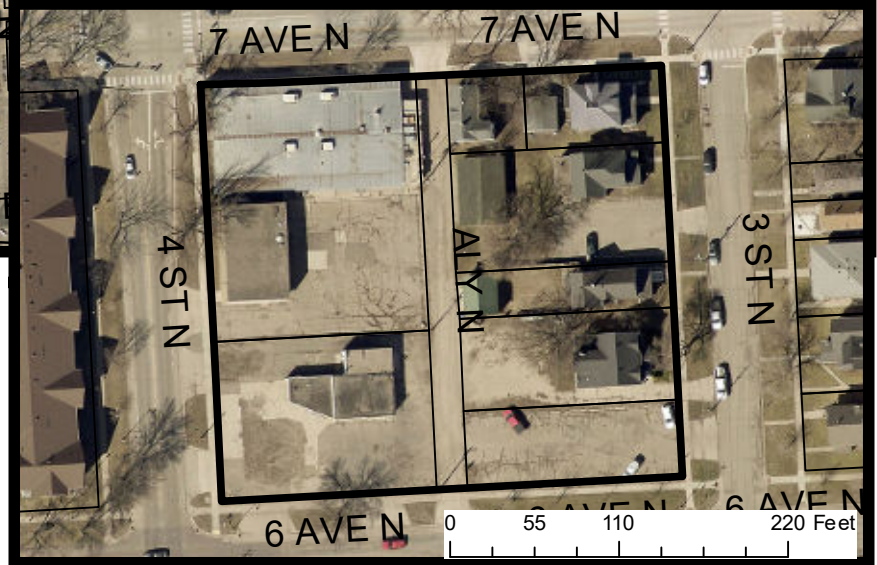


Fargo Planning Commission
October 1, 2024

Major subdivision, including vacation of right of way; zone change from DMU, Downtown Mixed Use; MR-3, Multi-Dwelling Residential; and LC, Limited Commercial to DMU, Downtown Mixed Use zoning district

601 & 617 4th Street North;
602, 608, 612 & 616 3rd Street North;
304 & 312 7th Avenue North

HAL Addition



Legend

 City Limits

HAL ADDITION

A REPLAT OF BLOCK 37, KEENEY AND DEVITT'S SECOND ADDITION AND VACATION OF ALLEY
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2024.

Tom Knakmuhs, P.E., City Engineer

State of North Dakota 
County of Cass


On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Tom Knakmuhs, P.E., City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2024.

Maranda R. Tasa, Planning Commission Chair

State of North Dakota 
County of Cass

On this ____ day of _____, in the year 2024, before me, a notary public within and for said County and State, personally appeared Maranda R. Tasa, 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 she executed the same on behalf of the Fargo Planning Commission.


Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed: this ____ day of _____, 2024.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota 
County of Cass

On this ____ day of _____, in the year 2024, 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

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That JS2L Partners, LLP, a North Dakota limited liability partnership, as owner of a parcel of land located in that part of the Southeast Quarter of Section 6, Township 139 North, Range 48 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:


All of Block 37 of KEENEY AND DEVITT'S 2ND ADDITION, according to the plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 80,912 square feet or 1.86 acres of land, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owners have caused the above described parcel of land to be surveyed and platted as "HAL ADDITION" to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public, for public use the 10 foot wide utility easement as shown on this plat and does hereby vacate the 20 foot wide Alley, containing 5383 square feet, more or less, as shown on this plat.

OWNER:
JS2L Partners, LLP

By: Stephen Lyngstad, partner

County of Cass 
State of North Dakota


On this ____ day of _____, in the year 2024 before me, a notary public within and for said County and State, personally appeared Stephen Lyngstad, partner, JS2L Partners, LLP, a North Dakota limited liability partnership, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the limited liability partnership.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

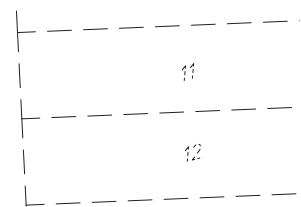
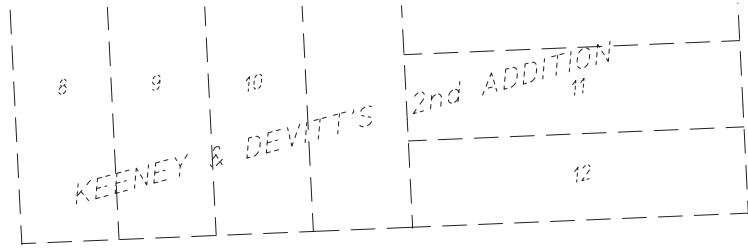
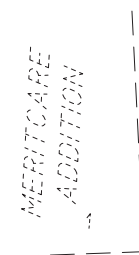
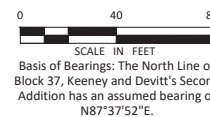
I, Shawn M. Thomasson, Registered Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed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

Date: _____
Shawn M. Thomasson, Professional Land Surveyor
North Dakota License Number LS-5900

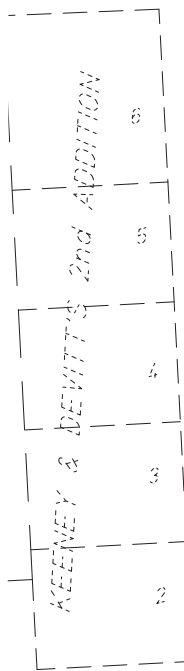
State of North Dakota 
County of Cass

On this ____ day of _____, 2024, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, 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.

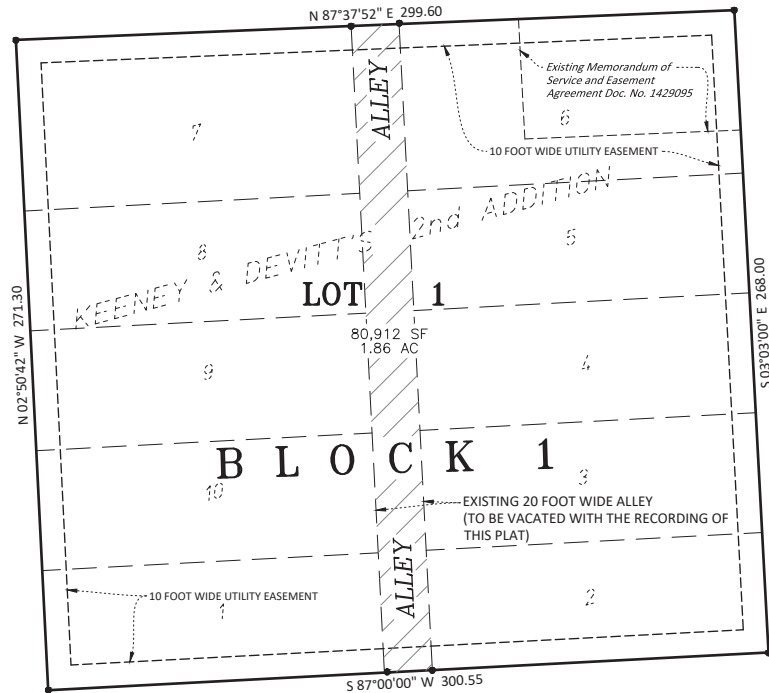
Notary Public



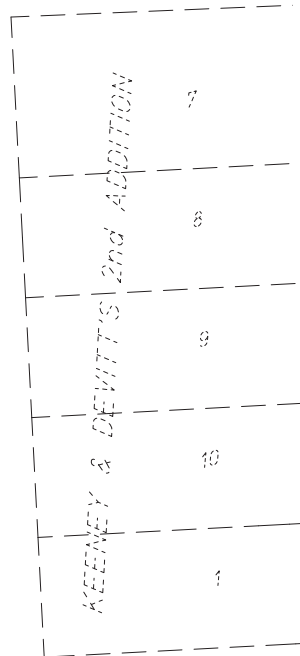
7 AVENUE NORTH



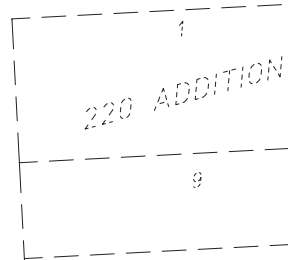
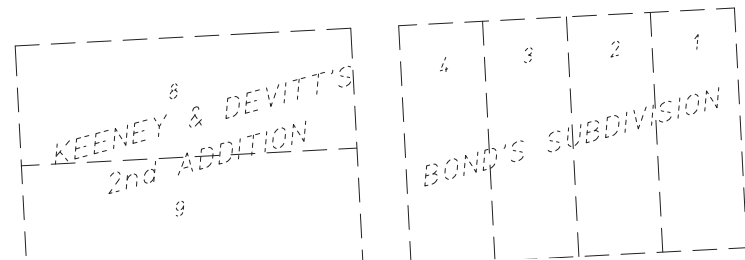
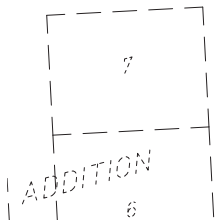
4 STREET NORTH








3 STREET NORTH



6 AVENUE NORTH



LEGEND

-  MONUMENT FOUND, 5/8\" REBAR
-  SUBJECT PROPERTY LINE
-  EXISTING PROPERTY LINE
-  EASEMENT LINE
-  ALLEY TO BE VACATED WITH RECORDING OF THIS PLAT

DOCUMENT OF RECORD

1. AGREEMENT FOR WATER SERVICE LINE TO HUMBLE OIL & REFINING COMPANY ENCUMBERING ALL OF LOT 1 AND PART OF LOT 10 IN BLOCK 37, KEENEY AND DEVITT'S SECOND ADDITION, RECORDED IN DOC. NO. 362839.



preliminary

City of Fargo Staff Report			
Title:	Village West Fourth Addition	Date:	9/25/2024
Location:	902 40 th Street South	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	Lot 1, Block 1, Village West Fourth Addition		
Owner(s)/Applicant:	902 40 th LLC / Christianson Companies	Engineer:	n/a
Entitlements Requested:	Conditional Use Permit for wholesale sales use in the GC, General Commercial zoning district		
Status:	Planning Commission Public Hearing: October 1, 2024		

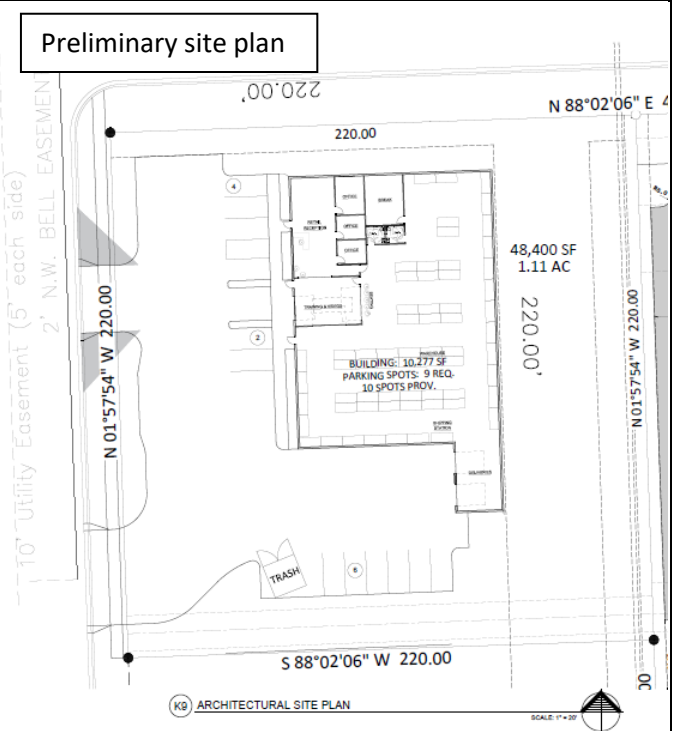
Existing	Proposed
Land Use: Parking	Land Use: Retail and Wholesale Sales
Zoning: GC, General Commercial	Zoning: GC, General Commercial with a CUP
Uses Allowed: GC allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities.	Uses Allowed: GC allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities. With CUP to allow Wholesale Sales use
Maximum Lot Coverage Allowed: 85% building coverage	Maximum Lot Coverage Allowed: unchanged

Proposal:
<p>The applicant is requesting one entitlement:</p> <ol style="list-style-type: none"> 1. CUP, Conditional Use Permit to allow Wholesale Sales use in the GC, General Commercial zoning district.

The applicant is proposing a building at this location for retail and wholesale sales use. Per the Land Development Code, Section 20-0401, wholesale sales (an industrial use), requires a Conditional Use Permit in the GC, General Commercial zoning district. A preliminary site plan provided by the applicant is to the right.

Land Development Code Industrial Use Standards: Section 20-0402.R of the Land Development Code states additional requirements when industrial use is allowed in General Commercial zoning. These requirements add screening, restrictions on where industrial use may be located and restricts certain industrial activities. Recommended conditions of this CUP are additional requirements and restrictions to all standards of the Land Development Code and section 20-0402.R.

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



Surrounding Land Uses and Zoning Districts:

- North: Across 9th Avenue North is GC, General Commercial with movie theater;
- East: GC, General Commercial with commercial use;
- South: GC, General Commercial with safety services;
- West: Across 40th Street South is GC, General Commercial with office use.

Area Plans:

Fargo's Growth Plan 2024 was adopted on August 19th, 2024. This project is consistent with the future land use designations for this property.

Context:

Neighborhood: Village West

Schools: The subject property is located within the West Fargo School District boundary, specifically Eastwood elementary, Cheney middle, and West Fargo high schools.

Parks: The subject property is not within a quarter-mile of an existing park.

Pedestrian / Bicycle: There are no paths located in proximity to this property.

Transit: Route 20 is located along 42nd Street South, a block west of the property.

Staff Analysis:

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

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

1. Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow for Industrial use and additional conditions will be added to insure that this project is developed in a manner that is appropriate to the context of the surrounding properties. Therefore, staff finds that the proposal is consistent with the purpose of the LDC. **(Criteria Satisfied)**

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

Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. Staff is proposing conditions which would address potential negative impacts of the proposed uses but that also allow the public to utilize the convenience of future business. **(Criteria Satisfied)**

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

Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received no comments or inquiries. **(Criteria Satisfied)**

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

Staff does not believe that the location, size, nature or intensity of the use will prevent development and use of neighboring property in accordance with applicable zoning districts. The potential uses are consistent with the adjacent commercial properties, which have similar CUP's to allow various industrial uses. In addition to the proposed CUP conditions, the Industrial Uses in General Commercial Zoning standards of Section 20-0402.R, apply to industrial uses in the GC zoning district and provide for additional protection of the surrounding area. **(Criteria Satisfied)**

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

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

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

The property has access to the public street system of 40th Street South and 9th Avenue North that can adequately accommodate truck/commercial traffic. In addition, the Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. Staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

Recommended Conditions:

- 1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as

determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.

- 2) All refuse containers, including dumpsters, shall be concealed from public view by an opaque fence, screen wall or building extension.
- 3) No outdoor storage of equipment or supplies.
- 4) Off-street parking, loading, vehicular circulation areas and outdoor yards shall have an all-weather surface, as defined by the LDC.
- 5) The manufacturing, production, processing or repackaging of food and/or animal products or hazardous chemicals shall not be permitted.
- 6) Any expansion of industrial uses from the site plan provided in the October 1st, 2024 Planning Commission packet shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 7) The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow Industrial Service use in the GC, General Commercial zoning district, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- 1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer.
- 2) All refuse containers, including dumpsters, shall be concealed from public view by an opaque fence, screen wall or building extension.
- 3) No outdoor storage of equipment or supplies.
- 4) Off-street parking, loading, vehicular circulation areas and outdoor yards shall have an all-weather surface, as defined by the LDC.
- 5) The manufacturing, production, processing or repackaging of food and/or animal products or hazardous chemicals shall not be permitted.
- 6) Any expansion of industrial uses from the site plan provided in the October 1st, 2024 Planning Commission packet shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 7) The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months."

Planning Commission Recommendation:

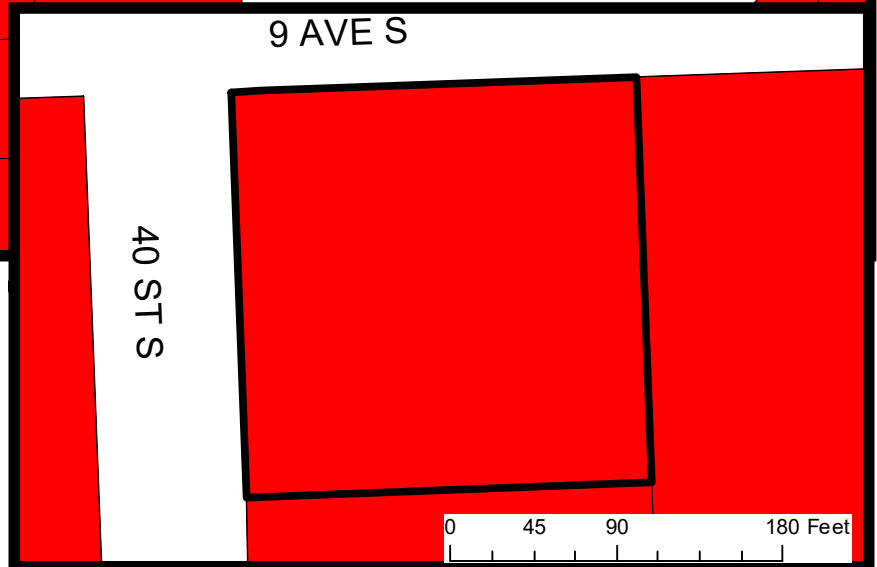
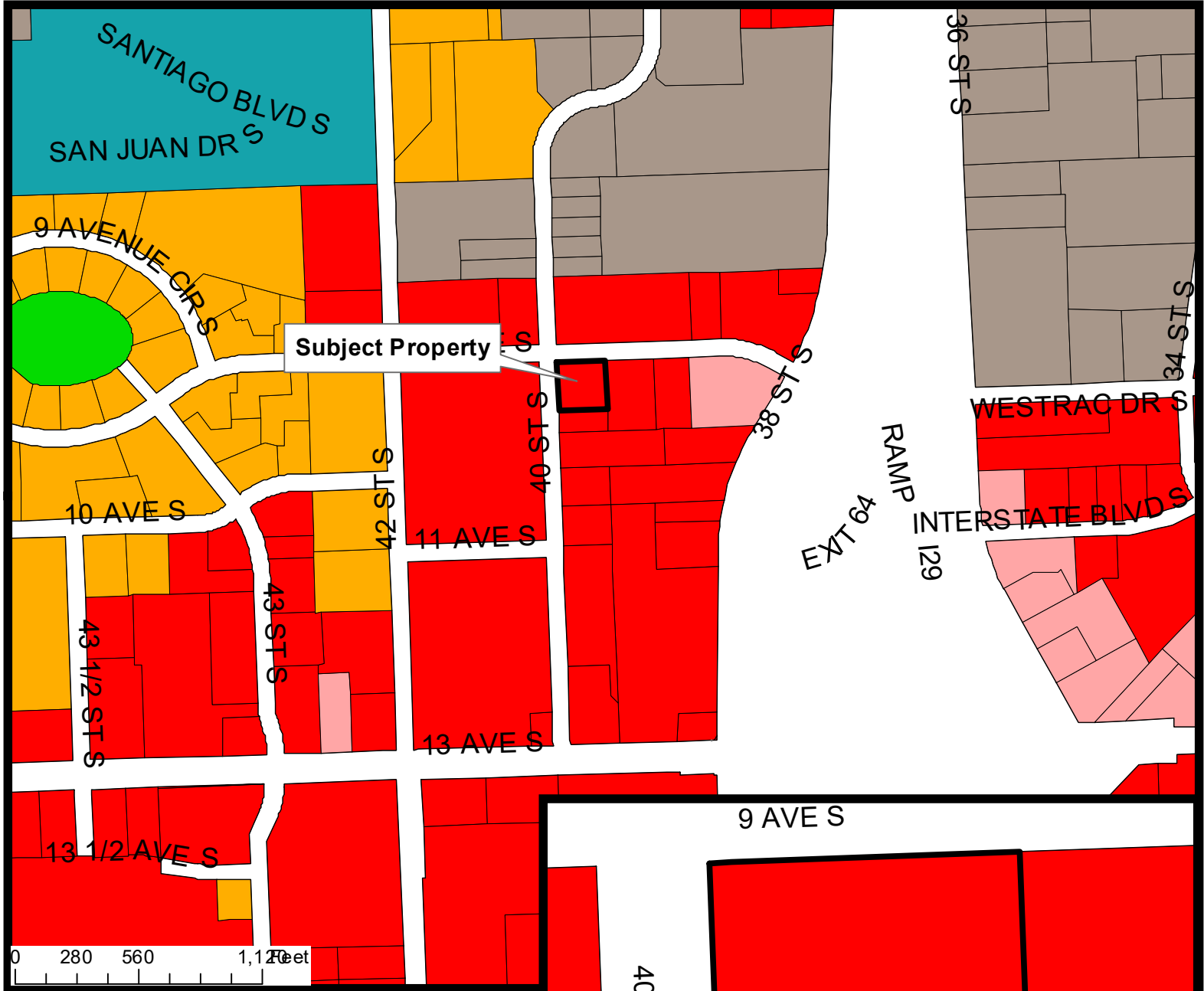
Attachments:

1. Zoning Map
2. Location Map

**CUP, Conditional Use Permit for Wholesale Use in the GC,
General Commercial zoning district**

Village West Fourth Addition

902 40th Street South



CUP, Conditional Use Permit for Wholesale Use in the GC,
General Commercial zoning district

Village West Fourth Addition

902 40th Street South



Legend

 City Limits

City of Fargo Staff Report			
Title:	Southwest Fargo Mission Second Addition	Date:	09-25-2024
Location:	4475 40 th Avenue South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Lot 1 Block 1, Southwest Fargo Mission Addition		
Owner(s)/Applicant:	4540 Investments, LLC / Christianson Companies	Engineer:	None
Entitlements Requested:	Zoning Change (from GC, General Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: October 1 st , 2024		

Existing	Proposed
Land Use: Undeveloped	Land Use: Multi-dwelling residential
Zoning: GC, General Commercial with conditional overlay	Zoning: MR-3, Multi-Dwelling Residential with conditional overlay
<p>Uses Allowed: GC – General Commercial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and some telecommunication facilities.</p> <p>Conditional Overlay 5405 prohibits certain uses, as noted above, and provides building and site design standards; CUP 2023-004 allows residential use in the GC zone</p>	<p>Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities.</p> <p>Proposed conditional overlay provides building design and site design standards</p>
<p>Maximum Building Coverage Allowed: GC has a maximum 85% building coverage Maximum Density Allowed By CUP: 13.5 dwelling units per acre</p>	<p>Maximum Density Allowed: MR-3 allows a density of 24 dwelling units per acre</p>

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> Zoning Change (from GC, General Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay) <p>The project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>(continued on next page)</p>

Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; Cass County Drain No. 27
- East: P/I, Living Waters Lutheran Church
- South: Across 40th Avenue South P/I, Public and Institutional; shared-use path, MR-1, Multi-dwelling Residential
- West: Across 45th Street South LC: Limited Commercial; offices.

Context:

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

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

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

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

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

Staff Analysis:

The subject property located at 4475 40th Avenue South is currently undeveloped but has a portion of an existing stormwater pond.

EXISTING CONDITIONAL USE PERMIT

Conditional Use Permit No. 2023-004 was approved on May 2nd, 2023. This CUP allows residential living in the GC, General Commercial zoning district at a density of 13.5 dwelling units per acre. If the proposed zone change to MR-3, Multi-Dwelling Residential, is approved, the CUP will be repealed, as it would no longer be necessary. Residential living is a permitted use in the MR-3 zone.

CONDITIONAL OVERLAY—EXISTING AND PROPOSED

The property is currently covered by conditional overlay ordinance No. 5404, established in 2023. The proposed zone change will replace this conditional overlay, which is more typical of a commercial or mixed use building along an arterial, with a new one more specific to multi-dwelling residential development. A draft overlay is attached. The conditional overlay is part of the overall approval of the zone change.

ACCESS

Access will be taken from 40th Avenue South and 45th Street South from existing driveways. The developer will enter into an agreement with the City for the maintenance of a portion of the driveway from 45th Street South, as this driveway also provides access to a City-owned lift station.

EXISTING DRAIN SETBACK

The north end of this property is within the 175 setback from the centerline of Drain 27. Any encroachment into this setback would have to be approved by the Southeast Cass Water Resources District.

RELOCATION OF CELLULAR COMMUNICATIONS ANTENNAS

Existing cellular communications antennas on the adjacent property to the east (Living Waters Lutheran Church) will be relocated to the roof of the future building on the subject property. Planning staff has determined that no additional entitlement is required for these antennas.

Zoning

Section 20-0906.F(1-4) of the LDC stipulates that 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 applicant is requesting to rezone the property in order to develop a multi-dwelling residential building on the subject property. The property is currently zoned GC, General Commercial with a conditional overlay. The applicant is requesting to rezone to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to apply use restrictions and design standards that are consistent with other overlays for multi-dwelling residential buildings along the City's arterial roadways. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed zone change is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the recently adopted Fargo Growth Plan 2024, and other adopted policies of the City.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the zoning change GC, General Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a Conditional Overlay on Lot 1, Block 1 of the

Southwest Fargo Mission Second Addition, as the proposal complies with the Fargo Growth Plan 2024, standards of Section 20-0906.F(1-4) and all other applicable requirements of the Land Development Code.”

Planning Commission Recommendation: October 1st, 2024

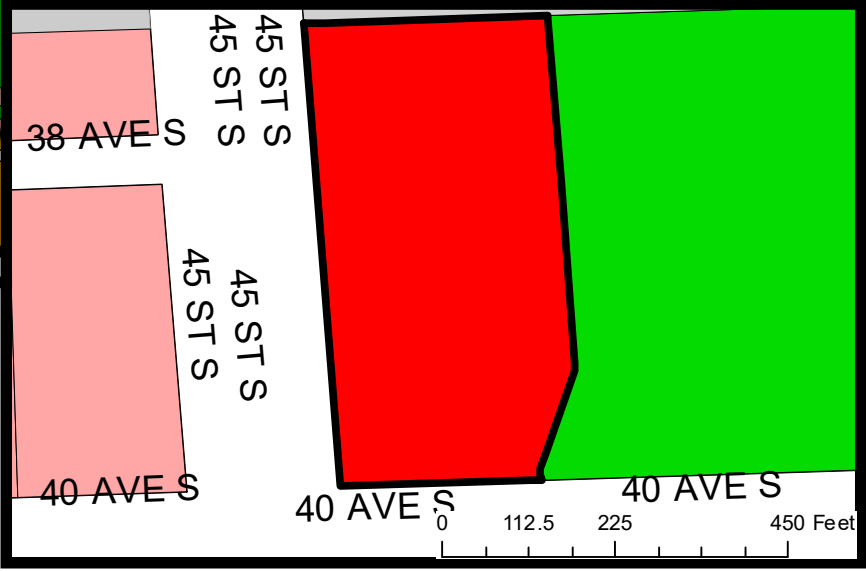
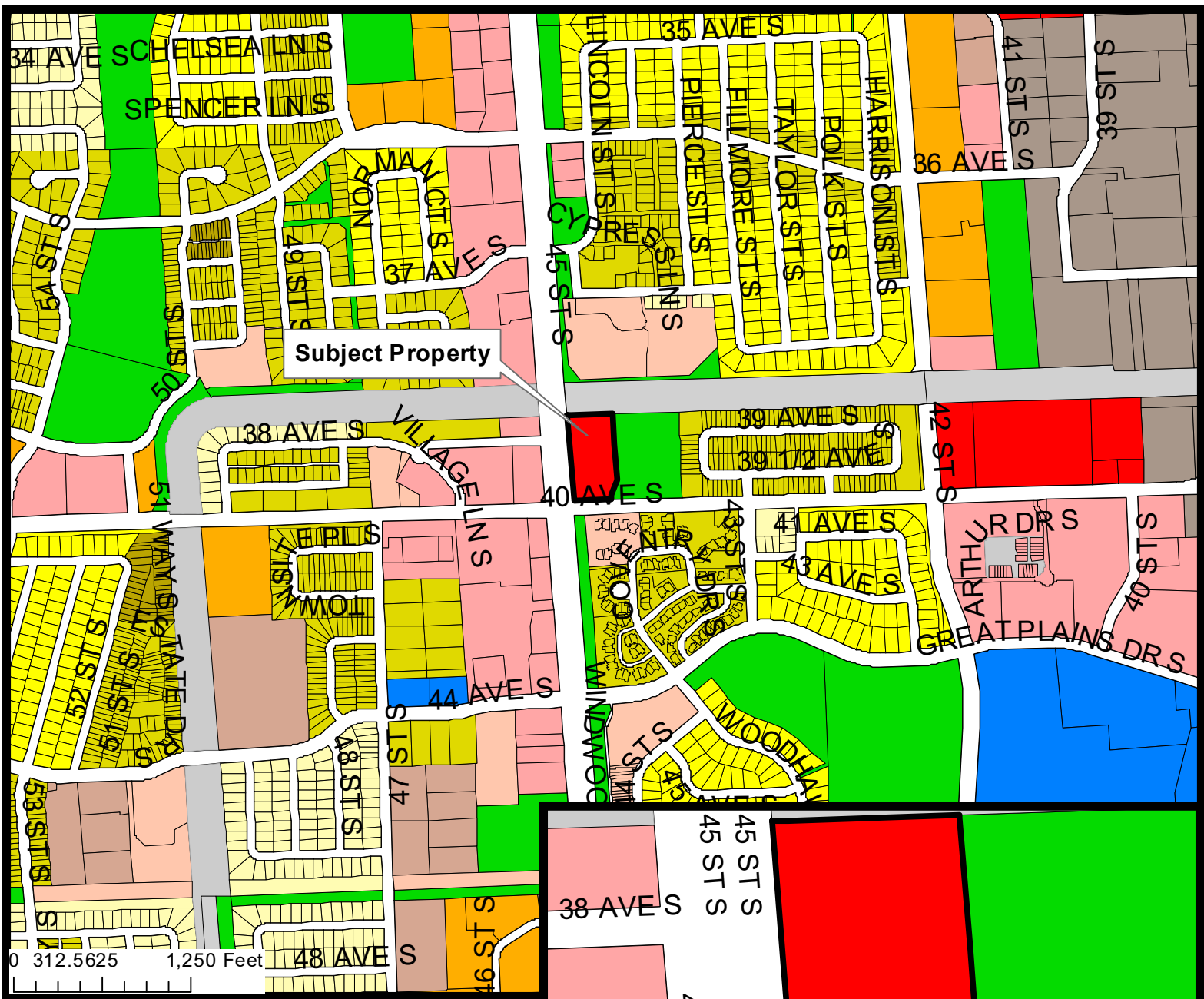
Attachments:

1. Zoning map
2. Location map
3. Draft conditional overlay

Zone change from GC, General Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O

Southwest Fargo Mission Second Addition

4475 40th Avenue South



Legend

AG	LC	MHP	SR-2
DDMU	LI	NO	SR-3
GC	MR-1	NOI	SR-4
GO	MR-2	PT	SR-5
	MR-3	UMU	City Limits

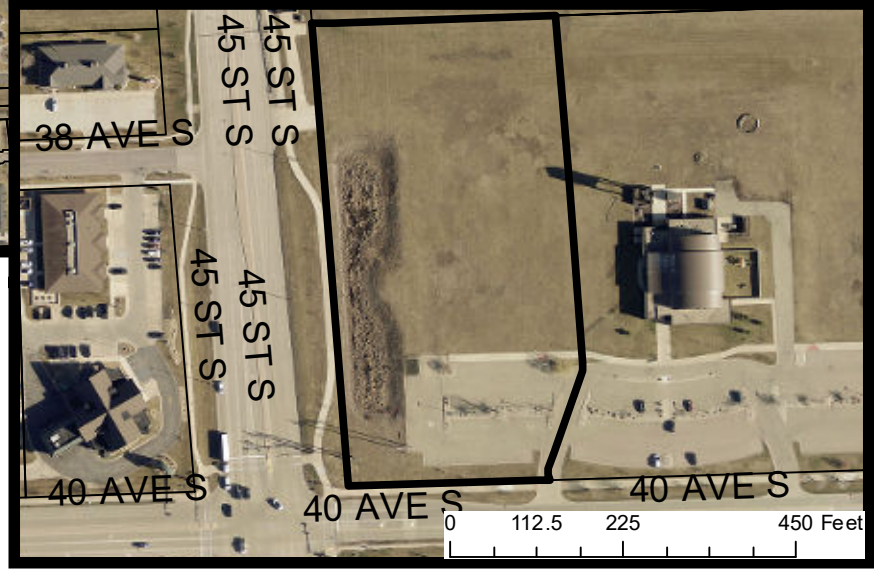
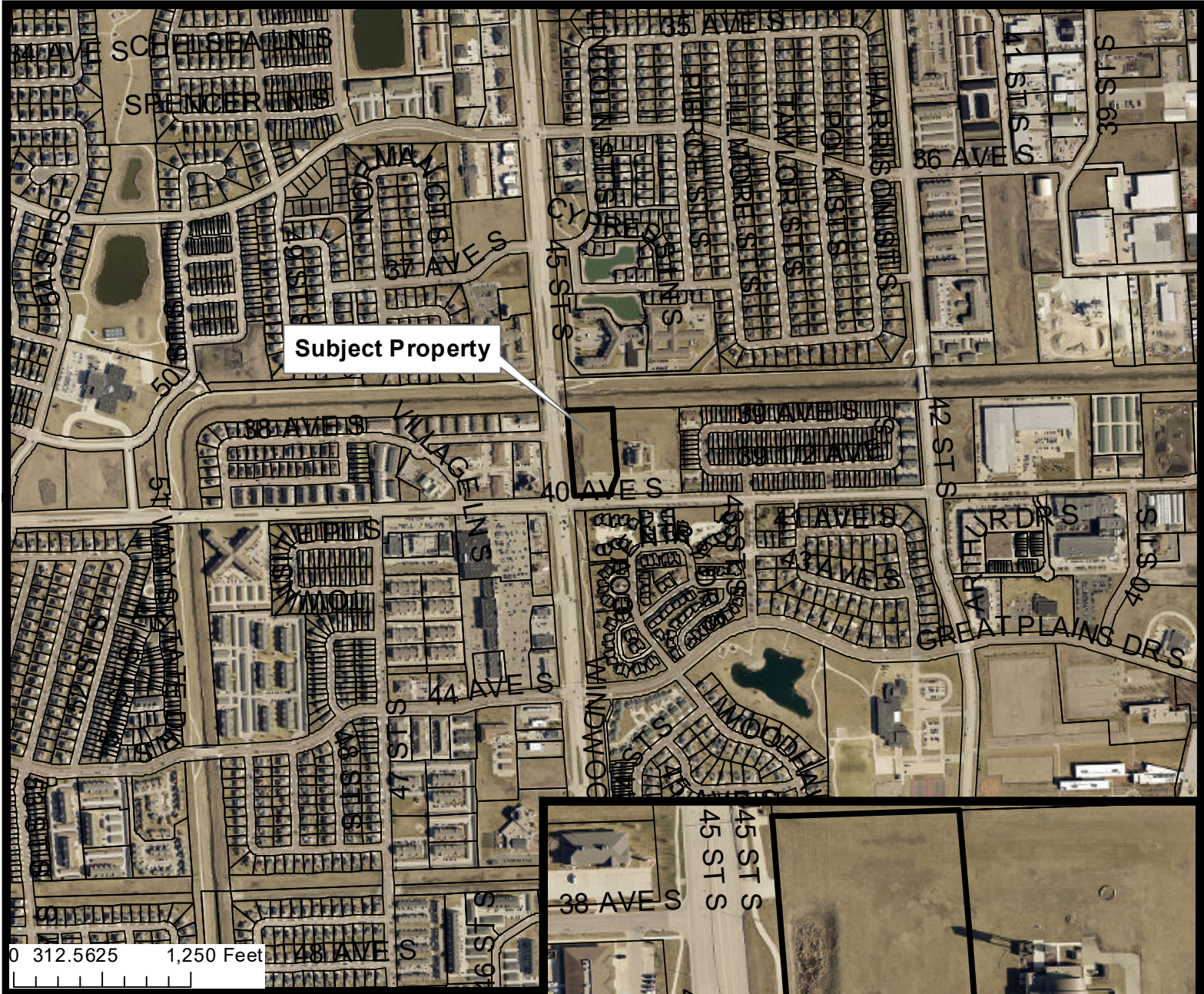


Fargo Planning Commission
October 1, 2024

Zone change from GC, General Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O

Southwest Fargo Mission Second Addition

4475 40th Avenue South



Legend
City Limits



Fargo Planning Commission
October 1, 2024

**SOUTHWEST FARGO MISSION SECOND ADDITION DRAFT CONDITIONAL OVERLAY
MR-3, Multi-Dwelling Residential Zoning**

1. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally- colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; glass; or commercial metal siding. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.
2. Ground floor facades that exceed four feet in height above grade, that face public streets shall have arcades, windows, entry areas, awnings, or other such features along no less than 30% of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.
3. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets or screens, including but not limited to the back of the structure.
4. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor. Dumpster enclosure must be set back minimum of 20 feet from abutting site and rear lot lines of SR zoned properties. The location and orientation of the dumpster enclosure shall be identified on the master land use plan and considered acceptable if the master land use plan is approved.
5. The cumulative total building footprint for all accessory buildings shall be a maximum of 40 percent of the primary building coverage.
6. No accessory buildings shall be allowed between the primary building(s) and the front or street side along public right of way or between building front and private road.
7. Individual accessory buildings shall have a maximum length of 80 feet.
8. A minimum of 40 percent of the footprint of the primary building shall be used for parking.
9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development.
 - b. Parking areas that serve each primary building.
 - c. Connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
 - c. Any public sidewalk system along the perimeter streets adjacent to the development.
 - d. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, and office buildings.
10. A minimum of 4.5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each lot shall consist of at least 15% of the lot.