FARGO PLANNING COMMISSION AGENDA Tuesday, October 3, 2023 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of September 7, 2023

C: Public Hearing Items:

- Hearing on an application requesting a Plat of Meadow View Second Addition (Major Subdivision) a replat of Lots 1-11, Block 3, Lots 19-34, Block 4, Meadow View Addition and a vacation of a portion of Meadow View Drive South to the City of Fargo, Cass County, North Dakota. (Located at 6704-6794 Meadow View Drive South) (Thomsen Homes, LLC/EagleRidge Development) (dk)
- 2a. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay on the proposed **The Pines at the District Fourth Addition**. (Located at 4000 53rd Avenue South and 5461 and 5537 38th Street South) (Gitty-Up, LLC/Houston Engineering) (dk)
- 2b. Hearing on an application requesting a Plat of **The Pines at the District Fourth Addition** (Minor Subdivision) a replat of part of Lot 1, Block 1, The Pines at the District Third Addition, and part of Lots 1-2, Block 1, The District of Fargo Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4000 53rd Avenue South and 5461 and 5537 38th Street South) (Gitty-Up, LLC/Houston Engineering) (dk)
- 3a. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay on the proposed **Urban Plains by Brandt Seventh Addition**. (Located at 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South) (Urban Plains Land Company, LLC/Gleason Companies/Lowry Engineering) (bg)
- 3b. Hearing on an application requesting a Plat of **Urban Plains by Brandt Seventh Addition** (Major Subdivision) a replat of a portion of Lot 1, all of Lots 2 and 3, Block 5, Urban Plains by Brandt Second Addition, and Lots 2-4, Block 5, Urban Plains by Brandt First Addition, to the City of Fargo, Cass County, North Dakota including a vacation of portions of the Seter Parkway South Right-of-Way. (Located at 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South) (Urban Plains Land Company, LLC/Gleason Companies/Lowry Engineering) (bg)
- 4a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development overlay on the proposed **924 Townhomes Addition**. (Located at 916 and 924 7th Street North) (FM Property Pros II, LLC) (bg)

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.

- 4b. Hearing on an application requesting an application for a PUD, Planned Unit Development Master Land Use Plan and Final Plan on the proposed **924 Townhomes Addition**. (Located at 916 and 924 7th Street North) (FM Property Pros II, LLC) (bg)
- 4c. Hearing on an application requesting a Plat of **924 Townhomes Addition** (Minor Subdivision) a replat of all of Lot 4, parts of Lots 3 and 5, Block 16, Harwoods Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 916 and 924 7th Street North) (FM Property Pros II, LLC) (bg)
- 5. Hearing on an application requesting a Plat of **Agassiz First Addition** (Minor Subdivision) a replat of Lots 1, 2, 23, and 24, Block 2, E.G. Clapp First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 602 and 610 39th Street North and 601 and 609 40th Street North) (Autumn Hareland, LLC/Houston Engineering) (ae)
- 6. Hearing on an application requesting a Plat of **Northern Sheyenne Land Fourth Addition** (Minor Subdivision) a replat of Lot 2, Block 1, and Lot 5, Block 2, Northern Sheyenne Land Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 1810 and 1821 Sheyenne Loop North) (Jesse Soper/John Nore/Neset Land Surveys) (ae)
- 7. Hearing on an application requesting a Conditional Use Permit to allow industrial services and warehouse uses in the GC, General Commercial zoning district on Lot 2, Block 1, **Radio Second Addition**. (Located at 5245-5287 Veterans Boulevard South) (Sheyenne Commercial Condos, LLC) (Im)
- 8. Hearing on an application requesting a Conditional Use Permit to allow industrial services and warehouse uses in the GC, General Commercial zoning district on Lot 2, Block 1, **Rocking Horse East Second Addition.** (Located at 5353 51st Avenue South) (Sheyenne Commercial Condos, LLC) (bg)
- 9. Hearing on an application requesting a Conditional Use Permit to allow group living in the SR-2, Single-Dwelling Residential zoning district on Lot 2, Block 7, **Crary's First Addition**. (Located at 2208 26½ Avenue South) (Vocational Training Center, Inc.) (dk)
- D: Other Items:
- 1. Planned Unit Development Final Plan for EOLA Second Addition. (me)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Thursday, September 7, 2023

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 7, 2023.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, John Gunkelman, Scott Stofferahn, Art

Rosenberg, Jennifer Holtz, Dawn Morgan, Thomas Schmidt

Absent: Brett Shewey

Chair Schneider called the meeting to order.

He shared that a Downtown Fargo Home Tour will be occurring on October 1.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of August 1, 2023

Member Tasa moved the minutes of the August 1, 2023 Planning Commission meeting be approved. Second by Member Schmidt. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: TYKE Addition

Hearing on an application requesting a Plat of TYKE Addition (Major Subdivision) a replat of all of Lots 1-9 and part of Lots 10-14, Teigen's Second Addition and Dedication of 25th Street North and a Vacation of 3rd Avenue North, to the City of Fargo, Cass County, North Dakota. (Located at 201 27th Street North and 2600 3rd Avenue North) (TYKE Properties, LLC/GTO Properties LLC/Kevin Bartram): APPROVED

Planning Coordinator Maegin Elshaug 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 approval be recommended to the City Commission of the proposed Subdivision Plat TYKE Addition, including vacation of right-of-way (portion of 3rd Avenue North), as

outlined within the staff report, as the proposal complies with the Core Neighborhoods Plan, the 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 and of the North Dakota Century Code Chapter 40-39: Opening and Vacating Streets, Alleys, and Public Places. Second by Member Holtz. On call of the roll Members Holtz, Rosenberg, Morgan, Schmidt, Stofferahn, Tasa, Gunkelman, and Schneider voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

Item 2: EOLA Second Addition

- 2a. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan amendment on Lots 1-2, Block 1, EOLA Addition and on the proposed EOLA Second Addition. (Located at 4410, 4415, 4448, 4470, 4471, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC): APPROVED
- 2b. Hearing on an application requesting a Plat of EOLA Second Addition (Minor Subdivision) a replat of Lots 1-5, Block 2, EOLA Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4410, 4448, 4470, and 4474 24th Avenue South; 4417 and 4477 26th Avenue South) (Epic Companies/EOLA Landholdings, LLC/MAKT LLC): APPROVED

Ms. Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval. She provided updates on the project since the July 6, 2023 Planning Commission meeting.

Discussion was held on lot line locations, property zoning, ownership, updates on the possibility of a parking ramp on site, and building placement.

Applicant representative, Blake Nybakken, EPIC Companies, spoke on behalf of the application.

Discussion continued on surface and ramp parking, the north building footprint, use of the current buildings, the proposed waterpark capacity, and the private drive configuration.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Subdivision Plat EOLA Second Addition and 2) PUD, Planned Unit Development Master Land Use Plan amendment, as outlined in the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0907.B and Section 20-0908.B(7) 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 Gunkelman, Holtz, Stofferahn, Morgan, Schmidt, Rosenberg, Tasa, and Schneider voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

Item 3: Trollwood Land Three Addition

Hearing on an application requesting a Plat of Trollwood Land Three Addition (Minor Subdivision) a replat of Lots 1-3 and part of Lot 4, Block 1, Trollwood Land Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3123 and 3131 Broadway North; 504 32nd Avenue North) (North Fargo Development Group, LLC/ United Development Group, LLC): APPROVED

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

Applicant representative Rick Johnson, United Development Group, spoke on behalf of the application.

Discussion was held on the proposed use of the site.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Trollwood Land Three Addition, as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, Section 20-0907. B&C 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 Morgan, Schmidt, Gunkelman, Stofferahn, Rosenberg, Holtz, Tasa, and Schneider voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

Item 4: North Dakota R-1 Renewal Addition

Hearing on an application requesting a Vacation Plat of portions of 3rd Avenue North and 3rd Street North, North Dakota R-1 Urban Renewal Addition. (Located at 101, 207 and 225 4th Street North; 285 1st Avenue North; 200 and 334 4th Avenue North) (City of Fargo/Northland Hospitality/City Centre Lofts Association): APPROVED

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

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed right-of-way Vacation Plat North Dakota R-1 Urban Renewal Addition (portions of 3rd Street North/3rd Avenue North) as outlined within the staff report, as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places. Second by Member Schmidt. On call of the roll Members Schmidt, Morgan, Tasa, Gunkelman, Holtz, Stofferahn, Rosenberg, and Schneider voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

Item 5: Larkin Second Addition

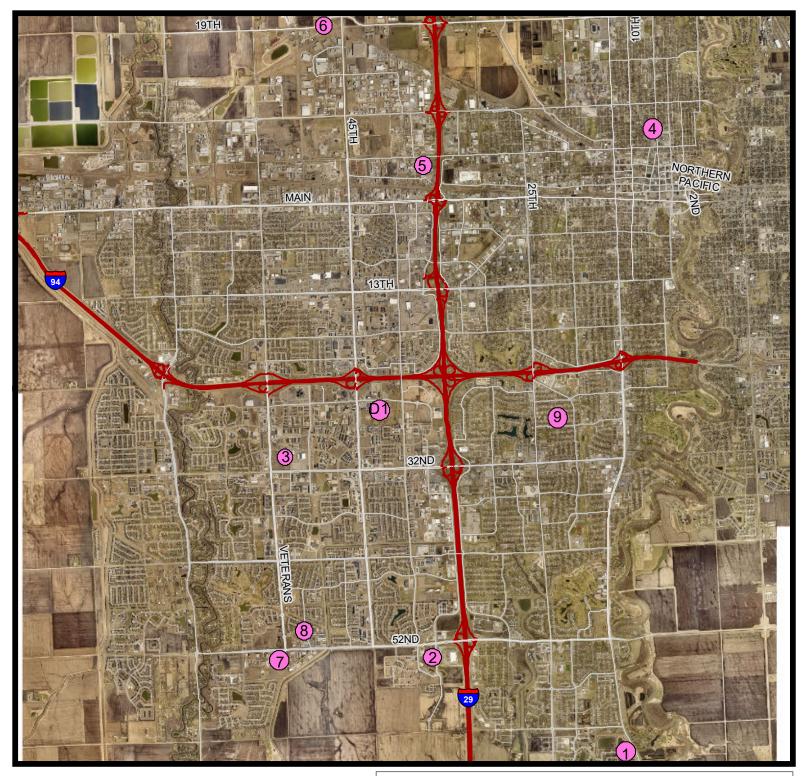
Hearing on an application requesting a Plat of Larkin Second Addition (Minor Subdivision) a replat of Lot 2, Block 1, Larkin Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3600 39th Street South) (Larkin Properties, LLP/Houston Engineering): APPROVED

Assistant Planner Alayna Espeseth presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted an updated plat was provided to the Board.

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

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Larkin Second Addition, as outlined within the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Section 20-0907.B&C, Standards of Article 20-06, of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Tasa, Gunkelman, Stofferahn, Holtz, Rosenberg, Morgan, Schmidt, and Schneider voted aye. Absent and not voting: Member Shewey. The motion was declared carried.

The time at adjournment was 3:43 p.m.





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Fargo Planning Commission October 3, 2023

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Agenda Item Number

1 -- Meadow View Second Addition

2a & b -- The Pines at the District Fourth Addition

3a & b -- Urban Plains by Brandt Seventh Addition

4a,b & c -- 924 Townhomes Addition

5 -- Agassiz First Addition

6 -- Northern Sheyenne Land Fourth Addition

7 -- Radio Second Addition

8 -- Rocking Horse East Second Addition

9 -- Crary's First Addition

Other Items

D1 -- EOLA Second Addition

City of Fargo Staff Report				
Title:	Meadow View Second Addition Date: 9/27/2023			
Location:	6704-6794 Meadow View Drive South	Staff Contact:	Donald Kress, senior planner	
Legal Description:	Lots 1-11, Block 3, Lots 19-34 vacation of a portion of Meado	,		
Owner(s)/Applicant:	Thompsen Homes / Jon Youness—Eagle Ridge Development Engineer: Mead and Hunt			
Entitlements Requested:	Major Subdivision (Replat of Lots 1-11, Block 3, Lots 19-34, Block 4, Meadow View Addition and a Vacation and re-dedication of a portion of Meadow View Drive South to the City of Fargo, Cass County, North Dakota)			
Status:	Planning Commission Public I	Hearing: October 3	3, 2023	

Existing	Proposed
Land Use: Platted but not developed	Land Use: Residential
Zoning: SR-4, Single-Dwelling Residential	Zoning: no change
Uses Allowed: SR-4 allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, basic utilities, and certain telecommunications facilities	Uses Allowed: No change
Maximum Density Allowed (Residential): SR-4,	Maximum Density Allowed (Residential):no
Maximum 12.1 units per acre	change

Proposal:

The applicant requests one entitlement:

 A major subdivision, entitled **Meadow View Second Addition**, which is a replat of Lots 1-11, Block 3, Lots 19-34, Block 4, Meadow View Addition and a vacation and rededication of a portion of Meadow View Drive South to the City of Fargo, Cass County, North Dakota

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

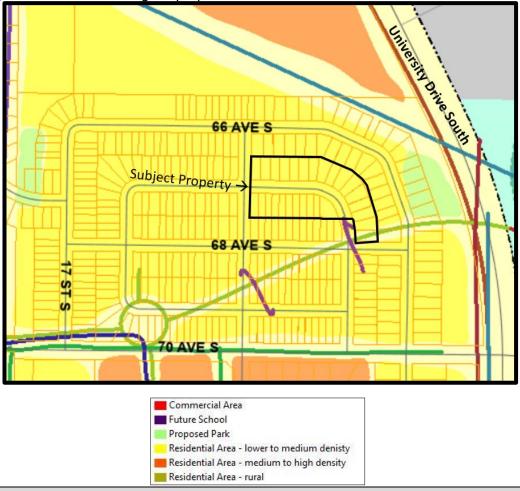
Surrounding Land Uses and Zoning Districts:

- North: SR-4 Single-Dwelling Residential; platted for single family residences; undeveloped
- East: SR-4 Single-Dwelling Residential; platted for single family residences; undeveloped
- South: SR-4 Single-Dwelling Residential; platted for single family residences; undeveloped
- West: SR-4, Single-Dwelling Residential with single-dwelling residences and P/I Public and Institutional with parks and public open space.

Area Plans:

The subject property is located within the 2007 Southeast Growth Plan. This plan designates the subject property as "Residential Area—Lower to Medium Density." The SR-4 zoning district is consistent with this

land use designation. No zone change is proposed.



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 in the Davies neighborhood.

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.3 miles southwest of the subject property and offers baseball/softball amenities. Davies Recreational Pool (7150 25th Street S) is located approximately 0.41 southwest of the subject property and offers concessions, restrooms, and swimming pool amenities. A Fargo Park District property, which includes a bike/pedestrian trail, is included in the project site.

Pedestrian / Bicycle: Pedestrian sidewalks run along 67th and 70th Avenue South, and there is a trail through the park on the east side of the subject property.

MATBUS Routes: The area of the subject property is not served by a MATBUS route.

Staff Analysis:

This proposal is somewhat of an experiment conceived by City staff and the developer. The portion of Meadow View Drive South right of way included in the plat will be widened by two feet on either side, for a total increased width of four feet from the current width. The width of the paved road, however, will remain the same. Additionally, driveway spacing will be controlled by negative access easements (NEA's) along the lot frontage, as illustrated on the attached plat. Note that the exact location of these NEA's may be adjusted at the direction of the City Engineer prior to final plat approval. The concept is to be able to have narrower lots along a street in a configuration that still provides sufficient room for snow storage, on-street parking, and street trees. The chart below shows the comparative widths.

	CURRENT	PROPOSED
Right of Way Width	70 feet	74 feet
Paved Street Width	32 feet	32 feet

LOT WIDTHS: The changes in lot widths are noted in the chart below. The minimum required lot width in the SR-4 zone is 34 feet.

CURRENT BLOCK NUMBER	NUMBER OF LOTS	LOT WIDTH RANGE	PROPOSED BLOCK NUMBER	NUMBER OF LOTS	LOT WIDTH RANGE
4	16 (south side of Block 4 only)	44 to 52 feet	2	20	33 to 52 feet (see Note below)
3	11 (north side of Block 3 only)	31 to 42 feet; Lot 11, on the curve, has a frontage of over 160 feet	1	11	No change lot widths from current
TOTAL	27			31	

NOTE Lots 6 through 12, along the inside curve of Block 4 fronting Meadow View Drive South, have a narrower width at the street because of the curve creating wedge-shaped lots, but these lots widen out to the SR-4 minimum 34 feet width at the 15-foot front setback line.

ACCESS: The lots in Meadow View Second Addition all front on Meadow View Drive South.

ZONING: All lots are currently zoned SR-4, Single Dwelling Residential. No zone change is proposed.

VACATION OF RIGHT OF WAY: This plat proposes to vacate and rededicate a portion of the right of way for Meadow View Drive South to account for the increased right of way width. Specific findings for vacation of right of way, from the North Dakota Century Code, are below.

Subdivision

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

1. Section 20-0907.C.1 (Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development. The zoning for the residential development on this property is SR-4: Single Dwelling Residential. The SR-4 zoning will accommodate the proposed single-family development. The SR-4 zoning designation is consistent with the "lower to medium density" designation for this property in the 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property

owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. (Criteria Satisfied)

2. Section 20-0907.C.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 residential lots are zoned SR-4, single-dwelling residential. This zoning is consistent with the 2007 Growth Plan which designates this property for "lower to medium density residential" development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. (**Criteria Satisfied**)

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

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

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.

This portion of Meadow View Drive South is undeveloped. The City Engineer's office has verified that no public utilities have been installed in this area yet. The City is starting to install the underground utilities this week but has already redesigned it for this change in ROW. (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—will be scheduled once the plat has been reviewed. (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed **Meadow View Second Addition** subdivision plat, including vacation of right of way, as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0907.C of the LDC and all other applicable requirements of the LDC, and of North Dakota Century Code Chapter 40-39-04 to -07."

Planning Commission Recommendation

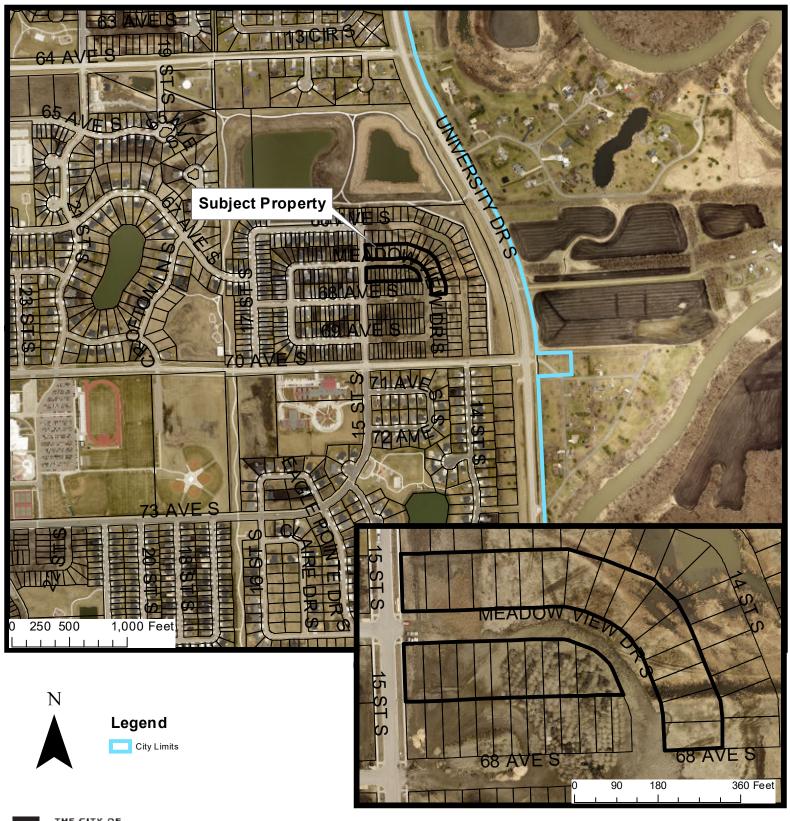
Attachments:

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

Major Subdivision including vacation of right of way

Meadow View Second Addition

6704-6794 Meadow View Drive South





Fargo Planning Commission October 3, 2023

Major Subdivision including vacation of right of way

Meadow View Second Addition

6704-6794 Meadow View Drive South





Fargo Planning Commission October 3, 2023

MEADOW VIEW SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA A REPLAT OF LOTS 1 THROUGH 11, BLOCK 3 AND LOTS 19 THROUGH 34, BLOCK 4 OF MEADOW VIEW ADDITION; AND A VACATION OF THE STREETS, AVENUES AND EASEMENTS LYING AND BEING WITHIN THE BOUNDARY OF THIS PLAT AS DESCRIBED HEREIN (A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOWN ALL PERSONS BY THESE PRESENTS: That Thomsen Properties, LLC, a North Dakota limited liability company and Fargo Park District, do hereby certify that we are the owners of the land located in that part of the South Half of the Northeast Quarter of Section 12, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Lots 1 through 11, Block 3 and Lots 19 through 34, Block 4 of Meadow View Addition to the City of Fargo according to the recorded plat thereof, Cass County, North Dakota.

Containing 4.87 acres, more or less.

And that said parties have caused the same to be surveyed and platted as "MEADOW VIEW SECOND ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate all Streets, Avenues, Drives, and Easements shown on said plat to the Public and hereby vacate all Streets and Easements as

Owner: Thomsen Properties, LLC

Lots 1 through 11, Block 3 and Lots 19 through 34, Block 4 of Meadow View Addition to the City of Fargo. Cass County, North Dakota.

Chris Thomsen, President

State of North Dakota) SS County of Cass

On this day of ____, 20___, appeared before me, Chris Thomsen, President, Thomsen Properties, LLC, a North Dakota limited liability company, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the limited liability company.

Notary Public: ____

Mortgage Holder: Bank Forward

County of Cass

Marc Knutson, Market President

State of North Dakota

On this ___day of _____, 20___, appeared before me, Marc Knutson, Market President, Bank Forward, 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 Bank Forward.

Notary Public:

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

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

Dated this _____ day of _____, 20___.

Jason Ness, Professional Land Surveyor No. LS-6884

State of North Dakota County of Cass

On this ______ day of ______, 20____, before me personally appeared Jason Ness, 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

Notary Public:

CITY	ENGINEER'S	ΔΡΡΡΟ\/ΔΙ	

Approved by the Fargo City Engineer this _____ day of _____

Tom Knakmuhs, P.E., City Engineer

State of North Dakota County of Cass

On this _____ day of _____, 20____, before me 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 she executed the same as her free

Curve Table						
Curve #	Length	Radius	Delta			
C1	34.95'	100.00'	20°01'29"			
C2	41.08'	98.00'	24°01'09"			
C3	78.45'	98.00'	45°51'56"			
C4	72.10'	172.00'	24°01'09"			
C5	137.69'	172.00'	45°51'56"			
C6	60.11'	172.00'	20°01'29"			
C7	4.71'	98.00'	2°45'22"			
C8	36.37'	98.00'	21°15'47"			
C9	28.71'	172.00'	9°33'50"			
C10	33.23'	172.00'	11°04'10"			
C11	10.16'	172.00'	3°23'10"			
C12	1.67'	172.00'	0°33'18"			
C13	34.94'	172.00'	11°38'24"			
C14	33.23'	172.00'	11°04'10"			
C15	33.23'	172.00'	11°04'10"			
C16	33.23'	172.00'	11°04'10"			
C17	1.39'	172.00'	0°27'44"			
C18	3.42'	172.00'	1°08'18"			
C19	33.23'	172.00'	11°04'09"			
C20	23.47'	172.00'	7°49'02"			

FARGO PLANNING COMMISSION APPROVAL: Approved by the City of Fargo Planning Commission this

Rocky Schneider, Chair

State of North Dakota

Fargo Planning Commission

County of Cass

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

Notary Public: ____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day of

Timothy J. Mahoney, Mayor

Steven Sprague, City Auditor

State of North Dakota 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.

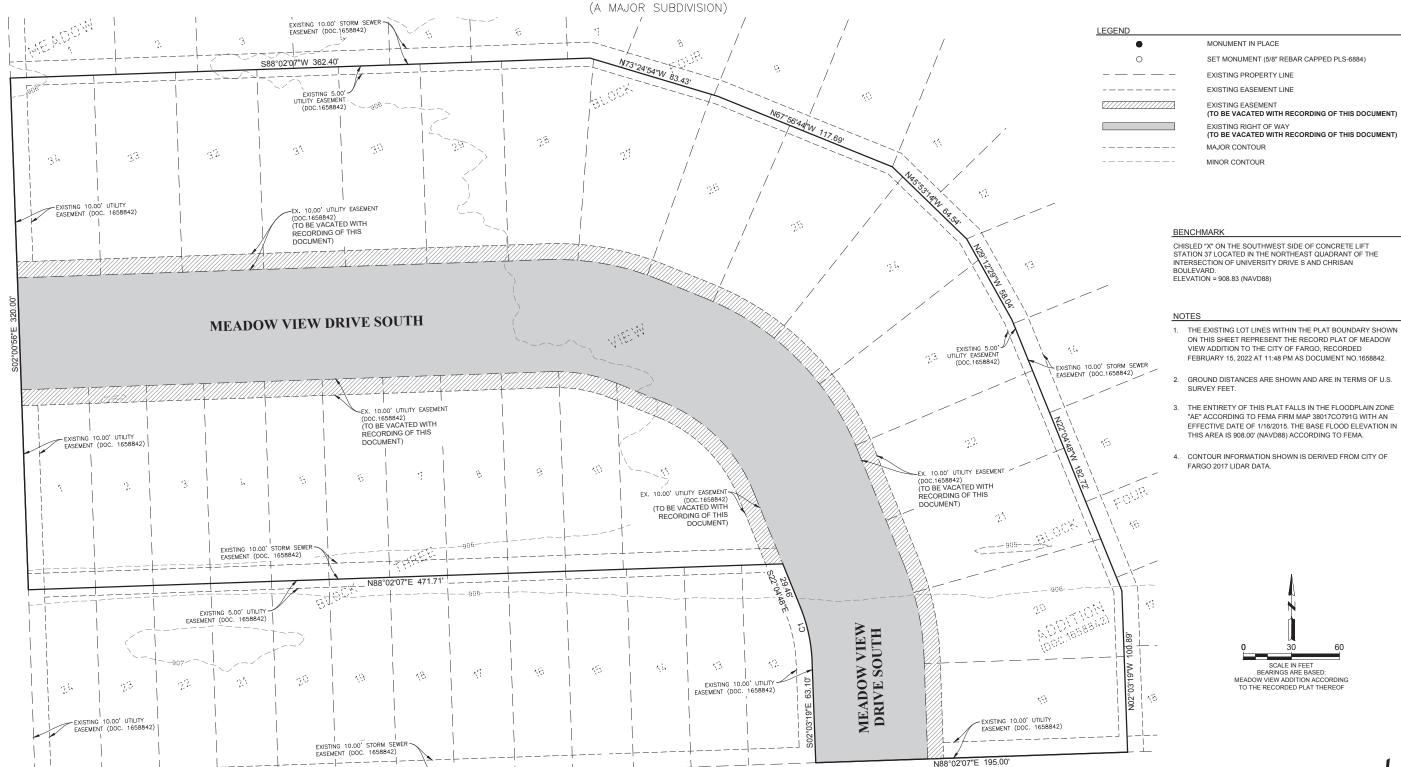
Notary Public:

Phone: 701-566-6450

meadhunt.com PROJECT NO. 4609700-211284.01 SHEET 1 OF 3

MEADOW VIEW SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA A REPLAT OF LOTS 1 THROUGH 11, BLOCK 3 AND LOTS 19 THROUGH 34, BLOCK 4 OF MEADOW VIEW ADDITION; AND A VACATION OF THE STREETS, AVENUES AND EASEMENTS LYING AND BEING WITHIN THE BOUNDARY OF THIS PLAT AS DESCRIBED HEREIN



68TH AVENUE SOUTH



Phone: 701-566-6450 meadhunt.com

PROJECT NO. 4609700-211284.01 SHEET 2 OF 3

SCALE IN FEET
BEARINGS ARE BASED:
MEADOW VIEW ADDITION ACCORDING
TO THE RECORDED PLAT THEREOF

MONUMENT IN PLACE

MAJOR CONTOUR

MINOR CONTOUR

EXISTING PROPERTY LINE EXISTING EASEMENT LINE

SET MONUMENT (5/8" REBAR CAPPED PLS-6884)

EXISTING EASEMENT
(TO BE VACATED WITH RECORDING OF THIS DOCUMENT) EXISTING RIGHT OF WAY
(TO BE VACATED WITH RECORDING OF THIS DOCUMENT)

ON THIS SHEET REPRESENT THE RECORD PLAT OF MEADOW VIEW ADDITION TO THE CITY OF FARGO, RECORDED FEBRUARY 15, 2022 AT 11:48 PM AS DOCUMENT NO.1658842

"AE" ACCORDING TO FEMA FIRM MAP 38017CO791G WITH AN

THIS AREA IS 908.00' (NAVD88) ACCORDING TO FEMA.

FARGO 2017 LIDAR DATA.

EFFECTIVE DATE OF 1/16/2015. THE BASE FLOOD ELEVATION IN

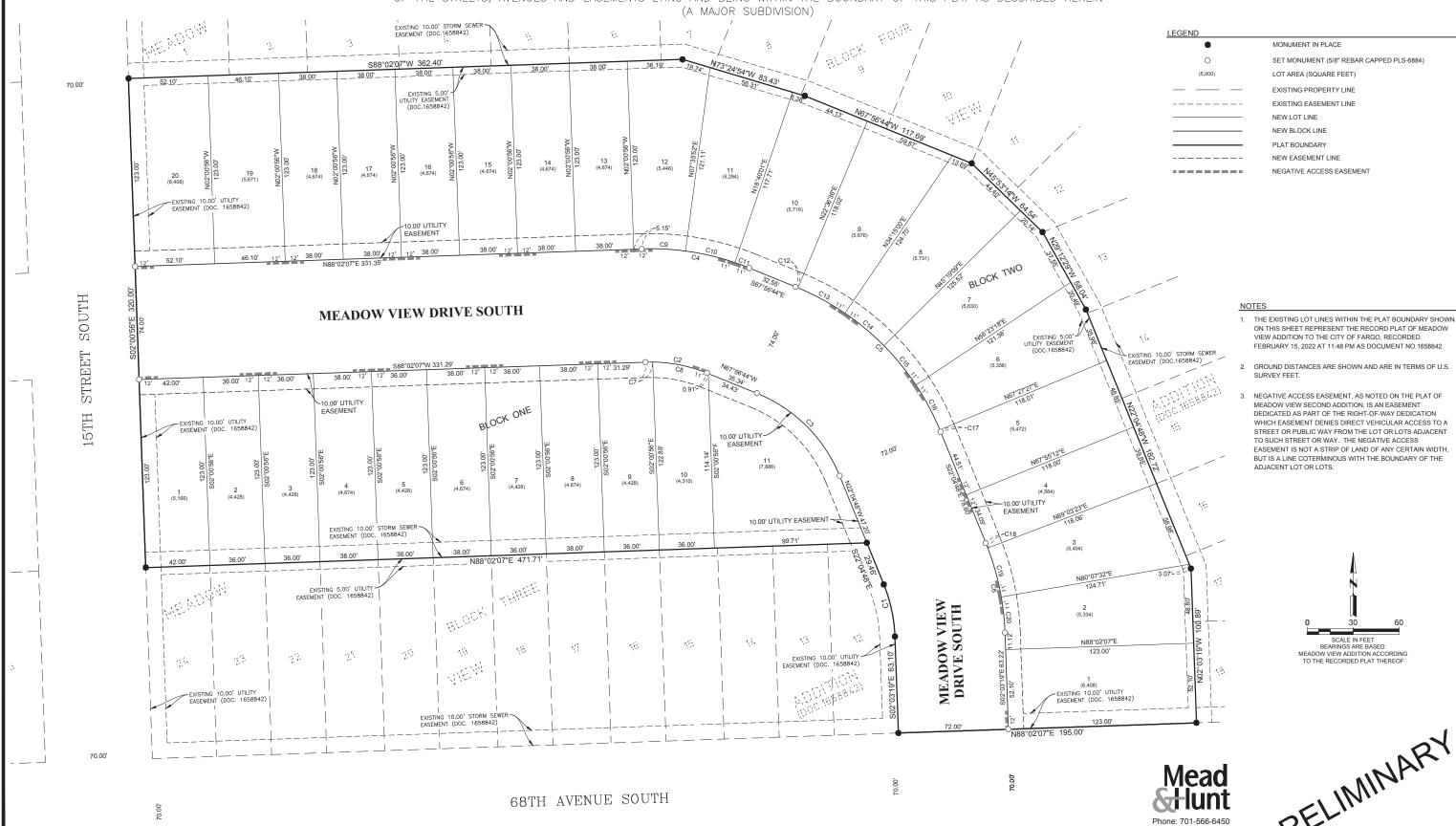
SOUTH

STREET

HLG1

MEADOW VIEW SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF LOTS 1 THROUGH 11, BLOCK 3 AND LOTS 19 THROUGH 34, BLOCK 4 OF MEADOW VIEW ADDITION; AND A VACATION
OF THE STREETS, AVENUES AND EASEMENTS LYING AND BEING WITHIN THE BOUNDARY OF THIS PLAT AS DESCRIBED HEREIN



meadhunt.com
PROJECT NO.
4609700-211284.01
SHEET 3 OF 3

	City of Farg Staff Repo		
Title:	The Pines at the District Fourth Addition	Date:	9/27/2023
Location:	4000 53rd Avenue South and 5461 and 5537 38th Street South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Portion of Lot 1, Block 1, The F Lots 1-2, Block 1, The District of Cass County, North Dakota		
Owner(s)/Applicant:	Gitty-Up, LLC / Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Zoning Change (to repeal and reestablish C-O, Conditional Overlays on the proposed The Pines at the District Fourth Addition,); and a Minor Subdivision (replat of part of Lot 1, Block 1, The Pines at the District Third Addition, and part of Lots 1-2, Block 1, The District of Fargo Second Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public H	learing: October:	3 rd , 2023

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: LC, Limited Commercial with	Zoning: LC, Limited Commercial with conditional
conditional overlays	overlays
LC, Limited Commercial, allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. Some uses prohibited by conditional overlay Ord No. 4688	Uses Allowed: No change
Maximum Lot Coverage Allowed: LC allows a maximum lot coverage of 55%	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant requests two entitlements:

- 1. **Zoning Change** (to repeal and reestablish a C-O, Conditional Overlay on the proposed The Pines at the District Fourth Addition); and
- 2. **Minor Subdivision** (replat of part of Lot 1, Block 1, The Pines at the District Third Addition, and part of Lots 1-2, Block 1, The District of Fargo Second Addition, to the City of Fargo, Cass County, North Dakota)

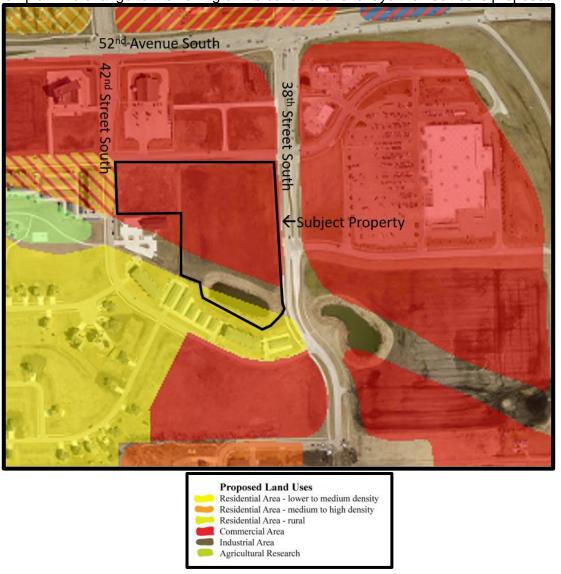
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LC with retail/service uses and some undeveloped property.
- East: LC with retail/service uses and some undeveloped property.
- South: MR-3: Multi-Dwelling Residential with multi-residential dwellings
- West: LC with retail/service uses; MR-3: Multi-Dwelling Residential with multi-residential dwellings; P/I, Public/Institutional, with Fargo Park District park

Area Plans:

The subject property is designated as "commercial" on the 2007 Growth Plan, as amended. The current LC, Limited Commercial zoning is consistent with this land use designation. The current conditional overlays will be repealed and re-estabilished to address the change in lot configuration made the by the subdivision plat. No change to the zoning or the conditional overlays themselves is proposed.



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 District neighborhood.

Parks: The Pines Park, located at 5341 42nd Street South, is west across 42nd Street from the west portion of the subject property, and provides amenities basketball court, grill, picnic table, playground, ages 2-5, playground, ages 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: An off-road multi-use trail is adjacent to the east side of the subject property, within the 38th Street South right of way, which is a component of the metro area bikeways system.

Bus Route: MATBUS Route 18 has a stop on the north side of the 52nd Avenue WalMart, approximately 0.25 mile northeast of the east side of subject property.

Staff Analysis:

Zoning Change

There are two conditional overlays (C-O's) on the subject property, as noted in the chart below.

There are tw	o conditional	overlays (C-O	s) on the subject p	roperty, as noted in the ch	art below.
Ordinance	Date	Currently	Will Apply to	Uses Prohibited	Other Provisions
Number	Adopted	Applies to	New Lots		
		Lots			
4634	10/08/2007	Lots 1-2,	Lot 1, Block 1	None	Architectural
		Block 1,			standards,
		The District			landscaping,
		of Fargo			parking lot
		Addition			landscaping,
					signage,
					stormwater,
					parking,
					screening
4688	11/17/2008	Lot 1, Block	Lot 2, Block 1	Detention facilities,	Architectural
		1, The		adult entertainment	standards,
		Pines at the		centers, off premise	landscaping,
		District		signs (with one	parking lot
		Third		exception) portable	landscaping,
		Addition		signs, vehicle repair,	signage,
				industrial service,	screening
				manufacturing and	
				production, warehouse	
				and freight movement,	
				aviation/surface	
				transportation	

The current conditional overlays will be repealed and re-established to address the change in lot configuration made the by the subdivision plat, so that there are not two different C-O's that apply to Lot 1, Block 1. No change is proposed to the C-O's themselves.

The graphics below show the current and proposed location of where the C-O's apply

CURRENT C-O CONFIGURATION

NEW C-O CONFIGURATION



Plat

The plat will create combine all or portions of three existing lots into two lots in one block..

No right of way dedication is required for 53rd Avenue South. The existing right of way is deliberately wider as it approaches 38th Street.

Detention Basin

The existing stormwater detention basin will be part of Lot 1, Block 1. The City will work with the developer to create a maintenance agreement to be signed by the developer and the plat will depict an easement to allow access for maintenance. The City will handle the significant maintenance and not the day to day maintenance of the basin.

Amenities Plan

The City will work with the developer to create an amenities plan mainly addressing stormwater, to be signed by the developer. This plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to City Commission hearing.

Access

The lots will be able to take access from 42nd Street and most of 53rd Street. Access along the easterly 150 feet of the 53rd Street property frontage, and all of the 38th Street South property frontage except for one break, is restricted by negative access easements that carry over from previous subdivisions.

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?
 There is no error in the zoning map. There is no change to the base LC, Limited Commercial zoning district. The only change is to adjust where the two existing C-O's apply on the new subdivision so that there are not two C-O's on Lot 1, Block 1.
 (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? Yes.

(Criteria Satisfied)

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

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

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The zone change only adjusts where the two existing C-O's apply on the new subdivision, so that there are not two C-O's on Lot 1, Block 1. Both C-O's provide architectural and site design standards to bring a higher quality of design to this subdivision than would be required by the Land Development Code requirements alone. The LC zoning is consistent with the "commercial" land use designation of the 2007 Growth Plan.

(Criteria Satisfied)

MINOR SUBDIVISION

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

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

The property within this plat is currently zoned LC, Limited Commercial with conditional overlays (C-O's). This actual zoning will not change. This zoning is consistent with the "commercial" land use designation for the subject property on the 2007 Growth Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. (Criteria Satisfied)

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) a Zoning Change to repeal and reestablish a C-O, Conditional Overlays on the proposed The Pines at the District Fourth Addition, and 2) plat of **The Pines at the District Fourth Addition** (Minor Subdivision), as outlined in the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan; Section 20-0907 (B) and (C); Section 20-0906. F (1-4); and Standards of Article 20-06 of the LDC; 2007 Growth Plan; and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 3rd, 2023

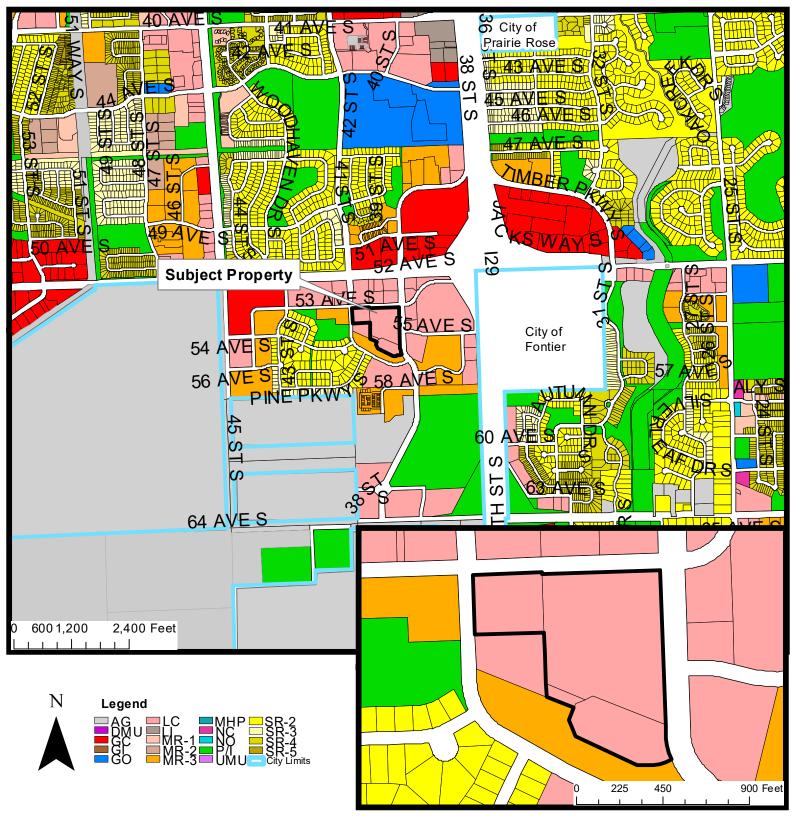
Attachments:

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

Minor Subdivision and Zoning Change to repeal and reestablish a C-O, Conditional Overlay

The Pines at the District Fourth Addition

4000 53rd Avenue South; 5461 & 5537 38th Street South



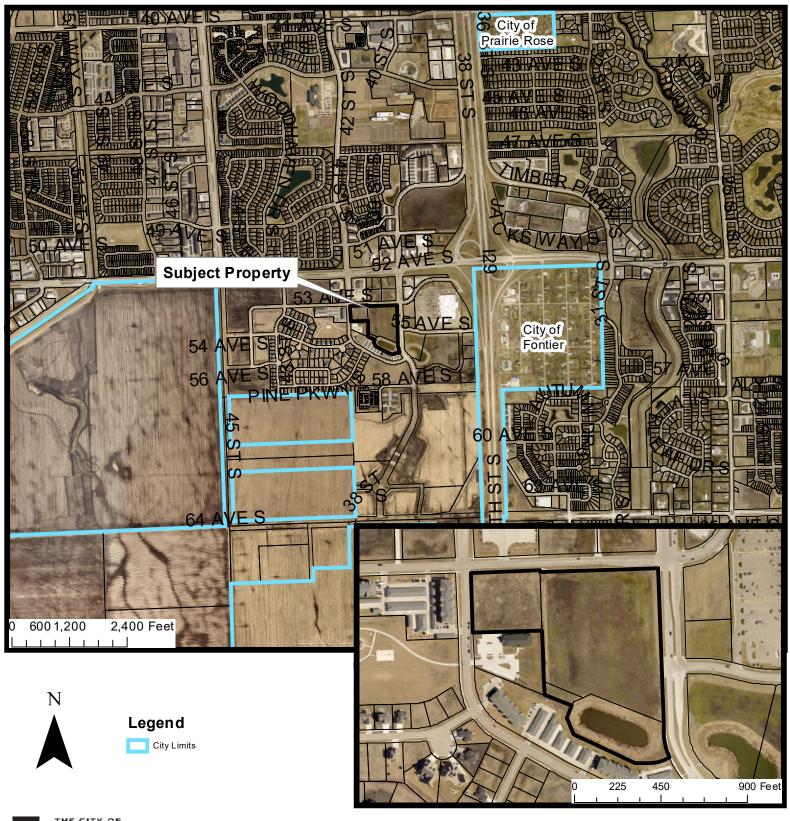


Fargo Planning Commission October 3, 2023

Minor Subdivision and Zoning Change to repeal and reestablish a C-O, Conditional Overlay

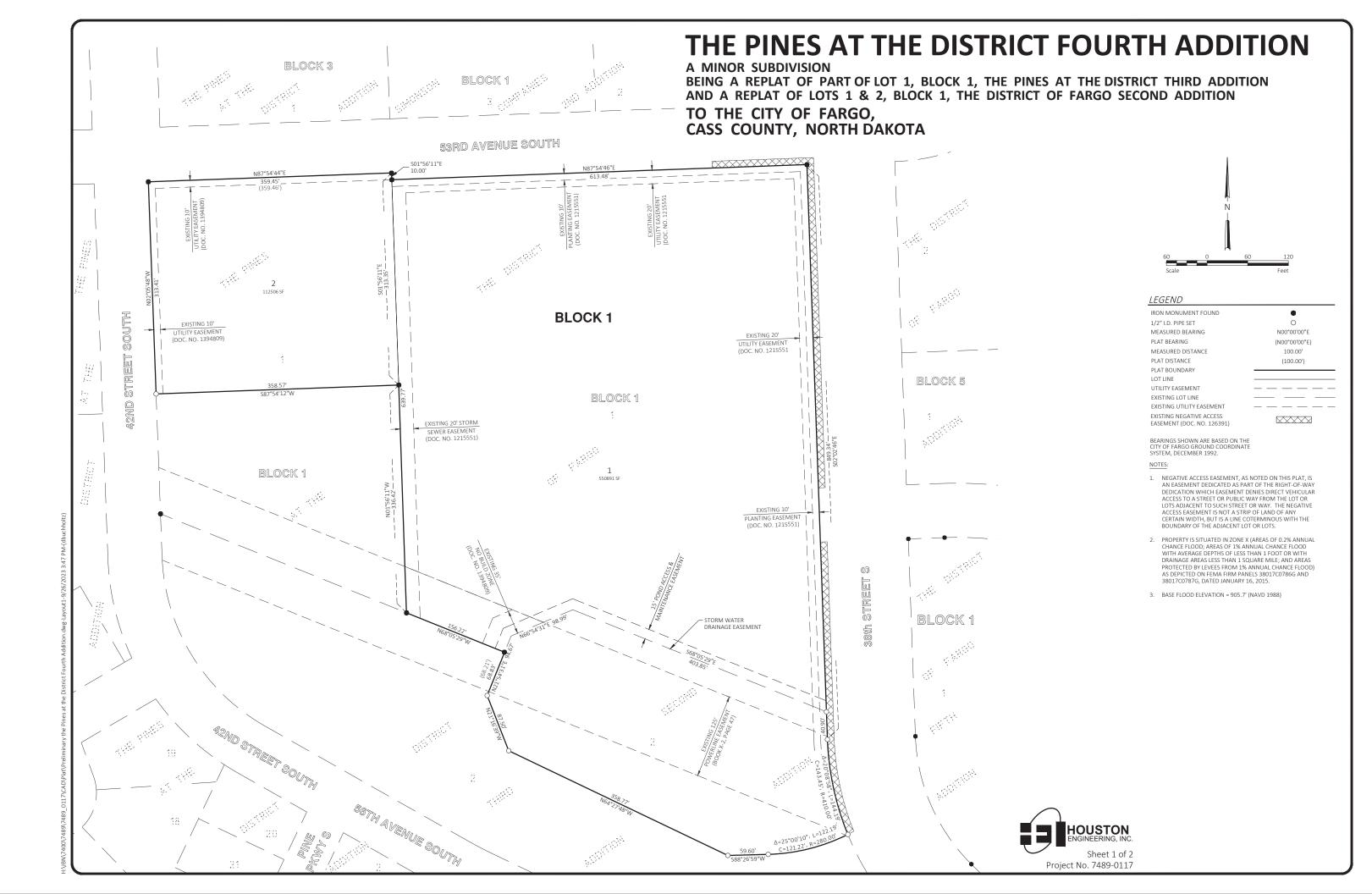
The Pines at the District Fourth Addition

4000 53rd Avenue South; 5461 & 5537 38th Street South





Fargo Planning Commission October 3, 2023



OWNER'S CERTIFICATE:

NOW ALL PERSONS BY THESE PRESENTS: That Gitty-Up LLC, a North Dakota limited liability company, are the owners and proprietors of the following described tract of land:

That part of Lot 1, Block 1, The Pines at the District Third Addition, and that part of Lots 1 and 2, Block 1, The District of Fargo Second Addition, to the City of Fargo, Cass County, North Dakota, described as follows:

Beginning at the northeast corner of said Block 1, The District of Fargo Second Addition; thence South 02°02'46" East, along the easterly line of said Block 1, The District of Fargo Second Addition, for a distance of 849.34 feet to a point of tangential curve to the left, having a radius of 410.00 feet; thence southeasterly, along the easterly line of said Block 1, The District of Fargo Second Addition, and said curve, for a distance of 144.19 feet, through a central angle of 20°08'58", to the southeast corner of said Lot 2, said corner lying on a nontangential curve, concave to the north, having a radius of 280.00 feet; thence southwesterly, along the southerly line of said Lot 2, and along said curve, for a distance of 122.19 feet, through a central angle of 25°00'10"; thence South 88°26'59" West, along the southerly line of said Lot 2, for a distance of 59.60 feet; thence North 64°27'48" West, along the southerly line of said Lot 2, for a distance of 358.77 feet; thence North 21°16'39" West, along the westerly line of said Lot 2, for a distance of 87.50 feet; thence North 21°54'31" East, along the westerly line of said Lot 2, for a distance of 68.83 feet to the most southerly corner of said Lot 1, Block 1, The Pines at the District Third Addition; thence North 68°05'29" West, along the southerly line of said Lot 1, Block 1, The Pines at the District Third Addition; thence North 01°56'11" West, along the easterly line and the easterly line extended of said Lot 1, Block 1, The Pines at the District Third Addition, for a distance of 336.42 feet; thence North 87°54'12" West for a distance of 358.57 feet to a point of intersection with the westerly line of said Block 1, The Pines at the District Third Addition, for a distance of 331.41 feet to the northwest corner of said Block 1, The Pines at the District Third Addition, for a distance of 358.57 feet to a point of intersection with the westerly line of said Block 1, The Pines at the District Third Addition, for a distance of 358.57 feet to the northwest corner o

Said tract contains 15,230 acres, more or less.

And that said party has caused the same to be surveyed and platted as THE PINES AT THE DISTRICT FOURTH ADDITION to the City of Fargo, Cass County, North Dakota.

Gitty-Up LLC	
By: Syndica, LLP	
Its: Managing General Pa	rtner
Austin J. Morris, Managii	g Partner
State of)
) ss
County of)
On this day of _	, 20 before me personally appeared Austin
	a, LLP, a North Dakota limited liability partnership, known to me to
	cribed in and who executed the within instrument and he executed the same on behalf of said limited liability partnership
Notary Public:	
SURVEYOR'S CERTIFION	CATE AND ACKNOWLEDGEMENT: rofessional Land Surveyor under the laws of the State of North
SURVEYOR'S CERTIFIC I, James A. Schlieman, F Dakota, do hereby certify	CATE AND ACKNOWLEDGEMENT: rofessional Land Surveyor under the laws of the State of North that this plat is a true and correct representation of the survey of monuments for the guidance of future surveys have been located
SURVEYOR'S CERTIFION IN A SCHIEMAN, FOR DAKOTA, do hereby certify said subdivision; that the	CATE AND ACKNOWLEDGEMENT: rofessional Land Surveyor under the laws of the State of North that this plat is a true and correct representation of the survey of monuments for the guidance of future surveys have been located
SURVEYOR'S CERTIFIC I, James A. Schlieman, F Dakota, do hereby certify said subdivision; that the placed in the ground as s	CATE AND ACKNOWLEDGEMENT: rofessional Land Surveyor under the laws of the State of North that this plat is a true and correct representation of the survey of monuments for the guidance of future surveys have been located
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SURVEYOR'S CERTIFIC I, James A. Schlieman, F Dakota, do hereby certify said subdivision; that the placed in the ground as s Dated thisday of James A. Schlieman, Pro State of North Dakota County of Cass	cATE AND ACKNOWLEDGEMENT: rofessional Land Surveyor under the laws of the State of North that this plat is a true and correct representation of the survey of monuments for the guidance of future surveys have been located hown. f, 20 fessional Land Surveyor No. 6086
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SURVEYOR'S CERTIFIC I, James A. Schlieman, Polakota, do hereby certify said subdivision; that the placed in the ground as son the ground a	rofessional Land Surveyor under the laws of the State of North that this plat is a true and correct representation of the survey of monuments for the guidance of future surveys have been located hown. f, 20 fessional Land Surveyor No. 6086)) ss) , 20 before me personally appeared James al Land Surveyor, known to me to be the person who is described
SURVEYOR'S CERTIFIC I, James A. Schlieman, Polakota, do hereby certify said subdivision; that the placed in the ground as son the placed in the ground as son the ground as so	cate and acknowledgement: rofessional Land Surveyor under the laws of the State of North that this plat is a true and correct representation of the survey of monuments for the guidance of future surveys have been located hown. f, 20 fessional Land Surveyor No. 6086

CITY ENGINE	ER'S APPROVAL:		
	he Fargo City Engineer , 20	this	_day of
Tom Knakmuh	ns, PE, City Engineer		
State of North	Dakota)) ss	
County of Cas	s)	
Knakmuhs, PE	E, Fargo City Engineer, the within instrument a	known to me	_ before me personally appeared Tom to be the person who is described in and dged to me that he executed the same as
Notary Public:			
Approved by t	INING COMMISSION A he City of Fargo Planni , 20		on this day of
Rocky Schneid Fargo Plannin			
State of North	Dakota)) ss	
County of Cas	s)	
Schneider, Ch described in a	air, Fargo Planning Co	mmission, kn ⁄ithin instrume	, before me personally appeared Rocky own to me to be the person who is ent and acknowledged to me that he g Commission.
Notary Public:			

THE PINES AT THE DISTRICT FOURTH ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF PART OF LOT 1, BLOCK 1, THE PINES AT THE DISTRICT THIRD ADDITION
AND A REPLAT OF LOTS 1 & 2, BLOCK 1, THE DISTRICT OF FARGO SECOND ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

Approved by the Board of City Com	nmissioners and ordered filed this	day
of	, 20	
Timothy J. Mahoney, Mayor		
,,,,,,		
Attest:		
Steven Sprague, City Audit	tor	
State of North Dakota)	
) ss	
County of Cass)	
	, 20, before me personall	
	f Fargo; and Steven Sprague, City Auditor, o are described in and who executed the wi	
·	executed the same on behalf of the City of	

FARGO CITY COMMISSION APPROVAL

Notary Public:



City of Fargo Staff Report					
Title:	Urban Plains by Brandt 7 th Addition	Date:	09/26/2023		
Location:	2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South	Staff Contact:	Brad Garcia, Planner		
Owner(s)/Applicant:	Urban Plains Land Company LLC / Gleason Companies	Engineer/Architect:	Lowry Engineering		
Reason for Request:	Major Subdivision and ROW Vacation plat (a replat of Lots 2-4, Block 5, Urban Plains by Brandt First Addition and a portion of Lot 1 and all of Lots 2-3, Block 5, Urban Plains by Brandt Second Addition; and a vacation of a portion of Seter Parkway South to the City of Fargo, Cass County, North Dakota) and Zoning Change to repeal and reestablish a C-O, Conditional Overlay				
Status:	Planning Commission Public Hearing: October 3 rd , 2023				

Existing	Proposed
Land Uses: Undeveloped	Land Use: Commercial and Mixed-Use Development
Zoning: LC, Limited Commercial with a C-O, Conditional overlay	Zoning: No change in base zoning, repeal and reestablish a C-O, Conditional Overlay
Uses Allowed: 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.	Uses Allowed: 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.
Plus CUP for Off-premise advertising (see property details under staff analysis)	Plus CUP for Off-premise advertising (see property details under staff analysis)
Conditional Overlays also restricts portable signs, industrial services, manufacturing and production, and warehouse and freight movement, in addition to the uses with a strike above.	Conditional Overlays also restricts portable signs, industrial services, manufacturing and production, and warehouse and freight movement, in addition to the uses with a strike above.
Maximum Building Coverage Allowed: maximum 55% building coverage.	Maximum Building Coverage: No Change

Proposal:

The applicant is seeking approval of three entitlements:

1) a major subdivision and ROW vacation plat entitled **Urban Plains by Brandt 7**th **Addition** which is a replat of Lots 2-4, Block 5, Urban Plains by Brandt First Addition portion of Lot 1 and all of Lots 2-3, Block 5, Urban Plains by Brandt Second Addition, and a vacation of a portion of Seter Parkway South; and

2) a Zoning Change to repeal and reestablish a C-O, Conditional Overlay

The proposed subdivision would vacate small portions of the Seter Parkway South right of way dedicated for future roundabouts. The plat would consolidate the subject properties and vacated portions of the right of way into three lots with a private road easement throughout the development, consisting of 20.42 acres.

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

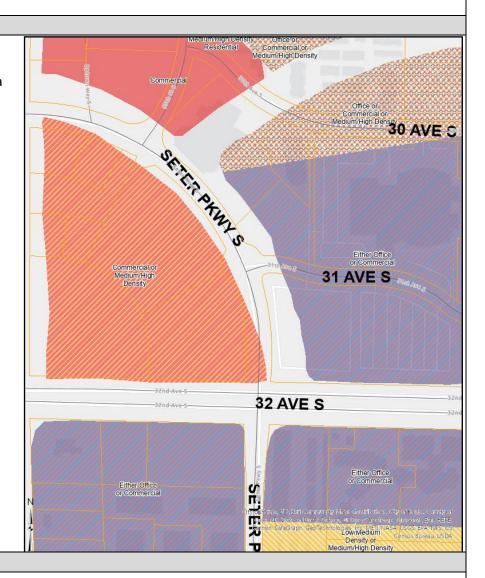
Surrounding Land Uses and Zoning Districts:

North: LC, Limited Commercial and GC, General Commercial with commercial uses

East: GC, General Commercial with surface parking South: LC, Limited Commercial with commercial uses West: LC, Limited Commercial with commercial uses

Area Plans:

The subject property is located within the Southwest Area Plan as contained within the Urban Fringe and Extraterritorial Area of the City of Fargo land use plan. The plan was amended in 2003 in favor of a mixed-use development format.



Context:

Schools: The subject properties are located within the West Fargo School District and are served by Freedom Elementary, Liberty Middle School and Sheyenne High schools in West Fargo.

Neighborhood: The subject property is located in the Urban Plains Neighborhood.

Parks: The subject property is located within a quarter-mile distance to Urban Plains Park (3020 51st Street South) which offers two playgrounds, recreational trails, three large shelters, a small shelter, a gazebo and houses the Garden of Healing. Urban Plains is a project of the Urban Woods & Prairie Initiative with Audubon Dakota.

Pedestrian / **Bicycle:** A shared-use path surrounds the entirety of the property, connecting to the city's network of shared-use paths. No dedicated bike facilities are located within a half-mile radius.

Transit: One public transportation bus route serves the subject property within a quarter-mile distance. Route 24 serves the area going eastbound along Seter Parkway South and westbound along 32 Ave South, providing service to GTC, West Acres, Sanford Medical Center, Scheels Arena, Cashwise Foods, Bluestem Dr, Costco, 19th Ave & Burlington Dr.

Staff Analysis:

Background

Lots 2-4, Block 5, Urban Plains by Brandt First Addition were last platted in July 2006 and Lots 1-3, Block 5 Urban Plains by Brandt Second Addition were platted in September 2013. Additionally, Lot 1, Bock 5 Urban Plains by Brandt Second Addition was split into three separate lots in March 2015. Only a portion of Lot 1 is included in this application. All lots described remain undeveloped to this day.

The Applicant is requesting to replat the existing lots into 3 lots, with Lot 3 being a consolidation of the several previously platted lots. It is the owner's intent to replat the proposed Lot 3 in the future to accommodate market demands. Lots 1 and 2 of the proposed plat will be ready to develop once platted.

Access

The subject properties currently have a 24' access easement for private roads within the development. The existing access easement will be vacated with this plat and a newly configured loop road will connect all lots to Seter Parkway, Veterans Blvd and 32nd Ave South.

Access off of Seter Parkway will be limited to the private road and a 30' access easement on the Northeast side of Lot 3. Access from Veterans Blvd and 32nd Ave South will be limited to a right-in/right-out on the private road. No other access from these roads will be allowed to any of the subject properties.

Private roads will require sidewalks to allow pedestrian connectivity among proposed and future lots. Locations of sidewalks will be reviewed and documented when construction permits are submitted for the construction of private roadways.

Vacated ROW

The existing right of way of Seter Parkway allowed for future roundabouts at the intersections of 30 Ave South and 28th Ave South. The applicant provided a traffic study that was reviewed by the city traffic engineer, confirming roundabouts would not be necessary. The applicant has requested that the portions of the ROW reserved for roundabouts be included in this plat.

Stormwater

Lots 1 and 2 will be retain stormwater individually on each property. The applicant has proposed a shared retention pond for the remaining development; however, an easement for stormwater for Lot 3 will not be required with this plat. The property owner will need to accommodate stormwater retention prior to any future development on Lot 3.

Private Utilities

The Developer shall design and construct the storm sewer, sanitary sewer, and water main system as private improvements and paid for by the Developer.

Conditional Use

A conditional use permit (CUP) to allow off-premise advertising was approved February 16, 2016 on Lot 4, Block 5, Urban Plains by Brandt First Addition. This conditional use will apply to the proposed Lot 3, however the CUP will be restricted to the boundary of the Lot 4, Block 5 Urban Plains by Brandt First Addition as was recorded.

Conditional Overlay

Currently there are three slightly different Conditional overlays on one or more of the subject properties. All three conditional overlays provided conditions for building and site design standards for mixed-use and non-residential commercial. Updates to existing overlays are minimal and implementing best practices for design and site standards. The conditional overlay is primarily intended to encourage high-quality, durable, and long-lasting investments to enhance the quality of life and discourage blight.

Public Comment

In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received several calls from surrounding neighbors asking about general details of the proposed entitlements. None of the inquiries were against the proposed project.

Major Subdivision: The LDC stipulates that the following criteria be met before a major 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 proposed subdivision reconfigures existing lots to match market demand for commercially zoned properties. The plat creates three lots, one of which is a consolidation of several lots from previous subdivisions to be subdivided at a future time. There are no changes proposed to the base zoning district with the plat, and commercially zoned properties are consistent with the existing Growth Plan. (**Criteria Satisfied**)
- 2. Section 20-0907.C.4 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.D of the LDC further stipulates that a Major 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. Pursuant to Item 1 above, the proposed subdivision is consistent with the existing Growth Plan and the proposed use will be compatible with the current zoning. Additionally, the subdivision meets all requirements of Article 20-06 as established within the Land Development Code (LDC). (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. Public improvements already exist which serve the subject and surrounding properties. If 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)

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of right-of-ways. However, city policy dictates that any petitioner 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 petitioner must submit a vacate plat (a major subdivision). 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 the N.D.C.C.

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.

This portion of right-of-way does not contain any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines. The application has been routed to the appropriate agencies for their review and staff has not received any comments. (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, the applicant has submitted a petition signed by all adjacent owners for review and consideration, along with a plat of such public street. (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 action will be taken by the City Commission. (Criteria Satisfied)

Zoning Change Approval Criteria. 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?

The proposed zoning change does not change the base zoning district. There are multiple conditional overlays applicable to the properties within the boundaries of the subject properties. The zoning change request will replace the various conditional overlays with one consistent overlay across all subject properties. (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?

There is no change to the intensity of zoning which would impact current and planned city infrastructure to service the subject properties. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. (**Criteria Satisfied**)

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

Since there is no change in the base zoning district, staff has no evidence 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. No opposition to the project has been received by staff. (**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 changes to the conditional overlays will continue to support goals of the Go2030 Comprehensive in areas such as establishing design standards to enhance the character of the public realm and create more walkable neighborhoods and commercial districts. (**Criteria Satisfied**)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission: 1) the proposed major subdivision plat of **Urban Plains by Brandt 7th Addition**, including vacation of right of way, as outlined in the staff report; and 2) the zoning change to repeal and reestablish a C-O, Conditional Overlay, as the proposal complies with the adopted Area Plan, the standards of Section 20-0906.F (1-4), Section 20-0907.C, and of Article 20-06, and all other applicable requirements of the Land Development Code, and of North Dakota Century Code Chapter 40-39.

Planning Commission Recommendation:

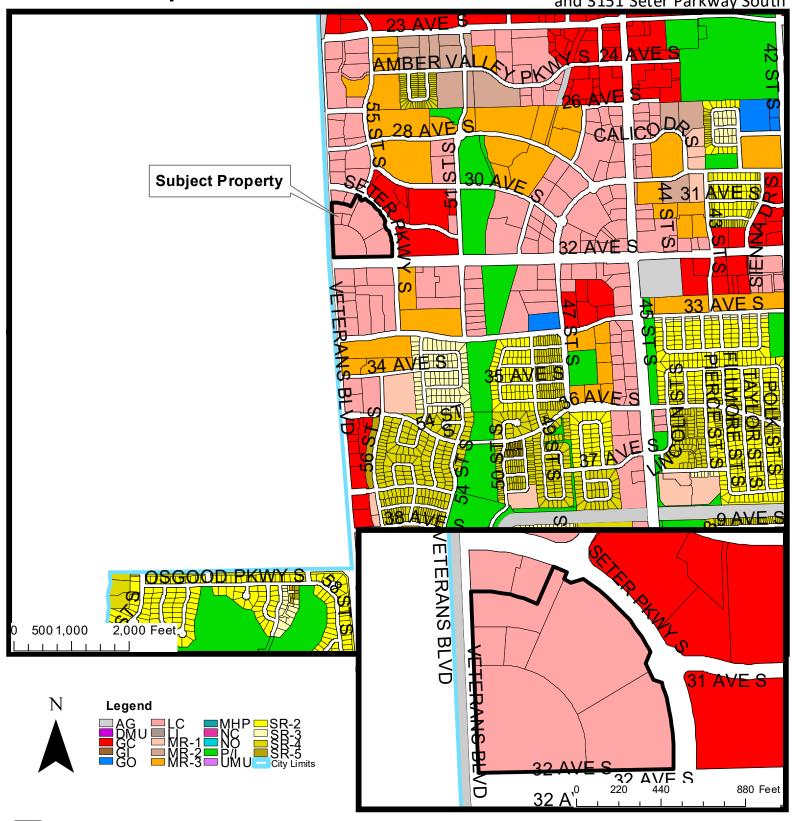
Attachments:

- 1. Zoning Map
- 2. Location Map
- 3. Preliminary Plat
- 4. Draft Amenities Plan
- **5.** Draft Conditional Overlay

Major Subdivision including vacation of right of way; Zone Change from LC, Limited Commercial with a Conditional Overlay to LC, Limited Commercial with a Conditional Overlay

Urban Plains by Brandt Seventh Addition

2907, 2915, 2949, 2975, 3037 and 3151 Seter Parkway South





Fargo Planning Commission October 3, 2023

Major Subdivision including vacation of right of way; Zone Change from LC, Limited Commercial with a Conditional Overlay to LC, Limited Commercial with a Conditional Overlay

Urban Plains by Brandt Seventh Addition

2907, 2915, 2949, 2975, 3037 and 3151 Seter Parkway South



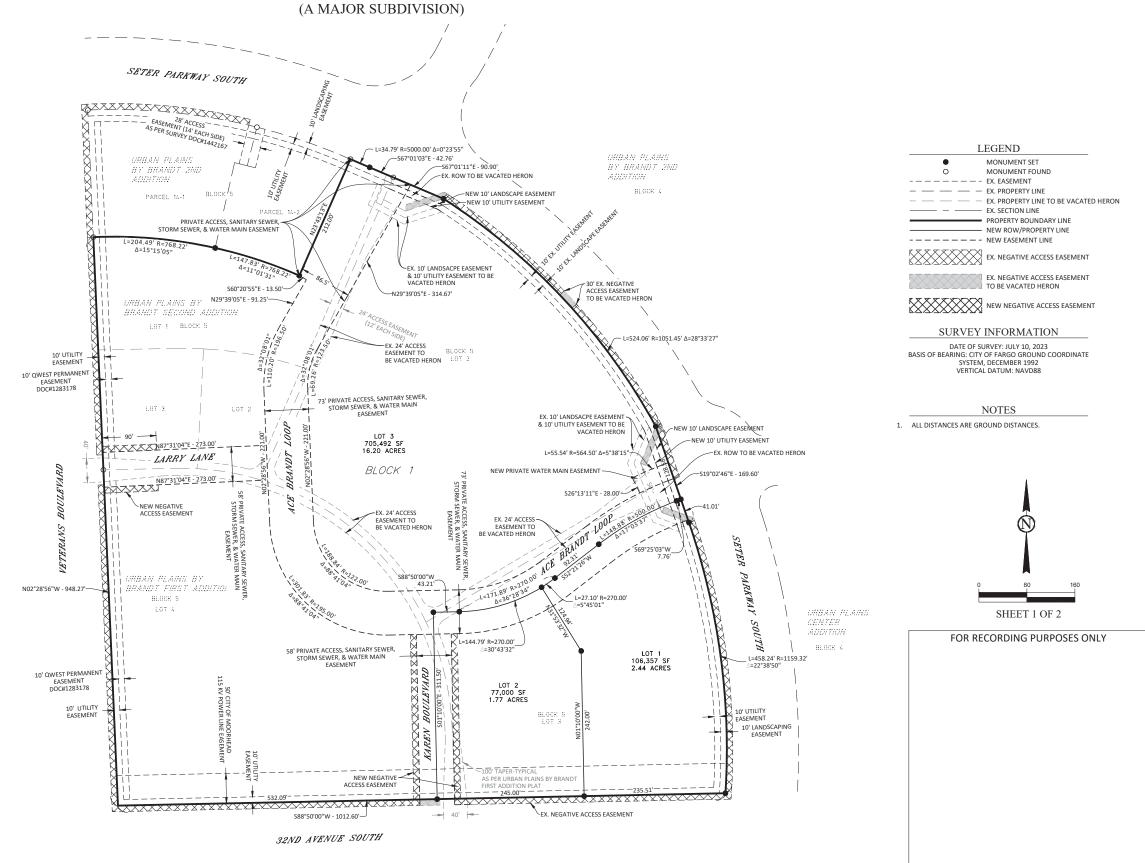


Fargo Planning Commission October 3, 2023

URBAN PLAINS BY BRANDT 7TH ADDITION

A REPLAT OF LOTS 2, 3, 4 BLOCK 5 OF URBAN PLAINS BY BRANDT FIRST ADDITION AND LOTS 1, 2, 3 BLOCK 5 OF URBAN PLAINS BY BRANDT SECOND ADDITION AND VACATION OF PORTIONS OF THE SETER PARKWAY SOUTH RIGHT-OF -WAY TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

A PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN







URBAN PLAINS BY BRANDT 7TH ADDITION

A REPLAT OF LOTS 2, 3, 4 BLOCK 5 OF URBAN PLAINS BY BRANDT FIRST ADDITION AND LOTS 1, 2, 3 BLOCK 5 OF URBAN PLAINS BY BRANDT SECOND ADDITION AND VACATION OF PORTIONS OF THE SETER PARKWAY SOUTH RIGHT-OF -WAY TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

> A PART OF THE SOUTH HALF OF SECTION 21, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN (A MAJOR SUBDIVISION)

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT URBAN PLAINS LAND COMPANY LLC, IS THE OWNER OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 2, 3 AND 4, BLOCK 5, OF URBAN PLAINS BY BRANDT FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA:

LOT 1, BLOCK 5, OF URBAN PLAINS BY BRANDT SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY,

NORTH DAKOTA, LESS THE FOLLOWING TWO TRACTS:

A PARCEL OF LAND LYING WITHIN THE NORTHERLY 212.00 FEET OF LOT 1, BLOCK 5, OF URBAN PLAINS BY BRANDT SECOND ADDITION TO THE CITY OF FARGO AS FILED AND ON RECORD AT THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 02 DEGREES 28 MINUTES 56 SECONDS WEST, (BASIS OF BEARING IS SAID PLAT) ALONG THE WEST LINE OF SAID LOT 1, A
DISTANCE OF 400.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 AND ON A CURVE CONCAVE TO THE SOUTH, FOR A DISTANCE OF 284.26 FEET, SAID CURVE HAVING A RADIUS OF 980.22 FEET; AN INTERIOR ANGLE OF 16 DEGREES 36 MINUTES 56 SECONDS, AND CHORD BEARING SOUTH 84 DEGREES 13 MINUTES 59 SECONDS EAST; THENCE SOUTH 14 DEGREES 04 MINUTES 29 SECONDS WEST, A DISTANCE OF 66.29 FEET; THENCE NORTH 75 DEGREES 55 MINUTES 31 SECONDS WEST, A DISTANCE OF 21.72 FEET; THENCE SOUTH 12 DEGREES 48 MINUTES 46 SECONDS WEST, A DISTANCE OF 145.97 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE WESTERLY 204.49 FEET ON SAID CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 768.22 FFFT: AN INTERIOR ANGLE OF 15 DEGREES 15 MINUTES 05 SECONDS, AND CHORD BEARING NORTH 84 DEGREES 55 MINUTES 53 SECONDS WEST TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE NORTH 02 DEGREES 28 MINUTES 56 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 212.00 FEET

PARCEL 14-2:

A PARCEL OF LAND LYING WITHIN THE NORTHERLY 212.00 FEET OF LOT 1. BLOCK 5. OF URBAN PLAINS BY BRANDT SECOND ADDITION TO THE CITY OF FARGO AS FILED APARCE OF SAID CHING WITHIN THE NORTHEAD 222-00 TECH OF 101-13, ORDER PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 02 DEGREES 28 MINUTES 56 SECONDS WEST, (BASIS OF BEARING IS SAID PLAT) ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 400.09 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 AND ON A CURVE CONCAVE TO THE SOUTH, FOR A DISTANCE OF 284.26 FEET, SAID CURVE HAVING A RADIUS OF 980.22 FEET; AN INTERIOR ANGLE OF 16 DEGREES 36 MINUTES 56 SECONDS, AND CHORD BEARING SOUTH 84 DEGREES 13 MINUTES 59 SECONDS EAST TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG SAID NORTH LINE AND ON A CURVE CONCAVE TO THE SOUTH, FOR A DISTANCE OF 160.16 FEET, SAID CURVE HAVING A RADIUS OF 980.22 FEET; AN INTERIOR ANGLE OF 09 DEGREES 21 MINUTES 42 SECONDS, AND CHORD BEARING SOUTH 71 DEGREES 14 MINUTES 39 SECONDS EAST; THENCE EASTERLY ALONG SAID NORTH LINE AND ON A REVERSE CURVE CONCAVE TO THE NORTH FOR A DISTANCE OF 4.85 FEET SAID CURVE HAVING A RADIUS OF 5000 00 FEET. AN INTERIOR ANGLE OF 00 DEGREES 03 MINUTES 20 SECONDS. AND CHORD BEARING SOUTH 66 DEGREES 35 MINUTES 28 SECONDS EAST; THENCE SOUTH 23 DEGREES 43 MINUTES 13 SECONDS WEST, A DISTANCE OF 212.00 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE WESTERLY 147.83 FEET ON SAID CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 768.22 FEET; AN INTERIOR ANGLE OF 11 DEGREES 01 MINUTES 33 SECONDS, AND CHORD BEARING NORTH 71 DEGREES 47 MINUTES 34 SECONDS WEST: THENCE NORTH 12 DEGREES 48 MINUTES 46 SECONDS EAST, A DISTANCE OF 145.97 FEET; THENCE SOUTH 75 DEGREES 55 MINUTES 31 SECONDS EAST, A DISTANCE OF 21.72 FEET; THENCE NORTH 14 DEGREES 04 MINUTES 29 SECONDS EAST, A DISTANCE OF 66.29 FEET TO THE POINT OF BEGINNING.

LOTS TWO AND THREE, BLOCK 5, OF URBAN PLAINS BY BRANDT SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS URBAN PLAINS BY BRANDT 7TH ADDITION TO THE CITY OF FARGO, NORTH DAKOTA, SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID URBAN PLAINS BY BRANDT 7TH ADDITION, CONSISTS OF 3 LOTS AND 1 BLOCKS, AND CONTAINS 20.42 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD

Y:	
MICHAEL VANNET, PRESIDENT	
TATE OF	
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OUNTY OF)	
N THISDAY OF	, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE,
ERSONALLY APPEARED	, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
KECUTED THE FOREGOING INSTRUMENT AND A	CKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.
OTABY BUBLIC COUNTY	CTATE
OTARY PUBLIC, COUNTY:	STATE:
IY COMMISSION EXPIRES:	

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS URBAN PLAINS BY BRANDT 7TH ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS . 2023.

COLE A. NESET, REGISTERED LAND SURVEYOR ND REG. LS-7513





ENGINEERING

		A. NESET, TO ME KNO EDGED THAT HE EXECU	WN TO BE TH	E PERSON	DESCRIBED	IN AND		COUNTY A	
NOTARY PUBLIC,	COUNTY:	CASS	STATE:	NORTH	DAKOTA				

	CITY	ENGINEER'S APPRO	OVAL				
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TOM KNAKMUHS, PE				/	\		
CITY ENGINEER				1	1		
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STATE OF)				\ .	/		
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COUNTY OF)							
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EXECUTED THE FOREGOING INSTRUMENT AND	ACKNOWLEDGE	D THAT HE EXECUTED SAME A	S THEIR FREE ACT A	ND DEED.			
NOTARY PUBLIC, COUNTY:	STATE:						
MY COMMISSION EXPIRES:			-				
	CITY (COMMISSION APPR	OVAL				
THIS PLAT IN THE CITY OF FARGO IS HEREBY AP							
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TIMOTHY J MAHONEY		STEVEN SPRAGUE					
MAYOR		CITY AUDITOR					
STATE OF)							
COUNTY OF)							
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NOTARY PUBLIC, COUNTY:	STATE:						
MY COMMISSION EXPIRES:			-				
CI	TY PLANN	ING COMMISSION	APPROVAL				
THIS PLAT IN THE CITY OF FARGO IS HEREBY AP	PROVED THIS	DAY OF	2023.				
						SHEET 2 OF 2	
ROCKY SCHNEIDER CHAIRMAN PLANNING COMMISSION					FOR RECO	RDING PURPOSES ONLY	,
					TOTTTLECO	NDING FOR OSES ONE	
STATE OF)							
COUNTY OF							
ON THIS DAY OF	, 2023, BEF	ORE ME, A NOTARY PUBLIC W	ITHIN AND FOR SAI	D COUNTY AND STATE,			
PERSONALLY APPEARED EXECUTED THE FOREGOING INSTRUMENT AND	ACKNOWLEDGE	, TO ME KNOWN TO BE T D THAT HE EXECUTED SAME A	S THEIR FREE ACT A	ND DEED.			
NOTARY PUBLIC, COUNTY: MY COMMISSION EXPIRES:	STATE:		-				

Site Amenities and Project Plan

Urban Plains by Brandt 7th Addition

09/20/2023

Location: The project covers six separate parcels owned by Urban Plains Land Company, LLC. The properties are located at the northeast corner of 32nd Ave S and Veterans Boulevard, west of Seter Parkway. The properties are legally referenced as 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway S, City of Fargo, Cass County, North Dakota totaling approximately 20.23 acres. The existing properties are part of existing plats Urban Plains by Brant First & Second Additions and will be replatted. It will be legally referenced as "Urban Plains by Brandt 7th Addition" once the plat is approved.

Details: The project includes three (3) lots on one (1) block. All of the land is currently in the LC zoning district with 2 existing Conditional Overlays impacting the properties. All lots will be rezoned, remaining LC, with the Conditional Overlays condensed into 1.

Private Roadways: The project accommodates easements for private roadways and utilities. The Developer intends to accommodate on-street, parallel parking on Ace Brandt Loop with 12' drive lanes and 8' parallel parking. The total roadway will be 40' wide however will accommodate "bump outs" at intersections to slow traffic and create separation from on street parking. On Larry Street & Karen Boulevard, pavement will be 28' wide with no on-street parking allowed.

Sidewalks will be provided on both sides of all private roads. The roadways connecting to 32nd Avenue South and Veteran's Boulevard are "right-in/right-out only" due to the existing medians. Negative access easements are provided the entire length of Karen Boulevard and for 90' from the east edge of Veterans Boulevard on Larry Street. A right-hand turn lane will be required to be installed on Veteran's Boulevard.

Other:

- The Developer shall work with the City on the installation of the right-hand turn lane on Veteran's Boulevard.
- The Developer shall be responsible for coordinating the placement of a group mailbox with the City of Fargo Engineering Department. These details shall be determined prior to construction. Consideration to maintenance and snow removal for a group mailbox shall be outlined within restrictive covenants for the project.
- Street lighting and parking signage shall be installed by the Developer at the time of roadway construction.
- Snow removal of the roadways shall be the responsibility of the Developer.
- Snow removal of sidewalks and all boulevard turf maintenance shall be the responsibility of the adjacent property owner.

Storm Water Management: Due to current build-out timelines, all lots shall meet & provide their own stormwater quantity and quality requirements on their own lot. These facilities shall be designed in accordance with City of Fargo requirements.

Flood Protection: The Addition will be protected from flooding with the following measures:

Internal Flooding – rainfall of spring event included:

- 1. Storm Sewer systems designed and installed to City standards;
- 2. Storm water detention facilities within the project

Floodproof Construction Requirements: All building construction shall meet the following flood proofing requirements:

- Lowest opening including area walls shall be 1.2 feet above the 41-foot WSEIA
 - o 896.90 + 1.2 = 898.10' (NAVD 88)
- Fill around building shall be 0.70 feet above the 41-foot WSEIA
 - o 896.90 + 0.7 = 897.60' (NAVD 88)

The amenity plan is hereby approved:

Private Utilities: The Developer shall design and construct the storm sewer, sanitary sewer, and water main system.

Funding of Improvements: Private improvements shall be paid for by the Developer.

Phasing: It is the intention of the owner to develop Urban Plains by Brandt 7th Addition in phases as determined by market conditions.

The second plants are a second separation.	
Urban Plains Land Co, LLC	Date
City Engineer	Date

Conditional Overlay Urban Plains By Brandt 7th Addition Urban Plains 32nd Ave and Veterans

Requirements for mixed-use and non-residential development:

1. Description: This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments to enhance the quality of life and discourage blight. All properties should be designed to a human scale, and buildings should have architectural interest and variety through the use of articulated façades.

2. Building form and style:

- 2.1 All building elevations/facades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least two (2) feet, and the cumulative total horizontal width of all projections and/or recesses within a facade shall equate to at least an accumulated total of twenty (20) percent of the overall horizontal length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.
- 2.2 Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features of pedestrian scale along no less than 50 percent 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.
- 2. All buildings, regardless of size, shall have clearly-defined, highly-visible public entrances that connect to public spaces, streets, pedestrian paths, and plazas with no fewer than two of the following: canopies, awnings or porticos; recesses/projections varying the façade; raised corniced parapets over the door; peaked roof forms; arches or arcades; entry courts; raised landscape planters and/or wing walls integrated with the building.
- 2.4 Exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, EIFS, fiber cement, architectural metal panels, curtain walls, rainscreen systems, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span.
- 2.5 Accent materials such as finished wood and vinyl may be used to construct or clad exterior walls up to 20 percent of each building façade.
- 2.6 Flat roofs and rooftop mechanical equipment shall be concealed from public view at ground level by parapets or other enclosures.
- 2.7 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground-level HVAC units shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.

2.8 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and visually screened from adjacent public right-of-way by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three sides, with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

3. Site Design:

- 3.1 A minimum of five (5) percent of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 3.2. Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
- 3.2.1. Parking lots or parking structures;
- 3.2.2. Any public sidewalk or multi-use path along the perimeter of the lot;
- 3.2.3. Entrances of other buildings on the site;
- 3.2.4. Any public sidewalk system along the perimeter streets adjacent to the development; and
- 3.2.5. Adjacent pedestrian origins and destinations—including, but not limited to, transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator.
- 4. Prohibited Uses:
 - 4.1 Portable advertising signs
 - 4.2 Detention facilities
 - 4.3 Self-service storage
 - 4.4 Vehicle repair
 - 4.5 Vehicle service, limited
 - 4.6 Industrial uses
- 5. Conditional Uses:

For the purposes of this Conditional Overlay, the following uses require approval of a Conditional Use Permit in accordance with Section 20-0909 of the Land Development Code:

- 5.1 Off-premise advertising
- 6. Definitions:
 - 6.1 Façade: Any exterior side of a building as viewed from a single direction, typically perpendicular to the exterior side of the building being viewed.
 - 6.2 Depth: A horizontal distance perpendicular to a building façade.
 - 6.3 Elevation: A horizontal orthographic projection of a building onto a vertical plane, parallel to one side of the building.
 - 6.4 Landscaped: To make an area of land more attractive by adding plants.
 - 6.5 Permanent Walls: constructed of bricks and cement or similar materials, anchored to a permanent foundation

City of Fargo Staff Report			
Title:	924 Townhomes Addition	Date:	09/26/2023
Location:	924 & 916 7 th Street North	Staff Contact:	Brad Garcia, Planner
Owner(s)/Applicant:	FM Property Bros II	Engineer/Architect:	KBA Architecture
Zoning Change (from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay); a PUD Master Land Use Plan ; and a Minor Subdivision (replat of part of Lot 3, all of Lot 4 and part of Lot 5 of Block 16 of Harwoods 2nd Addition to the City of Fargo, Cass County, North Dakota)			
Status: Planning Commission Public Hearing: October 3 rd , 2023			

Existing	Proposed
Land Uses: Single-Family Residential	Land Use: Single-Family Residential
Zoning: MR-3, Multi-Dwelling Residential	Zoning: MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay
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.	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.
Maximum Density Allowed: MR-3 allows a maximum of 24 units per acre	Maximum Building Coverage: No Change

Proposal:

The applicant is seeking approval of three entitlements:

- 1) a **Zoning Change** from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay;
- 2) a PUD Master Land Use Plan; and
- 3) **Minor Subdivision** (replat of part of Lot 3, all of Lot 4 and part of Lot 5 of Block 16 of Harwoods 2nd Addition to the City of Fargo, Cass County, North Dakota

The applicant intends to build attached single-family housing, separated into individual lots as shown on the proposed plat, which would allow for individual property ownership.

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

Surrounding Land Uses and Zoning Districts:

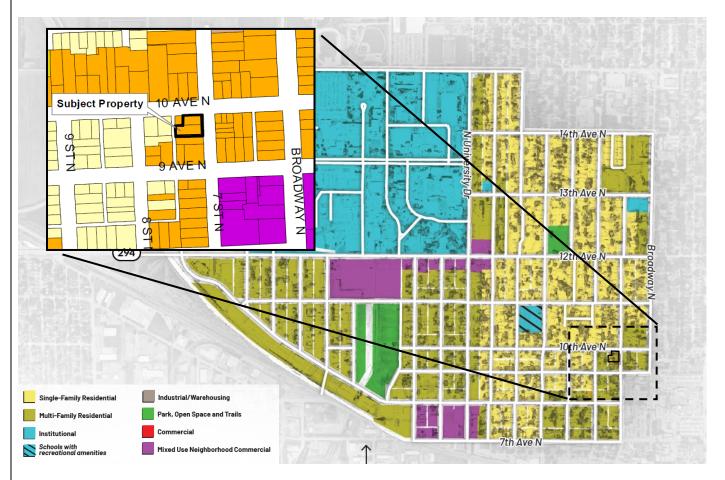
North: MR-3, Multi-Dwelling Residential with single and multi-family uses

East: MR-3, Multi-Dwelling Residential with a PUD and single-family uses South: MR-3, Multi-Dwelling Residential with single and multi-family uses

West: SR-3, Single-Dwelling Residential with single-family uses

Area Plans:

The subject property is located within the Core Neighborhoods Plan, which identifies this area as single-family residential. Since there are no changes to the proposed use or zoning district, the subject property meets the land use as described in the area plan.



ROOSEVELT NEIGHBORHOOD

The Core Neighborhoods Plan identifies Multi-Family Residential uses as Duplexes, townhouses and apartment buildings which are likely to be interspersed alongside single-family structures within this designation to provide a greater range of housing options for households within the community.

Context:

Schools: The subject properties are located within the Fargo School District and are served by Roosevelt and Horace Mann Elementary, Ben Franklin Middle School and North High schools in Fargo.

Neighborhood: The subject property is located in the Roosevelt Neighborhood.

Parks: The subject property is not located within a quarter-mile distance to any Parks and Park Facilities. The closest park is Horace Mann Park (1025 3rd Street N) which offers a basketball court, a multipurpose field, an outdoor skating and hockey rink, picnic tables and a playground. In the winter the park's warming house is unlocked and skating lights will be on during hours of operation.

Pedestrian / Bicycle: No multi-use paths are located within a quarter-mile from the subject properties. Several bike facilities are located within a half-mile radius of the subject property. Sharrows are located along 7th Street North to 11th Ave North, running westbound. Sharrows also are located east and westbound along 8th Ave South. Lastly, a buffered bike lane runs northbound along 10th Street North.

Transit: Four public transportation bus route serves the subject property within a quarter-mile distance. Route 13, 13U, 33 and 11. Routes 13, 13U and 33 serves the area going northbound along 10th St South providing service the GTC, Klai Hall, R. H. Barry Hall, Roosevelt Elementary, NDSU Transit Hub, Northport Hornbacher's, Trollwood Village, NDSCS - Fargo, Sanford Health Athletic Complex, Family Fare, People Ready, Renaissance Hall. Route 11 serves the area north and southbound along Broadway providing service to the GTC, Sanford Health, Washington Elementary, VA Hospital, Gate City Bank, Fargo North High, Northport, Hornbacher's

Staff Analysis:

Background

The subject properties are currently zoned MR-3 Multi-Dwelling Residential and each have a single-family home that have had a significant level of disinvestment. The properties are located at a transitional part of the Roosevelt neighborhood, a Core Neighborhood, near the edge of the Downtown district and within 800 feet of the Sanford Health on Broadway.

The applicant first presented a preliminary plan to staff in this past spring, showing an attached housing project of 7 units over the two subject properties (see image below). The development met all the requirements of the MR-3, Multi-Family residential (the base zoning district of the subject properties). The applicant explained they would like to allow individual ownership of each townhome, however the lot sizes would not meet Land Development Code requirements and the townhomes would be limited to rentals. Staff discussed the option of PUD, which could allow lot sizes to meet the applicant's goal. Additionally, the setbacks could be modified to allow the buildings to be placed closer to the front and rear property lines, restricting vehicle circulation to the area between the townhomes rather than three units having individual driveways along 7th Street North and the two rear units having access through the alley. Staff felt having less driveways along the pedestrian sidewalk would be safer and better preserve the pedestrian connectivity of the neighborhood.

Project Summary

The applicant has applied for a zoning change and a PUD Overlay in order to tailor development standards to the specifics of the proposed 924 Townhomes project. This project is a development of 7 townhomes and the applicant would like the flexibility to offer each unit as owner occupied. The PUD Overlay section notes the proposed changes from the Land Development Code. The applicant has submitted a project narrative, PUD Master Land Use Plan which further describes the proposed development. These documents are attached.

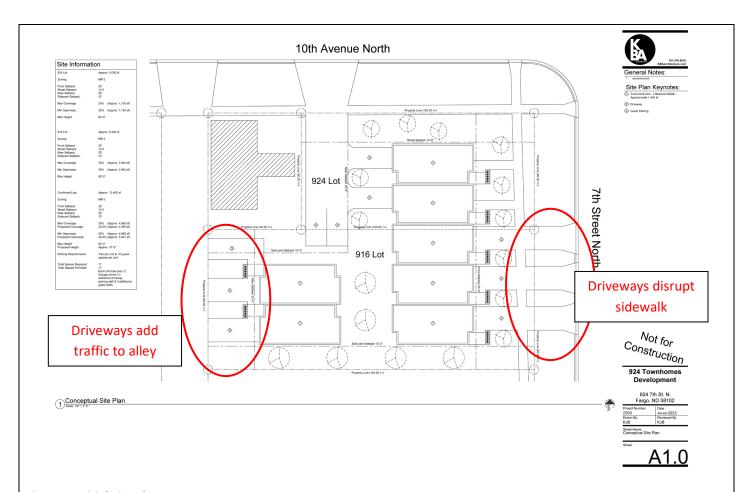


Figure 1. Initial Site Plan

Alternative Residential Development Options

Attached Housing (LDC Section 20-0506 B) that exempts attached housing from lot width, lot area, and building coverage requirements. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right but the application is confirmed for compliance with the subdivision process. Additionally, no interior side setback is required on the "attached" side of a lot containing an attached house. The front, side, and rear setback standards shall apply around the perimeter of an attached housing development as outlined in the Land Development Code and PUD.

PUD Overlay

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The proposed PUD overlay is intended to modify the following specific MR-3 zoning standards:

	Current LDC Development Standards for the MR-3 Zone	PUD Modifications to MR-3 Development Standards
Lot Area	5,000 square feet	Exempt per Alternative Development Options
Setbacks	Front—25' Rear—20' Street side—12.5' Interior side—10'	Front - decrease to 4' Rear - decrease to 4' Street side - No Change Interior side - Exempt per Alternative Development Options
Building Coverage	35%	Exempt per Alternative Development Options

NOTE: The setbacks noted in the chart apply to the overall project site, not the individual lots within the site.

Additional standards found in the PUD encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To achieve this objective, the additional standards that are based on the University Mixed-Use zoning district, allows higher overall residential density and limited commercial uses while incorporating design standards to achieve quality housing. Development is intended to be pedestrian oriented and neighborhood friendly. Use of pedestrian scale components will be incorporated into architectural details, attractive streetscapes and safe traffic movements. The intent of these additional standards is to promote high quality development in certain neighborhoods, while preserving the single-family owner occupied housing within the neighborhood.

PUD Master Land Use Plan

The image below is a preliminary Master Land Use Plan submitted by the applicant. The Master Land Use Plan shows the building envelope of the structures, parking, circulation, and open space.



Figure 2: PUD Master Land Use Plan

Final PUD Plan Required Prior to Building Permit Approval

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

Access

An access and utility easement will be established between the two groups of townhomes to allow individual access off 10th Ave North. Future maintenance and replacement of the private access drive would be the responsibility of the property owners, typically found as a homeowner's association.

Utilities

All townhomes will be served by a private utility main from utilities located along 10th Ave North. Again, it would be the responsibly of the property owners for future maintenance and replacement of utility mains located within the easement. Each townhome will access utilities from the private utility mains.

Public Sidewalks

7th Street North, adjacent to the subject properties, has been has been scheduled for reconstruction next summer. The reconstruction of the road would include realigning the sidewalk so that it would be located in the right of way rather than private property.

Public Comment

In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received two calls regarding this proposed project, with no objections.

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 subject property is zoned as MR-3, Multi-Dwelling residential for residential use. The proposed zone change is to add the PUD overlay and does not change the use. The plat would divide the subject properties meeting the requirements of the PUD overlay and all other 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.

(Criteria Satisfied)

Zoning Change Approval Criteria. 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?

The proposed zoning change does not change the base zoning district. A PUD overlay is proposed over the subject properties to allow tailor development standards that allow a better development than what would be allowed by right, as described in this report. (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?

There is no change to the intensity of zoning which would impact current and planned city infrastructure to service the subject properties. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified.

(Criteria Satisfied)

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

Since there is no change in the base zoning district, staff has no evidence 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. No comments have been received to date.

(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 changes allowed by the PUD support goals of the Go2030 Comprehensive in areas such as establishing design standards to enhance the character of the public realm, quality new development and options for workforce housing. The PUD further supports goals as identified in the Core Neighborhoods plan such as neighborhood compatible developments and affordable owner-occupied housing options. (Criteria Satisfied)

Master Land Use Plan

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

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

The plan represents an improvement over what could have been accomplished through strict application of the base zoning district as previously described in this report. It modifies certain development standards of the MR-3 zone and general development standards in order to provide a more compatible residential development than would be allowed under the MR-3 zoning.

(Criteria Satisfied)

2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;

Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies some standards of the MR-3 zone and general development standards as outlined in Section 20-0501 and noted above. All other standards and requirements as set forth in the LDC have been met.

(Criteria Satisfied)

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. The changes allowed by the PUD support goals of the Go2030 Comprehensive in areas such as establishing design standards to enhance the character of the public realm, quality new development and options for workforce housing. The PUD further supports goals as identified in the Core Neighborhoods plan such as neighborhood compatible developments and affordable owner-occupied housing options. (Criteria Satisfied)

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

The PUD is consistent with sound planning practice and as described in this report promotes a better housing development that preserves the public realm and surrounding core neighborhood character. (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1)Zoning Change (From MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay); 2)PUD Master Land Use Plan; and 3)Minor Subdivision of **924 Townhomes Addition** as the proposal complies with the Go2030 Fargo Comprehensive Plan, Core Neighborhoods Plan, Article 20-090(7)(B)(a-e), Section 20-906.F (1-4), Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the LDC."

Planning Commission Recommendation:

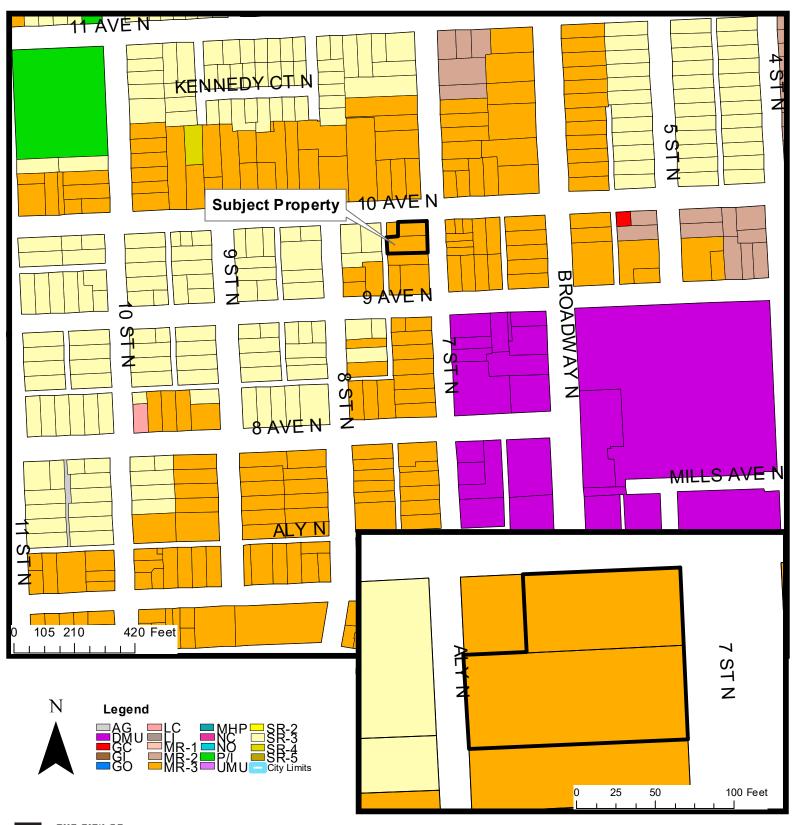
Attachments:

- 1. Zoning Map
- 2. Location Map
- 3. Preliminary Plat
- 4. PUD Master Land Use Plan
- 5. PUD Narrative
- 6. Project Renderings
- 7. Draft PUD Ordinance

Minor Subdivision and Zone Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Master Plan and Final Plan

924 Townhome Addition

916 & 924 7th Street North



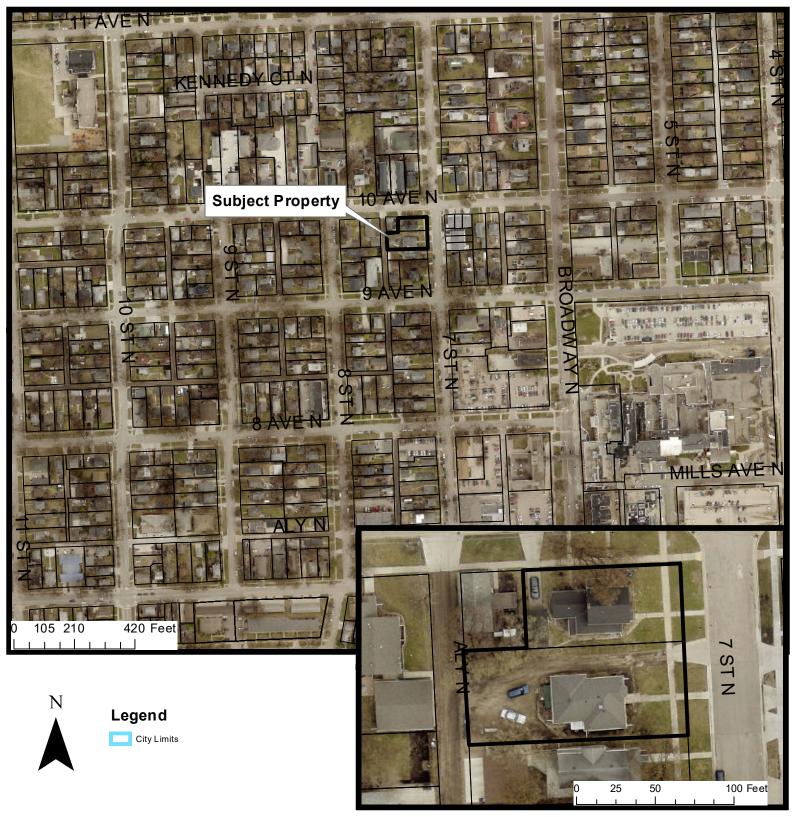


Fargo Planning Commission October 3, 2023

Minor Subdivision and Zone Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Master Plan and Final Plan

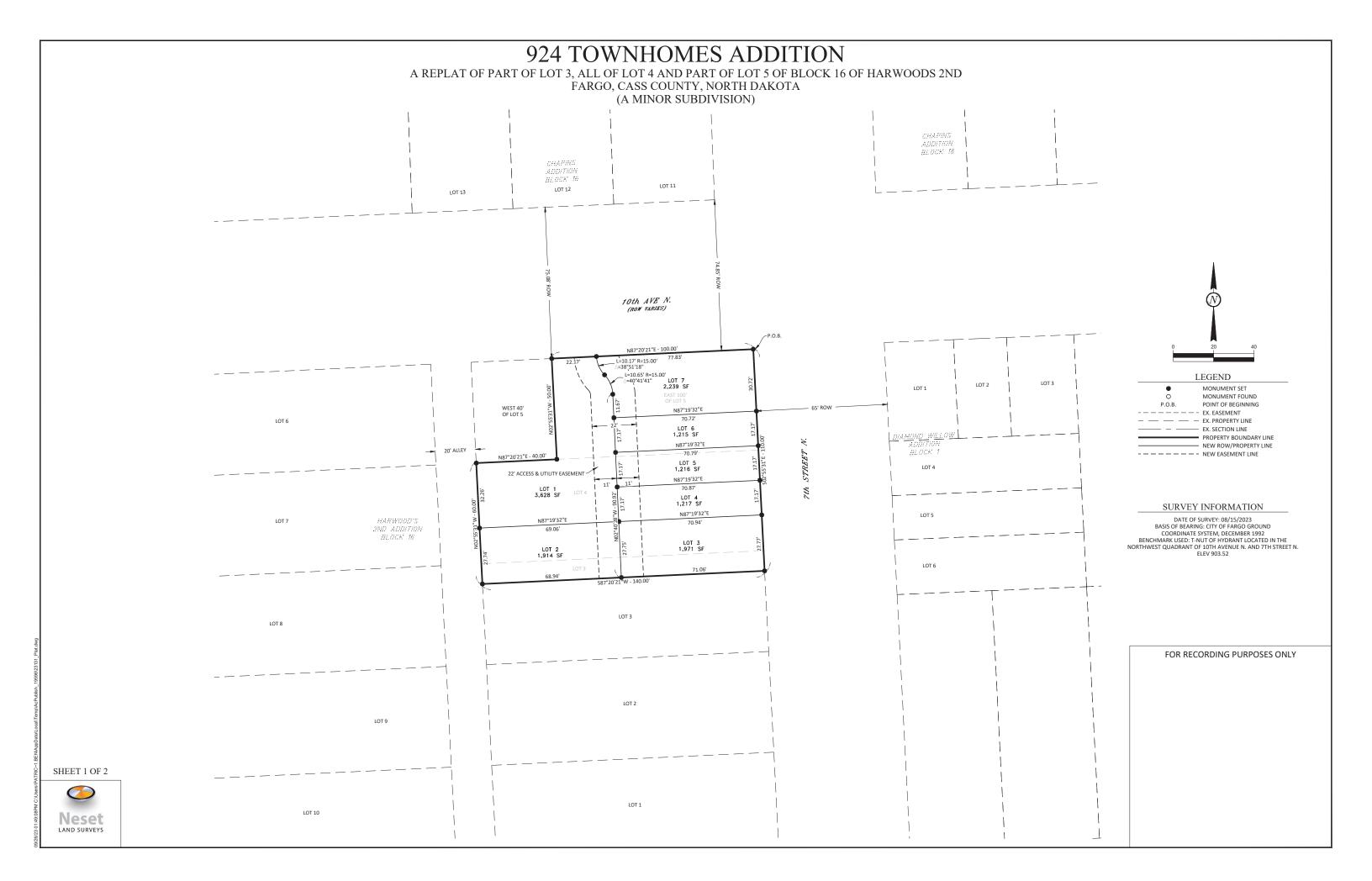
924 Townhome Addition

916 & 924 7th Street North





Fargo Planning Commission October 3, 2023



924 TOWNHOMES ADDITION

A REPLAT OF PART OF LOT 3, ALL OF LOT 4 AND PART OF LOT 5 OF BLOCK 16 OF HARWOODS 2ND FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT RABOIN REALTY, IS THE OWNER OF THAT PART OF LOT 3, ALL OF LOT 4 AND PART OF LOT 5 OF BLOCK 16 OF HARWOODS 2ND TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 5 OF BLOCK 16 OF HARWOODS 2ND, A PLAT ON FILE AT THE COUNTY RECORDERS OFFICE, THE POINT OF BEGINNING; THENCE 502*55'31"E A DISTANCE OF 110.00 FEET; THENCE 587*20'21"W A DISTANCE OF 140.00 FEET; THENCE N02*55'31"W A DISTANCE OF 60.00 FEET; THENCE 887*20'21"E A DISTANCE OF 100.00 FEET; THENCE N02*55'31"W A DISTANCE OF 50.00 FEET; THENCE N87*20'21"E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS 924 TOWNHOMES ADDITION TO THE CITY OF FARGO, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID 924 TOWNHOMES ADDITION, CONSISTS OF 7 LOTS AND 1 BLOCKS, AND CONTAINS 0.30 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY:	
BRANDON RABOIN, PRESIDENT FM PROPERTY PROS II LLC	
STATE OF)	
COUNTY OF)	
ON THIS DAY OF PERSONALLY APPEARED BRANDON RABOIN, TO ME INSTRUMENT AND ACKNOWLEDGED THAT HE EXEC	, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING UTED SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY:	STATE:
	SURVEYORS CERTIFICATE
PLATTED THE PROPERTY DESCRIBED ON THIS PLAT. THAT ALL DISTANCES ARE SHOWN CORRECTLY ON:	DER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND AS 924 TOWNHOMES ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THISDAY OF
COLE A. NESET, REGISTERED LAND SURVEYOR	
LS-7513	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
STATE OF NORTH DAKOTA))SS	
COUNTY OF CASS)	
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NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

SHEET 2 OF 2



ΙΤΥ	ENGINEER'S APPROVAL	

ENGINEER'S API	PROVAL	
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DAY OF	2023.	
JKE ME, A NOTARY PUBL INING COMMISSION, TO EDGED THAT HE EXECUTE	IC WITHIN AND FOR SAID COUNTY AND STATE, ME KNOWN TO BE THE PERSON DESCRIBED IN AND D SAME AS THEIR FREE ACT AND DEED.	
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NOTARY PUBLIC, COUNTY:

FOR RECORDING PURPOSES ONLY

Site Information

Combined Lots: Approx. 13,400 sf Zoning: MR-3 w/PUD

Front Setback: Street Setback: Rear Setback: Sideyard Setback 25' (Proposed 4') 12.5' 20' (Proposed 4') 10' 10th Avenue North



General Notes:

Site Plan Keynotes:

Townhome Unit - 2 Bedroom/2.5Bath

② Guest Parking Space

7th Street North

Not for Construction

924 Townhomes Development

924 /th St. N. Fai	rgo, ND 58102	
Project Number: Date:		
2303 xx-xx-2023		
Drawn By: Reviewed By:		
IV ID		

Sheet Title: Conceptual Site Plan



Conceptual Site Plan
Scale: 1/8" = 1'-0"

Project Narrative- 924 Townhome Development

Utilizing the Planned Unit Development (PUD) Approach in this land development offers numerous advantages that extend beyond typical architectural considerations. The modified setback requirements create opportunities for unique and innovative architectural designs. The PUD Approach allows for ample off-street parking, addressing the shortage of parking options and minimizing overcrowded streets. This proactive parking management enhances safety, reduces congestion, promotes a cleaner environment, and benefits the community at large.

Embracing the PUD approach ensures that the development seamlessly blends into the existing neighborhood. Every architectural element is carefully considered to harmonize with the established aesthetics and character of the area. Collaboration with the community and city officials is vital to incorporate valuable insights and meet the expectations of all stakeholders. The commitment to balancing community integration and project viability creates a development that resonates with the community while aligning with the city's long-term vision.

Implementing the PUD approach eliminates unnecessary curb cuts and driveway aprons, streamlining connections to city infrastructure. This design choice improves efficiency, reduces complexity, and enhances the visual appeal of the surrounding streetscape. It prioritizes pedestrian safety by minimizing vehicle movements and potential conflicts. Moreover, it optimizes space utilization, allowing for additional amenities and green spaces that enhance the quality of life for residents.

Through the implementation of the PUD approach, three aged existing structures with safety concerns are replaced with ten new single-family residential units. This revitalizes the area, increases neighborhood density, and brings numerous benefits such as enhanced safety, community viability, and resource utilization. The introduction of modern homes uplifts property values, encourages further investment, and addresses evolving housing demands.

In summary, the utilization of the PUD approach in this development offers advantages in architectural design, parking availability, community integration, infrastructure efficiency, pedestrian safety, and neighborhood revitalization. It creates a harmonious and attractive environment while meeting the needs and aspirations of the community, city, and project owners.





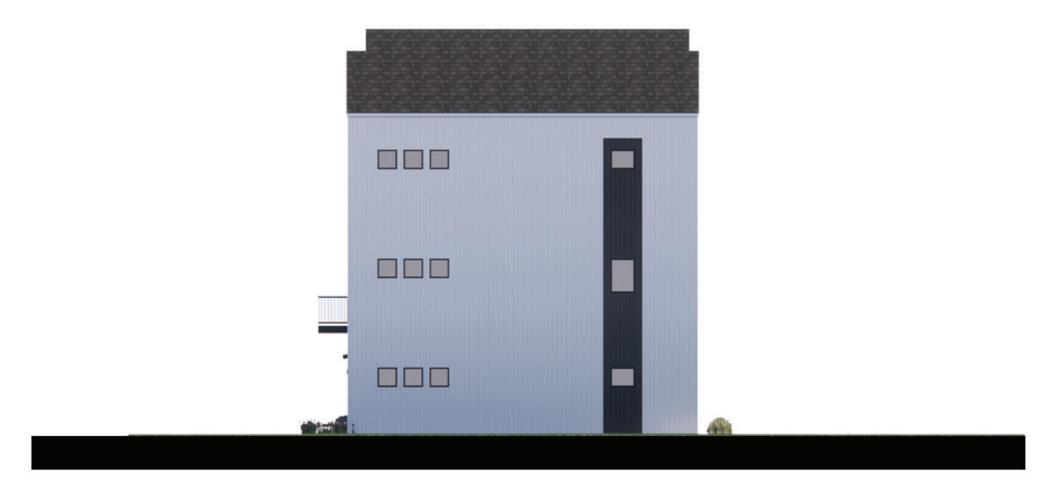








924 Townhome Development Conceptual West Elevation - Building A



924 Townhome Development Conceptual North Elevation - Building A & B



924 Townhome Development Conceptual West Elevation - Building A



924 Townhome Development Conceptual South Elevation - Building A & B





Draft PUD Ordinance – 924 Townhomes Addition

1) Dimensional Standards

a) Setbacks

i) Front Minimum Setback: 4 feet.

ii) Rear Minimum Setback: 4 feet.

2) Additional Standards

- a) **Building Materials**
 - i) All walls shall be finished with architectural materials such as brick, glass, stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), seamless steel siding with a ceramic hybrid paint finish, fiber cement siding, or curtain walls. Building elevation materials shall be commercial grade, durable, and have a multi-generational life span.
 - ii) The following materials may not be used other than for purposes of providing accent: insulated metal panels; wood-based materials; asphalt; and decorated concrete block. When these materials are used, the materials must be of commercial grade. Metal panels with exposed fasteners are not permitted.
 - iii) The use of architectural metal panels and wood panels for enclosure of mechanical equipment shall be permitted.
- b) Building Form and Style. The building design shall include design features to avoid monotony, to create visual interest, and to enhance the pedestrian scale all of which is to be designed to create compatibility with the surrounding neighborhood. Examples of features to be included are:
 - i) Arcades
 - ii) Cornices
 - iii) Eaves
 - iv) Bow, bay, arched, oval, or gable windows
 - v) Shutters
 - vi) Arched entries, balconies, or breezeway entrances
 - vii) Stone or brick accent walls
 - viii) Decorative stone or brick banding
 - ix) Decorative tiles
 - x) Verandas, porches, balconies or decks
 - xi) Projected walls or dormers

- xii) Variation of roof lines
- xiii) Decorative caps or chimneys
- c) Four-Sided Design. All building facades shall be designed with a similar level of design detail, respective to building massing and building materials and incorporate a variety of building openings (windows and doors) on all sides.

3) Site Design

- a) Dumpsters, Refuse containers and Outdoor Storage.
 - i) Dumpsters and outdoor storage areas shall be visually screened from adjacent public right-of-way by permanent walls. Dumpsters and refuse containers shall contain permanent walls on at least three (3) sides with the service opening not directly facing any public right-of-way. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers. Any permanent walls shall be constructed or clad with the same materials used for the primary building.
- b) **Driveways.** No driveways will be allowed to the public right of way other than is allowed through the access easement provided from 10th Avenue North.
- c) Parking Area Interior Landscaping. Each lot shall have a minimum of 100 square feet of the internal parking area to be landscaped with plant material through the use of planter islands and peninsulas.

Agenda Item #	5

City of Fargo Staff Report				
Title:	Agassiz First Addition Date: 9/27/2023			
Location:	602 and 610 39th Street North; 601 and 609 40th Street North	Staff Contact:	Alayna Espeseth, Assistant Planner	
Legal Description:	Lots 1, 2, 23, and 24, Block 2, E.G. Clapp First Addition			
Owner(s)/Applicant:	Autumn Hareland, LLC/Houston Engineering Engineer: Houston Engineering			
Entitlements Requested:	Minor Subdivision (Replat of Lots 1, 2, 23, and 24, Block 2, E.G. Clapp First Addition to the City of Fargo, Cass County, North Dakota)			
Status:	Planning Commission Public Hearing: October 3 rd , 2023			

Existing	Proposed
Land Use: Industrial and undeveloped	Land Use: No change
Zoning: GI, General Industrial	Zoning: No change
Uses Allowed: 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: No change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No change

Proposal:

The request is to replat Lots 1, 2, 23, and 24, Block 2, E.G. Clapp First Addition into a two lot minor subdivision, entitled **Agassiz First Addition**. As is today, Lot 1, Block 2, E.G. Clapp First Addition, has an illegal structure located along the northwest property line. The plat will not be recorded until either the building is removed or the plan to remediate the building has been approved by the City of Fargo Building Official. The structure located in the northeast corner of Lot 1, Block 2, E. G. Clapp First Addition, was built in 1992 prior to the current Land Development Code and is found to be legally non-conforming. This request does not make this structure any more or less non-conforming.

Surrounding Land Uses and Zoning Districts:

- North: GI, General Industrial with warehouse, service shop, office & utility uses;
- East: GI, General Industrial warehouse and manufacturing uses;
- South: GI, General Industrial with warehouse, service shop & office uses;
- West: LI, Limited Industrial with parking lot use.

Area Plans:

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

Context:

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

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

Parks: There are no Fargo Park District facilities within a mile of the subject property.

Pedestrian / Bicycle: There is a shared use path that runs along 7th Avenue, to the north of the property.

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

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.

Minor Subdivision

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

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

This subdivision is intended to replat four existing lots into 2 new lots. The current zoning is GI, General Industrial. No zone change is proposed. The subject property is not included in a growth plan, area plan, or neighborhood plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no inquiries on the subject property. 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. (Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Agassiz First Addition** as outlined within the staff report, as the proposal complies with the standards of Article 20-06, Section 20-0907.B. and C of the LDC, and all other applicable requirements of the LDC.

(Continued on next page.)

Planning Commission Recommendation: October 3rd, 2023

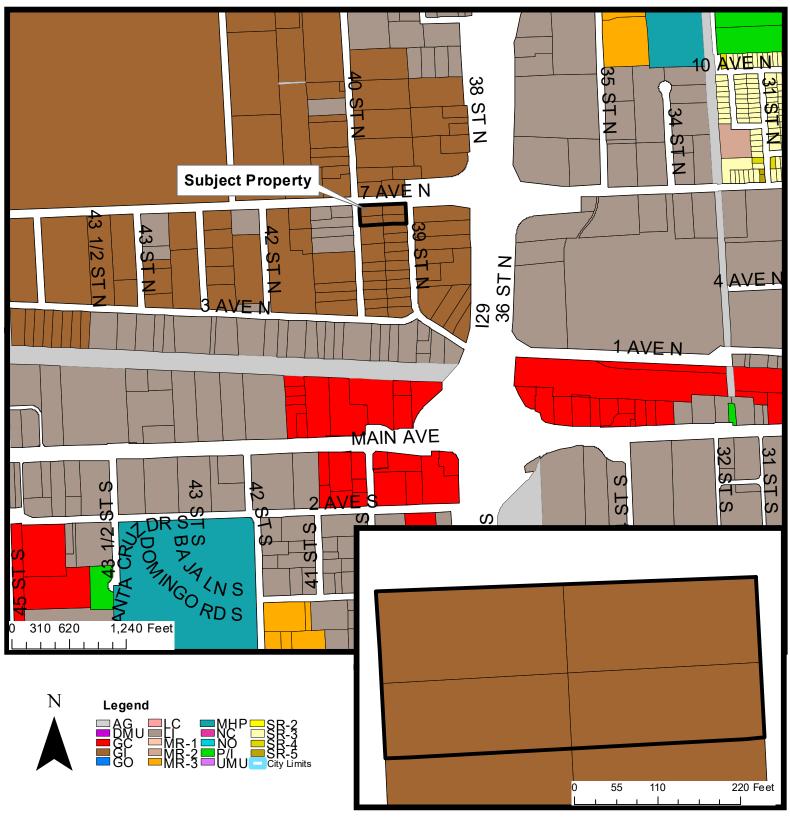
Attachments:

- Zoning Map
 Location Map
 Preliminary Plat

Minor Subdivision

Agassiz First Addition

602 & 610 39 Street North 601 & 609 40 Street North



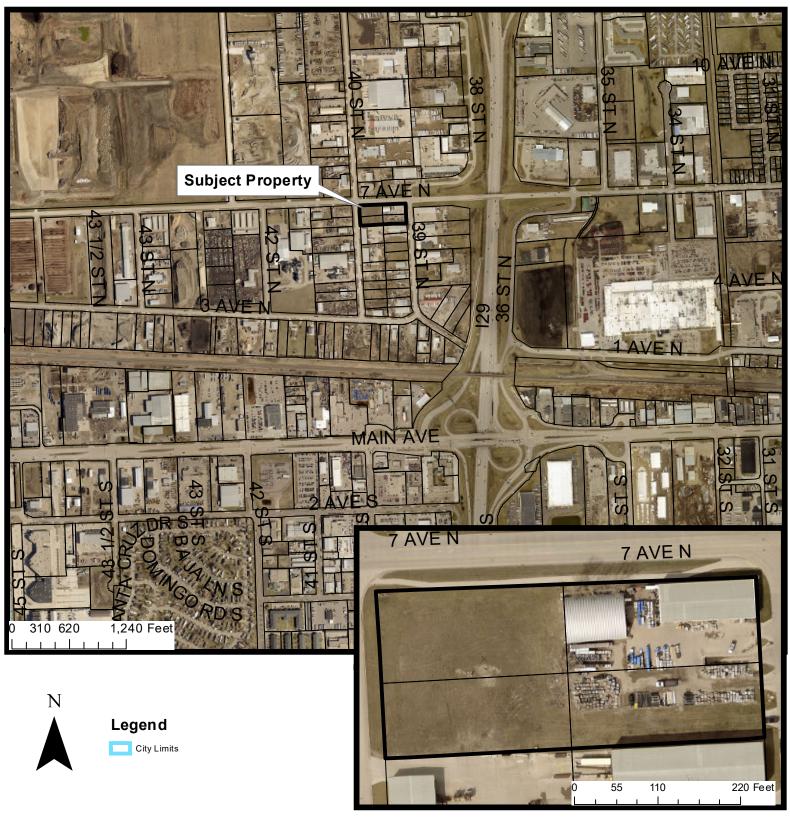


Fargo Planning Commission October 3, 2023

Minor Subdivision

Agassiz First Addition

602 & 610 39 Street North 601 & 609 40 Street North

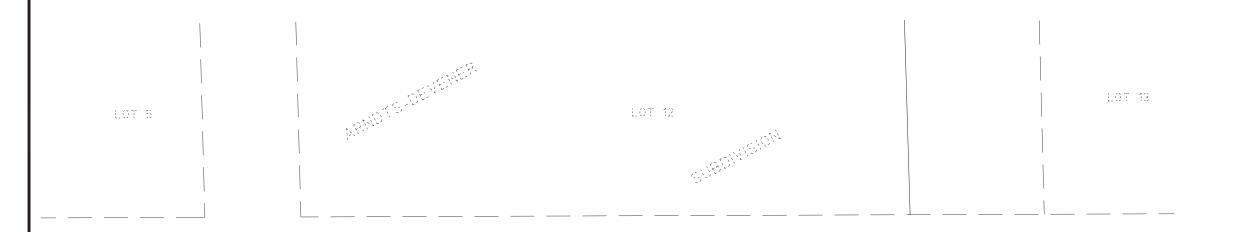




Fargo Planning Commission October 3, 2023

AGASSIZ FIRST ADDITION

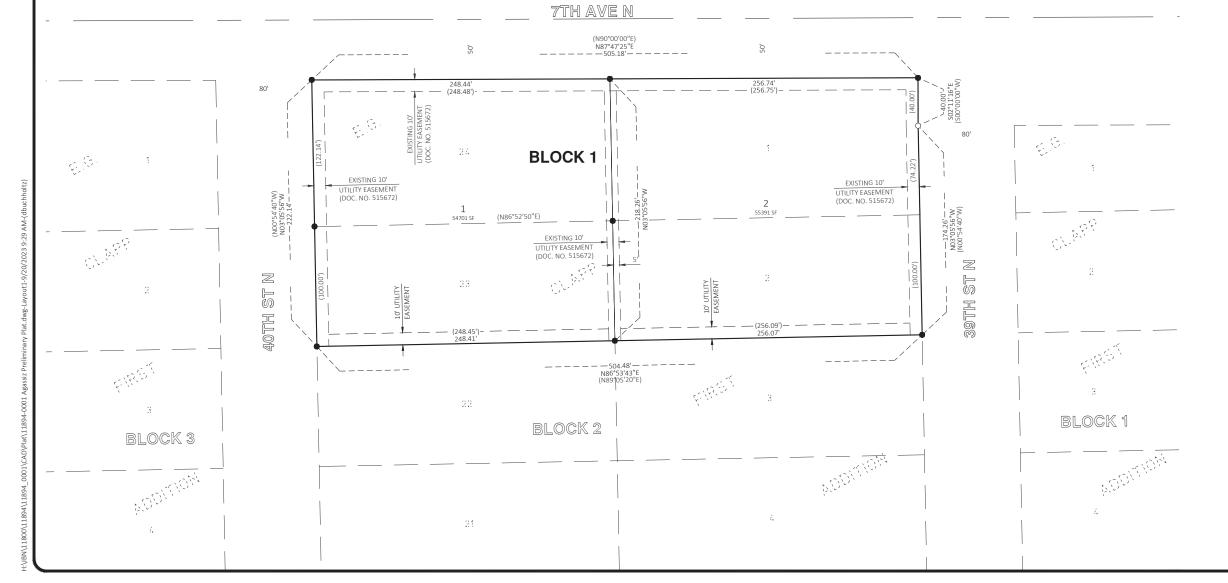
A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 1, 2, 23 & 24, BLOCK 2
E. G. CLAPP FIRST ADDITION
CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



Scale Feet LEGEND IRON MONUMENT FOUND 1/2" I.D. PIPE SET PLAT ROUNDARY

IRON MONUMENT FOUND	•
1/2" I.D. PIPE SET	0
PLAT BOUNDARY	
LOT LINE	
UTILITY EASEMENT	
EXISTING LOT LINE	
EXISTING UTILITY EASEMENT	

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





AGASSIZ FIRST ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 1, 2, 23 & 24, BLOCK 2
E. G. CLAPP FIRST ADDITION
CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:

NOW ALL PERSONS BY THESE PRESENTS: That Steve Hareland, LLC, a North Dakota limited liability company, and Autumn Hareland, LLC, a North Dakota limited liability company are the owners and proprietors of the following described tract of land:

Lots 1, 2, 23 and 24, Block 2, E.G. Clapp First Addition, to the City of Fargo, Cass County, North Dakota. Said tract contains 2.5288 acres, more or less.

And that said party has caused the same to be surveyed and platted as **AGASSIZ FIRST ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:				
Steve Hareland, LLC With the execution of this Plat the fee-title owner of Lot 1, Block 1, Agassiz First Subdivision, depicted on this Plat (Prior to the Plat the owner of Lots 23 and 24, Block 2, E.G. Clapp First Additio				
Steve Hareland, President				
State of)				
) ss County of)				
On this day of, 20 before me personally appeared Steve Hareland, President of Steve Hareland, 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 said limited liability partnership.				
Notary Public:				
OWNER: Autumn Hareland, LLC With the execution of this Plat the fee-title owner of Lot 2, Block 1, Agassiz First Subdivision, depicted on this Plat (Prior to the Plat the owner of Lots 1 and 2, Block 2, E.G. Clapp First Additioin)				
Autumn Hareland, President				
State of)) ss				
County of)				
On this day of, 20 before me personally appeared Autumn Hareland, President of Autumn Hareland, 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 she executed the same on behalf of said limited liability partnership.				
Notary Public:				

SURVEYOR'S CERTIFICATE AND A	SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:						
I, James A. Schlieman, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.							
Dated thisday of	·	, 20					
James A. Schlieman, Professional La	nd Surve	yor No	. 6086				
State of North Dakota)) ss						
County of Cass)						
On this day of, 20 before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.							
Notary Public:							
CITY ENGINEER'S APPROVAL:							
Approved by the Fargo City Engineer this day of							
Tom Knakmuhs, PE, City Engineer							
State of North Dakota)) ss						
County of Cass)						
On this day of Knakmuhs, PE, Fargo City Engineer, who executed the within instrument a his free act and deed.	known to	me to	be the	person v	vho is de	scribed in	n and

Notary Public: _____

Approved by the City of Fargo F , 20	lanning Commissi	on this day of
Rocky Schneider, Chair		
Fargo Planning Commission		
State of North Dakota)	
) ss	
County of Cass)	
		, before me personally appeared Rock
		own to me to be the person who is ent and acknowledged to me that he
executed the same on behalf of		
Noton: Dublice		
Notary Public:		
FARGO CITY COMMISSION AF	PPROVAL:	
		d ordered filed thisday
of		,
		-
Timothy J. Mahoney, Mayor		
Attest:		
Steven Sprague, City A	uditor	
State of North Dakota)	
) ss	
County of Cass)	
), before me personally appeared even Sprague, City Auditor, City of Fargo,
known to me to be the persons	who are described	in and who executed the within instrumer
and acknowledged to me that th	ey executed the sa	ame on behalf of the City of Fargo.
Notary Public:		

FARGO PLANNING COMMISSION APPROVAL:



Agenda Item #	6

City of Fargo Staff Report				
Title:	Northern Sheyenne Land Fourth Addition	Date:	9/27/2023	
Location:	1810 & 1821 Sheyenne Loop North	Staff Contact:	Alayna Espeseth, Assistant Planner	
Legal Description:	Lot 2, Block 1, and Lot 5, Block 2, Northern Sheyenne Land Third Addition			
Owner(s)/Applicant:	Jesse Soper/John Nore/Neset Land Surveys Engineer: Neset Land Surveys			
Entitlements Requested: Minor Subdivision (Replat of Lot 2, Block 1, and Lot 5, Block 2, Northern Sheyenne Land Third Addition, to the City of Fargo, Cass County, North Dakota.)				
Status: Planning Commission Public Hearing: October 3, 2023				

Existing	Proposed
Land Use: Platted but not developed	Land Use: Industrial
Zoning: LI, Limited Industrial	Zoning: No change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, adult establishment, offices, off-premise advertising signs, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and certain telecommunications facilities.	Uses Allowed: No change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: 85%

Proposal:

The request is to replat Lot 2, Block 1, and Lot 5, Block 2, Northern Sheyenne Land Third Addition into a 3 lot minor subdivision, entitled **Northern Sheyenne Land Fourth Addition**.

Surrounding Land Uses and Zoning Districts:

- North: LI, Limited Industrial and P/I, Public and Institutional with a stormwater detention basin and undeveloped land;
- East: GI, General Industrial with warehouse, service shop and office uses;
- South: LI, Limited Industrial with self-service storage and office uses;
- West: LI, Limited Industrial and is undeveloped land.

(Continued on next page.)

Area Plans:

The subject property is located within the 2007 Tier 1 Northwest Future Land Use Plan. The plan designated the subject property as "Commercial", however, in 2012 when the subject property underwent a zone change from GI, General Industrial and GC, General Commercial, it was felt that it made sense to shift the retail and service industry further north to the main intersection and to keep the industrial land uses with access to the rail road. The current Zoning is LI, Limited Industrial. No zone change is proposed.



Schools and Parks:

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

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

Parks: There are no Fargo Park District facilities within a mile of the subject property.

Pedestrian / Bicycle: There is a shared use path that runs along the south side of 19th Ave N and a shared use path that runs along the west side of 45th St N.

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

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.

Minor Subdivision

The plat proposes a 3 lot minor subdivision, entitled **Northern Sheyenne Land Fourth Addition**. The current zoning is LI, Limited Industrial. No zone change is proposed. Negative access easements that were left over from the previous plat, located along both sides of Sheyenne Loop roadway, are to be vacated with this plat. There are no additional findings for negative access easements.

Access

Access for the subject property will only be taken off of Sheyenne Loop North.

Minor Subdivision

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

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

Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

This subdivision is intended to replat the existing two lots into three new lots. The current zoning is LI, Limited Industrial. No zone change is proposed. The subject property is located within the 2007 Tier 1 NW Future Land Use Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no inquiries on the subject property. 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.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Northern Sheyenne Land Fourth Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, Section 20-0907.B. and C of the LDC, and all other applicable requirements of the LDC.

Planning Commission Recommendation: October 3, 2023

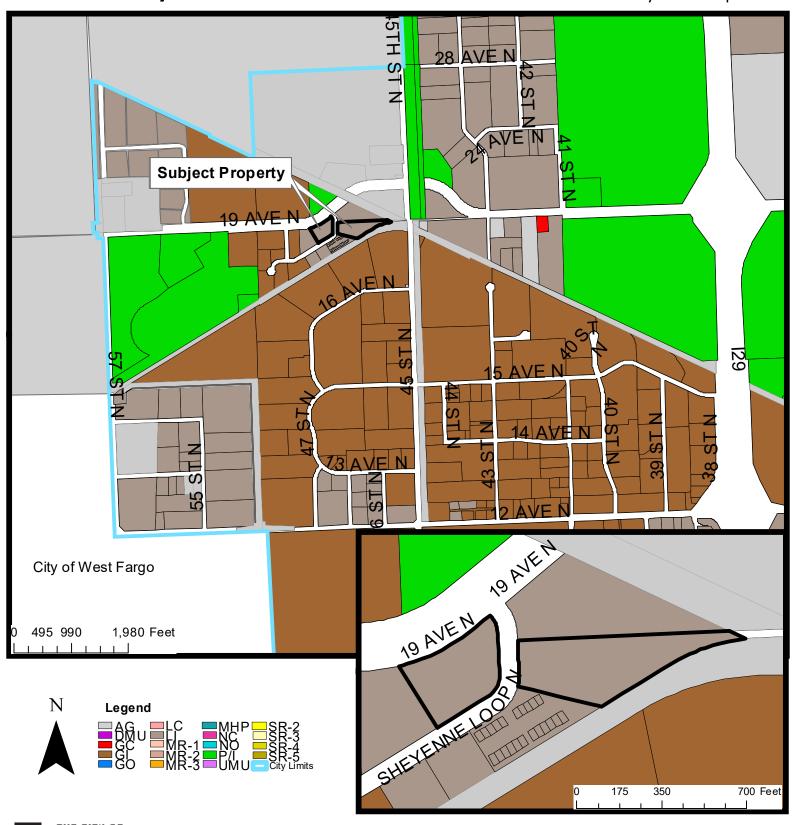
Attachments:

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

Minor Subdivision

Northern Sheyenne Land Fourth Addition

1810 and 1821 Sheyenne Loop North



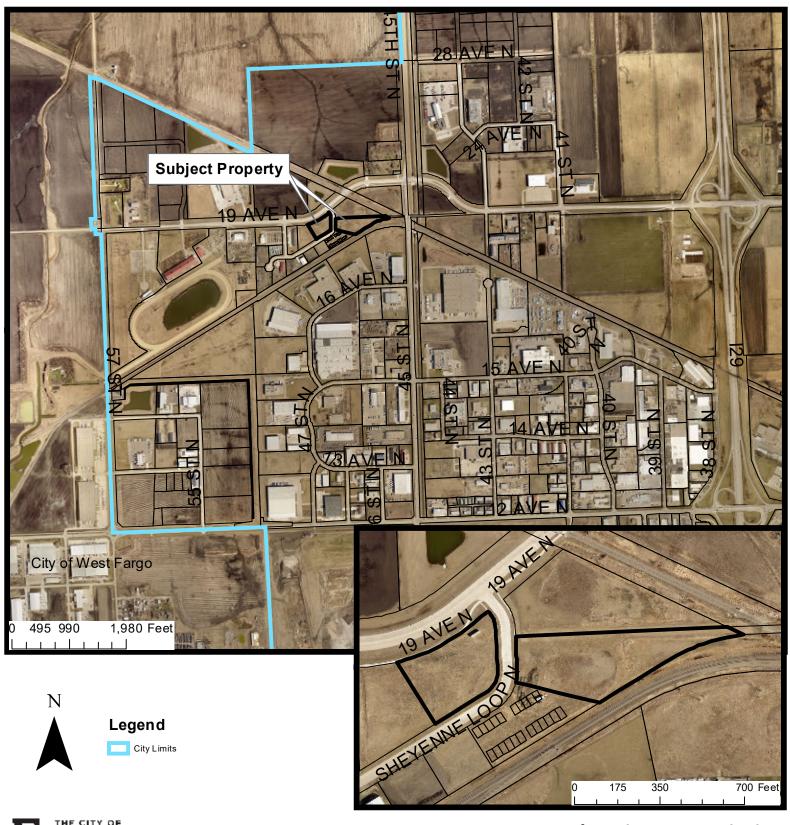


Fargo Planning Commission October 3, 2023

Minor Subdivision

Northern Sheyenne Land Fourth Addition

1810 and 1821 Sheyenne Loop North





Fargo Planning Commission October 3, 2023

NORTHERN SHEYENNE LAND FOURTH ADDITION A MINOR SUBDIVISION A REPLAT OF LOT 2, BLOCK 1, AND LOT 5, BLOCK 2 OF NORTHERN SHEYENNE LAND THIRD ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA **OWNERS' CERTIFICATE** KNOW ALL MEN BY THESE PRESENTS, THAT HORIZON ACRES, LLC, IS THE OWNER OF LOT FIVE, BLOCK TWO AND HORIZON PROPERTY 1. PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) GROUP, LLC, IS THE OWNER OF LOT TWO, BLOCK ONE, ALL IN NORTHERN SHEYENNE LAND 3RD ADDITION, TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: AND ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LOT FIVE, BLOCK TWO, NORTHERN SHEYENNE LAND THIRD ADDITION TO THE CITY OF FARGO, SITUATE IN THE COUNTY OF CASS AND THE LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) AS DEPICTED ON FEMA FIRM PANEL 38017C0588G, DATED JANUARY 16, 2015. BASE FLOOD ELEVATION = 895.00' (NAVD 1988) LOT TWO, BLOCK ONE, NORTHERN SHEYENNE LAND THIRD ADDITION TO THE CITY OF FARGO, SITUATE IN THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA. SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS NORTHERN SHEYENNE LAND FOURTH ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA. SAID OWNERS ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, UTILITY EASEMENTS AND MEGATIVE ACCESS EASEMENTS SHOWN ON SAID PLAT. THE STREETS MARKED "PREVIOUSLY DEDICATED STREET" SHOWN ON THIS PLAT WERE DEDICATED THOUGH OR BY THIS PLAT IN ONE OR MORE PRIOR PLATS AND ARE NOT BEING DEDICATED THROUGH OR BY THIS PLAT, BUT SAID PARTIES, HORIZON ACRES, LLC, AND HORIZON PROPERTY GROUP, LLC, ACKNOWLEDGES THEM AS CURRENT AND EXISTING PUBLIC REFERETS. SAID TRACT OF LAND CONSISTS OF 3 LOTS AND 2 BLOCKS, AND CONTAINS ±262,746 SQ. FT. OR ±6.03 ACRES MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHTS-OF-WAY OF BECAUSE. THE ABOVE LEGAL DESCRIPTIONS ARE REFERENCED FROM WARRANTY DEED DOCUMENTS NO. 1667665 AND 1666622. MAGNUM NORTH ADDITION PROJECT RENCHMARK JESSE SOPER, PRESIDENT NORTHEAST SECTION CORNER HORIZON ACRES, LLC (DOC. NO. 101202) OWNER OF LOT 1. BLOCK 2 JOHN NORE, PRESIDENT HORIZON PROPERTY GROUP, LLC OWNER OF LOT 1 AND LOT 2 BLOCK 1 N87°30'53"E - 1401.3 STATE OF COUNTY OF ON THIS DAY OF , 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JESSE SOPER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING AREA = ±160,340 INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED AREA = $\pm 65,692$ SQ. NOTARY PUBLIC, COUNTY: MY COMMISSION EXPIRES: VE ACCESS EASEMENT TO BE VACATED HEREON STATE OF ON THIS DAY OF , 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN NORE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED. LEGEND NOTARY PUBLIC, COUNTY: MONUMENT SET MY COMMISSION EXPIRES: MONUMENT FOUND — — — — – EX. EASEMENT — — EX. PROPERTY LINE - EX. SECTION LINE PROPERTY BOUNDARY LINE ---- NEW EASEMENT NEGATIVE ACCESS EASEMENT SURVEY INFORMATION FOR RECORDING PURPOSES ONLY DATE OF SURVEY: 10/27/2022 BASIS OF BEARING: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992 **CURVE TABLE** LENGTH (FEET) RADIUS (FEET) DELTA CURVE # CHORD DIRECTION (FEET) 25°44'13 N63°21'40" 07°43'13' N54°21'07"E 104.35 71.08 110.00 37°01'23 S20°59'44"E 69.85 S27°56'57"W 106.23 101.31 180 00 16°07'35 S05°34'45"W 70.81 794.10 05°06'33 N60°56'12"F SHEET 1 OF 2

NORTHERN SHEYENNE LAND FOURTH ADDITION

A MINOR SUBDIVISION

A REPLAT OF LOT 2, BLOCK 1, AND LOT 5, BLOCK 2 OF NORTHERN SHEYENNE LAND THIRD ADDITION TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA

SURVEYORS CERTIFICATE

SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON T CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL D	HE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE HIS PLAT AS NORTHERN SHEVENNE LAND FOURTH ADDITION; THAT THIS PLAT IS A SISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A D CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY DAY OF, 2023.
COLE A. NESET, REGISTERED LAND SURVEYOR S-7513	
STATE OF)	
COUNTY OF	
ON THIS DAY OF PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN T NSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTE	2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, O BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING D SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY:S	TATE:
MY COMMISSION EXPIRES:	
CI	TY ENGINEER'S APPROVAL
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED TO	HISDAY OF2023.
TOM KNAKMUHS, P.E., CITY ENGINEER	
STATE OF) COUNTY OF)	
ON THIS DAY OF , 202	3, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND REE ACT AND DEED.
NOTARY PUBLIC, COUNTY:S	TATE:
MY COMMISSION EXPIRES:	
$\underline{\mathrm{CI'}}$	TY COMMISSION APPROVAL HIS
TIMOTHY J. MAHONEY, MAYOR	
STEVE SPRAGUE, CITY AUDITOR	
STATE OF NORTH DAKOTA)	
)SS COUNTY OF CASS)	
	3, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING D SAME AS THEIR FREE ACT AND DEED.
NOTARY PUBLIC, COUNTY: CASS S MY COMMISSION EXPIRES:	TATE: NORTH DAKOTA

CITY PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS	DAY OF2023.
ROCKY SCHNEIDER, CHAIR FARGO PLANNING COMISSION	
STATE OF)	
COUNTY OF)	
ON THIS DAY OF , 2023, BEFORE ME, APPEARED ROCKY SCHNEIDER, TO ME KNOWN TO BE THE PERSON DESC ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND I	
NOTARY PUBLIC, COUNTY: STATE:	
MV COMMISSION EVELOPES:	

FOR RECORDING PURPOSES ONLY

SHEET 2 OF 2

Agenda Item #	7

City of Fargo Staff Report					
Title:	Radio Second Addition Date: 9/27/2023			27/2023	
Location:	5245, 5247, 5249, 5251, 5253, 5255, 5257, 5259, 5261, 5263, 5265, 5267, 5269, 5271, 5273, 5275, 5279, 5283, 5285, and 5287 Veterans Boulevard South	Staff Contact:		Luke Morman, Planner	
Legal Description	Lot 2, Block 1, Radio Second Addition				
Owner(s)/Applicant:	Sheyenne Commercial Condos, LLC/ Brennan Laudal Engineer: N/A			N/A	
Entitlements Requested:	Conditional Use Permit (to allow Industrial Service and Industrial Warehouse in the GC, General Commercial zone)				
Status:	Planning Commission Public Hearing: October 3, 2023				

Existing	Proposed
Land Use: Vacant	Land Use: Commercial and Industrial
Zoning: GC, General Commercial	Zoning: GC, General Commercial with a CUP for industrial use in the GC zone.
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 establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain 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 establishments, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage, vehicle repair, limited vehicle service, and certain telecommunication facilities.
	The Conditional Use Permit will allow industrial service and warehouse in the GC, General Commercial zone, in addition to the other permitted uses in the GC zone.
Maximum Lot Coverage: Maximum 85% building coverage	Maximum Lot Coverage: No change

Proposal:

The applicant requests one entitlement:

1. A Conditional Use Permit (CUP) to allow Industrial Service and Warehouse uses in the GC, General Commercial zone.

(Continued...)



The applicant proposes shop condos that may include industrial uses. The site plan shown is permitted and has some buildings currently under construction as they were permitted under uses already allowed in the General Commercial zone. Future new construction and changes of use will need to go through the permit process where it will be reviewed for compliance with the Land Development Code.

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

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial, with a vacant building.
- East: GC, General Commercial, with manufacturing, office, and undeveloped lots.
- South: P/I, Public/Institutional, with City of Fargo-owned water reservoir and ditch.
- West: GC, General Commercial, with industrial service.

Area Plans:

The subject property is located within the 2007 Southwest Tier 1 Growth Plan, which designates the property for "Commercial" land use. The current GC, General Commercial, zoning is consistent with this land use designation and no zone change is proposed.



Commercial Area
Future School
Proposed Park
Residential Area - lower to medium denisty
Residential Area - medium to high density
Residential Area - rural

Context:

Schools: The subject property is located within the West Fargo School District and is served by 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.

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

Staff Analysis:

Approval and Appeal

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

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow for Industrial Service and Warehouse uses 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. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. (Criteria Satisfied)

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

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

(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?

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

(Criteria Satisfied)

6. Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets? The subject property was recently platted and provided "access and utility" easements through the subject property and connecting it to Veterans Boulevard South. 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. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets (Criteria Satisfied)

Recommended Conditions:

Planning staff has developed standard conditions for industrial uses in the GC zone. Staff recommends these conditions, stated below, as part of this CUP. Additionally, all applicable sections of the LDC apply to industrial uses in the GC, including, but not limited to, the Industrial Uses in General Commercial Zoning standards of Section 20-0402.R.

- 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 opaque fence, screen wall or building extension.
- 3. No outdoor storage of equipment or supplies.
- 4. Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as defined by the Land Development Code.
- 5. The manufacturing, production, or processing of food and/or animal products or hazardous chemicals and/or materials shall not be permitted.
- 6. Future permits are generally consistent with the site plan provided in the October 3rd, 2023 Planning Commission packet. Changes may require review by the Planning Commission as determined by Planning staff.
- 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 move to recommend approval of the conditional use permit to allow Industrial Service and Warehouse uses in the GC, General Commercial zone, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Section 20-0909.D, and all other applicable 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 opaque fence, screen wall or building extension.
- 3. No outdoor storage of equipment or supplies.
- 4. Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as defined by the Land Development Code.
- 5. The manufacturing, production, or processing of food and/or animal products or hazardous chemicals and/or materials shall not be permitted.
- 6. Future permits are generally consistent with the site plan provided in the October 3rd, 2023 Planning Commission packet. Changes may require review by the Planning Commission as determined by Planning staff.
- 7. The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

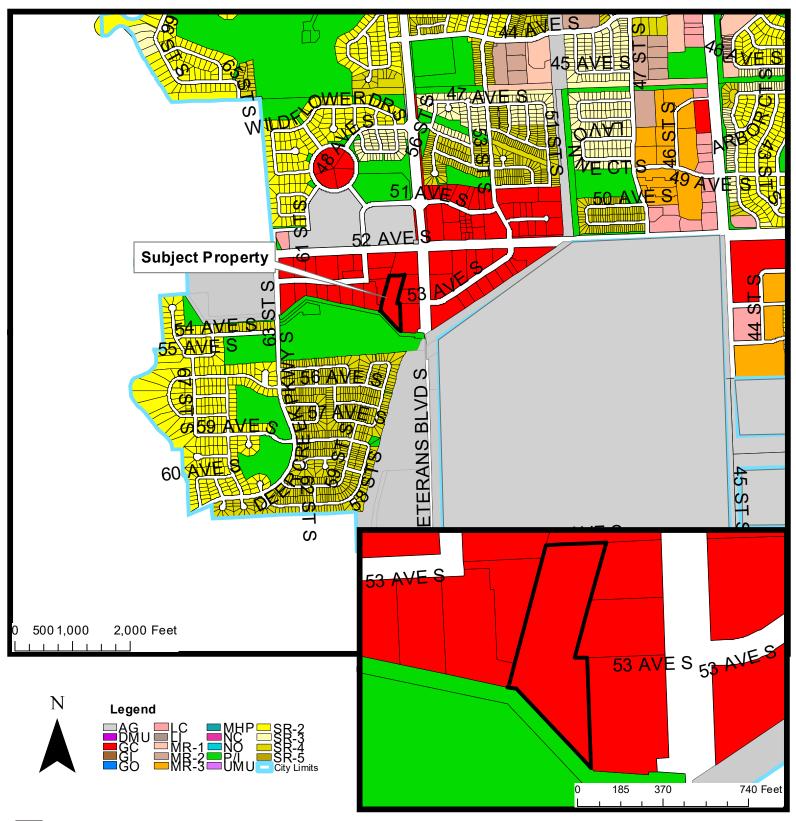
Attachments:

- 1. Zoning Map
- 2. Location Map
- 3. Previously approved Site Plan

Condition Use Permit to allow Industrial Service and Warehouse Uses in the GC, General Commercial Zoning District

Radio Second Addition

5245-5287 Veterans Boulevard South



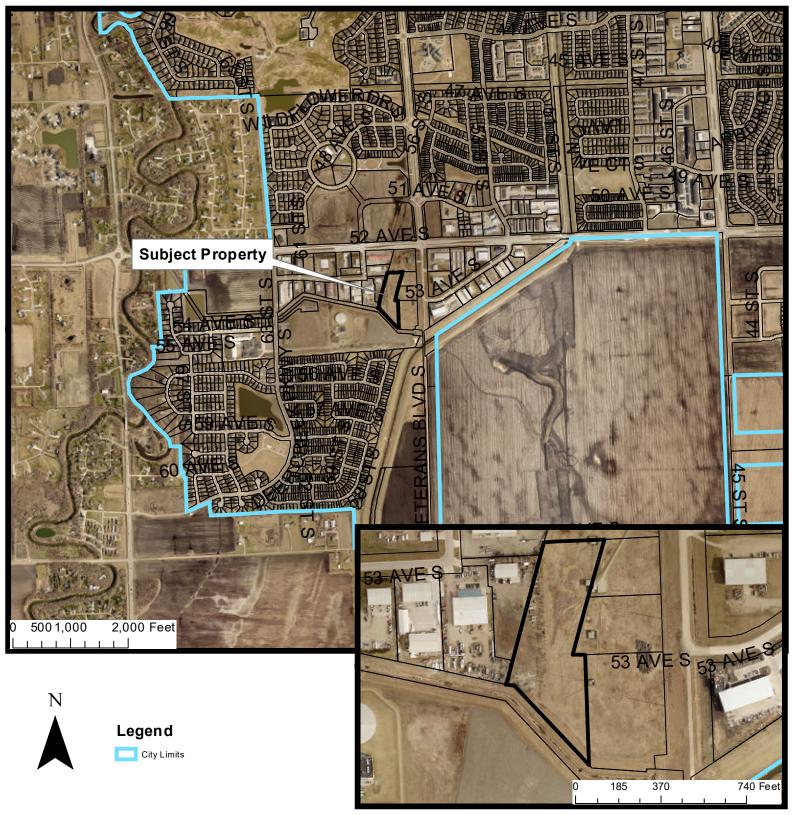


Fargo Planning Commission October 3, 2023

Condition Use Permit to allow Industrial Service and Warehouse Uses in the GC, General Commercial Zoning District

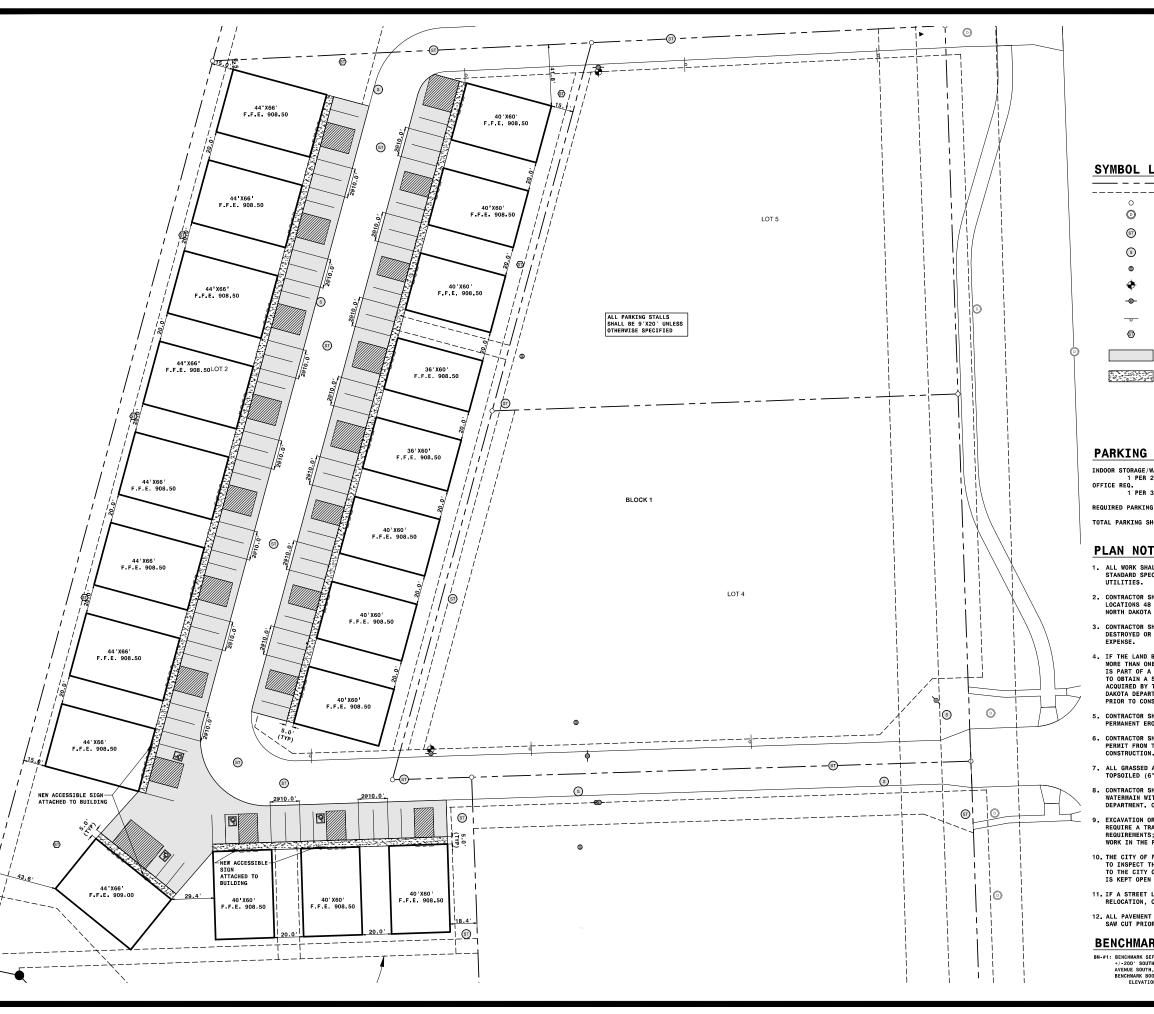
Radio Second Addition

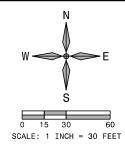
5245-5287 Veterans Boulevard South





Fargo Planning Commission October 3, 2023





EXISTING PROPERTY LINE EXISTING EASEMENT LINE

SYMBOL LEGEND:

EXISTING MONUMENT 0 EXISTING STORM MANHOLE PROPOSED STORM MANHOLE (UNDER ADJACENT PRIVATE ROAD PROJECT) ST PROPOSED SANITARY MANHOLE (UNDER ADJACENT PRIVATE ROAD PROJECT) (3) PROPOSED SANTTARY CLEANOUT (UNDER ADJACENT PRIVATE ROAD PROJECT) PROPOSED GATE VALVE (UNDER ADJACENT PRIVATE PROPOSED SIGN (UNDER ADJACENT PRIVATE ROAD PROJECT) **(57)** NEW PVC STORM INLET NEW 6" REINFORCED CONCRETE PAVEMENT

NEW 4" REINFORCED CONCRETE SIDEWALK

PARKING REQUIREMENTS:

INDOOR STORAGE/WAREHOUSE REQ. 1 PER 2500.00 S.F. OFFICE REQ. 1 PER 300.00 S.F.

REQUIRED PARKING - 40 STALLS (2 ADA)

TOTAL PARKING SHOWN - 90 STALLS (4 ADA)

PLAN NOTES:

- 1. ALL WORK SHALL COMPLY WITH THE MOST RECENT CITY OF FARGO STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC
- 2. CONTRACTOR SHALL NOTIFY UTILITY COMPANIES FOR UNDERGROUND LOCATIONS 48 HOURS PRIOR TO BEGINNING CONSTRUCTION.
 NORTH DAKOTA ONE CALL PHONE NUMBER: 1-800-795-0555
- 3. CONTRACTOR SHALL PROTECT ALL PROPERTY PINS. PROPERTY PINS
 DESTROYED OR DISTURBED SHALL BE REPLACED AT CONTRACTORS
- 4. IF THE LAND BOUNDARY DENOTED ON THE PLANS ENCOMPASSES MORE THAN ONE (1) ACRE OR IS LESS THAN ONE (1) ACRE, BUT IS PART OF A LARGER DEVELOPMENT PLAN, A NOTICE OF INTENT TO OBTAIN A STORM WATER POLLUTION PERMIT SHALL BE ACQUIRED BY THE CONTRACTOR AND OWNER FROM THE NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY SEVEN (7) DAYS PRIOR TO CONSTRUCTION.
- 5. CONTRACTOR SHALL MAINTAIN TEMPORARY EROSION CONTROL UNTIL PERMANENT EROSION CONTROL IS ESTABLISHED.
- 6. CONTRACTOR SHALL ACQUIRE AN EROSION SEDIMENT CONTROL (ESC)
 PERMIT FROM THE CITY OF FARGO PRIOR TO START OF CONSTRUCTION.
- 7. ALL GRASSED AREAS DISTURBED BY CONSTRUCTION SHALL BE TOPSOILED (6" DEPTH), GRADED, SEEDED, AND HYDRO-MULCHED.
- 8. CONTRACTOR SHALL COORDINATE TAPPING OF THE EXISTING WATERMAIN WITH THE CITY OF FARGO MAINS AND HYDRANTS DEPARTMENT. CALL (701)241-1453
- EXCAVATION OR OTHER WORK IN THE RIGHT-OF-WAY SHALL REQUIRE A TRAFFIC CONTROL PLAN THAT MEETS ALL MUTCD REQUIREMENTS; THIS PLAN IS REQUIRED BEFORE ANY PERMITS TO WORK IN THE RIGHT-OF-WAY WILL BE ISSUED.
- 10. THE CITY OF FARGO INSPECTIONS DEPARTMENT MUST BE NOTIFIED TO INSPECT THE CONNECTION OF THE SITE STORMWATER SYSTEM TO THE CITY OF STORMWATER SYSTEM. ENSURE THE EXCAVATION IS KEPT OPEN FOR THIS INSPECTION.
- 11. IF A STREET LIGHT REQUIRES TEMPORARY OR PERMANENT RELOCATION, CONTACT DAVE HELLAND AT 701-241-1557.
- 12. ALL PAVEMENT MARKED FOR DEMOLITION SHALL BE FULL DEPTH SAW CUT PRIOR TO REMOVAL.

BENCHMARKS:

BM-#1: BENCHMARK SEFB HYDRANT LOCATED ON THE EAST SIDE OF 53RD AVENUE SOUTH, +/-200' SOUTH OF THE INTERSECTION OF 52MD AVENUE SOUTH AND 53RD AVENUE SOUTH, BM-52001 FUBLISHED ON SHEET #252 OF THE CITY OF FARGO BENCHMARK BOOK (2021 EDITION) ELEVATION = 914-62 (NAVOBB).



MECHANICAL * ELECTRICAL * CIVIL

REVISIONS: DESCRIPTION

PERMIT SET

RADIO DEVELOPMENT SHOP CONDOS

FARGO, NORTH DAKOTA



MBN JOB #: 23-103

DATE: 05-17-23

Item#	8

City of Fargo Staff Report			
Title:	Rocking Horse East Second Addition	Date:	09/26/2023
Location:	5353 51st Avenue South	Staff Contact:	Brad Garcia, Planner
Owner(s)/Applicant:	Sheyenne Commercial Condos LLC / Oak Ridge Condos	Engineer/Architect:	N/A
Reason for Request: Conditional Use Permit for Warehouse, Manufacturing and Production, and Industrial Services in the GC, General Commercial zoning district on Lot 2, Block 1, Rocking Horse East 2 nd Addition.			
Status: Planning Commission Public Hearing: October 3 rd , 2023			

Existing	Proposed
Land Uses: Undeveloped	Land Use: Office and Industrial Services
Zoning: GC, General Commercial	Zoning: GC, General Commercial with a Conditional Use Permit (CUP)
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events	Uses Allowed: 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 Amendment to CUP to allow for warehouse, wholesale
Existing CUP to allow for warehouse, wholesale sales, manufacturing and production, and industrial services uses.	sales, manufacturing and production, and industrial services uses with outdoor storage.
Maximum Building Coverage Allowed: Maximum 85% building coverage	Maximum Building Coverage: No Change

Proposal:

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow Warehouse, Manufacturing and Production, and Industrial Service uses in a GC, General Commercial, zoning district on Lot 2, Block 1, Rocking Horse East 2nd Addition. The subject property is located at 5353 51st Avenue South and encompasses approximately .86 acres. The applicant is requesting to amend the existing CUP from 2018 in order to allow industrial uses with outdoor storage.

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

Surrounding Land Uses and Zoning Districts:

North: P/I, Public and Institutional with park and stormwater infrastructure use;

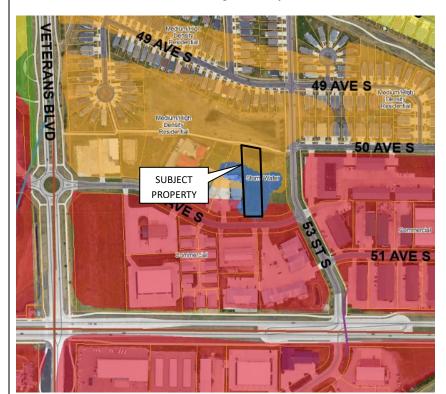
East: Across 53rd Street South; GC, General Commercial with CUP with warehouse and office uses;

South: Across 51st Avenue South; GC, General Commercial with CUP with warehouse, office, and retail sales and

West: GC, General Commercial, with warehouse and office uses.

Area Plans:

he subject properties are located within the bounds of the 2003 Southwest Future Land Use Plan which designates this area as suitable for Medium/High Density Residential, Commercial, and Storm Water land uses.



- Commercial or Medium/High Density
- Commercial or Medium/High or Park/Open Space Commercial or Park/Open Space
- Either Industrial or Commercial
- Either Office or Commercial
- Either Office or Medium/High Density Residential Industrial
- Low/Medium Density Residential
- Low/Medium Density or Medium/High Density
- Medium/High Density Residential
- Medium/High Density or Park/Open Space
- Office Office or Commercial or Medium/High Density
- Park/Open Space
- Public Public or Commercial
- Public or Low/Medium Density
- Public or Office
- Storm Water

Context:

Schools: The subject properties are located within the West Fargo School District and are served by the Independence Elementary, Liberty Middle and Sheyenne High schools.

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

Parks: The subject property is located within a quarter-mile distance to Veteran's Park (4951 53rd Street S) features a playground and open, green space.

Pedestrian / Bicycle: A shared-use path is located directly north of the subject properties and is a component of the metro area bikeways system. No dedicated bike facilities are located within a half-mile radius.

Transit: No public transportation serves the subject property within a quarter-mile radius. One public transportation bus route serves the subject property within a half-mile distance. Route 18 serves the area going east and westbound along 44th Ave S, providing service to GTC, Holiday Station, Bethany Homes, SEHS / Avalon West, Essentia Hospital, Hornbacher's Osgood, Microsoft, and Walmart.

Staff Analysis:

Project Summary

In 2014, the Planning Commission approved the original CUP for Industrial Services and Manufacturing and Production. This CUP was amended in 2018 to include all four industrial uses on one CUP; Warehouse, Wholesale sales, Manufacturing and Production, and Industrial Services. The conditions of that CUP are listed below. If this application is approved, this CUP will replace the previously approved one. If the Planning Commission denies the application, the approved 2018 CUP for Industrial Services and Manufacturing and Production will remain.

The proposed changes to the existing CUP is to allow industrial uses with outdoor storage. It is common for industrial uses to have some amount of outdoor storage for materials and/or equipment. Staff has observed from other industrial uses that outdoor storage can be maintained in a way that adds value to the subject property while not affecting nearby properties of residential use. The outdoor storage of materials and/or equipment must be screened from view at the ground level of adjacent non-commercial properties and public right of ways. Additionally, no gravel will be allowed for any vehicular circulation and storage of materials and equipment.

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.

Building Permit

The applicant submitted a building permit on July 28, 2023 which was reviewed by staff. The applicant was notified that the existing CUP does not allow outdoor storage. A foundation only permit has been issued to allow the applicant to start work before winter, while the CUP goes through the entitlement process. The applicant knows that there is a risk the request to amend the CUP could be denied and the use of the property would be impacted if it were designed with outdoor storage.

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?

According to Section 20-0104 of the 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. The proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, the potential negative impact on residential land-uses to the north and west. 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 proposed conditional use will contribute overall to the general public as more light industrial use options would be available and co-located with other light industrial uses. Staff is proposing conditions which would address potential negative impacts of industrial uses already limited by the Land Development Code.

(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?

Similar uses already exist in closer proximity to residential properties and staff has no reason to believe the proposed use will cause injury to the value of other property in the vicinity. Changes from the existing CUP will include additional conditions and restrictions to allow outdoor storage. In accordance with the notification

requirements of the City, notice of the proposal was sent to surrounding property owners as well as published in the Forum newspaper. To date, no inquiry has been received regarding the application. (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 proposed uses are consistent with the adjacent commercial properties that have been granted similar Conditional Use Permits over the past several years. In addition to the proposed CUP conditions, use-specific standards of LDC 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 commercial property has access to the public street system at 51rd Avenue South 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) Outdoor storage shall be located in the rear of the property and screening must remain in good condition and free from graffiti.
- 4) Off-street parking, loading, vehicular circulation areas and outdoor storage yards shall have an all-weather surface, as defined by the LDC.
- 5) The manufacturing, production, or processing 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 3rd, 2023 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:

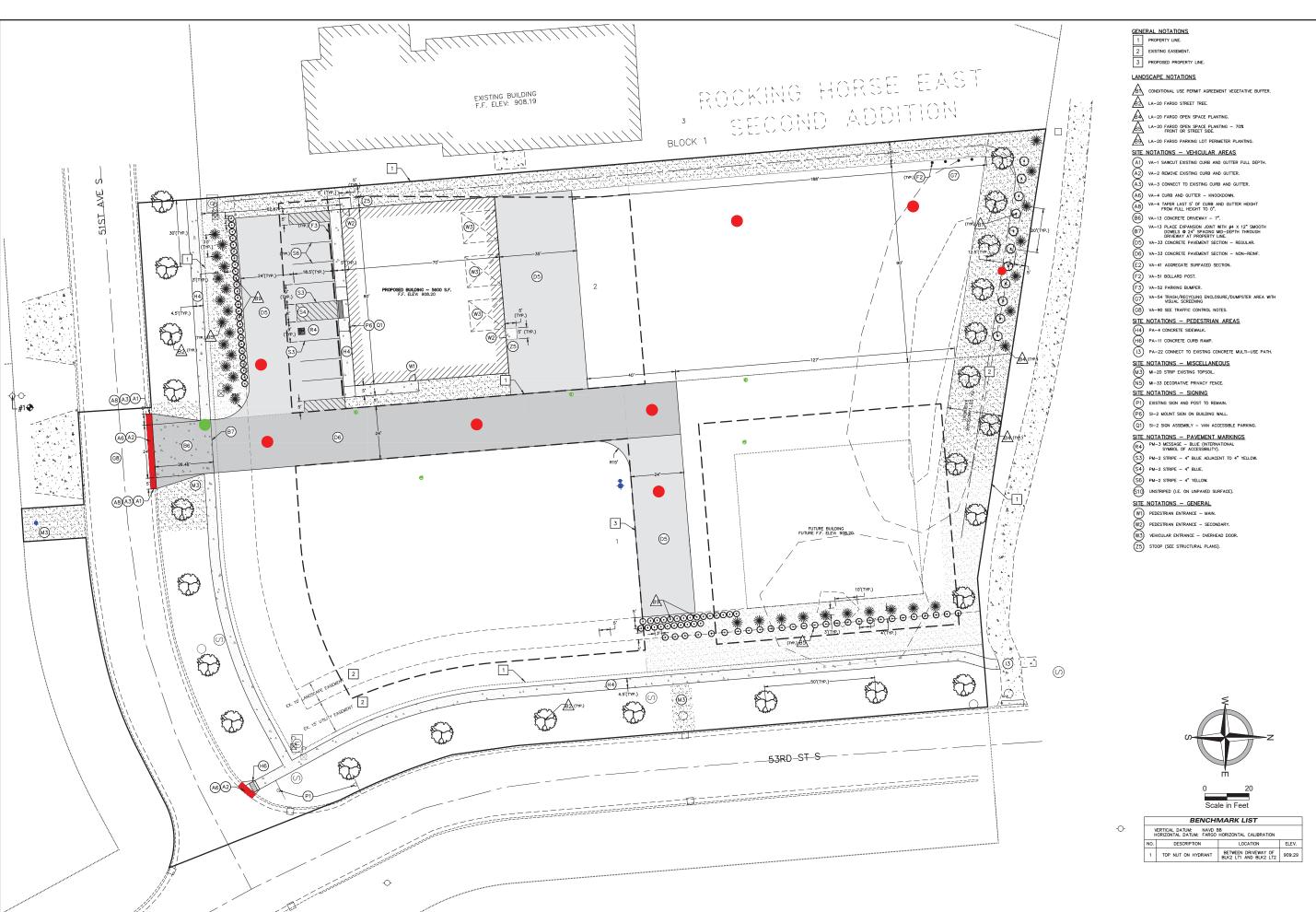
Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow for Warehouse, Wholesale Sales, Manufacturing and Production, and Industrial Services in the GC, General Commercial as the proposal complies with Section 20-0909.D (1-6) 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) Outdoor storage shall be located in the rear of the property and screening must remain in good condition and free from graffiti.
- 4) Off-street parking, loading, vehicular circulation areas and outdoor storage yards shall have an all-weather surface, as defined by the LDC.
- 5) The manufacturing, production, or processing 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 3rd, 2023 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
- 3. Site Plan



Matt Prochrisk

PORTH DAKOTP

moore engineering, inc.

EAST 2ND ADDITION SITE PLANS
ROCKING HORSE SHOP CONDOS
LOTS 1&2, BLOCK 1 - ROCKING HORSE EA
FARGO, NORTH DAKOTA
SITE AND LANDSCAPE PLAN

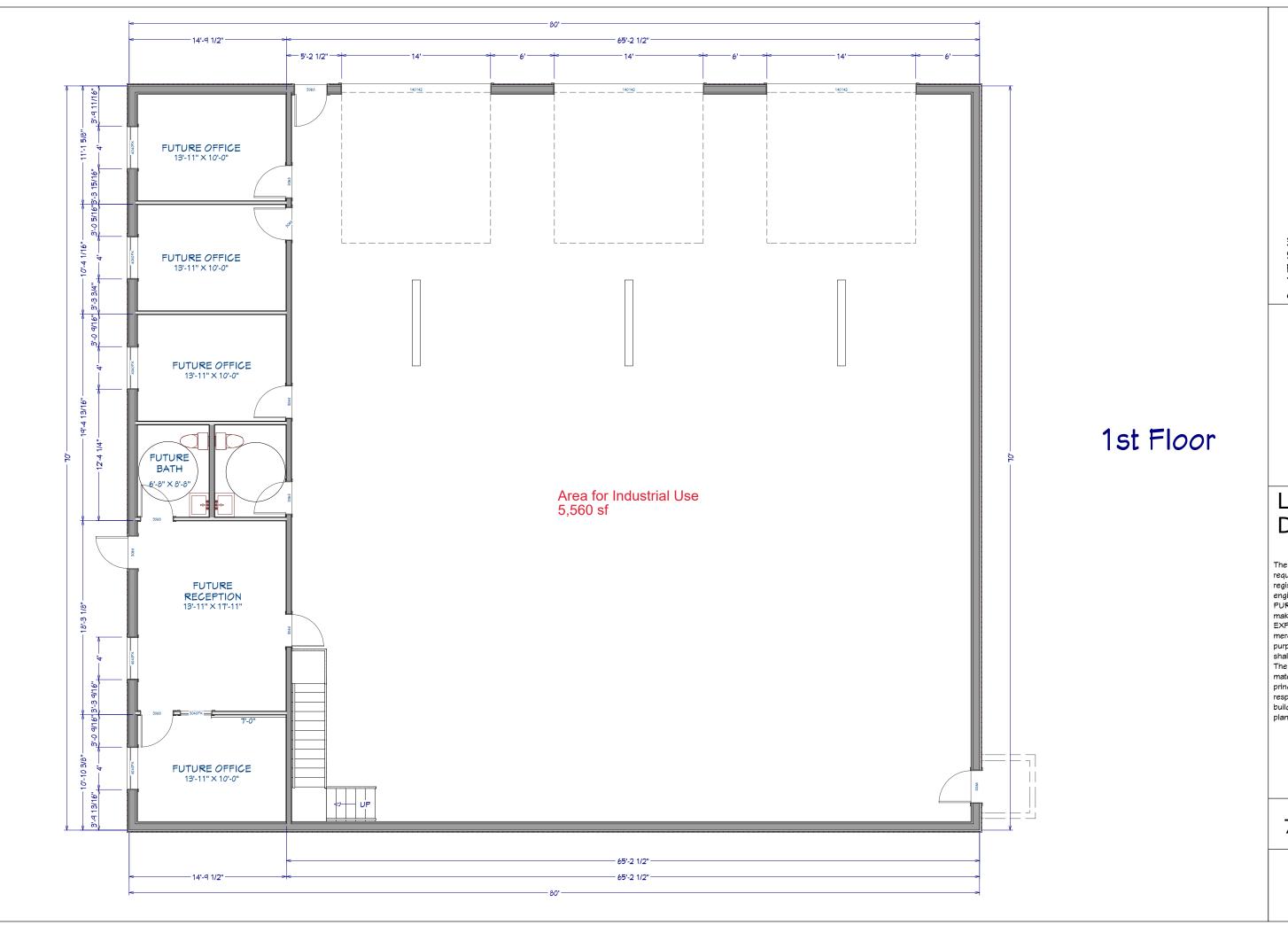
DATE: 08.04.23 REV DATE: 09.25.23 EV NUM: ECORD: IANAGER: DESIGNER: BJP

C-602

BJP

DRAFTER:

EVIEWER:





3280 Veterans Blvd Suite 330 Fargo, ND 58104 701.893.6551 centurybuildersnd.com

> Rocking Horse 70x80

Legal Disclaimer:

The plans furnished were prepared upon request by draftsmen who are not registered architects or professional engineers and are for INFORMATIONAL PURPOSES ONLY. Century Builders makes NO MARRANTIES EITHER EXPRESS OR IMPLIED as to the merchantability or fitness for a particular purpose. Any reliance upon said plans shall be at the sole risk of the user(s). The selection of correct structural materials and application of architectural principals is a precise art, the responsibility of which rests with the builder, the owner, or the user of these plans.

7/7/2023

A-1

City of Fargo Staff Report					
Title:	Crary's First Addition		Date:	9/26/2023	
Location:	2208 26 ½ Avenue	South	Staff Contact:	Donald Kress, planning coordinator	
Legal Description:	Lot 2, Block 7, Crary	's First /	Addition		
Owner(s)/Applicant:	Vocational Training Center, Inc		Engineer:	None	
Entitlements Requested:	Conditional Use Permit (CUP) (to allow Group Living in the SR-2, Single Dwelling Residential zoning district)				
Status:	Planning Commissio	n Public	Hearing: October	3rd 2023	
Existing Proposed					
Land Use: Residential	La		Land Use: Residential		
Zoning: SR-2, Single-Dwelling	Coning: SR-2, Single-Dwelling Residential		Zoning: SR-2, Single-Dwelling Residential		
Uses Allowed: SR-2 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, basic utilities, and certain telecommunications facilities.		Rescent reliations factors	Uses Allowed: SR-2 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, basic utilities, and certain telecommunications facilities plus conditional use permit to allow group living (see "Uses Allowed in SR-2 and Requirement for Conditional Use Permit" below)		
Maximum Density Allowed	d: SR-2 allows a		Maximum Density Allowed: No change		
maximum 5.4 units per acre;		pro	posed,		

Proposal:

The applicant requests one entitlement:

1. Conditional Use Permit (CUP) (to allow Group Living in the SR-2 Single Dwelling Residential zoning district)

Approval and Appeal

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

Surrounding Land Uses and Zoning Districts:

- North: SR-2 and SR-3, with detached and attached single-dwelling residences
- East: SR-2, with detached single-dwelling residences
- South: SR-2, with detached single-dwelling residences
- West: SR-2, with detached single-dwelling residences

Area Plans:

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

Context:

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

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

Parks: Rheault Farm (2902 25th Street South) is approximately 0.30 mile southwest of the subject property. This park provides grill, picnic table, playground for ages 5-12, restrooms, and a shelter and is home to a variety of festivals, events, and classes all year long.

Pedestrian / Bicycle: There are no on- or off-street pedestrian or bicycle trails adjacent to the subject property.

MATBUS Route: MATBUS route 14 has a stop on 18th Street South, approximately 0.30 miles from the subject property.

Staff Analysis:

DESCRIPTION OF PROPOSED USE

The applicant, Vocation Training Center, Inc., (VTC) owns the subject property, an existing detached single-dwelling residence. VTC intends to use the residence as a home for up to four developmentally disabled adults. This is a setting where the residents could receive home and community-based services. Services can be provided for up to four adults, up to 24 hours per day. VTC expects to have one or two staff members on-site during times residents are at home.

The care facility is regulated by the North Dakota Department of Health and Human Services, based on North Dakota Century Code (NDCC) statutes. NDCC 25-16-14 defines "group home" as "any residential facility, foster home, family care facility, or other similar home for individuals with a developmental disability."

VTC explains that for potential residents, all referral information comes from the ND Department of Human Services Developmental Disabilities division. VTC has a referral committee that looks through all of the referrals and then makes a decision on whether or not VTC can support each person. For residential services, VTC looks at not only the referral information, but also how each person will fit with their roommates. Families get to meet each other prior to moving to make sure that everyone gets along and could enjoy living together.

USES ALLOWED IN SR-2 and REQUIREMENT FOR CONDITIONAL USE PERMIT

In addition to the uses noted on page 1 of this report that are allowed by right in the SR-2, Single Dwelling Residential zone, the following uses are allowed by conditional use permit:

- Bed and Breakfasts
- Group living
- o Colleges
- Community service
- Health care facilities
- Certain telecommunications facilities (some tower heights are allowed by right; others require CUP; some are prohibited)

Thus, even though the SR-2 zone is designated as "single dwelling residential," some non-residential and business uses are allowed in the zone by right or by CUP. The designation "single dwelling residential" in the Land Development Code does not guarantee a neighborhood composed of only detached single-dwelling residences.

A conditional use permit for group living is required to allow more than three unrelated people to reside in a single-dwelling residence, in order to be consistent with the Fargo Land Development Code. The recommended conditions of the CUP limit the maximum number of residents to four.

A floor plan of the residence is attached for the Commission's reference. Note that approval of the CUP is only an approval for the land use and is not a building permit or certificate of occupancy for the residence.

In order to operate a group home, the residence must comply with building code and fire code requirements for a group home. The applicant is working with the Inspections and Fire Departments to bring the residence into compliance with these codes. A condition of approval of the CUP is that the CUP will not become effective until these codes have been met. That is, the facility cannot be used as a group home until that time.

(continued on next page)

RECOMMENDED CONDITIONS

Staff recommends the following conditions:

- 1. If the property is transferred, the new owner must apply for a new conditional use permit in order to continue the group living use.
- The CUP will not become effective until the City has granted a certificate of occupancy appropriate for the group living use, and applicable North Dakota state requirements have been met.
- 3. Maximum number of residents is limited to four.

PUBLIC COMMENT:

At the time this staff report was completed, staff had received one inquiry and one comment e-mail about the proposed CUP. Concerns expressed in the letter include:

- safety;
- property values; and
- losing good neighbors

A copy of the letter is attached.

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. As noted above, provisions of the LDC will apply 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 and uses. 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)

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

Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. The CUP will help the applicant create a care environment in a residential setting for developmentally disabled adults. (Criteria Satisfied)

- 3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?
 - Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, Planning staff has received one comment e-mail, as noted above. (**Criteria Satisfied**)
- 4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.

The proposed CUP for group living in a single-dwelling residential zone will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The property will be developed to the Land Development Code standards of a single-dwelling residence. The recommended CUP conditions require that if the

property is transferred, the new owner must apply for a new CUP if they want the group living use to continue; that the maximum number of residents is limited to four; and that all other Fargo codes and state requirements must be met before the CUP becomes effective. (Criteria Satisfied)

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

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

6. Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets? The subject property is a residential property with a driveway onto 26 ½ Avenue South. (Criteria Satisfied)

Conditional Use Permit Approval Criteria (Section 20-0402.E)

a. Whether or not the dwelling unit meets all building, housing, and fire codes of the City; The residence is required to meet building and fire code requirements for a group home. The applicant is working with the Inspections and Fire Departments to meet those requirements. A condition of the CUP is that the CUP will not become effective until the City has given a certificate of occupancy for a group home and all applicable state requirements have been met. (Criteria Satisfied)

b. Whether or not the property has off-street parking space for every vehicle which is owned, possessed or utilized by occupants of the building. Such parking spaces must meet all applicable standards of the City;

Based on information provided by the applicant, as well as standard references and previous similar group living situations, no additional parking area is required. From a traffic engineering perspective, a typical single family home will generate 8-10 trips per day on average. Some homes will have slightly more, some slightly less, but that number of trips per day is a standard in the traffic industry. This property, which will provide a residence for individuals who are not driving, is expected to generate the typical 8-10 trips per day, so no additional parking spaces beyond those already provided on the site would be required. (Criteria Satisfied)

c. The general condition of the building and whether or not it is in need of substantial repairs or renovation;

The existing residence was built in 1980. It has been owned by VTC since April 2023. They have maintained it. See finding (a) above regarding compliance with City codes. (Criteria Satisfied)

d. Whether or not the requested occupancy is compatible with the neighborhood and will not create undue density and congestion.

The maximum number of residents is limited by the CUP to four. Residents will be vetted by VTC prior to coming to live in the residence, as described above. Thus, the requested occupancy will not create undue density, as the density will be no greater than often found in similar single-dwelling residences.

As stated in finding (b) above, trips generated by this site would be on par with trips generated by a single-dwelling residence. Thus, the requested occupancy does not create undue congestion. (Criteria Satisfied)

Staff Recommendation:

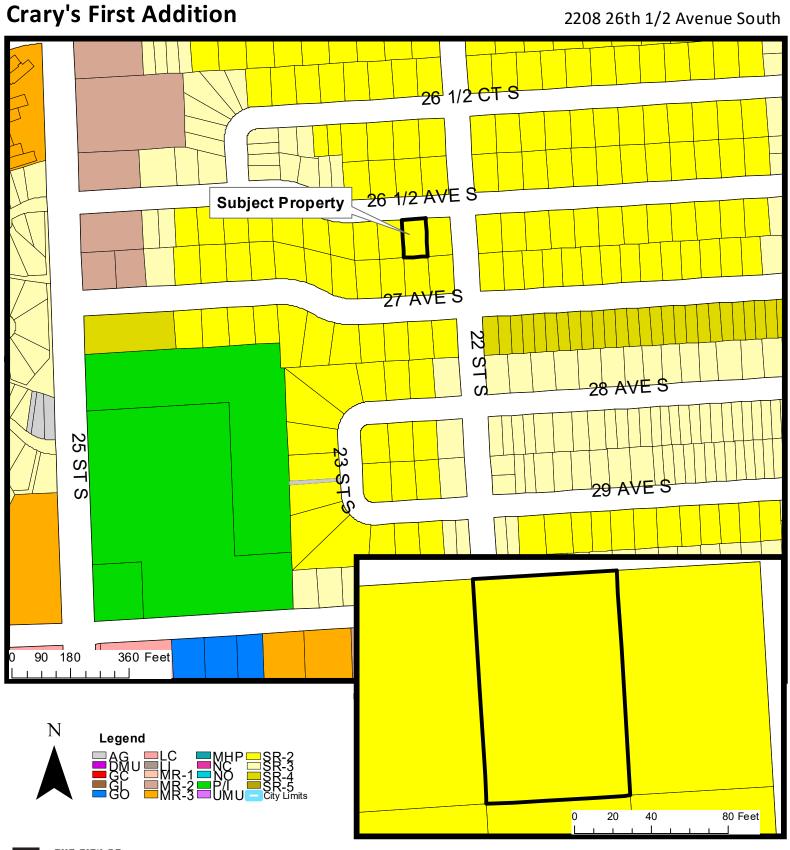
Suggested Motion: To accept the findings and recommendations of staff and approve the proposed conditional use permit to allow group living on Lot 2, Block 7, **Crary's First Addition** as presented, as the proposal complies with the Standards of Section 20-0909.D, 20-0402.E, and all other applicable requirements of the LDC, with the following conditions:

- 1. If the property is transferred, the new owner must apply for a new conditional use permit in order to continue the group living use.
- 2. The CUP will not become effective until the City has granted a certificate of occupancy appropriate for the group living use, and until applicable North Dakota state requirements have been met.
- 3. Maximum number of residents is limited to four.

Attachments:

- 1. Zoning map
- 2. Location map
- 3. Floor plan
- 4. Public comment e-mail

Conditional Use Permit to allow Group Living in the SR-2, Single-Dwelling Residential Zoning District.





Fargo Planning Commission October 3, 2023

Conditional Use Permit to allow Group Living in the SR-2, Single-Dwelling Residential Zoning District.

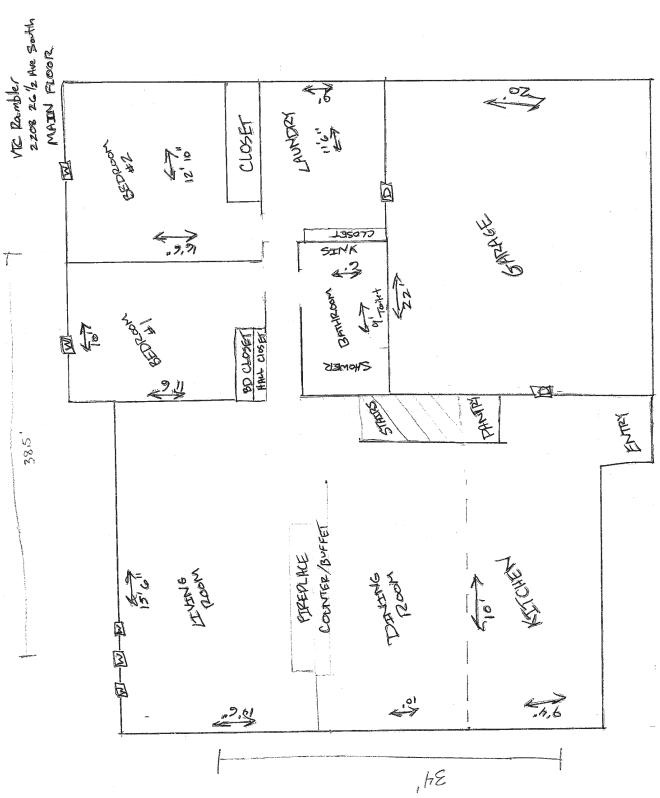
Crary's First Addition

2208 26th 1/2 Avenue South





Fargo Planning Commission October 3, 2023



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VTC RAMBLER 2208 26/2 Ave South 13 ASENENT

From: Law, William

Sent: Tuesday, September 26, 2023 9:14 AM **To:** dkress@fargoND.gov>

Cc: Law, William

Subject: Note from Bill Law re City Business

Hey Don,

I hope things are going well for you.

I am writing regarding a letter received from you regarding the Planning Commission review of a proposed group home at 2208 26 ½ Ave S.

I own a residential property that is contiguous to this property and am greatly concerned about the stated use—we moved from a very mixed-use neighborhood by NDSU to a quiet and lovely neighborhood on 27th Ave S about eight years ago—naturally, we are concerned about all of the usual issues—safety, property values, losing good neighbors etc.

I would like to register our disapproval of the proposal—will try make the hearing on Tuesday Oct 3 and voice our concern face to face.

Bill Law 2213 27 Ave S

Agenda Item #	D.1

City of Fargo Staff Report			
Title:	EOLA Second Addition	Date:	9/26/2023
Location:	4410 & 4448 24 th Avenue South; 4417 26 Avenue South	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	Lots 2-4, Block 2, EOLA Addition (also known as proposed Lot 3, Block 1, EOLA Second Addition – see note below)		
Owner(s)/Applicant:	EOLA Landholdings LLC / EPIC Companies Engineer: n/a		n/a
Entitlements Requested: Planned Unit Development Final Plan			
Status: Planning Commission: October 3, 2023			

Existing	Proposed
Land Use: Mixed-Use Development	Land Use: no change
Zoning: GC, General Commercial with a PUD Overlay	Zoning: no change
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult establishment, offices, eff-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. Plus a PUD allowing Residential use	Uses Allowed: no change
Maximum Density Allowed (Residential): 70 units	Maximum Density Allowed (Residential): no change
per acre Maximum Lot Coverage Allowed: 85% maximum building coverage	Maximum Lot Coverage Allowed: no change

Proposal:

Note: The City Commission is scheduled to review three entitlements at the October 2, 2023 City Commission meeting related to this development, including the minor subdivision EOLA Second Addition, Zoning Change (amends the PUD overlay development requirements), and the PUD Master Land Use Plan amendment. The minor subdivision and PUD Master Land Use Plan amendment was reviewed and recommended for approval by the Planning Commission at the September 7, 2023 Planning Commission meeting, and the zoning change was reviewed and recommended for approval at the July 6, 2023 Planning Commission meeting. The recommendation for the PUD Final Plan includes a contingency based on City Commission approval of the PUD Master Plan. The results from the City Commission meeting of the three noted entitlements will be provided at the Planning Commission meeting.

History

In May 2021, the EOLA Addition PUD was approved, which allowed the development of a mixed-use development

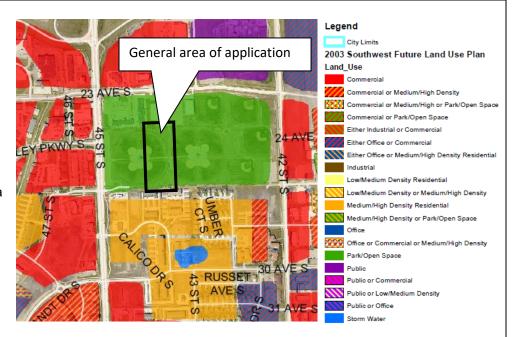
on 16.7 acres, that included eight 7-10-story buildings and 4-acre public open space in the middle, as well as a parking structure in the northeast corner. In October 2021, the Planning Commission approved a Final Plan for the structures on the west side south of 24th Avenue South, which are currently under construction. In February 2022, a zoning change (ordinance 5336) was approved that modified several requirements with the original PUD.

Surrounding Land Uses and Zoning Districts:

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

Area Plans:

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



Context:

Neighborhood: Anderson Park

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

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

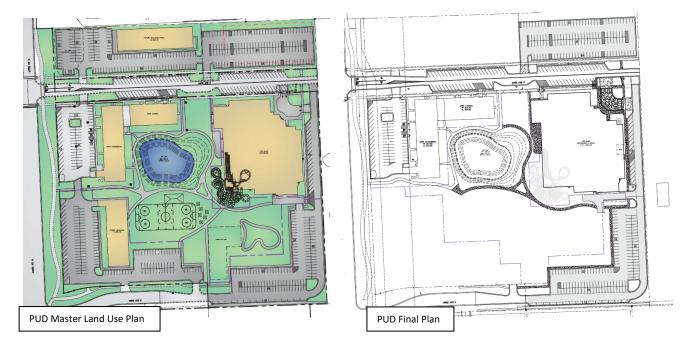
Pedestrian / Bicycle: A shared use facility is located on the east side of 45th Street South and connects to the metro area trail system. Additional shared use paths are planned that would connect around the south and east side of the subject property.

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

Staff Analysis:

Proposed Final Plan consistency with Master Land Use Plan

The graphic below provides a comparison of the master land use plan (left) and the proposed final plan (right). Findings evaluating the differences between the two plans are below. Copies of these plans are also attached.



PUD Final Plan Section 20-0908.D:

The LDC stipulates that the Planning Commission shall approve the PUD Final plan if it is determined to be in substantial compliance with the approved PUD Master Land Use Plan. The PUD Final Plan shall be deemed to be in compliance so long as, when compared with the PUD Master Land Use Plan, it does not result in:

- An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;
 - There has been no change in project density or intensity. (Criteria Satisfied)
- A change in the mix of housing types or the amount of land area devoted to nonresidential uses; There has been no change in the mix of housing types or the amount of land devoted to nonresidential uses. (Criteria Satisfied)
- A reduction in the amount of open space;
 - There has been no change in the amount of open space. (Criteria Satisfied)
- Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;
 - There has been no change to the vehicular circulation system. (Criteria Satisfied)
- Any change within 50 feet of any SR or MR zoning district;
 - There has been no change within 50 feet of any SR or MR zoning district. (Criteria Satisfied)
- Any change determined by the Planning Commission to represent an increase in development intensity:
 - There has been no increase in development intensity. (Criteria Satisfied)

A substantial change in the layout of buildings.
 There has been no change in the layout of the building. (Criteria Satisfied)

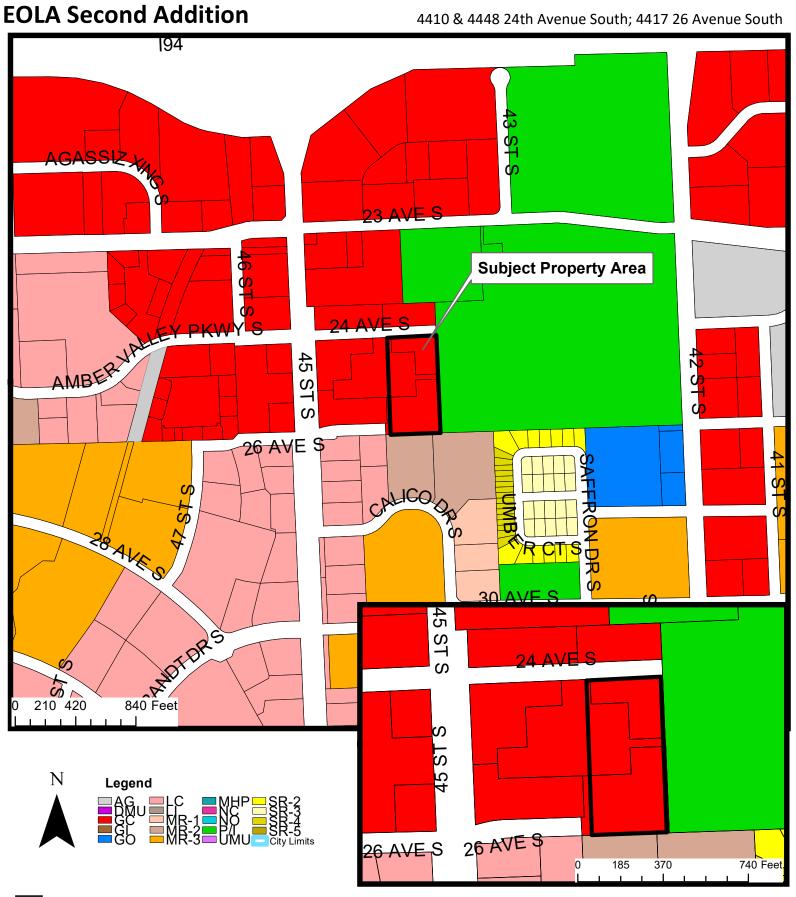
Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the Planned Unit Development Final Plan for EOLA Second Addition as presented, as the proposal complies with the PUD Master Land Use Plan, Section 20-0908.D of the LDC, and all other requirements of the LDC, contingent on approval of the PUD Master Land Use Plan by the City Commission."

Attachments:

- 1. Zoning Map
- 2. Location Map
- 3. PUD Master Plan
- 4. PUD Final Plan
- 5. Elevation Plans (for reference)

PUD Final Plan



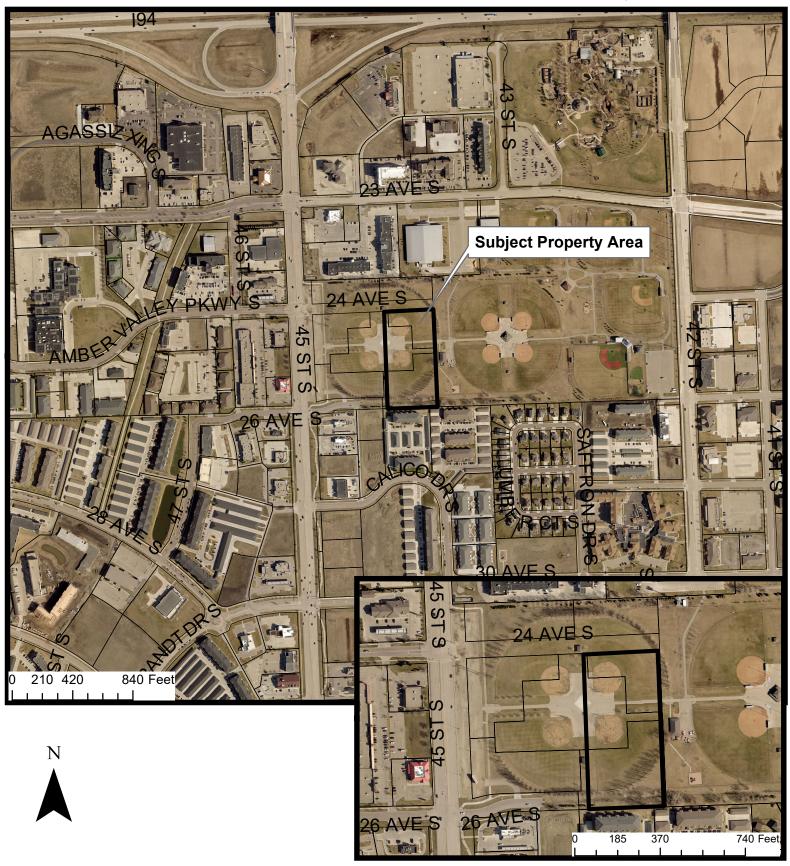


Fargo Planning Commission October 3, 2023

PUD Final Plan

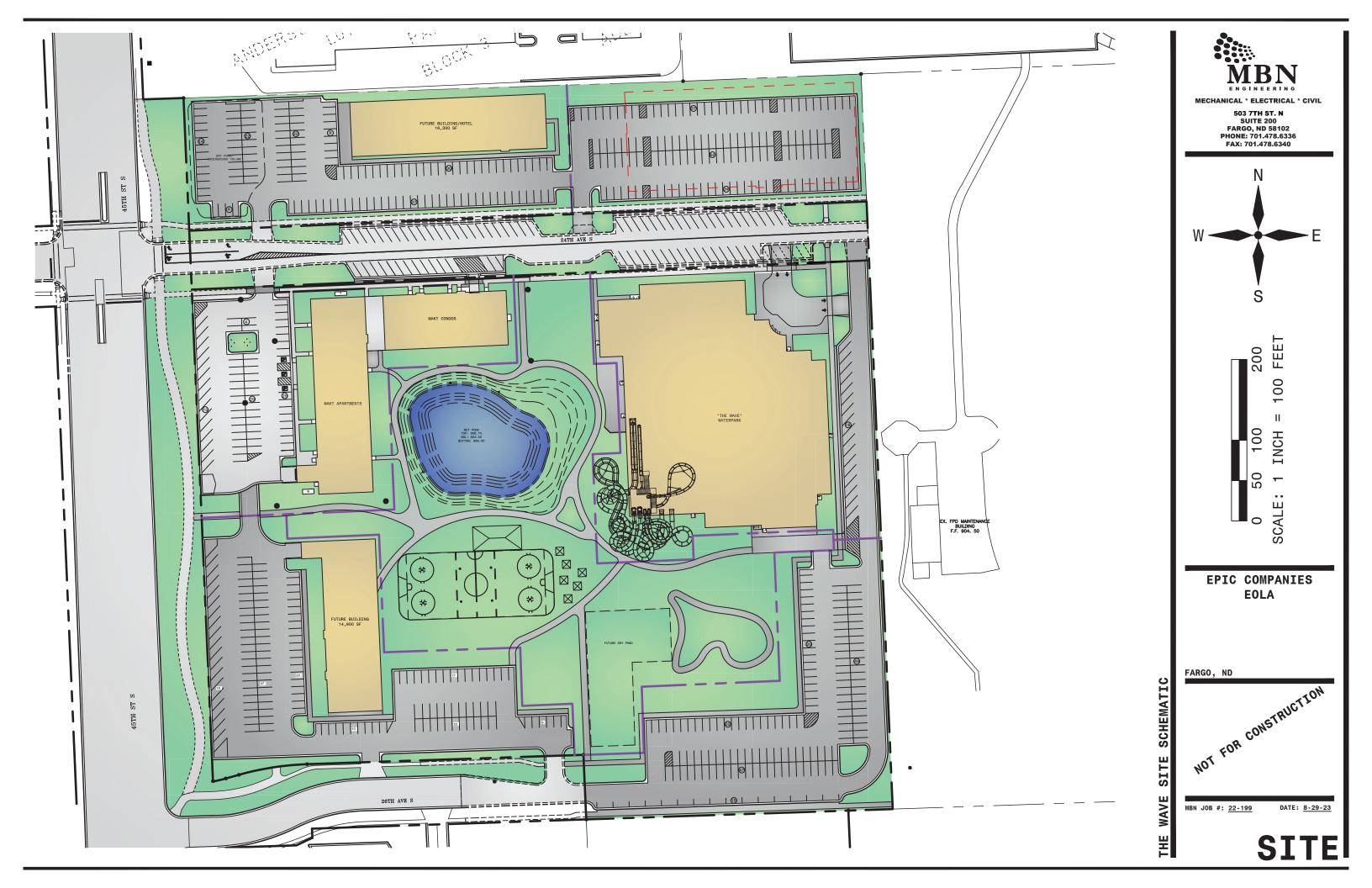
EOLA Second Addition

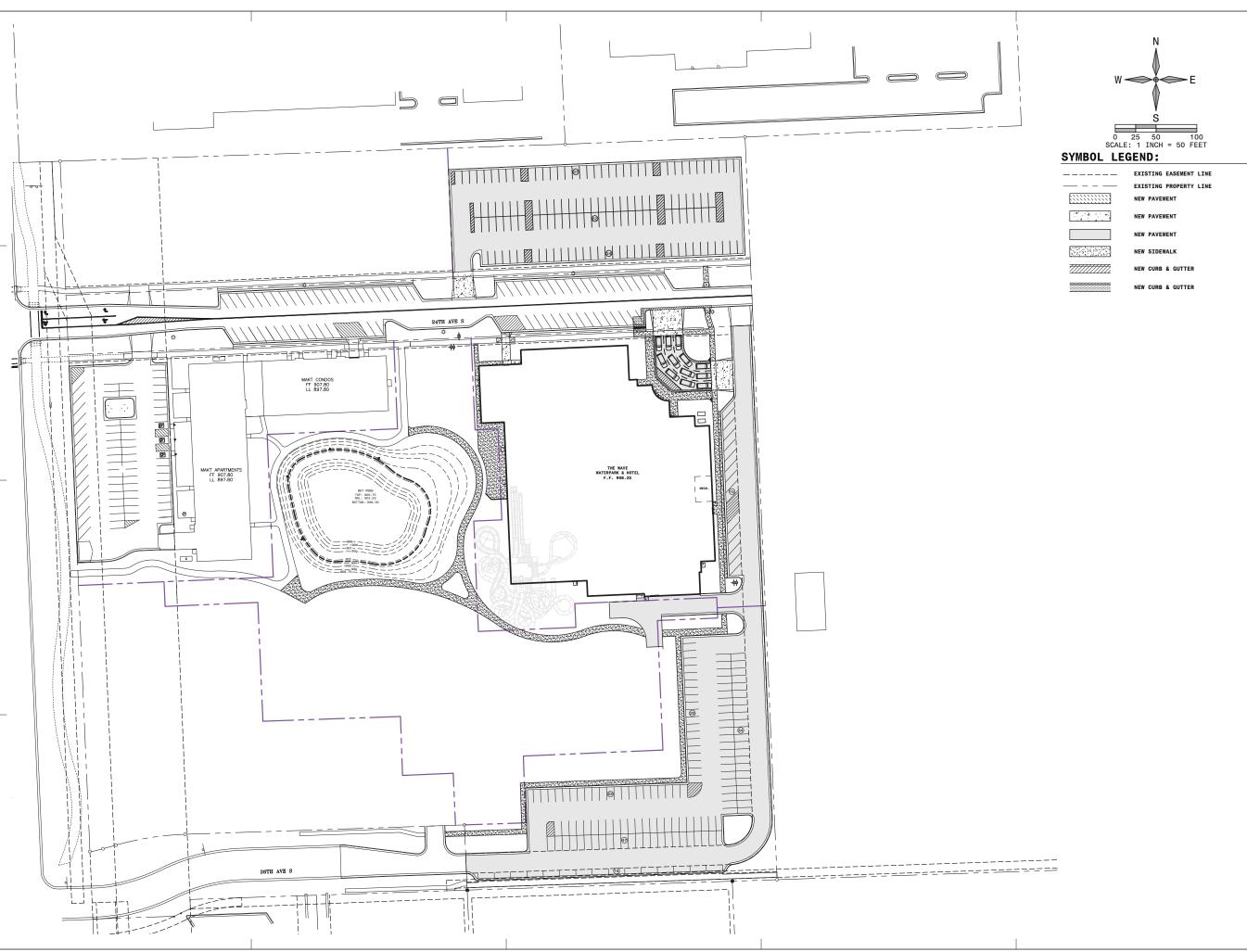
4410 & 4448 24th Avenue South; 4417 26 Avenue South





Fargo Planning Commission October 3, 2023







CONSULTANTS

MBN

CHANICAL * ELECTRICAL * CIVIL

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

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EDEPLE

COMPANIES

Management «Investment «Development

OJECT DESCRIPTION



CITY FARGO STATE NORTH DAKOTA

ISSUE DATES

Mark	Permit Set	06/29/23
1	ADDENDUM #1	08/08/23

PROJECT NO:	2022308
DRAWN BY:	TWS
CHECKED BY:	TKE

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DRAWING TITLE
FINAL PUD PAVING PLAN

C500

