

FARGO PLANNING COMMISSION AGENDA  
Tuesday, October 5, 2021 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of September 9, 2021
- C: Brown Bag Luncheon - Wednesday, October 17, 2021
- D: Public Hearing Items
  - 1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed **Maplewood Estates Second Addition**. (Located at 5601 and 5605 38th Street South) (EagleRidge Development, LLC) (dk)
  - 1b. Continued hearing on an application requesting a Plat of **Maplewood Estates Second Addition** (Major Subdivision) a plat of a portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 5601 and 5605 38th Street South) (EagleRidge Development, LLC) (dk)
  - 1c. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan on the proposed **Maplewood Estates Second Addition**. (Located at 5601 and 5605 38th Street South) (EagleRidge Development, LLC) (dk)
  - 2a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on Lot 1, Block 1 of the proposed University South Second Addition and from LC, Limited Commercial to GC, General Commercial with a C-O, Conditional Overlay on Lot 2, Block 1 on the proposed **University South Second Addition** and Lots 1 and 2, Block 1, **University South Addition**. (Located at 2301 and 2253 University Drive South) (GFI Dakota Development/Houston Engineering) (dk)
  - 2b. Hearing on an application requesting a Plat of **University South Second Addition** (Minor Subdivision) a replat of Lot 3, Block 1, University South Addition to the City of Fargo, Cass County, North Dakota. (Located at 2301 and 2253 University Drive South) (GFI Dakota Development/Houston Engineering) (dk)
  - 3. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential, on portions of Lot 1, Block 1, **Oak Manor Second Addition**. (Located at 2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316 and 2318 15th Street South; 1408 Oak Manor Avenue South; and 1401 and 1405 25th Avenue South) (City of Fargo) (dk)

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

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

4. Hearing on an application requesting a Zoning Change from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay on Lots 19-24, Block 21; all of Lots 1-16, 20-23, and 25-34, and portions of Lots 19-24, and the vacated alley, Block 22, **Reeves Addition**. (Located at 4 & 5 14th Street North, 9 & 19 14 ½ Street North, and 1418 1st Avenue North) (Meinecke Johnson Company/Gary Rinehart/Foxville, Inc) (dk)
5. Hearing on an application requesting a Conditional Use Permit to allow a Telecommunication Support Structure (TSS) of less than 125 feet in height in the P/I, Public and Institutional zoning district on a portion of Lot 2, Block 1, **Fargo North Addition**. (Located at 807 17th Avenue North) (Fargo Park District/Rob Viera) (am)

E: Other Items:

1. Planned Unit Development Final Plan for **EOLA Addition**. (kb)

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## **BOARD OF PLANNING COMMISSIONERS MINUTES**

**Regular Meeting:**

**Thursday, September 9, 2021**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Thursday, September 9, 2021.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Rocky Schneider, Maranda Tasa, Jennifer Holtz, Dawn Morgan, Art Rosenberg

Absent: Scott Stofferahn

Chair Schneider called the meeting to order.

### **Business Items:**

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

Chair Schneider noted that Item 1 has been withdrawn, Item 2 is continued to November 2, and he proposed adding an additional non-hearing item to the end of the Agenda to discuss an upcoming meeting with the consultant for the Land Development Code review/revision.

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

#### **Item B: Minutes: Regular Meeting of August 3, 2021**

Member Tasa moved the minutes of the August 3, 2021 Planning Commission meeting be approved. Second by Member Holtz. All Members present voted aye and the motion was declared carried.

#### **Item C: September 22, 2021 Brown Bag Luncheon: Cancelled**

#### **Item D: Public Hearing Items**

##### **Item 1: Rowe's Addition**

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

A Hearing had been set for March 2, 2021. At the March 2, 2021 meeting, the Hearing was continued to April 6, 2021. At the April 6, 2021 meeting, the Hearing was continued to June 3, 2021. At the June 3, 2021 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

**Item 2: Dakota Air Parts Addition**

**Continued hearing on an application requesting a Plat of Dakota Air Parts Addition (Major Subdivision) a replat of Lots 1-3, Block 1, DDK Addition to the City of Fargo, Cass County, North Dakota. (Located at 3910 and 4020 25th Street North; 2505 39 ½ Avenue North) (MACO Leasing, Inc. /Nate Vollmuth): CONTINUED TO NOVEMBER 2, 2021**

A hearing had been set for July 6, 2021. At the July 6, 2021 meeting, the Hearing was continued to August 3, 2021. At the August 3, 2021 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to November 2, 2021.

**Item 3: Valley View Eighth Addition**

**Continued hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 4, Block 1, Valley View Eighth Addition. (Located on 5652 36th Avenue South) (LTC Mustang, LLC/Brian Kounovsky): APPROVED**

A Hearing had been set for May 4, 2021. At the May 4, 2021 meeting, the Hearing was continued to June 3, 2021. At the June 3, 2021 meeting, the Hearing was continued to this July 6, 2021. At the July 6, 2021 meeting, the Hearing was continued to August 3, 2021. At the August 3, 2021 meeting, the Hearing was continued to this date and time.

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

Discussion was held on the conditions of the Conditional Use Permit, and clarification on parking requirements.

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

- 1) The maximum residential density shall be 35 units per acre.

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

**Item 4: Valley View Eighth Addition**

**Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a shared parking agreement on Lots 1-5, Block 1, Valley View Eighth Addition. (Located at 3610, 3630, 3650, and 3680 Veterans Boulevard and 5652 36th Avenue South) (LTC Mustang, LLC/Brian Kounovsky): APPROVED**



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

Discussion was held on the shared parking on-site, and clarification of which lots this Conditional Use Permit applies.

Applicant Brian Kounovsky spoke on the application.

Member Rosenberg moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an Alternative Access Plan for a shared parking agreement be approved as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code and all other application requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Tasa, Holtz, Rosenberg, Morgan, Gunkelman, and Schneider voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

**Item 5:       Maplewood Estates Second Addition**

**5a.   Hearing on an application requesting a Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on the proposed Maplewood Estates Second Addition. (Located at 5601 and 5605 38th Street South) (EagleRidge Development, LLC): CONTINUED TO OCTOBER 5, 2021**

**5b.   Hearing on an application requesting a Plat of Maplewood Estates Second Addition (Major Subdivision) a plat of a portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 5601 and 5605 38th Street South) (EagleRidge Development, LLC): CONTINUED TO OCTOBER 5, 2021**

**5c.   Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan on the proposed Maplewood Estates Second Addition. (Located at 5601 and 5605 38th Street South) (EagleRidge Development, LLC): CONTINUED TO OCTOBER 5, 2021**

Planning Coordinator Donald Kress presented the staff report stating staff is recommending continuing to the October 5, 2021 Planning Commission meeting. An updated site plan was submitted to the Board.

Discussion was held regarding the parking study bring completed, private drive access, and location.

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

Applicant Representative Jon Youness, Eagle Ridge Development, spoke on behalf of the application.

Member Gunkelman moved to continue the application to the October 5, 2021 Planning Commission meeting. Second by Member Rosenberg. On call of the roll Members Morgan, Tasa, Gunkelman, Holtz, Rosenberg, and Schneider voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

**Item 6: Timber Parkway Third Addition**

**Hearing on an application requesting a Plat of Timber Parkway Sixth Addition (Minor Subdivision) a replat of Lot 3, Block 1, Timber Parkway Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5081 Charles Way South) (Chris Mack/PLC Investments, LLC): APPROVED**

Planning Coordinator Aaron Nelson 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 Timber Parkway Sixth Addition as outlined within the staff report, as the proposal complies with the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Rosenberg, Gunkelman, Holtz, Morgan, Tasa, and Schneider voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

**Item 7: Ulteig Addition**

**Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for parking reduction on Lot 1, Block 1, Ulteig Addition. (Located at 3540 and 3550 38th Avenue South) (Mark Weston/I-29 Investments, LLC): APPROVED**

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

Discussion was held on the uses of the building and parking plan.

Applicant Mark Weston spoke on behalf of the application.

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

- 1) A minimum of 74 parking stalls shall be provided on site.
- 2) The Conditional Use Permit will cease of the land use changes from an office and religious institution for a period of more than 12 consecutive months.

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

**Item 8: Maple Valley Fifth Addition**

**8a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to LC, Limited Commercial with a C-O, Conditional Overlay on the proposed Maple Valley Fifth Addition. (Located at 6050 36th Street South) (Nate Vollmuth/Aspen Ponds Apartments, LLP): APPROVED**

**8b. Hearing on an application requesting a Plat of Maple Valley Fifth Addition (Minor Subdivision) a replat of Lot 21, Block 6, Maple Valley Addition to the City of Fargo, Cass County, North Dakota. (Located at 6050 36th Street South) (Nate Vollmuth/Aspen Ponds Apartments, LLP): APPROVED**

**8c. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan and residential living in the LC, Limited Commercial zoning district on Lot 1, Block 1 of the proposed Maple Valley Fifth Addition. (Located at 6050 36th Street South) (Nate Vollmuth/Aspen Ponds Apartments, LLP): APPROVED**

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

Applicant Nate Vollmuth spoke on behalf of the application.

Discussion was held on the Conditional Use Permit, and the proposed plans for the location.

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from LC, Limited Commercial to LC, Limited Commercial with a C-O, Conditional Overlay, and 2) Subdivision Plat Maple Valley Fifth Addition as outlined within the staff report, as the proposal complies with the 2001 Growth Plan, the Standards of Article 20-06 and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code, and to approve 3) the Conditional Use Permit to allow household living in the LC, Limited Commercial zoning district on Lot 1, Block 1 of the proposed Maple Valley Fifth Addition as the proposal compiles with Section 20-0909.D(1-6) of the Land Development Code, and all other applicable requirements of the Land Development Code with the following condition:

- 1) The maximum residential density for Lot 1, Block 1, of Maple Valley Fifth Addition shall not exceed 15 dwelling units per acre.

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

**Item 9: Interstate Park Second Addition**

**9a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial and GC, General Commercial to LC, Limited Commercial and GC, General Commercial on the proposed Interstate Park Second Addition. (Located at 3502 and 3518 Interstate Boulevard) (Kevin Hall/JKJ Enterprises, LLP): APPROVED**

**9b. Hearing on an application requesting a Plat of Interstate Park Second Addition (Minor Subdivision) a replat of portions of Lots 6, 7, and 9, and all of Lot 8, Block 4, Interstate Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3502 and 3518 Interstate Boulevard) (Kevin Hall/JKJ Enterprises, LLP): APPROVED**

**9c. Hearing on an application requesting a Conditional Use Permit to allow residential living in the GC, General Commercial zoning district on Lot 1, Block 1, the proposed Interstate Park Second Addition. (Located at 3502 and 3518 Interstate Boulevard) (Kevin Hall/JKJ Enterprises, LLP): APPROVED**

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

Discussion was held on the Conditional Use Permit, density, and lot lines.

Applicant Kevin Hall 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 1) Zone Change from GC, General Commercial and LC, Limited Commercial to GC, general Commercial and LC, Limited Commercial, and 2) Subdivision Plat Interstate Park Second Addition as outlined within the staff report, as the proposal complies with the Standards of Article 20-06 and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code, and to approve 3) the Conditional Use Permit to allow household living in the GC, General Commercial zoning district on Lot 1, Block 1, of the proposed Interstate Park Second Addition as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code and all other applicable requirements of the Land Development Code, with the following condition:

- 1) The maximum residential density for Lot 1, Block 1, of Interstate Park Addition shall not exceed 28 dwelling units per acre.

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

**Item 10: Prairie Farms Commercial Third Addition**

**Hearing on an application requesting a Plat of Prairie Farms Commercial Third Addition (Minor Subdivision) a replat of Lot 2, Block 1, Prairie Farms Commercial Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 2900 52nd Avenue South) (Bryan Slama/Houston Engineering): APPROVED**

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

Discussion was held on the private road access and its maintenance.

Planning and Development Assistant Director Mark Williams a stated private road is maintained by the property owners.

Applicant Representative Brian Pattengale spoke on behalf of the application.

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Prairie Farms Commercial Third Addition as outlined within the staff report as the proposal complies with the Standards of Article 20-06 of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Gunkelman, Morgan, Rosenberg, Holtz, Tasa, and Schneider voted aye. The motion was declared carried.

**Item E: Other Items:**

**Item 1: Discussion on an upcoming meeting with the consultant for the Land Development Code review/revision.**

Mr. Nelson provided a review of the Land Development Code review/revision process to date and stated there is a recommendation to host an education session relating to form based code elements. He noted the education session will be held Tuesday, November 30 and more information will be sent once available.

Discussion was held on the contract extension with Lisa Wise Consulting, next steps regarding rewriting/revising the Land Development Code, Growth Plans, implementation process, and the RFP process.

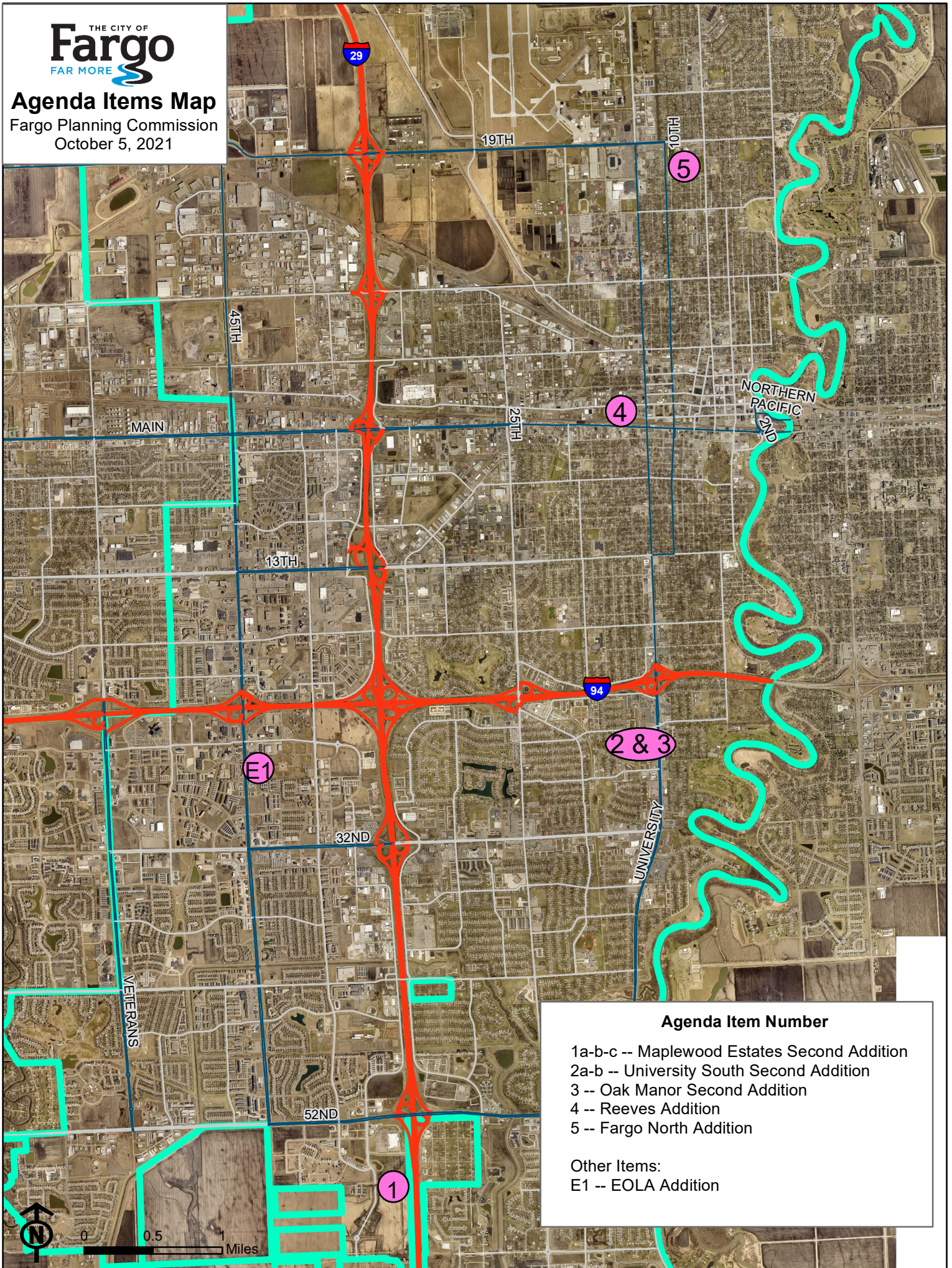
Member Rosenberg moved to adjourn the meeting. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

The time at adjournment was 4:14 p.m.



## Agenda Items Map

Fargo Planning Commission  
October 5, 2021



### Agenda Item Number

- 1a-b-c -- Maplewood Estates Second Addition
- 2a-b -- University South Second Addition
- 3 -- Oak Manor Second Addition
- 4 -- Reeves Addition
- 5 -- Fargo North Addition

Other Items:

E1 -- EOLA Addition



| <b>City of Fargo<br/>Staff Report</b> |  |                                 |                                       |
|---------------------------------------|--|---------------------------------|---------------------------------------|
| <b>Title:</b>                         | Maplewood Estates<br>Second Addition   | <b>Date:</b><br><b>Updated:</b> | 9/2/2021<br>9/29/2021                 |
| <b>Location:</b>                      | 5601 and 5605 38th<br>Street South   | <b>Staff Contact:</b>           | Donald Kress,<br>planning coordinator |
| <b>Legal Description:</b>             | A portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West  |                                 |                                       |
| <b>Owner(s)/Applicant:</b>            | Eagle Ridge<br>Development, LLC / Jon<br>Youness   | <b>Engineer:</b>                | KPH, Inc                              |
| <b>Entitlements Requested:</b>        | <b>Zoning Change</b> (From AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay); a <b>PUD Master Land Use Plan</b> ; and a <b>Major Plat</b> (replat of a portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota) |                                 |                                       |
| <b>Status:</b>                        | Planning Commission Public Hearing: October 5, 2021  |                                 |                                       |

| <b>Existing</b>  | <b>Proposed</b>  |
|--|--|
| <b>Land Use:</b> Undeveloped   | <b>Land Use:</b> Multi-dwelling residential  |
| <b>Zoning:</b> AG, Agricultural  | <b>Zoning:</b> MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay   |
| <b>Uses Allowed:</b> AG Allows detached houses, parks and open space, safety services, basic utilities, and crop production. | <b>Uses Allowed:</b> Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. |
| <b>Maximum Density Allowed:</b> 1 dwelling unit per 10 acres   | <b>Maximum Density Allowed:</b> 24 dwelling units per acre <b>PUD proposes increased density of 35 du/ac</b>   |

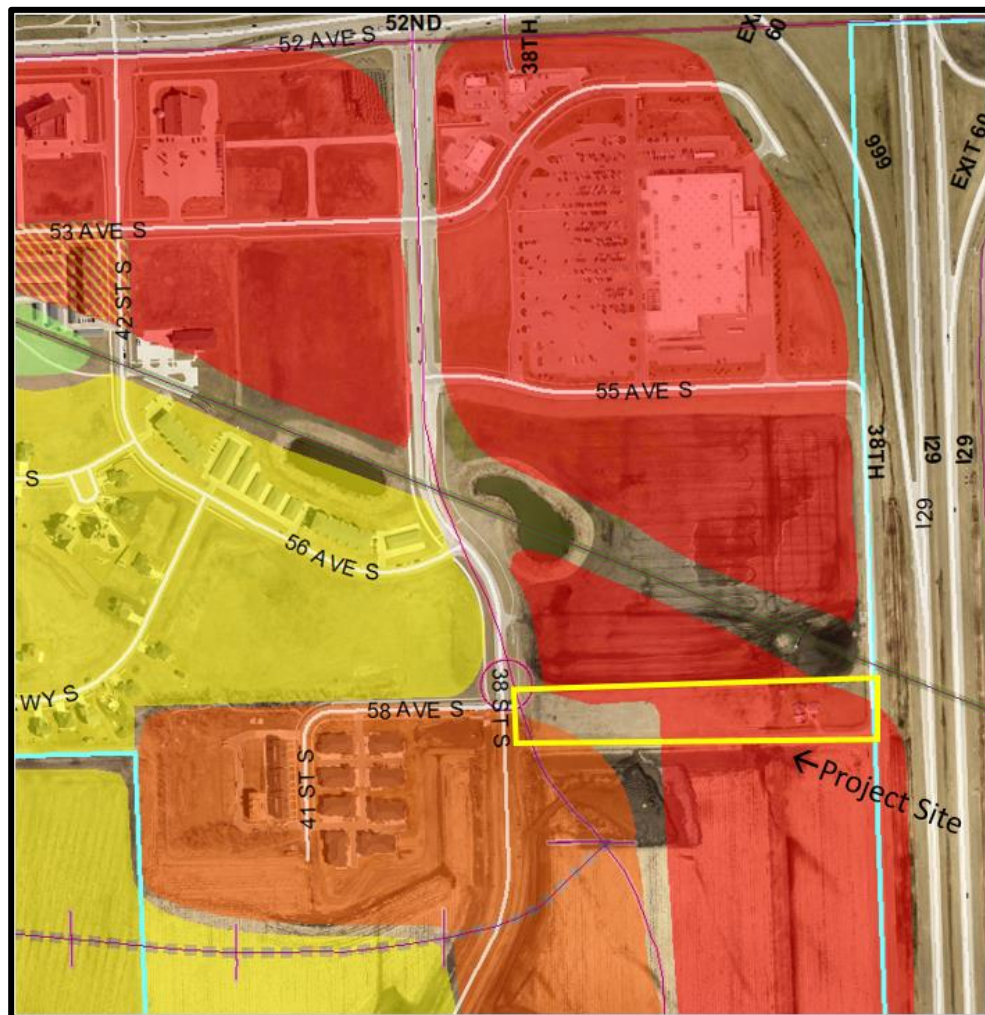
| <b>Proposal:</b>  |
|---|
| <p><i>PROJECT HISTORY NOTE: This project was heard at the September 9, 2021 Planning Commission, but staff recommended continuation of the project to the October 5, 2021 Planning Commission agenda to allow the applicant time to complete a traffic study supporting his request for reduced parking, and for City staff to review that study.</i></p> <p>The applicant requests approval of three entitlements:</p> <ol style="list-style-type: none"> <li>1. A zoning change from AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay;</li> <li>2. PUD Master Land Use Plan within the boundaries of the proposed Maplewood Estates Second Addition; and</li> <li>3. A plat of the <b>Maplewood Estates Second Addition</b>, a replat of a portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota.</li> </ol> <p>The subject property is located on the east side of 38<sup>th</sup> Street South, in an area recently annexed (January, 2021) to the City.</p> |

### Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial; current undeveloped. Pending development is The District of Fargo Fourth Addition with LC, Limited Commercial and MR-3, Multi-Dwelling Residential uses
- East: North Dakota Department of Transportation right of way for Interstate 29
- South: P/I, Public /Institutional; future Sanford sports complex
- West: MR-3 with attached single-dwelling development

### Area Plans:

This subject property is located within the 2007 Growth Plan, which designates portions of the property for Commercial and Residential Area—Medium to High Density. The proposed project focuses on the high density residential, which ties in with the property west of 38<sup>th</sup> Street South and the property adjacent to the north, the proposed The District of Fargo Fourth Addition, which also include areas designated as Medium to High Density Residential. The proposed MR-3 zoning is consistent with the Medium to High Density Land use designation on this property.



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

(continued on next page)



### Project Site Constraints

The long, narrow configuration of the subject property presents development challenges. Additionally, only one access—from 38<sup>th</sup> Street South—is available for this property. Though there is currently a frontage road on the east side of this property, access from this frontage road will be terminated as part of this plat. The modifications to the MR-3, Multi-Dwelling Residential zone proposed by the PUD are intended to deal with these site constraints and develop a high-density residential project in a rapidly developing area of Fargo, where Planning staff believes a high-density is appropriate.

### Zoning Change and PUD Overlay

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. The modifications to the development standards of the underlying MR-3 zone are shown in the chart below.

|                                    | <b>Current LDC development standards for MR-3 zone</b>   | <b>PUD modifications to MR-3 zone development standards</b>  | <b>Notes</b>  |
|------------------------------------|--|--|---|
| Allowed Uses                       | detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. | <i>No change proposed</i>  |   |
| Minimum Lot Area                   | 5,000 SF   | <i>No change proposed</i>  |   |
| Minimum Lot Width                  | 50 ft.   | <i>No change proposed</i>  |   |
| Residential Density                | 24 du/ac   | Increase to 35 du/ac   | 200 du / 5.79 ac = 34.5 round up to 35  |
| Setbacks                           | Front 25 ft.<br>Rear 20 ft<br>Interior Side 10 ft<br>Street Side 12.5 ft   | <i>No change in dimensions requested. Applicant requests the setbacks be designated as:<br/>Front (38th St S)<br/>Rear (Interstate)<br/>Sides (North &amp; South sides)</i>  | No change in dimensions requested. Applicant requests the setbacks be designated as:<br>Front (38 <sup>th</sup> St S)<br>Rear (Interstate)<br>Sides (North & South sides) |
| Max. Height                        | 60 ft  | <i>No change proposed</i>  |   |
| Building Coverage                  | 35% of total lot area  | <i>Increase to 40%</i>   |   |
| Minimum open space                 | 35% of total lot area  | <i>Reduce to 25%</i>   |   |
| Parking-Residential—Multi-dwelling | 2.25 spaces per unit   | <i>Modify parking ratio to:<br/>Efficiency units<br/>1.5 spaces per unit<br/>1-bedroom units<br/>1.75 spaces per unit<br/>2-bedroom units<br/>2.0 spaces per unit<br/>3-bedroom units<br/>2.25 spaces per unit</i> | Applicant proposes a modified parking ratio based on the sizes of the individual units.   |

|                          |  |  |  |
|--------------------------|--|--|--|
| Landscaping—Street Trees | 1 per every 50 feet on arterials and collectors    | <i>No change proposed</i>  | 38 <sup>th</sup> Street South is identified as a collector street. |
| Landscaping—Open Space   | 3 plant units per 1,000 SF of area; 8 sf per unit, | <i>Modify requirement for 70% of plant units to be in the front setback to requirement for 40% of plant units to be in the front setback and 30% to be on the east side.</i> |  |

### **Detailed Comment on PUD Modifications**

Allowed Uses: No additional uses are proposed.

Residential Density: The project proposes 200 dwelling units on a 5.79 acre property, yielding a density of approximately 35 dwelling units per acre. Planning staff is willing to support the increased density for this location

Setbacks: The applicant has not requested any change in setback dimensions, but notes that the setbacks be identified as stated in the chart above.

Building Coverage: The proposed modification to the MR-3 standards is intended to accommodate the proposed building configuration.

Parking: The Land Development Code standard parking requirement for residential uses is 2.25 parking spaces per dwelling unit. The applicant proposes a modified parking ratio, with each type of residential unit---efficiency, 1-bedroom, 2-bedroom, and 3-bedroom—having it own parking ratio, Approximately 380 parking spaces would be provided on-site, with both underground and surface parking. The applicant is providing a traffic study from a professional traffic engineer to support this request for reduced parking.

Open Space: The PUD proposes a reduction of the 35% open space requirement of the MR-3 zone to 25% to accommodate the proposed building design on this site. Note that “open space” in this situation is defined in the Land Development Code (LDC) as “an outdoor, unenclosed area, located on the ground on or a roof, balcony, deck, porch, or terrace design and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.” (LDC 20-1202(43).

Landscaping---Street Trees: Applicant has not proposed any change.

Landscaping—Open Space: Due to the configuration of the subject property, as noted above, the applicant proposes to modify the Land Development Code requirement that 70% of the required open space landscaping be within the front setback to requiring 40% of the required landscaping to be within the front yard setback and 30% of the required landscaping to be on the east side of the property. The landscaping on the east side would provide additional buffering against Interstate 29. The remaining 30% of the required landscaping would be distributed throughout the project site. The applicant does not propose any reduction in total plant units.

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

The applicant has submitted a project narrative and PUD Master Land Use Plan which further describe and depict the proposed development. These documents are attached.

(continued on next page)

### **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.

### **Plat**

The plat proposes to plat a portions of the Northeast Quarter and the Southeast Quarter of Section 3, Township 138 North, Range 49 West into a single lot.

### **Access**

The project site takes access from 38<sup>th</sup> Street South, a dedicated public street classified as a collector. The project site will not take access from the I-29 frontage road on the east side of the project site; access from this frontage will be terminated as part of this plat.

### **Proximity to Interstate 29**

It appears that the closest any residential building on this project site would be to the Interstate 29 road way is approximately 375 feet.

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

### **Staff Analysis:**

#### **Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The PUD zoning is overlain on an underlying zone. The MR-3 zone is an appropriate underlying zone for the entire project, as the project proposes a high-density multi-dwelling building with no commercial uses. The proposed PUD Overlay zoning district is intended to accommodate the development of the proposed project on a site with the constraints noted above. **(Criteria Satisfied)**

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

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

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no comment from the public. **(Criteria satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities and also supports developments with increased density. 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)**

**Master Land Use Plan:** Article 20-090(7)(B)(a-e) of 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. It modifies certain development standards of the MR-3 zone and general development standards in order to provide a higher density housing 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 on 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. Particularly, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities and also supports developments with increased density. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

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

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a residential housing option in a rapidly developing area of Fargo close to recreational facilities, shopping, commercial uses, and educational facilities (the North Dakota State College of Science Career Academy is being developed approximately 0.75 mile from the project site). **(Criteria Satisfied)**

## Major Subdivision

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

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

The requested zoning for the residential development on this property is MR-3, Multi-Dwelling Residential with a planned unit development overlay. The zoning is consistent with the growth plan designations for this property as noted above. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no public comment. **(Criteria Satisfied)**

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

The property is proposed to be zoned MR-3, Multi-Dwelling Residential with a planned unit development overlay. As noted above, this zoning is consistent with the 2007 Growth Plan land use designation for this property of Medium to High Density Residential. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

No amenities plan was required for this project, as there are no internal streets and 38<sup>th</sup> Street South on the west side of the property is being installed. 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 recommend approval to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; 2) PUD Master Land Use Plan; and 3) a plat of the **Maplewood Estates Second Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Articles 20-06, 20-0906(F)(1-4), 20-0907(B)(a-e), and all other applicable requirements of the LDC, contingent on staff review and approval of the traffic study for the proposed parking reduction."

### Planning Commission Recommendation: September 9, 2021

At the September 9, 2021, Planning Commission hearing, that Commission, by a vote of 6-0 with one Commissioner absent and four Commission seats vacant, moved to continue the project to the October 5, 2021 Planning Commission agenda to allow the applicant time to complete a traffic study to support his request for reduced parking and for City staff to review that study.

### Attachments:

1. Location Map
2. Zoning Map
3. Preliminary Plat
4. PUD Master Land Use Plan
5. PUD Statement and Chart
6. Developer's project summary/PUD narrative



# Zone Change (AG to MR-3 with PUD) and Plat (Minor)

## Maplewood Estates 2nd Addition

5601-5605 38th Street S

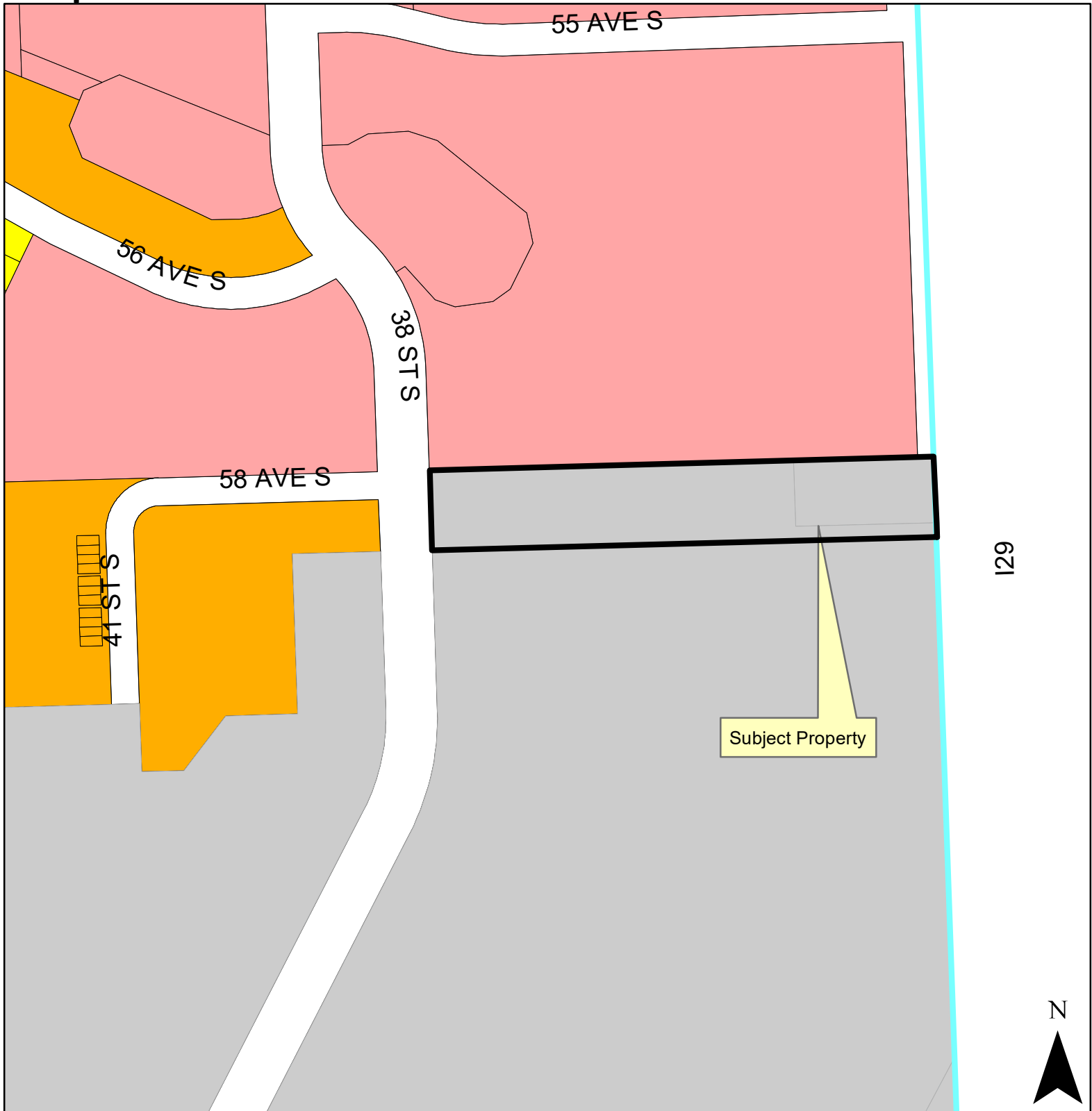




# Zone Change (AG to MR-3 with PUD) and Plat (Minor)

## Maplewood Estates 2nd Addition

5601-5605 38th Street S



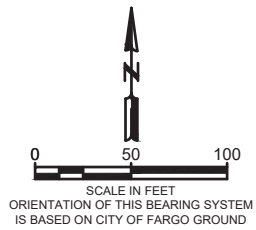
### Legend



300

Feet

Proj. Date & Time: 30 August 2021 3:46 PM  
S:\SURVEY\01\_Projects\2021\21-204\_Eagle Ridge Maplewood Estates Second Addition - Fargo\Drawings\Maplewood Estates Second Addition.dwg



58TH AVENUE SOUTH

MAPLEWOOD  
ESTATES  
ADDITION

UNPLATTED

38TH STREET SOUTH

10' UTILITY EASEMENT

N02°03'12"W 200.00'(M)  
N02°04'17"W 200.00 (R)

35.00'

THE

DISTRICT

OF

BLOCK 2  
LOT 2

N88°27'01"E 1260.17' (M) N88°26'59"E 1260.17' (R)

1227.17

(252,021)

BLOCK ONE

NE 1/4  
3-138-49

1/4 LINE

1227.12

S88°27'01"W 1260.12'

BLOCK 2  
LOT 1

SE 1/4

ADDITION

ADDITION

125' WAPA POWER LINE  
EASEMENT DOC.#335990

30' CASS RURAL WATER  
USERS, INC. EASEMENT  
(APPROXIMATE LOCATION  
DOC.#504145)

10' UTILITY EASEMENT

1" TELEPHONE LINE  
EASEMENT (APPROXIMATE  
LOCATION DOC.#455132)

FRONTAGE ROAD

130.75

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# MAPLEWOOD ESTATES SECOND ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
AUDITOR'S LOT 1 OF THE NORTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER AND  
PART OF NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 138 NORTH, RANGE 49 WEST  
(A MAJOR SUBDIVISION)

## OWNER'S CERTIFICIATE

KNOW ALL PERSONS BY THESE PRESENTS, That the Maplewood Estates, LLC, a North Dakota Limited Liability Company, as owner of Auditor's Lot 1 of the Northeast Quarter and part of the Northeast and part of the Southeast Quarter of Section 3, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Beginning that the southeast corner of the Northeast Quarter of said Section 3; thence on an assumed bearing of South 02 degrees 00 minutes 54 seconds East on the east line of said Section 3 a distance of 35.00 feet to the northeast corner of Lot 1, Block 2 of SANFORD ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota; thence South 88 degrees 27 minutes 01 seconds West on the north line of said Lot 1 a distance of 1390.13 feet to the northwest corner of said Lot 1 and the east right-of-way line of 38th Street South; thence North 02 degrees 03 minutes 12 seconds West on said east right-of-way line a distance of 200.00 feet to the southwest corner of Lot 2, Block 2 of THE DISTRICT OF FARGO SECOND ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota; thence North 88 degrees 26 minutes 01 seconds East on the south line of said Lot 2 a distance of 1260.17 feet to the east line of said Section 3; thence South 02 degrees 02 minutes 46 seconds East on said east line a distance of 165.00 feet to the point of beginning.

Containing 5.79 acres, more or less, and is subject to Easements, Reservations, Restrictions and Rights-of-Way of record.

Said owners of the above described property, have caused the same to be surveyed and platted as "**MAPLEWOOD ESTATES SECOND ADDITION**" to the City of Fargo, Cass County, North Dakota., and does hereby dedicate to the public for public use the Frontage Road and utility easements shown on this plat for purposes specified.

## OWNER:

Maplewood Estates, LLC  
By: James R. Bullis

James R. Bullis

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, James R. Bullis, Maplewood Estates, 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 as their own free act and deed.

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

**KPH, INC.**  
SURVEY  
9530 39TH ST. S.  
FARGO, ND 58104  
701-499-7979

## SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

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

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

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, Joshua J. Nelson, 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 as his own free act and deed.

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

## FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney  
Mayor

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

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

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

## NOTES

- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
- UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
- NONE OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAP 38017C0786G AND 38017C0787G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 905.7' (NAVD88) ACCORDING TO FEMA.

## CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Rocky Schneider  
Planning Commission Chair

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

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

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, P.E.  
City Engineer

State of North Dakota )  
 ) SS  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

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

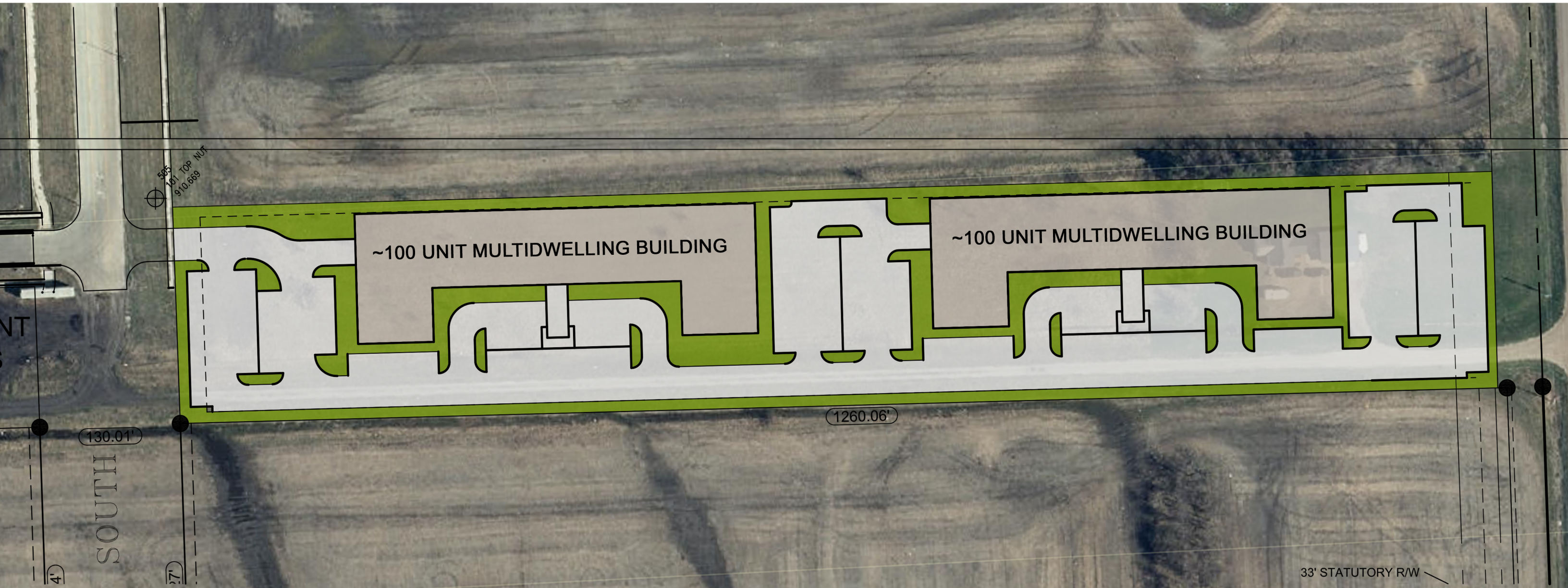
## LEGEND

|     |  |
|-----|--|
| (R) | RECORDED BEARING/DISTANCE              |
| (M) | MEASURE BEARING/DISTANCE               |
| ○   | SET MONUMENT (5/8" REBAR CAP LS-27292) |
| ●   | FOUND MONUMENT                         |
| --- | SECTION LINE                           |
| --- | QUARTER LINE                           |
| --- | EXISTING EASEMENT LINE                 |
| --- | EXISTING PROPERTY LINE                 |
| --- | PLAT OVERALL BOUNDARY                  |
| --- | PLAT NEW EASEMENT                      |



# Maplewood Estates 2nd Addition

Master Land Use Plan



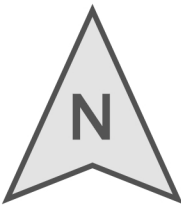
**OPEN SPACE LANDSCAPING**

SITE AREA = 252,021 SF  
LDC PLANT UNITS REQ'D = 3 PU / 1,000  
SF SITE = 757 PLANT UNITS REQ'D

**PUD PARKING RATIOS**

| UNIT TYPE  | STALLS/UNIT |
|------------|-------------|
| EFFICIENCY | 1.5         |
| 1-BEDROOM  | 1.75        |
| 2-BEDROOM  | 2           |
| 3-BEDROOM  | 2.25        |

**MAXIMUM OF 200 RESIDENTIAL UNITS.**





## MAPLEWOOD ESTATES 2<sup>ND</sup> ADDITION PUD STATEMENT AND CHART

DEVELOPER'S STATEMENT OF INTENT: The purpose of the PUD for Maplewood Estates 2<sup>nd</sup> Addition, a 200-unit master planned residential community, is to create a vibrant urban lifestyle setting that provides individuals with places to live that are within walking distance of restaurants, shopping, entertainment, and large park facilities. The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the MR-3 development standards, except as otherwise provided below:

|                                    | <b>Current LDC development standards for MR-3 zone</b>   | <b><i>PUD modifications to MR-3 zone development standards</i></b>   | <b>Notes</b>  |
|------------------------------------|--|--|---|
| Allowed Uses                       | detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. | <i>No change proposed</i>  |   |
| Minimum Lot Area                   | 5,000 SF   | <i>No change proposed</i>  |   |
| Minimum Lot Width                  | 50 ft.   | <i>No change proposed</i>  |   |
| Residential Density                | 24 du/ac   | <i>Increase to 35 du/ac</i>  | 200 du / 5.79 ac = 34.5 round up to 35  |
| Setbacks                           | Front 25 ft.<br>Rear 20 ft<br>Interior Side 10 ft<br>Street Side 12.5 ft   | <i>No change in dimensions requested. Applicant requests the setbacks be designated as:<br/>Front (38th St S)<br/>Rear (Interstate)<br/>Sides (North &amp; South sides)</i>  | No change in dimensions requested. Applicant requests the setbacks be designated as:<br>Front (38 <sup>th</sup> St S)<br>Rear (Interstate)<br>Sides (North & South sides) |
| Max. Height                        | 60 ft  | <i>No change proposed</i>  |   |
| Building Coverage                  | 35% of total lot area  | <i>Increase to 40%</i>   |   |
| Minimum open space                 | 35% of total lot area  | <i>Reduce to 25%</i>   |   |
| Parking-Residential—Multi-dwelling | 2.25 spaces per unit   | <i>Modify parking ratio to:<br/>Efficiency units<br/>1.5 spaces per unit<br/>1-bedroom units<br/>1.75 spaces per unit<br/>2-bedroom units<br/>2.0 spaces per unit<br/>3-bedroom units<br/>2.25 spaces per unit</i> | Applicant proposes a modified parking ratio based on the sizes of the individual units.   |
| Landscaping—Street Trees           | 1 per every 50 feet on arterials and collectors  | <i>No change proposed</i>  | 38 <sup>th</sup> Street South is a collector street.  |
| Landscaping—Open Space             | 3 plant units per 1,000 SF of area; 8 sf per unit,   | <i>Modify requirement for 70% of plant units to be in the front setback to requirement for 40% of plant units to be in the front setback and 30% to be on the east side.</i>                                       |   |

## Maplewood Estates 2<sup>nd</sup> Addition PUD



Planned Unit Development  
5605 38<sup>th</sup> Street South  
Fargo, ND

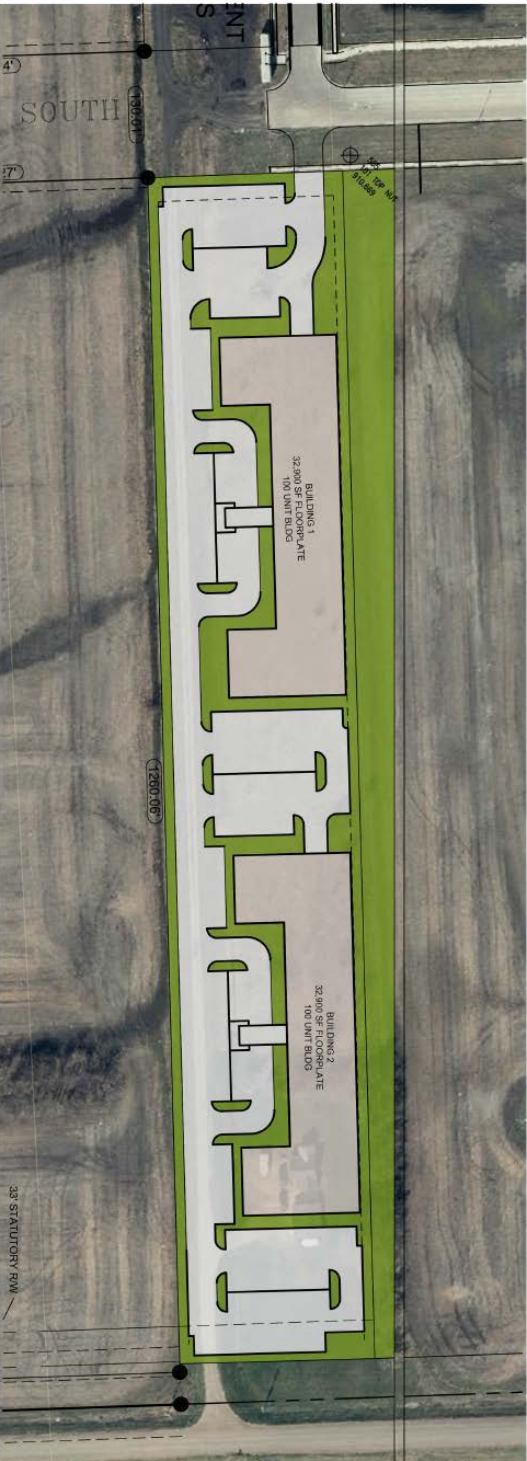


EagleRidge Development  
701-540-7159  
[eagleridgedevelopment.com](http://eagleridgedevelopment.com)

# Maplewood Estates 2nd Addition

An EagleRidge Community

  
EAGLERIDGE  
DEVELOPMENT  
eagleridgedevelopment.com



## Project Narrative

EagleRidge Development submits this proposed planned unit development (PUD) request to create an upscale multi-family project in south Fargo. This project will consist of 200 residential units. There will be a combination of studio, 1-bedroom, 2-bedroom, and 3-bedroom apartment options. The project will provide parking per the table below:

| Maplewood Estates 2nd<br>PUD Parking Ratios |             |
|---|-------------|
| Unit Type                                   | Stalls/Unit |
| Efficiency                                  | 1.5         |
| 1-Bedroom                                   | 1.75        |
| 2-Bedroom                                   | 2           |
| 3-Bedroom                                   | 2.25        |

The purpose of the proposed PUD is to create a vibrant urban lifestyle setting that provides individuals with places to live and work that are within walking distance of restaurants, shopping, entertainment, and large park facilities.

Acquiring the individual house parcel on the far east side of this plat allows us to work in concert with the City to eliminate the need for a fully improved frontage road along the interstate. The result of the frontage road vacation leaves us with a unique parcel in terms of the shape and size, along with access limitations that create a challenge from a land planning perspective.

The proposed PUD allows the property to be fully develop an upscale residential community without the need for any additional municipal infrastructure.

## Statement of Intent

The provisions of the PUD are intended to allow this unique parcel to fully develop as an upscale residential community overlooking the new park facility immediately south of this property. The proposed PUD will allow for over double the amount of taxes generated from a traditional apartment project and will provide for a better use of existing municipal infrastructure.

This project will include underground parking for residents. Additional on-site amenities for the residents will include a large rooftop patio, fitness facilities, co-working common areas, and pet friendly services.



# The Team

**Architectural:** YHR Partners

**Engineering:** MBN Engineering

**Structural:** Sandman Structural Engineers

## **EagleRidge Development**

When it comes to building, EagleRidge Development is involved from start to finish. We are dedicated to building communities that not only meet the needs of residents and investors, but that also stand the test of time. That is why we follow a process that guarantees success.

By building lasting relationships with contractors and subcontractors, working with tenants to ensure their desires are met and finding investors that are as passionate about our projects as we are, we set ourselves apart from other developers.

## **Jim Bullis**

Jim Bullis has been actively engaged in the planning and development of residential and mixed-use communities in the Fargo-Moorhead and surrounding areas for more than 20 years. Mr. Bullis is an attorney licensed to practice in both North Dakota and Minnesota. His legal practice concentrates in the areas of commercial law and real estate development.

## **Jon Youness, PE**

Jon Youness joined the EagleRidge Development team in 2013 and has played an integral role in land acquisition, entitlements, and financial analysis for single family and multi-family properties. Mr. Youness also oversees and coordinates the design, permitting, and construction of multiple multi-family and commercial developments and is also actively involved in new product development for EagleRidge Development's multi-family construction affiliate.

**For more information, please contact us:**

[eagleridgedevelopment.com](http://eagleridgedevelopment.com)

[info@eagleridgecompanies.com](mailto:info@eagleridgecompanies.com)

701-540-7159



| <b>City of Fargo<br/>Staff Report</b> |   |                       |                                       |
|---------------------------------------|---|-----------------------|---------------------------------------|
| <b>Title:</b>                         | University South Second Addition  | <b>Date:</b>          | 9/29/2021                             |
| <b>Location:</b>                      | 2301 and 2253 University Drive South  | <b>Staff Contact:</b> | Donald Kress,<br>planning coordinator |
| <b>Legal Description:</b>             | Lots 1, 2, and 3, Block 1, University South Addition to the City of Fargo, Cass County, North Dakota  |                       |                                       |
| <b>Owner(s)/Applicant:</b>            | GFI Dakota Development / Houston Engineering  | <b>Engineer:</b>      | Houston Engineering                   |
| <b>Entitlements Requested:</b>        | <b>Minor Subdivision</b> (Replat of Lot 3, Block 1, University South Addition to the City of Fargo, Cass County, North Dakota) and <b>Zone Change</b> (from LC, Limited Commercial to GC, General Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay); |                       |                                       |
| <b>Status:</b>                        | Planning Commission Public Hearing: October 5, 2021   |                       |                                       |

| <b>Existing</b>  | <b>Proposed</b>   |
|--|---|
| <b>Land Use:</b> Commercial  | <b>Land Use:</b> Commercial; Residential  |
| <b>Zoning:</b> LC, Limited Commercial  | <b>Zoning:</b> GC, Limited Commercial with a C-O, Conditional Overlay; MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay   |
| <b>Uses Allowed:</b> 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. | <b>Uses Allowed:</b> GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. <b>with Conditional Overlay which restricts some uses and provides site and building design guidelines</b><br>MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. <b>with Conditional Overlay which restricts some uses and provides site and building design guidelines</b> |
| <b>Maximum Lot Coverage Allowed:</b> 55%   | <b>Maximum Lot Coverage Allowed:</b> 85% (GC)<br><b>Maximum Residential Density:</b> 24 dwelling units per acre (MR-3)  |
| <b>Proposal:</b>   |   |
| The applicant requests two entitlements:<br>1. A minor subdivision, entitled <b>University South Second Addition</b> , which is a replat of Lot 3, Block 1, University South Addition to the City of Fargo, Cass County, North Dakota  |   |



2. A zoning change from LC, Limited Commercial to GC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay.

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. This report includes analysis by assistant planner Adam Martin.

#### **Surrounding Land Uses and Zoning Districts:**

- North: LC with retail/service, including a hotel, and office uses.
- East: GC: General Commercial with retail/service uses; and LC with retail/service uses, including a hotel.
- South: LC with retail/service uses and MR-3: Multi-Dwelling Residential with multi-residential dwellings.
- West: LC with multi-residential dwellings (rezone to residential pending)

#### **Area Plans:**

The subject property is not included in a growth plan or area plan. However, a vision for this area is depicted in Fargo's Go2030 Comprehensive Plan. That plan envisions redevelopment of this portion of South University Drive to follow the model of a walkable mixed-use center, in which redevelopment of the properties along it would create pedestrian-oriented spaces with "walkable friendly" blocks, combining residential, commercial, and park or other amenity uses. A graphic of this general concept from the Go2030 plan is depicted below, with the subject property outlined in red and nearby street names circled in yellow.



(from Go2030 Comprehensive Plan, pages 36 and 37)

#### **Context:**

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

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



**Parks:** Lincoln Park (2120 9<sup>th</sup> Street South), is approximately 0.27 miles east of the subject property, and provides amenities of baseball/softball fields, basketball court, multipurpose field, playground for ages 5-12, and warming houses, outdoor skating and hockey rinks in the winter.

**Pedestrian / Bicycle:** There are no trails adjacent to the subject property.

#### **Staff Analysis:**

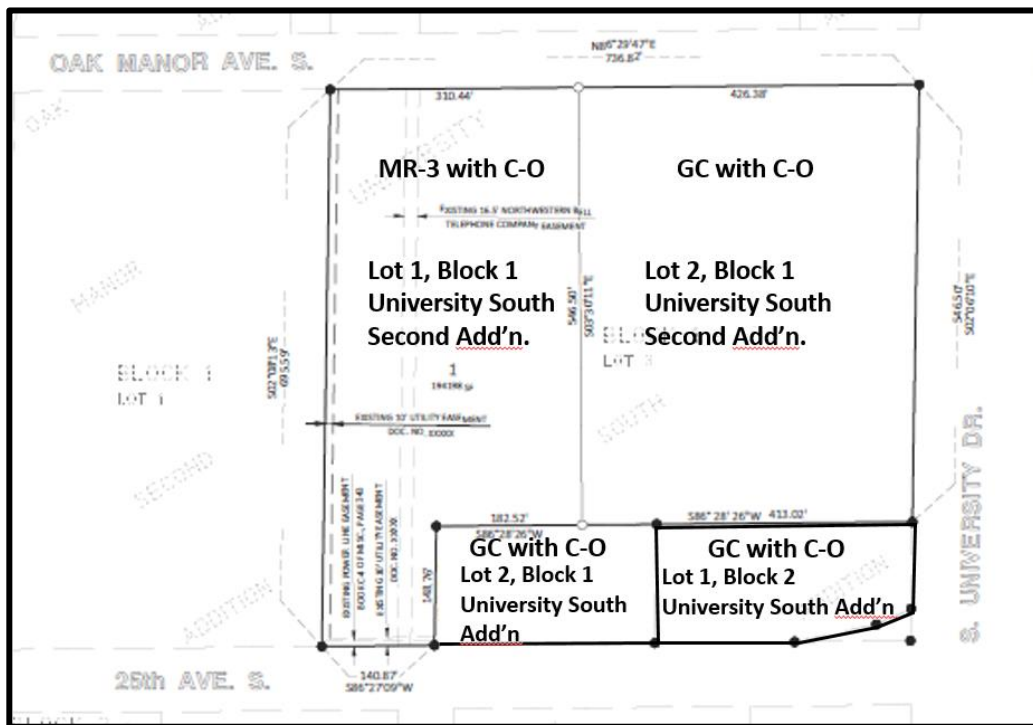
##### **PLAT AND ZONE CHANGE—UNIVERSITY SOUTH SECOND ADDITION**

The plat will create two lots in one block. Lot 1, Block 1 will be zoned MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and is proposed to be developed as an affordable senior citizen housing residence. Lot 2, Block 1 will be zoned GC, General Commercial with a C-O, Conditional Overlay and is intended to be developed with several commercial uses.

##### **ZONE CHANGE—LOTS 1 and 2, BLOCK 1, UNIVERSITY SOUTH ADDITION**

The University South Addition, which divided the original site into three lots, was approved by the City Commission on September 20, 2021 and subsequently recorded. In the process of developing the University South Second Addition, the applicant determined that the overall development of this site would be better served if Lots 1 and 2, Block 1 of the University South Addition were included in the zone change from LC to GC proposed for the University South Second Addition, so that all the commercial lots on this site shared the same zoning. Thus, Lots 1 and 2, Block 1, University South Addition are included in this zone change.

The graphic below summarizes the proposed zoning.



##### **CONDITIONAL OVERLAY (C-O)**

The zone change includes a conditional overlay that will regulate signs, prohibit certain land uses on the property, and provide design standards for the development of the site. The conditional overlay covers both residential and commercial development on the site. The intent of the conditional overlay is to help development on these properties reach the goals of the Go2030 plan, as noted above, for this location. A copy of the draft conditional overlay is attached.

**ACCESS:** The project site will continue to take access from University Drive South, Oak Manor Avenue South, and 25<sup>th</sup> Avenue South.

## **Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The subject property is currently zoned LC, Limited Commercial. The proposed zone change to GC, General Commercial and MR-3, Multi-Dwelling Residential, both with a conditional overlay, is intended to facilitate the proposed project that redevelops an existing, currently underutilized, commercial site. **(Criteria Satisfied)**

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

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

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. 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 subject property is not located within a growth plan. The proposed zoning, including the conditional overlay, is intended to facilitate the proposed project which redevelops a proposed, currently underutilized, commercial site. The additional development and design standards in the conditional overlay reflect the vision of the Go2030 Comprehensive Plan for this area of a walkable mixed use center—a higher density neighborhood with connected mixed or integrated commercial and residential uses. 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)**

## **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 proposed zoning of GC, General Commercial and MR-3, Multi-Dwelling Residential, both with a conditional overlay, is intended to accommodate the proposed residential and commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received no comments or inquiries. 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 recommended approval to the City Commission of the proposed: 1) zone change from LC, Limited Commercial to GC, Limited Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay and 2) **University South Second Addition** subdivision plat as presented; as the proposal complies with the Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC and the Go2030 Comprehensive Plan."

**Planning Commission Recommendation: October 5, 2021**

**Attachments:**

1. Location Map
2. Zoning Map
3. Preliminary Plat
4. Draft conditional overlay

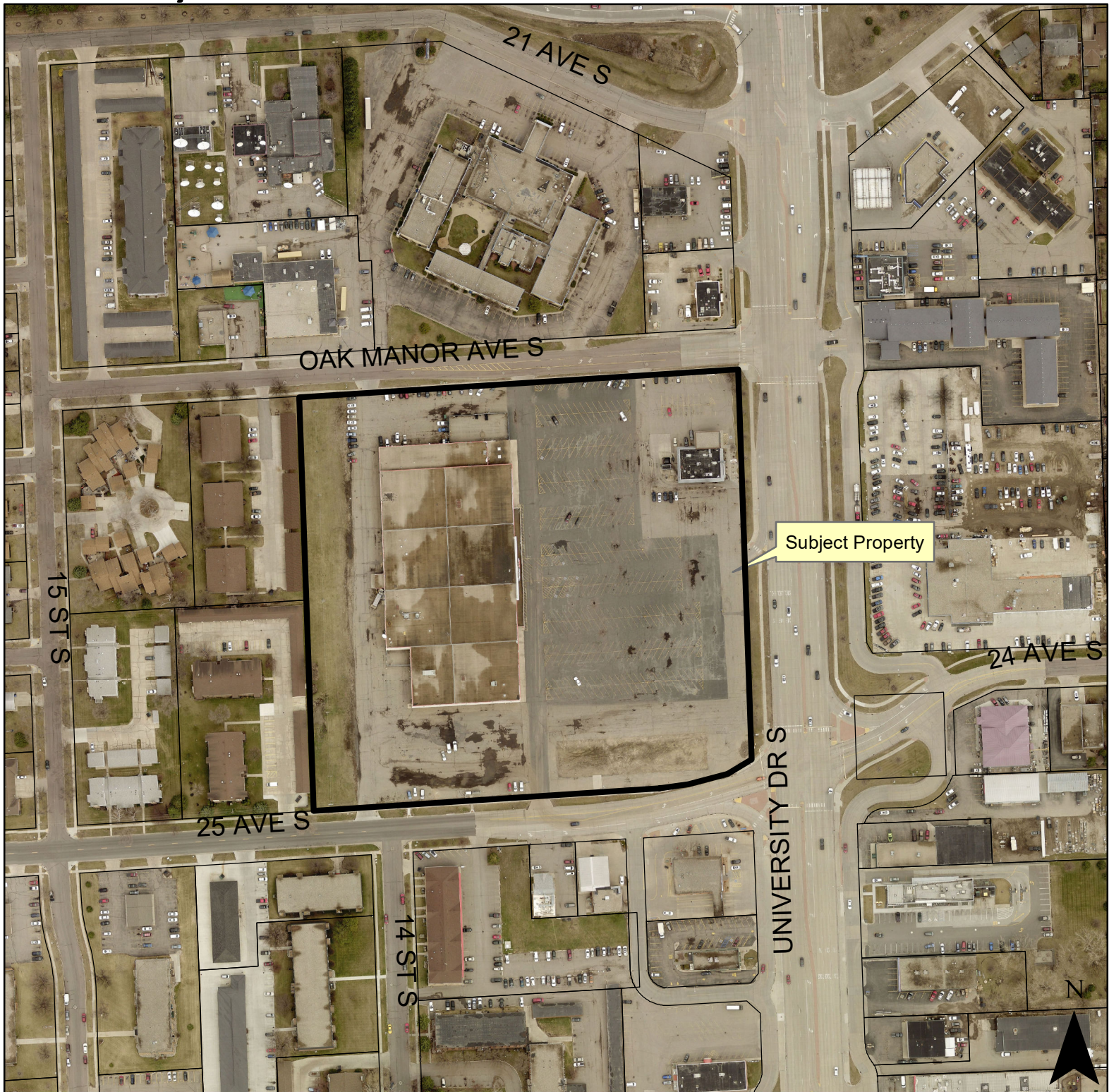


**Zone Change (LC, Limited Commercial to GC, General Commercial  
with a C-O, Conditional Overlay and MR-3, Multi-Dwelling  
Residential with a C-O, Conditional Overlay) and Plat (Minor)**

**University South Addition**

**University South 2nd Addition**

2253-2301 University Drive S



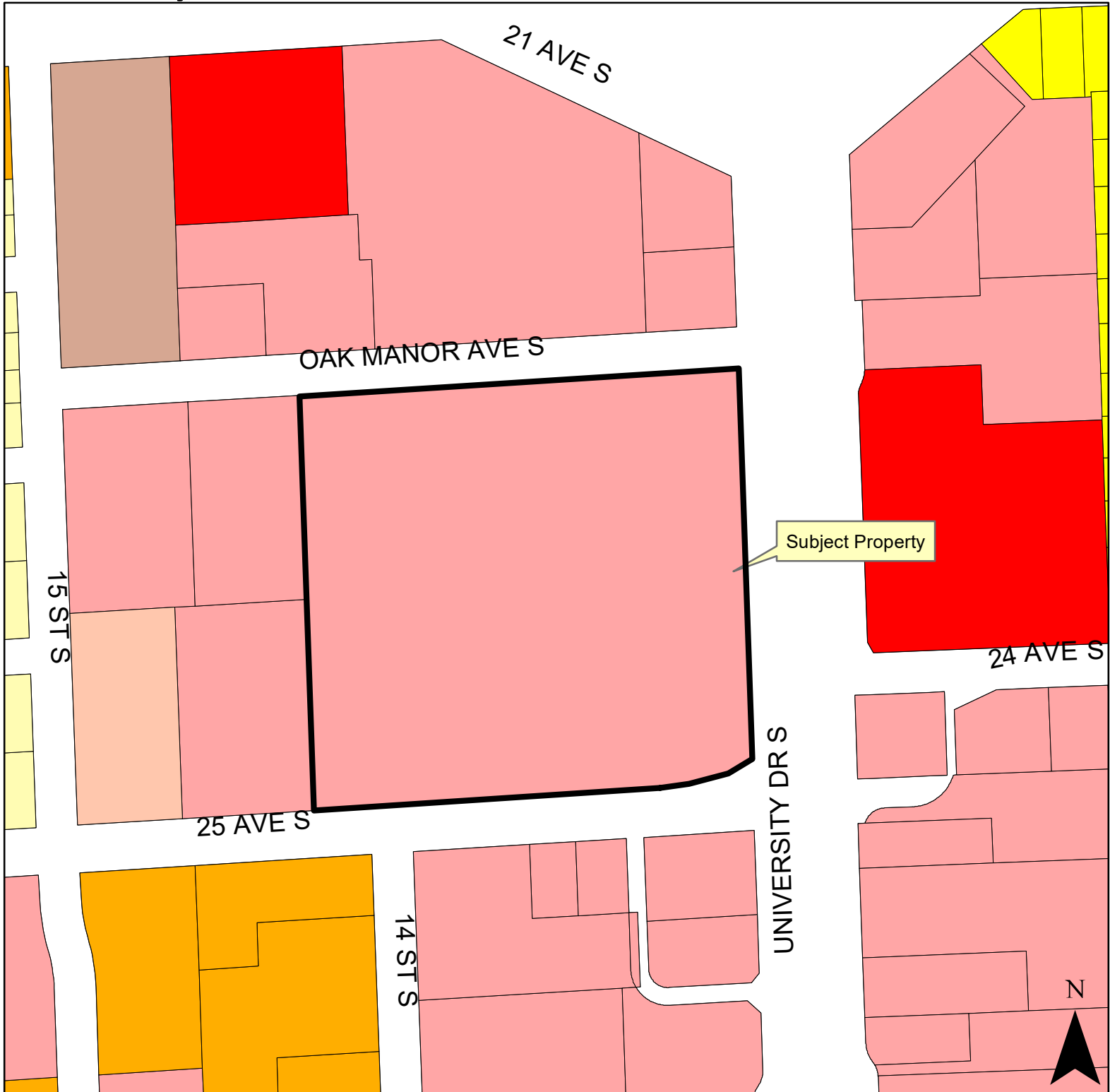


**Zone Change (LC, Limited Commercial to GC, General Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay) and Plat (Minor)**

**University South Addition**

**University South 2nd Addition**

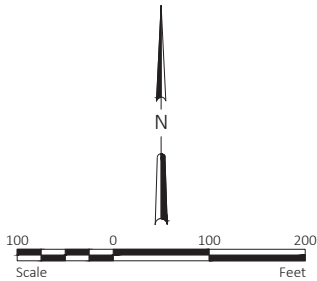
2253-2301 University Drive S



# UNIVERSITY SOUTH SECOND ADDITION

## A MINOR SUBDIVISION

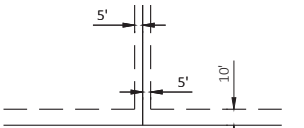
BEING A REPLAT OF LOT 3, BLOCK 1, UNIVERSITY SOUTH ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA



### LEGEND

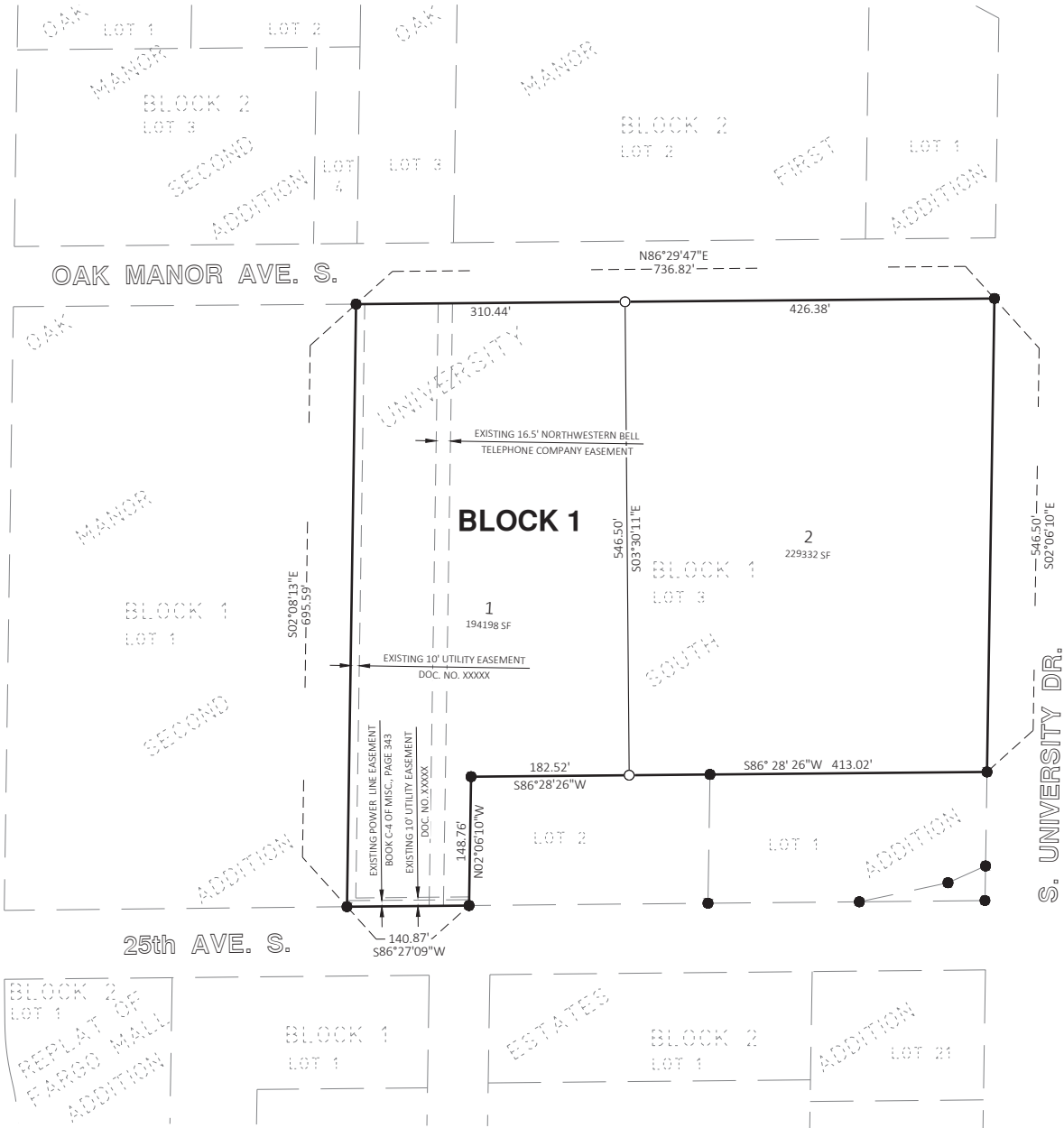
|                           |               |
|---------------------------|---------------|
| IRON MONUMENT FOUND       | ●             |
| 1/2" I.D. PIPE SET        | ○             |
| MEASURED BEARING          | N00°00'00"E   |
| PLAT BEARING              | (N00°00'00"E) |
| MEASURED DISTANCE         | 100.00'       |
| PLAT DISTANCE             | (100.00')     |
| PLAT BOUNDARY             | _____         |
| LOT LINE                  | _____         |
| UTILITY EASEMENT          | _____         |
| EXISTING LOT LINE         | _____         |
| EXISTING UTILITY EASEMENT | _____         |

BEARINGS SHOWN ARE BASED ON THE  
CITY OF FARGO HORIZONTAL DATUM



BEING 5 FEET IN WIDTH AND ADJOINING LOT  
LINES, AND 10 FEET IN WIDTH AND ADJOINING  
RIGHT-OF-WAY LINES, UNLESS OTHERWISE  
INDICATED ON THE PLAT.

### UTILITY EASEMENTS ARE SHOWN THUS



### OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That GFI Dakota Development LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:  
Lot 3, Block 1, University South Addition to the City of Fargo, Cass County, North Dakota.  
Said tract contains 9.723 acres, more or less.  
And that said party has caused the same to be surveyed and replatted as UNIVERSITY SOUTH SECOND ADDITION to the City of Fargo, Cass County, North Dakota.

OWNER:  
GFI Dakota Development, LLC

By: SAG Management, LLC, its Manager

William H. Ferguson, Manager

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally  
appeared William H. Ferguson, Manager of SAG Management, 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  
company.

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

### SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

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

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota )  
County of Cass ) ss

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

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

### CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota )  
County of Cass ) ss

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

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

### FARGO PLANNING COMMISSION APPROVAL:

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

Rocky Schneider, Chair  
Fargo Planning Commission

State of North Dakota )  
County of Cass ) ss

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 \_\_\_\_\_, 20\_\_\_\_.

Timothy J. Mahoney, Mayor

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

State of North Dakota )  
County of Cass ) ss

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

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



Lots 1 and 2, Block 2, University South Addition and Lots 1 and 2, Block 1, University South Second Addition

**APPLIES TO LOT 1, BLOCK 1, UNIVERSITY SOUTH SECOND ADDITION**

MR-3 Multi-Dwelling Residential zoning

Residential Development

**1. Building Form and Style**

- 1.1. Principal Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Metal panel, finished wood and vinyl shall be allowed on residential structures but should not exceed 75% of the building elevation.
- 1.2. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when located within 150 feet of 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.

**2. Site Design**

- 2.1. A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 2.2. 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:
  - 2.2.1. Parking lots
  - 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot
  - 2.2.3. Entrances of other buildings on the site
  - 2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development
  - 2.2.5. 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
  - 2.2.6. Upon approval of the Zoning Administrator, adjacent properties may share pedestrian circulation systems that connect to public sidewalks.

**3. Prohibited Signage**

- 3.1. Pole or pylon sign--A sign that is mounted a freestanding pole or pylon placed in the ground.
- 3.2. Billboards – a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.
- 3.3. Fence Signs – a sign affixed in any way to or painted on a fence

- 3.4. Off Site Sign – a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located. One pylon sign to be shared with all three businesses is allowed for proximity next to the interstate with a height limit of 60ft.
- 3.5. Pennant – a flag tapering to a point usually strung together by line or rope.
- 3.6. Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- 3.7. Roof Sign – a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof
- 3.8. Vehicular Sign – a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories.
- 3.9. Exterior Window Sign – means any sign painted or applied to the interior/exterior of the window of a tenant

#### **APPLIES TO LOT 2, BLOCK 1, UNIVERSITY SOUTH SECOND ADDITION**

GC, General Commercial zoning                      Commercial Developments

#### **1. Building form and style**

- 1.1. All building elevations/façades greater than 200 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 feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet.
- 1.2. Ground floor facades that are within 150 feet of the right of way, measured from the exterior wall shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 50% of its horizontal length
- 1.3. Principal Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.
- 1.4. Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, and vinyl. Accent materials shall be applied to no greater than 20 percent of each building façade.
- 1.5. Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units within 150ft of public right of way 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.
- 1.6. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when



located within 150 feet of 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.

- 1.7. Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising or combination.

## 2. Site Design

- 2.1. A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 2.2. 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:
  - 2.2.1. Parking lots or parking structures
  - 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot
  - 2.2.3. Entrances of other buildings on the site
  - 2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development
  - 2.2.5. 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

## 3. Prohibited Uses

- 3.1. Detention facilities
- 3.2. Self-service storage
- 3.3. Vehicle repair
- 3.4. Vehicle service, limited
- 3.5. Industrial uses
- 3.6. Adult entertainment center

## 4. Prohibited Signage

- 4.1. Pole or pylon sign--A sign that is mounted a freestanding pole or pylon placed in the ground.
- 4.2. Billboards – a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.
- 4.3. Fence Signs – a sign affixed in any way to or painted on a fence
- 4.4. Off Site Sign – a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located.
- 4.5. Pennant – a flag tapering to a point usually strung together by line or rope.
- 4.6. Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- 4.7. Roof Sign – a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof

- 4.8. Vehicular Sign – a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories.
- 4.9. Exterior Window Sign – means any sign painted or applied to the interior/exterior of the window of a tenant

**APPLIES TO LOT 1, BLOCK 1, UNIVERSITY SOUTH ADDITION** (proposed car wash)

GC, General Commercial zoning

Commercial Developments

**1. Building form and style**

- 1.1. All building elevations/façades greater than 200 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 feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet.
- 1.2. Ground floor facades that are within 150 feet of the right of way, measured from the exterior wall shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 50% of its horizontal length
- 1.3. Principal Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.
- 1.4. Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, and vinyl. Accent materials shall be applied to no greater than 20 percent of each building façade.
- 1.5. Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units within 150ft of public right of way 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.
- 1.6. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when located within 150 feet of 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.
- 1.7. Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising or combination.

**2. Site Design**

- 2.1. A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.

- 2.2. 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:
  - 2.2.1. Parking lots or parking structures
  - 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot
  - 2.2.3. Entrances of other buildings on the site
  - 2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development
  - 2.2.5. 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
3. Prohibited Uses
  - 3.1. Detention facilities
  - 3.2. Self-service storage
  - 3.3. Vehicle repair
  - 3.4. Industrial uses
  - 3.5. Adult entertainment center
4. Prohibited Signage
  - 4.1. Pole or pylon sign--A sign that is mounted a freestanding pole or pylon placed in the ground.
  - 4.2. Billboards – a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.
  - 4.3. Fence Signs – a sign affixed in any way to or painted on a fence
  - 4.4. Off Site Sign – a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located.
  - 4.5. Pennant – a flag tapering to a point usually strung together by line or rope.
  - 4.6. Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
  - 4.7. Roof Sign – a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof
  - 4.8. Vehicular Sign – a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories.
  - 4.9. Exterior Window Sign – means any sign painted or applied to the interior/exterior of the window of a tenant

**APPLIES TO LOT 2, BLOCK 1, UNIVERSITY SOUTH ADDITION** (allows vehicle service/vehicle repair on this lot only)

GC, General Commercial zoning

Commercial Developments

1. Building form and style

- 1.1. All building elevations/façades greater than 200 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 feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 200 horizontal feet.
- 1.2. Ground floor facades that are within 150 feet of the right of way, measured from the exterior wall shall have arcades, display windows, entry areas, awnings, spandrel glass, ground level landscaping, or other such features along no less than 50% of its horizontal length
- 1.3. Principal Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, architectural metal panels, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multigenerational life span.
- 1.4. Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, and vinyl. Accent materials shall be applied to no greater than 20 percent of each building façade.
- 1.5. Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units within 150ft of public right of way 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.
- 1.6. Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way, when located within 150 feet of 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.
- 1.7. Service, loading, and utility areas visible from residential areas shall be screened with a wall, berm, trellising or combination.
2. Site Design
  - 2.1. A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
  - 2.2. 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:
    - 2.2.1. Parking lots or parking structures
    - 2.2.2. Any public sidewalk or multi-use path along the perimeter of the lot
    - 2.2.3. Entrances of other buildings on the site
    - 2.2.4. Any public sidewalk system along the perimeter streets adjacent to the development



2.2.5. 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

3. Prohibited Uses

- 3.1. Detention facilities
- 3.2. Self-service storage
- 3.3. Industrial uses
- 3.4. Adult entertainment center

4. Prohibited Signage

- 4.1. Pole or pylon sign--A sign that is mounted a freestanding pole or pylon placed in the ground.
- 4.2. Billboards – a sign advertising products not made, sold, used or served on the premises displaying the sign or that conveys an informational or ideological message.
- 4.3. Fence Signs – a sign affixed in any way to or painted on a fence
- 4.4. Off Site Sign – a sign directing attention to a business commodity, service, product, or property not located, sold or conducted on the same property or site as that on which the sign is located.
- 4.5. Pennant – a flag tapering to a point usually strung together by line or rope.
- 4.6. Portable Sign – any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
- 4.7. Roof Sign – a sign erected above the highest point of a flat roof or mounted on a gable pitched or hipped roof
- 4.8. Vehicular Sign – a sign or business identification affixed to any vehicle, including but not limited to automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories.
- 4.9. Exterior Window Sign – means any sign painted or applied to the interior/exterior of the window of a tenant

| <b>City of Fargo<br/>Staff Report</b> |   |                       |                                    |
|---------------------------------------|---|-----------------------|------------------------------------|
| <b>Title:</b>                         | Oak Manor Second Addition   | <b>Date:</b>          | 9/29/2021                          |
| <b>Location:</b>                      | 2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316 and 2318 15th Street South; 1408 Oak Manor Avenue South; and 1401 and 1405 25th Avenue South | <b>Staff Contact:</b> | Donald Kress, planning coordinator |
| <b>Legal Description:</b>             | portions of Lot 1, Block, 1, <b>Oak Manor Second Addition.</b>  |                       |                                    |
| <b>Owner(s)/Applicant:</b>            | Several individual owners / City-initiated zone change  | <b>Engineer:</b>      | None                               |
| <b>Entitlements Requested:</b>        | <b>Zone Change</b> (from LC Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential)                    |                       |                                    |
| <b>Status:</b>                        | Planning Commission Public Hearing: October 5, 2021   |                       |                                    |

| <b>Existing</b>  | <b>Proposed</b>  |
|--|--|
| <b>Land Use:</b> Residential   | <b>Land Use:</b> Residential   |
| <b>Zoning:</b> LC, Limited Commercial  | <b>Zoning:</b> MR-1, Multi-Dwelling Residential; MR-3, Multi-Dwelling Residential  |
| <b>Uses Allowed:</b> 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. | <b>Uses Allowed:</b> MR-1 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities<br><br>MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. |
| <b>Maximum Lot Coverage Allowed:</b> 55%   | <b>Maximum Residential Density Allowed:</b> 16 dwelling units per acre (MR-1); 24 dwelling units per acre (MR-3)   |

|   |
|---|
| <b>Proposal:</b>  |
| <p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A zoning change from LC, Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential.</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: LC with commercial uses; MR-2, Multi-Dwelling Residential with a multi-dwelling residential building</li> <li>• East: LC, with commercial uses (Burger King and Dakota Tire) (redevelopment pending)</li> <li>• South: MR-3, with multi-dwelling residential buildings</li> <li>• West: SR-3, Single-Dwelling Residential, with twinhomes across 15<sup>th</sup> Street South and MR-1, Multi-Dwelling Residential with multi-dwelling residential buildings</li> </ul> |

**Area Plans:**

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

**Context:**

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

**Neighborhood:** The subject properties are located in the Brunsdale neighborhood

**Parks:** Lincoln Park (2120 9<sup>th</sup> Street South), is approximately 0.30 miles east of the subject properties, and provides amenities of baseball/softball fields, basketball court, multipurpose field, playground for ages 5-12, and warming houses, outdoor skating and hockey rinks in the winter.

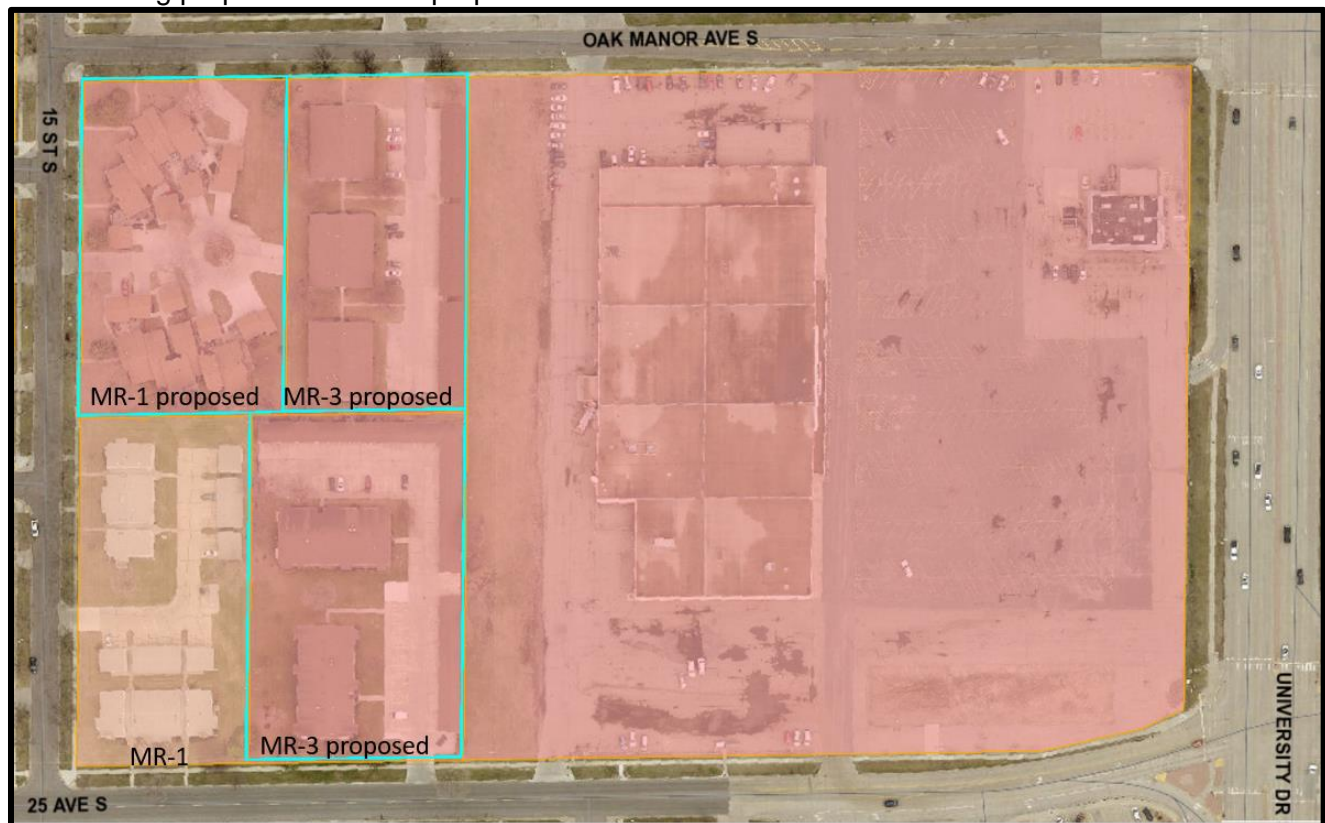
**Pedestrian / Bicycle:** There are no trails adjacent to the subject property.

**Staff Analysis:**

This is a City-initiated zone change. This proposed zone change includes three properties that are portions of Lot 1, Block 1, Oak Manor 2<sup>nd</sup> Addition. These properties are outlined in the graphic below.

These properties, though they are developed with residential units (apartments and condominiums), are in the LC, Limited Commercial zoning district. There is no commercial component to these buildings. When these residential buildings were built (between 1973 and 1977), the property was zoned commercial under the previous (1965) zoning ordinance. As depicted in the graphic below, one portion of this lot was rezoned to MR-1 from LC (2006). The proposed zone change completes the rezone of these properties from commercial to residential zoning, as the residential zoning is more appropriate for the actual development on this property than the commercial zoning.

The properties are proposed to be rezoned to either MR-1 or MR-3 depending on the residential density on the lot. MR-1 allows a maximum density of 16 dwelling units per acre, while MR-3 allows a maximum of 24 dwelling units per acre. Note that the zoning relates to the existing development; no additional residential units are being proposed on these properties.



As noted above, this is a City-initiated zone change. The City occasionally initiates zone changes to change the zoning of certain areas to be consistent with the actual development on the property. Planning staff hosted two meetings on Thursday, August 26<sup>th</sup>, 2021 to meet with residents to discuss this zone change. There is no cost to the residents for this zone change, and the zone change will not affect their ownership of the property.

### **Zoning**

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

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

The City has initiated this zone change to make the zoning on the subject properties consistent with the actual development on this property. **(Criteria Satisfied)**

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

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

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

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

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The subject properties are not located within any growth plan. The intent of this zone change is to make the zoning on these properties consistent with the existing development on the properties. Staff finds this proposal is consistent with the purpose of the LDC and other adopted policies of the City. **(Criteria satisfied)**

### **Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) zone change from LC, Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential on portions of Lot 1, Block 1, Oak Manor Second Addition, as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

### **Planning Commission Recommendation: October 5, 2021**

### **Attachments:**

1. Location Map
2. Zoning Map



# Zone Change (LC to MR-1 and MR-3)

**Oak Manor 2nd Addition** 1401 & 1405 25th Avenue S; 1408 Oak Manor Avenue S;  
2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316, & 2318 15th Street S



## Legend

|     |      |             |      |
|-----|------|-------------|------|
| AG  | LC   | MHP         | SR-2 |
| DMU | MR-1 | NO          | SR-3 |
| GCC | MR-2 | PA          | SR-4 |
| GO  | MR-3 | UMU         | SR-5 |
|     |      | City Limits |      |

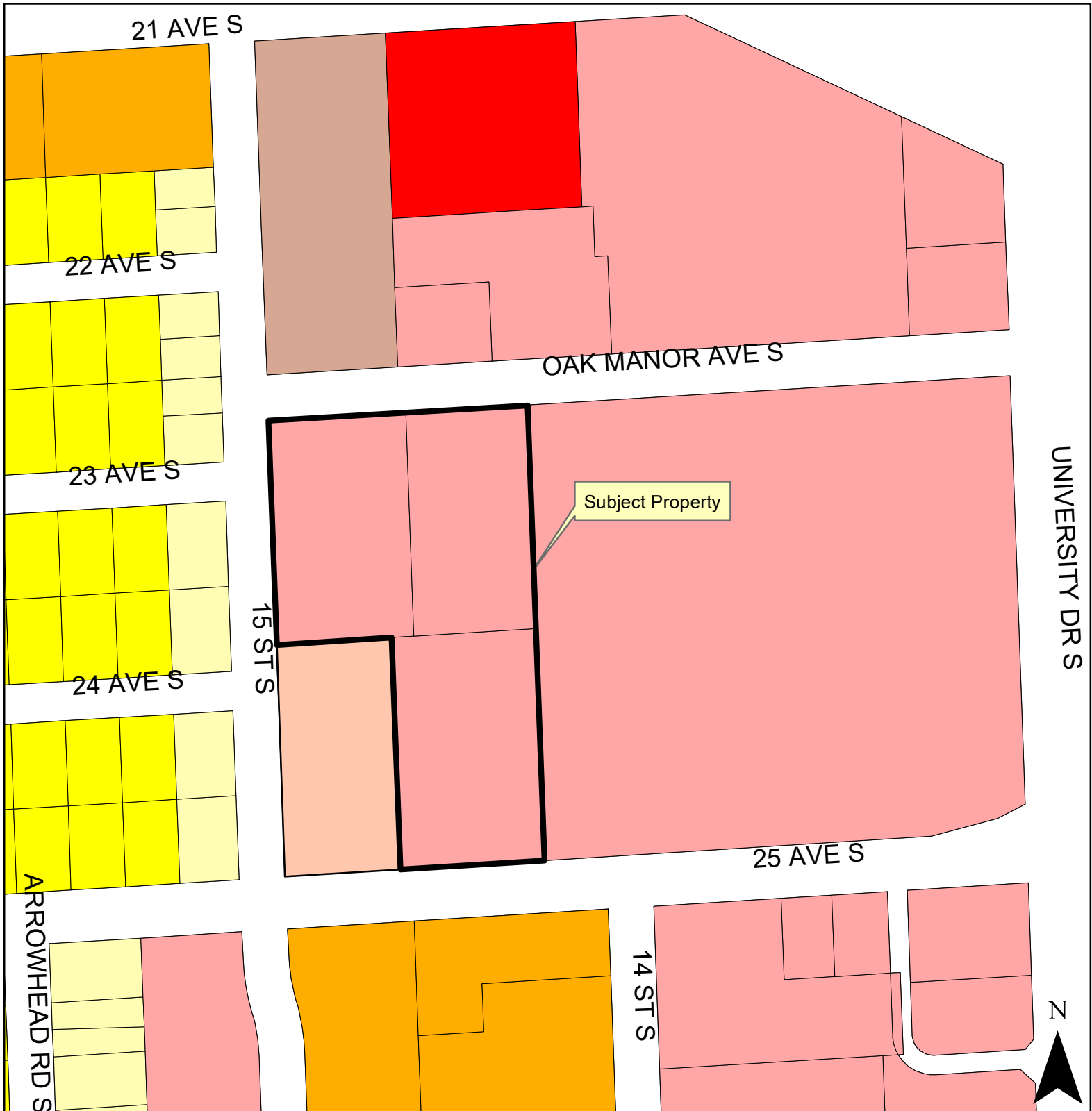
300

Feet



# Zone Change (LC to MR-1 and MR-3)

**Oak Manor 2nd Addition** 1401 & 1405 25th Avenue S; 1408 Oak Manor Avenue S;  
2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316, & 2318 15th Street S



## Legend



300

Feet

| <b>City of Fargo<br/>Staff Report</b> |   |                       |                                    |
|---------------------------------------|---|-----------------------|------------------------------------|
| <b>Title:</b>                         | Reeves Addition   | <b>Date:</b>          | 9/29/2021                          |
| <b>Location:</b>                      | 4 & 5 14th Street North, 9 & 19 14 ½ Street North, and 1418 1st Avenue North  | <b>Staff Contact:</b> | Donald Kress, planning coordinator |
| <b>Legal Description:</b>             | Lots 19-24, Block 21; all of Lots 1-16, 20-23, and 25-34, and portions of Lots 19-24, and the vacated alley, Block 22, <b>Reeves Addition</b> . |                       |                                    |
| <b>Owner(s)/Applicant:</b>            | Meinecke Johnson Company; Gary Rinehart; Foxville, Inc / Jesse Craig  | <b>Engineer:</b>      | None                               |
| <b>Entitlements Requested:</b>        | <b>Zone Change</b> (from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay);                                    |                       |                                    |
| <b>Status:</b>                        | Planning Commission Public Hearing: October 5, 2021   |                       |                                    |

| <b>Existing</b>  | <b>Proposed</b>  |
|--|--|
| <b>Land Use:</b> Vacant; industrial; storage   | <b>Land Use:</b> Industrial; Residential   |
| <b>Zoning:</b> LI, Limited Industrial  | <b>Zoning:</b> DMU, Downtown Mixed Use with a C-O, Conditional Overlay   |
| <b>Uses Allowed:</b> LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation. | <b>Uses Allowed:</b> DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events <b>with Conditional Overlay which restricts some uses and provides site and building design guidelines</b> |
| <b>Maximum Lot Coverage Allowed:</b> 85%   | <b>Maximum Lot Coverage Allowed:</b> 75% (conditional overlay)   |

|   |
|---|
| <b>Proposal:</b>  |
| <p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A zoning change from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: GC, General Commercial and LI, Limited Industrial with industrial, commercial, and residential uses</li> <li>• East: LI with industrial uses and residential uses</li> <li>• South: GC with BNSF railroad right of way</li> <li>• West: LI with industrial uses</li> </ul> <p><b>Area Plans:</b></p> <p>The subject property is located within the Unicorn Park Neighborhood Plan, though that plan does not include a future land use plan.</p> |

**Context:**

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

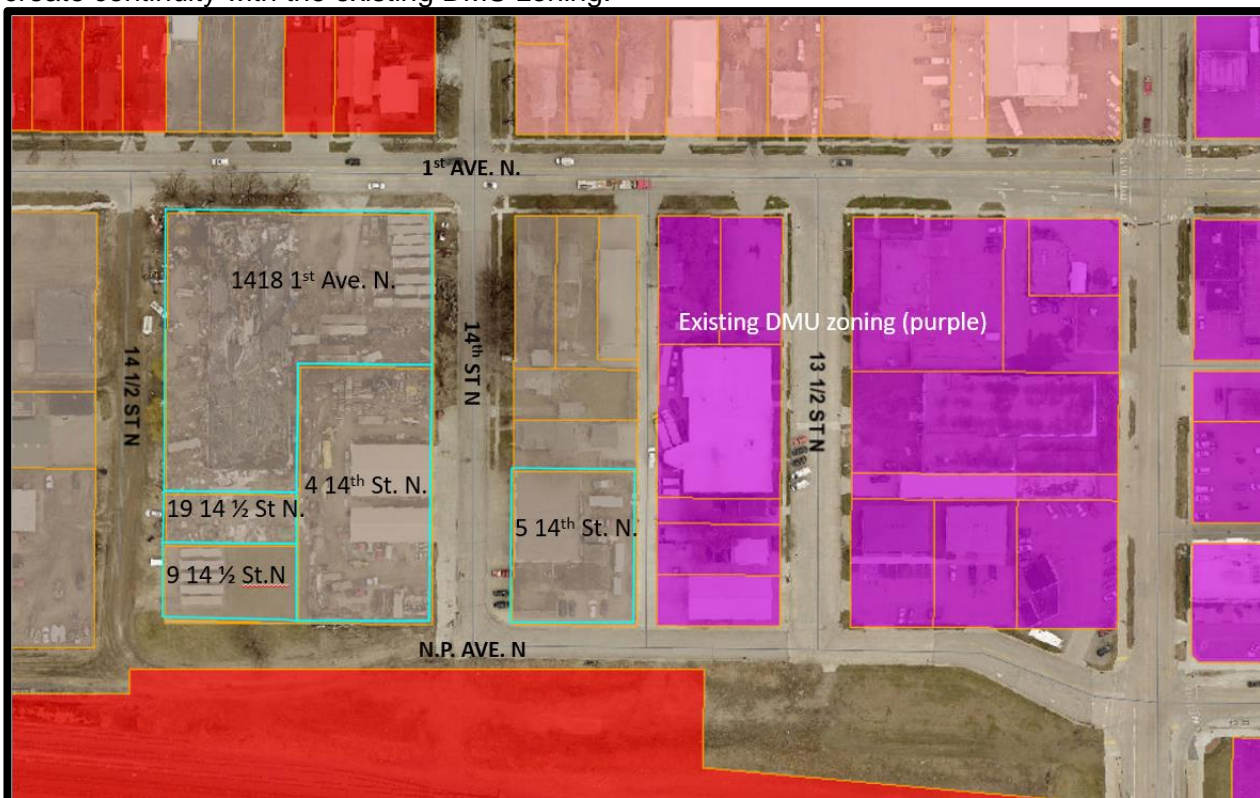
**Neighborhood:** The subject property is located in the Madison / Unicorn Park neighborhood

**Parks:** Unicorn Park (1603 3<sup>rd</sup> Avenue North) is located approximately 0.30 miles northwest of the subject property and offers basketball courts, grill and picnic tables, a playground, recreational trails and a warming house.

**Pedestrian / Bicycle:** There are no trails adjacent to the subject property.

**Staff Analysis:**

Five properties are included in this zone change, as outlined in the graphic below. They are all currently zoned LI, Limited Industrial. All are proposed to be rezoned to DMU. The properties at 1418 1<sup>st</sup> Avenue North and 19 14 ½ Street North are intended for redevelopment; the properties at 4 and 5 14<sup>th</sup> Street North and 9 14 ½ Street North are a currently operating business and are included in the zone change in order to create continuity with the existing DMU zoning.



The applicant is proposing a high-density residential building. Planning staff generally supports high density infill development, where such development is appropriate to the neighborhood context, as such development is an initiative of the Go2030 plan. The Land Development Code does not, at this time, have a high-density zoning option outside of the DMU and UMU zones, nor any zoning specifically for corridors leading to downtown such as 1<sup>st</sup> Avenue North. The conditional overlay is proposed to be added to the DMU zoning for these properties to create such a zone for this portion of 1<sup>st</sup> Avenue North, a corridor to downtown that is rapidly evolving from a largely industrial to a much more commercial corridor with some residential uses, as well.

The proposed conditional overlay modifies certain aspects of the DMU zone, recognizing that the subject property's location along the 1<sup>st</sup> Avenue North corridor is a somewhat different situation than a DMU zoned property in the heart of downtown Fargo.

A copy of the draft conditional overlay is attached.



## **Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The subject property is currently zoned LI, Limited Industrial. The zone change creates a zoning appropriate to the proposed high-density residential development along the evolving 1<sup>st</sup> Avenue North corridor to downtown. . **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject properties front on existing, developed public rights-of-way which provide access and public utilities to serve the development. Public water and sewer are installed in 14 ½ Street North, which is dedicated public right of way. It is expected that this street and a portion of NP Avenue on the south side of the subject properties will be paved in the near future. **(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 subject property is not located within a growth plan. The zone change creates a zoning appropriate to the proposed high-density residential development along the evolving 1<sup>st</sup> Avenue North corridor to downtown, in order to facilitate this infill project. Such infill is an initiative of the Go2030 Comprehensive Plan. 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)**

### **Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed: 1) zone change from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC and the Go2030 Comprehensive Plan."

### **Planning Commission Recommendation: October 5, 2021**

### **Attachments:**

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



# Zone Change (LI to DMU with a C-O)

4 & 5 14th Street N; 9 & 19 14 1/2 Street N;  
1418 1st Avenue N

## Reeves Addition



### Legend

|     |      |             |      |
|-----|------|-------------|------|
| AG  | LC   | MHP         | SR-2 |
| DMU | MR-1 | NC          | SR-3 |
| GC  | MR-2 | PA          | SR-4 |
| GO  | MR-3 | UMU         | SR-5 |
|     |      | City Limits |      |

200

Feet

Fargo Planning Commission  
October 5, 2021






















# Zone Change (LI to DMU with a C-O)

4 & 5 14th Street N; 9 & 19 14 1/2 Street N;  
1418 1st Avenue N

## Reeves Addition



### Legend

|   |     |   |      |   |     |   |             |
|---|-----|---|------|---|-----|---|-------------|
|  | AG  |  | LC   |  | MHP |  | SR-2        |
|  | DMU |  | LC   |  | NNO |  | SR-3        |
|  | GGL |  | MR-1 |  | NO  |  | SR-4        |
|  | GO  |  | MR-2 |  | PA  |  | SR-5        |
|  | GO  |  | MR-3 |  | UMU |  | City Limits |

Lots 19-24, Block 21; all of Lots 1-16, 20-23, and 25-34, and portions of Lots 19-24, and the vacated alley, Block 22, **Reeves Addition**.

**1. Demolition**

The standards of this subsection apply in the event of building and site demolition.

**a. Vacant Lots**

Any lots left vacant after demolition must be paved or landscaped to ensure a dust-free surface. The paving or landscaping shall be in place within 30 days of the date of demolition, unless a longer time period is approved at the time of approval of the demolition plans. Once installed, the landscaping or paving shall be continuously maintained in serviceable condition. Prior to approval of the demolition plans the applicant shall provide a letter of credit, a paid-in-full receipt from a contractor, a performance bond or escrow deposit adequate to ensure that the proposed landscaping or paving will be completed. The security provided must be in an amount equal to at least 100 percent of the estimated total cost of labor and materials. The City shall be authorized to use such financial guarantee to complete the work if the required paving or landscaping is not in place by the date stated on the approved performance guarantee form. Landscaping or paving required by this subsection must be maintained in serviceable condition. *(See section (2 j) below for exemption)*

**b. Maintenance**

Any lots left vacant after demolition shall be regularly maintained and kept free of debris and litter.

**2. Building Siting and Design**

The standards of this subsection apply to all development. These standards are intended to promote an attractive and long-lasting investment.

**a. Building Orientation**

- (1) At least one primary building entry shall face a public street.
- (2) The building shall be designed to have all exterior walls with equal design consideration, to include materials, color, articulation and general aesthetics for the purpose of access and appreciation by the general public.
- (3) Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows or entrance areas.

**b. Materials**

- (1) 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.
- (2) 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.
- (3) The following materials shall not be used on walls that are visible from the street: non-residential grade metal siding; non-residential grade wood-based materials; asphalt; concrete blocks or cinder blocks
- (4) The use of architectural metal panels and wood panels for enclosure of mechanical equipment shall be permitted.



(5) Mirrored glass or one-way glass with a reflectance of greater than 40 percent shall be prohibited from covering more than 40 percent of exterior walls.

### **c. Ground-Floor Transparency**

At least 25 percent of the ground-floor façade of buildings along public streets must be comprised of windows, doors and other transparent elements (e.g. glass block). Calculations shall be based on the total square feet of the elevation of the ground floor. Existing buildings along sidewalks to which interior renovations or structural improvements are proposed shall be excluded from this requirement only if they do not already meet the 25 percent transparency requirement. In those cases, the transparency requirement shall meet or exceed the percentage of ground floor transparency provided by the existing structure; in no case shall the existing transparency be reduced.

### **d. Articulation**

#### **(1) Offsets**

i. As to building elevation walls, as visible above ground, that are longer than 100 feet wall plane projections or recesses having a depth of at least two feet and extending for a minimum of 25% of the length of such walls must be incorporated into the building design.

ii. As to building heights taller than 35 feet a horizontal design features on the building's façade must be incorporated into the building design. Examples of horizontal design features include awnings, canopies, transoms, moldings, balconies, wainscoting or changes in color or texture.

#### **(2) Architectural features**

i. The building design shall include integrated design features to avoid monotony, to create visual interest, and to enhance the pedestrian scale all of which is to be designed to create compatibility with the surrounding neighborhood. Examples of features to be included are:

- a. Arcades
- b. Cornices
- c. Eaves
- d. Bow, bay, arched, oval, or gable windows
- e. Shutters
- f. Arched entries, balconies or breezeway entrances
- g. Stone or brick accent walls
- h. Decorative stone or brick banding
- i. Decorative tiles
- j. Verandas, porches, balconies or decks
- k. Projected walls or dormers
- l. Variation of roof lines
- m. Decorative caps or chimneys

### **e. Accessory Uses:**

(1) The accessory use standards set forth in Fargo Land Development Code Section 20-0403 apply.

(2) The following additional design standards shall apply to accessory structures

- i. Accessory building setbacks shall meet the development standards of primary buildings as required in Fargo Land Development Code Section 20-0501.
- ii. Accessory building elevation materials shall match the primary building materials.
- iii. Accessory buildings may be located in rear yards and/or side yards only. Accessory buildings are not permitted in the front or street-side yard.
- iv. Garage doors on accessory structures may not exceed a width of 20 feet.
- v. Separate garage structures may be no more than 60 feet in length on the longest side of the building.
- vi. Multiple accessory buildings adjacent to each other shall have a building separation of 10 feet.
- vii. Multiple accessory buildings adjacent to each other shall have a building separation of 10 feet.

**f. Parking Structure Screening**

A fence, wall or landscape buffer shall be provided to partially screen surface level parking lots from public rights-of-way excluding alleys. Walls at least 2 ½ feet tall and shall be constructed with materials and details similar to or compatible with those of the structures in the surrounding area. Opaque screening materials; such as, fences or plants at least 2 ½ feet tall may be used in lieu of a solid wall.

**g. Minimum Residential Density**

The minimum residential density shall be 18 dwelling units per acre.

**h. Building Setbacks**

The minimum building setbacks shall be:

- Front—10 feet
- Interior side—5 feet
- Street side—10 feet
- Rear—10 feet

**i. Building Coverage**

The maximum building coverage shall be 75% of the total lot area.

**j. Exemptions—Demolition**

Any demolition that is in progress as of September 30, 2021 that has been permitted by the City of Fargo Inspections Department is exempt from the requirements of Section 1 above until either June 1, 2022 or until a building permit has been issued by the City of Fargo Inspections Department, whichever comes first.

**k. Prohibited Uses**

- 1. Off-premise advertising

| City of Fargo<br>Staff Report |   |                       |              |
|-------------------------------|---|-----------------------|--------------|
| <b>Title:</b>                 | <b>EOLA Addition</b>                                    | <b>Date:</b>          | 9/24/2021    |
| <b>Location:</b>              | 2470 & 2500 45 <sup>th</sup> St S                       | <b>Staff Contact:</b> | Kylie Bagley |
| <b>Owner(s)/Applicant:</b>    | EOLA Landholdings, LLC & City of Fargo / Epic Companies | <b>Engineer:</b>      | Mead & Hunt  |
| <b>Reason for Request:</b>    | Planned Unit Development Final Plan                     |                       |              |
| <b>Status:</b>                | Planning Commission Public Review: October 5, 2021      |                       |              |

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

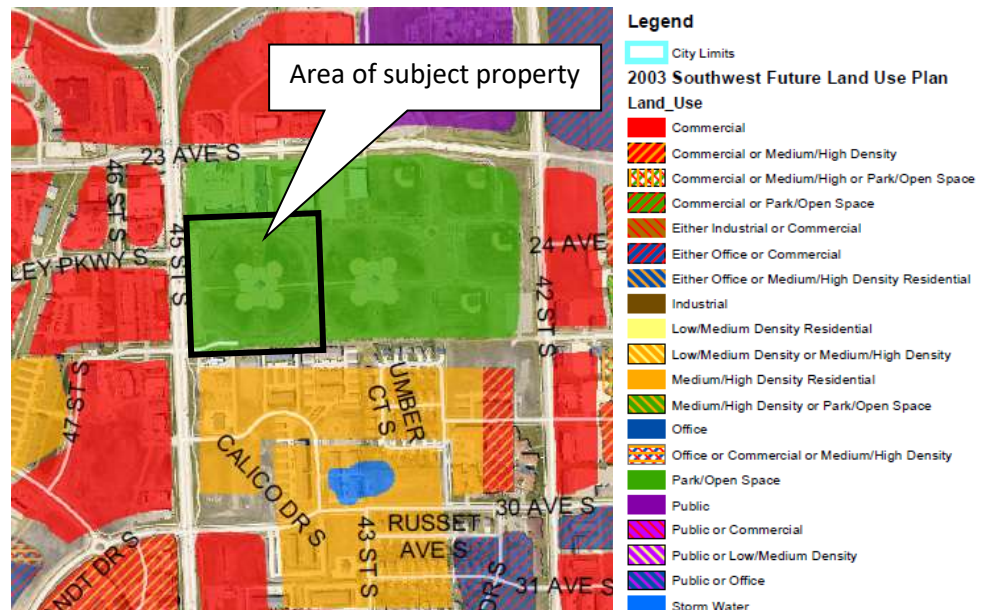
| Proposal:   |
|---|
| <p>The petitioner is seeking approval of a PUD Final Plan as outlined in Section 20-0908.D of the Land Development Code. Approval of a PUD Final Plan is the third and final step in the PUD process.</p> <p><u>Background:</u><br/>           On May 17, 2021, a zoning map amendment from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial to a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay was approved by the City Commission for the subject property, along with a PUD Master Land Use Plan. The PUD zoning overlay and PUD Master Land Use Plan are the first two steps in the three-step PUD approval process and the PUD Final Plan is the last step. The purpose of the PUD Final Plan is to confirm that the final development plans are consistent with the intent and layout of the PUD master land use plan (copies of each plan attached).</p> <p>The applicant has submitted a Final Plan for a portion of the project. As the project continues to develop, the applicant will submit next phases of the Final Plan for review by the Planning Commission. The applicant will also need to submit for a building permit, where all review departments will review the plans for compliance with their respective codes.</p> |

### Surrounding Land Uses and Zoning Districts:

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

### Area Plans:

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



### Context:

**Neighborhood:** Anderson

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

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

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

### Staff Analysis:

**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:

1. **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)**



2. **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)**
3. **A reduction in the amount of open space;**  
Open space has remained unchanged. **(Criteria Satisfied)**
4. **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;**  
Staff finds the change in common parking areas and reduction of access points do not constitute a significant change. **(Criteria Satisfied)**
5. **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)**
6. **Any change determined by the Planning Commission to represent an increase in development intensity;**  
There has been no increase in development intensity. **(Criteria Satisfied)**
7. **A substantial change in the layout of buildings.**  
There has been no substantial change in the layout of the buildings. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the Planned Unit Development Final Plan for the EOLA Addition, 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"

**Planning Commission Recommendation: October 5, 2021**

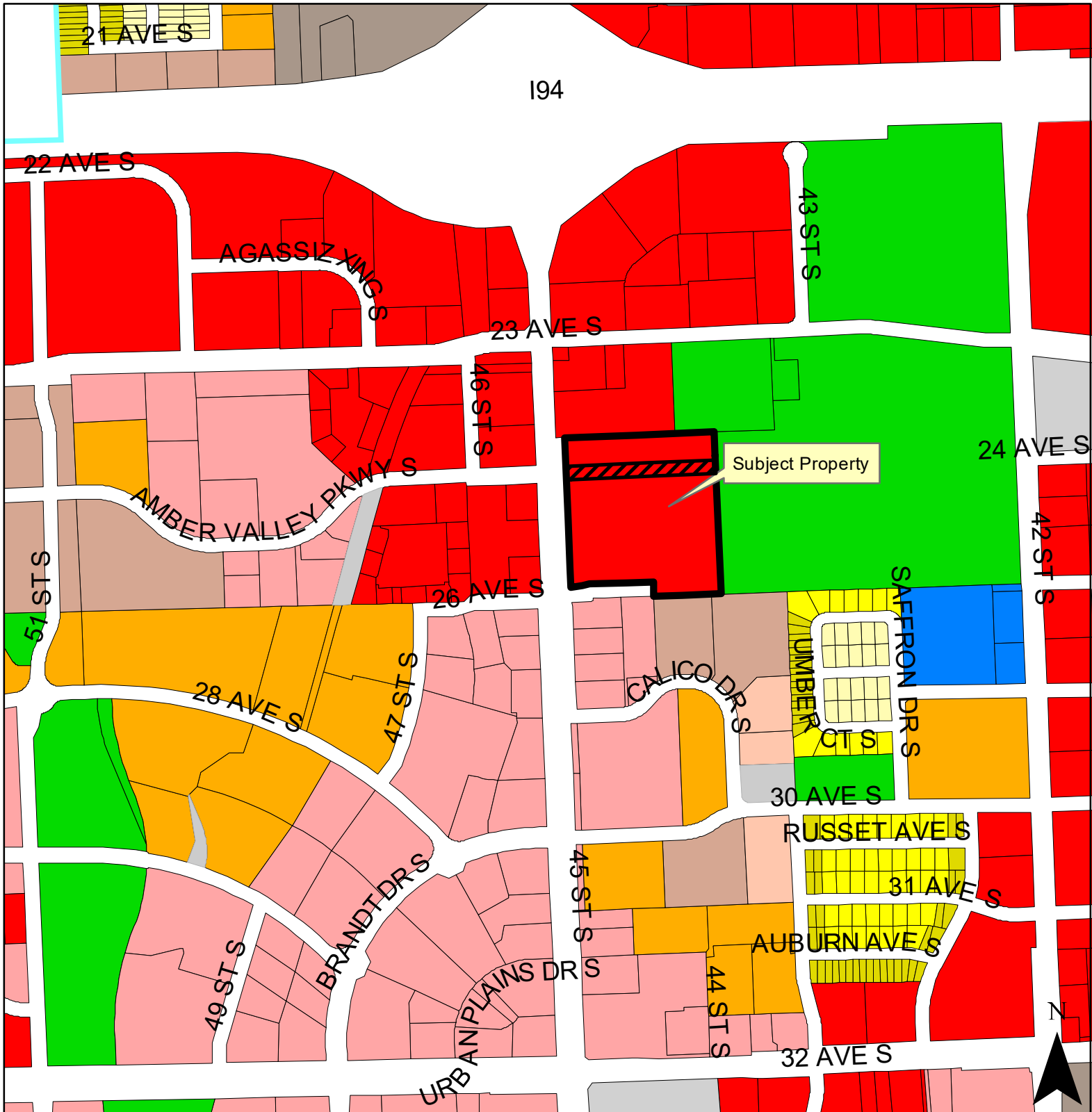
**Attachments:**

1. Zoning Map
2. Location Map
3. PUD Master Land Use Plan
4. PUD Final Plan

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

## EOLA Addition

2500 & 2470 45th St S





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

**EOLA Addition**

2500 & 2470 45th St S





SITE HATCH PATTERNS

ASPHALT

ASPHALT - EXISTING

CONCRETE

CONCRETE - EXISTING

WATER

NEW CONSTRUCTION

| REVISION SCHEDULE |             | DATE |
|-------------------|-------------|------|
| NUMBER            | DESCRIPTION |      |

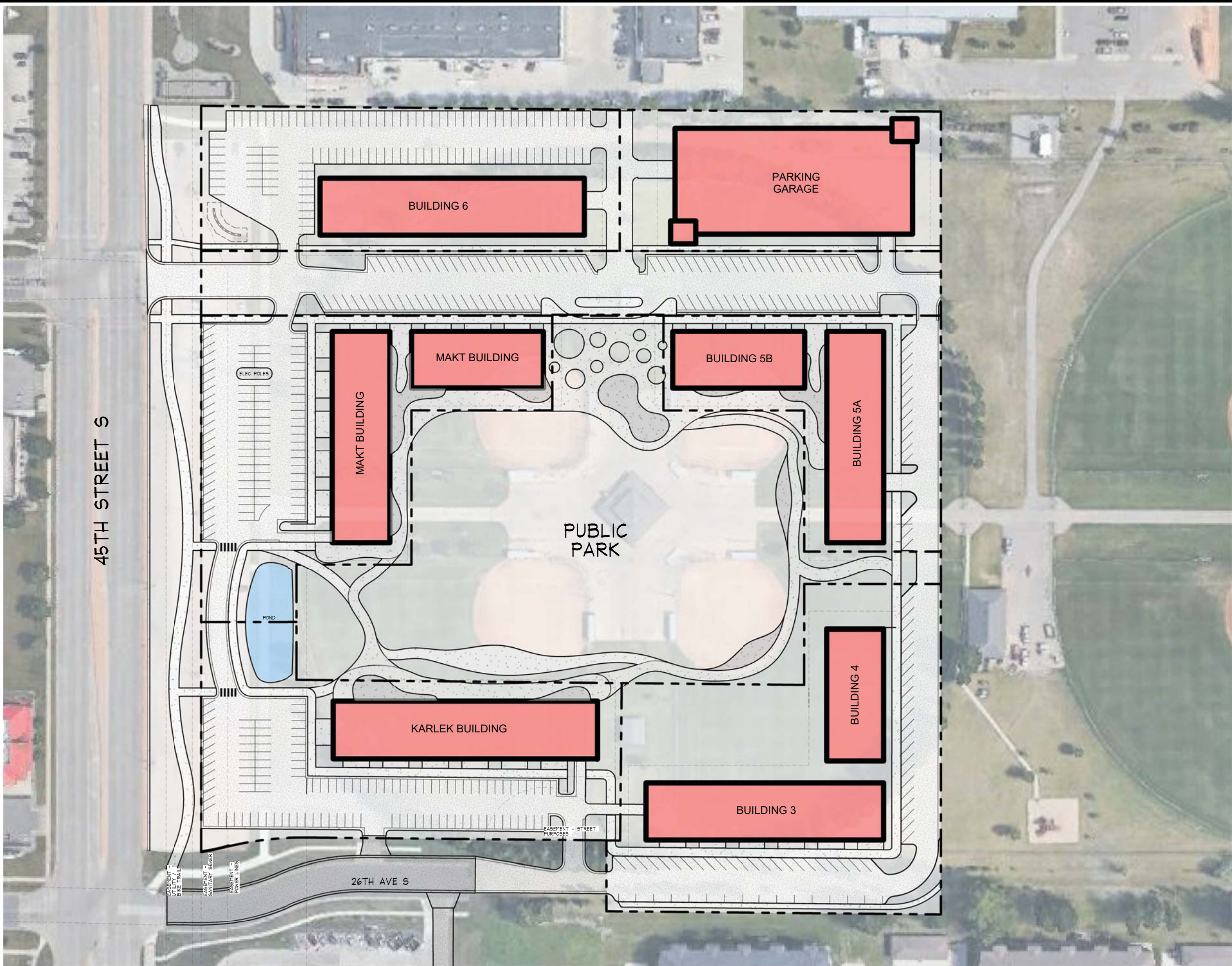
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Print Name: \_\_\_\_\_

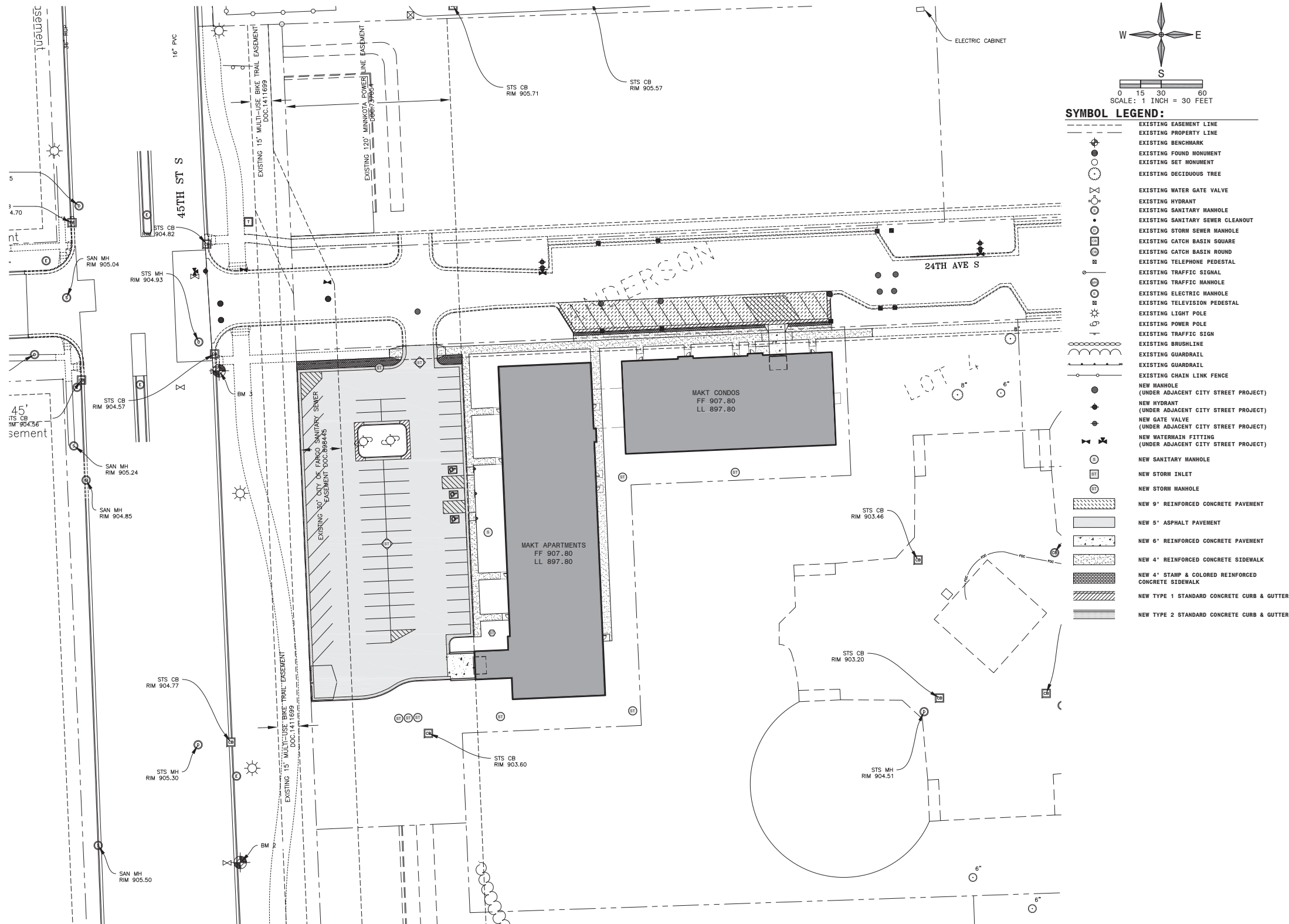
Signature: \_\_\_\_\_

Date: 02/15/2021

Registration No. \_\_\_\_\_







| REVISION SCHEDULE |                          |         |
|-------------------|--------------------------|---------|
| NUMBER            | DESCRIPTION              | DATE    |
| 1                 | SHEET C7.0 CLARIFICATION | 8/26/21 |



EPIC MANAGEMENT  
EOLA - MAKT  
FARGO, ND

PAVING PLAN

Project No.: 28-045  
Date: 8/19/2021

C6.0

EOLA PUD FINAL PLAN

| <b>City of Fargo<br/>Staff Report</b> |   |                       |                                   |
|---------------------------------------|---|-----------------------|-----------------------------------|
| <b>Title:</b>                         | Fargo North Addition  | <b>Date:</b>          | 9/28/2021                         |
| <b>Location:</b>                      | 807 17 <sup>th</sup> Avenue North   | <b>Staff Contact:</b> | Adam Martin,<br>assistant planner |
| <b>Legal Description</b>              | A portion of Lot 2, Block 1, <b>Fargo North Addition</b>  |                       |                                   |
| <b>Owner(s)/Applicant:</b>            | Fargo Park District/Rob Viera/Buell Consulting  | <b>Engineer:</b>      | n/a                               |
| <b>Entitlements Requested:</b>        | <b>Conditional Use Permit</b> (to install a telecommunications support structure (TSS) of less than 125 feet in height in the P/I, Public/Institutional zone) |                       |                                   |
| <b>Status:</b>                        | Planning Commission Public Hearing: October 5, 2021   |                       |                                   |

| <b>Existing</b>  | <b>Proposed</b>  |
|--|--|
| <b>Land Use:</b> Public Parks and Recreation   | <b>Land Use:</b> Public Parks and Recreation;<br>Telecommunications Support Structure  |
| <b>Zoning:</b> P/I, Public/Institutional   | <b>Zoning:</b> P/I, Public/Institutional   |
| <b>Uses Allowed:</b> P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events. | <b>Uses Allowed:</b><br><b>The Conditional Use Permit would allow a telecommunications support structure (TSS) of less than 125 feet in height in the P/I, Public/Institutional zone, in addition to the other permitted uses in the P/I zone.</b> |
| <b>Maximum Lot Coverage:</b> P/I has no maximum  | <b>Maximum Lot Coverage:</b> P/I has no maximum  |

| <b>Proposal:</b>  |
|---|
| <p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>1. A conditional use permit (CUP) to install a telecommunications support structure (TSS) of less than 125 feet in height in the P/I, Public/Institutional zone.</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: P/I, Public/Institutional, with Fargo North High School and recreational uses</li> <li>• East: P/I, Public/Institutional, with public parks and recreational uses</li> <li>• South: SR-3, Single-Dwelling Residential, with single-dwelling residences</li> <li>• West: P/I, Public/Institutional, with public parks and recreational uses</li> </ul> <p><b>Area Plans:</b></p> <p>The subject property is located within the Washington Neighborhood of the Core Neighborhoods Master Plan. However, the plan does not discuss telecommunications support structures, and so does not apply to this Conditional Use Permit.</p> <p><b>Context:</b></p> <p><b>Schools:</b> The subject property is located within the Fargo School District and is served by Washington Elementary, Ben Franklin Middle, and North High schools.</p> <p><b>Neighborhood:</b> The subject property is located within the Washington neighborhood.</p> <p><b>Parks:</b> The Coliseum is located on the subject property, and provides amenities of indoor ice arenas.</p> |

**Pedestrian / Bicycle:** The subject property is adjacent to several bicycle facilities, including a shared-use path that runs through the Fargo North High School property to the north of the site, and signed bike routes that run to the south along 8<sup>th</sup> and 9<sup>th</sup> Streets.

**Staff Analysis:**

**EXISTING CONDITIONS**

The existing building contains the Coliseum, which is owned and operated by the Fargo Park District and hosts recreational activities. The building's service area and dumpsters are located on the north side of the building, along with an access road that runs from 10<sup>th</sup> Street North to the Fargo North High School parking lot.

**PROPOSED USE**

The applicant, Rob Viera of Buell Consulting, is seeking a Conditional Use Permit to install a telecommunications support structure (TSS) of less than 125 feet in height in the P/I, Public/Institutional zone. The TSS will be a monopole measuring at 114 feet from the top of the lightning rod.

Staff notes that the CUP relates to allowing certain uses. The CUP is not a building permit. The tenant will have to go through the building permit process, with a permit to construct the telecommunications support structure, with the Inspections Department prior to construction. These permits are administrative, and so do not come before the Planning Commission.

**RESIDENTIAL PROTECTION STANDARDS and USE STANDARDS FOR TELECOMMUNICATIONS SUPPORT STRUCTURES IN THE P/I, PUBLIC/INSTITUTIONAL ZONING DISTRICT**

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

Additionally, Section 20-0402.N (3) of the LDC states that telecommunications support structures which exceed the maximum height permitted by-right in the P/I zoning district, but are not more than 125 feet in height are Conditional Uses and are therefore subject to the Conditional Use review process, stipulating that the following criteria are met before the Conditional Use Permit can be approved:

- 1. No TSS may be located closer than ½ mile from any existing and/or approved TSSs of over 125 feet in height, and ¼ mile from any existing and/or approved TSSs of 125 feet or less, as measured from the base of one TSS to the base of another.**

Staff found the proposed TSS to be in compliance with the required minimum distance from existing and approved TSSs. **(Criteria Satisfied)**

- 2. The TSS must have co-location capability of at least one other telecommunications provider, unless stealth design considerations make co-location unfeasible as determined by the City Planner.**

The proposed TSS would have co-location capability for two other telecommunications providers. **(Criteria Satisfied)**

- 3. TSSs shall comply with such other conditions as determined by the Planning Commission.**

Staff has no recommended conditions to apply to this CUP. All TSSs must meet the requirements of Section 20-0402-N. **(Criteria Satisfied)**

- 4. No TSS located in any non-residential zoning district may be located closer than 200 feet or two times the height of the TSS, whichever is greater, from any SR zoning districts, as measured from the base of the TSS to the nearest point of such SR zoning district.**

The proposed TSS is 114 feet in height, which would require a minimum radius of 228 feet from the nearest SR zoning district. Staff found the proposed location to be approximately 340 feet from the nearest SR zoning district, which satisfies this requirement. **(Criteria Satisfied)**

- 5. No TSS located in any MR zoning district may be located closer than 200 feet or two times the height of the TSS, whichever is greater, from any SR zoning districts, as**

**measured from the base of the TSS to the nearest point of such SR zoning district.**

The proposed TSS is not located within an MR zoning district; thus, this does not apply.  
**(Criteria Satisfied).**

#### 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 a telecommunications support structure (TSS). 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.

**(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 inquiries or protest regarding the project or proposed use.

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**

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

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

**(Criteria Satisfied)**



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

The subject property has vehicular access to 17<sup>th</sup> Avenue North and 10<sup>th</sup> Street North and is developed with two entrances. The proposed telecommunications support structure will be located north of the Coliseum building and will not generate additional traffic. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval of the conditional use permit to allow a Telecommunications Support Structure (TSS) of less than 125 feet in the P/I, Public/Institutional zone, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0402.N (3), Section 20-0909.D (1-6) of the LDC, and all other applicable requirements of the LDC.

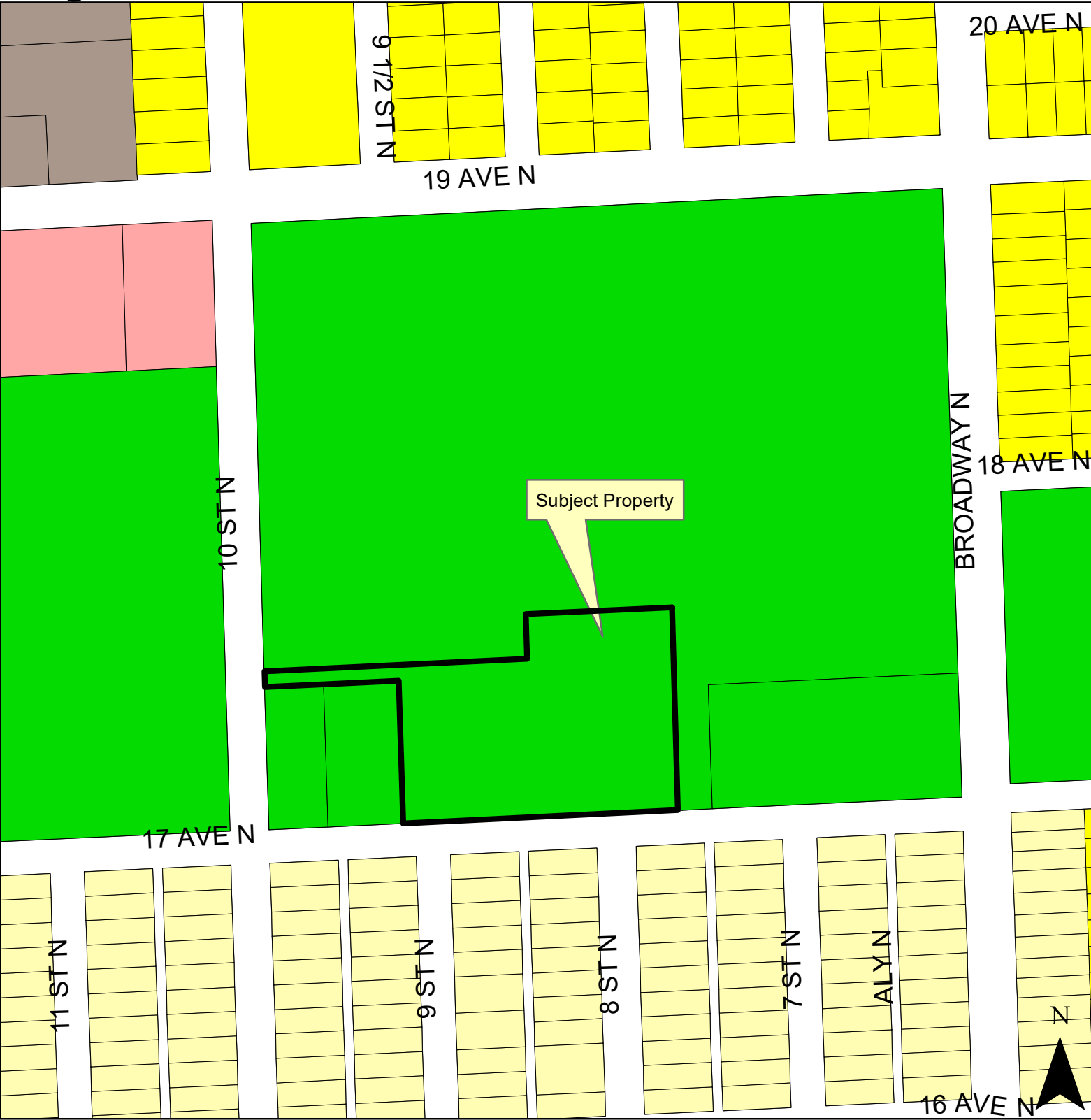
**Attachments:**

1. Zoning Map
2. Location Map
3. Site Plan

# Conditional Use Permit

## Fargo North Addition

807 17th Avenue N



**Legend**

|    |      |      |      |             |
|----|------|------|------|-------------|
| AG | DMU  | LC   | MHP  | SR-2        |
| GC | MR-1 | MR-2 | MR-3 | SR-3        |
| GO | MR-4 | MR-5 | UMU  | SR-6        |
|    |      |      |      | City Limits |

300 Feet

Fargo Planning Commission  
October 5, 2021



# Conditional Use Permit

Fargo North Addition

807 17th Avenue N





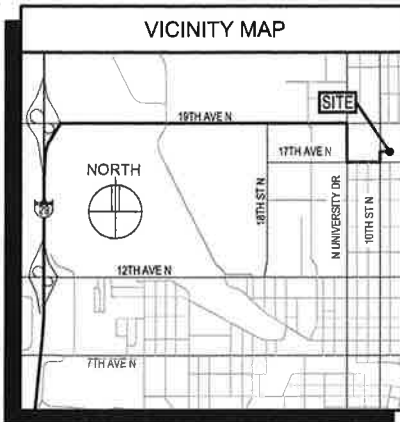


## FAR COLISEUM NEW BUILD

### PROJECT INFORMATION

SITE NAME: FAR COLISEUM  
SITE ADDRESS: 17TH AVE N  
FARGO, ND 58102  
COUNTY: CASS  
LATITUDE: N 48° 04' 7.15" (NAD83)  
LONGITUDE: W 98° 47' 31.85" (NAD83)  
DRAWING BASED ON  
SITE DATA FORM DATED: 12-10-20  
CONSTRUCTION TYPE: IIB  
SITE AREA: 17' X 34' = 578 S.F.

### VICINITY MAP



### SHEET INDEX

| SHEET | SHEET DESCRIPTION  |
|-------|--|
| T-1   | PROJECT INFORMATION, TOWER ELEVATION, & SHEET INDEX        |
| A-1   | SITE PLAN, DETAIL INDEX & PHOTOS                           |
| A-2   | ENLARGED SITE PLAN   |
| A-3   | ANTENNA/COAX KEY, CABLE BRIDGE PLAN, FENCE SECTION & NOTES |
| A-4   | OUTLINE SPECIFICATIONS                                     |
| G-1   | GROUNDING NOTES  |
| G-2   | GROUNDING PLAN & GROUNDING DETAIL INDEX                    |
| U-1   | SITE UTILITY PLANS & NOTES                                 |
| *     | SURVEY (2 SHEETS)  |

### LOCATION SCAN



### ISSUE SUMMARY

| REV | DESCRIPTION                          | SHEET/DETAIL |
|-----|--------------------------------------|--------------|
| A   | ISSUED FOR REVIEW 12-10-20           | ALL          |
| A.1 | REVISED RFDS & TOWER HEIGHT 12-11-20 | ALL          |
| B   | ISSUED FOR OWNER SIGNOFF 01-06-21    | ALL          |

### DEPARTMENTAL APPROVALS

| JOB TITLE             | NAME             | DATE     |
|-----------------------|------------------|----------|
| RF ENGINEER           | PETER SHANNON    | 12-12-20 |
| OPERATIONS MANAGER    | RAYMOND CHANDLER | 12-16-20 |
| CONSTRUCTION ENGINEER | SHADY HANNA      | 12-14-20 |

### LESSOR / LICENSOR APPROVAL

| SIGNATURE   | PRINTED NAME   | DATE |
|---|--|------|
|   |  |      |
| LESSOR / LICENSOR: PLEASE CHECK THE APPROPRIATE BOX BELOW |  |      |
| <input type="checkbox"/> NO CHANGES.                      | <input type="checkbox"/> CHANGES NEEDED, SEE COMMENTS. |      |

### CONTACTS

LESSOR / LICENSOR: FARGO PARK DISTRICT  
701 MAIN AVE  
FARGO, ND 58103  
DAVE LEKER (701) 469-6073

LESSEE: VERIZON WIRELESS  
10801 BUSH LAKE ROAD  
BLOOMINGTON, MN 55438  
CONSTRUCTION DEPT (952) 946-4700

POWER UTILITY  
COMPANY CONTACT: XCEL ENERGY  
2302 GREAT NORTHERN DRIVE  
FARGO, ND 58102  
TRAVIS LILL (701) 241-8863

TELCO UTILITY  
COMPANY CONTACT: T.B.D.

ARCHITECT: DESIGN 1 ARCHITECTS LLC  
8973 VALLEY VIEW ROAD  
EDEN PRAIRIE, MN 55344  
(952) 903-9298

SURVEYOR: WIDSETH SMITH NOLTING  
610 FILLMORE STREET - PO BOX 1028  
ALEXANDRIA, MN 56308-1028  
320-782-8149

STRUCTURAL  
ENGINEER: N/A

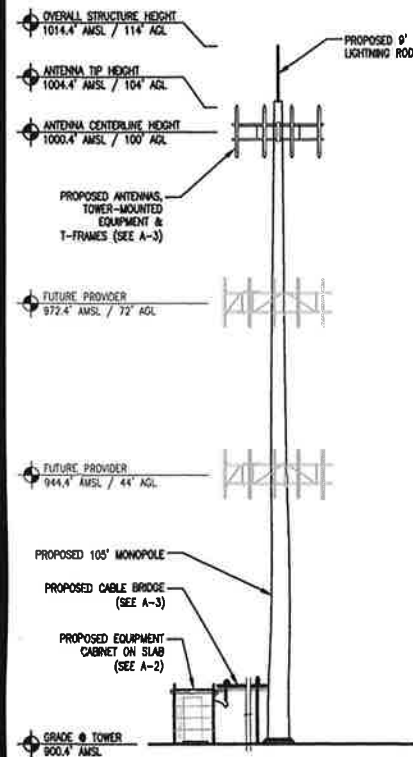
GEOTECHNICAL  
ENGINEER: T.B.D.

### TOWER ELEVATION

NOTE:  
1.) TOWER TO BE ERRECTED AND INSTALLED IN ACCORDANCE WITH TOWER MANUFACTURER'S DRAWINGS NOT INCLUDED WITH THIS PACKAGE. DISCREPANCIES BETWEEN TOWER DRAWINGS AND ARCHITECTURAL DRAWINGS TO BE REPORTED TO VERIZON WIRELESS AND THE ARCHITECT IMMEDIATELY.

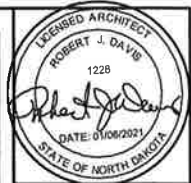
2.) TOWER FOUNDATION, CABINET SLAB FOUNDATION, GENERATOR FOUNDATION, AND THE ACCESS DRIVE TO BE EXCAVATED AND CONSTRUCTED IN ACCORDANCE WITH RECOMMENDATIONS AND SPECIFICATIONS OF THE GEOTECHNICAL REPORT WHICH IS NOT INCLUDED IN THIS PACKAGE. DISCREPANCIES BETWEEN THE REPORT AND THE OTHER DOCUMENTS TO BE IMMEDIATELY REPORTED TO VERIZON WIRELESS AND THE ARCHITECT.

3.) CONTRACTOR TO ENSURE TIP OF ANTENNAS DO NOT EXCEED TOWER HEIGHT.



### WEST ELEVATION

SCALE: 1" = 20'-0"



I hereby certify that the portion of this technical submittal described below was prepared by me or under my direct supervision and responsible charge. I am a duly Licensed Architect under the laws of the state of NORTH DAKOTA. ROBERT J. DAVIS, Reg. No. 1228

Signed: *Robert J. Davis*  
01/06/2021  
Date:

**DESIGN 1**  
8973 VALLEY VIEW RD.  
EDEN PRAIRIE, MN 55344  
(952) 903-9298  
WWW.DESIGN1EP.COM

**verizon**  
10801 BUSH LAKE ROAD  
BLOOMINGTON, MN 55438  
(862) 946-4700

PROJECT  
20171560957  
LOC. CODE: 473001

FAR  
COLISEUM

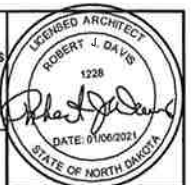
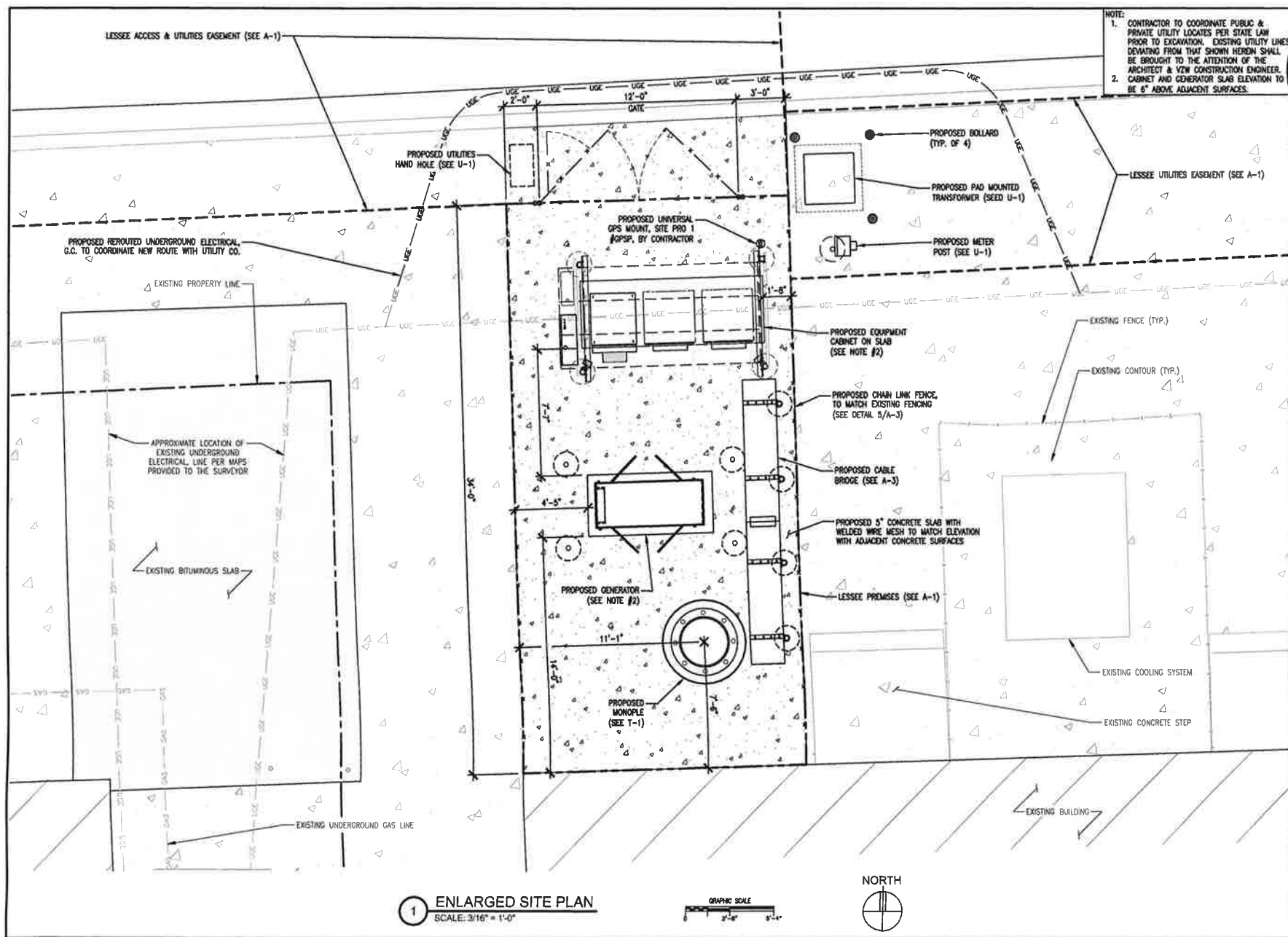
17TH AVE N  
FARGO, ND 58102

SHEET CONTENTS:  
CONTACTS  
ISSUE SUMMARY  
SHEET INDEX  
DEPARTMENTAL APPROVALS  
LESSOR APPROVAL  
PROJECT INFORMATION  
AREA & VICINITY MAPS  
GENERAL NOTES

DRAWN BY: JP  
DATE: 12-01-20  
CHECKED BY: TRB  
REV. A: 12-10-20  
REV. A.1: 12-11-20  
REV. B: 01-06-21

T-1





I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly Licensed Architect under the laws of the state of NORTH DAKOTA. ROBERT J. DAVIS, Reg. No. 1228

Signed: *Robert J. Davis*  
Date: 01/06/2021

**DESIGN**  
9973 VALLEY VIEW RD.  
EDEN PRAIRIE, MN 55344  
(952) 905-8299  
WWW.DESIGN1EP.COM

**verizon**  
15901 BUSH LAKE ROAD  
BLOOMINGTON, MN 55438  
(862) 946-4700

PROJECT  
20171880957  
LOC. CODE: 473001

**FAR  
COLISEUM**

17TH AVE N  
FARGO, ND 58102

SHEET CONTENTS:  
ENLARGED SITE PLAN

DRAWN BY: JP  
DATE: 12-01-20  
CHECKED BY: TRB  
REV. A: 12-10-20  
REV. A.1: 12-11-20  
REV. B: 01-06-21

**A-2**