

FARGO PLANNING COMMISSION AGENDA  
Tuesday, September 1, 2020 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of August 4, 2020

C: Brown Bag Luncheon - Wednesday, September 16, 2020

D: Public Hearing Items:

1. Hearing on an application requesting a Plat of **Delta Delta Delta Addition** (Minor Subdivision) a replat of Lots 39, 40, and 41 of Subdivision of Lot Numbers 65, 66, 67, and 68 of Ohmer's Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 1313, 1315, and 1335 University Drive North) (Delta Delta Delta NHC - North Dakota State University [Epsilon Omicron Chapter] LLC/Neset Land Surveys) (me)
2. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on a portion of Lots 2 and 3, and all of Lots 4 and 5, Block 2, **Brunsdale First Addition** and on a portion of Lots 4 and 6, and all of Lots 2, 3, and 5, Block 8, **Marydale Addition**. (Located at 3001 and 3017 University Drive South) (Aldevron LLC/Zerr-Berg Architects) (me)
3. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on a portion of Lot 1, Block 2, **Austin's Subdivision**. (Located at 5409 53rd Avenue South) (Dakota Prep Athletics/Josh R. Johnson) (kb): CONTINUED TO OCTOBER 6, 2020
4. Hearing on an application requesting a Plat of **Edgewood Estates Second Addition** (Minor Subdivision) a replat of Lots 9 and 10, Block 3, Edgewood Estates Addition to the City of Fargo, Cass County, North Dakota. (Located at 3619 and 3627 Parker Place North) (John Schilling/Houston Engineering) (dk)
- 5a. Hearing on an application requesting a Zoning Change from GC, General Commercial to GC, General Commercial with a PUD, Planned Unit Development within the boundaries of Lot 1, Block 1, **Cedar Crest First Addition**. (Located at 3361 Westrac Drive) (Prairie Ridge 4 LLLP/Nate Vollmuth)(dk)
- 5b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of Lot 1, Block 1, **Cedar Crest First Addition**. (Located at 3361 Westrac Drive) (Prairie Ridge 4 LLLP/Nate Vollmuth)(dk)

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

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

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

- 6a. Hearing on an application requesting a Zoning Change from GC, General Commercial to GC, General Commercial with a PUD, Planned Unit Development within the boundaries of a portion of the Northeast Quarter of **Section 12, Township 139 North, Range 49 West**. (Located at 1425 Main Avenue) (Huynh Kha Property LLC/Dovetail Development) (dk): CONTINUED TO OCTOBER 6, 2020
- 6b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of a portion of the Northeast Quarter of **Section 12, Township 139 North, Range 49 West**. (Located at 1425 Main Avenue) (Huynh Kha Property LLC/Dovetail Development) (dk): CONTINUED TO OCTOBER 6, 2020
- E: Other Items:
1. MetroCOG Presentation: 76th Avenue South Corridor Study

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## **BOARD OF PLANNING COMMISSIONERS MINUTES**

**Regular Meeting:**

**Tuesday, August 4, 2020**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, August 4, 2020.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Mary Scherling, Rocky Schneider, Melissa Sobolik, Scott Stofferahn, Jennifer Holtz, Dawn Morgan, Art Rosenberg

Absent: Maranda Tasa

Chair Gunkelman called the meeting to order and stated that Item E.2 will begin at 3:30 p.m. He noted if the prior items conclude before that time, a recess will be taken until 3:30 p.m.

### **Business Items:**

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

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

#### **Item B: Minutes: Regular Meeting of July 7, 2020**

Member Schneider moved the minutes of the July 7, 2020 Planning Commission meeting be approved. Second by Member Rosenberg. All Members present voted aye and the motion was declared carried.

#### **Item C: August 19, 2020 Brown Bag Luncheon: Cancelled**

Member Holtz present.

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

##### **Item 1: North Fargo Industrial Addition**

**1a. Hearing on application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial on the proposed North Fargo Industrial Addition. (Located at 3701 40th Avenue North and 4201 and 3261 County Road 81 North) (Holmquist Family LLC; Ronald K. Holmquist; Diane and Robert K. Jonely/Ryan Companies): APPROVED**

**1b. Hearing on an application requesting a Plat of North Fargo Industrial Addition (Major Subdivision) a replat of a portion of the East Half, Section 15,**

**Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 3701 40th Avenue North and 4201 and 3261 County Road 81 North) (Holmquist Family LLC; Ronald K. Holmquist; Diane and Robert K. Jonely/Ryan Companies): APPROVED**

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from AG, Agriculture to LI, Limited Industrial, and 2) Subdivision Plat, North Fargo Industrial Addition as outlined within the staff report, as the proposal complies with the 2007 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. Second by Member Rosenberg. On call of the roll Members Holtz, Scherling, Morgan, Stofferahn, Rosenberg, Schneider, Sobolik, and Gunkelman voted aye. Absent and not voting: Member Tasa. The motion was declared carried.

**Item 2: 2750 Main Addition**

**Hearing on an application requesting a Plat of 2750 Main Addition (Minor Subdivision) a replat of a portion of the Northeast Quarter of the Northeast Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota. (Located at 2750 Main Avenue, 25 27½ Street South, 66 28th Street South, and 120-124 28th Street South) (Northwestern Equipment, Inc/Neset Surveys): APPROVED**

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

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat 2750 Main 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 Sobolik. On call of the roll Members Schneider, Scherling, Holtz, Sobolik, Stofferahn, Morgan, Rosenberg, and Gunkelman voted aye. Absent and not voting: Member Tasa. The motion was declared carried.

**Item E: Other Items:**

**Item 1: Annexation of approximately 110.23 acres of a portion of the East Half, Section 15, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3701 40th Avenue North and 4201 and 3261 County Road 81 North) (Holmquist Family LLC; Ronald K. Holmquist; Diane and Robert K. Jonely/Ryan Companies): APPROVED**

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted that an updated plat was distributed to the Board.



Member Rosenberg moved the findings and recommendations of staff be accepted and the Planning Commission find that the proposed annexation of a portion of the East Half of Section 15, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan. Second by Member Holtz. On call of the roll Members Schneider, Sobolik, Stofferahn, Rosenberg, Holtz, Scherling, Morgan, Gunkelman voted aye. Absent and not voting: Member Tasa. The motion was declared carried.

At 3:13 p.m., the Board took a recess until 3:30 p.m.  
After recess: All Members present except Member Tasa.

**Item 2: Land Development Code Diagnostic Workshop**

Planning Coordinator Aaron Nelson introduced the Lisa Wise Consulting Group, and provided an overview of the Land Development Code Diagnostic to date.

Project Manager Kathryn Slama gave brief introduction and introduced the team members working on the project from Lisa Wise Consulting: Roger Eastman, David Bergman, Adam Pisarkiewicz, and Scott Harmstead with SRF Consulting.

The team presented a project overview including elements of the analysis review, key findings, the comprehensive plan, economic analysis, legal analysis, and next steps. Ms. Slama provided a timeline for the project moving forward, including additional work sessions with the Planning Commission in the fall and winter.

Board discussion was held regarding form-based zoning, increased density being economically feasible, public space, missing middle housing issues, pocket parks, best practices, and predictability.

Assistant Director of Planning and Development Mark Williams stated that this project is a two-phase process, and the current phase one involves looking at the current code and making recommendations. He noted this will help to identify how to move forward.

City Commissioner Arlette Preston spoke noting the importance to make this community more economically sustainable for the future, and that these conversations impact development.

Mr. Nelson stated any additional thoughts or comments can be sent on to City Staff.

The time at adjournment was 4:23 p.m.





## Agenda Items Map

Fargo Planning Commission  
September 1, 2020

### Agenda Items Number

- 1 -- Delta Delta Delta Addition
- 2 -- Brunsdale First Addition & Marydale Addition
- 4 -- Edgewood Estates Second Addition
- 5a & 5b -- Cedar Crest First Addition

Items 3, 6a & 6b Continued





**City of Fargo  
Staff Report**

<b>Title:</b>	<b>Delta Delta Delta Addition</b>	<b>Date:</b>	8/25/2020
<b>Location:</b>	1313, 1315 & 1335 University Drive North	<b>Staff Contact:</b>	Maegin Elshaug
<b>Legal Description:</b>	Lots 39, 40, and 41 of Subdivision of Lot Numbers 65, 66, 67, and 68 of Ohmer's Subdivision		
<b>Owner(s)/Applicant:</b>	Delta Delta Delta NHC – North Dakota State University (Epsilon Omicron Chapter)/ Neset Land Surveys	<b>Engineer:</b>	Neset Land Surveys
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (a replat of Lots 39, 40, and 41 of Subdivision of Lot Numbers 65, 66, 67, and 68 of Ohmer's Subdivision)		
<b>Status:</b>	Planning Commission Public Hearing: September 1, 2020		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Single family and Multi-dwelling Residential	<b>Land Use:</b> Group Living (Sorority House)
<b>Zoning:</b> MR-3, Multi-Dwelling Residential	<b>Zoning:</b> unchanged
<b>Uses Allowed:</b> 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>Uses Allowed:</b> unchanged
<b>Maximum Density Allowed (Residential):</b> 24 units per acre	<b>Maximum Density Allowed (Residential):</b> unchanged

**Proposal:**

The applicant is seeking City approval of a minor subdivision entitled Delta Delta Delta Addition. The proposed subdivision would replat three existing lots into one lot to accommodate future development. The subject property is located at 1313, 1315 & 1335 University Drive North and encompasses approximately 0.47 acres.

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

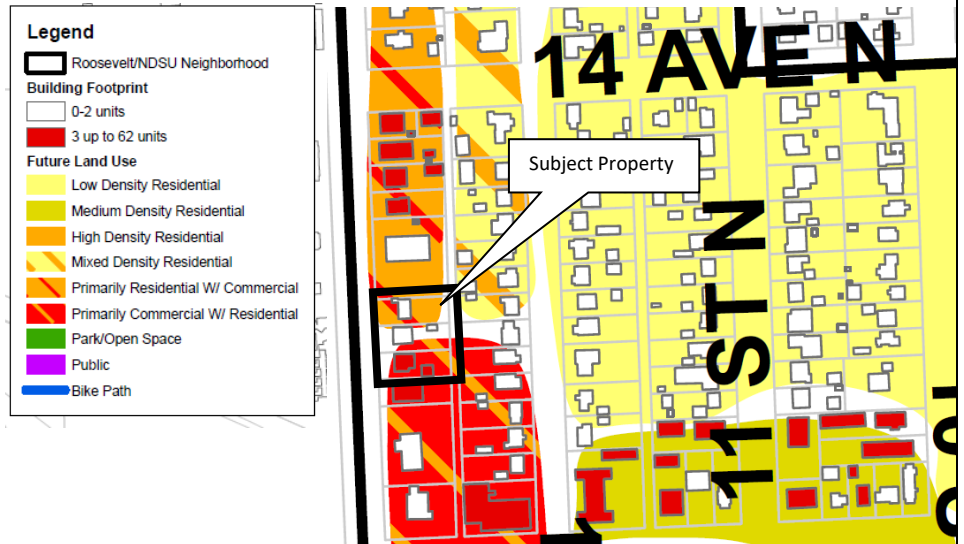
**Surrounding Land Uses and Zoning Districts:**

- North: MR-3 with group living (fraternity house) use;
- East: SR-3, Single Dwelling Residential with detached homes;
- South: MR-3 with multi-dwelling residential use;
- West: Across University Drive North is the North Dakota State University campus.

*Continued on next page*

## Area Plans:

The subject property is located within the Roosevelt/NDSU Neighborhood Future Land Use Plan, which indicates the subject property as being appropriate for primarily residential with commercial uses and primarily commercial with residential uses.



## Context:

**Neighborhood:** Roosevelt

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

**Parks:** The subject property is located within a quarter-mile of Roosevelt Park (1220 9<sup>th</sup> Street North) with amenities of play fields, skating rinks, and playgrounds.

**Pedestrian / Bicycle:** A shared use trail is located adjacent to the property on the west side of University Drive North that connects to the metro area trail system.

## Staff Analysis:

### Minor Subdivision

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

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

In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent to property owners within 300 feet of the subject property. The Roosevelt Neighborhood Association was also notified. To date, staff has received two inquiries with no comment. The zoning district allows for the proposed development and complies with the adopted area plan. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

**(Criteria Satisfied)**

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

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

**Staff Recommendation:**

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

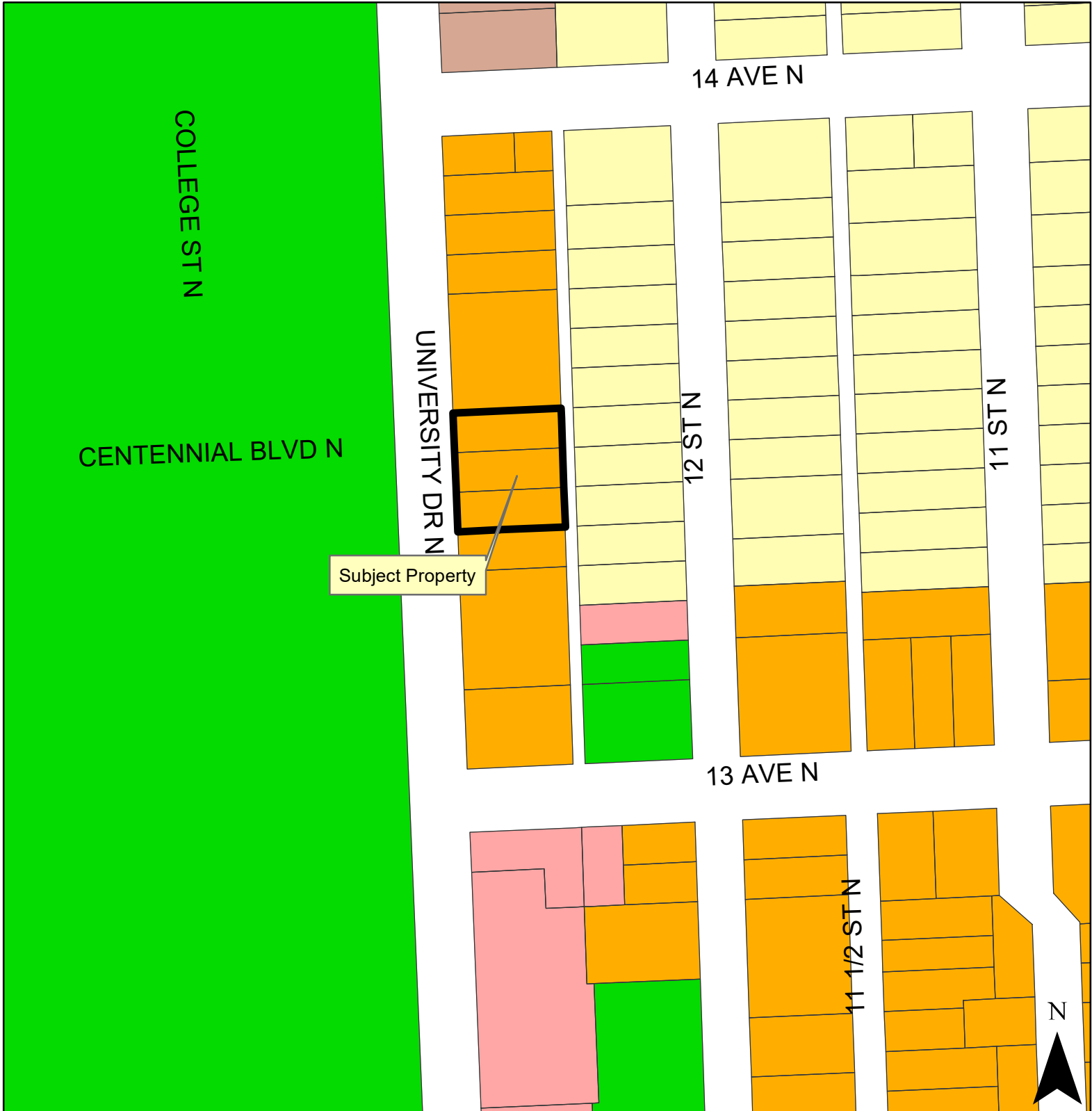
**Planning Commission Recommendation:** September 1, 2020

**Attachments:**

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

# Plat (Minor)

## Delta Delta Delta Addition



### Legend



200

Feet



# Plat (Minor)

## Delta Delta Delta Addition

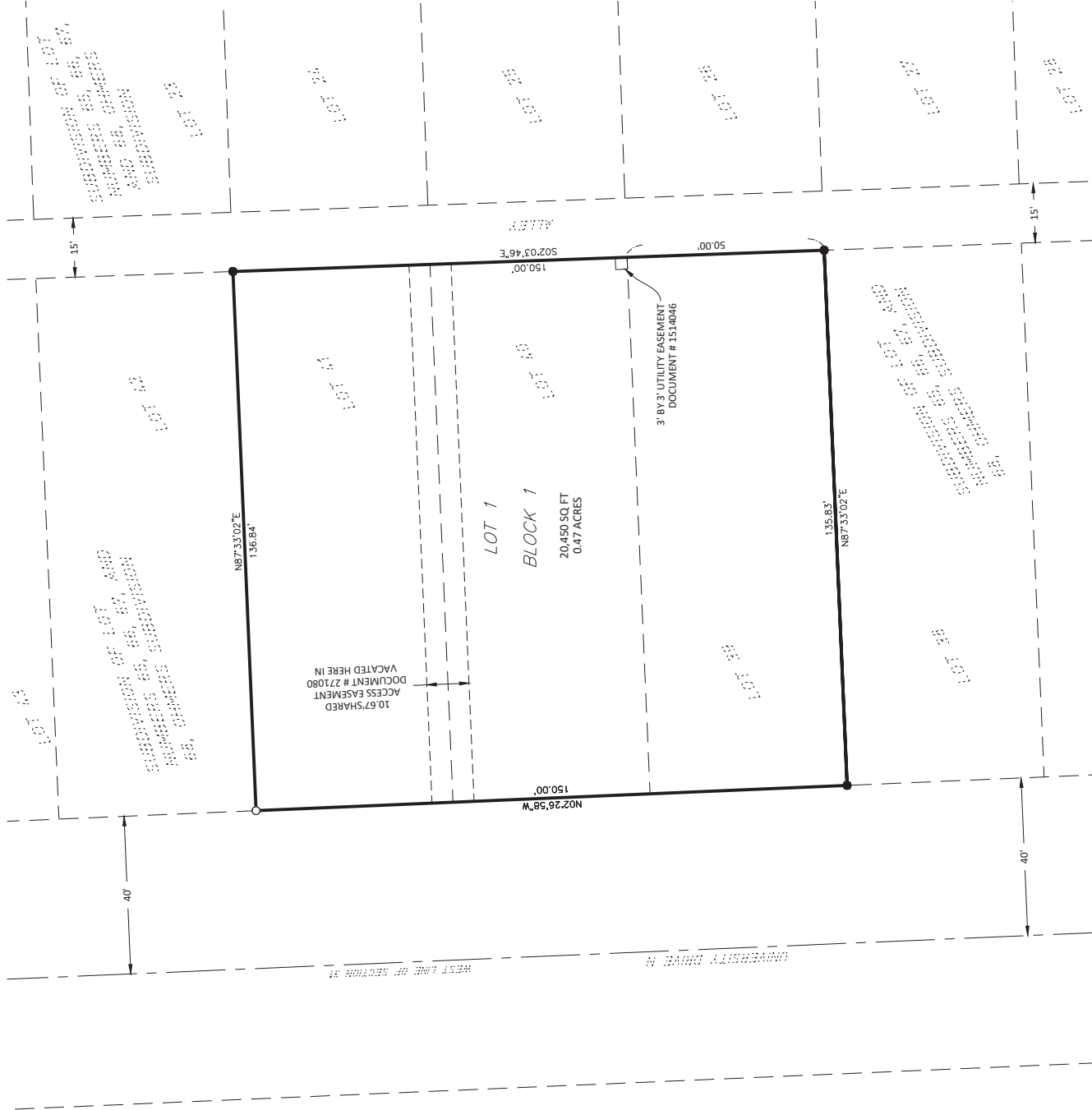
1313, 1315 & 1335 University Dr N





# DELTA DELTA DELTA ADDITION

A REPLAT OF LOTS 39, 40, AND 41, OF THE SUBDIVISION OF LOTS NOS. 65, 66, 67, & 68. IN OHMER'S  
SUBDIVISION OF SW 1/4 SEC 31 T140 R48,  
SITUATE IN THE CITY OF FARGO, THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA.  
A MINOR SUBDIVISION



## OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: THAT DELTA DELTA DELTA NHC-NORTH DAKOTA STATE UNIVERSITY (EPSILON OMICRON CHAPTER) LLC IS THE OWNER AND PROPRIETOR OF THE FOLLOWING DESCRIBED TRACT OF LAND:

A REPLAT OF LOTS 39, 40, AND 41, OF THE SUBDIVISION OF LOTS NOS. 65, 66, 67, & 68, IN OHMER'S SUBDIVISION OF SW 1/4 SEC 31 T140 R48, SITUATE IN THE CITY OF FARGO, THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA.

SAID TRACT OF LAND CONTAINS 20,450 SQUARE FEET, MORE OR LESS.

AND THAT SAID PARTY HAS CAUSED THE SAME TO BE SURVEYED AND RE-PLATTED AS LOT 1, BLOCK 1, DELTA DELTA ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, DOES HEREBY VACATE THE UTILITY EASEMENT AS DESIGNED FOR VACATION ON THIS PLAT, AND DOES HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, THE UTILITY EASEMENT SHOWN ON THE PLAT.

BY: KAREN HUGHES  
ITS: CHIEF EXECUTIVE OFFICER

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KAREN HUGHES, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

# SURVEYORS CERTIFICATE

I, COLE A. NESBIT, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS DELTA DELTA DELTA ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF THIS PLAT AS DELTA DELTA DELTA ADDITION; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDRETHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE FOREGROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. I SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

COLE A. NESET,  
REGISTERED LAND SURVEYOR  
AND REG. NO. 7513

STATE OF NORTH DAKOTA )  
 )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NSEST, REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

## CITY ENGINEER'S APPROVAL

APPROVED BY THE FARGO CITY ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

BRENDA E. DERRIG, CITY ENGINEER

STATE OF NORTH DAKOTA )  
 )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN  
 SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA E. DERRIG, CITY ENGINEER, TO  
 ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT  
 AND ACKNOWLEDGED THAT SHE EXECUTED SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC

## FARGO PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_ 2020.

JOHN GUNKELMAN, CHAIR  
FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN GUNKELMAN, CHAIR, FARGO PLANNING COMMISSION, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THEIR FREE AND DEED.

NOTARY PUBLIC

## FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 2020.

TIMOTHY J. MAHONEY, MAYOR

ATTEST:

STEVEN SPRAGUE, CITY AUDITOR


STATE OF NORTH DAKOTA )  
COUNTY OF CASS )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND  
FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR, CITY OF FARGO,  
AND STEVEN SPRAGUE, CITY AUDITOR, CITY OF FARGO, TO ME KNOWN TO BE THE PERSONS  
DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY  
EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC

SHEET 1 OF 1



 <b>Neset</b> LAND SURVEYS	PROJECT # 20_TRI-DELTA		1111 WESTRAC DR. SUITE 108 FARGO, ND 58103	
	REVISION DATE: 8-20-20		PHONE: 701-235-0199 EX. 17	
	DRAWN BY: ZLR		EMAIL: CNESE@NESETSURVEYS.COM	
	CHECKED BY: CAN			

## LEGEND

- MONUMENT FOUND  
 ● MONUMENT SET  
 --- EXISTING SECTION LINE  
 - - - EXISTING EASEMENT  
 - - - EXISTING LOT LINE  
 = = = NEW BOUNDARY LINE

**BASIS OF BEARING: CITY OF FARGO  
GROUND CONTROL SYSTEM**





City of Fargo Staff Report			
<b>Title:</b>	<b>Brunsdale First Addition and Marydale Addition</b>	<b>Date:</b>	8/25/2020
<b>Location:</b>	3001 & 3017 University Drive South	<b>Staff Contact:</b>	Maegin Elshaug
<b>Legal Description:</b>	A portion of Lots 2 and 3, and all of Lots 4 and 5, Block 2, <b>Brunsdale First Addition</b> and on a portion of Lots 4 and 6, and all of Lots 2, 3, and 5, Block 8, <b>Marydale Addition</b>		
<b>Owner(s)/Applicant:</b>	Aldevron, LLC / Zerr Berg Architects	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> for an Alternative Access Plan		
<b>Status:</b>	Planning Commission Public Hearing: September 1, 2020		

Existing	Proposed
<b>Land Use:</b> Medical Research Office	<b>Land Use:</b> unchanged
<b>Zoning:</b> LC, Limited Commercial	<b>Zoning:</b> unchanged
<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> unchanged
<b>Maximum Lot Coverage Allowed: 55%</b>	<b>Maximum Lot Coverage Allowed:</b> unchanged

**Proposal:**

The applicant, Zerr Berg Architects, is requesting a Conditional Use Permit for an Alternative Access Plan to reduce the required parking on site from 252 required parking spaces to 168 parking stalls at a medical office. The Land Development Code (LDC) requires Aldevron's medical office facility of 50,260 square feet to have 1 stall per 200 square feet, which equates to 252 parking stalls. No expansion of the existing facility is planned.

The applicant states that the type of work is similar to work occurring at Aldevron's main campus, nothing that the primary work function is a biomanufacturing process, where the product goes through a series of lab spaces that include product storage and warehouse spaces, along with administration support for the facility.

In August 2019, the Planning Commission approved a parking reduction for Aldevron's main campus to provide 1 parking space per 570 square feet of medical office use, excluding primary mechanical spaces.

The applicant is requesting to provide 168 parking stalls on site (which equates to 1 space per 300 square feet), which they state would meet needs of the facility being fully staffed.

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

**Surrounding Land Uses and Zoning Districts:**

- North: Across 30th Avenue South is LC and MR-2, Multi-Dwelling Residential with uses of multi-dwelling residential and a financial institution;

- East: Across University Drive South is MR-1, Multi-Dwelling Residential with the uses of assisted living and multi-dwelling residential;
- South: LC, Limited Commercial with uses of general and medical office;
- West: Across 15th Street South is MR-3, Multi-Dwelling Residential with multi-dwelling residential.

#### Area Plans:

The subject property is not located within an adopted growth plan or neighborhood plan.

#### Context:

**Neighborhood:** Brunsdale

**Schools:** The subject property is located within the Fargo Public School District and is served by Lincoln Elementary, Carl Ben Junior High and South Senior High schools.

**Parks:** The subject property is located within Brunsdale Park (1702 27<sup>th</sup> Avenue South) which provides amenities of sports fields, batting cage, playgrounds, pickleball, and trails, and Lemke Park (1000 32<sup>nd</sup> Avenue South) which provides amenities of sports fields, skating rinks, and a playground.

**Pedestrian / Bicycle:** A shared use trail is located along University Drive South adjacent to the subject property, which connects to the metro area trail system.

#### Staff Analysis:

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

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

- **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. Exploring reductions in minimum parking standards is a key initiative meant to promote the Plan's guiding principles. Specifically, Transportation Initiative 07 from the Go2030 Comprehensive Plan states to, "Pursue creative parking strategies to fund and activate parking structures, explore reducing minimum parking standards, and share parking between daytime and nighttime 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)**
- **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**  
Staff finds that this proposed conditional use permit to allow for a parking reduction at this location will not affect the welfare of the public. The proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, the potential negative impacts. The applicant has stated that the parking ratio aligns with the anticipated employee needs and staffing levels. **(Criteria Satisfied)**
- **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**  
Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received one inquiry about the project with no comment. **(Criteria Satisfied)**

- **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 alternative access plan for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, the potential negative impacts. The applicant states that the parking ratio aligns with the anticipated employee needs and staffing levels. **(Criteria Satisfied)**

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

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

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

The property has access from University Drive South, 30<sup>th</sup> Avenue South and 15<sup>th</sup> Street South. In addition, the Engineering Department has had an opportunity to review the proposal and no comments or concerns were noted to indicate a deficiency with the access or parking. Staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

**Recommended Conditions:**

- One off-street parking space to be provided for 300 square feet of medical research office use
- The Conditional Use Permit will cease if the medical research office use ceases

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow an alternative access plan as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- One off-street parking space to be provided for 300 square feet of medical research office use
- The Conditional Use Permit will cease if the medical research office use ceases

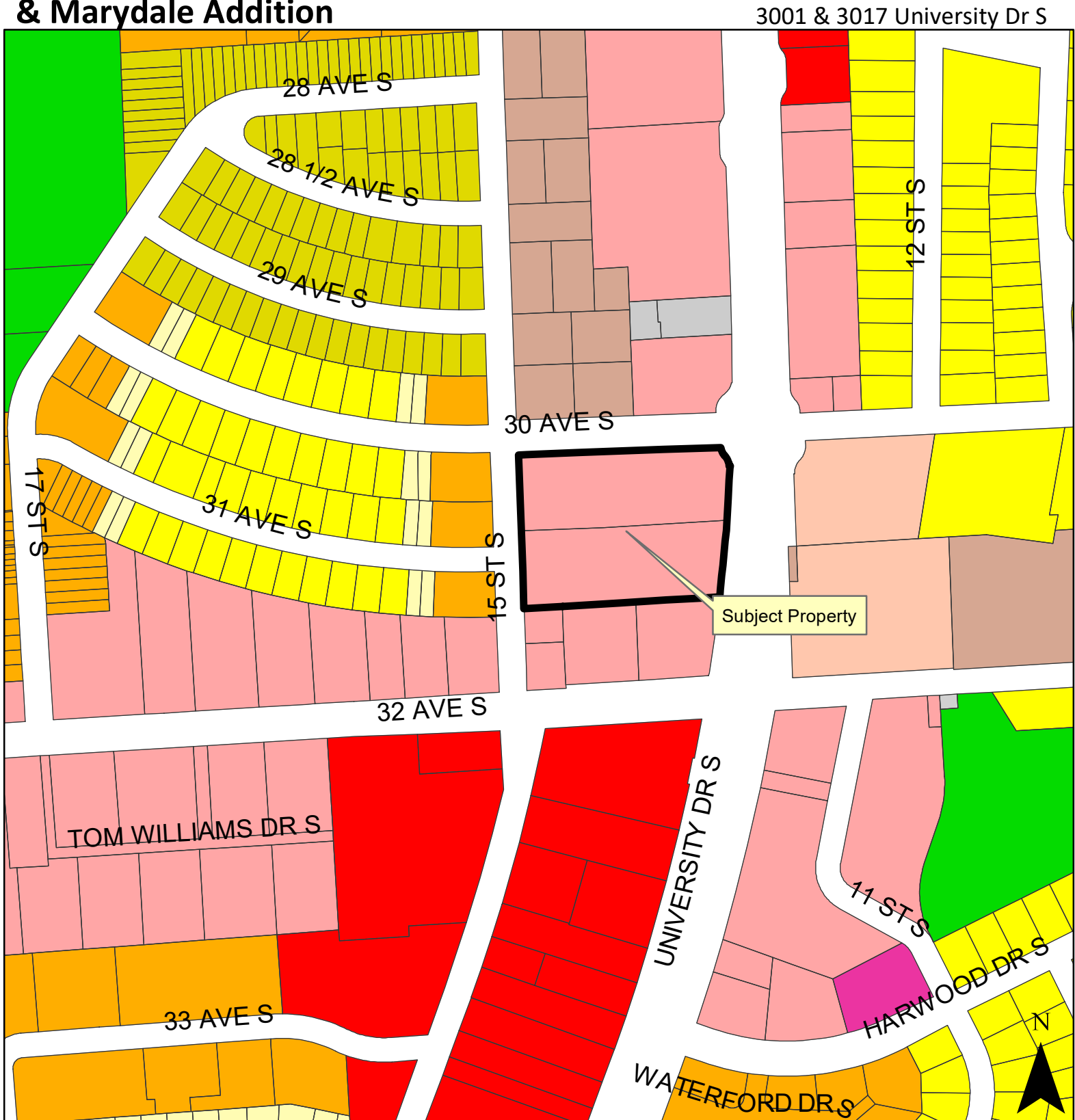
**Planning Commission Recommendation:** September 1, 2020

**Attachments:**

1. Zoning Map
2. Location Map
3. Applicant's narrative

# Conditional Use Permit

## Brunsdale First Addition & Marydale Addition



### Legend





# Conditional Use Permit

## Brunsdale First Addition & Marydale Addition

3001 & 3017 University Dr S







510 4TH AVENUE NORTH  
FARGO, ND 58102  
701.280.0187  
ZERRIBERGARCHITECTS.COM

July 20, 2020

Aldevron RG Building  
Fargo, ND

ZBA Project No. 19-015 B

RE: Parking Narrative

Following is a narrative of the parking requirements and proposed configuration for the Aldevron RG Building project located at 3001 University Dr S, Fargo, ND.

#### **RG Building Remodel**

The existing building, known as Aldevron RG Building, includes 50,260 SF. The building use has been determined to be "Medical Office Building", which is an allowable use in the Limited Commercial zoning classification for the property. This building use matches the building use on the main Aldevron Campus. Per the existing Off Street Parking Schedule "A", parking requirements for that existing building are to be calculated at 1:200, putting the required parking at 252 parking stalls.

The existing site currently accommodates 160 parking spaces. To obtain the required 252 spaces as stated above, a site plan was designed to provide a total of 258 parking stalls. This plan will require expanding the existing west parking lot by 17,500 square-feet as well as re-striping the west lot.

The design team has worked with Aldevron to quantify the actual number of employees that will occupy the building based on the biomanufacturing processes, administrative requirements and staffing levels that are anticipated for the full build out. Shift work will be employed to maximize the hours of production. Total staffing for all shifts at the completion and full staffing of the RG Building will be 167.

Using the Land Development Code base requirement of 1:200 for medical office space, 50,260 SF would require 252 parking spaces, one and a half times the number that would be required by full staffing of the facility in multiple shifts.

#### **Alternative Schedule B Approach to determining parking requirements**

The RG Building will function very much the same as Production North on the main Aldevron Campus. There the

ratio was modified to a 1:570, less mechanical spaces since the fully developed campus of Aldevron will include significant diversity of building use. For example, Production North has a mechanical mezzanine and miscellaneous circulation in support of building operations. The RG Building however, does not have nearly as much mechanical mezzanine space, it will include warehouse, shipping, receiving and storage similar to that of Production North on the main campus. These areas would require significantly less staffing than office and production lab areas. The diversity of building use seems to suggest that a modified approach to parking calculation similar to that of the main Aldevron Campus could be warranted. Using the Schedule B requirements with a ratio of 1:300 for production and research labs would yield a requirement of **168 parking spaces**.

The total parking spaces provided on the existing site is 160 parking spots. Aldevron is proposing the west parking lot be restriped to accommodate 187 parking stalls. With the addition of the 12 existing parking stalls in the east lot, the total parking spaces provided on the site will be 199, which would be greater than the anticipated full staffing amount.

City of Fargo Staff Report			
<b>Title:</b>	Edgewood Estates Second Addition	<b>Date:</b>	8/26/2020
<b>Location:</b>	3619 and 3627 Parker Place North	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Lots 9 and 10, Block 3, Edgewood Estates Addition		
<b>Owner(s)/Applicant:</b>	Jon Schilling / Brian Pattengale—Houston Engineering	<b>Engineer:</b>	Houston Engineering
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of Lots 9 and 10, Block 3, Edgewood Estates Addition to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	Planning Commission Public Hearing: September 1, 2020		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Detached single-dwelling residential		<b>Land Use:</b> No change	
<b>Zoning:</b> SR-2, Single-Dwelling Residential		<b>Zoning:</b> No change	
<b>Uses Allowed:</b> SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities		<b>Uses Allowed:</b> No change	
<b>Maximum Density Allowed:</b> 5.4 dwelling units per acre		<b>Maximum Density Allowed:</b> No change	
<b>Proposal:</b>			
<p>The applicant requests one entitlement:  A minor subdivision, entitled <b>Edgewood Estates Second Addition</b> which is a replat of Lots 9 and 10, Block 3, Edgewood Estates Addition to the City of Fargo, Cass County, North Dakota</p> <p>The two properties are zoned SR-2. No zone change is proposed. The uses and types of housing allowed in the SR-2 zone are noted above.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: SR-2, detached single-dwelling residential</li> <li>• East: SR-2, detached single-dwelling residential</li> <li>• South: SR-2, detached single-dwelling residential</li> <li>• West: SR-2, detached single-dwelling residential</li> </ul>			
<b>Area Plans:</b>			
The subject property is not included within any area plans or neighborhood plans.			
<b>Schools and Parks:</b>			
<b>Schools:</b> The subject property is located within the Fargo School District and is served by Longfellow Elementary, Ben Franklin Middle and North High schools.			
<b>Neighborhood:</b> The subject property is located within the Edgewood neighborhood.			



**Parks:** Edgewood Public Golf Course is within approximately one-quarter mile of the subject property and offers the amenities of baseball/softball; basketball; grill; multipurpose field; playground, ages 5-12; picnic table; restrooms; soccer; tennis; disc golf

**Pedestrian / Bicycle:** There are no on-road bike routes or multi-use trails in the rights of way adjacent to the subject property.

**Staff Analysis:**

The plat will combine the two existing lots into a single lot. The plat will also vacate the existing storm sewer easement. The storm sewer pipe will be re-routed through an existing easement on the south side of the property to connect to the sewer main on the west side of the property, instead of on the north side, as it currently does. Otherwise, the street access and utility connections that are in place on the current lots will not change.

**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 subject property is not located within an area plan or neighborhood plan. The properties within this plat are currently zoned SR-2, Single-Dwelling Residential. No zone change is proposed. 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 phone calls from a few neighbors inquiring about the project. 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)**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed **Edgewood Estates Second Addition** subdivision plat, as presented, as the proposal complies with the Standards of Article 20-06, and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** September 1st, 2020

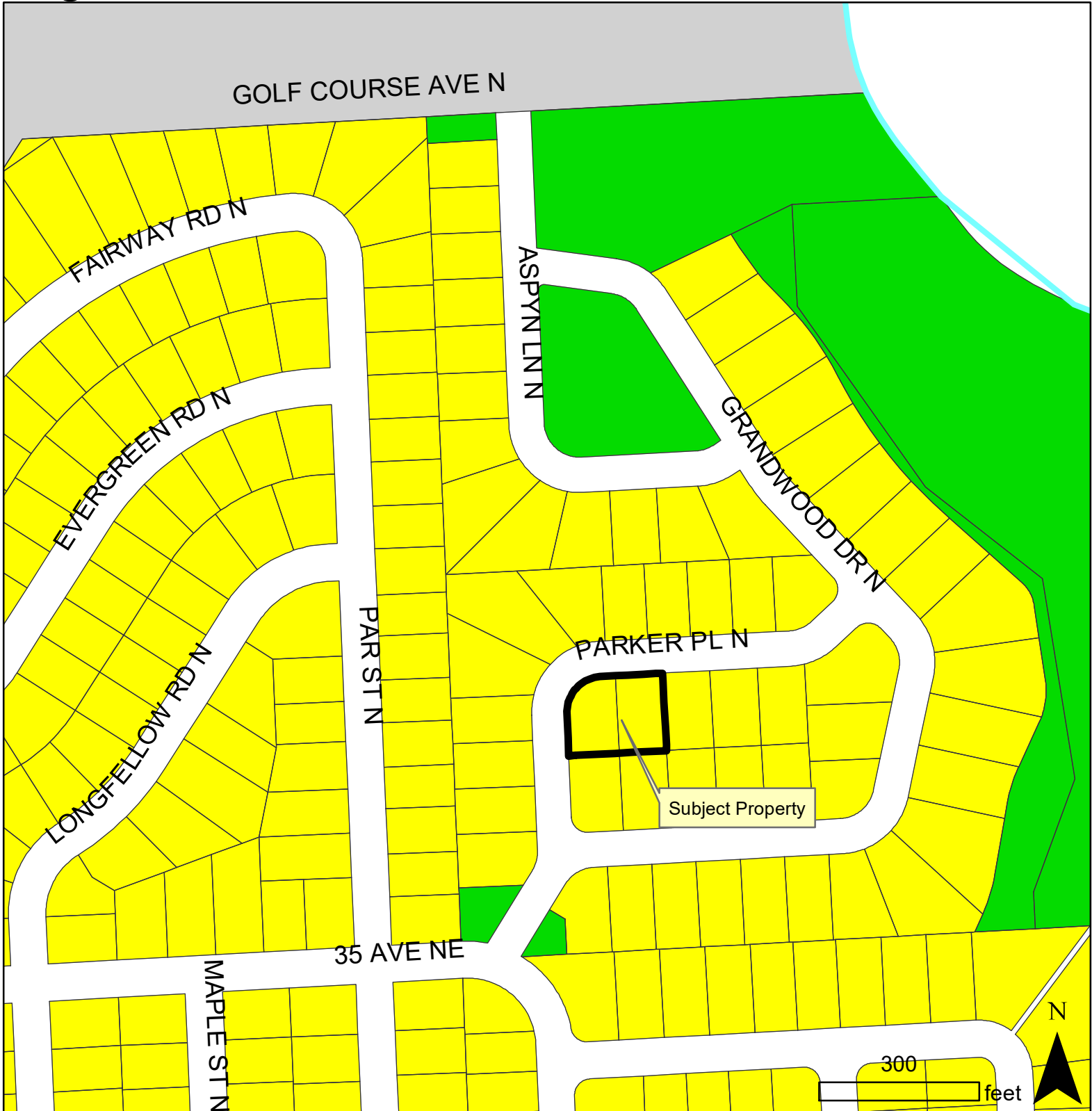
**Attachments:**

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

# Plat (Minor)

## Edgewood Estates Second Addition

3619 & 3627 Parker Place N



### Legend

AG	LC	MHP	SR-2
DMU	MR-1	NC	SR-3
GC	MR-2	P/I	SR-4
GO	MR-3	UML	SR-5
			City Limits



# Plat (Minor)

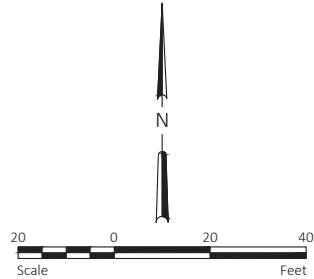
## Edgewood Estates Second Addition

3619 & 3627 Parker Place N





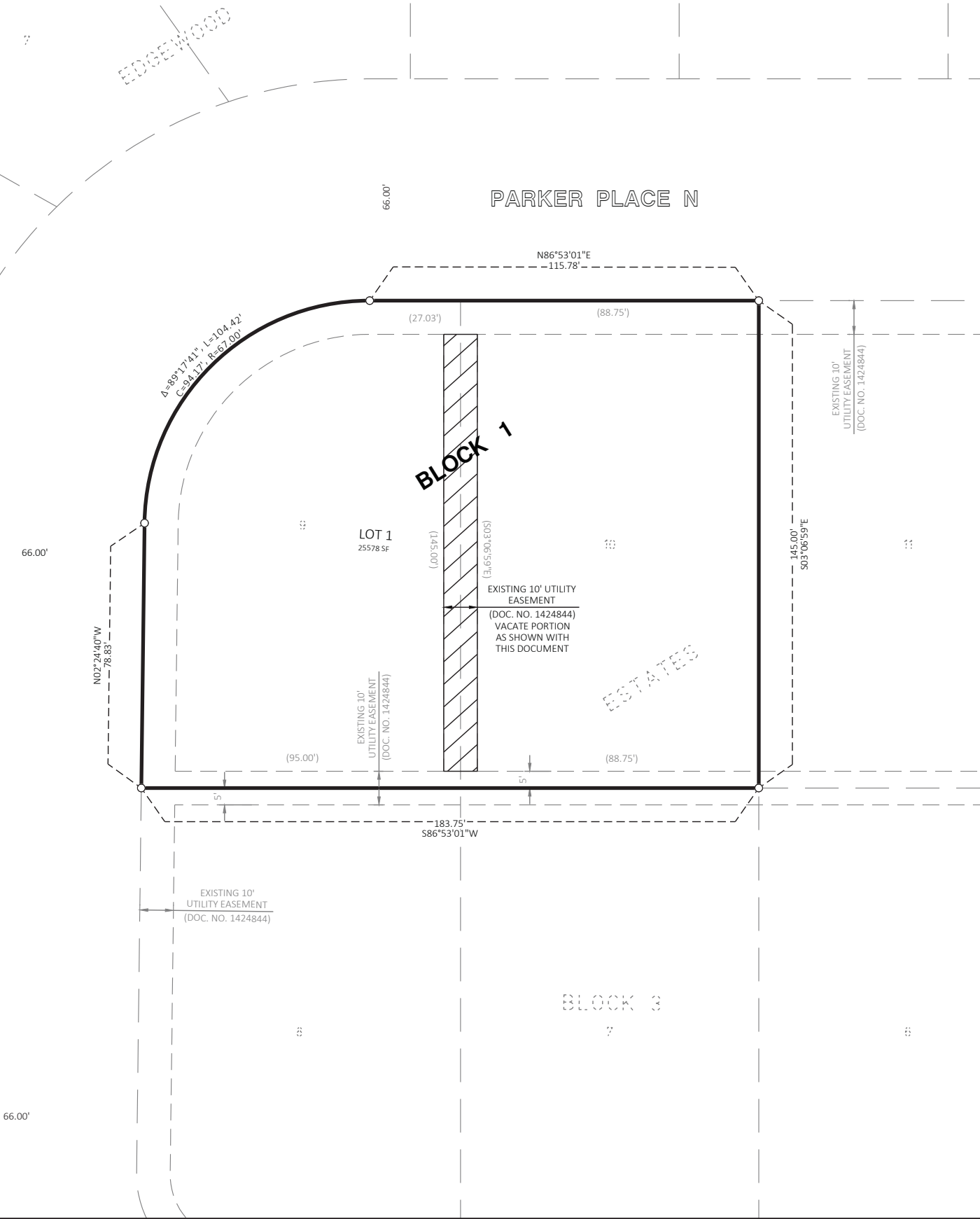
**EDGEWOOD ESTATES SECOND ADDITION**  
BEING A REPLAT OF LOTS 9 AND 10, BLOCK 3, EDGEWOOD ESTATES  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)



**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	- - - - -
VACATE EXISTING UTILITY EASEMENT WITH THIS DOCUMENT	▨

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM



EDGEWOOD ESTATES SECOND ADDITION  
BEING A REPLAT OF LOTS 9 AND 10, BLOCK 3, EDGEWOOD ESTATES  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Jon Shilling, a single person is the owner and proprietor of the following described tract of land:

Lots 9 and 10, Block 3, Edgewood Estates, City of Fargo, Cass County, North Dakota.

Said tract of land contains 25,578 square feet, more or less.

And that said party has caused the same to be surveyed and re-platted as **EDGEWOOD ESTATES SECOND ADDITION** to the City of Fargo, Cass County, North Dakota, does hereby vacate the utility easement as designated for vacation on this plat , and does hereby dedicate to the public, for public use, the utility easement shown on the plat..

OWNER:

Lots 9 & 10:

Jon Shilling

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Jon Shilling, a single person, 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: \_\_\_\_\_

SURVEYOR'S CERTIFICATE:

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

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

Curtis A. Skarphol,  
Professional Land Surveyor No. 4723

State of North Dakota )  
 ) ss  
County of Cass )

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

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

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota )  
 ) ss  
County of Cass )

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

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

FARGO PLANNING COMMISSION APPROVAL:

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

John Gunkelman, Chair  
Fargo Planning Commission

State of North Dakota )  
 ) ss  
County of Cass )

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

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

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

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

State of North Dakota )  
 ) ss  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared Timothy J. Mahoney, 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: \_\_\_\_\_



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Cedar Crest First Addition	<b>Date:</b>	8/26/2020
<b>Location:</b>	3361 Westrac Drive South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	Lot 1, Block 1, Cedar Crest First Addition		
<b>Owner(s)/Applicant:</b>	Prairie Ridge 4 LLLP / Nate Vollmuth—Goldmark	<b>Engineer:</b>	None
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (From GC, General Commercial to GC, General Commercial with a planned unit development (PUD) overlay) and a <b>PUD Master Land Use Plan</b>		
<b>Status:</b>	Planning Commission Public Hearing: September 1, 2020		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Continuing care retirement community
<b>Zoning:</b> GC, General Commercial	<b>Zoning:</b> GC, General Commercial with a PUD, Planned Unit Development Overlay
<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>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>Plus “household living” as requested by the PUD</b>
<b>Maximum Lot Coverage Allowed:</b> 85% of lot area.	<b>Maximum Lot Coverage Allowed:</b> 85% of lot area.

<b>Proposal:</b>
<p>The applicant requests approval of two entitlements:</p> <ol style="list-style-type: none"> <li>1. A zoning change from GC, General Commercial to GC, General Commercial with a PUD, Planned Unit Development Overlay; and</li> <li>2. PUD Master Land Use Plan within the boundaries of the proposed Lot 1, Block 1, Cedar Crest First Addition</li> </ol> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: AG, Agricultural; undeveloped.</li> <li>• East: AG, Agricultural; undeveloped</li> <li>• South: Across Westrac Drive South; GC, General Commercial with commercial uses</li> <li>• West: across 34<sup>th</sup> Street South; LI, Limited Industrial with industrial uses</li> </ul>

**Area Plans:**

This subject property is not covered by an adopted growth plan or neighborhood plan.

**Schools and Parks:**

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

**Parks:** Metro Rec Center (3110 Main Avenue) is located approximately 0.60 of a mile from the subject property, and offers the amenities of archery; batting cage; horseshoes; rentals; soccer

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

**Pedestrian / Bicycle:** There are on-street bike paths both eastbound and westbound on Westrac Drive that are a component of the metro area bikeways system.

**Staff Analysis:****PROJECT DESCRIPTION**

The applicant proposes a multi-dwelling building designed to serve a 55-years-old and older low-income households. This building would have 120 units, with both one-bedroom and two-bedroom units. Construction of the building is funded through a variety of state and federally funded financial resources as well as conventional financing.

This PUD is different from many recent PUD's as this project needs few modifications to the actual development standards of the GC zone or the general development standards stated in the LDC. A chart of the proposed PUD modifications is below.

	<b>Current LDC development standards for GC, General Commercial</b>	<b><i>PUD modifications to General Commercial development standards</i></b>
Allowed Uses	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.	Household Living
Residential Density	N/A	38 Units per Acre
Parking-Residential—Multi-dwelling	2.25 spaces per unit	1.25 Spaces per Unit

The applicant has stated that all other development standards of the GC and the LDC will be met.

**PROJECT HISTORY**

The applicant originally applied for two conditional use permits (CUP's)—one for alternative access (parking reduction) and one for household living in the GC, General Commercial zone. After review, Planning staff recommended that the applicant revise the submittal to a planned unit development (PUD).

This change from CUP to PUD was recommended for the following reasons:

- The requested density is 38 dwelling units per acre, which is higher than the density usually specified for household living in the GC zone. The PUD requires the applicant to support the request for this density in greater detail than the CUP would require. Note that the GC zone has no prescribed density; when CUP's for household living in the GC zone are approved, the usual density allowed is 24 dwelling units per acre, the same as the MR-3, Multi-Dwelling Residential zone.
- The requested parking modification is for 1.25 spaces per dwelling unit, rather than the 2.25 spaces per dwelling unit that is the Land Development Code (LDC) requirement for apartments. Though the Planning Commission has recently granted CUP's for alternative access—reduced parking for low-income senior housing, the PUD requires that the applicant tie the request for reduced parking into the overall project in more detail than the CUP would require.
- The location of this low-income senior housing facility is in an area that is largely surrounded by commercial and limited industrial uses. The PUD requires the applicant, through the statement of intent, to support the request for this location; particularly, how the residents of the facility will have access to services and what the proximity of frequently used services is.

The applicant has submitted a project narrative and PUD Master Land Use Plan (site plan), as well as conceptual building elevations, which further describe and depict the proposed development. These documents are attached.

#### APPLICANT'S SUPPORT FOR THE PROJECT

The applicant's statement of intent (copy attached) makes the following points:

##### Density

The intent of housing facilities like this one is to provide a quality apartment unit at a rental rate below the market rate for such a unit. The proposed one-and two-bedroom units will have individual kitchens, washer/dryer in each unit, and other amenities. The applicant's statement of intent states that the request for the 38 dwelling unit per acre density is being requested in order to:

- achieve and maintain the lower rental rates;
- allow the project to realize a lower per-unit construction and development cost;
- have lower and more easily managed operating and administrative costs; and
- increase the project's operating efficiency on a month-to-month basis, which also enables the project to maintain the affordable rental rate.

##### Parking

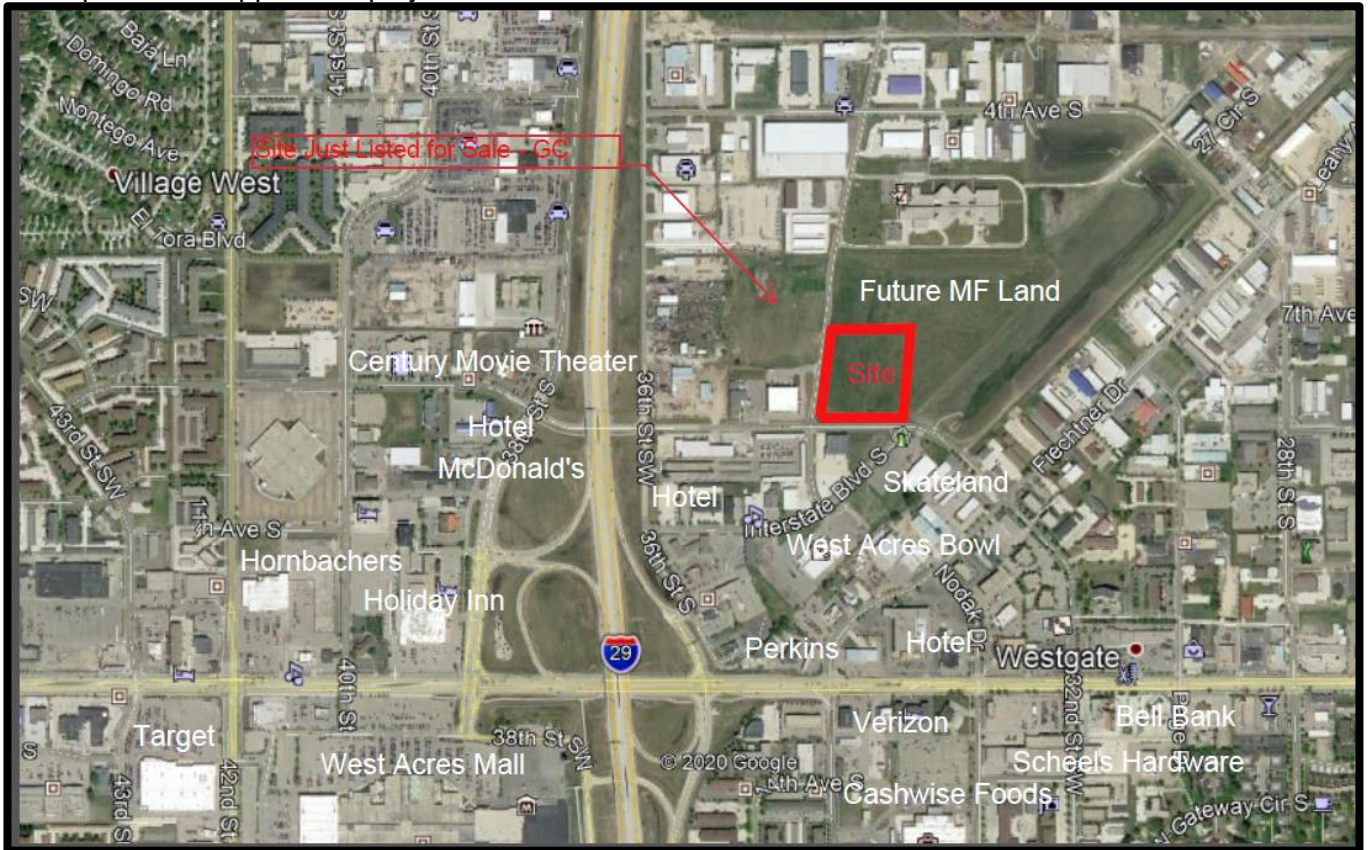
Regarding the applicant's request to reduce the required parking from 2.25 spaces for unit, the LDC standard for multi-dwelling units, to 1.25 space per unit, the applicant states that "the property will also offer 23 detached single-car garages (22' x 12') and surface parking for residents and guests. Based on the Institute of Transportation Engineers (ITE) Parking Generation Manual Section 252 for Senior Adult Housing consisting of age restricted and or active adult housing, they recommend an average parking ratio of 1 space per dwelling unit." The 1.25 spaces per units accounts for one space plus 0.25 visitor parking space per unit. Thus, the 1.25 spaces per unit X 120 units requires 150 spaces. The project actually provides 165 spaces, including the required handicapped spaces.

##### Location

Though located in a largely commercial and limited industrial area, this location is near to shopping, entertainment, and other services. The facility is convenient to MATBUS. There is, in fact, a bus stop



right in front of this location at Westrac Drive and 34<sup>th</sup> Street South. The applicant provide the map below showing the location of surrounding businesses and services within an approximately three-quarter mile radius of the project site. This map also notes a nearby property recently put on the market; this property is not part of the applicant's project.



(map created by applicant)

#### BENEFIT TO THE COMMUNITY

The applicant has stated that this project serves a need of the community “to help ensure that an adequate supply of affordable rental housing is available to accommodate the upcoming wave of demand” because, according to the 2016 North Dakota Statewide Housing Needs Assessment, housing that is “affordable for those in extremely low and very low income households is very limited.” The modifications requested by the PUD will result in an efficient utilization of the site, and thus enable the developer to provide a larger number of units that would usually be allowed when household living is permitted in the GC, General Commercial zone.

#### Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The applicant intends to develop this commercially-zoned property as a residential property. The proposed PUD requests modifications of certain development

standards of the GC zone and the general development standards of the LDC to accommodate the proposed development. **(Criteria Satisfied)**

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

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

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received 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 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. Redevelopment and expansion of this site, which is already served by public infrastructure, is a form of infill development. 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. 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:** 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 development standards of the GC zone in order to allow an the development of an affordable senior housing facility on this site. **(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 GC zone as 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 existing developed public rights-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. 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 allowing the expansion of capacity and services of the existing continuing care retirement community. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of 1) zone change from GC, General Commercial to GC, General Commercial with a PUD, Planned Unit Development Overlay; 2) PUD Master Land Use Plan; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4), Section 20-0908.B (7), and all other applicable requirements of the LDC."

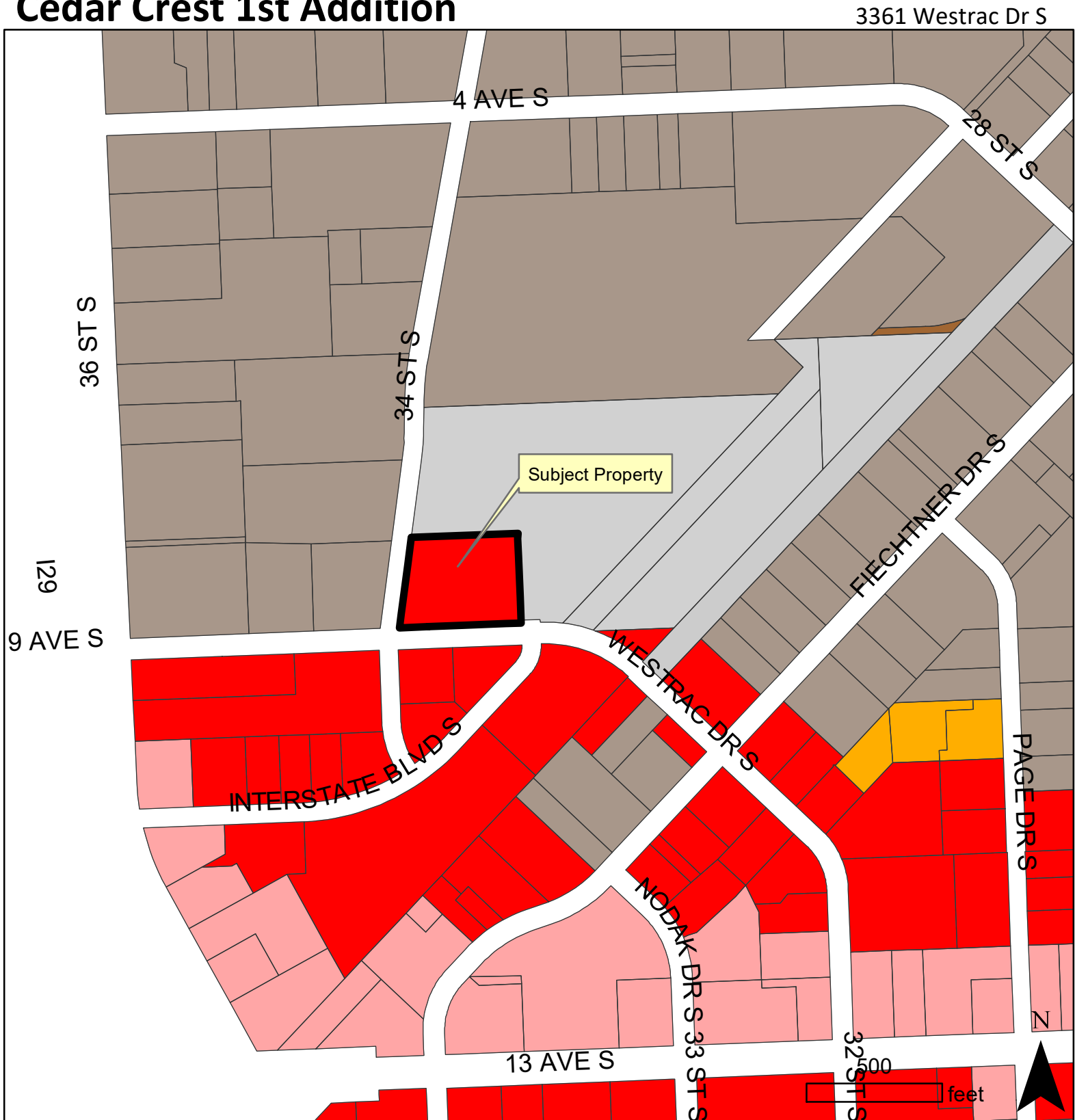
**Planning Commission Recommendation:** September 1, 2020

**Attachments:**

1. Zoning map
2. Location map
3. PUD Master Land Use Plan (site plan)
4. Building elevation drawing
5. PUD chart
6. PUD narrative, including Developer's Statement of Intent

# Zone Change (GC to GC with PUD Overlay), Planned Unit Development Master Plan

## Cedar Crest 1st Addition





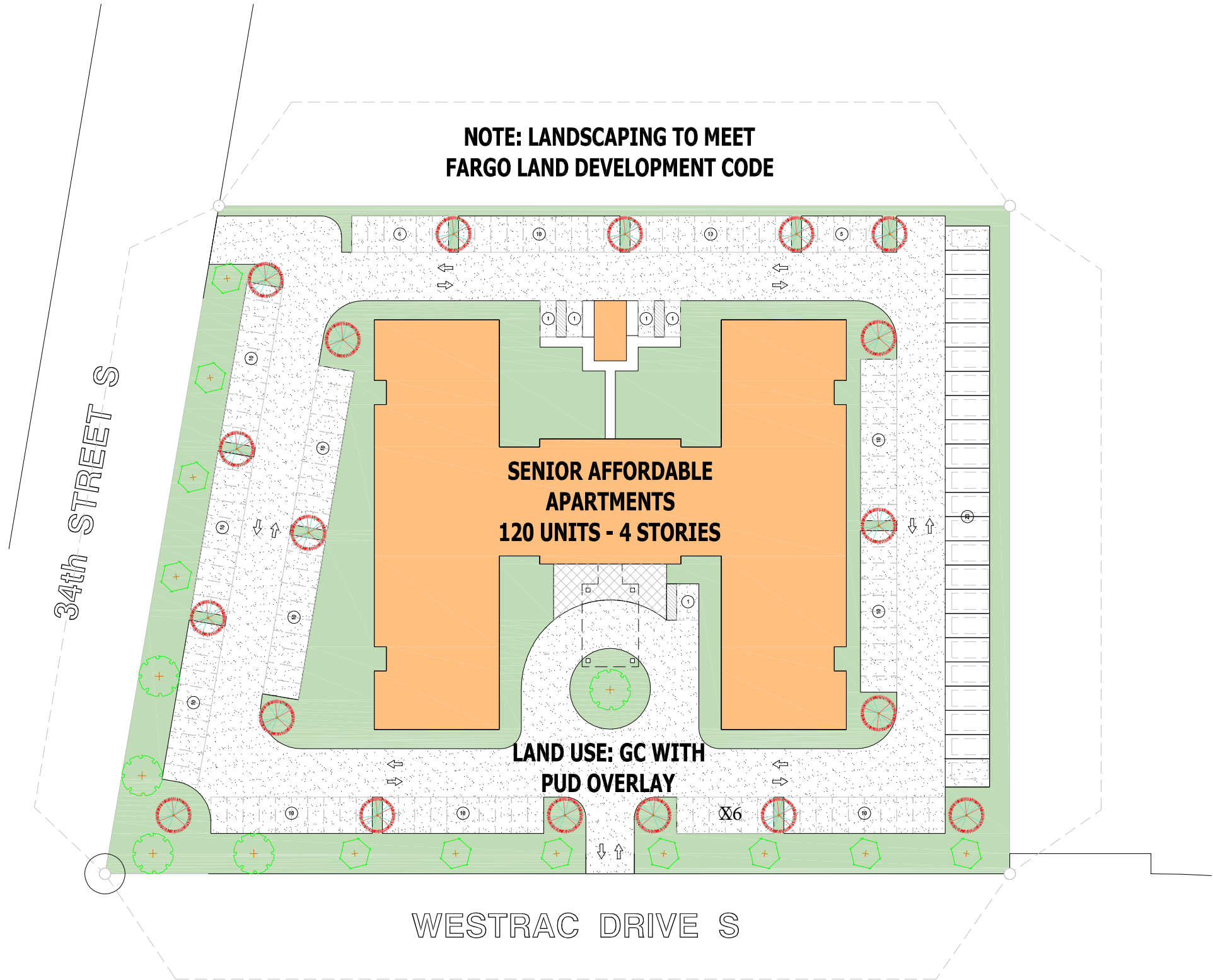
# Zone Change (GC to GC with PUD Overlay), Planned Unit Development Master Plan

## Cedar Crest 1st Addition

3361 Westrac Dr S







**PRAIRIE RIDGE RESIDENCES**

8/3/2020

CURRENT ZONING DISTRICT: GC, GENERAL COMMERCIAL  
PROPOSED ZONING DISTRICT: GC WITH A PUD OVERLAY  
CONDITIONAL USE: HOUSEHOLD LIVING

139,101 SF TOTAL LOT AREA  
139,101 / 43,560: 3.19 ACRES

UNIT COUNT PROPOSED 120 / 3.19 = 38 UNITS PER ACRE

OPEN SPACE REQUIREMENT PER GC  
NO REQUIREMENT PER FARGO LDC IN THIS ZONING DISTRICT  
45,585 SF OPEN SPACE PROVIDED 32.3%  
BUILDING AND PARKING LOT COVERAGE = 94,080 SF (139,101 - 94,080 = 45,021)  
10% open space required for PUD.  
BUILDING COVERAGE PER GC  
MAXIMUM BUILDING COVERAGE AS PERCENTAGE OF LOT IS 85%  
PROVIDED BUILDINGS COVERAGE IS 22.9%  
TOTAL BUILDINGS FOOTPRINT = 31,860 SF

MAXIMUM HEIGHT PER GC  
NONE  
PROVIDED 54'-0"

PARKING REQUIREMENT  
PROPOSED REDUCTION TO 1.0 SPACES PER UNIT X 120 = 120 SPACES  
VISITORS SPACES PER LDR 0.25 PER UNIT X 120 = 30 SPACES  
TOTAL REQUIRED SPACES = 150  
165 SPACES PROVIDED WITH 23 BEING GARAGE SPACES  
ACCESSIBLE SPACES REQUIRED = 5 TOTAL WITH 1 BEING VAN

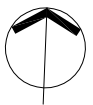
TOTAL PARKING AND DRIVEWAY AREA = 62,220 SF

DISTRICT SETBACKS PER GC  
FRONT 20'  
INTERIOR SIDE 5'  
STREET SIDE 20'  
REAR 15'

UNIT MIX TARGET  
38% 2 BEDROOMS 46 X 2 BEDROOM UNITS OF 120 TOTAL  
62% 1 BEDROOMS 74 X 1 BEDROOM UNITS OF 120 TOTAL

PROPOSED UNITS PER LEVEL  
LEVEL 1 = 10 2BR + 14 1BR = 24 UNITS  
LEVEL 2 = 12 2BR + 20 1BR = 32 UNITS  
LEVEL 3 = 12 2BR + 20 1BR = 32 UNITS  
LEVEL 4 = 12 2BR + 20 1BR = 32 UNITS  
46 74 120 TOTAL

AREA TAKEOFFS  
LEVEL 1 = 31,384  
LEVEL 2 = 31,384  
LEVEL 3 = 31,384  
LEVEL 4 = 31,384  
TOTAL 125,536 GSF





## PRAIRIE RIDGE RESIDENCES PUD NARRATIVE / CHART

Revised 25 August 20

DEVELOPER'S STATEMENT OF INTENT: *Describing how the proposed development provides greater benefits to the city than would a development carried out in accordance with others applicable land use development regulations—see separate attachment.*

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

	<b>Current LDC development standards for GC, General Commercial</b>	<b>PUD modifications to General Commercial development standards</b>
Allowed Uses	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.	Add "Household Living"
Minimum Lot Area	No minimum	
Minimum Lot Width	No minimum	
Residential Density	GC zoning has no prescribed density	38 Dwelling Units / Acre
Setbacks	Front—20 feet Interior side—5 Street side--20 Rear--15	
Max. Height	None	
Building Coverage	85%	
Minimum open space	10% for PUD	
Parking-Residential—Multi-dwelling	2.25 spaces per unit	decrease to 1.25 Spaces per Unit
Parking--Retail	1 space per 250 SF	
Landscaping—Street Trees	1 per every 50 feet on arterials; 1 per every 35 feet on locals	
Landscaping—Open Space	3 plant units per 1,000 SF of area; 8 sf per unit,	
Landscaping—Parking Lot Perimeter	Buffers shall be located between adjacent streets rights of way and off-street parking areas and all vehicular circulation areas within the	



	front or streetside setback per Table 20-0705(D)(3)	
Paving Setbacks	Parking lots and vehicular circulation areas shall provide a a paving setback per Table 20-0705(D)(4)	
Residential Protection Standards (RPS)—Setback from abutting side and rear lot line	Development on lots adjacent to side or rear lines of lots in the SR or MR zoning district must meet the setbacks per Table 20-0704(B)(1)	
RPS—Front Setback	For new multi-family or nonresidential development occurs on lots adjacent to the side lot in any SR or MHP district, see 20-0704(B)(2) for setback requirements.	
RPS—Visual screening of dumpsters and outdoor storage areas	Required on all dumpsters and storage areas	
RPS—building height, 75 feet from residential	35 feet max	
RPS—building height 76-100 feet from residential	45 feet max	
RPS—building height 101--150 feet from residential	55 feet max	
RPS-residential protection buffers	At least 10 feet with 1 tree and 20 shrubs per 50 lineal feet	
RPS—operating hours	No garbage or recycling services between 10:00 p.m. and 6:00 a.m.	
RPS--lighting	No light more than 0.4 footcandles one foot inside SR-zoned lot	
RPS--odor	See 20-0704(H)— <i>usually not a problem on residential and commercial developments</i>	

## ***Prairie Ridge Residences Project Description***

LIHTC Project in Fargo, North Dakota

Prairie Ridge Residences is a Low-Income Housing Tax Credit (LIHTC) housing facility for seniors that will be located at intersection of Westrac Drive South and 34<sup>th</sup> Street South in Fargo, ND. This 3.19-acre site is located in the Cedar Crest First Addition in an established, commercial, industrial and mixed residential neighborhood. The remaining undeveloped land within this block is slated for Multi-Family Zoning in the future, according to the owner Robert VanRaden.

The Prairie Ridge Residences community is designed as a single 4-story building in an H configuration. This 120-unit rental property consists of 74 one-bedroom units, and 46 two-bedroom units (with one one-bedroom unit to serve as a manager's home). Each individual apartment unit offers a spacious floor plan, full kitchen with *Energy Star* appliances, carpeting and LVT floors, window blinds, washer/dryer, and indoor corridors for more secured access. The facility is designed to provide a relaxed and interactive social environment, so as to provide a 'community' atmosphere. The property includes a lobby and administrative area, community room with a kitchen and lounge area, library, theater, fitness center, card/game room, outdoor patio, and an on-site office for the property manager. The property will also offer 23 detached single-car garages (22' x 12') and surface parking for residents and guests. Based on the Institute of Transportation Engineers (ITE) Parking Generation Manual Section 252 for Senior Adult Housing consisting of age restricted and or active adult housing they recommend an average parking ratio of 1 space per dwelling unit.

This project is necessary for the city of Fargo to keep up with the increasing senior population and will help ensure that an adequate supply of affordable rental housing is available to accommodate the upcoming wave of demand. The development team is taking a unique financing approach and will be combining 4% Low-Income Housing Tax Credits with 9% Low-Income Housing Tax Credits as well as leveraging other soft funds from the North Dakota Housing Incentive Fund (HIF) and HOME Funds programs. The project will also utilize conventional permanent financing.

This affordable senior housing facility will be an infill development resulting in efficient utilization of the site. As proposed, the development will have a density of 38 units per acre. The proposed PUD will result in a greater benefit to the City of Fargo by meeting the need for low income housing for seniors. The low income senior house project will benefit the city more than a development under conventional zoning district regulations. This density is important in order to achieve and maintain the lower (and more affordable) rental rates; through economies of

scale, this level of density and larger build-out allows the project to realize a lower “per unit” construction/development cost. In addition, in planning long-term, this level of density allows the property to operate more efficiently on a month-to-month basis; operating and administrative costs are lower and more easily managed. It is also crucially important to note that the project site is located within a Qualified Census Tract (QCT). Simply being located within a QCT will enable the project to increase its equity financing capabilities by 30% through the Low-Income Housing Tax Credit program’s eligible basis boost. By being able to utilize the 30% eligible basis boost, the project will realize a capital increase of slightly over \$2,200,000.

Prairie Ridge will help to spark more Multifamily housing in the area; we know already the adjacent landowner is seeking to develop affordable housing, and more is likely to follow. This project opens the door and sets the standard for quality, affordable housing. Prairie Ridge is the catalyst to stimulate and shape future development in that area of town; it will be a good model and inspiration as adjacent landowners consider their future development plans and opportunities. Success begets success. If we do this right, there will be more to follow.

In close proximity to Prairie Ridge Residences is the West Acres Shopping Center, Century Movie Theater, Target, West Acres Bowl, restaurants and grocery stores. These businesses can be accessed by MATBUS, walking, or a short drive. The Jeremiah Program facility, built roughly 2 years ago, is just a ¼ mile away to the east. The Jeremiah program building provides housing for underprivileged women and their children.



The development provides for efficient use of public services and improvements. MATBUS route 20 offers public transportation access at an existing bus stop on the SW corner of the site near the intersection of Westrac and 34<sup>th</sup> Street. The current MATBUS system serves the communities of Fargo and West Fargo, ND, and Moorhead and Dilworth, MN. This service will provide Prairie Ridge residents with convenient, cost-effective city transportation throughout the metro area with 24 fixed routes, linking riders to employment, education, healthcare, entertainment, and more.

The 2016 North Dakota Statewide Housing Needs Assessment; Housing Forecast states the percentage of the current housing stock in North Dakota that is affordable for those in extremely low- and very low-income households is very limited. The Housing Forecast also states the need for elderly housing will increase substantially over the course of the study period as the number of elderly householders ages 65 and older are projected to increase by 54 percent or approximately 37,500 households.


The Lake Agassiz Regional Council Comprehensive Economic Development Strategy sites one of its weaknesses in the region as “Insufficient elderly-friendly housing as the share of 65+ households increase”. Ensuring that senior housing remains affordable is critical. Unfortunately, too many seniors in today’s society are cutting back on important necessities such as food, healthcare, medical necessities, and other important expenses just to keep up with the rising costs of housing. According to The State of the Nation’s Housing 2019, “The overall aging of the US population has important implications for housing markets, with 65-74 year old’s now the fastest-growing age group.” With the projected growth expected to occur, the demand for affordable housing will increase exponentially. With many seniors living on low or fixed incomes, the ability to find decent, quality affordable housing is a serious struggle. “At last measure in 2016, some 38.1 million households spent more than 30 percent of their incomes on housing (the standard definition of cost burdened).” Developing and building is taking place to try and keep up with the demand of housing with the growing senior population, “But given the size of the baby-boom generation, households headed by persons age 65 and over will continue to grow at an unprecedented pace in the next decade, increasing the presence of older households in both the homeowner and rental markets.” Even with multifamily construction being at its highest level in two decades, the supply of housing is not keeping pace with the increasing demand.

Seniors deserve the ability to live comfortably, including having a safe, secure, modern, and efficient housing option that will place the cost at or below 30% of their income. Prairie Ridge Residences will prove to be very beneficial in that regard, by increasing quality rental options for seniors – and at a price they can afford. Prairie Ridge Residences will assist the community in overcoming its housing deficiency, enabling waiting lists and wait times to decrease at other properties, thereby fulfilling the goal to provide efficient, safe, and secure homes for these seniors.



## MEMORANDUM

**TO:** Fargo Planning Commission

**FROM:** Aaron Nelson, Planning Coordinator 

**DATE:** August 26, 2020

**SUBJECT:** Item E.1 – 76<sup>th</sup> Avenue South Corridor Study

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At the September 1<sup>st</sup> meeting of the Planning Commission, FM MetroCOG staff will provide a project overview and presentation of the 76<sup>th</sup> Avenue South Corridor Study, which is nearing completion. This is an informational item and no action is being requested.

### Background

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG), North Dakota Department of Transportation (NDDOT), City of Fargo, City of Horace and Cass County are working together to complete a transportation corridor study for 76th Avenue South from the Sheyenne Diversion to the Red River of the North.

The purpose of the 76th Avenue South Corridor Study is to identify transportation improvement projects that can be phased to accommodate growth as it occurs. Improvements to the corridor must consider all modes of transportation and must consider existing and future development patterns along the corridor.

Ultimately, the study seeks to identify what 76th Avenue South will look like in the long-term when the area surrounding the corridor is fully developed. To this end, the study considers aspects of the corridor such as ultimate roadway capacity needs, roadway typical sections, right of way for both the corridor and a future interchange with I-29, functional classification, and the long-term desired access management and intersection control spacing, which must be protected in the short term.

Additional project information can be found at the project website: [www.76thavestudy.com](http://www.76thavestudy.com).