

FARGO PLANNING COMMISSION AGENDA
Tuesday, November 2, 2021 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of October 5, 2021
- C: Brown Bag Luncheon - Wednesday, November 17, 2021
- D: Public Hearing Items:
1. 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 (Located at 3910 and 4020 25th Street North; 2505 39 ½ Avenue North) (MACO Leasing, Inc./Nate Vollmuth) (an): WITHDRAWN
 - 2a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential on the proposed **Golden Valley Sixth Addition**. (Located at 2800 67th Avenue South) (Ryland Development Corp./EagleRidge Development) (dk)
 - 2b. Hearing on an application requesting a Plat of **Golden Valley Sixth Addition** (Major Subdivision) a plat of part of the Northeast Quarter of Section 11, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 2800 67th Avenue South) (Ryland Development Corp./EagleRidge Development) (dk)
 3. Hearing on an application requesting a Plat of **Crossroads Corporate Center Addition** (Major Subdivision) a plat of the Northeast Quarter of Section 22, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 4001 and 4155 23rd Avenue South) (Scheels All Sports, Inc./Houston Engineering) (dk)
 4. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay on Lot 2, Block 2, **Urban Plains by Brandt Second Addition**. (Located at 5100 28th Avenue South) (Urban Plains Land Company, LLC/Tim Gleason) (me)
 5. Hearing on an application requesting a Plat of **Timber Parkway Seventh Addition** (Minor Subdivision) a replat of Lot 1, Block 1, Timber Parkway Fifth Addition to the City of Fargo, Cass County, North Dakota. (Located at 5056 Charles Way South) (PLC Investments, LLC/Christianson Companies) (dk)
 6. Hearing on an application requesting a Zoning Change from GI, General Industrial to LI, Limited Industrial on Lot 3, Block 2, **Fayland Industrial First Addition**. (Located at 1217 46th Street North) (Fay Land Partners, LLP/Nate Vollmuth) (dk)

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

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

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

E: Other Items:

1. Discussion of Core Neighborhoods and Growth in the Extra-Territorial Jurisdiction presentation.

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, October 5, 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., Tuesday, October 5, 2021.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Rocky Schneider, Scott Stofferahn, Maranda Tasa, Jennifer Holtz, Dawn Morgan

Absent: Art Rosenberg

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Member Holtz present.

Item B: Minutes: Regular Meeting of September 9, 2021

Member Tasa moved the minutes of the September 9, 2021 Planning Commission meeting be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

Item C: October 17, 2021 Brown Bag Luncheon: CANCELLED

Item D: Public Hearing Items:

Item 1: Maplewood Estates Second Addition

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): APPROVED

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): APPROVED

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): APPROVED

A Hearing had been set for September 9, 2021. At the September 9, 2021 meeting, the Hearing was continued to this date and time.

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

Member Stofferahn present.

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from AG, Agricultural, to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay, 2) Subdivision Plat Maplewood Estates Second Addition, and 3) PUD, Planned Unit Development Master Land Use Plan as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Articles 20-06, 20-0906 (F) (1-4), and 20-0907 (B) (a-e) 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 Holtz, Tasa, Morgan, Stofferahn, Gunkelman, and Schneider voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item 2: University South Second Addition

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): APPROVED

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): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an updated Conditional Overlay and Plat were provided to the Board.

Dan Madler, Beyond Shelter, Inc., and Brian Pattengale, Houston Engineering, spoke on behalf of the application.

Discussion was held on the scope of the project.

Member Stofferahn 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 GC, General Commercial with a C-O, Conditional Overlay and MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay, and 2) Subdivision Plat University South Second Addition as outlined within the staff report, as the proposal complies with the Standards of Article 2006, and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code and the GO2030 Fargo Comprehensive Plan. Second by Member Morgan. On call of the roll Members Gunkelman, Holtz, Stofferahn, Morgan, Tasa, and Schneider voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item 3: Oak Manor Second Addition

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): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted a public input meeting was held on August 26.

Discussion was held on the rezoning, and when staff brings forward applications to correct zoning on properties.

Planning and Development Assistant Director Mark Williams spoke on behalf of the Planning Department.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change from LC, Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential as outlined within the staff report, as the proposal complies with the Standards of Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Morgan, Stofferahn, Holtz, Gunkelman, Tasa, and Schneider voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item 4: Reeves Addition

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): APPROVED

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

Discussion was held on parking requirements, the Downtown boundary, and fringe zoning.

Mr. Williams stated this corridor has been slowly transitioning.

Planning and Development Director Nicole Crutchfield spoke on the Conditional Overlay standards.

Discussion continued on the reach of the DMU, Downtown Mixed-Use, zoning district.

Applicant representative Kevin Bartram spoke on behalf of the application.

Member Morgan moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zone Change from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay as outlined within the staff report, as the proposal complies with the Standards of Section 20-0906.F (1-4) of the Land Development Code, the GO2030 Fargo Comprehensive Plan, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Tasa, Gunkelman, Stofferahn, Holtz, Morgan, and Schneider voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item 5: Fargo North Addition

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): 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 look and height of the structure.

Applicant Rob Viera spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Telecommunications Support Structure (TSS) of less than 125 feet in the P/I, Public and Institutional zoning district, be approved as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0402.N (3) and Section 20-0909.D (1-6) 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 Morgan, Tasa, Gunkelman, Holtz, Stofferahn, and Schneider voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Item E: Other Items:

Item 1: Planned Unit Development Final Plan for EOLA Addition.

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

Member Gunkelman moved the findings and recommendations of staff be accepted and the Planned Unit Development Final Plan for EOLA Addition be approved as outlined within the staff report, as the proposal complies with the PUD, Planned Unit Development, Master Land Use Plan, Section 20-0908.D of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Gunkelman, Holtz, Morgan, Stofferahn, Tasa, and Schneider voted aye. Absent and not voting: Member Rosenberg. The motion was declared carried.

Chair Schneider thanked Planner Kylie Bagley for her work with the Planning Commission.

The time at adjournment was 3:45 p.m.

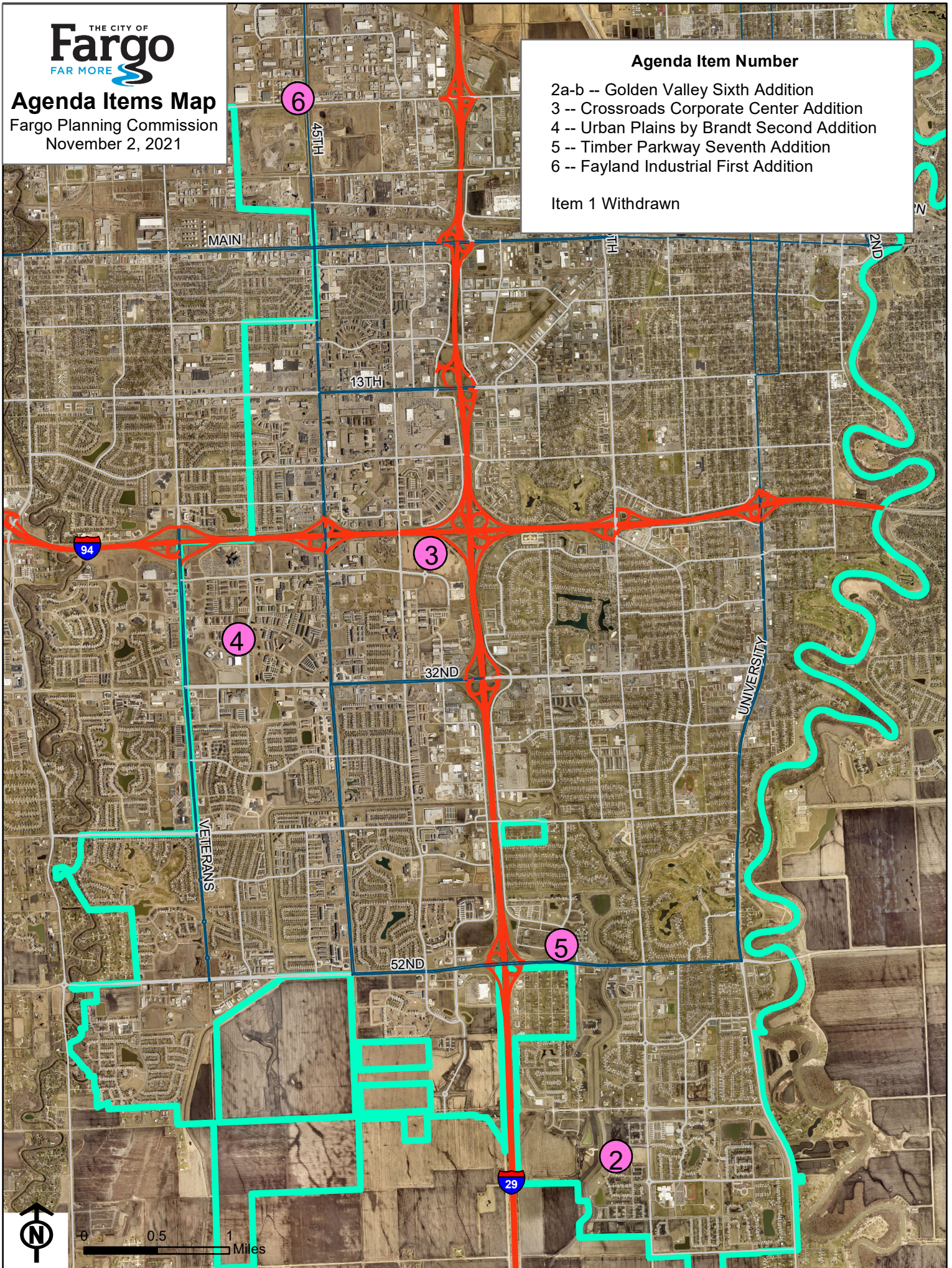
Agenda Items Map

Fargo Planning Commission
November 2, 2021

Agenda Item Number

- 2a-b -- Golden Valley Sixth Addition
- 3 -- Crossroads Corporate Center Addition
- 4 -- Urban Plains by Brandt Second Addition
- 5 -- Timber Parkway Seventh Addition
- 6 -- Fayland Industrial First Addition

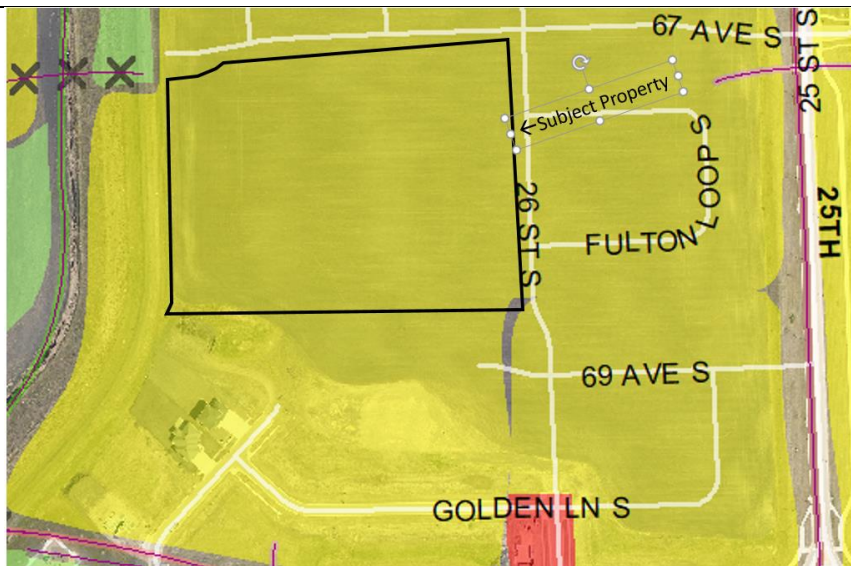
Item 1 Withdrawn



City of Fargo Staff Report			
Title:	Golden Valley Sixth Addition	Date:	10/27/2021
Location:	2800 67th Avenue South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Unplatted portion of the NE 1/4 of Sec. 11, T138N, R49W		
Owner(s)/Applicant:	Ryland Development Corporation / EagleRidge Development, LLC--Jon Youness	Engineer:	KPH, Inc.
Entitlements Requested:	Major Subdivision (Plat of Golden Valley Fifth Addition a plat of an unplatted portion of the NE ¼ of Sec. 11, T138N, R49W,) and Zoning Change (from AG, Agricultural to SR-4, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: November 2nd, 2021		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential
Zoning: AG, Agricultural	Zoning: SR-4, Single-Dwelling Residential
Uses Allowed: AG – Agricultural allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;
Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres	Maximum Density Allowed: SR-4 allows a maximum 12.1 units per acre;

Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Golden Valley Sixth Addition, which is a plat of an unplatted portion of the NE ¼ of Sec. 11, T138N, R49W 2. A zoning change from AG, Agricultural to SR-4, Single-Dwelling Residential <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-4: Single-Dwelling Residential, platted for single dwelling residences • East: SR-4: Single-Dwelling Residential; platted for single dwelling residences • South: SR-2: Single-Dwelling Residential; single dwelling residences and undeveloped lots • West: P/I; levee and County Drain 53. Property west of Drain 53 zoned AG; undeveloped. <p>Area Plans:</p> <p>The subject property is located within the 2007 Future Land Use Plan. This plan designates the subject property as “Residential Area—Lower to Medium Density.” This land use designation includes the proposed SR-4 zoning designation.</p>



Schools and Parks:

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

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

Parks: Golden Valley Park, 6977 Golden Valley Parkway South, is located 0.10 miles south of the subject property and includes amenities of a basketball court, grill and picnic tables, a playground, and a shelter

Pedestrian / Bicycle: A multi-use trail is also proposed to be installed alongside Drain 53 that will be part of the metro area bikeways system.

Staff Analysis:

PLAT AND ZONING CHANGE

The plat creates 26 lots zoned SR-4, Single-Dwelling Residential.

ACCESS: The proposed lots will take access from 27th and 28th Streets South, which will be dedicated as part of the plat.

PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
 Staff is unaware of any error in the zoning map as it relates to this property. This property was zoned AG: Agricultural when it was annexed. At that time, no development was proposed. Now that development is proposed, the applicant requests a zoning change to SR-4: Single Dwelling Residential. **(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 and will dedicate additional 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 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 Growth Plan that applies to this property is the 2007 Growth Plan.

This property is designated "lower to medium density residential" on the 2007 Growth Plan. The 2007 Growth Plan states that the "low to medium density" residential designation includes the SR-0 to SR-5 zones. Thus, the proposed SR-4 zone is consistent with the "lower to medium density residential" designation from the 2007 Growth Plan. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City, contingent on Commission approval of the proposed Growth Plan Amendment. **(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 SR-4, Single-Dwelling Residential. This zone will accommodate the proposed single-dwelling development and is consistent with the "lower to medium density" designation for this property in the 2007 Growth Plan as noted in the zoning change findings 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, Planning staff has received and responded to one inquiry. **(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 SR-4, Single-Dwelling Residential. As noted in the zone change findings above, this zone is consistent with the 2007 Growth Plan designation of "lower to medium 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.

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and 2) plat of the **Golden Valley Sixth Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: November 2nd, 2021

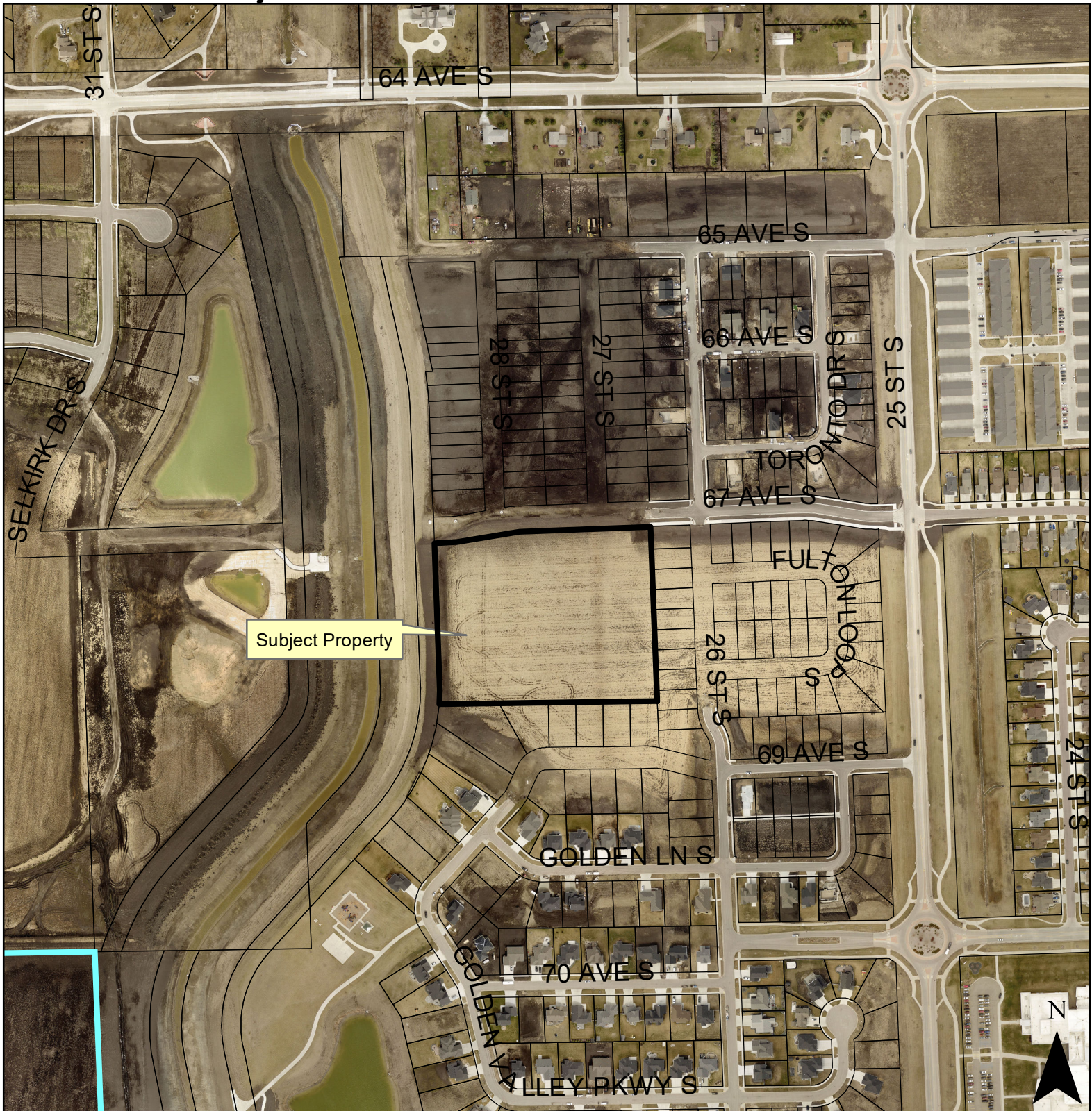
Attachments:

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

Zone Change (AG to SR-4) and Plat (Major)

Golden Valley Sixth Addition

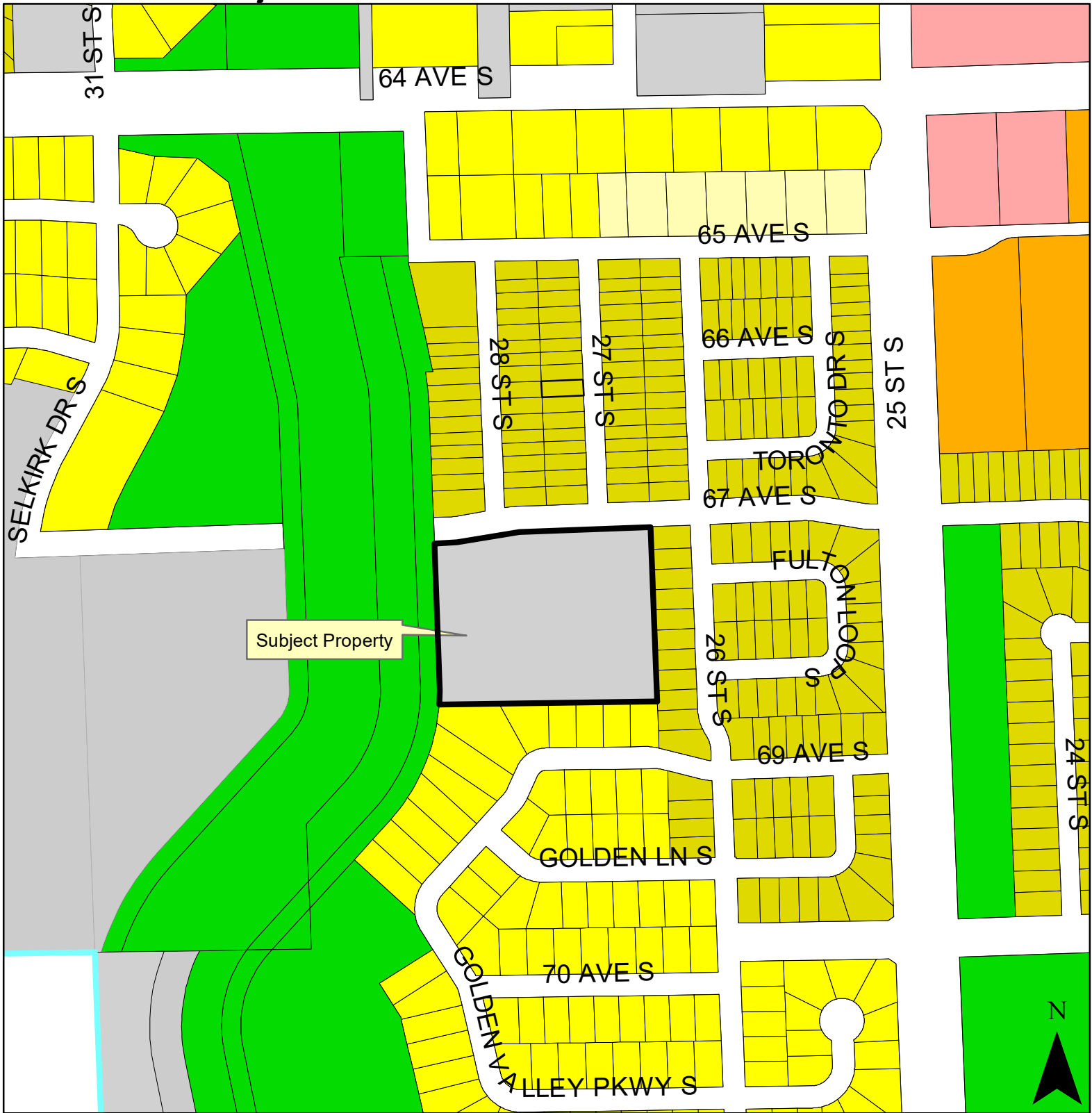
2800 67th Avenue S



Zone Change (AG to SR-4) and Plat (Major)

Golden Valley Sixth Addition

2800 67th Avenue S



Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NO	P/I	UMU	SR-4	SR-5	City Limits
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300

Feet

Fargo Planning Commission
November 2, 2021

GOLDEN VALLEY SIXTH ADDITION

PART OF THE NORTHEAST QUARTER SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MAJOR SUBDIVISION)

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: _____

PLAT BOUNDARY DESCRIPTION:

That part of the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota described as follows:

Beginning at the northwest corner of Lot 1, Block 1 of Golden Valley Third Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota; thence on an assumed bearing of South 02 degrees 16 minutes 07 seconds East on the west line of said Golden Valley Third Addition a distance of 546.16 feet to the northeast corner of Lot 7, Block 1 of Golden Valley Fifth Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota; thence South 89 degrees 11 minutes 11 seconds West on the north line of said Golden Valley Fifth Addition a distance of 681.30 feet to the northwest corner of Lot 2, Block 1 of said Golden Valley Fifth Addition; thence northerly and on the east line of Lot 21, Block 2 of Golden Valley Addition to the City of Fargo as filed and on record at the office of the County Recorder, Cass County, North Dakota, 71.26 feet along a curve concave to the west, not tangent with the last described line, said curve has a radius of 616.97 feet, a central angle of 06 degrees 37 minutes 03 seconds, the chord of said curve bears North 01 degrees 07 minutes 51 seconds East, a distance of 71.22 feet; thence North 02 degrees 10 minutes 41 seconds West, tangent to said curve and on the east line of said Lot 21, Block 2 of Golden Valley Addition, a distance of 433.30 feet to a point of intersection with the south right-of-way line of 67th Avenue South; thence North 87 degrees 49 minutes 19 seconds East on said south right-of-way line, a distance of 50.00 feet; thence easterly 45.41 feet along a tangential curve concave to the north, having a radius of 315.00 feet and a central angle of 08 degrees 15 minutes 34 seconds, the chord of said curve bears North 83 degrees 41 minutes 32 seconds East, a distance of 45.37 feet; thence North 79 degrees 33 minutes 45 seconds East on said south right-of-way line and tangent to said curve a distance of 133.61 feet; thence easterly 33.50 feet along a tangential curve concave to the south, having a radius of 235.00 feet and a central angle of 08 degrees 10 minutes 04 seconds, the chord of said curve bears North 83 degrees 38 minutes 47 seconds East, a distance of 33.47 feet; thence North 87 degrees 44 minutes 05 seconds East on said south right-of-way line and tangent to said curve a distance of 415.26 feet to the point of beginning.

Said plat contains 8.26 acres, more or less.

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

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Ryland Development Corporation, a North Dakota corporation, and Stan Ryland and Patricia Ryland as vendors, and 76th Street Holdings, LLC, a North Dakota limited liability company, as vendee, and First International Bank and Trust, as Mortgagee, being owners of the above described property, have caused the same to be surveyed and platted as **GOLDEN VALLEY SIXTH ADDITION** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use all streets, avenues, and utility easements as shown on this plat.

OWNER/VENDER:

Ryland Development Corporation, Contract Vender

OWNER/VENDER:

Stanley L. Ryland and Patricia J. Ryland, Contract Vender

Stanley L. Ryland, President

Stanley L. Ryland, Husband

State of North Dakota)
)ss
County of Cass)

Patricia J. Ryland, Wife

State of North Dakota)
)ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Stanley L. Ryland, President, Ryland Development Corporation, a North Dakota corporation, 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 corporation.

On this _____ day of _____, 20____, before me personally appeared Stanley L. Ryland, Husband and Patricia J. Ryland, wife, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public: _____

Notary Public: _____

CONTRACT VENDEE:

76th Street Holdings, LLC

MORTGAGE HOLDER:
First International Bank and Trust, Mortgagee

James R. Bullis, President

Matt Mueller, President

State of North Dakota)
)ss
County of Cass)

State of North Dakota)
)ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared James R. Bullis, President, 76th Street Holdings, 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 the limited liability company.

On this _____ day of _____, 20____, before me personally appeared Matt Mueller, President, First International Bank and Trust, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of First International Bank and Trust.

Notary Public: _____

Notary Public: _____

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: _____

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)

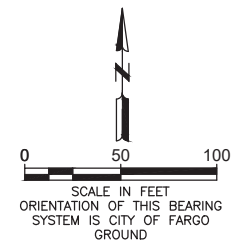
On this _____ day of _____, 20____, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public: _____

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

GOLDEN VALLEY SIXTH ADDITION

PART OF THE NORTHEAST QUARTER SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



LEGEND

	SET MONUMENT (5/8" REBAR CAPPED LS-27292)
	FOUND MONUMENT
	PLAT LOT AREAS
	EXISTING/BACKGROUND PROP. LINE
	PLAT OVERALL BOUNDARY
	NEW BLOCK LINES
	NEW LOT LINES
	NEW EASEMENT LINE
	EXISTING GROUND CONTOUR
	100 YR. FLOODPLAIN
	NEGATIVE ACCESS EASEMENT

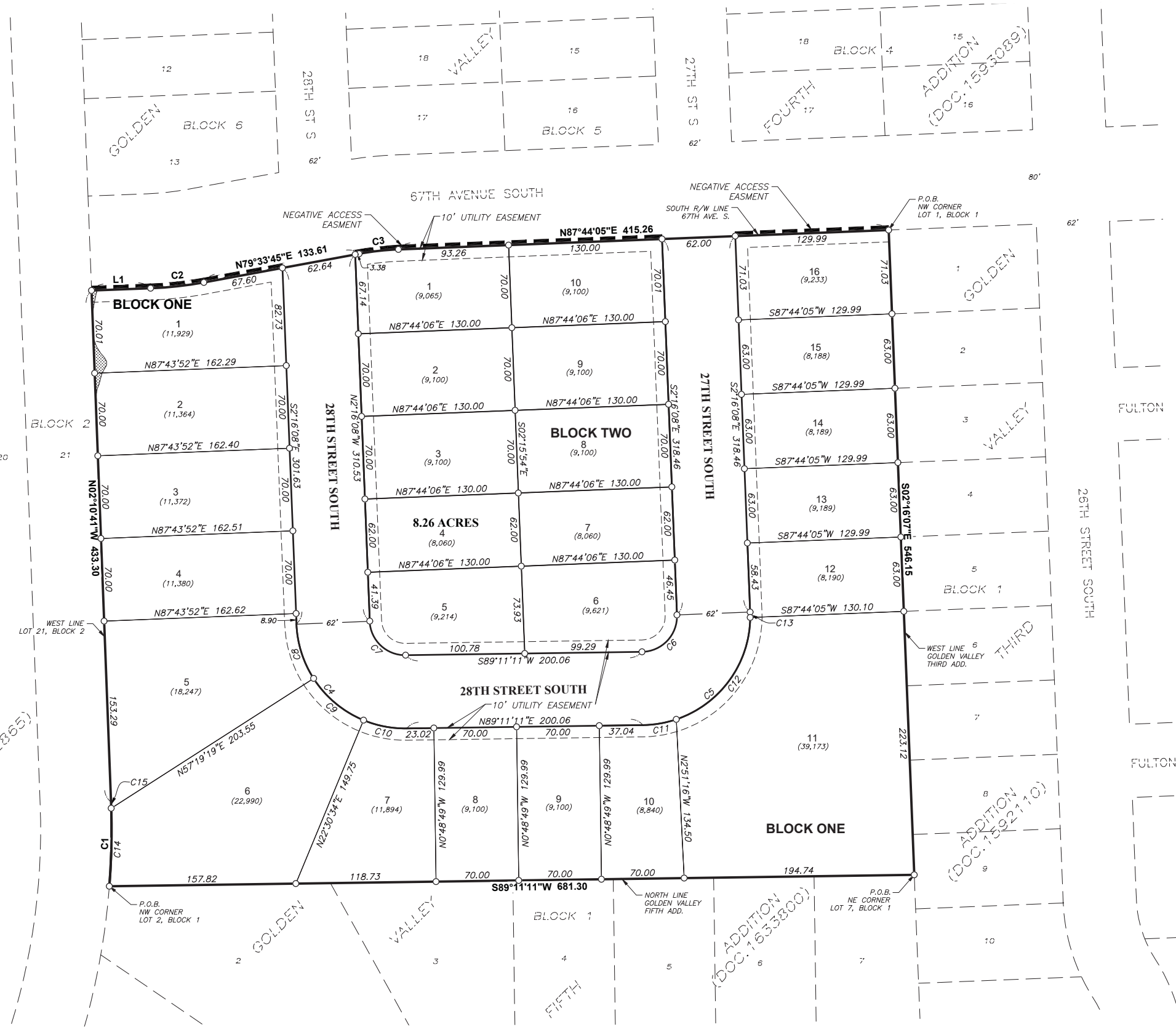
Line Table

Line #	Length	Direction
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Curve Table

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	71.26	616.97	6°37'03"	71.22	N01°07'51"E
C2	45.41	315.00	8°15'34"	45.37	N83°41'32"E
C3	33.50	235.00	8°10'04"	33.47	N83°38'47"E
C4	142.18	92.00	88°32'41"	128.44	S46°32'28"E
C5	146.85	92.00	91°27'19"	131.75	N43°27'32"E
C6	47.89	30.00	91°27'19"	42.96	S43°27'32"W
C7	46.36	30.00	88°32'41"	41.88	N46°32'28"W
C8	48.83	92.00	30°24'33"	48.26	S17°28'25"E
C9	55.90	92.00	34°48'45"	55.04	S50°05'04"E
C10	37.45	92.00	23°19'23"	37.19	S79°09'08"E
C11	28.63	92.00	17°49'44"	28.51	N80°16'19"E
C12	113.65	92.00	70°46'38"	106.56	N35°58'08"E
C13	4.57	92.00	2°50'57"	4.57	N00°50'40"W
C14	66.05	616.97	6°08'01"	66.02	N01°22'22"E
C15	5.21	616.97	0°29'02"	5.21	N01°56'10"W

- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
 - PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO THE FEMA FIRM MAP 38017C0787G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 907.0' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM CITY OF FARGO CONTOUR DATA.
 - BENCHMARK SEFB HYDRANT LOCATED IN THE SOUTHWEST QUADRANT OF 25TH STREET SOUTH AND 67TH AVENUE SOUTH, BM-311002 PUBLISHED ON SHEET #311 OF THE CITY OF FARGO BENCHMARK BOOK (2021 EDITION) ELEVATION = 912.30 (NAVD88).
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF GOLDEN VALLEY THIRD ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.



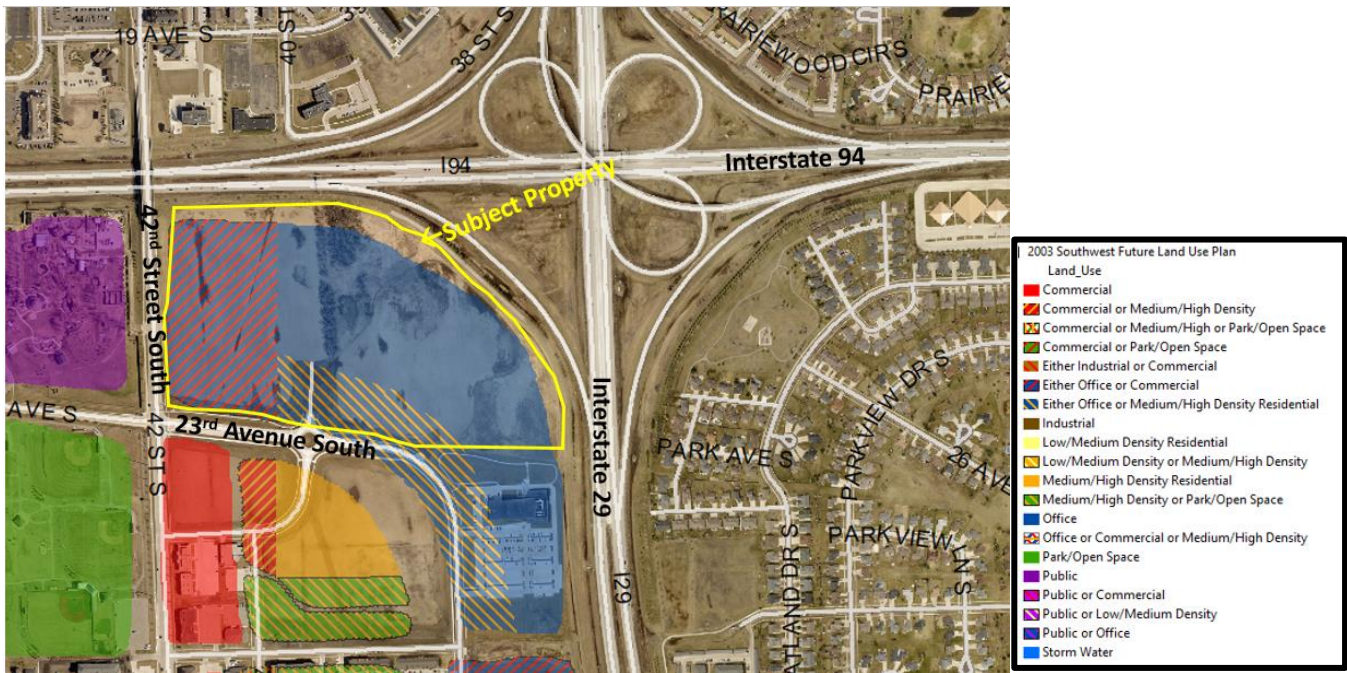
KPH, INC.
SURVEY
9530 39TH ST. S.
FARGO, ND 58104
701-499-7979

City of Fargo Staff Report			
Title:	Crossroads Corporate Center Addition	Date:	10/27/2021
Location:	4001 and 4155 23rd Avenue South	Staff Contact:	Donald Kress, current planning coordinator
Legal Description:	Unplatted portion of the NE 1/4 of Sec. 22, T139N, R49W		
Owner(s)/Applicant:	Scheels All Sports, Inc. / Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Major Subdivision (Plat of Crossroads Corporate Center Addition a plat of an unplatted portion of the NE ¼ of Sec. 22, T139N, R49W,)		
Status:	Planning Commission Public Hearing: November 2nd, 2021		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: GC, General Commercial	Zoning: No change proposed
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	Uses Allowed: No change
Maximum Density Allowed: GC allows a maximum building coverage of 85%	Maximum Density Allowed: No change

Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. A major subdivision, entitled Crossroads Corporate Center Addition, which is a plat of an unplatted portion of the NE ¼ of Sec. 22, T139N, R49W <p>The property was zoned from AG, Agricultural to GC, General Commercial in 2017. No zone change is proposed.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: Interstate 94 right of way • East: Interstate 29 right of way • South: AG, Agricultural; undeveloped • West: P/I, Public / Institutional; Red River Zoo
Area Plans:
<p>The subject property is located within the 2003 Southwest Future Land Use Plan. This plan designates the subject properties as “Office;” “Either Office or Commercial;” and “Either Office or Medium/ High</p>

Density Residential.” The existing GC, General Commercial zoning is consistent with these designations. No zone change is proposed. No growth plan amendment is required.



Context:

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

Neighborhood: The subject property is located within the Anderson Park neighborhood.

Parks: The Red River Zoo, 4255 23rd Avenue South, is located west across 42nd Street South. Anderson Softball Complex, 4200 23rd Avenue South, is located southwest of the subject property and offers amenities of baseball/softball fields, concessions, picnic table, playground, ages 2-5, and restrooms.

Pedestrian / Bicycle: An 10-foot wide off-road multi-use trail, which is a component of the metro area bikeways system, is within the 42nd Street South right of way located west across 42nd Street from the subject property,

Staff Analysis:

PLAT

The plat creates 12 lots in three blocks, all zoned GC, General Commercial and intended for commercial development.

ACCESS: The project site takes access from 23rd Avenue South by way of 41st Street South and Crossroads Drive South, which will be dedicated public streets within the subdivision. Access to Lot 1, Block 3 is proposed to be provided by easement through Lot 2, Block 3.

PUBLIC WATER and SEWER: Public water and sewer will be provided in the dedicated public streets.

Major Subdivision

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

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

The subject property is currently zoned GC, General Commercial. No zone change is proposed. This zone will accommodate the proposed commercial development and is consistent with the “Office;” “Either Office or Commercial;” and “Either Office or Medium/ High Density Residential”

designations for this property in the 2003 Southwest Future Land Use Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has not received any public comment. **(Criteria Satisfied)**

2. **Section 20-0907.C.4.d 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 zoned GC, General Commercial. As noted in the finding above, this zone is consistent with the 2003 Southwest Future Land Use Plan designations. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **Crossroads Corporate Center Addition**, as the proposal complies with the 2003 Southwest Future Land Use Plan, Standards of Article 20-06, Section 20-0907.C, and all other applicable requirements of the LDC."

Planning Commission Recommendation: November 2nd, 2021

Attachments:

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

Plat (Major)

The Crossroads Corporate Center Addition

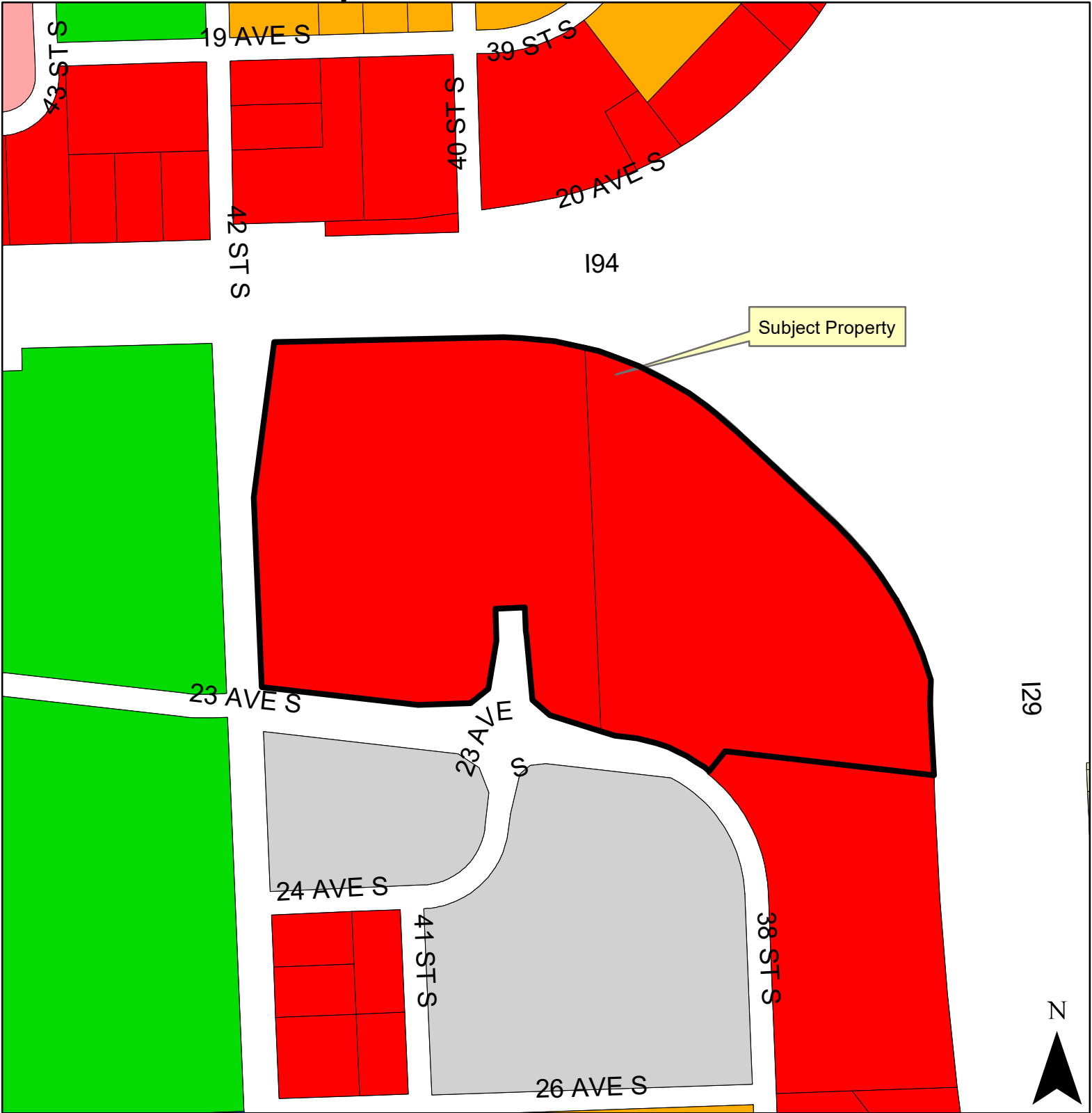
4001 & 4155 23rd Avenue South



Plat (Major)

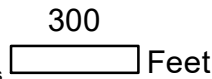
The Crossroads Corporate Center Addition

4001 & 4155 23rd Avenue South



Legend

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



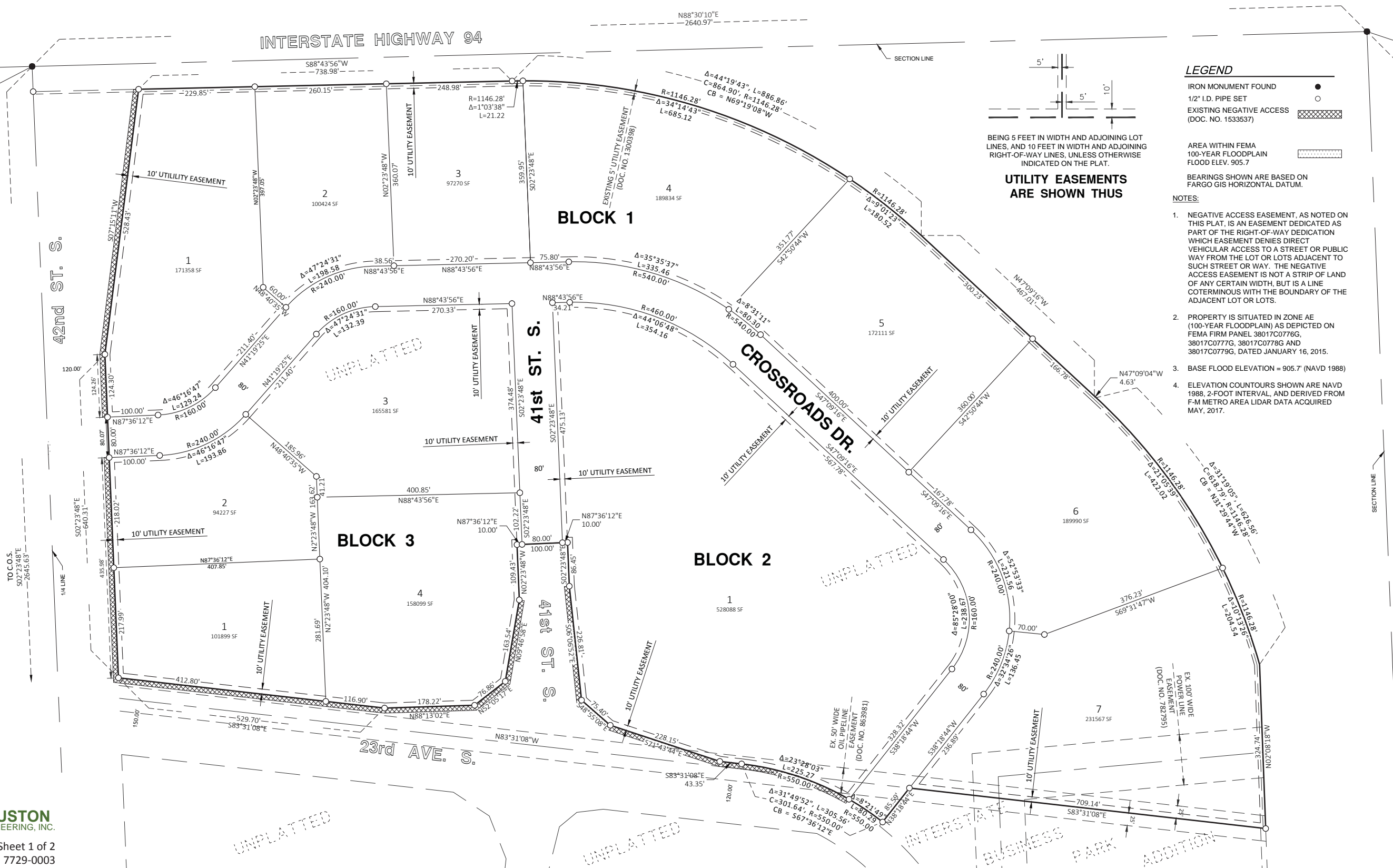
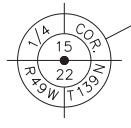
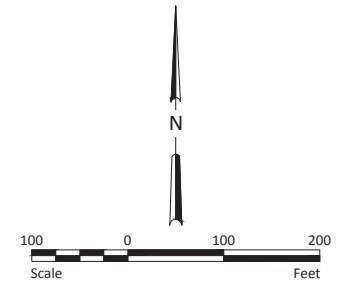
Fargo Planning Commission
November 2, 2021

CROSSROADS CORPORATE CENTER ADDITION

BEING A PLAT OF PART OF THE N.E. 1/4 OF SECTION 22,
T. 139 N., R. 49 W., 5th P.M.

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

A MAJOR SUBDIVISION



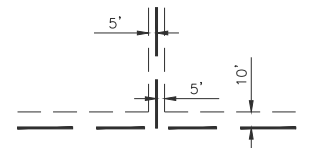
LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. PIPE SET
- EXISTING NEGATIVE ACCESS (DOC. NO. 1533537)
- AREA WITHIN FEMA 100-YEAR FLOODPLAIN FLOOD ELEV. 905.7
- BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

NOTES:

1. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
2. PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0776G, 38017C0777G, 38017C0778G AND 38017C0779G, DATED JANUARY 16, 2015.
3. BASE FLOOD ELEVATION = 905.7 (NAVD 1988)
4. ELEVATION COUNTOURS SHOWN ARE NAVD 1988, 2-FOOT INTERVAL, AND DERIVED FROM F-M METRO AREA LIDAR DATA ACQUIRED MAY, 2017.

UTILITY EASEMENTS ARE SHOWN THIS



H:\JBM\7700\7729\7729_0003\CAD\Plat\Crossroads_Corporate_Center_Addition_Preliminary_Plat.dwg SHEET-1-10/22/2021 9:31 AM (dbuchholz)

CROSSROADS CORPORATE CENTER ADDITION

BEING A PLAT OF PART OF THE N.E. 1/4 OF SECTION 22,
T. 139 N., R. 49 W., 5th P.M.

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That Scheels All Sports, Inc., a North Dakota Corporation, is the owner and proprietor of the following described tract of land:

BEGINNING at the northeast corner of INTERSTATE BUSINESS PARK ADDITION to the City of Fargo; thence North 02°08'18" West, along the westerly right-of-way line of Interstate Highway Number 29, for a distance of 324.74 feet to a point of nontangential curve to the left having a radius of 1146.28 feet; thence northwesterly, along said westerly right-of-way line and along said curve, for a distance of 626.56 feet, through a central angle of 31°19'05", having a chord bearing of North 31°29'44" West; thence North 47°09'04" West, along said westerly right-of-way line, for a distance of 4.63 feet; thence North 47°09'16" West, along said westerly right-of-way line, for a distance of 467.01 feet to a point of tangential curve to the left having a radius of 1146.28 feet; thence northwesterly, along said westerly right-of-way line and along said curve, for a distance of 886.86 feet, through a central angle of 44°19'43"; thence South 88°43'56" West, along the southerly right-of-way line of Interstate Highway Number 94, for a distance of 738.98 feet to the northeast corner of 42nd Street South; thence South 07°15'11" West, along the easterly line of said 42nd Street, for a distance of 528.43 feet; thence South 02°23'48" East, along the easterly line of said 42nd Street, for a distance of 640.31 feet to a point of intersection with the northerly line of 23rd Avenue South; thence South 83°31'08" East, along the northerly line of said Interstate Business Park Addition, for a distance of 529.70 feet; thence North 88°13'02" East, along the northerly line of said Interstate Business Park Addition, for a distance of 178.22 feet; thence North 52°05'17" East, along the northerly line of said Interstate Business Park Addition, for a distance of 76.86 feet; thence North 09°46'58" East, along the northerly line of said Interstate Business Park Addition, for a distance of 163.54 feet; thence North 02°23'48" West, along the northerly line of said Interstate Business Park Addition, for a distance of 109.43 feet; thence North 87°36'12" East, along the northerly line of said Interstate Business Park Addition, for a distance of 100.00 feet; thence South 02°23'48" East, along the northerly line of said Interstate Business Park Addition, for a distance of 86.45 feet; thence South 06°06'52" East, along the northerly line of said Interstate Business Park Addition, for a distance of 226.81 feet; thence South 48°55'08" East, along the northerly line of said Interstate Business Park Addition, for a distance of 75.40 feet; thence South 71°43'44" East, along the northerly line of said Interstate Business Park Addition, for a distance of 228.15 feet; thence South 83°31'08" East, along the northerly line of said Interstate Business Park Addition, for a distance of 43.35 feet to a point of tangential curve to the right having a radius of 550.00 feet; thence southeasterly along the northerly line of said Interstate Business Park Addition and along said curve, for a distance of 305.56 feet, through a central angle of 31°49'52"; thence North 38°18'44" East, along the northerly line of said Interstate Business Park Addition, for a distance of 85.59 feet; thence South 83°31'08" East, along the northerly line of said Interstate Business Park Addition, for a distance of 709.14 feet to the true point of beginning.

Said tract of land contains 56.162 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **THE CROSSROADS CORPORATE CENTER ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:

Scheels All Sports, Inc.

Jason Loney, Vice-President of Store Development

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Jason Loney, Vice-President of Store Development for Scheels All Sports, Inc., a North Dakota Corporation, 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 Corporation.

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____.

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

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City of Fargo Staff Report			
Title:	Urban Plains by Brandt Second Addition.	Date:	10/27/2021
Location:	5100 28 th Avenue South	Staff Contact:	Maegin Elshaug
Legal Description:	Lot 2, Block 2, Urban Plains by Brandt Second Addition		
Owner(s)/Applicant:	Urban Plains Land Company, LLC/ Enclave Companies (Tim Gleason)	Engineer:	N/A
Entitlements Requested:	Zone Change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay		
Status:	Planning Commission Public Hearing: November 2 nd , 2021		

Existing	Proposed
Land Use: Undeveloped	Land Use: Multi-Dwelling Residential (apartment building)
Zoning: LC, Limited Commercial with C-O, Conditional Overlay	Zoning: MR-3, Multi-Dwelling Residential with C-O, Conditional Overlay
Uses Allowed: LC 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.	Uses Allowed: 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.
With C-O	With C-O
Maximum Lot Coverage Allowed: 55% building coverage	Maximum Lot Coverage: 24 units per acre

Proposal:

The applicant requests one entitlement:

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

The applicant is requesting the zoning change in order to construct an apartment building on the property. The subject property has a conditional overlay, Ordinance 5103. Staff suggests modification of the conditional overlay in order to accommodate the setback and interface with 51st Street South, since the road was designed with public amenities to facilitate a different end land use design.

History of entitlements and background:

In 2003 as part of the Southwest Area Plan, a master plan was created and established for the Urban Plains Development. This master plan and ordinances set forth a mixed use development pattern to encourage buildings closer to the street with parking behind, to reinforce destination and entertainment development for a live-work-entertainment center. The master plan of Urban Plains was modified in 2013. At that time, there was an increase in multi-family development proposals and a change in road layout patterns to accommodate more suburban vehicular oriented development. Remaining consistent between both plans was the plan for mixed-use commercial and residential with a focus on heavy pedestrian and regional park focus along 51st Street South. The right-of-way included pedestrian and on-street parking amenities unique to anywhere else in the southwest area of the City. These land uses and public amenities

were to support the destination-oriented development surrounding the Scheels Arena. With this application, staff has requested an updated master plan for review.

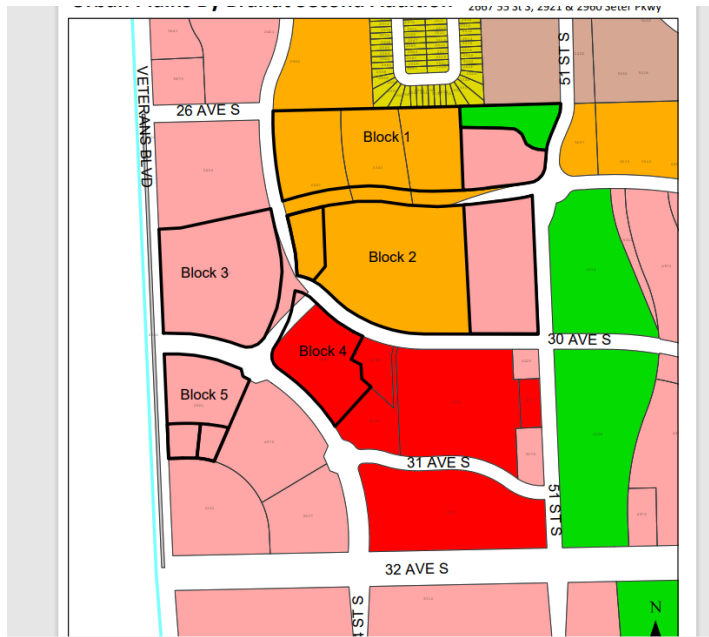
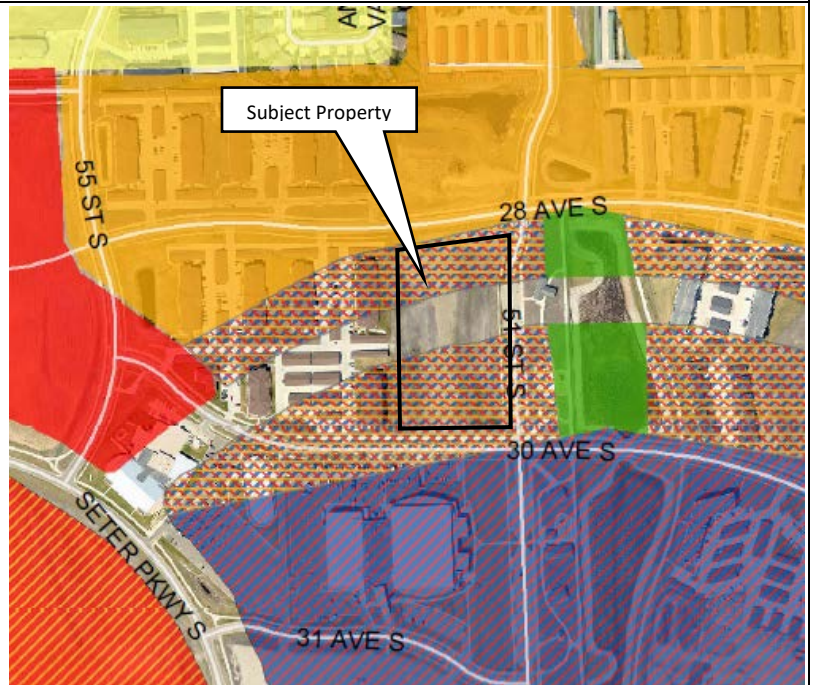
More coordination needs to occur between the development team and city staff on behalf of the overall master plan for the undeveloped portions of Urban Plains; meanwhile, the applicant seeks to proceed with an apartment project that has an urban and modern feel and serves a market need not addressed in other housing projects within Urban Plains development. The developer will be present at the public hearing to present more information on this vision.

Surrounding Land Uses and Zoning Districts:

- North: Across 28th Avenue South is MR-3 with C-O, with undeveloped property;
- East: Across 51st Street South is P/I, Public & Institutional, with park use;
- South: Across 30th Avenue South is LC, with C-0 with undeveloped property and GC, General Commercial with C-O with Scheels Arena;
- West: MR-3 with C-O with multi-dwelling residential.

Area Plans: The subject property is located within the bounds of the 2003 Southwest Future Land Use Plan. This plan identifies Office or Commercial and Medium/High Density Residential land uses appropriate for this area.

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



In 2013, a revised conditional overlay and master plan was processed and approved to accommodate an updated development plan.

Context:

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

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

Parks: Across 51st Street South is Urban Plains Park (3020 51st Street South), which includes amenities of playgrounds, trails, and shelters.

Pedestrian / Bicycle: A shared use path is located on the east side of 51st Avenue South, directly east of the subject property. The trail connects to the metro area trail system.

Staff Analysis:

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 zoning map error in regards to the subject property owner. The applicant is requesting to rezone the property in order to construct apartment buildings. For the use to be allowed, the applicant is requesting the property to be rezoned to MR-3, Multi-Dwelling Residential. Staff recommends modifications to the existing C-O, Conditional Overlay to provide a more mixed-use building form originally intended in this area, by precluding parking abutting the public right-of-way along 51st Street South and to fully accommodate the pedestrian amenities. The draft CO language proposes buildings along 51st Street South to be placed no further back than the required setback to better accommodate integration of the vehicular access to the west of the apartment development. In addition, the conditional overlay seeks new language to limit the placement of detached parking garages. With the conditional overlay changes and future master plan modifications to be reviewed by Planning and City Commission at the upcoming public hearing, staff can support the requested zone change. **(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. However, the site plan needs to accommodate the apartment development and may require modifications to public rights-of-way. Fire and Building Codes may have requirements as part of the site plan development permit level since this is a unique request. The site is served by public utilities. **(Criteria satisfied)**

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

Based on the master plan changes in 2013 and property owner concerns at that time, there may be concerns from property owners. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has not received any inquiries about the project and no letters of opposition. Staff is concerned (but has no evidence) that a change of land use at this location may detract from the importance of the 51st Street South corridor and attracting destination oriented land uses in proximity to Scheels Arena. Including the Conditional Overlay amendments may relieve this issue. **(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. The 2003 Southwest Future Land Use Plan identified the subject property as suitable for either medium to high-density residential with a combination of office or commercial development. At the time of the land use plan, integrated mixed-use was the market and economic focus of the plan in order to create a destination-oriented attractive area to mimic the conditions of a downtown urban center. Clearly the built environment has shifted from this plan, but staff believes the 51st Street South and the abutting land use vision along the corridor maintained elements of this master plan. By shifting this zoning, to be 100% multi-family with suburban development at this site, it could affect the market and attractiveness of the regional park and the future development surrounding the Scheels arena. Therefore, City staff are requesting the attached Conditional Overlay language as part of this recommendation. In addition, we seek Planning Commissioner discussion with the applicant to learn more about the master plan development and it's future adaptation as part of the public hearing. (see the attached proposed site plan, future master plan as proposed by the applicant, and the original renderings of the land use along the corridor). **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommended conditional approval to the City Commission of the proposed zone change from LC, Limited Commercial with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with revised C-O, Conditional Overlay on Lot 2, Block 2, Urban Plains by Brandt 2nd 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: November 2nd, 2021

Attachments:

1. Location Map
2. Zoning Map
3. Draft Conditional Overlay
4. Preliminary Site Plan submitted by applicant
5. Future Master Plan submitted by applicant
6. Original drawing of 51st Street South corridor
7. Rendering of proposed development

Zone Change (LC w/ CO to MR-3 w/ CO)

Urban Plains by Brandt Second Addition

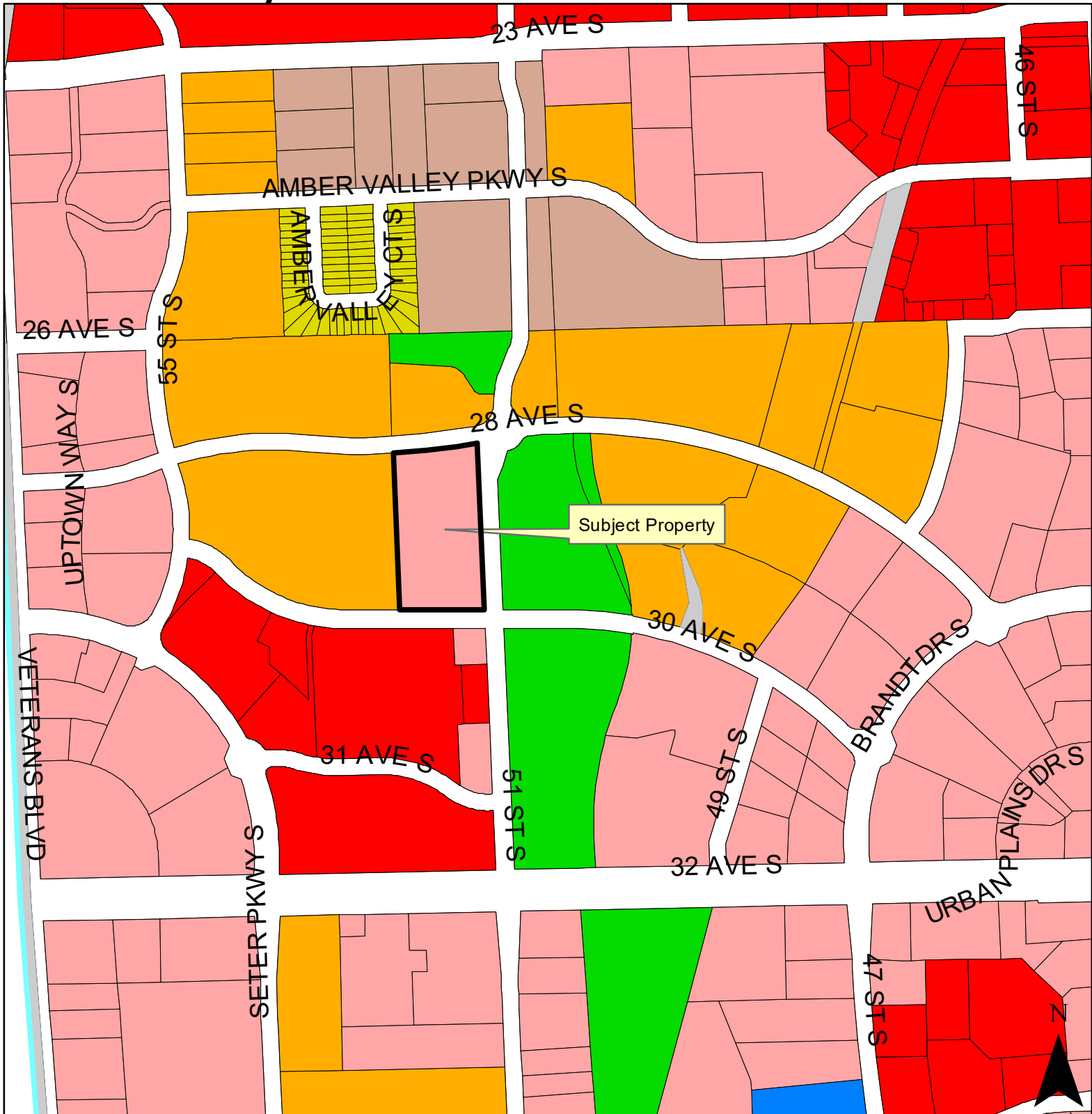
5100 28th Avenue S



Zone Change (LC w/ CO to MR-3 w/ CO)

Urban Plains by Brandt Second Addition

5100 28th Avenue S



Legend



300
Feet

Fargo Planning Commission
November 2, 2021

DRAFT CONDITIONAL OVERLAY LANGUAGE FOR INTEGRATION INTO ZONING ORDINANCE

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building orientation, form, and style

2.1 Building Orientation

- a) The apartment buildings shall include pedestrian orientation to 51st Street South.
- b) 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.

2.2 All building elevations/facades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least 2 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 150 horizontal feet. First level (ground floor) façade facing away from 51st Street South shall be excluded from the requirements of this section.

2.3 Ground floor non-parking facades that face public right-of-way shall have arcades, windows, entry areas, awnings, or other such features along no less than 60 percent of its horizontal length.

2.4 Ground floor parking facades that face public right-of-way other than 51st Street South shall have window or faux-window treatments or landscape amenities to aid in supporting creating and promoting pedestrian activity.

2.5 Principle 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, integrated insulated metal panels curtain walls, or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Horizontal metal lap siding and vertical metal batten shall be allowed on residential structures but should not exceed 75% of the building elevation.

2.6 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 10 percent of each building façade.

2.7 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 by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing 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 gate to visually screen the dumpsters or refuse containers.

3) Site Design

3.1 Building must be situated towards the east along 51st Street South so that it is placed no further back than the required setback.

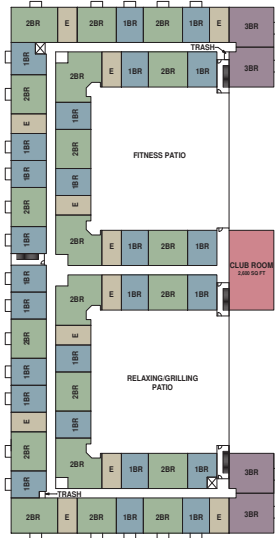
3.2 All parking must be provided within the primary building or as surface parking not visible from 51st Street South. Accessory garages are prohibited with the exception of the Western 120 ft of the property provided that the accessory garages are not visible from 51st Street South and are screened with site amenities from the other Rights-of-Way

3.3 Visibility from public right of way shall be designed for the appreciation by the general public with the use of landscaping enhancements along the public right of way in order to encourage pedestrian activity on the public sidewalks and amongst adjacent sites.

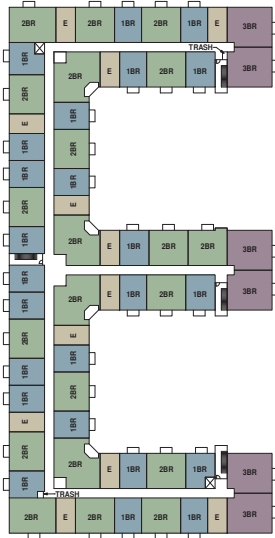
3.4 Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- i. Parking lots or parking structures
- ii. Any public sidewalk or multi-use path along the perimeter of the lot
- iii. Entrances of other buildings on the site
- iv. Any public sidewalk system along the perimeter streets adjacent to the development
- v. 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.

2ND FLOOR APARTMENTS



3RD & 4TH FLOOR APARTMENTS



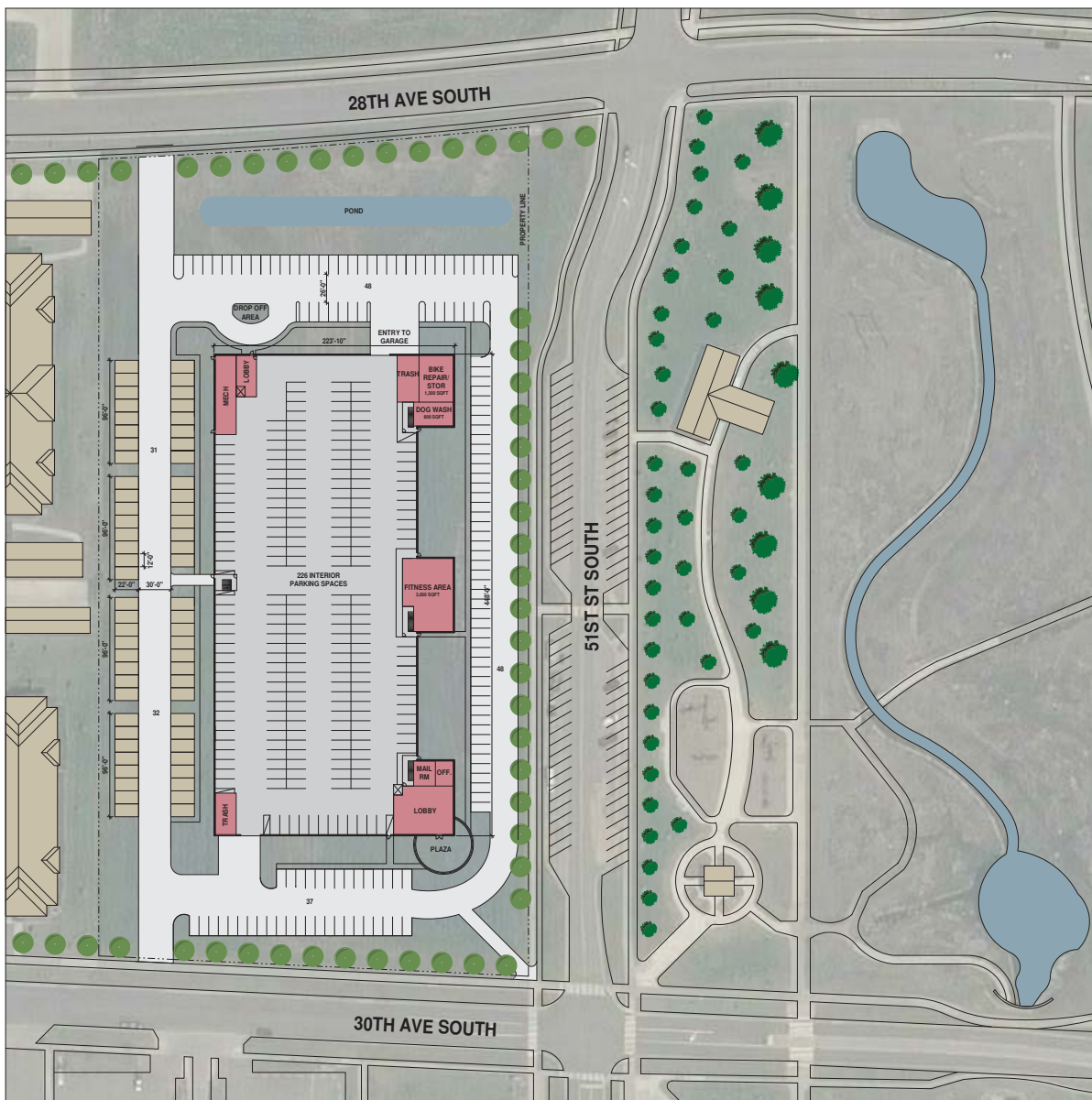
REVISED CONCEPT

3 OVER 1 PODIUM

- EFFICIENCY - 36 UNITS - 20%
- 1 BEDROOM - 73 UNITS - 39%
- 2 BEDROOM - 62 UNITS - 33%
- 3 BEDROOMS - 16 UNITS - 8%**
- TOTAL - 187 UNITS - 100%**

OVERALL PARKING

- 1.25 PER EFFICIENCY = 1.25 X 36 = 45
- 2 PER 1-BEDROOM AND LARGER UNIT = 2 X 151 = 302
- .25 GUEST SPACES PER UNIT = .25 X 187 = 47
- REQUIRED TOTAL = 394**
- SHOWN TOTAL = 423**



1ST FLOOR PODIUM - 91,400 SF
DETACHED GARAGE - 16,650 SF (63 STALLS)
TOTAL - 108,050 SF (35.5%) MAX - 114,345 SF (37.5%)



- OFFICE/RETAIL
- RETAIL/OFFICE/MIXED-USE
- BIG BOX/GROCERY
- HOUSING

1"=300'-0" N

VETERANS BLVD MIXED-USE MASTER PLAN
FARGO, NORTH DAKOTA

Currently working on updated master plan based on market demand



06.22.20





RENDERING OF NEW APARTMENT PROJECT



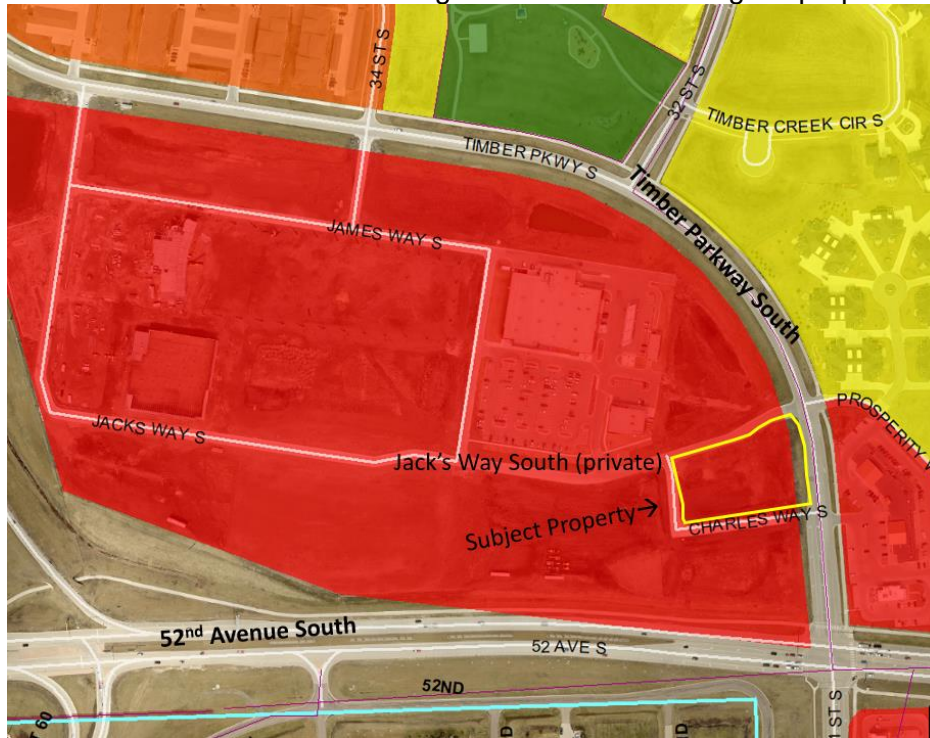
City of Fargo Staff Report			
Title:	Timber Parkway Seventh Addition	Date:	10/27/2021
Location:	5056 Charles Way South	Staff Contact:	Donald Kress
Legal Description:	Lot 1, Block 1, Timber Parkway Fifth Addition		
Owner(s)/Applicant:	PLC Investments, LLC/Chris Mack	Engineer:	Bolton & Menk
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 1, Timber Parkway Fifth Addition)		
Status:	Planning Commission Public Hearing: November 2nd, 2021		

Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: GC, General Commercial, with C-O, Conditional Overlay	Zoning: Unchanged
Uses Allowed: colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service, aviation, surface transportation , and major entertainment events. Conditional Overlay No. 4908 prohibits certain uses	Uses Allowed: Unchanged
Maximum Building Coverage Allowed: 85%	Maximum Building Coverage Allowed: Unchanged

Proposal:
<p>The applicant is seeking approval of a minor subdivision to accommodate future commercial development of the subject property. The proposed minor subdivision, entitled <i>Timber Parkway Seventh Addition</i> would subdivide one existing lot into two new lots. The subdivision also would formally name the adjacent private drive as Jack’s Way South for addressing and wayfinding purposes.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: GC; retail sales uses and undeveloped • East: GC; east across Timber Parkway South are retail sales uses • South: GC; undeveloped • West: GC; retail sales and service uses (restaurant) under development

Area Plans:

The subject property is located within the study area of the 2001 Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo, within an area identified as future commercial on the future land use map, as amended. The existing zoning district of GC, General Commercial, is consistent with this land use designation. No zone change is proposed.



Schools and Parks:

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

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

Parks: Timber Creek Park, located at 3300 47th Ave S, is approximately 0.2 mile north of the subject property and offers the amenities of a playground, basketball court, and picnic shelter. Meadow Creek Park, located at 4800 Meadow Creek Drive, is approximately one-half mile east of the subject property and offers a multi-purpose field.

Pedestrian / Bicycle: An off-road multi-use trail is within the 52nd Avenue South right of way, which is a component of the metro area bikeways system, is located approximately 300 feet south of the subject property,

Staff Analysis:

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

Minor Subdivision

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

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 within the area designated as future commercial within the amended future land use map for the 2001 Growth Plan. The subject property is currently within the GC, General Commercial, zoning district, which is consistent with the future land use designation. 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 not received any communication regarding this 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)**

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, **Timber Parkway Seventh Addition**, as outlined within the staff report, as the proposal complies with the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: November 2nd, 2021

Attachments:

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

Plat (Minor)

Timber Parkway Seventh Addition

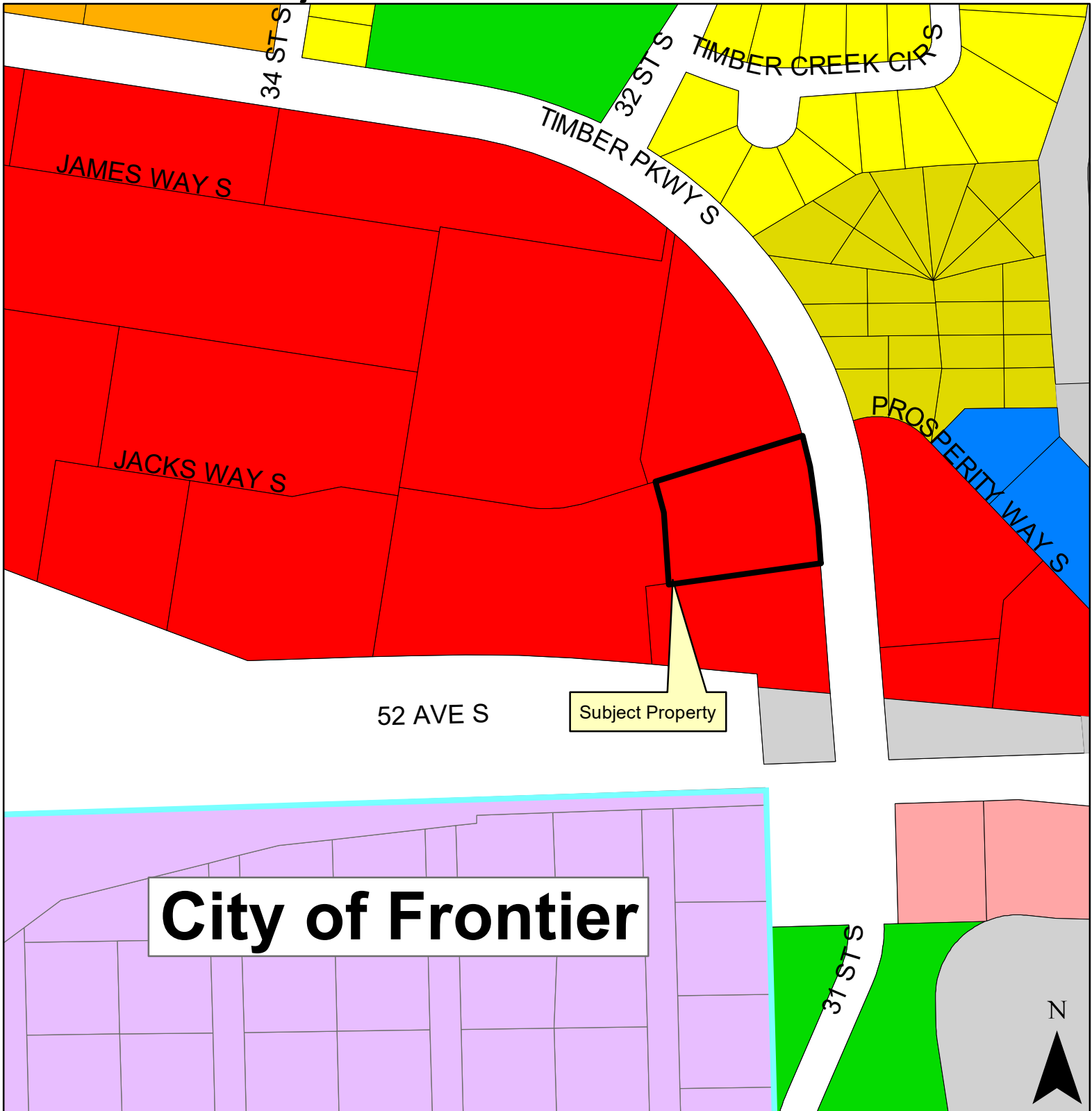
5056 Charles Way S



Plat (Minor)

Timber Parkway Seventh Addition

5056 Charles Way S



Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NC	NO	P/U	UMU	City Limits
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300

Feet

TIMBER PARKWAY SEVENTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF TIMBER PARKWAY FIFTH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That PLC Investment LLC, a North Dakota Limited Liability Company, owner, and First International Bank and Trust, mortgagee, of the following described land:

Lot 1, Block 1 of TIMBER PARKWAY FIFTH ADDITION to the City of Fargo according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Said parcel contains 90,509 square feet of land, more or less and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owners have caused the above described parcels of land to be surveyed and platted as "TIMBER PARKWAY SEVENTH ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate Jacks Way S. (Private Drive) also shown as 73 Foot Wide Ingress/Egress, Sanitary Sewer & Storm Sewer Easement as shown on this plat for the purpose so stated.

OWNER:
PLC Investment LLC

By: Kevin Christianson, President

State of North Dakota }
County of Cass }

On this ____ day of _____, in the year 2021 before me personally appeared Kevin Christianson, President, PLC Investment LLC known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of PLC Investment LLC

Notary Public

MORTGAGE HOLDER:
First International Bank & Trust

By: Brian Hagen, East Market President

State of North Dakota }
County of Cass }

On this ____ day of _____, in the year 2021 before me personally appeared Brian Hagen, East Market President, First International Bank & Trust known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of First International Bank & Trust

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Date: _____

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

State of North Dakota }
County of Cass }

On this ____ day of _____, 2021, before me, a notary public within and for said County and State, personally appeared Gregg Stroeing, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2021.

Rocky Schneider, Planning Commission Chair

State of North Dakota }
County of Cass }

On this ____ day of _____, in the year 2021 before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2021.

Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass }

On this ____ day of _____, in the year 2021 before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 2021.

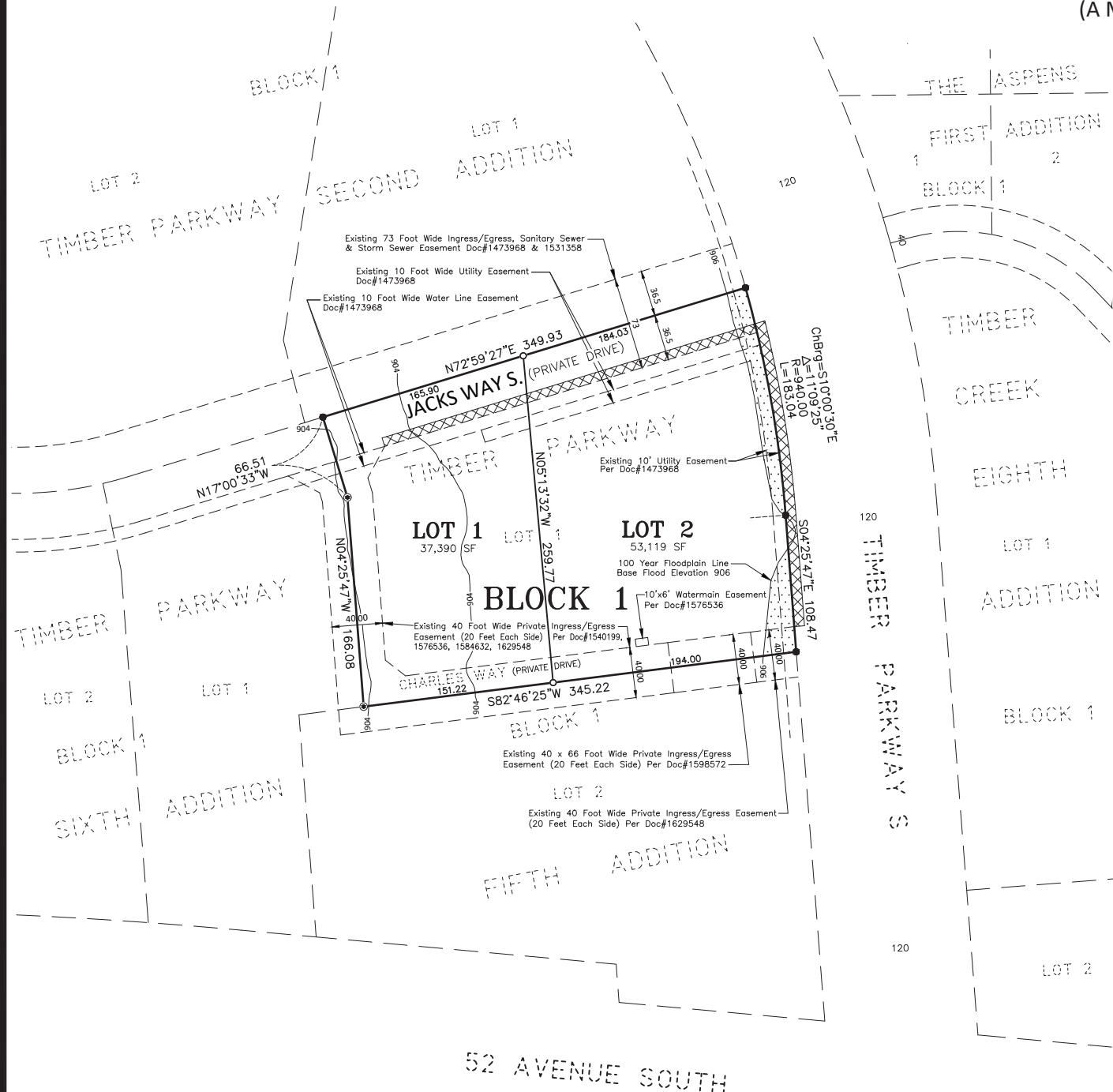
Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

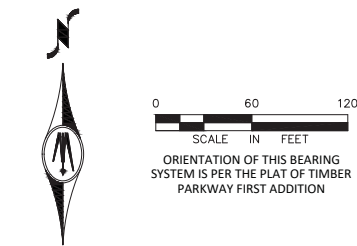
State of North Dakota }
County of Cass }

On this ____ day of _____, in the year 2021 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public



52 AVENUE SOUTH



ORIENTATION OF THIS BEARING SYSTEM IS PER THE PLAT OF TIMBER PARKWAY FIRST ADDITION

LEGEND

- 5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC. NO. LS-6703
- MONUMENT FOUND
- ⊙ 2" ROUND METAL DISK, MONUMENT SET MARKED BY LIC. NO. LS-6703
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE
- - - EXISTING CONTOUR LINE PER CITY OF FARGO LIDAR CONTOUR DRAWINGS NAVD88 DATED 2014
- ⊘ AREA NOT WITHIN 100 YEAR FLOODPLAIN
- XXXXXXXXXX EXISTING NEGATIVE ACCESS EASEMENT PER DOCH#1473968 & 1540199 & 1629548

BENCHMARK

CITY OF FARGO BENCHMARK 245029 LOCATED APPROXIMATELY 2,525 FEET EAST SOUTHEASTERLY OF THE SOUTHEAST CORNER OF SUBJECT PROPERTY. SOUTHEAST FLANGE BOLT OF FIRE HYDRANT ELEVATION=909.42 NAVD88



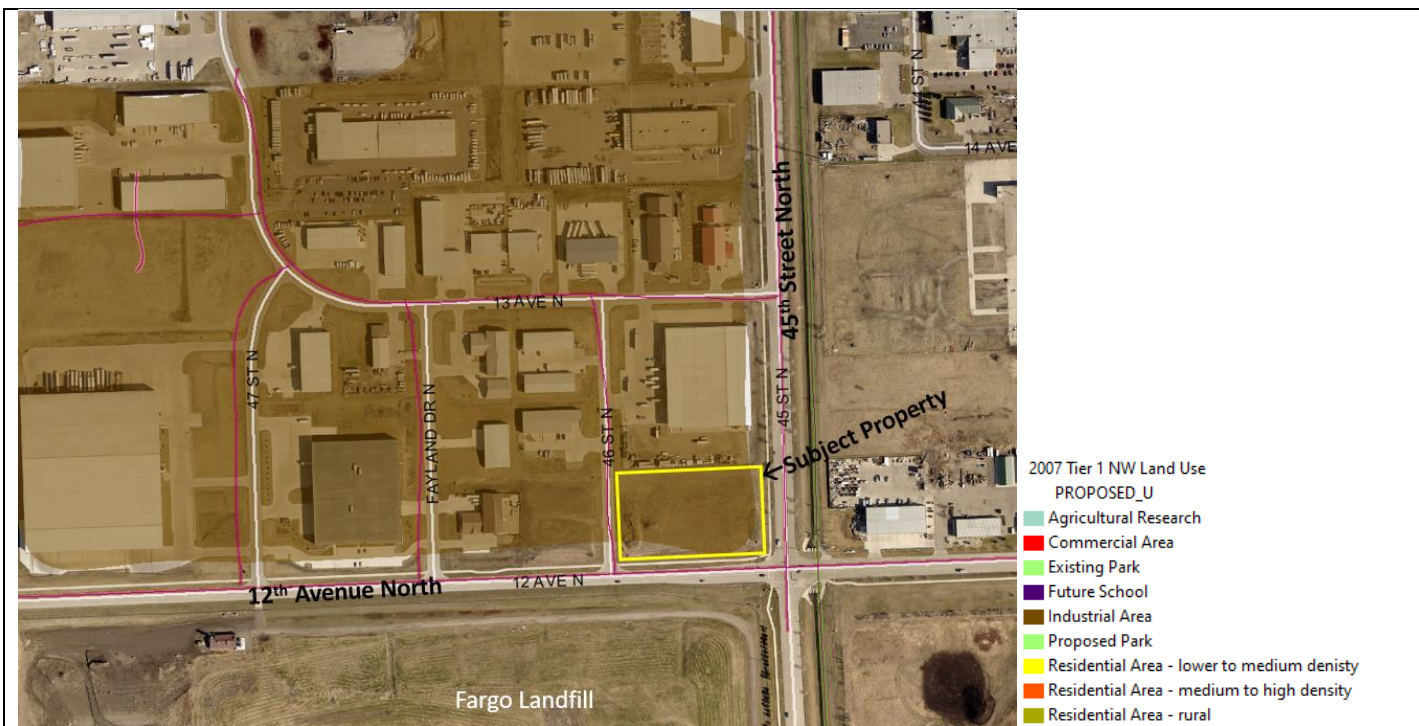
PREPARED BY:

BOLTON & MENK

City of Fargo Staff Report			
Title:	Fayland Industrial First Addition.	Date:	10/27/2021
Location:	1217 46 th Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 3, Block 2, Fayland Industrial First Addition.		
Owner(s)/Applicant:	Fay Land Partners, LLP/Nate Vollmuth	Engineer:	None
Entitlements Requested:	Zone Change (from GI, General Industrial to LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: November 2 nd , 2021		

Existing	Proposed
Land Use: Undeveloped	Land Use: Industrial
Zoning: GI, General Industrial	Zoning: LI, Limited Industrial
Uses Allowed: GI - General Industrial. Allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.	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.
Maximum Lot Coverage Allowed: Maximum 85% building coverage	Maximum Lot Coverage: Maximum 85% building coverage

Proposal:
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> 1. A zoning change from GI, General Industrial to LI, Limited Industrial <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: GI; warehouse and distribution • East: GI; contractor services • South: GI; Fargo Landfill • West: LI; undeveloped
Area Plans:
<p>The subject property is located with the 2007 Tier 1 North Northwest growth plan, which designates the subject property for “industrial” land use. This land use category includes both the GI, General Industrial and LI, Limited Industrial zones. No growth plan amendment is required for this zone change.</p>



Context:

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

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

Parks: There are no parks located within a one-mile radius of the subject property

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

Staff Analysis:

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 GI, General Industrial. The applicant proposes to zone the property to LI, Limited Industrial as this zoning allows a greater variety of uses than does the GI zone. **(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 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 property is designated “industrial” by the 2007 Growth Plan; the proposed zoning is consistent with this land use designation. Staff finds this proposal is consistent with the purpose of the LDC, 2007 Growth 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 zone change from GI, General Industrial to LI, Limited Industrial on Lot 3, Block 2, Fayland Industrial First 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: November 2nd, 2021

Attachments:

1. Location Map
2. Zoning Map

Zone Change (GI to LI)

Fayland Industrial Addition

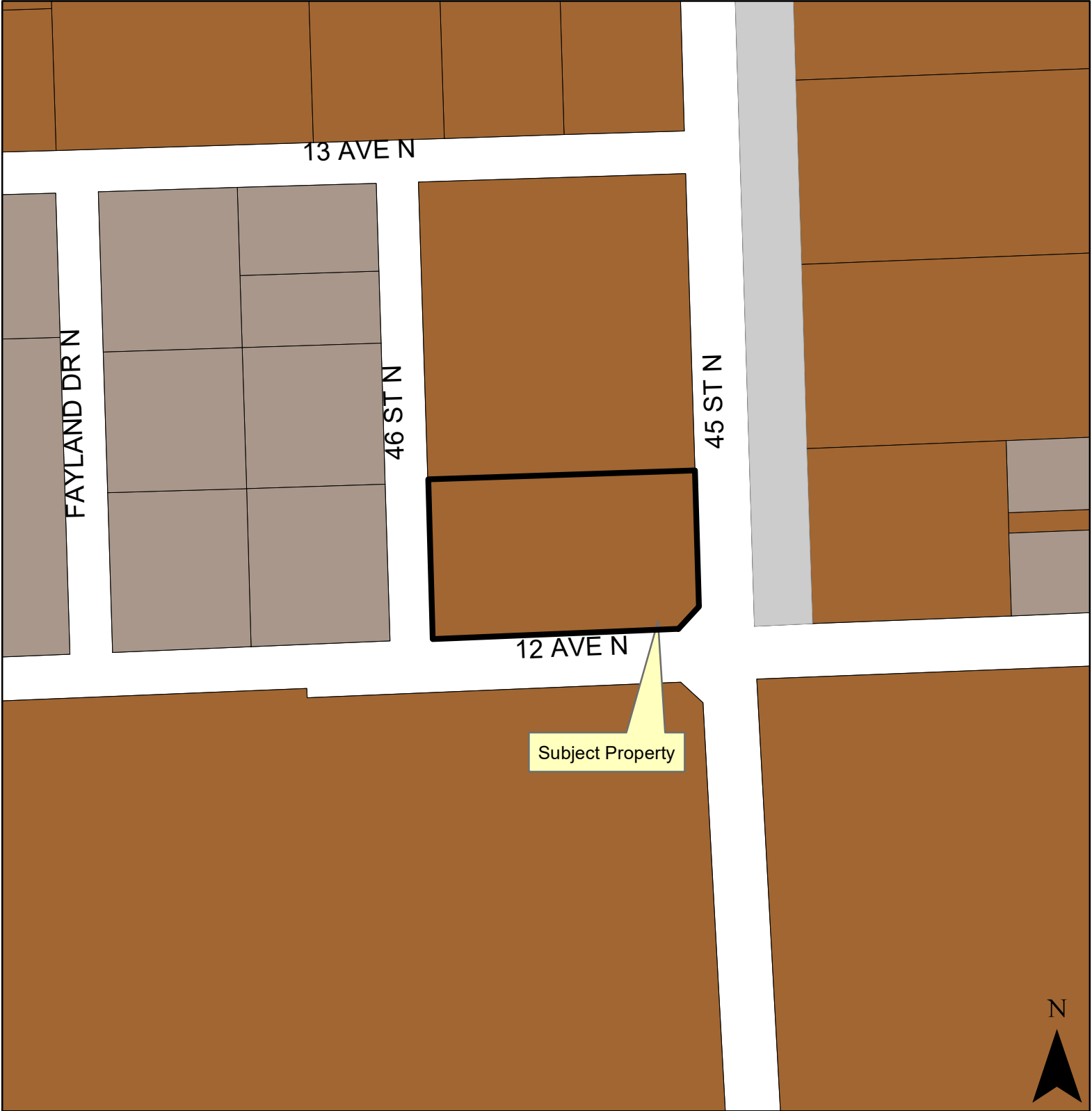
1217 46th Street N



Zone Change (GI to LI)

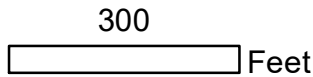
Fayland Industrial Addition

1217 46th Street N



Legend

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



Fargo Planning Commission
November 2, 2021

MEMORANDUM

TO: Planning Commissioners

FROM: Donald Kress, Current Planning Coordinator

DATE: October 28th, 2021

SUBJECT: Planning Commission Item E.1---Discussion on October 20th City Commission presentation on Core Neighborhoods and Extra-Territorial Jurisdiction

On Tuesday, October 26th, Planning staff sent to all Planning Commissioners a link to a presentation that city administrator Bruce Grubb and other City staff made to the City Commission on October 20th, 2021. Staff encouraged the Commissioners to view this presentation, which provides an overview of long-range planning considerations for the future growth of Fargo, both for existing core neighborhoods as well as the largely undeveloped extra-territorial jurisdiction (ETJ).

Item E. 1 on the November 2nd Planning Commission agenda will be a discussion that will focus on these long-range planning considerations outlined in the presentation, and how these considerations are intertwined with the work of the Planning Commission. The Commission chair will lead the discussion.