

FARGO PLANNING COMMISSION AGENDA
Thursday, July 6, 2017 at 3:00 P.M.

- A: Approve Order of Agenda.
- B: Minutes: Regular Meeting of June 6, 2017.
- C: Brown Bag Luncheon – None in July
- D: Nomination/election of officers
- E: Public Hearing Items:
 - 1. Continued hearing on an application requesting a Plat of **Fox First Addition** (Major Subdivision), a replat of Lots 1-3, Block 1, Northern Sheyenne Land Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4900 19th Avenue North and 1870 and 1890 Sheyenne Loop North) (Guy B. Fox) (dk):
 - 2a Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional of the proposed **Grayland First Addition**. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk): CONTINUED TO AUGUST 1, 2017
 - 2b. Hearing on an application requesting a Plat of **Grayland First Addition** (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District) (dk): CONTINUED TO AUGUST 1, 2017
 - 3. Hearing on an application requesting a Plat of **Oakcreek Second Addition** (Minor Subdivision) a replat of Lots 26 and 27, Block 1, of Oakcreek Addition to the City of Fargo, Cass County, North Dakota. (Located at 4496 and 4497 Oakcreek Drive) (City of Fargo) (an):
 - 4a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay, on Lot 2, Block 1, of the **Osgood Townsite Fifteenth Addition**. (Located at 5050 47th Street South) (Nate Vollmuth) (km)
 - 4b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan and Final Plan for Lot 2, Block 1, of the **Osgood Townsite Fifteenth Addition**. (Located at 5050 47th Street South) (Nate Vollmuth) (km)

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online at www.cityoffargo.com/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.cityoffargo.com/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 241-1474 or TDD at 241-8258. 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.cityoffargo.com/planningcommission.

- 5a. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential with a PUD, Planned Unit Development Overlay, on the West 65 feet of Lot 1, Block 2, **Dewitts Addition**. (Located at 308 9th Avenue North) (Rob Rich/Lake Agassiz Habitat for Humanity) (me)
- 5b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan and Final Plan for the West 65 feet of Lot 1, Block 2, **Dewitts Addition**. (Located at 308 9th Avenue North) (Rob Rich/Lake Agassiz Habitat for Humanity) (me)
- 6a. Hearing on an application requesting a Plat of **Silverleaf Third Addition** (Minor Sub) a replat of part of Auditor's Lot 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, and Lot 3, Block 1, Silverleaf Second Addition, City of Fargo, Cass County, North Dakota. (Located at 2801 64th Avenue South, and 2748 Samuel Drive South) (Carl Olson/KLJ) (dl):
- 6b. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential on Lot 1, Block 1 of the proposed **Silverleaf Third Addition**. (Located at 2801 64th Avenue South, and 2748 Samuel Drive South) (Carl Olson/KLJ) (dl):
- 7. Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 3, Block 1, **Osgood Townsite Sixth Addition**. (Located at 4575 45th Street South) (Calvary United Methodist Church/Bill Kranzler) (bv):
- 8. Hearing on an application requesting a Text Amendment to amend Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities. (City of Fargo) (an):
- F: Other Items:
 - 1. LDC Section 20-0911 Institutional Master Plans
 - 2. Rules of Internal Procedure and Operations of the City of Fargo Planning Commission (adopted June 7, 2016)

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online at www.cityoffargo.com/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.cityoffargo.com/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 241-1474 or TDD at 241-8258. 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.cityoffargo.com/planningcommission.

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

June 6, 2017:

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, June 6, 2017.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, John Gunkelman, Mike Magelky, Mary Scherling,
Rocky Schneider, Jan Ulferts Stewart

Absent: Shara Fischer, Melissa Sobolik, Kelly Steffes, Scott Stofferahn

Chair Ulferts Stewart called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of May 2, 2017

Member Magelky moved the minutes of the May 2, 2017 Planning Commission meeting be approved. Second by Member Scherling. All Members present voted aye and the motion was declared carried.

Item C: Wednesday June 21, 2017 Brown Bag Luncheon

Topic: A discussion on the study – “What Works Cities”

Item D: Public Hearing Items:

Item 1: Tyler’s Addition

Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, Tyler’s Addition. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited): CONTINUED TO AUGUST 1, 2017

A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to September 6, 2016. At the September 6, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to January 4, 2017. At the January 4, 2017 meeting the Hearing was continued to February 7, 2017. At the February 7, 2017 meeting the Hearing was continued to March 7, 2017. At the March 7, 2017 meeting the Hearing was continued to April 4, 2017. At the April 4, 2017 meeting the Hearing was continued to

May 2, 2017. At the May 2, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to August 1, 2017.

Member Scherling moved this item be continued to the August 1, 2017 Planning Commission Meeting. Second by Member Schneider. On call of the roll Members o voted aye. The motion was declared carried.

Item 2: North Dakota R-1 Urban Renewal Addition

Hearing on an application requesting a Vacation Plat, a portion of 2nd Street North between 1st Avenue North to 5th Avenue North, North Dakota R-1 Urban Renewal Addition. (Located at 2nd Street North, from 1st Avenue North to 5th Avenue North) (City of Fargo): APPROVED

Senior Planner Donald 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 North Dakota R-1 Urban Renewal Addition (2nd Street North) street vacation plat as presented, as the proposal complies with the F-M Diversion project and the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places. Second by Member Brust. On call of the roll Members Magelky, Schneider, Scherling, Brust, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 3: Dedication of 2nd Street North

Hearing on an application requesting a Plat of Dedication of 2nd Street North (Major Subdivision), portions of North Dakota R-1 Urban Renewal Addition, Keeney and Devitt's Second Addition and portions of vacated 2nd Street North, 4th Avenue North, and 5th Avenue North to the City of Fargo, Cass County, North Dakota. (Located at 2nd Street North, from 1st Avenue North to 5th Avenue North) (City of Fargo): APPROVED

Donald 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 2nd Street North Dedication plat as presented, as the proposal complies with the F-M Diversion Project, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Brust. On call of the roll Members Schneider, Brust, Scherling, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 4: Section 24, Township 138 North, Range 49 West

Hearing on an application requesting a Conditional Use Permit to allow Non-Farm Commercial Uses for property within the Extraterritorial Jurisdiction on part of

the Northwest Quarter of Section 24, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (8800 25th Street South) (Bear Creek Winery): APPROVED WITH CONDITIONS

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

Applicant Rod Ballinger spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and the Conditional use Permit to allow non-farm commercial uses within the Extraterritorial Jurisdiction be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development, with the following conditions:

1. Ability to operate Bear Creek Winery including, but not necessarily limited to, banquets, receptions, and parties (i.e. wine tastings, weddings, birthday parties, grooms dinners, anniversary celebrations, and Christmas gatherings). Attendance of special events shall be limited (inclusive of staff), to no more than the maximum occupancy of the winery as determined by the City of Fargo's Inspections Department (this may be determined in conjunction with the applicable fire department); except for outdoor events which shall be limited by sanitation facilities.
2. Issuance of the Conditional Use Permit provides zoning to enable Cass County to issue an alcoholic beverage license to the petitioner, and the ability to sell food as permitted by the North Dakota Department of Health.
3. The Conditional Use Permit shall run with the property.
4. Land uses allowed per this Conditional Use Permit are for winery and event center operations only. Retail sales and services as it relates to the winery operations are permitted.
5. All structures must comply with current building code.

Second by Member Scherling. On call of the roll Members Scherling, Gunkelman, Magelky, Brust, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 5: Fox First Addition

Hearing on an application requesting a Plat of Fox First Addition (Major Subdivision), a replat of Lots 1-3, Block 1, Northern Sheyenne Land Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4900 19th Avenue North and 1870 and 1890 Sheyenne Loop North) (Guy B. Fox): CONTINUED TO JULY 6, 2017

Donald Kress stated the applicant has requested this item be continued to the July 6, 2017 Planning Commission Meeting.

Member Brust moved to continue this item to the July 6, 2017 Planning Commission Meeting. Second by Member Scherling. On call of the roll Members Scherling, Schneider, Magelky, Gunkelman, Brust, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 6: Urban Plains Retail Addition

Hearing on an application requesting a Conditional Use Permit to allow off-premise advertising on Lot 4, Block 1, Urban Plains Retail Addition. (Located at 4525 32nd Avenue South) (Scheels Arena): APPROVED WITH CONDITIONS

Member Brust declared a conflict of interest on this item and was excused from voting.

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

Applicant Marc Fossaa, DXD Creative, spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow off-premise advertising be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following condition:

1. The off-premise advertising sign and building permit request will be in keeping with the attached rendering.

Second by Member Magelky. On call of the roll Members Gunkelman, Scherling, and Schneider voted aye. Members Magelky, and Ulferts Stewart voted nay. Member Brust abstained from voting. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 7: Schatz 4th Addition

Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lot 2, Block 1, and a request to repeal and reestablish a C-O, Conditional Overlay, on Lots 1-4, Block 1, Schatz 4th Addition. (Located at 5600 and 5650 34th Avenue South, 3501 56th Street South, and 5621, 5631, and 5651 36th Avenue South) (Eagle Ridge Development): APPROVED

Kylie Murphy presented the staff report. She noted an updated copy of the applicant's proposed changes to the Conditional Overlay have been submitted to the Board. Ms. Murphy stated all approval criteria have been met and staff is recommending approval.

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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial on Lot 2, Block 1, and repeal and reestablish a C-O, Conditional Overlay on Lots 1-4, Block 1, on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Magelky, Brust, Schneider, Scherling, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 8: Prairie Farms Commercial Second Addition

Hearing on an application requesting a Plat of Prairie Farms Commercial Second Addition (Minor Subdivision), a replat of Lots 1 and 2, Block 1, Prairie Farms Commercial Addition to the City of Fargo, Cass County, North Dakota. (Located at 2900 52nd Avenue South and 5200 31st Street South) (Bartholomay Construction, Inc.): APPROVED

Assistant Planner Barrett Voigt 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, Prairie Farms Commercial Second 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. Second by Member Scherling. On call of the roll Members Brust, Gunkelman, Magelky, Scherling, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 9: Brandt Crossing Twelfth Addition

Hearing on an application requesting a Plat of Brandt Crossing Twelfth Addition (Minor Subdivision), a replat of Lot 1, Block 1, Brandt Crossing Eleventh Addition to the City of Fargo, Cass County, North Dakota. (Located at 3270 51st Street South) (PACES Lodging): APPROVED

Barrett Voigt presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Scherling moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Brandt Crossing Twelfth 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. Second by Member Schneider. On call of the roll Members Magelky, Gunkelman, Brust, Scherling, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 10: Pantzke Addition

10a. Hearing on an application requesting a zoning change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Development Overlay on Lot 1, Block 1, Pantzke Addition. (Located at 402 25th Street North) (Gast Construction Co., Inc.): APPROVED

10b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan for Lot 1, Block 1, Pantzke Addition. (Located at 402 25th Street North) (Gast Construction Co., Inc.): APPROVED

Member Brust declared a conflict of interest on this item and was excused from voting.

Barret Voigt presented the staff report noting an additional document staff received from the applicant, was submitted to the Board. Mr. Voigt stated all approval criteria have been met and staff is recommending approval.

Applicant Bruce Pantzke spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0908.B (7) 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 Scherling. On call of the roll Members Scherling, Schneider, Gunkelman, Magelky, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 11: Morton & Doty's Addition

11a. Hearing on an application requesting a zoning change from LC, Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay, on Part of Lots 11-13, Block 1, Morton & Doty's Addition. (Located at 1345 University Drive South) (Lowry Engineering): APPROVED

11b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan for Part of Lots 11-13, Block 1, Morton & Doty's Addition. (Located at 1345 University Drive South) (Lowry Engineering): APPROVED

Planner Aaron Nelson 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 approval be recommended to the City Commission of the proposed 1) Zoning Change from LC, Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the

Standards of Section 20-0908.B (7) 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 Scherling. On call of the roll Members Brust, Schneider, Scherling, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 12: Urban Plains by Brandt 1st Addition

Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, on Lot 1, Block 4, Lots 2-4, Block 5, and Lots 3-4, Block 8, Urban Plains by Brandt 1st Addition; Lots 2-3, Block 1, Lot 2, Block 2, Lot 1, Block 3, Lots 2-3, Block 5, and part of Lot 1, Block 5, Urban Plains by Brandt 2nd Addition; Lots 5-6, Block 1, Urban Plains Medical Park Addition; Lots 7-10 Block 1, Urban Plains Retail Addition; Lots 1-3, Block 3 and Lot 1, Block 4, Urban Plains Center Addition; Parts of Lots 3-4, Block 1, Urban Plains Northeast Retail Addition; and Lots 2-3, Block 1, Urban Plains Northeast Retail 2nd Addition. (Located at 4680, 5100, and 5101 28th Avenue South; 4651 and 4845 30th Avenue South; 5298 31st Avenue South; 4543 and 4737 32nd Avenue South; 2911 45th Street South; 2640, 2660, 2720, 2740, 2760, and 2780 47th Street South; 3180 49th Street South; 3023, 3057, 3079, and 2701 51st Street South; 2633 and 2867 55th Street South; 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South; 3050 and 3155 Brandt Drive South; and 4574 Urban Plains Drive South.) (Houston Engineering, Inc.): **APPROVED**

Member Brust declared a conflict of interest on this item and was excused from voting.

Aaron Nelson presented the staff report and a brief history of the property. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

Applicant Brian Pattengale, Houston Engineering, Inc. spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, and P/I, Public and Institutional with a C-O, Conditional Overlay; to GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional with a modified C-O, Conditional Overlay on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Gunkelman, Magelky, Scherling, and Ulferts Stewart voted aye. Member Schneider voted nay. Member Brust abstained from voting. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item E: Other Items:

Item 1: Review of an application requesting a Planned Unit Development (PUD) Final Plan for NDSU Foundation Addition. (Located at the 1600 Block of University Drive North between 12th Street North and University Drive North) (PROffutt LP/Casey Jackson): APPROVED

Aaron Nelson presented the staff report. He briefly explained the three components PUD Final Plan, and the stated all criteria have been met and staff is recommending approval.

Member Magelky moved the findings and recommendations of staff be accepted and the Planned Unit Development Final Plan be approved, as the proposal complies with Section 20-0908.D of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Scherling, Brust, Schneider, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 2: Review of an application requesting a Planned Unit Development (PUD) Final Plan for Mid America Steel Addition (Located at 5617 19th Avenue North) (Wild/CRG architects): APPROVED

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

Member Scherling moved the findings and recommendations of staff be accepted and the Planned Unit Development Final Plan be approved, 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 requirements of the Land Development Code. Second by Member Magelky. On call of the roll Members Magelky, Gunkelman, Scherling, Brust, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 3: Review of applications for amendments to two tax increment financing (TIF) districts:

a. Great Northern TIF Plan: APPROVED

Planning Director Jim Gilmour briefly explained the background of the property and still is consistent with the GO2030 Fargo Comprehensive Plan. Mr. Gilmour stated staff is recommending approval to present these amendments before the City Commission.

Member Schneider moved that approval be recommended to the City Commission to approve the Renewal Plan Amendment for the Great Northern TIF Plan, that it is consistent with the GO2030 Fargo Comprehensive Plan. Second by Member Gunkelman. On call of the roll Members Gunkelman, Magelky, Brust, Schneider, Scherling, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

b. C-1 TIF Plan: APPROVED

Planning Director Jim Gilmour reported upon an assessment of the facility, there is a need for repair work on the Island Park Ramp. Mr. Gilmour stated staff has identified these repairs as appropriate use of a portion of the remaining TIF balance, and is recommending approval from the Board to present these amendments before the City Commission.

Member Scherling moved that approval be recommended to the City Commission to approve the Renewal Plan Amendment for the C-1 TIF Plan, that it is consistent with the GO2030 Fargo Comprehensive Plan. Second by Member Schneider. On call of the roll Members Magelky, Gunkelman, Burst, Schneider, Scherling, and Ulferts Stewart voted aye. Absent and not voting: Members Fischer, Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 4: Announce the day and date of the July Planning Commission meeting – Thursday, July 6, 2017

Chair Ulferts Stewart noted the July meeting will be held on Thursday instead of Tuesday, due to the 4th of July holiday.

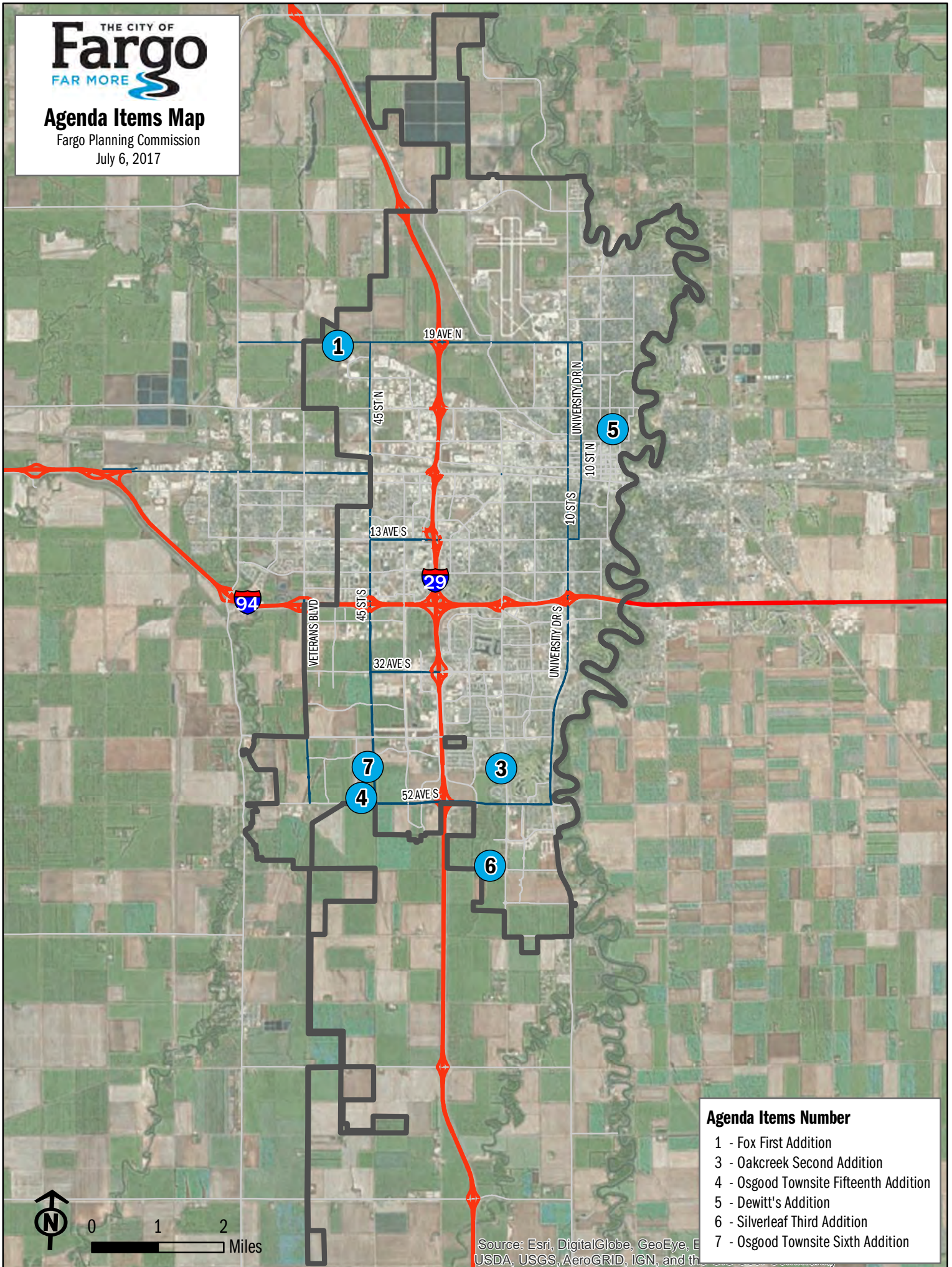
Item 5: Nominating Committee

Chair Ulferts Stewart called on Member Schneider to present the Nominating Committee report on behalf of the Committee Chair Member Stofferahn.

Member Schneider stated the Committee has nominated Shara Fischer for Planning Commission Chair, and John Gunkelman as the Vice Chair.

The time at adjournment was 4:21 p.m.

Agenda Items Map
Fargo Planning Commission
July 6, 2017



Agenda Items Number

- 1 - Fox First Addition
- 3 - Oakcreek Second Addition
- 4 - Osgood Townsite Fifteenth Addition
- 5 - Dewitt's Addition
- 6 - Silverleaf Third Addition
- 7 - Osgood Townsite Sixth Addition

**City of Fargo
Staff Report**

Title:	Fox First Addition	Date: Update:	5/31/2017 6/28/2017
Location:	4900 19th Ave. North; 1870 and 1890 Sheyenne Loop North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lots 1, 2, 3, Block 1, Northern Sheyenne Land 2nd Addition		
Owner(s)/Applicant:	Guy Fox	Engineer:	Wenck Associates
Entitlements Requested:	Major Subdivision (Replat of Lots 1, 2, 3, Block 1, Northern Sheyenne Land 2nd Addition)		
Status:	Planning Commission Public Hearing: July 6, 2017		

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

Proposal:

PROJECT HISTORY NOTE:

At the June 6, 2017 Planning Commission meeting, the applicant requested and the Commission approved a continuance of this project to the July 6, 2017 Planning Commission meeting. No testimony was heard and no action was taken at the June 6 meeting.

The applicant requests a major subdivision, entitled **Fox First Addition**, which is a replat of Lots 1, 2, 3, Block 1, Northern Sheyenne Land 2nd Addition into a seven lot, one block subdivision, including the dedication of a cul de sac street. Lot sizes will be between 0.90 and 3.70 acres. The property is zoned GI, General Industrial. No zone change is proposed.

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.

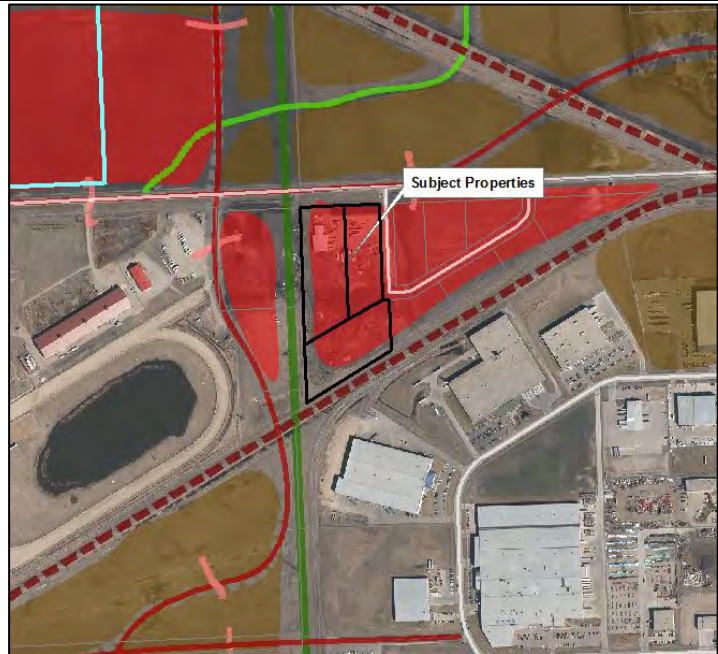
Surrounding Land Uses and Zoning Districts:

- North: GI with future industrial use (Mid America Steel);
- East: GI, General Industrial, with manufacturing and production use.
- South: GI, General Industrial, with manufacturing and production use.

- West: P/I, Public Institutional zoning with horse racing track land use and GI, General Industrial, with manufacturing and production use

Area Plans:

The subject property is located within the 2007 Growth Plan. This plan designates the subject property as the most suitable for "Commercial Area" use. However, the 19th Avenue North corridor west of Interstate 29 has continued to develop as "Industrial." This has been supported by several growth plan amendments, growth plan interpretations, and zone changes along this portion of 19th Avenue North since the adoption of the 2007 Growth Plan. The subject property was rezoned from AG, Agricultural to GI, General Industrial in 2012.



- Agricultural Research
- Commercial Area
- Existing Park
- Future School
- Industrial Area
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density
- Residential Area - rural

Schools and Parks:

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

Parks: No parks are available within a mile and a half (1.5 miles) of the subject property.

Pedestrian / Bicycle: An off-road bike facility is located approximately a half mile (.5 miles) southeast of the subject property on 45th Street North and is a component of the metro area trail system.

Staff Analysis:

ACCESS: Lots in the Fox First Addition will take access from Sheyenne Loop North and the dedicated cul de sac. The cul de sac will be a dedicated public street of as 80-foot wide ROW. City staff provided the configuration for the cul de sac and found this was an acceptable location for the cul de sac as this street cannot be further extended to the west due to the North Dakota Horse Park. The property owner has coordinated development of this cul de sac with planned city-initiated improvements to Sheyenne Loop North. Lot 1, Block will not have direct access to 19th Avenue North.

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

PLAT AND AMENITIES PLAN:

The applicant is updating the attached plat with a second sheet and floodplain information. The attached draft amenities plan is being revised at the direction of Engineering. These update and revised items are intended to be presented at the Planning Commission meeting.

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

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

The zoning for the project site is GI, General Industrial, which will accommodate the proposed industrial development. The GI zoning designation was applied to the subject property in 2012, as noted in the “Area Plans” section above. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no comment or inquiries from the public.

(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 zoned GI, General Industrial. The GI zoning designation was applied to the subject property in 2012, as noted in the “Area Plans” section above. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to 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 **Fox First Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: July 6, 2017

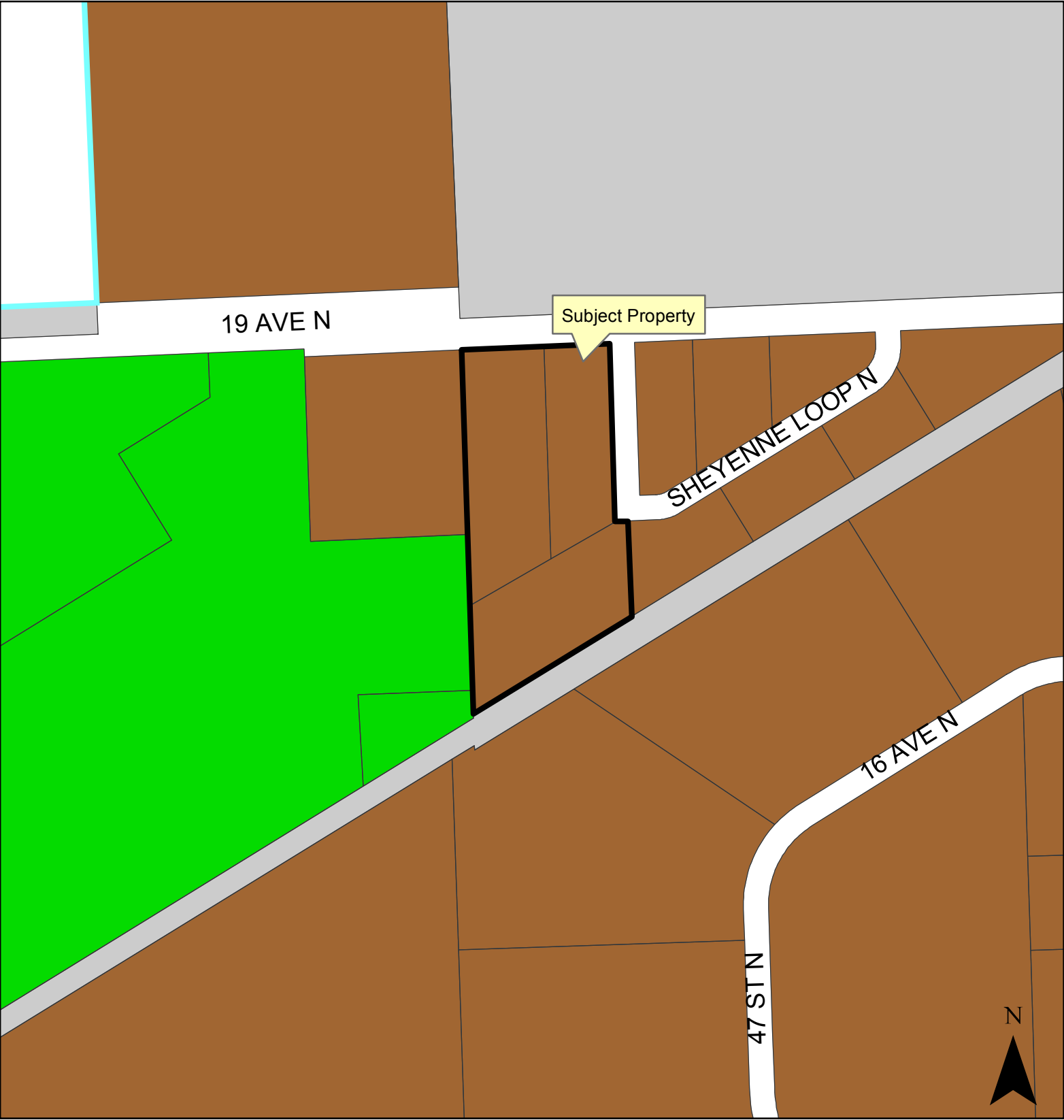
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft Amenities Plan

Plat (Major)

Fox First Addition

1870 & 1890 Sheyenne Loop N
and 4900 19th Avenue North



Legend

AG	LC	MHP	SR-2
DMU	MR-1	NNC	SR-3
GC	MR-2	NO	SR-4
GL	MR-3	P/T	SR-5
GO		UML	City Limits

300
Feet

Fargo Planning Commission
June 6, 2017

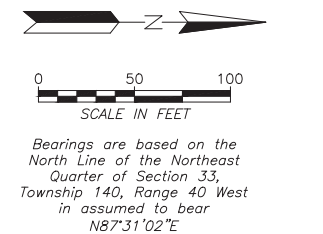
Plat (Major)






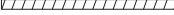





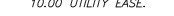




Fox First Addition

1870 & 1890 Sheyenne Loop N
and 4900 19th Avenue North



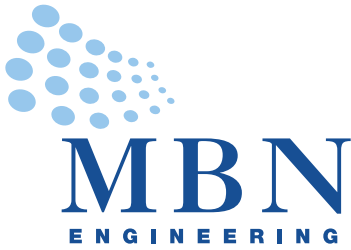
**A REPLAT OF LOT 1, LOT 2, AND LOT 3, BLOCK 1, NORTHERN SHEYENNE LAND
SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA**



LEGEND	
	SET 5/8" REBAR W/CAP#3638
	FOUND MONUMENT
	QUARTER LINE
	EXISTING EASEMENT LINE
	EXISTING PROPERTY LINE
	VACATED EASEMENTS
	PLAT OVERALL BOUNDARY
	UNDERLYING LOT LINES
	PLAT BLOCK LINES
	PLAT INTERIOR LOT LINES
	NEGATIVE ACCESS EASEMENT
	PLAT NEW EASEMENT
	PLAT NEW EASEMENT SET
	PLAT LOT AREAS (SQ. FT.)
	DELINEATED WETLAND EDGE
	100 YEAR FLOOD PLAIN 895.00'

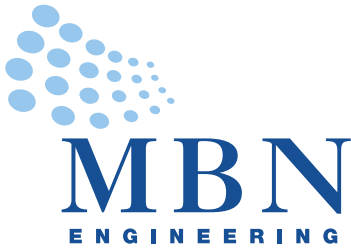
Negative access easement, as noted on this plat, is an easement dedicated as part of the Right-of-Way dedication which easement denies direct vehicular access to a street or public way from the lot or lots adjacent to such street or way. This negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent lot or lots.





Site Amenities Plan for Fox First Addition To the City of Fargo

1. **Site**
 - a. Fox First Addition is 10.63 Acres of total development with seven (7) proposed lots varying from 0.90 – 3.7 Acres.
2. **Location**
 - a. The properties covered in this plan are located south of 19th Avenue North and West of Sheyenne Loop North. This development will be a replat of Lot 1, Lot 2 and Lot 3, Block 1, Northern Sheyenne Land Second Addition.
3. **Public Right-of-Way**
 - a. Perfect Circle (Local Street)
 - i. The land dedication for this right-of-way shall be 80 feet with a 160 foot diameter cul-de-sac at the dead end.
 - ii. Street width shall be 40 feet with parking on both sides.
 - iii. Street lighting shall be incorporated and meet City standards.
 - iv. Trees will be planted within the boulevard per LDC requirements and as recommended by the City Forester.
 - v. Typical sidewalks will be installed on both sides of the street at a 4.5 foot width per LDC requirements.
4. **Storm Water Management**
 - a. An existing wet detention pond exists along the North property line of this development. This pond will be re-designed to accommodate the proposed street addition, handle all runoff generated from this development and meet the current requirements of the City of Fargo.
 - b. Upon design approval from the City, the Owner intends to deed the detention facility to the City of Fargo. The City of Fargo will be responsible for maintaining the storm water area deeded to them. The Owner will work cooperatively with the City to maintain the area surrounding the detention pond.



5. **Flood Protection**

- a. Fox Addition will be protected from flooding with the following measures:
 - i. Rainfall Induced flooding:
 - 1) Storm Sewer System
 - 2) Storm water detention facility
 - ii. Imported fill
 - 1) All properties (excluding Lot 1) will be designed to meet the City of Fargo and FEMA LOMR-F requirements. After construction, these lots will be certified and removed from the flood plain.
 - 2) All buildings will be required to meet the minimum finished floor elevations as required by the City of Fargo.

6. **Sanitary Sewer and Water Supply**

- a. The City of Fargo will own and operate the sanitary sewer and water main system for all properties within Fox Addition.

7. **Engineering and Construction Improvements**

- a. The Owner will use MBN Engineering, Inc. to design the utility and street improvements for Fox Addition.
- b. The Owner will rely on the City of Fargo for bidding and construction of the improvements.

8. **Funding Improvements**

- a. All improvements will be special assessed.
- b. Driveway, sidewalks and tree planting will be completed by the owner of the property as soon as practical within 12 months of receiving a certificate of occupancy. The developer's covenants shall state that these items are part of the building construction and shall be completed in conjunction with final grading.

**City of Fargo
Staff Report**

Title:	Oakcreek Second Addition	Date:	6/14/17
Location:	4496 and 4497 Oakcreek Drive	Staff Contact:	Aaron Nelson
Legal Description:	Lots 26 and 27, Block 1, of Oakcreek Addition		
Owner(s)/Applicant:	Brett Potas & the City of Fargo/City of Fargo	Engineer:	Ulteig
Entitlements Requested:	Minor Subdivision (Replat of Lots 26 and 27, Block 1, of Oakcreek Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: July 6, 2017		

Existing	Proposed
Land Use: Single-Family Residential & vacant	Land Use: No Change
Zoning: SR-2, Single-Dwelling Residential	Zoning: No Change
Uses Allowed: Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: No Change
Maximum Density Allowed: 5.4 units per acre	Maximum Density Allowed: No Change

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Oakcreek Second Addition**, which is a replat of Lots 26 and 27, Block 1, of Oakcreek Addition. The subject properties are located at 4496 and 4497 Oakcreek Drive and encompasses approximately 1.49 acres.

The applicant is proposing the subdivision in order to facilitate a land-swap between the City of Fargo and a homeowner, which is necessary for flood protection purposes. The subject property is located adjacent to Rose Coulee (Drain #27), where recent flood protection projects have resulted in the construction of a levee across the City-owned portion of the subject property. The proposed plat would essentially relocate the shared lot line between the existing privately-owned lot and City-owned lot by replatting these two existing lots into two new lots.

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

Surrounding Land Uses and Zoning Districts:

- North: SR-2, Single-Dwelling Residential with single family residential use
- East: SR-2, Single-Dwelling Residential with park use
- South: AG, Agricultural with drain use
- West: SR-2, Single-Dwelling Residential with vacant land used for flood protection

Area Plans:

No area plans apply.

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.

Parks: The subject properties abut Oak Creek Park (4403 25th Street S) where multipurpose field and shelter

amenities are provided.

Pedestrian / Bicycle: There is an off-road bike facility located along 25th Street South. This bike facility is a component of the metro area bikeways 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.**

The subdivision is intended to adjust the location of the shared lot line between two lots in association with flood protection projects. 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 inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Oakcreek Second 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: July 6, 2017

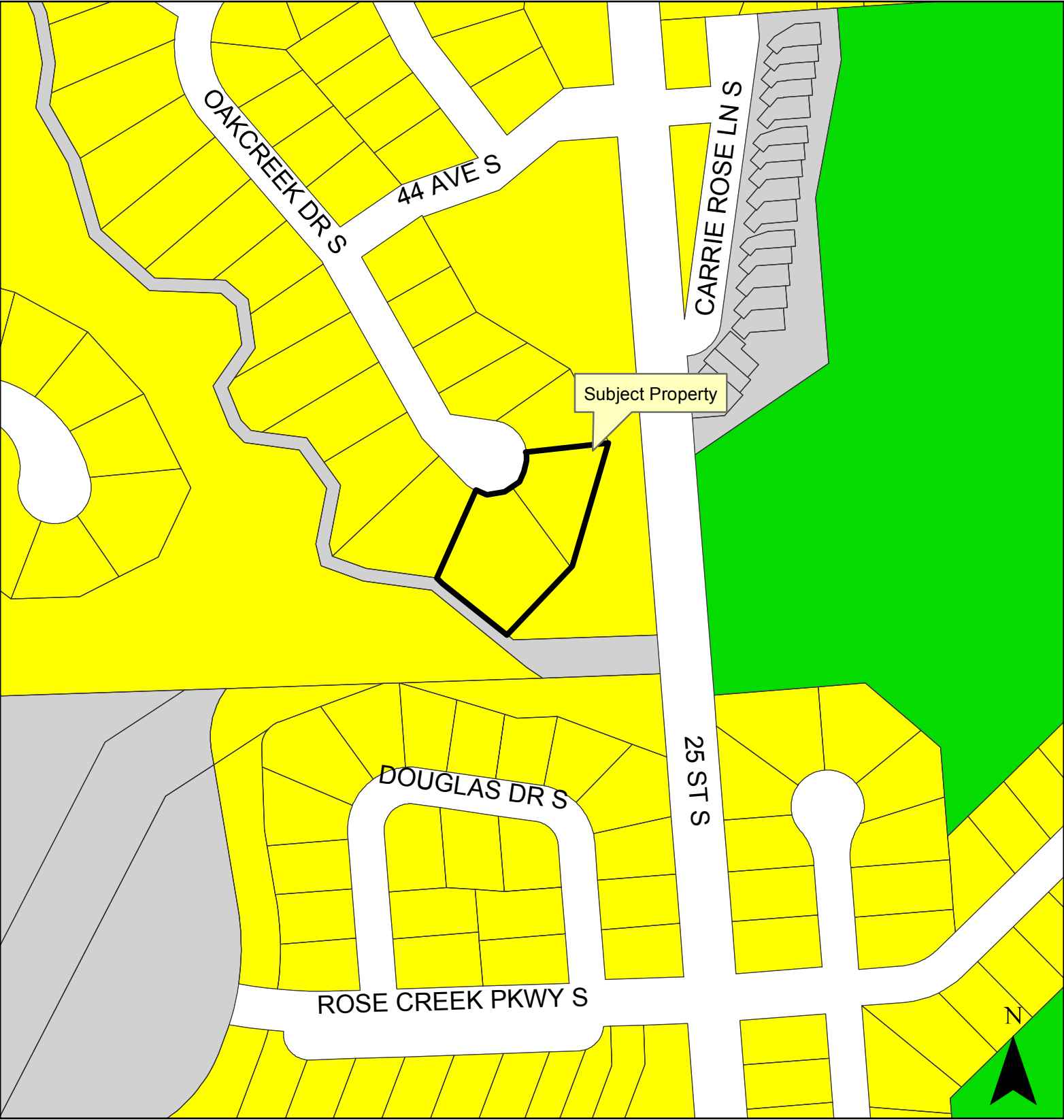
Attachments:

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

Plat (Minor)

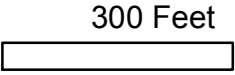
Oakcreek Second Addition

4496 & 4497 Oakcreek Drive South



Legend

AG	LC	MHP	SR-2
DMU	MR-1	NO	SR-3
GC	MR-2	NO	SR-4
GO	MR-3	UML	SR-5
			City Limits



Fargo Planning Commission
July 6, 2017

Plat (Minor)

Oakcreek Second Addition

4496 & 4497 Oakcreek Drive South



OAKCREEK SECOND ADDITION

A REPLAT OF LOTS 26 & 27, BLOCK 1 OF OAKCREEK ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2016.

April E. Walker, City Engineer

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared April E. Walker, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2016.

Jan Ulferts Stewart, Planning Commission Chair

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared Jan Ulferts Stewart, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2016.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That City of Fargo whose address is Fargo, North Dakota as owner of a parcel of land located in the Northeast Quarter of Section 35, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 26, Block 1 of OAKCREEK ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

AND that Brett Potas, an individual whose address is Fargo, North Dakota as owner of a parcel of land located in the Northeast Quarter of Section 35, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 27, Block 1 of OAKCREEK ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

Containing 65,042 square feet more or less.

Said owners have caused the above described tract of land to be surveyed and plotted as "OAKCREEK SECOND ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER:
Brett Potas

By: Brett Potas, an individual

State of North Dakota } SS
County of Cass }

On this _____ day of _____, in the year of 2016, before me, a notary public with and for said County, personally appeared Brett Potas, an individual 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

OWNER:
City of Fargo

By: Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

MORTGAGEE:
name

By: name, title

State of North Dakota } SS
County of Cass }

On this _____ day of _____, in the year of 2016, before me, a notary public with and for said County, personally appeared name, title 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

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Daniel W. Skinner, 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.

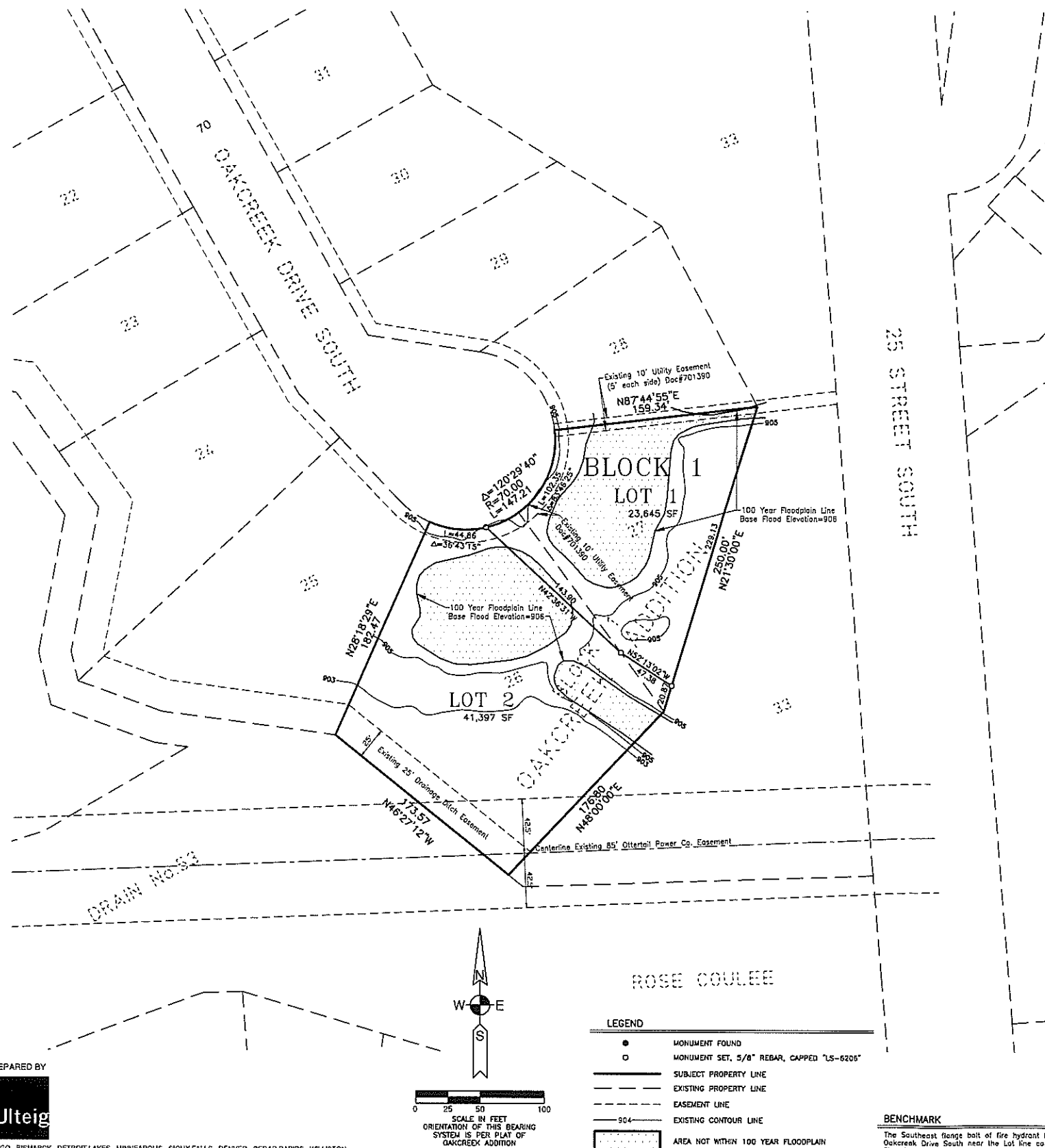
Daniel W. Skinner, Professional Land Surveyor
North Dakota License No. LS-6206

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2016, before me, a notary public with and for said County, personally appeared Daniel W. Skinner, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

preliminary



City of Fargo Staff Report			
Title:	Osgood Townsite Fifteenth Addition	Date:	6/28/2017
Location:	5050 47th Street South	Staff Contact:	Kylie Murphy
Legal Description:	Lot 2, Block 1, of the Osgood Townsite Fifteenth Addition		
Owner(s)/Applicant:	Nate Vollmuth	Engineer:	Nate Vollmuth
Entitlements Requested:	Zoning Change (From LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan and Final Plan		
Status:	Planning Commission Public Hearing: July 6, 2017		

Existing	Proposed
Land Use: Vacant Land	Land Use: Veterinary Clinic and Dog Boarding
Zoning: LC, Limited Commercial	Zoning: LC, Limited Commercial, with a PUD, Planned Unit Development Overlay
Uses Allowed: 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: 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.
Maximum Building Coverage: 55% of lot area	Maximum Building Coverage: 55% of lot area

Proposal:
<p>The applicant is seeking approval of 1) a zoning change from LC, Limited Commercial, to LC, Limited Commercial, zoning district with a PUD, Planned Unit Development, Overlay and 2) a PUD Master Land Use Plan. The intent of the these two applications is to allow the development of a dog boarding facility within 300ft of any residentially zoned property.</p> <p><u>Zoning Amendment and PUD Overlay</u></p> <p>The zoning map amendment would rezone the subject property from LC (Limited Commercial) to LC (Limited Commercial) and establish a PUD (Planned Unit Development) overlay-zoning district for the subject property. This PUD overlay is intended to tailor development standards to the specifics of the proposed project. The following modifications are being proposed:</p> <p>Setback: A pet enclosure cannot be within 300ft of a residentially zoned property will be modified to having a 15ft rear setback from the pet enclosure to the MR-3 property to the north.</p> <p><u>PUD Master Land Use Plan and Final Plan</u></p> <p>The applicant has submitted a project narrative, PUD Master Land Use Plan, and Final Plan which further describes the proposed development. These documents are attached.</p> <p>Additional Information:</p> <p>The required amount of open space of PUD's has recently been contemplated by the Planning Commission.</p>

According to the applicant, the project surpasses 10% open space on site. This item has been included in the draft PUD overlay.

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

Surrounding Land Uses and Zoning Districts:

- North: MR-3, Multi-Dwelling Residential with apartment use
- East: MR-3, Multi-Dwelling Residential and LC, Limited Commercial with vacant land use
- South: Across 52 Avenue South, GC, General Commercial with agricultural use
- West: Across 47th Street South, SR-4, Single-Dwelling Residential and P/I, Public and Institutional, with single-family, twin home, and park uses.

Area Plans:

2003 Growth Plan

■	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



Schools and Parks:

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

Parks: Osgood Park (4951 47th Street S) is located across 47th Street South, west of the subject property and provides basketball, grill, multipurpose field, picnic table, playground, recreational trail, shelter, and soccer amenities.

Pedestrian / Bicycle: There is an off-road bike facility located along 47th Street South. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

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. The base zoning will stay the same with the addition of a PUD Overlay zoning district. The proposed PUD Overlay zoning district is intended to accommodate the development of this currently underutilized property. **(Criteria Satisfied)**

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

property is developed?

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

(Criteria satisfied)

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

Staff has no documentation or 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. To date, staff has received one inquiry into the application and no comments from the public. 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. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities, and protected by a flood resiliency strategy. 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 LC zoning district. In exchange for allowing dog boarding within 300ft of a residentially zoned property the applicant has proposed the following standards to be included within the proposed PUD ordinance:

- Additional landscape buffering
- Limited hours when the dogs can be in the outdoor dog run.

(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. All 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 development.

(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. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities, and protected by a flood resiliency strategy. Staff

finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City.
(Criteria Satisfied)

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

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing redevelopment of an underutilized property within an area of the City that is serviced with existing utilities.

(Criteria Satisfied)

PUD Final Plan Section 20-0908.D:

The petitioner has submitted plans as part of the building permit application process. These plans will be considered the PUD Final Plan. Planning staff has reviewed the submitted plan set and has found that the plans meet the development requirements of the LDC, as well as the requirements of the adopted PUD ordinance. The Master Plan and Final Plans are being brought forth concurrently. Relevant plan sheets from the submitted plan set have been attached to this staff report for review.

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

- 1. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**
There has been no change in project density or intensity.
(Criteria Satisfied)
- 2. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**
There has been no change in the type of nonresidential uses. There have been no substantial changes from the PUD Master Land Use Plan.
(Criteria Satisfied)
- 3. A reduction in the amount of open space;**
There has been no substantial changes in the amount of open space.
(Criteria Satisfied)
- 4. Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**
There have been no substantial changes from the PUD Master Land Use Plan.
(Criteria Satisfied)
- 5. Any change within 50 feet of any SR or MR zoning district;**
There have been no substantial changes from the PUD Master Land Use Plan.
(Criteria Satisfied)
- 6. Any change determined by the Planning Commission to represent an increase in development intensity;**
Staff suggests that there has been no increase in development intensity from the PUD Master Land Use Plan.
(Criteria Satisfied)
- 7. A substantial change in the layout of buildings.**
There have been no substantial changes from the PUD Master Land Use Plan.
(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: 1) Zoning Change from MR-2, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, and approve: 1) the PUD Final Plan, contingent on City Commission approval of the zoning change and PUD Master Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 6, 2017

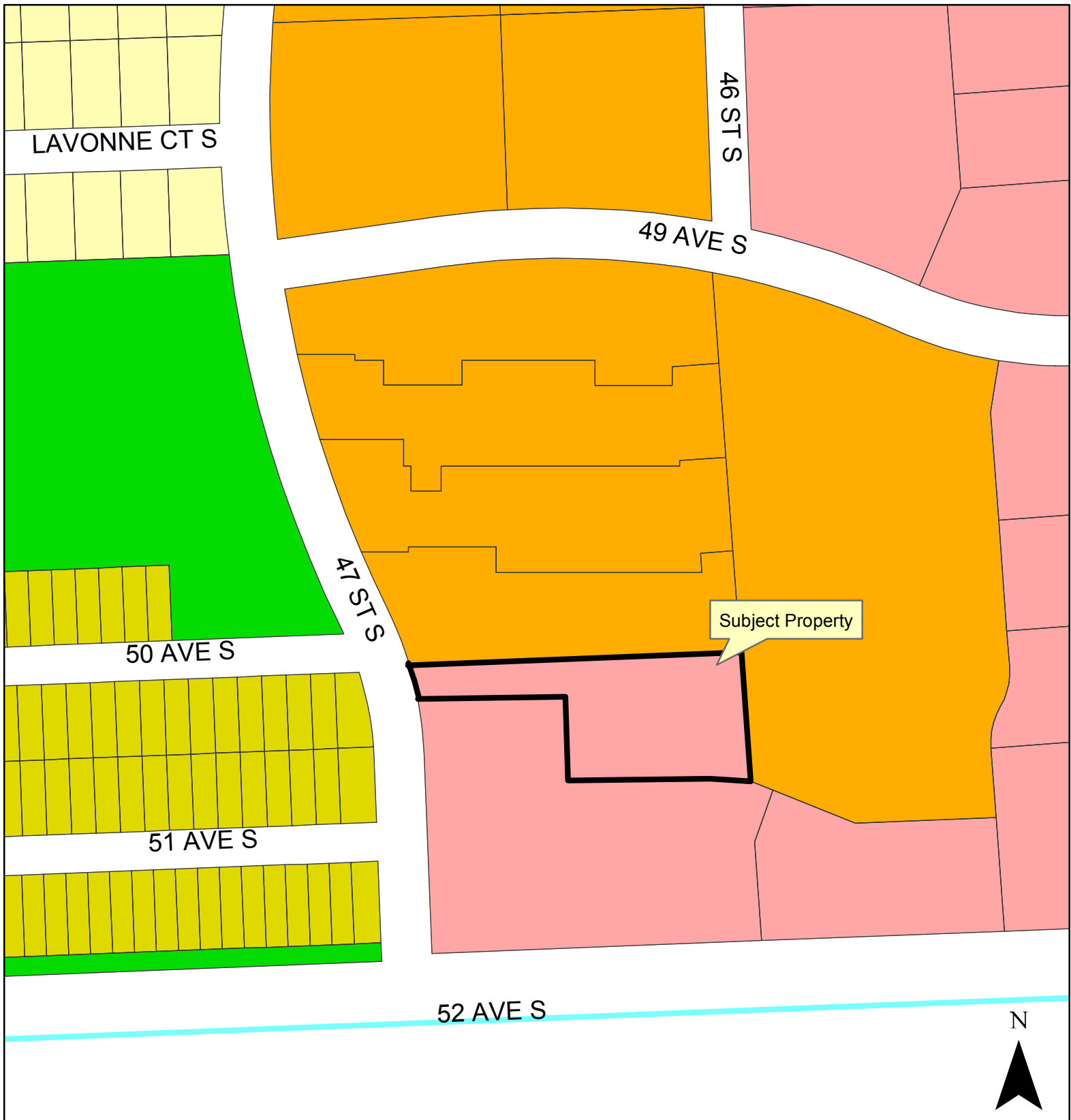
Attachments:

1. Zoning Map
2. Location Map
3. Narrative submitted by Applicant
4. PUD Master Land Use Plan
5. PUD Final Plan
6. Draft PUD Ordinance

PUD and Zone Change (LC to LC w/ a PUD)

Osgood Townsite 15 Addition

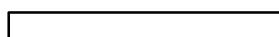
5050 47th Street South



Legend

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

300 Feet



Fargo Planning Commission
July 6, 2017

PUD and Zone Change (LC to LC w/ a PUD)

Osgood Townsite 15 Addition

5050 47th Street South



5.25.17

City of Fargo
Planning Department

Project Narrative below:

Proposed Vet Clinic and Boarding Facility.

Project is adjacent to MR-3, 3-story apartment units.

Owners of apartments have been contacted and we are working thru any issues they have with the proposed project. Campbell Properties

We are proposing a landscape buffer and restricted use of out-door play area.

Facility will install a combination of berms/trees between the outdoor boarding area “pet run” and the apartment units to the north.

Restrictions on time of day usage and frequency have been discussed with apartment owner and are as follows:

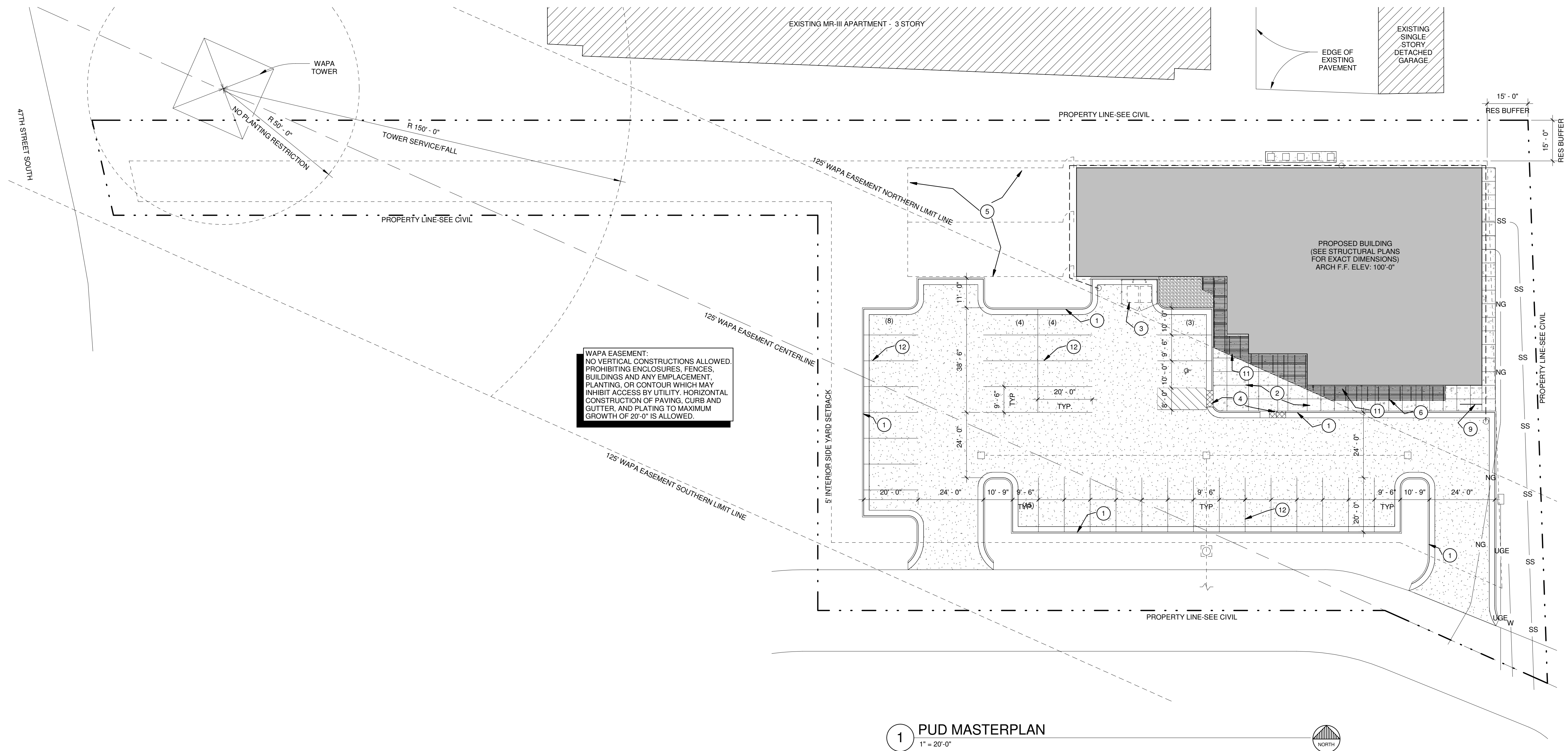
Free play/run: 10 to noon and 3 to 5pm free play

Only other times would be for bathroom breaks, if needed.

Please feel free to contact me with any questions or concerns.

Sincerely,

Nate Vollmuth, AIA
Director of Development
PACES Lodging Corporation
701-499-3895 O
701-388-3635 C
nv@paces.co



- MASTERPLAN KEY NOTES**
- 1 LINE OF CONC. CURB & GUTTER.
 - 2 NEW REINFORCED CONCRETE WALK. CONTROL JOINTING PER CIVIL.
 - 3 TRASH ENCLOSURE. DUMPSTER LOCATION PER MUNICIPAL REQUIREMENTS.
 - 4 ADA COMPLIANT SIDEWALK RAMP APPROACH.
 - 5 8' DOG RUN ENCLOSURE FENCE.
 - 6 STEEL FRAMED CANOPY.
 - 7 NEW REINFORCED CONC. DRIVE APRON.
 - 8 PEDESTRIAN SITE LIGHTING.
 - 9 IN GROUND BICYCLE RACK SYSTEM.
 - 10 TRASH RECEPTACLE (DARK BRONZE)
 - 11 LINE OF ROOF LINE ABOVE.
 - 12 LOT STRIPING.

1 PUD MASTERPLAN
1" = 20'-0"

NORTH



ARTEKTA
ARCHITECTS
325 7TH STREET S FARGO, ND 58102
701.526.3695 TEL 701.526.3694 FAX
WWW.ARTEKTA.COM



NOT FOR CONSTRUCTION
DATE: 06/15/2017

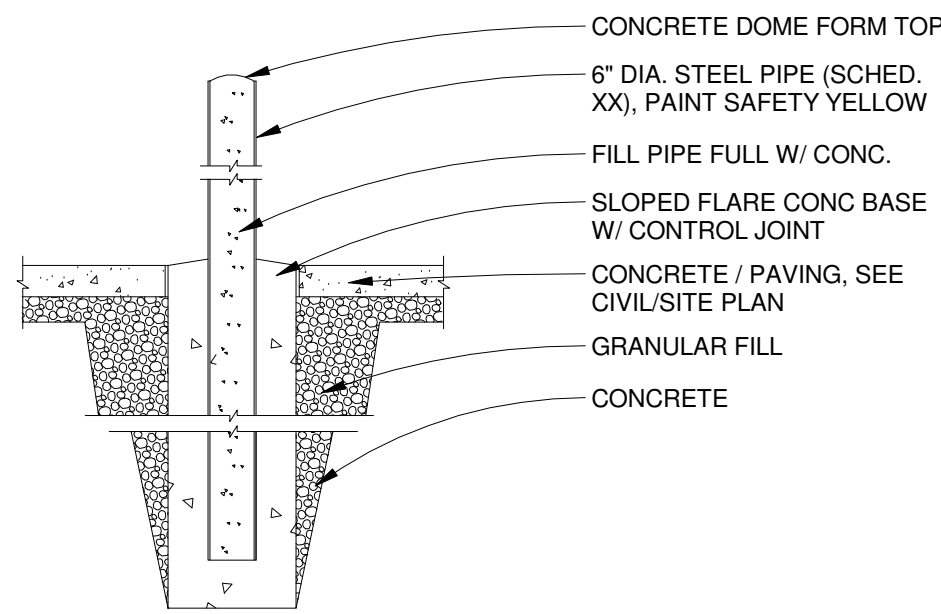


(CVS) - FARGO BRANCH
NEW VETERINARY SERVICES CLINIC
5012 47TH STREET SOUTH
FARGO, ND 58104

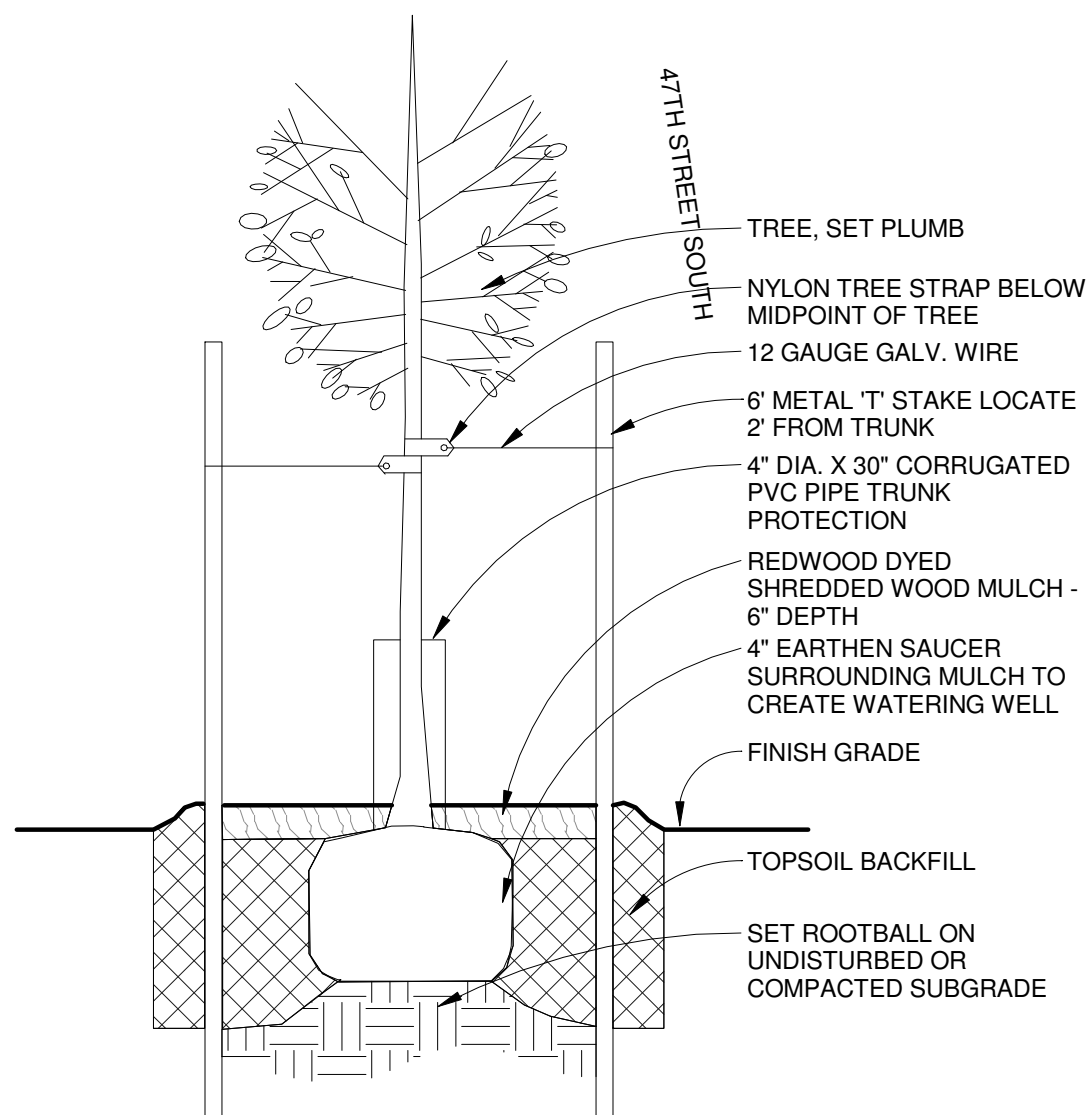
P.U.D. MASTERPLAN

PROJECT #: 1703.01
DATE #: 06/15/2017
DRAWN BY #: Author
CHECKED BY #: Checker

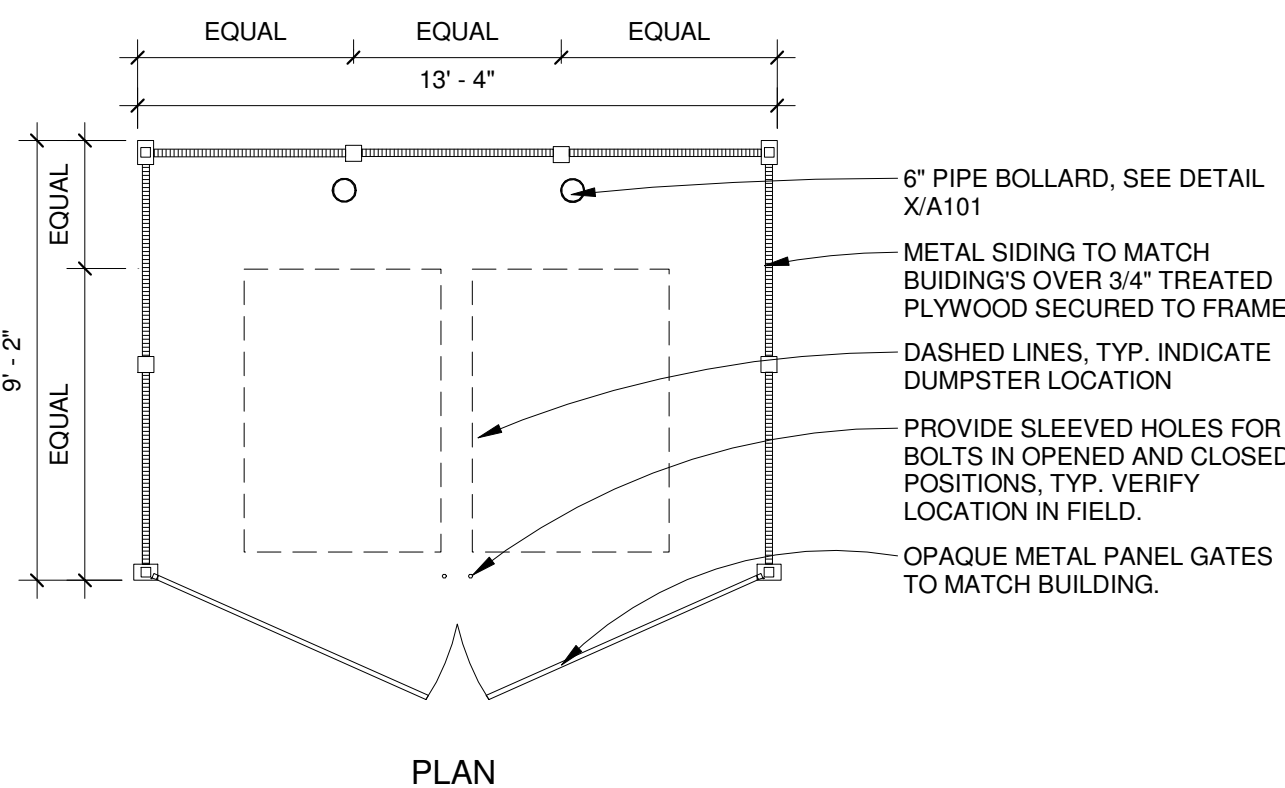
0001
© ARTEKTA, Inc. 2017



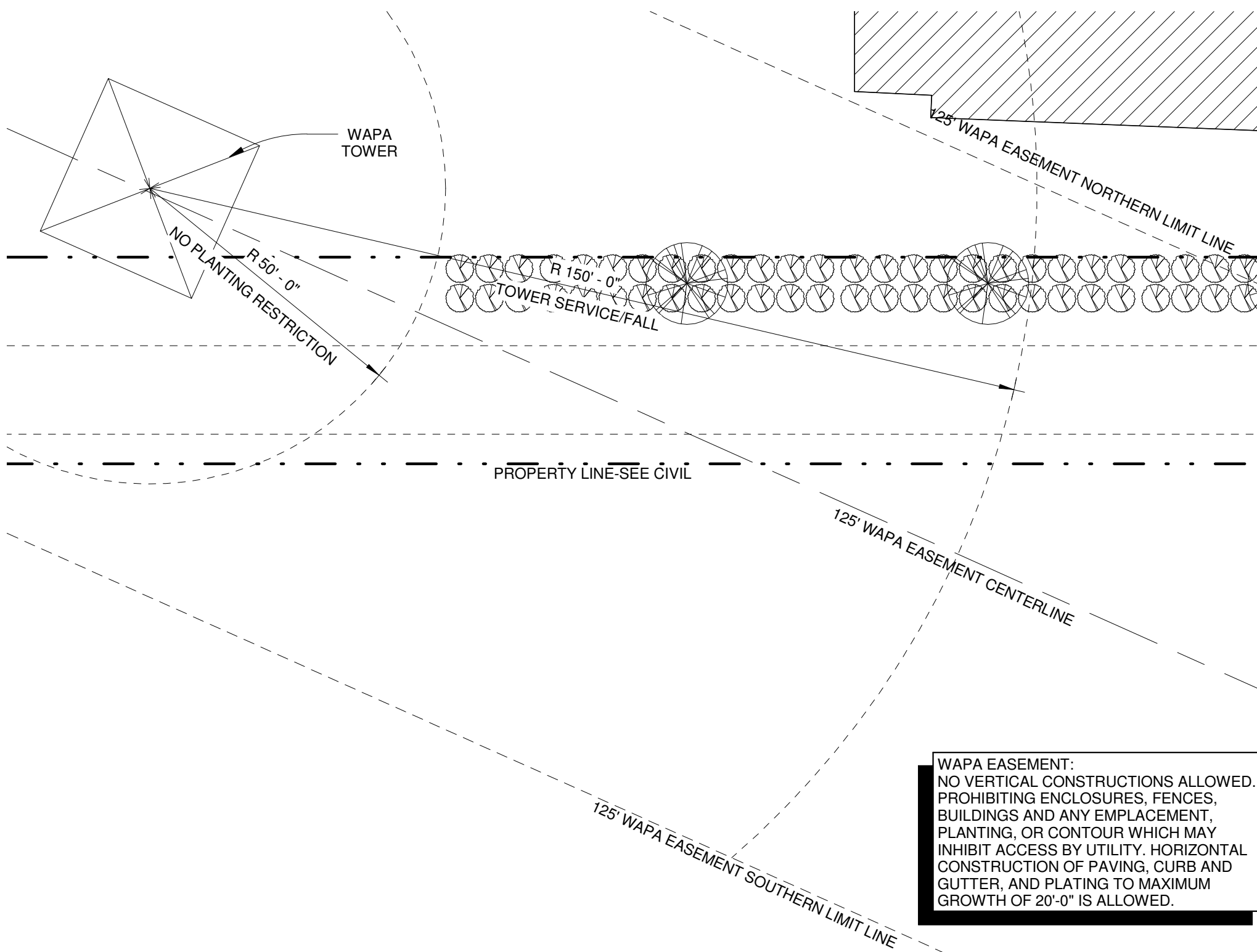
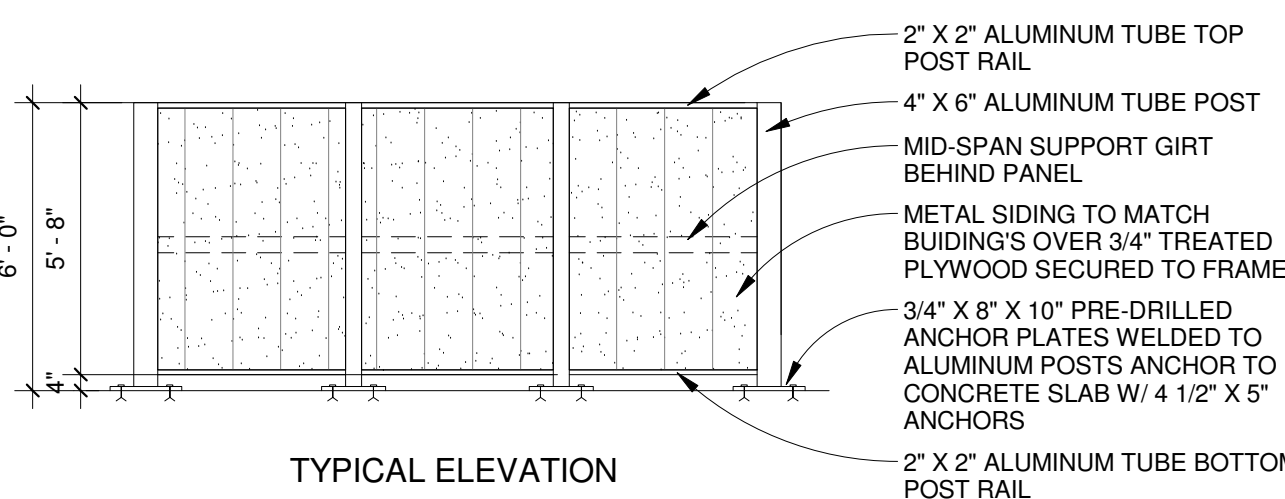
9 PIPE BOLLARD
1/2" = 1'-0"



8 TREE PLANTING
6" = 1'-0"

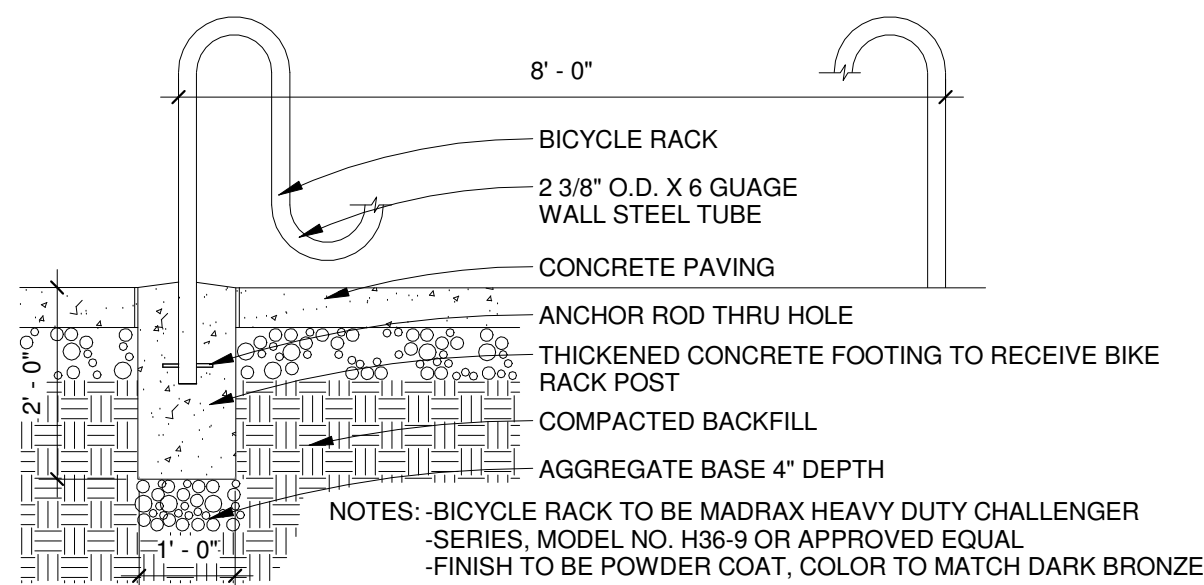


6 DUMPSTER ENCLOSURE
1/4" = 1'-0"

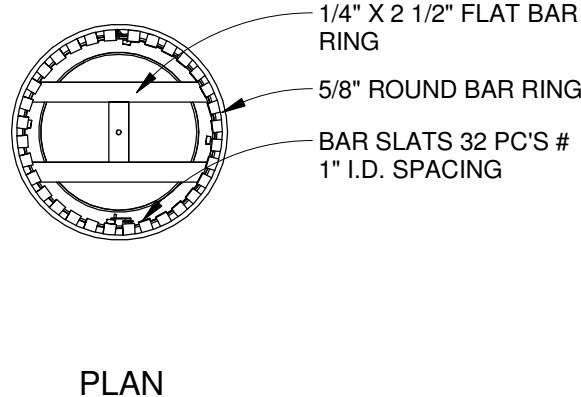


WAPA EASEMENT:
NO VERTICAL CONSTRUCTIONS ALLOWED.
PROHIBITING ENCLOSURES, FENCES,
BUILDINGS AND ANY EMPLACEMENT,
PLANTING, OR CONTOUR WHICH MAY
INHIBIT ACCESS BY UTILITY. HORIZONTAL
CONSTRUCTION OF PAVING, CURB AND
GUTTER, AND PLANTING TO MAXIMUM
GROWTH OF 20'-0" IS ALLOWED.

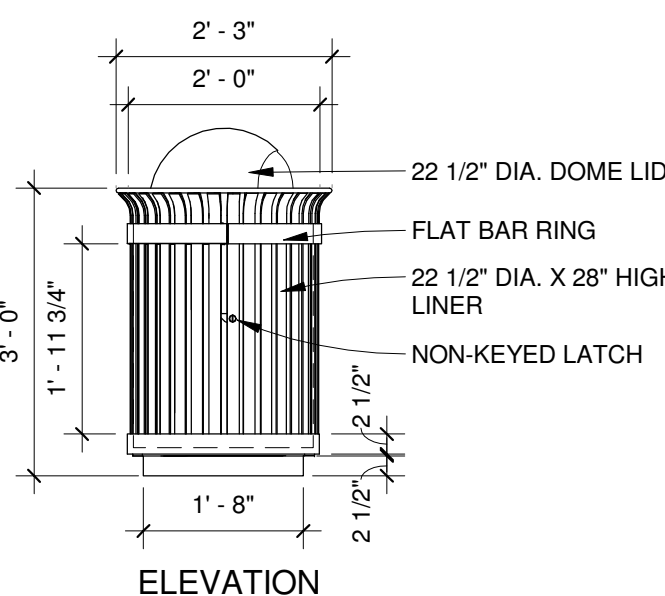
7 BIKE RACK
1/2" = 1'-0"



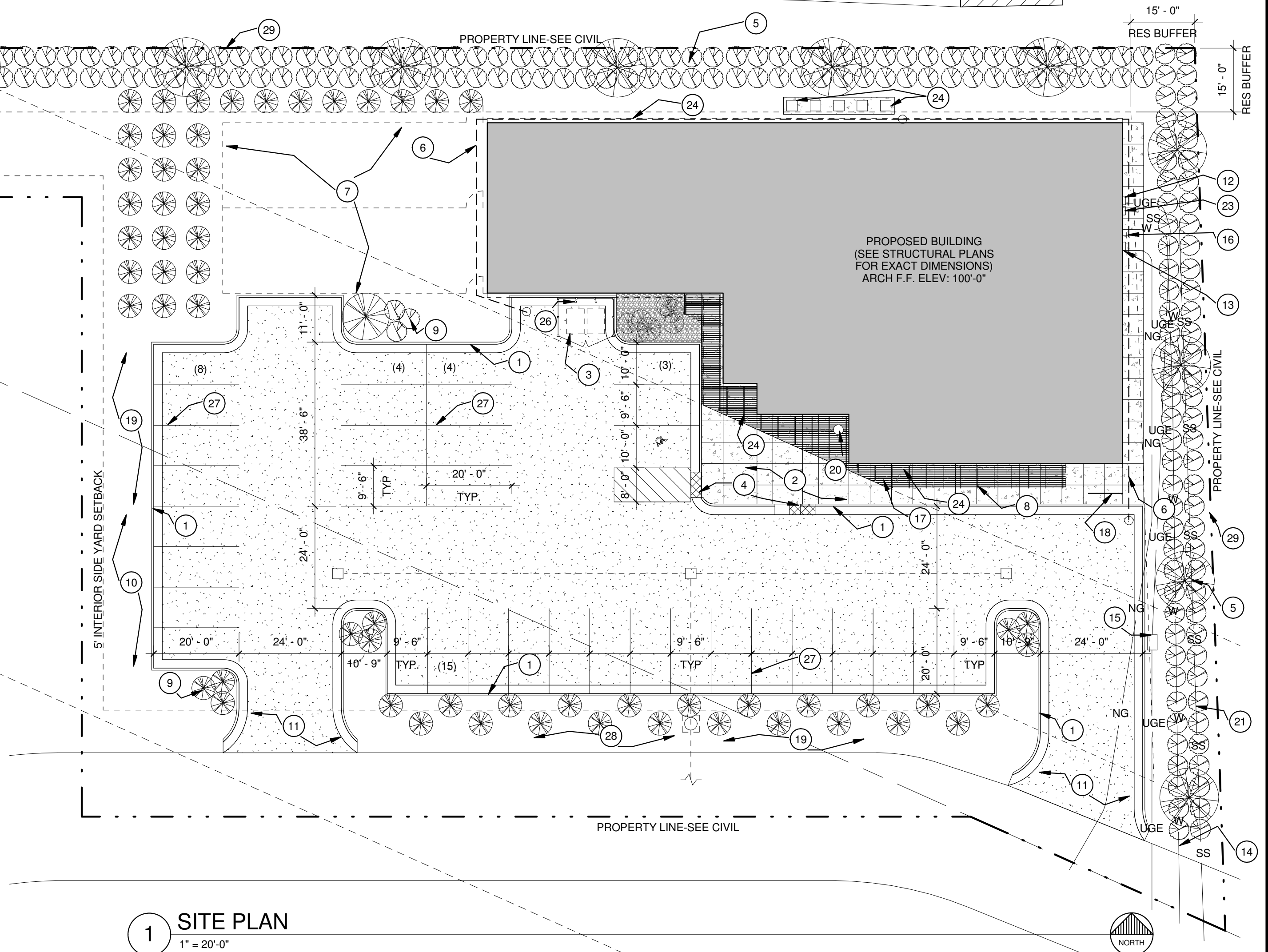
5 TRASH RECEPTACLE
1/2" = 1'-0"



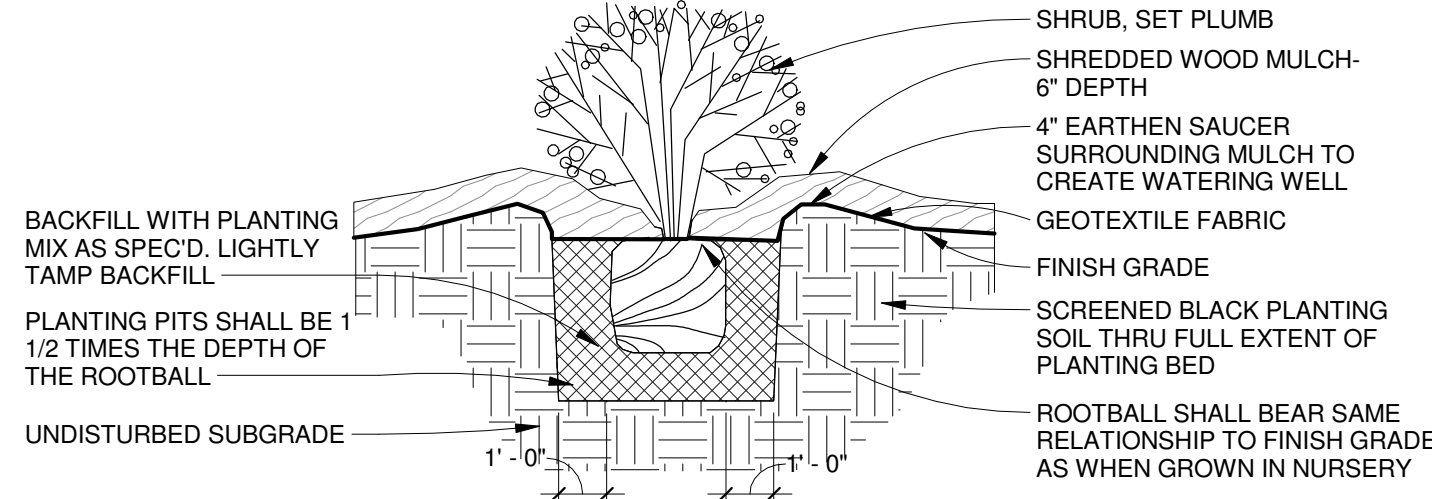
4 BENCH DETAIL
1" = 1'-0"



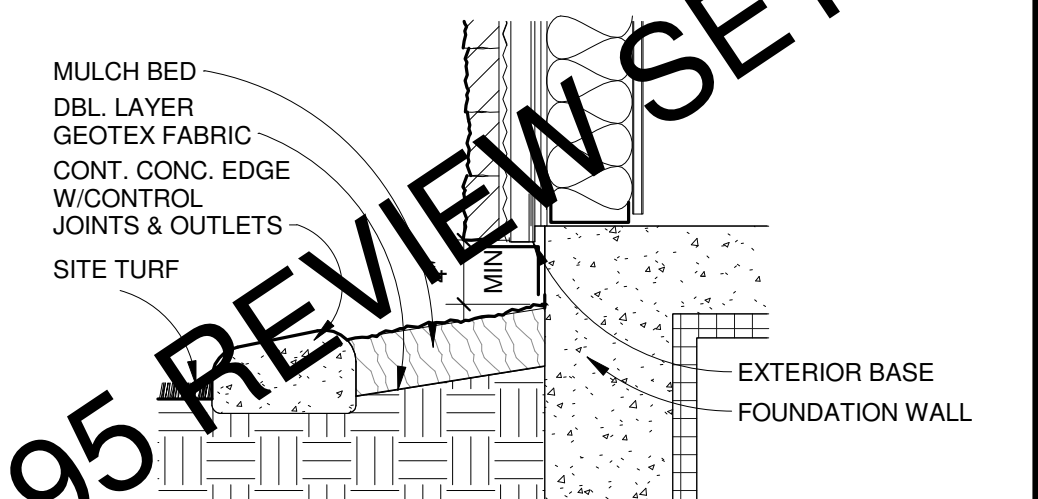
1 SITE PLAN
1" = 20'-0"



3 SHRUB PLANTING
1/4" = 1'-0"



2 TYP. PLANTING BED AT BUILDING
1" = 1'-0"



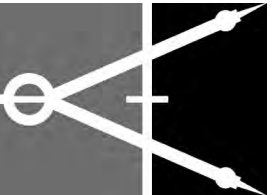
PARKING SCHEDULE			
OCCUPANCY	RATIO	# REQ'D	# PROVIDED
OFFICE = 7,407 SF	1/300	25	27
RETAIL = 1,472 SF	1/250	6	6
STORAGE = 2,105 SF	*	1	1
TOTAL		32	34

* ONLY 1 SPOT REQUIRED IF LESS THAN 2,500 SF

PLANT UNITS-173 REQUIRED			
TYPE	UNITS	QUANTITY	TOTAL
TREE-SMALL	5	33	165
SHRUBS	1	9	9
TOTAL			174

SITE PLAN KEY NOTES

- 1 LINE OF CONC. CURB & GUTTER. (SEE CIVIL)
- 2 NEW REINFORCED CONCRETE WALK. CONTROL JOINTING PER CIVIL. (SEE CIVIL)
- 3 TRASH ENCLOSURE. SEE DETAIL 3/A101. DUMPSTER LOCATION PER MUNICIPAL REQUIREMENTS.
- 4 ADA COMPLIANT SIDEWALK RAMP APPROACH. (SEE CIVIL)
- 5 LANDSCAPE BUFFER PER MUNICIPAL REQUIREMENTS.
- 6 150' FIRE APPARATUS ACCESS ROAD.
- 7 8' DOG RUN ENCLOSURE FENCE.
- 8 STEEL FRAMED CANOPY. SEE DETAIL X/X. AND STRUCT.
- 9 PLANTING BEDS WITH 30% 4"-12" ROCK AND 70% RED CEDAR SHRED MULCH, 4" MIN. DEPTH WITH ZONED IRRIGATION SYSTEM.
- 10 REMEDIATED VEGETATION AND GREEN SPACE.
- 11 NEW REINFORCED CONC. DRIVE APRON (SEE CIVIL).
- 12 ELEC. METER AND SOCKET.
- 13 GAS METER - BY UTILITIES PROVIDER. (SEE MECH)
- 14 DIRECT BORING ROUTE OF NEW 2" WATER MAIN (SEE CIVIL).
- 15 STEP-DOWN TRANSFORMER BY UTILITY PROVIDER ON FORMED CONC. PAD (SEE ELEC).
- 16 FROST PROOF HOSE BIB.
- 17 PEDESTRIAN SITE LIGHTING (SEE ELEC).
- 18 IN GROUND BICYCLE RACK SYSTEM. SEE DETAIL 5/A101.
- 19 SPRAYER PLANT IRRIGATION SYSTEM THROUGHOUT ENTIRE PROPERTY. IRRIGATION INSTALLER RESPONSIBLE FOR ALL UNDER SLAB PIPING EXTENSION, ALL SYSTEM RELATED PROVISIONS, AND ACCESSORIES. ALL BEDS TO BE RECESSED MIN. 4" TO ALLOW FULL THICKNESS MULCH TO EDGE OVER GEOTEXTILE FABRIC. SEE DETAIL X/X.
- 20 TRASH RECEPTACLE (DARK BRONZE) SEE DETAIL 6/A101.
- 21 LINE OF TENCHED- IN SANITARY SEWER LINE (SEE CIVIL).
- 22 SANITARY SEWER PRIMARY CLEAN-OUT.
- 23 NEW EXTERIOR DISCONNECT GEAR (N.I.C.)
- 24 LINE OF ROOF LINE ABOVE.
- 24 CONDENSING UNITS ON 4"W X 6"D X 26"L SLAB ON GRADE. (VERIFY SIZE SEE MECH.)
- 25 NATURAL GAS SERVICE ENTRY. (SEE MECH)
- 26 6" BOLLARDS. SEE DETAIL 2/A101
- 27 LOT STRIPING. (SEE CIVIL)
- 28 NEW BOULEVARD LAWN AREA - FINISH GRADE AND HYDROMULCH PER MUNICIPAL REQUIREMENTS.
- 29 6" BLACK POLY EDGE BORDER



ARTEKTA
ARCHITECTS
325 7TH STREET S
FARGO, ND 58102
701.562.3694 FAX
701.562.3693 TEL
WWW.ARTEKTA.COM

syncorp
Building better together

NOT FOR CONSTRUCTION
DATE: 06/15/2017

Casselton Veterinary
Service, Inc.

(CVS) - FARGO BRANCH
NEW VETERINARY SERVICES CLINIC
5012 47TH STREET SOUTH
FARGO, ND 58104

ARCHITECTURAL SITE PLAN

PROJECT #: 1703.01
DATE #: 06/15/2017
DRAWN BY #: MF
CHECKED BY #: JRM

A101

© ARTEKTA, INC. 2017

Draft PUD Overlay
Osgood Townsite 15th Addition
6-28-2017

Setback: The minimum rear setback for a pet enclosure part of a pet boarding facility shall be 15 feet.

Landscaping: An additional 29 trees will be installed between the outdoor pet enclosure and the adjacent MR-3 zoning district to the north, as shown on the Final Plan Exhibit B.

Open Space: The minimum open space shall be 10% of the lot area.

Additional Standards:

Hours of Operation: The out-door play area for the pet enclosure shall be restricted from 10am to 12pm and 3pm to 5pm for free play, with the exception for bathroom breaks.

City of Fargo Staff Report			
Title:	Dewitts Addition	Date:	6/27/2017
Location:	308 9th Avenue North	Staff Contact:	Maegin Elshaug
Legal Description:	The West 65 feet of Lot 1, Block 2, Dewitts Addition		
Owner(s)/Applicant:	Rob Rich / Lake Agassiz Habitat for Humanity	Engineer:	N/A
Entitlements Requested:	Zoning Change (From MR-2, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan and Final Plan		
Status:	Planning Commission Public Hearing: July 6, 2017		

Existing	Proposed
Land Use: Single Family Residential	Land Use: No change
Zoning: MR-2, Multi-Dwelling Residential	Zoning: SR-5, Single-Dwelling Residential with a PUD, Planned Unit Development Overlay
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
Maximum Density Allowed: 20 dwelling units per acre	Maximum Density Allowed: 14.5 units per acre

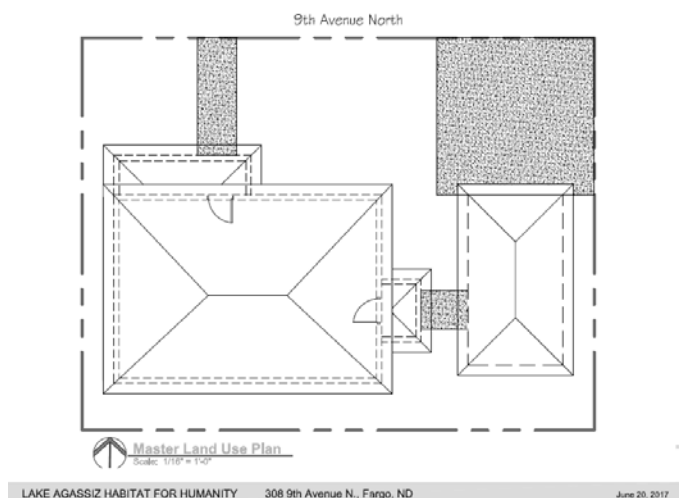
Proposal:

The applicant is seeking approval of 1) a zoning map amendment to establish a PUD, Planned Unit Development, overlay and 2) PUD Master Land Use Plan and Final Plan on part of Lot 1, Block 2, Dewitts Addition. The subject property is located at 308 9th Avenue North. The applicant, Lake Agassiz Habitat for Humanity, intends to build a single-family home on the property.

Previously, a single family detached home was located on the site. However, a permit for demolition was issued for the property in February of 2017. The previous structure was non-conforming based on dimensional standards of Section 20-0501 of the Land Development Code, specifically setbacks. Due to the non-conformity and the timing of demolition, a new structure could not be rebuilt in the same footprint. In addition, due to the setbacks of the MR-2, Multi-Dwelling Residential zoning district and the size of the lot, the property is unbuildable.

Zoning Amendment and PUD Overlay

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. Specifically, the



Master Land Use Plan

following modifications to the proposed SR-5 zoning district are being proposed:

Setback: The rear setback of 15 feet would be modified to 6 feet.

PUD Master Land Use Plan and Final Plan

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

Additional Information:

It is important to note that pursuant to Section 20-0302.F, unless otherwise expressly approved, access to a PUD must be from a collector and higher classification of street. The roadway that is adjacent to the property, 9th Avenue North, is a local road. The required amount of open space of PUD's has recently been contemplated by the Planning Commission. According to the applicant, the project surpasses 10% open space on site. Both of these items have been included in the draft PUD overlay.

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

Surrounding Land Uses and Zoning Districts:

- North: Across 9th Avenue North, SR-3, Single-Dwelling Residential, with single family use
- East: MR-2, Multi-Dwelling Residential with duplex use
- South: MR-2, Multi-Dwelling Residential with single family use
- West: DMU, Downtown Mixed-Use with surface parking lot use

Area Plans:

No area plans apply.

Schools and Parks:

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

Parks: Mickelson Park & Softball Fields (901 Oak Street N) is located approximately a quarter mile (.25 miles) east of the subject property and provides baseball/softball, concessions, playground, recreational trails, restroom, and sledding hill amenities.

Pedestrian / Bicycle: There is an on-road bike facility located along 4th Street North. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

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. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. A permit to demolish the existing structure was received in February 2017, and the applicant is seeking to build on the property. The proposed PUD Overlay zoning district is intended to accommodate the redevelopment of this property. **(Criteria Satisfied)**

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

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

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has not received any inquiries into the application. 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. 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. This PUD allows for flexibility in terms of building placement and will allow for construction of a single-family detached home on the lot. **(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 the rear setback outlined in Section 20-0501. All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**

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

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

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 construction of a single-family home in the neighborhood. **(Criteria Satisfied)**

PUD Final Plan Section 20-0908.D:

The petitioner has submitted plans as part of the building permit application process. These plans will be considered the PUD Final Plan. Planning staff has reviewed the submitted plan set and has found that the plans meet the development requirements of the LDC, as well as the requirements of the adopted PUD ordinance. The Master Plan and Final Plans are being brought forth concurrently. Relevant plan sheets from the submitted plan set have been attached to this staff report for review.

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

- 1. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**
There has been no change in project density or intensity. The number of housing units has not changed. **(Criteria Satisfied)**
- 2. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**
There has been no change in the type of housing proposed. There have been no substantial changes from the PUD Master Land Use Plan. **(Criteria Satisfied)**
- 3. A reduction in the amount of open space;**
There has been no substantial changes in the amount of open space. **(Criteria Satisfied)**
- 4. Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**
There have been no substantial changes from the PUD Master Land Use Plan. **(Criteria Satisfied)**
- 5. Any change within 50 feet of any SR or MR zoning district;**
There have been no substantial changes from the PUD Master Land Use Plan. **(Criteria Satisfied)**
- 6. Any change determined by the Planning Commission to represent an increase in development intensity;**
Staff suggests that there has been no increase in development intensity from the PUD Master Land Use Plan. **(Criteria Satisfied)**
- 7. A substantial change in the layout of buildings.**
There have been no substantial changes from the PUD Master Land Use Plan. **(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: 1) Zoning Change from MR-2, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential with a PUD, Planned Unit Development Overlay and 2) PUD Master Land Use Plan, and approve: 1) the PUD Final Plan, contingent on City Commission approval of the zoning change and PUD Master Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7), and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

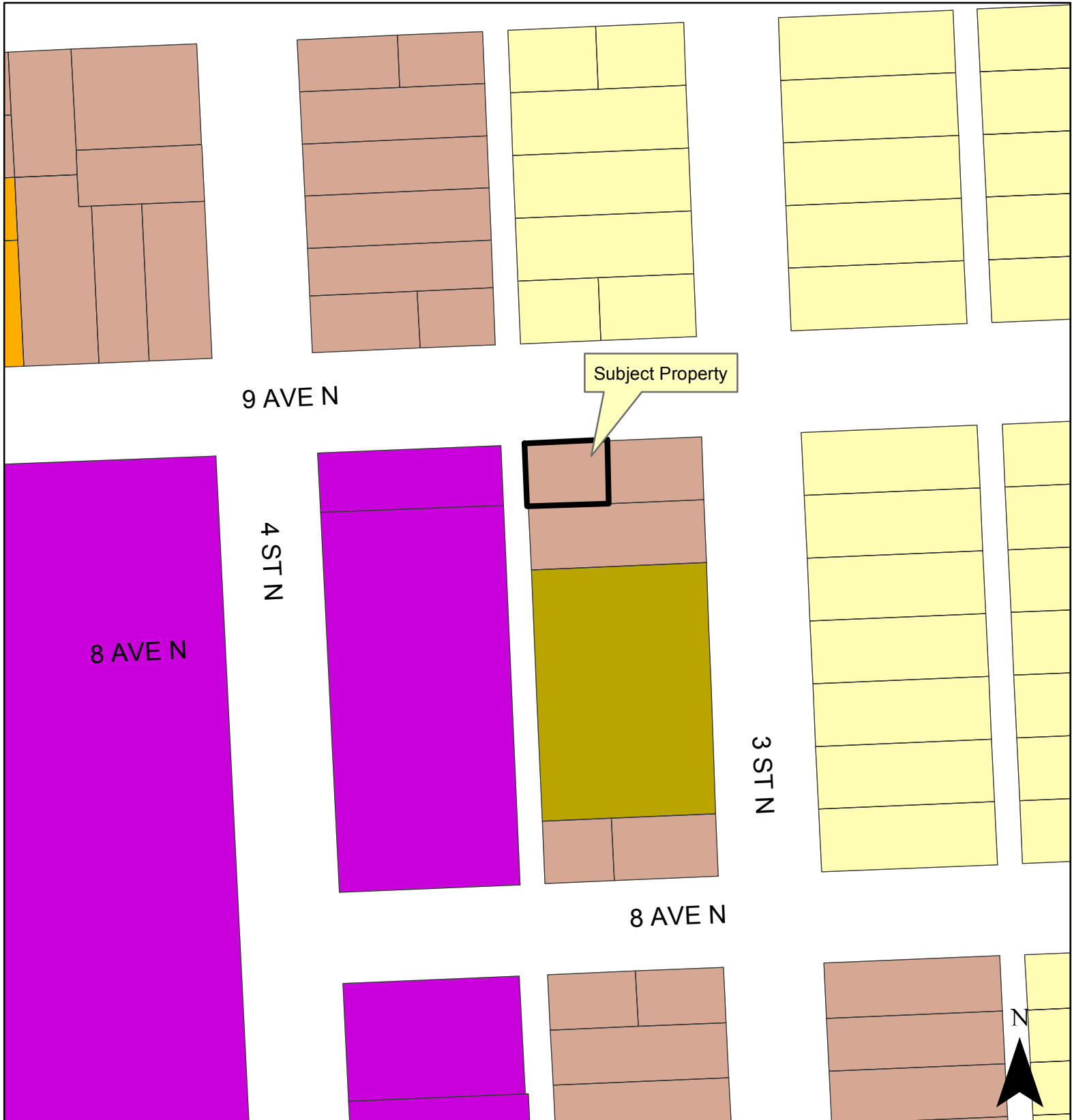
Planning Commission Recommendation: July 6, 2017

Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Narrative submitted by Applicant4. PUD Master Land Use Plan5. PUD Final Plan6. Draft PUD Ordinance

PUD and Zone Change (MR-2 to SR-5 w/ a PUD)

Dewitts Addition

308 9th Avenue North



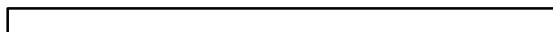
Legend

AG	LC	MHP	SR-2
DMU	LT	NO	SR-3
GC	MR-1	NO	SR-4
GI	MR-2	PJ	SR-5
GO	MR-3	UML	City Limits

Fargo Planning Commission

July 6, 2017

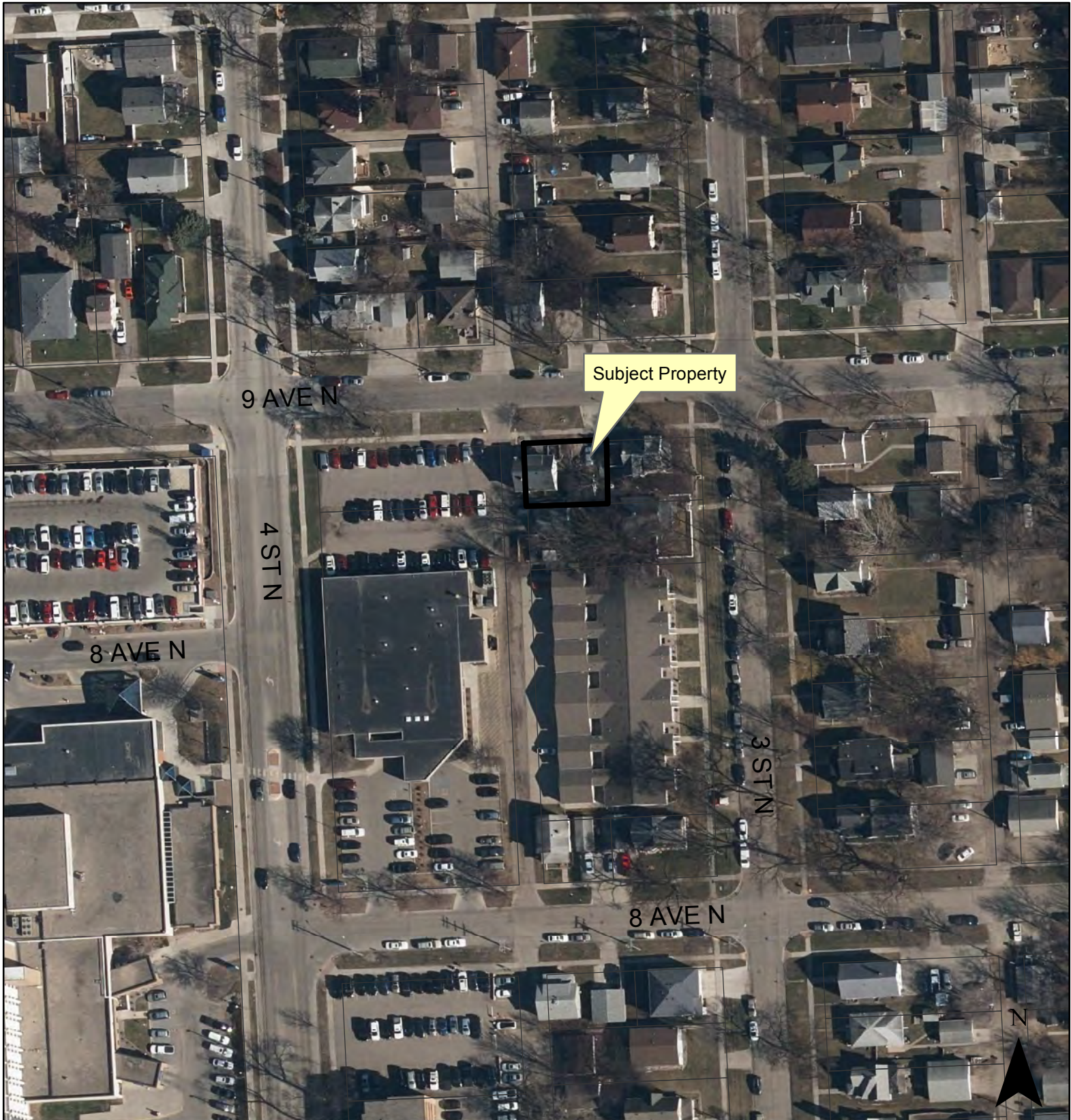
300 Feet



PUD and Zone Change (MR-2 to SR-5 w/ a PUD)

Dewitts Addition

308 9th Avenue North



May 12, 2017

PUD Application – Project Narrative

Lot: 308 9th Avenue N., Fargo, ND

Owner: Lake Agassiz Habitat for Humanity

Current Zoning: MR-2

Proposed Zoning: SR-5

Minimum Lot Size for SR-5: 3,000 s.f.,

Current Lot Size: 3,250 s.f.

Rear Yard Setback Requirement: 15'

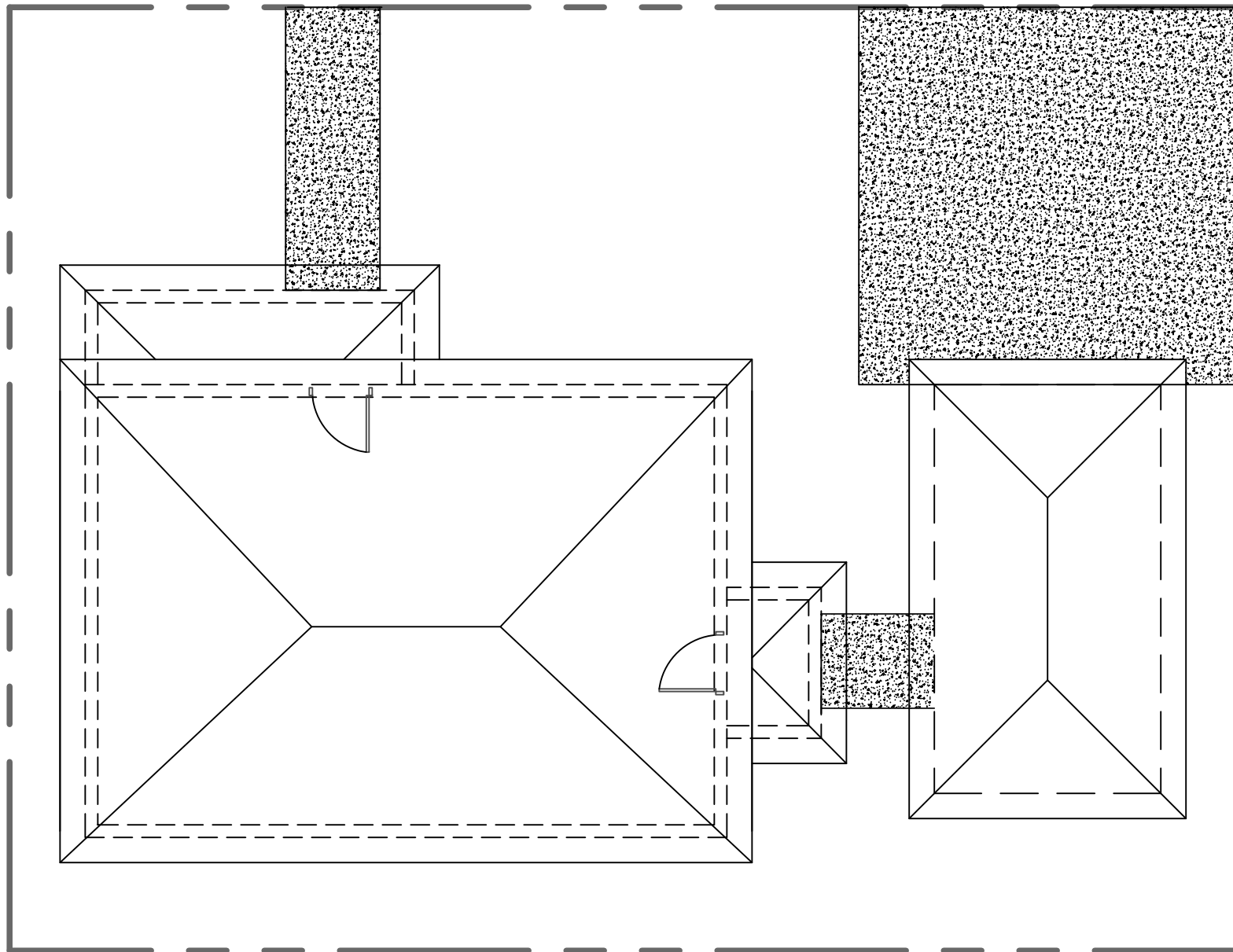
Proposed Rear Yard Setback: 6' (9' variance request)

Building Coverage: Not to exceed 50% of lot – $3,250 \text{ s.f.} / 2 = 1,625 \text{ s.f.}$

Proposed Building Coverage: House – 1,130 s.f., Garage – 355 s.f. (total = 1,485 s.f.)

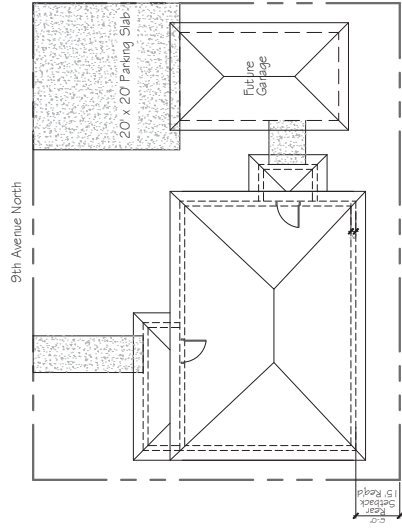
The lot at 308 9th Avenue North, previously developed with a single family home and currently zoned as MR-2. The proposed development will include a new, two-story, single family home with a 20' x 20', off-street parking slab. We are proposing a change from MR-2 zoning to SR-5, and a variance for the rear yard setback of 9'. This will allow the proposed house to maintain the required 15' front yard setback. A future, single stall garage is being proposed to meet the interior side yard setback and a 6' rear yard setback. The proposed structures will not exceed the maximum building coverage for an SR-5.

9th Avenue North

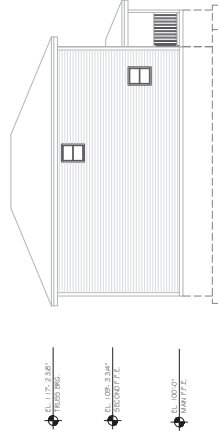


Master Land Use Plan

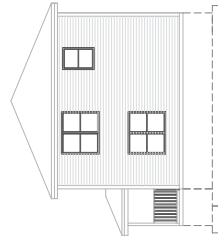
Scale: 1/16" = 1'-0"



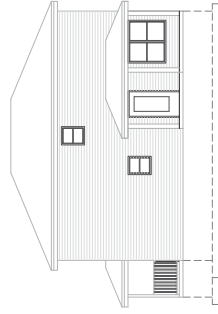
Site Plan
Scale: 1/8" = 1'-0"



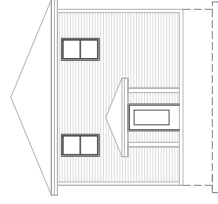
A South Elevation
Scale: 1/8" = 1'-0"



B West Elevation
Scale: 1/8" = 1'-0"



C North Elevation
Scale: 1/8" = 1'-0"



D East Elevation
Scale: 1/8" = 1'-0"

Draft PUD Overlay
Dewitts Addition
6-26-2017

Setback: The minimum rear setback shall be 6 feet.

Roadway Access: Access shall be allowed from a local street.

Open Space: The minimum open space shall be 10% of the lot area.

**City of Fargo
Staff Report**

Title:	Silverleaf Third Addition	Date:	6/22/17
Location:	2801 64th Avenue South, and 2748 Samuel Drive South	Staff Contact:	Derrick LaPoint
Legal Description:	Part of Auditor's Lot 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, and Lot 3, Block 1, Silverleaf Second Addition		
Owner(s)/Applicant:	Carl Olson/KLJ	Engineer:	KLJ
Entitlements Requested:	Minor Subdivision (Replat of part of Auditor's Lot 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, and Lot 3, Block 1, Silverleaf Second Addition, City of Fargo, Cass County, North Dakota) and Zoning Change (from AG, Agricultural, to SR-2, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: July 6, 2017		

Existing	Proposed
Land Use: Warehouse and Single Family Residential	Land Use: No Change
Zoning: AG, Agricultural and SR-2, Single-Dwelling Residential	Zoning: SR-2, Single-Dwelling Residential
Uses Allowed: AG – Agricultural allows detached houses, parks and open space, safety services, basic utilities, and crop production. SR-2, Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities. SR-2, Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: SR-2, Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities.
Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres. SR-2 allows a maximum of 5.4 units per acre.	Maximum Density Allowed: SR-2 allows a maximum of 5.4 units per acre.

Proposal:

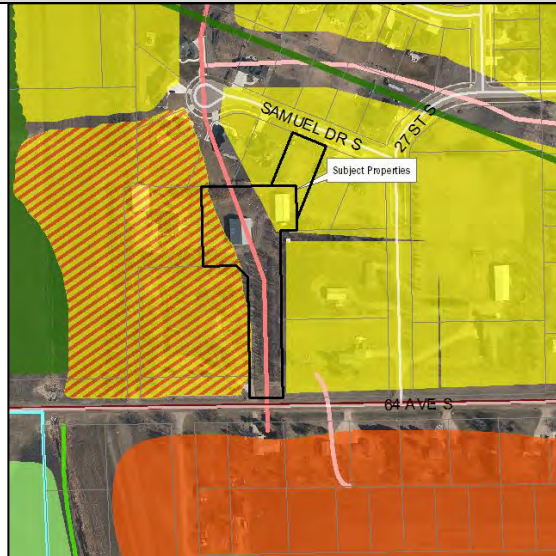
The applicant is seeking approval of a minor subdivision, Silverleaf Third Addition, and a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential. The applicant is seeking additional land for their existing single-family home on Lot 3, Block 1, Silverleaf Second Addition. The subject property encompasses approximately 0.48 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: SR-2, Single-Dwelling Residential with single-family residential use.
- East: AG, Agricultural and SR-2, Single-Dwelling Residential with single-family residential use.
- South: Across 64th Avenue South, SR-2, Single-Dwelling Residential with single-family residential use.
- West: AG, Agricultural and SR-2, Single-Dwelling Residential with single-family residential use.

Area Plans:



In terms of land use, the subject property is located within the “South Area” as identified within the *2001 Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo*. The plan designates the subject property as being suitable for low density residential.

	Low Med Res or Med High Res
	Low Med Res or Parkland
	Commercial or Office
	Commercial
	Low Med Res
	Med High Res or Office
	Med High Res
	Office
	Parkland
	Public and Inst

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.

Parks: Silverleaf Park (5755 27th Street S) is located approximately a quarter mile north of the subject property and provides playground amenities.

Pedestrian / Bicycle: There is an off-road bike facility located along 25th Street South. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

Zone Change:

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

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?**

As noted in the Land Development Code (LDC), the Agricultural (AG) district is intended as an “interim” zoning classification pending determination of an appropriate zoning district. The zoning change is justified as the petitioner is retaining a portion of the unplatted land for the purpose of expanding their SR zoned lot which is consistent and compatible with city growth plans and compatible with the surrounding land uses.
(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. No deficiencies have been noted in the ability to provide all of the necessary services to the site.

(Criteria Satisfied)

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

The proposed development and requested zoning districts are compatible and consistent with city growth plans, as well as the GO2030 Fargo Comprehensive Plan, and thereby the project should not adversely affect the condition or value of property in the vicinity. GO2030 refers to 'quality new development. In accordance with the notification requirements of the Land Development Code, letters were sent to neighboring property owners. To date, staff has not received any comments through the public notification process.

(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 proposed amendment is consistent with the LDC and the growth plans for this area.

(Criteria Satisfied)

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 Growth Plan supports low-density residential land uses at this location that are consistent with the requested SR-2 zoning classification. Therefore, the petitioner is seeking the appropriate zone district classifications to accommodate the proposed development.

(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.**

Pursuant to Item 1 above, the proposed development will comply with an approved growth plan and the subdivision meets the requirements of the Land Development Code (LDC).

(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: 1) Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential and 2) Subdivision Plat, **Silverleaf Third 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: July 6, 2017

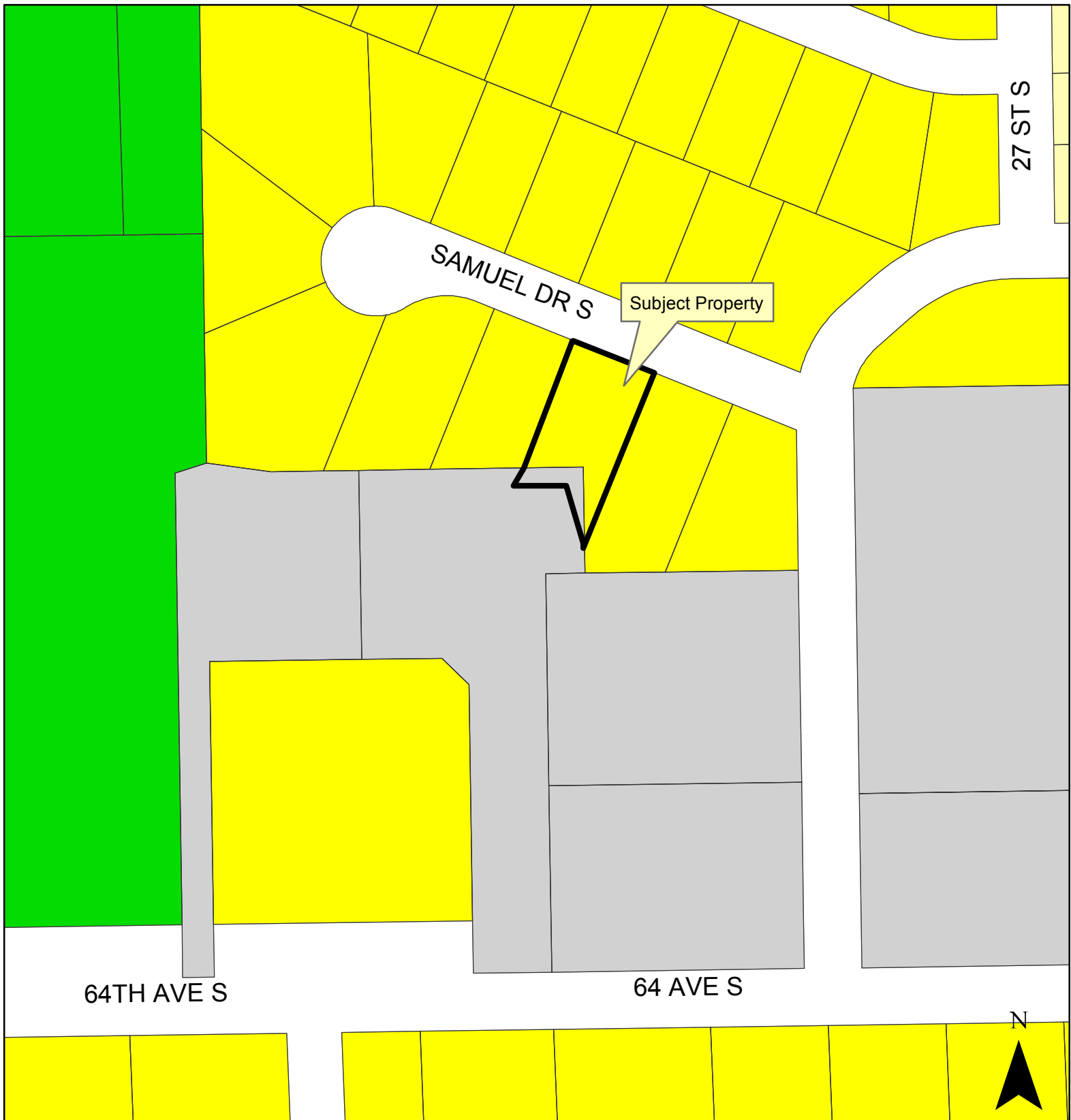
Attachments:

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

Plat (Minor) & Zoning Change (AG to SR-2)

Silverleaf Third Addition

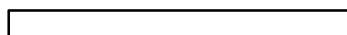
2748 Samuel Drive &
2801 64th Avenue South



Legend

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

300 Feet



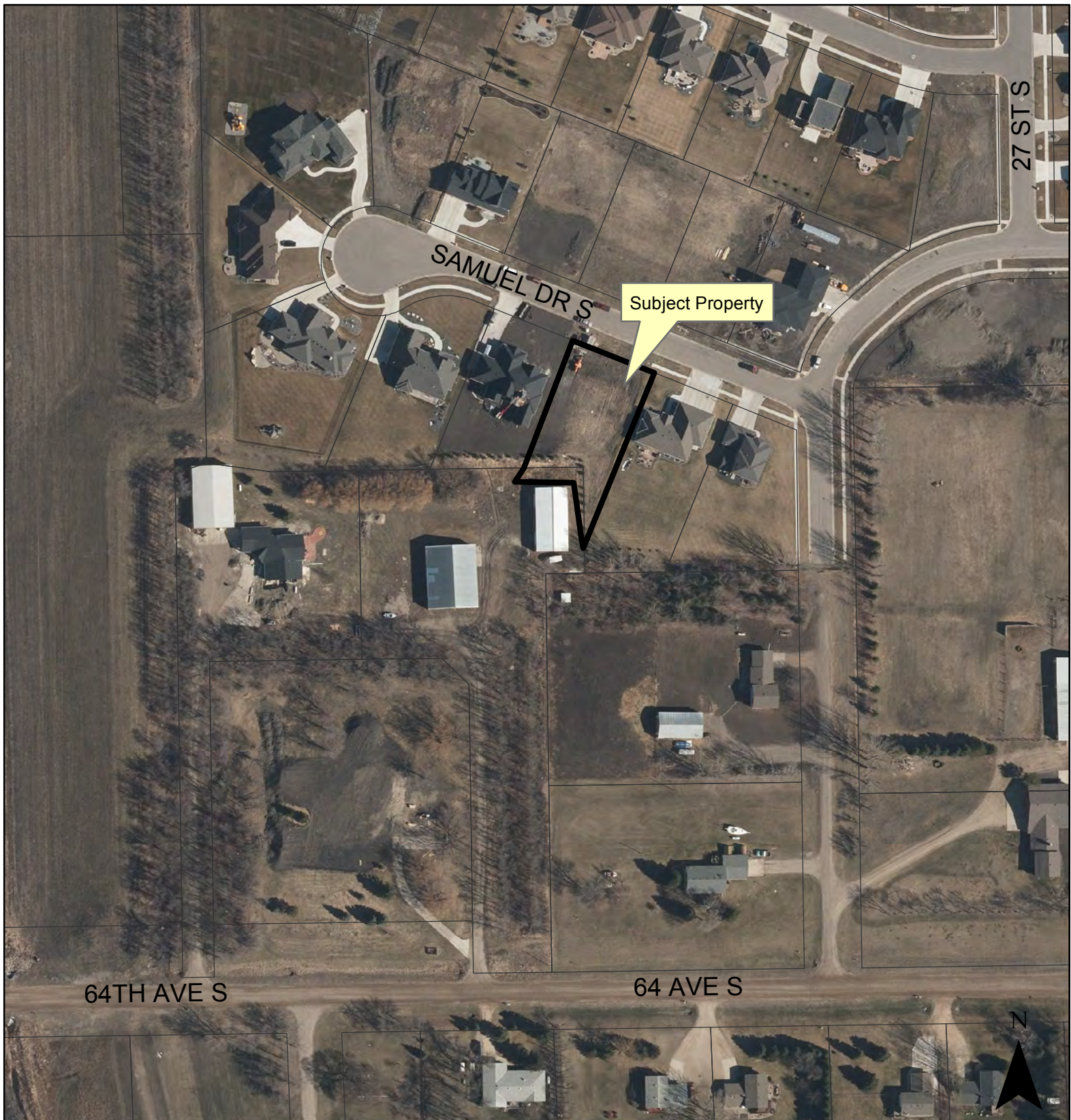
Fargo Planning Commission

July 6, 2017

Plat (Minor) & Zoning Change (AG to SR-2)

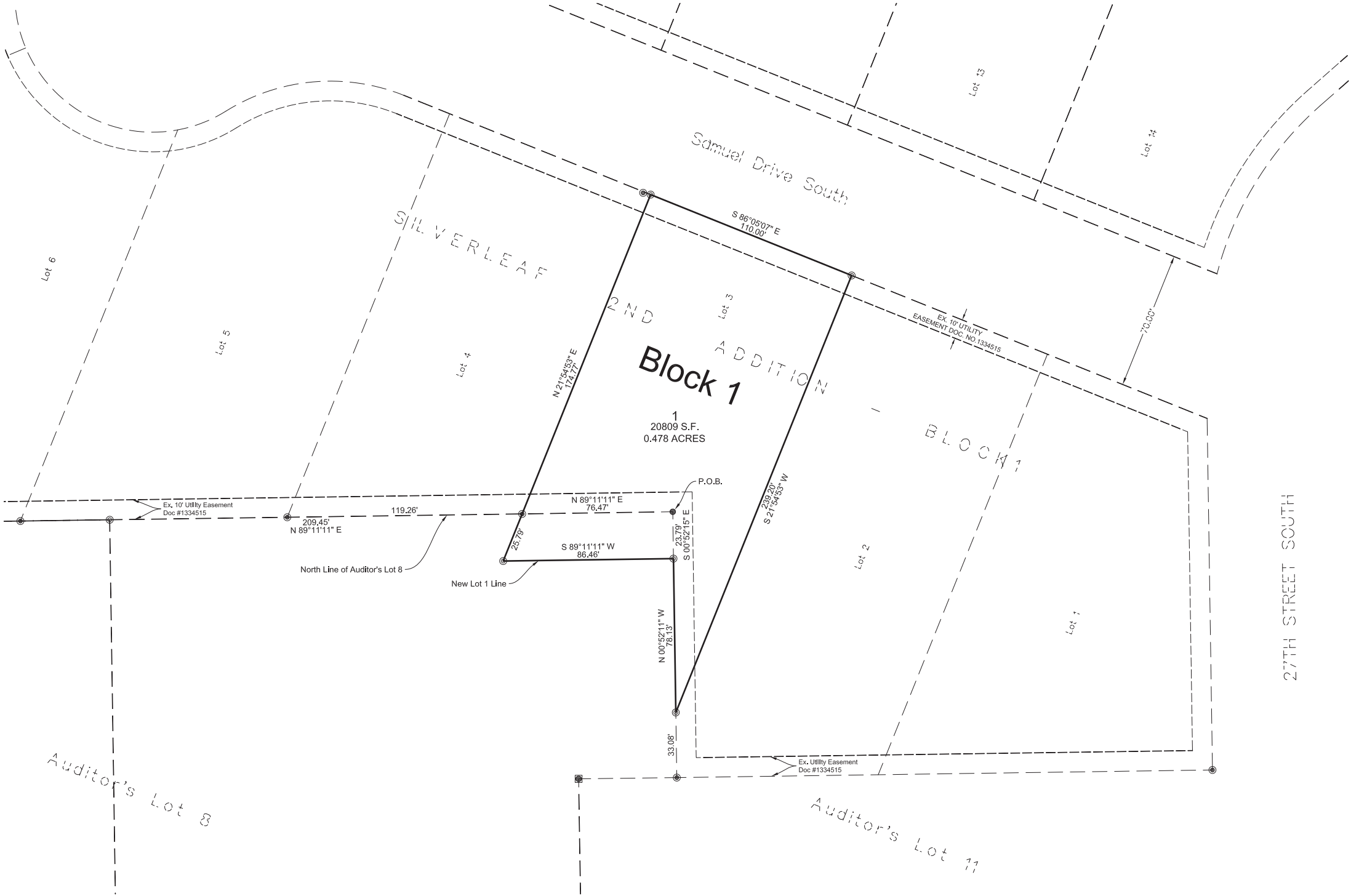
Silverleaf Third Addition

2748 Samuel Drive &
2801 64th Avenue South



A MINOR SUBDIVISION PLAT OF
SILVERLEAF THIRD ADDITION

A replat of a part of Auditor's Lot 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West, 5th P.M.
and Lot 3 of Block 1, SILVERLEAF SECOND ADDITION in the CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



DESCRIPTION:
Carl Olson, being duly sworn, deposes and says that he is the Registered Land Surveyor who prepared and made the attached plat of "SILVERLEAF THIRD ADDITION" to the city of Fargo, a replat of SILVERLEAF SECOND ADDITION to the city of Fargo, Cass County, ND and AUDITORS LOT 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West, 5th P.M., that said addition is described as follows, to wit:
All of Lot 3, Block 1, SILVERLEAF SECOND ADDITION to the City of Fargo, Cass County, North Dakota and Part of Auditor's Lot 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West, 5th Principal Meridian, County of Cass, State of North Dakota, as recorded and on file in the office of the County Recorder, more particularly described as follows:
Beginning at the northeast corner of said AUDITORS LOT 8; thence on an assumed bearing of South 00 degrees 52 minutes 15 seconds East, along the east line of said AUDITORS LOT 8, a distance of 23.79 feet; thence South 89 degrees 11 minutes 07 seconds West, a distance of 86.46 feet; thence North 21 degrees 54 minutes 49 seconds East, a distance of 25.79 feet, to the north line of said AUDITORS LOT 8; thence North 89 degrees 11 minutes 07 seconds East, along said north line of AUDITORS LOT 8, a distance of 76.47 feet to the Point of Beginning.
Said parcel contains 1938 square feet, more or less, and is subjected to any easements or rights of way of record.
This legal description was prepared by Carl Olson, ND Licensed Surveyor, LS-4687, and is stored with KLJ, 1505 South 30th Avenue, Moorhead, MN.

DEDICATION:
We, the undersigned, do hereby certify that we are the owners of the land described in the plat of "SILVERLEAF THIRD ADDITION" to the city of Fargo, a replat of SILVERLEAF SECOND ADDITION to the city of Fargo, Cass County, ND and AUDITORS LOT 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West, 5th P.M., that we have caused it to be surveyed and platted into lots and blocks as shown by said plat and certificate of Carl Olson, Registered Land Surveyor. We hereby dedicate all easements shown on the attached plat to the use of the public.

OWNER: Lot 3 of Block 1, SILVERLEAF SECOND ADDITION

Jeremy Ulmer

By: Jeremy Ulmer

State of North Dakota }
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County and State, personally appeared Jeremy Ulmer to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

OWNER: Part of Auditor's Lot 8 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West, 5th P.M.

Huber Properties, LLP

By: Steve Huber, President

State of North Dakota }
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County and State, personally appeared Steve Huber, to me known 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 City Engineer this _____ day of _____, 2017.

April E. Walker, City Engineer

State of North Dakota }
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared April E. Walker, City Engineer, to me known 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, Carl P. Olson, Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that the attached plat is a true and accurate representation of the survey of said subdivision and all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been correctly placed in the ground as shown.

Carl P. Olson, Professional Land Surveyor
North Dakota License # LS-4687

State of North Dakota }
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Carl P. Olson, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2017.

Fargo Planning Commission

State of North Dakota }
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared _____, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2017.

Timothy J. Mahoney, Mayor

ATTEST:

Steven Sprague, City Auditor

State of North Dakota }
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, City of Fargo and Steven Sprague, Auditor, City of Fargo, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

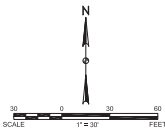
LEGEND

- ⊙ REBAR AND LS 6153 CAP FOUND
- ⊙ REBAR AND LS 3461 CAP FOUND
- ⊙ REBAR AND LS 2727 CAP FOUND
- REBAR FOUND
- ⊙ CALCULATED CORNER
- (240.06) RECORD DISTANCE
- 240.46 MEASURED DISTANCE

NOTE:
Survey is based on Fargo 2007 Coordinate System, Fargo GIS Horizontal Datum, US Survey Feet. Distances shown are Ground distances.

Said tract of land is subject to any easement restrictions or reservations, either existing or record.

Bearings and distances may vary from previous plats due to different methods of measurement.



**City of Fargo
Staff Report**

Title:	Osgood Townsite Sixth Addition	Date:	06/27/17
Location:	4575 45th Street South	Staff Contact:	Barrett Voigt
Legal Description:	Lot 3, Block 1, Osgood Townsite Sixth Addition		
Owner(s)/Applicant:	Calvary United Methodist Church/Bill Kranzler	Engineer:	None
Entitlements Requested:	Zoning Change (from MR-1, Multi-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: July 6, 2017		

Existing	Proposed
Land Use: Religious Institutional	Land Use: No Change
Zoning: MR-1, Multi-Dwelling Residential	Zoning: P/I, Public and Institutional with a C-O, Conditional Overlay
Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events. Conditional Overlay: See attached draft C-O for additional information
Maximum Density Allowed: 16 units per acre	Maximum Density Allowed: No maximum

Proposal:

The applicant is seeking approval of a zoning change from MR-1, Multi-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay, on part of Lot 3, Block 1, Osgood Townsite Sixth Addition. The subject property encompasses approximately 7.62 acres.

According to the applicant, the proposed zoning map amendment is being requested in order to accommodate a new electronic messaging center along 45th Street South in the northeast corner of the property. The current MR-1 zoning district does not allow for electronic messaging center signs. However, P/I, Public and Institutional zones allow for electronic messaging centers of up to 200 square feet in size. Because the property fronts only one public street, the zoning change would allow for the potential to add electronic messaging centers every 300 linear feet of the property for the maximum of two (2).

Although the petitioner has no stated plans of changing the current use of the property, the P/I zoning district would allow many uses that could potentially affect the surrounding residential neighborhood. Therefore, staff has proposed with the agreement of the applicant, the creation of a C-O, Conditional Overlay, zoning district for the subject property. The purpose of the Conditional Overlay would be to ensure compatibility between the subject property and surrounding residential uses by restricting more-intensive uses.

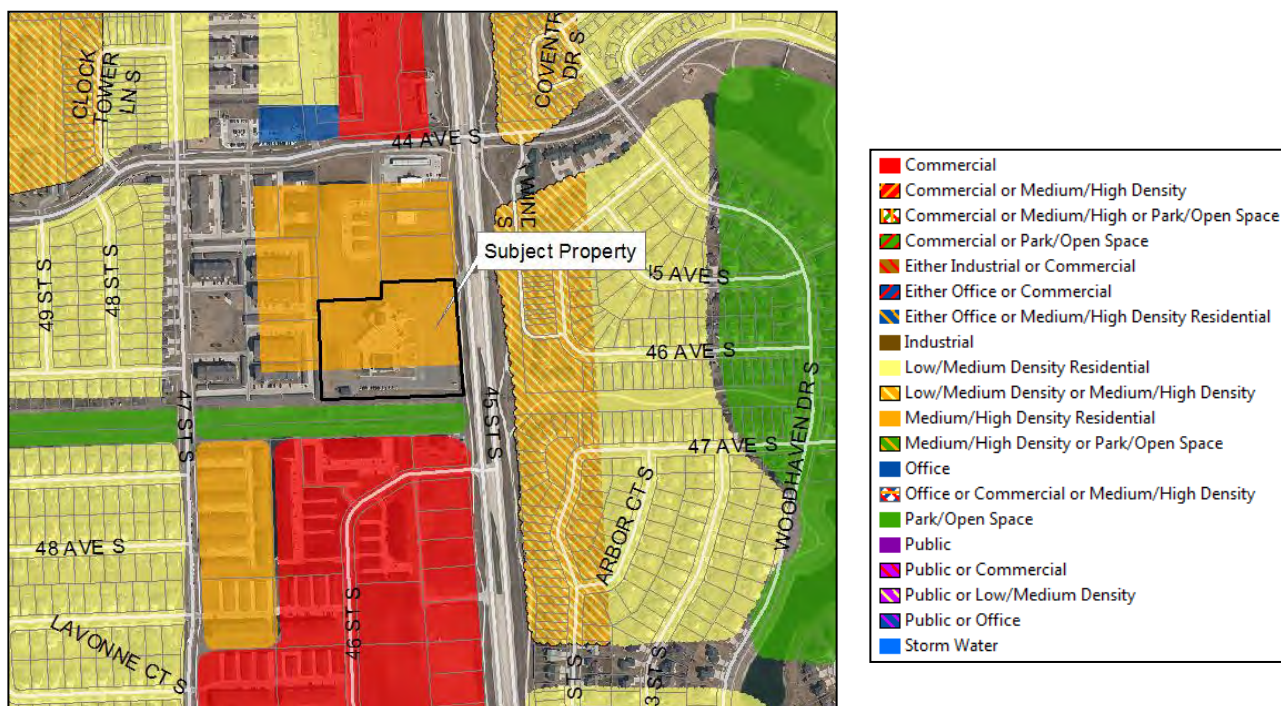
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: MR-1, Multi-Dwelling Residential and LC, Limited Commercial with a multi-dwelling and vacant land uses
- East: Across 45th Street South, P/I, Public and Institutional with park and utility easement use
- South: MR-1, Multi-Dwelling Residential and MR-2, Multi-Dwelling Residential with vacant land use
- West: MR-2, Multi-Dwelling Residential with a multi-dwelling land use

Area Plans:

This proposal is consistent with the 2001 Growth Plan. The plan specifically states that P/I, Public and Institutional zoning with religious institutional uses should occur in areas demarcated in the plan as “Medium/High Density Residential” areas.



Schools and Parks:

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

Parks: Woodhaven North Park & Fishing Pond (4406 44th Avenue S) is located approximately 150 feet east of the subject property and provides ADA fishing ramp, fishing, picnic table, playground, recreational trails, and soccer amenities.

Pedestrian / Bicycle: There is an off-road bike facility located along 45th Street South. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

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. Staff finds that the requested

zone change is justified by a change in conditions since the previous zoning classification was established. Since the existing zoning was established, the applicant discovered that similar religious institutional uses around the city have been permitted to have electronic messaging centers and that the subject property would not be able to because the current zoning does not allow for it. In addition, the applicant feels that a PI, Public and Institutional zoning would be more appropriate and more closely align with the use of the property.

(Criteria Satisfied)

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public right-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. 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 no communication from the surrounding owners.

(Criteria Satisfied)

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

This proposed amendment is consistent with the 2001 Growth Plan in that the property is located in an area designated in the plan as "Medium/High Density Residential." The plan specifically states that P/I, Public and Institutional zoning with religious institutional uses should occur in areas demarcated in the plan as "Medium/High Density Residential".

(Criteria Satisfied)

Conditional Overlay:

Staff is recommending that a Conditional Overlay be placed on this property in order to protect abutting MR-1 and MR-2 zoned properties from some of the higher intensity land uses allowed within P/I zoning districts. The proposed Conditional Overlay will place the following conditions on the underlying P/I zoning district:

1) The following use(s) are prohibited

- Detention Facilities
- Industrial Service
- Manufacturing and Production
- Warehouse and Freight Movement
- Waste Related Use
- Agriculture
- Aviation
- Surface Transportation
- Major Entertainment Events

Staff Recommendation:

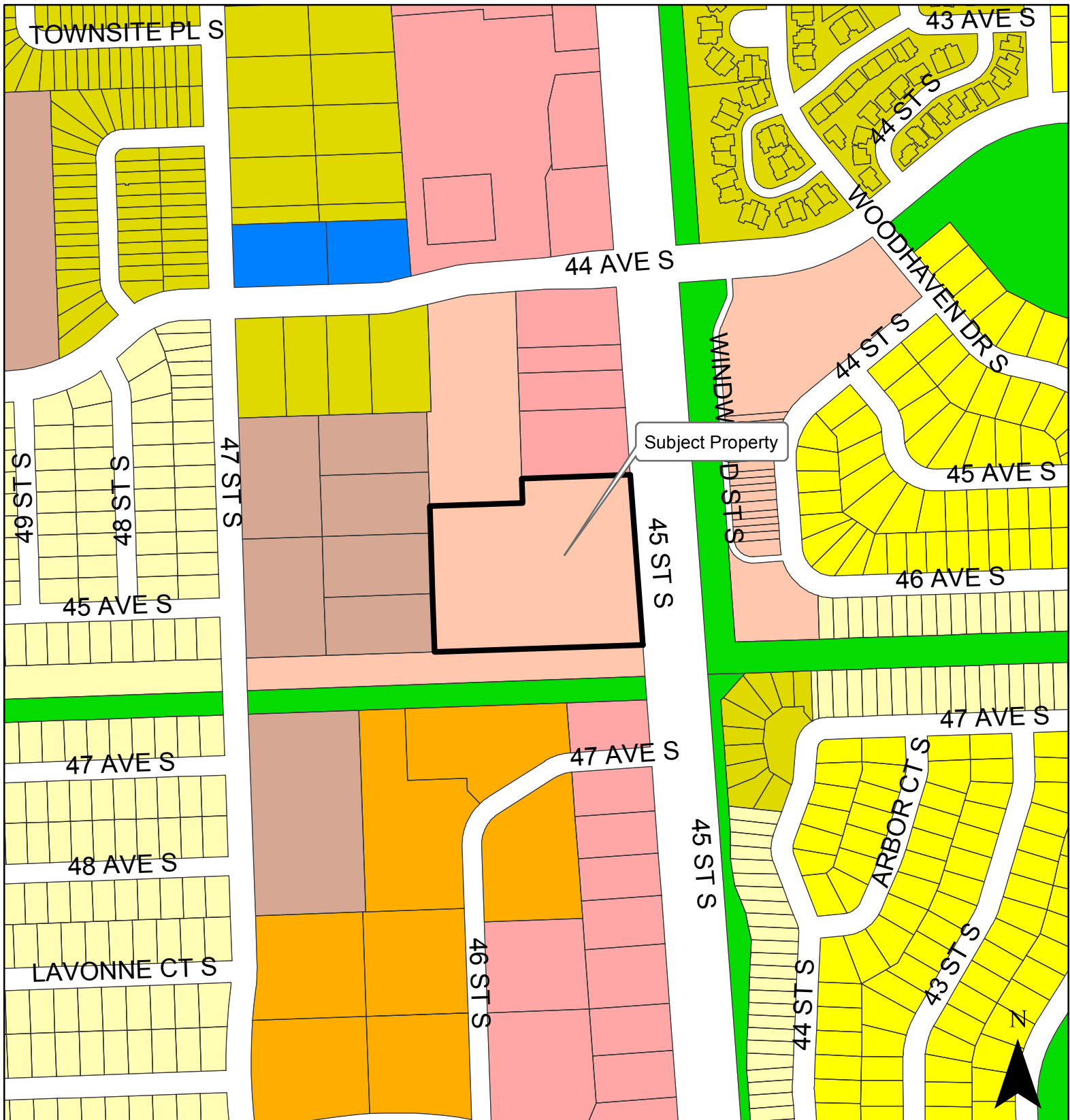
Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from MR-1, Multi-Dwelling Residential to P/I, Public and Institutional Commercial with a C-O, Conditional Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 6, 2017
Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Site Plan4. Draft Conditional Overlay

Zone Change (MR-1 to P/I with a C-O)

Osgood Townsite Sixth Addition

4575 45th Street South



Legend

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

300

Feet

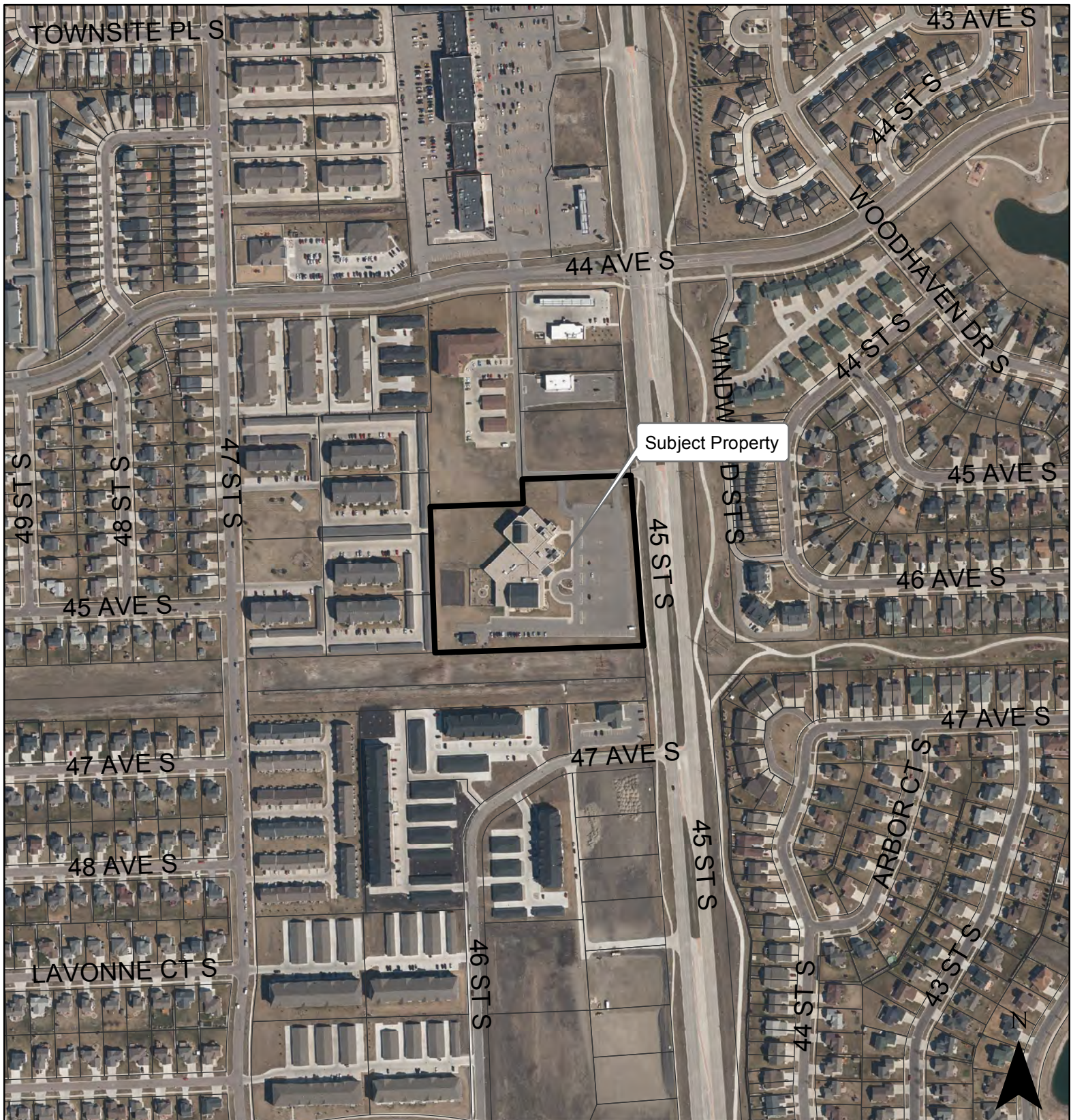
Fargo Planning Commission

July 6, 2017

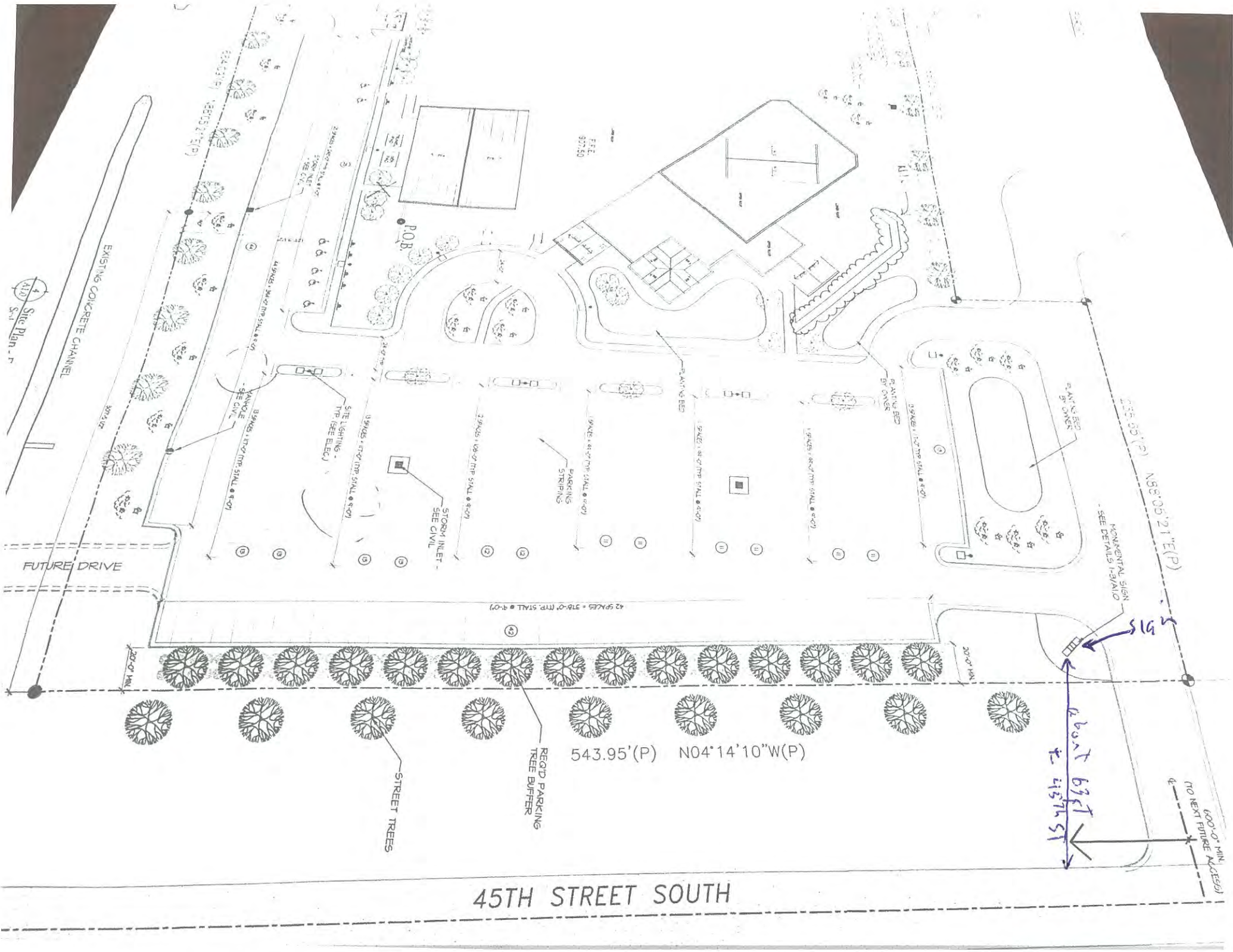
Zone Change (MR-1 to P/I with a C-O)

Osgood Townsite Sixth Addition

4575 45th Street South



Site Plan - P



45TH STREET SOUTH

543.95'(P) N04°14'10"W(P)

about 63 ft
to 45th ST

STOP



45th St S.

CALVARY

UNITED METHODIST CHURCH



Sunday Worship: 9:00 a.m.

Sunday School: 9:00 a.m.

CalvaryFargo.com



CALVARY

UNITED METHODIST CHURCH



YMCA
EARLY
LEARNING
CENTER
at Calvary

Sunday Worship: 9:00 a.m.
Sunday School: 9:00 a.m.
CalvaryFargo.com



only this
will change

7' 11"

10 ft

15 feet

27"

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN EDGEWOOD SECOND ADDITION,
FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Osgood Townsite Sixth Addition, Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on July 6, 2017; and,

WHEREAS, the rezoning changes were approved by the City Commission on July 31, 2017,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following-described property:

Lot 3, Block 1, Osgood Townsite Sixth Addition to the city of Fargo, Cass County, North Dakota,

is hereby rezoned from “MR-1”, Multi-Dwelling Residential, District to “P/I”, Public and Institutional, District, subject to the terms of a “CO”, Conditional Overlay”, District as follows:

1) The following use (s) are allowed:

- a. Colleges
- b. Community Service
- c. Daycare Centers of unlimited size
- d. Health Care Facilities
- e. Parks and Open Space
- f. Religious Institutions
- g. Safety Services
- h. Schools
- i. Offices
- j. Commercial Parking
- k. Outdoor Recreation and Entertainment
- l. All other uses will be prohibited

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

(SEAL)

Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

**City of Fargo
Staff Report**

Title:	Text Amendment	Date:	6-22-2017
Location:	N/A	Staff Contact:	Aaron Nelson
Owner(s)/Applicant:	City of Fargo/Zoning Administrator	Engineer:	N/A
Entitlements Requested:	Text Amendment (Amending Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities)		
Status:	Planning Commission Public Hearing: July 6, 2017		

Proposed Text Amendment

The Zoning Administrator is seeking approval of a text amendment to Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities. Specifically, the Zoning Administrator is proposing the following edits to Section 20-1005 of the LDC:

Existing text:

"When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of this Land Development Code."

Proposed text:

"When a conveyance of land to a federal, state, or local government for a public purpose results in the creation of a nonconformity to Article 20-04, Article 20-05, or Article 20-07 of the Land Development Code, such nonconformity shall not be deemed to be a violation of the Land Development Code. Such nonconformity shall be deemed to be in compliance with the Land Development Code until such time that subsequent development activity will trigger Land Development Code provisions as applicable at the time of such activity."

Background:

Article 20-10 (Nonconformities) of the Land Development Code regulates uses, structures, lots, and other current conditions that came into being lawfully, but that no longer conform to one or more requirements of the LDC due to a change in circumstance such as amendments to the zoning requirements. Sections 20-1002, 20-1003, and 20-1004 of Article 20-10 provide guidance and govern nonconforming uses, nonconforming lots, and nonconforming structures, respectively. In addition, Section 20-1005 allows for up to a 25% reduction below required minimums for lot area or setbacks in situations where land is conveyed to a government entity for public purposes.

There are certain requirements of the LDC that do not fit within these three categories of uses, lots, or structures and are not addressed within Article 20-10, however, such as landscaping and off-street parking requirements. Consequently, it is unclear whether or not a property is in conformance with the LDC in situations where requirements such as landscaping and off-street parking are no longer met due to a conveyance of land to the public or due to amendments to the zoning requirements, for example.

In the past, the Zoning Administrator has taken the position that nonconformities such as these are not a violation of the LDC and that certain "grandfathering" rights allow the property to continue to exist in a nonconforming state until such time that redevelopment or changes in use/intensity occur. Although the Zoning Administrator has taken this position, the LDC is silent on the matter and does not provide property owners with the same level of confidence that a codified provision can afford.

This situation has come up as a result of recent land acquisition proceedings related to the reconstruction and widening of 32nd Avenue South. In this particular situation, the City acquired a strip of land along the existing right-of-way which resulted in the loss of parking stalls and parking lot perimeter landscaping on an existing developed lot. The property owner has expressed concern relating to the property no longer meeting parking and landscaping requirements as a result of this conveyance.

The intent of the proposed LDC text amendment is to provide clarity in situations where nonconformities are created by conveyance of land for public purposes, by allowing such nonconformities to legally exist as is until such time that sufficient development activities would trigger compliance with the applicable standards.

Staff Analysis:

In accordance with §20-0904.E Review Criteria of the Land Development Code, proposed text amendments that satisfy all of the following criteria may be approved.

- 1. The amendment must be consistent with the purpose of this Land Development Code;**
Section 20-0104 of the LDC stipulates that the purpose and intent of the Land Development Code is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. The proposed amendment is consistent with the intent and purpose of the LDC because it seeks to address an issue to which the LDC is currently silent, thereby providing clarity and a consistent understanding for both the City and property owners. **(Criteria Satisfied)**
- 2. The amendment must not adversely affect the public health, safety, or general welfare;**
Staff finds that the amendment does not adversely affect the public health, safety, or general welfare. The proposed amendment is intended to clarify zoning provisions related to nonconformities created by public action. **(Criteria Satisfied)**
- 3. The amendment is necessary because of changed or changing social values, new planning concepts or other social or economic conditions in the areas affected.**
Staff finds that the proposed amendment is necessary because of changing social and economic conditions. As described above, recent roadway expansions have resulted in conditions of uncertainty regarding conformance with LDC requirements. Accordingly, the proposed amendment seeks to provide clarity for how these situations are governed by the LDC. **(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 text amendment to Article 20-10, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to nonconformities, as the proposal meets the approval criteria of §20-0904.E(1-3) of the LDC."

Planning Commission Recommendation: July 6, 2017

Attachments:

1. Article 20-10 of the Land Development Code

Article 20-10

Nonconformities

§20-1001 General

A. Overview

The regulations of this article establish regulations that govern uses, structures, lots and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this Land Development Code. The regulations address the following types of nonconformities:

1. Nonconforming Uses

Nonconforming uses are uses that were established in accordance with zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the use regulations of the underlying zoning district. A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional Use Permit is now required for the use.

2. Nonconforming Structures

Nonconforming structures are buildings or structures that were established in accordance with all zoning regulations in effect at the time of their establishment, but which, because of amendments to the zoning regulations, no longer comply with the dimensional standards of the underlying zoning district.

3. Nonconforming Lots

Nonconforming lots are lots that were legally created in accordance with zoning district minimum lot size and dimensional standards in effect at the time of their creation, but which, because of amendments to the zoning regulations, no longer comply with the minimum lot size or other dimensional standards of the zoning district.

B. Policy

It is the general policy of the City to allow uses, structures or lots that came into existence legally and in conformance with then-applicable requirements but that do not conform to all of the applicable requirements of this Land Development Code to continue to exist and be put to productive use, but to bring as many aspects of such use into conformance with current Land Development Code as is reasonably practicable, all subject to the limitations of this Article. The limitations of this Article are intended to recognize the interests of the property owner in continuing to use the property but to control the expansion of the nonconformity and to control re-establishment of abandoned uses and limit re-establishment of buildings and structures that have been substantially destroyed.

C. Authority to Continue

Nonconformities shall be allowed to continue in accordance with the regulations of this Article.

D. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists is the owner's burden, not the City's.

E. Repairs and Maintenance

Repairs and normal maintenance required to keep nonconforming uses, structures and lots in a safe condition are permitted, provided that no alterations may be made except those allowed by this Article or required by law or ordinance.

F. Change of Tenancy or Ownership

Changes of tenancy, ownership or management of an existing nonconformity are permitted, provided that no changes in the nature or character, extent or intensity of such nonconformity may occur except those allowed by this Article.

Source: 4558 (2006).

§20-1002 Nonconforming Uses

Nonconforming uses shall be subject to the following standards.

A. Enlargement

No nonconforming use may be enlarged, expanded or extended to occupy a greater area of land or floor area than was occupied on February 17, 1998, and no additional accessory use, building or structure may be established on the site of a nonconforming use. This provision notwithstanding, uses may be extended throughout any part of a building or other structure that was lawfully and manifestly designed or arranged for such use on February 17, 1998.

B. Relocation

No nonconforming use may be moved in whole or in part to any other portion of such parcel nor to another lot unless the use will be in conformance with the use regulations of the district into which it is moved.

C. Discontinuance and Abandonment

If a nonconforming use ceases for any reason for a period of more than 12 consecutive months (except where Government action causes such cessation), the subsequent use of such parcel or lot must conform to the regulations and provisions set by this Land Development Code for the district in which such parcel or lot is located.

D. Damage or Destruction

If a structure devoted in whole or in part to a nonconforming use is damaged or destroyed by any means, to the extent of more than 50 percent of its structural value prior to the damage, that structure may not be restored unless the structure and the use thereof thereafter complies with all regulations of the zoning district in which it is located. The determination of reduced structural valuation shall be made by the City. If the damage or destruction represents 50 percent or less of the structure's value prior to the damage, repair and restoration is allowed, provided that a building permit must be obtained within 6 months of the damage and restoration must begin within 1 year of the date of damage.

1. Existing, off-premise advertising signs located along interstate highways that become legal, nonconforming signs with the adoption of this Land Development Code may be replaced or repaired even though damaged beyond 50 percent of their value, and such signs may also be relocated, even if not damaged or destroyed, so long as they remain on the same property; provided, that any such replacement sign shall be limited to a sign of no greater size than the original.
2. Existing off-premise advertising signs located within the DMU zoning district, but outside of the downtown historic district, that become legal, nonconforming signs with the adoption of this Land Development Code may be replaced or repaired even though damaged beyond 50 percent of their value, and such signs may also be relocated, even if not damaged or destroyed, so long as they remain on the same property, provided that any such replacement sign shall be limited to a sign of no greater size than the original.
3. Notwithstanding the foregoing provisions of this section, if a structure devoted in whole or in part to a nonconforming use that is residential in nature is damaged or destroyed by any

means, to the extent of more than 50 percent of its structural value prior to the damage, that structure may be restored, repaired or rebuilt in its entirety if all of the following conditions are met:

- a. The building or structure will not occupy any portion of the lot that was not occupied by the destroyed structure
- b. The building or structure will not have a greater floor area than the destroyed structure,
- c. The building or structure will not exceed the height or number of stories contained in the destroyed structure
- d. The number of off-street parking spaces located on the property will not be reduced from the number available before the damage; and,
- e. The building permit for the repair or restoration must be obtained within 6 months of the damage and restoration must begin within 1 year of the date of the damage.

E. Change in Use

A nonconforming use may be changed to a new use, provided that the new use must be of the same general character or of a less intensive character (and thus more closely conforming) than the existing, nonconforming use. The determination of whether a proposed use is a conforming use or is less intensive shall be made by the Zoning Administrator. A nonconforming use, if changed to a conforming use or less intensive nonconforming use, may not thereafter be changed back to a less conforming use.

F. Residential Uses in Nonresidential Districts

The other provisions of this section notwithstanding, any structure that is devoted to a nonconforming residential use and located in an NO or more intensive zoning district may be remodeled, extended, expanded, and enlarged, provided that after the remodeling, extension, expansion or enlargement, the structure may not be used to accommodate a greater number of dwelling units than the structure accommodated prior to the work.

G. Accessory Uses

No use that is accessory to a principal nonconforming use may continue after the principal use ceases or terminates.

Source: 4658 (2008), 4697 (2009).

§20-1003 Nonconforming Lots

A lot shown on an approved and recorded subdivision plat on February 17, 1998, or a parcel shown on the assessor's records as a separate parcel on February 17, 1998, may be occupied and used although it may not conform in every respect with the lot size and width standards of this Land Development Code, subject to the provisions of this section.

A. Vacant Lot

If the lot or parcel was vacant on February 17, 1998, then the owner may use the property for any uses allowed in the underlying zoning district, provided that the use must comply with applicable dimensional requirements to the maximum extent practicable. If the applicable zoning district permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable dimensional requirements while others would not, then only the uses or intensities that would comply with the applicable dimensional standards shall be permitted.

B. Lot with Building or Structure

If the lot or parcel contains a building or structure on February 17, 1998, then the owner may continue the use of that building or structure and may expand the structure provided that the expansion is in compliance with all applicable Land Development Code standards. The determination of whether a proposed expansion is in compliance with all applicable Land Development Code standards shall be made by the Zoning Administrator. If the structure is removed or destroyed, any structure that is reconstructed must comply with all applicable land use and dimensional requirements.

C. Lot Merger

If the lot or parcel is smaller than would otherwise be required by this Land Development Code and such lot or parcel is at any time on or after February 17, 1998, under common control with an adjacent lot or parcel, then the two lots shall be considered merged for purposes of this Land Development Code and shall in the future be considered together for purposes of determining compliance with the Land Development Code. If the merged lots or parcels contain sufficient area for the actual or proposed use, then they shall be deemed fully conforming. If the merged lots or parcels together do not contain sufficient area for the actual or proposed use, they shall nonetheless be considered together for purposes of reducing the degree of nonconformity.

Source: 4039 (2000), 4169 (2001).

§20-1004 Nonconforming Structures

Nonconforming structures shall be subject to the following standards.

A. Enlargement and Expansion

Any expansion of a nonconforming structure shall be prohibited unless such expansion is in compliance with all applicable Land Development Code standards. The determination of whether a proposed expansion is in compliance with all applicable Land Development Code standards shall be made by the Zoning Administrator.

B. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value prior to such destruction, such structure may not be restored except in conformance with the regulations of the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less of its pre-destruction value, repairs or restoration may be made, provided that a building permit is obtained within 6 months and restoration begins within one year after the date of destruction. The determination of reduced structural valuation shall be made by the Zoning Administrator.

1. Notwithstanding the foregoing paragraph, any existing structure that is devoted to a legal nonconforming residential use may be repaired or rebuilt even though damaged beyond 50 percent of its value, provided that the structure may be repaired or rebuilt in its entirety so long as the new structure will not: occupy any portion of the lot that was not occupied by the destroyed structure, have a greater floor area than the destroyed structure, exceed the height or number of stories contained in the destroyed structure, or diminish the number of off-street parking spaces located on the property from the number existing before the damage; and so long as a building permit is obtained within 6 months of the date the damage occurs and so long as restoration begins within 1 year of the date the damage occurs.

C. Relocation

Nonconforming structures may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning district regulations.

Source: 4039 (2000), 4658 (2008), 4697 (2009).

§20-1005 Nonconformities Created by Public Action

When lot area or setbacks are reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of this Land Development Code.

§20-0911. - Institutional Master Plans

Institutional Master
PlansA. **Applicability**

Institutional Master Plans (or site plan review) may be used to satisfy the Project Review requirements of the P/I zoning district (See Sec. 20-0304-D).

B. **Applications**

A complete application for Institutional Master Plan approval shall be submitted to the City Planner in a form established by the City Planner, along with a non-refundable fee that has been established by the Board of City Commissioners. No application will be processed until the application is complete and the required fee has been paid.

C. **Review and Recommendation—City Planner**

The City Planner must review each proposed Institutional Master Plan and prepare a report that reviews the application in light of the Comprehensive Plan, any applicable Area Plan, the general requirements of this Land Development Code and the applicable review criteria set forth in this section.

D. **Review and Action—Planning Commission**

The Planning Commission must hold a public hearing on the proposed Institutional Master Plan and, at the close of the public hearing, act to approve or deny the Institutional Master Plan request. In acting on Institutional Master Plan requests, the Planning Commission shall be authorized to impose such conditions, safeguards or restrictions as may be necessary to reduce or minimize any potentially injurious effect upon other property in the area, or to carry out the general purpose and intent of this Land Development Code, so long as the condition, safeguard or restriction relates to a situation created or aggravated by the proposed use.

E. **Review and Approval Criteria**

In reviewing any application for a Institutional Master Plan, the Planning Commission shall identify and evaluate all factors relevant to the application. An Institutional Master Plan may not be approved unless the Planning Commission finds that all of the following criteria have been satisfied:

1. The plan complies with all applicable provisions of this Land Development Code and will conform to the general intent and purpose of this Land Development Code;
2. The plan is consistent with all adopted plans and policies of the City; and
3. The proposed plan will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

F. Notice of Public Hearings

1. Written Notice

The City Planner shall provide written notice of the Planning Commission public hearing in accordance with Sec. 20-0901-F.

2. Newspaper Notice

Notice of the Planning Commission's public hearing on Institutional Master Plans shall be published in accordance with Sec. 20-0901-F.

G. Appeal of Planning Commission Decision

1. Appeals to Board of City Commissioners; Timing

Appeals from the action of the Planning Commission on an application for Institutional Master Plan approval may be taken to the Board of City Commissioners by filing an appeal with the City Planner.

2. Right to Appeal

The following persons and entities shall have standing to appeal the action of the Planning Commission on an application for an Institutional Master Plan approval:

- a. The applicant;
- b. The Planning Commission or any member of the Planning Commission;
- c. The Board of City Commissioners or any member of the Board of City Commissioners;
- d. Any person who received mailed notice of the public hearing;
- e. Any other person that the Board of City Commissioners determines to be actually or potentially aggrieved by the appealed action; and
- f. Any person given the right of appeal by law.

3. Action on Appeal

The Board of City Commissioners shall consider the appealed decision as a new matter in a public hearing and, at the close of the public hearing, act to approve or deny the original application for Institutional Master Plan approval. The procedure and required notice shall be the same as required of the original action before the Planning Commission.

H. Amendments

The procedure for amending an Institutional Master Plan shall be the same as required for the original approval.

I. Effect of Approval

Once approved, building permits may be issued for development within the P/I district if the proposed development is consistent with the approved Institutional Master Plan. An Institutional Master Plan shall remain in effect for a period of ten (10) years, unless the Planning Commission establishes a shorter time period as part of its approval of the Institutional Master Plan.

J. Application Submittal Requirements

1. Institutional Master Planning Area

An Institutional Master Plan must include the lot upon which subject development is to be located, all commonly owned land within one thousand (1,000) feet and a detailed

description of land uses within two hundred (200) feet of the lot to be occupied by the proposed development, regardless of ownership.

2. **Planning Requirements**

An Institutional Master Plan must, at a minimum, include all of the information required with a Conditional Use Permit application plus the following, unless the Planning Commission determines that such information is not necessary to evaluate the proposed Institutional Master Plan its impacts on surrounding neighborhoods.

a. **Planning Horizon**

The Institutional Master Plan must cover a period of at least ten (10) years, commencing from the date of submission of the Institutional Master Plan.

b. **Existing Property and Uses**

The Institutional Master Plan must include a description of land, buildings, and other structures that occupy land areas included in the Institutional Master Plan, as of the date of submission of the Institutional Master Plan. The following information must be included:

- (1) Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;
- (2) Land and building uses;
- (3) Gross floor area in square feet;
- (4) Building height in stories and feet; and
- (5) A description of off-street parking and loading areas and facilities, including a description of the approximate number of parking spaces in each area or facility.

c. **Needs of the Institution**

The Institutional Master Plan must include a summary and projection of current and future plans for the following facilities:

- (1) Academic;
- (2) Service;
- (3) Research;
- (4) Office;
- (5) Housing;
- (6) Patient care;
- (7) Public assembly;
- (8) Parking; and
- (9) Other facilities related to the use.

d. **Development Envelope**

The Institutional Master Plan must include a description of the amount and type of development proposed to take place over the horizon of the Institutional Master Plan. This description must include the following information:

- (1) Gross floor area;
- (2) Average daily and peak-hour traffic;
- (3) Building heights;
- (4) Setbacks; and

(5) Total open space.

e. **Neighborhood Protection Strategy.**

The Institutional Master Plan must identify standards and programs that will be put in place to ensure that the quality of the surrounding neighborhoods is maintained or enhanced.

Source: 2985 (1999).

**RULES OF INTERNAL PROCEDURE AND OPERATIONS OF THE
CITY OF FARGO PLANNING COMMISSION
(ADOPTED JUNE 7, 2016)**

The duly appointed Planning Commission of the City of Fargo, North Dakota, does hereby adopt the rules hereinafter set forth as the rules that shall govern its internal operations.

**I
MEMBERSHIP**

- A. The City of Fargo Planning Commission (hereinafter referred to as “the Commission”) shall be composed of those individuals who have been appointed by the governing bodies of the City of Fargo and Cass County in accordance with the provision of NDCC 40-48-03 and who have filed the oath of office requisite to such appointment. The Commission operates with authority in accordance with the provision of NDCC 40-05.1-06. At the regular meeting in July of each year, the Commission shall elect a Chair and Vice-Chair for the ensuing year to have the duties hereinafter specified.
1. The Chair shall generally preside and conduct all Commission meetings and all special meetings, may appoint standing or special committees from Commission members for specific functions, and select by appointment individual members to perform specific duties.
 2. The Vice-Chair shall, in the event of the absence, disability, resignation, or conflict of interest of the Chair, exercise all the powers and duties of said Chair. In the event the Chair is permanently disqualified from performing the Chair’s function, the Vice-Chair shall automatically become Commission Chair and the position of Vice-Chair shall be deemed vacant and an election shall follow for Vice-Chair.
 3. The Commission is made up of eleven members, eight of whom are appointed by the City Commission for three-year terms and three of whom are appointed as extraterritorial representatives by the County Commission for five-year terms. The Commissioners shall serve without compensation. The Commissioners serve at the pleasure of the appointing Commission.

**II
MEETINGS**

- A. Regular Meetings – The Commission shall meet as determined by the Commission and published in accordance to the Land Development Code and North Dakota Century Code. If the regular meeting date shall fall on a holiday when City offices are generally closed, the meeting shall be rescheduled at a time to be determined by the Commission.
- B. Special Meetings – The Chair or three Commissioners may from time to time call special meetings of the Commission with not less than twenty-four hours notice to Commission members. Telephonic meetings are prohibited.

- C. Meeting Location – All regular meetings of the Commission shall be held in the Chambers of the City Commission, City Hall, Fargo, North Dakota, on the day and time specified in Section A above. Alternative locations may be specified and advertised in accordance with publication requirements. Special meetings may be held at other locations and at other times which shall be designated in the written notice of the special meeting.
- D. Order of Business – The items of business to be considered at any regular or special meeting shall be specified on the notice of such meetings, which shall be the meeting agenda and which shall be transmitted to each member in the case of a regular meeting no later than three days immediately preceding the meeting date and, in the case of special meetings, at the time the meeting is noticed. The order of the agenda may be changed or late items may be added by the Commission.
- E. Application for a Public Hearing – The written application is due in the Department of Planning and Development office as set forth in the established processing cycle of Article 20-0901.E of the Land Development Code.

If an application is to be continued at the request of the applicant, a motion must be made for the application to be continued to the following month's Commission agenda or date certain as requested. With the approval of the Commission, applications may be continued at the request of the Department of Planning and Development.

If an application is to be withdrawn, the applicant shall submit a written statement providing reasons for the withdrawal to the Department of Planning and Development at any time prior to public hearing. If a withdrawal letter is not submitted, the Commission hearing will take place.

If an applicant or opponent wishes, additional written information may be presented to the Department of Planning and Development at 200 Third Street North, Fargo, North Dakota, 58102, 24 hours prior to the public hearing.

Protest: The Commission will receive, by all who wish to protest on a specific case, comments in either written or verbal form. The comments received will be reported to the City Commission at their public hearing.

III VOTING

All duly appointed Commission members, including the Chair and Vice-Chair, shall be entitled to one equal vote at any regular or special meeting except as indicated below. There shall be no voting by proxy.

The Commissioner declaring a conflict of interest concerning a matter before the Commission shall declare such a conflict at the time the matter is introduced for consideration and shall not vote nor participate in the discussion concerning the matter. The Commissioner declaring the conflict may remove oneself from the table and participate in the discussion as a member of the public.

All matters presented for Commission consideration requiring affirmative action shall be decided by majority vote of the members present and voting.

IV QUORUM

A quorum shall consist of a majority of the seated members of the Commission.

V STANDING COMMITTEES

The Commission or City Commission may create standing or special committees of the Commission.

VI ETHICS/CONDUCT

- A. The Commission follows City of Fargo Employment Policy No. 300-005: Conduct/Ethics/Gift Policy.
- B. The Commission follows City of Fargo Employment Policy No. 300-009: Federal Grants Ethics Policy.

VII OTHER PROCEDURES

All operating procedures not specifically provided for herein shall be governed generally by the latest edition of Robert's Rules of Order which are hereby incorporated for purposes of reference. In the event any provisions of Robert's Rules of Order are inconsistent herewith, these Rules shall govern.

VIII CONTROL OF LAW

The procedures and operations of the Commission shall be governed by applicable ordinances of the City of Fargo, North Dakota, laws of the State of North Dakota, and applicable laws of the United States of America; and any provisions herein inconsistent or in conflict with such laws or ordinances shall be deemed void.

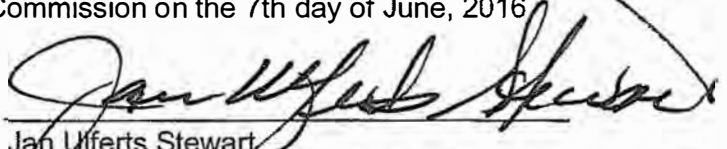
IX AMENDMENT AND REPEAL

These procedural Rules may be amended or repealed from time to time by the affirmative vote of a majority of the duly appointed Commission members at a regular or special meeting. Such amendment or repeal shall be presented at one meeting and acted upon at the subsequent meeting.

X
ADOPTION AND FILING

These Rules shall be presented to the Commission for consideration at a regular or special meeting and shall be adopted only on affirmative vote of a majority of Commission members and made a permanent part of the record.

The undersigned Chair of the City of Fargo Planning Commission does hereby certify that the foregoing "Rules of Internal Procedure and Operations of the City of Fargo Planning Commission" were duly adopted by said Planning Commission on the 7th day of June, 2016


Jan Ulferts Stewart
Chair of the Planning Commission