

FARGO CITY COMMISSION AGENDA  
Monday, September 16, 2024 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.FargoND.gov/Streaming](http://www.FargoND.gov/Streaming). They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at [www.FargoND.gov/CityCommission](http://www.FargoND.gov/CityCommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, September 3, 2024).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Agreement for Special Improvements with ARD Properties LLC (Improvement District No. BN-24-B1).
- 2. Applications for Games of Chance:
  - a. Carl Ben Eielson PTA for raffles on 10/17/24, 10/22/24, 3/6/25 and 3/11/25.
  - b. New Life Center for a raffle on 10/8/24.
- 3. Final Balancing Change Order No. 2 in the amount of \$ 0.00 for Project No. UR-24-H1.
- 4. Memorandum of Offer to Landowner for Permanent Easement (Street and Utility) and Easement (Temporary Construction Easement) with Tones LLC (Project No. FP-19-A).
- 5. Change Order No. 1 in the amount of \$284,983.47 and associated time extensions for Improvement District No. BN-23-F1.
- 6. Change Order No. 2 in the amount of \$2,475.00 and associated time extension for Improvement District No. BN-23-J1.
- 7. Create Improvement District No. FP-19-A (Southwest Regional Pond - Phase 2).
- 8. Facilities Management Policies.
- 9. Resolutions Authorizing the Issuance of Taxable Annual Appropriation Bonds, Series 2024F and 2024G, Approving Certain Actions, and Approving Forms of Documents Required Connection Therewith.
- 10. Items from the FAHR Staff Meeting:
  - a. Notice of Grant Award Amendment from the ND Department of Health and Human Services in the amount of \$99,200.00 for WIC and associated budget adjustment (CFDA #10.557).
  - b. Submission of a Plat Application to the City of West Fargo.
  - c. Request to advertise a Request for Proposal (RFP) for Advisory Services and Commercial Realtors to list the property west of the Fargo Landfill for sale.
  - d. Amendment No. 1 with KLJ Engineering LLC in the amount of \$42,375.00 for Phase 2 of the City Hall Deck Repairs.

- e. Interim compensation for City Administrator Michael Redlinger, as has been identified by the Metro Flood Diversion Authority (MFDA), along with the respective bill back to the MFDA for a net \$0.00 impact to the City of Fargo.
- 11. Contracts for Fire Station No. 5 Renovation Project:
  - a. General Construction contract to Roers Construction Joint Venture, LLC.
  - b. Electrical Construction contract to Grotberg Electric, Inc.
  - c. Mechanical Construction contract to Laney's, Inc.
- 12. Grant Agreement with the ND Department of Health and Human Services, Office of Refugee Support Services for TB Care Coordination Services (CFDA #93.566).
- 13. Vacate the Findings of Fact, Conclusions and Order for property located at 1710 1st Avenue South.
- 14. Amended Findings of Fact, Conclusions and Order for property located at 909 4th Street North.
- 15. Funding Approval and HOME Investment Partnerships Agreement with the US Department of Housing and Urban Development.
- 16. Resolution approving Plat of College Third Addition.
- 17. Consent to change the name of the Badges of Unity Fund to the Fargo Police Foundation.
- 18. Quitclaim Deed with The Park District of the City of Fargo (South Ridge First Addition).
- 19. Bid award to Northern Truck Equipment in the amount of \$195,525.00 for the purchase of a hook and hoist refuse truck (RFP24297).
- 20. Bills.

**REGULAR AGENDA:**

- 21. Recommendations for appointments to the following Commission and Authority:
  - a. Civil Service Commission.
  - b. Fargo Dome Authority.

**PUBLIC HEARINGS - 5:15 pm:**

- 22. **PUBLIC HEARING** – Legacy I Eighth Addition (6155 24th Street South); approval recommended by the Planning Commission on 6/4/24:
  - a. Zoning Change from GO, General Office with a C-O, Conditional Overlay to GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential.
  - b. 1st reading of rezoning Ordinance.
  - c. Plat of Legacy I Eighth Addition.
- 23. **PUBLIC HEARING** – Legacy I Eighth Addition (6155 24th Street South); approval recommended by the Planning Commission on 6/4/24:
  - a. Zoning Change from GO, General Office with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay.
  - b. 1st reading of rezoning Ordinance.

- c. PUD, Planned Unit Development Master Land Use Plan.
24. **PUBLIC HEARING** – Harwood’s 4th Addition (806 7th Street North); approval recommended by the Planning Commission on 7/2/24:
  - a. Zoning Change from MR-3, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential.
  - b. 1st reading of rezoning Ordinance.
  - c. Plat of Harwood’s 4th Addition.
25. **PUBLIC HEARING** – Public Comment on the 2025 Preliminary Budget and recommended tax levies.
26. Recommendation for budget-related position eliminations.
27. Application for Property Tax Exemption for Improvements Made to Buildings:
  - a. Janine Saxerud, 1416 West Gateway Circle South (5 years).
28. Liaison Commissioner Assignment Updates.
29. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at [FargoND.gov/VirtualCommission](http://FargoND.gov/VirtualCommission)).**


People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

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



21a

MEMORANDUM

**TO:** BOARD OF CITY COMMISSIONERS  
**FROM:** MAYOR TIMOTHY J. MAHONEY   
**DATE:** SEPTEMBER 16, 2024  
**SUBJECT:** CIVIL SERVICE COMMISSION APPOINTMENT

The term of Scott Wirth on the Civil Service Commission expired on June 30, 2024. Mr. Wirth is willing to continue his service on the Board; therefore, I am recommending his reappointment.


Your favorable consideration of this recommendation is greatly appreciated.

**RECOMMENDED MOTION:** To approve the reappointment of Scott Wirth to the Civil Service Commission for a three-year term ending June 30, 2027.

216

MEMORANDUM

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIM MAHONEY** 

**DATE: SEPTEMBER 16, 2024**

**SUBJECT: FARGO DOME AUTHORITY APPOINTMENT**

Nancy Jordheim who has served as the Board of Education nominee on the Fargo Dome Authority has moved outside of the area which excludes her from being eligible to serve on the Board. Her term expires on April 1, 2027.

The Board of Education has submitted Mr. Todd Olson's name for consideration. Their letter is attached.

I am therefore recommending the appointment of Todd Olson to fill the unexpired term of Nancy Jordheim for a term ending April 1, 2027.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** To appoint Todd Olson to the Fargo Dome Authority to fill the unexpired term of Nancy Jordheim for a term ending April 1, 2027.



**FARGO BOARD OF EDUCATION**  
700 7th Street South  
Fargo, ND 58103  
701.446.1000 • FAX: 701.446.1200  
**BOARD MEMBERS: 701.446.1005**  
[www.fargo.k12.nd.us](http://www.fargo.k12.nd.us)

**Katie Christensen Mineer, *President***      **Robin Nelson, *Vice President***  
**Melissa Burkland**  
**Greg Clark**  
**Nyamal Dei**  
**Nikkie Gullickson**  
**Jason Nelson**  
**Kristin Nelson**  
**Allie Ollenburger**  
**Dr. Rupak Gandhi, *Superintendent***  
**AnnMarie Campbell, *Executive Assistant***

September 10, 2024

Mayor Tim Mahoney  
City of Fargo  
225 4<sup>th</sup> Street North  
Fargo, ND 58102

Dear Mayor Mahoney,

Currently, the Fargo Board of Education's nominee to the FargoDome Authority is Nancy Jordheim. Her term expires in March 2027. Mrs. Jordheim has resigned her position on the FargoDome Authority as of November 2024 due to moving out of Fargo.

As such, and in compliance with Fargo's Home Rule Charter, the Fargo Board of Education needed to appoint a member to fulfill Mrs. Jordheim's term. At our September 10 meeting, the Board appointed Mr. Todd Olson to fulfill her term. His contact information is:

Todd Olson, FPS athletic director



If there is additional information needed, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie", written over a white background.

Katie Christensen Mineer, President  
Fargo Board of Education

CC: Rob Sobolik, FargoDome General Manager  
Todd Olson, Fargo Public Schools Athletic Director

22

City of Fargo Staff Report			
<b>Title:</b>	Legacy I Eighth Addition (minor subdivision and zone change)	<b>Date:</b>	05/30/2024
		<b>Update:</b>	09/12/2024
<b>Location:</b>	6155 24 <sup>th</sup> Street South	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description:</b>	Lot 1, Block 1, Legacy 1 Seventh Addition		
<b>Owner(s)/Applicant:</b>	ProCore Development LLC/Brandon Raboin	<b>Engineer:</b>	Lowry Engineering
<b>Entitlements Requested:</b>	1) <b>Zoning Change</b> (from GO, General Office with a C-O, Conditional Overlay, to GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential) and 2) <b>Minor Subdivision</b> (Replat of Lot 1, Block 1, Legacy I Seventh Addition)		
<b>Status:</b>	City Commission Public Hearing: September 16, 2024		

Existing
<b>Land Use:</b> Undeveloped land
<b>Zoning:</b> GO, General Office with a C-O, Conditional Overlay
<b>Uses Allowed:</b> GO allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, <del>commercial parking</del> , and certain telecommunication facilities.
<b>Conditional Overlay No. 5343 prohibits certain uses as indicated above.</b>
<b>Maximum Density Allowed:</b> GO has no density requirements.
<b>Maximum Lot Coverage Allowed:</b> GO allows up to 65% building coverage.

Proposed
<b>Land Use:</b> Undeveloped land and attached housing
<b>Zoning:</b> GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential
<b>Uses Allowed:</b> GO allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, basic utilities, offices, <del>commercial parking</del> , and certain telecommunication facilities.
<b>Conditional Overlay No. 5343 prohibits certain uses as indicated above.</b>
SR-5, Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
<b>Maximum Density Allowed:</b> GO has no density requirements, SR-5 allows a maximum 14.5 units per acre.
<b>Maximum Lot Coverage Allowed:</b> GO allows up to 65% building coverage, SR-5 allows up to 50% building coverage.

Proposal:
The applicant requests two entitlements: <ol style="list-style-type: none"> <li>1. A <b>Zoning Change</b> from GO, General Office with a C-O, Conditional Overlay, to GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential.</li> <li>2. A <b>Minor Subdivision</b>, to be known as Legacy I Eighth Addition, a replat of Lot 1, Block 1, Legacy I Seventh Addition.</li> </ol>

The subject property is located at 6155 24<sup>th</sup> Street South and encompasses approximately 1.81 acres. The minor subdivision will consist of 3 lots and 1 block. The applicant is proposing that the zoning for the west portion of the property (new Lot 1, Block 1, Legacy 1 Eighth Addition) will remain zoned GO, General Office with a C-O, but the east portion of the property (new Lots 2-3, Block 1, Legacy 1 Eighth Addition) will change to SR-5, Single-dwelling Residential to accommodate attached housing development. The proposed development includes one 3-plex attached housing building on both SR-5 lots and the GO property has a separate entitlement request to zone change to MR-3, Multi-Dwelling Residential with a PUD for a high-density residential development. The provisions of conditional overlay ordinance no. 5343 includes design standards, signage regulations, and use restrictions.



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:**

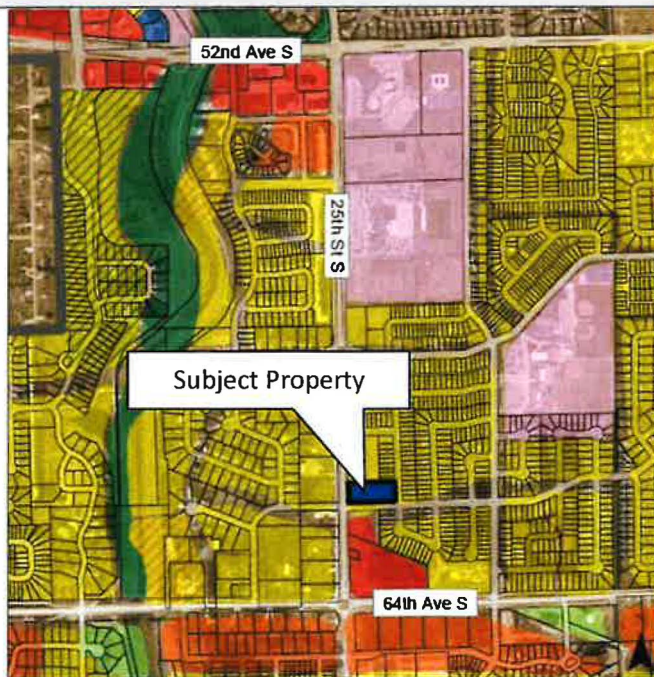
- North: P/I, Public and Institutional, undeveloped; SR-4, Single-Dwelling Residential with household living;
- East: SR-4, Single-Dwelling Residential with household living;
- South: NC, Neighborhood Commercial, undeveloped; and SR-4, Single-dwelling Residential with household living;
- West: SR-2, Single-dwelling Residential with household living and religious institution.

**Area Plans:**

The subject property is located within the 2001 (amended) Growth Plan. Within this growth plan, the subject property is identified as being suitable for “Office” use. Adjacent to the “Office” use designation is “Residential Area – lower to medium density.” Staff has determined that the proposed zone of GO, General Office, and SR-5, Single-dwelling Residential, is consistent with this land use designation.

**2001 Growth Plan**

- |  |                              |
|--|------------------------------|
| City Limits                                | Parkland                     |
| Commercial                                 | Public and Institutional     |
| Office                                     | Residential Area or Parkland |
| Residential Area - lower to medium density |                              |
| Residential Area - lower to high density   |                              |
| Residential Area - medium to high density  |                              |





<b>Schools and Parks:</b>
<p><b>Neighborhood:</b> The subject property is located in the Bennett Neighborhood.</p> <p><b>Schools:</b> The subject property is located within the Fargo School District, specifically within the Bennett Elementary, Discovery Middle, and Davies High schools.</p> <p><b>Parks:</b> The subject property is within a quarter mile from Legacy Park, located at 6297 22<sup>nd</sup> Street South. Amenities include a basketball court, grill, picnic tables, playgrounds, recreational trails, and a shelter.</p> <p><b>Pedestrian / Bicycle:</b> An off-road multi-use trail is adjacent to the west side of the subject property, within the right of way for 25<sup>th</sup> Street South, which is a component of the metro area bikeways system.</p> <p><b>MATBUS Route:</b> No MATBUS route is within a quarter mile of the subject property.</p>
<b>Staff Analysis:</b>
<p><b>Zoning</b> Section 20-906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:</p> <ol style="list-style-type: none"> <li>1. <b>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?</b> Staff is unaware of any error in the zoning map as it relates to the subject property. The property is currently zoned GO, General Office with a C-O, Conditional Overlay. The applicant is proposing that the zoning for the west portion of the property (new Lot 1, Block 1, Legacy 1 Eighth Addition) will remain as is, but the east portion of the property (new Lots 2-3, Block 1, Legacy 1 Eighth Addition) will change to SR-5, Single-dwelling Residential to accommodate attached housing development. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established, as the applicant is proposing residential adjacent to existing residential on the east and is keeping the west portion the same. <b>(Criteria Satisfied)</b></li> <li>2. <b>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?</b> City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject properties are adjacent to existing developed public rights-of-way, which provide access and public utilities to serve them. <b>(Criteria Satisfied)</b></li> <li>3. <b>Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?</b> Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no inquiries related to the project. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity. <b>(Criteria Satisfied)</b></li> <li>4. <b>Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?</b> 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 zone change is consistent with the purpose of the LDC, Go2030 Comprehensive Plan, and other adopted policies of the City. <b>(Criteria Satisfied)</b></li> </ol>

**Minor Subdivision**

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

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

This subdivision is intended to replat the existing lot into three new lots. The property is currently zoned GO, General Office with a C-O, Conditional Overlay. The applicant is proposing that the zoning for the west portion of the property (new Lot 1, Block 1, Legacy 1 Eighth Addition) will remain as is, but the east portion of the property (new Lots 2-3, Block 1, Legacy 1 Eighth Addition) will change to SR-5, Single-dwelling Residential to accommodate attached housing development. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no inquiries related to the project.

**(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 Planning Commission and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed: 1) Zoning Change from GO, General Office with a C-O, Conditional Overlay, to GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential and 2) Minor Subdivision Plat, **Legacy I Eighth Addition** as outlined within the staff report, as the proposal complies with the adopted 2001 (amended) Growth Plan, the standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0907.B. and C of the LDC, and all other applicable requirements of the Land Development Code".

**Planning Commission Recommendation: June 4, 2024**

At the June 4<sup>th</sup>, 2024 Planning Commission public hearing, that Commission, by a vote of 10-0 with no Commissioner absent and one Commission seat vacant, moved to accept the findings and recommendations of staff and recommend approval to the City Commission of the 1) Zoning Change from GO, General Office with a C-O, Conditional Overlay, to GO, General Office with a C-O, Conditional Overlay and SR-5, Single-Dwelling Residential and 2) Minor Subdivision Plat, **Legacy I Eighth Addition** as outlined within the staff report, as the proposal complies with the adopted 2001 (amended) Growth Plan, the standards of Article 20-06, Section 20-0906.F (1-4), Section 20-0907.B. and C of the LDC, and all other applicable requirements of the Land Development Code.

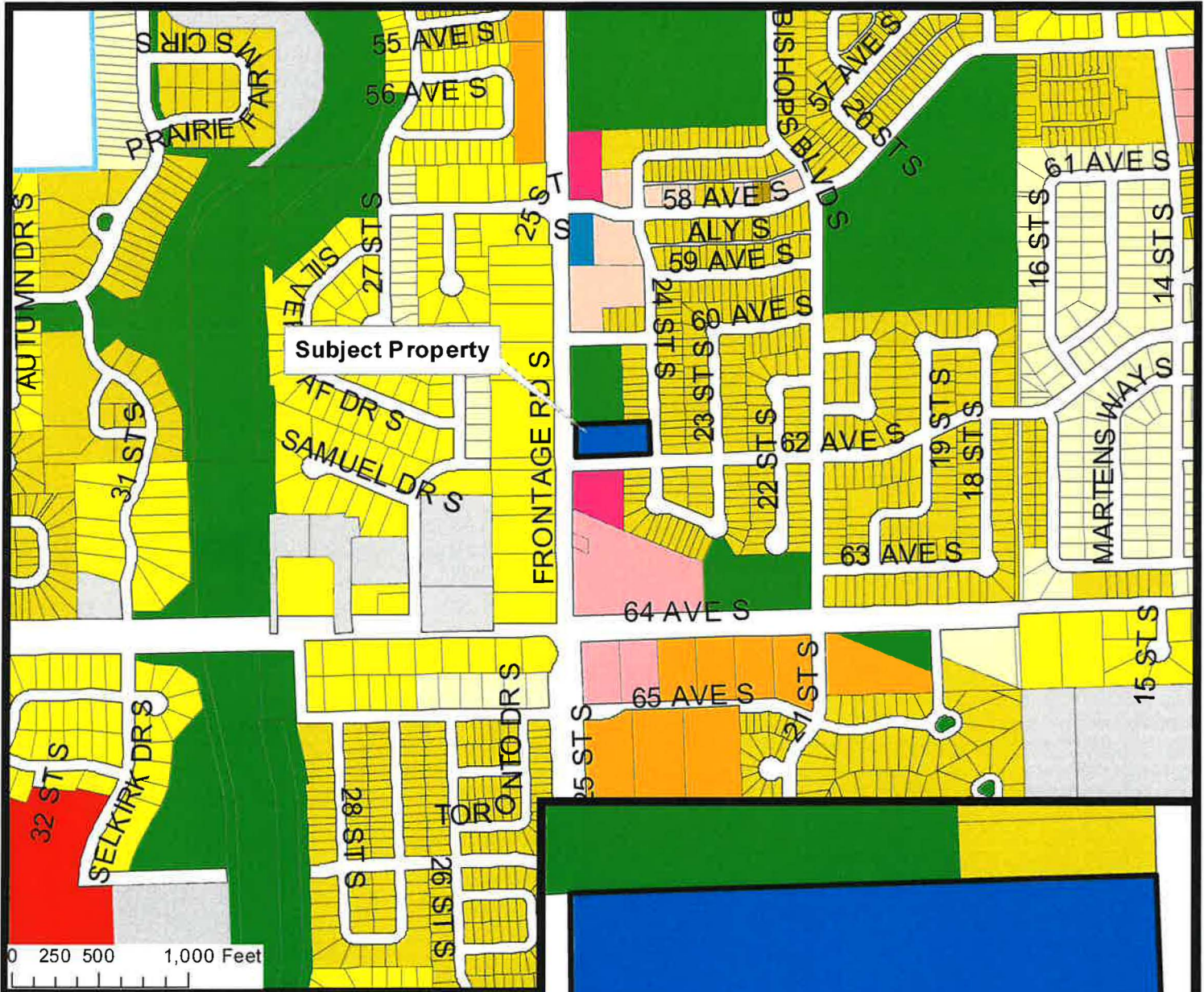
**Attachments:**

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

# Minor Subdivision & Zone Change from GO, General Office with a C-O, Conditional Overlay to GO, General Office with a C-O and SR-5, Single-Dwelling Residential

## Legacy 1 Eighth Addition

6155 24th Street South



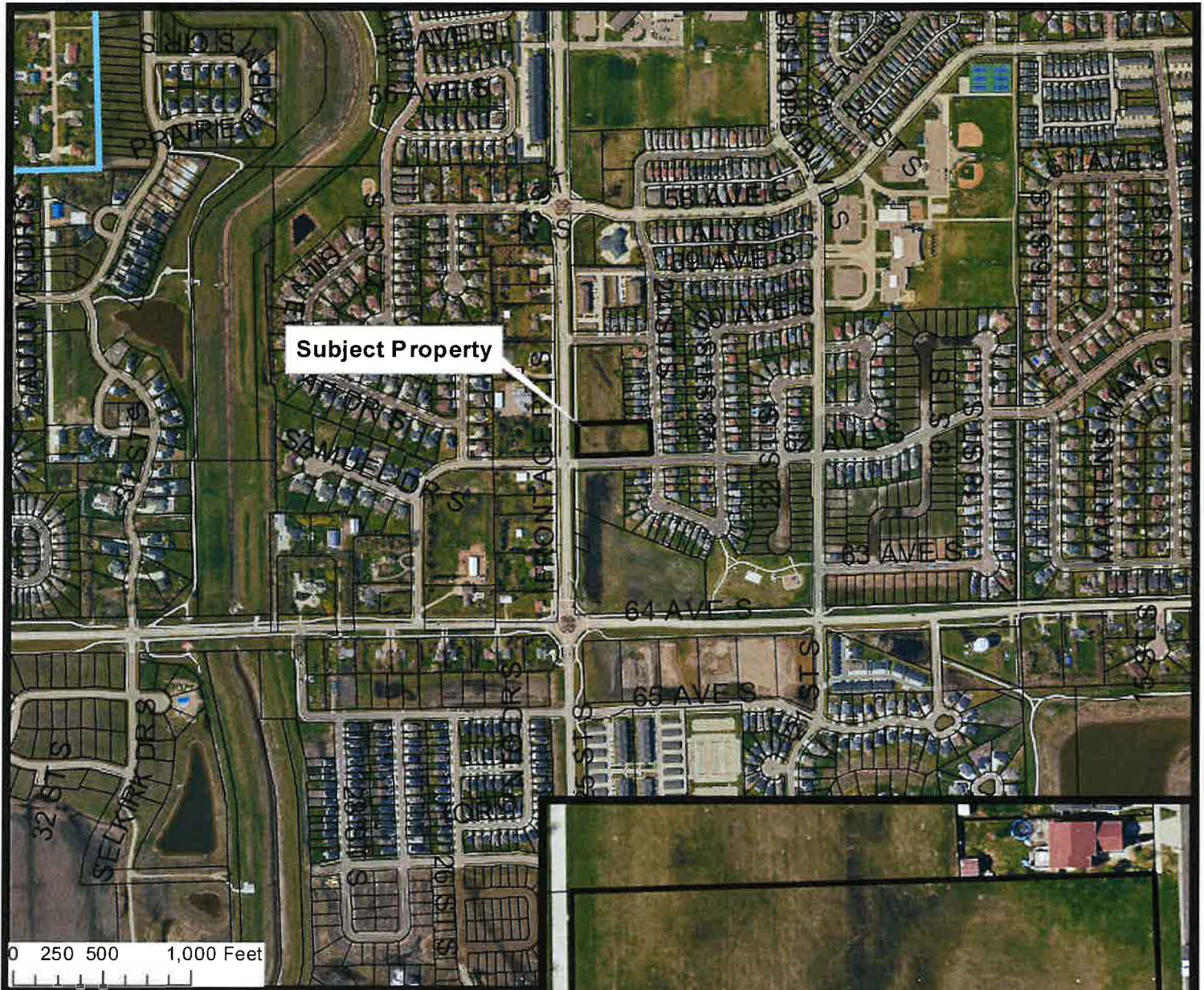
### Legend

AG	LC	MHP	SR-5
DD	MM	NC	SR-4
CC	RR-1	NO	SR-3
GO	RR-2	P1	SR-2
	RR-3	UMU	SR-1
			City Limits

**Minor Subdivision & Zone Change from GO, General Office with a C-O, Conditional Overlay to GO, General Office with a C-O and SR-5, Single-Dwelling Residential**

**Legacy 1 Eighth Addition**

6155 24th Street South



**Legend**

 City Limits

# LEGACY I EIGHTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF LEGACY I SEVENTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

EX 15' CASS WATER RESOURCE DISTRICT EASEMENT DOC 724003 & 724002

EX 36' NORTHWESTERN BELL TELEPHONE EASEMENT BOOK P. 9, PAGE 441

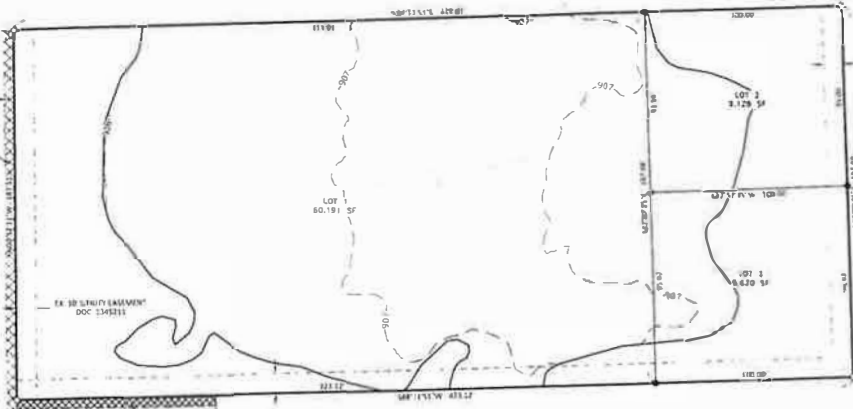
EX 10' CASS RURAL WATER USERS INC EASEMENT DOC 912074

NEGATIVE ACCESS EASEMENT DOC 184231

EX 10' UTILITY EASEMENT DOC 1349211

EX 10' UTILITY EASEMENT DOC 1116403

EX 10' UTILITY EASEMENT DOC 188684F



**LEGEND**

●	MONUMENT SET
□	MONUMENT FOUND
- - -	EASEMENT
- - -	PROPERTY LINE
- - -	SURFACE CONTOUR LINE
- - -	NEGATIVE ACCESS EASEMENT
⊗	NEW NEGATIVE ACCESS EASEMENT
⊗	PROPERTY LINE
⊗	NEW PROPERTY LINE
⊗	NEW EASEMENT LINE
⊗	1:1000 PLAT SCALE

**SURVEY INFORMATION**

DATE OF SURVEY CITY OF FARGO GROUND COORDINATE SYSTEM US SURVEY FEET  
BASIS OF BEARING CITY OF FARGO GROUND COORDINATE SYSTEM US SURVEY FEET  
BENCHMARK USED SEB HYDRANT LOCATED IN THE NORTHWEST QUADRANT OF 23TH STREET SOUTH AND 62ND AVENUE SOUTH. BM 305005, PUBLISHED ON SHEET #305 OF THE CITY OF FARGO BENCHMARK BOOK. ELEVATION = 900.85 (NAVD83)

**NOTES**

- PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' PER FEMA FIRM MAP 38017C0787G WITH AN EFFECTIVE DATE OF 7/26/2015 WITH A BASE FLOOD ELEVATION OF 907.7 NAVD83
- SURFACE DATA IS FROM 2013 CONTOUR DATA DOWNLOADED FROM THE CITY OF FARGO ENGINEERING RESOURCE CENTER
- NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF LEGACY I EIGHTH ADDITION IS AN EASEMENT DEDICATED AS PART OF THE RIGHT OF WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH BUT IS A LINE COINCIDENT WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS



D:\Projects\2015\Legacy I Eighth Addition\Legacy I Eighth Addition.dwg, 11/18/15, P. 13 of 13

SHEET 1 OF 2



# LEGACY I EIGHTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF LEGACY I SEVENTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MINOR SUBDIVISION)

### OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT PICO DEVELOPMENT IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND  
LOT 1, BLOCK 1 OF LEGACY I SEVENTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS LEGACY I EIGHTH ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL  
STREET RIGHT OF WAYS AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID LEGACY I EIGHTH ADDITION, CONSISTS OF 3 LOTS AND 1 BLOCK, AND  
CONTAINS 1.91 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

*[Signature]*  
PICO DEVELOPMENT, LLC  
BY: NATIE ANDERSON  
PRESIDENT



STATE OF ND DAY OF JULY 2024  
COUNTY OF CASS

ON THIS 6 DAY OF JULY 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE,  
PERSONALLY APPEARED NATIE ANDERSON, PRESIDENT OF PICO DEVELOPMENT, LLC, TO ME KNOWN TO BE THE PERSON DESCRIBED IN  
AND WHO EXECUTED THE FOREGOING INSTRUMENT AND WHO EXECUTED SAME AS THEIR FREE ACT AND DEED.  
NOTARY PUBLIC TO THE STATE OF NORTH DAKOTA  
MY COMMISSION EXPIRES 03/31/25

### FARGO CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS 6 DAY OF JULY 2024

TON ENGLISH, PE  
CITY ENGINEER

STATE OF ND  
COUNTY OF CASS

ON THIS 6 DAY OF JULY 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE,  
PERSONALLY APPEARED TON ENGLISH, PE, CITY ENGINEER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO  
EXECUTED THE FOREGOING INSTRUMENT AND WHO EXECUTED SAME AS THEIR FREE ACT AND DEED.

SUBSTANT PUBLIC COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

### FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS 4 DAY OF JULY 2024

*[Signature]*  
ROCKY SCHNEIDER, CHAIR  
FARGO PLANNING COMMISSION

STATE OF North Dakota  
COUNTY OF Cass

ON THIS 4 DAY OF JULY 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE,  
PERSONALLY APPEARED ROCKY SCHNEIDER, CHAIR OF FARGO PLANNING COMMISSION, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND  
WHO EXECUTED THE FOREGOING INSTRUMENT AND WHO EXECUTED SAME AS THEIR FREE ACT AND DEED.

*[Signature]*  
NOTARY PUBLIC COUNTY: Cass STATE: North Dakota



### SURVIVORS CERTIFICATE

BEFORE I, A NOTARY PUBLIC, REGISTERED AND QUALIFIED UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DID HEREBY CERTIFY THAT ALL SURVIVORS AND  
PLATTEE THE PROPERTY DESCRIBED ON THIS PLAT AS LEGACY I EIGHTH ADDITION, THAT THIS PLAT IS A CORRECT RE-PLAT OF THE LAND SHOWN ON  
ALL INSTRUMENTS AND INSTRUMENTS OF RECORD THAT I HAVE BEEN KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING  
INSTRUMENT AND WHO EXECUTED SAME AS THEIR FREE ACT AND DEED. THAT THE PERSONS AND INSTRUMENTS ARE CORRECTLY DESCRIBED  
ON THIS PLAT. DAY OF 6 2024

*[Signature]*  
COLE A. RESET, JR.  
NOTARY PUBLIC LAND SURVEYOR  
LS-7311



STATE OF NORTH DAKOTA  
COUNTY OF CASS



ON THIS 6 DAY OF JULY 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE,  
PERSONALLY APPEARED COLE A. RESET, JR. TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING  
INSTRUMENT AND WHO EXECUTED SAME AS THEIR FREE ACT AND DEED.

*[Signature]*  
NOTARY PUBLIC COUNTY: Cass STATE: NORTH DAKOTA

### FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS 6 DAY OF JULY 2024

DIANEY M. MATHONEY  
MAYOR

DIANEY MATHONEY  
CITY AUDITOR

STATE OF ND  
COUNTY OF CASS

ON THIS 6 DAY OF JULY 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE,  
PERSONALLY APPEARED DIANEY MATHONEY, MAYOR OF FARGO AND DIANEY MATHONEY, CITY AUDITOR OF FARGO TO ME  
KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND WHO EXECUTED SAME AS THEIR  
EXECUTED SAME AS THEIR FREE ACT AND DEED.

SUBSTANT PUBLIC COUNTY: \_\_\_\_\_ STATE: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

SHEET 2 OF 2



5102 S.E. 4TH AVE SUITE 307B  
FARGO, NORTH DAKOTA 58103

226

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
2 LYING IN LEGACY I EIGHTH ADDITION TO THE  
3 CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

4 WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the  
5 City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of  
6 certain parcels of land lying in the proposed Legacy I Eighth Addition to the City of Fargo, Cass  
7 County, North Dakota; and,

8 WHEREAS, the Fargo Planning Commission recommended approval of the rezoning  
9 request on June 4, 2024; and,

10 WHEREAS, the rezoning changes were approved by the City Commission on September  
11 16, 2024,

12 NOW, THEREFORE,

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

14 Section 1. The following described property:

15 Lot One (1), Block One (1) of Legacy I Eighth Addition to the City of Fargo, Cass  
16 County, North Dakota,

17 that is currently zoned "GO", General Office, District, with an existing "C-O", Conditional  
18 Overlay, District, as established by Fargo Municipal Ordinance No. 5343, will remain as  
19 such.

20 Section 2. The following described property:

21 Lots Two (2) and Three (3), Block One (1) of Legacy I Eighth Addition to the City  
22 of Fargo, Cass County, North Dakota,

23 that is currently zoned "GO", General Office, District, with an existing "C-O", Conditional

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Overlay, District, as established by Fargo Municipal Ordinance No. 5343, will hereby be rezoned to "SR-5", Single-Dwelling Residential, District.

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Section 3. 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 4. This ordinance shall be in full force and effect from and after its passage and approval.

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Steve Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:



23

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Legacy I Eighth Addition (zone change and PUD)	<b>Date:</b> <b>Update:</b>	7/31/2024 9/12/2024
<b>Location:</b>	6155 24 <sup>th</sup> Street South	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Proposed Lot 1, Block 1, Legacy I 8 <sup>th</sup> Addition		
<b>Owner(s)/Applicant:</b>	Procore Development, LLC / Houston Engineering, Inc.	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (from GO, General Office with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay) and <b>PUD Master Land Use Plan</b> on Lot 1, Block 1, of the proposed Legacy I Eighth Addition.		
<b>Status:</b>	City Commission Public Hearing: September 16 <sup>th</sup> , 2024		

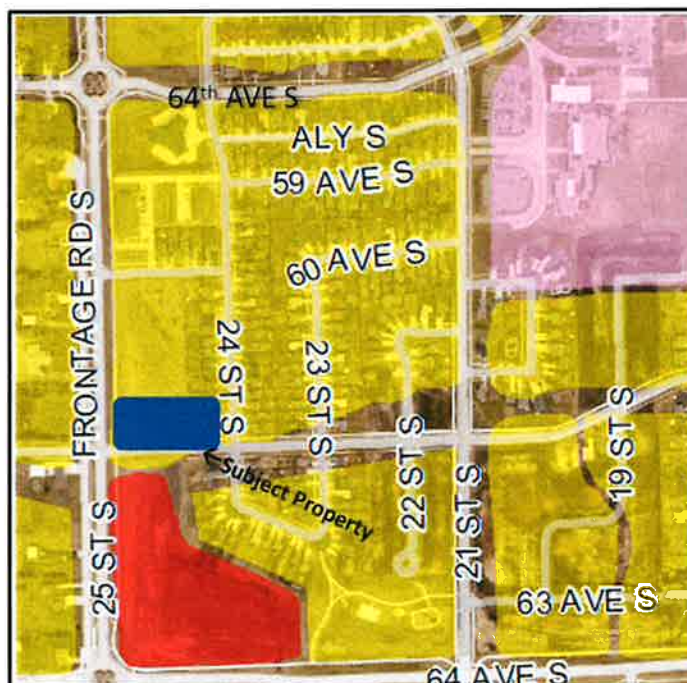
<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Multi-Dwelling Residential
<b>Zoning:</b> GO, General Office with a C-O, Conditional Overlay	<b>Zoning:</b> MR-3, Multi-Dwelling Residential with PUD, Planned Unit Development overlay
Uses Allowed: colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, <del>off premise advertising signs, and commercial parking</del> <b>Conditional Overlay No. 5343 prohibits certain uses, as noted above</b>	<b>Uses Allowed:</b> detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.
<b>Maximum Lot Coverage Allowed:</b> GO allows a maximum lot coverage of 55%. Residential uses are not allowed in GO.	<b>Maximum Density Allowed:</b> MR-3 allows a maximum density of 24 dwelling units per acre, <b>increased to 40 dwelling units per acre with PUD overlay</b>

<b>Proposal:</b>
<p><i>PROJECT NOTE: The agenda item previous to this one on the September 16<sup>th</sup>, 2024 City Commission agenda is also titled "Legacy I Eighth Addition." The previous project and this project are on the same property. The previous project is a subdivision plat and a zone change for the east side of the subject property (Lots 2 and 3). This project is a zone change and planned unit development for the west side of the subject property (Lot 1).</i></p> <p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li>1. <b>Zoning Change</b> (From GO with a CO to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay); and</li> <li>2. <b>PUD Master Land Use Plan</b></li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: P/I, Public and Institutional, undeveloped; SR-4, Single-Dwelling Residential with household living</li> <li>• East: Currently GO, General Office, undeveloped; zone change to SR-5, Single Dwelling residential pending.</li> <li>• South: NC, Neighborhood Commercial, undeveloped; SR-4 with household living</li> <li>• West: SR-2, Single-Dwelling Residential with single-dwelling residences and religious institution</li> </ul>

**Area Plans:**

*NOTE: This project was proposed, and went to Planning Commission hearing, under the 2001 Growth Plan, as described below. The new Fargo Growth Plan 2024 was adopted on August 19<sup>th</sup>, 2024. The 2024 plan replaced the 2001 Growth Plan. The subject property is within a “Neighborhood Center” designation in the 2024 plan. That “Neighborhood Center” is centered on the intersection of 64<sup>th</sup> Avenue and 25<sup>th</sup> Street South. The proposed higher density residential development is consistent with the “Neighborhood Center” designation.*

The subject property is located within the 2001 (amended in 2003) Growth Plan. This plan designates the subject property as “Office.” This land use designation was applied in 2022 through a growth plan amendment that was part of the Legacy I 7<sup>th</sup> Addition. The previous land use designation was “Residential Area—Lower to Medium Density” and “Residential Area—Medium to High Density.” Planning staff determined that, as the change to the “Office” designation was recent and no office or commercial development had taken place on the property, and that the previous land use designation would support the proposed high-density residential development of the current project, it was not necessary to go through the growth plan amendment process to revert the land use designation back to “Residential Area—Medium to High Density.”



**2001 Growth Plan**

City Limits	Parkland	Residential Area - lower to medium density
Commercial	Public and Institutional	Residential Area - lower to high density
Office	Residential Area or Parkland	Residential Area - medium to high density

**Context:**

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

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

**Parks:** Legacy Park, located at 6297 22<sup>nd</sup> Street South, is approximately 750 feet southeast of the subject property and provides amenities of basketball court, grill, picnic tables, playground, recreational trails and a shelter.

**Pedestrian / Bicycle:** An off-road multi-use trail is adjacent to the west side of the subject property, within the right of way for 25<sup>th</sup> Street South, which is a component of the metro area bikeways system.

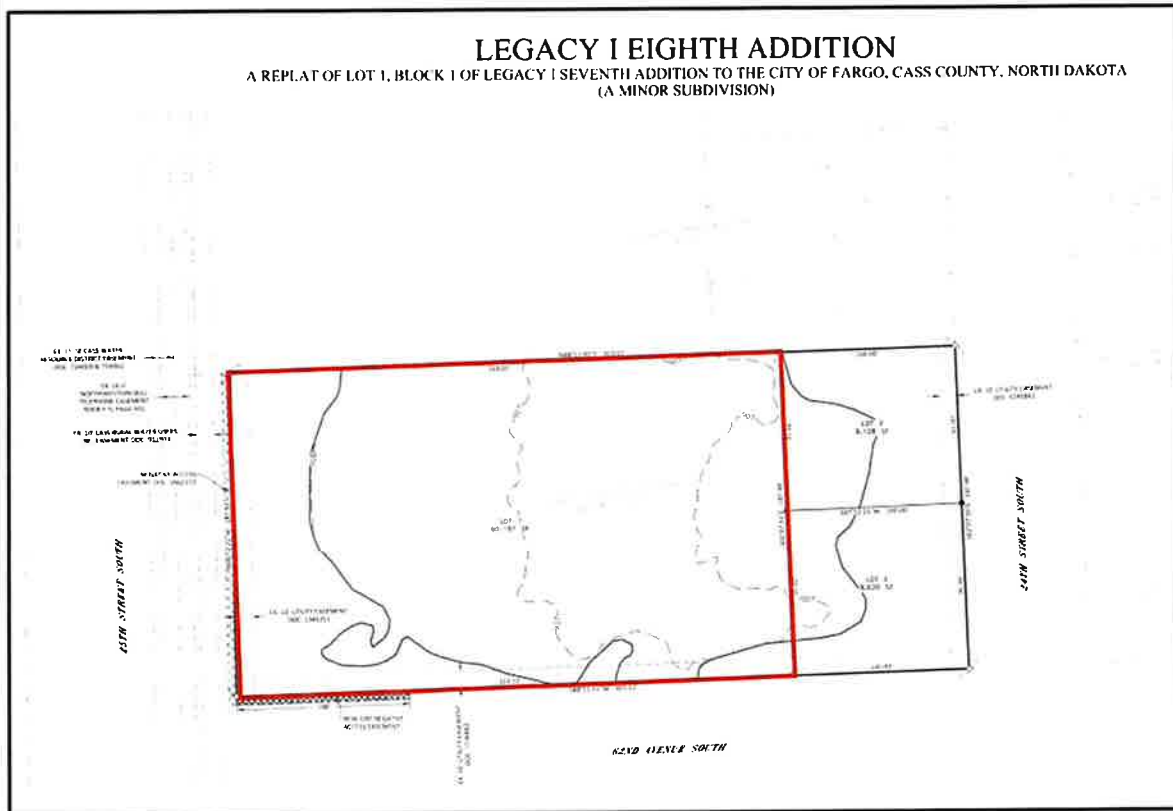
**Bus Route:** The subject property is not near a MATBUS route.

**Staff Analysis:**

**Site History**

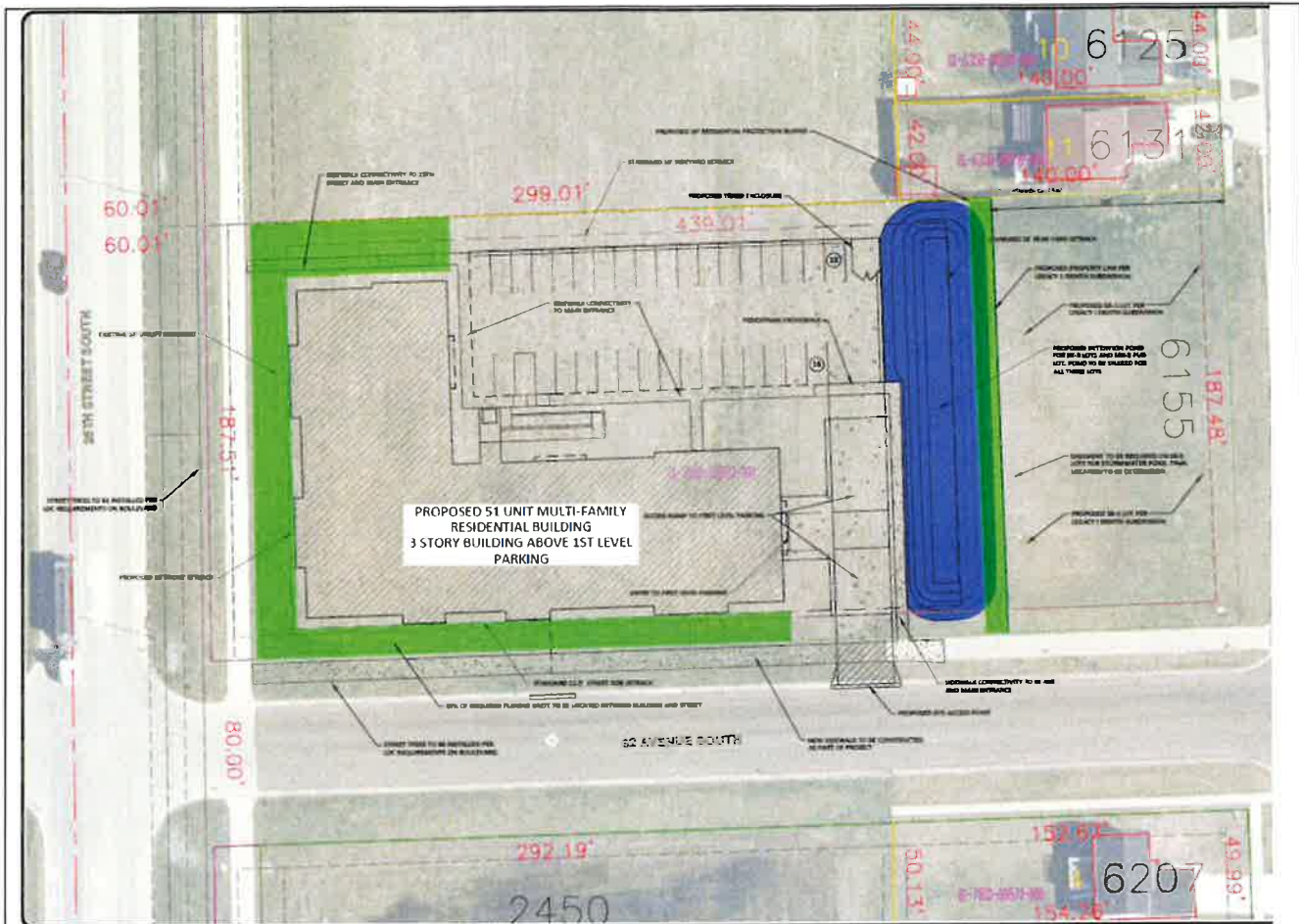
The subject property was originally created as Lot 1, Block 7 of Legacy I Fourth Addition in 2005. It was zoned SR-4, Single-Dwelling Residential. The lot was never developed. In 2022, this lot was replatted Lot 1, Block 1 of Legacy I Seventh Addition. This plat eliminated the negative access easement (NAE) along 62nd Avenue South that was originally applied with the Legacy I 4th Addition plat and dedicated as right of way certain easements along 25th Street South that were acquired after the original 25th Street South right of way was dedicated. This property was zoned GO, General Office, with a C-O, conditional overlay. The applicant's main goal was to find the minimum zone in which a day care that serves more than 13 children can be built without any additional entitlement; such a daycare could not be built in the SR-4 zone. The GO, General Office zone, would allow this use. Other commercial development was also envisioned for this lot. This development never went forward.

The Legacy I Eighth Addition plat is shown below, with Lot 1, Block 1 outlined in red. The proposed zone change would rezone Lot 1 of this plat from GO with a C-O to MR-3, Multi-Dwelling Residential with a PUD overlay, as detailed below.



**PUD Master Land Use Plan**

The applicant proposes to construct a new multi-family apartment, with over 50 units. The new apartment will have one level of enclosed parking, giving the residents the ability to access their vehicles within the building footprint. No garages are proposed; some surface parking is proposed, as depicted on the plan below. The image below is a preliminary Master Land Use Plan submitted by the applicant. The Master Land Use Plan shows the building envelope of the structures, parking and circulation, open space and the required stormwater detention basin. *(A larger version of this plan is included in this packet)*



**Zoning Change and PUD Overlay**

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. The property is currently zoned GO, General Office with a conditional overlay Ordinance No. 5343. That ordinance will be repealed with the approval of the zone change to MR-3 with the PUD overlay.

For this project, Planning staff recommended the applicant use the MR-3 zone as the base zone for the PUD. The modifications to the development standards of the underlying MR-3 zone are shown in the excerpt from the PUD chart shown below. Development standards not included in the chart below will remain as the standard MR-3 requirements. *(The full PUD chart is included in this packet)*

	<b>Current LDC development standards for MR-3</b>	<b>PUD modifications to MR-3 development standards</b>
Residential Density	24 du/acre	40 du/Acre
Setbacks	Front: 25' Interior: 10' Street Side: 12.5' Rear: 20'	Front: 15', others no change
Building Coverage	35% of lot area	40 % of lot area
Minimum open space	35% of lot area	30% of lot area
	Efficiency 1.25 stalls per unit	1.5 Stalls per unit

		1 Bedroom and Larger 2 stalls per unit.  0.25 stalls per unit guest parking	
	Landscaping— Open Space	3 plant units per 1,000 SF of area; 8 sf per unit,	<i>Reduction to 50% of required plant units to be located between the building front and street</i>
	RPS—building height 76-100 feet from residential	45 feet max	<i>55' Max</i>

**Staff Comment on PUD Modifications**

The applicant has provided notes to support the proposed modifications of the MR-3 zone. These notes are on the PUD chart that is attached to this staff report. Staff generally agrees with the applicant's statements in these notes. The proposed parking reduction has been reviewed by the City's traffic engineer, who determined that the proposed ratio should be sufficient and that a more detailed, site specific traffic study was not required.

**Owner's Statement**

The applicant has provided a statement of intent (attached) that describes how the PUD can create a better project than would be allowed by the MR-3 zoning alone for this site.

**Rendering**

Renderings of the proposed building, provided by the applicant, are attached.

**Access**

The lot will take access from 62<sup>nd</sup> Avenue South.

**Final PUD Plan Required Prior to Building Permit Approval**

A PUD has two steps: a Master Land Use Plan and a Final Plan. This hearing does not include the Final Plan. The applicant must submit a PUD Final Plan for review by the Planning Commission when site plans and building permits are submitted. The Planning Commission must find the PUD final plan to be consistent with the PUD Master Land Use Plan prior to building permit approval. City departments will review the plans for compliance with their respective codes and the final plan will be reviewed against the building permit submittal. Note that the Planning Commission does not approve the actual building permit.

**Master Land Use Plan:** Article 20-0908(B)(a-e) of the LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan.

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

The plan represents an improvement over what could have been accomplished through strict application of the base zoning district. It modifies certain development standards of the MR-3 zone and general development standards in order to provide a higher density housing than would be allowed under the MR-3 zoning. Increased density in the appropriate locations is a goal of the City's Go2030 comprehensive plan. The project provides a significant number of tuck-under parking spaces, thereby making more efficient use of the property, another goal of Go2030. **(Criteria Satisfied)**

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

Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies some standards of the MR-3 zone and general

development standards as outlined in Section 20-0501 and noted above. All other standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied )**

3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;** City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way that provide access and public utilities to serve the property. **(Criteria Satisfied)**
  
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;** The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Particularly, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities and also supports developments with increased density. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the 2001 and 2024 Growth Plans, and other adopted policies of the City. **(Criteria Satisfied)**
  
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**  
 The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a residential housing option near recreational facilities, shopping, and future commercial uses, on a property that was bypassed by earlier development. **(Criteria Satisfied)**

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**  
 There is no error in the zoning map. The project rezones the property from GO, General Office with a conditional overlay to MR-3, Multi-Dwelling Residential with a PUD overlay. As the base zone for the proposed PUD, Planning staff recommended the MR-3 zone, as there is no commercial component as part of this project. **(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 that 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 evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity **(Criteria Satisfied)**
  
4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.”

As noted above, the project was proposed under the 2001 Growth Plan. That plan was replaced by the new Fargo Growth Plan 2024 in August, 2024. The proposed zoning of MR-3, Multi-Dwelling Residential is consistent with the original 2001 Growth Plan land use designation, as well as the 2024 plan’s “Neighborhood Center” designation.

The project meets several of the goals of infill development stated in the Go2030 Comprehensive Plan:

- the subject property is already served by supporting infrastructure;
- the project will increase the mix of uses and in the area;
- the project brings high-density residential into close proximity with existing and future retail, restaurant, and service businesses and recreational amenities; and
- the project design reduces surface parking by having first floor “tuck-under” parking for over half of the required parking spaces.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: “To accept the findings and recommendations of the Planning Commission staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading move to approve the proposed 1) Zoning Change from GO, General Office with a conditional overlay to Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; 2) PUD Master Land Use Plan; as outlined in the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan; Article 20-0908(B)(a-e); Section 20-0906. F (1-4); 2001 Growth Plan (as amended); Fargo Growth Plan 2024, and all other applicable requirements of the LDC.”

**Planning Commission Recommendation: August 6<sup>th</sup>, 2024**

At the August 6<sup>th</sup>, 2024 Planning Commission hearing, that Commission, by a vote of 7--0 with three Commissioners absent and one Commission seat vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) Zoning Change from GO, General Office with a conditional overlay to Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; 2) PUD Master Land Use Plan; as outlined in the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan; Article 20-0908(B)(a-e); Section 20-0906. F (1-4); 2001 Growth Plan (as amended); and all other applicable requirements of the LDC, contingent on City Commission approval of the Legacy I 8<sup>th</sup> Addition subdivision plat. *(NOTE: This contingency should not be required at the City Commission hearing.)*

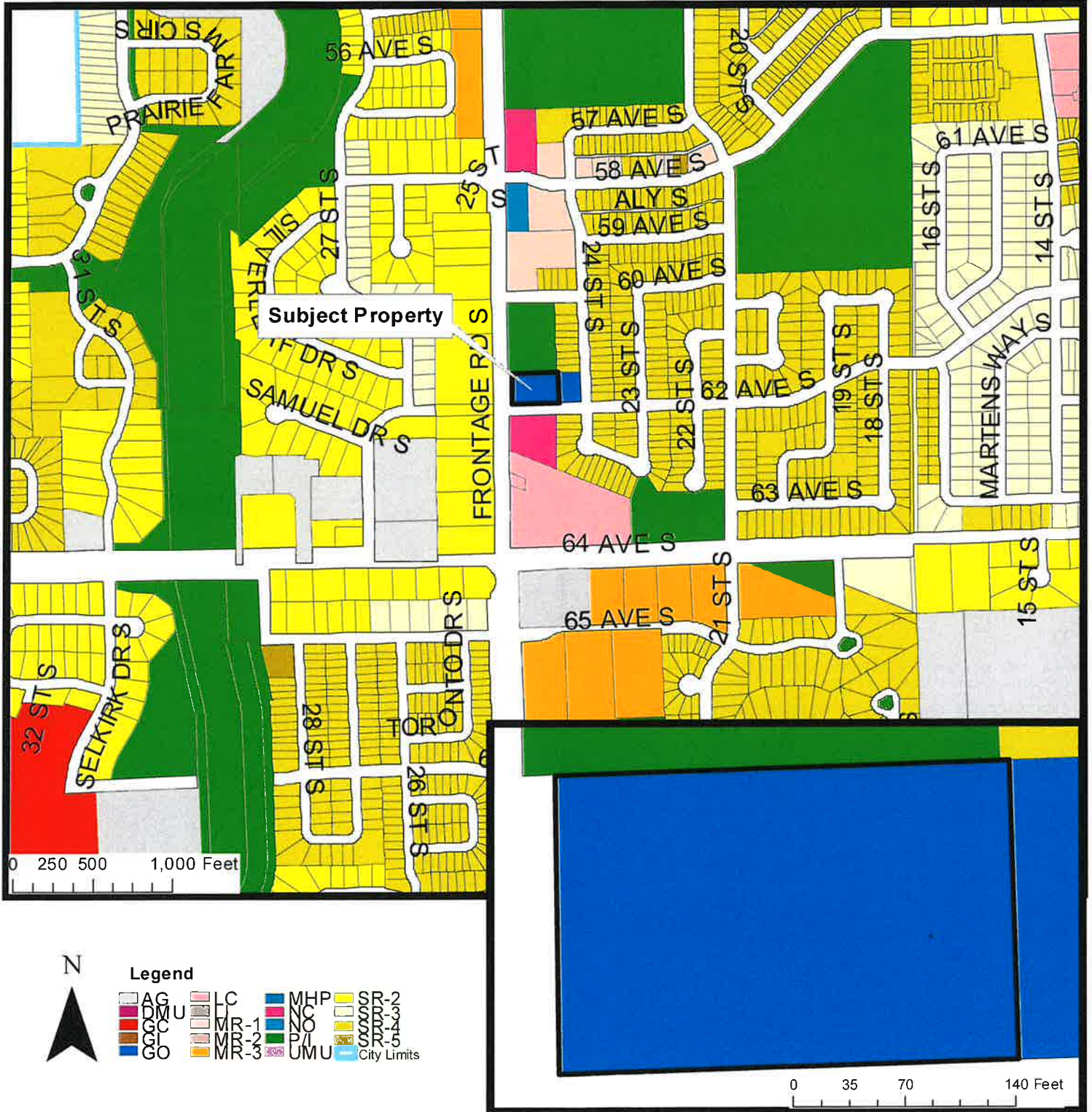
**Attachments:**

1. Zoning map
2. Location map
3. Master land use plan
4. PUD Chart
5. Additional conditions
6. Owner’s statement (project narrative)
7. Elevation drawings
8. Renderings

# Zone change from GO, General Office with a C-O, Conditional Overlay to MR-3, Multi-Dwelling Residential with repeal of the C-O and a Planned Unit Development Master Land Use Plan

## Legacy I 8th Addition

6155 24th Street South

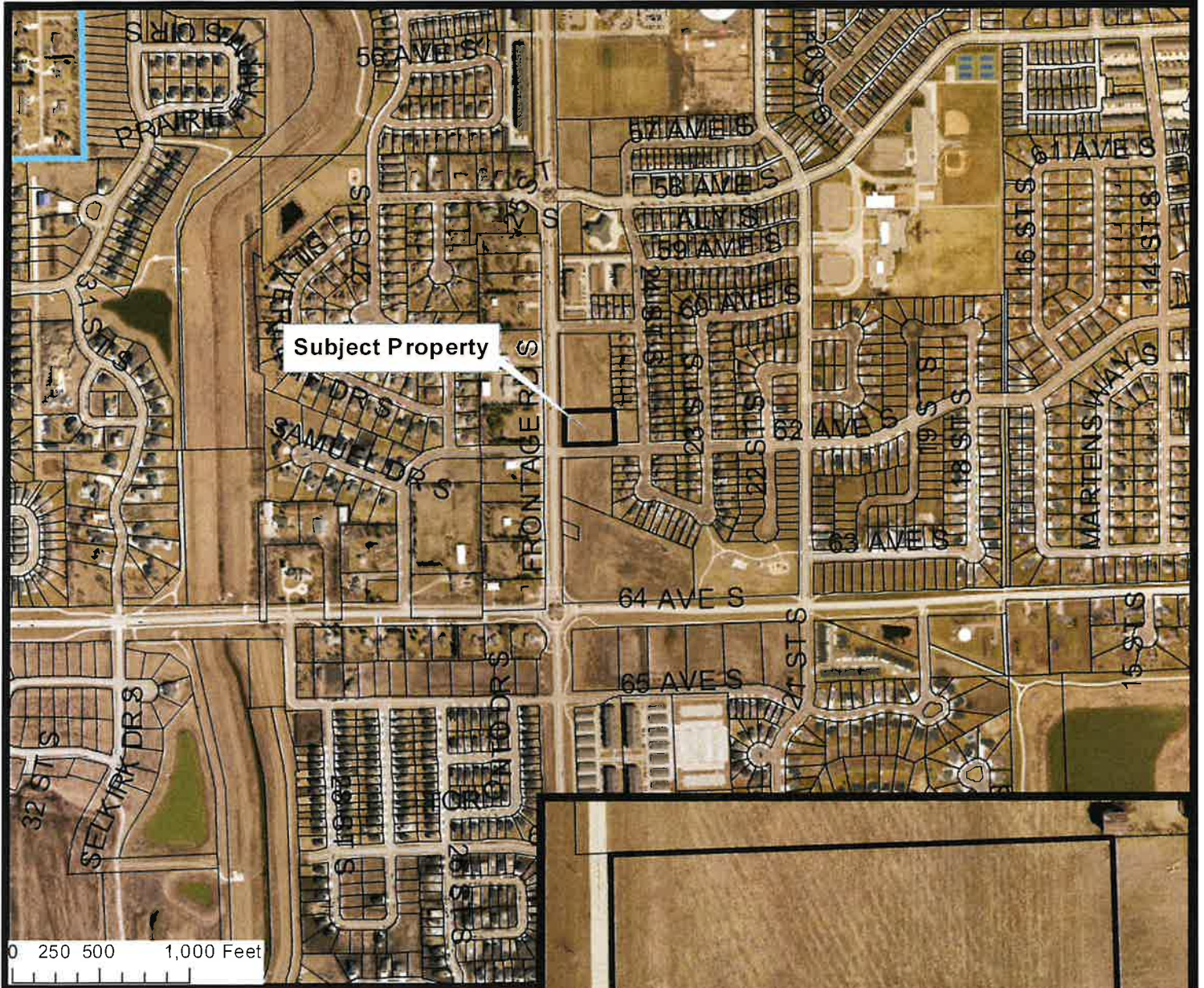




# Zone change from GO, General Office with a C-O, Conditional Overlay to MR-3 Multi-Dwelling Residential with repeal of the C-O and a Planned Unit Development Master Land Use Plan

## Legacy I 8th Addition

6155 24th Street South



### Legend

 City Limits



### PUD NARRATIVE

DEVELOPER'S STATEMENT OF INTENT: Market rate residential multifamily complex on existing infill property. 3 story, flat roof, wood framed construction over main floor precast concrete parking garage. Parking garage to either be partially buried or at grade depending on further site design. Unit mix to consist of Efficiency, 1 bedroom, 2 bedroom and 3 bedroom type units. Exterior facade to be a mix of steel siding, residential metal panel siding, and hard surface materials; vinyl patio doors and windows.

The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the MR-3 development standards, except as otherwise provided below:

	<b>Current LDC development standards for MR-3</b>	<b><i>PUD modifications to MR-3 development standards</i></b>	<b>NOTES</b>
Allowed Uses	Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religions institution, safety services, schools, and basic utilities	<i>No Change</i>	
Minimum Lot Area	5,000 SF	<i>No Change</i>	
Minimum Lot Width	50'	<i>No Change</i>	
Residential Density	24 du/acre	40 du/Acre	<i>See Notes</i>
Setbacks	Front: 25' Interior: 10' Street Side: 12.5 Rear: 20'	<i>Front: 15', others no change</i>	<i>See Notes</i>
Max. Height	60 feet	<i>No Change</i>	
Building Coverage	35% of lot area	<i>40 % of lot area</i>	<i>See Notes</i>
Minimum open space	35% of lot area	<i>30% of lot area</i>	<i>See Notes</i>
Parking-Residential—Multi-dwelling	Efficiency 1.25 stalls per unit  1 Bedroom and Larger 2 stalls per unit.  0.25 stalls per unit guest parking	<i>1.5 Stalls per unit</i>	<i>See Notes</i>
Parking--Retail	1 space per 250 SF	<i>Not Applicable</i>	
Landscaping—Street Trees	1 per every 50 feet on arterials; 1 per every 35 feet on locals	<i>No Change</i>	

Landscaping—Open Space	3 plant units per 1,000 SF of area; 8 sf per unit,	<i>Reduction to 50% of required plant units to be located between the building front and street</i>	See Notes
Landscaping—Parking Lot Perimeter	Buffers shall be located between adjacent streets rights of way and off-street parking areas and all vehicular circulation areas within the front or streetside setback per Table 20-0705(D)(3)	<i>No Change</i>	
Paving Setbacks	Parking lots and vehicular circulation areas shall provide a a paving setback per Table 20-0705(D)(4)	<i>No Change</i>	
Residential Protection Standards (RPS)—Setback from abutting side and rear lot line	Development on lots adjacent to side or rear lines of lots in the SR or MR zoning district must meet the setbacks per Table 20-0704(B)(1)	<i>No Change</i>	
RPS—Front Setback	For new multi-family or nonresidential development occurs on lots adjacent to the side lot in any SR or MHP district, see 20-0704(B)(2) for setback requirements.	<i>No Change</i>	
RPS—Visual screening of dumpsters and outdoor storage areas	Required on all dumpsters and storage areas	<i>No Change</i>	
RPS—building height, 75 feet from residential	35 feet max	<i>No Change</i>	
RPS—building height 76-100 feet from residential	45 feet max	<i>55' Max</i>	See Notes
RPS—building height 101--150 feet from residential	55 feet max	<i>No Change</i>	
RPS-residential protection buffers	At least 10 feet with 1 tree and 20 shrubs per 50 lineal feet	<i>No Change</i>	

RPS—operating hours	No garbage or recycling services between 10:00 p.m. and 6:00 a.m.	<i>No Change</i>	
RPS--lighting	No light more than 0.4 footcandles one foot inside SR-zoned lot	<i>No Change</i>	
RPS--odor	See 20-0704(H)— <i>usually not a problem on residential and commercial developments</i>	<i>No Change</i>	

Residential Density Notes:

The increased density of site matches with the Fargo Growth Plan and desire for denser infill developed to utilize existing street and utility infrastructure. The increased density allows for growth of the City without the burden of extending the existing infrastructure or growing the physical footprint of the City as a whole.

Initial design and concepts are proposing a maximum of 52 units in the building which equates to 37.6 Units per acre. Proposed 40 Unit per acre. As the plat for the lot has not yet been recorded the proposed density ensures that the 52 units will fit on the future lot.

Setbacks Notes:

Reducing the front setback allows for the building to moved further west on the site increasing the distance to the single family residential zoned lots. This allows for more of buffering of the site from the increased building height. Note that the setback along 25<sup>th</sup> Street would be considered the front and along 62<sup>nd</sup> Ave S as the street side.

Building Coverage Notes:

Preliminary building footprint is at 35% lot coverage. As final design of the building proceeds or adjustments to building footprint are made the final building footprint will likely exceed the 35% building coverage limit. The increased building coverage is warranted by the inclusion of interior parking on the first level of the building. The result is that we're moving exterior vehicle parking into the building so compared to the base MR-3 zoning we'll have similar open space areas.

Open Space Notes:

Slight reduction in open space requirements allows for a denser development on smaller parcel. Allows for some flexibility in site layout, parking, and building footprint while maintaining open space for residents.

Residential Parking Requirement Notes:

The final building unit count and mix has yet to be determined. Preliminary proposed building unit mix of approximately 20% 3 Bedroom, 35% 2 Bedroom, 35% 1 Bedroom, and 10% efficiency with 52 units max on the proposed project. The preliminary plan calls for 52 stall of interior parking on the building with 31 exterior surface parking stalls. Desired parking ratio is one cover stall per unit and an overall parking ratio of 1.5 stalls

per unit. The MetroCOG Fargo/West Fargo Parking & Access Study recommended a parking ratio of between 1 and 2 stalls per unit. The proposed ratio falls within the recommend range. The Institute of Transportation Engineering Parking Generation 4<sup>th</sup> Edition lists the average peak period parking demand as 1.23 vehicles per dwelling unit for Suburban Low/Mid Rise Apartments use.

Landscaping—Open Space Notes:

Due to the reduced setback requirements placement of 70% of the required plant units within the area will be excessive and create an overly dense planting area. A slight reduction to 50% is warranted. No reduction in the overall required plant unit count is requested.

RPS—building height 76-100 feet from residential Notes:

Increase in building height limit is to allow first level parking on the building, while meeting the floodproof construction requirements of the City of Fargo. As the site is located within the floodplain floodproof construction must be used. Partial Buried parking or full buried parking may not be possible to meet the floodproof construction requirements. The increased building height on the RPS would for the three stories of units and a full first story for parking.

## LEGACY I 8<sup>th</sup> ADDITION PLANNED UNIT DEVELOPMENT OVERLAY

### DRAFT Additional Standards

1. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally- colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; glass; or commercial metal siding. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.
2. Ground floor facades that exceed four feet in height above grade, that face public streets shall have arcades, windows, entry areas, awnings, or other such features along no less than 30% of their horizontal length. If the facade facing the street is not the front it shall include the same features and/or landscaping in scale with the facade.
3. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets or screens, including but not limited to the back of the structure.
4. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on three (3) sides.. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor. Dumpster enclosure must be set back minimum of 20 feet from abutting site and rear lot lines of SR zoned properties. The location and orientation of the dumpster enclosure shall be identified on the master land use plan and considered acceptable if the master land use plan is approved.
5. The cumulative total building footprint for all accessory buildings shall be a maximum of 45 percent of the primary building coverage.
6. No accessory buildings shall be allowed between the primary building(s) and the front or street side along public right of way or between building front and private road.
7. Individual accessory buildings shall have a maximum length of 140 feet.
8. A minimum of 40 percent of the footprint of the primary building shall be used for parking.
9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
  - a. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development.
  - b. Parking areas that serve each primary building.
  - c. Any public sidewalk system along the perimeter streets adjacent to the development.
  - d. Where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, parks, retail shopping centers, and office buildings.
10. Direct access to the subject property is not allowed from 25<sup>th</sup> Street South due to existing negative access easements. Pursuant to City driveway spacing policy, only one access is allowed from 62<sup>nd</sup> Avenue South, designated as a local street.

## **Project Narrative – 6155 Apartment Development**

Utilizing the Planned Unit Development (PUD) approach offers numerous advantages that extend beyond typical Architectural and Civil considerations in an aim to enhance the local neighborhood.

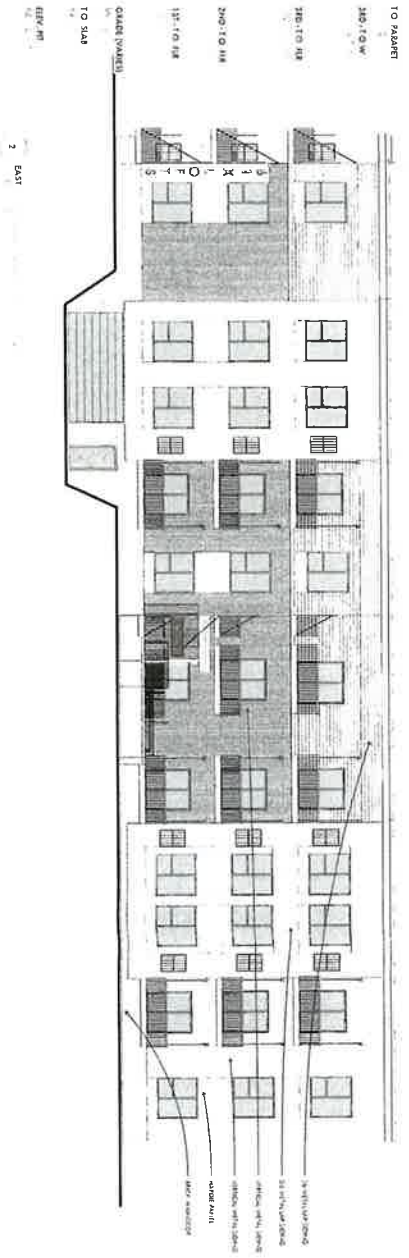
The PUD approach for this property makes slight adjustments to setbacks, minimum open space and building height that will allow for an attractive infill of an undeveloped plot of land that accomplishes a reasonable increase in density while still allowing for ample off-street parking.

The residential density of the site matches with the Fargo Growth Plan and desire for denser infill developed to utilize existing street and utility infrastructure. The increased density allows for growth of the City without the burden of extending the existing infrastructure or growing the physical footprint of the City as a whole.

This project aims to add additional needed market-rate housing in an area that has not seen a lot of new development in recent years. The apartment development will feature a blend of modern architectural aesthetics and functional design. The design prioritizes the comfort and convenience of its residents, each unit will feature open-concept living spaces, high ceilings, and large windows to maximize natural light.

We are committed to creating a welcoming environment for all residents and the surrounding community. This project is set to enhance the housing landscape, and we are excited to bring this project to the area and contribute to its overall growth and vitality.





**A2.0**

EXTERIOR ELEVATIONS

**NOT FOR CONSTRUCTION**

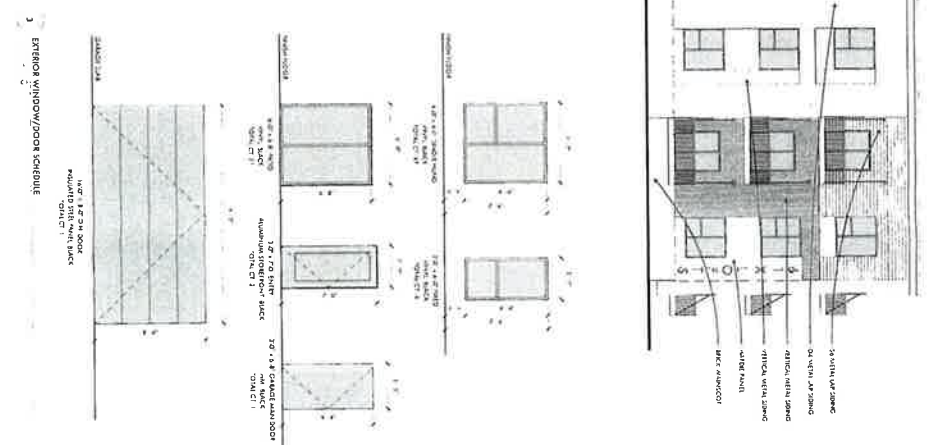
## 24TH ST APARTMENTS

6155 24TH STREET SOUTH  
FARGO, ND 58104

**S**

**SHEET INDEX**

#	TITLE NAME
A01	COVER PAGE
A02	3RD FLOOR PLAN
A03	4TH FLOOR PLAN
A04	5TH FLOOR PLAN
A05	6TH FLOOR PLAN
A06	7TH FLOOR PLAN
A07	8TH FLOOR PLAN
A08	9TH FLOOR PLAN
A09	10TH FLOOR PLAN
A10	11TH FLOOR PLAN
A11	12TH FLOOR PLAN
A12	13TH FLOOR PLAN
A13	14TH FLOOR PLAN
A14	15TH FLOOR PLAN
A15	16TH FLOOR PLAN
A16	17TH FLOOR PLAN
A17	18TH FLOOR PLAN
A18	19TH FLOOR PLAN
A19	20TH FLOOR PLAN
A20	21ST FLOOR PLAN
A21	22ND FLOOR PLAN
A22	23RD FLOOR PLAN
A23	24TH FLOOR PLAN
A24	25TH FLOOR PLAN
A25	26TH FLOOR PLAN
A26	27TH FLOOR PLAN
A27	28TH FLOOR PLAN
A28	29TH FLOOR PLAN
A29	30TH FLOOR PLAN
A30	31ST FLOOR PLAN
A31	32ND FLOOR PLAN
A32	33RD FLOOR PLAN
A33	34TH FLOOR PLAN
A34	35TH FLOOR PLAN
A35	36TH FLOOR PLAN
A36	37TH FLOOR PLAN
A37	38TH FLOOR PLAN
A38	39TH FLOOR PLAN
A39	40TH FLOOR PLAN
A40	41ST FLOOR PLAN
A41	42ND FLOOR PLAN
A42	43RD FLOOR PLAN
A43	44TH FLOOR PLAN
A44	45TH FLOOR PLAN
A45	46TH FLOOR PLAN
A46	47TH FLOOR PLAN
A47	48TH FLOOR PLAN
A48	49TH FLOOR PLAN
A49	50TH FLOOR PLAN
A50	51ST FLOOR PLAN
A51	52ND FLOOR PLAN
A52	53RD FLOOR PLAN
A53	54TH FLOOR PLAN
A54	55TH FLOOR PLAN
A55	56TH FLOOR PLAN
A56	57TH FLOOR PLAN
A57	58TH FLOOR PLAN
A58	59TH FLOOR PLAN
A59	60TH FLOOR PLAN
A60	61ST FLOOR PLAN
A61	62ND FLOOR PLAN
A62	63RD FLOOR PLAN
A63	64TH FLOOR PLAN
A64	65TH FLOOR PLAN
A65	66TH FLOOR PLAN
A66	67TH FLOOR PLAN
A67	68TH FLOOR PLAN
A68	69TH FLOOR PLAN
A69	70TH FLOOR PLAN
A70	71ST FLOOR PLAN
A71	72ND FLOOR PLAN
A72	73RD FLOOR PLAN
A73	74TH FLOOR PLAN
A74	75TH FLOOR PLAN
A75	76TH FLOOR PLAN
A76	77TH FLOOR PLAN
A77	78TH FLOOR PLAN
A78	79TH FLOOR PLAN
A79	80TH FLOOR PLAN
A80	81ST FLOOR PLAN
A81	82ND FLOOR PLAN
A82	83RD FLOOR PLAN
A83	84TH FLOOR PLAN
A84	85TH FLOOR PLAN
A85	86TH FLOOR PLAN
A86	87TH FLOOR PLAN
A87	88TH FLOOR PLAN
A88	89TH FLOOR PLAN
A89	90TH FLOOR PLAN
A90	91ST FLOOR PLAN
A91	92ND FLOOR PLAN
A92	93RD FLOOR PLAN
A93	94TH FLOOR PLAN
A94	95TH FLOOR PLAN
A95	96TH FLOOR PLAN
A96	97TH FLOOR PLAN
A97	98TH FLOOR PLAN
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A99	100TH FLOOR PLAN



**NOT FOR CONSTRUCTION**

**EXTERIOR ELEVATIONS**

**A2.1**

# 24TH ST APARTMENTS

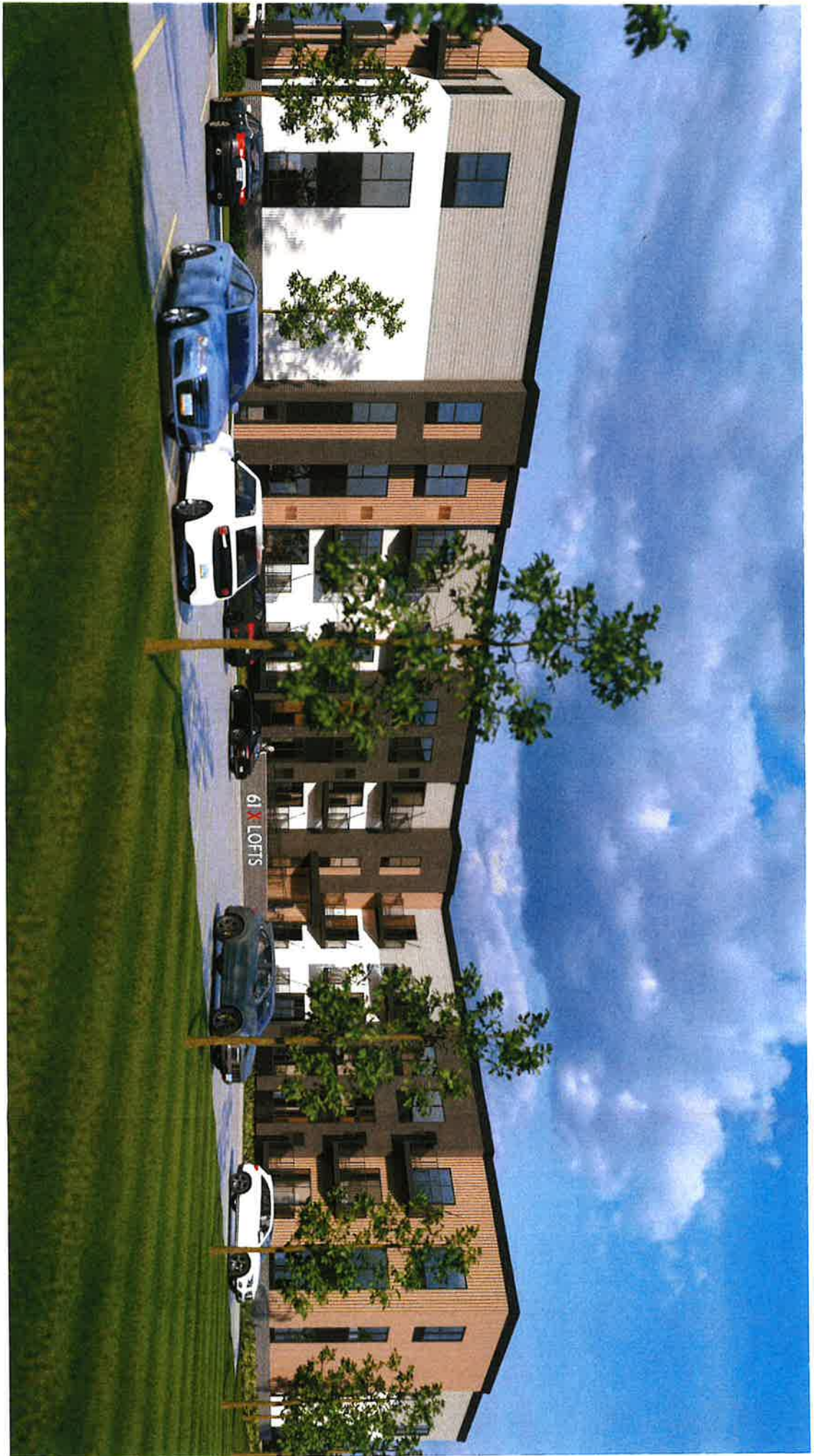
6155 24TH STREET SOUTH  
FARGO, ND 58104

**S**

**SHEET INDEX**

- A1.0 COVER SHEET
- A1.1 EXTERIOR ELEVATIONS
- A1.2 EXTERIOR ELEVATIONS
- A1.3 EXTERIOR ELEVATIONS
- A1.4 EXTERIOR ELEVATIONS
- A1.5 EXTERIOR ELEVATIONS
- A1.6 EXTERIOR ELEVATIONS
- A1.7 EXTERIOR ELEVATIONS
- A1.8 EXTERIOR ELEVATIONS
- A1.9 EXTERIOR ELEVATIONS
- A1.10 EXTERIOR ELEVATIONS
- A1.11 EXTERIOR ELEVATIONS
- A1.12 EXTERIOR ELEVATIONS
- A1.13 EXTERIOR ELEVATIONS
- A1.14 EXTERIOR ELEVATIONS
- A1.15 EXTERIOR ELEVATIONS
- A1.16 EXTERIOR ELEVATIONS
- A1.17 EXTERIOR ELEVATIONS
- A1.18 EXTERIOR ELEVATIONS
- A1.19 EXTERIOR ELEVATIONS
- A1.20 EXTERIOR ELEVATIONS
- A1.21 EXTERIOR ELEVATIONS
- A1.22 EXTERIOR ELEVATIONS
- A1.23 EXTERIOR ELEVATIONS
- A1.24 EXTERIOR ELEVATIONS
- A1.25 EXTERIOR ELEVATIONS
- A1.26 EXTERIOR ELEVATIONS
- A1.27 EXTERIOR ELEVATIONS
- A1.28 EXTERIOR ELEVATIONS
- A1.29 EXTERIOR ELEVATIONS
- A1.30 EXTERIOR ELEVATIONS
- A1.31 EXTERIOR ELEVATIONS
- A1.32 EXTERIOR ELEVATIONS
- A1.33 EXTERIOR ELEVATIONS
- A1.34 EXTERIOR ELEVATIONS
- A1.35 EXTERIOR ELEVATIONS
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- A1.100 EXTERIOR ELEVATIONS





236

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN LEGACY I EIGHTH ADDITION TO THE  
CITY OF 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 proposed rezoning of certain parcels of land lying in Legacy I Eighth Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on August 6, 2024; and,

WHEREAS, the rezoning changes were approved by the City Commission on September 16, 2024,

NOW, THEREFORE,

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

Section 1. The following described property:

Lot One (1), Block One (1) of Legacy I Eighth Addition to the City of Fargo, Cass County, North Dakota,

that is currently zoned "GO", General Office, District, with an existing "C-O", Conditional Overlay, District, as established by Fargo Municipal Ordinance No. 5343, will hereby be rezoned to "MR-3", Multi-Dwelling Residential, District, repealing said "C-O", Conditional Overlay, District and establishing a "PUD", Planned Unit Development Overlay as follows:

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 FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the MR-3 development standards, except as otherwise provided below:

	<b>Current LDC development standards for MR-3</b>	<b><i>PUD modifications to MR-3 development standards</i></b>
Allowed Uses	Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religions institution, safety services, schools, and basic utilities	<i>No Change</i>
Minimum Lot Area	5,000 SF	<i>No Change</i>
Minimum Lot Width	50'	<i>No Change</i>
Residential Density	24 du/acre	40 du/Acre
Setbacks	Front: 25' Interior: 10' Street Side: 12.5 Rear: 20'	<i>Front: 15', others no change</i>
Max. Height	60 feet	<i>No Change</i>
Building Coverage	35% of lot area	<i>40 % of lot area</i>
Minimum open space	35% of lot area	<i>30% of lot area</i>
Parking-Residential—Multi-dwelling	Efficiency 1.25 stalls per unit  1 Bedroom and Larger 2 stalls per unit.  0.25 stalls per unit guest parking	<i>1.5 Stalls per unit</i>
Parking--Retail	1 space per 250 SF	<i>Not Applicable</i>
Landscaping—Street Trees	1 per every 50 feet on arterials; 1 per every 35 feet on locals	<i>No Change</i>
Landscaping—Open Space	3 plant units per 1,000 SF of area; 8 sf per unit,	<i>Reduction to 50% of required plant units to be</i>

OFFICE OF THE CITY ATTORNEY  
 FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

		<i>located between the building front and street</i>
1	Landscaping—Parking Lot Perimeter	Buffers shall be located between adjacent streets rights of way and off-street parking areas and all vehicular circulation areas within the front or streetside setback per Table 20-0705(D)(3)
2		<i>No Change</i>
3		
4	Paving Setbacks	Parking lots and vehicular circulation areas shall provide a a paving setback per Table 20-0705(D)(4)
5		<i>No Change</i>
6		
7	Residential Protection Standards (RPS)—Setback from abutting side and rear lot line	Development on lots adjacent to side or rear lines of lots in the SR or MR zoning district must meet the setbacks per Table 20-0704(B)(1)
8		<i>No Change</i>
9	RPS—Front Setback	For new multi-family or nonresidential development occurs on lots adjacent to the side lot in any SR or MHP district, see 20-0704(B)(2) for setback requirements.
10		<i>No Change</i>
11		
12	RPS—Visual screening of dumpsters and outdoor storage areas	Required on all dumpsters and storage areas
13		<i>No Change</i>
14	RPS—building height, 75 feet from residential	35 feet max
15		<i>No Change</i>
16	RPS—building height 76-100 feet from residential	45 feet max
17		<i>55' Max</i>
18	RPS—building height 101--150 feet from residential	55 feet max
19		<i>No Change</i>
20	RPS-residential protection buffers	At least 10 feet with 1 tree and 20 shrubs per 50 lineal feet
21		<i>No Change</i>

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 FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

RPS—operating hours	No garbage or recycling services between 10:00 p.m. and 6:00 a.m.	<i>No Change</i>
RPS--lighting	No light more than 0.4 footcandles one foot inside SR-zoned lot	<i>No Change</i>
RPS--odor	See 20-0704(H)— <i>usually not a problem on residential and commercial developments</i>	<i>No Change</i>

Additional Standards

1. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally- colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; glass; or commercial metal siding. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used.

2. Ground floor facades that exceed four feet in height above grade, that face public streets shall have arcades, windows, entry areas, awnings, or other such features along no less than 30% of their horizontal length. If the facade facing the street is not the front it shall include the same features and/or landscaping in scale with the facade.

3. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets or screens, including but not limited to the back of the structure.

4. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on three (3) sides.. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor. Dumpster enclosure must be set back minimum of 20 feet from abutting site and rear lot lines of SR zoned properties. The location and orientation of the dumpster enclosure shall be identified on the master land use plan and considered acceptable if the master land use plan is approved.

5. The cumulative total building footprint for all accessory buildings shall be a maximum of 45 percent of the primary building coverage.



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

1 6. No accessory buildings shall be allowed between the primary building(s) and the front  
or street side along public right of way or between building front and private road.

2 7. Individual accessory buildings shall have a maximum length of 140 feet.

3 8. A minimum of 40 percent of the footprint of the primary building shall be used for  
4 parking.

5 9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site  
6 system of pedestrian walkways shall be designed to provide direct access and connections to and  
between the following:

- 7
- 8 a. Any sidewalks or walkways on adjacent properties that extend to the boundaries  
shared with the development.
  - 9 b. Parking areas that serve each primary building.
  - 10 c. Any public sidewalk system along the perimeter streets adjacent to the  
11 development.
  - 12 d. Where practical and appropriate, adjacent land uses and developments, including  
13 but not limited to residential developments, parks, retail shopping centers, and  
14 office buildings.

15 10. Direct access to the subject property is not allowed from 25<sup>th</sup> Street South due to  
existing negative access easements. Pursuant to City driveway spacing policy, only one access is  
16 allowed from 62<sup>nd</sup> Avenue South, designated as a local street.

17 Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his  
18 office so as to conform with and carry out the provisions of this ordinance.  
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OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

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

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\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Steve Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:

(24)

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Harwood's 4 <sup>th</sup> Addition	<b>Date:</b>	06/27/2024
		<b>Update:</b>	09/12/2024
<b>Location:</b>	806 7 <sup>th</sup> Street North	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Portions of Lots 2 and 3, Block 13, Harwood's Second Addition		
<b>Owner(s)/Applicant:</b>	FM Property Pros, LLC / Brandon Raboin	<b>Engineer:</b>	Neset Land Surveys
<b>Entitlements Requested:</b>	<b>Minor Subdivision</b> (Replat of portions of Lots 2 and 3, Block 13, Harwood's Second Addition, to the City of Fargo, Cass County, North Dakota); <b>Zoning Change</b> from MR-3, Multi-Dwelling Residential to SR-5, Single Dwelling Residential for the proposed Harwood's Fourth Addition		
<b>Status:</b>	City Commission Public Hearing: September 16th, 2024		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Residential, currently vacant	<b>Land Use:</b> Residential, proposed twinhome
<b>Zoning:</b> MR-3	<b>Zoning:</b> SR-5
<b>Uses Allowed:</b> Allows detached houses, attached houses, duplexes, multi-dwelling structures, group living, daycare centers up to 12 children or adults, parks and open areas, religious institutions, safety services, schools, and basic utilities.	<b>Uses Allowed:</b> Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
<b>Maximum Density Allowed:</b> 24 dwelling units per acre	<b>Maximum Density Allowed:</b> 14.5 dwelling units per acre

<b>Proposal:</b>
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li>1. A minor subdivision, to be known as <b>Harwood's 4th Addition</b>, replat of portions of Lots 2 and 3, Block 13, Harwood's Second Addition, to the City of Fargo, Cass County, North Dakota</li> <li>2. A zoning change from MR-3, Multi-Dwelling Residential to SR-5, Single Dwelling Residential for the proposed Harwood's Fourth Addition</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: MR-3 with residential uses</li> <li>• East: DMU, Downtown Mixed Use with residential uses</li> <li>• South: MR-3 with residential uses</li> <li>• West: MR-3 with residential uses</li> </ul> <p><b>Area Plans:</b></p> <p><i>NOTE: This project was proposed, and went to Planning Commission hearing, under the Core Neighborhoods Plan. The new Fargo Growth Plan 2024 was adopted on August 19<sup>th</sup>, 2024. The Core Neighborhoods Plan remains in effect as part of the new growth plan. The proposed project is also consistent with 2024 growth plan's place type designation of "Urban Neighborhood,"</i></p> <p>(continued on next page)</p>

The subject property is located within the Roosevelt /NDSU Neighborhood area of the Core Neighborhoods Plan. Various aspects of this neighborhood are addressed in the neighborhood implementation brief:

- The land use map in that brief identifies the current land uses but also identifies some opportunities for change. The subject property is identified as “Multi-Family Residential.”
- The brief identifies this block as being in “average” condition, which the plan states is “a sign that active ownership is missing and that visible disinvestment is not far behind (p.155).”
- The brief identifies this block as one where reinvestment is “likely to bolster confidence and stimulate similar investment by other owners (p 163).” The developer demolished the residence that was there, due to its functional obsolescence, and is proposing to make the investment to build a new residence, thus making available the opportunity for active ownership.
- The brief does not include specific site design or building design standards. The project site is not in a designated historic neighborhood. However, the design of future buildings should be conscious of the neighborhood character.



 Single-Family Residential	 Industrial/Warehousing
 Multi-Family Residential	 Park, Open Space and Trails
 Institutional	 Commercial
 Schools with recreational amenities	 Mixed Use Neighborhood Commercial

**Context:**

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

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

**Parks:** Horace Mann Park, located at 1025 3<sup>rd</sup> Street North, is approximately 0.46 mile east of the subject property and provides amenities of basketball court; multipurpose field; outdoor skating rinks; picnic table; playground, ages 5-12; warming houses

**Pedestrian / Bicycle:** There are no shared use paths adjacent to the subject property.

**MATBUS Route:** A stop for MATBUS Route 11 is located at the intersection of 8<sup>th</sup> Avenue North and Broadway, approximately one block from the subject property. This route connects the downtown transit hub with north Fargo east of Broadway.

**Staff Analysis:**

The plat divides one existing lot into two lots and rezones the entire property from MR-3, Multi-Dwelling Residential to SR-5, Single Dwelling Residential. The applicant proposes to build a twinhome; each side of the twinhome will be on its own lot. Access will be by driveways to 7<sup>th</sup> Street North. There is no alley access to this property as there is to the rest of the properties north along this block.

**NEIGHBORHOOD MEETING:** As this project includes a zone change, a neighborhood meeting was held at City Hall on Tuesday, July 25<sup>th</sup>, 2024. Attendees included the developer, Roosevelt Neighborhood Association president, and Planning Department staff. The history of the project site, design of the proposed twinhome, and the developer's other recent projects in the area were discussed. There were no other attendees.

**Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned MR-3, Multi-Dwelling Residential. The lot is currently vacant. The residential structure that was on it was demolished in late 2023. The developer intends to create two lots on this property in order to build a twinhome; each side of the twinhome will be on its own lot. The SR-5 zoning is necessary to be able to create to single-dwelling lots on this property. **(Criteria Satisfied)**

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

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

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has not received any public inquiries or comments, other than the meeting with the Roosevelt Neighborhood president noted above. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the Roosevelt /NDSU Neighborhood area of the Core Neighborhoods Plan. The proposed development is consistent

with the recommendations of the neighborhood implementation brief. The proposed development is also consistent with the newly-adopted Fargo Growth Plan 2024's place type designation of "Urban Neighborhood." **(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 requested minor subdivision divides one existing lot two lots. The current zoning is MR-3, Multi-Dwelling Residential. The proposed zoning is SR-5, Single-Dwelling Residential. The subject property is located within the Roosevelt /NDSU Neighborhood area of the Core Neighborhoods Plan. The proposed development is consistent with the recommendations of the neighborhood implementation brief. The proposed development is also consistent with the newly-adopted Fargo Growth Plan 2024's place type designation of "Urban Neighborhood." In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has not received any public inquiries or comments, other than the meeting with the Roosevelt Neighborhood president noted above. 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 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**  
 While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential, and 2) a plat of the **Harwood's 4th Addition**, as presented, as the proposal complies with the adopted Roosevelt /NDSU Neighborhood area of the Core Neighborhoods Plan, Fargo Growth Plan 2024, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the LDC and all other applicable requirements of the LDC."

**Planning Commission Recommendation: July 2<sup>nd</sup>, 2024**

At the July 2<sup>nd</sup>, 2024 Planning Commission hearing, by a vote of 9-0 with one Commissioner absent and one Commission seat vacant, that Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) Zoning Change from MR-3, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential, and 2) a plat of the **Harwood's 4th Addition**, as presented, as the proposal complies with the adopted Roosevelt /NDSU Neighborhood

area of the Core Neighborhoods Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the LDC and all other applicable requirements of the LDC.

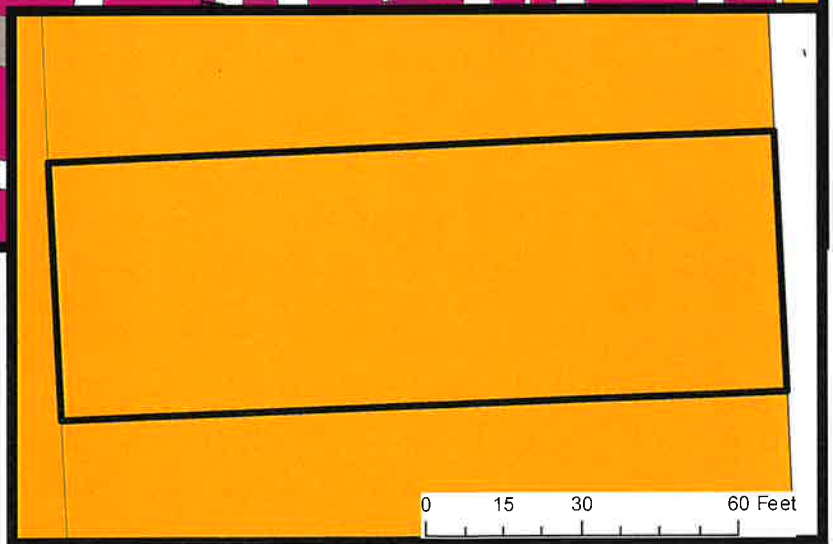
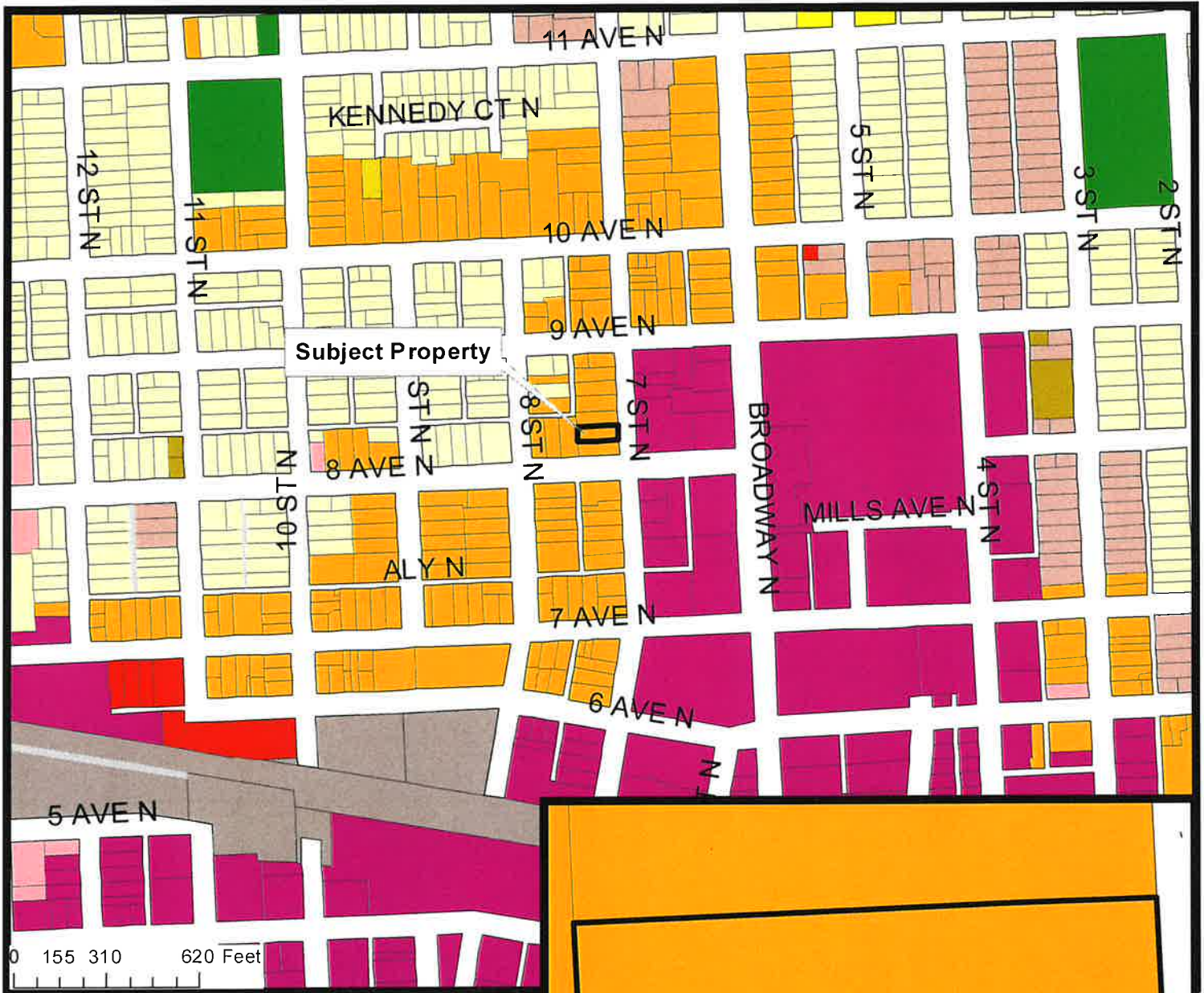
**Attachments:**

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

# Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential

## Harwood's 4th Addition

806 7th Street North



Legend

AG	DMU	GGC	GGI	GO	LC	MR-1	MR-2	MR-3	MHP	NC	NO	SR-2	SR-3	SR-4	SR-5	City Limits
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# Minor Subdivision & Zone Change from MR-3, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential

Harwood's 4th Addition

806 7th Street North



Legend

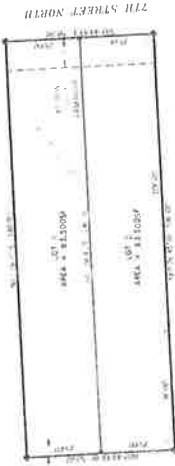


**HARWOOD'S 4TH ADDITION**  
**A MINOR SUBDIVISION**  
**PARTS OF LOTS 2 AND 3, BLOCK 13, OF HARWOOD'S SECOND ADDITION**  
**TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA**

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT I, CECIL ROBERTSON, of the County of Cass, State of North Dakota, do hereby certify that the within and foregoing plat, map and description, do represent and describe a portion of the land shown on the plat and map hereto attached, and which is subject to the same conditions, restrictions, easements and covenants as are shown on the plat and map hereto attached, and which is subject to the same conditions, restrictions, easements and covenants as are shown on the plat and map hereto attached.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County of Cass, at Fargo, North Dakota, this 27th day of August, 1923.



4TH AVENUE NORTH



**SUBDIVISION INFORMATION**  
 CITY OF FARGO, NORTH DAKOTA  
 COUNTY OF CASS, NORTH DAKOTA  
 PLAT NO. 1023  
 DATE OF RECORDING 8/28/23

CITY COMMISSION'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS 27th DAY OF AUGUST, 1923.

CITY COMMISSIONERS  
Cass

APPROVED BY THE CITY OF FARGO IN ANNUAL COMMISSION THIS 27th DAY OF AUGUST, 1923.

CITY ENGINEER'S APPROVAL

APPROVED BY THE CITY ENGINEER IN ANNUAL COMMISSION THIS 27th DAY OF AUGUST, 1923.

NOTARY PUBLIC COUNTY OF Cass, STATE OF North Dakota  
 My Commission Expires 8/15/2025

*Cecil Robertson*  
 Cecil Robertson  
 8/28/23

NOTARY PUBLIC COUNTY OF Cass, STATE OF North Dakota  
 My Commission Expires 8/15/2025

CITY ENGINEER'S APPROVAL

APPROVED BY THE CITY ENGINEER IN ANNUAL COMMISSION THIS 27th DAY OF AUGUST, 1923.

NOTARY PUBLIC COUNTY OF Cass, STATE OF North Dakota  
 My Commission Expires 8/15/2025

SHEET 1 OF 1

10000 1000 115

FOR RECORDING PURPOSES ONLY

246

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING A CERTAIN PARCEL  
OF LAND LYING IN HARWOOD'S 4<sup>TH</sup> ADDITION  
TO THE CITY OF 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 the proposed Harwood's 4th Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on July 2, 2024; and,

WHEREAS, the rezoning changes were approved by the City Commission on September 16, 2024,

NOW, THEREFORE,

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

Section 1. The following described property:

All of Harwood's 4<sup>th</sup> Addition to the City of Fargo, Cass County, North Dakota;  
is hereby rezoned from "MR-3", Multi-Dwelling Residential, District to "SR-5", Single-Dwelling Residential, District.

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.

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OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

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

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\_\_\_\_\_  
Dr. Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Steve Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:




**OFFICE OF  
THE MAYOR**

**DR. TIM MAHONEY**  
FARGO CITY HALL  
225 Fourth Street North  
Fargo, ND 58102  
Phone: 701.241.1310 | Fax: 701.476.4136  
[FargoND.gov](http://FargoND.gov)

25

MEMORANDUM

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY** 

**DATE: SEPTEMBER 16, 2024**

**SUBJECT: 2025 PRELIMINARY BUDGET PUBLIC HEARING**

The Board of City Commissioners approved the Preliminary Budget on August 12th.

A Public Hearing, which is required by North Dakota Century Code, is to allow for Public Comment on the Preliminary Budget and recommended tax levies.

The City Commission will consider the Final Budget for 2025 on September 30, 2024.

26

MEMORANDUM

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY**

**DATE: SEPTEMBER 16, 2024**

**SUBJECT: BUDGET RELATED POSITION ELIMINATIONS**

Following the City Commission's budget discussion, the budget team, along with department leaders, have been exploring options for budget reductions through the elimination of positions. The review focused on the most recent programs and positions added and the necessity of the positions (vacant and filled) in delivering services to the community.

Based on City Commission recommendations to review specific departments and positions, and in consultation with the budget team and department heads, I am recommending the elimination of the positions summarized in the attachment. The Reduction In Force (R.I.F.) will be conducted under the Employment Policy 300-011 Reduction In Force (R.I.F.). Three of the positions have current incumbents while the other positions are vacant.

The elimination of these positions will result in an annual salary and benefit savings of approximately \$682,537.00. We are continuing to strategically evaluate other vacant positions to determine additional position eliminations. It is anticipated additional cost savings will be achieved to meet expenditure reduction goals.

**RECOMMENDED MOTION:** To approve the elimination of the positions listed in the attachment under Employment Policy 300-011 - Reduction In Force effective October 16, 2024, which is 30 days following the Board of City Commissioners approval.

**Reduction In Force Position Elimination**  
**Effective October 16, 2024**

Department	Position	FTE's	Number of Incumbents	Salary & Benefits by Department
Diversity, Equity and Inclusion				
	DEI Director	1	1	
	DEI Program Coordinator	1	1	
				\$247,173
Fargo Cass Public Health				
	Public Health Analyst & Operations Lead	1	1	
	Public Health Nurse – Occ Health	1	VACANT	
	Nutritionist II	1	VACANT	
	Public Health Nurse – Nursing	1	VACANT	
	Nurse Practitioner	.2	VACANT*	
				\$435,364
			TOTAL:	\$682,537

\*NP's schedule was reduced upon incumbent's request to .8 FTE. Eliminating .2 unused budgeted FTE.



27

August 27, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1416 West Gateway Circle S as submitted by Janine Saxerud. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$143 with the City of Fargo's share being \$24.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski  
City Assessor

lml  
attachment



Page **Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings**

N.D.C.C. ch. 57-02-2

(File with the city assessor or county director of tax equalization)

**Property Identification**

1. Legal Description of the property for which exemption is claimed Lot 8, Block 12, Westgate Village

2. Address of Property 1614 WEST GATEWAY CIR S FARGO, ND. 58103

3. Parcel Number 01-4000-01950-000

4. Name of Property Owner SAXERUD, JANINE K Phone No. \_\_\_\_\_

5. Mailing Address of Property Owner 1614 WEST GATEWAY CIR S FARGO, ND. 58103

**Description Of Improvements For Exemption**

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). NEW SIDING

7. Building permit No. 23070783 8. Year built (residential property) 1975

9. Date of commencement of making the improvements \_\_\_\_\_

10. Estimated market value of property before the improvements \$ 263,500

11. Cost of making the improvement (all labor, material and overhead) \$ 54,123.89

12. Estimated market value of property after the improvements \$ 317,623.89

**Applicant's Certification And Signature**

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Janine Saxerud Date 8-23-2024

**Assessor's Determination And Signature**

14. The assessor/county director of tax equalization finds that the improvements described in this application  do  do not meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization [Signature] Date 9-6-2024

**Action Of Governing Body**

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_