

FARGO PLANNING COMMISSION AGENDA  
Tuesday, July 5, 2022 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of June 7, 2022

C: Public Hearing Items:

- 1a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development on Lot 17 and a portion of Lot 18, Block 13, **Kirkhams Second Addition**. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.) (kc): CONTINUED TO AUGUST 2, 2022
- 1b. Continue hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan and Final Plan on Lot 17 and a portion of Lot 18, Block 13, **Kirkhams Second Addition**. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.) (kc): CONTINUED TO AUGUST 2, 2022
- 2a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 1, Block 7, **Valley View Addition**. (Located at 3900 54th Street South) (Brookstone Property/Lowry Engineering) (dk)
- 2b. Hearing on an application requesting a Growth Plan Amendment on Lot 1, Block 7, **Valley View Addition** from low/medium or medium/high density residential land use to commercial or medium/high density residential land use. (Located at 3900 54th Street South) (Brookstone Property/Lowry Engineering) (dk)
3. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district on Lot 4, Block 1, **Urban Plains by Brandt Fifth Addition**. (Located at 2901 Uptown Way South) (Midwest Fidelity Partners, LLC/Houston Engineering) (me)

D: Other Items:

1. Joint Planning/Engineering Overview of Upcoming Projects

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

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

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

## **BOARD OF PLANNING COMMISSIONERS MINUTES**

**Regular Meeting:**

**Tuesday, June 7, 2022**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, June 7, 2022.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Scott Stofferahn, Maranda Tasa, Jennifer Holtz, Dawn Morgan, Art Rosenberg, Thomas Schmidt

Absent: Rocky Schneider

Vice Chair Tasa called the meeting to order.

### **Business Items:**

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

Vice Chair Tasa noted Items 1a and 1b have been continued to July 5, 2022.

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

#### **Item B: Minutes: Regular Meeting of May 3, 2022**

Member Gunkelman moved the minutes of the May 3, 2022 Planning Commission meeting be approved. Second by Member Schmidt. All Members present voted aye and the motion was declared carried.

Member Rosenberg present.

#### **Item C: Public Hearing Items:**

##### **Item 1: Kirkhams Second Addition**

**1a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3 Multi-Dwelling Residential with a PUD, Planned Unit Development on Lot 17 and a portion of Lot 18, Block 13, Kirkhams Second Addition. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.): CONTINUED TO JULY 5, 2022**

**1b. Hearing on an application requesting a PUD, Planned Unit Development Overlay and Master Land Use Plan on Lot 17 and a portion of Lot 18, Block 13, Kirkhams Second Addition. (Located at 1129 and 1131 14th Street North) (Todd Knain/MBN Engineering, Inc.): CONTINUED TO JULY 5, 2022**

**Item 2: Urban Plains by Brandt Fifth Addition**

**2a. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for a parking reduction on Lot 2, Block 1, Urban Plains by Brandt Fifth Addition. (Located at 2970 Uptown Way South) (Urban Plains Land Company, LLC/Tim Gleason): APPROVED**

**2b. Hearing on an application requesting a Conditional Use Permit to allow residential uses in the LC, Limited Commercial zoning district on Lot 2, Block 1, Urban Plains by Brandt Fifth Addition. (Located at 2970 Uptown Way South) (Urban Plains Land Company, LLC/Tim Gleason): APPROVED**

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

Applicant Tim Gleason, Enclave Development, spoke on behalf of the application.

Discussion was held on the commercial uses and parking requirements.

Member Rosenberg moved the findings and recommendations of staff be accepted the Conditional Use Permits to allow residential living in the LC, Limited Commercial zoning district and for an Alternative Access Plan for parking reduction on Lot 2, Block 1, Urban Plains by Brandt Fifth Addition be approved, as outlined within the staff report, as the proposal complies with Section 20-0909.D (1-6) of the Land Development Code and all other requirements of the Land Development Code with the following conditions:

1. Residential Living – The maximum residential density shall be 35 units per acre.
2. Alternative Access Plan – The minimum parking provided shall include 1.65 parking spaces per residential unit and 1 space per 200 square feet of commercial space.

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

**Item 3: Urban Plains by Brandt Sixth Addition**

**3a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay on the proposed Urban Plains by Brandt Sixth Addition. (Located at 5100 28th Avenue South) (Urban Plains Land Company, LLC/Tim Gleason): APPROVED**

**3b. Hearing on an application requesting a Plat of Urban Plains by Brandt Sixth Addition (Minor Subdivision) a replat of Lot 2, Block 2, Urban Plains by Brandt Second Addition to the City of Fargo, Cass County, North Dakota. (Located at**

**5100 28th Avenue South) (Urban Plains Land Company, LLC/Tim Gleason):  
APPROVED**

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

Discussion was held on the focus of the proposed Conditional Overlay, and the history of the application site.

Applicant Tim Gleason, Enclave Development, spoke on behalf of the application. He noted the YMCA and CHI Friendship have come forward as potential buyers for the property.

YMCA President Steve Smith and CHI Friendship President Dori Leslie, spoke on their proposed plans for the site.

Discussion was held on apartment developments, low-income housing, childcare, and ratio of multi-dwelling residential and single-dwelling residential housing in future growth plans.

Planning and Development Assistant Director Mark Williams spoke on behalf of the Planning Department. He shared an affordable housing study is being conducted by MetroCOG.

Discussion continued on the best use of this property.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from MR-3, Multi-Dwelling residential with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay, and 2) Subdivision Plat Urban Plains by Brandt Sixth Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0907 (B) and (C), Section 20-0906.F (1-4), the Standards of Article 20-06 of the Land Development Code, the 2003 Growth Plan, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Schmidt, Morgan, Stofferahn, Rosenberg, Holtz, Gunkelman, and Tasa voted aye. Absent and not voting: Member Schneider. The motion was declared carried.

**Item 4: Asleson Commercial Third Addition**

**Hearing on an application requesting a Plat of Asleson Commercial Third Addition (Minor Subdivision) a replat of Lots 2-4, Block 1, Asleson Commercial Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 4252 and 4266 32nd Avenue South) (Contractors Leasing/City of Fargo/Don Dabbert): APPROVED**

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



Discussion was held on the easements, and access to the water tower.

City Engineer Brenda Derrig spoke on behalf of the Engineering Department.

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Asleson Commercial Third Addition as outlined within the staff report, as the proposal complies with the 2003 Southwest Future Land Use Plan, the Standards of Article 20-06, Section 20-0907.B and C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Stofferahn, Holtz, Rosenberg, Schmidt, Morgan, Gunkelman, and Tasa voted aye. Absent and not voting: Member Schneider. The motion was declared carried.

**Item E: Other Items:**

**Item 1: Planned Unit Development Final Plan for Bentley Place First Addition: APPROVED**

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

Applicant representative Jon Youness, EagleRidge Development, spoke on behalf of the application.

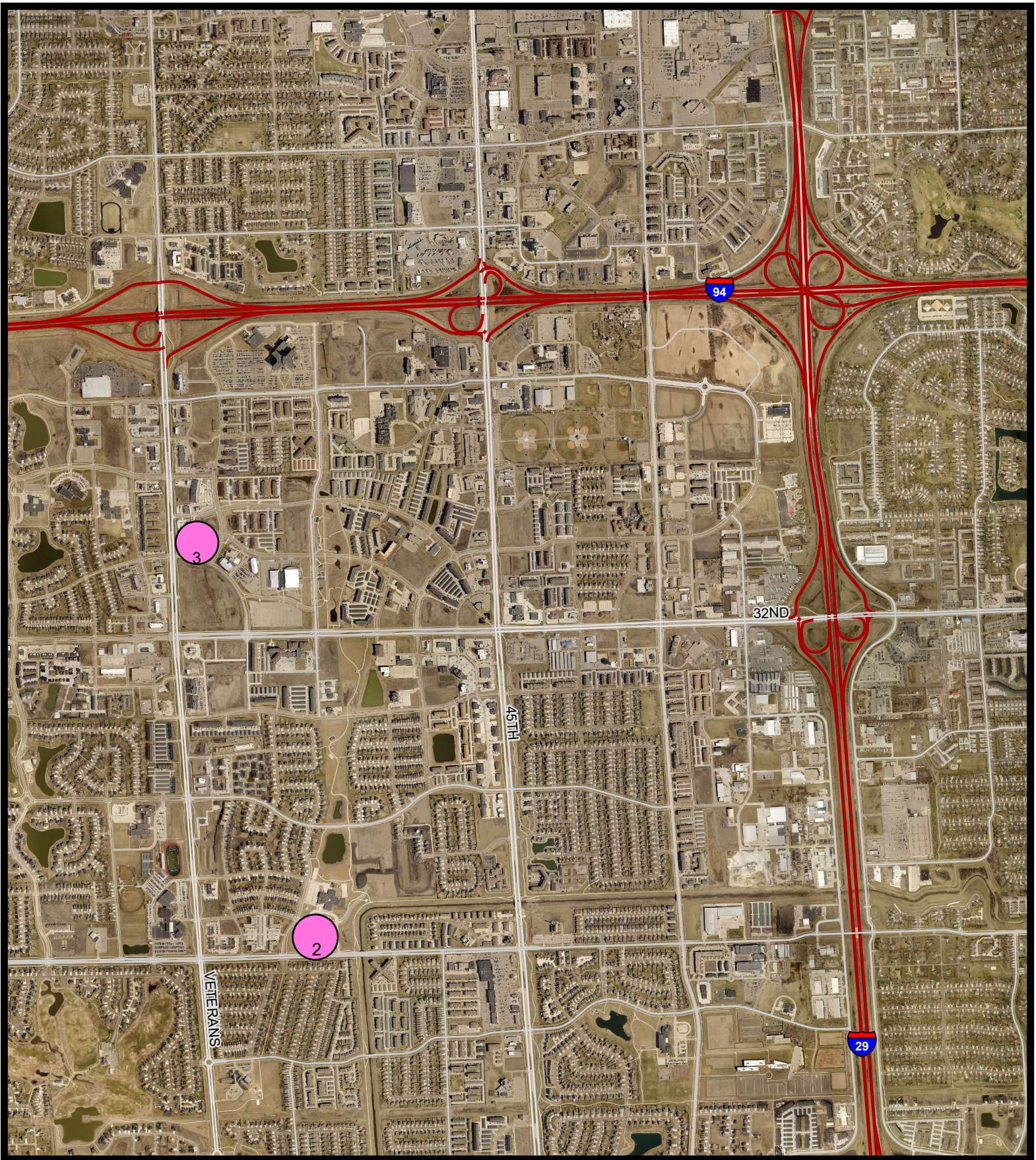
Discussion was held on the current progress of phase one and on the proposed phase two.

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

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

The time at adjournment was 3:41 p.m.





## Agenda Items Map

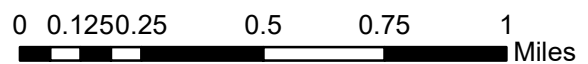
Fargo Planning Commission  
July 5, 2022



### Agenda Item Number

- 2a & 2b -- Valley View Addition
- 3 -- Urban Plains by Brandt Fifth Addition

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Items 1a & 1b continued





**City of Fargo  
Staff Report**

<b>Title:</b>	Valley View Addition	<b>Date:</b>	6/30/2022
<b>Location:</b>	3900 54th Street South	<b>Staff Contact:</b>	Donald Kress
<b>Legal Description:</b>	Lot 1, Block 7, Valley View Addition		
<b>Owner(s)/Applicant:</b>	Arbor Courts Townhomes, LLC / Andrew Thill	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Growth Plan Amendment</b> (to amend the 2003 Southwest Future Land Use Plan land use designation for the subject property from “low/medium or medium/high density residential” land use to “commercial or medium/high density residential” land use); <b>Zone Change</b> from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay		
<b>Status:</b>	Planning Commission Public Hearing: July 5, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Vacant	<b>Land Use:</b> Commercial
<b>Zoning:</b> MR-3, Multi-Dwelling Residential	<b>Zoning:</b> LC, Limited Commercial with C-O, conditional overlay
<b>Uses Allowed:</b> MR-3 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. <b>Plus a CUP to allow a day care facility of 13 or more children or adults in a MR-3, Multi-Dwelling Residential zoning district on Lot 1, Block 7, Valley View Addition (see “Existing Conditional Use Permit” below)</b>	<b>Uses Allowed:</b> LC allows 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</del> , commercial parking, retail sales and service, self service storage, <del>vehicle repair</del> , limited vehicle service, certain telecommunications facilities, basic utilities  <b>With C-O, Conditional Overlay to limit some uses and provide building and site design standards</b>
<b>Maximum Density Allowed:</b> MR-3 allows a maximum of 24 units per acre	<b>Maximum Lot Coverage Allowed:</b> 55%

**Proposal:**

The applicant requests two entitlements:

1. A **zoning change** from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay; and
2. A **growth plan amendment** to amend the 2003 Southwest Future Land Use Plan land use designation for the subject property from “low/medium or medium/high density residential” land use to “commercial or medium/high density residential” land use.

The subject property is located at 3900 54th Street South and encompasses approximately 7.36 acres.

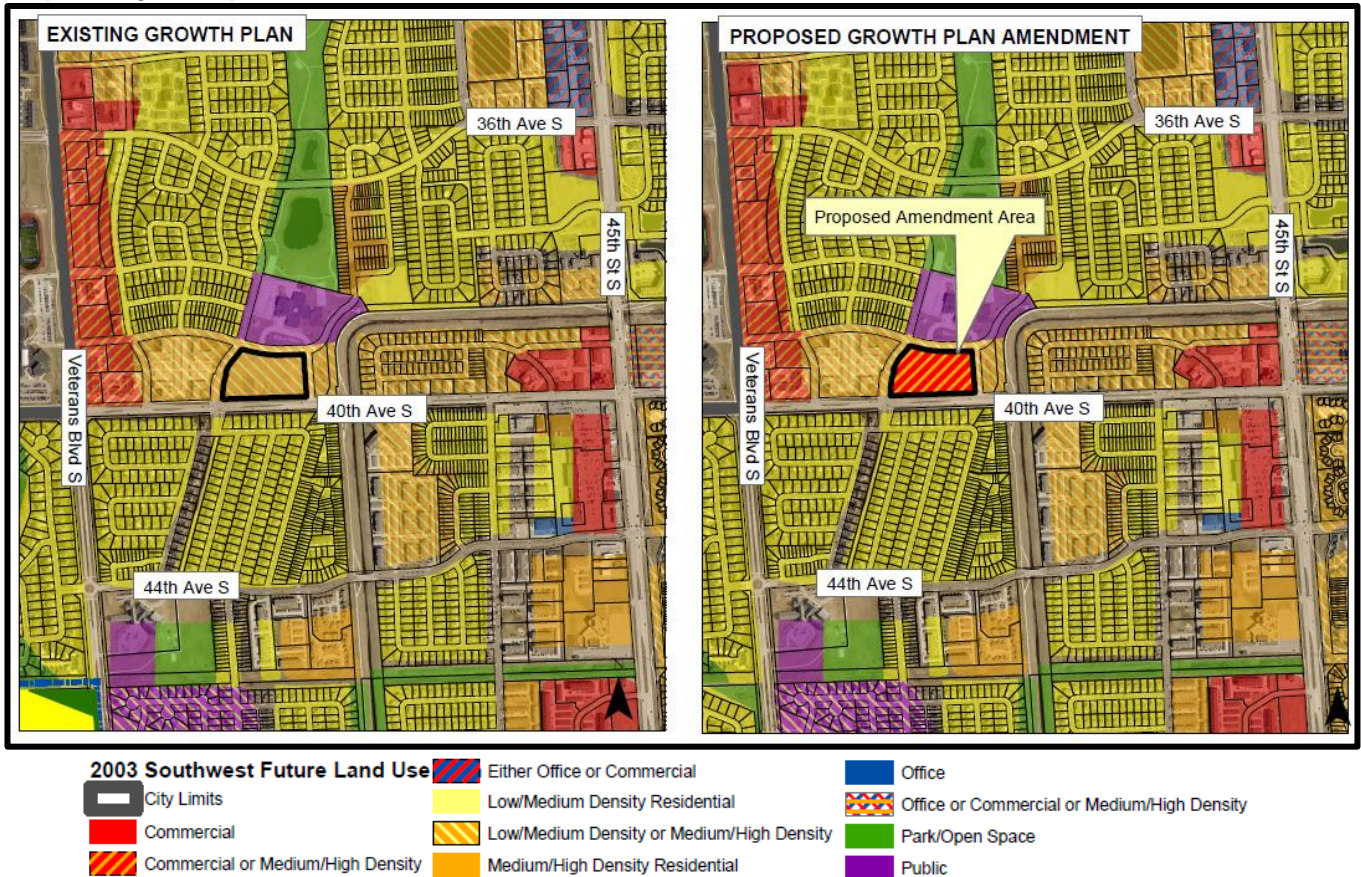
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

### Surrounding Land Uses and Zoning Districts:

- North: Independence Elementary School with zoning of P/I, Public Institutional
- East: Vacant Land with zoning of MR-3, Multi-Dwelling Residential
- South: Single-family housing units with zoning of SR-2, Single-Dwelling Residential
- West: Apartment complex with zoning MR-3, Multi-Dwelling Residential

### Area Plans:

The subject property is located within the 2003 Southwest Future Land Use Plan as amended by the 2013 Valley View Addition Growth Plan Amendment. This plan designates the subject property as "low/medium density or medium/high density residential" land use. This land use designation includes the current MR-3, Multi-Dwelling Residential zoning. The applicant proposes to amend this plan to designate the subject property as "commercial or medium/high density residential" land use. The proposed LC, Limited Commercial zoning would be consistent with this land use designation.. Findings for the proposed growth plan amendment are below.



(continued on next page)

## Context

**Neighborhood:** Brandt Crossing

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

**Parks:** Brandt Crossing Park (5009 33 Avenue South and 5050 33 Avenue South) is located approximately under a half mile north of the subject property. Brandt Crossing Park provides basketball, dog park, playground, recreational trails, and shelter amenities.

**Pedestrian / Bicycle:** Shared use paths are adjacent to the south and west sides of the subject property. These paths are a component of the metro area trail system.

**MATBUS Routes:** The subject property is located along MATBUS Route 18. There are three stops located within a quarter-mile of the subject property.

## Staff Analysis:

### GROWTH PLAN AMENDMENT

In order to allow the proposed LC, Limited Commercial zoning, the underlying growth plan, the 2003 Southwest Future Land Use Plan as amended by the 2013 Valley View Addition Growth Plan Amendment, must be amended to change the land use designation for this property from “low/medium or medium/high density residential” to a land use designation that allows commercial zoning. The proposed designation is “commercial or medium/high density residential,” which allows commercial zoning but also leaves open the possibility of creating commercial/residential mixed use projects, though no such project is proposed at this time. Findings for the growth plan amendment are below.

### GROWTH PLAN AMENDMENT NEIGHBORHOOD MEETING

Pursuant to Land Development Code Section 20-0905.E, a public open house is required for a proposed growth plan amendment. The intent of this open house is to allow residents and property owners in the area an opportunity to meet with the developer to review and comment on this proposed growth plan amendment. This meeting was held on Wednesday, June 29th, 2022 at City Hall. Property owners within a 300 foot radius of the subject property were notified by mail of this meeting. There were no attendees at this meeting other the developer and Planning Department staff.

### PROPOSED ZONING WITH CONDITIONAL OVERLAY

The applicant proposes to rezone the subject property from MR-3, Multi-Dwelling Residential to LC, Limited Commercial. The LC zone is consistent with the proposed growth plan designation of “commercial or medium/high density residential” land use. The zone change includes a conditional overlay that will regulate signs, prohibit certain land uses on the property, and provides design standards for the development of the site. The conditional overlay is appropriate for this area that is along an arterial street yet still close to multi-dwelling and single-dwelling residential. A copy of the draft conditional overlay is attached.

### EXISTING CONDITIONAL USE PERMIT

A conditional use permit (CUP) to allow a day care facility of 13 or more children or adults in a MR-3, Multi-Dwelling Residential zoning district was approved for this property in July, 2016. This CUP will end if the proposed zone change is approved, as a day care facility serving 13 or more children or adults is allowed by right in the LC zone. No CUP is required.

**Growth Plan Evaluation Criteria:** Section 20-0905(H) of the LDC states that the Planning Commission and City Commission shall consider whether the Growth Plan is consistent with and serves to implement adopted plans and policies of the city.

The 2007 Growth Plan sets forth the following criteria that should be used to evaluate any proposed growth plan amendment:, including amendments to previous growth plans:

**1. Is the proposed change consistent with surrounding land uses, both existing and future?**

The existing land use classification allows low density (mainly single-dwelling) residential, medium and high density (mainly multi-dwelling) residential land uses. The proposed land use classification would retain the medium and high density land uses and also allow commercial land uses. These land uses are appropriate for this property, which is located along an arterial street and adjacent to mainly multi-family uses and a school. Note that the proposed zoning is LC, Limited Commercial with a conditional overlay to further limit some uses, resulting in a low-intensity commercial zone appropriate for this location.

**(Criteria Satisfied)**

**2. Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.**

No. No change to existing street alignments or connection is involved. **(Criteria Satisfied)**

**3. How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are there physical features or developments in the vicinity that make the change positive or negative for the City and the area in general?**

The proposed change provides the ability to develop either medium/high density residential or commercial uses, or a combination of these uses (mixed-use) on the subject property. Along an arterial street (40<sup>th</sup> Avenue South), these uses are appropriate. The north side of 40<sup>th</sup> Avenue South between 45<sup>th</sup> Street South and Veterans Boulevard displays a variety of land uses and zonings. On the corners of 40<sup>th</sup> Avenue/45<sup>th</sup> Street and 40<sup>th</sup> Avenue/Veterans Boulevard, there is commercial development. Between these two corners, there is residential development at medium to high densities as apartments and townhomes (attached housing). Allowing commercial and medium to high density residential land uses on the subject property fits in with the variety of land uses in this area.

Independence Elementary School (a West Fargo Public School) is across 38<sup>th</sup> Street South from the subject property. The school bus drop-off is along 38<sup>th</sup> Street South; the school itself is over 300 feet away from the subject property. The school's playground is on the north side of the school.

The subject property is separated from the single-dwelling residential area on the south side of 40<sup>th</sup> Avenue South by 40<sup>th</sup> Avenue itself—a four-lane road that includes some landscaped medians—as well as the boulevard on the south side of 40<sup>th</sup> Avenue and a wall along the back yards of the residences that back up to 40<sup>th</sup> Avenue. Thus, there is considerable separation from the single-dwelling residential area to the south. There are no significant physical features in this area. **(Criteria Satisfied)**

**4. How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?**

The proposed change provides flexibility in the development of this property, while still retaining land uses appropriate for the area. Regarding walkability, existing portions of sidewalks, the sidewalk on the north side of the subject property, will be completed as part of this project. **(Criteria Satisfied)**

## **Zoning**

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

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

Staff is unaware of any error in the zoning map as it relates to this property. This undeveloped property is mostly surrounded by developed properties. As development continues to evolve, the options for developing such undeveloped properties should also evolve. The proposed zoning of LC, Limited Commercial with a conditional overlay is in response to the difference in development conditions since the property was zoned for multi-dwelling development in 2016. **(Criteria Satisfied)**

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

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

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to one phone inquiry from a neighboring property owner. **(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 [Go2030] and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo."

The Go2030 Plan identifies 40<sup>th</sup> Avenue South along the subject property as an active living street. The Go2030 Plan states that active living streets should have attractive streetscapes and that land uses along such streets should support walking and biking. The conditional overlay that is part of the LC zoning requires pedestrian connectivity within the development as well as with surrounding sidewalks and also provides design guidelines for both the buildings and site so that items such as dumpsters and rooftop utility units are screened from view and development along public streets is pedestrian-oriented, thus supporting the Go2030 plan goals for active living streets.

The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan, as amended by the 2013 Valley View Addition Growth Plan Amendment, which covers an area bounded by Interstate 29 on the east, Interstate 94 on the north, 52<sup>nd</sup> Avenue South on the south, and the Fargo/West Fargo city limit line to the west. The proposed growth plan amendment would designate the subject property for commercial or medium/high density land uses. The proposed LC, Limited Commercial zoning is

consistent with this land use designation. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed 1) amendment to the 2003 Southwest Future Land Use Plan from "low/medium or medium/high density residential" land use to "commercial or medium/high density residential" land use and 2) zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, conditional overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Land Development Code Sections 20-0906.F (1-4) and 20-0905.H, and all other applicable requirements of the LDC.

**Planning Commission Recommendation:** July 5, 2022

**Attachments:**

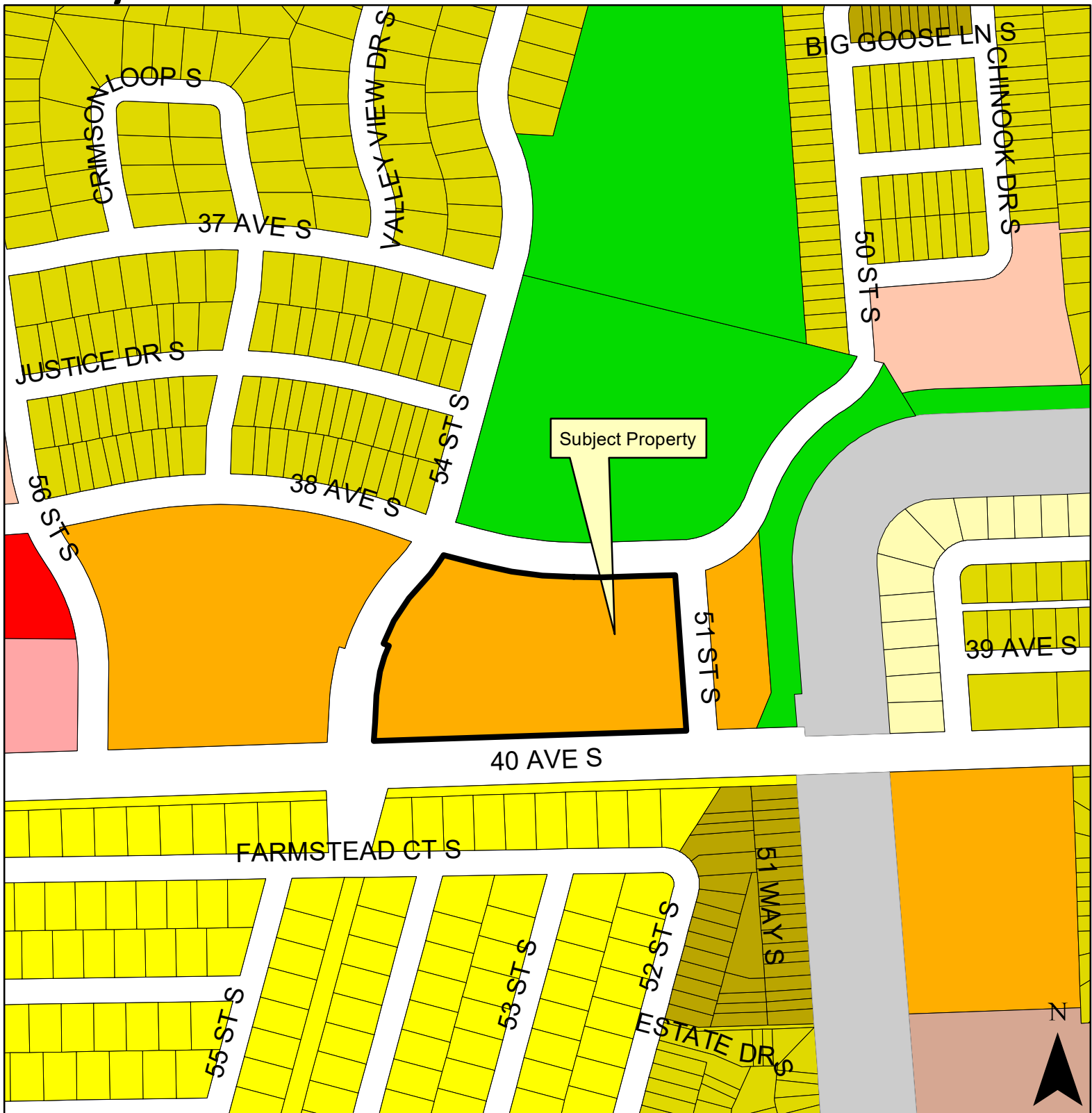
1. Zoning Map
2. Location Map
3. Growth Plan Amendment Map
4. Draft Conditional Overlay



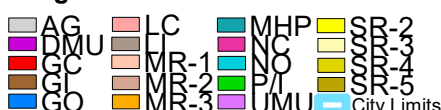
# Zone Change (MR-3 to LC with Conditional Overlay); Growth Plan Amendment

## Valley View Addition

3900 54th Street S



### Legend



300

Feet

Fargo Planning Commission

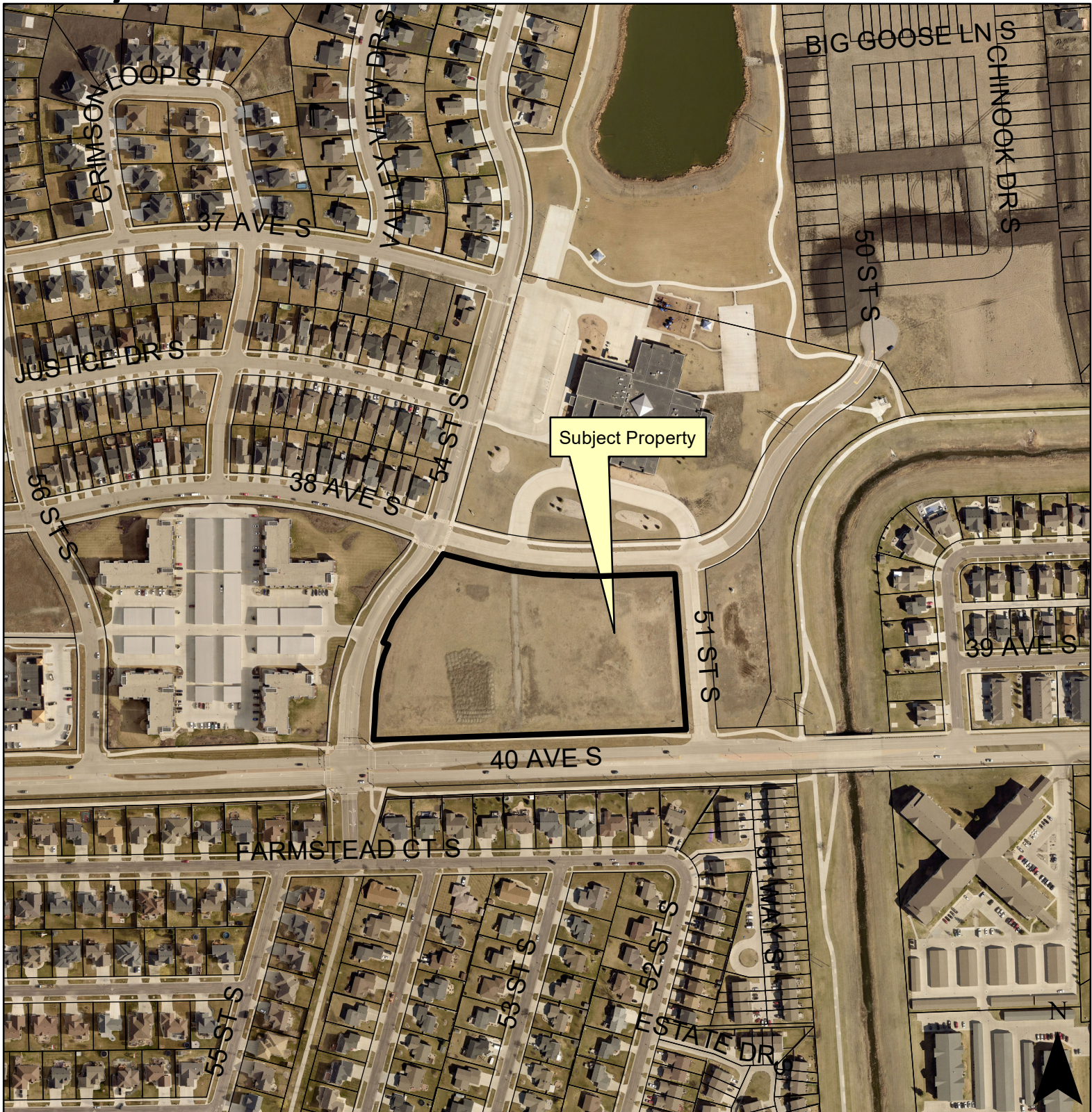
July 5, 2022



# Zone Change (MR-3 to LC with Conditional Overlay); Growth Plan Amendment

## Valley View Addition

3900 54th Street S



### Legend

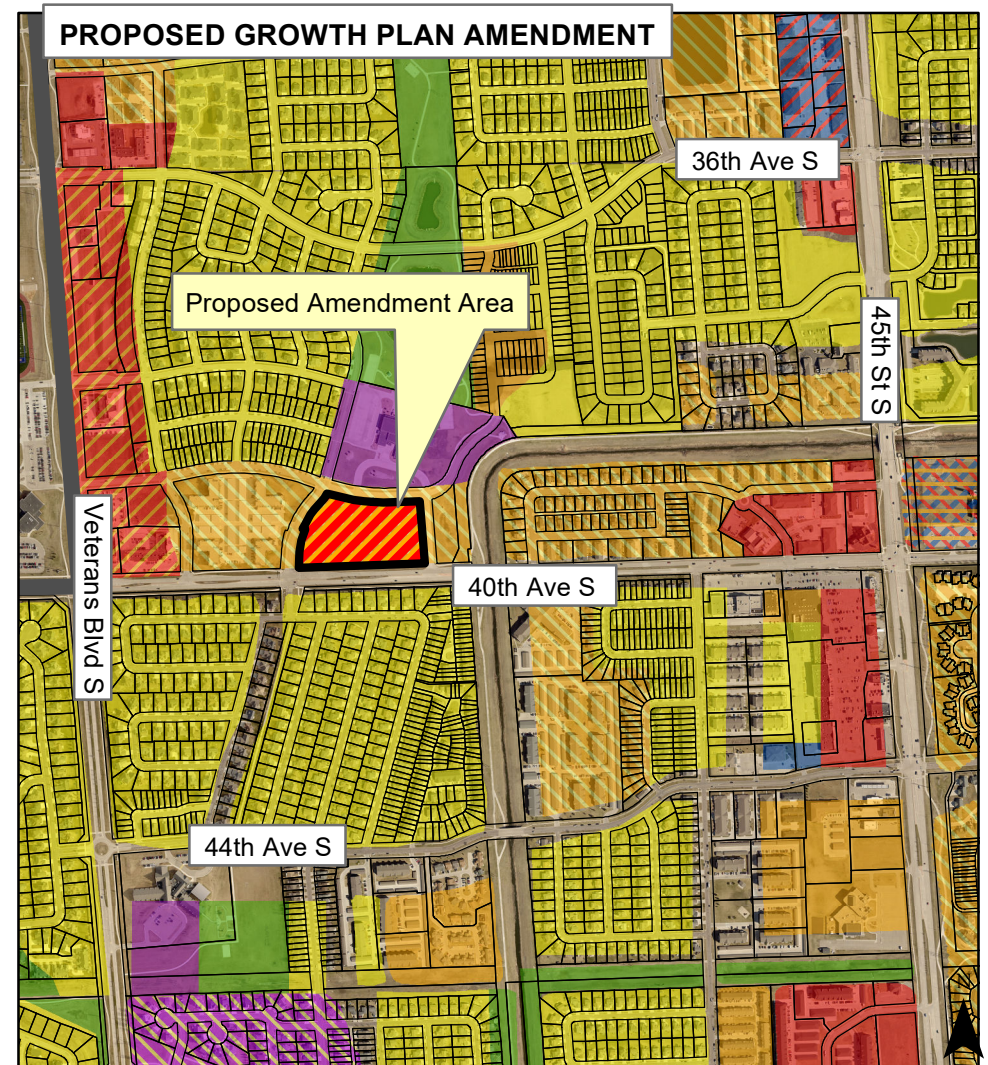
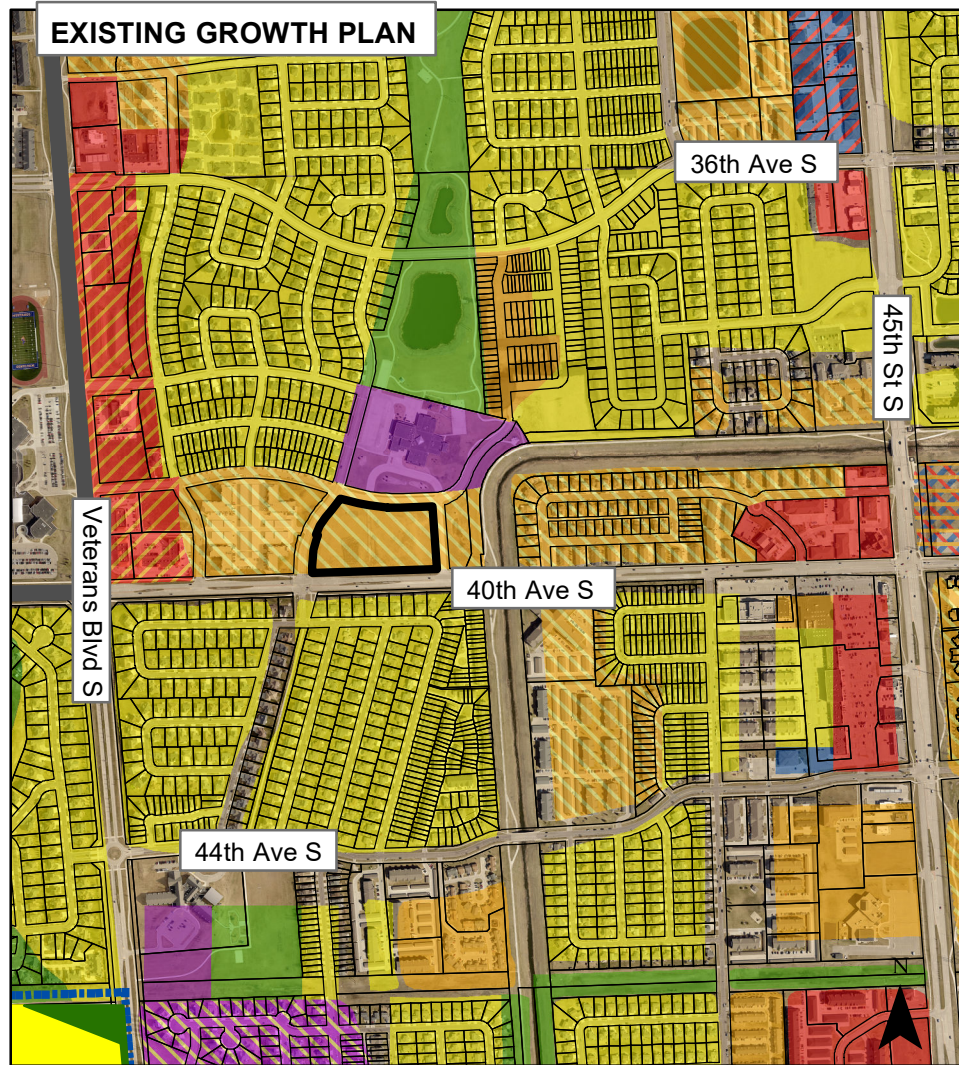
AG	LC	MHP	SR-2
DMU	MR-1	MNC	SR-3
GC	MR-2	NO	SR-4
GO	MR-3	UMU	SR-5
			City Limits



# Growth Plan Amendment ("Low/Medium Density or Medium/High Density Residential" to "Commercial or Medium/High Density Residential")

## Valley View Addition

3900 54th Street S





1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding the future commercial development of **Lot 1, Block 7, Valley View Addition**.
2. 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; or glass. 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.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent 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.
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.
7. Loading facilities shall not be located at the front of structures where it is difficult to adequately screen them from view. All loading and service areas shall be screened from the view of adjacent public streets through a structure and/or landscaping.
8. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.
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) the primary entrance or entrances to each commercial building, including pad site buildings.
  - b) any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
  - c) parking areas or structures that serve such primary buildings.
  - d) connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
  - e) any public sidewalk system along the perimeter streets adjacent to the commercial development.
  - f) where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
10. The following use(s) are prohibited.

- a) Detention Facilities
- b) Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)
- c) Portable Signs
- d) Vehicle Repair

11. The Zoning Administrator shall review each applicable Site Plan to determine compliance with this Conditional Overlay and act to approve or deny the Site Plan application.

12. The decision of the Zoning Administrator may be appealed to the Planning Commission.

<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Urban Plains by Brandt Fifth Addition	<b>Date:</b>	6/29/2022
<b>Location:</b>	2901 Uptown Way South	<b>Staff Contact:</b>	Maegin Elshaug, planning coordinator
<b>Legal Description:</b>	Lot 4, Block 1, Urban Plains by Brandt Fifth Addition		
<b>Owner(s)/Applicant:</b>	Midwest Fidelity Partners LLC / Houston Engineering	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Zoning Change</b> to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district		
<b>Status:</b>	Planning Commission Public Hearing: July 5, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> vacant	<b>Land Use:</b> carwash
<b>Zoning:</b> LC, Limited Commercial with a C-O, Conditional Overlay (5153)	<b>Zoning:</b> No change
<b>Uses Allowed:</b> Limited Commercial allows colleges, community service, day care facilities of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, commercial parking, retail sales and services and telecommunications facilities of limited size.  Self-service storage, vehicle repair and limited vehicle service are typically allowed in LC, but are prohibited by the C-O, which also requires approval of a Conditional Use Permit for Off-premise advertising.	<b>Uses Allowed:</b> Limited Commercial allows colleges, community service, day care facilities of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, commercial parking, retail sales and services, telecommunications facilities of limited size, and <b>limited vehicle service</b> .  C-O would continue to restrict self-service storage and vehicle repair, and require approval of a Conditional Use Permit for off-premise advertising.
<b>Maximum Building Coverage Allowed:</b> 55%	<b>Maximum Building Coverage Allowed:</b> 55%

**Proposal:**

The applicant is seeking a zoning change to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district. The property is located at 2901 Uptown Way South, which is Lot 4, Block 1, Urban Plains by Brandt 5<sup>th</sup> Addition.

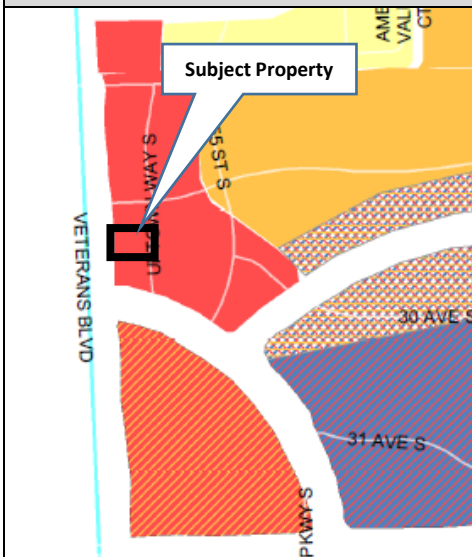
The applicant is requesting to modify the conditional overlay to allow the use of limited vehicle service in order to construct a car wash on the property. The Land Development Code identifies a car wash as a limited vehicle service use and the Conditional Overlay (Ordinance 5153) identifies the use as prohibited. No other changes to the conditional overlay are proposed.

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

**Surrounding Land Uses and Zoning Districts:**

- North: LC, Limited Commercial with C-O (5153) with retail sales and service use (restaurant);
- East: LC, Limited Commercial with C-O (5153) with mixed use development under construction;
- South: LC, Limited Commercial with C-O (5153) with vacant property;
- West: Veterans Boulevard and the City of West Fargo with multi-dwelling residential use.

## Area Plans:



The subject property was included in the 2003 Southwest Future Land Use Plan, where it was identified as appropriate for commercial development.

### Legend

	Commercial
	Commercial or Medium/High Density
	Either Office or Commercial
	Low/Medium Density Residential
	Medium/High Density Residential
	Office or Commercial or Medium/High Density
	Park/Open Space

## Context:

**Neighborhood:** Urban Plains Neighborhood

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

**Parks:** The project site is located within a half-mile of Urban Plains Park (3020 51<sup>st</sup> Street South) which offers amenities of playground equipment, restrooms, shelter and recreational trails.

**Pedestrian / Bicycle:** A shared use path runs along the south and east sides of the subject property.

**Transit:** This location is served by MATBUS Route 24 that travels along on 55 Street South (east of the property) with two designated stops within about a third-mile of the subject property.

## Staff Analysis:

### Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The applicant is requesting to modify the conditional overlay to allow the use of limited vehicle service in order to construct a car wash on the property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. **(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 is adjacent to existing developed public rights-of-way, which provide access and public utilities to serve the property. **(Criteria Satisfied)**

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

Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has not received any comment or inquiry. Staff finds that the proposal will not adversely affect the condition or value of the property in the vicinity.

**(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed amended PUD overlay is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, 2003 Southwest Future Land Use Plan, and other adopted policies of the City.

**(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change to repeal and re-establish a C-O, Conditional Overlay in the LC, Limited Commercial zoning district, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** July 5, 2022

**Attachments:**

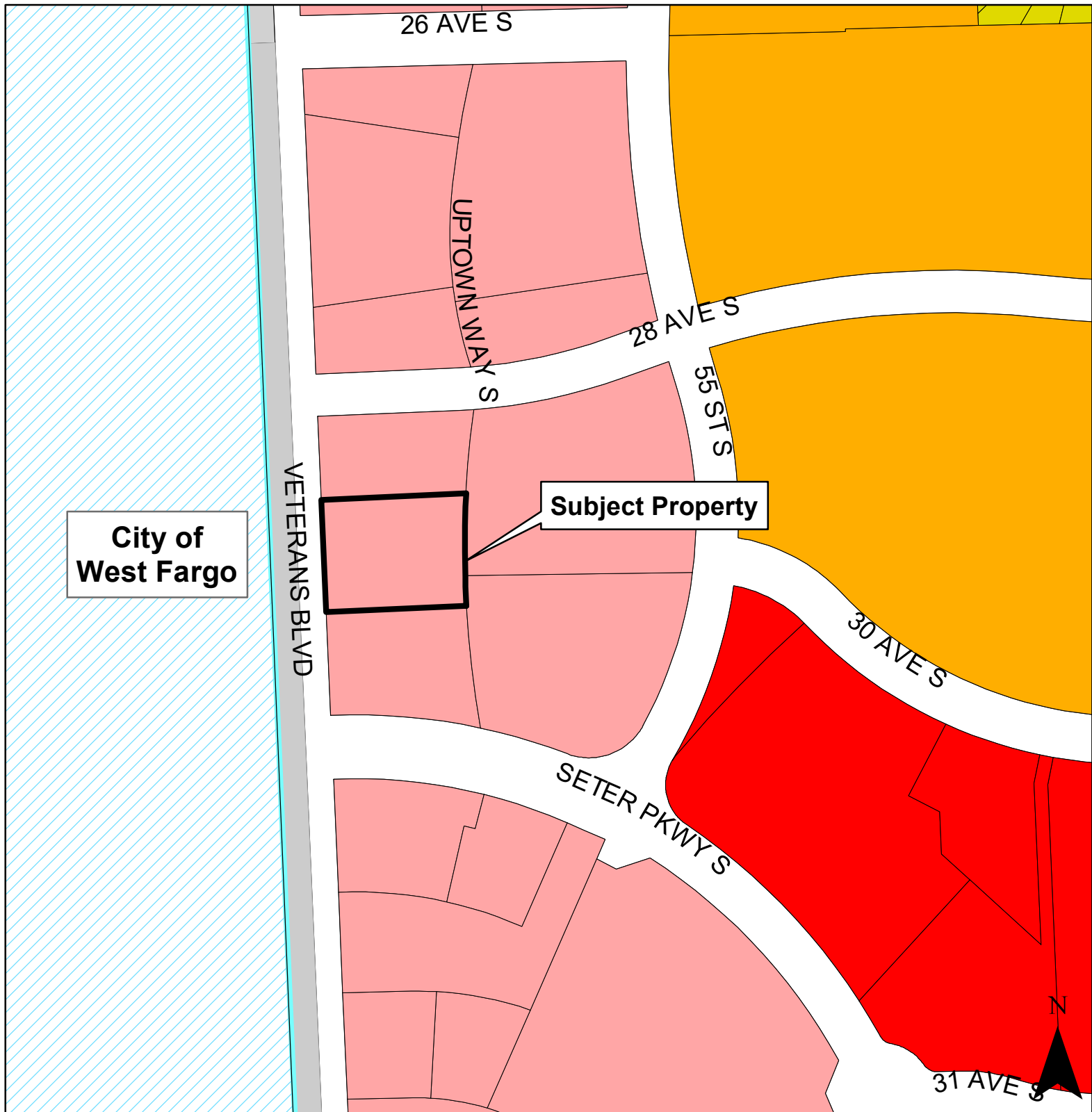
1. Zoning Map
2. Location Map



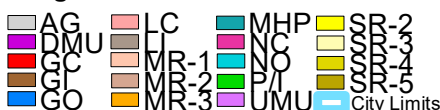
# Zone Change (repeal and re-establish a C-O, Conditional Overlay)

## Urban Plains by Brandt Fifth Addition

2901 Uptown Way S



### Legend



300

Feet

Fargo Planning Commission

July 5, 2022



# Zone Change (repeal and re-establish a C-O, Conditional Overlay)

## Urban Plains by Brandt Fifth Addition

2901 Uptown Way S

