

FARGO PLANNING COMMISSION AGENDA
Tuesday, February 7, 2023 at 3:00 p.m.

A: Approve Order of Agenda

B: Minutes: Regular Meeting of January 3, 2023

C: Public Hearing Items:

1. Hearing on an application requesting a Plat of **Commerce on 12th Eighth Addition** (Minor Subdivision) a replat of Lots 3-6, Block 2, Commerce on 12th Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5669 and 5627 13th Avenue North; 5600 and 5674 14th Avenue North) (NAP Dakotas, LLC/Houston Engineering) (dk)
2. Hearing on an application requesting a Plat of **Golden Valley 7th Addition** (Minor Subdivision) a replat of Lots 1-10, Block 1; Lots 1-20, Block 3; and Lots 1-12 Block 4, Golden Valley Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 6709-6865 26th Street South; 2505-2594 Fulton Loop South) (76th Street Holdings, LLC/EagleRidge Development) (dk)
- 3a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay on the proposed **Valley View Estates Fourth Addition**. (Located at 3606-4890 Decorah Way South) (Thomsen Homes, LLC/EagleRidge Development) (lm)
- 3b. Hearing on an application requesting a Plat of **Valley View Estates Fourth Addition** (Minor Subdivision) a replat of Lots 1-11, Block 1, Valley View Estates Third Addition and Lots 1-7, Block 1, Valley View Estates Addition to the City of Fargo, Cass County, North Dakota. (Located at 3606-4890 Decorah Way South) (Thomsen Homes, LLC/EagleRidge Development) (lm)
4. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan for reduced parking and shared parking on Lots 1-2, Block 1, **Christianson 32nd Avenue South Second Addition**. (Located at 3165 and 3187 33rd Street South) (Chris Mack/Christianson Properties, LLC) (lm)
5. Hearing on an application requesting a Plat of **Global Development Addition** (Minor Subdivision) a plat of an unplatted portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota. (Located at 602, 610, 636, and 650 Northern Pacific Avenue North) (City of Fargo/Global Development, LLC) (me)
6. Hearing on an application requesting a Zoning Change to repeal and reestablish a Conditional Overlay on parts of Lots 1-6 and 8, all of the Lot 7, Block SS, **Erskines Addition**. (Located at 1117 and 1155 13th Avenue South) (Steve Stremick) (dk)

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

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

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

7. Hearing on an application requesting a Vacation Plat of a portion of 5th Avenue North adjacent to Block 24, **Keeney & Devitts 2nd Addition**. (Located at 419 3rd Street North) (City of Fargo/Great Plains Block 3 Holdings) (dk)
8. Hearing on an application requesting a Conditional Use Permit to allow an Alternative Access Plan to allow for a parking reduction on Lot 1, Block 1, **University South 2nd Addition**. (Located at 1376 Oak Manor Avenue South) (Enclave/Beyond Shelter, Inc.) (bg)
9. Hearing on an application requesting a Plat of **Betlock Addition** (Major Subdivision) a replat of Lot 1, Block 2, of a replat of McDermott Subdivision, to the City of Fargo, Cass County, North Dakota, including a vacation of a portion of 18th Avenue North right-of-way. (Located at 1722 2nd Street North) (Neset Land Surveys/Michael Betlock) (bg)

D: Other Items:

1. Continued hearing on an application requesting a PUD, Planned Unit Development, Final Plan within the boundaries of **Duane's Pizza Addition**. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC) (me): CONTINUED TO MARCH 7, 2023
2. Presentation by MetcoCOG on 2050 Baseline Demographic Forecast and 2022 Metro Profile.
3. Planning Commission review of a Renewal Plan for blighted property located in the 1600 Block of University Drive South. (jg)
4. City Commission final action on 2022 Planning Commission cases.

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, January 3, 2023

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, January 3, 2023.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Maranda Tasa, John Gunkelman, Art Rosenberg, Jennifer Holtz, Thomas Schmidt, Dawn Morgan, Brett Shewey

Absent: Scott Stofferahn

Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of December 6, 2022

Member Schmidt moved the minutes of the December 6, 2022 Planning Commission meeting be approved. Second by Member Shewey. All Members present voted aye and the motion was declared carried.

Item C: Public Hearing Items:

Item 1: Cass County Corrections 2nd Addition

Hearing on an application requesting a Plat of Cass County Corrections 2nd Addition (Major Subdivision) a replat of Lot 1, Block 1, and Lot 1, Block 2, Cass County Corrections Addition; Lot 4, Block 1, Westrac Third Addition, and part of the Southwest Quarter of Section 11, Township 139 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota including a Vacation of a portion of 28th Street South. (Located at 450 34th Street South; 502 28th Street South; 3309 Westrac Drive South) (Cass County Government/Houston Engineering): APPROVED

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

Discussion was held regrading utilities on the property.

Applicant representatives, Mike Love, Houston Engineering, and Robert Wilson, Cass County Administrator, spoke on behalf of the application.

Member Holtz moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Cass County Corrections 2nd Addition, including vacation of right-of-way, as outlined within the staff report, as the proposal complies with the Standards of Article 20-06 and Sections 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code, and of the North Dakota Century Code Chapter 40-39. Second by Member Shewey. On call of the roll Members Holtz, Tasa, Morgan, Schmidt, Rosenberg, Shewey, Gunkelman, and Schneider voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

Item 2: Duane's Pizza Addition

2a. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential, and Limited Commercial to LC, Limited Commercial with a PUD, Planned Unit Development Overlay on the proposed Duane's Pizza Addition. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC): APPROVED WITH CONDITIONS

2b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan and Final Plan within the boundaries of the proposed Duane's Pizza Addition. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC): CONTINUED TO FEBRUARY 7, 2023

2c. Hearing on an application requesting a Plat of Duane's Pizza Addition (Minor Subdivision) a replat of Lots 1-8, less the vacated right-of-way and Lots 9-16, Block 28, Morton & Doty's Addition to the City of Fargo, Cass County, North Dakota. (Located at 1601, 1605, 1615, 1617, 1619, 1621, 1623, 1627, and 1629 University Drive South; 1602, 1606, 1610, 1614, 1618, 1622, and 1626 13 ½ Street South; 1321 17th Avenue South) (BLOC Partners, LLC/Craig Development, LLC): APPROVED WITH CONDITIONS

Planning Coordinator Maegin Elshaug presented the staff report. She noted additional written resident comments and the draft PUD, Planned Unit Development, ordinance were provided to the Board.

Traffic Engineer Jeremy Gordon spoke on behalf of the Engineering Department.

Discussion was held on traffic, drive-thru access, bike and pedestrian travel in the corridor, timeline of the project, and traffic light configuration.

Ms. Elshaug continued presenting the staff report stating all approval criteria have been met and staff is recommending approval with conditions.

Discussion continued on the conditions of approval, density and scope of the project, and drive-thru stacking and vehicular circulation.

Applicant Jesse Craig, Craig Development, spoke on behalf of the application.

Further discussion was held on changes made to the project since it was first presented at the Neighborhood Open House held December 6, 2022, and pet facility amenities.

Resident Kimberly Kemppanion, 1014 16th Avenue South, spoke on affordable housing, University Avenue traffic and safety impacts, parking lot size and greenspace, and the impact on the current businesses.

Mr. Gordon provided additional information on the traffic impact and pedestrian crossings.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential, and LC, Limited Commercial, to LC, Limited Commercial, with a PUD, Planned Unit Development Overlay, 2) PUD, Planned Unit Development, Master Land Use Plan, and 3) Subdivision Plat, Duane's Pizza Addition, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Core Neighborhoods Plan, the Standards of Article 20-06, Section 20-0906.F(1-4), and Section 20-0908.B(7) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following conditions:

- Confirmation of PUD, Planned Unit Development ordinance and updated Master Plan as applicable prior to moving forward to City Commission.
- Additional information provided by applicant regarding traffic to analyze trip generation, to be reviewed by and subject to approval by City Traffic Engineer.
- Resolution of private utility issues prior to moving forward to City Commission, subject to City Engineer approval.
- Confirmation of amenities plan for subdivision to be confirmed by Planning and Engineering Department staff.

And, to continue the PUD, Planned Unit Development, Final Plan with the following conditions:

- Civil site plan, landscape plan, elevation plans, and building materials are received and reviewed by staff against PUD, Planned Unit Development ordinance.
- Amenities and design requirements reviewed by staff against PUD, Planned Unit Development ordinance.

- Hearing at Planning Commission prior to building permit issuance.

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

At 4:03 p.m., the Board took a five-minute recess.

After recess: All Members present except Member Stofferahn. Chair Schneider presiding.

Item D: Other Items:

Item 1: Presentation by Inspections Director and Inspections Staff - Code Enforcement and Rental Program

Shaun Ouradnik, Inspections Director introduced himself and provided a brief overview of the presentation.

Code Enforcement Inspectors Laura Langdahl and Greg Conlin gave a presentation on their roles and duties, and an overview of the complaint process.

Discussion was held on preventing blighted home situations.

Mr. Ouradnik provided an overview and presentation of the Rental Program, and introduced Rental Inspectors, Lynne Olson, Isaiah Bodensteiner, and Bill Thompson, who provided examples of the inspections they perform.

Discussion was held on the process of turning a property into a rental property, rental inspections process, updating the ordinances related to rentals, and life safety code compliance.

Item 2: Presentation by MetroCOG staff – Red River Greenway Study

Dan Farnsworth and Ari Del Rosario, MetroCOG, provided a brief presentation on the Red River Greenway Study.

Discussion was held on surface materials and maintenance, making the connections between jurisdictions, and funding.

MetroCOG consultant, Terry Minarik, Confluence, spoke briefly on trail surfaces.

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

The time at adjournment was 5:19 p.m.

Agenda Items Map

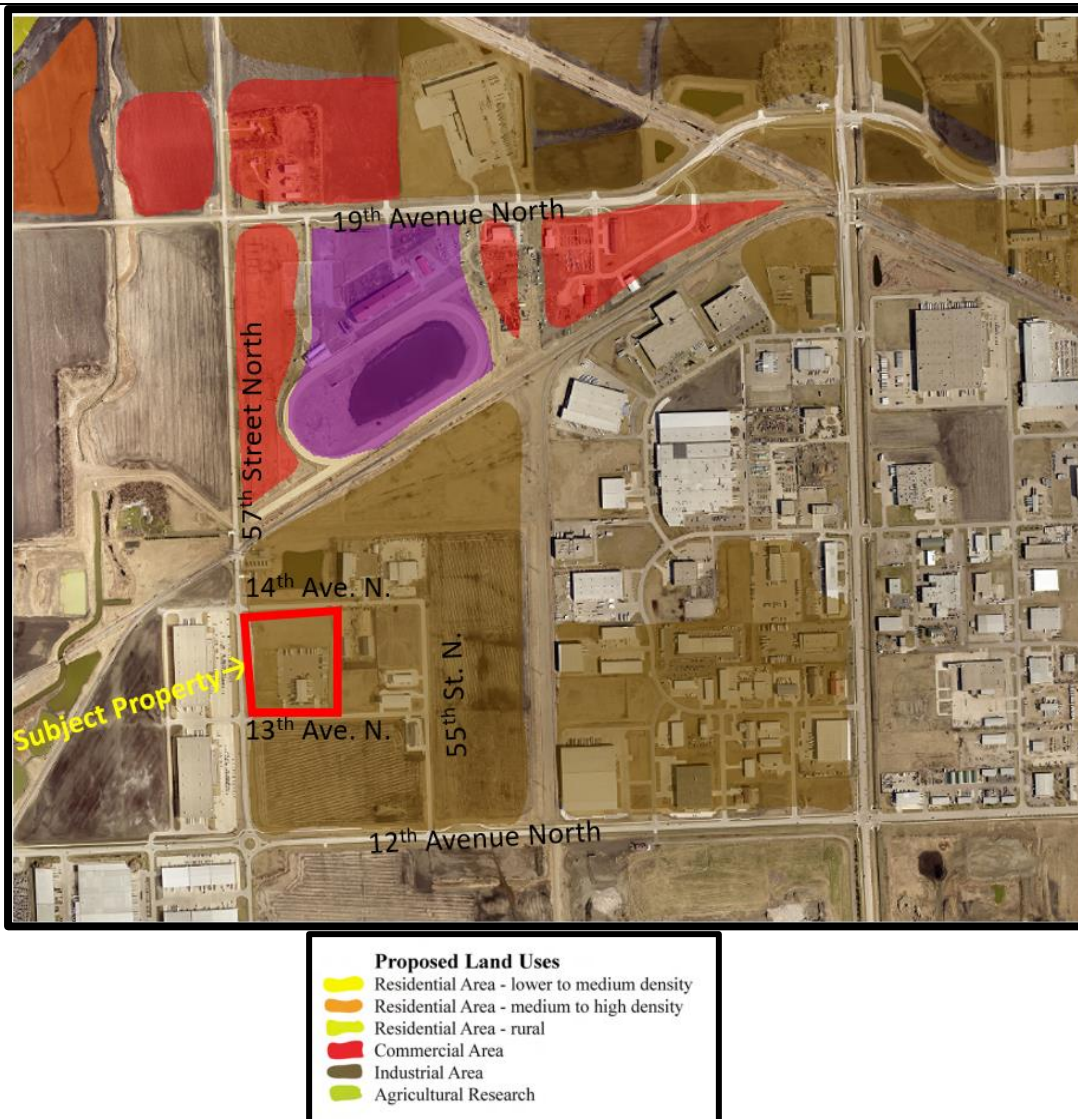
Fargo Planning Commission
February 7, 2023



**City of Fargo
Staff Report**

Title:	Commerce on 12 th Eighth Addition	Date:	2/1/2023
Location:	5674 & 5600 14th Avenue North; 5669 & 5627 13th Avenue North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 3, 4, 5, 6, Block 2, Commerce on 12th Addition		
Owner(s)/Applicant:	NAP Dakotas, LLC / Houston Engineering---Brian Pattengale	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Plat of Commerce on 12th Eighth Addition , a replat of Lots 3, 4, 5, 6, Block 2, Commerce on 12th Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: February 7 th , 2023		

Existing	Proposed
Land Use: Industrial shop and Undeveloped	Land Use: Industrial shops
Zoning: LI, Limited Industrial	Zoning: No change
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities	Uses Allowed: No change
Maximum Building Coverage: 85%	Maximum Building Coverage: No change
Proposal:	
The applicant proposes to combine four existing platted lots into a single lot. The applicant intends to expand the existing industrial facilities.	
Area Plans:	
The subject property is located within the 2007 North Fargo Tier 1 West Land Use Plan. This plan designates the subject property as "Industrial." The current zoning is LI, Limited Industrial, which matches this land use category. No zone change or land use plan amendment is proposed with this project.	



Context:

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

Parks: There are no public parks within one mile of the subject property.

Pedestrian / Bicycle: There are no on or off road bike facilities within or along the adjacent streets

Neighborhood: The subject property is not included in a named neighborhood.

MATBUS Route: The subject property is not along a MATBUS route.

Staff Analysis:

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

MINOR SUBDIVISION

The plat combines four lots in a single lot for industrial development. The current zoning is LI, Limited Industrial. No zone change is proposed.

NEGATIVE ACCESS EASEMENT (NAE)

The plat depicts a negative access easement along the full length of the 57th Avenue North property frontage and portions of the 13th Avenue and 14th Avenue North property frontages. This NAE carries

over from the Commerce on 12th Addition plat (2014) The NAE prohibits direct access from the adjacent street to the subject property. The NAE is usually applied along arterials and near intersections with arterials as a traffic and access management tool.

Minor Subdivision

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

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

The current zoning is LI, Limited Industrial. No zone change is proposed. This zoning is consistent with the 2007 Growth Plan land use designation of "Industrial" for this property. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments.

(Criteria Satisfied)

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of the **Commerce on 12th Eighth Addition**, as outlined in the staff report, as the proposal complies with the, 2007 Growth Plan, Standards of Article 20-06, Section 20-0907.B. and C of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: February 7th, 2023

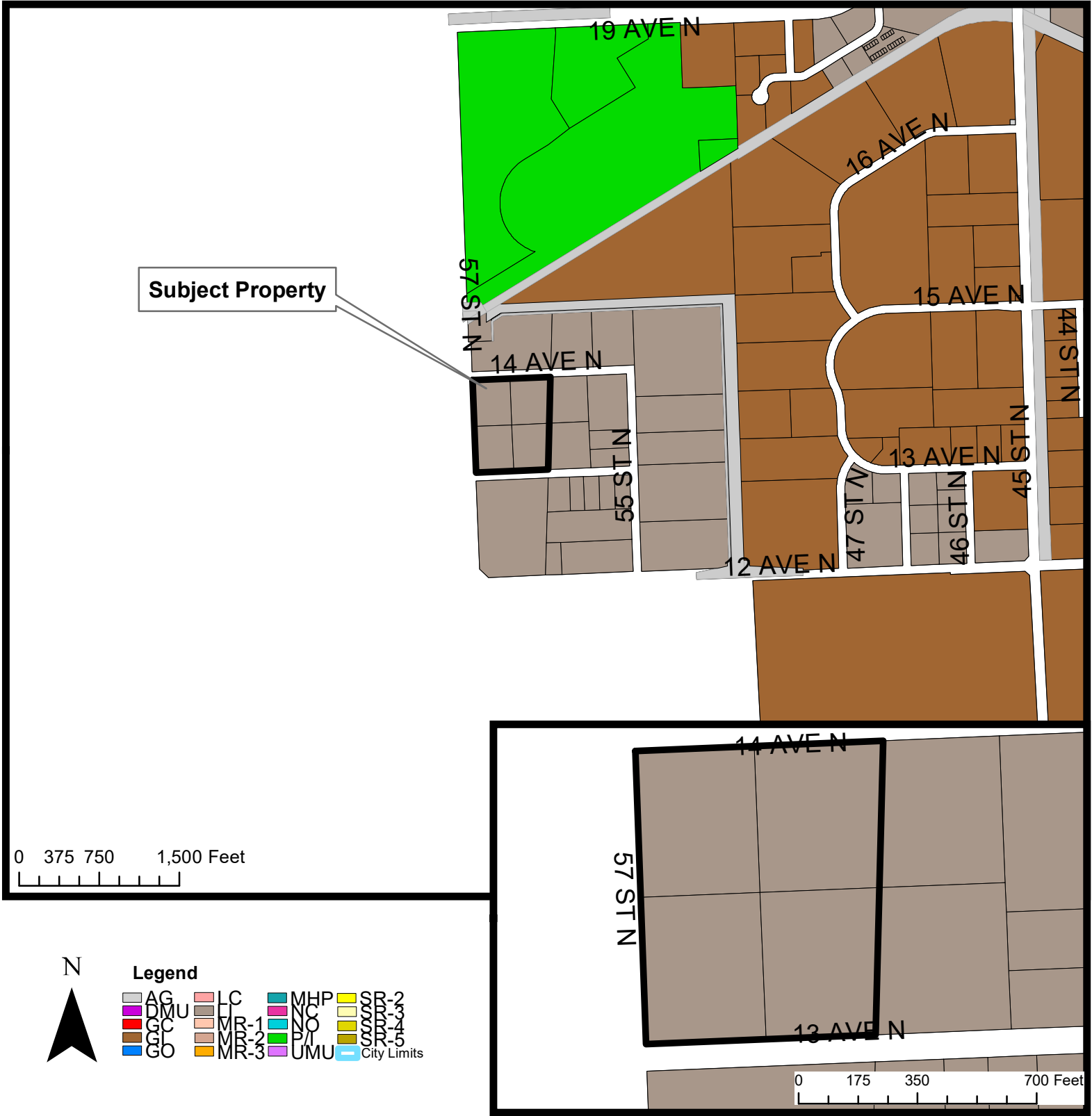
Attachments:

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

Minor Subdivision

Commerce on 12th Eighth Addition

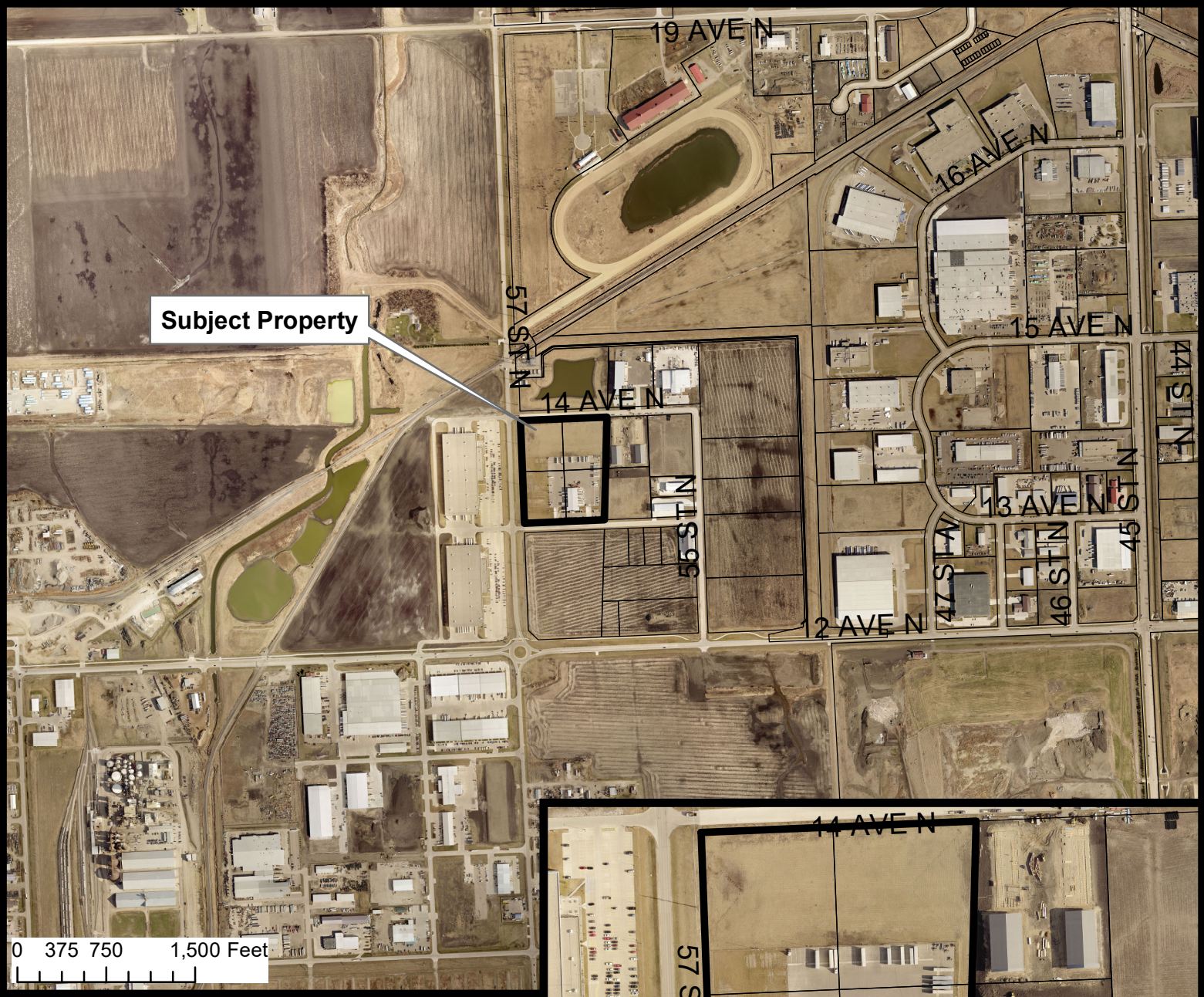
5674 & 5600 14 Avenue North
5669 & 5627 13 Avenue North



Minor Subdivision

Commerce on 12th Eighth Addition

5674 & 5600 14 Avenue North
5669 & 5627 13 Avenue North

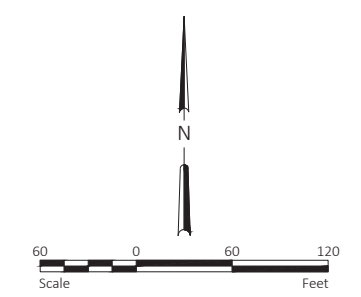
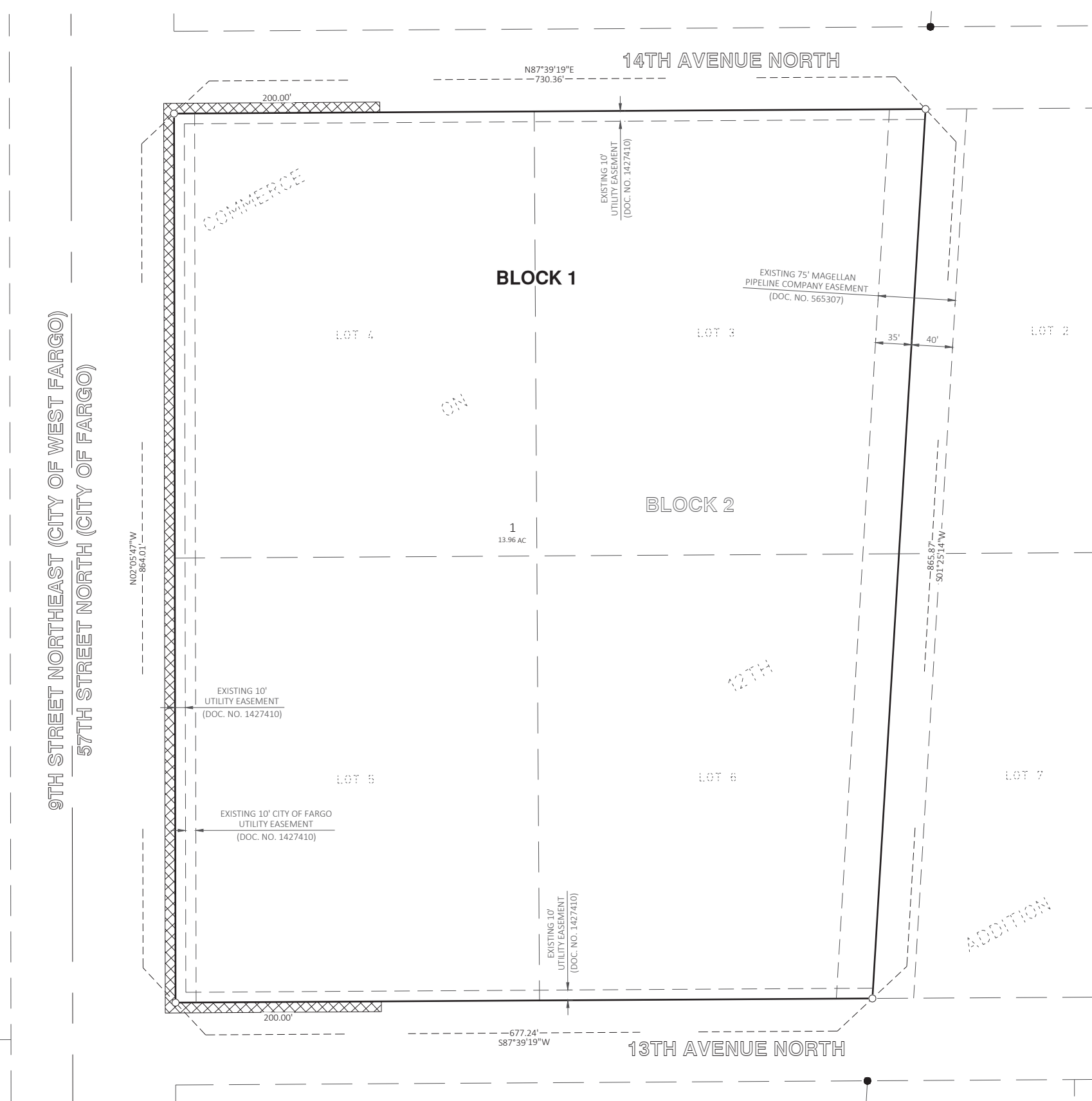


COMMERCE ON 12TH EIGHTH ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOTS 3, 4, 5 & 6, BLOCK 2, COMMERCE ON 12TH ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

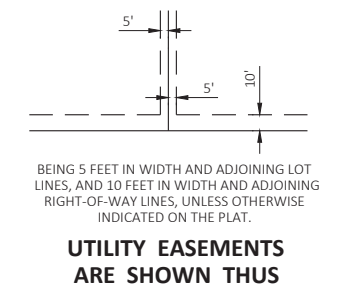


LEGEND	
IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	- - - - -
EXISTING LOT LINE	—————
EXISTING UTILITY EASEMENT	- - - - -
EXISTING NEGATIVE ACCESS EASEMENT (DOC. NO. 1427410)	XXXXX

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992.

NOTES:

1. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.



H:\BN\6000\6009_0239\CAD\Plat\Final Commerce on 12th Eighth Addition.dwg SHEET 1-1/4/2023 1:49 PM-(dbuchholtz)

COMMERCE ON 12TH EIGHTH ADDITION
A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 3, 4, 5 & 6, BLOCK 2, COMMERCE ON 12TH ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:

NOW ALL PERSONS BY THESE PRESENTS: That NAP Dakotas, LLC, a North Dakota limited liability company, is the owner and proprietor of the following described tract of land:

Lots 3, 4, 5 & 6, Block 2, Commerce on 12th Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 13.96 acres, more or less.

And that said party has caused the same to be surveyed and replatted as **COMMERCE ON 12TH EIGHTH ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:

NAP Dakotas, LLC

By: North American Properties, Inc., A North Dakota corporation

Its: manager

Eric Bishke, President

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____, before me personally appeared Eric Bishke, President of North American Properties, Inc., A North Dakota corporation which serves as Manager for NAP Dakotas, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this _____ day of _____, 20____.

Brenda E. Derrig, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

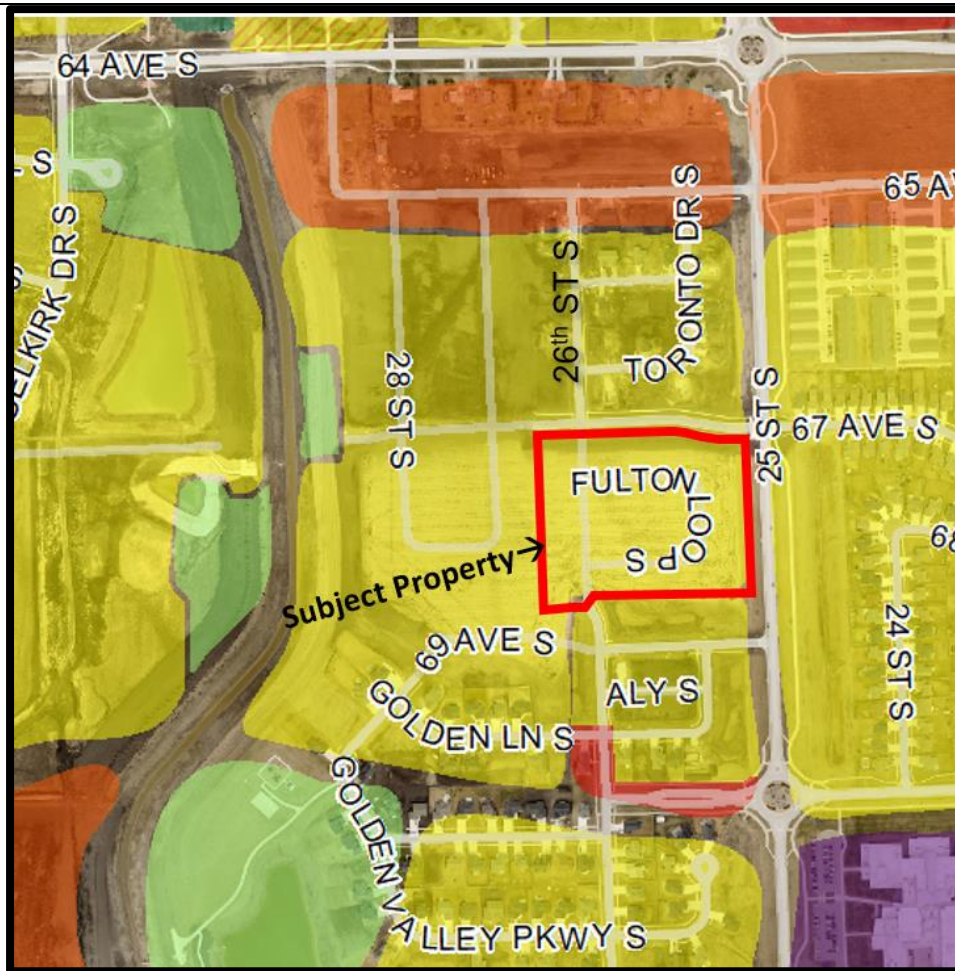
On this _____ day of _____, 20____, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.



Notary Public: _____

City of Fargo Staff Report			
Title:	Golden Valley Seventh Addition	Date:	2/1/2023
Location:	6709-6865 26th Street South; 2505-2594 Fulton Loop South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 1 through 10, Block 1, Lots 1 through 20, Block 3, and Lots 1 through 12, Block 4, Golden Valley Third Addition		
Owner(s)/Applicant:	76 th Street Holdings, LLC / EagleRidge Development-- Jon Youness	Engineer:	Mead and Hunt
Entitlements Requested:	Minor Subdivision (Plat of Golden Valley Seventh Addition , a replat Lots 1 through 10, Block 1, Lots 1 through 20, Block 3, and Lots 1 through 12, Block 4, Golden Valley Third Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: February 7 th , 2023		

Existing	Proposed
Land Use: Residential (Undeveloped)	Land Use: Residential
Zoning: SR-4, Single-Dwelling Residential	Zoning: SR-4, Single-Dwelling Residential
Uses Allowed: SR-4 - Single-Dwelling Residential allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;	Uses Allowed: No change proposed
Maximum Density Allowed: SR-4 allows a maximum 12.1 units per acre;	Maximum Density Allowed: No change proposed

Proposal:
<p>The applicant requests two entitlements: A minor subdivision, entitled Golden Valley Seventh Addition, which is a replat of Lots 1 through 10, Block 1, Lots 1 through 20, Block 3, and Lots 1 through 12, Block 4, Golden Valley Third Addition</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-4: Single-Dwelling Residential; single-dwelling residences and undeveloped lots • East: across 25th Street South SR-4: Single-Dwelling Residential; MR-3: Multi-Dwelling Residential; P/I: Parks/Institutional • South: SR-4: Single-Dwelling Residential; single family residences and undeveloped lots • West: SR-2 and SR-4, Single-Dwelling Residential; platted lots are as yet undeveloped. <p>Area Plans:</p> <p>The subject property is located within the 2007 South Fargo Tier 1 East Future Land Use Plan. This plan, amended in 2016 on this property, designates the subject property as "Residential Area—Lower to Medium Density." This land use designation includes the current SR-4 zoning. No growth plan amendment is required.</p>



Proposed Land Uses	
	Residential Area - lower to medium density
	Residential Area - medium to high density
	Residential Area - rural
	Commercial Area
	Industrial Area

Context:

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

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

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.28 miles east of the subject property and offers baseball/softball amenities. Davies Recreational Pool (7150 25th Street S) is located on the opposite corner of the southeast corner of the subject property and offers concessions, restrooms, and swimming pool amenities. Legacy Park (7150 25th Street S) is located approximately 0.13 miles north of the subject property and offers concessions, restrooms, and swimming pool amenities.

Pedestrian / Bicycle: There are shared use path that run along the east boulevard of 25th Street South and the south boulevard of 67th Avenue South adjacent to the subject property.

Transit: The subject property is not along a MATBus route

Staff Analysis:

The subject property is bounded by 25th Street South (east), 67th Avenue South (north); Golden Valley Second Addition (south), and Golden Valley Fifth and Sixth Additions (west).

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.

SUBDIVISION

This plat replats most of Block 1 and all of Block 3 and 4 of Golden Valley 3rd Addition, which was platted in 2020. There has been no development or installation of infrastructure on the project site. There has been no sale of lots to individual owners. All lots are owned by 76th Street Holdings, LLC. The plat generally narrows the existing lots, thereby creating 10 additional lots.

A comparison of the existing number of lots and their widths with the proposed number of lots and their widths is shown in the chart below:

Current Block Number	Current Number of Lots	Current Lot Width Range	Proposed Block Number	Proposed Number of Lots	Proposed Lot Width Range
1	10	63 ft to 71 ft (mostly 63 ft)	1	12	50 to 64.75 (mostly 50 ft)
3	20	41.6 ft to 67 ft (mostly 60 ft; some lots on curves have approximately 41 ft to 43 ft width at the street)	2	26	30 ft to 58 ft (mostly 50 ft to 52 ft; lots on curves have approximately 30 ft. width at the street)
4	12	40 ft to 71 ft (mostly 55 ft)	3	14	30 ft to 51.5 ft (mostly 50 ft; lots on curves have approximately 30 ft. width at the street)

All the lots exceed the minimum required lot area of the SR-4 zone of 3,600 square feet. Most lots are in the 6,000 to 6,300 square foot range, with corner lots being larger.

ELIMINATION OF PRIVATE ALLEY: Block 4 was originally platted to have a private alley providing access to the residential garages by way of an easement. This plat vacates that easement and eliminates the alley.

ACCESS: 26th Street South connects the project site to 67th Avenue South to the north and 69th Avenue South to the south. Fulton Loop South is a loop street that connects on both ends to 26th Street South. The nearest arterial is 25th Street South, accessed by way of 67th and 69th Avenues South. No direct access is allowed from 25th Street South or 67th Avenue South.

NEGATIVE ACCESS EASEMENT (NAE): The plat depicts a negative access easement along the full length of the 25th Street South property frontage and the portion of the 67th Avenue South property frontage between 25th and 26th Streets South. This is along the rear yards of lots on the north and east sides of Fulton Loop South. The NAE prohibits direct access to lots in the subdivision from these streets. These lots will take access from Fulton Loop South. The NAE is usually applied along arterials and near intersections with arterials as a traffic and access management tool. This NAE carries over from the Golden Valley Third Addition plat (2020).

BOULEVARD MAINTENANCE: Staff will work with the applicant to coordinate the responsibility of boulevard maintenance along 67th Avenue South (collector street) and 25th Street South (arterial street).

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-**

0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The current zoning is SR-4, Single Dwelling Residential. No zone change is proposed. This zoning is consistent with the 2007 Growth Plan land use designation of “Residential—Lower to Medium Density” for this property. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed a plat of the **Golden Valley Seventh Addition**, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, Section 20-0907.B. and C of the LDC, and all other applicable requirements of the LDC.”

Planning Commission Recommendation: February 7th, 2023

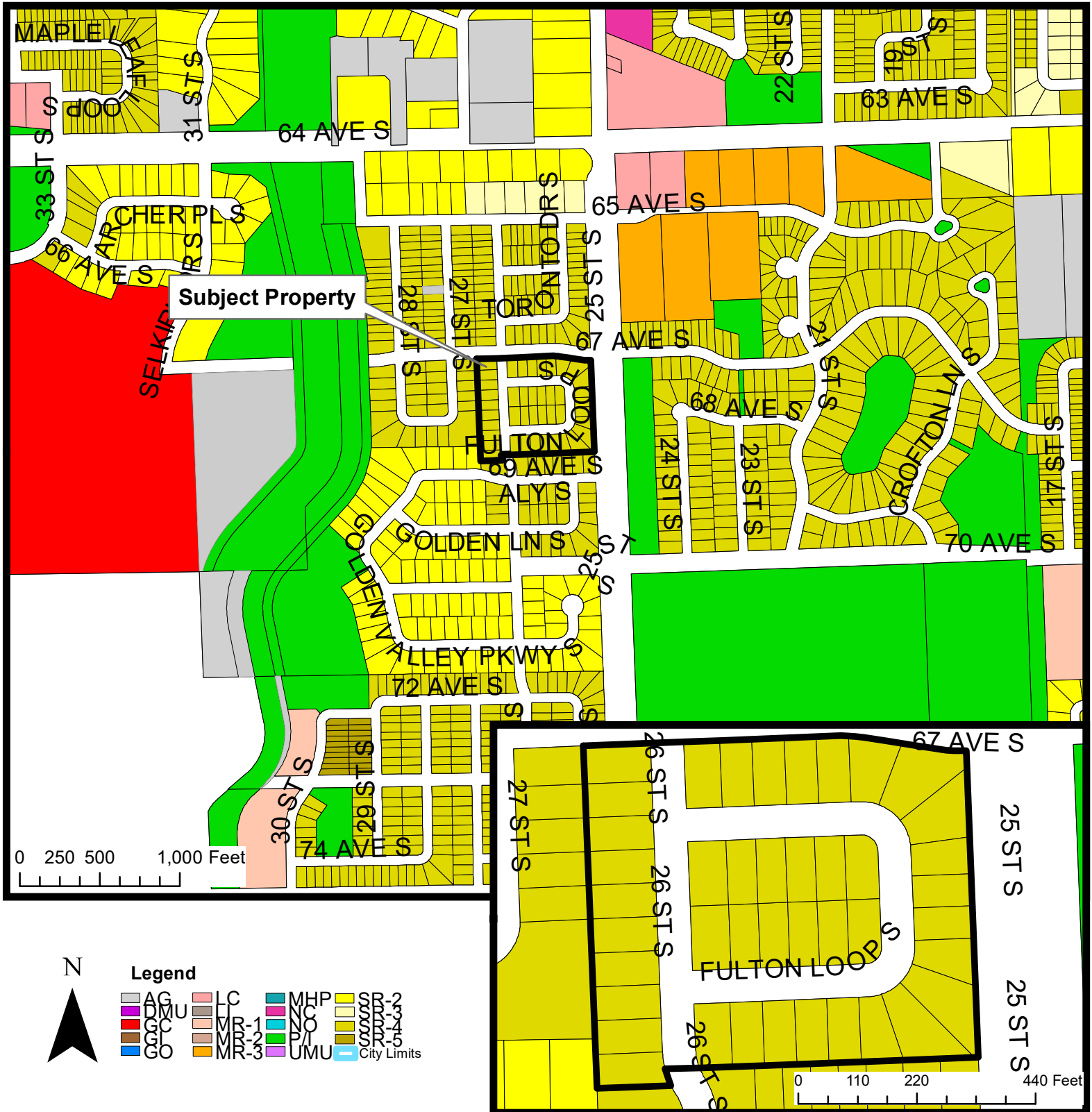
Attachments:

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

Minor Subdivision

Golden Valley 7th Addition

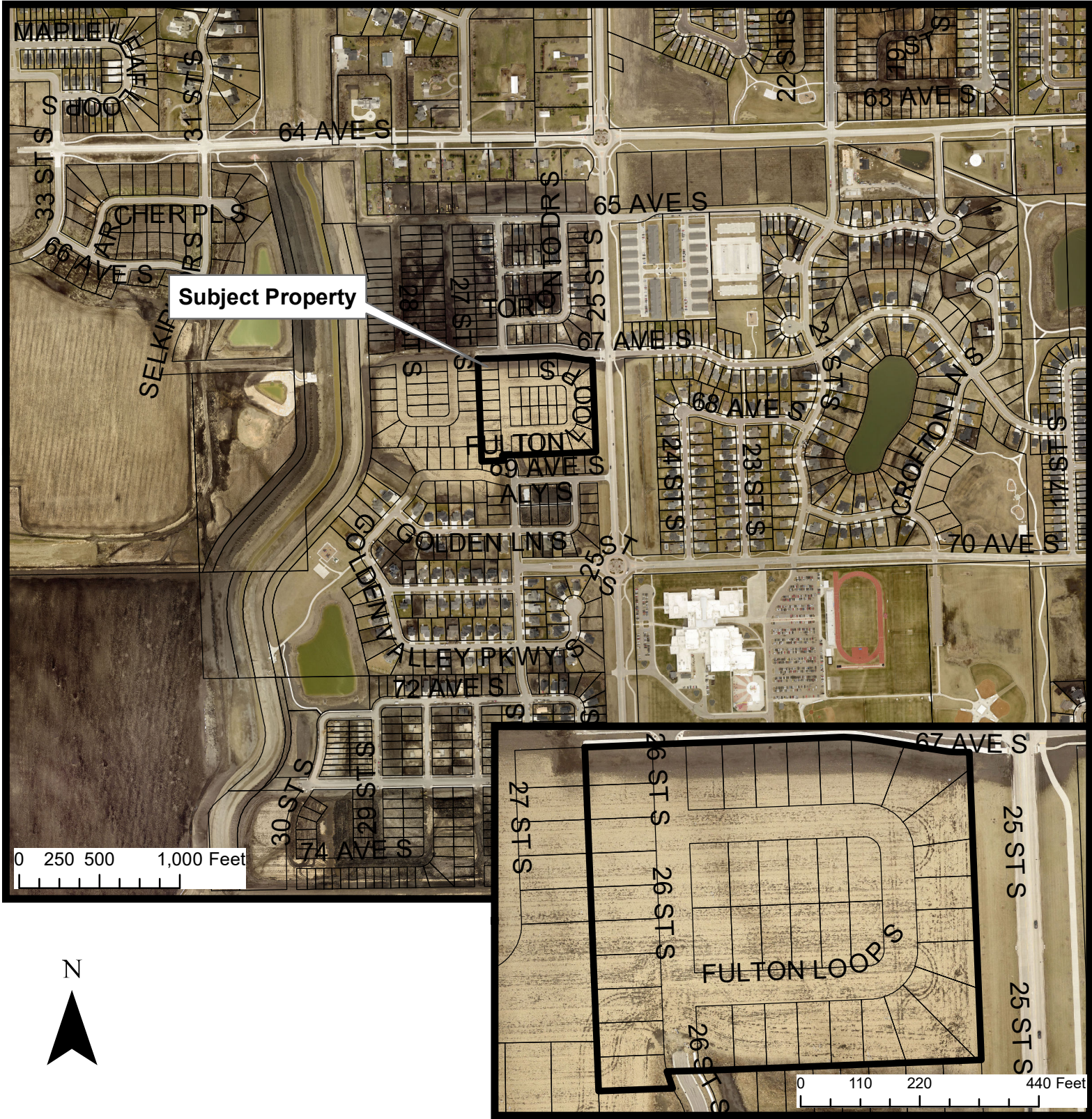
6709 - 6865 26 Street South
2505 - 2594 Fulton Loop South



Minor Subdivision

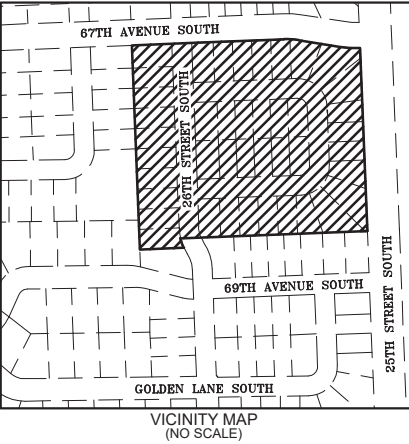
Golden Valley 7th Addition

6709 - 6865 26 Street South
2505 - 2594 Fulton Loop South



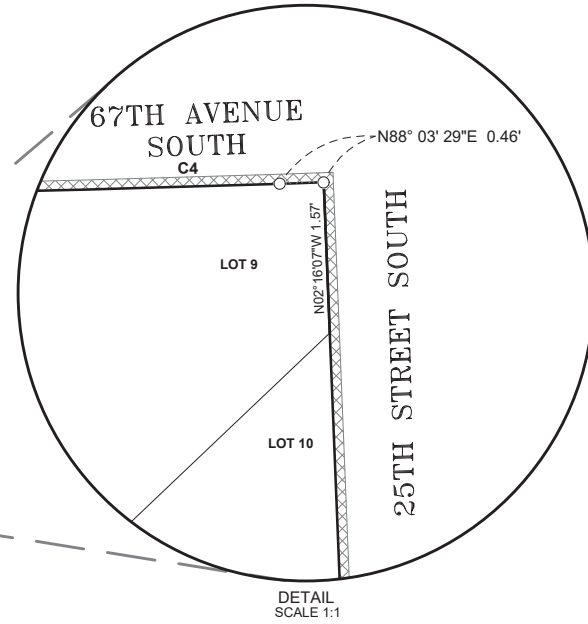
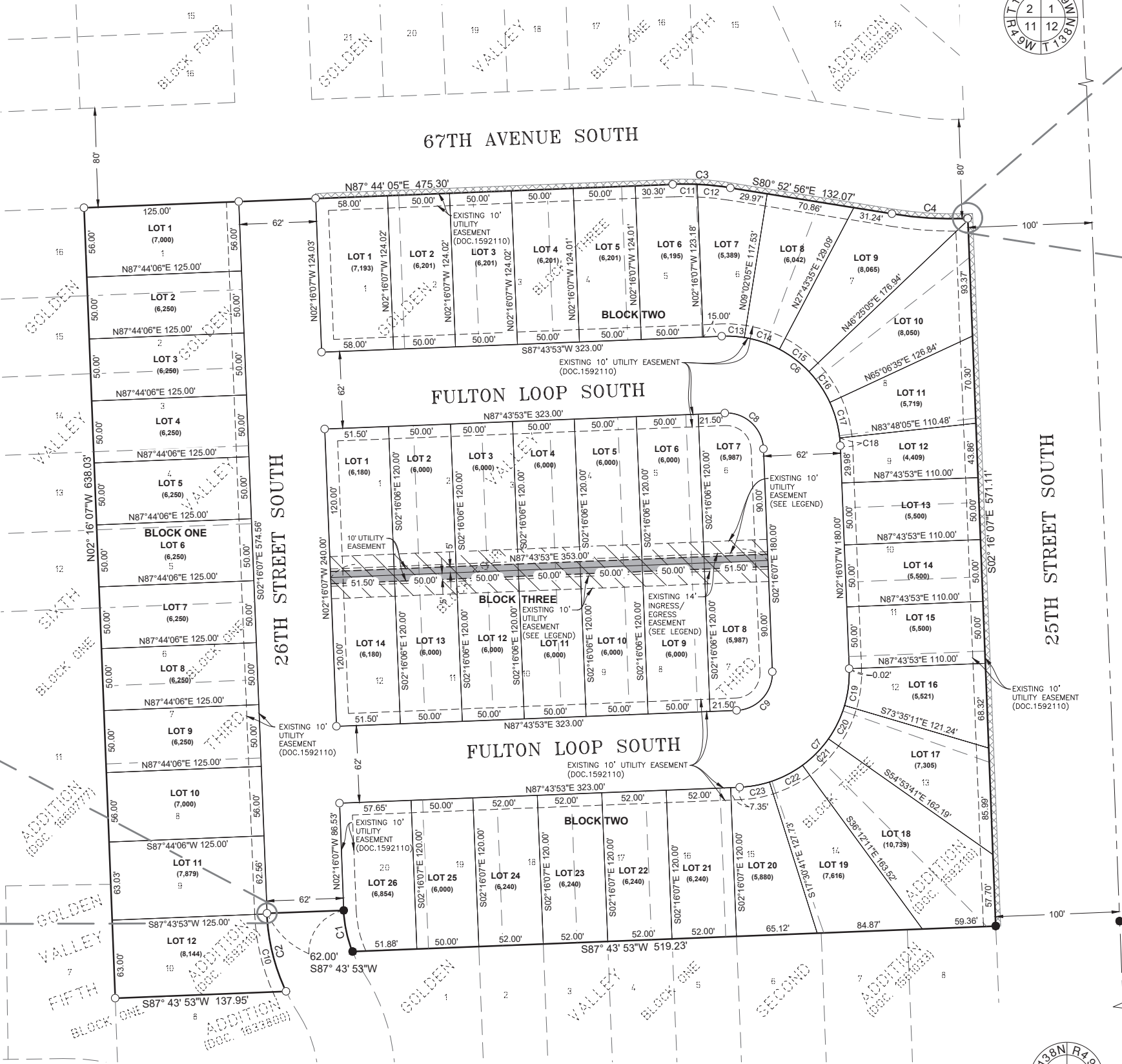
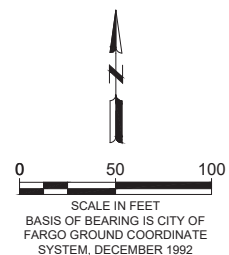
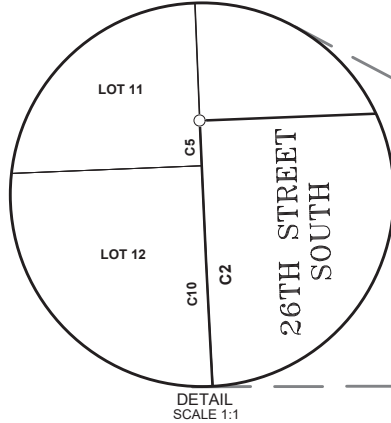
GOLDEN VALLEY SEVENTH ADDITION

A REPLAT OF LOTS 1 THROUGH 10, BLOCK 1; LOTS 1 THROUGH 20, BLOCK 3; AND LOTS 1 THROUGH 12, BLOCK 4; ALL WITHIN GOLDEN VALLEY THIRD ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; AND A VACATION OF AN INGRESS/EGRESS EASEMENT (A MINOR SUBDIVISION)



- NOTES**
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF GOLDEN VALLEY THIRD ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OF PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

- LEGEND**
- MONUMENT IN PLACE
 - SET MONUMENT (5/8" REBAR, W/CAP LS-6884)
 - LOT AREA (SQUARE FEET)
 - SECTION LINE
 - EXISTING PROPERTY LINE
 - EXISTING EASEMENT LINE
 - PLAT BOUNDARY LINE
 - EXISTING NEGATIVE ACCESS EASEMENT
 - EXISTING EASEMENTS PER DOC # 1592110 (TO BE VACATED WITH RECORDING OF THIS DOCUMENT)
 - PROPOSED EASEMENT



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	34.13	100.00	19° 33' 19"	N12° 02' 46"W	33.96
C2	65.22	162.00	23° 03' 56"	S13° 48' 05"E	64.78
C3	46.69	235.00	11° 22' 59"	S86° 34' 26"E	46.61
C4	60.80	315.00	11° 03' 34"	S86° 24' 44"E	60.71
C5	0.47	162.00	0° 10' 00"	S02° 21' 07"E	0.47
C6	144.51	92.00	90° 00' 00"	N47° 16' 07"W	130.11
C7	144.51	92.00	90° 00' 00"	N42° 43' 53"E	130.11
C8	47.12	30.00	90° 00' 00"	N47° 16' 07"W	42.43
C9	47.12	30.00	90° 00' 00"	N42° 43' 53"E	42.43
C10	64.74	162.00	22° 53' 55"	S13° 53' 05"E	64.31
C11	19.72	235.00	4° 48' 28"	N89° 51' 42"W	19.71
C12	26.97	235.00	6° 34' 31"	N84° 10' 12"W	26.95
C13	18.15	92.00	11° 18' 12"	N86° 37' 01"W	18.12
C14	30.01	92.00	18° 41' 30"	N71° 37' 10"W	29.88
C15	30.01	92.00	18° 41' 30"	N52° 55' 40"W	29.88
C16	30.01	92.00	18° 41' 30"	N34° 14' 10"W	29.88
C17	30.01	92.00	18° 41' 30"	N15° 32' 40"W	29.88
C18	6.31	92.00	3° 55' 48"	N04° 14' 01"W	6.31
C19	30.00	92.00	18° 40' 56"	N07° 04' 21"E	29.87
C20	30.01	92.00	18° 41' 30"	N25° 45' 34"E	29.88
C21	30.01	92.00	18° 41' 30"	N44° 27' 04"E	29.88
C22	30.01	92.00	18° 41' 30"	N63° 08' 34"E	29.88
C23	24.48	92.00	15° 14' 34"	N80° 06' 36"E	24.40

Mead & Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4650200-220977.01
SHEET 1 OF 2

PRELIMINARY

GOLDEN VALLEY SEVENTH ADDITION

A REPLAT OF LOTS 1 THROUGH 10, BLOCK 1; LOTS 1 THROUGH 20, BLOCK 3; AND LOTS 1 THROUGH 12, BLOCK 4; ALL WITHIN GOLDEN VALLEY THIRD ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; AND A VACATION OF AN INGRESS/EGRESS EASEMENT (A MINOR SUBDIVISION)

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That 76th Street Holdings, LLC is the owner of a parcel of land located in that part of the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Lots 1 through 10, Block 1, Lots 1 through 20, Block 3 and Lots 1 through 12, Block 4 of GOLDEN VALLEY THIRD ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Containing 9.88 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as "**GOLDEN VALLEY SEVENTH ADDITION**" to the City of Fargo.

OWNER:
76th Street Holdings, LLC

James R. Bullis, President

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, appeared before me, James R. Bullis, President, 76th Street Holdings, LLC, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Dated this ____ day of _____, 20____.

Jason Ness, PLS
Professional Land Surveyor
Registration No. LS-6884

State of North Dakota)
County of Cass) SS

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

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____ 20____.

Rocky Schneider
Planning Commission Chair

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of Commissioners and ordered filed this ____ day of _____ 20____.

Timothy J. Mahoney
Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, known to me to be the persons described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ____ day of _____ 20____.

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
County of Cass) SS

On this ____ day of _____, 20____, before me, a notary public in and for said county, personally appeared Brenda E. Derrig, P.E., City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public

Mead
& Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4650200-220977.01
SHEET 2 OF 2

PRELIMINARY

City of Fargo Staff Report			
Title:	Valley View Estates Fourth Addition	Date:	2-1-2023
Location:	3606-4890 Decorah Way South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lots 1-11, Block 1, Valley View Estates Third Addition and Lots 1-7, Block 1, Valley View Estates Addition		
Owner(s)/Applicant:	Thomsen Homes, LLC / Jon Youness—Eagle Ridge Development	Engineer:	Bolton & Menk
Entitlements Requested:	Zoning Change (SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential) and Minor Subdivision (Replat of Lots 1-11, Block 1, Valley View Estates Third Addition and Lots 1-7, Block 1, Valley View Estates Addition)		
Status:	Planning Commission Public Hearing: February 7, 2023		

Existing	Proposed
Land Use: Residential.	Land Use: Unchanged
Zoning: SR-4, Single-Dwelling Residential; P/I, Public and Institutional.	Zoning: SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay
<p>Uses Allowed: SR-4 – Single-Dwelling Residential allows detached houses, attached houses, duplexes, daycare centers up to 12 children, parks and open areas, religious institutions, safety services, schools, basic utilities, and certain telecommunications facilities;</p> <p>P/I – Public and Institutional allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events</p>	<p>Uses Allowed: SR-4 – Single-Dwelling Residential allows detached houses, attached houses, duplexes, daycare centers up to 12 children, parks and open areas, religious institutions, safety services, schools, basic utilities, and certain telecommunications facilities;</p>
<p>Maximum Density Allowed: SR-4 allows a maximum 12.1 units per acre;</p> <p>P/I has no density or lot coverage standards.</p>	<p>Maximum Density Allowed: Unchanged</p> <p>C-O, Conditional Overlay, limits the density to a maximum 7.3 units per acre.</p>

Proposal:
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> 1. Zoning Change (from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay); and 2. Minor Subdivision (replat of Lots 1-11, Block 1, Valley View Estates Third Addition and Lots 1-7, Block 1, Valley View Estates Addition). <p>The proposal is to combine the existing eleven lots into a one lot minor subdivision entitled Valley View Estates Fourth Addition, remove the P/I zoning, and add a C-O to limit the maximum density. Currently there are 17 lots, so 17 possible residences. The applicant proposes 27 residences, but under the SR-4 zone, this 3.74 acre lot could accommodate for 45 residences. The C-O limits the density to 7.3 units per acre, which is a maximum of 27 dwelling units.</p>



The proposed plan functions similarly to the previous layouts but with houses available for a retirement community. The existing lot 6 is a private drive lot owned by a Home Owner's Association (HOA) that has been planned since this areas was originally platted with Valley View Estates subdivision. For the current proposal, the developer provided the following summary:

"Valley View Estates 4th Addition is a custom developed 55+ single-family rental community. The neighborhood with feature a variety of floorplan and exterior elevation options to give it a more traditional neighborhood feel. Proximity to existing amenities as an infill development create an ideal setting for aging in place residents who are no longer interested in the hassles and maintenance requirements of home ownership. A single-family house rental provides an alternate option to the apartment and townhome developments in the area."

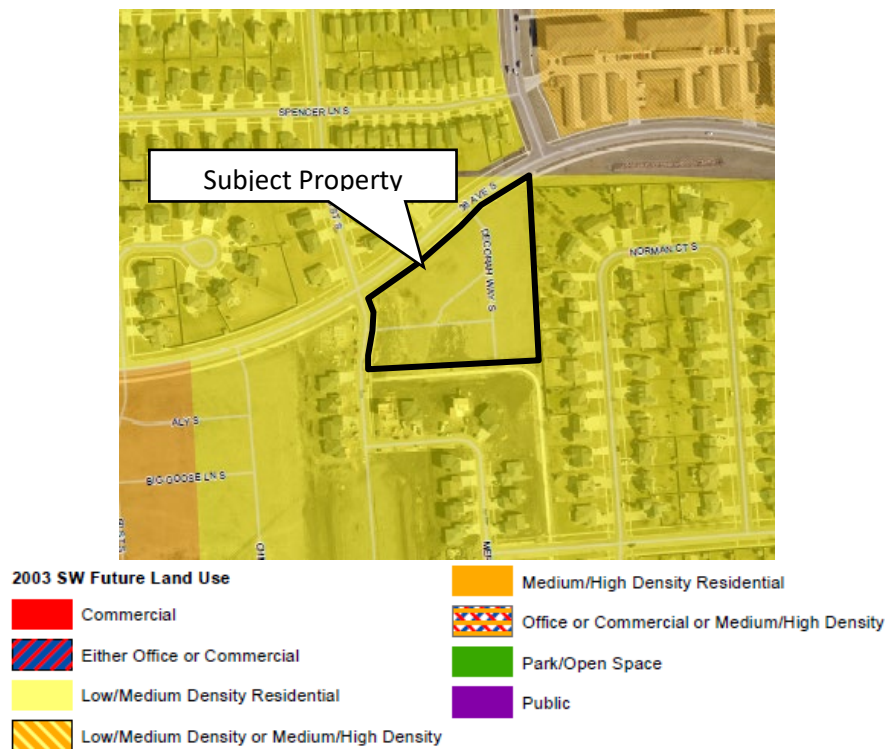
The project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: SR-4: Single-Dwelling Residential; single family residences (both detached and attached)
- East: SR-4: Single-Dwelling Residential; single family residences
- South: P/I: Parks/Institutional, multi-use trail
- West: SR-4: Single-Dwelling Residential; single family residences

Area Plans:

The subject property is located within the 2003 Future Land Use Plan. Within this growth plan, the subject property is identified as being suitable Low/Medium Density Residential uses.



Context:

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

Neighborhood: The subject property is located within the Brandt Crossing neighborhood.

Parks: Valley View Park is within a quarter mile to the west of the subject properties. This park provides playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter. A portion of this park is a stormwater detention basin.

Pedestrian / Bicycle: There are shared-use trails running along the south side of the subject properties, through Valley View Park to the west, and along County Drain 27 right of way to the south.

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

Staff Analysis:

Zoning

Section 20-0906.F(1-4) of the LDC stipulates that 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 rezone the property in order to develop a series of single-family rental homes available for a 55 and up community. The existing P/I zoned lot was previously planned as an amenity space for the surrounding lots, which would be maintained by a Home Owners Association, but the current proposal intends the combined lots to be owned and maintained all together. 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 zone change is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

Recommended Conditions:

1. The maximum density of this district shall be limited to 7.3 dwelling units per acre, rather than the 12.1 dwelling units per acre that would normally be allowed in the "SR-4" zone.

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 combine eleven existing lots into one new lot. The properties within this plat are currently zoned SR-4, Single-Dwelling Residential, and P/I, Public and Institutional, which is consistent with that land use designation, and the proposed zone change will only remove the P/I zoning. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to one inquiry about the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the 1) zoning change from SR-4, Single-Dwelling Residential and P/I, Public and Institutional to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay and 2) minor subdivision, **Valley View Estates Fourth Addition** as outlined within the staff report, as the proposal complies with the 2003 Growth Plan, standards of Section 20-0906.F(1-4), Section 20-0907.B & C, standards of Article 20-06, and all other applicable requirements of the Land Development Code, with the following conditions:"

1. The maximum density of this district shall be limited to 7.3 dwelling units per acre, rather than the 12.1 dwelling units per acre that would normally be allowed in the "SR-4" zone.

Planning Commission Recommendation: February 7, 2023

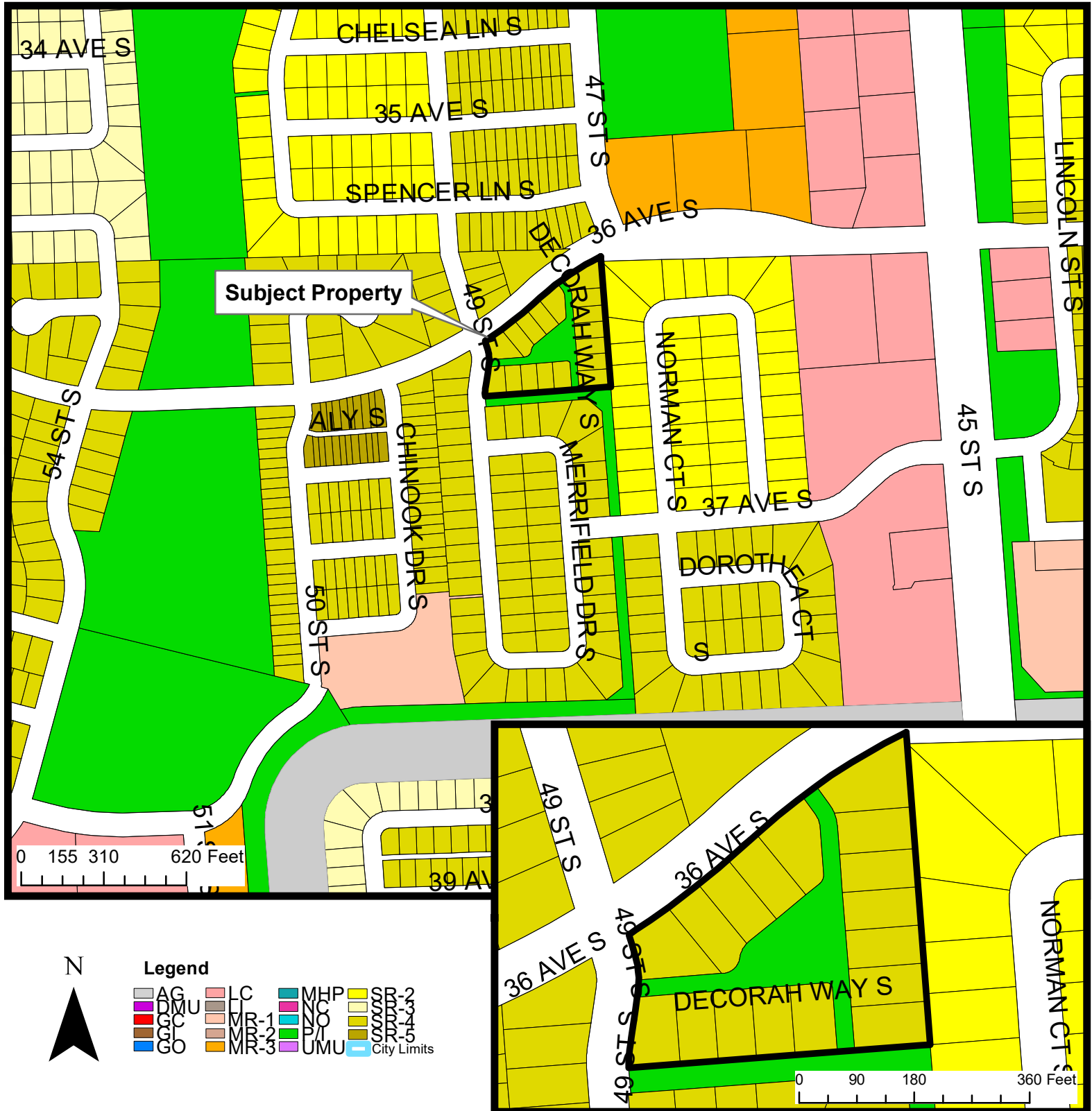
Attachments:

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

Minor Subdivision & Zone Change from SR-4, Single Dwelling Residential and P/I, Public and Institutional, to SR-4 with a Conditional Overlay

Valley View Estates Fourth Addition

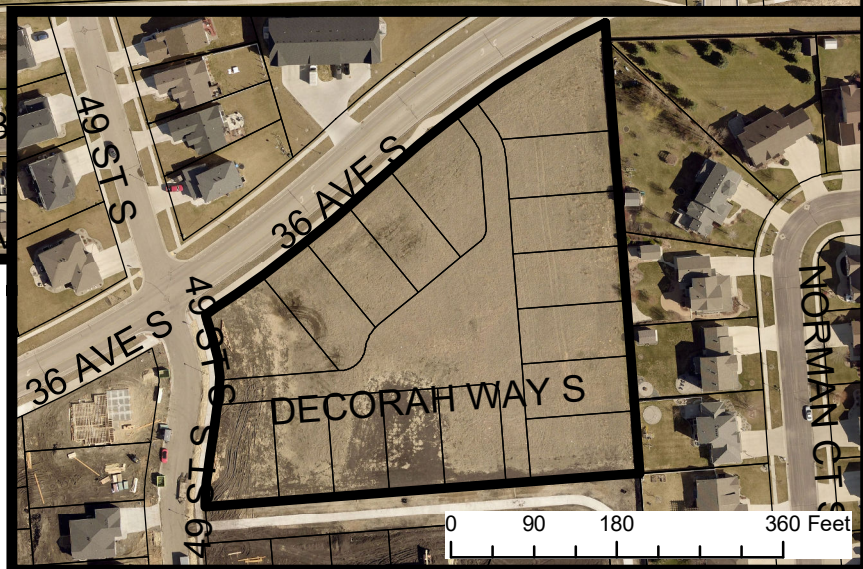
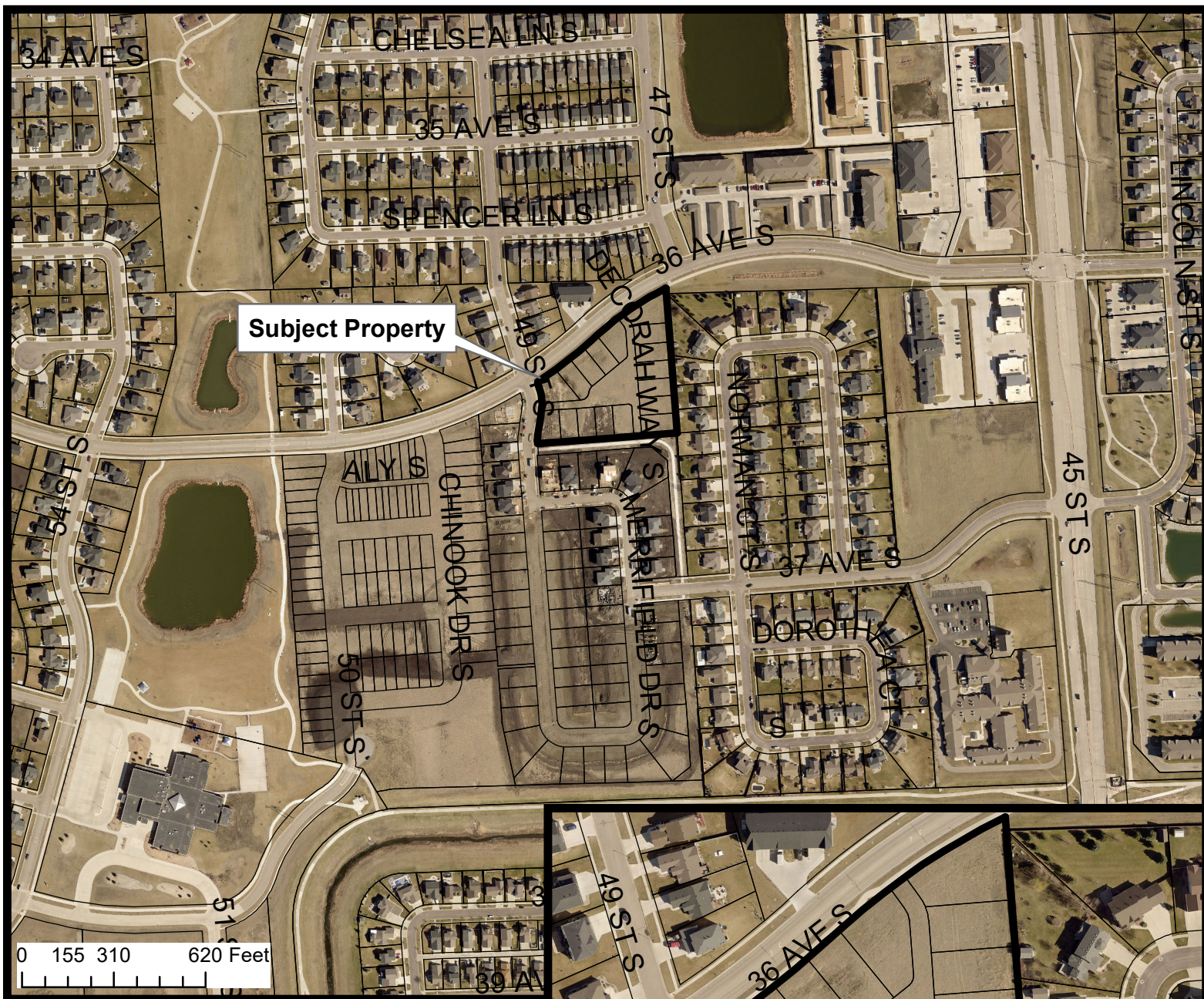
3606 - 4890 Decorah Way South

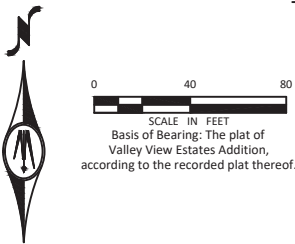


Minor Subdivision & Zone Change from SR-4, Single Dwelling Residential and P/I, Public and Institutional, to SR-4 with a Conditional Overlay

Valley View Estates Fourth Addition

3606 - 4890 Decorah Way South





VALLEY VIEW ESTATES FOURTH ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF ALL OF LOTS 1 THRU 11, BLOCK 1, VALLEY VIEW ESTATES THIRD ADDITION
AND A REPLAT OF ALL OF LOTS 1 THRU 7, BLOCK 1, VALLEY VIEW ESTATES ADDITION
(A MINOR SUBDIVISION)

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2022.

Brenda E. Derrig, P.E., City Engineer

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2022, before me, a notary public within and for said County and State, personally appeared Brenda E. Derrig, P.E., City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same as City Engineer for the City of Fargo.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planing Commission this ____ day of _____, 2022.

Rocky Schneider, Planning Commission Chair

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2022, before me, a notary public within and for said County and State, personally appeared Rocky Schneider, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 2022.

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2022 before me, a notary public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Thomsen Homes, LLC, a North Dakota limited liability company, owner of a parcel of land located in that part of the Southeast Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

All of Lots 1 thru 11, Block 1, VALLEY VIEW ESTATES THRD ADDITION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County.

AND

All of Lots 1 thru 7, Block 1, VALLEY VIEW ESTATES ADDITION, according to the recorded plat thereof, on file and of record in office of said Recorder.

Containing a combined 3.74 acres, more or less, and subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owner has caused the above described parcel of land to be surveyed and platted as "VALLEY VIEW ESTATES FOURTH ADDITION" to the City of Fargo, Cass County, North Dakota and does hereby dedicate to the public for public use the utility easement as shown on this plat.

OWNER:
Thomsen Homes, LLC

By: Chris Thomsen, Managing Member

State of North Dakota
County of Cass

On this ____ day of _____, in the year 2022 before me, a notary public within and for said County and State, personally appeared Chris Thomsen, Managing Member, Thomsen Homes, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same on behalf of Thomsen Homes, LLC.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

Shawn M. Thomasson, Professional Land Surveyor
North Dakota License Number LS-5900

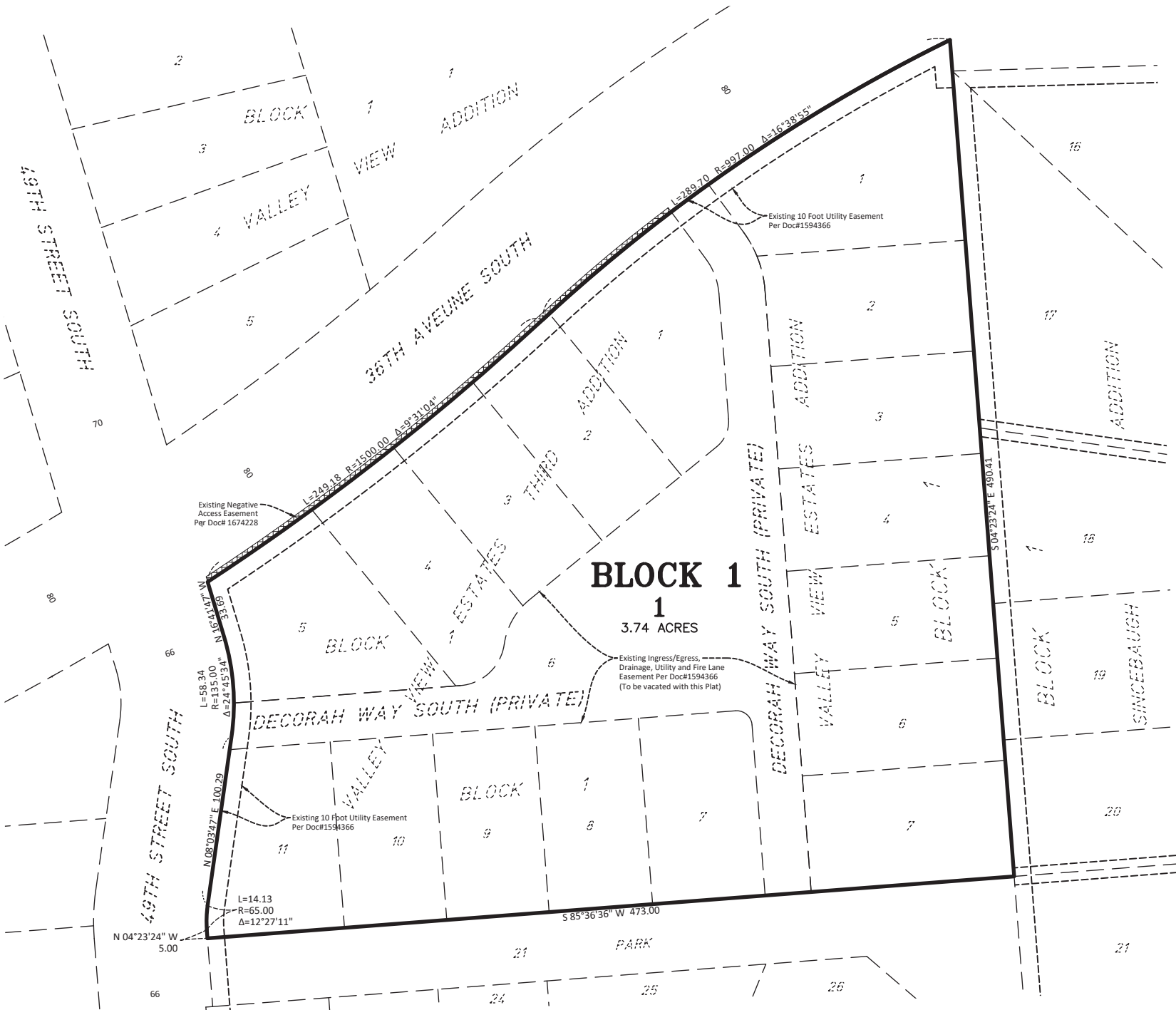
State of North Dakota
County of Cass

On this ____ day of _____, 2022, before me, a notary public within and for said County and State, personally appeared Shawn M. Thomasson, Registered Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

LEGEND

- 5/8"x18" REBAR MONUMENT SET, CAP MARKED BY LIC. NO. LS-5900 MONUMENT FOUND
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1674228



preliminary

**City of Fargo
Staff Report**

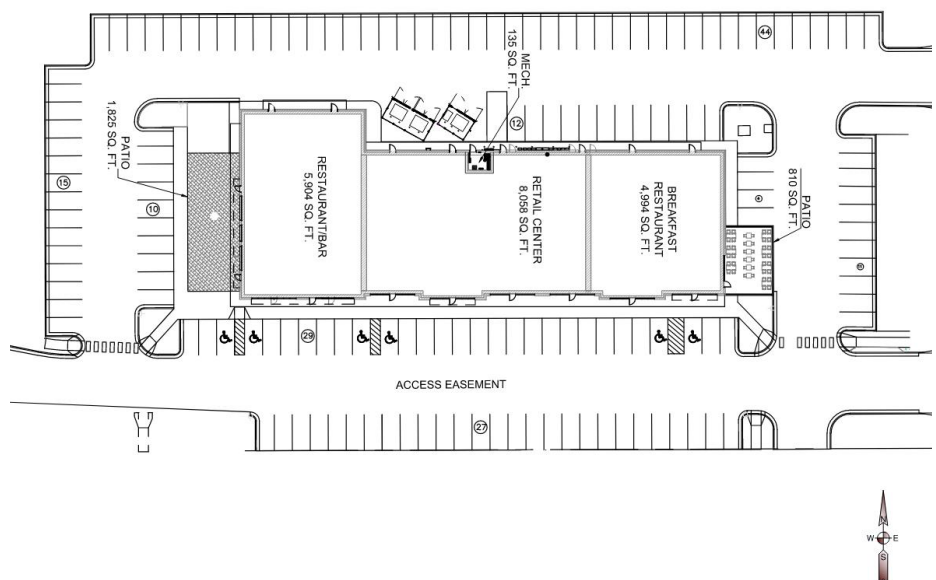
Title:	Christianson 32 nd Avenue South Second Addition	Date:	2/1/2023
Location:	3165 33 rd Street South	Staff Contact:	Luke Morman, Planner
Legal Description:	Lot 2, Block 1, Christianson 32 nd Avenue South Second Addition		
Owner(s)/Applicant:	Chris Mack/ Kyle Freier, Christianson Companies	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for an alternative access plan for parking reduction on Lot 2, Block 1, Christianson 32 nd Avenue South Second Addition (<i>see proposal note below</i>)		
Status:	Planning Commission Public Hearing: February 7, 2022		

Existing	Proposed
Land Use: Commercial and Undeveloped	Land Use: Commercial
Zoning: GC, General Commercial with a C-O, Conditional Overlay	Zoning: Unchanged
Uses Allowed: GC allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-service storage*, vehicle repair, limited vehicle service, aviation, surface transportation , and major entertainment events .	Uses Allowed: Unchanged
Note: Conditional Overlay No. 5015 regulates and/or prohibits certain uses.	
Maximum Lot Coverage Allowed: 85% lot coverage	Maximum Lot Coverage Allowed: Unchanged

Proposal:

The applicant is requesting a Conditional Use Permit (CUP) for an alternative access plan to allow a parking reduction on Lot 2, Block 1, Christianson 32nd Avenue South Second Addition, located at 3165 33rd Street South. The applicant is proposing to fit-up the existing tenant spaces with two restaurants and retail space.

NOTE: Though this project was originally advertised as having the CUP include a shared parking agreement, further discussion between staff determined that the proposed parking reduction will address all of staff's concerns for the project.



In July 2022, the subject property was permitted for a shell building and the surrounding parking accounting for lease spaces allotted for restaurant, retail, and fast food uses. In December 2022, the applicant applied for a CUP. The CUP application came with the above site plan showing expanded restaurant and patio/outdoor seating space. These expanded uses removed 8 parking spaces and increased the parking requirements on-site.

The applicant provided a parking study referencing the Parking Generation Manual, 5th Edition by the Institute of Traffic Engineers (ITE) and describes how the average parking requirements are less restrictive than the current Land Development Code parking requirements. The applicant is requesting a parking reduction to provide a total of 152 parking spaces on-site. A parking study provided by Ulteig explains the parking lot utilization during various times of day, day of the week, and month of the year as shown in the table below:

Time Period	Time of Day (Peak Demand)	Maximum Parking Demand
Weekdays (Monday – Friday)	12:00 PM (Noon)	124
Saturdays	11:00 AM	146
Weekdays in December (Monday – Friday)	12:00 PM (Noon)	111
Saturdays in December	11:00 AM	133

In addition to the peak parking demand, the parking study calculated average parking demand by referring to the ITE, relating the “average required parking supply rate” to the LDC parking requirements. It was noted that the ITE does not provide specific parking supply rate parameters regarding outdoor dining space as noted below:

Use Square Footage		LDC Parking Requirements (Section 20-0701)	Average Required Parking Supply Rate
Restaurant	10,898 sf	1 space per 75 sf = 145.3 spaces	1 space per 90 sf = 121.1 spaces
Retail	8,058 sf	1 space per 250 sf = 32.2 spaces	1 space per 305 sf = 26.4 spaces
Outdoor Seating	2,635 sf	1 space per 150 sf = 17.7 spaces	[no specific rate] = 17.7 spaces
TOTAL		196 spaces	166 spaces

Based on these calculations, there are not enough parking spaces provided on site to meet neither the LDC parking requirements nor the average required parking supply rate from the ITE, however, the maximum parking demands at any given point is less than the 152 spaces provided on-site. The City of Fargo’s Traffic Engineer determined the reduction was sufficient based on the parking study findings.

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: GC, General Commercial, with commercial development, and MR-3, Multi-Dwelling Residential, with multi-dwelling residences.
- East: AG, Agricultural, with multi-residential dwellings, and GC, General Commercial, with office development.
- South: LC, Limited Commercial, with office uses; GC, General Commercial, with vehicle repair uses, and; LI, Limited Industrial, with vehicle repair, limited vehicle service, and retail sales and service uses.
- West: 36th Street and Interstate 29 rights-of-way.

Area Plans:

The subject property is not located within a growth plan area.

Schools and Parks:

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

Neighborhood: The subject property is located within the Bluemont Lakes neighborhood.

Parks: Ed Clapp Park, located at 2801 32nd Avenue South, is approximately 0.25 miles east of the subject property, and provides amenities of soccer fields and a playground for ages 5-12.

Pedestrian / Bicycle: Off-road shared-use paths are adjacent to the west and south sides of the subject property, along 36th Street South and 32nd Avenue South, respectively. Both paths are components of the metro area bikeways system.

Transit: MATBUS Route 14 runs along 33rd Street South and 32nd Avenue South. A bus stop is located along 33rd Street South, approximately 200 feet northeast of the subject property. Additionally, MATBUS Route 18 runs along 32nd Avenue South, with its nearest stop located approximately one-eighth of a mile southeast of the subject property, at the southwest corner of 32nd Avenue South and 32nd Street South.

Staff Analysis:

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

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

- 1. Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Promoting infill development and exploring reductions in minimum parking standards are both key initiatives meant to promote the Plan's guiding principles. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)
- 2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff finds that this proposed conditional use permit to allow for a parking reduction at this location will not affect the welfare of the public. The CUP for parking reduction has been reviewed by the Engineering Department who supports the proposal as it aligns with the ITE parking guidance for the proposed uses, which have opposing peak demand times.

(Criteria Satisfied)
- 3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**

Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received no inquiries about the project and no letters of opposition for this application.

(Criteria Satisfied)
- 4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**

The proposed conditional use permit for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The parking study provided by the applicant references the ITE Manual estimated peak parking demand. These findings showed that the peak demand at any time would require a maximum of 146 parking spaces, which is less than 152 spaces provided on site

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

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

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

The subject property has access to 33rd Street South, which is a fully constructed local roadway. It also has a private road that connects 36th Street South to 33rd Street South by an ingress/egress easement. No additional access roads or entrance and exit drives are proposed.

(Criteria Satisfied)

Recommended Conditions:

1. A minimum of 152 parking spaces shall be required on-site.
2. Any expansion of the restaurant uses shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.

Approval and Appeal

The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.

Staff Recommendation:

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

1. A minimum of 152 parking spaces are required on-site.
2. Any expansion of the restaurant uses shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.

Planning Commission Recommendation: February 7, 2023

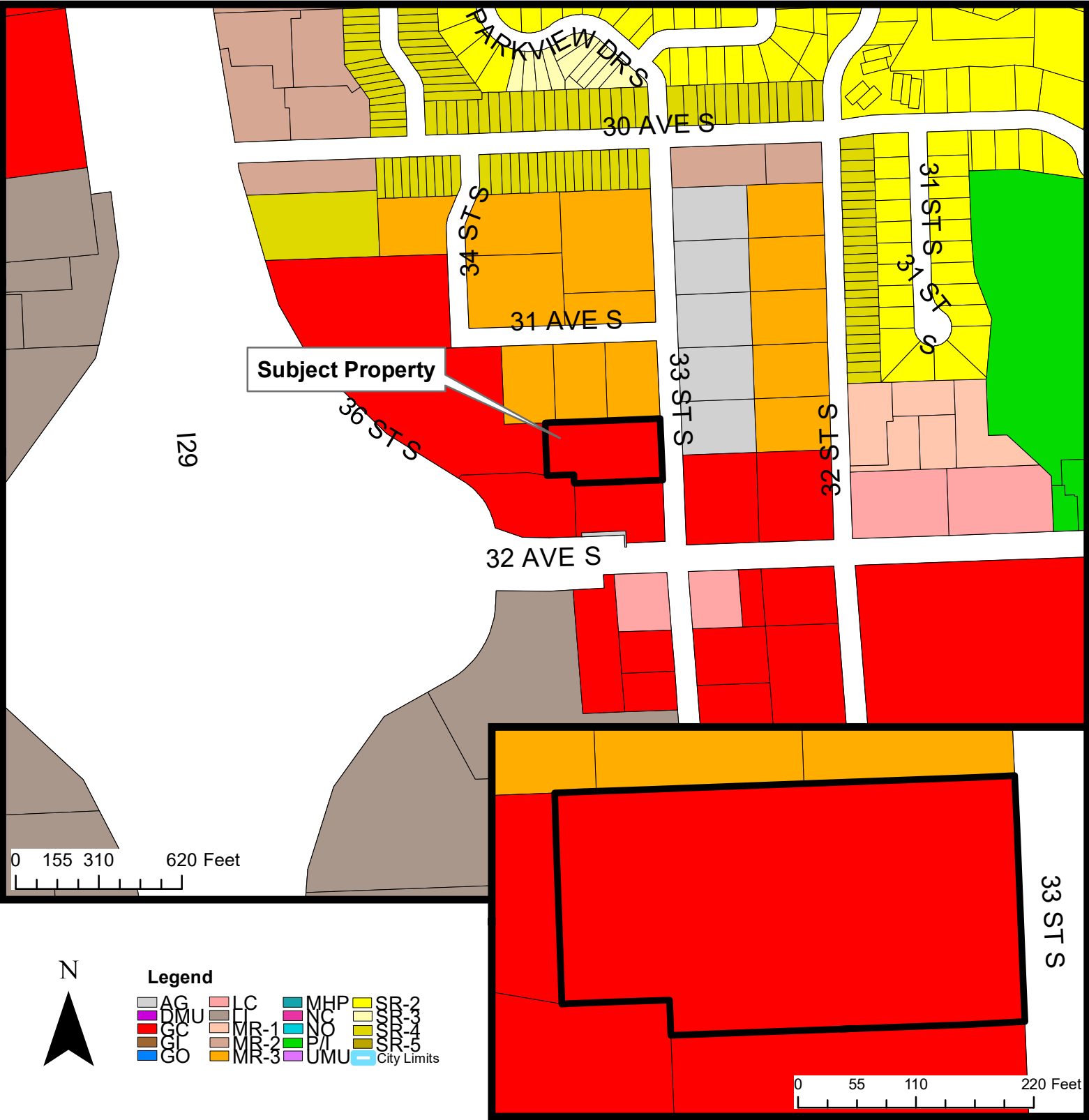
Attachments:

1. Zoning map
2. Location map
3. Parking study key pages

Conditional Use Permit for Parking Reduction

Christianson 32nd Avenue South Second Addition

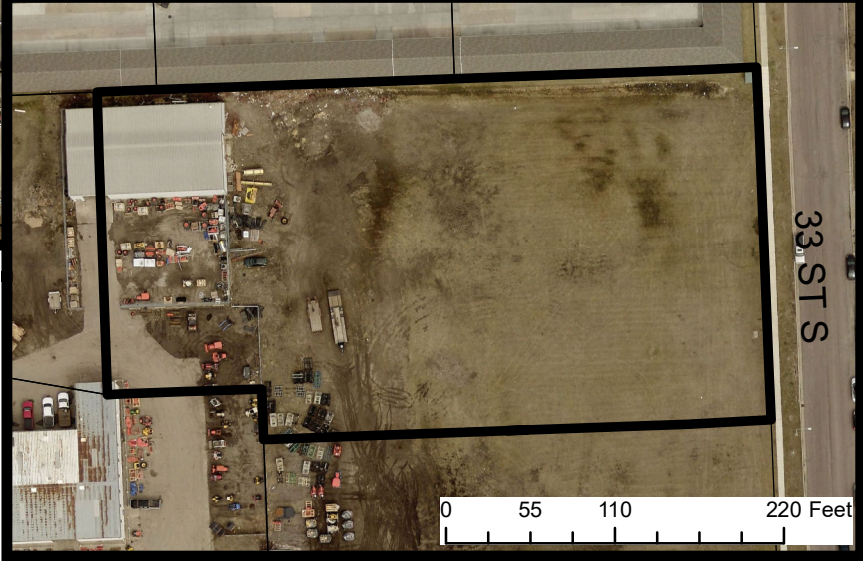
3165 33 Street South



Conditional Use Permit for Parking Reduction

Christianson 32nd Avenue South Second Addition

3165 33 Street South





We listen. We solve.®

Schedule C Parking Study for 32ND AVENUE RETAIL
3401 32ND AVENUE SOUTH
Fargo, ND.

Developer:

Christianson Companies
4609 33rd Ave S, Suite 400
Fargo, ND 58104
PH: (701) 281-9500

Owner:

Christianson Companies
4609 33rd Ave S, Suite 400
Fargo, ND 58104
PH: (701) 499-3940

Preparation Date: December 2022

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and I am a duly Licensed Professional Engineer under the laws of the State of North Dakota.

By:  Lic. No. 27186
Thomas W, Reisdorf

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SECTION I – Introduction

Christianson Companies is proposing the development of a shared-use, retail and dining facility located at 3401 32nd Avenue South, Fargo, ND. The current Zoning is GC (General Commercial). The City of Fargo designates the required off-street parking for these types of facilities.

Given the constraints of the site, Christianson Companies is unable to provide the full amount of required parking stalls based on the City of Fargo's "Schedule A" requirements. Since the operating times and associated peak use of the current tenants of the facility vary throughout the day, an analysis of these peaking times can be performed to determine if adequate parking is being provided on site.

The purpose of this report is to satisfy the Schedule "C" parking study requirements per the City of Fargo Land Development Code.

SECTION II – Proposed Development

The proposed shared-use facility is a single-story building totaling ≈19,272 ft². The building will contain four (4) retail suites totaling ≈8,058 ft² and two (2) dining locations totaling ≈10,898 ft². The building will also contain ≈135 ft² of mechanical space allowing a total of 19,091 ft² of leased space for the entire building. Each dining location will also service their own separate patio space totaling ≈2,635 ft². The proposed parking supply for this shared-use facility is 152 spaces.

SECTION III – Existing Parking

No existing parking spaces are being used in the analysis.

SECTION IV – Parking Analysis

The City of Fargo *Land Development Code* (LDC) and the Institute of Transportation Engineers (ITE) *Parking Generation Manual* (5th ed.) were both sourced to evaluate the parking demand of the proposed development. Per the City of Fargo *Land Development Code* (LDC), "Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved as a part of an Alternative Access and Parking Plan." Approval depends on compliance with standards set fourth by LDC sections 20-0701.E.5.

Data sourced from the *Land Development Code* (LDC) includes sections 20-0701.B.1 and 20-0701.E.5, regarding off-street parking schedules and shared parking. Data sourced from chapter 6 of the Institute of Transportation Engineers (ITE) *Parking Generation Manual* (5th ed.) includes land use codes 932 and 820 regarding high-turnover (sit-down) restaurants and shopping centers. The following sections describe the methodology, analysis, and findings for this shared-use facility.

A. City of Fargo Land Development Code

The LDC provides parking space requirements for various development uses for Schedules A and B. The proposed development described in this study incorporates some of these various development uses, though ultimately combined into one site. By combining the various development uses together as one, a reasonable conclusion can be made regarding the total number parking spaces required during peak demand.

Parking requirements based on the most similar land use available, as provided by the LDC are shown in Table 1. The following assumptions were made for the LDC parking supply calculations:

- All calculations are based on gross floor areas (GFA) and fractions have been rounded to the nearest whole number.

Table 1: Land Development Code Estimated Parking Demand

<i>Land Use</i>	<i>Land Use Size</i>	<i>Required Parking Supply Rate</i>	<i>Required Parking Supply</i>
RETAIL AND DINING FACILITY			
Restaurant & Bar (100/104)	5,904 SF	1 space Per 75 SF	79 spaces
Patio	1,825 SF	1 space Per 150 SF	12 spaces
Retail Suite	2,098 SF	1 space Per 250 SF	8 spaces
Retail Suite	2,222 SF	1 space Per 250 SF	9 spaces
Retail Suite	2,164 SF	1 space Per 250 SF	9 spaces
Retail Suite	1,574 SF	1 space Per 250 SF	6 spaces
Breakfast Restaurant	4,994 SF	1 space Per 75 SF	67 spaces
Patio	810 SF	1 space Per 150 SF	5 spaces
Mechanical	135 SF	1 space Per 250 SF	1 space
TOTAL:			196 Spaces

Per the LDC:

- The required parking supply for the retail and dining facility is estimated to be 196 spaces, which is a deficit of 44 spaces compared to the proposed parking supply (152) for the site.

B. ITE Parking Demand

The City Code (Article 20-0701 3.a.) states that “A developer proposing to develop or expand a Schedule “C” use must submit a parking study that provides justification for the number of off-street parking spaces proposed. A parking study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the City Engineer and should include other reliable data collected from uses or combinations of uses that are the same or comparable with the proposed use”.

Parking demand estimates in Tables 2-7 were calculated using the ITE *Parking Generation Manual, 5th Edition*, based on the most similar land use available. The following assumptions were made for the ITE average parking demand calculations

- All calculations are based on gross floor area (GFA) and fractions have been rounded to the nearest whole number.
- ITE does not provide parameters regarding outdoor dining space, therefore, patio space is analyzed using restaurant parking rates.
- ITE does not clearly delineate rates for the intended use of mechanical space, therefore, its parking supply is lumped into the associated building uses.
- Table 2 reflects the average of all averaged rates from the peak period parking demand per 1,000 sq. ft. graphs, including the day of the week, December, and non-December months.
- Most conservative parking demand percentages are used in tables 3-6 from the “Time of Day for Peak Parking Demand” tables.
- At the hour of closing, 50% capacity is considered sufficient to account for closing staff and patrons leaving to their parked vehicles.
- Patio space square footage is included in tables 3 & 4 but not in tables 5 & 6 due to patio being closed in winter months.

Table 2: ITE Average Peak Parking Demand per 1,000 Sq. Ft.

<i>Land Use (Code)</i>	<i>Land Use Size</i>	<i>Average Required Parking Supply Rate</i>	<i>Required Parking Supply</i>
RETAIL AND DINING FACILITY (General Urban/Suburban)			
High-Turnover (Sit-Down) Restaurant (932)	13,533 SF	11.08 space Per 1,000 SF	150 spaces
Shopping Center (820)	8,058 SF	3.27 space Per 1,000 SF	26 spaces
TOTAL:			176 Spaces

Per ITE Average Peak Parking Demand/1,000 Sq. Ft. Graphs:

- The required parking supply for the retail and dining facility is estimated to be 176 spaces on average, which is a deficit of 24 spaces compared to the proposed parking supply (152) for the site.

Table 3: ITE Manual Estimated Percent of Peak Parking Demand on **Weekdays**

Time Beginning		ITE Land Use: (932) High-Turnover (Sit-Down) Restaurant						ITE Land Use: (820) Shopping Center			Parking Requirement by Time Period (≤ 152)
		Breakfast Restaurant (6:00AM - 11:00AM)			Restaurant & Bar (11:00AM - 10:00PM)			Retail Space (Suites 108, 112, 116, 120)			
		Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	
(Mon. - Fri.)	5:00 AM	-	-	-	-	-	-	-	-	-	-
	6:00 AM	72	10%	7							7
	7:00 AM	72	25%	18							18
	8:00 AM	72	68%	49					32%		49
	9:00 AM	72	72%	52					50%		52
	10:00 AM	72	77%	55				33	67%	22	78
	11:00 AM	72	50%***	36	91	43%	39	33	80%	26	102
	12:00 PM				91	100%	91	33	100%	33	124
	1:00 PM				91	95%	86	33	100%	33	119
	2:00 PM				91	54%	49	33	90%	30	79
	3:00 PM				91	39%	35	33	83%	27	63
	4:00 PM				91	37%	34	33	81%	27	60
	5:00 PM				91	62%	56	33	86%	28	85
	6:00 PM				91	99%	90	33	86%	28	118
	7:00 PM				91	100%	91	33	80%	26	117
	8:00 PM				91	83%	76	33	70%	23	99
	9:00 PM				91	61%	56	33	42%	14	69
10:00 PM				91	41%	37	33	15%	5	42	
11:00 PM	-	-	-	-	-	-	-	-	-	-	

*Minimum parking requirements are calculated using City of fargo Land Development Codes, Article 20-07 General Development Standards

**Time of day distribution for parking demand are as presented by the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition

***50% parking demand at closing (11:00AM) considering patrons leaving to their vehicles and closing staff

Table 4: ITE Manual Estimated Percent of Peak Parking Demand on **Saturdays**

Time Beginning		ITE Land Use: (932) High-Turnover (Sit-Down) Restaurant						ITE Land Use: (820) Shopping Center			Parking Requirement by Time Period (≤ 152)
		Breakfast Restaurant (6:00AM - 11:00AM)			Restaurant & Bar (11:00AM - 10:00PM)			Retail Space (Suites 108, 112, 116, 120)			
		Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	
(Saturday)	5:00 AM	-	-	-	-	-	-	-	-	-	-
	6:00 AM	72	15%	11							11
	7:00 AM	72	28%	20							20
	8:00 AM	72	52%	37					27%		37
	9:00 AM	72	75%	54					46%		54
	10:00 AM	72	91%	66				33	67%	22	88
	11:00 AM	72	50%***	36	91	90%	82	33	85%	28	146
	12:00 PM				91	100%	91	33	95%	31	122
	1:00 PM				91	98%	89	33	100%	33	122
	2:00 PM				91	85%	77	33	98%	32	110
	3:00 PM				91	73%	66	33	92%	30	97
	4:00 PM				91	58%	53	33	86%	28	81
	5:00 PM				91	64%	58	33	79%	26	84
	6:00 PM				91	90%	82	33	71%	23	105
	7:00 PM				91	100%	91	33	69%	23	114
	8:00 PM				91	89%	81	33	60%	20	101
9:00 PM				91	71%	65	33	51%	17	81	
10:00 PM				91	56%	51	33	38%	13	64	
11:00 PM	-	-	-	-	-	-	-	-	-	-	

*Minimum parking requirements are calculated using City of fargo Land Development Codes, Article 20-07 General Development Standards

**Time of day distribution for parking demand are as presented by the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition

***50% parking demand at closing (11:00AM) considering patrons leaving to their vehicles and closing staff

Table 5: ITE Manual Estimated Percent of Peak Parking Demand on **Weekdays in December**

Time Beginning		ITE Land Use: (932) High-Turnover (Sit-Down) Restaurant						ITE Land Use: (820) Shopping Center			Parking Requirement by Time Period (≤ 152)
		Breakfast Restaurant (6:00AM - 11:00AM)			Restaurant & Bar (11:00AM - 10:00PM)			Retail Space (Suites 108, 112, 116, 120)			
		Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	Min. Parking Requirement *(LDC)	% of Peak Parking Demand **(ITE)	Adjusted Parking Requirement	
December (Mon. - Fri.)****	5:00 AM	-	-	-	-	-	-	-	-	-	-
	6:00 AM	67	10%	7							7
	7:00 AM	67	25%	17							17
	8:00 AM	67	68%	46					74%		46
	9:00 AM	67	72%	48					87%		48
	10:00 AM	67	77%	52				33	97%	32	84
	11:00 AM	67	50%***	34	79	43%	34	33	100%	33	101
	12:00 PM				79	100%	79	33	98%	32	111
	1:00 PM				79	95%	75	33	90%	30	105
	2:00 PM				79	54%	43	33	84%	28	70
	3:00 PM				79	39%	31	33	82%	27	58
	4:00 PM				79	37%	29	33	89%	29	59
	5:00 PM				79	62%	49	33	90%	30	79
	6:00 PM				79	99%	78	33	84%	28	106
	7:00 PM				79	100%	79	33			79
	8:00 PM				79	83%	66	33			66
9:00 PM				79	61%	48	33			48	
10:00 PM				79	41%	32	33			32	
11:00 PM	-	-	-	-	-	-	-	-	-	-	

*Minimum parking requirements are calculated using City of fargo Land Development Codes, Article 20-07 General Development Standards

**Time of day distribution for parking demand are as presented by the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition

***50% parking demand at closing (11:00AM) considering patrons leaving to their vehicles and closing staff

****Min. parking requirement reduced due to patio closing in winter months

Table 6: ITE Manual Estimated Percent of Peak Parking Demand on **Saturdays in December**

Time Beginning		ITE Land Use: (932) High-Turnover (Sit-Down) Restaurant						ITE Land Use: (820) Shopping Center			Parking Requirement by Time Period (≤ 152)
		Breakfast Restaurant (6:00AM - 11:00AM)			Restaurant & Bar (11:00AM - 10:00PM)			Retail Space (Suites 108, 112, 116, 120)			
		Min. Parking Requirement *(LDC)	% of Peak Parking Demand ***(ITE)	Adjusted Parking Requirement	Min. Parking Requirement *(LDC)	% of Peak Parking Demand ***(ITE)	Adjusted Parking Requirement	Min. Parking Requirement *(LDC)	% of Peak Parking Demand ***(ITE)	Adjusted Parking Requirement	
December (Saturday)****	5:00 AM	-	-	-	-	-	-	-	-	-	-
	6:00 AM	67	15%	10							10
	7:00 AM	67	28%	19							19
	8:00 AM	67	52%	35							35
	9:00 AM	67	75%	50							50
	10:00 AM	67	91%	61							61
	11:00 AM	67	50%***	34	79	90%	71	33	85%	28	133
	12:00 PM				79	100%	79	33	97%	32	111
	1:00 PM				79	98%	77	33	98%	32	110
	2:00 PM				79	85%	67	33	100%	33	100
	3:00 PM				79	73%	58	33	97%	32	90
	4:00 PM				79	58%	46	33	88%	29	75
	5:00 PM				79	64%	51	33	77%	25	76
	6:00 PM				79	90%	71	33	64%	21	92
	7:00 PM				79	100%	79	33			79
	8:00 PM				79	89%	70	33			70
	9:00 PM				79	71%	56	33			56
10:00 PM				79	56%	44	33			44	
11:00 PM	-	-	-	-	-	-	-	-	-	-	

*Minimum parking requirements are calculated using City of fargo Land Development Codes, Article 20-07 General Development Standards.

**Time of day distribution for parking demand are as presented by the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition

***50% parking demand at closing (11:00AM) considering patrons leaving to their vehicles and closing staff

****Min. parking requirement reduced due to patio closing in winter months

Table 7: ITE Manual Estimated Peak Parking Demand Summary

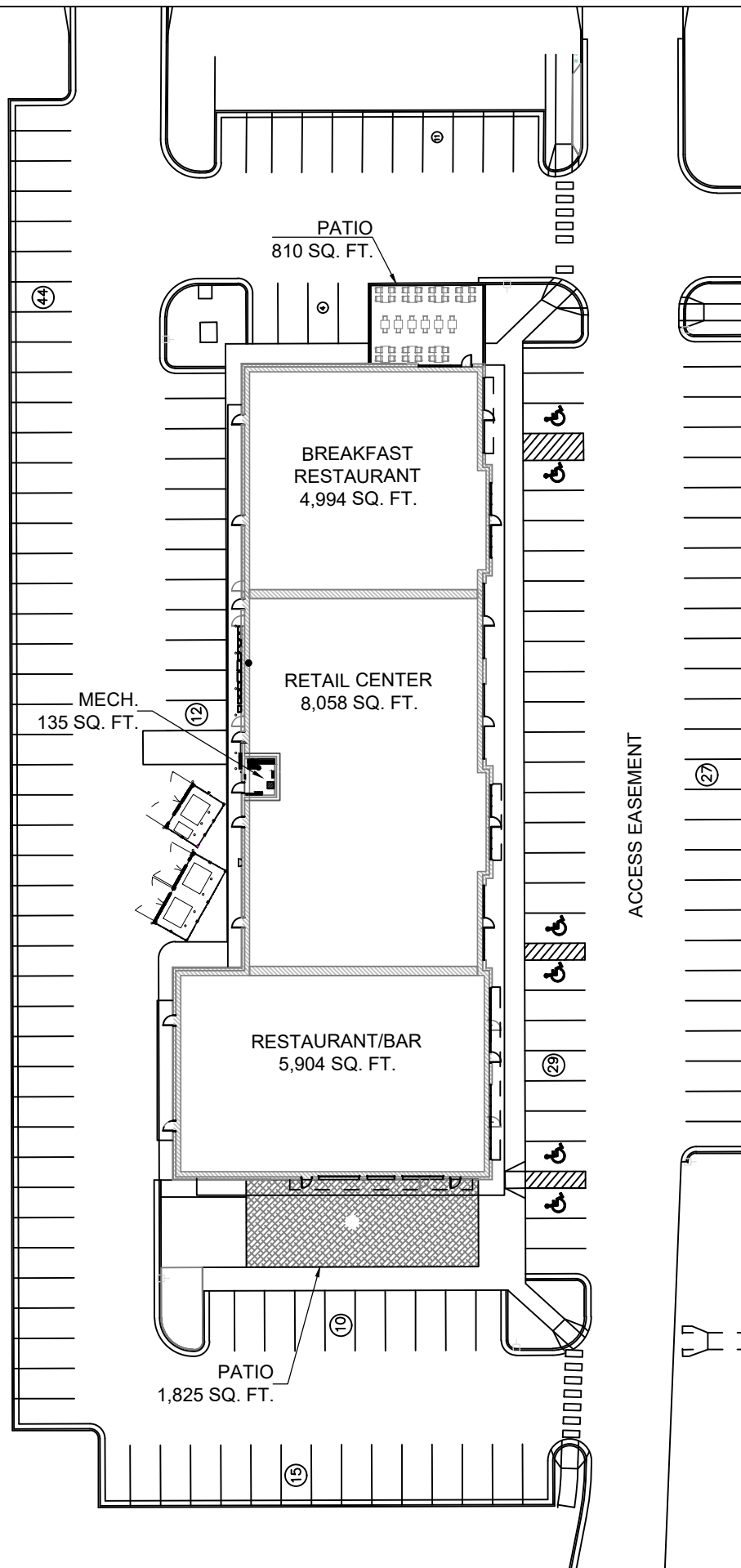
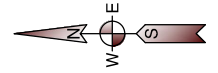
TIME PERIOD	TIME OF DAY (PEAK DEMAND)	MAXIMUM PARKING DEMAND (≤ 152)
WEEKDAYS (MON. – FRI.)	12:00 PM (Noon)	124
SATURDAYS	11:00 AM	146
WEEKDAYS IN DECEMBER (MON. – FRI.)	12:00 PM (Noon)	111
SATURDAYS IN DECEMBER	11:00 AM	133

Per the ITE *Time of Day Distribution for Parking*:

- The required parking supply for this shared-use facility is 152, which is a surplus of 6 spaces compared to the most conservative proposed parking requirement (146) for the site, but substantially less than the number of spaces required per LDC (196). This suggests that the LDC total is a more conservative estimate than ITE.

SECTION V – Recommended Parking Supply

Based on the fact that the City of Fargo Land Development Code does not consider shared use or peak demand times in their parking requirements, and since this proposed development has a broad range in uses, peaking times, and parking demand. It is our recommendation that they be allowed to proceed with their 152-space development. Future use of the facility was not considered and may require additional analysis to determine parking suitability for the specific uses.



SCALE:

NOT TO SCALE

32ND AVENUE RETAIL
PARKING STUDY
FARGO, ND

Ulteig

3350 38th Avenue South
Fargo, North Dakota 58104
Phone: 701.280.8500
Fax: 701.280.8739
Web: www.ulteig.com

DRAWN BY: BDP
CHECKED BY: TWR
APPROVED BY: TWR
DATE: DEC 2022

SHEET NUMBER:
FIGURE-2
UEI PROJ. NO: 22.22380

**City of Fargo
Staff Report**

Title:	Global Development Addition	Date:	2/1/2023
Location:	602, 610, 636, and 650 Northern Pacific Avenue North	Staff Contact:	Maegin Elshaug, planning coordinator
Legal Description:	an unplatted portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West		
Owner(s)/Applicant:	City of Fargo/Global Development	Engineer:	Houston Engineering
Entitlements Requested:	Minor Subdivision (plat of an unplatted portion of the Northwest Quarter of Section 7, Township 139 North, Range 48 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.		
Status:	Planning Commission Public Hearing: February 7, 2023		

Existing	Proposed
Land Use: surface parking	Land Use: mixed-use
Zoning: DMU-Downtown Mixed Use	Zoning: unchanged
Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.	Uses Allowed: unchanged
Maximum Density Allowed: none	Maximum Density Allowed: unchanged
Maximum Lot Coverage Allowed: 100%	Maximum Lot Coverage Allowed: unchanged

Proposal:

The applicant, the City of Fargo, is seeking approval of a minor subdivision located at 602, 610, 636, and 650 Northern Pacific Avenue North. The request is to plat the subject property into two lots and one block entitled Global Development Addition. Staff is coordinating on the potential need for an amenities plan that would identify and outline expectations to improvements in the adjacent right-of-way.

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: DMU, Downtown Mixed-Use, with a mix of commercial and residential uses and Fargo Fire Station #1;
- East: DMU, Downtown Mixed-Use, with a mix of commercial and residential uses;
- South: Burlington Northern Santa Fe Railroad;
- West: DMU, Downtown Mixed-Use, with NDSU's Renaissance Hall.

Area Plans:

The subject property is located within the Downtown InFocus Plan, which identifies the subject property is mixed-use. The DMU, Downtown Mixed-Use zoning is consistent with this land use designation.

Future Land Use

Source: Interface Studio



Context:

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

Schools: The subject property is located within the bounds of the Fargo School District, specifically the Roosevelt elementary, Ben Franklin middle and North High schools.

Parks: Ole Tangen Park (10 Roberts Street North) is located just north of the subject property.

Pedestrian / Bicycle: Currently, there are no separate bicycle facilities located adjacent to the subject property, but upon reconstruction, a separate bicycle facility will be located on Northern Pacific Avenue North, similar to what has been constructed further to the west.

Transit: Multiple MATBus lines run along Northern Pacific Avenue North, including 13, 13U, 14, 15, and 18, with a stop just west of NDSU's Renaissance Hall.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to plat the subject property, which has not been platted before, into two lots and one block. The property is zoned DMU, Downtown Mixed-Use, and no change is being proposed. In accordance with Section 0901.F of the Land Development Code, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. Staff also notified the Downtown Neighborhood Association and the Neighborhood Coalition. To date, staff has received and responded to two inquiries about the application with no noted concern. Staff has reviewed this request and finds that this

application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Global Development Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, standards of Article 20-06, standards of Section 20-0907.B & C, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation:

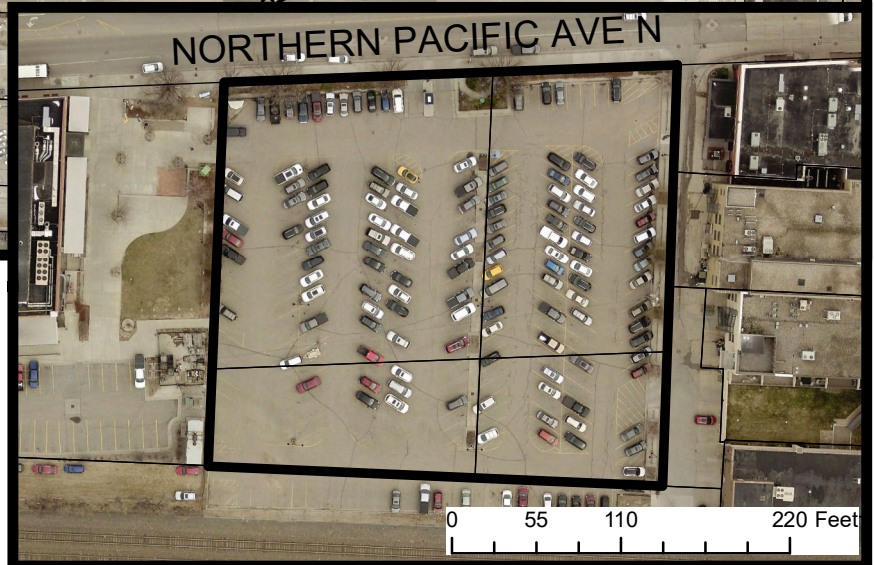
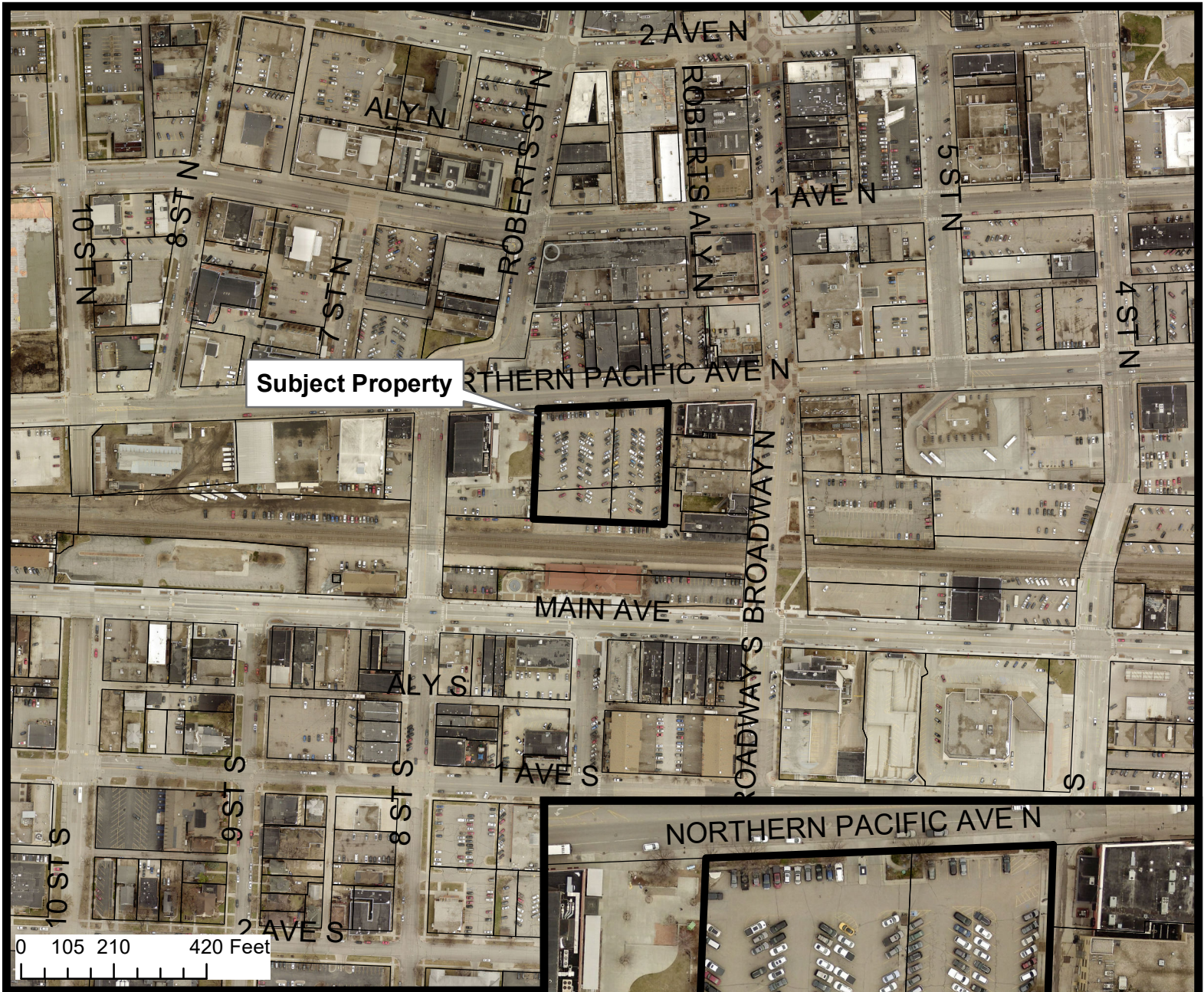
Attachments:

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

Minor Subdivision

Global Development Addition

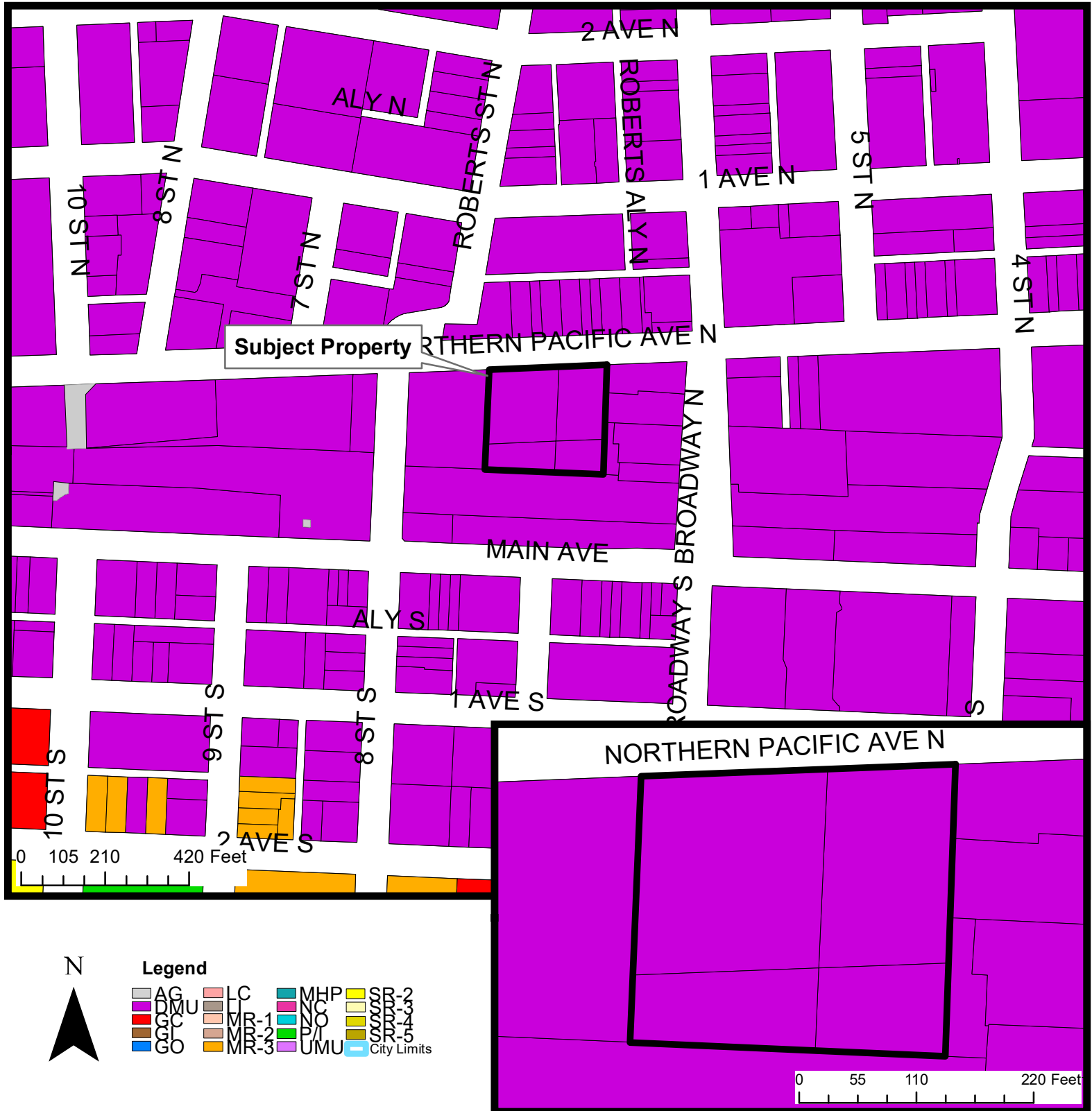
636, 602, 610 & 650 Northern Pacific Avenue North



Minor Subdivision

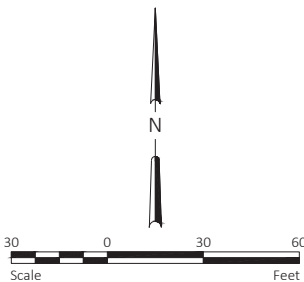
Global Development Addition

636, 602, 610 & 650 Northern Pacific Avenue North



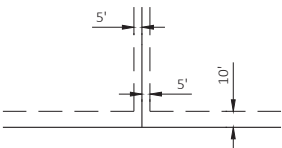
GLOBAL DEVELOPMENT ADDITION

A MINOR SUBDIVISION
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 7,
T. 139 N., R. 48 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



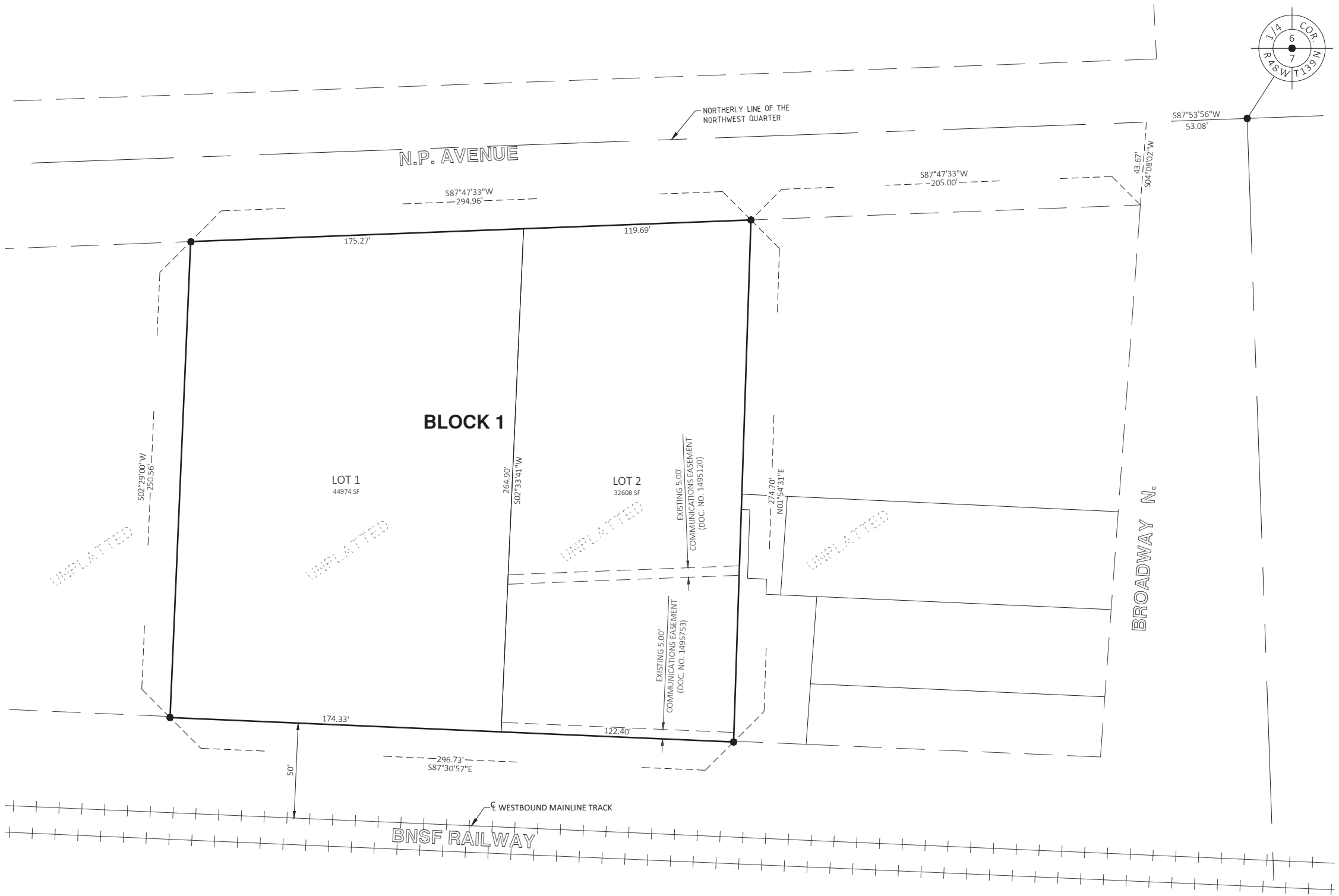
LEGEND	
IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	- - - - -
EXISTING LOT LINE	- - - - -
EXISTING UTILITY EASEMENT	- - - - -

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1992.



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THE PLAT.

UTILITY EASEMENTS ARE SHOWN THUS



GLOBAL DEVELOPMENT ADDITION

A MINOR SUBDIVISION
BEING A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 7,
T. 139 N., R. 48 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:

NOW ALL PERSONS BY THESE PRESENTS: That Global Development, L.L.C., aka Global Development LLC, a North Dakota limited liability company, and the City of Fargo, North Dakota, a municipal corporation, are the owners and proprietors of the following described tract of land:

That part of the Northwest Quarter of Section 7, Township 139 North, Range 48 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:

Commencing at the northeast corner of said Northwest Quarter; thence South 87°53'56" West, along the northerly line of said Northwest Quarter, for a distance of 53.08 feet; thence South 04°08'02" West for a distance of 43.67 feet to the intersection of the southerly right-of-way line of Northern Pacific Avenue and the westerly right-of-way line of Broadway in the said City of Fargo; thence South 87°47'33" West, along the southerly right-of-way line of said Northern Pacific Avenue, for a distance of 205.00 feet to the true point of beginning; thence South 87°47'33" West along the southerly right-of-way line of said Northern Pacific Avenue for a distance of 294.96 feet; thence South 02°29'00" West for a distance of 250.56 feet to a point of intersection with the northerly line of BNSF Railway Company right-of-way; thence South 87°30'57" East along the Northerly line of the said BNSF Railway Company right-of-way, for a distance of 296.73 feet; thence North 01°54'31" East for a distance of 274.70 feet to the true point of beginning.

Said tract contains 1.781 acres, more or less.

And that said party has caused the same to be surveyed and platted as **GLOBAL DEVELOPMENT ADDITION** to the City of Fargo, Cass County, North Dakota.

OWNER:

Global Development, L.L.C.
(Lot 2)

Randy Thorson, President

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Randy Thorson, President of Global Development, L.L.C., a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

OWNER:

City of Fargo
(Lot 1)

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, Auditor

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this _____ day of _____, 20____.

Brenda E. Derrig, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: _____



City of Fargo Staff Report			
Title:	Erskine's Addition	Date:	2/1/2023
Location:	1155 and 1117 13 th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Parts of Lots 1-6 and 8, all of the Lot 7, Block SS, Erskines Addition.		
Owner(s)/Applicant:	Steven W. Stremick	Engineer:	None
Entitlements Requested:	Zone Change (repeal and re-establish a conditional overlay in the LC, Limited Commercial zone)		
Status:	Planning Commission Public Hearing: February 7 th , 2022		

Existing	Proposed
Land Use: Office	Land Use: No change
Zoning: LC, Limited Commercial with a C-O, conditional overlay; SR-3, Single-Dwelling Residential	Zoning: Revise the conditional overlay to allow a taller sign
Uses Allowed: The C-O limits the uses on the LC-zone portion of this property to those allowed in the NC, Neighborhood Commercial Zone, which are: detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, parks and open space, religious institutions, safety services, basic utilities, offices, and retail sales and service. SR-3 allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: No change proposed <i>(proposed change to conditional overlay modifies allowable sign height, not uses)</i>
Maximum Lot Coverage (LC): 55% Maximum Density (SR-3): 8.7 dwelling unit per acre	Maximum Lot Coverage (LC): no change proposed Maximum Density (SR-3): no change proposed

Proposal:

The applicant requests one entitlement:

1. A zoning change to repeal and re-establish a conditional overlay in the LC, Limited Commercial zone) to allow a taller monument sign (12 ½ feet) than is currently allowed (8 ½ feet). A copy of the C-O noting the applicant's requested change is attached—shown by strike-through/underline on page 1 of the C-O.

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

Surrounding Land Uses and Zoning Districts:

- North: SR-3, Single-Dwelling Residential with detached single-dwelling residence
- East: SR-3, Single-Dwelling Residential with detached single-dwelling residence
- South: across 13th Avenue South GO, General Office with religious institution
- West: across University Drive South is LC, Limited Commercial with commercial

(continued on next page)

Area Plans:

The subject property is located with the 2021 Core Neighborhoods Plan. The future land use map of the Hawthorne Neighborhood brief designates much the subject property for Neighborhood Mixed Use. The existing use is consistent with this land use designation. The remainder of the subject property is designated as single-family residential. There is no residential use on this portion of the property at this time.



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

(continued on next page)

Context:

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

Neighborhood: The subject property is located in the Hawthorne neighborhood.

Parks: There are no Fargo Park District parks within one-half mile of the subject property.

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

Public Transit: The subject property is along MATBus routes 14 and 15. Stops are located across University Drive South (route 15) and across 13th Avenue South (route 14) from the subject property.

Staff Analysis:**ZONING HISTORY OF THE SUBJECT PROPERTY**

1998: The R2 and R2-A zoning was reclassified to MR-2 and SR-3 following adoption of the current Land Development Code.

December, 2000, Ordinance 4097: A portion of the property was rezoned from MR-2, Multi-Dwelling Residential to NC, Neighborhood Commercial, and a special use permit granted in 1996 allowing the property to be used for a retail store was terminated.

January, 2008, Ordinance 4648: A portion of the property was rezoned from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial.

December, 2008, Ordinance 4692: A portion of the property was rezoned to the current LC, Limited Commercial with C-O. The remainder of the property is zoned SR-3, Single-Dwelling Residential, as shown on the attached zoning map.

ZONING AND CONDITIONAL OVERLAY:

The current zoning, Ordinance 4692, approved December 29th, 2008, is LC, Limited Commercial with a C-O, conditional overlay. The C-O limits development on the property to the uses allowed in the NC, Neighborhood Commercial zone. These uses are noted above. The C-O provides limitations on the sign area, sign type, and sign height that are beyond what would be allowed in the NC zone, but less than would be allowed in the LC zone without the overlay.

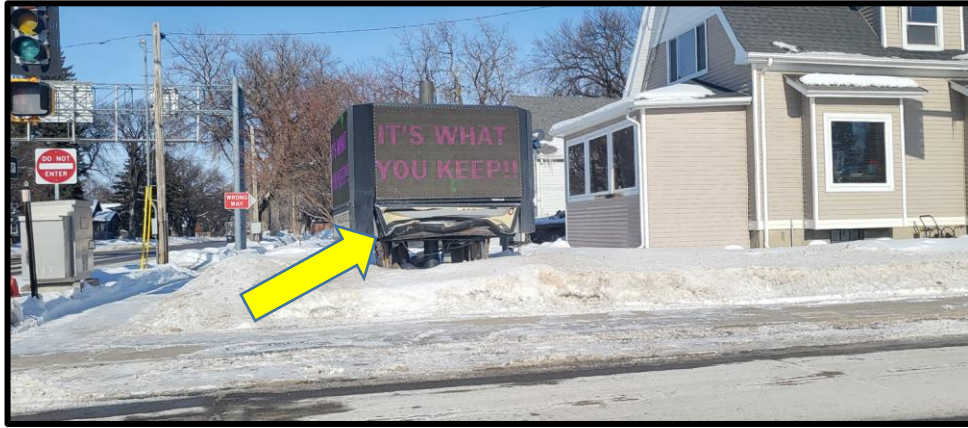
ORDINANCE 4692 AND NEIGHBORHOOD COMPATIBILITY:

The current ordinance zoned the subject property to what was compatible with the neighborhood in terms of land uses. This C-O allows a monument sign with a maximum height of 8 ½ feet, which is a greater sign height than the C-O on the opposite corner across University Drive South, which allows a monument sign height of only 6 feet. As noted in the findings below, the size of sign allowed by this C-O far exceeds what would be allowed in a residential zone or Neighborhood Commercial zone.

APPLICANT'S REQUEST:

The applicant requests a modification of item 1 of the C-O in Ordinance 4692. This item specifies that the only type of sign permitted on the property is a monument sign, and that sign is limited to a height of 8 ½ feet. The applicant requests that the maximum sign height be increased to 12 ½ feet.

The applicant's existing sign, which is an electronic messaging center sign, was damaged by a recent vehicle impact, as shown in the photo below.



The applicant believes that by further elevating the sign, so that the maximum height is four feet higher, the electronic screens part of the sign will be high enough to avoid any damage from future vehicle impacts. A graphic provided by the applicant depicting the proposed sign is attached.

NEIGHBORHOOD COMMENTS: As part of the required notification process, the Hawthorne, Jefferson, and Clara Barton neighborhood associations, as well as the Neighborhood Coalition, were notified of this project. As of the time of this writing, a response has been received by a representative of the Jefferson Neighborhood, who had no objection to the proposed sign height increase.

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?

The proposed modification of the C-O is only to allow a greater maximum sign height. Despite the damage to the applicant's existing sign from a vehicle impact, Planning staff believes there has been no change in conditions since the zoning was changed from NC, Neighborhood Commercial to the current zoning classification---LC, Limited Commercial with a C-O, conditional overlay in December, 2008.

The C-O limits the uses in this zone to the uses allowed in the less intense NC, Neighborhood Commercial zone. The difference between this LC with C-O zone and the NC zone is that this C-O allows greater sign size than the NC zone. It was clearly the intent of this C-O to keep the intensity of use on this property as neighborhood-oriented as possible. The existing C-O makes considerable allowance for a significantly larger sign that allowed in the NC zone. The Fargo sign code that was in effect at the time this C-O was written (2008) would have allowed a sign in the NC zone to be a maximum of 19 square feet in area on this property, with a maximum height of four feet. The C-O, which specifically exempts the property from the NC sign limitations, allows a sign of a maximum of 150 feet in area with a maximum height of 8 ½ feet. This allows a sign almost eight times greater in area and over twice the height that would be allowed in the NC zone.

Thus, the existing C-O makes considerable allowance for sign size in what is otherwise effectively a Neighborhood Commercial zone. There has been no change in conditions since the 2008 approval of the current C-O to warrant an increase in allowable sign dimensions.

(Criteria NOT 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?

Yes. The subject property fronts on existing public rights of way which provide access and utility services. No new development is proposed.

(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 three inquiries or comments regarding the proposed zone change.

(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."

Go2030, Fargo's comprehensive plan, identifies both University Drive South and 13th Avenue South as active living streets. As noted above, the Core Neighborhoods Plan (CNP) identifies this property as Mixed Use Neighborhood Commercial. Neither plan addresses signage in these areas.

Nearby residential zones along University Drive South and the north side of 13th Avenue South are zoned SR-3, Single-Dwelling Residential. In this zone, the only signage allowed is that for home occupations. The maximum size of a home occupation sign is one square foot. Thus, the current C-O, which allows a maximum sign area of 150 square feet, means the subject property may have a sign area 150 times greater than the maximum sign sized allowed in the nearby residential areas. Additionally, home occupation signs must be attached to the dwelling unit; under the C-O, a monument sign may be installed in the yard of the subject property.

The sign dimensions currently allowed on the subject property are clearly well beyond what is allowed in the nearby residential areas; any increase in allowable sign dimensions, such as the requested increase in height, would only make this disparity greater.

(Criteria NOT Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend denial of the proposal repeal and re-establishment of a conditional overlay as the proposal does not comply with all the standards of Section 20-0906.F (1-4) of the LDC."

Planning Commission Recommendation: February 7th, 2023

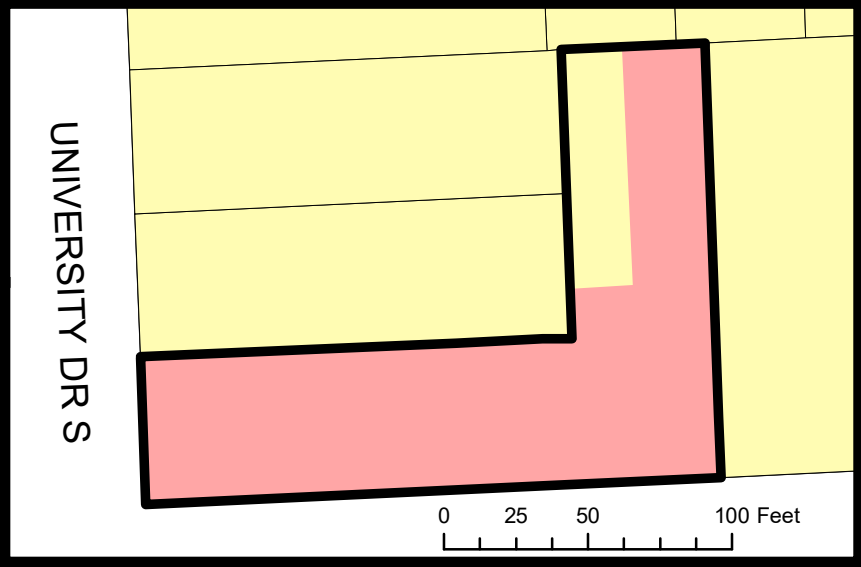
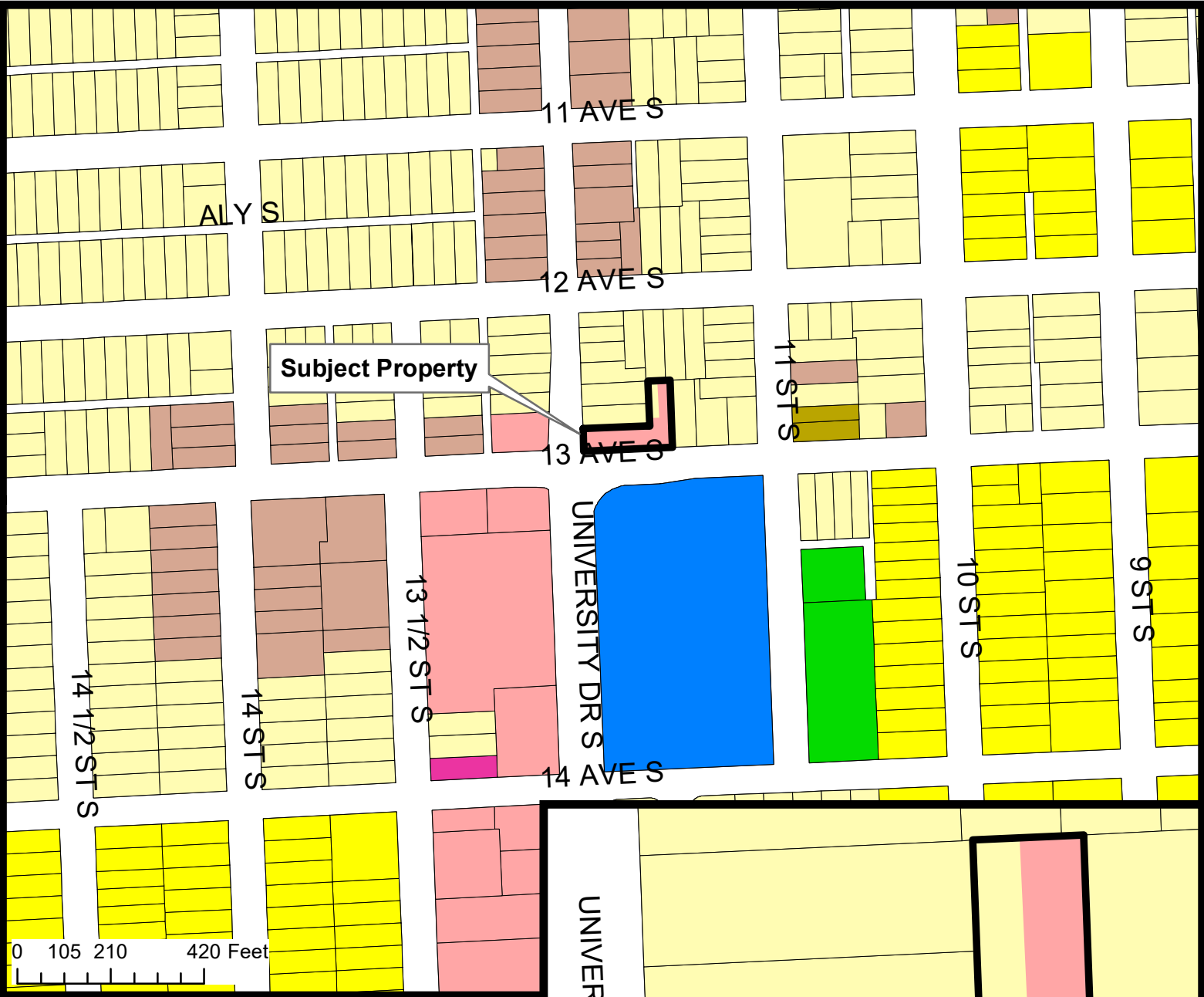
Attachments:

1. Location Map
2. Zoning Map
3. Existing Conditional Overlay (Ordinance No. 4692) showing proposed change
4. Graphic of proposed sign

Zone Change--modification to Conditional Overlay

Erskines Addition

1117 & 1155 13 Avenue South



Legend

AG	LC	MHP	SR-2
DD	MR-1	MNC	SR-3
CC	MR-2	PJ	SR-4
GO	MR-3	UMU	SR-5
			City Limits

Zone Change--modification to Conditional Overlay

Erskines Addition

1117 & 1155 13 Avenue South



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4692

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN ERSKINES ADDITION TO THE CITY OF FARGO

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 Erskines Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on November 12, 2008; and,

WHEREAS, the rezoning changes were approved by the City Commission on December 1, 2008,

NOW, THEREFORE,

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

Section 1. The following described property:

The South 51 feet of Lots One (1), Two (2), Three (3), Four (4) and Five (5); the South 51 feet of the South 101 feet of the West 8.4 feet of Lot Six (6); the Southern 70 feet of the East 16.6 feet of Lot Six (6); all of Lot Seven (7); and the West 8.4 feet of Lot Eight (8), Block SS, Erskines Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "NC", Neighborhood Commercial, District to "LC", Limited Commercial, District,

subject to a "CO", Conditional Overlay, District as follows:

The uses and standards of this "LC", Limited Commercial, District shall be limited to the Uses, Dimensional Standards and Additional Standards of a "NC", Neighborhood Commercial, District as set forth in Section 20-0209 of the Land Development Code, except subparagraphs D.6 and D.7 thereof, and further subject to the following:

1. Freestanding signs shall be limited to monument signs of a height no greater than ~~8-1/2~~ 12 1/2 feet, measured from the ground level, and of a width no greater than 8 feet. A monument sign is defined as a sign in which the lowest portion of the sign itself, not including any


OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4692

pole or support, has its base at ground level, said ground level being at grade with the rest of the property.

2. The total amount of signage shall not exceed 150 square feet.
3. The provisions of the Fargo Sign Code (as authorized pursuant to Section 25-0307 of the Fargo Municipal Code) for a "LC", Limited Commercial, zoning district shall apply.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.


Dennis R. Walaker, Mayor

(SEAL)

Attest:


Steven Sprague, City Auditor

First Reading: 12-15-2008
Second Reading: 12-29-2008
Final Passage: 12-29-2008



FAIR-PLAY

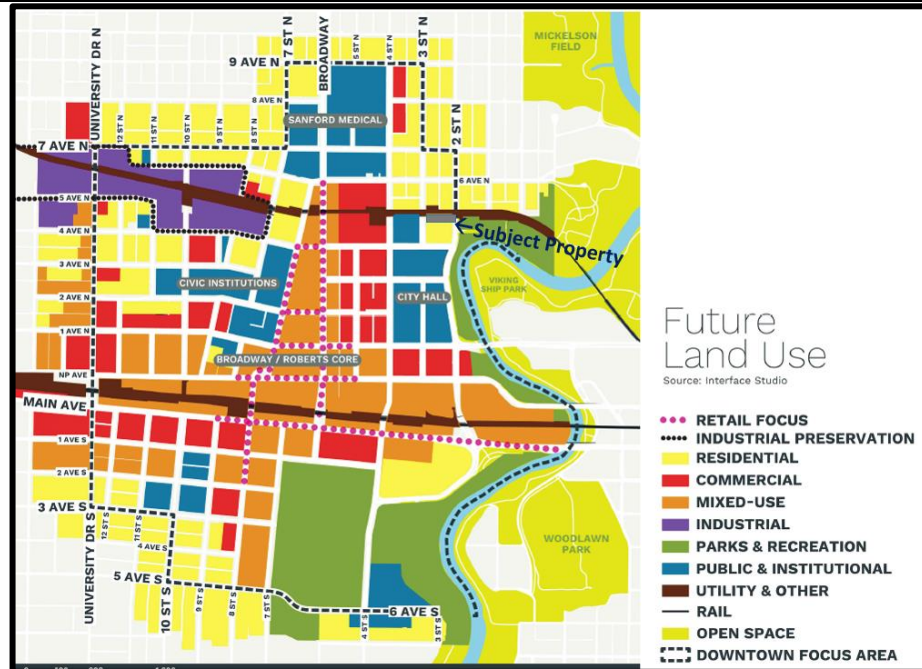
model no: 01-0906-275-1
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Design Proposal

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City of Fargo Staff Report			
Title:	Keeney & Devitts 2nd Addition	Date:	2/1/2023
Location:	Adjacent to the north side of 419 3 rd Street North	Staff Contact:	Donald Kress, current planning coordinator
Legal Description	A portion of 5 th Avenue North adjacent to Block 24, Keeney & Devitts 2 nd Addition		
Owner(s)/Applicant:	Great Plains Block 3, LLC / City of Fargo	Engineer:	Houston Engineering for City of Fargo
Reason for Request:	Right of Way Vacation (a vacation plat of a portion of 5 th Avenue North adjacent to Block 24, Keeney & Devitts 2 nd Addition)		
Status:	Planning Commission Public Hearing: February 7 th , 2023		

Proposal:
<p>The applicant is seeking approval of a vacation plat of a portion of 5th Avenue North adjacent to Block 24, Keeney & Devitts 2nd Addition. This portion of 5th Avenue is not used as a public street.</p> <p>The proposed street vacation encompasses approximately 0.169 acres of public right of way. The vacated area is entirely on the south side of the Burlington Northern Santa Fe (BNSF) railroad tracks. Upon vacation, the vacated area will become part of the adjacent property to the south, 419 3rd Street (portion of Block 24, Keeney & Devitts 2nd Addition).</p> <p>This right of way was originally dedicated by the Keeney & Devitts 2nd Addition plat in 1878. The rail line has been in this right of way since 1882.</p> <p>The property adjacent to the south, which is zoned DMU, Downtown Mixed Use, is being developed as a commercial/residential mixed use building. The entire area of the vacation will be added to this property.</p> <p>An access easement will be retained, as depicted on the plat.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: DMU, Downtown Mixed Use and MR-2, Multi-Dwelling Residential: BNSF railroad; across the tracks is industrial storage and multi-dwelling residential • East: DMU, 2nd Street North and railroad bridge • South: DMU, residential condominiums • West: DMU, warehouse, office uses <p>Area Plans</p> <p>The area of right of way to be vacated is included in the Downtown In Focus Master Plan, as depicted in the graphic below.</p>



Context:

Schools: The subject property is located within the Fargo School District including Horace Mann/Roosevelt Elementary, Ben Franklin Middle and North High School.

Neighborhood: The subject property is included in the Downtown neighborhood.

Parks: Oak Grove Park (170 Maple Street North) is located approximately 0.6 mile east of the subject property and provides disc golf, horseshoes, picnic table, playground, ages 5-12, recreational trails, restrooms, shelter, and tennis court amenities.

Recreation Trails: There are no recreational trails adjacent to the area to be vacated. Shared use paths are along 2nd Street and 4th Avenue, providing access to 419 3rd Street.

Transit: The subject property is not served by a MATBus route.

Staff Analysis:

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the

municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

There are no City of Fargo utilities installed in this right of way. It is the applicant's responsibility to contact all potential utility providers and submit documentation that there are no utilities in these easements. City staff reviews the applicant's documentation prior to City Commission approval of the plat. Any existing utility line that must be remain would have an easement retained. **(Criteria Satisfied)**

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, a petition signed by all adjacent owners has been submitted for review and consideration, along with a plat of such public street. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

The vacation plat will be advertised as required by this section prior to the hearing before the City Commission (the City's governing body). **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This action will be taken by the City Commission. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the **Keeney & Devitts 2nd Addition (5th Avenue North)** right-of-way vacation

plat as presented; as the proposal complies with the North Dakota Century Code Section 40-39: Opening and Vacating Streets, Alleys, and Public Places.”

Planning Commission Recommendation: February 7th, 2023

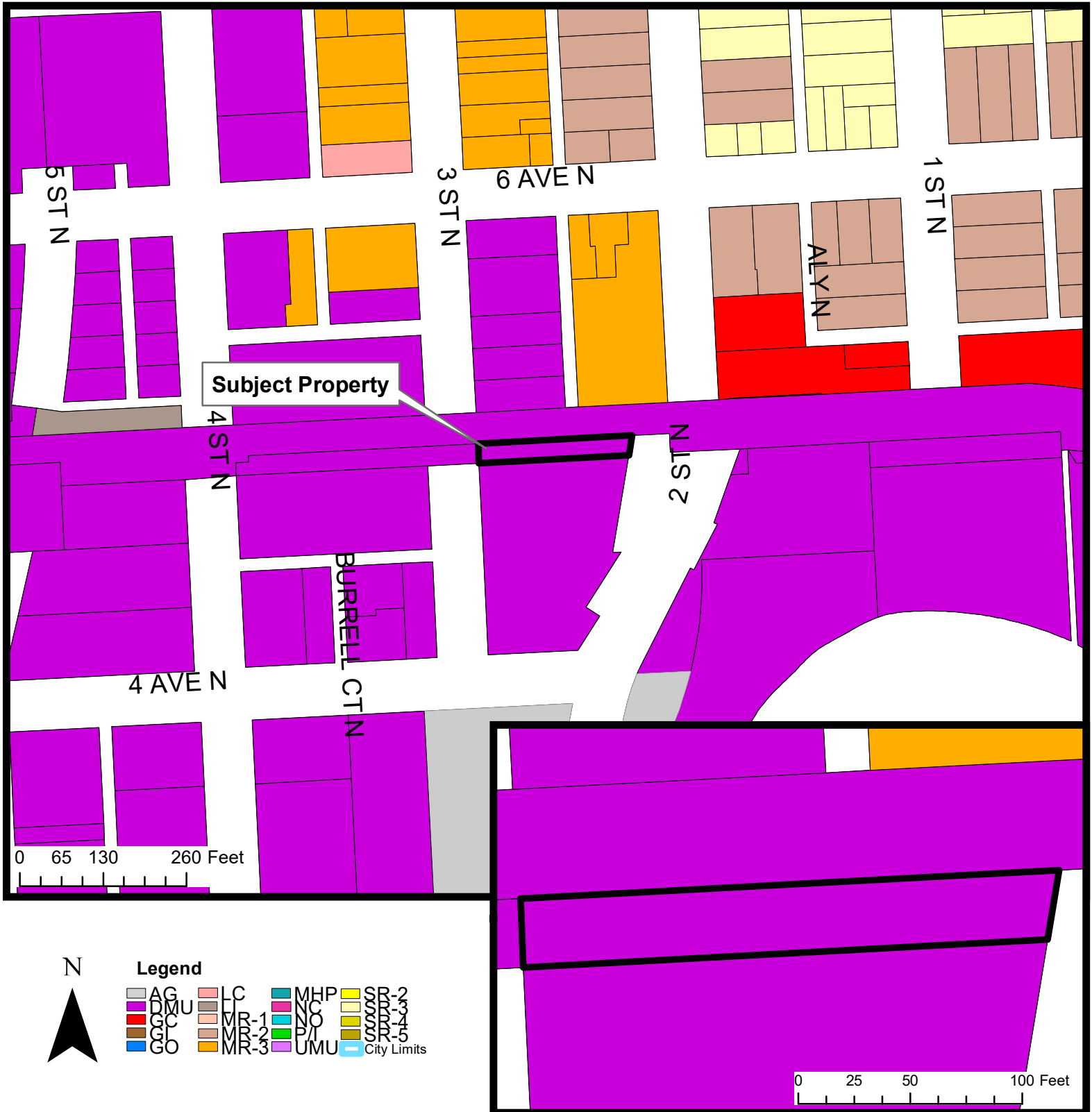
Attachments:

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

Vacation of Right-of-Way

Keeney & Devitts 2nd Addition

419 3 Street North



Vacation of Right-of-Way

Keeney & Devitts 2nd Addition

419 3 Street North



VACATION PLAT

OF A PORTION OF 5TH AVENUE NORTH ADJACENT TO
BLOCK 24, KEENEY AND DEVITT'S 2ND ADDITION
IN THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
AREA TO BE VACATED WITH THIS DOCUMENT	

BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO GROUND COORDINATE
SYSTEM, DECEMBER 1992.



DESCRIPTION- AREA TO BE VACATED:

All of 5th Avenue North, bounded on the west by the northerly extension of the west line of Block 24, Keeney and Devitt's 2nd Addition, said plat being on file at the Cass County Recorder's Office, bounded on the east by the westerly line of 2nd Street North as shown on the Dedication Plat of 2nd Street North, filed as Document No. 1631416, said plat being on file at said Recorder's Office, and bounded on the north by a line that is 30.00 feet southerly of and parallel with the centerline of existing BNSF Railway Company track, all in the City of Fargo, Cass County, North Dakota.

OWNERS' CERTIFICATE:

Great Plains Block 3 Holdings LLC certifies that they are the owners of the property adjoining the area to be vacated and that this plat and description are correct.

OWNER:

Great Plains Block 3 Holdings LLC

Mike Allmendinger, Registered Agent

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Mike Allmendinger, Registered Agent for Great Plains Block 3 Holdings LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of said limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, James A. Schlieman, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the area vacated.

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this _____ day of _____, 20____.

Brenda E. Derrig, PE, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

Rocky Schneider, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

VACATION PLAT

OF A PORTION OF 5TH AVENUE NORTH ADJACENT TO
BLOCK 24, KEENEY AND DEVITT'S 2ND ADDITION
IN THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Timothy J. Mahoney, Mayor, City of Fargo; and Steven Sprague, City Auditor, City of Fargo, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: _____



City of Fargo Staff Report			
Title:	University South Second Addition	Date:	2/1/2022
Location:	1376 Oak Manor Avenue South	Staff Contact:	Brad Garcia, Planner
Legal Description:	Lot 1 Block 1 University South Second Addition		
Owner(s)/Applicant:	Dan Madler, Beyond Shelter	Engineer/Architect:	EAPC, Chris Thomas
Reason for Request:	Conditional Use Permit for Alternative Access Plan for a parking reduction		
Status:	Planning Commission Public Hearing: February 7 th , 2023		

Existing	Proposed
Land Uses: Household Living	Land Use: No Change
Zoning: MR-3, Multi-Dwelling Residential	Zoning: No Change
Uses Allowed: MR-3 – Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: No Change
Maximum Density / Building Coverage Allowed: MR-3 allows a maximum of 24 units per acre	Maximum Density / Building Coverage: No Change

Proposal:
<p>The applicant has requested a Conditional Use Permit for an Alternative Access Plan to reduce the required parking on-site. The subject property is located at 1376 Oak Manor Drive and part of the recently completed University South 2nd Addition. The applicant currently has a permit application for a 3-story wood-framed, 39-unit, multi-family senior housing structure with detached garages.</p> <p>The applicant is requesting a parking reduction from 2.0 parking spaces per bedroom and .25 guest spaces per unit for a total of <u>2.25 spaces per unit</u> to <u>1.5 parking spaces per unit</u>. The applicant provided a parking utilization study showing current parking demand based on existing operations of other senior housing projects managed by the applicant.</p> <p>The City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff") reviewed this project, whose comments are included in this report.</p>

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial with day care and retail sales and service uses.
- East: GC, General Commercial with a Conditional Overlay, with retail sales and service uses.
- South and West: MR-3, Multi-Family Residential with household living.

Area Plans:

The subject property is not included in a growth plan or area plan. However, a vision for this area is depicted in Fargo's Go2030 Comprehensive Plan. That plan envisions redevelopment of this portion of South University Drive to follow the model of a walkable mixed-use center, in which redevelopment of the properties along it would create pedestrian-oriented spaces with "walkable friendly" blocks, combining residential, commercial, and park or other amenity uses. A graphic of this general concept from the Go2030 plan is depicted below, with the subject property outlined in red and nearby street names circled in yellow.



(from Go2030 Comprehensive Plan, pages 36 and 37)

Context:

Neighborhood: The subject properties are located in the Brunsdale neighborhood.

Schools: The subject properties are located within the Fargo School District and served by Lincoln

Elementary school, Carl Ben Middle school and South High school.

Parks: The subject property is located within a half mile of Lincoln Park (2120 9th Street S), Brunsdale park (1702 27th Avenue S) and Oak Manor Park (2400 18th Street S).

- Brunsdale Park has two youth baseball fields, one full-size baseball field, nine pickleball courts, a batting cage, concessions, picnic tables and shelter, playground, recreational trails, restrooms, StoryWalk and a warming house.
- Lincoln Park features a baseball and softball field, multipurpose field, basketball court, a playground, outdoor skating and hockey rink along with a warming house.
- Oak Manor Park is a neighborhood park that features picnic tables, a playground and recreational trails.

Pedestrian / Bicycle: A shared use path exists within a half-mile located along the Milwaukee Trail. Two bike routes exist within a half-mile distance. One bike route is located East of University along 11th St S and 9th St S and another bike route to the west located along 17th St S.

Transit: One public transportation bus route serves the subject property within a quarter-mile distance. Route 14 serves the area going east and westbound along 24th Ave S, providing service to GTC, Prairie Psych / Island Park, Essentia / Sanford, Kmart, Family Fare, Essentia Hospital, Flying J, Rasmussen College, West Acres, YMCA, Love's, Hornbacher's, Courthouse.

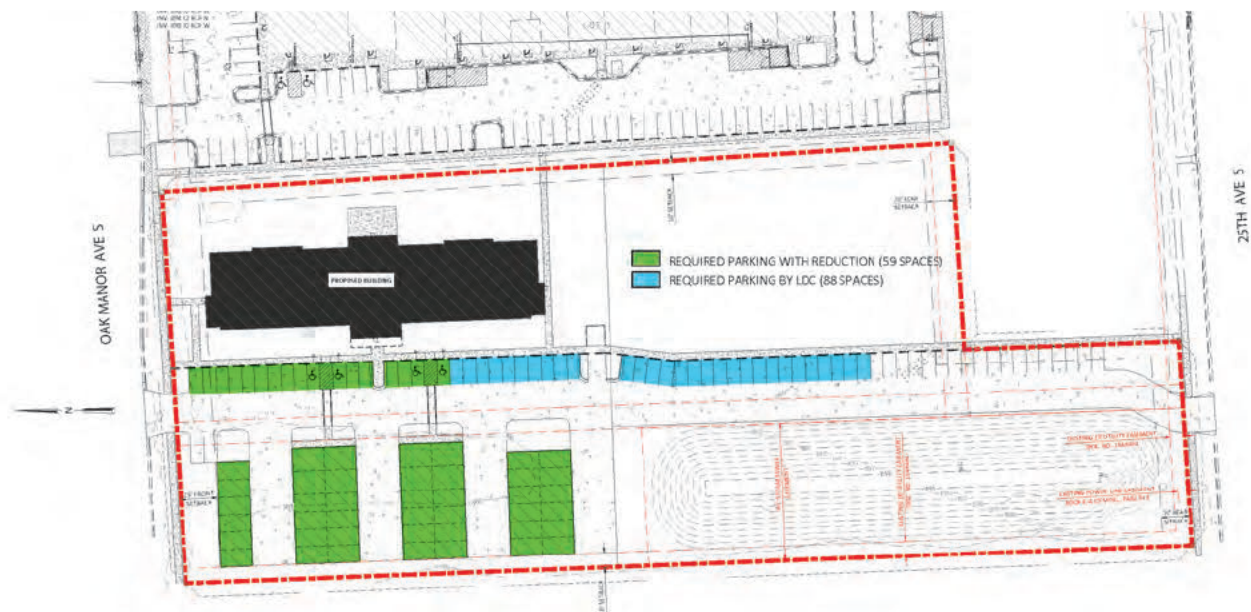
Staff Analysis:

Background

Current Land Development Code requires 2 parking spaces per 1-bedroom and larger unit plus .25 guest spaces per unit for structures containing 7 or more units.

LDC Parking Requirement	Proposed CUP Parking Requirement
88 Spaces	59 Spaces

Below is a preliminary site plan showing the current Land Development Code parking requirement and Proposed reduction.



Parking Analysis

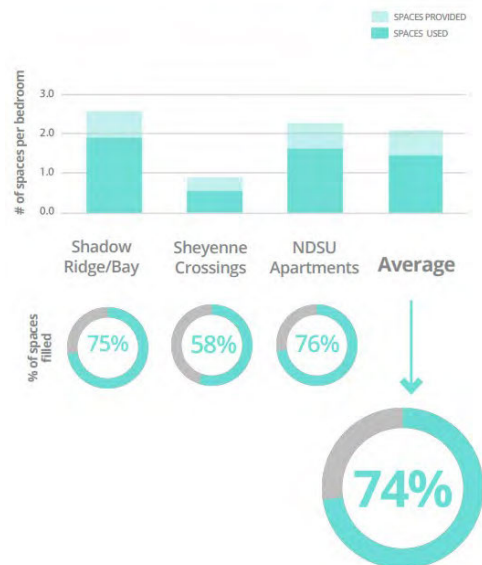
The applicant provided a parking utilization study based on the operations of other properties managed by the applicant. Two of the 8 properties the applicant manages have a conditional use permit reducing the required parking to a ratio of 1.5 parking spaces per unit.

MetroCOG completed a parking and Access study in 2018, which completed a parking utilization study on three separate multi-family residential typologies. These included market rate apartments, senior housing (independent and assisted living) and NDSU student apartments. The study found that on average of all three property types, tenants utilized 74% of available parking.

The parking demand was highest for senior housing, which is likely due to the examined site including assisted housing services which will have higher rates with employee parking. The applicant's proposed development will not include assisted living services, thus parking demands are expected to be similar to market rate apartments as demonstrated in the study and study from the applicants historical operations.

The City of Fargo's Traffic Engineer determined the reduction still provides sufficient parking based on the parking study findings and proposed alternatives.

Summary of Residential Land Uses



Public Comment

In accordance with Section 20-0901.F of the LDC, notices of the proposed conditional use permit have been sent out to property owners within 300 feet of the subject property. To date, staff has received one call regarding the project and did not have any objections.

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

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

- 1. Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Exploring reductions in minimum parking standards is a key initiative intended to promote the Plan's guiding principles. Staff finds this proposal consistent with the purpose of the LDC, Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**
- 2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff finds that this proposed conditional use permit to allow for a parking reduction at this location will not affect the welfare of the public. **(Criteria Satisfied)**
- 3. Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received one call regarding the project and did not have any objections. **(Criteria Satisfied)**
- 4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and**

use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.

The proposed alternative access plan for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically intended to limit the intensity of use. Off-site parking may occur on the East of the property should parking demand exceed available off-street parking. In this scenario, a share use access agreement may be required for the owner to obtain future permits. **(Criteria Satisfied)**

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

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

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

The Engineering and Public Works Departments reviewed the Alternative Access Plan and agree that the proposed reduction in off-site parking will meet parking demands for the site. **(Criteria Satisfied)**

Recommended Conditions:

1. Conditional Use Permit will cease if the specific land use changes from senior housing.
2. Minimum number of parking spaces are 1.5 spaces per dwelling unit.

Approval and Appeal

The Planning Commission is the final decision maker for CUP's. Any appeal of the Planning Commission's decision goes to the City Commission. Pursuant of LDC Section 20-0903.B, appeals of final decisions must be filed within 10 days of the date of the decision.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit for an Alternative Access Plan for parking reduction on lot 1 block 1 of University South 2nd Addition as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

1. Conditional Use Permit will cease if the specific land use changes from senior housing.
2. Minimum number of parking spaces are 1.5 spaces per dwelling unit.

Planning Commission Recommendation: February 7th, 2023

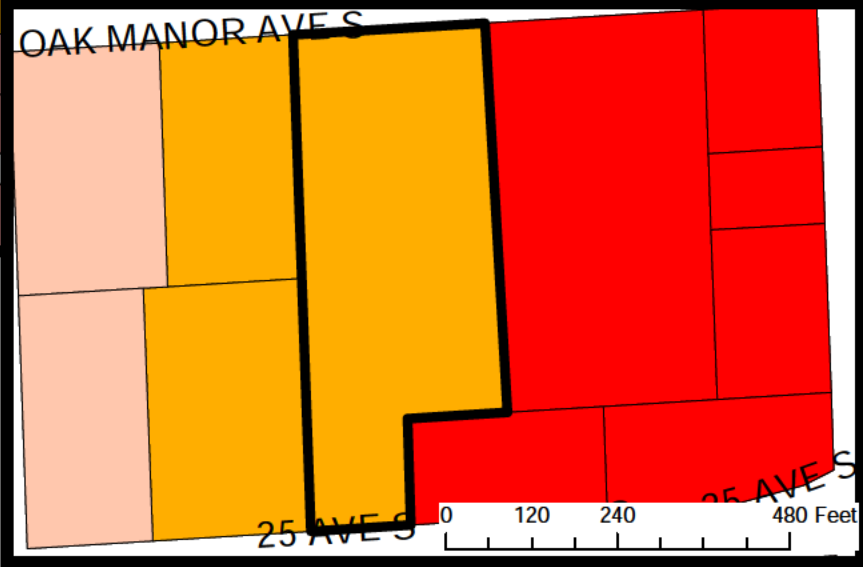
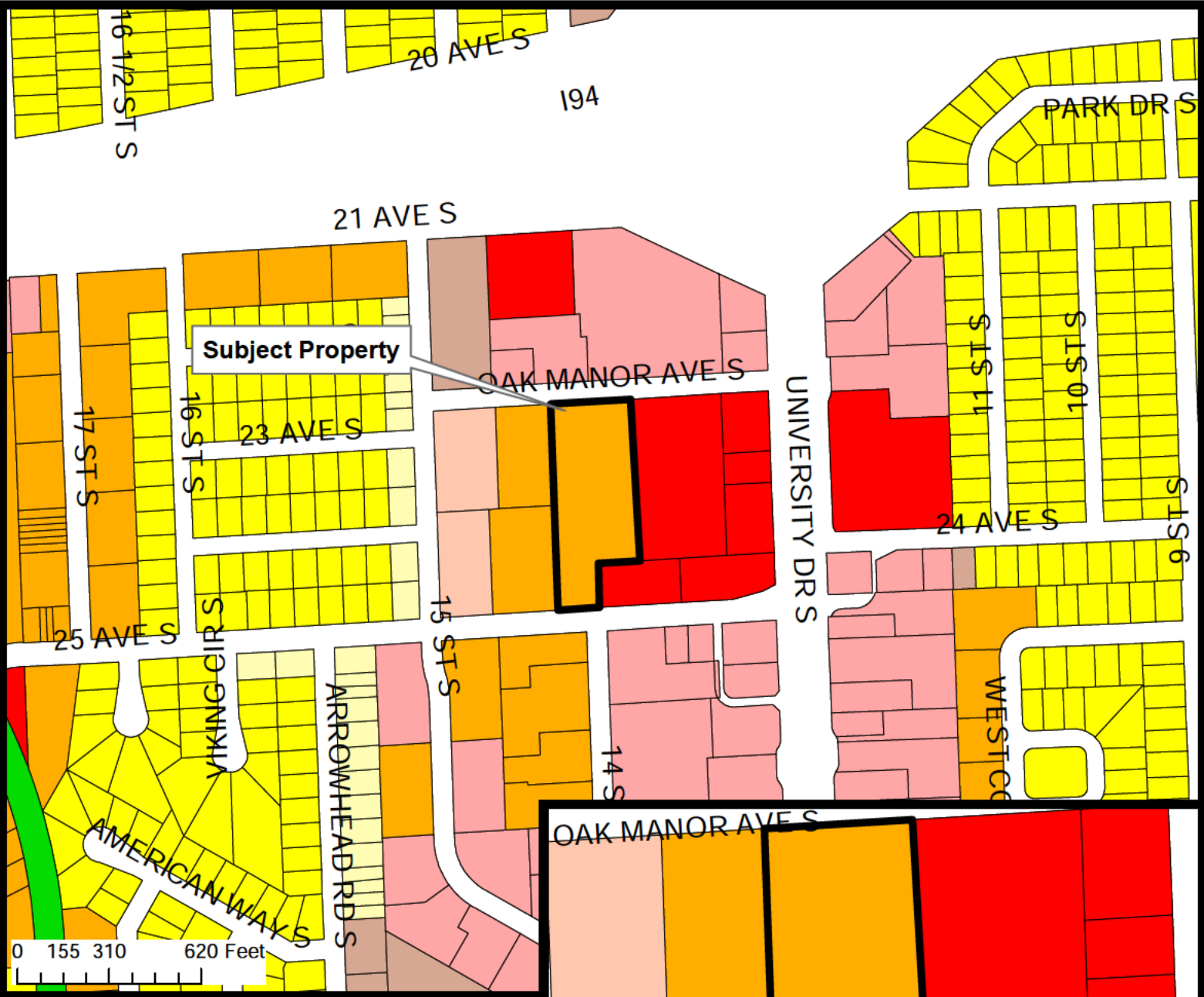
Attachments:

1. Zoning Map
2. Location Map
3. Applicant Parking Needs
4. Applicant Parking Utilization Study

Conditional Use Permit for Parking Reduction

University South 2nd Addition

1376 Oak Manor Avenue South



Legend

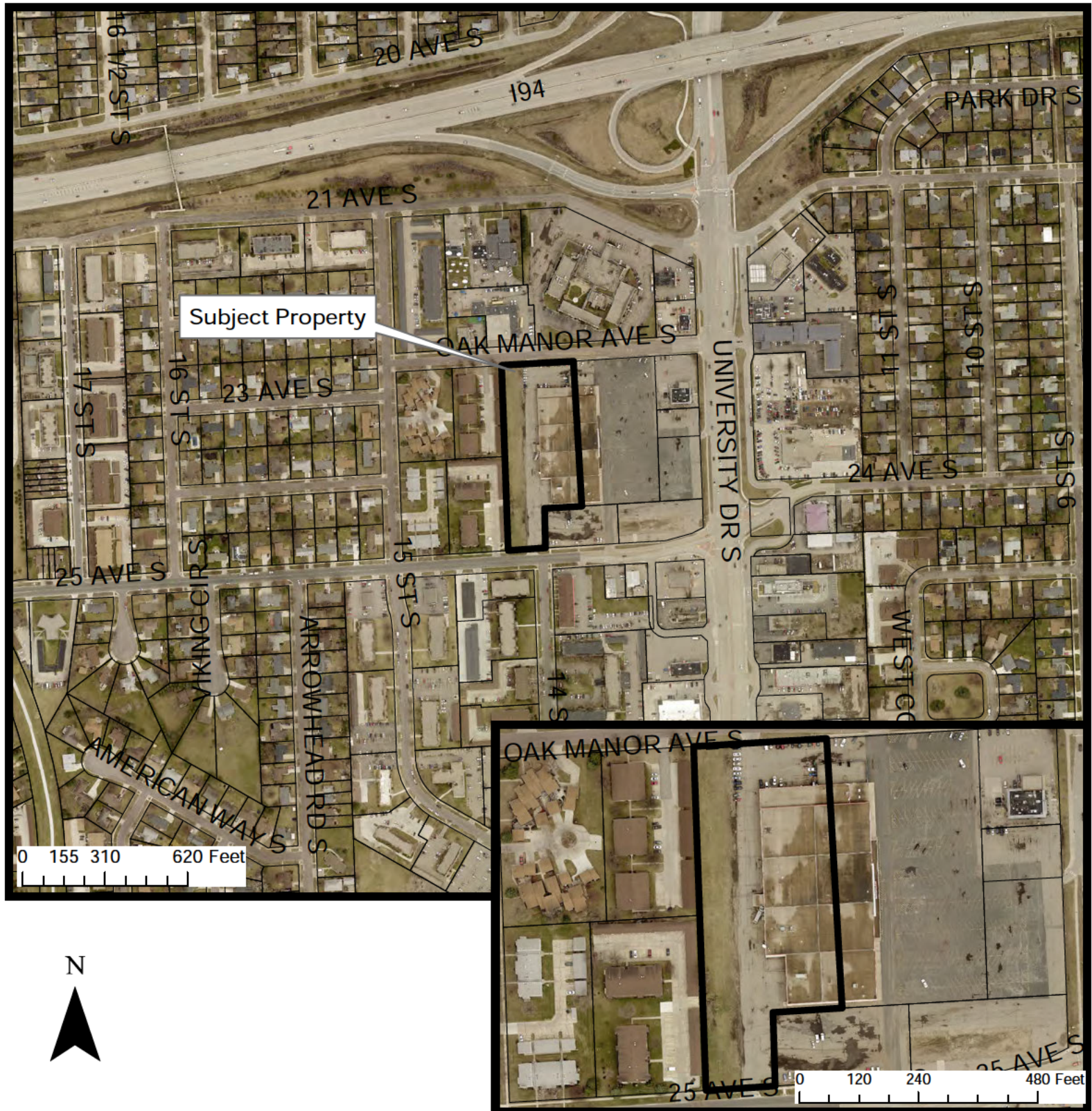
AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	P/I	SR-5
	MR-3	UMU	City Limits

Fargo Planning Commission
February 7, 2023

Conditional Use Permit for Parking Reduction

University South 2nd Addition

1376 Oak Manor Avenue South



January 27, 2023

City of Fargo Planning and Zoning
225 4th Street N.
Fargo, ND 58102

RE: Plaza Apartments - Parking Reduction CUP Request

The Plaza Apartments will be a 39-unit multifamily apartment building for senior residents aged 55 and older. It is part of a larger redevelopment plan for the 12 acre former K-Mart site.

Beyond Shelter, Inc. has submitted an application for a Conditional Use Permit to request a reduction in the parking requirement to 1.5 spaces per unit, or 59 parking spaces for the project overall. We are confident that 1.5 spaces per unit will be more than adequate for the parking needs of this senior apartment development.

We believe that if we put in the full 2.25 spaces per unit, a large portion of the parking would go unused. Because of the configuration of the site, having more parking spaces means constraining the drive aisle between 25th Avenue S and Oak Manor Ave. Decreasing the number of spaces from 88 to 59 will allow greater clearance and better access for fire and emergency vehicles and personnel in the event of an emergency. Additional benefits for the project and the larger community include additional green space and lower localized ambient temperatures associated with fewer hard surfaces, saving the materials, and associated cost, that would otherwise be installed unnecessarily, enhancing the aesthetics of the site by increasing green plantings and improving the outdoor amenities.

Beyond Shelter, Inc. has a long and successful track record of developing similar projects in the City of Fargo, as well as across the state and in neighboring states. As a mission driven non-profit developer dedicated to housing people of all income levels, we have the experience and data from our portfolio to show that 1.5 spaces per unit is more than sufficient for the Plaza Apartments Project.

From our experience operating a portfolio of similar developments in the City of Fargo, we consistently see a ratio of vehicles to units at senior developments of less than 100%. Compared to non-age restricted multifamily properties in the portfolio, senior apartment residents require far fewer parking spaces. In our portfolio, we typically see approximately 76% of senior building households have a vehicle.

As support for this application, we conducted two parking counts, one in March 2022 and one in January 2023, to show that the proposed 1.5 spaces per unit is appropriate and sufficient for the parking needs of Plaza Senior Apartments. The data tables submitted with this letter show parking utilization of less than 1 space per unit in many cases and less than 1.5 spaces across the board, even for properties with requirements of 2-2.25 spaces per unit. It is our belief that installing parking in

excess of 1.5 spaces per unit results in unnecessary cost and no real benefits for the project, its residents, and the overall community.

In Beyond Shelter's successful 23-year track record of developing and operating similar properties, we have never had an issue with insufficient parking. Nonetheless, we have a plan B in mind. If we initially install the proposed amount of parking and find that the parking need is greater than anticipated, the site can accommodate the additional 29 spaces, which can be installed later to meet future parking needs.

We appreciate your time and consideration. Please contact me with any questions at 701-551-0492 or ljanke@beyondshelterinc.com.

Sincerely,

A handwritten signature in blue ink that reads "Lindsay Janke". The signature is fluid and cursive, with the first name "Lindsay" and last name "Janke" clearly distinguishable.

Lindsay Janke,
Developer
Beyond Shelter, Inc.

Parking Data - Comparable BSI Properties in Fargo, ND

Property Information						
Property	Property Type	Units	Conditional Use Permit for Parking Reduction? (Yes/No)	Required Spaces/Unit	Assigned Garage Spaces (Assumed Occupied)	Surface Lot Spaces (Unassigned)
Homefield Senior Apartments (Phases 1-3)	Senior Apts ¹	117	Yes	2.00	118	118
North Sky Senior Apartments (Phases 1-3)	Senior Apts ¹	84	No	2.25	84	102
Crossroads Senior Apartments (Phases 1-2)	Senior Apts ¹	81	Yes	1.50	51	69
Sunrise North Senior Apartments	Senior Apts ¹	43	Yes	1.50	26 ²	21
Plaza Senior Apartments	Senior Apts¹	39	Requested	1.50³	40	19³
						59³

¹ "Senior Apts" means independent living apartments for seniors aged 55 and older or 62 and older.

² Sunrise North has two shared garages in which Residents are assigned spaces if they have a vehicle. The rest of the parking spaces are unassigned and available to residents and guests. At the time of the March 2022 count, only 26 of the 43 households had a vehicle and had been assigned parking spaces. For this reason, only 26 spaces are assumed occupied the purpose of calculating the parking utilization.

³ Parking information shown for Plaza Senior Apartments assumes the parking reduction CUP is approved.

Parking Utilization - March 2022 Parking Count ¹						
Property	Occupied Surface Lot Spaces	Assigned Garage Spaces (Assumed Occupied)	Total Occupied Spaces	Total Parking Spaces	Parking Utilization (%)	Parking Utilization (Spcs/Unit)
North Sky Senior Apartments (Phases 1-3)	36	84	120	186	65%	1.43
Crossroads Senior Apartments (Phases 1-2)	24	51	75	120	63%	0.93
Sunrise North Senior Apartments	8	26 ²	34	64	53%	0.79
Homefield Senior Apartments (Phases 1-3)	34	118	152	236	64%	1.30

¹ Parking count was performed on March 3, 2022 between 2pm and 4pm.

² Sunrise North has two shared garages in which Residents are assigned spaces if they have a vehicle. The rest of the parking spaces are unassigned and available to residents and guests. At the time of the March 2022 count, only 26 of the 43 households had a vehicle and had been assigned parking spaces. For this reason, only 26 spaces are assumed occupied the purpose of calculating the parking utilization.

Parking Utilization - January 2023 Parking Count ¹						
Property	Occupied Surface Lot Spaces	Assigned Garage Spaces (Assumed Occupied)	Total Occupied Spaces	Total Parking Spaces	Parking Utilization (%)	Parking Utilization (Spcs/Unit)
North Sky Senior Apartments (Phases 1-3)	16	84	100	186	45%	1.19
Crossroads Senior Apartments (Phases 1-2)	13	51	64	120	43%	0.79
Sunrise North Senior Apartments	2	43 ²	45	64	53%	1.05
Homefield Senior Apartments (Phases 1-3)	Not Available ³	117	Not Available ³	235	Not Available ³	Not Available ³

¹ Parking count was performed on January 24, 2023 between 2pm and 3pm.

² The number of assigned garage spaces at Sunrise North was not available as of the second parking account. To be as conservative as possible, all 43 spaces are assumed occupied.

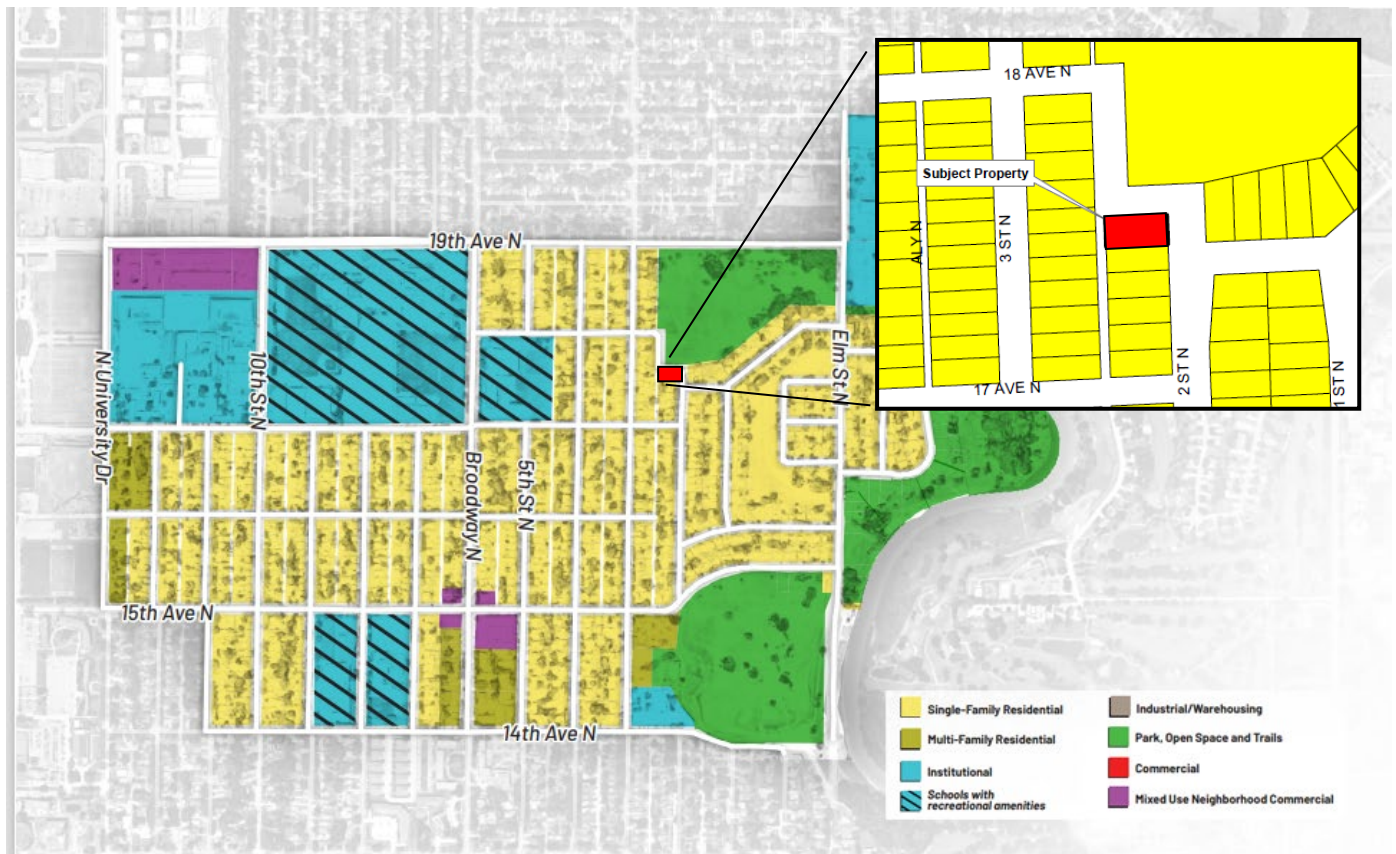
³ No January 2023 parking count was available for Homefield Senior Apartments.

City of Fargo Staff Report			
Title:	Betlock Addition	Date:	2/1/2022
Location:	1722 2 nd Street North	Staff Contact:	Brad Garcia, Planner
Owner(s)/Applicant:	Michael Betlock, Property Owner	Engineer/Architect:	Cole Neset, Neset Land Survey
Reason for Request:	Major Subdivision and ROW Vacate Plat (a replat of Lot 1, Block 2 of a replat of McDermott Subdivision; and a vacation of a portion of 18 th Ave North Right of Way to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: February 7 th , 2023		

Existing	Proposed
Land Uses: Single-Family Residential	Land Use: No Change
Zoning: SR-2, Single-Dwelling	Zoning: No Change
Uses Allowed: SR-2 – SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: No Change
Maximum Density / Building Coverage Allowed: 5.4 Units Per Acre Maximum Density	Maximum Density / Building Coverage: No Change

Proposal:
<p>The applicant is seeking approval of a major subdivision plat entitled <i>Betlock Addition</i>. The proposed subdivision would vacate a small southern portion of the 18th Ave North right of way adjacent to the subject property to allow owner to build a home of similar size to the existing structure and meet the street-side setback of the Land Development Code. The plat would consolidate the subject property and vacated portion of the right of way into one lot, consisting of 0.18 acres. A draft site plan is included within the packet for the Planning Commission's reference.</p> <p>The City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff") reviewed this project, whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <p>The zoning in this area is entirely SR-2, Single Dwelling District. The subject property is bounded on the west, south and east sides by detached houses and to the north by parks and open area (Elephant Park).</p>
Area Plans:

The subject property is located within the Core Neighborhoods Plan, which identifies this area as single-family residential. Since there are no changes to the proposed use or zoning district, the subject property meets the land use as described in the area plan.



The Core Neighborhoods Plan identifies slipping or distressed properties as a key issue typically found in the city's core neighborhoods. Generally, distressed conditions are the result of financial hardship or physical disability, but in rare instances, such as the case with the subject property, factors outside the property owner's control impact the ability for the owner to completely demolish a distressed home and rebuild with a similar structure.

Context:

Neighborhood: The subject properties are located in the Washington neighborhood.

Schools: The subject properties are located within the Fargo School District and are served by Washington Elementary, Ben Franklin Middle School and North High schools.

Parks: The subject property is adjacent to Elephant / Percy Goodwin Park (100 19th Avenue N), which offers baseball and softball fields, soccer field, tennis courts, picnic tables and grill, playground and restrooms.

Pedestrian / Bicycle: Two shared use paths exist within a quarter-mile distance. One along the south side of 19th Ave North and the other on the East side along Elm Street North, which is also a bike route.

Transit: One public transportation bus route serves the subject property within a quarter-mile distance. Route 11 serves the area going north and southbound along Broadway N and Eastbound along 19th Ave N, providing service to GTC, Sanford Health, Washington Elementary, VA Hospital, Gate City Bank, Fargo North High, Northport and Hornbacher's

Staff Analysis:

Background

The applicant recently purchased the property located at 1722 2nd St N, which is in poor condition after the death of the previous owner. Due to its condition, the applicant seeks to demolish the existing home and rebuild. A full demolition of the home would require the newly build structure to meet all requirements of the Land Development Code.

In 1960, a portion of what was Block C to the north of the applicant's property was dedicated as right of way for 18th Ave N. This changed the north side of the property from requiring an interior-side setback to a street-side setback. The zoning for the property is SR-2, which requires a street-side setback of 15 feet, whereas an interior-side setback is 10% of the lot width or 5 feet- whichever is less. This requirement would move the existing north boundary of the home, 10' to the south, affecting the buildable area, thus not allowing the owner to rebuild a similar size home. Vacating 6' of right away and combining it with the subject property will offset the change in required offset and allow the owner to rebuild a home of similar size. Although a preliminary plan is not required or part of this entitlement, the applicant has demonstrated that a home of similar size and location can be achieved with the vacated portion of right of way being added to the subject property.

Public Comment

In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received several calls from surrounding neighbors asking about general details. None of the inquiries were against the project.

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

- 1. Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.** The proposed subdivision creates one lot intended for a single-family home, which is consistent with the existing zoning and context of the neighborhood and consistent with the goals and objectives described in the Core neighborhoods Plan. **(Criteria Satisfied)**
- 2. Section 20-0907.C.4 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.D of the LDC further stipulates that a Major 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.** Pursuant to Item 1 above, the proposed subdivision is consistent with the Core Neighborhoods plan and the proposed use will be compatible with the current zoning. Additionally, the subdivision meets all requirements of Article 20-06 as established within the Land Development Code (LDC). **(Criteria Satisfied)**
- 3. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.** Public improvements already exist which serve the subject and surrounding properties. If 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)**

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of right-of-ways. However, city policy dictates that any petitioner wishing to vacate right-of-way must submit a Vacate Application, a one page form wherein the petitioner provides: a description of the area to be vacated, and signatures of all property owners adjoining the area to be vacated. In addition, the petitioner must submit a vacate plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota

Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within the N.D.C.C.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality’s grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets. This portion of right-of-way does not contain any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines. **(Criteria Met)**

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner. In accordance with the requirement of this section, the applicant has submitted a petition signed by all adjacent owners for review and consideration, along with a plat of such public street. **(Criteria Met)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice. Documentation of said action is located within both the Planning project file and Auditor’s file. **(Criteria Met)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This action will be taken by the City Commission. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed plat of *Betlock Addition*, including vacation of right of way, as outlined in the staff report, as the proposal complies with the Core Neighborhoods Plan, Standards of Article 20-06, and Section 20-0907.C of the LDC and all other applicable requirements of the LDC, and of North Dakota Century Code Chapter 40-39.”

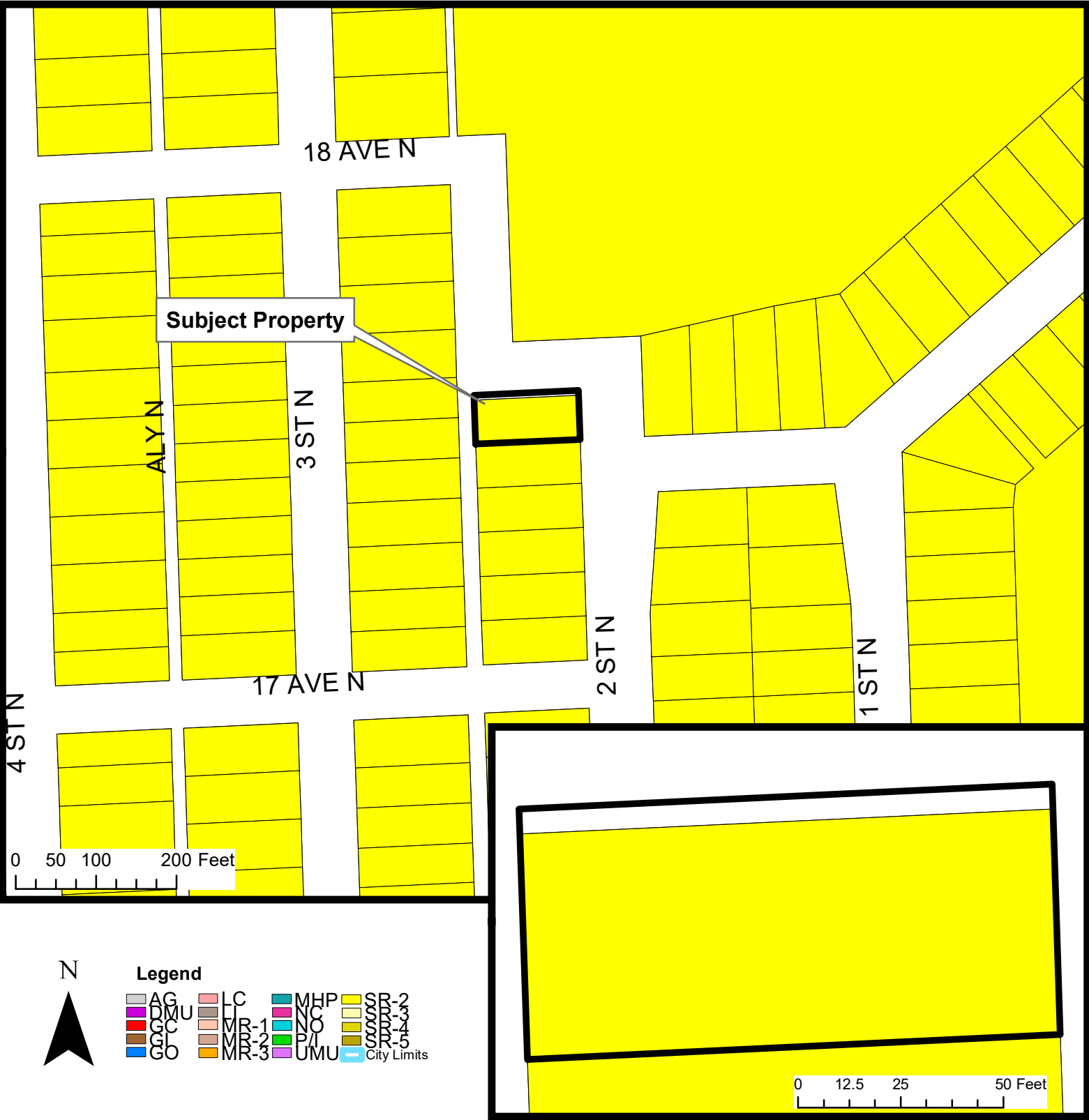
Planning Commission Recommendation: February 7th, 2023

Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Preliminary Plat

Major Subdivision including Vacation of Right-of-Way

Betlock Addition

1722 2 Street North



Major Subdivision including Vacation of Right-of-Way

Betlock Addition

1722 2 Street North



BETLOCK ADDITION

A REPLAT OF LOT 1, BLOCK 2 OF A REPLAT OF MCDERMOTT SUBDIVISION, AND A VACATION OF A PORTION OF 18TH AVE NORTH RIGHT OF WAY
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MAJOR SUBDIVISION

DESCRIPTION OF AREA TO BE VACATED

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 2 OF THE REPLAT OF MCDERMOTT SUBDIVISION TO THE CITY OF FARGO; THENCE N01°50'59"W A DISTANCE OF 6.00 FEET; THENCE N87°15'07"E ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT A DISTANCE OF 130.00 FEET; THENCE S01°50'59"E TO THE NORTHEAST CORNER OF SAID LOT 1 A DISTANCE OF 6.00 FEET; THENCE S87°15'07"W ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING.

SAID VACATED AREA CONTAINS ±780 SQUARE FEET, MORE OR LESS.

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2023.

BRENDA DERRIG, P.E., CITY ENGINEER

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENDA DERRIG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____ 2023.

TIMOTHY J. MAHONEY, MAYOR

STEVE SPRAGUE, CITY AUDITOR

STATE OF _____ NORTH DAKOTA)
COUNTY OF _____ CASS)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY & STEVE SPRAGUE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ CASS STATE: _____ NORTH DAKOTA

MY COMMISSION EXPIRES: _____

CITY PLANNING COMMISSION APPROVAL

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS _____ DAY OF _____ 2023.

ROCKY SCHNEIDER, CHAIR
FARGO PLANNING COMISSION

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROCKY SCHNEIDER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS BETLOCK ADDITION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2023.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND REG. NO. 7513
STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT BRIAN J. THOMPSON IS THE OWNER OF LOT 1, BLOCK 2, OF THE REPLAT OF MCDERMOTT SUBDIVISION, TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT ONE, IN BLOCK TWO, IN THE REPLAT OF MCDERMOTT SUBDIVISION, A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION THIRTY-ONE, IN TOWNSHIP ONE HUNDRED FORTY NORTH OF RANGE FORTY-EIGHT, WEST OF THE FIFTH PRINCIPAL MERIDIAN, SITUATE IN THE COUNTY OF CASS AND THE STATE OF NORTH DAKOTA.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS BETLOCK ADDITION TO THE CITY OF FARGO, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC, FOR PUBLIC USE, ALL STREET RIGHT OF WAYS, UTILITY EASEMENTS AND NEGATIVE ACCESS EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 1 LOT AND 1 BLOCK, AND CONTAINS ±7,930 SQ. FT. OR ±0.18 ACRES MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BRIAN J. THOMPSON, OWNER
STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRIAN J. THOMPSON, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____

MY COMMISSION EXPIRES: _____

SHEET 1 OF 1



Neset
LAND SURVEYS

01/19/23 11:46:07AM Z:\Neset Shared Files\City Projects\2022 Projects\22004_LOWMY PROJECTS\2022 Projects\22004_Betlock Plating.dwg

To: Fargo Planning Commission
From: Adam Altenburg and Ari Del Rosario, Metro COG
Date: January 30, 2023
Re: **2050 Baseline Demographic Forecast and Annual Metro Profile**

The Fargo-Moorhead Metropolitan Council of Governments has recently completed two studies related to regional demographic trends and future projections: the 2050 Baseline Demographic Forecast and the annual Metro Profile. The Metro Profile includes a snapshot of recent trends and changes in demographics and regional multimodal transportation activities while the demographic forecast study includes recent population, household, and employment forecasts for the area.

Metro COG develops baseline demographic forecasts for the Fargo-Moorhead metropolitan area every five years as part of its long-range transportation planning process. These forecast projections are vital to local area jurisdictions and other entities and help to support different planning efforts throughout the region.

Population, household, and employment forecasts developed by Metro COG are provided in five-year increments for jurisdictions in Cass and Clay counties through the year 2050. These forecasts are used to revise and update the region's Travel Demand Model (TDM). This model is the primary tool for assessing future conditions of the regional surface transportation system, particularly the roadway system, as well as freight and transit planning needs in the five-year Metropolitan Transportation Plan.

The Metro Profile is a critical component of Metro COG's metropolitan planning program and has been updated on an annual basis since 1981. The Metro Profile reports upon conditions associated with the region's transportation system and analyzes trends and changes in socioeconomic conditions influencing the Fargo-Moorhead metropolitan area. Additionally, the profile serves as a tool to evaluate metrics, projections, and assumptions set forth in various elements of Metro COG's Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and other plans and programs.

The 2050 Baseline Demographic Forecast and annual Metro Profile can be viewed on Metro COG's website at the following links:

<https://fmmetrocog.org/projects-rfps/metro-cog-baseline-2050-demographic-forecast>

<http://fmmetrocog.org/resources/metro-profile>

MEMORANDUM

TO: Fargo Planning Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research 

DATE: January 26, 2023

SUBJECT: Renewal Plan Review

City staff prepared a Renewal Plan for blighted property located in the 1600 block of University Drive South. The plan is attached for your review.

The plan was prepared to be consistent with the City's comprehensive plan and the Core Neighborhood Plan. Additionally, the plan aligns with the requirements and intent of the recent zoning amendments that were reviewed and recommended for approval by the Planning Commission. As part of the renewal plan review process, the plan is referred to the Planning Commission for recommendation as to its conformity with the Go2030 Comprehensive Plan.

I am requesting that the Planning Commission make a recommendation to the City Commission that this Renewal Plan is consistent with the Go2030 Comprehensive Plan of the City of Fargo.

Recommended Motion:

Recommend to the City Commission that the proposed Renewal Plan is consistent with the Go2030 Comprehensive Plan of the City of Fargo.

Attachment

RENEWAL PLAN
TAX INCREMENT FINANCING DISTRICT NO. 2023-01

CITY OF FARGO, NORTH DAKOTA

FEBRUARY 2023

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2023-01	1
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RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2023-01

Subsection 1.1. Definitions.

For the purposes of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

"City" means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

"City Commission" or "Commission" means the Fargo City Commission.

"Comprehensive Plan" means the City's GO 2030 Comprehensive Plan, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City as and when such plan is adopted and finalized.

"County" means Cass County, North Dakota.

"Development" means the construction of new buildings, structures or improvements; the demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

"Renewal Area" means the property described in Subsection 1.4 of this Plan.

"Renewal Plan" or "Plan" means this Plan adopted by the Commission for the Renewal Area.

"State" means the State of North Dakota.

"Tax Increment Financing Act" or "TIF Act" means North Dakota Century Code, Section 40-58-20, as amended.

"Tax Increment Bonds" means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the TIF District as stated in this Plan, or any obligations issued to refund the Tax Increment Bonds.

"Tax Increment Financing District" or "TIF District" means Tax Increment Financing District No. 2023-01.

"Urban Renewal Law" means North Dakota Century Code, Chapter 40-58.

Subsection 1.2. Statutory Authority.

The creation of the Renewal Area and the establishment of Tax Increment Financing District No. 2023-01 are authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or

blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a “workable program” for the use of public and private resources to facilitate the development of industrial or commercial properties, eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slum and blighted areas or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan for TIF District No. 2023-01, the City Commission intends to make the following findings:

- (a) The Renewal Area includes blighted properties.

Factual basis: This Renewal Area is blighted due to the presence of eight blighted and vacant single family homes, and a commercial building with some blighted conditions. This substantially impairs the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use. Photos are include in Appendix D.

- (b) The Renewal Area has eight vacant houses on the west side of the block and four commercial buildings on the east side of the block. One commercial building is vacant and another has blighted conditions.

Factual basis: The renewal area is considered blighted as described in (a) above. Blighted areas are eligible for renewal.

- (c) The Renewal Area is appropriate for a development or renewal project.

Factual basis: The renewal area was recently rezoned to allow for housing and other commercial land uses.

- (d) The houses on the block are vacant.

Factual basis: There is no occupied housing on the site because of the poor condition of the housing. The redevelopment will include new housing units.

- (e) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.

Factual basis: The proposed development is consistent with the goals that are embodied in the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030.

The plan is consistent with Core Neighborhood Plan future land use plan. The land use plan identified this block as mixed use neighborhood commercial.

The proposed use of the property is consistent with zoning and may encourage additional redevelopment adjacent to the site. The proposed development will use existing infrastructure and other infrastructure can be added as needed.

Subsection 1.4. Description of Renewal Area

The Renewal Area is located on the west side of University Drive south of the downtown, on the eastern edge of the Lewis and Clark residential neighborhood. The site is approximately two and a half acres, an entire city block between 16th and 17th Avenue South. The eastern edge of the block is University Drive and the western edge is 13 ½ Street South. It is legally described in Appendix A. A map of the Renewal Area is attached as Appendix B.

The proposed project will be commercial space, parking and multi-family housing.

The redevelopment plan is attached as Appendix C.

Subsection 1.5. Land Acquisition, Development, Demolition and Removal of Structures, Redevelopment or Public Improvements

The Development of the Renewal Area includes the following activities:

Land Acquisition/Land Write Down - The cost of acquisition of the properties less the value of the land.

Building Demolition and Site Clearing – This estimate is for demolition of the buildings, parking lot and any environmental cleanup.

Public Infrastructure – The estimate is for the costs to disconnect utilities in the street and reconstruction sidewalks and vehicle approaches to the property.

Administrative/TIF Fees – Other Tax Increment costs include the administrative costs.

Subsection 1.6. Land Use Attributes – TIF District

- (a) *Zoning or Planning Changes.*
The Renewal area was recently rezoned. No additional zoning changes are required to accommodate this project.
- (b) *Maximum Densities.*
The property within the TIF District will be developed in accordance with the applicable zoning district requirements.
- (c) *Building Requirements.*

All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.

- (d) *Plan relationship to land use objectives (land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public imps.)*

The physical improvements outlined in the plan meet critical needs required for the redevelopment of this property. The project complies with the zoning district and the redevelopment goals of the Go2030 Comprehensive Plan and the Core Neighborhood Plan.

Subsection 1.7. Estimate of Development Costs

The City anticipates development of the Renewal Area will involve certain public costs. Under North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allow the use of funds received from tax increments to be applied to certain specified costs. The City will provide for certain costs as listed below in a development agreement, and can use other funds to pay for City infrastructure. The primary costs involved in the development are land costs, demolition and site cleanup, and public works improvements.

Land Costs	\$2,300,000
Demolition and Site Cleanup	\$1,500,000
Public Infrastructure	\$700,000
Administration	\$50,000
TOTAL	\$4,550,000

These costs represent estimated costs for planning purposes, and may be different when this plan is implemented with a development agreement. The development agreement costs will be determined after a review by City financial advisers. The maximum allowed costs will be specified in the development agreement. Based on the proposed development, the present value of TIF revenue is \$3.5 to \$4.5 million over 15 years.

The City and Developer may also obtain reimbursement of interest between the time project costs are incurred and the date the Tax Increment Revenue Note is issued, such interest being capitalized and added to the foregoing costs.

Subsection 1.8. Estimate of Bonded Indebtedness

The City intends to finance certain costs of the Development through the issuance of a Tax Increment Financing Note to the Developer. In addition, the City may use general obligation bonds, special assessment warrants or refunding improvement bonds pursuant to North Dakota Century Code, Section 40-58-20 (9), and the City may specially assess all or a portion of the costs of

development and apply funds received from tax increments to payment of the special assessments and other bonds.

Subsection 1.9. Tax Increment Financing.

The County Auditor is requested to compute, certify and remit tax increments resulting from the Development within the Renewal Area.

The original assessed value of the property within the Renewal Area, as last assessed and equalized before the base year of this Plan, is ~\$2,864,800.

Each year, the County Auditor will compute the amount of tax increment generated within the Renewal Area in accordance with the TIF Act. Any year in which there is an "incremental value" as provided in the TIF Act, an increment will be payable to the City and deposited in the fund created by the County Auditor for that purpose. Any year in which there is "lost value" pursuant to the TIF Act, no increment will be payable to the City.

Subsection 1.10. Estimate of Tax Increment.

It is anticipated the Development will result in an increase in true and full value of the Renewal Area redevelopment site to \$30 million. The value of the development site within the TIF district is \$2.8 million. The increase in value will be approximately \$27.2 million. Under the mill rate in effect as of the date of this Plan, the Renewal Area will generate tax increment each year in the estimated amount of \$380,000.

Subsection 1.11. Duration of the TIF District.

The City anticipates that the TIF District will continue until all development costs are reimbursed through the receipts of tax increment, or after a maximum of 15 property tax years after completion of the project.

APPENDIX A

LEGAL DESCRIPTION OF PROPERTY

Lots 1-16, Block 28, Morton and Dotys Addition, Fargo, ND

APPENDIX B

MAP OF THE RENEWAL AREA/TIF DISTRICT



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Renewal Plan 2023-01

1:9,028

1/30/2023 2:02 PM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

THE CITY OF
Fargo
FAR MORE

APPENDIX C
PLAN FOR REDEVELOPMENT



PRELIMINARY
NOT FOR
CONSTRUCTION

Project:

UNIVERSITY MIXED-USE
PLAN REVIEW
UNIVERSITY DR.
DESIGN DEVELOPMENT

Location:
University Dr.
Fargo, ND 58103

Drawn By:
RMB

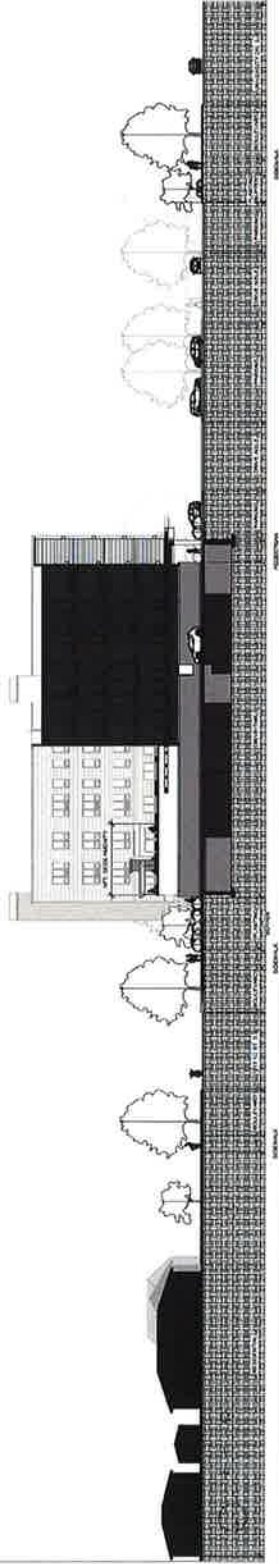
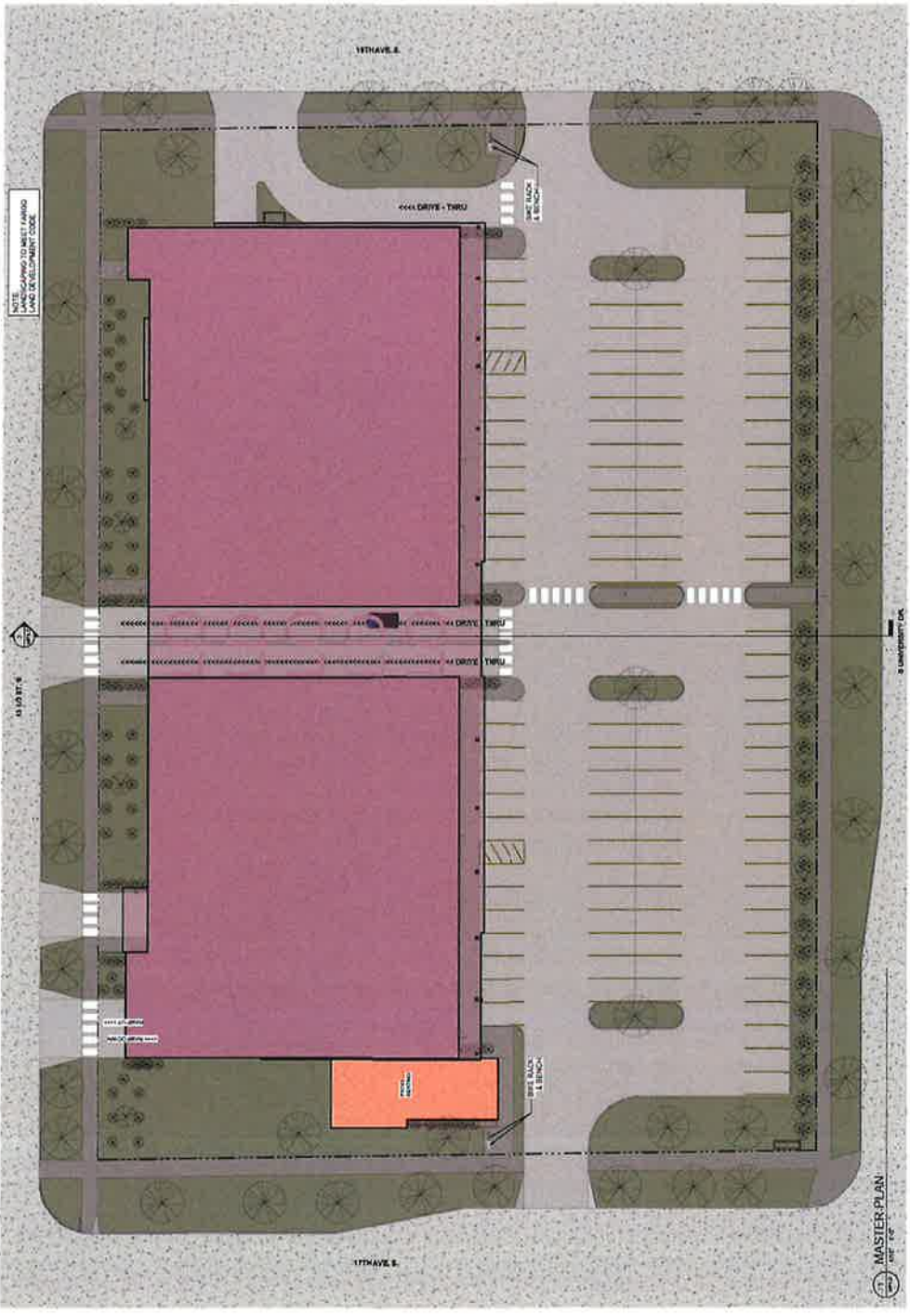
Checked:
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Reviewed:
JMS

Job Number:
2022.12

Sheet Name:
MASTER PLAN

Sheet Number:
MP1.0

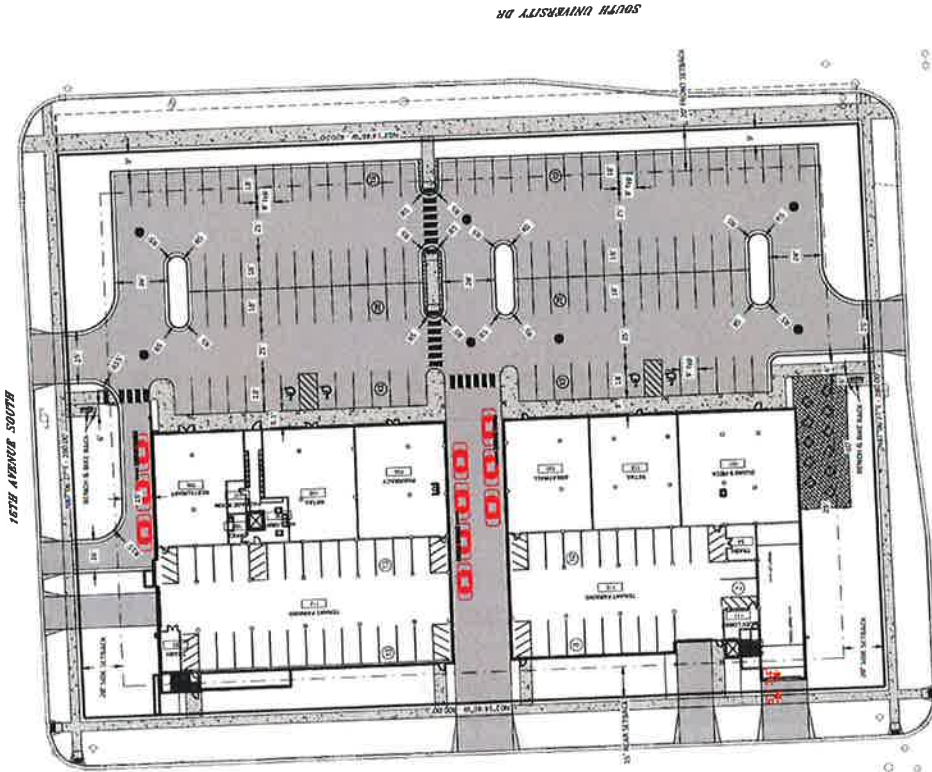




CALL BEFORE YOU DIG
NORTH DAKOTA
UTILITIES UNDERGROUND LOCATION SERVICE
1-800-795-0555

[illegible]

NOTES: _____



SOUTH UNIVERSITY DR

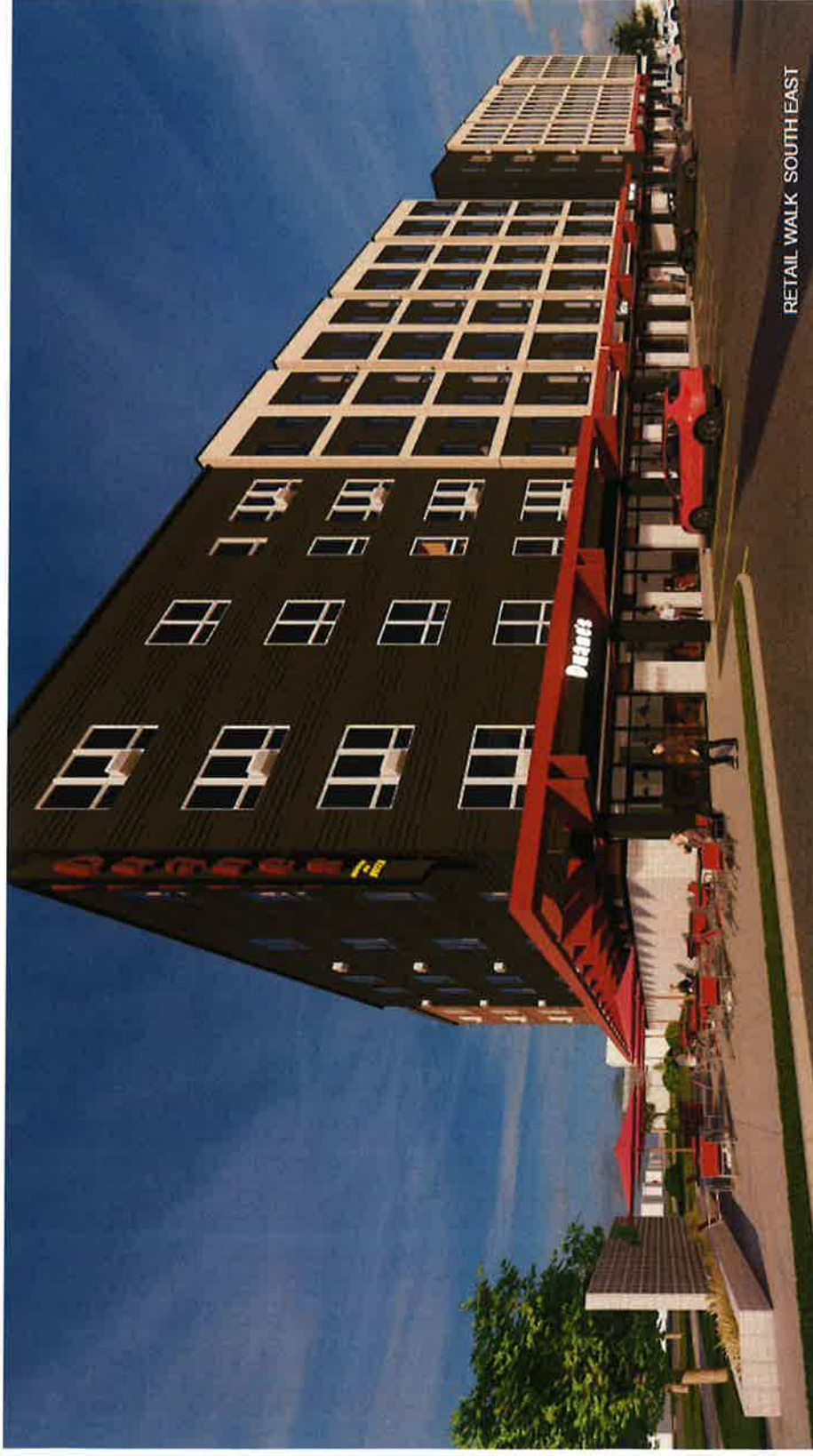
BLUOS JANEAY BLS

BALIOS JINNAV HEE

8 1/2 STREET SOUTH



Rendering provided by developer



Rendering provided by developer



Rendering provided by developer



Rendering provided by developer



Rendering provided by developer



Rendering provided by developer

A REPLAT OF BLOCK 28 OF MORTON AND DOTY'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS, THAT BLOC PARTNERS LLC, GWYNETH AND KAREN HOWARD, MORTGAGEE, OF THE FOLLOWING DESCRIBED LAND

ALL OF LOTS 1 THROUGH 16 OF BLOCK 28, MORTON AND DOTY'S 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 DUANE'S PIZZA ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA. SAID OWNER ALSO HEREBY DEDICATES AND CONVEYS TO THE PUBLIC USE, ALL STREET RIGHT OF WAY AND UTILITY EASEMENTS SHOWN ON SAID PLAT. SAID TRACT OF LAND, CONSISTS OF 1 LOT AND 1 BLOCK, AND CONTAINS 2.75 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY:

STATE OF NORTH DAKOTA 1

ON THIS DAY OF 2023 BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICHARD BERG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED

NOTARY PUBLIC, COUNTY: CAUS STATE: NORTH DAKOTA

MY COMMISSION EXPIRES: _____

MORTGAGE HOLDER:

KYLE HAUGLAND

STATE OF NORTH DAKOTA)

CH 1985 : GLE 08
 1985 : GLE 08
 1985 : GLE 08

NOTARY PUBLIC, COUNTY: _____ CALLS _____ STATE: _____ NORTH DAKOTA _____
MY COMMISSION EXPIRES, _____

SURVEYORS CERTIFICATE

1. COLE A. JENSEN, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH CAROLINA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS DUANE'S PIZZA AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE NOTICED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTENSION BOUNDARY LINES ARE CORRECTLY CALCULATED, DATED THIS _____ DAY OF _____, 20____.

COLE A. NESEET,
REGISTERED LAND SURVEYOR
MID REG. NO. 7513

STATE OF NORTH CAROLINA

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED CEE A. NESTET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR PRE-ACT AND DEED

NOTARY PUBLIC COUNTY: _____ STATE: _____ NORTH DAKOTA
MY COMMISSION EXPIRES: _____

$$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$$

LEGEND

MONUMENT SET
 MONUMENT FOUND
 EX. EASEMENT
 EX. PROPERTY LINE
 EX. SECTION LINE
 PROPERTY BOUNDARY
 NEW ROW/PROPERTY
 NEW EASEMENT LINE

SURVEY INFORMATION

DATE OF SURVEY AUGUST, 2022

CITY PLANNING COMMISSION APPROVAL

ROCKY SCHNEIDER
CHAIRMAN PLANNING COMMISSION
STATE OF NORTH DAKOTA

ON THIS DAY OF 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED SMOKEY COMPTON, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED

NOTARY PUBLIC COUNTY: _____ CASE: _____ STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2022.

BRENDA E. DERRIG, P.E.
CITY ENGINEER

STATE OF NORTH DAKOTA)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY OF _____, STATE OF _____, PERSONALLY APPEARED BRUNDA L. CHAMBERS, _____, WHO IS KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC COUNTY _____ ZIPS _____ STATE _____ NORTH DAKOTA

NORTH DAKOTA
COUNTY: _____ STATE: _____

CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS	DAY OF	2023
--	--------	------

THOMAS J. MAHONEY
MAYOR

State of NORTH CAROLINA[illegible]

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA
MY COMMISSION EXPIRES: _____

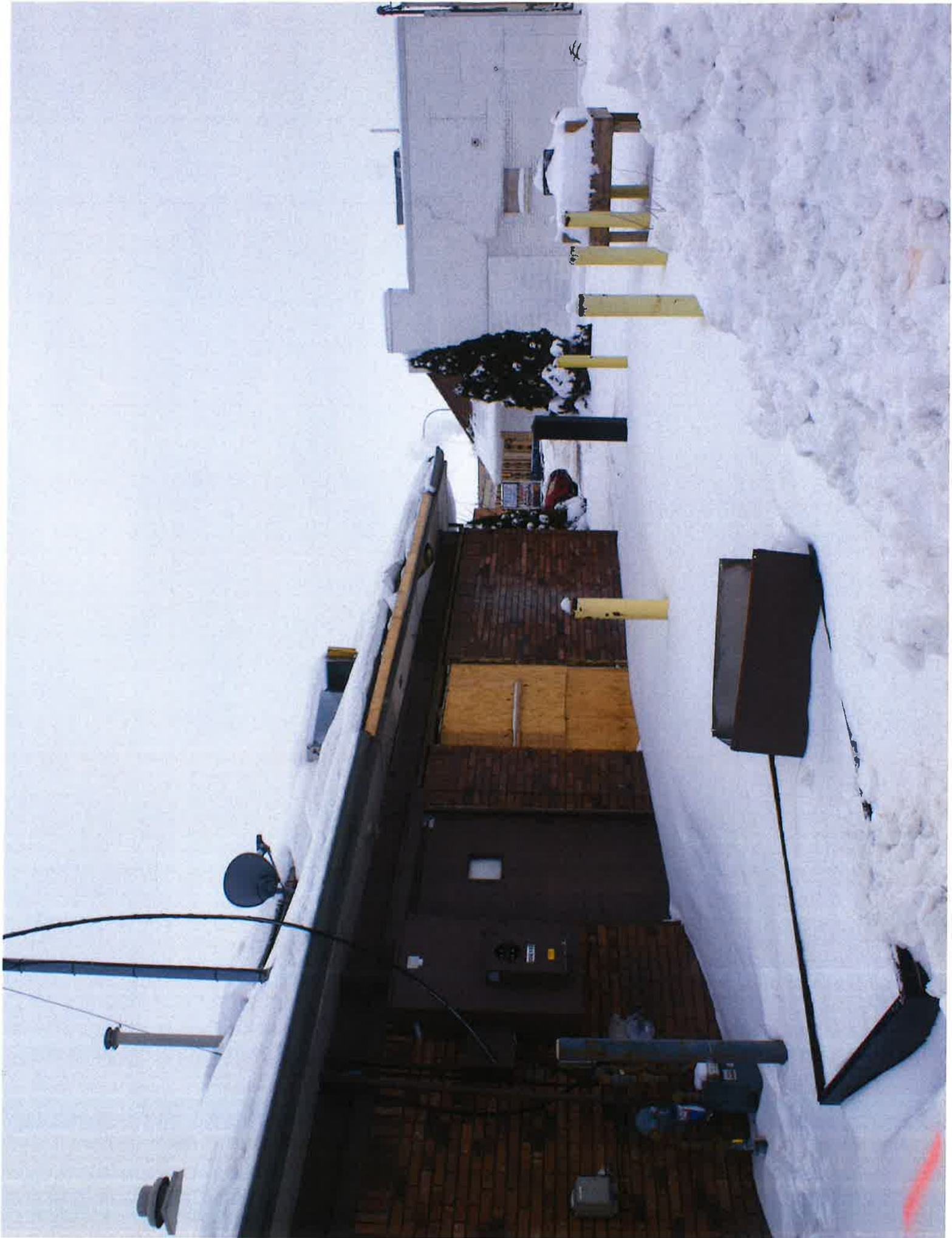
SHEET 1 OF 1



LOWRY
ENGINEERING
3000 EAST AVE. SUITE A
FARGO, NORTH DAKOTA 58103

APPENDIX D
PHOTOS OF EXISTING CONDITIONS









MEMORANDUM

TO: Planning Commissioners

FROM: Donald Kress, Current Planning Coordinator

DATE: February 1st, 2023

RE: City Commission final actions on 2022 Planning Commission cases

The Planning Commission is the recommending body for all case types except conditional use permits and institutional master plans, for which the Planning Commission is the final decision maker. Other than these two, cases heard by the Planning Commission go forward to the City Commission regardless of whether the Planning Commission's recommendation is for approval or denial. The City Commission is the final decision maker on those cases. The Planning Department staff reports to the City Commission always state the Planning Commission's recommendation, motion, and vote count.

All Planning Commission cases that went to the City Commission in 2022 were approved as the Planning Commission had originally recommended.

Note that minor subdivisions that have no additional case types along with them, such as a zone change, go on the City Commission consent agenda; there is no presentation by Planning staff. All other cases have public hearings on the City Commission regular agenda. These hearings include a presentation by Planning Department staff.

The attached spreadsheet summarizes the history of these cases.

Note that some cases that were heard by the Planning Commission have not yet gone before City Commission. This can be due to still being in review (for subdivisions), the applicant making changes of various kinds, or the need to finalize other documents or agreements related to that case.

REPORT OF CASES 2022

File Name	Application	Staff	PC Date of Hearing (original application date)	PC Approval	CC Date of Hearing	CC Approval	Recorded	Comments
Legacy I Seventh Addition	GPA, minor sub, zone change	DK	01/04/22	01/04/22	03/21/22	03/21/2022 - APPROVED (First Reading) 04/04/2022 - Second Reading	04/16/22	05/05/2022 - File Closed
EOLA Addition	zoning change	ME	01/04/22	01/04/22	01/24/22	1/24/2022 - APPROVED (First Reading) 02/07/2022 - Second Reading		02/16/2022 - File Closed
Ohmer's Addition	zoning change	DK	01/04/22	01/04/22	02/22/22	2/22/2022 - APPROVED (First Reading) 3/7/2022 - Second Reading		03/17/2022 - File Closed
Industrial Subdivision No. 5	minor sub	DK	02/01/22	02/01/22	04/04/22	04/04/22	07/08/22	07/14/2022 - File Closed
Rocking Horse Farm Sixth Addition	zone change, major sub, GPA	DK	02/01/22	02/01/22	04/04/22	4/4/2022 - APPROVED (First Reading) 4/18/2022 - Second Reading	04/19/22	05/05/2022 - File Closed
Westrac Third Addition	zone change, minor sub	DK	02/01/22	02/01/22	05/31/22	05/31/2022 - APPROVED (First Reading) 06/13/2022 - Second Reading	07/07/22	07/14/2022 - File Closed
Metropolitan Park Third Addition	minor sub, zone change, PUD	DK	01/04/22	03/01/22	04/04/22	4/4/2022 - APPROVED (First Reading) 4/18/2022 - Second Reading	06/28/22	07/14/2022 - File Closed 01/04/2022 - Continued to 02/1/2022 02/01/2022 - Continued to 03/01/2022
Valley View Estates Third Addition	minor sub	LM	03/01/22	03/01/22	08/22/22	08/22/22	08/31/22	09/12/2022 - File Closed
West Acres Seventh Addition	minor sub	LM	03/01/22	03/01/22	05/02/22	05/02/22	05/17/22	5/24/2022 - File Closed
Laverne's Second Addition	zone change, major sub	DK	03/01/22	03/01/22	05/31/22	05/31/2022 - APPROVED (First Reading) 06/13/2022 - Second Reading	07/07/22	07/14/2022 - File Closed
1001 NP Addition	major sub	DK	04/05/22	04/05/22				
Sheyenne Industrial Center Sixth Addition	minor sub	LM	04/05/22	04/05/22				
Christianson 32nd Avenue South Second Addition	zoning change, minor sub	AM	03/01/22	04/05/22	05/31/22	05/31/2022 - APPROVED (First Reading) 06/13/2022 - Second Reading	06/09/22	06/22/2022 - File Closed 03/01/22 - Continued to 04/05/2022
Annexation (\$10, T138N, R49W) - Covey Ranch	annexation	DK	04/05/22	04/05/22	05/31/22	05/31/2022 - APPROVED (First Reading) 06/13/2022 - Second Reading	06/20/22	06/23/2022 - File Closed
Bank Forward Addition	minor sub	ME	04/05/22	04/05/22	05/02/22	05/02/22	05/17/22	5/24/2022 - File Closed
GPK Addition	minor sub	LM	04/05/22	04/05/22	06/27/22	06/27/22	07/07/22	07/14/2022 - Fie Closed
University South Third Addition	minor sub	AM	04/05/22	04/05/22	05/02/22	05/02/22	05/17/22	5/26/2022 - File Closed
Magnum North Addition	minor sub, zone change	LM	04/05/22	04/05/22	05/31/22	05/31/2022 - APPROVED (First Reading) 06/13/2022 - Second Reading	06/07/22	06/22/2022 - File Closed
Covey Ranch Second Addition	minor sub, zone change, GPA	DK	04/05/22	04/05/22	05/31/22	05/31/2022 - APPROVED (First Reading) 06/13/2022 - Second Reading	06/20/22	06/23/2022 - File Closed
Adams Seventh Addition	zone change, CUP	LM	04/05/22	04/05/22			04/19/22	04/05/2022 - zone change withdrawn 04/20/2022 - File Closed; copy of CUP mailed to applicant
Mehl First Addition	CUP	LM	05/03/22	05/03/22			05/16/22	5/17/2022 - File Closed; copy mailed to applicant
Prairie Crossing Addition	CUP	LM	05/03/22	05/03/22			05/16/22	05/17/2022 - File Closed; Copy mailed to applicant
Richard 3rd Subdivision	CUP	LM	05/03/22	05/03/22			05/16/22	05/17/2022 - File Closed; Copy mailed to applicant
Sanford Addition	IMP	ME	05/03/22	05/03/22				07/19/2022 - File Closed
MHB Guardian Addition	zone change, major sub	DK	05/03/22	05/03/22	06/13/22	06/13/2022 - APPROVED (First Reading) 06/27/2022 - Second Reading	07/12/22	07/14/2022 File Closed
Urban Plains by Brandt Fifth Addition	CUP, CUP	KC	06/07/22	06/07/22			06/21/22	06/21/2022 - File Closed and CUP copy mailed to applicant
Asleson Commercial Third Addition	minor sub	DK	06/07/22	06/07/22	06/27/22	06/27/22	08/01/22	08/09/2022 - File Closed
Urban Plains by Brandt Sixth Addition	zone change, minor sub	DK	06/07/22	06/07/22	08/08/22	08/08/2022 - APPROVED (First Reading) 08/22/2022 - Second Reading	08/12/22	8/25/2022 - File Closed

File Name	Application	Staff	PC Date of Hearing (original application date)	PC Approval	CC Date of Hearing	CC Approval	Recorded	Comments
Urban Plains by Brandt Fifth Addition	zone change	ME	07/05/22	07/05/22	07/25/22	07/25/2022 - APPROVED (1st Reading) 08/08/2022 - Second Reading		08/09/2022 - File Closed
Valley View Addition	zone change, GPA	DK	07/05/22	07/05/22	08/08/22	08/08/2022 - APPROVED (First Reading) 08/22/2022 - Second Reading		08/29/2022 - File Closed
Annexation (\$15, T140N, R49W) - Dakota Commerce Center North Addition)	annexation	DK	08/02/22	08/02/22				
Commerce on I-29 Third Addition	zone change, major sub	DK	08/02/22	08/02/22				
Kirkhams 2nd Addition	CUP	KC	08/02/22	08/02/22			08/17/22	08/19/2022; copy mailed to applicant; File Closed
Craigs 16th Street Addition	minor sub	BG	08/02/22	08/02/22	10/03/22	10/03/22	10/17/22	10/31/2022 - File Closed
Peterson Second Addition	minor sub	DK	08/02/22	08/02/22	10/03/22	10/03/22	10/19/22	10/31/2022 - File Closed
Sanders Addition	minor sub	DK	08/02/22	08/02/22	09/19/22	09/19/22	09/30/22	10/17/2022 - File Closed
Simonson Companies Third Addition	minor sub	LM	08/02/22	08/02/22	10/03/22	10/03/22	10/06/22	10/17/2022 - File Closed
Timber Parkway Eighth Addition	minor sub	LM	08/02/22	08/02/22	10/03/22	10/03/22	10/06/22	10/17/2022 - File Closed
Valley View Ninth Addition	minor sub	DK	08/02/22	08/02/22	11/28/22	11/28/22	12/02/22	12/21/2022 - File Closed
Fitzsimonds Second Addition	minor sub, CUP, zone change	ME	08/02/22	08/02/22	11/14/22	11/14/2022 - APPROVED (First Reading) 11/28/2022 - Second Reading	12/02/22	12/21/2022 - File Closed
Simonsson Companies Second Addition	zone change	LM	08/02/22	08/02/22	08/22/22	8/22/2022 - APPROVED (First Reading) 9/6/2022 - Second Reading		09/12/2022 - File Closed
West Acres Seventh Addition	zone change	LM	08/02/22	08/02/22	08/22/22	8/22/2022 - APPROVED (First Reading) 9/6/2022 - Second Reading		09/12/2022 - File Closed
Dakota Commerce Center North Addition	zone change, major sub	DK	8/2/2022 10/4/2022	8/2/2022 10/4/2022				
Timber Parkway Ninth Addition	minor sub	DK	09/08/22	09/08/22	10/03/22	10/03/22	10/17/22	10/31/2022 - File Closed
Commerce on 12th Seventh Addition	minor sub	DK	10/04/22	10/04/22				
Hawthorne Elementary Addition	minor sub, CUP	ME	10/04/22	10/04/22	10/17/22	10/17/22		
Chas A. Roberts Addition	zone change	ME	10/04/22	10/04/22	10/31/22	10/31/2022 - APPROVED (First Reading) 11/14/2022 - Second Reading		11/16/2022 - File Closed
Ulteig Addition	CUP	BG	11/01/22	11/01/22			11/14/22	11/15/2022 - File Closed/copy mailed to applicant
Calico Prairie 3rd Addition	minor sub	BG	11/01/22	11/01/22	11/28/22	11/28/22	12/02/22	12/21/2022 - File Closed
Valley View Tenth Addition	minor sub	DK	11/01/22	11/01/22	11/28/22	11/28/22	12/02/22	12/21/2022 - File Closed
Dakota Air Parts Addition	major sub	DK	12/06/22	12/06/22				
The District of Fargo Fifth Addition	minor sub	LM	12/06/22	12/06/22				
Edition Fourth Addition	minor sub	DK	12/06/22	12/06/22				
Westrac Fourth Addition	minor sub	DK	12/06/22	12/06/22	01/09/23	01/09/23		
Text Amendment - defintiions, regulations, use standards, nonconformities, and references regarding adult entertainment centers and adult establishments	text amendment	MW	12/6/2022	12/6/2022	12/12/2022	12/12/2022 - APPROVED (First Reading) 12/27/2022 - Second Reading		1/12/2023 - File Closed