

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

A: Approve Order of Agenda

B: Minutes: Regular Meeting of February 2, 2021

C: Brown Bag Luncheon - Wednesday, March 17, 2021

D: Public Hearing Items:

1. Continued hearing on an application requesting a Growth Plan Amendment on an unplatted portion of **Section 5, Township 138 North, Range 49 West**. (Located at 5702 52nd Avenue South) (Four Horsemen, LLC/Nate Vollmuth) (dk): CONTINUED TO APRIL 6, 2021
2. Continued hearing on an application requesting a LDC Text Amendment to Article 20-09 to create Section 20-0907.E, Vacation of Right of Way. (City of Fargo) (dk): WITHDRAWN
- 3a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use within the boundaries of the proposed **220 Addition**. (Located at 214 and 220 6th Avenue North) (Jerry & Jean Pladson) (ms)
- 3b. Continued hearing on an application requesting a Plat of **220 Addition** (Minor Subdivision) a replat of Lot 8, and part of Lot 9, Block 31, Keeney and Devitts Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 214 and 220 6th Avenue North) (Jerry & Jean Pladson) (ms)
- 4a. Continued hearing on an application requesting a Zoning Change from LI, Limited Industrial, GC, General Commercial, and GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay within the boundaries of the proposed **Brewhalla Addition**. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC) (me)
- 4b. Continued hearing an application requesting a Planned Unit Development Master Land Use Plan and Final Plan within the boundaries of the proposed **Brewhalla Addition**. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC) (me)
- 4c. Continued hearing on an application requesting a Plat of **Brewhalla Addition** (Minor Subdivision) a replat of Blocks 26 and 27, the vacated "L" Street (16 ½ Street North), the West 25 feet of vacated West Street (16th Street North), and part of the vacated Northern Pacific Avenue, Reeves Addition; replat of part of Lot 5, Milwaukee Addition; plat of Auditor's Lot No. 1 of the South Half of Section 1, Township 139 North, Range 49 West; and a plat of an unplatted

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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.

part of the South Half of said Section 1, to the City of Fargo, Cass County, North Dakota. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC) (me)

- 5a. Hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay within the boundaries of the proposed **EOLA Addition**. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies) (me)
- 5b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan within the boundaries of the proposed **EOLA Addition**. (Located at 2500 45th Street South) (EOLA Landholdings, LLC/EPIC Companies) (me)
- 5c. Hearing on an application requesting a Plat of **EOLA Addition** (Major Subdivision) a replat of Lot 4, Block 1, Anderson Park Second Addition to the City of Fargo, Cass County, North Dakota, including a waiver for a reduced street Right of Way. (Located at 2470 and 2500 45th Street South) (EOLA Landholdings, LLC & City of Fargo/EPIC Companies) (me)
6. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to NO, Neighborhood Office on Lot 1, Block 1, **Rowe's Addition**. (Located at 619 University Drive South) (Bradley and Lisa Johnson) (an): CONTINUED TO APRIL 6, 2021
7. Hearing on an application requesting a Conditional Use Permit to allow manufacturing and production, industrial services, and warehouse and freight movement uses in the GC, General Commercial zoning district on Lot 3, Block 2, **Rocking Horse East Second Addition**. (Located at 5454, 5458, 5462, 5466, 5470, 5474, 5478, 5482, 5486, 5490, 5494, and 5498 51st Avenue South) (Jerry and Terasina Hintz) (kb)
8. Hearing on an application requesting to repeal a Conditional Use Permit to allow residential use in the LC, Limited Commercial zoning district on Lots 1-5, Block 1, **Urban Plains by Brandt Fifth Addition** and re-establish a Conditional Use Permit to allow residential use in the LC, Limited Commercial zoning district on Lot 1, Block 1, **Urban Plains by Brandt Fifth Addition**. (Located at 5600 28th Avenue South; 2850, 2901, 2970, and 2975 Uptown Way South) (Uptown and Main V, LLC/Urban Plains Land Co, LLC) (ms)
9. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial on portions of Lots 1, 23, and 24, Block K, **Chas A. Roberts Addition**. (Located at 615 9th Avenue South) (Paul and Kathryn Anderson) (ms)

E: Other Items:

1. Review of a proposed Renewal Plan and Tax Increment Financing (TIF) District No. 2021-01 for consistency with the GO2030 Comprehensive Plan. (jg)

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BOARD OF PLANNING COMMISSIONERS MINUTES

Regular Meeting:

Tuesday, February 2, 2021

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held virtually in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, February 2, 2021.

The Planning Commissioners present or absent were as follows:

Present: Rocky Schneider, Melissa Sobolik, Scott Stofferahn, Maranda Tasa, Jennifer Holtz, Dawn Morgan

Absent: John Gunkelman, Art Rosenberg, Mary Scherling

Vice Chair Schneider called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Vice Chair Schneider noted Items 1, 2, 6a, and 6b are continued to March 2, 2021.

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

Item B: Minutes: Regular Meeting of January 5, 2021

Member Stofferahn moved the minutes of the January 5, 2021 Planning Commission meeting be approved. Second by Member Tasa. All Members present voted aye and the motion was declared carried.

Item C: February 17, 2021 Brown Bag Luncheon: Cancelled

Item D: Public Hearing Items:

Member Sobolik moved to continue Items 1, 2, 6a, and 6b to the March 2, 2021 Planning Commission meeting. Second by Member Holtz. All Members present voted aye and the motion was declared carried.

Item 1: Section 5, Township 138 North, Range 49 West.

Continued hearing on an application requesting a Growth Plan Amendment on an unplatted portion of Section 5, Township 138 North, Range 49 West. (Located at 5702 52nd Avenue South) (Four Horsemen, LLC/Nate Vollmuth): CONTINUED TO MARCH 2, 2021

A Hearing had been set for November 3, 2020. At the November 3, 2020 meeting, the Hearing was continued to December 1, 2020. At the December 1, 2020 meeting, the

Hearing was continued to January 5, 2021. At the January 5, 2021 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to March 2, 2021.

Item 2: LDC Text Amendment

Continued hearing on an application requesting a LDC Text Amendment to Article 20-09 to create Section 20-0907.E, Vacation of Right of Way. (City of Fargo): CONTINUED TO FEBRUARY 2, 2021

A Hearing had been set for December 1, 2020. At the December 1, 2020 meeting, the Hearing was continued January 5, 2021. At the January 5, 2021 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to March 2, 2021.

Item 3: Sanford Addition

3a. Hearing on an application requesting a Growth Plan Amendment within the boundaries of the proposed Sanford Addition. (Located at 6103 38th Street South) (Sanford North): APPROVED

3b. Hearing on an application requesting a Zoning Change from AG, Agricultural to LC, Limited Commercial, with a C-O, Conditional Overlay, and P/I, Public and Institutional within the boundaries of the proposed Sanford Addition. (Located at 6103 38th Street South) (Sanford North): APPROVED

3c. Hearing on an application requesting a Plat of Sanford Addition (Major Subdivision) a plat of part of the Southeast Quarter and a portion of the Northeast Quarter of Section 3, Township 138 North, Range 49 West, to the City of Fargo, Cass County, North Dakota. (Located at 6103 38th Street South) (Sanford North): APPROVED

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

Discussion was held on ownership of the property.

Applicant representatives Phil Siek and Craig Bjur 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 1) Growth Plan Amendment, 2) Zoning Change from AG, Agricultural to P/I, Public and Institutional, and LC, Limited Commercial, with a C-O, Conditional Overlay, and 3) Subdivision Plat Sanford Addition as outlined within the staff report, as the proposal complies with the 2007 Growth Plan, the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0906.F (1-4), and Section 20-0905.H of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Sobolik, Stofferahn, Holtz, Tasa, Morgan, and Schneider voted aye. Absent and not voting: Members Gunkelman, Scherling, and Rosenberg. The motion was declared carried.

Item 4: Brewhalla Addition

4a. Hearing on an application requesting a Zoning Change from LI, Limited Industrial, GC, General Commercial, and GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay within the boundaries of the proposed Brewhalla Addition. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC): CONTINUED TO MARCH 2, 2021

4b. Hearing an application requesting a Planned Unit Development Master Land Use Plan and Final Plan within the boundaries of the proposed Brewhalla Addition. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC): CONTINUED TO MARCH 2, 2021

4c. Hearing on an application requesting a Plat of Brewhalla Addition (Minor Subdivision) a replat of Blocks 26 and 27, the vacated "L" Street (16 ½ Street North), the West 25 feet of vacated West Street (16th Street North), and part of the vacated Northern Pacific Avenue, Reeves Addition; replat of part of Lot 5, Milwaukee Addition; plat of Auditor's Lot No. 1 of the South Half of Section 1, Township 139 North, Range 49 West; and a plat of an unplatted part of the South Half of said Section 1, to the City of Fargo, Cass County, North Dakota. (Located at 1612, 1620, 1624, 1630, 1632, 1666, and 1702 1st Avenue North) (MBA Investments, LLC): CONTINUED TO MARCH 2, 2021

Planning Coordinator Maegin Elshaug presented the staff report stating staff is bringing this item forward to hear public comments and allow preliminary discussion by the Planning Commission, and at this time staff is recommended this item be continued to the March 2, 2021 Planning Commission meeting.

Applicants Kevin Bartram, MBA Investments, and Mark Bjornstad, Drekker Brewing, spoke on behalf of the application.

Discussion was held on the property ownership and the zero lot line.

Member Sobolik moved to continue this item to the March 2, 2021 Planning Commission meeting. Second by Member Stofferahn. On call of the roll Members Tasa, Sobolik, Stofferahn, Holtz, Morgan, and Schneider voted aye. Absent and not voting: Members Gunkelman, Rosenberg, and Scherling. The motion was declared carried.

Item 5: Asleson Farms Fourth Addition

5a. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to LC, Limited Commercial within the boundaries of the proposed Asleson Farms Fourth Addition. (Located at 3523 and 3575 41st Street South) (JNB Properties, LLC): APPROVED

5b. Hearing on an application requesting a Plat of Asleson Farms Fourth Addition (Minor Subdivision) a replat of a portion of Lot 3, and all of Lot 4, Block 1, Asleson Farms Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3523 and 3575 41st Street South) (JNB Properties, LLC): APPROVED
Assistant Planner Maggie Squyer presented the staff report stating all approval criteria have been met and staff is recommending approval.

Applicant representative Nick Dietrich spoke on behalf of the application.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from MR-2, Multi-Dwelling Residential to LC, Limited Commercial, and 2) Subdivision Plat Asleson Farms Fourth Addition as outlined in the staff report, as the proposal complies with the 2003 Southwest Future Growth Plan, the Standards of Article 20-06, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Stofferahn, Tasa, Morgan, Holtz, Sobolik, and Schneider voted aye. Absent and not voting: Members Scherling, Gunkelman, and Rosenberg. The motion was declared carried.

Item 6: 220 Addition

6a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use within the boundaries of the proposed 220 Addition. (Located at 214 and 220 6th Avenue North) (Jerry & Jean Pladson): CONTINUED TO MARCH 2, 2021

6b. Hearing on an application requesting a Plat of 220 Addition (Minor Subdivision) a replat of Lot 8, and part of Lot 9, Block 31, Keeney and Devitts Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 214 and 220 6th Avenue North) (Jerry & Jean Pladson): CONTINUED TO MARCH 2, 2021

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to March 2, 2021.

Item 7: Timber Parkway Fifth Addition

Hearing on an application requesting a Plat of Timber Parkway Fifth Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Timber Parkway Third Addition, to the City of Fargo, Cass County, North Dakota. (Located at 5055 and 5161 Timber Parkway South) (PLC Investments, LLC/Christianson Companies): APPROVED

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

Applicant representative Blake Carlson spoke on behalf of the application.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Timber Parkway Fifth Addition as outlined within the staff report, as the proposal complies with the standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Tasa, Sobolik, Morgan, Stofferahn, Holtz, and Schneider voted aye. Absent and not voting: Members Gunkelman, Scherling, and Rosenberg. The motion was declared carried.

Item 8: Metropolitan Park Second Addition

Hearing on an application requesting a Plat of Metropolitan Park Second Addition (Minor Subdivision) a replat of Lot 1, Block 1, Metropolitan Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4455 30th Avenue South) (JPR Investments, LLC/Nate Vollmuth): APPROVED

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Metropolitan Park Second Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the applicable growth plan, the Standards of Article 20-06 of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Sobolik, Stofferahn, Tasa, Holtz, Morgan, and Schneider voted aye. Absent and not voting: Members Gunkelman, Scherling, and Rosenberg. The motion was declared carried.

Item 9: South Ridge First Addition

9a. Hearing on an application requesting a Growth Plan Amendment on Lots 5 and 6, Block 3, South Ridge First Addition. (Located at 2365 and 2445 65th Avenue South) (Fargo Investments, LLC): APPROVED

9b. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on Lots 5 and 6, Block 3, South Ridge First Addition. (Located at 2365 and 2445 65th Avenue South) (Fargo Investments, LLC): APPROVED

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted additional information received was emailed to Board members, and that a virtual neighborhood meeting was held with no comments received.

Applicant representative Blake Carlson spoke on behalf of the application.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Growth Plan Amendment, and 2) Zoning Change from MR-3, Multi-Dwelling Residential to LC,

Limited Commercial with a C-O, Conditional Overlay as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth Plan, Section 20-0906.F (1-4), Section 20-0905.H (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Morgan, Holtz, Stofferahn, Tasa, Sobolik, and Schneider voted aye. Absent and not voting: Members Gunkelman, Scherling, and Rosenberg. The motion was declared carried.

Item E: Other Items:

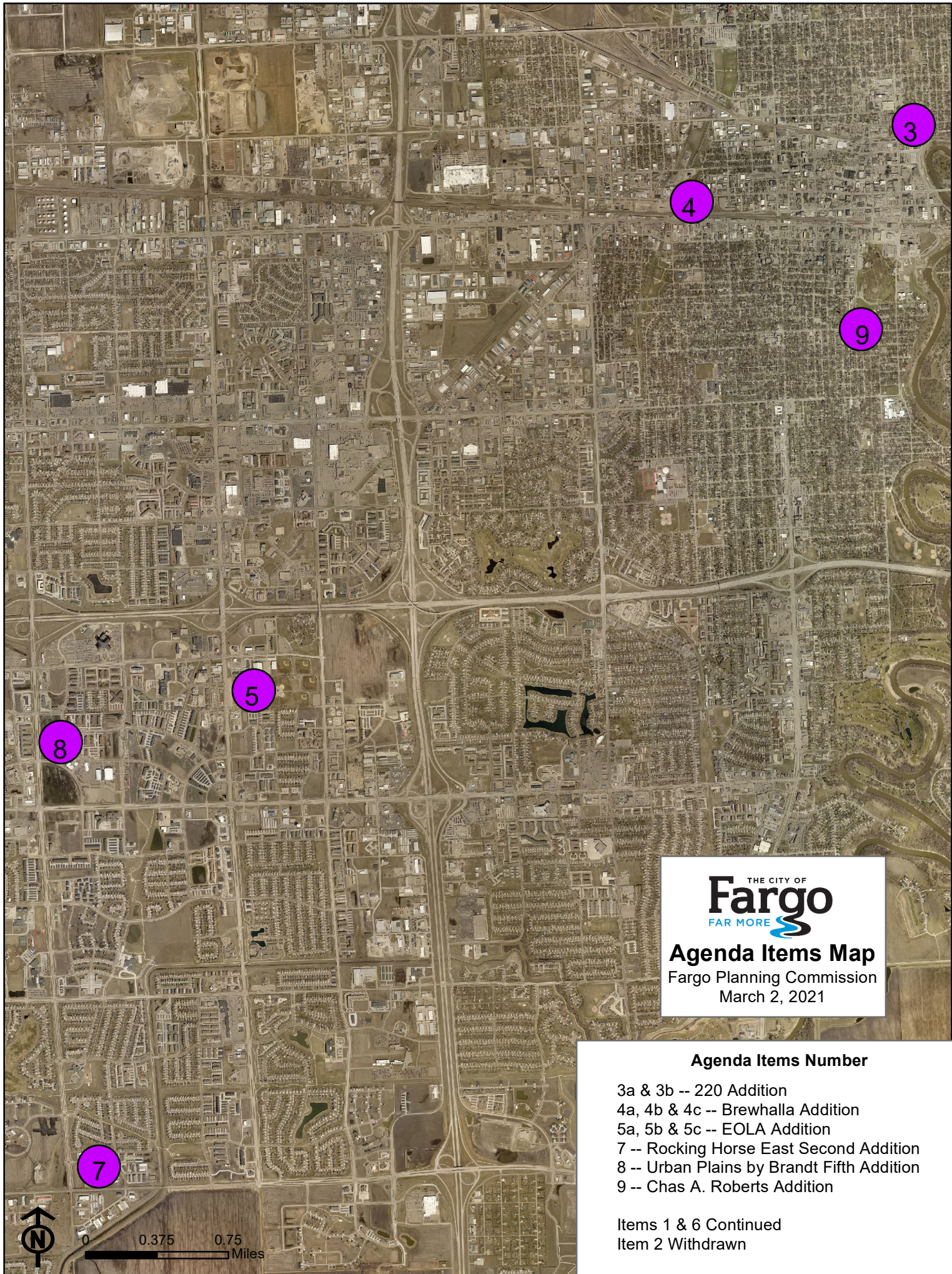
Item 1: Review of proposed annexation of portions of Sections 3, 4, and 10, Township 138 North, Range 49 West: APPROVED

Mr. Kress and Assistant Director of Planning and Development Mark Williams presented the staff report.

Member Sobolik moved the Planning Commission find that the proposed annexation to be consistent with the 2007 Growth Plan as outlined within the staff report. Second by Member Stofferahn. All Members present voted aye and the motion was declared carried.

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

The time at adjournment was 3:55 p.m.



THE CITY OF
Fargo
FAR MORE

Agenda Items Map
Fargo Planning Commission
March 2, 2021

Agenda Items Number	
3a & 3b --	220 Addition
4a, 4b & 4c --	Brewhalla Addition
5a, 5b & 5c --	EOLA Addition
7 --	Rocking Horse East Second Addition
8 --	Urban Plains by Brandt Fifth Addition
9 --	Chas A. Roberts Addition
Items 1 & 6 Continued	
Item 2 Withdrawn	

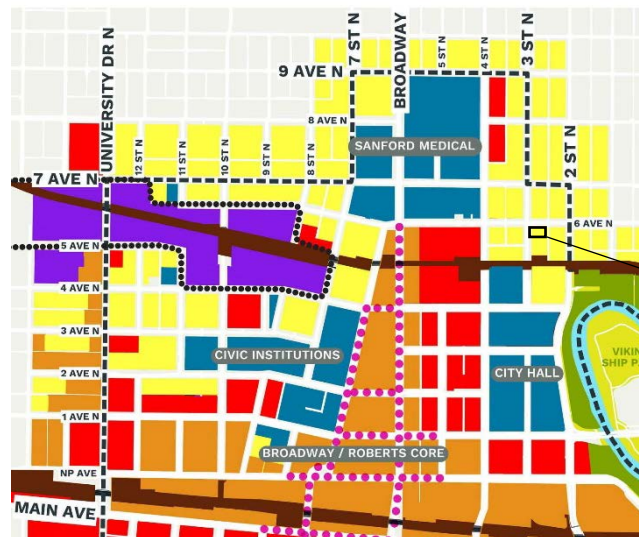
City of Fargo Staff Report			
Title:	220 Addition	Date:	2/23/2021
Location:	214 & 220 6 th Avenue North	Staff Contact:	Maggie Squyer
Legal Description:	Lot 8 and Part of Lot 9, Block 31, Keeney and Devitts Second Addition		
Owner(s)/Applicant:	River City Holdings Fund, LLC/ James Pladson	Engineer:	Mead & Hunt
Entitlements Requested:	Zoning Map Amendment (from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use) and Minor Subdivision (A replat of Lot 8 and part of Lot 9, Block 31, Keeney and Devitts Second Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: March 2, 2021		

Existing
Land Use: Household Living
Zoning: MR-3, Multi-Dwelling Residential
Uses Allowed: Multi-Dwelling Residential allows detached housing, attached housing, duplexes, multi-dwelling structures, group living, group living restricted residency, community service, day care facilities of limited size, parks and open areas, religious institutions, safety services, schools, basic utilities, and limited telecommunications facilities.
Maximum Density: 24 units per acre

Proposed
Land Use: Household Living
Zoning: DMU, Downtown Mixed-Use
Uses Allowed: Downtown-Mixed Use allows detached housing, attached housing, duplexes, multi-dwelling structures, colleges, community service, day care facilities, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, commercial parking, retail sales and services, self-service storage, vehicle repair, limited vehicle service and telecommunications facilities of limited size.
Maximum Density: No limit

Proposal:
<p>The applicant is seeking approval of 1) a Zoning Map Amendment and 2) a Minor Subdivision entitled 220 Addition. The request is to replat the two existing lots into one lot that will be zoned DMU, Downtown Mixed-Use.</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: MR-3, Multi-Dwelling Residential, with a duplex and detached house • East: MR-3, Multi-Dwelling Residential, with a detached house • South: DMU, Downtown Mixed-Use, with a commercial parking lot • West: MR-3, Multi-Dwelling Residential, with an apartment complex <p style="text-align: right;">Continued on next page.</p>

Area Plans:



The subject is designated 'residential' in the 2018 Downtown InFocus Plan.

Subject Property

Schools and Parks:

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

Neighborhood: The subject property is located in the Downtown Neighborhood.

Parks: The subject property is located within a quarter of a mile from Wildflower Grove Park (9 Lower Terrace North) and Riverside/Civic Gardens which offer recreational trails and gardens.

Pedestrian / Bicycle: The subject property is not connected to bike facilities, but a shared use path is located on the west side of 2nd Street North, near the subject property.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regards to the subject property. The property owner is interested in removing the existing structures and building an apartment complex on the proposed lot. The Downtown Mixed-Use zoning was requested to maximize the size of the proposed building and the number of dwelling units allowed on the subject property. DMU zoning has no maximum density requirement per acre. Staff finds that the requested zone change is justified due to the subject property's proximity to the Downtown core and existing DMU-zoned lots. **(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?

The development is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. City staff noted that, while the DMU zoning district offers flexible dimensional standards, other site constraints may influence development on the lot. These constraints may include existing easements and street trees. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(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 evidence that would suggest this proposal 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, staff has received one inquiry and no formal complaints in response to these notices. Staff finds that the approval 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. The first goal of the Downtown InFocus plan (Grow as a Neighborhood) supports investing in housing to increase the population living downtown. Rezoning the subject property to DMU provides the opportunity for higher-density housing than what is allowed by right in the MR-3 zoning district. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Subdivision

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

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

The subject property is located in the Downtown neighborhood, which was recently evaluated through the creation of the Downtown InFocus plan. The proposed use is consistent with the existing and proposed zoning in the area. The proposed subdivision will replat two existing lots into one new lot. 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 one inquiry about the application and no formal complaints. Staff has reviewed this request and finds that this application complies with standards of Article 20-06, Downtown InFocus, and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment 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 1) Zoning Map Amendment from MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use and 2) **220 Addition** subdivision, as the proposal satisfactorily complies with Downtown InFocus, the Standards of Article 20-06, Section 20-0906(F) (1-4) of the LDC, and all other applicable requirements of the LDC."

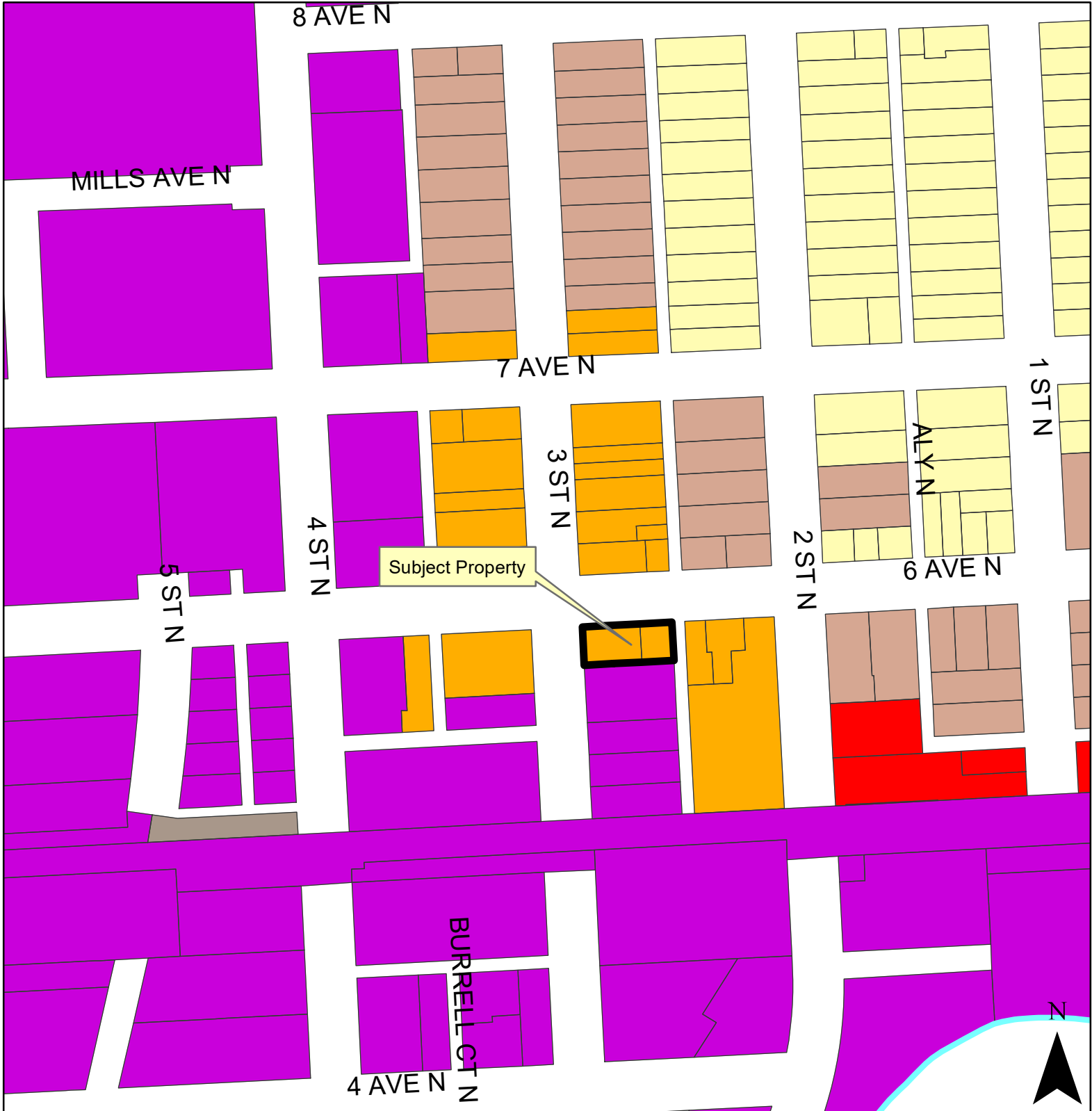
Planning Commission Recommendation: March 2, 2021

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

Zone Change (MR-3 to DMU) & Plat (Minor)

220 Addition

214 & 220 6th Ave N



Zone Change (MR-3 to DMU) & Plat (Minor)

220 Addition

214 & 220 6th Ave N



220 ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A REPLAT OF LOT 8 AND PART OF LOT 9, BLOCK 31 OF KEENEY & DEVITT'S SECOND ADDITION
(A MINOR SUBDIVISION)

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

John Gunkelman
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20__, before me, a notary public in and for said county, personally appeared John Gunkelman, 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)
) SS
County of Cass)

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

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ___ day of _____ 20__.

Brenda E. Derrig, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

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

Notary Public

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That the River City Holdings Fund, LLC, a North Dakota Limited Liability Company, as owner of a parcel of land located in that part of the Southeast Quarter of Section 6, Township 139 North, Range 48 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

The west 90.00 feet of Lot 8 and the west 90.00 feet of the north 10.00 feet of Lot 9 and the east 50.00 feet of Lot 8 and the north 10.00 feet of the east 50.00 feet of Lot 9, all in Block 31 of KEENEY & DEVITT'S SECOND ADDITION, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Cass County, North Dakota.

Said plat contains 8,400 square feet, more or less and is subject to Easements Reservations, Restrictions and Rights-of-Ways of record.

OWNER:

River City Holdings Fund, LLC
By: James Pladson

State of North Dakota)
) SS
County of Cass)

On this _____ day of _____ 20__, before me personally appeared James Pladson, Managing Member, known to me to be the persons who is described in and who executed the within instrument and acknowledged to me that he executed the same as a free act and deed on behalf of River City Holdings Fund, LLC.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

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

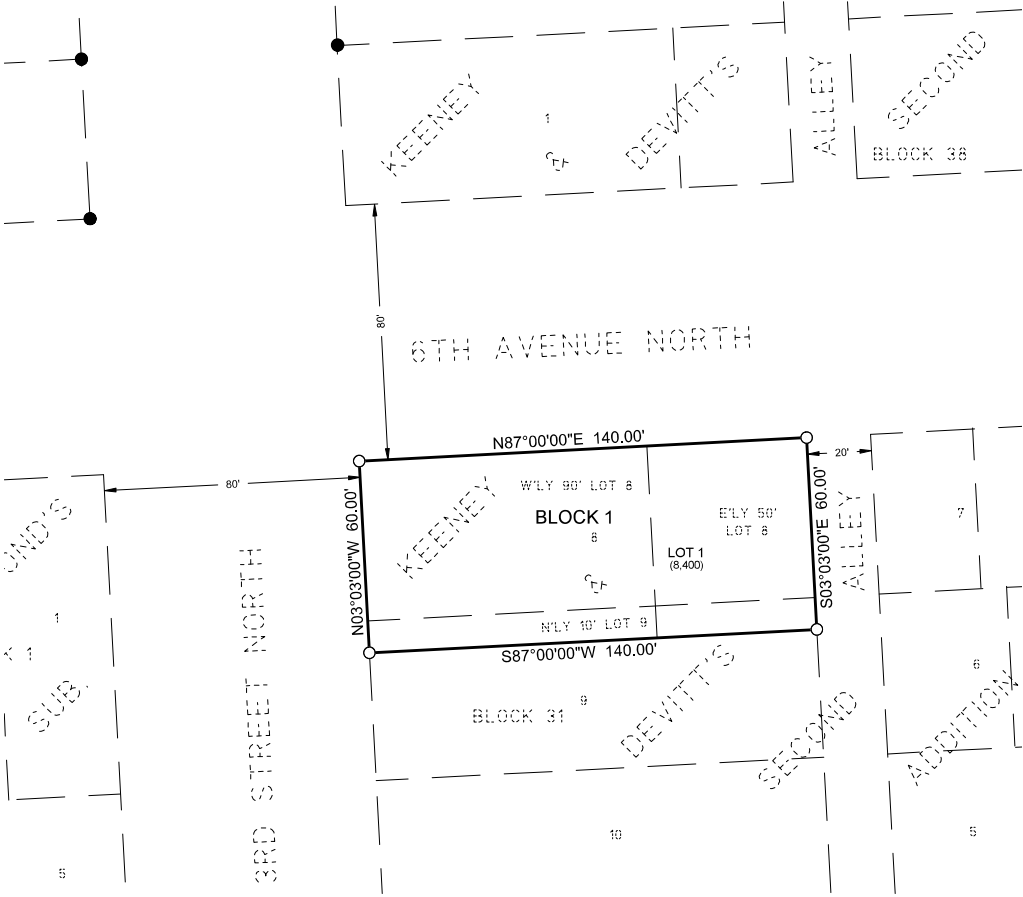
Dated this _____ day of _____, 20__.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

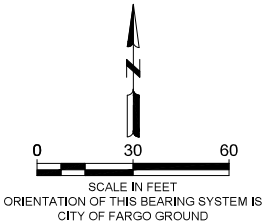
State of North Dakota)
) SS
County of Cass)

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

Notary Public, Cass County, North Dakota



LEGEND	
●	MONUMENT IN PLACE
○	SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
(5,000)	LOT AREA (SQUARE FEET)
---	EXISTING PROPERTY LINE
----	EXISTING EASEMENT LINE
=====	PLAT BOUNDARY



- NOTES:
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.

Mead
& Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4289700-210230.01
SHEET 1 OF 1

City of Fargo Staff Report			
Title:	Brewhalla Addition	Date:	1/26/2021
		Update:	2/24/2021
Location:	1612, 1620, 1624, 1630, 1632, 1666, 1702 1 st Avenue North	Staff Contact:	Maegin Elshaug
Owner(s)/Applicant:	MBA Investments, LLC	Engineer:	Moore Engineering, Inc
Reason for Request:	Minor Subdivision (replat of Blocks 26 and 27, the vacated "L" Street (16 ½ Street North), the West 25 feet of vacated West Street (16th Street North), and part of the vacated Northern Pacific Avenue, Reeves Addition; replat of part of Lot 5, Milwaukee Addition; plat of Auditor's Lot No. 1 of the South Half of Section 1, Township 139 North, Range 49 West; and a plat of an unplatted part of the South Half of said Section 1, to the City of Fargo, Cass County, North Dakota); Zoning Change (from LI, Limited Commercial, GC, General Commercial, and GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial with a Planned Unit Development (PUD) overlay); a PUD Master Land Use Plan ; and a PUD Final Plan . (see note below for updated information on subdivision and zoning)		
Status:	Planning Commission Public Hearing: March 2, 2021		

Existing	Proposed
Land Use: Commercial, Residential, and Industrial	Land Use: unchanged
Zoning: LI, Limited Industrial; GC, General Commercial	Zoning: GC, General Commercial with a PUD
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. GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. Plus a CUP allowing Residential and Industrial Uses; and a CUP for an alternative access plan for parking reduction.	Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation , major entertainment events, and portable signs . Plus a PUD allowing Residential and Industrial uses
Maximum Density Allowed: LI & GC: 85% building coverage CUP: allows 1 residential unit	Maximum Density Allowed: GC: 85% building coverage (unchanged) PUD: allow 7 units per acre (up to 47 units)

Proposal:

The applicant is seeking approval of 1) a minor subdivision (one block, two lots); 2) a zoning change from LI, Limited Industrial and GC, General Commercial to GC, General Commercial with a Planned Unit Development Overlay (PUD) **(see zoning note below)**; 3) a PUD Master Land Use Plan; and 4) a PUD Final Plan. The subject property is located at 1612, 1620, 1624, 1630, 1632, 1666, 1702 1st Avenue North and contains approximately 6.74 acres. The applicant intends for a new multi-use building to be built on the western portion of the property.

This application was continued from the February 2, 2021 Planning Commission meeting.

Note:

Subdivision: The property located at 1612 1st Avenue North was included on the agenda, hearing notice and property owner letters. This property is leased by the applicant. Staff suggested the applicant include this property on the replat, however, the applicant does not intend to. Therefore, the property at 1612 1st Avenue North (a portion of land in the South Half of said Section 1 as noted above) is not included in the subdivision application. See below image for clarification.

Zoning: Though the agenda, hearing notice and property owner letters note there is a conditional overlay associated with the existing GC zoning, there is, in fact, not a conditional overlay on this property.



Background Information

In June 2018, the Planning Commission approved residential (one unit) and industrial uses in the GC, General Commercial zoning (CUP 2018-007 and recorded Cass County document number 1541641). In July 2018, the Planning Commission approved an alternative access plan for a parking reduction (CUP 2018-009 and recorded Cass County document number 1542377). Both of the CUPs included the property at 1620, 1624, 1630, 1632 and 1666 1st Avenue North and both were approved with conditions. Also in 2018, a variance was approved that allowed the placement of the structure in the southeast corner of the site closer to the property lines than what would normally be permitted. It is intended that the CUPs and variance will no longer be necessary if the Zoning and PUD Master Land Use Plan and Final Plan are approved, as the PUD would address those items.

Project Summary

The applicant has applied for a minor subdivision, zoning change and a PUD Overlay in order to tailor development standards to the specifics of the proposed project, Brewhalla Market, which will be a new mixed-use building on the west portion of the subject property. According to the applicant, the Brewhalla Market project is proposed to create a

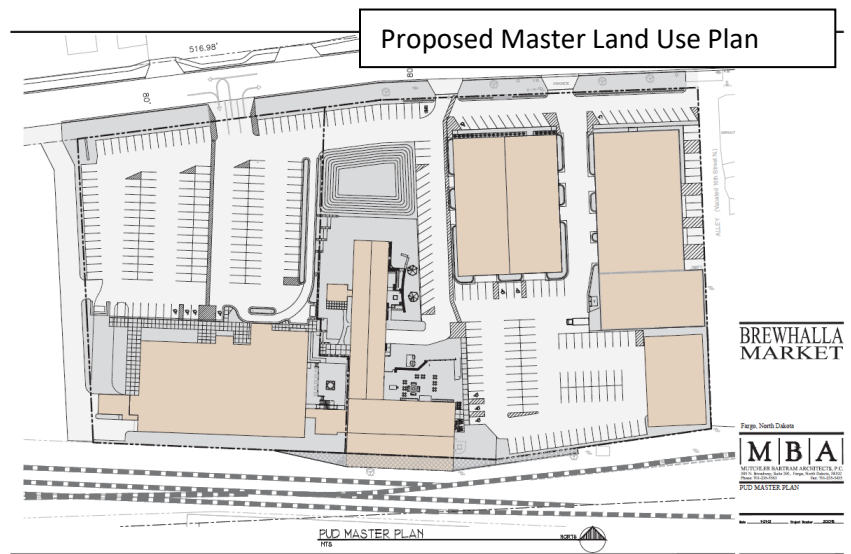
new 4-story (with lower level) mixed use facility with underground parking, two stories of food market, retail, and multi-use event space, third floor lodging units (24 rooms), and fourth floor apartments (three 2-bedroom units and fifteen 1-bedroom units – total of 18 units); along with an on-grade corridor connecting the Brewhalla Market project to the Drekker Brewery space (building in the center and south part of the subject property). The applicant would like to have flexibility for the lodging units be developed as residential units; the PUD Overlay section notes the proposed density and units to accommodate this. Due to the complexities of the site and shared parking, the PUD will include the whole property. Existing structures and land uses located on the eastern portion of the project (Lot 2 / the Railyard) are not expected to change with this project. There are several existing structures on the east and south sides that do not meet setback requirements, which the PUD will accommodate. The applicant has submitted a project narrative, PUD Master Land Use Plan and Final Plan which further describes the proposed development. These documents are attached.

Minor Subdivision

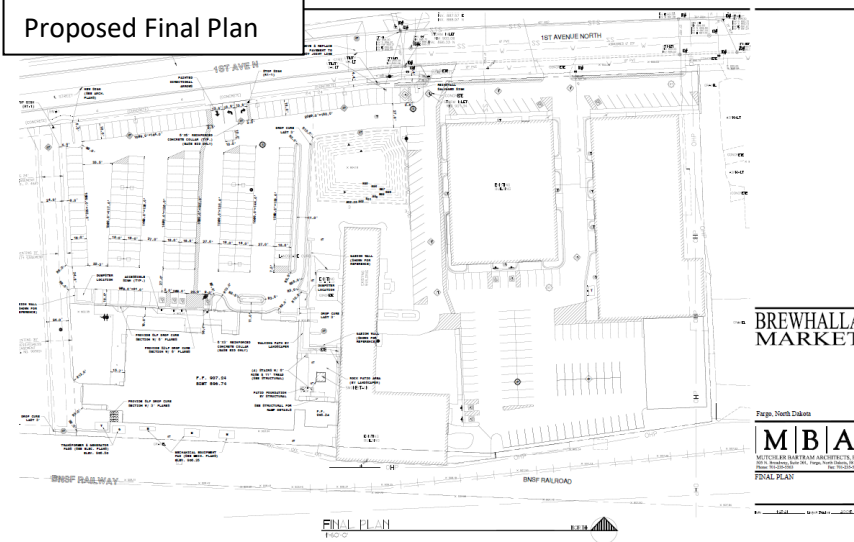
In order to accommodate development of the new multi-use building, the applicant has applied for a subdivision to create two (2) lots and one (1) block for the subject property. Based on future ownership of the development, the proposed lot line divides the development. However, the structures on either side of the lot line will be connected through a corridor, which results in a zero lot line.

PUD Master Land Use Plan

The image to the right is a preliminary Master Land Use Plan submitted by the applicant. All structures are existing except for the Brewhalla Market, the proposed structure on the west. The Master Land Use Plan shows the building envelope of the structures, parking and circulation, and open space.



Proposed Final Plan



PUD Final Plan

The purpose of the PUD Final Plan is to confirm that the final development plans are consistent with the intent and layout of the PUD master land use plan. The image on the left is the preliminary PUD Final Plan. The applicant will also need to submit for a building permit, where all review departments will review the plans for compliance with their respective codes.

PUD Overlay

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The proposed PUD overlay is intended to modify the following specific GC zoning standards:

- Allow residential and industrial use;
- Establish residential density of a maximum of 7 units per acre (allows up to 47 units);
- Reduce the interior side setback to 0 feet (on shared lot line of the proposed Lots 1 and 2 of the subdivision);
- Reduce setback on east interior setback to 2 feet and south rear setback to 0 feet to accommodate existing non-confirming structures;
- Reduce parking lot perimeter landscaping buffer width to minimum 4 feet;
- Modify the minimum off-street parking requirements for a mixed-use development.

In addition to these modifications, the PUD overlay will establish additional design standards for the development, which are largely consistent with the conditions of the existing CUPs 2018-007 and 2018-009. The design standards can be found in the attached draft PUD Ordinance, and are summarized below:

- Prohibited uses
- Bicycle parking
- Pedestrian circulation
- Minimum open space requirement
- Restrictions related to the manufacturing use

Parking Information

The applicant has prepared a parking proposal, which was reviewed by the City's traffic engineer. The traffic engineer concurred with the proposal. The applicant has proposed to keep the existing parking ratios on the east lot (Lot 2 / the Railyard), which were approved through CUP 2018-009. The parking requirements are to provide:

- Two spaces for the one residential unit on site
- One space per 500 square feet for all other uses

The applicant has proposed the following ratios for the west lot (Lot 1 / Brewhalla):

- 1.5 space per residential unit
- One space per 250 square feet for conference and event spaces, food market and patios
- One space per 500 square feet for kitchen and ancillary space
- All other uses will be per the Land Development Code.

Though the two lots have different parking ratios, the parking is intended to be shared between the two lots.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report. The applicant will also need to submit for a building permit, where all review departments will review the plans for compliance with their respective codes.

The Fire Department noted the following comments on the applications:

- Consideration should be given to risk associated with mainline railroad tracks and residential units located in close proximity. On this site, adjustments could be made to move residential units away from the track. The parking lot could possibly provide buffer between building and tracks.

The Inspections Department noted the following comments on the applications:

- There appear to be buildings crossing property lines which is not allowed per building code.

- There appears to be buildings that are too close to property lines. If property lines are installed near existing buildings, they may be not compliant with the building code. They can be reconstructed to comply.
- Any building, construction or work on or near railroad property will need approval from the railroad Owner and will require easement agreements if approved. Statements and easement agreements must be provided prior to approving any permits and work on the property. These easements must be in the Inspections Departments hands prior to permit and signed by all parties involved.
- The comments on this review are for purposes of preliminary review for the building code only and new information must be provided during the application, plan review and permit process that indicate full compliance with all codes and ordinances. The Inspections Department will approve for the PUD and expect all issues will be resolved prior to any permit application submittal.

While the comments from the Inspections Department are included in the staff report, they don't specifically relate to or impact the PUD application; the comments refer more to the design and permitting process and items that will have to be addressed during the building permit review phase.

Surrounding Land Uses and Zoning Districts:

- North: Across 1st Avenue North is LI, Limited Industrial and GC, General Commercial with warehouse and office uses;
- East: LI, Light Industrial with warehouse and office uses;
- South: GC, General Commercial with the BNSF Railroad;
- West: LI, Limited Industrial with warehouse and office uses.

Area Plans:

The subject property is located within the boundaries of the Core Neighborhoods Plan, which is in process and in its final stages of development and review.

Context:

Neighborhood: Madison / Unicorn Park

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

Parks: Unicorn Park (1603 3 Avenue North) is located approximately 800 feet north of the subject property. Unicorn Park provides basketball, grill, multipurpose field, playground, and picnic table amenities.

Pedestrian / Bicycle: There is an on-road bike facility located north of the property on 1 Avenue North. This bike route is a component of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to plat the subject property into two lots to accommodate future redevelopment. 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 one letter of support for the project. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The PUD zoning is an overlay with an underlying zoning district of GC, General Commercial. The proposed PUD Overlay zoning district is intended to accommodate the development of this property and specifically identify the proposed development with a specific master land use plan that is to be reviewed concurrently with the zoning change request. **(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 received one letter of support. 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 PUD is in keeping with Fargo's Comprehensive Plan, specifically:

(from Go2030 Chapter 10—Neighborhoods, Infill, and New Development)

- Infill—Develop policies to promote infill and density within areas that are already developed and are protected by a flood resiliency strategy. Control sprawl and focus on areas outside of the floodplain.
- Design Standards—Continue to follow design guidelines for Growth Areas for infill and residential development. Improve quality new housing by fostering strong relationship with the development and building community to promote dense, walkable communities with neighborhood centers.
- Quality New Development—Require new development to meet site design standards that result in well-designed new neighborhoods.

Staff finds that the proposed development is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Master Land Use Plan

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan:

1. **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**
The plan represents an improvement over what could have been accomplished through strict application of the base GC zoning district. This PUD is intended to promote a mixed-use development pattern by providing flexibility in terms of residential use and density, industrial use, parking requirements, setbacks and landscaping requirements while establishing design standards, in order to provide a larger scale development with residential use. **(Criteria Satisfied)**
2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**
All standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**
3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way, which provide access and public utilities to serve the property. **(Criteria Satisfied)**
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan, including initiatives of *infill*, *design standards*, and *quality new development*. The City's Go2030 Comprehensive Plan supports development within areas that are already serviced with utilities. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan and other adopted policies of the City. **(Criteria Satisfied)**
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**
The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a mixed-use development that will allow for a variety of uses within an area of the City that already has access to City services. **(Criteria Satisfied)**

PUD Final Plan Section 20-0908.D: The LDC stipulates that the Planning Commission shall approve the PUD Final plan if it is determined to be in substantial compliance with the approved PUD Master Land Use Plan. The PUD Final Plan shall be deemed to be in compliance so long as, when compared with the PUD Master Land Use Plan, it does not result in:

1. **An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**
There has been no change in project density or intensity. **(Criteria Satisfied)**
2. **A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**
There has been no change in the mix of housing types or the amount of land devoted to nonresidential uses. **(Criteria Satisfied)**
3. **A reduction in the amount of open space;**
Open space has remained unchanged. **(Criteria Satisfied)**

4. **Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**

Staff finds the change in common parking areas and reduction of access points do not constitute a significant change. **(Criteria Satisfied)**

5. **Any change within 50 feet of any SR or MR zoning district;**

There has been no change within 50 feet of any SR or MR zoning district. **(Criteria Satisfied)**

6. **Any change determined by the Planning Commission to represent an increase in development intensity;**

There has been no increase in development intensity. **(Criteria Satisfied)**

7. **A substantial change in the layout of buildings.**

There has been no substantial change in the layout of the buildings. **(Criteria Satisfied)**

The decision making body for the PUD Final Plan is the Planning Commission. Below includes a recommendation contingent on City Commission approval of the Zoning Change and PUD Master Land.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Subdivision Plat, **Brewhalla Addition**; 2) Zoning Change from LI, Limited Industrial and GC, Limited Commercial to GC, General Commercial with a PUD, Planned Unit Development Overlay; and 3) PUD Master Land Use Plan;

and to hereby approve the PUD Final Plan, contingent on the City Commission approval of the Zoning Change and PUD Master Land Use Plan,

as the proposal complies with the Co2030 Fargo Comprehensive Plan, Article 20-06, Section 20-0906.F(1-4), and Section 20-0908.B(7) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: March 2, 2021

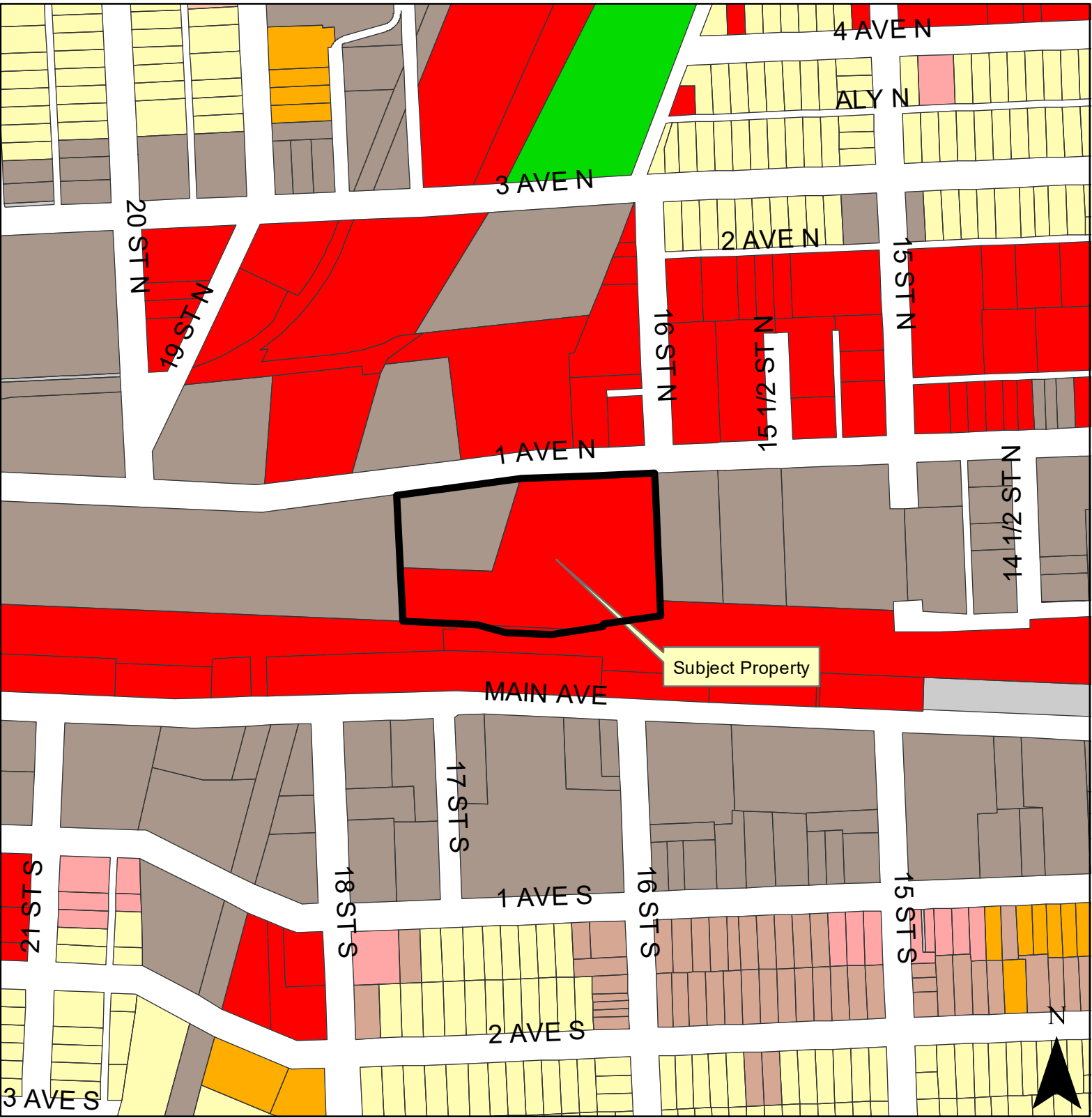
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Project narrative from applicant
5. PUD Master Land Use Plan and Final Plan
6. Draft PUD Ordinance
7. Public Comment

Zone Change (LI, GC, and GC with a C-O, Conditional Overlay to GC with a Planned Unit Development [PUD] Overlay, repealing the C-O);
PUD Master Plan and Final Plan; & Plat (Minor)

Brewhalla Addition

1612, 1620, 1624, 1630, 1632, 1666, & 1702 1st Ave N



Zone Change (LI, GC, and GC with a C-O, Conditional Overlay to GC with a Planned Unit Development [PUD] Overlay, repealing the C-O); PUD Master Plan and Final Plan; & Plat (Minor)

Brewhalla Addition

1612, 1620, 1624, 1630, 1632, 1666, & 1702 1st Ave N



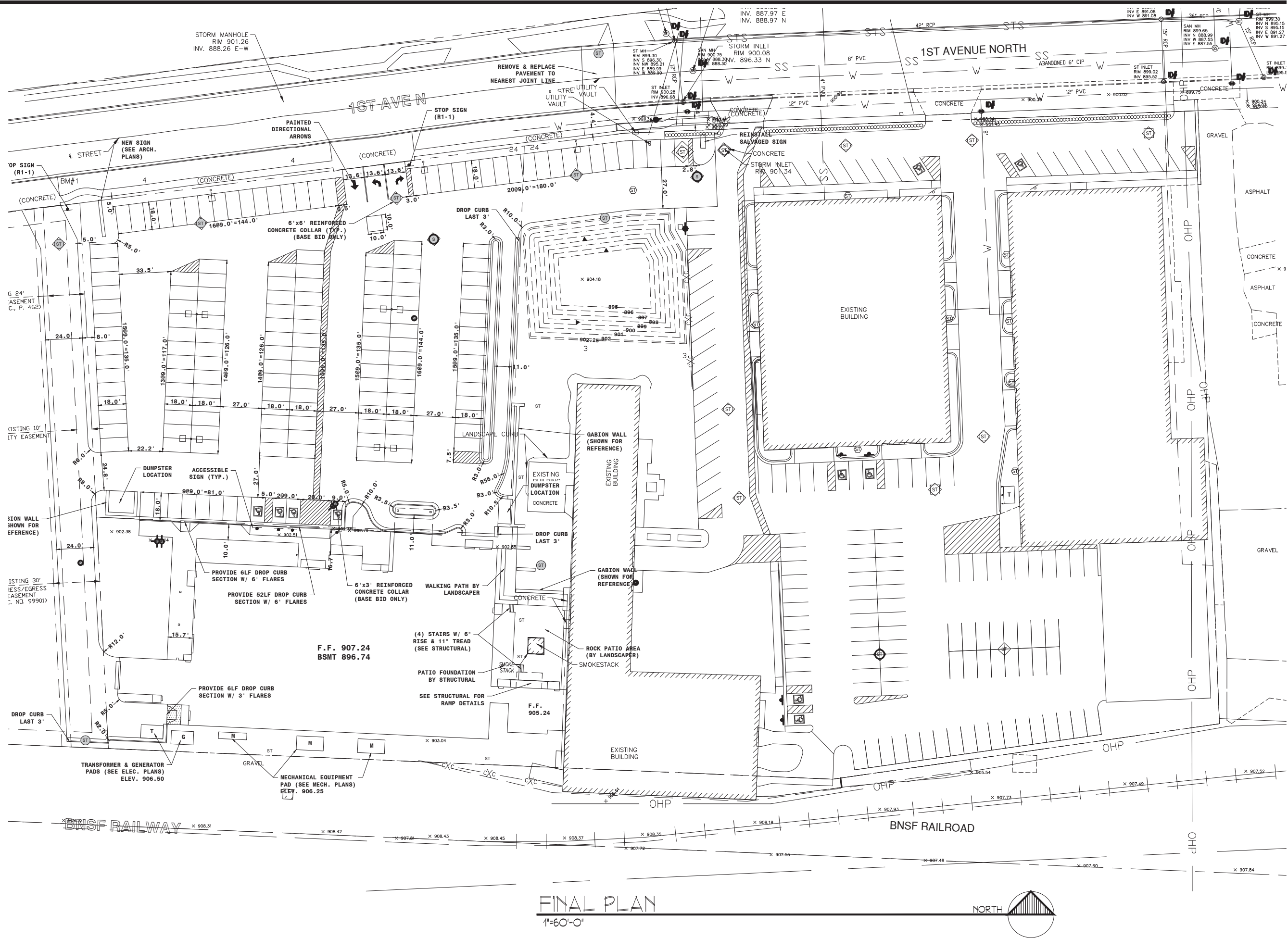
BREWHALLA MARKET NARRATIVE

The site is located adjacent to the west side of the Railyard Complex (1620, 1624, 1630, 1632 & 1666 1st Avenue North). The site includes an outdoor pipe storage yard (1702 1st Avenue North) combined with land near the railroad tracks that is currently part of the Railyard Complex. We are in the process of revising the property line between the Railyard and the proposed Brewhalla Market site which will require revised plats and legal descriptions for each property.

The proposed plan is to create a new 4 story plus basement Mixed Use Facility that includes underground parking for 41 vehicles and 7 motorcycles; 2 stories of Food Market / Retail / Multi-Use Event spaces; 3rd floor Lodging Units (24 rooms); 4th floor Apartments ((3) 2 BR & (15) 1 BR units); and an on-grade corridor connecting the new Brewhalla to the west end of the existing Drekker Brewery space. The project will be of steel and precast concrete construction with an Atrium and large skylight connecting all 4 above grade floors.

The new site will include 41 below grade parking spaces and 165 on-grade parking spaces (206) that will connect to the existing 163 parking spaces serving the Railyard for a total of 369 parking spaces for the combined development. There are also 10 spaces in the Coffee Drive-up, spaces for 7 motorcycles and 4 spaces in loading / unloading areas in the new development. A storm detention pond will be provided as required by the City. We will also be providing additional sanitary sewer piping through the property and connecting a neighboring site to the west that is not served by City utilities.

This is a facility that would be unique to anything in the region. It will draw people to Fargo for tourism and business. It provides sorely needed conference space to the Fargo / Cass County area. Perhaps most importantly, all this happens on an under-developed formerly industrial infill site in support of current downtown initiatives. All utilities and access are existing and no additional services are necessary.



BREWHALLA MARKET

Fargo, North Dakota

M

B

A

MUTCHLER BARTRAM ARCHITECTS, P.C.
505 N. Broadway, Suite 201, Fargo, North Dakota, 58102
Phone: 701-235-5563 Fax: 701-235-5435

FINAL PLAN

DRAFT PUD ORDINANCE

Allowed Uses: In addition to uses allowed within the GC, General Commercial zoning district, Residential and Industrial Uses shall also be allowed.

Residential Density: The maximum residential density allowed shall be 7 units per acre.

Parking:

The following parking requirements will be used for Lot 1:

- 1.5 space per residential unit
- One space per 250 square feet for conference and event spaces, food market and patios
- One space per 500 square feet for kitchen and ancillary space
- All other parking requirements will be per the Land Development Code.

The following parking requirements will be used for Lot 2:

- Two spaces for the one residential unit on site
- One space per 500 square feet for all other uses

Required parking for the development can be shared and located on either Lot 1 or 2.

Setback: Reduce interior setback of shared lot line between Lots 1 and 2 to 0 feet. To accommodate existing structures on Lot 2: Reduce interior setback on east side to 2 feet and reduce rear setback to 0 feet.

Landscaping: Reduce parking lot perimeter landscaping buffer width to 4'.

Additional Standards:

1. The following uses are prohibited:
 - a. Detention Facilities
 - b. Adult Entertainment Center
 - c. Vehicle Repair
 - d. Limited Vehicle Services
 - e. Aviation/Surface Transportation
 - f. Off-Premise Advertising
 - g. Portable Signs
2. Bicycle parking facilities, such as bike racks or bike lockers shall be provided on site.
3. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following
 - a. The primary entrance or entrances to each commercial building
 - b. Parking areas that service such commercial buildings

- c. The public sidewalk or walkway within the 1st Avenue North right-of-way

In locations where pedestrian walkways intersect or cross vehicular circulation areas, pavement striping or contrasting paving type shall be used along with signage and/or other design methods to demarcate the pedestrian circulation system.

4. Open space shall be a minimum of 20%
5. Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as defined by the Land Development Code.
6. The property shall not be used in whole or in part for storage or rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.
7. The manufacturing, production, or processing of food and/or animal products shall not be permitted, except for brewing of beer.
8. The manufacturing, production or processing of hazardous chemicals or materials shall not be permitted.
9. No loading or unloading operations may be conducted between the hours of 10:00 PM and 6:00 AM.



RECEIVED
1-25-2021 DE

Suite 200
16 South 16th Street
P. O. Box 9495
Fargo, ND 58106-9495
(701) 281-3951

January 21, 2021

Planning Commission
City of Fargo
225 4th Street No
Fargo, ND 58102

RE: BREWHALLA

To Whom It May Concern:

SNAPS Holding Company is the parent company of KP Main, LLC and other properties and enterprises throughout the region. KP Main is a commercial property that we own and is best known as the "Knight Printing Building", named for our tenant, Knight Printing. KP Main is a recipient of the meeting notice regarding Brewhalla.

We are writing in SUPPORT of the Brewhalla Addition and all the imagination, planning, work, investment, and development occurring along the 1st Avenue North corridor that we have seen since the revitalization of the neighborhood began.

We are excited to see the positive changes to the neighborhood and ask that they be allowed to continue.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sanjay C. Patel", is written over a horizontal line.

Sanjay C. Patel
President

City of Fargo Staff Report			
Title:	EOLA Addition	Date:	2/24/2021
Location:	2470 & 2500 45 th St S	Staff Contact:	Maegin Elshaug
Owner(s)/Applicant:	EOLA Landholdings, LLC & City of Fargo / Epic Companies	Engineer:	Mead & Hunt
Reason for Request:	Major Subdivision (replat of Lot 4, Block 1, Anderson Park Second Addition to the City of Fargo, Cass County, North Dakota, including a waiver for a reduced street Right of Way), Zoning Change (from GC, General Commercial with a C-O, Conditional Overlay to GC, General Commercial to a PUD, Planned Unit Development Overlay and a request to repeal the C-O, Conditional Overlay); and a PUD Master Land Use Plan		
Status:	Planning Commission Public Hearing: March 2, 2021		

Existing	Proposed
Land Use: Vacant (previously sports complex)	Land Use: Mixed-use development
Zoning: GC with a C-O, Conditional Overlay	Zoning: GC with PUD
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service , aviation , surface transportation , and major entertainment events. Plus CUP for TSS structure (location further east of subject property)	Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair , limited vehicle service , aviation , surface transportation , and major entertainment events. Plus a PUD allowing Residential use
Maximum Density Allowed: 85% maximum building coverage	Maximum Density Allowed: building coverage unchanged

Proposal:
<p>The applicant is seeking approval of 1) a major subdivision, EOLA Addition, (two (2) blocks, seven (7) lots), including a waiver for a reduced street Right of Way; 2) a zoning change from GC, General Commercial with a C-O, Conditional Overlay (Ordinance 4904), to GC, General Commercial with a Planned Unit Development (PUD) Overlay and a request to repeal the C-O, Conditional Overlay; and 3) a PUD Master Land Use Plan. The subject property is located at 2470 and 2500 45th Street South and contains approximately 6.74 acres. The property located at 2470 45th Street South is owned by the City of Fargo and is the location of the 24th Avenue South dedication on the proposed EOLA Addition plat. The applicant intends to build a master-planned mixed-use development. The image on the following page shows the area of the applications.</p>



Current Status:

As of the writing of this staff report, staff continues to work with the applicant to confirm and solidify the details of the PUD. The Major Subdivision application including waiver for a reduced street Right of Way will include findings and a recommendation. However, in order to provide additional time to coordinate on this PUD project, staff is recommending continuation of the Zoning and PUD Master Land Use Plan applications. For the Zoning and PUD Master Plan, it is staff's intent to present the applications at the March 2, 2021 Planning Commission meeting in order to introduce the project and to hear public comments, but to recommend continuation of the application to April 6, 2021 in order to give additional time to coordinate and finalize the details of the application. In summary, staff intends for the Zoning and PUD Master Land Use Plan applications to be heard by the Planning Commission twice; once on March 2 for information, discussion, and public hearing purposes, and again on April 6 for continued public hearing and recommendation from the Planning Commission. Staff has not included any findings for the Zoning and PUD Master Land Use Plan as there is no recommendation.

Project Summary

The applicant has applied for a major subdivision, zoning change and a PUD Overlay in order to tailor development standards to the specifics of the proposed project, the EOLA development, which is a new master-planned mixed-use development surrounding a 4-acre urban park. The proposed project is eight 7-story buildings with underground parking, 1-2 floors of commercial space, with combination of residential condominiums and apartments, with patio spaces that open up to the park. A parking garage is also proposed on the site; however, if the parking structure was not constructed, the applicant proposes a similar mixed-use structure as the other eight. The applicant states that the development will be a walkable community that has trails connecting to the park, coordinated events with surrounding community organizations to naturally coexist with the surrounding amenities.

Major Subdivision and waiver for a reduced street Right of Way

In order to accommodate the development, the applicant has applied for a subdivision, EOLA Addition, to create two (2) blocks and seven (7) lots for the subject property. The subdivision will dedicate right-of-way for 24th Avenue South, which is anticipated to connect to 42nd Street South at some point in the future. The right-of-way for the road is narrower than required by the Land Development Code, therefore the application includes a request for waiver for a reduced street Right of Way. The Engineering Department is currently working with a consultant to design 24th Avenue South. The draft amenities plan is attached.

PUD Master Land Use Plan

The image to the right is a preliminary Master Land Use Plan submitted by the applicant. The applicant proposes eight mixed-use, 7-story buildings, parking structure and large public park. If the parking structure was not constructed, the applicant proposes a similar mixed-use structure as the other eight. The Master Land Use Plan shows the building envelope of the structures, parking and circulation, and open space. Note that if the zoning change and the Master Land Use Plan are approved by the City Commission, the Planning Commission will review the Final Plans for the PUD at some point in the future.



PUD Overlay

As permitted by Section 20-0301(E) of the LDC, a number of different zoning standards are eligible for modification by the ordinance which establishes the PUD zoning overlay. The proposed PUD overlay is intended to modify the following specific GC zoning standards:

- Allow residential use;
- Establish maximum residential density of 70 units per acre;
- Increase building height within proximity of residentially zoned property and establish building height maximum on property to 85 feet;
- Reduce front, street side, and rear setbacks to 10 feet;
- Waive requirement for parking lot buffer;
- Modify the minimum off-street parking requirements for a mixed-use development.

In lieu of a parking lot buffer, the applicant is working on a proposal for plantings within the boulevard of 45th Street South, similar to the plantings to the south along 45th Street South. In addition to the modifications noted, the PUD overlay would also establish additional standards for the development, anticipated to be largely consistent with the C-O, Conditional Overlay. The applicant is preparing a study for how parking will be addressed within the development.

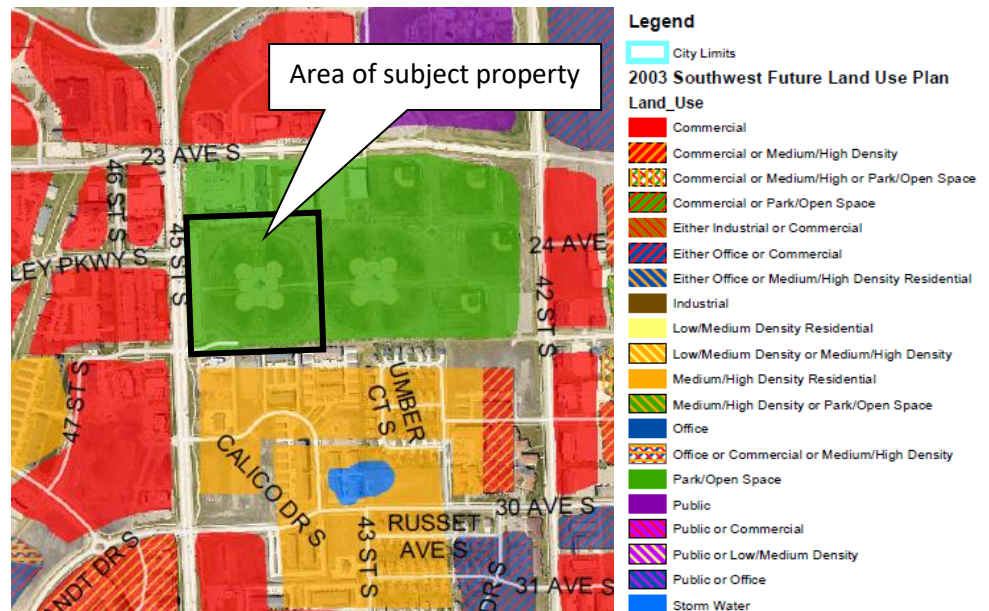
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report. The applicant will also need to submit for a building permit, where all review departments will review the plans for compliance with their respective codes.

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial and P/I, Public and Institutional, with uses of commercial and the Fargo Park District's Southwest Youth Ice Area;
- East: P/I and the remainder of the Anderson Softball Complex;
- South: LC, Limited Commercial and MR-2, Multi-Dwelling Residential with uses of commercial and apartments;
- West: Across 45th Street South is GC with commercial use.

Area Plans:

The subject property is located within an area identified as the 2003 Southwest Area Plan as contained within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo*. The property was rezoned to GC, General Commercial with a C-O, Conditional Overlay in 2014. While this plan indicates the property for park/open space, a growth plan amendment was contemplated at the time and was ultimately concluded that, due to the general land use pattern of the area, not necessary. The base zoning district of GC is not changing with this application.



Context:

Neighborhood: Anderson

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

Parks: The subject property is located adjacent to the remainder of the Anderson Softball Complex.

Pedestrian / Bicycle: A shared use facility is located on the east side of 45th Street South and connects to the metro area trail system.

Staff Analysis:

Subdivision

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

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

The property is zoned GC, General Commercial with a C-O, Conditional Overlay. The GC zoning is proposed to remain as the base zoning district for the PUD, while the C-O is proposed to be repealed. PUD overlay will establish additional standards for the development, anticipated to be largely consistent with the C-O, Conditional Overlay that will be repealed. The GC with PUD overlay zoning will accommodate the proposed development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any public comment or inquiries. **(Criteria Satisfied)**

2. **Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with**

the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.

The property is zoned GC, General Commercial with a C-O, Conditional Overlay. The GC zoning is proposed to remain as the base zoning district for the PUD, while the C-O is proposed to be repealed. PUD overlay will establish additional standards for the development, anticipated to be largely consistent with the C-O, Conditional Overlay that will be repealed. The GC with PUD overlay zoning will accommodate the proposed development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any public comment or inquiries. **(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.**

There are existing utilities located within the property, running east and west, which will be removed or rerouted. Specifically, storm sewer will be rerouted and located within the new 24th Avenue South right-of-way; the water main that exists through the lot, which comes from 42nd Street South, will be removed and capped at the eastern edge of the property and a new water main will be located in the 24th Avenue South right-of-way; and the sanitary sewer will be removed and capped at the eastern edge of the property and new sanitary sewer will be located within 24th Avenue South right-of-way. Some existing utility stubs are located on the west part of the property and are anticipated to remain. Additionally, the City's standard policy is 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)**

Subdivision Waiver For Street Width

This project requires a subdivision waiver for streets for right of way width as the 24th Avenue South roadway will reduced in overall right of way width, paving width, and boulevard configuration.

- 1. Section 20-0907.D.3.a of the LDC stipulates that a Subdivision Waiver must not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the area in which the property is located.**

Twenty-fourth (24th) Avenue South will be a local street with diagonal parking on either side within a GC, General Commercial zoned area. LDC 20-0611(G)(1) specifies an 80-foot wide ROW. The standards between the required and proposed ROW are depicted in the chart below:

STANDARD	LDC	PROPOSED
Overall width	80 feet	73 feet
Lanes	2	2
Paving width	40 feet	32 feet
Sidewalk width	4.5 feet each side	6 feet each side (and 4' furnishing zone)
Sidewalk location	2.0 feet off property line	Just outside the ROW within Utility and Sidewalk easement

The reduced right-of-way width provides sufficient east-west street connectivity and parking while accommodating the mixed-use development. Staff finds this criteria is met. **(Criteria Satisfied)**

- 2. Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

Approval of the subdivision waiver for ROW width, as described above, would allow the applicant's project design for a mixed-use development while still providing sufficient right-of-way and connectivity to provide

access and on-street diagonal parking on both sides of the street, as well as pedestrian circulation on dedicated public sidewalks. The Public Works department is working with the applicant on a maintenance agreement to address public improvements, maintenance, and snow removal. **(Criteria Satisfied)**

3. **Section 20-0907.D.3.c of the LDC stipulates that a Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.**

Only the street standards requirement of Section 20-0611 of the LDC would be affected by approval of this waiver. **(Criteria Satisfied)**

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
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?**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

Master Land Use Plan

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan:

1. **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**
2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**
3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**

Staff Recommendation:

At this point, staff is including a recommendation for the Major Subdivision application (which includes a waiver for a reduced street Right of Way) and is recommending the Zoning Change and PUD Master Land Use Plan to be continued. It is staff's intent to bring these two items to the April Planning Commission meeting for continued public hearing and with a recommendation for Planning Commission.

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed major subdivision plat, **EOLA Addition**, including a waiver for a reduced street Right of Way, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code;

And to continue the **Zoning Change** and **PUD Master Land Use Plan** to the April 6 Planning Commission meeting."

Planning Commission Recommendation:

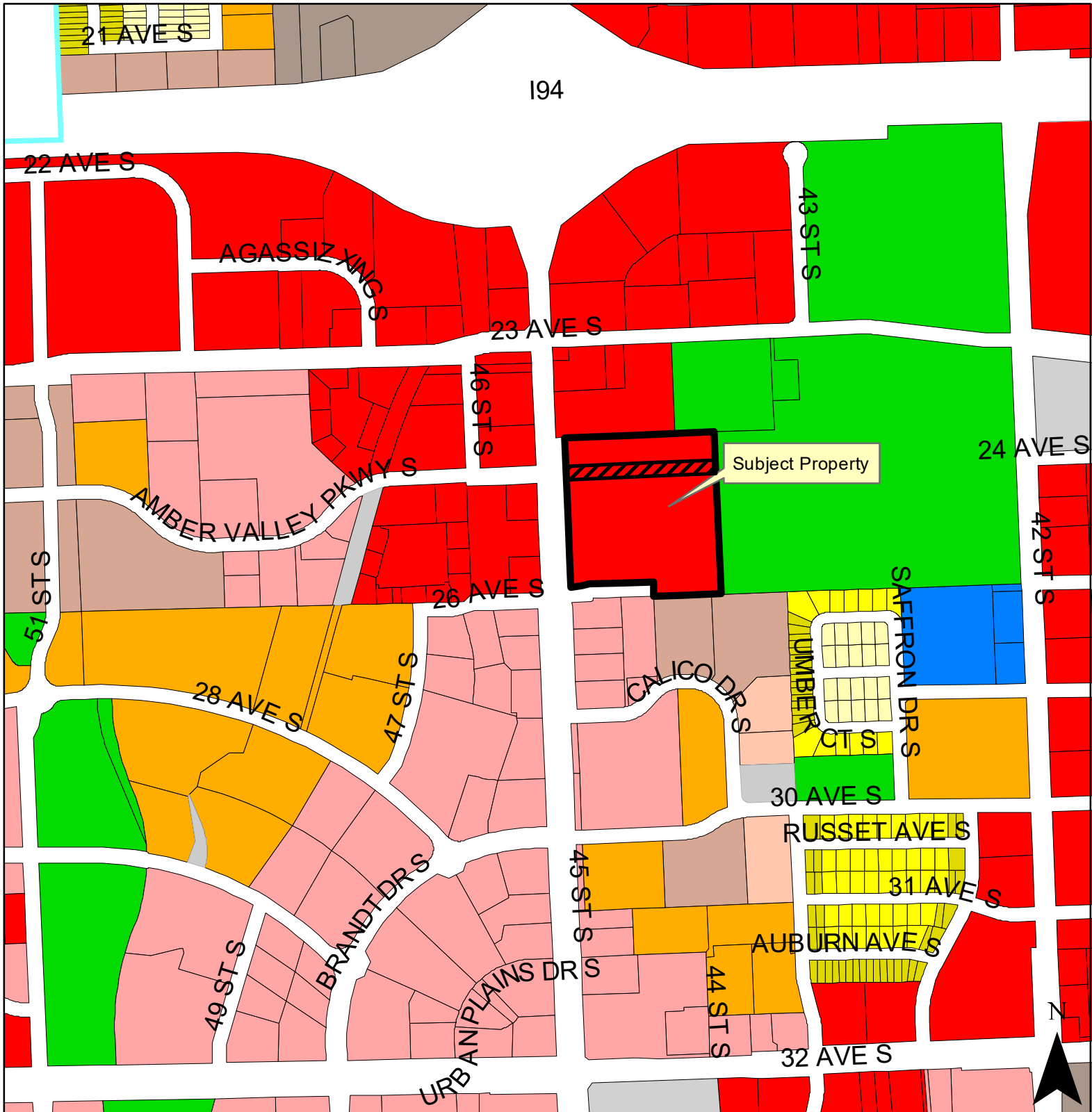
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft Amenities Plan
5. Project narrative from applicant
6. PUD Master Land Use Plan
7. Project renderings from applicant

Zone Change (GC with a C-O to GC with a Planned Unit Development [PUD] Overlay, repealing the C-O); PUD Master Land Use Plan; & Plat (Major)

EOLA Addition

2500 & 2470 45th St S



**Zone Change (GC with a C-O to GC with a
Planned Unit Development [PUD] Overlay, repealing the C-O);
PUD Master Land Use Plan; & Plat (Major)**

EOLA Addition

2500 & 2470 45th St S



EOLA ADDITION

A REPLAT OF LOT 4, BLOCK 1 OF ANDERSON PARK SECOND ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOWN ALL PERSONS BY THESE PRESENTS: That EOLA Landings, LLC, and the City of Fargo do hereby certify that we are the owners of the land located in that part of the Northwest Quarter of Section 22, Township 139 North, Range 49 West, Cass County, North Dakota, described as follows:

Lot Four, in Block One of Anderson Park Second Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

Containing 16.7 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **"EOLA ADDITION"** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate 24th Avenue South together with all Utility, Sidewalk and Trail Easements shown on said plat to the Public.

Owner:

City of Fargo

Claim of Interest in:

That part of Lot 4, Block 1, of said Anderson Park Second Addition, described as follows:

Commencing at the northwest corner of said Lot 4; thence South 02 degrees 28 minutes 18 seconds East, on the east right-of-way line of 45th Street South a distance of 164.51 feet to the point of beginning; thence North 87 degrees 31 minutes 42 seconds East a distance of 839.96 feet to the east line of said Lot 4; thence South 02 degrees 28 minutes 18 seconds East, along said east line, 73.00 feet; thence South 87 degrees 31 minutes 42 seconds West a distance of 839.96 feet to said east right-of-way line; thence North 02 degrees 28 minutes 18 seconds West, on said east right-of-way, 73.00 feet to the point of beginning.

Timothy J. Mahoney, Mayor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, appeared before me, Timothy J. Mahoney, Mayor, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of the City of Fargo.

Notary Public: _____

Owner:

EOLA Landholdings, LLC

Claim of Interest in:

That part of Lot 4, Block 1, of said Anderson Park Second Addition EXCEPTING THEREFROM, the following described tract:

Commencing at the northwest corner of said Lot 4; thence South 02 degrees 28 minutes 18 seconds East, on the east right-of-way line of 45th Street South a distance of 164.51 feet to the point of beginning; thence North 87 degrees 31 minutes 42 seconds East a distance of 839.96 feet to the east line of said Lot 4; thence South 02 degrees 28 minutes 18 seconds East, along said east line, 73.00 feet; thence South 87 degrees 31 minutes 42 seconds West a distance of 839.96 feet to said east right-of-way line; thence North 02 degrees 28 minutes 18 seconds West, on said east right-of-way, 73.00 feet to the point of beginning.

Todd Berning, President

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, appeared before me, Todd Berning, President, known to me to be the persons whose names are subscribed to the above certificate and did acknowledge to me that they executed the same on behalf of EOLA Landholdings, LLC

Notary Public: _____

Mortgage Holder: Western State Bank

Chad Cota, VP/Business Banking Officer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20____, appeared before me, Chad Cota, VP/Business Banking Officer 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 on behalf of Western State Bank.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this ____ day of _____, 20____.

Joshua J. Nelson, Professional Land Surveyor No. LS-27292

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 20____, before me personally appeared Joshua J. Nelson, 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, P.E., City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

John Gunkelman, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this ____ day of _____, 20____, before me personally appeared John Gunkelman, 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: _____

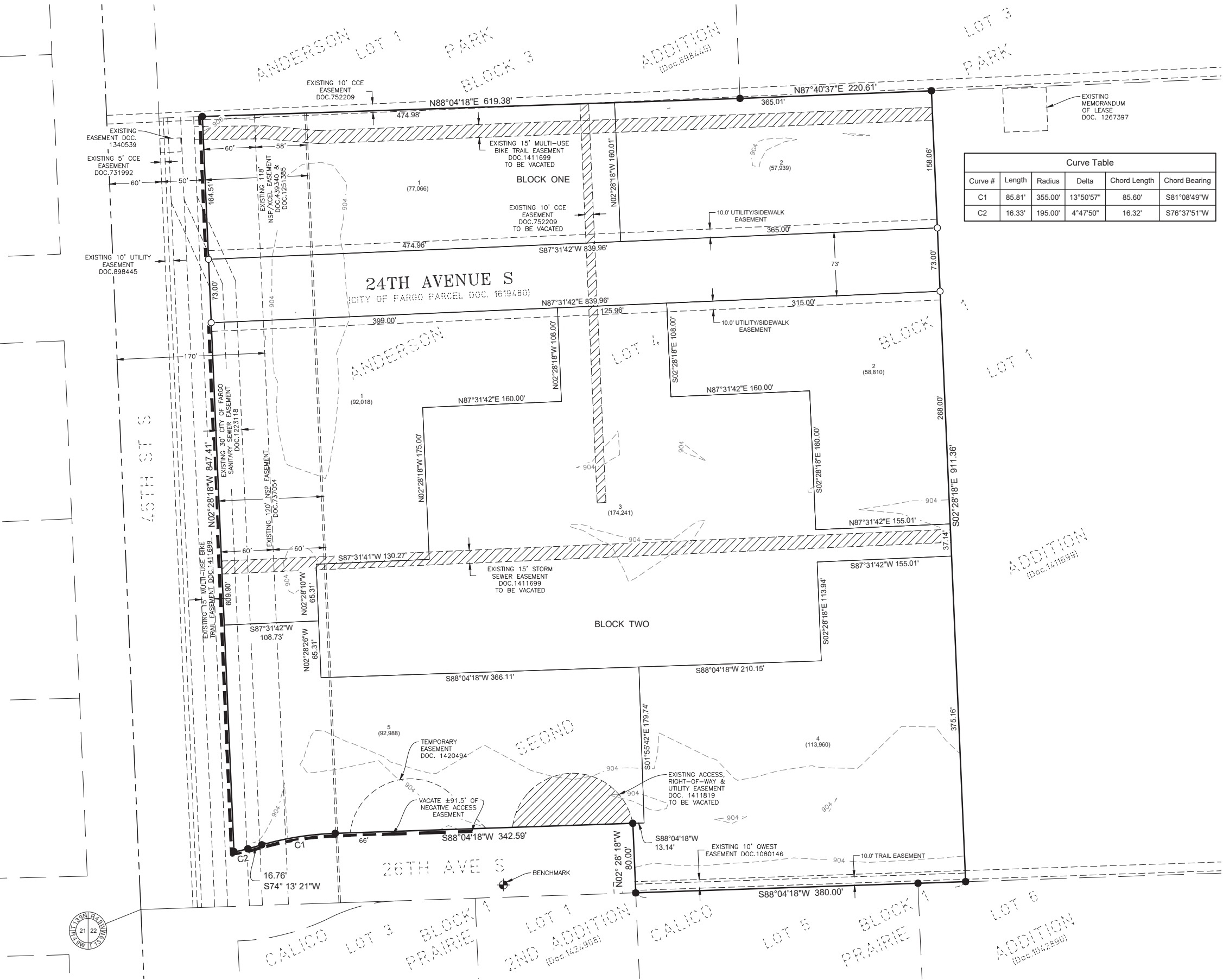


Phone: 701-566-6450
meadhunt.com

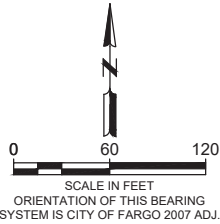
PROJECT NO.
4289700-202029.01
SHEET 1 OF 2

EOLA ADDITION

A REPLAT OF LOT 4, BLOCK 1 OF ANDERSON PARK SECOND ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	85.81'	355.00'	13°50'57"	85.60'	S81°08'49"W
C2	16.33'	195.00'	4°47'50"	16.32'	S76°37'51"W



- NOTES
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 - BENCHMARK TOP NUT OF HYDRANT LOCATED ± 400' EAST OF THE INTERSECTION OF 26TH AVENUE SOUTH AND 45TH STREET SOUTH ON THE SOUTH SIDE OF 26TH AVENUE SOUTH. ELEVATION = 909.79 (NAVD88)
 - NEGATIVE ACCESS EASEMENT, AS NOTED ON THE EOLA 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.
 - BASE FLOOD ELEVATION (BFE) IS 905.7 (NAVD88) PER CITY OF FARGO GIS.
 - ELEVATION CONTOURS DERIVED FROM FARGO 2015 LIDAR DATA.

LEGEND	
●	MONUMENT IN PLACE
○	SET MONUMENT (5/8" REBAR CAPPED PLS-27292)
⊕	BENCHMARK
(5,000)	LOT AREA (SQUARE FEET)
---	NEGATIVE ACCESS EASEMENT
---	EXISTING PROPERTY LINE
---	EXISTING EASEMENT LINE
---	NEW LOT LINE
---	NEW BLOCK LINE
---	PLAT BOUNDARY
---	NEW EASEMENT LINE
---	MAJOR CONTOUR
---	MINOR CONTOUR
---	EXISTING EASEMENT TO BE VACATED

Mead
& Hunt

Phone: 701-566-6450
meadhunt.com

PROJECT NO.
4289700-202029.01
SHEET 2 OF 2

**Site Amenities and
Project Plan
EOLA Addition
PRELIMINARY – February 23, 2021**

Location: The subject property is legally referenced to as EOLA Addition including Lots 1 and 2 of Block 1 and Lots 1-5 of Block 2, being a replat of Lot 4 Block 1 of Anderson Park Second Addition to the City of Fargo, Cass County, North Dakota. The property comprises approximately 16.7 acres

Details: The project includes seven (7) General Commercial (GC) zoned lots on two (2) blocks and is generally located on the east side of the of Amber Valley Parkway and 45th Street intersection. As approved, the project is intended to be a master-planned development that will consist of multiple mixed-use buildings, parking lots, a private drive, and green space.

Right of Way (ROW): The project accommodates right of way dedications for public roadways and utilities, with specific details outlined below:

24th Avenue South: This segment of 24th Avenue South from 45th Street South to the east edge of the EOLA Addition plat has been designated as a *local roadway* pursuant to §20.0702.

- ROW dedication shall be 73 feet;
- Street widths shall be 64 feet with diagonal parking allowed on both sides of the street, as shown on City of Fargo Standard Detail 4000-5.4 (2012).
- Appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 6 foot sidewalks shall be incorporated into the boulevards. 4.5 feet is the minimum width required by §20.0611. This sidewalk sits in a dedicated Sidewalk/Utility Easement.
- New Traffic Signals will be installed at the intersection of 24th Avenue South & 45th Street South.
- New ADA compliant crosswalks and associated striping will also be installed at the intersection of 24th Avenue South & 45th Street South.

Other:

26th Avenue South

- Approximately 150 lineal feet of road will be installed to the easternmost edge of the existing dedicated Right-of-Way. This road will taper down to a 24' width that will connect to a private drive that loops up to 24th Avenue South.

Shared-Use Path

- Approximately 775 feet of a 12 foot wide shared-use path will be installed on the west side of the property. This path will be maintained by the Park District and will generally follow the winding pattern that is a prominent feature of the existing shared-use path located throughout the 45th Street South corridor.

Miscellaneous

- Developer shall be responsible for coordinating the placement of parking signage, street light locations, and trees with the appropriate City of Fargo department. These details shall be determined prior to construction of any public improvements.
- A snow removal maintenance plan will be required for this project. The developer is responsible for all snow removal within the 24th Avenue South dedicated Right-of-Way and sidewalks.

Storm Water Management: All stormwater located within the newly platted lots will be detained on-site via acceptable stormwater treatment practices before discharging to the municipal storm sewer system. The proposed private stormwater system will accommodate all detention and water quality requirements.

Flood Protection: Portions of EOLA Addition fall within the existing FEMA floodplain. It is acknowledged by the developer that all occupied structures located within the floodplain will be required to be removed from the floodplain via a Letter of Map Revision (LOMR). It is also acknowledged by the developer that construction of structures shall comply with City of Fargo Flood Proofing Requirement when applicable.

Engineering and Construction Improvements: The developer's engineer, MBN Engineering, Inc., shall rely upon and collaborate with the City of Fargo Engineering Department on the design and construction of all public improvements, inclusive of wet underground facilities and boulevards, as applicable.

Funding of Improvements: The following shall apply respective to assessed public improvements:

- Public improvements shall be assessed to the benefitting properties, pursuant to city policy

This Amenities Plan is hereby approved.

Blake Nybakken, EOLA Landholdings, LLC

date

Brenda E. Derrig, City Engineer

date



January 14, 2021

EOLA Development at Anderson Fields

PUD required application materials:

1. Project Narrative:

- a. The EOLA development at the former Anderson Fields site on 45th Street in South Fargo will be a master-planned mixed-use development that surrounds a 4-acre urban park. The buildings shown on the site plan are anticipated to be 7-stories in height, with underground parking, patio space that opens up to the park, 1-2 levels of commercial space, then a mix of residential condos and apartments on the upper levels. EOLA is Greek for the word 'violet'. The seven rays of light that make up the violet color will be transformed into the representation of seven countries, familiar with the ancestry of the region. EOLA will be a walkable community that has trails connecting to the park and will have coordinated events with surrounding community organizations to naturally coexist with the baseball fields, Southwest Arena and the Red River Zoo.

SITE HATCH PATTERNS

ASPHALT

ASPHALT - EXISTING

CONCRETE

CONCRETE - EXISTING

WATER

NEW CONSTRUCTION

REVISION SCHEDULE		
NUMBER	DESCRIPTION	DATE

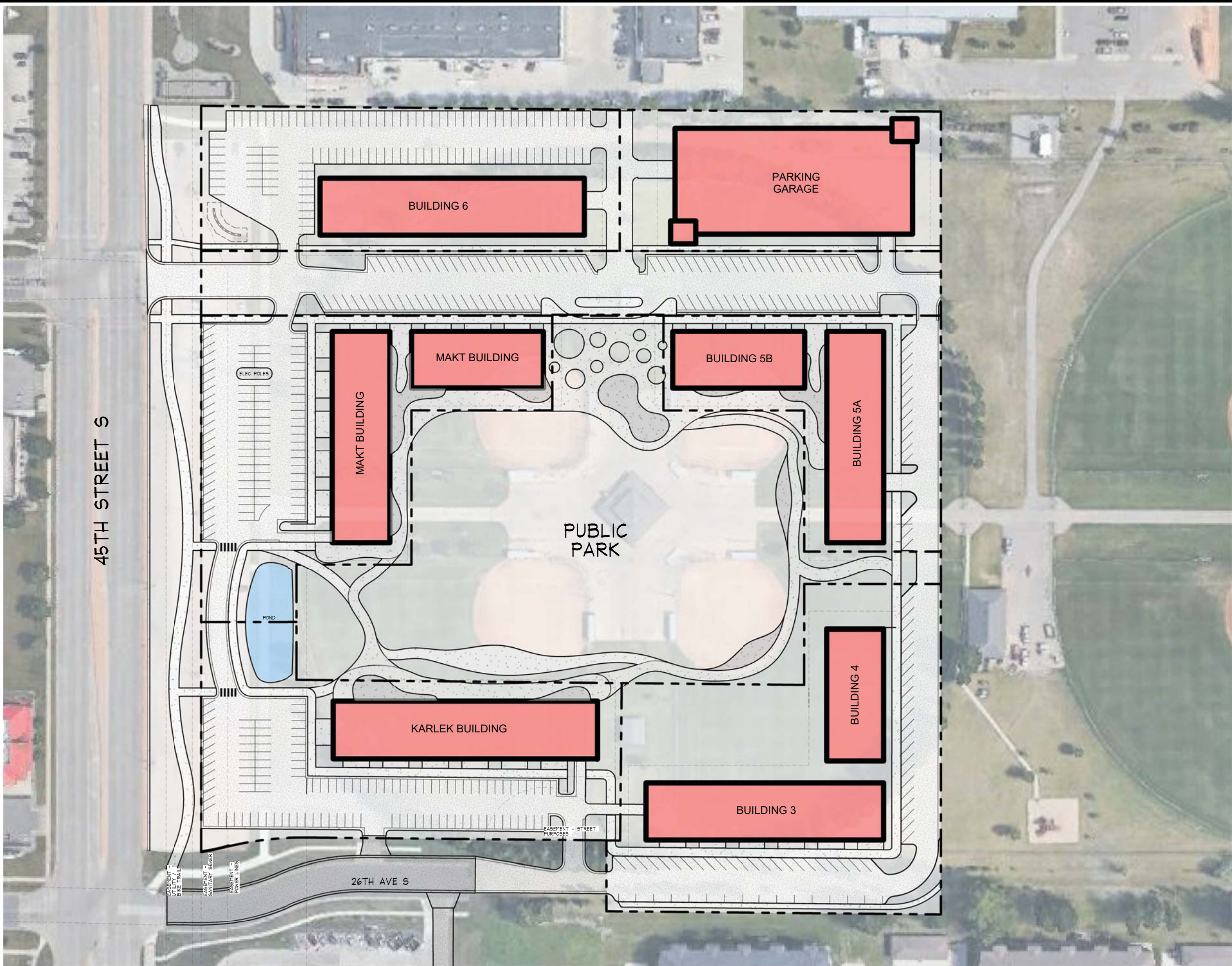
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Print Name: _____

Signature: _____

Date: 02/15/2021

Registration No. _____





EOLA Development – Renderings



EOLA Development – Renderings

City of Fargo Staff Report			
Title:	Rocking Horse East 2 nd Addition	Date:	2-16-2021
Location:	5454, 5458, 5462, 5466, 5470, 5474, 5478, 5482, 5486, 5490, 5494, and 5498 51st Avenue South.	Staff Contact:	Kylie Bagley
Owner(s)/Applicant:	Sheyenne Commercial Condos LLC/Jerry and Terasina Hintz	Engineer:	N/A
Reason for Request:	Conditional Use Permit for Warehouse, Manufacturing and Production, and Industrial Services in the GC, General Commercial zoning district on Lot 3, Block 2, Rocking Horse East 2 nd Addition.		
Status:	Planning Commission hearing March 2, 2021		

Existing
Land Use: Self Storage and Office
Zoning: GC, General Commercial
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events
Maximum Building Coverage Allowed: Maximum 85% building coverage

Proposed
Land Use: Self Storage, Office, Warehouse, Manufacturing and Production, and Industrial Services
Zoning: GC, General Commercial with a Conditional Use Permit (CUP)
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events
Plus CUP to allow for warehouse, manufacturing and production, and industrial services uses.
Maximum Building Coverage Allowed: Maximum 85% building coverage

Proposal:
<p>The applicant is seeking approval of a Conditional Use Permit (CUP) to allow Warehouse, Manufacturing and Production, and Industrial Service uses in a GC, General Commercial, zoning district on Lot 2, Block 3, Rocking Horse East 2nd Addition. The subject property is located at 5454, 5458, 5462, 5466, 5470, 5474, 5478, 5482, 5486, 5490, 5494, and 5498 51st Avenue South. The applicant is requesting the CUP in order to allow industrial uses in the future. The subject property is divided into 12 condo units which are under one common ownership and are leased out individually.</p> <p>The applicant, Jerry and Terasina Hintz, are requesting the CUP based on their business, Steep Me A Cup of Tea which will be located at 5498 51st Avenue South. Steep Me A Cup of Tea is 45% online retail, 20% in store retail, 25% in store light manufacturing and 10% service. In order to package their product on site and sell online they will need to have a CUP for manufacturing and production. The planning department feels it is appropriate that the</p>

CUP applies to all the condominium units and has included warehouse and industrial service uses to the CUP in order to match the surrounding CUPs in the area.

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 Zoning and Land Uses Include:

- North: Across 51st Avenue South; GC, General Commercial with CUP with warehouse, office, and retail sales and service uses;
- East: Across 53rd Street South; GC, General Commercial with CUP with warehouse and office uses;
- South: Across 52nd Avenue South; GC, General Commercial with CUP with warehouse, office, and retail sales and service uses;
- West: GC, General Commercial, with warehouse and office uses.

Area Plans:

The subject properties are located within the bounds of the 2003 Southwest Future Land Use Plan which designates this area as suitable for Commercial.



Schools and Parks:

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

Neighborhood: The subject properties are located within the bounds of the Osgood Neighborhood.

Parks: Veteran's Park (4951 53rd Street S) abuts the property to the north.

Pedestrian / Bicycle: An off-road bike facility is located directly north of the subject properties and is a component of the metro area bikeways system.

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?**

According to Section 20-0104 of the LDC, the purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. The proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, the potential negative impact on future residential land-uses to the north and west. Therefore, staff finds that the proposal is consistent with the purpose of the LDC. **(Criteria Satisfied)**

2. Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?

Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. Staff is proposing conditions which would address the negative impacts of the proposed uses but that also allow the neighborhood to utilize the convenience of these businesses. **(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 reason to believe the proposed use will cause injury to the value of other property in the vicinity. In accordance with the notification requirements of the City, notice of the proposal was sent to surrounding property owners as well as published in the Forum newspaper. To date, one inquiry has been received regarding the application with no noted concern. In addition, staff believes that the conditions outlined with the Conditional Use Permit further ensure that the industrial uses use will not negatively affect the value of the surrounding property over the long term. **(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.

Staff does not believe that the location, size, nature or intensity of the use will prevent development and use of neighboring property in accordance with applicable zoning districts. The proposed uses are consistent with the adjacent commercial properties that have been granted similar Conditional Use Permits over the past several years. In addition to the proposed CUP conditions, use-specific standards of LDC Section 20-0402.R apply to industrial uses in the GC zoning district and provide for additional protection of the surrounding area. **(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 subject 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 to utilize the property as proposed. Based on this information staff finds that 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 commercial property has access to the public street system at 51st Avenue South that can adequately accommodate truck/commercial traffic. In addition, the Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

Recommended Conditions:

- 1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as

determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.

- 2) No outdoor storage of equipment or supplies.
- 3) Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the LDC.
- 4) The manufacturing, production, or processing of food and/or animal products shall not be permitted.
- 5) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 6) Any expansion of industrial uses shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 7) The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow for Warehouse, Manufacturing and Production, and Industrial Services in the GC, General Commercial as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- 1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall or building extension.
- 2) No outdoor storage of equipment or supplies.
- 3) Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the LDC.
- 4) The manufacturing, production, or processing of food and/or animal products shall not be permitted.
- 5) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 6) Any expansion of industrial uses shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 7) The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

Planning Commission Recommendation: March 2, 2021

Attachments:

1. Zoning Map
2. Location Map

Conditional Use Permit

Rocking Horse East Second Addition

5454, 5458, 5462, 5466, 5470, 5474, 5478,
5482, 5486, 5490, 5494 & 5498 51st Ave S



City of Fargo Staff Report			
Title:	Urban Plains by Brandt Fifth Addition	Date:	2/23/2021
Location:	5600 28 th Avenue South, 2850, 2901, 2970 & 2975 Uptown Way South	Staff Contact:	Maggie Squyer
Legal Description:	Lots 1-5, Block 1, Urban Plains by Brandt Fifth Addition		
Owner(s)/Applicant:	Urban Plains Land Co, LLC and Uptown and Main V LLC	Engineer:	Houston Engineering
Entitlements Requested:	To repeal and reestablish a Conditional Use Permit for residential living in the LC, Limited Commercial, zoning district.		
Status:	Planning Commission Public Hearing: March 2, 2021		

Existing	Proposed
Land Use: food service/vacant	Land Use: mixed-use
Zoning: LC, Limited Commercial with a Conditional Overlay and CUP for residential use on five lots	Zoning: LC, Limited Commercial with a Conditional Overlay and CUP for residential use on one lot
Uses Allowed: Limited Commercial allows colleges, community service, day care facilities of unlimited size, health care facilities, parks and open areas, religious institutions, safety services, basic utilities, offices, off-premise advertising signs, commercial parking, retail sales and services and telecommunications facilities of limited size. Self-service storage, vehicle repair and limited vehicle service are typically allowed in LC, but are prohibited by the Conditional Overlay (5153).	Uses Allowed: No change
Maximum Density: Existing Conditional Use Permit allows 24 units per acre	Maximum Density: Requested Conditional Use Permit to allow 34 units per acre

Proposal:

The applicant is seeking to repeal an existing Conditional Use Permit (CUP) for residential living on Lots 1-5, Block 1, Urban Plains by Brandt Fifth Addition and reestablish a CUP for residential living with a higher density allotment on Lot 1, Block 1, Urban Plains by Brandt Fifth Addition. The applicant intends to construct a four story mixed-use building on the subject property with main floor retail space and 110 multi-dwelling residential units.

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

Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial with retail sales and services
- East: MR-3, Multi-Dwelling Residential with apartments and GC, General Commercial, with a health club
- South: LC, Limited Commercial that is currently vacant
- West: West Fargo

Area Plans:



The subject property was included in the 2001 Southwest Fargo Growth Plan. In this plan, Urban Plains by Brandt Fifth Addition was identified as Commercial property.



Context:

Neighborhood: Urban Plains Neighborhood

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

Parks: The project site is located within a half-mile of Urban Plains Park (3020 51st Street South) and Brandt Crossing Park (5009 33rd Avenue South) which offer amenities of a basketball court, dog park, picnic tables, playground equipment and recreational trails.

Pedestrian / Bicycle: A shared use path runs along all four sides of the subject property.

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:

- 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. The proposed CUP for residential living will allow the developer to create a mixed-use building in the Limited Commercial zoning district while meeting the dimensional standards of the LC zone and the general development standards of the LDC. 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)**
- Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**

Staff suggests that establishing pockets of low-intensity commercial development near high-density residential development promotes convenience by providing the opportunity for positive neighborhood-level interactions between citizens and businesses. The proposed CUP for residential living will contribute to the convenience of the public by supporting mixed-use development near an arterial roadway in a rapidly growing part of the city. **(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. **(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 mixed-use development will not dominate the immediate neighborhood or prevent any other site from developing in a manner allowed by zoning district regulations. The subject property is adjacent to apartment complexes to the east and mixed-use residential/commercial development to the north. **(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 28th Avenue South, 55th Street South and Uptown Way South, which are fully constructed local roadways. All driveways will be reviewed and permitted in accordance with Section 20-0702 of the Land Development Code. **(Criteria Satisfied)**

Recommended Conditions:

- The maximum residential density shall be 34 units per acre.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to repeal the existing Conditional Use Permit on Lots 1-5, Block 1, Urban Plains by Brandt Fifth Addition and reestablish a Conditional Use Permit to allow residential living in the LC, Limited Commercial, zoning district on Lot 1, Block 1, Urban Plains by Brandt Fifth Addition as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- The maximum residential density shall be 34 units per acre."

Planning Commission Recommendation: March 3, 2021

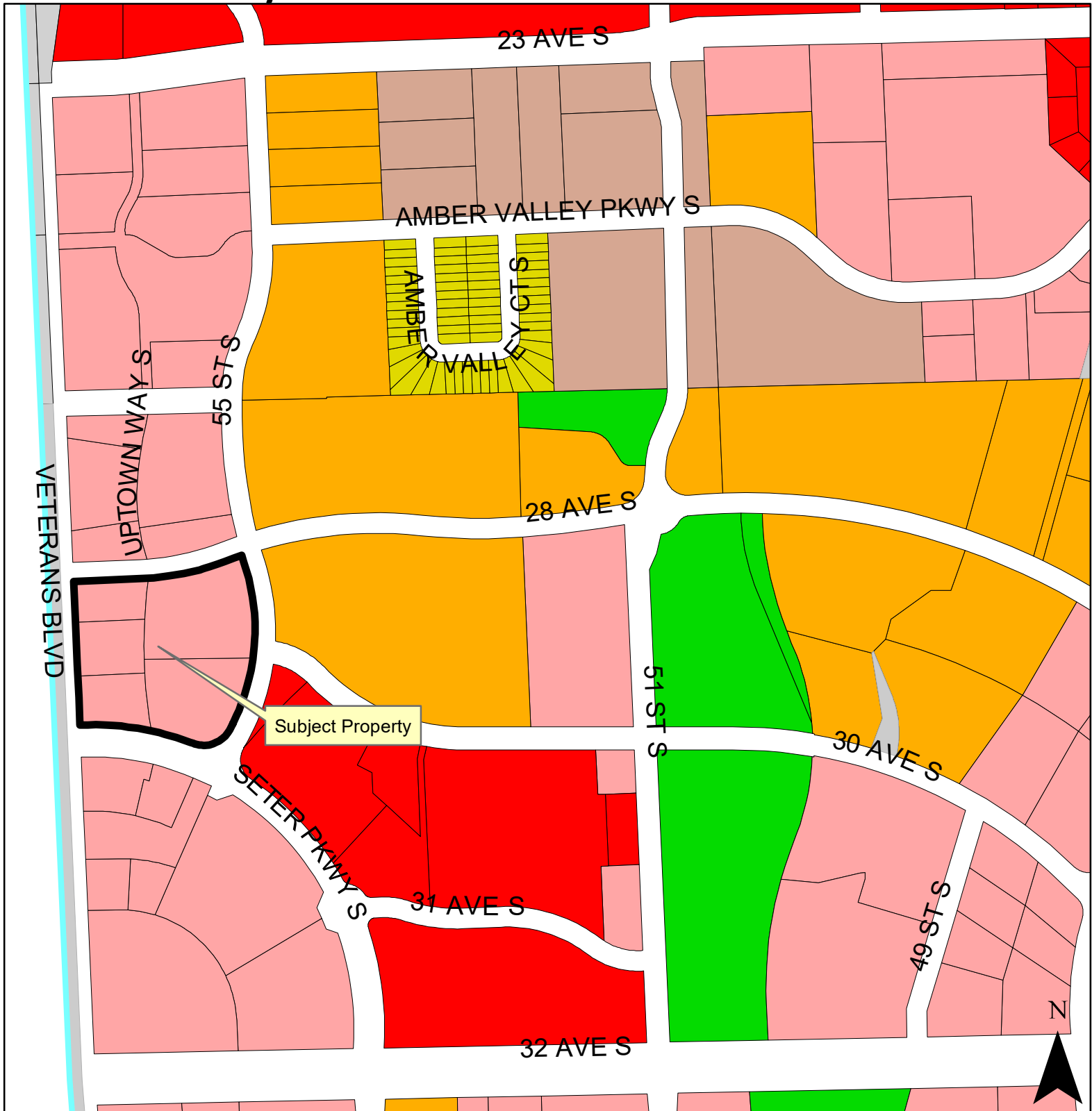
Attachments:

1. Zoning Map
2. Location Map

Repeal and Replace the Existing Conditional Use Permit

Urban Plains by Brandt Fifth Addition

5600 28th Ave S
2850, 2901, 2970 & 2975 Uptown Way S



Legend

AG	DMU	GL	GO	LC	MR-1	MR-2	MR-3	MHP	NC	P/L	UML	SR-2	SR-3	SR-4	SR-5	SR-6	City Limits
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Repeal and Replace the Existing Conditional Use Permit

Urban Plains by Brandt Fifth Addition

5600 28th Ave S
2850, 2901, 2970 & 2975 Uptown Way S



**City of Fargo
Staff Report**

Title:	Chas A. Roberts Addition	Date:	2/23/2021
Location:	615 9 th Avenue South	Staff Contact:	Maggie Squyer
Legal Description:	Parts of Lots 1, 23 and 24, Block K, Chas A. Roberts Addition		
Owner(s)/Applicant:	Paul & Kathryn Anderson	Engineer:	N/A
Entitlements Requested:	Zone Change (from SR-3, Single-Dwelling Residential and NC, Neighborhood Commercial)		
Status:	Planning Commission Public Hearing: March 2, 2021		

Existing	Proposed
Land Use: Retail Sales and Services	Land Use: Unchanged
Zoning: SR-3, Single-Dwelling Residential with a Historic District Overlay	Zoning: NC, Neighborhood Commercial with a Historic District Overlay
Uses Allowed: SR-3 allows detached housing, attached housing, duplexes, group living restricted residency, day care facilities of limited size, parks and open areas, religious institutions, safety services, schools, basic utilities, and limited telecommunications facilities.	Uses Allowed: NC allows detached housing, attached housing, duplexes, multi-dwelling structures, community service, day care facilities of limited size, parks and open areas, religious institutions, safety services, basic utilities, offices, retail sales and services, and limited telecommunications facilities.
Maximum Building Coverage Allowed in SR-3: 40%	Dimensional Standards of the NC zoning district are influenced by adjacent zoning districts

Proposal:

The applicant is seeking approval of a Zoning Map Amendment to change the subject property from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial. The proposed low-intensity commercial zoning district reflects the recent use of the property as a stained glass workshop as well as the future use of the property as an antique furniture consignment and repair shop. The business owner anticipates that customers will spend only 10-15 minutes dropping-off or collecting furniture from the shop, with the occasional customer stopping to purchase refinished, antique furniture.

In August of 2000, a variance was granted for a building addition on the rear of the existing structure, which eliminated any area available for off-street parking. In 2013, a second variance was granted that allowed the owner to reconstruct a portion of the existing shop, maintaining the original building footprint. The building fronts 9th Avenue South, which is subject to seasonal parking restrictions from November 1st- April 15th but allows parking on both sides of the street from April 16th- October 31st. The property owner is aware of these restrictions, which were established prior to the approval of both variances.

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

Surrounding Land Uses and Zoning Districts:

- North: MR-2, Multi-Dwelling Residential with an apartment building
- East: SR-3, Single-Dwelling Residential with a detached house
- South: SR-3, Single Dwelling Residential with a detached house
- West: SR-3, Single-Dwelling Residential with an apartment building

Area Plans:

The subject property is located in the Hawthorne Neighborhood, which is currently under evaluation as part of the Core Neighborhoods Plan.

Context:

Neighborhood: The subject property is located within the Hawthorne Neighborhood.

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

Parks: Island Park (302 7th Street South) and Dill Hill Park (652 6th Avenue South) are located within a quarter-mile of the subject property. These parks provide baseball/softball fields, a basketball court, tennis courts, a swimming pool, playground equipment, and picnic shelters.

Pedestrian / Bicycle: A bike route is located one block west of the property along 7th Street South.

Staff Analysis:

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The proposed Neighborhood Commercial zoning district is consistent with the existing and proposed use of the subject property. Approval of the proposed zone change would bring the subject property into compliance with Section 20-04 of the Land Development Code, ending the long history of the property as a nonconforming use. Staff finds that the change in zoning is justified as the owner has a clear picture of the type of development that will occupy the land. **(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. **(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 two inquiries about the project and no letters of opposition. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Although not adopted, this request is consistent with the findings of the Hawthorne Neighborhood Implementation Brief (a subset of the Core Neighborhoods Plan) which cites an interest in business districts and properties that integrate well and contribute to the desirability of the neighborhood. Staff finds this proposal is consistent with the purpose of the LDC, the 2007 Growth Plan, and other adopted policies of the City. **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed zoning map amendment from SR-3, Single-Dwelling Residential to NC, Neighborhood Commercial as the proposal complies with the 2007 Growth Plan, Standards of Section 20-0906.F (1-4), and all other applicable requirements of the LDC."

Planning Commission Recommendation: March 2, 2021

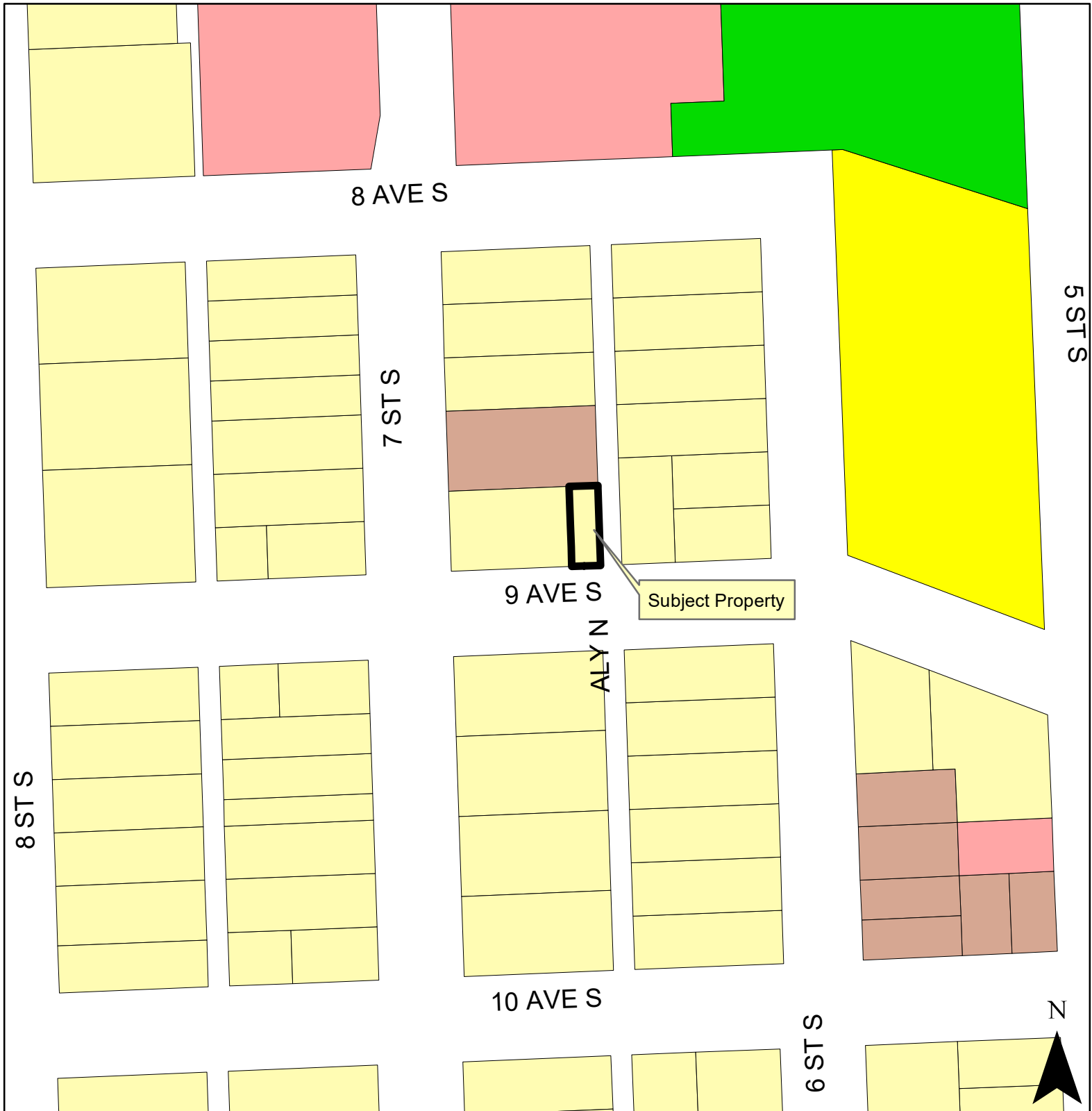
Attachments:

1. Zoning Map
2. Location Map

Zone Change (SR-3 to NC)

Chas A Roberts Addition

615 9th Ave S



Legend

AG	LC	MHP	SR-2
DMU	MR-1	NC	SR-3
GC	MR-2	P/I	SR-4
GL	MR-3	UMU	SR-5
GO			City Limits

100

Feet

Fargo Planning Commission

March 2, 2021

Zone Change (SR-3 to NC)

Chas A Roberts Addition

615 9th Ave S



Zone Change (SR-3 to NC)

Chas A Roberts Addition

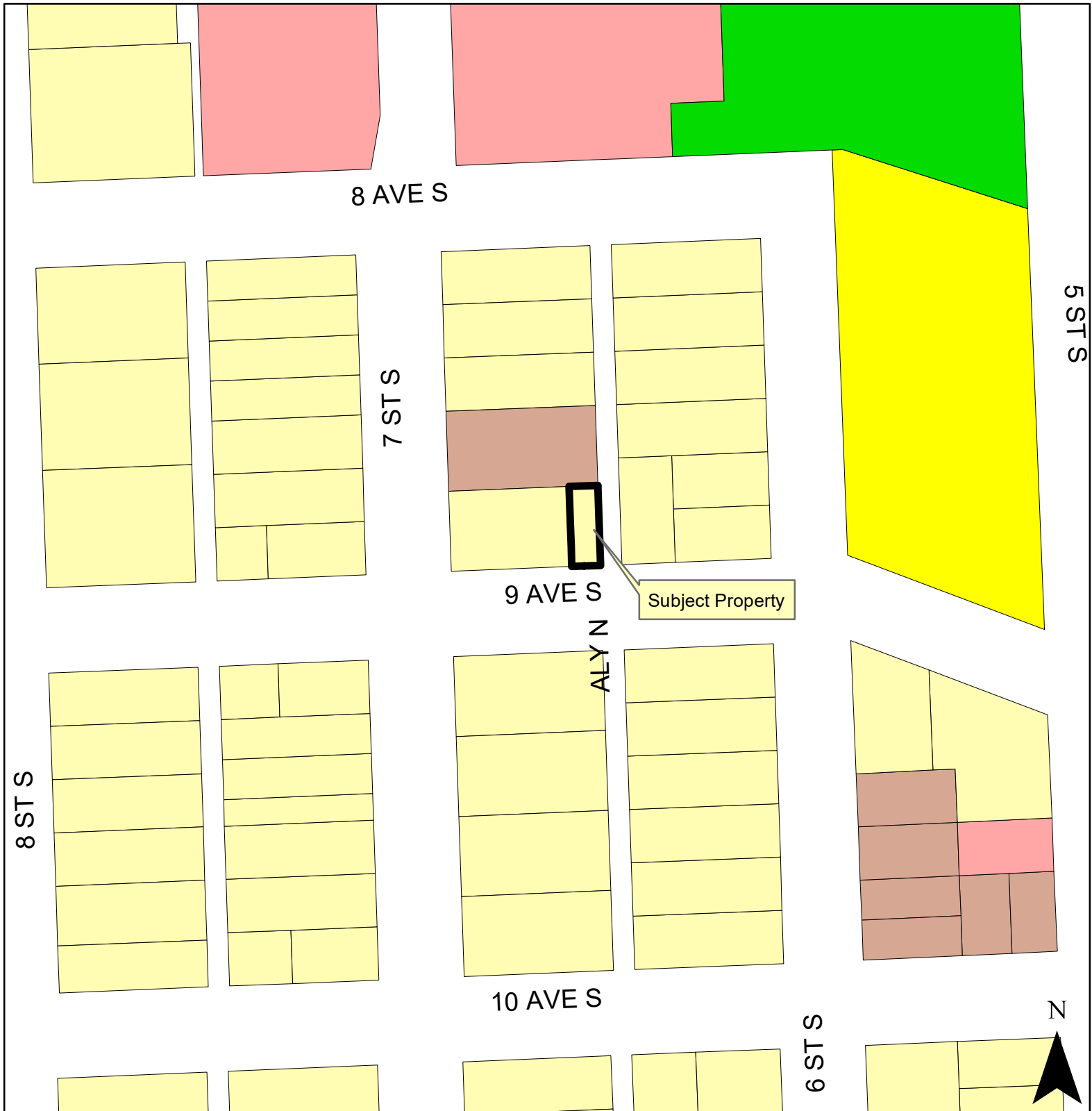
615 9th Ave S



Zone Change (SR-3 to NC)

Chas A Roberts Addition

615 9th Ave S



Legend

AG	LC	MHP	SR-2
DMU	MR-1	NC	SR-3
GC	MR-2	P/I	SR-4
GL	MR-3	UMU	SR-5
GO			City Limits

100

Feet

Fargo Planning Commission

March 2, 2021

Zone Change (SR-3 to NC)

Chas A Roberts Addition

615 9th Ave S



MEMORANDUM

TO: Fargo Planning Commission

FROM: Jim Gilmour, Director of Strategic Planning and Research
Aaron Nelson, Planning Coordinator

DATE: February 23, 2021

SUBJECT: Review of Renewal Plan for consistency with Go2030

At the direction of the City Commission, City staff has prepared a Renewal Plan for the area adjacent to the Red River in downtown Fargo. The plan is attached for your review.

The plan was prepared to be consistent with the City's comprehensive plan and downtown plans. As part of the review process, the Renewal Plan is referred to the Planning Commission for recommendation as to its conformity with the GO2030 Comprehensive Plan.

Staff is 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 and the Downtown Fargo InFocus Plan.

Recommended Motion:

"...to 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. 2021-01

CITY OF FARGO, NORTH DAKOTA

January 2021

RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2021-01	1
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RENEWAL PLAN FOR TAX INCREMENT DISTRICT NO. 2021-01

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 GO2030 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. 2021-01.

"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. 2021-01 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 a 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. 2021-01, the City Commission intends to make the following findings:

- (a) The Renewal Area includes a blighted area.

Factual basis: This Renewal Area is blighted due to the presence of deteriorated or deteriorating structures, which 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 of blighted conditions within the Renewal Area can be found in Appendix A.

- (b) The Renewal Area includes vacant, industrial, commercial and residential properties.

Factual basis: Areas within the Renewal Area are 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: Most of the Renewal Area is located within the DMU (Downtown Mixed-Use) zoning district. South of 2nd Street South, there are properties in the MR-3 zoning district. Older industrial, warehouse and surface parking land uses are most appropriate for redevelopment to newer housing, commercial and hospitality land uses.

- (d) Comparable replacement dwellings or housing is or can be made available to persons displaced by the proposed Tax Increment Project.

Factual basis: There are vacant apartments in the City. The multi-family vacancy rate in the City is estimated to be 5.4% as of September 2020, which is high enough to meet the needs of the persons who would be displaced. This plan includes activities to provide new housing, including housing for lower income households.

- (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 and the Downtown InFocus 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.

Additionally, housing development within this Renewal Area provides an opportunity for residents to live in close proximity to shopping and work. The proposed development will not burden the existing infrastructure as the property is served with water and sewer main lines.

Redevelopment activities are consistent with the Downtown InFocus Plan. The InFocus land use plan is for residential, commercial, mixed-use and public/institutional land uses within the area of the renewal plan.

Subsection 1.4. Description of Renewal Area

The TIF district Renewal Area is located on the eastern side of downtown Fargo. General boundaries are the Great Northern rail line on the north, 4th Street on the west, the Red River on the east and 7th Avenue South on the south. The district does include some properties on the west side of 4th Street and south of 6th Avenue South. A map of the renewal area is in Appendix B. Appendix C is a list of the properties in the renewal area.

The Renewal Area includes many properties that are vacant, surface parking and older commercial, warehouse and industrial areas. A map in Appendix D shows the location of properties with the potential for redevelopment. There are four general areas including:

North of 2nd Avenue North – There are sites with potential for redevelopment on five blocks. A city owned warehouse and a privately owned single story commercial building are along 2nd Street North with a good view of the river. A Fargo Housing Authority property in need of replacement for major renewal is located NE of 4th Avenue and 4th Street. Property NW of 4th Street and 4th Avenue is surface parking for a single story commercial building. The former Public Health Department is located NW of 3rd Avenue, it is owned by the City and is in poor condition. Another City building, the former police station, and a parking ramp with the potential to expand are located SW of 3rd Avenue and 4th Street.

South of 1st Avenue North – The block SE of 1st Avenue and 4th Street has surface parking, a vacant housing building and an auto repair business. The block south of City Hall is half surface parking and half older commercial buildings. South of that block is a newly renovated office building and commercial laundry business. The former Mid-America Steel operation is located along the river between NP Avenue and Main Avenue, it is owned by the City and much of the site could be redeveloped.

South of NP Rail Line – The two blocks along Main Avenue between 2nd Street and 4th Street have a lot of redevelopment potential. Many properties on the north side of Main Avenue are vacant. The Gateway Mall was recently acquired for redevelopment and the first new building is under construction. The City owns a vacant parcel on the block that has a high potential for housing development. The Fargo Housing Authority has 22-story large apartment building that is in poor condition and needs redevelopment.

6th Avenue South – Prairie St. John's is building a new healthcare facility to replace its existing facility on the same site on the north side of the avenue. The south side of the avenue is

surface parking and older housing units.

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

The Development of the Renewal Area includes the following activities. They are listed in four phases including those planned for 2021, those planned for 2022, those that could be ready for 2023 to 2025 when TIF revenue is expected to increase, and those that may occur after 2025.

These activities are designed to implement the Downtown InFocus land use plan. The land use plan map is included in Appendix E.

2021 Activities

- Sell the City property at 1 2nd Street South for redevelopment, with the condition that no development incentives will be provided so that new property tax revenue will be available for TIF-funded activities.
- Demolish the City-owned warehouse at 419 3rd Street North (old school district warehouse) and sell the cleared site for redevelopment, with the condition that no development incentives will be provided so that new property tax revenue will be available for TIF-funded activities. Money for the demolition would be reimbursed from future TIF revenue and/or sale of City properties within the Renewal Area.
- Sell the City property at 401 3rd Avenue North (old Public Health building) to encourage redevelopment at this site or an adjacent site. Use funds from the sale of this property towards the cost of the demolition of 419 3rd Street North and other renewal plan activities.
- Planning for the Mid-America Steel site redevelopment to include general flood protection plans, a review of City ordinances that affect redevelopment, identification of buildings that have no potential for redevelopment and development of concepts for redevelopment.

2022 Activities

- Demolish buildings on the Mid-America Steel site that do not have the potential for redevelopment.
- Provide redevelopment incentives as needed to encourage redevelopment by private developers for private redevelopments or public-private partnership redevelopments. Incentives may include costs of land acquisition, demolition, public improvements and other appropriate costs.
- In partnership with the Fargo Housing Authority, develop plans or redevelopment of public housing projects at 409 4th Street North and 101 2nd Street South. Costs may include demolition costs, public improvements and other costs. Implementation in 2023.

2023 to 2025 Activities

- Acquire land and assist with an affordable housing project within the Renewal Area, possibly in coordination with Prairie St. John's.
- Redevelop the Fargo Housing Authority site at 401 3rd Street North.
- Redevelop the Fargo Housing Authority site at 101 2nd Street South.
- Pedestrian/bike bridge over 2nd Street at City Hall.
- Civic Plaza work in coordination with redevelopment of the Civic Auditorium.

- Pedestrian connection between Fargo City Hall and the Skyway System.
- Civic Center Parking Ramp addition to provide additional parking downtown.
- Civic Auditorium redevelopment.
- Redevelopment incentives for Mid-America Steel site.
- New infrastructure to the Mid-American Steel site.

2026 and Beyond

- Redevelopment incentives for other sites within the Renewal Area.
- Public infrastructure.

This schedule is for planning purposes, so specific activities and details may be different when these activities are implemented. The schedule will depend on the availability of TIF and other resources, including private sector investment. The schedule and the annual selection of activities will depend on the success of the first developments, availability of private sector partners and schedule of other public improvements.

Subsection 1.6. Land Use Attributes – TIF District

- (a) *Zoning, Densities and Building Requirements.*
Most of the renewal plan area is zoned DMU (Downtown Mixed-Use), and no zoning changes are required to implement this plan. DMU zoning district does not restrict the number of dwelling units or density. All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.
- (b) *Plan relationship to land use objectives (land uses, improved traffic, public utilities, recreational and community facilities and other public improvements).*
The activities outlined in the plan meet critical needs required for the redevelopment of this area. The redevelopment complies with the DMU zoning district and the redevelopment goals of the GO2030 Comprehensive Plan and the Downtown InFocus Plan. The development provides for the infill of new housing units, mixed-use development and commercial development within downtown Fargo.

Subsection 1.7. Estimate of Development Costs

The City anticipates development of the Renewal Area will involve certain public costs. North Dakota Century Code, Sections 40-58-20 and 40-58-20.1 allows 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. The primary costs involved in the development are demolition and site cleanup, development incentives and public facility improvements.

This list of estimated costs is very high-level estimates. In most cases, a detailed or even general estimate is not available. These estimates will need to be more fully developed as part

of the continuing planning and implementation process. As this planning process continues, additional activities may be added and other activities may be amended or removed from the plan.

Year 1 – 2021

- Demolish the City-owned warehouse at 419 3rd Street North: \$500,000 to \$1,000,000.

Year 2 – 2022

- Mid-America demolitions: \$500,000 to \$2,000,000.
- Redevelopment incentives: \$1,000,000 to \$2,000,000.

Year 3 to Year 5 – 2023-2025

- Affordable housing: \$500,000 to \$1,000,000.
- Senior housing redevelopment at 409 4th Street North: \$1,000,000 to \$2,000,000.
- Demolition of High Rise: \$2,000,000 to \$3,000,000.
- Civic Parking expansion: \$1,500,000 to \$2,500,000.
- Civic Center Plaza: \$2,000,000 to \$4,000,000.
- 2nd Street pedestrian/bike bridge (local): \$1,000,000 to \$1,500,000.
- Skyway connection to City Hall: \$500,000 to \$1,000,000.

Attachment F shows the location of these proposed activities.

Subsection 1.8. Estimate of Bonded Indebtedness

The City intends to finance certain costs of the Development through a variety of methods. Development incentives may be done through the issuance of Tax Increment Financing Notes to developers. 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 special 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. The City may borrow from other internal funds and repay those with future tax increment revenue.

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 outlined on Attachment A.

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 where 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 that the Development will result in an increase in true and full value of the Renewal Area redevelopment site to \$215 million. The value of taxable private property within the TIF district is \$65 million. The increase in value has the potential to be over \$150 million. Under the mill rate in effect as of the date of this Plan, development within the Renewal Area will generate tax increment each year of \$140,000 for every \$10 million in development. If \$150 million of new buildings are eventually developed, tax increment would be \$2 million per year.

While there is potential for over \$150 million of new development within this Renewal Area, the development will likely be slow to occur, and will depend on the success of the first phases of redevelopment. TIF income will be very small in the first few years, begin to grow in 2024, and grow significantly, as private property within the Renewal Area develops. Outside of property that the City owns, the timing of the development is unpredictable.

This is an estimate of TIF income for activities that are expected soon or those that the City can influence the schedule.

2022 and 2023: Minimal income from construction activities at 300 Main Avenue and City Centre.

2024: Completion of projects at Park East, old school warehouse and Prairie St. John's. Significant TIF income of \$500,000 a year begins.

2029: Renaissance Zone exemptions expire on projects at 300 Main Avenue and 225 4th Avenue North. TIF income increases by \$250,000 a year.

2030+: Projects are completed on other sites within the Renewal Area. Total TIF income could eventually grow significantly to more than \$2 million a year as new development occurs and redevelopment incentives expire.

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 25 years. The first substantial tax increment payment will be received in 2024 and increase as new development is constructed within the boundary of the Renewal Area.

APPENDIX A
PHOTOS OF EXISTING CONDITIONS

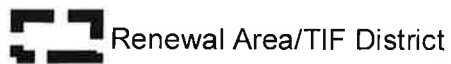








MAP OF THE RENEWAL AREA/TIF DISTRICT



TIF District No. 2021-01

APPENDIX C

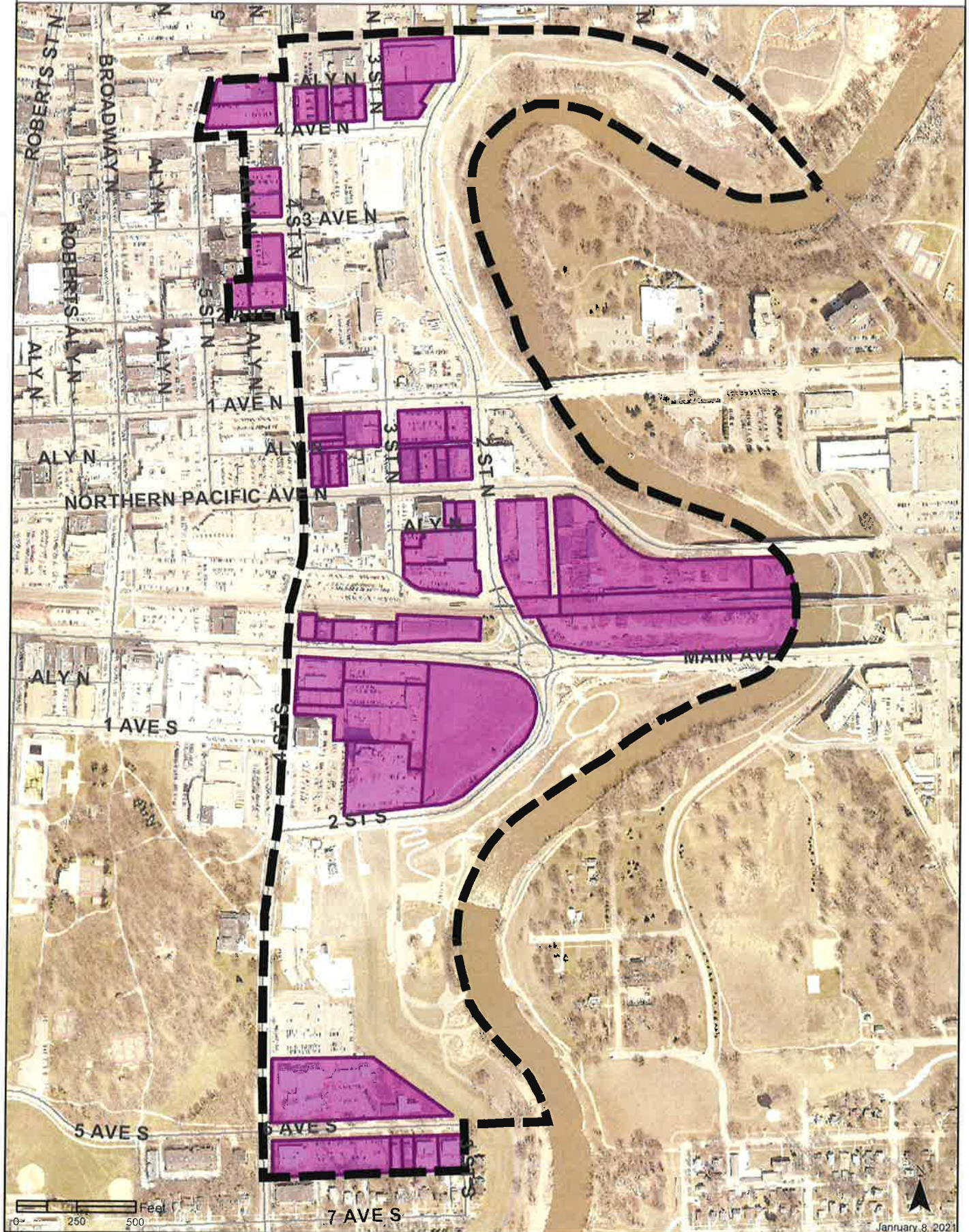
PROPERTIES IN THE RENEWAL AREA

<u>Owner</u>	<u>Address</u>	<u>Land Value</u>	<u>Building Value</u>	<u>Total Value</u>	<u>Description</u>
PARK DISTRICT OF THE CITY OF FARGO	310 4 ST S	\$ 308,000	\$ 259,800	\$ 567,800	Fargo Park District
PARK DISTRICT OF THE CITY OF FARGO	310 4 ST S	\$ 69,000	\$ 160,300	\$ 229,300	Fargo Park District
PSJ ACQUISITION LLC	390 6 AVE S	\$ 186,000	\$ 1,074,100	\$ 1,260,100	Medical Clinic
PSJ ACQUISITION LLC	352 6 AVE S	\$ 45,000	\$ 253,000	\$ 298,000	Conversion
LEAHY, ROBERT ANTHONY	344 6 AVE S	\$ 40,300	\$ 157,600	\$ 197,900	Duplex
PSJ ACQUISITION LLC	340 6 AVE S	\$ 38,000	\$ 504,500	\$ 542,500	Group Home
PSJ ACQUISITIONS LLC	334 6 AVE S	\$ 38,000	\$ 584,500	\$ 622,500	Group Home
JT PARKING LLC	321 NORTHERN PACIFIC AVE N	\$ 81,000	\$ 14,000	\$ 95,000	Parking Ramp/Lot
JT PARKING LLC	319 NORTHERN PACIFIC AVE N	\$ 40,000	\$ 7,000	\$ 47,000	Parking Ramp/Lot
FORUM PUBLISHING CO	317 NORTHERN PACIFIC AVE N	\$ 81,000	\$ 14,000	\$ 95,000	Parking Ramp/Lot
IRISH PROPERTIES II LLC	313 NORTHERN PACIFIC AVE N	\$ 40,000	\$ 424,500	\$ 464,500	Office
FAMILY HEALTHCARE CENTER	307 NORTHERN PACIFIC AVE N	\$ 121,000	\$ 2,432,400	\$ 2,553,400	Medical Clinic
FAMILY HEALTHCARE CENTER	301 NORTHERN PACIFIC AVE N	\$ 121,000	\$ 5,013,900	\$ 5,134,900	Medical Clinic
DALE R LARSON REV LIVING TRUST AGREEMENT	308 1 AVE N	\$ 242,000	\$ 457,000	\$ 699,000	Retail
CITY OF FARGO	69 4 ST N	\$ 145,000	\$ 989,000	\$ 1,134,000	City Of Fargo
DALE R LARSON REV LIVING TRUST AGREEMENT	67 4 ST N	\$ 48,000	\$ 8,000	\$ 56,000	Parking Ramp/Lot
DALE R LARSON REV LIVING TRUST AGREEMENT	65 4 ST N	\$ 48,000	\$ 8,000	\$ 56,000	Parking Ramp/Lot
BORTNEM FAMILY LTD PTSHP	219 NORTHERN PACIFIC AVE N	\$ 116,000	\$ 349,000	\$ 465,000	Retail & Offices
BORTNEM FAMILY LTD PTSHP	213 NORTHERN PACIFIC AVE N	\$ 116,000	\$ 245,000	\$ 361,000	Retail
BORTNMEN FAMILY LTD PTSHP	209 NORTHERN PACIFIC AVE N	\$ 77,000	\$ 286,000	\$ 363,000	Retail
FARMERS UNION OIL COMPANY OF MOORHEAD	205 NORTHERN PACIFIC AVE N	\$ 154,000	\$ 561,000	\$ 715,000	Convenience Store
BORTNAM FAMILY LTD PTSHP	65 3 ST N	\$ 308,000	\$ 56,000	\$ 364,000	Parking Ramp/Lot
BORTNEM FAMILY LTD PTSHP	72 2 ST N	\$ 154,000	\$ 28,000	\$ 182,000	Parking Ramp/Lot
CITY OF FARGO	411 2 AVE N	\$ 144,000	\$ 2,451,600	\$ 2,595,600	Parking Ramp/Lot
CITY OF FARGO	95 2 ST N	\$ 6,000	\$ -	\$ 6,000	County
CASE PLAZA LLC	117 NORTHERN PACIFIC AVE N	\$ 394,000	\$ 2,533,000	\$ 2,927,000	Office
CASE PLAZA LLC	101 NORTHERN PACIFIC AVE N	\$ 78,000	\$ 92,000	\$ 170,000	Parking Ramp/Lot
CITY OF FARGO	93 NORTHERN PACIFIC AVE N	\$ 157,000	\$ -	\$ 157,000	
PARK DISTRICT OF THE CITY OF FARGO	101 2 ST N	\$ 71,000	\$ -	\$ 71,000	Fargo Park District
AMERICAN FEDERAL BANK	406 4 ST N	\$ 343,000	\$ 57,000	\$ 400,000	Parking Ramp/Lot
DVAW LLC	417 5 ST N	\$ 309,000	\$ 624,100	\$ 933,100	Warehouse & Office
FARGO HOUSING & REDEVELOPMENT	409 4 ST N	\$ 115,000	\$ 798,600	\$ 913,600	Apartment
FARGO HOUSING & REDEVELOPMENT AUTHORITY	355 4 AVE N	\$ 53,000	\$ 310,700	\$ 363,700	Apartment
FARGO HOUSING & REDEVELOPMENT AUTHORITY	415 BURRELL CT N	\$ 69,000	\$ 16,900	\$ 85,900	Fargo Housing Authority
FARGO HOUSING & REDEVELOPMENT AUTHORITY	311 4 AVE N	\$ 69,000	\$ 16,900	\$ 85,900	Fargo Housing Authority
SIMONSON, BONITA J	410 3 ST N	\$ 72,000	\$ 176,400	\$ 248,400	Warehouse & Office
CITY OF FARGO	415 4 ST N	\$ 429,000	\$ 2,494,000	\$ 2,923,000	Fargo School Board
CITY OF FARGO	421 4 ST N	\$ -	\$ -	\$ -	City Of Fargo
CITY OF FARGO	419 3 ST N	\$ 489,000	\$ 1,606,000	\$ 2,095,000	County
CITY OF FARGO	402 OAK ST N	\$ 19,000	\$ -	\$ 19,000	City Of Fargo
CITY OF FARGO	403 OAK ST N	\$ 65,000	\$ -	\$ 65,000	City Of Fargo
CITY OF FARGO	565 2 ST N	\$ 29,000	\$ -	\$ 29,000	City Of Fargo
BORTNEM FAMILY LTD PARTNERSHIP	221 MAIN AVE	\$ 225,000	\$ 223,000	\$ 448,000	Warehouse
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	\$ 1,213,000	\$ 113,500	\$ 1,326,500	Warehouse
PARK DISTRICT OF THE CITY OF FARGO	100 MAIN AVE	\$ 163,000	\$ -	\$ 163,000	Fargo Park District
CITY OF FARGO	1 2 ST S	\$ 1,453,000	\$ -	\$ 1,453,000	Vacant Land
FARGO HOUSING AUTHORITY	101 2 ST S	\$ 697,000	\$ 7,498,800	\$ 8,195,800	Fargo Housing Authority
PROFESSIONAL ASSOCIATES LLC	100 4 ST S	\$ 929,000	\$ 2,068,000	\$ 2,997,000	Office
C/D BETTENHAUSEN, STEVEN W & SHARI L	330 MAIN AVE	\$ 270,000	\$ 387,000	\$ 657,000	Convenience Store
AMERICAN LINEN SUPPLY CO	206 NORTHERN PACIFIC AVE N	\$ 83,000	\$ 246,000	\$ 329,000	Laundry/Dry Cleaner
AMERICAN LINEN SUPPLY CO	208 NORTHERN PACIFIC AVE N	\$ 55,000	\$ 285,000	\$ 340,000	Laundry/Dry Cleaner
VOGEL LAW OFFICE BUILDING LLP	218 NORTHERN PACIFIC AVE N	\$ 251,000	\$ 2,553,700	\$ 2,804,700	Office
AMERICAN LINEN SUPPLY CO	50 2 ST N	\$ 343,000	\$ 648,000	\$ 991,000	Laundry/Dry Cleaner
FRITZ PROPERTIES LLC	310 NORTHERN PACIFIC AVE N	\$ 151,000	\$ 618,000	\$ 769,000	Office
TTC LLP	35 4 ST N	\$ 440,000	\$ 2,215,000	\$ 2,655,000	Office
TTC LLP	35 4 ST N	\$ -	\$ 39,500	\$ 39,500	Warehouse
NORTHLAND HOSPITALITY LLC	404 4 AVE N	\$ 182,000	\$ 1,295,000	\$ 1,477,000	Office
CITY OF FARGO	401 3 AVE N	\$ 364,000	\$ 1,406,600	\$ 1,770,600	City Of Fargo
RUBY RULES LLC	321 4 ST N	\$ 195,000	\$ 752,000	\$ 947,000	Medical Clinic
PONTOPPIDAN LUTHERAN CHURCH	309 4 ST N	\$ 390,000	\$ 716,400	\$ 1,106,400	Church
NORTHLAND HOSPITALITY LLC	334 4 AVE N	\$ 430,000	\$ 59,000	\$ 489,000	Parking Ramp/Lot
CITY OF FARGO	207 3 AVE N	\$ 127,000	\$ -	\$ 127,000	County
CITY OF FARGO	203 4 AVE N	\$ 54,000	\$ -	\$ 54,000	County
DFI AP LLC	225 4 AVE N	\$ 262,000	\$ 1,256,000	\$ 1,518,000	Office
CITY OF FARGO	425 2 ST N	\$ 13,000	\$ -	\$ 13,000	City Of Fargo
PARK DISTRICT OF THE CITY OF FARGO	345 2 ST N	\$ 440,000	\$ -	\$ 440,000	Fargo Park District
CITY OF FARGO	225 4 ST N	\$ 1,915,000	\$ 27,089,000	\$ 29,004,000	City Of Fargo
CITY OF FARGO	200 3 ST N	\$ 1,972,000	\$ 740,000	\$ 2,712,000	City Of Fargo
CITY OF FARGO	207 4 ST N	\$ -	\$ 4,365,000	\$ 4,365,000	City Of Fargo
CITY OF FARGO	225 4 ST N	\$ -	\$ -	\$ -	City Of Fargo
CITY OF FARGO	102 3 ST N	\$ 558,000	\$ 10,186,800	\$ 10,744,800	City Of Fargo
CITY OF FARGO	222 4 ST N	\$ 319,000	\$ 1,383,300	\$ 1,702,300	City Of Fargo
CITY OF FARGO	210 4 ST N	\$ 26,000	\$ 158,900	\$ 184,900	City Of Fargo
LARSON, RICHARD W & GAYLE L	202 4 ST N	\$ 216,000	\$ 698,600	\$ 914,600	Automobile Repair Shop

PSJ ACQUISITION LLC	510 4 ST S	\$ 614,000	\$ 4,615,400	\$ 5,229,400	Hospital
PSJ ACQUISITION LLC	510 4 ST S	\$ -	\$ 520,800	\$ 520,800	Hospital
PSJ ACQUISITION LLC	510 4 ST S	\$ -	\$ 278,600	\$ 278,600	Hospital
CITY OF FARGO	430 4 ST S	\$ 100,000	\$ 58,100	\$ 158,100	City Of Fargo
CITY OF FARGO	200 4 ST S	\$ 427,000	\$ 120,600	\$ 547,600	City Of Fargo
CITY OF FARGO	200 4 ST S	\$ -	\$ 4,810,000	\$ 4,810,000	City Of Fargo
AMERIPRIDE SERVICES INC	20 2 ST N	\$ 366,000	\$ 142,000	\$ 508,000	Laundry/Dry Cleaner
BORTNEM FAMILY LP	315 MAIN AVE	\$ 59,000	\$ 395,800	\$ 454,800	Warehouse & Office
CITY OF FARGO	106 NORTHERN PACIFIC AVE N	\$ 849,000	\$ 663,500	\$ 1,512,500	Manufacturing-Heavy
CITY OF FARGO	106 NORTHERN PACIFIC AVE N	\$ -	\$ 166,500	\$ 166,500	Manufacturing-Heavy
CITY OF FARGO	106 NORTHERN PACIFIC AVE N	\$ -	\$ 18,800	\$ 18,800	Manufacturing-Heavy
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	\$ 1,211,000	\$ 256,200	\$ 1,467,200	Manufacturing-Heavy
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	\$ 346,000	\$ 54,800	\$ 400,800	Manufacturing-Heavy
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	\$ -	\$ 14,800	\$ 14,800	Manufacturing-Heavy
CITY OF FARGO	92 NORTHERN PACIFIC AVE N	\$ -	\$ 165,300	\$ 165,300	Manufacturing-Heavy
CITY OF FARGO	2 NORTHERN PACIFIC AVE N	\$ 16,000	\$ -	\$ 16,000	Vacant Land
BORTNEM FAMILY LP	307 MAIN AVE	\$ 142,000	\$ 226,300	\$ 368,300	Warehouse & Office
RIVER CITY CHURCH	323 MAIN AVE	\$ 70,000	\$ 635,000	\$ 705,000	Church
223 MAIN AVE LLC	223 MAIN AVE	\$ 67,000	\$ 185,000	\$ 252,000	Warehouse
CITY OF FARGO	320 MACHINERY ROW AVE N	\$ 376,000	\$ 83,300	\$ 459,300	City Of Fargo
EPIC GATEWAY NORTH REAL ESTATE HOLDINGS LLC	310 MAIN AVE	\$ 330,000	\$ -	\$ 330,000	Retail & Apartments
EPIC GATEWAY LLC	300 MAIN AVE	\$ 1,074,000	\$ 1,689,000	\$ 2,763,000	Strip Center
EPIC GATEWAY LLC	44 4 ST S	\$ 130,000	\$ 845,000	\$ 975,000	Medical Clinic
BUTLER, FRANCIS J	300 NORTHERN PACIFIC AVE N UNIT 307	\$ 12,700	\$ 464,600	\$ 477,300	Single Family - Loft
JOHN S ABBOTT REV TRUST	300 NORTHERN PACIFIC AVE N UNIT 302	\$ 9,600	\$ 375,200	\$ 384,800	Single Family - Loft
RED RIVER VALLEY REGIONAL DISPATCH CENTER	300 NORTHERN PACIFIC AVE N UNIT C2	\$ 19,000	\$ 330,000	\$ 349,000	Condominium (Commercial)
NETREIT 300 NP LLC	300 NORTHERN PACIFIC AVE N UNIT C1	\$ 190,000	\$ 3,382,000	\$ 3,572,000	Retail & Offices
RODENBURG, CLIFTON G & DONNA	300 NORTHERN PACIFIC AVE N UNIT 311	\$ 13,200	\$ 436,000	\$ 449,200	Single Family - Loft
BRUCE G PITTS REV LIVING TRUST	300 NORTHERN PACIFIC AVE N UNIT 310	\$ 11,200	\$ 428,400	\$ 439,600	Single Family - Loft
JOHNSEN, JEFFREY K	300 NORTHERN PACIFIC AVE N UNIT 309	\$ 10,500	\$ 409,900	\$ 420,400	Single Family - Loft
DAWSON, DEBRA ANN	300 NORTHERN PACIFIC AVE N UNIT 308	\$ 9,800	\$ 376,400	\$ 386,200	Single Family - Loft
BURCHILL, THOMAS S & SHELLY L	300 NORTHERN PACIFIC AVE N UNIT 306	\$ 10,500	\$ 411,900	\$ 422,400	Single Family - Loft
HUMMEL, PETER K	300 NORTHERN PACIFIC AVE N UNIT 305	\$ 10,200	\$ 387,800	\$ 398,000	Single Family - Loft
ZIMMERMAN, STEVEN L & KIMBERLY K	300 NORTHERN PACIFIC AVE N UNIT 303	\$ 23,000	\$ 630,700	\$ 653,700	Single Family - Loft
QUICK, BRUCE D & ROBERTA	300 NORTHERN PACIFIC AVE N UNIT 301	\$ 12,800	\$ 432,700	\$ 445,500	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 410	\$ 26,000	\$ 358,000	\$ 384,000	Single Family - Loft
OFFUTT, RYAN	200 4 AVE N UNIT 301	\$ 17,700	\$ 395,700	\$ 413,400	Single Family - Loft
PIETERICK, BRENT L & KLEIN-PIETERICK, ANDREA R	200 4 AVE N UNIT 401	\$ 19,900	\$ 478,000	\$ 497,900	Single Family - Loft
MCCORMICK, THOMAS & JUDITH MARY	200 4 AVE N UNIT 403	\$ 23,200	\$ 416,300	\$ 439,500	Single Family - Loft
ARUSELL, ROBERT M RL T & SANDA, JANELLE C RL T	200 4 AVE N UNIT 404	\$ 17,800	\$ 456,400	\$ 474,200	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 405	\$ 17,800	\$ 320,900	\$ 338,700	Single Family - Loft
RILEY, KEVIN J & KATHLEEN J	200 4 AVE N UNIT 408	\$ 23,800	\$ 428,600	\$ 452,400	Single Family - Loft
SAND, MICHAEL L & LINDA	200 4 AVE N UNIT 409	\$ 17,800	\$ 345,500	\$ 363,300	Single Family - Loft
CURROE, TIMOTHY W & KRISTI L	200 4 AVE N UNIT 303	\$ 23,200	\$ 705,600	\$ 728,800	Single Family - Loft
HYSJULIEN, RANDY & CHERYL	200 4 AVE N UNIT 304	\$ 15,700	\$ 312,200	\$ 327,900	Single Family - Loft
VOORHEES, JEAN C	200 4 AVE N UNIT 307	\$ 15,700	\$ 310,600	\$ 326,300	Single Family - Loft
HILLSTROM, ROBERT & KARIN	200 4 AVE N UNIT 308	\$ 22,100	\$ 397,000	\$ 419,100	Single Family - Loft
HOPPERSTAD, ERIK S & LISA M	200 4 AVE N UNIT 309	\$ 19,900	\$ 449,300	\$ 469,200	Single Family - Loft
ADAMS, DAVID W	200 4 AVE N UNIT 310	\$ 19,600	\$ 362,000	\$ 381,600	Single Family - Loft
SOLWOLD, ROSS & SANDREN, GINA M	200 4 AVE N UNIT 406	\$ 17,800	\$ 345,500	\$ 363,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 407	\$ 17,800	\$ 345,500	\$ 363,300	Single Family - Loft
RELLER, TAMRA L	200 4 AVE N UNIT 204	\$ 15,700	\$ 432,300	\$ 448,000	Single Family - Loft
HAGEN, MICHELLE L	200 4 AVE N UNIT 205	\$ 15,700	\$ 310,600	\$ 326,300	Single Family - Loft
DABY, DARIN L & DIANE	200 4 AVE N UNIT 206	\$ 15,700	\$ 310,600	\$ 326,300	Single Family - Loft
DEWALD, STEVEN B & MARY T	200 4 AVE N UNIT 207	\$ 15,700	\$ 386,800	\$ 402,500	Single Family - Loft
STRAND, RACHEL L	200 4 AVE N UNIT 305	\$ 15,700	\$ 476,700	\$ 492,400	Single Family - Loft
JOHNSON, DAVID L & BONNIE O T/O/D	200 4 AVE N UNIT 306	\$ 15,700	\$ 310,600	\$ 326,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 210	\$ 19,600	\$ 362,000	\$ 381,600	Single Family - Loft
SELL, ERIK	200 4 AVE N UNIT 101	\$ 10,700	\$ 282,500	\$ 293,200	Single Family - Loft
IVERSON, JORDAN J	200 4 AVE N UNIT 102	\$ 13,900	\$ 246,100	\$ 260,000	Single Family - Loft
BERGMAN, JOHN DAVID	200 4 AVE N UNIT 103	\$ 7,800	\$ 151,500	\$ 159,300	Single Family - Loft
HAMRE, PERRY & CHERYL	200 4 AVE N UNIT 201	\$ 17,700	\$ 341,500	\$ 359,200	Single Family - Loft
BOROWICZ, RONALD J & KRANTZ, DOUGLAS	200 4 AVE N UNIT 203	\$ 23,200	\$ 705,600	\$ 728,800	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 106	\$ 7,800	\$ 151,500	\$ 159,300	Single Family - Loft
ROUTLEDGE, CLAY D & JENNY A	200 4 AVE N UNIT 107	\$ 7,800	\$ 151,500	\$ 159,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 108	\$ 7,800	\$ 151,500	\$ 159,300	Single Family - Loft
MACZIK, MATTHEW G	200 4 AVE N UNIT 109	\$ 7,800	\$ 151,500	\$ 159,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 208	\$ 22,100	\$ 397,000	\$ 419,100	Single Family - Loft
LOSEE, KURT	200 4 AVE N UNIT 209	\$ 19,900	\$ 649,000	\$ 668,900	Single Family - Loft
ZIMMERMAN, MATTHEW J	200 4 AVE N UNIT 110	\$ 7,800	\$ 151,500	\$ 159,300	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 111	\$ 8,000	\$ 154,000	\$ 162,000	Single Family - Loft
404 PLACE LLC	200 4 AVE N UNIT 112	\$ 13,700	\$ 274,600	\$ 288,300	Single Family - Loft
NORTHLAND HOSPITALITY LLC	200 4 AVE N UNIT LP	\$ 155,000	\$ 2,517,000	\$ 2,672,000	Parking Ramp/Lot
OSBORNE, MATTHEW J	200 4 AVE N UNIT 104	\$ 7,800	\$ 151,500	\$ 159,300	Single Family - Loft
ALBERTSON, BRIAN R	200 4 AVE N UNIT 105	\$ 7,800	\$ 151,500	\$ 159,300	Single Family - Loft

APPENDIX D

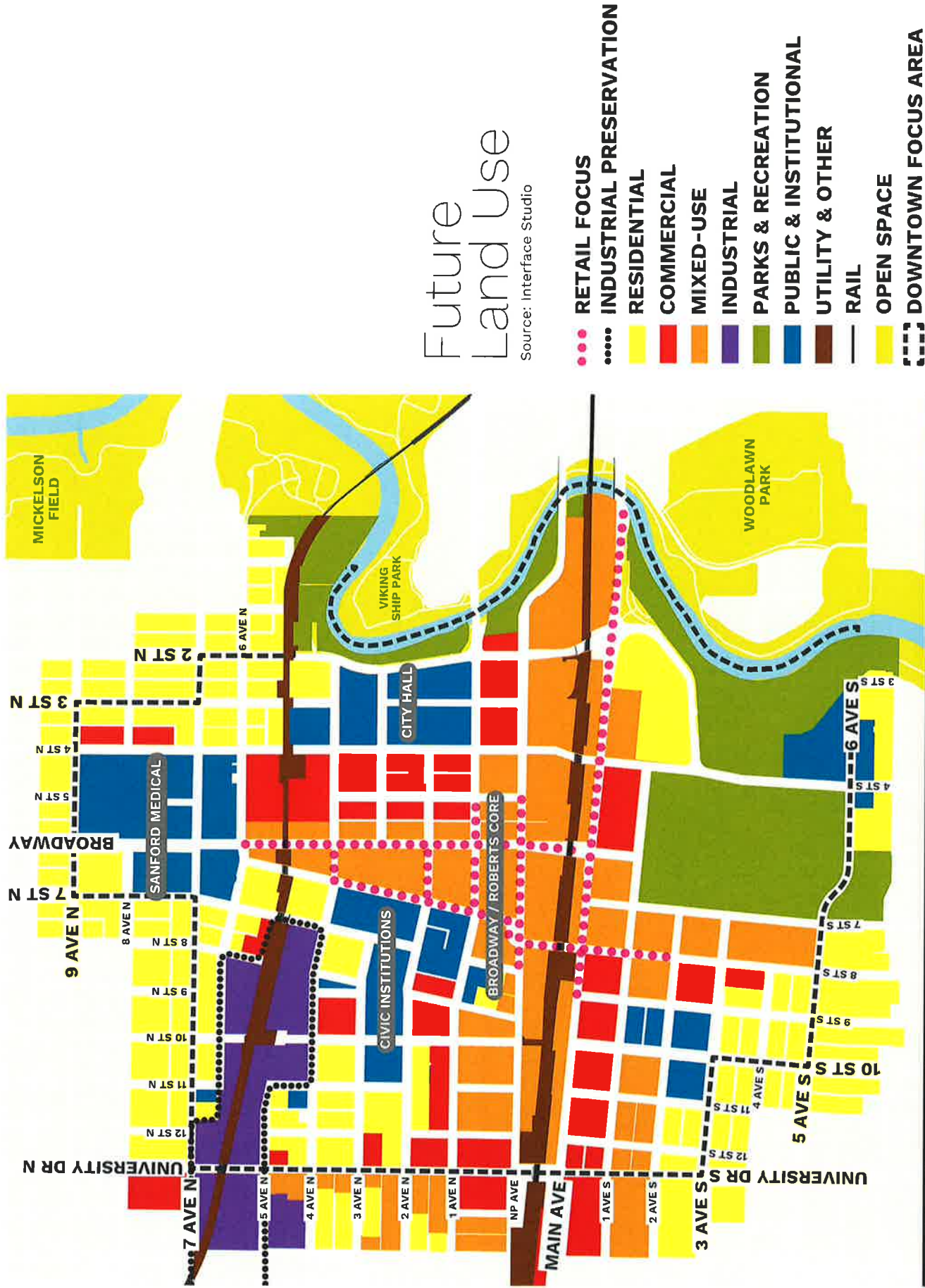
POTENTIAL FOR REDEVELOPMENT



Renewal Area/TIF District
Redevelopment Potential

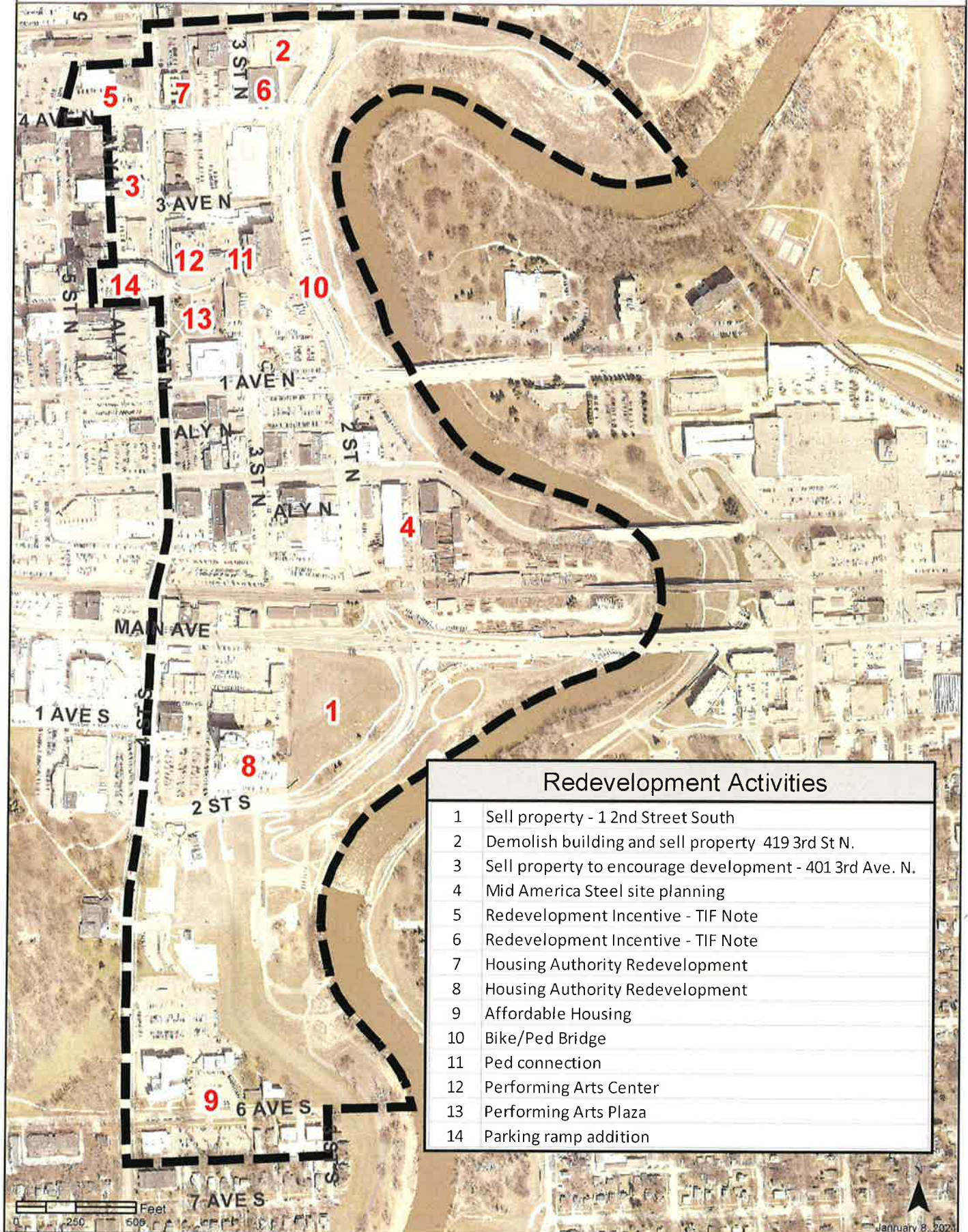
TIF District No. 2021-01

APPENDIX E
LAND USE PLAN FOR REDEVELOPMENT




APPENDIX F

REDEVELOPMENT ACTIVITY MAP



Redevelopment Activities

- | | |
|----|--|
| 1 | Sell property - 1 2nd Street South |
| 2 | Demolish building and sell property 419 3rd St N. |
| 3 | Sell property to encourage development - 401 3rd Ave. N. |
| 4 | Mid America Steel site planning |
| 5 | Redevelopment Incentive - TIF Note |
| 6 | Redevelopment Incentive - TIF Note |
| 7 | Housing Authority Redevelopment |
| 8 | Housing Authority Redevelopment |
| 9 | Affordable Housing |
| 10 | Bike/Ped Bridge |
| 11 | Ped connection |
| 12 | Performing Arts Center |
| 13 | Performing Arts Plaza |
| 14 | Parking ramp addition |

Redevelopment Activities
 Renewal Area/TIF District

TIF District No. 2021-01