

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

A: Approve Order of Agenda

B: Minutes: Regular Meeting of April 5, 2022

C: Public Hearing Items:

- 1a. Hearing on an application requesting a Zoning Change from DMU, Downtown Mixed-Use to DMU, Downtown Mixed-Use and P/I, Public and Institutional on the proposed **MHB Guardian Addition**. (Located at 1 2nd Street South) (City of Fargo) (dk)
- 1b. Hearing on an application requesting a Plat of **MHB Guardian Addition** (Major Subdivision) a replat of Lot 2, Block 4, North Dakota R2 Urban Renewal Addition to the City of Fargo, Cass County, North Dakota. (Located at 1 2nd Street South) (City of Fargo) (dk)
2. Hearing on an application requesting a Conditional Use Permit to allow industrial services and warehouse and freight movement uses in the GC, General Commercial zoning district on Lot 2, Block 1, **Richard 3rd Subdivision**. (Located at 6121 53rd Avenue South) (Sheyenne Commercial Condos, LLC) (lm)
3. Hearing on an application requesting an Institutional Master Plan for the Fargo Sports Complex on Lot 1, Block 2, **Sanford Addition**. (Located at 6100 38th Street South) (Fargo Parks District/Confluence) (me)
4. Hearing on an application requesting a Conditional Use Permit for a waiver of Section 20-0402.I.2 on Lot 21, Block 13, **Prairie Crossing Addition**. (Located at 3910 25th Street South) (Larry Nygard/Rhet Fiskness) (lm)
5. Hearing on an application requesting a Conditional Use Permit for a waiver of Section 20-0402.I.2 on a portion of Lot 1, Block 2, **Mehl First Addition**. (Located at 2506 35th Avenue South) (Larry Nygard/Rhet Fiskness) (lm)

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

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

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

## **BOARD OF PLANNING COMMISSIONERS MINUTES**

**Regular Meeting:**

**Tuesday, April 5, 2022**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, April 5, 2022.

The Planning Commissioners present or absent were as follows:

Present: John Gunkelman, Rocky Schneider, Scott Stofferahn, Maranda Tasa, Dawn Morgan, Art Rosenberg, Thomas Schmidt

Absent: Jennifer Holtz

Chair Schneider called the meeting to order.

### **Business Items:**

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

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

#### **Item B: Minutes: Regular Meeting of March 1, 2022**

Member Stofferahn moved the minutes of the March 1, 2022 Planning Commission meeting be approved. Second by Member Tasa. All Members present voted aye and the motion was declared carried.

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

##### **Item 1: Christianson 32nd Avenue South Second Addition**

**1a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional overlay to GC, General Commercial with a C-O, Conditional Overlay on the proposed Christianson 32nd Avenue South Second Addition. (Located at 3102 36th Street South and 3401 32nd Avenue South) (KLC Holdings LLC/Christianson Companies/Farm Power Inc.): APPROVED**

**1b. Continued hearing on an application requesting a Plat of Christianson 32nd Avenue South Second Addition (Minor Subdivision) a replat of Lot 1, Block 1, Christianson 32nd Avenue South Addition and Lot 1, Block 1, Virgil Montplaisir Subdivision to the City of Fargo, Cass County, North Dakota. (Located at 3102 36th Street South and 3401 32nd Avenue South) (KLC Holdings LLC/Christianson Companies/Farm Power Inc.): APPROVED**

A Hearing had been set for March 1, 2022. At the March 1, 2022 meeting, the Hearing was continued to this date and time.

Assistant Planner Adam Martin presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted an updated plat was distributed to the Board.

Applicant representative Blake Carlson spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from GC, General Commercial and LI, Limited Industrial with a C-O, Conditional Overlay to GC, General Commercial with a C-O, Conditional Overlay, and 2) Subdivision Plat Christianson 32nd Avenue South Second Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan. The Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code and all other application requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Tasa, Morgan, Schmidt, Stofferahn, Rosenberg, Gunkelman, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 2: 1001 NP Addition**

**Hearing on an application requesting a Plat of 1001 NP Addition (Major Subdivision) a replat of Lots 1-12, Block 25; all of Lots 1, 2, 7-12, and part of Lots 3 and 4, Block 26; and the alley and vacated alley therein, Roberts Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 1001 NP Avenue North, 28 10th Street North, 11 11th Street North, and 1016 1st Avenue North) (Great Plains 1001 Holdings, LLC/Houston Engineering, Inc.): APPROVED**  
Planning Coordinator Donald Kress presented the staff report stating all approval criteria have been met and staff is recommending approval.

Discussion was held on the plat cleaning up the boundaries of the property.

Applicant representative Deb Wendel-Daub spoke on behalf of the application.

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat 1001 NP Addition as outlined within the staff report, as the proposal complies with the Downtown InFocus Master Plan, the Standards of Article 20-06, Section 20-0907.C of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Gunkelman, Tasa, Stofferahn, Morgan, Schmidt, Rosenberg, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 3: GPK Addition**

**Hearing on an application requesting a Plat of GPK Addition (Minor Subdivision) a replat of Lot 4 and 5, Block 1, Tecton-GPK Addition to the City of Fargo, Cass County, North Dakota. (Located at 1601 and 1621 43rd Street North) (GPK Products, Inc./Houston Engineering): APPROVED**

Planner Luke Morman presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Schmidt moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat GPK 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 Tasa. On call of the roll Members Morgan, Schmidt, Stofferahn, Rosenberg, Gunkelman, Tasa, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 4: Sheyenne Industrial Center Sixth Addition**

**Hearing on an application requesting a Plat of Sheyenne Industrial Center Sixth Addition (Minor Subdivision) a replat of Lot 4, Block 3, Sheyenne Industrial Center Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 1530 47th Street North) (Specialty Developments, LLP/Houston Engineering, Inc.): APPROVED**

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

Discussion was held on access.

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

Member Tasa moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Sheyenne Industrial Center Sixth 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 Gunkelman. On call of the roll Members Tasa, Stofferahn, Gunkelman, Schmidt, Morgan, Rosenberg, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 5: University South Third Addition**

**Hearing on an application requesting a Plat of University South Third Addition (Minor Subdivision) a replat of Lot 2, Block 1, University South Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 2253 and 2301 University Drive South) (Grove Enclave, LLC/Houston Engineering, Inc.): APPROVED**



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

Applicant representative Brian Pattengale spoke on behalf of the application.

Discussion was held on landscaping plans, setbacks, sidewalk location, access points, if this area would need more future replating, and proposed plans.

Ms. Derrig spoke on behalf of the Engineering Department.

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

**Item 6: Bank Forward Addition**

**Hearing on an application requesting a Plat of Bank Forward Addition (Minor Subdivision) a replat of Lots 2 and 3, Block 5, Valley View Fifth Addition and Lots 1 and 2, Block 1, Anne Carlsen Center First Addition to the City of Fargo, Cass County, North Dakota. (Located at 5650 37th Avenue South, 5651 38th Avenue South, and 3703 and 3749 56th Street South) (Bank Forward/Enclave Companies): APPROVED**

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

Member Rosenberg moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Bank Forward Addition as outlined within the staff report, as the proposal complies with the Adopted Area 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 Tasa. On call of the roll Members Rosenberg, Gunkelman, Morgan, Stofferahn, Tasa, Schmidt, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 7: Adams 7th Addition**

**7a. Hearing on an application requesting a Zoning Change from GC, General Commercial to GC, General Commercial with a C-O, Conditional Overlay on Lot 1, Block 2, Adams 7th Addition. (Located at 2955 Thunder Road South) (KRS Investment Company, LLC/Nate Vollmuth): WITHDRAWN**

**7b. Hearing on an application requesting a Conditional Use Permit to allow Industrial Uses in the GC, General Commercial zoning district on Lot 1, Block 2,**

**Adams 7th Addition. (Located at 2955 Thunder Road South) (KRS Investment Company, LLC/Nate Vollmuth): APPROVED**

Mr. Morman presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted that Item 7a. was withdrawn, due to staff's concerns being addressed with a Conditional Use Permit.

Applicant Nate Vollmuth spoke on behalf of the application.

Discussion was held on the expected uses of the area, the trees on the property, and the condition of the trees.

Member Rosenberg moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow industrial uses in the GC, General Commercial zoning district be approved, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0909.D (106) of the Land Development Code, and all other applicable requirements of the Land Development Code, with the following conditions:

**Prohibited Uses:**

- Detention Facility
- Adult Entertainment Center
- Aviation/Surface Transportation
- Off-Premise Advertising
- Portable Signs

1. A residential protection buffer per the Residential Protection Standards of Section 20-0704.E is required on sides facing residential use.
2. 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 Land Development Code.
3. 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.
4. Loading docks, stacked storage above 6 feet in height, storage yards, and outdoor storage shall have a setback of 50 feet from the right-of-way and include an 8 foot opaque fence.
5. Dumpsters must contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor.

6. The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.

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

**Item 8: Magnum North Addition**

**8a. Hearing on an application requesting a Zoning Change from AG, Agricultural to GI, General Industrial on the proposed Magnum North Addition. (Located at 4903 19th Avenue North) (G2 Investments, LLC/MBN Engineering, Inc.): APPROVED**

**8b. Hearing on an application requesting a Plat of Magnum North Addition (Minor Subdivision) a plat of the Southeast Quarter of Section 28, Township 140 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at Located at 4903 19th Avenue North) (G2 Investments, LLC/MBN Engineering, Inc.): APPROVED**

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

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zone Change from AG, Agricultural, to GI, General Industrial, and 2) Subdivision Plat Magnum North Addition as outlined within the staff report, as the proposal complies with the 2007 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 Tasa. On call of the roll Members Stofferahn, Tasa, Schmidt, Rosenberg, Morgan, Gunkelman, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

**Item 9: Covey Ranch Second Addition**

**9a. Hearing on an application requesting a Growth Plan Amendment on a portion of the proposed Covey Ranch Second Addition from Medium Density Residential and High Density Residential to Proposed School. (Located at 6688 45th Street South) (Dabbert Custom Homes, LLC): APPROVED**

**9b. Hearing on an application requesting a Zone Change from AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay on a portion of the proposed Covey Ranch Second Addition. (Located at 6688 45th Street South) (Dabbert Custom Homes, LLC): APPROVED**

**9c. Hearing on an application requesting a Plat of Covey Ranch Second Addition (Major Subdivision) a plat of portion of the Northwest Quarter of Section 10, Township 138 North, Range 49 West to the City of Fargo, Cass County, North**

**Dakota. (Located at 6688 45th Street South) (Dabbert Custom Homes, LLC): APPROVED**

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

Discussion was held on the notification process and area, private school versus public school process differences, and anticipated uses of the surrounding properties.

Planning and Development Director Nicole Crutchfield stated this area is located in the City of Fargo extra-territorial jurisdiction. She noted coordination with utilities and roads is being planned for the area.

Applicant Don Dabbert spoke on behalf of the application.

Ms. Derrig spoke on behalf of the Engineering Department regarding the previously annexed areas and drainage.

Planning and Development Assistant Director Mark Williams spoke on the master storm water plan.

Discussion was held on the relationships between neighborhoods and school development, circulation and roadways, and future plans for the area.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Growth Plan Amendment from "Medium Density Residential" and "High Density Residential" to "Proposed School", 2) Zone Change from AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay, and 3) Subdivision Plat Covey Ranch Second Addition as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth Plan, the Standards of Article 20-06, Section 20-0905.H, and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Stofferahn, Gunkelman, Tasa, Schmidt, Rosenberg, and Schneider voted aye. Member Morgan noted nay. Absent and not voting: Member Holtz. The motion was declared carried.

**Item E: Other Items:**

**Item 1: Annexation of approximately 42.04 acres of the Northwest Quarter of Section 10, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Dabbert Custom Homes, LLC): APPROVED**

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

Ms. Derrig spoke on behalf of the Engineering Department.

Ms. Crutchfield noted this location is unique due to geographical restraints.

Discussion was held on the annexation size and clarification of location.

Member Gunkelman moved the Planning Commission find that the proposed annexation to be consistent with the 2007 Growth Plan. Second by Member Rosenberg. On call of the roll Members Gunkelman, Morgan, Rosenberg, Stofferahn, Schmidt, Tasa, and Schneider voted aye. Absent and not voting: Member Holtz. The motion was declared carried.

The time at adjournment was 4:17 p.m.

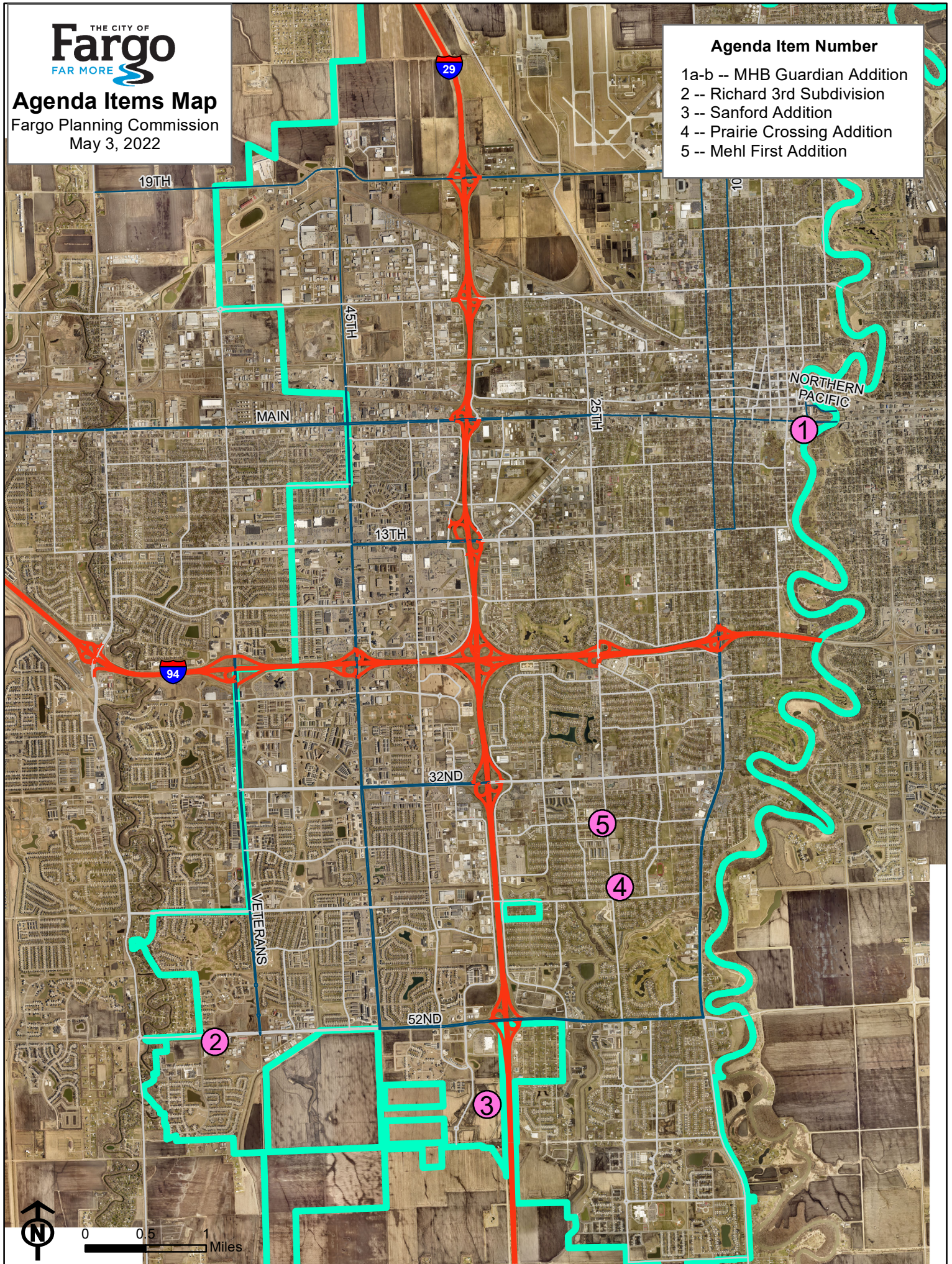


## Agenda Items Map

Fargo Planning Commission  
May 3, 2022

### Agenda Item Number

- 1a-b -- MHB Guardian Addition
- 2 -- Richard 3rd Subdivision
- 3 -- Sanford Addition
- 4 -- Prairie Crossing Addition
- 5 -- Mehl First Addition



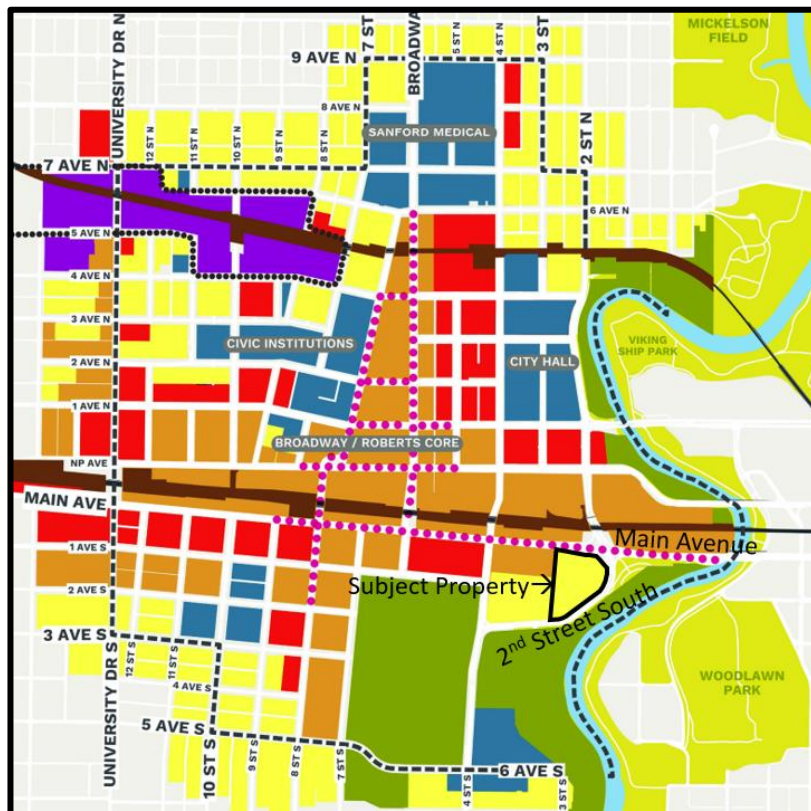


<b>City of Fargo Staff Report</b>			
<b>Title:</b>	MHB Guardian Addition	<b>Date:</b>	4/27/2022
<b>Location:</b>	1 2 <sup>nd</sup> Street South	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Lot 2, Block 4, North Dakota R-2 Urban Renewal Addition to the City of Fargo, Cass County, North Dakota.		
<b>Owner(s)/Applicant:</b>	City of Fargo	<b>Engineer:</b>	Houston Engineering, Inc.
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (From DMU, Downtown Mixed use to DMU and P/I, Public/Institutional); a <b>Major Subdivision</b> (replat of Lot 2, Block 4, North Dakota R-2 Urban Renewal Addition to the City of Fargo, Cass County, North Dakota.)		
<b>Status:</b>	Planning Commission Public Hearing: May 3rd, 2022		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Undeveloped (flood buyout); City utility facilities (lift station); levee		<b>Land Use:</b> Commercial/Residential mixed use; City utility facilities (lift station); levee	
<b>Zoning:</b> DMU, Downtown Mixed Use		<b>Zoning:</b> DMU and P/I, Public/Institutional	
<b>Uses Allowed:</b> DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.		<b>Uses Allowed:</b> DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events. P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.	
<b>Maximum Lot Coverage Allowed:</b> DMU allows a maximum lot coverage of 100% <b>Maximum Density Allowed:</b> DMU has no maximum density		<b>Maximum Lot Coverage Allowed:</b> DMU allows a maximum lot coverage of 100%; P/I allows a maximum lot coverage of 85% <b>Maximum Density Allowed:</b> DMU has no maximum density; P/I does not allow residential uses	
<b>Proposal:</b>			
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li>1. <b>Zoning Change</b> (From DMU, Downtown Mixed use to DMU and P/I, Public/Institutional); and</li> <li>2. <b>Major Subdivision</b> (replat of Lot 2, Block 4, North Dakota R-2 Urban Renewal Addition)</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: DMU with self-service storage use</li> <li>• South: (across 2<sup>nd</sup> St. South) DMU with public park uses</li> </ul>			

- East: (across 2<sup>nd</sup> St. South) DMU with public park uses
- West: DMU with retail/service and multi-dwelling residential mixed use; Fargo Housing Authority high-rise

### Area Plans:

The subject property is included in the Downtown in Focus Plan, where it is designated for “Residential” land use on that plan’s Future Land Use Map.



### Future Land Use

Source: Interface Studio

- RETAIL FOCUS
- INDUSTRIAL PRESERVATION
- RESIDENTIAL
- COMMERCIAL
- MIXED-USE
- INDUSTRIAL
- PARKS & RECREATION
- PUBLIC & INSTITUTIONAL
- UTILITY & OTHER
- RAIL
- OPEN SPACE
- DOWNTOWN FOCUS AREA

The Downtown in Focus Plan designates the subject property as an Opportunity Site for redevelopment.



### Opportunity Sites

Source: Interface Studio

- UNDERUTILIZED SITES
  - PUBLICLY OWNED
  - PRIVATELY OWNED
- SURFACE PARKING LOTS
  - PUBLICLY OWNED
  - PRIVATELY OWNED
- RIVER ACCESS POINT
- FLOOD PROTECTION LINE
- FUTURE DEVELOPMENT [COMING SOON]
- OPEN SPACE
- DOWNTOWN FOCUS AREA



**Context:**

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

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

**Parks:** Dike East Park, located at 100 2nd Street South, is approximately 400 feet east of the subject property, and provides amenities of a bike repair station, boat ramp, picnic tables and restrooms, cross country ski trails, recreational trails and a dog park. Statue of Liberty Park, located at 100 Main Avenue, is approximately 800 feet south of the subject property, is part of the Red River Trail, taken north to Oak Grove Park or south to Lindenwood Park, and provides amenities of recreational trails and a river park.

**Pedestrian / Bicycle:** An off-road multi-use trail wraps around the south, east, and north sides of the subject property, which is a component of the metro area bikeways system.

**Bus Route:** MATBUS Routes 14 and 16 runs along 2<sup>nd</sup> Street South, to the east of the subject property.

**Staff Analysis:****Project Site History**

In 1972, this 4.77 acre property was developed with the Park East apartments, which included 122 residential units, yielding a density of approximately 25 units per acre. This property was acquired by the Cass County Joint Water Resource District (CCJWRD) on behalf of the Diversion Authority in 2014, and demolition of the Park East apartments was completed by 2016. Between 2016 and 2020, a flood control levee and a lift station were constructed on the portion of the property that will become Lot 2, Block 1. CCJWRD then deeded the title to the entire property to the City after the construction projects were completed. The developer acquired the rights to develop the property that will become Lot 1, Block 1 through a City RFP (request for proposals) process in 2022.

**Development Proposal**

The developer intends to construct a multi-story commercial/residential mixed use building on the approximately 1.24 acre Lot 1. Adopted City plans including the Downtown in Focus plan and the Go2030 comprehensive plan encourage residential high-density and mixed-use development in appropriate areas, such as those areas zoned DMU, Downtown Mixed Use, as Lot 1 will be. The developer has not finalized the development plans, but estimates the residential density will be around 50 dwelling units per acre. This density is over double the maximum density available in the MR-3, Multi-Dwelling Residential zone (24 dwelling units per acre). The developer also intends to include some public space. *(Note that this information is provided for background; the Commission is not taking any action on the development proposal at this time.)*

**Plat and Zone Change**

The plat will subdivide the existing lot into two lots, which will be zoned as shown in the chart below:

Block	Lot	Zoning	Proposed Land Use
1	1	DMU	Commercial/residential mixed use
1	2	P/I	City-owned, includes lift station and levee. This lot is not developable.

**Access**

Each lot will have its own access from Main Avenue.

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

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

There is no error in the zoning map. The conditions on the site have changed since the DMU zoning was applied. As noted above, this property was formerly entirely residential, but now over 70 percent of this property is occupied by City flood control features and it not developable. This is the portion of the property—Lot 2, Block 1--- that is proposed to be rezoned to P/I,

Public/Institutional. The developable portion of the property---Lot 1, Block 1---will remain zoned DMU.

**(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?**

Yes

**(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, staff has not received any public comment. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity **(Criteria Satisfied)**

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

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

This project site is covered by the Downtown in Focus Plan, where it is designated for "Residential" land use. The proposed zoning of DMU meets this land use designation for the developable area of the property, as mixed-use developments would include a substantial residential element. Additionally, as noted above, the project site is designated as an Opportunity Site in the Downtown in Focus plan. That plan states that such currently underutilized sites should be targeted for redevelopment as commercial/residential mixed-use developments.

The P/I zoning designation is appropriate for areas owned by government entities that are not developable, and can be used in any land use designation category.

Fargo's Go2030 comprehensive plan supports development on sites such as the subject property, as that property is

- already served by supporting infrastructure; and
- within an area that is already developed and protected by a flood resiliency strategy;

**(Criteria Satisfied)**

## **MAJOR SUBDIVISION**

The LDC stipulates that the following criteria is met before a major subdivision 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 plat creates two lots in one block. Lot 1, to be zoned DMU, Downtown Mixed Use, is intended for the development of a commercial/residential mixed use building. Lot 2, which includes a flood-control levee and a lift station, will not be developed, and will be zoned P/I, Public/Institutional. The proposed zoning is consistent with the "Residential" land use designation of the Downtown in Focus plan, as noted in the zoning findings above. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any public comment. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(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 proposed to be zoned DMU (Lot 1) and P/I, Public/Institutional (Lot 2), zoning designations that are consistent with the "Residential" land use designation of the Downtown in Focus plan. The configuration of the plat, including the rights of way to be dedicated by the plat, is consistent with the requirements of Article 20-06 of the LDC. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(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.**

This plat does not create any new rights of way. It dedicates small portions of additional right of way along Second Street South. Staff has determined that an amenities plan is not required. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1)Zoning Change from DMU, Downtown Mixed use to DMU and P/I, Public/Institutional; and 2)Major Subdivision of **MHB Guardian Addition** as the proposal complies with the Downtown in Focus plan, Go2030 Fargo Comprehensive Plan, Section 20-906. F (1-4), Standards of Article 20-06 of the LDC, and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** May 3rd, 2022

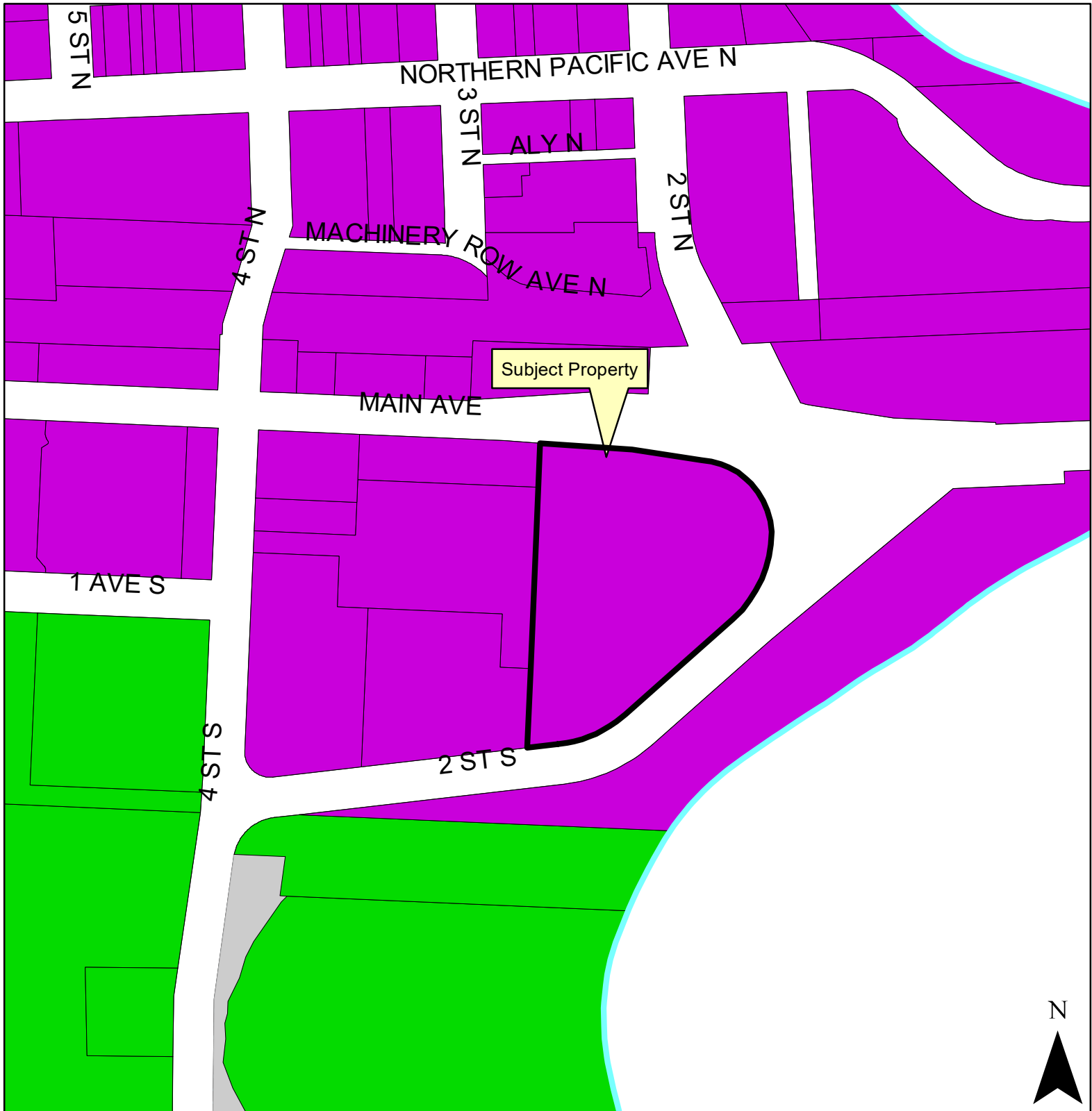
**Attachments:**

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

# Plat (Major); Zone Change (DMU to DMU and P/I)

## MHB Guardian Addition

1 2nd Street S



### Legend

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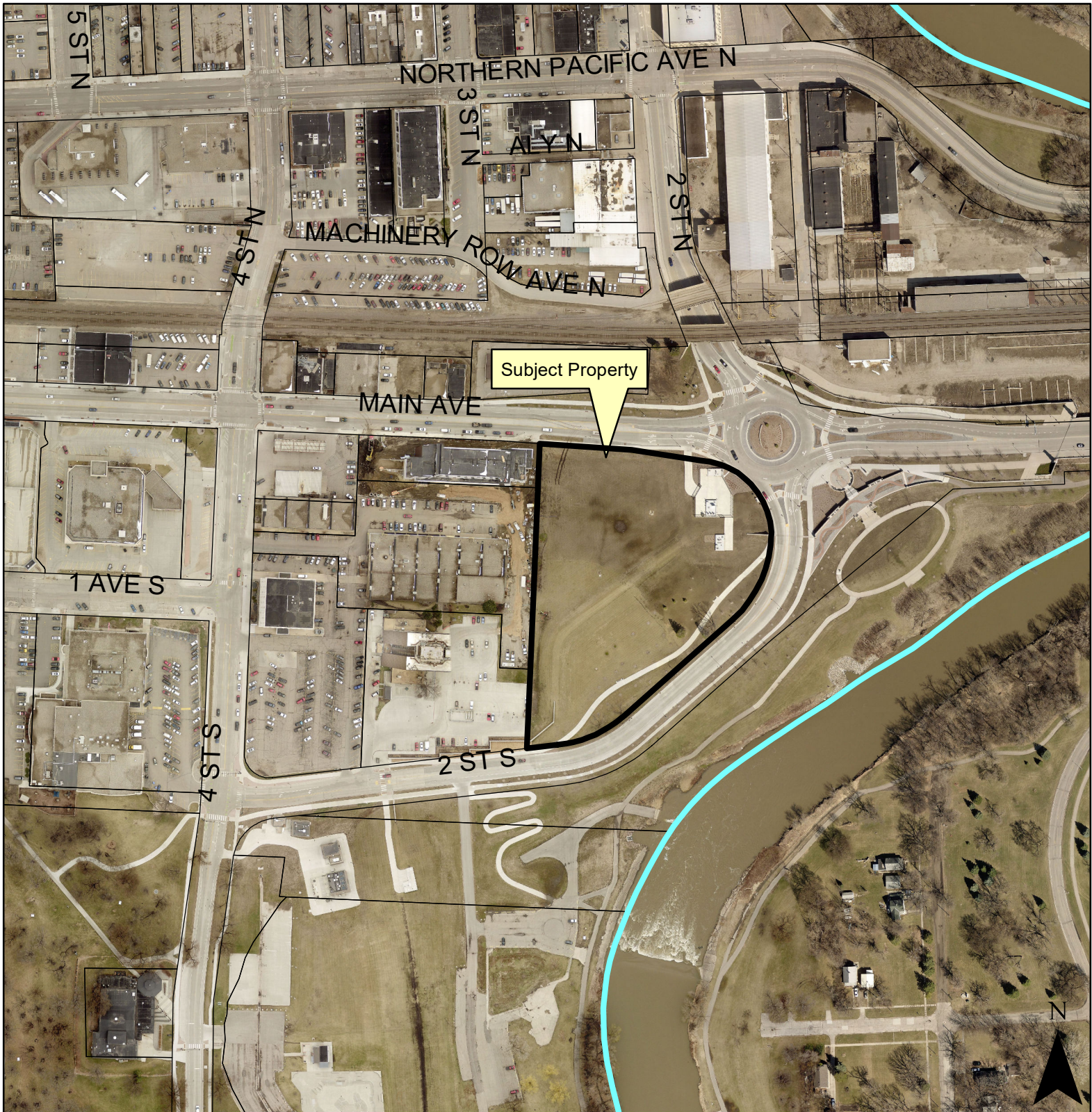
300 Feet



# Plat (Major); Zone Change (DMU to DMU and P/I)

## MHB Guardian Addition

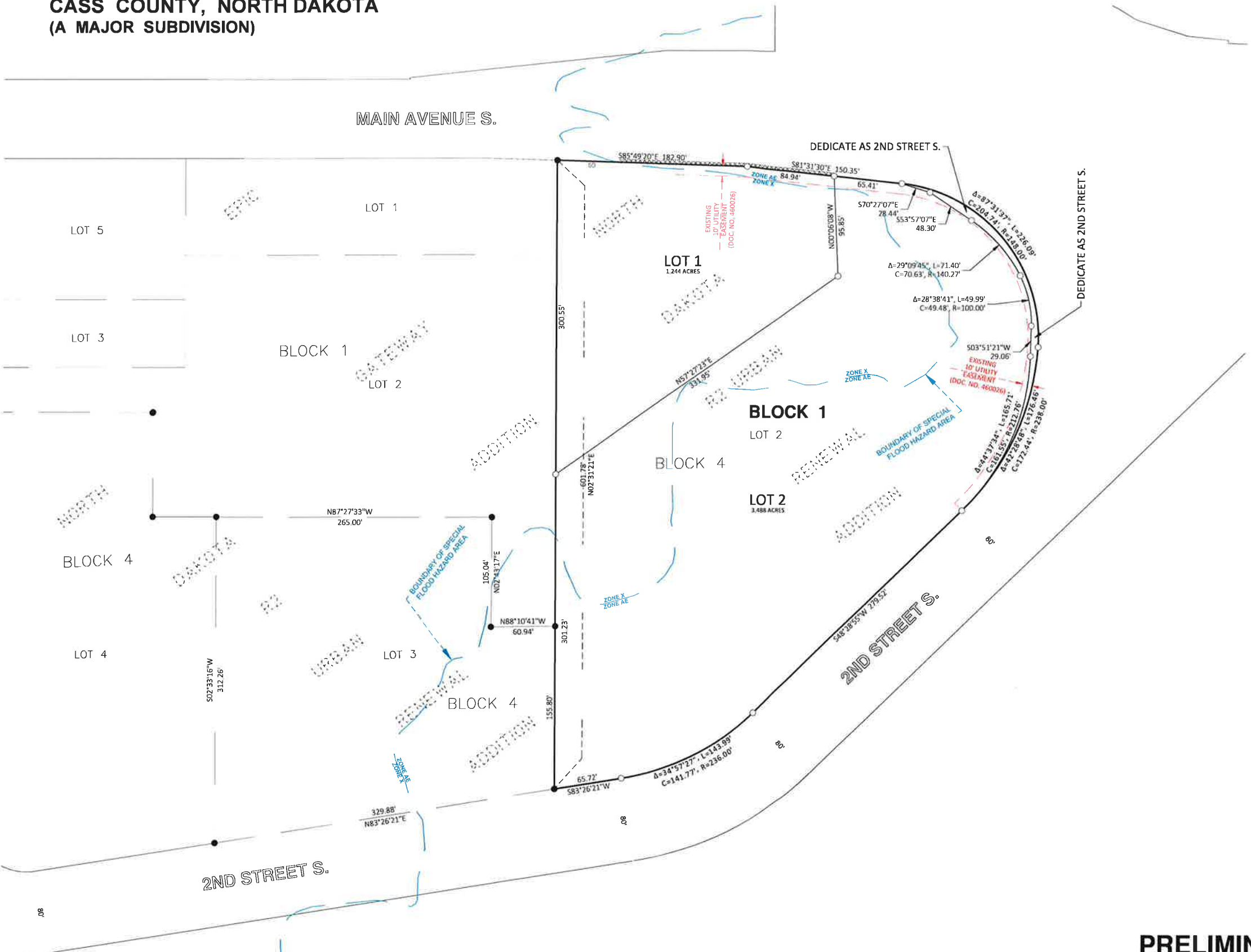
1 2nd Street S





# MHB GUARDIAN ADDITION

BEING A REPLAT OF LOT 2, BLOCK 4,  
NORTH DAKOTA R2 URBAN RENEWAL ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
(A MAJOR SUBDIVISION)



**LEGEND**

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

**NOTES:**

1. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
2. A PORTION OF THIS PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANELS 38017C0781G & 38017C0782G, DATED JANUARY 16, 2015.
3. BASE FLOOD ELEVATION = 901.5' (NAVD 1988)
4. ELEVATION CONTOURS SHOWN ARE NAVD 1988, 1-FOOT INTERVAL, AND DERIVED FROM F-M METRO AREA LIDAR DATA ACQUIRED MAY, 2020. CONTOURS ONLY SHOWN WITHIN ZONE AE AND NOT SHOWN OUTSIDE OF PLAT BOUNDARY.
5. BASIS OF BEARING:  
CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER, 1992.

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PRELIMINARY PLAT



Sheet 1 of 2  
Project No. 7438-0203

MHB GUARDIAN ADDITION

BEING A REPLAT OF LOT 2, BLOCK 4,  
NORTH DAKOTA R2 URBAN RENEWAL ADDITION  
TO THE CITY OF FARGO,  
CASS COUNTY, NORTH DAKOTA  
(A MAJOR SUBDIVISION)

OWNER'S CERTIFICATE AND DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Fargo, a North Dakota municipal corporation, is the owner and proprietor of the following described tract of land:

Lot 2, Block 4, North Dakota R2 Urban Renewal Addition, City of Fargo, Cass County, North Dakota.

Said tract of land contains 4.771 acres, more or less.

And that said party has caused the same to be surveyed and re-platted as MHB GUARDIAN ADDITION to the City of Fargo, Cass County, North Dakota, and does hereby dedicate and convey to the public, for public use, the streets and avenues, utility easements, and negative access easements shown on this plat.

OWNER:

City of Fargo  
A North Dakota municipal corporation

Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

State of North Dakota }  
County of Cass } ss

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

Notary Public:

SURVEYOR'S CERTIFICATE:

I, Curtis A. Skarphol, 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.

Curtis A. Skarphol,  
Professional Land Surveyor No. 4723

State of North Dakota }  
County of Cass } ss

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

Notary Public:

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, PE, City Engineer

State of North Dakota }  
County of Cass } ss

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

Notary Public:

FARGO PLANNING COMMISSION APPROVAL:

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

Rocky Schneider, Chair  
Fargo Planning Commission

State of North Dakota }  
County of Cass } ss

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

Notary Public:

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest:

Steven Sprague, City Auditor

State of North Dakota }  
County of Cass } ss

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:

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City of Fargo Staff Report			
<b>Title:</b>	Richard 3 <sup>rd</sup> Addition	<b>Date:</b>	4-27-2021
<b>Location:</b>	6121 53 <sup>rd</sup> Avenue South.	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description:</b>	Lot 2, Block 1, Richard 3 <sup>rd</sup> Addition.		
<b>Owner(s)/Applicant:</b>	Bruce Qvammen (Sheyenne Commercial Condos LLC)/Brennan Laudal	<b>Engineer:</b>	N/A
<b>Reason for Request:</b>	<b>Conditional Use Permit</b> for Industrial Service and Warehouse uses in the GC, General Commercial zoning district on Lot 2, Block 1, Richard 3 <sup>rd</sup> Addition.		
<b>Status:</b>	Planning Commission hearing May 3, 2022		

Existing
<b>Land Use:</b> Undeveloped
<b>Zoning:</b> GC, General Commercial
<b>Uses Allowed:</b> 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
<b>Maximum Building Coverage Allowed:</b> Maximum 85% building coverage

Proposed
<b>Land Use:</b> Industrial Service and Warehouse
<b>Zoning:</b> GC, General Commercial with a Conditional Use Permit (CUP)
<b>Uses Allowed:</b> 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
<b>Plus CUP to allow for industrial service and warehouse uses.</b>
<b>Maximum Building Coverage Allowed:</b> Maximum 85% building coverage

Proposal:
The applicant is seeking approval of a Conditional Use Permit (CUP) to allow Industrial Service and Warehouse, uses in a GC, General Commercial, zoning district on Lot 2, Block 1, Richard 3 <sup>rd</sup> Addition. The subject property is located at 6121 53 <sup>rd</sup> Avenue South.
(Continued on next page)

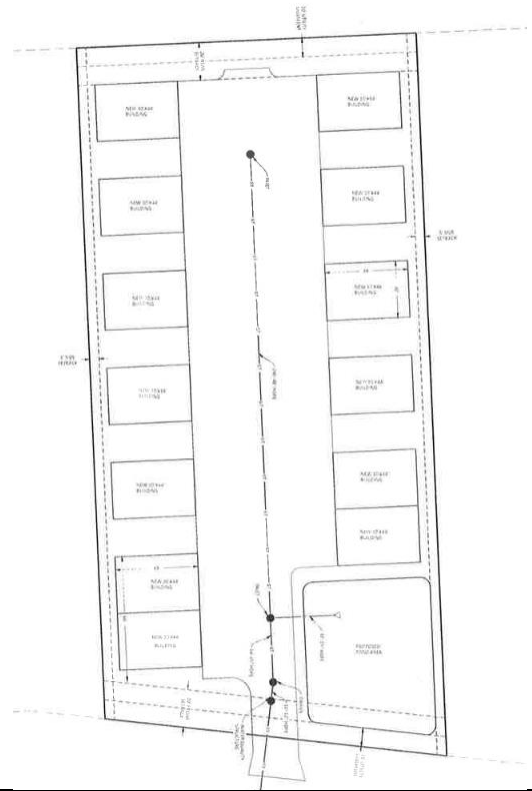


The applicant is requesting the CUP in order to allow industrial service and warehouse uses in the future for the proposed shop condo development which includes 13 buildings.

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.

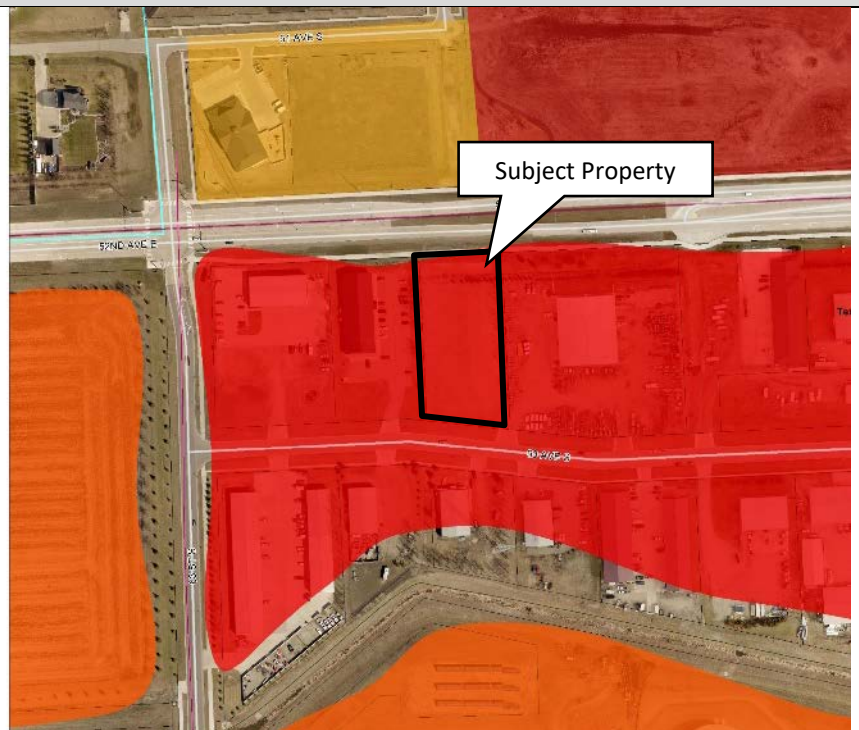
**Surrounding Zoning and Land Uses Include:**

- North: Across 52<sup>nd</sup> Avenue South; AG, Agricultural, undeveloped.
- East: GC, General Commercial with CUP, with warehouse, office, and retail sales & service.
- South: Across 53<sup>rd</sup> Avenue South; GC, General Commercial with CUP, with warehouse, office, and Telecommunications Support Structure (TSS).
- West: GC, General Commercial, with health club.



**Area Plans:**

The subject properties are located within the bounds of the 2007 Tier 1 Southwest Future Land Use Plan which designates this area as suitable for Commercial.



**Legend**

Land Use	Low Med Res or Parkland	Office	Commercial Area
Low Med Res	Med High Res	Parkland	Residential Area - medium to high density
Low Med Res or Med High Res	Commercial	Public and Inst	Residential Area - lower to medium density
<b>Tier 1 Northwest Area Plan</b>			
	Industrial Area	Proposed Park	Future School
	Agricultural Research		

**Context:**

**Schools:** The subject properties are located within the West Fargo School District and are served by Deer Creek Elementary, Heritage Middle and Horace High schools.

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

**Parks:** Rocking Horse Farm Park is located within a third of a mile of the subject property and provides amenities of picnic tables, playgrounds (ages 2-5 and 5-12), recreational trails, and a shelter.

**Pedestrian / Bicycle:** There are ten foot wide trails along 52<sup>nd</sup> Avenue South, 63<sup>rd</sup> Street South, Veterans Boulevard, and within Rocking Horse Farm Park.

**Bus Route:** There are no MATBUS routes within a mile of the subject property.

**Staff Analysis:****Approval and Appeal**

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

**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. Staff believes this proposal is in keeping with adopted plans and policies of the City. The proposed Conditional Use Permit will allow industrial service and warehouse uses. Therefore, staff finds that the proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

**(Criteria Satisfied)**

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

Staff 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 mitigate any 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 service and warehouse 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 nearby 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 53<sup>rd</sup> 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:**

Planning staff has developed standard conditions for industrial uses in the GC zone. Staff recommends these conditions, stated below, as part of this CUP.

- 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 service or warehouse 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 Industrial Service and Warehouse uses 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 service or warehouse 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:** May 3, 2022

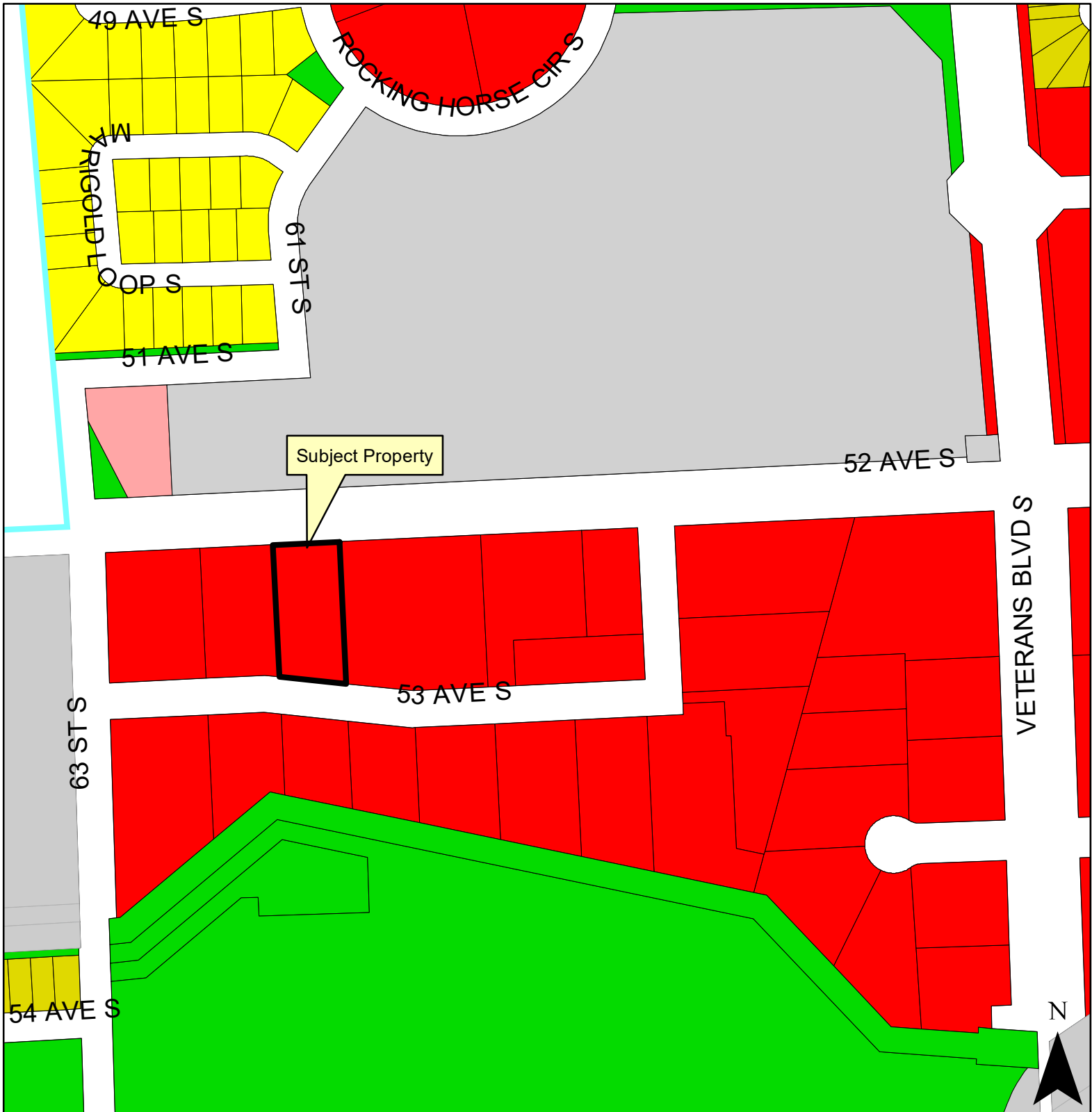
**Attachments:**

1. Zoning Map
2. Location Map

# Conditional Use Permit

## Richard Third Subdivision

6121 53rd Avenue S



### Legend

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



# Conditional Use Permit

## Richard Third Subdivision

6121 53rd Avenue S





<b>City of Fargo Staff Report</b>			
<b>Title:</b>	<b>Sanford Addition</b>	<b>Date:</b>	4/27/2022
<b>Location:</b>	6100 38 <sup>th</sup> Street South	<b>Staff Contact:</b>	Maegin Elshaug, planning coordinator
<b>Legal Description:</b>	Lot 1, Block 2, Sanford Addition		
<b>Owner(s)/Applicant:</b>	Fargo Park District / Confluence	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Institutional Master Plan</b> (for a sports complex)		
<b>Status:</b>	Planning Commission Public Hearing: May 3, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> undeveloped	<b>Land Use:</b> Recreational Community Center / Athletic Complex, General Office, Medical Office
<b>Zoning:</b> P/I, Public & Institutional	<b>Zoning:</b> unchanged
<b>Uses Allowed:</b> P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.	<b>Uses Allowed:</b> unchanged
<b>Maximum Lot Coverage Allowed:</b> N/A	<b>Maximum Lot Coverage Allowed:</b> unchanged

<b>Proposal:</b>
<p>The applicant, Confluence, on behalf of the Fargo Park District, is seeking approval of an Institutional Master Plan for the purpose of satisfying the project review requirements for development within the P/I, Public &amp; Institutional, zoning district. The planned development is the Fargo Parks Sports Complex, a regional multi-sports complex, housing indoor sport facilities and outdoor fields for various sports and related accessory amenities, and will also include Fargo Park District offices and medical offices.</p> <p>Project review of development projects within the P/I zoning district can be accommodated in one of two ways. One option is for each project to be reviewed for compliance with the Land Development Code on an individual basis through Site Plan Review, as is typical with most types of building construction within other zoning districts. The other option is to secure approval of an Institutional Master Plan. Once an Institutional Master Plan is established for an institution, individual development projects within that institution are no longer required to undergo Site Plan Review and are considered to be approved so long as they are consistent with the approved Institutional Master Plan.</p> <p>The Institutional Master Plan is specific to the P/I zoning district and is intended to accommodate larger public/semi-public institutions that have unique development needs when compared to typical building construction. For example, an office building may undergo Site Plan Review at the time of construction and, once completed, may exist largely unchanged for decades. In contrast, large institutions, such as a university or airport, are generally not “completed” at the time of original construction. These institutions undergo continuous incremental development and change over time, such as an addition to a residence hall or the extension of a taxiway to accommodate a new aircraft hangar. The Institutional Master Plan is intended to better accommodate these unique</p>

development characteristics of institutions.

As such, the applicant is seeking approval on behalf of the Fargo Park District of an Institutional Master Plan for the Fargo Parks Sports Complex in order to accommodate Land Development Code review of the plans for the Fargo Sports Complex over several phases of construction.









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.

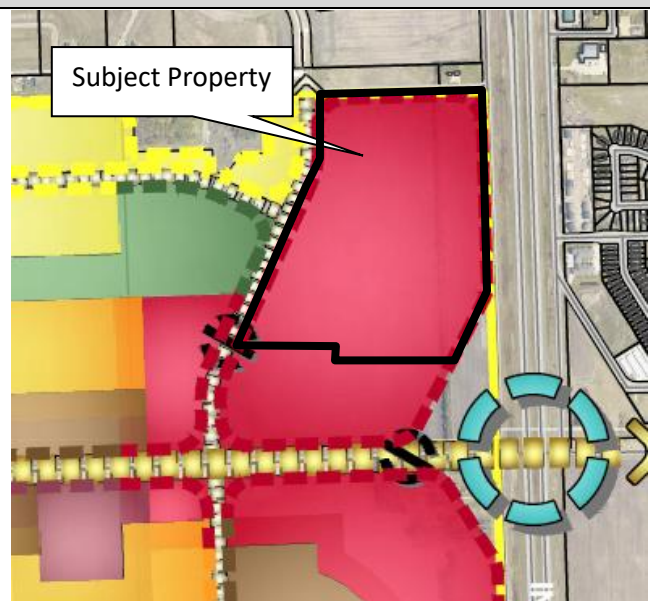
#### Surrounding Land Uses and Zoning Districts:

- North: Currently AG, Agricultural with residential use and undeveloped land;
  - This is the site of the Maplewood Estates 2<sup>nd</sup> Addition Planned Unit Development, which is in the process of rezoning the property to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay, which was seen by the Planning Commission in September of 2021.
- East: Interstate 29
- South: LC, Limited Commercial with a C-O, Conditional Overlay with undeveloped land;
- West: LC, Limited Commercial with a C-O, Conditional Overlay, AG, Agricultural, and MR-3, Multi-Dwelling Residential with undeveloped land and residential use.

#### Area Plans:

The subject acreage is located within the South Fargo Tier 1 West plan pursuant to the 2007 Growth Plan, which was amended in August of 2021. The growth plan designates this area as Commercial; however, the property is zoned P/I, Public & Institutional, which is appropriate for government-owned facilities and can be applied in any land use category. The zoning is not changing with this application.

SYMBOL	PROPOSED LAND USE
	OPEN/ RECREATION RELATED SPACE
	LOW DENSITY RESIDENTIAL
	MEDIUM DENSITY RESIDENTIAL
	HIGH DENSITY RESIDENTIAL
	NEIGHBORHOOD MIXED-USE
	TOWN CENTER
	COMMERCIAL
	COMMERCIAL/ RESIDENTIAL OVERLAY



#### Context:

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

**Neighborhood:** The subject property is not currently located within a designated neighborhood, but is adjacent to the District Neighborhood to the north..

**Parks:** The Pines Park is approximately half a mile to the northwest of the subject property. Amenities include basketball court, playground, shelter, & trails. The subject property will also be developed with outdoor amenities.

**Pedestrian / Bicycle:** Shared use paths are located along both 38<sup>th</sup> Street South, just west of the subject property.

**Transit:** There are no MatBUS routes that currently run near the subject property.



**Staff Analysis:**

**Institutional Master Plan Criteria:** Section 20-0911(E) of the LDC states that the Planning Commission shall identify and evaluate all factors relevant to the application, and that the following criteria be met before an Institutional Master Plan can be approved:

**1. Does the plan comply with all applicable provisions of the LDC and does it conform to the general intent and purpose of the LDC?**

Staff finds that the proposed plan complies with the intent and all applicable provisions of the LDC, as outlined within the attached Institutional Master Plan. **(Criteria Satisfied)**

**2. Is the plan consistent with all adopted plans and policies of the City?**

Staff finds the proposed plan to be consistent with the all adopted plans and policies of the City. **(Criteria Satisfied)**

**3. Will the proposed plan not cause substantial injury to the value of the other property in the neighborhood in which is it to be located?**

Staff has no evidence to suggest that the proposed plan will cause substantial injury to the value of the other property in the neighborhood in which it is to be located. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has not received any inquiry. Staff finds the proposed plan to be consistent with the P/I, Public & Institutional zoning district and development standards of the Land Development Code. **(Criteria Satisfied)**

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the Institutional Master Plan as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0911.E (1-3) of the LDC, and all other applicable requirements of the LDC."

**Planning Commission Recommendation:** May 3, 2022

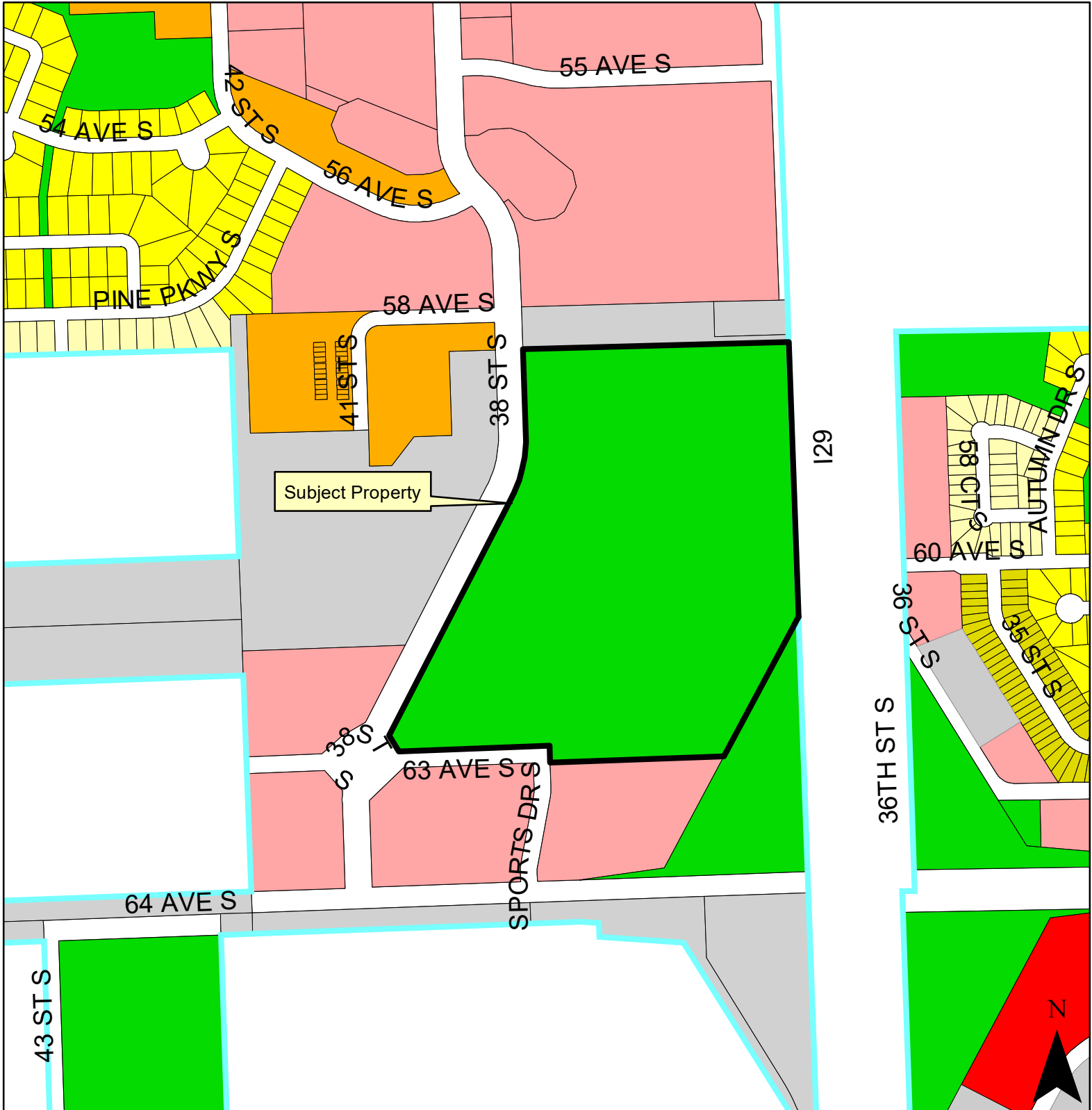
**Attachments:**

1. Zoning Map
2. Location Map
3. Institutional Master Plan

# Institutional Master Plan

## Sanford Addition

6100 38th Street S



### Legend

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

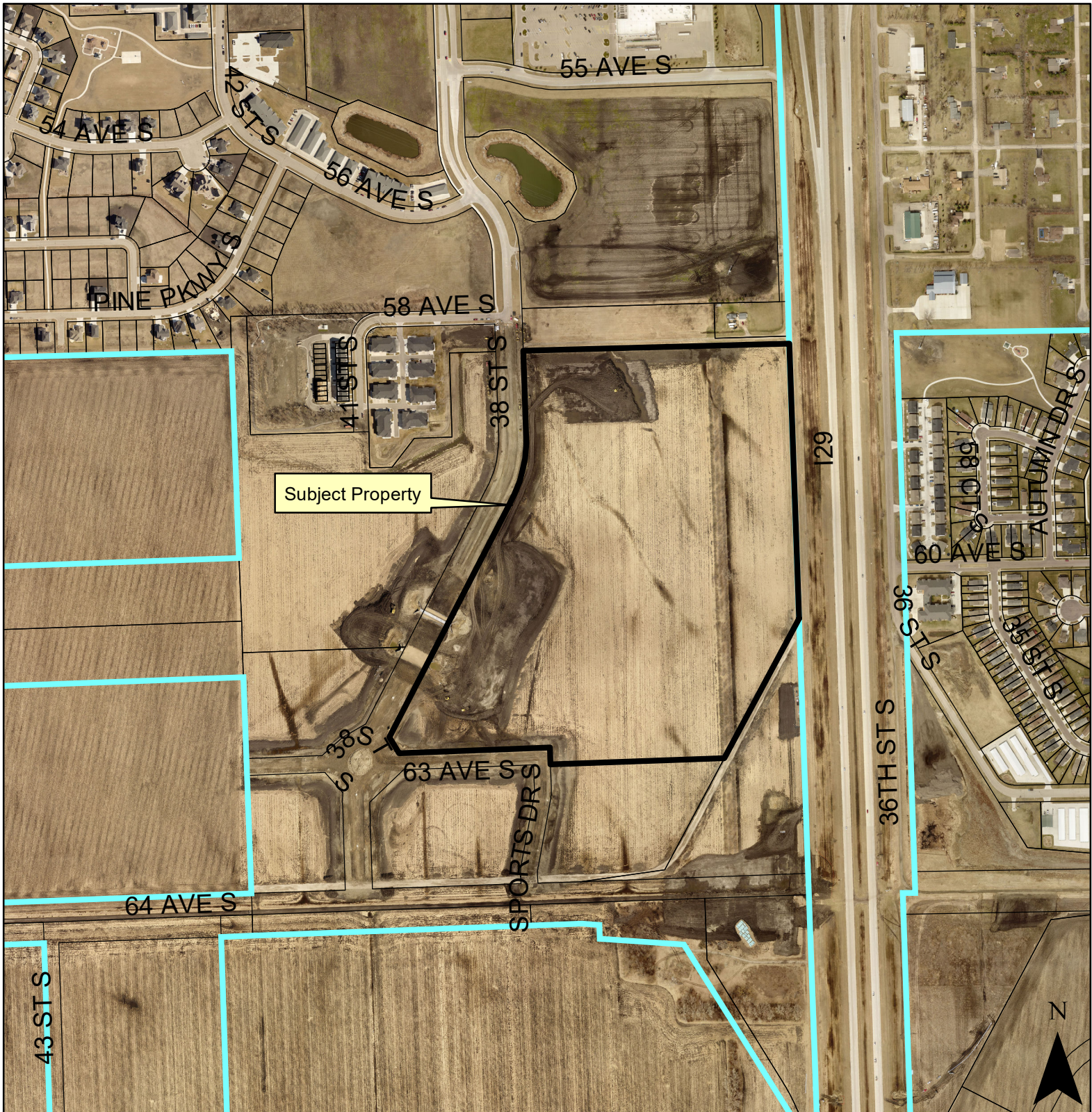
Fargo Planning Commission  
May 3, 2022



# Institutional Master Plan

## Sanford Addition

6100 38th Street S





**Fargo Sports Complex**  
**Institutional Master Plan (§20-0911. - Institutional Master Plans)**  
**Fargo Parks**  
**Confluence Landscape Architects**  
**April 12, 2022**

**Planning Commission Approval Date:**

**This Institutional Master Plan was reviewed and approved in accordance with Section 20-0911 of the Land Development Code.**

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**Mark Williams, Assistant Planning Director**

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**Date**

## **General Information**

### **Planning Horizon**

Fargo Parks has developed an expansion plan, described as the Institutional Master Plan, for the Fargo Sports Complex to meet current and future recreational demand for indoor and outdoor athletic and accessory facilities. The Institutional Master Plan will be implemented over a period of 10 years.

### **Existing Property and Uses** (Reference Sheet G001: Existing Site Plan)

1. General Description: Recreational Community Center, including Indoor and outdoor Athletic complex (Outdoor Recreation and Entertainment), and Commercial Office
2. Property Address: 6100 38<sup>th</sup> Street South
3. Property Size: 2,825,689 SF
4. Zoned District: P/I (Public & Institutional)
5. Existing Improvements:
  - a. Storm retention pond (City of Fargo easement)

### **Needs of the Institution**

1. Development of athletic facilities and commercial office space
2. Service and maintenance facilities
3. Parking facilities
4. Multi-use pathways

### **Development Envelope**

1. Gross Floor Area: Sports Complex facility as proposed in the Phase One is approximately 595,427 square feet and 1,241,333 with current planned/proposed expansions (See Attachment A - Phased Expansion Schedule).
  - a. Future concessions building will have a footprint of approximately 1,000 sq.ft.
2. Building Heights: Building height for Phase One and future expansions are not expected to exceed 51 feet. All planned buildings will be placed further than 150' from the property where no height restrictions would apply.
3. Property Setbacks:
  - a. North Lot Line: Interior – 25', AG, Agricultural, zoning to North of property
    - i. The property to the north is in the process of rezoning to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay. Setbacks will be reviewed at the time of permitting.
  - b. West Lot Line: Front – 10' LC, Limited Commercial, zoning to West of property
  - c. East Lot Line: Rear – N/A, Interstate 29
  - d. S Lot Line: Interior – 10' LC, Limited Commercial, zoning to the South of property
4. Total Open Space: 387,111 square feet.

### **Neighborhood Protections Strategy**

The Institutional Masterplan has identified areas, subject to the residential protection standard, to be used as outdoor athletic fields and green open space. Reference RESIDENTIAL PROTECTION STANDARDS section under the LDC Review portion of this document.

## **Land Development Code Review**

### **USE. (Article 20-04)**

The proposed use is for Recreational Community Center with Indoor and Outdoor Athletics and Recreation, and Commercial Office space related to athletics and recreation. The uses described are permitted by right with the P/I zoning district, subject to the use of specific standard of section 20-0402.G of the LDC.

Phase One is assumed to include the following components:

- Fargo Park District offices (19,600 sq. ft.)
- Sanford Health physical therapy/sports medicine suite (14,100 sq. ft.)
- Additional athletic facilities such as basketball courts, soccer fields, and various multipurpose areas (214,310 sq. ft.)

Future phases include various sports courts, ice rinks, multi-purpose rooms, outdoor sports fields, accessory structures (such as concessions), and parking.

### **DIMENSIONAL STANDARDS. (Article 20-05)**

1. Building Heights: All planned buildings will be placed further than 150' from the property where no height restrictions would apply. All planned buildings are not expected to exceed 51' feet.
2. Total Open Space: 387,106 square feet.
3. Property Setbacks:
  - a. North Lot Line: Interior – 25', AG zoning to North of property
    - i. This may be reduced if the adjacent zoning changes.
  - b. West Lot Line: Front – 10' LC zoning to West of property
  - c. East Lot Line: Rear – N/A, Interstate 29
  - d. S Lot Line: Interior – 10' LC zoning to S of property

### **PARKING & LOADING. (Section 20-0701).**

A Parking Demand Analysis was conducted to identify parking demand for the project, which was completed by KLJ in April 2022. This report is attached.

Phase One includes the following components in analysis of parking demand for the project:

1. Fargo Park District offices: General Office (Land Development Code) – 1 space per 300 sq. ft.
2. Sanford Health physical therapy/sports medicine suite: Medical Office (Land Development Code) – 200 space per sq. ft.
3. Additional athletic facilities: Recreational Community Center (RCC) (Parking Demand Analysis by KLJ) - 1 space per 588 sq. ft.

Designed parking spaces in Phase One: 502The complete buildout will have up to 1,414 parking stalls. Phase One will have 502 parking stalls. Each additional expansion will include additional parking stalls approximated in Attachment A to meet the approved parking ratio for Recreational Community Center use.

### **ROADWAY ACCESS & DRIVEWAYS. (Section 20-0702)**

- Access on 38<sup>th</sup> St S meet city requirements for Collector streets with minimum spacing of 300 feet between driveways and intersections.
- Access on 63<sup>rd</sup> Ave S meet city requirements with driveway spacing in NO-GI districts being a minimum of 50 feet.

#### **RESIDENTIAL PROTECTION STANDARDS. (Section 20-0704)**

The Institutional Masterplan has identified areas, subject to the residential protection standard, to be used as outdoor athletic fields and green open space.

Any area lighting for proposed athletic fields or pedestrian lighting will be controlled in a way to deflect light away from future residential property identified in the Institutional Master Plan. Any light or combination of lights that cast light on any residential property may not exceed 0.4 foot-candles as measured one foot inside the lot line of an effected residential property.

It is understood that if these conditions change preceding future phases within the planning horizon, then the application of the section may vary and shall be amended to the Institutional Master Plan.

#### **TREES & LANDSCAPING. (Section 20-0705)**

The Land Development Code requires the following landscaping requirements for the subject property:

##### **Street Trees (Section 20-0705.B.1.a)**

- 38th St S (Collector Road). Tree requirement is one (1) street tree is required for every 50 linear feet of collector and arterial street
- 63<sup>rd</sup> Ave S (Local Road). Tree requirement is one (1) street tree is required for every 35 linear feet of local street frontage

##### **Open Space and Open Space Plant Units (Section 20-0705.B.1.c)**

Within commercial and public/institutional zoning districts (NO, NC, GO, LC, GC, P/I), at least three (3) plant units shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof, and eight (8) square feet per plant unit shall be provided.

- Total property area: 2,825,689 Sq. Ft.
- Total plant unit requirements: 8,477
- Minimum Open Space requirement (sq.ft.): 67,824
  - Per Section 20-0705.C.5, City Planner has authority to exclude playing fields from square footage value on calculating required open space plant units in P/I zoning districts. Minimum Open Space requirements does not account for future playing fields, so open space and open space plant units may be less than indicated.

##### **Parking Lot Perimeter Landscaping (Section 20-0705.B.1.d)**

- Parking Lot Perimeter landscaping as required by the Land Development Code.

#### **CORNER VISIBILITY. (Section 20-0706)**

Corner visibility will be maintained throughout the planning horizon.

**Table 1 : LDC Requirements**

	Area (sf)	Street Frontage (lf)	Plant Units (ea)	Open Space (sf)	Blvd. Trees (ea)
<b>Total Property</b>	2,825,689		8478	67824	61
Area 1 : Sports Complex	1,628,439		4885	39090	
Area 2 : North Soccer Fields	634,124	-	1902	15219	
38th St S		485			10
Area 3 : Retention Pond	563,126		1689	13515	
38th St S		1,604			32
63rd Ave S		649			19

**Table 2 : Project Summary**

Institutional Master Plan	Total Area (sf)	Developed / Impervious Area (sf)	Designed Plant Units (ea)	Designed Open Space (sf)	Designed Blvd. Trees (Ea)
Area 1 : Sports Complex (Phase One)		595,427	4576	387106	61
Alternates : Surface Improvements		111,541			
Alternate 5 : Future Sports Courts		50,284			
Alternate 6 : Future Multi-Purpose Room		19,718			
Expansion 4 : Future Sports Courts		71,000			
Expansion 5 : Future Ice Rink		56,662			
Expansion 6 : Future Ice Rink		50,863			
Expansion 7 : Future Ice Rink		52,190			
Expansion 8 : Future Indoor Turf		162,697			
Expansion 9 : Future Sports Courts		35,071			
Expansion 10 : Future Concourse		9,466			
Expansion 11 : Future Multi-Purpose Room		26,414			
<b>Totals (Area 1)</b>	1,628,439	1,241,333	4576	387106	61
Area 2 : North Soccer Fields			2057		
Expansion 12 : North Soccer Fields		75,532			



Totals (Area 2)	634,124	-	2057	(Note 2)	(Note 3)
Area 3 : Retention Pond			1844		
Totals (Area 3)	563,126	-	1844	(Note 2)	(Note 3)

Notes:

1. Calculations do not reflect future athletic fields subject to exemption.
2. Total Open Space requirement for property is met by Phase One (Area 1)
3. Total Boulevard Tree requirement for property is met by Phase One (Area 1)

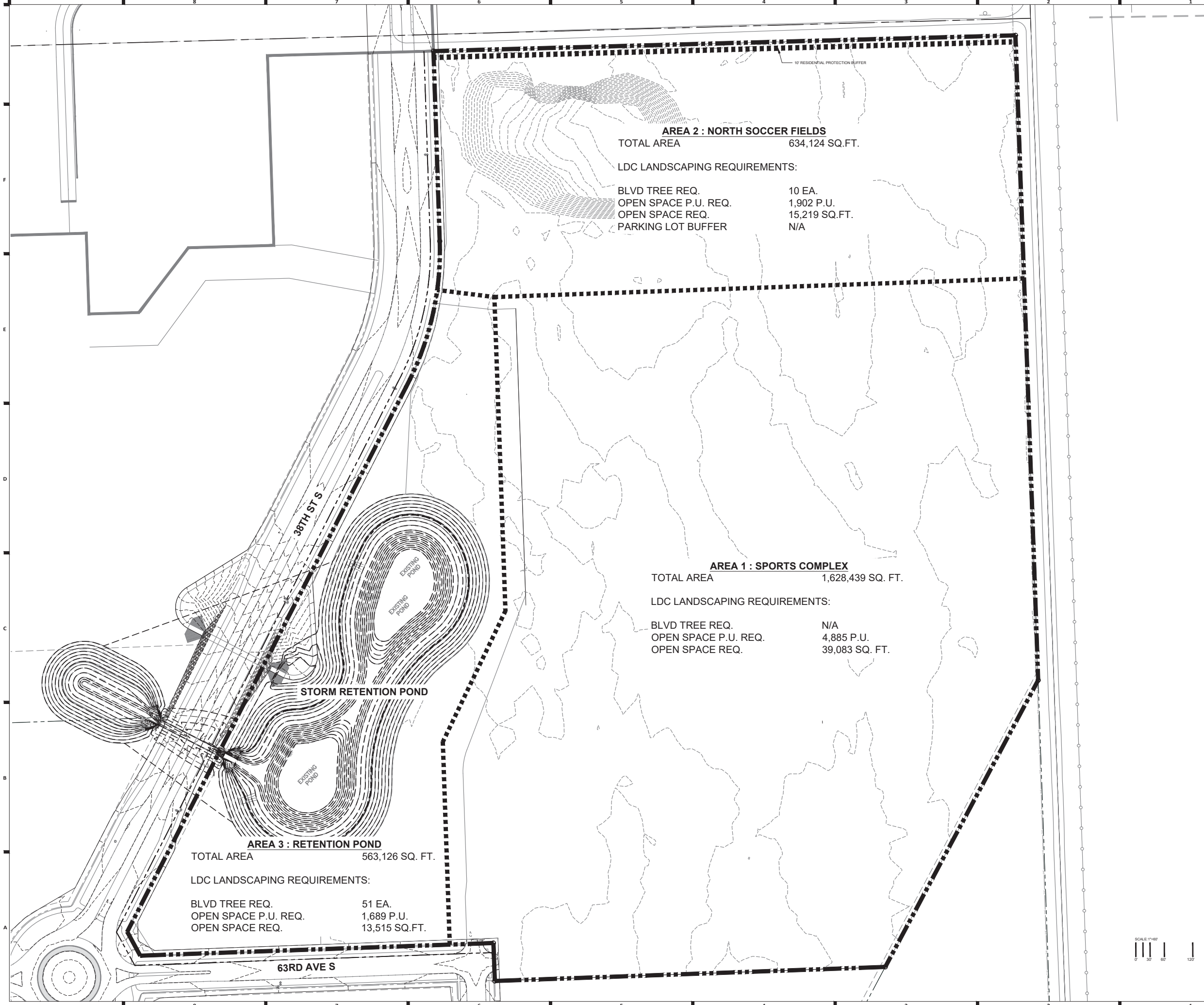
**Table 3 : LDC Summary**

	Plant Units (ea)	Open Space (sf)	Bld. Trees (ea)
Total Code Requirements	8478	67817	61
Total Designed in Planning Horizon	8478	387106	61

## Attachment A: Phased Expansion Schedule

- **Alternate 5 : Future Sports Courts**
- Impervious Area: 14,634 Sq. Ft.
- Gross Floor Area: 35,650 Sq. Ft.
  - Sports Courts
  - Parking Lot (49 Parking Stalls)
  
- **Alternate 6 : Future Multi-Purpose Room**
- Impervious Area: 13,837 Sq. Ft.
- Gross Floor Area: 3,744 Sq. Ft.
  - Multi-Purpose Room
  - Concessions
  - Indoor Playground
  - Parking Lot (33 Parking Stalls)
  
- **Site Alternates : Site Surface Improvements**
- Impervious Area: 128,855 Sq. Ft.
  - Loop Road
  - Multi-Purpose Trails
  - Parking Lot (16 Parking Stalls)
  
- **Expansion 4 : Future Sports Courts**
- Gross Floor Area: 48,330 Sq. Ft.
- Impervious Area: 87,201 Sq. Ft.
  - Sport Courts
  - Parking Lot (95 Parking Stalls)
  
- **Expansion 5 : Future Ice Rink**
- Impervious Area: 26,493 Sq. Ft.
- Gross Floor Area: 30,169 Sq. Ft.
  - Ice Rink
  - Parking Lot (72 Parking Stalls)
  
- **Expansion 6 : Future Ice Rink**
- Impervious Area: 21,540 Sq. Ft.
- Gross Floor Area: 29,323 Sq. Ft.
  - Ice Rink
  - Parking Lot (72 Parking Stalls)
  
- **Expansion 7 : Future Ice Rink**
- Impervious Area: 15147 Sq. Ft.
- Gross Floor Area: 37,043 Sq. Ft.
  - Ice Rink
  - Parking Lot (54 Parking Stalls)
  
- **Expansion 8 : Future Indoor Turf**
- Impervious Area: 63,399 Sq. Ft.
- Gross Floor Area: 99,298 Sq. Ft.
  - Indoor Field
  - Parking Lots (200 Parking Stalls)
  
- **Expansion 9 : Future Sports Courts**
- Impervious Area: 14,956 Sq. Ft.
- Gross Floor Area: 20,115 Sq. Ft.

- Sports Courts
  - Parking Lots (42 Parking Stalls)
- **Expansion 10 : Future Concourse**
- Gross Floor Area: 9,466 Sq. Ft.
  - North Concourse
- **Expansion 11 : Future Multi-Purpose Room**
- Impervious Area: 17,314 Sq. Ft.
- Gross Floor Area: 9,100 Sq. Ft.
  - Multi-Purpose Room
  - Parking Lot (60 Parking Stalls)
- **Expansion 12 : Area 2 North Soccer Fields**
- Impervious Area: 74,532 Sq. Ft.
- Gross Floor Area: 1,000 Sq. Ft.
  - Concessions
  - Soccer Fields
  - Parking Lot (196 Parking Stalls)



**AREA 2 : NORTH SOCCER FIELDS**  
TOTAL AREA 634,124 SQ.FT.

LDC LANDSCAPING REQUIREMENTS:

BLVD TREE REQ.	10 EA.
OPEN SPACE P.U. REQ.	1,902 P.U.
OPEN SPACE REQ.	15,219 SQ.FT.
PARKING LOT BUFFER	N/A

**AREA 1 : SPORTS COMPLEX**  
TOTAL AREA 1,628,439 SQ. FT.

LDC LANDSCAPING REQUIREMENTS:

BLVD TREE REQ.	N/A
OPEN SPACE P.U. REQ.	4,885 P.U.
OPEN SPACE REQ.	39,083 SQ. FT.

**AREA 3 : RETENTION POND**  
TOTAL AREA 563,126 SQ. FT.

LDC LANDSCAPING REQUIREMENTS:

BLVD TREE REQ.	51 EA.
OPEN SPACE P.U. REQ.	1,689 P.U.
OPEN SPACE REQ.	13,515 SQ.FT.

JLGarchitects

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CONFLUENCE

LANDSCAPE ARCHITECT  
CONFLUENCE  
210 BROADWAY N. STE. 302  
FARGO, NORTH DAKOTA 58102  
PH: 701.235.3990  
WWW.THIRWCONFLUENCE.COM

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

NOT FOR  
CONSTRUCTION  
-  
ISSUED FOR  
PERMITTING



JILG ARCHITECTS  
**FARGO SPORTS COMPLEX**  
FARGO, ND

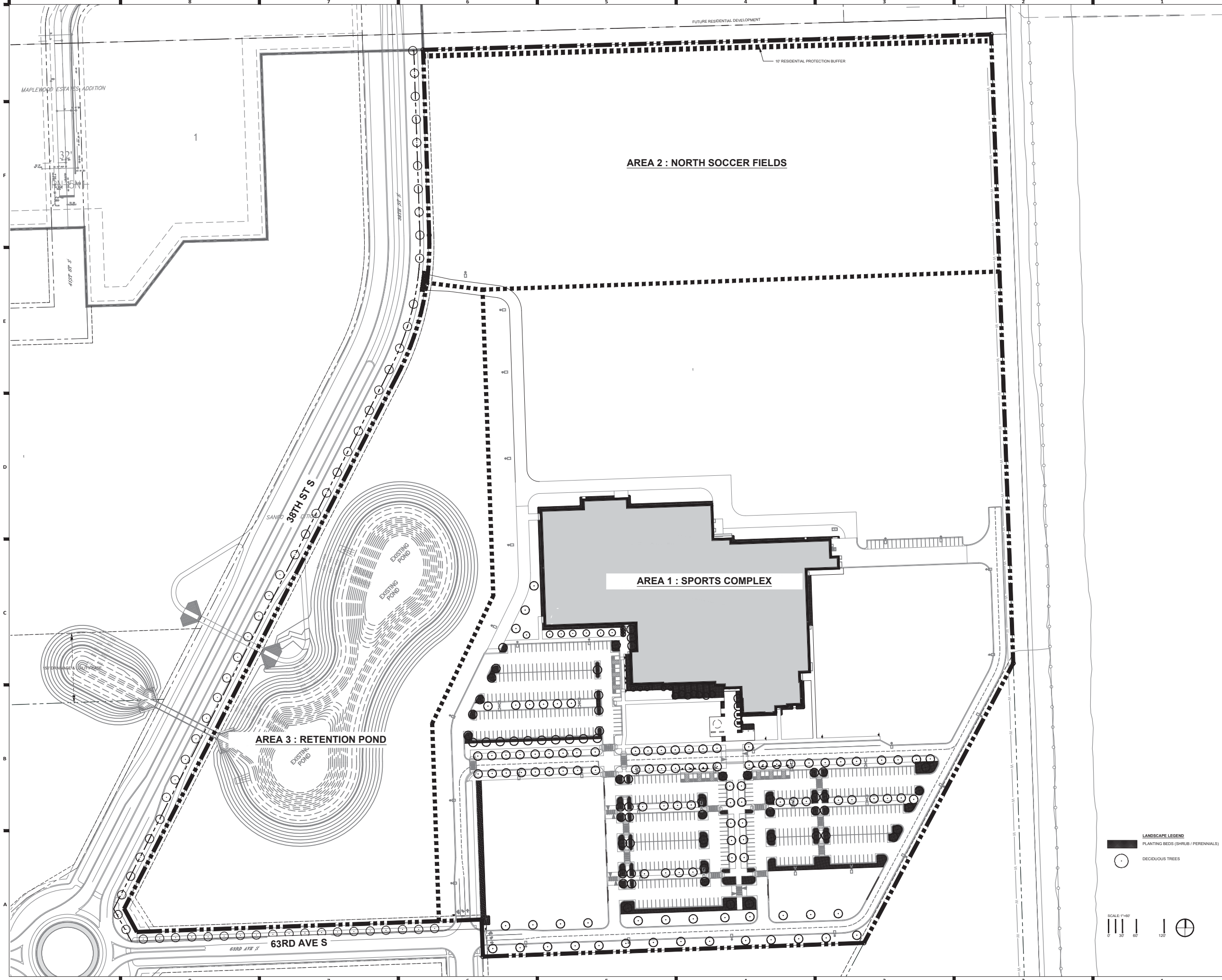
DATE  
04/12/2022

PROJECT  
JLG: 16182  
CONFLUENCE21114

WORK  
EXISTING SITE  
PLAN

**G001**





**JLG**  
architects

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Fargo, ND 58102  
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WWW.THEMCONFLUENCE.COM

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

NOT FOR  
CONSTRUCTION  
-  
ISSUED FOR  
PERMITTING

**LANDSCAPE LEGEND**  
PLANTING BEDS (SHRUB / PERENNIALS)

DECIDUOUS TREES

SCALE: 1"=60'

JLG ARCHITECTS  
**FARGO SPORTS COMPLEX**  
FARGO, ND

DATE  
04/12/2022

PROJECT  
JLG 16182  
CONFLUENCE 21114

WORK  
AREA 1: BASE BID  
SITE PLAN  
**G002**





**CONFLUENCE**  
LANDSCAPE ARCHITECTS  
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10 BROADWAY N. STE. 302  
FARGO, NORTH DAKOTA 58103  
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REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

NOT FOR  
CONSTRUCTION  
-  
ISSUED FOR  
PERMITTING



JLG ARCHITECTS  
**FARGO SPORTS COMPLEX**  
FARGO, ND

DATE  
04/12/2022

PHASE

INSTITUTIONAL  
MASTER PLAN

PROJECT  
JLG: 16182  
CONFLUENCE:21114

SHEET

INSTITUTIONAL  
MASTER PLAN  
G003

# Memorandum

**Date:** 4/21/2022  
**From:** John Crawford, PE, PTOE  
**RE:** Subject Sanford Sports Complex Parking Demand Analysis – Base Project Phase

## Introduction

This memorandum provides an analysis of parking demand for the Base Project phase of the Sanford Sports Complex. The Base Project phase is assumed to include the following components:

- Fargo Park District offices (19,600 sq. ft.)
- Sanford Health physical therapy/sports medicine suite (14,100 sq. ft.)
- Additional athletic facilities such as basketball courts, soccer fields, and various multipurpose areas (214,310 sq. ft.)

## Base Project Phase Parking Demand Estimates

Parking demand for the Base Project phase was estimated using the Institute of Traffic Engineer's (ITE) *Parking Generation Manual*, 5th Edition, as well as off-street parking minimums from the City of Fargo's Land Development Code. Parking minimums from the Land Development Code were used where possible, as these were considered to best reflect the community's specific parking behaviors. For uses without a logical corresponding use category within the Land Development Code, ITE parking ratios were used. The parking ratios used for this analysis include the following:

- Fargo Park District offices: General Office (Land Development Code) – 1 space per 300 sq. ft.
- Sanford Health physical therapy/sports medicine suite: Medical Office (Land Development Code) – 200 sq. ft. per space.
- Additional athletic facilities: Recreational Community Center (RCC) - 1 space per 588 sq. ft.

The initial parking demand estimate is based on use designations and square footage from the Base Project construction plans. Initial estimates are shown in Table 1.

Table 1: Initial Parking Demand Estimates

Use Category	Square Footage	Parking Ratio	Spaces
General Office	19,600	0.003	65
Medical Office	14,100	0.005	71
RCC	214,310	0.0017	364
<b>Total Demand at Completion</b>	<b>248,010</b>	<b>--</b>	<b>500</b>



The initial parking demand estimate was further adjusted in consideration of the Fargo Park District's expectations for daily and weekday/weekend variations in max usage, as well as assumptions about user behavior throughout the day. Specifically:

- A max of 500 users is expected on typical high-activity weekdays
- A max of 800 users is expected during special events

Additionally, while it can be assumed that the 136 parking stalls needed for General Office and Medical office uses will be occupied during Monday – Friday standard working hours (8 AM – 5PM), it is expected that roughly two-thirds of these stalls will become available during evenings and weekends. This will provide further capacity to accommodate higher user numbers during the hours that special events will likely occur.



<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Prairie Crossing Addition	<b>Date:</b>	4/27/2021
<b>Location:</b>	3910 25 <sup>th</sup> Street South	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description</b>	Lot 21, Block 13, <b>Prairie Crossing Addition</b>		
<b>Owner(s)/Applicant:</b>	Larry Nygard/Rhet Fiskness	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> (for a waiver of Section 20-0401.I.2 in the Land Development Code)		
<b>Status:</b>	Planning Commission Public Hearing: May 3, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Religious institution	<b>Land Use:</b> School
<b>Zoning:</b> SR-2, Single-Dwelling Residential	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> SR-2 allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities	<b>Uses Allowed:</b> Unchanged
<b>Maximum Density:</b> Maximum 5.4 units per acre	<b>Maximum Density:</b> Maximum 5.4 units per acre

<b>Proposal:</b>
<p>The applicant is seeking approval of a Conditional Use Permit (CUP) for a waiver of Section 20-0402.I.2 in the Land Development Code (LDC) to be exempt from the minimum base site area for schools in SR, Single-Dwelling and MR, Multi-Dwelling zoning districts. The subject property is located at 3910 25<sup>th</sup> Street South and is zoned SR-2, Single-Dwelling Residential. Section 20-0402.I adds the following regulations:</p> <ol style="list-style-type: none"> <li>1. The maximum size shall not exceed 800 students.</li> <li>2. <i>The base site area for a school shall be 10 acres, plus 1 acre per 100 students.</i></li> <li>3. At least 35 percent of the site area shall be maintained as landscaped open space.</li> <li>4. Schools in SR and MR districts shall be subject to the Residential Protection Standards of Sec. 20-0704.</li> </ol>



The applicant proposes to fit up an existing religious institution with a school called, Capstone Classical Academy. This site is planned for grades K-2, 6 classrooms, 8 teachers/employees, 5-15 students per classroom, and 90 students total. The site plan shown is preliminary and will need to go through the permit process where it will be reviewed for compliance with applicable City codes

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

#### Surrounding Land Uses and Zoning Districts:

- North: SR-4, Single-Dwelling Residential, with single-dwelling residential.
- East: SR-2, Single-Dwelling Residential, with single-dwelling residential.
- South: across 40<sup>th</sup> Avenue South, SR-2, Single-Dwelling Residential, with single-dwelling residential.
- West: across 25<sup>th</sup> Avenue South, SR-2, Single-Dwelling Residential, with single-dwelling residential.

#### Area Plans:

There are no recent growth plans which apply directly to this location.

#### Context:

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

**Neighborhood:** The subject property is located within the Southpoint Neighborhood.

**Parks:** Stonebridge #1 Park is located within a quarter mile northwest of the subject property and provides amenities of a basketball court, picnic tables, playgrounds (ages 2-5 and 5-12), recreational trails, a shelter, and soccer fields.

Centennial Park is located within a quarter mile southwest of the subject property and provides amenities of baseball/softball fields, basketball court, multipurpose field, outdoor skating rinks, playground (ages 5-12), restrooms, soccer fields, and warming houses.

Harrison Park is located within a quarter mile south of the subject property and provides a multipurpose field.

Discovery Park is located within a quarter mile east of the subject property and provides amenities of baseball/softball fields, basketball court, multipurpose field, recreational trails, and a tennis court.

**Pedestrian / Bicycle:** There are ten foot wide trails along 25<sup>th</sup> Street South, 40<sup>th</sup> Avenue South, 18<sup>th</sup> Street South, within Stonebridge #1 Park, and within Discovery Park.

**Bus Route:** There are no MATBUS routes within a half mile of the subject property.

**Staff Analysis:**

**Approval and Appeal**

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

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

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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow a school use to be on the subject property without the ten acre requirement from Section 20-0402.I.2 in the LDC. This site is planned for grades K-2, 6 classrooms, 8 teachers/employees, 5-15 students per classroom, and 90 students total. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

**(Criteria Satisfied)**

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

Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public.

**(Criteria Satisfied)**

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

Staff has no data to suggest that 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 CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to one inquiry regarding the project.

**(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.**

With the other schools of Centennial Elementary and Discovery Middle located within a quarter mile of the subject property, 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.

**(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 is located within an area of the City that is largely developed with public infrastructure. 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. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been

raised. 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 subject property currently has access off of 25<sup>th</sup> Street South. 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 existing 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:**

Planning staff recommends these conditions, stated below, as part of this CUP.

1. Any expansion of the school use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
2. The Conditional Use Permit will cease if the land use changes from a school for a period of more than 12 consecutive months.
3. The Conditional Use Permit shall terminate upon sale or transfer of the property.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval of the conditional use permit to waive Section 20-0402.I.2 in the Land Development Code (LDC) to be exempt from the minimum base site area for schools in SR, Single-Dwelling and MR, Multi-Dwelling zoning districts, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0909.D (1-6) of the LDC, and all other applicable requirements of the LDC, with the following conditions for the CUP:

1. Any expansion of the school use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
2. The Conditional Use Permit will cease if the land use changes from a school for a period of more than 12 consecutive months.
3. The Conditional Use Permit shall terminate upon sale or transfer of the property.

**Attachments:**

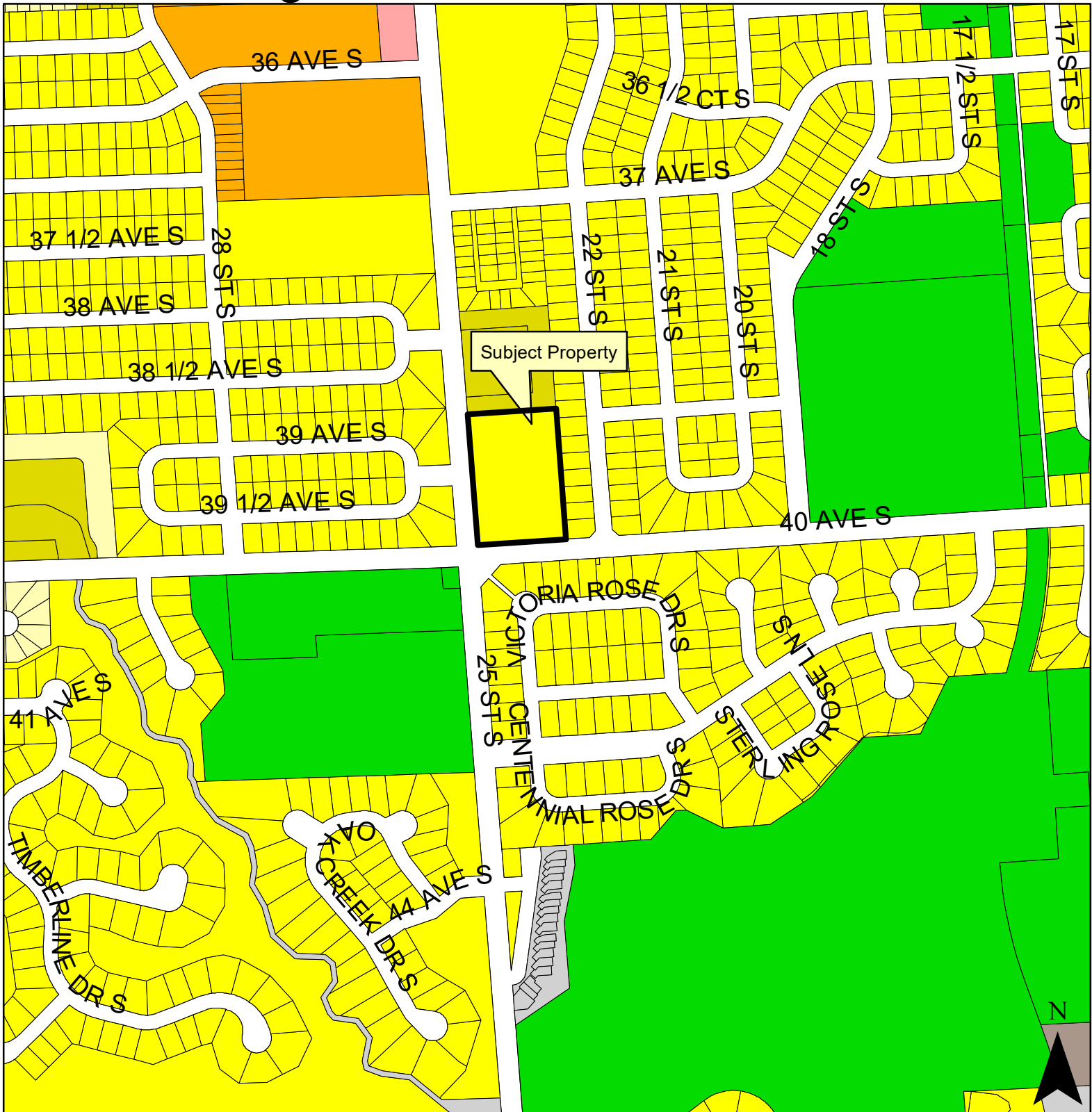
1. Zoning Map
2. Location Map



# Conditional Use Permit

## Prairie Crossing Addition

3910 25th Street S



### Legend

AG	DMU	LC	MHP	SR-2
GGC	MR-1	MR-2	NNC	SR-3
GO	MR-3	U/M	P/U	SR-4
				SR-5
				City Limits



# Conditional Use Permit

## Prairie Crossing Addition

3910 25th Street S

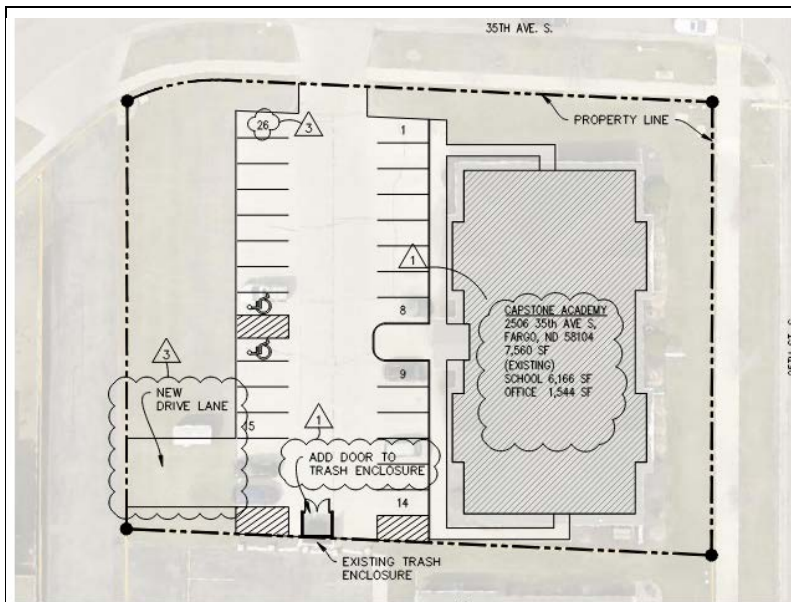




<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Mehl First Addition	<b>Date:</b>	4/27/2021
<b>Location:</b>	2506 35 <sup>th</sup> Avenue South	<b>Staff Contact:</b>	Luke Morman, Planner
<b>Legal Description</b>	Lot 1, Block 2, <b>Mehl First Addition</b>		
<b>Owner(s)/Applicant:</b>	Larry Nygard/Rhet Fiskness	<b>Engineer:</b>	N/A
<b>Entitlements Requested:</b>	<b>Conditional Use Permit</b> (for a waiver of Section 20-0401.I.2 in the Land Development Code)		
<b>Status:</b>	Planning Commission Public Hearing: May 3, 2022		

<b>Existing</b>	<b>Proposed</b>
<b>Land Use:</b> Office	<b>Land Use:</b> Office and school
<b>Zoning:</b> MR-3, Multi-Dwelling Residential	<b>Zoning:</b> Unchanged
<b>Uses Allowed:</b> MR-3 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.  Office use is an existing legal nonconformity because it was built prior to the 1998 Land Development Code.	<b>Uses Allowed:</b> Unchanged
<b>Maximum Density:</b> Maximum 24 units per acre	<b>Maximum Density:</b> Maximum 24 units per acre

<b>Proposal:</b>
<p>The applicant is seeking approval of a Conditional Use Permit (CUP) for a waiver of Section 20-0402.I.2 in the Land Development Code (LDC) to be exempt from the minimum base site area of 10 acres for schools in MR, Multi-Dwelling zoning districts. The subject property is located at 2506 35<sup>th</sup> Avenue South and is zoned MR-3, Multi-Dwelling Residential. Section 20-0402.I adds the following regulations:</p> <ol style="list-style-type: none"> <li>1. The maximum size shall not exceed 800 students.</li> <li>2. <i>The base site area for a school shall be 10 acres, plus 1 acre per 100 students.</i></li> <li>3. At least 35 percent of the site area shall be maintained as landscaped open space.</li> <li>4. Schools in SR and MR districts shall be subject to the Residential Protection Standards of Sec. 20-0704.</li> </ol>



The applicant proposes to fit up part of an existing office building with a school called, Capstone Classical Academy. This site is planned for grades 3-8, 4 classrooms, 10 teachers/employees, 10-20 students per classroom, and 40-80 students total. About 1,500 square feet of office use will remain. The site plan shown is preliminary and will need to go through the permit process where it will be reviewed for compliance with the Land Development Code.

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

#### Surrounding Land Uses and Zoning Districts:

- North: P/I, Public and Institutional, with a religious institution.
- East: SR-4, Single-Dwelling Residential, with single-dwelling residential.
- South: LC, Limited Commercial, with office.
- West: LC, Limited Commercial, with office. MR-3, Multi-Dwelling Residential, with multi-dwelling residential to the west of LC driveway.

#### Area Plans:

There are no recent growth plans which apply directly to this location.

#### Context:

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

**Neighborhood:** The subject property is located within the Stonebridge Neighborhood.

**Parks:** Stonebridge #1 Park is located approximately a third of a mile south of the subject property and provides amenities of a basketball court, picnic tables, playgrounds (ages 2-5 and 5-12), recreational trails, a shelter, and soccer fields.

**Pedestrian / Bicycle:** There are ten foot wide trails along 25<sup>th</sup> Street South and within Stonebridge #1 Park.

**Bus Route:** MATBUS Routes 14 and 18 run along 32<sup>nd</sup> Avenue South with bus stops at the cross street of 27<sup>th</sup> Street South. All stops described are approximately within a third of a mile of the subject property.

#### Staff Analysis:

##### Approval and Appeal

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

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



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

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP would allow a school use to be on the subject property without the ten acre requirement from Section 20-0402.I.2 in the LDC. This site is planned for grades 3-8, 4 classrooms, 10 teachers/employees, 10-20 students per classroom, and 40-80 students total. About 1,500 square feet of office use will remain. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.

**(Criteria Satisfied)**

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

Staff believes that the location of the proposed conditional use will contribute and promote the welfare and convenience of the public. The owner has communicated with the adjacent neighbors to address potential negative impacts of the proposed use.

**(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 that 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 CUP were sent out to property owners within 300 feet of the subject property. To date, staff has received and responded to one inquiry regarding the project.

**(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.**

Engineering staff noted concern with circulation, queueing, and parking during pick-up and drop-off times for the school. The owner has coordinated with the adjacent property owner to the west (3533 25<sup>th</sup> Street South) to utilize the existing driveway for circulation, as well as the property owner to the north (2401 25<sup>th</sup> Street South) to utilize parking for school staff.

Additionally, with the other schools of Centennial Elementary and Discovery Middle located within a mile of the subject property, 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.

**(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 is located within an area of the City that is largely developed with public infrastructure. 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. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. 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 subject property currently has access off of 35<sup>th</sup> Avenue South. To address traffic concerns, the applicant is proposing an additional driveway connection to the west property addressed 3533 25<sup>th</sup> Street South. 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 existing and proposed 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:**

Planning staff has developed standard conditions for school uses in SR and MR zones. Staff recommends these conditions, stated below, as part of this CUP.

1. Any expansion of the school use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
2. The Conditional Use Permit will cease if the land use changes from a school for a period of more than 12 consecutive months.
3. The Conditional Use Permit shall terminate upon sale or transfer of the property.

**Staff Recommendation:**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval of the conditional use permit to waive Section 20-0402.I.2 in the Land Development Code (LDC) to be exempt from the minimum base site area for schools in SR, Single-Dwelling and MR, Multi-Dwelling zoning districts, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0909.D (1-6) of the LDC, and all other applicable requirements of the LDC, with the following conditions for the CUP:

1. Any expansion of the school use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
2. The Conditional Use Permit will cease if the land use changes from a school for a period of more than 12 consecutive months.
3. The Conditional Use Permit shall terminate upon sale or transfer of the property.

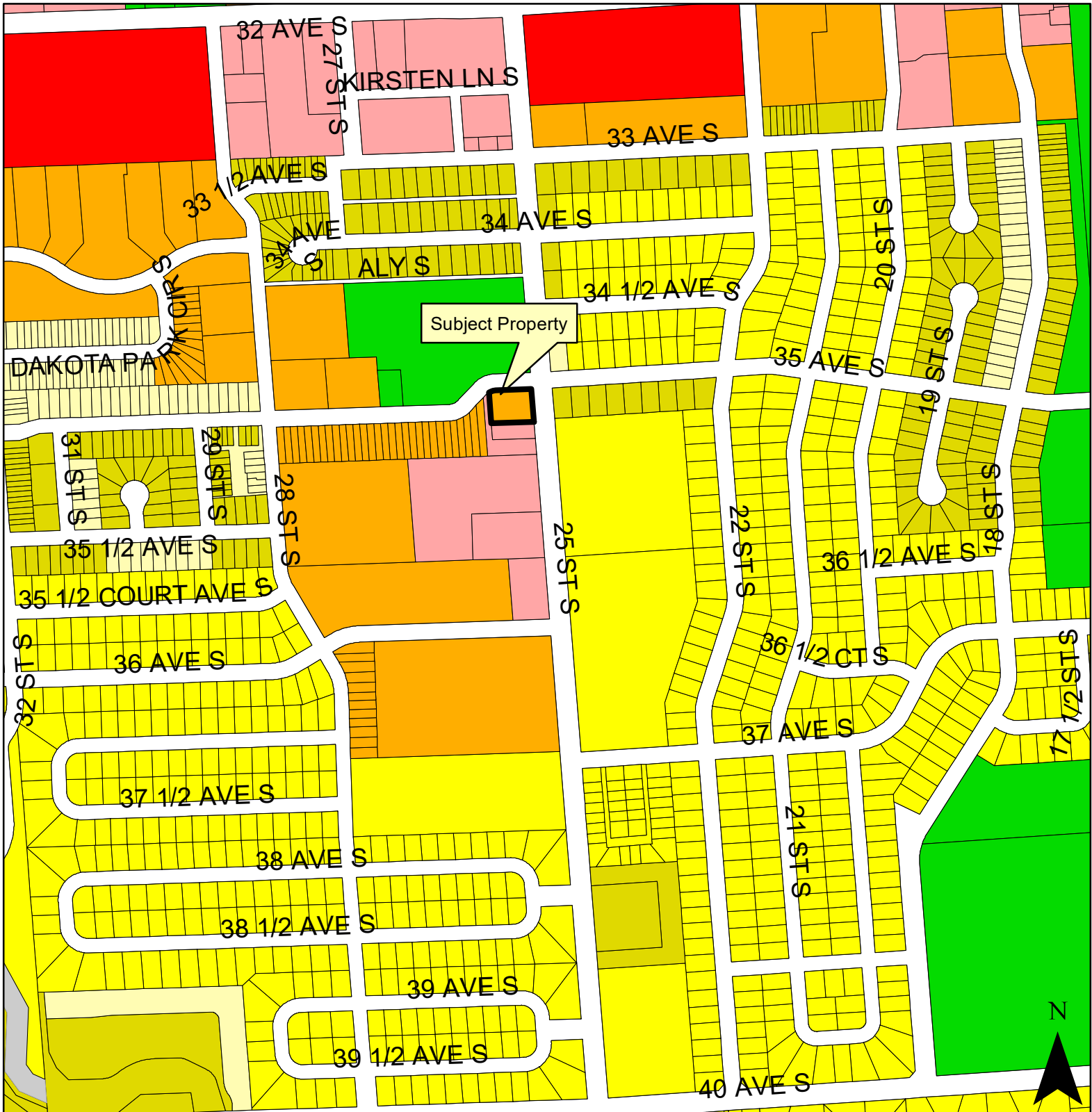
**Attachments:**

1. Zoning Map
2. Location Map

# Conditional Use Permit

## Mehl First Addition

2506 35th Avenue S



### Legend

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

300  
Feet

Fargo Planning Commission  
May 3, 2022



# Conditional Use Permit

## Mehl First Addition

2506 35th Avenue S

