FARGO PLANNING COMMISSION AGENDA
Tuesday, December 1, 2015 at 4:00 P.M.

A: Approve Order of Agenda.

B: Minutes: Regular Meeting of November 3, 2015.

C: Brown Bag Luncheon - Wednesday, December 16, 2015.

D: Public Hearing Items:

1a. Hearing on an application requesting a Zoning Change from LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional with a C-O, Conditional Overlay to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 1, Block 5, **Urban Plains Center Addition** and from LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 1, Block 1 of the proposed **Encore Addition**. (Located at 4920, 4974, and 5050 30th Avenue South; 3101 and 3131 49th Street South) (Enclave Development, LLC; Fargo Park District) (mr):

1b. Hearing on an application requesting a Plat of **Encore Addition** (Minor Subdivision) a replat of Lots 1-6, Block 1, Urban Plains Rec Facility Addition to the City of Fargo, Cass County, North Dakota. (Located at 4920 and 4974 30th Avenue South; 3101, 3131, 3155, and 3195 49th Street South) (Enclave Development, LLC; Fargo Park District) (mr):

2. Hearing on an application requesting a Plat of **West 29 Sixth Addition** (Minor Subdivision) a replat of Lot 2, Block 1, West 29 5th Addition to the City of Fargo, Cass County, North Dakota. (Located at 3807, 3839, 3885, and 3901 30th Avenue South) (Houston Engineering, Inc.) (an):

3a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial of the proposed **FSOC Addition**. (Located at 3901 40th Avenue South) (City of Fargo) (jn):

3b. Hearing on an application requesting a Plat of **FSOC Addition** (Minor Subdivision) an unplatted part of the Southeast Quarter of Section 27, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3901 40th Avenue South) (City of Fargo) (jn):

4. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential and SR-3, Single-Dwelling Residential to P/I, Public and Institutional on Lots 11-13 of **Stern's Subdivision of Auditor's Lot 2** and Lots 8-14, Block 6, **Huntington's Addition** to the City of Fargo, Cass County, North Dakota. (Located at 1025 14th Avenue South and 1320 11th Street South) (Arthur Weidner) (dl):

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online at www.cityoffargo.com/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.cityoffargo.com/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 241-1474 or TDD at 241-8258. 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.cityoffargo.com/planningcommission.

5. Hearing on an application requesting a Plat of **DETW Addition** (Minor Subdivision) a replat of Lot 1 and part of Lot 2, Block 4, Schultz & Lindsay's 1st Addition to the City of Fargo, Cass County, North Dakota. (Located at 302 and 308 27th Street North) (Nilles Law Firm) (an):

6. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential on part of Lots 21 and 22, Block 3, **Island Park Addition**. (Located at 716 4th Street South) (Fremstad Law) (dl):

7a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential of the proposed **Southside 1st Addition**. (Located at 2805 64th Avenue South) (Chris Hawley Architects) (dl):

7b. Hearing on an application requesting a Plat of **Southside 1st Addition** (Major Subdivision) part of the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2805 64th Avenue South) (Chris Hawley Architects) (dl):

8. Continued Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan for a Parking Reduction on Lot 1, Block 1 of the proposed **Butler Business Park Addition** (currently known as part of Lot 1 and all of Lots 2-11, Block 7, Burlington Northern I-29 South Industrial Center, and part of Lot 1, Block 1, Truck Center Addition). (Located at 3500 Main Avenue and 100 36th Street South) (Hyde Development) (an): WITHDRAWN

9. Hearing on an application requesting a Conditional Use Permit to allow Industrial Services and Manufacturing and Production Land Uses in a GC, General Commercial zoning district on part of Lot 20 and all of Lot 21, Block 18, **Reeve's Addition**. (Located at 1409 and 1411 1st Avenue North) (Lightowler Johnson Associates, Inc.) (an): WITHDRAWN

E: Other Items:

1. Adopt Rules of Internal Procedure and Operations of the City of Fargo Planning Commission

2. Staff Updates

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online at www.cityoffargo.com/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.cityoffargo.com/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 241-1474 or TDD at 241-8258. 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.cityoffargo.com/planningcommission.

BOARD OF PLANNING COMMISSIONERS
MINUTES

Regular Meeting: Tuesday: November 3, 2015:

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 4:00 o'clock p.m., Tuesday, November 3, 2015.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, Kristy Fremstad, John Gunkelman, Mike Magelky, Mary Scherling, Rocky Schneider, Kelly Steffes, Scott Stofferahn, Jan Ulferts Stewart

Absent: None

Chair Ulferts Stewart called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of October 6, 2015

Member Fischer moved the minutes of the October 6, 2015 Planning Commission meeting be approved. Second by Member Fremstad. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, November 18, 2015 Brown Bag Luncheon

Topic: Discussion on design elements in other cities.

Item D: Public Hearing Items:

Item 1: Text Amendment

Continued Hearing on a City of Fargo initiated application requesting a Text Amendment to amend Section 20-0702, Roadway Access and Driveways, of Article 20-07, Chapter 20 of the Fargo Municipal Code (Land Development Code). (City of Fargo): APPROVED

A Hearing had been set for October 6, 2015. At the October 6, 2015 meeting the Hearing was continued to this date and time.

Planner Aaron Nelson stated all approval criteria have been met and staff is recommending approval.

Member Brust present.

Member Steffes moved the findings and recommendations of staff be accepted, and recommended staff continue to work on a final draft to further outline the details of this proposed text, and approval be recommended to the City Commission of the final draft to amend Section 20-0702 of Article 20-07 of Chapter 20 of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of Section 20-0904(E) (1-4) of the Land Development Code. Second by Member Fischer. On call of the roll Members Fremstad, Scherling, Brust, Fischer, Stofferahn, Steffes, Schneider, Magelky, Gunkelman, and Ulferts Stewart voted aye. The motion was declared carried.

Item 2: South Ridge First Addition

a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential, SR-4, Single-Dwelling Residential and P/I, Public and Institutional of the proposed South Ridge First Addition. (Located at 6483 21st Street South; 6470 19th Street South; 1990 and 2270 64th Avenue South) (PACES Lodging): APPROVED

b. Continued Hearing on an application requesting a Plat of South Ridge First Addition (Major Subdivision) an unplatted portion of the Northwest Quarter, Section 12, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 6483 21st Street South; 6470 19th Street South; 1990 and 2270 64th Avenue South) (PACES Lodging): APPROVED

A Hearing had been set for September 1, 2015. At the September 1, 2015 meeting the Hearing was continued to October 6, 2015. At the October 6, 2015 meeting the Hearing was continued to this date and time.

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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the following: 1) Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling, SR-4, Single-Dwelling and P/I, Public and Institutional; and 2) South Ridge First Addition major subdivision plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan and City Growth Plans, Standards of Article 20-06, 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 Scherling. On call of the roll Members Brust, Schneider, Scherling, Steffes, Stofferahn, Fischer, Fremstad, Magelky, Gunkelman, and Ulferts Stewart voted aye. The motion was declared carried.

Item 3: Mills' Second Addition

Hearing on an application requesting a Plat of Mills' Second Addition (Minor Subdivision) a replat of part of Lot 1, Block 1, Mills' Addition to the City of Fargo, Cass County, North Dakota. (Located at 3730 36th Street South) (Dabbert Custom Homes LLC): WITHDRAWN

This was the time and date set for a Hearing on a plat of Mills' Second Addition; however, the application has been withdrawn by the applicant.

Item 4: Christianson 32nd Avenue South Addition

a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay of the proposed Christianson 32nd Avenue South Addition. (Located at 3401 32nd Avenue South) (Farm Power, Inc.): APPROVED

b. Hearing on an application requesting a Plat of Christianson 32nd Avenue South Addition (Major Subdivision) on an unplatted portion of the Southwest Quarter of Section 23, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3401 32nd Avenue South) (Farm Power, Inc.): APPROVED

Joe Nigg presented the staff report and submitted a draft copy of the conditional overlay to the Board. Mr. Nigg stated all approval criteria have been met and staff is recommending approval.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the following: 1) Zoning Change from AG, Agricultural to LI, Limited Industrial with a C-O, Conditional Overlay; and 2) Christianson 32nd Avenue South Addition major subdivision plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Scherling, Gunkelman, Fremstad, Stofferahn, Steffes, Magelky, Brust, Fischer, Schneider, and Ulferts Stewart voted aye. The motion was declared carried.

Item 5: Text Amendment

Hearing on an application requesting a Text Amendment to amend Section 20-0705.D.3, Parking Lot Perimeter Landscaping, of Article 20-07, Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to buffer standards. (L2H Development, LLC): APPROVED

Assistant Planner Maegin Rude presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Scherling moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed text amendment to amend Section 20-0705.D.3 of Article 20-07 of Chapter 20 of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of Section 20-0904(E) (1-4) of the Land Development Code. Second by Member

Gunkelman. On call of the roll Members Stofferahn, Scherling, Fremstad, Fischer, Brust, Schneider, Magelky, Gunkelman, Steffes, and Ulferts Stewart voted aye. The motion was declared carried.

Item 6: Autumn Fields Addition
Hearing on an application requesting a Conditional Use Permit to allow Residential Land Use within a GO, General Office zoning district on part of Lot 1, Block 1, Autumn Fields Addition. (Located at 4245 28th Avenue South) (Beyond Shelter, Inc.): APPROVED
Aaron Nelson presented the staff report and noted the legal description of this property has now been updated to Lot 3, Block 1, Autumn Fields Second Addition. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

Applicant Dan Madler of Beyond Shelter, Inc. spoke on behalf of the application, and submitted two additional documents to the Board for their review. Mr. Madler also noted an informative neighborhood meeting was held last week regarding the proposed project.

At 5:00 p.m. the Board took a three-minute recess.
After recess: All Members present. Chair Ulferts Stewart presiding.

Member Gunkelman moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Residential Land Use within the GO, General Office, zoning district on Lot 3, Block 1, Autumn Fields Second Addition, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. The maximum residential density shall be that of the MR-3, Multi-Residential Dwelling zoning district (24 units per acre).

2. A minimum of 35% of the lot shall remain as open space.

3. Vehicular access to/from Saffron Drive South shall be prohibited.

Second by Member Fischer. On call of the roll Members Steffes, Fremstad, Magelky, Gunkelman, Scherling, Fischer, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. The motion was declared carried.

Item 7: Fredrikson Addition
Hearing on an application requesting a Conditional Use Permit to allow a major home occupation for a beauty salon in a SR-3, Single-Dwelling Residential zoning district on Lot 8 and the north 5 feet of Lot 9, Block 5, Fredrikson Addition. (Located at 1213 15th Street South) (Ashley Enterprises Inc.): APPROVED
Planner Derrick LaPoint presented the staff report stating all approval criteria have been met and staff is recommending approval with conditions.

Joe Burgum, 514 10th Avenue South, spoke in support of the request.

Member Magelky moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a major home occupation for a single-station beauty salon as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. The homeowner may offer services a maximum of six (6) days per week, with up to eight (8) clients per day.

2. No exterior changes to the front façade of the residence shall be made. Areas of the residence in which the home occupation is not located are exempt from this condition.

Second by Member Brust. On call of the roll Members Gunkelman, Fremstad, Fischer, Steffes, Magelky, Brust, Stofferahn, Schneider, Scherling, and Ulferts Stewart voted aye. The motion was declared carried.

Item 8: Laverne's Addition

a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial of the proposed Laverne's Addition. (Located at 4301 19th Avenue North and 4200 32nd Avenue North) (Perry Montplaisir): WITHDRAWN

b. Continued Hearing on an application requesting a Plat of Laverne's Addition (Major Subdivision) a plat of part of Section 27, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 4301 19th Avenue North and 4200 32nd Avenue North) (Perry Montplaisir): WITHDRAWN

A Hearing had been set for January 6, 2015. At the January 6, 2015 meeting the Hearing was continued. The application has been withdrawn by the applicant.

Item 9: Harwood's Addition

Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan for a Commercial Development Land Use on the West Half of Lot 1, Block 7, Harwood's Addition. (Located at 701 University Drive North) (Stahl Architects): WITHDRAWN

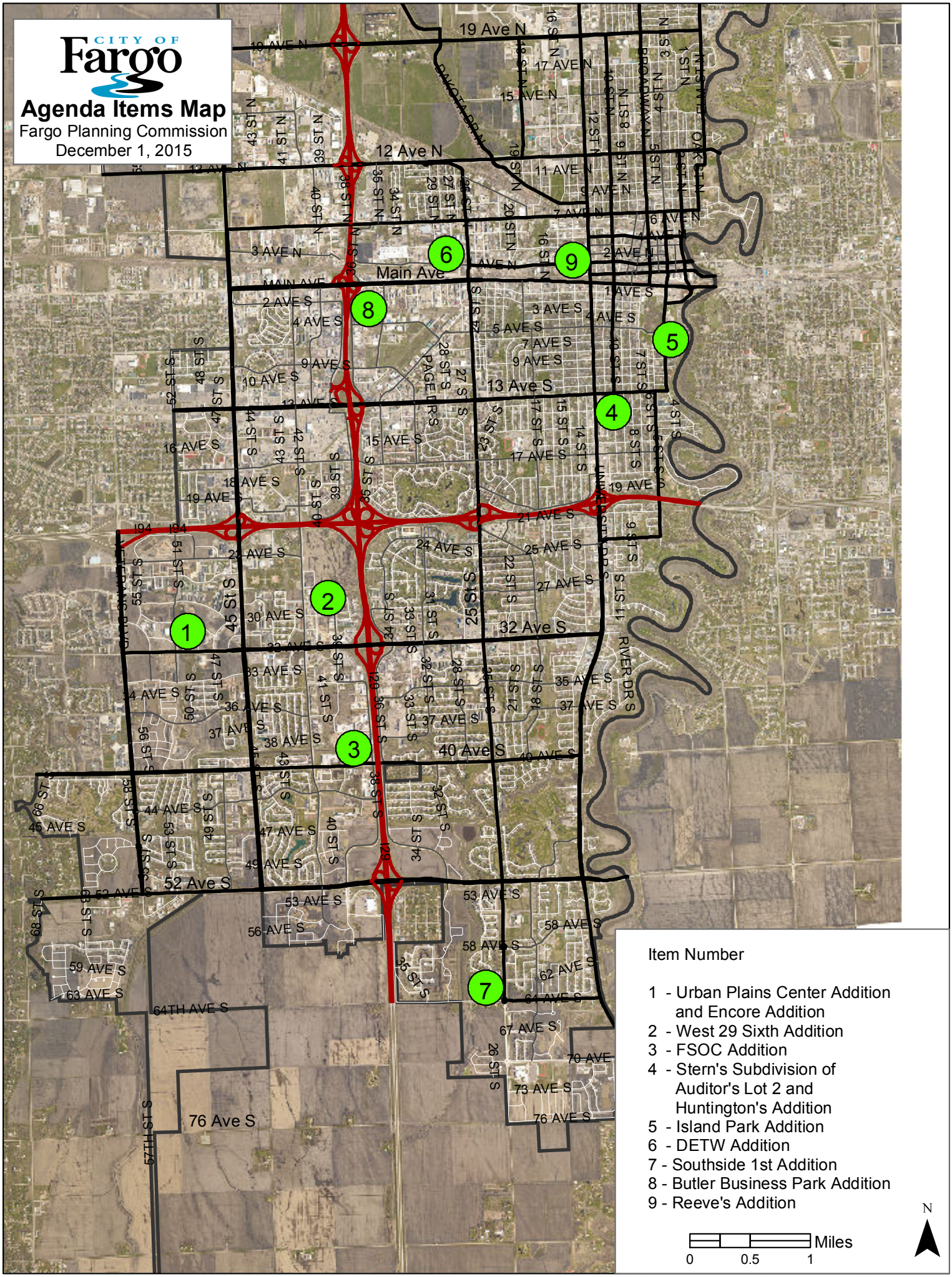
A Hearing had been set for May 5, 2015. At the May 5, 2015 meeting the Hearing was continued to June 2, 2015. At the June 2, 2015 meeting the Hearing was continued to July 7, 2015. At the July 7, 2015 meeting the Hearing was continued to August 4, 2015. At the August 4, 2015 meeting the Hearing was continued to September 1, 2015. At the September 1, 2015 meeting the Hearing was continued to this date and time; however, the application has been withdrawn by the applicant.

E: Other Items:

Item 1: Review Rules of Internal Procedure and Operations of the City of Fargo Planning Commission: CONTINUED TO DECEMBER 1, 2015

Planning Administrator Nicole Crutchfield presented the draft copy of this document highlighting the staff's recommended changes. Ms. Crutchfield stated this item will be presented at the December meeting to allow the Board time for review before voting.

The time at adjournment was 5:20 p.m.


CITY OF Fargo
Agenda Items Map
Fargo Planning Commission
December 1, 2015
Item Number
1 - Urban Plains Center Addition and Encore Addition
2 - West 29 Sixth Addition
3 - FSOC Addition
4 - Stern's Subdivision of Auditor's Lot 2 and Huntington's Addition
5 - Island Park Addition
6 - DETW Addition
7 - Southside 1st Addition
8 - Butler Business Park Addition
9 - Reeve's Addition
N
Miles
0
0.5
1

Item #	1a, 1b

City of Fargo Staff Report			
Title:	Encore Addition & Urban Plains Center Addition	**Date:**	11-23-2015
Location:	4920, 4974, and 5050 30th Avenue South; 3101, 3131, 3155 & 3195 49th Street South	**Staff Contact:**	Maegin Rude
Owner(s)/Applicant:	Urban Plains Land Co & Fargo Park District / Enclave Development, LLC (Austin Morris)	**Engineer:**	Mead & Hunt
Reason for Request:	**Zoning Change** from LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional with a C-O, Conditional Overlay to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 1, Block 5, **Urban Plains Center Addition** and from LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 1, Block 1 of the proposed **Encore Addition**. **Minor Subdivision** (replat of Lots 1-6, Block 1, **Urban Plains Rec Facility Addition**)		
Status:	Planning Commission Public Hearing: December 1, 2015		

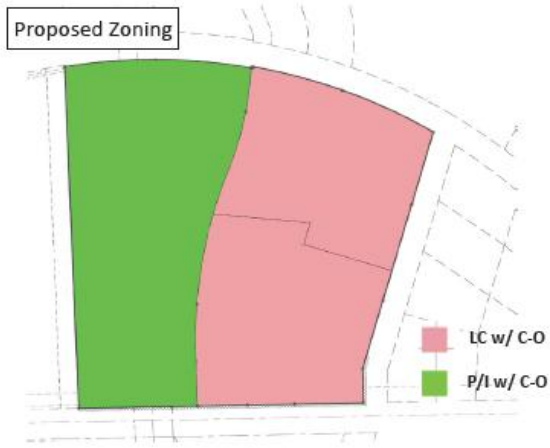
Existing		Proposed
Land Use: Vacant and Park Land		**Land Use:** Residential & Mixed-Use with Park Land
Zoning: P/I, Public and Institutional, with a C-O, Conditional Overlay, and LC, Limited Commercial, with a C-O, Conditional Overlay		**Zoning:** P/I, Public and Institutional, with a C-O, Conditional Overlay, and LC, Limited Commercial, with a C-O, Conditional Overlay
Uses Allowed: **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. **LC** allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, ~~self service storage, vehicle repair, limited vehicle service.~~ **Plus** a CUP to allow residential land use		**Uses Allowed:** **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. **LC** allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, ~~self service storage, vehicle repair, limited vehicle service.~~ **Plus** a CUP to allow residential land use
Maximum Density Allowed: **P/I:** N/A **LC:** maximum 55% building coverage		**Maximum Density Allowed:** **P/I:** N/A **LC:** maximum 55% building coverage

Proposal

The applicant is seeking approval of a zoning map amendment and minor subdivision approval.

The **zoning map amendment** would rezone a part of the subject property from LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional with a C-O, Conditional Overlay to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 1, Block 5, Urban Plains Center Addition and from LC, Limited Commercial with a C-O, Conditional Overlay and P/I, Public and Institutional with a C-O, Conditional Overlay to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 1, Block 1 of the proposed Encore Addition. The subject property of the zoning map amendment is located at 4920, 4974, and 5050 30th Avenue South; 3101 and 3131 49th Street South.

The intent of the proposed zoning map amendment is to better align the zoning districts with the existing lot lines. The original platting of Urban Plains by Brandt First Addition occurred in 2006. A replat in 2007, Urban Plains Rec Facility Addition, resulted in two p of land with unintended zoning, specifically on the western edge of the Urban Plains Center Addition where a portion of Park District land is zoned LC, Limited Commercial.



The **minor subdivision** would replat of Lots 1-6, Block 1, Urban Plains Rec Facility Addition. The subject property of the minor subdivision is located at Located at 4920 and 4974 30th Avenue South; 3101, 3131, 3155, and 3195 49th Street South and encompasses approximately 14.22 acres. The purpose of the subdivision is to better align the lots with the proposed development of the property.

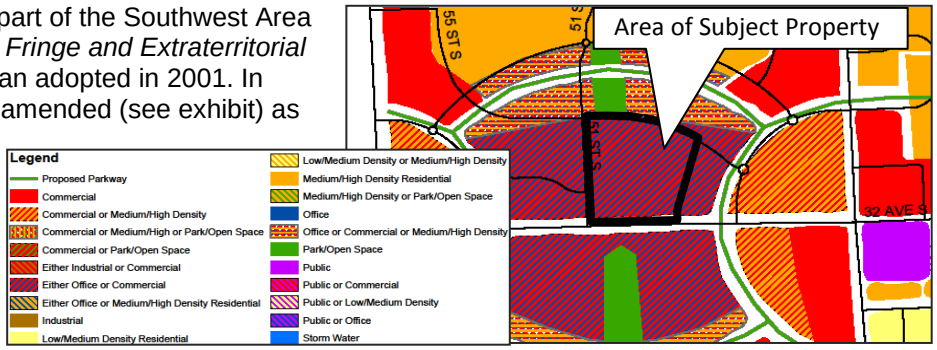
Proposed Development

Surrounding Zoning and Land Use:

- North: Across 30 Ave South is P/I with a C-O and MR-3, Multi-Dwelling Residential with a C-O, with construction for apartments and townhomes in process and park land;
- East: Across 49 St S is LC with a C-O, with offices and vacant land;
- South: Across 32 Ave S is P/I and LC with a C-O, with a park and vacant land;
- West: Across 51 St S is GC, General Commercial with a C-O Conditional Overlay, and LC, Limited Commercial with a C-O, Conditional Overlay, with Scheels Arena, parking, and vacant land.

Area Plans

The subject property was originally part of the Southwest Area Plan as designated within the *Urban Fringe and Extraterritorial Area of the City of Fargo* land use plan adopted in 2001. In 2003, the Southwest Area Plan was amended (see exhibit) as to give priority to mixed-use development which was the underlying theme of the Urban Plains Development. The area plan shows the subject property as being appropriate for Office or Commercial uses.



Schools and Parks:

Schools: The subject property is located within the bounds of the West Fargo School District, specifically the Freedom Elementary school.

Parks: Urban Plains Park (5050 30th Avenue South) is part of the subject property. Amenities to be provided in the future. Brandt Crossing Park (5009 33 Avenue South) is also located just south of 32nd Avenue South, and provides amities of a playground, dog park, basketball court, trials and a shelter.

Pedestrian / Bicycle: A shared use path is located along 30th Avenue South, which connects to 45th Street South and 32 Avenue South and to the metro area bikeway system.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
   The zoning map amendment request is to better align the zoning districts with the existing lot lines. In 2007, the subject property was replatted, which resulted in unintentional dual zoning of the properties.
   Staff feels the application is justified, as the zoning amendment will clean up the dual zoning on the properties.
   (Criteria Satisfied)

2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**
   City staff and other applicable review agencies have reviewed this proposal. No deficiencies have been noted in the ability to provide all of the necessary services to the site.
   (Criteria Satisfied)

3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
   Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, 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 verbal concerns or written comments regarding the zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.
   (Criteria Satisfied)

4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**
   The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds this proposal is consistent with the purpose of the LDC, the applicable Growth Plan and other adopted policies of the City.
   (Criteria Satisfied)

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The subdivision is intended to create (1) block and two (2) lots for future development of residential and mixed-use development. The proposed uses are consistent with the existing zoning district, Conditional Use Permit and growth plan for the area. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no inquires on the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.
   (Criteria Satisfied)

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread per City Special Assessment Policy.
   (Criteria Satisfied)

Staff Recommendation:

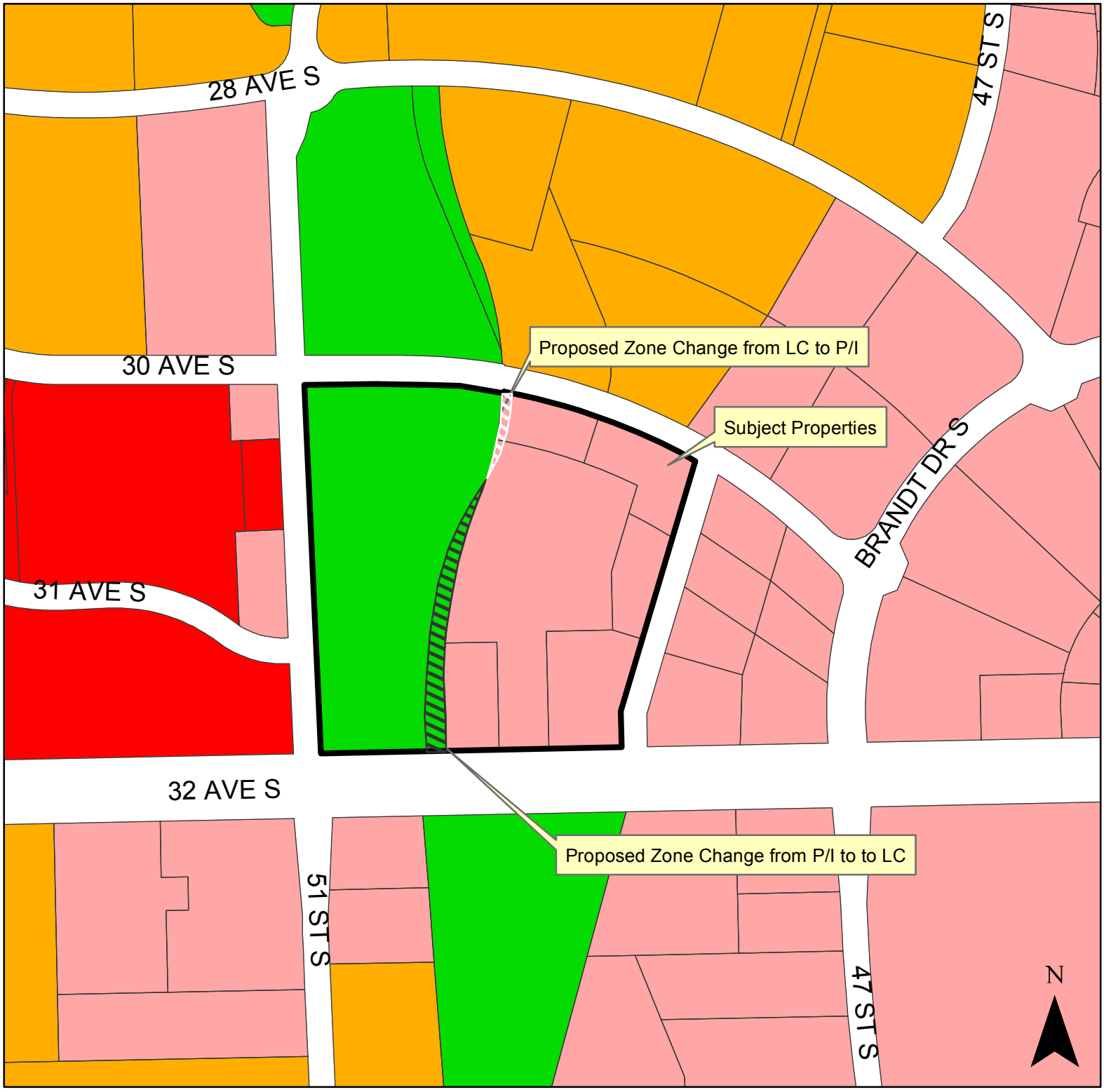
Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed 1) zoning change from P/I with a C-O and LC with a C-O to P/I with a C-O and LC with a C-O and 2) the proposed subdivision plat, *Encore Addition*, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, adopted Area Plan, Standards of Section 20-0906.F (1-4), Standards of Article 20-06, and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 1, 2015

Zone Change (LC with CO and P/I with C-O to LC with C-O and P/I with C-O and Plat (Minor Subdivision)

Encore Addition &
Urban Plains Center Addition

4920 & 4974 & 5050 30th Ave S;
3101, 3131, 3155 & 3195 49th St S



CITY OF Fargo

Fargo Planning Commission
December 1, 2015

Zone Change (LC with CO and P/I with C-O to LC with C-O and P/I with C-O and Plat (Minor Subdivision)

Encore Addition &
Urban Plains Center Addition

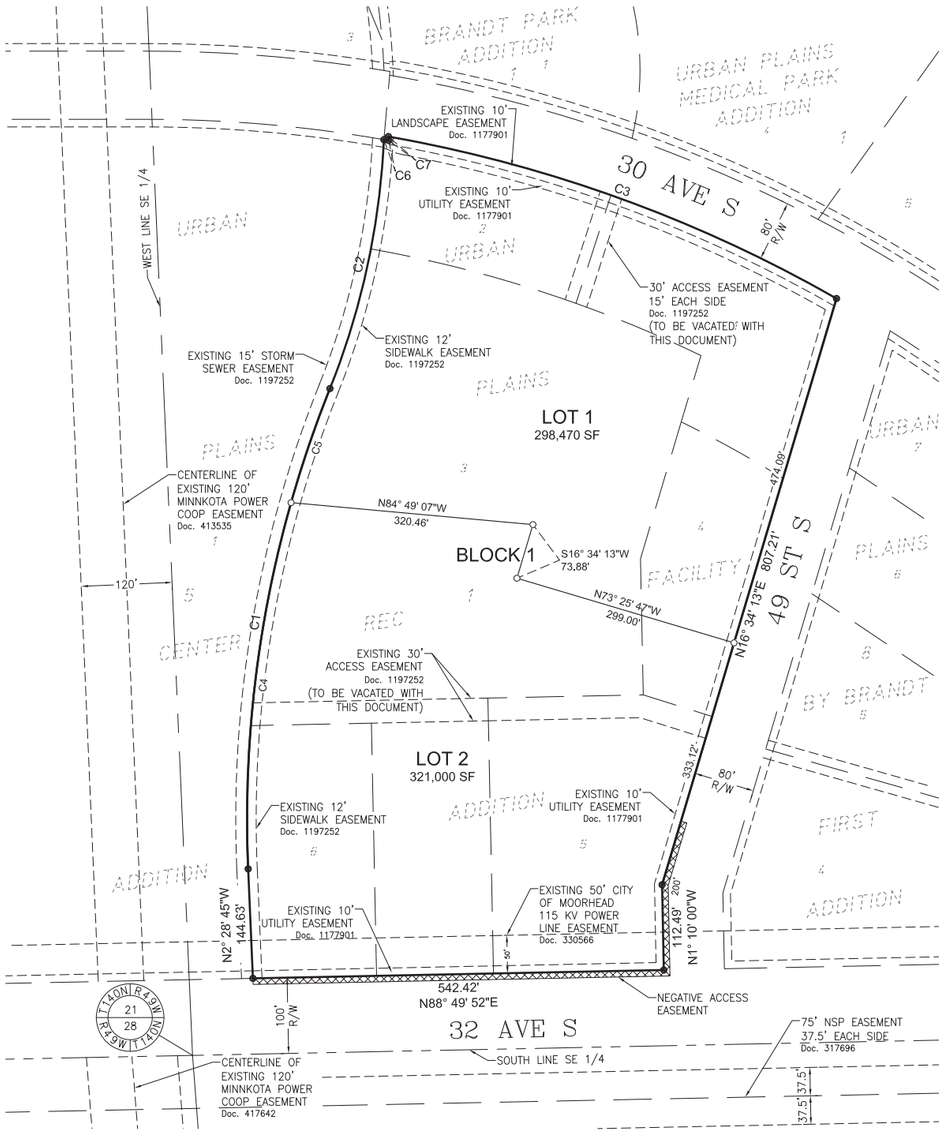
4920 & 4974 & 5050 30th Ave S;
3101, 3131, 3155 & 3195 49th St S

CITY OF Fargo

Fargo Planning Commission
December 1, 2015

ENCORE ADDITION

A REPLAT OF LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 1 OF URBAN PLAINS REC FACILITY ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



Curve Table					
Curve	Length	Radius	Angle	Chord	Chd Bearing
C1	647.89	1528.60	24° 17' 04"	643.05	S9° 39' 47"W
C2	337.68	1010.16	19° 09' 11"	336.11	N12° 13' 44"E
C3	632.01	1832.27	19° 45' 47"	628.88	N70° 07' 54"W
C4	488.73	1528.60	18° 19' 08"	486.65	S6° 40' 49"W
C5	159.16	1528.60	5° 57' 57"	159.09	S18° 49' 21"W
C6	6.42	1827.27	0° 12' 05"	6.42	N80° 04' 22"W
C7	5.17	439.74	0° 40' 25"	5.17	N4° 41' 55"W

SYMBOL LEGEND

- Monument in place
- Monument set (5/8" rebar, capped pls# LS-3461)
- Negative Access
- Boundary Line
- Section Line
- Existing Property Line
- Easement Line

N

0 100 200

SCALE IN FEET

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON FARGO GIS HORIZONTAL DATUM.

OWNER'S CERTIFICATE:
KNOW ALL PERSONS BY THESE PRESENTS: That URBAN PLAINS LAND COMPANY, LLC a North Dakota Limited Liability Company, is the owner and proprietor, and Bell State Bank & Trust, is the mortgagee, of Lots 1, 2, 3, 4, 5 and 6, Block 1, Urban Plains Rec Facility Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 14.22 acres, more or less.

And that said party has caused the same to be surveyed and replatted as **Encore Addition** to the City of Fargo, Cass County, North Dakota.

OWNER:
Urban Plains Land Company, LLC

_____
Ace A. Brandt, President

State of North Dakota)
)ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Ace A. Brandt, President, 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 _____.

Notary Public: _____

MORTGAGEE:
Bell State Bank & Trust

_____

State of North Dakota)
)ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared _____, _____, 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 _____.

Notary Public: _____

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

Dated this _____ day of _____, 20____.

_____
Gary Ness, Professional Land Surveyor No. LS-3461

State of North Dakota)
)ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Gary Ness, 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____.

_____
April E. Walker, City Engineer

State of North Dakota)
)ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared April E. Walker, 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____.

_____
Jan Ulferts Stewart, Chair
Fargo Planning Commission

State of North Dakota)
)ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Jan Ulferts Stewart, 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 she executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:
Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
)ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Timothy J. Mahoney, Major, 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: _____

PRELIMINARY

Mead & Hunt
Phone: 701-566-6450
meadhunt.com

Project No.
4422700-156502.01
SHEET 1 OF 1

X:\4422700\156398.01\TECH\SURVEY\DRAWINGS\PRELIM PLAT.DWG
11/20/2015 2:08:10 PM

Item #	2

City of Fargo *Staff Report*			
Title:	West 29 Sixth Addition	**Date:**	11-23-2015
Location:	3807, 3839, 3885, and 3901 30th Avenue South	**Staff Contact:**	Aaron Nelson
Owner(s)/Applicant:	J&O Real Estate, LLC / Houston Engineering, Inc	**Engineer:**	Houston Engineering, Inc
Reason for Request:	Minor Subdivision (Replat of Lot 2, Block 1, West 29 5th Addition)		
Status:	Planning Commission Public Hearing: December 1, 2015		

Existing		**Proposed**
Land Use: Multi-Dwelling Residential		**Land Use:** unchanged
Zoning: MR-3, Multi-Dwelling Residential		**Zoning:** unchanged
Uses Allowed: 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		**Uses Allowed:** unchanged
Maximum Density Allowed: MR-3 allows a maximum of 24 units per acre		**Maximum Density Allowed:** unchanged

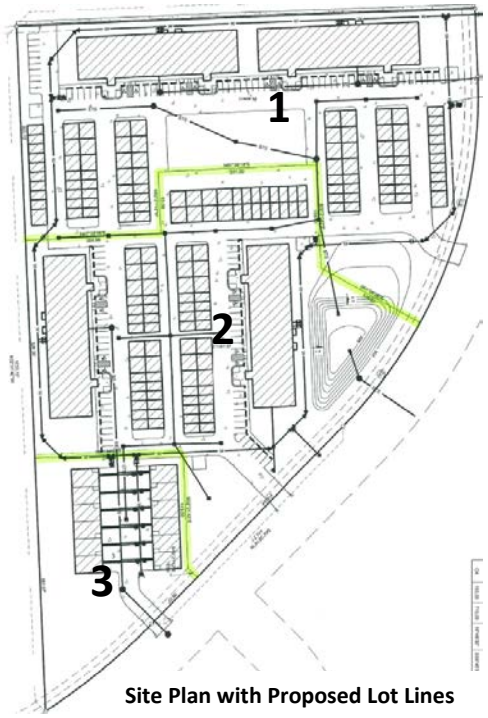
Proposal:

The applicant is seeking approval of a minor subdivision entitled *West 29 Sixth Addition*, which is a replat of Lot 2, Block 1, West 29 5th Addition into one (1) block and three (3) lots. The subject property is located at 3807, 3839, 3885, and 3901 30th Avenue South and encompasses approximately 11.4 acres.

The applicant is seeking to subdivide the land in order to accommodate a three part residential development. The development is intended to include four apartment buildings and two townhome buildings. Proposed Lots 1 and 2 would each have two apartment buildings and proposed Lot 3 would accommodate two townhome buildings, as illustrated on the site plan to the right. Although building permits have already been approved for the four apartment buildings, the owner has designed the site plan so that each lot would be able to meet LDC requirements independently once subdivided, which staff has confirmed.

Surrounding Land Uses and Zoning Districts:

- North: Across 26 Ave S right-of-way, is AG, Agricultural, with vacant land;
- East: Across 30th Ave S is GC, General Commercial, with an office building under construction;
- South: Across 30th Ave S is GC, General Commercial and LI, Limited Industrial, with warehouses, offices, and vacant land;
- West: MR-3, Multi-Dwelling Residential with vacant land.

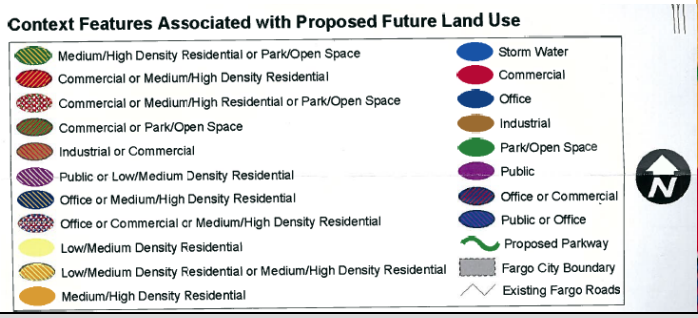


Site Plan with Proposed Lot Lines

Area Plans:

The subject property is located within the *Future Land Use Southwest* growth plan as outlined within the (July) 2003 Area Plan, which is an amendment of the Southwest Area Plan as set forth within the *Urban Fringe and Extraterritorial Area Growth Plan* (2001).

In accordance to the 2003 Growth Plan, the subject property is identified as being suitable for Medium/High Density Residential or Park/Open Space.



Schools and Parks:

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

Parks: Located within a quarter-mile of the subject property is the Anderson Softball Complex (2424 45th St SW) & Tharaldson Baseball Complex (2401 42nd St SW).

Trails: A shared use path runs along 30th Ave S, which directly abuts the subject property to the east and south. The trail connects to the metro area bikeway system.

Staff Analysis:

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   The subdivision is intended to split one existing lot into three new lots. The use of multi-dwelling residential is consistent with the existing zoning district and growth plan for the area. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one inquire into the application but no comments. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

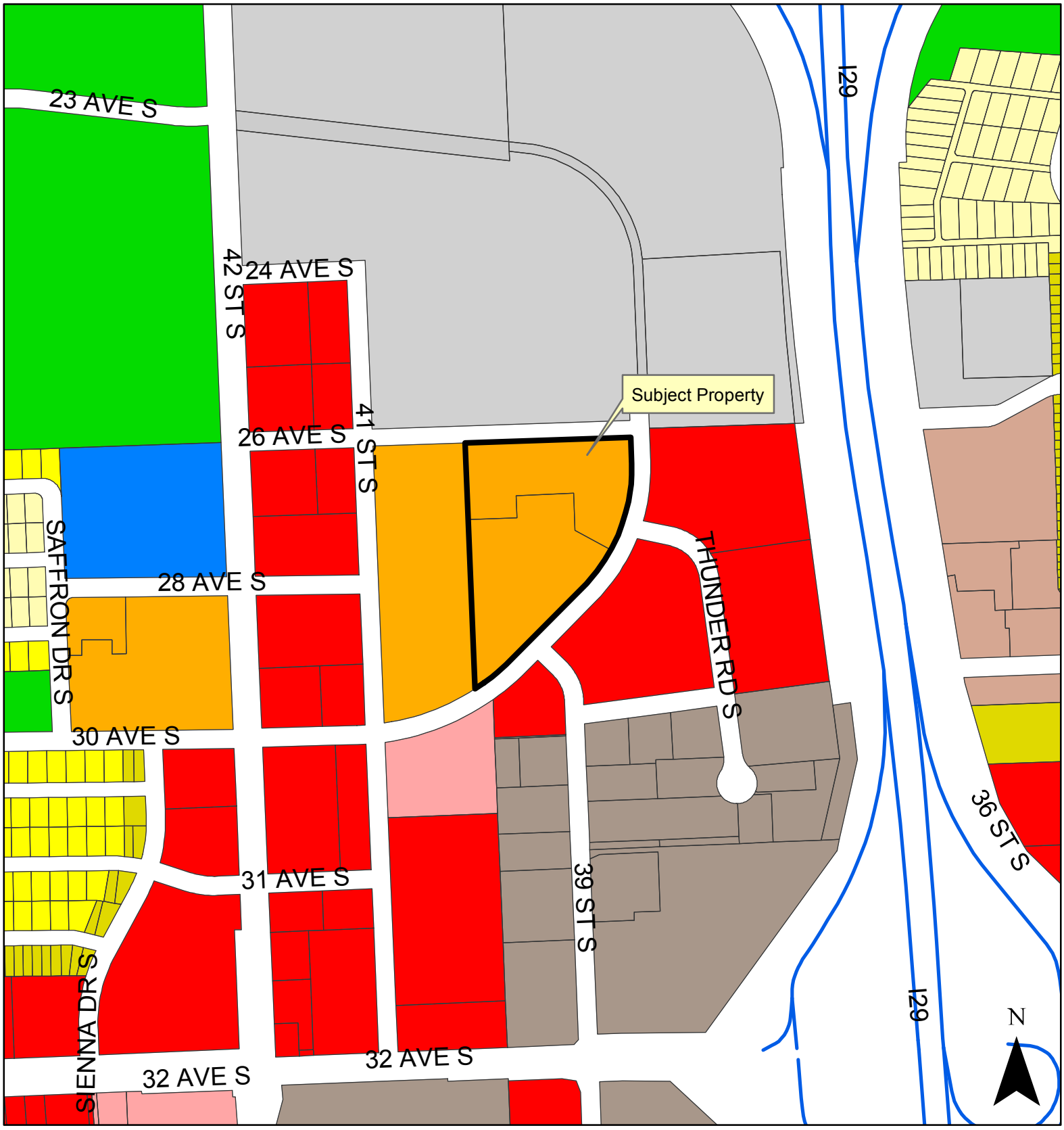
2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread per City Special Assessment Policy. **(Criteria Satisfied)**
Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, *West 29 Sixth Addition*, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".
Planning Commission Recommendation: December 1, 2015

Plat (Minor Subdivision)

West 29 Sixth Addition

3807, 3839, 3885, & 3901 30th Ave S.



CITY OF Fargo

Legend

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

Fargo Planning Commission
December 1, 2015

Plat (Minor Subdivision)

West 29 Sixth Addition

3807, 3839, 3885, &
3901 30th Ave S

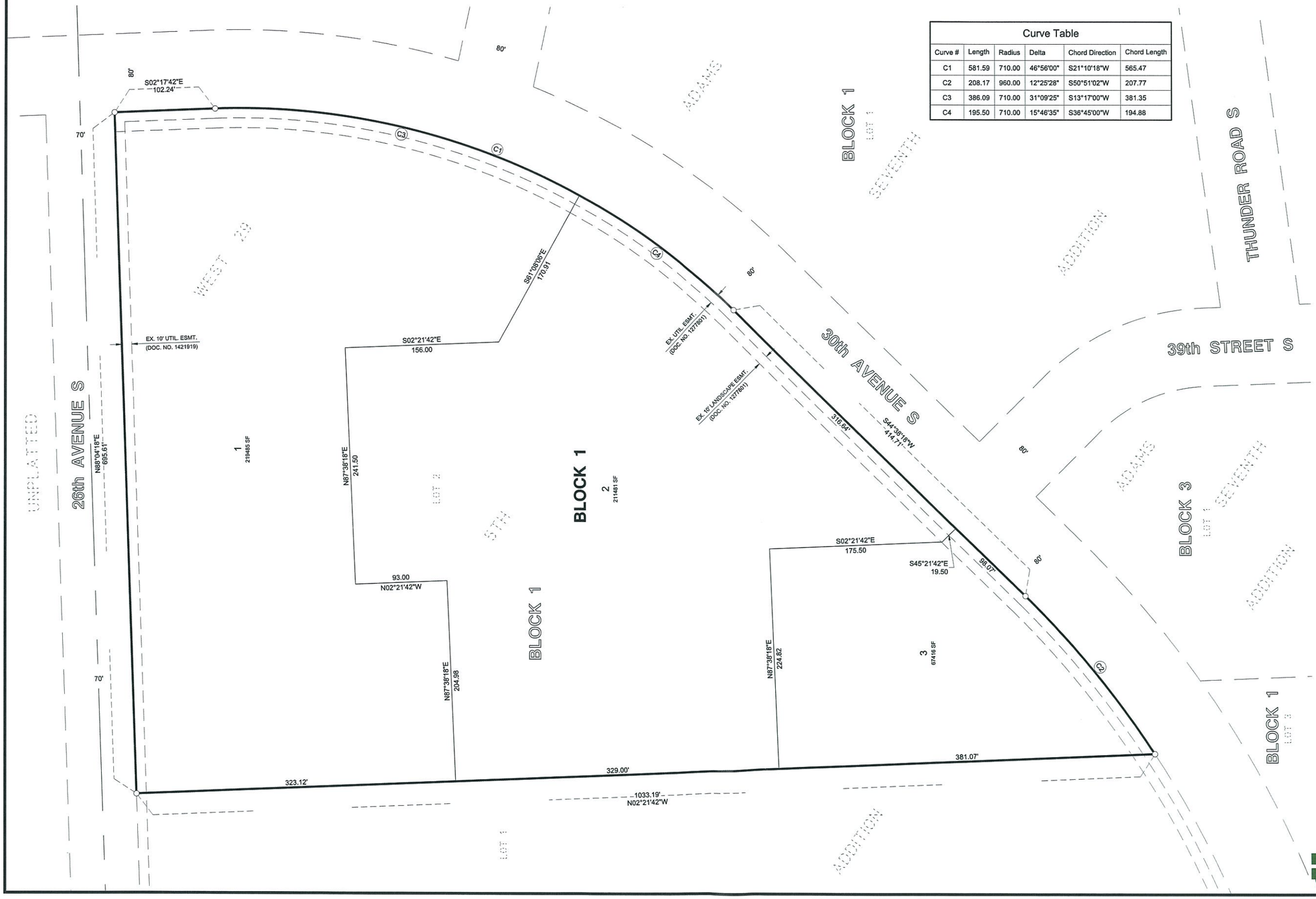
CITY OF Fargo

Fargo Planning Commission
December 1, 2015

WEST 29 SIXTH ADDITION

BEING A REPLAT OF LOT 2, BLOCK 1, WEST 29 5TH ADDITION
T. 139 N., R. 49 W., 5th P.M.

CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	581.59	710.00	46°56'00"	S21°10'18"W	565.47
C2	208.17	960.00	12°25'28"	S50°51'02"W	207.77
C3	386.09	710.00	31°09'25"	S13°17'00"W	381.35
C4	195.50	710.00	15°46'35"	S36°45'00"W	194.88

N

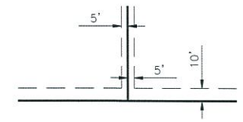
50 0 50 100
Scale Feet

LEGEND

IRON MONUMENT FOUND ●
1/2" I.D. PIPE SET ○
NEGATIVE ACCESS ▨

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

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.



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

UTILITY EASEMENTS ARE SHOWN THUS

Houston Engineering Inc.
Phone: 701.237.5065

H:\Fargo\JBN\7800\7824\14_7824_008\CAD\PLAT\Preliminary Plat.dwg-PLAT-10/19/2015 1:40 PM-(jschlieman)

WEST 29 SIXTH ADDITION

BEING A REPLAT OF LOT 2, BLOCK 1, WEST 29 5TH ADDITION
T. 139 N., R. 49 W., 5th P.M.
CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:
KNOW ALL PERSONS BY THESE PRESENTS: That West 29 Apartments #1, LLC, a North Dakota limited liability company, and J & O Real Estate, LLC, a North Dakota limited liability company, are the owners and proprietors of Lot 2, Block 1, West 29 5th Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 11.441 acres, more or less.

And that said parties have caused the same to be surveyed and replatted as **West 29 Sixth Addition** to the City of Fargo, Cass County, North Dakota.

OWNER:
West 29 Apartments #1, LLC

_____
Brent C. Olson, Secretary/Treasurer

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Brent C. Olson, Secretary/Treasurer of West 29 Apartments #1, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

OWNER:
J & O Real Estate, LLC

_____
Brent C. Olson, Secretary/Treasurer

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Brent C. Olson, Secretary/Treasurer of J & O Real Estate, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

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

Dated this _____day of _____, 20____.

_____
James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:
Approved by the Fargo City Engineer this _____ day of _____, 20_____.

_____
April E. Walker, City Engineer

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20_____ before me personally appeared April E. Walker, 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_____.

_____
Jan Ulferts Stewart, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this _____day of _____, 20_____, before me personally appeared Jan Ulferts Stewart, 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 she executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:
Approved by the Board of City Commissioners and ordered filed this _____day of_____, 20_____.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public:_____

H:\Fargo\JBN\7800\7824\14_7824_008\CAD\PLAT\Preliminary Plat.dwg-PLAT (2)-10/19/2015 1:44 PM-(jschlieman)

Houston Engineering Inc.
Phone: 701.237.5065

Item #	3a, 3b

City of Fargo Staff Report			
Title:	FSOC Addition	**Date:**	11-25-15
Location:	3901 40th Ave South	**Staff Contact:**	Joe Nigg
Owner(s)/Applicant:	City of Fargo	**Engineer:**	City of Fargo
Reason for Request:	Minor Subdivision (an unplatted part of the Southeast Quarter of Section 27, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota) and Zone Change (from AG, Agricultural to LI, Limited Industrial)		
Status:	Planning Commission Public Hearing: December 1, 2015		

Existing		**Proposed**
Land Use: Vacant		**Land Use:** Operations Center for the Fargo Public Schools (Industrial Land Use)
Zoning: AG, Agricultural		**Zoning:** LI, Limited Industrial
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities and crop production.		**Uses Allowed:** LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation and major entertainment events.
Maximum Building Coverage: AG: allows a maximum of 1 dwelling unit per 10 acres.		**Maximum Building Coverage:** LI: allows a maximum building coverage of 85%.

Proposal:

The petitioner (City of Fargo) is seeking approval of a minor subdivision entitled *FSOC Addition* with the intent to plat an unplatted part of the Southeast Quarter of Section 27, Township 139 North, Range 49 West of the 5th Principal Meridian, into two (2) lots and (1) block; encompassing 11.74 acres.

In conjunction with the replat the request includes a zoning map amendment in order to rezone the subject property from AG, Agricultural to LI, Limited Industrial. The applicant is requesting this zone change and plat in order to convey the east half of the property (Lot 2) to the Fargo Public School District.

Surrounding Land Uses and Adjacent Development Activity: In general, land uses in this area consist of a mixture of industrial and commercial uses.

West: Properties to the west of the subject property are zoned GC, General Commercial. The existing uses include self-service storage, warehouse and manufacturing.

North: Cass County Drain 27 is located directly north of the subject property. The properties north of the drain are utilized for wholesale sales, heavy equipment sales / service and concrete batching. They are all zoned LI, Limited Industrial.

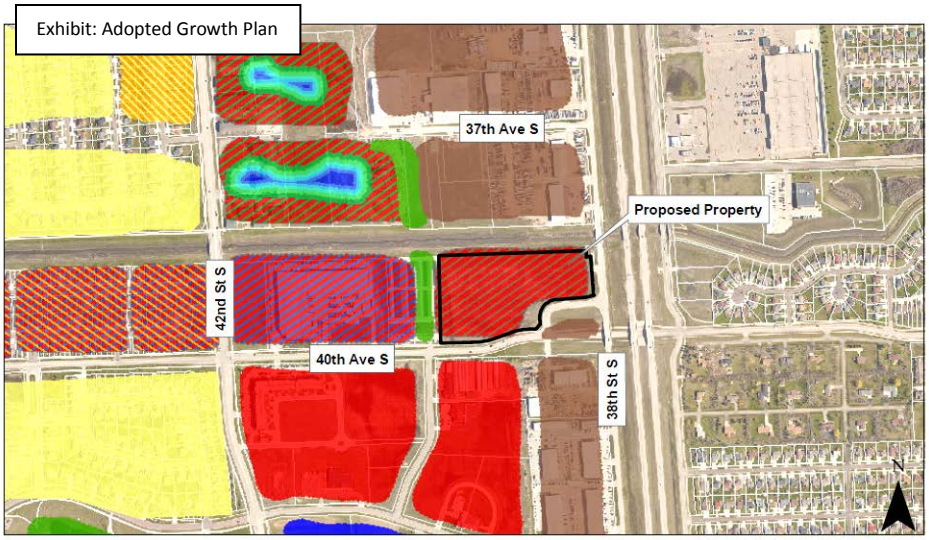
East: To the east, the subject property abuts 38th Street South and Interstate 29.

South: 40th Avenue South is located directly south of the subject property. Properties to the south of 40th Avenue are zoned LC, Limited Commercial and LI, Limited Industrial. Existing uses include heavy equipment sales and service as well as retail sales and service.

Area Plans:

The subject property is located within the *Southwest* growth plan as outlined within the (July) 2003 Area Plan, which is an amendment of the Southwest Area Plan as set forth within the *Urban Fringe and Extraterrtorial Area Growth Plan* (2001). The plan identifies the area as being appropriate for commercial or industrial land uses.

Exhibit: Adopted Growth Plan



Legend

- Commercial
- Commercial or Park/Open Space
- Either Industrial or Commercial
- Either Office or Commercial
- Industrial
- Low/Medium Density Residential
- Low/Medium Density or Medium/High Density
- Office
- Office or Commercial or Medium/High Density
- Park/Open Space
- Storm Water

Schools and Parks:

Parks: There are no public parks or open space amenities within close proximity to this site.

Trails: Bicycle facilities (shared use paths) are located just to the south of the subject property along 40th Avenue South and 42nd Street South. These facilities connect in to a larger framework of shared use facilities along 45th Street and 32nd Avenue South.

Staff Analysis:

Zoning Amendment: The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any zoning map amendment. Proposed zoning map amendments that

satisfy all of the criteria may be approved.

Section 20-0906.F (1-4)

1. **The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;** As noted in the Land Development Code (LDC) the Agricultural (AG) zoning district is intended as an "interim" classification pending determination of an appropriate zoning district. The zoning change is justified as the petitioner is ready to develop (subdivide) the property and has requested a zoning district which is consistent and compatible with city growth plans. **(Criteria Satisfied)**

2. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification at the time the property is developed;** To date, the Planning Department has not received any comments that would indicate any issue in providing services to this development. (**Criteria Satisfied)**

3. **The approval will not adversely affect the condition or value of property in the vicinity;** The proposed development and requested zoning districts should not adversely affect the condition or value of property in the vicinity. In accordance with the notification requirements of the Land Development Code, letters were sent to neighboring property owners. To date, staff has not received any comments or concerns related to this request. **(Criteria Satisfied)**

4. **The proposed amendment is consistent with the purpose of this LDC, the applicable Growth Plan and other adopted policies of the City.** Staff finds that the proposal is consistent with the purpose of the LDC, the applicable Growth Plan and other adopted policies of the City. **(Criteria Satisfied)**

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

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

Staff Recommendation:

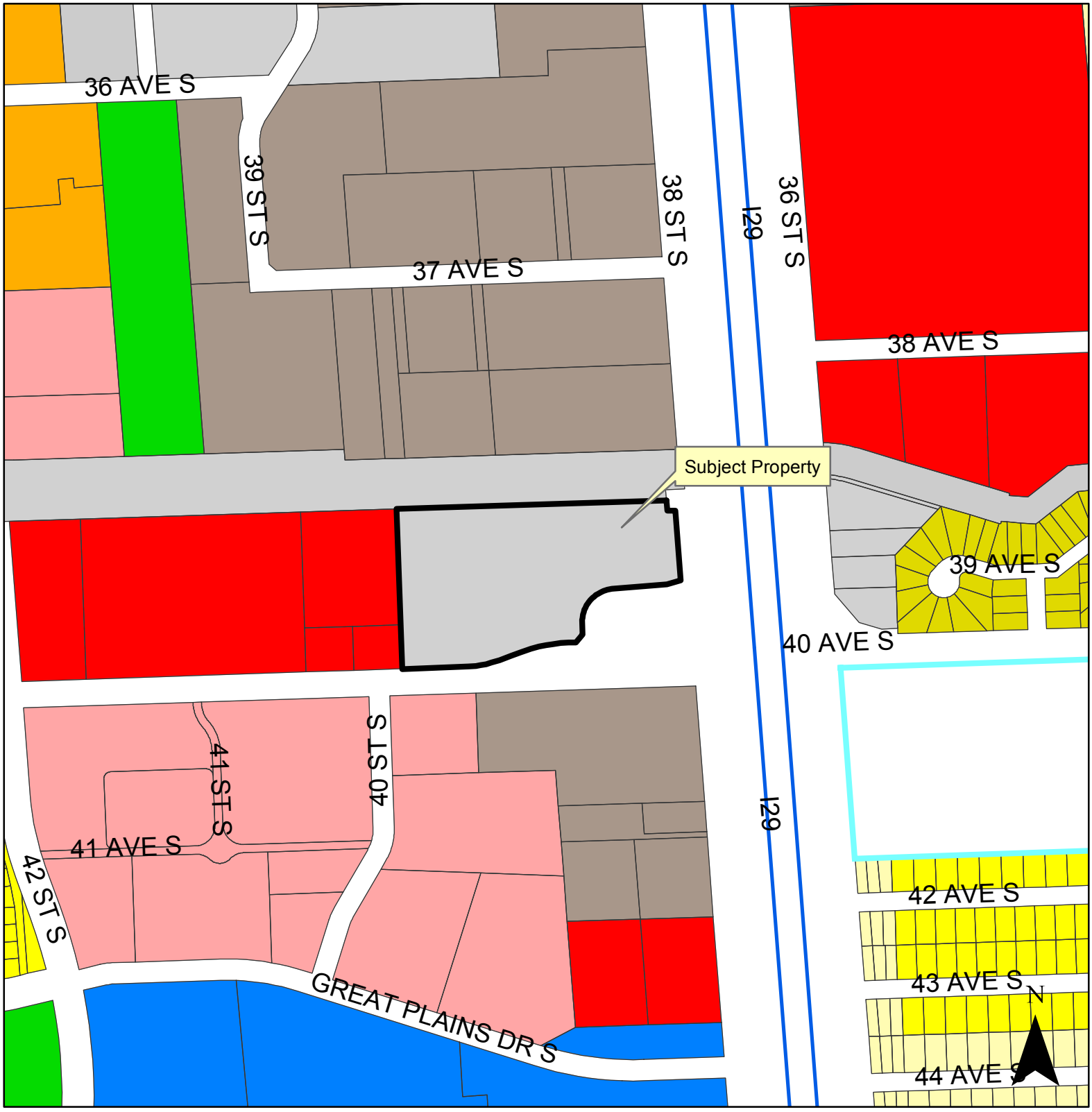
Suggested Motion: "To accept the findings and recommendations of staff and move to recommend to the City Commission approval of the following: 1) Zoning Change from AG, Agricultural, to LI, Limited Industrial; and 2) the *FSOC Addition* minor subdivision plat as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 and Section 20-0906.F(1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 1, 2015

Plat (Minor Subdivision) and Zone Change (AG to LI)

FSOC Addition

3901 40th Ave S



CITY OF Fargo

Legend

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

Fargo Planning Commission
December 1, 2015

Plat (Minor Subdivision) and Zone Change (AG to LI)

FSOC Addition

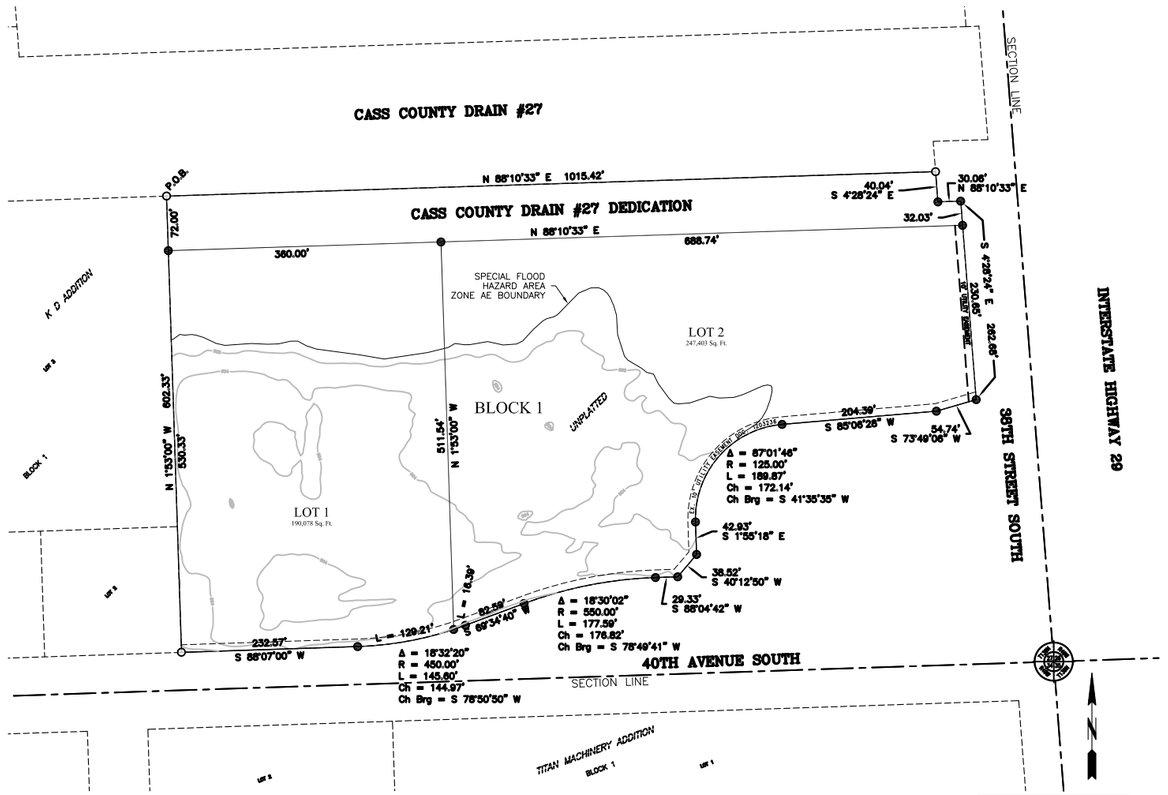
3901 40th Ave S

CITY OF Fargo

Fargo Planning Commission
December 1, 2015

FSCO Addition

A PART OF THE UNPLATTED SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 49 WEST, CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
A MAJOR SUBDIVISION



LEGEND

- ○ - MONUMENT FOUND
- ● - MONUMENT TO BE SET WITHIN ONE YEAR OF PLAT RECORDATION, 5/8" REBAR, LS-5068

NOTES:
FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBERS 38017C0778G & 38017C0779G DATED JANUARY 16, 2015 INDICATE THAT AREAS OF THIS PLAT ARE INCLUDED IN SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJET TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AE.

BASE FLOOD ELEVATION FOR ZONE AE 1% ANNUAL CHANCE FLOOD IS 905.7 IN NAVD 88

CONTOUR DATA BASED ON 2011 CITY OF FARGO LIDAR

BENCHMARK:
NGS SURVEY MONUMENT PID RP1143, DESIGNATION E 506. ELEVATION 905.25 IN NAVD 88 DATUM.

CITY OF Fargo

Prepared by:
FARGO ENGINEERING DEPT.
FARGO, NORTH DAKOTA

PROPERTY DESCRIPTION:

A part of the unplatted Southeast Quarter of the Southeast Quarter of Section 27, Township 139 North, Range 49 West of the Fifth Principal Meridian, City of Fargo, Cass County, North Dakota, more particularly described as:

Beginning at an iron monument designating the northeast corner of Lot 3, Block 1 of K D ADDITION to the City of Fargo document 1050423; thence North 88°10'33" East, along the south line of Cass County Drain #27 as dedicated by SHP SECOND ADDITION document 1275241, a distance of 1015.42 feet to a point on the west right-of-way of 38th Street South as dedicated by DEDICATION PLAT document 1119631; thence along the right-of-ways of 38th Street South and 40th Avenue South as dedicated by said DEDICATION PLAT on the following courses:
;thence South 4°28'24" East a distance of 40.04 feet
;thence North 88°10'33" East a distance of 30.06 feet
;thence South 4°28'24" East a distance of 262.68 feet
;thence South 73°49'06" West a distance of 54.74 feet
;thence South 85°06'28" West a distance of 204.39 feet
;thence 189.87 feet along a circular curve to the left having a central angle of 87°01'46", a radius of 125.00 feet, a chord length of 172.14 feet and a chord bearing of South 41°35'35" West
;thence South 1°55'18" East a distance of 42.93 feet
;thence South 40°12'50" West a distance of 38.52 feet
;thence South 88°04'42" West a distance of 29.33 feet
;thence 177.59 feet along a circular curve to the left having a central angle of 18°30'02", a radius of 550.00 feet, a chord length of 176.82 feet and a chord bearing of South 78°49'41" West
;thence South 69°34'40" West a distance of 82.59 feet
;thence 145.60 feet along a circular curve to the right having a central angle of 18°32'20", a radius of 450.00 feet, a chord length of 144.97 feet and a chord bearing of South 78°50'50" West
;thence South 88°07'00" West a distance of 232.57 feet to an iron monument designating the southeast corner of Lot 2, Block 1 of said K D ADDITION
;thence North 1°53'00" West, along the east line of said K D ADDITION, a distance of 602.33 feet to the point of beginning.

Said tract contains 511,670 Square Feet, more or less.

Basis of bearings is the City of Fargo ground control system.

OWNERS ACKNOWLEDGEMENT AND DEDICATION:

The City of Fargo does hereby certify that it is the owner of the property shown on the plat and described herein and have caused the same to be surveyed and platted as FSCO Addition and hereby dedicate and convey to the public, for public use, all streets, avenues and utility easements as shown on the plat.

_____
Timothy J. Mahoney, Mayor

_____
Steve Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20__, before me, a notary public with and for said county, personally appeared:

Timothy J. Mahoney, Mayor; City of Fargo
Steve Sprague; City Auditor; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

_____
Notary Public Cass County
My commission expires _____.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

_____
Brent W. Wacha, PLS
North Dakota Registration No. LS-5068

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20__, before me, a notary public with and for said county, personally appeared:

Brent W. Wacha, Professional Land Surveyor

Known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

_____
Notary Public Cass County
My commission expires _____.

CITY ENGINEER'S APPROVAL:

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

_____
April E. Walker, City Engineer, P.E.
North Dakota Registration No. PE-5462

State of North Dakota)
)ss.
County of Cass)

On this ____ day of _____, 20__, before me, a notary public with and for said county, personally appeared:

April E. Walker, City Engineer; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

_____
Notary Public Cass County
My commission expires _____.

FARGO PLANNING COMMISSION APPROVAL:

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

_____
John Q. Paulsen, Chairman
Fargo Planning Commission

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20__, before me, a notary public with and for said county, personally appeared:

John Q. Paulsen, Chairman, Fargo Planning Commission

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

_____
Notary Public Cass County
My commission expires _____.

FARGO CITY COMMISSION APPROVAL:

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

_____
Timothy J. Mahoney, Mayor

_____
Steve Sprague, City Auditor

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 20__, before me, a notary public with and for said county, personally appeared:

Timothy J. Mahoney, Mayor; City of Fargo
Steve Sprague; City Auditor; City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

_____
Notary Public Cass County
My commission expires _____.

AUDITOR'S TAX RECORD:

Delinquent taxes and special assessments or installments of special assessments paid and transfer entered.

_____
Michael Montplaisir, Cass County Auditor

Item #	4

City of Fargo Staff Report			
Title:	Stern's Subdivision of Auditor's Lot 2 and Huntington's Addition	**Date:**	11-20-2015
Location:	1025 14th Avenue South and 1320 11th Street South	**Staff Contact:**	Derrick LaPoint
Owner(s)/Applicant:	Arthur Weidner	**Engineer:**	N/A
Reason for Request:	Zoning Change (From SR-2, Single-Dwelling and SR-3, Single-Dwelling to P/I, Public and Institutional)		
Status:	Planning Commission Public Hearing: December 1, 2015		

Existing		Proposed
Land Use: Elementary School		**Land Use:** Unchanged
Zoning: SR-2 & SR-3, Single-Dwelling		**Zoning:** P/I, Public and Institutional
Uses Allowed: SR-2, Single-Dwelling allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities SR-3, Single-Dwelling allows detached houses, daycare centers, attached houses, duplexes, parks and open space, religious institutions, safety services, schools and basic utilities		**Uses Allowed:** 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.
Maximum Density Allowed: SR-2 allows a maximum density of 5.4 units per acre SR-3 allows a maximum density of 8.7 units per acre		**Maximum Density Allowed:** N/A

Proposal

The petitioner is seeking approval of a zoning map amendment in order to rezone all of Lots 11-13, Stern's Subdivision of Auditor's Lot 2, as well as Lots 8-14, Block 6, Huntington's Addition. The petitioner is requesting a zone change from SR-2 and SR-3, Single-Dwelling to P/I, Public and Institutional. According to the petitioner, the purpose of the requested zoning amendment is to allow the construction of a larger sign than would otherwise be allowed within the SR-2 and SR-3 zoning district. There are no proposed plans to change signage on

the property at this time; the zone change is requested to accommodate future signage needs.

Additional Information:
Under the present zoning, the ability to construct a new sign on the existing SR-2 and SR-3 acreage is limited by the Fargo Sign Code which restricts each sign on a residential zoned property to a maximum of eight square feet. The requested P/I, Public and Institutional zoning district would provide the applicant the ability to construct a sign to a size comparable to what is allowed within commercial zoning districts. It should be noted however, that off-premise signs and digital billboards are not allowed within the P/I zoning district.

It should also be noted that per the zoning requirements of the P/I zoning district, the property would be required to maintain the Dimensional Standards of the adjacent zoning district (SR-2). Residential Protection Standards (RPS) would also apply according to Section 20-0704 of the LDC. These standards include additional setback restrictions for buildings and parking areas, visual screening of dumpsters and outdoor storage areas and residential protection or landscape buffers.

Surrounding Properties:
The subject property is located along 14th Avenue S and 11th Street South, both of which currently operate as local roadways. The property is also proximal to the University Drive/13th Avenue intersection.

The surrounding land uses are primarily detached housing units, zoned SR-2 and SR-3, Single-Dwelling. In addition, Olivet Lutheran Church is located just west of the subject property. This property was rezoned to GO, General Office in 2012.

Area Plans

There are no area plans which apply direclty to this property.

Schools and Parks:

Schools: The subject property currently serves as a parochial elementary school. It is also located within the Fargo School District, specifically within the boundaries of the Clara Barton / Hawthorne Elementary School District.

Parks: There are no public parks within walking distance of the subject property; however, the riverfront trail system is accessible from 13th Avenue S.

Pedestrian/Bicycle: On road bike facilities are located along 10th Street South and connect northward into the downtown shared use path and bikeway network.

Staff Analysis:

Zoning Amendment: The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any zoning map amendment. Proposed zoning map amendments that satisfy all of the criteria may be approved.

Section 20-0906.F (1-4)

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?** The requested zone change is justified by a change in conditions since the previous zoning classification was established. Specifically, it is justified by the institution of a new, more appropriate zoning district for school land uses. The subject property is currently zoned SR-2 and SR-3, single-dwelling residential which is consistent with the manner in which zoning was placed on elementary schools and religious institutions prior to the adoption of the LDC in 1998. The 1998 LDC instituted a new zoning district, Public and Institutional, which was intended to facilitate uses such as parks and schools. Following the adoption of the LDC, multiple public elementary, middle school, and park facilities were rezoned from residential zoning districts to the new P/I zoning district. In addition, all new public and private schools which have been constructed in the area have done

so under the P/I zoning district. **(Criteria Satisfied)**

2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?** City staff and other applicable review agencies have reviewed this proposal. No deficiencies have been noted in the ability to provide all of the necessary services to the site. **(Criteria Satisfied)**

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

   In accordance with Section 20-0901.F of the LDC, letters were sent to neighboring property owners within 300 feet of the subject property. To date, staff has received has not received any written comments regarding the zoning change. **(Criteria Not Satisfied)**

4. **The proposed amendment is consistent with the purpose of this LDC, the applicable Growth Plan and other adopted policies of the City.** As previously noted and under current conditions, staff believes that the zoning map amendment is consistent with the intent of the LDC and city growth plans. **(Criteria Satisfied)**

Staff Recommendation:

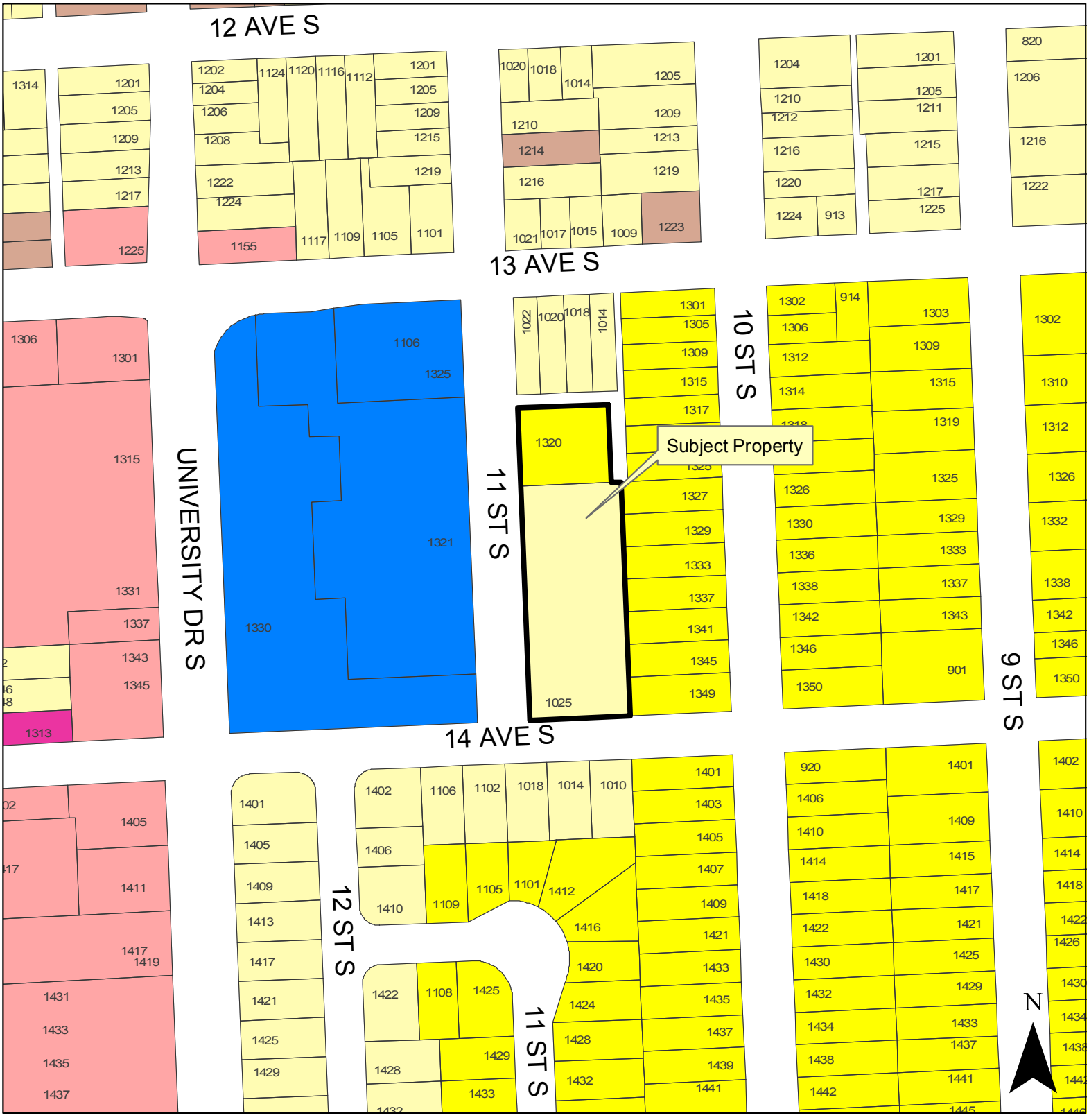
Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from SR-2, Single Dwelling and SR-3, Single-Dwelling to P/I, Public and Institutional, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 1, 2015

Zone Change (SR-3 and SR-2 to P/I)

Stern's Subdivision of Auditor's Lot 2 and Huntington's Addition

1025 14th Ave S
& 1320 11th St S



Legend

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

CITY OF Fargo

Fargo Planning Commission
December 1, 2015

Zone Change (SR-3 and SR-2 to P/I)

Stern's Subdivision of Auditor's Lot 2 and Huntington's Addition

1025 14th Ave S
& 1320 11th St S

CITY OF Fargo

Fargo Planning Commission
December 1, 2015

Item #	5

City of Fargo Staff Report			
Title:	DETW Addition	**Date:**	11-23-2015
Location:	302 & 308 27th Street North	**Staff Contact:**	Aaron Nelson
Owner(s)/Applicant:	DETW, LLP / Nilles Law Firm	**Engineer:**	Ulteig
Reason for Request:	Minor Subdivision (Replat of Lot 1 and part of Lot 2, Block 4, Schultz & Lindsay's 1st Addition)		
Status:	Planning Commission Public Hearing: December 1, 2015		

Existing		**Proposed**
Land Use: Warehouse		**Land Use:** unchanged
Zoning: LI, Limited Industrial		**Zoning:** unchanged
Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.		**Uses Allowed:** unchanged
Maximum Density Allowed: Maximum 85% building coverage		**Maximum Density Allowed:** unchanged

Proposal:

The applicant is seeking approval of a minor subdivision entitled *DETW Addition*, which is a replat of Lot 1 and part of Lot 2, Block 4, Schultz & Lindsay's 1st Addition into one (1) block and one (1) lot. The subject property is located at 302 & 308 27th Street North and encompasses approximately 0.92 acres.

Surrounding Land Uses and Zoning Districts:

- North: GI, General Industrial, with the uses of warehouse and offices;
- East: Across 27 St N is LI, Limited Industrial, with the uses of warehouse and offices;
- South: Across 3 Ave N is LI with the uses of warehouse and offices;
- West: LI with the use of manufacturing.

Area Plans:

No area plans apply

Schools and Parks:

Schools: The subject property is located within the Fargo School District, specifically within the Madison Elementary, Ben Franklin Junior High and the North High schools.

Parks: There are no parks within a quarter-mile of the subject property.

Trials: There are on- and off-road facilities located to the southeast of the property on 1 Ave N and 25 St S that connect to the metro area trail system.

Staff Analysis:

Minor Subdivision

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

1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   This subdivision is intended to combine two parcels of land under common ownership into one legal lot. Both of the existing parcels appear to be non-conforming in regards to interior-side setbacks, among other things. By consolidating these two parcels into one, the required interior-side setbacks between these two building disappear, resulting in increased conformance with the LDC. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one inquire into the application but no comments regarding this application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread per City Special Assessment Policy. It should also be noted that this property is currently developed and is already serviced by public utilities. **(Criteria Satisfied)**

Staff Recommendation:

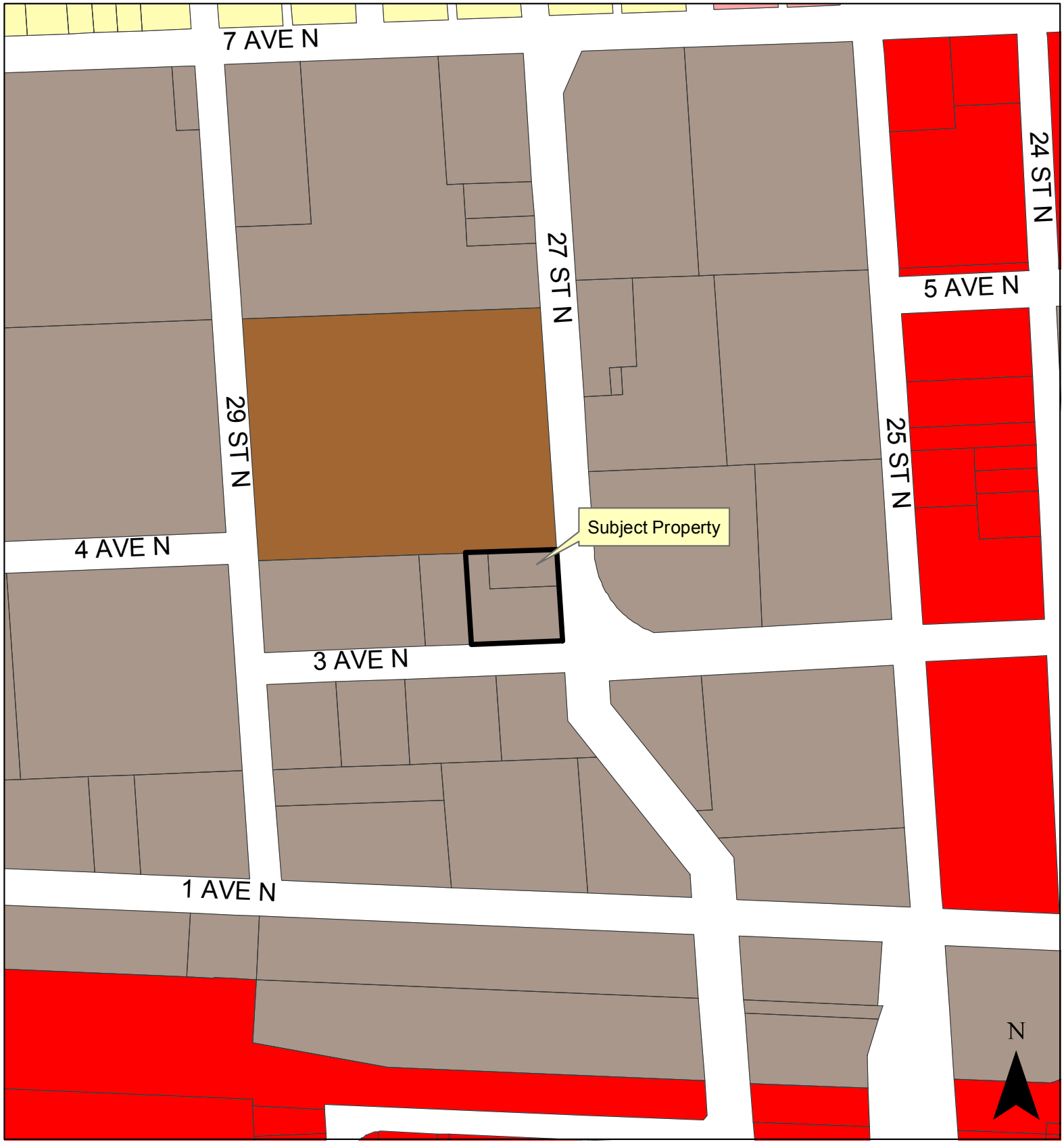
Suggested Motion: “To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, *DETW Addition*, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and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

Planning Commission Recommendation: December 1, 2015

Plat (Minor Subdivision)

DETW Addition

302 & 308 27th St N



CITY OF Fargo

Legend

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

Fargo Planning Commission
December 1, 2015

Plat (Minor Subdivision)

DETW Addition

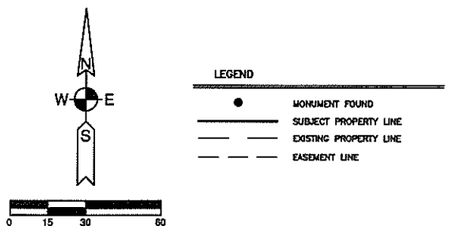
302 & 308 27th St N

CITY OF Fargo

Fargo Planning Commission
December 1, 2015

DETW ADDITION

A REPLAT OF LOT 1 AND PART OF LOT 2, BLOCK 4 OF SCHULTZ & LINDSAY'S 1ST ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



Scale in Feet
Bearings shown hereon are based on North Dakota State Plane South Zone, NAD 83

LEGEND

- MONUMENT FOUND
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That DETW, LLP, a North Dakota limited liability partnership whose address is Fargo, North Dakota as owner of a parcel of land located in the Southeast Quarter of Section 2, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot One (1), in Block Four (4), of Schultz & Lindsay's 1st Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota. — PARCEL ONE

and

Lot Two (2), in Block Four (4), EXCEPT the West One Hundred (100) feet thereof, in Schultz & Lindsay's 1st Addition to the City of Fargo, situate in the County of Cass and the State of North Dakota.

The above described parcel contains 39,972 square feet more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "DETW ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER: DETW, LLP

By: _____
Ross Westby, Managing Partner

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year of 2015, before me, a notary public with and for said County, personally appeared Ross Westby, Managing Partner, DETW, LLP known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

_____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Gregg Stroeing, Registered 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 addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

_____
Gregg Stroeing, Professional Land Surveyor
North Dakota License No.LS-6703

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2015, before me, a notary public with and for said County, personally appeared Gregg Stroeing, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 201_.

_____
April E. Walker, City Engineer

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 201_, before me, a notary public with and for said County, personally appeared April E. Walker, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 201_.

_____
Jan Ulferts Stewart, Planning Commission Chair

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 201_, before me, a notary public with and for said County, personally appeared Jan Ulferts Stewart, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

_____
Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 201_.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 201_, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

_____
Notary Public

PREPARED BY

Ulteig

FARGO - BISMARCK - DETROIT LAKES - MINNEAPOLIS - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON

PRELIMINARY

JS7 10/18/15 R15-00827-P.DWG

Item #	6

City of Fargo Staff Report			
Title:	Island Park Addition	**Date:**	11-20-2015
Location:	716 4th Street S	**Staff Contact:**	Derrick LaPoint
Owner(s)/Applicant:	Skyler Akason/ Represented by Joel Fremstad	**Engineer:**	N/A
Reason for Request:	Zoning Change from SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential on part of Lots 21 & 22, Block 3 of *Island Park Addition*		
Status:	Planning Commission Public Hearing: December 1, 2015		

Existing		Proposed
Land Use: Residential, 3-plex		**Land Use:** unchanged
Zoning: SR-3, Single-Dwelling Residential with H-O, Historic Overlay		**Zoning:** MR-3, Multi-Dwelling Residential with H-O, Historic Overlay
Uses Allowed: SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities		**Uses Allowed:** 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.
Maximum Density Allowed: 8.7 units per acre		**Maximum Density Allowed:** 24 units per acre

Proposal

The applicant is seeking approval of a zoning change from SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential on part of Lots 21 and 22, Block 3 of *Island Park Addition*. The proposed subject location encompasses approximately 0.139 acres. The applicant is requesting the zoning change to meet the density requirements of the LDC to remain as a 3-plex.

Background

Staff has been working with the Inspections Department and the Assessor's office regarding the subject property. During a recent (5-13-15) rental housing inspection of the 3-plex at 716 4th St. S. Inspections discovered that a building permit was issued (1-22-2011) to add an additional dwelling unit to an existing duplex at 716 4th St. S. Inspections noted that in order to add the third unit the owner would need a 15,000 square foot lot to comply with the LDC requirements for an SR-3 zoning. And, in fact, the owner of 716 4th St. S., Mark and Erica Usselman, had purchased the adjacent vacant lot (389 8th Av S.) on 9-14-2009, and then had the two lots combined on 11-30-2010 through the Assessor's office. Thus the combined lot would support a three-unit apartment bldg. on a 15,000 square foot lot.

However, on 2-26-2014 Mr. Usselman again working with the Assessor's office split the newly-formed parcel into two parcels. This was finalized on 2-26-2014 and the resulting action resulted in two new parcels which left the property at 716 4th St. S. with a square footage of 6,062.91 and 389 8th Ave S. with a square footage of 9,435.74. On February 6th Mark and Erica Usselman sold the 3-plex at 716 4th St. S to Mr. Skylar Akason.

The Inspections Department found it necessary to notify Mr. Akason that he would need to remove one of the dwelling units to at least bring the building back to the number of units (2) which existed before the parcel combining and splitting began in November of 2010. Inspections notified Mr. Akason through the rental housing notice procedure of what is essentially a zoning violation.

Staff has suggested to Mr. Akason and Mr. Fremstad that a zoning change to MR-3 at 716 4th St S will ensure that the 3-plex can remain and meet the density requirements. The current density is approximately 21.6. The total density with the lot to the south was 8.4 (0.355 acres total with both lots).

Surrounding Zoning and Land Uses:

- North: SR-3, Single-Dwelling Residential with a single-family home and a duplex;
- East: SR-3, Single-Dwelling Residential with an apartment;
- South: SR-3, Single-Dwelling Residential with a garage (home was destroyed in a fire);
- West: Across 4th St S is MR-2, Multi-Dwelling Residential with duplexes.

Area Plans

The subject location is within the Island Park Historic Overlay District.

Schools and Parks:

Schools: This property is located within the Fargo School District including CarlHawth Elementary, CarlBen Middle School and South High School.
Parks: The subject location is within a quarter mile of Island Park.
Trails: An on-road bike facility located west of subject property, along 7th Street South, and an off-road bike trail located east of the subject location, along the Red River connects to the metro area trail system.

Staff Analysis:

Zoning

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
   Staff suggests that the requested zoning change is justified by a change in conditions since the previous zoning classification was established. The current property owner purchased the lot with the intentions of remaining as a 3-plex.
   (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, the property will be served by the necessary infrastructure. The roads and utilities are constructed or are under construction and will be complete before the property is developed. Public facilities including schools and public safety services are also accessible to this site.
   (Criteria Satisfied)

3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**
   Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, 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 written comments regarding the zoning change but has received several phone calls from the neighborhood inquiring about the application. Staff has described the situation and informed them that the current owner has no intentions of redevelopment. Staff explained to the neighbors that this zoning change is occurring to bring the site into conformance with the LDC, more specifically as it relates to the density requirements and remaining as a 3-plex.
   (Criteria Satisfied)

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

adopted policies of the City?

The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and the existing zoning of adjacent properties. Staff finds this proposal is consistent with the purpose of the LDC, the applicable Growth Plan and other adopted policies of the City.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from SR-3, Single-Dwelling Residential to MR-3, Multi-Dwelling Residential on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 1, 2015

Zone Change (SR-3 to MR-3)

Island Park Addition

716 4th St S

Legend

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

Fargo Planning Commission
December 1, 2015

Zone Change (SR-3 to MR-3)

Island Park Addition

716 4th St S

CITY OF Fargo

Fargo Planning Commission
December 1, 2015

Item #	7a.b.

City of Fargo Staff Report			
Title:	Southside 1st Addition	**Date:**	11-20-2015
Location:	2805 64th Ave S	**Staff Contact:**	Derrick LaPoint
Owner(s)/Applicant:	Travis & Rachel Olson/ Represented by Chris Hawley	**Engineer:**	N/A
Reason for Request:	Major Subdivision (Plat of Southside 1st Addition; part of the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota), Zone Change (from AG, Agricultural to SR-2, Single-Dwelling Residential).		
Status:	Planning Commission Public Hearing; December 1, 2015		

Existing		Proposed
Land Use: Vacant		**Land Use:** Residential
Zoning: AG, Agricultural (unplatted)		**Zoning:** SR-2, Single-Dwelling Residential
Uses Allowed: AG Allows detached houses, parks and open space, safety services, basic utilities, and crop production.		**Uses Allowed:** SR-2 Allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres.		**Maximum Density Allowed:** SR-2 allows a maximum of 5.4 units per acre

Proposal:

The applicant is seeking approval of a major subdivision (Southside 1st Addition) and a Zoning Change (from AG, Agricultural to SR-2, Single-Dwelling Residential). The applicant is proposing a new residential home within one (1) block and one (1) lot. The subject property encompasses approximately 3.032 acres.

Background

The applicant purchased the subject property and demolished the existing home with the intent of building a single-family home. The subject location is unplatted and zoned AG, Agriculture. Based on the current LDC the applicant was unable to receive a building permit because a single-family home is not permitted in an agricultural-zoned lot that is less than 10 acres. Internal discussion provided clarity that all legally non-conforming rights were lost when the existing structure was demolished. Staff suggested to the applicant that platting and zoning the property would provide them with the opportunity to build.

The preliminary plat was presented to the Public Works Project Evaluation Committee (PWPEC) on November 16, 2015 for their initial review. One of the concerns is future access to the proposed lot and the surrounding lots once 64th Ave S is improved. Staff has been working with the applicant and the neighbors to find a solution that would provide service and access to the lots. There will be a meeting December 3, 2015 with the surrounding property owners and staff to discuss 64th Ave, platting, zoning and future access. If approved by the Planning Commission, the final plat and amenity plan will be presented to PWPEC prior to City Commission.

Due to the fact that the access for this lot and surrounding lots has not been fully resolved, staff is recommending continuation of this item. Staff would still like to introduce this case however at the December Planning Commission meeting in order to receive comments and discuss components of the case prior to bringing the final plat to the City Commission in January.

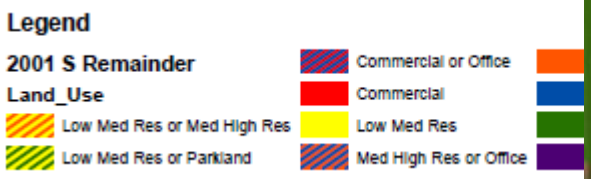
Surrounding Land Uses and Zoning:

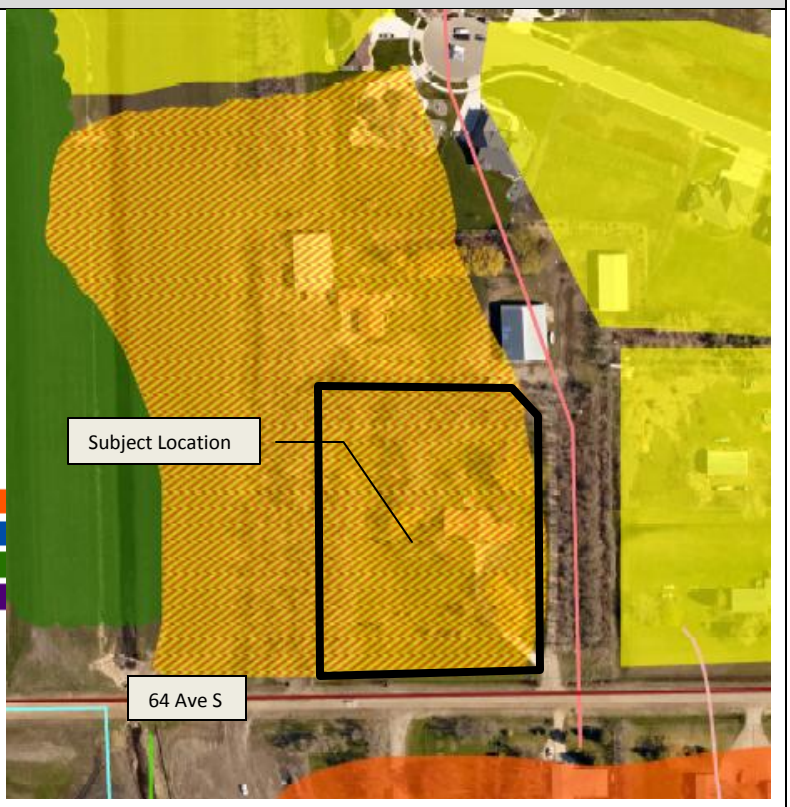
- North/East/West: Unplatted AG, Agricultural with residential and warehouse;
- South: Across 64 Ave S is SR-2, Single-Dwelling Residential with residential and vacant land.

Area Plans:

As part of any growth plan, critical elements include identification of future land uses, roadway network alignment/access and park/open space planning.

In terms of land use, the subject property is located within the 'South Area' as identified within the *2001 Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo*. The plan designates the subject property as being suitable for medium to high density residential.





Schools and Parks:

Schools: The subject property is located within the Fargo School District including Bennett Elementary, Discovery Middle and Davies High School.
Parks: There are two local parks within a quarter mile of the subject location, Legacy Park (east) and Silverleaf Park (northwest).
Recreation Trails: The nearest trail is located along 25 St S located east of the subject location.

Staff Analysis:

Zone Change:
The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

Section 20-0906.F (1-4)

1. **The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;**
   As noted in the Land Development Code (LDC), the Agricultural (AG) district is intended as an "interim"

zoning classification pending determination of an appropriate zoning district. The zoning change is justified as the petitioner is ready to develop the property and has requested zoning districts which are consistent and compatible with city growth plans.
(Criteria Satisfied)

2. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification at the time the property is developed;**
   To date, city staff has not received any comments that would indicate any issue in servicing this development as proposed. A preliminary plat was reviewed by the Public Works Project Evaluation Committee (PWPEC) on November 16, 2015 and the final plat and amenities plan will be reviewed by staff and PWPEC prior to the January Planning Commission meeting.
   (Criteria Satisfied)

3. **The approval will not adversely affect the condition or value of property in the vicinity;**
   The proposed development and requested zoning districts are compatible and consistent with city growth plans, as well as the GO2030 Fargo Comprehensive Plan, and thereby the project should not adversely affect the condition or value of property in the vicinity. In accordance with the notification requirements of the Land Development Code, letters were sent to neighboring property owners. To date, staff has not received any comments through the public notification process
   (Criteria Satisfied)

4. **The proposed amendment is consistent with the purpose of this LDC, the applicable Growth Plan and other adopted policies of the City.**
   The proposed amendment is consistent with the LDC and the growth plans for this area.
   (Criteria Satisfied)

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

1. **Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
   The Growth Plan supports medium to high density residential land uses at this location; consistent with the requested SR-2 zoning classification. Therefore, the petitioner is seeking the appropriate zone district classifications to accommodate the proposed development. The applicant is proposing a larger than standard single family lot. However, it is not believed that the proposed subdivision would preclude the tract from being subdivided later. **(Criteria Satisfied)**

2. **Section 20-0907.C.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.**
   Pursuant to Item 1 above, the proposed development will comply with an approved growth plan and the subdivision meets the requirements of the Land Development Code (LDC).
   (Criteria Satisfied)

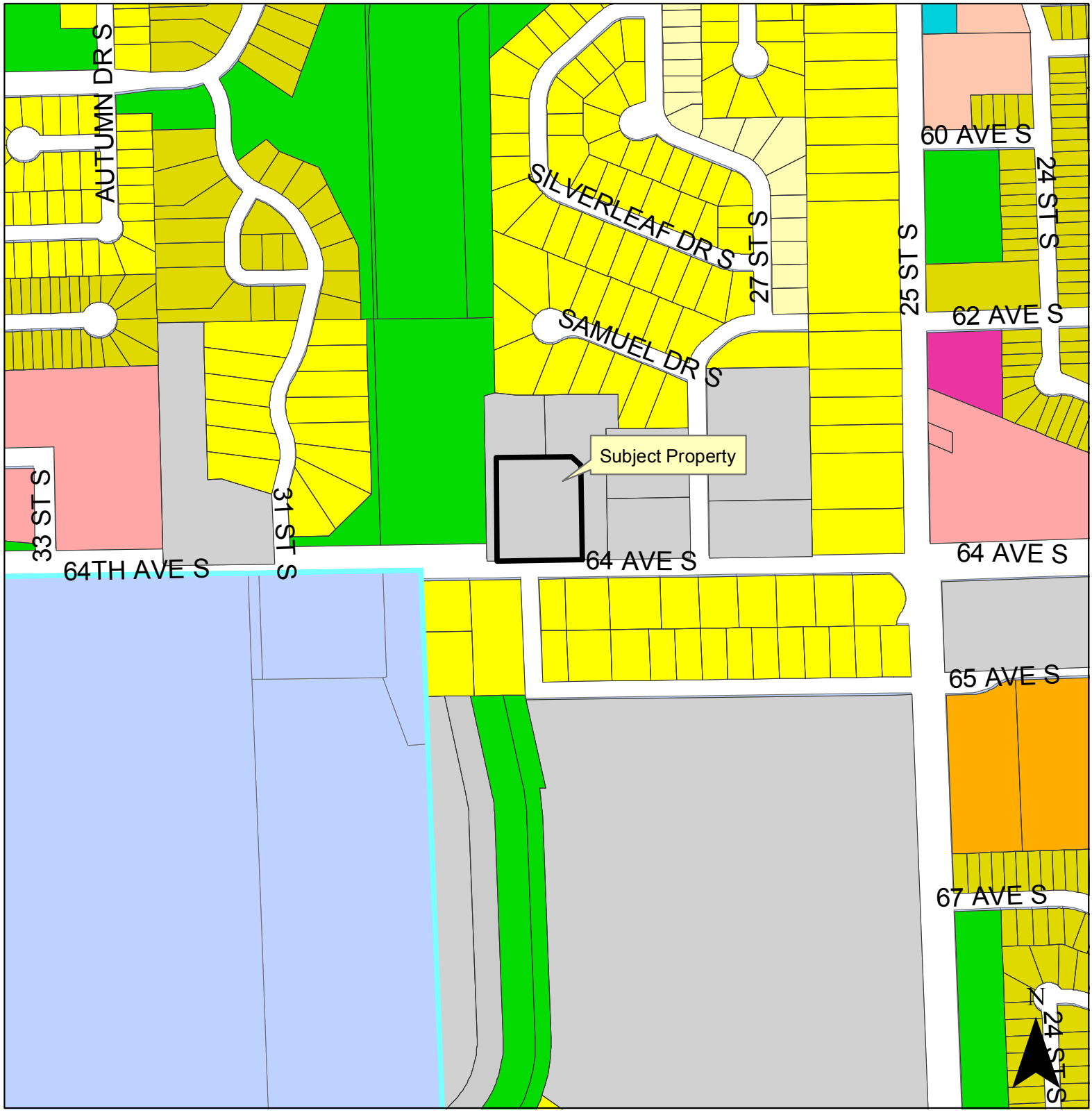
3. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   An executed subdivision amenity plan will address any necessary provisions for any public improvements associated with this project. Concerns shall be addressed regarding future access to the surrounding lots.
   (Criteria Satisfied)

Staff is recommending continuation, but would advise holding the public hearing in December in order to hold any discussion regarding the requested plat and zoning.
Staff Recommendation:
Staff is recommending continuation to the January Planning Commission meeting.
Planning Commission Recommendation: December 1, 2015

Plat (Major Subdivision) and Zone Change (AG to SR-2)

Southside 1st Addition

2805 64th Ave S



Legend

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

Fargo Planning Commission
December 1, 2015

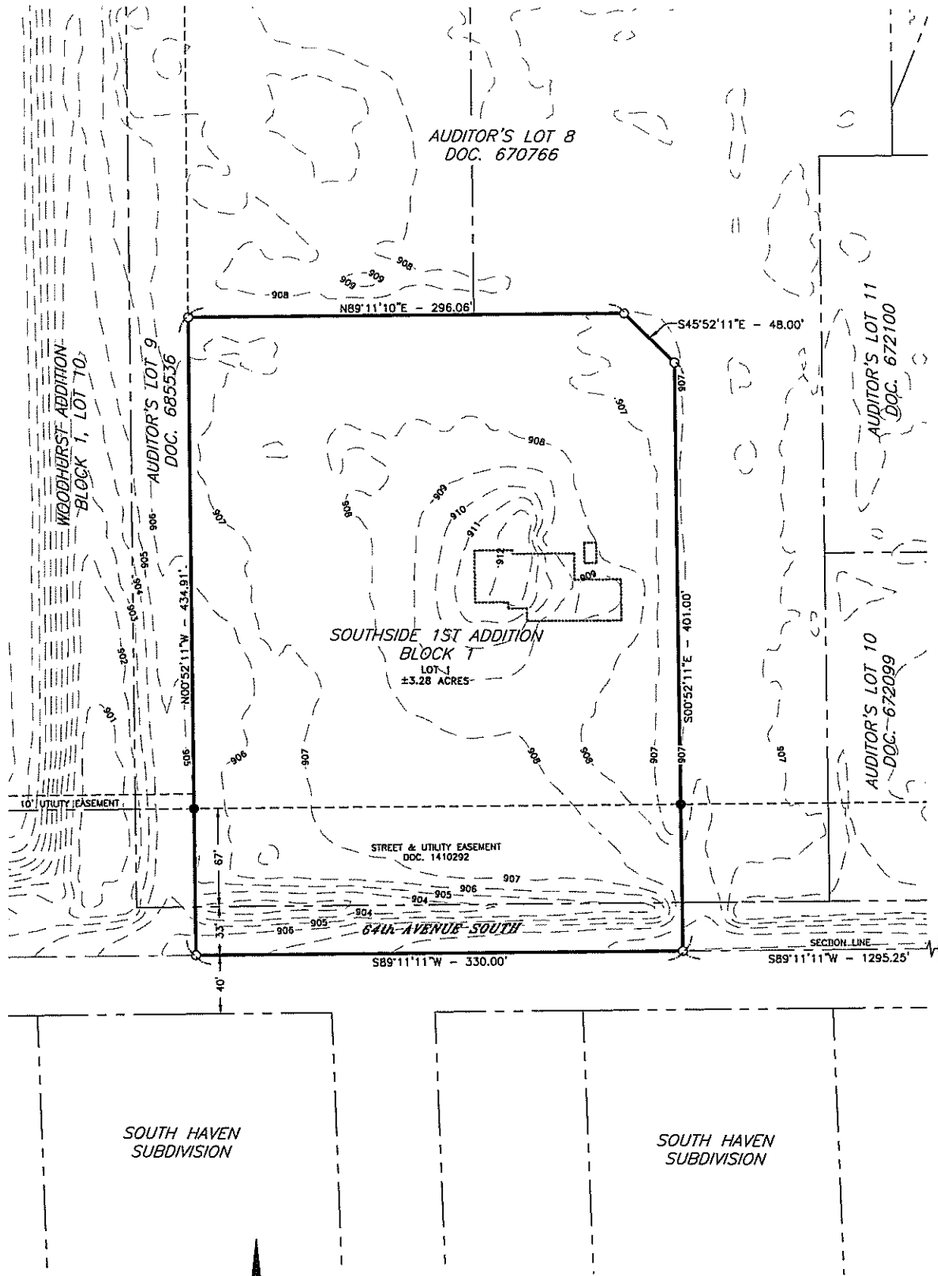
Plat (Major Subdivision) and Zone Change (AG to SR-2)

Southside 1st Addition

2805 64th Ave S

CITY OF Fargo

Fargo Planning Commission
December 1, 2015



SHEET 1 OF 1

Neset
LAND SURVEYS

0 50 100

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- PROPERTY BOUNDARY LINE
- SECTION LINE
- EX. BUILDING
- 2452 EX. CONTOUR

10/19/15 09:29:34AM Z:\Projects_2015\15068 - Olson Survey\Drawings\15068_ProjectSurvey\15068_Prelim Plat.dwg

A MAJOR SUBDIVISION PLAT OF

SOUTHSIDE 1ST ADDITION

PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 138 NORTH, RANGE 49 WEST
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT TRAVIS AND RACHEL OLSON, WHOSE ADDRESS IS 2805 64TH AVENUE SOUTH, FARGO, NORTH DAKOTA, ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF SOUTHSIDE 1ST ADDITION, A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN CASS COUNTY, NORTH DAKOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF THE SAID SOUTHEAST QUARTER OF SECTION 2 S89°11'11"W ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR A DISTANCE OF 1,295.25 FEET TO THE SOUTHWEST CORNER OF AUDITOR'S LOT 8 AS RECORDED IN THE CASS COUNTY RECORDERS OFFICE, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S89°11'11"W FOR A DISTANCE OF 330.00 FEET; THENCE N00°52'11"W FOR A DISTANCE OF 434.91 FEET; THENCE N89°11'10"E FOR A DISTANCE OF 296.06 FEET; THENCE S45°52'11"E FOR A DISTANCE OF 48.00 FEET; THENCE S00°52'11"E FOR A DISTANCE OF 401.00 FEET BACK TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 3.28 ACRES, MORE OR LESS, TOGETHER WITH EASEMENTS AND RIGHTS OF WAY OF SIGHT AND RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED AND PLATTED AS SOUTHSIDE 1ST ADDITION TO THE CITY OF FARGO, NORTH DAKOTA, AND DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, ALL EASEMENTS AND RIGHTS OF WAY SHOWN ON THIS PLAT.

TRAVIS OLSON

RACHEL OLSON

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2015, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: TRAVIS & RACHEL OLSON, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

SURVEYORS CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS SOUTHSIDE 1ST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED.

DATED THIS_____DAY OF_____, 2015.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND REG. NO. 7513

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2015, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

CITY OF FARGO ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED ON THIS_____DAY OF_____2015.

APRIL E. WALKER
CITY ENGINEER

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2015, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: APRIL E. WALKER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

CITY OF FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS_____DAY OF_____2015.

JAN ULFERTS STEWART
PLANNING COMMISSION CHAIR

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2015, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: JAN ULFERTS STEWART, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

FARGO CITY COMMISSION APPROVAL

APPROVED BY THE BOARD OF CITY COMMISSIONERS THIS _____ DAY OF _____2015.

TIMOTHY J. MAHONEY
MAYOR

JILL PAGEL
DEPUTY CITY AUDITOR

STATE OF NORTH DAKOTA)
)ss
COUNTY OF CASS)

ON THIS_____DAY OF_____, 2015, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED: TIMOTHY J. MAHONEY & JILL PAGEL, TO ME KNOWN TO BE THE PERSON'S DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

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

PRELIMINARY

RULES OF INTERNAL PROCEDURE AND OPERATIONS OF THE CITY OF FARGO PLANNING COMMISSION (ADOPTED DECEMBER 1, 2015)

The duly appointed Planning Commission of the City of Fargo, North Dakota, does hereby adopt the rules hereinafter set forth as the rules that shall govern its internal operations.

I MEMBERSHIP

A. The City of Fargo Planning Commission (hereinafter referred to as "the Commission") shall be composed of those individuals who have been appointed by the governing bodies of the City of Fargo and Cass County in accordance with the provision of NDCC 40-48-03 and who have filed the oath of office requisite to such appointment. The Commission operates with authority in accordance with the provision of NDCC 40-05.1-06. At the regular meeting in July of each year, the Commission shall elect a Chair and Vice-Chair for the ensuing year to have the duties hereinafter specified.

1. The Chair shall generally preside and conduct all Commission meetings and all special meetings, may appoint standing or special committees from Commission members for specific functions, and select by appointment individual members to perform specific duties.

2. The Vice-Chair shall, in the event of the absence, disability, resignation, or conflict of interest of the Chair, exercise all the powers and duties of said Chair. In the event the Chair is permanently disqualified from performing the Chair's function, the Vice-Chair shall automatically become Commission Chair and the position of Vice-Chair shall be deemed vacant and an election shall follow for Vice-Chair.

3. The Commission is made up of eleven members, eight of whom are appointed by the City Commission for three-year terms and three of whom are appointed as extraterritorial representatives by the County Commission for five-year terms. The Commissioners shall serve without compensation. The Commissioners serve at the pleasure of the appointing Commission.

II MEETINGS

A. Regular Meetings – The Commission shall meet as determined by the Commission and published in accordance to the Land Development Code and North Dakota Century Code. If the regular meeting date shall fall on a holiday when City offices are generally closed, the meeting shall be rescheduled at a time to be determined by the Commission.

B. Special Meetings – The Chair or three Commissioners may from time to time call special meetings of the Commission with not less than twenty-four hours notice to Commission members. Telephonic meetings are prohibited.

C. Meeting Location – All regular meetings of the Commission shall be held in the Chambers of the City Commission, City Hall, Fargo, North Dakota, on the day and time specified in Section A above. Alternative locations may be specified and advertised in accordance with publication requirements. Special meetings may be held at other locations and at other times which shall be designated in the written notice of the special meeting.

D. Order of Business – The items of business to be considered at any regular or special meeting shall be specified on the notice of such meetings, which shall be the meeting agenda and which shall be transmitted to each member in the case of a regular meeting no later than three days immediately preceding the meeting date and, in the case of special meetings, at the time the meeting is noticed. The order of the agenda may be changed or late items may be added by the Commission.

E. Application for a Public Hearing – The written application is due in the Department of Planning and Development office as set forth in the established processing cycle of Article 20-0901.E of the Land Development Code.

If an application is to be continued at the request of the applicant, a motion must be made for the application to be continued to the following month's Commission agenda or date certain as requested. With the approval of the Commission, applications may be continued at the request of the Department of Planning and Development.

If an application is to be withdrawn, the applicant shall submit a written statement providing reasons for the withdrawal to the Department of Planning and Development at any time prior to public hearing. If a withdrawal letter is not submitted, the Commission hearing will take place.

If an applicant or opponent wishes, additional written information may be presented to the Department of Planning and Development at 200 Third Street North, Fargo, North Dakota, 58102, 24 hours prior to the public hearing.

Protest: The Commission will receive, by all who wish to protest on a specific case, comments in either written or verbal form. The comments received will be reported to the City Commission at their public hearing.

III
VOTING

All duly appointed Commission members, including the Chair and Vice-Chair, shall be entitled to one equal vote at any regular or special meeting except as indicated below. There shall be no voting by proxy.

The Commissioner declaring a conflict of interest concerning a matter before the Commission shall declare such a conflict at the time the matter is introduced for consideration and shall not vote nor participate in the discussion concerning the matter. The Commissioner declaring the conflict may remove oneself from the table and participate in the discussion as a member of the public.

All matters presented for Commission consideration requiring affirmative action shall be decided by majority vote of the members present and voting.

IV
QUORUM

A quorum shall consist of a majority of the seated members of the Commission.

V
STANDING COMMITTEES

The Commission or City Commission may create standing or special committees of the Commission.

VI
ETHICS/CONDUCT

A. The Commission follows City of Fargo Employment Policy No. 300-005: Conduct/Ethics/Gift Policy.

B. The Commission follows City of Fargo Employment Policy No. 300-009: Federal Grants Ethics Policy.

VII
OTHER PROCEDURES

All operating procedures not specifically provided for herein shall be governed generally by the latest edition of Robert's Rules of Order which are hereby incorporated for purposes of reference. In the event any provisions of Robert's Rules of Order are inconsistent herewith, these Rules shall govern.

VIII
CONTROL OF LAW

The procedures and operations of the Commission shall be governed by applicable ordinances of the City of Fargo, North Dakota, laws of the State of North Dakota, and applicable

laws of the United States of America; and any provisions herein inconsistent or in conflict with such laws or ordinances shall be deemed void.

IX
AMENDMENT AND REPEAL

These procedural Rules may be amended or repealed from time to time by the affirmative vote of a majority of the duly appointed Commission members at a regular or special meeting. Such amendment or repeal shall be presented at one meeting and acted upon at the subsequent meeting.

X
ADOPTION AND FILING

These Rules shall be presented to the Commission for consideration at a regular or special meeting and shall be adopted only on affirmative vote of a majority of Commission members and made a permanent part of the record.

The undersigned Chair of the City of Fargo Planning Commission does hereby certify that the foregoing “Rules of Internal Procedure and Operations of the City of Fargo Planning Commission” were duly adopted by said Planning Commission on the 1st day of December, 2015.

_____

Chair of the Planning Commission