FARGO PLANNING COMMISSION AGENDA
Tuesday, October 6, 2015 at 4:00 P.M.

A: Approve Order of Agenda.

B: Minutes: Regular Meeting of September 1, 2015.

C: Brown Bag Luncheon - Wednesday, October 21, 2015.

D: Resolution of Appreciation for John Paulsen

E: Public Hearing Items:

1a. Continued Hearing on an application requesting a Zoning Change from LC, Limited Commercial and AG, Agricultural to SR-4, Single-Dwelling Residential of the proposed **Maple Valley Second Addition**. (Located at 3281 63rd Avenue South and 3019 64th Avenue South) (Advantage Realtors) (dl):

1b. Continued Hearing on an application requesting a Plat of **Maple Valley Second Addition** (Major Subdivision) a vacation plat of certain easements, a replat of Lot 1, Block 8, Maple Valley Addition, and a plat of part of the West Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3281 63rd Avenue South and 3019 64th Avenue South) (Advantage Realtors) (dl):

2a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential and P/I, Public and Institutional of the proposed **South Ridge First Addition**. (Located at 6483 21st Street South; 1990 and 2270 64th Avenue South) (PACES Lodging) (jn): CONTINUED TO NOVEMBER 3, 2015

2b. 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; 1990 and 2270 64th Avenue South) (PACES Lodging) (jn): CONTINUED TO NOVEMBER 3, 2015

3. 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) (an): CONTINUED TO NOVEMBER 3, 2015

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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.

4. Hearing on an application requesting a Plat of **Asleson Farms Third Addition** (Minor Subdivision) a replat of Lots 1, 2, 3, and 4, Block 1 of Asleson Farms Second Addition to the City of Fargo, Cass County, North Dakota. (Located at 3401, 3481, 3523, and 3575 41st Street South) (Valley Realty Inc.) (dl):

5. Hearing on an application requesting a Plat of **Gamma Fargo Addition** (Minor Subdivision) a replat of Block 1 of Pracs Addition to the City of Fargo, Cass County, North Dakota. (Located at 4801, 4837, and 4901 Amber Valley Parkway) (Helenske Design Group) (jn):

6. Hearing on an application requesting a Plat of **Vista Village Fifth Addition** (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Vista Village Addition to the City of Fargo, Cass County, North Dakota. (Located at 3611, 3625, and 3633 Lincoln Street South) (Olson Family Holdings, LLC) (dl):

7. Hearing on an application requesting a Plat of **Prairie Grove Fourth Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Prairie Grove First Addition to the City of Fargo, Cass County, North Dakota. (Located at 5257 27th Street South) (L2H Development LLC) (dl):

8. Hearing on an application requesting a Zoning Change from SR-2, Single-Dwelling Residential to LC, Limited Commercial on all of Lots 1-4, 15, and 16; and part of Lots 13 and 14, Block 1, **Knollbrook Addition**. (Located at 3025 7th Street North and 3030 Broadway North) (Adam Walker) (an):

9. Hearing on an application requesting a Conditional Use Permit to allow manufacturing and production in a GC, General Commercial zoning district on Lot 1, Block 1, **Sisters of Mary Addition**. (Located at 1102 Page Drive South) (Bullet Central LLC) (an):

10. Hearing on an application requesting a Plat of **Cottagewood Second Addition** (Minor Subdivision) a replat of Lots 31-42, Block 1, Cottagewood First Addition to the City of Fargo, Cass County, North Dakota. (Located at 4920-4930, 4936, 4938, 4944, 4946, 4952, 4954, 4960, 4962, 4968-4986 Avery Lane South) (Helenske Design Group) (jn):

11a. Hearing on an application requesting a Zoning Change from GO, General Office to MR-3, Multi-Dwelling Residential on Lot 3, Block 1 of the proposed **Autumn Fields Second Addition**. (Located at 4245 28th Avenue South) (Beyond Shelter, Inc.) (an): WITHDRAWN

11b. Hearing on an application requesting a Plat of **Autumn Fields Second Addition** (Minor Subdivision) a replat of Lot 1, Block 1 of Autumn Fields Addition to the City of Fargo, Cass County, North Dakota. (Located at 4245 28th Avenue South) (Beyond Shelter, Inc.) (an):

12. Hearing on an application requesting a Growth Plan Amendment within **Commerce on I-29 Addition** in the northwest quadrant at the intersection of 100th Avenue and Interstate 29. (Located at 3800, 3801, 3900, 4000, 4100 98th Avenue South and 9500, 9501, 9600, 9601, 9700 39th Street South) (PACES Lodging) (dl):

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13. Hearing on an application requesting a Conditional Use Permit to allow Manufacturing and Production Land Use in a GC, General Commercial zoning district on Lots 23 and 24, Block 18, **Reeve's Addition**. (Located at 1401 and 1405 1st Avenue North) (Craig Holdings LLC) (jn):

F: Other Items:

1. Review and Adopt Rules of Internal Procedure and Operations of the City of Fargo Planning Commission: CONTINUED TO NOVEMBER 3, 2015

2. Discuss new meeting time.

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**BOARD OF PLANNING COMMISSIONERS**
**MINUTES**

**Regular Meeting: Tuesday: September 1, 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, September 1, 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 Scherling. All Members present voted aye and the motion was declared carried.

**Item B: Minutes: Regular Meeting of August 4, 2015**

Member Fischer moved the minutes of the August 4, 2015 Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

**Item C: Wednesday, September 16, 2015 Brown Bag Luncheon**

Topic: Planning Commission 101

**Item D: Resolution of Appreciation for Terry Steen**

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FARGO:

WHEREAS, Terry Steen was appointed to the Fargo Planning Commission on December 19, 2011 and served for 3-1/2 years; and

WHEREAS, Terry Steen gave of his time to serve his community in a capacity that required careful thought and consideration to benefit the community; and

WHEREAS, Terry Steen served as a liaison to the business community; and

WHEREAS, Terry Steen brought to the Planning Commission a better understanding of the concerns and values of Cass County residents representing the extraterritorial jurisdiction; and

WHEREAS, Terry Steen participated with the Planning Commission on supporting the implementation of the GO2030 Fargo Comprehensive Plan; and

WHEREAS, Terry Steen allowed City staff, his fellow Planning Commissioners, and the public the privilege of working with an individual who exhibits exemplary diplomacy, respect, and courteous patience.

NOW, THEREFORE, BE IT RESOLVED, that the Fargo Planning Commission does hereby acknowledge with gratitude and appreciation the time and personal interest Terry Steen devoted to the Fargo Planning Commission.

BE IT FURTHER RESOLVED, that this Resolution be inscribed upon the permanent record of the Planning Commission and thereby the City of Fargo, and that a certified copy be forwarded to Mr. Steen.

Member Fischer moved the Resolution of Appreciation for Terry Steen be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

**Item E: Resolution of Appreciation for Jeff Morrau**

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF FARGO:

WHEREAS, Jeffrey Morrau was appointed to the Fargo Planning Commission on June 21, 2004 and served for 11 years; and

WHEREAS, Jeffrey Morrau gave of his time to serve his community in a capacity that required careful thought and consideration to benefit the community with his architecture and design expertise; and

WHEREAS, Jeffrey Morrau participated with the Planning Commission on several important projects, including; updating the 2007 Growth Plan, and the Fargo Sign Code; and

WHEREAS, Jeffrey Morrau participated with the Planning Commission on the creation and adoption of the GO2030 Fargo Comprehensive Plan; and

WHEREAS, Jeffrey Morrau participated as a Member of the Metropolitan Council of Governments Policy Board; and

WHEREAS, Jeffrey Morrau participated as a Member of the Comprehensive Plan Steering Committee; and

WHEREAS, Jeffrey Morrau allowed City staff, his fellow Planning Commissioners, and the public the privilege of working with an individual who exhibits exemplary diplomacy, respect, and courteous patience.

NOW, THEREFORE, BE IT RESOLVED, that the Fargo Planning Commission does hereby acknowledge with gratitude and appreciation the time and personal interest Jeffrey Morrau devoted to the Fargo Planning Commission.

BE IT FURTHER RESOLVED, that this Resolution be inscribed upon the permanent record of the Planning Commission and thereby the City of Fargo, and that a certified copy be forwarded to Mr. Morrau.

Member Schneider moved the Resolution of Appreciation for Jeffrey Morrau be approved. Second by Member Magelky. All Members present voted aye and the motion was declared carried.

**Item F: Public Hearing Items:**

**Item 1: 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): CONTINUED TO NOVEMBER 3, 2015**
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, the Hearing was continued to August 4, 2015. At the August 4, 2015 meeting, the Hearing was continued to this date and time; however, the applicant has requested the application be continued to November 3, 2015.

**Item 2: Maple Valley Second Addition**
**a. Continued Hearing on an application requesting a Zoning Change from LC, Limited Commercial and AG, Agricultural to SR-4, Single-Dwelling Residential of the proposed Maple Valley Second Addition. (Located at 3281 63rd Avenue South and 3019 64th Avenue South) (Advantage Realtors): CONTINUED TO OCTOBER 6, 2015**

**b. Continued Hearing on an application requesting a Plat of Maple Valley Second Addition (Major Subdivision) a vacation plat of certain easements, a replat of Lot 1, Block 8, Maple Valley Addition, and a plat of part of the West Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3281 63rd Avenue South and 3019 64th Avenue South) (Advantage Realtors): CONTINUED TO OCTOBER 6, 2015**
This was the date and time set; however, the applicant has requested the application be continued to October 6, 2015.

**Item 3: Timber Creek Fifth Addition**
**a. Continued Hearing on an application requesting a Zoning Change from GO, General Office with a C-O, Conditional Overlay to GO, General Office with a modification of the C-O, Conditional Overlay of the proposed Timber Creek Fifth Addition. (Located at 5100, 5170, and 5180 Prosperity Way South) (PACES Lodging): APPROVED**

**b. Continued Hearing on an application requesting a Plat of Timber Creek Fifth Addition (Minor Subdivision) a replat of Lots 23 and 24, Block 5, Timber Creek First Addition to the City of Fargo, Cass County, North Dakota. (Located at 5100, 5170, and 5180 Prosperity Way South) (PACES Lodging): APPROVED**
This item was presented after Item 9.

A Hearing had been set for August 4, 2015. At the August 4, 2015 meeting, the Hearing was continued to this date and time.

Planning Administrator Nicole Crutchfield presented the staff report. Ms. Crutchfield stated all approval criteria have been met and staff is recommending approval.

Member Steffes moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed minor subdivision and zoning change from GO, General Office with a C-O, Conditional Overlay to GO, General Office with a modified C-O, Conditional Overlay as outlined within the staff report, 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 Land Development Code. Second by Member Schneider. On call of the roll Members Fremstad, Brust, Scherling, Schneider, Steffes, Magelky, Gunkelman, Fischer, and Ulferts Stewart voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

**Item 4: Commerce on I29 Addition**
**Hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay on all of Commerce on I29 Addition. (Located at 3800, 3801, 3900, 4000, 4100, and 4101 98th Avenue South; 9500, 9501, 9600, 9601, and 9700 39th Street South; 9505 42nd Street South) (PACES Lodging): DENIED**
This item was presented after Item 9.

Nicole Crutchfield presented the staff report and briefly explained the background relating to the added condition staff is including with the recommendation. Ms. Crutchfield stated all approval criteria have been met and staff is recommending approval.

Board discussion included concerns about dust control, stormwater and impervious cover, and the cost of paving versus gravel in the rear of any future developments.

Applicant Nate Vollmuth, Paces Lodging, spoke on behalf of the proposal.

Jesse Riley, area property owner, spoke in favor of the proposal.

Member Schneider moved the findings and recommendations of staff be denied and denial be recommended to the City Commission of the zoning change from GC, General Commercial with a C-O, Conditional Overlay to LI, Limited Industrial with a C-O, Conditional Overlay on the basis that it does not comply with the GO2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Brust. On call of the roll Members Scherling, Fremstad, Brust, Fischer, Schneider, and Ulferts Stewart voted aye. Members Gunkelman, Steffes, and Magelky voted nay. Absent and not voting: Member Stofferahn. The motion was declared carried.

**Item 5: Subdivision of Lots 65, 66, 67, and 68, Ohmer's Subdivision**
**Hearing on an application requesting a Conditional Use Permit to allow Group Living in an SR-3, Single-Dwelling Residential zoning district on Lot 20, Subdivision of Lots 65, 66, 67, and 68, Ohmer's Subdivision. (Located at 1350 12th Street North) (Steve and Rachelle Bill): DENIED**
Planner Aaron Nelson presented the staff report. Mr. Nelson explained this request is to allow occupancy of four unrelated occupants in the existing house; however, the Land Development Code for this SR-3 zoning district classification does not allow occupancy of more than 3 persons in the existing house. He noted a signed petition included in the packet from neighborhood residents in opposition of the request. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

Applicants and property owners Steve and Rachelle Bill, 1009 63rd Avenue North, Moorhead, MN, spoke on behalf of their request.

The following area property owners spoke in opposition of the proposal stating their concerns about current issues with existing renters; adding more rental properties in the neighborhood; and setting a precedent if this request is approved:

Martha Berryhill, 1354 12th Street North
Jim Laschkewitsch, 1016 College Street

Discussion by the Board ensued regarding the City's rental inspection procedures, review schedules, and permitting requirements; setting a precedent if approved; the need for the CUP in order to allow a fourth occupant in the house that is currently occupied by three renters; and if the CUP is revocable upon inappropriate/disruptive behavior by the renter(s).

Member Schneider moved the Conditional Use Permit to allow Group Living in an SR-3, Single-Dwelling Residential zoning district be denied, as it does not comply with Section 20-0909.D (1-6) and all other requirements of the Land Development Code. Second by Member Fremstad. On call of the roll Members Stofferahn, Scherling, Fremstad, Fischer, Brust, Schneider, Magelky and Steffes voted aye. Members Gunkelman and Ulferts Stewart voted nay. The motion was declared carried.

**Item 6: Hinks Addition**
**Hearing on an application requesting a Zoning Change from GC, General Commercial to LC, Limited Commercial on part of Lot 4 and all of Lot 5, Block 1, Hinks Addition. (Located at 4445 17th Avenue South; 1650, 1680, and 1690 45th Street South) (Jonathan Casper): APPROVED**
Nicole Crutchfield presented the staff report. Ms. Crutchfield stated 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 zoning change from

GC, General Commercial to LC, Limited Commercial as outlined within the staff report, 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 Land Development Code. Second by Member Schneider. 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.

At 4:55 p.m. the Board took a recess.
All Members present after recess except Member Stofferahn.

**Item 7: Hector's Subdivision**
**Hearing on an application requesting a Zoning Change from GC, General Commercial with a C-O, Conditional Overlay to LI, Limited Industrial with the extinguishment of the C-O, Conditional Overlay on part of Lot 13, Hector's Subdivision. (Located at 1801, 1809, 1811, 1817, 1833, and 1841 43rd Street North) (Eastland Investments): APPROVED**
Member Brust declared a conflict of interest on this item as was excused from voting.

Aaron Nelson presented the staff report. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from GC, General Commercial with a C-O, Conditional Overlay to LI, Limited Industrial with the extinguishment of the C-O, Conditional Overlay, 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 Land Development Code. Second by Member Fischer. On call of the roll Members Gunkelman, Fremstad, Fischer, Steffes, Magelky, Schneider, Scherling, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Member Stofferahn. The motion was declared carried.

**Item 8: Urban Plains Rec Facility Addition**
**Hearing on an application requesting a Conditional Use Permit to allow Residential Land Use within a LC, Limited Commercial zoning district on Lots 1-6, Block 1, Urban Plains Rec Facility Addition. (Located at 4920 and 4974 30th Avenue South; 4921, 4955, and 4973 32nd Avenue South; 3131 49th Street South) (Enclave Development, LLC): APPROVED**
Member Brust declared a conflict of interest on this item and was excused from voting.

Aaron Nelson presented the staff report. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

At 5:07 p.m. the applicant was present.

Applicant Austin Morris, Enclave Development, spoke on behalf of the proposal, and submitted a document to the Board depicting a site plan of the proposed apartment complex and mixed-use building.

The Board discussed parkland that was dedicated at the time of initial platting, and the proposed layout of the site plan regarding the buildings identified for mixed-use and for apartments only

Member Magelky moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Residential Land Use within the LC, Limited Commercial zoning district be approved, 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-Dwelling Residential zoning district (24 units per acre).

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

Second by Member Steffes. On call of the roll Members Steffes, Fischer, Gunkelman, Fremstad, Schneider, Scherling, Magelky, and Ulferts Stewart voted aye. Member Brust abstained from voting. Absent and not voting: Member Stofferahn. The motion was declared carried.

**Item 9: Richard 3rd Subdivision**
**Hearing on an application requesting a Conditional Use Permit to allow Industrial Service Land Use within a GC, General Commercial zoning district on Lot 4, Block 1, Richard 3rd Subdivision. (Located at 6219 53rd Avenue South) (Lowry Engineering): APPROVED**
Nicole Crutchfield presented the staff report explaining the applicant is requesting the CUP to allow Greenscape Companies, Inc. to store landscaping equipment and/or materials on-site. Ms. Crutchfield noted staff's concern regarding this location's proximity as it relates to the City's future growth plan, and she read the conditions that are being recommended to the Board. Ms. Crutchfield stated all approval criteria have been met and staff is recommending approval with conditions.

Applicant representative Andrew Thill, Lowry Engineering, asked if an amendment could be added to allow the option of an earthen burum in lieu of a fence to hide the storage areas from public right-of-way. Ms. Crutchfield responded stating the current Land Development Code requirement is a fence.

Joe Burgum, 514 10th Avenue South, spoke about his concern regarding this location and setting a precedent of what can be constructed in the future.

Chris Stokke, owner of Greenscape Companies, Inc., spoke on behalf of the request.

Member Steffes moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Industrial Service land use in a GC, General Commercial zoning district be approved, 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. A Land Development Code compliant site plan approval must be obtained within 8 months.

2. All non-compliant issues must be addressed within 12 months of the building permit approval.

3. The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever; nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by fence, screen wall, or building extension

4. Outdoor storage areas shall not cover more than 50% of the open space of the development, nor be located within the front or street side setback areas of the development. Outdoor storage areas shall be fenced in a manner that is not visible from public right-of-way, and shall have fence heights that will visually block any items stored within. Fences exceeding 8.5 feet in height must follow the required building setbacks as outlined within the Land Development Code. For the purposes of determining allowable outdoor storage area, open space shall be defined as the total area of the lot minus the area of the sum of the area of all building footprints on the lot.

5. Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards), shall have an all-weather surface, as defined by the Land Development Code.

6. The Conditional Use Permit shall terminate if the following conditions are not satisfied and/or if the industrial service use ceases for a period of more than 12 consecutive months.

Second by Member Gunkelman. On call of the roll Members Fischer, Magelky, Steffes, Gunkelman, Scherling, and Ulferts Stewart voted aye. Members Fremstad, Brust, and Schneider voted nay. Absent and not voting: Member Stofferahn. The motion was declared carried.

**Item 10: South Ridge First Addition**

**a. Hearing on an application requesting a Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential of the proposed South Ridge First Addition. (Located at 1990 and 2270 64th Avenue South) (PACES Lodging): CONTINUED TO OCTOBER 6, 2015**

**b. 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 1990 and 2270 64th Avenue South) (PACES Lodging): CONTINUED TO OCTOBER 6, 2015**

This was the date and time set; however, the applicant has requested the application be continued to October 6, 2015.

6:00 p.m. recess taken
All Members present after recess except Member Stofferahn.

**Item G: Other Items:**

**1. Review and Adopt Rules of Internal Procedure and Operations of the City of Fargo Planning Commission: CONTINUED TO OCTOBER 6, 2015**

This was the time and date set; however, this item will be continued to October 6, 2015.

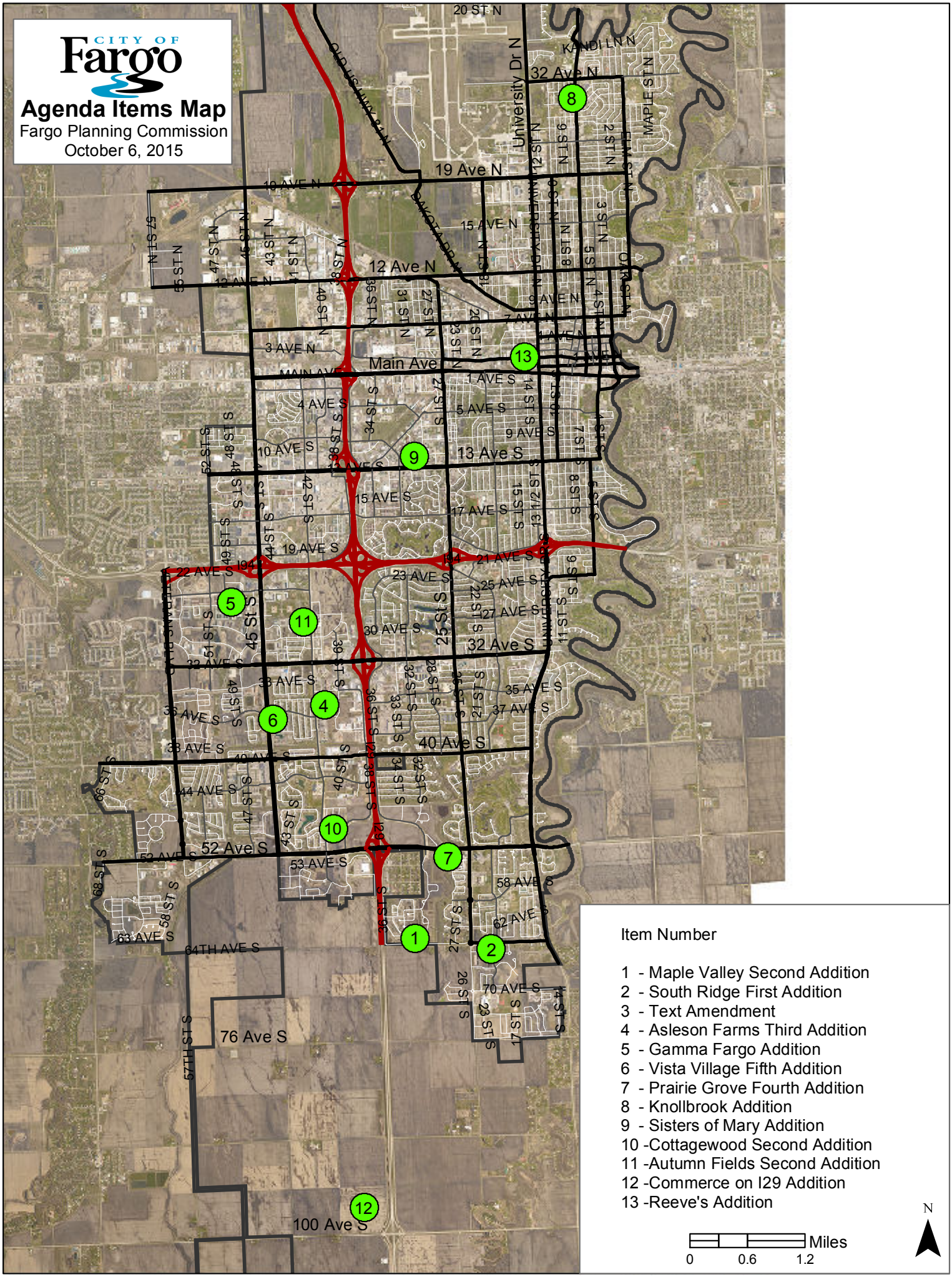
**2. Consideration of 2nd Avenue North / Roberts Street Tax Increment Financing Plan (TIF): APPROVED**

**3. Consideration of 4th Avenue North / Broadway Tax Increment Financing Plan (TIF): APPROVED**

Planning Director Jim Gilmour presented the Tax Increment Financing (TIF) Renewal Plans for items G2 and G3. He noted these two sites are recommended by the Parking Commission upon their review of five identified sites in the downtown area. Mr. Gilmour stated he is requesting the Board's recommendation to the City Commission that both plans are consistent with the City's GO2030 Comprehensive Plan. He added, upon approval, the next step in the process will be to sell bonds for the building of a parking structure on one of these two sites.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the Renewal Plans 2015-03 and 2015-02, and that it is consistent with the GO2030 Fargo Comprehensive Plan. Second by Member Brust. On call of the roll Members Brust, Schneider, Scherling, Steffes, Fischer, Fremstad, Magelky, Gunkelman, and Ulferts Stewart voted aye. Absent and not voting: Member Stofferahn. The motion was declared carried.

The time at adjournment was 6:28 p.m.


CITY OF Fargo
Agenda Items Map
Fargo Planning Commission
October 6, 2015
Item Number
1 - Maple Valley Second Addition
2 - South Ridge First Addition
3 - Text Amendment
4 - Asleson Farms Third Addition
5 - Gamma Fargo Addition
6 - Vista Village Fifth Addition
7 - Prairie Grove Fourth Addition
8 - Knollbrook Addition
9 - Sisters of Mary Addition
10 -Cottagewood Second Addition
11 -Autumn Fields Second Addition
12 -Commerce on I29 Addition
13 -Reeve's Addition
Miles
0
0.6
1.2
N
19 Ave N
12 Ave N
Main Ave
13 Ave S
32 Ave S
40 Ave S
52 Ave S
76 Ave S
100 Ave S
University Dr N
45 St S
25 St S
I29
I94

| Item # | 1a.,1b. |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Maple Valley Second Addition | **Date:** | 9-30-15 |
| **Location:** | 3281 63 Ave S & 3019 64 Ave S | **Staff Contact:** | Derrick LaPoint |
| **Owner(s)/Applicant:** | MBL Properties/ Bob Erickson | **Engineer:** | |
| **Reason for Request:** | Major Subdivision (Replat of Lot 1, Block 8, Maple Valley Addition & Part of the West ¼ of Section 2, Township 138 North, Range 49 West), Zone Change (from AG, Agriculture & LC, Limited Commercial to SR-4, Single-Dwelling Residential) and Vacation Plat. | | |
| **Status:** | Planning Commission Public Hearing; October 6, 2015 | | |

| Existing | | Proposed |
|---|---|---|
| **Land Use:** Vacant | | **Land Use:** Residential |
| **Zoning:** AG, Agriculture & LC, Limited Commercial | | **Zoning:** SR-4, Single-Dwelling Residential & AG, Agriculture |
| **Uses Allowed:** AG, Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production.<br><br>LC – Limited Commercial. 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. | | **Uses Allowed:** SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities<br><br>AG, Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production. |
| **Maximum Density Allowed:**<br>AG allows a maximum of 1 dwelling unit per 10 acres.<br>LC allows a maximum 55% building coverage | | **Maximum Density Allowed:**<br>Maximum 12.1 units per acre<br><br>AG allows a maximum of 1 dwelling unit per 10 acres. |

**Proposal:**

The applicant is seeking approval of a major subdivision (Replat of Lot 1, Block 8, Maple Valley Addition & Part of the West ¼ of Section 2, Township 138 North, Range 49 West), Zoning Change (from AG, Agriculture and LC, Limited Commercial to SR-4, Single-Dwelling Residential and AG, Agriculture) and a Vacation Plat. The applicant is proposing a new residential development with two (2) blocks and sixty-five (65) lots. The subject property encompasses approximately 14.294 acres.

The final plat and amenity plan will be presented to the Public Works Project Evaluation Committee (PWPEC) on September 8, 2015 for their final review.

As identified in the amenities plan. The proposed Block 1, Lot 18 will be used as a privately maintained retention pond. The remaining lots will be developed into single-dwelling residential units. There is an existing shelter belt

located on the east side of the subject properties. The applicant will work with the City Forester, Scott Liudahl, to preserve as many existing trees as possible with the future development. The applicant has proposed a new public street, Maple Leaf Loop, to service the development. The proposed street will have access points on Maple Valley Drive S. and 33 St S. In addition, the applicant has shown right-of-way dedication to 64 Ave S located on the south side of the proposed development. This dedication is necessary for any future improvements on 64 Ave S.

Surrounding Land Uses and Zoning:

- North: SR-4, Single-Dwelling Residential with residential and vacant land;
- East: Across 31 St S is SR-2, Single-Dwelling Residential with vacant land;
- South: Across 64 Ave S is unplatted vacant land;
- West: Across Maple Valley Drive and 33 St S is SR-4, Single-Dwelling Residential, LC, Limited Commercial and P/I, Public and Institutional 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 low density residential. The low density classification will typically accommodate any SR zoning district. For background purposes, in 2007 as part of the Maple Valley subdivision approval a growth plan amendment was processed which did add a sliver of commercial acreage adjacent to the I29/64th Avenue intersection. Based on the submitted subdivision plat and associated zoning request (combination of SR4 and AG) the development is consistent with the intent of city growth plans.

Exhibit: Existing 2007 Growth Plan w/ Amendments

**Schools and Parks:**

**Schools:** The subject property is located within the Bennett Elementary School District Boundary, and is also served by Davies High School.
**Parks:** There are two local parks near the subject location, Maple Valley Park (north) and Silverleaf Park (northeast).
**Recreation Trails:** The nearest trail is located along 25 St S located west 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) in June, 2015 and the final subdivision amenity plan will be reviewed by PWPEC on September 8, 2015.
   **(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 is met before a major plat can be approved:

1. **Section 20-0907. of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
   The Growth Plan supports low to medium density residential land uses at this location; consistent with the requested SR-4 zoning classification. The remaining homestead on Block 1, Lot 28 will remain AG and will be zoned appropriately at a later date. Therefore, the petitioner is seeking the appropriate zone district classifications to accommodate the proposed development. **(Criteria Satisfied)**

2. **Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
   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**)

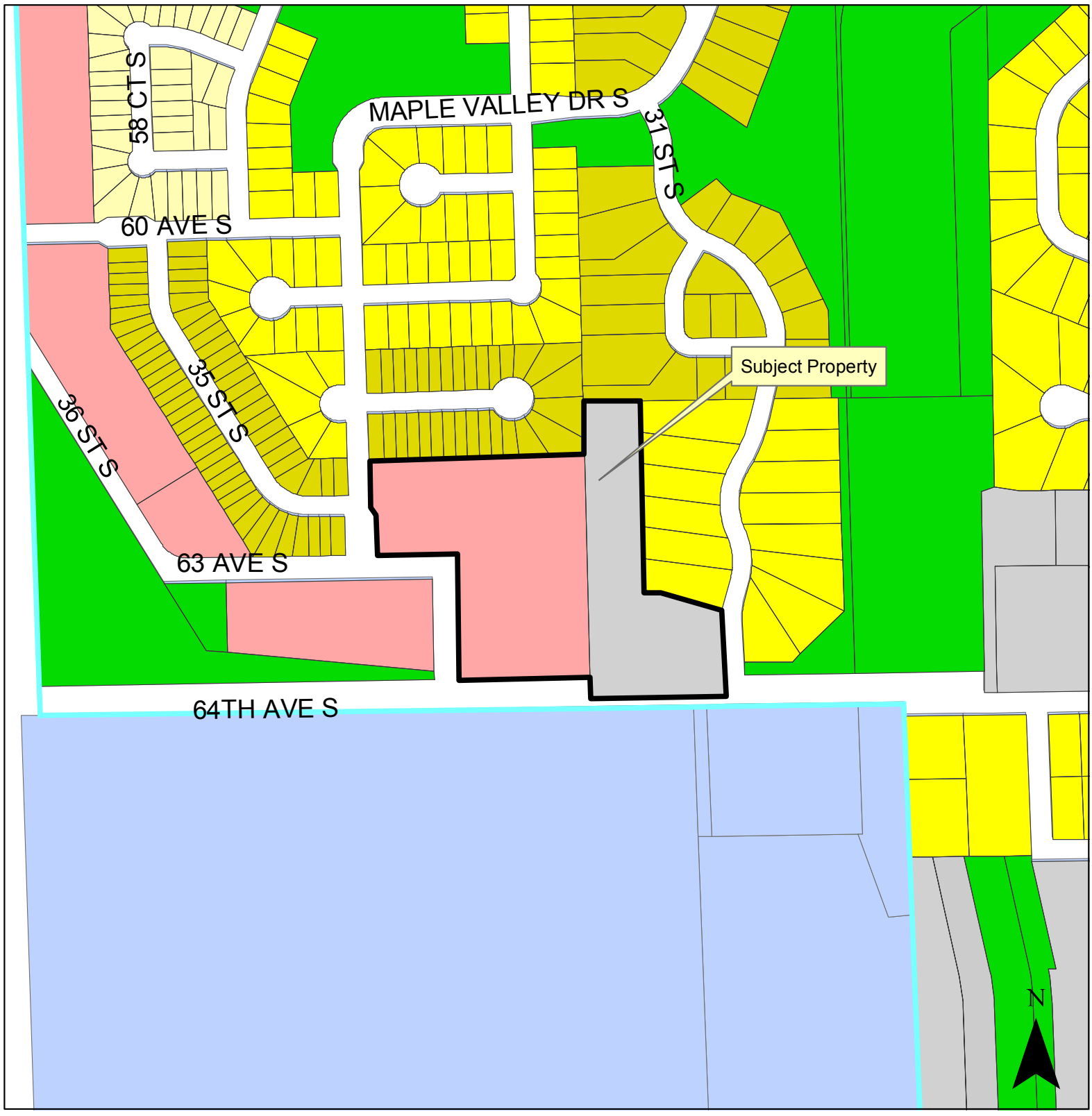
3. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   An executed subdivision amenity plan will address any necessary provisions for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

| |
|---|
| **Staff Recommendation:** October 6, 2015 |
| Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agriculture and LC, Limited Commercial to SR-4, Single-Dwelling Residential and AG, Agriculture; and 2) Maple Valley Second Addition 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:** |
| |

# Plat (Major Subdivision) and Zone Change (LC & AG to SR-4 & AG)

## Maple Valley Second Addition

3281 63rd Ave S &
3019 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

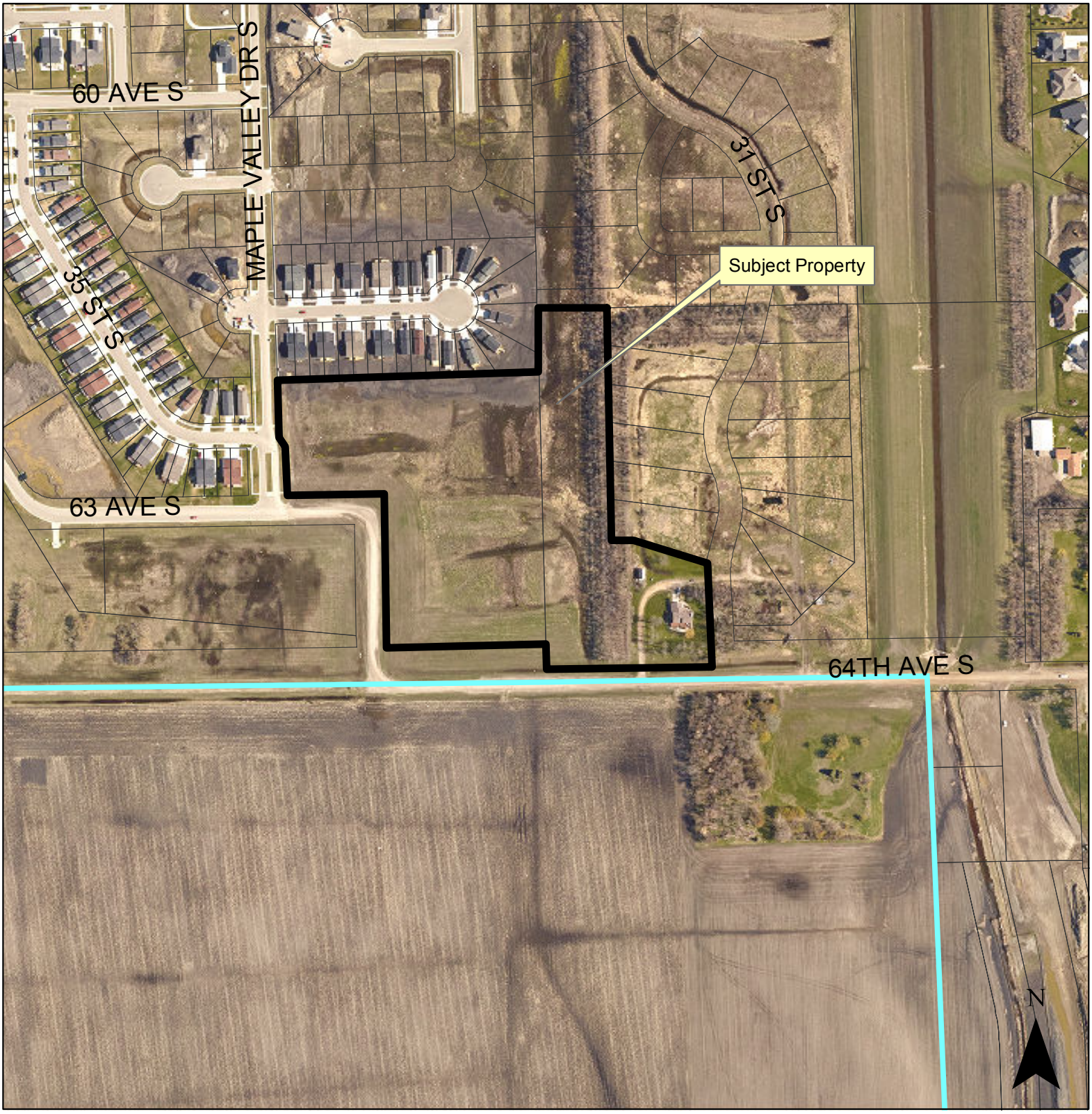
CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

# Plat (Major Subdivision) and Zone Change (LC & AG to SR-4 & AG)

## Maple Valley Second Addition

3281 63rd Ave S &
3019 64th Ave S

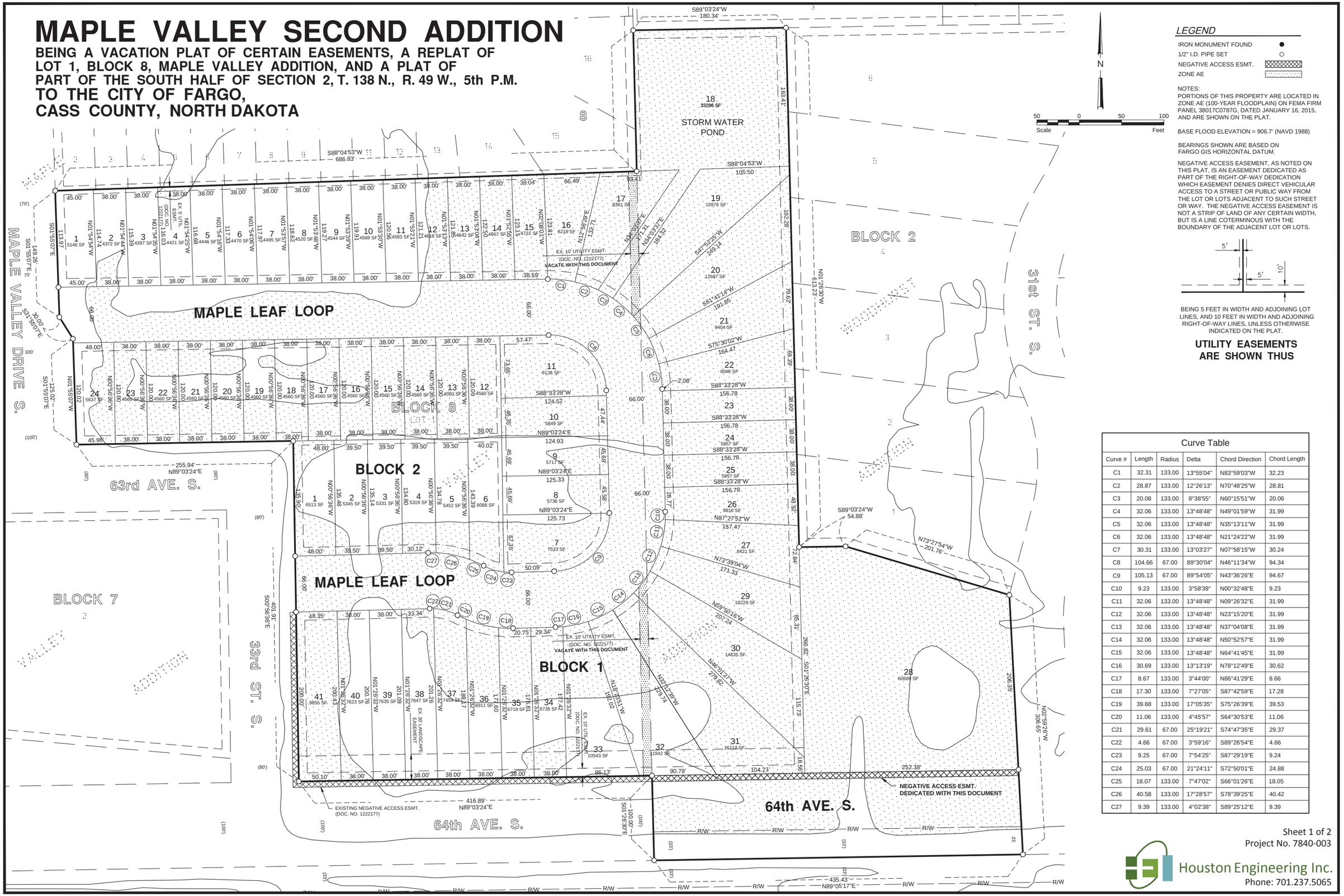



CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

# MAPLE VALLEY SECOND ADDITION

**BEING A VACATION PLAT OF CERTAIN EASEMENTS, A REPLAT OF LOT 1, BLOCK 8, MAPLE VALLEY ADDITION, AND A PLAT OF PART OF THE SOUTH HALF OF SECTION 2, T. 138 N., R. 49 W., 5th P.M. TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA**




## LEGEND

- IRON MONUMENT FOUND ●
- 1/2" I.D. PIPE SET ○
- NEGATIVE ACCESS ESMT.
- ZONE AE

NOTES:
PORTIONS OF THIS PROPERTY ARE LOCATED IN ZONE AE (100-YEAR FLOODPLAIN) ON FEMA FIRM PANEL 38017C0787G, DATED JANUARY 16, 2015, AND ARE SHOWN ON THE PLAT.

BASE FLOOD ELEVATION = 906.7' (NAVD 1988)

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**

Curve Table

| Curve # | Length | Radius | Delta | Chord Direction | Chord Length |
|---|---|---|---|---|---|
| C1 | 32.31 | 133.00 | 13°55'04" | N83°59'03"W | 32.23 |
| C2 | 28.87 | 133.00 | 12°26'13" | N70°48'25"W | 28.81 |
| C3 | 20.08 | 133.00 | 8°38'55" | N60°15'51"W | 20.06 |
| C4 | 32.06 | 133.00 | 13°48'48" | N49°01'59"W | 31.99 |
| C5 | 32.06 | 133.00 | 13°48'48" | N35°13'11"W | 31.99 |
| C6 | 32.06 | 133.00 | 13°48'48" | N21°24'22"W | 31.99 |
| C7 | 30.31 | 133.00 | 13°03'27" | N07°58'15"W | 30.24 |
| C8 | 104.66 | 67.00 | 89°30'04" | N46°11'34"W | 94.34 |
| C9 | 105.13 | 67.00 | 89°54'05" | N43°36'26"E | 94.67 |
| C10 | 9.23 | 133.00 | 3°58'39" | N00°32'48"E | 9.23 |
| C11 | 32.06 | 133.00 | 13°48'48" | N09°26'32"E | 31.99 |
| C12 | 32.06 | 133.00 | 13°48'48" | N23°15'20"E | 31.99 |
| C13 | 32.06 | 133.00 | 13°48'48" | N37°04'08"E | 31.99 |
| C14 | 32.06 | 133.00 | 13°48'48" | N50°52'57"E | 31.99 |
| C15 | 32.06 | 133.00 | 13°48'48" | N64°41'45"E | 31.99 |
| C16 | 30.69 | 133.00 | 13°13'19" | N78°12'49"E | 30.62 |
| C17 | 8.67 | 133.00 | 3°44'00" | N86°41'29"E | 8.66 |
| C18 | 17.30 | 133.00 | 7°27'05" | S87°42'59"E | 17.28 |
| C19 | 39.68 | 133.00 | 17°05'35" | S75°26'39"E | 39.53 |
| C20 | 11.06 | 133.00 | 4°45'57" | S64°30'53"E | 11.06 |
| C21 | 29.61 | 67.00 | 25°19'21" | S74°47'35"E | 29.37 |
| C22 | 4.66 | 67.00 | 3°59'16" | S89°26'54"E | 4.66 |
| C23 | 9.25 | 67.00 | 7°54'25" | S87°29'19"E | 9.24 |
| C24 | 25.03 | 67.00 | 21°24'11" | S72°50'01"E | 24.88 |
| C25 | 18.07 | 133.00 | 7°47'02" | S66°01'26"E | 18.05 |
| C26 | 40.58 | 133.00 | 17°28'57" | S78°39'25"E | 40.42 |
| C27 | 9.39 | 133.00 | 4°02'38" | S89°25'12"E | 9.39 |


Project No. 7840-003

Houston Engineering Inc.
Phone: 701.237.5065

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# MAPLE VALLEY SECOND ADDITION

## BEING A VACATION PLAT OF CERTAIN EASEMENTS, A REPLAT OF LOT 1, BLOCK 8, MAPLE VALLEY ADDITION, AND A PLAT OF PART OF THE SOUTH HALF OF SECTION 2, T. 138 N., R. 49 W., 5th P.M. TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE:
KNOW ALL PERSONS BY THESE PRESENTS: That MBL Properties, LLP, a North Dakota Limited Liability Partnership; and Terry King and Rhonda King, husband and wife; are the owners and proprietors of Lot 1, Block 8, Maple Valley Addition to the City of Fargo, Cass County, North Dakota, together with that part of the South Half of Section 2, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

BEGINNING at the Southeast Corner of the Southwest Quarter of said Section 2; thence South 89°03'24" West (Assumed Bearing), along the southerly line of the Southwest Quarter of said Section 2, for a distance of 330.01 feet to the Southeast Corner of Maple Valley Addition; thence North 01°26'30" West, along the easterly boundary of said Maple Valley Addition, for a distance of 980.06 feet to a corner point on the boundary of said Maple Valley Addition, said corner point also being the Southwest Corner of Prairie Farms Addition; thence North 89°03'24" East, along the southerly boundary of said Prairie Farms Addition, for a distance of 180.34 feet to the Northwest Corner of Woodhurst Addition; thence South 01°26'30" East, along the westerly boundary of said Woodhurst Addition, for a distance of 613.23 feet to a corner point on the boundary of said Woodhurst Addition; thence North 89°03'24" East, along the southerly boundary of said Woodhurst Addition, for a distance of 54.88 feet to a corner point on the boundary of said Woodhurst Addition; thence South 73°27'54" East, along the southerly boundary of said Woodhurst Addition, for a distance of 201.76 feet to a corner point on the boundary of said Woodhurst Addition; thence South 02°59'26" East, along the westerly boundary of said Woodhurst Addition, for a distance of 306.65 feet to a point of intersection with the southerly line of the Southeast Quarter of said Section 2; thence South 89°11'11" West, along the southerly line of the Southeast Quarter of said Section 2, for a distance of 105.42 feet to the POINT OF BEGINNING.

Said tract of land contains 14.628 acres, more or less.

And that said parties have caused the same to be surveyed and platted and replatted as **MAPLE VALLEY SECOND ADDITION** to the City of Fargo, Cass County, North Dakota, do hereby vacate the easements as designated for vacation on the plat, do hereby dedicate and convey to the public, for public use, the streets, utility easements, and negative access easements shown on the plat, and do hereby dedicate to the present and future owners of the lots herein platted, the landscape easement shown on the plat.

OWNERS:

MBL Properties, LLP

_____
Lee Peyerl, Managing Partner

_____
Terry King

_____
Rhonda King

State of _____ )
) ss
County of _____ )

On this _____ day of _____, 20____ before me personally appeared Lee Peyerl, Managing Partner of MBL Properties, LLP, a North Dakota Limited Liability Partnership, 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 Partnership.

Notary Public: _____

State of North Dakota )
) ss
County of Cass )

On this _____ day of _____, 20____ before me personally appeared Terry King and Rhonda King, husband and wife, 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 as their free act and deed.

Notary Public: _____

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

Dated this _____day of _____, 20____.

_____
Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota )
) ss
County of Cass )

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

Notary Public: _____

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

_____
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 he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

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

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota )
) ss
County of Cass )

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

Notary Public:_____

Sheet 2 of 2
Project No. 7840-003

Houston Engineering Inc.
Phone: 701.237.5065

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**Site Amenities and**
**Project Plan**
**Maple Valley Second Addition**

**Location**: The subject property is located east of Maple Valley Dr. South of 64th Avenue North. The platted acreage associated with Maple Valley Second Addition comprises approximately 12.653 acres. (See attached description)

**Details**: The project includes 65 lots on 2 blocks. This is a SR-4 family lot subdivision. Lot 18, Block 1 will be defined for a local retention pond to additionally take care of storm water requirements for this development.

The storm water detention report completed by HEI for Maple Valley Second Addition dated August 11, 2015 identifies the analysis, design and placement of the retention area on Lot 18, Block 1.

The development of the retention area will be constructed as part of the Project Development and the cost assessed evenly over the subdivision lots. All construction of the pond, landscaping, seeding, and access should be included in the special assessments.

The maintenance of Lot 18, Block 1 will be through a Home Owners Association where fees will be collected to maintain the storm water component of this development.

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

- ROW dedication for 64th Avenue South will be 100' from center of section.
- ROW dedication for all residential roadways shall be 66 feet.
- Street widths shall be 30 feet with parking allowed on both sides of the street, with appropriate signage to be installed by the City of Fargo at which time public improvements are completed.
- Street lighting shall be determined by the City Engineering Department and installed per city standards.
- 4.5 foot sidewalks shall be incorporated into the boulevards as required by §20.061 1-1

Other Details – to buffer from 64th Avenue South, an additional 20' beyond the utility easement will be developed as a landscape buffer easement. Developer will work with City Forester to determine species and spacing.

- Developer shall be responsible for coordinating the placement of group mailbox, parking signage and street light locations with the City of Fargo Engineering Department. These details shall be determined and agreed upon prior to construction of any public improvements.
- Sidewalks and Tree Planting: Sidewalks and boulevard trees shall be completed by the property owner as soon as practical and at minimum within twelve (12) month upon receipt of a certificate of occupancy, unless otherwise noted. These items are considered part of building construction and shall be completed in conjunction with final grading.

**Flood Protection**: Maple Valley 2nd Addition will be protected from flooding with the following measures:

Internal Flooding: rainfall or spring event induced:

1. Storm sewer systems designed and installed to city standards

FEMA Floodplain Expansion: All residential construction shall meet the Floodproof Construction Requirements as outlined in policy.

**Water Supply**: The City of Fargo shall design, own and operate the water main system.

**Engineering and Construction Improvements**: All engineering design and construction of public improvements will be funded and performed by the developer. See specific Developer's Agreement for additional details.

**Funding if Improvements**: As specifically indicated in the Special Assessment Coordination letter, any future assessments that would otherwise be attributed to Maple Valley Second Addition shall be based on Front Footage Standards.

**Tree Preservation**: Efforts shall be made in the layout, design, and construction of residences to preserve as many trees as possible in the existing shelter belt.

The amenity plan is hereby approved:

MBL Properties LLP — 8-26-15 Date

April Walker, City Engineer — Date

DESCRIPTION – PROPOSED MAPLE VALLEY SECOND ADDITION:

Lot 1, Block 8, Maple Valley Addition to the City of Fargo, Cass County, North Dakota.

together with

That part of the Southwest Quarter of Section 2, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

COMMENCING at the Southeast Corner of the Southwest Quarter of said Section 2; thence South 89°03'24" West (Assumed Bearing), along the southerly line of the Southwest Quarter of said Section 2, for a distance of 149.67 feet to the TRUE POINT OF BEGINNING; thence continue South 89°03'24" West, along the southerly line of the Southwest Quarter of said Section 2, for a distance of 180.34 feet to the Southeast Corner of Maple Valley Addition; thence North 01°26'30" West, along the easterly boundary of said Maple Valley Addition, for a distance of 980.06 feet to a corner point on the boundary of said Maple Valley Addition, said corner point also being the Southwest Corner of Prairie Farms Addition; thence North 89°03'24" East, along the southerly boundary of said Prairie Farms Addition, for a distance of 180.34 feet to the Northwest Corner of Woodhurst Addition; thence South 01°26'30" East, along the westerly boundary of said Woodhurst Addition, for a distance of 613.23 feet to a corner point on the boundary of said Woodhurst Addition; thence continue South 01°26'30" East for a distance of 366.83 feet to the TRUE POINT OF BEGINNING.

Said tract of land contains 12.653 acres, more or less, and is subject to easements as may be of record.

| Item # | 4 |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Asleson Farms 3rd Addition | **Date:** | 9-28-2015 |
| **Location:** | 3401, 3481, 3523 & 3575 41st St S | **Staff Contact:** | Derrick LaPoint |
| **Owner(s)/Applicant:** | George Gaunkler/ Mark Richman (Valley Realty) | **Engineer:** | N/A |
| **Reason for Request:** | Minor Subdivision ( Replat of Lots 1-4, Block 1, *Asleson Farms 2nd Addition*) | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Vacant | | **Land Use:** unchanged |
| **Zoning:** MR-2, Multi-Dwelling Residential | | **Zoning:** unchanged |
| **Uses Allowed:** MR-2 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities | | **Uses Allowed:** unchanged |
| **Maximum Density Allowed:** MR-2 allows a maximum of 20 dwelling units per acre | | **Maximum Density Allowed:** unchanged |

**Proposal:**

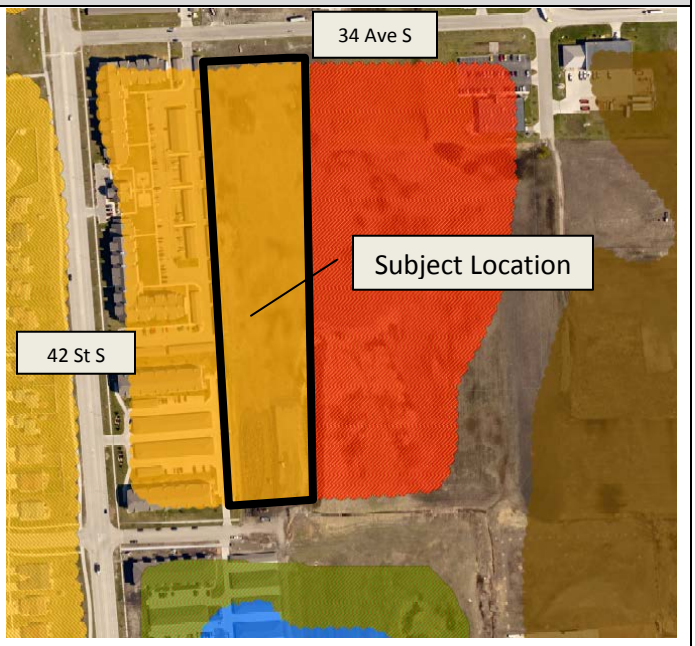
The applicant is seeking approval of a minor subdivision entitled *Asleson Farms 3rd Addition,* which is a replat of Lot 1-4, Block 1, Asleson Farms 2nd Addition into one (1) block and four (4) lots. The subject property is located at 3401, 3481, 3523 & 3575 41st St S. and encompasses approximately 7.996 acres.

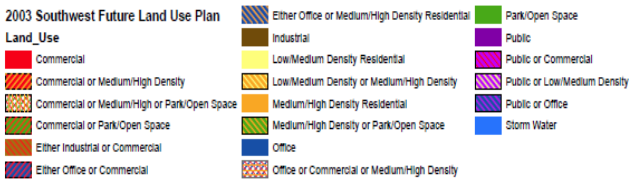
Surrounding Properties

- North: Across 34 Ave S are apartments zoned MR-2, Multi-Dwelling Residential;
- South: Across 36 Ave S are apartments zoned MR-3, Multi-Dwelling Residential and vacant land zoned P/I, Public and Institutional;
- East: Across future 41 St S is vacant land zoned AG, Agriculture;
- West: Apartments zoned MR-3, Multi-Dwelling Residential.

**Area Plans:**

The subject property is located within the 2003 Southwest Future Land Use Plan, which is an amendment of the Southwest Area Plan as contained within the Urban Fringe and Extraterritorial Area of the City of Fargo land use plan. Within this growth plan, the subject property is identified as being suitable for medium to high density residential.




**Schools and Parks:**

**Schools:** This property is located within the Fargo School District including Kennedy Elementary, Discovery Middle School and Davies High School.
**Parks:** The subject property is located within a quarter-mile of Pointe West Park.
**Trails:** An off-road bike facility is located along the 42 St S, east of the subject property, which connects 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 adjust legal lot lines and create an additional lot for future development. The existing use is consistent with the existing zoning and the growth plan for the area. 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. In addition, staff did not receive any inquiries or concerns from the general public through the public notification process.
   **(Criteria Satisfied)**

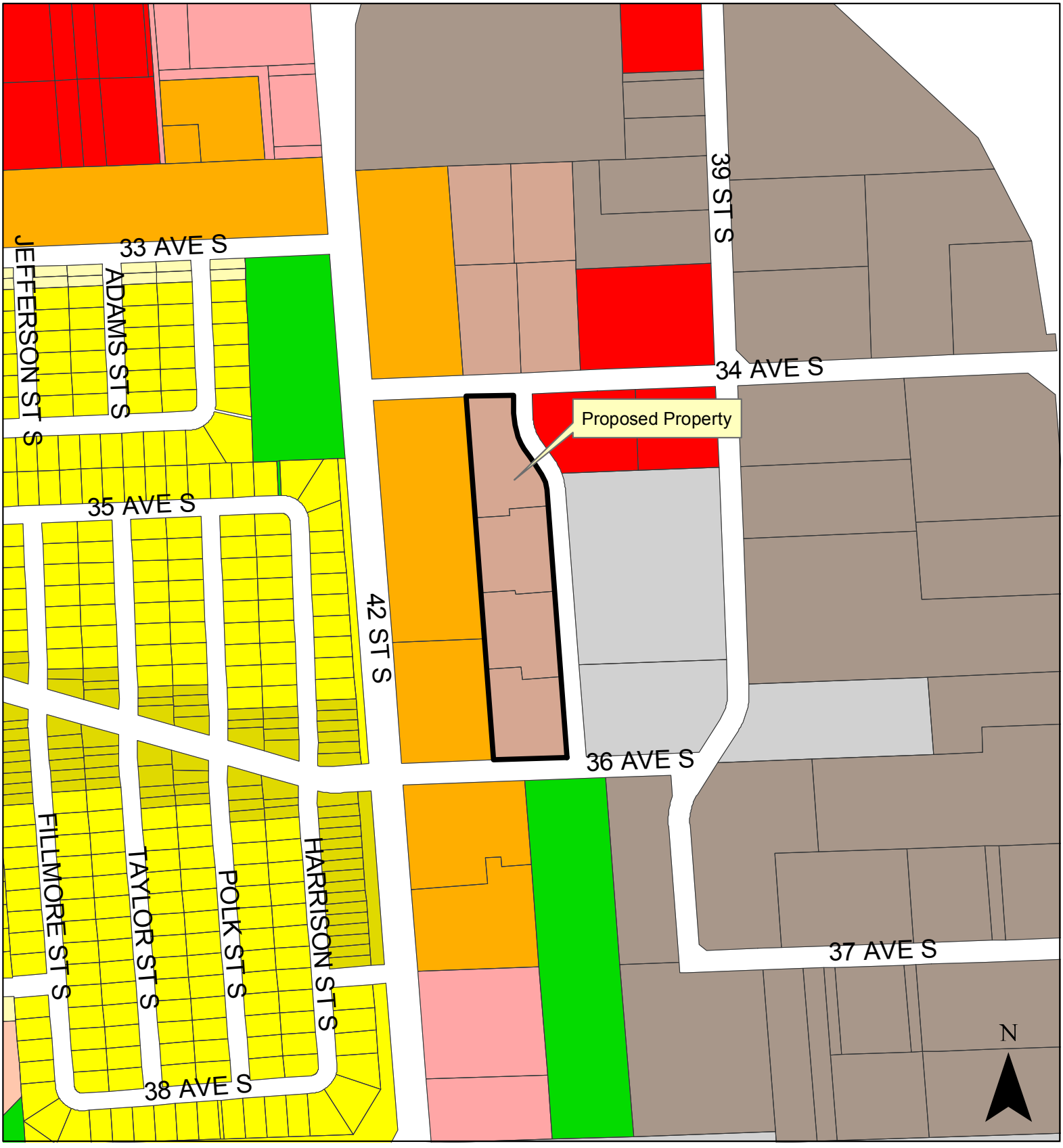
2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats,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

| |
|---|
| improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals.<br>**(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, *Asleson Farms 3rd 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:** October 6, 2015 |
| |

# Plat (Minor Subdivision)

## Asleson Farms Third Addition

3401, 3481, 3523 & 3575 41st St 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**
**October 6, 2015**

# Plat (Minor Subdivision)

## Asleson Farms Third Addition

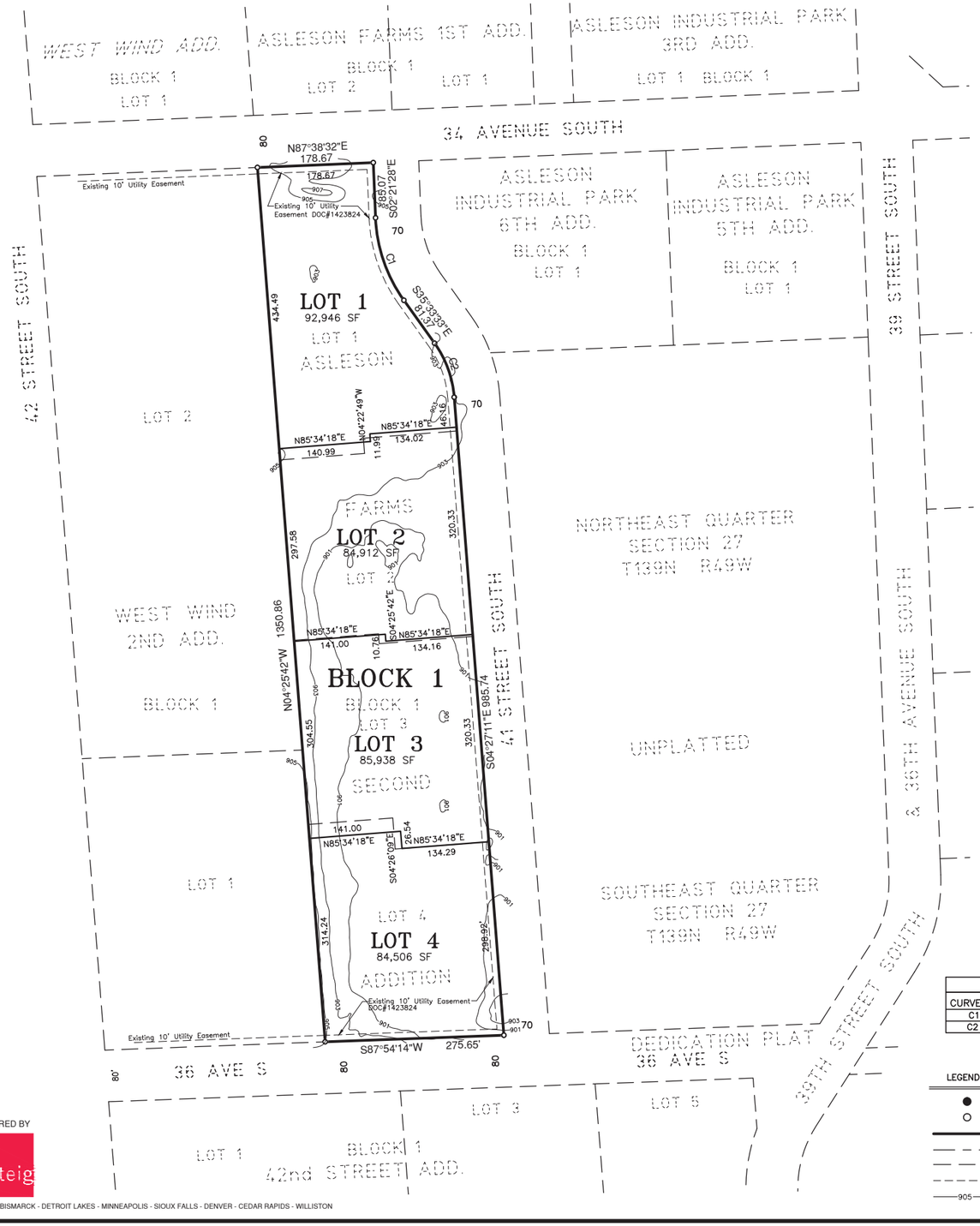
3401, 3481, 3523 & 3575 41st St S

CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

# ASLESON FARMS THIRD ADDITION

A REPLAT OF LOTS 1, 2, 3 & 4, BLOCK 1 OF ASLESON FARMS SECOND ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)




## OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That George Gaukler, an individual whose address is Fargo, North Dakota as owner of a parcel of land located in the East Half of Section 27, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lots 1, 2, 3 and 4, Block 1 of ASLESON FARMS SECOND ADDITION to the City of Fargo, according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

The above described parcel contains 348,302 square feet or 7.996 acres, more or less.

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

OWNER: George Gaukler

By: _____
George Gaukler, an individual

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 George Gaukler, an individual 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

## NOTE

This plat lies entirely within the 100 year floodplain.
Base flood Elevation=906.0
Contours shown hereon were taken from City of Fargo LIDAR contour drawings.
Benchmark: The southeast flange bolt on the fire hydrant located at the southwest corner of Lot 2, Block 1, West Wind 2nd Addition. Elev.=907.13(NAVD88)

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA | CHORD | CHD BEARING |
| C1 | 136.18 | 235.00 | 33°12'05" | 134.28 | S18°57'31"E |
| C2 | 89.58 | 165.00 | 31°06'22" | 88.48 | S20°00'22"E |

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-6703"
- SUBJECT PROPERTY LINE
- SECTION LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- 905 CONTOUR LINE

N W E S

0 50 100 200
SCALE IN FEET
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE PLAT OF ASLESON FARMS SECOND ADDITION

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2015.

_____
April E. Walker, City Engineer

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 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 _____, 2015.

_____
Jan Ulferts Stewart, Planning Commission Chair

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 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 _____, 2015.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

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 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

JSZ 9/28/15 R14-00265-P-3rd.DWG

| Item # | 5 |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Gamma Fargo Addition | **Date:** | 9-25-2015 |
| **Location:** | 4801, 4837, & 4901 Amber Valley Parkway | **Staff Contact:** | Joe Nigg |
| **Owner(s)/Applicant:** | Gamma Fargo LLC / Helenske Design Group | **Engineer:** | Ulteig Engineers |
| **Reason for Request:** | Minor Subdivision (Replat of Block 1, Pracs Addition) | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Biomedical Research | | **Land Use:** unchanged |
| **Zoning:** LC, Limited Commercial | | **Zoning:** unchanged |
| **Uses Allowed:** LC – Limited Commercial. 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. | | **Uses Allowed:** unchanged |
| **Maximum Density Allowed:** Maximum 55% building coverage | | **Maximum Density Allowed:** unchanged |

**Proposal:**

The applicant is seeking approval of a minor subdivision plat entitled *Gamma Fargo Addition,* which is a replat of Lots 1-3, Block 1, Pracs Addition. The subject property is located at 4801, 4837, and 4901 Amber Valley Parkway, and encompasses approximately 14.65 acres. Formerly the location of Pracs Institute, the site is currently being utilized for biomedical research.

As submitted, the replat would effectively vacate a portion of an existing negative access easement along 23rd Avenue South and also vacates and re-establishes access easements for internal circulation purposes. In regards to 23rd Ave, when Pracs Addition was platted in 2000, a negative access easement was established along portions of the southern edge of 23rd Avenue South in order to limit or eliminate direct vehicular access to the street from adjacent lots. Currently all access to this site is located along Amber Valley Parkway to the south.

Surrounding Properties:

- North: Properties on the north-side of 23rd Avenue are zoned GC, General Commercial. There is an existing hotel at 4776 Agassiz Xing S (Hampton Inn & Suites) amongst a handful of undeveloped lots.
- South: Across Amber Valley Parkway S are apartments and commercial properties zoned MR-2, Multi-Dwelling Residential and LC, Limited Commercial;
- East: Immediately adjacent is an existing office/commercial development that is zoned GC, General Commercial;
- West: Acreage to the west includes a surface parking lot (4951 Amber Valley Parkway) and undeveloped

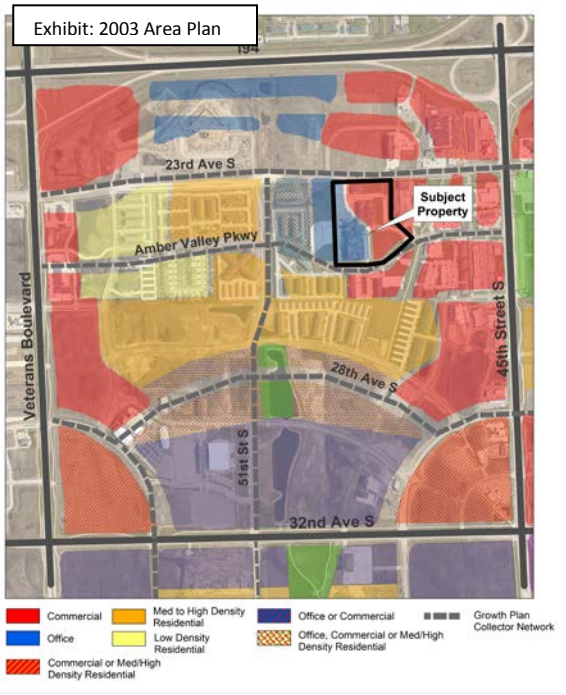
property at 4900 23rd Ave S.

**Area Plans:**

The subject property is located within the Southwest Area Plan as outlined within the 2001 Urban Fringe and Extraterritorial Area of the City of Fargo land use plan. This particular area plan was amended in part in 2003. The subject property is designated as being appropriate for office and commercial land uses.

The existing zoning on this property is LC, Limited Commercial which is consistent with the growth plan.

Exhibit: 2003 Area Plan




**Schools and Parks:**

**Schools:** This property is located within the West Fargo Public School District.

**Parks:** The subject property is located about a ¼ mile west of Tharaldson Baseball Park (2500 45th Street S / 2401 42nd Street SW) and about a ¼ mile north of the Urban Plains Park.

**Trails:** Existing shared use facilities in proximity to the subject property are located on 23rd Avenue and Amber Valley Parkway. These facilities connect into the more extensive trail network which runs through Amber Valley, Urban Plains and this general sub-area.

**Staff Analysis:**

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

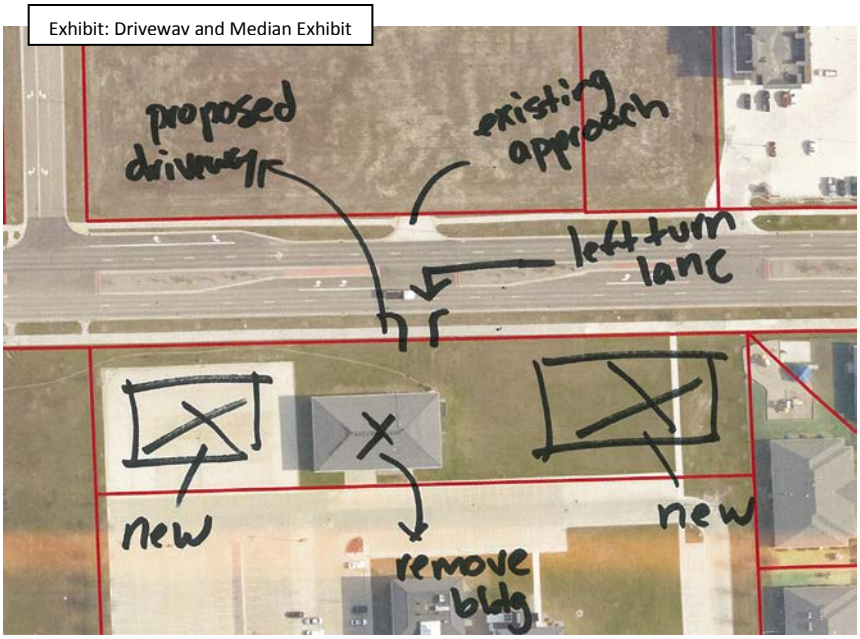
1. **Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 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 proposed plat, as submitted, meets the requirements of the Land Development Code (LDC). **(Criteria Satisfied**)

**Additional Discussion:**

<u>23rd Avenue Access</u> – As previously noted the replat would vacate a portion of an existing negative access easement that currently restricts driveway access to 23rd Avenue. The applicant intends to pursue a driveway cut to align with the existing approach on the north-side of 23rd Avenue which should provide opportunities to further build-out Lot 1, Block. The proposed driveway location has the appropriate spacing on 23rd Avenue and would operate as

a full movement intersection (at least as an interim condition). If the driveway is constructed to align with the vacated negative access easement the City will require the developer to modify the existing median on 23rd Avenue to include a westbound left turn lane. As per existing conditions, without the turn lane vehicles would stack in the through lane. The cost of this improvement would be the developer's responsibility including any necessary civil engineering costs. The City Engineering Department would review and approve the median modifications. The developer has stated that they intend to modify the median immediately (2016 improvement) and are currently working with Ulteig to finalize the civil engineering. If approved, the City will not record the replat until the Engineering Department has reviewed and approved the aforementioned civil engineering. This will eliminate the possibility that the property is platted and sold and a future owner, developer or builder is unaware that median changes are required in order to secure a driveway approach at this location. See graphic for additional details.

Exhibit: Drivewav and Median Exhibit




**Staff Recommendation:**

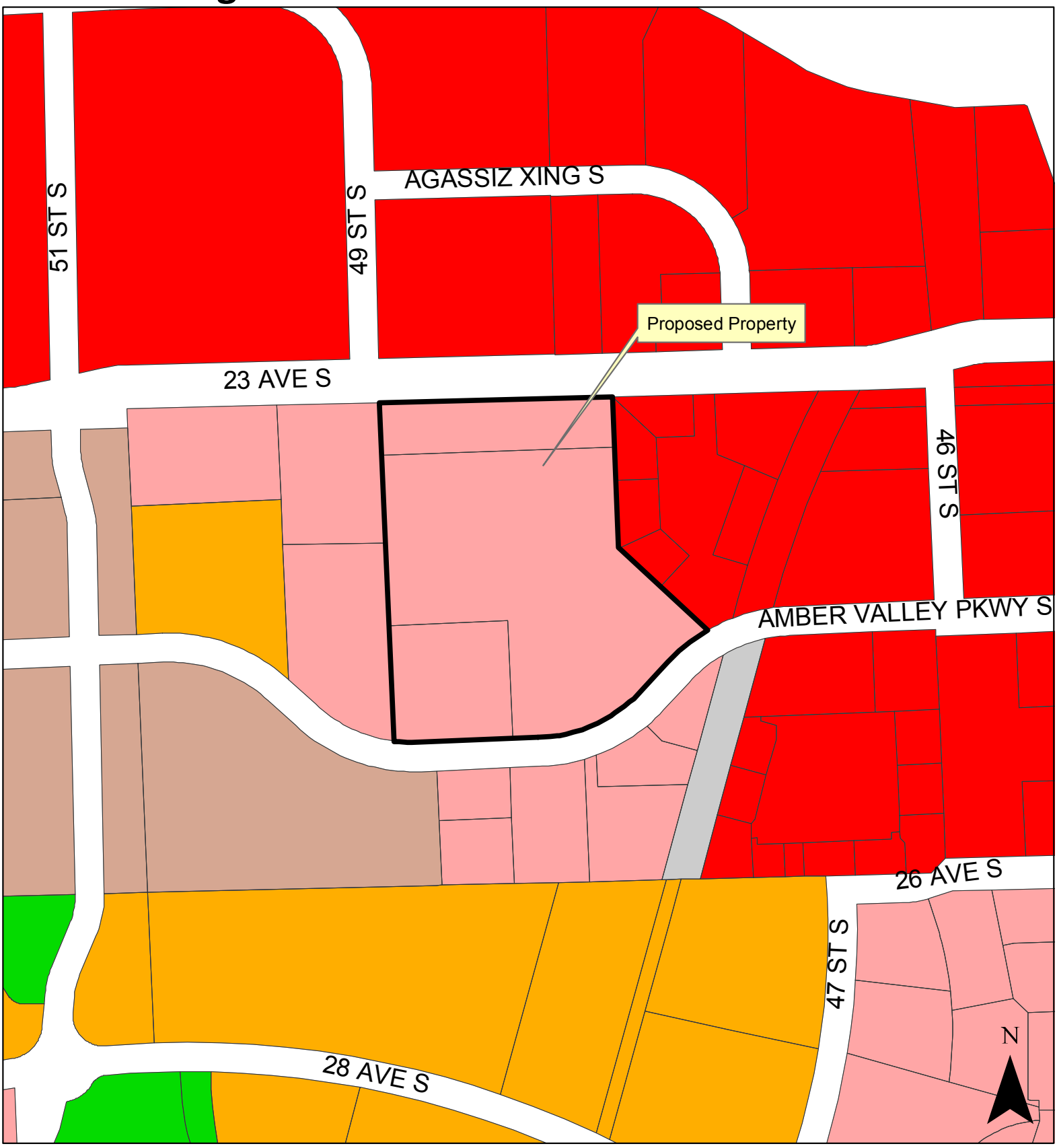
Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed minor subdivision plat, *Gamma Fargo Addition* as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article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

**Planning Commission Recommendation:** October 6, 2015

# Plat (Minor Subdivision)

## Gamma Fargo Addition

4801, 4837 & 4901 Amber Valley Parkway




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**
**October 6, 2015**

# Plat (Minor Subdivision)

## Gamma Fargo Addition

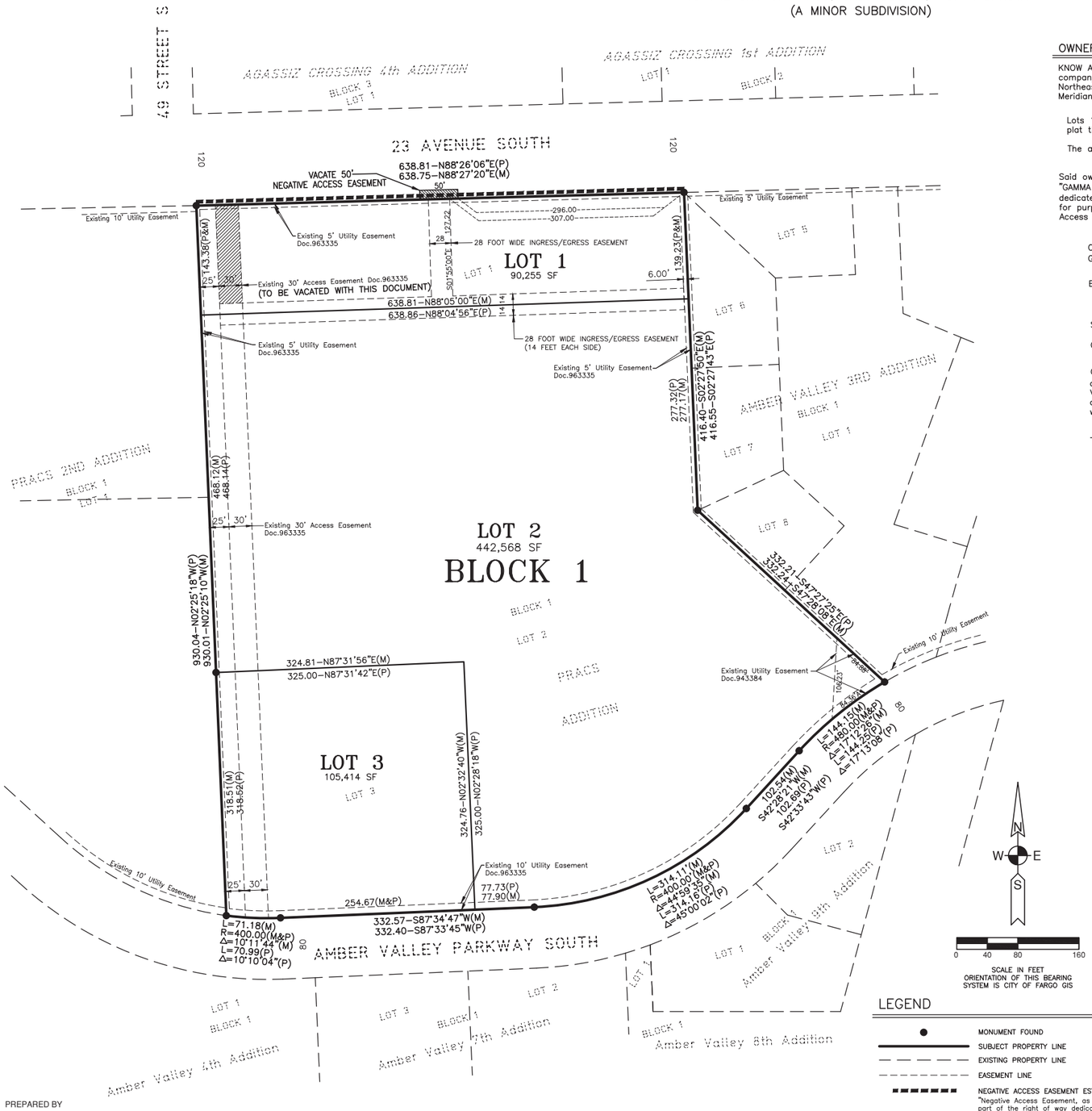
4801, 4837 & 4901 Amber Valley Parkway

CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

# GAMMA FARGO ADDITION

A REPLAT OF BLOCK 1 OF PRACS ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)




## OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Gamma Fargo LLC, a North Dakota limited liability company, whose address is Pittsburgh, Pennsylvania as owner of a parcel of land located in the Northeast Quarter of Section 21, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lots 1, 2 and 3 in Block 1 of Pracs Addition to the City of Fargo, according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota

The above described parcel contains 638,237 square feet or 14.65 acres, more or less.

Said owner has caused the above described parcel of land to be surveyed and platted as "GAMMA FARGO ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate the ingress/egress easement on Lots 1 & 2 as shown on this plat to Lots 1 & 2 for purposes so stated. Said parties further cause by said plat the vacation of the Negative Access Easement and access easement as shown on this plat.

OWNER:
Gamma Fargo LLC

By: _____
A. Christopher Seigle, Vice President – Authorized Signatory

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 A. Christopher Seigle, Vice President–Authorized Signatory, Gamma Fargo 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.

_____
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

## LEGEND

- MONUMENT FOUND
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- NEGATIVE ACCESS EASEMENT ESTABLISHED IN PLAT "AGASSIZ CROSSING FIRST ADDITION"
  "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".
- VACATE NEGATIVE ACCESS EASEMENT
- ACCESS EASEMENT TO BE VACATED

## CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2015.

_____
April E. Walker, City Engineer

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 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 _____, 2015.

_____
Jan Ulferts Stewart, Planning Commission Chair

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 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 _____, 2015.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

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 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

JSZ 9/30/15 R15–00774–P.DWG

**GAMMA FARGO LLC**
133 FREEPORT ROAD ■ PITTSBURGH, PENNSYLVANIA ■ 15215-2943

September 28, 2015

Mr. Joe Nigg, Planner
City of Fargo
Department of Planning & Development
200 North Third Street
Fargo, ND 58102

RE: Gamma Fargo Addition (Replat of Block 1 of PRACS Addition, City of Fargo)

Dear Mr. Nigg,

As you are aware, Gamma Fargo LLC has retained Helenske Design Group ("HDG") and Ulteig Engineers, Inc. ("UEI") to assist in obtaining approval for access to our property from 23rd Avenue.

It has come to our attention that, as a condition of approval, Gamma will be required to make modifications to the 23rd Avenue median creating a westbound left turn lane to service the contemplated access driveway. Gamma understands that, if approved, the costs of the median modifications, related engineering, and construction documents (all of which will be subject to the review and approval of the city engineering department), will be the sole responsibility of Gamma.

Please be advised that, as of this writing, Gamma has commenced the engineering necessary to proceed with bidding and subsequent construction of the driveway and attendant median modifications. If approved by the Planning Department and the City of Fargo, it is our plan to bid and award a contract for construction as soon as all approvals are obtained. Further, this initiative is not contingent on any other future development or redevelopment of our property; we intend to commence construction in the spring of 2016, as soon as weather permits.

Sincerely,

A. Christopher Seigle
Vice President, Authorized Signatory
acs@bradfordcapital.com

cc: G. Selbo, Nilles Law
C. Helenske, HDG
J. Zeltinger, UEI
File

| Item # | 6 |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Vista Village 5th Addition | **Date:** | 9-28-2015 |
| **Location:** | 3611, 3625 & 3633 Lincoln St S. | **Staff Contact:** | Derrick LaPoint |
| **Owner(s)/Applicant:** | Olson Family Holdings, LLC/ Travis Olson (Olson Family Holdings, LLC) | **Engineer:** | N/A |
| **Reason for Request:** | Minor Subdivision ( Replat of Lot 1 & 2, Block 1, *Vista Village Addition*) | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Vacant | | **Land Use:** unchanged |
| **Zoning:** LC, Limited Commercial | | **Zoning:** unchanged |
| **Uses Allowed:** LC – Limited Commercial. 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. | | **Uses Allowed:** unchanged |
| **Maximum Density Allowed:** Maximum 55% building coverage | | **Maximum Density Allowed:** unchanged |

**Proposal:**

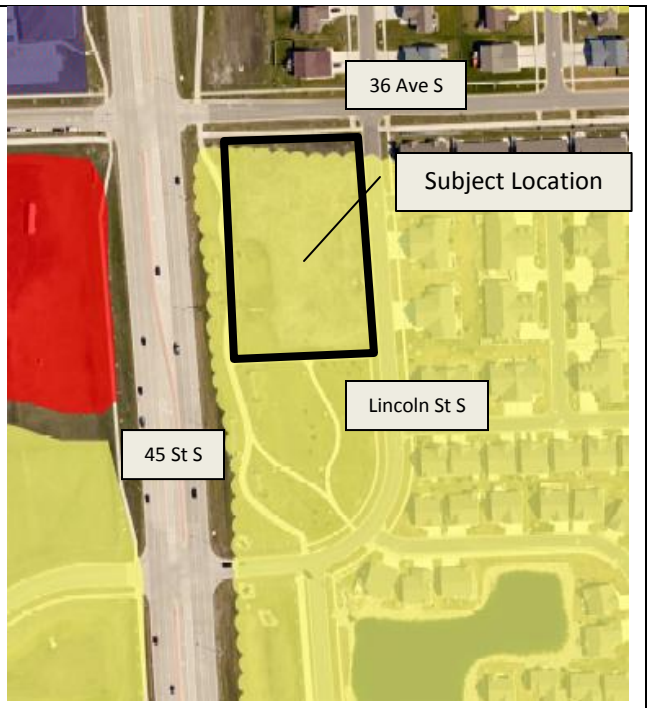
The applicant is seeking approval of a minor subdivision entitled *Vista Village 5th Addition,* which is a replat of Lot 1 & 2, Block 1, Vista Village Addition into one (1) block and two (3) lots. The subject property is located at 3611, 3625 & 3633 Lincoln St S and encompasses approximately 1.954 acres.

Surround Properties:

- North: Across 36 Ave S are twin homes zoned SR-4, Single-Dwelling Residential and vacant land zoned P/I, Public and Institutional;
- South: Vacant land zoned P/I, Public and Institutional;
- East: Across Lincoln St S are twin homes zoned SR-4, Single-Dwelling Residential;
- West: Bike trail zoned P/I, Public and Institutional.

**Area Plans:**

The subject property is located within the 2003 Southwest Future Land Use Plan, which is an amendment of the Southwest Area Plan as contained within the Urban Fringe and Extraterritorial Area of the City of Fargo land use plan. Within this growth plan, the subject property is identified as being suitable for low to medium density residential.




**Schools and Parks:**

**Schools:** This property is located within the Fargo School District including Kennedy Elementary, Discovery Middle School and Davies High School.
**Parks:** The subject property is located within a quarter-mile of Vista Village Park and Edgewood Village Park.
**Trails:** An off-road bike facility is located along the 45 St S, west of the subject property, which connects 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 adjust legal lot lines and create an additional lot for future development. The existing use is consistent with the existing zoning and the growth plan for the area. 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. In addition, staff did not receive any inquiries or concerns from the general public through the public notification process.
   **(Criteria Satisfied)**

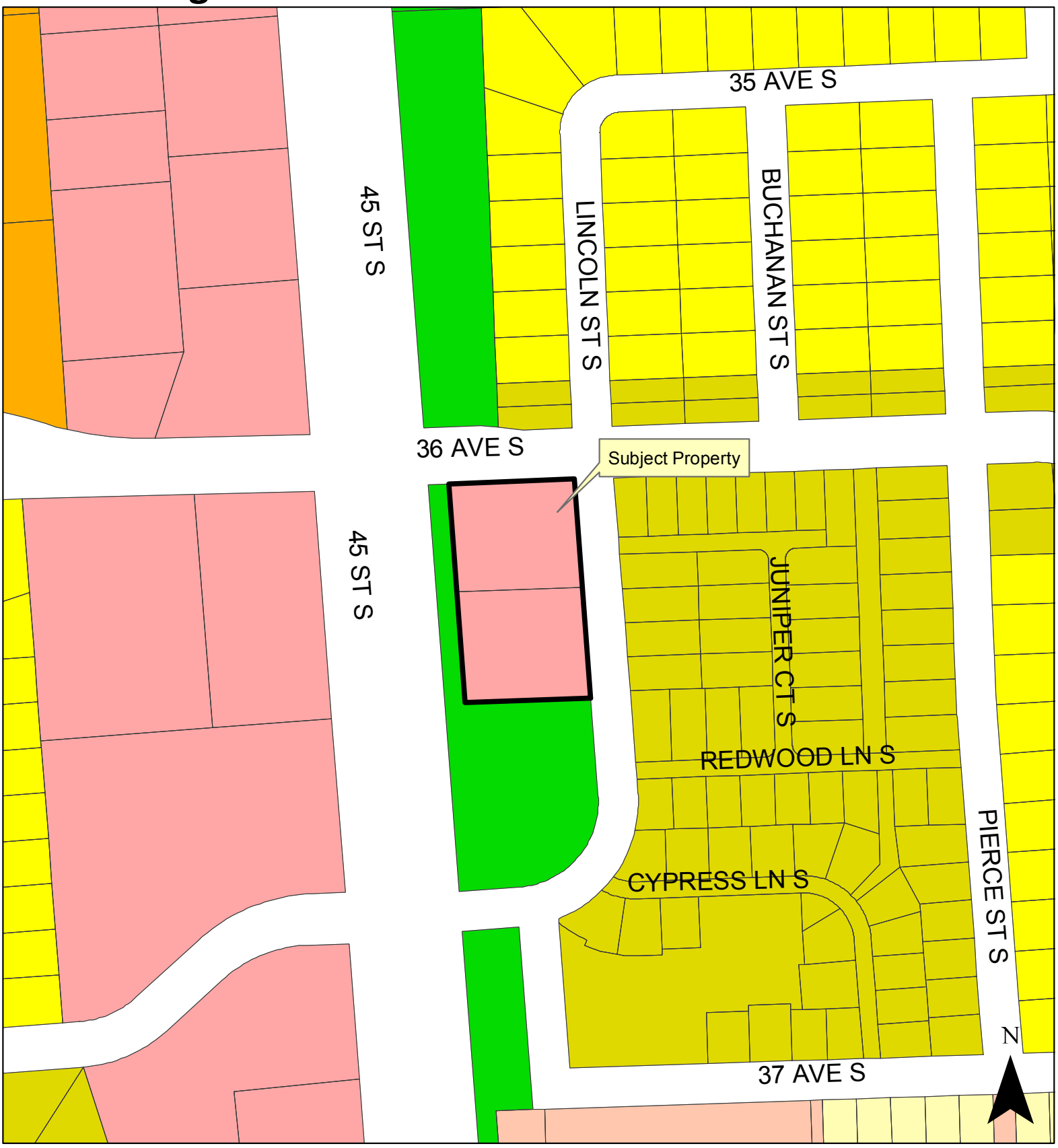
2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats,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

| |
|---|
| improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals.<br>**(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, *Vista Village 5th 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:** October 6, 2015 |
| |

# Plat (Minor Subdivision)

## Vista Village Fifth Addition

3611, 3625 & 3633 Lincoln St S




CITY OF Fargo

**Legend**

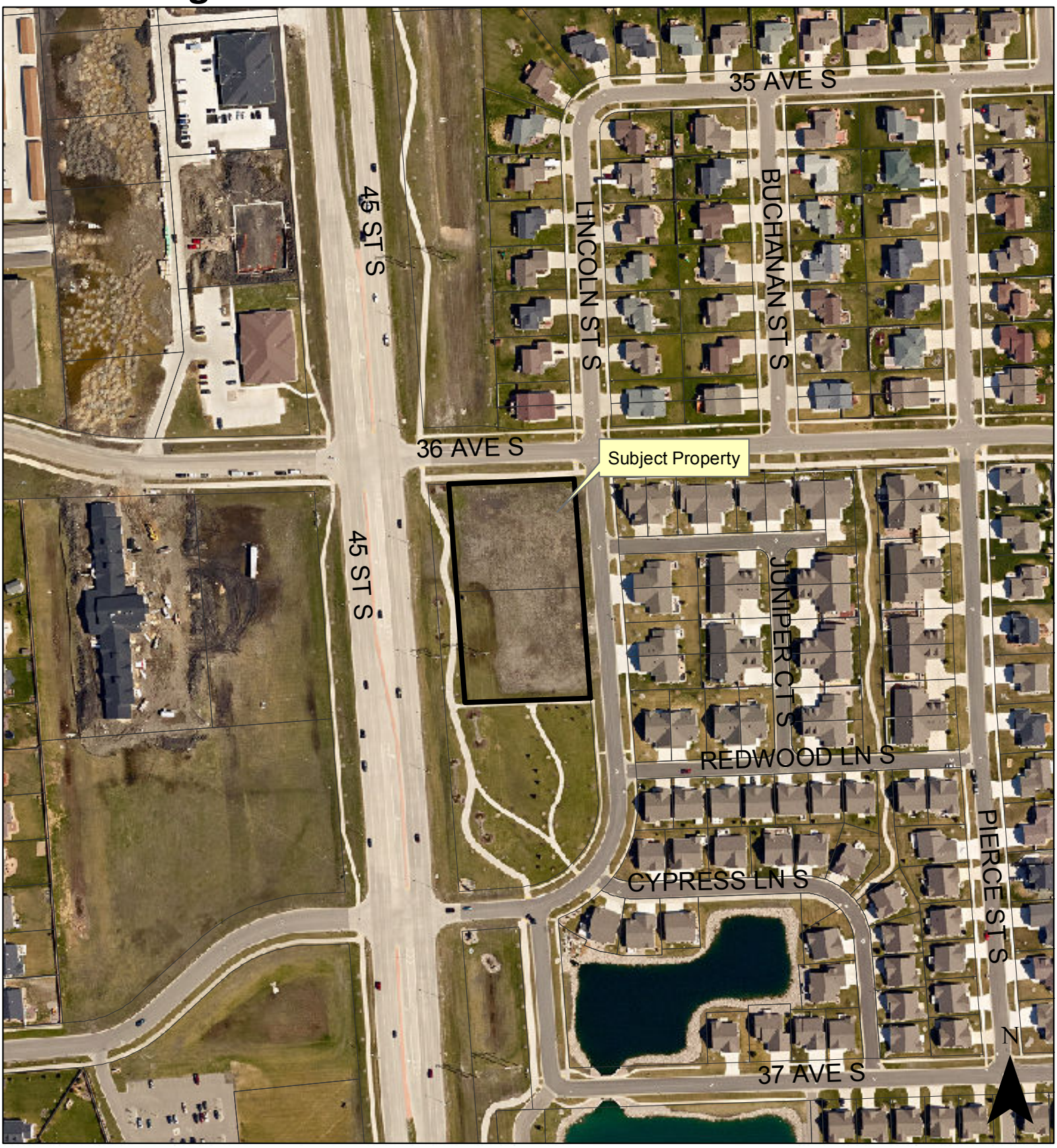
AG, LC, MHP, SR-2, DMU, LI, NC, SR-3, GC, MR-1, NO, SR-4, GI, MR-2, P/I, SR-5, GO, MR-3, UMU, City Limits

**Fargo Planning Commission**
**October 6, 2015**

# Plat (Minor Subdivision)

## Vista Village Fifth Addition

3611, 3625 & 3633 Lincoln St S




CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

A MINOR SUBDIVISION PLAT OF

# VISTA VILLAGE FIFTH ADDITION

## TO THE CITY OF FARGO, A REPLAT OF LOTS 1 AND 2, BLOCK 1, VISTA VILLAGE ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

N
W E
S

0 100
Scale in Feet

**LEGEND**

- ● IRON MONUMENT FOUND
- ○ SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #6571
- "NEGATIVE ACCESS EASEMENT"

BASIS OF BEARINGS: VISTA VILLAGE ADDITION TO THE CITY OF FARGO AS RECORDED.

"NEGATIVE ACCESS EASEMENT, AS NOTED ON THE ATTACHED 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".

## CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "VISTA VILLAGE FIFTH ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1 AND 2, BLOCK 1, VISTA VILLAGE ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOTS 1 AND 2, BLOCK 1, VISTA VILLAGE ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 1.95 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

REGISTERED LAND SURVEYOR
STEVEN W. HOLM
LS-6571
DATE
NORTH DAKOTA

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

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

## DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "VISTA VILLAGE FIFTH ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1 AND 2, BLOCK 1, VISTA VILLAGE ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNERS: OLSON FAMILY HOLDINGS, LLC.

BY: _____
TITLE: _____

MORTGAGEE: BLACKRIDGEBANK

BY: _____
TITLE: _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF OLSON FAMILY HOLDINGS, LLC.

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

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF BLACKRIDGEBANK.

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

## FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

JAN ULFERTS STEWART, CHAIRMAN

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED JAN ULFERTS STEWART, CHAIRMAN OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

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

## FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THE _____ DAY OF _____, 2015.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR, AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

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

## CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

APRIL E. WALKER, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED APRIL E. WALKER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

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

| Item # | 7 |
|---|---|

| *City of Fargo*<br>*Staff Report* | | | |
|---|---|---|---|
| **Title:** | Prairie Grove 4th Addition | **Date:** | 9-28-2015 |
| **Location:** | 5257 27 St S. | **Staff Contact:** | Derrick LaPoint |
| **Owner(s)/Applicant:** | Prairie Grove Inc./ Steve Iverson (L2H Development LLC) | **Engineer:** | N/A |
| **Reason for Request:** | Minor Subdivision ( Replat of Lot 2, Block 1, *Prairie Grove 1st Addition*) | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Vacant | | **Land Use:** unchanged |
| **Zoning:** LC, Limited Commercial | | **Zoning:** unchanged |
| **Uses Allowed:** LC – Limited Commercial. 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. | | **Uses Allowed:** unchanged |
| **Maximum Density Allowed:**<br>Maximum 55% building coverage | | **Maximum Density Allowed:**<br>unchanged |

**Proposal:**

The applicant is seeking approval of a minor subdivision entitled *Prairie Grove 4th Addition,* which is a replat of Lot 2, Block 1, Prairie Grove 1st Addition into one (1) block and three (3) lots. The subject property is located at 5257 27th St S. and encompasses approximately 2.683 acres.

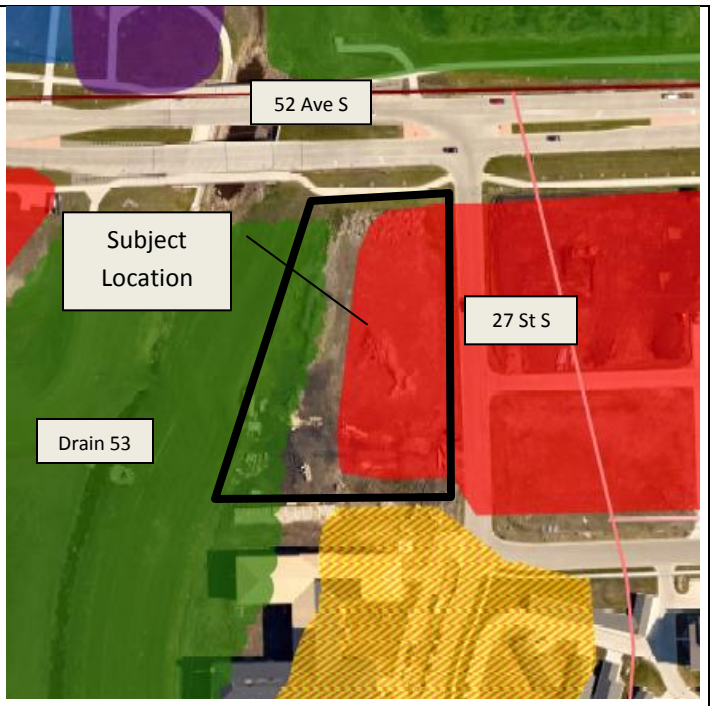
The subject location is adjacent to Drain 53. According to LDC 20-0610.F, No subdivision may be approved without a notation and delineation of an area 175' from the centerline of any legal drain and the applicant for subdivision approval will be required to dedicate such areas to the public for purposes of such drain. Lot 3 of the proposed Prairie Grove 4th Addition was created for the purpose of dedicating the remaining 175' of the drain setback to the Southeast Cass County Water Resource District.

Surround Properties:

- North: Across 52 Ave S is vacant land zoned SR-2, Single-Dwelling Residential;
- South: Apartments zoned MR-3, Multi-Dwelling Residential;
- East: Across 27 St S is vacant land and commercial zoned LC, Limited Commercial;
- West: Across Drain 53 is vacant land zoned AG, Agriculture and LC, Limited Commercial.

**Area Plans:**

The subject property is located within the *2001 Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo*. Within this growth plan, the subject property is identified as being suitable for commercial land uses and parkland along the west side of the lot (Drain 53).




**Schools and Parks:**

**Schools:** This property is located within the Fargo School District including Bennett Elementary, Discovery Middle School and Davies High School.
**Parks:** The subject property is located within a quarter-mile of Meadow Creek Park.
**Trails:** An off-road bike facility is located along the drain, west of the subject property, which connects 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 adjust legal lot lines and create an additional lot for future development. The existing use is consistent with the existing zoning and the growth plan for the area. 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. In addition, staff did not receive any inquiries or concerns from the general public through the public notification process.
   **(Criteria Satisfied)**

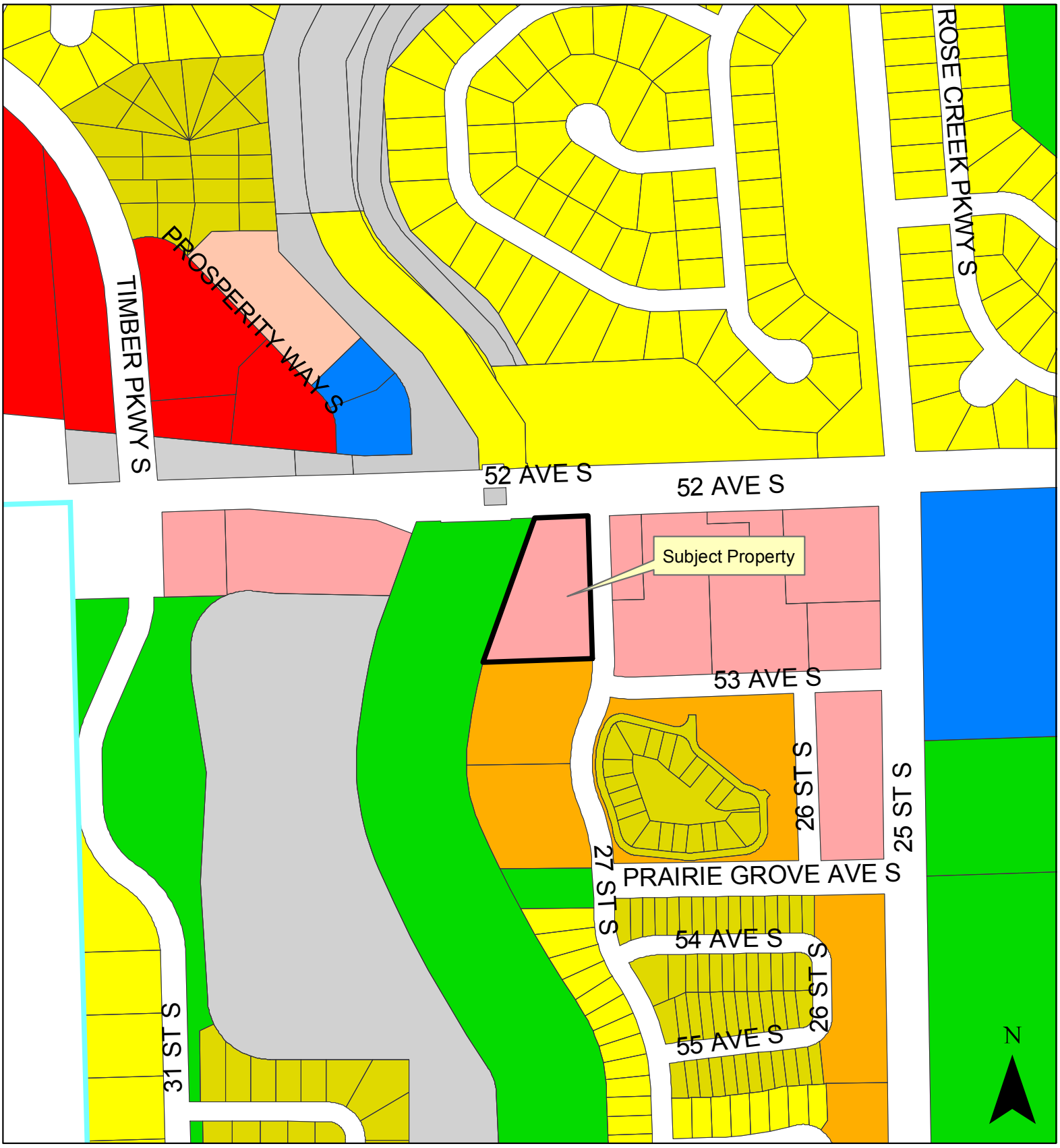
2. **Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   While this section of the LDC specifically addresses only major subdivision plats,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

| |
|---|
| improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals.<br>**(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, *Prairie Grove 4th 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:** October 6, 2015 |
| |

# Plat (Minor Subdivision)

## Prairie Grove Fourth Addition

5257 27th St S




CITY OF Fargo

**Legend**

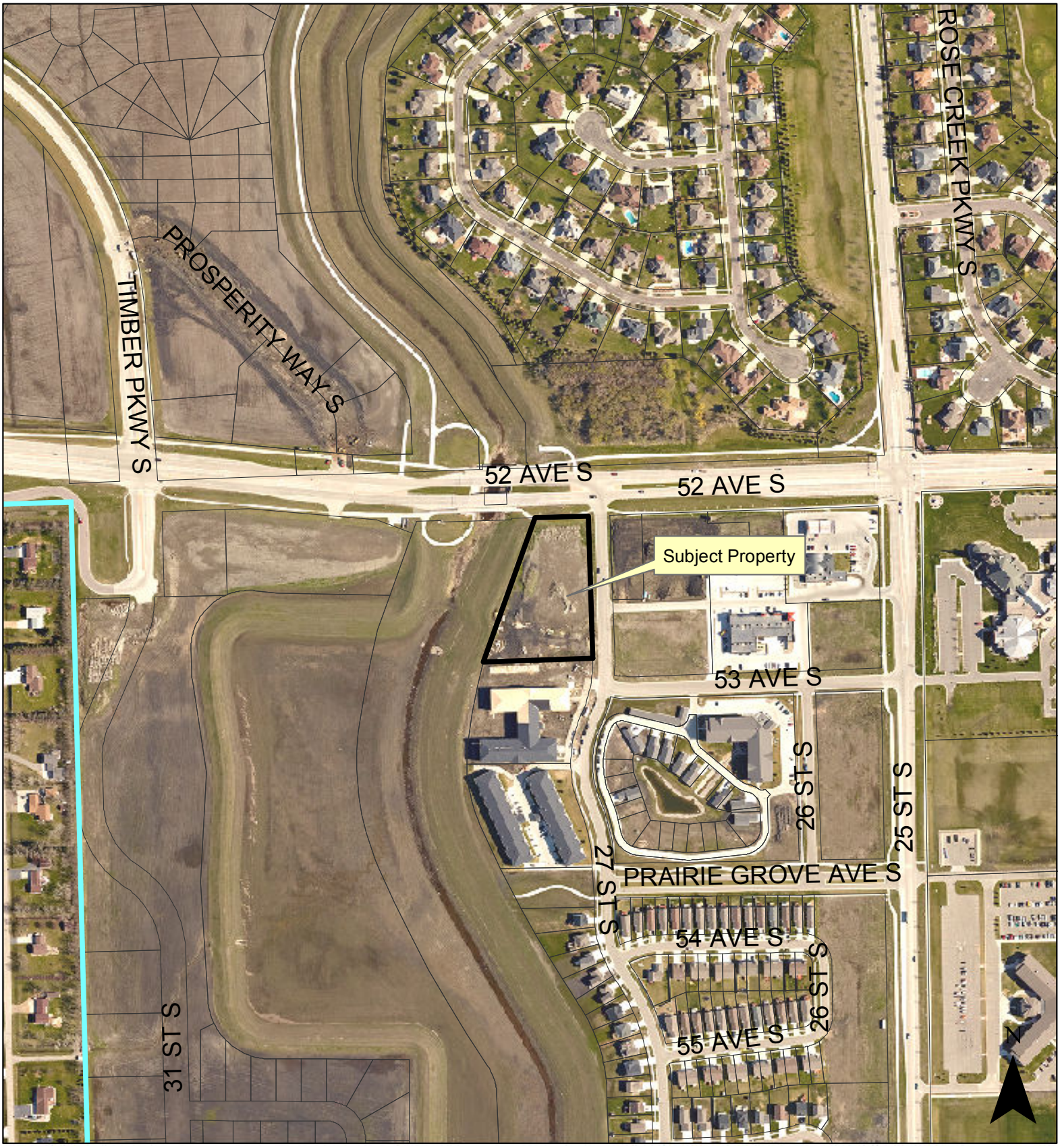
AG, LC, MHP, SR-2, DMU, LI, NC, SR-3, GC, MR-1, NO, SR-4, GI, MR-2, P/I, SR-5, GO, MR-3, UMU, City Limits

**Fargo Planning Commission**
**October 6, 2015**

# Plat (Minor Subdivision)

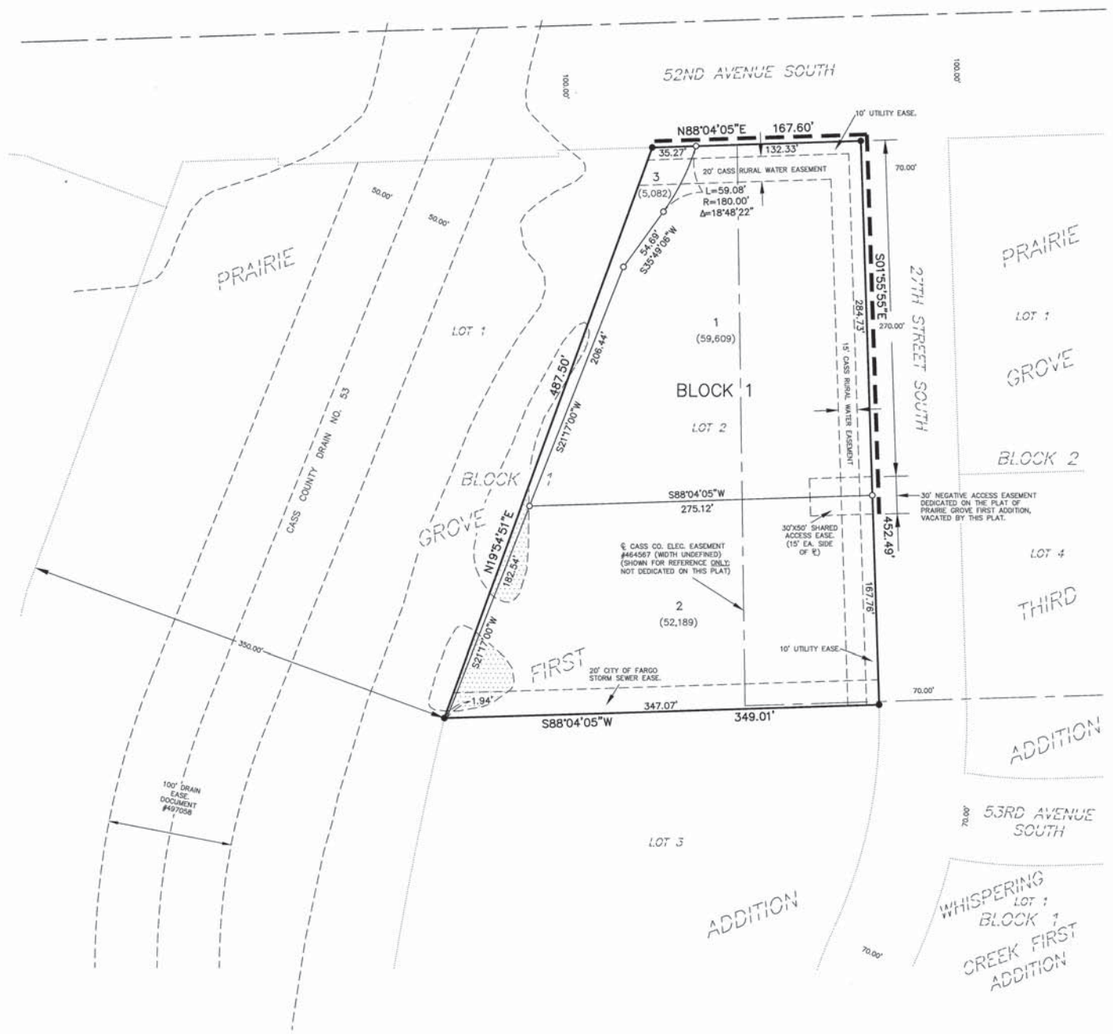
## Prairie Grove Fourth Addition

5257 27th St S




CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**




N

W E

S

0 60

Scale in Feet

BASIS OF BEARINGS: PRAIRIE GROVE FIRST ADDITION TO THE CITY OF FARGO AS RECORDED.

**LEGEND**

- ● IRON MONUMENT FOUND
- ○ SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #6571
- "NEGATIVE ACCESS EASEMENT"
- 100YR FLOOD PLAIN

## EASEMENTS OF RECORD:

1. CASS RURAL WATER USERS, INC. DOC. NO. 922559
2. RECIPROCAL EASEMENT AGREEMENT DOC. NO. 1458624

"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".

## FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

_____
JAN ULFERTS STEWART, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED JAN ULFERTS STEWART, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

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

# A MINOR SUBDIVISION PLAT OF
# PRAIRIE GROVE FOURTH ADDITION
## TO THE CITY OF FARGO, A REPLAT OF LOT 2, BLOCK 1, PRAIRIE GROVE FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

## CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "PRAIRIE GROVE FOURTH ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 2, BLOCK 1, PRAIRIE GROVE FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOT 2, BLOCK 1, PRAIRIE GROVE FIRST ADDITION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 2.68 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

REGISTERED LAND SURVEYOR
STEVEN W. HOLM
LS-6571
DATE 9-30-2015
NORTH DAKOTA

Steven W. Holm
STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS 30th DAY OF September, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Debra J. Lee
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: June 7, 2019

DEBRA J. LEE
Notary Public
State of North Dakota
My Commission Expires June 7, 2019

## DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "PRAIRIE GROVE FOURTH ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 2, BLOCK 1, PRAIRIE GROVE FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOT 1: PRAIRIE GROVE, INC.

OLE ROMMESMO JR., PRESIDENT

OWNER: LOT 2: 52ND PROFESSIONAL BUILDING, LLC

CRAIG DRESSER, PRESIDENT

OWNER: LOT 3: SOUTHEAST CASS WATER RESOURCE DISTRICT

MARK BRODSHAUG, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS 30th DAY OF September, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED OLE ROMMESMO JR., PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF PRAIRIE GROVE INC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: May 5, 2017

GABRIEL D HALLEY
Notary Public
State of North Dakota
My Commission Expires May 5, 2017

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CRAIG DRESSER, PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF 52ND PROFESSIONAL BUILDING, LLC.

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

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK BRODSHAUG, CHAIR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF SOUTHEAST CASS WATER RESOURCE DISTRICT.

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

## CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

_____
APRIL E. WALKER, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED APRIL E. WALKER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

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

## FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2015.

_____ _____
TIMOTHY J. MAHONEY, MAYOR STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS )

ON THIS _____ DAY OF _____, 2015, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR, AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

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

| Item # | 8 |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Knollbrookt Addition | **Date:** | 9-28-2015 |
| **Location:** | 3030 Broadway N & 3025 7th St N | **Staff Contact:** | Aaron Nelson |
| **Owner(s)/Applicant:** | Knollbrook Covenant Church/Adam Walker | **Engineer:** | N/A |
| **Reason for Request:** | Zone Change (SR-2, Single-Dwelling to LC, Limited Commercial with a C-O, Conditional Overlay) | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Religious Institution | | **Land Use:** Unchanged |
| **Zoning:** SR-2, Single-Dwelling | | **Zoning:** LC, Limited Commercial with a C-O, Conditional Overlay |
| **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 | | **Uses Allowed:** 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~~. |
| **Maximum Density Allowed:** 5.4 units per acre | | **Maximum Density Allowed:** maximum 55% building coverage |

**Proposal:**

The petitioner is seeking approval of a zoning map amendment in order to rezone all of Lots 1-4, 15, and 16; and part of Lots 13 and 14, Block 1, Knollbrook Addition from SR-2, Single-Dwelling to LC, Limited Commercial. The subject property is located at 3030 Broadway N and 3025 7th St N and encompasses 1.3 acres of land. 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 zoning district.

Although the petitioner has no stated plans of changing the current use of the property, the LC zoning district would allow many uses that could potentially affect the surrounding residential neighborhood. As such, staff has proposed—and the petitioner has agreed to—the creation of a C-O, Conditional Overlay, zoning district for the subject property. The purpose of the Conditional Overlay would be to ensure compatibility between the subject property and surrounding residential uses by restricting more-intensive uses and by restricting the use of electronic signage along the residential streets of 31st Ave N and 7th St N.

Surrounding Zoning and Land Use:

- North, West & South: Across 31 Ave N & 7th St N and abutting to the south are single-family houses within the SR-2 zoning district;
- East: Across Broadway N are office, retail sales & services, and multi-dwelling residential uses, all located within the LC, Limited Commercial, zoning district.

Sign Code Comparison:

There are no proposed changes to the use of the site or the existing building at this time. As stated previously, the petitioner is seeking a zone change in order to construct a larger sign than is allowed within the SR-2 zoning district. The chart below outlines the main differences between Sign Code allowances within the SR-2 zoning district and the LC zoning district:

| **Sign Code Requirements Per Zoning District** | | |
|---|---|---|
| **Zoning District** | **SR-2 (Existing)** | **LC (Proposed)** |
| Maximum Aggregate Sign Area | 64 sq ft | 2.5 sq ft per one linear foot of street frontage or 30% of the façade of the primary structure |
| Maximum Area per Sign | 8 sq ft | No Restriction |
| | | |
| Electronic Messaging Centers | Not Allowed | 150 sq ft along Broadway, 25 sq ft along 31st Ave N & 7th St N |
| Off-Premise Sign or Digital Billboard | Not Allowed | Not Allowed (Per Spacing Requirements) |
| Portable Signs | Not Allowed | 64 sq ft for a maximum of 30 days |

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo Public School District and specifically within the boundaries of McKinley Elementary School.
**Parks:** Friendship Park, McKinley Park and Yunker Farm are all located within a half-mile radius of the subject property. Park amenities include a softball diamonds, basketball court, playground equipment, soccer field, ice rink, dog park, and gardens.
**Pedestrian / Bicycle:** There are on-road bike facilities within a few blocks of the subject property and limited off-road bike facilities located within nearby park areas.

**Area Plans:**

There are no area plans that apply directly to this subject property.

**Staff Analysis:**

**Zoning**

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

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**
   Staff suggests that the requested zone change is justified by a change in conditions since the previous zoning classification was established. The area around the subject property, specifically along the Broadway corridor, has slowly transitioned to higher intensity uses over time. This section of Broadway has become one of the few commercial nodes in this otherwise residential area of north Fargo. The contextual changes to this area as well as the fact that it is located along an arterial roadway make this property suitable for commercial land uses. **(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. As outlined below, staff feels that the proposed zone change is in keeping with the Go2030 comprehensive plan which was 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. **The proposed amendment is consistent with the purpose of this LDC, the applicable 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. Specifically, the Fargo GO2030 Comprehensive Plan supports infill development which *"…increases the number of shops, services, and other amenities within walking distance of residents."* The comprehensive plan also supports *"… infill and density within areas that are already developed with supporting infrastructure and are protected by a flood resiliency strategy. Infill development should increase the mix of uses and amenities in an area".* If this property is ever redeveloped, the new land uses could create a positive effect on the surrounding neighborhood by providing more commercial amenities within walking distance of residential areas. Furthermore, the Go2030 Comprehensive Plan identifies this area of Broadway as a "Neighborhood Center," which is intended to provide neighborhood services and a mix of uses while maintaining a walkable residential character. The proposed zone change provides the opportunity for additional neighborhood-scale commercial development within walking distance of existing residential areas. As such, 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)**

**Conditional Overlay:**

Staff is recommending a Conditional Overlay be placed on this property in order to protect abutting SR-2 zoned properties to the east from some of the higher intensity land uses allowed within the Limited Commercial zoning district, and to preserve the residential nature of the adjacent local streets by limiting where digital signage may be placed. The proposed Conditional Overlay will place the following conditions on the upon the underlying Limited Commercial zoning district:

1) The following use(s) are prohibited

- Detention Facilities
- Commercial Parking
- Self-Service Storage
- Vehicle Repair
- Limited Vehicle Service
- Within the Use Category of Retail Sales/Service and Office, the following are prohibited:
  - Restaurants with drive through or walk-up windows
  - Office or Personal Service uses with drive through windows

2) Electronic Messaging Centers shall be prohibited adjacent to 31st Avenue North and 7th Street North, either within in the front or side yard or upon the building façade.

**Staff Recommendation:**

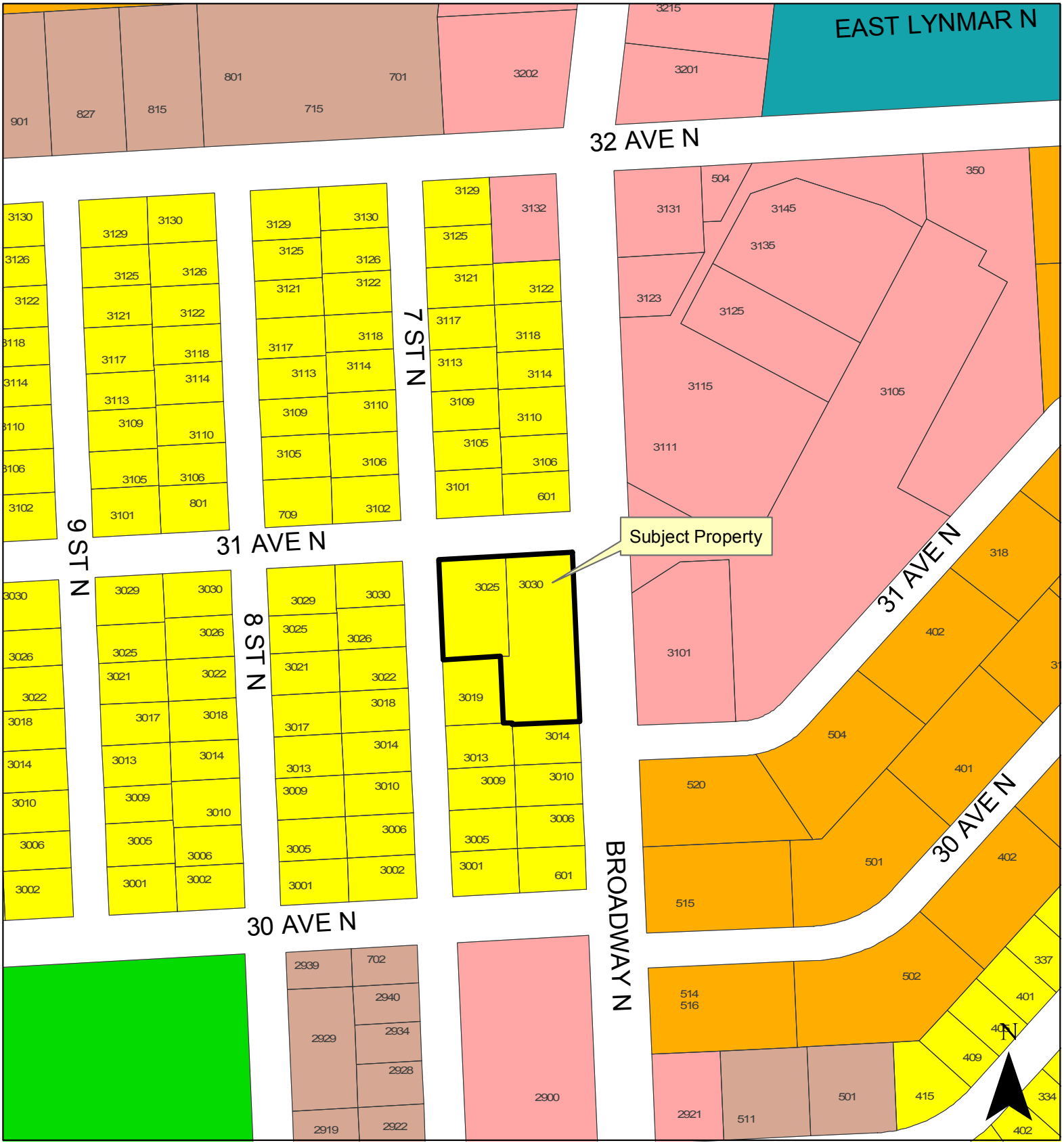
Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City

| |
|---|
| Commission of the proposed zoning change from SR-2, Single Dwelling to LC, Limited Commercial with a C-O, Conditional Overlay, 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:** October 6, 2015 |

# Zone Change (SR-2 to LC)

## Knollbrook Addition

3025 7th St N & 3030 Broadway N




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

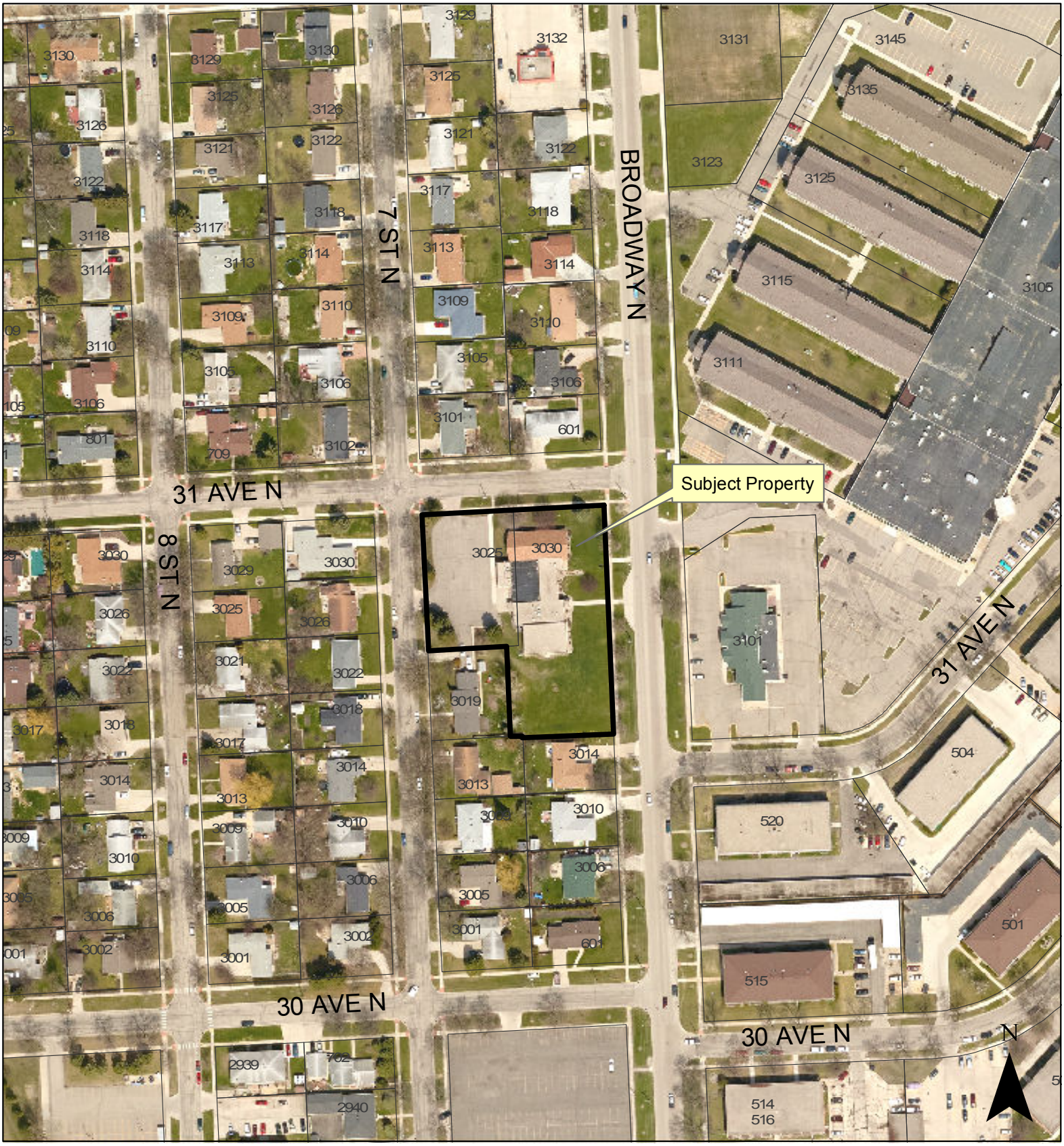
CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

# Zone Change (SR-2 to LC)

## Knollbrook Addition

3025 7th St N & 3030 Broadway N




CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

| Item # | 9 |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Sisters of Mary Addition | **Date:** | 9/30/2015 |
| **Location:** | 1102 Page Drive South | **Staff Contact:** | Aaron Nelson |
| **Owner(s)/Applicant:** | CH Trade Properties / Bullet Central LLC (Rael Harris) | **Engineer:** | N/A |
| **Reason for Request:** | Conditional Use Permit to allow manufacturing and production in a GC, General Commercial zoning district on Lot 1, Block 1, Sisters of Mary Addition | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Offices | | **Land Use:** Offices & Manufacturing & Production |
| **Zoning:** GC, General Commercial | | **Zoning:** unchanged |
| **Uses Allowed:** colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events. | | **Uses Allowed:** colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events.<br><br>**Plus a CUP to allow manufacturing and production** |
| **Maximum Density Allowed:** 85% building coverage | | **Maximum Density Allowed:** unchanged |

**Proposal:**

The applicant is seeking a Conditional Use Permit (CUP) to allow Manufacturing and Production in the GC, General Commercial, zoning district on Lot 1, Block 1, Sisters of Mary Addition. The subject property is located at 1102 Page Drive South and encompasses approximately 0.46 acres.

According to the applicant, the use of manufacturing and production is being requested in order for the applicant to satisfy manufacturer licensing requirements of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The applicant has stated that no manufacturing would actually be taking place at the subject property and that all manufacturing would take place elsewhere; but that in order for them to stamp their business's name and logo on their end product, the ATF requires their business location to conform to local zoning regulations relating to manufacturing uses.

Surrounding Land Uses and Zoning Districts:

- North & East: Office and industrial services, zoned GC, General Commercial;
- South: Office, zoned GC, General Commercial; and
- West: Directly across Page Drive S are office uses, zoned GC, General Commercial.

**Area Plans:**

No area plans apply to the area of this property.

**Schools and Parks:**

**Schools:** The subject property is located within the Fargo School District, specifically within the Jefferson, Carl Ben and South High schools.
**Parks:** The subject property is not located within a quarter-mile of any parks.
**Trails**: A shard use path is located along 13th Avenue South, south of the subject property, which connects to the metro area trail system.

**Staff Analysis:**

Although the applicant has stated that the use of the subject property will not change and that no manufacturing or production will take place there, the CUP to allow manufacturing is still being requested. As such, staff has reviewed this application as if manufacturing and production uses would take place, since they would be permitted if the CUP were to be approved.

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
   According to Section 20-0104 of the LDC, the purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. The Go2030 Comprehensive Plan emphasizes infill and continued investment within established areas of the City which are already serviced by public infrastructure and which are already flood protected. In addition, the proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, the potential negative impact on adjacent businesses. Therefore, staff finds that the proposal is consistent with the purpose of the LDC. **(Criteria Satisfied)**

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
   Staff believes that the location of the proposed conditional use will contribute to and promote the welfare and convenience of the public. As referenced above, the proposed CUP would allow continued investment and use of an existing property, making efficient use of public resources. Also, staff is proposing conditions which are intended to add additional protections to the public welfare. **(Criteria Satisfied)**

3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
   Staff suggests that the requested Conditional Use Permit is compatible and consistent with the intent of the Go2030 Comprehensive Plan and thereby the project should not adversely affect the condition or value of property in the vicinity. Additionally, in accordance with the notification requirements of the Land Development Code, letters were sent to neighboring property owners. To date, no comments have been received. In addition, staff believes that the conditions outlined with the Conditional Use Permit further ensure that the intended use will not negatively affect the value of the surrounding property over the long term. **(Criteria Satisfied)**

4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the**

**development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**
Staff does not believe that the location, size, nature or intensity of the use will prevent development and use of neighboring property in accordance with applicable zoning districts. The subject property is located within an area containing many light industrial, office, and commercial uses. The property abuts an outdoor gravel storage yard to the rear, for example. In addition, the property is located one property south of the LI, Limited Industrial, zoning district, which permits manufacturing and production by right. In order to further protect the existing character of the area, staff is proposing several conditions which seek to maintain conformity. **(Criteria Satisfied)**

5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**
The subject property will have access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability to utilize the property as proposed. Based on this information staff finds that adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**
The property has direct access to Page Drive South on the west side of the property. **(Criteria Satisfied)**

Recommended Conditions:

1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any part of the lot that will emit foul odors.

2) Outdoor storage areas shall not be located within the front side setback areas of the development. In addition, all outdoor storage areas shall be fenced with a 6 foot high opaque fence.

3) The manufacturing, production, or processing of animal products or hazardous chemicals shall not be permitted.

**Staff Recommendation:**

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

1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any part of the lot that will emit foul odors.

2) Outdoor storage areas shall not be located within the front side setback areas of the development. In addition, all outdoor storage areas shall be fenced with a 6 foot high opaque fence.

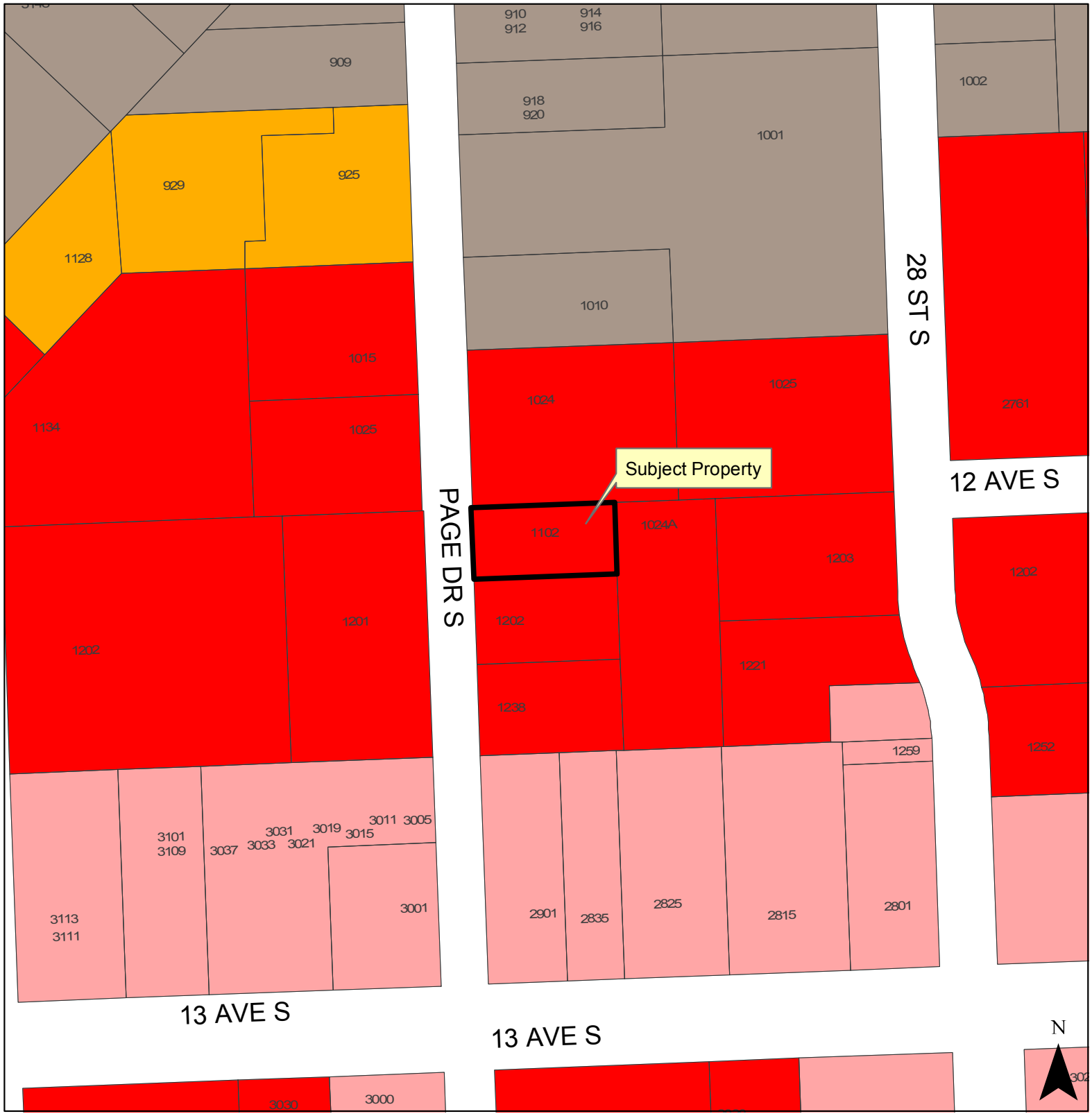
3) The manufacturing, production, or processing of animal products or hazardous chemicals shall not be permitted.

**Planning Commission Decision: October 6, 2015**

# CUP (Manufacturing and Production in a GC zoning district)

## Sisters of Mary Addition

1102 Page Drive South




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**
**October 6, 2015**

# CUP (Manufacturing and Production in a GC zoning district)

## Sisters of Mary Addition

1102 Page Drive South

CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

| Item # | 10 |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Cottagewood Second Addition | **Date:** | 9-28-2015 |
| **Location:** | 4920-4930, 4936, 4938, 4944, 4946, 4952, 4954, 4960, 4962, 4968-4986 Avery Lane South | **Staff Contact:** | Joe Nigg |
| **Owner(s)/Applicant:** | Helenske Design Group | **Engineer:** | Houston Engineering Inc |
| **Reason for Request:** | Minor Subdivision (Replat of Lots 31-42, Block 1, Cottagewood First Addition) | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Attached Residential Development | | **Land Use:** unchanged |
| **Zoning:** SR-4, Single-Dwelling Residential | | **Zoning:** unchanged |
| **Uses Allowed:** SR-4 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:** unchanged |
| **Maximum Density Allowed:** Maximum 12.1 units per acre | | **Maximum Density Allowed:** unchanged |

**Proposal:**

The applicant is seeking approval of a minor subdivision plat entitled *Cottagewood Second Addition* which is a replat of Lots 31-42, Block 1, Cottagewood Addition into 18 lots on 1 block. The proposed plat encompasses approximately 3.49 acres. The applicant is proposing this subdivision in order to adjust the existing property lines for a future attached housing (townhome) development.

As proposed, the project would include a total of eighteen (18) dwelling units within nine (9) two-unit townhomes. Each dwelling unit will be located on a separate lot and private drives (or driveways within a dedicated access easement) will connect the buildings to the public right-of-way. Utility and private access easements are included in order to ensure the necessary services can be provided to each lot as many of the lots do not have a direct connection to the public right-of-way.

Background Information:

*Cottagewood First Addition* was originally platted and zoned in the spring of 2013 as a 53 acre residential subdivision which included lots zoned for single-dwelling, multi-dwelling and park uses. In the spring of 2015 the *Amity South at Cottagewood* subdivision was approved as a multi-lot row home development located just to the south of the proposed property.

Surrounding Properties: In general, land uses in this area consist of low and medium density residential. There is some commercially zoned acreage on the south-side of 51st Avenue and east-side of 38th Street S.

- North: Immediately north are undeveloped single-dwelling residential lots zoned SR-2 and SR-4 as well as water retention facilities zoned P/I, Public and Institutional;

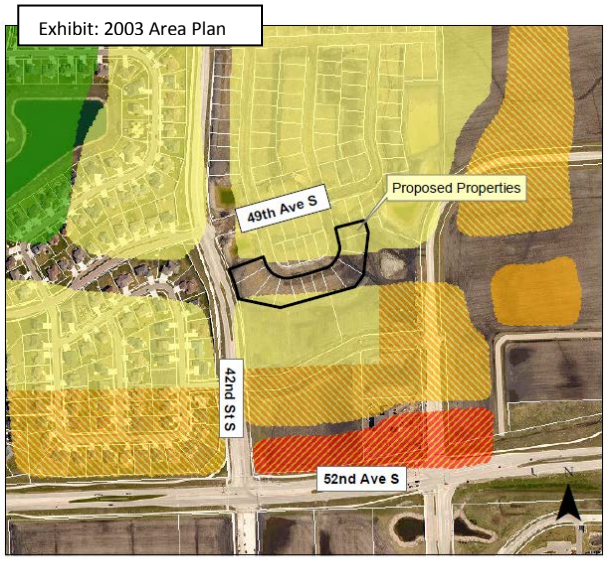
- South and East: To the south is a larger tract of property that is currently zoned MR-3, Multi-Dwelling Residential. As noted above, a multi-lot row home development (Amity South at Cottagewood) was reviewed and recommended for approval by the Planning Commission.
- West: Low density residential (Woodhaven Addition) is located across 42nd Street.

**Area Plans:**

The subject property is referenced within the Growth Plan for the Urban Fringe and Extraterritorial Area as adopted in 2001 (pursuant to subsequent amendments). The exhibit depicts the amended growth plan for this area which identifies the area as being suitable for low to medium density residential and medium/high density residential.

Based on the submitted subdivision plat the development is consistent with the intent of city growth plans.

Exhibit: 2003 Area Plan




Legend
- Commercial or Medium/High Density
- Low/Medium Density Residential
- Low/Medium Density or Medium/High Density
- Medium/High Density Residential
- Park/Open Space

**Schools and Parks:**

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

**Parks:** Woodhaven Park (4802 Woodhaven Dr S) is located within a ¼ mile of the subject property and provides trails, fishing and a playground. Park facilities are also planned for just northeast of the subject property, with amenities to be designed and built in the future.

**Trails:** Existing shared use facilities are located on the west side of 42nd Street and both sides of 52nd Avenue; with connectivity to the Milwaukee Trail via shared use facilities on 25th Street.

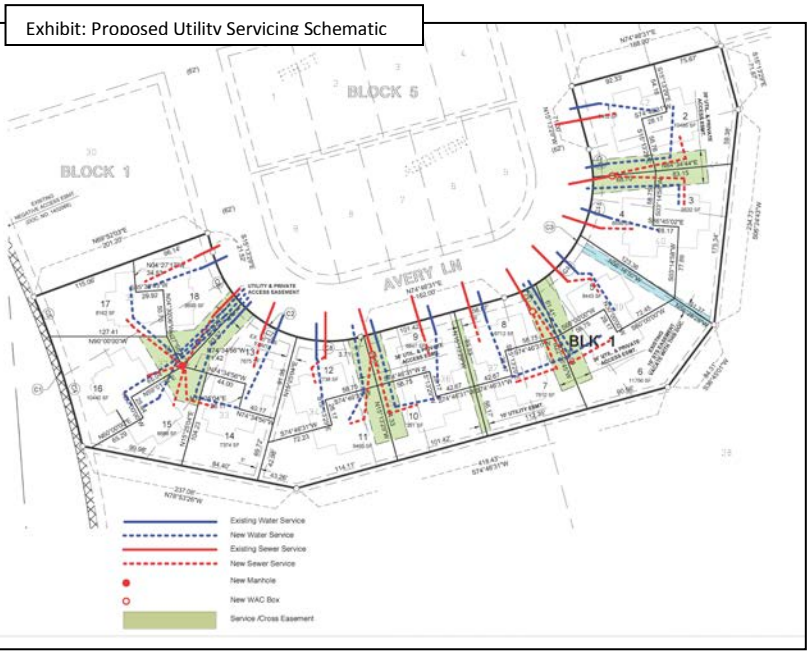
**Staff Analysis:**

**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 proposed plat, as submitted, meets the requirements of the Land Development Code (LDC). **(Criteria Satisfied**)

**Additional Discussion:**

Exhibit: Proposed Utility Servicing Schematic




Utility Servicing Schematic – Over the last several months there has been an on-going conversation about townhome style development and the mechanics of servicing the lots. Recent examples include the *The Aspens First Addition* and *Amity South at Cottagewood*; albeit this project is less complicated. The exhibit (right) depicts the proposed utility servicing schematic for this townhome development project. The lots abutting Avery Lane will be serviced with water and sanitary sewer in the same manner as any typical single family detached house. Lots that do not abut Avery Lane will be serviced through access and utility easements as shown on the exhibit. Each of these lots will have an individual tap to the water main and portions of the sanitary would be shared. A more detailed easement document will parallel this plat which will outline maintenance and repair responsibilities applicable to the lots/homeowners that have water or sanitary pipes within the corresponding utility easement. The easement document will also grant certain property owners the necessary rights to access the infrastructure. Additionally, the easement will establish each individual "driveway" as a shared private driveway with all maintenance and repair responsibilities tied to the abutting property owners. A draft version of the easement is attached for reference.

**Staff Recommendation:**

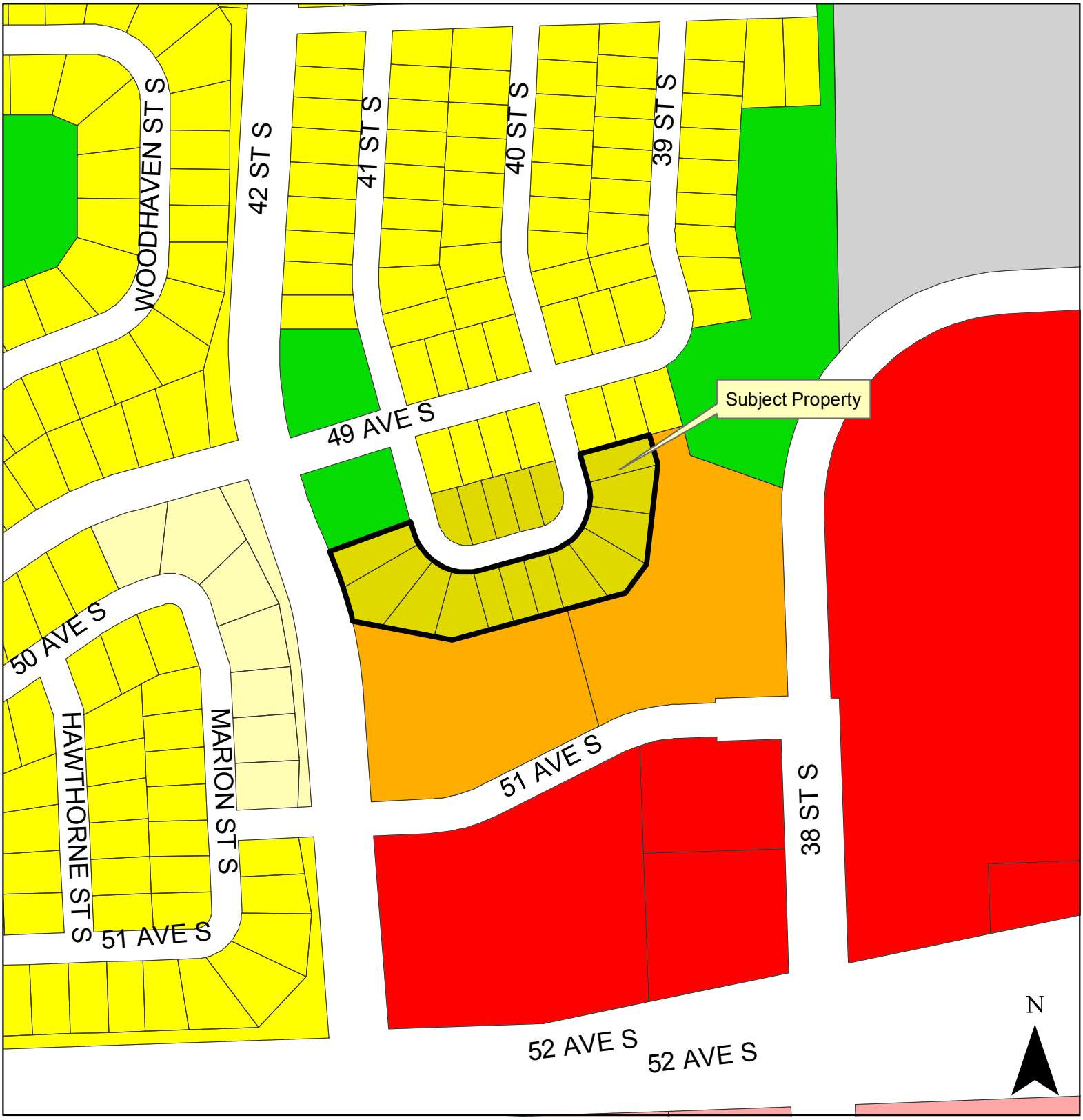
Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, *Cottagewood Second Addition* as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article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

**Planning Commission Recommendation:** October 6, 2015

# Plat (Minor Subdivision)

4920-4930, 4936, 4938, 4944, 4946, 4952, 4954, 4960, 4962, and 4968-4986 Averly Lane S

## Cottagewood Second Addition




CITY OF Fargo

**Legend**

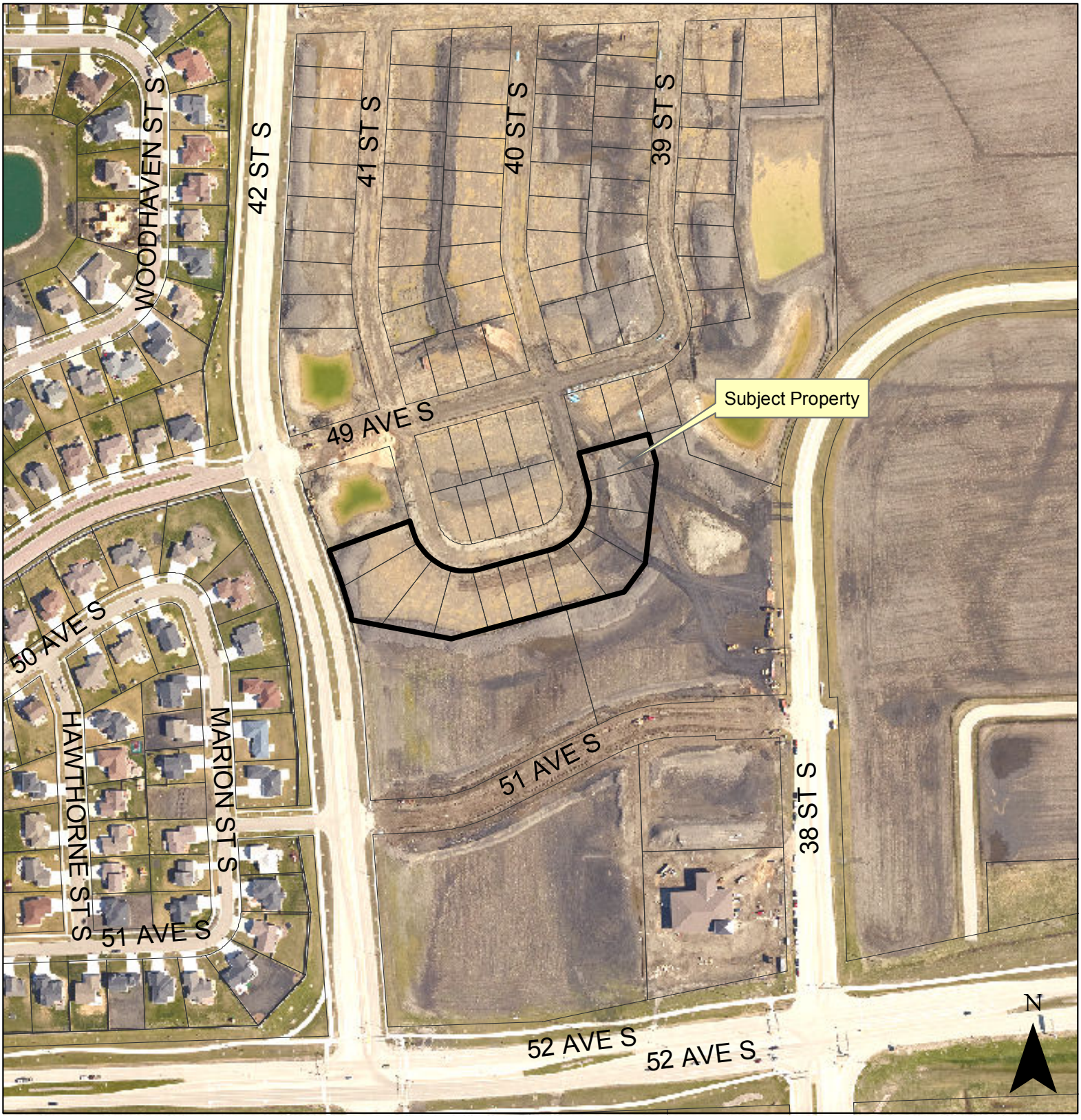
AG, LC, MHP, SR-2, DMU, LI, NC, SR-3, GC, MR-1, NO, SR-4, GI, MR-2, P/I, SR-5, GO, MR-3, UMU, City Limits

**Fargo Planning Commission**
**October 6, 2015**

# Plat (Minor Subdivision)

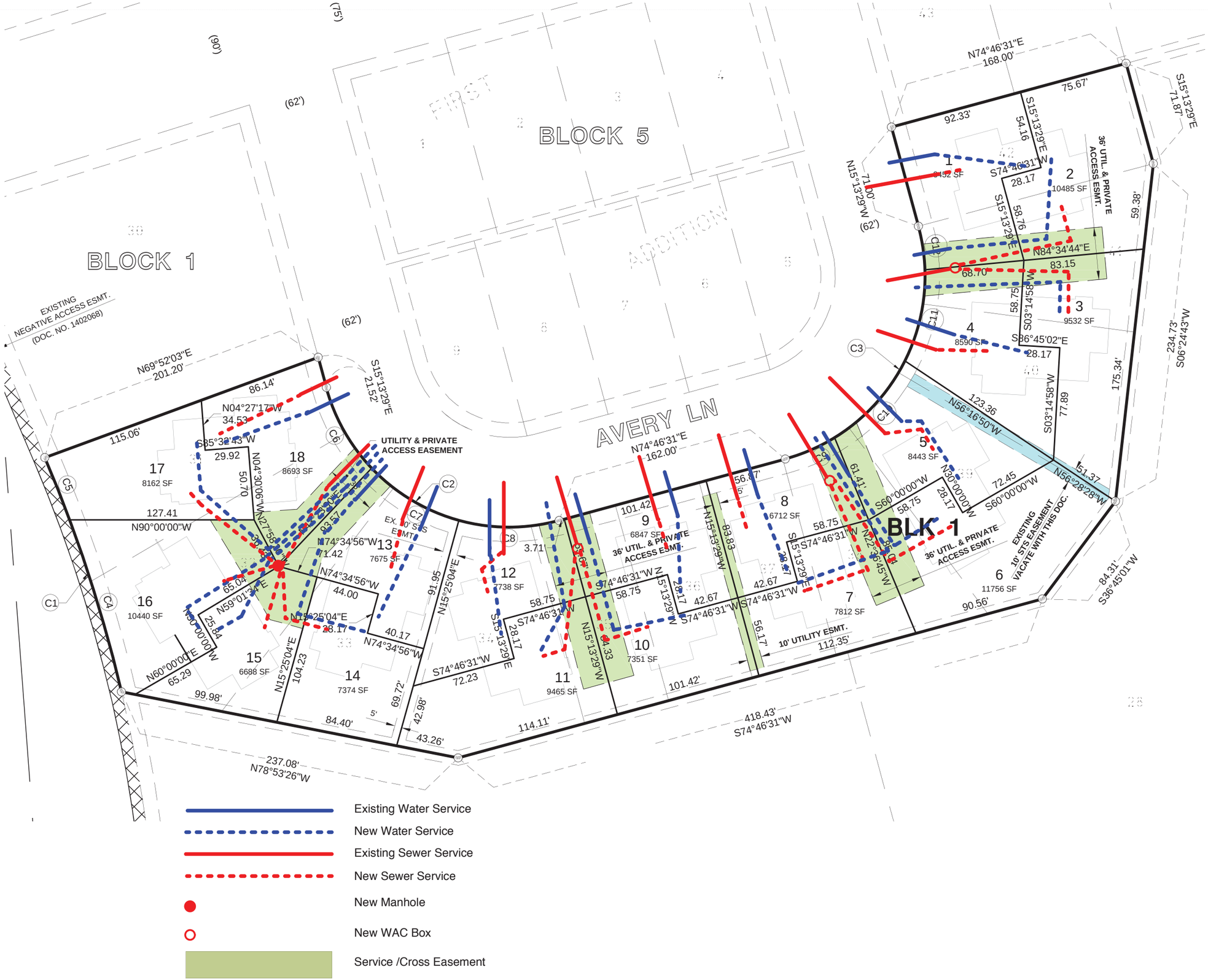
## Cottagewood Second Addition

4920-4930, 4936, 4938, 4944, 4946,
4952, 4954, 4960, 4962,
and 4968-4986 Averly Lane S




CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

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22"x34" SHEET EDGE FOR BINDING

helenskedesigngroup
architecture environments construction

architects of mind and matter

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PO Box 547
Moorhead, MN 56560
t: 218.236.8593
f: 701.232.3272

www.helenske.com

SIGNATURE:

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

Craig D. Helenske

Date: Reg. No.

CIVIL ENGINEER:
*
(701) *-*

STRUCTURAL ENGINEER:
*
(701) *-*

MECHANICAL ENGINEER:
*
(701) *-*

ELECTRICAL ENGINEER:
*
(701) *-*

CONSULTANT:
Consultant
(xxx) xxx-xxxx

REVISIONS:

Construction Documents Review Submittal

Not For Construction

HDG Job#: 12-******
Issue Date: 01.08.2008
Drawn By: CDH
Checked By: ___

# Utility Exhibit

# A-2.1

Copyright 2015 Helenske Design Group ltd

# COTTAGEWOOD SECOND ADDITION

**A MINOR SUBDIVISION**
**BEING A REPLAT OF LOTS 31 THROUGH 42, BLOCK 1,**
**COTTAGEWOOD FIRST ADDITION**

**CITY OF FARGO,**
**CASS COUNTY, NORTH DAKOTA**

| Parcel Line Table | | |
|---|---|---|
| Line # | Length | Direction |
| L1 | 61.03 | N43° 23' 30"E |
| L2 | 27.20 | S85° 32' 43"W |
| L3 | 31.47 | S85° 32' 43"W |
| L4 | 54.94 | S30° 58' 26"E |
| L5 | 28.44 | S30° 58' 26"E |
| L6 | 23.39 | S74° 34' 56"E |
| L7 | 37.00 | N15° 25' 04"E |
| L8 | 8.98 | N15° 25' 04"E |
| L9 | 73.21 | N43° 23' 30"E |

| Curve Table | | | | | |
|---|---|---|---|---|---|
| Curve # | Length | Radius | Delta | Chord Direction | Chord Length |
| C1 | 170.56 | 1000.00 | 9°46'20" | S18°06'56"E | 170.35 |
| C2 | 205.77 | 131.00 | 90°00'00" | N60°13'29"W | 185.26 |
| C3 | 205.77 | 131.00 | 90°00'00" | S29°46'31"W | 185.26 |
| C4 | 119.18 | 1000.00 | 6°49'43" | S16°38'38"E | 119.11 |
| C5 | 51.37 | 1000.00 | 2°56'37" | S21°31'48"E | 51.37 |
| C6 | 64.57 | 131.00 | 28°14'35" | N29°20'46"W | 63.92 |
| C7 | 71.14 | 131.00 | 31°06'52" | N59°01'30"W | 70.27 |
| C8 | 70.06 | 131.00 | 30°38'33" | N89°54'12"W | 69.23 |
| C9 | 37.14 | 131.00 | 16°14'42" | S66°39'10"W | 37.02 |
| C10 | 72.92 | 131.00 | 31°53'32" | S42°35'03"W | 71.98 |
| C11 | 65.22 | 131.00 | 28°31'34" | S12°22'30"W | 64.55 |
| C12 | 30.49 | 131.00 | 13°20'12" | S08°33'23"E | 30.42 |

N

50 0 50 100
Scale Feet

*LEGEND*

IRON MONUMENT FOUND
1/2" I.D. PIPE SET
EX. NEGATIVE ACCESS (DOC. NO. 1402068)
NEW EASEMENTS
VACATE WITH THIS DOCUMENT

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

5' 5' 10'

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.

**EXISTING UTILITY EASEMENTS ARE SHOWN THUS (DOC. NO. 1402068)**

Sheet 1 of 2
Project No. 5660-010


Houston Engineering Inc.
Phone: 701.237.5065



H:\Fargo\JBN\5600\5660\15_5660_010\CAD\Plat\PRE REPLAT.dwg-PLAT-9/25/2015 12:53 PM-(kstroud)

OWNER'S CERTIFICATE:
KNOW ALL PERSONS BY THESE PRESENTS: That Craig Helenske, a married person, is the owner; and Cottagewood LLC, a North Dakota Limited Liability Company, is the Contract for Deed Vendee; of Lots 31 - 42, inclusive, Block 1, Cottagewood First Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 152,213 square feet, more or less.

And that said parties have caused the same to be surveyed and replatted as **COTTAGEWOOD SECOND ADDITION** to the City of Fargo, Cass County, North Dakota, do hereby vacate the easements as designated for vacation on the plat; do hereby dedicate and convey to the public, for public use, the utility easements shown on the plat; and do hereby dedicate to the owners of the Lots herein being platted the private access easements as shown on the plat.

OWNER:
Craig Helenske

_____
Craig Helenske

State of North Dakota )
) ss
County of Cass )

On this _____ day of _____, 20____ before me personally appeared Craig Helenske, a married person, 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: _____

CONTRACT FOR DEED VENDEE:
Cottagewood LLC

_____
Craig Helenske, President

State of North Dakota )
) ss
County of Cass )

On this _____ day of _____, 20_____ before me personally appeared Craig Helenske, President of Cottagewood LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument on behalf of said Limited Liability Company.

Notary Public: _____

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

Dated this _____day of _____, 20_____.

_____
Curtis A. Skarphol, Professional Land Surveyor No. 4723

State of North Dakota )
) ss
County of Cass )

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

Notary Public: _____

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

_____
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_____.

_____
_____(Printed Name), Chair
Fargo Planning Commission

State of North Dakota )
) ss
County of Cass )

On this _____day of _____, 20_____, before me personally appeared

_____, Chair, Fargo Planning Commission, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

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

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota )
) ss
County of Cass )

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

Notary Public:_____

# COTTAGEWOOD SECOND ADDITION

**A MINOR SUBDIVISION**
**BEING A REPLAT OF LOTS 31 THROUGH 42, BLOCK 1, COTTAGEWOOD FIRST ADDITION**
**CITY OF FARGO,**
**CASS COUNTY, NORTH DAKOTA**



Houston Engineering Inc.
Phone: 701.237.5065

H:\Fargo\UBN\5600\5660\15_5660_010\CAD\Plat\PRE REPLAT dwg-PLAT (2)-9/25/2015 12:53 PM-(kstroud)

# UTILITY AND ACCESS EASEMENT

This Utility and Access Easement is made and entered into by and among Craig Helenske, a married person and Cottagewood, LLC (hereinafter Grantors) to all future and successive owners and assigns of Lots 1 through 18, Cottagewood Second Addition to the City of Fargo, Cass County, North Dakota, which has been recorded in the office of the Cass County Recorder's Office, Cass County, North Dakota as Document #_____.

The Grantors do hereby grant and convey the following easements:

1. To the owners of Lots 1, 2, 3 and 4, Cottagewood Second Addition to the City of Fargo, Cass County, North Dakota an easement for ingress and egress over the following described property:

   Utility and Private Access Easement "A" as shown on the Plat.

   a. The owners of Lots 2 and 3 are each granted and conveyed an easement on and under the real property described as Utility and Private Access Easement "A" as shown on the Plat appurtenant to his/her property to install, maintain, and operate a common sewer line across the easement from the sewer lines in the street adjacent to their respective lot. The cost of the maintenance and repairs of such common sewer line shall be shared equally by the owners and respective lots subject to liability for damage due to negligent or willful acts or omissions.

   b. The owners of Lots 2 and 3 are each granted and conveyed an easement to maintain a separate water line to each of their respective lots on and under the real property described as Utility and Private Access Easement "A" as shown on the Plat. Each owner served by the separate water line shall have an easement appurtenant to his/her property to install, maintain or operate such water line across the easement. The costs of maintaining said water line shall be the responsibility of the lot owner the water line serves.

2. To the owners of Lots 5, 6, 7, and 8 Cottagewood Second Addition to the City of Fargo, Cass County, North Dakota an easement for ingress and egress over the following described property:

   Utility and Private Access Easement "B" as shown on the Plat

   a. The owners of Lots 6 and 7 are each granted and conveyed an easement on and under the real property described as Utility and Private Access Easement "B" as

shown on the Plat appurtenant to his/her property to install, maintain, and operate a common sewer line across the easement from the sewer lines in the street adjacent to their respective lot. The cost of the reasonable maintenance and repairs of such common sewer line shall be shared equally by the owners and respective lots subject to liability for damage due to negligent or willful acts or omissions.

b. The owners of Lots 6 and 7 are each granted and conveyed an easement to maintain a separate water line to each of their respective lots on and under the real property described as Utility and Private Access Easement "B" as shown on the Plat. Each owner served by the separate water line shall have an easement appurtenant to his/her property to install, maintain or operate such water line across the easement. The costs of maintaining said water line shall be the responsibility of the lot owner the water line serves.

3. To the owners of Lots 9, 10, 11, and 12 Cottagewood Second Addition to the City of Fargo, Cass County, North Dakota an easement for ingress and egress over the following described property:

Utility and Private Access Easement "D" as shown on the Plat

a. The owners of Lots 10 and 11 are each granted and conveyed an easement on and under the real property described in Exhibit D appurtenant to his/her property to install, maintain, and operate a common sewer line across the easement from the sewer lines in the street adjacent to their respective lot. The cost of the reasonable maintenance and repairs of such common sewer line shall be shared equally by the owners and respective lots subject to liability for damage due to negligent or willful acts or omissions.

b. The owners of Lots 10 and 11 are each granted and conveyed an easement to maintain a separate water line to each of their respective lots on and under the real property described as Utility and Private Access Easement "D" as shown on the Plat. Each owner served by the separate water line shall have an easement appurtenant to his/her property to install, maintain or operate such water line across the easement. The costs of maintaining said water line shall be the responsibility of the lot owner the water line serves.

4. To the owners of Lots 13, 14, 15, 16, 17, and 18 Cottagewood Second Addition to the City of Fargo, Cass County, North Dakota an easement for ingress and egress over the following described property:

Utility and Private Access Easement "E" as shown on the Plat

a. The owners of Lots 14, 15, 16, and 17 are each granted and conveyed an easement on and under the real property described as Utility and Private Access Easement "E" as shown on the Plat appurtenant to his/her property to install, maintain, and operate a common sewer line across the easement from the sewer lines in the street adjacent to their respective lot. The cost of the reasonable maintenance and

repairs of such common sewer line shall be shared equally by the owners and respective lots subject to liability for damage due to negligent or willful acts or omissions.

b. The owners of Lots 14, 15, 16, and 17 are each granted and conveyed an easement to maintain a separate water line to each of their respective lots on and under the real property described as Utility and Private Access Easement "E" as shown on the Plat. Each owner served by the separate water line shall have an easement appurtenant to his/her property to install, maintain or operate such water line across the easement. The costs of maintaining said water line shall be the responsibility of the lot owner the water line serves.

The successive owners by accepting a deed to the lots referred to in this Easement agree to cooperate with the adjacent owners in maintaining proper access to the utilities provided by the City of Fargo.

The property referred to in this Utility and Access Easement has not been occupied by the Grantor Craig Helenske or any members of his immediate family.

_____
Craig Helenske

Cottagewood, LLC

By: _____
Its: _____

Mortgagee:
First International Bank and Trust

By: _____
Its: _____

STATE OF NORTH DAKOTA )
) ss.
COUNTY OF CASS )

The foregoing instrument was acknowledged before me this __ day of _____, 2015, by Craig Helenske.

_____
(S E A L) Notary Public

STATE OF NORTH DAKOTA )
) ss.
COUNTY OF CASS )

The foregoing instrument was acknowledged before me on this __ day of September, 2015, by Craig Helenske the President of Cottagewood, LLC, a ND corporation on behalf of the corporation.

(S E A L) Notary Public

STATE OF NORTH DAKOTA )
) ss.
COUNTY OF CASS )

The foregoing instrument was acknowledged before me on this __ day of September, 2015, by _____, the _____ of First International Bank & Trust, a state bank, on behalf of the bank.

(S E A L) Notary Public

| Item # | 11 |
|---|---|

| *City of Fargo*<br>*Staff Report* | | | |
|---|---|---|---|
| **Title:** | Autumn Fields Second Addition | **Date:** | 9-28-2015 |
| **Location:** | 4245 28th Avenue South | **Staff Contact:** | Aaron Nelson |
| **Owner(s)/Applicant:** | Air Properties, LLC/Beyond Shelter, Inc (Dan Madler) | **Engineer:** | Ulteig |
| **Reason for Request:** | Minor Subdivision ( Replat of Lot 1, Block 1, Autumn Fields Addition) | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Vacant | | **Land Use:** Office & Multi-Dwelling Residential |
| **Zoning:** GO, General Office | | **Zoning:** unchanged |
| **Uses Allowed:** colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, and commercial parking. | | **Uses Allowed:** unchanged |
| **Maximum Density Allowed:** Maximum of 65% building coverage | | **Maximum Density Allowed:** unchanged |

**Proposal:**

The applicant is seeking approval of a minor subdivision titled *Autumn Fields Second Addition*, which is a replat of Lot 1, Block 1, Autumn Fields Addition into one (1) block and three (3) lots. The subject property is located at 4245 28th Avenue South and encompasses approximately 8.7 acres.

According to the applicant, the intent of the proposed subdivision is to create three lots for future development. Lots 1 and 2 are proposed to be reserved for office uses, whereas Lot 3 is intended to potentially accommodate multi-dwelling residential uses. Originally the applicant had intended to request that Lot 3 be rezoned to MR-3, Multi-Dwelling Residential, however the applicant has withdrawn the rezone request and has instead applied for a Conditional Use Permit (CUP) to allow the residential use. This CUP application is scheduled to be heard at the November Planning Commission meeting, however.

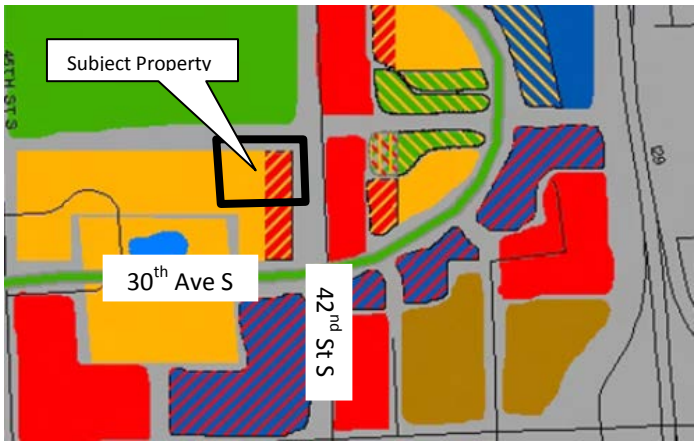
Surrounding Land Uses and Zoning Districts:

- North: Baseball/softball fields within the P/I, Public & Institutional, zoning district;
- East: Across 42nd St S are office buildings within the GC, General Commercial, zoning district;
- South: Across 28th Ave S is skilled nursing and assisted living apartments within the MR-3, Multi-Dwelling Residential, zoning district; and
- West: Adjacent and across Saffron Dr S are single-family homes within the SR-2 & SR-3, Single-Dwelling Residential, zoning districts.

**Area Plans:**

The subject property is located within an area identified as the Southwest Area Plan as contained within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo,* which was amended in January of 2003.

Within this plan, the subject property is identified as being suitable for Medium/High Density Residential and commercial uses.




**Schools and Parks:**

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

**Parks**: Adjacent to the north of the subject property is Anderson Softball & Tharaldson Baseball Complex which provides amenities of softball fields, baseball diamonds, playground equipment, and multi-use trails.

**Pedestrian / Bicycle**: A shared use path is located along the east side of the subject property along 42nd Street South. This path connects to paths along 30th Avenue South, 23rd Avenue South, and the metro area trail system. There is also a sidewalk/park access easement located in the northwest corner of the subject property, providing pedestrian access to the softball/baseball complex from Saffron Drive South.

**Staff Analysis:**

As referenced above, along with this subdivision application the applicant had originally applied for a zoning map amendment to convert proposed Lot 3 to MR-3 to allow for the development of multi-family housing. The applicant has since withdrawn the rezoning application in favor of applying for a Conditional Use Permit for residential land-use at a future Planning Commission meeting. Regarding the applicant's overall proposal, two items of discussion have been identified and are highlighted below: park land dedication and transportation connectivity.

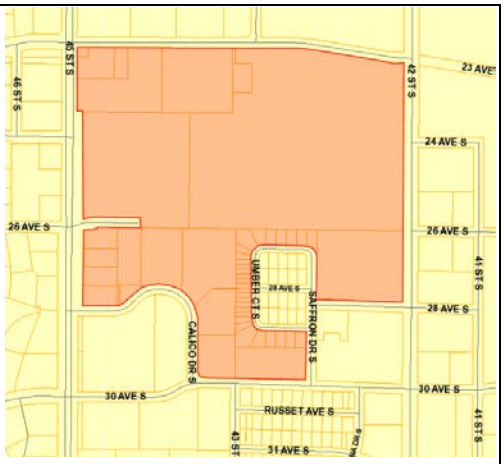
Park Land Dedication

During review of the applicant's proposal, the Fargo Park District had indicated a potential need for additional park dedication considering the applicant's proposed future residential use of Lot 3. It was suggested by the Park District that in lieu of additional park land dedication, that a sidewalk/bike trail easement could be included along the northern boundary of the plat, allowing pedestrian/bike connectivity between the softball/baseball complex and 42nd Street South. At the time of the writing of this staff report, the applicant did not wish to encumber the property with additional park easements, but was willing to meet with the Park District in order to discuss potential dedication options.

Transportation Connectivity

Similar to the desire for pedestrian/bike connectivity noted by the Park District, staff also discussed roadway connectivity for the subject property and for the larger area in general. The subject property is located on a single "city block" which is approximately 120 acres in area, and which extends east/west from 45th Street South to 42nd Street South and north/south from 23rd Avenue South to 30th Avenue South (see image below). It was suggested that now might be a good time to discuss considerations for a possible roadway connection between 45th Street

South and 42nd Street South which may be desirable if and when the softball/baseball fields ever get redeveloped or reconstructed in the distant future. Similar discussion was had during the platting of Anderson Park Second Addition, on the west side of this block, when the Park District replatted the western softball fields along 45th Street South in early 2014. Ultimately, a portion of 26th Avenue South extending east from 45th Street South was dedicated as public right-of-way with that plat.




Currently, there is an existing access drive that is half located on the subject property and which aligns with 26th Avenue South off of 42nd Street South. This access drive is used to access a parking lot located within the adjacent Tharaldson Baseball Complex to the north. With this plat, the applicant is dedicating an ingress/egress easement to allow continued use of this existing access drive by users of the baseball complex. The applicant has indicated that they intend to work with the Park District to also establish a reciprocal easement for use of the northern half of the access drive, which is partially located on the Park District's property.

**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 split one existing lot into three new lots for future development. The proposed uses are consistent with the existing zoning (upon approval of a CUP) and the growth plan for the area. 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. It should be noted that staff did receive one letter of opposition regarding the originally requested rezone, which has since been withdrawn. However, staff has not received any concerns from the general public regarding the proposed subdivision. **(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. **(Criteria Satisfied)**

**Staff Recommendation:**

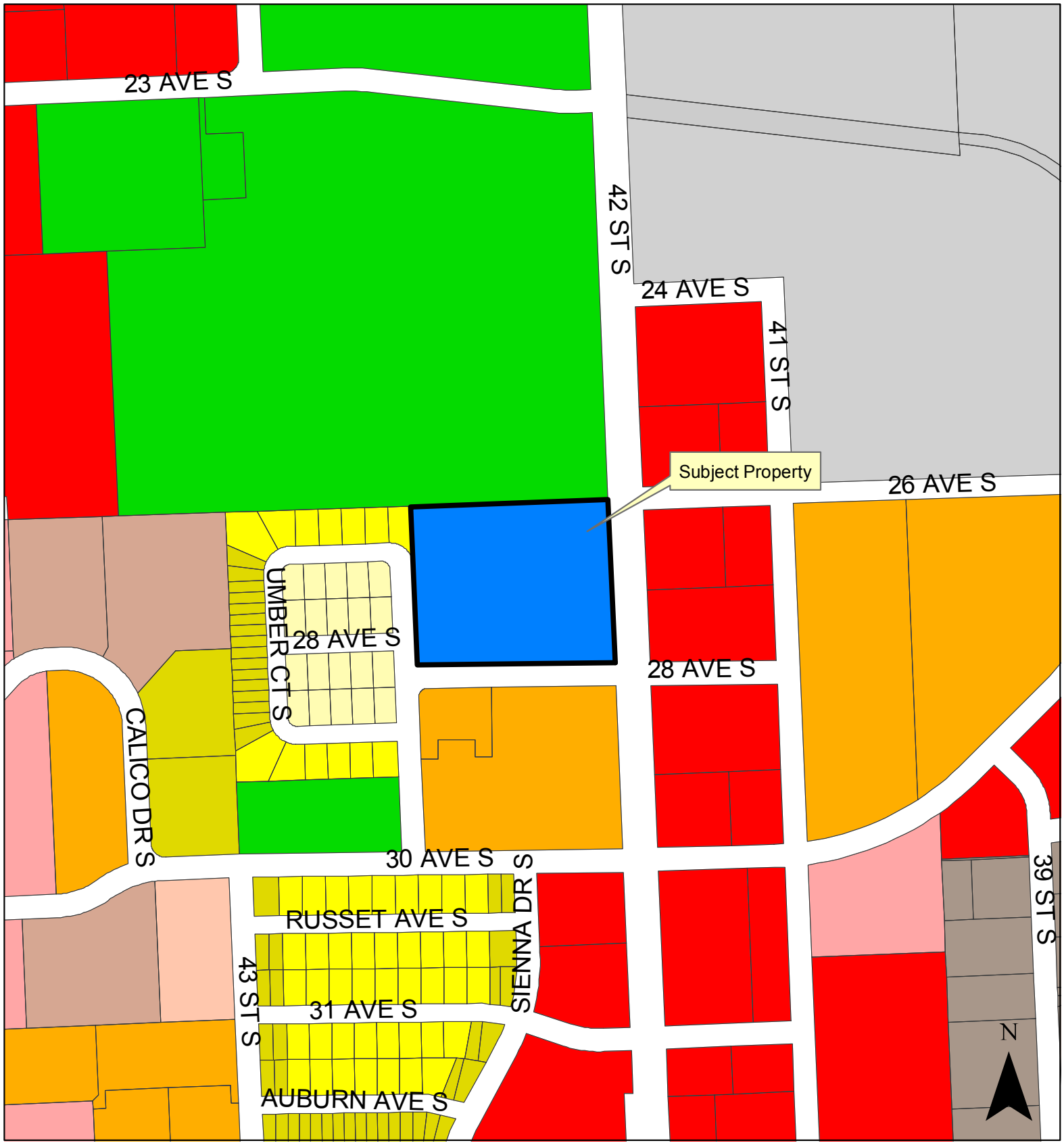
Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, *Autumn Fields Second Addition*, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article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

**Planning Commission Recommendation: August 4, 2015**

# Plat (Minor Subdivision)

## Autumn Fields Second Addition

4245 28th 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**
**October 6, 2015**

# Plat (Minor Subdivision)

## Autumn Fields Second Addition

4245 28th Ave S

CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

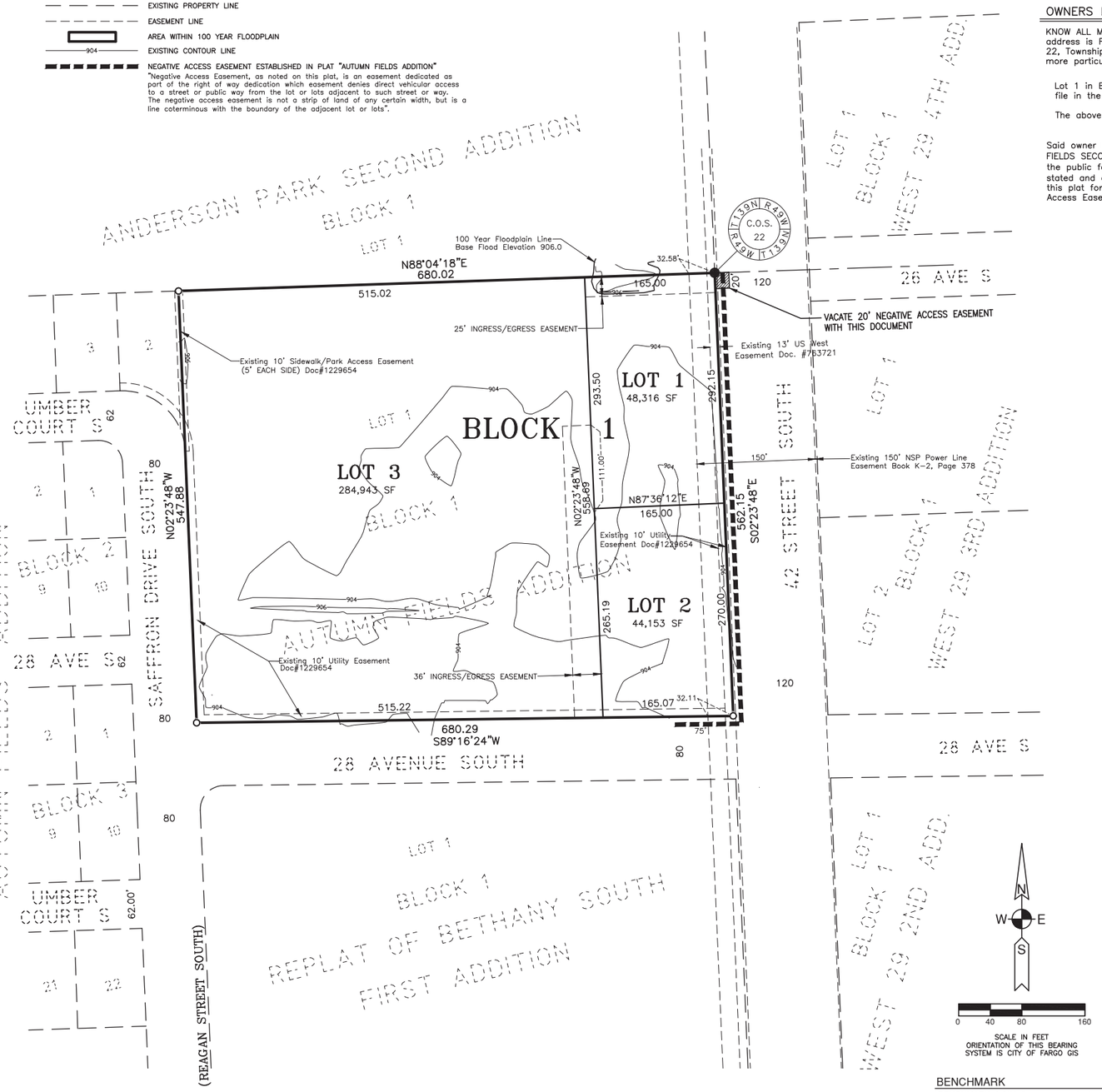
# AUTUMN FIELDS SECOND ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF AUTUMN FIELDS ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

## LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-6703"
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EASEMENT LINE
- AREA WITHIN 100 YEAR FLOODPLAIN
- 904 EXISTING CONTOUR LINE
- NEGATIVE ACCESS EASEMENT ESTABLISHED IN PLAT "AUTUMN FIELDS ADDITION"

"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".




## BENCHMARK

BENCHMARK: A 5/8" diameter capped rebar designating the Northeast corner of subject property and center of Section. Elevation = 905.37 (NAVD 88)

PREPARED BY

Ulteig

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

## OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Air Properties, LLC, a North Dakota limited liability company, whose address is Fargo, North Dakota as owner of a parcel of land located in the Southwest Quarter of Section 22, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 1 in Block 1 of AUTUMN FIELDS ADDITION to the City of Fargo, according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota

The above described parcel contains 377,412 square feet or 8.664 acres, more or less.

Said owner has caused the above described parcel of land to be surveyed and platted as "AUTUMN FIELDS SECOND ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate to the public for public use the ingress/egress easement on Lot 1 as shown on this plat for purposes so stated and do hereby dedicate to Lots 1 and 2 the ingress/egress easement on Lot 3 as shown on this plat for purposes so stated. Said parties further cause by said plat the vacation of the Negative Access Easement as shown on this plat.

OWNER:
Air Properties, LLC

By: _____
Dell Arneson

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 Dell Arneson of Air Properties, 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.

_____
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 _____, 2015.

_____
April E. Walker, City Engineer

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 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 _____, 2015.

_____
Jan Ulferts Stewart, Planning Commission Chair

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 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 _____, 2015.

_____
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

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 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

JSZ 9/30/15 R15-00808-P.DWG

Fargo City Planning Office
Aaron Nelson
200 Third Street North
Fargo ND 58102

Mr. Nelson

I am writing to request a denial to the change in zoning for 4245 28th Ave South.
This is the parcel of land directly north of Bethany on 42nd and South of Helling Field. This parcel is currently zoned light commercial, and we would like it to stay that way. When we purchased our home last year in Anderson Park, we checked with the city to verify that land would not become Multi family housing, and were assured the zoning was not for that use. Now there is a proposal to do just that.

Our neighborhood is completely bordered on the west by 7 apartment buildings, all of which have a variety of open apartments. This is not a case of "not in my backyard" as we obviously have our share of apartments in our area. More are not needed. Plus with our narrow streets, more on street parking is not an option. The increase in traffic is another reason to just say NO.

I'm sure our small neighborhood doesn't have much clout, but as a tax payer and a homeowner, I'm asking you to do the right thing and leave the zoning for office space- like so many of us were told it would be. We really don't wish to be a small island of homes bordered on both sides by massive apartments.

Please deny the request to change zoning for this land.

Sincerely,

Michelle Breen

Michelle Breen
2713 Umber St South
Fargo ND 58104

| Item # | 12 |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Commerce on I29 | **Date:** | 9-28-2015 |
| **Location:** | 3800, 3801, 3900, 4000, 4100 4101 98 Ave S & 9500, 9501, 9600, 9601, 9700 39 St S | **Staff Contact:** | Derrick LaPoint |
| **Owner(s)/Applicant:** | Nate Vollmuth | **Engineer:** | N/A |
| **Reason for Request:** | Growth Plan Amendment (remove the existing commercial and replace it with industrial and medium/high density residential) | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Vacant | | **Land Use:** unchanged |
| **Zoning:** LI, Limited Industrial and C-O, Conditional Overlay. | | **Zoning:** unchanged |
| **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.<br><br>Conditional Overlay – The conditional overlay would have the same restricted land uses as the previous conditional overlay. | | **Uses Allowed:** unchanged |
| **Maximum Density Allowed:** Maximum building coverage 85% | | **Maximum Density Allowed:** unchanged |

**Proposal:**

The petitioner is seeking approval of a Growth Plan Amendment for all of *Commerce on I29 Addition* from Commercial to Industrial and Med/High Density Residential. A small portion of Medium/High Residential will match the existing buffer between the proposed Industrial area and Low/Medium Density Residential located to the west. The applicant has requested this growth plan amendment in order to accommodate the existing and future tenants and allow gravel to be permitted in the rear of the future developments. The property encompasses approximately 82.02 acres.

Background:
In April, 2014, a Growth Plan Amendment from residential and commercial to industrial land use for the subject property was recommended for denial by the Planning Commission. During the meeting, discussion occurred regarding concern about the possible long-term implications industrial uses may have on the area and the future land-use pattern as designated in the Growth Plan. Land owners in proximity also expressed concern of the possible land uses. Upon the recommendation for denial, the applicant amended the proposed growth plan amendment to commercial land uses. The commercial growth plan amendment was approved by the City

Commission the following month, in May 2014. Following the Growth Plan Amendment, applications for the Commerce on I29 Addition plat and zoning map amendment from AG, Agricultural to GC, General Commercial & C-O, Conditional Overlay were approved by the City Commission in September 2014.

In November 2014, May 2015 and July 2015 the Planning Commission approved three CUP request to allow industrial uses in the GC zoning district uses located at 9500 & 9501 39 St S, 4000 98 Ave S and 3801 98 Ave S. Presently, staff has only received requests for industrial uses in this area. In addition to the CUP conditions the subject properties must comply with LDC §20-0402.R.

In September of 2015, the Planning Commission denied the applicant's request to rezone all of Commerce on I29 from GC, General Commercial with a C-O, Limited Industrial to LI, Limited Industrial with a C-O, Conditional Overlay. The item was heard at the September 28th City Commission and the zoning change was approved.

Other surrounding properties are unplatted and zoned AG, Agricultural. Growth plans indicate future residential uses located north and west of the proposed subject location.

**Area Plans:**

The subject property is located within Tier 2 West Growth Plan, as outlined within the 2007 Fargo Growth Plan. As noted above, the Growth Plan Amendment was approved in May 2014. The plan designates the subject property is appropriate for commercial use. The proposed Growth Plan Amendment that designates the subject properties appropriate for industrial uses with a small portion in the northwest corner designated for medium/high density residential.

**Schools and Parks:**

**Parks:** No public parks currently exist within this area. However, the growth plan indicates two large parks to be located about ½ mile to the north and south of the subject property. The development of these parks is not programmed at this time.

**Bike Paths**: There are no recreation and bike path plans currently in place for this area. However, there is a wide shoulder along 100th Avenue South which is considered an on-road bike facility and provides important connectivity to other rural on-road bicycle infrastructure via US Hwy 81 and County Hwy 17.

**Staff Analysis:**

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

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

1. **Is the proposed change consistent with surrounding land uses, both existing and future?** The proposed growth plan amendment is generally consistent and compatible with the city's 2007 Growth Plan and provides appropriate land use transitions into adjacent land uses (both platted and future land uses as set forth within the growth plan)
   **(Criteria Satisfied)**

2. **Does the proposed change involve a street alignment or connection? If so, how does this change affect the transportation system and the land uses in the surrounding area, both existing and future.** There has been no change in the existing street layout and alignment with this application. Staff believes that the growth plan amendment would continue to be consistent with city adopted plans and policies.
   **(Criteria Satisfied)**

3. **How does the proposed change work with the larger area in terms of land use balance and other factors that could influence the proposed change? Are their physical features or developments in the vicinity that make the change positive or negative for the City and the area in general**? The proposed amendment transitions a moderate amount of commercial acreage to industrial. Staff has received a letter from an adjacent property owner in opposition of the change to industrial uses. Their primary concern is how industrial uses would affect their farmland. The letter has been attached to this staff report. It should be noted that currently the only development in this area have approved CUP to allow industrial uses.
   **(Criteria Satisfied)**

4. **How does the proposed change impact the long term sustainability of the city? Does the change contribute to or detract from the walkability and livability of the city?** The land use changes are significant but the establishment of the C-O, Conditional Overlay will restrict more intensive and impactful uses and should not impact the long term sustainability of the city. As this area is on the southern most boundary of the City of Fargo and the only development future land use planning shall be incorporated prior to surrounding development.
   **(Criteria Satisfied)**

**Staff Recommendation:**

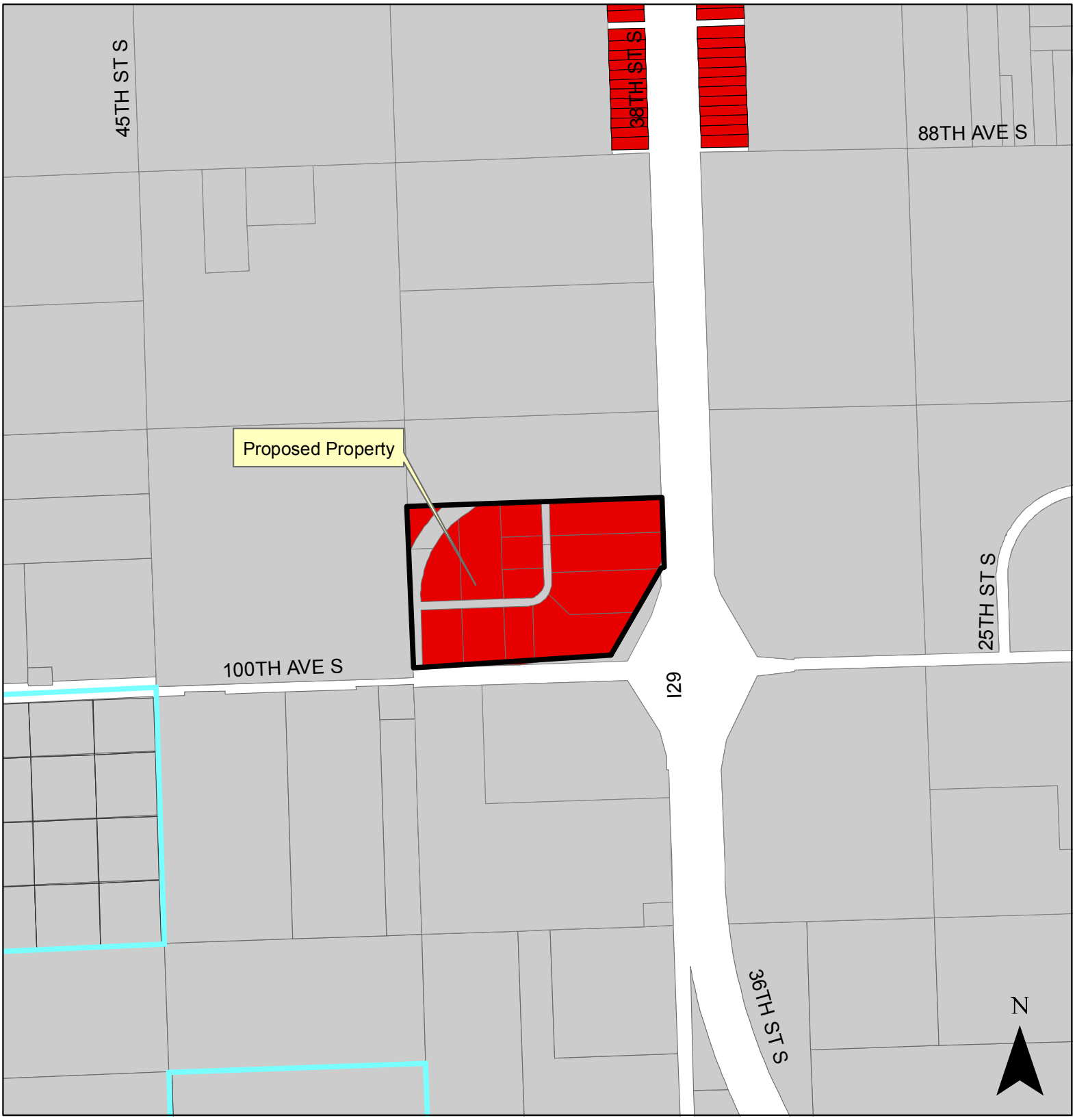
Suggested Motion: "To accept the findings and recommendations of staff and hereby move to recommend approval to the City Commission the following: (1) Growth Plan Amendment as the proposal complies with the GO2030 Fargo Comprehensive Plan, Growth Plan and all other applicable requirements of the Land Development Code."

**Planning Commission Decision:** October 6, 2015

# Growth Plan Amendment

## Commerce on I29 Addition

3800, 3801, 3900, 4000, 4100, and 4101 98th Ave S;
9500, 9501, 9600, 9601, and 9700 39th St S;
9505 42nd St S




CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

# Growth Plan Amendment

## Commerce on I29 Addition

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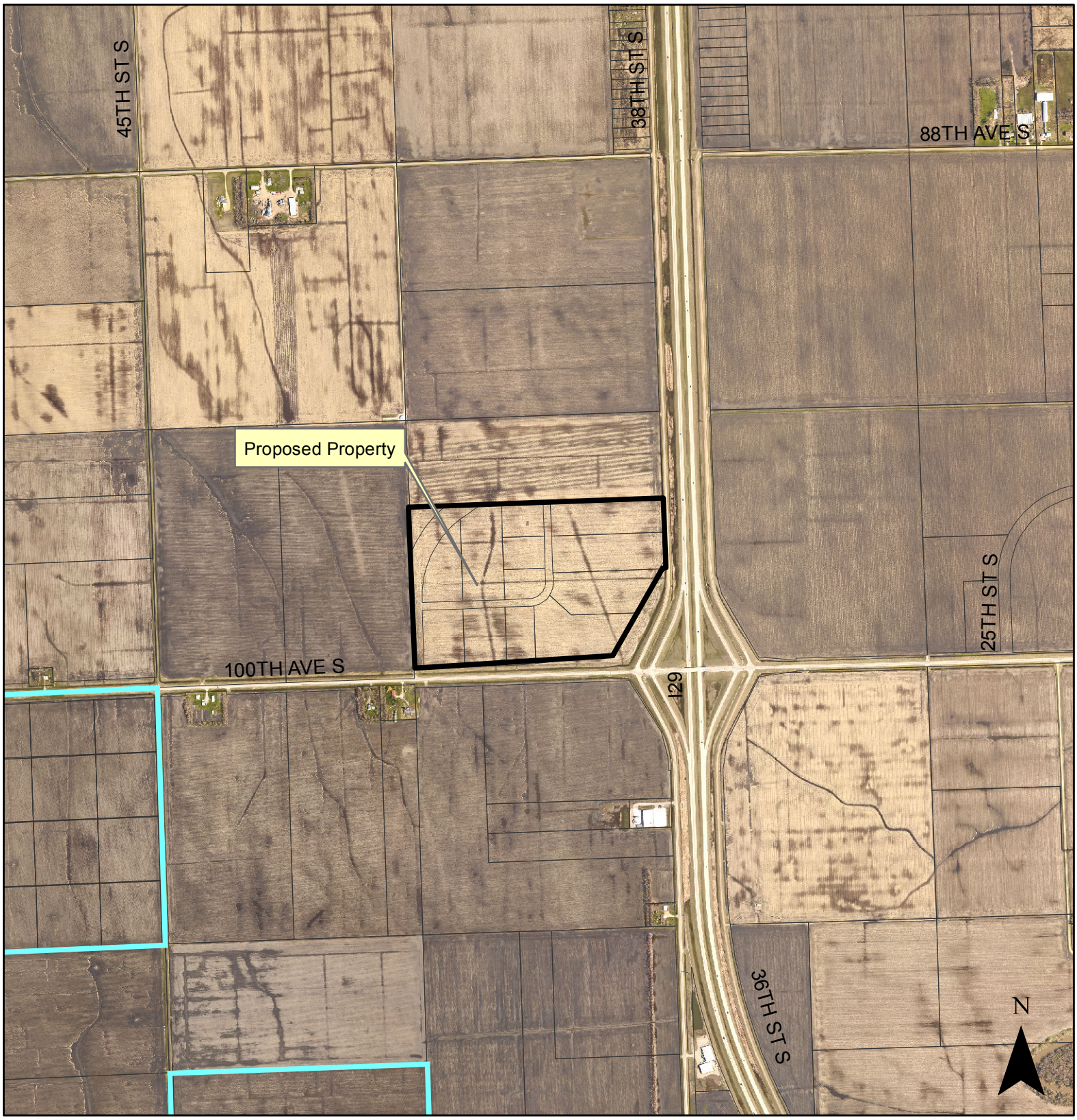


CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

# Growth Plan Amendment

## Commerce on I29 Addition

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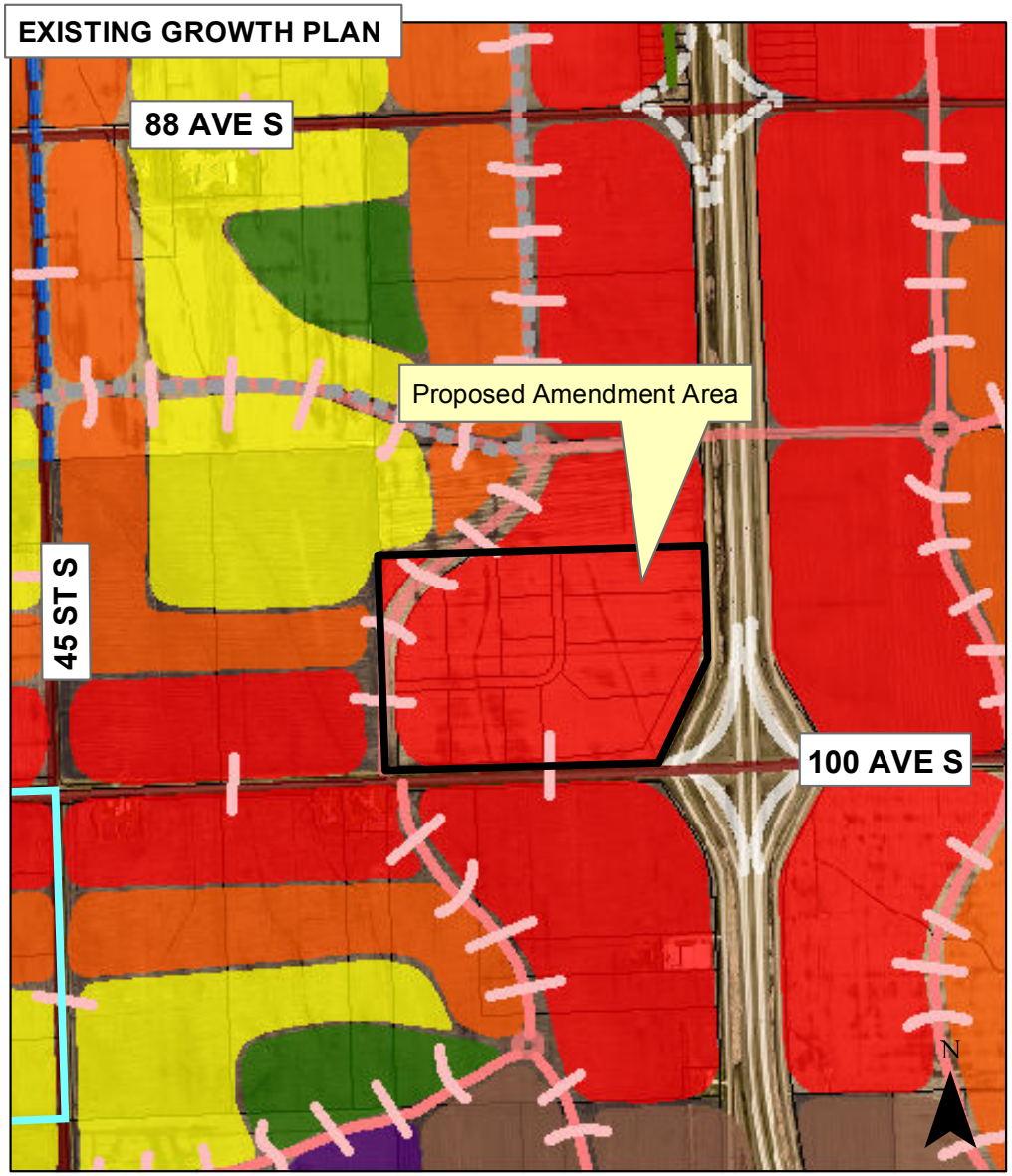


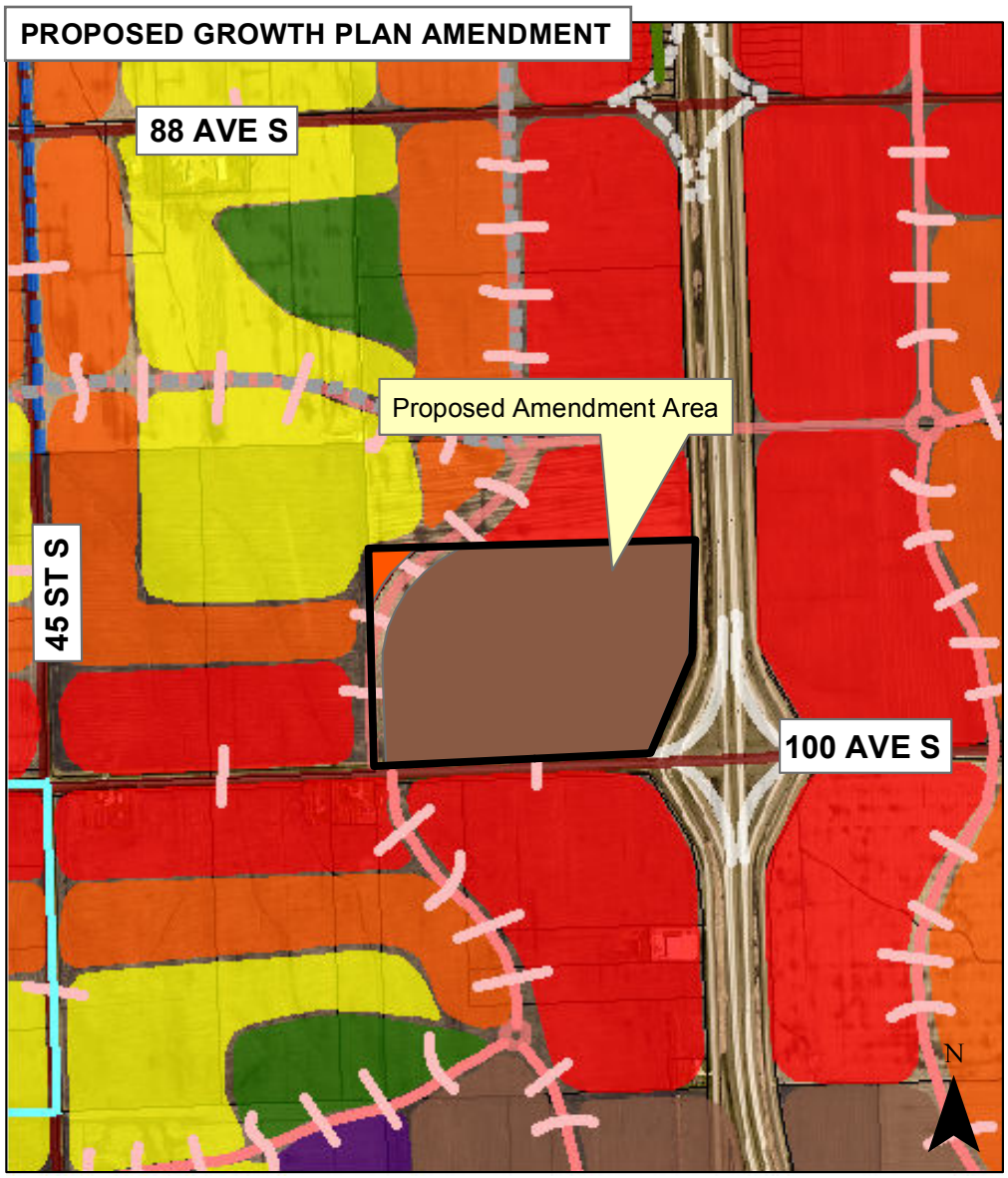


**Legend**

**2007 Tier 2 S Land Use**

**Land_Use**

- Commercial
- Future School
- Industrial
- Low Med Res
- Med High Res
- Proposed Park
- Rural Res

CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

| Item # | 13 |
|---|---|

| *City of Fargo Staff Report* | | | |
|---|---|---|---|
| **Title:** | Reeve's Addition | **Date:** | 9-28-2015 |
| **Location:** | 1401 and 1405 1st Avenue North | **Staff Contact:** | Joe Nigg |
| **Owner(s)/Applicant:** | Craig Holdings LLC | **Engineer:** | N/A |
| **Reason for Request:** | Conditional Use Permit for Manufacturing and Production land use in a GC, General Commercial zoning district on Lot 23 and part of Lot 24, Block 18, **Reeve's Addition.** | | |
| **Status:** | Planning Commission Public Hearing: October 6, 2015 | | |

| **Existing** | | **Proposed** |
|---|---|---|
| **Land Use:** Office (1405) and Vacant Land (1401) which is a previously demolished residence | | **Land Use:** Office and Studio/Shop Space |
| **Zoning:** GC, General Commercial | | **Zoning:** GC, General Commercial **with a Conditional Use Permit (CUP) to allow manufacturing and production land uses.** |
| **Uses Allowed:** GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, warehouse and freight movement, wholesale sales, aviation, surface transportation and major entertainment events. | | **Uses Allowed:** GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events. **with a Conditional Use Permit (CUP) to allow manufacturing and production land uses** |
| **Maximum Density Allowed:** Maximum 85% building coverage | | **Maximum Density Allowed:** Maximum 85% building coverage |

**Proposal:**

The applicant is seeking approval of a Conditional Use Permit to allow for a manufacturing and production land use in a GC, General Commercial zoning district. The property is located at 1401 and 1405 1st Avenue North, and is legally described as Lots 23 and the South 80' of Lot 24, Block 18, Reeve's Subdivision.

The applicant, Craig Holdings, LLC, has requested the Conditional Use Permit in order to construct a 1,400+ square foot artist's studio and welding shop as an addition onto the existing office located at the 1405 1st Ave.

It should be noted that any industrial land use which is located within a General Commercial zoning district is subject to additional use-specific standards as set forth within Section 20-0402.R of the Land Development Code (LDC). These standards restrict the location of loading and truck parking areas, as well as require additional buffering (fencing) for parking and outdoor storage areas.

Exhibit: Subject Property

Background Information: In 2008 the Planning Commission approved a Conditional Use Permit for an Alternative Access plan for the existing office land use located at 1405 1st Avenue North. Specifically, this CUP allowed a reduction in the required number of parking spaces. According to the LDC, an office building of this size would require 8 off-street parking spaces. The owner was allowed to reduce the number of parking spaces to 6 under the condition that valet parking would be offered and that bicyclists would be accommodated by providing a bicycle rack, shower, and dressing area within the office space. As long as the existing programming and use remains unchanged the parking reduction as previously granted will remain in full force and effect. Note that the project will include a total of twelve (12) parking spaces with three (3) spots added to address parking requirements for the 1,400+ square foot addition.

Surrounding Land Uses and Zoning: Although the surrounding zoning indicates primarily commercial and industrial land uses, the majority of the properties to the east and west along 1st Avenue are still maintained as single-dwelling residences. The properties located to the north and south of the subject property are zoned GC, General Commercial (north) and LI, Limited Industrial (south). These are used primarily as warehouse, office, manufacturing and production land uses.

**Area Plans:**

No area plans exist which apply directly to this subject property. However, the property is located within the Madison/Unicorn Park Neighborhood.

It is important to note that these properties are only 1 block west of University Drive and the termini of the Downtown Mixed Use (DMU) zoning district. This sub-area bounded by University Drive / 15th Street / 6th Ave N and the Main Ave RR tracks appears to hold a significant amount redevelopment and investment potential based on the number of 'unstable' properties and the amount of underutilized or underdeveloped acreage.

**Schools and Parks:**

**Schools**: The subject property is served by the Fargo Public School District, and is located specifically within the boundaries of Roosevelt Elementary School.

**Parks**: There are no parks located within walking distance of the subject property.

**Pedestrian / Bicycle**: On road bike facilities are located on 1st Avenue between University Drive and 25th Street. This path connects into a larger off-road facility which runs north to south along the majority of 25th Street.

**Staff Analysis:**

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?** Pursuant to the LDC the proposed land use (artist studio and welding shop) is classified as an industrial use, and more specifically as "Manufacturing and Production". It is important to note that the proposed use is certainly less intensive than a typical manufacturing, production, warehouse or industrial type use.

   As set forth within Section 20-0104, the LDC is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. The Fargo GO2030 Comprehensive Plan is written with an emphasis on creating walkable mixed-use centers and encouraging/promoting infill development and as such, a few applicable goals/policies are outlined below:

   *GO2030 - Neighborhoods, Infill and New Development; Initiative 01:* Promote Infill.

Develop policies to promote infill and density within areas that are already developed and are protected by a flood resiliency strategy.

*GO2030 – Neighborhoods, Infill and New Development; Initiative 03:* To create the Fargo desired by the community in 2030, new development will have to contribute to a building stock that is efficient, durable, connected and attractive. Fargo will promote infill development, planned growth, increased density and vitality in its established neighborhoods.

The proposed Conditional Use Permit includes conditions that are intended to address and mitigate, to the extent practical, any potential negative impacts. **(Criteria Satisfied)**

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?** As noted above, redevelopment and investment on this property will further specific objectives outlined within the GO2030 Comprehensive Plan; including infill, increased density and increased value within a core neighborhood. Therefore, the Planning Department believes that through granting the conditional use permit this project will promote the general welfare of the community. **(Criteria Satisfied)**

3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?** The requested conditional use permit is compatible and consistent with the intent of the GO2030 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, a few phone calls and emails have been received, but no specific concerns have been conveyed to the Planning Department. In addition, staff believes that the conditions outlined with the Conditional Use Permit further ensure that the industrial use will not negatively affect the value of the surrounding property over the long term. **(Criteria Satisfied)**

4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.** The Planning Department does not believe that the location, size, nature or intensity of the use will prevent development and use of neighboring property in accordance with applicable zoning districts. Consequently, in addition to the use specific standards of LDC Section 20-0402(R) which apply to industrial uses in the GC zoning district, staff is recommending conditions that are intended to provide additional protection of the surrounding area. Additionally, if the use changes in the future and the 'new' use is not permitted by-right in the GC, General Commercial district - the property owner will be required to re-apply for a conditional use permit (industrial uses) as this permit shall terminate and be void at which time the "manufacturing and production" use contemplated under this approval ceases to exist. **(Criteria Satisfied)**

5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?** The subject property will have access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability to utilize the property as proposed. Based on this information staff finds that adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?** The properties have adequate and appropriate access to 1st Avenue N, 14th Street as well as the public alley on the back-side of the property. As previously noted, the developer will be able to meet minimum off-street parking

requirements on-site based on the proposed use. **(Criteria Satisfied)**

Further Discussion & Recommended Conditions:

1) The Conditional Use Permit shall be void if the property is used for any industrial use other than "manufacturing and production" as contemplated under this approval.

2) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any part of the lot that will emit foul odors.

3) Outdoor storage areas shall not be located within the front side setback areas of the development. In addition, all outdoor storage areas shall be fenced with a 6 foot high opaque fence.

4) The manufacturing, production, or processing of animal products or hazardous chemicals or materials shall not be permitted.

**Staff Recommendation:**

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

1) The Conditional Use Permit shall be void if the property is used for any industrial use other than "manufacturing and production" as contemplated under this approval.

2) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item or material be kept on any part of the lot that will emit foul odors.

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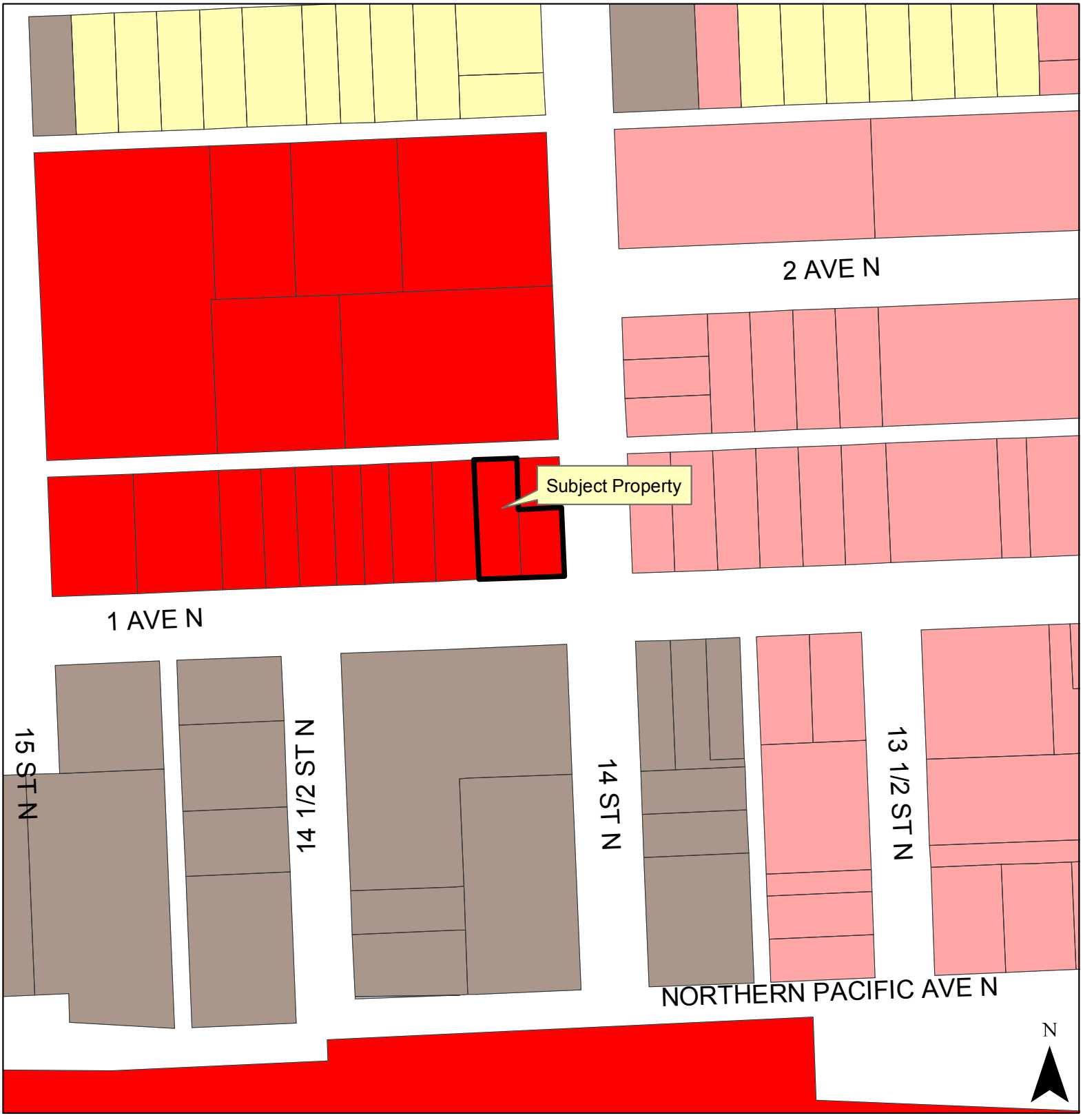
**Planning Commission Decision: October 6, 2015**

# CUP (Manufacturing and Production in a GC zoning district)

## Reeve's Addition

1401 & 1405 1st Ave 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**
**October 6, 2015**

# CUP (Manufacturing and Production in a GC zoning district)

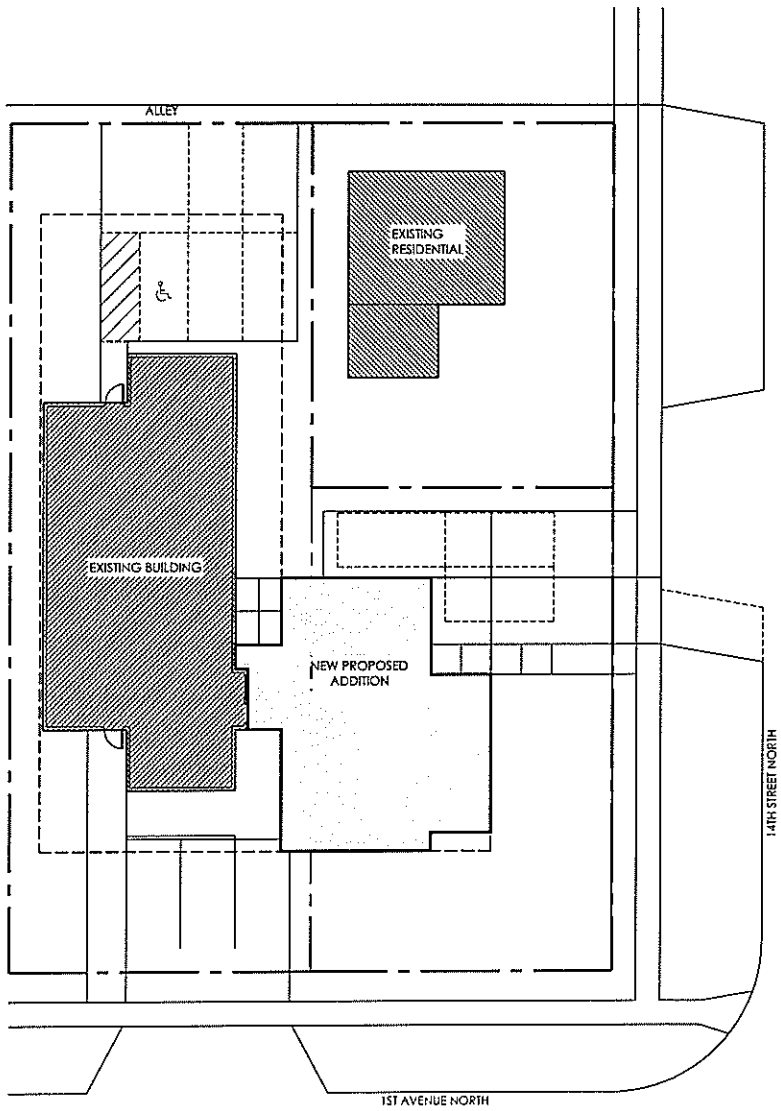
## Reeve's Addition

1401 & 1405 1st Ave N

CITY OF Fargo

**Fargo Planning Commission**
**October 6, 2015**

# Site plan




1 SITE PLAN
SCALE: 1" = 20'-0"

CRAIG PROPERTIES
OFFICE ADDITION
FARGO, ND PROJ. # 1527

CHRIS HAWLEY ARCHITECT
325 7th Street South Suite . Fargo, ND 58103 701.478 4460

detailed site plan

## CODE/LIFE SAFETY LEGEND

OCC. LOADING SYMBOL

OCCUPANCY LOAD
AREA
OCCUPANT LOAD FACTOR

EGRESS OPENING SYMBOL

OCCUPANT RATING OF DOOR
EXIT WIDTH PROVIDED ( 15 PER OCC.)
EXIT WIDTH PROVIDED
DOOR EXIT SIGNAGE LOCATION

RATED OPENING SYMBOL

PROTECTION RATING IN MINUTES

AREA OF REFUGE SYMBOL

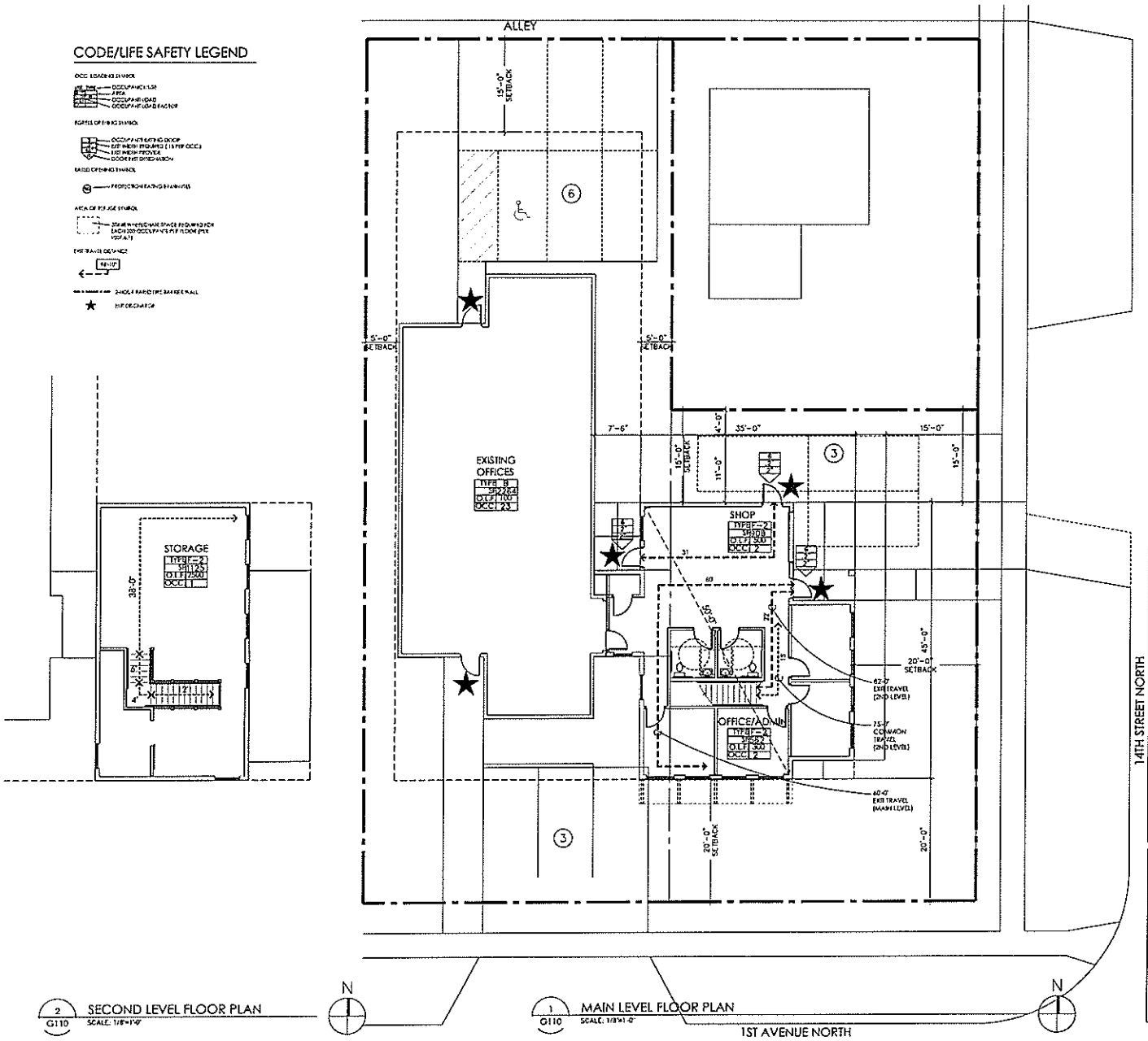
MINIMUM REFUGE AREA SPACE REQUIRED PER EACH 200 OCCUPANTS PER FLOOR (PER IBC 1007.4.1)

EXIT TRAVEL DISTANCE

EXIT

2-HOUR RATED FIRE BARRIER WALL

EXIT DISCHARGE




2 G110 SECOND LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"

1 G110 MAIN LEVEL FLOOR PLAN
SCALE: 1/8"=1'-0"

## PROJECT CODE STATISTICS

| | CODE SECTION |
|---|---|
| APPLICABLE CODES:<br>• 2012 INTERNATIONAL BUILDING CODE<br>• NORTH DAKOTA AMENDMENTS<br>• FARGO AMENDMENTS TO NORTH DAKOTA CODE<br>• NFPA 101 LIFE SAFETY CODE<br>• 2009 INTERNATIONAL ENERGY CONSERVATION CODE (COMMERCIAL) | |
| USE: CENTRAL COMMERCIAL — OFFICE / INDUSTRIAL | (302.1) |
| SETBACKS:<br>FRONT (ROOFING 20'-0" SIDE (1ST) 20'-0" SIDE (NORTH) 5'-0" REAR (NORTH) 15'-0" | (1605.2) |
| SIZE:<br>PROPERTY: 17,000 S.F. — BUILDING COVERAGE: 24% — BUILDING: 4,049 S.F. — MAX. COVERAGE: 80% | (1605.2) |
| FLOOR AREA:<br>BUILDING AREA: 3,264 S.F. / MAXIMUM FLOOR AREA: 6,800 S.F. / 40% | (1605.2) |
| PARKING:<br>BUILDING: 3,264 SQ. FT. — 1/300 — 11 STALLS REQUIRED<br>6 STALLS PROVIDED (PARKING DECREASE PER C.U.P.)<br>(1 RESIDENTIAL / 1 ADA / 4 PROVIDED ON STREET)<br>VIEW: OFFICE/ADMIN — 1,800 S.F. — 300 — 6 STALLS REQUIRED<br>SHOP EQUIPMENT SERVICE — 1,000 S.F. — 750 - 2500 — 4 STALLS REQUIRED<br>INDOOR STORAGE, & WAREHOUSING — 1,000 S.F. — 1500/2500 — 1 STALLS REQUIRED<br>OFF-STREET LOADING SPACE REQUIRED: NONE - 1,000 SF/UNIT - NA<br>PLANTING:<br>STREET TREES<br>1ST AVE. N. — 1 PER 30' (EQUIPPED) 4 PROVIDED<br>14TH ST. N. — 1 PER 30' (2 EXISTING) 2 REQUIRED<br>NONE ORGANIC MULCH, STONE, RIVER ROCK AND/OR SHRUBS AT TREE PIT<br>OPEN SPACE LANDSCAPING — EQUIPMENT SHELTER AND PLANTERS (SQ.)<br>1 PLANT UNIT (P.U.) PER 1,000 S.F.<br>LOT AREA = 17,000 S.F.<br>17,000 / 1,000 = 17 P.U. X 10 = 170 P.U.<br>4.5 P.U. PER 1 TREE<br>38 X 4.5 = 171 P.U. / MINIMUM 50% TREES<br>MIN. PER PLANTING AT FRONT & REAR SETBACK AREAS | (1605.2)<br>(1605.2)<br>(1605.2)<br>(1605.2)<br>(1605.2)<br>(1605.2)<br>(1605.2)<br>(1605.2)<br>(1605.2)<br>(1605.2)<br>(1605.2) |
| CHAPTER 3 - USE AND OCCUPANCY:<br>BUILDING GROUP B OFFICE (S) — NON - GROUP S (S1) NON HAZARD INDUSTRIAL | 302.1 |
| CHAPTER 4 - SPECIAL PROVISIONS:<br>N/A | |
| CHAPTER 5 - BUILDING HEIGHTS AND AREAS:<br>GROUP S-2 — TYPE V-A, 1 STORY, 15,200 S.F.<br>GROUP B — 2,264 S.F. — BUILDING AREA(S): GROUP S-2 1 STORY 15,200 S.F. — NON-SPRINKLERED — MAX HEIGHT (FEET) 1 STORY — MAX HEIGHT (STORIES) 1 STORY — TOTAL NEW CONSTRUCTION 4,049 S.F. — TOTAL BUILDING AREA<br>NON-SPRINKLERED<br>OCCUPANCY SEPARATION: B/A-2 — 2-HOUR RATED FIRE BARRIER WALL | 503<br>506.2<br>508.4 |
| CHAPTER 6 - TYPES OF CONSTRUCTION:<br>TYPE V-B (1 HOUR RATED)<br>FIRE-RESISTANCE ON TYPE V-B NON-SPRINKLERED BASE | 602<br>602.5 |
| CHAPTER 7 - FIRE AND SMOKE PROTECTION:<br>EXTERIOR WALLS:<br>PROJECTIONS - 4'-0" FROM PROPERTY SETBACK (LESS THAN 5'-0" SETBACK) X 0.45 = 1.8' MAX ALLOWABLE PROJECTION<br>FIRE SEPARATION DISTANCE = 5'-0" FROM LOT LINE OR 30' TO FAR SIDE OF PUBLIC WAY — 0 INCH RATED<br>OPENING PROTECTION = 10 TO LESS THAN 15' (PERCENTAGE OF OPENINGS ALLOWABLE) — 45% ALLOWABLE<br>OPENINGS PROVIDED — 0 % ALLOWABLE<br>2 HR SPACE = MAX. 1,500 S.F. AREA, ADDED 1,500 S.F. FOR EACH 30' SETBACK<br>CONCEALED SPACES AND DRAFTSTOPPING:<br>EXTERIOR WALLS & PROPERTY LINES — NO RATING | 705.5<br>705.8<br>705.8<br>706.4<br>716.5.3 |
| CHAPTER 8 - INTERIOR FINISHES:<br>TYPE OF OCCUPANCY — B FOR BUSINESS OCCUPANCIES | 803.9 |
| CHAPTER 9 - FIRE PROTECTION SYSTEMS:<br>NOT REQUIRED<br>PORTABLE FIRE EXTINGUISHERS REQUIRED | 903.2.11<br>906.2.8 |
| CHAPTER 10 - MEANS OF EGRESS:<br>OCCUPANT LOAD — GROUP B — FACTOR / USE: 1 PER 100 S.F. / 1 PER 200 S.F. — 1 OCCUPANT / 2 OCCUPANTS<br>SPRINKLERS — SPRINKLERS NOT REQUIRED (NFPA 13) — BUILDING SHALL BE PROTECTED WITH SMOKE DETECTORS<br>COMMON PATH OF EGRESS TRAVEL — GROUP B — 75'-0" (NON-SPRINKLERED) / 100' (SPRINKLERED) — MAX ACTUAL<br>SPACES WITH ONE EXIT — MAX 29 OCC. — 2ND LEVEL (3 OCC. ACTUAL)<br>DEAD ENDS — REMOVED AND LESS THAN 50' (NON-SPRINKLERED) / 70' (SPRINKLERED) — 20' ACTUAL<br>EXIT TRAVEL DISTANCE — GROUP B — MAX. 200'-0" (NON-SPRINKLERED) / 300' (SPRINKLERED) — 62'-0" ACTUAL (MAIN LEVEL) / 60'-0" ACTUAL (2ND LEVEL)<br>STORIES WITH ONE EXIT — GROUP B — MAX. 1 FOR 49 OCC (2 ACTUAL) — MAX. 1 FOR 49 OCC (2 ACTUAL) | 1004.1.1<br>1006.3.1<br>1006.3.2<br>1014.3<br>1017.2<br>1021.2 |
| CHAPTER 11 - ACCESSIBILITY:<br>ACCESSIBLE ROUTE AND ENTRANCES PROVIDED<br>ACCESSIBLE PARKING SPACES — 6 SPACES PROVIDED / 1 SPACE — (1) ACCESSIBLE SPACE REQUIRED / PROVIDED WITH ACCESSIBLE AISLE<br>WASH & COMPARTMENTS (RESTROOM & CONFERENCE ROOM) — ADA TOILET ROOMS WITH 60" DIAMETER SPACE CLEARANCE<br>EQUIP ROOMS ARE ACCESSIBLE — (2) 5' X 5' TURNING SPACE / (1) WHEELCHAIR ACCESSIBLE DRINKING FOUNTAIN | 1104.1 1107.6<br>1106.1<br>1109.2 |
| CHAPTER 12 - INTERIOR ENVIRONMENT:<br>TOILET ROOMS - REFER TO MANUFACTURER AND FLOOR PLAN FIXTURES | 1210 |
| CHAPTER 29 - PLUMBING SYSTEMS:<br>MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES<br>GROUP B — WATER CLOSETS — MALE: 1 PER 25 (1-50) / 2 PER 50 (51-100) / 3 PER 100 (101-150) — (1) REQUIRED / (1) PROVIDED<br>FEMALE: 1 PER 25 (1-50) / 2 PER 50 (51-100) / 3 PER 100 (101-150) — (1) REQUIRED / (1) PROVIDED<br>LAVATORIES — 1 PER 40 (1-80) / 2 PER 80 (81-160) — (1) REQUIRED / (1) PROVIDED<br>DRINKING FOUNTAINS — 1 PER 100 OCC. — (1) REQUIRED / (1) PROVIDED<br>SERVICE SINK — (1) REQUIRED / (1) PROVIDED | 2902.1 |

## ENERGY CONSERVATION STATS:

SECTION 2: GENERAL INFORMATION

| | |
|---|---|
| PROJECT TYPE: | NEW CONSTRUCTION |
| BUILDING OWNER: | LEASE |
| ADDRESS: | 1314 14 ST S |
| ACTIVITY: | OFFICE |
| TOTAL AREA: | 3,264 S.F. |

SECTION 3: PROGRAMMING CHECKLIST

| COMPONENT NAME DESCRIPTION | GROSS AREA OR PERIMETER | CAVITY R-VALUE | CONT. R-VALUE | PROPOSED U-FACTOR | REQUIRED U-FACTOR |
|---|---|---|---|---|---|
| ROOF | 3,264 S.F. | | 20.0 | 0.025 | 0.039 |
| EXTERIOR WALL 1 (EAST) | 2,464 S.F. | 24.0 | 20.0 | 0.039 | 0.051 |
| EXTERIOR WALL 2 (NORTH) | 1,400 S.F. | 24.0 | 20.0 | 0.039 | 0.051 |
| EXTERIOR WALL 3 (WEST) | 1,400 S.F. | 24.0 | 20.0 | 0.039 | 0.051 |
| EXTERIOR WALL 4 (SOUTH) | 1,400 S.F. | 24.0 | 20.0 | 0.039 | 0.051 |
| WINDOW / GLAZING (NEW OR REPLACEMENT) | 240 S.F. | — | — | 0.350 | 0.350 |
| ROOF 1 SKYLIGHTS (CURB MOUNTED) | n/a | — | — | 0.600 | 0.550 |
| DOOR 1 GLASS (WITH GLAZING) | 63 S.F. | — | — | 0.890 | 0.890 |
| DOOR 2 GLASS (WITH GLAZING) | 63 S.F. | — | — | 0.890 | 0.890 |
| DOOR 3 OPAQUE DOOR | 84 S.F. | — | 10.0 | 0.100 | 0.370 |
| DOOR 4 GLASS DOOR | 63 S.F. | — | — | 0.600 | 0.370 |
| FLOOR 1 SLAB ON GRADE (UNHEATED) | 3,264 S.F. | — | — | — | — |

EXEMPTIONS PASSED / REFER TO 4.3.3 EXEMPTIONS IN MAIN CODE

CMA

825 25TH ST S
FARGO, ND 58103
701 478 1456

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF NORTH DAKOTA

SIGNATURE

DATE 10-11-2015 REG NO 3887

PRELIMINARY NOT FOR CONSTRUCTION 09-11-15

| No. | Description | Date |
|---|---|---|
| | | |

CRAIG PROPERTIES
OFFICE ADDITION
FARGO, NORTH DAKOTA

DATE: 10.11.2015
PROJECT: 1527

PHASE:
CONSTRUCTION DOCUMENTS

G110
LIFE SAFETY PLAN