

FARGO PLANNING COMMISSION AGENDA
Tuesday, December 5, 2017 at 3:00 p.m.

- A: Approve Order of Agenda.
- B: Minutes: Regular Meeting of November 7, 2017
- C: Brown Bag Luncheon – To Be Announced
- D: Public Hearing Items:
- 1a. Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO JANUARY 4, 2018
 - 1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO JANUARY 4, 2018
 - 1c. Continued hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO JANUARY 4, 2018
 - 1d. Continued hearing on an application requesting a Plat of **NSC Addition** (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO JANUARY 4, 2018
 2. Continued hearing on an application requesting a Plat of **Craigs Oak Grove Addition** (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig) (an): CONTINUED TO JANUARY 4, 2018
 3. Continued hearing on an application requesting a Plat of **Cityscapes Business Park Addition** (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the

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proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth) (dk):

- 4a. Continued Hearing on an application requesting a Conditional Use Permit for household living in the LC, Limited Commercial Zone, on the proposed Lot 5, Block 1, **Urban Plains by Brandt Third Addition**. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.) (an)
- 4b. Hearing on an application requesting a Conditional Use Permit for an alternative access plan in the LC, Limited Commercial Zone, on the proposed Lot 5, Block 1, **Urban Plains by Brandt Third Addition**. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.) (an)
- 5a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial, and P/I Public and Institutional, within the boundaries of the proposed **LaVerne's Addition**. (Located at 4301 19th Avenue North) (LaVerne A. Montplaisir Family/Houston Engineering) (dk)
- 5b. Hearing on an application requesting a Plat of **LaVerne's Addition** (Major Subdivision) a replat a portion of the West 1/2 of Section 27, T140N, R49W, City of Fargo, Cass County, North Dakota. (Located at 4301 19th Avenue North) (LaVerne A. Montplaisir Family/Houston Engineering) (dk)
- 6a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, within the boundaries of the proposed **Madelyn's Meadows Addition**. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness) (dk) CONTINUED TO FEBRUARY 6, 2018
- 6b. Hearing on an application requesting a Plat of **Madelyn's Meadows Addition** (Major Subdivision) a replat of a portion of the Northeast 1/4 of the Southeast 1/4 of Section 11, T138N, R49W, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness) (dk) CONTINUED TO FEBRUARY 6, 2018
7. Hearing on an application requesting a Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 2-6, Block 1, **BLU Water Creek Addition**, Lots 1-3, Block 1, **BLU Water Creek Second Addition**, and Lot 2, Block 1, **Bentley Square Addition**. (Located at 4504, 4582, 4600, 4648, and 4682 32nd Avenue South, 3233 and 3265 45th Street South, and 4507 and 4609 33rd Avenue South) (Brandt Crossing, LLC/Nate Vollmuth) (me)
8. Hearing on an application requesting a Plat of **BLU Water Creek Third Addition** (Minor Subdivision) a replat of Lots 2-3, Block 1, BLU Water Creek Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4504 and 4582 32nd Avenue South) (Brandt Crossing, LLC/Nate Vollmuth) (me)

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9. Hearing on an application requesting an amendment to an existing Planned Unit Development Master Land Use Plan and Final Plan for Lot 2, Block 1, of the **Osgood Townsite Fifteenth Addition**. (Located at 5012 47th Street South) (Artekta Architects/Jeff Morrau) (km)
10. Hearing on an application requesting a Plat of **Commerce on 12th Fourth Addition** (Minor Subdivision) a replat of all of Block 1, Commerce on 12th Second Addition, to the City of Fargo, Cass County, North Dakota. (Located at 1330, 1350, 1370, and 1390 55th Street North) (Fargo Commercial Properties, LLC/Nate Vollmuth) (bv)
11. Hearing on an application requesting an amendment to the PUD, Planned Unit Development Master Use Plan and Final Plan for Lots 17-18 and portions of Lots 1-2, Block 4, of **Harwood's Addition**. (Located at 703 and 707 10th Street North) (710 Lofts, LLC/Kevin Bartram) (bv)
12. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 29, of **Ohmers Addition Subdivision of Lots 65 through 68**. (Located at 1314 12th Street North) (Alpha Gamma Rho House Corporation/Lutheran Campus Council) (dk)
13. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 30, of **Ohmers Addition Subdivision of Lots 65 through 68**. (Located at 1310 12th Street North) (Alpha Gamma Rho House Corporation/Lutheran Campus Council) (dk)

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

November 7, 2017:

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 3:00 o'clock p.m., Tuesday, November 7, 2017.

The Planning Commissioners present or absent were as follows:

Present: Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Mary Scherling, Rocky Schneider, Melissa Sobolik, Kelly Steffes, Scott Stofferahn

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following Agenda items:

- Item 3 has been Withdrawn.
- Items 4, 8, and 11 are continued to the December 5, 2017 Planning Commission Meeting.

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

Item B: Minutes: Regular Meeting of October 3, 2017

Member Stofferahn moved the minutes of the October 3, 2017 Planning Commission meeting be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

Member Schneider present.

Item C: November 15, 2017 Brown Bag Luncheon
Topic: Neighborhood Planning Items

Item D: Public Hearing Items:

Item 1: Grayland First Addition

1a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional of the proposed Grayland First Addition. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District): APPROVED

1b. Continued hearing on an application requesting a Plat of Grayland First Addition (Major Subdivision) a plat of an annexed part of Section 5, Township 138 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5565 63rd Street South and 5414 68th Street South) (Ben Saucke/West Fargo Public School District): APPROVED

A Hearing had been set for July 6, 2017. At the July 6, 2017 meeting, the Hearing was continued to August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to this date and time.

Member Magelky declared a conflict of interest on this item and was excused from voting.

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential, SR-3, Single-Dwelling Residential and P/I, Public and Institutional on the annexed part of Section 5, Township 138 North, Range 49 West and 2) Grayland First Addition plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Sobolik, Scherling, Morgan, Stofferahn, Steffes, Schneider, Gunkelman, Fischer voted aye. Member Magelky abstained from voting. The motion was declared carried.

Item 2: Diamond Willow Addition

2a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay within the boundaries of the proposed Diamond Willow Addition. (Located at 622 and 624 10th Avenue North) (Nate Anderson): APPROVED

2b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed Diamond Willow Addition. (Located at 622 and 624 10th Avenue North) (Nate Anderson): APPROVED WITH CONDITION

2c. Hearing on an application requesting a Plat of Diamond Willow Addition (Minor Subdivision) a replat of Lots 15 and 16, Block 15, Douglas Addition, to the City of Fargo, Cass County, North Dakota. (Located at 622 and 624 10th Avenue North) (Nate Anderson): APPROVED

A Hearing had been set for September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to this date and time.

Mr. Kress presented the staff report noting an additional document he has submitted to the Board of an email from an area property owner and concerns from the Fargo Neighborhood Coalition and Roosevelt Neighborhood Association. Mr. Kress stated all approved criteria have been met and staff is recommending approval.

Discussion was held on the requirements of driveway length, parking concerns and requirements, access locations, the intent to have the properties for sale to private owners versus rental, the look of the buildings, and on the changes the applicant has made on the application.

Applicant Nathan Anderson spoke on behalf of the application.

Division Engineer, Brenda Derrig, spoke on behalf of the Engineering Department addressing utilities access easements.

The following area property owner spoke in opposition of the proposal sharing the following concerns: lack of depth of the driveways, concern over boulevard trees and reduced setbacks, and the walkability of the neighborhood.

Jim Laschkewitch, 1016 College Street, on behalf of the Roosevelt Neighborhood Association

Member Morgan moved this item be continued to a later Planning Commission date to allow the applicant to further address concerns of the area residents.

The motion failed for a lack of a second.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay and 2) PUD, Planned Unit Development Master Land Use Plan, with an update to approve the access location on a street other than a collector, and 3) a plat of Diamond Willow Addition, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Roosevelt-NDSU Neighborhood Plan, the Standards of Article 20-06, Section 20-0908.B (7), and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Magelky, Schneider, Scherling, Steffes, Stofferahn, Sobolik, and Gunkelman voted aye. Members Morgan and Fischer voted nay. The motion was declared carried.

Item 3: Tyler's Addition

Continued hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, Tyler's Addition. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited): WITHDRAWN – Re-advertised and approved at the September 5, 2017 Planning Commission Meeting

A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to September 6, 2016. At the September 6, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to January 4, 2017. At the January 4, 2017 meeting the Hearing was continued to February 7, 2017. At the February 7, 2017 meeting the Hearing was continued to March 7, 2017. At the March 7, 2017 meeting the Hearing was continued to April 4, 2017. At the April 4, 2017 meeting the Hearing was continued to May 2, 2017. At the May 2, 2017 meeting the Hearing was continued June 6, 2017. At the June 6, 2017 meeting the Hearing was continued to August 1, 2017. At the August 1, 2017 meeting the Hearing was continued to November 7, 2017; however, the applicant requested that the item be heard September 5, 2017, and the application was re-advertised and approved by the Planning Commission at that time.

Item 4: Urban Plains by Brandt Third Addition

Continued Hearing on an application requesting a Conditional Use Permit for household living in the LC, Limited Commercial Zone, on the proposed Lot 5, Block 1, Urban Plains by Brandt Third Addition. (Located at 2633 and 2867 55th Street South) (Houston Engineering, Inc.): CONTINUED TO DECEMBER 5, 2017

A Hearing had been set for October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to this date and time; however, the applicant has requested the application be continued to December 5, 2017.

Item 5: The District of Fargo Third Addition

Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O, Conditional Overlay, within the boundaries of The District of Fargo Third Addition. (Located at 3751 53rd Avenue South) (Batis Development/Roers): APPROVED

Planning Administrator Nicole Crutchfield presented a brief background on the project and the Conditional Overlay history.

Mr. Kress presented the staff report stating 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 to repeal and re-establish a C-O, Conditional Overlay on Lots 1 through 3, Block 1, The District of Fargo Third Addition as presented, as the proposal complies with the Land Development Code Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Stofferahn, Scherling, Sobolik, Morgan, Steffes, Schneider, Magelky, Gunkelman, and Fischer voted aye. The motion was declared carried.

Item 6: Text Amendment

Hearing on an application requesting an LDC Text Amendment to amend Section 20-0402.R.1.b of the Fargo Municipal Code (Land Development Code) relating to the screening of outdoor storage areas. (Precision Lawn Care & Landscaping/Roers): APPROVED

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

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed text amendment to amend Section 20-0402.R.1.b of Article 20-04 of Chapter 20 of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of Subsection 20-0904(E)(1-4) of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Steffes, Sobolik, Magelky, Gunkelman, Scherling, Morgan, Stofferahn, Schneider, and Fischer voted aye. The motion was declared carried.

At 4:02 p.m., the Board took a five-minute recess.

After recess: All Members present. Chair Fischer presiding.

Item 7: Ekman Dakota View Second Addition

Hearing on an application requesting a Plat of Ekman Dakota View Second Addition (Minor Subdivision) a replat of part of Lot 2 and all of Lot 3, Block 1, Ekman Addition, and Lot 1, Block 1, Ekman Dakota View Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4108 and 4162 17th Ave South and 1728 42nd Street South) (Blazing Wings Properties/Daryl Bachmeier): APPROVED

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

Member Scherling moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Ekman Dakota View Second Addition as outlined within the staff report, as the proposal complies with the Standards of Article 20-06 and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Gunkelman, Sobolik, Morgan, Steffes, Magelky, Stofferahn, Schneider, Scherling, and Fischer voted aye. The motion was declared carried.

Item 8: Cityscapes Business Park Addition

Hearing on an application requesting a Plat of Cityscapes Business Park Addition (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota, to include a

subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth): CONTINUED TO DECEMBER 5, 2017

A Hearing had been set for this date and time; however, the applicant has requested the application be continued to December 5, 2017.

Item 9: Vista Village Sixth Addition

Hearing on an application requesting a Plat of Vista Village Sixth Addition (Minor Subdivision) a replat of Lots 6-7, Block 4, Vista Village Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4318 and 4324 37th Avenue South) (EVI Fargo LLC/Nick Stattelma): APPROVED

Member Schneider declared a conflict of interest on this item and was excused from voting.

Assistant Planner Barrett Voigt presented the staff report noting the history of the application, and stated all approval criteria have been met and staff is recommending approval.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Vista Village Sixth Addition, as outlined within the staff report as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Morgan, Magelky, Steffes, Gunkelman, Sobolik, Scherling, Stofferahn, and Fischer voted aye. Member Schneider abstained from voting. The motion was declared carried.

Item 10: Vista Village Seventh Addition

Hearing on an application requesting a Plat of Vista Village Seventh Addition (Minor Subdivision) a replat of Lots 8-9, Block 4, Vista Village Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4304 and 4312 37th Avenue South) (EVI Fargo LLC/Nick Stattelma): APPROVED

Member Schneider declared a conflict of interest on this item and was excused from voting.

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

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Vista Village Seventh Addition as outlined in 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. Second by Member Magelky. On call of the roll Members Sobolik, Scherling, Morgan, Stofferahn, Steffes, Gunkelman, Magelky, and Fischer voted aye. Member Schneider abstained from voting. The motion was declared carried.

Item 11: Craigs Oak Grove Addition

Hearing on an application requesting a Plat of Craigs Oak Grove Addition (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig) (an): CONTINUED TO DECEMBER 5, 2017

A Hearing had been set for this date and time; however, the applicant has requested the application be continued to December 5, 2017.

Item E: Other Items:

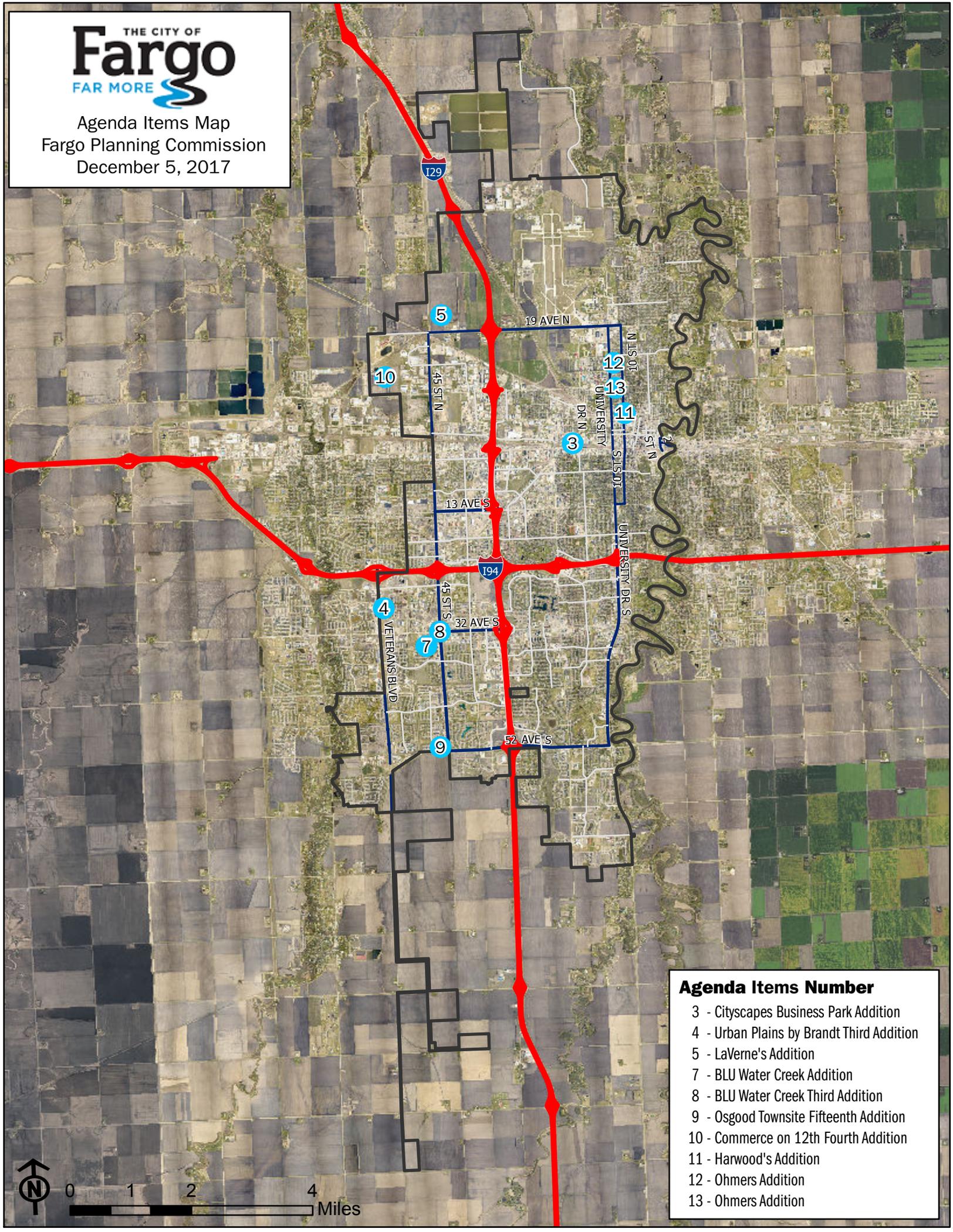
Item 1: 2018 Planning Commission Meeting Calendar

Mr. Kress presented this calendar which was included in the packet.

Item 2: Roosevelt Neighborhood Communications

Ms. Crutchfield gave a brief update on the coordination between the Roosevelt Neighborhood Association and the City of Fargo Planning Department. She noted a handout presented to the Board, and stated that discussion will continue on this item at this month's Brown Bag meeting.

The time at adjournment was 4:23 p.m.



- Agenda Items Number**
- 3 - Cityscapes Business Park Addition
 - 4 - Urban Plains by Brandt Third Addition
 - 5 - LaVerne's Addition
 - 7 - BLU Water Creek Addition
 - 8 - BLU Water Creek Third Addition
 - 9 - Osgood Townsite Fifteenth Addition
 - 10 - Commerce on 12th Fourth Addition
 - 11 - Harwood's Addition
 - 12 - Ohmers Addition
 - 13 - Ohmers Addition



City of Fargo Staff Report			
Title:	Cityscapes Business Park	Date: Updated:	11/1/2017 11/29/2017
Location:	1910, 1968, and 2068 1st Avenue North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W		
Owner(s)/Applicant:	Bullinger Enterprises/ Rick Flacksbarth	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W and Subdivision Waiver for drain setback on Lots 1, Block 1 of the proposed plat)		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing	Proposed
Land Use: Former Cretex concrete facility; now warehouse and outdoor storage	Land Use: Business park
Zoning: LI, Limited Industrial	Zoning: No change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.	Uses Allowed: No change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No change

Proposal:
<p><i>Project History Note: This project was continued from the November 7, 2017 Planning Commission agenda at the request of the applicant.</i></p> <p>The applicant requests a minor subdivision, entitled Cityscapes Business Park Addition which is a replat of Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W into a one lot, one block subdivision. The applicant also requests a Subdivision Waiver to waive the requirements that the drain setback from the legal drain that crosses the property and reduce the setback from 175 feet on either side of the drain centerline to 40 feet on either side of the drain centerline. The 40 foot setback is the minimum necessary for maintenance pursuant to the LDC.</p>

The property is zoned LI, Limited Industrial. No zone change is proposed.

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

Surrounding Land Uses and Zoning Districts:

- North: Across 1st Avenue North, LI, Limited Industrial and GC, General Commercial, with warehouse and office uses
- East: LI, Limited Industrial and GC, General Commercial, with warehouse and vacant land uses
- South: GC, General Commercial, with Burlington Northern Santa Fe railroad use.
- West: LI, Limited Industrial with warehouse, light manufacturing, and vacant land uses

Area Plans:

No area plans apply.

Schools and Parks:

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

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

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1,000 feet northeast of the subject property and offers the amenities of basketball, grill, multipurpose field, picnic table, playgrounds, and recreational trails.

Pedestrian / Bicycle: An off-road bike facility is located along 1st Avenue North and is a component of the metro area trail system.

Staff Analysis:

ACCESS: The lot will take access from 1st Avenue North, an existing dedicated public street.

PUBLIC WATER AND SEWER: Public water and sewer are available in 1st Avenue North.

SUBDIVISION WAIVER FOR DRAIN SETBACK: Cass County Drain No. 3 passes through the eastern portion of the subject property underground. As this is a legal drain, a 175 foot setback from either side of the centerline of the drain would be required pursuant to Section 20-0610 of the Land Development Code (LDC). The subdivision waiver is for modification of this drain setback requirement; specifically, that the requirement for the 175 foot setback from the centerline of the drain be reduced to a setback of 40 feet on either side of the drain centerline, as depicted in on the attached plat.

APPLICANT'S POSITION ON THE REQUIRED DRAIN SETBACK: The applicant contends that even the reduced drain setback of 40 feet on either side of the drain setback impedes his plan to develop the property in certain ways. The applicant may have further comments or propose alternatives at the December 5 Planning Commission hearing.

FUTURE PEDESTRIAN ACCESS: The City and the Fargo Park District support the need for a pedestrian access easement within the easement for County Drain No. 3 that crosses the property. The route of this underground drain is developed with a multi-use trail from 13th Avenue South north to Main Avenue and from 3rd Avenue to 7th Avenue North. It is the City's and Park District's goal to have a

complete trail connection by closing the gap between Main Avenue and 3rd Avenue North. To facilitate this connection, access easements across the properties between Main and 3rd Avenues, along the route of County Drain No. 3 must be acquired. Acquisition of such easements is generally done at the time the property is platted.

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

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

The subject property is not located within an area plan. The zoning for the project site is LI, Limited Industrial. This zoning will accommodate the proposed business park development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call from the public regarding this property. The caller asked for information and did not oppose the project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

The LDC stipulates that the following criteria are met before a subdivision waiver can be approved:

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

The City Engineer has determined that the 40 foot setback on either side of the drain centerline is sufficient to provide access for maintenance to this underground drain. The City Engineer has directed that there be no utility crossings of the drain setback except at the north and south ends. Paving of parking areas or roadways can be done over the setback area. **(Criteria Satisfied)**

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

As this is an underground drain, the City Engineer has determined that the 40-foot wide setback, to provide access for maintenance, is sufficient; the full 175 foot setback on either side of the drain centerline is not necessary in this case. **(Criteria Satisfied)**

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

This subdivision waiver applies only to the drain setback requirements of Section 20-0610 of the LDC for this particular property

(Criteria Satisfied)

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) **Cityscapes Business park Addition** subdivision plat; and 2) Subdivision Waiver for drain setback, as presented, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06 of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 5, 2017

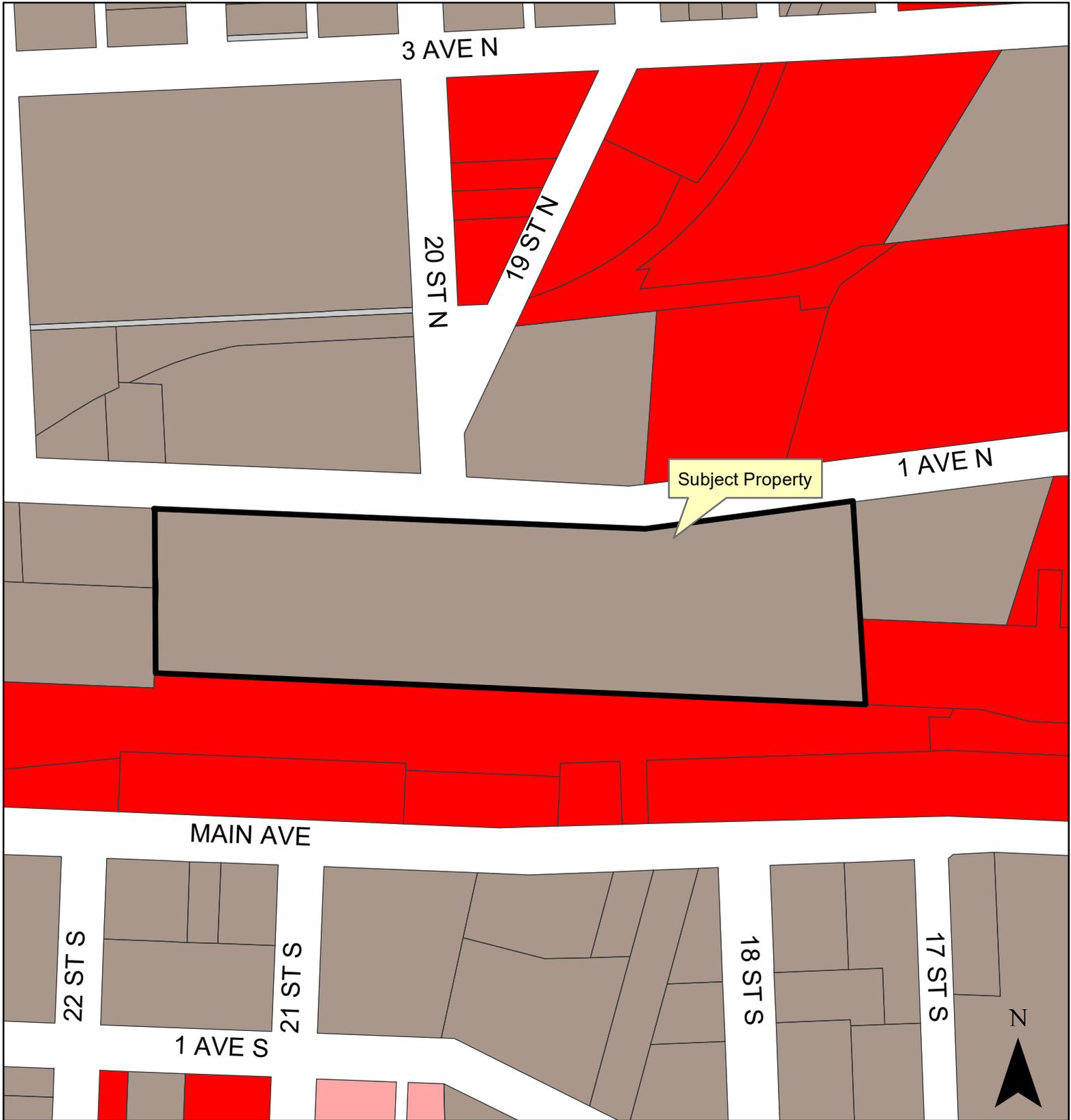
Attachments:

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

Plat (Minor)

Cityscapes Business Park Addition

1910, 1968 & 2068 1st Avenue North



Legend

AG	LC	MHP	NO-2
DMU	MR-1	NO	NO-3
GC	MR-2	P/T	NO-4
GO	MR-3	UML	NO-5
			City Limits

300

Feet

Fargo Planning Commission

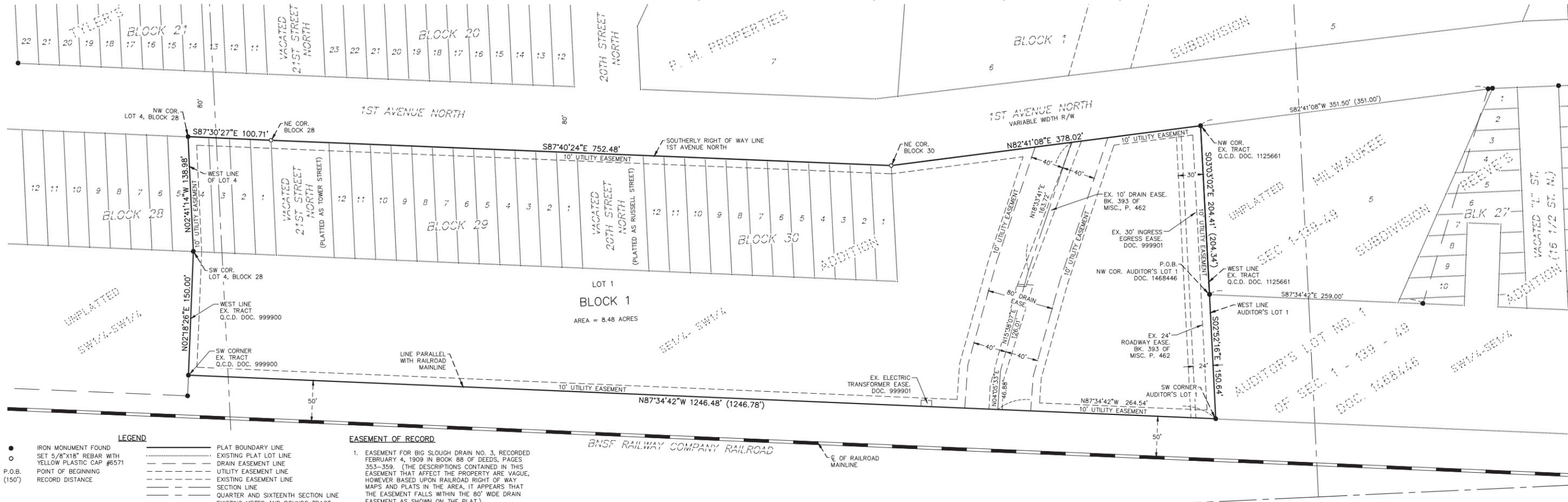
November 7, 2017

Plat (Minor)

Cityscapes Business Park Addition 1910, 1968 & 2068 1st Avenue North



**PLAT OF
CITYSCAPES BUSINESS PARK ADDITION (A MINOR SUBDIVISION)
TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET
NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF
PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA**



LEGEND		EASEMENT OF RECORD	
●	IRON MONUMENT FOUND	—	PLAT BOUNDARY LINE
○	SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #6571	—	EXISTING PLAT LOT LINE
P.O.B.	POINT OF BEGINNING (150')	—	DRAIN EASEMENT LINE
	RECORD DISTANCE	—	UTILITY EASEMENT LINE
		—	EXISTING EASEMENT LINE
		—	SECTION LINE
		—	QUARTER AND SIXTEENTH SECTION LINE
		—	EXISTING METES AND BOUNDS TRACT
		1. —	EASEMENT FOR BIG SLOUGH DRAIN NO. 3, RECORDED FEBRUARY 4, 1909 IN BOOK 88 OF DEEDS, PAGES 353-359. (THE DESCRIPTIONS CONTAINED IN THIS EASEMENT THAT AFFECT THE PROPERTY ARE VAGUE, HOWEVER BASED UPON RAILROAD RIGHT OF WAY MAPS AND PLATS IN THE AREA, IT APPEARS THAT THE EASEMENT FALLS WITHIN THE 80' WIDE DRAIN EASEMENT AS SHOWN ON THE PLAT.)

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 "CITYSCAPES BUSINESS PARK ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; 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:

LOTS 1, 2, 3 AND 4 IN BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS, ALL IN TYLER'S 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 AND THAT PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE NORTHWEST CORNER OF AUDITOR'S LOT NO. 1 OF THE SOUTH HALF OF SAID SECTION 1, ACCORDING TO DOCUMENT NO. 1468446, RECORDED JANUARY 20, 2016, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 02 DEGREES 52 MINUTES 16 SECONDS EAST ON A RECORD BEARING ALONG THE WEST LINE OF SAID AUDITOR'S LOT NO. 1 FOR A DISTANCE OF 150.64 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF SAID AUDITOR'S LOT NO. 1, ALSO BEING A POINT ON A LINE WHICH IS 50.00 FEET NORTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH, THE CENTERLINE OF THE MAINLINE OF THE BNSF RAILWAY COMPANY'S RAILROAD; THENCE NORTH 87 DEGREES 34 MINUTES 42 SECONDS WEST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 1246.48 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO. 999900, RECORDED NOVEMBER 29, 2001, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE NORTH 02 DEGREES 18 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 150.00 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 28, SAID TYLER'S ADDITION; THENCE NORTH 02 DEGREES 41 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 FOR A DISTANCE OF 138.98 FEET TO A FOUND IRON MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 4, ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 1ST AVENUE NORTH; THENCE SOUTH 87 DEGREES 30 MINUTES 27 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF SAID BLOCK 28 FOR A DISTANCE OF 100.71 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF SAID BLOCK 28; THENCE SOUTH 87 DEGREES 40 MINUTES 24 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF BLOCKS 29 AND 30 IN SAID TYLER'S ADDITION FOR A DISTANCE OF 752.48 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF SAID BLOCK 30; THENCE NORTH 82 DEGREES 41 MINUTES 08 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 378.02 FEET TO A FOUND IRON MONUMENT AT THE NORTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO. 1125661, RECORDED DECEMBER 28, 2004, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 03 DEGREES 03 MINUTES 02 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 204.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 8.48 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571
STATE OF NORTH DAKOTA
COUNTY OF CASS)
ON THIS _____ DAY OF _____, 2017, 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 INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

FARGO PLANNING COMMISSION APPROVAL
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.

SHARA FISCHER, CHAIR
STATE OF NORTH DAKOTA)
COUNTY OF CASS)
ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, 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

FARGO CITY COMMISSION APPROVAL
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.

TIMOTHY J. MAHONEY, MAYOR
STEVEN SPRAGUE, CITY AUDITOR
STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, 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

DEDICATION
WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "CITYSCAPES BUSINESS PARK ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, 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 AND DRAIN EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.
OWNER: BULLINGER ENTERPRISES, L.L.P.
BY: _____
TITLE: _____
STATE OF NORTH DAKOTA)
COUNTY OF CASS)
ON THIS _____ DAY OF _____, 2017, 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 INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF BULLINGER ENTERPRISES, L.L.P.

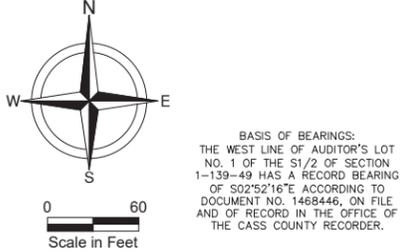
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CITY ENGINEER'S APPROVAL
THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2017.

MARK H. BITTNER, CITY ENGINEER
STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK H. BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
THE WEST LINE OF AUDITOR'S LOT NO. 1 OF THE S1/2 OF SECTION 1-139-49 HAS A RECORD BEARING OF S02°52'16"E, ACCORDING TO DOCUMENT NO. 1468446, ON FILE AND OF RECORD IN THE OFFICE OF THE CASS COUNTY RECORDER.

City of Fargo Staff Report			
Title:	Urban Plains by Brandt Third Addition	Date:	11/25/17
Location:	2633 and 2867 55th Street South	Staff Contact:	Aaron Nelson
Legal Description:	Lot 5, Block 1, Urban Plains by Brandt Third Addition (Part of Lot 1, Block 4, Urban Plains by Brandt First Addition)		
Owner(s)/Applicant:	Urban Plains Land Company, LLC/Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Conditional Use Permit to allow household living within the LC, Limited Commercial, Zoning District and a Conditional Use Permit for an Alternative Access Plan.		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing
Land Use: Vacant
Zoning: LC, Limited Commercial
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, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.
Maximum Lot Coverage Allowed: Maximum 55% building coverage

Proposed
Land Use: Mixed-Use (commercial and residential)
Zoning: No Change
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, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service. Plus a CUP to allow household living.
Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant is requesting a Conditional Use Permit to allow household living within the LC, Limited Commercial, Zoning District and a Conditional Use Permit for an Alternative Access Plan. The purpose of these two Conditional Use Permits is to allow for the development of a mixed-use building that would be part of a larger “lifestyle center” that the applicant is planning for this area. The proposed Alternative Access Plan would reduce the minimum required parking ratios for residential units, restaurants, and retail sale & services, allowing shared parking between the different uses on site. Specifically, the applicant is proposing to amend these ratios as outlined in the two tables below.

Use	Specific Use	LDC Parking Ratio	Proposed Parking Ratio	Net Reduction
Office	Medical	1 per 200 ft ²	1 per 275 ft ²	1 per 733.3 ft ²
Retail Sales & Services	Bank or Financial Service	1 per 250 ft ²	1 per 275 ft ²	1 per 2,750 ft ²
Retail Sales & Services	Health Club	1 per 200 ft ²	1 per 275 ft ²	1 per 733.3 ft ²
Retail Sales & Services	General Restaurant, Bars, Taverns, and Lounges	1 per 75 ft ²	1 per 85 ft ²	1 per 637.5 ft ²
Retail Sales & Services	Other (not specifically listed in Off-Street parking Schedule “A”)	1 per 250 ft ²	1 per 275 ft ²	1 per 2,750 ft ²
Household Living	Multi-Dwelling – Efficiency Unit	1.25 per unit	1 per unit	1 per 4 units
Household Living	Multi-Dwelling – 1+ Bedroom Unit	2 per unit	1 per bedroom	(Variable – Net Increase for 3 bedroom units)
Household Living	Multi-Dwelling – Guest Parking	0.25 per unit	None (Shared Parking)	1 per 4 units

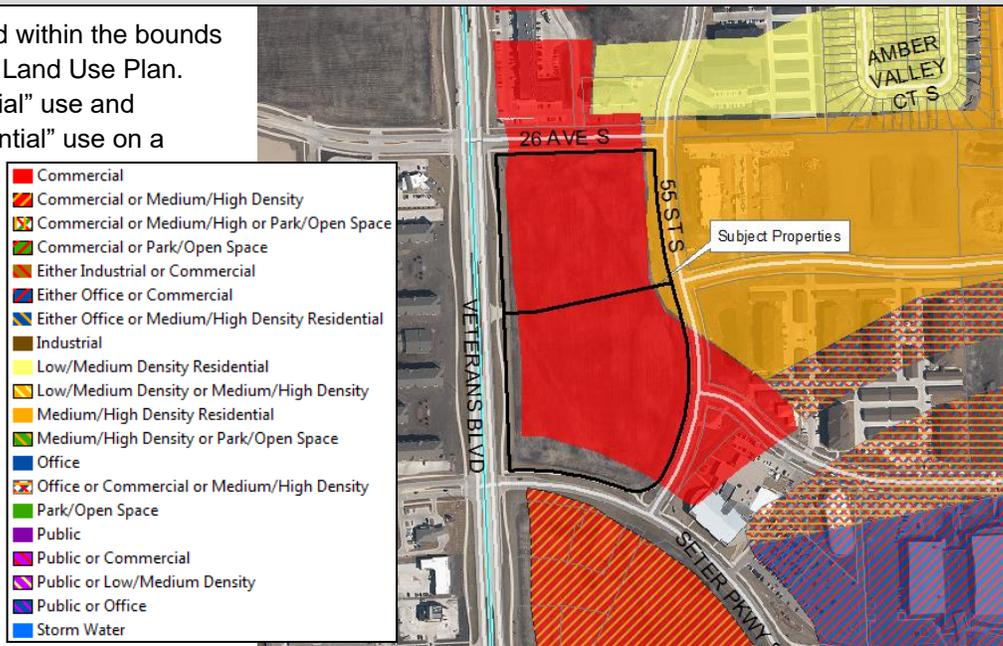
This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 26th Avenue South, LC, Limited Commercial with retail sales & service land uses.
- East: Across 55th Street South, MR-3, Multi-Dwelling Residential, and GC, General Commercial, with household living (multi-dwelling residential) and retail sales & service land uses.
- South: Across Seter Parkway South, LC, Limited Commercial with vacant land use.
- West: Across Veterans Boulevard, City of West Fargo with household living (multi-dwelling residential) and retail sales & service land uses.

Area Plans:

The subject property is located within the bounds of the 2003 Southwest Future Land Use Plan. This plan identifies “Commercial” use and “Medium/High Density Residential” use on a portion of the eastern edge of both properties as preferred land uses for this area.



Schools and Parks:

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

Neighborhood: The subject property is located in the Urban Plains Neighborhood.

Parks: Urban Plains Park (5050 30th Avenue S) is located approximately 0.3 miles east of the subject property and offers playground amenities.

Pedestrian / Bicycle: There are off-street bike facilities located along Veterans Boulevard and Seter Parkway South. Both facilities are components of the metro area bikeways system.

Staff Analysis:

The applicant is proposing to construct a mixed-use building on the subject property that is anticipated to include approximately 14,082 square feet of retail, 7,000 square feet of restaurant, and 67 residential dwelling units. Of the 67 dwelling units, 14 would likely be efficiency units and the remaining 53 units would have one or more bedrooms. The applicant anticipates there would be 103 bedrooms total (with efficiency units counting as one bedroom for this number). The two tables below illustrate the effect of the proposed Alternative Access Plan on the applicant’s proposed building.

Minimum Required Parking – LDC Parking Standards			
Count	Use	Parking Ratio	Required Parking
14,082	Retail sf	1/250 sf	56.3
7,000	Restaurant sf	1/75 sf	93.3
14	Efficiency units	1.25/unit	17.5
53	1+ bedroom units	2/unit	106
67	units (for guest parking)	0.25/unit	17
			290 Total

Minimum Required Parking – Proposed Alternative Access Plan Parking Ratios			
Count	Use	Parking Ratio	Required Parking
14,082	Retail sf	1/250 sf	56.3
7,000	Restaurant sf	1/94 sf	74.5
103	Bedrooms	1/bedroom	103
			234 Total

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

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

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

The purpose of the LDC is to implement Fargo’s Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff believes this proposal is in keeping with adopted plans and policies of the City. The CUP is intended to allow a mix of residential and commercial uses within a single property. The Go2030 Comprehensive Plan identifies the Urban Plains area as being a Sustainable Retail Mixed Use Center. Additionally, the plan encourages shared parking and other creative parking reduction strategies. Staff finds this mixed-use proposal and Alternative Access Plan is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

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

Staff suggests that the proposed Conditional Use Permit to allow household living within the LC zoning district will contribute to and promote the welfare of the public. The CUP allows for the mix of uses which provides an opportunity for residents to live, work, and shop within close proximity, reducing the need to commute via automobile. Additionally, the proposed Alternative Access Plan accounts for shared parking between uses and allows for a reduction in parking area, which in turn allows for more efficient use of land. Staff finds that the proposed Conditional Use Permit at this location will contribute to and promote the welfare of the public. **(Criteria Satisfied)**

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

Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use and Alternative Access Plan were sent out to property owners within 300 feet of the subject property. To date, staff has received no protest regarding the proposed use. **(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 suggests that the proposed Conditional Use Permit to allow household living should have little effect on the neighborhood and should not dominate the immediate neighborhood or prevent any other sites from being used due to the fact that 1) the properties adjacent to the property with the CUP are currently undeveloped and 2) the surrounding properties are, or will be, predominantly residential or commercial in character and would therefore be compatible with the mix of residential and commercial uses that are being proposed. Based on this information, staff finds that the proposed Conditional Use Permit meets this criterion. **(Criteria Satisfied)**

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

The subject property is located within an area of the City that is largely developed with public infrastructure. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the petitioner to utilize the property as proposed. In addition, the requested CUP has been reviewed by staff from other applicable departments and no concerns have been raised. Based on this information, staff finds that adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**

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

The subject property has vehicular access to 26th Avenue S and 55th Street S. The proposed Urban Plains by Brandt Third Addition plat would also provide for a shared private drive that would provide vehicular connectivity with 28th Avenue S. There is also underutilized capacity for on-street parking on these adjacent streets. Additionally, the proposed mix of commercial and residential uses reduces the dependency on vehicular transportation for residents of the development. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

Recommended Conditions:

- The maximum residential density shall be that of the MR-3 zoning district (24 units per acre).
- The minimum open space required for each lot shall be 30% of the lot area.
- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the Conditional Use Permit for the proposed Alternative Access Plan and the Conditional Use Permit to allow household living in the LC, Limited Commercial, zoning district, with the following conditions:

- The maximum residential density shall be that of the MR-3 zoning district (24 units per acre).
- The minimum open space required for each lot shall be 30% of the lot area.
- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.

...on the basis that they satisfactorily comply with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0909.D(1-6) and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 5, 2017

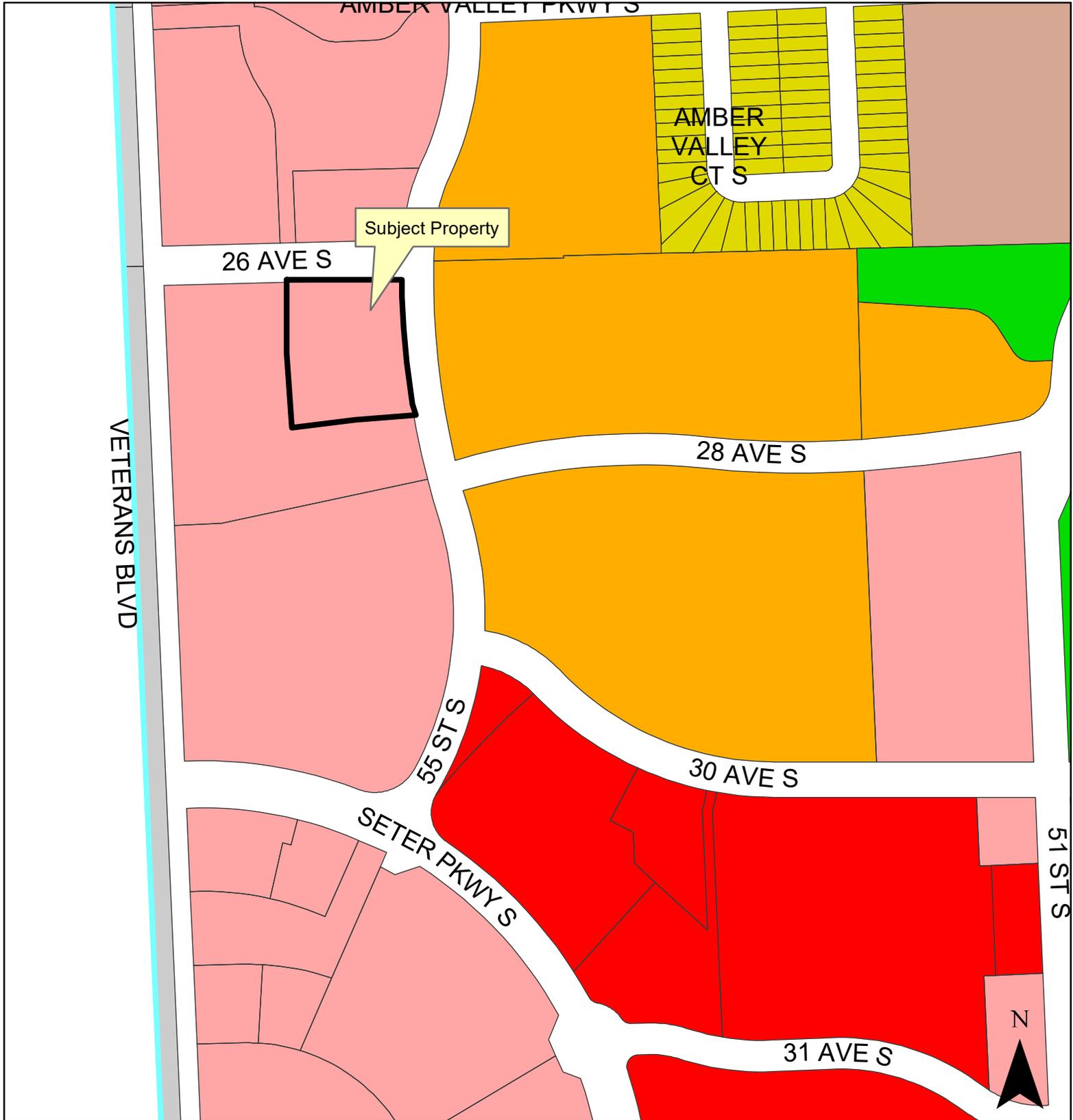
Attachments:

1. Zoning Map
2. Location Map
3. Proposed Site Plan and Building Plans

CUP (Alternative Access Plan & Household Living)

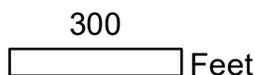
Urban Plains by Brandt 3rd Addition

2633 & 2867 55th Street South



Legend

AG	LC	MHP	SRP-2
DMU	LI	NC	SRP-3
GC	ML	NO	SRP-4
GO	MR-1	PA	SRP-5
	MR-2	UMU	SRP-6
	MR-3		City Limits



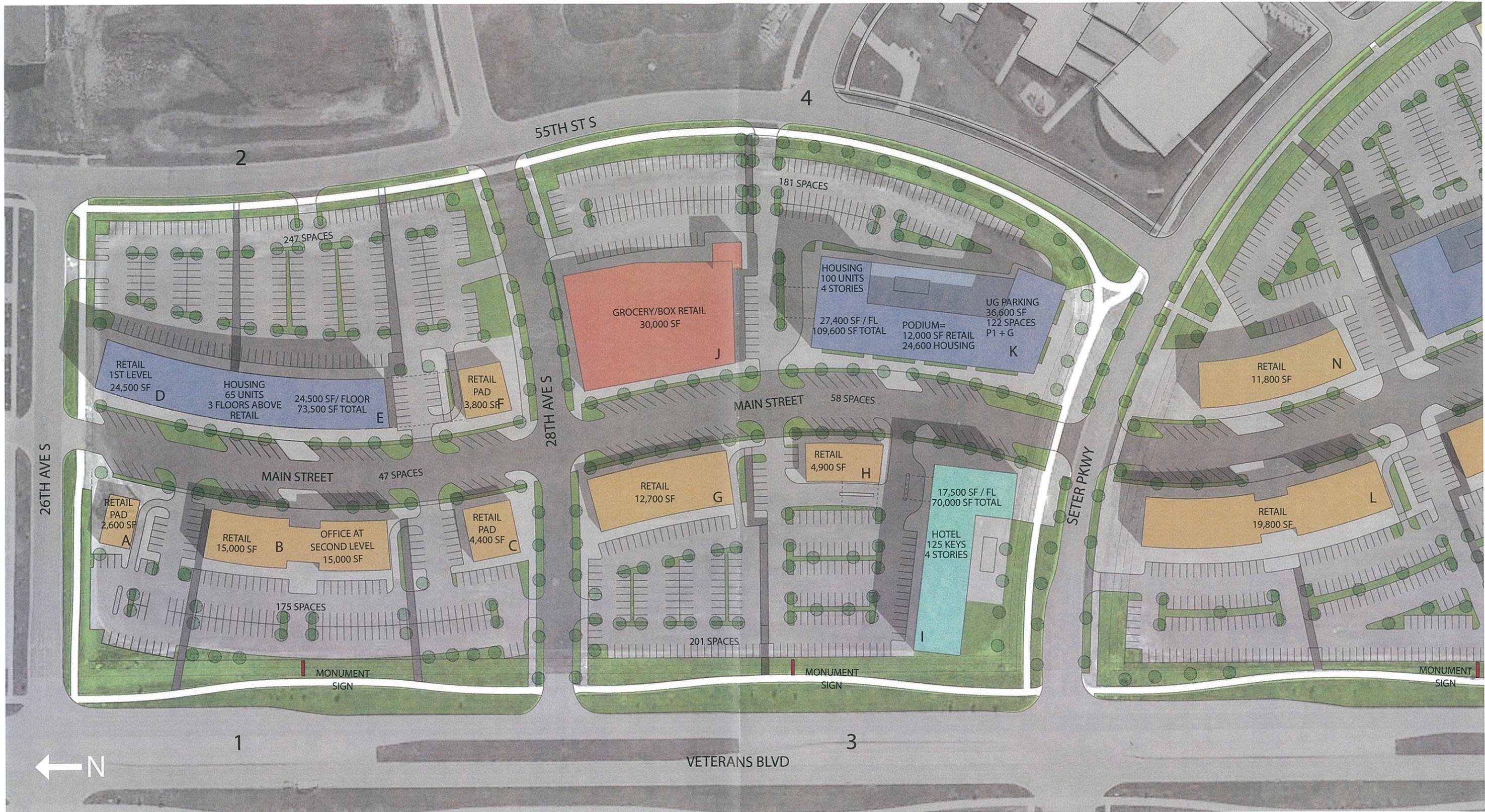
Fargo Planning Commission
December 5, 2017

CUP (Alternative Access Plan)

Urban Plains by Brandt 3rd Addition

2633 & 2867 55th Street South





1"=120'-0"

VETERANS BLVD MIXED-USE MASTER PLAN

FARGO, NORTH DAKOTA

06.20.17

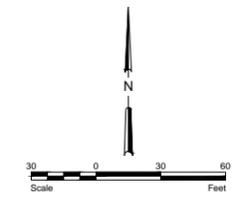


UPTOWN & MAIN MIXED USE DEVELOPMENT
FARGO, ND



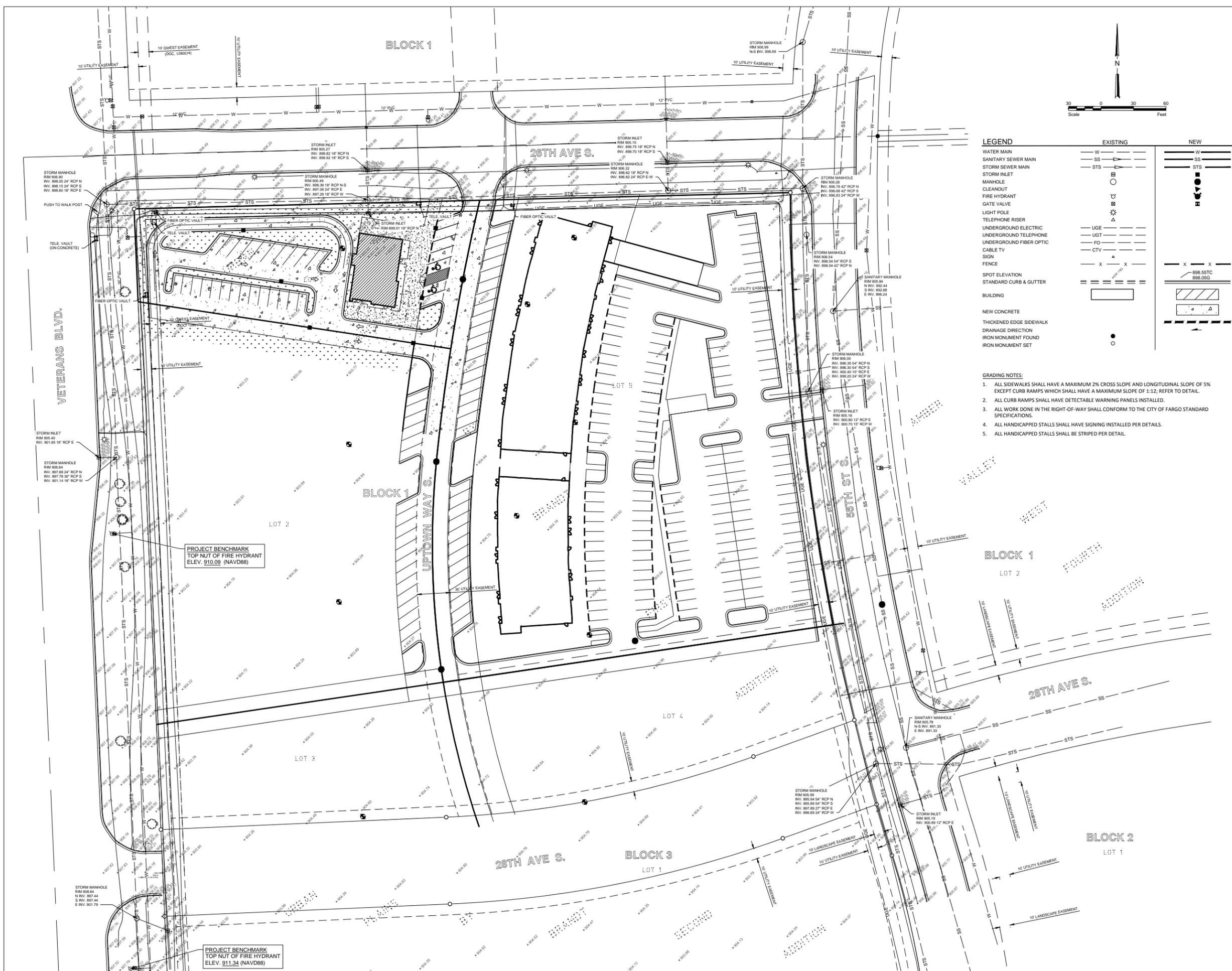
This document is preliminary and for informational purposes only.

Proj. No. 7489-028
Houston Engineering Inc.
Ph: 701.237.5065



	EXISTING	NEW
WATER MAIN	— W —	— W —
SANITARY SEWER MAIN	— SS —	— SS —
STORM SEWER MAIN	— STS —	— STS —
STORM INLET	○	○
MANHOLE	○	○
CLEANOUT	○	○
FIRE HYDRANT	⊕	⊕
GATE VALVE	⊕	⊕
LIGHT POLE	⊕	⊕
TELEPHONE RISER	⊕	⊕
UNDERGROUND ELECTRIC	— UGE —	— UGE —
UNDERGROUND TELEPHONE	— UGT —	— UGT —
UNDERGROUND FIBER OPTIC	— FO —	— FO —
CABLE TV	— CTV —	— CTV —
SIGN	⊕	⊕
FENCE	— X —	— X —
SPOT ELEVATION	•	•
STANDARD CURB & GUTTER	—	—
BUILDING	▭	▭
NEW CONCRETE	▭	▭
THICKENED EDGE SIDEWALK	▭	▭
DRAINAGE DIRECTION	→	→
IRON MONUMENT FOUND	○	○
IRON MONUMENT SET	○	○

- GRADING NOTES:**
1. ALL SIDEWALKS SHALL HAVE A MAXIMUM 2% CROSS SLOPE AND LONGITUDINAL SLOPE OF 5% EXCEPT CURB RAMPS WHICH SHALL HAVE A MAXIMUM SLOPE OF 1:12; REFER TO DETAIL.
 2. ALL CURB RAMPS SHALL HAVE DETECTABLE WARNING PANELS INSTALLED.
 3. ALL WORK DONE IN THE RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF FARGO STANDARD SPECIFICATIONS.
 4. ALL HANDICAPPED STALLS SHALL HAVE SIGNING INSTALLED PER DETAILS.
 5. ALL HANDICAPPED STALLS SHALL BE STRIPED PER DETAIL.



DD PRICING SET
NOV 17TH, 2017

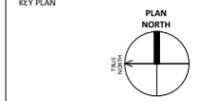
ORIGINAL ISSUE: 10/9/17

REVISIONS:

No.	Description	Date

217534
PROJECT NUMBER

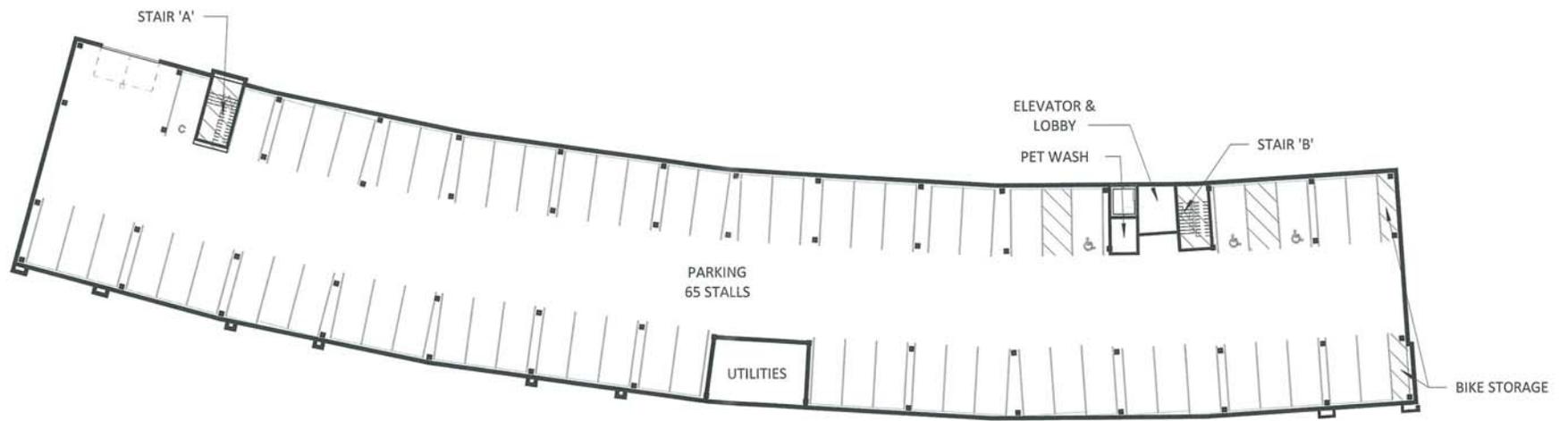
ESG DRAWN BY ESG CHECKED BY



UPTOWN & MAIN MIXED USE DEVELOPMENT

GRADING PLAN

C.



1 PARKING LEVEL PLAN
MP1.0 1" = 30'-0"

10/6/17



Scale: 1" = 30'-0"





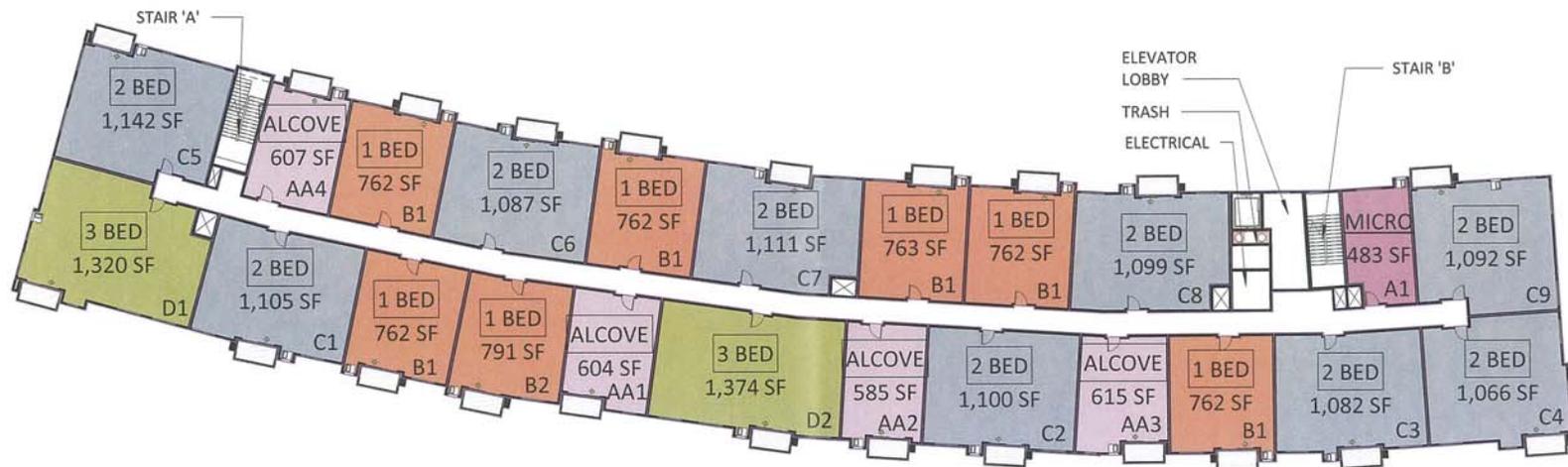
2 FIRST LEVEL FLOOR PLAN
 MP1.1 1" = 30'-0"



Scale: 1" = 30'-0"

10/6/17



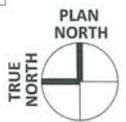


UNIT MIX	
- MICRO-UNIT	1
- ALCOVE	4
- 1 BED UNIT	7
- 2 BED UNIT	9
- 3 BED UNIT	2
- TOTAL UNITS	23

1 SECOND LEVEL FLOOR PLAN
MP1.2 1" = 30'-0"

10/6/17

Scale: 1" = 30'-0"





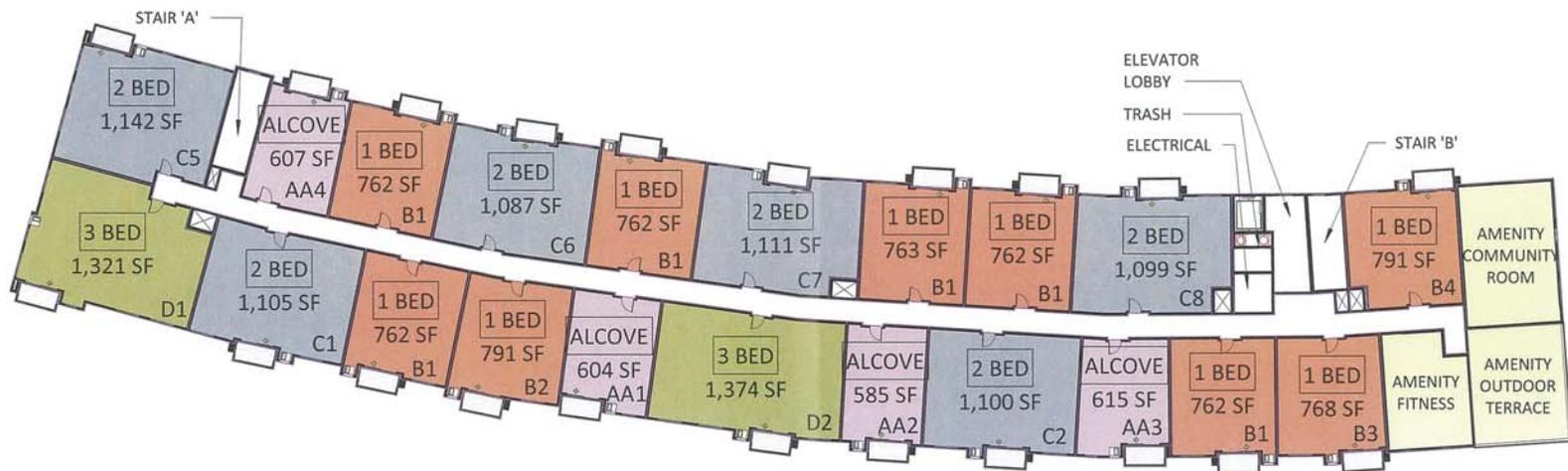
UNIT MIX	
- MICRO-UNIT	1
- ALCOVE	4
- 1 BED UNIT	7
- 2 BED UNIT	9
- 3 BED UNIT	2
- TOTAL UNITS	23

1 THIRD LEVEL PLAN
MP1.3 1" = 30'-0"

10/6/17

Scale: 1" = 30'-0"





UNIT MIX	
- ALCOVE	4
- 1 BED UNIT	9
- 2 BED UNIT	6
- 3 BED UNIT	2
- TOTAL UNITS	21

2 FOURTH LEVEL PLAN
MP1.4 1" = 30'-0"

10/6/17



UPTOWN & MAIN MIXED USE DEVELOPMENT
FARGO, ND

Scale: 1" = 30'-0"



FOURTH FLOOR PLAN

City of Fargo Staff Report			
Title:	Laverne's Addition	Date:	11/29/2017
Location:	4301 19 th Avenue North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Portion of the West ½ Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Montplaisir Ag and Rental, LLP; Laverne A. Montplaisir Family Trust; Southeast Cass Water Resource District / Jim Schlieman—Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Major Subdivision (Portion of the West ½ Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota) Zone Change (from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional)		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing	Proposed
Land Use: Undeveloped	Land Use: commercial and light industrial
Zoning: AG, Agricultural	Zoning: LI, Limited Industrial; P/I, Public/Institutional
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation. P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Lot Coverage Allowed: LI allows a maximum of 85% lot coverage; P/I has no maximum lot coverage

Proposal:

Project History Note: An earlier version of this project was submitted in November, 2014. This project was continued at the January 6, 2015 Planning Commission, and withdrawn by the applicant in November, 2015. Though the current plat bears the same name as the earlier one and plats the same property, the layout of the current plat is significantly different from the earlier one. Also, since the November 2014 application, the subject property has been annexed into the city of Fargo and has been included in the extensive study of the 19th Avenue corridor.

The applicant requests two entitlements:

1. A major subdivision, entitled **Laverne’s Addition**, a five block, 31 lot subdivision, which is a plat of a portion of the West ½ Section 27. T140N, R49W, City of Fargo, Cass County, North Dakota
2. A zoning change from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional (the P/I designation will be applied to lots owned by SE Cass Water Resources District or City of Fargo).

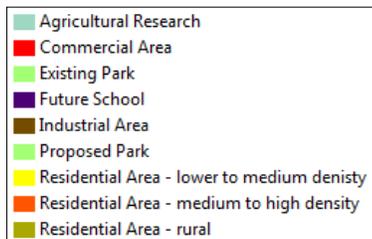
This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: AG, Agricultural; undeveloped
- East: P/I, Public/Institutional—NDSU research area; and LI, Limited Industrial—John Deere Electronics
- South: LI and AG - undeveloped
- West: AG, Agricultural--residential use and undeveloped

Area Plans:

The 2007 Tier 1 Northwest Land Use Growth Plan originally designated this area for “commercial” and “low-density residential” development. A growth plan amendment in 2015 changed these the “low-medium density residential,” “medium-high density residential,” and “commercial” land use designations to “industrial.”



Context:

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

Neighborhood: The subject property is not located within a designated neighborhood.

Parks: The Pepsi Soccer Complex (3101 Highway 81 N) is located approximately .87 miles northeast of the project site and provides the amenities of concessions, multipurpose field, picnic table, playground, restrooms, and soccer fields.

Pedestrian / Bicycle: There are off-road bike facilities planned along 19th Avenue North that will be installed with the roadway reconstruction, as well as future off-road facilities planned along the west side of 45th Street North, both adjacent to the project site that will contribute to the connectivity of the metro bikeways system.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create 31 lots in five blocks, zoned as shown in the chart below:

BLOCK	LOTS	ZONING	LAND USE
1	1*	P/I	Cass County Drain No. 40, owned by SE Cass Water Resources District
1	2*	P/I	Intended for levee
1	3	LI, Limited Industrial	Limited Industrial or Commercial
2	1*	P/I	Cass County Drain No. 40, owned by SE Cass Water Resources District
2	2*	P/I	Intended for levee
2	3	P/I	Detention basin—to be City of Fargo ownership
2	4-12*	LI	Limited Industrial or Commercial
3	1-7	LI	Limited Industrial or Commercial
4	1-5	LI	Limited Industrial or Commercial
5	1-4	LI	Limited Industrial or Commercial

** NOTE ON LOT CONFIGURATIONS: The applicant is currently working with Engineering to determine the appropriate lot width required to accommodate the necessary drain setback and future City-owned levee. Thus, the size and configuration of Lots 1 and 2, Block 2 and Lots 1 and 2, Block 1 will probably change from what is depicted on the attached plat. As result of this lot reconfiguration, Lots, 3, 9, 10, 11, and 12, Block 2, may also change. The applicant intends to have a revised plat available for the December 5, 2017 Planning Commission.*

The LI zoned lots range in size from 2.87 acres to 9.52 acres, with most lots being in the 3-acre range. There is no minimum required lot area in the LI zone. The P/I zoned lots range in size from 4.73 to 7.91 acres. There is no minimum required lot area in the P/I zone.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat. Lot 3, Block 1, will take access using an existing driveway.

AMENITIES PLAN: Based on comments from staff, the applicant is revising the draft amenities plan providing details of the project’s street, stormwater, and trails within the project. The applicant intends to have the revised amenities plan available at the December 5, 2017 Planning Commission.

PARKS AND TRAILS: No park dedication is required. Proposed trails will be within the dedicated rights of way for 43rd Street and 28th Avenue North.

STORMWATER: The detention basin will be created on Lot 3, Block 2.

DEDICATION FOR FUTURE 45th STREET NORTH: The plat includes a dedication for the future development of 45th Street North. This dedication is along the west side of the plat.

AIRPORT PROXIMITY AGREEMENT: The airport executive director has required an airport proximity agreement for this subdivision. The agreement is being prepared by the airport’s attorney for the applicant’s review.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of LI and P/I is consistent with the amended 2007 Tier 1 Northwest Land Use Plan designation of "Industrial."

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. Lots in the subdivision will front on dedicated public streets. The necessary rights of way for these streets will be dedicated with the plat. These streets will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received one phone inquiry about the project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Tier 1 Northwest Land Use Plan. A 2015 amendment to this plan designates this property as appropriate industrial development, which would include the LI and P/I zones. That plan states that the proposed LI zoning is included within this land use designation. P/I zoning, for publicly owned facilities such as stormwater detention basins and Cass County drains, is appropriate in any land use designation. 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)**

Subdivision

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

1. Section 20-0907(C)(1)(Development Review Procedures—Subdivisions—Major Subdivisions) 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 zoning for the development on this property is LI, Limited Industrial and P/I, Public/Institutional. The LI zoning will accommodate the proposed light industrial development. The P/I zoning will accommodate the county drain and city-owned detention basin. The LI and P/I zoning designations are consistent with the "industrial" land use designation for this property in the amended 2007 Tier 1 Northwest Land Use Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry about the project.

(Criteria Satisfied)

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

The proposed zoning is LI and P/I. This zoning is consistent with the amended 2007 Northwest Tier 1 Land Use Plan which designates this property for industrial development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

The applicant is revising a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

(Criteria Satisfied)

NOTE ON RECOMMENDATION: As noted above, the applicant is working with Engineering on certain lot revisions. Resolution of these revisions will be a contingency of staff's recommendation stated below.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional; and 2) **Laverne's Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, amended 2007 Tier 1 Northwest Land Use Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC, contingent on resolution of certain lot revisions as noted in this staff report."

Planning Commission Recommendation: December 5, 2017

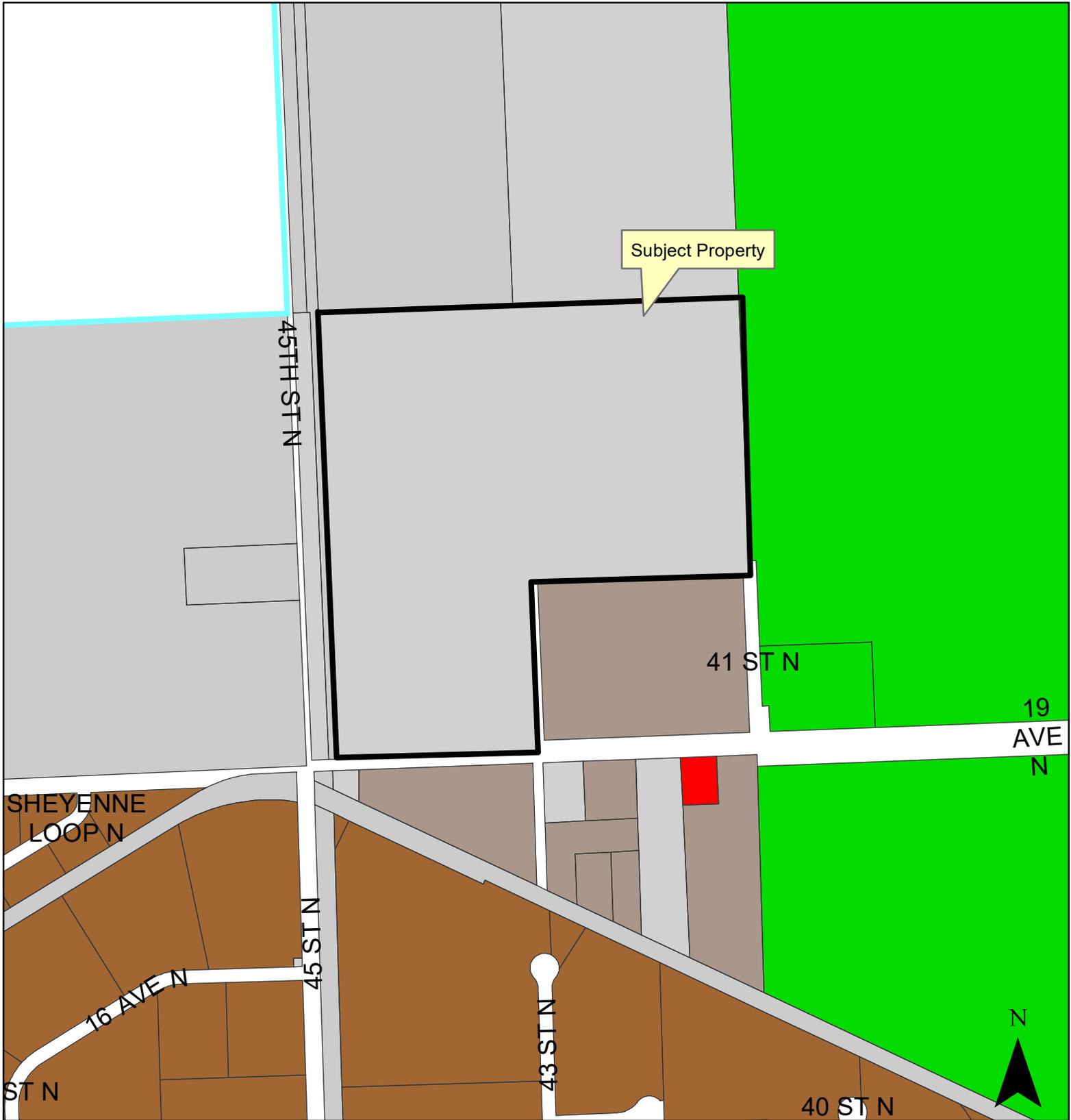
Attachments:

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

Plat (Major) and Zone Change (AG to LI & P/I)

Laverne's Addition

4301 19 Avenue North



Legend

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

300 Feet

Fargo Planning Commission
December 5, 2017

Plat (Major) and Zone Change (AG to LI & P/I)

Laverne's Addition

4301 19 Avenue North



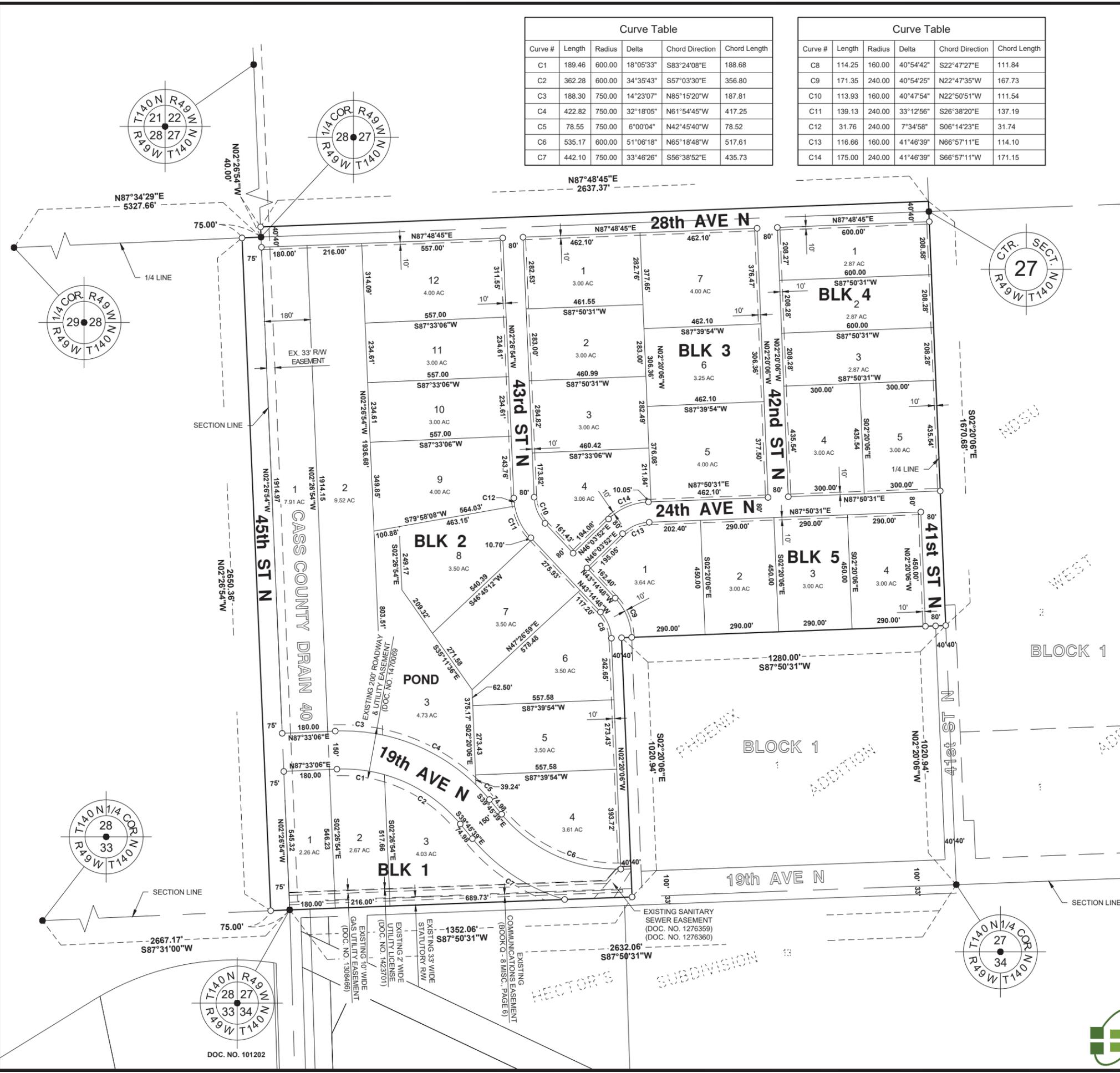
LAVERNE'S ADDITION

A MAJOR PLAT

BEING A PLAT OF PART OF THE WEST HALF OF SECTION 27 AND PART OF THE SOUTHEAST QUARTER OF SECTION 28, T. 140 N., R. 49 W., 5th P.M. CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	189.46	600.00	18°05'33"	S83°24'08"E	188.68
C2	362.28	600.00	34°35'43"	S57°03'30"E	356.80
C3	188.30	750.00	14°23'07"	N85°15'20"W	187.81
C4	422.82	750.00	32°18'05"	N61°54'45"W	417.25
C5	78.55	750.00	6°00'04"	N42°45'40"W	78.52
C6	535.17	600.00	51°06'18"	N65°18'48"W	517.61
C7	442.10	750.00	33°46'26"	S56°38'52"E	435.73

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C8	114.25	160.00	40°54'42"	S22°47'27"E	111.84
C9	171.35	240.00	40°54'25"	N22°47'35"W	167.73
C10	113.93	160.00	40°47'54"	N22°50'51"W	111.54
C11	139.13	240.00	33°12'56"	S26°38'20"E	137.19
C12	31.76	240.00	7°34'58"	S06°14'23"E	31.74
C13	116.66	160.00	41°46'39"	N66°57'11"E	114.10
C14	175.00	240.00	41°46'39"	S66°57'11"W	171.15



N

Scale
200 0 200 400
Feet

LEGEND

- IRON MONUMENT FOUND ●
- 1/2" I.D. PIPE SET ○

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

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

H:\Fargo\JBN\6400\6458\15_6458_010\CAD\Plans\Preliminary Plat - Laverne's Addition 2017 R4.dwg-PLAT-11/29/2017 8:46 AM - (jschleiman)

OWNER:

Southeast Cass Water Resource District
(West 180 feet)

Mark Brodshaug, Chairman

Attest: _____
Carol Harbeke-Lewis, Secretary-Treasurer

OWNER:

Montplaisir Ag and Rental, LLP
(undivided 42% interest in entire property, less the West 180 feet)

Perry Montplaisir, General Partner

OWNER:

LaVerne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012
(undivided 58% interest in entire property, less the West 180 feet)

Perry Montplaisir, Trustee

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

FARGO PLANNING COMMISSION APPROVAL:

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

Shara Fischer, Chair

Fargo Planning Commission

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: _____

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Mark Brodshaug, Chairman, and Carol Harbeke-Lewis, Secretary-Treasurer, of the Southeast Cass Water Resource District, a North Dakota political subdivision, 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 said water resource district.

Notary Public: _____

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Perry Montplaisir, General Partner of Montplaisir Ag and Rental, 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 _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Perry Montplaisir, Trustee of the LaVerne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012, 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 trust.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Mark H. Bittner, 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 he executed the same as his free act and deed.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

LAVERNE'S ADDITION

A MAJOR PLAT

BEING A PLAT OF PART OF THE WEST HALF OF SECTION 27 AND PART OF THE SOUTHEAST QUARTER OF SECTION 28, T. 140 N., R. 49 W., 5th P.M. CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Southeast Cass Water Resource District, a North, Montplaisir Ag and Rental, LLP, a North Dakota limited liability partnership, and the LaVerne A. Montplaisir Family Trust created by Trust Agreement dated December 28, 2012, are the owners and proprietors of that part of the West Half of Section 27 and the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, being more particularly described as follows:

Commencing at the southeast corner of the Southwest Quarter of said Section 27; thence North 02°20'06" West, along the easterly line of the Southwest Quarter of said Section 27 and along the easterly boundary of Phoenix Addition to the City of Fargo, for a distance of 1020.94 feet to the northeast corner of said Phoenix Addition and the true point of beginning; thence South 87°50'31" West, along the northerly boundary of said Phoenix Addition, for a distance of 1280.00 feet to the northwest corner of said Phoenix Addition; thence South 02°20'06" East, along the westerly boundary of said Phoenix Addition, for a distance of 1020.94 feet to a point of intersection with the southerly line of the Southwest Quarter of said Section 27; thence South 87°50'31" West, along the southerly line of the Southwest Quarter of said Section 27, for a distance of 1352.06 feet to the southwest corner of said Section 27; thence South 87°31'00" West, along the southerly line of the Southeast Quarter of said Section 28, for a distance of 75.00 feet to a point of intersection with the westerly line of the East 75.00 feet of the Southeast Quarter of said Section 28; thence North 02°26'54" West, along the westerly line of the East 75.00 feet of the Southeast Quarter of said Section 28, for a distance of 2650.36 feet to a point of intersection with the northerly line of the Southeast Quarter of said Section 28; thence North 87°34'29" East, along the northerly line of the Southeast Quarter of said Section 28, for a distance of 75.00 feet to the northeast corner of the Southeast Quarter of said Section 28; thence North 02°26'54" West, along the westerly line of the Northwest Quarter of said Section 27, for a distance of 40.00 feet to a point of intersection with the northerly line of the South 40.00 feet of the Northwest Quarter of said Section 27; thence North 87°48'45" East, along the northerly line of the South 40.00 feet of the Northwest Quarter of said Section 27, for a distance of 2637.37 feet to a point of intersection with the easterly line of the West Half of said Section 27; thence South 02°20'06" East, along the easterly line of the West Half of said Section 27, for a distance of 1670.68 feet to the true point of beginning.

Said tract of land contains 137.324 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **LaVerne's Addition** to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to the public, for public use, the streets, avenues, and utility easements shown on the plat.

H:\Fargo\BN\6400\6458\15_6458_010\CAD\Plans\Preliminary Plat-Lavernes Addition 2017 R4.dwg-PLAT (2)-11-11-19\2017 8:46 AM-[j.schlieman]

City of Fargo Staff Report			
Title:	BLU Water Creek Addition, BLU Water Creek Second Addition and Bentley Square Addition	Date:	11/28/17
Location:	4504, 4582, 4600, 4648, and 4682 32nd Avenue South, 3233 and 3265 45th Street South, and 4507 and 4609 33rd Avenue South	Staff Contact:	Maegin Elshaug
Legal Description:	Lots 2-6, Block 1, BLU Water Creek Addition, Lots 1-3, Block 1, BLU Water Creek Second Addition, and Lot 2, Block 1, Bentley Square Addition		
Owner(s)/Applicant:	Brandt Crossing, LLC/Nate Vollmuth	Engineer:	N/A
Entitlements Requested:	Zoning Change (to repeal and reestablish a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing	Proposed
Land Use: Retail Sales and Service; vacant	Land Use: Retail Sales and Service; Commercial Development
Zoning: LC, Limited Commercial with a C-O, Conditional Overlay	Zoning: LC, Limited Commercial with a C-O, Conditional Overlay
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 , retail sales and service, self service storage, vehicle repair , limited vehicle service	Uses Allowed: No Change
Maximum Lot Coverage Allowed: Maximum 55% building coverage	Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant is proposing a zoning map amendment in order to repeal the existing C-O, Conditional Overlay and reestablish a new C-O, Conditional Overlay on the subject property. The subject properties are located at 4504, 4582, 4600, 4648, and 4682 32nd Avenue South, 3233 and 3265 45th Street South, and 4507 and 4609 33rd Avenue South and are legally described as Lots 2-6, Block 1, BLU Water Creek Addition, Lots 1-3, Block 1, BLU Water Creek Second Addition, and Lot 2, Block 1, Bentley Square Addition.

The applicant is proposing several changes to the Conditional Overlay to design standards and screening requirements. Below are the proposed changes.

5. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than ~~60~~ 50 percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets ~~and/or screens~~, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.

7. ~~Loading facilities shall not be located at the front of structures where it is difficult to adequately screen them from view. All loading and services areas shall be screened from the view of adjacent public streets through a structure and/or landscaping. Loading and/or services areas/facilities shall be located at the side or rear of buildings and screened from public streets by structures and/or landscaping, with a minimum opacity of 50%.~~

Many of the properties along 32nd Avenue South and 45th Street South are either constructed or under construction. The applicant has confirmed that the previously approved projects within the development will not be affected by the changes. A draft of the conditional overlay is attached to this staff report.

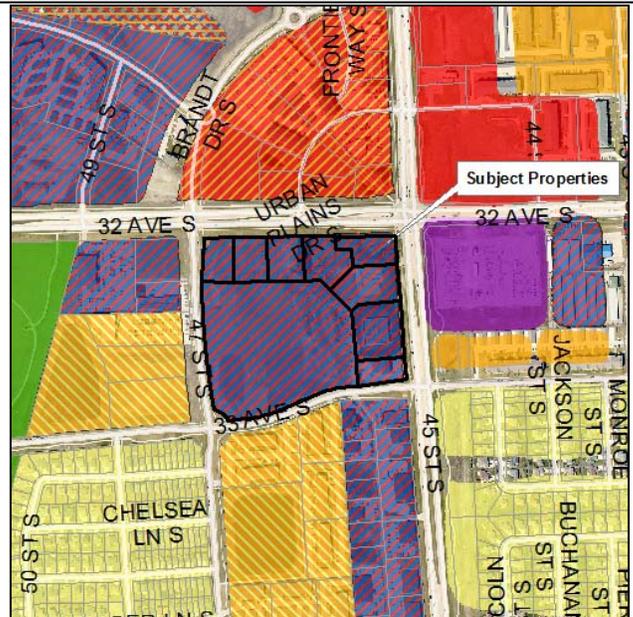
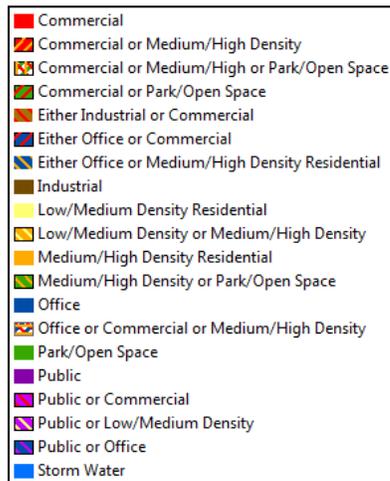
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Across 32nd Avenue South, LC, Limited Commercial with commercial and vacant land uses;
- East: Across 45th Street South, AG, Agricultural and P/I, Public and Institutional with utility use;
- South: Across 33rd Avenue South, LC, Limited Commercial and MR-3, Multi-Dwelling Residential with commercial and multi-dwelling land uses
- West: Across 47th Street South, LC, Limited Commercial and GO, General Office with daycare, office, and vacant land uses

Area Plans:

The subject properties are identified in the 2003 Southwest Future Land Use Plan as suitable for "Either Office or Commercial" land uses.



Schools and Parks:

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

Neighborhood: The subject property is located in the Brandt Crossing Neighborhood.

Parks: Brandt Crossing Park (351 21st Street North) is located approximately 750 feet west of the subject property and provides basketball, dog park, playground, recreational trails, and shelter amenities.

Pedestrian / Bicycle: There are off-road bike facilities located on both 32nd Avenue South and 45th Street South. Both bike facilities are a component of the metro area bikeways system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant is proposing changes to design standards and screening requirements to allow for greater flexibility. **(Criteria Satisfied)**

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other utility services as needed. Many of the properties along 32nd Avenue South and 45th Street South are either constructed or under construction. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(Criteria Satisfied)**

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

Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zone change is in keeping with adopted plans approved via public process. In addition, written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any verbal concerns or written comments regarding the proposed overlay zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change to repeal and reestablish 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: December 5, 2017

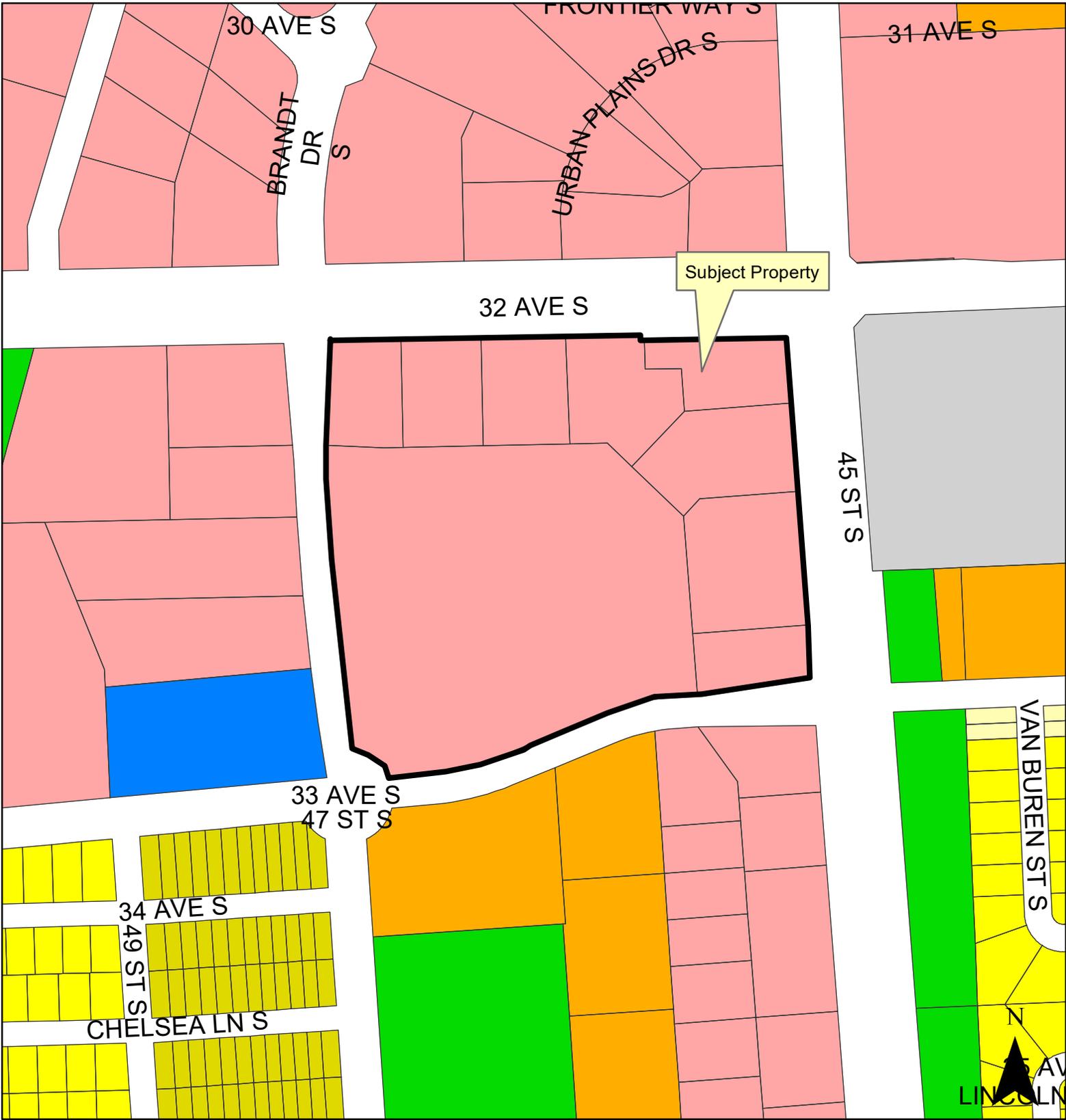
Attachments:

1. Zoning Map
2. Location Map
3. Draft Conditional Overlay

Zoning Change (Repeal and Reestablish C-O)

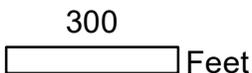
Blu Water Creek Addition, BLU Water Creek 2nd Addition & Bentley Square Addition

3233 and 3265 45 Street S &
4504-4682 32 Ave S & 4507, 4609 33 Ave S



Legend

AG	DMU	LC	MHP	SSR-2
CC	ML	MNR-1	NO	SSR-3
GO	MR-2	PA	UMU	SSR-4
GO	MR-3	UMU	City Limits	SSR-5



Fargo Planning Commission
December 5, 2017

Zoning Change (Repeal and Reestablish C-O)

Blu Water Creek Addition, BLU Water Creek 2nd Addition & Bentley Square Addition

3233 and 3265 45 Street S &
4504-4682 32 Ave S & 4507, 4609 33 Ave S



Draft Conditional Overlay

1. This Conditional Overlay is intended to provide for a higher quality of design than is afforded by the City of Fargo Land Development Code regarding future commercial and residential development within the described property.
2. All primary buildings shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including but not limited to natural or synthetic stone; brick; stucco; integrally-colored, textured or glazed concrete masonry units; high-quality pre-stressed concrete systems; EIFS (exterior insulation finishing system), glass, metal panes similar to 'Aluco Bond' and synthetic panels similar to 'Trespa'. Natural wood or wood paneling shall not be used as a principal exterior wall material, but durable synthetic materials with the appearance of wood may be used. Horizontal metal lap siding and vertical metal batten shall be allowed on residential and commercial structures but shall not exceed 75% of the building elevation for residential structures and 50% for commercial.
3. Color schemes shall tie building elements together, relate pad buildings within the same development to each other, and shall be used to enhance the architectural form of a building.
4. All building facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade, and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet. An articulated façade would emphasize elements on the face of a wall including change in setback, materials, roof pitch or height.
5. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than ~~60~~ 50 percent of their horizontal length. If the facade facing the street is not the front, it shall include the same features and/or landscaping in scale with the facade.
6. Flat roofs and rooftop equipment, such as HVAC units, shall be concealed from public view by parapets and/or screens, including but not limited to the back of the structure. The average height of such parapets shall not exceed one third of the height of the supporting wall, and such parapets shall not be of a constant height for a distance of greater than 150 feet.
7. ~~Loading facilities shall not be located at the front of structures where it is difficult to adequately screen them from view. All loading and service areas shall be screened from the view of adjacent public streets through a structure and/or landscaping. Loading and/or services areas/facilities shall be located at the side or rear of buildings and screened from public streets by structures and/or landscaping, with a minimum opacity of 50%.~~

8. Dumpsters and outdoor storage areas must be completely screened from view. Collection area enclosures shall contain permanent walls on at least three (3) sides. The fourth side shall incorporate a metal gate to visually screen the dumpster or compactor; however, if the service side does not face any public right-of-way or residentially zoned property the metal gate shall not be required.
9. Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a) the primary entrance or entrances to each commercial building, including pad site buildings.
 - b) any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development.
 - c) parking areas or structures that serve such primary buildings.
 - d) connections between the on-site (internal) pedestrian walkway network and any public sidewalk system located along adjacent perimeter streets shall be provided at regular intervals along the perimeter street as appropriate to provide easy access from the public sidewalks to the interior walkway network.
 - e) any public sidewalk system along the perimeter streets adjacent to the commercial development.
 - f) where practical and appropriate, adjacent land uses and developments, including but not limited to residential developments, retail shopping centers, office buildings.
10. A minimum of 5% of the internal surface area of the parking lot shall be landscaped. The cumulative open space (green space) of each property shall consist of at least 10% of the total property acreage.
11. The following use(s) are prohibited.
 - a) Detention Facilities
 - b) Adult Entertainment Center
 - c) Off-Premise Advertising Signs (directional signs that are less than 50 square feet in size are exempt for this prohibition)
 - d) Portable Signs
 - e) Vehicle Repair
 - f) Industrial Service
 - g) Manufacturing and Production
 - h) Warehouse and Freight Movement
 - i) Aviation/Surface Transportation

City of Fargo Staff Report			
Title:	BLU Water Creek Third Addition	Date:	11/28/17
Location:	4504 and 4582 32nd Avenue South	Staff Contact:	Maegin Elshaug
Legal Description:	Lots 2-3, Block 1, BLU Water Creek Addition		
Owner(s)/Applicant:	Brandt Crossing, LLC/Nate Vollmuth	Engineer:	N/A
Entitlements Requested:	Minor Subdivision (Replat of Lots 2-3, Block 1, BLU Water Creek Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing	Proposed
Land Use: Vacant	Land Use: Commercial
Zoning: LC, Limited Commercial with CO, Conditional Overlay	Zoning: No Change
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 , retail sales and service, self service storage, vehicle repair , limited vehicle service	Uses Allowed: No Change
Maximum Lot Coverage Allowed: Maximum 55% building coverage	Maximum Lot Coverage Allowed: No Change

Proposal:

The applicant is seeking approval of a minor subdivision, **BLU Water Creek Third Addition**, which would replat Lots 2-3, Block 1, BLU Water Creek Addition into a one (1) block, two (2) lot subdivision. The subject properties are located 4504 and 4582 32nd Avenue South, and encompass approximately 2.93 acres.

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

Surrounding Land Uses and Zoning Districts:

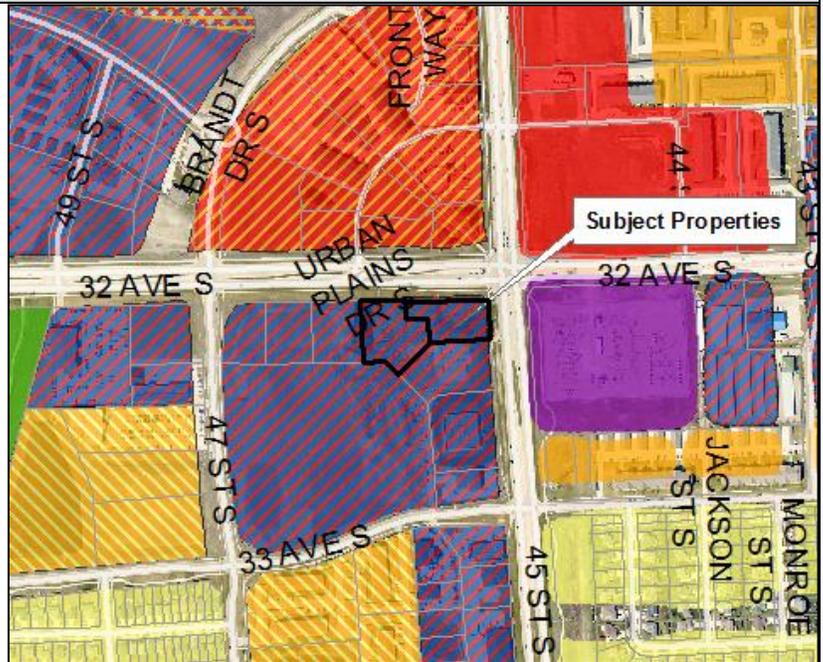
- North: Across 32nd Avenue South, LC, Limited Commercial with vacant land use;
- East: Across 45th Street South, AG, Agricultural and P/I, Public and Institutional with utility use;
- South: LC, Limited Commercial, commercial development under construction;
- West: LC, Limited Commercial, vacant;

(Continued on next page)

Area Plans:

The subject properties are identified in the 2003 Southwest Future Land Use Plan as suitable for "Either Office or Commercial land uses.

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



Schools and Parks:

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

Neighborhood: The subject property is located in the Brandt Crossing Neighborhood.

Parks: Brandt Crossing Park (351 21st Street North) is located approximately 750 feet west of the subject property and provides basketball, dog park, playground, recreational trails, and shelter amenities.

Pedestrian / Bicycle: There are off-road bike facilities located on both 32nd Avenue South and 45th Street South. Both bike facilities are a component of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to replat the existing two lots into two lots of a different reconfiguration to accommodate future development. The proposed use is consistent with the existing zoning. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries regarding the application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Staff Recommendation:

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

Planning Commission Recommendation: December 5, 2017

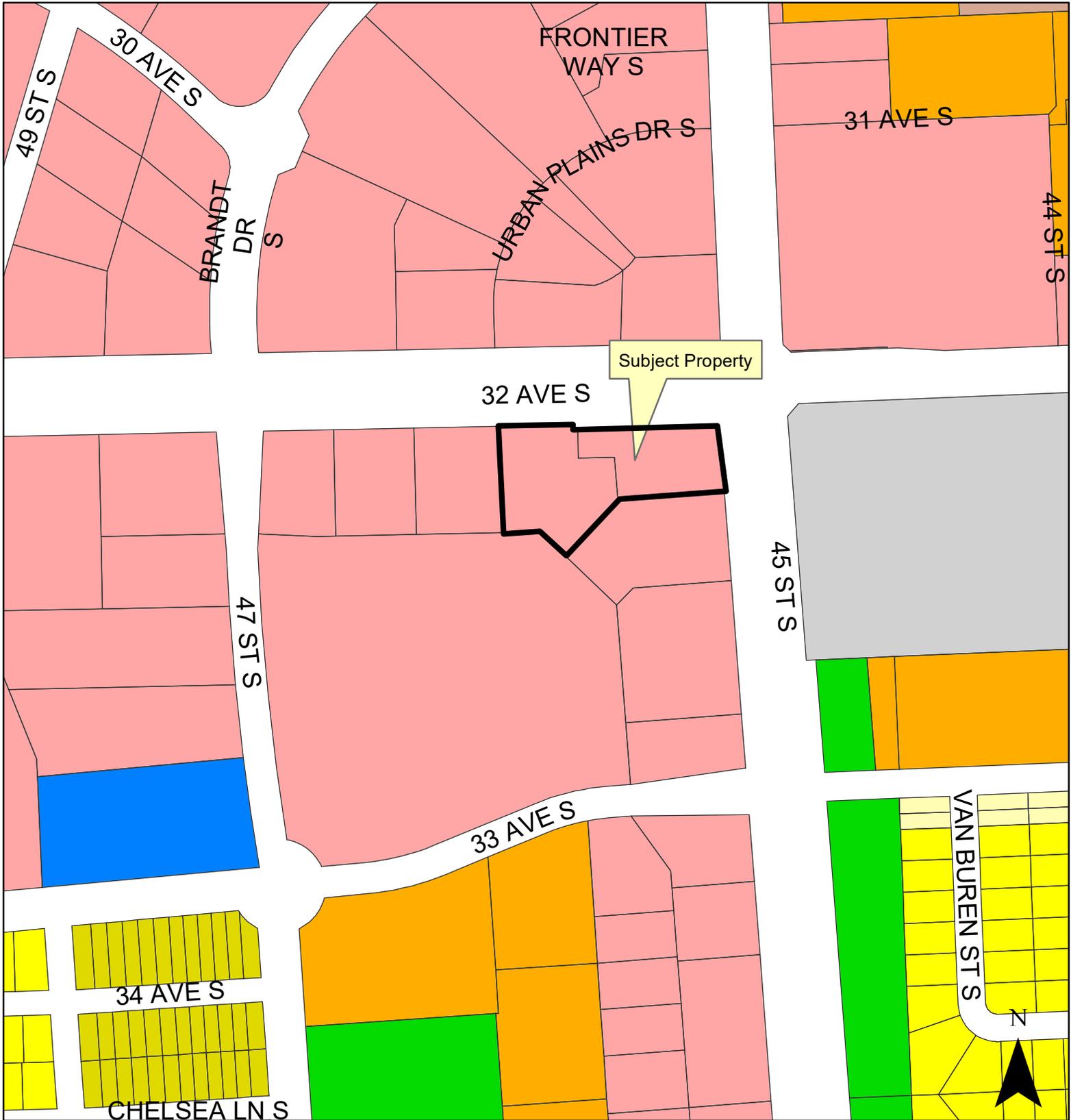
Attachments:

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

Plat (Minor)

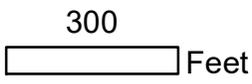
Blu Water Creek Third Addition

4504 & 4582 32nd Avenue South



Legend

- AG
- DMU
- GC
- GO
- LC
- MHP
- MR-1
- MR-2
- MR-3
- NNC
- P/T
- UML
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- City Limits



Fargo Planning Commission
December 5, 2017

Plat (Minor)

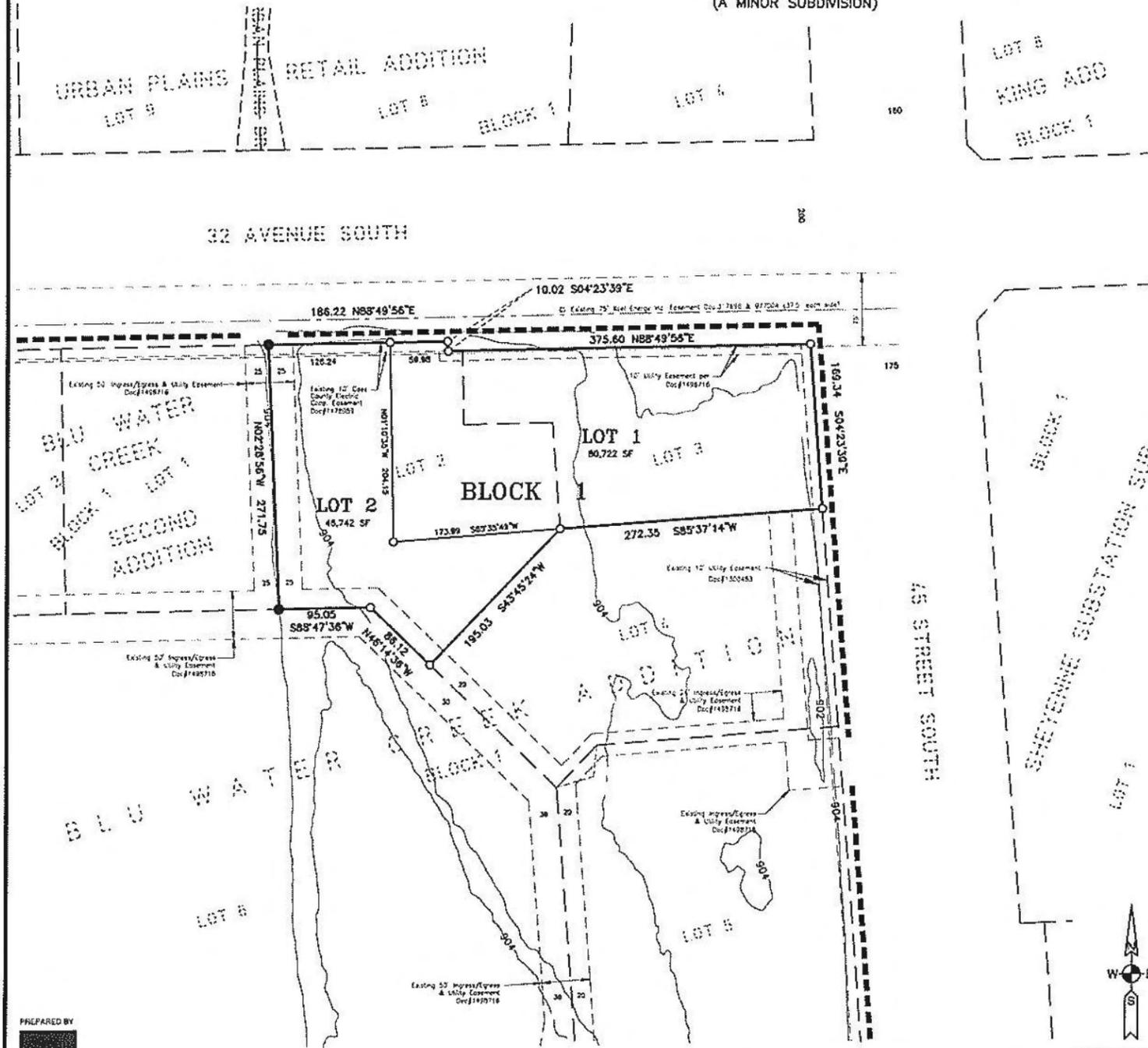
Blu Water Creek Third Addition

4504 & 4582 32nd Avenue South



BLU WATER CREEK THIRD ADDITION

A REPLAT OF LOTS 2 & 3, BLOCK 1 OF BLU WATER CREEK ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Brandt Crossing, LLC whose address is Fargo, North Dakota as owner of a parcel of land located in the Northwest Quarter of Section 28, Township 139 North, Range 49 West of the 12th Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lots 2 & 3, Block 1 of BLU WATER CREEK 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. Containing 127,464 square feet or 2.93 acres more or less.

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

OWNER:
Brandt Crossing, LLC

By: Kevin Christensen, President

State of North Dakota } SS
County of Cass

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Kevin Christensen, President, Brandt Crossing, LLC 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

MORTGAGEE:

Comerstate Bank

By: Jim Hamrick, Vice President

State of North Dakota } SS
County of Cass

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Jim Hamrick, Vice President, Comerstate Bank 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, Christopher Blake Sexton, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the suitable boundary lines are correctly designated on the plat.

Christopher Blake Sexton, Professional Land Surveyor
North Dakota License No. 15-10487

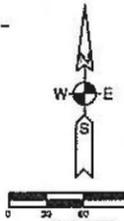
State of North Dakota } SS
County of Cass

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Christopher Blake Sexton, to me known to be the person described in and who executed the same as a true act and deed.

Notary Public

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 3/4" REDUC. CAPTED "LS-10487"
- SUBJECT PROPERTY LINE
- DISTING. PROPERTY LINE
- DISTING. EASEMENT LINE
- EXISTING CONTOUR LINE
- EXISTING NEGATIVE ACCESS EASEMENT PER 50071 HRS/213



FLOOD PLAIN NOTE
The subject property lies entirely within the 100 year Flood Plain. The Base Flood Elevation is 825.7.

BENCHMARK
A checked square in northeast corner lower concrete footing located approximately 300 feet East of the Northwest corner of subject property. CassCo 925.77 MAG 88

PREPARED BY
Ulteig
FARGO - BRAMMACK - DOTHAN LACUS - BI FALLS - MOORE FALLS - DONNYR - CLEAR HAVEN - WELINGTON

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2017.

Mark H. Bittner, City Engineer

State of North Dakota } SS
County of Cass

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Mark H. Bittner, City Engineer, to me known to be the person described in and who executed the same as a true act and deed.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2017.

Shawn Fischer, Planning Commission Chair

State of North Dakota } SS
County of Cass

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Shawn Fischer, Planning Commission Chair, to me known to be the person described in and who executed the same as a true act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and entered filed this _____ day of _____, 2017.

Timothy J. Mahoney, Mayor

Attest: Steven Spreng, City Auditor

State of North Dakota } SS
County of Cass

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Spreng, City Auditor, to me known to be the persons described in and who executed the same as a true act and deed.

Notary Public

City of Fargo Staff Report			
Title:	Osgood Townsite Fifteenth Addition	Date:	11/27/17
Location:	5012 47th Street South	Staff Contact:	Kylie Murphy
Legal Description:	Lot 2, Block 1, of the Osgood Townsite Fifteenth Addition.		
Owner(s)/Applicant:	Artekta Architects/Jeff Morrau	Engineer:	N/A
Entitlements Requested:	PUD Final Plan Amendment		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing	Proposed
Land Use: Veterinary Clinic and Dog Boarding	Land Use: No Change
Zoning: LC, Limited Commercial, with a PUD, Planned Unit Development Overlay	Zoning: LC, Limited Commercial, with a PUD, Planned Unit Development Overlay
Uses Allowed: 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: No Change
Maximum Building Coverage: 55% of lot area	Maximum Building Coverage: No Change

Proposal:

The applicant is requesting an amendment to the previously approved Planned Unit Development (PUD) Final Plan due to the restrictions of the Western Area Power Administration (WAPA) Easement. This PUD Master Plan and Final Plan was approved by the Planning Commission on July 6. When the original PUD application was brought to the planning office, staff asked the applicant to confirm with WAPA regarding what was permitted in the easement. At this time staff was told by the applicant that WAPA did not have any concerns. During site plan review staff asked the applicant, who was different than the original applicant for the PUD, to verify with WAPA that the plantings would be allowed in the easement. At this time staff was told by the applicant that WAPA would not allow any trees in the existing easement.

The existing PUD ordinance states that “an additional 29 trees will be installed between the pet enclosure and the adjacent MR-3 zoning district to the north, as shown on the Final Plan Exhibit B.” Due to the restrictions of the WAPA easement the applicant can no longer place those additional trees as shown on the Final Plan. The applicant is requesting to revise the Final Plan in order to move the 29 additional trees out of the WAPA easement.

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

Surrounding Land Uses and Zoning Districts:

- North: MR-3, Multi-Dwelling Residential with apartment use
- East: MR-3, Multi-Dwelling Residential and LC, Limited Commercial with vacant land use
- South: Across 52 Avenue South, GC, General Commercial with agricultural use
- West: Across 47th Street South, SR-4, Single-Dwelling Residential and P/I, Public and Institutional, with

single-family, twin home, and park uses.

Area Plans:

2003 Growth Plan

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



Schools and Parks:

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

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

Parks: Osgood Park (4951 47th Street S) is located across 47th Street South, west of the subject property and provides basketball, grill, multipurpose field, picnic table, playground, recreational trail, shelter, and soccer amenities.

Pedestrian / Bicycle: There is an off-road bike facility located along 47th Street South. This bike facility is a component of the metro area bikeways system.

Staff Analysis:

PUD Final Plan Section 20-0908.D:

The applicant has submitted plans as part of the building permit application process. These plans will be considered the PUD Final Plan. Planning staff has reviewed the submitted plan set and has found that the plans meet the development requirements of the LDC, as well as the requirements of the adopted PUD ordinance. The Master Plan and Final Plans are being brought forth concurrently. Relevant plan sheets from the submitted plan set have been attached to this staff report for review.

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

1. **An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;**
There has been no change in project density or intensity.
(Criteria Satisfied)

2. **A change in the mix of housing types or the amount of land area devoted to nonresidential uses;**
There has been no change in the type of nonresidential uses. There have been no substantial changes from the PUD Master Land Use Plan.
(Criteria Satisfied)

3. **A reduction in the amount of open space;**
There has been no substantial changes in the amount of open space.
(Criteria Satisfied)
4. **Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**
There have been no substantial changes from the PUD Master Land Use Plan.
(Criteria Satisfied)
5. **Any change within 50 feet of any SR or MR zoning district;**
There have been no substantial changes from the PUD Master Land Use Plan.
(Criteria Satisfied)
6. **Any change determined by the Planning Commission to represent an increase in development intensity;**
Staff suggests that there has been no increase in development intensity from the PUD Master Land Use Plan.
(Criteria Satisfied)
7. **A substantial change in the layout of buildings.**
There have been no substantial changes from the PUD Master Land Use Plan.
(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the PUD Final Plan as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, the adopted Area Plan, the standards of Article 20-00908, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: December 5, 2017

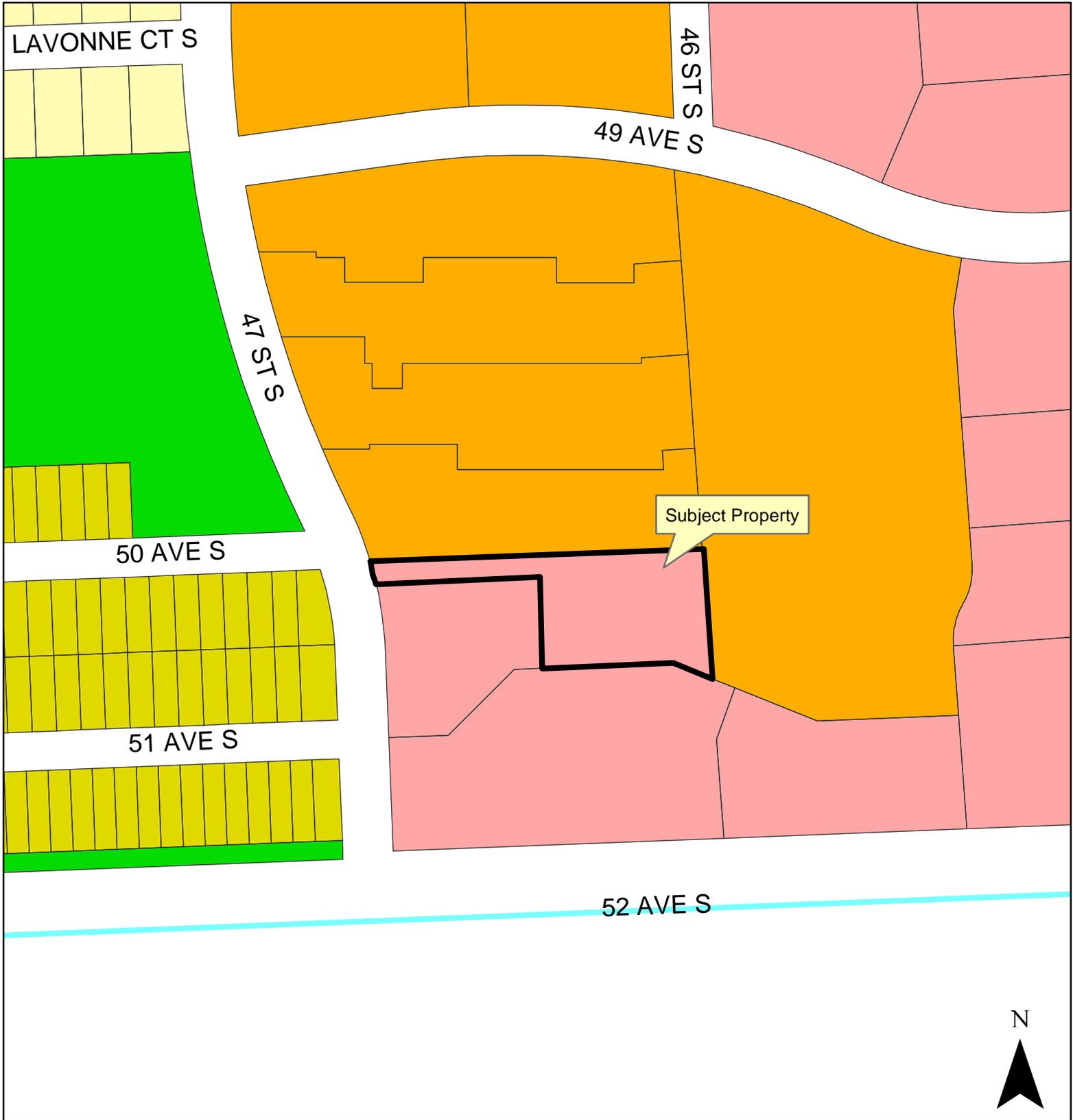
Attachments:

1. Zoning Map
2. Location Map
3. Narrative submitted by Applicant
4. Previously Approved PUD Final Plan
5. Updated PUD Final Plan

PUD

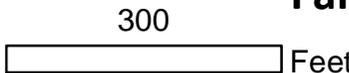
Osgood Townsite 15th Addition

5012 47th Street South



Legend

AG	DMU	GC	GO	LC	LI	MR-1	MR-2	MR-3	MHP	NC	NO	P/I	UMU	SP-2	SP-3	SP-4	SP-5	City Limits
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Fargo Planning Commission
December 5, 2017

PUD

Osgood Townsite 15th Addition

5012 47th Street South



10/10/17

City of Fargo
Planning Department

Project Narrative Below:

We are proposing a modification to the landscape buffer of the existing PUD.

The proposed change modifies the location of the trees within the landscape buffer to satisfy the request of the Western Area Power Administration. The number of trees will remain constant, and the revised buffer will provide a denser barrier between the dog run and the MR apartment units.

Please let me know if you have any questions or concerns.

Sincerely,

Matt Fremstad

ARTEKTA Architects
325 7th St. S, #300
Fargo, ND 58103
701-526-3693

PARKING SCHEDULE			
OCCUPANCY	RATIO	# REQ'D	# PROVIDED
OFFICE = 7,407 SF	1/300	25	27
RETAIL = 1,472 SF	1/250	6	6
STORAGE = 2,166 SF		1	1
TOTAL		32	34

ONLY 1 SPOT REQUIRED IF LESS THAN 2,500 SF

PLANT UNITS-173 REQUIRED			
TYPE	UNITS	QUANTITY	TOTAL
TREE-SMALL	5	33	165
SHRUBS	1	9	9
TOTAL			174

SITE PLAN KEY NOTES

- LINE OF CONC. CURB & GUTTER. (SEE CIVIL)
- NEW REINFORCED CONCRETE WALK, CONTROL JOINTING PER CIVIL. (SEE CIVIL)
- TRASH ENCLOSURE. SEE DETAIL 3/A101. DUMPSTER LOCATION PER MUNICIPAL REQUIREMENTS.
- ADA COMPLIANT SIDEWALK RAMP APPROACH. (SEE CIVIL)
- LANDSCAPE BUFFER PER MUNICIPAL REQUIREMENTS.
- 15' FIRE APPARATUS ACCESS ROAD.
- 8' DOG RUN ENCLOSURE/FENCE.
- STEEL FRAMED CANOPY. SEE DETAIL XX. AND STRUCT.
- PLANTING BEDS WITH 30% 4"-12" ROCK AND 70% RED CEDAR SHRED MULCH, 4" MIN. DEPTH WITH ZONED IRRIGATION SYSTEM.
- REMEDIATED VEGETATION AND GREEN SPACE.
- NEW REINFORCED CONC. DRIVE APRON (SEE CIVIL).
- ELEC. METER AND SOCKET.
- GAS METER - BY UTILITIES PROVIDER. (SEE MECH)
- DIRECT BORING ROUTE OF NEW 2" WATER MAIN (SEE CIVIL).
- STEP-DOWN TRANSFORMER BY UTILITY PROVIDER ON FORMED CONC. PAD (SEE ELEC).
- FROSTPROOF HOSE BIB.
- PEDESTRIAN SITE LIGHTING (SEE ELEC).
- IN GROUND BICYCLE RACK SYSTEM. SEE DETAIL 3/A101.
- SPRAYER PLANT IRRIGATION SYSTEM THROUGHOUT ENTIRE PROPERTY. IRRIGATION INSTALLER RESPONSIBLE FOR ALL UNDER SLAB PIPING EXTENSION, ALL SYSTEM RELATED PROVISIONS, AND ACCESSORIES. ALL BEDS TO BE RECESSED MIN. 4" TO ALLOW FULL THICKNESS MULCH TO EDGE OVER GEOTEXTILE FABRIC. SEE DETAIL XX.
- TRASH RECEPTACLE (DARK BRONZE) SEE DETAIL 6/A101.
- LINE OF TRENCHED-IN SANITARY SEWER LINE (SEE CIVIL).
- SANITARY SEWER PRIMARY CLEAN-OUT.
- NEW EXTERIOR DISCONNECT GEAR (N.I.C.)
- LINE OF ROOF LINE ABOVE.
- CONDENSING UNITS ON 4" W X 6" D X 26" L SLAB ON GRADE. (VERIFY SIZE SEE MECH.)
- NATURAL GAS SERVICE ENTRY. (SEE MECH)
- 6" BOLLARDS. SEE DETAIL 2/A101
- LOT STRIPING. (SEE CIVIL)
- NEW BOULEVARD LAWN AREA - FINISH GRADE AND HYDROMULCH PER MUNICIPAL REQUIREMENTS.
- 6" BLACK POLY EDGE BORDER



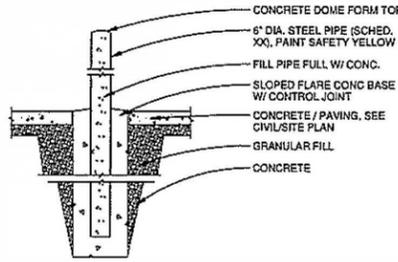
NOT FOR CONSTRUCTION
DATE: 06/15/2017



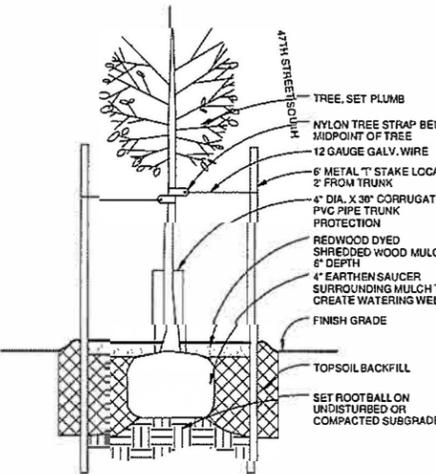
(CVS) - FARGO BRANCH
NEW VETERINARY SERVICES CLINIC
5012 47TH STREET SOUTH
FARGO, ND 58104

ARCHITECTURAL SITE PLAN
PROJECT #: 1703.01
DATE #: 06/15/2017
DRAWN BY #: MF
CHECKED BY #: JRM

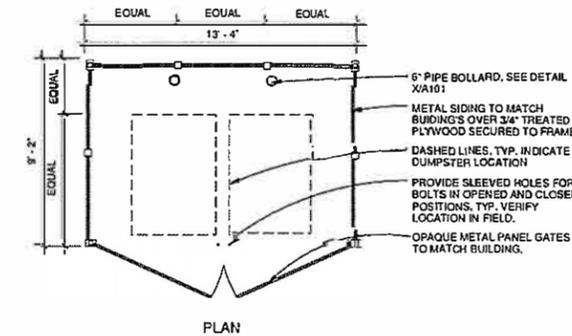
A101



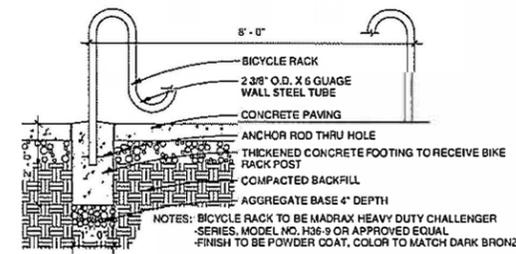
9 PIPE BOLLARD
1/2" = 1'-0"



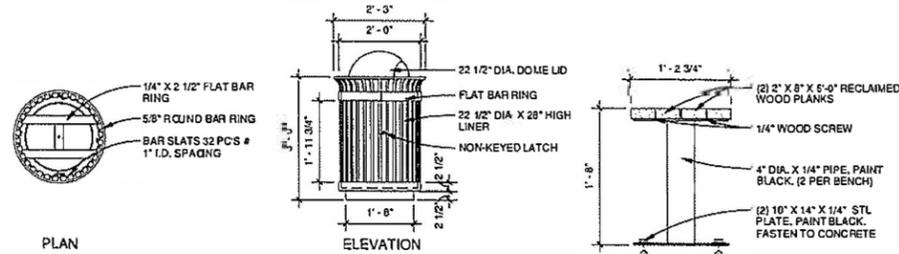
8 TREE PLANTING
6" = 1'-0"



6 DUMPSTER ENCLOSURE
1/4" = 1'-0"



7 BIKE RACK
1/2" = 1'-0"

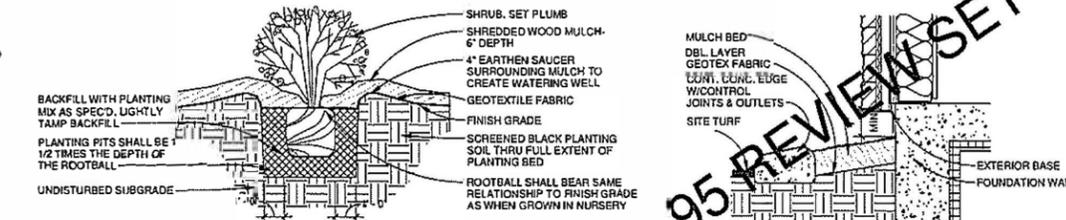


4 BENCH DETAIL
1" = 1'-0"

1 SITE PLAN
1" = 20'-0"

3 SHRUB PLANTING
1/4" = 1'-0"

2 TYP. PLANTING BED AT BUILDING
1" = 1'-0"



95 REVIEW SET

City of Fargo Staff Report			
Title:	Commerce on 12th Fourth Addition	Date:	11/26/2017
Location:	1330, 1350, 1370, and 1390 55th Street North	Staff Contact:	Barrett Voigt
Legal Description:	Block 1, Commerce on 12th Second Addition		
Owner(s)/Applicant:	Fargo Commercial Properties, LLC/Nate Vollmuth	Engineer:	Ulteig
Entitlements Requested:	Minor Subdivision (Replat all of Block 1, Commerce on 12th Second Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing
Land Use: Vacant
Zoning: LI, Limited Industrial
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, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.
Maximum Lot Coverage Allowed: 85%

Proposed
Land Use: Industrial Warehouse
Zoning: No Change
Uses Allowed: No Change
Maximum Lot Coverage Allowed: No Change

Proposal:
<p>The applicant is seeking approval of a minor subdivision, entitled Commerce on 12th Fourth Addition, which is a replat of all Block 1, Commerce on 12th Second Addition. The subject properties are located at 1330, 1350, 1370, and 1390 55th Street North (encompasses approximately 7.25 acres). The applicant is proposing a four (4) Lot, one (1) Block minor subdivision to accommodate for future development and ensure the provision of public utilities.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire</p>

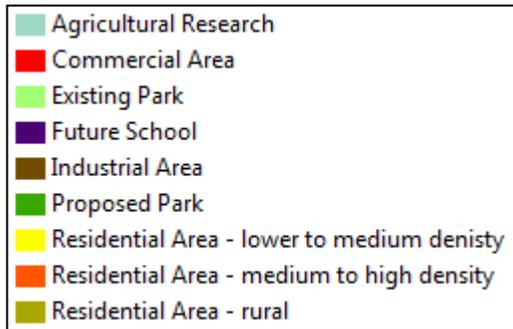
Departments (“staff”), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LI, Limited Industrial with vacant land use;
- East: LI, Limited Industrial with vacant land use;
- South: LI, Limited Industrial with vacant land use;
- West: LI, Limited Industrial with vacant land use

Area Plans:

The subject properties are located within the 2007 Tier 1 Northeast Growth Plan. According to the plan, this property is most suitable for “Industrial Area” land use.



Schools and Parks:

Schools: The subject properties are located within the West Fargo School District and are served by L. E. Berger Elementary, Cheney Middle and West Fargo High schools.

Neighborhood: The subject properties are not located in an area where a neighborhood designation has been identified.

Parks: Viola Eid Park, Village West Dog Park, and Village West Park are located approximately 2 miles south of the subject properties. Viola Eid Park provides picnic table, playground, and recreational trails amenities. Village West Park and Dog Park provides basketball, dog park, multipurpose field, outdoor skating/warming house, picnic table, and playground amenities.

Pedestrian / Bicycle: Off-road bike facilities are located less than a mile east of the subject properties. These facilities are a component of the metro area trail system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to replat all of Block 1, Commerce on 12th Second Addition into four Lots and one Block to accommodate future development and ensure a connection to public utilities. In accordance with § 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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, **Commerce on 12th Fourth Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: December 5, 2017

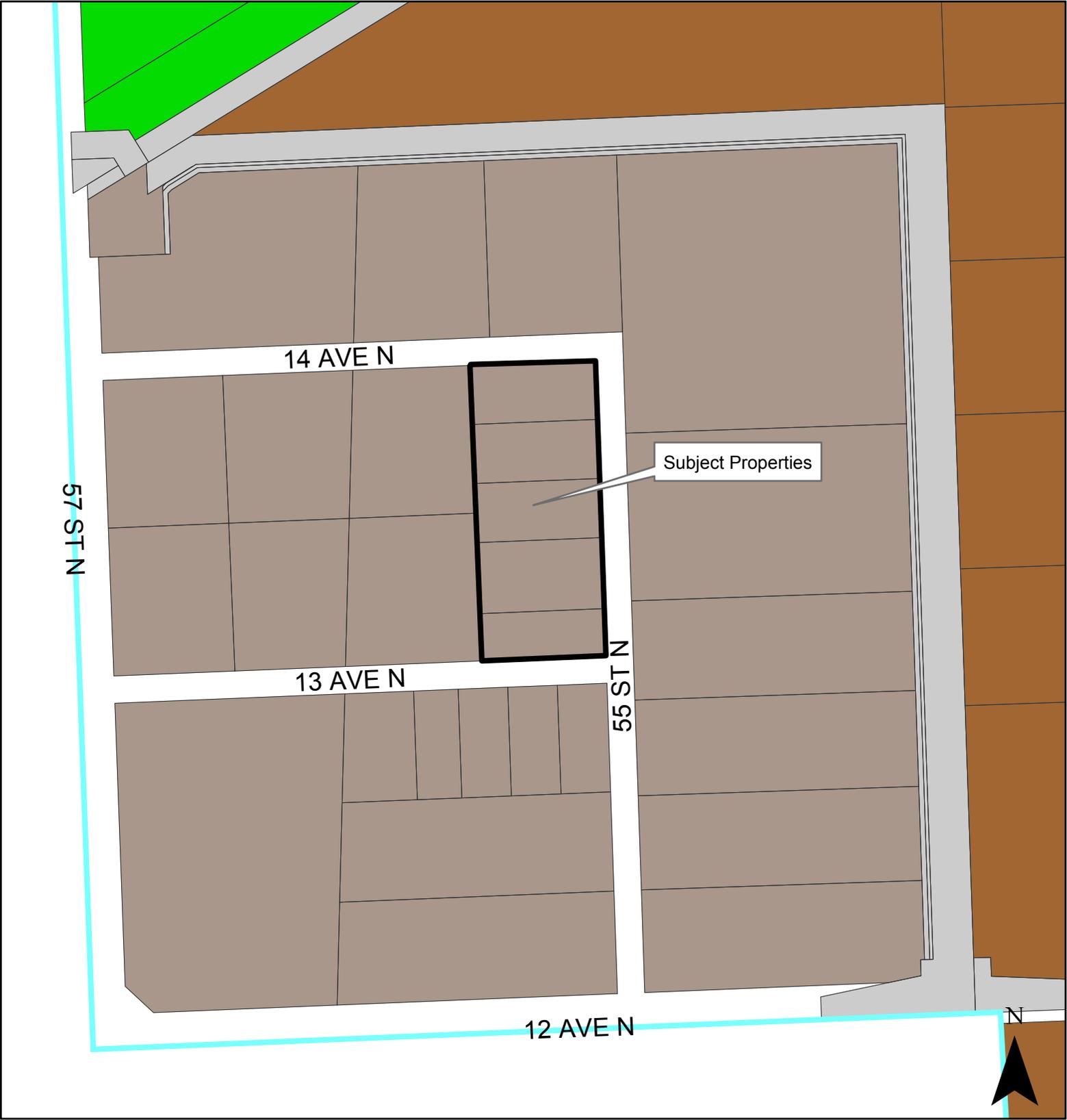
Attachments:

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

Plat (Minor)

Commerce on 12th Fourth Addition

1330 - 1390 55th Street North



Plat (Minor)

Commerce on 12th Fourth Addition

1330 - 1390 55th Street North



COMMERCE ON 12TH FOURTH ADDITION

A REPLAT OF BLOCK 1 OF COMMERCE ON 12TH 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 Fargo Commercial 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 33, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lots One and Two, AND Lot Three, LESS the South 27.5 feet thereof, Block One of COMMERCE ON 12TH 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.

AND That Swanson Properties, LLC whose address is Fargo, North Dakota as owner of a parcel of land located in the South west Quarter of Section 33, Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

South 27.5 feet of Lot Three, AND Lots Four and Five, Block One of COMMERCE ON 12TH 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.

Containing 7.258 acres or 316,141 square feet more or less.

Said owners have caused the above described tract of land to be surveyed and platted as "COMMERCE ON 12TH FOURTH ADDITION" to the City of Fargo, Cass County, North Dakota.

OWNER LOTS 1 & 2: Fargo Commercial Properties, LLC

By: _____
Kevin Christianson, President

State of North Dakota } SS
County of Cass }

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Kevin Christianson, President, Fargo Commercial Properties, LLC 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 _____

OWNER LOTS 3 & 4: Swanson Properties, LLC

By: _____
_____, President

State of North Dakota } SS
County of Cass }

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared _____, President, Swanson Properties, LLC 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 _____

MORTGAGE HOLDER LOTS 1 & 2:
Western State Bank

By: _____
Mike Bannach, President

State of North Dakota } SS
County of Cass }

On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Mike Bannach, President, Western State Bank 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, Christopher Blake Sexton, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

Christopher Blake Sexton, Professional Land Surveyor
North Dakota License No. LS-10497

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Christopher Blake Sexton, 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 _____, 2017.

Mark H. Bittner, City Engineer

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Mark H. Bittner, 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 _____, 2017.

Shara Fischer, Planning Commission Chair

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Shara Fischer, 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 _____, 2017.

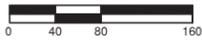
Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2017, 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 _____



SCALE IN FEET
ORIENTATION OF THIS BEARING SYSTEM IS PER THE PLAT OF COMMERCE ON 12TH ADDITION

LEGEND

- MONUMENT FOUND, 5/8" REBAR, CAPPED "LS-6206"
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-10497"
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - - EASEMENT LINE

PREPARED BY



FARGO - BISMARCK - DETROIT LAKES - ST PAUL - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON

PRELIMINARY

City of Fargo Staff Report			
Title:	Harwood's Addition	Date:	11-29-2017
Location:	703 and 707 10th Street North	Staff Contact:	Barrett Voigt
Owner(s)/Applicant:	710 Lofts, LLC/Kevin Bartram	Engineer:	None
Entitlements Requested:	Planned Unit Development (PUD) amendment to Master Land Use Plan and Final Plan, on Lots 17–18 and portions of Lots 1–2, Block 4, of Harwood's Addition		
Status:	Planning Commission hearing: December 5, 2017		

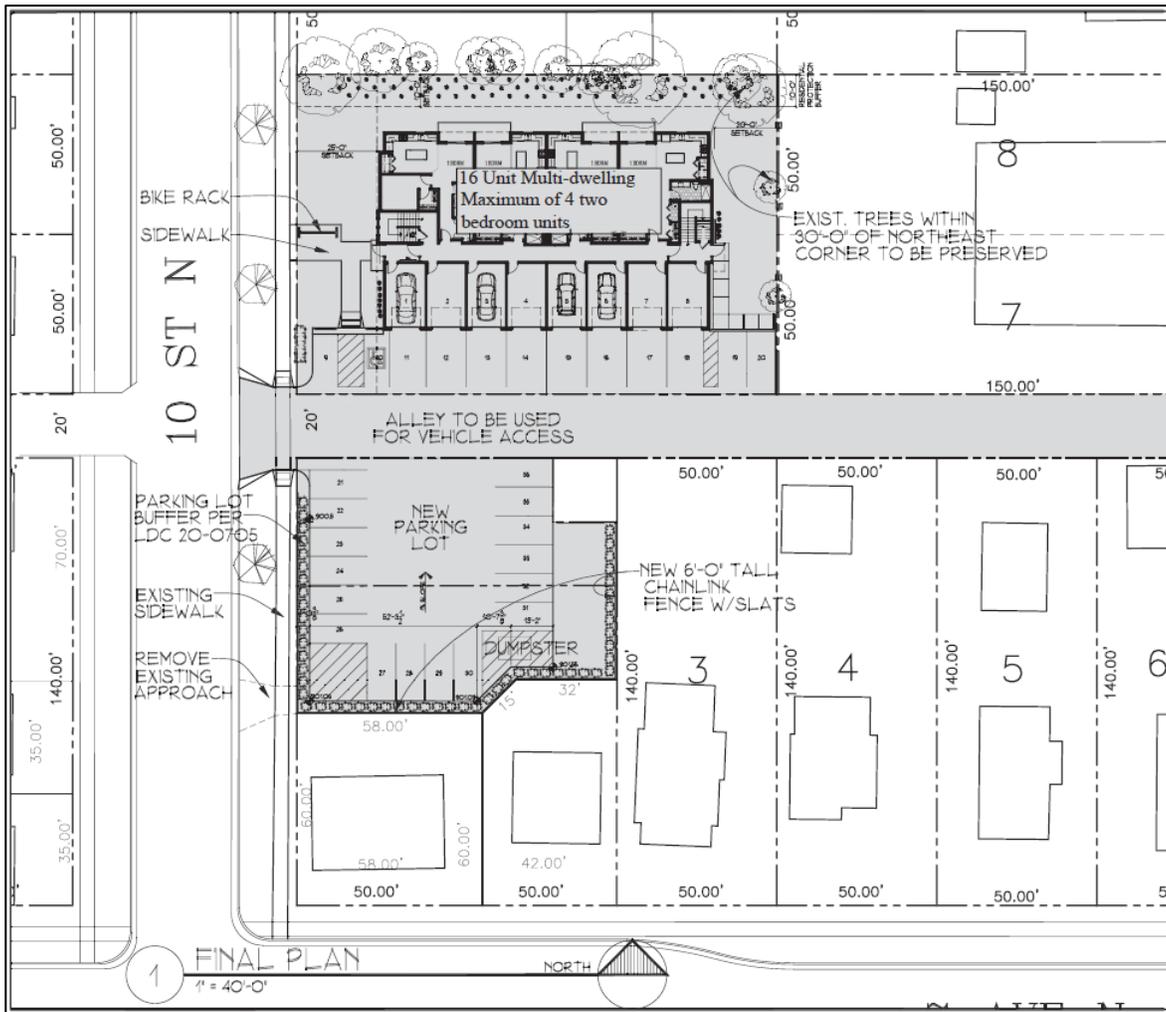
Existing
Land Use: Multi-Dwelling Residential
Zoning: MR-3, Multi-Dwelling Residential with a PUD Overlay and MR-3, Multi-Dwelling Residential
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.
Maximum Density Allowed: Maximum of 38 units per acre (per PUD)

Proposed
Land Use: No Change
Zoning: MR-3, Multi-Dwelling Residential with a PUD Overlay
Uses Allowed: No Change
Maximum Density Allowed: Maximum 32 units per acre (per PUD)

Proposal:
<p>The applicant is seeking approval of an amended zoning ordinance to include a PUD overlay amendment to the Planned Unit Development (PUD) Master Land Use Plan and Final Plan to incorporate an additional land parcel for a multi-dwelling development. The subject properties are located at both 703 and 707 10th Street North (Lots 17–18 and portions of Lots 1–2, Block 4, of Harwood's Addition) and encompasses approximately 0.509 acres.</p> <p>Prior to this application, a zoning map amendment to establish PUD overlay was approved for the property of 707 10th Street North to allow for the current three story multi-dwelling structure and adjoining parking lot area. After the construction of the development was complete, the applicant had a change in business plans. The applicant would like to include an additional parcel south of the property (703 10th Street North) into the PUD development to provide additional parking, dumpster area, and an area for snow removal storage.</p> <p>The PUD amendment application would request that the property maintain the right to exceed LDC dimensional standard requirements and continue to provide 16 units. However, the amendment would expand the geographical area of the PUD onto the southern parcel to provide 9 additional parking stalls. In exchange, the parcels south of the alley would provide an opaque 6-foot fence on the south and eastern</p>

property lines and a parking lot buffer that meets LDC §20-0705 along the western property line. In addition, the driveway access point onto 10th Street North would be removed and replaced with a standard boulevard improvement. For additional information, please refer to the illustration below and the attached draft PUD ordinance.

On November 28th, staff facilitated an open-house meeting to solicit comments on the application proposal. As a result, one (1) citizen attended the meeting and provided written comments in support of the project. For further information, please see the attached comments provided with the report.



Proposed parking lot expansion

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

Surrounding Zoning and Land Uses Include:

North: SR-3, Single-Dwelling Residential, with detached housing use;

East: MR-3, Multi-Dwelling Residential, with multi-dwelling use;

South: MR-3, Multi-Dwelling Residential, with multi-dwelling and detached housing use;

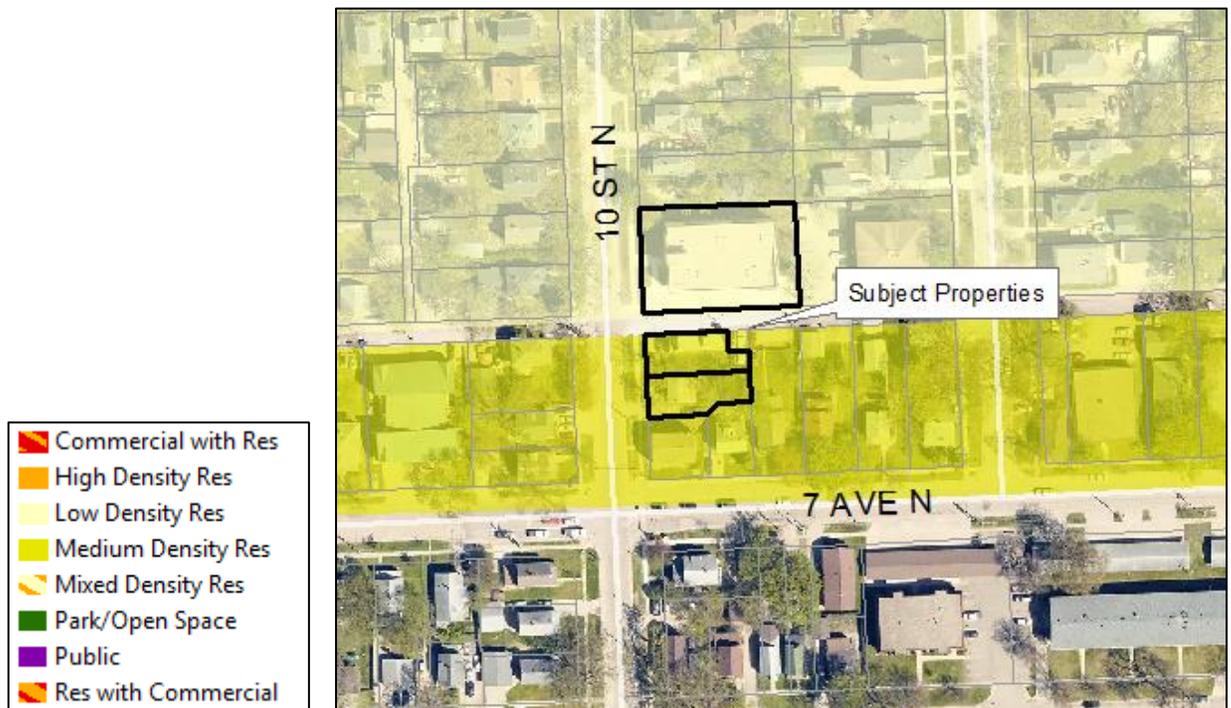
West: 10th Street North directly abuts the property, with SR-3, Single-Dwelling Residential, and MR-3, Multi-Dwelling Residential across the street, with detached housing and a multi-dwelling uses.

Area Plans:

The subject properties are located within the Roosevelt–NDSU Neighborhood. The Roosevelt–NDSU Neighborhood Plan was adopted in 2004 to address the escalating issues of parking, over-occupancy, loud parties, housing transitions from owner-occupancy to renter-occupancy, and property maintenance.

One goal outlined in the plan is to stabilize the neighborhood’s housing stock. Within this goal, the plan notes strategies that encourage a balanced mix of quality housing.

A Future Land Use Plan for the Roosevelt–NDSU Neighborhood (adopted in late 2009 as an amendment to the 2004 Neighborhood Plan) was created to provide a framework for development and to provide guidance in decision making for homeowners, landlords, and developers. The Future Land Use Plan identifies this area as being appropriate for “Low Density Residential” and “Medium Density Residential” land uses.



Schools and Parks:

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

Neighborhood: The subject properties are located in the Roosevelt Neighborhood.

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

Pedestrian/Bicycle: An on-road bike facility is located along 10th Street North, which abuts the subject properties, and connects to the metro area trail system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The requested zoning change resulted from a change in conditions of an opportunity to expand the parking lot for the development.

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public right-of-way, which provides access and public utilities to serve the development.

(Criteria Satisfied)

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. In addition, an open house was held on November 28th. One resident attended the meeting and there were no objections.

(Criteria Satisfied)

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

The proposed amendment is consistent with the LDC, the Go2030 Comprehensive Plan, and the Future Land Use Plan for the Roosevelt–NDSU Neighborhood in that the parking lot addition provides an additional amenity for high quality housing near NDSU in an area demarcated for medium density residential land use.

(Criteria Satisfied)

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

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;

The plan represents an improvement over what could have been accomplished through strict application of the base MR-3 zoning district. In exchange for allowing more units per acre than what the MR-3 zoning designation allows, the applicant is proposing to provide more parking, a snow removal storage area, and aesthetic site improvements. This PUD will continue to provide and maintain the improvements provided with the original PUD. See attached Master Plan for additional details.

(Criteria Satisfied)

2. The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;

Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of §20-0302. The PUD modifies the maximum number of units allowed in the MR-3 zoning district per LDC §20-0501. The LDC only allows for 12 units on the proposed site. The prior PUD has allowed and would continue to allow for 16 units. However, the number of parking stalls will increase from 27 to 36 stalls and meet current parking ratio standards. All standards and requirements as set forth in the LDC have been met.

(Criteria Satisfied)

3. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way, which provide access and public utilities to serve the development.

(Criteria Satisfied)

4. The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;

The PUD is consistent with planning objectives set forth in the City Comprehensive Plan. The development proposal aligns with the Go2030 Key Initiatives of:

- Promote Infill
- Quality New Development
- High Quality Affordable Housing near NDSU

(Criteria Satisfied)

5. The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.

The PUD is consistent with sound planning practice and the development will promote the general welfare of the community. The PUD would provide an improvement to the overall aesthetics of the property and maintain the increased density within a core area of the City.

(Criteria Satisfied)

PUD Final Plan Section 20-0908.D:

The petitioner has submitted plans as part of the building permit application process. These plans will be considered the PUD Final Plan. Planning staff has reviewed the submitted plan set and has found that the plans meet the development requirements of the LDC, as well as the requirements of the adopted PUD ordinance. The Master Plan and Final Plans are being brought forth concurrently. Relevant plan sheets from the submitted plan set have been attached to this staff report for review.

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

1. An increase in project density or intensity, including the number of housing units per acre or the amount of nonresidential floor area per acre;

The applicant has no plans to increase the number of housing units per acre currently on site. The amendment to the PUD would only provide an additional amenity of more parking stalls on site.

(Criteria Satisfied)

2. A change in the mix of housing types or the amount of land area devoted to nonresidential uses;

There has been no change to the existing housing type or the amount of land area devoted to nonresidential uses.

(Criteria Satisfied)

3. A reduction in the amount of open space;

The proposed addition would not reduce the amount of open space required.

(Criteria Satisfied)

4. **Any change to the vehicular system that results in a significant change in the amount or location of streets, common parking areas, and access to the PUD;**
 The applicant does not propose a change to the proposed vehicular system. The PUD will limit the applicant to 36 parking stalls maximum, require the access point from the property to be removed from 10th Street North, and only allow access to 10th Street North from the alley.
(Criteria Satisfied)

5. **Any change within 50 feet of any SR or MR zoning district;**
 The subject is within 50 feet of MR zoning districts. No change to proposed plans would be allowed after the Final Plan is approved.
(Criteria Satisfied)

6. **Any change determined by the Planning Commission to represent an increase in development intensity;**
 Staff suggests that there has been no increase in development intensity from the PUD Master Land Use Plan. With the exception of the existing living units that exceed density requirements, the applicant plans to provide more parking and meet all of the other dimensional standard requirements.
(Criteria Satisfied)

7. **A substantial change in the layout of buildings.**
 The PUD Master Land Use Plan and Final Plan are submitted concurrently. All other changes and development must go through the Planning Commission for approval.
(Criteria Satisfied)

Please see the attached draft PUD ordinance for requirements and restrictions.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Amend the zoning ordinance to include a PUD overlay amendment to the PUD Master Land Use Plan, and approve: 2) the PUD Final Plan, contingent on City Commission approval of the PUD Master Plan, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0908.B (7) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 5, 2017

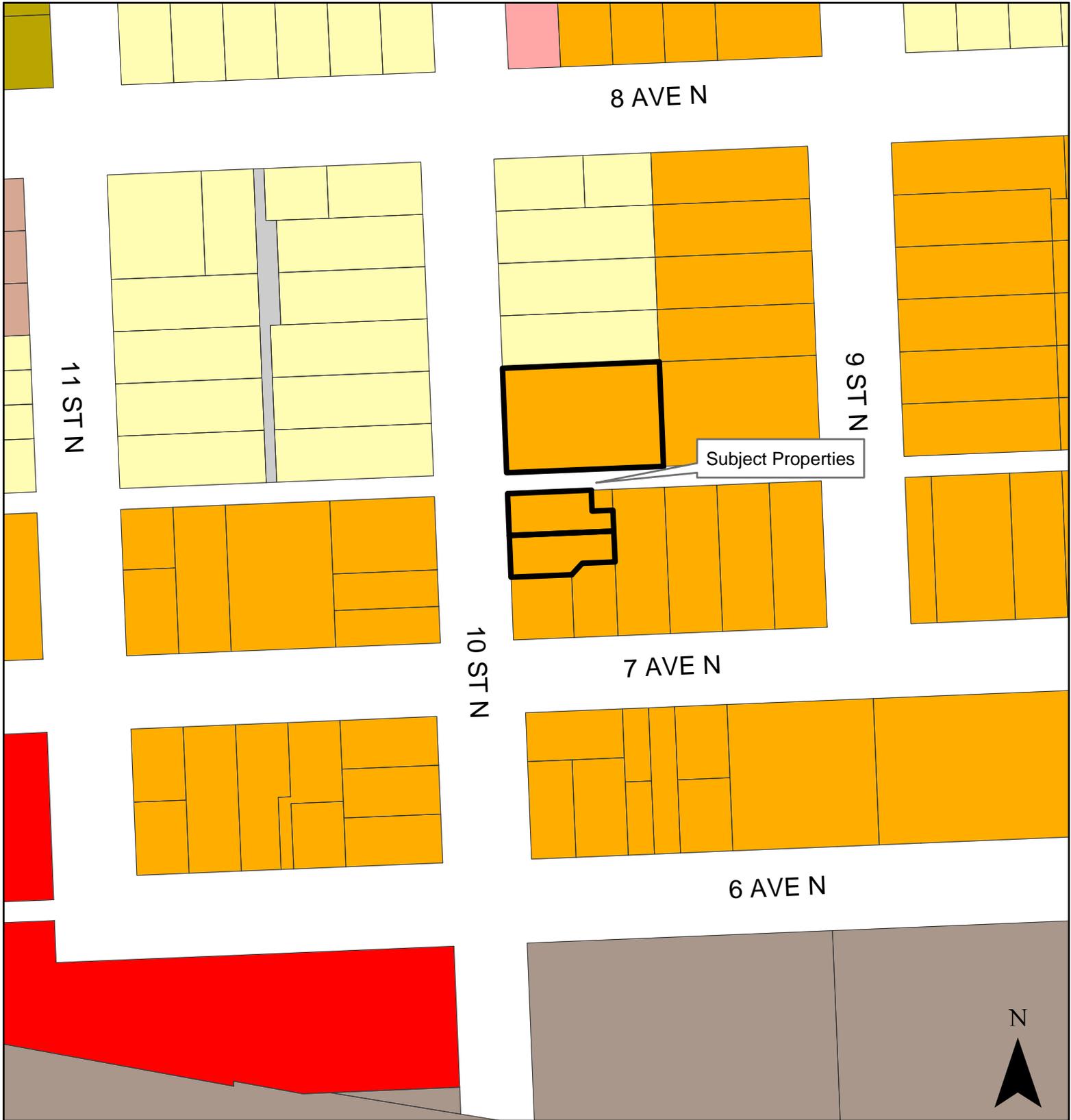
Attachments:

1. Zoning Map
2. Location Map
3. Narrative submitted by Applicant
4. PUD Master Land Use Plan
5. PUD Final Plan
6. Draft PUD Ordinance
7. Comments

PUD

Harwood's Addition

703 & 707 10th Street North



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

Fargo Planning Commission
December 5, 2017

300

Feet

Harwood's Addition

703 & 707 10th Street North



710 LOFTS PUD NARRATIVE 20 OCT 17

Donald/Barrett,

Following is a quick narrative per our conversation this morning. Please review it and let me know if you feel anything should be added or modified.

“After completing the 710 Lofts project we were contacted by the Owner of the home at 703 10th Street about purchasing the property. The home was run down, was an eyesore, and frequently had cars parked in the yard so we agreed to purchase the property with the idea of demolishing it to clean up the property and enhance the appearance of our 710 Lofts project. It also provides us the chance to add some additional overflow parking along with space to pile snow in the winter. The parking improvements include removal of an existing approach to 10th Street, a new fence around the perimeter of the property and additional landscaping. The site will be sloped toward the existing alley for drainage.”

Thanks.

Kevin Bartram

M | B | A

505 North Broadway, Suite 201

Fargo, North Dakota 58102

☎ (701) 235-5563

☎ (701) 235-5435

✉ kbartram@mbapc.com



**Draft PUD Overlay
Harwood's Addition
12-5-2017**

Residential Density:

- The maximum residential density allowed shall be 32 units per acre with a maximum of 16 dwelling units.
- There shall be a maximum of four (4) two-bedroom dwelling units permitted.
- Dwelling units having three (3) or more bedrooms shall be prohibited.

Parking:

- No fewer than 36 parking spaces shall be provided on-site.
- Bicycle parking rack shall remain

Landscaping:

- All existing deciduous trees located within 30 feet of the northeast property corner (707 10th Street) shall be preserved and shall not be removed. Street tree placement and permitting should be coordinated with City Forrester.
- Landscape buffer along western property line of 703 10 St N shall comply with the LDC requirements of 20-0705D. Or 20-0212D.4.

Residential Protection Standards:

- A 6 foot opaque fence will be required along south and east property lines

Additional Standards:

- The existing approach onto 10th Street North shall be removed and replaced by a standard street boulevard.
- Vehicular access to the property shall be provided from the public alley only.
- A pedestrian sidewalk shall remain from the public sidewalk along 10th Street North to the entrance of the building.

Comment Sheet

Neighborhood Meeting – November 28, 2017

Contact Information

Please Print

Property Owner Name: Martha Berryhill

Address of Property: formerly 1354-12 St N

Mailing Address (if different than above) 2437 Lilac Ln

Phone Number: _____

Email: _____

Comments:

Harwood Addition - seems like a good thing. Note
that neighbors and RNA reps said more parking
was needed when original plan was going through
planning. No one listened to neighborhood.

City of Fargo Staff Report			
Title:	Ohmer's Addition Subdivision of Lots 65 through 68.	Date Updated:	11/29/2017
Location:	1314 12 th Street North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lots 29, Ohmer's Addition Subdivision of Lots 65 through 68.		
Owner(s)/Applicant:	Alpha Gamma Rho House Corporation /Eric J. Miller	Engineer:	None
Entitlements Requested:	Zone Change (from MR-3, Multi-Dwelling Residential to LC, Limited Commercial)		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing	Proposed
Land Use: Parking lot	Land Use: Parking Lot
Zoning: MR-3	Zoning: LC, Limited Commercial
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: 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. With a Conditional Overlay (C-O) to restrict land uses to commercial parking only
Maximum Density Allowed (Residential): MR-3 allows a maximum of 24 dwelling units per acres.	Maximum Lot Coverage Allowed: The LC zone allows a maximum of 55% lot coverage

Proposal:
<p><i>Project History Note: This agenda item and the next one (item 13) address requests for zone changes on adjacent properties. These properties are under different ownerships and are proposed to change to different zones. The property owners are working together and are represented by the same project representative.</i></p> <p><i>Plat Designation Note: Ohmer's Addition Subdivision of Lots 65 through 68 was recorded in 1882 and does not use the now-standard naming convention and designation of lots and blocks.</i></p> <p>The applicant requests one entitlement:</p> <ul style="list-style-type: none"> • A zoning change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial with a C-O, Conditional Overlay on Lot 29 Ohmer's Addition Subdivision of Lots 65 through 68. <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: SR-3, Single Dwelling Residential; Residential land use • East: MR-3 and SR-3; Residential land use

- South: P/I, University Lutheran Center
- West: MR-3, fraternity houses (group living)

Area Plans:

The Roosevelt-NDSU Neighborhood Area Plan designates the area of this project as “primarily commercial with residential” land uses.



Context:

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

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

Parks: Roosevelt Park is located approximately 0.19 miles southeast of the project site and provide the amenities of multipurpose field, outdoor skating/warming house, and playground.

Pedestrian / Bicycle: There are on-road bike facilities in close proximity to the subject site along University Drive North that are a component of the metro area bikeways system.

Staff Analysis:

CONDITIONAL OVERLAY

The project site is used as a parking lot. Commercial parking is not a permitted use in the MR-3 zone. The applicant proposes to rezone this property from MR-3 to LC, a zone in which commercial parking is a permitted use. The conditional overlay (C-O) will restrict land uses on this property to commercial parking only. Any proposed change of land use would require a modification of the C-O, which is done through a public hearing process.

ACCESS: These parking lot takes access both from 12th Street North and the alley between 12th Street North and University Drive.

FUTURE SITE DEVELOPMENT: The parking lot on Lot 29 is currently unpaved. The property owner will be required to pave and stripe the lot and install a residential protection buffer on the north side of the lot in relation to the adjacent residence. This buffering follows the requirements of the Land Development Code (LDC) as well as the Roosevelt-NDSU Neighborhood Area Plan, which states “When in close

proximity to residential, especially single family residential dwelling, commercial shall be buffered to protect the residential land uses.” A draft site plan for this parking lot is attached.

NEIGHBORHOOD OPEN HOUSE: An open house to allow neighbors of the project site to learn more about the proposed zone change was held on the afternoon of Tuesday, November 28, 2017. One person attended the open house, and made comments expressing concern about the conversion of residential lots to other uses upon demolition of the residence. A copy of these comments is attached.

Roosevelt Neighborhood Association representatives were notified of this project by e-mail. One representative attended the open house, as noted above. No further comments have been received at the time this staff report was published.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned MR-3, Multi-Dwelling Residential. The proposed zoning of LC is consistent with the Roosevelt Neighborhood Land Use Plan designation of “primarily commercial with residential.”

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The site fronts on dedicated public rights of way, which will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received one phone inquiry about the project plus the comments noted above from the open house. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” The Growth Plan that applies to this property is the Roosevelt Neighborhood Future Land Use Plan; this plan designates this property as appropriate for “primarily commercial with residential,” which would include the LC zone. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed zone change from MR-3, Multi-Dwelling Residential to LC, Limited Commercial for Lot 29, with a C-O, Conditional Overlay, for Ohmer’s **Addition Subdivision of Lots 65 through 68** as presented; as the proposal complies with the Go2030 Fargo Comprehensive

Plan, Roosevelt Neighborhood Future Land Use Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: December 5, 2017

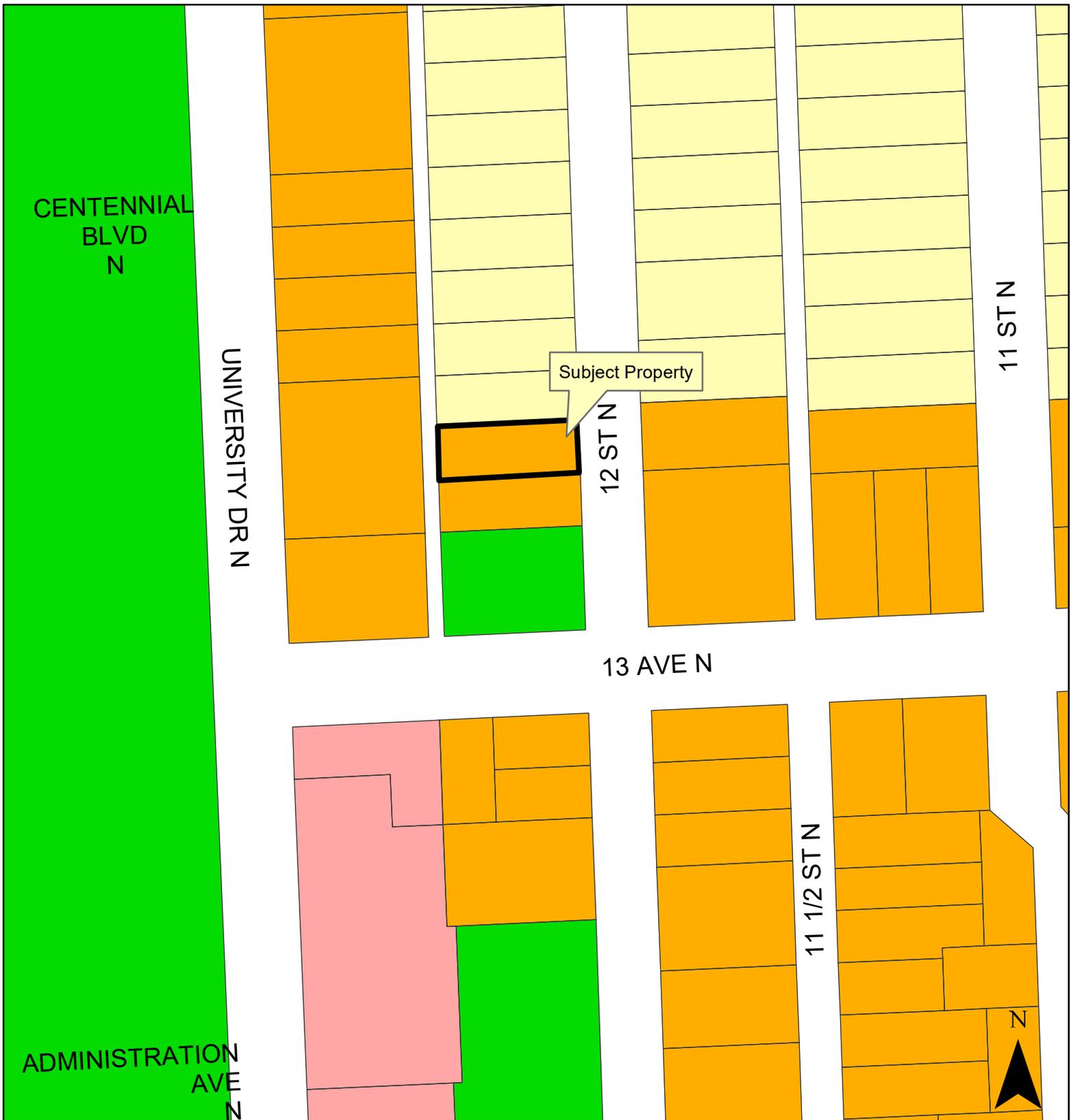
Attachments:

1. Zoning Map
2. Location Map
3. Neighborhood comments
4. Draft site plan of future parking lot

Zoning Change (MR-3 to LC w/ a C-O)

Ohmers Addition

1314 12th Street North



Legend

- | | | | |
|-----|------|-----|-------------|
| AG | LC | MHP | SSR-2 |
| DMU | LI | NO | SSR-3 |
| GC | MR-1 | NO | SSR-4 |
| GO | MR-2 | PA | SSR-5 |
| GO | MR-3 | UMI | City Limits |

Fargo Planning Commission

December 5, 2017

300

Feet

Zoning Change (MR-3 to LC w/ a C-O)

Ohmers Addition

1314 12th Street North



Comment Sheet

Neighborhood Meeting – November 28, 2017

Contact Information

Please Print

Property Owner Name: Martha Berryhill

Address of Property: formerly 1354-12 St N.

Mailing Address (if different than above) 2437 Lilac Ln.

Phone Number: _____

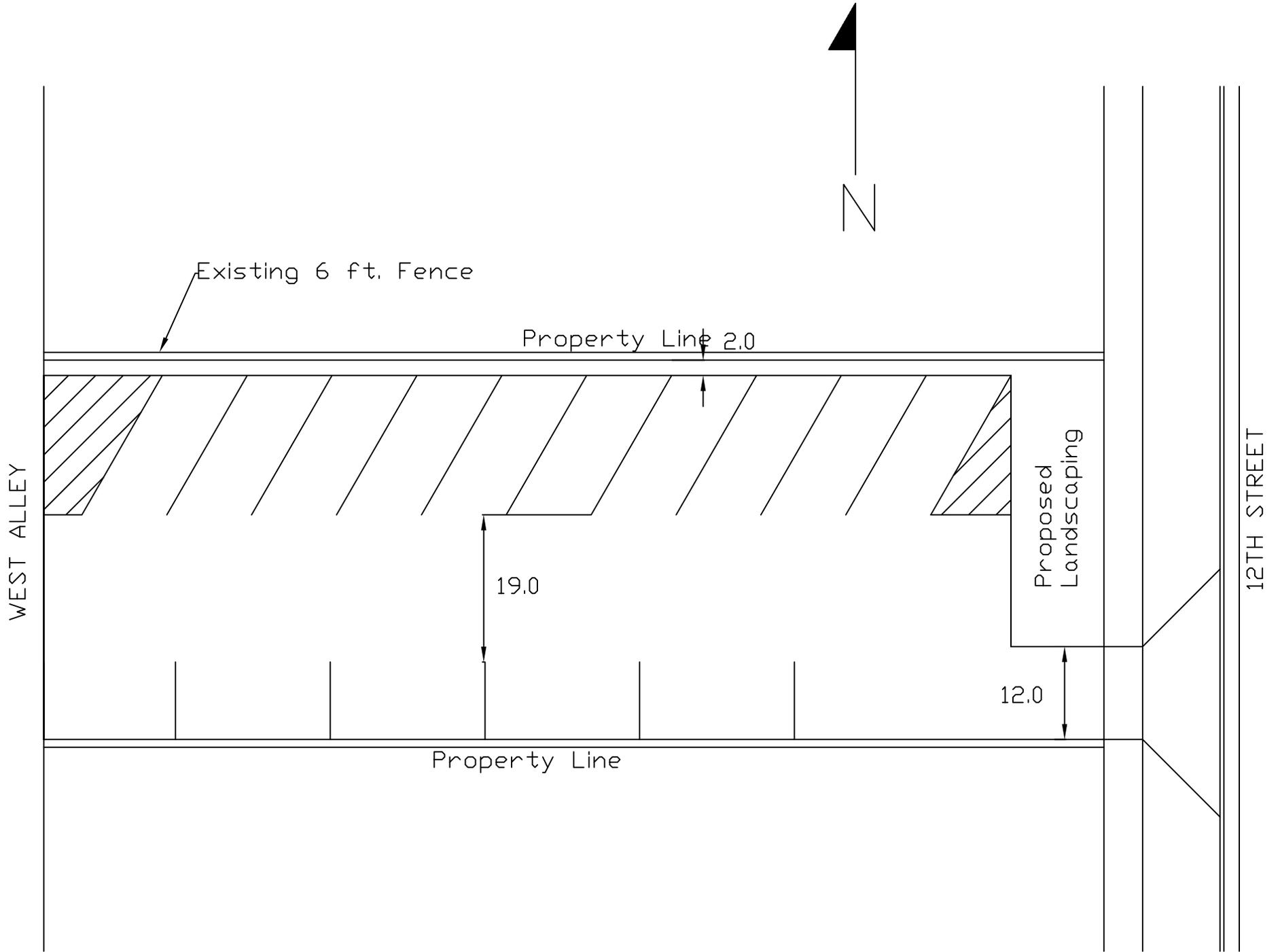
Email: _____

Comments:

Owners Addition 1314-12 St N.

The house that was torn down was a disaster, so no loss there. BUT allowing tear-downs and conversions to parking before city approval sets a bad precedent. It also discourages neighbors since they feel their voice means nothing.

The houses at 1310 and 1314-12th St N were not worth restoring, but that is not always the case. What can be done to prevent conversions before proper approval steps have been taken? The process is in need of improvement; consequences for premature actions? Fines? Time delays?



City of Fargo Staff Report			
Title:	Ohmer's Addition Subdivision of Lots 65 through 68.	Date: Updated:	11/29/2017
Location:	1310 12 th Street North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lot 30, Ohmer's Addition Subdivision of Lots 65 through 68.		
Owner(s)/Applicant:	Lutheran Campus Council of Fargo ND/Eric Miller	Engineer:	None
Entitlements Requested:	Zone Change (from MR-3, Multi-Dwelling Residential to P/I, Public/Institutional)		
Status:	Planning Commission Public Hearing: December 5, 2017		

Existing	Proposed
Land Use: Parking lot	Land Use: Parking Lot
Zoning: MR-3	Zoning: P/I, Public/Institutional
Uses Allowed: MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events. With a Conditional Overlay (C-O) to restrict land uses to commercial parking and religious institutions only
Maximum Density Allowed (Residential): MR-3 allows a maximum of 24 dwelling units per acres.	Maximum Lot Coverage Allowed: P/I has no maximum

Proposal:
<p><i>Project History Note: This agenda item and the previous one (item 12) address requests for zone changes on adjacent properties. These properties are under different ownerships and are proposed to change to different zones. The property owners are represented by the same project representative.</i></p> <p><i>Plat Designation Note: Ohmer's Addition Subdivision of Lots 65 through 68 was recorded in 1882 and does not use the now-standard naming convention and designation of lots and blocks.</i></p> <p>The applicant requests one entitlement:</p> <ul style="list-style-type: none"> • A zoning change from MR-3, Multi-Dwelling Residential to P/I, Public/Institutional with a C-O, Conditional Overlay on Lot 30, Ohmer's Addition Subdivision of Lots 65 through 68.

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

Surrounding Land Uses and Zoning Districts:

- North: SR-3, Single Dwelling Residential; Residential land use
- East: MR-3 and SR-3; Residential land use
- South: P/I, University Lutheran Center
- West: MR-3, fraternity houses (group living)

Area Plans:

The Roosevelt-NDSU Neighborhood Area Plan designates the area of this project as "primarily commercial with residential" land uses.



- Commercial with Res
- High Density Res
- Low Density Res
- Medium Density Res
- Mixed Density Res
- Park/Open Space
- Public
- Res with Commercial

Context:

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

Neighborhood: The subject property is not located within the Roosevelt neighborhood.

Parks: Roosevelt Park is located approximately 0.19 miles southeast of the project site and provide the amenities of multipurpose field, outdoor skating/warming house, and playground.

Pedestrian / Bicycle: There are on-road bike facilities in close proximity to the subject site along University Drive North that are a component of the metro area bikeways system.

Staff Analysis:

CONDITIONAL OVERLAY

The project site is developed as a parking lot, with paving and striping. No further development of this site is planned at this time. The applicant proposes to rezone this property from MR-3 to P/I, a zone in which commercial parking is a permitted use. The P/I zoning is also consistent with the adjacent property to the south, the University Lutheran Center, which is under the same ownership as the subject property. The conditional overlay (C-O) will restrict land uses on this property to commercial parking and

religious institutions only. Any proposed change of land use would require a modification of the C-O, which is done through a public hearing process.

ACCESS: These parking lot takes access both from 12th Street North and the alley between 12th Street North and University Drive.

FUTURE SITE DEVELOPMENT: No further development of this site is planned at this time.

NEIGHBORHOOD OPEN HOUSE: An open house to allow neighbors of the project site to learn more about the proposed zone change was held on the afternoon of Tuesday, November 28, 2017. One person attended the open house, and made comments expressing concern about the conversion of residential lots to other uses upon demolition of the residence. A copy of these comments is attached.

Roosevelt Neighborhood Association representatives were notified of this project by e-mail. One representative attended the open house, as noted above. No further comments have been received at the time this staff report was published.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned MR-3, Multi-Dwelling Residential. The proposed zoning of P/I is consistent with the adjacent zoning of the University Lutheran Center, which had previously been zoned P/I, and both properties are under the same ownership. Thus, this is considered a unified development.

(Criteria Satisfied)

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The site fronts on dedicated rights of way, which will provide access and public utilities to serve the development. **(Criteria satisfied)**

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received one phone inquiry about the project plus the comments noted above from the open house. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the Roosevelt Neighborhood Land Future Use Plan; this plan designates this property as appropriate for "primarily commercial with residential." The proposed conditional overlay for the P/I zoning restricts the uses on this property to religious institutions and commercial parking, both of which are allowed uses in a commercial zone. The C-O thus does not

allow any other uses than would be allowed in a commercial zone, which the Roosevelt Neighborhood Future Land Use Plan designates as appropriate zoning for this site. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed zone change from MR-3, Multi-Dwelling Residential to P/I, Public/Institutional with a C-O, Conditional Overlay for Lot 30, **Ohmer's Addition** as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Roosevelt Neighborhood Future Land Use Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: December 5, 2017

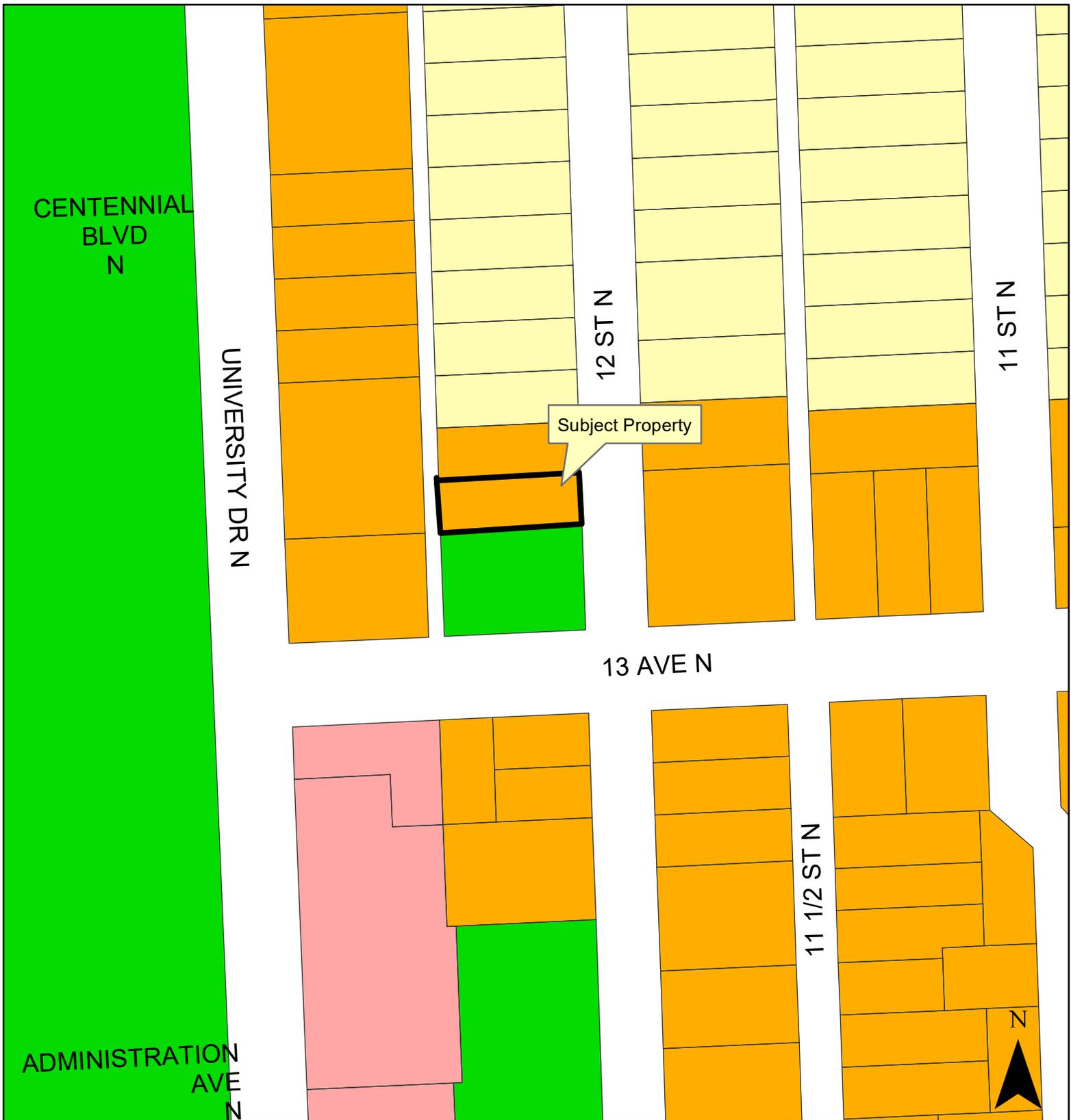
Attachments:

1. Zoning Map
2. Location Map
3. Neighborhood comments

Zoning Change (MR-3 to P/I w/ a C-O)

Ohmers Addition

1310 12th Street North



Legend

- | | | | |
|-----|------|-----|-------------|
| AG | LC | MHP | SSR-2 |
| DMU | LJ | NO | SSR-3 |
| GC | MR-1 | NO | SSR-4 |
| GO | MR-2 | P/I | SSR-5 |
| GO | MR-3 | UMI | City Limits |

Fargo Planning Commission
December 5, 2017

300

Feet

Zoning Change (MR-3 to P/I w/ a C-O)

Ohmers Addition

1310 12th Street North



Comment Sheet

Neighborhood Meeting – November 28, 2017

Contact Information

Please Print

Property Owner Name: Martha Berryhill

Address of Property: formerly 1354-12 St N.

Mailing Address (if different than above) 2437 Lilac Ln.

Phone Number: _____

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Comments:

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The house that was torn down was a disaster, so no loss there. BUT allowing tear-downs and conversions to parking before city approval sets a bad precedent. It also discourages neighbors since they feel their voice means nothing.

The houses at 1310 and 1314-12th St N were not worth restoring, but that is not always the case. What can be done to prevent conversions before proper approval steps have been taken? The process is in need of improvement; consequences for premature actions? Fines? Time delays?