

FARGO PLANNING COMMISSION AGENDA
Tuesday, July 2, 2019 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of June 4, 2019
- C: Brown Bag Luncheon – No July Meeting
- D: Public Hearing Items:
1. Continued hearing on an application requesting a Conditional Use Permit to allow for non-farm commercial uses in the Agricultural zoning district on a portion of the West half of the Southeast quarter of **Section 14, Township 138 North, Range 49 West**. (Located at 2805 88th Avenue South) (Eric Baker) (dk): CONTINUED TO OCTOBER 1, 2019
 2. Continued hearing on an application requesting an Alley Vacation of the alley between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, **Roberts Second Addition**. (Located at 1001 NP Avenue North and 28 10th Street North) (DFI AY LLC/Deb Wendel Daub) (dk)
 - 3a. Continued hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on the proposed Lot 1, Block 1, **MBA Investments Addition**. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram) (an): CONTINUED TO AUGUST 6, 2019
 - 3b. Continued hearing on an application requesting a Plat of **MBA Investments Addition** (Minor Subdivision) a replat of Lots 5, 8, and part of Burlington Northern Right of Way, Block 1, P.M. Properties Subdivision and portions of Lots 3 and 9 and all of Lots 4-8, 14, 15, and a portion of vacated alley, Block 16, Reeves Addition to the City of Fargo, Cass County, North Dakota, to include a Subdivision Waiver for drain dedication. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram) (an): CONTINUED TO AUGUST 6, 2019
 4. Hearing on an application requesting a Plat of **BLU Water Creek 5th Addition** (Minor Subdivision) a replat of Lot 2, Block 1, BLU Water Creek 4th Addition to the City of Fargo, Cass County, North Dakota, including a vacation of Right of Way at the Northeast corner of the intersection of 47th Street South and 33rd Avenue South. (Located at 4609 33rd Avenue South) (Brandt Crossings, LLC/Nate Vollmuth) (dk)
 5. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to MR-3, Multi-Dwelling Residential on a portion of Lot 2, Block 1, **42nd Street Addition**. (Located at 3700 42nd Street South) (David P. Campbell/Stacy Holmes, LJA) (me)
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Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online at www.FargoND.gov/streaming. They are rebroadcast each Wednesday at 8:00 a.m. and Sunday at 8:00 a.m.; and are also included in our video archive at www.FargoND.gov/PlanningCommission.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474 or TDD at 701.241.8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.FargoND.gov/planningcommission.

6. Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan the GC, General Commercial zoning district on a portion of Lot 1, and all of Lots 2-9, and adjacent property, Block 1, **Reeves Addition**. (Located at 602 University Drive North) (Fargo Brewery Partners, LLP/Lee Schwartz) (ms)
7. Hearing on an application requesting a Conditional Use Permit to allow Residential Living in the GC, General Commercial zoning district on portions of Lots 6, 7, and 9, Block 4, **Interstate Park Addition**. (Located at 3502 Interstate Boulevard South) (JKJ Enterprises, LLP/Dave Glessner) (lm)

E: Other Items:

1. Review renewal plan for alley reconstruction of Roberts Alley. (jg)

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, June 4, 2019

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 3:00 p.m., Tuesday, June 4, 2019.

The Planning Commissioners present or absent were as follows:

Present: Shara Fischer, Brad Bachmeier, Rocky Schneider, Melissa Sobolik, Maranda Tasa, Dawn Morgan, Mike Magelky

Absent: John Gunkelman, Scott Stofferahn, Jennifer Holtz, Mary Scherling

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following agenda items:

- Items 1, 2, 3a, and 3b have been continued to July 2, 2019
- The addition of Item E.2 Nomination and Election of Officers

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

Item B: Minutes: Regular Meeting of May 7, 2019

Member Schneider moved the minutes of the May 7, 2019 Planning Commission meeting be approved. Second by Member Bachmeier. All Members present voted aye and the motion was declared carried.

Item C: June 19, 2019 Brown Bag Luncheon: CANCELLED

Item D: Public Hearing Items:

Item 1: Section 14, Township 138 North, Range 49 West

Continued hearing on an application requesting a Conditional Use Permit to allow for non-farm commercial uses in the Agricultural zoning district on a portion of the West half of the Southeast Quarter of Section 14, Township 138 North, Range 49 West. (Located at 2805 88th Avenue South) (Eric Baker): CONTINUED TO JULY 2, 2019

A Hearing had been set for April 2, 2019. At the April 2, 2019 meeting, the Hearing was continued to May 7, 2019. At the May 7, 2019 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to July 2, 2019.

Item 2: Roberts Second Addition

Hearing on an application requesting an Alley Vacation of the alley between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition. (Located at 1001 NP Avenue North and 28 10th Street North) (DFI AY LLC/Deb Wendel Daub): CONTINUED TO JULY 2, 2019

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to July 2, 2019.

Item 3: MBA Investments Addition

3a. Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial on the proposed Lot 1, Block 1, MBA Investments Addition. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram): CONTINUED TO JULY 2, 2019

3b. Hearing on an application requesting a Plat of MBA Investments Addition (Minor Subdivision) a replat of Lots 5, 8, and part of Burlington Northern Right of Way, Block 1, P.M. Properties Subdivision and portions of Lots 3 and 9 and all of Lots 4-8, 14, 15, and a portion of vacated alley, Block 16, Reeves Addition to the City of Fargo, Cass County, North Dakota, to include a Subdivision Waiver for drain dedication. (Located at 1717 1st Avenue North; 112 and 202 16th Street North) (MBA Investments, LLC/Kevin Bartram): CONTINUED TO JULY 2, 2019

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to July 2, 2019.

Item 4: Legacy I Sixth Addition

Hearing on an application requesting a Plat of Legacy I Sixth Addition (Major Subdivision) a replat of Block 10; Lots 3-4, Block 4; Lots 50-51, Block 8; Lots 1-20 and 34-39, Block 11, Legacy 4th Addition and a vacation of Right of Way of portions of 62nd Avenue South and portions of 19th, 20th, and 21st Streets South to the City of Fargo, Cass County, North Dakota. (Located at 6206-6299 19th Street South; 6204-6297 20th Street South; 1835, 1867, 1889, 1911, 1931, and 1949 63rd Avenue South; and 6184, 6198, 6206, and 6216 21st Street South) (Jason Eid/Steve Iverson): APPROVED

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

Discussion was held regarding the plan for the larger lots.

Applicant Jason Eid spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat Legacy I Sixth Addition, including Vacation of Right of Way, as outlined within the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll

Members Sobolik, Magelky, Tasa, Morgan, Bachmeier, Schneider, and Fischer voted aye. Absent and not voting: Members Stofferahn, Gunkelman, Scherling, and Holtz. The motion was declared carried.

Item 5: BLU Water Creek 4th Addition

Hearing on an application requesting a Zoning Change from LC, Limited Commercial to GC, General Commercial on Lot 2, Block 1, BLU Water Creek 4th Addition. (Located at 4609 33rd Avenue South) (Nate Vollmuth): APPROVED

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

Applicant Nate Vollmuth spoke on behalf of the application.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from LC, Limited Commercial to GC, General Commercial as outlined within the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Tasa. On call of the roll Members Bachmeier, Magelky, Morgan, Schneider, Sobolik, Tasa, and Fischer voted aye. Absent and not voting: Members Gunkelman, Scherling, Holtz, and Stofferahn. The motion was declared carried.

Item E: Other Items:

Item 1: Initiation and RFP for Core Neighborhoods Plan

Assistant Planning Director Mark Williams presented a proposal to the Board seeking formal approval to move forward with drafting a Request for Proposal (RFP) to hire a consultant to conduct and develop a Core Neighborhoods Plan. He provided a brief background and proposed timeline noting the positive feedback from the May 15th joint Brown Bag meeting with the Community Development Committee.

Member Morgan moved to approve staff's request to draft and publish a Request for Proposal for the Core Neighborhoods Plan and to otherwise initiate this project. Second by Member Schneider. On call of the roll Members Sobolik, Bachmeier, Tasa, Magelky, Morgan, Schneider, and Fischer voted aye. Absent and not voting: Members Holtz, Gunkelman, Scherling, and Stofferahn. The motion was declared carried.

Item 2: Nomination and Election of Officers

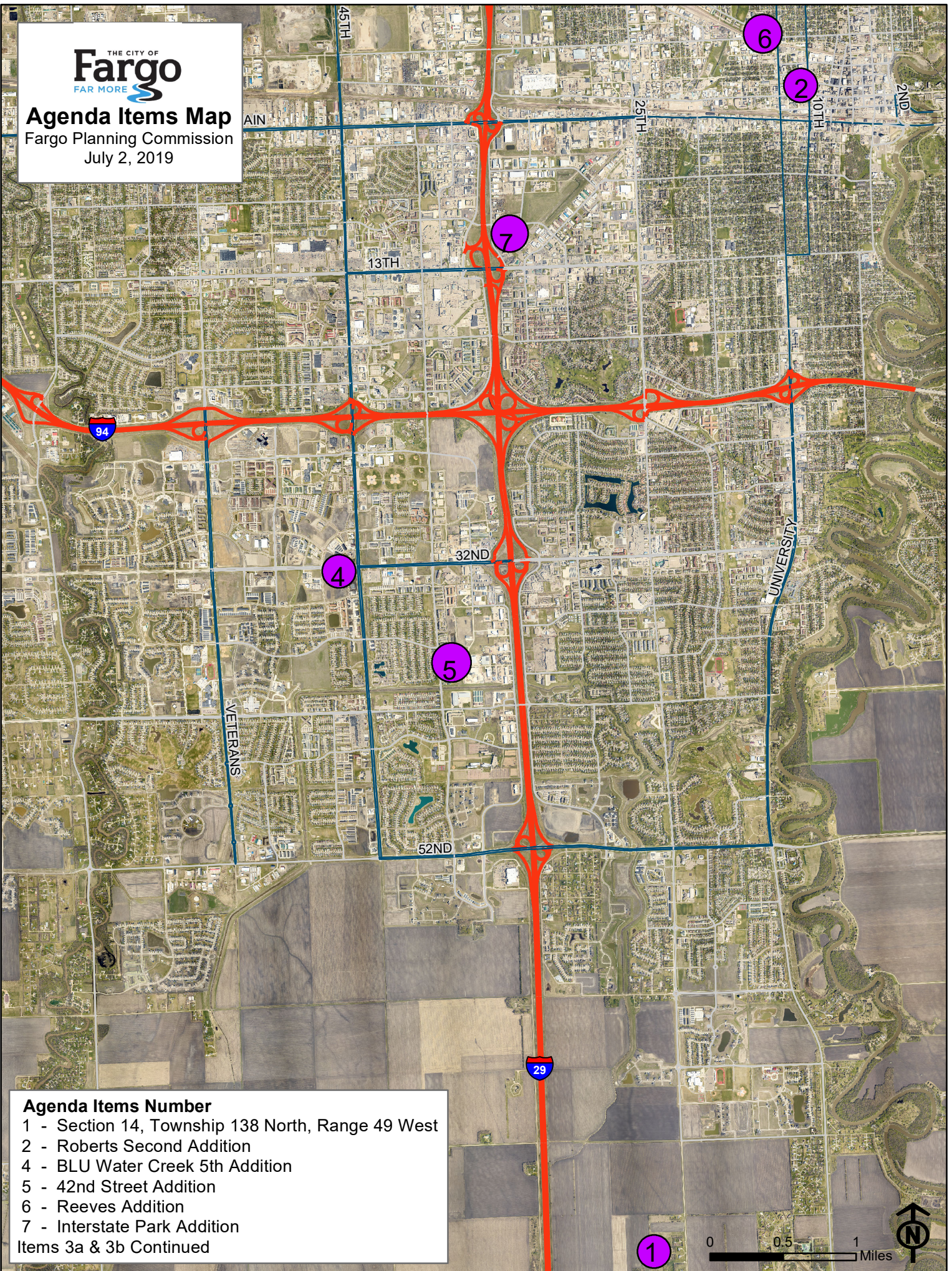
Member Sobolik of the nominating committee shared that interest in the Chair position was expressed by Member Gunkelman, and in the Vice Chair position by Member Schneider.

Member Sobolik moved to appoint Member Gunkelman as Chair and Member Schneider as Vice Chair. Second by Member Magelky. All Members present voted aye and the motion was declared carried.

Mr. Williams acknowledged and thanked Chair Fischer for her good work as Chair of the Planning Commission for the past two years.

Mr. Williams also provided an update that nine proposals were received and opened today for the Land Development Code Diagnostic Study.

The time at adjournment was 3:21 p.m.



Agenda Items Number

- 1 - Section 14, Township 138 North, Range 49 West
 - 2 - Roberts Second Addition
 - 4 - BLU Water Creek 5th Addition
 - 5 - 42nd Street Addition
 - 6 - Reeves Addition
 - 7 - Interstate Park Addition
- Items 3a & 3b Continued

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City of Fargo Staff Report			
Title:	Roberts Second Addition	Date: Updated:	5/30/2019 6/26/2019
Location:	1001 NP Avenue North and 28 10th Street North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Alley between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition		
Owner(s)/Applicant:	DFI AY LLC, / Kilbourne Group—Deb Wendel Daub	Engineer:	Houston Engineering
Entitlements Requested:	Vacation of Right of Way (Alley between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition)		
Status:	Planning Commission Public Hearing: July 2, 2019		

Proposal:

PROJECT HISTORY NOTE: This project was originally scheduled for the June 4, 2019 Planning Commission hearing. At the request of the applicant, the project was continued to the July 2, 2019 Planning Commission hearing.

The applicant requests one entitlement:
A vacation of right of way (alley) between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, **Roberts Second Addition**.

The plat will vacate the east half of the existing alley located between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, **Roberts Second Addition**, with the intent that redevelopment at 1001 NP Avenue North (formerly The Nestor) and 28 10th Street North (Park Company Real Estate) will be a single development.

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

There is an existing city sewer line within this alley right of way. The North Dakota Century Code requires that any utilities in a right of way that is being vacated be accounted for in one of three ways (see “Findings” below). The applicant has proposed providing an easement for this sewer line at this time, though the applicant intends to eventually re-route this sewer line as the development of this property proceeds. The City’s Engineering Department is willing to support the replacement of the subject alley with a utility easement to cover the public sanitary sewer main with the following conditions:

1. Applicant will provide a plan view showing elevation of sanitary sewer, elevation of building footings, and dimensions between vertical building features and sanitary sewer line
2. Applicant will provide structural engineer’s opinion that when the sanitary sewer line is removed for future building expansion that the existing building will not be affected.
3. City is currently planning to reconstruct 11th Street North of NP avenue in the 2021 construction season. The City has not evaluated the existing sanitary sewer line in 11th Street. However, it is known that the line in 11th Street has to be lowered to allow applicant to abandon subject alley sanitary sewer main. With this in mind the applicant will need to agree to cover the extra City costs for adjusting the Sanitary Sewer Line elevation in 11th street to accommodate the removal of the sanitary sewer main from the alley. The applicant will also be responsible for the costs of

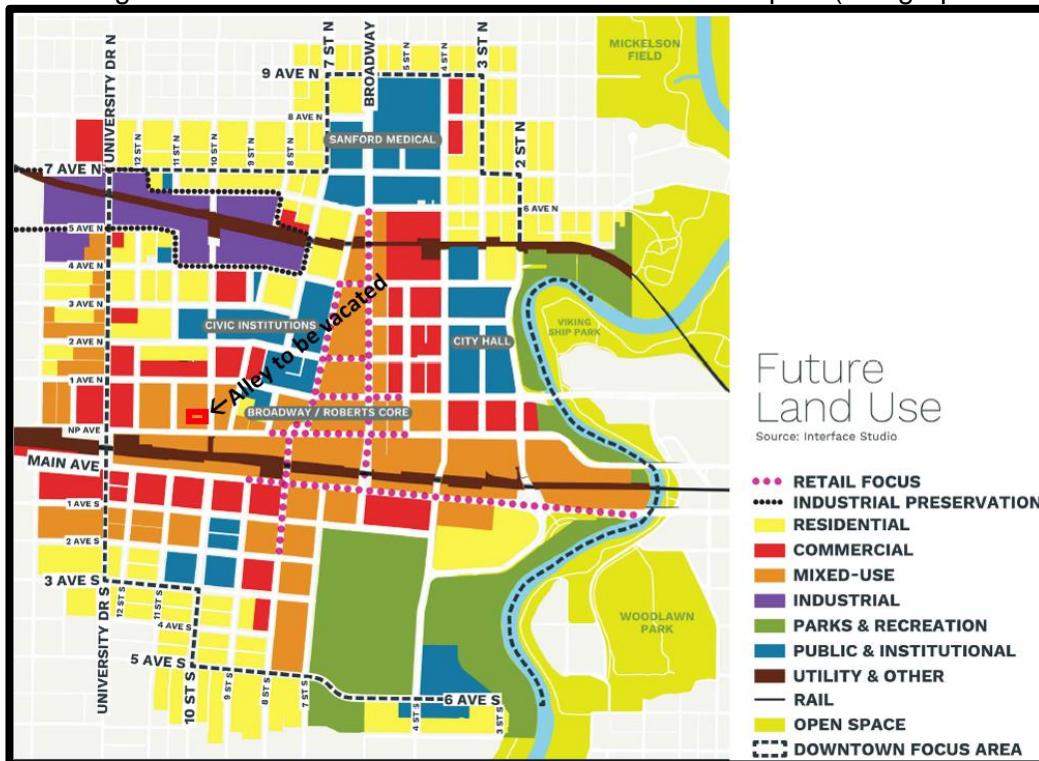
removal of the sanitary sewer main from the alley. The applicant's engineer will need to determine the space needed to accommodate a hydraulic excavator to have adequate room for the alley sanitary sewer line removal. This may require securing easement land from the neighbors to the north as part of this agreement.

4. The applicant will need to install the storm water detention to cover their engineer's determination of adequate size to meet quantity and quality requirements required by the city for the current planned building along with showing the space needed for full buildout thru phase II identified by the applicant.
5. The applicant will be responsible for all costs to remove the private utilities from the alley.

There are existing above-ground power lines owned by a private utility within this alley right of way that the applicant plans to relocate.

Area Plans:

The alley to be vacated is included in the Downtown In Focus Master Plan. Vacation of this alley helps facilitate the development of this property as a mixed-use project, consistent with the "mixed-use" land use designation of the Downtown In Focus future land use plan (see graphic below).



Schools and Parks:

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

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

Parks: Ole Tangen Park (10 Roberts Street) is located approximately 820 feet east of the subject property and offers the amenities of a park bench.

Pedestrian / Bicycle: There right of way proposed to be vacated does not include any bicycle facilities or multi-use trails.

Staff Analysis:

Public Comment:

Staff received one letter from a neighboring property owner, expressing concern regarding how the vacation would affect access to her business. A copy of the letter is attached.

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy dictates that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.

1. ***N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.***

The applicant proposes to provide an easement for the city sewer line within this right of way, subject to the conditions stated by the City's Engineering Department noted above. The applicant plans to relocate existing above-ground power lines owned by a private utility in this right of way. The applicant shall provide the necessary documentation relating to the easement and relocation of these utilities prior to the City Commission hearing. **(Criteria Satisfied)**

2. ***N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.***

In accordance with the requirement of this section, a petition signed by all adjacent owners has been submitted for review and consideration, along with a plat of such public alley **(Criteria Satisfied)**

3. ***N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.***

Documentation of said action is located within both the Planning project file and Auditor's file.
(Criteria Satisfied)

4. ***N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.***

This procedure---hearing by the City Commission following the appropriate notice period, is the next step in the vacation process. **(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 **alley vacation between Lot 12, Block 26, and a part of Lot 7 and all of Lots 8-12, Block 25, Roberts Second Addition**, subject to the applicant accounting for existing public and private utilities in this alley right of way as stated above in this staff report, as presented, as the proposal complies with the Downtown In Focus master plan and standards of Chapter 40-39 of the North Dakota Century Code."

Planning Commission Recommendation: July 2, 2019

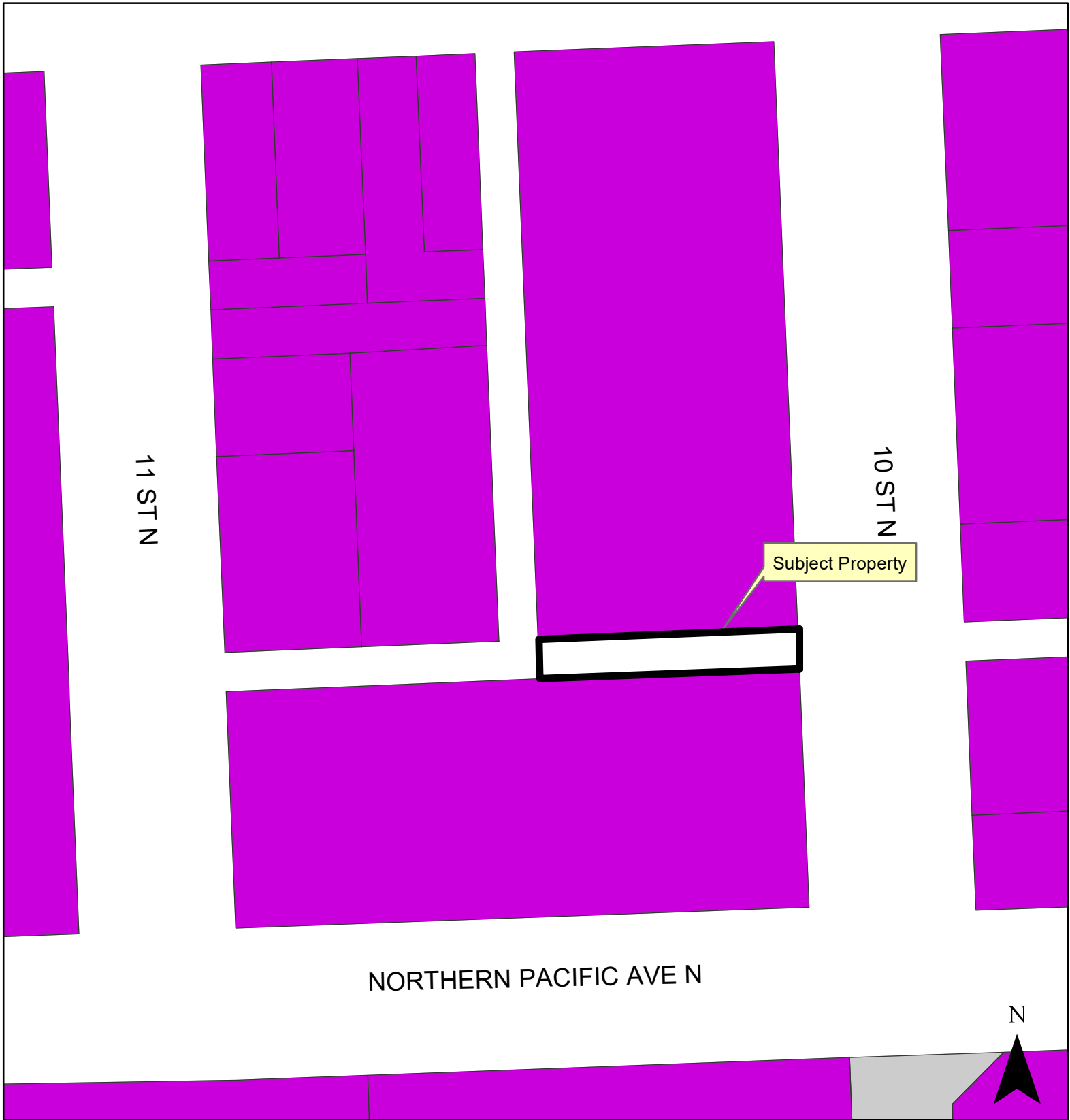
Attachments:

1. Zoning Map
2. Location Map
3. Vacation Plat
4. Comment Letter

Plat (major) Alley Vacation

Roberts Second Addition

28 10th St N
1001 NP Avenue

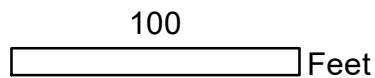


Legend

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

Fargo Planning Commission

June 4, 2019



Plat (major) Alley Vacation

Roberts Second Addition

28 10th St N
1001 NP Avenue



VACATION PLAT

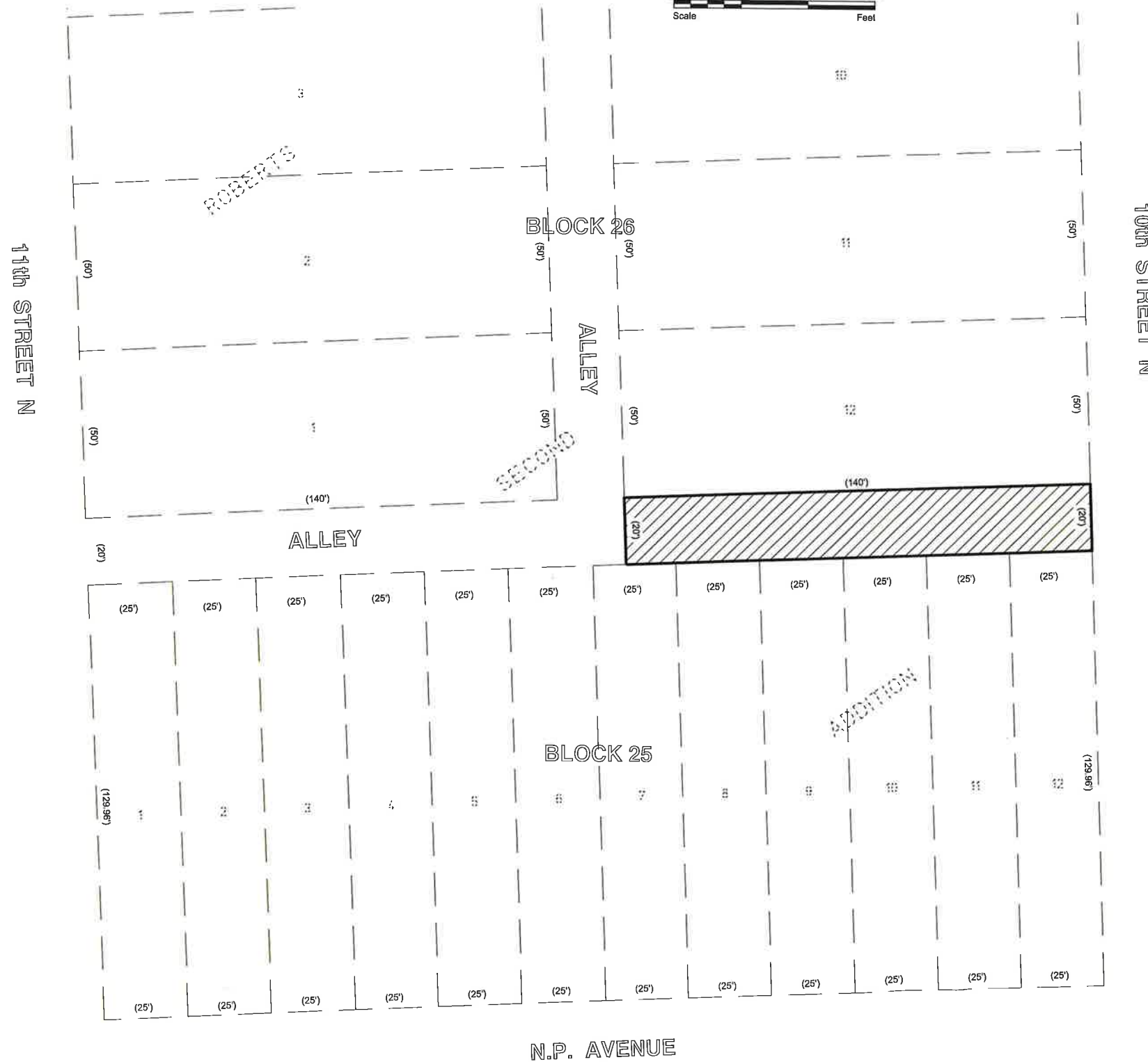
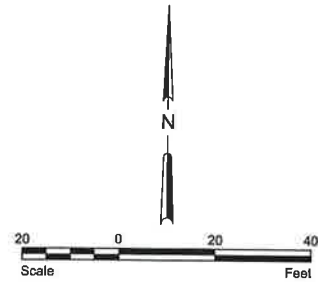
OF PART OF THE ALLEY BETWEEN BLOCKS 25 AND 26, ROBERTS SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

LEGEND

INDICATES AREA TO BE VACATED



BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GIS COORDINATE SYSTEM.



DESCRIPTION OF AREA TO BE VACATED:

That part of the alley situated between Blocks 25 and 26, Roberts Second Addition to the City of Fargo, Cass County, North Dakota, described as follows:

That part of said alley bounded on the east by the southerly extension of the easterly line of Lot 12, said Block 26, and bounded on the west by the southerly extension of the westerly line of Lot 12, said Block 26.

OWNERS' CERTIFICATE:

D & J Real Estate, LLC, a North Dakota limited liability company, certifies that it is the owner of the property adjacent to and northerly of the area to be vacated and the owner of said portion of the annexed plat described as the area to be vacated and that such plat and description are correct.

D & J Real Estate, LLC

John Adams, General Partner

OWNERS' CERTIFICATE:

DFI AY LLC, a North Dakota limited liability company, certifies that it is the owner of the property adjacent to and southerly of the area to be vacated and the owner of said portion of the annexed plat described as the area to be vacated and that such plat and description are correct.

DFI AY LLC

John Adams, General Partner

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, James A. Schileman, 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. Schileman, Professional Land Surveyor No. 6086

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, 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)
County of Cass) ss

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

Notary Public: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____, before me personally appeared John Adams, General Partner of D & J Real Estate, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____, before me personally appeared John Adams, General Partner of DFI AY LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____ before me personally appeared James A. Schileman, 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)
County of Cass) ss

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

Notary Public: _____

State of North Dakota)
County of Cass) ss

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: _____

JOHNSON LAW OFFICE, P.C.



LESLIE JOHNSON ALDRICH
Attorney at Law
Licensed in ND & MN

1018 First Avenue North
Fargo, ND 58102
(701) 234-0009
Fax (701) 237-6699

VICTORIA JONES
Attorney at Law
Licensed in ND & MN

Paralegal: Noah Butkowski
Office Manager: Shelly Trefethren
Filing Assistant: Mary Peyerl

May 30, 2019

Donald Kress
Planning & Development
225 4th Street North
Fargo, ND 58102

RE: Protest of Alley Vacation Located at 1001 NP Avenue North and 28 10th Street North

Dear Mr. Kress:

My name is Leslie Johnson Aldrich and I am the owner of Johnson Law Office, P.C., located at 1018 1st Avenue North, Fargo, ND 58102. Let this letter serve as notice of my disapproval of the application requesting an Alley Vacation of the alley between Lot 12, Block 26, and a part of Lot 7, and all of Lots 8-12, Block 25, Roberts Second Addition.

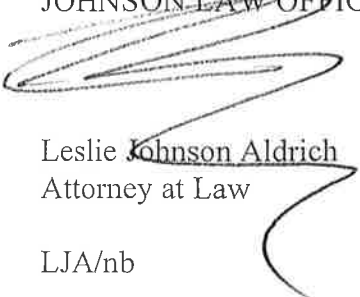
The removal of the alley request has already negatively impacted my business. The temporary Alley Vacation cut Park Co. Realtors off from using their employee parking on the south side of their property. Park Co. Realtors' employees have been pushed to park in the north parking lot, crowding out my clients and employees from parking there. As many of my clients and employees are older in age, and with the dangers presented by walking great distances in North Dakota winters, it becomes pertinent that they have parking close to my business.

My office has tried to contact several other businesses to find alternative parking, but have been unsuccessful. The temporary parking my employees have been able to find will no longer be available come winter. We need more access; not less.

I ask that the Alley Vacation application be denied, as it has already caused undesired burdens upon my clients, employees, and business. We have already had too many alleys vacated in the area (NoDak, the apartments, etc.) and the two way change on 1st Avenue North caused me to lose two on street parking places (I was promised it would have no effect).

Sincerely,

JOHNSON LAW OFFICE, P.C.


Leslie Johnson Aldrich
Attorney at Law

LJA/nb

City of Fargo Staff Report			
Title:	BLU Water Creek 5 th Addition	Date: Updated:	6/26/2019
Location:	4609 33rd Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description	Lot 2, Block 1, BLU Water Creek 4th Addition		
Owner(s)/Applicant:	Brandt Crossing, LLC /Nate Vollmuth	Engineer:	Ulteig
Entitlements Requested:	Major Subdivision (Replat of Lot 2, Block 1, BLU Water Creek 4 th Addition, including a vacation of Right of Way at the Northeast corner of the intersection of 47th Street South and 33rd Avenue South.)		
Status:	Planning Commission Public Hearing: July 2, 2019		

Existing	Proposed
Land Use: Undeveloped	Land Use: Office and commercial development
Zoning: LC, Limited Commercial	Zoning: GC, General Commercial <i>(pending—see note below)</i>
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: Allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , offices, off-premise advertising , commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation , and major entertainment events. <i>NOTE: The applicant previously applied for a zone change from LC to GC with a conditional overlay on this property. This application was heard by the Planning Commission at the June 4, 2019 Planning Commission hearing and recommended for approval. This zone change is scheduled to have its first reading at the July 1, 2019 City Commission meeting. The conditional overlay prohibits uses shown in strikethrough above.</i>
Maximum Lot Coverage: 55%	Maximum Lot Coverage: 85%

Proposal:
The applicant requests one entitlement:

1. Replat of Lot 2, Block 1, BLU Water Creek 4th Addition, including a vacation of Right of Way at the Northeast corner of the intersection of 47th Street South and 33rd Avenue South.

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

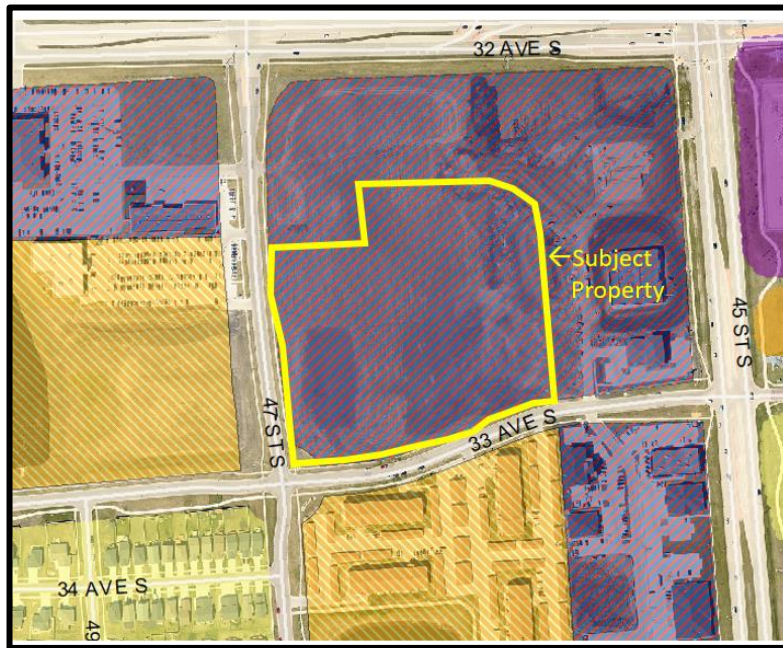
Surrounding Land Uses and Zoning Districts:

- North: LC, Commercial, with conditional overlay (Ordinance
- East: None; LC, Commercial
- South: MR-3, Multi Dwelling Residential;
- West: GO, General office and LC, with conditional overlay

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



Context:

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

Neighborhood: The subject property is located within Brandt Crossing neighborhood.

Parks: Brandt Crossing Park (5009 33rd Avenue South) is less than one-quarter mile west of the subject property and offers the amenities of basketball, dog park, playgrounds for ages 2-5 and 5-12, recreational trails, and a shelter.

Pedestrian / Bicycle: The multi-purpose trails along the north side of 32nd Avenue South and east side of 45th Street south that are components of the metro area bikeways system.

Staff Analysis:

PLAT-- LOT ACCESS

The applicant proposes a replat of Lot 2, Block 1, BLU Water Creek 4th Addition into six lots. Lots 1, 4, 5, and 6 have right of way along dedicated public streets (47th Street South or 33rd Avenue South). Lots 2 and 3 do not have right of way touch. The applicant proposes these lots take access and utilities through an easement from 47th Street South. There is an

existing 50-foot wide ingress/egress and utility easement created by created by the first BLU Water Creek Addition in 2016.

It has generally been the City's policy not to recommend for approval plats that propose lots that have no right of way touch, whether those plats are intended for commercial, residential, or industrial development. The City's main concerns are:

- Location of public water and sewer lines and access for maintenance
- City access to water shutoff valves
- Retaining the pedestrian portion of the public realm---that is, having pedestrian access (sidewalks) and landscaping similar to a public sidewalk along a dedicated public street
- Future lot owners may not understand the ramifications of having their lot access be by easement rather than directly from a dedicated public street

For this project, staff is willing to recommend approval of the plat that includes two lots (Lots 2 and 3, Block 1) without right of way touch for the following reasons:

- The lots are commercial lots, not residential lots.
- There is an existing 50 foot wide ingress/egress and utility easement, as noted above, that would serve Lots 2 and 3 and provide access to water and sewer lines for maintenance as well as City access to water shutoff valves. Staff will review the existing easement language and may recommend additional wording.
- The existing conditional overlay (C-O) requires internal landscaping of the parking lot.
- The existing C-O requires separate pedestrian and vehicular circulation systems and an on-site system of pedestrian walkways designed to provide direct access and connections:
 - between commercial buildings, including pad site buildings;
 - to walkways on adjacent properties;
 - to adjacent public sidewalks; and
 - to parking areas or parking structures.

Additionally, the applicant will be required to work with city staff members to potentially amend the existing covenants on the property to add covenants to provide for

- an easement for government personnel needed to carry out their duties; and
- maintaining the access easement such that it remains safely accessible to emergency vehicles.

It is proposed that the City will be a party to these covenants. Wording for the covenants will be coordinated with the city attorney. Covenants will be recorded at the time of plat recordation.

The applicant is also required to work with the City Engineer to create a developer's agreement providing for specifics of access, utilities, and stormwater. At the timing of the planning commission hearing, staff members and the applicant will still be in process of coordinating the details of both the covenants and the developer's agreement. The purpose of both documents is to confirm City access and also to make sure life and safety issues are adequately governed due to the absence of public Rights-of-Way. Staff believes these components can be adequately coordinated in advance of the City Commission public hearing being scheduled.

PLAT---VACATION OF RIGHT OF WAY

The plat also proposes to vacate right of way on the northwest corner of 47th Street and 33^d Avenue South that was originally reserved for a roundabout which is no longer going to be built. The vacated "corner" of right of way will be added to the adjacent lot (Lot 6).

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 pending zoning for the project site is GC, General Commercial. This zoning is consistent with the 2003 Southwest Future Land Use Plan designation of this area as “either commercial or office” land uses. The applicant is proposing an office building on Lot 3 at this time. 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. Staff has not received any public comment. 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 20-0907.4 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 pending zoning for the project site is GC, General Commercial. This zoning is consistent with the 2003 Southwest Future Land Use Plan designation of this area as “either commercial or office” land uses. The applicant is proposing an office building on Lot 3 at this time. 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 City’s standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.

(Criteria Satisfied)

ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy requires that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacation plat (a major subdivision). In this case, the petition for vacation and the plat are included in the applicant’s overall subdivision application and plat. Notwithstanding the Land Development Code’s (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C. The final decision on vacation of right of way is made by the City Commission.

N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality’s grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.

There are no City utilities in the area to be vacated. **(Criteria Satisfied)**

N.D.C.C. 40-39-05. Petition for vacation of streets, alleys, or public grounds – Contents – Verification. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner.

In accordance with the requirement of this section, this information is included in the plat and its application. **(Criteria Satisfied)**

N.D.C.C 40-39-06. Petition filed with city auditor – Notice published – Contents of notice. If the governing body finds that the petition for vacation is in proper form and contains the requisite signatures, and if it deems it expedient to consider such petition, it shall order the petition to be filed with the city auditor who shall give notice by publication in the official newspaper of the municipality at least once each week for four weeks. The notice shall state that a petition has been filed and the object thereof, and that it will be heard and considered by the governing body or a committee thereof on a certain specified day which shall not be less than thirty days after the first publication of the notice.

Documentation of said action is located within both the Planning project file and Auditor’s file. **(Criteria Satisfied)**

N.D.C.C. 40-39-07. Hearing on petition – Passage of resolution declaring vacation by governing body. The governing body, or such committee as may be appointed by it, shall investigate and consider the matter set forth in the petition specified in section 40-39-05 and, at the time and place specified in the notice, shall hear the testimony and evidence of persons interested. After hearing the testimony and evidence or upon the report of the committee favoring the granting of the petition, the governing body, by a resolution passed by a two-thirds vote of all its members, may declare the public grounds, streets, alleys, or highway described in the petition vacated upon such terms and conditions as it shall deem just and reasonable.

This procedure---hearing by the City Commission following the appropriate notice period--is the next step in the vacation process. **(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 plat of **BLU Water Creek 5th**”

Addition, including a vacation of Right of Way at the Northeast corner of the intersection of 47th Street South and 33rd Avenue South, as presented, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2003 Southwest Future Land Use Plan, Standards of Article 20-06, and all other applicable requirements of the LDC.”

Planning Commission Recommendation: July 2, 2019

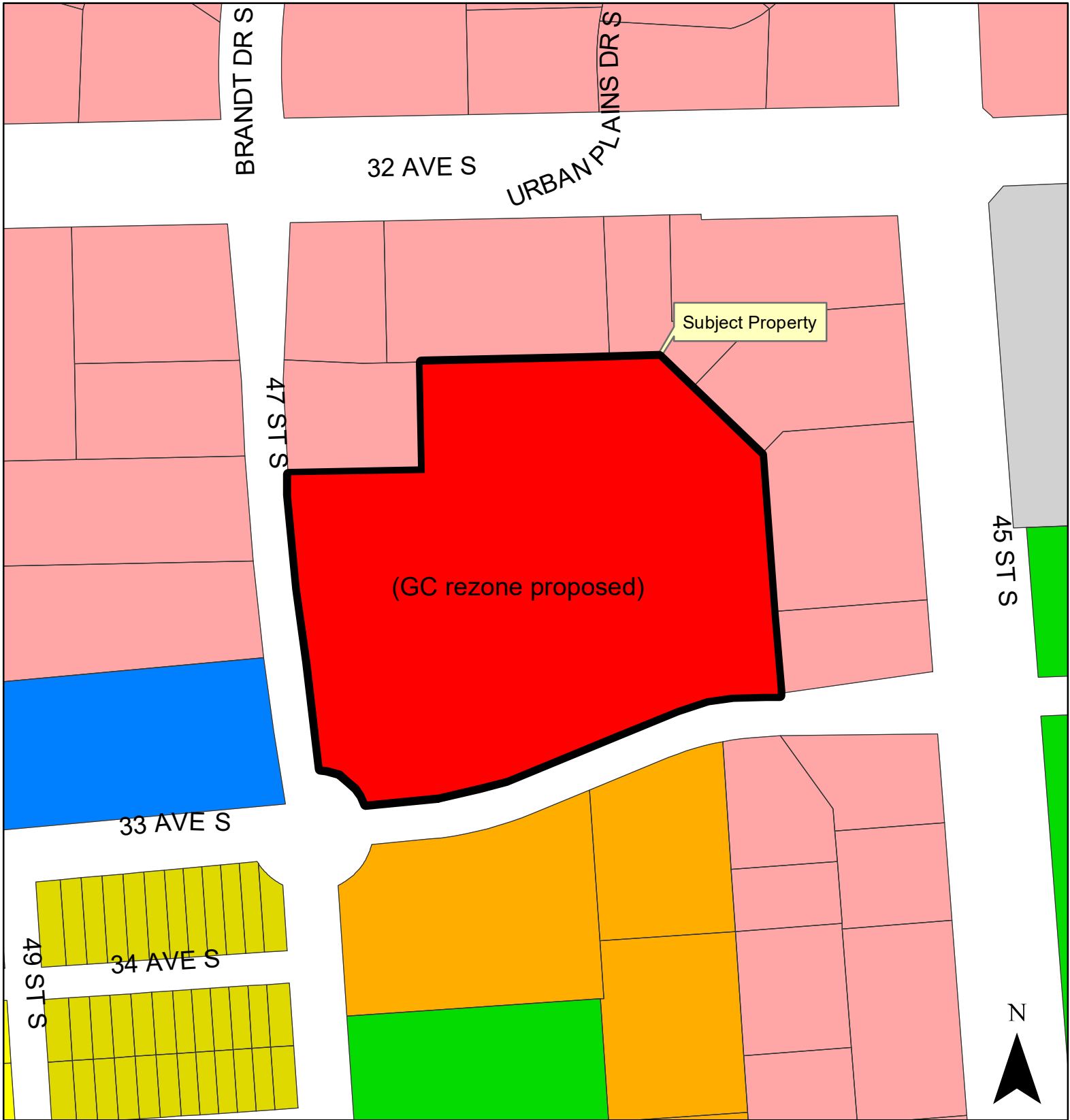
Attachments:

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

Plat (Minor)

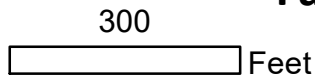
BLU Water Creek 5th Addition

4609 33rd Avenue S



Legend

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



Plat (Minor)

BLU Water Creek 5th Addition

4609 33rd Avenue S



BLU WATER CREEK 5TH ADDITION

A REPLAT OF LOT 2, BLOCK 1 OF BLU WATER CREEK 4TH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
AND A VACATION OF STREET RIGHT OF WAY AS SHOWN ON SAID PLAT
(A MINOR SUBDIVISION)

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2019.

Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2019, before me, a notary public with and for said County, personally appeared Brenda E. Derrig, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

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 Northeast Quarter of Section 28, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 2, Block 1 of BLU WATER CREEK 4TH 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 606,238 square feet or 13.92 acres more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "BLU WATER CREEK 5TH ADDITION" to the City of Fargo, Cass County, North Dakota, and do hereby dedicate to Lots 1 through 6, the ingress/egress and utility easements as shown on this plat for the purposes so stated.

OWNER:
Brandt Crossing, LLC

By: _____
Kevin Christianson, President

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year of 2019, before me, a notary public with and for said County, personally appeared Kevin Christianson, 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:
Cornerstone Bank

By: _____
Jim Hambrick, Vice President

State of North Dakota }
County of Cass } SS

On this _____ day of _____, in the year of 2019, before me, a notary public with and for said County, personally appeared Jim Hambrick, Vice President, Cornerstone 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

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this _____ day of _____, 2019.

John Gunkelman, Planning Commission Chair

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2019, before me, a notary public with and for said County, personally appeared John Gunkelman, 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 _____, 2019.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2019, 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

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Kurt M. Kisch, 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.

PRELIMINARY

Kurt M. Kisch, Professional Land Surveyor
North Dakota License No. LS-4597

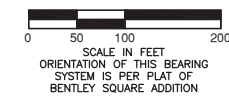
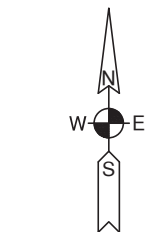
State of _____ }
County of _____ } SS

On this _____ day of _____, 2019, before me, a notary public with and for said County, personally appeared Kurt M. Kisch, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

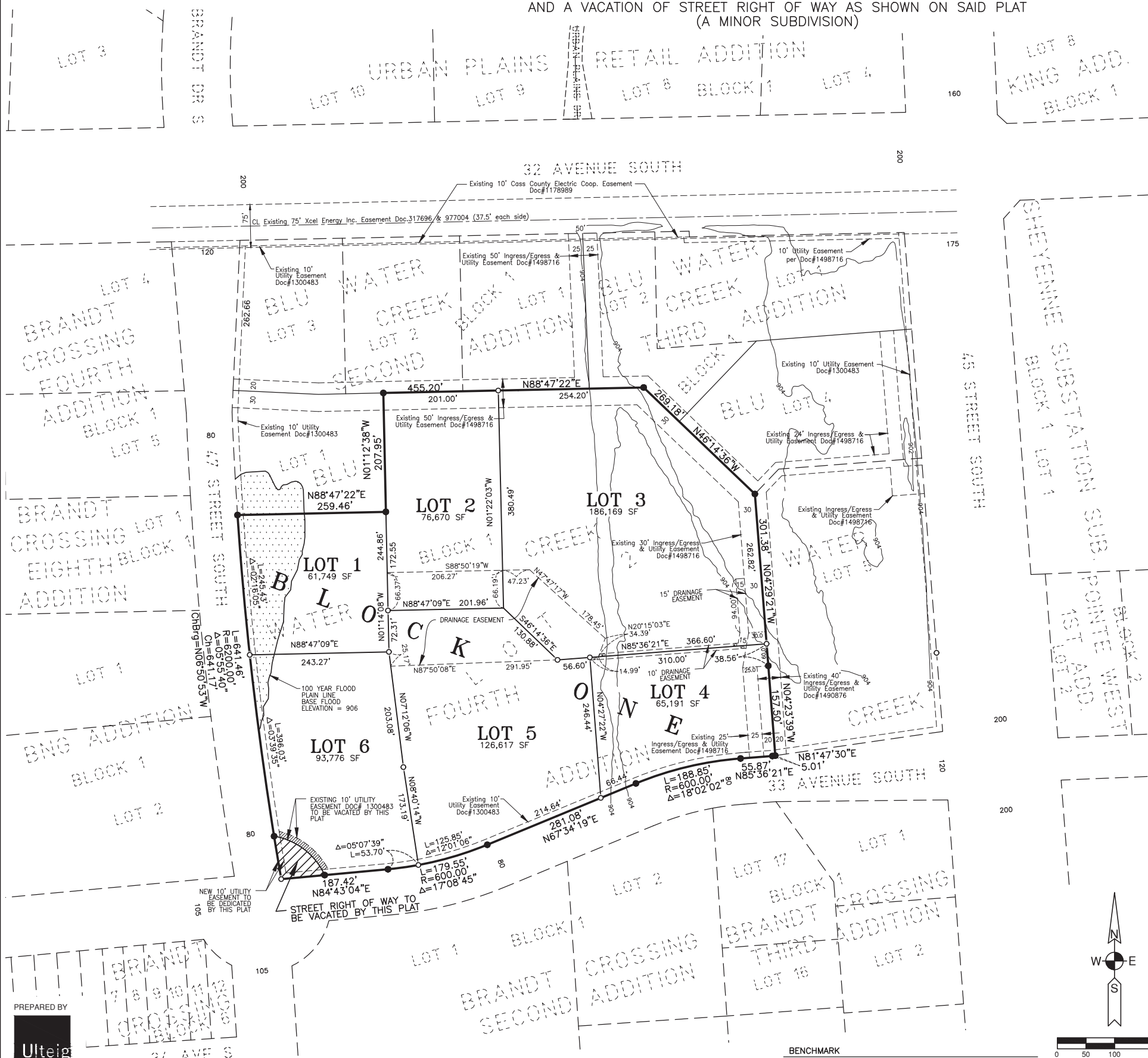
LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-4597"
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EASEMENT LINE
- 904- EXISTING CONTOUR LINE
- ▨ AREA NOT WITHIN 100 YEAR FLOODPLAIN



BENCHMARK

A chiseled square in Northwest lattice tower concrete footing located approximately 300 feet East of the Northeast corner of subject property. Elevation 905.77 NAVD 88



PREPARED BY
Ulteig

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

PRELIMINARY

City of Fargo Staff Report			
Title:	42 nd Street Addition	Date:	6/26/2019
Location:	3700 42 nd Street South	Staff Contact:	Maegin Elshaug
Legal Description:	A portion of Lot 2, Block 1, 42 nd Street Addition		
Owner(s)/Applicant:	Station 3700 Apartments LLC / Stacy Holmes, LJA	Engineer:	N/A
Entitlements Requested:	Zoning Change (from LC, Limited Commercial to MR-3, Multi-Dwelling Residential)		
Status:	Planning Commission Public Hearing: July 2, 2019		

Existing	Proposed
Land Use: Multi-Dwelling Residential	Land Use: unchanged
Zoning: LC, Limited Commercial, with a Conditional Use Permit (CUP) for residential use	Zoning: MR-3, Multi-Dwelling Residential
Uses Allowed: LC allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service. PLUS a CUP for residential use	Uses Allowed: MR-3 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.
Maximum Lot Coverage Allowed: maximum 55% building coverage	Maximum Density Allowed: MR-3 allows a maximum of 24 units per acre

Proposal:
<p>The applicant is seeking a zoning change from LC, Limited Commercial to MR-3, Multi-Dwelling Residential. The property is located at 3700 42nd Street South and encompasses approximately 4.14 acres.</p> <p>A Conditional Use Permit (CUP) was approved in 2001 to allow residential use on the property. At that time, there was concern of the number of apartments located in this area along 42nd Street South. There are a number of conditions of the CUP, which relate to dimensional standards (such as density and height), design standards, and approved a site lay-out. The owner is proposing an additional structure on the property that does not match the previously approved site plan of the CUP, and is therefore proposing a zoning map amendment. Note that if the zoning change is approved, the CUP no longer applies to the site.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: MR-3, Multi-Dwelling Residential with apartments; • East: P/I, Public and Institutional, owned by the City of Fargo; • South: LC, Limited Commercial with residential use; • West: Directly across 42nd Street South is SR-2, Single-Dwelling Residential with attached and detached homes.

Area Plans:

The subject property is located in the 2003 Southwest Future Land Use Plan. Although the plan designates this area as commercial or parks/open space, it should be noted that the areas are more diagrammatic in nature rather than providing a definitive location or boundary. Staff determined that a growth plan amendment is not necessary due to the fact that surrounding properties are already built and developed, including this location. Areas around the property have the same use, which are also within this same future land use diagrammatic area.



Legend

2003 Southwest Future Land Use Plan Land_Use	Legend	Legend
Commercial	Either Office or Commercial	Office or Commercial or Medium/High Density
Commercial or Medium/High Density	Either Office or Medium/High Density Residential	Park/Open Space
Commercial or Medium/High or Park/Open Space	Industrial	Public
Commercial or Park/Open Space	Low/Medium Density Residential	Public or Commercial
Either Industrial or Commercial	Low/Medium Density or Medium/High Density	Public or Low/Medium Density
	Medium/High Density Residential	Public or Office
	Medium/High Density or Park/Open Space	Storm Water
	Office	

Neighborhood Context:

Neighborhood: Pointe West

Schools: The subject property is located within the boundary of the Fargo School District, specifically Kennedy Elementary, Discovery Junior High, and Davies Senior High schools.

Parks: Pointe West Park (3331 42nd Street South) and Edgewood Village Park (3750 45th Street South) are located about one-third of a mile from the subject property, providing amenities of playgrounds, picnic tables, and recreational trails.

Pedestrian / Bicycle: An off-road shared use path is located on the west side of 42nd Street South, which is a component of 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 zoning map error in regard to the subject property. Staff finds that the requested zone change is justified by a change in conditions, as the developer has a clearer picture of the type of development. The zone change is requested in order to build the next and final phase of 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?**

The development is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. 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 evidence that would suggest this proposal would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has not received any phone calls or comments in response to these notices. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan 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 from LC, Limited Commercial to MR-3, Multi-Dwelling Residential on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: July 2, 2019

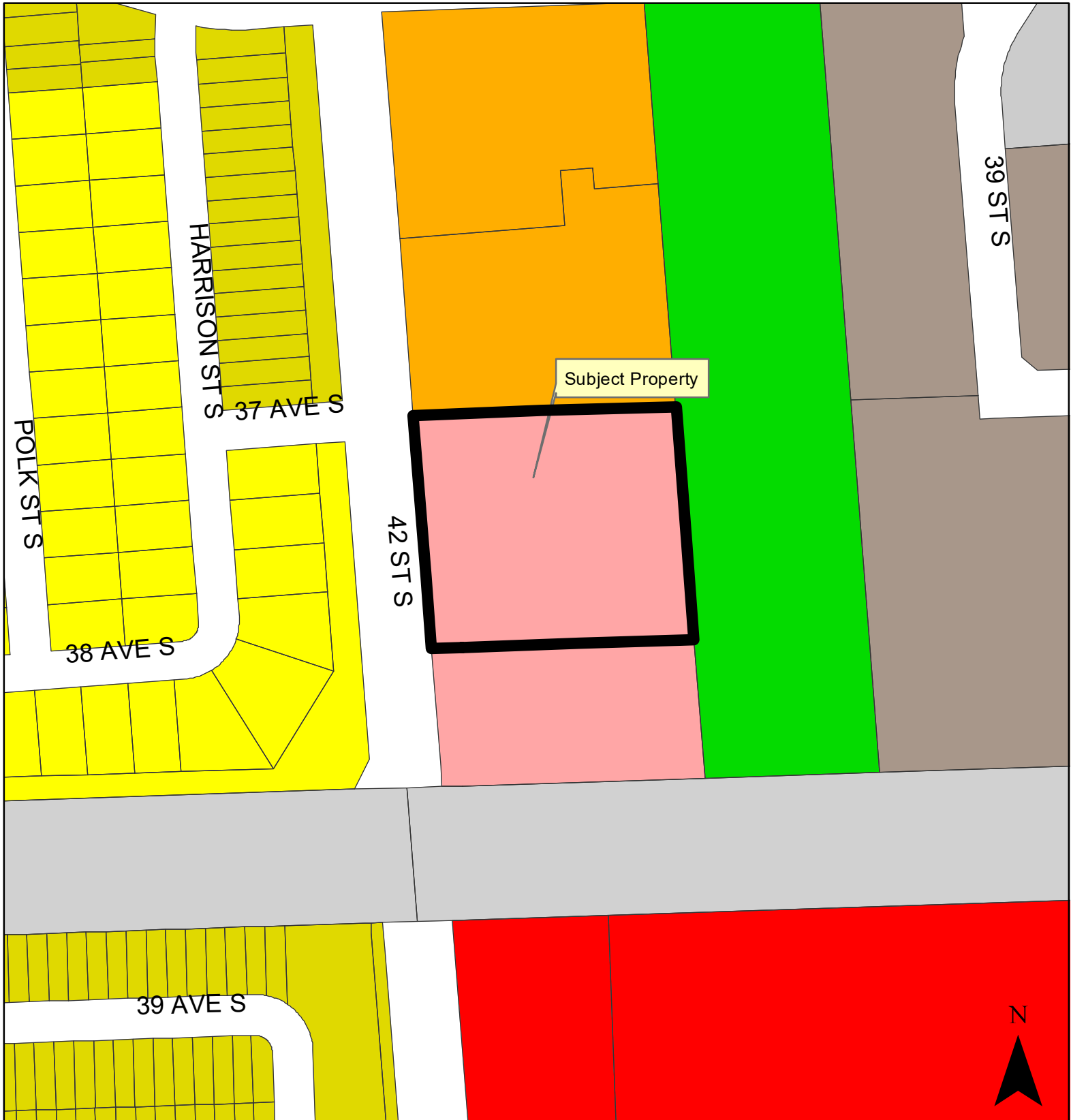
Attachments:

1. Zoning Map
2. Location Map

Zone Change (LC to MR-3)

42nd Street Addition

3700 42nd Street S



Legend

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

200

Feet

Fargo Planning Commission

July 2, 2019



Zone Change (LC to MR-3)

42nd Street Addition

3700 42nd Street S



City of Fargo Staff Report			
Title:	Reeves Addition	Date:	6/25/2019
Location:	602 University Drive North	Staff Contact:	Maggie Squyer
Legal Description:	A portion of Lot 1, and all of Lots 2-9, and adjacent property, Block 1, Reeves Addition		
Owner(s)/Applicant:	Fargo Brewing Partners LLC/ Lee Schwartz	Engineer:	CHA Architecture + Construction
Entitlements Requested:	Conditional Use Permit for an alternative access plan to allow a parking reduction in the GC, General Commercial zoning district		
Status:	Planning Commission Public Hearing: July 2, 2019		

Existing	Proposed
Land Use: Limited Manufacturing/Commercial	Land Use: Limited Manufacturing/Commercial
Zoning: GC, General Commercial	Zoning: GC, General Commercial
Uses Allowed: General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, office, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.	Uses Allowed: No change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No change

Proposal:

The applicant is seeking a Conditional Use Permit (CUP) for an alternative access plan in order to reduce the number of parking stalls required on site. The owner is proposing a number of interior changes, including moving the location of manufacturing and production, the addition of retail sales and service and restaurant uses, and the addition of a small concert venue in the existing building at 602 University Drive North. The applicant is proposing the following number of parking spaces to meet the requirements of the various uses provided on the subject property. Forty-nine parking stalls will be provided on-site at 602 University Drive North. The applicant secured an additional 92 parking stalls at 1403 7th Avenue North through a parking agreement established between The Fargo Brewery Company, LLC and Sanford North. To date, staff has received one letter of opposition from SpartanNash citing concerns of Fargo Brewing patrons parking in the Family Fare parking lot directly across 7th Avenue North.

On-site parking at 602 University Drive North:

Use	Ratio	Gross SF	Parking Stalls Required
Restaurant, Bars	1 parking stall per 75 SF	2,561 SF	34.1
Outdoor seating areas- Taverns, Bars, Restaurants, and Lounges	1 parking stall per 150 SF	1,500 SF	10

Commercial, Office	1 parking stall per 300 SF	715 SF	2.38
Retail Sales and Service	1 parking stall per 250 SF	1,599 SF	6.396
Concert Hall (Retail Sales and Service)	1 parking stall per 250 SF	2,566 SF	10.264
Indoor Storage, Manufacturing and Production	1 parking stall per 2,500 SF	15,617 SF	6.24
Total Stalls Required			70

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: GC, General Commercial and LC, Limited Commercial with retail sales and services; LI, Limited Industrial with warehouse, office, vacant, and single family uses
- East: DMU, Downtown Mixed Use with commercial use by the Fargo Parks District
- South: GC, General Commercial with railroad utility use
- West: GC, General Commercial with railroad utility, warehouse, and office uses

Area Plans:

This site is included in the Madison/Unicorn Park Neighborhood Plan. The Neighborhood Plan does not include a future land use plan.

Context:

Neighborhood: Madison/Unicorn Park

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

Parks: The project site is located within a quarter-mile of Johnson Soccer complex, which has a multipurpose field, picnic tables, playgrounds, restrooms and soccer fields; and Unicorn park, which has a basketball court, grills, a multipurpose field, picnic tables, a playground, and recreational trails.

Pedestrian / Bicycle: There are on-road bike lanes directly adjacent to the property on University Drive North that are a component of the metro area bikeways system.

Staff Analysis:

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

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

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

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. Promoting infill development and exploring reductions in minimum parking standards are both key initiatives meant to promote the Plan's guiding principles. Staff finds this proposal is consistent with the purpose of the LDC, the GO2030 Comprehensive Plan, and other adopted policies of the City.

(Criteria Satisfied)

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

Staff suggests that this proposed CUP for an alternative access plan for reduced parking will contribute to and promote the welfare of the public since required off-street parking will be met through a parking agreement.

(Criteria Satisfied)

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

Staff has no data to suggest the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received one letter of opposition (attached) from SpartanNash citing concerns of Fargo Brewing patrons parking in the Family Fare parking lot directly across 7th Avenue North.

(Criteria Satisfied)

4. Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.

The proposed alternative access plan for parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The parking lease agreement between The Fargo Brewing Company, LLC and Sanford North capitalizes on the shared use of an existing, underutilized parking lot. According to our parking requirements, the applicant is providing more parking stalls than the LDC requires for exhibition areas of less than 20,000 square feet. The proposed conditions of the CUP are specifically meant to limit the intensity of the use.

(Criteria Satisfied)

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

The property has access to all necessary utilities and services. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place.

(Criteria Satisfied)

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

The Engineering Department determined that the 49 parking spots provided at the subject property would appropriately meet parking needs. For patrons parking at 1403 7th Avenue North, Engineering staff suggested that there will be sufficient gaps in the traffic flow for pedestrians to cross 7th Avenue North safely, since attendance at the brewery will primarily be after the pm peak rush hour (4:30-5:30pm) has occurred and because patrons will be 21 years of age or older.

(Criteria Satisfied)

Recommended Conditions:

- 49 parking stalls to be provided on site
- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site
- The Conditional Use Permit will cease if the land use changes from commercial, restaurant, retail sales and services, or indoor storage and manufacturing
- Expansion of any proposed or existing uses will trigger a reevaluation of off-street parking requirements on site

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby move to approve the Conditional Use Permit to allow an alternative access plan for reduced parking as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the LDC, with the following conditions:

- 49 parking stalls to be provided on site
- Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site
- The Conditional Use Permit will cease if the land use changes from commercial, restaurant, retail sales and services, or indoor storage and manufacturing
- Expansion of any proposed or existing uses will trigger a reevaluation of off-street parking requirements on site

Planning Commission Recommendation: July 2, 2019

Attachments:

1. Zoning Map
2. Location Map
3. Site Plan
4. SpartanNash Opposition Letter

Conditional Use Permit

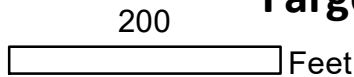
Reeves Addition

602 University Drive N



Legend

AG	DMU	GGC	GO	LC	MVR-1	MVR-2	MVR-3	MHP	DMC	DMO	DMU	UMU	City Limits
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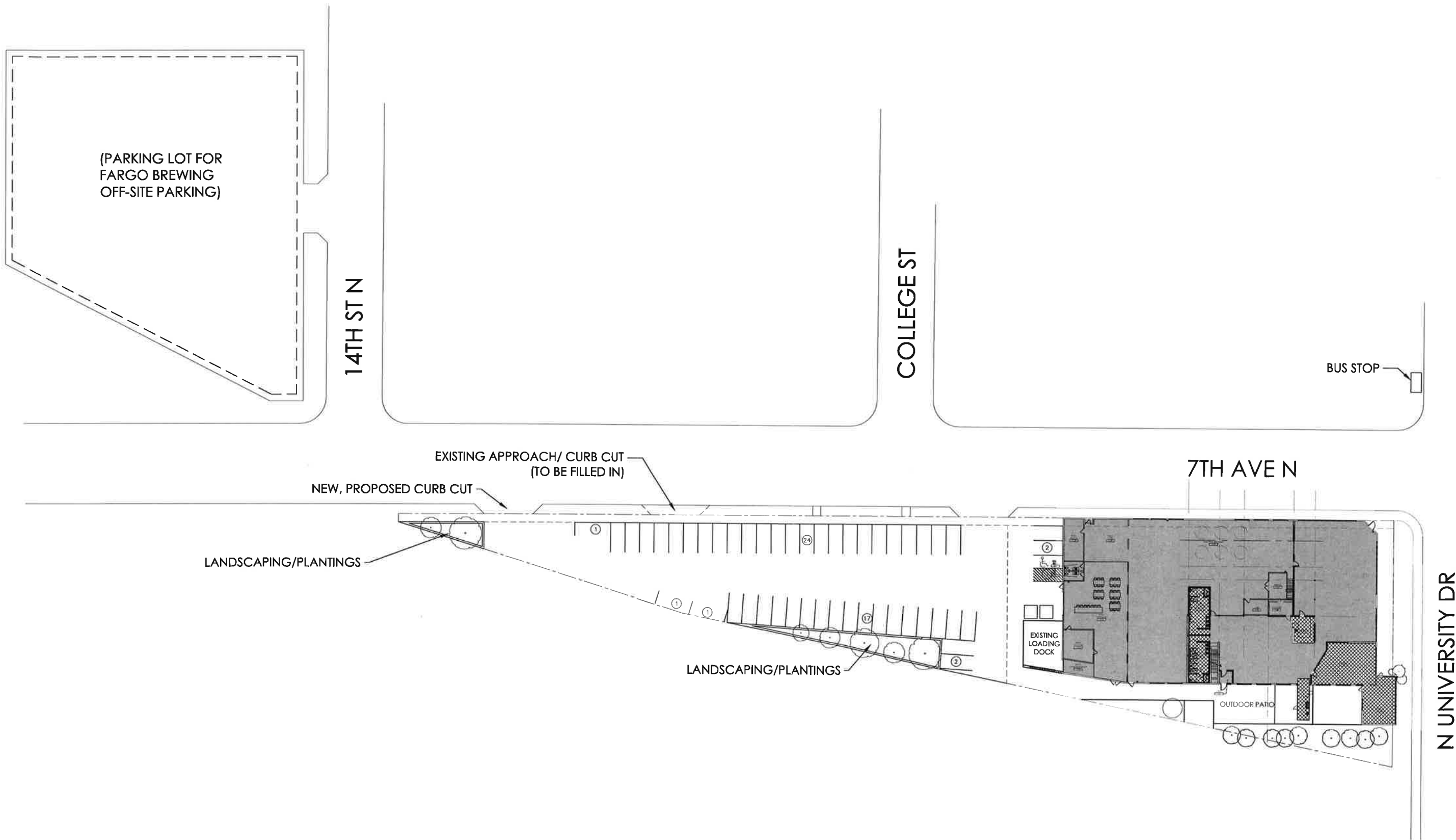


Conditional Use Permit

Reeves Addition

602 University Drive N





1
G101 SITE PLAN
SCALE: 1" = 30'-0"





June 25, 2019

City of Fargo Planning Commission
Attn: Ms. Maggie Squyer
225 4th Street North
Fargo, ND 58102

Via Email

RE: Conditional Use Permit
602 University Drive North

Dear Maggie:

Thank you for your time providing additional information regarding the proposed plans by Fargo Brewing which requires consideration for a Conditional Use Permit. As discussed, SpartanNash operates and leases the Family Fare grocery building, along with owning a portion of the parking lot directly north of Fargo Brewing.

While we understand and are open to the opportunity to bring more patrons to the area, the proposed expansion for retail within the Fargo Brewing space is not of concern as the 49 on-site parking spaces should be adequate as you noted this was within the current City Code. However, with respect to the convertible concert space of 2,566 sf, we do have serious concerns regarding patrons utilizing our Family Fare parking lot directly north of Fargo Brewing. The proposed 92 spaces leased parking spaces for attendees of Fargo Brewing or a concert is approximately 1 ½ blocks away. As you can see on the attachment to your recent notice, our property would be the most convenient parking location for the Fargo Brewery patrons. Unfortunately, we are already having issues with non-grocery store customers utilizing this space and in the process of installing appropriate signage warning those using our parking lot who are not Family Fare customers. Accordingly, there should be a better solution for the offsite parking as concert events will definitely cause parking issues on the grocery store lot.

Lastly, for the meeting on Tuesday, July 3rd, our local representative should be in attendance to also voice his concerns or be able to provide any answers regarding our operations.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Kristie Berman".

Kristie Bohn-Berman
Real Estate Manager

cc:: David Illg, SD #3116

Conditional Use Permit

Reeves Addition

602 University Drive N



City of Fargo Staff Report			
Title:	Interstate Park Addition	Date:	6/27/2019
Location:	3502 Interstate Blvd S	Staff Contact:	Luke Morman
Legal Description:	Lots 6, 7, and 9, Block 4, Interstate Park Addition		
Owner(s)/Applicant:	JKJ Enterprises LLP	Engineer:	Dave Glessner
Entitlements Requested:	Conditional Use Permit to allow household living within the GC, General Commercial, Zoning District		
Status:	Planning Commission Public Hearing: July 2, 2019		

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

Proposed
Land Use: Household Living (multi-dwelling)
Zoning: No Change
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. Plus a CUP to allow household living.
Maximum Lot Coverage Allowed: No Change

Proposal:
<p>The applicant is requesting a Conditional Use Permit (CUP) to allow residential living within the GC, General Commercial, Zoning District, on portions of Lots 6, 7, and 9, Block 4, Interstate Park Addition. The subject property encompasses approximately 1.4 acres and is located at 3502 Interstate Boulevard South. According to the applicant, the purpose of the CUP is to transition their current 25-unit, "extended stay hotel" use into apartments. This building does not need further renovation for the desired transition to be used as apartments. The previously approved site plan provided by the applicant is to the right.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: Across Interstate Boulevard South; GC, General Commercial with uses of office and warehouse; • East: GC, General Commercial with recreational use; • South: LC, Limited Commercial with motel use; • Southwest: LC, Limited Commercial with restaurant-fast food use; • West: LC, Limited Commercial with motel use.
Area Plans:
Not applicable

Context:

Schools: The subject property is located within the Fargo School District and is served by Jefferson Elementary, Carl Ben Middle and South High schools.

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

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

Pedestrian / Bicycle: There are off-street bike facilities located along Westrac Drive South and 13th Avenue South. All facilities are components of and connect to the metro area bikeways system.

Staff Analysis:

The applicant is not proposing any additional work to this site aside from the proposed CUP. All applicable codes were met with the previous renovation to an “extended stay hotel” use in 2017. There are currently some legal nonconformities on site, thus, no further work is required at this time. Additionally, this CUP does not negate the fact that any future improvement or repair to this site must follow all applicable sections of the LDC.

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. Promoting infill development is a key initiative in the Comprehensive Plan. Table 20-0401 of the LDC states that household living is allowed in the GC zoning district with a conditional use permit. The CUP is for residential land use, and with the zoning district of GC with the CUP, the property could be built as residential, commercial, or a combination. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff finds that this proposed conditional use permit to allow for residential use to be located within this area will contribute to and promote the welfare of the public as it will provide additional lower cost rental properties. **(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 were sent out to property owners within 300 feet of the subject property. To date, staff has received no inquires of calls, walk-ins and emails, with no noted concern. **(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 finds that the proposed conditional use permit to allow household living should not dominate the immediate neighborhood or prevent any other sites from being used due to the fact that 1) there is a similar

arrangement of uses located on the opposite side of 13th Avenue South (Hub Addition and Saks Addition) and 2) the proposed conditions of the CUP seek to limit the intensity of the use. The suggested conditions include the residential density allowing 18 units per acre. With approximately 1.4 acres, there could be 25 units located on the property, which is the current amount of units on the subject property. 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 Interstate Boulevard South. The Engineering Department has had an opportunity to review the proposal and no comments or concerns have been forthcoming to indicate that there is a deficiency with the access roads or entrances and exit drives. To that end, staff finds that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

Recommended Conditions:

- 1) The maximum residential density shall be a maximum of 18 units per acre.

Staff Recommendation:

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

- 1) The maximum residential density shall be a maximum of 18 units per acre.

Planning Commission Recommendation: July 2, 2019

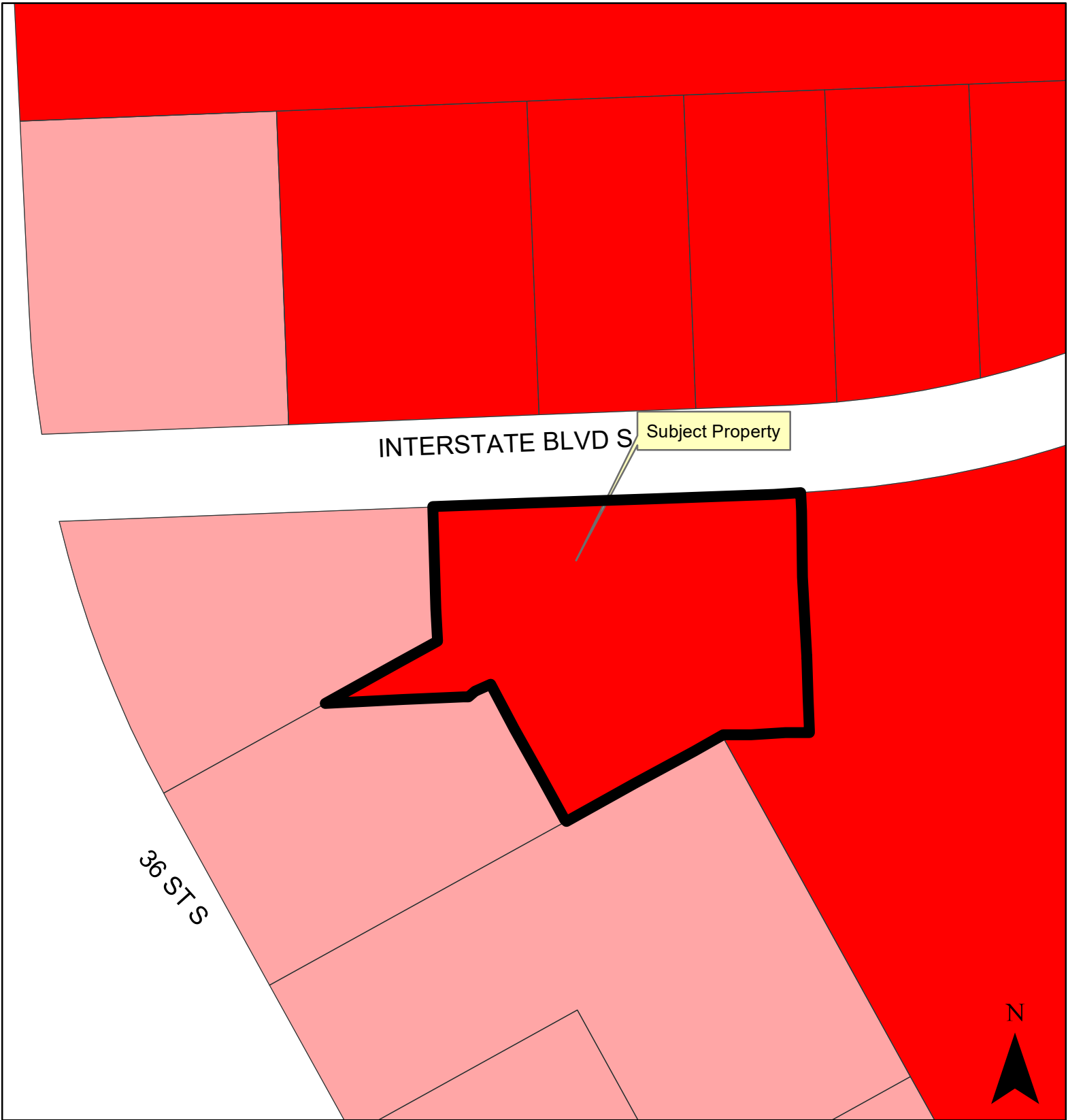
Attachments:

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

Conditional Use Permit

Interstate Park Addition

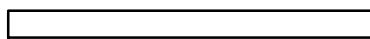
3502 Interstate Boulevard S



Legend

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

200



Feet

Fargo Planning Commission

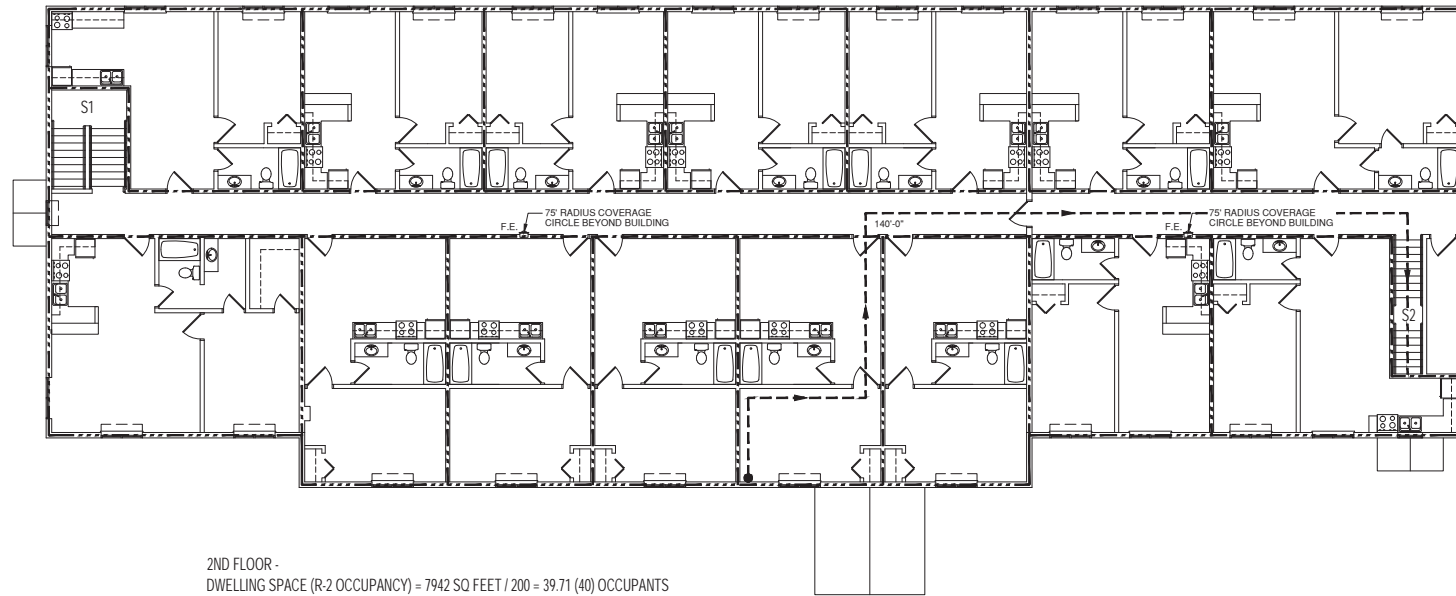
July 2, 2019

Conditional Use Permit

Interstate Park Addition

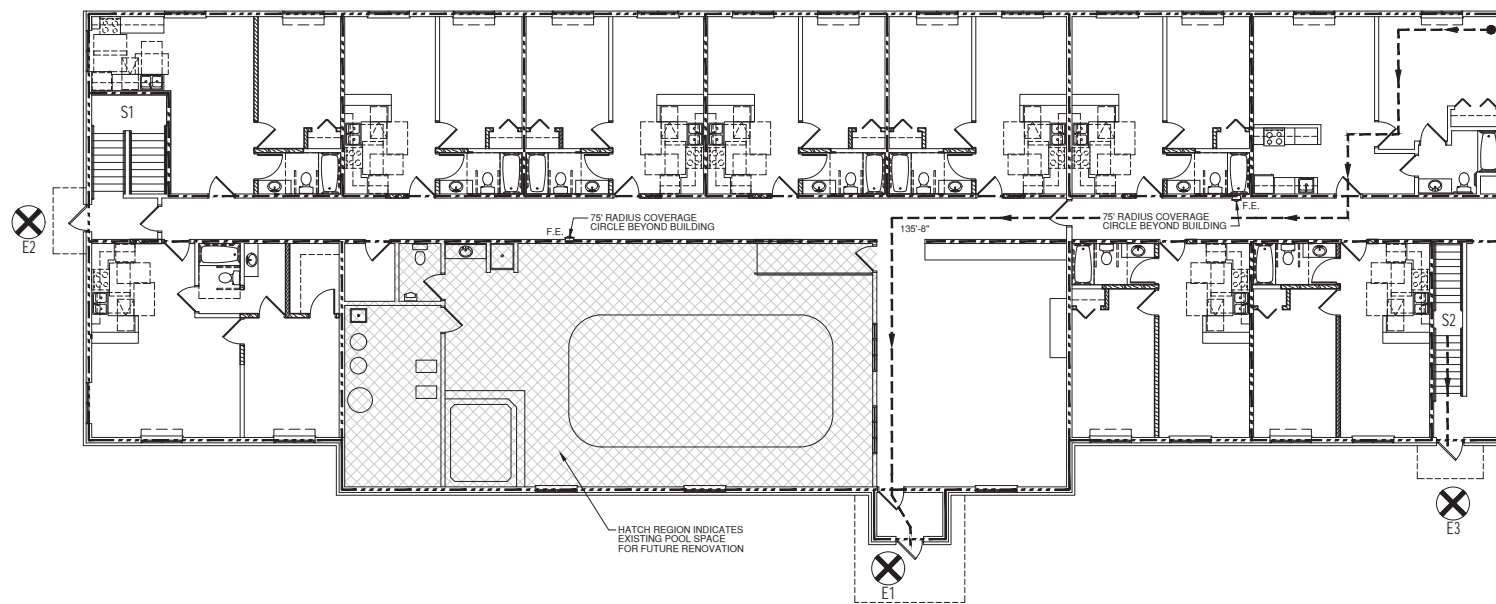
3502 Interstate Boulevard S





2ND FLOOR -
DWELLING SPACE (R-2 OCCUPANCY) = 7942 SQ FEET / 200 = 39.71 (40) OCCUPANTS
STORAGE (R-2 ACCESSORY) = 66 SQ FEET / 200 = .33 (1) OCCUPANT

1ST FLOOR -
DWELLING SPACE (R-2 OCCUPANCY) = 5190 SQ FEET / 200 = 25.95 (26) OCCUPANTS
STORAGE (R-2 ACCESSORY) = 302 SQ FEET / 300 = 1.01 (2) OCCUPANTS
EXISTING POOL = 568/50 = 11.36 (12) OCCUPANTS + 998/15 = 66.53 (67) OCCUPANTS
ASSEMBLY (R-2 ACCESSORY) = 678/15 = 45.2 (46) OCCUPANTS



HATCH REGION INDICATES
EXISTING POOL SPACE
FOR FUTURE RENOVATION

1 FIRE/LIFE SAFETY PLAN
A1.1 SCALE: 3/32" = 1'-0"

CODE PLAN SYMBOLS LEGEND

- EXISTING & NEW ONE HOUR
- EXISTING ONE HOUR DWELLING UNIT SEPARATION WALL
- EXISTING ONE HOUR EXTERIOR WALL
- DIRECTION OF EXIT FROM AREA
- ⊗ EXIT LOCATION & NUMBER

EXIT CALCULATIONS					
EXIT	EXITING OCCUPANTS	EXITING FACTOR	WIDTH REQUIRED	MIN. WIDTH REQUIRED	WIDTH PROVIDED
E1	51	.2	10.2'	32" CLEAR	36"
E2	72	.2	14.4'	32" CLEAR	36"
E3	72	.2	14.4'	32" CLEAR	36"
STAIR 1	21	.3	6.3'	36" CLEAR	49"
STAIR 2	21	.3	6.3'	36" CLEAR	42"

BUILDING INFORMATION:

BUILDING CODE: 2015 INTERNATIONAL BUILDING CODE,
OCCUPANCY TYPE: RESIDENTIAL - GROUP R-2
CONSTRUCTION TYPE: V-A
INTERIOR FIT-UP: MAIN FLOOR - 9,590 SF
SECOND FLOOR - 9,535 SF
TOTAL - 19,125 SF

BUILDING CODE SUMMARY BASED ON THE 2015 INTERNATIONAL BUILDING CODE

OCCUPANCY CLASSIFICATION: R-2
CONSTRUCTION TYPE: TYPE V-A SECT. 602.5 TABLE 601
PROPOSED AREA OF WORK SQUARE FOOTAGE: 5,051 SF

FIRE PROTECTION INFORMATION

FIRE EXTINGUISHING SYSTEM: REQUIRED: (1012.2.1 IBC) AUTOMATIC FIRE SPRINKLER SYSTEM TO BE INSTALLED THROUGHOUT. NFPA 13 R
FIRE ALARM AND DETECTION SYSTEMS: YES
PORTABLE FIRE EXTINGUISHERS: COVERAGE SUCH THAT EACH EXTINGUISHER COVERS A 75 FOOT RADIUS

RATING REQUIREMENTS (TYPE V-A) TABLE 601

STRUCTURAL FRAME: 1 HR.
BEARING WALLS - EXTERIOR: 1 HR.
BEARING WALLS - INTERIOR: 1 HR.
NONBEARING WALLS - EXTERIOR (FIRE SEPARATION DISTANCE X<5 FT) SOUTH WALL: 1 HR.
NONBEARING PARTITIONS - INTERIOR: 0 HR.
FLOORS AND FLOOR CEILINGS: 1 HR.
ROOFS AND ROOF CEILINGS: 1 HR.

INTERIOR FINISHES CHAPTER 8

INTERIOR FINISH REQUIREMENTS, NON SPRINKLED B OCCUPANCY (TABLE 803.11)
EXIT ENCLOSURES & PASSAGEWAYS: CLASS B (R-2)
EXIT ACCESS CORRIDORS: CLASS B (R-2)
ROOMS AND ENCLOSED SPACES: CLASS C (R-2)

MEANS OF EGRESS CHAPTER 10

COMMON PATH OF EGRESS TRAVEL DISTANCE ALLOWED: (TABLE 1014.3) OCCUPANCY R-2: 125

MAXIMUM EXIT ACCESS TRAVEL DISTANCE ALLOWED: (TABLE 1017.2 - WITH SPRINKLER SYSTEM) 250 FEET

NUMBER OF EXIT ACCESS DOORWAYS REQUIRED: 2

ACCESSIBLE UNITS CHAPTER 11

MINIMUM NUMBER OF REQUIRED ACCESSIBLE UNITS
R-2 OCCUPANCY
TYPE A UNITS - 2 PERCENT BUT NOT LESS THAN 1
TYPE B UNITS - ALL MAIN FLOOR UNITS ARE REQUIRED BY 1107.6.2.2.2.

PLUMBING CALCULATIONS SECTION 2902.2

MINIMUM NUMBER OF REQUIRED FIXTURES
R-2 OCCUPANCY
WATER CLOSETS: 1 PER DWELLING UNIT
LAVATORIES: 1 PER DWELLING UNIT
BATHUBS OR SHOWERS: 1 PER DWELLING UNIT
KITCHEN SINK: 1 PER DWELLING UNIT
AUTOMATIC CLOTHES WASHER 1 PER 20 DWELLING UNITS

PARKING REQUIREMENTS (R-2 OCCUPANTS) CITY OF FARGO LDC

25 (1 BEDROOM) UNITS 25 X 2.25 = 56.25 = 57 STALLS TOTAL

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FOSS ARCHITECTURE & INTERIORS

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

DATE: 2/15/2017 REGISTRATION NO.: 1721

PROJECT NO: 1665.01
SCALE: AS SHOWN
DATE: FEBRUARY 15, 2017
DRAWN: TJA

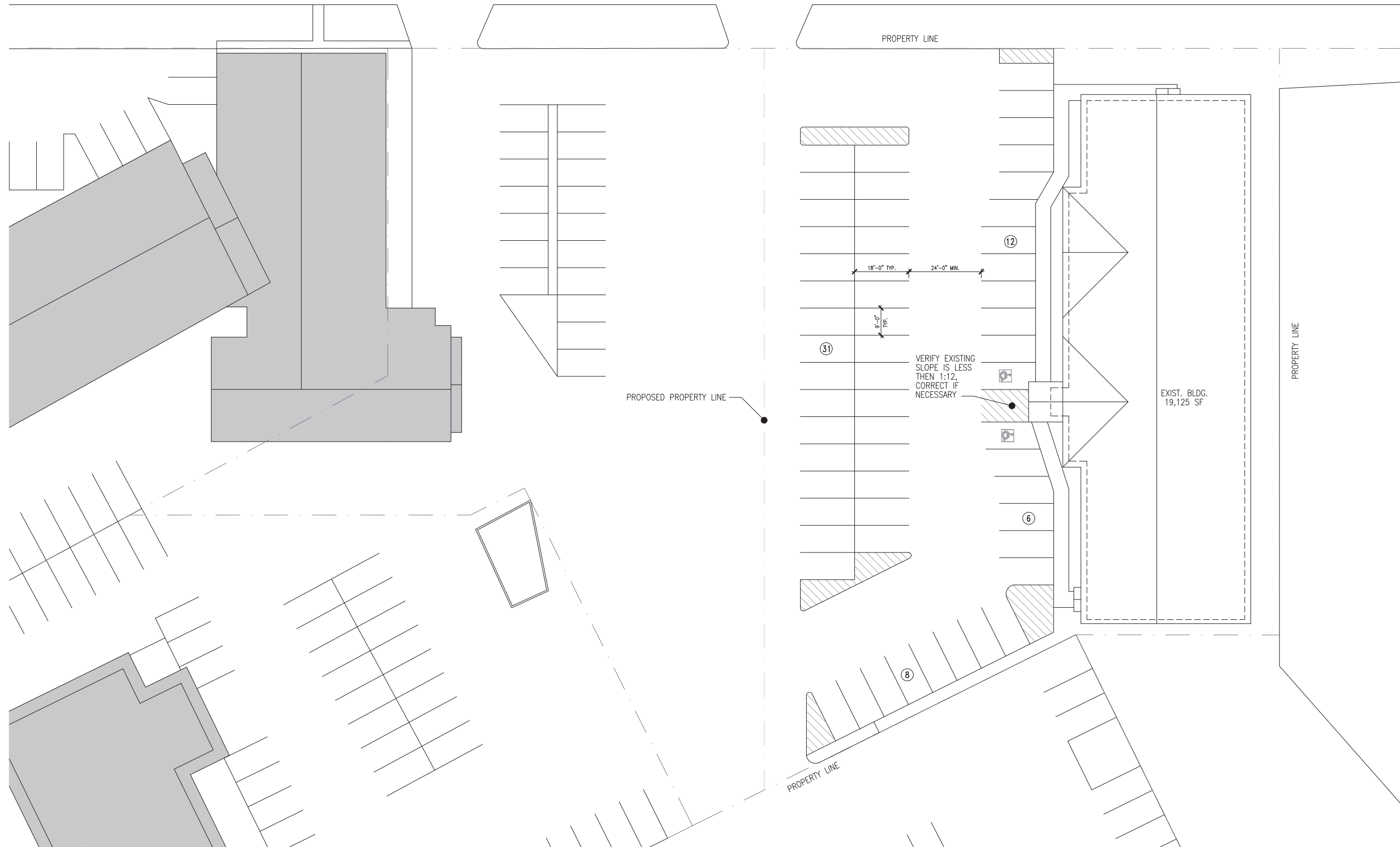
CODE INFORMATION

**INTERSTATE BLVD
EXTENDED STAY
FARGO, ND**

Foss
Architecture & Interiors
810 First Avenue North
Fargo, North Dakota 58102
Phone: 701-992-5005
Fax: 701-992-5338
info@fossarch.com

GENERAL NOTES:

1. FIELD CONDITIONS THAT VARY FROM THOSE INDICATED IN DRAWINGS AND SPECIFICATIONS SHALL BE BROUGHT TO THE OWNER/ARCHITECT'S ATTENTION PRIOR TO COMMENCEMENT OF THE WORK.
2. PROPERTY LINES THAT ARE SHOWN ARE APPROXIMATE, VERIFY W/ CIVIL PRIOR TO COMMENCEMENT OF THE WORK.
3. GRADING OR STORM WATER MODIFICATIONS NOT SHOWN, VERIFY W/ CIVIL PRIOR TO COMMENCEMENT OF THE WORK.



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PROJECT NO: 1665.01
SCALE: AS SHOWN
DATE: APRIL 17, 2019
DRAWN: TJA

SITE PLAN

1 SITE PLAN
A1.2 SCALE: 1/16" = 1'-0"

 SHEET: **A1.2**



MEMORANDUM

TO: FARGO PLANNING COMMISSION

FROM: JIM GILMOUR, STRATEGIC PLANNING DIRECTOR

DATE: JUNE 13, 2019

SUBJECT: RENEWAL PLAN REVIEW

I have prepared a renewal plan for two blocks in downtown Fargo. The plan supports utility line burying and alley reconstruction of Roberts Alley. It is attached for your review.

The plan was prepared to be consistent with City plans. As part of the review process, the plan is referred to the Planning Commission for review and recommendation as to their conformity with the GO2030 Comprehensive Plan. Your recommendation is needed prior to the City Commission hearing planned for July 15, 2019.

I am requesting that the Planning Commission make a recommendation to the City Commission that these Renewal Plans are consistent with the GO2030 Comprehensive Plan of the City of Fargo.

Attachment

RENEWAL PLAN

DISTRICT NO. 2019-01

CITY OF FARGO, NORTH DAKOTA

June, 2019

RENEWAL PLAN FOR DISTRICT NO. 2019-01

SUBSECTION 1.1.	DEFINITIONS
SUBSECTION 1.2.	STATUTORY AUTHORITY
SUBSECTION 1.3.	STATEMENT OF PUBLIC PURPOSE
SUBSECTION 1.4.	DESCRIPTION OF THE DISTRICT
SUBSECTION 1.5.	PROJECT DEVELOPMENT
SUBSECTION 1.6.	LAND USE ATTRIBUTES
SUBSECTION 1.7.	ESTIMATE OF DEVELOPMENT COSTS
SUBSECTION 1.8.	ESTIMATE OF BONDED INDEBTEDNESS
SUBSECTION 1.9.	IMPACT OF PLAN
APPENDIX A:	MAP OF THE DISTRICT
APPENDIX B:	LIST OF PROPERTIES IN THE DISTRICT

RENEWAL PLAN FOR DISTRICT NO. 2019-01

Subsection 1.1. Definitions

For the purpose of the Renewal Plan, the following terms shall have the meanings specified below, unless the context otherwise requires:

“City” means the City of Fargo, a municipal corporation under the laws of the State of North Dakota.

“City Commission” or “Commissions” means the Fargo City Commission.

“Comprehensive Plan” means the City’s GO2030 Comprehensive Plans, including the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservations for all lands and water within the City as and when such plan is adopted and finalized.

“County” means Cass County, North Dakota.

“Development” means the construction of new buildings, structures or improvements; the demolitions, alterations, remodeling, repair or reconstructions of existing buildings, structures or improvements; the acquisition of equipment; and the clearing and grading of land on industrial or commercial property in the Renewal Area.

“Renewal Area” means the property described in Subsections 1.4 of this Plan.

“Renewal Plan” or “Plan” means this Plan adopted by the Commission for the Renewal Area.

“Tax Increment Bonds” means any general obligation or revenue tax increment bonds or notes issued by the City to finance the public costs associated with the Plan, or any obligations issued to refund the Bonds.

“Urban Renewal Law” means North Dakota Century Code, Chapter 40-58.

Subsection 1.2. Statutory Authority

The creation of the Renewal Area is authorized by the Urban Renewal Law. Specifically the creation of the Renewal Area is authorized under North Dakota Century Code, Sections 40-58-01.1(7) and (14), which provide that the local governing body may designate industrial or commercial property, a slum or blighted area, or combination of these properties as appropriate for a development or renewal project.

The Urban Renewal Law provides that communities develop a “workable program” for the use of public and private resources to facilitate the development of industrial or commercial properties,

eliminate and prevent the development or spread of slums and urban blight, encourage needed urban rehabilitation, provide for the redevelopment of slums and blighted areas, or undertake these activities or other feasible municipal activities as may be suitably employed to achieve the objectives of the workable program. North Dakota Century Code, Section 40-58-04.

Subsection 1.3. Statement of Public Purpose

In adopting the Renewal Plan No. 2019-01, the City Commission intends to make the following findings:

- (a) The Renewal Area includes a blighted area
Factual basis: The Renewal Area is blighted due to the presence of underutilized land, a deteriorating alley and large overhead power lines.
- (b) The Renewal Area includes industrial or commercial property.
Factual basis: The Renewal Area contains commercial land uses.
- (c) The Renewal Area is appropriate for a development or renewal project.
Factual basis: Some properties within the area are underdeveloped for the location. These two blocks are in the core of the downtown. Redevelopment of the area will allow for higher density without the need to install additional infrastructure.
- (d) Comparable replacement dwellings or housing is available to persons displaced by the proposed project.
Factual basis: No replacement housing required. Redevelopment will not eliminate housing, but instead create new housing.
- (e) The Plan conforms to the Comprehensive Policy Plan for the City as a whole.
Factual basis: Redevelopment in this Renewal Area is consistent with the goals that are embodied in the Go2030 Comprehensive Plan and the Downtown Plan.

Subsection 1.4. Description of the District

The Renewal District is located on the core of the downtown. A map of the boundaries of the District is attached hereto as Appendix A. The properties are zoned DMU (Downtown Mixed Use). Appendix B is a list of the properties in the district.

District No. 2019-01 encompasses two (2) blocks. There is a mix of land uses on the blocks, including housing, offices, commercial space and parking. The main floor space along Broadway, 1st

Avenue North and 2nd Ave North is primarily retail. Housing is more prevalent along Roberts Street. Upper floors on both blocks are generally offices and housing.

The Fargo Theatre and a city parking garage are located on the northerly block.

Subsection 1.5. Project Development, Alley Paving, and Utility Lines

The Development of the Renewal Area includes the following activities:

Alley Paving – Roberts Alley on the southerly block will be reconstructed. This reconstruction will include conduit to allow for the relocation of overhead power lines. The alley on the northerly block were recently reconstructed, along with conduit for utilities.

Relocation of Utilities – Implementation of this plan is to relocate overhead utility lines to conduit under the alley. Work will include both power and telecommunication lines. Electrical line relocation will require modifications to internal electrical systems in some buildings.

Subsection 1.6. Land Use Attributes

- (a) Zoning or Planning Changes. The properties are zoned DMU (Downtown Mixed Use). Future development will conform to the DMU standards and zoning changes are not needed.
- (b) Maximum Densities. The DMU zoning district allows 100% building coverage on lot with no setbacks and height restrictions.
- (c) Building Requirements. All properties within this district are subject to the provisions of the City of Fargo Building Codes and the Land Development Code.

Subsection 1.7. Estimate of Development Costs

Development costs include:

Alley Reconstruction	\$464,306
Power and Telecommunication Line Burying	\$2,255,874

Alley Reconstruction costs will be special assessed to adjacent property owners.

Utility line burying costs will be from Xcel, Kilbourne Group properties and the City of Fargo. The financial plan includes \$500,000 from Xcel, \$844,209 from Kilbourne Group properties and \$911,665 from the City of Fargo.

Subsection 1.8. Estimate of Bonded Indebtedness

Costs to reconstruct the alleys will be special assessed to the adjoining property owners. Special assessment bonds would provide the funds, with annual special assessments to property owners. The City does not plan to bond for the costs of utility line relocations.

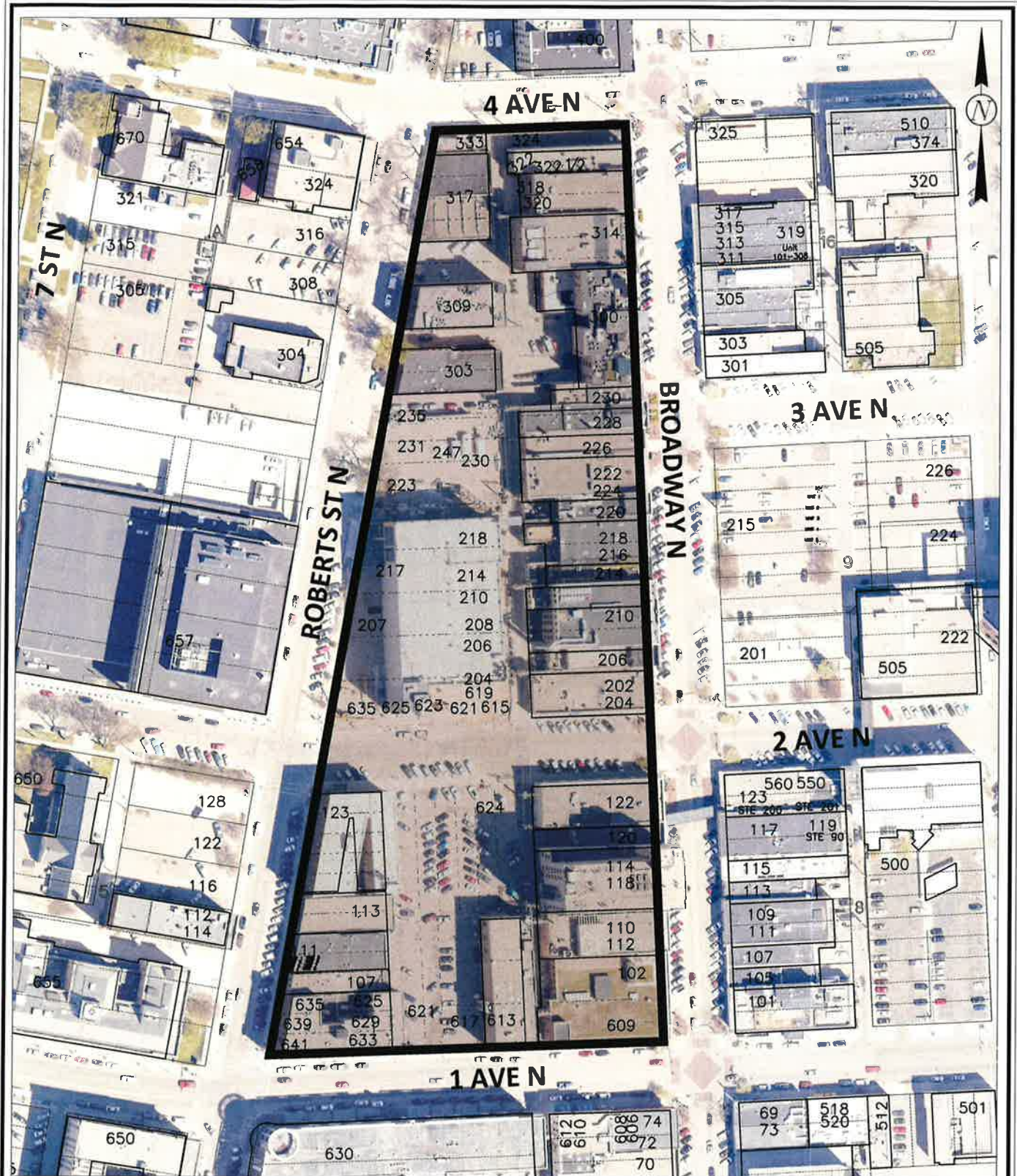
Subsection 1.9. Impact of Plan

Implementation of the plan will eliminate blighted conditions and encourage new development on surface parking lots and vacant land.

Removal of the overhead utility lines will remove a blighted condition on both blocks. The goal is to attract more businesses to alley locations, and create a pedestrian friendly environment that will draw customers to those businesses. Alley paving on the northerly block is partially completed, and will be finished in 2019. The pavement in the alley on the southerly block is in very poor condition and needs reconstruction, which will include installation of conduit for utility lines and make it a walkable space.

Utility line relocation is vital to the development of vacant property adjacent to Roberts Alley. The utility poles prevent full use of the vacant land adjacent to the alley. Relocation of the utility lines will encourage better development of the vacant land on the southerly block.

APPENDIX A
MAP OF THE DISTRICT



CITY OF FARGO
 ENGINEERING DEPARTMENT
 RENEWAL DISTRICT

APPENDIX B

LIST OF PROPETIES IN THE DISTRICT

<u>Owner</u>	<u>Property Address</u>
DFI 102 BROADWAY LLC	102 BROADWAY N
DFI BLACK BUILDING LLC	110 BROADWAY N
DFI BLACK BUILDING LLC	114 BROADWAY N
WALTON CHIROPRACTIC CLINIC PC	120 BROADWAY N
DFI BD LLC	122 BROADWAY N
C/D DFI BG LLC	617 1 AVE N
C/D DFI BG LLC	613 1 AVE N
DFI KESLER LLC	624 2 AVE N
THE GRAVER LP	123 ROBERTS ST N
THE GRAVER LP	123 ROBERTS ST N
WINDERS, JOHNSON, & YOUNG LLC	113 ROBERTS ST N
NICKEL PARTNERS LLP	107 ROBERTS ST N
DAKOTAH PIONEER LTD PTSHP	625-641 1 AVE N
DAKOTAH PIONEER LTD PTSHP	625-641 1 AVE N
DFI BJ LLC	621 1 AVE N
VFW CLUB OF FARGO	202 BROADWAY N
OELUCK INC	206 BROADWAY N
LORETTA LLC	210 BROADWAY N
LORETTA LLC	212 BROADWAY N
HANSON PROPERTIES LLC	214 BROADWAY N
HATCH & YOUNG LLC	216 BROADWAY N
HOUSING & REDEVELOPMENT AUTHORITY OF THE CITY OF FARGO	220 BROADWAY N
HOUSING & REDEVELOPMENT AUTHORITY OF THE CITY OF FARGO	220 BROADWAY N
BANNER LLC	222 BROADWAY N
DFI DILLARD LLC	247 ROBERTS ST N
DFI DILLARD LLC	223 ROBERTS ST N
DFI DILLARD LLC	227 ROBERTS ST N
DFI DILLARD LLC	231 ROBERTS ST N
DFI DILLARD LLC	235 ROBERTS ST N
DFI DILLARD LLC	230 ROBERTS ALY N
THREE STAR INVESTORS LLC	226 BROADWAY N
C/D AML HOLDINGS LLC	228 BROADWAY N
EHLEN, PHYLLIS E	230 BROADWAY N
FARGO THEATRE MANAGEMENT CORP	314 BROADWAY N
WARNER INVESTMENT CORP	318 BROADWAY N
CENTRAL BILLING INC	322 BROADWAY N
CENTRAL BILLING INC	324 BROADWAY N
ROBERTS STREET CHAPEL LLC	333 ROBERTS ST N
FLOORING PROPERTIES II, LLP	317 ROBERTS ST N
DFI SMITH FOLLETT & CROWL LLC	309 ROBERTS ST N
DFI SMITH FOLLETT & CROWL LLC	309 ROBERTS ST N
HOUSING & REDEVELOPMENT AUTHORITY OF THE CITY OF FARGO	303 ROBERTS ST N
HOUSING & REDEVELOPMENT AUTHORITY OF THE CITY OF FARGO	303 ROBERTS ST N
PORTERFIELD LLC	109 ROBERTS ST N UNIT 5
HATCH & YOUNG LLC	111 ROBERTS ST N UNIT 8
HATCH & YOUNG LLC	111 ROBERTS ST N UNIT 7
HATCH & YOUNG LLC	111 ROBERTS ST N UNIT 6
PORTERFIELD LLC	109 ROBERTS ST N UNIT 4
YOUNG, ANDREW J	111 ROBERTS ST N UNIT 3
SAMUELSON, LISA J	111 ROBERTS ST N UNIT 2
YOUNG, THAN J & CHARLOTTE M	111 ROBERTS ST N UNIT 1

<u>Owner</u>	<u>Property Address</u>
DFI ROBERTS LLC	625 2 AVE N
DFI ROBERTS LLC	207 ROBERTS ST N
DFI ROBERTS LLC	655 2 AVE N
DFI ROBERTS LLC	623 2 AVE N
DFI ROBERTS LLC	621 2 AVE N
DFI ROBERTS LLC	615 2 AVE N
DFI ROBERTS LLC	204 ROBERTS ALY N
DFI ROBERTS LLC	206 ROBERTS ALY N
DFI ROBERTS LLC	208 ROBERTS ALY N
DFI ROBERTS LLC	210 ROBERTS ALY N
DFI ROBERTS LLC	214 ROBERTS ALY N
DFI ROBERTS LLC	218 ROBERTS ALY N
DFI ROBERTS LLC	619 2 AVE N
DFI ROBERTS LLC	635 2 AVE N
CITY OF FARGO	217 ROBERTS ST N
MOLBERT, LAURIS N T/O/D	300 BROADWAY N UNIT 301
BURGUM, DOUGLAS J	300 BROADWAY N UNIT 404
WEINGARTEN, BENJAMIN J	300 BROADWAY N UNIT P1
DFI 300 BROADWAY LLC	300 BROADWAY N UNIT 104
WEINGARTEN, BENJAMIN J	300 BROADWAY N UNIT 304
MOLBERT, LAURIS N TRUST	300 BROADWAY N UNIT P2
CHRISTIANSON, SANDRA V	300 BROADWAY N UNIT 201
DFI 300 BROADWAY LLC	300 BROADWAY N UNIT P5
DFI 300 BROADWAY LLC	300 BROADWAY N UNIT 101
KNUTSON, CAMERON M	300 BROADWAY N UNIT 405
C/D FARGO THEATRE MANAGEMENT (THE)	300 BROADWAY N UNIT 105
ORMBRECK, HARLAN & SHARON	300 BROADWAY N UNIT P3
WHITE, DAVID H & THERESE A	300 BROADWAY N UNIT 305
COURSEY, RICHARD L JR	300 BROADWAY N UNIT P4
ORMBRECK, HARLAN & SHARON	300 BROADWAY N UNIT 203
JOHNSON, TERRY D	300 BROADWAY N UNIT 406
DFI 300 BROADWAY LLC	300 BROADWAY N UNIT P6
SCHWERT, DONALD P T/O/D	300 BROADWAY N UNIT 204
DFI 300 BROADWAY LLC	300 BROADWAY N UNIT P7
KERBER, BEVERLY D	300 BROADWAY N UNIT 205
KOLSTAD, MARK A & SUSAN O	300 BROADWAY N UNIT 303
STARK, CHAD W & JENNIFER A	300 BROADWAY N UNIT 401
DFI 300 BROADWAY LLC	300 BROADWAY N UNIT 102
DFI 300 BROADWAY LLC	300 BROADWAY N UNIT 103
SAWARDEKER, PRASAD J	300 BROADWAY N UNIT 202
COURSEY, RICHARD L JR	300 BROADWAY N UNIT 306