

FARGO PLANNING COMMISSION AGENDA
Tuesday, May 1, 2018 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of April 3, 2018
- C: Brown Bag Luncheon - Wednesday, May 16, 2018
- D: Public Hearing Items:
 - 1a. Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO JULY 3, 2018
 - 1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO JULY 3, 2018
 - 1c. Continued hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed **NSC Addition**. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO JULY 3, 2018
 - 1d. Continued hearing on an application requesting a Plat of **NSC Addition** (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District) (me): CONTINUED TO JULY 3, 2018
 - 2a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, within the boundaries of the proposed **Madelyn's Meadows Addition**. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness) (dk)
 - 2b. Continued hearing on an application requesting a Plat of **Madelyn's Meadows Addition** (Major Subdivision) a replat of a portion of the Southeast 1/4 of Section 11, T138N, R49W, to the City of Fargo, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness) (dk)
 - 3. Continued Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan on an unplatted portion of the Northeast Quarter of **Section 12**,

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.

Township 139 North, Range 49 West. (Located at 1345 Main Avenue) (International Market Plaza, LLC/Fowzia Adde) (bv): WITHDRAWN

4. Hearing on an application requesting a Zoning Change to repeal and reestablish a C-O Conditional Overlay, on Lot 1, Block 4, Lots 2-4, Block 5, and Lots 3-4, Block 8, **Urban Plains by Brandt 1st Addition**; Lots 2-3, Block 1, Lot 2, Block 2, Lot 1, Block 3, Lots 2-3, Block 5, and part of Lot 1, Block 5, **Urban Plains by Brandt 2nd Addition**; Lots 5-6, Block 1, **Urban Plains Medical Park Addition**; Lots 7-9 and part of Lot 10, Block 1, **Urban Plains Retail Addition**; Lots 1-3, Block 3 and Lot 1, Block 4, **Urban Plains Center Addition**; Parts of Lots 3 and 5, and all of Lot 4, Block 1, **Urban Plains Northeast Retail Addition**; and Lots 2-3, Block 1, **Urban Plains Northeast Retail 2nd Addition**. (Located at 4680, 5100, and 5101 28th Avenue South; 4651 and 4845 30th Avenue South; 5298 31st Avenue South; 4543 and 4737 32nd Avenue South; 2911 45th Street South; 2640, 2660, 2720, 2740, 2760, and 2780 47th Street South; 3180 49th Street South; 3023, 3057, 3079, and 2701 51st Street South; 2633 and 2867 55th Street South; 2907, 2915, 2949, 2975, 3037, and 3151 Seter Parkway South; 3050 and 3155 Brandt Drive South; and 4574 Urban Plains Drive South) (Urban Plains Land Company LLC/Houston Engineering, Inc.) (me): CONTINUED TO JUNE 5, 2018
5. Hearing on an application requesting a Plat of **Timber Parkway Third Addition** (Minor Subdivision) a replat of part of Lot 3, Block 1, Timber Parkway Second Addition and Lots 2-6, Block 1, Timber Parkway First Addition to the City of Fargo, Cass County, North Dakota. (Located at 4801, 5003, 5055, 5081, 5107, and 5161 Timber Parkway South) (PLC Investments, LLC/Nate Vollmuth) (me)
6. Hearing on an application requesting a Plat of **Brandt Crossing Fourteenth Addition** (Minor Subdivision) a replat of Lot 2, Block 1, Brandt Crossing Tenth Addition; Lot 2, Block 1, Brandt Crossing Eleventh Addition; Lot 2, Block 1 Brandt Crossing Twelfth Addition; and, Brandt Crossing Thirteenth Addition to the City of Fargo, Cass County, North Dakota. (Located at 5049 33rd Avenue South and 3252, 3266, 3274, and 3284 51st Street South) (Brandt Crossing, LLC/Nate Vollmuth) (kb)
7. Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential, on Lot 1, Block 5, **Valley View 4th Addition**. (Located at 3651 56th Street South) (Commerce of 56th LLC/Brian Kounovsky) (kb)
8. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to P/I with C-O, Public and Institutional with a Conditional Overlay for Lots 13-16, **Ohmers Addition**. (Located at 1401, 1407, 1409, 1413, and 1415 8th Street North and 1402, 1406, 1410, 1412, 1414, and 1420 7th Street North) (Holy Spirit Catholic Church and School) (kb)
9. Hearing on an application requesting a Plat of **19th Avenue Southwest Pond Addition** (Major Subdivision) a plat of part of the southeast quarter of Section 28, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota.

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.

(Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP) (dk) : CONTINUED TO JUNE 5, 2018

10. Hearing on an application requesting a Plat of **19th Avenue Northeast Pond Addition** (Major Subdivision) a plat of part of the southeast quarter of Section 28, Township 140 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP) (dk) : CONTINUED TO JUNE 5, 2018
- 11a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial, within the boundaries of the proposed **Larkin Addition**. (Located at 3949 37th Avenue South; 3555 and 3611 38th Street South; and 3552 and 3600 39th Street South) (Larkin Properties, LLP/Brian Pattengale) (dk)
- 11b. Hearing on an application requesting a Plat of **Larkin Addition** (Minor Subdivision) a replat of Lots 1-2, Block 1, Larson Addition; part of Lot 2, Block 1, Collins Third Subdivision; vacated portions of 36th Avenue South and 36th Street South; and an unplatted portion of the Southeast Quarter of Section 27, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota. (Located at 3949 37th Avenue South; 3555 and 3611 38th Street South; and 3552 and 3600 39th Street South) (Larkin Properties, LLP/Brian Pattengale) (dk)
12. Hearing on an application requesting a Plat of **Minnkota Section 16 1st Subdivision** (Major Subdivision) a replat of Minnkota Section 16 Subdivision, Cass County, North Dakota. (Located at 5181 76th Avenue South) (Minnkota Power Cooperative/Blake Sexton) (dk)
13. Hearing on an application requesting a Plat of **Maple Valley Fourth Addition** (Minor Subdivision) a replat of Lot 2, Block 7, Maple Valley Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3350, 3430, 3460, 3480, and 3540 63rd Avenue South) (Verazity Properties, LLC/Jon Miller) (bv)

E: Other Items:

1. Annexation of approximately 35.22 acres of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Sitka Investments) (dk)
2. Appeal of an Administrative Decision to Approve a Residential Protection Standard (RPS) waiver on a property located at 1314 12th Street North. (Ohmer's Addition) (kb)

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.

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, April 3, 2018

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, April 3, 2018.

The Planning Commissioners present or absent were as follows:

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

Absent: Melissa Sobolik

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following Agenda items:

- Items 1, 4a, 4b, and 4c have been withdrawn by the applicants.
- Items 2a, 2b, and 8 have been continued to the May 1, 2018 Planning Commission meeting.
- Items 5a, 5b, and 5c have been continued to the June 5, 2018 Planning Commission meeting.

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

Item B: Minutes: Regular Meeting of March 6, 2018

Member Steffes moved the minutes of the March 6, 2018 Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, April 18, 2018 Brown Bag Luncheon

Topic: To Be Determined

Item D: Public Hearing Items:

Item 1: Craigs Oak Grove Addition

Continued hearing on an application requesting a Plat of Craigs Oak Grove Addition (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to

the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig): WITHDRAWN

A Hearing had been set for November 7, 2017. At the November 7, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to February 6, 2018. At the February 6, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

Item 2: Madelyn's Meadows Addition

2a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, within the boundaries of the proposed Madelyn's Meadows Addition. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): CONTINUED TO MAY 1, 2018

2b. Continued hearing on an application requesting a Plat of Madelyn's Meadows Addition (Major Subdivision) a replat of a portion of the Northeast 1/4 of the Southeast 1/4 of Section 11, T138N, R49W, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): CONTINUED TO MAY 1, 2018

A Hearing had been set for December 5, 2017. At the December 5, 2017 meeting, the hearing was continued to February 6, 2018. At the February 6, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to May 1, 2018.

Item 3: Cityscapes Business Park Addition

Continued hearing on an application requesting a Plat of Cityscapes Business Park Addition (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth): APPROVED WITH CONDITION

A Hearing had been set for November 7, 2017. At the November 7, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to February 6, 2018. At the February 6, 2018 meeting, the Hearing was continued to March 6, 2018. At the March 6, 2018 meeting, the Hearing was continued to this date and time.

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

Member Stofferahn present.

Applicant Rick Flacksbarth, Cityscapes Development, spoke on behalf of the application thanking staff for their work on the project.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Cityscapes Business Park Addition subdivision plat, and 2) Subdivision Waiver for drain setback, as presented as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, and Section 20-0907(D)(3)(a-c) of the Land Development Code and all other applicable requirements of the Land Development Code, contingent on the City Commission approving a quitclaim deed for City-owned property within this project site. Second by Member Gunkelman. On call of the roll Members Schneider, Scherling, Stofferahn, Tasa, Steffes, Magelky, Gunkelman, Morgan, and Fischer voted aye. Absent and not voting: Member Sobolik. The motion was declared carried.

Item 4: Villas at Shadow Crest Addition

4a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay within the boundaries of the proposed Villas at Shadow Crest Addition. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): WITHDRAWN

4b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed Villas at Shadow Crest Addition. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): WITHDRAWN

4c. Hearing on an application requesting a Plat of Villas at Shadow Crest Addition (Major Subdivision) including a Subdivision Waiver for reduced street right of way width and for sidewalks with an Alternative Access Plan, a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): WITHDRAWN

A hearing had been set for March 6, 2018. At the March 6, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

Item 5: Kirkham's Second Addition

5a. Hearing on an application requesting a Growth Plan Amendment on Lots 4-9, Block 14, Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): CONTINUED TO JUNE 5, 2018

5b. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential, to LC, Limited Commercial with a PUD, Planned Unit Development Overlay on Lots 4-9, Block 14,

Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): CONTINUED TO JUNE 5, 2018

5c. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan for Lots 4-9, Block 14, Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): CONTINUED TO JUNE 5, 2018

A hearing had been set for March 6, 2018. At the March 6, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to June 5, 2018.

Item 6: Lane's Subdivision of Lot 69 of Ohmer's Subdivision

Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on Lots 11-12, of Lane's Subdivision of Lot 69 of Ohmer's Subdivision and the North 50 feet of the East 130 feet of Lot 70, Ohmer's Subdivision. (Located at 1249 and 1253 12th Street North) (Alpha Gamma Delta Fraternity Housing Corporation/Lowry Engineering): APPROVED WITH CONDITIONS

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

Member Steffes moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow for an Alternative Access Plan be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

- 1) The Conditional Use Permit will cease if the land use changes from group living.
- 2) One parking stall per 155 square feet of sleeping area will be required.
- 3) Bicycle parking facilities, such as bike racks or bike lockers, shall be provided on-site.
- 4) Continue to provide additional parking spaces off site from NDSU in order to meet the parking requirements of the Land Development Code.

Second by Member Stofferahn. On call of the roll Members Magelky, Gunkelman, Scherling, Morgan, Schneider, Stofferahn, Tasa, Steffes, and Fischer voted aye. Absent and not voting: Member Sobolik. The motion was declared carried.

Item 7: Morton & Doty's Addition

7a. Hearing on an application requesting a Zoning Change from NO, Neighborhood Office to NO, Neighborhood Office with a PUD, Planned Unit Development Overlay on a portion of Lot 14 and Lots 15-16, Block 23, Morton &

Doty's Addition. (Located at 1620 16th Avenue South) (Dr. Angela Cavette/RHET Architecture): NO ACTION TAKEN – REPLACED BY CUP

7b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan and Final Plan on a portion of Lot 14 and Lots 15-16, Block 23, Morton & Doty's Addition. (Located at 1620 16th Avenue South) (Dr. Angela Cavette/RHET Architecture): NO ACTION TAKEN – REPLACED BY CUP

Assistant Planner Barrett Voigt presented the staff report noting that the application has been updated to a request for a Conditional Use Permit to allow for an Alternative Access Plan, instead of a Planned Unit Development per Subsection 20-0901H of the Land Development Code. Mr. Voigt stated all approval criteria have been met and staff is recommending approval.

Member Scherling moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow for an Alternative Access Plan be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

- 1) 12 existing parking spaces shall remain on site.
- 2) The Conditional Use Permit shall cease if ownership of the proposed medical office use discontinues for 6 months or more.
- 3) The medical office use shall be limited to no more than 10 employees on the property at one time.
- 4) A 6-foot high opaque fence shall be placed along both the south and east property lines.

Second by Member Morgan. On call of the roll Members Gunkelman, Steffes, Tasa, Magelky, Morgan, Stofferahn, Schneider, Scherling, and Fischer voted aye. Absent and not voting: Member Sobolik. The motion was declared carried.

Item 8: Section 12, Township 139 North, Range 49 West

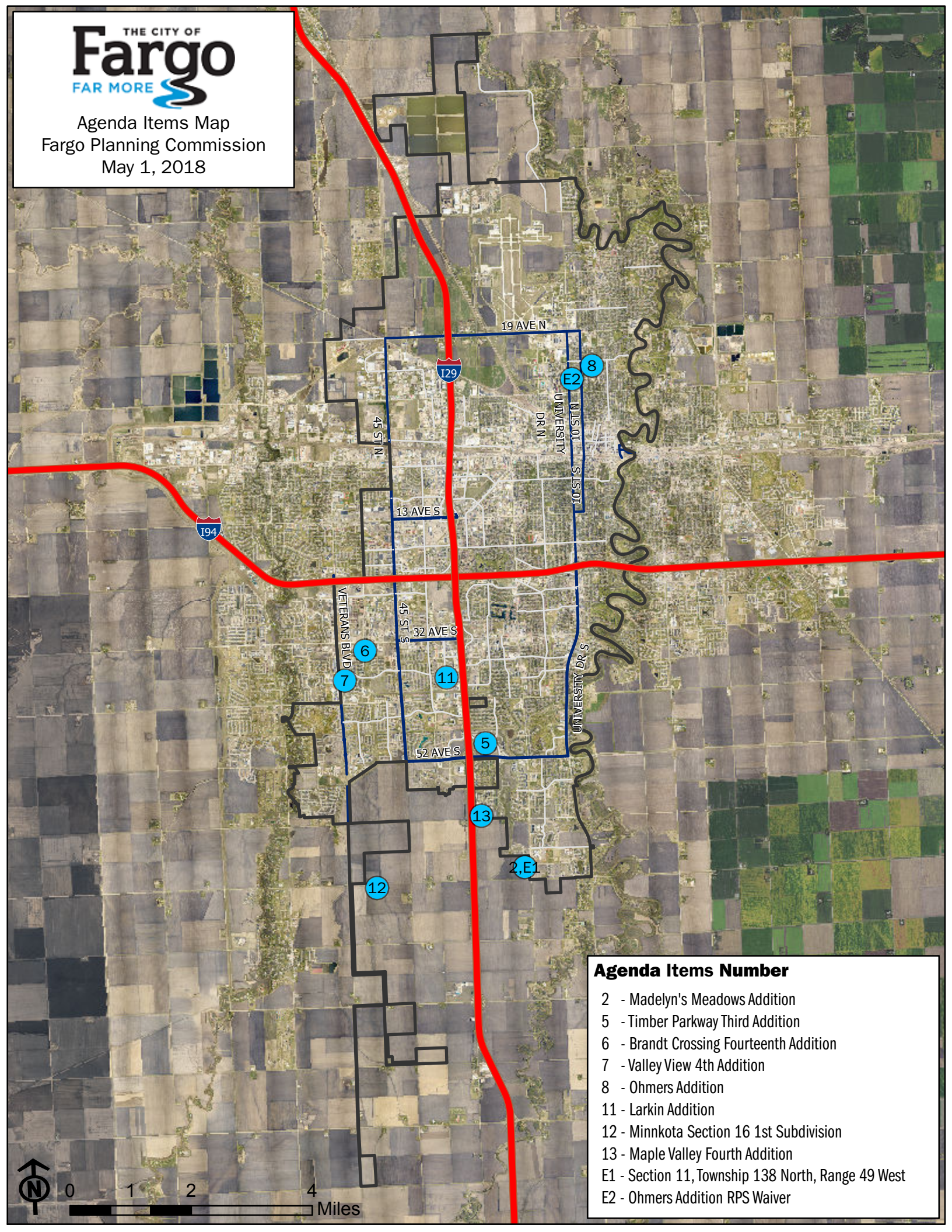
Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan on an unplatted portion of the Northeast Quarter of Section 12, Township 139 North, Range 49 West. (Located at 1345 Main Avenue) (International Market Plaza, LLC/Fowzia Adde): CONTINUED TO MAY 1, 2018

A hearing had been set for this date and time; however, the applicant has requested this item be continued to May 1, 2018.

Item E: Other Items:

Commissioner Tony Grindberg commended Mr. Flacksbarth for his comment of appreciation to City staff.

The time at adjournment was 3:17 p.m.



Agenda Items Number

- 2 - Madelyn's Meadows Addition
- 5 - Timber Parkway Third Addition
- 6 - Brandt Crossing Fourteenth Addition
- 7 - Valley View 4th Addition
- 8 - Ohmers Addition
- 11 - Larkin Addition
- 12 - Minnkota Section 16 1st Subdivision
- 13 - Maple Valley Fourth Addition
- E1 - Section 11, Township 138 North, Range 49 West
- E2 - Ohmers Addition RPS Waiver



City of Fargo Staff Report			
Title:	Madelyn's Meadows First Addition	Date:	4/26/2018
Location:	7269 25 th Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the SE1/4, Sec. 11, T138N R49W, Cass County, North Dakota		
Owner(s)/Applicant:	Sitka Investments, LLC/Jon Youness	Engineer:	Wenck Associates
Entitlements Requested:	Major Subdivision (Portion of the SE1/4, Sec. 11, T138N R49W, City of Fargo, Cass County, North Dakota) Zone Change (from AG, Agriculture to SR-4, Single-Dwelling Residential, and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses)		
Status:	Planning Commission Public Hearing: May 1, 2018		

Existing	Proposed
Land Use: Undeveloped	Land Use: Residential
Zoning: AG, Agricultural	Zoning: SR-4, Single Dwelling Residential; P/I, Public/Institutional with a C-O, Conditional Overlay; AG
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	<p>Uses Allowed: SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;</p> <p>P/I Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events; with a C-O, conditional overlay to restrict uses as shown</p> <p>AG –Allows detached houses, parks and open space, safety services, basic utilities, and crop production (Lot 9, Block 3 will remain zoned AG)</p>
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Density Allowed: SR-4 allows 12.1 dwelling units per acre; AG allows a maximum of 1 dwelling unit per 10 acres; P/I has no density standard

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **Madelyn’s Meadows First Addition**, a three block, 45 lot subdivision, which is a plat of a portion of the SE1/4, Sec. 11, T138N R49W, Cass County, North Dakota
2. A zone change from AG: Agricultural to SR-4, Single Dwelling Residential and P/I, Public/Institutional with a C-O, Conditional Overlay for a portion of the property within the Madelyn’s Meadows First Addition. (Lot 9, Block 3 will remain zoned AG)

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

Surrounding Land Uses and Zoning Districts:

- North: SR-4, Single Dwelling Residential
- East: P/I, Davies High School directly across 25th Street South; MR-2, Multi Dwelling Residential and LC, Limited Commercial across 25th Street South, south of 73rd Avenue South.
- South: AG, undeveloped
- West: Cass County Drain 53; AG-zoned undeveloped land outside of city limits on the west side of this drain.

Area Plans:

The 2007 Tier 1 Southeast Growth Plan, part of the 2007 Growth Plan, designates the area of this project as “Residential Area – lower to medium density” land use. Per that plan, both the proposed SR-4 and P/I zonings are consistent with this land use designation.



Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as “low density residential” development. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity as noted below. The land use plan has not been officially adopted by the Planning Commission (This land use plan is Figure 5.1 of the SWMTP)

Context:

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

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

Parks: Davies Athletic Complex (1880 70th Avenue S) is located approximately 0.39 miles east of the project site and provides the amenities of baseball/softball fields.

Pedestrian / Bicycle: There are off-road bike facilities along 25th Street South that are a component of the metro area bikeways system.

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create a total of 45 lots--40 residential lots in three blocks, three lots to be owned by government agencies, and two lots that will remain undeveloped at this time, as noted in the chart below.

BLOCK	LOTS	ZONING	LAND USE
1	1-16	SR-4	Single-Dwelling Residential
2	1-16	SR-4	Single-Dwelling Residential
3	1-8	SR-4	Single-Dwelling Residential
3	9	Remains AG	For future development
3	10	P/I, with a C-O, Conditional overlay to restrict uses to "park and open space" and 'detention facilities"	Park and detention basin; to be conveyed to Fargo Park District after plat recordation
3	11	P/I, with a C-O, Conditional overlay to restrict uses to "park and open space" and 'detention facilities"	For future development; applicant will eventually rezone it for residential development
3	12	P/I to restrict uses to "park and open space" and 'detention facilities"	Levee; to be dedicated to City of Fargo by this plat
3	13	P/I to restrict uses to "park and open space" and 'detention facilities"	For future expansion of Drain 53; to be conveyed to Southeast Cass Water Resource District by this plat

SR-4 ZONING: The SR-4 zoned single-dwelling lots range in size from 5,763 square feet to 13,610 square feet. All lots meet the minimum required lot area of the SR-4 zone of 3,600 square feet.

P/I ZONING WITH CONDITIONAL OVERLAY: The P/I zoning with a conditional overlay to restrict land uses to "park and open space" and "detention facilities" is applied to Lots 10, 12, and 13, Block 3 as these lots will be conveyed to government agencies for uses specified in the chart above. The P/I zoning with the C-O, conditional overlay will be applied to Lot 11, Block 3 as a placeholder. Though the applicant intends to develop this lot with residential development in the future, that is a future phase. The lot does not meet the minimum required 10-acre lot size to remain zoned AG, Agricultural, so staff has applied the P/I zoning to this lot until it is ready to be developed. The applicant may apply to rezone this lot to the appropriate residential zone at the time it is developed.

AG ZONING ON LOT 9, BLOCK 3: Lot 9, Block 3 will remain zoned AG: Agricultural. Though the applicant intends to develop this lot with residential development in the future, that is a future phase. The applicant may apply to rezone this lot to the appropriate residential zone at the time it is developed.

ACCESS: The lots will be accessed by way of dedicated public streets. Necessary rights of way will be dedicated with the plat. 73rd Avenue South west of 26th Street will not be developed at this time, but will provide a public right of way connection from the developed lots of Blocks 1, 2, and 3 to the detention basin on Lot 10, Block 3

AMENITIES PLAN: The applicant has provided a draft amenities plan providing details of the project's streets, trails, and description of the lots to be owned by government agencies. A copy of this plan is attached. This plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the project being heard at the City Commission.

PARKS AND TRAILS: A trail is required along 73rd Avenue South, within the 80-foot public right of way, and is so noted in the amenities plan. Lot 10, Block 3 is will be conveyed to the Fargo Park District after the plat is recorded.

STORMWATER: A detention basin will be created on Lot 10, Block 3. This lot will be owned by the Fargo Park District but the detention basin will be maintained by the City of Fargo.

MASTER PLAN: The applicant has provided a conceptual master plan (copy attached) for a larger area than is being platted at this time. The master plan illustrates future development, lots, park, and trails, with street connectivity as indicated in the Southwest Metro Transportation Plan (see graphic below).

EXCERPT FROM FIGURE 6.12, SOUTHWEST METRO TRANSPORTATION PLAN (2016)



ANNEXATION—PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through an owner-initiated petition. The proposed annexation area is depicted on the 2007 Tier 1 Southeast Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo.

ANNEXATION--PROCESS

This request for annexation is scheduled to be reviewed by PWPEC at their April 30, 2018 meeting. The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan in item E(1) of the May 1, 2018 Planning Commission agenda. A hearing is intended to be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing.

DEVELOPER-SPONSORED NEIGHBORHOOD MEETING

The applicant has advised Planning staff that he is intending to hold an informal neighborhood meeting with the residents from Golden Valley at 6:00 pm on Monday at Davies High School Room H-101. He wanted to answer any questions they might have about the project before the meeting. The applicant may have a report about this meeting at the Planning Commission hearing.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of SR-4 is consistent with the 2007 Tier 1 Southeast Growth Plan designation of the area of this project as “Residential Area – lower to medium density.” Per that plan, the proposed P/I zoning can be used in this land use category. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as “low density residential” development. **(Criteria Satisfied)**

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

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

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

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

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” The Growth Plan that applies to this property is the 2007 Tier 1 Southeast Growth Plan, part of the 2007 Growth Plan. This plan designates this property as appropriate for lower to medium density residential development, which includes the SR-4 and P/I zones. The overall project provides a gross density of approximately one dwelling unit per acre. The actual area being developed with residential development at this time (Blocks 1 and 2 and Lots 1-8 of Block 3) provides a gross density of approximately four dwelling units per acre. These densities do not exceed the maximum density of 12.1 dwelling units per acre allowed in the SR-4 zone. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as “low density residential” development. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

1. Section 20-0907(C)(1)(Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.

The zoning for the residential development on this property is SR-4. The SR-4 zone will accommodate the proposed single-family development. The SR-4 zoning designation is consistent with the “low density residential” designation for this property in the 2007 Tier 1 Southeast Growth Plan. Per that plan, the P/I zoning designation can also be used in this land use category. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as “low density residential” development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject

property. To date, staff has received one phone inquiry about the project and has met with the property owner to the south.

(Criteria Satisfied)

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

The proposed zoning is SR-4. This zoning is consistent with the 2007 Tier 1 Southeast Growth Plan, which designates this property for lower to medium density residential development. Per that plan, the P/I zoning designation can also be used in this land use category. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as "low density residential" development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. 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. For this project, the applicant intends to construct the improvements himself and has been working with the City Engineer on the process for doing so.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to SR-4, Single Dwelling Residential and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses; and 2) **Madelyn's Meadows First Addition** subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: May 1, 2018

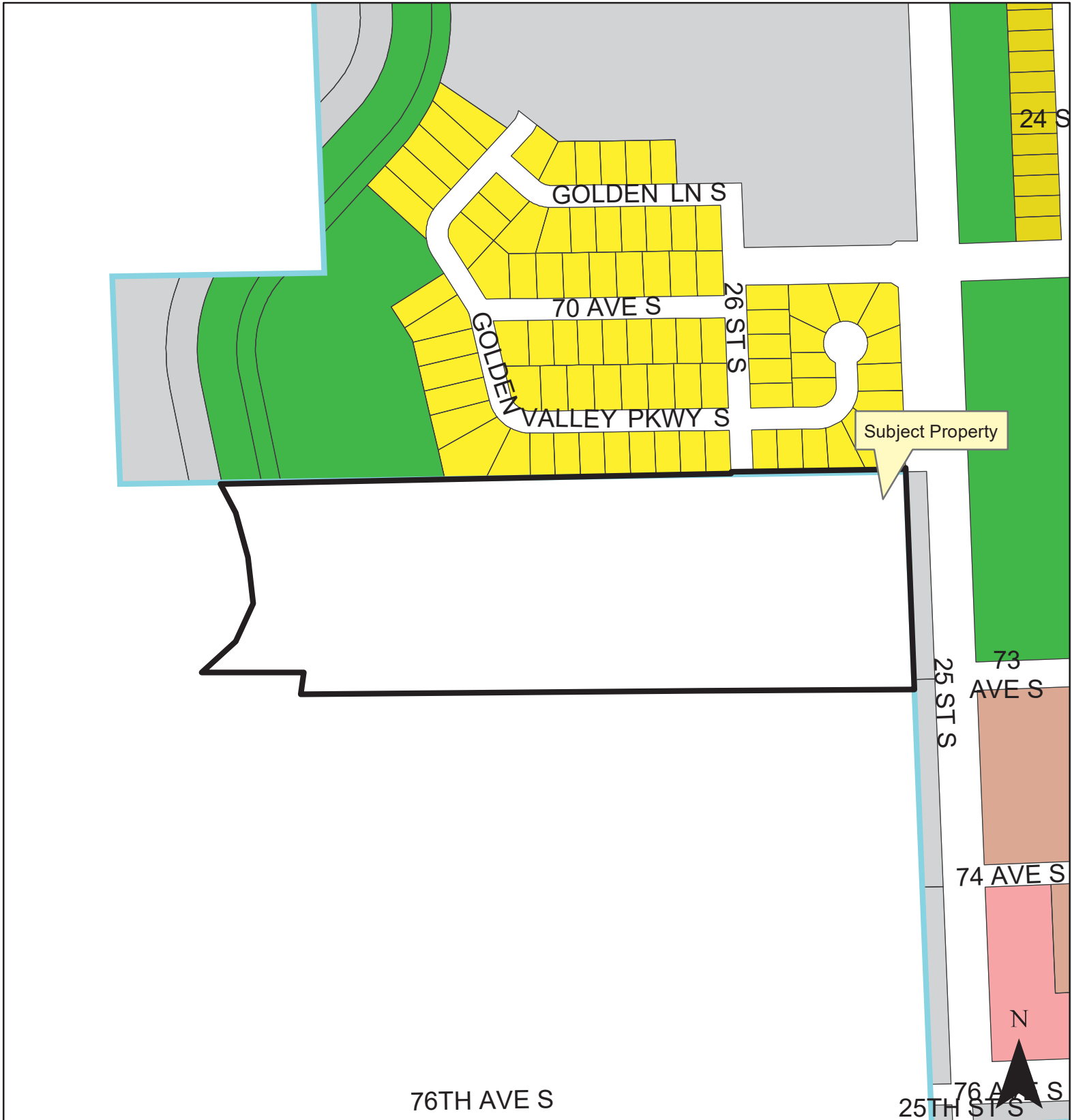
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Conceptual master plan
5. Draft Amenities Plan

Plat (Major) and Zone Change (AG to SR-4)

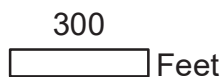
Madelyn's Meadows Addition

7269 25 Street South



Legend

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



Fargo Planning Commission
May 1, 2017

Plat (Major) and Zone Change (AG to SR-4)

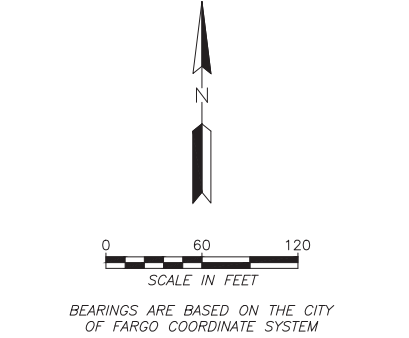
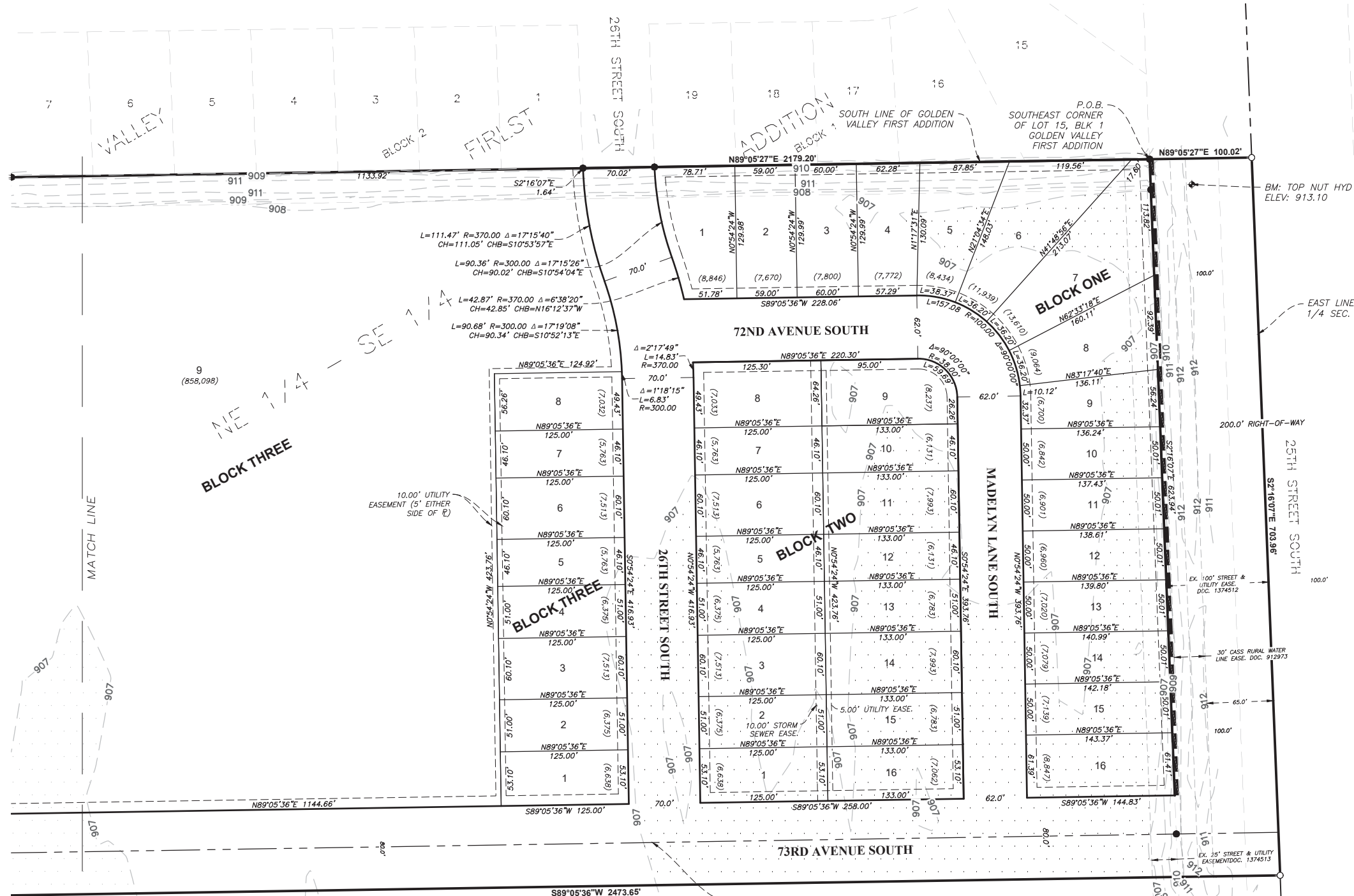
Madelyn's Meadows Addition

7269 25 Street South



MADELYN'S MEADOWS FIRST ADDITION

A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST
TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA



- LEGEND**
- SET 5/8"x18" REBAR W/ YELLOW PLASTIC CAP L.S.-27292
 - FOUND IRON MONUMENT
 - PLAT BOUNDARY
 - - - LOT LINE
 - - - NEW EASEMENT LINE
 - - - EXISTING LOT LINE
 - - - EXISTING EASEMENT
 - - - RIGHT-OF-WAY LINE
 - - - NEGATIVE ACCESS EASEMENT
 - - - SECTION LINE
 - - - QUARTER LINE
 - (6,500) LOT AREAS IN SQ. FT.
 - - - 100YR FLOOD PLAIN
 - - - CONTOURS

- NOTES:**
1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 2. UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
 3. NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF MADELYN MEADOWS FIRST ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
 4. PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE "AE" ACCORDING TO FEMA FIRM MAP 38017C07900 WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 907' (NAVD88) ACCORDING TO FEMA. CONTOUR INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY CONDUCTED NOV. 17, 2017.

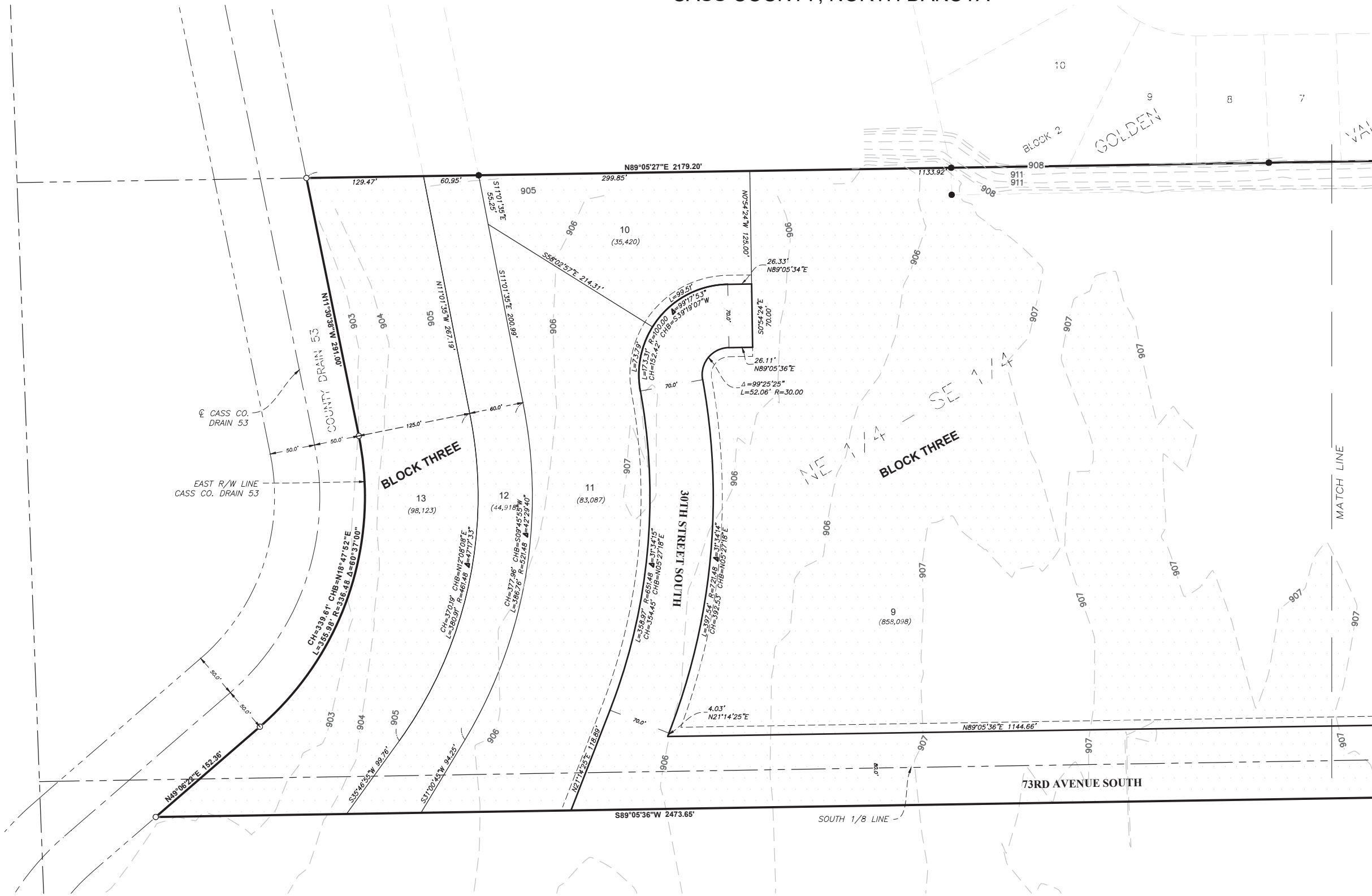
3303 Fiechtner Drive
Fargo, ND 58103

Ph: 701-297-9600
Fax: 701-297-9601

MADELYN'S MEADOWS FIRST ADDITION

A PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 49 WEST
TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA

U:\Survey\Projects\510-2001_Edge Ridge Partners, LLC\2019 - Madelyn Meadows Addition\Drawings\510-2019_MADELYN_MEADOWS.dwg
 Plot Date & Time: 23 April 2018 2:51 PM



0 60 120
SCALE IN FEET

BEARINGS ARE BASED ON THE CITY OF FARGO COORDINATE SYSTEM

LEGEND

- SET 5/8"x18" REBAR W/ YELLOW PLASTIC CAP L.S.-27292
- FOUND IRON MONUMENT
- PLAT BOUNDARY
- LOT LINE
- NEW EASEMENT LINE
- EXISTING LOT LINE
- EXISTING EASEMENT
- RIGHT-OF-WAY LINE
- NEGATIVE ACCESS EASEMENT
- SECTION LINE
- QUARTER LINE
- (6,500) LOT AREAS IN SQ. FT.
- 100YR FLOOD PLAIN CONTOURS

- NOTES:**
1. GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF U.S. SURVEY FEET.
 2. UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT-OF-WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.
 3. NEGATIVE ACCESS EASEMENT, AS NOTED ON THE PLAT OF MADELYN MEADOWS FIRST ADDITION, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OR ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
 4. PART OF THIS PLAT FALLS IN FLOODPLAIN ZONE 'AE' ACCORDING TO FEMA FIRM MAP 38017C0790G WITH AN EFFECTIVE DATE 1/16/2015. THE BASE FLOOD ELEVATION IN THIS AREA IS 907' (NAVD88) ACCORDING TO FEMA CONTOUR INFORMATION SHOWN IS DERIVED FROM FIELD SURVEY CONDUCTED NOV. 17, 2017.

WENCK ASSOCIATES

Responsive partner. Exceptional outcomes.

3303 Fiechtner Drive
Fargo, ND 58103

Ph: 701-297-9600
Fax: 701-297-9601



DRAIN 53 ROW

POND EXPANSION AREA
TRAIL CONNECTION

MR-2

MR-2

PARK

16

16

34

15

16

16

16

11

22

22

22

MR-3

29 STREET SOUTH

28 STREET SOUTH

27 STREET SOUTH

26 STREET SOUTH

25 STREET SOUTH

30 STREET SOUTH

LC

74TH AVE S

MR-3

LC

76TH AVE S

73RD AVE S

LOT 1
BLOCK 6

BLOCK 7

LOT 1

**Site Amenities and
Project Plan
Madelyn's Meadows Addition
DRAFT FOR PWPEC REVIEW**

Location: The subject property is legally referenced to as Madelyn's Meadows Addition including Lots 1-16 of Block 1, 1-16 of Block 2 and 1-13 of Block 3, a part of the plat in the Northeast quarter of the southeast quarter of Section 11, Township 138, Range 49 West, Cass County, North Dakota. The property comprises approximately 36.83 acres

Details: The project includes 40 SR-4 zoned lots on three (3) blocks and is generally located between Golden Valley and 73rd Avenue South; just south of Golden Valley Additions and west of Davies 1st Addition. Lots 9 and 11 of Block 3 will be platted but will remain zoned AG until such time as they are re-platted and re-zoned in the future. Lot 10 Block 3 will be platted and Zoned P/I and shall be used for detention and shall be deeded to the Fargo Park District. Lots 12 and 13 Block 3 will be zoned P/I and are to be used for the Drain 53 improvements. As approved, the project is intended to be developed as single family residential units, pursuant to the LDC. The overall gross density calculates to approximately 3.96 units per acre.

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

26th Street South between Golden Valley and 73rd Avenue South: This segment of 26th Avenue South has been designated as a *local* roadway pursuant to §20.0702.

- ROW dedication for 26th Street South shall be 70 feet;
- Street widths shall be 32 feet with parking allowed on both sides of the street, with appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards;
- 4.5 foot sidewalks shall be incorporated into the boulevards as required by §20.0611-

73rd Avenue South between 25th Street South and 30th Street South: This segment of 73rd Avenue South has been designated as a *collector* roadway pursuant to §20.0702.

- ROW dedication for 73rd Avenue South shall be 80 feet;
- Street widths shall be 40 feet with parking allowed on both sides of the street, with appropriate signage to be installed by the City of Fargo at which time public improvements are completed;
- Street lighting shall be determined by the City Engineering Department and installed per city standards;
- 4.5 foot sidewalks shall be incorporated into south boulevard and a 10' sidewalk shall be incorporated into the north boulevard as required by §20.0611-
- Paving for 73rd Avenue South shall commence at the 25th Street South intersection and shall terminate 125' west of the 26th Street South intersection.

Madelyn Lane South between 26th Street South and 73rd Avenue South: This segment of Madelyn's Way South has been designated as a *local* roadway pursuant to §20.0702.

- ROW dedication for Madelyn Lane South South shall be 62 feet;
- Street widths shall be 28 feet with parking allowed on one side of the street with appropriate signage to be installed by the City of Fargo at the time public improvements are completed.
- Street lighting shall be determined by the City Engineering Department and installed per city standards;

- 4.5 foot sidewalks shall be incorporated into the boulevards as required by §20.0611-

Other:

- Developer shall be responsible for coordinating the placement of a group mailbox, parking signage and street light locations with the City of Fargo Engineering Department. These details shall be determined prior to construction of any public improvements. Consideration to maintenance and snow removal for a group mailbox shall be outlined within restrictive covenants for the project.

Engineering and Construction Improvements: The developer shall rely upon and collaborate with the City of Fargo Engineering Department on the design and construction of all public improvements, inclusive of storm water facilities and boulevards, as applicable.

Funding of Improvements: The following shall apply respective to assessed public improvements:

- Public improvements shall be assessed to the benefitting properties, pursuant to city policy

This Amenities Plan is hereby approved.

Jim Bullis, Sitka Investments, LLC

date

Mark H. Bittner, City Engineer

date

City of Fargo Staff Report			
Title:	Timber Parkway 3 rd Addition	Date:	4/26/2018
Location:	4801, 5003, 5055, 5081, 5107, and 5161 Timber Parkway South	Staff Contact:	Maegin Elshaug
Legal Description:	Lot 3, Block 1, Timber Parkway Second Addition and Lots 2-6, Block 1, Timber Parkway First Addition		
Owner(s)/Applicant:	PLC Investments, LLC/Nate Vollmuth	Engineer:	Bolton & Menk
Entitlements Requested:	Minor Subdivision (replat of Lot 3, Block 1, Timber Parkway Second Addition and Lots 2-6, Block 1, Timber Parkway First Addition to the City of Fargo, Cass County, North Dakota		
Status:	Planning Commission Public Hearing: May 1, 2018		

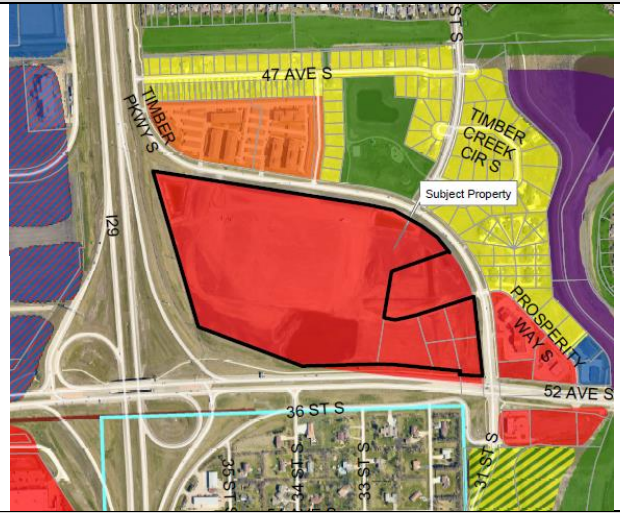
Existing	Proposed
Land Use: Vacant Land	Land Use: Future Commercial Development
Zoning: GC, General Commercial with a C-O, Conditional Overlay	Zoning: unchanged
Uses Allowed: General Commercial allows colleges, community service, daycare centers of unlimited size, detention facilities , health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers , 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.	Uses Allowed: unchanged
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: unchanged

Proposal:
<p>The applicant is proposing a minor subdivision on the subject property. The subject properties are located at 4801, 5003, 5055, 5081, 5107, and 5161 Timber Parkway South, of Lot 3, Block 1, Timber Parkway Second Addition and Lots 2-6, Block 1, Timber Parkway First Addition, and encompass approximately 46.576 acres. The applicant intends to replat for future commercial development.</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 Timber Parkway South is SR-2, Single-Dwelling Residential, SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a park, and MR-3, Multi-Dwelling Residential with apartments; • East: Directly east is GC, General Commercial with a C-O, Conditional Overlay with vacant land; Across Timber Parkway South is SR-4, Single-Dwelling Residential with attached; • West: Interstate 29; • South: Across 52nd Avenue South is Single-Dwelling Residential within the City of Frontier.

Area Plans:

The subject property is located within the 2007 Tier 2 South Land Use Plan. In March of 2014, a growth plan amendment was approved that added additional commercial acreage within the subject property. Pursuant to the growth plan amendment, the area is deemed appropriate for commercial uses.

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



Context:

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

Parks: Located across Timber Parkway South is Timber Creek Park, with trails and a playground.

The Timber Creek development as a whole includes park land dedication (approximately 9.86 acres). Currently, there are no other parks with programmed space or amenities proximal to this development; however, the shared use path and trail network is very strong in this area. The *Prairie Farms Addition* on the south-side of 52nd Avenue South, will include significant open space, programmed park acreage and bike/pedestrian connectivity from 52nd Avenue to 64th Avenue South.

Pedestrian / Bicycle: Off road bike facilities are located along Timber Parkway South and 52nd Avenue South. These facilities are a component of the metro area trail system.

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

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to replat Lot 3, Block 1, Timber Parkway Second Addition and Lots 2-6, Block 1, Timber Parkway First Addition into four lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, **Timber Parkway 3rd Addition**, as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: May 1, 2018

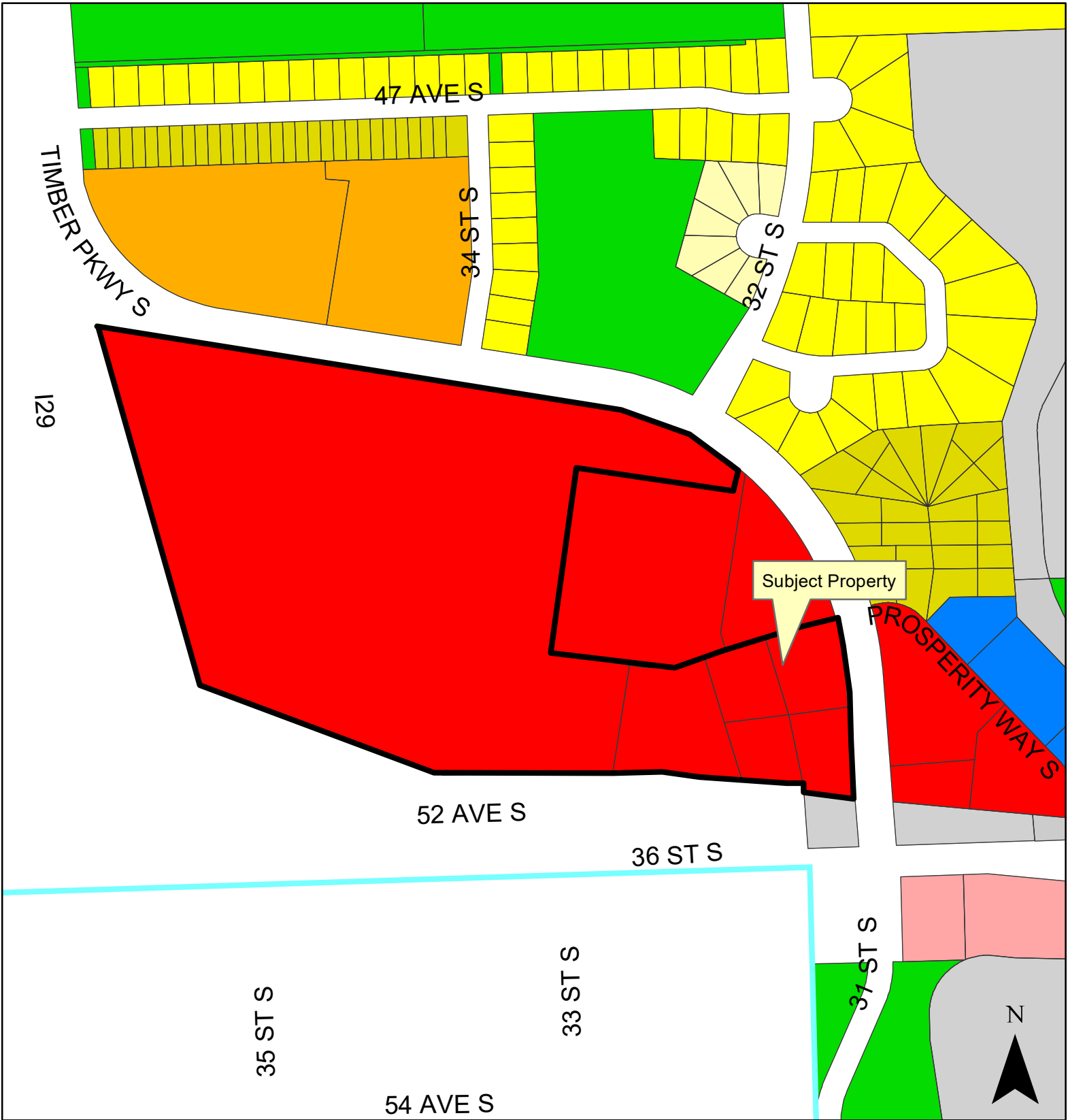
Attachments:

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

Plat (Minor)

Timber Parkway Third Addition

4801, 5003, 5055, 5081,
5107 and 5161 Timber Pkwy S



Legend

AG	LC	MHP	RR-2
DD	MLC	ZZOC	RR-3
GG	RR-1	P/1	RR-4
GO	MR-3	UML	RR-5

300
Feet

Plat (Minor)

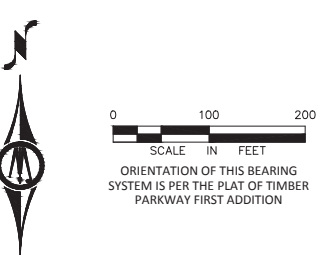
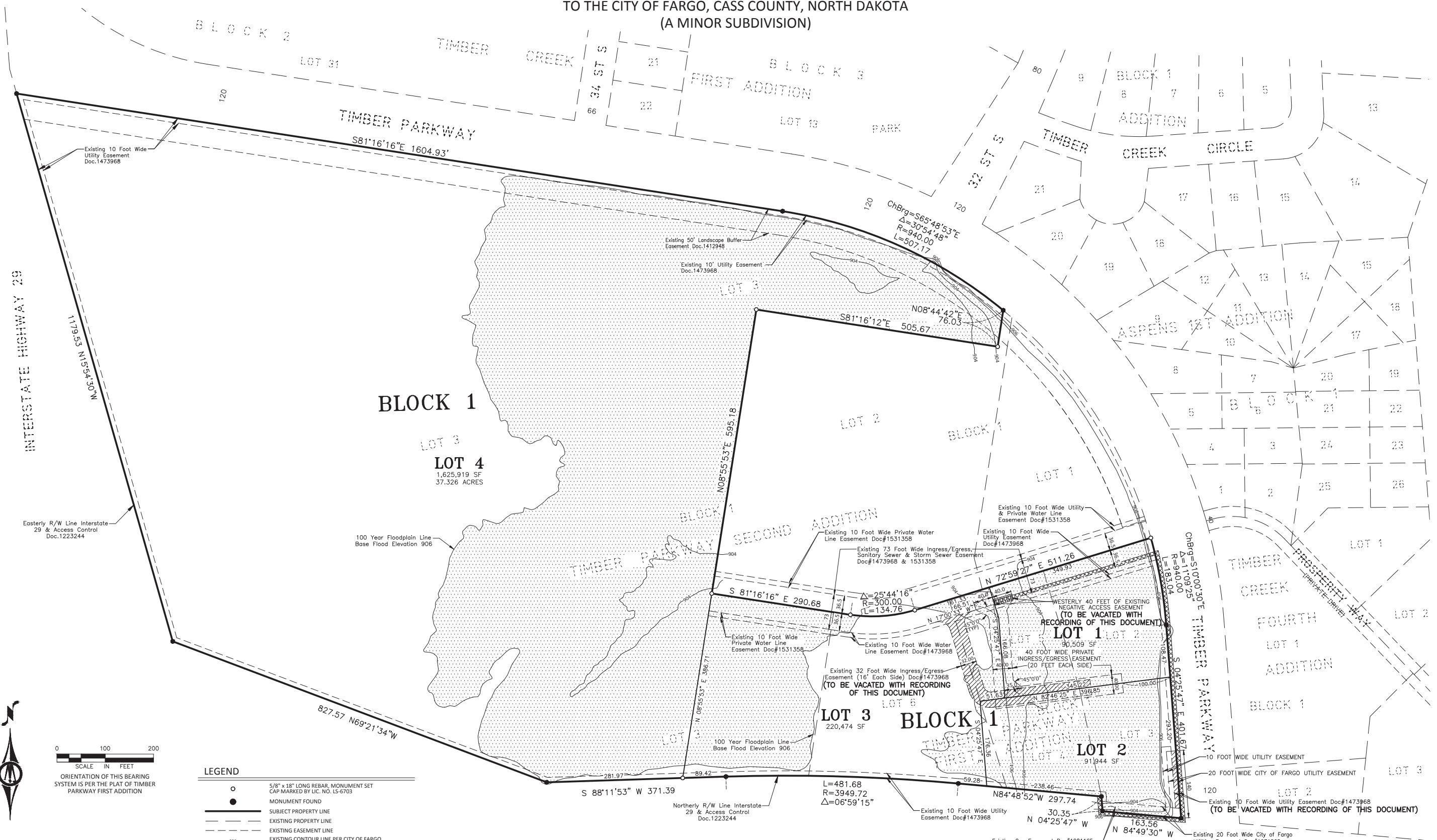
Timber Parkway Third Addition

4801, 5003, 5055, 5081,
5107 and 5161 Timber Pkwy S



TIMBER PARKWAY THIRD ADDITION

A REPLAT OF PART OF LOT 3, BLOCK 1 OF TIMBER PARKWAY SECOND ADDITION AND LOTS 2, 3, 4, 5 & 6, BLOCK 1 OF TIMBER PARKWAY FIRST ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)



LEGEND

	5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC. NO. 15-6703
	MONUMENT FOUND
	SUBJECT PROPERTY LINE
	EXISTING PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING CONTOUR LINE PER CITY OF FARGO LIDAR CONTOUR DRAWINGS NAVD88 DATED 2014
	AREA WITHIN 100 YEAR FLOODPLAIN
	EXISTING NEGATIVE ACCESS EASEMENT PER DOC#1473968
	EXISTING 32 FOOT WIDE INGRESS/EGRESS EASEMENT TO BE VACATED WITH RECORDING OF THIS DOCUMENT
	EXISTING NEGATIVE ACCESS EASEMENT TO BE VACATED WITH RECORDING OF THIS DOCUMENT

BENCHMARK
CITY OF FARGO BENCHMARK 245029 LOCATED APPROXIMATELY 2,500 FEET EASTERLY OF THE SOUTHEAST CORNER OF SUBJECT PROPERTY. ELEVATION=909.42 NAVD88

PREPARED BY:
BOLTON & MENK
DATED: APRIL 17, 2018

52 AVENUE SOUTH

preliminary
4/17/18
SHEET 2 OF 2

JSZ 4/17/18 D15.115784_V_BASE_N1-TIMBER PARKWAY 3RD PLAT.dwg

TIMBER PARKWAY THIRD ADDITION

A REPLAT OF LOT 3, BLOCK 1 OF TIMBER PARKWAY SECOND ADDITION AND LOTS 2, 3, 4, 5 & 6, BLOCK 1 OF TIMBER PARKWAY FIRST ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That PLC Investment LLC, a North Dakota Limited Liability Company as owner of a parcel of land located in the South Half of Section 35, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lots 2, 3, 4, 5 and 6, Block 1 of TIMBER PARKWAY FIRST ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

AND

Lot 3, Block 1, TIMBER PARKWAY SECOND ADDITION, according to the recorded plat thereof on file in the office of the County Recorder, Cass County, North Dakota, being described as follows:

Containing 2,028,847 square feet or 46.576 acres more or less, and is subject to existing easements of record.

Said owner has caused the above described parcels of land to be surveyed and platted as "TIMBER PARKWAY THIRD ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby vacate the 32 foot wide Ingress/Egress easement and the 10 foot wide utility easement and 40 feet of Negative Access easement as shown for vacation on this plat and do hereby dedicate to Lots 1, 2 and 3 the 40 foot wide private ingress/egress easement as shown on this plat for the purpose so stated and do hereby dedicate to the City of Fargo the 20 foot wide utility easement in Lot 2 as shown on this plat for the purpose so stated and do hereby dedicate to the public for public use the 10 foot wide utility easement in Lot 2 as shown on this plat.

OWNER:
PLC Investment LLC

By: Kevin Christianson, President

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2018 before me personally appeared Kevin Christianson, President, PLC Investment 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 on behalf of PLC Investment LLC

Notary Public

MORTGAGE HOLDER:
First International Bank & Trust

By: Brian Hagen, East Market President

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2018 before me personally appeared Brian Hagen, East Market President, First International Bank & Trust 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 First International Bank & Trust

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2018.

Mark H. Bittner, City Engineer

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2018 before me personally appeared Mark H. Bittner, City Engineer known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Gregg Stroeing, 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.

Gregg Stroeing, Professional Land Surveyor
North Dakota License Number LS-6703

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2018 before me personally appeared Gregg Stroeing, 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 Planing Commission this ____ day of _____, 2018.

Shara Fischer, Planning Commission Chair

State of North Dakota }
County of Cass }SS

On this ____ day of _____, in the year 2018 before me personally appeared Shara Fischer, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 2018.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

County of Cass }
State of North Dakota }SS

On this ____ day of _____, in the year 2018 before me personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor 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

City of Fargo Staff Report			
Title:	Brandt Crossing Fourteenth Addition	Date:	April 24, 2018
Location:	5049 33rd Avenue South and 3274 and 3284 51st Street South	Staff Contact:	Kylie Bagley
Legal Description:	Lot 2, Block 1, Brandt Crossing Tenth Addition; Lot 2, Block 1, Brandt Crossing Eleventh Addition; Lot 2, Block 1 Brandt Crossing Twelfth Addition; and Lot 1 and 2, Block 1, Brandt Crossing Thirteenth Addition		
Owner(s)/Applicant:	Brandt Crossing, LLC/Nate Vollmuth	Engineer:	Bolton & Menk
Entitlements Requested:	Minor Subdivision (Replat of Lot 2, Block 1, Brandt Crossing Tenth Addition; Lot 2, Block 1, Brandt Crossing Eleventh Addition; Lot 2, Block 1 Brandt Crossing Twelfth Addition; and Lot 1 and 2, Block 1, Brandt Crossing Thirteenth Addition)		
Status:	Planning Commission Public Hearing: May 1, 2018		

Existing
Land Use: Medical Office and Vacant
Zoning: LC, Limited Commercial with a CO, Conditional Overlay 5066 and CO, Conditional Overlay 5079
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.
Maximum Lot Coverage Allowed: 55%

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

Proposal:
<p>The applicant is seeking approval of a minor subdivision, entitled Brandt Crossing Fourteenth Addition, which is a replat of Lot 2, Block 1, Brandt Crossing Tenth Addition; Lot 2, Block 1, Brandt Crossing Eleventh Addition; Lot 2, Block 1 Brandt Crossing Twelfth Addition; and Lot 2, Block 1, Brandt Crossing Thirteenth Addition. The subject property is located at 5049 33rd Avenue South and 3274 and 3284 51st Street South and encompasses approximately 2.30 acres. The applicant is proposing a six (6) lot, one (1) block minor subdivision to accommodate for future development</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: LC, Limited Commercial and a CO, Conditional Overlay, with vacant land use • East: P/I, Public Institutional with park use • South: P/I, Public Institutional with park use • West: Across 51st Street South, MR-3, Multi-Dwelling Residential and LC, Limited Commercial with a CO, Conditional Overlay, with Household Living, Multi-Dwelling Structure and Group Living uses

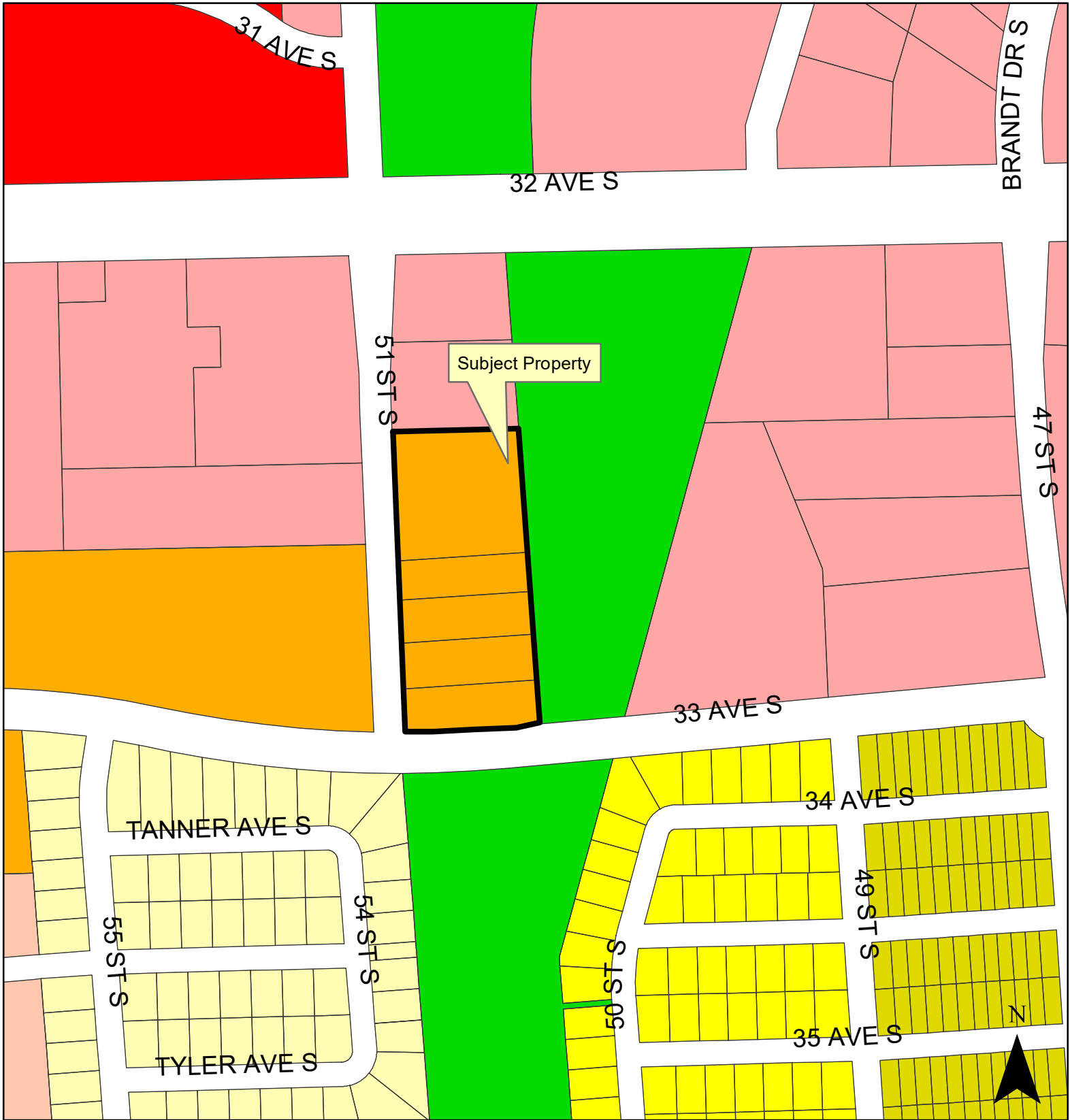
Schools and Parks:
<p>Schools: The subject property is located within the West Fargo School District and is served by Independence Elementary, Liberty Middle and Sheyenne High schools.</p> <p>Neighborhood: The subject property is located within the Brandt Crossing neighborhood.</p> <p>Parks: Brandt Crossing Park (5009 33rd Avenue S) abuts the subject property on the east and offers basketball, dog park, playground, recreational trail, and shelter amenities.</p> <p>Pedestrian / Bicycle: There are off-road bike facilities located in Brandt Park and along 32nd Avenue South that are components of the metro area bikeways system.</p>
Staff Analysis:
<p>Minor Subdivision</p> <p>The LDC stipulates that the following criteria are met before a minor plat can be approved:</p> <ol style="list-style-type: none"> <p>Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.</p> <p>The subdivision is intended to replat Lot 2, Block 1, Brandt Crossing Tenth Addition; Lot 2, Block 1, Brandt Crossing Eleventh Addition; Lot 2, Block 1 Brandt Crossing Twelfth Addition; and Lot 2, Block 1, Brandt Crossing Thirteenth Addition into six lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.</p> <p>(Criteria Satisfied)</p> <p>Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.</p> <p>While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.</p> <p>(Criteria Satisfied)</p>
Staff Recommendation:
<p>Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, Brandt Crossing Fourteenth Addition as outlined within the staff report, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."</p>
Planning Commission Recommendation: May 1, 2018
Attachments:
<ol style="list-style-type: none"> Zoning Map

2. Location Map
3. Preliminary Plat

Plat (Minor)

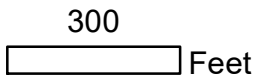
Brandt Crossing 14th Addition

5049 33rd Ave S & 3284, 3274
3252 and 3266 51st St S



Legend

AG	LC	MHP	SSR-1
DDMU	LI	MNO	SSR-2
GC	MR-1	NO	SSR-3
GL	MR-2	P/I	SSR-4
GO	MR-3	UMU	SSR-5
			City Limits

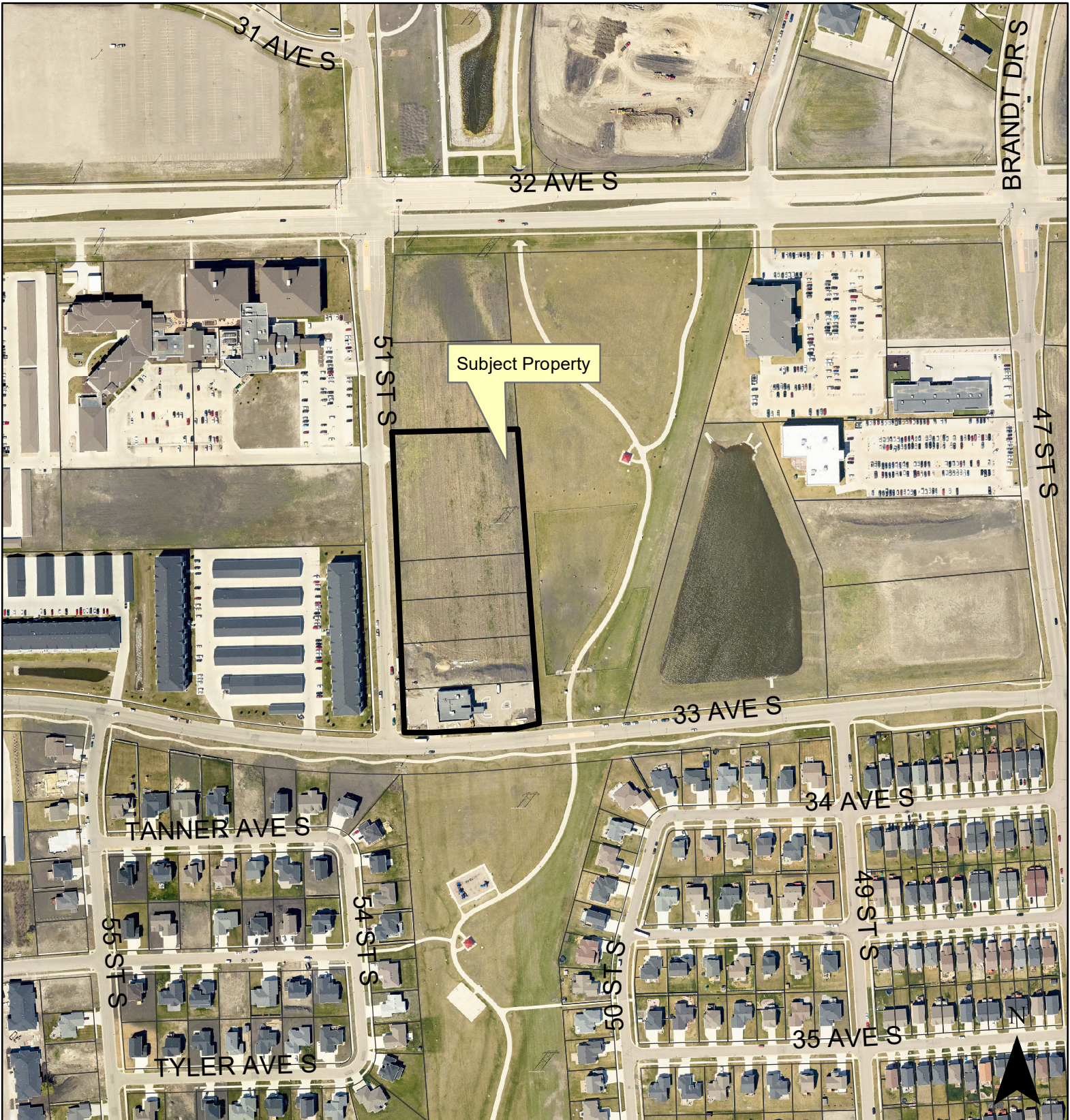


Fargo Planning Commission
May 1, 2018

Plat (Minor)

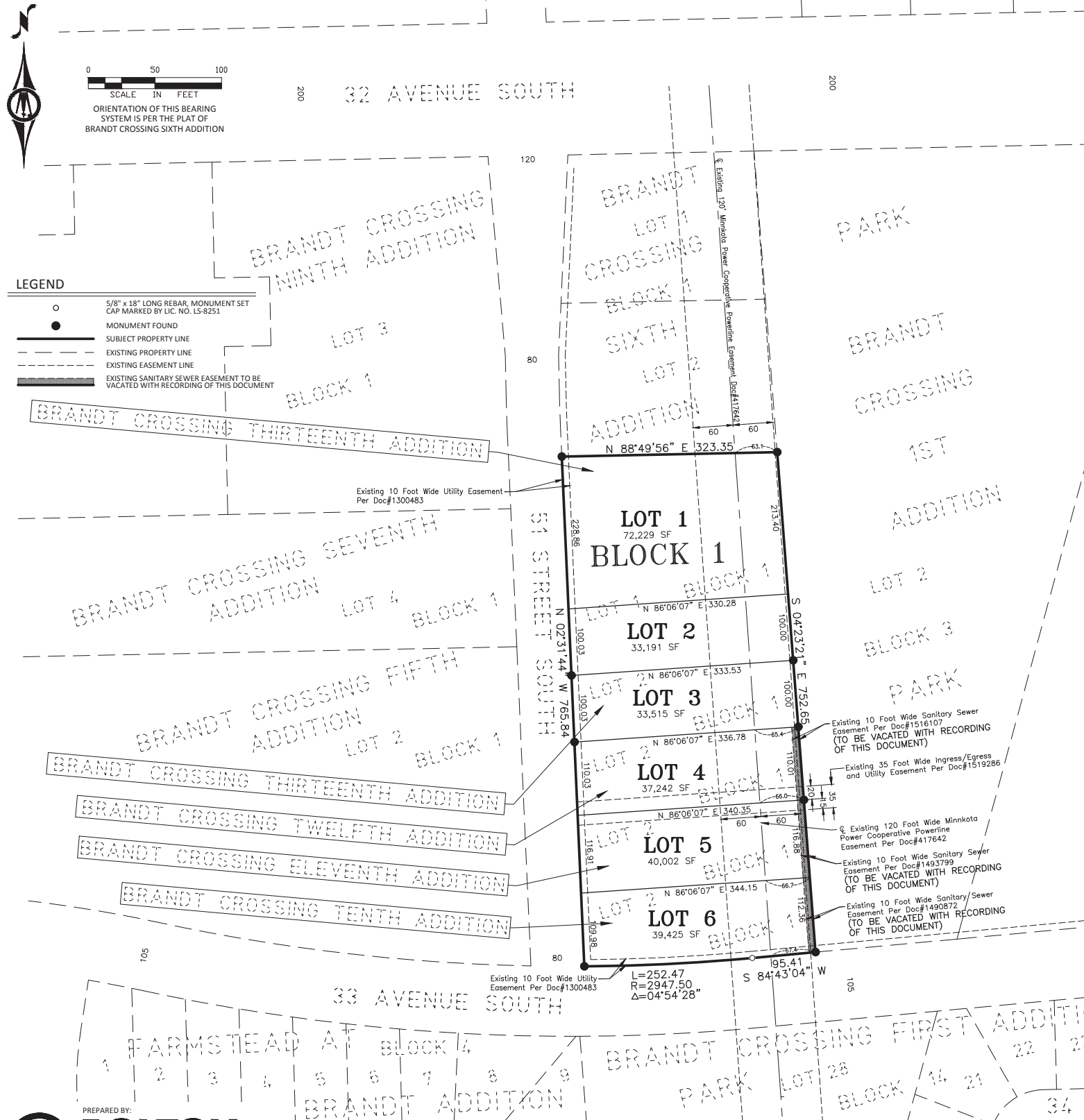
Brandt Crossing 14th Addition

5049 33rd Ave S & 3284, 3274
3252 and 3266 51st St S



BRANDT CROSSING FOURTEENTH ADDITION

A REPLAT OF LOT 2, BLOCK 1 OF BRANDT CROSSING TENTH ADDITION, LOT 2, BLOCK 1 OF BRANDT CROSSING ELEVENTH ADDITION, LOT 2, BLOCK 1 OF BRANDT CROSSING TWELFTH ADDITION & BRANDT CROSSING THIRTEENTH ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA (A MINOR SUBDIVISION)



OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Arrow LLC, a North Dakota Limited Liability Company as owner of a parcel of land located in the Northwest 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 BRANDT CROSSING TENTH ADDITION and Lot 2, Block 1 of BRANDT CROSSING ELEVENTH ADDITION to the City of Fargo according to the record plats thereof on file in the office of the County Recorder, Cass County, North Dakota.

And that DFB, LLC, a North Dakota Limited Liability Company as owner of a parcel of land located in the Northwest 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 BRANDT CROSSING TWELFTH ADDITION to the City of Fargo according to the record plat thereof on file in the office of the County Recorder, Cass County, North Dakota.

And that Brandt Crossing, LLC, a North Dakota Limited Liability Company as owner of a parcel of land located in the Northwest 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:

Block 1 of BRANDT CROSSING THIRTEENTH 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 255,604 square feet or 5.868 acres more or less, and subject to existing easements of record

Said owners have caused the above described parcels of land to be surveyed and platted as "BRANDT CROSSING FOURTEENTH ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby vacate the 10 foot wide sanitary sewer easement as shown for vacation on this plat.

OWNER: LOTS 1, 2 & 3
Brandt Crossing, LLC

By: Kevin Christianson, President
State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me 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 on behalf of Brandt Crossing, LLC

Notary Public

OWNER: LOT 4
DFB LLC

By: NAME, President
State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me personally appeared NAME, President, DFB 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 on behalf of DFB LLC

Notary Public

OWNER: LOTS 5 & 6
Arrow, LLC

By: NAME, President
State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me personally appeared NAME, President, Arrow, 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 on behalf of Arrow LLC

Notary Public

MORTGAGE HOLDER: LOTS 1, 2 & 3
Cornerstone Bank

By: Jim Hambrick, Vice President
State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me 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 on behalf of Cornerstone Bank

Notary Public

MORTGAGE HOLDER: LOT 4
Midwest Bank

By: _____
State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me personally appeared _____, Midwest 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 on behalf of Midwest Bank

Notary Public

MORTGAGE HOLDER: LOTS 5 & 6
Wells Fargo Bank, National Association

By: _____
State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me personally appeared _____, Wells Fargo Bank, National Association 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 Wells Fargo Bank, National Association

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Gregg Stroeing, 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.

Date: _____
Gregg Stroeing, Professional Land Surveyor
North Dakota License Number LS-6703

State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me personally appeared Gregg Stroeing, 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 ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this ____ day of _____, 2018.

Mark Bittner, City Engineer
State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me personally appeared Mark Bittner, 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.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2018.

Shara Fischer, Planning Commission Chair
State of North Dakota }
County of Cass }
SS

On this ____ day of _____, in the year 2018 before me personally appeared Shara Fischer, Planning Commission Chair, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same on behalf of the Fargo Planning Commission.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of _____, 2018.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

County of Cass }
State of North Dakota }
SS

On this ____ day of _____, in the year 2018 before me personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor 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

City of Fargo Staff Report			
Title:	Valley View 4 th Addition	Date:	4-29-18
Location:	3651 56 th Street South	Staff Contact:	Kylie Bagley
Legal Description:	Lot 1, Block 5, Valley View 4 th Addition		
Owner(s)/Applicant:	Brian Kounovsky	Engineer:	N/A
Entitlements Requested:	Zoning Change (from MR-1, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: May 1, 2018		

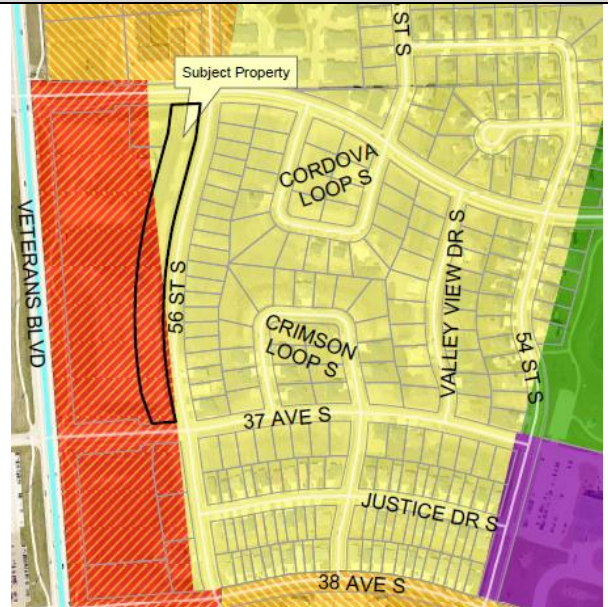
Existing	Proposed
Land Use: Vacant	Land Use: Attached Houses
Zoning: MR-1, Multi-Dwelling Residential	Zoning: SR-5, Single-Dwelling Residential
Uses Allowed: Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
Maximum Density Allowed (Residential): 16 units per acre	Maximum Density Allowed (Residential): 14.5 units per acre

Proposal:
<p>The applicant is requesting a zone change from MR-1, Multi-Dwelling Residential to SR-5, Single Dwelling Residential. The applicant is proposing to build attached houses and is requesting SR-5 in order to provide flexibility with the setbacks.</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 36th Ave S is zoned LC, Limited Commercial, with retail and office uses • East: Across 56th St S is zoned SR-4, Single-Dwelling Residential with residential uses • South: Across 37th Ave S is zoned MR-1, Multi-Dwelling Residential, and GC, General Commercial, with group living and vacant land • West: GC, General Commercial, is being developed for retail uses

Area Plans:

The 2003 Southwest Future Land Use Plan designates this area as commercial or Medium/High density or lower to medium density. The proposed SR-5 zoning district is consistent with this land use designation.

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



Schools and Parks:

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

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

Parks: Brandt Crossing Park (5009 33rd Avenue South) is located approximately less than 1,000 feet east of the subject property and provides the amenities of basketball, dog park, playground, recreational trails, and shelter.

Pedestrian / Bicycle: There are off-road bike facilities along Veterans Boulevard that are a component of the metro area bikeways system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in 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.

(Criteria Satisfied)

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

City Staff and other applicable review agencies have reviewed this proposal. No deficiencies have been noted in the ability to provide all of the necessary services to the site. The subject property abuts public right-of-way along three streets

(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 MR-1, Multi-Dwelling Residential, to SR-5, Single-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: May 1, 2018

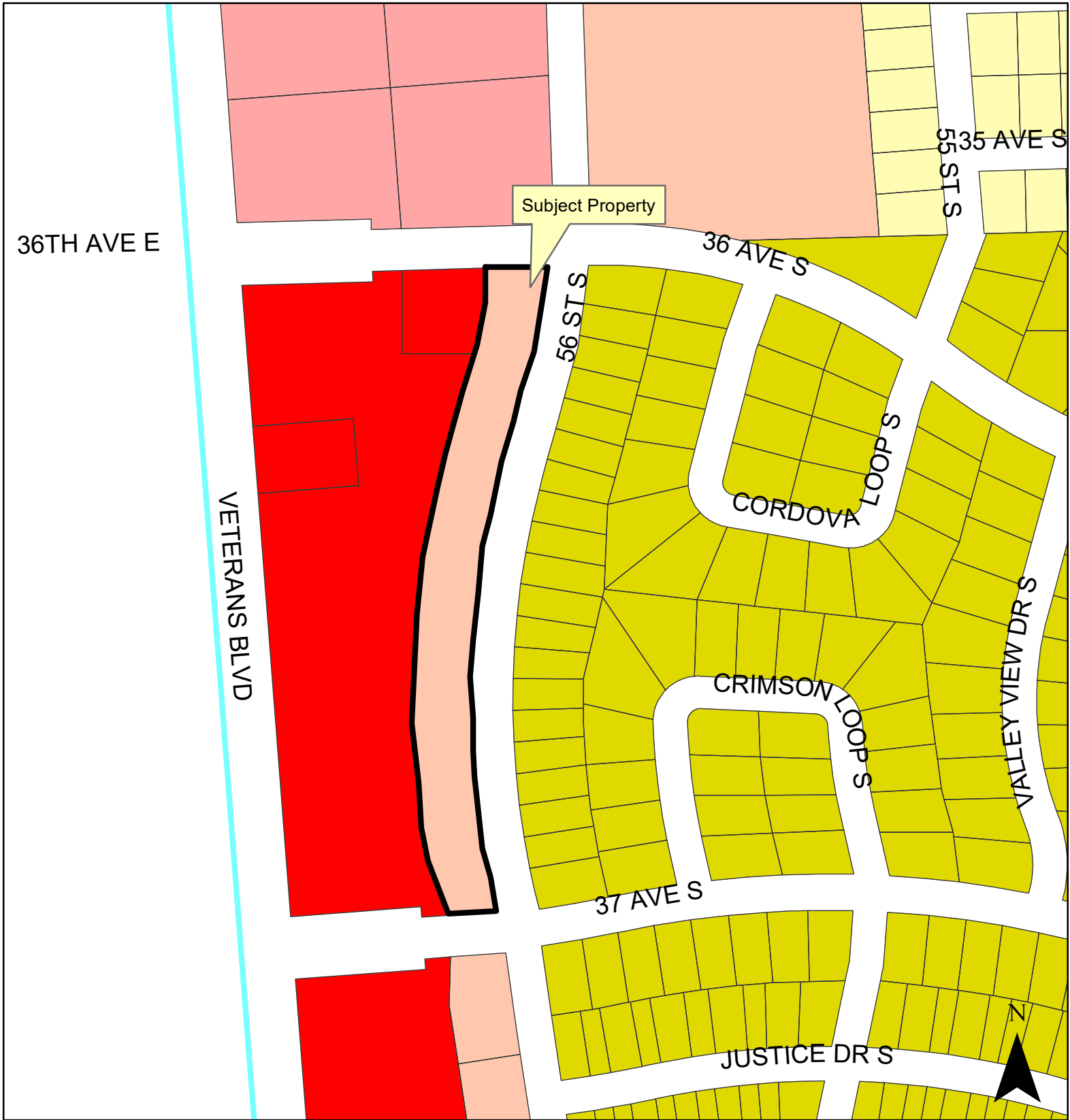
Attachments:

1. Zoning Map
2. Location Map

Zone Change (MR-1 to SR-5)

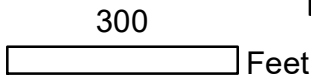
Valley View Fourth Addition

3651 56th Street South



Legend

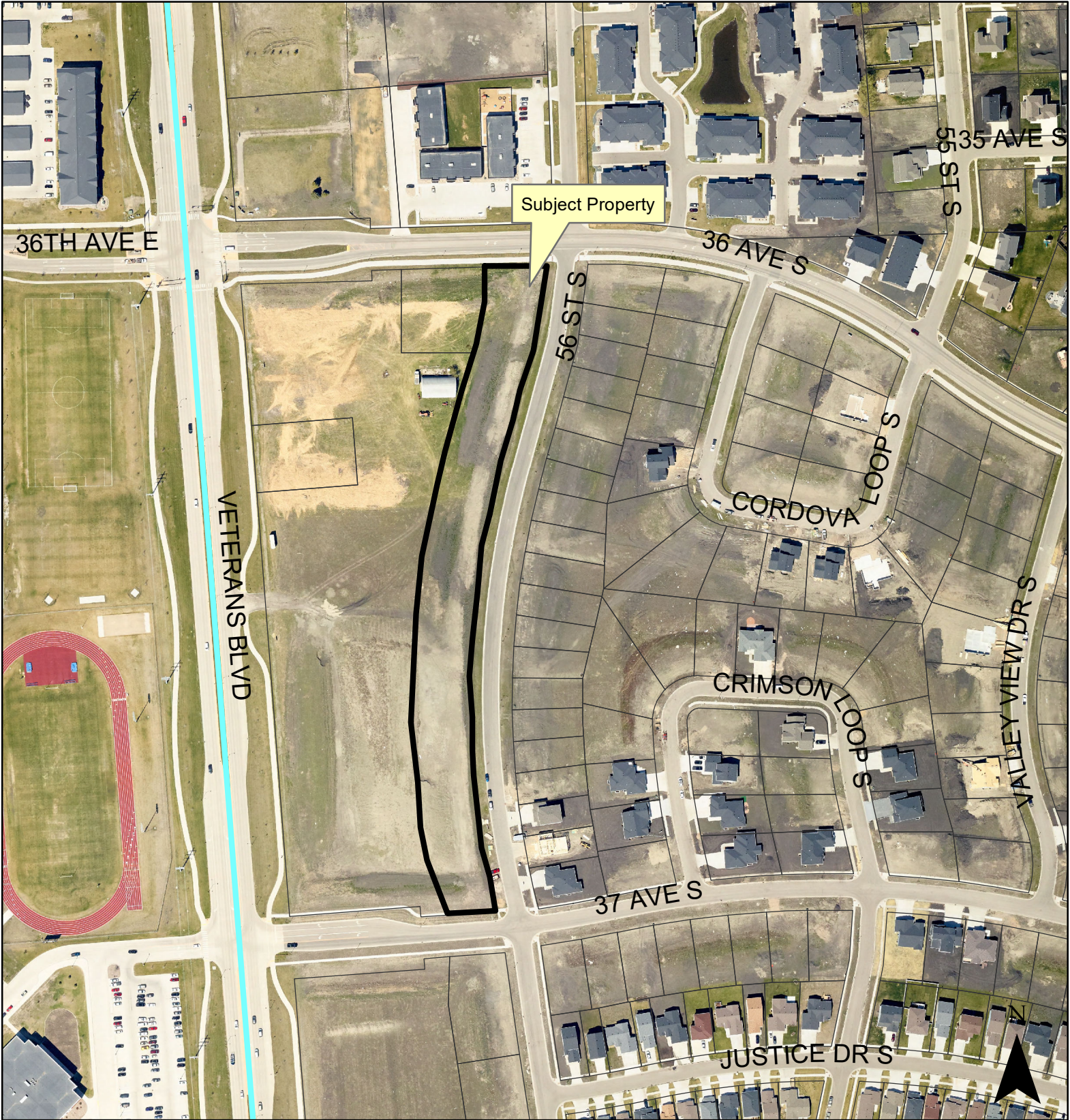
AG	LC	MHP	SR-2
DM	M	NO	SR-1-1
GC	MR-1	NC	SR-1-2
GL	MR-2	P/I	SR-5
GO	MR-3	UML	SR-5-Cr
			City Limits



Zone Change (MR-1 to SR-5)

Valley View Fourth Addition

3651 56th Street South



City of Fargo Staff Report			
Title:	Ohmer's Addition	Date: Updated:	4/29/2018
Location:	1401, 1407, 1409, 1413, and 1415 8th Street North and 1402, 1406, 1410, 1412, 1414, and 1420 7th Street North	Staff Contact:	Kylie Bagley
Legal Description:	Lots 13-16, Ohmers Addition		
Owner(s)/Applicant:	Holy Spirit Catholic Church and School	Engineer:	None
Entitlements Requested:	Zone Change (from SR-3, Single-Dwelling Residential to P/I with C-O, Public and Institutional with a Conditional Overlay)		
Status:	Planning Commission Public Hearing: May 1, 2018		

Existing	Proposed
Land Use: Religious Institution and School	Land Use: No Change
Zoning: SR-3	Zoning: P/I, Public/Institutional
Uses Allowed: detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: P/I – Public and Institutional. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events. With a Conditional Overlay (C-O) to restrict land uses to commercial parking, religious institutions, schools, parks and open space and outdoor recreation and entertainment
Maximum Density Allowed (Residential): SR-3 allows a maximum of 8.7 dwelling units per acre.	Maximum Lot Coverage Allowed: P/I has no maximum

Proposal:
The applicant, Holy Spirit Catholic Church and School, is proposing a zone change from SR-3, Single-Dwelling Residential, to P/I, Public and Institutional, with a C-O, Conditional Overlay to restrict the uses to commercial parking, religious institutions, schools, parks and open space and outdoor recreation and entertainment. Holy Spirit would like to place a sign on their property which would not conform with the SR-3 zoning district and are requesting a zone change to P/I in order to conform with the City of Fargo's sign code. In a SR Zoning District no single sign shall exceed 8 square feet in area, the applicant is proposing a sign that will be 24 square feet in area.

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

Surrounding Land Uses and Zoning Districts:

- North: SR-3, Single Dwelling Residential; Residential land use
- East: MR-2 and SR-3; Residential land use
- South: MR-2 and SR-3; Residential land use
- West: P/I, Public and Institutional, Ben Franklin Middle School

Area Plans:

No area plans apply

Context:

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

Neighborhood: The subject property is located within the Washington Neighborhood.

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

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

Staff Analysis:

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned SR-3, Single-Dwelling Residential. The proposed zoning of P/I is consistent with the adjacent zoning to the west on 8th Street North for Ben Franklin Middle School.

(Criteria Satisfied)

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

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

(Criteria satisfied)

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity.

(Criteria satisfied)

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

The 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 and other adopted policies of the City.

(Criteria satisfied)

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed zone change from SR-3, Multi-Dwelling Residential to P/I, Public/Institutional with a C-O, Conditional Overlay for Lots 13-16, **Ohmer’s Addition** as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: May 1, 2018

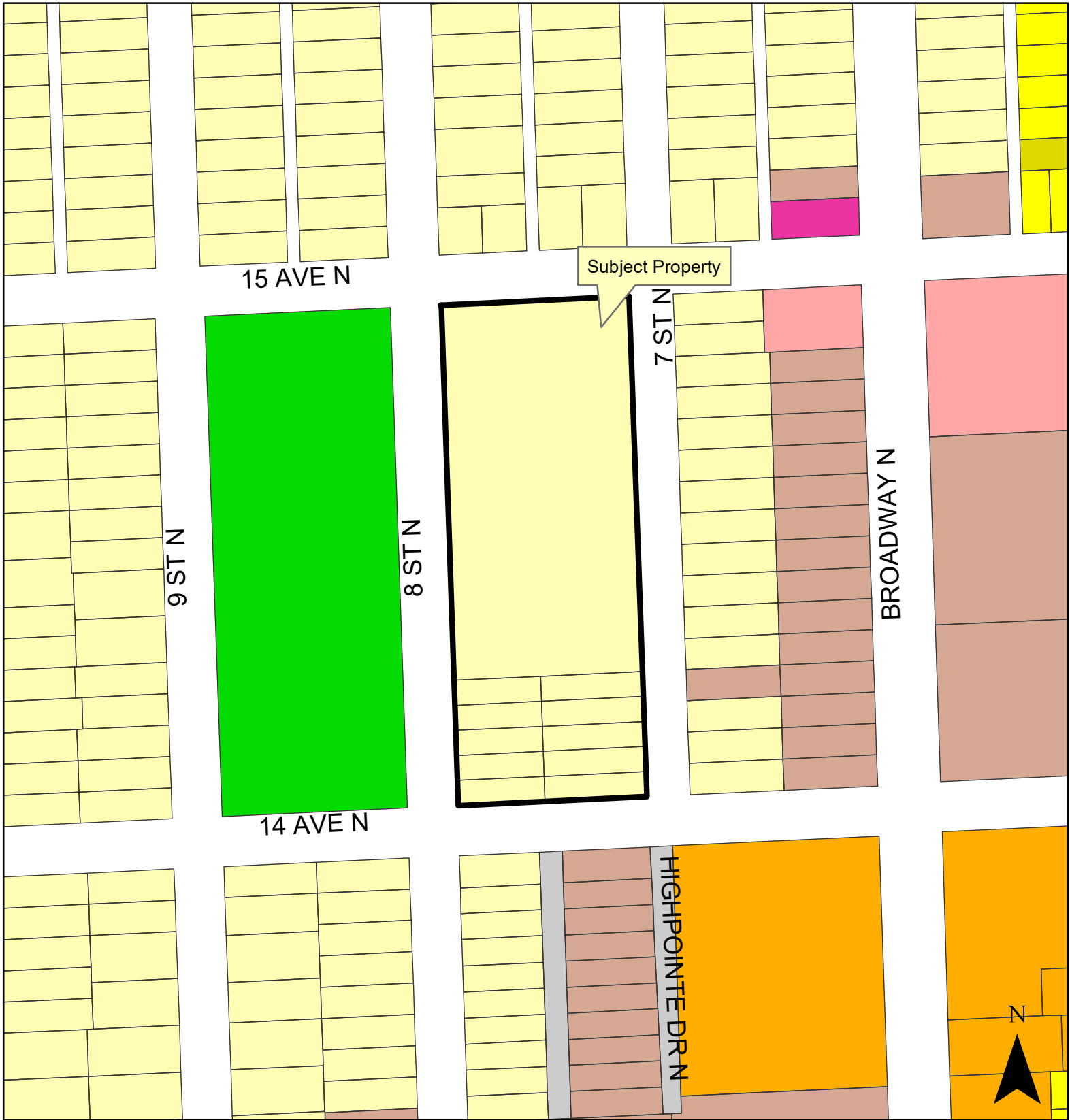
Attachments:

1. Zoning Map
2. Location Map
3. Proposed Sign

Zone Change (SR-3 to P/I with a C-O)

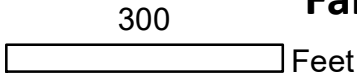
Ohmers Addition

1402, 1406, 1410, 1412, 1414, 1420 7th St N
and 1401, 1407, 1409, 1413, 1415 8th St N



Legend

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



Zone Change (SR-3 to P/I with a C-O)

Ohmers Addition

1402, 1406, 1410, 1412, 1414, 1420 7th St N
and 1401, 1407, 1409, 1413, 1415 8th St N



Based on zoning not on use to follow federal guidelines.

INDIGO
SIGNWORKS
www.indigosignworks.com

Holy Spirit Catholic Church

Fargo, ND
Quote # 48908-A2

Date: 11/10/2017
Revised Date: 1/12/2018

Sales Representative:
Eric Klebe

Drawn by: DLH

Page Scale: 1" = 1'-0"
Page Size: 11x17



Monument Sign
Structure: TBD

Non-Illuminated S/F ID Cabinet

Material: Steel frame + aluminum cladding
Face: Aluminum; white
Graphics: 3M film
• 7725-12 Black
• 7725-13 Tomato Red

NOTICE

ALL SIGNS MANUFACTURED
FOR 120v ELECTRICAL SERVICE
UNLESS OTHERWISE NOTED

1622 Main Avenue | Fargo, ND 58103
p. 701.297.9696 | f. 701.297.9697

fargo | alexandria | bismarck | grand forks | minot | st. cloud

Due to the limitations of the printing process,
the colors shown may not reflect actual colors.



File location: G:\H \ Holy Spirit Catholic Church \ Working Sketch Files \ Fargo_Monument_48908-A

The ideas and designs contained in this original and unpublished drawing are the property of Indigo Signworks, Inc. and may not be used or reproduced in whole or part without written permission from Indigo Signworks, Inc.

City of Fargo Staff Report			
Title:	Larkin Addition	Date:	4/24/18
Location:	3949 37th Ave S; 3555 & 3611 38th St S; and 3552 & 3600 39th St S	Staff Contact:	Aaron Nelson
Legal Description:	Lots 1-2, Block 1, Larson Addition; part of Lot 2, Block 1, Collins Third Subdivision; vacated portions of 36th Avenue South and 39th Street South; and an unplatted portion of the Southeast Quarter of Section 27, Township 139 North, Range 49 West		
Owner(s)/Applicant:	Larkin Properties LLP/Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	<p>Minor Subdivision (A replat of Lots 1-2, Block 1, Larson Addition; part of Lot 2, Block 1, Collins Third Subdivision; vacated portions of 36th Avenue South and 39th Street South; and an unplatted portion of the Southeast Quarter of Section 27, Township 139 North, Range 49 West to the City of Fargo, Cass County, North Dakota.)</p> <p>Zone Change (from AG, Agricultural, to LI, Limited Industrial on a portion of Lots 2 & 4, Block 1, Larkin Addition)</p>		
Status:	Planning Commission Public Hearing: May 1, 2018		

Existing
Land Use: Manufacturing & Production and Industrial Services
Zoning: LI, Limited Industrial & AG, Agricultural
<p>Uses Allowed:</p> <p>LI – Limited Industrial: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self– storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.</p> <p>AG – Agricultural: Detached houses, parks and open space, safety services, basic utilities, and crop production.</p>
Maximum Lot Coverage Allowed in LI: 85% building coverage

Proposed
Land Use: No Change
Zoning: LI, Limited Industrial
<p>Uses Allowed:</p> <p>LI – Limited Industrial: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self– storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.</p>
Maximum Lot Coverage Allowed in LI: No Change

Proposal:
<p>The applicant is seeking approval of two entitlements:</p> <ol style="list-style-type: none"> 1. A minor subdivision, entitled Larkin Addition. 2. A zoning change from AG, Agricultural, to LI, Limited Industrial. <p><u>Subdivision</u></p> <p>The western portion of subject property is the location of a furniture manufacturing facility. The owner plans to expand the facility by constructing a new warehouse building on Lot 2 of the proposed subdivision. To accommodate this expansion, the owner of the manufacturing facility is acquiring additional land to the north of the</p>

existing facility, which makes up the northern and eastern portions of Lot 2. This land is being acquired from the owner of the eastern portion of the subject property, where a trucking sales and services business is located. The purpose of the subdivision is to accommodate this sale of land and to redefine the lot lines between these two owners.

Zoning

A portion of the subject property is vacant and has never been platted or developed. Accordingly, the property has remained within the AG, Agricultural, zoning district as the City has developed around it. The purpose of the proposed zoning map amendment is to establish LI, Limited Industrial, as the urban zoning district for the property and to allow the proposed industrial use of the property.

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: LI, Limited Industrial, with Industrial Services use
- East: Across 38th Street South is Interstate 29
- South: LI, Limited Industrial, with a mix of industrial uses, including the area across 37th Avenue South
- West: Across 39th Street South is LI, Limited Industrial, with Industrial Service uses

Area Plans:

The 2003 Southwest Future Land Use Plan designates this area as future Industrial.

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



Schools and Parks:

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

Neighborhood: The subject property is located in the Pointe West Neighborhood

Parks: Pointe West Park (3331 42nd Street S) is located less than a half (0.5) miles northwest of the subject property and offers the amenities picnic table and playground.

Pedestrian / Bicycle: There are off-road bike facilities located along 42nd Street South less than a quarter (0.25) mile west of the subject property that are a component of the metro area bikeways system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. The proposed zoning of LI is consistent with the 2003 Southwest Future Land Use Plan designation of the area of this project as "industrial." **(Criteria Satisfied)**

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

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

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed zoning change is consistent with the LI zoning district that surrounds the subject property. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff has received no comments on inquiries from the public. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan. This plan designates this property as appropriate for industrial uses. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Minor Subdivision

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

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

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

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) zoning change from AG, Agricultural, to LI, Limited Industrial, on a portion of Lots 2 & 4, Block 1, of the proposed Larking Addition and 2) subdivision plat, **Larkin Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06 and Section 20-0906, and all other applicable requirements of the Land Development Code."

Planning Commission Recommendation: May 1, 2018

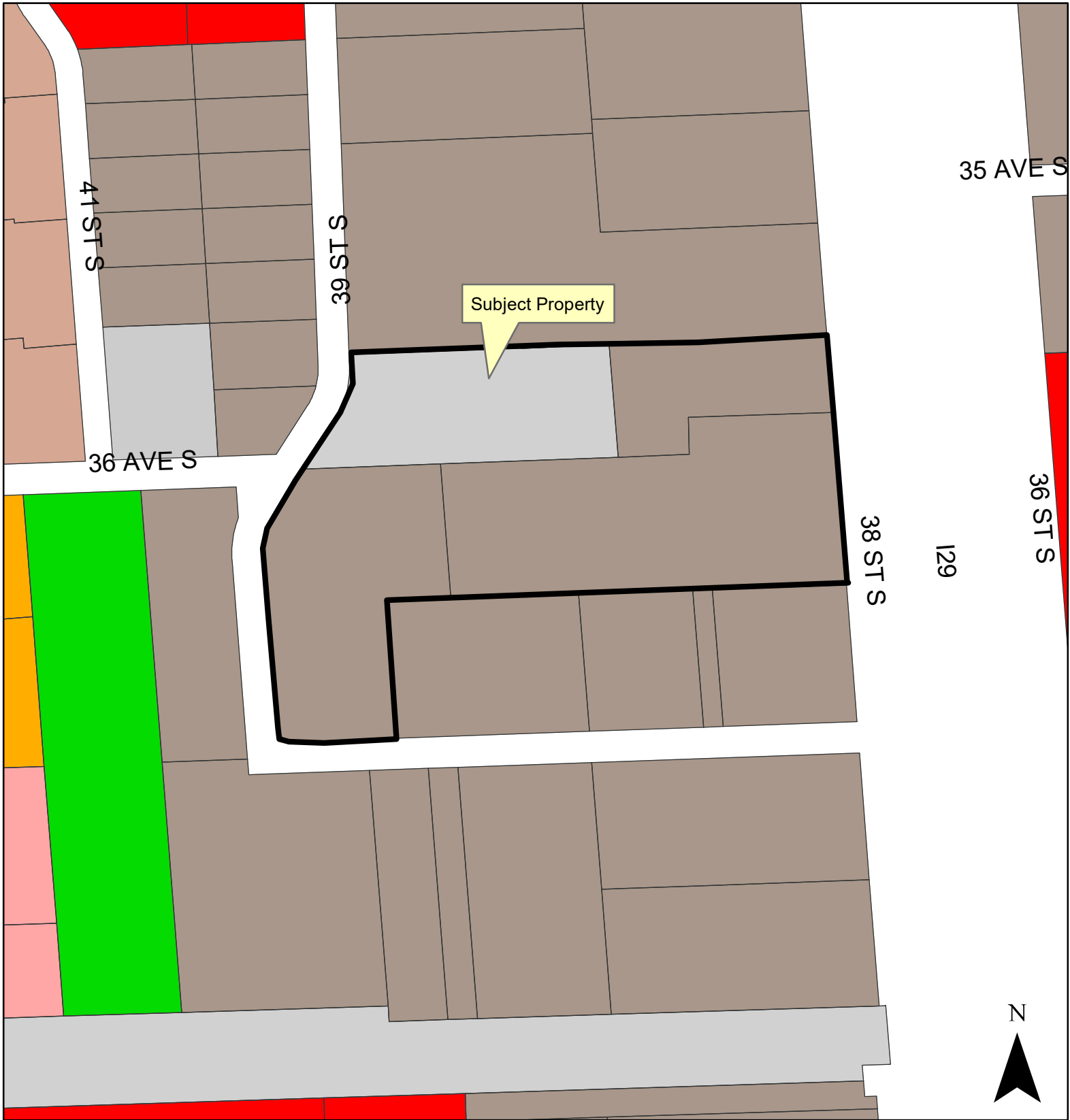
Attachments:

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

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

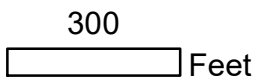
Larkin Addition

355 & 3611 38th St S, 3552 & 3600
39th St S and 3949 37th Ave S



Legend

AG	LC	MHP	SR-2
DMU	LI	NC	SR-3
GC	MRR-1	NO	SR-4
GO	MRR-2	PT	SR-5
	MR-3	UML	City Limits



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

Larkin Addition

3555 & 3611 38th St S, 3552 & 3600
39th St S and 3949 37th Ave S



LARKIN ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF PART OF LOT 2, BLOCK 1, COLLINS THIRD SUBDIVISION, VACATED PORTIONS OF 36TH AVENUE SOUTH AND 39TH STREET SOUTH, AND LOTS 1 AND 2, BLOCK 1, LARSON ADDITION, AND A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 27, T139N, R49W, 5TH P.M., TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	116.41	180.00	37°03'16"	N14°02'22"E	114.39
C2	157.82	260.00	34°46'42"	N15°10'39"E	155.41

H:\Fargo\UBN\600917_6009_176\CADD\Plan\FINAL PLAT Larkin Rev1 (2).dwg-Layout11-4/25/2016 3:48 PM-(jschlieman)

PROJECT BENCHMARK
TOP NUT OF HYDRANT
907.59 (NAVD 1988)

LEGEND

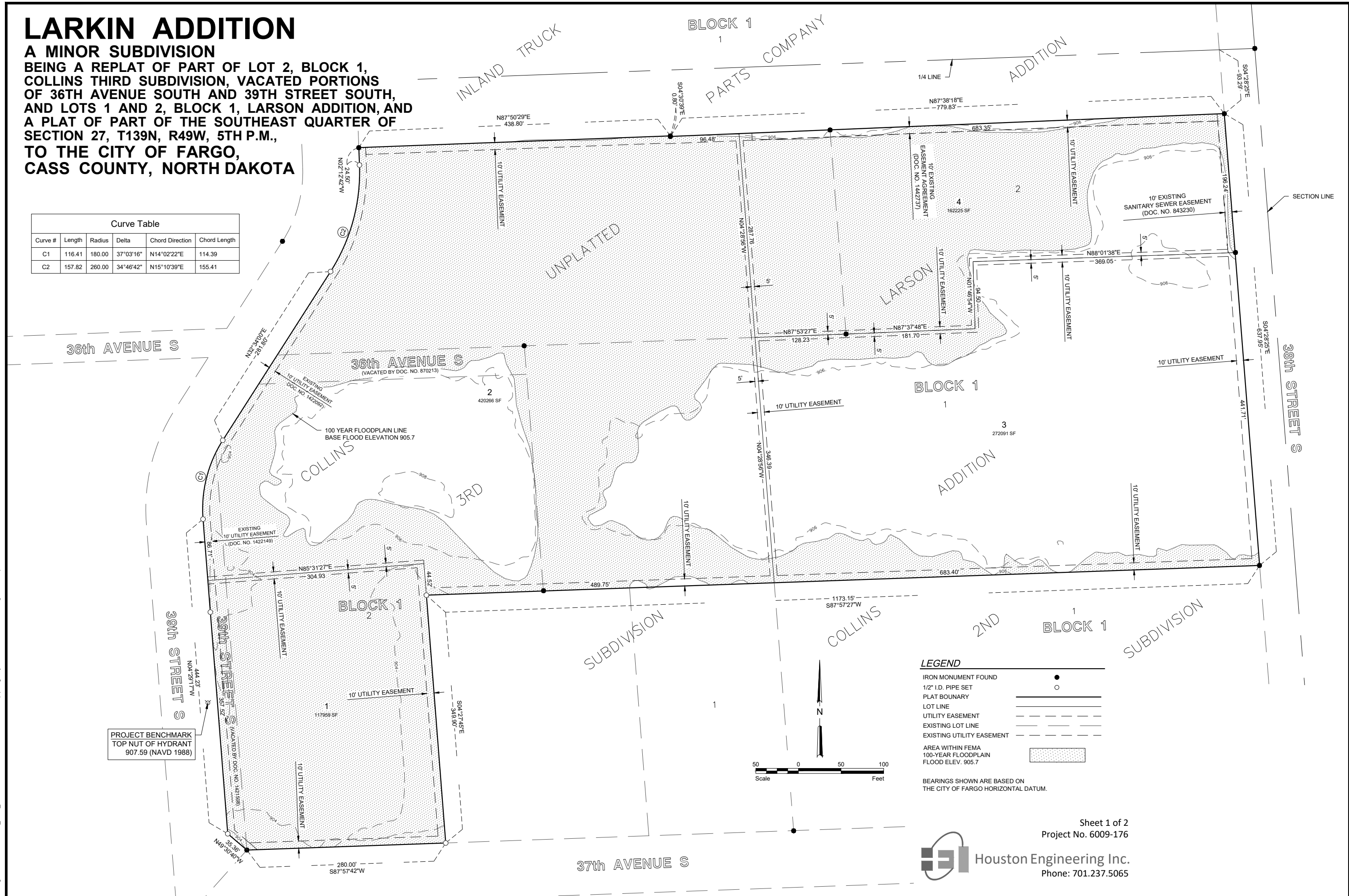
IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
PLAT BOUNDARY	—————
LOT LINE	-----
UTILITY EASEMENT	-----
EXISTING LOT LINE	-----
EXISTING UTILITY EASEMENT	-----
AREA WITHIN FEMA 100-YEAR FLOODPLAIN FLOOD ELEV. 905.7	



BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM.

Sheet 1 of 2
Project No. 6009-176

Houston Engineering Inc.
Phone: 701.237.5065



City of Fargo Staff Report			
Title:	Minnkota Section 16 1st Subdivision	Date:	4/26/2018
Location:	5181 76th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Minnkota Section 16 Subdivision and a portion of the NW 1/4 of Section 16, Township 138 North, Range 49 West, Cass County, North Dakota		
Owner(s)/Applicant:	Minnkota Power Cooperative/Blake Sexton	Engineer:	Ulteig
Entitlements Requested:	Major Subdivision (Replat of Minnkota Section 16 Subdivision and a portion of the NW 1/4 of Section 16, Township 138 North, Range 49 West, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: May 1, 2018		

Existing	Proposed
Land Use: Electrical substation	Land Use: No change
Zoning: AG, Agricultural	Zoning: No change
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: No change
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Density Allowed: AG allows a maximum of 1 dwelling unit per 10 acres.

Proposal:

The applicant requests one entitlement:

1. A major subdivision, entitled **Minnkota Section 16 First Subdivision**, one block, one lot subdivision that combines the existing Minnkota Section 16 Subdivision with additional adjacent land recently purchased by Minnkota. This is an electrical substation. No residential or commercial development is intended for this subdivision.

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

Surrounding Land Uses and Zoning Districts:

- North: AG, undeveloped
- East: AG, undeveloped
- South: AG, undeveloped
- West: AG, undeveloped

(continued on next page)

Area Plans:

The 2007 South Fargo Tier 1 West Growth Plan designates this area for “medium to high density” residential development. However, this is an existing utility facility and is not intended for residential use. Thus, the AG zoning is appropriate as utility uses are allowed in the AG zone and the lot meets the minimum required lot area for the AG zone pursuant to the LDC.



Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as “utility.” The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity as noted below. The land use plan has not been officially adopted by the Planning Commission. (This land use plan is Figure 5.1 of the SWMTP)

Context:

Schools: The subject property is located within the Horace School District.

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

Parks: There are no parks within one mile of the subject property.

Pedestrian / Bicycle A future trail is proposed within the public right of way along 76th Avenue South.

Staff Analysis:

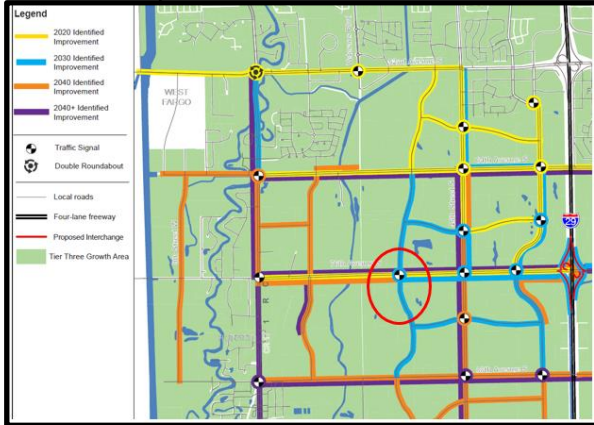
PLAT AND ZONE CHANGE

The plat will create one lot---this is an expansion of the existing lot that is occupied by a Minnkota Power substation. The plat adds additional area and a larger street dedication for 76th Avenue South and dedication for a future collector street on the east side of the plat, which is a half-section line.

ACCESS: The lot is currently accessed from 76th Avenue South, though there is a negative access easement along the property frontage along 76th. An item of the approval of the underlying plat, Minnkota Section 16 Subdivision, was an allowance to cross the negative access easement along 76th Avenue South until such time as the right of way on the east side of the plat is developed. This access is noted on that plat as “Temporary access subject to full or partial closure by the City of Fargo,” and that note carries through to the current proposed plat. This authorization comes from a letter from former City of Fargo senior planner Cindy Gray to Minnkota Power dated May 30, 2000. Item 5 of that letter states the requirement for the note about temporary access described above, and also states, “Eventually, we [City of Fargo] would expect property access to be from the future collector street along the east side of the property.” As that collector has not been developed yet, it seems access will continue to be from 76th Avenue.

This plat vacates the previous negative access easement along 76th Avenue South and adds a new one that covers the increased length of property frontage of the new plat.

STREET DEDICATIONS: This plat includes two street dedications. The dedication along the north side is for the future widening of 76th Avenue South (100 feet). The dedication on the east side (50 feet) is for a future improvement depicted on the Southwest Metro Transportation Plan. The excerpt from Figure 6.12 of this plan below shows the location of this improvement (circled in red):



As this property is not in the City of Fargo at this time, these dedications are being made to Stanley Township.

EXTRA-TERRITORIAL JURISDICTION: This project site is located in the City's extra-territorial jurisdiction (ETJ). The City has the responsibility for planning and zoning, including subdivisions, in the ETJ. This property is not being annexed into the City of Fargo at this time.

Subdivision

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

- 1. Section 20-0907(C))(1)(Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

The zoning on this property is AG, Agricultural. No zone change is proposed. The AG zone will accommodate the proposed utility facility land use. The 2007 South Fargo Tier 1 West Growth Plan designates this area for "medium to high density" residential development. However, this is an existing utility facility and is not intended for residential use. Thus, the AG zoning is appropriate as utility uses are allowed in the AG zone and the lot meets the minimum required lot area for the AG zone pursuant to the LDC. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as "utility." In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry about the project.

(Criteria Satisfied)

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

The zoning on this property is AG, Agricultural. No zone change is proposed. The AG zone will accommodate the proposed utility facility land use. 2007 South Fargo Tier 1 West Growth Plan designates this area for "medium to high density" residential development. However, this is an existing

utility facility and is not intended for residential use. Thus, the AG zoning is appropriate as utility uses are allowed in the AG zone and the lot meets the minimum required lot area for the AG zone pursuant to the LDC. Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as "utility." 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.

As there are no dedicated public streets or utilities within the subdivision, no amenities plan was required. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. Special assessments would not be assessed until the property is annexed into the City of Fargo.

(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 **Minnkota Section 16 1st Subdivison** plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and all other applicable requirements of the LDC."

Planning Commission Recommendation: May 1, 2018

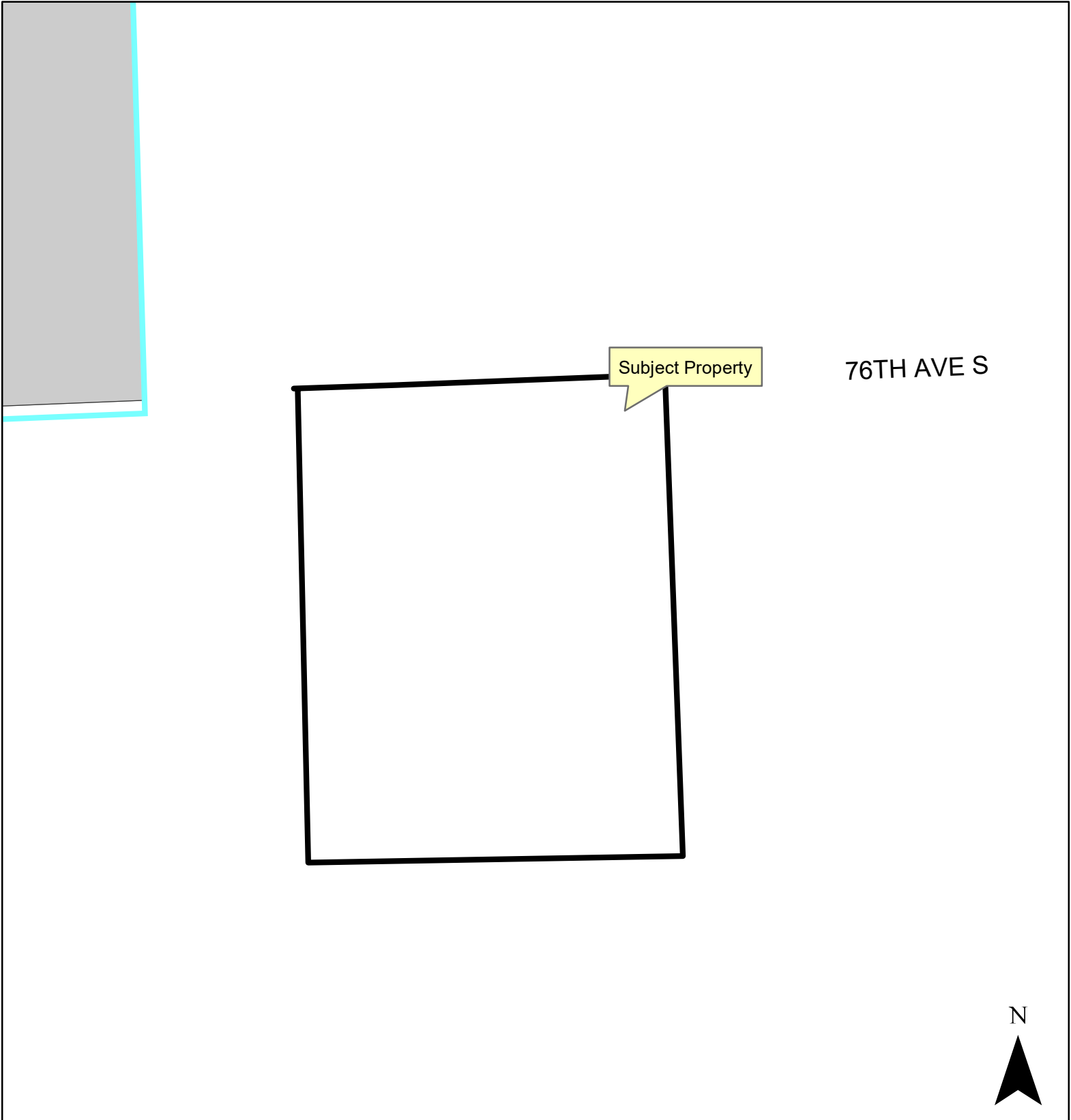
Attachments:

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

Plat (Major)

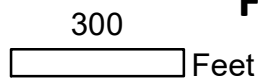
Minnkota Section 16 1st Subdivision

5181 76th Avenue South



Legend

AG	LC	MHP	SSB-2
DMU	LI	NC	SSB-3
GCL	MR-1	P/I	SSB-4
GO	MR-2	UMI	SSB-5
	MR-3		City Limits



Plat (Major)

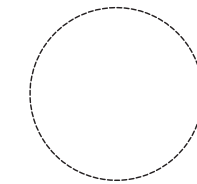
Minnkota Section 16 1st Subdivision

5181 76th Avenue South



MINNKOTA SECTION 16 1ST SUBDIVISION

MINNKOTA SECTION 16 SUBDIVISION AND AN UNPLATTED PORTION OF THE NORTHWEST QUARTER OF SECTION 16,
T-138-N, R-49-W IN CASS COUNTY, NORTH DAKOTA
(A MAJOR SUBDIVISION)



CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this _____ day of _____, 2018.

Mark H. Bittner, City Engineer

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2018, before me, a notary public with and for said County, personally appeared Mark H. Bittner, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this day of _____, 2018.

Shara Fischer, Planning Commission Chair

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2018, before me, a notary public with and for said County, personally appeared Shara Fischer, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 2018.

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2018, 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

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That MINNKOTA POWER COOPERATIVE, INC whose address is 5301 32nd Avenue South, Grand Forks, North Dakota as owner of a parcel of land located in the Northwest Quarter of Section 16, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

THE EAST 660.00 FEET OF THE NORTH 660.00 FEET OF THE NORTHWEST QUARTER, SECTION 16, TOWNSHIP 138 NORTH, RANGE 49 WEST, BEING ALSO DESCRIBED AS MINNKOTA SECTION 16 SUBDIVISION, ACCORDING TO THE PLAT THEREOF ON FILE AS DOCUMENT NUMBER 963511 IN THE OFFICE OF THE COUNTY RECORDER, CASS COUNTY, NORTH DAKOTA, INCLUDING RIGHT OF WAY DEDICATED ON SAID PLAT.

AND

COMMENCING AT THE NORTHWEST CORNER OF SECTION 16; THENCE N 87°40'16" E COINCIDENT WITH THE NORTH LINE OF SAID SECTION A DISTANCE OF 1856.40 FEET TO A 5/8" REBAR SET WITH CAP STAMPED "SEXTON LS-10497", THIS BEING THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED AND THE POINT OF BEGINNING; THENCE CONTINUING COINCIDENT WITH SAID SECTION LINE N 87°40'16" E A DISTANCE OF 125.00 FEET TO A 5/8" REBAR SET WITH CAP STAMPED "SEXTON LS-10497", THIS BEING THE NORTHWEST CORNER OF MINNKOTA SECTION 16 SUBDIVISION AND THE NORTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED; THENCE LEAVING SAID SECTION LINE AND COINCIDENT WITH THE WEST AND THEN SOUTH LINE OF SAID SUBDIVISION FOR TWO CALLS: S 01°58'43" E A DISTANCE OF 660.00 FEET TO A 5/8" REBAR SET WITH CAP STAMPED "SEXTON LS-10497", THIS BEING THE SOUTHWEST CORNER OF SAID SUBDIVISION; N 87°40'16" E A DISTANCE OF 660.00 FEET TO A 5/8" REBAR SET WITH CAP STAMPED "SEXTON LS-10497" ON THE EAST LINE OF THE NORTHWEST QUARTER, THIS BEING THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE LEAVING MINNKOTA SECTION 16 SUBDIVISION AND COINCIDENT WITH THE EAST LINE OF THE NORTHWEST QUARTER S 01°58'43" E A DISTANCE OF 360.00 FEET TO A 5/8" REBAR SET WITH CAP STAMPED "SEXTON LS-10497", THIS BEING THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED; THENCE LEAVING SAID EAST LINE AND THROUGH THE LANDS OF SAUVAGEAU FOR TWO CALLS: S 87°40'16" W A DISTANCE OF 785.00 FEET TO A 5/8" REBAR SET WITH CAP STAMPED "SEXTON LS-10497", THIS BEING THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED; N 01°58'43" W A DISTANCE OF 1020.00 FEET TO THE POINT OF BEGINNING.

Containing 721,939.19 square feet or 16.57 acres more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "MINNKOTA SECTION 16 1ST SUBDIVISION" in the County of Cass, North Dakota, and do hereby dedicate to Lot 1 easements as shown, except those labeled as existing, on this plat for the purposes so stated.

OWNER:
Minnkota Power Cooperative, Inc.

By: Robert McLennan
President & CEO, Minnkota Power Cooperative, Inc.

State of North Dakota } SS
County of Cass }

On this _____ day of _____, in the year of 2018, before me, a notary public with and for said County, personally appeared _____

known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

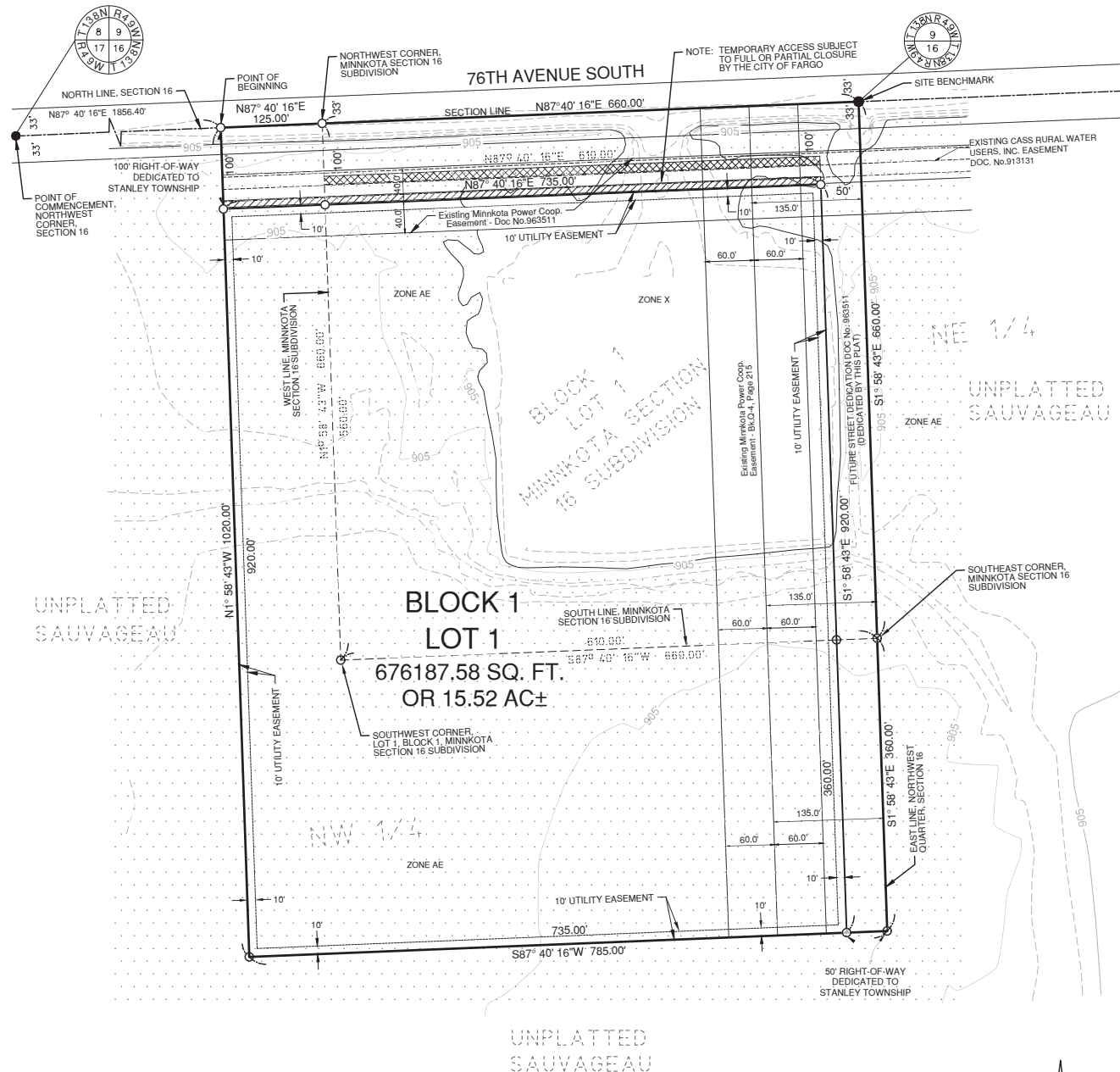
I, Christopher Blake Sexton, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

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

State of North Dakota } SS
County of Cass }

On this _____ day of _____, 2018, before me, a notary public with and for said County, personally appeared Christopher Blake Sexton, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public



NOTE: FEMA FLOOD INSURANCE RATE MAP NUMBER 38017C0790G DATED JANUARY 16, 2015 SHOWS SUBJECT AREA TO BE IN ZONE AE. BASE FLOOD ELEVATION IS 905.7. ZONE IS SUBJECT TO CHANGE AND THE LOCAL FLOOD ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION.

BENCHMARK - NGS BENCHMARK FMM 09 (PID DN4363) LOCATED APPROXIMATELY 7,300 FEET WEST-NORTHWEST OF NORTHWEST CORNER OF SUBJECT PROPERTY - ELEVATION 908.75 (NAVD 88)

SITE BENCHMARK - REBAR AT NORTHEAST CORNER OF NORTHWEST QUARTER - ELEVATION 909.35 (NAVD 88)



SCALE: 1" = 100'
SCALE IN FEET

ORIENTATION OF THIS BEARING SYSTEM IS NORTH DAKOTA STATE PLANE, SOUTH ZONE, NAD83 INTERNATIONAL FEET, ELEVATIONS RELATIVE TO NAVD88

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-10497"
- SUBJECT PROPERTY LINE
- - - - EXISTING PROPERTY LINE
- - - - EASEMENT LINE
- - - - 905 - - - CONTOUR LINE
- LANDSCAPE BUFFER
- ZONE AE
- XXXXXX EXISTING NEGATIVE ACCESS EASEMENT TO BE VACATED WITH THIS PLAT
- XXXXXX NEGATIVE ACCESS EASEMENT

*Negative Access Easement, as noted on this plat, is an easement dedicated as part of the right of way dedication which easement denies direct vehicular access to a street or public way from the lot or lots adjacent to such street or way. The negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent lot or lots.

PREPARED BY
Ulteig
3350 38th Avenue South Fargo, ND 58104
Phone: 701.280.8734
Web: www.ulteig.com
Project No.: 16.01480
Web: www.ulteig.com

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

City of Fargo Staff Report			
Title:	Maple Valley Fourth Addition	Date:	4/26/2018
Location:	3350, 3430, 3460, 3480, and 3540 63rd Avenue South	Staff Contact:	Barrett Voigt
Legal Description:	Lot 2, Block 7, Maple Valley Addition		
Owner(s)/Applicant:	Verazity Properties, LLC/Jon Miller	Engineer:	Mead & Hunt
Entitlements Requested:	Minor Subdivision (Replat of Lot 2, Block 7, Maple Valley Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: May 1, 2018		

Existing
Land Use: Self-service storage
Zoning: LC, Limited Commercial
Uses Allowed: Colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service
Maximum Density Allowed: 55% building coverage

Proposed
Land Use: Future Commercial Development
Zoning: No Change
Uses Allowed: No Change
Maximum Density Allowed: No Change

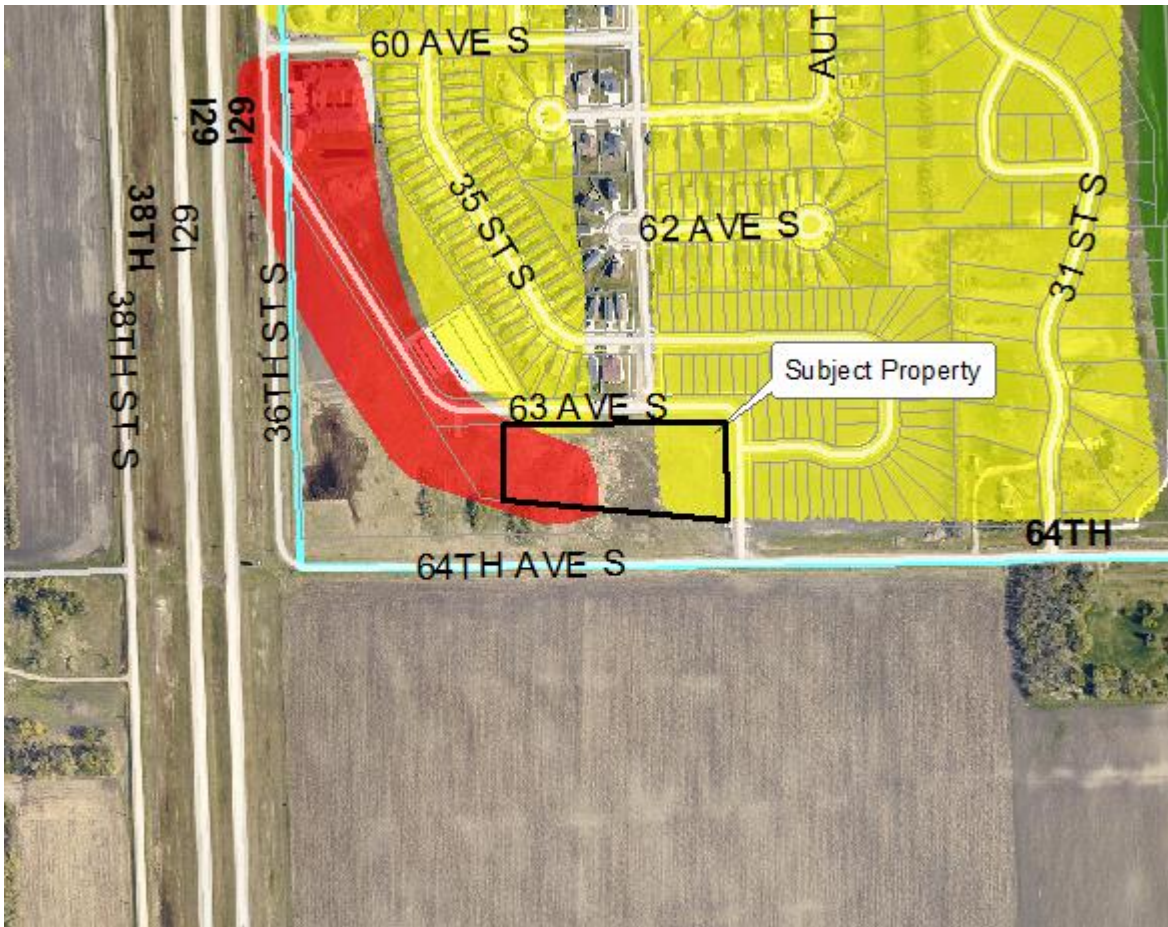
Proposal:
<p>The applicant is seeking approval of a minor subdivision, entitled Maple Valley Fourth Addition, which is a replat of Lot 2, Block 7, Maple Valley Addition. The subject properties are located at 3350, 3430, 3460, 3480, and 3540 63rd Avenue South and encompass approximately 3.91 acres. The applicant is proposing a three (3) Lot, one (1) Block minor subdivision for future commercial development purposes.</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>

Surrounding Land Uses and Zoning Districts:

- North: Across 63rd Avenue South; LC, Limited Commercial and SR-4, Single Dwelling Residential with twin home and self-service storage uses
- East: Across 33rd Street South; SR-4, Single Dwelling Residential with vacant land use
- South: P/I, Public and Institutional with vacant land use
- West: P/I, Public and Institutional with vacant land use

Area Plans:

The subject properties are located within the bounds of the 2001 Growth Plan S Remainder Land Use Plan. The plan designates portions of the subject area as suitable for Commercial and Low to Medium Residential land uses.



Schools and Parks:

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

Neighborhood: The subject property is located in the Maple Valley Neighborhood.

Parks: Maple Valley Park is proposed to be located approximately a quarter (.25) mile northeast of the subject property. Amenities are unknown at this time.

Pedestrian / Bicycle: Off-road bike facilities are provided along 31st Street South approximately less than a quarter mile (.25 miles) east of the subject property and are a component of the metro area bikeways system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to replat Lot 2, Block 7, Maple Valley Addition into three lots and one block to accommodate for future commercial development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

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

Planning Commission Recommendation: May 1, 2018

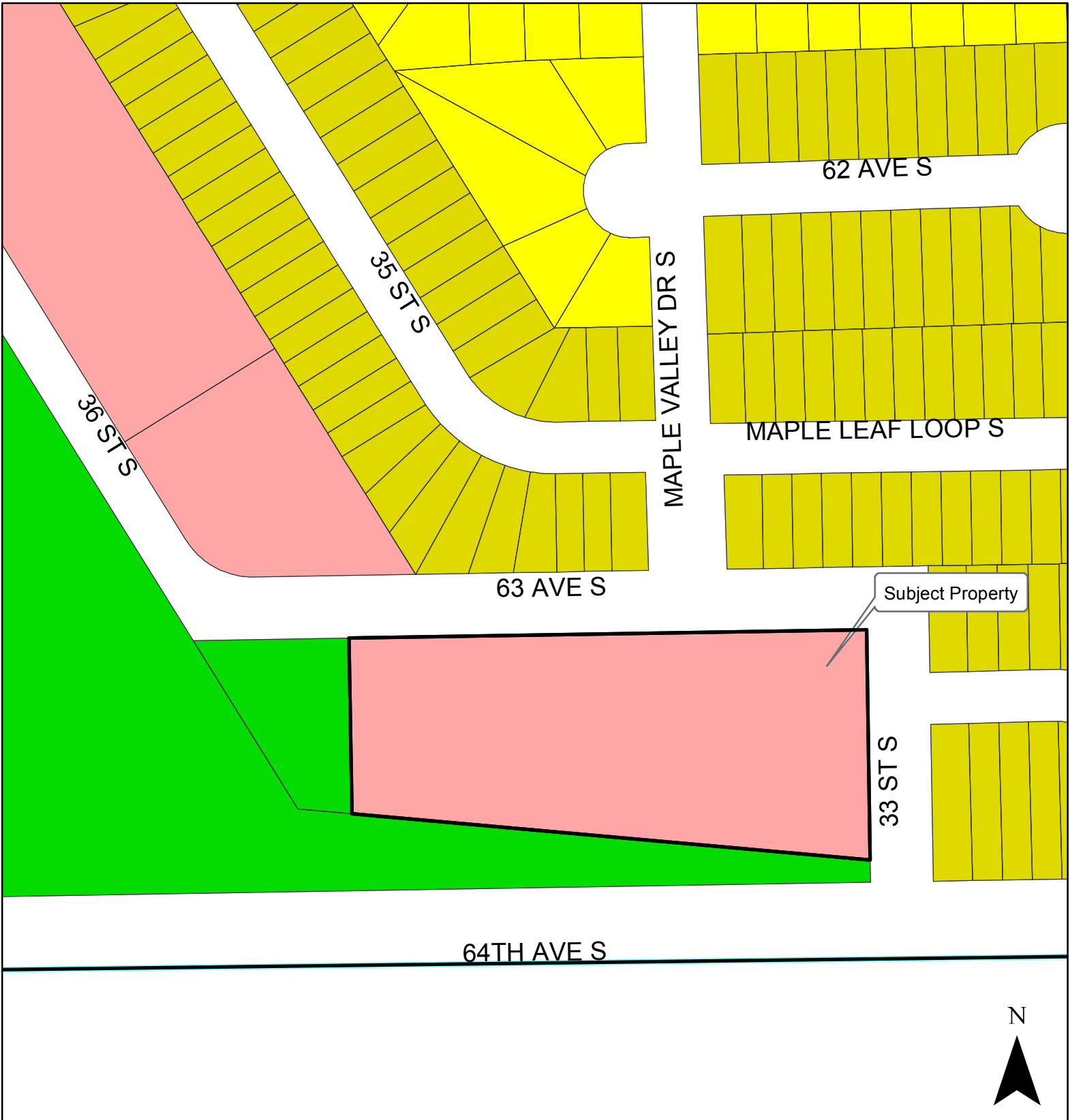
Attachments:

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

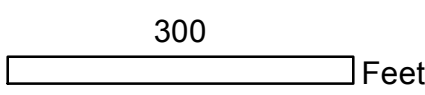
Plat (Minor)

Maple Valley Fourth Addition

3350, 3430, 3460, 3480, 3500
and 3540 63rd Avenue South



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



Fargo Planning Commission
May 1, 2018



Plat (Minor)

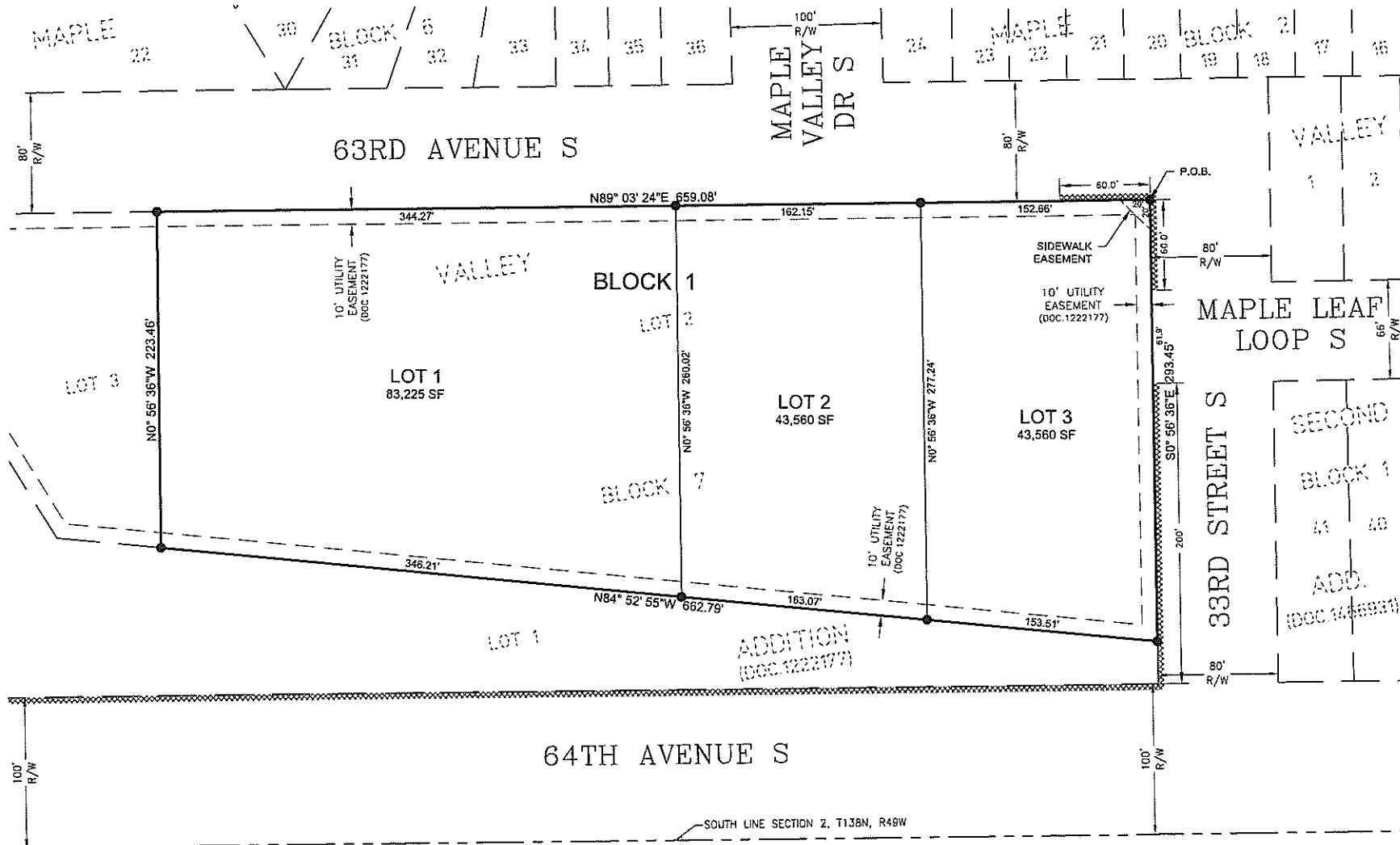
Maple Valley Fourth Addition

3350, 3430, 3460, 3480, 3500
and 3540 63rd Avenue South



MAPLE VALLEY FOURTH ADDITION

A REPLAT OF LOT 2, BLOCK 7 OF MAPLE VALLEY ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)

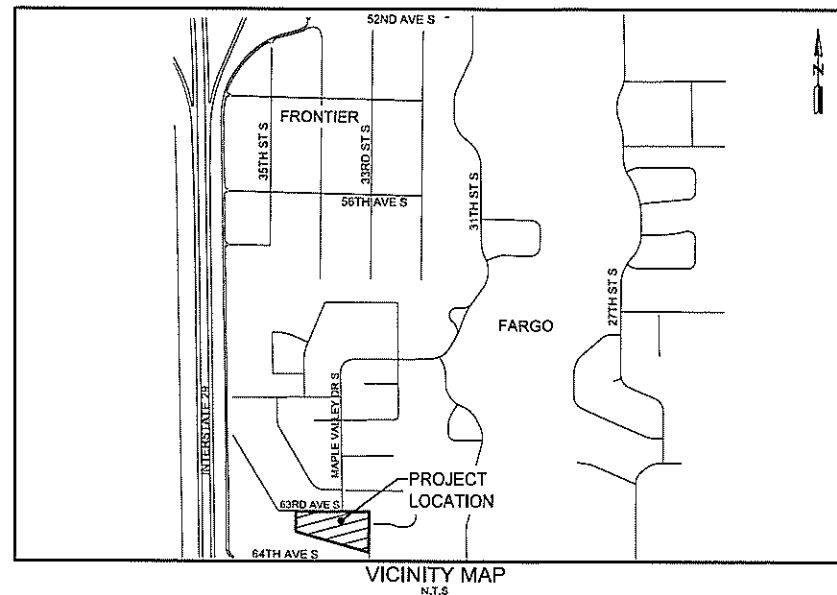
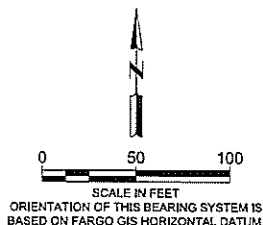


LEGEND

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

NOTES:
Per the Flood Insurance Rate Map community-panel number 38017C0787G dated January 16, 2015 indicates that no area of this plat is included in Special Flood Hazard Areas (SFHAs).

Negative access easement, as noted on this plat, is an easement dedicated as part of the right of way which easement denies direct vehicular access to a street or public way from the lot or lots adjacent to such street or way. The negative access easement is not a strip of land of any certain width, but is a line coterminous with the boundary of the adjacent lot or lots.



OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That VERAZITY PROPERTIES, LLC a North Dakota Limited Liability Company, is the owner of a Lot 2, Block 7 of Maple Valley Addition to the City of Fargo, as filed and on record at the office of the County Recorder, Cass County, North Dakota, being further described as follows:

Beginning at the northeast corner of said Lot 2; thence South 00 degrees 56 minutes 36 seconds East, on the east line of said Lot 2, for a distance of 293.45 feet; thence North 84 degrees 52 minutes 55 seconds West, on the south line of said Lot 2, for a distance of 662.79 feet; thence North 00 degrees 56 minutes 36 seconds West, on the west line of said Lot 2, for a distance of 223.46 feet; thence North 89 degrees 03 minutes 24 seconds East, on the north line of said Lot 2, for a distance of 659.08 feet to the point of beginning.

Said tract of land contains 170,345 square feet, more or less, and is subject to all easements and rights of way of record.

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

OWNER:
Verazity Properties, LLC

Jon Miller, President

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Jon Miller, President, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of Verazity Properties, LLC.

Notary Public: _____

MORTGAGEE:
VISIONBank

State of North Dakota)
County of Cass)

On this _____ day of _____, 20____, before me personally appeared _____, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of _____.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

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

State of North Dakota)
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

State of North Dakota)
County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

Shara Fischer, Chair
Fargo Planning Commission

State of North Dakota)
County of Cass)

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

Notary Public: _____

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)

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: _____

Mead & Hunt

Phone: 701-566-6450
meadhunt.com

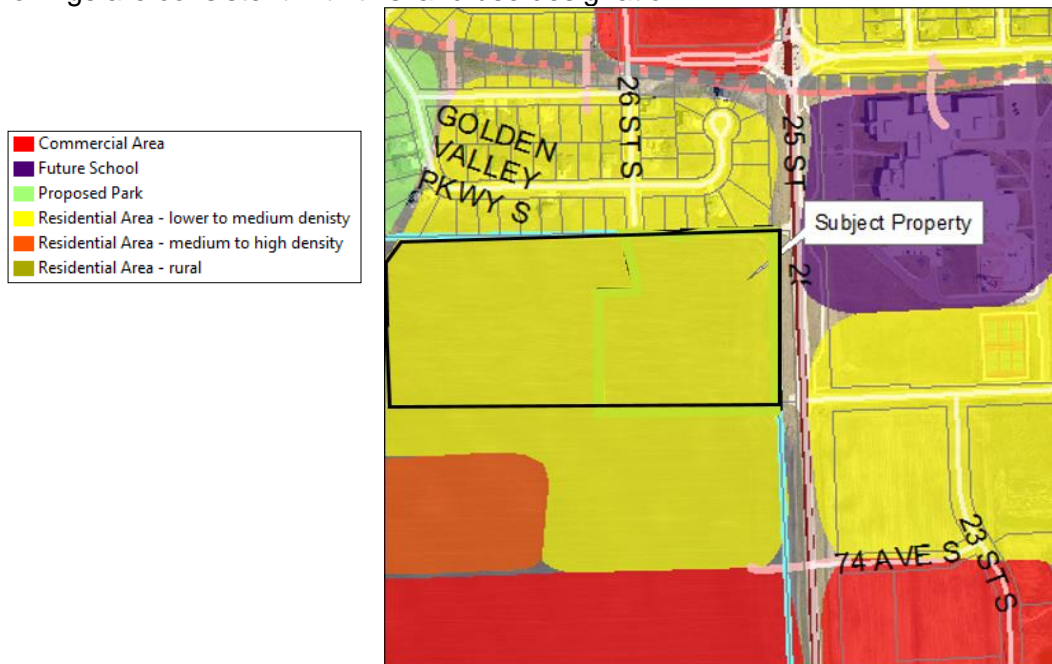
Project No.
4578300-180750.01
SHEET 1 OF 1

City of Fargo Staff Report			
Title:	Annexation of a portion of Southeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.	Date:	4/26/2018
Location:	West of 25 th Street South, south of Golden Valley Addition	Staff Contact:	Donald Kress, Planning Coordinator
Legal Description:	Portion of Southeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota (see detailed legal description in attached petition)		
Owner(s)/Applicant:	James R. Bullis /Sitka Investments	Engineer:	Wenck Associates
Entitlements Requested:	Planning Commission review of consistency with comprehensive plan.		
Status:	Planning Commission review May 1, 2018		
Existing		Proposed	
Land Use: Undeveloped		Land Use: Residential	
Zoning: AG, Agricultural		Zoning: SR-4, Single Dwelling Residential; P/I, Public/Institutional with a C-O, Conditional Overlay; AG	
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		<p>Uses Allowed: SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities;</p> <p>P/I Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events;with a C-O, conditional overlay to restrict uses as shown</p> <p>AG –Allows detached houses, parks and open space, safety services, basic utilities, and crop production (Lot 9, Block 3 will remain zoned AG)</p>	
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.		Maximum Density Allowed: SR-4 allows 12.1 dwelling units per acre; AG allows a maximum of 1 dwelling unit per 10 acres; P/I has no density standard	
Proposal:			

The applicant has petitioned the City to annex approximately 35.22 acres of land that is currently within the city’s four-mile extra-territorial jurisdiction. This area is undeveloped. A map of the proposed annexation area is attached.

Area Plans:

The 2007 Tier 1 Southeast Growth Plan, part of the 2007 Growth Plan, designates the area of this project as “Residential Area – lower to medium density” land use. Per that plan, both the proposed SR-4 and P/I zonings are consistent with this land use designation.



Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as “low density residential” development. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity as noted below. The land use plan has not been officially adopted by the Planning Commission (This land use plan is Figure 5.1 of the SWMTP)

Staff Analysis:

This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”).

The annexed area is intended to be developed as with single-family residential development. The entitlements for this development—zone change and major subdivision plat-- are items 2a and 2b on the May 1, 2018 Planning Commission agenda. The proposed zoning is as noted below:

BLOCK	LOTS	ZONING	LAND USE
1	1-16	SR-4	Single-Dwelling Residential
2	1-16	SR-4	Single-Dwelling Residential
3	1-8	SR-4	Single-Dwelling Residential
3	9	Remains AG	For future development
3	10	P/I, with a C-O, Conditional overlay to restrict uses to “park and open space” and ‘detention facilities”	Park and detention basin; to be conveyed to Fargo Park District after plat recordation
3	11	P/I, with a C-O, Conditional overlay to restrict uses to “park and open space” and ‘detention facilities”	For future development; applicant will eventually rezone it for residential development
3	12	P/I to restrict uses to “park and open space” and ‘detention facilities”	Levee; to be dedicated to City of Fargo by this plat

3	13	P/I to restrict uses to “park and open space” and ‘detention facilities”	For future expansion of Drain 53; to be conveyed to Southeast Cass Water Resources District by this plat
---	----	--	--

OWNERSHIP

The entire property involved in the annexation is owned by the applicant, Sitka Investments, James R. Bullis, president. No existing residences or businesses are included in the annexation area.

PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 Tier 1 Southeast Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the “Tier 1” designation as the “Intended Growth Sector” for the city of Fargo.

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that “Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]” and that “Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development.” (page 55, 2007 Growth Plan). The proposed development is adjacent to and across 25th Street from existing residential development. The location of this development adjacent to existing residential development and an arterial street (25th Street South) also corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development:

- Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services; and
- Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property. (page 56, 2007 Growth Plan)

The proposed development is consistent with the land use designations of the 2007 Growth Plan; no growth plan amendment is necessary for this project.

Additionally, the Fargo Preferred Future Land Use Plan Update of the Southwest Metro Transportation Plan (SWMTP) designates the land use for this area as “low density residential” development. The SWMTP was a project of the Metropolitan Council of Governments (MetroCOG). Planning staff uses the SWMTP as a guide, particularly for future street connectivity as noted below. The land use plan has not been officially adopted by the Planning Commission (This land use plan is Figure 5.1 of the SWMTP)

PROCESS

This request for annexation is scheduled to be reviewed by PWPEC at their April 30, 2018 meeting. The Planning Commission will evaluate this proposed annexation for consistency with the 2007 Growth Plan in item E(1) of the May 1, 2018 Planning Commission agenda. A hearing will be scheduled for this annexation at the City Commission concurrently with the final plat and zone change hearing.

Staff Recommendation:

Staff recommends the Planning Commission find that the proposed annexation of a portion of Southeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.

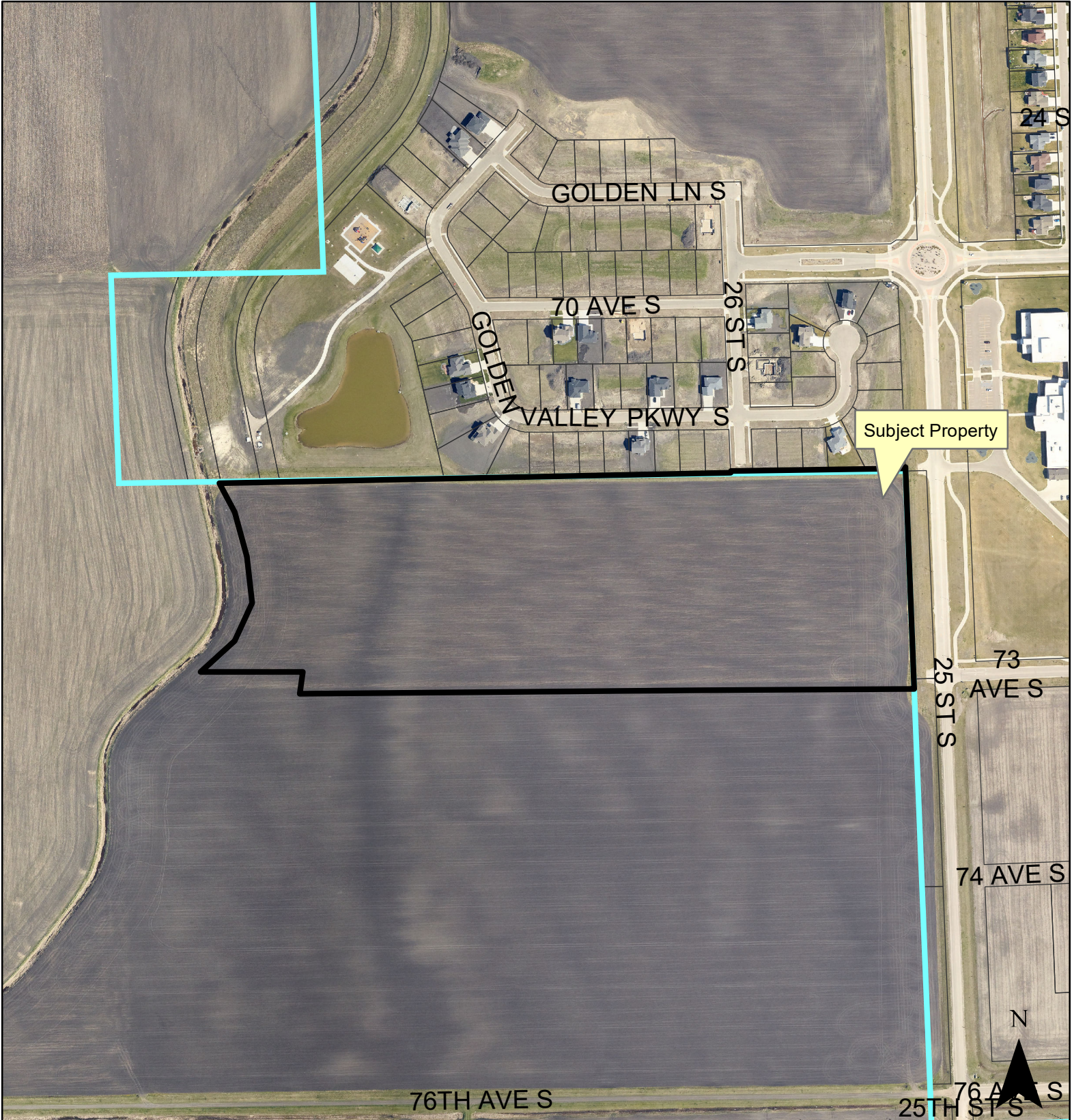
Attachments:

1. Location map
2. Annexation map
3. Annexation petition

ANNEXATION

Madelyn's Meadows Addition

7269 25 Street South



ANNEXATION MAP

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

ANNEXATION PLAT OF:

That part of the Southeast Quarter in Section 11, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southeast corner of Lot 15, Block 1 of GOLDEN VALLEY FIRST ADDITION, according to the record plat thereof, said County; thence South 02 degree 16 minutes 07 seconds East and parallel to the east of line of said Southeast Quarter 703.96 feet; thence South 89 degrees 05 minutes 36 seconds West 2,373.63 feet to a point of intersection with the southeasterly line of the 100.00-foot wide Right-of-Way for Cass County Drain No. 53; thence North 49 degrees 06 minutes 22 seconds East along the southeasterly line of said Drain No. 53 a distance of 152.36 feet; thence northeasterly 355.98 feet along a tangential curve concave to the northwest and along the easterly line of said Drain No. 53, having a radius of 336.48 feet and a central angle of 60 degrees 37 minutes 00 seconds; thence North 11 degrees 30 minutes 38 seconds West along the easterly line of said Drain No. 53 a distance of 291.00 feet to its intersection with the south line of said GOLDEN VALLEY FIRST ADDITION; thence North 89 degrees 05 minutes 27 seconds East along the south line of said GOLDEN VALLEY FIRST ADDITION 2,179.20 feet to the point of beginning.

Said tract contains 35.22 acres, more or less.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Joshua J. Nelson, 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 area annexed; that said plat shows the City of Fargo Corporate limits contiguous to the annexed property.

Joshua J. Nelson, PLS
Professional Land Surveyor
Registration No. LS-27292

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 2018, appeared before me, Joshua J. Nelson, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public, Cass County, North Dakota

My commission expires: _____

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by the City Engineer this ____ day of _____, 2018.

Mark H. Bittner, P.E.
City Engineer

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 2018, before me, a notary public in and for said county, personally appeared Mark H. Bittner, City Engineer, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

My commission expires: _____

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this ____ day of _____, 2018.

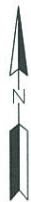
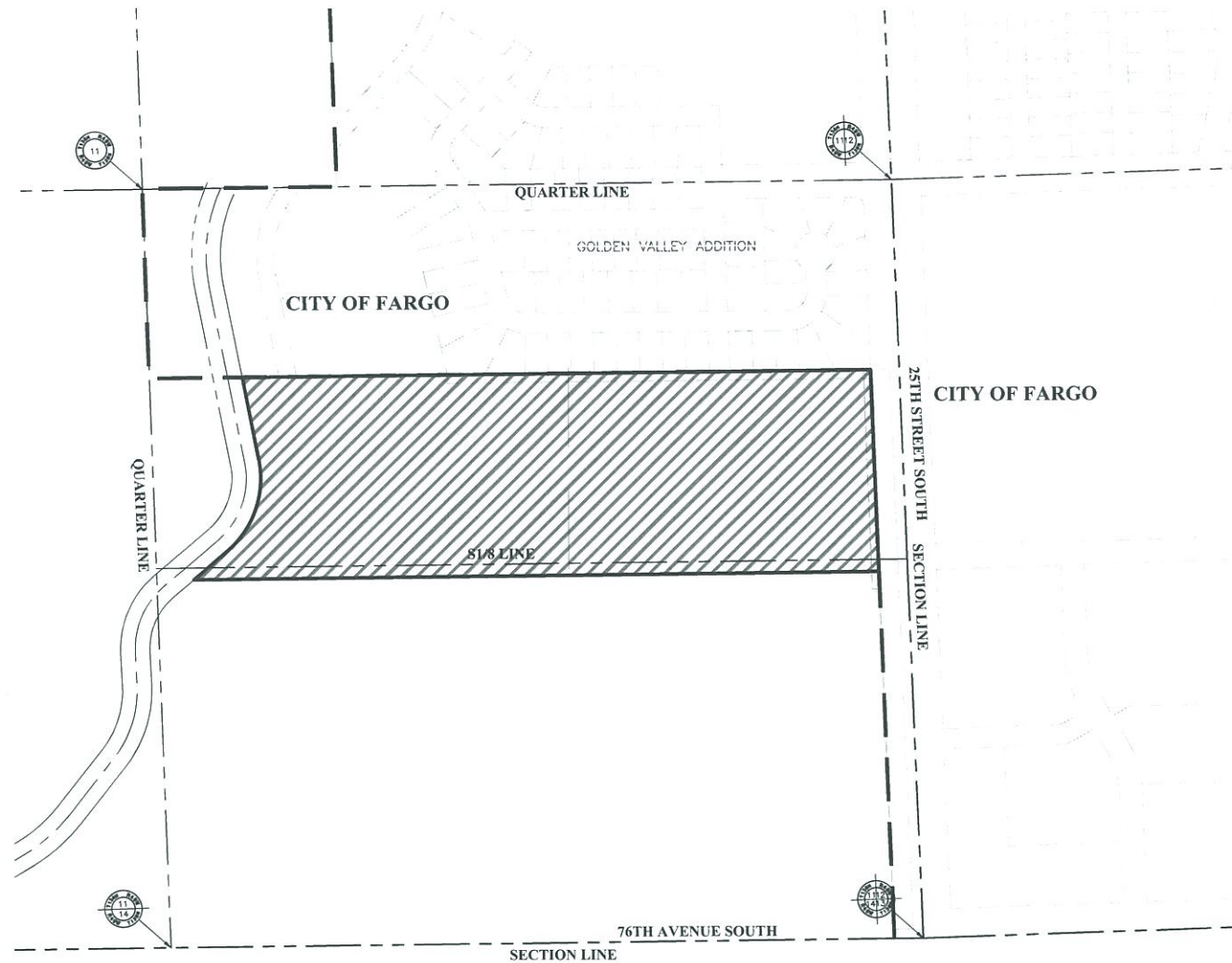
Shara Fischer
Planning Commission Chair

State of North Dakota)
) SS
County of Cass)

On this ____ day of _____, 2018, before me, a notary public in and for said county, personally appeared Shara Fischer, Planning Commission Chair, known to me to be the person described in and who executed the same as a free act and deed.

Notary Public, Cass County, North Dakota

My commission expires: _____



0 300 600
SCALE IN FEET

BEARINGS ARE BASED ON THE CITY OF FARGO COORDINATE SYSTEM

LEGEND

- EXISTING CITY LIMIT BOUNDARY
- ▨ AREA TO BE ANNEXED



Responsive partner. Exceptional outcomes.

3303 Flechtner Drive Fargo, ND 58103 Ph: 701-297-9600 Fax: 701-297-9601

That part of the Southeast Quarter in Section 11, Township 138 North, Range 49 West, of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southeast corner of Lot 15, Block 1 of GOLDEN VALLEY FIRST ADDITION, according to the record plat thereof, said County; thence South 02 degree 16 minutes 07 seconds East and parallel to the east of line of said Southeast Quarter 703.96 feet; thence South 89 degrees 05 minutes 36 seconds West 2,373.63 feet to a point of intersection with the southeasterly line of the 100.00-foot wide Right-of-Way for Cass County Drain No. 53; thence North 49 degrees 06 minutes 22 seconds East along the southeasterly line of said Drain No. 53 a distance of 152.36 feet; thence northeasterly 355.98 feet along a tangential curve concave to the northwest and along the easterly line of said Drain No. 53, having a radius of 336.48 feet and a central angle of 60 degrees 37 minutes 00 seconds; thence North 11 degrees 30 minutes 38 seconds West along the easterly line of said Drain No. 53 a distance of 291.00 feet to its intersection with the south line of said GOLDEN VALLEY FIRST ADDITION; thence North 89 degrees 05 minutes 27 seconds East along the south line of said GOLDEN VALLEY FIRST ADDITION 2,179.20 feet to the point of beginning.

Said tract contains 35.22 acres, more or less.

City of Fargo Staff Report			
Title:	Ohmers Addition	Date:	4-19-2018
Location:	1314 12 th Street North	Staff Contact:	Kylie Bagley
Petitioner:	Eric Miller	Engineer:	N/A
Reason for Request:	Appeal of an administrative decision to approve a Residential Protection Standards waiver		
Status:	Planning Commission: May 1, 2018		

Existing	Proposed
Land Use: Commercial Parking Lot	Land Use: unchanged
Zoning: LC, Limited Commercial with a Conditional Overlay	Zoning: unchanged
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. Conditional Overlay: Land use is limited to commercial parking use category only	Uses Allowed: unchanged
Maximum Density Allowed: Maximum 55% building coverage	Maximum Density Allowed: unchanged

Request:
The applicant for the Residential Protection Standard waiver, Eric Miller, is requesting a waiver to a residential protection standard that requires a landscape buffer and a 10-foot parking setback, on the property located at 1314 12th Street North. An administrative decision was made by the City Planner to grant the requested waiver, however an adjacent property owner objects to the granting of the waiver and is appealing the decision to the Planning Commission.

Background:
The subject property owner, Alpha Gamma Rho, is currently constructing a commercial parking lot in order to provide parking for their tenants. This phase of construction is in proximity to an SR zoning district, therefore a portion of the property must conform to the Residential Protection Standards of the LDC.

In November, 2017, Eric Miller submitted an application in accordance with Section 20-0704.I of the LDC for a waiver of the residential protection standard imposed by Section 20-0704.E of the LDC which requires a landscape buffer

Area of required RPS buffer and parking setback

Proposed Site Plan

and a 10-foot parking setback along a portion of the property where the lot lines are adjacent to residential zoning districts. This landscape buffer would be required along the northern lot line where the property abuts properties zoned SR-3. The applicant has proposed to provide continuous plantings of perennial grasses along the north property line as well as shrubs and perennial grasses along the north east and north west property lines to provide buffering along the parking stalls.

Upon sending out notices of staff's intention to approve the requested waiver, adjacent property owners have appealed staff's decision. Staff received three written appeals. These items are attached.

Process:

In accordance with the Residential Protection Standards waiver process, appeals of staff's decision must be taken to the Planning Commission. The Planning Commission shall consider the appeal and waiver request as a new matter, and shall act to approve or deny the original waiver application.

Staff Analysis:

As stated above, the subject property is located at 1314 12th Street North and is zoned LC, Limited Commercial. Residential protection standards are required whenever commercial development occurs on a site located within 150 feet of any SR zoning district. The subject property abuts properties that are zoned SR-3, Single-Dwelling Residential.

Section 20-0704.E of the LDC requires that a landscape buffer be installed along lot lines that are adjacent to single-family residentially zoned properties. Within this section there are two types of landscape buffers that may be used to satisfy this requirement:

1. "Type A" landscape buffers are comprised of a 10 foot wide buffer area with a minimum of 1 tree and 20 shrubs per 50 linear feet of buffer.
2. "Type B" landscape buffers are comprised of a 20 foot wide buffer area with a minimum of 1 tree and 10 shrubs per 50 linear feet of buffer.

Section 20-0704.B of the LDC requires that off-street parking spaces be setback a minimum of 10 feet from the property lines.

As outlined in Section 20-0704.I of the LDC, the City Planner is authorized to reduce or waive one or more of the residential protection standards if it is found that the reduction or waiver is appropriate and will not harm the surrounding area.

Waiver:

The original waiver application submitted proposed to provide landscaping along the north east and north west property lines and to provide no landscaping along the north property line. The applicant also proposed to waive the 10-foot setback for parking. In reviewing the requested waiver, staff found that the proposed modified buffer was not sufficient and that additional perennial grasses and shrubs should be provided. The applicant modified the application, and staff intended to approve the waiver with the following conditions:

1. Provide continuous plantings of perennial grasses along the northern property line as well as provide shrubs and perennial grasses directly east and west of the parking stalls to provide buffering, as indicated on the plan.

As noted, staff received two written appeals in opposition.

Staff Position:

Staff supports the granting of a waiver. The applicant worked with staff to revise original waiver application. The updated application (which was approved by the City Planner and what is outlined within this staff report) provides more shrubs and perennial grasses than originally proposed. Staff finds that the waiver is appropriate.

Action on Appeal: (Section 20-0704.I.1.d of LDC)

The Planning Commission shall consider the appealed decision on the request for waiver of residential protection

standards required by Section 20-0704 as a new matter. After considering the matter, the Planning Commission shall act to approve or deny the original application.

Staff Recommendation:

Recommended Motion: "To accept the findings and recommendations of staff and hereby move to approve the waiver for the applicable residential protection standards as presented, and require that in lieu of a standard landscape buffer and 10-foot parking setback as outlined in LDC Section 20-0704, the petitioner shall be required to meet the following conditions:

1. Provide continuous plantings of perennial grasses along the northern property line as well as provide shrubs and perennial grasses directly north east and mprth west of the parking stalls to provide buffering, as indicated on the plan.

as outlined in the staff report."

Planning Commission Decision: May 1, 2018

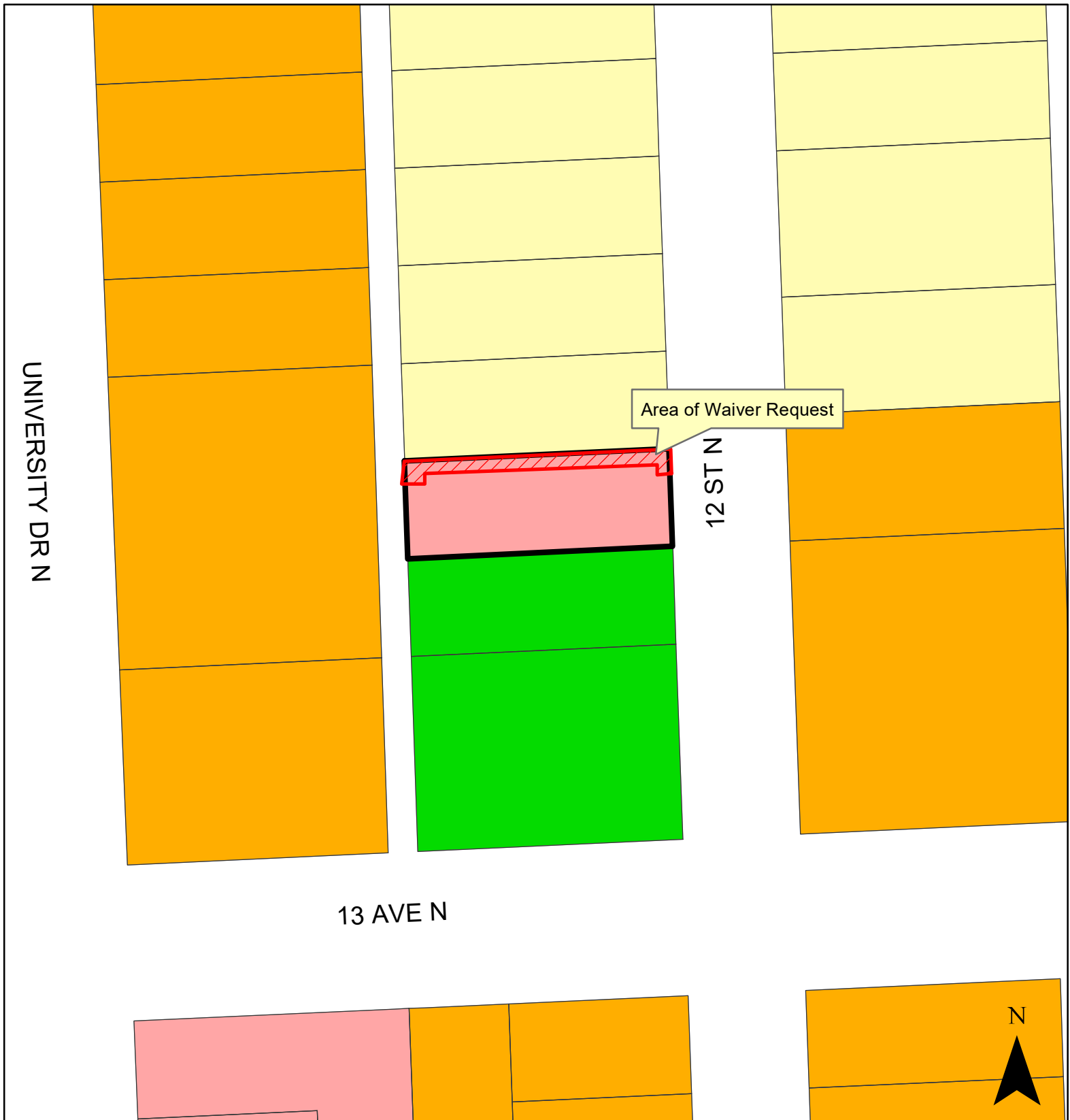
Attachments:

1. Zoning Map
2. Location Map
3. Proposed Site Plan
4. Appeals

Appeal of a Waiver of Residential Protection Standards

Ohmers Addition

1314 12th Street North



Legend

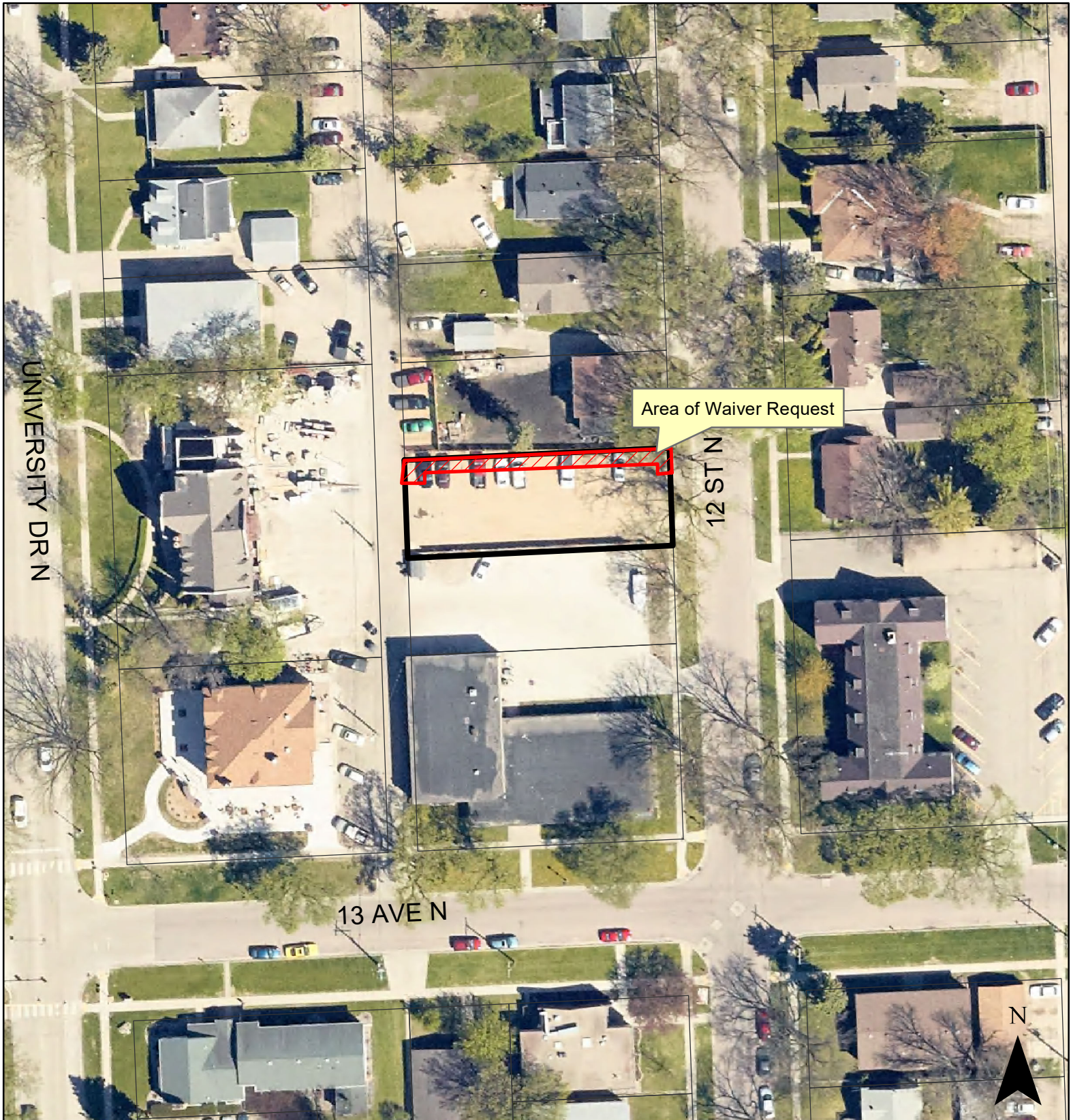
AG	LC	MHP	SSR-2
DMU	LR	NC	SSR-3
GC	MRR-1	NO	SSR-4
GI	MRR-2	P/I	SSR-5
GO	MR-3	UMI	City Limits

Fargo Planning Commission
May 1, 2018

Appeal of a Waiver of Residential Protection Standards

Ohmers Addition

1314 12th Street North

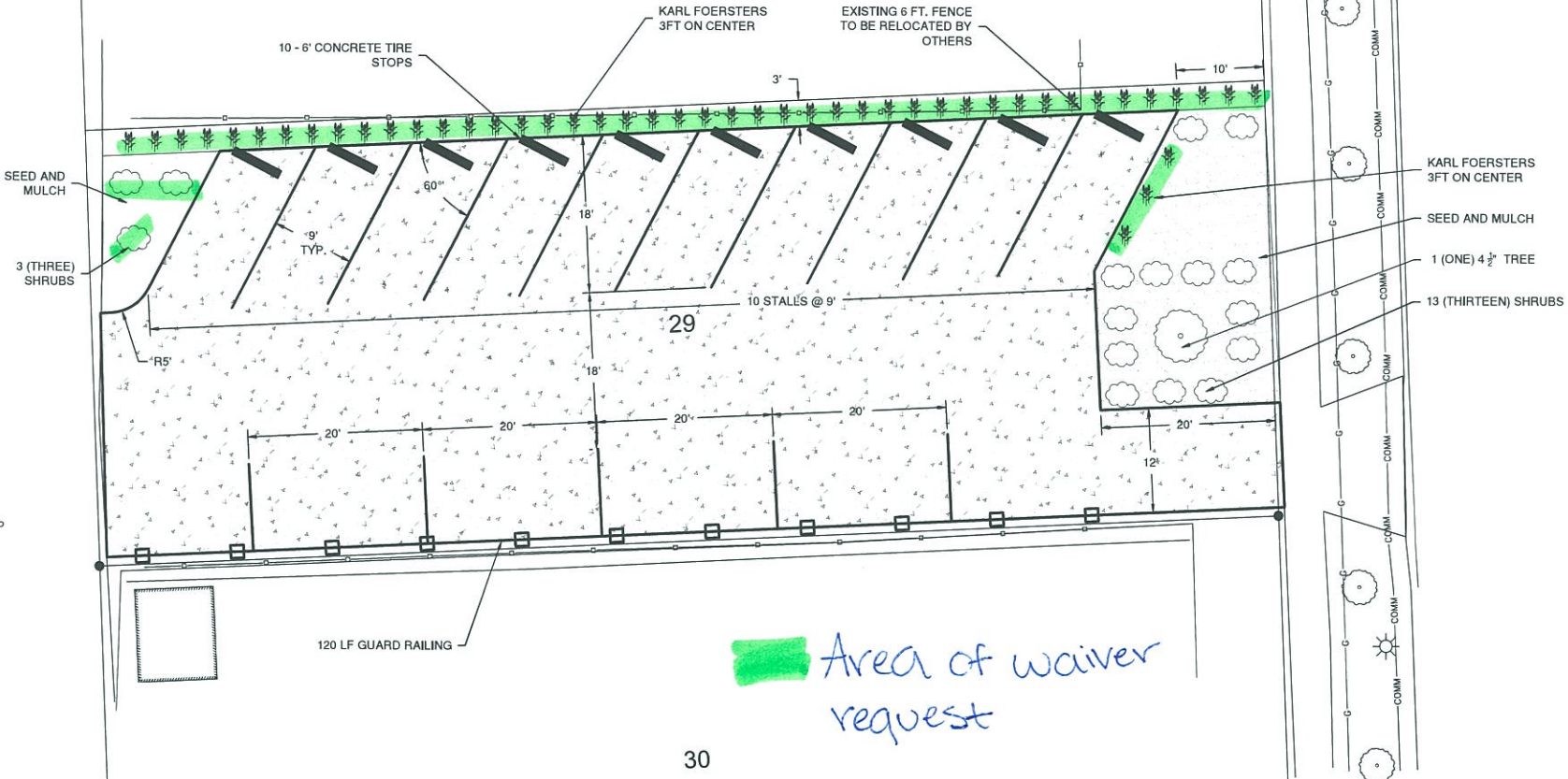


Legend

AG	LC	MHP	SSR-2
DMU	MR-1	NC	SSR-3
GC	MR-2	P/I	SSR-4
GI	MR-3	UMI	SSR-5
GO			City Limits

SUBDIVISION OF LOTS 65-68 OHMER'S SUBDIVISION

28



30

Kylene Bagley

From: Curt Lee <agrotec@srt.com>
Sent: Monday, April 9, 2018 9:52 AM
To: Kylene Bagley
Subject: waiver request - AGR parking lot
Attachments: Scan1.pdf; Curt Lee & AGR_Signed.pdf

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Dear Karen,

I received a letter from the City of Fargo regarding the Alpha Gamma Rho subdivision of lots 65-68 and their request for a waiver.

My initial thought is that by providing a waiver to the Residential Protection Standard they will not have to plant tree's and shrubs in the buffer which reduces the effectiveness of the buffer.

I am not strictly opposed to the AGR's plan, although I was not completely happy with the first stage of their project. It appears from the plan that my fence, even though the same holes were used, is on their property, which will require me moving the fence.

This is unfortunate, as locating the correct fence line and correctly locating the fence, as well as suppling a quality fence was part of an agreement with AGR when they removed some trees which they failed to follow through with.

If we decide to waive could the fence stay as is?

Any thoughts you have would be appreciated, as I am unfamiliar with the city's development code and guess I am wondering if I should consider an appeal.

Regards,

Curt



& Lee Farms

Curt Lee / President

Agro-Tech, Inc.

4489 Highway 41 North, Velva, ND 58790

agrotec@srt.com • Mobile: 701.626.1387

Office: 701.338.2589 • www.agrotechresearch.com



<https://twitter.com/AgroTechInc>



<https://www.facebook.com/agrotechresearch>

Kylene Bagley

From: Martha <berryhill@cableone.net>
Sent: Friday, April 6, 2018 3:41 PM
To: Kylene Bagley
Subject: Kirkham's addition project appeal

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hi Kylie,

As a former resident of the 1300 block of 12th St N, I'd like to comment on the parking lot plans, for the record.

The fence the Lutheran Center erected several years ago was pleasant to look at and protected the residence to the north from the sights and sounds of the lot. I would prefer a similar structure this time – a substantial barrier between the proposed parking lot and the residence at 1318. The grasses and shrubs would be good for the south side of the parking lot, if the Lutheran Center fence could be removed.

Perhaps some guidance from you or the Planning Commission would be necessary to achieve this – remove existing Lutheran Center fence, greenscape between the two lots or eliminate the boundary requirements between the two lots, substantial fence on the north side of the AGR lot as per code.

I **do** like the corner plantings; they soften the view from the east and west.

Thank you for considering these thoughts.

-Martha Berryhill
formerly 1354-12th St N

Kylene Bagley

From: Rocky Schneider <rocky.schneider@gmail.com>
Sent: Thursday, April 5, 2018 11:20 AM
To: Kylene Bagley
Cc: Nicole Crutchfield
Subject: Re: Residential Protection Standard Waiver (1314 12th St N)

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Just to add reasoning, in case that was needed. In December when we rezoned this site, the staff report had the following:

"FUTURE SITE DEVELOPMENT: The parking lot on Lot 29 is currently unpaved. The property owner will be required to pave and stripe the lot and install a residential protection buffer on the north side of the lot in relation to the adjacent residence. This buffering follows the requirements of the Land Development Code (LDC) as well as the Roosevelt-NDSU Neighborhood Area Plan, which states "When in close Page 3 of 4 proximity to residential, especially single family residential dwelling, commercial shall be buffered to protect the residential land uses." A draft site plan for this parking lot is attached. "

Because we approved it given the landscaping called out in the staff report and draft site plan, and the RNA sent in comments on it. I think we would do well to give everyone a chance to comment on this change as well.

Thanks, Kylie!

On Thu, Apr 5, 2018 at 11:15 AM, Rocky Schneider <rocky.schneider@gmail.com> wrote:
Kylie,

I would like this to be placed on the May Planning Commission agenda to discuss. Thanks for talking it through with me today. I think it would benefit from an open PC discussion.

Thanks!

On Thu, Apr 5, 2018 at 10:18 AM, Kylene Bagley <kbagley@fargond.gov> wrote:

Good Morning,

The Planning Department received an application for a waiver of Residential Protection Standards as outlined in section 20-0704.I of the Land Development Code. It is required that property owners within 300 feet of the subject property and the Planning Commission be notified of the City Planner's decision on the waiver. Enclosed is the letter that was mailed to the adjacent property owners.

Alpha Gamma RHO House Corporation plans to construct a parking lot located at 1314 12th Street North, which is located within the LC, Limited Commercial, zoning district. Section 20-0402 of the City's Land

Development Code (LDC) requires, in part, Residential Protection standards for landscaping buffers shall apply to any side of the development within 600 feet of residential zoning districts, or within 600 feet of vacant land illustrated as residential in the Growth Plan. This standard requires that a landscape buffer be installed along portions of the west, south and east property line.

As authorized by Section 20-0704.I of the LDC, and after careful review, the City Planner intends to approve this request for waiver of Residential Protection Standards as described above. Once approved, the petitioner will be required to meet the following conditions:

1. Provide continuous plantings of perennial grasses along the northern property line as well as provide shrubs and perennial grasses directly east and west of the parking stalls to provide buffering, as indicated on the plan.

Should you disagree with this decision, please contact me by April 16, 2018 and the matter will be scheduled for review by the Planning Commission at the next regular meeting of the Planning Commission.

Please contact me at (701) 476-4152, or email me at KBagley@FargoND.gov if you have any questions.

Kylie Bagley

Assistant Planner

City of Fargo - Planning & Development

200 3rd Street North

Fargo, ND 58102

Ph: (701) 476-4152

kbagley@FargoND.gov