

FARGO PLANNING COMMISSION AGENDA
Tuesday, June 5, 2018 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of May 1, 2018
- C: Brown Bag Luncheon - Wednesday, June 20, 2018
- D: Public Hearing Items:
 - 1a. Continued 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 (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an): WITHDRAWN
 - 1b. Continued hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential, to MR-3, Multi-Dwelling Residential 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 (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an):WITHDRAWN
 - 1c. Continued 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 (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an): WITHDRAWN
 - 2. Continued 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)

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.

3. Continued 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)
- 4a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial and P/I, Public and Institutional with a C-O, Conditional Overlay within the boundaries of the proposed **19th Avenue Northeast Pond Addition**. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP) (dk)
- 4b. Continued 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, Cass County, North Dakota. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP) (dk)
- 5a. Hearing on an application requesting a Zoning Change from AG, Agricultural to LI, Limited Industrial, GI, General Industrial and P/I, Public and Institutional and with a C-O, Conditional Overlay within the boundaries of the proposed **19th Avenue Southwest Pond Addition**. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP) (dk)
- 5b. Continued 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, Cass County, North Dakota. (Located at 2102 45th Street North) (Montplaisir Ag & Rental LLP) (dk)
6. Hearing on an application requesting a Conditional Use Permit to allow Residential and Industrial Uses in a GC, General Commercial Zoning district on Block 26 and Lots 1, 12, 13 and part of Lots 2-11, Block 27, **Reeves Addition**, adjacent vacated right-of-way, Auditor's Lot No. 1, and an unplatted portion of the South Half of Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1620, 1624, 1630, and 1632 1st Avenue North) (MBA Investments, LLC/Kevin Bartram) (me)
7. 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, including a Subdivision Waiver to reduce the size of a cul-de-sac and a right-of-way name change. (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) (Craig Holdings LLC/Jesse Craig) (an)

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.

- 8a. Hearing on an application requesting a Zoning Change from GC, General Commercial to LI, Limited Industrial and AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay within the boundaries of the proposed **Black Mountain Addition**. (Located at 3149, 3151, and 3185 Main Avenue) (Black Mountain/Mike Arnold) (dk)
- 8b. Hearing on an application requesting a Plat of **Black Mountain Addition** (Minor Subdivision) a replat of Lot 1 and part of Lot 2, Goodman's Subdivision; Lot 1, Teigen's Subdivision; and part of the South Half of Section 2, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, to the City of Fargo, Cass County, North Dakota to include a Subdivision Waiver on Lot 2, Block 1. (Located at 3149, 3151, and 3185 Main Avenue) (Black Mountain/Mike Arnold) (dk)
- 9a. Hearing on an application requesting a Zoning Change from SR-1, Single-Dwelling Residential to SR-3, Single-Dwelling Residential, within the boundaries of the proposed **Champions Gate Addition**. (Located at 5501, 5535, 5565, 5601, 5643, 5684, and 5757 31st Street South) (Prairie Farms LLC/Michael Domitrovich) (dk)
- 9b. Hearing on an application requesting a Plat of **Champions Gate Addition** (Minor Subdivision) a replat of Lots 9-15, Block 6, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota. (Located at 5501, 5535, 5565, 5601, 5643, 5684, and 5757 31st Street South) (Prairie Farms LLC/Michael Domitrovich) (dk)
- 10a. Hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay, on a portion of the proposed **Providence at Prairie Farms Addition**. (Located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st Street South) (Prairie Farms LLC/Michael Domitrovich) (kb)
- 10b. Hearing on an application requesting a Plat of **Providence at Prairie Farms Addition** (Minor Subdivision) a replat of Lots 20-29, Block 1, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota. (Located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st Street South) (Prairie Farms LLC/Michael Domitrovich) (kb)
- 11. Hearing on an application requesting a Plat of **Crescent Addition** (Minor Subdivision) a replat of Lots 2-5, Block 1, Engkjer Addition to the City of Fargo, Cass County, North Dakota. (Located at 3402 and 3502 4th Avenue South and 425 34th Street South) (Crescent Properties, LLC/Jim Schlieman) (kb)
- 12a. Hearing on an application requesting a Conditional Use Permit to allow for a Telecommunication Support Structure (TSS) over 50 feet in height and not more than 125 feet in the LC, Limited Commercial Zoning district on Lot 4, Block 1 of **Spiry Third Addition**. (Located at 4200 32nd Avenue South) (32ND/42ND Properties LLC/Mark Borchert) (bv):
WITHDRAWN

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.

- 12b. Hearing on an application requesting a Conditional Use Permit to allow for a spacing distance reduction between a proposed Telecommunications Support Structure (TSS) on Lot 4, Block 1 of **Spiry Third Addition** and an existing Telecommunications Support Structure (TSS) over 125 feet in height, located less than a half mile from the subject property. (Located at 4200 32nd Avenue South) (32ND/42ND Properties LLC/Mark Borchert) (bv):
WITHDRAWN
13. Hearing on an application requesting a Zoning Change from MR-2, Multi-Dwelling Residential to SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential on Lots 10-17, Block 3, Lots 1-5, the West 7 feet of Lot 6, the East 135 feet of Lots 7 and 8, and Lot 9, Block 5, and Lot 7, Block 8, **Woodruffs Addition**; Lots 1-3, and the West Half of Lots 4-7, Block W, **Chas A Roberts Addition**; West 86 feet of Lots 9-12, Block X, **Ers kines Addition**; and the South 71 feet less the West 59 feet of the North 115 feet of Lot 4, and the North 10 feet and the East 50 feet of Lot 5, Block 4, **Island Park Addition**. (Located at 703, 705, 711, 913, 927, 1001, 1003, 1009, and 1101 4th Street South; 920, 924, and 1010 5th Street South; 912, 918, 924, and 926 6th Street South; 403 8th Avenue South; and 415, 418, 419, 421, 422, 424, 426, 428, 501, 503, 505, 507, and 514 10th Avenue South) (City of Fargo) (tg)

E: **Other Items:**

1. 2017 Community Development Action Plan Amendment – Fraser Ltd. Project
2. 2017 and 2018 Community Development Action Plan Amendment – HomeField 2

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, May 1, 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, May 1, 2018.

The Planning Commissioners present or absent were as follows:

Present: Shara Fischer, John Gunkelman, Mike Magelky, Dawn Morgan, Rocky Schneider, Melissa Sobolik, Kelly Steffes, Scott Stofferahn, Maranda Tasa, Brad Bachmeier

Absent: Mary Scherling

Chair Fischer welcomed the new Planning Commissioner Brad Bachmeier and called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following Agenda items:

- Item C the May Brown Bag meeting has been cancelled.
- Items 1a, 1b, 1c, and 1d have been continued to the July 3, 2018 Planning Commission meeting.
- Item 3 has been withdrawn by the applicant.
- Items 4, 6, 9, and 10 have been continued to the June 5, 2018 Planning Commission meeting.

Member Stofferahn 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 April 3, 2018

Member Stofferahn moved the minutes of the April 3, 2018, Planning Commission meeting be approved. Second by Member Schneider. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, May 16, 2018 Brown Bag Luncheon - CANCELLED

Item D: Public Hearing Items:

Item 1: NSC Addition

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): 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): 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): 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, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO JULY 3, 2018

A Hearing had been set for August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued to September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to 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 continued to July 3, 2018.

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): APPROVED

2b. Continued hearing on an application requesting a Plat of Madelyn's Meadows Addition (Major Subdivision) a replat of a portion of the Northeast Quarter of the Southeast Quarter of Section 11, Township 138 North, Range 49 West, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness): APPROVED

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 April 3, 2018. At the April 3, 2018 meeting, the Hearing was continued to this date and time.

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

Applicant Jon Youness spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses; and 2) Subdivision Plat, Madelyn's Meadows First Addition, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Magelky, Schneider, Steffes, Sobolik, Stofferahn, Morgan, Bachmeier, Gunkelman, Tasa, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 3: 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): WITHDRAWN

A Hearing had been set for April 3, 2018. At the April 3, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

Item 4: Urban Plains by Brandt 1st Addition

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.): CONTINUED TO JUNE 5, 2018

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

Item 5: Timber Parkway Third Addition

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): APPROVED

Planning Coordinator Maegin Elshaug presented the staff report stating that all approval criteria have been met and staff is recommending approval. She noted that additional documents were submitted to the Board.

Member Stofferahn moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, Timber Parkway Third Addition as outlined in the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Bachmeier, Gunkelman, Magelky, Morgan, Schneider, Sobolik, Steffes, Stofferahn, Tasa, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 6: Brandt Crossing Fourteenth Addition

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): CONTINUED TO JUNE 5, 2018

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

Item 7: Valley View 4th Addition

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): APPROVED

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, as outlined in the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Gunkelman, Sobolik, Steffes, Bachmeier, Tasa, Magelky, Morgan, Stofferahn,

Schneider, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 8: Ohmers Addition

Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, 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): APPROVED

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

Discussion was held on the type and location of the sign the applicant is proposing to install.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Zoning Change from SR-3, Single-Dwelling Residential to P/I, Public and Institutional with a C-O, Conditional Overlay for Lots 13-16, Ohmer's Addition, as outlined in the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Steffes. On call of the roll Members Tasa, Stofferahn, Steffes, Sobolik, Schneider, Morgan, Magelky, Gunkelman, Bachmeier, and Fisher voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 9: 19th Avenue Southwest Pond Addition

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

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

Item 10: 19th Avenue Northeast Pond Addition

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

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

Item 11: Larkin Addition

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): APPROVED

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 of the 5th Principal Meridian, 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): APPROVED

Planning Coordinator Aaron Nelson presented the staff report stating that all approval criteria have been met and staff is recommending approval.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to LI, Limited Industrial, and 2) Subdivision Plat, Larkin Addition, as outlined in the staff report as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06 and Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll, Members Magelky, Schneider, Steffes, Tasa, Stofferahn, Morgan, Bachmeier, Gunkelman, Sobolik, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 12: Minnkota Section 16 1st Subdivision

Hearing on an application requesting a Plat of Minnkota Section 16 1st Subdivision (Major Subdivision) a replat of Minnkota Section 16 Subdivision, and an unplatted portion of the Northwest Quarter of Section 16, Township 138 North, range 49 West, Cass County, North Dakota. (Located at 5181 76th Avenue South) (Minnkota Power Cooperative/Blake Sexton): APPROVED

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

Applicant Representative Brian Hoffart, MinnKota Power, spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Subdivision Plat, Minnkota Section 16 1st Subdivision as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll, Members Schneider, Tasa, Bachmeier, Stofferahn,

Sobolik, Steffes, Magelky, Gunkelman, Morgan, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 13: Maple Valley Fourth Addition

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): APPROVED

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

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended 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. Second by Member Steffes. On call of the roll, Members Gunkelman, Stofferahn, Tasa, Steffes, Bachmeier, Magelky, Schneider, Morgan, Sobolik, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item E: Other Items:

Item 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): APPROVED

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

Discussion was held on the location and maintenance of the drain on the property.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed annexation of a portion of the Southeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota as it is consistent with the 2007 Growth Plan. Second by Member Tasa. On call of the roll Members Gunkelman, Sobolik, Morgan, Steffes, Tasa, Magelky, Schneider, Stofferahn, Bachmeier, and Fischer voted aye. Absent and not voting: Member Scherling. The motion was declared carried.

Item 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): APPROVED

Ms. Bagley presented the staff report for the appeal of an administrative decision. She noted that staff has received three written appeals.

Applicant Eric Miller, spoke on behalf of the proposal.

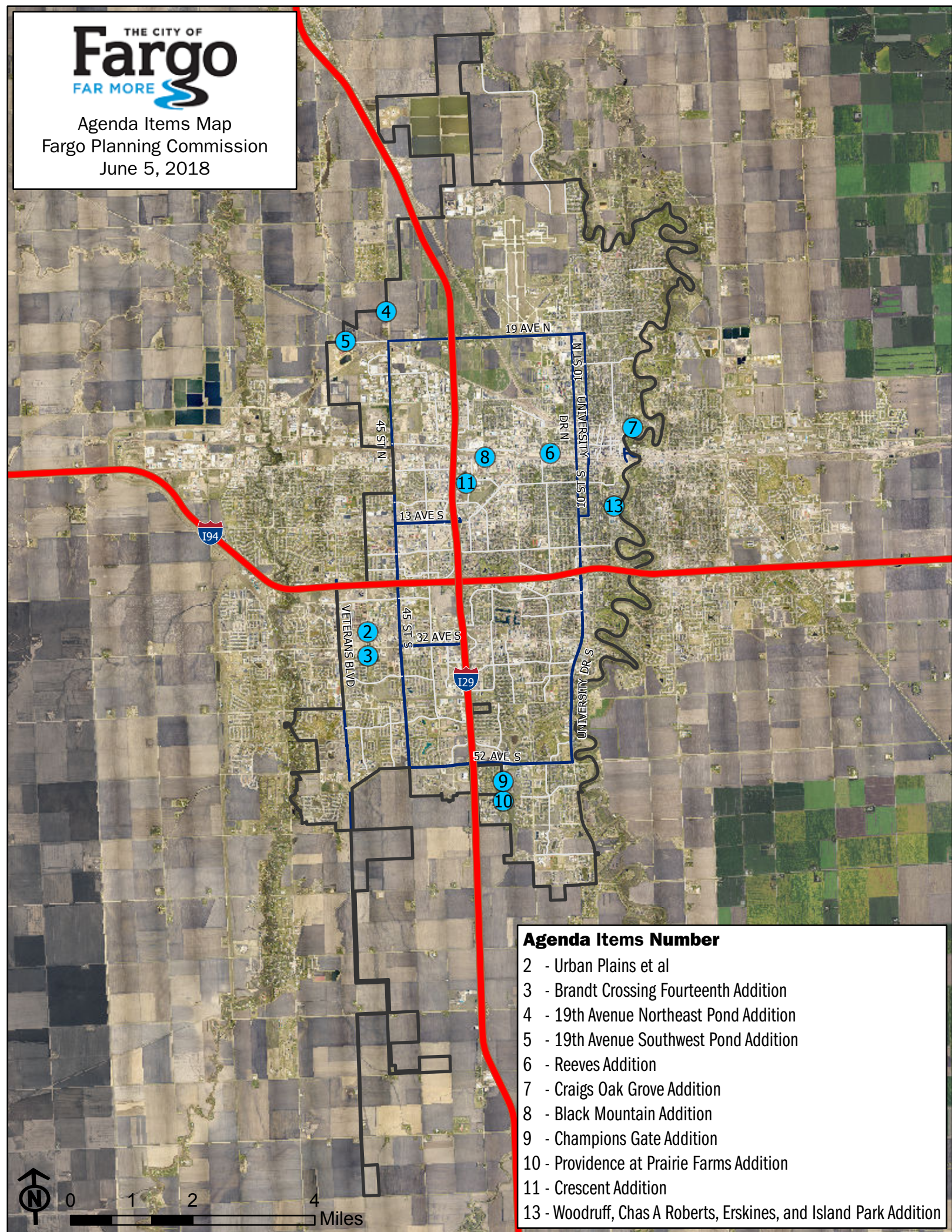
Discussion was held regarding the fence on the property line.

Member Gunkelman moved the findings and recommendations of staff be accepted and the request for a waiver of the residential protection standards be approved as presented, with the requirements that in lieu of a standard landscape buffer and 10-foot parking setback as outlined in the Land Development Code 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 northeast and northwest of the parking stalls to provide buffering, as indicated on the plan.
2. Property owner must move the fence off the property and onto the adjacent property to the north. Adjacent property owner owns the fence.

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

The time at adjournment was 3:43 p.m.



**City of Fargo
Staff Report**

Title:	Urban Plains by Brandt 1st Addition, Urban Plains by Brandt 2nd Addition, Urban Plains Center Addition, Urban Plains Medical Park Addition, Urban Plains Retail Addition, Urban Plains Center Addition, Urban Plains Northeast Retail Addition, and Urban Plains Northeast Retail 2nd Addition	Date:	5/31/18
Location:	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.	Staff Contact:	Maegin Elshaug
Legal Description:	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 .		
Owner(s)/Applicant:	Urban Plains Land Co, LLC (Ace Brandt)/Houston Engineering, Inc. (Brian Pattengale)	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Zoning Change (to repeal and reestablish a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing	Proposed
Land Use: Vacant	Land Use: unchanged
Zoning: GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a C-O, Conditional Overlay	Zoning: GC, General Commercial, LC, Limited Commercial, MR-3, Multi-Dwelling Residential, P/I, Public and Institutional, with a modified C-O, Conditional Overlay

<p>Uses Allowed: <u>GC</u> allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events;</p> <p><u>LC</u> 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;</p> <p><u>MR-3</u> allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.</p> <p><u>P/I</u> 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.</p>	<p>Uses Allowed: unchanged</p>
<p>Maximum Coverage and Density Allowed: Maximum building coverage: GC 85%; LC 55%; MR-3 35%; P/I N/A Density GC, LC, P/I N/A; MR-3 24 units per acre</p>	<p>Maximum Coverage and Density Allowed: unchanged</p>

Proposal:
<p>The applicant is proposing a zoning map amendment in order to repeal the existing C-O, Conditional Overlay (Ordinance 5103) and reestablish a new C-O, Conditional Overlay on the subject property. The proposed C-O would effectively result in a handful of modifications to the existing C-O, which is attached. It is staff's understanding that the modifications to the Conditional Overlay proposed by the applicant are intended to allow greater flexibility of design for the future development of vacant properties within Urban Plains. Proposed modifications are to building form and style with recesses and projections, façade features, building materials, and pedestrian connectivity. The proposed C-O would effectively result in the following modifications:</p> <p><u><i>Part A (mixed-use and non-residential development):</i></u></p> <p><i>2) Building Form and Style</i></p> <p><i>2.2 All building elevations/façades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least five <u>two</u> feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.</i></p>

2.3 Ground floor façades of non-residential buildings that face public right-of-way shall have arcades, display windows, entry areas, awnings, or other such features along no less than ~~60~~ 50 percent of its horizontal length.

Part A (mixed-use and non-residential development) and Part B (residential development):

2) Building Form and Style:

2.4 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multi-generational life span.

2.5 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than ~~10~~ 20 percent of each building façade.

3) Site Design

3.2 Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- i. Parking lots or parking structures
- ii. Any public sidewalk or multi-use path along the perimeter of the lot
- iii. Entrances of other buildings on the site
- iv. Any public sidewalk system along the perimeter streets adjacent to the development
- v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings— where deemed practical and appropriate by the Zoning Administrator

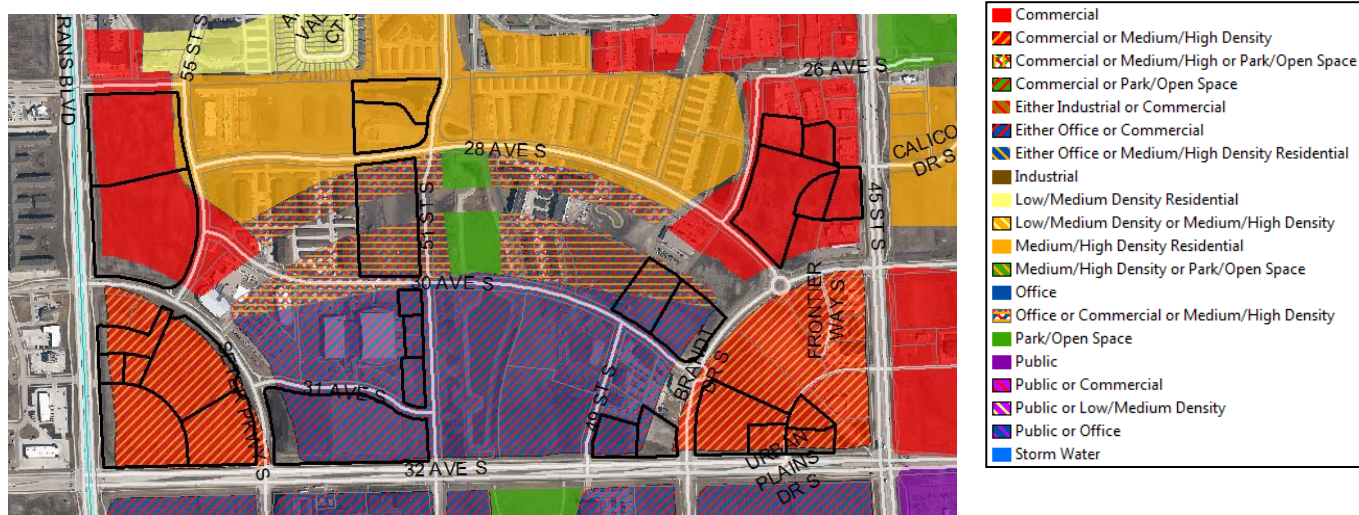
Background:

In 2003, Ordinance 4320 established a Conditional Overlay zoning district over 640 acres of land in southwest Fargo, including all of Urban Plains. This Conditional Overlay was proposed and applied for by the land owner, Ace Brandt, in order to establish architectural and design standards that would align with his vision for development within Urban Plains. Since then, there have been approximately ten zoning ordinances resulting in amendments to Conditional Overlays on various properties within the Urban Plains development. In 2015, Ordinance 4978 consolidated and simplified the patchwork of modified Conditional Overlay zoning districts within Urban Plains into one unified Conditional Overlay for all of Urban Plains. In 2015, Ordinance 4999 resulted in a modification to the unified Conditional Overlay for the Scheels Arena property, in order to accommodate the design and construction of a second sheet of ice at the arena. In addition, in July 2017, Ordinance 5103 resulted in modifications to a handful of design standards, which include all the properties in the current application. Ordinance 4978 and 5103 still applies to nearly all properties within the Urban Plains development, except for the Scheels Arena property and PTP Addition, which are Ordinances 4999 and 5138, respectively.

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.

Area Plans:

The subject property is located within the bounds of the 2003 Southwest Future Land Use Plan. The property is designated as most suitable for "Commercial," "Commercial or Medium/High Density," "Either Office or Commercial," "Medium/High Density Residential," and "Office or Commercial or Medium/High Density" land use.



Schools and Parks:

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

Parks: Urban Plains Park (5050 30th Avenue S) is located along 51st Street South at a central location amongst the subject properties. Urban Plains Park provides amenities trails, playgrounds and shelters.

Pedestrian / Bicycle: Off-road bike facilities are located in near proximity to several of the subject properties. Off-road bike facilities are located along Veterans Boulevard, Seter Parkway South, Urban Plains Park, Brandt Drive South, 28th Avenue South, 30th Avenue South, 31st Avenue South, 32nd Avenue South, 45 Street South, and 51st Street South. All off-road facilities are a component of the metro area trail system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established, as the applicant would like to allow greater flexibility in design for the undeveloped areas of Urban Plains. Additionally, the change includes a newer architectural building material, rainscreen systems, which were not widely used in this area previously. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing public rights-of-way which allow 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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has received four inquiries into the application and no comments from the public relating to the specifics of this application. However, one citizen expressed concern with the number of apartments being constructed within Urban Plains in general. 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 does not conflict with the purposes of the LDC, the Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change to repeal and re-establish 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**, 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: June 5, 2018

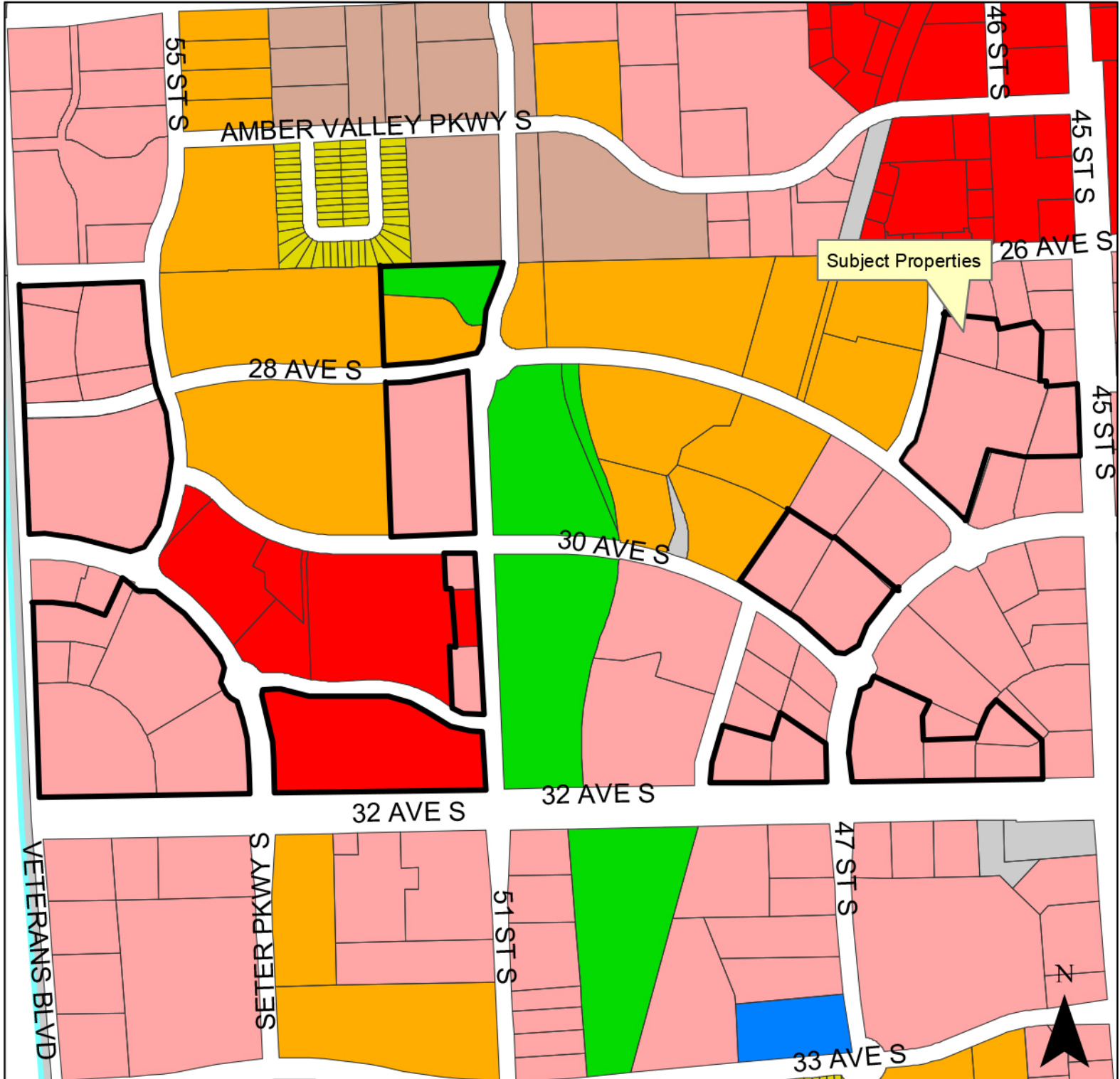
Attachments:

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

Zone Change (Repeal and Re-establish C-O)

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 Addition



Legend



300
Feet

Fargo Planning Commission
June 5, 2018

Zone Change (Repeal and Re-establish C-O)

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 Addition



Part A): The following requirements apply to all mixed-use and non-residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

2.1 Entrances and pedestrian walkway features leading to entrances shall be provided from both the parking areas and the street right-of-way.

2.2 All building elevations/façades greater than 150 feet in length, measured horizontally from vertical edge to vertical edge, shall incorporate wall plane projections or recesses. Each projection and/or recess shall have a depth of at least ~~five~~ two feet, and the cumulative total horizontal width of all projections and/or recesses within a façade shall equate to at least an accumulated total of 20 percent of the overall horizontal length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.

2.3 Ground floor façades of non-residential buildings that face public right-of-way shall have arcades, display windows, entry areas, awnings, or other such features along no less than ~~60~~ 50 percent of its horizontal length.

2.4 All buildings, regardless of size, shall have clearly-defined, highly-visible, public entrances that connect to public spaces, streets, pedestrian paths and plazas with no fewer than two of the following:

- i. Canopies, awnings or porticos
- ii. Recesses/projections varying the façade
- iii. Raised corniced parapets over the door
- iv. Peaked roof forms
- v. Arches or arcades
- vi. Entry courts
- vii. Raised landscape planters and/or wing walls integrated with the building

2.4 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation

finishing systems (EIFS), fiber cement, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multi-generational life span.

- 2.5 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than ~~40~~ 20 percent of each building façade.
- 2.6 Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view at ground level by parapets or other enclosures. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall.
- 2.7 Loading/unloading areas, building service entrances, loading docks, overhead doors, and ground level HVAC units shall be visually screened from adjacent public right-of-way by structures and/or landscaping. All structures used for visual screening shall be constructed or clad with the same materials used for the primary building.
- 2.8 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by permanent walls. The permanent walls shall be constructed or clad with the same materials used for the primary building. Dumpsters and refuse containers shall contain permanent walls on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a metal gate to visually screen the dumpsters or refuse containers.

3) Site Design

- 3.1 A minimum of 5% of the internal surface area of the parking lot shall be landscaped through the use of planter islands and peninsulas.
- 3.2 Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:
 - i. Parking lots or parking structures
 - ii. Any public sidewalk or multi-use path along the perimeter of the lot
 - iii. Entrances of other buildings on the site
 - iv. Any public sidewalk system along the perimeter streets adjacent to the development
 - v. Adjacent pedestrian origins and destinations—including but not limited to transit

stops, residential development, office buildings, and retail shopping buildings—
where deemed practical and appropriate by the Zoning Administrator

4) Prohibited Uses

For the purposes of this Conditional Overlay, the following uses are prohibited:

4.1 Portable advertising signs

4.2 Detention facilities

4.3 Self-service storage

4.4 Vehicle repair

4.5 Vehicle service, limited

4.6 Industrial uses

4.7 Adult entertainment center

5) Conditional Uses

For the purposes of this Conditional Overlay, the following uses require approval of a Conditional Use Permit in accordance with Section 20-0909 of the LDC:

5.1 Off-premise advertising

6) Definitions

For the purposes of this Conditional Overlay, the following terms shall have the meanings ascribed to them:

6.1 *Façade*: Any exterior side of a building as viewed from a single direction. Said direction is typically perpendicular to the exterior side of the building being viewed.

6.2 *Depth*: A horizontal distance that is perpendicular to a building façade.

6.3 *Elevation*: A horizontal orthographic projection of a building on to a vertical plane, the vertical plane being parallel to one side of the building

Part B): The following requirements apply to all residential development:

1) Description

This C-O, Conditional Overlay district is primarily intended to encourage high-quality, durable, and long-lasting investments in order to enhance the quality of life and discourage blight. To that end, it is intended that all properties be designed to a human scale and that buildings should have architectural interest and variety through the use of articulated façades. In order to avoid the effect of a single, long, or massive

wall with no relation to human scale, it is intended that articulated façades should include elements such as setbacks, change in materials, roof pitch or height variability.

2) Building form and style

2.1 Principle Materials – Unless otherwise deemed acceptable by the Zoning Administrator, all exterior walls shall be constructed or clad with natural stone, synthetic stone, brick, stucco, integrally-colored and textured concrete masonry units or systems, exterior insulation finishing systems (EIFS), fiber cement, curtain walls, rainscreen systems or glass. All materials shall be commercial grade, durable, and have a multi-generational life span. Horizontal metal lap siding and vertical metal batten shall be allowed on residential structures but should not exceed 75% of the building elevation.

2.2 Accent Materials – In conjunction with the principle materials listed above, the following accent materials may also be used to construct or clad exterior walls: finished wood, architectural metal panels, and vinyl. Accent materials shall be applied to no greater than ~~40~~ 20 percent of each building façade.

2.3 Dumpsters, refuse containers, and outdoor storage areas shall be located at the side or rear of buildings and shall be visually screened from adjacent public right-of-way by walls or fencing. Dumpsters and refuse containers shall contain walls or fencing on at least three sides with the service opening not directly facing any public right-of-way or residentially zoned property. The fourth side shall incorporate a gate to visually screen the dumpsters or refuse containers.

3) Site Design

3.1 Separate vehicular and pedestrian circulation systems shall be provided. Adjacent properties may share pedestrian circulation systems that connect to public sidewalks with Zoning Administrator approval. An on-site system of pedestrian walkways shall be provided between building entrances and the following:

- i. Parking lots or parking structures
- ii. Any public sidewalk or multi-use path along the perimeter of the lot
- iii. Entrances of other buildings on the site
- iv. Any public sidewalk system along the perimeter streets adjacent to the development
- v. Adjacent pedestrian origins and destinations—including but not limited to transit stops, residential development, office buildings, and retail shopping buildings—where deemed practical and appropriate by the Zoning Administrator.

**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: June 5, 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:

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

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

Surrounding Land Uses and Zoning Districts:

- North: LC, 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

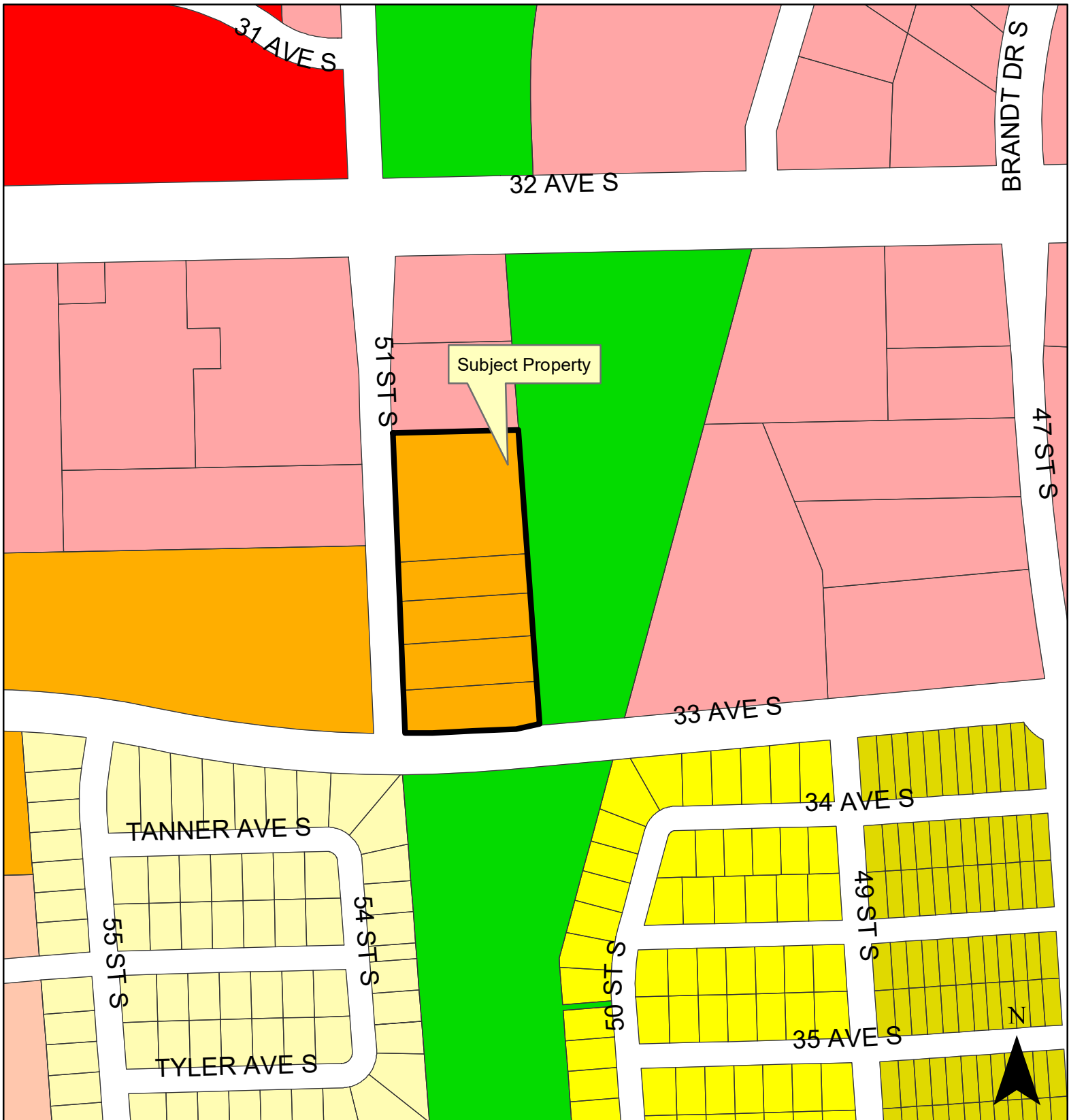
Schools and Parks:
<p>Schools: The subject property is located within the West Fargo School District and is served by Independence Elementary, Liberty Middle and Sheyenne High schools.</p> <p>Neighborhood: The subject property is located within the Brandt Crossing neighborhood.</p> <p>Parks: Brandt Crossing 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: June 5, 2018
Attachments:
<ol style="list-style-type: none"> 1. 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



Plat (Minor)

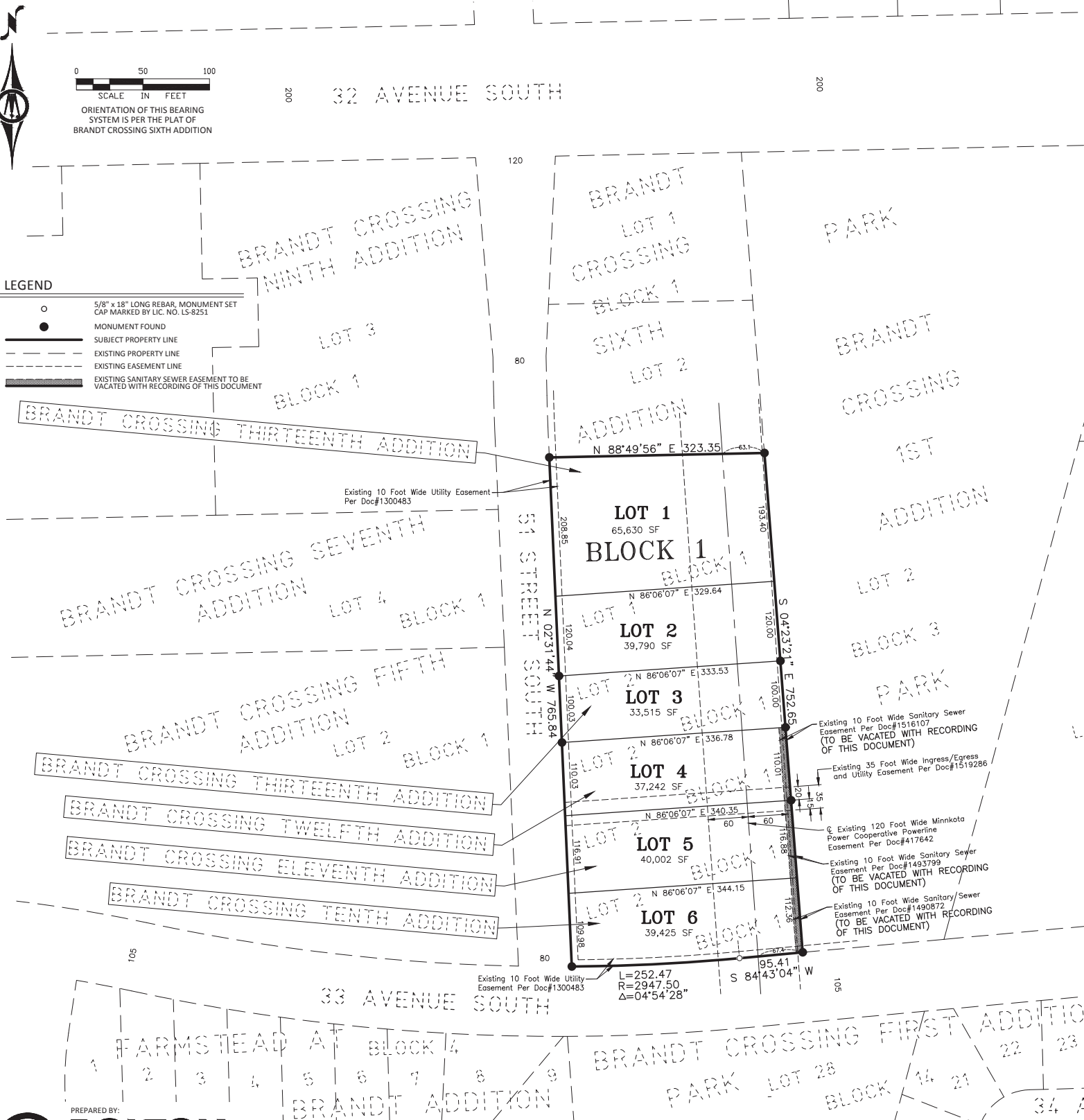
Brandt Crossing 14th Addition

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)



LEGEND

- 5/8" x 18" LONG REBAR, MONUMENT SET CAP MARKED BY LIC. NO. LS-8251
- MONUMENT FOUND
- SUBJECT PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- - - EXISTING SANITARY SEWER EASEMENT TO BE VACATED WITH RECORDING OF THIS DOCUMENT

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 }

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: Melissa Erdmann, President
State of North Dakota }
County of Cass }

On this ____ day of ____, in the year 2018 before me personally appeared Melissa Erdmann, 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: Fadel Nammour, Owner
State of North Dakota }
County of Cass }

On this ____ day of ____, in the year 2018 before me personally appeared Fadel Nammour, Owner, 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 }

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: Craig Koep, Vice President
State of North Dakota }
County of Cass }

On this ____ day of ____, in the year 2018 before me personally appeared Craig Koep, Vice President, 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: John Sweeney, Business Relationship Manager
State of North Dakota }
County of Cass }

On this ____ day of ____, in the year 2018 before me personally appeared John Sweeney, Business Relationship Manager, 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

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 }

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 }

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 }

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:	19 th Avenue Northeast Pond Addition	Date:	5/30/2018
Location:	2102 45 th Street North (northwest corner of 45 th Street and 19 th Avenue North)	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5 th Principal Meridian City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Montplaisir Family Trust / Jim Schlieman-Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Major Subdivision: Portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5 th Principal Meridian City of Fargo, Cass County, North Dakota Zone Change (from AG, Agriculture to LI, Limited Industrial and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses)		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing	Proposed
Land Use: Agricultural	Land Use: Detention basin and lift station (City-owned); industrial development
Zoning: AG, Agricultural	Zoning: P/I, Public/Institutional; LI, Limited Industrial
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation. 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
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Density Allowed: LI allows 85% building coverage. P/I Zoning District takes on the dimensional standards of the adjacent zoning district

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **19th Avenue Northeast Pond Addition**, three block, three lot subdivision that is a plat of which is a plat of a portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5th Principal Meridian City of Fargo, Cass County, North Dakota
2. A zone change from AG: Agricultural to LI, Limited Industrial and P/I, Public/Institutional with a C-O, Conditional Overlay for a portion of the property within the 19th Avenue Northeast Pond Addition.

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: across 45th Street North LI, Limited Industrial—plat pending for Laverne's Addition.
- South: South across 19th Avenue North GI, General Industrial
- West: BNSF railroad; AG, undeveloped—to be developed as 19th Avenue Southwest Pond Addition with City-owned detention basin and two lots for industrial development.

Area Plans:

This area is designated for "industrial" land use on the 2007 Tier 1 Northwest Land Use Plan. The 2007 plan designates the LI and GI zoning districts as appropriate for the "industrial" land use category. The P/I zoning designation for City-owned facilities is appropriate in any land use designation.



Context:

Schools: The subject property is located within the West Fargo Public 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: There are no parks within one mile of the subject property.

Pedestrian / Bicycle: An off-road bicycle facility is located along 19th Avenue North and is a component of the metro area trail system.

Staff Analysis:**PLAT AND ZONE CHANGE**

The plat will create three lots in three blocks, with uses and zoning as shown in the table below:

LOT	BLOCK	ZONING	USE
1	1	P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space	City-owned lift station
2	1	P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space	City-owned detention basin
3	1	LI, Limited Industrial	Industrial Development

ACCESS: All lots will take access from 19th Avenue North through breaks in the negative access easement as indicated on the plat. There will be no access available from 45th Street North.

STREET DEDICATIONS AND VACATIONS: This plat dedicates and vacates public right of way as shown in the table below:

RIGHT OF WAY	ACTION	LOCATION
New route of 19 th Avenue North	Dedication	Between Blocks 1 and 2 (north side) and Block 3 (south side)
Old Route of 19 th Avenue	Vacation	East of Block 2

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 zoning is consistent with the 2007 Tier 1 Northwest Growth Plan designation of the area of this project as "Industrial" Per that plan, the proposed P/I zoning can be used in this land use category, and is the appropriate zoning for a City-owned detention basin and lift station. The lift station is considered part of the detention facilities. **(Criteria Satisfied)**

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

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

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

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

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” The Growth Plan that applies to this property is the 2007 Tier 1 Northwest Growth Plan, part of the 2007 Growth Plan. This plan designates this property as appropriate for industrial development, which includes the LI zone. The P/I zone is the appropriate designation for City-owned utility facilities. 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 on this property is AG, Agricultural. The proposed zonings of LI and GI are consistent with the 2007 Tier 1 Northwest Growth Plan designation of the area of this project as “Industrial.” The P/I zone is the appropriate designation for City-owned utility facilities. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. 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.

This area is designated for “industrial” land use on the 2007 Tier 1 Northwest Land Use Plan. The 2007 plan designates the LI and GI zoning districts as appropriate for the “industrial” land use category. The P/I zoning designation for City-owned facilities is appropriate in any land use designation. 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 within the subdivision, no amenities plan was required (the 19th Avenue dedication is part of a larger project that is rebuilding that street). 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.

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zone change from AG, Agricultural to LI, Limited Industrial and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space; and 2) plat of 19th Avenue Northeast Pond Addition plat as presented; as

the proposal complies with the Go2030 Plan, 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: June 5, 2018

Attachments:

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

Plat (Major) and Zone Change (AG to LI, GI & P/I with C/O)

19th Avenue Northeast Pond Addition

2102 45 Street North



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

300

Feet

Fargo Planning Commission
June 5, 2018

Plat (Major) and Zone Change (AG to LI, GI & P/I with C/O)

19th Avenue Northeast Pond Addition

2102 45 Street North



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	104.86	775.00	7°45'09"	S83°40'32"W	104.78
C2	396.41	775.00	29°18'23"	S65°08'46"W	392.10
C3	295.01	575.00	29°23'47"	S72°51'13"W	291.79



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
- NEGATIVE ACCESS

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM

NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.

NOTES:

- PROPERTY IS SITUATED IN ZONE AE (BASE FLOOD ELEVATIONS DETERMINED), ZONE X (SHADED - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) AND ZONE X (UNSHADED - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANELS 38017C0588G AND 38017C0586G, DATED JANUARY 16, 2015.
- BASE FLOOD ELEVATION = 895.0' (NAVD 1988)



**19TH AVENUE NORTHEAST
POND ADDITION**
A MAJOR PLAT
BEING A PLAT OF PART OF THE SOUTHEAST QUARTER
OF SECTION 28, T. 140 N., R. 49 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

H:\Fargo\JBN\6000\6059\18_6059_148\CAD\Plat\19th Ave NE Pond Addition.dwg-PLAT-5/30/2018 9:15 AM-(jschlieman)

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Montplaisir Ag and Rental, LLP, a North Dakota limited liability partnership, is the owner and proprietor of that part of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Section 28; thence South 87°31'00" West, along the southerly line of the Southeast Quarter of said Section 28, for a distance of 69.64 feet to a point of intersection with the northeasterly line of Burlington Northern Santa Fe Railway Company right-of-way; thence North 64°43'11" West, along the northeasterly line of said right-of-way, for a distance of 34.29 feet to a point of intersection with the westerly line of the East 100.00 feet of said Southeast Quarter, and the true point of beginning; thence North 02°25'27" West, along the westerly line of the East 100.00 feet of said Southeast Quarter, for a distance of 768.71 feet; thence South 87°33'06" West for a distance of 130.00 feet; thence South 02°25'27" East for a distance of 90.00 feet; thence South 87°33'06" West for a distance of 405.46 feet to a point of tangential curve to the left, said curve having a radius of 750.00 feet; thence westerly along said curve for a distance of 104.90 feet, through a central angle of 08°00'48"; thence North 02°25'28" West, not tangent to the last described curve, for a distance of 285.56 feet; thence North 85°26'51" West for a distance of 675.08 feet; thence South 25°16'27" West for a distance of 310.52 feet to a point of intersection with the northeasterly line of said right-of-way; thence South 64°43'11" East, along the northeasterly line of said right-of-way, for a distance of 1642.75 feet to the true point of beginning.

Said tract of land contains 15.816 acres, more or less.

And that said party has caused the same to be surveyed and platted as **19th Avenue Northeast Pond Addition** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the avenue and utility easements shown on the plat.

OWNER:

Montplaisir Ag and Rental, LLP

Perry Montplaisir, General Partner

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Perry Montplaisir, General Partner of Montplaisir Ag and Rental, a North Dakota limited liability partnership, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability partnership.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

19TH AVENUE NORTHEAST
POND ADDITION

A MAJOR PLAT

BEING A PLAT OF PART OF THE SOUTHEAST QUARTER
OF SECTION 28, T. 140 N., R. 49 W., 5th P.M.

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

City of Fargo Staff Report			
Title:	19 th Avenue Southwest Pond Addition	Date:	5/30/2018
Location:	2102 45 th Street North (northwest corner of 45 th Street and 19 th Avenue North)	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5 th Principal Meridian City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Montplaisir Family Trust / Jim Schlieman-Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Major Subdivision: Portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5 th Principal Meridian City of Fargo, Cass County, North Dakota Zone Change (from AG, Agriculture to LI, Limited Industrial; GI, General Industrial; and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses)		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing	Proposed
Land Use: Agricultural	Land Use: Detention basin (City-owned); industrial development
Zoning: AG, Agricultural	Zoning: P/I, Public/Institutional; LI, Limited Industrial; GI, General Industrial
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	<p>Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.</p> <p>GI allows detention facilities, health care facilities, safety services, adult entertainment centers, off-premise advertising, commercial parking, industrial service, manufacturing and production, warehouse and freight movement, waste related use, wholesale sales, aviation, surface transportation, and mining.</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</p>

	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
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Density Allowed: LI allows 85% building coverage P/I Zoning District takes on the dimensional standards of the adjacent zoning district

Proposal:

The applicant requests two entitlements:

1. A major subdivision, entitled **19th Avenue Southwest Pond Addition**, three block, three lot subdivision that is a plat of which is a plat of a portion of the Southeast Quarter of Section 29, Township 140 North, Range 49 West of the 5th Principal Meridian City of Fargo, Cass County, North Dakota.
2. A zone change from AG: Agricultural to LI, Limited Industrial, GI, General Industrial, and P/I, Public/Institutional with a C-O, Conditional Overlay for a portion of the property within the 19th Avenue Southwest Pond Addition.

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: BNSF railroad; AG, undeveloped—to be developed as 19th Avenue Northeast Pond Addition with City-owned detention basin and lift station and one lot for industrial development.
- South: South across 19th Avenue North GI, General Industrial
- West: AG, undeveloped; further west GI, General Industrial/ Mid-America Steel

Area Plans:

This plan is designated for "industrial" land use on the 2007 Tier 1 Northwest Land Use Plan. The 2007 plan designates the LI and GI zoning districts as appropriate for the "industrial" land use category. The P/I zoning designation for City-owned facilities is appropriate in any land use designation.



Context:

Schools: The subject property is located within the West Fargo Public 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: There are no parks within one mile of the subject property.

Pedestrian / Bicycle: There is a bike trail along the south side of 19th Avenue North

Staff Analysis:

PLAT AND ZONE CHANGE

The plat will create three lots, with uses and zoning as shown in the table below:

LOT	BLOCK	ZONING	USE
1	1	P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space	City-owned detention basin
2	1	LI, Limited Industrial	Industrial Development
3	1	GI, General Industrial	Industrial Development

ACCESS: Lot 1, Block 1 will take access from 19th Avenue North. Lots 1, Block 2 and Lot 1, Block 3 will take access from Sheyenne Loop North.

STREET DEDICATIONS This plat dedicates public right of way as shown in the table below:

RIGHT OF WAY	ACTION	LOCATION
New route of 19 th Avenue North	Dedication	Between Blocks 1 and 2
Sheyenne Loop North	Dedication	West side of Block 2

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 zonings of LI and GI are consistent with the 2007 Tier 1 Northwest Growth Plan designation of the area of this project as "Industrial" Per that plan, the proposed P/I zoning can be used in this land use category, and is the appropriate zoning for a City-owned detention basin and lift station. The lift station is considered part of the detention facilities. **(Criteria Satisfied)**

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

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

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

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

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” The Growth Plan that applies to this property is the 2007 Tier 1 Northwest Growth Plan, part of the 2007 Growth Plan. This plan designates this property as appropriate for industrial development, which includes the LI and GI zones. The P/I zone is the appropriate designation for City-owned utility facilities. 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 on this property is AG, Agricultural. The proposed zonings of LI and GI are consistent with the 2007 Tier 1 Northwest Growth Plan designation of the area of this project as “Industrial.” The P/I zone is the appropriate designation for City-owned utility facilities. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. 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.

This area is designated for “industrial” land use on the 2007 Tier 1 Northwest Land Use Plan. The 2007 plan designates the LI and GI zoning districts as appropriate for the “industrial” land use category. The P/I zoning designation for City-owned facilities is appropriate in any land use designation. 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 within the subdivision, no amenities plan was required (the 19th Avenue and Sheyenne Loop North dedications are part of a larger project that is rebuilding that street). 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.

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 GI, General Industrial; LI, Limited Industrial; and P/I, Public/Institutional with a C-O, Conditional Overlay to restrict land uses to detention facilities and park/open space; and 2) plat of 19th Avenue Southwest Pond Addition plat as presented; as the proposal complies with the Go2030 Plan, 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: June 5, 2018

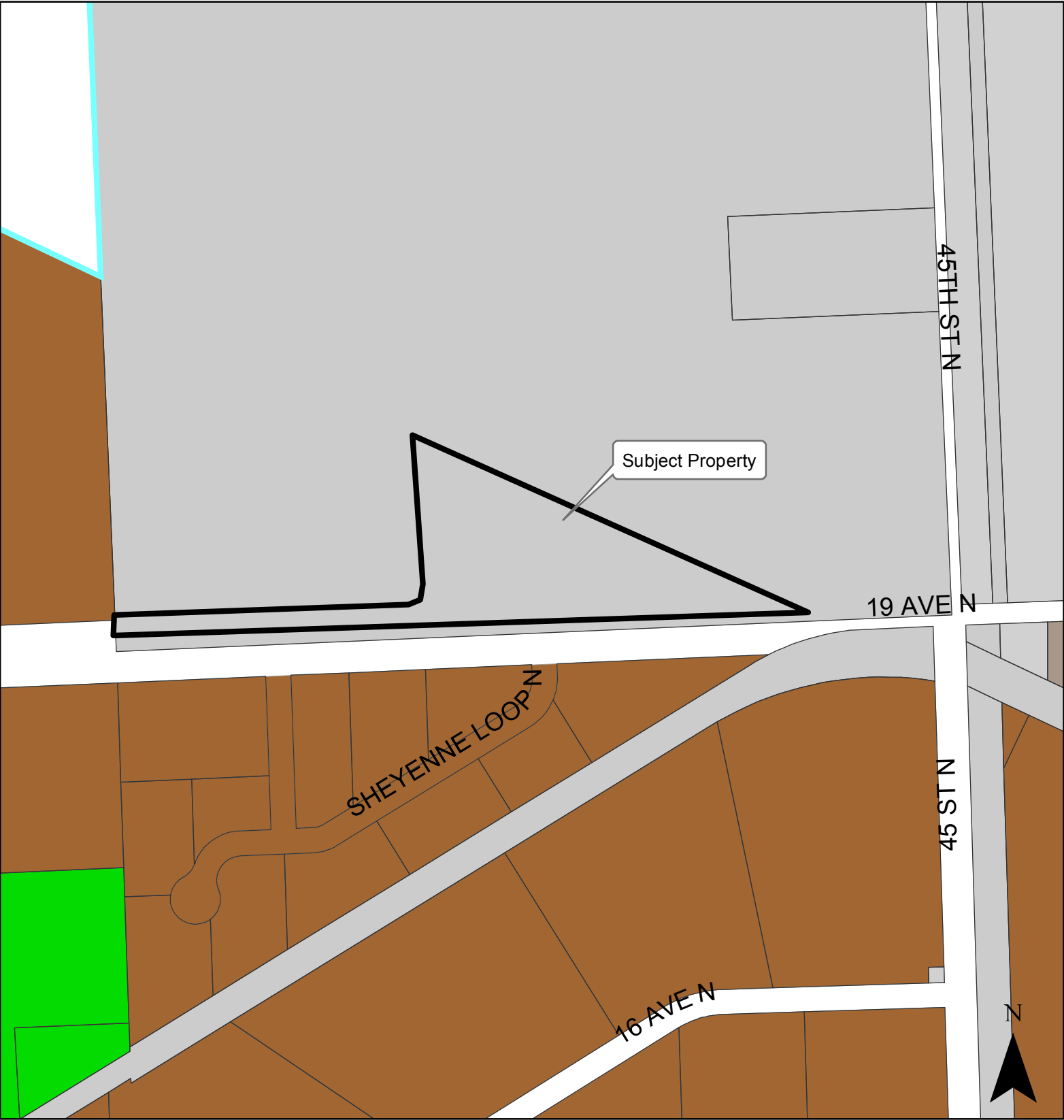
Attachments:

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

Plat (Major) and Zone Change (AG to LI, GI & P/I with C/O)

19th Avenue Southwest Pond Addition

2102 45 Street North



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

300 Feet

Fargo Planning Commission
June 5, 2018

Plat (Major) and Zone Change (AG to LI, GI & P/I with C/O)

19th Avenue Southwest Pond Addition

2102 45 Street North

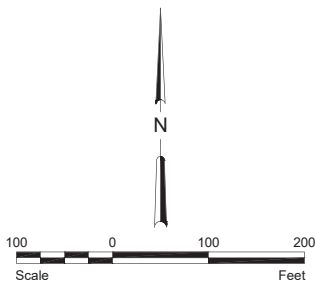


19TH AVENUE SOUTHWEST POND ADDITION

A MAJOR PLAT

BEING A PLAT OF PART OF THE SOUTHEAST QUARTER
OF SECTION 28, T. 140 N., R. 49 W., 5th P.M.

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
PLAT BOUNDARY	—
LOT LINE	---
UTILITY EASEMENT	- - - -
EXISTING LOT LINE	- - - -
EXISTING UTILITY EASEMENT	- - - -
AREA WITHIN FEMA 100-YEAR FLOODPLAIN	[Hatched Pattern]
NEGATIVE ACCESS	[Cross-hatched Pattern]

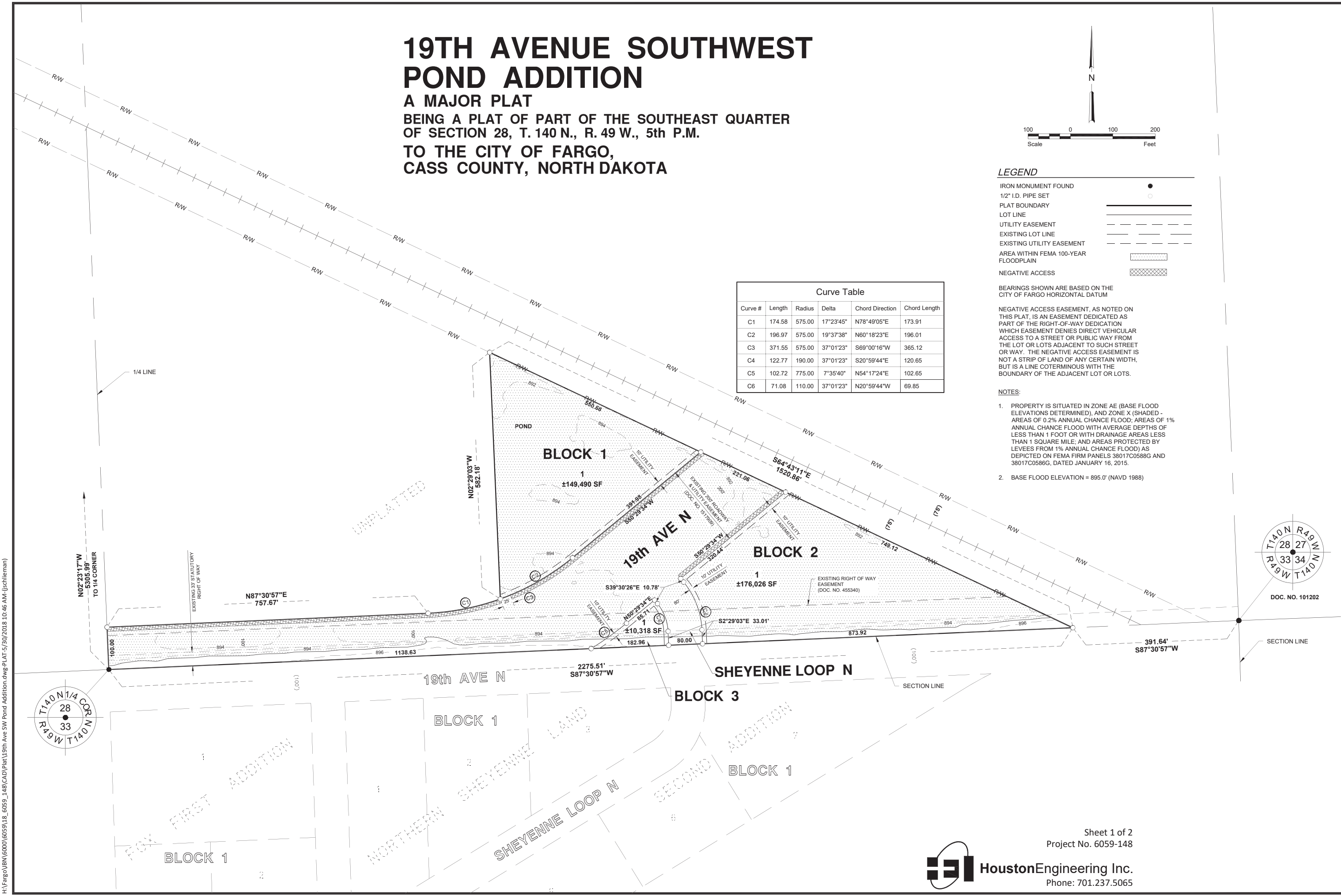
BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO HORIZONTAL DATUM

NEGATIVE ACCESS EASEMENT, AS NOTED ON
THIS PLAT, IS AN EASEMENT DEDICATED AS
PART OF THE RIGHT-OF-WAY DEDICATION
WHICH EASEMENT DENIES DIRECT VEHICULAR
ACCESS TO A STREET OR PUBLIC WAY FROM
THE LOT OR LOTS ADJACENT TO SUCH STREET
OR WAY. THE NEGATIVE ACCESS EASEMENT IS
NOT A STRIP OF LAND OF ANY CERTAIN WIDTH,
BUT IS A LINE COTERMINOUS WITH THE
BOUNDARY OF THE ADJACENT LOT OR LOTS.

NOTES:

- PROPERTY IS SITUATED IN ZONE AE (BASE FLOOD ELEVATIONS DETERMINED), AND ZONE X (SHADED - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) AS DEPICTED ON FEMA FIRM PANELS 38017C0588G AND 38017C0586G, DATED JANUARY 16, 2015.
- BASE FLOOD ELEVATION = 895.0' (NAVD 1988)

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	174.58	575.00	17°23'45"	N78°49'05"E	173.91
C2	196.97	575.00	19°37'38"	N60°18'23"E	196.01
C3	371.55	575.00	37°01'23"	S69°00'16"W	365.12
C4	122.77	190.00	37°01'23"	S20°59'44"E	120.65
C5	102.72	775.00	7°35'40"	N54°17'24"E	102.65
C6	71.08	110.00	37°01'23"	N20°59'44"W	69.85



H:\Fargo\BN\6000\6059\18_6059_148\CAD\Plat\19th Ave SW Pond Addition.dwg-PLAT-5/30/2018 10:46 AM-[schleiman]

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Montplaisir Ag and Rental, LLP, a North Dakota limited liability partnership, is the owner and proprietor of that part of the Southeast Quarter of Section 28, Township 140 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Section 28; thence South 87°30'57" West, along the southerly line of the Southeast Quarter of said Section 28, for a distance of 391.64 feet to a point of intersection with the southwesterly line of Burlington Northern Santa Fe Railway Company right-of-way, and the true point of beginning; thence South 87°30'57" West, along the southerly line of the Southeast Quarter of said Section 28, for a distance of 2275.51 feet to the southwest corner of said Southeast Quarter; thence North 02°23'17" West, along the westerly line of said Southeast Quarter, for a distance of 100.00 feet to a point of intersection with the northerly line of the South 100.00 feet of said Southeast Quarter; thence North 87°30'57" East, along the northerly line of the South 100.00 feet of said Southeast Quarter, for a distance of 757.67 feet to a point of tangential curve to the left, said curve having a radius of 575.00 feet; thence easterly along said curve for a distance of 174.58 feet, through a central angle of 17°23'45"; thence North 02°29'03" West, not tangent to the last described curve, for a distance of 582.18 feet to a point of intersection with the southwesterly line of said right-of-way; thence South 64°43'11" East, along the southwesterly line of said right-of-way, for a distance of 1520.86 feet to the true point of beginning.

Said tract of land contains 13.112 acres, more or less.

And that said party has caused the same to be surveyed and platted as **19th Avenue Southwest Pond Addition** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the avenue and utility easements shown on the plat.

OWNER:

Montplaisir Ag and Rental, LLP

Perry Montplaisir, General Partner

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Perry Montplaisir, General Partner of Montplaisir Ag and Rental, a North Dakota limited liability partnership, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability partnership.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20_____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day
of _____, 20_____.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

19TH AVENUE SOUTHWEST
POND ADDITION
A MAJOR PLAT
BEING A PLAT OF PART OF THE SOUTHEAST QUARTER
OF SECTION 28, T. 140 N., R. 49 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

**City of Fargo
Staff Report**

Title:	Reeves Addition	Date:	5/31/18
Location:	1620, 1624, 1630, and 1632 1st Avenue North	Staff Contact:	Maegin Elshaug
Legal Description:	Block 26 and Lots 1, 12, 13, and part of Lots 2-11, Block 27, Reeves Addition, and adjacent vacated right-of-way, Auditor's Lot No. 1, and an unplatted portion of the South Half of Section 1, Township 139 North, Range 49 West		
Owner(s)/Applicant:	MBA Investments LLC	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit to allow Residential and Industrial Uses in the GC zoning district.		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing	Proposed
Land Use: Commercial, Residential, and Industrial	Land Use: Commercial, Residential, and Industrial
Zoning: GC, General Commercial	Zoning: Unchanged
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. Plus a CUP allowing Residential and Industrial uses.	Uses Allowed: Unchanged Plus a CUP allowing Residential and Industrial uses.
Maximum Coverage Allowed: Maximum 85% building coverage	Maximum Coverage Allowed: Unchanged

Proposal:

The applicant is seeking approval of a Conditional Use Permit (CUP) to allow Residential and Industrial Uses (manufacturing and production, industrial services, warehouse and freight movement, and wholesale sales) in a GC, General Commercial zoning district. The subject property is located at 1620, 1624, 1630, and 1632 1st Avenue North and encompasses approximately 5.06 acres.

In January 2017, the Planning Commission approved a zoning change to GC, General Commercial and CUP for Residential and Industrial uses on this property, which allowed for the adaptive reuse and redevelopment of the property. The applicant is in the process of upgrading and remodeling existing buildings on site for a variety of industrial and commercial uses, as well as a single-dwelling residence.

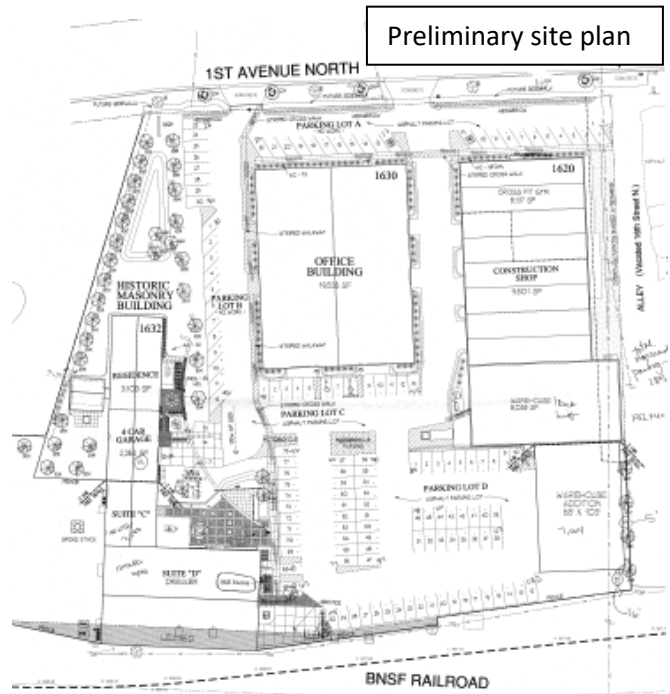
The current application is to allow a brewery, an industrial use of manufacturing and production, to take place on the property. Two conditions of the existing CUP do not allow this use, which state: 1) The manufacturing, production, or processing of food and/or animal products shall not be permitted; and 2) Any expansion of the

manufacturing and production, or industrial service use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission. If the application is approved by the Planning Commission, the new CUP will replace the previously approved CUP. If the application is denied, the existing CUP will remain.

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

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial with warehouse and office uses
- East: LI, Light Industrial with warehouse and office uses
- South: GC, General Commercial with BNSF Railroad uses
- West: LI, Light Industrial with warehouse and office uses



Area Plans:

The subject property is located within the boundaries established by the Unicorn Park Neighborhood Plan that was adopted in 2011. The neighborhood plan emphasizes the desire to increase the number of single-dwelling residential homes.

In addition, the subject property is located near the study area of the Fargo Downtown Area Plan, which was adopted in 1996. This plan breaks the downtown area into several districts based on similar land-uses and characteristics. The Westside District—which is the name of the district the subject property is located closest to—is deemed appropriate for commercial land uses, as well as offices and multi-family housing. The plan also states that redevelopment should be encouraged in areas north of Main Avenue and west of 10th Street North, as many areas are blighted or risk becoming blighted.



Although there are area plans available, staff finds that there is not an area plan that addresses the requests provided in this application comprehensively. However, staff would like to note that recently there has been the potential for industrial uses on tracts west of the property and other surrounding areas close by.

Schools and Parks:

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.

Parks: Unicorn Park (1603 3 Avenue North) is located approximately 800 feet north of the subject property. Unicorn Park provides basketball, grill, multipurpose field, playground, and picnic table amenities.

Pedestrian / Bicycle: There is an on-road bike facility located north of the property on 1 Avenue North. This bike

route is a component of the metro area bikeways system.

Staff Analysis:

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
The 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." Regarding compliance with the applicable provisions of the LDC, Table 20-0401 of the LDC states that household living and industrial are allowed in the GC zone with a conditional use permit. In addition, promoting infill and mixed-use development are both key initiatives meant to promote the guiding principles of the Comprehensive Plan. Staff finds this proposal is consistent with the applicable provisions of the LDC. **(Criteria Satisfied)**
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
Staff finds that this proposed conditional use permit for household living, manufacturing and production, industrial services, warehouse and freight movement, and wholesale sales will contribute to the welfare and promote the convenience of the public by providing a walkable mixed-use development to promote economic development, active transportation activities, and reduce vehicle trips. **(Criteria Satisfied)**
3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?**
Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received one inquiry with no noted concern. **(Criteria Satisfied)**
4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.**
Staff finds that the proposed uses will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant to limit the intensity of the requested use and accommodate potential future uses. **(Criteria Satisfied)**
5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?**
Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**
6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?**
The property has access from 1st Avenue North. In addition, the Engineering Department has had an

opportunity to review the proposal and no comments or concerns were noted to indicate a deficiency with the access roads or entrances or exit drives. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets. **(Criteria Satisfied)**

Recommended Conditions:

The recommended conditions are the same as the conditions of the existing CUP, except for modifications to items 8, which allows brewing of beer; item 10, which notes review by the Planning Commission the of expansion of industrial uses; and items relating to an outdoor storage yard which no longer exists.

- 1) There shall be no more than one residential dwelling unit
- 2) The minimum open space required for the subject property shall be 15% of the lot area.
- 3) Bicycle parking facilities, such as bike rack or bike lockers, shall be provide on-site.
- 4) Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. the primary entrance or entrances to each commercial building
 - b. parking areas that serve such commercial buildings
 - c. the public sidewalk or walkway within the 1st Avenue North right-of-way

in locations where pedestrian walkways intersect or cross vehicular circulation areas, pavement striping or contrasting paving type shall be used along with signage and/or other design methods to demarcate the pedestrian circulation system.

- 5) Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as defined by the Land Development Code.
- 6) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.
- 7) The manufacturing, production, or processing of food and/or animal products shall not be permitted, except for brewing of beer.
- 8) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 9) Any expansion of manufacturing and production, industrial services, warehouse and freight movement, and wholesale sales shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 10) No loading or unloading operations may be conducted between the hours of 10:00 p.m. and 6:00 a.m.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and approve the Conditional Use Permit to allow residential and industrial uses (manufacturing and production, industrial services, warehouse and freight movement, and wholesale sales) in a GC, General Commercial zoning district as the proposal complies with Section 20-0909.D (1-6), the Go2030 Fargo Comprehensive Plan, and all other requirements of the LDC, with the following conditions:

- 1) There shall be no more than one residential dwelling unit
- 2) The minimum open space required for the subject property shall be 15% of the lot area.
- 3) Bicycle parking facilities, such as bike rack or bike lockers, shall be provide on-site.
- 4) Separate vehicular and pedestrian circulation systems shall be provided. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. the primary entrance or entrances to each commercial building
 - b. parking areas that serve such commercial buildings
 - c. the public sidewalk or walkway within the 1st Avenue North right-of-way

in locations where pedestrian walkways intersect or cross vehicular circulation areas, pavement striping or contrasting paving type shall be used along with signage and/or other design methods to demarcate the pedestrian circulation system.

- 5) Off-street parking, loading, and vehicular circulation areas shall have an all-weather surface, as defined by the Land Development Code.
- 6) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean, or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.
- 7) The manufacturing, production, or processing of food and/or animal products shall not be permitted, except for brewing of beer.
- 8) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 9) Any expansion of manufacturing and production, industrial services, warehouse and freight movement, and wholesale sales shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 10) No loading or unloading operations may be conducted between the hours of 10:00 p.m. and 6:00 a.m.

Planning Commission Recommendation: June 5, 2018

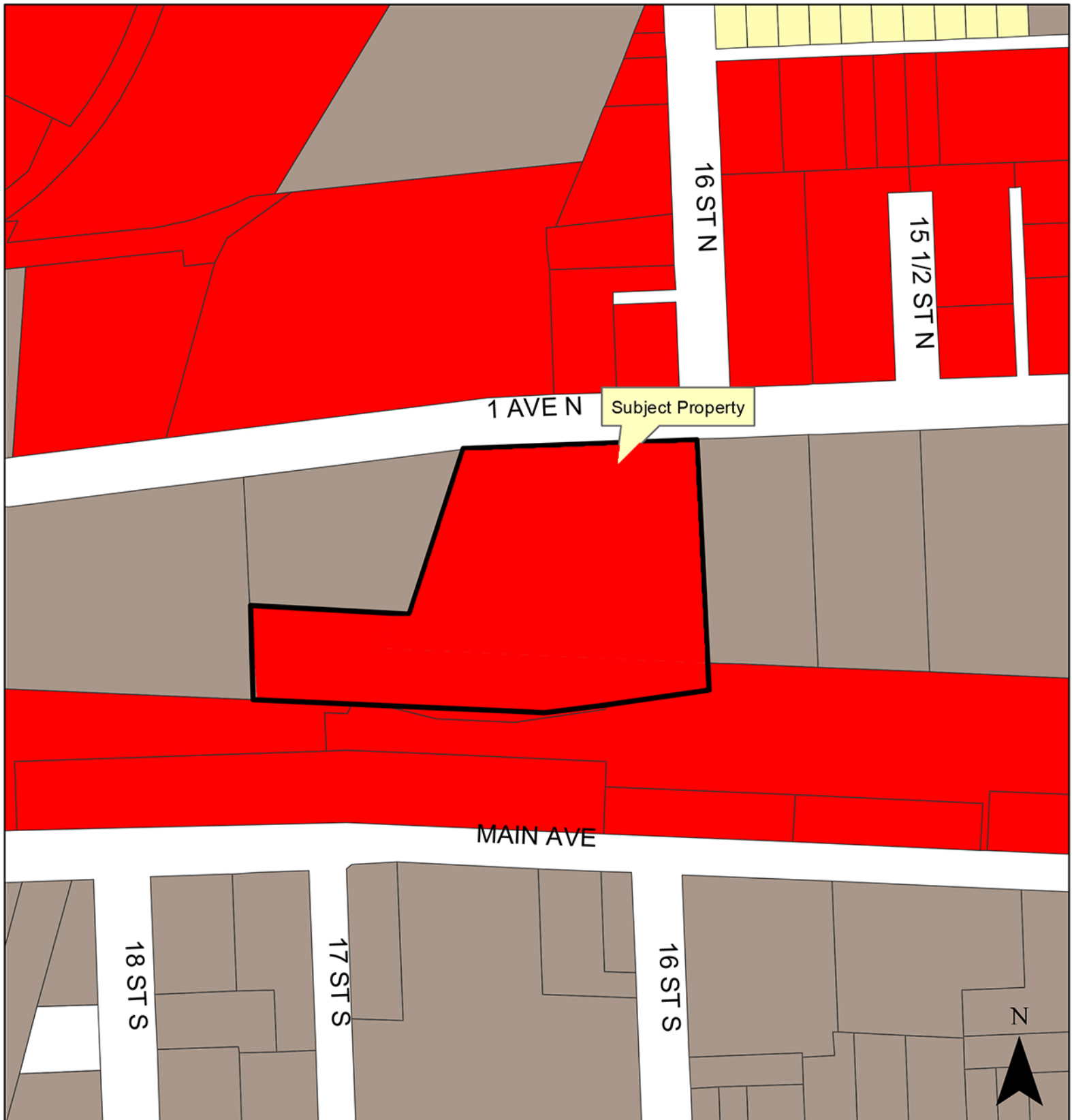
Attachments:

1. Zoning Map
2. Location Map

CUP (Residential and Industrial Uses)

Reeves Addition

1620, 1624, 1630 & 1632 1st Avenue North



Legend

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

CUP (Residential and Industrial Uses)

Reeves Addition

1620, 1624, 1630 & 1632 1st Avenue North



**City of Fargo
Staff Report**

Title:	Craigs Oak Grove Addition	Date:	5/25/2018
Location:	43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North	Staff Contact:	Aaron Nelson
Legal Description:	Part of Block 27, part of Block 28, vacated portion of Elm Street, vacated portion of 5 th Avenue North, Keeney and Devitts 2nd Addition		
Owner(s)/Applicant:	Jesse Craig	Engineer:	KLJ
Entitlements Requested:	Major Subdivision (Vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, vacated portion of Elm Street, vacated portion of 5 th Avenue North, Keeney and Devitts 2nd Addition), including Street Vacation & Subdivision Waiver.		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing	Proposed
Land Use: Household Living (Multi-Dwelling & Detached Housing), vacant, & public right-of-way.	Land Use: Household Living (Attached & Multi-Dwelling Housing)
Zoning: MR-2, Multi-Dwelling Residential, DMU, Downtown Mixed-Use, and PUD, Planned Unit Development Overlay.	Zoning: No Change
<p>Uses Allowed: MR-2 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities</p> <p>DMU allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.</p> <p>Maximum Density Allowed: MR-2 allows a maximum of 20 dwelling units per acre, DMU has no limit</p>	<p>Uses Allowed: No Change</p> <p>Maximum Density Allowed: No Change</p>

Proposal:
<p>The applicant is seeking approval of a major subdivision plat entitled <i>Craigs Oak Grove Addition</i>, which is intended to prepare the subject property for residential redevelopment. The subdivision would vacate a minimally improved portion of 5th Avenue N and mid-block alley, dedicate right-of-way for a cul-de-sac turnaround at the southern dead-end of Oak Street North, consolidate the subject property into one lot of 2.91 acres in area, and accommodate the construction of a permanent flood protection levee.</p> <p>As part of this subdivision application, the applicant is seeking a subdivision waiver in order to amend the standard requirements pertaining to the Oak Street N cul-de-sac. Specifically, the applicant is proposing to:</p> <ul style="list-style-type: none"> • reduce the diameter of the cul-de-sac right-of-way from 140 feet to 106 feet; • reduce the diameter of the cul-de-sac paving from 100 feet to 96 feet; and

- waive the requirement to place sidewalk along the cul-de-sac (Sidewalk would still be placed along the north/south length of Oak St N).

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

Surrounding Land Uses and Zoning Districts:

- North: Across 6th Ave N are single-dwelling and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and LC, Limited Commercial;
- East: is a single-dwelling home and park zoned MR-2, Multi-Dwelling Residential and AG, Agricultural;
- South: is a BNSF railroad zoned DMU, Downtown Mixed-Use
- West: are single-dwelling and multi-dwelling homes zoned MR-2, Multi-Dwelling Residential and GC, General Commercial

Area Plans:

No area plans apply

Schools and Parks:

Schools: The subject property is located within the Fargo School District, specifically the Roosevelt/Horace Mann Elementary, Ben Franklin Middle and Fargo North High school attendance areas.

Neighborhood: The subject property is located in the Horace Mann neighborhood.

Parks: The subject property is located west of Wildflower Grove Park, which provides public amenities such as picnic tables and recreational trails.

Pedestrian / Bicycle: There is an existing off road bike facility to the east of the subject property on 6th Ave N which connects to the metro area trail system.

Staff Analysis:

Background

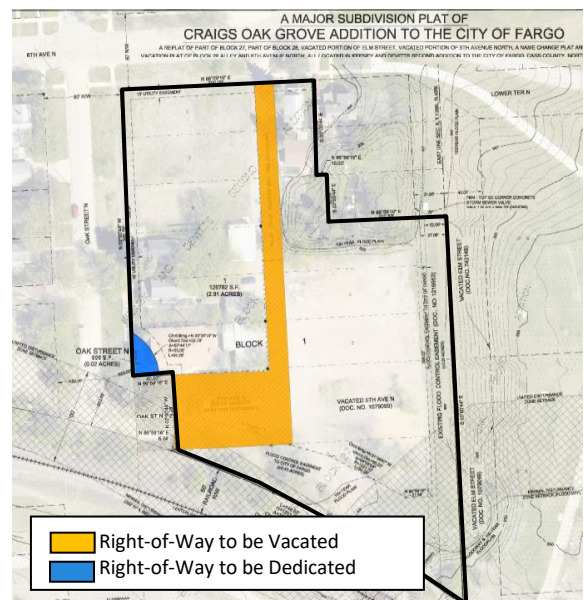
The applicant is proposing this subdivision in preparation for the redevelopment of the subject property. The applicant has stated that his intent is to construct residential housing that would likely consist of both townhomes and multi-dwelling apartments. To this end, the proposed plat will primarily address:

- access and circulation through vacation and dedication of public right-of-way;
- flood protection through construction of a permanent earthen levee; and
- consolidation of property into a single legal lot.

Access, Circulation, & Right-of-Way

The proposed subdivision involves the vacation of a portion of 5th Avenue N and the existing alley, which runs north/south between 5th and 6th Avenue N. The vacation of these two sections of right-of-way would result in Oak Street N dead-ending at 5th Avenue N. The Subdivision standards of the Land Development Code require that a cul-de-sac turnaround be provided at the end of a permanent dead-end street. As such, the proposed subdivision includes the dedication of a small area of right-of-way in order to accommodate a cul-de-sac turnaround at this location.

As noted in the *Proposal* section of this report, the applicant is seeking a subdivision waiver in order to amend the standard



requirements pertaining to the cul-de-sac. Specifically, the applicant is proposing to:

- reduce the diameter of the cul-de-sac right-of-way from 140 feet to 106 feet;
- reduce the diameter of the cul-de-sac paving from 100 feet to 96 feet; and
- waive the requirement to place sidewalk along the cul-de-sac (Sidewalk would still be placed along the north/south length of Oak St N).

The proposed cul-de-sac paving diameter is adequate for standard vehicles to turn around and also meets the minimum requirement of the Fire Code for a firetruck turnaround—although on-street parking would be prohibited within the cul-de-sac to accommodate these vehicular turnaround movements. The proposed cul-de-sac right-of-way diameter provides for a five-foot boulevard, which is adequate for purposes of providing infrastructure such as street lighting.

The applicant has also requested to waive the requirement to place a sidewalk along the cul-de-sac. Staff is supportive of this request due to the lack of need at this location, the availability of alternative options for sidewalk connectivity, and for concerns relating to maintenance of the sidewalk. Since Oak Street N will dead-end at this location and the railroad track is a barrier to the south, additional sidewalk would provide no additional connectivity to the sidewalk network. There would be no development adjacent to a majority of the cul-de-sac due to the location of the railroad and river setback area. Development within this area would be able to connect to the sidewalk network along Oak Street N, north of the cul-de-sac. There is an existing sidewalk crossing of Oak Street N at 6th Avenue N, which is about 200 feet north of the cul-de-sac. Additionally, since the cul-de-sac abuts railroad right-of-way, sidewalk maintenance and snow removal would likely be an issue, since these would be the responsibilities of the adjacent property owner, which is the railroad.

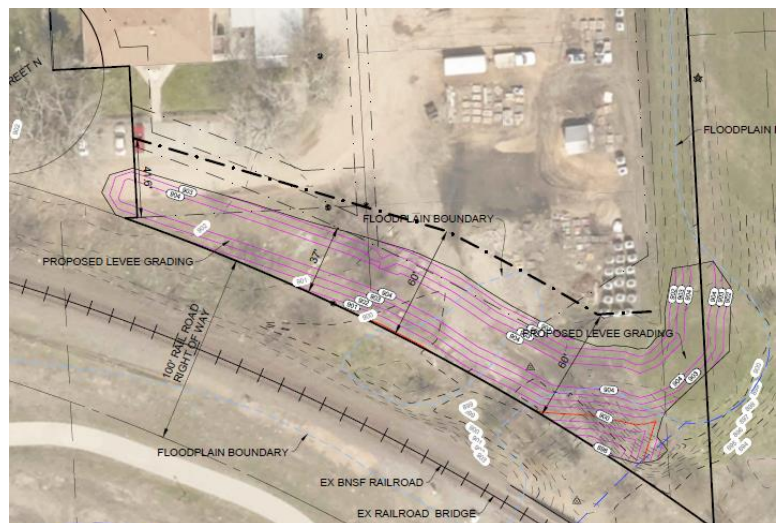
The subdivision plat would also accommodate a right-of-way name change for the small portion of 5th Avenue N adjacent to Oak Street, which is not included in the area to be vacated. This remainder of 5th Avenue N right-of-way will help accommodate the Oak Street cul-de-sac and will, therefore, be renamed as part of Oak Street to remove any reference to 5th Avenue N.

Flood Protection

In the time since development on the subject property originally took place, the City has adopted additional flood protection ordinances. As a result, any new development is subject to the requirements of the City's current Floodproofing Code. One such standard requires that a primary line of flood protection be provided between the development and the flood source (i.e. the river). Currently, there is an existing flood levee along the eastern side of the subject property and the existing railroad embankment provides some level of flood protection to the south. However, there is a gap between these two lines of flood protection in the southeast corner of the subject property, which the proposed subdivision will address through the dedication of easement and construction of a new levee.

The subdivision will dedicate 0.43 acres of easement to the City of Fargo for purposes of maintaining a permanent flood levee along the southern end of the subdivision. The details of this easement are documented in separate easement agreement document, which will be signed and recorded along with the plat. A copy of the easement document is attached.

The new levee will be located within this easement area. The levee will extend from the Oak Street N right-of-way to the southeast corner of the subdivision, where it will tie into the existing flood levee that runs along the east side of the subdivision. The developer will work with the City Engineering Department to design and construct a levee, which will be built to certifiable standards. The new levee is graphically illustrated in the image to the right.



River Setbacks – A portion of this subdivision is located within the watercourse setbacks of the Red River. In accordance with Section 20-0610 of the LDC, these watercourse setbacks are represented on the subdivision plat and a declaration of setback restrictive covenant has been drafted for purposes of notifying all subsequent owners of the watercourse setback requirements and restrictions. A copy of the restrictive covenant is attached and will be recorded along with the plat.

Developer Agreement – A developer agreement has been drafted in order to formally outline the details associated with the public improvements necessary to support the development of the subject property, including the flood protection levee and improvements to Oak Street N. The developer agreement will be executed and recorded along with the plat. A draft copy is attached for reference.

Public Comment

To date, staff has received one letter of written protest regarding this application from a neighboring resident. A copy of this letter is attached. Additionally, staff has received calls or questions regarding this application from about three additional residents. Public notification letters were mailed out to owners of property within 300 feet of the subject property, in accordance with Section 20-0901.F of the Land Development Code.

The applicant has worked over the past couple of years to acquire the parcels included within the subject property. Over this time, the applicant has shared various development concepts for this property. Most recently, the applicant has stated that he intends to construct townhomes in the northwestern area of the subject property an apartment building in the southeastern area. The applicant presented these development concepts to the Fargo Neighborhood Coalition at one of their meetings in the summer of 2017. Additionally, the applicant hosted an information meeting for neighboring residents in September of 2017.

Zoning

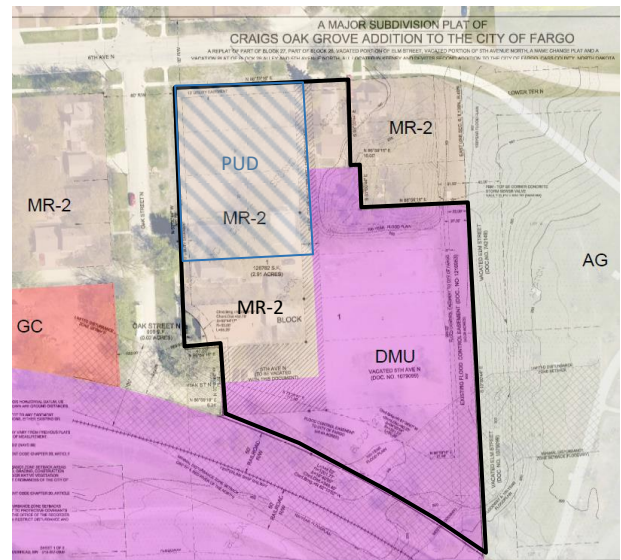
The subject property is partially located within both the DMU and MR-2 zoning districts. Although the DMU and MR-2 zoning districts both permit multi-dwelling and attached housing by-right, it is anticipated that the applicant will be applying for a zoning map amendment in order to modify the zoning to accommodate his specific project.

Additionally, a portion of the subject property is located within an existing PUD, Planned Unit Development, Overlay zoning district. This PUD zoning district was approved in 2016 for a townhome project which has now been abandoned, according to the applicant.

Subdivision

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

- 1. Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
The subject property is located within the DMU (Downtown Mixed-Use) and MR-2 (Multi-Dwelling Residential) zoning districts. The DMU and MR-2 zoning districts both permit household-living by-right (including attached houses and multi-dwelling structures). Additionally, it is anticipated that the developer will pursue a zoning map amendment in order to accommodate the proposed development. **(Criteria Satisfied)**
- 2. Section 20-0907.C.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the**



Land Development Code.

While there is no growth plan associated with this location within the City, the proposed development is consistent and compatible with the Go2030 Comprehensive Plan. Specifically, the Fargo Go2030 Comprehensive Plan supports infill and density within areas that are already developed, serviced with utilities, and protected by a flood resiliency strategy. The promotion of infill development is the number two ranked priority of Go2030. With the approval of the requested subdivision waiver, the proposed subdivision would comply with the standards of Article 20-06 and all 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.

Staff has worked with the applicant to develop a draft amenities plan that specifies the terms of 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 final action on the application by the Fargo City Commission. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment policy and procedure. Additionally, a developer agreement has been drafted to formally document the details of the public improvements necessary to support the development of the subject property. **(Criteria Satisfied)**

Subdivision Waiver

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

1. A Subdivision Waiver must not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the area in which the property is located.

As discussed earlier within this report, staff is supportive of the requested subdivision waiver. Staff has no reason to believe that the requested subdivision waiver would be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the area. **(Criteria Satisfied)**

2. The Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.

The practical difficulty is that the cul-de-sac is being retrofitted into an existing area, and that only the property on the eastern side of Oak Street N is being replatted. As a result, all of the additional right-of-way needed to accommodate the cul-de-sac will be dedicated by the proposed subdivision, resulting in the cul-de-sac being shifted off-center towards the east. The proposed subdivision waiver is intended to help offset some of the additional right-of-way needed to accommodate the new cul-de-sac turnaround. In a typical new subdivision, right-of-way for a cul-de-sac would be dedicated equally on both sides of the street. Staff has reviewed the proposed subdivision waiver and has found that the reduced cul-de-sac size meets the minimum turnaround diameter prescribed by the Fire Code, and is adequate to provide for necessary public infrastructure, such as street lighting. Additionally, it is anticipated that the reduced cul-de-sac size should result in public cost savings at the time of construction due to reduced area of paving. As noted above, staff is supportive of the request to not install sidewalk around the cul-de-sac due to the lack of need at this location, the availability of alternative options for sidewalk connectivity, and for concerns relating to maintenance of the sidewalk. **(Criteria Satisfied)**

3. The Subdivision Waiver shall not have the effect of waiving any provisions of this development code other than the Subdivision Design and Improvement Standards of Article 20-06.

As outlined within this report, the requested subdivision waiver is intended to reduce the dimensions of the cul-de-sac as required by Section 20-0611 and the sidewalk standards of Section 20-0609 of the Land Development Code, which are both Subdivision Design and Improvement Standard of Article 20-06. **(Criteria Satisfied)**

ROW Vacation Approval Criteria

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

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

This portion of right-of-way does not contain any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines. **(Criteria Satisfied)**

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

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

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

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed 1) **Craigs Oak Grove Addition** subdivision, 2) vacation plat, and 3) subdivision waiver of Sections 20-0611 and 20-0609 of the LDC as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Chapter 40-39 of the North Dakota Century Code, Standards of Article 20-06, and Section 20-0907 of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: June 5, 2018

Attachments:

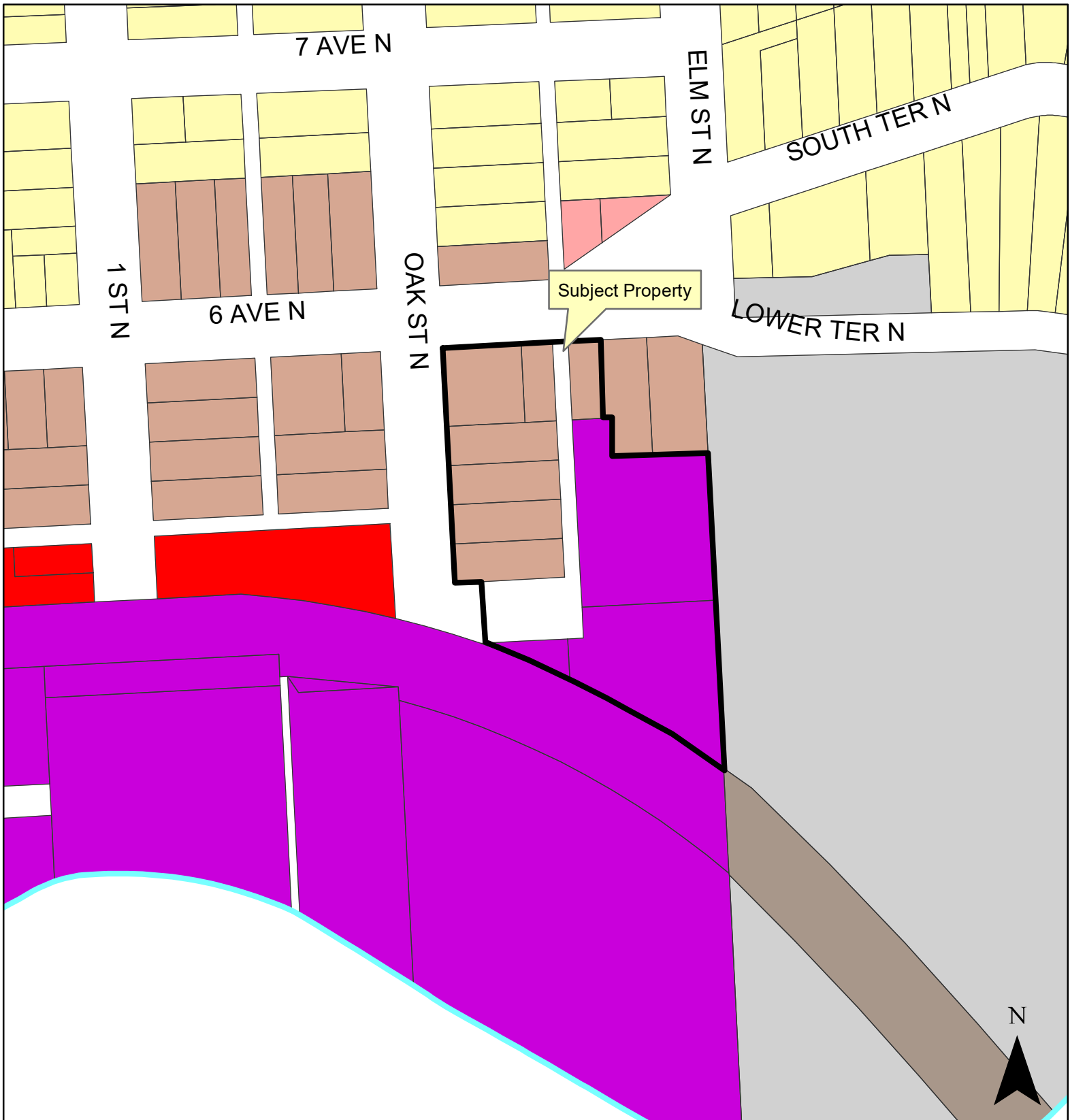
1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Draft Flood Control Easement Document
5. Draft Restrictive Covenants
6. Draft Amenities Plan
7. Draft Developer Agreement
8. Public Comment
9. Flood Levee Graphic

Plat (Major)

Craigs Oak Grove Addition

10 - 22 6th Ave N, 43 - 48

5th Ave N & 505 - 519 Oak St N



Legend

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

300

Feet

Fargo Planning Commission

June 5, 2018

Plat (Major)

Craigs Oak Grove Addition

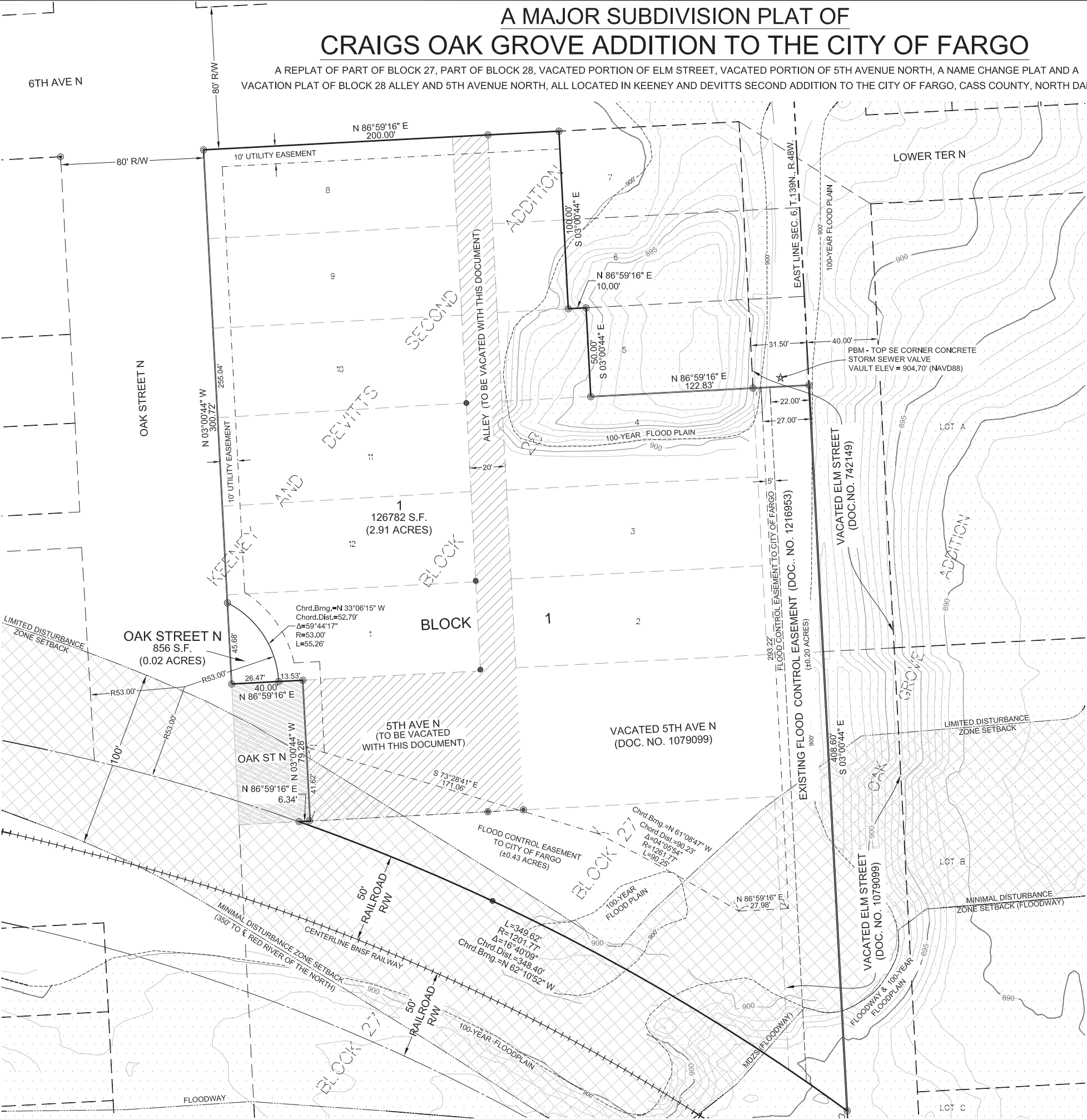
10 - 22 6th Ave N, 43 - 48

5th Ave N & 505 - 519 Oak St N



A MAJOR SUBDIVISION PLAT OF
CRAIGS OAK GROVE ADDITION TO THE CITY OF FARGO

A REPLAT OF PART OF BLOCK 27, PART OF BLOCK 28, VACATED PORTION OF ELM STREET, VACATED PORTION OF 5TH AVENUE NORTH, A NAME CHANGE PLAT AND A VACATION PLAT OF BLOCK 28 ALLEY AND 5TH AVENUE NORTH, ALL LOCATED IN KEENEY AND DEVITTS SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



NOTE:
SURVEY IS BASED ON FARGO GIS HORIZONTAL DATUM, US SURVEY FEET. DISTANCES SHOWN ARE GROUND DISTANCES.

SAID TRACT OF LAND IS SUBJECT TO ANY EASEMENT RESTRICTIONS OR RESERVATIONS, EITHER EXISTING OR ON RECORD.

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.

BASE FLOOD ELEVATION IS 900.0' (NAVD 88)

PER FARGO LAND DEVELOPMENT CODE CHAPTER 20, ARTICLE 20-0610 (B.2):

MINIMAL AND LIMITED DISTURBANCE ZONE SETBACK AREAS: THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF SOIL AND/OR NATIVE VEGETATION EXCEPT AS PERMITTED BY THE ORDINANCES OF THE CITY OF FARGO.

PER FARGO LAND DEVELOPMENT CODE CHAPTER 20, ARTICLE 20-0610 (B.3):

ANY MINIMAL OR LIMITED DISTURBANCE ZONE SETBACKS SHOWN HEREON ARE SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE RECORDED IN THE OFFICE OF THE RECORDER FOR CASS COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

A MAJOR SUBDIVISION PLAT OF
CRAIGS OAK GROVE ADDITION TO THE CITY OF FARGO

A REPLAT OF PART OF BLOCK 27, PART OF BLOCK 28, VACATED PORTION OF ELM STREET, VACATED PORTION OF 5TH AVENUE NORTH, A NAME CHANGE PLAT AND A
VACATION PLAT OF BLOCK 28 ALLEY AND 5TH AVENUE NORTH, ALL LOCATED IN KEENEY AND DEVITTS SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

DESCRIPTION OF AREA TO BE VACATED:

ALL OF THE ALLEY COMMON TO LOTS 1 THROUGH 12 OF BLOCK 28, AND ALL EXCEPT THE WEST 40.00 FEET OF 5TH AVENUE NORTH, AS LOCATED IN AND ADJACENT TO BLOCK 27 NORTH OF BNSF RAILROAD AND BLOCK 28, ALL IN KEENEY AND DEVITTS SECOND ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

OWNERS DESCRIPTION, ACCEPTANCE AND DEDICATION:

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "CRAIGS OAK GROVE ADDITION" TO THE CITY OF FARGO, A REPLAT OF BLOCK 27, NORTH OF THE RAILROAD RIGHT OF WAY, LOTS 1 THROUGH 4, THE WEST 50 FEET OF LOT 5, THE WEST 40 FEET OF LOTS 6 AND 7 AND ALL OF LOTS 8 THROUGH 12, BLOCK 28, PREVIOUSLY VACATED ELM STREET AND PREVIOUSLY VACATED 5TH AVENUE NORTH, ALL IN KEENEY AND DEVITTS SECOND ADDITION IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA AND WE FURTHER CERTIFY THAT WE HEREBY ACCEPT OWNERSHIP OF PREVIOUSLY DESCRIBED AREA TO BE VACATED, AS THE ADJACENT OWNERS; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT, WE HEREBY DEDICATE THE STREET RIGHT OF WAY AND UTILITY EASEMENTS TO THE USE OF THE PUBLIC AND THE FLOOD CONTROL EASEMENT TO THE CITY OF FARGO ALL AS SHOWN ON SAID PLAT.

SAID PLAT CONTAINS 2.93 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

OWNER: BLOCK 27 NORTH OF THE RAILROAD RIGHT OF WAY AND LOTS 1 THROUGH 4, WEST 50 FEET OF LOT 5, WEST 40 FEET OF LOTS 6 AND 7 AND LOT 12, BLOCK 28, KEENEY AND DEVITTS SECOND ADDITION AND VACATED 5TH AVENUE NORTH AND VACATED ELM STREET.

CRAIG HOLDINGS, LLC

JESSE CRAIG, PRESIDENT

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JESSE CRAIG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

MORTGAGEE: STARION BANK (LOT 1, 12: BLOCK 28)

ANGIE BAUMANN, BUSINESS BANKING OFFICER, VP

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ANGIE BAUMANN, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

MORTGAGEE: NORTHWESTERN BANK, NA (LOT 2, 3, 4, WEST 50' OF LOT 5, WEST HALF OF VACATED ELM STREET ADJACENT TO SAID LOTS; BLOCK 28; BLOCK 27 LESS THAT PORTION WHICH IS WEST OF THE EASTERLY LOT LINE OF LOTS 8, 9, 10, 11, 12 AND 1 IN BLOCK 28)

DAVE ALTENBERND, VP-BUSINESS BANKING

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAVE ALTENBERND, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

MORTGAGEE: MEADOWLARK CAPITOL, LLC (LOT 1, 2, 3, 4, 8, 9, 10, 11, 12: WEST 50' OF LOT 5: WEST 40' OF LOT 6, 7; BLOCK 28; VACATED ELM STREET; BLOCK 27 NORTH OF THE RAILROAD RIGHT OF WAY)

RICK BERG, PRESIDENT

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICK BERG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

OWNER: LOTS 8 THROUGH 11, BLOCK 28, KEENEY AND DEVITTS SECOND ADDITION

ACQUISITION, LLC

JESSE CRAIG, PRESIDENT

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JESSE CRAIG, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

MORTGAGEE: STARION FINANCIAL (LOT 10; EAST 40' OF LOTS 8, 9; WEST 100' OF LOTS 8, 9; BLOCK 28)

ANGIE BAUMANN, BUSINESS BANKING OFFICER, VP

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ANGIE BAUMANN, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

MORTGAGEE: NORTHWESTERN BANK, NA (LOT 11: BLOCK 28)

DAVE ALTENBERND, VP-BUSINESS BANKING

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAVE ALTENBERND, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

MORTGAGEE: CENTRAL MINNESOTA CREDIT UNION (WEST 40' OF LOTS 6, 7; BLOCK 28)

KEVIN SUNDE, SENIOR COMMERCIAL LENDER

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEVIN SUNDE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

DESCRIPTION OF NAME CHANGE:

THE NAME OF 5TH AVENUE NORTH BETWEEN OAK STREET NORTH AND VACATED 5TH AVENUE NORTH SHALL BE RENAMED AND HEREAFTER DESIGNATED AND IN THE FUTURE SHALL BE KNOWN BY SAID DESIGNATED NAME: "OAK STREET NORTH".

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 AND STATE, PERSONALLY APPEARED MARK H. BITTNER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, CARL P. OLSON, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA DO HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY OF SAID SUBDIVISION AND ALL DISTANCES SHOWN ON SAID PLAT ARE CORRECT; THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN.

CARL P. OLSON, PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA LICENSE # LS-4687

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CARL P. OLSON, 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, CHAIR
FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA }
SS }
COUNTY OF CASS }

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, FARGO COMMISSION CHAIR, 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 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 AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR, CITY OF FARGO, AND STEVE SPRAGUE, CITY AUDITOR, CITY OF FARGO, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

NOTARY PUBLIC

PERMANENT EASEMENT
(Levee for Flood Control)

KNOW ALL MEN BY THESE PRESENTS that **CRAIG DEVELOPMENT, LLC**, a North Dakota limited liability company, hereinafter referred to as “Grantor”, for and in consideration of the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, to it in hand paid, the receipt whereof is hereby acknowledged, **HEREBY GRANT UNTO THE CITY OF FARGO**, a North Dakota municipal corporation, its successors and assigns, hereinafter referred to as “Grantee”, a permanent and perpetual easement over, under, upon and in the land hereafter described for the purpose of constructing and maintaining an earthen dike, together with any and all other appurtenant structures or devices, said tract of land being more particularly described as follows:

A tract of land located in Blocks Twenty-seven (27) and Twenty-eight (28) of Keeney and Devitt’s Second Addition situated in the Southeast Quarter (SE1/4) of Section Six (6), Township One Hundred Thirty-nine North (T139N), Range Forty-eight West (R48W), of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota, described as follows:

Commencing at the southwest corner of Block 28, Keeney and Devitt’s Second Addition; thence N 86 degrees 59 minutes 16 seconds E, along the south line of said Block 28, a distance of 40.00 feet; thence S 03 degrees 00 minutes 44 seconds E, a distance of 37.66 feet to the Point of Beginning. Thence S 73 degrees 28 minutes 41 seconds E a distance of 171.06 feet to a point 60 feet distant of the northerly right-of-way (R/W) line of Burlington Northern Santa Fe Railroad Company (BNSF) with said point being on a non-tangential curve concave to the right (southerly) having a radius of 1261.77 feet, a chord bearing S 61 degrees 08 minutes 47 seconds E; thence southeasterly along said curve and parallel with said R/W line 90.25 feet through a central angle of 04 degrees 05 minutes 54 seconds to the end of the curve; thence N 86 degrees 59 minutes 16 seconds E, not tangent to said curve, a distance of 27.98 feet to a point 27 feet distant of the east line of said Keeney and Devitt’s Second Addition and the east line of said SE1/4; thence N 03 degrees 00 minutes 44 seconds W, parallel with said east line, a distance of

293.22 feet to the north line of Lot 4 of said Block 28; thence N 86 degrees 59 minutes 16 seconds E, along the north line of said Lot 4 extended through vacated Elm Street, a distance of 27.00 feet to said east line of Keeney and Devitt's Second Addition and the SE1/4; thence S 03 degrees 00 minutes 44 seconds E on said east line, a distance of 408.60 feet to a point on said northerly R/W line of BNSF, said point being on a non-tangential curve concave to the left (southerly) having a radius of 1201.77 feet, a chord bearing N 62 degrees 10 minutes 52 seconds W; thence northwesterly along said R/W line and curve 349.62 feet through a central angle of 16 degrees 40 minutes 09 seconds to the end of the curve and a point on the north line of Block 27 of said Keeney and Devitt's Second Addition; thence N 86 degrees 59 minutes 16 seconds E, along said north line of Block 27, a distance of 6.34 feet; thence N 03 degrees 00 minutes 44 seconds W a distance of 41.62 feet to the Point of Beginning.

LESS all that part of a previously acquired easement, for flood control purposes, lying within Twenty-two (22) feet of the east line of said Keeney and Devitt's Second Addition and the SE1/4, recorded as Document No. 1216953.

Said easement is shown on the plat for Craigs Oak Grove Addition and contains, 0.43 acres, more or less.

Said property is pictorially represented on an Easement Plat attached hereto and incorporated herein by reference as Exhibit "A".

Grantor, its successors and assigns, hereby covenants to and with Grantee that Grantee's officers, contractors, agents and employees may, at any and all times when necessary or convenient to do so, go over and upon said above-described tract of land and perform any and all acts necessary or convenient to carry into effect the purpose for which the grant is made.

Grantor, its successors and assigns, further understand and agree that they will not disturb, injure, molest or in any manner interfere with said earthen dike as constructed and the customary appurtenances, or with material for laying, maintaining, operating or repairing the same, in, over or upon the above-described premises. Grantor, its successors and assigns, further expressly warrants and states that no buildings, trees, shrubs, sprinkler systems or other obstacles of any kind shall be placed or located upon the tract in any manner which may interfere with said earthen dike.

IN WITNESS WHEREOF, Grantor has set its hand and caused this instrument to be executed this ____ day of _____, 2018.

GRANTOR:
Craig Development, LLC

Jesse Craig, President

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

On this ____ day of _____, 2018, before me, a notary public in and for said county and state, personally appeared **Jesse Craig**, to me known to be the President of **Craig Development, LLC**, described in and who executed the within and foregoing instrument, and acknowledged to me that he executed the same.

(SEAL)

Notary Public
Cass County, North Dakota

The legal description was prepared by:
KLJ
3203 32nd Avenue South
Fargo, ND 58103
701-232-5353

This document was prepared by:
Nancy J. Morris
Assistant City Attorney
Erik R. Johnson & Associates, Ltd.
505 Broadway N., Ste. 206
Fargo, ND 58102
701-280-1901
nmorris@lawfargo.com

**DECLARATION
OF
SETBACK RESTRICTIVE COVENANT**

THIS DECLARATION OF SETBACK RESTRICTIVE COVENANT is dated the 2nd day of May, 2018, by Craig Holdings LLC, a North Dakota limited liability company, and Acquisition LLC, a North Dakota limited liability company, hereinafter sometimes referred to as "Declarant".

RECITALS

A. Craig Holdings LLC and Acquisition LLC are the owners of Lot 1, Block 1, Craigs Oak Grove Addition to the City of Fargo, Cass County, North Dakota (the "Craigs Oak Grove Lots").

B. The Craigs Oak Grove Lots are hereinafter referred to as the "Setback Lots".

C. The City of Fargo ("City") requires the Declarant to record this Agreement for the purpose of notifying all subsequent owners of the Setback Lots of certain setback requirements and restrictions established by and through the ordinances of City.

DECLARATION

NOW THEREFORE, the Declarant declares and agrees the Setback Lots are and shall be held, transferred, sold, conveyed and occupied subject to the covenants and restrictions hereinafter set forth:

1. **Set Back Restrictions:** As required by Fargo Ordinance No. 4818, Fargo Municipal Code Section 20-0610, as the same may be amended from time to time, this Restrictive Covenant shall serve as NOTICE that the Setback Lots are subject to a Minimal Disturbance Zone Setback, a Limited Disturbance Zone Setback, or both, as such areas are depicted on the Plat of Craigs Oak Grove Addition to the City of Fargo. Activities within such areas are restricted, pursuant to certain ordinances of City, including, without limitation Fargo Municipal Code Section 20-0508. For further information about the restrictions, please consult such ordinances.
2. **Term and Amendment:** This Declaration shall be deemed and considered covenants running with the land and shall bind the Declarant, its successors and assigns, and shall continue in perpetuity or the longest period permitted by Law; and may not be amended or

terminated without written approval of City. Any such amendment or termination, to be effective, shall be recorded in the Cass County, North Dakota Recorder's Office.

IN WITNESS WHEREOF, the Declarant hereto has executed this Declaration as of the date first above written.

CRAIG HOLDINGS, LLC

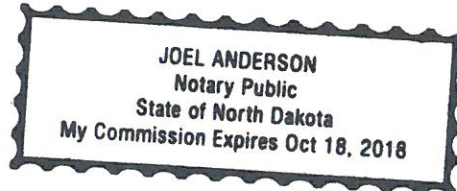
By: _____

Its: _____

STATE OF NORTH DAKOTA)

) SS

COUNTY OF CASS)



The foregoing instrument was acknowledged before me this 2 day of MAY, 2018, by JESSE CRAIG, the President of Craig Holdings, LLC, on behalf of the limited liability company.

(SEAL)

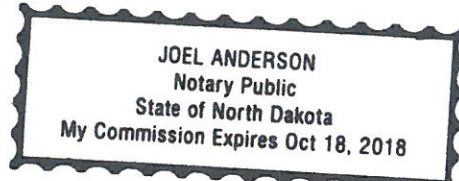
Notary Public
My Commission Expires: 10-18-18

ACQUISITION, LLC

By: [Signature]

Its: President

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)



The foregoing instrument was acknowledged before me this 2 day of May, 2018, by Jesse Craig, the President of Acquisition, LLC, on behalf of the limited liability company.

(SEAL)

[Signature]
Notary Public
My Commission Expires: 10-18-18

CITY OF FARGO, NORTH DAKOTA

By: _____
Timothy J. Mahoney, Mayor

ATTEST:

Steven Sprague, City Auditor

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

On the _____ day of _____, 2018, before me, a notary public in and for said county and state, personally appeared TIMOTHY J. MAHONEY and STEVEN SPRAGUE, to me known to be the Mayor and City Auditor, respectively, of the City of Fargo, North Dakota, the municipal corporation described in and that executed the within and foregoing instrument, and acknowledged to me that said municipal corporation executed the same.

(SEAL)

Notary Public

**Site Amenities and Project Plan
Craigs Oak Grove Addition
June 2018**

1. **Location:** The subject property is generally bounded by Oak Street N on the west, 6th Ave N on the north, the BNSF railroad on the south, and an earthen dike on the east.
2. **Details:** The proposed project is anticipated to include ten (10) townhome units (two five-unit townhomes) and a ninety-six (96) unit apartment building. The subdivision comprises approximately 2.9 acres. The base zoning for the property is currently MR-2 and DMU, however, the developer intends to apply for a zoning map amendment in order to accommodate the proposed project.
3. **Access Control:** Vehicular access will meet the driveway spacing requirements of the Land Development Code. Driveways shall be located so as not to impact existing street trees.
4. **River Setbacks:** The subject property is subject to river setbacks as defined by Section 20-0508 of the Land Development Code. Flood protection levee construction within the river setback area is subject to approval by the City Engineer in accordance with Section 20-0508(C.7.) of the Land Development Code.
5. **Storm Water Management:** The subdivision will accommodate storm water quantity and quality through an on-site detention system that will be designed as part of the development project.
6. **Flood Protection:** Craigs Oak Grove Addition will be protected from flooding with the following measures:

Internal Flooding – rainfall or spring event induced:

- Storm sewer systems designed and installed to city standards;
- Storm water detention facilities located on site.

FEMA Floodplain Expansion: All building construction shall meet all Fargo Flood Proofing Code Requirements with the following:

- Point of risk on the lowest opening shall be 2.0 feet above the FEMA Base Flood Elevation (BFE). BFE of 900.0 feet + 2.0 feet = 902.0 feet, NAVD 88);
- The adjacent grades to a structure shall be above the Base Flood Elevation (BFE) for a 15-foot minimum clearance from the structure and shall be graded to have positive drainage away from the structures;
- Sewer service back-up valves shall be installed;
- Materials shall be placed on each lot in a manner that conforms to the City of Fargo standards for compaction and FEMA regulations for Letter of Map Revisions by Fill (LOMR- F). The developer shall prepare a LOMR-F on behalf of the entire development, along with elevation certificates as necessary during each construction phase.
- A permanent line of flood protection will be established prior to development taking place. The developer will work with the City Engineering Department to design and construct a levee along the south portion of the property. The levee shall be built to certifiable standards and shall connect to the existing levee along the eastern boundary of the subdivision to the cul-de-sac of Oak Street N. Construction testing documents pertaining to the flood protection levee installation shall be submitted to and approved by the City of Fargo engineering group to achieve certifiable construction.

7. **Water Supply:** The City of Fargo shall design, own, and operate the public water main system.
8. **Engineering and Construction Improvements:** The developer will rely upon and cooperate with the City Engineer regarding construction of public improvements associated with the proposed development. Additionally, a developer agreement will formally address the public improvements associated with this subdivision.
9. **Funding of Public Infrastructure Improvements:** Public improvements will be special assessed. These improvements may include sidewalks, infrastructure, or other development amenities consistent with the application of special assessments by the City of Fargo.
10. **Right-of-Way:** A section of 5th Avenue N will be vacated with this plat, along with the public alley within the boundaries of the subdivision. The section of 5th Avenue N that is to be vacated is located 40 feet east of the Oak Street N right-of-way. The remaining 40-foot-long section of 5th Avenue N that is not to be vacated will be renamed Oak Street N. Additional right-of-way is to be dedicated with this plat to provide for a cul-de-sac turnaround at the southern end of Oak Street N. There will be no on-street parking allowed within the cul-de-sac.
11. **Subdivision Waiver:** The subdivision includes a waiver (in accordance with Section 20-0612 of the Land Development Code) to the Minimum Turnaround dimensions found in Table 20-0611-2 of the Land Development Code and a waiver of the requirement to place sidewalk along the Oak Street N cul-de-sac as required by Section 20-0609 of the Land Development Code.

Minimum Turnaround

The standard minimum dimensions of a cul-de-sac turnaround are:

- Right-of-way diameter: 140 feet
- Street pavement diameter: 100 feet

The subdivision waiver reduces these dimensions as follows:

- Right-of-way diameter: 106 feet
- Street pavement diameter: 96 feet

There will be no on-street parking allowed within the cul-de-sac, due to the reduced diameter.

Sidewalk

The standard is for sidewalk to be installed along all streets within the City. The subdivision waiver waives the requirement to install sidewalk around the Oak Street N cul-de-sac. Standard sidewalk shall be required to be installed along Oak Street N to the north of the cul-de-sac turnaround.

Amenities Plan is hereby approved:

 Jesse Craig, Owner
 Craig Development

 Date

 Mark H. Bittner, City Engineer
 City of Fargo

 Date

DRAFT

Developer Agreement and Waiver of Protest

This Agreement, made and entered into by and between the City of Fargo, North Dakota, a North Dakota Municipal Corporation (hereafter “Fargo” or “City”) and Craig Development, LLC (hereafter “Developer” or “Owner” and collectively “Parties”);

WHEREAS, Craig Development, LLC is the Owner of property to be platted as (Development Name and Legal) to the City of Fargo, Cass County, North Dakota (hereafter “Development Property”); and

WHEREAS, Developer intends to construct and finance necessary flood protection measures in advance of development activities; and

WHEREAS, Developer intends to grant City a Permanent Levee Easement on the Development Property; and

WHEREAS, Fargo intends to reconstruct and install municipal infrastructure to serve the Development Property as part of its usual and customary practices; and

WHEREAS, Fargo and Developer wish to cooperate as to the design and placement of the municipal infrastructure in order to accommodate the Development Property in the most efficient and economic manner; and

WHEREAS, the parties have agreed to a Site Amenities and Project Plan, which terms are incorporated herein and made part of this Agreement.

NOW, THEREFORE, for good and valuable consideration hereby acknowledged, it is hereby agreed by and between the parties as follows:

1. Developer holds all right, title and interest in the Development Property, specifically Craigs Oak Grove Addition to the City of Fargo, Cass County, North Dakota, which plat is pending approval by the City of Fargo.

3. Developer agrees to grant Fargo a Permanent Levee Easement, in substantial form to **Exhibit A**, attached hereto.
4. Developer agrees to construct a permanent line of flood protection in accordance with City Standards and Specification in order to provide certifiable protection, such design and construction plans to be approved by City prior to any construction of the levee.
5. Developer shall construct the flood protection levee prior to any development on the Development Property taking place. Developer shall submit as-built drawings of the levee and all soil testing results prior to the commencement of construction of any development. Fargo shall have unlimited access to the easement area provided herein, at all times prior to, during and after construction thereof.
6. Developer shall assign to Fargo any and all warranties related to the construction of the levee, in a form acceptable to City and signed by contractor.
7. City agrees to design and construct public infrastructure improvements in order to serve the Development Property and surrounding area.
8. Developer understands and agrees that paving and other municipal improvements which are enumerated in Section 40-22-01 N.D.C.C. will be completed to serve the Development Property and others, as designated on **Exhibit B** attached hereto and incorporated herein by reference, and that special assessments will be levied and assessed against the Development Property for such improvements.
9. Developer hereby waives Developer's right to protest the resolution of necessity for any such improvements for which such resolution is required pursuant to Section 40-22-17 N.D.C.C. Developer specifically consents to the paving and construction of such improvements and to the assessment of the costs thereof against the Development Property. Furthermore, by entering into this agreement, Developer hereby waives its right to protest the amount or benefit of any special assessment levied against the Development Property for the paving and other improvements.
10. Developer understands and agrees that Fargo shall not be liable for any losses or damages due to delay or failure to perform its obligations in this Agreement if such delay or failure is caused (a) by events or circumstances that are beyond its reasonable control, or (b) by events or circumstance that make performance impossible or impracticable. Such events or circumstances include, without limitation, acts of God, acts of war, riots, strikes, lockouts, acts of landowners, acts of government in sovereign or contractual capacity, shortages of or delays in delivery of necessary supplies or materials, accident, fire, water damages, flood, earthquake, tornado or any other natural catastrophes.
11. Developer further agrees and understands that Fargo shall not be responsible for any consequential damages or delays if for any reason the paving and other public improvements are not completed in a time frame requested and proposed by Developer. Fargo agrees it shall take all reasonable steps and efforts to complete the work in a timely manner.
12. This Agreement, including its exhibits, constitutes the entire agreement of the Parties with respect to the subject matter hereof, replacing and superseding all oral and/or written prior discussions, representations and agreements.

13. If any term or other provision of this Agreement is deemed invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall remain in full force and effect. Upon such determination, the Parties shall negotiate in good faith to modify this Agreement so as to give effect the original intent of the parties, as closely as possible and in an acceptable manner to the end that the transactions contemplated hereby are fulfilled to the extent possible.

14. This Agreement shall not be amended or modified in any manner, including the conduct of the Parties, except in writing and duly signed by the Parties hereto.

15. The paragraph headings contained in this Agreement are inserted for convenience of reference only and will not affect the meaning or interpretation of this Agreement.

16. This Agreement was fully-negotiated by the Parties, with each having been afforded the right to legal counsel, and shall be deemed to have been drafted by both of the Parties.

17. Developer may not assign this Agreement without the prior written consent of Fargo. Any such attempted assignment in conflict with the previous sentence shall be void. This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns.

18. This Agreement shall be governed by and enforced in accordance with the laws of the State of North Dakota.

Dated this ____ day of ____, 2018.

Craig Development, LLC

Jesse Craig, President

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

On this ____ day of ____, 2018, before me, a notary public in and for said county and state, personally appeared **Jesse Craig**, to me known to be the President of **Craig Development, LLC**, described in and who executed the within and foregoing instrument, and acknowledged to me that he executed the same.

(SEAL)

Notary Public
Cass County, North Dakota

DRAFT

Dated this _____ day of _____, 2018.

**City of Fargo, a North Dakota Municipal
Corporation**

By: _____
Timothy J. Mahoney, Mayor

ATTEST:

Steven Sprague, City Auditor

STATE OF NORTH DAKOTA)
) ss
COUNTY OF CASS)

On this _____ day of _____, 2018, before me personally appeared Timothy J. Mahoney and Steve Sprague to me known to be the Mayor and City Auditor, respectively, of the City of Fargo, Cass County, North Dakota, a municipal corporation, described in and that executed the within and foregoing instrument, and acknowledged that said municipal corporation executed the same.

Notary Public
Cass County, North Dakota
My commission expires: _____

DRAFT

Regarding Oak Grove Apartment Building Project

I am writing this letter as we the neighborhood, feel very strongly about the welfare of our neighborhood. Our concerns on how a proposed large apartment buildings in the Oak Grove area will negatively impact our neighborhood.

My name is Paul Seminary. I have lived in Fargo 57 of my 62 years. I have lived in different areas of Fargo during my life. I purchased my home at 59 6th Ave North in 2001. One of the reasons I decided to make my life in this neighborhood is this great Neighborhood. This part of town is 112 years old, with older homes and neighborhood designs. It is a history of our great city. There are signs of when the city was first started, like a piece of the track from the Trolley cars that used to run up and down the street. The houses are of historical designs. Our home was built in 1905 and there are other homes that were built earlier than ours. Our neighborhood is part of the historical district. The proposed 2 large apartment buildings would not fit the footprint of this neighborhood. We want to keep the historical footprint alive in our neighborhood.

We understand and believe in city growth. But we want to emphasize that the growth should follow the design of the neighborhood. The proposed apartment complex is a very large project that doesn't fit the footprint of this historical neighborhood. It would be like me wanting to build a house in the parking lot of West Acres. That would not fit the footprint of the commercial area. The apartment complex does not fit the footprint of this residential neighborhood.

Some of the concerns of the residents in this neighborhood from my understanding are:

Family. As mentioned above many of the families in this neighborhood are ones with young children. Increase in traffic can impact neighborhood safety.

Traffic. Craig Development has said that the design plan for the apartments is for one car stall per bedroom. This would roughly mean that the traffic up and down our busy street would increase by ~550 per day, not including visitors to the apartment occupants. As to why this would affect the traffic so severely, there are only 2 ways in and out (6th Ave and Oak St) of the complex. This would be in addition to the current busy traffic that already uses 6th Ave North and adjacent streets and avenues. This street is the main transportation to and from Oak Grove school and park area.

Has there been a road and traffic survey done for these streets and avenues? Will the current streets be able to withstand increased traffic flow – we have already been assessed taxes with the lights and sewer projects. Plus the increase in property taxes due to increase in home assessments. Most of the households in this neighborhood are older families or new families – we aren't able to absorb additional assessments.

Safety. Recently on the news there has been several crimes occurring amongst apartment complexes, theft, vandalism, and murder...Savanna Greywind Murder for example. Also in the news on November 7th Stonebridge and another apartment management firm sent their tenants letters about

locking their cars even if they were in the garage due to criminal activity. Please do not put us in that kind of risk by building this large of an apartment complex.

Flood Protection. If Craig Development needs to alter the existing permanent dyke built by the city, Craig Development should have to extend blanket insurance coverage within the parameters of the 300 feet set by the city to protect those individuals within the said footprint. For examples, when the levee broke in Grand Forks/East Grand Forks or the levees in New Orleans and closer to home, when the wall broke at Oak Grove School and many other examples.

As mentioned earlier, Oak Grove is a residential district and to compare our neighborhood to Downtown Fargo which is a business district is like comparing apples to oranges.

Our concern is for our neighborhood and those that live here. Can you show me how the Oak Grove project enhances this neighborhood. I am not aware of any. I can only see that there are 2 entities that will profit from this project, and it is not the people in this neighborhood.

Tax Credit. Why should Craig Development Company receive tax breaks to build HIS buildings when the city has already raised our property taxes. The people are tired of these tax breaks. Especially when the people of this neighborhood do not want these apartment buildings in THEIR neighborhood. The buildings Do Not fit the Footprint of this 112 year old neighborhood.

I know there was another resident in our neighborhood that collected signatures for a petition showing concerns for this project. Unfortunately this person became ill and wasn't able to continue this fight. The collection of signatures from this neighborhood shows us and should show the city that there are many concerns regarding this project in this neighborhood.

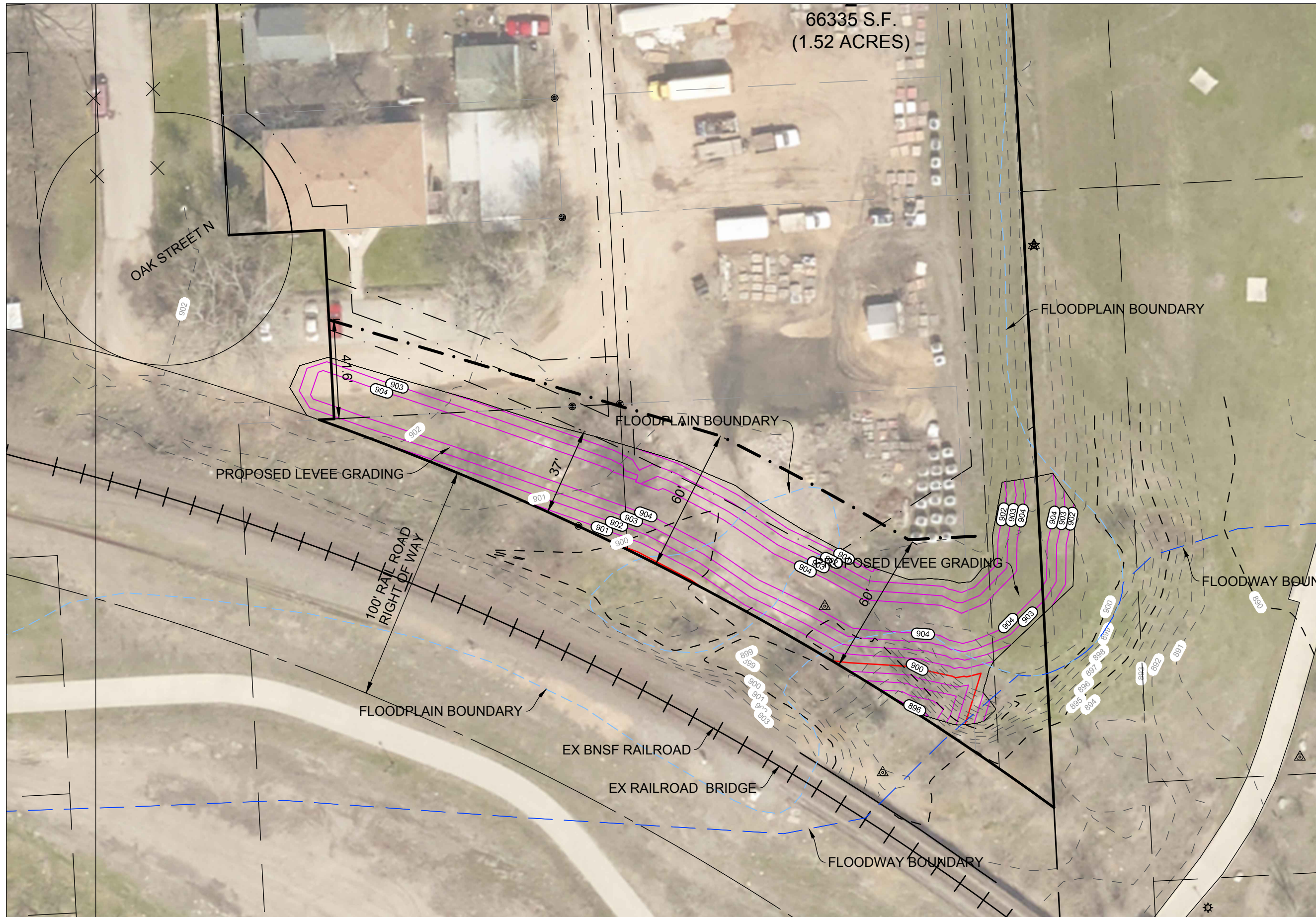
Have you been able to acquire the lists from Craig Development on whom he said he has contacted personally and the list of the people he notified from the September meeting?

Has there been any land surveys in the past proposed building site area and if so, what was the results from those surveys. Has this information been taken into account and if so how?

A majority of the people in this neighborhood aren't able to come to a meeting during their work hours. This does not mean that they do not care or are in agreement with this project but just that they can't leave work to come. They may not have vacation time to take or a boss that will allow time away from work. Just because there has been low numbers at the meetings, this does not mean the neighborhood residents do not care about this Oak Grove project, because they do. As the petition you have already received earlier shows that. This is a great neighborhood with historical value to the city of Fargo... we want to preserve these elements, the reason families have chosen to live in Oak Grove area.

Thank you for your time and assistance in this important matter. Please contact myself with any questions. My cell is 701-367-5421. I look forward to your reply and information request.

Paul Seminary

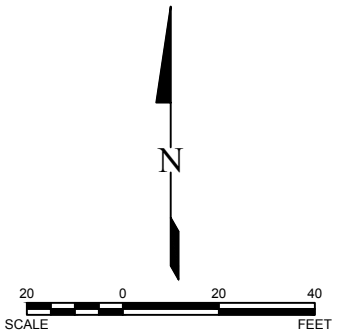


66335 S.F.
(1.52 ACRES)

OAK STREET
LEVEE EXTENSION
COMPLETELY ON
PROPERTY
1/12/2018
KLJ # 14617121

EASEMENT AS SHOWN
ON PLAT @ 37' PLUS
CORNER 17,300 SF

MODIFIED EASEMENT
FOR GRADING SHOWN
20,201 SF



City of Fargo Staff Report			
Title:	Black Mountain Addition	Date:	5/30/2018
Location:	3149, 3151, and 3185 Main Avenue	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lot 1 and part of Lot 2, Goodman's Subdivision; Lot 1, Teigen's Subdivision; and part of the South Half of Section 2, Township 139 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Vantage Properties, Southeast Cass Water Resource District, Mike Arnold / Mike Arnold	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lot 1 and part of Lot 2, Goodman's Subdivision; Lot 1, Teigen's Subdivision; and part of the South Half of Section 2, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, to the City of Fargo, Cass County, North Dakota to include a Subdivision Waiver on Lot 2, Block 1. of the proposed plat) Zone Change from GC, General Commercial to LI, Limited Industrial and AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay for portions of the lots within this subdivision		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing	Proposed
Land Use: Retail sales and service; County Drain No. 10	Land Use: Retail sales and service; County Drain No. 10
Zoning: LI, Limited Industrial; GC, General Commercial; AG, Agricultural	Zoning: LI, Limited Industrial; P/I, Public/Institutional for Lot 2 (County Drain No. 10)
Uses Allowed: LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation: GC 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	Uses Allowed: L/I no change 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

service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events. AG allows detached houses, parks and open space, safety services, basic utilities, and crop production.	
Maximum Lot Coverage Allowed: 85% in LI and GC: AG allows maximum density of one dwelling unit every 10 acres.	Maximum Lot Coverage Allowed: No change (85% for both GC and LI); P/I Zoning District takes on the dimensional standards of the adjacent zoning district

Proposal:

The applicant requests two entitlements:

1. A minor subdivision, entitled **Black Mountain Addition** which is a replat of Lot 1 and part of Lot 2, Goodman's Subdivision; Lot 1, Teigen's Subdivision; and part of the South Half of Section 2, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, to the City of Fargo, Cass County, North Dakota. The applicant also requests a Subdivision Waiver for drain setback to reduce the setback from 175 feet on either side of the drain centerline (total of 350 feet) to 37.5 feet on either side of the drain centerline (total of 75 feet). This is in reference to Section 20-0610 of the LDC (referenced below).
2. A zone change from GC, General Commercial to LI, Limited Industrial and AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay for portions of the lots within 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: Burlington Northern Santa Fe railroad tracks; GC, General Commercial, with warehouse and office uses and county drain
- East: LI, Limited Industrial with warehouse and vacant land uses
- South: Across Main Avenue LI, Limited Industrial with warehouse, light manufacturing, and vacant land uses
- West: LI, Limited Industrial with warehouse, light manufacturing, and vacant land uses

Area Plans:

No area plans apply.

Schools and Parks:

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

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

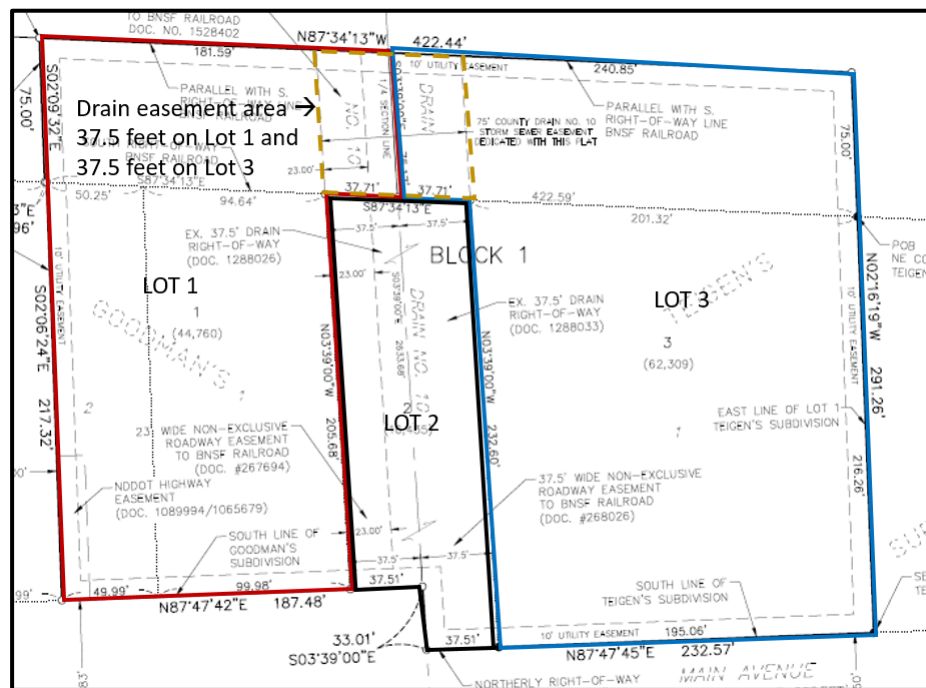
Parks: Jefferson Park (1904 4th Avenue S South) is located approximately over ¾ of a mile southeast of the subject property and offers the amenities of basketball, picnic table, playgrounds, and recreational trails, soccer, skatepark.

Pedestrian / Bicycle: An on-road bike facility is located along 25th Street South and is a component of the metro area trail system.

Staff Analysis:**PLAT AND ZONE CHANGE**

The plat will create a total of three lots in one block, owned and zoned as noted in the chart below.

BLOCK	LOT	CURRENT ZONING	PROPOSED ZONING	LAND USE
1	1	LI and GC	LI	Expansion of existing commercial/limited industrial development; SE Cass Water Resource District will have a 37.5 foot wide drain easement on part of the east side of this property.
1	2	AG	P/I with a with a C-O, Conditional overlay to restrict uses to "detention facilities" and "commercial parking"	Owned by Southeast Cass Water Resource District; Cass County Drain No. 10 runs through this lot. Not intended for development
1	3	LI and GC	LI	Expansion of existing commercial/limited industrial development SE Cass Water Resource District will have a 37.5 foot wide drain easement on part of the west side of this property.



The northerly portion of proposed Lots 1 and 3 are composed of an area that was formerly owned by the Burlington Northern Santa Fe railroad, which was zoned GC, General Commercial in 2001 by Ordinance 4146. A zone change from GC to LI, Limited Industrial for the northerly portion of Lots 1 and 3 is

necessary in order to make the zoning of Lots 1 and 3 consistent. Proposed Lot 2 is currently zoned AG. A zone change from AG to P/I with a C-O, Conditional Overlay for Lot 2 is the appropriate zoning for this government-owned utility lot.

ACCESS: The lots will take access from Main Avenue, an existing dedicated public street.

PUBLIC WATER AND SEWER: Public water and sewer are available in Main Avenue

SUBDIVISION WAIVER FOR DRAIN SETBACK: Cass County Drain No. 10 passes through the center portion of the subject property underground as one 72-inch wide pipe approximately 15 feet deep. As this is a legal drain, a 175 foot setback from either side of the centerline of the drain would be required at the time of platting pursuant to Section 20-0610 of the Land Development Code (LDC). The subdivision waiver is for modification of this drain setback requirement; specifically, that the requirement for the 175 foot setback from the centerline of the drain be reduced to a setback of 37.5 feet on either side of the drain centerline, for a total of 75 feet. This is the dimension that currently exists, and the City Engineer has determined that no additional setback is required. While the drain is part of the legal storm water requirements and governed by the Southeast Cass Water Resource District, the pipes are within the city limits. Thus, the City of Fargo is required to maintain access and also be prepared to maintain and replace the pipe if needed. Lot 2 and the easement area on Lots 1 and 3 of this plat encompass the underground drain and its setback. Lot 2 will be owned by Southeast Cass Water Resource District. No development, other than vehicular parking and circulation, will be allowed on Lot 2 or in the drain setback area of Lots 1 and 3. SE Cass has created an encroachment agreement with the adjacent property owners to allow vehicular circulation and parking on this drain setback area and to accommodate the existing encroachment of the existing buildings into the SE Cass property.

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 currently has three different zonings on it—LI, Limited Industrial; GC, General Commercial; and AG, Agricultural. The property is being rezoned so that Lots 1 and 3 are entirely zoned LI and Lot 2 is entirely zoned P/I, with a C-O, conditional overlay. **(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 front on existing dedicated public streets. These streets provide access and public utilities to serve the development. **(Criteria satisfied)**

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

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

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

The LDC states “This Land Development Code is intended to implement Fargo’s Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo.” No growth plan applies to this area. 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 minor plat can be approved:

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

The subject property is not located within an area plan. The property currently has three different zonings on it—LI, Limited Industrial; GC, General Commercial; and AG, Agricultural. The property is being rezoned so that Lots 1 and 3 are entirely zoned LI, to accommodate expansion of the existing businesses, and so that Lot 2 is entirely zoned P/I, with a C-O, conditional overlay to accommodate County Drain No. 10, a government-owned facility. Lots 1 and 3 will each have a 37.5 foot wide drain easement. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call from the public regarding this property. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code, and depicts the reduced drain setback requirement of a 37.5-foot setback on either side of the drain centerline established by the city engineer.

(Criteria Satisfied)

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

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

SUBDIVISION WAIVER FOR DRAIN SETBACK

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

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

The City Engineer has determined that the existing 37.5- foot setback on either side of the drain centerline is sufficient to provide access for maintenance to this underground drain. **(Criteria Satisfied)**

2. Section 20-0907.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.

As this is an underground drain, the City Engineer has determined that the 37.5-foot wide setback on either side of the drain centerline, to provide access for maintenance, is sufficient. The full 175 foot setback on either side of the drain centerline is not necessary in this case. **(Criteria Satisfied)**

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

This subdivision waiver applies only to the drain setback requirements of Section 20-0610 of the LDC for this particular property. **(Criteria Satisfied)**

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zoning change from GC, General Commercial to LI, Limited Industrial and P/I, Public and Institutional with a C-O, Conditional Overlay and AG, Agricultural to P/I, Public and Institutional with a C-O, Conditional Overlay for portions of the lots within this subdivision and 2) **Black Mountain Addition** subdivision plat, including Subdivision Waiver for drain setback, as presented, as the proposal complies with the Go2030 Plan, Standards of Article 20-06, Section 20-0906.F (1-4), and Section 20-0907(D)(3) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: June 5, 2018

Attachments:

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

Plat (Minor)

Black Mountain Addition

3149, 3151 & 3185 Main Avenue



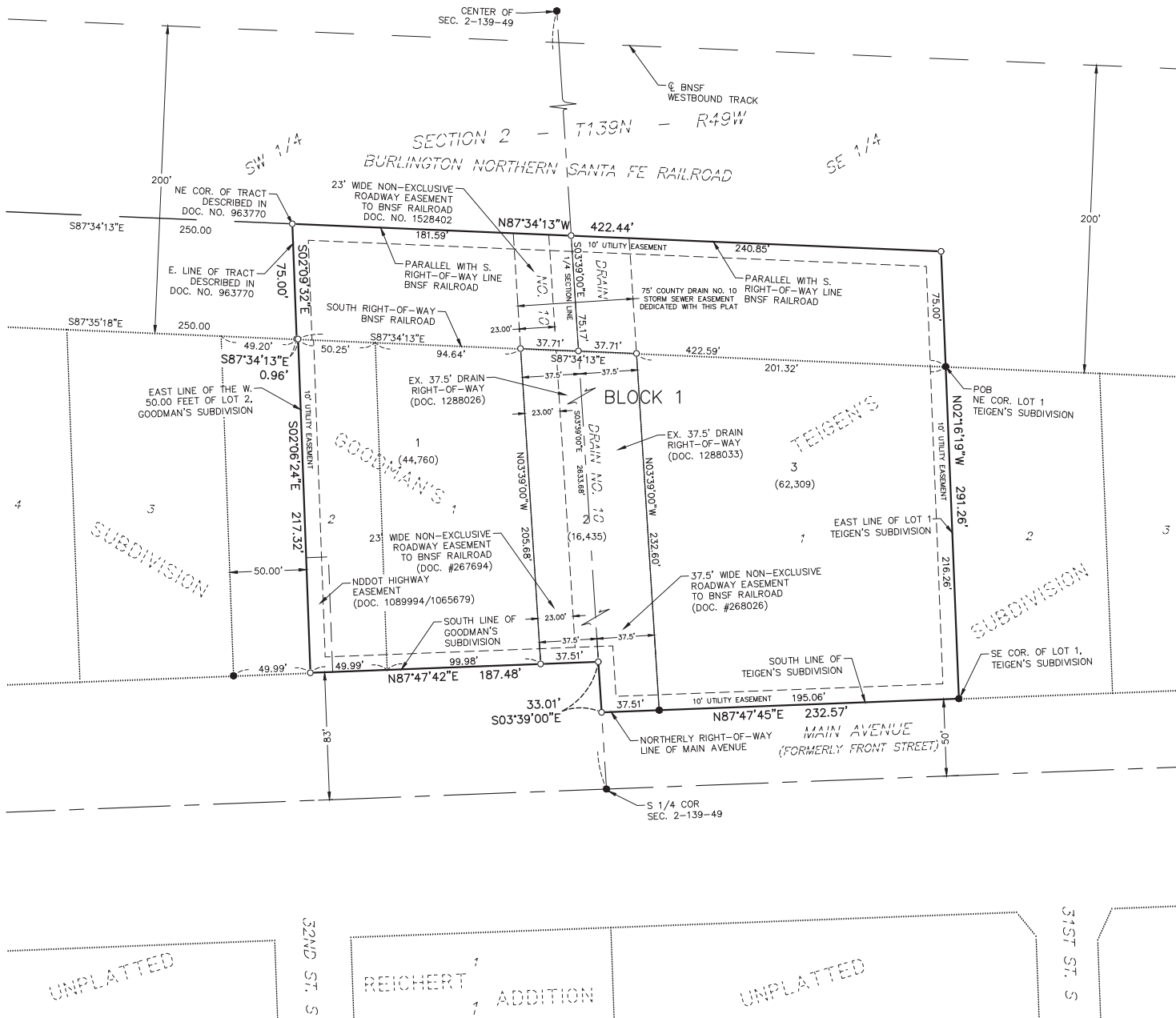
Plat (Minor)

Black Mountain Addition

3149, 3151 & 3185 Main Avenue

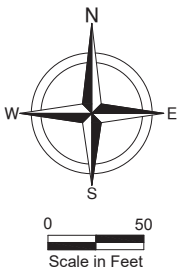


PLAT OF **BLACK MOUNTAIN ADDITION**
(A MINOR SUBDIVISION)
TO THE CITY OF FARGO, A REPLAT OF LOT 1 AND PART OF LOT 2,
GOODMAN'S SUBDIVISION, LOT 1, TEIGEN'S SUBDIVISION AND PART OF THE
SOUTH HALF OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 49 WEST
OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.



NOTES

A LEASE AGREEMENT FOR OUTDOOR SIGN ADVERTISING RECORDED AS DOCUMENT NO. 1099854 ON APRIL 21, 2004. THE LOCATION (NOT SHOWN ON THIS PLAT) IS BLANKET IN NATURE AND IS DESCRIBED TO ENCUMBER LOT 1 AND PART OF LOT 2, GOODMAN'S SUBDIVISION.



LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5900
- P.O.B. (31,963)
- LOT AREAS IN SQ. FT.
- SECTION LINE
- QUARTER SECTION LINE
- ==== PLAT BOUNDARY LINE
- ==== LOT LINE
- EXISTING LOT LINE

UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO ALL STREET RIGHT OF WAYS AND REAR PROPERTY LINES AS SHOWN UNLESS OTHERWISE NOTED.

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

MARK H. BITTNER, CITY ENGINEER

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK H. BITTNER, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE PROFESSIONAL LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "BLACK MOUNTAIN ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 1 AND THE EAST HALF OF LOT 2, GOODMAN'S SUBDIVISION AND LOT 1, TEIGEN'S SUBDIVISION AND PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA. THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOT 1 AND LOT 2, EXCEPT THE WEST 50.00 FEET OF SAID LOT 2, GOODMAN'S SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA; AND LOT 1, TEIGEN'S SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER, TOGETHER WITH THAT PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, SAID TEIGEN'S SUBDIVISION; THENCE NORTH 02 DEGREES 16 MINUTES 19 SECONDS WEST ON AN ASSUMED BEARING ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1 FOR A DISTANCE OF 75.00 FEET; THENCE NORTH 87 DEGREES 34 MINUTES 13 SECONDS WEST PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY'S RAILROAD FOR A DISTANCE OF 422.44 FEET TO THE NORTHEASTERLY CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 963770 AND RECORDED ON AUGUST 29, 2000 IN THE OFFICE OF THE CASS COUNTY RECORDER; THENCE SOUTH 02 DEGREES 09 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID TRACT FOR A DISTANCE OF 75.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY'S RAILROAD, ALSO BEING ON THE NORTHERLY LINE OF SAID GOODMAN'S SUBDIVISION; THENCE SOUTH 87 DEGREES 34 MINUTES 13 SECONDS EAST ALONG SAID RIGHT OF WAY LINE AND ALONG THE NORTHERLY LINE OF SAID GOODMAN'S SUBDIVISION FOR A DISTANCE OF 0.96 FEET TO THE NORTHEAST CORNER OF THE WEST 50.00 OF LOT 2, SAID GOODMAN'S SUBDIVISION; THENCE SOUTH 02 DEGREES 06 MINUTES 24 SECONDS EAST ALONG THE EAST LINE OF SAID WEST 50.00 FEET, FOR A DISTANCE OF 217.32 FEET TO THE SOUTH LINE OF SAID GOODMAN'S SUBDIVISION; THENCE NORTH 87 DEGREES 47 MINUTES 42 SECONDS EAST ALONG SAID SOUTH LINE AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MAIN AVENUE, FOR A DISTANCE OF 187.48 FEET TO THE N-S QUARTER LINE OF SAID SECTION 2; THENCE SOUTH 03 DEGREES 39 MINUTES 00 SECONDS EAST, ALONG SAID QUARTER LINE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 33.01 FEET; THENCE NORTH 87 DEGREES 47 MINUTES 45 SECONDS EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF LOT 1, SAID TEIGEN'S SUBDIVISION, FOR A DISTANCE OF 232.57 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 02 DEGREES 16 MINUTES 19 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, FOR A DISTANCE OF 216.26 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.83 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTION OF RECORD.

SHAWN M. THOMASSON
PROFESSIONAL LAND SURVEYOR
REG. NO. LS-5900

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, PROFESSIONAL LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNER'S OF THE LAND DESCRIBED IN THE PLAT OF "BLACK MOUNTAIN ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOT 1 AND PART OF LOT 2, GOODMAN'S SUBDIVISION AND LOT 1, TEIGEN'S SUBDIVISION AND A PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF SHAWN M. THOMASSON, PROFESSIONAL LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE PROFESSIONAL LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE THE 75.00 FOOT WIDE STORM SEWER EASEMENT FOR CASS COUNTY DRAIN NO. 10 TO THE SOUTHEAST CASS WATER RESOURCE DISTRICT, AND WE HEREBY DEDICATE THE 10.00 FOOT WIDE UTILITY EASEMENT SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOT 1 AND LOT 3: BLACK MOUNTAIN INVESTMENTS, LLC:

MIKE LARSON, PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MIKE LARSON, PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF BLACK MOUNTAIN INVESTMENTS, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: LOT 2: SOUTHEAST CASS WATER RESOURCE DISTRICT

DAN JACOBSON, CHAIRPERSON

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAN JACOBSON, CHAIRPERSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE SOUTHEAST CASS WATER RESOURCE DISTRICT.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO PLANNING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

SHARA FISCHER, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHARA FISCHER, CHAIR OF THE FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN THE NAME OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

THIS PLAT IN THE CITY OF FARGO IS HEREBY APPROVED THIS _____ DAY OF _____, 2018.

TIMOTHY J. MAHONEY, MAYOR

STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TIMOTHY J. MAHONEY, MAYOR AND STEVEN SPRAGUE, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF FARGO.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CONTRACT FOR DEED VENDEE: LOT 1: VANTAGE PROPERTY INVESTMENTS, LLC

ROSS SOLWOLD, PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROSS SOLWOLD, PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF VANTAGE PROPERTY INVESTMENTS, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CONTRACT FOR DEED VENDEE: LOT 3: MJA PROPERTIES, LLC

MIKE ARNOLD, PRESIDENT

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MIKE ARNOLD, PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE SOUTHEAST CASS WATER RESOURCE DISTRICT.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

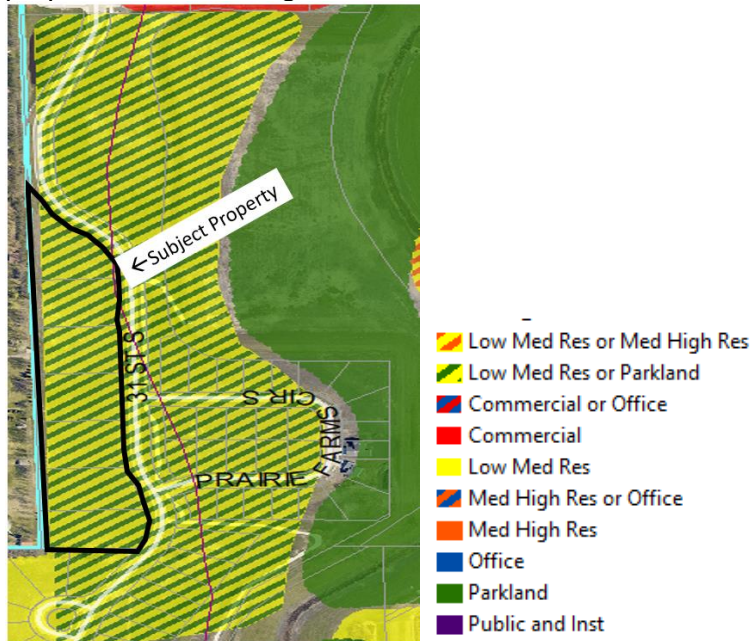
City of Fargo Staff Report			
Title:	Champions Gate Addition	Date:	5/31/2018
Location:	5501, 5535, 5565, 5601, 5643, 5684, and 5757 31st Street South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 9-15, Block 6, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota		
Owner(s)/Applicant:	Prairie Grove, Inc. / Michael Domitrovich	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 9-15, Block 6, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota) Zoning Change (SR-1, Single-Dwelling Residential to SR-3, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing	Proposed
Land Use: Platted but not developed	Land Use: Attached single family residence
Zoning: SR-1, Single dwelling residential	Zoning: SR-3, Single dwelling residential
Uses Allowed: allows detached houses, daycare centers up to 12 children, parks and open space, religious institutions, safety services, schools, and basic utilities.	Uses Allowed: allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: 2.9 dwelling units per acre	Maximum Density Allowed: 8.7 dwelling units per acre

Proposal:
<p>The applicant requests approval of two entitlements:</p> <ol style="list-style-type: none"> 1. A zoning change from SR-1, Single-Dwelling Residential to SR-3, Single-Dwelling Residential; and 2. A plat of the Champions Gate Addition, a replat of Lots 9-15, Block 6, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota. All lots will be zoned SR-3. <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: P/I, Public/Institutional, with park and open space use • East: P/I, Public/Institutional, with park and open space use; and SR-4, with single family use (not yet developed) • South: SR-4, with single family use (not yet developed) • West: City of Frontier—lots adjacent to the proposed subdivision are large lot (approximately one acre) detached single family residences.

Area Plans:

This property is designated “Low/Medium Density Residential or Parkland” in the 2001 Growth Plan. The proposed SR-3 zoning is included in the “Low/Medium Density Residential” designation.



Schools and Parks:

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

Neighborhood: The subject property is located within the Maple Valley neighborhood.

Parks: Prairie Farms Park (5970 31st Street South) is located just to the north of the subject property. This park has not yet been developed with amenities.

Pedestrian / Bicycle: An off-road bike facility is located along 52nd Avenue South (approximately one-quarter mile north of the subject property) and is a component of the metro area trail system.

Staff Analysis:

ACCESS AND SITE DESIGN: The project will take access from 31st Street South, an existing dedicated public street. The applicant intends to have a private driveway serving the individual lots, so there are not individual driveways directly onto 31st Street South. The private drive will have two accesses onto 31st Street South (see attached site plan).

SITE DESIGN: The applicant has provided a conceptual site plan, which is attached. It depicts the residences set back approximately 80 feet from the 31st Street South frontage, with the residences taking access from a private driveway that has two connections with 31st Street South. The area between 31st Street South and the private driveway is intended to be a landscaped area maintained by a homeowners association (HOA), though this area will be part of the individual homeowners' lots and not separate lots owned by the HOA.

LOT SIZES: The proposed lots range in size from 11,896 square feet (0.27 acre) to 22,688 square feet (0.52 acre), with most being in the 12,600 square foot (0.28 acre) range. The existing lots are all slightly over 50,000 square feet (1.14 acres), with one lot being over 55,000 square feet (1.26 acres).

PUBLIC WATER AND SEWER: Public water and sewer are available in 31st Street South.

ATTACHED HOUSING: This project applies Alternative Residential Development Options—Attached Housing (LDC Section 20-0506 B) that exempts attached housing from lot width, lot area, and building coverage requirements. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right but the application is confirmed for compliance with the subdivision process.

DENSITY: The overall density of this project is approximately 3.2 dwelling units per acre, which is less than the maximum density of 8.7 dwelling units per acre allowed by the SR-3 zone.

PUBLIC COMMENT: Planning staff has received several phone calls, e-mails, and visits from residents of the City of Frontier, which abuts this project site on the west. Comments from these residents expressed the following concerns:

- Questioned why the existing eight large lots were being subdivided into 25 smaller ones—Frontier residents believed this area was going to remain platted as large lots
- Why is an increased density development being proposed in this location?
- This development may affect property values in Frontier.

A copy of the e-mail received is attached.

OPEN HOUSE FOR CITY OF FRONTIER RESIDENTS: On Wednesday, May 30, 2018, the applicant, Michael Domitrovich, held an open house for residents of the City of Frontier to discuss this project. Mr. Domitrovich may wish to summarize this meeting at the Planning Commission meeting. Planning staff did not organize this event or attend this event.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The applicant has applied for the SR-3 zone as this zone allows attached housing, whereas the current SR-1 zone does not. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the property. The applicant's utility plan indicates that each residence can be individually served with public water and sewer. **(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 supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners. To date, staff has received several comments from the public on the application. 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 in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, the 2001 Growth Plan, and other adopted policies of the City. **(Criteria Satisfied)**

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

- 1. Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.** This property is designated "Low/Medium Density Residential or Parkland" in the 2001 Growth Plan. The proposed SR-3 zoning is included in the "Low/Medium Density Residential" designation. 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 several comments from the public regarding this property. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) Zoning Change from SR-1, Single-Dwelling Residential to SR-3, Single-Dwelling Residential and 2) a plat of the **Champions Gate Addition**, as the proposal complies with the Go2030 Fargo Comprehensive Plan, 2001 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."

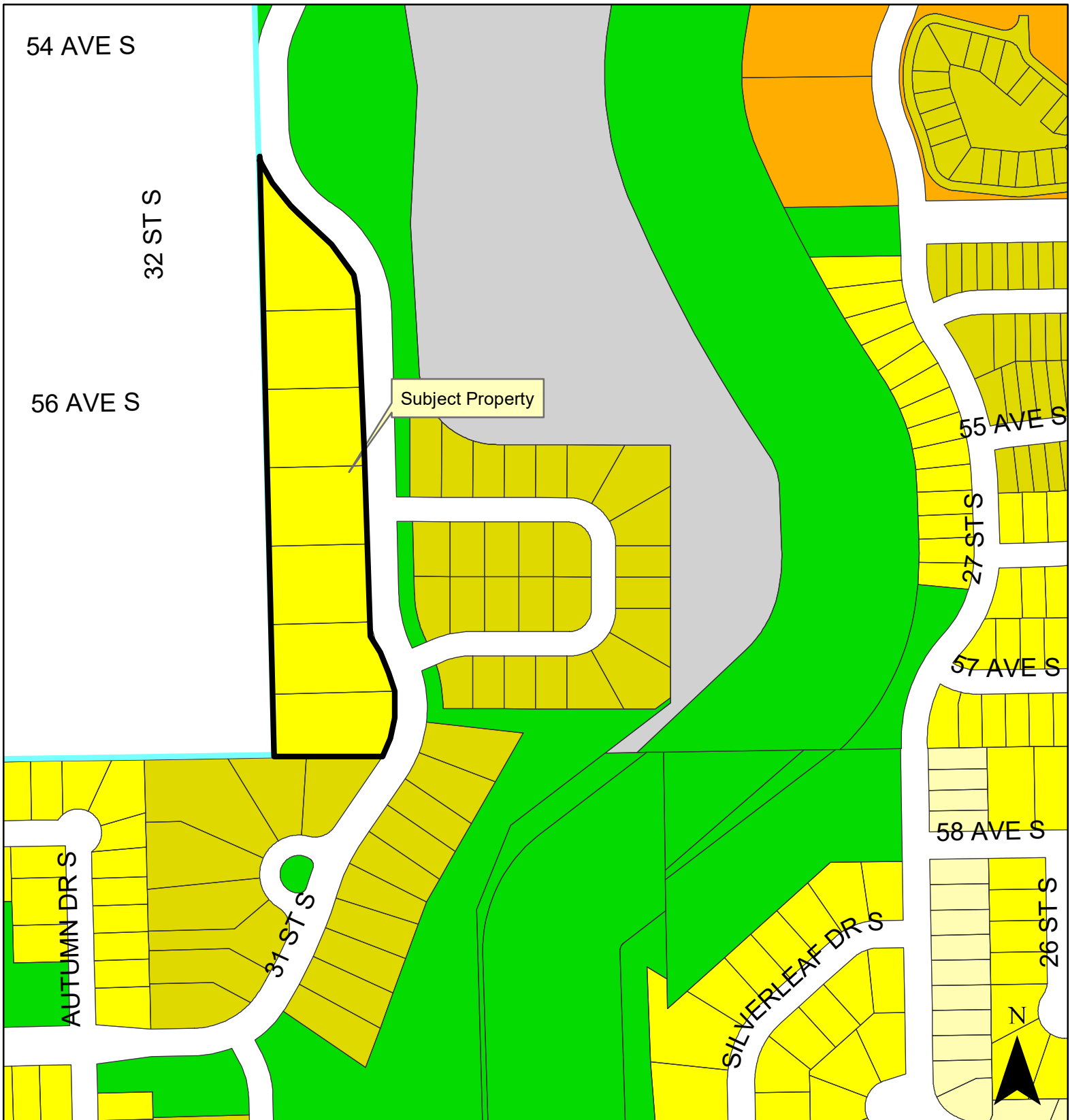
Planning Commission Recommendation: June 5, 2018

Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Preliminary Plat4. Site Plan5. E-mail comment

Plat (Minor) and Zone Change (SR-1 to SR-3)

Champions Gate at Prairie Farms Addition

5501 - 5757 31st
Street South



Plat (Minor) and Zone Change (SR-1 to SR-3)

Champions Gate at Prairie Farms Addition

5501 - 5757 31st
Street South



CHAMPIONS GATE AT PRAIRIE FARMS ADDITION

BEING A REPLAT OF LOTS 9 THROUGH 15, BLOCK 6,
PRAIRIE FARMS ADDITION

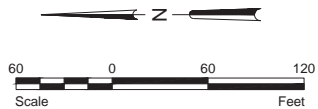
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	308.98	320.00	55°19'19"	N29°06'09"W	297.11
C2	251.04	260.00	55°19'19"	N29°06'09"W	241.40
C3	188.67	420.00	25°44'17"	N14°18'39"W	187.09
C4	244.10	240.00	58°16'29"	N01°57'28"E	233.71
C5	115.39	260.00	25°25'42"	S44°02'58"E	114.45
C6	29.20	260.00	6°26'01"	S28°07'06"E	29.18
C7	56.42	260.00	12°25'58"	S18°41'06"E	56.31
C9	41.29	420.00	5°37'56"	S04°15'28"E	41.27
C10	57.60	420.00	7°51'28"	S11°00'10"E	57.56

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C11	54.50	420.00	7°26'04"	S18°38'56"E	54.46
C12	35.29	420.00	4°48'50"	S24°46'22"E	35.28
C13	22.05	240.00	5°15'54"	S24°32'50"E	22.05
C14	53.42	240.00	12°45'15"	S15°32'15"E	53.31
C15	50.68	240.00	12°05'54"	S03°06'40"E	50.58
C16	50.43	240.00	12°02'21"	S08°57'27"W	50.34
C17	67.51	240.00	16°07'05"	S23°02'10"W	67.29

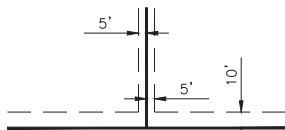
NOTES:

1. 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.
2. A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0787G DATED JAN. 16, 2015.
3. BASE FLOOD ELEVATION = 906.7' (NAVD 1988)



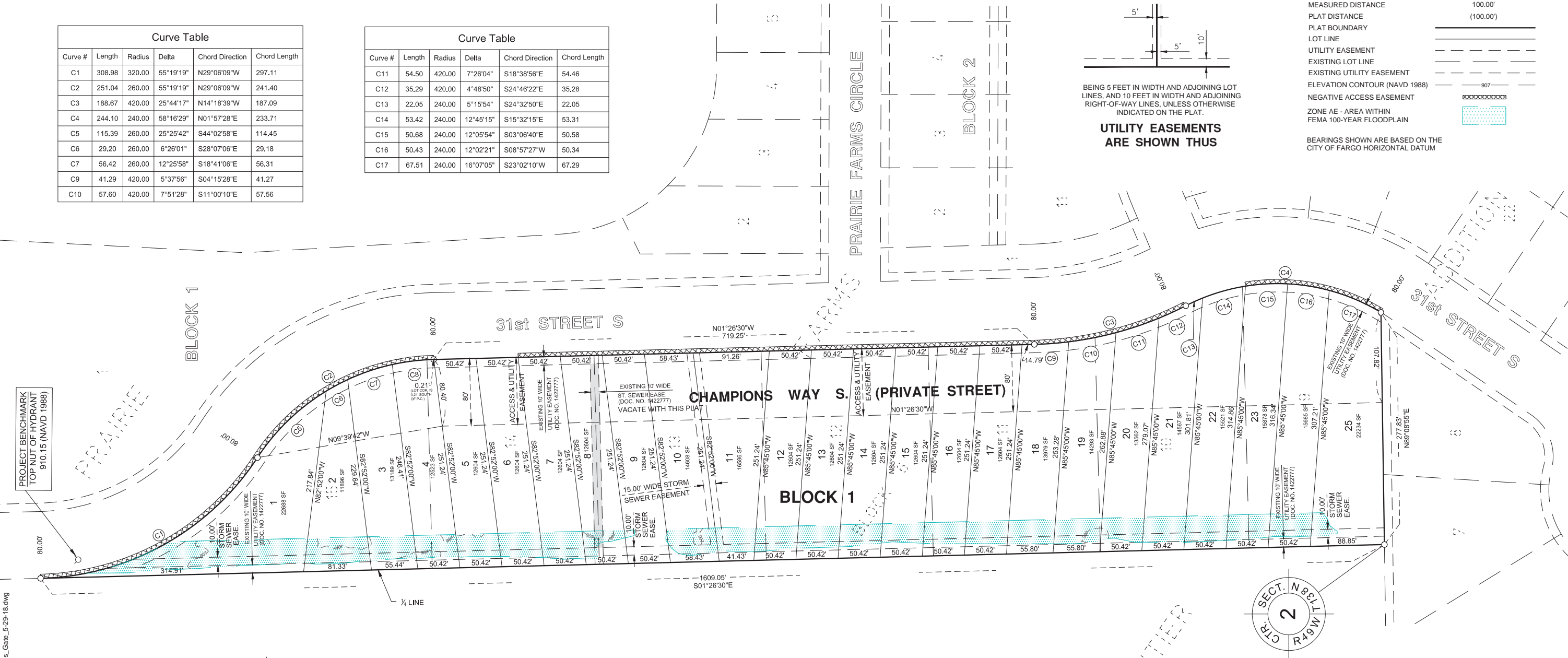
LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	—————
EXISTING LOT LINE	—————
EXISTING UTILITY EASEMENT	—————
ELEVATION CONTOUR (NAVD 1988)	————— 907' —————
NEGATIVE ACCESS EASEMENT	XXXXXXXXXX
ZONE AE - AREA WITHIN FEMA 100-YEAR FLOODPLAIN	
BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM	



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

UTILITY EASEMENTS
ARE SHOWN THUS



CHAMPIONS GATE AT PRAIRIE FARMS ADDITION

BEING A REPLAT OF LOTS 9 THROUGH 15, BLOCK 6,
PRAIRIE FARMS ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

A MINOR SUBDIVISION

OWNERS' CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Prairie Grove, Inc., a North Dakota Corporation, is the owner and proprietor of Lots 9 - 16 inclusive, Block 6, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 8.169 acres, more or less.

And that said party has caused the same to be surveyed and re-platted as **CHAMPIONS GATE AT PRAIRIE FARMS ADDITION** to the City of Fargo, Cass County, North Dakota; and does hereby dedicate Champions Way South (Private Street), also shown as Access and Utility Easement on the plat, to the current and future owners of Lots 1 - 26, Block 1; and does hereby dedicate to the public for public use the Storm Sewer Easements and the Negative Access Easement as shown on the plat .

OWNER:
Prairie Grove, Inc.

State of North Dakota)
) ss
County of Cass)

Ole Rommesmo Jr., President

On this _____ day of _____, 20____, before me personally appeared Ole Rommesmo Jr., President of Prairie Grove, Inc., a North Dakota Corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said Corporation.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

Curtis A. Skarphol,
Professional Land Surveyor No. 4723

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

H:\Fargo\UB\N9800\9877\9877_0001\CAD\Plat\PRE PLAT Champions_Gate_5-29-18.dwg



CHAMPIONS GATE AT PRAIRIE FARMS ADDITION

BEING A REPLAT OF LOTS 9 THROUGH 15, BLOCK 6,
PRAIRIE FARMS ADDITION

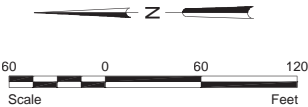
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION

Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C1	308.98	320.00	55°19'19"	N29°06'09"W
C2	251.04	260.00	55°19'19"	N29°06'09"W
C3	188.67	420.00	25°44'17"	N14°18'39"W
C4	244.10	240.00	58°16'29"	N01°57'28"E
C5	115.39	260.00	25°25'42"	S44°02'58"E
C6	29.20	260.00	6°26'01"	S28°07'06"E
C7	56.42	260.00	12°25'58"	S18°41'06"E
C9	41.29	420.00	5°37'56"	S04°15'28"E
C10	57.60	420.00	7°51'28"	S11°00'10"E

Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C11	54.50	420.00	7°26'04"	S18°38'56"E
C12	35.29	420.00	4°48'50"	S24°46'22"E
C13	22.05	240.00	5°15'54"	S24°32'50"E
C14	53.42	240.00	12°45'15"	S15°32'15"E
C15	50.68	240.00	12°05'54"	S03°06'40"E
C16	50.43	240.00	12°02'21"	S08°57'27"W
C17	67.51	240.00	16°07'05"	S23°02'10"W

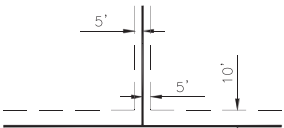
NOTES:

1. 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.
2. A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0787G DATED JAN. 16, 2015.
3. BASE FLOOD ELEVATION = 906.7' (NAVD 1988)



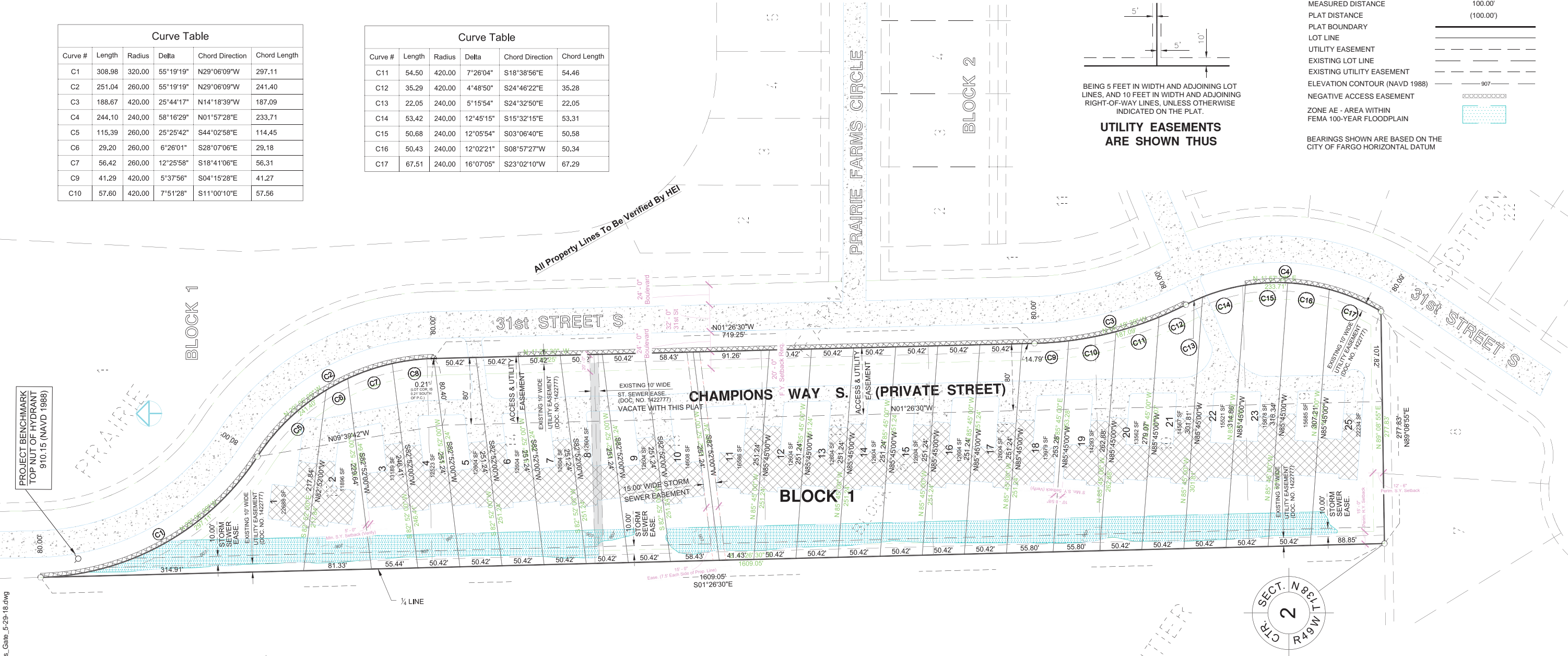
LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	—————
EXISTING LOT LINE	—————
EXISTING UTILITY EASEMENT	—————
ELEVATION CONTOUR (NAVD 1988)	————— 907' —————
NEGATIVE ACCESS EASEMENT	XXXXXXXXXX
ZONE AE - AREA WITHIN FEMA 100-YEAR FLOODPLAIN	
BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM	



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

UTILITY EASEMENTS
ARE SHOWN THUS



From: Terry and Cindy Petrich [mailto:tcpetrich@hotmail.com]
Sent: Tuesday, May 22, 2018 3:22 PM
To: Donald Kress <dkress@FargoND.gov>; michaeld@urbanconceptsfm.com
Cc: Tom Molm <tmmolm@hotmail.com>; Wade Borth <wade.borth@gmail.com>;
bj.blanchette@frontier-nd.com
Subject: Re: Champion's Gate Addition

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

Donald/Michael,

Thank you for sending the proposed plat. It is unfortunate that they are going to waste the size of the existing lots and change to SR-3. SR-1 allows them to go down to 80' lot width which would be perfect to give people a sense of ownership and still provide a nice sized lot and home. They could easily put the same "Champions Way S." closer to 31st ST. and get approx. 15-80'x200' lots. All of this would still meet the criteria for the SR-1 Zoning. I don't feel that the proposed replat is acceptable.

Any thoughts or questions, please feel free to contact me.

Thank you,
Terry Petrich
701-715-3027

**City of Fargo
Staff Report**

Title:	Providence at Prairie Farms Addition	Date:	5-25-18
Location:	5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31 st St S	Staff Contact:	Kylie Bagley
Legal Description:	Lots 20-29, Block 1, Prairie Farms Addition		
Owner(s)/Applicant:	Prairie Grove, Inc. / Michael Domitrovich	Engineer:	Houston Engineering Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 20-29, Block 1, Prairie Farms Addition) and Zoning Change (from SR-4, Single-Dwelling Residential, to P/I, Public and Institutional, with a C-O, Conditional Overlay on Lot 16, Block 1, Providence at Prairie Farms Addition)		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing**Land Use:** Vacant**Zoning:** SR-4, Single-Dwelling Residential

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

Maximum Density Allowed: Maximum 12.1 units per acre

Proposed**Land Use:** Household Living and Park**Zoning:** SR-4, Single-Dwelling Residential and P/I, Public and Institutional

Uses Allowed (SR-4): 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): ~~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 parks and open space and outdoor recreation and entertainment

Maximum Density Allowed: Maximum 12.1 units per acre
P/I Zoning District takes on the dimensional standards of the adjacent zoning district

Proposal:

The applicant is proposing a minor subdivision and zone change on the subject property. The subject properties are located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st St S, Lots 20-29, Block 1, Prairie Farms Addition, which encompasses approximately 4.5 acres. The applicant intends to replat in order to accommodate attached housing units.

The applicant is also proposing a zone change on Lot 16, Block 1, Providence at Prairie Farms Addition, from SR-

4, Single-Dwelling Residential, to P/I, Public and Institutional in order to accommodate a public trail.

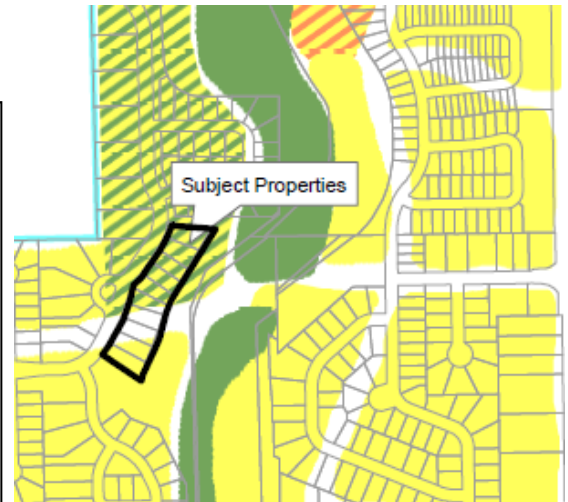
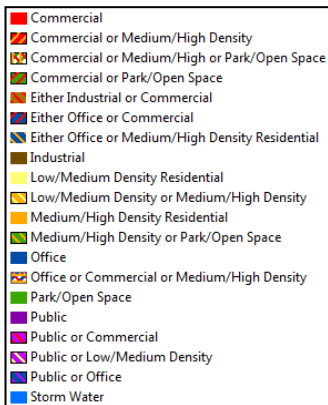
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: Directly north is P/I, Public and Institutional, and SR-4, Single-Dwelling Residential, with vacant land and detached homes
- East: Directly east is P/I, Public and Institutional, with vacant land
- South: P/I and SR-4, Public and Institutional, and SR-4, Single-Dwelling Residential, with vacant land
- West: SR-4, Single-Dwelling Residential, with vacant land

Area Plans:

The subject property is located within the 2001 Growth Plan with the designation of Medium/High Density or Park/Open Space.



Schools and Parks:

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

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

Parks: Prairie Farms Park (5970 31 Street South) is located directly east of the subject property.

Pedestrian / Bicycle: Off-road bike facilities run along 36th Street South and is a component of the metro area trail system.

Staff Analysis:

ACCESS AND SITE DESIGN: The project will take access from 31st Street South, an existing dedicated public street. The applicant intends to have a private driveway serving the individual lots, so there are not individual driveways directly onto 31st Street South. The private drive will have two accesses onto 31st Street South (see attached site plan).

SITE DESIGN: The applicant has provided a conceptual site plan, which is attached. It depicts the residences set back approximately 112 feet from the 31st Street South frontage, with the residences taking access from a private driveway that has two connections with 31st Street South. The area between 31st Street South and the private driveway is intended to be a landscaped area maintained by a homeowners association (HOA), though this area will be part of the individual homeowners' lots and not separate lots owned by the HOA.

ATTACHED HOUSING: This project applies Alternative Residential Development Options—Attached Housing (LDC Section 20-0506 B) that exempts attached housing from lot width, lot area, and building coverage requirements. No separate entitlement is required to apply these Alternate Residential Development Standards, as they are allowed by right but the application is confirmed for compliance with the subdivision process.

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. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. **(Criteria Satisfied)**

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

The development is served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. **(Criteria Satisfied)**

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

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

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

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

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 Lots 20-29, Block 1, Prairie Farms Addition into 16 lots and 1 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: 1) Zoning Change from SR-4, Single-Dwelling Residential, to P/I, Public and Institutional, with a C-O, Conditional Overlay, on Lot 16, Block 1, Providence at Prairie Farms Addition and 2) Subdivision Plat, **Providence at Prairie Farms 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: June 5, 2018

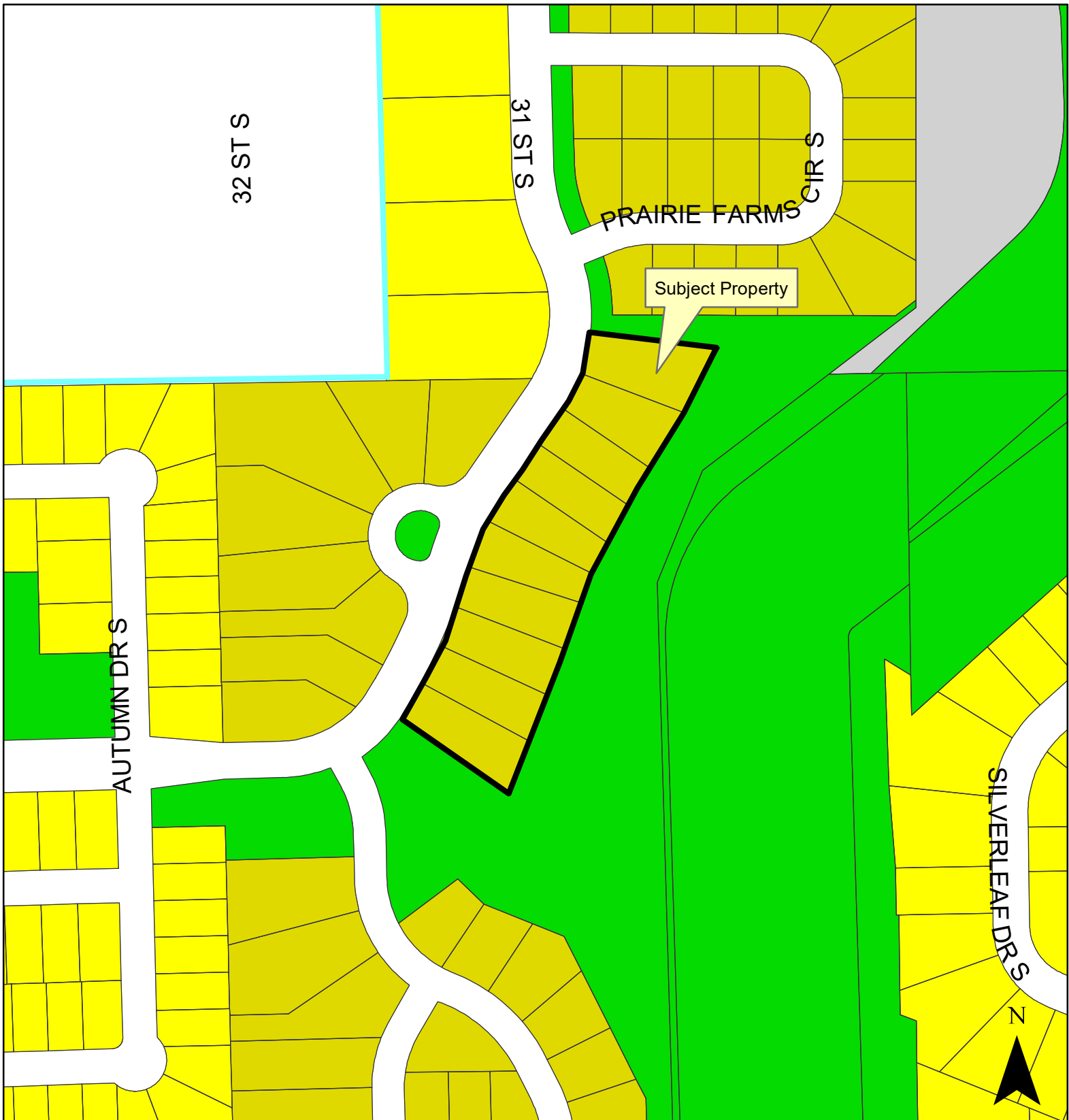
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Site Plan

Plat (Minor)

Providence at Prairie Farms Addition

5764 - 5920 31st Street South



Legend

AG	LC	MHP	SR-2
DMU	LR	NC	SR-3
CC	MR-1	PT	SR-4
GO	MR-2	UML	SR-5
GO	MR-3	City Limits	

300

Feet

Fargo Planning Commission

June 5, 2018

Plat (Minor)

Providence at Prairie Farms Addition

5764 - 5920 31st Street South



PROVIDENCE AT PRAIRIE FARMS ADDITION

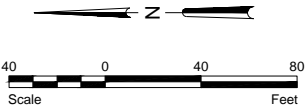
BEING A REPLAT OF LOTS 20 THROUGH 29, BLOCK 1,
PRAIRIE FARMS ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

A MINOR SUBDIVISION

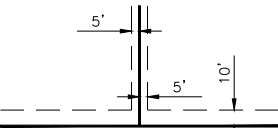
NOTES:

- 1. 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.
- 2. A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0787G, DATED JAN. 16, 2015.
- 3. BASE FLOOD ELEVATION = 906.7' (NAVD 1988)



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	-----
EXISTING LOT LINE	-----
EXISTING UTILITY EASEMENT	-----
NEGATIVE ACCESS EASEMENT	XXXXXXXXXX
AREA WITHIN ZONE AE - FEMA 100-YEAR FLOODPLAIN	[Pattern]
VACATE EXISTING NO-BUILD ZONE / DRAINAGE EASEMENT WITH THIS DOCUMENT	[Pattern]
BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM	

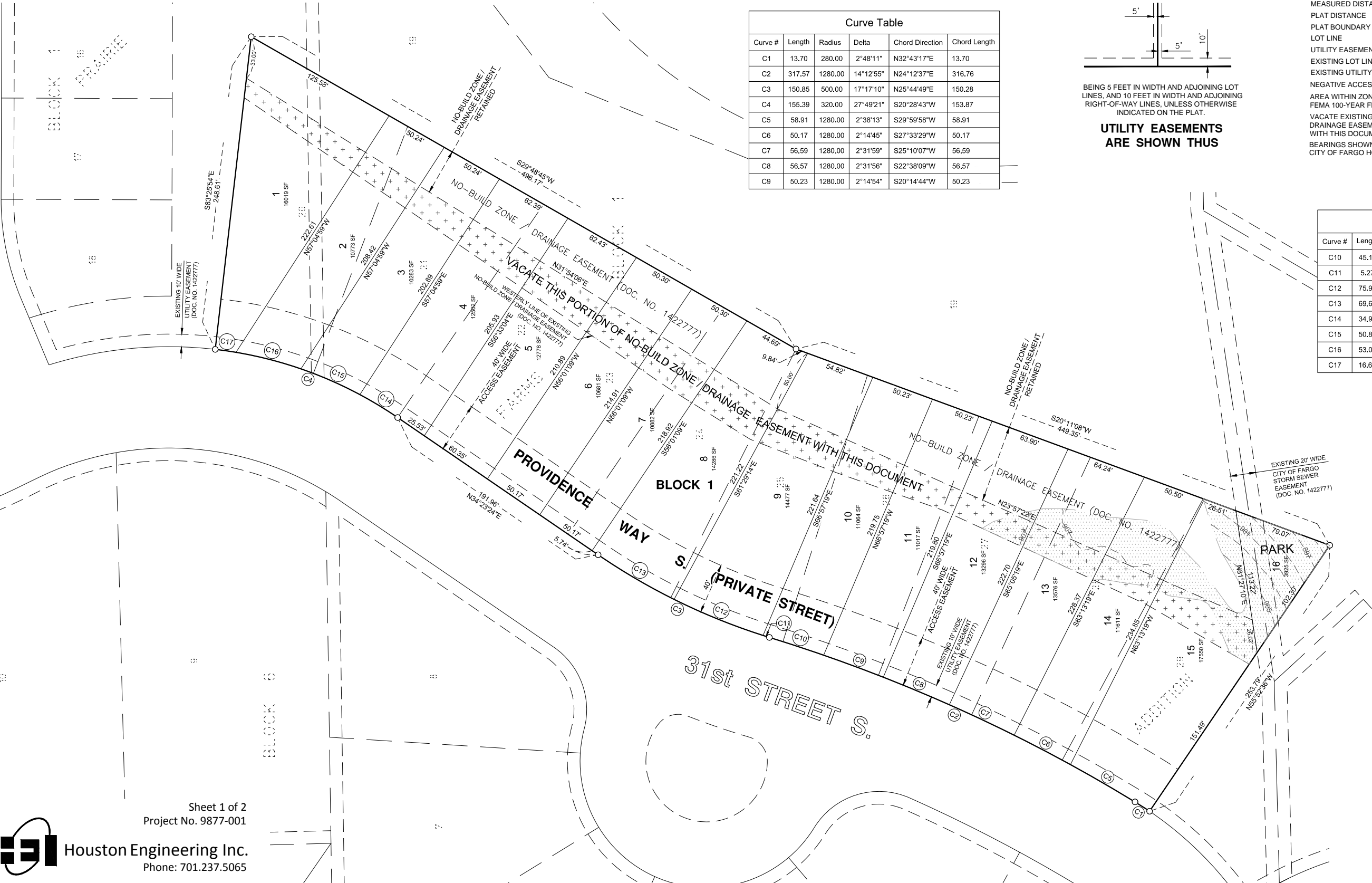


BEING 5 FEET IN WIDTH AND ADJOINING LOT
LINES, AND 10 FEET IN WIDTH AND ADJOINING
RIGHT-OF-WAY LINES, UNLESS OTHERWISE
INDICATED ON THE PLAT.

UTILITY EASEMENTS
ARE SHOWN THUS

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	13.70	280.00	2°48'11"	N32°43'17"E	13.70
C2	317.57	1280.00	14°12'55"	N24°12'37"E	316.76
C3	150.85	500.00	17°17'10"	N25°44'49"E	150.28
C4	155.39	320.00	27°49'21"	S20°28'43"W	153.87
C5	58.91	1280.00	2°38'13"	S29°59'58"W	58.91
C6	50.17	1280.00	2°14'45"	S27°33'29"W	50.17
C7	56.59	1280.00	2°31'59"	S25°10'07"W	56.59
C8	56.57	1280.00	2°31'56"	S22°38'09"W	56.57
C9	50.23	1280.00	2°14'54"	S20°14'44"W	50.23

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C10	45.10	1280.00	2°01'07"	S18°06'43"W	45.09
C11	5.27	500.00	0°36'13"	S17°24'20"W	5.27
C12	75.92	500.00	8°41'59"	S22°03'26"W	75.85
C13	69.66	500.00	7°58'58"	S30°23'55"W	69.61
C14	34.90	320.00	6°14'54"	S31°15'57"W	34.88
C15	50.89	320.00	9°06'45"	S23°35'08"W	50.84
C16	53.00	320.00	9°29'24"	S14°17'03"W	52.94
C17	16.60	320.00	2°58'18"	S08°03'12"W	16.59



PROVIDENCE AT PRAIRIE FARMS ADDITION

BEING A REPLAT OF LOTS 20 THROUGH 29, BLOCK 1,
PRAIRIE FARMS ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

A MINOR SUBDIVISION

OWNERS' CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Prairie Grove, Inc., a North Dakota Corporation, is the owner and proprietor of Lots 20 - 29 inclusive, Block 1, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota.

Said tract of land contains 4.470 acres, more or less.

And that said party has caused the same to be surveyed and re-platted as **PROVIDENCE AT PRAIRIE FARMS ADDITION** to the City of Fargo, Cass County, North Dakota; does hereby vacate the No-Build Zone / Drainage Easement as designated for vacation on this plat; and does hereby dedicate Providence Way South (Private Street), also shown as "40' Wide Access Easement" on the plat, to the current and future owners of Lots 1 - 15, Block 1.

OWNER:
Prairie Grove, Inc.

State of North Dakota)
) ss
County of Cass)

Name, Title

On this _____ day of _____, 20____, before me personally appeared Name, Title of Prairie Grove, Inc., a North Dakota Corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said Corporation.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20_____.

Curtis A. Skarphol,
Professional Land Surveyor No. 4723

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

Approved by the Board of City Commissioners and ordered filed this _____ day
of _____, 20_____.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

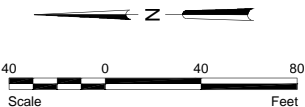
PROVIDENCE AT PRAIRIE FARMS ADDITION

BEING A REPLAT OF LOTS 20 THROUGH 29, BLOCK 1,
PRAIRIE FARMS ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION

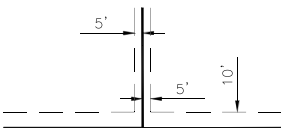
NOTES:

- 1. 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.
- 2. A PORTION OF THE PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0787G, DATED JAN. 16, 2015.
- 3. BASE FLOOD ELEVATION = 906.7' (NAVD 1988)



LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. PIPE SET
- MEASURED BEARING
- PLAT BEARING
- MEASURED DISTANCE
- PLAT DISTANCE
- PLAT BOUNDARY
- LOT LINE
- UTILITY EASEMENT
- EXISTING LOT LINE
- EXISTING UTILITY EASEMENT
- ELEVATION CONTOUR (NAVD 1988)
- NEGATIVE ACCESS EASEMENT
- AREA WITHIN ZONE AE - FEMA 100-YEAR FLOODPLAIN
- VACATE EXISTING NO-BUILD ZONE / DRAINAGE EASEMENT WITH THIS DOCUMENT
- BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO HORIZONTAL DATUM

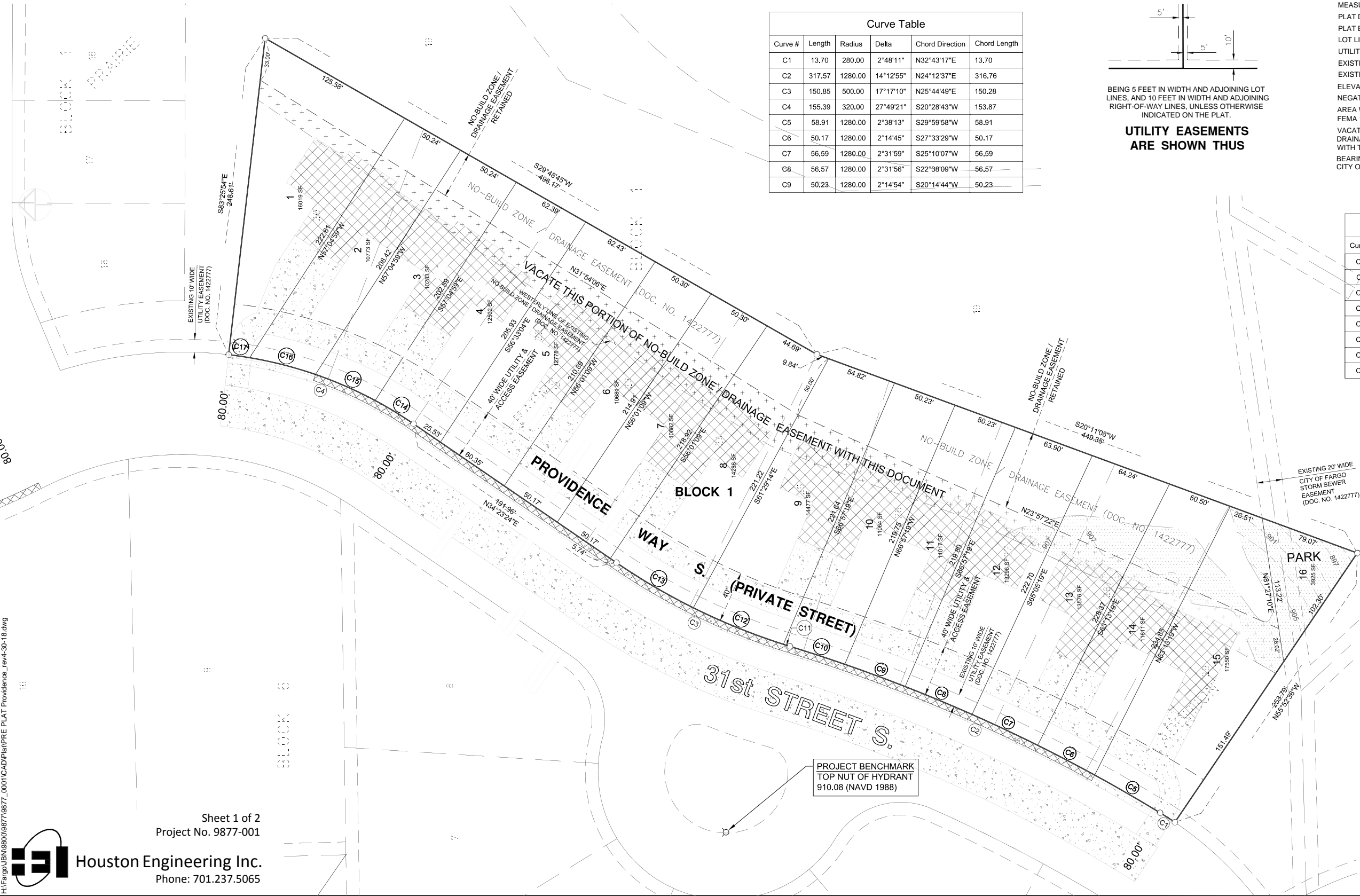


BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES, AND 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY LINES, UNLESS OTHERWISE INDICATED ON THE PLAT.

UTILITY EASEMENTS
ARE SHOWN THUS

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	13.70	280.00	2°48'11"	N32°43'17"E	13.70
C2	317.57	1280.00	14°12'55"	N24°12'37"E	316.76
C3	150.85	500.00	17°17'10"	N25°44'49"E	150.28
C4	155.39	320.00	27°49'21"	S20°28'43"W	153.87
C5	58.91	1280.00	2°38'13"	S29°59'58"W	58.91
C6	50.17	1280.00	2°14'45"	S27°33'29"W	50.17
C7	56.59	1280.00	2°31'59"	S25°10'07"W	56.59
C8	56.57	1280.00	2°31'56"	S22°38'09"W	56.57
C9	50.23	1280.00	2°14'54"	S20°14'44"W	50.23

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C10	45.10	1280.00	2°01'07"	S18°06'43"W	45.09
C11	5.27	500.00	0°36'13"	S17°24'20"W	5.27
C12	75.92	500.00	8°41'59"	S22°03'26"W	75.85
C13	69.66	500.00	7°58'58"	S30°23'55"W	69.61
C14	34.90	320.00	6°14'54"	S31°15'57"W	34.88
C15	50.89	320.00	9°06'45"	S23°35'08"W	50.84
C16	53.00	320.00	9°29'24"	S14°17'03"W	52.94
C17	16.60	320.00	2°58'18"	S08°03'12"W	16.59



H:\Fargo\JUN98009877\0877_0001\CAD\Plat\FRE PLAT Providence_rev4-30-18.dwg

**City of Fargo
Staff Report**

Title:	Crescent Addition	Date:	5/24/18
Location:	3402 and 3502 4 th Avenue South and 425 34 th Street South	Staff Contact:	Kylie Bagley
Legal Description:	Lots 2-5, Block 1, Engkjer Addition		
Owner(s)/Applicant:	Crescent Properties	Engineer:	Jim Schlieman, Houston Engineering
Entitlements Requested:	Minor Subdivision (Replat of Lots 2-5, Block 1, Engkjer Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: June 5, 2018		

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

Proposal:

The applicant is proposing a minor subdivision, **Crescent Addition**. The applicant is proposing a one lot, one block minor subdivision. The subject properties are located at 3402 and 3502 4th Avenue South and 425 34th Street South and encompass approximately 5.54 acres.

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

Surrounding Land Uses and Zoning Districts:

- North: Across 4th Ave S is zoned LI, Limited Industrial, with warehouse and office uses
- East: Across 34th St S is zoned LI, Limited industrial, with warehouse, office and detention facility uses
- South: LI, Limited Industrial with warehouse and office uses
- West: LI, Limited Industrial with warehouse uses

Schools and Parks:

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

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

Parks: The subject property is located south of the Metro Recreation Center. The space is great for soccer, football, lacrosse, tag and even golf putting.

Pedestrian / Bicycle: There is an existing on road bike facility to the south of the subject property on Westrac Dr S which connects to the metro area trail system.

Staff Analysis:

Minor Subdivision

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

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

The subdivision is intended to replat Lot 2-5, Block 1, Engkjer Addition into one lot and one block. 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, **Crescent Addition** as outlined within the staff report, as the proposal complies with the standards of Article 20-06, and all other applicable requirements of the Land Development Code".

Planning Commission Recommendation: June 5, 2018

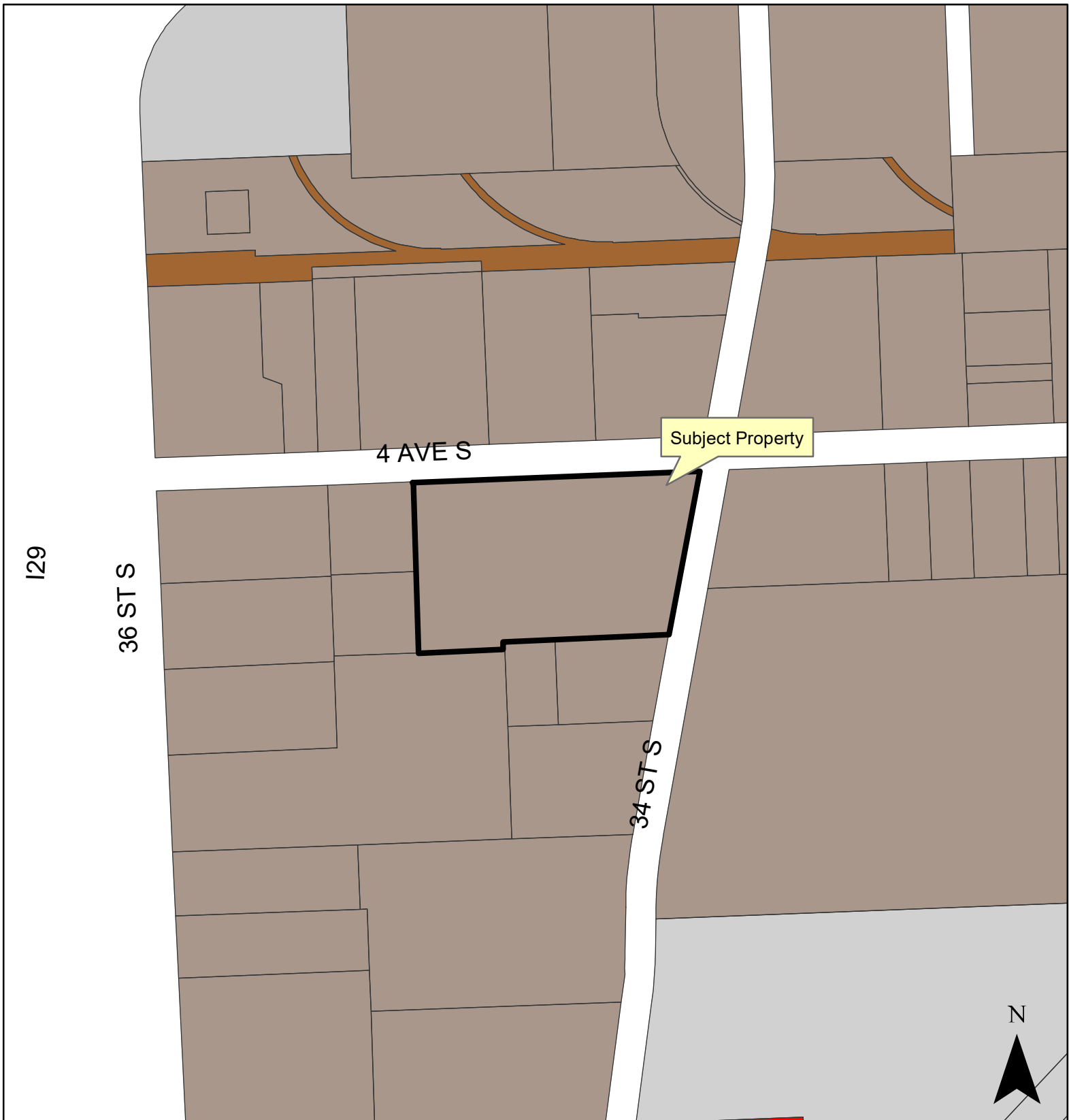
Attachments:

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

Plat (Minor)

Crescent Addition

3402 & 3502 4th Avenue South
and 425 34th Street South



Legend



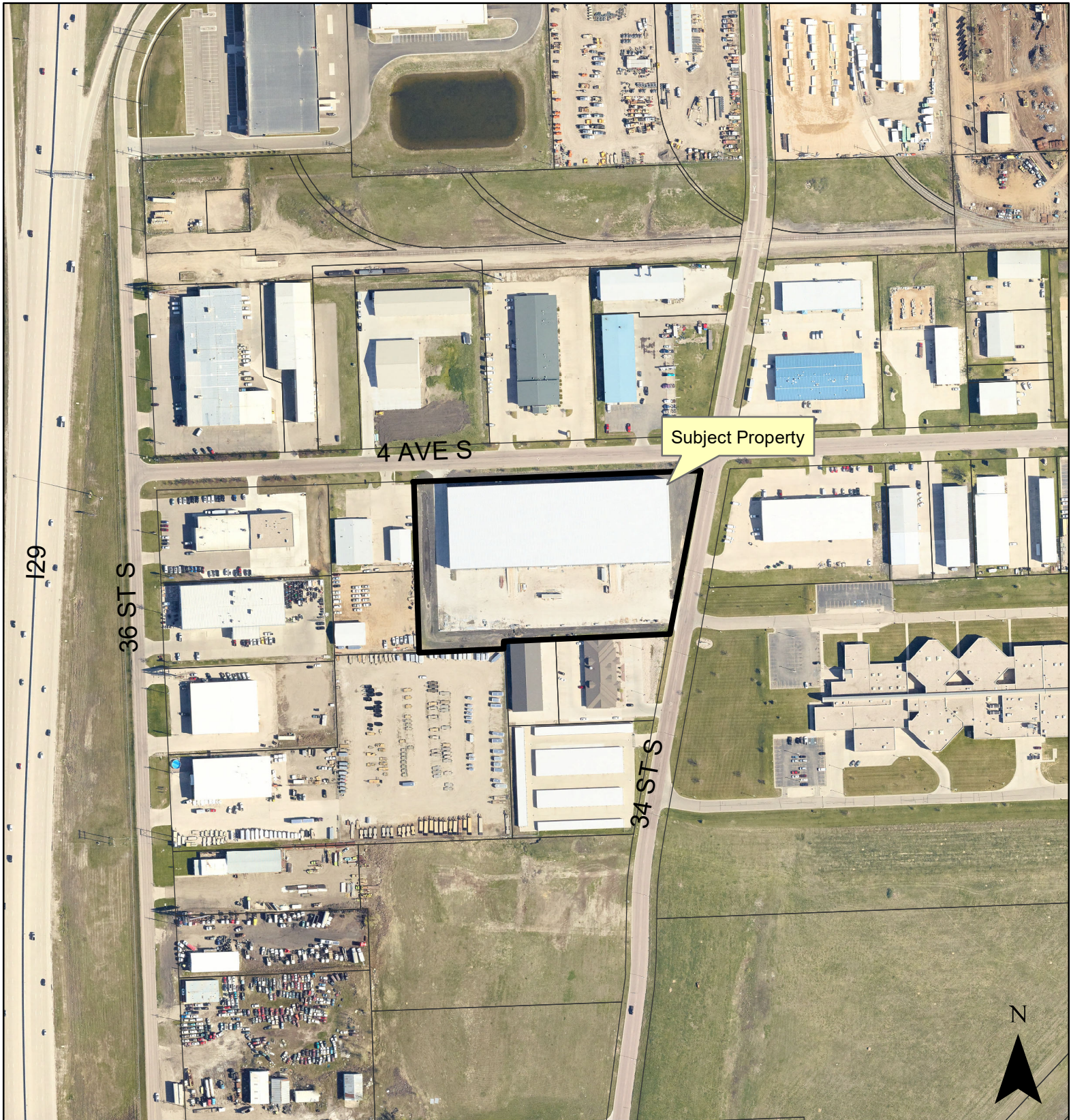
300

Feet

Plat (Minor)

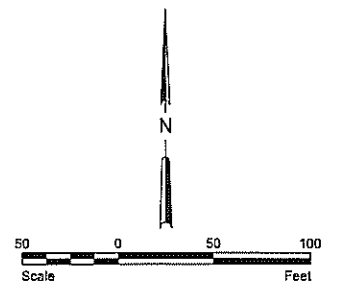
Crescent Addition

3402 & 3502 4th Avenue South
and 425 34th Street South



CRESCENT ADDITION

A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 2, 3, 4 AND 5, BLOCK 1, ENCKJER ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA



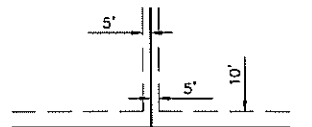
LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT DISTANCE	(100.00')
PLAT BOUNDARY	—————
LOT LINE	—————
UTILITY EASEMENT	—————
EXISTING LOT LINE	—————
EXISTING UTILITY EASEMENT	—————

BEARINGS SHOWN ARE BASED ON THE
CITY OF FARGO HORIZONTAL DATUM

NOTES:

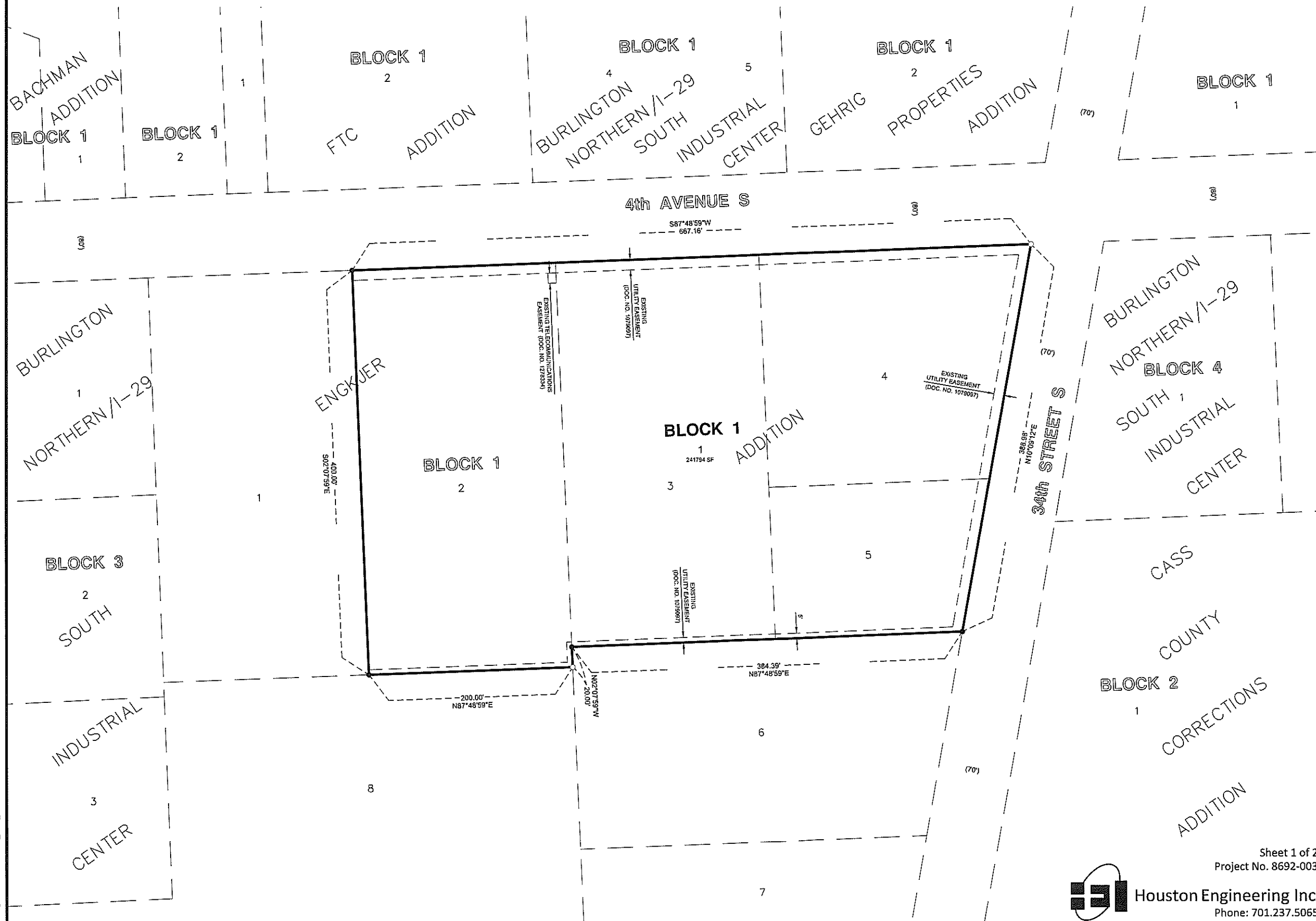
1. PROPERTY IS SITUATED IN ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) AS DEPICTED ON FEMA FIRM PANEL 38017C0777G, DATED JANUARY 16, 2015.



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

UTILITY EASEMENTS
ARE SHOWN THUS

H:\Fargo\B\860008692118_8692_003\CAD\Plat\Crescent Addition- Preliminary Plat.dwg-Layout1-4/16/2018 1:40 PM-(schlemmer)



Sheet 1 of 2
Project No. 8692-003

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Crescent Properties, LLC, a North Dakota limited liability company, is the owner and proprietor of Lots 2, 3, 4 and 5, Block 1, Engkjer Addition to the City of Fargo, Cass County, North Dakota.

Said tract contains 5.551 acres, more or less.

And that said party has caused the same to be surveyed and platted as CRESCENT ADDITION to the City of Fargo, Cass County, North Dakota.

OWNER:

Crescent Properties, LLC, a North Dakota limited liability company

Dell Arneson, President

State of _____)
County of _____) ss

On this _____ day of _____, 20____ before me personally appeared Dell Arneson, President of Crescent Properties, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
County of Cass) ss

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Mark H. Bittner, City Engineer

State of North Dakota)
County of Cass) ss

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

Notary Public: _____

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) ss

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: Steven Sprague, City Auditor

State of North Dakota)
County of Cass) ss

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

Notary Public: _____

CRESCENT ADDITION
A MINOR SUBDIVISION
BEING A REPLAT OF LOTS 2, 3, 4 AND 5, BLOCK 1, ENKJER ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

**City of Fargo
Staff Report**

Title:	Woodruffs Addition	Date:	5/30/2018
Location:	703, 705, 913, 927, 1001, 1003, 1009, and 1101 4th Street South; 920, and 1010 5th Street South; 912, 918, 924, and 926 6th Street South; 415, 418, 419, 421, 422, 424, 426, 428, 501, 503, 505, 507, and 514 10th Avenue South	Staff Contact:	Tyrone Grandstrand
Legal Description:	Lots 10-17, Block 3, Lots 1-5, the West 7 feet of Lot 6, the East 135 feet of Lots 7 and 8, and Lot 9, Block 5, and Lot 7, Block 8, Woodruffs Addition ; Lots 1-3, and the West Half of Lots 4-7, Block W, Chas A Roberts Addition ; West 86 feet of Lots 9-12, Block X, Erskines Addition ; and the South 71 feet less the West 59 feet of the North 115 feet of Lot 4, and Lot 5, except the north 10 feet and the S 140 FT of E 50 FT, Block 4 Island Park Addition .		
Owner(s)/Applicant:	City-initiated rezone of privately-owned properties	Engineer:	N/A
Entitlements Requested:	Zoning Change (from MR-2, Multi-Dwelling Residential, to SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential)		
Status:	Planning Commission Public Hearing: June 5, 2018		

Existing	Proposed
Land Use: Household Living (Single dwelling detached & Duplex)	Land Use: No change
Zoning: MR-2, Multiple-Dwelling Residential	Zoning: SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential
Uses Allowed: MR-2 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: SR-3 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities SR-5 Allows detached houses, attached houses and duplexes, daycare centers, parks and open space, religious institutions, safety services and basic utilities.
Maximum Density Allowed (Residential): MR-2: 20 units per acre	Maximum Density Allowed (Residential): SR-3: 8.7 units per acre SR-5: 14.5 units per acre

Proposal:

Planning staff is initiating a zoning change from MR-2 to SR-3 and SR-5. The purpose of this rezone effort is to have the zoning districts in this area more accurately reflect the use of properties. This is beneficial for multiple reasons including preservation of the existing housing within the neighborhood. This area came to our attention when a special assessment district was created and residents were notified of their estimated specials.

Surrounding Land Uses and Zoning Districts:

The adjacent zoning is primarily SR-3 with a mix of other residential zoning districts, and the uses are a mix of residential uses.

Area Plans:

The subject property is located within the Hawthorne Neighborhood. The Hawthorne Neighborhood Plan, developed in 1999, states in its vision: *Hawthorne is a well-maintained, diverse neighborhood that is family-friendly, has preserved its historic character, treasures its natural beauty and provides a multitude of recreational opportunities for neighborhood residents and the entire Fargo-Moorhead community.*

The objectives of the plan, in the housing section, are, "Affordability, Rehabilitation, and Planning Policies." This zoning change may encourage the rehabilitation of current single-dwelling homes and their continued use for that purpose. It also aligns with the goal in the Planning policies section of evaluation of neighborhood zoning and initiating appropriate zoning changes.

Schools and Parks:

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

Parks: This area is very close to the Fargo Greenway along the Red River, and Island Park.

Pedestrian / Bicycle: Off road bike and pedestrian facilities are located along Fargo Greenway, in Island Park, and there are on road bike facilities along 9th and 7th St South to the West of the properties, there is also discussion of inclusion of additional improvements along 4th St S as part of the reconstruction.

Staff Analysis:**Background:**

This case came to our attention when a resident brought up concerns about special assessment costs for their single-dwelling unit. This provided an opportunity to clean up the zoning, making it more consistent with the current plans and goals for the neighborhood. Staff searched the 4th St special assessment district for properties that have a use (Single-Dwelling, and duplex) consistent with SR-3 & SR-5 Single-Dwelling Residential zoning, but were currently zoned MR-2, Multi-Dwelling Residential. Staff found several properties that were located within the specials district that fit those criteria and were also surrounded by other properties with Single-Dwelling Residential uses as well as zoning.

Staff contacted property owners, met with the Hawthorne Neighborhood Association, and held an open house to discuss the situation. Residents and owners generally agreed with the changes, with the exception of two owners – one had an inconsistent use (three units) and another preferred to remain MR-2. Staff offered an opt-out option in our communications with the property owners, and we have taken those two properties off the list of properties to re-zone.

Historic Overlay:

The properties included in the staff initiated zoning change fall within four separate historic overlays (Erskines, Island Park, Chas A Roberts, and Woodruffs HO), which will not change as a result of this action. The designation for each address is included in the zoning change chart below for your convenience.

Zoning Change Chart			
<u>Property Address</u>	<u>Historic Overlay (no change)</u>	<u>Current Zone</u>	<u>Proposed Zone</u>
514 10 th Ave S	Erskines HO	MR-2	SR-3
703 4 th St S	Island Park HO	MR-2	SR-5
705 4 th St S	Island Park HO	MR-2	SR-5
505-507 10 th Ave S	Chas A Roberts HO	MR-2	SR-5
501-503 10 th Ave S	Chas A Roberts HO	MR-2	SR-5
924 6 th St S	Chas A Roberts HO	MR-2	SR-3
926 6 th St S	Chas A Roberts HO	MR-2	SR-5
918 6 th St S	Chas A Roberts HO	MR-2	SR-5
912 6 th St S	Chas A Roberts HO	MR-2	SR-5
920 5 th St S	Woodruffs Addition HO	MR-2	SR-3
421 10 th Ave S	Woodruffs Addition HO	MR-2	SR-3
419 10 th Ave S	Woodruffs Addition HO	MR-2	SR-3
415 10 th Ave S	Woodruffs Addition HO	MR-2	SR-3
913 4 th St S	Woodruffs Addition HO	MR-2	SR-3
927 4 th St S	Woodruffs Addition HO	MR-2	SR-3
426 10 th Ave S	Woodruffs Addition HO	MR-2	SR-3
424 10 th Ave S	Woodruffs Addition HO	MR-2	SR-3
422 10 th Ave S	Woodruffs Addition HO	MR-2	SR-3
418 10 th Ave S	Woodruffs Addition HO	MR-2	SR-3
1001 4 th St S	Woodruffs Addition HO	MR-2	SR-3
1003 4 th St S	Woodruffs Addition HO	MR-2	SR-3
1009 4 th St S	Woodruffs Addition HO	MR-2	SR-3
1101 4 th St S	Woodruffs Addition HO	MR-2	SR-3
428 10 th Ave S	Woodruffs Addition HO	MR-2	SR-3
1010 5 th St S	Woodruffs Addition HO	MR-2	SR-3

Zoning:

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

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

Staff is unaware of any zoning map error in regards to the subject property. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established. The use of the properties has been Single-Dwelling & Duplex. The current MR-2, Multiple-Dwelling Residential zoning was established prior to the Hawthorne Neighborhood Plan and GO2030, each of which has neighborhood preservation as a goal. **(Criteria Satisfied)**

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

City Staff and other applicable review agencies have reviewed this proposal. No deficiencies have been noted in the ability to provide all of the necessary services to the site. **(Criteria Satisfied)**

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

Staff has no 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, two property owners have opted out, as previously mentioned, and two other residents called for clarification and agreed with the change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity. **(Criteria Satisfied)**

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

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. Staff finds that the proposal is consistent with the purposes of the LDC, the Hawthorne Neighborhood 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-2, Multi-Dwelling Residential, to SR-3, Single-Dwelling Residential and SR-5, Single-Dwelling Residential, as presented in the staff report, on the basis that it satisfactorily complies with, GO2030, the Hawthorne Neighborhood Plan, and the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

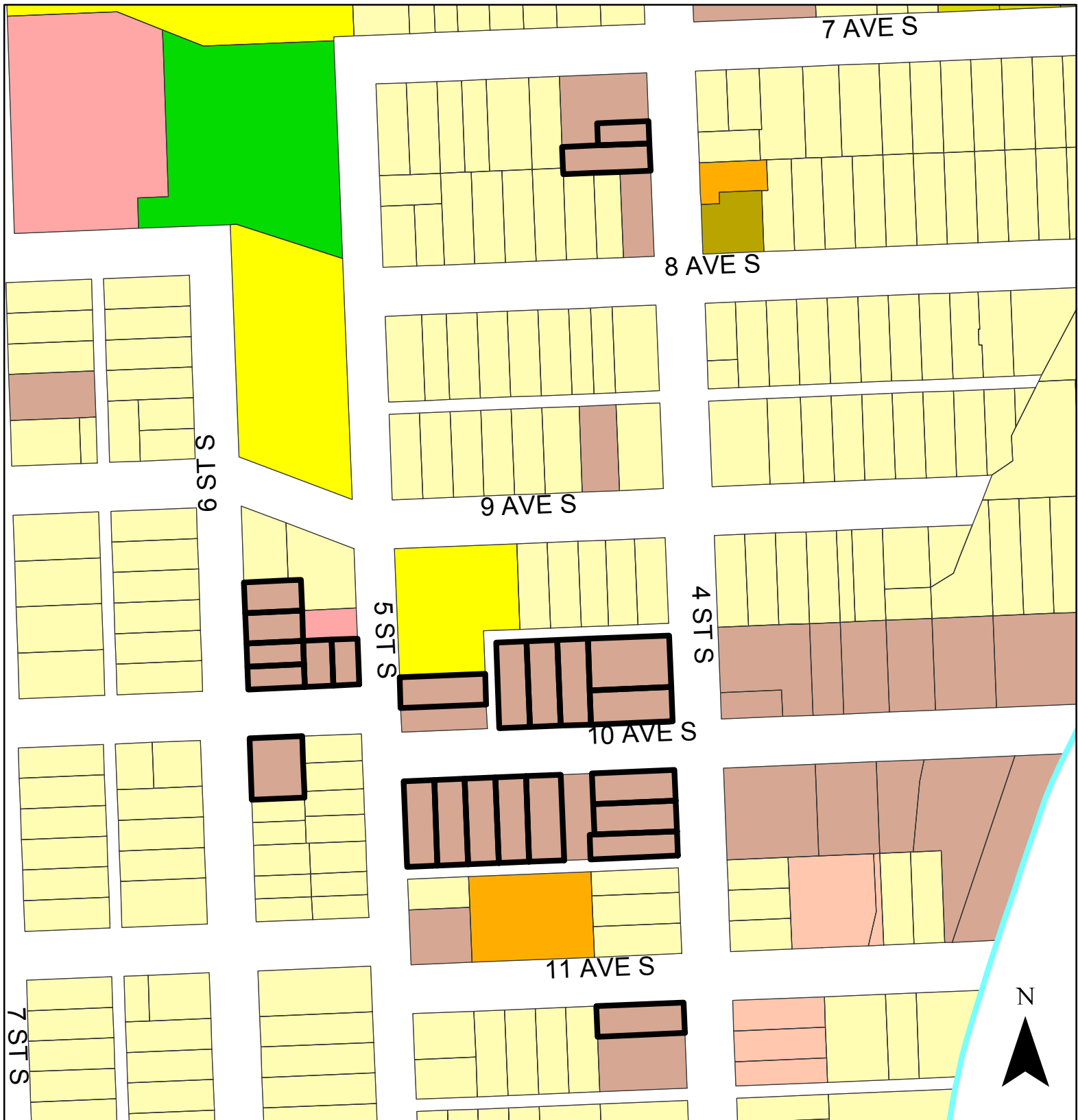
Planning Commission Recommendation: June 5, 2018

Attachments:

1. Zoning Map
2. Location Map

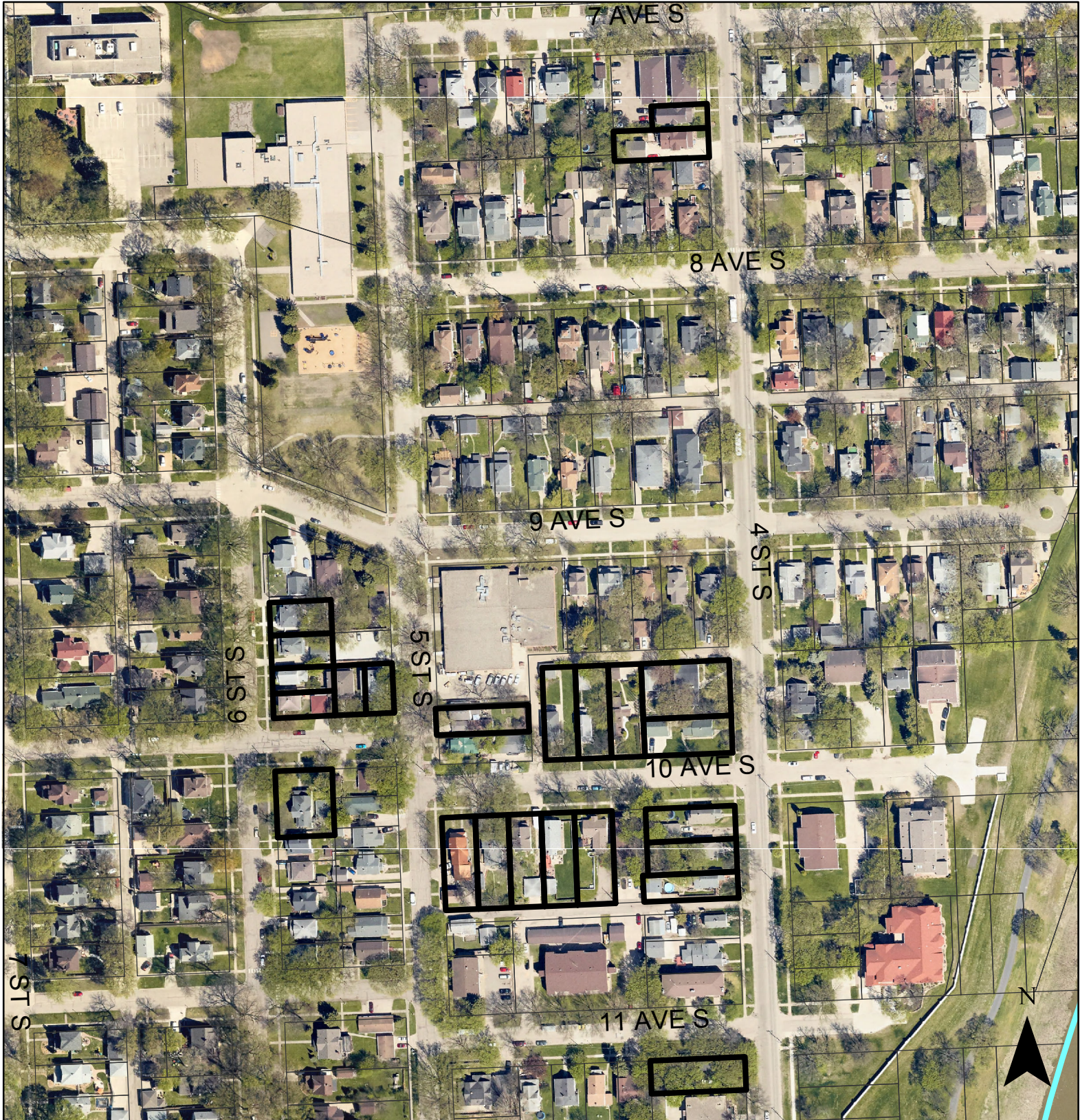
Zone Change (MR-2 to SR-3 and SR-5)

Island Park, Chas A Roberts, Erskines and Woodruffs Addition



Zone Change (MR-2 to SR-3 and SR-5)

Island Park, Chas A Roberts,
Erskines and Woodruffs Addition





PLANNING AND DEVELOPMENT

200 Third Street North
Fargo, North Dakota 58102
Phone: (701) 241-1474
Fax: (701) 241-1526
E-Mail: planning@FargoND.gov
www.FargoND.gov

MEMORANDUM

TO: PLANNING COMMISSION

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR *nc*

DATE: MAY 31, 2018

RE: 2017 AND 2018 ACTION PLAN AMENDMENTS

During the execution of agreement for the HomeField Phase 2 project with Beyond Shelter, Inc., we have been asked to amend the action plan to reduce the number of HOME-assisted units from two to one in the 2017 Action Plan. Instead, we would like to amend the request for 2018 from two to three subsidized units. These changes will assist in the construction administration of the project.

The Department of Housing and Urban Development (HUD) Action Plans for both 2017 and 2018 are required to be amended in order to accommodate these changes. These amendments require publication, a 30-day public comment period, and approval by the Planning Commission, Community Development Committee, as well as the City Commission.

Recommended Motion: Approve the amendments to the 2017 and 2018 Action Plans.






PLANNING AND DEVELOPMENT

200 Third Street North
Fargo, North Dakota 58102
Phone: (701) 241-1474
Fax: (701) 241-1526
E-Mail: planning@FargoND.gov
www.FargoND.gov

MEMORANDUM

TO: PLANNING COMMISSION

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR 

DATE: MAY 8, 2018

RE: 2017 COMMUNITY DEVELOPMENT ACTION PLAN AMENDMENT – FRASER LTD. PROJECT

The Department of Planning and Development would like to amend its 2017 Community Development Action Plan to reflect a change in scope and location of CDBG funding awarded to Fraser Ltd. The proposed plan amendment would allow for the redirection of funds originally reserved for the transitional living program house, to instead support facility upgrades of an intermediate care facility, which provides housing to adults with developmental disabilities. This change aligns with the goals identified in the City of Fargo's 2015-2019 Five-Year Consolidated Plan.

Notification of the proposed amendment was published in The Forum and is followed by a 30-day public comment period. This proposal will also be considered by the City Commission on June 18th.

Recommended Motion: Amend the 2017 Community Development Action Plan to accommodate a facility upgrade of the Fraser, Ltd. Intermediate Care Facility located at 2726 18th Street South.

