FARGO CITY COMMISSION AGENDA
Monday, April 23, 2018 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/citycommission.

A. Pledge of Allegiance.

B. Roll Call.

C. Approve Order of Agenda.

D. Minutes (Regular Meeting, April 9, 2018).

CONSENT AGENDA – APPROVE THE FOLLOWING:

1. 1st reading of an Ordinance Amending Section 25-1504.3, of Article 25-15 of Chapter 25 of the Fargo Municipal Code Relating to Alcoholic Beverages.

2. First Amendment to Easement Agreement and Building Encroachment Easement Agreement Pertaining to Roberts Commons Parking Ramp and Dillard Property.

3. Applications for property tax exemption for improvements made to buildings:
   a. Rebecca M. and Jordan W. Green, 513 10th Street South (5 year).
   b. Old Town LLC, 915 Broadway North (5 year).

4. Receive and file First Quarter Financial Status Report for Major Operating Funds through March 31, 2018.

5. Receive and file General Fund – Budget to Actual through March 31, 2018 (unaudited).

6. Sale of 810 12th Avenue North to Lake Agassiz Habitat for Humanity for $16,300.00.

7. Applications for Games of Chance:
   a. River Keepers for a raffle on 6/11/18.
   b. North Dakota CPA Society Foundation for a raffle on 5/22/18.
   c. Lewis and Clark Elementary PTA for bingo on 5/4/18.
   d. Roger Maris Charity Golf Tournament for a raffle on 6/25/18.
   e. Davies High School Friends of Doug Hansen for a raffle on 5/2/18; Public Spirited Resolution.

8. Bid award to MidStates Wireless for outdoor warning sirens (RFP181120).

9. Contract Award for Consulting Public Information Coordinator services to Flint Communications, Inc. for Project No. MS-18-F0.

10. Sole Source Procurement to Odney Media Campaign for the e-cigarettes tobacco program in the amount of $30,000.00.

11. Second Amendment to Agreement for Services with Community Medical Services (SSP17270).

12. Agreement for Services with Lost and Found Recovery Center.

13. Agreement with Bob Miller to perform training in the Building Inspections Department from 4/23/18 to 12/1/18.

14. Community Development Block Grant Storefront Rehab project at 202 Broadway North.

15. Memorandum of Understanding Regarding Policing Park District Facilities with the Park District of the City of Fargo.

16. Change Orders for the City Hall Project:
    a. No. 21 for an increase of $15,063.00 for the general contract.
    b. No. 12 for an increase of $4,881.00 for the mechanical contract.
    c. No. 12 for an increase of $2,543.00 for the mechanical contract.
    d. No. 11 for an increase of $55,832.00 for the general contract.

17. 2018 Mosquito Control Agreement with Cass County.

18. Property License Agreement with Fargo Park District to Extend Off Road Trail System.

19. Lease/Purchase one crawler dozer from General Equipment for the Landfill (RFP18123).

20. Bid awards for repairs to City of Fargo Light Duty, Heavy Duty and Transit vehicles (RFP18130).

21. Negative Final Balance Change Order No. 1 in the amount of -$12,198.02 for Project No. 6066.

22. Utility Easement Termination associated with Project No. FM-14-93.

23. Bid awards for Project Nos. SN-18-B1 and QR-17-C1.

24. Bills.

25. Agreement for Consulting Engineering Services with Stantec for Improvement District No. TR-18-B0.

26. Change Order No. 2 for an increase of $71,222.77 for Improvement District No. BN-17-G1.

27. Change Order No. 2 for an increase of $55,831.08 for Improvement District No. UN-15-B1.

28. Task Order No. 14 and Reimbursement Agreement for Improvement District No. BN-18-F0.

29. Bid awards for Improvement District Nos. NN-17-A1, BR-18-E1, BN-18-E1, PR-18-C1, BR-18-F1, BR-18-B1, PR-18-F1 and BR-18-J1.

30. Create Improvement District No. BR-18-H.

31. Contract and bond for Improvement District Nos. FM-17-C1, BN-18-J1 and SL-17-B1.

REGULAR AGENDA:

32. 2017 Fargo Fire Department Statistical Information Annual Report.

33. Update on 19th Avenue North.

34. Public Hearings - 5:15 pm:

a. Amendment to the 2017 Action Plan for Housing and Community Development to reflect a change in the number of HOME-assisted units of the HomeField Phase 2 Community Housing Development Organization project located at 4235 28th Avenue South.

b. Amendment to the 2018 Action Plan for Housing and Community Development to reflect a change in the number of HOME-assisted units of the HomeField Phase 3 Community Housing Development Organization project at 4225 28th Avenue South.

c. Plat of Urban Plains by Brandt Third Addition a replat of Lot 1, Block 4, Urban Plains by Brandt First Addition, and Lot 1, Block 3, Urban Plains by Brandt Second Addition (2633 and 2867 55th Street South); approval recommended by the Planning Commission on 10/3/17.

d. Timber Creek Eighth Addition (5050 Timber Parkway South and 5131 Prosperity Way South); approval recommended by the Planning Commission on 1/4/18:
   1. Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 and 2, Block 1.
   2. 1st reading of rezoning Ordinance.
   3. Plat of Timber Creek Eighth Addition.

e. Application filed by JGB LLC d/b/a Kilstone Brewing for a Class "C" Alcoholic Beverage License at 222 Broadway North.

f. CONTINUE to 5/21/18 – Transfer of a Class "FA" Alcoholic Beverage License from Anderson Franchise Investment d/b/a Perla's Fresh Mexican to North Star Hospitality LLC d/b/a 47 Degrees North at 4281 45th Street South.

g. Transfer of a Class "GH" Alcoholic Beverage License from Leela Thai Cuisine d/b/a Leela Thai Cuisine to Maya Thai LLC d/b/a Leela Thai Cuisine LLC at 1450 25th Street South.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310. 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 website at www.FargoND.gov/citycommission.

CITY OF Fargo Fire Department

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MEMORANDUM

TO: **FARGO CITY COMMISSION**

FROM: **FIRE CHIEF STEVE DIRKSEN**

DATE: **04/18/2017**

SUBJECT: **FIRE CHIEF REPORT TO COMMISSION ON 2017**

The Fire chief would like to provide a recap of the annual report to the Commission.

Recommended Action: Receive and file the Fire Department's Annual Report.

637 NP AVENUE • FARGO, NORTH DAKOTA • 58102
PHONE: 701-241-1540 • FAX: 701-241-8125
Website http://ci.fargo.nd.us/fire

CITY OF Fargo

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

34a

MEMORANDUM

TO: CITY COMMISSION

FROM: NICOLE CRUTCHFIELD, PLANNING DIRECTOR NC

DATE: APRIL 17, 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. Public notification of these amendments was published on March 19, 2018 in The Forum, followed by a 30-day public comment period. On April 17, 2018, the Community Development Committee consented to the amendments and recommended approval to the City Commission.

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

EQUAL HOUSING OPPORTUNITY

Printed on Recycled paper.

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CITY OF FARGO
COMMUNITY DEVELOPMENT NOTICE

The City of Fargo is considering an amendment to its 2018 Action Plan for Housing and Community Development to reflect a change in the number of HOME-assisted units of the HomeField Phase 3 Community Housing Development Organization project at 4225 28th Avenue South, Fargo, ND.

Anyone wishing to comment on this proposed change to the 2018 Action Plan should contact the City of Fargo Planning and Development Department, 200 3rd Street North, Fargo, ND 58102. Phone 701-241-1474. TDD 701-241-8258. Fax 701-241-1526. E-mail planning@FargoND.gov. Comments will be received until 4:30 p.m. on Thursday, April 19, 2018. The City Commission will hold a Public Hearing in the City Commission Room, City Hall, Fargo, North Dakota on Monday, April 23, 2018 at 5:15 p.m. to consider the above change in scope.

Publish Public Notice in the Classified Advertisements, [March 19, 2018].

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City of Fargo Staff Report			
Title:	Urban Plains by Brandt Third Addition	**Date:** **Update:**	9/25/17 4/19/18
Location:	2633 and 2867 55th Street South	**Staff Contact:**	Aaron Nelson
Legal Description:	Lot 1, Block 4, Urban Plains by Brandt First Addition, and Lot 1, Block 3, Urban Plains by Brandt Second Addition		
Owner(s)/Applicant:	Urban Plains Land Company, LLC/Houston Engineering, Inc.	**Engineer:**	Houston Engineering, Inc.
Entitlements Requested:	**Major Subdivision** (Replat of Lot 1, Block 4, Urban Plains by Brandt First Addition, and Lot 1, Block 3, Urban Plains by Brandt Second Addition to the City of Fargo, Cass County, North Dakota)		
Status:	City Commission Public Hearing: April 23, 2018		

Existing		Proposed
Land Use: Vacant		**Land Use:** Mixed-Use (commercial and residential)
Zoning: LC, Limited Commercial		**Zoning:** No Change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.		**Uses Allowed:** No Change
Maximum Lot Coverage Allowed: Maximum 55% building coverage		**Maximum Lot Coverage Allowed:** No Change

Proposal:

The applicant is seeking City approval of a major subdivision plat entitled *Urban Plains by Brandt 3rd Addition*, which would replat two existing lots into six lots and two blocks, and which would include dedication of public right-of-way for 28th Avenue South. Block 1 of the proposed plat includes five lots and a private drive named Uptown Way S, while Block 2 consist of only one lot. Right-of-way dedication would result in the extension of 28th Ave S between 55th St S and Veterans Blvd S. The subject property encompasses approximately 18.6 acres.

According to the applicant, the intent of this application is to allow for the first phase of development of a 'lifestyle center' that the applicant has planned for this area. A lifestyle center can generally be described as an outdoor commercial or mixed-use shopping district that is oriented towards pedestrian amenities and thoroughfares. A conceptual master plan of their planned lifestyle center has been provided by the applicant and is attached for reference. The applicant's intent is to construct Uptown Way as a central feature of the development. Buildings would front this private drive with parking located around the periphery of the development. The development of the proposed Block 1 would be the first phase of development, with future phases being developed to the south. It is anticipated that the proposed Block 2 would be replatted to establish lot lines and to extend Uptown Way prior to any construction taking place on Block 2.

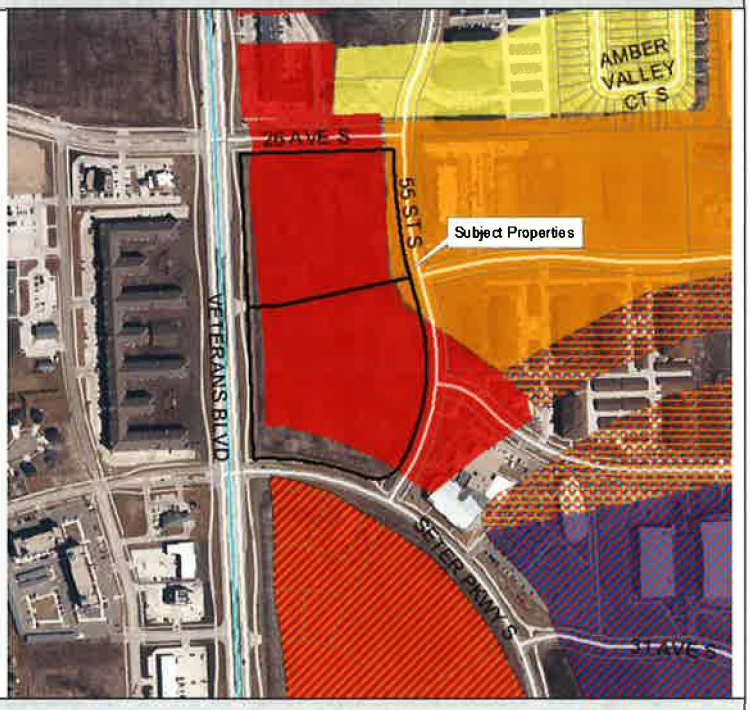
This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

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

Area Plans:

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



Schools and Parks:

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

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

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

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

Staff Analysis:

Subdivision
The LDC stipulates that the following criteria is 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 LC, Limited Commercial, zoning district. The LC zoning district will accommodate the proposed development. While retail sales & service uses are permitted by right, the

applicant plans to apply for a Conditional Use Permit to allow residential use within the planned mixed-use buildings. The existing zoning and proposed uses are supported by the existing growth plan for this area. **(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.**
   The proposed development is consistent and compatible with the Go2030 Comprehensive Plan and the exiting growth plan for this area. As submitted, the subdivision request meets the requirements of the Land Development Code (LDC). Additionally, 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 no comments regarding the project. **(Criteria Satisfied**)

3. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
   The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. 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. **(Criteria Satisfied)**

Update 4/19/18: On December 5, 2017, the Planning Commission approved two Conditional Use Permits for the proposed Lot 5, Block 1, Urban Plains by Brandt Third Addition to allow: 1) household living within the LC, Limited Commercial, zoning district and 2) an Alternative Access Plan to reduce off-street parking requirements. The purpose of these two Conditional Use Permits is to allow for the development of a mixed-use building that would be part of a larger "lifestyle center" that the applicant is planning for this subdivision.

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby approve the proposed *Urban Plains by Brandt Third Addition* subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 3, 2017

On October 3, 2017, with a 7-0 vote, the Planning Commission recommended approval to the City Commission of the proposed *Urban Plains by Brandt Third Addition* subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06 of the LDC, and all other applicable requirements of the LDC.

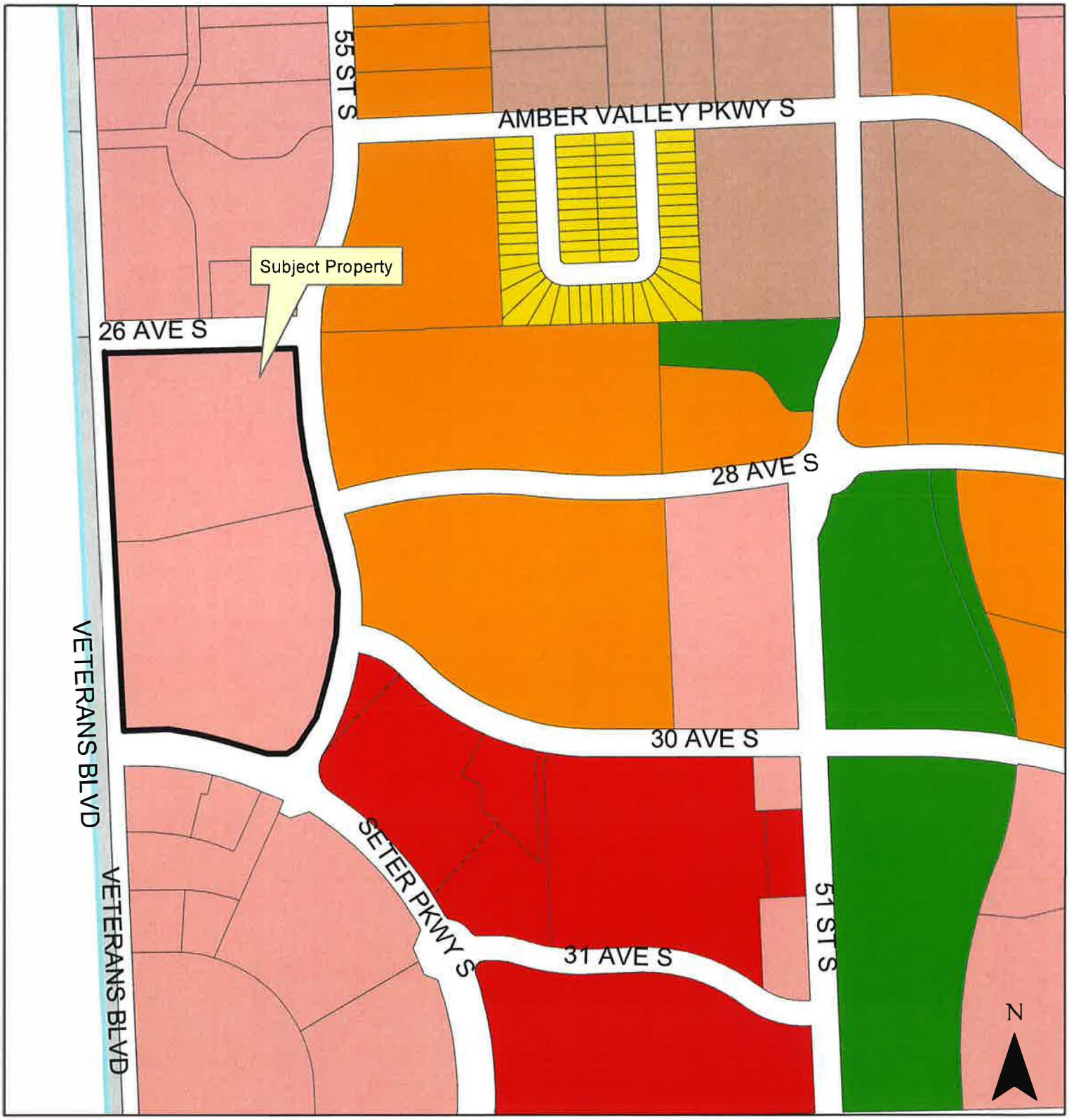
Attachments:

1. Zoning Map
2. Location Map
3. Subdivision Plat
4. Amenities Plan
5. Applicant's Conceptual Master Plan

Plat (Major)

Urban Plains by Brandt 3 Addition

2633 & 2867 55th Street South



THE CITY OF Fargo FAR MORE

Legend

AG LC MHP SR-2
DMU LI NC SR-3
GC MR-1 NZO SR-4
GI MR-2 P/I SR-5
GO MR-3 UMU City Limits

300 Feet

Fargo Planning Commission
October 3, 2017

Plat (Major)

Urban Plains by Brandt 3 Addition

2633 & 2867 55th Street South

THE CITY OF Fargo FAR MORE

300 Feet

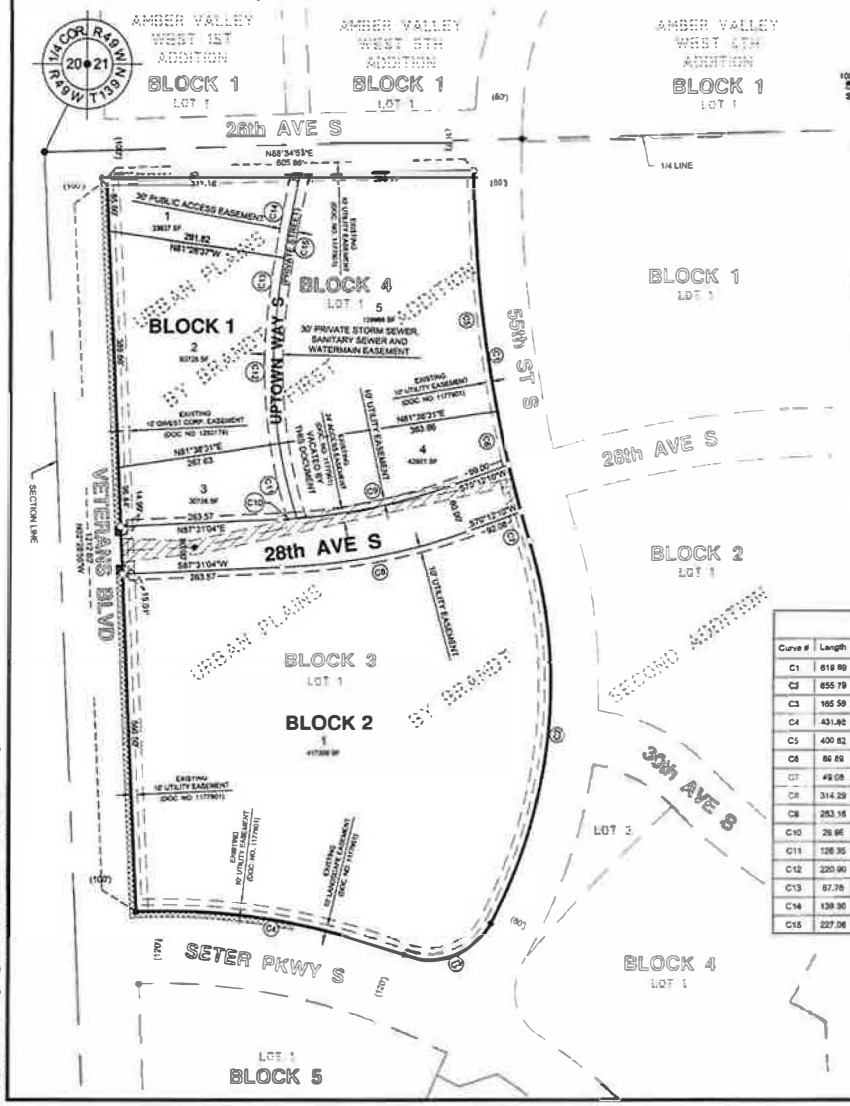
Fargo Planning Commission
October 3, 2017

URBAN PLAINS BY BRANDT THIRD ADDITION

A MAJOR SUBDIVISION

BEING A REPLAT OF LOT 1, BLOCK 4, URBAN PLAINS BY BRANDT FIRST ADDITION, AND LOT 1, BLOCK 3, URBAN PLAINS BY BRANDT SECOND ADDITION

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

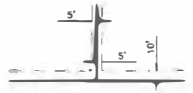


LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
NEGATIVE ACCESS	
NEGATIVE ACCESS VACATED BY THIS DOC.	
EASEMENT TO BE VACATED BY THIS DOC.	

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

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



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

UTILITY EASEMENTS ARE SHOWN THUS

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	619.89	2062.84	17°13'09"	S08°43'39"E	617.56
C2	655.79	820.00	45°49'18"	S06°34'25"W	638.46
C3	165.59	115.00	82°30'06"	S89°44'07"W	151.65
C4	431.86	1100.22	23°33'13"	N80°46'27"W	448.48
C5	400.82	2062.84	11°07'42"	S05°40'56"E	399.99
C6	89.89	2062.84	2°29'49"	S12°29'41"E	89.88
C7	49.08	2062.84	1°21'48"	N16°39'20"W	49.08
C8	314.29	1040.00	17°18'54"	S75°51'37"W	313.10
C9	253.16	960.00	15°42'23"	N76°03'21"E	252.34
C10	29.95	960.00	1°47'31"	N85°42'08"E	29.95
C11	126.35	802.50	9°01'15"	S13°34'53"E	126.22
C12	220.90	802.50	15°46'16"	S01°11'06"E	220.20
C13	87.76	1831.06	2°44'45"	S07°31'46"W	87.75
C14	139.36	1831.06	4°21'33"	S11°04'55"W	139.27
C15	227.06	1831.06	7°06'18"	S09°42'32"W	226.91

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Urban Plains Land Company LLC, a North Dakota limited liability company, is the owner and proprietor of Lot 1, Block 4, Urban Plains By Brandt First Addition, together with Lot 1, Block 3, Urban Plains By Brandt Second Addition, all situated in the City of Fargo, Cass County, North Dakota.

Said tract contains 18.819 acres, more or less.

And that said party has caused the same to be surveyed and platted as **URBAN PLAINS BY BRANDT THIRD ADDITION** to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the avenue, the utility easements and 30' wide access easement shown on the plat. Said party also hereby dedicates, to the owners of Lots 1-5, Block 1, a private 30' wide easement for storm sewer, sanitary sewer and watermain purposes, as shown on the plat.

OWNER:
Urban Plains Land Company, LLC

Ace A. Brandt, President

State of North Dakota)
) ss
County of Cass)

On this 1st day of February, 2018 before me personally appeared Ace A. Brandt, President of Urban Plains Land Company, 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: [signature]

ZOSHIA NELSON
Notary Public
State of North Dakota
My Commission Expires Mar. 16, 2022

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 1st day of January, 2018

James A. Schlieman, Professional Land Surveyor No. 5068

JAMES A. SCHLIEMAN LS-5068 REGISTERED LAND SURVEYOR NORTH DAKOTA

State of North Dakota)
) ss
County of Cass)

On this 1st day of January, 2018 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: [signature]

CITY ENGINEER'S APPROVAL:

Approved by the Fargo City Engineer this 29th day of March, 20 18.

Mark H. Bittner, City Engineer

State of North Dakota)
) ss
County of Cass)

On this 29th day of March, 2018 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: [signature]

KRISTI OLSON
Notary Public
State of North Dakota
My Commission Expires Oct. 17, 2019

FARGO PLANNING COMMISSION APPROVAL:

Approved by the City of Fargo Planning Commission this 3rd day of October, 2017

Shara Fischer, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

On this 20th day of February, 2018, 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: [signature]

MIRANDA WOLF
Notary Public
State of North Dakota
My Commission Expires Feb 1, 2022

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: _____

Project No. 7489-028

Houston Engineering Inc.
Phone: 701.237.5065

Site Amenities and Project Plan
Urban Plains By Brandt Third Addition
October 2017

Location: The property is bounded by Veteran's Boulevard on the west, 26th Avenue South on the north, 55th Street South on the west and Seter Parkway on the south. The parcels are currently platted as Lot 1 Block 4, Urban Plains by Brant First Addition and Lot 1 Block 3 of Urban Plains by Brant Second Addition. The property encloses an area of 18.619 acres. The property is currently zoned LC (Limited Commercial) and proposed zoning after the plat will remain LC.

Utilities: Existing sanitary sewer, storm sewer, and potable water mains are located in the existing right of way abutting the proposed plat. Sanitary sewer, storm sewer, and potable water mains will be installed in the 28th Avenue South right of way. Utilities for the proposed street are proposed to be constructed under a City of Fargo project and be assessed per the City of Fargo Infrastructure Funding policy. Any utilities located in the individual lots will be installed by the developer. The private utility easement along Uptown Way S will provide a utility corridor for shared private utilities, including storm sewer, sanitary sewer, and watermain. Adjacent lots will share in the maintenance and repair costs of the utilities though shared utility agreements.

Uptown Way Private Street: Uptown Way is intended to serve as access and internal traffic circulation to the adjoining lots. The street is planned as a 30' face of curb to face of curb roadway with parking directly off the roadway located on the adjacent lots. The private street would be delineated from the adjacent public right of way on the north and south ends by means of either raised pedestrian crosswalk and signing, straight driveway approach, or other design features that identify the roadway as separate from the public streets. Future maintenance and repair/replacement of the private street will be by a shared maintenance agreement between the adjacent properties.

Right of Way: The proposed plat accommodates public right-of-way dedication as outlined below:

<u>28th Avenue South</u>
This segment of 28th Avenue South is designated as a *local* street pursuant to Section 20-0611 of the Fargo Land Development Code:

- Right-of-way dedication shall be 80 feet;
- Street widths shall be 40 feet with parking on both sides of the street, unless otherwise restricted;
- Street lighting shall be determined by the City Engineering Department and installed per city standards;
- A 10-foot shared use path shall be installed along the north side of the street, to continue the existing shared use path along 28th Avenue South to the east.
- A minimum 4.5-foot sidewalk shall be installed along the south side of the street.

It is anticipated that as development continues south of 28th Avenue S, there may be a need to accommodate pedestrian crossing of 28th Avenue at the intersection of Uptown Way. While not anticipated to be constructed with the original paving of 28th Avenue S, future pedestrian crossing facilities may be needed at this location if and when they are warranted.

Stormwater Management: A regional stormwater management facility that covers the entire plat to meet the City of Fargo Stormwater Management Regulations will not be provided. Stormwater

Site Amenities and Project Plan
Urban Plains by Brandt 3rd Addition Page 2

Management for the lots on Block 1 will be provided by a joint stormwater management facility with the connection point to the City of Fargo Storm Sewer located in 55th Street S. The joint system for Block 1 will comply with and meet the requirements of the City of Fargo Stormwater Management Regulations. Lot 1, Block 2 stormwater Management will be the reasonability of the individual lot. The individual lot will be required to provide Stormwater management facilities as need to comply with and meet the requirements of the City of Fargo Stormwater Management Regulations.

Flood Protection: The proposed platted area is not located in either the Special Flood Hazard Area as defined by FEMA or the 41-foot Water Surface Elevation Inundation Area. Floodproof Construction will not be required for structures located in the plat.

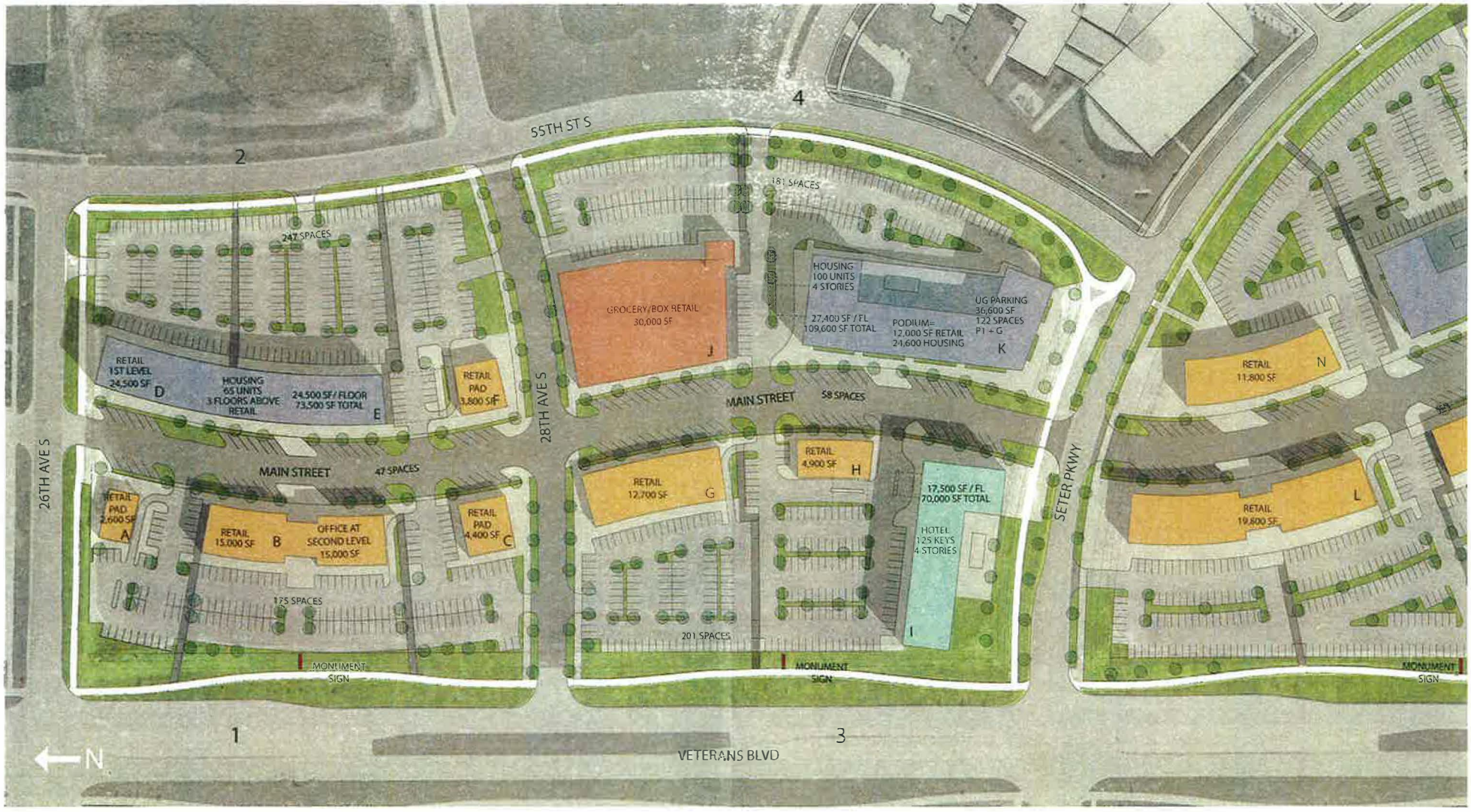
Funding of Improvements: The plat area has access to existing water, storm sewer, and sanitary sewer on the adjacent public right of way. These existing utilities will be extended through the proposed public right of way to serve the proposed lots. The proposed street and public utilities will be designed to City of Fargo standards and assessed to the benefiting properties per the City of Fargo Infrastructure Funding Policy. Utilities installed on the individual lots will be the responsibility of the developer.

Dedication of Park Land: The area of the proposed plat has been previously platted. Existing park area are located west of the plat. As part of the development sidewalks will be installed along the proposed street and these sidewalks will connect to the existing 10' multi use path on 28th Avenue South. This connection provides access to the existing park areas west of 51st Street South. No additional land will be dedicated to the park as part of the plat.

The amenity plan is hereby approved:

Ace Brandt, Urban Plains Land Company, LLC. — Date: 10-25-17

Mark Bittner, City Engineer — Date: 3-29-18



1"=120'-0"

06.20.17

VETERANS BLVD MIXED-USE MASTER PLAN

FARGO, NORTH DAKOTA

ENCLAVE DEVELOPMENT GOLDMARK COMMERCIAL REAL ESTATE INC esg

34d

City of Fargo Staff Report			
Title:	Timber Creek Eighth Addition	**Date:** **Update:**	12/28/17 4/18/2018
Location:	5050 Timber Creek Parkway South and 5131 Prosperity Way South	**Staff Contact:**	Maegin Elshaug
Legal Description:	Lots 1 and 2, Block 1, Timber Creek Fourth Addition		
Owner(s)/Applicant:	PLC Investments, LLC/Nate Vollmuth	**Engineer:**	Ulteig
Entitlements Requested:	**Minor Subdivision** (Replat of Lots 1 and 2, Block 1, Timber Creek Fourth Addition, to the City of Fargo, Cass County, North Dakota) and **Zoning Change** (To repeal and re-establish a C-O, Conditional Overlay, on Lots 1 and 2, Block 1, of the proposed Timber Creek Eighth Addition)		
Status:	City Commission Public Hearing: April 23, 2018		

Existing
Land Use: Retail Sales and Service
Zoning: GC, General Commercial with a C-O, Conditional Overlay
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, ~~vehicle repair~~, limited vehicle service, ~~aviation, surface transportation~~, and major entertainment events. With a C-O, Conditional Overlay.
Maximum Lot Coverage Allowed: 85% Maximum

Proposed
Land Use: No Change
Zoning: GC, General Commercial with a C-O, Conditional Overlay
Uses Allowed: Colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, ~~vehicle repair~~, limited vehicle service, ~~aviation, surface transportation~~, and major entertainment events. With a C-O, Conditional Overlay.
Maximum Lot Coverage Allowed: No change

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Timber Creek Eighth Addition**, and a zoning map amendment in order to repeal the existing C-O, Conditional Overlay and reestablish a new C-O, Conditional Overlay on the subject property. The subject properties are legally described as of Lots 1 and 2, Block 1, Timber Creek Fourth Addition and are located at 5050 Timber Creek Parkway South and 5131 Prosperity Way South. The property encompasses approximately 3.92 acres.

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

Building Massing:

Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 50% ~~60%~~ of its horizontal length. Any multi-dwelling structures shall be exempt from this provision.

Screening / Mechanical, Ground Level and Rooftop Equipment:

Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view. ~~Parapets shall not exceed an average height of 15% of the height of the supporting wall nor shall p~~ Parapets at any point shall not exceed 1/3 of the height of the supporting wall and shall not be at a constant height for a distance greater than 100 feet.

Parking Lots / Screening, Landscaping:

~~All developments shall only be allowed to exceed minimum parking standards in accordance with the Land Development Code by a minimum of ten percent (10%);~~

Operational Requirements / Lighting:

All site development light sources shall be concealed and or shielded with luminaires with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion of on adjacent property. In no circumstance shall exterior lighting add any footcandle illumination ~~to any point off site~~ within the right-of-way.

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

Surrounding Land Uses and Zoning Districts:

- North: SR-4, Single-Dwelling Residential with attached housing;
- East: GO, General Office with daycare and office uses, and vacant land;
- South: Across 52nd Avenue South is LC, Limited Commercial with restaurant and anticipated financial services uses;
- West: Across Timber Parkway South is GC, General Commercial with vacant land uses;

Area Plans:

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

Schools and Parks:

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

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

Parks: Timber Creek Park (3300 47th Avenue S) is located approximately 900 feet northwest of the subject

property and offers playground, recreational trails, and shelter amenities.

Pedestrian / Bicycle: Off-road bike facilities run along both Timber Parkway South and 52nd Avenue South. Both facilities are components 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. The applicant has a clearer picture of the type of development for the property. **(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 lot configuration of the subdivision will not change, however there is a 24-foot access easement that exists over the shared lot line. The replat will vacate that access easement and provide a 27-foot access easement on the south side of Lot 1. 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 Planning Commission and staff and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the rezoning on the first reading, and move to approve the proposed: 1) Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 and 2, Block 1, of the proposed Timber Creek Eighth Addition and 2) Subdivision Plat, **Timber Creek Eighth Addition** as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC".

Planning Commission Recommendation: January 4, 2018

On January 4, 2018, with a 9-0 vote, the Planning Commission accepted the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed: 1) Zoning Change to repeal and re-establish a C-O, Conditional Overlay, on Lots 1 and 2, Block 1, of the proposed Timber Creek Eighth Addition and 2) Subdivision Plat, Timber Creek Eighth Addition as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.

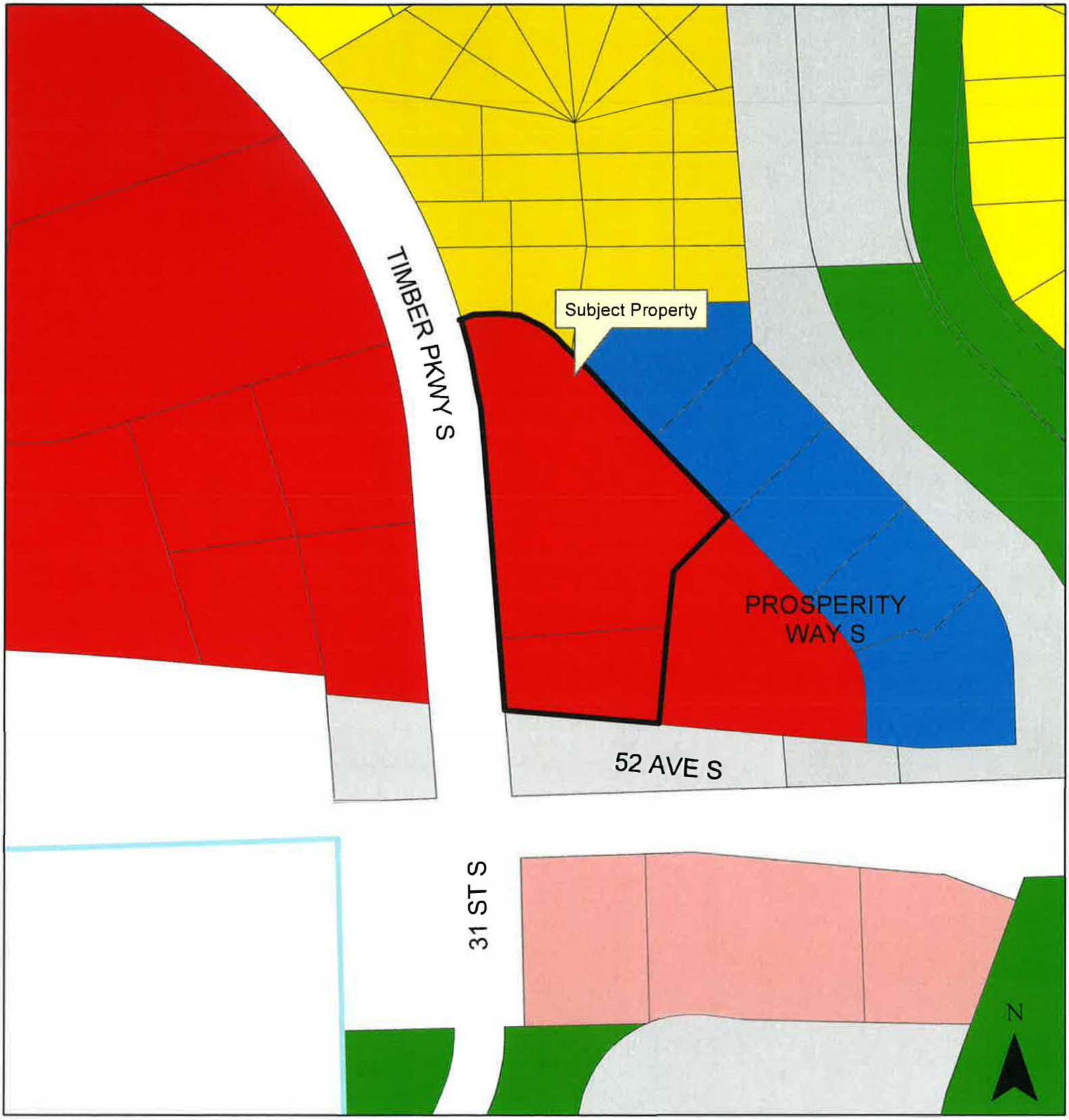
Attachments:

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

Plat (Minor) and Zone Change (Repeal and Reestablish C-O)

Timber Creek 8th Addition

5050 Timber Pkwy S &
5131 Prosperity Way S



THE CITY OF Fargo
FAR MORE

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

300
Feet

Fargo Planning Commission
January 4, 2018

Plat (Minor) and Zone Change (Repeal and Reestablish C-O)

Timber Creek 8th Addition

5050 Timber Pkwy S &
5131 Prosperity Way S

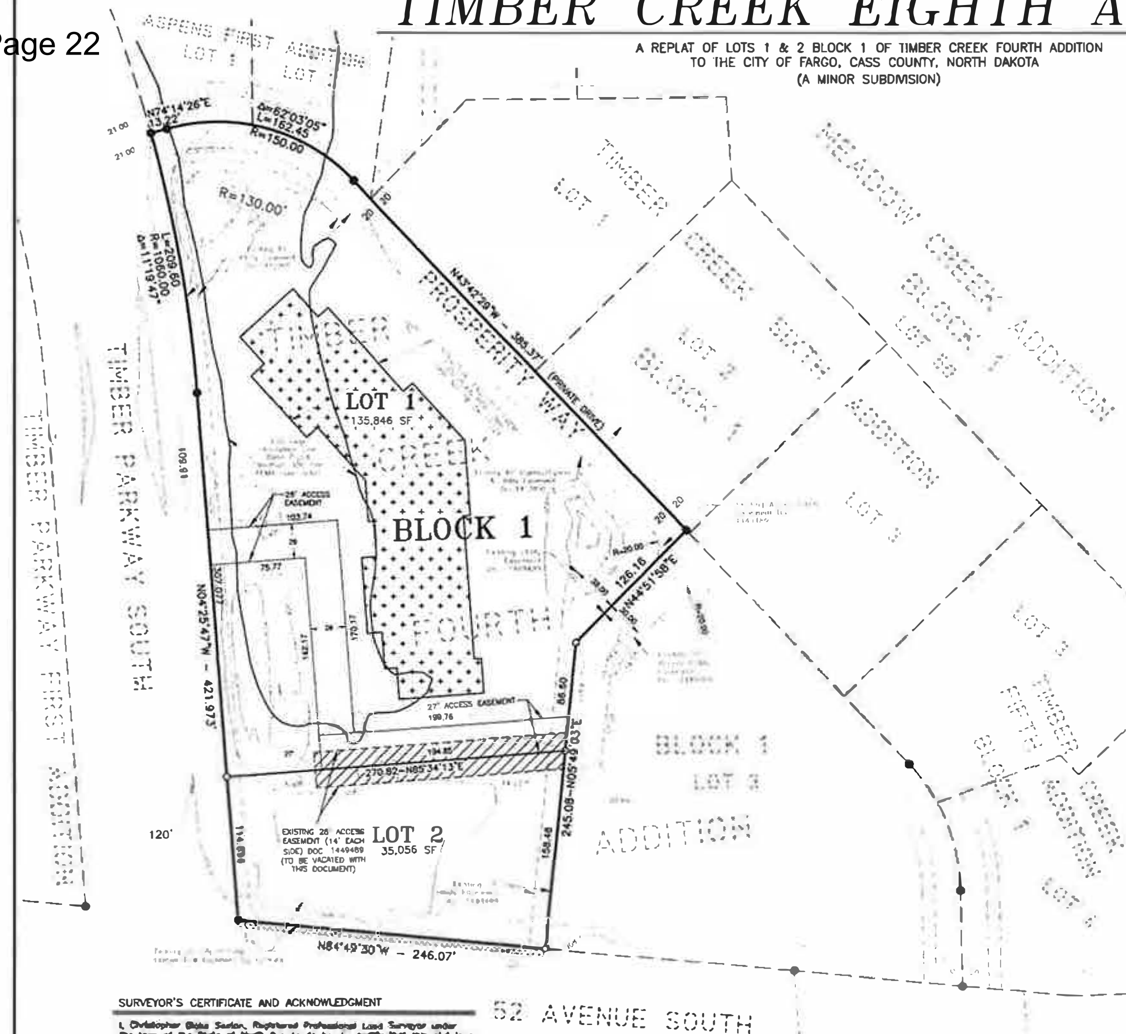
THE CITY OF Fargo
FAR MORE

300
Feet

Fargo Planning Commission
January 4, 2018

TIMBER CREEK EIGHTH ADDITION

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



OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That TIMBER CREEK RETAIL CENTER LLC whose address is Fargo, North Dakota as owner of a parcel of land located in the Southeast Quarter of Section 35, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Lot 1, Block 1 of TIMBER CREEK FOURTH 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 MIDWEST RESTAURANT HOLDINGS, LLC whose address is Fargo, North Dakota as owner of a parcel of land located in the Southeast Quarter of Section 35, 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 TIMBER CREEK FOURTH 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 170,902 square feet or 3.92 acres, more or less.

Said owner(s) has caused the above described parcel of land to be surveyed and platted as "TIMBER CREEK EIGHTH ADDITION" to the City of Fargo, Cass County, North Dakota and do hereby dedicate access and utility easements on this plat to Lots 1 and 2, Block 1 for the purposes so stated, except those easements as shown hereon as "Existing".

OWNER: LOT 1
TIMBER CREEK RETAIL CENTER LLC

By: ______________

State of North Dakota }
County of Cass } SS

On this 26th day of February, in the year of 2018, before me, a notary public with and for said County, personally appeared Kevin Christianson, President, TIMBER CREEK RETAIL CENTER, 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.

Wendi Lawson
Notary Public

WENDI LAWSON
Notary Public
State of North Dakota
My Commission Expires May 17, 2020

OWNER: LOT 2
MIDWEST RESTAURANT HOLDINGS, LLC

By: ______________

Name: Kevin Christianson Title: Vice President

State of North Dakota }
County of Cass } SS

On this 26th day of February, in the year of 2018, before me, a notary public with and for said County, personally appeared Kevin Christianson Vice President MIDWEST RESTAURANT HOLDINGS, 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.

Wendi Lawson
Notary Public

WENDI LAWSON
Notary Public
State of North Dakota
My Commission Expires May 17, 2020

MORTGAGE HOLDER: LOT 1
Starion Financial

By: Kevin Kragnes
Name: Kevin Kragnes Title: VP

State of North Dakota }
County of Cass } SS

On this 27th day of February, in the year of 2018, before me, a notary public with and for said County, personally appeared Kevin Kragnes Vice President Starion Financial 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.

Wendi Lawson

WENDI LAWSON
Notary Public
State of North Dakota
My Commission Expires May 17, 2020

MORTGAGE HOLDER: LOT 2
First International Bank & Trust

By: Sean Elsner
Name: Sean Elsner Title: VP

State of North Dakota }
County of Cass } SS

On this 26th day of February, in the year of 2018, before me, a notary public with and for said County, personally appeared Sean Elsner Vice President First International Bank & Trust known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

Wendi Lawson
Notary Public

WENDI LAWSON
Notary Public
State of North Dakota
My Commission Expires May 17, 2020

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

Approved by City Engineer this 27th day of March, 2018.

Mark H. Bittner
Mark H. Bittner, City Engineer

State of North Dakota }
County of Cass } SS

On this 27th day of March, 2018, before me, a notary public with and for said County, personally appeared Mark H. Bittner, City Engineer, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

KRISTI OLSON
Notary Public
State of North Dakota
My Commission Expires Oct 11, 2018

CITY OF FARGO PLANNING COMMISSION APPROVAL

Approved by the City of Fargo Planning Commission this 4th day of January, 2018.

Shara Fischer
Shara Fischer, Planning Commission Chair

State of North Dakota }
County of Cass } SS

On this 2nd day of April, 2018 before me, a notary public with and for said County, personally appeared Shara Fischer, Planning Commission Chair, to me known to be the person described in and who executed the same as a free act and deed.

Miranda Wolf
Notary Public

MIRANDA WOLF
Notary Public
State of North Dakota
My Commission Expires Mar. 11, 2023

FARGO CITY COMMISSION APPROVAL

Approved by the Board of City Commissioners and ordered filed this ____ day of ____________, ______.

____
Timothy J. Mahoney, Mayor

Attest: ______________
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

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

____
Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

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

Christopher Blake Saxton 2-12-2018
Christopher Blake Saxton, Professional Land Surveyor
North Dakota License No. LS-10497

State of North Dakota }
County of Cass } SS

On this 12th day of February, 2018, before me, a notary public with and for said County, personally appeared Christopher Blake Saxton, to me known to be the person described in and who executed the same as a free act and deed.

Lisa Berkeley
Notary Public

LISA BERKELEY
Notary Public
State of North Dakota
My Commission Expires July 21, 2021

PREPARED BY
Ulteig
FARGO BISMARCK DETROIT LAKES ST PAUL SIOUX FALLS DENVER CEDAR RAPIDS WILLISTON

GRAPHIC SCALE – 1"=60'
0 25 50 100
ORIENTATION OF THIS BEARING SYSTEM IS CITY OF FARGO GIS

LEGEND

- MONUMENT FOUND
- MONUMENT SET, 5/8" REBAR, CAPPED "LS-10497"
- SUBJECT PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- EASEMENT LINE
- EXISTING NEGATIVE ACCESS EASEMENT
- EXISTING ACCESS EASEMENT TO BE VACATED WITH THIS DOCUMENT
- AREA WITHIN 100 YEAR FLOODPLAIN PER FEMA FLOOD INSURANCE RATE MAP NO. 38017C0785G EFFECTIVE 1/16/2015
- AREA EXCLUDED FROM 100 YEAR FLOODPLAIN PER LOMA CASE NO. 16-08-0122A
- EXISTING CONTOUR LINE

BENCHMARK

City of Fargo benchmark 346020 located approximately 2,130 feet easterly of the southeast corner of subject property. Elevation 908.42 NAVD 88

34d-2

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN TIMBER CREEK EIGHTH ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in the proposed Timber Creek Eighth Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on January 4, 2018; and,

WHEREAS, the rezoning changes were approved by the City Commission on April 23, 2018,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Lots One (1) and Two (2), Block One (1) of Timber Creek Eighth Addition to the City of Fargo, Cass County, North Dakota;

that is currently zoned as a "GC", General Commercial, District with a "C-O", Conditional Overlay will hereby retain the "GC", General Commercial, District zoning and the "C-O", Conditional Overlay is repealed and re-established to read as follows:

1. Uses:
   a. Within the Use Category for Retail Sales/Service and Office, sales and leasing of consumer vehicles including passenger vehicles, light/medium trucks and other recreational vehicles that includes outdoor storage/display/sales are prohibited.
   b. Detention Facilities
   c. Adult Entertainment Center

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

d. Self-Service Storage
e. Vehicle Repair (excluding tire sales)
f. Industrial Service
g. Manufacturing and Production
h. Warehouse and Freight Movement - (excluding furniture/appliance stores)
i. Wholesale Sales
j. Aviation/Surface Transportation

2. Design Standards: The following design standards are intended to provide an improved aesthetic quality to commercial development.

a. Height: Shall be restricted to a maximum height of 35 feet.
b. Building Massing:
   i. All buildings shall have architectural interest and variety to avoid the effect of a single, long or massive wall; buildings shall include variation in size and shape.
   ii. All building façades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections, recesses or articulations having a depth of at least 3% of the length of the façade, and extending a minimum of 20% of the length of the façade. Any articulation shall emphasize elements on the face of a wall which may include materials, roof pitch or structure height.
   iii. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 50% of its horizontal length. Any multi-dwelling structures shall be exempt from this provision.
   iv. Four-sided Design – All building façades shall be designed with a similar level of design detail, respective to building massing and building materials.
      a. If storage/display/sales areas at the rear or back of building (i.e. lumber yard) associated with a permitted use are visible from public right-of-way (at-grade), said areas and corresponding structures (if any) shall be buffered with additional trees. At minimum, 1 tree per 50 lineal feet shall be planted with a 2-inch minimum caliper.

c. Building Materials:
   i. All walls shall be constructed or clad with natural stone, synthetic

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

stone, brick, stucco, exterior insulation finishing system, fiber cement, curtain walls, glass, high quality pre-stressed concrete systems, architectural metal panels or any similar high quality material as may be approved by the Zoning Administrator. All materials shall be durable and have a multi-generational life span.

ii. Prohibited materials shall specifically include metal wall panels that exceed 25% of the building elevation, steel siding that exceeds 25% of the building elevation, painted concrete masonry units, full ceramic tile walls, highly reflective wall treatments, exposed neon or color tubing that is not used in an accent capacity or un-textured concrete, untreated concrete masonry unit or plain/un-textured precast concrete panels; unless otherwise approved by the Zoning Administrator

d. Screening / Dumpsters, Outdoor Storage Areas and Loading Areas:

i. Dumpsters and storage areas shall be screened (minimum opacity of 50%) and shall be completely screened from any property within an SR or MR zoning district. Screening shall occur by use of buildings, fences, walls, berms or landscape buffers. Dumpster and trash enclosures shall contain permanent walls on three (3) sides and the service opening shall not face any public right-of-way or residentially-zoned property. All permanent walls shall be clad with the same materials as used for the principle building or clad with another high quality building material consistent with subparagraph (c) above. Metal gates shall be used to visually screen the collection area.

ii. Loading or service areas/facilities shall be located at the side or rear of buildings and screened from public view by structures and/or landscaping, with a minimum opacity of 50%. All structures or walls shall be clad with the same materials as used for the principle building or clad with another high quality material consistent with subparagraph (c) above

iii. Adjacent properties shall combine collection areas, as feasible.

iv. Setbacks for dumpsters and storage areas shall be 20 feet.

e. Screening / Mechanical, Ground Level and Rooftop Equipment:

i. Flat roofs and rooftop mechanical equipment, such as HVAC units, shall be concealed from public view. Parapets at any point shall not exceed 1/3 of the height of the supporting wall and shall not be at a constant height for a distance greater than 100 feet.

ii. All ground level HVAC units and utility boxes shall be screened from view by

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

a structure and/or landscaping.

f. Parking Lots / Screening, Landscaping:
   i. A minimum of ten percent (10%) of the internal surface area of surface parking lots shall be landscaped.
   ii. Parking lot perimeter landscaping buffers are required for any off-street parking area on any side that is adjacent to an SR zoning district. The minimum buffer shall be 10 feet and may include a combination of trees, shrubs, decorative fence, landscaped berms or other materials or techniques to be approved by the Zoning Administrator. Vegetative buffers shall, at minimum, provide a similar level of buffering as compared with either a Type A or Type B buffer as contemplated under §20-0704 of the Land Development Code. Trees shall be a minimum of 2-inch caliper.

g. Landscape Buffer, Other:
   i. As dedicated by separate instrument, a 50 foot landscape easement will be provided on the south side of 36th Street from (approximately) the private roadway opening to the western extent of the Timber Creek First Addition plat. The developer shall be required to submit a landscape plan for this easement area which shall include a combination of trees and landscaped berms; and the overall landscape plan shall be approved by the Zoning Administrator. The developer intends this buffer to provide a high quality transition between residential and commercial properties while also providing an added aesthetic element to the development. If, in the opinion of the Zoning Administrator, the proposed landscape plan meets the intended objective and is reflective of high quality design and materials; the requirement for landscaping internal to parking lots as contemplated under subparagraph 2.(f)(ii), above, shall be reduced to 5%. The landscaping plan shall be implemented within the easement area within 12 months following issuance of any building permit. Trees shall be a minimum of 2-inch caliper.

h. Landscaping and Street Tree Installation / Maintenance:
   i. All landscaping, buffers and street trees shall be in place and healthy within 12 months following issuance of any building permit.

i. Operational Requirements / Lighting:
   i. All site development light sources shall be concealed and or shielded with

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

luminaires with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion of on adjacent property. In no circumstance shall exterior lighting add any footcandle illumination within the right-of-way.

j. Signage:
   i. Off-premise Signs and digital billboards shall be prohibited.
   ii. Unless otherwise specified above, all other provisions within the Sign Code shall remain in full force and effect.

k. Residential Protection Standards:
   i. Residential Protection Standards shall remain in full force and effect, including applicability to pursuant to §20-0704 of the Land Development Code, unless requirements or standards within this Ordinance are determined to be more restrictive.

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

_____
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

34e

THE CITY OF Fargo FAR MORE

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): JGB LLC

Doing business as: Kilstone Brewing

Business address (location): 222 N Broadway

Mailing address: 763 34th St N #R Fargo, ND 58102

Business e-mail address: Kilstone brewing@gmail.com

Phone number: (701) 793-1676 Other number: (218) 790-3680 (Randy)

The following section to be completed by City Staff:

Date Received by Auditor's Office: 3-9-18

Investigations Fee Paid ($250) X Yes _____ No Date Paid: 3-9-18 Check # 8322

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report):

_____ Approval Recommendation _____ Denial Recommendation

_____ _____

Chief of Police Date

Reviewed – Liquor Control Committee on (date): _____

_____ Approval Recommendation _____ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): _____

_____ Approval _____ Denial

This application is for the Class or Classes of Licenses checked:

( ) Class A	Authorizes the licensee to sell "on-sale" only.
( ) Class B	Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( ) Class B "Limited"	Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof. License is Non Transferable.
( ) Class AB	Authorizes the licensee to sell "on-sale" or "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( ) Class ABH	Authorizes the licensee to sell "on-sale" or "off-sale", at hotels & motels with 100 or more guest rooms only.
( ) Class ABH "Limited"	Authorizes license may be issued to persons engaging in "on-sale" of beer and wine or hosting "manager's specials," solely for guests or patrons of extended stay and limited service hotels or motels
( ) Class ABH-RZ	Authorizes the licensee to sell "on-sale" or "off-sale", to hotel guests in a Renaissance Zone with 15 guestrooms.
(✓) Class C	Authorizes the licensee to sell beer "on-sale" only. No food sales required. Physical bar is allowed.
( ) Class D	Authorizes the licensee to sell beer "off-sale" only.
( ) Class DD	License shall only be issued to a domestic distillery owner or operator who has obtained a license from the ND State Tax Commissioner. No food sales required.
( ) Class E	In nature of a special permit, shall authorize the holder of an existing "on-sale" license in the sale of On-sale only alcoholic beverages on such premises designated on the permit.
( ) Class F	Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
( ) Class FA	Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
( ) Class FA-Golf	On USGA Golf Course or 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.
( ) Class FA-Entertainment	Authorizes the licensee to sell "on-sale" only, in a place of amusement or in a recreational establishment. Requires non-alcoholic sales to exceed alcohol sales.
( ) Class G	Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.

( ) Class H	Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.
( ) Class I	Authorizes the licensee to sell beer, wine, and sparkling wine "on-sale" only. A physical bar is allowed and requires 65% food sales.
( ) Class I Entertainment	Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement. A physical bar is allowed and 65 % of non-alcohol sales required.
( ) Class J	Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
( ) Class L	Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.
(✓) Class M	Authorizes the licensee to operate a Microbrew Pub or Domestic Winery and sell "on-sale" and "off-sale" offered in conjunction with another license. Allows the sale of Growlers.
( ) Class N	Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.
( ) Class O	Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.
( ) Class P	Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.
( ) Class RZ-V	Authorizes the licensee to sell "on-sale" only, located in an approved Renaissance Zone. The venue should be designed and intended to be used as a private event center or entertainment venue with square footage of at least 10,000 square feet and capacity of at least 300 people. The Venue must derive 60% or more of its annual gross receipts from the sale of tickets.
(✓) Class W	Authorizes the licensee to sell wine and sparkling wine "on-sale" only. A physical bar is allowed and no food sales required.
( ) Class Y	Shall authorize the production brewery to obtain a brewer license and a retailer license. Must be licensed by the State Tax Commissioner. No food sales required.
( ) Class Z	Authorizes the licensee to sell "on-sale" only issued to individuals not currently holding another "A", "AB", ABH", or "ABH-RZ". A physical bar is allowed and no food sales required.

The following section to be completed by the applicant:

ALL APPLICANTS must initial #1 - #9 and sign in the space provided below.

1. ____ All applicants must assure there is adequate off-street parking for my business (within the direction of and as approved by the City Commission). Membership in the current City parking program (e.g."P.O.P") may place me in compliance with this requirement.
2. ____ I have received a copy of the Alcoholic Beverage Ordinance(s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.
3. ____ If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.
4. ____ I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.
5. ____ I understand that the premises described in the application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.
6. ____ I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages **MUST** attend Server Training.
7. ____ I am familiar with the question, answers and other information as it appears in the complete application of an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)
8. ____ I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44-04-21.1 concerning this claim of confidentiality under 44-04-18.4.
9. ____ I understand that **the license will expire on June 30 of each year** and a renewal process will need to be completed. This process will include a completed renewal application, payment in full for the required annual fee, a completed roster for each employee who pours or serves alcohol, attendance of Server Training for those listed on the roster, and a copy of your certified food sales if applicable to your license.

Applicant printed name: Randall Wigen JGB LLC Signature: _____

Applicant printed name: _____ Signature: _____

Applicant printed name: _____ Signature: _____

Applicant Information: (2 pages)

Name: Randall C Wigen
(first) (middle) (last) (maiden name)

Address: 1750 7th St. S. Fargo ND 58103
(address) (city) (state & zip)

How long have you lived at this address? 22 years

Provide your address history for the past 5 years:

From 1994 to present Address: above

From _____ to _____ Address: _____

E-mail address: rcwigwi@gmail.com

Home phone number: (701) 237 5563 Other number: (218) 790 3680 (cell)

Date of Birth: 18 Sept 1955 Place of Birth: Mayville, ND

List each driver's license you have ever had and the state of issue:

DL#: WIG-55-6963 State of Issue: ND Dates: 20Sept17

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? _____ Yes X No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?
_____ Yes _____ No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) _____ Yes X No
If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? _____ Yes X No
If "yes", provide the date of arrest, location, charge of each conviction.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

JGB LLC Fed BR-ND-21008 ND taproom license 20005

Have any of the above named licenses ever been suspended or revoked? ____ Yes X No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 1978 to present Business name: Red River Commodities Inc

Address: 501 42nd St. N, Fargo ND Position/Title: V.P.

From: ____ to ____ Business name: ____

Address: ____ Position/Title: ____

From: ____ to ____ Business name: ____

Address: ____ Position/Title: ____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?
____ Yes X No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?
____ Yes X No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?
X Yes ____ No If "yes", describe below:

3 years JGB

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

Operator/Manager Information

Are you going to operate/manage this business personally?
_____ Yes __X__ No If "no", who will operate/manage it?

Name: Christopher John Larson
(first) (middle) (last) (maiden name)

Address: 349 Elmwood Ave S Fargo ND 58103
(address) (city) (state & zip)

Home phone number: (701) 793-1626 Other number (____) _____

Date of Birth: 6-22-1975 Place of Birth: Fargo, ND

(**Important:** The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

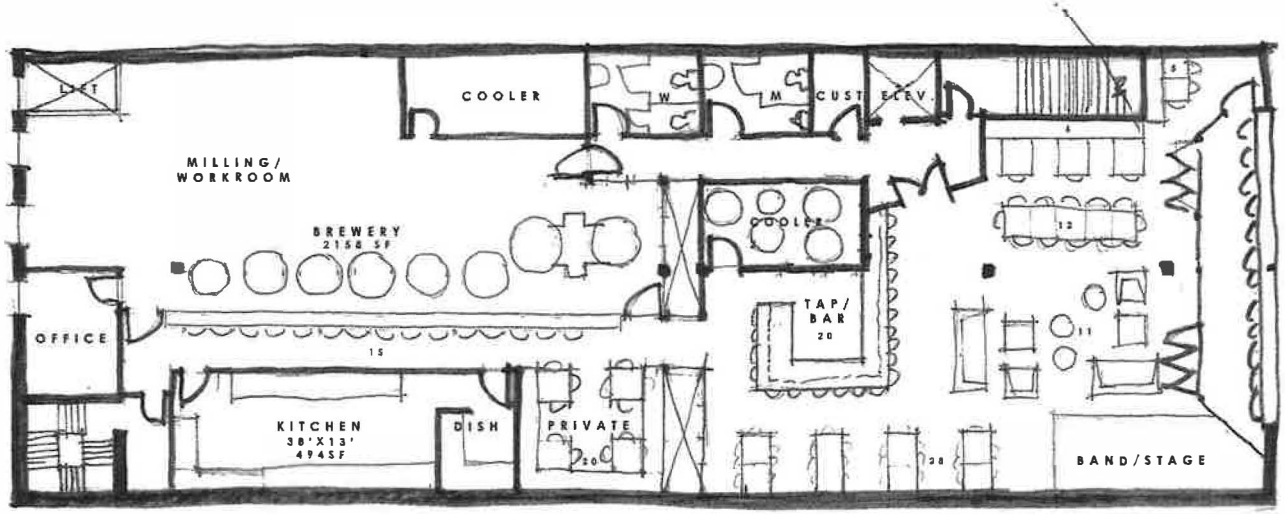
Business Site Plan

On this page (or on attached pages if additional space is needed), provide a detailed diagram and description of the design, location, and square footage of the premises to be licensed.

- The scale should be stated, such as 1" = 20'. The direction N should be indicated towards the top.
- The diagram should include placement of all pertinent features of the interior of the licensed premises, such as seating areas, kitchens, offices, repair areas, restrooms, etc. The exterior parking area should also be shown.

Parking Ramp
Roberts Commons

N



Street Parking

117 SEATS
6624 TOTAL SF

KILSTONE BREWERY

DOWNTOWN FARGO, ND 1/16"-1'-00"

Operation and Financial Issues

Describe business concept, including how this model fits into proposed location

Business model of local brewpub with food options and semi-regular entertainment that caters to a crowd that prefers quality over quantity. Any drink specials will be extremely modest and business plan does not include sales past midnight. Ingredients (grains, hops, botanicals) for the beer as well as the food options will attempt to focus on locally and regionally sourced ingredients as much as possible. Small amount of retail space to feature local and regional "Pride of Dakota" products as well as local artisans crafts and souvenirs. We hope to be a meeting place for locals as well as travelers both of the beer tourist and business variety and desire to further our contribution to an already blossoming craft brewery and distillery tour market.

Describe in detail how you intend to address/prevent each of the following concerns:

Over-serving, intoxicated or disorderly patrons:

Manager has over 15 years experience with ID checking procedures and monitoring for over-serving or intoxication. Police will be contacted should we encounter disorderly customers. We will not just kick them out onto the streets of downtown to become someone else's problem. We feel that craft beer and particularly brewery taproom customers are very often customers who prefer quality over quantity and that taprooms, especially in this market do not encounter a substantial amount of problematic customers. In the three years of operations at our current location, we have never had a police call or any issues with compliance checks.

Safety and security issues, including crowd control:

When live entertainment is present and the taproom is expected to be full, we will employ an experienced door person to check IDS and provide an extra layer of security and scrutiny

Minors on the premises, including consumption by minors:

Absolutely no minors allowed, must be 21+ to be on premises. Anyone who fails a compliance check will have immediate performance review with possibility of termination. Second failure of compliance check is immediate termination. In three years of operations at our current location we have never failed a compliance check.

Noise concerns, especially from nearby residences of other businesses:

Being a good neighbor is extremely important to not only our peace of mind but our business model. We want our neighbors to feel welcome in our tap room. We have already had brief face to face meetings with our downstairs neighbor at Atomic Coffee and have collaborated with them by using their cold press coffee in our most recent batch of Chocofee Chocolate and Coffee Stout. The Meyers at Dempsey's are not only friends of our management but have expressed their excitement to have us as neighbors. Sound dampening will be built into the brewery with special attention paid to not only protect our residential neighbors to the South but also to make the brewery sound great inside but unobtrusive to the rest of the building. Directional speakers will point away from the residential neighbors.

Do you plan to feature live entertainment? ___X___ Yes _____ No If "Yes" describe what you envision at the time, including how often such entertainment will take place.

Solo acts to small (4-5 member) bands. Entertainment will occur primarily on weekends and current plan is for some sort of amplified music 4 to 6 times per month. Other performances would be a mixture of comedy, poetry, theater, or burlesque/variety acts.

THE CITY OF Fargo FAR MORE

34/9

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Company name (LLC, Inc): Maya Thai LLC

Doing business as: Leela Thai Cui si neLLC

Business address (location): 1450 25th St S Fargo, ND 58103

Mailing address: 1450 25th St S Fargo, ND 58103

Business e-mail address: leelathaifargo@gmail.com

Phone number: (701) 235-5795 Other number: (701) 320-5360

The following section to be completed by City Staff:

Date Received by Auditor's Office: 3/28/18

Investigations Fee Paid ($250) X Yes ____ No Date Paid: 3/28/18 Check # 6023

Reviewed – Police Department by: _____ Date: _____

Comments (or see attached report):

_____ Approval Recommendation _____ Denial Recommendation

_____ _____

Chief of Police Date

Reviewed – Liquor Control Committee on (date): _____

_____ Approval Recommendation _____ Denial Recommendation

(See attached comments or minutes)

Reviewed – City Commission on (date): _____

_____ Approval _____ Denial

This application is for the Class or Classes of Licenses checked:

( ) Class A	Authorizes the licensee to sell "on-sale" only. No food sales required; physical bar allowed.
( ) Class B	Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( ) Class B "Limited"	Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof. License is Non Transferable.
( ) Class AB	Authorizes the licensee to sell "on-sale" or "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof. No food sales required; physical bar allowed.
( ) Class ABH	Authorizes the licensee to sell "on-sale" or "off-sale", at hotels & motels with 100 or more guest rooms only. No food sales required; physical bar allowed.
( ) Class ABH "Limited"	Authorizes license may be issued to persons engaging in "on-sale" of beer and wine or hosting "manager's specials," solely for guests or patrons of extended stay and limited service hotels or motels.
( ) Class ABH-RZ	Authorizes the licensee to sell "on-sale" or "off-sale", to hotel guests in a Renaissance Zone with 15 guestrooms.
( ) Class C	Authorizes the licensee to sell beer "on-sale" only. No food sales required. Physical bar is allowed.
( ) Class D	Authorizes the licensee to sell beer "off-sale" only.
( ) Class DD	License shall only be issued to a domestic distillery owner or operator who has obtained a license from the ND State Tax Commissioner. No food sales required.
( ) Class E	In nature of a special permit, shall authorize the holder of an existing "on-sale" license in the sale of On-sale only alcoholic beverages on such premises designated on the permit.
( ) Class F	Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
( ) Class FA	Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
( ) Class FA-Golf	Authorizes a USGA Golf Course with 9 or more holes to sell "on-sale" only; bar is allowed. Requires 25% receipts of food sales from April to October and 50% the rest of the year.
( ) Class FA-Entertainment	Authorizes the licensee to sell "on-sale" only, in a place of amusement or in a recreational establishment. Requires non-alcoholic sales to exceed alcohol sales.

(X) Class G — Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth with no bar allowed and requires 50% food sales.

(X) Class H — Authorizes the licensee to sell beer "on-sale" only, served at table or booth, with no bar allowed and requires 50% food sales.

( ) Class I — Authorizes the licensee to sell beer, wine, and sparkling wine "on-sale" only. A physical bar is allowed and requires 65% food sales.

( ) Class I Entertainment — Authorizes the Licensee to sell "on-sale" only of beer, wine and sparkling wine in a recreational establishment or place of amusement. A physical bar is allowed and 65 % of non-alcohol sales required.

( ) Class J — Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.

( ) Class L — Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.

( ) Class M — Authorizes the licensee to operate a Microbrew Pub or Domestic Winery and sell "on-sale" and "off-sale" offered in conjunction with another license. Allows the sale of Growlers.

( ) Class N — Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2500.

( ) Class O — Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.

( ) Class P — Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale". Allows limited beer sales.

( ) Class RZ-V — Authorizes the licensee to sell "on-sale" only, located in an approved Renaissance Zone. The venue should be designed and intended to be used as a private event center or entertainment venue with square footage of at least 10,000 square feet and capacity of at least 300 people. The Venue must derive 60% or more of its annual gross receipts from the sale of tickets.

( ) Class W — Authorizes the licensee to sell wine and sparkling wine "on-sale" only. A physical bar is allowed and no food sales required.

( ) Class Y — Shall authorize the production brewery to obtain a brewer license and a retailer license. Must be licensed by the State Tax Commissioner. "On or Off Sale" Beer with a physical bar is allowed and no food sales required..

( ) Class Z — Authorizes the licensee to sell "on-sale" only issued to individuals not currently holding another "A", "AB", ABH", or "ABH-RZ". A physical bar is allowed and no food sales required.

The following section to be completed by the applicant:

ALL APPLICANTS must initial #1 - #9 and sign in the space provided below.

1. RP PP All applicants must assure there is adequate off-street parking for my business (within the direction of and as approved by the City Commission). Membership in the current City parking program (e.g."P.O.P") may place me in compliance with this requirement.
2. RP PP I have received a copy of the Alcoholic Beverage Ordinance(s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.
3. RP PP If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.
4. RP PP I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.
5. RP PP I understand that the premises described in the application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.
6. RP PP I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages **MUST** attend Server Training.
7. RP PP I am familiar with the question, answers and other information as it appears in the complete application of an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)
8. RP PP I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44-04-21.1 concerning this claim of confidentiality under 44-04-18.4.
9. RP PP I understand that **the license will expire on June 30 of each year** and a renewal process will need to be completed. This process will include a completed renewal application, payment in full for the required annual fee, a completed roster for each employee who pours or serves alcohol, attendance of Server Training for those listed on the roster, and a copy of your certified food sales if applicable to your license.

Applicant printed name: Ross Perleberg Signature: _____

Applicant printed name: Prapatsorn Perleberg Signature: _____

Applicant printed name: _____ Signature: _____

City of Fargo

March 28, 2018

To Whom It May Concern,

Leela Thai Cuisine LLC, per the purchase agreement dated May 24th, 2017, has effectively sold all its assets and licenses to Maya Thai LLC. The liquor/alcohol license previously held by Leela Thai Cuisine LLC shall now be held by Maya Thai LLC which will continue to use Leela Thai Cuisine as its DBA name.

LEELA THAI CUISINE, LLC

By: Noppawan N.

Its: Owner

OWNER

Noppawan N.

Noppowan Netpradit

PURCHASER

Ross Perleberg – Maya Thai LLC

Applicant Information: (2 pages)

Name: Ross Timothy Perleberg
(first) (middle) (last) (maiden name)

Address: 5859 59th Ave S Fargo, ND 58104
(address) (city) (state & zip)

How long have you lived at this address? 1 yr 7mths

Provide your address history for the past 5 years:

From 1/1/2015 to 7/1/2016 Address: Apt 2143 2915 Blue Stem Dr West Fargo, ND 58078

From ---- to 12/31/2014 Address: 1004 9th St SW Jamestown, ND 58401

E-mail address: rperleberg@gmail.com

Home phone number: (701) 3205360 Other number: (____) _____

Date of Birth: 04/12/1990 Place of Birth: Jamestown, ND 58401

List each driver's license you have ever had and the state of issue:

DL#: PER-90-7497 State of Issue: North Dakota Dates: 10/25/2016-04/12/2018

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? _____ Yes X No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?
_____ Yes _____ No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) _____ Yes X No
If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? _____ Yes X No
If "yes", provide the date of arrest, location, charge of each conviction.

Applicant Information: (2 pages)

Name: Prapatsorn (first) Maya (middle) Perleberg (last) Mhuensri (maiden name)

Address: 5859 59th Ave S (address) Fargo, ND 58104 (city, state & zip)

How long have you lived at this address? 1 yr 7mths

Provide your address history for the past 5 years:

From 1/1/2015 to 7/1/2016 Address: Apt 2143 2915 Blue Stem Dr West Fargo, ND 58078

From 05/04/2014 to 12/31/2014 Address: 1004 9th St SW Jamestown, ND 58401

E-mail address: mayaperleberg@hotmail.com

Home phone number: (701) 3207016 Other number: (____) _____

Date of Birth: 11/05/1990 Place of Birth: Jamestown, ND 58401

List each driver's license you have ever had and the state of issue:

DL#: PER-90-8918 State of Issue: North Dakota Dates: 10/18/2016-11/05/2022

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? _____ Yes X No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked?
_____ Yes X No If "yes," where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" – and therefore must be listed) _____ Yes X No
If "yes", provide the date of arrest, location, charge, and sentence of each conviction.

Have you been issued a citation for any alcohol-related offense? _____ Yes X No
If "yes", provide the date of arrest, location, charge of each conviction.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Fargo Food License 2018

Have any of the above named licenses ever been suspended or revoked? _____ Yes __X__ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 01/01/2015 to Present Business name: First International Bank & Trust

Address: 3001 25th St S Fargo, ND 58103 Position/Title: Trust Officer

From: 08/01/2014 to 11/01/2014 Business name: Agricover

Address: 3000 Highway 281 SE, Jamestown, ND 58401 Position/Title: IT Intern

From: 07/01/2013 to 11/01/2014 Business name: YMCA/James River Family Fitness

Address: University of Jamestown Campus Position/Title: Front Desk Specialist

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?
_____ Yes __X__ No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?
_____ Yes __X__ No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?
_____ Yes __X__ No If "yes", describe below:

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Fargo Food License 2018

Have any of the above named licenses ever been suspended or revoked? _____ Yes __X__ No

If "yes", list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7-year period:

From: 01/01/2015 to Present Business name: Leela Thai Cuisine

Address: 1450 25th St S Fargo, ND 58103 Position/Title: Server

From: 01/01/2015 to 11/01/2016 Business name: Bangkok Corner

Address: 1450 25th St S Fargo, ND 58103 Position/Title: Server

From: 03/01/2013 to 08/15/2013 Business name: McDonalds

Address: 817 20th St SW, Jamestown, ND 58401 Position/Title: Cook

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages?
_____ Yes __X__ No If "yes", list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level?
_____ Yes __X__ No If "yes", indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol?
_____ Yes __X__ No If "yes", describe below:

Make copies as needed for each shareholder/partner with 5% or greater interest in the company.

Operator/Manager Information

Are you going to operate/manage this business personally?

X Yes _____ No If "no", who will operate/manage it?

Name:

Prapatsorn	Maya	Perleberg	Mhuensri
(first)	(middle)	(last)	(maiden name)

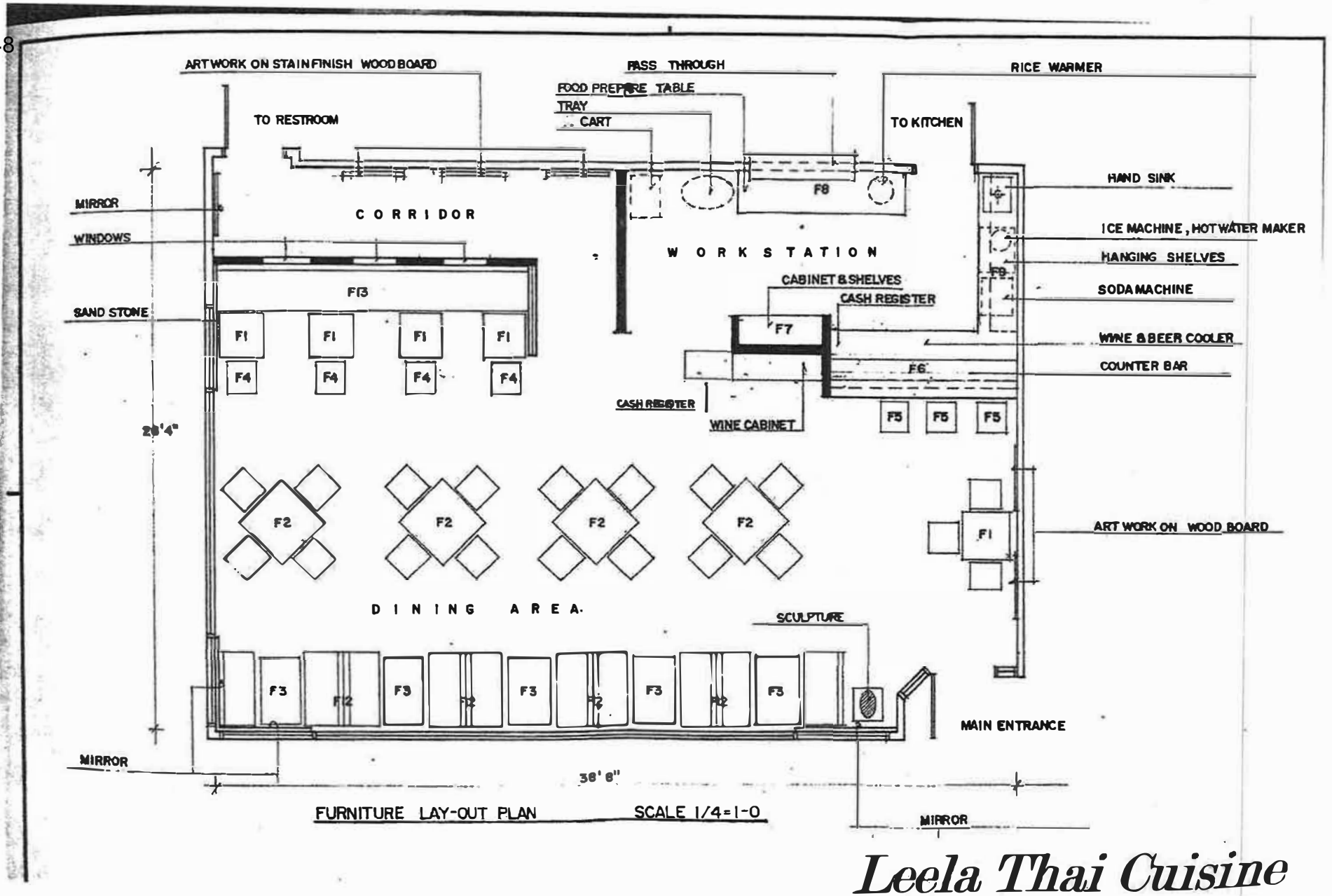
Address:

5859 59th Ave S	Fargo	ND 58104
(address)	(city)	(state & zip)

Home phone number: (701) 320-7016 Other number (____) _____

Date of Birth: 11/05/1990 Place of Birth: Chon Buri, Thailand

(**Important:** The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)



Leela Thai Cuisine

Operational and Financial Issues

Briefly describe your business concept, including your analysis of how this model fits into the proposed location (i.e., describe the suitability of the "fit" into the existing neighborhood or business area).
(Use additional pages if necessary)

The business (Leela Thai Cuisine) is simply a continuation of the previous license holder. DBA remains unchanged as does general business practices, food and alcohol operations. Thai Cuisine as well as basic beverages and food also remain unchanged or similar.

Describe in detail how you intend to address/prevent each of the following concerns at your Business:
(Use additional pages if necessary)

Over-serving, intoxicated or disorderly patrons:

Our severs and manager are experienced and trained in dealing with individuals that may be described above. Rarely do we have to address these concerns, but if necessary we use our better judgement on a case-by-case basis as to whether we need to cease serving, remove, or take further actions in regards to said individuals or gorups.

Safety and security issues, including crowd control:

We do not intend to have any "crowds" on the premises. We are a limited seating establishment and once capacity is met, we do not plan to over-crowd the establishment. We have safety and security measures in place so that if needed we can take action. Security cameras and recordings as well as our landlord's policies and procedures helps prevent any such occurances.

Minors on the premises, including consumption by minors:

We do not serve any minors nor knowingly allow that to occur within our business premises. Our servers all attend and pass Fargo server training and follow proper practices to identify any minors that may attempt to gain access to alcohol.

Noise concerns, especially from nearby residences of other businesses:

Our business is located within a enclosed mall. The tenants immeidately surrounding include the following: art gallery, flower shop, and a coffee shop. We do not anticipate any noise or disturbances but will address any accordingly to ensure that our customers have the best experience possible as we have provided up to this point.

Do you plan to feature **live entertainment**? _____ Yes X _____ No If "yes", describe what you envision at the time, including how often such entertainment will take place. The cost for Live Entertainment is $350 annually.