

FARGO PLANNING COMMISSION AGENDA
Tuesday, April 4, 2017 at 3:00 P.M.

- A: Approve Order of Agenda.
- B: Minutes: Regular Meeting of March 7, 2017.
- C: Brown Bag Luncheon - Wednesday, April 19, 2017.
- D: Public Hearing Items:
- 1a. Continued Hearing on an application requesting a Zoning Change from LI, Limited Industrial to LI, Limited Industrial with a PUD, Planned Unit Development Overlay on Lots 7-8, and the East 10 feet of Lot 9, Block 34, **Beardsleys Addition**. (Located at 2105 7th Avenue North) (Accel Mechanical, LLC) (an): WITHDRAWN
 - 1b. Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan on Lots 7-8, and the East 10 feet of Lot 9, Block 34, **Beardsleys Addition**. (Located at 2105 7th Avenue North) (Accel Mechanical, LLC) (an): WITHDRAWN
 2. Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, **Tyler's Addition**. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited) (an): CONTINUED TO MAY 2, 2017
 - 3a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial within the boundaries of the proposed **Interstate Business Park Addition**. (Located at 3801 26th Avenue South; 3901, 4001, and 4155 23rd Avenue South; and 2880 and 2852 Thunder Road South) (Kjos Investments, LLC) (dk):
 - 3b. Continued Hearing on an application requesting a Plat of **Interstate Business Park Addition** (Major Subdivision) a replat of Lot 1, Block 1, Adams 7th Addition, and part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3801 26th Avenue South; 3901, 4001, and 4155 23rd Avenue South; and 2880 and 2852 Thunder Road South) (Kjos Investments, LLC) (dk):
 4. Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan on an unplatted portion of the Northeast Quarter of **Section 12, Township 139 North, Range 49 West**. (Located at 1345 Main Avenue) (Fowzia Adde) (bv):
 5. Hearing on an application requesting a Zoning Change from GC, General Commercial and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional

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People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 241-1474 or TDD at 241-8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.cityoffargo.com/planningcommission.

Overlay, on Lot 1, Block 7, **Harwood Addition**. (Located at 701 University Drive North and 702 12th Street North) (701 Collective, LLC) (dl):

6. Hearing on an application requesting a Zoning Change from LI, Limited Industrial to DMU, Downtown Mixed-Use on the east 90 feet of Lots 1-3, 7-9, and 26-28, Block 20; and Lots 6-11 and 15-16, Block 21, **Reeves Addition**. (Located at 2 and 18 13½ Street North, and 20 and 30 University Drive North) (701 Collective, LLC) (dl):
7. Hearing on an application requesting a Zoning Change from LC, Limited Commercial to DMU, Downtown Mixed-Use on part of Lots 1-6, 10-16, 19-25, and 29-34, Block 20; and Lots 1-5 and 12-14, Block 21, **Reeves Addition**. (Located at 10, 12, and 26 University Drive North; 1307 and 1313 NP Avenue North; 1320, 1330, and 1340 1st Avenue North; and 10 and 12 13½ Street North) (City of Fargo) (dl):
- 8a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential with a Planned Unit Development (PUD) to MR-3, Multi Dwelling Residential within the boundaries of the proposed **Cottagewood Third Addition** (Located at 51st Avenue South between 38th Street and 42nd Street South) (Houston Engineering, Inc.) (dk):
- 8b. Hearing on an application requesting a Plat of **Cottagewood Third Addition** (Major Subdivision) a vacation and replat of Block 1, Amity South at Cottagewood Addition, to the City of Fargo, Cass County, North Dakota. (51st Avenue South between 38th Street and 42nd Street South) (Houston Engineering, Inc.) (dk):
9. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to UMU, University Mixed-Use on Lots 17 and 22, Block 3, **Beardsley's Addition**. (Located at 1121 and 1141 18th Street North) (Roers Development, Inc.) (dk):
10. Hearing on an application requesting a Plat of **Agassiz Crossing 7th Addition** (Minor Subdivision) a replat of Lot 1, Block 2, Agassiz Crossing 4th Addition and Lot 1, Block 1, Agassiz Crossing 2nd Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4825 and 4757 Agassiz Xing South) (Lightowler Johnson Associates) (km):
11. Hearing on an application requesting a Vacation Plat, a portion of Roberts Street north of Northern Pacific Avenue and between Blocks 1 and 6 of **Robert's Addition** to the City of Fargo, Cass County, North Dakota. (Located at NP Avenue and Roberts Street North) (City of Fargo) (km):

E: Other Items:

1.

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday:

March 7, 2017:

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, March 7, 2017.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Mary Scherling, Rocky Schneider, Scott Stofferahn, Jan Ulferts Stewart

Absent: Melissa Sobolik, Kelly Steffes

Chair Ulferts Stewart called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

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

Item B: Minutes: Regular Meeting of February 7, 2017

Member Schneider moved the minutes of the February 7, 2017 Planning Commission meeting be approved. Second by Member Fischer. All Members present voted aye and the motion was declared carried.

Item C: Wednesday, March 22, 2017 Brown Bag Luncheon

Topic: Continue discussion on Infill

Item D: Public Hearing Items:

Item 1: Kirkham's Second Addition

**1a. Continued Hearing on an application requesting a Growth Plan Amendment on Lots 7-11, Block 14, Kirkham's Second Addition. (Located at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North) (L2H Development, LLC):
WITHDRAWN**

1b. Continued Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential, MR-2, Multi-Dwelling Residential, and LC, Limited Commercial with a C-O, Conditional Overlay to LC, Limited Commercial with a PUD, Planned Unit Development Overlay and extinguishment of the existing C-O, Conditional Overlay on Lots 7-11, Block 14, Kirkham's Second Addition. (Located

at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North) (L2H Development, LLC): WITHDRAWN

1c. Continued Hearing on an application requesting a Planned Unit Development Master Land Use Plan for Commercial and Residential Development on Lots 7-11, Block 14, Kirkham's Second Addition. (Located at 1128, 1132, and 1136 14th Street North; 1404 12th Avenue North) (L2H Development, LLC): WITHDRAWN

A hearing had been set for February 2, 2016. At the February 2, 2016 meeting the Hearing was continued to March 1, 2016. At the March 1, 2016 meeting the Hearing was continued April 5, 2016. At the April 5, 2016 meeting the Hearing was continued to June 7, 2016. At the June 7, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to January 4, 2017. At the January 4, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be withdrawn.

Item 2: Tyler's Addition

Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, Tyler's Addition. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited): CONTINUED TO APRIL 4, 2017

A hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to September 6, 2016. At the September 6, 2016 meeting the Hearing was continued to November 1, 2016. At the November 1, 2016 meeting the Hearing was continued to January 4, 2017. At the January 4, 2017 meeting the hearing was continued to February 7, 2017. At the February 7, 2017 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to April 4, 2017.

Member Fischer moved this item be continued to the April 4, 2017 Planning Commission Meeting. Second by Member Gunkelman. On call of the roll all Members present voted aye. The motion was declared carried.

Item 3: Interstate Business Park Addition

3a. Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial within the boundaries of the proposed Interstate Business Park Addition. (Located at 3801 26th Avenue South; 3901, 4001, and 4155 23rd Avenue South; and 2880 and 2852 Thunder Road South) (Kjos Investments, LLC): CONTINUED TO APRIL 4, 2017

3b. Hearing on an application requesting a Plat of Interstate Business Park Addition (Major Subdivision) a replat of Lot 1, Block 1, Adams 7th Addition, and part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3801 26th Avenue South; 3901, 4001, and 4155 23rd Avenue South; and 2880 and 2852 Thunder Road South) (Kjos Investments, LLC): CONTINUED TO APRIL 4, 2017

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to April 4, 2017.

Member Fischer moved this item be continued to the April 4, 2017 Planning Commission Meeting. Second by Member Gunkelman. On call of the roll all Members present voted aye. The motion was declared carried.

Item 4: Agassiz Crossing 6th Addition

Hearing on an application requesting a Plat of Agassiz Crossing 6th Addition (Minor Plat), a replat of Lot 1, Block 2, Agassiz Crossing 5th Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 23rd Avenue South) (TMI Hospitality/Bob Kellam) (km): APPROVED

Members Brust and Schneider declared a conflict of interest on this item and were excused from voting.

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

Applicant Bob Kellam, TMI Hospitality, spoke on behalf of the application.

Member Fischer moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat Agassiz Crossing 6th Addition as presented, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Scherling. On call of the roll Members Scherling, Gunkelman, Magelky, Fischer, and Ulferts Stewart voted aye. Members Brust and Schneider abstained from voting. Absent and not voting: Members Sobolik, Steffes, and Stofferahn. The motion was declared carried.

Item 5: Encore 2nd Addition

Hearing on an application requesting a Plat of Encore 2nd Addition (Minor Plat), a replat of Lots 1 and 2, Block 1, Encore Addition to the City of Fargo, Cass County, North Dakota. (Located at 4920 30th Avenue South, 4974 30th Avenue South, and 3155 49th Street South) (AE2S/Mark Glennon) (km): APPROVED

Members Brust and Schneider declared a conflict of interest on this item and were excused from voting.

Kylie Murphy presented the staff report. She noted a correction to the staff report clarifying the request is for a replat of two lots, to two lots and one block. Ms. Murphy stated all approval criteria have been met and staff is recommending approval.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat Encore 2nd Addition as presented, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members

Scherling, Fischer, Magelky, Gunkelman, and Ulferts Stewart voted aye. Members Brust, and Schneider abstained from voting. Absent and not voting: Members Stofferahn, Sobolik, and Steffes. The motion was declared carried.

Member Stofferahn present.

Item 6: Ferguson Subdivision

6a. Hearing on an application requesting a PUD, Planned Unit Development Overlay, Master Land Use Plan and Final Plan, in an existing SR-4, Single-Dwelling Residential zoning district of the proposed Ferguson Subdivision. (Located at 4103 66th Street South) (Ed Ferguson): APPROVED

6b. Hearing on an application requesting a Plat of Ferguson Subdivision (Minor Subdivision) an unplatted part of Section 32, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 4103 66th Street South) (Ed Ferguson): APPROVED

Senior Planner Donald Kress presented the staff report. He noted an additional email received by staff from a concerned property owner was submitted to the Board. Mr. Kress stated all approval criteria have been met and staff is recommending approval.

Applicant and property owner Ed Ferguson, spoke on behalf of the application.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Planned Unit Development Overlay, Master Land Use Plan and Final Plan, and 2) Ferguson First Addition subdivision plat as presented, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2003 Southwest Future Land Use Plan, the Standards of Article 20-06 and Article 20-0908(b)(7), and all other applicable requirements of the Land Development Code. Second by Member Fischer. On call of the roll Members Magelky, Gunkelman, Scherling, Fischer, Brust, Stofferahn, Schneider, and Ulferts Stewart voted aye. Absent and not voting: Members Steffes and Sobolik. The motion was declared carried.

Item 7: Austin's Subdivision

Hearing on an application requesting a Conditional Use Permit to allow Industrial Service Use in a GC, General Commercial zoning district on Lots 7 and 8, Block 1, Austin's Subdivision. (Located at 5606 and 5622 53rd Avenue South) (Akason Holdings LLC): APPROVED

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

Applicant Skylar Akason, Akason Holdings, LLC, spoke on behalf of the application. Mr. Akason submitted a site plan to the Board.

Member Magelky moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow Industrial Service land use in a GC, General Commercial zoning district be approved, as the proposal complies with Section 20-0909.D (1-6), and all other requirements of the Land Development Code, with the following conditions:

- 1) The property shall not be used in whole or in part for storage of rubbish or debris of any kind whatsoever, nor for the storage of any property or items that will cause such lot to appear untidy, unclean or unsightly as determined by the Zoning Administrator; nor shall any substance, item, or material be kept on any lot that will emit foul odors, including compost sites and fertilizer. All garbage containers, including dumpsters, shall be concealed from public view by a fence, screen wall, or building extension.
- 2) The conditions for industrial uses in a GC, General Commercial zoning districts as required by LDC Section 20-0402.R will apply.
- 3) Off-street parking, loading, and vehicular circulation areas (including circulation areas internal to storage yards) shall have an all-weather surface, as defined by the LDC.
- 4) Any expansion of industrial service use shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 5) The Conditional Use Permit shall terminate if the industrial service uses cease for a period of more than 12 consecutive months.
- 6) All operational activity and storage shall be within a screened storage yard.
- 7) Storage of petroleum or chemicals will not be allowed unless approved by the Fire Department.

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

Item 8: Cass Rural Water Addition

Hearing on an application requesting a Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a SR-3, Single-Dwelling Residential zoning district on Lot 1, Block 1, Cass Rural Water Addition. (Located at 1708 64th Avenue South) (Rob Viera): APPROVED

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

Applicant Rob Viera, Buell Consulting, spoke on behalf of the application.

Member Stofferahn moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow a Telecommunication Support Structure (TSS) within a SR-2, Single-Dwelling Residential zoning district be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Stofferahn, Fischer, Gunkelman, Schneider, Brust, Scherling, Magelky, and Ulferts Stewart voted aye. Absent and not voting: Members Steffes and Sobolik. The motion was declared carried.

Item 9: NDSU Foundation Addition

9a. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential, and MR-2, Multi-Dwelling Residential, to MR-3, Multi-Dwelling Residential, with a PUD, Planned Unit Development Overlay, of the proposed NDSU Foundation Addition. (Located at the 1600 Block between 12th Street North and University Drive North) (PROffutt LP/Casey Jackson): APPROVED

9b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan of the proposed NDSU Foundation Addition. (Located at the 1600 Block between 12th Street North and University Drive North) (PROffutt LP/Casey Jackson): APPROVED

9c. Hearing on an application requesting a Plat of NDSU Foundation Addition (Major Subdivision), a vacation plat of an alley and a replat of Lots 1-9, 11, and 14-24, Block 8, Chandler's Broadway Addition to the City of Fargo, Cass County, North Dakota. (Located at the 1600 Block between 12th Street North and University Drive North) (PROffutt LP/Casey Jackson): APPROVED

Planner Aaron Nelson presented the staff report. Mr. Nelson noted the following items have been submitted to the Board: an updated draft of the PUD Overlay, and two additional letters staff received from property owners. He also noted PROffutt LP, the developer and applicant, hosted an open house on February 13, 2017, for the public to attend. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

Board discussion ensued regarding the number of proposed parking areas for residents and visitors, if the parking meets the requirements of the Land Development Code, and the plan for access to the development from the adjacent roadways.

Applicant representative Casey Jackson spoke on behalf of the application, and addressed the questions regarding parking accommodations and street access for this development.

Jim Laschkewitsch, 1016 College Street North, spoke in opposition of the application sharing the following concerns: the impact the size and density of the development will have on the neighborhood; increased parking issues; public safety; the limited number

of property owners notified of this proposal; and the need for stronger engagement between City staff and area property owners.

City Forester Scott Liudahl shared his appreciation on the coordination between the developer and applicant, with City staff to address the concern of retaining existing trees on the property.

Discussion continued regarding what is the process for abandoning the existing sanitary sewer services and the water services connected to each of the homes that will be demolished. Engineer April Walker addressed this question with the options staff and the developer have discussed.

Planning Director Jim Gilmour reviewed the process staff uses when determining the mailing list for notification letters that are mailed to area property owners prior to the Planning Commission meeting.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) NDSU Foundation Addition subdivision plat as presented; 2) Zoning Change from SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; and 3) PUD Master Land Use Plan as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, Section 20-0908.B (7) and Section 20-0906.F (14) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Fischer, Magelky, Gunkelman, Brust, Scherling, Schneider, Stofferahn, and Ulferts Stewart voted aye. Absent and not voting: Members Steffes and Sobolik. The motion was declared carried.

At 4:10 p.m., the Board took a five-minute recess.

After recess: All Members present except Members Steffes and Sobolik. Chair Ulferts Stewart presiding.

Item 10: Hearing on an application requesting an LDC Text Amendment, to amend sections within Chapter 20 of the Fargo Municipal Code (Land Development Code) relating to the regulation of chickens. (City of Fargo): APPROVED

Aaron Nelson presented the staff report for the proposed amendments. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed text amendment to Sections 20-0403 and 20-1203 of Chapter 20 of the Fargo Municipal Code (Land Development Code), relating to the regulation of chickens, as the proposal meets the approval criteria of Subsection 20-0904.E(1-3) of the Land Development Code. Second by Member Scherling. On call of the roll Members Gunkelman, Fischer, Magelky, Brust,

Stofferahn, Schneider, Scherling, and Ulferts Stewart voted aye. Absent and not voting: Members Steffes and Sobolik. The motion was declared carried.

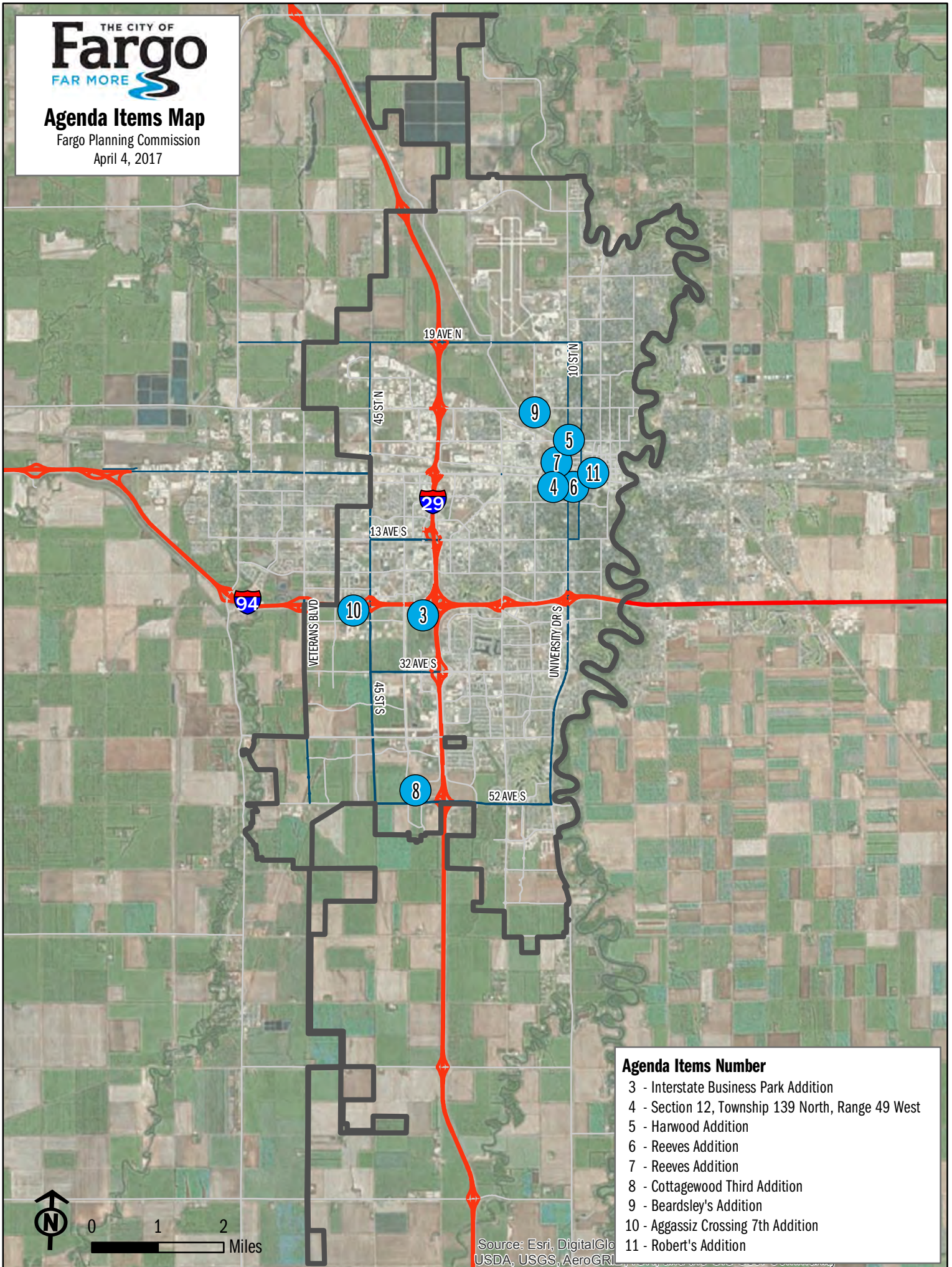
Item 11: Hearing on an application requesting an LDC Text Amendment, to amend Section 20-0501 and table 20-0501 Residential District Standards; and Section 20-0403B.7 Building Coverage, of the Fargo Municipal Code (Land Development Code). (City of Fargo): APPROVED

Aaron Nelson presented the staff report for the proposed amendments. Mr. Nelson stated all approval criteria have been met and staff is recommending approval.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed text amendment to Section 20-0501, Table 20-0501, and Section 20-0403(B.7) of the Fargo Municipal Code (Land Development Code), as the proposal meets the approval criteria of Subsection 20-0904.E(1-3) of the Land Development Code. Second by Member Schneider. On call of the roll Members Stofferahn, Fischer, Gunkelman, Schneider, Brust, Scherling, Magelky, and Ulferts Stewart voted aye. Absent and not voting: Members Steffes and Sobolik. The motion was declared carried.

The time at adjournment was 4:25 p.m.

Agenda Items Map
Fargo Planning Commission
April 4, 2017



City of Fargo Staff Report			
Title:	Interstate Business Park Addition	Date:	3/1/2017 UPDATE: 3/29/2017
Location:	3801 26th Avenue South; 3901, 4001, and 4155 23rd Avenue South; and 2880 and 2852 Thunder Road South	Staff Contact:	Donald Kress
Legal Description:	Lot 1, Block 1, Adams 7th Addition, and part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.		
Owner(s)/Applicant:	Scheels AllSports, Kjos Investments; BSE / Houston Engineering, Inc.	Engineer:	Houston Engineering Inc.
Entitlements Requested:	Major Subdivision (Replat of Lot 1, Block 1, Adams 7th Addition, and part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota and Zone Change (from AG, Agricultural to GC, General Commercial)		
Status:	Planning Commission Public Hearing: April 4, 2017		

Existing	Proposed
Land Use: Undeveloped	Land Use: Office
Zoning: AG, Agricultural	Zoning: GC, General Commercial
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production.	Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.
Maximum Density Allowed (Residential): AG allows a maximum of 1 dwelling unit per 10 acres.	Maximum Lot Coverage Allowed: 85%

Proposal:

The applicant is seeking approval of a major subdivision (Interstate Business Park Addition) and a Zoning Change (from AG, Agricultural to GC, General Commercial) to create five lots for commercial development, as shown in the table below. All lots will be zoned GC.

BLOCK	LOT	AREA (acres)	ZONING
1	1	3.75	GC
1	2	3.38	GC
1	3	14.75	GC
1	4	48.02	GC
2	1	7.04	GC

PROJECT HISTORY NOTE: A different version of this plat was submitted for the August, 2016 Planning Commission. The hearing on that plat was continued every month through the February, 2017 Planning Commission, due to continuing negotiations regarding the necessary street right of way. That project appeared on the February 7, 2017 Planning Commission agenda as "WITHDRAWN," due to a pending revision of the plat. The plat has been revised to the current version by including more land within the plat and having a different right of way configuration than the earlier version.











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.

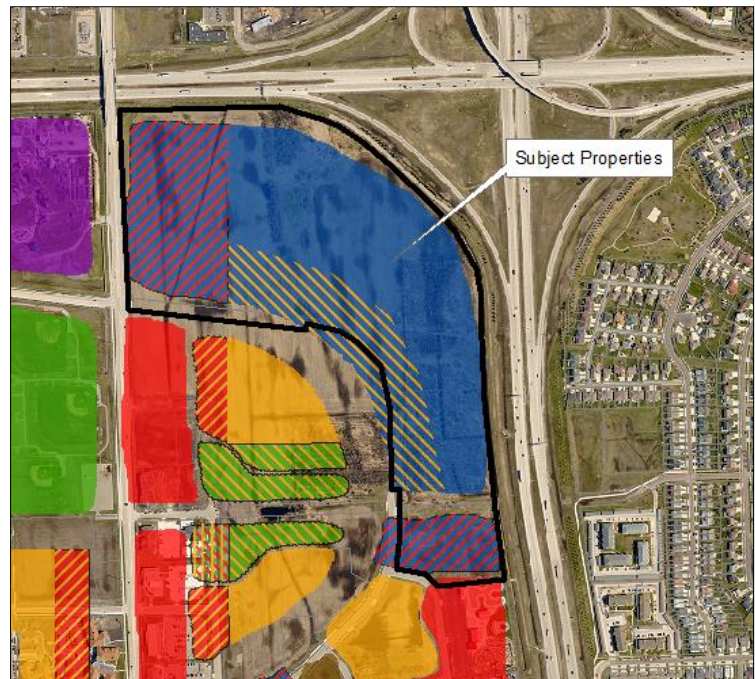
Surrounding Land Uses and Zoning Districts:

- North: Interstate highway 94 and highway right-of-way use
- East: Interstate highway 29 and highway right-of-way use
- South: GC, General Commercial with vacant land, theme park venue, warehouse, and office use
- West: P/I, Public/Institutional with Red River Zoo and MR-3, Multi-Dwelling Residential with apartment use

Area Plans:

The subject properties are located within the 2003 Southwest Future Land Use Plan as amended by the 2013 Valley View Addition Growth Plan Amendment. This plan designates the subject properties as Office, Either Office or Commercial, and Either Office or Medium/ High Density Residential.

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



Schools and Parks:

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

Parks: Woodbury Park (3501 23rd Avenue SW) is located east on the other side of Interstate 29. Woodbury Park provides basketball, picnic table, playground, shelter, and recreational trail amenities.

Pedestrian / Bicycle: Off road bike facilities are located on 30th Avenue South and are a component of the metro area trail system.

Staff Analysis:

ACCESS: Lots in the Interstate Business Park Addition will take access from 23rd Avenue South, 38th Street South, 22nd Avenue South, and 41st Street South. All will be dedicated public rights of way, with widths varying between 80 feet and 120 feet. The intersection of 23rd Avenue South and 41st Street South is configured for a roundabout.

PUBLIC WATER AND SEWER: Public water and sewer are available from the dedicated public street.

AMENITIES PLAN: The applicant is preparing an amenities plan regarding the projects streets, stormwater, and related items. This plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the City Commission public hearing on the plat.

PARKS AND TRAILS: The Park District has expressed interest in a trail within the right of way of 23rd Avenue South/38 Street South connecting 42nd Street South with 30th Avenue South. The Park District has also had conversation with the future owner of Lot 3, Block 1 about eventual development of trails on this property, and intends to have a similar conversation with the owner of Lot 4, Block 1. There is no park dedication requirement for this plat.

Zone Change:

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

Section 20-0906.F (1-4)**1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**

Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG: Agricultural, except Lot 1, Block 1, Adams 7th Addition, which is zoned GC. The property has recently been under cultivation. Now that the property is proposed to be developed, the applicant requests a zoning change to GC: General Commercial, which is consistent with the 2003 Southwest Future Land Use Plan.

(Criteria Satisfied)

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property will front on public rights-of-way which provide access and public utilities to serve the development. The rights of way have been sized to accommodate the predicted traffic. This street is configured to include a roundabout **(Criteria satisfied)**

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

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

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan, this plan designates this property as appropriate for Office, Either Office or Commercial, and Either Office or Medium/High Density Residential, which would include the GC zone. The GC zone allows the office land use. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

1. **Section 20-0907. 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 requested zoning for the residential development on this property is GC: General Commercial. The GC zoning will accommodate the proposed office and retail development. The GC zoning designation is consistent with the "Office" and "Commercial" land use designations for this property in the 2003 Southwest Future Land Use Plan. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any comments on the application.

(Criteria Satisfied)

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

The property is proposed to be zoned GC: General Commercial. This zoning is consistent with the 2003 Southwest Future Land Use Plan which designates this property for office development. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

3. **Section 20-907.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.**

The applicant is preparing 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 City Commission public hearing on the plat. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed: 1) zone change from AG, Agricultural to GC, General Commercial; and 2) **Interstate Business Park Addition** plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4), and and Section 20-0907 of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 4, 2017

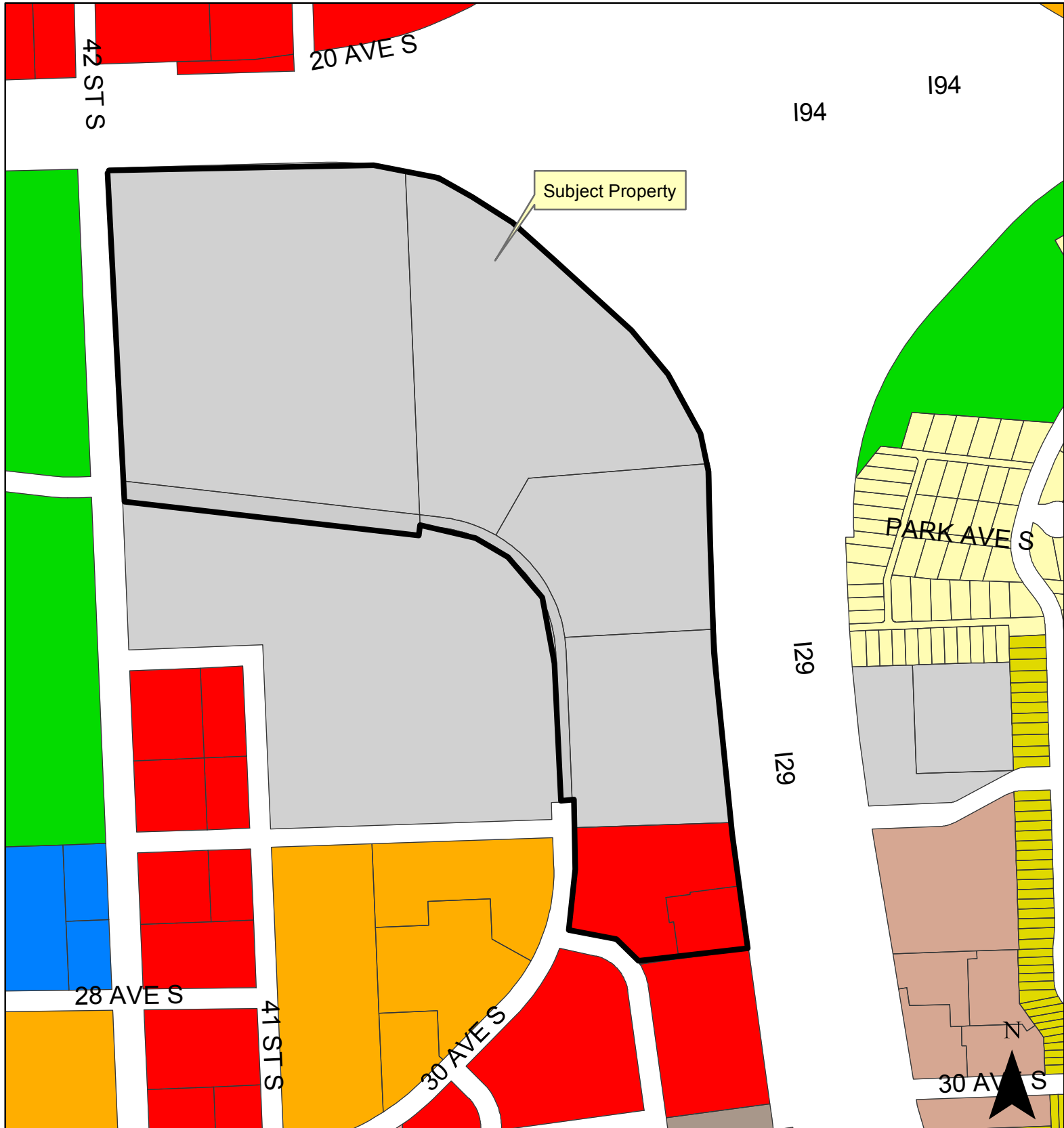
Attachments:

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

Plat (Major Subdivision) and Zone Change (AG to GC)

Interstate Business Park Addition

3801 26 Ave S, 2880 & 2852 Thunder Rd S
and 3901, 4001 & 4155 23 Ave S



Legend

AG	DMU	GO	LC	MR-1	MR-2	MR-3	MHP	NCO	P/T	UML	SR	SR-2	SR-3	SR-4	SR-5	City Limits
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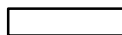
300 Feet

Fargo Planning Commission
August 2, 2016

Plat (Major Subdivision) and Zone Change (AG to GC)

Interstate Business Park Addition

3801 26 Ave S, 2880 & 2852 Thunder Rd S
and 3901, 4001 & 4155 23 Ave S



INTERSTATE BUSINESS PARK

A REPLAT OF LOT 1, BLOCK 1, ADAMS SEVENTH ADDITION
AND A PLAT OF PART OF THE N.E. 1/4 OF SECTION 22,
T. 139 N., R. 49 W., 5th P.M.

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

INTERSTATE HIGHWAY 29

INTERSTATE HIGHWAY 94

BLOCK 1

BLOCK 3

BLOCK 1

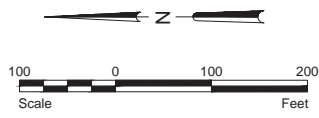
38th ST. S.

30th AVE. S.

26th AVE. S.

BLOCK 1

Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C1	195.12	240.00	46°34'53"	N54°43'36"W
C2	253.93	790.00	18°25'01"	N06°54'48"E
C3	151.55	540.00	16°04'49"	N41°55'17"W
C4	886.86	1146.28	44°19'43"	S69°19'08"E
C5	315.92	1146.28	15°47'28"	S83°35'16"E
C6	570.93	1146.28	28°32'15"	S61°25'24"E
C7	626.56	1146.53	31°18'40"	S31°29'44"E
C8	960.76	11719.19	4°41'50"	S04°29'13"E

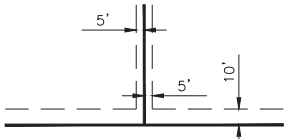


LEGEND

IRON MONUMENT FOUND ●
1/2" I.D. PIPE SET ○
NEGATIVE ACCESS EASEMENT (Hatched pattern)
AREA WITHIN FEMA 100-YEAR FLOODPLAIN (Dotted pattern)

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

- NOTES:**
1. NEGATIVE ACCESS EASEMENT, AS NOTED ON THIS PLAT, IS AN EASEMENT DEDICATED AS PART OF THE RIGHT-OF-WAY DEDICATION WHICH EASEMENT DENIES DIRECT VEHICULAR ACCESS TO A STREET OR PUBLIC WAY FROM THE LOT OR LOTS ADJACENT TO SUCH STREET OR WAY. THE NEGATIVE ACCESS EASEMENT IS NOT A STRIP OF LAND OF ANY CERTAIN WIDTH, BUT IS A LINE COTERMINOUS WITH THE BOUNDARY OF THE ADJACENT LOT OR LOTS.
 2. PROPERTY IS SITUATED IN ZONE AE (100-YEAR FLOODPLAIN) AS DEPICTED ON FEMA FIRM PANEL 38017C0776G, 38017C0777G, 38017C0778G AND 38017C0779G, DATED JANUARY 16, 2015.
 3. BASE FLOOD ELEVATION = 905.7' (NAVD 1988)



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.

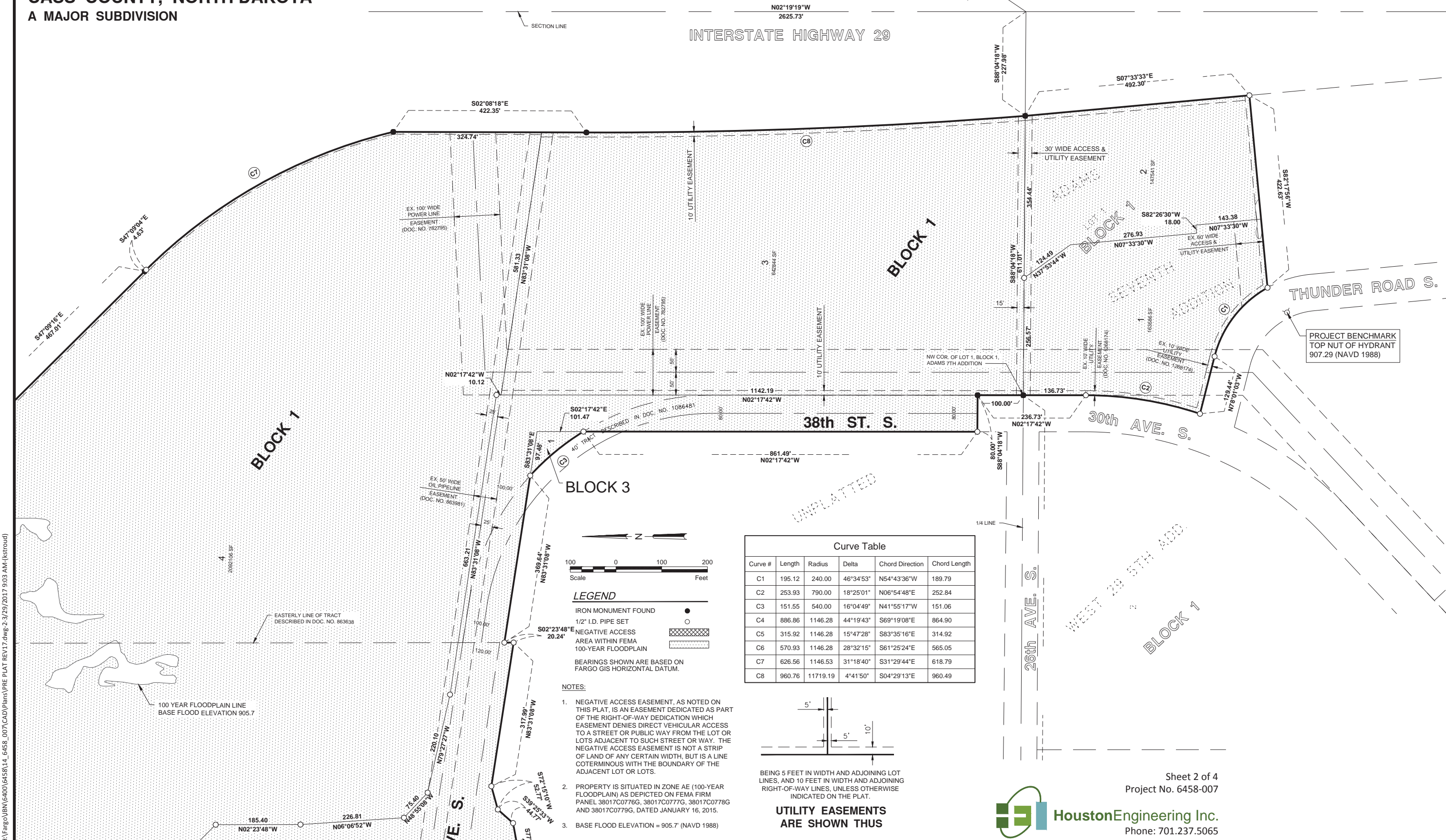
UTILITY EASEMENTS ARE SHOWN THUS

INTERSTATE BUSINESS PARK

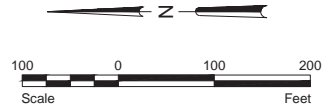
A REPLAT OF LOT 1, BLOCK 1, ADAMS SEVENTH ADDITION
AND A PLAT OF PART OF THE N.E. 1/4 OF SECTION 22,
T. 139 N., R. 49 W., 5th P.M.

TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

A MAJOR SUBDIVISION



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	195.12	240.00	46°34'53"	N54°43'36"W	189.79
C2	253.93	790.00	18°25'01"	N06°54'48"E	252.84
C3	151.55	540.00	16°04'49"	N41°55'17"W	151.06
C4	886.86	1146.28	44°19'43"	S69°19'08"E	864.90
C5	315.92	1146.28	15°47'28"	S83°35'16"E	314.92
C6	570.93	1146.28	28°32'15"	S61°25'24"E	565.05
C7	626.56	1146.53	31°18'40"	S31°29'44"E	618.79
C8	960.76	11719.19	4°41'50"	S04°29'13"E	960.49



LEGEND

IRON MONUMENT FOUND

1/2" I.D. PIPE SET

NEGATIVE ACCESS

AREA WITHIN FEMA 100-YEAR FLOODPLAIN

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

- NOTES:**
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 3. BASE FLOOD ELEVATION = 905.7' (NAVD 1988)

UTILITY EASEMENTS ARE SHOWN THUS

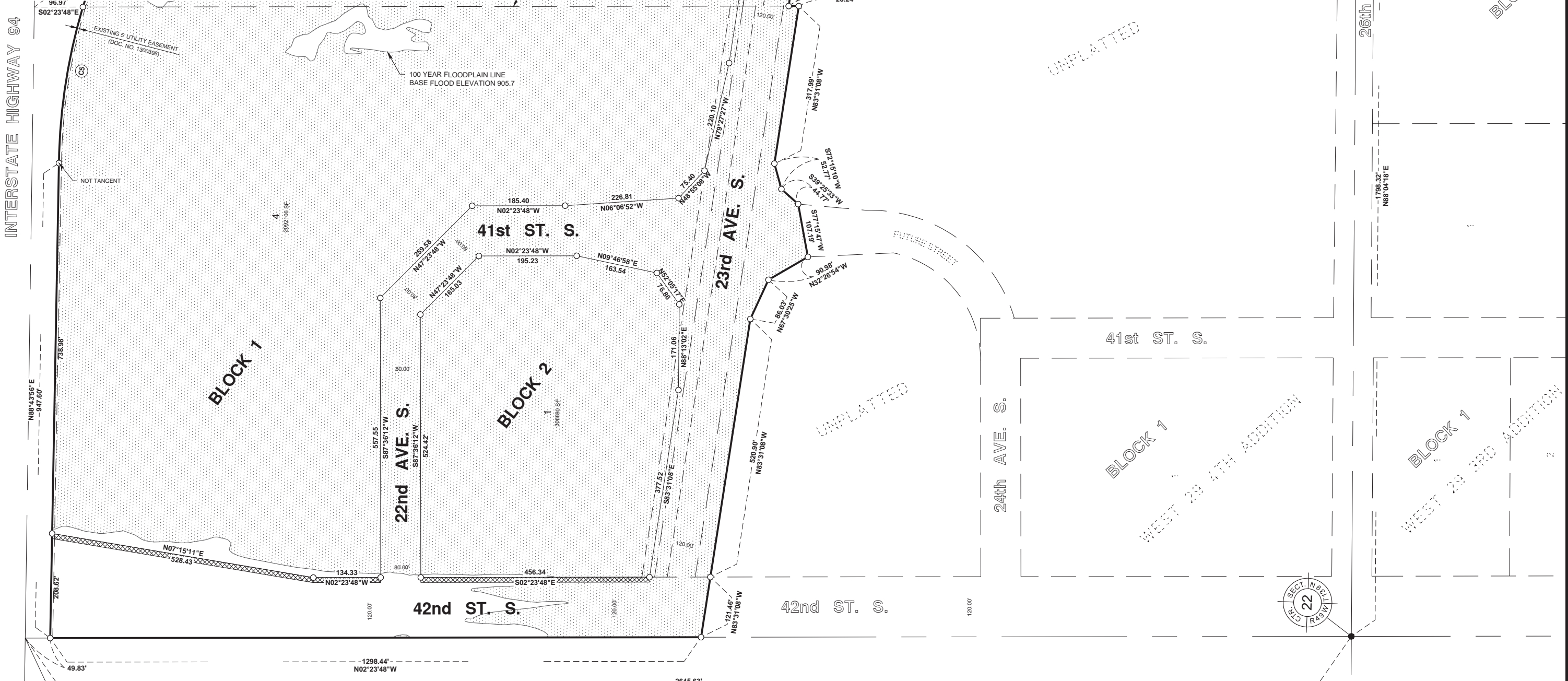
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INTERSTATE BUSINESS PARK

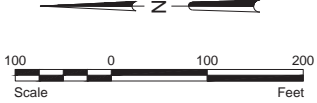
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TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

A MAJOR SUBDIVISION



Curve Table					
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C8	960.76	11719.19	4°41'50"	S04°29'13"E	960.49



LEGEND

IRON MONUMENT FOUND ●

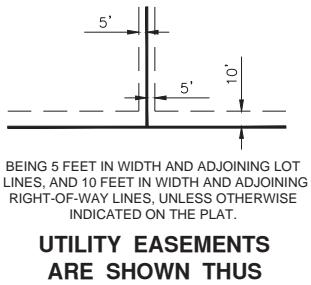
1/2" I.D. PIPE SET ○

NEGATIVE ACCESS AREA WITHIN FEMA 100-YEAR FLOODPLAIN

BEARINGS SHOWN ARE BASED ON FARGO GIS HORIZONTAL DATUM.

NOTES:

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3. BASE FLOOD ELEVATION = 905.7' (NAVD 1988)



OWNERS:

Scheels All Sports, Inc.

Jason Loney, Vice-President of Store Development

Kjos Investments, LLC

Monte Kjos, Chief Manager

Comstock Services, LLC

Monte Kjos, Chief Manager

JGC Leasing, LLC

Monte Kjos, Power of Attorney for John G. Clemedtson, Chief Manager/Secretary/Treasurer

Wells Fargo Bank, N. A., fka First National Bank and Trust Company of Fargo, trustee of the Clapp Land Trust u/a dated October 14, 1976

By:_____

Its:_____

Matrix Properties Corporation

John O. Lyngstad, President

City of Fargo

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

MORTGAGEE:

VISIONBank

By:_____

Its:_____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Jason Loney, Vice-President of Store Development for Scheels All Sports, Inc., a North Dakota Corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Corporation.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Monte Kjos, Chief Manager of Kjos Investments, LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Limited Liability Company.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Monte Kjos, Chief Manager of Comstock Services, LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Limited Liability Company.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Monte Kjos, Power of Attorney for John G. Clemedtson, Chief Manager/Secretary/Treasurer for JGC Leasing, LLC, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Limited Liability Company.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared

_____(name),
_____(title) for Wells Fargo Bank, N. A., fka First National Bank and Trust Company of Fargo, trustee of the Clapp Land Trust u/a dated October 14, 1976, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Trust.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared John O. Lyngstad, President of Matrix Properties Corporation, a Minnesota Corporation, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said Corporation.

Notary Public: _____

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, a North Dakota Municipal Corporation, known to me to be the persons who are described in and who executed the within instrument and acknowledged to me that they executed the same on behalf of the City of Fargo.

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared

_____(name),
_____(title) of VISIONBank, a North Dakota Financial Institution, 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 Financial Institution.

Notary Public: _____

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Scheels All Sports, Inc., a North Dakota Corporation; Kjos Investments, LLC, a North Dakota Limited Liability Company; Comstock Services, LLC, a North Dakota Limited Liability Company; JGC Leasing, LLC, a North Dakota Limited Liability Company; Wells Fargo Bank, N. A., fka First National Bank and Trust Company of Fargo, trustee of the Clapp Land Trust u/a dated October 14, 1976; Matrix Properties Corporation, a Minnesota Corporation; and the City of Fargo, a North Dakota Municipal Corporation; are the owners and proprietors; and VISIONBank, a North Dakota Financial Institution, is a mortgagee; of the various portions of land comprising all of the tract of land described as Lot 1, Block 1, ADAMS SEVENTH ADDITION to the City of Fargo, Cass County, North Dakota, together with that part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West of the Fifth Principal Meridian, City of Fargo, Cass County, North Dakota, described as follows:

COMMENCING at the southwest corner of said Northeast Quarter; thence North 88°04'18" East on the south line of said Northeast Quarter for a distance of 1798.32 feet to the northwest corner of Lot 1, Block 1 of ADAMS SEVENTH ADDITION to the City of Fargo, and the TRUE POINT OF BEGINNING of the tract to be described, said point also being on the east line of that tract deeded to the City of Fargo as evidenced by Document Number 1086481 filed of record at the office of the Cass County Recorder; thence North 02°17'42" West on said east line, and along the east line of 30th Avenue South as dedicated on the plat of said ADAMS SEVENTH ADDITION, for a distance of 100.00 feet to the northeast corner of said 30th Avenue South; thence South 88°04'18" West, along the north line of said 30th Avenue South, for a distance of 80.00 feet to the northwest corner of said 30th Avenue South; thence North 02°17'42" West for a distance of 861.49 feet to a point of non-tangential curve to the left, radius 540.00 feet; thence northwesterly, along said curve to the left, for a distance of 151.55 feet, central angle 16°04'49", chord bearing North 41°55'17" West, thence North 83°31'08" West for a distance of 369.64 feet; thence South 02°23'48" East for a distance of 20.24 feet; thence North 83°31'08" West for a distance of 317.99 feet; thence South 72°15'10" West for a distance of 52.77 feet; thence South 39°25'33" West for a distance of 44.77 feet; thence South 77°15'47" West for a distance of 107.19 feet; thence North 32°26'54" West for a distance of 90.98 feet; thence North 67°30'25" West for a distance of 86.03 feet; thence North 83°31'08" West for a distance of 642.36 feet to a point of intersection with the west line of said Northeast Quarter; thence North 02°23'48" West, along the west line of said Northeast Quarter, for a distance of 1298.44 feet to a point of intersection with the southerly right-of-way line of Interstate Highway No. 94; thence North 88°43'56" East, along the southerly right-of-way line of said Interstate Highway No. 94, for a distance of 947.60 feet to the most westerly corner of the southerly right-of-way line of said Interstate Highway No. 94, shown as Parcel No. 321 A on the correction plat dated September 1, 2006 and filed for record as Document Number 1181663 in the office of said Cass County Recorder; thence southeasterly 886.86 feet on said southerly right-of-way line on the arc of a curve concave to the southwest not tangent to the last described course, said curve having a central angle of 44°19'43", a radius of 1146.28 feet, and a chord length of 864.90 feet which bears South 69°19'08" East; thence South 47°09'16" East on said southerly right-of-way line for a distance of 20.98 feet to a found iron pin in a concrete monument; thence continuing South 47°09'16" East on said southerly right-of-way for a distance of 446.03 feet to found iron pin in a concrete monument; thence South 47°09'04" East on said southerly right-of-way line for a distance of 4.63 feet; thence southeasterly 626.56 feet on said southerly right-of-way line on the arc of a curve concave to the southwest, said curve having a central angle of 31°19'05", a radius of 1146.28 feet and a chord length of 618.79 feet which bears South 31°29'44" East to the west right-of-way line of Interstate Highway Number 29; thence South 02°08'18" East on said west right-of-way line for a distance of 422.35 feet; thence southerly 960.76 feet on said west right-of-way line on the arc of a curve concave to the east, said curve having a central angle of 04°41'50", and a radius of 11,719.19 feet, to a point of intersection with the southerly line of the Northeast Quarter of said Section 22; thence South 88°04'18" West, along the southerly line of the Northeast Quarter of said Section 22, for a distance of 611.01 feet to the TRUE POINT OF BEGINNING.

Said tract of land contains 90.530 acres, more or less.

And that said parties have caused the same to be surveyed and platted and replatted as **INTERSTATE BUSINESS PARK** to the City of Fargo, Cass County, North Dakota, do hereby dedicate and convey to the public, for public use, the streets, utility easements, and negative access easements shown on the plat, and do hereby dedicate to the present and future owners of Lots 2 and 3 herein platted, the Access and Utility Easements shown on the plat.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

Curtis A. Skarphol
ND Professional Land Surveyor No. 4723

CITY ENGINEER'S APPROVAL:

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

April E. Walker, City Engineer

FARGO PLANNING COMMISSION APPROVAL:

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

Jan Ulferts Stewart, Chair
Fargo Planning Commission

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Jan Ulferts Stewart, 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 he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

INTERSTATE
BUSINESS PARK
A REPLAT OF LOT 1, BLOCK 1,
ADAMS SEVENTH ADDITION
AND A PLAT OF PART OF THE
N.E. 1/4 OF SECTION 22,
T. 139 N., R. 49 W., 5th P.M.
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

City of Fargo Staff Report			
Title:	International Market Plaza, LLC	Date:	03/28/2017
Location:	1345 Main Avenue	Staff Contact:	Barrett Voigt
Legal Description:	Section 12, Township 139 North, Range 49 West		
Owner(s)/Applicant:	Immigrant Development Center / Fowzia Adde	Engineer:	N/A
Entitlements Requested:	Conditional Use Permit for an Alternative Access Plan		
Status:	Planning Commission Public Hearing: April 4, 2017		

Existing	Proposed
Land Use: Restaurant, Retail, Offices, Warehouse, and Health Club	Land Use: Vehicle Repair, Restaurant, Retail, Offices, and Health Club
Zoning: LI, Limited Industrial	Zoning: No Change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events.	Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events. Plus a CUP to allow for an Alternative Access Plan

Proposal:
<p>The applicant is requesting a Conditional Use Permit (CUP) to allow for an Alternative Access Plan for a parking reduction on Section 12, Township 139 North, Range 49 West. The site has an existing market and retail services. The applicant would like to allow a vehicle repair company to operate in the warehouse portion of the building that has two (2) existing bay doors.</p> <p>In 2014, a CUP was approved for an Alternative Access Plan for a reduction in parking. At the time, the site required 62 parking spaces and the CUP allows for a reduction of 25 spaces (resulting in 37 spaces on site.)</p> <p>Since then, business plans have changed for the site. A business applicant has requested to lease space in the existing warehouse portion of the building to conduct vehicle repair services and submitted a building permit application. According to Land Development Code (LDC) parking requirements, vehicle repair requires 5 parking spaces per bay. This proposed change in use would require 10 parking spaces (5 spaces/bay X 2 bays = 10 parking spaces required). The proposed change in use would require 5 more additional parking spaces that the site cannot accommodate and that the current CUP does not allow for (10 parking spaces for 2 bays – 5 previously required warehouse parking spaces = 5 parking space difference). Because the current CUP does not allow for a further parking reduction of 5 spaces for the site, the building permit is currently in pending status and dependent on the outcome of this application.</p>

During the writing of this report, the applicant is working on a private parking agreement with the abutting land owner to the west (1425 Main Avenue) that could potentially result in the addition of approximately 30 more parking spaces. Although the applicant is pursuing a private parking agreement, staff is suggesting an alternative access plan for a parking reduction rather than an alternative access plan for a shared parking agreement. Staff supports the parking reduction option because the applicant is requesting this CUP to resolve a building permit request issue to allow for a tenant change in the building and the applicant has stated that no major construction plans for the site are anticipated at this time. The applicant has stated that a Planned Unit Development application will be submitted in the future when details for the plan of the building as a whole have been resolved.

With the new proposed use of vehicle repair, 67 spaces would be required for the site and the CUP would request an Alternative Access Plan to allow for a reduction of 30 parking spaces (Resulting in 37 parking spaces on site and potentially more spaces from the private parking agreement). Though the requested CUP reduction is more than the previous request, the net difference from the potential private parking agreement could result in more parking spaces than what was previously available. For further details, please refer to the table below.

	2014 CUP Parking Count Evaluation					2017 CUP Parking Count Evaluation				
	Use	Existing or Proposed	Quantity	LDC Standard	Required Parking Spaces	Use	Existing or Proposed	Quantity	LDC Standard	Required Parking Spaces
	Restaurant	Proposed	1,054	1 per 75 sq. ft	14 spaces	Restaurant	Proposed	1,054	1 per 75 sq. ft	14 spaces
	Retail	Proposed	3,500	1 per 250 sq. ft	14 spaces	Retail	Proposed	3,500	1 per 250 sq. ft	14 spaces
	Office	Proposed	2,342	1 per 300 sq. ft	7 spaces	Office	Proposed	2,342	1 per 300 sq. ft	7 spaces
	Warehouse/Storage (existing)	Existing	11,543	1 per 2,500 sq. ft	5 spaces	Vehicle Repair	Proposed	2 bays	5 per bay	10 spaces
	Other/Vacant	Existing	3,106	1 per 2,500 sq. ft	1 space	Other/Vacant	Existing	3,106	1 per 2,500 sq. ft	1 space
	Tae Kwon Do – Health Club	Existing	4,227	1 per 200 sq. ft	21 spaces	Tae Kwon Do – Health Club	Existing	4,227	1 per 200 sq. ft	21 spaces
Total Spaces Required										
Existing Parking On-Site										
Parking Deficit										
Proposed Total Spaces										

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

Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial with utility and Burlington Northern Santa Fe railroad use
- East: GC, General Commercial with utility and Burlington Northern Santa Fe railroad use
- South: Across Main Ave, GC, General Commercial with restaurant, retail, warehouse, and office use
- West: GC, General Commercial with warehouse and office use

Area Plans:

The subject property is located within the 2002 Downtown Framework Plan.

Schools and Parks:

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

Parks: Island Park (302 7th Street S) is located less than a ½ mile southeast of the subject property with amenities of cross country ski trails, grill, handball, picnic table, playground, restrooms, rentals, recreational trails, tennis, weddings.

Pedestrian / Bicycle: Pedestrian sidewalks are provided on the north and south side of Main Avenue. No bike facilities are provided for this location.

Staff Analysis:

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?** The applicant has submitted an application to request an Alternative Access Plan to facilitate a reduction in the required off-street parking for this property. All other applicable provisions of the LDC have been met or will need to be met through the site plan permitting process, if the Alternative Access Plan is approved. **(Criteria Satisfied)**
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?** The CUP and specifically the Alternative Access Plan, if approved, would allow investment and additional productivity from an underutilized property that is located on a major arterial and gateway into Downtown Fargo. **(Criteria Satisfied)**
3. **Will the proposed conditional use cause substantial injury to the value of other property in the neighborhood in which it is to be located?** Staff has no data to suggest that the proposed use would cause substantial injury to the value of other property in the neighborhood. In accordance with Section 20-0901.F of the LDC, notices of the proposed use were sent out to property owners within 300 feet of the subject property. To date, staff has received two contacts from nearby property owners inquiring about the project. **(Criteria Satisfied)**
4. **Is the location and size of the conditional use, the nature and intensity of the operation conducted in connection with it, and the location of the site with respect to streets giving access to it such that the conditional use will not dominate the immediate neighborhood so as to prevent the development and use of the neighboring property in accordance with the applicable zoning district regulations? In considering this criteria, location, nature, and height of buildings, structures, walls, and fences on the site are to be considered, as well as the nature and extent of proposed landscaping and buffering on the site.** The proposed parking reduction will not dominate the immediate neighborhood or prevent any other sites from being used in the manner allowed by zoning district regulations. The proposed conditions of the CUP are specifically meant to mitigate, to the extent practical, the potential negative impacts. **(Criteria Satisfied)**
5. **Are adequate utility, drainage, and other such necessary facilities and services provided or will they be at the time of development?** The site is in the process of a building permit request for a tenant fit up and staff is not aware of any further construction plans to alter the building from its current state. Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place. **(Criteria Satisfied)**
6. **Have adequate access roads or entrances and exit drives been provided and are they designed to prevent traffic hazards and to minimize traffic congestion in public streets?** The property has two separate parking lots located on the east and west side of the building (with 17 and 20 spaces respectively); both with access from Main Avenue. Under the current site configuration, entry and exit from the western parking lot is difficult due to the size of the lot and location of the access point. In the past, the applicant has secured an agreement with the former western abutting property owner (1425 Main Avenue) to allow for use of the eastern access driveway of the property. This access allowed for an improved parking lot design and an improved circulation pattern for vehicles. Staff understands that the applicant will work with the new owner to establish a new access agreement. **(Criteria Satisfied)**

Recommended Conditions:

1. 37 parking spaces are required on site.
2. Any expansion of the square footage of the restaurant, retail, offices, and health club uses or bays of the vehicle repair use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
3. The Conditional Use Permit will cease if the land use changes from restaurant, retail, offices, and health club or vehicle repair.

Staff Recommendation:

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

1. 37 parking spaces are required on site.
2. Any expansion of the square footage of the restaurant, retail, offices, and health club uses or bays of the vehicle repair use will require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
3. The Conditional Use Permit will cease if the land use changes from restaurant, retail, offices, and health club or vehicle repair.

Planning Commission Recommendation: April 4, 2017

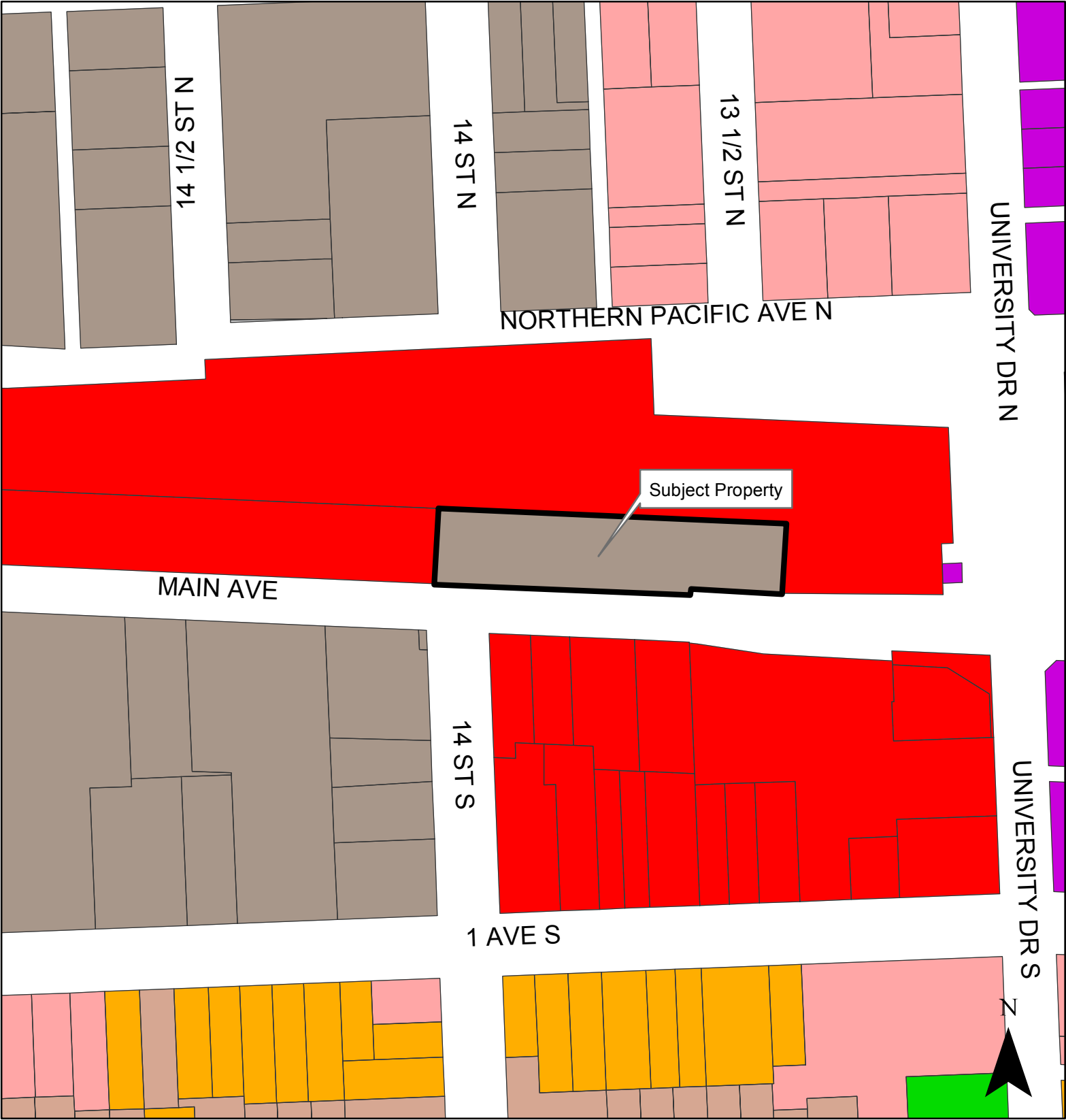
Attachments:


1. Zoning Map
2. Location Map

CUP (Alternative Access Plan)

Section 12, Twp 139N, R 49W

1345 Main Ave





Legend

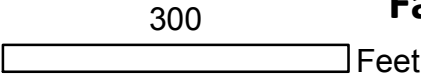
AG	LC	MHP	SR-1
DMU	LI	NCI	SR-2
GC	MR-1	NO	SR-3
GI	MR-2	P/I	SR-4
GO	MR-3	UMU	SR-5

Fargo Planning Commission
April 4, 2017

CUP (Alternative Access Plan)

Section 12, Twp 139N, R 49W

1345 Main Ave



Fargo Planning Commission
April 4, 2017

**City of Fargo
Staff Report**

Title:	Harwood Addition	Date:	03/28/17
Location:	701 University Drive North and 702 12th Street North	Staff Contact:	Derrick LaPoint
Legal Description:	Lot 1, Block 7, Harwood Addition		
Owner(s)/Applicant:	701 Collective, LLC	Engineer:	N/A
Entitlements Requested:	Zoning Change (from GC, General Commercial and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay)		
Status:	Planning Commission Public Hearing: April 4, 2017		

Existing	Proposed
Land Use: Duplex and Laundry/Dry Cleaner	Land Use: Commercial and Residential
Zoning: GC, General Commercial and MR-3, Multi-Dwelling Residential	Zoning: DMU, Downtown Mixed-Use with a C-O, Conditional Overlay
<p>Uses Allowed: GC, General Commercial allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self-storage, vehicle repair, limited vehicle service, aviation, surface transportation, and major entertainment events.</p> <p>MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.</p>	<p>Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.</p>
<p>Maximum Building Coverage and Density Allowed: GC allows for a maximum of 85% building coverage and MR-3 allows a maximum of 24 units per acre</p>	Maximum Building Coverage Allowed: No maximum

Proposal:

The applicant is seeking a zoning change from GC, General Commercial and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay on Lot 1, Block 7, Harwood Addition. The subject properties are located at 701 University Drive North and 702 12th Street North.

The applicant is proposing to rehabilitate an existing vacant laundromat into a commercial space. The applicant has no immediate plans for the multi-dwelling structure on the east but has indicated that the lot could be used as additional parking for the commercial space in the future. Staff received an application from 701 Collective LLC in May, 2015 for a PUD on the subject properties. Staff had been working with the applicant to process the request which had many complexities including that the existing building was currently built-out to the property lines, there were undocumented encroachment agreements and minimal parking on-site. The applicant ultimately withdrew

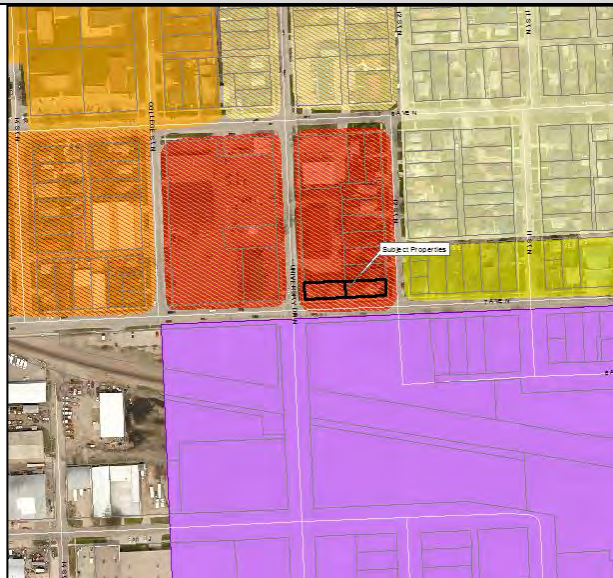
their request for the PUD and later submitted their request to rezone the subject location to DMU.

The proposed Conditional Overlay is intended to protect the adjacent residential properties from adverse effects related to higher intensity development. In short, the proposed overlay would restrict the building height and provide additional requirements to the Residential Protection Standards. A draft version of the conditional overlay is attached for reference.

Surrounding Land Uses and Zoning Districts:

- North: SR-3, Single-Dwelling Residential and MR-3, Multi-Dwelling Residential with single family and apartment use;
- East: Across 12th Street North, MR-3, Multi-Dwelling Residential with single family;
- West: Across University Street North, GC, General Commercial with retail use;
- South: Across 7th Avenue North, DMU, Downtown Mixed-Use with commercial use.

Area Plans:



The subject property is located within the Roosevelt Neighborhood Plan. Pursuant to the growth plan amendment, the area is deemed appropriate for commercial with residential uses.

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

Schools and Parks:

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

Parks: Johnson Soccer Complex (1420 11th Avenue N) is located approximately 1/4 mile northwest of the subject property and offers multipurpose field, picnic table, playground, restrooms, shelter, and soccer amenities.

Pedestrian / Bicycle: On road bike facilities are located along University Avenue North. These facilities are a component of the metro area trail system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant

has a clearer picture of the type of development for the property. The DMU allows for flexibility in development but requires design standards. Staff has included a C-O to restrict the structure height and added language to the required Residential Protection Standards.

(Criteria Satisfied)

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

The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. It should be noted that the Engineering Department has concerns with the existing storm water policy that provides an exemption to DMU zoned properties.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from GC, General Commercial and MR-3, Multi-Dwelling Residential to DMU, Downtown Mixed-Use with a C-O, Conditional Overlay, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 4, 2017

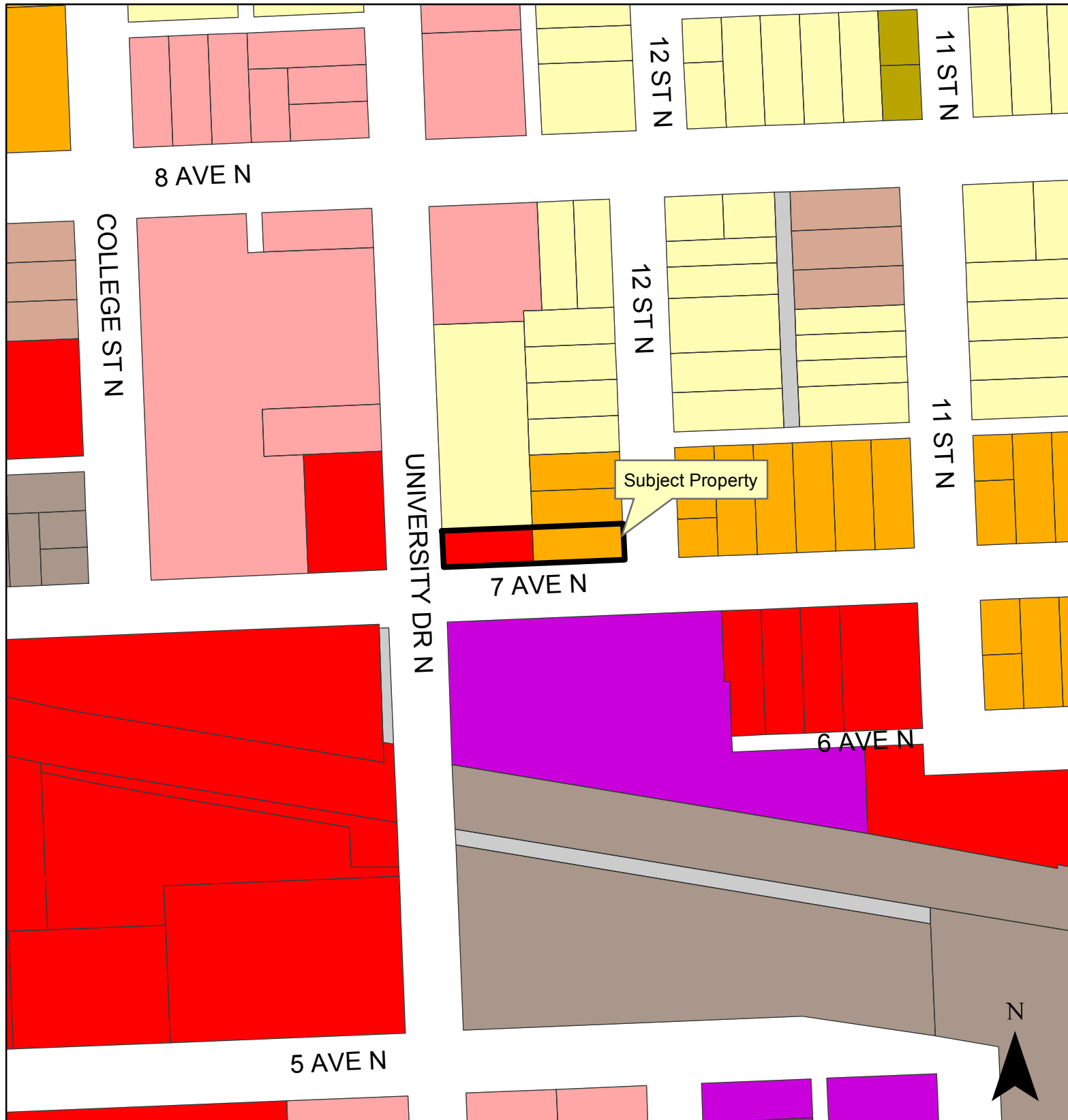
Attachments:

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

Zone Change (GC and MR-3 to DMU)

Harwood Addition

701 University Dr. N. &
702 12th Street North



Legend

AG	LC	MHP	SR-2
DMU	LL	NC	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	PI	SR-5
	MR-3	UML	
			City Limits

300

Fargo Planning Commission

April 4, 2017

Zone Change (GC and MR-3 to DMU)

Harwood Addition

701 University Dr. N. &
702 12th Street North



Section 1. The following described property:

All of Lot 1 Block 7 of the Harwood Addition to the City of Fargo, Cass County,
North Dakota,

is hereby rezoned from “GC”, General Commercial, District and “MR-3” Multi-Dwelling Residential, District to “DMU”, Downtown Mixed-Use, District with a “CO”, Conditional Overlay, District as follows:

1. Maximum height of 45 feet
 - a. Applies to new and existing structures
2. Minimum internal setback on the north side of the property of 10 feet
 - a. Applies to new construction or change of use, specifically if the existing residential home is demolished and redeveloped into a parking lot.
3. In addition to the RPS landscape buffer, a 4 foot opaque fence shall be provided if the eastern property is to be developed
 - a. This would protect the houses to the north from having head lights shine into their properties

**City of Fargo
Staff Report**

Title:	Reeves Addition	Date:	03/29/17
Location:	2 and 18 13½ Street North, and 20 and 30 University Drive North	Staff Contact:	Derrick LaPoint
Legal Description:	Part of Lots 1-3, 7-9, and 26-28, Block 20; and Lots 6-11 and 15-16, Block 21, Reeves Addition		
Owner(s)/Applicant:	701 Collective, LLC	Engineer:	N/A
Entitlements Requested:	Zoning Change (from LC, Limited Commercial to DMU, Downtown Mixed-Use)		
Status:	Planning Commission Public Hearing: April 4, 2017		

Existing	Proposed
Land Use: Automobile Repair Shop, Retail, and Warehouse and Office	Land Use: Commercial
Zoning: LC, Limited Commercial	Zoning: DMU, Downtown Mixed-Use
Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.	Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.
Maximum Building Coverage Allowed: 55%	Maximum Building Coverage Allowed: No maximum

Proposal:

The applicant is seeking a zoning change from LC, Limited Commercial to DMU, Downtown Mixed-Use on part of Lots 1-3, 7-9, and 26-28, Block 20; and Lots 6-11 and 15-16, Block 21, Reeves Addition. The subject properties are located at 2 and 18 13½ Street North, and 20 and 30 University Drive North. The applicant is proposing to rehabilitate existing office and industrial facilities into commercial facilities.

The applicant first approached staff with a request for the subject location to be included in the City of Fargo's Renaissance Zone. As staff received preliminary plans from the applicant, it was determined that the current zoning district would not accommodate their redevelopment plans. The applicant inquired about the DMU zoning district and their location would be an appropriate area for DMU.

Surrounding Land Uses and Zoning Districts:

- North: Across 1st Avenue North, LC, Limited Commercial with apartment, office and warehouse, and duplex uses;
- East: Across University Avenue North, DMU, Downtown Mixed-Use with retail, vacant land, and office use;
- West: West of 13 ½ St N alley, LI, Limited Industrial with warehouse and office and single-family residential uses;
- South: Across Northern Pacific Avenue North, GC, General Commercial with BNSF and utility use.

Area Plans:

No area plans apply to the subject location.

Schools and Parks:

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

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1/2 mile northwest of the subject property and offers multipurpose field, grill, basketball, picnic table, playground, and recreational trails amenities.

Pedestrian / Bicycle: On road bike facilities are located along 1st Avenue North. These facilities are a component of the metro area trail system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property. Staff determined that the properties west of University Avenue were put at a competitive disadvantage from the DMU zoned properties on the east side of University Drive. Currently, the only DMU zoned property west of University Drive is the Dairy Queen a few blocks to the north of the subject location. Through staff analysis, it was determined that the subject location would be appropriate area from the DMU zoning district to expand.

(Criteria Satisfied)

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

The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. It should be noted that the Engineering Department has concerns with the existing storm water policy that provides an exemption to DMU zoned properties.

(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. In addition, staff held an open house meeting for the surrounding property owners on March 21st. Six (6) property owners attended the meeting. The property owners wanted to know what the development plans were and how parking would be accommodated. After the explanation, the property owners did not have any concerns with the proposed zoning change. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

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

(Criteria Satisfied)
Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from LC, Limited Commercial to DMU, Downtown Mixed-Use, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."
Planning Commission Recommendation: April 4, 2017
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map

Zone Change (LC to DMU)

Reeves Addition

2 and 18 13 1/2 St N
20 and 30 University Dr N



Legend

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

Fargo Planning Commission

April 4, 2017

Zone Change (LC to DMU)

Reeves Addition

2 and 18 13 1/2 St N
20 and 30 University Dr N



Legend

AG	LC	MHP	SSB-2
DMU	MR-1	NC	SSB-3
GC	MR-2	P/I	SSB-4
GO	MR-3	UML	SSB-5
			City Limits

300

Fargo Planning Commission

April 4, 2017

**City of Fargo
Staff Report**

Title:	Reeves Addition	Date:	03/29/17
Location:	10, 12, and 26 University Drive North; 1307 and 1313 NP Avenue North; 1320, 1330, and 1340 1st Avenue North; and 10 and 12 13½ Street North	Staff Contact:	Derrick LaPoint
Legal Description:	Part of Lots 1-6, 10-16, 19-25, and 29-34, Block 20; and Lots 1-5 and 12-14, Block 21, Reeves Addition		
Owner(s)/Applicant:	City of Fargo	Engineer:	N/A
Entitlements Requested:	Zoning Change (from LC, Limited Commercial to DMU, Downtown Mixed-Use)		
Status:	Planning Commission Public Hearing: April 4, 2017		

Existing	Proposed
Land Use: Duplex, Single-Family Residential, Surface Parking Lot, Automobile Repair Shop, Retail, and Warehouse and Office	Land Use: No change
Zoning: LC, Limited Commercial	Zoning: DMU, Downtown Mixed-Use
Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self-service storage, vehicle repair, limited vehicle service.	Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events.
Maximum Building Coverage Allowed: 55%	Maximum Building Coverage Allowed: No maximum

Proposal:

The City of Fargo is seeking a zoning change from LC, Limited Commercial to DMU, Downtown Mixed-Use on part of Lots 1-6, 10-16, 19-25, and 29-34, Block 20; and Lots 1-5 and 12-14, Block 21, Reeves Addition. The subject properties are located at 10, 12, and 26 University Drive North; 1307 and 1313 NP Avenue North; 1320, 1330, and 1340 1st Avenue North; and 10 and 12 13½ Street North.

This application is in conjunction with the previous Planning Commission item titled Reeves Addition. The applicant for the previous item Reeves Addition, 701 Collective LLC, approached staff with a rezoning request of four (4) lots to DMU. Staff requested that 701 Collective LLC work with the surrounding property owners to have one large application that would encompass all or most of the remaining lots. The applicant has development plans that accelerated their timeframe and was not able include the surrounding properties. Staff determined that DMU would be an appropriate zoning district for the block and ½ block west of University Drive and made the decision to include those lots in a staff initiated zoning change. Ultimately, the blocks west of University Drive were at a competitive disadvantage from those properties zoned DMU on the east side of University Drive.

Surrounding Land Uses and Zoning Districts:

- North: Across 1st Avenue North, LC, Limited Commercial with apartment, office and warehouse, and duplex

uses;

- East: Across University Avenue North, DMU, Downtown Mixed-Use with retail, vacant land, and office use;
- West: West of 13 ½ St N alley, LI, Limited Industrial with warehouse and office and single-family residential uses;
- South: Across Northern Pacific Avenue North, GC, General Commercial with BNSF and utility use.

Area Plans:

No area plans apply to the subject location.

Schools and Parks:

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

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1/2 mile northwest of the subject property and offers multipurpose field, grill, basketball, picnic table, playground, and recreational trails amenities.

Pedestrian / Bicycle: On road bike facilities are located along 1st Avenue North. These facilities are a component of the metro area trail system.

Staff Analysis:

Zoning

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

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

Staff is unaware of any zoning map error in regards to the subject property. The requested zoning change is justified by a change in conditions since the previous zoning classification was established. The applicant has a clearer picture of the type of development for the property. Staff determined that the properties west of University Drive were put at a competitive disadvantage from the DMU zoned properties on the east side of University Drive. Currently, the only DMU zoned property west of University Drive is the Dairy Queen a few blocks to the north of the subject location. Through staff analysis, it was determined that the subject location would be appropriate area from the DMU zoning district to expand.

(Criteria Satisfied)

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

The development will be served with city services (water, sewer, streets, police/fire protection, etc.) as well as other needed utility services as needed. The City Engineer and other applicable review agencies have reviewed this proposal. It should be noted that the Engineering Department has concerns with the existing storm water policy that provides an exemption to DMU zoned properties.

(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. In addition, staff held an open house meeting for the surrounding property owners on March 21st. Six (6) property owners attended the meeting. The property owners wanted to know what the development plans were and how parking would be

accommodated. After the explanation, the property owners did not have any concerns with the proposed zoning change. Staff has heard from all but one property owner included in the staff initiated zone change. Those property owners have agreed and support to the zoning change to DMU on their property. Staff finds that the approval will not adversely affect the condition or value of the property in the vicinity.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the proposed zoning change from LC, Limited Commercial to DMU, Downtown Mixed-Use, on the basis that it satisfactorily complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 4, 2017

Attachments:

1. Zoning Map
2. Location Map

Zone Change (LC to DMU)

Reeves Addition

10 & 12 13 1/2 St N, 10, 12 & 26 University Dr N
1320, 1330 & 1340 1 Ave N, and
1307 & 1313 Northern Pacific Ave



Legend

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

300

Fargo Planning Commission

April 4, 2017

Zone Change (LC to DMU)

10 & 12 13 1/2 St N, 10, 12 & 26 University Dr N
1320, 1330 & 1340 1 Ave N, and
1307 & 1313 Northern Pacific Ave

Reeves Addition



Legend

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

300

Feet

Fargo Planning Commission

April 4, 2017

City of Fargo Staff Report			
Title:	Cottagewood 3 rd Addition	Date:	3/29/2017
Location:	5037-5099 38 Street South, 5000-5078 42 nd Street South, 3801-4143 51 st Avenue South	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lots 1 through 112, Block 1, Amity South at Cottagewood Addition		
Owner(s)/Applicant:	J&O Real Estate/Houston Engineering	Engineer:	Houston Engineering
Entitlements Requested:	Major Subdivision (Replat of Lots 1 through 112, Block 1, Amity South at Cottagewood Addition); Zone Change from MR-3, Multi Dwelling Residential with a planned unit development to MR-3, Multi Dwelling Residential.		
Status:	Planning Commission Public Hearing: April 4, 2017		

Existing	Proposed
Land Use: Platted but not developed	Land Use: Residential
Zoning: MR-3, Multi-Dwelling Residential with planned unit development (PUD)	Zoning: MR-3
Uses Allowed: MR-3 allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities. The PUD was necessary to allow the “land-locked lots” configuration and to assure access and utilities would be provided for all lots.	Uses Allowed: No change in allowed MR-3 uses; zone change extinguishes previous PUD as this PUD is not necessary with the proposed configuration of this plat
Maximum Density Allowed (Residential): 24 dwelling units per acre	Maximum Density Allowed (Residential): No change

Proposal:
<p>The applicant requests a major subdivision, entitled Cottagewood Third Addition, a replat of Lots 1 through 112, Block 1, Amity South at Cottagewood Addition, and a zone change from MR-3, Multi Dwelling Residential with a planned unit development (PUD) to MR-3, Multi Dwelling Residential in order to extinguish the existing PUD.</p> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: Residential land use with SR-2, Single-Dwelling Residential and SR-4, Single-Dwelling Residential zoning districts; and park use with P/I, Public Institutional zoning district • East: Undeveloped land use with GC, General Commercial zoning district • South: Commercial land use with GC, General Commercial zoning district • West: Residential land use with SR-3, Single-Dwelling Residential and SR-4, Single-Dwelling Residential zoning districts

Area Plans:



The subject properties are located within the 2003 Southwest Future Land Use This plan designates the subject properties as Low/Medium Density Residential or Medium/High Density Residential.

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

Schools and Parks:

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

Parks: Woodhaven South Park & Fishing Pond (4802 Woodhaven Drive S) is located less than ¼ mile west of the subject property and provides fishing, picnic table, playground, and recreational trails amenities.

Pedestrian / Bicycle: West of the subject properties are pedestrian sidewalks that run along 42nd Street South which connect to the off street bike/pedestrian metro area trail system.

Staff Analysis:

PROJECT HISTORY

Cottagewood Third Addition is a replat of Amity South at Cottagewood Addition, which was recorded in April, 2016 but has not been developed. The new owner of this property is replatting the property with a different configuration, which provides access to all lots from a dedicated public street.

PLAT AND ZONE CHANGE

The Cottagewood Third Addition Plat will vacate the lot lines and easements dedicated by the Amity at Cottagewood Addition for access and public utilities, as specified in the plat title.

The plat will create 39 lots configured for attached housing. The applicant has stated that at this time, the initial plan is for all rentals. However, the way it is platted and being designed, Lots 2 through 19, Block 1 and Lots 3 through 19, Block 2 could in the future be converted to individual ownership, as shown in the chart below:

BLOCK	LOTS	TENURE
1	1	Rental
1	2-19	Rental or Individual Ownership
2	1,2, 20	Rental
2	3-19	Rental or Individual Ownership

The single-family lots range in size from approximately 2,500 square feet to 6,000 square feet. The applicant has requested that LDC Section 20-0506(B), Alternative Residential Development Options—Attached Housing, be applied to this project. These options are allowed by right; no separate entitlement for these options is required.

DENSITY: The MR-3 zone allows a density of 24 dwelling units per acre. The applicant has proposed 96 units on this 9.3-acre project site, yielding a density of 10.3 dwelling units per acre. The previous Amity South at Cottagewood plat proposed 112 attached dwelling units on 9.3 acres, yielding a density of 12 dwelling units per acre. The current project is less dense than the original. A concept site plan is attached depicting the proposed layout of the housing units.

HOUSING PRODUCT TYPE: The applicant proposes attached housing.

ACCESS: Lots in the Cottagewood Third Addition will take access from 50th Street South, which will connect between 51st Avenue South and 38th Street South. This street will be a dedicated public street of a 70-foot wide ROW, which will provide a 32-foot wide paved area with parking on the south side of the street.

PUBLIC WATER AND SEWER: Public water and sewer are available from the dedicated public street.

AMENITIES PLAN: The applicant has provided a draft amenities plan providing details of the project's street, stormwater, a copy of the draft amenities plan is attached.

PUBLIC COMMENT

Staff received three requests for information from adjacent property owners. One property owner expressed concern that the architectural design standards of the Amity South at Cottagewood project are not included with the current project.

Zone Change:

The Land Development Code (LDC) stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

Section 20-0906.F (1-4)

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

Staff is unaware of any error in the zoning map as it relates to this property. The base zoning is not being changed. The zone change is only to extinguish the existing planned unit development (PUD).

(Criteria Satisfied)

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

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

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

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, staff received three requests for information from adjacent property owners. One property owner expressed concern that the architectural design standards of the Amity South at Cottagewood project are not included with the current project. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

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

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2003 Southwest Future Land Use Plan, this plan designates this property as appropriate for Office and Either Office or Medium/High Density Residential, which would

include the GC zone. The GC zone allows the office land use. Staff finds this proposal is consistent with the purpose of the LDC, the applicable growth plan, and other adopted policies of the City. **(Criteria satisfied)**

Subdivision

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

- 1. Section 20-0907(C))(1)(Development Review Procedures—Subdivisions—Major Subdivisions) of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**
The zoning for the residential development on this property is MR-3: Multi-Dwelling Residential. This zoning, with the application of the alternative development option, will accommodate the proposed attached housing development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff received three requests for information from adjacent property owners. One property owner expressed concern that the architectural design standards of the Amity South at Cottagewood project are not included with the current project. **(Criteria Satisfied)**
- 2. Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**
The property is zoned MR-3, multi-dwelling residential. This zoning is consistent with the 2003 Southwest Future Land Use Plan which designates this property for “low/medium density residential” and “medium/high density residential” development. These land use designations would allow the MR-3 zoning. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code. **(Criteria Satisfied)**
- 3. Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**
The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the City Commission public hearing on the plat. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: “To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) zone change from MR-3 with a PUD, planned unit development, to MR-3; and 2) **Cottagewood Third Addition** subdivision plat as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Article 20-06, Section 20-0906.F (1-4), and Section 20-0907 of the LDC and all other applicable requirements of the LDC.”

Planning Commission Recommendation: April 4, 2017

Attachments:
<ol style="list-style-type: none">1. Zoning Map2. Location Map3. Preliminary Plat4. Concept site plan5. Draft Amenities Plan

Plat (Major Subdivision)

Cottagewood Third Addition

3801-4143 51st Ave S;
5000-5078 42nd St S &
5037-5099 38th St S



Legend

AG	DMU	GC	GO	LC	MR-1	MR-2	MR-3	MHP	NZC	P	UML	SP-2	SP-3	SP-4	SP-5	City Limits
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300
Feet

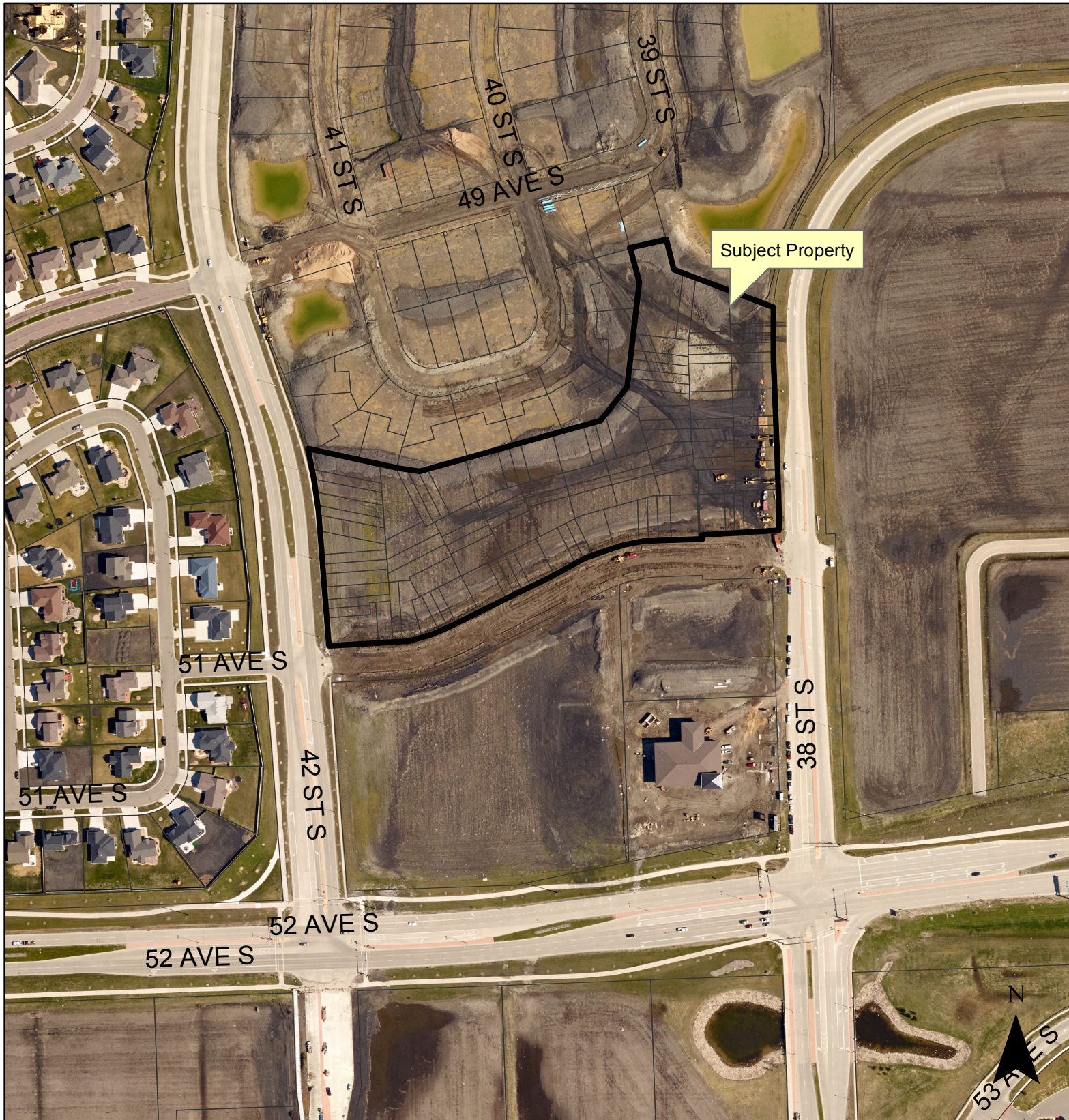
Fargo Planning Commission

April 4, 2017

Plat (Major Subdivision)

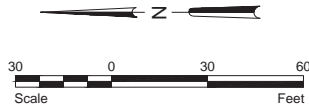
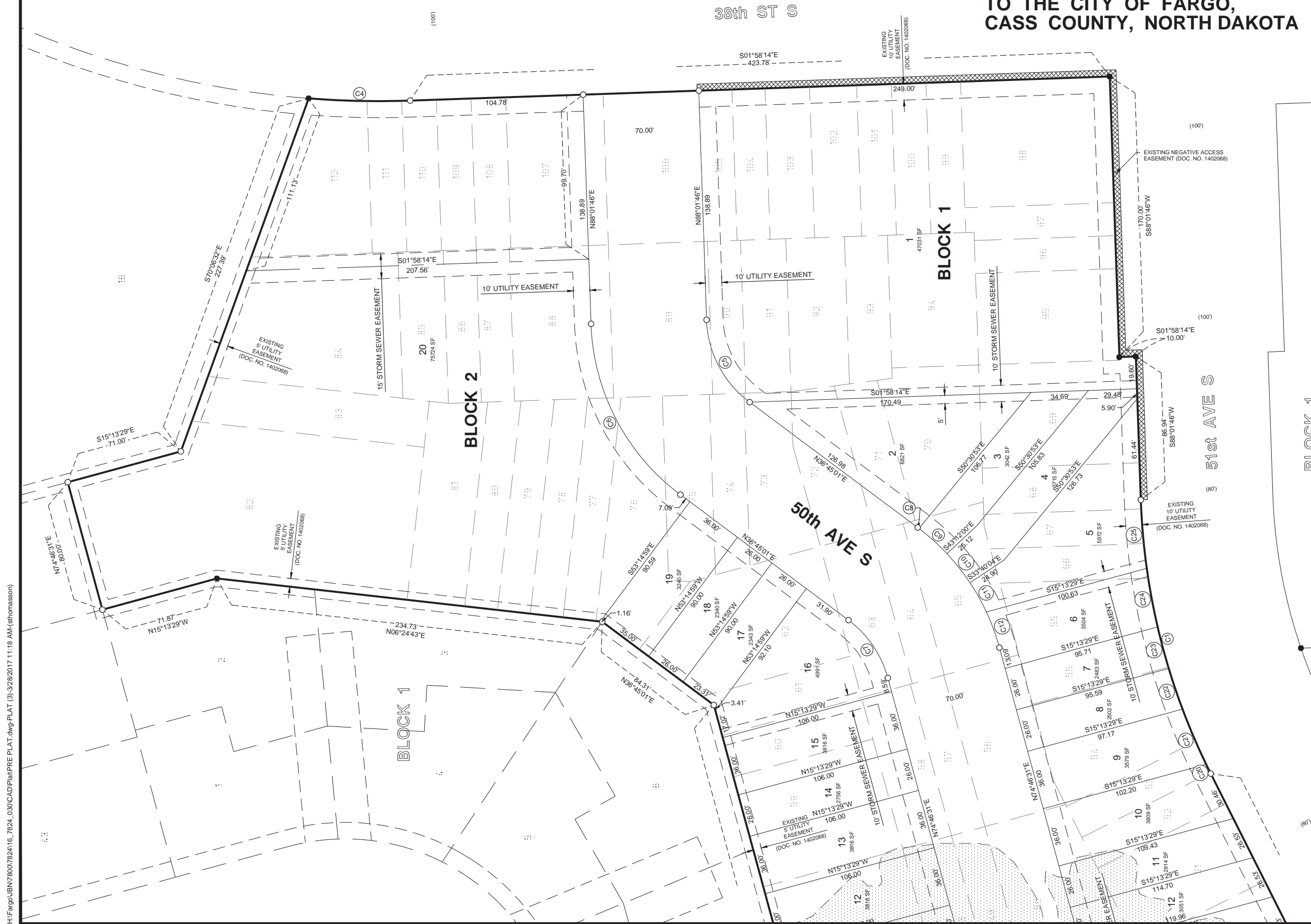
Cottagewood Third Addition

3801-4143 51st Ave S;
5000-5078 42nd St S &
5037-5099 38th St S



COTTAGEWOOD THIRD ADDITION

A MAJOR SUBDIVISION
BEING A VACATION PLAT AND REPLAT OF
AMITY SOUTH AT COTTAGEWOOD ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

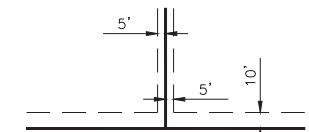


LEGEND

- IRON MONUMENT FOUND
- 1/2" I.D. PIPE SET
- NEGATIVE ACCESS
- 100YR FLOOD PLAIN

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

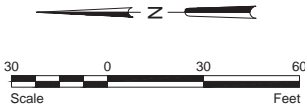


Houston Engineering Inc.
Phone: 701.237.5065

Sheet 3 of 5
Project No. 7824-030

COTTAGEWOOD THIRD ADDITION

A MAJOR SUBDIVISION
BEING A VACATION PLAT AND REPLAT OF
AMITY SOUTH AT COTTAGEWOOD ADDITION
TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

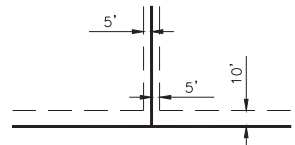


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BOUNDARY OF THE ADJACENT LOT OR LOTS.



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



Houston Engineering Inc.
Phone: 701.237.5065

Sheet 4 of 5
Project No. 7824-030

KNOW ALL PERSONS BY THESE PRESENTS: That J & O Real Estate, LLC is the owner and proprietor of Lots 1 thru 112, Block 1, Amity South at Cottagewood Addition, a Replat of Lots 28 and 29, Block 1, Cottagewood First Addition to the City of Fargo, Cass County, North Dakota;

Said tract of land contains 9.305 acres, more or less.

And that said party has caused the same to be surveyed and platted as COTTAGEWOOD THIRD ADDITION to the City of Fargo, Cass County, North Dakota and does hereby vacate the public utility easements, the private access, utility, storm sewer and sanitary easements, the private sidewalk easements, the private parking easement, the private parklet easement and a portion of the negative access easement as designated for vacation on the plat and does hereby dedicate to the public, for public use, all the streets, avenues, negative access easements, storm sewer easements and utility easements shown on the plat.

OWNER:
J & O Real Estate, LLC

Brent C. Olson, Secretary / Treasurer

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared Brent C. Olson, Secretary/Treasurer of J & O Real Estate, LLC, a North Dakota Limited Liability Company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of the said Limited Liability Company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:
I, Shawn M. Thomasson, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this _____ day of _____, 20____.

Shawn M. Thomasson, Professional Land Surveyor No. 5900

CITY ENGINEER'S APPROVAL:
Approved by the Fargo City Engineer this _____ day of _____, 20____.

April E. Walker, City Engineer

FARGO PLANNING COMMISSION APPROVAL:
Approved by the City of Fargo Planning Commission this _____ day of _____, 20____.

Jan Ulferts Stewart, Chair
Fargo Planning Commission

FARGO CITY COMMISSION APPROVAL:
Approved by the Board of City Commissioners and ordered filed this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me personally appeared Jan Ulferts Stewart, 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 he executed the same on behalf of the Fargo Planning Commission.

Notary Public: _____

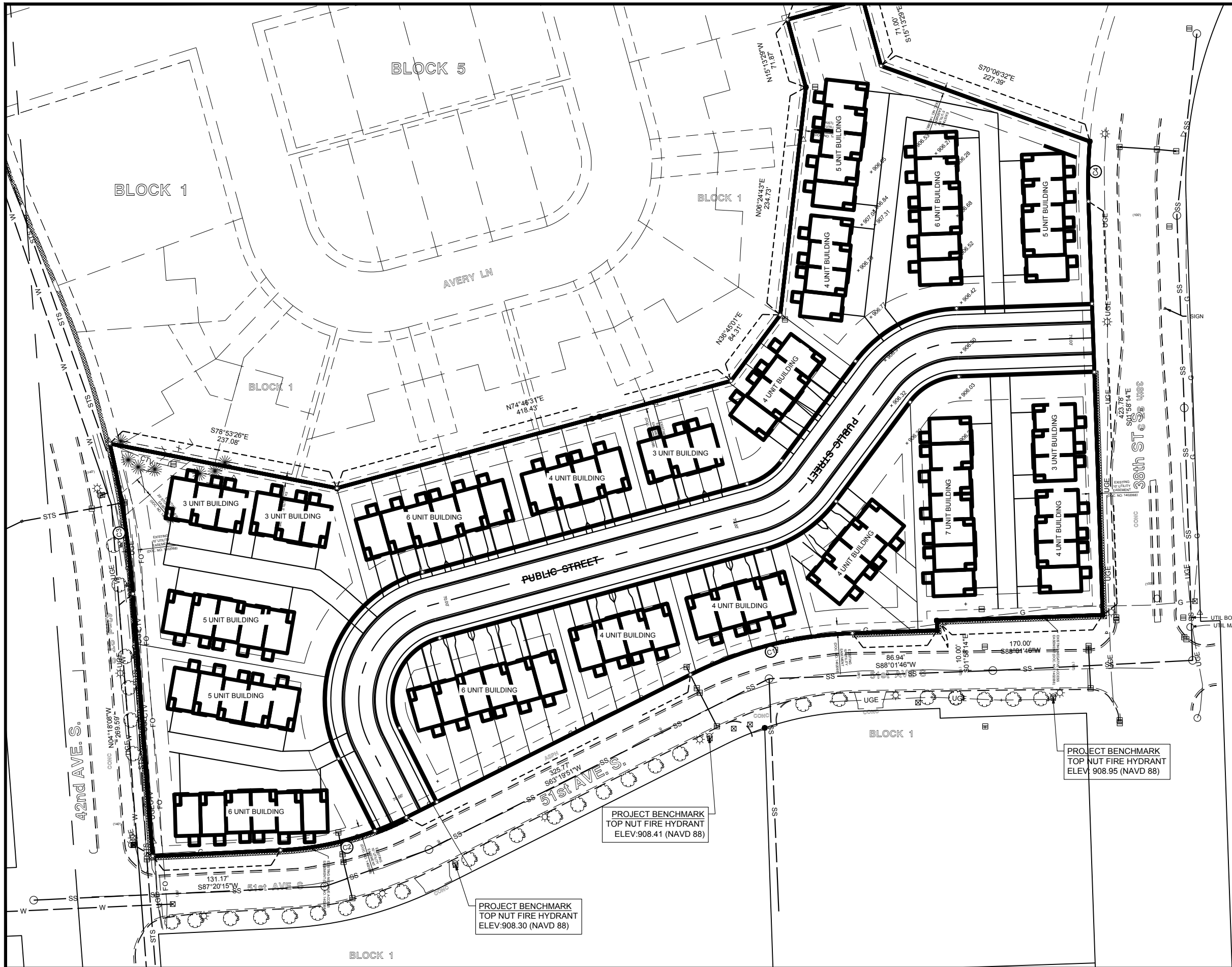
COTTAGEWOOD THIRD ADDITION

A MAJOR SUBDIVISION BEING A VACATION PLAT AND REPLAT OF AMITY SOUTH AT COTTAGEWOOD ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	172.43	400.00	24°41'55"	S75°40'49"W	171.10
C2	134.08	320.00	24°00'24"	S75°20'03"W	133.10
C3	155.81	1000.00	8°55'39"	N08°45'57"W	155.66
C4	61.52	550.00	6°24'32"	S01°14'02"W	61.49
C5	58.17	65.00	51°16'45"	N62°23'23"E	56.25
C6	120.82	135.00	51°16'45"	S62°23'23"W	116.83
C7	43.14	65.00	38°01'30"	S55°45'46"W	42.35
C8	0.94	135.00	0°23'51"	N36°56'56"E	0.94
C9	22.85	135.00	9°41'55"	N41°59'49"E	22.82
C10	22.51	135.00	9°33'15"	N51°37'24"E	22.49
C11	20.27	135.00	8°36'09"	N60°42'05"E	20.25
C12	23.03	135.00	9°46'21"	N69°53'20"E	23.00
C13	20.04	65.00	17°40'01"	N65°56'31"E	19.96

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C14	95.04	65.00	83°46'39"	N15°13'11"E	86.80
C15	25.38	135.00	10°46'13"	S69°23'24"W	25.34
C16	38.17	135.00	16°12'02"	S55°54'16"W	38.04
C17	89.62	135.00	38°02'12"	S28°47'09"W	87.99
C18	85.85	135.00	36°26'12"	S08°27'03"E	84.41
C20	6.26	400.00	0°53'48"	S63°46'45"W	6.26
C21	36.36	400.00	5°12'30"	S66°49'54"W	36.35
C22	26.05	400.00	3°43'54"	S71°18'06"W	26.05
C23	26.00	400.00	3°43'30"	S75°01'48"W	26.00
C24	36.13	400.00	5°10'33"	S79°28'49"W	36.12
C25	41.62	400.00	5°57'40"	S85°02'56"W	41.60

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LEGEND

WATER MAIN	W
SANITARY SEWER MAIN	SS
SANITARY SEWER FORCE	SSF
STORM SEWER MAIN	STS
STORM INLET	
MANHOLE	
CLEANOUT	
FIRE HYDRANT	
GATE VALVE	
CURBSTOP	
UTILITY POLE	
W / GUY WIRE	
LIGHT POLE	
TELEPHONE RISER	
ELECTRICAL PLUG IN	
OVERHEAD POWER	OHP
UNDERGROUND ELECTRIC	UGE
UNDERGROUND TELEPHONE	UGT
UNDERGROUND FIBER OPTIC	FO
CABLE TV	CTV
GAS MAIN	G
CONIFEROUS TREE	
DECIDUOUS TREE	
SHRUB	
HEDGE	
SIGN	
FENCE	
RAILROAD TRACKS	
SPOT ELEVATION	
STANDARD CURB & GUTTER	
MOUNTABLE CURB & GUTTER	
BUILDING	
RIGHT OF WAY LINE	R/W
DIRECTION OF DRAINAGE	
IRON MONUMENT FOUND	
IRON MONUMENT SET	
CHISELED MARK ON CONCRETE	
PK NAIL	
SOIL BORING	

OVERALL DEVELOPMENT INFORMATION

TOTAL UNITS = 91

12 INDIVIDUAL SITES FOR REVIEW BY CITY

LOT 1 BLOCK 2	= TOTAL UNITS = 11	SITE AREA = 0.899 ACRES
LOT 2 BLOCK 2	= TOTAL UNITS = 11	SITE AREA = 1.029 ACRES
LOTS 3-8 BLOCK 2	= TOTAL UNITS = 6	SITE AREA = 0.435 ACRES
LOTS 9-12 BLOCK 2	= TOTAL UNITS = 4	SITE AREA = 0.301 ACRES
LOTS 13-15 BLOCK 2	= TOTAL UNITS = 3	SITE AREA = 0.238 ACRES
LOTS 16-19 BLOCK 2	= TOTAL UNITS = 4	SITE AREA = 0.296 ACRES
LOT 20 BLOCK 2	= TOTAL UNITS = 20	SITE AREA = 1.738 ACRES
LOT 1 BLOCK 1	= TOTAL UNITS = 14	SITE AREA = 1.079 ACRES
LOTS 2-5 BLOCK 1	= TOTAL UNITS = 4	SITE AREA = 0.448 ACRES
LOTS 6-9 BLOCK 1	= TOTAL UNITS = 4	SITE AREA = 0.277 ACRES
LOTS 10 - 13 BLOCK 1	= TOTAL UNITS = 4	SITE AREA = 0.326 ACRES
LOTS 14-19 BLOCK 1	= TOTAL UNITS = 6	SITE AREA = 0.580 ACRES

PUBLIC STREET TO BE BID AND CONSTRUCTED UNDER CITY OF FARGO AND SPECIAL ASSESSED TO PROPERTIES.

No.	Revision	Date	By

PRELIMINARY
Not for Construction



Fargo
P: 701.237.5065
F: 701.237.5101

Drawn by
KHC
Checked by
BTP
Date
3/07/17
Scale
AS SHOWN

COTTAGEWOOD DEVELOPMENT
51st AVENUE SOUTH
FARGO, NORTH DAKOTA

DEVELOPMENT
MASTER PLAN
PROJECT NO. 7824-030

SHEET
1 of 1

Site Amenities Plan

Cottagewood Third Addition

March 23, 2017

Location and General Development Plan

The property is located along the West side of 38th Street south and north of 51st Ave south, east of 42nd St south. It is bordered by Cottagewood Second Addition to the north. The platted acreage associated with this lot is 9.305 acres, see attached plat. The property is proposed to be zoned MR-3 (Multi-Dwelling District).

Lots Lot 1 of Block 1, and Lots, 1, 2, and 20 of Block 2 would be developed under the MR-3 zoning and would conform with the city of Fargo Land Development Code.

As the parcel is giving up land for a public right of way to ensure no land locked lots Alternative Residential Development Options will be used for Lots 2 – 19 of Block 1 and Lots 3-19 of Block 2 per Section 20-0506 B. Attached Housing of the Fargo Land Development Code. Per the attached layout showing the building groupings the lots have been designed to accommodate attached housing that conforms to the MR-3 Zoning Standards on perimeter of the attached housing units.

Overall density of the development would conform to the MR-3 density.

Utilities

Sanitary Sewer, Storm sewer, and potable water mains are located in the 38th Street S and 51st Street right of way adjacent to the south and east side of the proposed plat. Utilities for the proposed street are proposed to be constructed under a City of Fargo project and be assessed to the properties in the plat.

Right of Way

The proposed plat includes dedications for public roadways, and utilities. The proposed right of way and street widths are based on Section 20-0611 of the Fargo Land Development Code and a base zoning of MR-3 for the area. The proposed right of way will be 70 feet with street widths of 32 feet with parking allowed on one side (South Side). Street lighting will be provided for the new street. 4.5 foot sidewalks will be required to be installed along the proposed street.

Stormwater Management

Stormwater Management to meet the City of Fargo Retention and Release rates will be accomplished with the existing stormwater detention ponds located to the north of the project site in the Cottagewood Addition. The ponds were designed to accommodate all of the Cottagewood First Addition area. The proposed plat area was a portion of Cottagewood First Addition.

Flood Protection:

Flood protection design standards will be based on the April 2015 Floodproof Construction Requirements, specifically sections I and II. Building design elevations will be set according to the following:

- Any primary residential building will have the finished floor/low opening be set at 1.2' above the 41' WSEIA or 2' above the FEMA BFE. Any basements or underground parking will meet floodproofing codes.
- Fill around primary buildings will be equal to 41' WSEIA plus 0.7' or equal to FEMA BFE plus 1.5'
- Fill 15' away from primary buildings will be at or above the FEMA BFE

Funding of Improvements

The plat area has access to existing water, storm sewer, and sanitary sewer. 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 design to City of Fargo standards by the developer and then publicly bid, constructed, and assessed to the benefiting properties. Utilities installed on the individual lots will be the responsibility of the developer with the exception of the storm sewer outfall connection from the public right of way to the existing stormwater pond

Dedication of Park Land

The area of the proposed plat was originally included as part of the Cottagewood First Addition. As part of the Cottagewood First Addition park land was dedicated and provided to Fargo Parks District. As part of the development sidewalks will be installed along the proposed street and these sidewalks will connect to a 10' multi use path to be constructed along 38th Street south. This connection provides access to the existing park area of Cottagewood First Addition. No additional land will be dedicated to the park as part of the plat.

The amenity plan is hereby approved:

Brent Olson, J&O Real Estate, LLC

Date

April Walker, City Engineer

Date

**City of Fargo
Staff Report**

Title:	Beardsley's Addition	Date:	3/29/2017
Location:	1121 and 1141 18 th Street North	Staff Contact:	Donald Kress, senior planner
Legal Description:	Lots 17 and 22, Block 3, Beardsley's Addition		
Owner(s)/Applicant:	Roers Development, Inc.	Engineer:	Roers Development, Inc.
Entitlements Requested:	Zone Change from SR-3, Single-Dwelling Residential to UMU, University Mixed Use		
Status:	Planning Commission Public Hearing: April 4, 2017		

Existing	Proposed
Land Use: Residential	Land Use: Residential
Zoning: SR-3: Single Dwelling Residential	Zoning: UMU, University Mixed Use
Uses Allowed: Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities	Uses Allowed: Allows detached houses, attached houses, duplexes, multi-dwelling structures, parks and open areas, daycare centers of unlimited size, religious institutions, safety services, basic utilities, offices, commercial parking, retail sales and services, limited vehicle services, telecommunications facilities (up to building height limit)
Maximum Density: 12.1 dwelling units per acre	Minimum Density 18 dwelling units per acre <i>(Note that the UMU district provides for a <u>minimum</u>, and not a maximum, density.)</i>

Proposal:

The applicant requests a zoning change to rezone two SR-3 zoned lots on a block that is otherwise entirely zoned UMU.

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:

1121 18th Street is surrounded on all four sides by single family and multi-dwelling residential land uses in the UMU zone

1141 18th Street has the following surrounding Land Uses and Zoning Districts

- North: North Dakota State University, zoned P/I, Public/Institutional
- East: Multi-dwelling building; zoned UMU
- South: Single family dwellings; zoned UMU
- West: Single family dwellings; zoned UMU and SR-3

Schools and Parks:

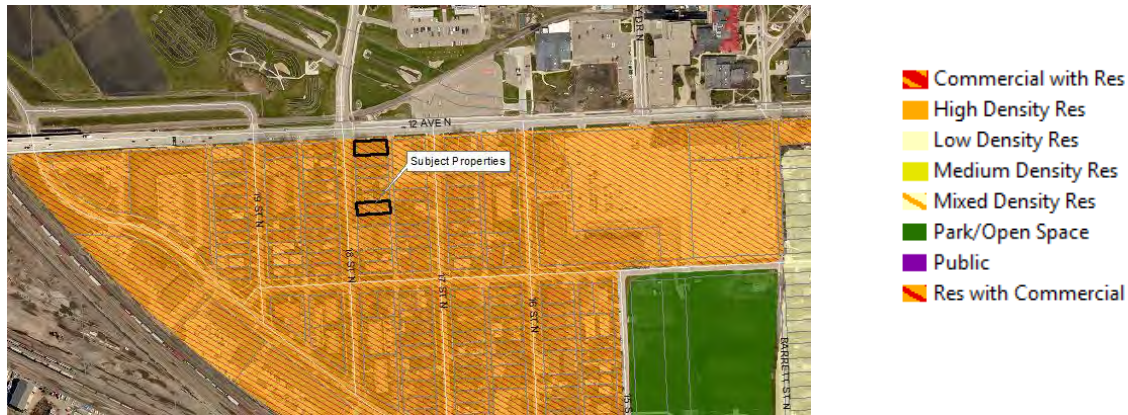
Schools: The subject property is located within the Fargo School District and is served by Roosevelt Elementary, Ben Franklin Middle, and Fargo North High schools.

Parks: Johnson Soccer Complex (1420 11th Avenue N) is located less than 1/4 mile southeast of the subject property and offers multipurpose field, picnic table, playground, restrooms, shelter, and soccer amenities.

Pedestrian / Bicycle: Off-road bike facilities are located along 12th Avenue North and on-road facilities are located along 14th Avenue North and 18th Street North. All facilities are a component of the metro area trail system.

Area Plans:

The subject properties, outlined in black on the map below, are located within the Roosevelt Neighborhood Land use Plan, which designates the land use for this property as “high density residential.”



Staff Analysis

At the time when most of the lots of Block 3 of Beardsley's Addition were zoned to UMU, the owners of Lots 17 and 22 did not wish to participate in that zone change. Ownership of Lots 17 and 22 has now changed. The new owner requests UMU zoning for these lots.

Zoning

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

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

Staff is unaware of any error in the zoning map as it relates to this property. At the time when most of the lots of Block 3 of Beardsley's Addition were zoned to UMU, the owners of Lots 17 and 22 did not wish to participate in that zone change. Ownership of Lots 17 and 22 has now changed. The new owner requests UMU zoning for these lots. **(Criteria Satisfied)**

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

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

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

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

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

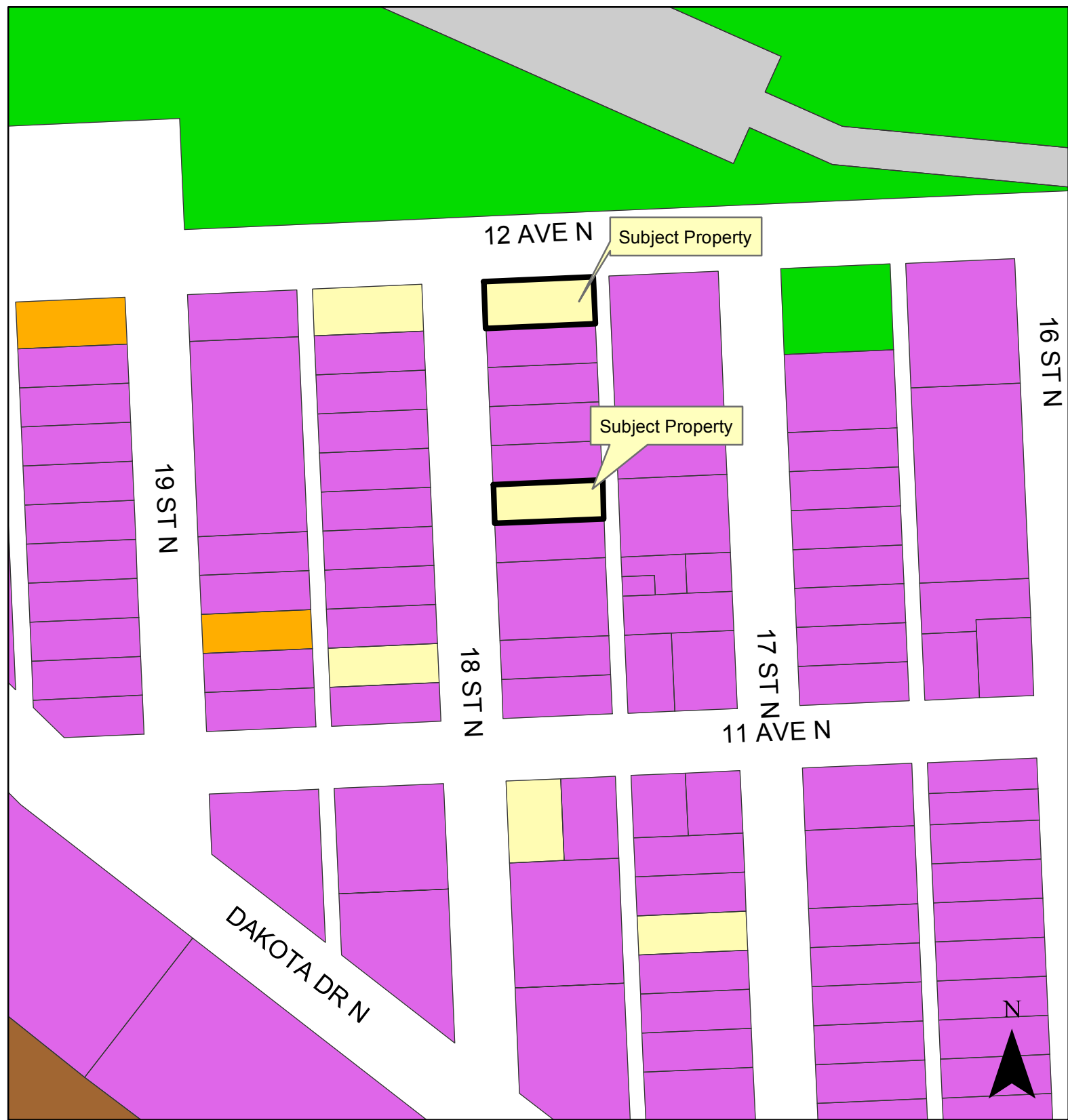
The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Area Plan that applies to this property is the Roosevelt Neighborhood Land Use Plan. This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

Staff Recommendation:
Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed Zone Change from SR-3, Single-Dwelling Residential, to UMU, University Mixed Use, on Lots 17 and 22, Block 3, Beardsley's Addition as the proposal complies with the Go2030 Fargo Comprehensive Plan, Roosevelt Neighborhood Land Use Plan, Section 20-0906.F (1-4), and all other applicable requirements of the LDC."
Planning Commission Recommendation: April 4, 2017
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map

Zone Change (SR-3 to UMU)

Beardsleys Addition

1141 & 1121 18th Street North



Legend

AG	LC	MHP	SR-2
DMU	LC	MNC	SR-3
GC	MR-1	NO	SR-4
GO	MR-2	PA	SR-5
	MR-3	UMU	City Limits

300

Feet

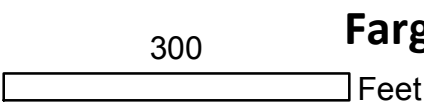
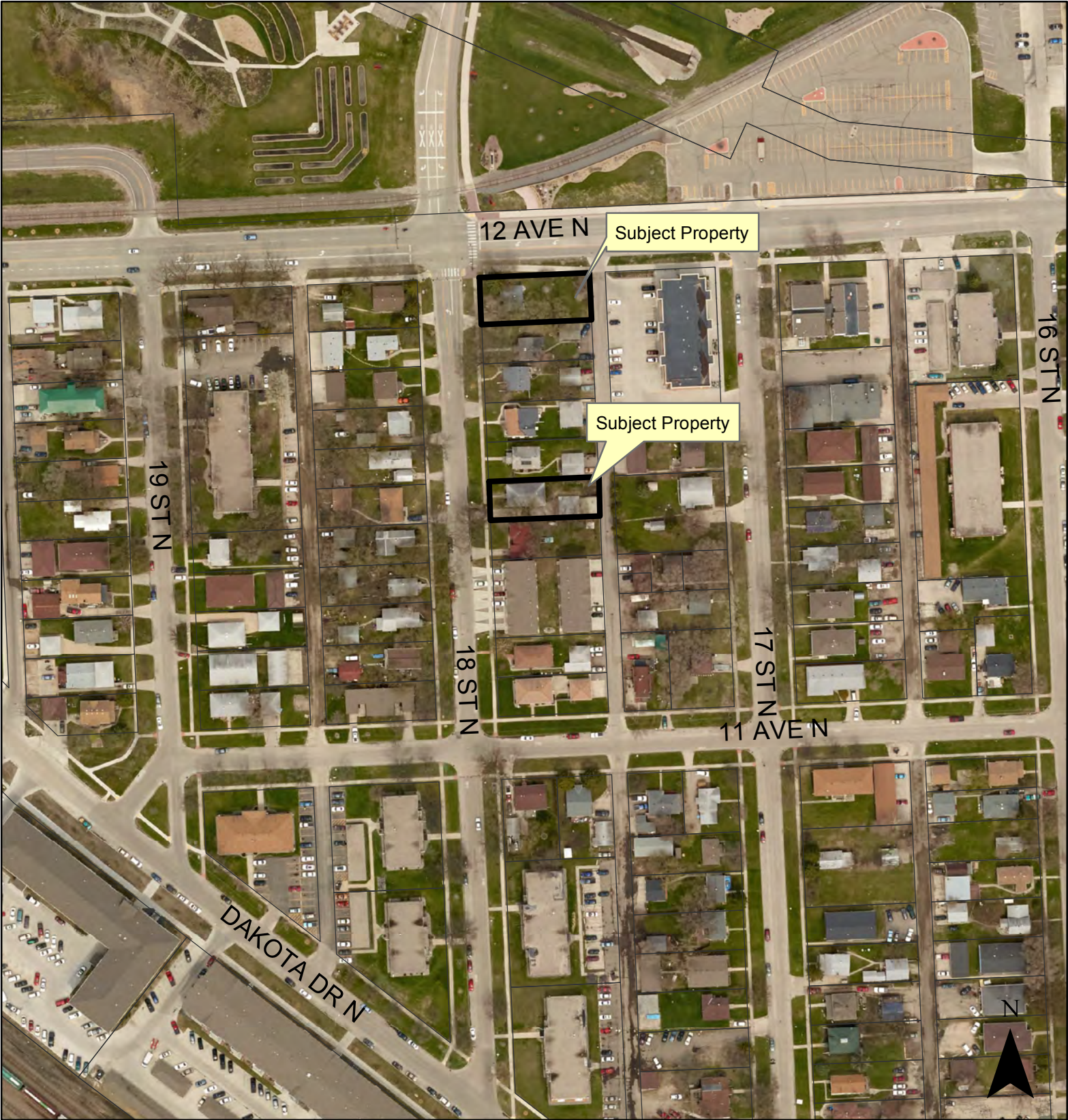
Fargo Planning Commission

April 4, 2017

Zone Change (SR-3 to UMU)

Beardsleys Addition

1141 & 1121 18th Street North



Fargo Planning Commission
April 4, 2017

City of Fargo Staff Report			
Title:	Agassiz Crossing 7th Addition	Date:	3/27/2017
Location:	4825 and 4757 Agassiz Xing South	Staff Contact:	Kylie Murphy
Legal Description:	Lot 1, Block 2, Agassiz Crossing 4th Addition and Lot 1, Block 1, Agassiz Crossing 2nd Addition		
Owner(s)/Applicant:	Sanford Fargo/ Lightowler Johnson Associates	Engineer:	Lightowler Johnson Associates
Entitlements Requested:	Minor Subdivision (Replat of Lot 1, Block 2, Agassiz Crossing 4th Addition and Lot 1, Block 1, Agassiz Crossing 2nd Addition, to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: April 4, 2017		

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

Proposal:

The applicant is seeking approval of a minor subdivision, entitled **Agassiz Crossing 7th Addition**, which is a replat of Lot 1, Block 2, Agassiz Crossing 4th Addition and Lot 1, Block 1, Agassiz Crossing 2nd Addition. The subject properties are located at 4825 and 4757 Agassiz Crossing South and encompass approximately 11.52 acres. The applicant is proposing a two (2) lot, one (1) block minor subdivision. Included on the plat is a 58 foot wide ingress/egress easement off Agassiz Crossing South.

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

Surrounding Land Uses and Zoning Districts:

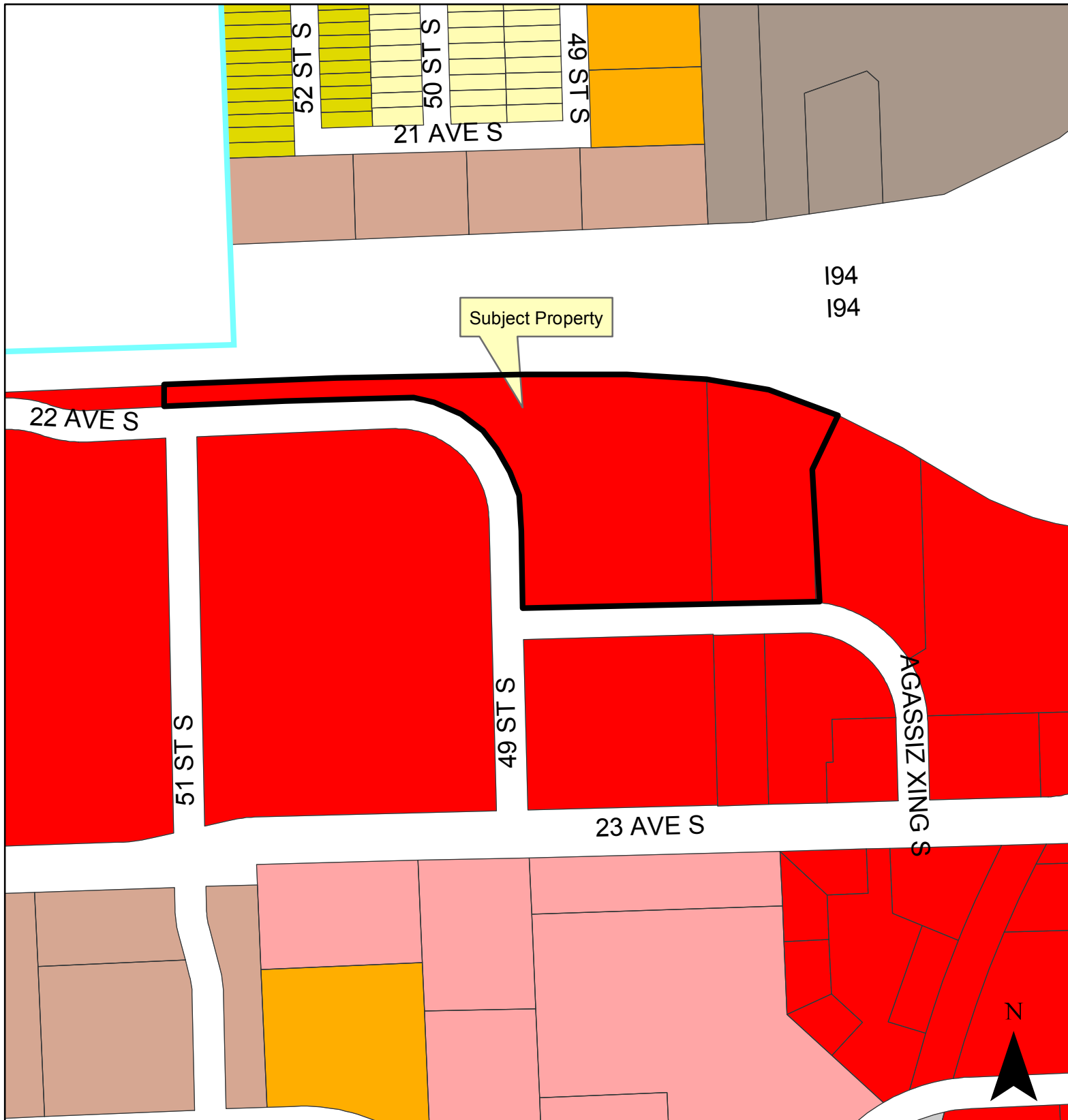
- North: Across Interstate 94, MR-2, Multi-Dwelling and LI, Limited Industrial with apartment and commercial use
- East: GC, General Commercial with retail use
- South: Across Agassiz Xing South, GC, General Commercial with vacant land use
- West: Across 49th Street South, GC, General Commercial with motel and vacant land use

Schools and Parks:
<p>Schools: The subject property is located within the West Fargo School District and is served by Freedom Elementary, Liberty Middle and Sheyenne High schools.</p> <p>Parks: Urban Plains Park (5050 30th Avenue S) is located approximately ½ mile southwest of the subject property and offers playground amenities.</p> <p>Pedestrian / Bicycle: There are off-road bike facilities located along 23rd Avenue South, and Urban Plains Park. These bike routes are a component of the metro area bikeways system.</p>
Staff Analysis:
<p>Minor Subdivision</p> <p>The LDC stipulates that the following criteria is met before a minor plat can be approved:</p> <ol style="list-style-type: none"> <p>Section 20-0907.B.3 of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.B.4 of the LDC further stipulates that a Minor Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.</p> <p>The subdivision is intended to replat Lot 1, Block 2, Agassiz Crossing 4th Addition and Lot 1, Block 1, Agassiz Crossing 2nd Addition into two lots and one block to accommodate future development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has not received any inquiries. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code.</p> <p>(Criteria Satisfied)</p> <p>Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.</p> <p>While this section of the LDC specifically addresses only major subdivision plats, staff believes it is important to note that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles.</p> <p>(Criteria Satisfied)</p>
Staff Recommendation:
<p>Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed subdivision plat, Agassiz Crossing 7th Addition as outlined within the staff report, as the proposal complies with the adopted Area Plan, the standards of Article 20-06, and all other applicable requirements of the Land Development Code".</p>
Planning Commission Recommendation: April 4, 2017
Attachments:
<ol style="list-style-type: none"> 1. Zoning Map 2. Location Map 3. Plat

Plat (Minor Subdivision)

Agassiz Crossing Seventh Addition

4825 & 4757 Agassiz Xing S



Legend

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

300
Feet

Fargo Planning Commission
April 4, 2017

Plat (Minor Subdivision)

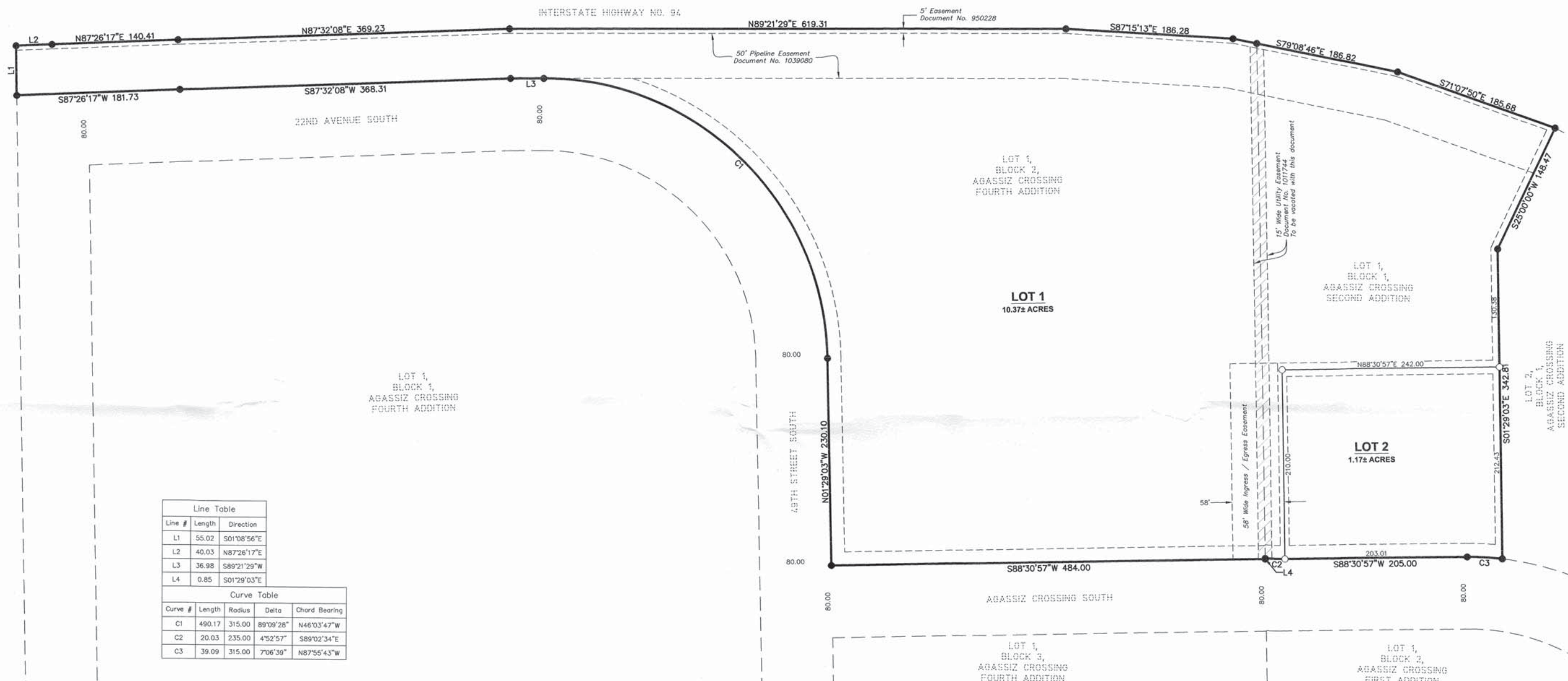
Agassiz Crossing Seventh Addition

4825 & 4757 Agassiz Xing S



AGASSIZ CROSSING SEVENTH ADDITION

A REPLAT OF LOT 1, BLOCK 2, AGASSIZ CROSSING FOURTH ADDITION AND A
REPLAT OF LOT 1, BLOCK 1, AGASSIZ CROSSING SECOND ADDITION
TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA
(A MINOR SUBDIVISION)

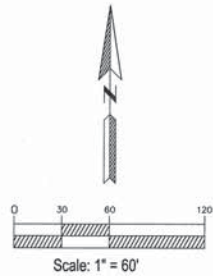


Line Table		
Line #	Length	Direction
L1	55.02	S01°08'56"E
L2	40.03	N87°26'17"E
L3	36.98	S89°21'29"W
L4	0.85	S01°29'03"E

Curve Table				
Curve #	Length	Radius	Delta	Chord Bearing
C1	490.17	315.00	89°09'28"	N46°03'47"W
C2	20.03	235.00	4°52'57"	S89°02'34"E
C3	39.09	315.00	7°06'39"	N87°55'43"W

LEGEND

- DENOTES FOUND SURVEY MONUMENT
- DENOTES 5/8" REBAR SET AND MARKED 8064
- DENOTES BOUNDARY LINE
- DENOTES LOT LINE
- DENOTES ADJACENT LOT LINE
- DENOTES UTILITY EASEMENT



AGASSIZ CROSSING SEVENTH ADDITION
A REPLAT OF LOT 1, BLOCK 2, AGASSIZ CROSSING FOURTH ADDITION AND A
REPLAT OF LOT 1, BLOCK 1, AGASSIZ CROSSING SECOND ADDITION
TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA
(A MINOR SUBDIVISION)

OWNERS CERTIFICATE

Lot 1, Block 2, AGASSIZ CROSSING FOURTH ADDITION, Lot 1, Block 1, AGASSIZ CROSSING SECOND ADDITION, City of Fargo, County of Cass, State of North Dakota, containing 8.15 acres, more or less and 3.39 acres, more or less, respectively.
Said owner has caused the above described tract of land to be surveyed and platted as AGASSIZ CROSSING SEVENTH ADDITION to the City of Fargo, North Dakota, containing 1 Block and 2 Lots and do hereby dedicate to the public, for public use, all utility easements as shown on this plat.

Bill Marlette, Treasurer
SANFORD HEALTH
STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Bill Marlette, Treasurer of SANFORD HEALTH, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND
My Commission Expires_____

CITY OF FARGO PLANNING COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Jan Ulferts Stewart, Chairperson
Fargo Planning Commission

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Jan Ulferts Stewart, Chairperson, Fargo Planning Commission, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND
My Commission Expires_____

SURVEYORS CERTIFICATE AND ACKNOWLEDGMENT

I, Nathan G. Anderson, Registered Land Surveyor under the laws of the State of North Dakota, do hereby certify that I have surveyed and platted the property described on this plat as AGASSIZ CROSSING SEVENTH ADDITION to the City of Fargo, Cass County, North Dakota; that this plat is a correct representation of said survey; that all distances are shown correctly on said plat in feet and hundredths of a foot; that all monuments are or will be installed correctly in the ground as shown; and that the exterior boundary lines are correctly designated.

Dated this _____ day of _____, 20____.

Nathan G. Anderson
Professional Land Surveyor
ND Reg. No, LS-8064

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Nathan G. Anderson, Professional Land Surveyor, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND
My Commission Expires_____

FARGO CITY ENGINEERS APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

April E. Walker, City Engineer

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared April E. Walker, City Engineer, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND
My Commission Expires_____

FARGO CITY COMMISSION APPROVAL

This plat in the City of Fargo is hereby approved this _____ day of _____, 20____.

Timothy J. Mahoney, Mayor
Steven Sprague, City Auditor

STATE OF NORTH DAKOTA
COUNTY OF CASS

On this _____ day of _____, 20____, before me, a Notary Public within and for said County and State, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND
My Commission Expires_____

COUNTY AUDITORS TAX RECORD

I hereby certify that all delinquent taxes and special assessments on the above plat are paid and transfers entered.

Michael Montplaisir, Cass County Auditor

City of Fargo Staff Report			
Title:	Roberts Addition	Date:	03/27/17
Location:	A portion of Roberts Street north of Northern Pacific Avenue and between Blocks 1 and 6 of Robert's Addition	Staff Contact:	Kylie Murphy
Owner(s)/Applicant:	City of Fargo	Engineer:	Mead & Hunt
Reason for Request:	Street Vacation (a vacation plat of portion of Roberts Street, north of Northern Pacific Avenue between Blocks 1 and 6 of Robert's Addition to the City of Fargo, Cass County, North Dakota).		
Status:	Planning Commission Public Hearing: April 4, 2107		

Proposal:
<p>The applicant is seeking approval of a Major Subdivision vacation plat of a portion of Roberts Street north of Northern Pacific Avenue and between Blocks 1 and 6 of Robert's Addition to the City of Fargo, Cass County, North Dakota. The proposed street vacation encompasses approximately .074 acres of public right of way, which was originally platted in 1874.</p> <p>This portion of right-of-way does have sanitary sewer and storm sewer located within the right-of-way.</p>
Schools and Parks:
<p>Schools: The subject property is located within the Fargo School District including Roosevelt Elementary, Ben Franklin Middle and North High School.</p> <p>Parks: Island Park (302 7th Street S) is located approximately 1,000 feet southeast of the subject property and provides grill, handball, picnic table, playground, rental, restroom, tennis, and wedding amenities.</p> <p>Recreation Trails: An on-road bike facility is located along Roberts Street North, adjacent to the subject property, which connects to the metro area trail system.</p>
Staff Analysis:
<p>ROW Vacation Approval Criteria: The City of Fargo does not currently have any adopted regulation dealing with the vacation of rights-of-way. However, city policy dictates that any applicant wishing to vacate right-of-way must submit a Vacate Application—a one-page form wherein the petitioner provides: a description of the area to be vacated and signatures of all property owners adjoining the area to be vacated. In addition, the applicant must submit a vacate plat (a major subdivision). Notwithstanding the Land Development Code's (LDC) silence on the matter, the North Dakota Century Code (N.D.C.C) does address the opening and vacating of roadways in Chapter 24-07 (outside of municipal limits) and Chapter 40-39 (inside municipal limits). To that end, the balance of this report will focus on the specific approval criteria outlined within Chapter 40-39 of the N.D.C.C.</p> <p><i>N.D.C.C. 40-39-04. Vacation of streets and alleys where sewers, water mains, pipes, and lines located – Conditions. No public grounds, streets, alleys, or parts thereof over, under, or through which have been constructed, lengthwise, any sewers, water mains, gas, or other pipes or telephone, electric, or cable television lines, of the municipality or the municipality's grantees of the right of way thereof, may be vacated unless the sewers, mains, pipes, or lines have been abandoned and are not in use, or unless the grantee consents, thereto, or unless perpetual easements for the maintenance of sewers, water mains, gas, or other pipes, or telephone, electric facilities, whether underground or aboveground, is subject to the continued right of location of such electric facilities in the vacated streets.</i></p> <p>This portion of right-of-way does have sanitary sewer and storm sewer located within the right-of-way.</p>

(Criteria Satisfied)

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

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

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

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and recommend approval to the City Commission of the **Roberts Addition** street vacation plat as presented; as the proposal complies with the GO2030 Fargo Comprehensive Plan, Standards of Article 20-06 and all other applicable requirements of the LDC."

Planning Commission Recommendation: April 4, 2107

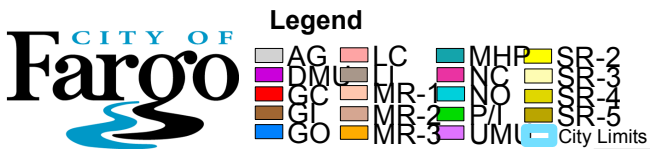
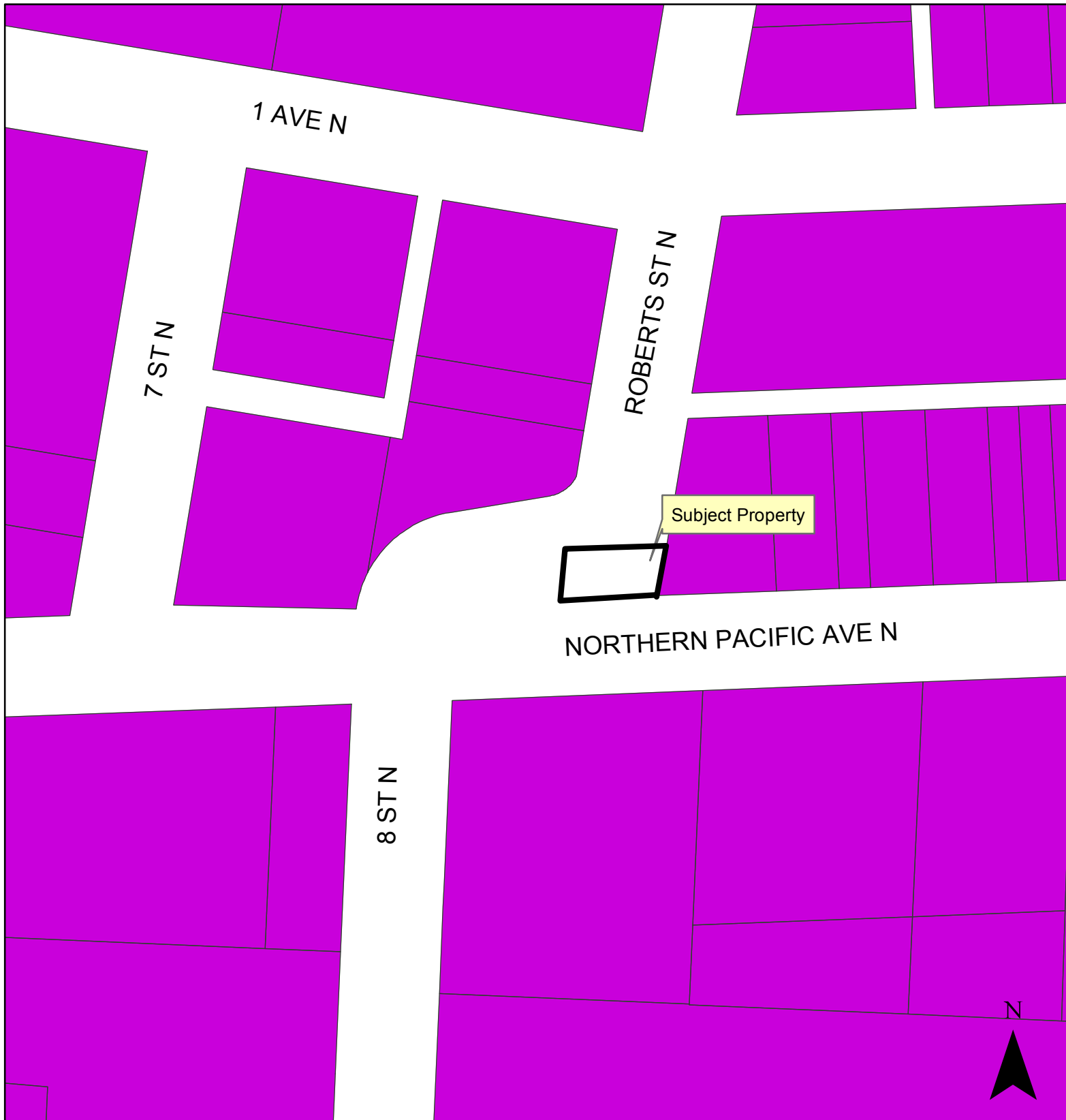
Attachments:

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

Plat (Vacation Plat)

Roberts Addition

A Portion of Roberts Street



300

Feet

Fargo Planning Commission

April 4, 2017

Plat (Vacation Plat)

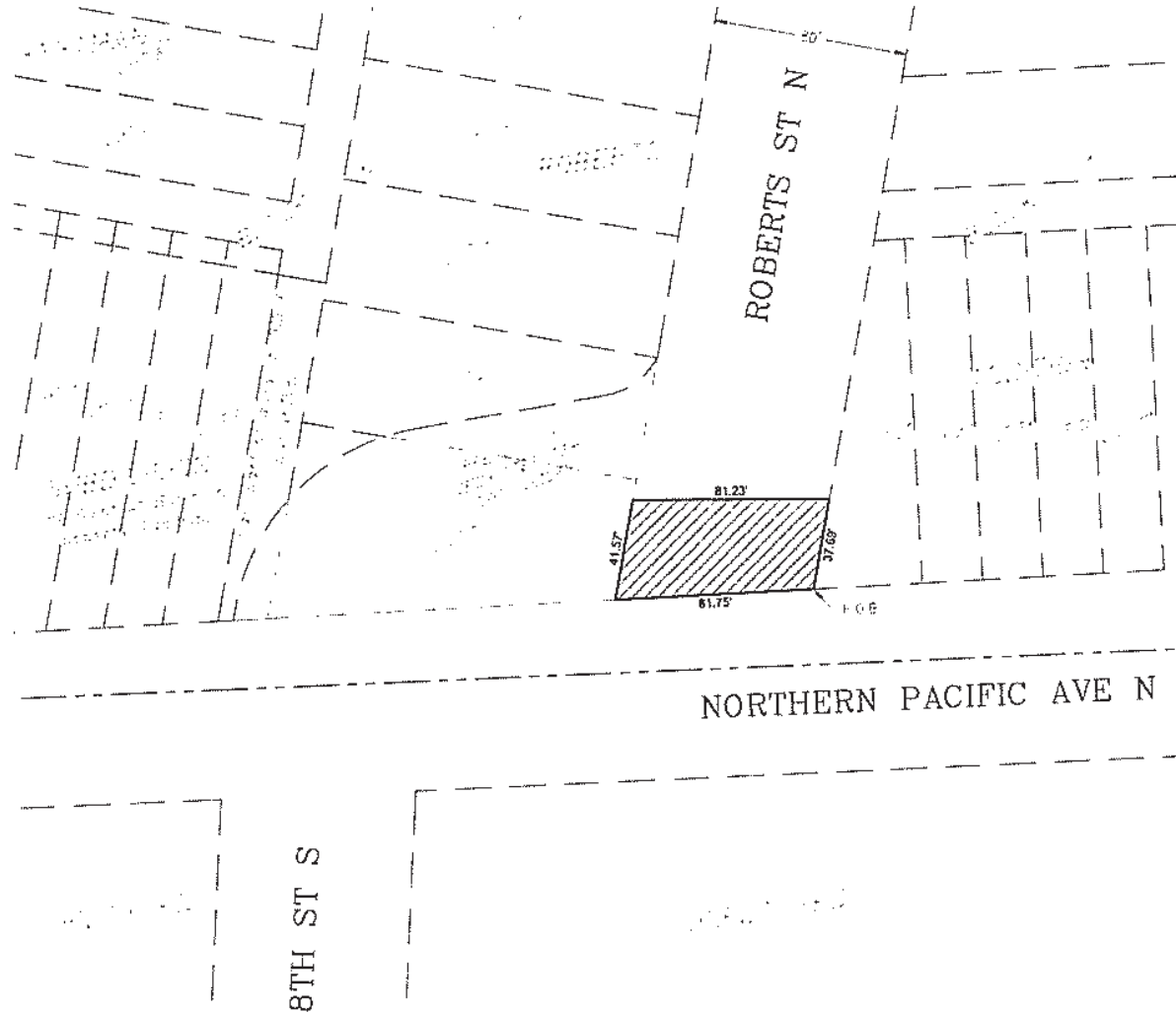
Roberts Addition

A Portion of Roberts Street



VACATION PLAT

OF A PORTION OF ROBERTS STREET LOCATED NORTH OF NORTHERN PACIFIC AVENUE AND BETWEEN BLOCK ONE AND SIX OF ROBERT'S ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



AREA VACATED

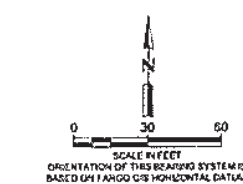
That portion of Roberts Street located north of Northern Pacific Avenue and more particularly described as follows:

Beginning at the southwest corner of Block One of Robert's Addition; thence Northwesterly along the westerly line of said Block One for a distance of 37.69 feet; thence westerly 81.23 feet to the easterly line of said Block Six of Robert's Addition; thence southeasterly along said easterly line for a distance of 41.57 feet to the north line of Northern Pacific Avenue; thence east on said north line for a distance of 81.75 feet to the point of beginning.

Tract contains 3,179.3 square feet more or less.

SYMBOL LEGEND

- Boundary Line
- Section Line
- Existing Property Line
- Previously dedicated street to be vacated with this document



SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, Gary A. Ness, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that 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.

Dated this 17th day of October, 2016.

Gary A. Ness
Gary A. Ness, Professional Land Surveyor No. LS-3451

State of North Dakota

County of Cass

On this 17th day of October, 2016, before me, a notary public with and for said county, personally appeared

Gary A. Ness, Professional Land Surveyor

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Leah Martin
Notary Public Cass County
My commission expires April 7, 2017

LEAH MARTIN
Notary Public
State of North Dakota
My Commission Expires Apr 7, 2017

CITY ENGINEER'S APPROVAL:

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

April E. Walker, City Engineer, P.E.
North Dakota Registration No. PE-6462

State of North Dakota

County of Cass

On this _____ day of _____, 20____, before me, a notary public with and for said county, personally appeared

April E. Walker, City Engineer, City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County

My commission expires _____

FARGO PLANNING COMMISSION APPROVAL:

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

Jan Ulrika Stewart, Chairperson
Fargo Planning Commission

State of North Dakota

County of Cass

On this _____ day of _____, 20____, before me, a notary public with and for said county, personally appeared

Jan Ulrika Stewart, Chairperson, Fargo Planning Commission

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County

My commission expires _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Steve Sprague, City Auditor

State of North Dakota

County of Cass

On this _____ day of _____, 20____, before me, a notary public with and for said county, personally appeared

Timothy J. Mahoney, Mayor, City of Fargo
Steve Sprague, City Auditor, City of Fargo

Known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public Cass County

My commission expires _____

Mead
& Hunt

Phone: 701-566-6450
meadhunt.com

Project No.
4291890-161388.01
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