

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

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of March 6, 2018
- C: Brown Bag Luncheon - Wednesday, April 18, 2018
- D: Public Hearing Items:
1. Continued hearing on an application requesting a Plat of **Craigs Oak Grove Addition** (Major Subdivision), a vacation plat of 5th Avenue North, and an alley, and a replat of part of Block 27, part of Block 28, and the vacated portions of Elm Street, Block 28 alley and 5th Avenue North, Keeney and Devitts 2nd Addition to the City of Fargo, Cass County, North Dakota. (Located at 43, 44, and 48 5th Avenue North, 10, 14, and 22 6th Avenue North, and 505, 509, 515, and 519 Oak Street North) (Jesse Craig) (an): WITHDRAWN
 - 2a. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential, within the boundaries of the proposed **Madelyn's Meadows Addition**. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness) (dk): CONTINUED TO MAY 1, 2018
 - 2b. Continued hearing on an application requesting a Plat of **Madelyn's Meadows Addition** (Major Subdivision) a replat of a portion of the Northeast 1/4 of the Southeast 1/4 of Section 11, T138N, R49W, Cass County, North Dakota. (Located at 7269 25th Street South) (Sitka Investments, LLC/Jon Youness) (dk): CONTINUED TO MAY 1, 2018
 3. Continued hearing on an application requesting a Plat of **Cityscapes Business Park Addition** (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian to the City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth) (dk)
 - 4a. Continued hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay within the boundaries of the proposed **Villas at Shadow Crest Addition**. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): CONTINUED TO MAY 1, 2018

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

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

- 4b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed **Villas at Shadow Crest Addition**. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): CONTINUED TO MAY 1, 2018
- 4c. Continued hearing on an application requesting a Plat of **Villas at Shadow Crest Addition** (Major Subdivision), including a Subdivision Waiver for reduced street right of way width and for sidewalks with an Alternative Access Plan, a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development) (dk): CONTINUED TO MAY 1, 2018
- 5a. Continued hearing on an application requesting a Growth Plan Amendment on Lots 4-9, Block 14, **Kirkham's Second Addition**. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an): CONTINUED TO MAY 1, 2018
- 5b. Continued hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential, to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay on Lots 4-9, Block 14, **Kirkham's Second Addition**. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an): CONTINUED TO MAY 1, 2018
- 5c. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan for Lots 4-9, Block 14, **Kirkham's Second Addition**. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects) (an): CONTINUED TO MAY 1, 2018
6. Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on Lots 11-12, of **Lane's Subdivision of Lot 69 of Ohmer's Subdivision** and the North 50 feet of the East 130 feet of Lot 70, Ohmer's Subdivision. (Located at 1249 and 1253 12th Street North) (Alpha Gamma Delta Fraternity Housing Corporation/Lowry Engineering) (kb)
- 7a. Hearing on an application requesting a Zoning Change from NO, Neighborhood Office to NO, Neighborhood Office with a PUD, Planned Unit Development Overlay on a portion of Lot 14 and Lots 15-16, Block 23, **Morton & Doty's Addition**. (Located at 1620 16th Avenue South) (Dr. Angela Cavette/RHET Architecture) (bv)
- 7b. Hearing on an application requesting a Planned Unit Development Master Land Use Plan and Final Plan on a portion of Lot 14 and Lots 15-16, Block 23, **Morton & Doty's Addition**. (Located at 1620 16th Avenue South) (Dr. Angela Cavette/RHET Architecture) (bv)

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

E: Other Items:

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**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, March 6, 2018

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, March 6, 2018.

The Planning Commissioners present or absent were as follows:

Present: Shara Fischer, John Gunkelman, Dawn Morgan, Rocky Schneider,
 Melissa Sobolik, Scott Stofferahn, Maranda Tasa

Absent: Mike Magelky, Kelly Steffes, Mary Scherling

Chair Fischer called the meeting to order and welcomed Mark Williams as the new Assistant Director of Planning.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following Agenda items:

- Item 2 is continued to the April 3, 2018 Planning Commission meeting.
- Items 3a, 3b, 3c, and 9 have been withdrawn by the applicants.

Member Sobolik 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 6, 2018

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

Item C: Wednesday, March 21, 2018 Brown Bag Luncheon

Topic: To Be Determined

Item D: Public Hearing Items:

Item 1: MVM Addition

Continued hearing on an application requesting a Plat of MVM Addition (Minor Subdivision) a replat of Lot 1, Block 5, Southwood Park Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3502 36th Street South) (J&J Investments/Brendan Muldoon): APPROVED

A Hearing had been set for January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to February 6, 2018. At the February 6, 2018 meeting, the Hearing was continued to this date and time.

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

Division Engineer Brenda Derrig spoke on behalf of the Engineering Department.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, MVM Addition as outlined in the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Sobolik, Tasa, Morgan, Stofferahn, Gunkelman, and Fischer voted aye. Absent and not voting: Members Scherling, Steffes, Schneider, and Magelky. The motion was declared carried.

Item 2: Cityscapes Business Park Addition

Continued hearing on an application requesting a Plat of Cityscapes Business Park Addition (Minor Subdivision) a replat of Lots 1-4, Block 28, all of Blocks 29-30 of Tyler's Addition, and all of vacated 20th and 21st Streets North lying between said blocks, and a portion of the Southwest Quarter, Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, City of Fargo, Cass County, North Dakota, to include a subdivision waiver for drain setback on Lot 1, Block 1 of the proposed plat. (Located at 1910, 1968, and 2068 1st Avenue North) (Bullinger Enterprises/Rick Flacksbarth): CONTINUED TO APRIL 3, 2018

A Hearing had been set for November 7, 2017. At the November 7, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to February 6, 2018. At the February 6, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to April 3, 2018.

Item 3: Villas as Shadow Crest Addition

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

3b. Continued hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed Villas at Shadow Crest Addition. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): WITHDRAWN

3c. Continued hearing on an application requesting a Plat of Villas at Shadow Crest Addition (Major Subdivision) a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): WITHDRAWN

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

Item 4: Villas at Shadow Crest Addition

4a. Hearing on an application requesting a Zoning Change from MR-3, Multi-Dwelling Residential to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay within the boundaries of the proposed Villas at Shadow Crest Addition. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): CONTINUED TO APRIL 3, 2018

4b. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan within the boundaries of the proposed Villas at Shadow Crest Addition. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): CONTINUED TO APRIL 3, 2018

4c. Hearing on an application requesting a Plat of Villas at Shadow Crest Addition (Major Subdivision) including a Subdivision Waiver for reduced street right of way width and for sidewalks with an Alternative Access Plan, a replat of Lot 1, Block 2, Schatz Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5601 34th Avenue South) (Jon Youness/Eagle Ridge Development): CONTINUED TO APRIL 3, 2018

Mr. Kress presented the staff report stating all approval criteria have been met and staff is recommending approval. He noted that additional documents were submitted to the Board.

Member Schneider present.

Discussion was held on the history of the project, details of the subdivision waiver, and stormwater requirements.

Division Engineer Brenda Derrig spoke on behalf of the Engineering Department.

Applicant Jon Youness, Eagle Ridge Development, spoke on behalf of the application.

The following property owners spoke sharing their concerns about the existing trees and potential issues with snow removal with the proposed alley location along current property fences.

Gary Peterson, 3373 55th Street South
Michael Shirk, 901 11th Avenue North

City Forester Scott Liudahl spoke on behalf of the Forestry Department.

Discussion was held regarding the existing trees, location of the proposed alley along property lines, alignment of streets and driveways, property grade changes, water drainage location, and property line buffer options.

Member Schneider moved to continue this item to the April 3, 2018 Planning Commission meeting. Second by Member Stofferahn. On call of the roll Members Gunkelman, Sobolik, Stofferahn, Tasa, Morgan, Schneider, and Fischer voted aye. Absent and not voting: Members Scherling, Steffes, and Magelky. The motion was declared carried.

Item 5: Kirkham's Second Addition

5a. Hearing on an application requesting a Growth Plan Amendment on Lots 4-9, Block 14, Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): CONTINUED TO APRIL 3, 2018

5b. Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential and MR-2, Multi-Dwelling Residential, to LC, Limited Commercial with a PUD, Planned Unit Development Overlay on Lots 4-9, Block 14, Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): CONTINUED TO APRIL 3, 2018

5c. Hearing on an application requesting a PUD, Planned Unit Development Master Land Use Plan for Lots 4-9, Block 14, Kirkham's Second Addition. (Located at 1114, 1118, 1122, 1128, 1132, and 1136 14th Street North) (Jay Alsop, APM/Chris Hawley Architects): CONTINUED TO APRIL 3, 2018

Planning Coordinator Aaron Nelson presented the staff report sharing an overview on the history of the project. He stated that additional documents were submitted to the Board and that staff held an open house on March 1, 2018. Mr. Nelson stated that staff is recommending this item be continued.

Board discussion was held on the density and height of the proposed project.

Planner Tyrone Grandstrand spoke on the Roosevelt/NDSU neighborhood study.

At 4:14 p.m. the Board took a ten-minute recess.

After recess: All Members present except Members Magelky, Scherling, and Steffes. Chair Fischer presiding.

Applicant Chris Hawley, Chris Hawley Architects, spoke on behalf of the application.

The following property owners spoke in opposition to the proposal stating the following concerns: the density and building size not being compatible with the neighborhood; possible water drainage issues for existing houses; increased vehicular and foot traffic in the neighborhood; adding to current parking issues; reduced building set-backs; and location of the project outside of the UMU, University Mixed Use zoning district boundary.

Ken Enockson, 1202 8th Street North
Jim Laschkewitsch, 1016 College Street North
Lowell Disrud, 1106 14th Street North
Harold Thompsen, 1305 North 9th Street
Brian Barta, Sigma Phi Delta Fraternity, 1372 12th Avenue North
Les Herbranson, 1042 14th Street North
Will Shirk, 1121 14th Street North
Judy Wong, 1121 14th Street North
Petronella Shirk, 1122 College Street North
Michael Shirk, 901 11th Avenue North

Member Sobolik moved to continue this item to the April 3, 2018 Planning Commission meeting. Second by Member Tasa. On call of the roll Members Gunkelman, Sobolik, Tasa, Morgan, Stofferahn, Schneider, and Fischer voted aye. Absent and not voting: Members Steffes, Magelky, and Scherling. The motion was declared carried.

At 5:37 p.m. the Board took a five-minute recess.

After recess: All Members present except Morgan, Magelky, Steffes, and Scherling. Chair Fischer presiding.

Item 6: Urban Plains Northeast Retail 3rd Addition

6a. Hearing on an application requesting a CUP, Conditional Use Permit, to allow household living in a LC, Limited Commercial zoning district on a portion of Lot 4, Block 1, Urban Plains Northeast Retail Addition. (Located at 2720, 2740, 2760, and 2780 47th Street South and 4680 28th Avenue South) (Urban Plains Land Co., LLC/Clay Dietrich): APPROVED WITH CONDITIONS

6b. Hearing on an application requesting a Plat of Urban Plains Northeast Retail 3rd Addition (Minor Subdivision) on a portion of Lots 3 and 4, Block 1, Urban Plains Northeast Retail Addition to the City of Fargo, Cass County, North Dakota. (Located at 2720, 2740, 2760, and 2780 47th Street South and 4680 28th Avenue South) (Urban Plains Land Co., LLC/Clay Dietrich): APPROVED

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

Applicant Clay Dietrich spoke on behalf of the application.

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed: 1) Subdivision Plat, Urban Plains Northeast Retail 3rd Addition as outlined within the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code, and 2) the Conditional Use Permit to allow household living within the LC, Limited 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 maximum residential density shall be that of the MR-3, Multi-Dwelling Residential zoning district (24 units per acre).
- 2) A minimum of 35% of the lot shall remain as open space.
- 3) Parking lot approaches must be spaced at least 100 feet away from the roundabouts located on Brandt Drive South, as measured along the existing public access easements beginning at the Brandt Drive South right-of-way and ending at the centerline of such parking lot approach.

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

**Item 7: Rocking Horse East 2nd Addition
Hearing on an application requesting a Conditional Use Permit for warehouse, wholesale sales, manufacturing and production, and industrial services in the GC, General Commercial zoning district on Lots 1 and 2, Block 1, Rocking Horse East 2nd Addition. (Located at 5301 and 5353 51st Avenue South) (FLO, LLC/Don Dabbert Jr.): APPROVED WITH CONDITIONS**

Planning Coordinator Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval. She noted an updated site plan was submitted to the Board.

Applicant Don Dabbert Jr., spoke on behalf of the application.

Member Sobolik moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow warehouse, wholesale sales, manufacturing and production, and industrial services in the 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 fence, screen wall, or building extension.

- 2) No outdoor storage of equipment or supplies.
- 3) Off-street parking, loading, and vehicular circulation areas have an all-weather surface, as defined by the Land Development Code.
- 4) The manufacturing, production, or processing of food and/or animal products shall not be permitted.
- 5) The manufacturing, production, or processing of hazardous chemicals or materials shall not be permitted.
- 6) A vegetative buffer shall be provided along the north property boundary if truck docks are present for the purposes of protecting residential development from more intense land-uses and providing visual screening. The vegetative buffer shall consist of two rows of plantings: one row of shrubs having a mature height of at least 6 feet, planted with a spacing of 8 feet, and one row of trees of varying species with a mature height ranging between 15-25 feet, planted with a spacing of 20 feet. The trees shall have mature heights of staggering altitude. These plantings shall be in addition to plantings required by Sections 20-0402.R and 20-0705.
- 7) Any expansion of industrial uses shall require an amendment to the Conditional Use Permit with review and approval by the Planning Commission.
- 8) The Conditional Use Permit shall terminate if all industrial uses cease for a period of more than 12 consecutive months.

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

Item 8: The Basins on 100th Addition

Hearing on an application requesting a Plat of The Basins on 100th Addition (Minor Subdivision) a replat of Lot 6, Block 1, Commerce on I29 Addition, to the City of Fargo, Cass County, North Dakota. (Located at 4000 98th Avenue South) (RI Properties, LLC): APPROVED

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

Member Gunkelman moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat, The Basins on 100th Addition as outlined in the staff report, as the proposal complies

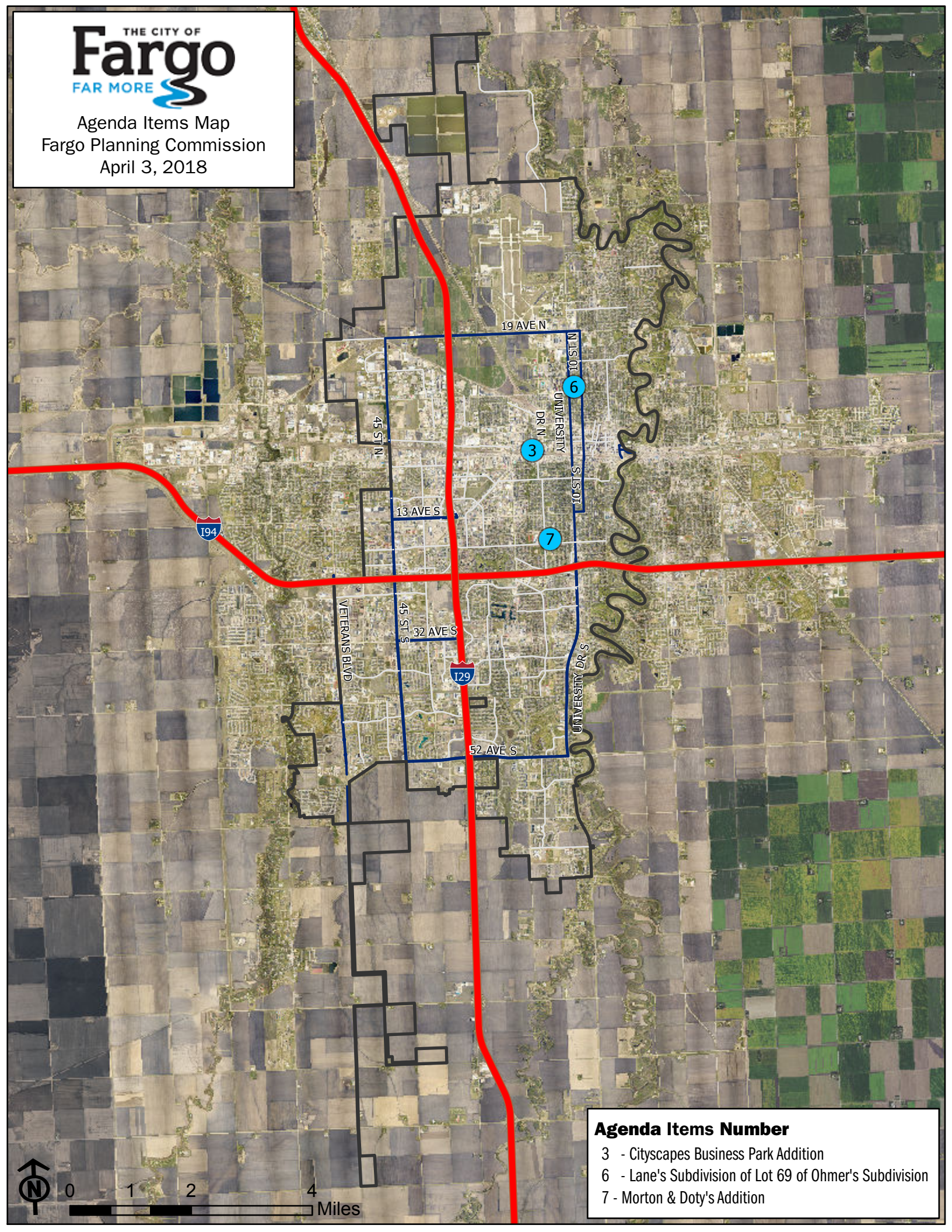
with the Adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Stofferahn. On call of the roll Members Tasa, Gunkelman, Sobolik, Stofferahn, and Fischer voted aye. Member Schneider abstained from voting. Absent and not voting: Members Morgan, Scherling, Steffes, and Magelky. The motion was declared carried.

**Item 9: Section 12, Township 139 North, Range 49 West
Hearing on an application requesting a Conditional Use Permit to allow for an Alternative Access Plan on an unplatted portion of the Northeast Quarter of Section 12, Township 139 North, Range 49 West. (Located at 1345 Main Avenue) (International Market Plaza, LLC/Fowzia Adde): WITHDRAWN**

A hearing had been set for this date and time; however, the applicant has requested this item be withdrawn.

Item E: Other Items:

The time at adjournment was 6:00 p.m.



- Agenda Items Number**
- 3 - Cityscapes Business Park Addition
 - 6 - Lane's Subdivision of Lot 69 of Ohmer's Subdivision
 - 7 - Morton & Doty's Addition



City of Fargo Staff Report			
Title:	Cityscapes Business Park	Date: Updated:	11/1/2017 11/29/2017 2/1/2018 2/28/2018 3/28/2018
Location:	1910, 1968, and 2068 1st Avenue North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W		
Owner(s)/Applicant:	Bullinger Enterprises/ Rick Flacksbarth	Engineer:	Moore Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W and Subdivision Waiver for drain setback on Lot 1, Block 1 of the proposed plat)		
Status:	Planning Commission Public Hearing: April 3, 2018		

Existing	Proposed
Land Use: Former Cretex concrete facility; now warehouse and outdoor storage	Land Use: Business park
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.	Uses Allowed: No change
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: No change

Proposal:

Project History Note: This project was continued from the November 7 and December 4, 2017 and January 4, 2018 Planning Commission agendas. This project was heard at the February 6, 2018 Planning Commission meeting; the Commission moved to continue the project to the March 6, 2018 Planning Commission meeting and subsequently to the April 3, 2018 Planning Commission meeting.

The applicant requests a minor subdivision, entitled **Cityscapes Business Park Addition** which is a replat of Blocks 29 and 30; Lots 1 through 4 Block 28; and all of vacated 20 and 21st Street North lying

between said blocks of Tyler's Addition, and part of the SW 1/4 of the SE1/4 and SE1/4 of the SW1/4 Sec. 1, T139N, R49W into a one lot, one block subdivision. The applicant also requests a Subdivision Waiver to waive the requirements of the drain setback and dedication from the legal drain that crosses the property and reduce the setback from 175 feet on either side of the drain centerline (total of 350 feet). This is in reference to Section 20-0610 of the LDC (referenced below). The city engineer has determined that the 35-foot setback from the centerline of the drain (70' total) is the minimum necessary for future maintenance of the pipes in this underground drain.

Staff has requested an updated site plan depicting the 70-foot easement on this property in order to understand how the legal drain relates to the proposed development.

The property is zoned LI, Limited Industrial. No zone change is proposed.

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 1st Avenue North, LI, Limited Industrial and GC, General Commercial, with warehouse and office uses
- East: LI, Limited Industrial and GC, General Commercial, with warehouse and vacant land uses
- South: GC, General Commercial, with Burlington Northern Santa Fe railroad use.
- West: LI, Limited Industrial with warehouse, light manufacturing, and vacant land uses

Area Plans:

No area plans apply.

Schools and Parks:

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

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

Parks: Unicorn Park (1603 3rd Avenue N) is located approximately less than 1,000 feet northeast of the subject property and offers the amenities of basketball, grill, multipurpose field, picnic table, playgrounds, and recreational trails.

Pedestrian / Bicycle: An off-road bike facility is located along 1st Avenue North and is a component of the metro area trail system.

Staff Analysis:

ACCESS: The lot will take access from 1st Avenue North, an existing dedicated public street.

PUBLIC WATER AND SEWER: Public water and sewer are available in 1st Avenue North.

SUBDIVISION WAIVER FOR DRAIN SETBACK: Cass County Drain No. 3 passes through the eastern portion of the subject property underground. As this is a legal drain, a 175 foot setback from either side of the centerline of the drain would be required pursuant to Section 20-0610 of the Land Development Code (LDC). The subdivision waiver is for modification of this drain setback requirement; specifically, that

the requirement for the 175 foot setback from the centerline of the drain be reduced to a setback of 35 feet on either side of the drain centerline, for a total of 70 feet.

BACKGROUND ON THE DRAIN SETBACK REQUIREMENT

Based on the applicant's request, the City Engineering department reviewed the need to be able to access the legal drain. The drain is physically two 72-inch wide pipes approximately 15 feet deep. While the drain is part of the legal storm water requirements and governed by the Southeast Cass Water Resource District, the pipes are within the city limits. Thus, the City of Fargo is required to maintain access and also be prepared to maintain and replace the pipe if needed. As such, the City Engineer reviewed the proposed development and contends that a reduction of the 175-foot setback is reasonable. The City Engineer originally determined that an 80' total width (40 feet on either side of the drain centerline) is needed for safe and secure access. Upon reviewing the proposed site plan layout, the City Engineering office agrees to be able to modify the alignment of the easement as it relates to the northeast corner of the northern most building in order to accommodate the development as proposed. The applicant originally contended that even the reduced drain setback of 40 feet on either side of the drain setback impedes his plan to develop the property in certain ways and reduces the value of his property and as such contends that the City should purchase the rights to maintain and access the drain. Further discussion with the applicant and review by City departments has concluded that a 70-foot wide drain setback (35 feet on either side of the drain centerline) provides safe and secure access for maintenance of the underground pipes and is acceptable. The applicant has revised to the plat to depict this easement in the configuration approved by the City Engineer.

LAND TITLE INFORMATION:

In the review of the plat and application materials, the title opinion review discovered parcels within the boundary of this proposed plat that are owned by the City of Fargo. In research, it is believed the property came back to the City for unpaid taxes in the 1960's. At some point later, property taxes were paid. The County and City Auditor and Assessor files do not provide clarity in this issue. Further work by the City, in cooperation with the Cass County Auditor, has brought about a mechanism to resolve this matter, as noted in "Activity Since the February 6, 2018 Planning Commission Meeting" below.

ACTIVITY AT THE FEBRUARY 6, 2018 PLANNING COMMISSION MEETING

At the February 6, 2018 Planning Commission meeting, the Commission heard the project as presented by staff. Applicant Rick Flacksbarth, Cityscapes Development, spoke on behalf of the application. Discussion was held on the history of the property and the buried drain, the purpose and necessity of the City's minimum requested easement, and the pending legal issues on the property. Mr. Flacksbarth distributed a handout to the Board of the drain easements along the line of the drain above and below the property. The Commission moved to continue this project to the March 6, 2018 Planning Commission meeting as it seemed to the Commission that the drain width and legal issues had not been resolved.

ACTIVITY SINCE THE FEBRUARY 6, 2018 PLANNING COMMISSION MEETING

Since the February 6, 2018 Planning Commission meeting, staff, including the city attorney, have continued their research into and evaluation of the drain width requirement and the land title history of this subject property. Staff has determined that a 70-foot easement width (35 feet on either side of the drain centerline) will be sufficient to provide safe and secure access for maintenance to the underground drain pipes, and the applicant has revised the plat to indicate this easement. Regarding the land title item described above, further work by the City, in cooperation with the Cass County Auditor, has determined that this item can be resolved through the City granting the applicant a quit-claim deed for the City-owned property. This deed must be approved by the City Commission; the City Attorney intends to present this deed at an upcoming City Commission meeting. The plat will not be recorded without approval of this deed. City Commission approval of this deed is a contingency of approval of this plat.

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

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

The subject property is not located within an area plan. The zoning for the project site is LI, Limited Industrial. This zoning will accommodate the proposed business park development. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone call from the public regarding this property. The caller asked for information and did not oppose the project. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. These departments have found that the plat meets the standards of Article 20-06 and other applicable requirements of the Land Development Code, and depicts the reduced drain setback requirement of a 35-foot setback on either side of the drain centerline established by the city engineer.

(Criteria Satisfied)

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

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

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

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

The City Engineer has determined that the 35-foot setback on either side of the drain centerline is sufficient to provide access for maintenance to this underground drain. The City Engineer has directed that there be no utility crossings of the drain setback except at the north and south ends. Paving of parking areas or roadways can be done over the setback area. The plat depicts this easement in the configuration approved by the City Engineer.

(Criteria Satisfied)

2. **Section 20-0901.D.3.b of the LDC stipulates that a Subdivision Waiver must represent the least deviation from this Land Development Code that will mitigate the hardship or practical difficulty that exists on the subject property.**

As this is an underground drain, the City Engineer has determined that the 35-foot wide setback on either side of the drain centerline, to provide access for maintenance, is sufficient; the full 175 foot setback on either side of the drain centerline is not necessary in this case. The plat depicts this easement in the configuration approved by the City Engineer.

(Criteria Satisfied)

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

This subdivision waiver applies only to the drain setback requirements of Section 20-0610 of the LDC for this particular property

(Criteria Satisfied)

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed 1) **Cityscapes Business Park Addition** subdivision plat; and 2) Subdivision Waiver for drain setback, as presented, as the proposal plat meets all of the required criteria for approval of the plat and subdivision waiver for drain setback as noted above, contingent on the City Commission approving a quitclaim deed for City-owned property within this project site."

Planning Commission Recommendation: April 3, 2018

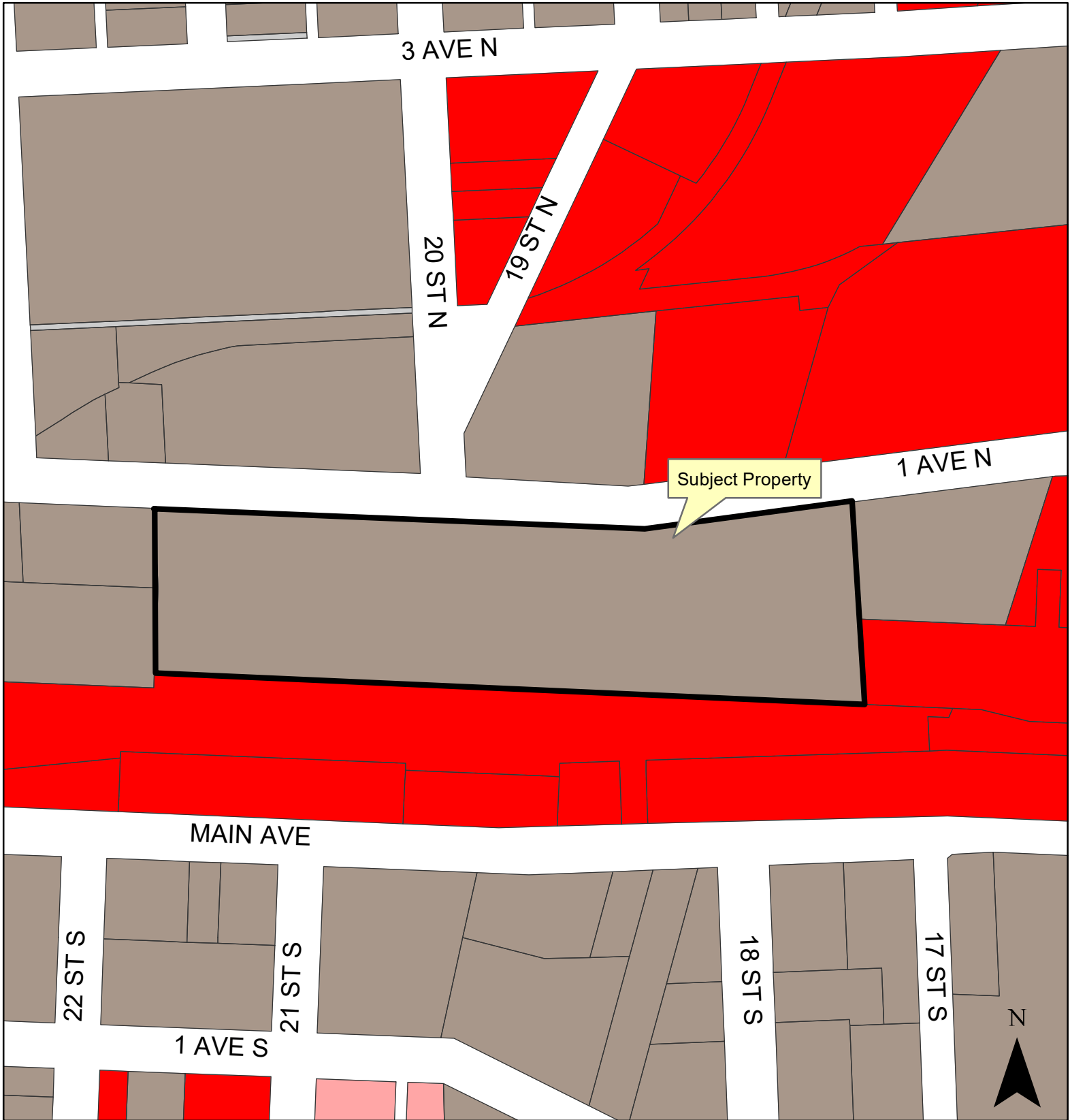
Attachments:

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

Plat (Minor)

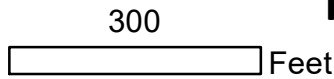
Cityscapes Business Park Addition

1910, 1968 & 2068 1st Avenue North



Legend

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



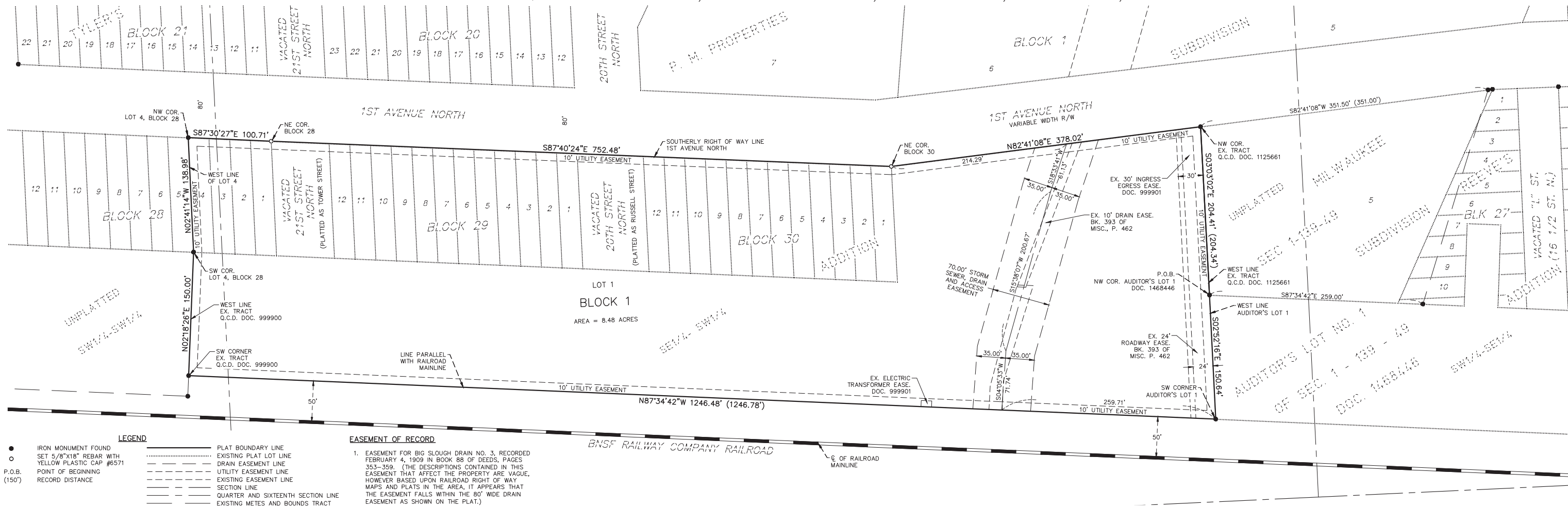
Fargo Planning Commission
November 7, 2017

Plat (Minor)

Cityscapes Business Park Addition 1910, 1968 & 2068 1st Avenue North



**PLAT OF
CITYSCAPES BUSINESS PARK ADDITION (A MINOR SUBDIVISION)
TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET
NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF
PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA**



LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
- P.O.B. POINT OF BEGINNING (150')
- PLAT BOUNDARY LINE
- EXISTING PLAT LOT LINE
- DRAIN EASEMENT LINE
- UTILITY EASEMENT LINE
- EXISTING EASEMENT LINE
- SECTION LINE
- QUARTER AND SIXTEENTH SECTION LINE
- EXISTING METES AND BOUNDS TRACT

EASEMENT OF RECORD

1. EASEMENT FOR BIG SLOUGH DRAIN NO. 3, RECORDED FEBRUARY 4, 1909 IN BOOK 88 OF DEEDS, PAGES 353-359. (THE DESCRIPTIONS CONTAINED IN THIS EASEMENT THAT AFFECT THE PROPERTY ARE VAGUE, HOWEVER BASED UPON RAILROAD RIGHT OF WAY MAPS AND PLATS IN THE AREA, IT APPEARS THAT THE EASEMENT FALLS WITHIN THE 80' WIDE DRAIN EASEMENT AS SHOWN ON THE PLAT.)

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "CITYSCAPES BUSINESS PARK ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOTS 1, 2, 3 AND 4 IN BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS, ALL IN TYLER'S ADDITION TO THE CITY OF FARGO, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA AND THAT PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE NORTHWEST CORNER OF AUDITOR'S LOT NO. 1 OF THE SOUTH HALF OF SAID SECTION 1, ACCORDING TO DOCUMENT NO. 1468446, RECORDED JANUARY 20, 2016, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 02 DEGREES 52 MINUTES 16 SECONDS EAST ON A RECORD BEARING ALONG THE WEST LINE OF SAID AUDITOR'S LOT NO. 1 FOR A DISTANCE OF 150.64 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF SAID AUDITOR'S LOT NO. 1, ALSO BEING A POINT ON A LINE WHICH IS 50.00 FEET NORTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH, THE CENTERLINE OF THE MAINLINE OF THE BNSF RAILWAY COMPANY'S RAILROAD; THENCE NORTH 87 DEGREES 34 MINUTES 42 SECONDS WEST ALONG SAID PARALLEL LINE FOR A DISTANCE OF 1246.48 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO. 999900, RECORDED NOVEMBER 29, 2001, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE NORTH 02 DEGREES 18 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 150.00 FEET TO A FOUND IRON MONUMENT AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 28, SAID TYLER'S ADDITION; THENCE NORTH 02 DEGREES 41 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4 FOR A DISTANCE OF 138.98 FEET TO A FOUND IRON MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 4, ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 1ST AVENUE NORTH; THENCE SOUTH 87 DEGREES 30 MINUTES 27 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF SAID BLOCK 28 FOR A DISTANCE OF 100.71 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF SAID BLOCK 28; THENCE SOUTH 87 DEGREES 40 MINUTES 24 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF BLOCKS 29 AND 30 IN SAID TYLER'S ADDITION FOR A DISTANCE OF 752.48 FEET TO AN IRON MONUMENT AT THE NORTHEAST CORNER OF SAID BLOCK 30; THENCE NORTH 82 DEGREES 41 MINUTES 08 SECONDS EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 378.02 FEET TO A FOUND IRON MONUMENT AT THE NORTHWEST CORNER OF A CERTAIN TRACT OF LAND AS DESCRIBED IN QUIT CLAIM DEED DOCUMENT NO. 1126661, RECORDED DECEMBER 28, 2004, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 03 DEGREES 03 MINUTES 02 SECONDS EAST ALONG THE WEST LINE OF SAID TRACT FOR A DISTANCE OF 204.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 8.48 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571

STATE OF NORTH DAKOTA
COUNTY OF CASS

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

FARGO PLANNING COMMISSION APPROVAL

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

SHARA FISCHER, CHAIR
STATE OF NORTH DAKOTA
COUNTY OF CASS

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

FARGO CITY COMMISSION APPROVAL

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

TIMOTHY J. MAHONEY, MAYOR
STEVEN SPRAGUE, CITY AUDITOR
STATE OF NORTH DAKOTA
COUNTY OF CASS

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "CITYSCAPES BUSINESS PARK ADDITION" TO THE CITY OF FARGO, A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK 28, ALL OF BLOCKS 29 AND 30 AND ALL OF VACATED 20TH STREET NORTH AND VACATED 21ST STREET NORTH LYING BETWEEN SAID BLOCKS IN TYLER'S ADDITION TO THE CITY OF FARGO AND A PLAT OF PART OF THE SOUTHWEST QUARTER IN SECTION 1, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL UTILITY, STORM SEWER, ACCESS AND DRAIN EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: BULLINGER ENTERPRISES, L.L.L.P.

BY: _____
TITLE: _____

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF BULLINGER ENTERPRISES, L.L.L.P.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

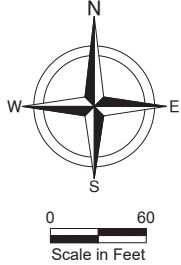
CITY ENGINEER'S APPROVAL

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

MARK H. BITTNER, CITY ENGINEER
STATE OF NORTH DAKOTA
COUNTY OF CASS

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

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
THE WEST LINE OF AUDITOR'S LOT NO. 1 OF THE S1/2 OF SECTION 1-139-49 HAS A RECORD BEARING OF S02°52'16"E, ACCORDING TO DOCUMENT NO. 1468446, ON FILE AND OF RECORD IN THE OFFICE OF THE CASS COUNTY RECORDER.

City of Fargo Staff Report			
Title:	Lane's Subdivision of Lot 69 of Ohmer's Subdivison	Date Updated:	3/18/2018
Location:	1249 and 1253 12th Street North	Staff Contact:	Kylie Bagley
Legal Description:	North 50 feet of the East 130 feet of Lot 70, Ohmer's Subdivision		
Owner(s)/Applicant:	Alpha Gamma Delta Fraternity Housing Corporation/Lowry Engineering	Engineer:	Lowry Engineering
Entitlements Requested:	Conditional Use Permit for an Alternative Access Plan		
Status:	Planning Commission Public Hearing: April 3, 2018		

Existing
Land Use: Group Living
Zoning: MR-3
Uses Allowed: detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.
Maximum Density Allowed: 24 dwelling units per acres.

Proposed
Land Use: Group Living
Zoning: MR-3
Uses Allowed: 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.
Plus CUP to allow for an Alternative Access Plan to reduce on site parking
Maximum Density Allowed: 24 dwelling units per acres.

Proposal:
<p>The applicant is requesting a conditional use permit for an alternative access plan in order to reduce the number of required parking on site. The applicant is proposing to rebuild the existing sorority house in order to accommodate more sleeping and common space areas. The facility is considered to be group living which would require 1 parking stall per 100sf of living area. The proposed sorority will have 2,488sf of living area which would require 25 parking stalls.</p> <p>The applicant is proposing to provide 16 parking stalls on site, as shown in the proposed site plan. Currently the sorority purchases 9 parking stalls from NDSU and plan to purchase additional parking for any students who will not be able to park on site due to the expansion of the sorority house. This will provide the sorority with a minimum of 25 parking stalls which is what is required by the Land Development Code.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: MR-3, Multi-Dwelling Residential with Group Living use • East: MR-3, Multi-Dwelling Residential with Household Living use • South: MR-3, Multi-Dwelling Residential with Household Living, Duplex use

- West: PI, Public & Institutional and MR-3, Multi-Dwelling Residential with Educational and Group Living uses

Area Plans:

The Roosevelt-NDSU Neighborhood Area Plan designates the area of this project as “High Density Residential” land use.



Context:

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

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

Parks: Roosevelt Park is located approximately less than 900 feet east of the project site and provide the amenities of multipurpose field, outdoor skating/warming house, and playground.

Pedestrian / Bicycle: There are on-road bike facilities less than 400 feet west of the subject site along University Drive North that are a component of the metro area bikeways system.

Staff Analysis:

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

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

1. **Does the proposed conditional use comply with all applicable provisions of the LDC and will it conform to the general intent and purpose of this LDC?**
 The purpose of the LDC is to implement Fargo’s Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Promoting infill development and exploring reductions in minimum parking standards are both key initiatives meant to promote the Plan’s guiding principles. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City.
(Criteria Satisfied)
2. **Will the proposed conditional use at the specified location contribute to and promote the welfare or convenience of the public?**
 Staff suggests that this proposed conditional use permit for an alternative access plan for reduced parking will contribute to and promote the welfare of the public.

(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 not received any comments from neighboring property owners

(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 limit the intensity of the use.

(Criteria Satisfied)

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

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

(Criteria Satisfied)

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

The Engineering Department has had an opportunity to review the proposal and no comments or concerns were noted to indicate a deficiency with the access roads or entrances or exit drives. Staff suggests that the proposed conditional use will not create traffic hazards or traffic congestion in the public streets.

(Criteria Satisfied)

Recommended Conditions:

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

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:

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

Planning Commission Recommendation: April 3, 2018

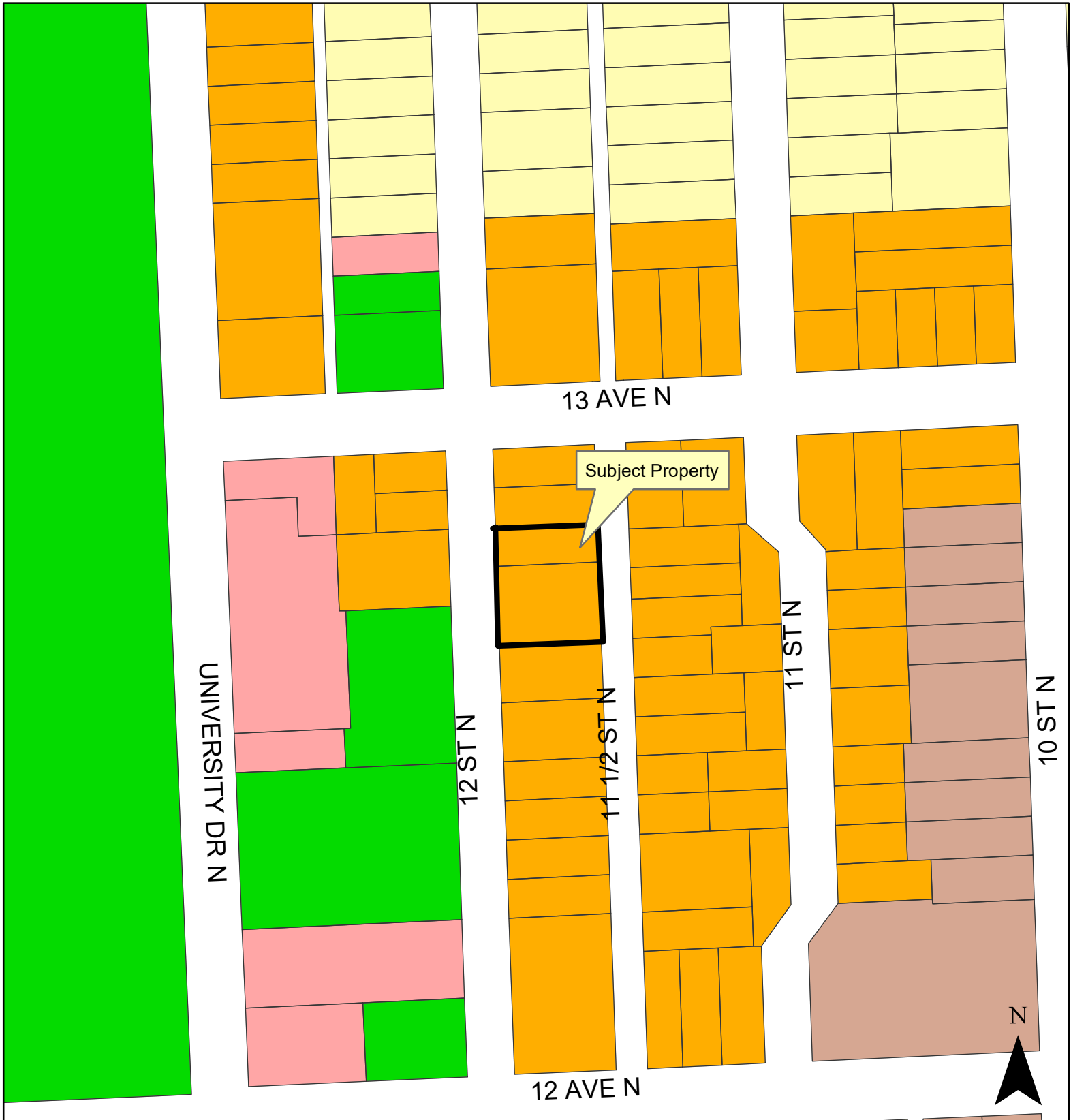
Attachments:

1. Zoning Map
2. Location Map
3. CUP Draft

CUP (Alternative Access Plan)

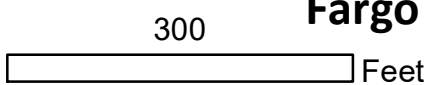
Ohmer's Addition

1249 & 1253 12th St N



Legend

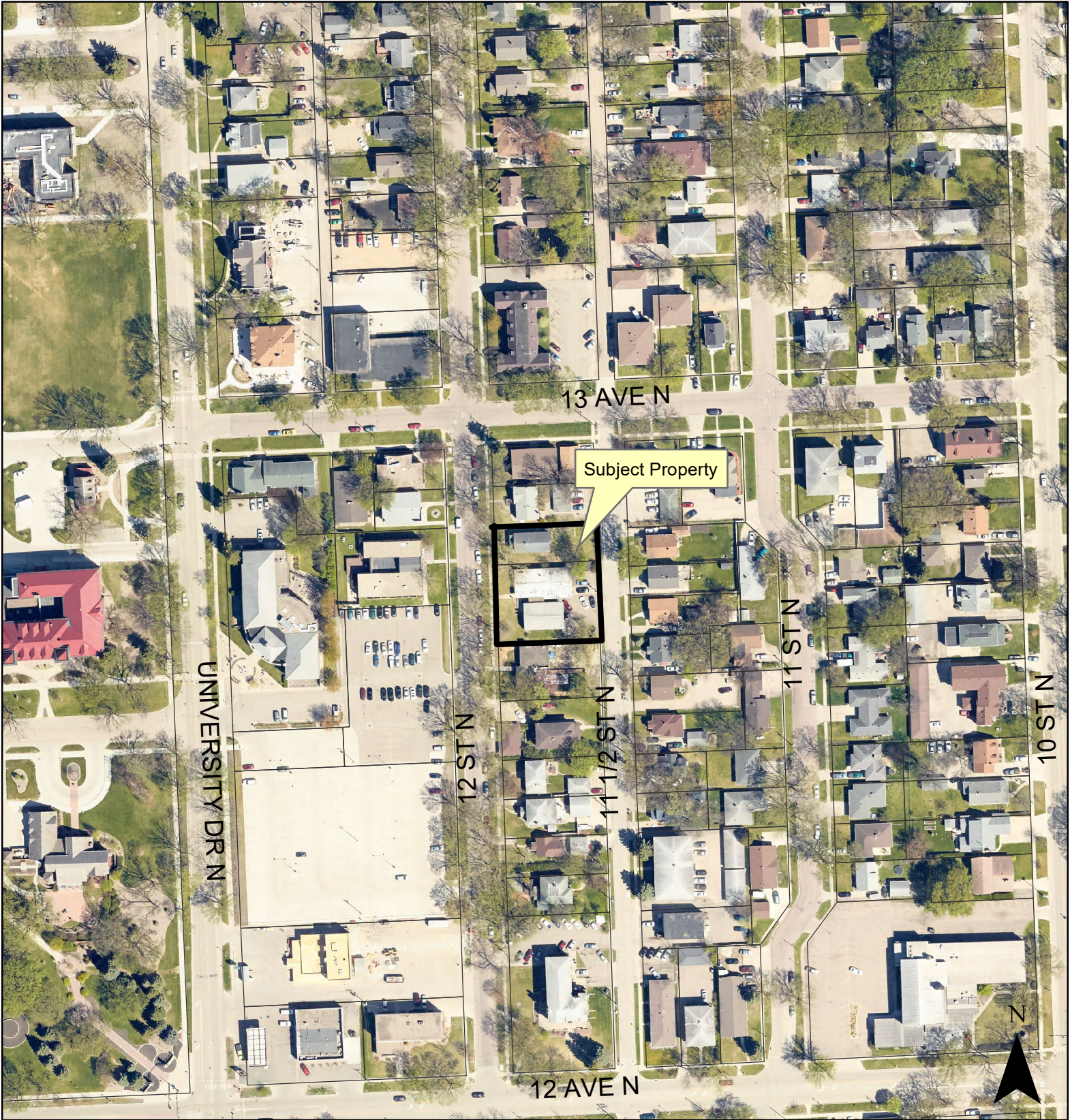
AG	LC	MHP	SR-2
DMU	MR-1	NO	SR-3
GC	MR-2	PJ	SR-4
GG	MR-3	UMU	SR-5
GO			City Limits



CUP (Alternative Access Plan)

Ohmer's Addition

1249 & 1253 12th St N





Civil Engineering • Construction Engineering • Land Survey

February 12th, 2018

City of Fargo
Attn: Kylie Bagley
Planning and Development
200 Third Street North
Fargo, ND 58102

**RE: Alpha Gamma Delta
LE Project #17087**

Ms. Bagley,

The intention of this letter is to briefly recap the existing zoning conditions that apply to the subject property, clearly define the desired outcome of the project, and identify the steps we feel will best lead us to the desired outcome.

Existing Conditions

The Alpha Gamma Delta Sorority ("AGD") site ("project site") is proposed on 1249 and 1253 12th Street North and is zoned as MR-3 – Multi-Dwelling District. Existing structures on the project site are to be demolished. The existing AGD has 21 beds encompassing 1,290 SF of sleeping space and 10 on-site off-street parking spaces. This is less than the required 1 parking space per 100 SF of sleeping area (13 required off-street parking spaces) per the LDC. Parking permits are purchased from North Dakota State University (NDSU) each semester by AGD for the additional off-street parking spaces needed. These off-street spaces are located at the IFC parking lot (NDSU Alumni Center parking lot) which is located directly across 12th Street North from AGD. Other current eligible access alternatives utilized by AGD members include the MATbus transit hub located on NDSU campus and transportation by bicycle.

Proposed Conditions

The proposed AGD will span 1249 and 1253 12th Street North. A preliminary site plan and architectural building elevations are attached. The proposed AGD will offer 34 beds encompassing 2,488 SF of sleeping space and 17 on-site off-street parking spaces. This is less than the required 1 parking space per 100 SF of sleeping area (25 required off-street parking spaces) per the LDC.

Desired Outcome

The LDC states that 1 parking space is required per 100 SF of sleeping area for group living. The intention is to obtain a conditional use permit for parking reduction by using the “minimum ratio established” method utilizing existing and proposed bed counts at AGD in lieu of SF of sleeping area. Using bed counts provide a more accurate interpretation of parking requirements as the existing AGD has a high number of beds in a small sleeping area. Eligible access alternatives from subsection 2 of the LDC to the project site will also be implemented into the project.

Steps to Achieve the Desired Outcome

We believe the correct steps to achieve the desired outcome are as follows:

1. Using the “minimum ratio established” method per existing & proposed bed counts at AGD, the below table shows an increase in ratio from 47.6% to 50.0%. There have not been issues with the existing parking to bed ratio and it can be assumed there will not be in the future.

Existing Conditions		Proposed Conditions	
(On-Site) Off-Street Parking	10	(On-Site) Off-Street Parking	17
Bed Count	21	Bed Count	34
Minimum Ratio	47.6%	Minimum Ratio	50.0%

2. Eligible Alternatives from Subsection 2 of the LDC have been implemented to the project site and include;
 - Bicycle parking will be provided on-site. NDSU campus is less than 400 feet away from AGD and bicycle traffic is one of the primary means of transportation for students.
 - Consideration that the project site provides excellent pedestrian connectivity to NDSU campus, specifically the MATbus Transit Hub. This hub is a sheltered bus stop for routes 13, 13U, 33, and 34 and is located less than 900 feet away from AGD.
 - Additional off-street parking spaces to meet requirements will be provided by parking permit from NDSU for the IFC lot located directly across 12th Street North.



Civil Engineering • Construction Engineering • Land Survey

Thank you for taking time to do a preliminary review on the conditional use permit application for parking reduction. Please do not hesitate to contact me with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Lowry', is written over the typed name.

Jonathan Lowry
Civil Engineer

Alpha Gamma Delta House
1249 12th Street North
North Dakota State University
Fargo, ND 58102

Drawing History

No.	Description	Date
1	Check Set	03/02/2018

DRAWN BY: KK/KD JNC: 17-103



NOT FOR CONSTRUCTION

Site Plan

SHEET
A001



1 Site Plan
A001 1" = 10'-0"

City of Fargo Staff Report			
Title:	Morton & Doty's Addition	Date:	3-28-2018
Location:	1620 16th Avenue South	Staff Contact:	Barrett Voigt
Legal Description:	A portion of Lot 14 and Lots 15-16, Block 23, Morton & Doty's Addition		
Owner(s)/Applicant:	Dr. Angela Cavette/RHET Architecture	Engineer:	None
Entitlements Requested:	<p>Zoning Change (From NO, Neighborhood Office to NO, Neighborhood Office, with a PUD, Planned Unit Development Overlay) and a PUD Master Land Use Plan and Final Plan</p> <p>Update (3/23/18): Request for Planning Commission to review application for Conditional Use Permit to allow for an Alternative Access Plan instead of PUD per Land Development Code §20-0901H.</p>		
Status:	Planning Commission hearing: April 3, 2018		

Existing
Land Use: Vacant Building (Former Day Care use)
Zoning: NO, Neighborhood Office
Uses Allowed: Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, parks and open space, religious institutions, safety services, basic utilities, and offices.
Maximum Density Allowed: 8.7 units per acre

Proposed
Land Use: Medical Office and Household Living
Zoning: No Change
Uses Allowed: Detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, parks and open space, religious institutions, safety services, basic utilities, and offices.
Plus a CUP to allow for an Alternative Access Plan
Maximum Density Allowed: No Change

Proposal:

On March 23, 2018 it was determined by the Planning and Development Department staff that a Conditional Use Permit (CUP) would be more appropriate for the applicant. A CUP to allow for an Alternative Access Plan for a reduction in parking would exempt the applicant from Land Development Code (LDC) §20-0705 Trees and Landscaping standards and §20-0704 Residential Protection Standards.

Therefore, the applicant is requesting a CUP to allow for an Alternative Access Plan for a parking reduction of 15 parking spaces on a portion of Lot 14 and Lots 15-16, Block 23, Morton & Doty's Addition (1620 16th Avenue South). The site currently has an existing building that was built in 1955. The building was utilized as a school and a daycare center with a CUP to allow for 80 children in the past. The applicant is proposing to convert the building into an office for mental health services and a dwelling unit to accommodate an adult child with special needs. The property is zoned NO, Neighborhood Office and allows for the proposed uses by right.

The applicant agreed with staff to request that the Planning Commission, under LDC §20-0901H., review the proposed application for a CUP entitlement request instead of a Planned Unit Development PUD request. The applicant and staff maintain that the amendment to the application request would adhere to this section in that it would reduce the impact of the development by preserving the exterior of the site.

According to LDC parking requirements, Medical Office use requires 1 space per every 200 square feet and Household Living requires 2 spaces per Dwelling Unit. When the proposed use of the applicant was evaluated, it was determined that 27 parking spaces would be required for the site. The site currently has 12 parking spaces and the applicant is asking for a reduction of 15 spaces. Please see the table below for more information.

Use	LDC Requirements			Parking Available	Net Difference in Spaces
	sf	ratio	spaces required		
Medical Office	4,853	1/200 SF	25	12	13
Household Living	1 Unit	2/Unit	2	0	2
Total			27	12	15 (56%)

In addition, the applicant has provided a narrative and a parking study from Houston Engineering, Inc. to describe the proposed business operations for the subject property. The applicant is proposing to use the subject property to provide a less intensive use of mental health services, mainly to children and adults up to 20 years of age. Though the parking requirements of the LDC require the same ratio of the proposed use as other medical office uses, the applicant is proposing a medical office use that is more similar to a less intensive Community Service use. The applicant proposes to staff 9 clinicians (including herself) and 1 support staff. The applicant stated that the possibility of peak demand for parking could potentially reach 19 parking spaces during a 1-hour interval. However, she doesn't anticipate a high probability that the peak demand would ever be reached if at all. In addition, the parking study predicts that vehicle trips generated by the proposed use would be reduced by 16% when compared to the previous daycare center use. A copy of the narrative provided by the applicant and the Houston Engineering, Inc. parking study are attached with the staff report.

In 2003, the previous daycare use for this facility was allowed by Conditional Use Permit for up to 80 children without any specified age limits required. Under North Dakota Stated law, if the daycare were to serve 80 infants under the age of 18 months, it would require 20 staff. In comparison, the previously allowed daycare use could potentially generate a peak parking demand of 100 spaces during a 1-hour interval time period. Please see the table below for more information on potential peak demand comparisons.

Use	Number of Staff	Potential Number of Service Recipients At 1 Hour Interval	Parking Space Demand
Psychology Office	11	9	20
Daycare	20	80	100
Net Difference			80

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 16th Avenue South; SR-3, Single-Dwelling Residential with household living, detached housing use
- **East:** SR-3, Single-Dwelling Residential with household living, detached housing use
- **South:** SR-3, Single-Dwelling Residential with household living, detached housing use
- **West:** Across 16 ½ Street South; SR-3, Single-Dwelling Residential with household living, detached housing use

Area Plans:

No area plans apply.

Schools and Parks:

Schools: The subject property is located within the Fargo School District, specifically within the school boundaries of Lewis and Clark Elementary, Carl Ben Eielson Middle and Fargo South High schools.

Neighborhood: The subject properties are located in the Lewis and Clark Neighborhood.

Parks: Southwest Park (1905 Roger Maris Drive) is located approximately less than a quarter mile (0.16 miles) southwest of the subject property and offers the amenities of baseball/softball and tennis.

Pedestrian / Bicycle: Off-road bike facilities are located approximately 300 feet south of the subject property and are a component of the metro area bikeways system.

Staff Analysis:

Due to the change in entitlement request from Planned Unit Development to Conditional Use Permit on behalf of the applicant, the zone change, master plan, and final plan are no longer relevant to the staff report and therefore no analysis for a PUD will be provided.

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 for the Alternative Access Plan, if approved, would allow additional investment and productivity of a property without altering the site to provide more parking spaces and impose a more intense use of the site. The provision of additional parking spaces on the site would reduce the utility of the property for the applicant and would result in a higher impact on neighboring residential properties by allowing automobiles to operate in more close proximity.

In addition, a Conditional Use Permit was approved for the subject property to allow for a Daycare use of 80 children with no age limits in 2003. According to the staff report in 2003, it was proposed that most of the children would be under 5 years of age. According to North Dakota legislation, 80 children under the age of 5 would require 4 staff for ages 4-5, 4 staff for ages 3-4, 6 staff for ages 8 months to 3 years, and 20 staff for children less than 18 months. With the previous CUP, it would potentially require 9 spaces to accommodate for 20 staff and 80 persons dropping off and picking up their children. This application will substantially reduce the intensity of the site by proposing fewer employees, fewer clients, and a medical office use that is more similar to a community service use. **(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 phone calls and two office visits from surrounding residents to inquire about the project. On March 27th, an additional courtesy letter was issued to all property owners within 300 feet of the subject property to notify of the change in entitlement request type. **(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. By allowing the site to operate with fewer parking spaces, the applicant can avoid adding parking spaces to the site in close proximity to neighboring properties with residential uses. As a result the site will be able to avoid increasing the intensity of the site and dominating the use in the neighborhood.

In addition, the applicant agrees to construct a 6-foot high opaque fence along the south and east property line to further mitigate any potential impacts to surrounding properties. This requirement, along with the others proposed, are specifically meant to mitigate the potential negative impacts to the extent practical. **(Criteria Satisfied)**

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

Staff is not aware of any deficiencies regarding drainage or utilities that would limit the ability of the applicant to utilize the property as proposed. The Engineering Department has identified drainage issues on the property along the eastern property line of the property and does not recommend that the property be modified to add additional surface parking on the southeast corner of the property. Based on this information, staff finds that the adequate utility, drainage, and other such necessary facilities and services are in place for the current development as it exists today. **(Criteria Satisfied)**

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

The subject property has vehicular access to both 16th Avenue South and 16 ½ Street South. Staff suggests that entrances and exit drives are designed to prevent traffic hazards and to minimize traffic congestion in public streets.

(Criteria Satisfied)

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

Planning Commission Recommendation: April 3, 2018

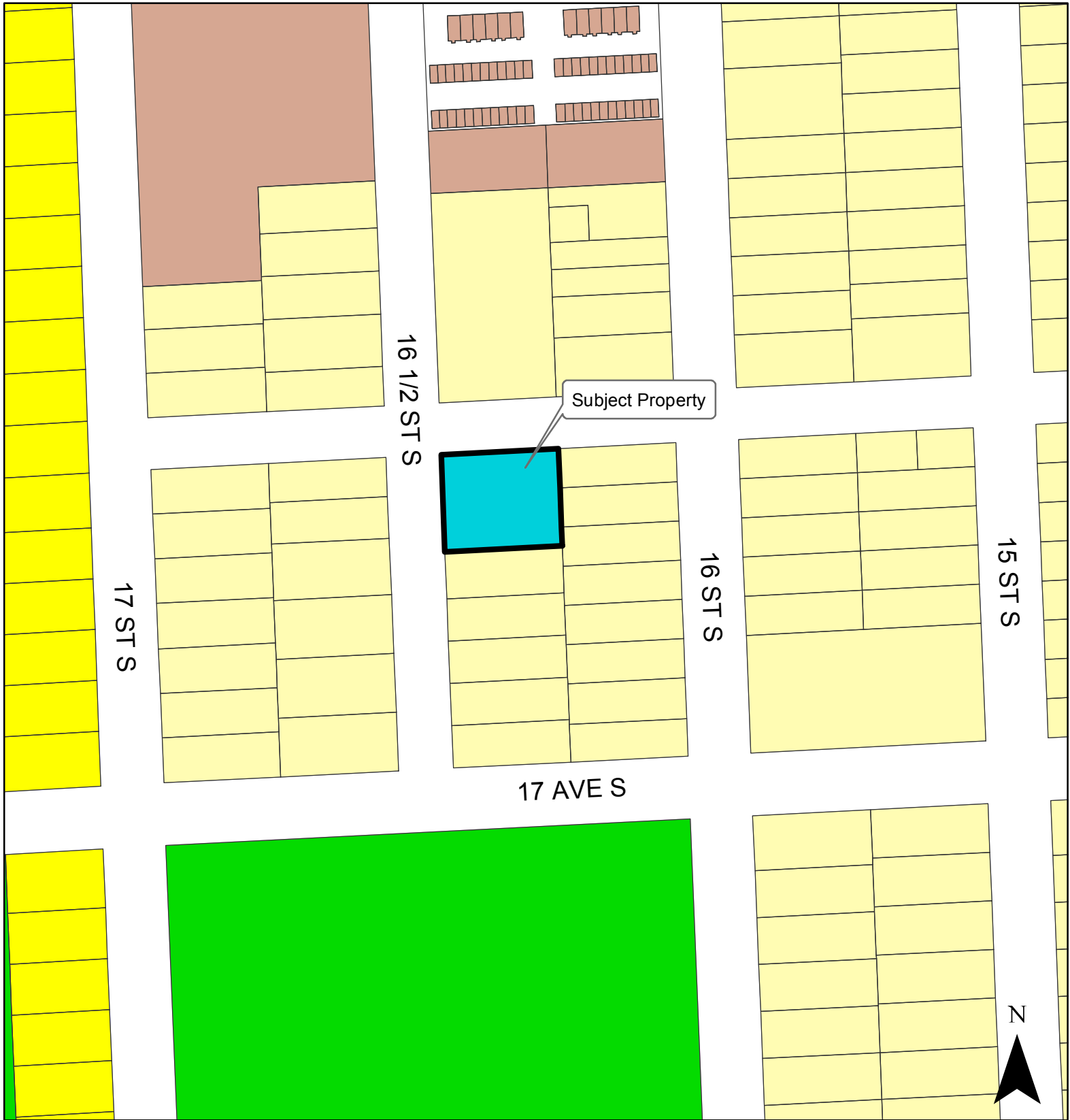
Attachments:

1. Zoning Map
2. Location Map
3. Narrative Document
4. Parking Study Document

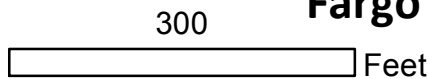
PUD and Zone Change (NO to NO w/ PUD Overlay)

Morton & Doty's Addition

1620 16 Ave S



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 3, 2018

PUD and Zone Change (NO to NO w/ PUD Overlay)

Morton & Doty's Addition

1620 16 Ave S



The mission of Chrysalis Behavioral Health Services and Training Center is to provide assessment and therapeutic services for children, adolescents and adults. At Chrysalis BHSC&TC we strive to provide an environment where the therapeutic relationship is foundational to facilitate healing with effective interventions. The values of Chrysalis are compassion, care, integrity and respect. Chrysalis Behavioral Health Services and Training Center is on the panels of many insurance networks (BCBSND) and other third party payers.

We will have 9 providers (psychologists, social workers, counselors) that will provide services. There will be one office manager. At a peak time, we may require 19 spaces. Behavioral health providers tend to have one patient per hour. (Unlike physicians who may have 6-10 per hour). At times two providers will be seeing different members of the same family which reduces the number of cars that will be using parking. The scheduling of providers will assist in reducing parking in that providers will be scheduled on the hour or half hour.

Technical Memorandum

To: Mr. Rhet Fiskness, AIA, NCARB
Rhet Architecture

From: Josh Hinds PE, PTOE
Houston Engineering, Inc.

Subject: Trip Generation Values for Conditional Use Permit

Date: March 27, 2018

Project: Location 1620 16th Avenue S, Fargo, ND

PURPOSE OF MEMORANDUM

This memorandum (the memo) provides information on the trips generated by the past and future building use at 1620 16th Avenue S in Fargo, North Dakota. This memorandum will provide information that compares the trips generated by the prior building use of a day care center to the future building use of a psychology office. The *Trip Generation Manual, 10th Edition* (the Manual) was used for the purposes of the trip end/generation calculations in this memo, and the term “land use” is intended only to match the terminology of and reference in the Manual.

INFORMATION PROVIDED FOR TRIP GENERATION DETERMINATION

The following information was provided to Houston Engineering, Incorporated for the calculation of vehicle trips generated by each land use, as determined by the methods and information included in the Manual.

Prior Land Use: Day Care Center with 80 total students/children and 20 total staff members

Future Land Use: Psychology Office with 9 total doctors, 1 total support staff, 72 total patients per day

TRIP GENERATION FACTORS

Vehicle trip generation information was referenced from the Manual for Day Care Center (Use 565 in the Manual) and Medical-Dental Office Building (Use 720 in the Manual). The Medical-Dental Office Building land use in the Manual is used for “outpatient care on a routine basis” and “one or more private physicians”. The Medical-Dental Office Building land use is the closest match to a psychology office in the available land uses in the Manual, as a psychology office land use is not an available land use in the Manual.

Listed in the Manual for each land use are multiple trip generation values used to determine the final number of vehicles entering and exiting the site. The trip generation values used are based on the trip variable, day of the week, time of day, and other factors. The trip generation variable that is used for each land use provides an estimate of the total number of vehicles (guests, employees, patients, etc.) entering and exiting the site based on the variable. The variable used for the Day Care Center land use was total students (children) and Medical-Dental Office Building was total number of employees.

For this memo, vehicle trip generation factors for the weekday AM and PM peak hours were used for both the Day Care Center and Medical-Dental Office Building land use to determine the total trips generated. The following trip generation information was used in the vehicle trip calculation:

Table 1. Trip Generation Information

Land Use Description:	Day of Week and Time Period:	Trip Rate	Total Trips
Day Care Center	Weekday, AM Peak Hour	0.78 per Student	63
Day Care Center	Weekday, PM Peak Hour	0.79 per Student	63
Medical-Dental Office Building	Weekday, AM Peak Hour	1.07 per Employee	11
Medical-Dental Office Building	Weekday, PM Peak Hour	1.15 per Employee	12

The total trips represents the sum of total vehicles entering and total vehicles exiting the location and does not represent the total number of vehicles.

TRIP GENERATIONS OF PROPOSED LAND USE

The total trip ends provided in Table 1, based on the occupant information provided, are 63 total trips for the Day Care Center land use in both the AM and PM peak hours and 11 total trips in the AM peak hour and 12 total trips in the PM peak hour for the Medical-Dental Office Building. Based on the information provided in Table 1, the total trips generated by the psychology office is forecasted to be approximately 16% of the day care center during the AM and PM peak hours. The results are as expected for the AM and PM peak hours due to the nature of operations of a day care center with most children being dropped-off and picked-up during the peak hours, and a psychology office having patients arriving throughout the work day with no increase during the peak hours.