

FARGO PLANNING COMMISSION AGENDA
Tuesday, August 7, 2018 at 3:00 p.m.

- A: Approve Order of Agenda
- B: Minutes: Regular Meeting of July 3, 2018
- C: Brown Bag Luncheon - Wednesday, August 22, 2018
- D: Public Hearing Items:
1. Continued hearing on an application requesting a Plat of **Urban Plains by Brandt Fourth Addition** (Minor Plat) on Lots 2 and 3, Block 1, Urban Plains by Brandt Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5616 26th Avenue South) (Urban Plains Land Co., LLC/Houston Engineering) (an)
 - 2a. Hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional on a portion of the South Half of **Section 19, Township 140 North, Range 48 West** of the 5th Principal Meridian, Cass County, North Dakota and Lot 1, Block 2, Royal Oaks Addition. (Located at 3400 and 3500 North Broadway and 610 37th Avenue North) (City of Fargo) (an)
 - 2b. Hearing on an application requesting an Institutional Master Plan for the Fargo Wastewater Treatment Facility on a portion of the South Half of **Section 19, Township 140 North, Range 48 West** of the 5th Principal Meridian, Cass County, North Dakota and Lot 1, Block 2, Royal Oaks Addition. (Located at 3400 and 3500 North Broadway and 610 37th Avenue North) (City of Fargo) (an)
 3. Hearing on an application requesting a Plat of **Fitzsimonds Addition** (Major Subdivision) on a portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5080 38th Street South and 3805 52nd Avenue South) (Keith Ernst) (dk)

Planning Commission meetings are broadcast live on cable channel TV Fargo 56 and online at www.FargoND.gov/streaming. They are rebroadcast each Wednesday at 8:00 a.m. and Sunday at 8:00 a.m.; and are also included in our video archive at www.FargoND.gov/PlanningCommission.

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

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

**BOARD OF PLANNING COMMISSIONERS
MINUTES**

Regular Meeting:

Tuesday, July 3, 2018

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

The Planning Commissioners present or absent were as follows:

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

Absent: Mary Scherling, Scott Stofferahn

Chair Fischer called the meeting to order.

Business Items:

Item A: Approve Order of Agenda

Chair Fischer noted the following Agenda items:

- Items 1a, 1b, 1c, and 1d have been continued to the September 4, 2018 Planning Commission meeting.
- Item 10 has been continued to the August 7, 2018 Planning Commission meeting.

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

Item B: Minutes: Regular Meeting of June 5, 2018

Member Bachmeier moved the minutes of the June 5, 2018 Planning Commission meeting be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

Item C: July 2018 Brown Bag Luncheon – no meeting scheduled for July

Item D: Public Hearing Items:

Item 1: NSC Addition

1a. Continued hearing on an application requesting a Growth Plan Amendment within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO SEPTEMBER 4, 2018

1b. Continued hearing on an application requesting a Zoning Change from AG, Agricultural to P/I, Public and Institutional within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO SEPTEMBER 4, 2018

1c. Continued hearing on an application requesting an Institutional Master Plan within a portion of the boundaries of the proposed NSC Addition. (Located at 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO SEPTEMBER 4, 2018

1d. Continued hearing on an application requesting a Plat of NSC Addition (Major Subdivision) on an unplatted portion of land in the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 10, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 5703 and 6101 45th Street North) (City of Fargo/Fargo Park District): CONTINUED TO SEPTEMBER 4, 2018

A Hearing had been set for August 1, 2017. At the August 1, 2017 meeting, the Hearing was continued to September 5, 2017. At the September 5, 2017 meeting, the Hearing was continued to October 3, 2017. At the October 3, 2017 meeting, the Hearing was continued to December 5, 2017. At the December 5, 2017 meeting, the Hearing was continued to January 4, 2018. At the January 4, 2018 meeting, the Hearing was continued to February 6, 2018. At the February 6, 2018 meeting, the Hearing was continued to May 1, 2018. At the May 1, 2018 meeting, the Hearing was continued to this date and time; however, the applicant has requested this item be continued to September 4, 2018.

Item 2: Providence at Prairie Farms Addition

2a. Continued hearing on an application requesting a Zoning Change from SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay to SR-4, Single-Dwelling Residential, and SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay to P/I, Public and Institutional with a C-O, Conditional Overlay, on a portion of the proposed Providence at Prairie Farms Addition. (Located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st Street South) (Prairie Farms LLC/Michael Domitrovich): APPROVED

2b. Continued hearing on an application requesting a Plat of Providence at Prairie Farms Addition (Minor Subdivision) a replat of Lots 20-29, Block 1, Prairie Farms Addition to the City of Fargo, Cass County, North Dakota. (Located at 5764, 5788, 5810, 5830, 5850, 5866, 5882, 5892, 5906, 5920 31st Street South) (Prairie Farms LLC/Michael Domitrovich): APPROVED WITH CONDITIONS

A Hearing had been set for June 5, 2018. At the June 5, 2018 meeting, the Hearing was continued to this date and time.

Assistant Planner Kylie Bagley presented the staff report stating that all approval criteria have been met and staff is recommending approval. She noted that additional documents were submitted to the Board.

Applicant Michael Domitrovich spoke on behalf of the application.

Member Morgan present.

City Engineer Brenda Derrig spoke on behalf of the Engineering Department and inquired about the status of information regarding the portion of drainage easement being vacated.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay, to SR-4, Single-Dwelling Residential on Lots 1-15, Block 1, Providence at Prairie Farms Addition; and from SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay, to P/I, Public and Institutional with a C-O, Conditional Overlay on Lot 16, Block 1, Providence at Prairie Farms Addition; and 2) Subdivision Plat, Providence at Prairie Farms Addition as outlined within the staff report, with the condition that the applicant provide the Engineering Department information regarding vacating a portion of the drainage easement in the no-build zone with information on the stormwater retention, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06, the Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Magelky, Schneider, Sobolik, Morgan, Bachmeier, Gunkelman, Tasa, and Fischer voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

**Item 3: The District of Fargo Third Addition
Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on Lot 3, Block 1, The District of Fargo Third Addition. (Located at 3751 53rd Avenue South) (Panda Express, Inc./Henry Klover): APPROVED WITH CONDITIONS**

Ms. Bagley presented the staff report stating that all approval criteria have been met and staff is recommending approval. She noted a correction to the suggested motion in the staff report from 34 to 36 parking stalls.

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

- 1) The applicant must provide no more than 36 parking stalls on site.
- 2) The applicant must increase plant units by the same percentage that parking stalls are being increase by on site.

- 3) The Conditional Use Permit will cease if the land use changes from restaurant or fast food.

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

Item 4: Legacy I Second Addition

Hearing on an application requesting a Zoning Change from MR-1, Multi-Dwelling Residential to SR-5, Single-Dwelling Residential on a portion of Lots 13 and 14, Block 3, Legacy I 2nd Addition. (Located at 2173 and 2175 58th Avenue South) (Ryan Lizotte/Gerald Ripplinger): APPROVED

Ms. Bagley presented the staff report stating that 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 Zoning Change from MR-1, Multi-Dwelling Residential, to SR-5, Single-Dwelling Residential, as outlined within the staff report on the basis that it satisfactorily complies with the GO2030 Fargo Comprehensive Plan, the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Schneider. On call of the roll Members Gunkelman, Sobolik, Magelky, Tasa, Morgan, Bachmeier, Schneider, and Fischer voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

Item 5: Grayland First Addition

Hearing on an application requesting a Zoning Change from SR-3, Single-Dwelling Residential to SR-4, Single-Dwelling Residential on Lots 2-18, Block 3, Grayland First Addition. (Located at 6313, 6333, 6347, 6363, 6379, 6393, 6405, 6421, 6439, 6457, 6473, 6491, 6507, 6523, 6541, 6561, and 6583 54th Avenue South) (Grayland Holdings Company/Ben Saucke): APPROVED

Planning Coordinator Donald Kress presented the staff report stating that 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 Zoning Change from SR-3, Single-Dwelling Residential, to SR-4, Single-Dwelling as outlined within the staff report as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth Plan, the Standards of Section 20-0906.F (1-4), and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Bachmeier, Gunkelman, Magelky, Morgan, Schneider, Sobolik, Tasa, and Fischer voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

Item 6: Golden Valley Second Addition

6a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a C-O, Conditional Overlay within the boundaries of the proposed Golden Valley Second Addition. (Located at 6737 25th Street South) (Ryland Development Corp/Jon Youness): APPROVED

6b. Hearing on an application requesting a Plat of Golden Valley Second Addition (Major Subdivision) on a portion of the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 6737 25th Street South) (Ryland Development Corp/Jon Youness): APPROVED

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

Member Schneider moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential and P/I, Public and Institutional with a C-O, Conditional Overlay to restrict land uses as noted within the staff report; and 2) Subdivision Plat, Golden Valley Second Addition, as outlined within the staff report, as the proposal complies with the GO2030 Fargo Comprehensive Plan, the 2007 Growth Plan, the Standards of Article 20-06 and Section 20-0906.F (1-4) of the Land Development Code, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Sobolik, Magelky, Gunkelman, Morgan, Schneider, Tasa, Bachmeier, and Fischer voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

Item 7: Parkview South Eighth Addition

Hearing on an application requesting a Plat of Parkview South Eighth Addition (Minor Subdivision) on Lot 32, Block 2, Parkview South Second Addition to the City of Fargo, Cass County, North Dakota, to include a Subdivision Waiver for lot size on Lots 1, and 3-16, Block 1, of the proposed Parkview South Eighth Addition. (Located at 3210 26th Avenue South) (City of Fargo): APPROVED

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

Planning Director Nicole Crutchfield and Assistant Planning Director Mark Williams spoke on the history of the property and the proposed future intent.

The following property owners spoke in regard to the proposal stating the following concerns: time and money already invested in the property, maintaining the original intent of a greenspace area, increased fees due to specials and property taxes, and having the land properly divided up to interested parties.

Mark Jondahl, 2718 33rd Street South
Patti Struchynski, 2806 33rd Street South
Don Schmaltz, 2838 33rd Street South
Dr. Donald Lamb, 2846 33rd Street South
Joe Engh, 2842 33rd Street South

Discussion was held regarding the next steps in the process and encouragement was given to keep communication open with all involved parties.

Member Magelky moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed 1) Subdivision Plat, Parkview South Eighth Addition, and 2) Subdivision Waiver for lot size on Lots 1, and 3-16 of the proposed plat as outlined within the staff report, as the proposal complies with the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Gunkelman. On call of the roll Members Gunkelman, Bachmeier, Tasa, Magelky, Morgan, Schneider, Sobolik, and Fischer voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

At 4:00 p.m., the Board took a five-minute recess.

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

Item 8: Reeves Addition

Hearing on an application requesting a Conditional Use Permit for an Alternative Access Plan on Block 26 and Lots 1, 12, 13 and part of Lots 2-11, Block 27, Reeves Addition, and adjacent vacated right-of-way, Auditor's Lot No.1, and an unplatted portion of the South Half of Section 1, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 1620, 1624, 1630, and 1632 1st Avenue North) (MBA Investments, LLC): APPROVED WITH CONDITIONS

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

Member Schneider moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an Alternative Access Plan for parking reduction be approved as the proposal complies with Section 20-0909.D (1-6), the GO2030 Fargo Comprehensive Plan, and all other applicable requirements of the Land Development Code with the following conditions:

- 1) Two parking spaces shall be provided per residential unit.
- 2) One off-street parking space to be provided per 500 square feet for all other uses on site.

- 3) The Conditional Use Permit shall cease upon sale of the property.

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

Item 9: Gardenia Addition

9a. Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-2, Single-Dwelling Residential within the boundaries of the proposed Gardenia Addition. (Located at 2705 64th Avenue South) (Robert D. Kost): APPROVED

9b. Hearing on an application requesting a Plat of Gardenia Addition (Major Subdivision) on Auditor's Lot 10 in the Southeast Quarter of Section 2, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 2705 64th Avenue South) (Robert D. Kost): APPROVED

Planning Coordinator Aaron Nelson presented the staff report stating 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 1) Zoning Change from AG, Agricultural to SR-2 Single-Dwelling Residential, and 2) Subdivision Plat for Gardenia Addition as outlined within the staff report as the proposal complies with the 2007 Growth Plan, the Standards of Article 20-06, the Standards of Section 20-0906.F (1-4) and all other applicable requirements of the Land Development Code. Second by Member Morgan. On call of the roll Members Morgan, Magelky, Gunkelman, Sobolik, Tasa, Bachmeier, Schneider, and Fischer voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

Item 10: Urban Plains by Brandt Fourth Addition

Hearing on an application requesting a Plat of Urban Plains by Brandt Fourth Addition (Minor Plat) on Lots 2 and 3, Block 1, Urban Plains by Brandt Third Addition to the City of Fargo, Cass County, North Dakota. (Located at 5616 26th Avenue South) (Urban Plains Land Co., LLC/Houston Engineering): CONTINUED TO AUGUST 7, 2018

A Hearing had been set for this date and time; however, the applicant has requested this item be continued to the August 7, 2018 meeting.

Item 11: Maier Second Addition

Hearing on an application requesting a Plat of Maier Second Addition (Major Subdivision) on a portion of Lot 4, Block 2, Maier First Subdivision and unplatted tax Lots 23 and 24 in the Southeast Quarter of Section 36, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota including a Subdivision Waiver to reduce the size of a cul-de-sac. (Located at 1135, 1141, and 1201 49th Avenue South) (City of Fargo): APPROVED WITH CONDITIONS

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

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

The following property owners spoke regarding the proposal stating the following concerns: size of the cul-de-sac and limited parking during events, drainage issues, and future intent of the property.

Brian Johnson, 1209 49th Avenue South
Jim Zitzow, 4810 University Drive South
Ed Stalemo, 4802 University Drive South
Rodney Hubbard, 1202 48th Avenue South

Discussion was held regarding a drainage easement and the current zoning of the property.

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, Maier Second Addition, and 2) Subdivision Waiver of Section 20-0611 of the Land Development Code as outlined within the staff report with the condition that a drainage easement be added, as the proposal complies with the Standards of Article 20-06, Section 20-0907, and all other applicable requirements of the Land Development Code. Second by Member Sobolik. On call of the roll Members Magelky, Schneider, Sobolik, Tasa, Morgan, Bachmeier, Gunkelman, and Fischer voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

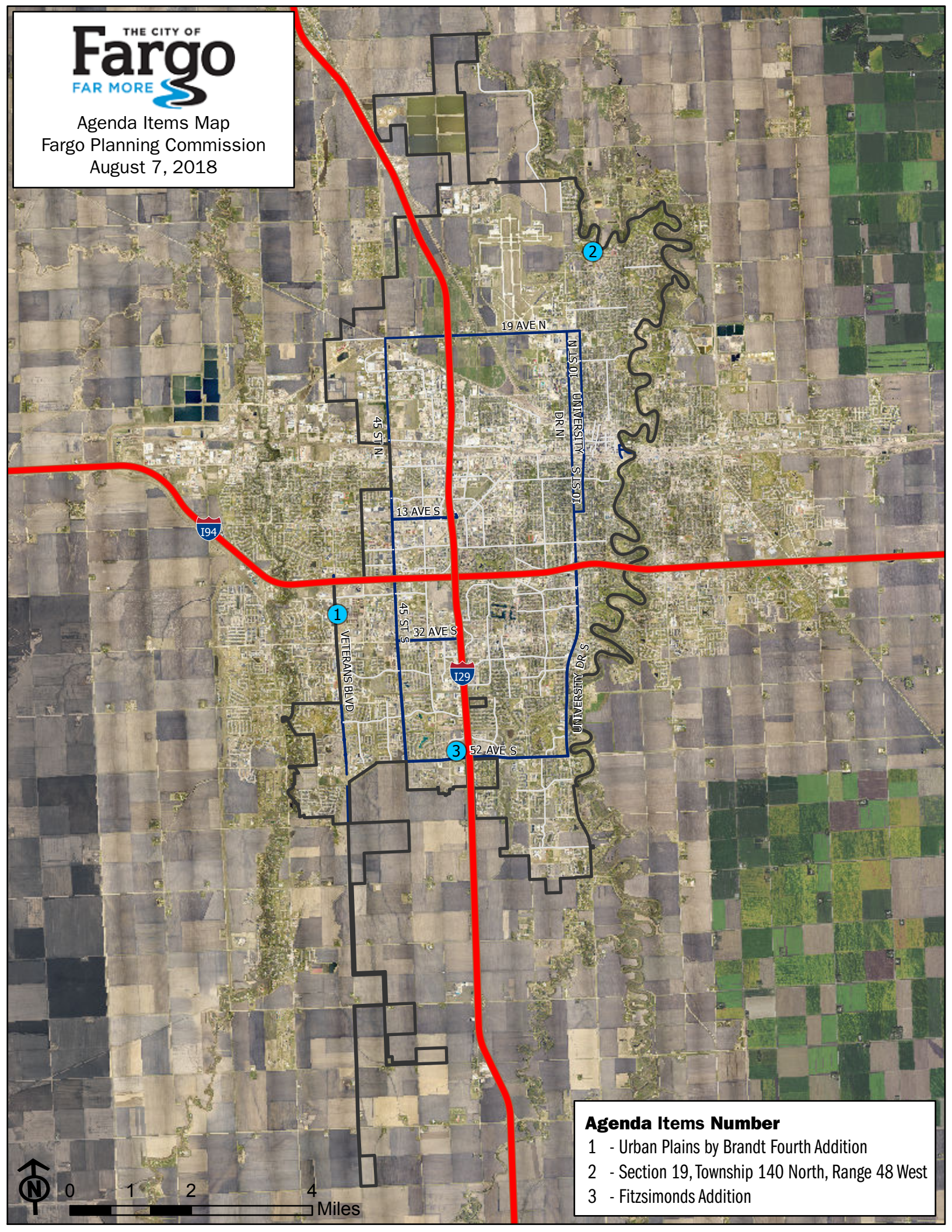
Item 12: Simonson Companies First Addition

Hearing on an application requesting a Plat of Simonson Companies First Addition (Minor Subdivision) a replat of Lots 1 and 2, Block 1, Simonson First Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3825 53rd Avenue South) (Arch Simonson/Lowry Engineering): APPROVED

Mr. Voigt presented the staff report stating that 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, Simonson Companies First Addition as outlined within the staff report, as the proposal complies with the Adopted Area Plan, the Standards of Article 20-06, and all other applicable requirements of the Land Development Code. Second by Member Bachmeier. On call of the roll Members Schneider, Tasa, Bachmeier, Sobolik, Magelky, Gunkelman, Morgan, and Fischer voted aye. Absent and not voting: Members Scherling and Stofferahn. The motion was declared carried.

The time at adjournment was 4:36 p.m.



Agenda Items Number

- 1 - Urban Plains by Brandt Fourth Addition
- 2 - Section 19, Township 140 North, Range 48 West
- 3 - Fitzsimonds Addition



City of Fargo Staff Report			
Title:	Urban Plains by Brandt Fourth Addition	Date:	7/27/2018
Location:	5616 5616 26 th Avenue South and 5601 28 th Avenue South	Staff Contact:	Aaron Nelson
Legal Description:	Lots 2 & 3, Block 1, Urban Plains by Brandt Third Addition		
Owner(s)/Applicant:	Urban Plains Land Company, LLC/Houston Engineering, Inc.	Engineer:	Houston Engineering, Inc.
Entitlements Requested:	Minor Subdivision (Replat of Lots 2 & 3, Block 1, Urban Plains by Brandt Third Addition to the City of Fargo, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: August 7, 2018		

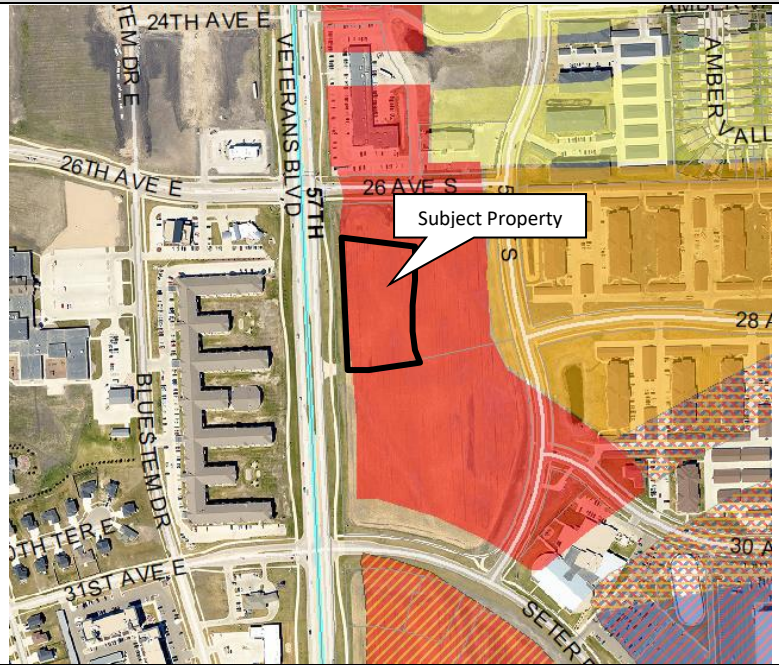
Existing	Proposed
Land Use: Vacant	Land Use: Commercial
Zoning: LC, Limited Commercial with C-O, Conditional Overlay	Zoning: No Change
Uses Allowed: Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services,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

Proposal:
<p>The applicant is seeking City approval of a minor subdivision plat entitled <i>Urban Plains by Brandt Fourth Addition</i>, which would replat two existing lots into two new lots. The subject property encompasses approximately 18.6 acres.</p> <p>According to the applicant, the intent of this application is to adjust the size and shared lot line of two existing lots by replatting those two lots into two new lots. The existing northern lot is 93,728 square feet and the exiting southern lot is 30,728 square feet. The proposed replatted lots would be 86,369 square feet and 38,087 square feet, respectively.</p> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p>Surrounding Land Uses and Zoning Districts:</p> <ul style="list-style-type: none"> • North: LC, Limited Commercial with vacant land • East: LC, Limited Commercial with mixed-uses (multi-dwelling residential and retail sales & services) • South: LC, Limited Commercial with vacant land • West: Across Veterans Boulevard, City of West Fargo with multi-dwelling residential and retail sales & service land uses.

Area Plans:

The subject property is located within the bounds of the 2003 Southwest Future Land Use Plan. This plan identifies “Commercial” use as the preferred land uses for this area and is included by reference within the 2007 Growth Plan.

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



Schools and Parks:

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

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

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

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

Staff Analysis:

Minor Subdivision

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

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

This subdivision is intended to adjust the layout of two legal lots by replatting two existing lots into two new lots. The proposed use is consistent with the existing zoning. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no comments regarding this application. Staff has reviewed this request and finds that this application complies with standards of Article 20-06 and all applicable requirements of the Land Development Code. **(Criteria Satisfied)**

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

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

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby recommend approval to the City Commission of the proposed *Urban Plains by Brandt Fourth Addition* subdivision plat as presented; as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06 of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 7, 2018

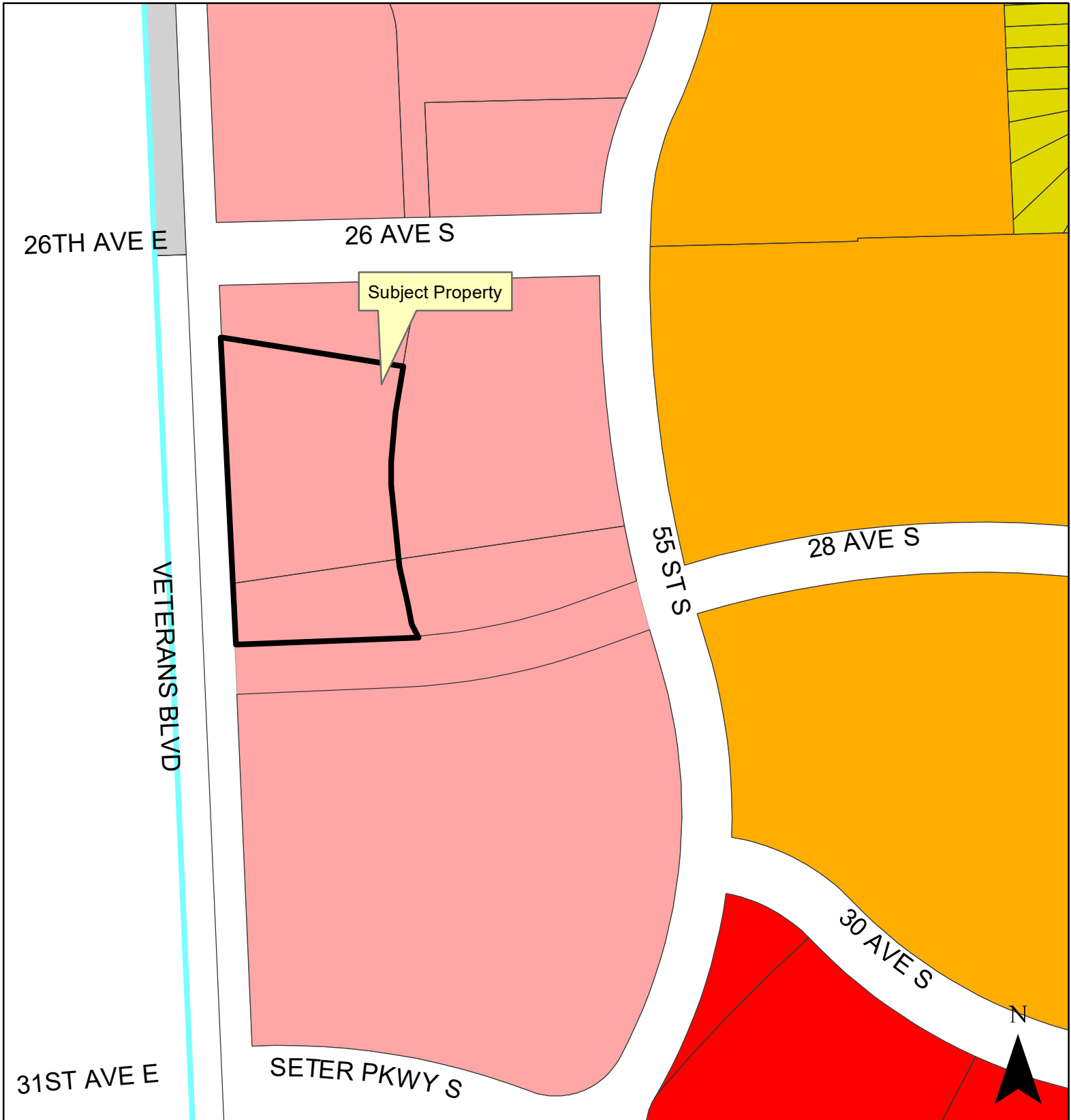
Attachments:

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

Plat (Minor)

Urban Plains By Brandt 4th Addition

5616 26th Avenue South



Legend

AG	DMU	GC	GL	GO	LC	MR-1	MR-2	MR-3	MHP	NO	P/I	UML	SR-1-2	SR-1-3	SR-1-4	SR-1-5	City Limits
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300

Feet

Fargo Planning Commission

August 7, 2018

Plat (Minor)

Urban Plains By Brandt 4th Addition

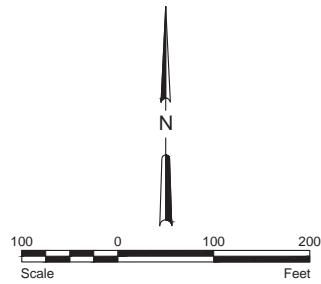
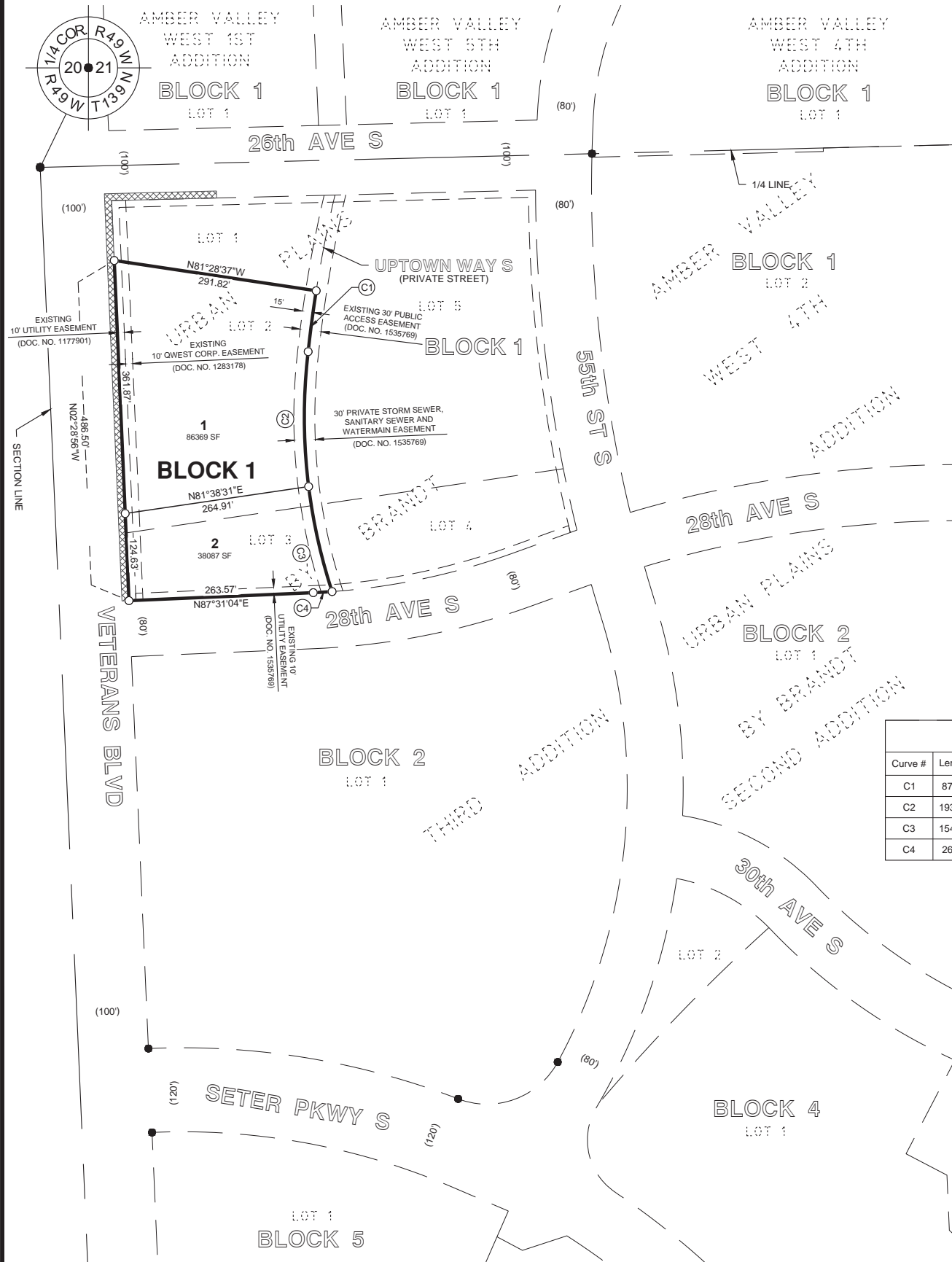
5616 26th Avenue South



URBAN PLAINS BY BRANDT FOURTH ADDITION

A MINOR SUBDIVISION

BEING A REPLAT OF LOTS 2 AND 3, BLOCK 1, URBAN PLAINS BY BRANDT THIRD ADDITION TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND

1/2" I.D. PIPE SET

NEGATIVE ACCESS

BEARINGS SHOWN ARE BASED ON THE CITY OF 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.

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	87.76	1831.06	2°44'45"	S07°31'46"W	87.75
C2	193.25	802.50	13°47'50"	S00°11'55"E	192.78
C3	154.00	802.50	10°59'41"	S12°35'40"E	153.76
C4	26.95	960.00	1°36'31"	N86°42'48"E	26.95

OWNER'S CERTIFICATE:

KNOW ALL PERSONS BY THESE PRESENTS: That Urban Plains Land Company LLC, a North Dakota limited liability company, is the owner and proprietor of Lots 2 and 3, Block 1, Urban Plains By Brandt Third Addition to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the utility easements shown on the plat.

Said tract contains 2.857 acres, more or less.

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

OWNER:
Urban Plains Land Company, LLC

Ace A. Brandt, President

State of _____)
) ss
County of _____)

On this _____ day of _____, 20____ before me personally appeared Ace A. Brandt, President of Urban Plains Land Company, LLC, a North Dakota limited liability company, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same on behalf of said limited liability company.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

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

Dated this _____ day of _____, 20____.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

CITY ENGINEER'S APPROVAL:

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

Brenda E. Derrig, City Engineer

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO PLANNING COMMISSION APPROVAL:

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

Shara Fischer, Chair
Fargo Planning Commission

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

FARGO CITY COMMISSION APPROVAL:

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

Timothy J. Mahoney, Mayor

Attest:
Steven Sprague, City Auditor

State of North Dakota)
) ss
County of Cass)

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

Notary Public: _____

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City of Fargo Staff Report			
Title:	Section 19, Township 140 North, Range 48 West	Date:	8/1/2018
Location:	3400 & 3500 Broadway N and 610 37 th Avenue N	Staff Contact:	Aaron Nelson
Legal Description:	An unplatted portion of the South Half of Section 19, Township 140 North, Range 48 West of the 5th Principal Meridian and Lot 1, Block 2, Royal Oaks Addition.		
Owner(s)/Applicant:	City of Fargo	Engineer:	Apex Engineering Group
Entitlements Requested:	Institutional Master Plan (for a wastewater treatment facility) & Zoning Map Amendment (from AG, Agricultural, to P/I, Public & Institutional)		
Status:	Planning Commission Public Hearing: August 7, 2018		

Existing	Proposed
Land Use: Waste-Related Use & Basic Utility	Land Use: Unchanged
Zoning: AG, Agricultural	Zoning: P/I, Public & Institutional
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production.	Uses Allowed: P/I allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, schools, offices, commercial parking, outdoor recreation and entertainment, industrial service, manufacturing and production, warehouse and freight movement, waste related use, agriculture, aviation, surface transportation, and major entertainment events.
Maximum Lot Coverage Allowed: N/A	Maximum Lot Coverage Allowed: N/A

Proposal:
<p>The applicant, the City of Fargo, is seeking approval of a 1) zoning map amendment and 2) Institutional Master Plan. The intent of these two applications is to establish development entitlements for planned improvements at the Fargo Wastewater Treatment Facility.</p> <p>The proposed zoning map amendment from AG, Agricultural, to P/I, Public and Institutional, is intended to establish the permanent zoning district for the Wastewater Treatment Facility. The Land Development Code (LDC) classifies the use of the Wastewater Treatment Facility as both a <i>waste-related use</i> and a <i>basic utility</i>. However, waste-related uses are not permitted within the AG zoning district. Because the previous zoning code, prior to 1998, permitted public uses within the Agricultural zoning district, the use is legally non-conforming today. The proposed zoning change to P/I would make the use legally conforming with the LDC, which would allow for the proposed improvements to the Fargo Wastewater Treatment Facility.</p> <p>The applicant is seeking approval of an Institutional Master Plan for the purpose of satisfying the project review requirements for development within the P/I, Public & Institutional, zoning district. Project review of development projects within the P/I zoning district can be accommodated in one of two ways. One option is for each project to be reviewed for compliance with the Land Development Code on an individual bases through Site Plan Review, as is typical with most types of building construction within other zoning districts. The other option is to secure approval of an Institutional Master Plan. Once an Institutional Master Plan is established for an institution, individual development projects within that institution are no longer required to undergo Site Plan Review and are considered to be approved so long as they are consistent with the approved Institutional Master Plan.</p>

The Institutional Master Plan is specific to the P/I zoning district and is intended to accommodate larger public/semi-public institutions that have unique development needs when compared to typical building construction. For example, an office building may undergo Site Plan Review at the time of construction and, once completed, may exist largely unchanged for decades. In contrast, large institutions, such as a university or airport, are generally not “completed” at the time of original construction. These institutions undergo continuous incremental development and change over time, such as an addition to a residence hall or the extension of a taxiway to accommodate a new aircraft hangar. The Institutional Master Plan is intended to better accommodate these unique development characteristics of institutions. As such, the City of Fargo is seeking approval of an Institutional Master Plan in order to accommodate LDC review of the plans to update and expand the Wastewater Treatment Facility over several phases of construction.

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 37th Ave N are household living uses within the MR-3 zoning district;
- East: Across Broadway N are self-service storage, retail sales & services, day care, and parks & open areas within the AG, GC, and LC zoning districts;
- South: Household living and vacant land uses within the MR-3 and LC zoning districts;
- West: Parks & open areas and household living within the P/I and MHP zoning districts.

Area Plans:

N/A – No current area plans apply to this location.

Schools and Parks:

Schools: The subject property is located within the Fargo Public School District, specifically within the McKinley Elementary school, Ben Franklin Junior High school and Fargo North High school boundaries.

Parks: The subject property is located between North Broadway Park and the western end of Trollwood Park.

Pedestrian/Bicycle: There is a shared use path located on the east side of Broadway. No sidewalks exist adjacent to the subject property.

Staff Analysis:

Zoning

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

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

As noted in the Land Development Code (LDC), the AG zoning district is intended as an “interim” zoning classification pending determination of an appropriate zoning district. The zoning change is justified as the applicant is ready to establish the long-term urban zoning classification for the property, which is consistent and compatible with city policy. Specifically, the proposed zoning map amendment will allow for improvements to the wastewater treatment facility in order to continue to provide an essential city service. **(Criteria Satisfied)**

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

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on existing developed public rights-of-way which provide access and public utilities to serve the property. Additionally, this property is essential to providing wastewater sewer services to all properties within the City. **(Criteria satisfied)**

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

Staff has no evidence to suggest that the proposed 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 received a few inquiries regarding the proposed changes at the wastewater treatment facility, but no concerns regarding the change in zoning. Staff received one written comment from a neighboring property owner, relating to City taxes, which is attached. Additionally, staff from the Wastewater and Planning & Development departments held an information meeting for local residents to learn more about the changes that will be taking place with the improvements to the Wastewater Treatment Facility, and the related zoning applications. A few residents attended this meeting and no concerns were voiced.

The Wastewater Treatment Facility has existed at the subject property since before the surrounding neighborhood was developed. Additionally, the specific neighborhood protection strategy is outlined within the proposed Institutional Master Plan. The proposed plan is consistent with the P/I zoning district and development standards of the Land Development Code. 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?

Staff finds that the P/I zoning district is specifically intended to accommodate the public use of this property for a wastewater treatment facility, as outlined in Section 20-0304 of the LDC. The proposed amendment is consistent with all applicable portions of the Land Development Code and adopted City Policies. The proposed zoning map amendment will allow for improvements to the wastewater treatment facility in order to continue to provide an essential city service. **(Criteria Satisfied)**

Institutional Master Plan Criteria: Section 20-0911(E) of the LDC states that the Planning Commission shall identify and evaluate all factors relevant to the application, and that the following criteria be met before an Institutional Master Plan can be approved:

1. Does the plan comply with all applicable provisions of the LDC and does it conform to the general intent and purpose of the LDC?

Staff notes that there are two provisions of the LDC which will be accommodated in unique ways, as outlined within the Institutional Master Plan. The first is regarding the landscaped buffer associated with the Residential Protection Standards of the LDC, which requires a mix of trees and shrubs along property lines shared with residential zoning districts. As outlined within the Institutional Master Plan, there is an existing vegetative buffer consisting of mature evergreen trees located along the south property line where the subject property abuts the MR-3 zoning district. Although this existing vegetative buffer does not consist of the specific type of vegetation prescribed by the LDC, the effect is the same. As such, the intent and purpose of this requirement is satisfied.

Secondly, staff would note that the open space plant units are not able to be accommodated within the next few years, due to the amount and location of underground utilities. The network of underground pipes and infrastructure running throughout the wastewater treatment facility greatly restricts the ability to plant vegetation, due to the damaging effects that their roots can have on this essential infrastructure. As outlined within the Institutional Master Plan, open space plant units will be added to the facility as space becomes available. It is anticipated that many of the existing buildings will be decommissioned and demolished in the future as they become functionally obsolete and are replaced by newer, more efficient and compact technology. This will slowly result in additional green space and opportunities to provide more and more vegetation over the years, until the required open space plant units are provided for. Consequently, the phased installation of open space plant units will take place over an indefinite period of time.

Ultimately, staff finds that the proposed plan complies with the intent and all applicable provisions of the LDC, as outlined within the attached Institutional Master Plan. **(Criteria Satisfied)**

2. Is the plan consistent with all adopted plans and policies of the City?

The proposed plan is consistent with the all adopted plans and policies of the City. The proposed plan will allow for improvements to the wastewater treatment facility in order to continue to provide an essential city service. **(Criteria Satisfied)**

3. Will the proposed plan not cause substantial injury to the value of the other property in the neighborhood in which is it to be located?

Staff has no evidence to suggest that the proposed plan will cause substantial injury to the value of the other property in the neighborhood in which it is to be located. The Wastewater Treatment Facility has existed at the subject property since before the surrounding neighborhood was developed. Additionally, the specific neighborhood protection strategy is outlined within the proposed Institutional Master Plan. The proposed plan is consistent with the P/I zoning district and development standards of the Land Development Code. **(Criteria Satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and hereby approve the proposed zoning map amendment and Institutional Master Plan, as presented; as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Section 20-0906.F (1-4) and Section 20-0911.E (1-3) of the LDC, and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 7, 2018

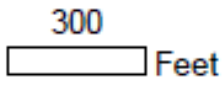
Attachments:

1. Zoning Map
2. Location Map
3. Institutional Master Plan
4. Public Comment(s)

Zone Change (AG to P/I) & Institutional Master Plan

Section 19, T 140N, R 48W

3400 & 3500 Broadway North
and 610 37th Avenue North

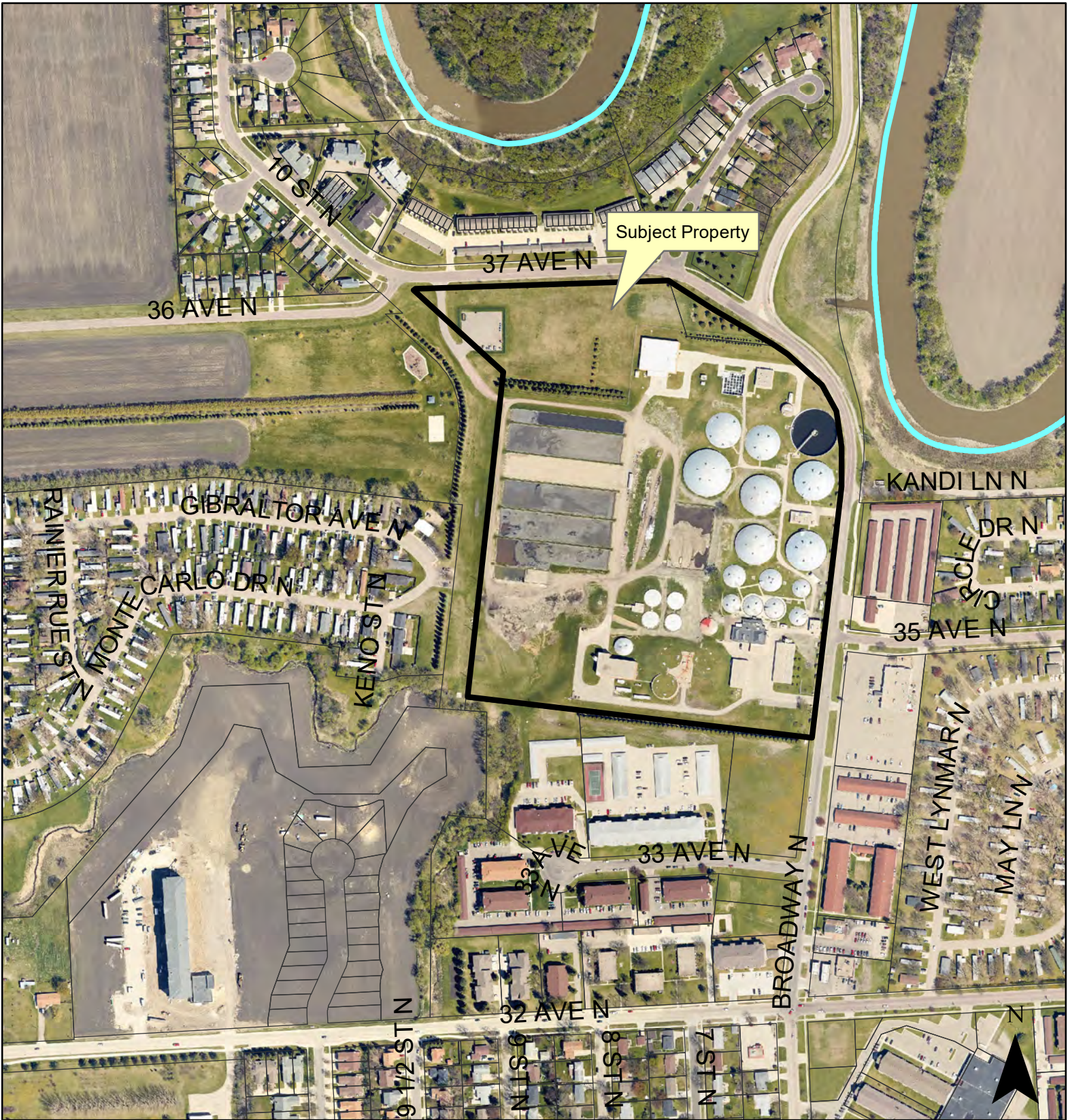


Fargo Planning Commission
August 7, 2018

Zone Change (AG to P/I) & Institutional Master Plan

Section 19, T 140N, R 48W

3400 & 3500 Broadway North
and 610 37th Avenue North





Water | Transportation | Municipal | Facilities

INSTITUTIONAL MASTER PLAN

CITY OF FARGO WASTEWATER TREATMENT FACILITY

OVERVIEW

Subject Property

- Address: 3400 & 3500 Broadway N and 610 37th Ave N, Fargo, ND 58102
- Legal Description: A portion of the South Half of Section 19, Township 140 North, Range 48 West of the 5th Principal Meridian, Cass County, North Dakota and Lot 1, Block 2, Royal Oaks Addition.
- Area: 33.92 Acres

Summary: This Institutional Master Plan is intended to satisfy the project review requirements of the Land Development Code for the Fargo Wastewater Treatment Facility. This Institutional Master Plan outlines three general phases of development over a twenty-year period:

- Phase I – Completed in 2017
- Phase IIA: Bid - June 2018
Substantial Completion - December 2019
- Phase IIB: Bid - August 2019
Substantial Completion - July 2022

Planning Commission Approval Date:

This Institutional Master Plan was reviewed and approved in accordance with Section 20-00911 of the Land Development Code.

Nicole Crutchfield, Planning Director

Date

INSTITUTIONAL MASTER PLAN – PLANNING REQUIREMENTS (SECTION 20-0911.J)

PLANNING HORIZON

This institutional Master Plan is intended to cover a planning horizon to 2040. The City of Fargo is in the process of expanding its Wastewater Treatment Facility to accommodate future growth in the City of Fargo, future growth in current outside service areas and potential future regional customers such as West Fargo, Horace and Mapleton. The expansion will occur in a number of phases beginning in 2018 through 2022. Based on current growth projections, the expansion is expected to provide adequate wastewater treatment capacity through the year 2040.

EXISTING PROPERTY & USES

1. Illustrative Site Plans: See attached.
2. Land and Building Use: Waste-Related Use & Basic Utility (Wastewater treatment facility)
3. Gross Floor Area: See attached.
4. Building Height in Stories and Feet: See attached.
5. Description of Parking & Loading: Most areas of the facility are normally accessible to only city of Fargo personnel for maintenance purposes. These areas will have parking for 2-3 vehicles and services trucks as each building requires. Public parking will be limited to the east side of the administration building. Access to the facility is controlled due to safety and liability reasons.

NEEDS OF THE INSTITUTION

1. Increase in treatment capacity by adding accessory buildings to the facility to handle City of Fargo growth, existing service area growth, West Fargo, Horace, Harwood, and other potential regional customers.
2. Upgrades to existing equipment as needed.
3. Office space, bathrooms, and meeting rooms for facility personnel.

DEVELOPMENT ENVELOPE

1. Gross Floor Area: See attached.
2. Average Daily and Peak-Hour Traffic: 20-24 employees; 5-10 visitors
3. Building Heights: See attached.
4. Setbacks: Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section. The existing process tanks and buildings will remain in their current locations. The closest new building is approximately 50' from the front property line. Specific setback standards are outlined within the LDC Code Review section, below.



5. **Total Open Space:** Open Space refers to outdoor, unenclosed areas, located on the ground or on a roof, balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel. There are 15.81 acres of open space on the property; however, due to its use as a wastewater treatment facility and the inherent security and liability issues of such a facility, there is no pedestrian access, recreation or outdoor living allowed.
6. **Platting & Right-of-Way:** The subject property is currently unplatted, except for a small half-acre tract in the northeast boundary of the site. As a result, there is minimal street right-of-way for Broadway N adjacent to the facility, and no public sidewalk exists along the Wastewater Treatment Facility within the adjacent public right-of-way. Although not included within the scope of this Institutional Master Plan, it is anticipated that the property will be platted in the near future. The platting of the property would possibly include additional right-of-way dedication for Broadway N, providing additional space for typical public sidewalks and street trees within the boulevard.

NEIGHBORHOOD PROTECTION STRATEGY

Odor Control Systems: The area is currently used for wastewater treatment and will continue to be used as such. The existing facility has odor control in a few isolated areas of the facility. As part of the phased expansion projects, odor control will be expanded to additional areas. Therefore, there should be a reduction in odor to nearby neighborhoods. The odor control planned for the facility is better than industry standard practices.

Noise Control: Sound attenuation will be included on all generators and process blowers to reduce any noise potential to the surrounding neighborhood. There may be an increase in noise as a result of heavy machinery during the construction projects. The project Construction Documents require complying with city noise ordinances and construction generally is limited to the hours of 7 am to 5 pm Monday through Friday. Limited night and weekend work will take place but is possible if required by a facility emergency or construction of time critical piping tie-ins.

Dust Control: During construction, dust emissions could increase temporarily. The contractor will be required to employ appropriate measures to minimize the amount of dust produced during construction such as watering the site, planting temporary grass cover and the use of crushed rock in travel areas.

LAND DEVELOPMENT CODE REVIEW

USE (ARTICLE 20-04)

The proposed use of property is for a wastewater treatment facility, which has been the property use since the 1930s. The Use Category is Basic Utilities – infrastructure services that need to be located in or near the area where the service is provided. Also Waste-Related use – collects and receives liquid sanitary waste.

The existing facility consists of a primary administration/control building with accessory buildings for various unit treatment processes. As part of the expansion, existing buildings will be retained with the addition of accessory buildings and treatment process tanks to increase the overall treatment capacity.



DIMENSIONAL STANDARDS (ARTICLE 20-05)

In the P/I zoning district, the dimensional standards of the adjacent zoning district shall apply to all areas of the P/I zoned site located within 150 feet of the adjacent district.

The dimensional standards of the property have been established as follows:

1. Building Heights:
 - a. Maximum of 60 feet for all areas located within 150 feet of the LC or MR-3 zoning districts.
 - b. Maximum of 35 feet for all areas located within 150 feet of SR zoning districts.
 - c. No maximum building height applies to areas located within 150 feet of the GC zoning district or to areas located more than 150 feet from any adjacent zoning district.

All proposed buildings are less than 60 feet in height. Buildings that are taller than 35 feet will be located at least 150 feet from any SR zoning district.

2. Maximum Building Coverage: Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first three feet of a roof overhang. The ultimate building coverage after future improvements is 344,945 square feet or 23% of the site total.
3. Setbacks: Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Because this property is within 150 feet of many different zoning districts, many different setback requirements apply at different locations along the perimeter of the property. For purposes of this Institutional Master Plan, the following shall apply:
 - a. Designation of Lot Lines:
 - i. The front lot line is the east lot line, along Broadway N
 - ii. The rear lot line is the west lot line, along the vacant right-of-way for 10th St N
 - iii. The street-side lot line is the north lot line, along 37th Ave N
 - iv. The interior-side lot line is the south lot line.
 - b. Applicable Standard Setbacks:
 - i. Front – 50 feet (within 150 feet of AG zoning), 20 feet (within 150 feet of GC zoning), and 10 feet (within 150 feet of LC zoning);
 - ii. Rear – 20 feet (within 150 feet of MR-3 zoning);
 - iii. Street-Side – 12.5 feet (within 150 feet of MR-3 zoning);
 - iv. Interior-Side – 10 feet (within 150 feet of MR-3 zoning).
 - c. Watercourse Setbacks: The watercourse setbacks of §20-0508 of the Land Development Code apply to this property. The Wastewater Treatment Facility receives wastewater from the residents, businesses and industries in the service area. The wastewater is then treated to the standards required by the United States Environmental Protection and the City of Fargo's National Pollutant Discharge Elimination System (NPDES) Permit. The reclaimed treated water is then discharged to the Red River. As such, the facility must be located near the permitted discharge point and does infringe on the Minimal Disturbance Zone and Limited Disturbance Zone. New structures and buildings will be located outside the MDZS and LDZS areas. There will



be new utilities including an outfall pipe, storm water lift station and storm water piping in the MDZ area, which are allowed according to LDC §20-0508.C.1.b. No additional fill will be included and grading to restore the river bank to original condition will be provided.

Proposed new structures will meet these setback requirements, as shown on the attached site plan.

Existing structures that do not meet these setback requirements are considered legally nonconforming. Modifications to these structures will comply with the non-conforming structure standards of §20-1004 of the Land Development Code.

PARKING & LOADING (SECTION 20-0701)

The site is limited to city of Fargo personnel and limited visitors. Interior roads and parking lots are for use by plant personnel maintenance and monitoring activities. Public parking will be provided on the east side of the Administration building. The facility has controlled access for security, liability and protection of city property. For Basic Utility Use Category, there is no minimum number of spaces required. For waste-related use category, 1 space per 300 square feet is required for office or administrative areas. The new office/administration area is planned to be approximately 3000 square feet, which would require 10 parking spaces. There will be 15 to 20 parking spaces adjacent to the office/administration area, which exceeds the requirement. Three parking spaces per building will be provided, which exceeds the requirements for storage, warehousing or equipment service purposes.

ROADWAY ACCESS & DRIVEWAY (SECTION 20-0702)

No additional access points to the facility are proposed. Existing roadway access points will remain.

As the existing east train nears the end of its useful life in the year 2040, that process area will be retired. This will free up land area for additional right-of way and road width for Broadway.

RESIDENTIAL PROTECTION STANDARDS (SECTION 20-0704)

The Residential Protection Standards are intended to protect residential properties and neighborhoods from the adverse impacts sometimes associated with adjacent multi-dwelling development and nonresidential development, whether public or private. During the planning process for the expansion project, the feasibility of moving the wastewater plant was evaluated. The costs to move the plant more than doubled the total project costs, which made it economically prohibitive for the City of Fargo. Therefore, city decision makers elected to retain the existing Wastewater Treatment Facility site for the future. Since the plant site was established in the 1930s, various businesses, apartments and homes have gradually surrounded the facility. The inherent use as a wastewater treatment facility makes the property unique and is difficult to compare to other properties specifically listed in the land use code. However, every effort will be made to comply with residential protection standards when possible.

- **Odor Control Systems:** The area is currently used for wastewater treatment and will continue to be used as such. The existing facility has odor control in a few isolated areas of the facility. As part of the phased expansion projects, odor control will be expanded to additional areas. Therefore, there should be a



reduction in odor to nearby neighborhoods. The odor control equipment installed as part of the expansion projects is better than current industry standards for odor control.

- Noise Control: Sound attenuation will be included on all generators and process blowers to reduce any noise potential to the surrounding neighborhood. There may be an increase in noise as a result of heavy machinery during the construction projects. The project Construction Documents require complying with city noise ordinances and construction generally is limited to the hours of 7 am to 5 pm Monday through Friday. Limited night and weekend work will take place but is possible if required by a facility emergency or construction of time critical piping tie-ins.
- Setbacks from side and back property lines for new buildings will be at least 10 feet. Principal buildings will be set back at least 15 feet from lot lines shared by residentially zoned property. Front setbacks for new buildings will be 50'. A 50' permanent construction easement exists on the south property line.
- There is an existing row of mature evergreen trees located on the south side of the south property line within a City of Fargo utility easement. This easement (Document No. 781841) allows the City of Fargo to plant and maintain trees within this 50- to 65-foot-wide easement area along the south side of the Wastewater Treatment Facility. This tree row provides visual screening and will remain in place between the facility and the adjacent residential use to the south. Currently trees surround the facility and any trees removed for construction purposes will be replaced, and additional trees will be added to the west of the existing tree row to continue the buffer along the residential property line. These trees will continue to be used as a visual screen and vegetated buffer in lieu of the typical mix of trees and shrubs prescribed for a residential protection buffer, within §20-0704 of the LDC. With this Institutional Master Plan, it has been determined that this evergreen tree row satisfies the intent and purpose of the landscape buffer requirement of the residential protection standards.
- The Wastewater Treatment Facility will be staffed 24 hours a day at times. However, collection of garbage, screenings, grit and biosolids hauling to the landfill will be between the hours of 7 am and 5 pm Monday through Friday unless an unexpected emergency situation arises that threatens the wastewater treatment process. Loading and unloading of equipment will also be between the hours of 7 am and 5 pm, Monday through Friday unless an unexpected emergency situation arises.
- Lighting will be arranged to deflect light away from surrounding residential areas.

TREES & LANDSCAPING (SECTION 20-0705)

Section 20-0705 of the Land Development Code provides for three types of landscaping requirements: street trees, open space landscaping, and parking lot perimeter landscaping.

1. Street Trees:

Broadway is functionally classified as an arterial roadway, which requires one street tree per 50 linear feet of street frontage. The facility has about 1,440 linear feet of frontage along Broadway, which equates to 28 street trees along Broadway.

37th Avenue N is functionally classified as a local roadway, which requires one street tree per 35 linear feet of street frontage. The facility has about 1,100 linear feet of frontage along 37th Avenue N, which equates to 31 street trees along 37th Avenue N.



As noted above, within this Institutional Master Plan, the subject property is currently unplatted with minimal dedication of street right-of-way for Broadway. As such, there is limited space for street trees within the Broadway right-of-way. City staff will work with the City Forester to determine appropriate locations for street trees, given the limitations of the adjacent right-of-way. It is anticipated that the property will be platted at some point in the future, which would likely include additional street dedication. Street trees will be added as future right-of-way is platted, at the direction of the City Forester.

2. Open Space Landscaping:

The Land Development Code requires approximately 4,434 plant units based on the 33.92 acres of property within the P/I zoning district. The facility currently has roughly half of the required open space landscaping, predominantly on the perimeter of the facility. Trees cannot be planted in the interior of the property due to the network of various underground utilities required for the wastewater treatment process such as process piping, water piping, sewer piping, heating piping, underground power and underground fiber optic cable. With the proposed phases of development, every effort to plant trees on site will be made but must be kept to the outside perimeter of the property. However, due to space limitations and the underground utilities in the vicinity, this quantity may not be possible in the near future. The City of Fargo will work to determine new tree types and locations for planting while ensuring the underground utilities remain undisturbed. When the existing chain of treatment facilities on the east side of the property (the east train) reaches the end of its useful life in the year 2040, that process area will be retired. This will allow additional trees and landscaping on-site to more closely meet the facility and land development requirements. Additionally, efforts will be made to assess opportunities for additional plantings as changes to the facility occur over time. In this manner, landscaping will be phased in over an indefinite number of years.

3. Parking Lot Perimeter Landscaping:

A four-foot-wide parking lot perimeter buffer with continuous plantings of shrubs or perennial grasses will be installed along the east side of the new administration building parking lot.

CORNER VISIBILITY (SECTION 20-0706)

Corner visibility as required by Section 20-0706 will be maintained throughout the planning horizon.





0 50 100 200 Feet



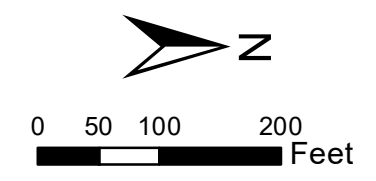
LEGEND

- Existing Tree
- Remove/Replace/Replant
- New Large Tree (10 Planting Units)
- New Small Tree (5 Planting Units)
- New Shrubs (1 Planting Unit)
- Road Right-of-Way
- Permanent Easement
- Phase IIA Piping
- Phase IIB Piping
- Property Line
- Phase IIA
- Phase IIB
- Proposed Pavement

POST PHASE IIB

- Effluent Reuse Addition
- 10ft Concrete or Asphalt Trail
- Levee Contours

Approx. Quantities		
Item	Amount	Planting Units
Existing Tree	126	1260
Large Tree	100	1000
Small Tree	30	150
Shrubs	100	100
Total		2510



CITY OF FARGO WASTEWATER TREATMENT FACILITY

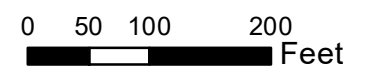
PROPOSED PHASE II TREE AND LANDSCAPING



LEGEND

- Existing Tree/Shrub
- New Large Tree (10 Planting Units)
- New Small Tree (5 Planting Units)
- Road Right-of-Way
- Permanent Easement
- 10ft Concrete or Asphalt Trail
- Levee Contours
- Property Line
- Phase III

Approx. Quantities		
Item	Amount	Planting Units
Existing Tree/Shrub	356	2510
Large Tree	40	400
Small Tree	80	400
Total		3310



EXISTING GROSS FLOOR AREA AND BUILDING HEIGHTS



Existing Facility Name	Gross Floor Area (sf)	Building Height Above Grade (ft)	Stories Above Grade
Admin Building	8155	14.0	1
Garage	4350	17.3	1
Grit/Aeration Building	4601	12.7	1
Influent Lift Station	1336	13.3	1
Primary Clarifier #1	2124	10.7	Dome Cover
Primary Clarifier #2	3019	9.2	Dome Cover
Primary Clarifier #3	3019	9.2	Dome Cover
Primary Clarifier #4	2124	10.7	Dome Cover
Primary Clarifier #5	2124	10.7	Dome Cover
Primary Clarifier #6	4072	12.9	Dome Cover
Primary Clarifier #7	4072	12.9	Dome Cover
Trickling Filter Pump Station (TFPS)	2383	11.3	1
BOD Trickling Filter #1	12668	37.5	Dome Cover
BOD Trickling Filter #2	12668	38.3	Dome Cover
BOD Trickling Filter #3	18146	38.0	Dome Cover
Intermediate Clarifier #1	9852	28.0	Dome Cover
Intermediate Clarifier #2	9852	28.0	Dome Cover
Nitrification Trickling Filter #1	12725	37.5	Dome Cover
Nitrification Trickling Filter #2	12668	39.0	Dome Cover
Final Clarifier #1	18146	.75 (Wall)	Open Tank
Pond Transfer Pump Station	1257	16.5	1
Chlorination Building	2995	15.5	1
Chlorine Contact Basin	5153	Walls @ Grade	Open Tank
Effluent Pump Station	399	Top @ Grade	Vault
Strom Pump Station	95	N/A	1
Effluent Reuse Facility (ERF)	12999	19.5	1
Digester Gallery	4974	19.5	1
Primary Digester #1	5542	Below Grade	Below Grade
Primary Digester #2	5542	Below Grade	Below Grade
Primary Digester #3	5542	19.5	1
Secondary Digester #1	2552	Below Grade	Below Grade
Secondary Digester #2	2552	5.2 - 11.6	Floating Cover
Secondary Digester #3	2552	6.3 - 12.7	Floating Cover
Secondary Digester #4	2552	6.3 - 12.7	Floating Cover
Secondary Digester #5	2552	10.5	Fixed Cover
Secondary Digester #6	2552	7.1 - 12.4	Floating Cover
Biosolids Transfer Station #1	1074	9.9	1
Biosolids Transfer Station #2	456	Below Grade	Below Grade
Belt Filter Press Building (BFP)	14363	40.0	2
Biosolids Holding Tank	2463	17.0	1

Total Gross Floor Area	226264
------------------------	--------

PROPOSED GROSS FLOOR AREA AND BUILDING HEIGHTS



Proposed Facility Name	Gross Floor Area (sf)	Building Height Above Grade (ft)	Stories Above Grade
Vacuum Truck Receiving Bay	2388	5.0	Open Bay
IFAS (1,2,3,4)	65340	8.0	Open Tank
Blower Building	2819	15.0	1
Final Clarifier #1	18146	20.0	Dome Cover
Final Clarifier #2	18146	20.0	Dome Cover
RAS / WAS Building	1773	15.0	1
Thickening Building	7840	36.0	2
Primary Digester #4	5366	20.0	1
Headworks Building	10574	30.0	1
Garage Addition	1185	17.3	1
Generator Building	3300	18.0	1
Secondary Digester #5	2552	8 - 14.4	Floating Cover
Secondary Digester #6	2552	7.4 - 13.75	Floating Cover

Total Gross Floor Area	141980
-------------------------------	---------------

RECEIVED
7/30/18

7-27-18

I am not able to attend any of your meetings regarding the planned improvements, to the Fargo Wastewater treatment facility.

I live in Wildtree Townhomes, and live on social security as my income, like alot of people here in Wildtree do.

I am against anything that will raise my taxes again, as taxes went way up here, in Fargo, last year!

I would appreciate your help in this matter.
Thank-you
Rosalie Babke

City of Fargo Staff Report			
Title:	Fitzsimonds Addition	Date:	8/1/2018
Location:	5080 38th Street South and 3805 52nd Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota		
Owner(s)/Applicant:	Fred M Hector Jr Revocable Trust/ Keith Ernst	Engineer:	Ulteig Engineering
Entitlements Requested:	Major Subdivision (Portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota)		
Status:	Planning Commission Public Hearing: August 7, 2018		

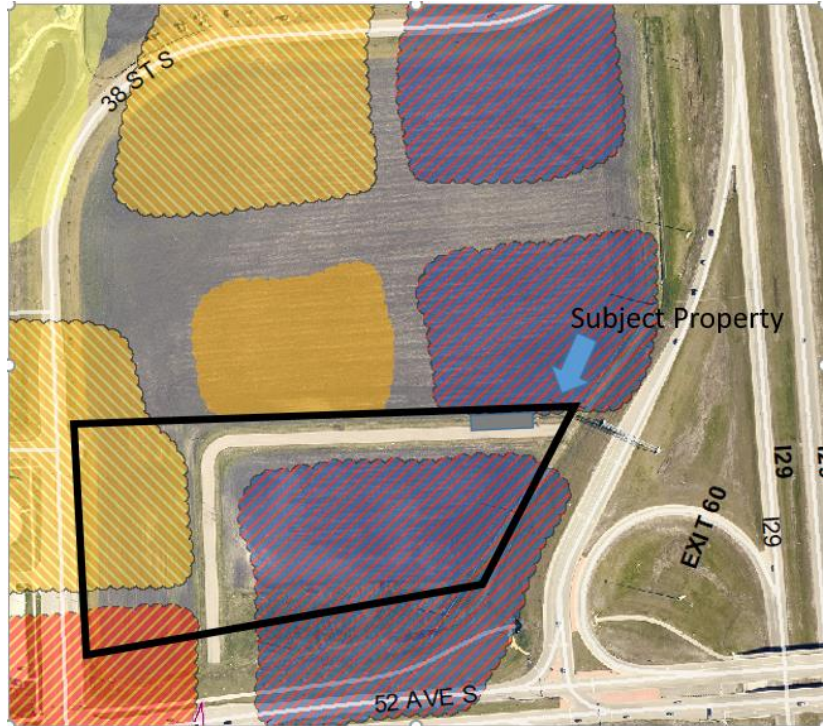
Existing	Proposed
Land Use: Undeveloped	Land Use: Commercial
Zoning: GC, General Commercial with a C-O, Conditional Overlay (Ordinance 4636)	Zoning: No change
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care 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. With a C-O, Conditional Overlay, Ord. 4636	Uses Allowed: No change
Maximum Building Coverage: 85%	Maximum Building Coverage: 85%

Proposal:
<p>The applicant requests one entitlement: A major subdivision, entitled Fitzsimonds Addition, a one block, seven lot subdivision, which is a plat of a portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota.</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: GC, undeveloped (the remaining part of this parcel) • East: North Dakota Department of Transportation right of way. No zoning designation. Interstate 29 highway use • South: LC, Limited Commercial with a C-O, Conditional Overlay with three commercial establishments • West: GC, with a C-O, with a credit union and a bank •

Area Plans:

The 2003 Southwest Future Land Use Plan designates the area of this project as “Either office or Commercial” land use. The existing GC, General Commercial zoning is consistent with this land use designation. No zone change is proposed.

- 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



Context:

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

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

Parks: Cottagewood Park is located approximately 700 feet northwest of the project site and provides the amenities of playgrounds for ages 2-5 and 5-12 and a shelter.

Pedestrian / Bicycle: There are off-road bike facilities along 52nd Avenue South that are a component of the metro area bikeways system.

Staff Analysis:

PLAT: The plat will create seven lots in one block for commercial development. The applicant’s conceptual site plan showing general proposed uses is attached for reference.

ZONING: The property is zoned GC, General Commercial, with conditional overlay ordinance 4636 (Approved October 22, 2007). This overlay addresses architectural design and materials, screening, pedestrian and vehicular circulation, and signage. The applicant does not propose to modify this overlay at this time.

ACCESS: Lots 2, 3, and 5 will be accessed by reciprocal access easements. Lots 1, 4, 6, and 7 will be accessed by reciprocal access easements and 51st Avenue South, a dedicated public right of way. No direct access to Lots 1 and 2 will be permitted from 38th Street South.

EXTENSION OF 51ST STREET SOUTH: The developer has provided for extension of 51ST Avenue South to the western property line of Lot 7.

PARKS AND TRAILS: There will be no trails within the subdivision, and no additional trail on the 38th Street right of way. The developer has worked with the Fargo Park District on a cash in lieu park development agreement.

MASTER PLAN: The applicant has developed a conceptual master plan for the remaining area of this property that is not being platted at this time. This plan shows one potential development option. A copy of this plan is attached.

Subdivision

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

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

The property is zoned GC, General Commercial, which is consistent with the 2003 Southwest Future Land Use Plan designation of “either office or commercial.” The GC zoning will accommodate the proposed commercial development. No zone change or modification of the Conditional Overlay is proposed. In accordance with Section 20-0901.F 3 of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received one phone inquiry about the project and has met with the property owner to the south.

(Criteria Satisfied)

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

The property is zoned GC, General Commercial, which is consistent with the 2003 Southwest Future Land Use Plan designation of “either office or commercial.” The GC zoning will accommodate the proposed commercial development. No zone change or modification of the Conditional Overlay is proposed. The project has been reviewed by the city’s Planning, Engineering, Public Works, Inspections, and Fire Departments and found to meet the standards of Article 20-06 and other applicable requirements of the Land Development Code.

(Criteria Satisfied)

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

The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan will be reviewed by the Public Works Project Evaluation Committee (PWPEC) prior to the final plat going to City Commission. The City’s standard policy is that any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. For this project, the applicant intends to construct the improvements himself and has been working with the City Engineer on the process for doing so.

(Criteria Satisfied)

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of staff and move to recommend approval to the City Commission of the proposed **Fitzsimonds Addition** subdivision plat as presented; as the proposal complies with the 2003 Southwest Future Land Use Plan, Standards of Article 20-06, and all other applicable requirements of the LDC."

Planning Commission Recommendation: August 7, 2018

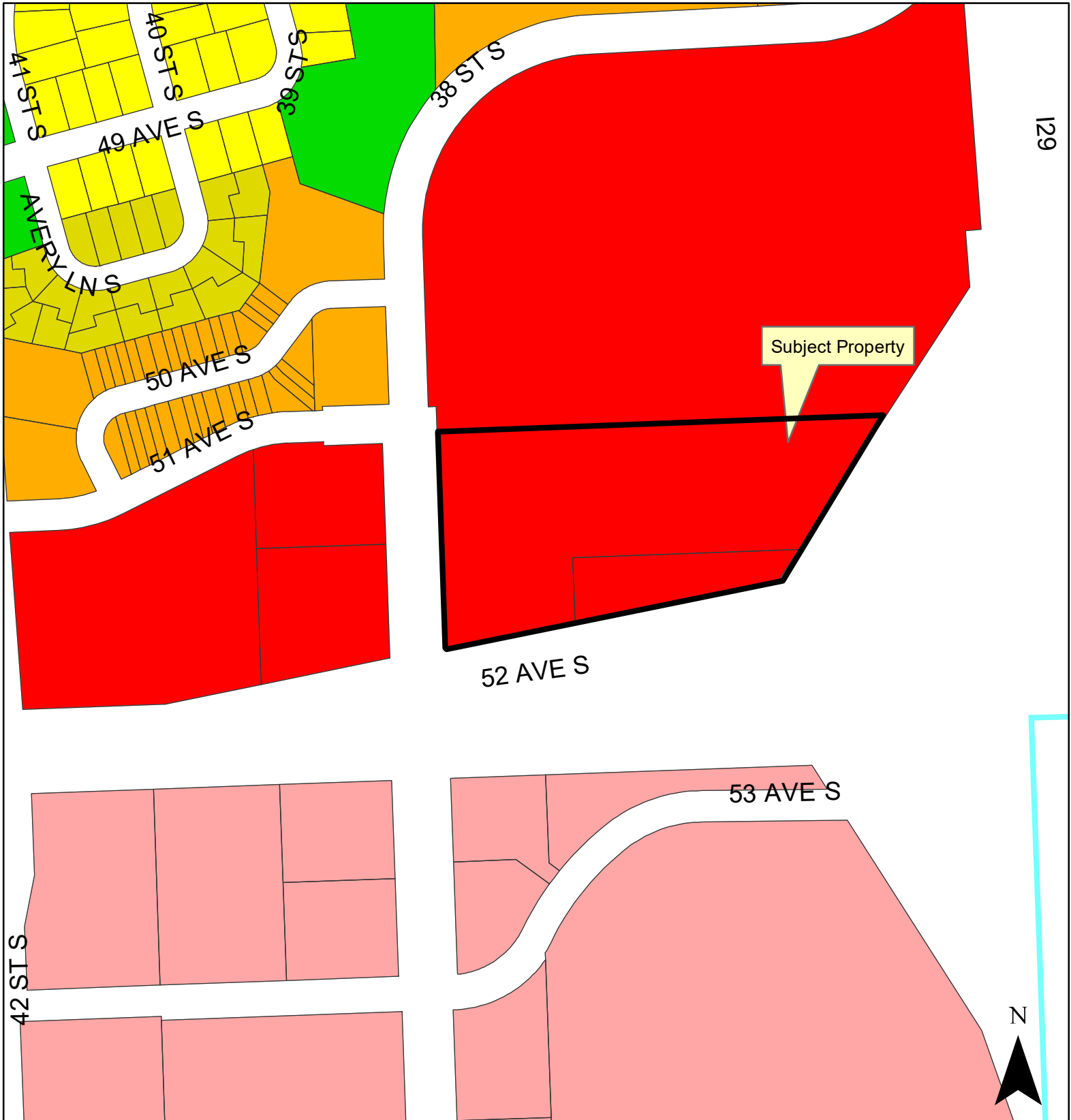
Attachments:

1. Zoning Map
2. Location Map
3. Preliminary Plat
4. Conceptual Site Plan
5. Conceptual Master Plan
6. Draft Amenities Plan

Plat (Major)

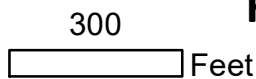
5080 38th Street South &
3805 52nd Avenue South

Fitzsimonds Addition



Legend

AG	LC	MHP	SR-2
DMU	LT	MNC	SR-3
GC	MFR-1	NC	SR-4
GO	MFR-2	UML	SR-5
	MFR-3		City Limits



Fargo Planning Commission
August 7, 2018

Plat (Major)

Fitzsimonds Addition

5080 38th Street South &
3805 52nd Avenue South



FITZSIMONDS ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,
AN UNPLATTED PORTION OF THE SOUTHEAST QUARTER, SECTION 34, TOWNSHIP 139 NORTH, RANGE 49 WEST
(A MAJOR SUBDIVISION)

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That FRED M. HECTOR, JR., KEITH A. ERNST and RAYMOND P. VOGLE, as trustees of the Fred M. Hector Jr. Revocable Trust under agreement dated September 27, 2017, whose address is Fargo, North Dakota as owners of a parcel of land located in the Southeast Quarter of Section 34, Township 139 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Being a portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West, Cass County, North Dakota, lying West of Interstate 29, North of 52 Avenue South, and East of 38th Street South, and being more particularly described as follows:

Commencing at the Southeast Corner of Section 34; thence coincident with the south line of said section S 87°54'46" W a distance of 1487.52 feet; thence leaving said south line N 01°58'14" W a distance of 230.62 feet to a Monument Found where the rights-of-way of 52nd Avenue South and 38th Street South intersect, this being the southwest corner of the property described herein and the Point of Beginning; thence coincident with the east right-of-way line of 38th Street South N 01°58'14" W a distance of 617.49 feet to a Monument Found, this being the northwest corner of the property described herein; thence leaving said right-of-way line and through the lands of Hector for three calls: N 88°01'46" E a distance of 729.00 feet; S 01°58'14" E a distance of 80.49 feet; N 88°01'46" E a distance of 402.75 feet on the west right-of-way line of Interstate 29, this being the northeast corner of the property described herein; thence coincident with said right-of-way line for two calls: S 33°02'45" W a distance of 476.34 feet to a Monument Found, this being the southeast corner of the property described herein; S 78°19'11" W a distance of 870.90 feet to the Point of Beginning.

The above described parcel contains 11.71 acres or 509921.82 square feet more or less.

Said owners have caused the above described parcel of land to be surveyed and platted as "FITZSIMONDS ADDITION" to the City of Fargo, Cass County, North Dakota, and does hereby dedicate to the public, for public use, the avenue and utility easements as shown on this plat.

Fred M. Hector, Jr., as Trustee of the Fred M. Hector Jr. Revocable Trust under agreement dated September 27, 2017

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2018, before me personally appeared Fred M. Hector, Jr., Trustee of the Fred M. Hector Jr. Revocable Trust under agreement dated September 27, 2117, described in and who executed the within and foregoing instrument and acknowledged that he executed the same as the free act and deed of said trust.

Notary Public

Keith A. Ernst, as Trustee of the Fred M. Hector Jr. Revocable Trust under agreement dated September 27, 2017

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2018, before me personally appeared Keith A. Ernst, Trustee of the Fred M. Hector Jr. Revocable Trust under agreement dated September 27, 2117, described in and who executed the within and foregoing instrument and acknowledged that he executed the same as the free act and deed of said trust.

Notary Public

Raymond P. Vogle, as Trustee of the Fred M. Hector Jr. Revocable Trust under agreement dated September 27, 2017

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2018, before me personally appeared Raymond P. Vogle, Trustee of the Fred M. Hector Jr. Revocable Trust under agreement dated September 27, 2117, described in and who executed the within and foregoing instrument and acknowledged that he executed the same as the free act and deed of said trust.

Notary Public

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

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

Kurt M. Kisch, Professional Land Surveyor
North Dakota License No. LS-4597

State of North Dakota }
County of Cass } SS

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

Notary Public

CITY OF FARGO ENGINEERING DEPARTMENT APPROVAL

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

Brenda E. Derrig, City Engineer

State of North Dakota }
County of Cass } SS

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

Notary Public

CITY OF FARGO PLANNING COMMISSION APPROVAL

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

Shara Fischer, Planning Commission Chair
Fargo Planning Commission

State of North Dakota }
County of Cass } SS

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

Notary Public

FARGO CITY COMMISSION APPROVAL

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

Timothy J. Mahoney, Mayor

Attest: _____
Steven Sprague, City Auditor

State of North Dakota }
County of Cass } SS

On this _____ day of _____, 2018, before me, a notary public with and for said County, personally appeared Timothy J. Mahoney, Mayor, and Steven Sprague, City Auditor, to me known to be the persons described in and who executed the same as a free act and deed.

Notary Public

PRELIMINARY

PREPARED BY

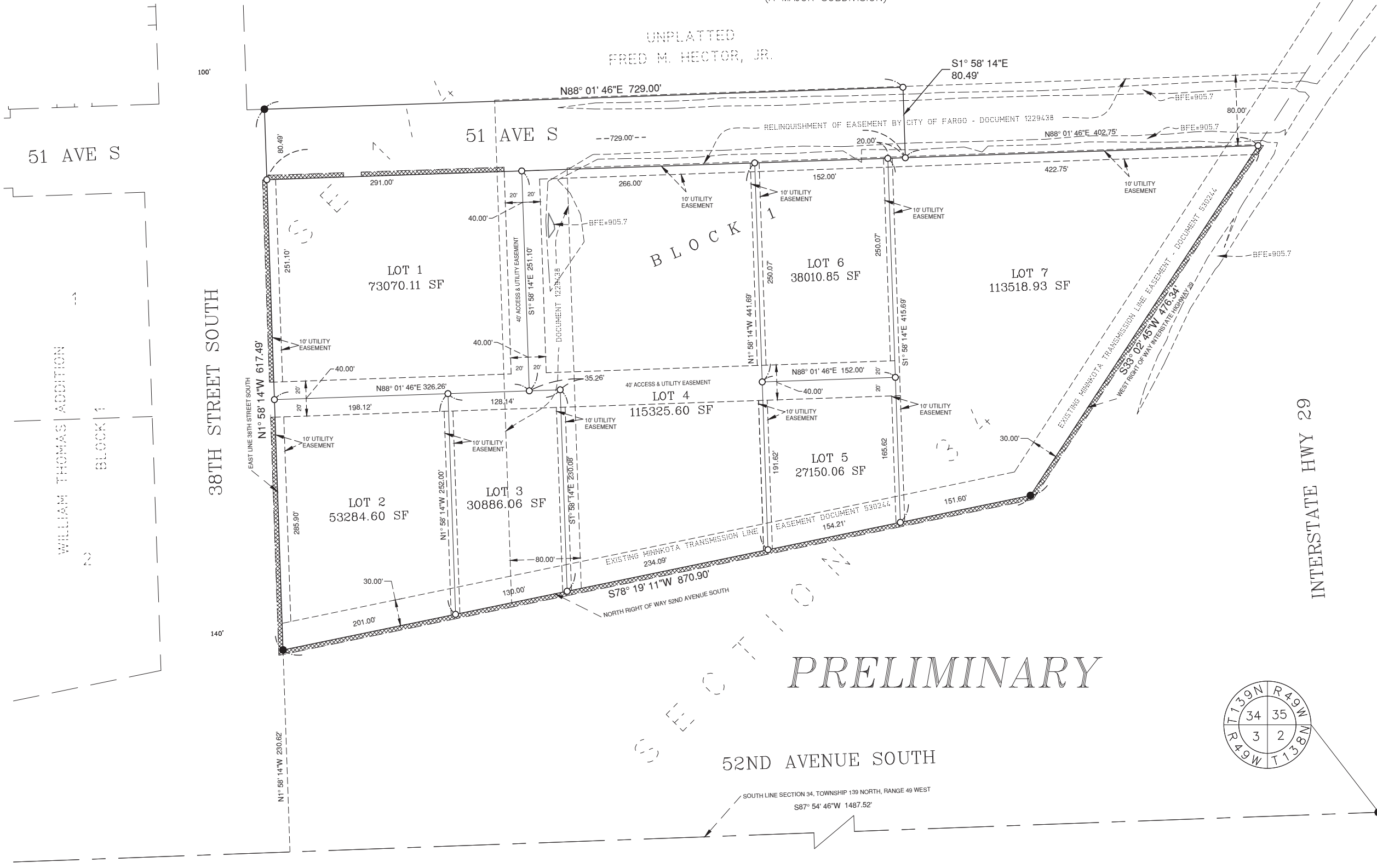


PROJECT NO. 18.00836
SHEET 1 OF 2 SHEETS

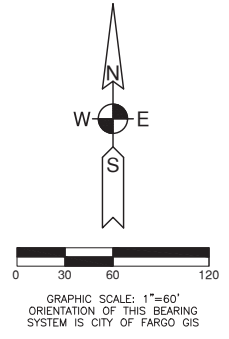
FARGO - BISMARCK - DETROIT LAKES - ST PAUL - SIOUX FALLS - DENVER - CEDAR RAPIDS - WILLISTON

FITZSIMONDS ADDITION

TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA,
AN UNPLATTED PORTION OF THE SOUTHEAST QUARTER, SECTION 34, TOWNSHIP 139 NORTH, RANGE 49 WEST
(A MAJOR SUBDIVISION)



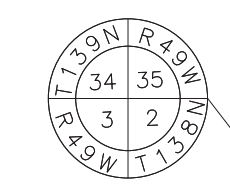
PRELIMINARY

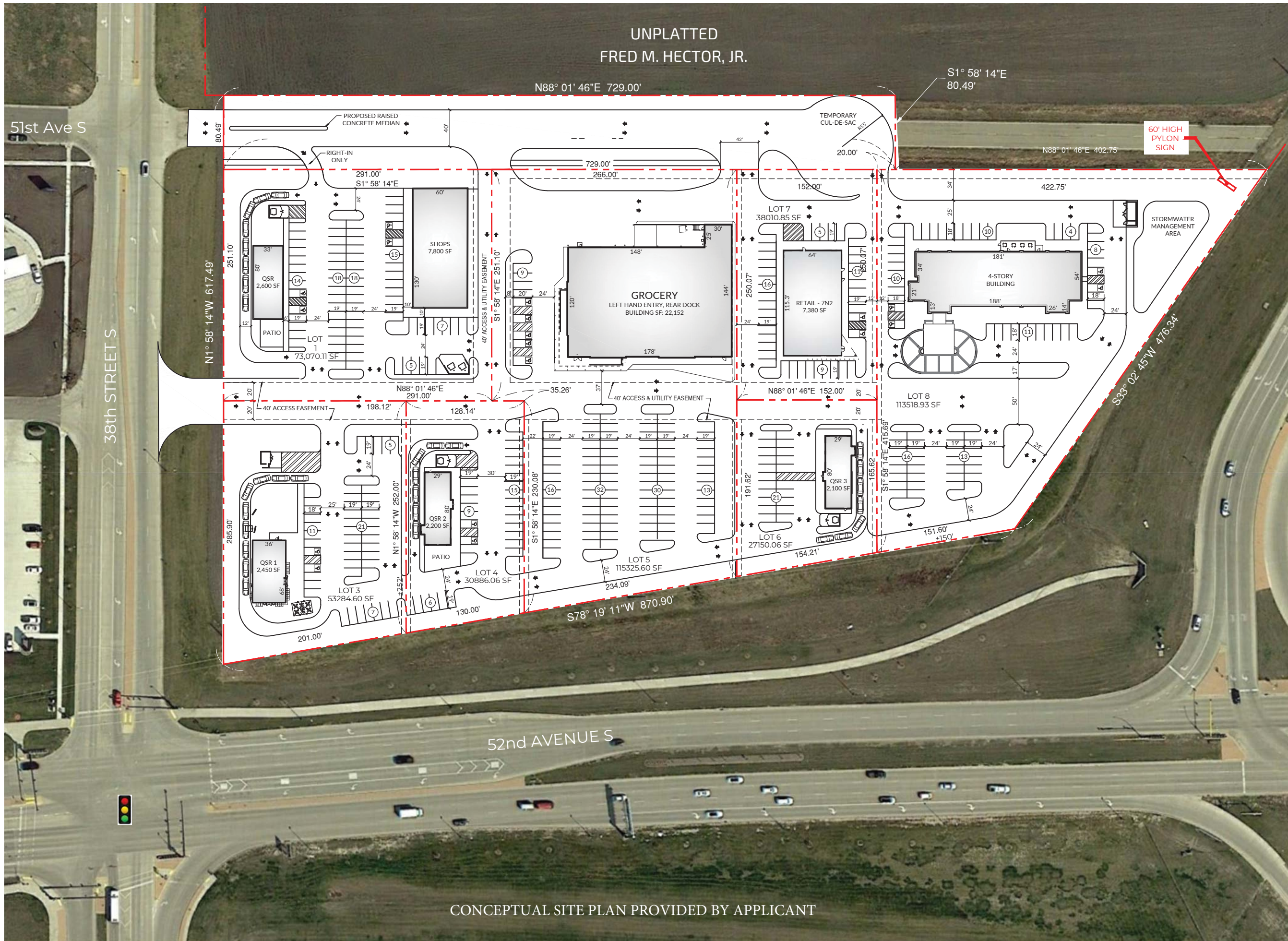


LEGEND

●	MONUMENT FOUND
○	MONUMENT SET, 5/8" REBAR, CAPPED "LS-4597"
—	SUBJECT PROPERTY LINE
---	SECTION/QUARTER LINE
---	EXISTING PROPERTY LINE
---	EASEMENT LINE
▨	NEGATIVE ACCESS EASEMENT

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



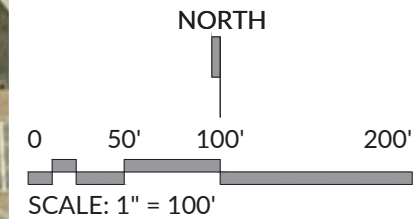


UNPLATTED
FRED M. HECTOR, JR.

Layout is schematic only and is subject to review & approval by governing agencies. Property line and existing conditions are from GIS information and has not been confirmed.

SITE DATA

LOT	LOT AREA	BUILDING	PARKING
LOT 1	73,070.11 SF	2,600 SF - QSR	77 SPACES
LOT 2	53,284.66 SF	2,450 SF - QSR 1	44 SPACES
LOT 3	30,886.06 SF	2,200 SF - QSR 2	30 SPACES
LOT 4	115,325.60 SF	22,152 SF - GROCERY	100 SPACES
LOT 5	27,150.06 SF	2,100 SF - QSR 3	21 SPACES
LOT 6	38,010.85 SF	7,380 SF - RETAIL	41 SPACES
LOT 7	113,518.93 SF	HOTEL - 4 STORY	72 SPACES



project
FARGO,
NORTH DAKOTA
52ND AVENUE SOUTH AND
38TH STREET SOUTH

drawing title
**PROPOSED
SITE PLAN**

date	drawing no.
08.01.2018	1.1

CONCEPTUAL SITE PLAN PROVIDED BY APPLICANT



I hereby certify that this plan was prepared by me or under my direct supervision and I am a duly Licensed Professional Engineer under the laws of the State of North Dakota.

DATE: _____ LIC. NO. _____

REVISIONS

DESIGNED	_____
DRAWN	_____
CHECKED	_____

PROPERTY COMMERCIAL
 11000 BRITMORE PARK DRIVE, SUITE 100
 HOUSTON, TX 77041
 281-668-3420

PROPERTY
 MC SHANE DEVELOPMENT, LLC
 5100 EDEN AVENUE, SUITE 102
 EDINA, MN 55436
 952-926-1640

PRELIMINARY
 OVERALL SITE PLAN

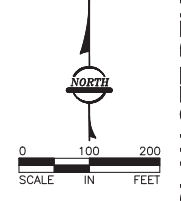
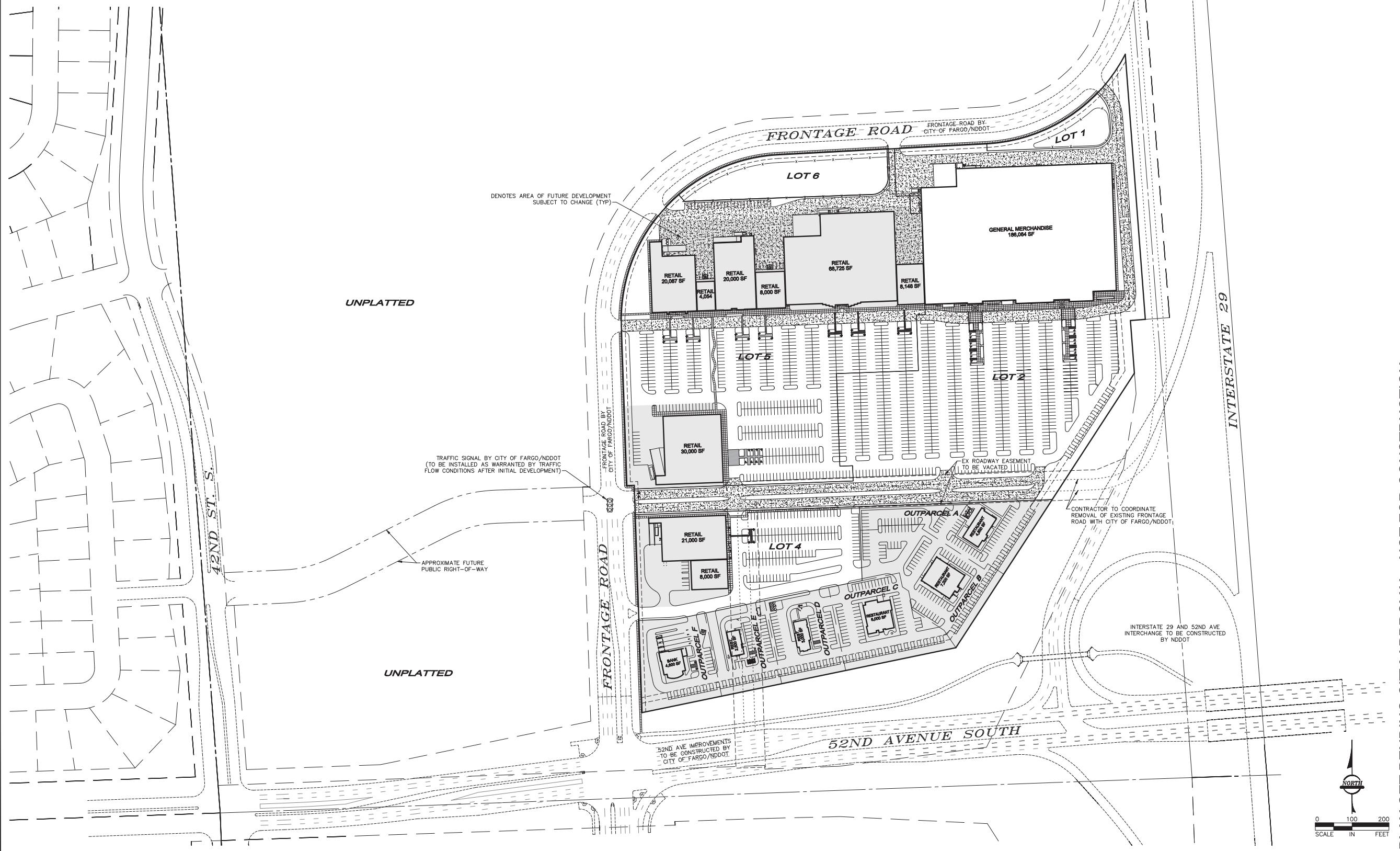
SITE DATA

PARCEL DESCRIPTION	PARCEL AREA	PARCEL USE	BUILDING AREA	PARKING REQUIRED	PARKING PROVIDED	PARKING RATIO
LOT 1	1.3 AC	DET. BASIN	-	-	-	-
LOT 2	15.3 AC	GEN. MERCH.	186,064 SF	744 STALLS	787 STALLS	4.2/1000 SF
OUTPARCEL A	1.2 AC	RESTAURANT	4,800 SF	64 STALLS	77 STALLS	1.2/75 SF
OUTPARCEL B	1.5 AC	RESTAURANT	7,200 SF	96 STALLS	90 STALLS	0.9/75 SF
OUTPARCEL C	1.3 AC	RESTAURANT	6,000 SF	80 STALLS	78 STALLS	1.0/75 SF
OUTPARCEL D	0.9 AC	RESTAURANT	3,000 SF	40 STALLS	51 STALLS	1.2/75 SF
OUTPARCEL E	0.9 AC	RESTAURANT	2,500 SF	34 STALLS	44 STALLS	1.3/75 SF
OUTPARCEL F	1.1 AC	BANK	4,600 SF	19 STALLS	25 STALLS	5.4/1000 SF
LOT 4	3.5 AC	RETAIL	30,000 SF	120 STALLS	149 STALLS	5.0/1000 SF
LOT 5	12.7 AC	RETAIL	159,012 SF	636 STALLS	633 STALLS	4.0/1000 SF
LOT 6	0.5 AC	DET. BASIN	-	-	-	-
TOTAL	40.2 AC		403,176 SF	1,833 STALLS	1,934 STALLS	4.8/1000 SF

SITE NOTES

SITE ZONED GENERAL COMMERCIAL WITH CONDITIONAL OVERLAY.
 OVERALL SITE ACREAGE = 40.19 ACRES

THE CITY OF FARGO AND THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION ARE UNDERTAKING IMPROVEMENTS TO 52ND AVENUE TO THE SOUTH OF THE PROJECT AND RECONSTRUCTION OF THE FRONTAGE ROAD TO THE NORTH AND WEST OF THE PROJECT. IT IS ANTICIPATED THAT THIS CONSTRUCTION WILL BEGIN IN THE FALL OF 2007 AND BE COMPLETED ON OR ABOUT NOVEMBER 15, 2008. THE CONTRACTOR WILL NEED TO COORDINATE AND ACCOMMODATE SITE WORK WITH ONGOING PUBLIC IMPROVEMENTS.



PLAN SET PENDING CITY APPROVAL - NOT FOR CONSTRUCTION

Site Amenities and Project Plan

FITZSIMONDS Addition

6/18/2018

Location: The subject property is a portion of the Southeast Quarter of Section 34, Township 139 North, Range 49 West, Cass County ND.

Details: The project includes 7 lots on one (1) block covering approximately 10.93 acres located in the NW quadrant of Interstate 29, north of 52nd Avenue South and east of 38th Street South. (see attached legal description and preliminary plat map)

Right of Way (ROW): The project accommodates right of way dedications for public roadways and utilities along with a private access and utility easements as follows:

51st Avenue South:

- ROW dedication for this road shall be 80' from 38th Street south extending approximately 311' +/- east of 38th Street.
- This 311 +/- feet will be designed and constructed to city specifications and privately financed. Upon completion it will be dedicated to the City of Fargo for use as a public street.
- Street lighting shall be determined by the City Engineering Department and installed per city standards
- Private access from 38th Street South will be right in and right out only
- Private utility easements will be provided to service remaining lots

Storm Water Management: Storm water retention / detention shall be provided on each individual lot.

Flood Protection: Fitzsimonds Addition will be protected from flooding with the following measures:

- 1.) Storm sewer systems designed and installed to city standards
- 2.) Individual lot retention/detention.
- 3.) Building foundation elevations shall be determined by City Engineering.

Utilities: Tapping of public utilities is available in 38th Street South.

Engineering and Construction of improvements: The owner / developer shall collaborate with City of Fargo as necessary for the construction of utilities and private access drive.

Parks: Developer agrees to work with the Fargo Park District to establish a cash-in-lieu fee.

Special Assessments: The Fitzsimonds Addition will not rely on any special assessments to facilitate infrastructure improvements.